

WEDDINGTON ACRES

Architectural and Landscape Guidelines



May 1, 2021 Edition

New Home Design and Construction Standards
and
Minor Projects Following Home Occupancy

Note: This document regulates or prohibits political signs and regulates the display of the Flag of the United States of America
And the Flag of the State of North Carolina

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ARTICLE 1 - STATEMENT OF PURPOSE & INTENT:

- 1.1 **Purpose:** These Weddington Acres Architectural Guidelines (Guidelines) provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These Guidelines have been developed to provide direction for the planning, designing, constructing, landscaping, and modifying of all residences, buildings, and structures or improvements within the Weddington Acres community. The Guidelines set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, lighting and other structures. In addition, the Guidelines establish a process for review of all proposed construction and modifications to residences, buildings, and structures to ensure that all home sites within Weddington Acres are developed with consistency and quality.
- 1.2 **Intent:** It is the intention of the ARC that all structures and other improvements within the community be of the highest design quality and be planned and sited to be aesthetically and architecturally harmonious with one another and with the natural features of the land. The ARC is particularly concerned that the community have a consistent streetscape and quality of design (facade, materials, etc.). In order to maintain a “planned look” for the community and to preserve the aesthetic integrity of the community, the ARC may at times place a temporary moratorium on any particular style of design, or building material until, at the sole discretion of the ARC, it is determined that the community has been brought back into balance.
- 1.3 **Design Standards:** The predominant styles in the community include Arts and Crafts, European Eclectic, Italianate (other than Mediterranean) and designs which primarily use brick and stone with stucco or wood accents. However, a variety of styles are encouraged including modern styles in order to create the unique feel of a custom home community. “Popular” designs advertised as such on internet plan sites are discouraged. Homes should be unique creations which are well composed and have custom details. Use of an architect or residential designer as opposed to a drafting services to create plans will most often lead to an acceptable design. No home shall be an exact duplicate of any other home, but similar designs may be approved by the ARC.
1. Separation Standard: Homes which are identical to an existing home shall be no closer than the third lot to the left or right, and for the lot immediately across the street, no closer than the third lot to the left or right of that home.
 2. Color Separation: In addition to the design of homes, the selection of exterior materials and/or colors may not be the duplicated using the same separation standards as in #1 above.

3. Landforms, sight distances caused by street curves or homes around a corner on an intersecting street may allow similar homes to be approved if out of sight of the identical or nearly identical home.
4. These rules will be enforced at the sole discretion of the ARC and without Guaranteed or Warranty that these rules will always be administered uniformly in exactly the same way since landforms, sight distances and street curves are not uniform.

ARTICLE 2 – APPLICABILITY, AUTHORITY & AMENDMENTS:

- 2.1 **Applicability:** The Guidelines shall govern all residences, buildings, and all other structures and improvements within the Weddington Acres properties, which are or may be subject to the Weddington Acres Conditions, Covenants and Restrictions, or CC&Rs.
- 2.2 **Authority:** The Weddington Acres Architectural Review Committee (ARC) has jurisdiction over all matters relating to construction, architecture and landscaping of new construction and modifications of the Properties as set forth in the CC&Rs. 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 ARC reserves the right to reject any submittal, and may disapprove plans, specifications or other materials for non-conformance to the CC&Rs, Architectural Guidelines or for aesthetic reasons, which in the sole discretion of the ARC shall be deemed sufficient.
- 2.3 **Governmental Permits:** To the extent that the North Carolina State Building Code, Union County Ordinances, or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the CC&Rs, the government standards shall prevail. To the extent that any government standard is less restrictive, the CC&Rs and the Guidelines (in that order) shall prevail.
- 2.4 **Responsibility for Compliance:** It is the responsibility of the Owner to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions. The ARC does not review submittals for compliance with such requirements. Approval of plans and specifications by the ARC shall not be deemed or construed to mean that improvements constructed in accordance with such plans will comply with applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions, as to the structural soundness, quality, durability, suitability, fitness or proper functioning of such improvements; and any responsibility or liability therefor is hereby disclaimed.

Owners and Builders are further responsible for compliance with all standards and procedures within these Guidelines. Owners are also governed by the requirements and restrictions set forth in the CC&Rs, any applicable Supplemental CC&Rs, and any other applicable architectural and landscape guidelines that address restricted and prohibited conduct and activities within the community. Builders and Owners will be held responsible for violations caused by subcontractors and employees of the Builder or Owner. Violations not remedied may result in reductions to the Compliance Security Deposit or other actions.

- 2.5 **Amendments:** These Guidelines may be revised and amended at any time by the ARC, in its sole discretion, as needed to serve the needs of an evolving community.
- 2.6 **Remedy:** The Declaration provides for the remedy of non-conforming improvements and violations on individual lots by means of removal, fines and/or liens on the property. All costs for remedy shall be the responsibility of the lot owner.

ARTICLE 3 –PROCEDURES AND FEES:

3.1 Contractor Requirements: All residences within the Weddington Acres community must be constructed by a Building or Residential contractor licensed by the State of North Carolina. Contractors must possess a valid builders license as defined by the NC Contractor License Board. Owners who possess the required license and wish to build a home for their own use may be subject to financial reviews to ensure home construction for their design is fully funded. Other requirements for contractors include the following:

1. Insurance endorsement for general liability minimum amount of \$1,000,000 per incident, \$2,000,000 aggregate.
2. Proof of Statutory Workers Compensation Insurance. Proof of Vehicle Insurance minimum amount of \$300,000.00
3. Provide form at each renewal period showing your builder license is current with the State of NC.
4. Provide evidence of a Builder's Risk Policy for home when construction commences. (typ. paid by owner)
5. On all insurance policies, including Buildings Risk, name the Weddington Acres HOA as "Certificate Holder" c/o Community Association Management. 4701 Hedgemore Dr., Suite 816, Charlotte, NC 28209
6. A list of all the GC's subcontractors prior to the start of construction on each project.
7. Compliance security deposits for projects are to be paid by the Contractor from their funds. Checks from Homeowners will not be accepted.

Once a residence is completed and a Certificate of Occupancy issued, and Final Construction Review and approval by the ARC is issued, the work of the residence is considered complete. Work on the residence after it is complete may be performed by a contractor with a Limited license, when in accordance with the appropriate classification of work, or specialty identified by the NC Contractor License Board. Work associated with accessory buildings, pools and cabanas fall under this requirement.

Owners are encouraged to perform necessary due diligence in the selection of their Designer and Contractor. The ARC nor HOA does not provide endorsements nor assurances of their capabilities.

3.2 Required Submittals -Minor Projects: The ARC is required to perform reviews for all exterior modifications on each home site. Some modifications are minor and do not require a full review or the payment of fees. These items are identified in appropriate areas throughout the document. A form is included to request a Minor Project Review in the forms area at the end of this document. No other forms are required.

Required Submittals - Major Projects: Major projects include a new home or pool with or without cabana addition. New homes require three reviews. To begin the process, complete Form One. Pools with or without Cabana additions require only one level of review.

