

**WINDING RIVER PLANTATION
COMMUNITY ASSOCIATION**

**RULES AND REGULATIONS
REFERENCE GUIDE**

EFFECTIVE JANUARY 1, 2015

Intent and Scope of the Reference Guide

This reference guide has been prepared by the Winding River Plantation Community Association (WRPCA) Covenants Committee and has been approved by the WRPCA Board of Directors. The guide is intended to help familiarize owners of Winding River Plantation properties (homes and lots) with the responsibilities and restrictions of ownership in Winding River Plantation. It is a condensation of those articles of the Declaration of Covenants, Conditions, and Restrictions for Winding River Plantation, dated 4/25/1997, as amended, (the Declaration) addressing owner responsibilities and restrictions and is structured for ease of reference using simplified language to promote understanding. References to relevant articles of the Declaration and in some cases to pertinent areas of other governing documents are provided across the sections; however, the information contained in the Rules and Regulations Reference Guide is in no way intended to be completely comprehensive of every responsibility and restriction attendant to property ownership. The responsibilities and restrictions may be further delineated in other Association documents such as those listed below under “WRPCA Resources.”

As questions and concerns about certain owner responsibilities and restrictions have arisen the Board of Directors has addressed them, in some cases amplifying the Declaration by setting policy from which some of the content of this document is derived. Notwithstanding, the Declaration is and shall remain the controlling and ruling document in the event of any omissions in this reference guide, or any discrepancies between it and the Declaration. The complete Declaration is available to all property owners on the WRPCA website (www.windingriverplantation.com) by clicking on “Documents.”

WRPCA Resources

For further information, please refer to these documents available on the WRPCA website:

- Design Requirements and Guidelines (ARB/MC)
- Community-Wide Standard for Landscape Maintenance
- Marina Rules and Regulations
- Corral Rules and Regulations
- River House Rules and Regulations
- Winding River/Seaside Rules for Beach House & Pool
- Winding River Property Owners Complex General Rules
- Winding River POC Catering Kitchen Rules
- Winding River POC Fitness Center Rules
- Winding River POC Pool Rules
- Winding River POC Facility Rental Rules

Applicable Federal, State and County Regulations

Winding River property owners should be familiar with applicable United States, North Carolina and Brunswick County regulations. The following websites can help in this regard:

United States

US Code, Main Page: www.gpoaccess.gov/uscode/index.html

North Carolina

General Statutes: www.ncga.state.nc.us/gascripts/statutes/statutes.asp

General Assembly: www.ncga.state.nc.us

Brunswick County

Homepage: www.brunswickcountyNC.gov

WINDING RIVER PLANTATION COMMUNITY ASSOCIATION

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A. Amenity Access

(Article 2.1)

- Access to the WRPCA amenities is for the exclusive use of owners, owners' tenants who are leasing their units, and owners' and tenants' family members, regardless of where the family members otherwise reside. All others must be accompanied to the amenities by the actual legal owner(s) or tenant(s) of the unit.
- Some amenities are restricted by use of a proximity card. To obtain a card, please contact the Property Management Office. Two cards per property are permitted.
- Owners who lease their units shall be deemed to have assigned all their rights of use and enjoyment of the common areas to the lessees of that unit, and they will not be allowed to use the community amenities while the lease is in effect (Also see Section L.).
- Additional rules may apply for the individual amenities; please refer to their specific rules posted on the WRPCA website.

B. Animals and Pets

(Article 10.8)

- Only dogs, cats or other usual and common household pets are permitted.
- All pets, including dogs and cats, shall be controlled by the owner whenever outside the unit. Dogs shall be on leashes when they are on common properties.
- Pet owners are responsible for all actions of their pets. This includes cleaning up after their pets when the pets have been in the common areas or on other residents' property.
- Pets are not permitted on the golf course, in any pond, or within any Amenity.
- Owners must insure that pets don't become a nuisance by barking or other acts. If, in the sole opinion of the Board, an animal becomes dangerous or a nuisance in the Community or to nearby property or destructive of wildlife, it shall be removed from the Community.

