

Weldon Homeowners Association, Inc.

Architectural Control Guidelines &
Procedures for Weldon Ridge Community

Single Family Detached Homes

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Issued by Weldon Homeowners Association Inc.

Architectural Control

Table of Contents

1	Introduction	4
1.1.	Purpose of Architectural Guidelines	4
1.2.	Governmental Permits	4
1.3.	Preparer	4
1.4.	Applicability of Architectural Review	4
1.4.1.	Review Structure	5
1.5.	Architectural Review Committee	5
1.5.1.	Architectural Review Procedures	5
1.5.2.	Review Criteria; Recommendations Variances	6
1.5.3.	Appeal	7
1.5.4.	Town of Cary Approval	7
1.5.5.	Implementation of Approved Plans.	7
1.5.6.	Time to Commence	8
1.5.7.	Time to Complete	8
1.5.8.	Changes After Approval	8
1.6.	Enforcement	8
1.6.1.	Enforcement/Waiver	8
1.6.2.	The Enforcement Process	9
1.6.3.	Architectural Control Enforcement	9
1.7.	Disclaimer	11
2	Procedure For Requesting Architectural Approval	13
2.1.	Application Instructions	13
2.2.	Architectural Review Committee Application Request Form	14
2.3.	The Appeal Process	14
2.4.	Management Company Address and Telephone Numbers	15
3	Architectural Standards	16
3.1.	Bird Baths, Birdhouses, Birdfeeders	16
3.2.	Building Addition or Exterior Modification	16
3.3.	Decks	17
3.4.	Drainage	18
3.5.	Exterior Freestanding Detached Structure	19
3.6.	Fences	20
3.7.	Flags/Flagpoles	22
3.8.	Hot Tubs/Saunas	22
3.9.	Landscaping	23
3.9.1.	Definitions	23
3.9.2.	Compost	26
3.10.	Lighting (Exterior)	26
3.11.	Mailboxes	27
3.12.	Maintenance	28
3.13.	Painting (Exterior)	28
3.14.	Parking	29
3.15.	Parking Pads	29
3.16.	Playground and Recreational Equipment	29
3.17.	Playhouses	30
3.17.1.	Pools	31
3.18.	Retaining Walls	31

3.19.	Roofing, Roof Accessories	31
3.20.	Satellite Dishes and Antennas	32
3.21.	Setbacks	35
3.22.	Siding	36
3.23.	Signs	36
3.24.	Statues	37
3.25.	Solar Panels [insert language from Solar Panel Resolution]	37
3.26.	Walkways and Patios	37
3.27.	Woodpiles, etc.	37
3.28.	Construction Guidelines	37
4	Limitation of Liability	39
A.1.1	Style A:	40
A.1.2	Style B:	40
A.1.3	Style C:	41

1 Introduction

1.1. Purpose of Architectural Guidelines

The Architectural Guidelines ("Architectural Guidelines") for Weldon Ridge provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These standards have been developed to assist in the landscaping and modification of Units within Weldon Ridge; these standards do not cover the initial construction of Units within Weldon Ridge. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Architectural Guidelines establish a process for review of proposed modifications to Units to ensure that all sites within the Community are developed and maintained with the consistency and quality that attracted you to Weldon Ridge.

1.2. Governmental Permits

To the extent that Town of Cary ordinances or any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the Declaration of Covenants ("Covenants"), Conditions, and Restrictions for Weldon Ridge (the "Declaration"), the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Architectural Guidelines (in that order) shall prevail.

1.3. Preparer

These updated Architectural Guidelines have been prepared by the Weldon Homeowners Association, Inc. ("Association") Board of Directors ("Board" or "Declarant") and adopted by the Declarant pursuant to the Declaration. The Architectural Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in Article VI of these Architectural Guidelines.

1.4. Applicability of Architectural Review

Unless otherwise specifically stated in Article IX of the Declaration or these Architectural Guidelines, **all plans and materials for landscaping or exterior modifications of improvements on a Unit must be approved before any construction activity begins.** Unless otherwise specifically stated in these Architectural Guidelines, no structure may be erected upon any Lot (other than the original residence initially constructed upon such Lot), and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements) shall take place without receiving the prior written approval of the Architectural Review Committee (the "ARC") as described below. Where these Architectural Guidelines specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners are responsible for ensuring compliance with all standards and procedures within these Architectural Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental Declaration. Owners should review and become familiar with the Use Restrictions and Rules applicable to Weldon Ridge set forth in Article IX to the Declaration, which addresses restricted and prohibited activities and conditions within the Community.

These Architectural Guidelines shall not apply to the activities of the Declarant, or to improvements to the Common Area by or on behalf of the Weldon Homeowners Association, Inc.

1.4.1. Review Structure

Architectural control for Weldon Ridge is handled by the ARC, whose members shall be appointed by the Board.

The ARC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in Article IX of the Declaration. The ARC shall review plans and specifications for all modifications and landscaping on any Unit, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional architectural standards and review procedures consistent with these Architectural Guidelines.

1.5. Architectural Review Committee

1.5.1. Architectural Review Procedures

1.5.1.1. Review of Modifications

The review of modifications shall require the submission of an application to the Property Management Company who will forward the application to the ARC for review. Depending on the scope of the modification, the ARC may require the submission of all the plans and specifications related to the proposed modification. In the alternative, the ARC may require a less detailed description of the proposed modification.

1.5.1.2. Plans to be Reviewed

The ARC will require the following plans for modification, if applicable to the proposed modification, in addition to the submission of an application and pictures.

1.5.1.3. Plot Plan (Survey)

The ARC requires a copy of the official survey indicating the location of the proposed modification(s). (You should have received a copy of your official survey at your closing.) This plot plan shows your property line, the footprint of your home (indicating distances between structure and property line), and any easements. This should be submitted with plans for landscaping, fencing, sheds, decks, walkways, patios, playsets, basketball goals, and any other structure/addition.

1.5.1.4. Landscaping Plan

When requesting modifications to landscaping, the ARC requires a landscaping plan that shows location of trees, protection of existing vegetation, use of plants, species of trees or plants to be used, and other landscaping details.

1.5.1.5. Elevation View

When requesting a structural modification, the ARC requires elevation views that illustrate front, rear, and side elevations **showing building materials and finishes**, and indicating the maximum height of the proposed structure. An elevation view is required when submitting for fencing, shed, or any other structure.

1.5.1.6. Roof Plan

When requesting a roof modification, the ARC requires a roof plan showing slopes, pitches, and gables, unless reflected in the other plans.

1.5.1.7. Exterior Finishes

When requesting a modification to exterior finishes, the ARC requires details of the exterior color scheme (including paint manufacturer, paint name and identifying number, samples, and color chips, if requested), lighting scheme, and other details affecting the exterior appearance of the proposed improvements. See Figure 1 for an example of the level of detail requested for paint color information.

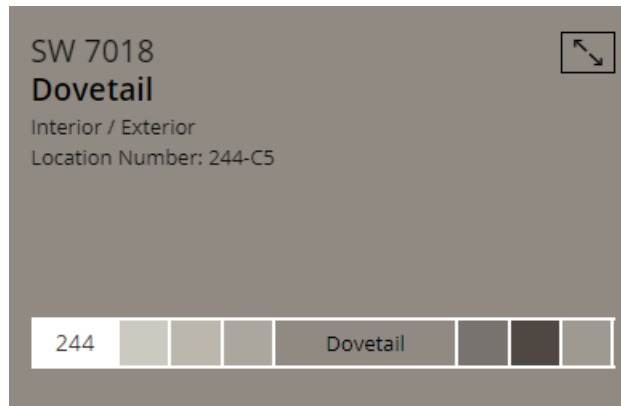


Figure 1. Example of paint information: Sherwin Williams, Dovetail, SW7018

1.5.1.8. Other

Such other information, data, and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, landscaping, and other features.

1.5.2. Review Criteria; Recommendations Variances

While the Architectural Guidelines are intended to provide a framework for modifications, the Architectural Guidelines are not all-inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. The decisions of the ARC may be based on purely aesthetic considerations; provided, the ARC shall not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines unless the ARC grants a variance. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as members of the ARC change.

