

The Neighborhood Association of Pondside, Inc. Homeowners Association Architectural Guidelines

(Approved by the Architectural Control Committee May 17, 2022)

As defined in the Covenants, Conditions and Restrictions (CCR) as noted by these sections.

Section 1.4 "Architectural Control Committee" or "ACC" shall mean and refer to the committee that oversees the development and enforcement of the Guidelines and performs certain other functions described in ARTICLE IX.

Section 1.15 "Guidelines" shall mean and refer to the Architectural Guidelines published by the ACC, as set forth in **Section 9.3.**

Section 9.1. General. Notwithstanding anything contained in this Declaration to the contrary, no construction activity of any type, including, without limitation, grading or site preparation on any Lot, erection of Improvements or exterior additions, no structures or fences, alterations or painting of the exterior surface with a color or shade of color different than that originally painted by a Builder to any improvement situated upon the Property, or any cutting of "mature trees" on any Lot, shall be commenced, erected or maintained, until all the following conditions have been satisfied: (a) an application for approval has been submitted to the ACC; (b) the ACC has given written approval for the plans and specifications for the Improvements, the location of such Improvements, and the commencement of construction, all in accordance with the terms and requirements in the Guidelines; (c) the fees set forth in or contemplated by this ARTICLE IX have been paid in full by the Owner; and (d) all applicable permits required by the Zoning and Subdivision Ordinances shall have been obtained from the Town of Indian Trail. The provisions of this ARTICLE IX shall not apply to the construction of any Improvements commenced, erected or maintained by Declarant or any Builder on any Lot or upon any of the Common Areas. Declarant and/or the Association may delegate to the ACC any powers or authority reserved or granted to it under this ARTICLE IX.

Section 9.3. Architectural Guidelines.

9.3.1 The ACC may, from time to time, publish, promulgate and amend the Guidelines. The Guidelines shall be explanatory and illustrative of the general intent of the ACC with respect to the construction of certain Improvements on Lots and are intended as a guide to assist the ACC in reviewing plans and specifications for Improvements. The Guidelines shall also set out, among other things, the procedures for submission, review and approval of plans and specifications (for the construction of Improvements) to the ACC and the fees to be imposed by the ACC, as more specifically described in **Section 9.7.** In any event, the Guidelines shall not

be binding upon the ACC, may be revised and amended at any time by the ACC, in its sole discretion, and shall not constitute, in every event, the basis for approval or disapproval of plans, specifications and other materials (for the construction of Improvements) submitted to the ACC for approval. The ACC may issue and amend the Guidelines, from time to time, and may publish and promulgate different Guidelines for different phases, sections or portions of the Property.

Association living requires the full cooperation of all residents. Accordingly, it is important that each owner/resident familiarize himself/herself with the CCRs, as amended, and the following Architectural Guidelines (Guideline) to ensure that all residents of The Neighborhood Association of Pondside, Inc., hereinafter referred to as Homeowners' Association (HOA), enjoy the quality of life planned for this community.

These Guidelines are established for the HOA in accordance with Sections **VII** and **IX** of the above referenced CCRs. When adopted, these Guidelines become a working component of the CCRs.

The purpose of the Guidelines is to complement the CCRs and to be consistent with the intent of the Declaration to preserve, maintain, and enhance the integrity of the HOA, property values, and architectural harmony of the buildings and site design of the community.

As provided for in the CCRs, it is the responsibility of the HOA, through its Board of Directors and the Architectural Control Committee (ACC), to administer and enforce these Guidelines. These Guidelines may be amended as the needs and desires of the community change. The Board welcomes comments or suggestions from HOA members regarding the Guidelines. Consideration will be given to any written proposal to modify or amend any portion of the Guidelines.

With the recognition that tastes, and styles may change, the HOA Board, ACC, and HOA members, should monitor the effectiveness, practicality, and applicability of these Guidelines in order to initiate amendments, when warranted.

The success of any community is founded on the principles of common decency, respect, and consideration for the basic rights of neighbors. These Guidelines are a ready reminder and reference to the various obligations residents have to one another. Please keep this copy of the Guidelines with your other HOA documents. Please become familiar with the Guidelines and with the CCRs, where some items are more specifically defined.

If you have tenants in your house, provide them with a copy of the Guidelines and all governing documents. It is the Owner's responsibility to ensure that their tenants understand and abide by these Guidelines and corresponding CCRs as detailed in Section 7.24, of the CCRs.

