

Providence Downs Homeowners Architectural and Landscape Guidelines Effective May 1, 2006

Revised December 12, 2011

The Architectural Control Committee (ACC) of Providence Downs Homeowners Association (PD) has promulgated these guidelines in accordance with the Providence Downs DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CCRs). The Architectural and Landscape Guidelines are to provide a basis for approvals by the Architectural Control Committee of Requests for Improvements.

Mission Statement PD Architectural Control Committee

The Mission of the ACC is:

- To fulfill the requirements of the CCRs for approval and control of improvements and maintenance
- To create and publish new guidelines for improvements that assure the beauty, property value, and quality of life in Providence Downs are maintained
- To recommend enforcement actions to the Providence Downs Board of Directors in a manner that is responsive and empathetic to the residents of Providence Downs
- The ACC will meet monthly on the 4th Tuesday of the month to consider requests for improvements.

Authority for Promulgating Architectural and Landscape Guidelines:

The Providence Downs DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CCRs) requires the Architectural Control Committee to publish and promulgate Architectural and Landscape Guidelines (ALGs) (Article VI, Section 3) to provide the basis for architectural review and approval of improvements for properties within Providence Downs. These guidelines serve as additional clarification and definition of Article VI of the CCRs and, as such, together with the PD CCRs are the governing authority for improvements. A person that wants to make improvements to property within the jurisdiction of Providence Downs Homeowners Association should review both the ALGs and the CCRs prior to submitting a request to the ACC for improvements.

Responsibility for compliance with Building Codes and other regulations

The ACC reviews and acts on any *Request for Improvements* in accordance with the CCRs and the ALGs. The homeowner is responsible for obtaining all necessary permits and ensuring that all work (improvements) meets or exceeds existing codes, standards, and regulations of federal, state and local authorities. Regulatory specifications take precedence over an ALG or CCR requirement.

Approval of Architectural and Landscaping Guidelines

The Architectural and Landscaping Guidelines and future changes will be approved and signed by the ACC and the “Declarant.” “Declarant” is defined in Article I, Section 5 of the CCRs.

Requirements for Approval of Improvements

Unless specifically stated in these ALC Guidelines, ALL improvements must be submitted for approval to either the “Declarant” or the ACC BEFORE construction or installation begins. *Improvements* are defined in Article VI, Section 4 of the CCRs. An approval form and instructions for submission are provided in Appendix 2.

Responsibility for Approval of Improvements

Original Construction

The “Declarant” is responsible for approving the architectural plans for constructing a new house, the location of driveways, pedestrian walkways and the initial landscaping. The Declarant may approve other ancillaries that are specifically described within the ALGs. The “Declarant” may not grant approval to other builders for variances from the established CCRs and ALGs without the expressed written approval of the ACC.

Amendment: As outlined in the Declaration of Covenants, Conditions & Restrictions Article 6 Section 1, “No improvements including without limitation...any landscaping...shall be commenced, erected or maintained on any portion of the Property, until: (a) the Architectural Control Committee...has approved the plans and specifications therefore and the location of such Improvements and has given its written approval for commencement of construction.” Therefore, the “Declarant” hereby grants authority to the Architectural Control Committee to review and approve or deny all future initial landscaping plans for any property in the Providence Downs community. (3/24/08)

Additions and other Improvements

All improvements to Class A Lots as defined in Article III, Section 2, subparagraph (a) of the CCRs, require approval by the Providence Downs Homeowners Association’s ACC unless specifically defined within the ALGs.

Process for Approval of Improvements

1. Submit a *Request for Improvement* in duplicate to the ACC for each improvement seven (7) days prior to an announced ACC Meeting. (Forms and instructions are provided in Appendix 2. An eform may also be filled out and submitted via the Providence Downs website, <http://www.braesael.com/providencedowns/login>).
2. The ACC will review the request and notify the homeowner within 5 days of the meeting by Email, phone or personal contact. A copy of the approved request will be delivered in person or placed in the homeowner's paper box.

Frequency of Meetings

The ACC shall meet at least once per month at a time to be published in the **(Providence Downs HOA Newsletter or the HOA Website)**. More frequent meetings may be called to conduct ACC business.