The ARC shall have the authority from time to time to adopt and revise lists of recommended landscape materials. The ARC may, in its sole discretion, provide that the lists of recommended materials constitute "approved materials" and that the installation of such materials requires no approval. Alternatively, the ARC may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Architectural Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be necessary. The ARC shall

have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing, signed by the chairperson of the ARC.

1.5.2.1. Review Period

Each application and plan submittal shall be approved or disapproved within **sixty (60) days of receipt of all materials required by the ARC.** A formal letter will be submitted to the applicant when a decision is rendered by the ARC. The completed application and plans shall be retained for the Association's records, unless otherwise requested. The following could be results of the application:

- ***Approved*** -The entire application is approved as submitted.
- ***Conditionally Approved*** -The application is not approved as submitted but is approved with the conditions set forth by the ARC. These conditions must be adhered to by the applicant. If the conditions are not followed, this will be considered a violation of the Declaration of Protective Covenants.
- ***Denied (Disapproved)*** -The entire application is rejected as submitted. The ARC will make every effort to list alternatives to conform to the Architectural Standards for Weldon Ridge.

If the ARC fails to respond within 60 days from receipt of completed application (receipt shall be defined as the date stamped on the application upon receipt or the fax stamp), **application shall be deemed disapproved.** All modifications must be consistent with the Declaration or the Architectural Guidelines unless the ARC has granted a written variance.

As a condition of approval under this Section, each Owner and all successors-in-interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration. The ARC may require an Owner to acknowledge such responsibilities in a recordable written instrument.

1.5.3. Appeal

Any Applicant shall have the right to appeal a decision of the ARC by re-submitting the information, documents set forth above; however, such appeal shall be considered only if the Applicant has altered the plans for modification or has new information which would, in the ARC's opinion, warrant reconsideration. If Applicant fails to appeal a decision of the ARC, to the Board of Directors, the ARC's decision is final. In the case of a disapproval and resubmittal, the ARC shall have 10 days from the date of each resubmittal to approve or disapprove any resubmittal.

1.5.4. Town of Cary Approval

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of County or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals from the Town or County in addition to the ARC approval

1.5.5. Implementation of Approved Plans.

All work must conform to approved plans. If it is determined by the ARC or Board that work completed or in progress on any Unit is not in compliance with these Architectural Guidelines or any approval issued by

the ARC, the ARC shall, directly or through the Board of Directors, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and the Architectural Guidelines.

1.5.6. Time to Commence

If construction does not commence on a modification for which plans have been approved within 180 days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the ARC for reconsideration.

1.5.7. Time to Complete

The ARC shall include in any approval a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 90 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ARC may approve or disapprove, in its sole discretion.

1.5.8. Changes After Approval

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping, or signage, made after the approval of plans must be submitted to and approved in writing by the ARC prior to implementation. Close cooperation and coordination between the Applicant and the ARC will ensure that changes are approved in 15 days.

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

1.6. Enforcement

1.6.1. Enforcement/Waiver

In the event of any violation of these Architectural Guidelines, the Declarant or the Board may take any action set forth in the By-Laws or the Declaration, including levying a Specific Assessment pursuant to the Declaration. The Declarant or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Declarant or the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Unit upon which such violation exists.

Approval of plans for any proposed modification shall not be deemed to constitute a waiver of the right to withhold approval as to any similar proposals subsequently submitted for approval.

➤ Management Company

- ☐ **The management company, under contract with the Weldon Homeowners Association, shall be responsible for conducting field inspections of Weldon Ridge to identify problem areas and violations. Inspection reports consisting of all sections shall be included in Board packets for all**

members of the Board of Directors. Inspections identifying areas requiring immediate action shall either be acted upon immediately by the inspector, reported to the Community Manager for appropriate action, or the appropriate chairperson notified as soon as possible.

The management company shall receive complaints from any source regarding problem area and violations requiring possible enforcement action in Weldon Ridge. The management company shall document all complaints received and forward them to the appropriate person(s) for action or act upon them depending upon the nature of the complaint.

- ☐ The management company shall perform those functions related to enforcement action as directed by the Board.
- ☐ The management company shall keep appropriate committee chairpersons informed and keep the Board informed through the President or other designated person(s), and by other appropriate means, of enforcement actions taken and of potential problem areas where enforcement may become necessary.

1.6.2. The Enforcement Process

➤ Identification and Investigation of Violations:

- ☐ For architectural violations, the ARC and the Management Company are primarily responsible for identification of violations and investigation to determine if an architectural violation has occurred.

➤ Enforcement Action:

- ☐ Architectural Control Violations
 - For enforcement action involving Architectural Control Violations, the Management Company is primarily responsible for initial enforcement action regarding minor architectural or landscaping changes without ARC approval and architectural or landscaping changes begun or completed after application for ARC approval but before actual approval.
 - For enforcement action involving major architectural or landscaping changes without ARC approval and architectural or landscaping not consistent with ARC approval, the management company is primarily responsible for initial enforcement action as approved by the ARC.

1.6.3. Architectural Control Enforcement

➤ The ARC has authority under the Covenants to:

- ☐ Enter and inspect any lot for the purpose of determination by the ARC whether there exists any construction of any improvement, which violates the terms of any approval of the ARC or the terms of the Covenants. This power shall be exercised in a reasonable manner and nonconsensual entries shall not be made without express approval of the Board of Directors.
- ☐ Enforce architectural standards.

In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.

- ☐ In its discretion, grant waivers for minor deviations and infractions if appropriate.

➤ The Architectural Enforcement Process:

- ☐ The ARC shall maintain close liaison with the management company to identify violations and to process complaints in a timely manner. Field inspection reports related to architectural violations shall be forwarded to the Board of Directors by the management company in their monthly report. The ARC shall also initiate proactive measures to identify violations.
- ☐ All complaints received by the management company alleging architectural violations shall be investigated on a property inspection, if needed, by the chairperson of the ARC; and the President of the Board of Directors will be contacted.
- ☐ All complaints received by members of the Board of Directors alleging architectural violations shall be reported to the management company.
- ☐ All complaints received by members of the ARC alleging architectural violations shall be reported to the management company.
- ☐ Upon receipt of information concerning potential or alleged architectural violations, the ARC shall determine the nature of the violation within the following categories:
 1. Major architectural or landscaping changes without ARC approval
 2. Architectural or landscaping changes not consistent with ARC approval
 3. Minor architectural or landscaping changes without ARC approval
 4. Architectural or landscaping changes begun or completed after application for ARC approval but prior to actual approval

The ARC may investigate alleged violations or may request the management company to conduct such investigations. In appropriate cases professional technical assistance, such as engineers, may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the initiation of such an investigation as soon as possible. The different categories of violation shall require different investigative responses.

Major architectural or landscaping changes without ARC approval such as construction of a deck, fence, parking pad or other structure; cutting a substantial number of trees; filling large areas; or similar major changes shall require a formal, comprehensive investigation with full documentation in their files relevant to the allegations or verify that no request was submitted. The management company, or both, at the discretion of the ARC, shall make visual observations of the alleged violation to the extent possible. Photographs should be taken if feasible. Interviews of the owners involved may be conducted if appropriate in the circumstances, but at least two members of the ARC or management company should be present, and no promises should be made during the interview. Other investigative actions may be taken as appropriate.

Architectural or landscaping changes not consistent with ARC approval. In these cases, the management company shall compile a packet for the ARC of all architectural requests and other documentation in their files relevant to the alleged violation and forward it to the chairperson of the ARC. The ARC shall investigate or ask the management company to conduct such an investigation to verify that the improvements were not consistent with the ARC approval.

Minor architectural or landscaping changes without ARC approval. The ARC shall investigate or refer these cases to the management company for investigation, in their discretion.

Architectural or landscaping changes begun or completed after application for ARC approval but prior to actual approval. The ARC shall investigate or cause the management company to investigate these allegations as quickly as feasible if the work is still in progress. If the work has been completed, the investigation shall proceed as determined by the ARC.

