

Weldon Downs Townhome Association, Inc.

Rules and Use Guidelines

www.weldondownshoa.com

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FOREWORD

Provisions for the “Rules and Regulations” and the authority for enforcement are contained in the Declaration of Restrictions and Covenants and Bylaws for the Weldon Downs Townhomes Association, Inc. and the North Carolina Planned Community Act. Each Property Owner, by acceptance of a deed to property within Weldon Downs, is obligated to comply with the Rules and Regulations.

The Guidelines help us maintain an attractive and respected neighborhood. This in turn enhances both the pleasure and satisfaction of living here and the market value of our properties when the time comes to sell. The goal of this booklet is to set forth in a simplified manner the restrictions conditions and covenants on all units located within Weldon Downs.

These Guidelines are in effect at all times and must be adhered to by residents, visitors, family, guests and tenants. It is the responsibility of Property Owners to properly inform their families, guests, visitors and tenants of the Guidelines and information contained herein. Ignorance of the information is not an acceptable reason for non-compliance. It is hoped that everyone will recognize the good intentions in adopting use property use guidelines, and comply without having to invoke due process.

PART 1 - ARCHITECTURAL RULES

In order to ensure the continued value, desirability and attractiveness of our neighborhood, the following architectural guidelines have been established. They contain most of the basic restrictions and rules that apply to the building or altering of any property within Weldon Downs, and are intended for the good of all residents. These rules interpret, clarify and implement the provisions of the Declaration by setting forth the standards and procedures for the review and approval of proposed improvements or alterations, and guidelines for architectural design, placement of improvements, color schemes, exterior finishes and materials. It is hoped that these Guidelines will assist you in planning any proposed project.

Section I: Administrative Oversight

These rules and use guidelines are implemented by the Board of Directors and/or the Architectural Review Committee (ARC), as provided for in the Declaration. The rules contained herein may be amended, adopted or repealed, as appropriate, after review, guidance and approval of the Board. Per Weldon Downs covenants, the ACC may, or may not be, the same membership as the Board of Directors. Except as otherwise provided in the architectural rules, no improvement will be commenced or made to any property until the plans and specification showing the nature, color, kind, shape ,height, materials and location have been submitted to the ACC and approved in writing by the Association's Board of Directors.

The Architectural Review Committee shall consist of three or more persons appointed by the Board of Directors. The ACC is responsible for the initial review of proposed architectural or site changes and will make recommendations to the Board of Directors with respect to the approval of change requests proposed by homeowners.

Section II: Scope of Architectural Control

Essentially, all changes, permanent or temporary, to the exterior appearance of a building or property are subject to review by the ARC and approval of the Board. The review process is not limited to major additions or alterations, such as adding a room, deck, or porch. It includes changes in color, materials, or exterior area. Approval is also required when an existing structure is to be removed.

If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the ACC or the Board before proceeding with the improvement.

Section III: Application Review Procedures

An architectural application for the approval of plans and specifications for any proposed improvements must be submitted, along with a complete set of scaled plans and specifications for the improvements, by mail, personal, or electronic delivery to Weldon Downs Homeowners Association, c/o Allenton Management, Arnold Spell, PO Box 3250, Durham, NC 27715.
arnolds@allenton.com.

A copy of the application form is included in this handbook and additional copies are available from the Property Manager and on the website at www.weldondownshoa.com. Incomplete applications will be returned to the applicant with a statement of deficiencies which must be remedied in order to be considered for review. Supporting documentation must be included, which show a description of the proposed improvement(s), a property and foundation survey or similar site plan showing the location of all existing structures, size and height of proposed structure, and modifications as they will appear after all back filling and landscaping are completed. Drawings should also include a description of colors, construction materials, lighting schemes and other details affecting the exterior appearance of any proposed improvement.

Every application is evaluated on a case-by-case basis. In some cases, improvement projects greatly affect the surrounding neighbors. Although final approval rests with the ARC, the Committee reserves the right to notify your immediate neighbors of your proposed plans. Notifying your neighbors is always encouraged.