Appendix E provides details on the October 2015 Board of Directors Amnesty Resolution for existing Violations of CCRs and Rules, Regulations and Guidelines.

1. Exterior Modifications to the Lot and/or House/Homes

As provided for in the Covenants, Conditions and Restrictions (CCRs), (Article IX), the HOA Board of Directors (Board) established the Architectural Control Committee (ACC) to receive, review, process, and approve/disapprove requests from Homeowners for proposed alterations to the home's exterior or lot that require ACC approval. This committee is comprised of volunteer homeowners appointed by the Board. The purpose of the ACC is to ensure the architectural design of the community is maintained and to establish quality standards for construction and modifications to homes, lots or landscaping which will not cause irreparable harm or damage to other homeowners or damage values of respective properties in the subdivision. (CCR Section 9.4.1)

Alterations to the homes exterior or lot that require ACC approval include, but are not limited to: fences, roofs, patios, decks, paint (other than original color), exterior finishes or components, and landscaping. Modifications to the home or lot must be submitted to the management company in writing using the Request for **Architectural Review & Approval** form with full plans and details. Homeowners should review the CCRs and these **Rules, Regulations and Guidelines (RRGs)** to determine if there are restrictions or requirements for the modification they are planning.

By completing and submitting the form, the homeowner agrees to be bound by the provisions reflected in the "Comments" section of the form. The management company, will forward the request and all supporting documentation to the ACC. In most cases, the ACC will schedule an on-site meeting with the homeowner to discuss the request. Additional information may be required. A decision may be rendered within 30 days from the date received if the form was fully completed and supporting documentation was received in a timely manner.

Review and Approval Process – Step by Step

1. When planning changes/additions to your property, please review these Rules, Regulations and Guidelines to determine that your modification is in compliance.
2. Print out the **Architectural Review & Approval** form and complete.
3. A plat of the lot must be included when adding a fence, landscaping or structure. A copy of the plat may be obtained from the Town of Indian Trail.
4. Submit the **Request for Architectural Review & Approval** form to the management company via US Postal mail or using the Associations web site and clicking on the management company's web link to upload your request.
5. The management company will forward your request to the ACC or upload to their Architectural Review page on their website.
6. The ACC Committee will review the request with site-visits and meetings if necessary.
7. The ACC will approve or disapprove the request, providing comments, and send it to the Board and management company.

8. The management company will notify the homeowner of the decision via US Postal mail.

2. SPECIFIC ARCHITECTURAL GUIDELINES

The Architectural Control Committee, pursuant to the authority granted to it in the CCRs has established the following guidelines which are in part taken directly from the Declaration.

A. Exterior Enhancements to the House

Awnings are only permitted on the rear of the house. Awnings are not permitted along the front or side of the house. (3.A.2 & 3.B.14) The exterior of a house may utilize a shade to reduce direct sunlight affecting the front or rear of a house. The shade must be of a neutral solid color or matching that of the front door, shutters or trim. The shade may not have any Logos, Sayings, Memorabilia, wording or images when it is lowered. (ACC approval required)

Garage doors with windows are not permitted unless installed when house was built. (3.A.7)

Hoses and Watering Devices are permitted. Hose reels must be mounted on the side of the house not the front of the house. All hoses and watering devices must be neatly stored when not in use. (3.A.8 & 3.B.6)

Ornamentation may be attached to the house exterior. (3.B.11) (ACC approval required)

Painting exterior surfaces with a color or shade of color different than originally painted by the Builder must be approved in advance and in writing by the ACC by submitting a Request for Architectural Review & Approval (Request). Please note: A Request is NOT required if a color from the list in **Appendix C** is selected to paint the front door and / or shutters. (3.F.5)

Roofing Repair or replacement. In the event there is a need to replace individual shingles or the entire roof, the shingles must be of good grade, quality, and appearance. The shingles must be either composition (fiberglass) or architectural (sculpted). Owens Corning brand and color Driftwood are the preferred shingle brand and color. If homeowners would like something different, they must submit a Request to be reviewed and approved or denied by the Architectural Control Committee. All replacement of roofs must receive ACC approval. (3.B.15)

Storm Doors may be attached to the front of the house. The storm door must be full view clear glass storm/screen doors framed in white or the color of the trim around the front entry door. Full view with a “roll away” screen is an acceptable alternative. Manufacturers such as Pella and Larson are recommended. Examples shown in **Appendix A** are recommended. Any other style must be approved by the ACC. (3.B.18)

Window boxes are allowed at the rear of the house not the front or side of the house. At all times, boxes/planters must be kept neat having no weeds or dead vegetation in them. Planters on railings are permitted. (3.A.9 & 3.B.20)