Definition of "Improvements" Article VI, Section 4 ACC CCRs

The term "Improvement" or "Improvements" shall mean and include any and all man-made changes or additions to a Lot, including but not limited to

- the location, materials, size and design of all buildings (including any exterior devices attached to or separate from buildings, such as heating and air conditioning equipment, solar heating devices, antennae, etc.),
- storage sheds or areas, roofed structures, parking areas,
- fences, pet "runs", lines and similar tethers or enclosures,
- walls, landscaping (including cutting of trees), hedges, poles, driveways, ponds, lakes, changes in grade or slope, site preparation,
- swimming pools, hot tubs, statues or statuary, outdoor fireplaces, Jacuzzis, tennis courts, play sets, basketball goals, skateboard ramps, trampolines and other sports or play apparatus,
- Signs, exterior illumination and changes in any exterior color or shape.

The definition of Improvements includes both original Improvements and all later changes to Improvements. The definition of Improvements, however, does not include the replacement or repair that does not change exterior colors, materials, designs or appearances from that which were previously approved by the Architectural Control Committee.

Guidelines:

Grandfathering: All improvements approved and completed prior to the promulgation of a new guideline will continue until such requires replacement. Approval is required for replacements and the current guideline will be used as a basis for approval.

Providence Downs requires a 15 ft. minimum side and 40-50 ft. (depending on lot location) rear setback. Setback for all non-home structures, exclusive of fencing, is 6 ft. or higher. Other restrictions such as street view compliance may require additional setback. In general, the best location for activity centers is behind the home. Permanent driveway basketball goals are the exception, since they cannot typically be located behind the property.

In addition, a suitable evergreen screening is required for all permanent activity centers as defined above. The screening should be developed to provide privacy for the homeowner, while blocking the activity center from the adjacent homeowners. Acceptable plants may include the following, but are not limited to;

Trees

Canadian Hemlock	Pyramidal 40'H x 20'W partial shade
Podocarpus	Pyramidal 15-50' H x 6-15' W partial shade
Spartan Juniper	Columnar 20'H x 4' W full sun
Tiny Tower, Italian Cypress	Columnar 8'H x 2' W full sun
Leyland Cypress	Columnar 20-70' x 6-15' full sun
Cryptomeria Japonica (various)	Pyramidal 3-15'H x 3-10'W full sun

Hollies

Sky Pencil	Columnar 6'H x 10"W full sun
Jersey Pinnacle	Columnar 8'H x 2' W full sun
Nelly Steven's	Columnar 20'H x 10'W full sun
Yaupon	As pruned 1.5-20'H x 4'W full to partial sun

Scrubs

Gardenia	As pruned 1-8'H x 1-4' W full to partial sun
Japanese Anise	6-10' H x 6-8'W full to partial sun, tolerant of wet soils
Camellia	As pruned 3-15'H x 2-8'W shade
Michela figo	6-10'H x 2-4'W full to partial sun
Hertz Midget Thuja	Global 3-4'H x 3-4'W full to partial sun
Globosa Thuja	Global 3-4'H x 3-4' W full to partial sun
Boxwood	As pruned 1.5-20'H x 4'W x 4' D full to partial sun

1.0 Additions, Outbuildings, and Decks

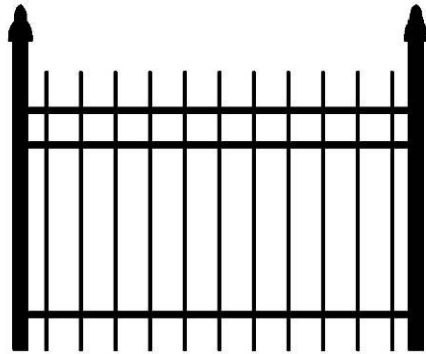
- 1.1. Design and construction of additions and outbuildings must be consistent with the architecture of the lot, neighborhood and development for:
 - 1.1.1. Setback and location on the lot
 - 1.1.2. Exterior fit, finish, trim, and materials
 - 1.1.2.1. Ideally, the existing house foundation would be continued around the perimeter of a covered or uncovered deck. At a minimum, the underside of an addition must be screened using approved landscaping materials.
 - 1.1.2.2. Pressure-treated framing lumber can be used but it must be stained, painted, or wrapped to match or complement the existing house. The as-delivered appearance of the wood in green or blue tint is not acceptable.
 - 1.1.2.3. Pressure-treated wood can be used as decking material on covered decks only. Exposed decks shall have a minimum surface of composite materials and preferably hardscape materials.
 - 1.1.3. Roof pitch, finish, and materials
- 1.2. The following types of outbuildings are not permitted:
 - 1.2.1. Prefab or pre-manufactured buildings
 - 1.2.2. Any building that is not stick built (constructed on-site)
- 1.3. All temporary construction signs, permits, survey stakes, porta-jons, dumpsters or any other item associated with any improvement project must be removed within five (5) business days after the completion of such project.