The Architectural Review Committee is required to approve or disapprove any proposed improvement within thirty (30) days after the receipt of a properly completed application. Homeowners who have submitted architectural review applications will be given written notice of the decision of the ARC.

Note that it is the sole responsibility of Property Owners to ensure compliance with all relevant Durham City-County building codes and regulations. All required City-County permits MUST BE SUBMITTED PRIOR to commencing improvements/construction. Should the applicant wish to alter his/her approved plan, he/she must make written application to the ACC. The Board will respond in writing within ten business days receiving the request

After receiving approval, work must be completed within ninety (90) of the date the approval was received, or within a scheduled approved by the Board. If the work is not completed within 90 days, and an extension has not been approved by the Board, then the approval is revoked and

the homeowner must resubmit for approval. All work sites should be maintained daily to ensure that there is a minimum of unsightly debris left at the site overnight. It is important in consideration to the residents who live in close proximity to be shielded from unnecessary untidy workmanship.

Appeal Procedures. In the event a homeowner is not satisfied with the decision reached by the ARC or the Board, the homeowner may appeal decisions to the Board of Directors. A homeowner may appeal a decision by submitting a written request to the Board within fifteen (15) days of receiving notice. This request should include any new or additional information which might clarify the proposed improvement or demonstrate its acceptability. The Board may, at its discretion, conduct an informal hearing related to the appeal. The Board will respond in writing to an appeal within fourteen (14) days from the date of receipt of an appeal.

If a Property Owner commences construction or makes an improvement without obtaining required written approval, the Owner may be subject to remedies as specified in the Rules Enforcement Policy and Schedule of Fines.

Section IV: Architectural Design Guidelines

Improvements requiring a contractor's license will be constructed by a contractor licensed in the State of North Carolina. All exterior improvements permitted to be placed or constructed on a lot must be in compliance with the Durham City-County Ordinances, and conform to applicable building codes.

No Owner will do any work, construct any improvement, or place any landscaping which alters or interferes with the drainage for the Owner's or any adjacent property or Common Area. All construction activity will be limited to between the hours of 7:00 am and 8 pm Monday through Saturday. No work will be permitted on Sundays or Holidays (New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day). If an emergency arises, early evening or Sunday, construction may be permitted.

Additions: Major additions include improvements such as rooms, porches, sun rooms, patio extensions that are permanent installations attached to the house. The following standards apply:

1. The design of major additions must be the same or compatible in design, scale, materials, and color with the house. This includes but is not limited to roof pitch, roofing, siding, and brick. Windows and doors must match those used in the existing house and should be located to relate well with existing windows and doors.
2. A Durham City-County building permit is required and the same set back distance from property lines apply as required for the house.
3. The location of the addition must not unnecessarily restrict the view or the amount of sunlight and natural ventilation on adjacent properties.
4. If changes in grade or other conditions that will affect drainage, are anticipated, they must be indicated in the application. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

Awnings : May not be installed.

Clotheslines: Clotheslines or similar apparatus for the exterior drying of clothes or bedding are prohibited.

Dog House & Pet Structures: Are not allowed.

Driveways & Parking: Driveway extensions, modifications or additions may not be installed. Owners with a two-car driveway are encouraged to park their vehicles in their garage or driveway. If unable to park vehicles in their garage, they should park extra vehicles in their driveway, and avoid street parking to the extent possible. Owners of units without a driveway are allowed to park one vehicle directly adjacent to their garage door, at an angle such as not to obstruct the passage of other cars in the alleyway. All persons parking a vehicle on the street should be mindful of placing the vehicle so that it is not directly behind the driveway of another unit. Due to limited space for vehicles, and the narrowness of Cofield Circle, all drivers are urged to exercise utmost caution and speed control to maximum safety of residents, pets and pedestrians.