➤ Notice:

- ☐ The management company will mail (electronically or written) one notice to any owner in violation, noting the violation and requesting compliance by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent by the management company as soon as possible informing the appropriate persons to cease the work immediately, explaining the violation and, in addition, giving the violator a set, but reasonable amount of time to correct the violation.
- ☐ A site inspection will be performed after the date outlined in the notice. If the violation has been corrected, the matter will be closed. A remaining violation will result in further compliance actions. Normally only one notice would be provided, but the ARC, with Board approval, may extend the grace period based on individual circumstances or issue subsequent notices if necessary.

➤ Enforcement options shall include the following:

- ☐ If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement options will normally be appropriate.
- ☐ If work is not ceased upon demand, corrective action demanded is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:
 - Impose fines in accordance with the NC Planned Community Act.
 - With approval of the Board of Directors, seek a temporary order or injunction to stop any continuing work and require further corrective action.
 - Demand that unapproved architectural or landscaping changes be removed within a specified, but reasonable, period of time and impose fines if not accomplished by the applicable deadline.
 - With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner, beyond any fines, for the cost of such corrective action.
 - After notice and opportunity to be heard by the Board, suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
 - Other corrective actions that may be appropriate in the particular situation.

1.7. Disclaimer

The Association, Declarant, ARC, 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, Declarant, or ARC to recover any such damages.**

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the ARC. These Architectural Standards are not all-inclusive, and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.

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 Master Covenants, Conditions and Restrictions for Weldon Ridge, the By-Laws of the Weldon Ridge Homeowners Association, Inc. and these Standards, and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These standards supersede all previous guidelines or standards, and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority vote of the Board of Directors.

2 Procedure For Requesting Architectural Approval

2.1. Application Instructions

Step 1	Prior to any alteration, addition or improvement, the property owner (not contractors or other parties) either requests the Application Request Form by phone, email or by regular mail from the management company or photocopies the form from this booklet. The forms may also be obtained from the community website maintained by the management company.
Step 2	If requested from the management company, the management company will promptly forward to the property owner the Application Request Form.
Step 3	Prior to any alteration, addition or improvement, the property owner completes the application form and provides applicable information as requested on the application form. Reference should be made to the Architectural Control Standards for specific information needed for the proposed improvement, addition or alteration. All parts of the form shall be filled out and all pertinent information shall be included in the submittal. Incomplete applications shall be returned.
Step 4	The property owner sends the completed form, along with any attachments or supporting documents required by the Architectural Control Standards to the management company for processing. Applications must be e-mailed, mailed, or faxed directly to the management company (refer to Section 2.04 for address and telephone numbers). Applications left with a member of the ARC, with a member of the Board of Directors, or with any other officer of the Association will not be processed.
Step 5	The management company will mark the date the application is received in its office. The management company will then distribute the dated application to the ARC for inclusion on the agenda of the next regularly scheduled meeting of the ARC.
Step 6	Complete Applications: Complete applications that are received by the management company will be considered and acted upon by the ARC within 60 days. An application may be received only on a regular business day. Incomplete Applications: Applications that are submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the applicant with a request for the missing documentation. Any calculation of time concerning the processing of an application will not start to run until the application is complete.
Step 7	Committee members will review complete applications at the next regularly scheduled ARC meeting and approve or disapprove the application within sixty (60) days from the management company's receipt of the application and return the signed application to the management company. The ARC may: (a) determine that an application is incomplete and request additional information, (b) approve the application, (c) conditionally approve the application, stating the conditions in writing, or (d) deny the application, stating the reasons for the denial in writing.
Step 8	Upon its receipt of the Committee's decision on an application, the management company will mark the decision with the date that the decision is forwarded to the property owner and will then forward a copy of said decision to the homeowner. In the case of approval, the homeowner can begin the project. In the case of an administrative denial for insufficient information, the information needed shall be listed on an appropriate form and provided to the homeowner. (Note: Any calculation of time concerning the processing of an application will not start to run until the application is complete.) In the case of approval with conditions, the conditions shall be listed on an appropriate form and provided to the homeowner and the homeowner may begin the project if the stated conditions are satisfied. In the case of "Disapproval" the reasons and/or requirements will be noted on the application. A property owner who is not satisfied with the Committee's decision on an application may (a) submit a new application (should

the property owner want to resubmit another application, the sixty (60) day process starts again with each submittal) or (b) appeal the Committee's decision to the Board of Directors.

2.2. Architectural Review Committee Application Request Form

[Contact Elite Management](#) for an application form.

2.3. The Appeal Process

The following process will be followed for appeals from decisions of the ARC:

- **Notice of Denial:** Upon receipt from the ARC of a formal decision denying their request, the management company shall forward the applicant a notice of denial of their request. The notice shall provide the applicant thirty (30) days to file an appeal of a final ARC decision in writing to the management company. Administrative denials pending more information or for other reasons are not [mal decisions and are not appealable.
- **Reconsideration:** Administrative denials will be reconsidered by the ARC, not the Board of Directors. Once a decision has been reached, then the time for appeal begins to run.
- **Notice of Appeal:** Notice of Appeal to the Board of Directors must be filed in writing by mailing it to the management company within thirty (30) days of the notice of denial being mailed from the management company to the applicant. Included with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal.
- **Transmittal to Board:** Upon receipt by the management company, the original Notice of Appeal and all supporting paperwork shall be filed, and copies sent to the President of the Board of Directors, the Chairperson of the ARC.
- **Hearing:** The President shall schedule a hearing on the appeal, normally in conjunction with a normal Board Meeting, within sixty days of receipt of the Notice of Appeal. The management company shall notify the applicant and the chairperson of the ARC of the hearing date and time. The chairperson of the ARC or a designated representative shall attend the hearing. The hearing shall begin with the ARC chairperson explaining the position of the ARC and reasons for the denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board.
- **Decision of Board:** No decision shall be rendered at the hearing. Within fifteen days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing. The management company shall forward copies of the decision to the applicant and the chairperson of the ARC.

2.4. Management Company Address and Telephone Numbers

The contact information for the management company:

Elite Management Professionals, Inc.

4112 Blue Ridge Road, Ste 100

Raleigh, NC 27612

Telephone: (919) 233-7660

Fax: (919) 233-7661

Community Manager: Karen Bayless x 202

Assistant Community Manager: Sarah Lathrop x 223

Weldon ARC Guidelines and Procedures

3 Architectural Standards

3.1. Bird Baths, Birdhouses, Bird feeders

Appearance: All bird baths, birdhouses, bird feeders should be consistent with the architectural intent of the existing structure and limited to no more than 1 bird bath, 5 birdhouses, and 2 bird feeders per lot.

Location: All bird baths, birdhouses, bird feeders shall be located in the rear of the property. Bird baths are not allowed in front yards.

Materials: Birdhouses and bird feeders shall be constructed of wood or other material whose colors and features compliment the property. The bird baths should be constructed to appear of concrete, copper, or ceramic. Other materials may be reviewed by the ARC on a case-by-case basis. Follow the ARC submission process for requested review.

Requirements: None

3.2. Building Addition or Exterior Modification

(Examples of additions include screened porches, new living space or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include the addition of awnings, pergolas, storm doors, gutters, or similar modifications. Modifications or changes in exterior colors are covered in Section 3.10).

Appearance: All building additions and/or modifications will be reviewed on an individual basis. Generally, the ARC will review materials, colors, location, scale and other details of the proposed addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the proposed neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintain the scale, detailing, materials, massing, color(s) and design intent of the original structure.

Location: In general, except for building modifications, the location for building additions will be governed by the maximum building area that is defined by the Town of Cary in respect to the minimum setback requirements from the property line. However, the ARC reserves the right to reject applications, which may meet the Town of Cary setback requirements but fail to meet the objectives of the ARC. The ARC will review each application on an individual basis and approvals will be granted on this basis. Prior approval of an application does not guarantee subsequent approval on the same or another lot.

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. Compliance with the current edition of the Town of Cary building codes will be considered meeting the minimum standards of construction. The ARC reserves the right to require homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ARC seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use different materials than in the original structure, such as brick or vinyl siding shall be reviewed on a case-by-case basis.