B. Landscaping

Artificial flowers are not permitted in the front and side lawns. (3.A.1)

Dead flowers or other dead plantings are not permitted anywhere on the lot. (3.A.5)

Homeowners are permitted to add, remove, or otherwise modify plantings maintained within the existing front and side yard foundation planting beds (corner lots) at their discretion. However, plantings and modifications or removal of same must remain with the overall style within the Villas of Sun Valley community. (3.B.1)

"Mature trees" may not be cut down or otherwise removed from any Lot without the specific written approval of the ACC. "Mature trees" are defined as any evergreen or deciduous trees with a caliper of four (4) inches or greater, measured at a point which is twelve inches (12") from ground level. Furthermore, in the event that trees, shrubs or ground cover are completely removed (as opposed to thinned) in connection with the improvement of any Lot, such cleared portions of the Lot shall be covered with grass or shall be landscaped with plants, shrubs, trees, mulch, wood chips, pine needles and/or similar landscaping Improvements. (3.F.6) (ACC approval required)

Planting beds may be added or replaced in the front yard or street facing side yard (corner lots) and may use mulch, pine straw, lava rock, river rock (as defined in **Appendix B** or other landscape materials. Homeowners choosing to use river rock must utilize a barrier (such as steel, vinyl, etc.) band around this material to ensure that the lawn mowing and trimming do not allow these rocks to become projectiles, causing damage to the property or injury to individuals. The landscape company is not responsible for any damages caused by homeowner not providing a method for retaining the landscape materials. These planting beds are to be maintained by the homeowner.

Homeowners who chose to use other landscape materials rather than landscape contractor provided pine straw/needles must maintain such areas including weed removal and the application of fresh landscaping material as needed. Homeowners are responsible for maintaining all trees and shrubs in planting beds they add, including pest control. (3.B.2.1 & 3.B.2.2) (ACC approval required)

Plantings (vines, etc.) on any outside wall of a home (on a trellis or directly attached to the wall) is allowed however must be kept to a height of no more than eight (8) feet but no closer to any soffit than one (1) foot. These plantings must be maintained by the resident. (3.F.4)

Shrubs are permitted in order to screen front lawn utility boxes and towers for telephone, cable, and power. After ACC approval, the homeowner is responsible for contacting the Marker Company for the location of utility lines. The HOA is not responsible for replacement of any shrubs damaged by utility providers. (3.B.16)

Trees along the street are required in The Neighborhood Association of Pondsides because of a **Special Use Permit (SUP 2003-005)**, that the Town of Indian Trail required. Because of the Special Use Permit, each homeowner needs to adhere to the conditions of the Special Use Permit, these conditions "run with the land", therefore, it applies to subsequent lot owners as well as the developer. The Special Use Permit further mentions there will be two front street trees aligned with other front trees along the street and planted with at least a 2" caliper on each of the 101 property owners' lots and 2 additional street trees on corner lots. When the trees, installed by the developer, need to be replaced, the homeowner may select from the variety of trees as recommended in **Appendix D**. These recommended trees have been selected from those approved by the Town of Indian Trail. Homeowners who wish to plant a tree not on the recommended list may do so with the approval of the ACC.

C. Exterior Lighting

Solar ground lights are allowed along the sidewalk leading from the driveway to the front door and in the front foundation planting beds; however, solar lights are not allowed around the trees or along driveways. In any event, solar lights must be properly aligned. (3.B.17)

Architectural lighting, flood lights, motion or other security lighting, and security cameras are permitted around the house so long as the same does not unreasonably interfere with the enjoyment of other Lot owners. (3.B.10)

D. Holiday Decorations

Seasonal holiday decorative lights, lawn ornaments and decorations are permitted. Ensure that shrub pruning will not impact your holiday lighting installation. However, they must be removed within two (2) weeks after the holiday. (3.B.10)

E. Modifications to the Lots

Birdhouses are allowed on the rear of the lot. They are not allowed at the front or side of the house, however, they may be no larger than twenty (20) inches tall by twenty (20) inches wide and supporting poles may rise no higher than six (6) feet above the ground. (3.A.3)

Clothes Lines are not permitted on any lot. (3.A.4)

Detached flagpoles are permitted on the rear of the lot, however, may not be located in the front or side yards. (3.A.6)

Front Porch Furniture is permitted. However, it must be suitable for such a location. For instance, stadium-style and folding lawn furniture, which may be suitable for the patio, should not be displayed on front porches. (3.B.5)