Schematic Document Review: The Schematic Review is intended to give an owner an early indication if the proposed home generally meets the community Architectural Guidelines, forestalling expense for the development of plans that most likely will not be approved for the neighborhood. There is no fee payment required for this review when requested by a lot owner. Email Submittal Form One – Schematic Review to the Association Manager to commence this review. See page 24.

Formal Design Review: After receiving the informal review comments from the ARC for your Schematic

Review, mail or hand deliver the completed “Form Two-Design Review”, (page 25) signed and with all required fees to the address listed on the form. Upload your Design Review submittal along with Submittal Form Three (Pages 26 and 27) of this document to the review site to commence the ‘formal’ Design Review.

3.3 Architectural Review Fee: Review fees and associated fees are noted on Form Two. There is a fee for new residences of \$1,250.00. This fee entitles the lot Owner to up to three reviews total. It also includes three on site reviews to observe compliance (Site Staking, Dry-in and Final Completion). The property Owner is encouraged to submit all materials at the time of the formal review period, including landscape, pools or other amenities since additional reviews may incur and additional review fee.

For additions to existing homes, not exceeding 25% of the value of the home, the review fee shall be \$425.00 and include one site review at final completion.

The addition of a pool and associated amenities, not including a vertical occupied structure, or major landscape modifications is \$225.00. The addition of a pool and a vertical occupied structure is \$425.00. See Article 3.1 for builder requirements for vertical occupied structures.

Reviews for additions or modifications to an existing home and exceeding 25% of the value of a home, or adding more than 20% to the Gross Square Footage of the home shall be \$425.00 and will include one site review after completion.

Any reviews required after completion of the Construction Document review, typically due to changes by the owner, shall be \$175.00 per review and any site visit required beyond those stated shall be \$175.00 per visit (including re-reviews).

A minor project review: \$125.00.

3.4 Schematic and Construction Document Submittals:

A. Schematic: The Schematic submittal is optional and free to lot owners. For individuals who are not property owners and who are considering a purchase of a lot in Weddington Acres, there is a fee for the review as noted on Form One-Schematic, attached herein. The fee is credited to you if you purchase a lot and submit plans for review.

- a. The intent of a Schematic Review is to provide the lot owner with an opinion from the ARC if their home will be generally acceptable under the Guidelines.
- b. Submit Form One-Schematics in order to commence the review process. You will be provided a password to access the review site typically within one day of the Association Manager logging you in.
- c. Items 1-5 below should be uploaded in digital form using public domain software as a PDF.
- d. Please allow up to ten calendar days for a response, although the ARC will endeavor to provide a response sooner.

Use the following as your check list for submittal of the Schematic Documents.

- _____ (1) A copy of Form One-Schematic.
- _____ (2) A site topographical plan with the home located as well as trees larger than 6” caliper shown.
- _____ (3) A floor plans showing heated and unheated square footage.
- _____ (4) A roof plan indicating pitch.
- _____ (5) A minimum of four elevations with elevations adapted to the topography of the site.

B. Construction Document Submittal: As a continuation of the design process, the document set must be refined with specific attention to and inclusion of the following:

Use the following as your check list of items the ARC will use to complete your review

- _____ (1) Submittal Forms Two
- _____ (2) Submittal Form Three

- _____ (3) **Floor plans:** Indicate all rooms, and sizes, along with square footage of the total enclosed living area. Show the first floor elevation 24" or 3 concrete blocks above top of footing.
- _____ (4) **Roof plan:** Indicate slopes, pitches, hips and gables and materials of construction.
- _____ (5) **Elevations:** Provide front, rear, and side elevations showing building materials and finishes. Indicate maximum height of the principal structure and anticipated finished grades. Show elevations corrected with respect to adjacent grade. Indicate floor to floor heights.
- _____ (6) **Typical Wall Sections:** The sections should be made in locations that show typical foundation to roof conditions. (Two or more wall sections may be required) Indicate foundation condition, building materials, roof overhang, fascia, and decorative elements & other details as needed to convey the design. Ceiling heights must be indicated for all levels of the home. One wall section must be cut through a typical window and a typical door.
- _____ (7) **Details:** Provide details of all unique conditions on the home. Show screen wall for HVAC.
- _____ (8) **Site Plan** in digital format (Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36" – please advise your surveyor of the minimum scale and sheet size). Indicate the required setbacks (SEE ARTICLE 4.1), easements and horizontal dimensions that locate the residence on the lot. Show front and rear corners and side outline nearest your home of homes on adjacent lots. Show all driveways, driveway aprons, walkways, patios, decks, pools and other recreational equipment, HVAC units, etc. Show all existing contours and finish contours at two foot increments and show the planned floor elevation of the main floor.
- _____ (9) **Bench Mark street elevation** and elevation at rear property line should be clearly denoted.
- _____ (10) **Detailed Landscaping Plan** in digital format (Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36"), including site grading, and showing location, size, species, quantity, spacing, percentage of native plant material, and quality of all plant material, protection of existing vegetation and other landscaping details shall be submitted for approval prior to the completion of construction. Extent of the planting beds shall be noted as well.
- _____ (11) **Drainage Plan** in digital format (Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36"), showing the location of erosion control devices and the direction of storm water flow.
- _____ (12) **Samples in digital format** of all exterior materials and finishes, including paint colors, siding materials, roofing, shutters, medallions, chimneys, doors, lighting scheme, and all other materials that will be seen on the exterior of the home and site.

Are you requesting any variance from these Guidelines? YES_ ; NO If yes, state your request on the variance form provided on the review site.

EXPECTED START _____ EXPECTED DRY-IN _____ EXPECTED FINAL _____

Other data: The ARC reserves the right to require the submittal of other information, data, drawing and samples as deemed necessary.

3.4.1 Foundation Survey: Upon completion of the foundation, the homeowner or contractor shall submit to the ARC a foundation survey. The survey shall be prepared by a licensed surveyor or building contractor and show compliance with building setback requirements and confirm foundation height against the previously approved site contour plan. The first floor level must be a minimum of 24 inches, three concrete blocks above the top of the footing. Submit this drawing prior to commencing framing.

Compliance Security Deposit: A \$2,500 security deposit for new home construction and large remodel projects, which exceed 25% of the value of the home or adds 20% or more to the Gross SF, is required. Payment (checks payable to Weddington Acres Homeowners Association, Inc.) must be submitted with the Weddington Acres Architectural Review Form Two- to the Association Manager at the address noted on the form. Remodeling projects where a building permit is required and which are less than 25% of the value of

the home, require a \$1,500.00 deposit. The Contractor must provide the deposit. The deposit is intended to protect the Homeowners Association from costs resulting from careless and/or negligent construction practices by the Contractor. If the total charges exceeds 50% of the deposit, the contractor shall make up the difference by submitting additional funds to the HOA or construction must cease. The security deposit is refundable in part upon completion of home construction.

\$500 of the deposit is retained as a road impact fee which is placed in the maintenance reserve account. This fee applies to new home construction only.