Requirements: All building additions and modifications shall maintain proper drainage on the site. If a building addition is planned or a modification, which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification.

The changes specified below do not require approval if accomplished in accordance with the standards provided:

- Properly installed storm doors that are full height glass without cross members with narrow stiles. The color of the storm door must be consistent with the existing structure. Other colors or other style doors require submission of an architectural request for approval.
- Properly installed white pre-finished, or color consistent with the house trim, gutters do not require approval. Other colors or materials require submission of an architectural request for approval. In addition, if the gutters cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission of an architectural request for approval is required.
- **No structure for the care, housing, or confinement of any animal shall be constructed, placed or altered on any Unit unless plans and specifications for said lot have been approved by the ARC. No stable, poultry house, rabbit hut or other similar yard structure, except for a doghouse, shall be constructed or allowed to remain on any Lot.** The installation, construction or maintenance of other pet houses or pet runs shall be made only with the approval of the ARC.

3.3. Decks

Appearance: Non-painted wood decks must remain natural in finish color. Natural colored, translucent stains may be used; however, no solid-bodied staining of the wood will be permitted. Clear sealants are permitted and recommended. Painted decks shall be painted to match the house trim color. Deck height is not restricted but is recommended to be no more than 15' in height from the ground. Any decks over 4'-0" above grade are required to be enclosed. Lattice used under decks for enclosure must match the deck in appearance and must be framed between the structural members and trimmed out in wood or composite. Lattice may be held off ground approximately 6" maximum to prevent staining or deterioration from soil and moisture. The size and styling of decks must complement the dwelling and be in proportion to the dwelling.

For lots located on corners, backing to ponds, or other public spaces where the deck will be visible, decks (including trim boards, rails, pickets and lattice) shall be painted to match house trim, shall be enclosed (enclosure to be painted to match trim) and have evergreen shrubs planted around that portion of the deck which is visible and/or over three and one half feet (3.5') high (See Figure 2 for an example).

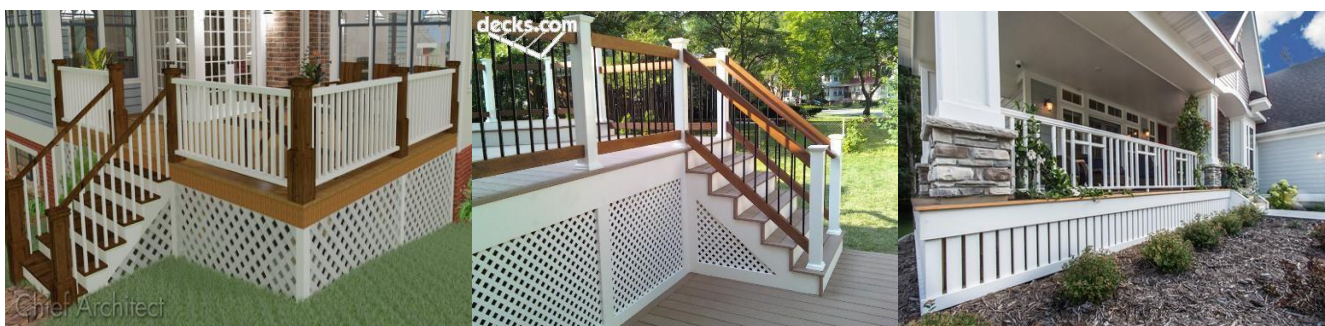


Figure 2. Example of an approved deck and lattice or slats painted to match the house's trim

Location: All decking must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum setback requirements of the Town of Cary; however, final placement and approval will be determined by the ARC and may be more restrictive than the Town setback requirements.

Materials: Decks may be constructed using wood or composite decking. Wood decks shall be constructed of #2 or better pressure-treated southern yellow pine with galvanized hardware. A clear water sealant is recommended but is not a requirement for approval.

Requirements: A building permit must be obtained from the Town of Cary and all required inspections successfully completed. All decks must meet the building requirements for the Town of Cary in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

3.4. Drainage

Requirements: Drainage of the Unit must conform to all Town of Cary requirements. All drainage and grading must be indicated on the plans approved by the ARC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARC, subject to such approval of the owner of the Private Amenity as is required pursuant to the Declaration. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Declarant or approved builder prior to (or in some cases, immediately following) conveyance of title from builder to the individual homeowner. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern or adversely affect a neighboring property.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The ARC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

3.5. Exterior Freestanding Detached Structure

Definition: Examples of exterior freestanding detached structures include storage sheds, gazebos, pergolas, doghouses, greenhouses, tents, etc.

Generally, the ARC will review materials, colors, location, and scale of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This "style" incorporates the scale, materials, details, color, and design intent of the original structures. Every application will be reviewed on an individual, case-by-case basis. Doghouses, storage sheds and other building structures must match the existing structure in style and color. The siding must be horizontal.

Chain link outdoor dog runs, chicken coops, and animal cages are expressly prohibited.

Location: All exterior freestanding detached structures will be confined to the rear yard area, behind the primary dwelling. The location for these structures will typically be governed by the maximum building area

that is defined by the Town of Cary in respect to the minimum setback requirements from the property line. However, the ARC reserves the right to reject applications, which may meet the Town of Cary setback requirements but fail to meet the objectives of the ARC. The ARC will review each application on an individual basis and approvals will be granted on this basis. A prior approval of an application does not guarantee subsequent approvals on the same or other lot.

The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and must not be visually offensive to neighbors and public areas. "Visually offensive" shall be determined by the ARC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Materials: Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. Compliance with the "current" edition of the Town of Cary building codes will be considered meeting the "minimum" standards of construction. The ARC reserves the right to require homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ARC seeks to maintain the quality of materials and workmanship that are present in the original structure.

Applications must include details of the foundation or anchors for such structures.

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 and landscaping buffers as may be required.

If electrical service is provided to the detached structure, the application must include details of how that service will be run and must comply with all applicable electrical codes and regulations. Overhead electrical service is not permitted in Weldon Ridge.

Metal storage structures will not be approved.

All exterior detached freestanding structures must comply with all applicable Town of Cary regulations, ordinances, permit requirements and inspection requirements. The Town of Cary standards are the minimum requirement, and the Weldon Ridge standards may be more stringent.

3.6. Fences

All fencing shall require ARC approval and each installation will be examined on its own merit. No previously approved installation shall constitute establishing a precedent for approval. Such approval will generally be based on the following:

Fence style approval will depend on the type of lot to be fenced. The lot types are:

- **Corner Lots:** Lots at the intersection of two interior streets
- **Perimeter Lots:** Lots where the fencing would be visible from the main roads of the neighborhood or from the amenity site
- **Interior Lots:** Lots that are bordered on both sides by another lot

See Appendix A.1 for photos of approved fence styles

The three approved fence styles are as follows:

- **Type "A"**: Four foot (4') maximum height black metal fencing
- **Type "B"**: Four foot (4') maximum height cedar or treated wood picket fencing with minimum of one inch (1") spacing between the pickets or boards
- **Type "C"**: Stockade style (scalloped or arched) or shadow box fencing constructed of six foot (6') maximum height (measured at top of arch or top of post, whichever is greater), cedar or treated wood.

Corner Lots will require Style "A" type fence along the front and street sides of the lot while the back and other side may be either Style "A", "B" or "C", however if the Corner Lot also meets the definition of a Perimeter Lot, then the additional requirements of the Perimeter Lot shall apply.

Perimeter Lots will require Style "A" type fence along each side of the yard that is adjacent to or visible from the main road or public space. The remaining sides, if any, may be either Style "A", "B" or "C".

Interior Lots may be either Style "A", "B" or "C."

Wood fences shall remain natural in color. While a clear sealant is recommended, it is not a requirement for approval. Tinting, staining, or painting are allowed with ARC approval if the color remains a natural wood color and must be reviewed and approved by the ARC. No pre-constructed wood panel fencing will be allowed. Note that wood fences require maintenance to keep up a good appearance. **Fence panels that are warped, rotted, or otherwise unkempt in appearance must be repaired.**

Temporary fencing (e.g., chicken wire, deer fencing, orange construction fencing etc.) is strictly prohibited.