C. Architectural and Landscape Approval

(Articles 9.1, 9.2)

- The Architectural Review Board (ARB) must review and approve all applications for new construction and subsequent design changes.
- The Modifications Committee (MC) must review and approve all exterior modifications, additions or alterations made to existing structures and landscaping including removal of trees of a specific size (refer to Section S. of this Guide and to *Design Requirements and Guidelines 5.II Tree Protection/Removal*).

D. Covenants Committee Dispute Resolution

(Articles 4.3, 15.4; Exhibit D (By-Laws of the WRPCA) Articles 3.25, 5.2)

- The Covenants Committee consists of from three to seven Winding River Plantation property owners appointed by the Board of Directors. It reviews and verifies those cases of property owner non-compliance with the WRPCA's protective covenants, rules and regulations as identified by the Association's Community Manager. The

Covenants Committee conducts hearings with owners and reports its decisions to the Community Manager. The committee assists the Community Manager in educating owners of the WRPCA's compliance enforcement process and of the responsibilities and restrictions set forth in the protective covenants.

E. Combustible Liquid

(Article 10.19)

- The storage of gasoline, propane, heating or other fuels is not permitted, other than a reasonable amount that may be stored in appropriate containers and used strictly for emergency purposes and the operation of lawn mowers and similar tools or equipment, except as approved by the ARB.

F. Drainage and Grading

(Article 10.13)

- No person may pipe, fill in or alter any swale used to meet North Carolina Storm Water Management Permit requirements. No obstructions or debris shall be placed in these areas. No owner or occupant may obstruct or re-channel the drainage flows after the location and installation of drainage swales, storm sewers or storm drains.
- Storm water may not be directed onto neighboring properties or into the street.

G. Exterior Structures

(Article 10.10)

- No exterior structures shall be allowed on any property unless approved by the ARB for new structures or the MC for existing structures. This includes, but is not limited to:
 - **Basketball stands/hoops, swing sets/play structures, trampolines** and other sports equipment.
 - **Trash receptacles.**
 - **Flagpoles.**
 - **Swimming pools, hot tubs.**
 - **Wood piles.**
 - **Seawalls, bulkheads or piers.**
 - **Wells.**
 - **Satellite dishes**, or any other apparatus for the transmission or reception of communication signals.
 - **Hedges, walls, animal pens, or fences** of any kind.

Please reference the *Design Requirements and Guidelines "Architectural Guidelines" 5.A through 5.NN* for additional use restrictions/prohibitions related to the above-cited and other home exterior "preferences" such as: **detached garages; storage sheds; gazebos; LP gas tanks; transformers; junction boxes; meters; antennas; awnings; balconies; birdhouses; docks and lifts; outdoor fireplaces; driveways; clotheslines; doghouses and dog runs; lighting; mailboxes; patios; terraces; decks; porches/sunrooms; heating/air conditioning units; signs; statues; sculptures; 'yard art'; windows.**

H. Golf Course Areas

(Articles 4.10, 10.25)

- Owners of property adjacent to any part of the Carolina National Golf Course, as well as their families, tenants, guests, invitees and pets shall be obligated to refrain from any actions which would distract from the playing qualities of the Course. Prohibited activities include, but are not limited to:
 - Loud barking of dogs.
 - Allowing dogs or other pets on golf course property.
 - Playing of loud radios, televisions, stereos or musical instruments.
 - Running, bicycling, skateboarding, walking or trespassing in any way on the golf course property, including picking up or “hawking” golf balls or similar interference with play.
 - Using or otherwise changing the landscape of golf course land without the prior approval of the Carolina National Golf Course.
 - Using any portion of the golf cart path system, whether or not situated to any extent on Winding River Plantation common property, without the prior approval of the Carolina National Golf Course.
- Each owner acknowledges and agrees that owning property adjacent to any part of the Carolina National Golf Course has benefits as well as detriments. Detriments include:
 - Risk of damage to property from golf balls hit onto the property.
 - Risk of injury to persons and animals from golf balls hit onto the property.
 - Entry by golfers onto the property to retrieve golf balls.
 - Overspray from golf course watering systems.
 - Noise from golf course maintenance activities and equipment.
 - Odors arising from irrigation and fertilization of golf course turf.
 - Disturbance and loss of privacy from golf carts and golfers.
 - Application of pesticides and chemicals throughout the year.
 - Use of reclaimed water, treated waste water or other sources of non-potable water for irrigation.