Fences or walls of any kind may not be constructed on any lot unless and until the ACC has given it prior written approval of the color, size, design, materials, and location of such fence or wall. Without limiting the foregoing sentence, all fences shall be constructed of black wrought iron or aluminum, provided, that stone or brick columns supporting fence sections are permitted. Fences with a single gate, the gate must be five (5) feet in width to allow for landscape equipment ease of access. No chain link or stockade style fences are permitted; no wood or picket fences are permitted; no fence or support column shall be over four (4) feet in height; and no fence or wall of any kind may be erected nearer the front Lot line of a Lot than the front face of the dwelling located on such Lot. In the case of a corner Lot, no side yard fence shall be located nearer the street than the side of the house facing the side street line. (3.B.19) (ACC approval required)

Fountains are permitted; however, they may not be taller than four (4) feet and are allowed in the front foundation planting bed. Fountains attached to the house may extend no higher than the top of the nearest first-floor window. (3.B.4) (ACC approval required)

No lawn furniture shall be maintained in the front or side yards of any Lot unless shielded from view by landscaping, a fence, or a wall (the fence or wall must be approved in advance in writing by the ACC). (3.B.9)

Lawn ornaments and potted plants are allowed in the foundation planting beds (not around trees). Two (2) potted plants are permitted at the garage entrance on driveways, one on each side. (3.B.9)

Mail boxes (including the post/newspaper box) should be repainted and cleaned as necessary. In the event the mailbox or post/newspaper box must be replaced, it must be replaced with the same standard mailbox/newspaper box. (3.F.7 & 3.F.8)

Outside trellis or grape arbors are permitted only in the rear yard portion of the lot and may not be placed in the front and/or side yard. (3.A.10)

Outbuildings, incidental to the residential use, are permitted on the lot with the condition they are not rented, leased, or otherwise used for remuneration, and subject to the restrictions set forth in the CCRs. (3.B.12) (ACC approval required)

Rain barrels are permitted but may not exceed 80-gallon capacity and may be placed only in the rear of the house. The color should match the color of the house siding as closely as possible or be black or a neutral tone. (3.B.13)

A single sign on the lot advertising it for sale or rent and temporary political signs, are allowed. However, they must be placed in the planting beds or under the street trees, not in the mowing areas. A sign may not exceed five (5) square feet in size. Signs may not be placed anywhere else on the lots at any time. (3.D)

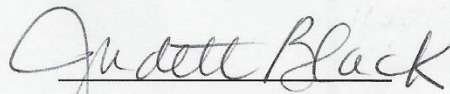
Swimming pools are permitted. They must be in-ground pools and must be located behind the house in the rear portion of the Lot. The total land area needed to accommodate the pool, surrounding deck, and pump equipment may not exceed one-half (50 percent) of that portion of the Lot at the rear of the house. Proper distance from all set-back lines must be strictly observed. The Union County Inspection and Zoning Department is charged with enforcing the North Carolina Residential Building Code and is the permitting agency for swimming pools. All swimming pool proposals must be presented to the ACC for written approval.

Operation and maintenance of installed pools is strictly the responsibility of the homeowner as is the assumption of liability arising from the pool's operation.
(3.B.7)

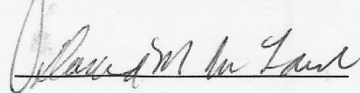
Hot Tubs/SPAs/Jacuzzis are permitted and may be above ground or in ground, however, they must be located behind the house. Above ground units must reside on the concrete patio portion of the back of the house. All regulations and restrictions that apply to swimming pools also apply. (3.B.8) (ACC approval required)

Approved by the ACC Members

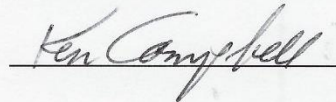
Judett Black, Chairperson

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Dave McLaud

Handwritten signature of Dave McLaud in cursive script, written over a horizontal line.

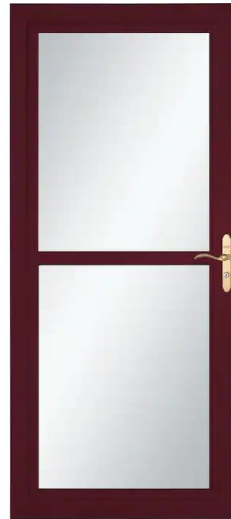
Ken Campbell

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Appendix

A. Storm Door Examples

Acceptable Models of Storm Doors



B. Landscaping River Rock Examples

River rock that are acceptable for use as a replacement for mulch or pine needles (pine straw). Rocks minimum size must be 2 inches oval or flat.