Metal fences shall remain black in color.

For interior lots it is recommended that fencing be softened through the use of landscaping on the exterior side of the fence, where possible; Corner and Perimeter lots shall be screened with evergreen shrubs that will mature to or be maintained to a height of 5'.

Fences proposed for construction adjacent to existing fences are preferred to be of the same style, material, and finish as the existing fence.

Location: Fences shall follow the natural topography of the land. Existing trees shall not be removed to place the fence without prior approval from the ARC.

Fences shall be constructed on the property line, however if the adjoining property has an existing fence, the homeowner submitting must attach to that fence or place fence three feet (3') off property line to allow for maintenance between fences. Corner lots will generally be required to have a setback of fifteen feet from the right of way on the side of the lot facing the street; if the property line is greater than fifteen feet from the right of way, then the one-inch setback will apply. Additional setback requirements may be required for the sake of landscaping.

The fence shall not extend closer to the street (front of house) than the rear 1/3 of the residence. The ARC will determine the final placement of the fence based on aesthetics and street appearance. On corner lots, fence line from the curb will be determined on a case-by-case basis by the ARC.

Fences enclosing garbage container areas should be located on the garage side of the house. However, they may not be located where the use, including, but not limited to the entry, of said area encroaches on neighboring property. Garbage container enclosures should be no further forward on the house than front corner of the dwelling structure

Materials: To maintain a uniform style of fencing throughout Weldon Ridge only Styes B and C noted above may be used for garbage can enclosures.

Garbage Can Area Fences must be painted to match trim color and may be no taller than four feet, no wider than three feet, no longer than eight feet, and may be fully enclosed (three sides of fence plus the original garage wall) or left open on the rear facing end. A gate no wider than three feet may be installed on either side or rear of the enclosure; if installed, the gate must be kept closed at all times. Garbage Can Area Fences must be constructed with the same material as stated above. (See Figure 3)



Figure 3. Garbage Can Area Fence

Fence Requirements:

There shall be a minimum of one walk through gate at least 3'-0" for access. All fence posts must be set in concrete. The finished side of all wood fencing must face adjoining lots. All fencing must be maintained in an aesthetic and safe condition. No fences shall encroach upon wetlands, 100-year flood zones, drainage structures, easements, or buffers.

Garbage Can Areas must be kept neat; no loose debris shall be allowed in the Garbage Can Areas.

3.7. Flags/Flag Poles

In ground flagpoles are not allowed. Decorative flag poles mounted to residential dwellings are allowed.

Appearance: Decorative or seasonal flags.

Location: Must be mounted on the main residential dwelling and shall not exceed the eaves of the main dwelling. Poles longer than five (5) feet require architectural approval.

3.8. Hot Tubs/Saunas

Appearance: All hot tubs and saunas will be reviewed on an individual case-by-case basis. The ARC realizes that pool and hot tub styles are limited and will place emphasis on screening systems to minimize the visual impact from public view or adjoining property.

Location: All hot tubs and saunas will be confined to the rear yard. On lots where a rear yard adjoins or is visible from a public way, appropriate screening shall be installed to minimize the visual impact.

Materials: All hot tubs and saunas will be reviewed individually for materials and color.

Installation must meet or exceed all applicable codes, regulations, ordinances, permit requirements, and inspection requirements of the Town of Cary. The Town of Cary standards are the minimum standards and Weldon Ridge requirements may exceed those standards.

All saunas 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 at the end of the season. Care should be taken by the homeowner to contain water from spilling over onto adjacent properties.

Owners may be required to install safety features such as locks or covers for these items when not in use.

Pumps and other machinery related to the pool or hot tub shall 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 ARC applying a standard of objective reasonableness rather than just the subjective view of neighbors.

Care should be taken to locate saunas and hot tubs away from potential hazards (i.e., electrocution, drowning). All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.

Homeowners should understand that hot tubs 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 Town of Cary noise ordinance.

3.9. Landscaping

3.9.1. Definitions

- **Natural Area.** An area of native plants, including trees, shrubs, groundcover, and grasses which are indigenous to the geographic area. These areas were typically left undisturbed during initial development.
- **Landscaping Bed.** Any area with ground cover other than grass.
- **Bushes and Shrubs.** Any bush or shrub that will exceed 3' -0" in height or width at maturity.
- **Flower Bed.** Any grouping of flowers not contained in a natural area or landscape bed.
- **Garden.** Any area used to grow vegetables or herbs.
- **Water Garden.** Natural or prefabricated body of water for decorative purposes.

➤ **Trees/Tree Removal.** Any tree added to or removed from the property.

Appearance: Natural areas and landscaping beds shall be made in proportion to the home and property. All landscaped areas shall be maintained to prevent overgrowth of individual plants or weeds (i.e., plants should be pruned according to species schedule). Landscaped areas shall be mulched to improve appearance and aid in maintenance (see specific information below regarding mulch). Edging around the bed or natural area may be used but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community. Should a tree, plant, or shrub on a resident's property grow near or over a sidewalk, the resident must trim such that the limbs do not protrude over the sidewalk. The height of the limbs should allow use of the sidewalks without interference.

Per Town of Cary regulation, grass must be kept to a height of 8 inches or less. Grass should be mowed at least every 7 days during the growing season (March through November for fescue and other cool season grasses; April through October for zoysia, Bermuda, and other warm season grasses).

Weeds should be removed from all landscaping beds, lawns, sidewalks, and driveways. If weed killer is used, the weeds should be removed from the area once they are dead. Figure 4 provides examples of well-maintained lawns.



Figure 4. Examples of properly maintained landscaping

Figure 5 illustrates examples of poorly maintained lawns that are overgrown with weeds.

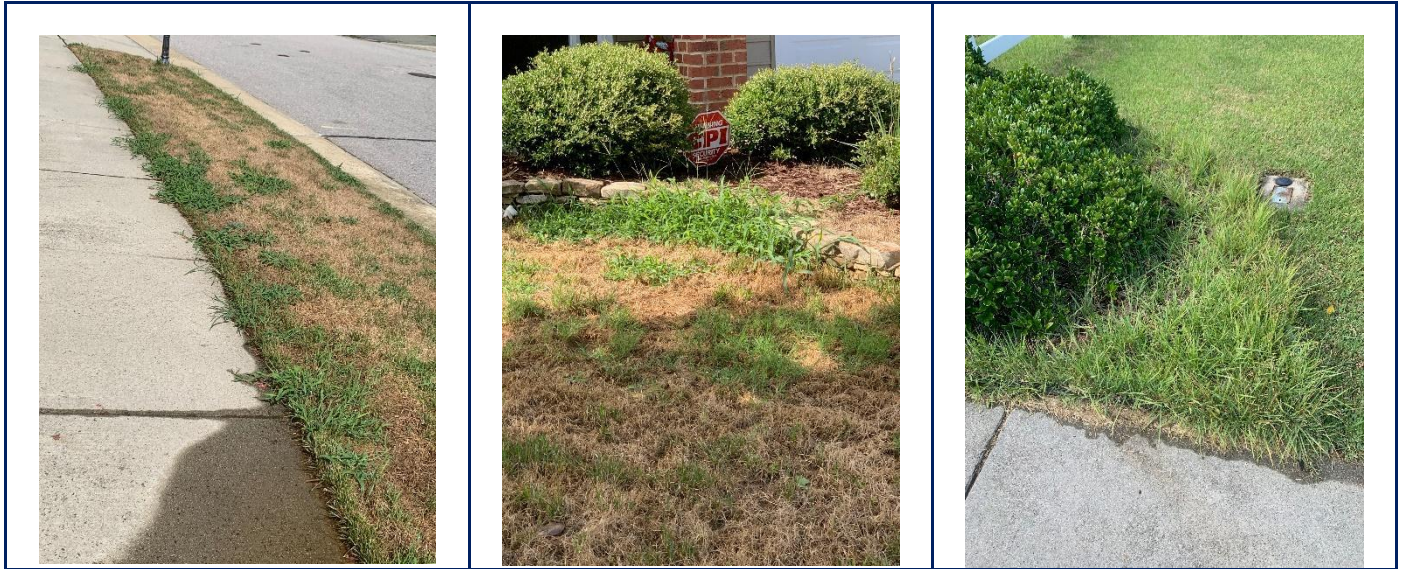


Figure 5. Examples of poorly maintained landscaping that will result in a violation notification

After mowing, a weed eater (weed whacker) or edger should be used to trim areas unreachable with a lawn mower (i.e., around edging, fencing, mailboxes, walls, etc.). The edger should also be used to eliminate grass from growing over the edge of the sidewalk, driveways, etc.