2.0 Fences and Walls

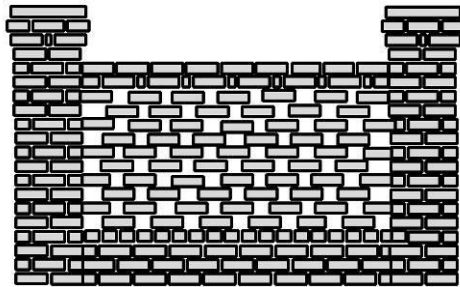
- 2.1. Approved Fence Configurations
 - 2.1.1. Black ornamental metal (iron or aluminum).
 - 2.1.2. Brick fencing, to be faced on both sides, with decorative columns, spaced no further than 10' apart. Either solid or lattice fencing is acceptable.
 - 2.1.3. Fence Height shall not exceed 6 feet. Columns may exceed the fencing height by no more than 12 inches.
 - 2.1.4. Privacy fencing is permitted only on the perimeter of the subdivision and is subject to the discretion of the ACC.
 - 2.1.5. Examples of but not limited to approved fencing are provided in Figure 1.
 - 2.1.6. Installation company nameplates are not permitted to be installed on any fencing.

Figure 1: Approved Fence Constructions

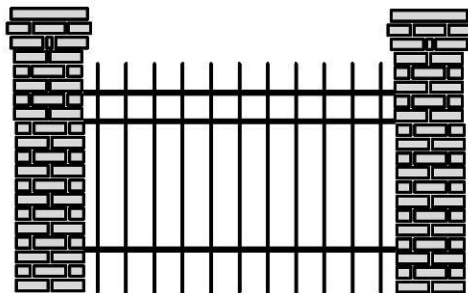
Black Metal Fence
(Required: Golf Course & Divide Drive boundary lots)



Brick Post & Running Lattice Fence
(Requirement: Must Match Brick on House)



Brick Post & Metal Combination Fence
(Requirement: Must Match Brick on House)



- 2.1.7. “Invisible” pet fencing
 - 2.1.7.1. Does not require ACC approval
- 2.1.8. Pet “runs” or lines and similar tethers
 - 2.1.8.1. These are not allowed.
- 2.1.9. Border Walls
 - 2.1.9.1. Border walls made of Windsor blocks, brick, stone or other natural or man-made materials specifically manufactured or quarried for wall construction and that do not exceed 18 inches in height at the highest point relative to grade do not require approval.
Landscaping railroad ties and treated lumber are not acceptable for border walls.
 - 2.1.9.2. All border walls exceeding 18 inches in height require approval
 - 2.1.9.3. The construction of border walls MUST be level and plumb when finished
 - 2.1.9.4. All walls must be maintained so as to not tilt, sag, or buckle over time
 - 2.1.9.5. Walls shall be constructed in such a manner so as to not obstruct or redirect the natural flow of storm water runoff on the property
 - 2.1.9.6. **Borders for play sets that are installed by the manufacturer or distributor and designed to provide a holding area for wood chips, rubber mulch or other suitable material, may be of treated lumber or like material as long as the border does not extend more than 4 inches above the ground.**

3.0 PET RESIDENCES: A pet residence is any structure, area or provision for an animal to reside temporarily or permanently outside the house or garage. All pet residences require ACC approval prior to construction.

- 3.1. These guidelines are established to enable an owner to have a pet residence in accordance with the Providence Downs Declaration of Covenants, Condition and Restrictions (Article VII, Section 9) for Providence Downs.