No recreational vehicle, trailer, boat or commercial vehicle shall be regularly parked or stored in any driveway, or on Cofield Circle.

Exterior Surfaces: All alterations require prior approval. Exterior materials and colors have been selected and approved to present a consistent architectural theme.

Fences: All fences must be approved and must be designed to conform to the design of the existing railings or brick wall (i.e. black wrought iron, designed to match the existing railings, or matching brick). All Fences must be maintained in a good sound structural manner, and must match existing railings. Maintenance will be the responsibility and expense of the individual property owner.

Flags & Flagpoles: Permanent installation of flag poles is not allowed. Approval is not necessary to display a flag. Homeowners are permitted to display one flag. The flag may not exceed twenty-four (24) square feet in size and must be mounted properly on the house on a removable staff attached to the front of the house or a pillar at an incline. Any displays of the United States flag or other political jurisdictions must be in accordance with Federal and City-County flag law and etiquette.

Landscaping: All major landscaping modifications require prior approved. Landscaping or other alterations may not change, disturb, affect, or alter the drainage for the homeowner's or any adjacent property. Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines. Application and review is not required for the planting of annuals and perennials in existing beds directly attached to the townhome.

Any proposed improvement which is of such a scale or type as to be potentially inconsistent with the scale and design features of the house, adjacent properties and the surrounding area is not approved.

Lighting: All exterior lighting modifications require prior approval. Low voltage lights installed within eighteen (18) inches of the ground in flower beds immediately surrounding the

townhome do not require architectural approval. Seasonal holiday decorations are exempt from these requirements and must be removed no later than thirty(30) days after the date of the holiday.

Exterior lighting, such as flood lighting, motion sensors, and entrance lighting, will not be directed outside of the owner's property. No colored lights are permitted, except holiday displays. Proposed additional lighting will not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage or other features.

Patios: All patios require prior approval

Recreational & Play Equipment: Must be kept in the owner's garage when not in use. Playing in the street is not encouraged, due to obvious safety concerns. Under no circumstances will any equipment be utilized between the hours of 10:00pm and 7:00am.

Satellite Dishes & Antennae: Satellite dishes and antennae are not permitted to be attached to any building. Ground mounted dish devices should be located in the back yard, and shielded to the extent possible by landscaping. Antennae are not permitted.

Storage Sheds & Other Outbuildings: Storage sheds and outbuildings are not permitted.

Walkways: Approval is required for a change to an existing walkway or the construction of a new walkway.

PART 2 - PROPERTY USE GUIDELINES AND RESTRICTIONS

Residential Use: All properties within Weldon Downs are to be used for single family residential purposes only. In no event will a residence be occupied by more individuals than permitted by applicable zoning laws or governmental regulations. Home businesses will be permitted as long as such they do not require outdoor storage of equipment, inventory, vehicles, or employ anyone other than the owner, or attract more than one delivery truck per day.

Common Areas: All common areas are for the use and enjoyment of all residents of Weldon Downs. They are pre-populated with trees, per requirements of all original site plans and development permits. Any changes, amendments, improvements and alternate use plans must be requested in writing to the ARC and/or Board for consideration. Before any change to an existing common area can be approved, it must be vetted by a simple majority of the voting property owners. All other rear common areas will be maintained by the HOA in a semi-natural state (trees, pine straw ground cover) unless changes are subsequently voted on by the membership. Front common areas will conform to original site plan designs.

Garbage and Other Materials: No rubbish, trash, garbage, refuse, tree limbs, clippings, trimmings or other waste material ("Trash") will be kept or permitted on the lot except in a sanitary covered container kept in a location which is not visible from the street or adjacent properties. Garbage cans and recycle bins should be placed outside no sooner than Thursday evening (for Friday collection) and returned to the garage as soon as possible after collection.

Owners are responsible for any garbage that blows out of the recycle bins prior to pick up, and should clean up all debris promptly.