C. Construction activities that may reduce Compliance Security Deposit refund:

Any and all costs incurred by the HOA to remedy violations that occur during construction activities may reduce the amount of deposit refund. Examples include HOA expenditures to reseed, clean up, etc. the road rights-of-way, to repair road pavement, road shoulders and drainage swales near and in front of the subject lot, to perform maintenance on utility services and irrigation systems damaged by construction activities, to repair silt fences, to correct deficiencies in the construction of the home (including deficiencies caused by non-compliance with these Guidelines), to secure the home or the site during construction, to place a fine or lien on the home, or to supplement an incomplete landscape plan.

D. Contractor right to make repairs:

Before the HOA begins a repair that reduces a refund, the Contractor will receive one notification letter stating the specific violation that must be corrected and the time table permitted for the correction. Where damaged areas are fully restored to the pre-construction condition by the Contractor or Owner within the prescribed time period, as determined by the HOA in its sole discretion, no reduction will be made to the deposit for that violation. An onsite inspection by the ARC or HOA Board will be required to authenticate quality of the repair.

E. Approval of final amount of refund (where damage to community property is an issue):

The final amount of the deposit refund will be determined by the HOA at a regularly scheduled meeting once the third onsite visit, as described in Article 3.10, has been completed, and the Contractor has notified the HOA of completion of the third visit at least five business days prior to the meeting. Owners or Contractors may attend and have an opportunity of up to five minutes to present their objections to any withholding of their full refund. The Board of Directors may deliberate the final determination in a closed session and will notify the Contractor or Owner of its decision in writing.

ALSO SEE ARTICLE 7 – NOTIFICATIONS - FINES FOR VIOLATIONS

3.5 **Review Period:** For each phase of the document review process, properly executed applications, complete with all required submittals, fees, deposits, and dues, will be reviewed and the ARC will endeavor to provide a written response within fifteen (15) calendar days of receipt of the complete submittals to the ARC. (45 days is permitted by the CCRs) The response will give the status of the submittal as follows:

“Approved” – The entire submittal is approved as submitted.

“Not Approved” – The submittal is rejected. The ARC will provide comments, but is not required to do so at length or for all objections. Therefore, comments should not be construed to be the sole reasons for rejection.

“Review Complete- See Comments” – will be terminology used when the review is not approved but has specific items which, when corrected, will likely lead to approval.

3.6 **Submittals Retained:** All approved submittal items are retained by the ARC for record purposes for a limited period of time only. The ARC should not be considered the perpetual holder of your records. Owners should retain records of all submittals and approvals for their own purposes.

3.7 **Variations** may be granted in some extenuating circumstances including, but not limited to, odd shaped lots or parcels, topography, natural obstructions, hardship, or environmental considerations. All variance requests must be submitted in writing to the ARC and as part of the Design Review submittal. The applicant must state the reason for the request and propose mitigation of the variance. 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 CC&Rs or governmental regulations. No variance shall be effective unless acknowledged and approved by the ARC in writing. See the Variance Form on the Review Site.

NOTE: The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of governmental authorities. It is the responsibility of Owner/Builder to obtain all necessary permits and approvals.

3.8 **Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the ARC or the HOA that work completed or in progress on any site/parcel is not in compliance with these Guidelines or any approval issued by the ARC, the ARC shall notify the Owner and Builder in writing of such noncompliance, specifying in reasonable detail the particulars of noncompliance, and shall require the Owner and/or Builder to remedy the same. If the Owner and/or Builder 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 in violation of the CC&Rs and these Guidelines.

3.9 **On-site reviews:** Each lot Owner is required to call for three separate reviews from the ARC during the construction of the home.

Pre-Construction: Prior to commencement of clearing, grading or construction the Owner shall: stake-off the location of the home site and driveway; clearly mark all areas to be cleared, including flagging all trees to be saved, for inspection/approval by the ARC. Install construction fencing and where practical, stone drive. Upload Form Five to the review site to schedule the inspection. Allow a minimum ten (10) business days notice. For this review, place a ribbon along the path of the intended silt fence so that it may be evaluated for potential damage to roots of trees that should be saved.

Dry-In: Once the home has the roof, windows and doors installed, the lot Owner shall notify the ARC for a site visit similar to pre-construction notification. The lot Owner shall retain manufacturers' labels on windows and doors and shall keep on site roofing material packaging for verification of proper shingle. Allow a minimum ten (10) business days notice. Construction does not need to cease while awaiting the Dry-in Review.

Construction Completion: Once the home is complete and landscaping is installed, the lot Owner shall notify the ARC for a final site visit similar to pre-construction notification. Allow a minimum ten (10) business days notice.

3.10.1 **Sample Approval:** All exterior materials of construction shall be approved prior to application on the home. At the time of the original submittal, colors shall be submitted in digital form. The ARC will provide comments as to whether the colors appear to be acceptable.

NO WALL MATERIALS OR COLORS ON HOMES IN VISUAL PROXIMITY TO THE PROPOSED HOME ARE PERMITTED.

1) The current requirement is that the colors be confirmed by the builder to not conflict with the requirements stated in 1.3 related to color separation.

2) The material and color selection shall be in a color graphic and placed inside a water resistant clear plastic folder or plastic sleeve and placed inside the job box.

3) Colors will be reviewed by the ARC at the site staking review. If not provided by the contractor at that time, an additional on site review may be required at the contractor's expense.

4) The job box shall clearly identify the lot number of the home in dark colored letters 3” high nominal. You may also place the street name on the job box at your option.

3.10 **Time to Complete:** If no maximum time period is specified in the approval or any other agreement, construction shall be completed within twelve months of ARC approval to commence construction. The Applicant may request an extension of such maximum time period not less than thirty days prior to the expiration of the maximum time period, which the ARC may approve or disapprove, in its sole discretion.

- **Note: Provide detailed milestone dates you expect to reach when requesting an extension.**

If construction is not completed on a project within the period set forth in the approval or within one year, or within any extension approved by the ARC, the home shall be deemed to be in violation of the CC&Rs and these Guidelines and action will be taken in accordance with NC Statute 47F.

3.11 **Approval and Changes after Approval:** Written approval of home construction plans is required prior to commencement of any clearing, grading or construction.

All proposed changes to structures, including changes that affect the exterior of any building, colors, windows, doors, 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 a timely manner. If Union County or any other authority having jurisdiction requires that changes be made to Documents 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.

3.12 **Review of Modifications:** The review of modifications to existing dwellings including modifications to the main residence or the addition or modification of other improvements on the subject property (after approval by the ARC has been granted) shall require the submission of the same documents required for the initial approval.

ARTICLE 4 – SITE REQUIREMENTS:

4.1 **Setbacks:** All homes must meet setback requirements, as set forth in the recorded plat, deed restrictions, HOA documentation and governmental regulations. The ARC reserves the right to require alternate setbacks, to be determined at time of the ARC review, in order to preserve particular view corridors, or to account for unusual topography, natural site features, or other extenuating circumstances.

Setbacks are as follows:

Front: 50 foot offset from front property line.

Side: 15 foot offset from side lot line; Corner lots: 25 foot offset from street-side lot line.