A Pet Residence-

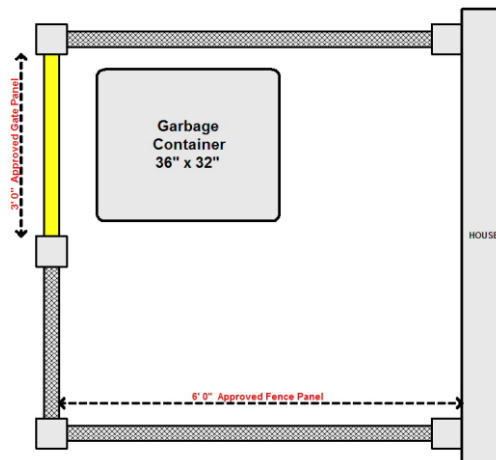
- 3.1.1. Must be in harmony with existing structures of the residence and neighborhood (Article VII, Section 11). Screening with appropriate landscaping is recommended.
- 3.1.2. May be painted to match the trim of the house
- 3.1.3. May not be a temporary structure (Article VII, Section 9)
- 3.1.4. Must be located within 10 feet of the rear of the residence
- 3.1.5. May not include any fence enclosures (an approved lot perimeter fence is not a pet residence enclosure) (Article VII, Section 15)
- 3.1.6. May not be visible from the front centerline of the house (See Appendix 1).

- 3.1.7. May be built under a deck but must be consistent with the above guidelines.

4.0 Enclosures

- 4.1. **OUTDOOR ENCLOSURES:** An outdoor enclosure is defined as any fence, wall or other structure erected by the homeowner to hide or obscure the view of garbage cans and recycling bins, heating and air conditioning units and utility meters and connections on the outside of the house including the garage.
- 4.1.1. Brick and other materials that match the exterior finish of the residential structure are the preferred materials for construction of such enclosures.
- 4.1.2. On those houses with side-loading garages, the enclosure should be set at least two feet (2') beyond the garage door toward the rear of the house. The maximum size for an enclosure to contain garbage cans and recycling bins is seven feet by seven feet (7'x 7'), see Figure 3.

Figure 3: Layout for Garbage/Recycle Enclosure



- 4.1.3. For those enclosures used to screen heating and air conditioning equipment in addition to cans/bins, a drawing showing the enclosure footprint must be submitted to the ACC for approval.
- 4.1.4. No enclosures will be permitted along the front wall of a house or garage. The front wall is considered to be the wall facing the street upon which the house fronts.
- 4.1.5. All panel enclosures should be installed with matching posts, gates and hardware to provide a tasteful and finished look. **A roof over the enclosed area is not permitted.**

5.0 Mailboxes

- 5.1. Mailboxes shall be consistent within all phases of the community. Approved suppliers and styles attached.

6.0 Landscape Guidelines

- 6.1. These guidelines are being published consistent with Article VI; Section 1; and Section 3; of the Declaration of Covenants, Conditions, and Restrictions for Providence Downs.
 - 6.1.1. Maintaining the value, character, and appearance of the residential community.
 - 6.1.2. Providing a consistent landscaping approach to all homes and common properties that the Association maintains.
 - 6.1.3. Preserve the quality of the natural amenities of our subdivision.
 - 6.1.4. Insuring that consistent criteria will be applied to all homeowners regarding landscape beds, lawn maintenance, tree planting, removal and pruning and other areas identified under the heading of “Other Landscape Areas” in this document.
- 6.2. Trees, Plantings and Shrubs (Article IX, Section 1)
 - 6.2.1. No trees, plantings or shrubs of any kind may be installed in the Providence Downs subdivision that are considered exotic or invasive species, as defined and listed by the State of North Carolina’s Department of Agriculture (www.ncagr.gov). These listings may be modified from time to time by the Department of Agriculture.
 - 6.2.2. Each homeowner is responsible for maintaining all trees, plantings, and shrubbery in a neat and orderly manner. If in the sole opinion of the Architectural Control Committee (ACC) a homeowner’s trees, plantings, or shrubbery are unsightly or not cared for consistent with the overall appearance of the Providence Downs Community, the ACC will require timely corrective action by the homeowner.
 - 6.2.3. Vegetable Gardens are allowed with the following restrictions: maximum garden area is 50 square feet, maximum plant height is six feet, area must be maintained at all times including removal of dead plantings, area must not be viewable from the street, area must be screened from view of neighbor, garden area must be mulched to match rest of bedding areas on the property.
 - 6.2.4. All trees added to the property must be at least 2 inches in diameter when measured 12 inches above the root ball.
- 6.3. Lawn Maintenance and Vacant Lot Maintenance (Article IX, Section 1)
 - 6.3.1. Lawn maintenance, which includes mowing on a regular basis, fertilizer, and weed killer at least twice yearly, is essential. No owner’s lawn grass shall exceed a length of six (6) inches in height, when measured from ground level, without being mowed. **Acceptable lawn grasses do not include pasture grasses, weeds, or crab grass.**
 - 6.3.2. Vacant lots.
 - 6.3.2.1. Any trash, garbage, or debris accumulation on any vacant lot shall be removed in a timely manner upon notification from the PD Board of Director’s (BOD’s) agent. The first 40 feet from the street must be maintained with mulch or grass. A silt fence may be required until the grass is established or mulch is applied. The grass must be maintained and mowed on a regular basis, refer to 6.3.1.