C. Approved Exterior Paint Colors

PAINT COLOR	PAINT CODE
Aspiration	DU - 841
Bitter Chocolate	SW 6013
Black Bean	SW - 6006
Blank Bean 6006	SW - 6006
Bohemian Black	SW - 6988
Cobblestone Gray	DU - 826
Colonial Red	DU - 949
Cyberspace	SW 7076
Darkroom	SW 7083
Foxhall Green	DU - 978
Gibraltar	SW 6257
Hot Cocoa	DU - 6047
Less Brown	SW - 6040
Night Owl	SW 7061
Old Colonial Red	DU - 949
Otter	SW - 6041
Raycroft Bronze Green	SW - 2846
Rookwood Med Brown	SW - 2807
Rookwood Red	SW - 2801
Rosemary	DU - 841 or SW 6187
Sage Green	SW - 2851
Tricorn Black	SW 6258
Urbane Bronze	SW 7048
Van Dyke Brown-Slate	SW - 7041

DU = Duron & Glidden Paints

SW = Sherwin Williams
Paints

D. Suggested Tree Replacements

FRONT YARD REPLACEMENT TREES		
MEDIUM MATURING DECIDUOUS TREES UP TO 40 FEET TALL		
Minimum 6 feet planting strip required (As measured from the inside of the curb/natural space)		
<u>Sugar Hackberry</u>	Celtis laevigata	50-70; 30-60
<u>Katsura tree</u>	Cercidiphyllum japonicum	40-60; 30-60
<u>Turkish Filbert</u>	Corylus colurna	40-80; 30-50
<u>Giant Dogwood</u>	Cornus controversa	35-45; 35-40
<u>Lacebark Elm</u>	Ulmus parvifolia	40-60; 50-60
<u>European Hornbeam</u>	Carpinus betulus	40-60; 30-40
<u>River Birch</u>	Betula nigra	40-90; 40-60
<u>Honey locust</u>	Gleditsia triacanthos	60-80; 60-80
<u>Wildfire Black Gum</u>	Nyssa sylvatica	30-100; 20-35
<u>Scarlet Oak</u>	Quercus coccinea	50-80; 45-78
<u>Deodar Cedar</u>	Cedrus deodara	30-50; 30-40

Suggested Tree Replacements

Back Yard Replacement		
MEDIUM MATURING DECIDUOUS TREES		
Minimum 6 feet planting strip required (As measured from the inside of the curb/natural space)		
<u>Live Oak or Any Oak</u>	Quercus virginiana	40-80
<u>Bald Cypress</u>	Taxodium distichum	50-70; 20-30
<u>Tuliptree</u>	Liriodendron tulipifera	60-97; 30-50fruitless sw
<u>Fruitless Sweetgum</u>	Liquidambar styraciflua	60-75; 20-40
<u>London plane tree</u>	Platanus x acerifolia	75-100; 60-75
<u>Pecan</u>	Carya illinoensis	70-100; 45-75
<u>Chinese Chestnut</u>	Castanea mollissima	35-40; 40-50
<u>Catalpa</u>	Catalpa bignonioides	30-60; 20-40
<u>Red Horsechestnut</u>	Aesculus x carnea	30-40; 25-35
<u>Loblolly Pine</u>	Pinus taeda	60-90; 20-40
<u>Southern Magnolia</u>	Magnolia grandiflora	60-80; 30-50

E.

10/26/2015 Board Resolution Granting Amnesty for Violations

On 10/26/2015 Villas Homeowners received the following email.

“Because of our desire to both serve our community and respect the past practices of the Villas, we have decided that effective immediately, on a onetime basis, all current structures, garden decorations, lighting and plantings within the confines of the Homeowners’ building lots are declared acceptable to the Board of the Villas Community. This one time “reset” or “fresh start” is intended to resolve all existing divisions of opinion respecting the CCR’s and the relevant sections of our Rules and Regulations governing the Villas of Sun Valley.

From October 26, 2015 forward, all extant CCRs and other applicable rules will again, be in full effect. This reset/refresh start applies only to those conditions actually in existence as of October 26, 2015.

Within a few days, all households will receive a hard copy of this memorandum attached to a complete set of CCR’s and our Rules and Regulations. Please, take the opportunity to become familiar with them.”

Hard copies of the CCRs and the Rules and Regulations were distributed to all 101 homes in the Villas as promised.