Rear: 40 foot offset from rear property line.

4.2 **Construction Fencing:** Before beginning construction, black silt fencing, minimum 36” high, must be installed along the edge of the street pavement, across the entire width of the lot to prevent the parking of vehicles on the road shoulders. Prior to installing this fence, a ribbon shall be placed along the proposed location so that it can be viewed at the time of site staking. This fencing must be maintained throughout the construction period and removed at the time of the Final Review when Compliance Security Deposit issues are reconciled. The contractor shall be responsible to contain all storm water and silt runoff from the site. Any work adjacent to wetland areas required two levels of silt fence, with a minimum 4 foot separation. Other containment means may be necessary and should be applied if necessary. The HOA reserves the right to clean up any silt or redirect water flow if necessary to protect or clean community assets, including streets, grassed areas, storm water piping and ponds at the expense of the owner, with costs of such action withdrawn from the compliance deposit for the home.

- 4.3 **Sewer and Water Caps and Siphon Breaks:** The Builder will be responsible for protecting sewage and water caps. If there is damage to either sewage or water caps on a construction site, which are not repaired by the contractor, the HOA will make repairs and deduct the cost from the Compliance Security Deposit. If there is damage to sewer or water caps on lots in close proximity to the building site, the Builder may be held responsible for that damage. A siphon break must be installed on faucets used for providing water to the construction site so as to prevent contamination of the local water system.
- 4.4 **Construction Entrance and Parking:** The property Owner is responsible for placing and maintaining a stone driveway. The driveway shall be comprised of a minimum of five inch (5") deep by twenty (20') feet wide by fifty (50') feet long 2-3" Coarse Aggregate (surge stone), or as needed to assure mud is not tracked onto roadways. The stone should be placed in a manner to provide off street parking for construction vehicles. No materials or heavy equipment of any nature are to be unloaded or stored in the road or road rights-of-way. This driveway is to be used before and during construction to minimize damage to the roads and road shoulders caused by the repeated parking of vehicles, heavy equipment and trucks. All vehicles must park so as not to impede traffic or damage vegetation. Parking must be done in a way to allow room for construction and delivery vehicles to pass.
- 4.5 **Material and Trailer Storage:** All construction materials must be kept within the property lines and street rights-of-way must be kept open for vehicular access to all sites. Portable tool trailers must be removed each evening. Trailers used to bring heavy equipment on the site may remain on the site until the equipment is no longer needed.

Adjacent properties are not to be used in any manner, including vehicle parking, for the construction of the approved dwelling without written permission from that lot owner and a copy submitted to the ARC for its records. Any damage to an adjacent property shall be repaired by the owner of the approved home prior to final inspection and release of Compliance Security Deposits by the HOA. Turf areas disturbed shall be restored. Restoration shall include raking the area clean to remove all debris, tilling the soil to a depth of three inches minimum, seeding and stabilizing with sterilized straw. The Participating Builder or owner shall be responsible for germination and growth of grass until it is fully stable.

- 4.6 **Vegetation Protection:** All existing trees or other vegetation shown on the plans, or required by the ARC, to be preserved must be left undisturbed during construction. Prior to beginning construction, the Builder must erect wire or plastic environmental barriers to protect these natural areas. It will be the financial responsibility of the Builder to mitigate or restore any disturbed areas and to keep the barriers in good repair during construction.
- 4.7 **Dumpster:** A commercial dumpster is required on site to keep a neat and clean construction site. No dumpster shall be placed on neighboring property without written permission of that property Owner and that letter submitted to the ARC. Fabricated wood or wire bins will not be permitted. The Builder is encouraged to utilize the services of a disposal company that is environmentally friendly by using recycling and composting techniques. In addition, the following clean up rules shall apply:
- At the end of each day on which work occurs, all construction materials must be neatly stored and all lightweight construction debris, such as roofing paper, insulation bags and any polyethylene or sheathing must be placed in the trash dumpster.
 - At the end of the day on Friday, all construction debris must be picked up and scraps such as shingles, wood, drywall, bricks, etc. must be put in the trash dumpsters.
 - Dumpsters must be emptied when full.
- 4.8 **Toilet Facilities:** Each construction site is required to have a job toilet and it must be placed away from occupied residences within the lot boundary and the side yard setbacks, with the door facing away from the street in as much as possible.

- 4.9 **Fires and Blasting:** Fires and burning are not permitted on construction sites under any circumstance. Using any explosive materials during construction (for example, to remove rock) is prohibited.
- 4.10 **Drainage:** Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff is directed to the natural drainage areas or storm drainage facilities of each lot Owner.
- 4.11 **Mailbox:** All mail will be delivered to a central kiosk. No individual mailboxes are permitted.
- 4.12 **Driveways/Walkways:** Driveway must be constructed of brick, stamped concrete, non-tinted concrete with a broom finish, pavers made of cast concrete or natural materials. Asphalt, gravel, and plain poured (smooth finish) concrete driveways are prohibited. Driveways shall be constructed and maintained in accordance with the rules, regulations, and specifications approved by the ARC and all requirements of the NC Department of Transportation. Swales and Roadside Ditches shall be used at the edge of the paved street. A concrete culvert must be installed where the driveway crosses the drainage swale. Not required, but when used, headwalls for sides of the culverts must be constructed of materials complementing the home or the pavers (where used) and approved by the ARC. There is no requirement for culverts where there is no drainage swale.

Walkways or patio areas must be constructed of broom finished concrete, brick, flagstone, stepping-stones, or pavers made of cast concrete, or pavers made from natural materials. Walkways or patio materials shall be selected to match the appearance and style of the residence.

- 4.13 **Exterior Lighting:** ARC approval is not required for exterior lighting if lighting is installed in accordance with the following guidelines: Exterior lights shall be conservative in design and as small in size as is reasonably practical. Exterior lighting shall be directed toward the house and be of low wattage (limited to 2,000 lumens) to minimize glare sources to neighbors and other Homeowners. Lighting for walkways generally must be directed toward the ground. Lighting fixtures shall be dark colored so as to be less obtrusive. Low voltage (12 volts) lighting is preferable to conventional house-voltage systems because of its safety advantages. Any deviation from the afore mentioned guidelines or use of high-wattage, spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.) requires ARC approval. The ARC may take into consideration the visibility and style of the fixture on the home. Light fixtures must complement the architectural style of Weddington Acres and the specific home and landscaping. Lighting of walls can be achieved by use of eave or ground recessed fixtures. Landscape lighting should be concealed where possible by ground recessing or placing in shrub beds. Colored lights are prohibited, except as temporary holiday decorations. Post mounted light fixtures will be considered on an individual basis. Spillover of light on to neighboring property must be avoided and lights shall be shielded where necessary. Strings of exposed light bulbs are prohibited.
- 4.14 **Flags and Flagpoles:** Yard-mounted flagpoles are not permitted on any portion of the Properties, except for flags and flag poles installed by or for the HOA at amenity sites. Owners may attach one official flag of the United States of America and/or one State of North Carolina flag to their home without the approval of the ARC, providing that the flags do not exceed 4' x 6'. And poles do not exceed 6', at full staff. No other flags are permitted.
- 4.15 **Fountains:** ARC 'minor project' approval is required for all fountains. Fountains may be located behind a privacy wall in the rear yard or at the front entry. upload a site plan showing the location of the fountain with notation stating its overall height and width and a digital photo of what is proposed.
- 4.16 **Hot Tubs and Saunas:** ARC 'minor project' approval is required for the installation of any hot tub, Jacuzzi, sauna, or spa. Any hot tub, Jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, Jacuzzi, or spa shall be located in the rear or side yard, shall be installed in such a way that is not immediately visible to adjacent property owners, and the street, and shall not create an