6.3.3. Irrigation – Homeowners are expected to demonstrate reasonable effort to keep their trees, plantings, shrubs and lawns adequately watered to prevent their demise.

6.3.4. Bedding Areas

6.3.4.1. All bedding areas on each lot shall be mulched to prevent weed promulgation and loss of soils. Bark chips, pine needles, cypress mulch, soil blends or other acceptable wood product derivatives may be used for bedding coverage. Bare ground beds are not acceptable, as viewed from the street. All bedding areas are required to be in compliance with this guideline by September 15, 2005. (Date of promulgation September 15, 2005). Stone bedding is not acceptable. All future bedding areas are required to be in compliance with this guideline as of June 10, 2008.

6.4. Removal of trees

6.4.1. Approval is required for removal of any tree that is 4 or more inches in diameter when measured 12 inches above ground. A suitable replacement tree 2 inches in diameter for each tree removed may be required. With five or more removals the homeowner can petition the ACC for a reduced number based on a number of factors, such as current tree population, existing adjacent lots and landscaping.

6.5. Temporary and Permanent Lawn Decorations

6.5.1. Temporary and permanent lawn ornaments, decorations and statues which may include but are not limited to, bird baths, lattice fencing, benches, chairs, ornamental posts, figurines or similarly decorative novelties shall require approval by the ACC prior to placement on the owner's property.

6.6. Exterior illumination and signage.

6.6.1. All exterior lighting, which includes but is not limited to accent lighting or path lighting shall not be excessive or obtrusive to neighbors.

6.6.2. Twelve (12) volt accent designs with 20-watt bulbs are recommended.

6.6.3. Except as provided in Article 47F of the North Carolina Planned Community Act, only two signs may be displayed on a property: one (1) Sq. Ft. for the purpose of identifying a professional security company and one (5) Sq. Ft. for the purpose of property sale. The signage for property sales must follow the standard Providence Downs signage guidelines (see below). No signage is allowed in the common areas; no temporary signs for garage sales, company advertising, political campaigns etc. are permitted. (Garage sales are not permitted in Providence Downs) (((REV 2/10/09)))



6.7. Other Outdoor Areas

6.7.1. Trash Containers

6.7.1.1. Trash containers must remain out of sight from the street at all times except during the day of collection.

6.7.1.2. Trash containers may not be placed at the collection point prior to 6:00 p.m. on the day prior to collection.

6.7.1.3. Trash containers must be removed from the street pickup point by midnight on the day of collection.

6.7.2. Debris Removal

6.7.2.1. Litter, trash, refuse, and waste must be removed from an owner's property in a timely manner.

6.7.3. Driveways and parking areas

6.7.3.1. Must be kept in good repair

6.7.3.2. Any change in surface (application of painting, staining, etching, etc.) requires prior approval by the ACC.

6.7.4. Seasonal Decorations

6.7.4.1. Reasonable seasonal decorations are permitted without approval beginning 30 days prior to the event and are to be removed within 30 days following the event.