I. Guns

(Article 10.18)

- The discharge of firearms within Winding River Plantation is prohibited. This includes, without limitation, “BB” guns, pellet guns and firearms of all types.

J. Irrigation Systems and Wells

(Article 10.23)

- Owners must obtain written approval from the ARB or MC prior to installing wells or sprinkler or irrigation systems on their properties.
- All homes built as of January 2013 must have an irrigation system installed.

K. Lakes, Ponds and Streams

(Articles 10.11, 10.22)

- No stream running across any property may be dammed, impounded, diverted or used for any purpose without the prior written consent of the Board. No property owner or tenant shall draw or pump water from any lake, pond or stream located within Winding River Plantation.
- Fishing is permitted for owners of a lot that abuts any lake, pond or stream owned by the Association, and also for all other WRPCA property owners if such lakes, ponds or streams are accessible from a common area. Fishing is not allowed in any lake, pond or stream adjacent to the golf course.
- Swimming, boating and other uses are prohibited.

L. Leasing

(Articles 2.1(j), 10.6)

- Units may be leased for residential purposes only.
- Owners (or their agent) shall provide tenants a copy of the Declaration, and leases must require tenant compliance. Property owners are ultimately responsible for ensuring that their tenants abide by the Declaration.
- Owners who lease their units for 2 weeks or longer must file a copy of the lease with the Property Management Office.
- Owners who lease their units shall be deemed to have assigned all rights of use and enjoyment of common areas that convey with the title to their units to the lessee of such units, and they will not be allowed to use community amenities while the lease is in effect.

M. Mailboxes

(Article 10.15)

- Applications for the initial installation or replacement of mailboxes must be approved by the ARB or MC respectively. The Association has the right to remove an unapproved mailbox at the owner's cost. Owners must contact the Property Management Office (PMO) to apply for mailbox purchase.
- All mailboxes, including newspaper slots, support structures and numbering must be uniform as determined by the ARB. Refer to *Design Requirements and Guidelines 5.Z ("Mailboxes")* for additional information.

N. Motor Vehicles

(Article 10.5)

- **State and Local Laws**
 - All drivers must observe North Carolina State traffic statutes when operating a motor vehicle inside the Winding River Plantation community, including speed limits and other traffic signs.
 - All vehicles operating on Winding River roads and properties must be "street legal"; that is, licensed in accordance with North Carolina law.
- **Speed Limit**
 - On state roads cutting through Winding River Plantation, the speed limit posted for Zion Hill Road is 45 MILES PER HOUR and the speed limit posted for Goley Hewett Road is 35 MILES PER HOUR.

- The speed limit on WRPCA roads is 25 MILES PER HOUR.
- **Parking**
 - Cars and non-commercial trucks and vans must be parked in garages or driveways unless otherwise approved by the ARB or unless otherwise parked in strict adherence to the following rules:
 - On-street parking on private roads within Winding River Plantation is permitted with the following stipulations: no overnight parking (1:00 AM until 6:00 AM); no parking within 25 feet of all gates; parking on one side of the street only to allow smooth traffic flow on narrow streets, especially for emergency vehicles; no blocking of driveways or mailboxes; parking must be as close to the curb (all wheels on hard surface only) as possible.
 - Parking is only permitted on lots during periods of construction activity on those lots. With prior written permission on file from an adjacent lot owner, an adjacent lot can be parked on and can be used to access the lot upon which there is construction activity.
 - Any unlicensed or inoperable vehicle must be parked in a garage, or it can be declared a nuisance and removed from Winding River Plantation property.
 - No motorized vehicles are allowed on pathways and unpaved common areas.
 - Owners' recreational vehicles (motor homes, mobile homes, boats, trailers and other towed vehicles, as well as motorcycles, mini bikes, scooters, go-carts, golf carts, campers and buses) must be parked in garages, or in any ARB approved hard-surfaced areas not visible from the street or the golf course, or in certain Association designated parking areas subject to those areas' rules and regulations and fees, as applicable.
 - **After registering** with the Property Management Office, one recreational vehicle may be parked on an owner's lot, in the owner's driveway as follows:
 - A guest's recreational vehicle may be parked in the property owner's driveway for up to seven (7) days twice per year
 - An owner's recreational vehicle can be parked on the property owner's driveway no more than three consecutive days (two nights) but not more often than twice per month strictly for the purpose of loading or unloading or performing major maintenance. This will be allowed strictly for the purpose of loading or unloading the recreational vehicle or performing major maintenance on the vehicle.
 - For unregistered and/or improperly parked recreational vehicles, the property owner will be subject to enforcement action.
 - After two days, illegally parked recreational vehicles can be declared a nuisance and can be removed from Winding River Plantation property.
 - A truck with mounted camper used as an owner's primary means of transportation is not considered a recreational vehicle if it is stored out of public view.
 - Owners' commercial trucks and vans must be parked in garages or in any ARB approved hard-surfaced areas not visible from the street or the golf course.