unreasonable level of noise for adjacent property owners. All mechanical equipment necessary for the operation of any hot tub or sauna must be located in the rear or side yard and shall be screened from the street and neighboring units by a masonry wall complementing the architecture of the home so as to screen noise from neighboring properties. Such screening to be in accordance with these Guidelines and shown on plans to be approved by the ARC. All issues of safety and liability shall be the sole responsibility of the property owner and not the HOA, its agents or assigns.

Applications for hot tubs, Jacuzzis, saunas and spas shall be accompanied by a screen or fence plan and a plot of the property with the improvements indicated thereon and evidencing compliance with the above criteria.

- 4.17 **Pools:** ARC ‘major project’ approval is required for the construction or installation of pools. Pools must be located in the rear yard and must be an integral part of the residence and landscape. Landscaping shall be provided around any retaining wall and such wall and landscaping must be an integral part of the overall landscape plan. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring residences by a masonry wall complementing the adjacent structure to prevent noise from being a nuisance to neighboring properties. Screening shall be submitted to and approved by the ARC. Above ground pools are prohibited. All issues of safety and liability shall be the sole responsibility of the property owner and not the HOA, its agents or assigns.
- 4.18 **Ornaments and Statues:** Lawn ornaments, statuary and outdoor sculpture must be submitted for ARC ‘minor project’ approval in advance of installation and are prohibited in front and side yard areas unless concealed within a privacy wall. Approved ornaments installed in rear yard areas or behind a privacy wall must be placed so as to not be visible from adjacent lots.
- 4.19 **Antennae & Satellite Dishes:** No exterior antennae are allowed. One small and inconspicuous Satellite dish having a diameter of thirty-six inches (36”) or less, which is installed upon or adjacent to any residence, and is not visible from adjacent properties or the street, and is integrated with the residential structure and surrounding landscape, is permitted and does not require ARC approval. Such equipment shall be located only in side or rear yards that are not adjacent to a street, and shall be located as inconspicuously as possible. Larger dishes or placement under conditions other than noted herein require ARC ‘Minor Project’ Approval.
- 4.20 **Exterior Wires & Cables:** No exposed exterior wires, cables or meters of any kind are permitted.
- 4.21 **Propane Tanks:** 5 gallons or less, used for small appliances outdoors, are the only propane tanks permitted. See Article 5.14 for requirements for gas water heater and air heating within the home.
- 4.22 **Garbage Containers:** Enclosed outside storage pad with finished masonry enclosure is required and shall be sufficient to enclose and screen a minimum of three 64 gallon roll out garbage containers. Screen from front and side views.
- 4.23 **Site Clearing and Removal of Underbrush:** Upon approval to construct the home, the owner/contractor may remove trees on lot within 10 feet either side of the driveway and within 20 feet of the main dwelling or garage and 30 feet in the rear yard, not within wetlands or extending onto adjacent lots. Lot owner may clear scrub bushes and trees from their lot provided the trees are less than 3” caliper. Dead trees and bushes may be removed. Remaining trees may have branches removed up to 6 feet above adjacent grade. Debris must be hauled off within one week to avoid nesting of rodents and snakes. No other trees may be removed except by approval from the ARC.
- 4.24 **Patios & Decks:** Patios, decks, deck railings, and deck supports shall be substantial in appearance, and reflect the style and architectural detail of the residence. Decks and patios shall be constructed of materials that match or are complementary to the residence. Decks and patios shall be designed and installed as an integral part of

the residence or patio area. Construction shall not occur over side setbacks or easements. 'Minor project' approval is required from the ARC if added after the CO has been issued for any home.

- 4.25 **Accessory Buildings:** Owners shall obtain ARC 'minor project' approval prior to construction of any accessory building or permanently installed playhouses, doghouses, gazebos, green houses, etc. whether built during initial construction or after. Where otherwise permitted by local zoning ordinances, accessory buildings shall meet the following criteria:
- (1) An accessory building must be of the same color, material, and architectural style as the main residence, or of color, material, and style that is generally recognized as complementary to that of the main residence. As accessory building's roofing materials shall match those of the main residence.
 - (2) Any utilities servicing accessory buildings shall be installed underground.
 - (3) Accessory buildings generally shall be located in the rear one third of the yard as long as it does not front onto a street, shall be incorporated as an integral part of the landscape plan, shall not unreasonably obstruct any adjacent neighbor's views of open areas or other amenities, shall not be placed on side setbacks and must be screened by a fence or vegetation.
 - (4) Freestanding metal utility sheds or storage sheds are not permitted.
 - (5) A playhouse or playground equipment shall be considered an accessory if it measures more than 30 square feet, is more than 6 feet high from peak to ground or is constructed on a concrete slab or footing. All playhouses and playground equipment must be located in the rear yard and screened from view from adjacent properties and the street. Playground equipment must be constructed with natural colors with no primary colors permitted that are not fully screened. Tree houses are not permitted.
 - (6) Dog houses shall not be visible from the street or adjacent properties. ARC approval may require screening or landscaping. Dog lots, dog runs, and dog kennels are not permitted.
- 4.26 **Recreational Equipment:** All recreational equipment, including, but not limited to, tennis courts, trampolines and synthetic playgrounds must receive 'minor project' approved by the ARC prior to installation on any lot. The ARC may require photographs or other means of illustrating the appearance of equipment. Recreational Equipment may not be located forward of the front set back nor on side yard setbacks. No equipment may be placed closer than 25' from any property line, unless screened from view of adjacent properties. Unscreened portable equipment shall be put away each evening. Permanent basketball goals must have a professional looking metal pole and tempered fiberglass or Plexiglass backboard placed perpendicular to the street if at all possible. All parts must be maintained. Applications for the placement of equipment must include a detailed plan including dimensions. Equipment specifications must also be submitted for review. Non-permanent and portable recreational equipment must be stored in a garage when not in use.
- 4.27 **Recreational and Commercial Vehicles:** All commercial vehicles, boats and recreational vehicles (i.e. campers, motor homes, etc.) must be kept in a garage. NO outside storage will be allowed.
- 4.28 **Birdbaths, Birdhouses, and Bird-feeders:** ARC approval is not required for the rear yard installation of a birdhouse, or a bird-feeder that is less than one foot wide by one and a half feet tall, or a birdbath that is three feet tall or less, including any pedestal. Placement in any front or side yard requires ARC approval.
- 4.29 **Clotheslines** for air drying clothes shall only be located within 20 feet of the back plane of the home, fully screened from street view by the home and have lines parallel to the back plane of the home. Clothes and other item placed on the lines must be removed at sunset each day.
- 4.30 **Signs:** All signage must be in accordance with the Weddington Acres Signage Guidelines and CC&Rs.
- a. One security sign may be permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling and one sign in the rear of the home.
 - b. One approved builder construction sign 4' x 4' maximum is permitted and shall be removed following receipt of the Certificate of Occupancy. No subcontractor signs are permitted.
 - c. One "For Sale" sign is permitted and is required to have the Weddington Acres Logo. Contact the

HOA for specifications.