7.0 Play and Recreational Improvements

Including but not exclusively listed: tennis courts, **play sets**, basketball goals, skateboard ramps, trampolines and other sports or play apparatus. **No structure shall be permitted that exceeds 12 feet in height, with the exception of basketball goals, which typically are 13-14 feet in height.**

7.1. All play and recreation equipment must be submitted for approval.

7.2. All play and recreation equipment whether portable or permanent must be kept in good repair and appearance.

- 7.3. All play and recreational equipment *previously approved* will remain until equipment is in need of replacement, then these guidelines must be followed.
- 7.4. The preferred material of construction for play equipment is natural or stained wood. Other materials will be considered upon request. (Painted steel or other ferrous or non-ferrous metals are not acceptable)
- 7.5. All play and recreational equipment is to be confined to the rear yard of the property and not visible when the house is viewed from the front street (See Appendix 1). When possible, the equipment should be installed in a natural area on the property. Landscaping screening around all permanent equipment is required and exceptions must be approved by the ACC.
- 7.6. All (portable/temporary) play and recreation equipment, when not in use, should be out of the direct view of the front street. Care must be taken to avoid clutter of play and recreation equipment in yards and driveways.
- 7.7. Play Houses must be natural long-life wood products such as cedar or cypress or of matching materials and colors of the existing house structure.
- 7.8. Basketball goals, trampolines or other recreational equipment portable or permanently installed must be submitted for approval. Portable equipment CANNOT, at any time, be placed in the streets of the development, in order to be more considerate of your neighbors at dusk or during vacation times, reasonable effort should be made to store recreational equipment in an inconspicuous location on the homeowner's lot.

8.0 IMPROVEMENTS NOT REQUIRING ACC APPROVAL

- 8.1. The definition of Improvements includes both original Improvements and all later changes to Improvements. The definition of Improvements, however, does not include the repair if the repair does not change exterior colors, materials, designs or appearances from that which was previously approved by the Architectural Control Committee.
- 8.2. Specific Improvements not requiring approval:
 - 8.2.1. Invisible Fencing for pet containment
 - 8.2.2. Normal lawn, tree, shrub and bed maintenance, replacement of dead plantings, rotation of annuals and minimal additions to existing flowerbeds
 - 8.2.3. Maintenance of the exterior of homes or structures that do not change the structure or color
 - 8.2.4. Staining and sealing of decks provided natural wood tones or home trim colors are used. See Section 1.1 regarding the materials of construction for decks
 - 8.2.5. For irrigation systems the ACC Guidelines require the backflow valve to be concealed from view with shrubbery or completely buried
 - 8.2.6. Border walls made of Windsor blocks, brick, stone or other natural or man-made materials specifically manufactured or quarried for wall construction and that do not exceed 18 inches in height at the highest point relative to grade do not require approval.
 - 8.2.6.1. The construction of border walls MUST be level and plumb when finished

8.2.6.2.All walls must be maintained so as to not tilt, sag or buckle over time

8.2.6.3.Walls shall be constructed in such a manner as to not obstruct or redirect the natural flow of storm water runoff on the property.

9.0 Compliance

Failure to comply with the CCRs and ALGs will be processed according to the Providence Downs HOA Schedule of Fines for Covenant Violations.