Figure 6. The photo of the left illustrates a well-manicured edge between the lawn and sidewalk. The photo on the right illustrates an overgrown and untrimmed edge.

Vegetable, herb, and water gardens shall be maintained regularly to prevent excessive weed growth. **All plants located in a garden shall not exceed 3'-0" in height.** Please refer to Declaration of Covenants Article VI, Section 6.3(dd) for limitation on location of gardens. Screening of these areas should be considered using fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Trees shall be maintained and pruned to remove debris and damaged limbs due to wind, decay, disease, or ice damage.

Natural areas and landscaping beds may be utilized in the front, rear and side yards. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total area available for

the front yard. (Areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line. Corner lots will be measured from the curb to far side yard property line. Areas will exclude the existing walkway and driveway.) The remaining 50% of the front yard area shall be grass.

Mature plant size shall be considered in determining locations of bushes and shrubs near property lines and the plantings set back sufficiently to account for mature growth. When bushes and shrubs are located immediately adjacent to property lines, mulch is required at the property line to provide easy maintenance for adjacent property owners.

Vegetable, herb and water gardens shall be confined to the rear yard out of view from public streets and common areas. The maximum height for plants in these gardens shall not exceed 3'-0".

Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning). Requests for water gardens in front yards shall require specific written approval of the ARC.

New trees shall be located away from foundations, drives, or walks to limit potential damage caused by root growth.

Landscaping and plantings in utility easements will be reviewed on a case-by-case basis and normally be permissible, but with the full understanding that any plantings may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company.

Materials: In the application, provide "common" variety names of plants that are to be used.

Approval is not required for mulching with pine straw, hardwood, or bark mulch consistent with existing mulch. **Decorative rock and gravel mulch is not permitted.**

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, precast concrete edging, black or brown plastic edging or other commonly used materials. Railroad ties are prohibited. Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, edgings are only one level high and multiple levels of landscape timbers or other materials would normally be considered as a retaining wall under Section 3.12. See Appendix B for approved styles.

Requirements:

All front yards shall have a minimum of 50% grassed area (see appearance above).

All landscaping will maintain proper drainage on the site. If landscaping is 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 that solve the drainage situation.

All tree removal, except emergency removal where the tree presents a clear and present danger as a result of wind or ice damage or disease or decay (trees posing a danger to life, person, or property), must be approved by the ARC in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal. If deemed an emergency, an arborist must certify that the tree is dead or poses imminent danger.

ARC approval is not required for the following items:

- Flowers planted in existing beds.
- Shrubs less than 3'-0" in height or diameter at maturity and located within an existing bed.
- Shrubs less than 3'-0" in height or diameter at maturity and used as a cover for the foundation, fence, deck or HVAC equipment.
- Ground cover in existing natural areas. Ground cover in existing landscaping beds. Mulching with pine straw, hardwood, or bark mulch.
- Replacement or existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants, or tree in the same location.
- One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, precast concrete edging, black plastic edging, or other commonly used material if the edging is natural in color or the commercially available white stone or cast concrete edging material, but painted stones or other materials painted or stained will require prior approval and normally not be approved. Materials used for internal stone wall construction, such as cinder blocks, are not permitted. See Appendix B for examples of commonly used materials.
- Flower/Plant containers provided they are standard size as can be purchased from any nursery/garden center, with the following conditions:
 - ☐ Flower boxes may be no longer than the widest window on the side of the house on which the flower box is installed.
 - ☐ Flower or plant pots may be no larger than five gallons.
 - ☐ Finish must be consistent with the exterior house colors or neutral earth tone colors. Custom or oversized or colored containers must have prior approval; each application will be reviewed on an individual basis.
- Security signs, as provided by security service companies, less than 12 inches, which are located behind the sidewalk/walkway in the existing flower bed/natural area. All other sized signs or locations must have prior approval as per section 3.23 below, and each application will be reviewed and on an individual basis.

3.9.2. Compost

Composting is only permitted in dedicated compost bins that are readily available from major retailers. Open compost piles are not allowed. Owners shall be responsible for ensuring that compost bins are maintained in a manner which does not emit odors or attract rodents or insects; if such compost bins emit odors or attract rodents or insects, the Association may levy appropriate sanctions.

3.10. Lighting (Exterior)

Appearance: Exterior lighting must be compatible with the architectural character of the neighborhood. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting devices, i.e., floodlights, spotlights, lamp posts will be reviewed on an individual basis.

"Temporary" holiday lighting generally does not require approval from the ARC; however, such "temporary" lighting and any associated wiring must be removed within a reasonable period after such holiday (as an example, for Christmas, not earlier than Thanksgiving and must be removed no later than January 15). All hooks, tape, etc., used to adhere temporary lighting must also be removed within this time frame. Unless unavoidable, tape should not be used to adhere temporary lighting.

Any lamppost in front yard must not exceed 5' with one lamp light, low voltage with the approval of the ARC.

Location: Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights and spotlights will generally be limited to rear and side yards. Specific approval shall be required for spotlights or floodlights on driveways. All exterior lighting must have locations approved prior to installation. This guideline is not meant to be construed as discouraging security lighting systems, but only to control the source and spread of the light beam that may be intrusive to adjacent property owners. The application should include a diagram showing the proposed location of new lights and the lighted area.

No more than one light lamp will be allowed.

Include a materials list and if possible, a picture or drawing of the proposed fixtures, with the application.

Requirements:

Beam spread from all light sources should be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

All electrical installations must be in accordance with all applicable electrical codes and regulations.

Approval is not necessary for the following:

- Replacement of current light fixtures of a similar type and style.
- Properly installed low voltage accent lighting along walkways and on the inside of decks if the lights are at least five feet apart. If closer placement is desired, an application must be submitted. Any low voltage spotlights or lights on the outside of decks require an application if the light may shine on to adjacent property.

3.11. Mailboxes

All mailboxes located on Lots shall be of a similar style approved by the ARC. Replacement mailboxes may be installed after the type has been approved in writing by the ARC. Replacement mailboxes may be purchased from:

zBox	919-280-7506	DRG	919-612-7837	Posts and Pickets Ltd.	919-772-7170
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All mailboxes must be repainted or replaced if approximately 20% or more of the surface shows signs of rust or paint peeling. House numbers must be replaced in a material, color, and font consistent with the community (white, 3.25" Times New Roman numbering). **Reflective number stickers are prohibited.**

3.12. Maintenance

Appearance: It is the responsibility of each homeowner to maintain his/her property in such a way that it adds to the overall beauty and harmony of the subdivision. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of your own property, surrounding properties, and the subdivision as a whole.

There are many areas in and around the home that should be inspected regularly to ensure the property is in good repair. These include, but are not limited to:

- Lawn care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways and sidewalks
- Playground equipment
- Paint
- Roofing
- Garbage can storage
- Debris and trash removal
- Removal and prevention of mold and mildew on house surfaces

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the ARC, a representative of the management company, or a combination of the two will be requested to make a site inspection. The committee will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Weldon Homeowners Association.

Based on the severity of the deterioration, the homeowner will be given a specified period in which to make the necessary repairs. If, after that time, the repairs have not been affected to the satisfaction of the Board, the Board has the obligation of enforcement as described in the Declaration of Protective Covenants for Weldon Homeowners Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies.