- d. Political signs or issue signs are limited to 45 days before an election and 7 days afterwards.
- e. Flags such as school spirit or signs to honor a graduate resident in the home are not addressed in the CCRs. The ARC will not object to a 2' x 3' sign within 30 days either side of a graduation. Military service flags are not addressed as approved in the CCRs. However, the ARC will not object to such flags not exceeding 2' x 3' displayed seven days either side of Memorial Day, Independence Day, Veterans Day or Thanksgiving Day.

4.31 **Street Cleaning:** To uphold the aesthetic integrity of the community, roadways adjacent to construction sites may need to be cleaned from time to time. The lots under construction that are observed by the ARC or Association Manager to have placed mud on the street, which is not attended to by the contractor will be cleaned by the HOA. Cleaning fees will be deducted from the Compliance Security Deposit.

BUILDER IS EXPECTED TO KNOW WHEN THEIR WORK HAS RESULTED IN MUD AND EXCESSIVE DIRT ON THE STREET. THEREFORE PRIOR NOTIFICATION MAY NOT BE PROVIDED.

4.32 **Permitted Hours of Construction:** In keeping with the need to maintain a safe and desirable neighborhood, construction, including material delivery and end of day clean-up will be limited to the following hours:

- Monday thru Friday; 7:00 AM to 7:00 PM
- Saturday: 7:00 AM to 5:00 PM
- Sunday, or any Holiday as follows: New Years Day, Martin Luther King day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving. 7:00 AM to 5:00 PM, with no construction permitted that results in noise heard on the exterior of the dwelling, or physical construction activity of any nature on the exterior of the dwelling.
- NO WORK IS PERMITTED IN THE COMMUNITY BY A CONTRACTOR ON THANKSGIVING DAY, CHRISTMAS EVE, CHRISTMAS DAY OR THE DAY AFTER CHRISTMAS.

ARTICLE 5 – BUILDING REQUIREMENTS:

5.1 **Architectural Standards:** The exteriors of all buildings must be designed to be compatible with the natural site features and landscaping of the residence/building and to be in harmony with their surroundings. The landforms, the natural contours, local climate, vegetation, and views should dictate the building location, the building form, and the architectural style. The design of all structures shall be predicated on the principles, ideals, and specific requirements, established in the Weddington Acres Guidelines. The ARC may disapprove plans if in its judgment the massing, architectural style, roofline, exterior materials, colors or other features of the building do not meet these standards. No slab-on-grade construction or the appearance of slab on grade construction shall be permitted.

The materials on the interior of all homes should reflect the high standards typical of a custom home in a premier neighborhood. Examples of materials include hardwood, ceramic tile or stone flooring in common areas with high quality carpet for flooring in bedrooms, deep baseboard and cornice trim on all walls where

they intersect floors and ceilings; solid core and/or paneled doors with wide casing around doors and windows throughout; high quality door hardware; solid wood kitchen cabinets with granite countertops in the kitchen and bathrooms; custom stairs; energy efficient appliances and hot water system; energy efficient lighting and mechanical HVAC systems. Complete Form Three – Interior finishes as part of the Construction Drawing submittal.

- 5.2 **Minimum Area Requirement:** The total square footage of residences shall be not less than 2500 sq. ft. of heated living space with 3000 sq. ft. minimum under roof.
- 5.3 **Maximum Height:** No residence shall exceed two stories above ground level but may have an attic story, defined as finished living area under the roof line which does not exceed 50% of the floor immediately below.
- 5.4 **Roof Slope:** The minimum roof slope over the main residence structure shall be appropriate the style of the home. Typically, roofs should be at least six (6) vertical (12) horizontal inches. Accent roofs (i.e. porches, dormers, etc.) may be a minimum of 4 in 12 slope but must be consistent with historical reference and architectural style of the home. A minimum overhang of 12 inches is required. This requirement may be modified if historically accurate for the proposed home's style.
- 5.5 **Exterior Wall Treatments:** The materials listed below are acceptable exterior wall treatments for vertical and horizontal surfaces, except where noted as prohibited. When used in combination, transitions from one material to another shall be made in an aesthetically sensitive manner such that the appearance and style of the home is consistent on all sides. Note: On front elevations, rear elevations facing public areas and street facing side elevations, no more than seventy five percent of the exterior wall material of each elevation (exclude windows and trim from this calculation) shall be of any one material. All elevations of the home shall be subject to the measurement standards.
- Exterior Wall treatment may include Siding, Shakes and Board and batten. When any two different profiles are used they are considered different materials for the purpose of this article.
 - Traditional Portland cement stucco in approved colors, natural, tinted or painted.
 - Cast stone, stone or brick veneer.
 - Composite material such as James Hardie shakes or siding in limited amounts.
 - Vinyl wall siding is prohibited.
 - Anodized, copper or paint finishes are required on all metal surfaces including windows, flashing, drips, and caps, in colors matching the approved trim colors.
 - Soffits must be of wood, stucco or cementitious materials. Vinyl soffits may be used. Aluminum fascia shall be heavy gauge in order to prevent ripples, commonly called “oil canning”. Vinyl soffits are not permitted.
 - Synthetic foam EIFS systems are permitted only where they are detailed to have an interior drainage system. This drainage system must be clearly delineated on the drawings.
 - Gutters and downspouts shall be used at all eave lines unless deemed inappropriate and should be either aluminum or copper. Galvanized material is NOT permitted. Gutter color, if aluminum, should complement the trim color.
 - Vinyl, Aluminum and Composite Wood (Masonite) are prohibited.
- 5.6 **Exterior Colors:** Exterior colors are subject to review and must blend well with one another and not be a primary color. Owners must submit for review and approval digital photos of samples of all exterior surfaces to the ARC showing color, tone and texture.

5.7 **Roofing:** Roof pitches and overhangs shall be designed for compatibility with adjacent roof profiles in front, side, and rear elevation, and must vary as opposed to being a single roof line. Acceptable roof materials are: natural or synthetic slate, copper, dimensional asphalt architectural shingles (minimum 240# density), cedar shingles, standing seam metal, clay or concrete tile in a flat profile. Asphalt impregnated fiberglass shingles meeting the Guideline Requirements shall be equal to: Owens Corning: Berkshire; GAF Timberline HD; CertainTeed Landmark Premium or Independence.

