

Denton County
Cynthia Mitchell
County Clerk
Denton, Tx 76202



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As

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(Parties listed above are for Clerks reference only)

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DALLAS TX 75251

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THE STATE OF TEXAS }
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

C Mitchell

County Clerk
Denton County, Texas

**CERTIFICATE
FOR
RECORDATION OF DEDICATORY INSTRUMENTS
OF
PROVIDENCE HOMEOWNERS ASSOCIATION, INC.**

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DENTON §

WHEREAS, Section 202.006 of the Texas Property Code requires that "A property owners' association shall file its dedicatory instruments in the real property records of each county in which the property to which the dedicatory instrument relates is located."; and

WHEREAS, Providence Homeowners Association, Inc, a Texas nonprofit corporation (the "Association") desires to comply with Section 202.006 by filing of record in the real property records of Denton County, Texas, the attached Residential Design Guidelines and Review Procedures - New Construction, said instrument being an instrument governing the operation of the Association; and

WHEREAS, the Declaration of Covenants, Conditions, Restrictions for Providence Addition was filed in Volume 5105, Page 2787 of the Real Property Records of Denton County, Texas, subjecting to the scheme of development therein certain land described in Exhibit "A" thereto located in Denton County, Texas (said instrument and any supplements or amendments thereto being referred to herein collectively as the "Declaration"); and

WHEREAS, the attached guidelines have been promulgated and published by the Board of Directors of the Association for the benefit, governance, and guidance of the lot owners of the Providence development and constitutes a "Dedicatory Instrument" as defined in Section 202.001 of the Texas Property Code;

NOW, THEREFORE, the undersigned authorized representative of the Association hereby executes this Certificate to effect the recording of the DEDICATORY INSTRUMENT attached hereto on behalf of the Providence Homeowners Association, Inc.

[End of text. Signature page follows.]

EXECUTED effective as of the 24~~th~~ day of April, 2008.

PROVIDENCE HOMEOWNERS ASSOCIATION, INC.,
a Texas non-profit corporation

By: Charles W. Spencer
Charles W. Spencer,
Authorized Representative

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

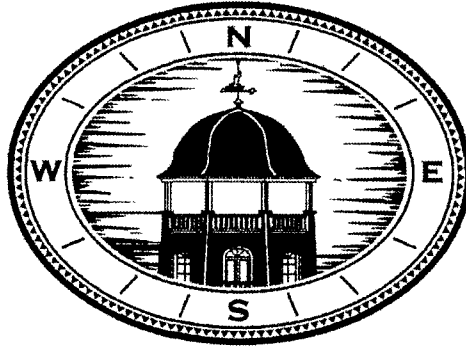
This instrument was acknowledged before me on the 22nd day of April, 2008,
by Charles W. Spencer, authorized representative of Providence Homeowners
Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Carol J. Spencer
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Charles W. Spencer
8111 LBJ Freeway
Suite 920
Dallas, TX 75251



PROVIDENCE

Residential
Design Guidelines and Review Procedures
New Construction

Providence Homeowners' Association, Inc.

Architectural Review Committee

* Revised April 17, 2008

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REVISIONS:

* Revised 4-17-08

Amended Section 3.2.2 – Sub-section “a.” was reworded to apply to stone only.

1.0 INTRODUCTION

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, DECLARANT RESERVES THE RIGHT, AT ITS SOLE DISCRETION, AT ANY TIME, WITH OR WITHOUT NOTICE, TO MODIFY, CHANGE OR WAIVE ANY OR ALL OF THE FOLLOWING DESIGN GUIDELINES.

THE PROVIDENCE PRODUCTION BUILDERS ARE NOT SUBJECT TO THE SAME SUBMITTAL GUIDELINES DUE TO THE REPETITIVE NATURE OF THEIR BUILDING OPERATION. DECLARANT HEREBY WAIVES THE SUBMITTAL PROCEDURES FOR PRODUCTION BUILDERS.

FURTHERMORE, DECLARANT RESERVES THE RIGHT TO SOLELY APPROVE THE PRODUCTION BUILDERS PLANS AND SPECIFICATIONS. THE ARC COMMITTEE (AS DEFINED BELOW) SHALL NOT BE SET UP, APPOINTED OR ESTABLISHED UNTIL DECLARANT, IN ITS SOLE DISCRETION, SETS UP, APPOINTS OR ESTABLISHES SUCH ARC COMMITTEE.

Fundamental to the concept of development at Providence is planning and design. These guidelines have been established to ensure a level of design consistency and to help establish an overall character for the community. These guidelines are intended to be a framework within which informed design decisions can be rendered. These guidelines will be used by the Architectural Review Committee ("ARC", defined and referred to in the Declaration as the Architectural Control Committee or ACC) of the Providence Homeowners' Association, Inc. to review plans and specifications pursuant to the provisions of the applicable Declaration of Covenants, Conditions and Restrictions ("Declaration") of Providence Homeowners' Association, Inc. All Builders, Property Owners, and prospective Property Owners should be familiar with these documents. The ARC intends to be fair and objective in the design review process and understanding of individual goals.