O. Nuisance

(Articles 5.2, 10.9)

- Property owners and occupants must prevent the development of any unclean, unhealthy, unsightly or unkempt condition on their property (Also see Section R.).
- Owners may not store anything on their property that causes the property to appear unclean or untidy or obnoxious to the eye.
- No substance, material or thing may be kept that will emit foul or noxious odors or that will cause any condition that might disturb the peace, quiet, safety, comfort or serenity of the occupants of surrounding property.
- No obnoxious or offensive activity shall be carried on within Winding River Plantation that may cause embarrassment, discomfort, annoyance or become a nuisance to anyone therein.
- Only sound devices for security purposes or sound devices approved by the ARB or required by law are permitted to be located on the exterior of any property.
- Open, outdoor burning is not allowed.

P. Occupants Bound

(Article 10.7)

- The provisions of the Declaration governing owner responsibilities and use restrictions also apply to all occupants. Fines can be levied against both owners and occupants. Owners can be required to pay fines not paid by their occupants.

Q. Owner Assessment Payment Responsibilities

(Article 8.1)

- Owners must pay their annual property owners' assessments ("annual dues") and any Special Assessment or Specific Assessment levied in a timely fashion.
- Possible penalties for assessment payment delinquencies include loss of amenity use, loss of voting rights, imposition of late/collection fees, and/or filing of a lien against the property.

R. Owner Maintenance Responsibilities

(Articles 5.2, 8.7, 10.9)

- Owners must maintain their units (homes and lots) according to their plans as approved by the ARB and/or the MC and according to the Community-Wide Standard as defined in Article 1.12 in the Declaration. In the event of damage to or destruction of the unit, the Owner shall proceed promptly to repair or to reconstruct in a manner consistent with the approved design including modifications.
- Owners must maintain their improved and unimproved lots as defined in the *Community-Wide Standard for Landscape Maintenance*.
- The exterior of all homes shall be kept clean and maintained in good condition by, but not limited to, such actions as pressure washing and painting. All repairs and maintenance shall be completed in a timely fashion.

- Owners who do not fulfill their maintenance responsibility after receiving written notice from the Association will reimburse the Association for costs incurred to perform the maintenance itself.

S. Prohibited Conditions

(Article 10.12)

- Tree Removal (Non-Wetlands Area): The ARB or the MC must pre-approve, in writing, the removal of all trees more than 6 inches in diameter at a point 4 feet above the ground.

EXCEPTION: The removal of the above-referenced trees that meet either of the two conditions listed below does not require written pre-approval from the ARB or the MC. However, under either of those two conditions, the ARB or the MC does require that owners provide written notification of their ‘intent to remove’ no less than 5 business days in advance of the scheduled removal. This notification to the ARB or the MC should detail which tree(s) will be removed and the reason for their removal.

Condition 1: Any tree located within 10 feet of any part of a residence (measured from the roof drip line), a drainage area or a driveway
 Condition 2: Any tree which is diseased, dying or dead

- Tree Removal (Wetlands Area): If the tree or trees stand in a designated wetlands (“404”) area, refer to *Design Requirements and Guidelines 5.MM (“Wetlands (404)”)* for removal allowances and restrictions.
- Exterior Lighting: The only visible (from the street) exterior lighting allowed is:
 - Lighting approved by the ARB or the MC (see *Design Requirements and Guidelines 5.Y (“Lighting”)*).
 - Seasonal decorative lights only during the season.