5.8 **Roof Accessories, Equipment:** ARC approval is required for all rooftop equipment and accessories. All rooftop equipment must match roofing colors or be a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing, other than copper, must be painted to match the fascia and trim of the structure. No exposed attachment straps will be allowed.

5.9 **Windows, Doors, and Trim:**

- Full Vinyl Windows are prohibited. Vinyl or aluminum clad wood windows are permitted.
- Single Hung windows may be used providing any insect screens shall fully cover the window as they do with a double hung window. Window grills (muntins) shall be consistent with the style of the home when used.
- Windows with screens must have full screens.
- Multiples of double hung windows shall have a mullion separating each.
- Windows shall have real grills, simulated divided lites (SDLs) or Grill between the Glass (GBG) on all sections in the front and street facing side windows. Grill pattern shall be appropriate to the style of the home and shall be illustrated on the elevation drawings submitted for review.
- Windows should be clear glass or a low-e glass with a tint. Samples shall be submitted for gray and smoke glass colors for approval by the ARC. Windows shall be trimmed/banded on the front and at the rear elevations.
- Windows must have prominent headers and sills. No window openings on the front of a home shall be devoid of a featured trim. Alternates to the styles proposed may be submitted for approval where consistent with the architecture of the home.
- Window screen fabric must be dark bronze or charcoal color.
- The ARC must approve security treatments for doors and windows; however, no “burglar bars”, steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling.
- No black out of windows is permitted except for spandrel glass in approved locations.
- No signs shall be placed in windows.
- Curtain fabric, blinds or other interior material exposed to the exterior shall be neutral in color.
- Window opening must conform to window configuration. No infill material is permitted, such as stucco between the window head and the head of the opening.
- Main Entry Doors shall be substantial in appearance, and shall have a high quality and of a style matching the architecture of the home. Entry doors must be submitted for review.
- Side or rear entry doors shall not be plain panel. Finish shall be submitted for approval.
- Trim is required below all soffits and shall consist of a frieze of no less than 8” in depth.
- Window headers must not have back board inserts between the window and the brick or stucco header. Arched headers should have arched windows.

5.10 **Screen Doors:** Front screen doors are not permitted. Screening is not allowed at the garage doors and ARC approval is required for all other screen door applications. Screen door design and color must match and be generally accepted as complementary to that of the entry doors of the house.

- 5.11 **Vents:** Plumbing vents, mechanical vents and fans, turbine type attic vents and other similar types of vents must be painted to match the roof/wall. No vents shall be located on the front elevation.
- 5.12 **Skylights and Solar Collectors:** Skylight trim must be painted and glass must complement or match roof color. Solar collectors must be submitted for approval. These collectors shall lie flat against the supporting roof and be consistent with the architecture of the home. The collectors must be appropriate to residential use and not recreational vehicle grade or capacity. The ARC may require specifics as to the design and construction of such collectors prior to approval. Cables or wires may not be exposed.
- 5.13 **Ceiling Height:** Ceiling heights must be a minimum of 9' on all floors.
- 5.14 **Electric and Gas Utilities:** Meter boxes, gas regulator, conduit, electrical panels, etc. are to be painted to match the exterior of the building. GAS MUST BE USED FOR HEATING FOR WATER HEATER AND AIR IN ALL HOMES. GAS CONNECTIONS TO EXTERIOR GRILLS AND STOVES IS RECOMMENDED.
- 5.15 **A/C Units and Pool Equipment:** A/C units and pool equipment must be located to minimize the transmission of noise to adjacent properties, and must be screened. A/C and Pool equipment must be screened from sound and view from the street and neighboring homes with masonry or stone construction matching the materials on the home. Evergreen shrubs shall screen the wall as if it were a foundation wall. Window air conditioning units and through-wall units are not permitted. There is no requirement for HVAC screening where the units are placed fully in the rear of the home.
- 5.16 **Awnings & Overhangs:** The installation of awnings or overhangs requires ARC approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence. Metal awnings are prohibited. All awnings must be maintained in new or near new condition. No fading, tears, rips or fraying are permitted. Mold and mildew stains should be non-existent. Flapping of fabric even under stiff winds should be prevented with proper framing or battens.
- 5.17 **Glass Block:** Glass block on the exterior of a dwelling may be used when appropriate to an aesthetic or architectural style.
- 5.18 **Screen Porches/Patios & Other Enclosures:** ARC approval is required for the construction of covered porches, patios, and other enclosures. Such structures and their supports shall be substantial in appearance, and reflect the style and architectural detail of the residence. Such structures shall be constructed of materials that are generally acceptable as complementary to the residence and be designed and installed as an integral part of the residence with rooflines that complement that of the principle structure. Construction shall not occur over setback nor over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements. Screens shall be either dark bronze or charcoal.
- 5.19 **Garages:** All residences shall have a fully enclosed garage designed to accommodate at least two vehicles when garage doors are in the closed position. Such garages shall be compatible with and complementary to the main residence in architectural style, material, color. The garage may be attached or detached. The garage door(s) when forward facing shall be high quality wood or metal with complementary hardware. Windows in garage doors are encouraged as are the use of pairs of single garage doors over a large double wide garage door. Garages used to store motor homes are permitted when special care is used to scale the garage to appear

residential in character. Garages doors may be no taller than ten (10) feet in height. Upper portions of taller doors for motor home storage must be made to look like the wall of the home with an operable facade so as to give the appearance of a shorter door.

- 5.20 **Additions, Modifications & Expansions:** Any addition, modification, expansion or similar alteration, including changes to the color scheme of a previously approved residence, whether before or after the initial construction, is subject to the requirements of these Guidelines and must be submitted to the ARC for approval.
- 5.22 **Shutters:** Where shutters are used they should match the configuration and dimension of the window they serve, even if only decorative. Shutter colors should submitted for review.
- 5.23 **Appliance Exhaust:** Exhaust to the exterior must be provided for all active gas or wood burning appliances. Ventless gas or wood fireplaces are not permitted in an enclosed area but may be used on outside decks where they can be ventilated without high exposure of carcinogenic and lethal gases to occupants. Sidewall vents for gas fireplaces and appliances may be used in lieu of chimneys or stacks. Side wall vents may not be located on street facing front elevations. Chimneys, where used, shall be constructed of one of the two most predominant materials used on the exterior of the home. All chimneys shall have an ornamental chimney cap or pot. Exposed spark arrestors are not permitted.
- 5.24 **Landscape Walls, Screen Walls and Fences:** Landscape walls shall be walls used to retain earth and shall be constructed of Keystone Block, concrete faced with stone, stone, brick or other permanent non-organic material approved by the ARC. Screen walls shall be walls attached to the home to screen areas as required by the ARC or the Guidelines such as A/C and Pool equipment. Fences shall be barriers around pools or yards to provide security and privacy. Fences are not permitted in yards in front of the rear plane of the home. Fences shall be iron or aluminum rail or masonry. Wood and plastic fences are not approved. Fences are not permitted to be higher than five feet. Retaining walls may be no higher than six feet above existing grade on the lower side. Fences shall not contain barbed wire, razor wire or be electrified. Chain link or welded wire fences are not permitted.