3.13. Painting (Exterior)

All exterior paint colors, including mailboxes, shall be consistent with the initial paint application to maintain a variety as well as continuity with the surrounding homes. Siding paint shall be only a flat latex type of paint (no semi-gloss or gloss type paints are permitted). Trim paint may be semi-gloss.

Paint colors on additions and exterior detached structures shall be consistent with the dwelling and surrounding area.

Materials: Siding paint shall be Duron Deluxe Exterior Flat House Paint or equivalent. Trim and shutter paint shall be Duron Weathershield Exterior Acrylic or equivalent.

Any changes to the original exterior paint colors must have ARC approval. Approval is not necessary if you are repainting your home using the same paint colors. For the ARC submission, the manufacturer, name, paint number, and a sample must be included. See Figure 1 for an example.

3.14. Parking

1. No Commercial vehicles, boats, motor homes, trailers, or recreation vehicles or trailers may be left upon any portion of the Community, for a period longer than two (2) days, unless it is closed in a garage or stored in another area designated or approved by the Board. Vehicles, boats, motor homes, trailers, or recreation vehicles which are either unlicensed or inoperable for a period of three (3) days or more may not be stored upon any portion of the Community at any time unless fully enclosed in a garage as stated in the Declaration of Covenants.

3.15. Parking Pads

Appearance: The layout or design should preserve and compliment the original driveway and walkway. The surface shall be the same color and finish as the existing concrete drive. Depending upon lot configuration, screening with landscaping may be required to visually block the area from adjoining property owners.

NOTE: Not all lots can accommodate a parking pad

Location: Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line with the front of the house.

Dimensional limitations: Maximum width of 9'-0". Each lot will be reviewed individually.

Set Back Requirements: Minimum set back from side property line is 18" except that the setback may be less with specific approval of the ARC on cul-de-sac lots because of lot configuration and size.

Drainage/Slope: Slope of the parking pad and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Materials: Concrete shall be the only allowable material. The preparation of the soil base shall be consistent with sound construction practices to minimize the risks of settling, excessive cracking, and improper drainage.

3.16. Playground and Recreational Equipment

Definitions:

Play Equipment: Swing sets, sliding boards, sandboxes, and similar items are classified as playground or play equipment for the purposes of this guideline. This guideline does not cover moveable and temporary items such as bikes, wagons, and similar items.

Recreational Equipment: Basketball goals, trampolines, horseshoe pits, permanent volleyball courts and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not cover a temporary volleyball net, badminton net, or similar items.

Appearance: Playground and recreational equipment should blend with the natural surroundings to the extent possible.

Landscaping or fencing should be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for the children. "Visually offensive" shall be judged by the ARC applying a standard of objective fairness rather than just the subjective views of neighbors.

Location: Depending on the configuration of each lot, playground equipment should be placed in the rear yard. The location of play areas and of recreational equipment must consider the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.

Recreational equipment should also be placed in the rear yard area where applicable (i.e., trampolines). Potentially dangerous items such as trampolines should be located within fenced areas to prevent access by unsupervised and unattended child users.

Basketball Goals: Basketball goals shall not be placed near the street, where the street is intended as the playing surface. Per the Covenants, no basketball goals shall be erected on any Unit without the prior written consent of the Architectural Review Committee, and any such items must be located between the rear dwelling line and the rear lot line. Without limiting the foregoing, basketball goals may be installed provided they are constructed of black poles, permanently mounted, not visible from the street, and the Architectural Review Committee approves the location, height, and type of goal and post. The Architectural Review Committee also requires the planting of shrubbery around the permanent base of the goal. No material may be placed on top of the base to keep the goal in place.

Materials: Playground equipment constructed of treated natural wood is required. Playground equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. It is recommended that recreational equipment be "portable;" however, fixed in place equipment will be considered on an individual basis. Recreation equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

No metal swing sets are allowed.

Requirements:

Detailed drawings shall be presented to the ARC for approval prior to the installation of any equipment.

All equipment in a fixed location for an extended period 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.

3.17. Playhouses

Appearance: Must match the color of the main residential dwelling.

Location: Shall be in the rear of the main dwelling.

Must be constructed of wood.

Requirements:

A playhouse shall be considered an accessory building if it measures more than 24 square feet, is more than 6 feet in height from peak to ground or is constructed on a concrete slab or footing.

3.17.1. Pools

Permanent above ground pools are not permitted in the Weldon Ridge Community and are specifically prohibited by the Protective Covenants. Permanent in-ground pools require approval of the Architectural Review Committee. Temporary kiddie pools and inflatable pools are permitted for seasonal use only.

Location: Pools must be located in the rear of the main dwelling inside an enclosed fence.

Requirements: Kiddie pools and inflatable pools may remain outdoors between May and September but must be stored indoors during all other months. Grass must be aerated and overseeded in the fall after the pool has been removed to avoid unsightly dead grass. All permanent pools require approval by the Architectural Review Committee prior to installation.

Appearance:

Figure 7 illustrates examples of inflatable kiddie pools.



Figure 7. Examples of inflatable pools that are allowed on a temporary seasonal basis

3.18. Retaining Walls

Appearance: Generally, the ARC will consider for approval "natural" materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ARC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

Location: Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Applications for retaining walls will be reviewed on an individual, case-by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns.

"Natural" building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited. Materials and colors chosen should complement the existing structure on the site.

All retaining walls will maintain a proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff because of the new structure.

All retaining walls will be properly secured to prevent collapse and must meet all applicable Town of Cary requirements. There is no height limit, but the compatibility with the surrounding area and the dwelling will be considered. Any request for a retaining wall over three feet in height shall include in the application detailed specifications on anchoring the wall.

3.19. Roofing, Roof Accessories & Equipment

Requirements: Roof pitches and overhangs may vary as dictated by architectural design. The approval of the ARC is required for a roof-material color change.

3.20. Satellite Dishes and Antennas

Preamble

WHEREAS the Weldon Ridge Homeowners Association ("the Association") is responsible for governance and maintenance of the Weldon Ridge Subdivision ("the Community"); and

WHEREAS the Association exists pursuant to applicable state law and governing documents; and

WHEREAS the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to sections of state law and the governing documents permitting the Association to adopt and enforce rules; and

WHEREAS the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance and the use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS the Association desires and intends to adopt reasonable restrictions governing installation, maintenance and the use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

II. Definitions

A. Antenna: Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception

antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

- B. Mast: Structure to which an antenna is attached that raises the antenna height.
- C. Transmission-only antenna: Any antenna used solely to transmit radio, television, cellular, or other signals.
- D. Owner: Any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. Telecommunications signal: Signals received by DBS, television broadcast, and MDS antennas.

III. Installation Rules

A. Antenna Size and Type

DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.

MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.

Antennas designed to receive television broadcast signals, regardless of size, may be installed, but only after written authorization is obtained from the ARC, and only if installing in the attic is unfeasible. (Refer to Section IIIB below.)

Installation of transmission-only antennas is prohibited in the Community.

5. All antennas not covered by the FCC rule are prohibited.

B. Location

1. Antennas shall be installed solely on individually owned property as designated on the recorded deed or other document defining the portions of common or individually owned property.

If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.

Antennas shall not encroach upon common areas or any other owner's property.

Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

C. Installation

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of the buildings on common areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:

Place (or replace), repair, maintain, and move or remove antennas;

Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance, or use;

Pay medical expenses incurred by persons injured by antenna maintenance or use;
4. Reimburse residents or the Association for damages caused by antenna installation, maintenance or use.
5. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safeties of any person at or near antennas, including damage from wind velocity based upon a unique location.

D. Maintenance

Owners shall not permit their antennas to fall into disrepair or to become safety hazards.

Owners shall be responsible for antenna maintenance and repair.

Owners shall be responsible for repainting or replacement in the exterior surface of antenna deteriorates.

E. Safety

Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.

Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within five (5) feet of underground power lines (as indicated by No-Cuts) and in no event shall antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.

All installation must comply with all applicable codes.

In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.

Antennas are required to withstand the pressure of snow and ice.