1.1 Definition Of New Construction

New construction is any building of structures and associated improvements constructed on a previously developed site or on a site where the residence has been damaged by a catastrophe. The ARC is responsible for the review of the exterior of the addition and associated site improvements for all new construction for conformance to the Design Guidelines. The ARC consists of a minimum of three individuals. The ARC members are appointed and removed by the Declarant, in its sole discretion, in accordance with the applicable provisions of the Declaration. After management control is turned over to the Association the ARC will be appointed by the Board as provided in the Declaration and Bylaws.

1.2 Who Is Subject To These Procedures?

The owner of a single-family lot is responsible for obtaining the necessary review and approvals to comply with the terms of the Covenants, Conditions and Restrictions ("CCR's"). The builder will typically be responsible for new construction. There are no exemptions or automatic approvals unless stated otherwise in this document. Each application is reviewed on an individual basis.

1.3 Who Administers These Procedures?

The final authority for administration of these procedures lies with the Board of Directors of the Homeowners Association. However, the ARC may delegate to a representative the responsibility for administering these procedures or parts thereof. **THE ARC IS NOT ACTIVE UNTIL DECLARANT**

OR BOARD FORMS THE COMMITTEE. THE ARC SHALL HAVE NO AUTHORITY OVER THE PRODUCTION BUILDERS, ONLY OVER HOMEOWNER ADDITIONS OR CONSTRUCTION BY OR ON BEHALF OF HOMEOWNER.

The selection of the ARC representatives is based on professional qualifications and an ability to understand the overall, as well as specific, development objectives.

The ARC may appoint a designated person to the ARC who shall be responsible for receiving submissions to the ARC.

1.4 Application For Review

Applications for Architectural Review Committee review are included in the Appendix. Additional copies are available through the designated person, Architectural Review Committee, Providence Homeowners' Association, Inc., 8222 Douglas Avenue, Suite 660, Dallas, Texas 75225, or other designated address. The application forms provide the Architectural Review Committee with the basic information needed for review and serve as a checklist for the builder so that all design elements have been considered in the project. Applications must be submitted no later than 4:00 p.m. Thursday, prior to the scheduled ARC meeting on a following Monday.

1.5 Submittal And Response Deadlines

All submittals required by Section 2.0 of these procedures must be submitted, reviewed and approved by the ARC prior to commencement of construction.

A written decision of the ARC usually will be rendered and made available no later than seven days after the Committee meeting in which it was discussed. The Committee's decision may be:

- (A) Approved for construction start
- (B) Not approved for construction start

Within 14 days after a decision has been rendered, the Homeowner may file a written appeal with the Secretary or request to personally address the Committee at its next scheduled meeting. Homeowner may appeal to the Board of Directors of the Homeowners Association.

1.6 Meeting Schedule Of The ARC

The ARC will convene meetings for the review of submissions on a schedule established by the ARC from time to time. The meetings will be held at a location determined by the ARC.

2.0 DESIGN REVIEW PROCEDURES

2.1 New Construction Review/Single Family Detached

The purpose of this review is to ensure that each building project is compatible with the surrounding property and complies with the CCR's.

2.1.1 Review Procedures

Step 1: Submit Architectural drawings and schedules.

Submittals must include, at a minimum, the following items:

- A. **Building Plans (1/4" = 1'0")**
- 1) All four exterior elevations with heights and materials clearly indicated. Elevations to show deck or balcony locations and railing details (if applicable), chimneys, skylights, etc.
 - 2) Floor Plans (For ARC reference only) to include balconies, decks, patios, atriiums, garages, etc. Also indicate square footage of total living area of house.
 - 3) Roof Plan indicating pitches, ridges, valleys, chimneys, skylights and all roof mounted equipment.
- B. After the homeowner receives approval of the Master Plans, the site plan is required with the building permit application only. Site Plans (1" = 20'0" or larger) must indicate the following:
- 1) North Arrow
 - 2) Property and setback lines
 - 3) Easements on recorded plats (homeowner acknowledges that other easements may have been recorded that affect the lot).
 - 4) Footprint of the residence and garage on the site
 - 5) Existing trees to be saved or removed (removal of single trunk trees in excess of 4" in diameter or multi-trunk trees in excess of 6" in total diameter requires prior approval of the ARC)
 - 6) Clearing limits
 - 7) Topography provided from engineering grading plans.
 - 8) Location of driveways, walks, patios, decks, site walls and fences
 - 9) Location of site accessories such as fencing, trash container storage pad, lighting, play equipment, etc
 - 10) Location of proposed pool, decking, structures, fencing and pool equipment locations
 - 11) Drainage flows
- C. HOMEOWNER ACKNOWLEDGES THAT THE GRADING PLAN IS TO BE ADHERED TO. SHOULD THE ARC DETERMINE THAT A HOMEOWNER IS NOT COMPLYING WITH THE GRADING PLANS, THEY MAY REQUIRE THAT UPON SUBSTANTIAL COMPLETION AND PRIOR TO CERTIFICATE OF OCCUPANCY OF THE ADDITION, THE HOMEOWNER SHALL SUBMIT AN AS-BUILT GRADING PLAN INDICATING DRAINAGE IN ADHERENCE TO THE MASTER DRAINAGE PLAN FOR THE SUBDIVISION. THE AS BUILT SITE PLAN SHALL BEAR THE SEAL OF A REGISTERED PROFESSIONAL SURVEYOR. FAILURE TO SUBMIT AN AS-BUILT GRADING PLAN ON A TIMELY BASIS WILL RESULT IN A MONETARY FINE BEING ASSESSED FOR NON-COMPLIANCE. NON-PAYMENT OF SUCH FINE WILL RESULT IN THE ARC'S REFUSAL TO REVIEW ANY FUTURE SUBMISSIONS AND SUSPENSION OF RIGHTS TO USE FACILITIES.