Double fencing is not permitted. Fencing shall be placed either within 4” of the property line or a minimum of 2.5 feet off the property line when used as a pool surround and not intended to be a full yard fence. Fences and walls shall be installed in full compliance with laws and regulations of authorities having jurisdiction.

ARTICLE 6 – LANDSCAPING REQUIREMENTS: (Landscape plans are required with construction document submittals and must be approved prior to commencing construction.)

- 6.1 **Purpose:** These landscape requirements have been established to maintain the high standards of Weddington Acres and reflect the community’s emphasis regarding the value of open spaces, natural land forms, and landscapes. Such requirements and guidelines help assure a positive impact in property values, quality of life, and the overall enjoyment and benefits of outdoor living. Consultation with a landscape architect is highly recommended to achieve the most appropriate balance of plantings and arrangements that will complement your home. Special consideration should be given to the following aspects of landscape plantings. All plantings shall be placed in accordance with the guidelines provided by the North Carolina State University Horticulture Information Leaflet 8601, available at: <http://www.ces.ncsu.edu/depts/hort/hil/pdf/hil-8601r.pdf> All landscaping shall be maintained to a ‘high profile lawn’ standard as described in the referenced resource.

To preserve the community aesthetic, the ARC strives to ensure natural tree cover is maintained on lots in as much as practical. Clearing twenty (20) feet on front and sides of a home and thirty (30) feet in the rear yard is permitted. Clearing ten (10) feet on either side of the driveway is permitted. Trees and shrubs less than 3” in caliper and limbs on remaining trees up to six feet above grade are approved for removal. Broken, twisted or damaged trees may be removed. In some cases, the tree coverage of a lot from the home to the street may be disrupted by the need to change grades to achieve a better drainage pattern or due to the poor quality of the tree cover in place.

- 1) Where the trees are removed beyond the clearing limit, with permission of the ARC due to one of the reasons stated above, there will by necessity also be a need to introduce new trees to restore the desired forested canopy within the community. Also, lots with no trees will require the addition of trees to assist reforestation of the community.
- 2) The trees used for restoration must be single trunk hardwood canopy trees, except that in wet areas, a multi-trunk Birch tree may be planted. At the end of construction, each yard shall have a minimum of two hardwood canopy trees 3” caliper or better, 10-12 feet tall and two shade or flowering ornamental trees of at least a 2.0” caliper 8-10 feet tall. Existing trees remaining on the lot may be counted. Qualifying hardwood canopy trees include Maple, Oak, Beech, Winged Elm, Sycamore, Yellow Poplar, Sassafras or Magnolia for example. (Sweetgums do not count) Each tree used to meet minimums shall be a different species. (One Oak and one Maple for example) These are minimums and other trees are welcomed to be planted in addition to these.
- 3) All front yard areas laid bare must also be covered in sod, Bermuda grass may not be used except for TifTuf (no Bermuda substitutes) and except as described in #4 below.
- 4) In the event that an owner wishes to create natural planting areas instead of sod, a minimum of one 3-gallon shrub or six-foot tall evergreen or deciduous tree must be placed in that planting bed on a four-foot center for it to be considered a qualified natural area. The planting bed must be covered fully by a minimum of 3 inches of pine bark mulch or pine straw. Do not use pine straw within ten feet of a home due to fire hazard. In the case of mulch beds, there is a requirement that the first ten feet, and all along the drainage swale in the front of any home be fully covered with sod. Swales may have large round riverstone in brown or gray color at the bottom.
- 5) Rip rap is not approved in front yard applications.
- 6) Any newly placed vegetated areas must be covered by an automatic irrigation system with a rain sensor.

6.2 **Lawn and Grounds Maintenance:** All lots without dwellings will require regular cutting and maintenance of any natural or planted vegetation on the lot back to the tree line. No vacant lot vegetation other than trees or shrubs shall exceed 12” in height. Debris or other materials must be removed.

All lots with dwellings require regular lawn cutting to ensure a presentable appearance consistent with the rest of the neighborhood. Lawns must be edged along all hardscapes including sidewalks, driveway and street and all grass clipping must be removed from the sidewalks and street. Any weeds between the hardscapes including between the curb and asphalt must be removed.

All shrubbery and landscaping shall be pruned as necessary and trimmed in both spring and Fall.

ARTICLE 7 – NOTIFICATION – FINES FOR VIOLATIONS

7.1 **Notification:** Whenever a violation of any provision of the Architectural Guidelines or CC&Rs of Weddington Acres occurs, the ARC through the Association Manager or the ARC professional consultant will notify the Builder of violations by means of the review site or personal service, mail or certified mail with a copy sent to Owner of record. The notifications will state the violation and may give the Builder time to correct the violation. Or fines may be issued immediately.

Fines: In the event the violation is by an owner and is not remedied within the ten (10) day period, the HOA

may levy fines in accordance with Section 47F-3-107.1 of the North Carolina Planned Community Act entitled: "Procedures for fines and suspension of planned community privileges or services;" and in the case of construction violations, may also reduce the Compliance Security Deposit refund in accordance with the provisions of Article 3.5. Fines for builder actions, other than direct property damage, which would reduce the amount of refund of a contractor's deposit:

1. For allowing trash to accumulate on the site or spill over onto neighboring properties, or for leaving significant amounts of mud or gravel on the street at the end of the workday: \$100 per day.
2. For failure to maintain the silt fence allowing silt to discharge onto neighboring lots or wetlands: \$200 per day, which may be increased if additional remediation is required.
3. For working outside of permitted hours on any given day: \$100 per hour or fraction thereof.
4. For violating the Sunday or Holiday working restrictions: \$500 per day.
5. For trespassing on private lots or common areas, or parking so as to obstruct access to an adjacent home's driveway: \$100 per incident/day. Plus restoration costs where applicable.
6. For storing equipment on adjacent lots or on common areas without written permission of the owner or without confirmation of that permission being provided to the ARC: \$100 per day, plus restoration costs where applicable.
7. For mis-use of gate code: \$100 per incident and administrative costs to issue a new gate code.
8. For commencing any construction activities prior to the review and written approval of the Architectural Review Committee: \$500. Additional fines of \$100/day will be assessed if construction continues without ARC approval.

JOB SAFETY – Special Notice:

For violations of OSHA regulations and/or where persons are endangered by actions of workers, a report will be filed with OSHA. No exceptions! Please provide on-going safety training for your workers and subcontractors.

ARTICLE 8 – COMMUNITY OBSERVANCES:

8.1 Common Areas

Except with the prior written permission of the ARC, Builders and subcontractors are not allowed in the Common Areas or allowed to cross any Common Areas that are not paved streets or to park in Common Areas.

8.2 Speed Limits

The speed limit for Builders, subcontractors and construction vehicles is twenty-five mile per hour (25 MPH).

8.3 Firearms and Substance Abuse: The discharge of firearms including BB Guns and Pellet Guns within the community are prohibited. Law enforcement officers may be called to address any violation of this rule. Consumption of alcohol or use of illegal substances will be reported to OSHA as well as local authorities where appropriate.