IV. Antenna Camouflaging

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. (Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)
- D. Antennas may not obstruct a driver's view of an intersection or street.
- E. Camouflaging antennas may not be unreasonably expensive. For example, it would not be unreasonable to require a \$40 hedge. A \$150 fence, on the other hand, would most likely be found to be unreasonable. The Association may require more expensive screening, if the Association chooses to fund part of the cost.
- v. Number of Antennas An owner may install no more than one antenna of each provider.

VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the association may prohibit such installation. The notice of rejection shall specify these safety risks. (This 12-foot baseline may change, if the BOCA Code is amended.)
- C. A licensed and insured contractor must install masts.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- G. Masts shall not encroach upon another owner's lot or common property.

H. Masts must be designated to withstand the weight of ice and snow.

VII. Notification Process

1. Any owner desiring to install an antenna must complete an Application Request Form (Section 2.02) and submit it to the ARC via the Management Company. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.

B. If the installation is other than routine for any reason, and after an Application Request Form has been submitted, owners and the ARC must establish a mutually convenient time to meet to discuss installation methods. The Management Company must be contacted to schedule this meeting.

VIII. Installation by Tenants. Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the Application Request Form.

IX. Enforcement

A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable the Association for each violation shall impose a fine of \$50. If the violation is not corrected within a reasonable amount of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

X. Severability If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

3.21. Setbacks & Yards

Setback requirements from property lines are established by the Declarant and ordinance and are subject to public utility easements, drainage easements, right-of-way, and landscape easements depicted on the recorded plats.

3.22. Siding

Owners shall seek the approval of the ARC before installing or replacing siding which differs from original material.

3.23. Signs

No sign whatsoever shall, without the ARC's prior written approval of plans and specifications therefore, be installed, altered, or maintained on any Unit or on any portion of a structure visible from the exterior thereof, except: one temporary sign per Unit that advertises property for sale, which has a maximum face area of four square feet, and which is conservative in color and style; such permits as may be required by legal

proceedings; such permits as may be required by governmental entity. "For Rent" or "For Lease" signs are prohibited.

In no event during approved modification of any structure permitting shall more than one job identification sign be approved by the ARC. No vendor or subcontractor sign will be posted at any time before, during, or after construction.

3.24. Statues

The approval of the ARC is not required for the rear-yard installation of any statue, which, including any pedestal, stands no more than three feet tall. All other statues or yard orientation is subject to approval by the ARC.

3.25. Solar Panels [insert language from Solar Panel Resolution]

Solar panel installation must be approved by the Architectural Review Committee prior to installation. **Solar panels must comply with all requirements per "A RESOLUTION ESTABLISHING REGULATIONS REGARDING THE INSTALLATION OF SOLAR PANELS WITHIN THE COMMUNITY" effective January 1, 2020.** Solar panels on any front facing roof line of a dwelling will not be approved. Panels must be contained to the rear facing roof lines of the dwelling.

3.26. Walkways and Patios

Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios and walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Location: Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. The patio and walkway size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways and patios shall be a minimum of 18" from property lines. Lot size and configuration may permit reduction of the 18" set back in particular instances, but specific approval of the ARC is required for a setback less than 18".

Materials: Generally, brick, concrete, concrete pavers, flagstone, and slate will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. All patios and walkways shall be reviewed on an individual basis for material, color, and location.

Requirements: All patios and walkways must maintain proper drainage on the site. If a walkway or patio is planned, homeowners are required to provide a plan that details drainage patterns and runoff.

3.27. Woodpiles, etc.

Requirements: All equipment and woodpiles shall be kept and maintained in the rear yard only and be screened by adequate planting and/or fencing or covered with a natural-colored tarpaulin so as to conceal them from view of neighboring residences and the streets. No above-ground tanks for the storage of fuel, water or any other substance shall be located on any Unit.

3.28. Construction Guidelines

Requirements:

Inspections: The Applicant shall schedule and coordinate a review of all construction activities with the ARC to verify compliance with the approved plans and specifications. The ARC may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans, these Architectural Guidelines and the Community-Wide Standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Town of Cary and other organizations having jurisdiction.

Job sites not in compliance with the Declaration, these Architectural Guidelines or approved plans will be issued a Notice of Violation and a punch list of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punch list items have been corrected.

Construction Damages: Any damage to vegetation or common area facilities caused by the Applicant, its contractors, sub-contractors, agents, or employees must be corrected immediately to the satisfaction of the ARC, the Declarant, and the Owner of the damaged property. If the damage is not corrected, the Declarant or the Association may repair such damage and assess the costs of repair to the Applicant.

Conduct: The Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in Weldon Ridge. Loud music, profanity and other behavior which is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to Weldon Ridge.

Site Cleanliness: All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

4 Limitation of Liability

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications neither the ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Declarant, the Association, the ARC, nor the officers, directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against Declarant, the Association, the ARC, or the officers, directors, members, employees, and agents of any of them to recover any damages and hereby releases, remises, quitclaims, and Covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any judgment, negligence, or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands, and causes of action not known at the time the release is given.

These Architectural Guidelines have been prepared by the Board of the Weldon Homeowners Association and are hereby adopted on this 22nd day of September 2021.

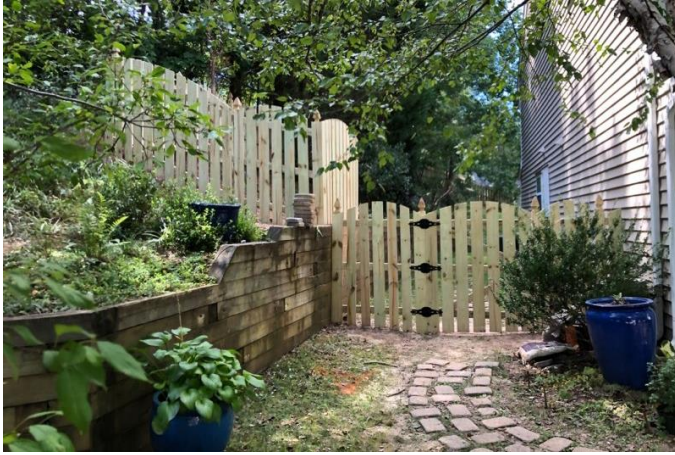
Appendix A. **Approved Examples**

A.1 **Fences Styles**

A.1.1 **Style A:**



A.1.2 **Style B:**



A.1.3 **Style C:**



Appendix B. **Approved Examples**

B.1 **Landscape Edging Style**



no edging



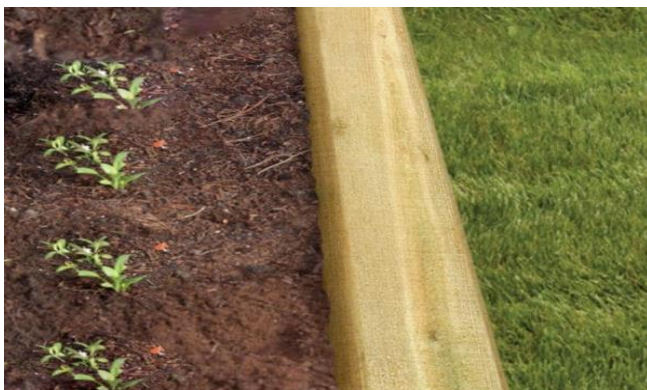
precast stone



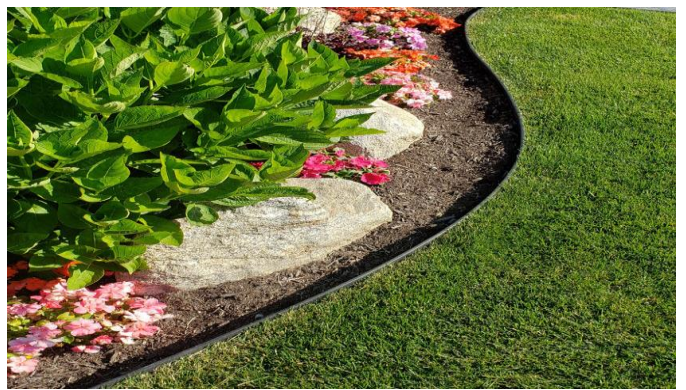
stone



brick



pine timber



black or brown poly (plastic)