T. Security

(Article 4.8)

- The Association may, but shall not be obligated to, maintain or support certain activities (gates, security guards) within the Community designed to make the Community safer than it otherwise might be.
- The Association is not considered an insurer or guarantor of security, nor can the Association be held liable for any loss or damage because of a failure or ineffectiveness of any security measures.

U. Signage

(Article 10.4)

- Except as described below, no sign of any kind shall be displayed by an owner or occupant on any building, property owners' amenity, improved or unimproved lot or common area without the prior written consent of the ARB or the MC, as applicable. The following exceptions are permitted:
 - Such signs as may be required by legal proceedings.
 - Small signs in good taste (one each per lot) indicating the presence of a home security system or identifying the name of the owner or occupant of the property and/or its street numbers (However, see *Design Requirements and Guidelines 5.FF ("Signs")* for any restrictions or prohibitions associated with the use of "personalized house naming signs").
 - In the Seaside Neighborhood one professionally-lettered sign, sized per 5.FF. (3) c. of the *Design Requirements and Guidelines*, and placed in the front yard only, to advertise the property for sale or rent.
 - Political signs, not to exceed 24" by 24" in size, placed on the personal property of the owner and not in a common area, right-of-way or easement, which may be displayed no earlier than 45 days before the day of the election and must be removed no later than 7 days after Election Day.

Refer to *Design Requirements and Guidelines 5.FF ("Signs")* and *Appendix I ("Standard Seaside For Sale/For Rent Sign")* for additional allowances and restrictions associated with the above and other types of signs.

V. Sight Distance at Intersections (Article 10.14)

- Nothing that obstructs visibility between 2 feet and 6 feet above the roadway will be allowed within 25 feet of a road intersection and 10 feet of a driveway and road intersection. This includes, but is not restricted to shrubs, fences and walls.
- Trees shall be allowed within restricted distances if foliage is maintained at sufficient height to prevent line of sight obstruction.

W. Storage of Materials and Garbage, Dumping, etc. (Article 10.16)

- All materials, garbage, etc. shall be located or screened so as to be concealed from view of neighboring streets and properties, with the exception that approved trash/garbage/recycling receptacles may be placed at curbside from sundown the night before scheduled pickup to the end of the day of pickup (also see *Design Requirements and Guidelines 5.V ("HVAC Units, Trash and Recycle Receptacles")* for additional screening/concealment requirements.
- All rubbish, trash and garbage shall be regularly removed and shall not be allowed to accumulate.
- Compost containers are considered on an individual owner basis and must be approved by the ARB or the MC.
- No dumping of grass clippings, leaves or other debris. No dumping of rubbish, trash, or garbage; petroleum products; fertilizers; or other potentially hazardous or toxic substances in any drainage ditch, stream, pond or lake within the properties, except

- that fertilizers may be applied to landscaping on properties provided care is taken to minimize runoff.
- No lumber, metals, bulk materials, refuse, trash or other similar materials shall be kept, stored or allowed to accumulate on any properties, whether improved or unimproved, except during construction.
 - During construction, the building materials on any property shall be placed and kept in an orderly fashion, and any trash or waste materials shall be regularly removed.

X. Temporary and Prefabricated Structures

(Article 10.21)

- No temporary house, dwelling, garage, barn or out-building shall be placed or erected on any property.
- No mobile home, trailer home, travel trailer, camper or recreational vehicle shall be stored, parked or otherwise allowed to be placed on any property as a temporary or permanent dwelling.
- No modular home or manufactured home shall be placed, erected, constructed or permitted on any property. This includes any prefabricated or pre-built dwelling.
- A temporary storage facility, e.g., a storage POD, may be used during alterations, renovations, or repairs only with the approval of the MC.

Y. Wetlands

(Article 10.24)

- All areas designated on any recorded plot as “wetlands” shall be generally left in a natural state and any proposed alteration of the wetlands must be in accordance with any restrictions or covenants recorded against such property and approved by the Army Corps of Engineers (COE) and Division of Water Quality (DWQ).
- Prior to any proposed alteration, including fill, the owner shall obtain approval for such alteration from the COE, the DWQ or the ARB/MC, if applicable.

Please reference *Design Requirements and Guidelines 5.MM (“Wetlands (404)”*) for detailed requirements specific to the preservation of wetland areas.