Appendix 1

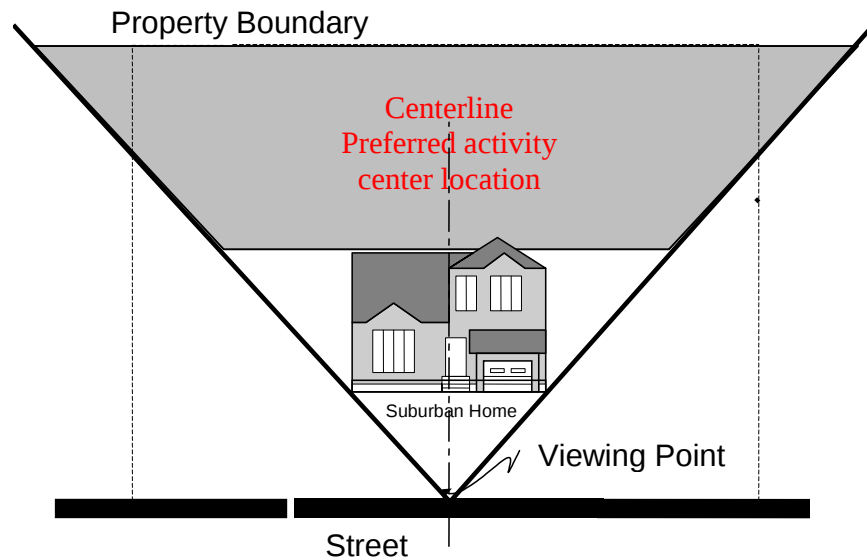
Definitions, Descriptions and Diagrams

1.0 Requirement: Not Visible from street in front of house:

1.1. The following diagram shows the intent of this definition

Any apparatus must be placed behind the back wall of the house and between the angle lines (grey area).

Viewing Point is the intersection of the centerline of the home extended to the fronting road and the curb of the fronting road closest to the home.



Appendix 2

PROVIDENCE DOWNS HOMEOWNER'S ASSOCIATION

INSTRUCTIONS

REQUEST FOR ARCHITECTURAL REVIEW & APPROVAL

Requests should be submitted 7 days prior to the ACC meetings. As of September 2005, the ACC meets on the fourth Tuesday of each month. Requests submitted within 7 days of the scheduled meeting will be reviewed if time permits, however, the ACC cannot assure late requests will be reviewed at the meeting.

NOTE: As with all improvements, the homeowner is responsible for obtaining all necessary permits and ensuring that all work meets or exceeds existing codes, standards and regulations of federal, state and local authorities.

Requests may be submitted in one of three ways:

- 1) **INCLUDE TWO (2) COMPLETE COPIES OF THE REQUEST:** one copy will be returned to the requestor with the committee's response. A response will be provided within the next day if an email address is included with the form.
- 2) **ELECTRONIC SUBMISSION:** As an alternative to hardcopy submission as outlined above, the homeowner may scan and email the completed application to the Property Management Company and a member of the ACC for consideration. Every effort will be made by the ACC to review and notify the homeowner and the Property Management Company promptly with their decision via email.
- 3) **EFORM SUBMISSION:** The homeowner can fill out an eform by accessing the Providence Downs website, logging in, and filling out the required fields. The form will then be automatically submitted to the Property Management Company and ACC for review. Notification of the status of the application will be via email.

ATTACH A DETAILED DESCRIPTION OF THE PROPOSED IMPROVEMENTS: A copy of the plot plan with the location of the improvement is required when the improvement is an addition, landscaping or placement of equipment, statues and fences.

THE ARCHITECTURAL CONTROL COMMITTEE RESERVES THE RIGHT TO REQUEST ADDITIONAL INFORMATION/EXHIBITS TO CLARIFY THIS REQUEST.

REQUESTS FOR MULTIPLE CHANGES SHOULD BE SUBMITTED SEPARATELY.

Reference: Providence Downs, The Covenants, Commands and Restrictions are filed in Union County as follows; Phase 1, Plat Cabinet F, File Number 608&609, Phase 1,2, Plat G, File Number 104, Phase 2, Map 3, Plat Cabinet G, File Number 191, Phase 2, Map 4, Plat Cabinet G, File Number 295, Phase 2, Map 5, Plat Cabinet G, File Number 312, Phase 2, Map 6, Plat Cabinet G, File Number 538, Phase 3A, Map 1, Plat Cabinet G, File Number 313, Phase 3B, Map 1, Plat Cabinet G, File Number 459, Phase 3C, Map 1, Plat Cabinet G, File Number 731-732, Phase 3D, Map 1, Plat Cabinet H, File Number 340, Phase 4, Plat Cabinet H , File Number 51&52, Phase 5, Map 1, Plat Cabinet H, File Number 15&16, Phase 5, Map 2, Plat Cabinet H, File Number 293&294, Phase 6, Map 1, Plat Cabinet H, File Number 582&583, Phase 6A, 6B Map 2, Plat Cabinet H, File Number 705&706.