Household Pets: A reasonable number of household pets (such as dogs and cats) may be kept within an Owner's property so long as the same are not kept, bred or maintained for commercial purposes. No animals, livestock or poultry of any kind shall be kept, bred or raised within any property. **Pet Owners will be responsible for the prompt removal and disposal of pet wastes deposited on properties and the Common Area.**

Each person bringing or keeping a pet on the properties will be solely responsible for the conduct of his/her pets. The Association, its Board, officers, employees and agents will have no liability to any Owners, their family members, guests, visitors and tenants for any damage or injury to persons or property caused by any pet.

Nuisances and Noise Control: All homeowners have the right to peaceful enjoyment of their respective properties. No noxious or offensive activities will be carried out or conducted on properties which are or could become an unreasonable annoyance or nuisance to neighboring property owners. Please be considerate of those living in close proximity to you and keep the noise volume as low as possible.

Parking and Vehicle Restrictions: The following parking and vehicle restrictions will apply within the properties:

1. No recreational camping vehicles, motor homes, boats, trailers or inoperative or unlicensed vehicles may be kept on properties unless kept inside the garage.
2. No tractor trailers, buses, or other commercial type vehicles(as defined in NC Vehicle and Traffic Law) may be parked or stored on driveways or in the street, with the exception for private or commercial moving vans or other vehicles when actually engaged in loading or unloading the personal property of an Owner.
3. No tarps or other coverings may be used on any vehicle parked on properties.

The Association will have the authority to tow or restrain by use of devices such as the "DenverBoot", at the Owner's expense, any vehicle parked or stored in violation of this Paragraph. The Board shall post such notices or signs within the Common Area as may be required by law to effectuate this towing provision.

Signs: No sign, poster, billboard, banner, or advertising device of any kind, including commercial and similar signs will, without the prior written approval, be erected or maintained on any property or on any portion of a structure visible from the exterior, except:

- One professional 'For Sale" or "For Rent" sign of not more than five square feet in area;
- Two security signs, each not exceeding a total of sixty-four(64) square inches in area.
- The Association retains the right to erect street signage and other identifying signs on the Common Area.

Storage: Storage of personal property within any property will be entirely within enclosed storage areas, such as the crawl space or garage.

PART 3 - GENERAL INFORMATION

Management Company:

Arnold Spell
Allenton Management
PO Box 3250
Durham, NC 27715-3250
919-490-9050
arnolds@allenton.com

Addressing Complaints: Issues and complaints should be addressed to the management company, and forwarded by the property manager to the board, for resolution, as appropriate.

Board of Directors: Directors are elected each January annual meeting to serve a three-year term. Please refer to weldondownshoa.com or contact the management company for a current list of directors. There are three members of the Board of Directors, in addition to heads of the landscape and social committees. The Board meets bi-monthly on the third Tuesday, at 5:30 PM. Notices are emailed to all residents approximately two weeks before the board meeting. In addition, the schedule is published on the association website.

Weldon Downs Website: www.weldondownshoa.com

Copies of Documents: Property owners should have received a copy of the Declaration and Bylaws of the Weldon Downs Townhome Association, Inc. no later than the time of closing on their townhome. Additional copies can be downloaded from the website. In addition, hardcopy versions of these documents in their original form are on file with the Clerk of Courts for Durham County, North Carolina.

Revisions of Rules & Regulations: These Rules and Regulations will be reviewed from time to time by the Board, and republished if any changes are deemed necessary. Any such change to these Rules and Regulations will become effective upon being placed in the US mail addressed to the last known address of each homeowner. The Rules and Regulations should not lessen the minimum standards required by the Declaration. In the event of any conflict between the Rules and Regulations and the Declaration of Restrictions and Covenants of the Weldon Downs Homeowners Association, the provisions of the Declaration will control and prevail.

Service/Repair Requests: All requests for service or repair issues should be forwarded to the management company.

Documents Attached:

- Bylaws
- Covenants
- Architectural Review Application
- Rules Enforcement Policy
- Schedule of Fines