Step 2: Submit Specific Site and Landscape Plans/Schedules

Prior to installation of any landscaping modifications, the Homeowner must submit two (2) sets of Landscape Drawings in the format described below.

A. Landscape Drawings Submittal Requirement

Landscape Plans (1" = 20'0" or larger) must indicate the following:

- 1) All drives, sidewalks, property lines, utility easements, drainage easements, the residential structure and adjoining streets.
- 2) Existing trees to be saved or to be removed (removal of single trunk trees in excess of 4' in diameter or multi-trunk trees in excess of 6" in total diameter requires prior approval of the ARC).
- 3) Planting plan showing turf and bed areas as well as locations of proposed trees. Proposed trees shall meet the minimum size, quantity and placement requirements of the Neighborhood Specific Guidelines. Information such as the spacing, size and type of all planting materials shall be listed by common and botanical names.

Step 3: Plan Changes During Construction

Any major changes to the approved plans, elevations, landscaping and schedules must be submitted to the ARC for review in accordance with the procedures and submission requirements specified in Step 2 above. The Homeowner is encouraged to submit changes at the earliest possible time to avoid construction delays.

Step 4: Final On-Site Review

After completion, the ARC will conduct an on-site review and issue a Certificate of Completion.

Step 5: Verification of Compliance

It is the Homeowner's responsibility to comply with the Procedures and Guidelines and obtain all necessary approvals.

2.2 Regulatory Compliance

Plans submitted for ARC review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the Homeowner to obtain all necessary permits and ensure all governmental compliance. Regulatory approvals do not preclude the authority and responsibility of the ARC for design review and ARC approval does not preclude the Homeowner from obtaining any necessary governmental approvals. Providence will be governed by the 1997 Uniform Building Code, 1999 National Electric Code, 1997 Uniform Mechanical Code, 1997 Uniform Plumbing Code and the 1997 Uniform Fire Code.

2.3 Final Approval

A Committee decision is based on a simple majority and shall not be arbitrary or capricious. Any denial, deferral or exception shall be substantiated by the Committee in good faith. The Committee may, at its discretion, assist the Builder by suggesting alternative design solutions but it is the Builder's responsibility to ensure governmental compliance.

2.4 Appeals

Any decision reached by the ARC may be appealed back to the Board of Directors of the HOA for reconsideration. Technical design information supporting the appeal request must be included with the request. All appeals will be reviewed on a case by case basis, and the granting of an appeal for one project for a particular situation does not imply or warrant that a similar appeal would be granted on

another residence. Each case will be reviewed on its own design merits, and in keeping with the overall objectives of the Design Guidelines.

2.5 Variances

If the Homeowner and/or his designer feel that certain portions of the Design Guidelines are inappropriate, based on the design elements of a particular residence, then the Homeowner may apply for a variance from a specific requirement of the Guidelines. The burden of establishing the reasons why a specific requirement of the Design Review Guidelines is not appropriate lies with the Homeowner. The Homeowner should provide reasonable assurance in the variance request submittal that the overall intent of the Design Guidelines will be accomplished with the residence as proposed. The decision of the variance rests solely with the ARC, and the granting of a variance for one particular situation does not warrant or imply that a variance will be granted for the same situation of another homesite. Each variance request will be reviewed on a case by case basis, in keeping with the overall objectives of the Design Review Guidelines.

2.6 Failure To Submit

The penalty for failure to submit for approval or unauthorized construction starts prior to approval for modification work shall be two hundred dollars (\$200.00) for each occurrence whether or not the improvements are approved by the ARC.

Notification of the violation or non compliance with the review procedures will be made in writing subsequent to inspection. Any unauthorized construction determined to negatively impact community design standards and found to be unacceptable to the ARC shall be corrected or removed within ten (10) days of notification. Failure to effect construction changes to bring the construction in compliance with approved plans will be subject to the conditions set out under Section 2.6 above. Invoices will be payable to Providence Homeowners Association, Inc. within fifteen (15) days of invoice receipt. Homeowners in default of payment will be denied use of HOA facilities.

3.0 DESIGN GUIDELINES

Section 1.3 of the Design Guidelines and Review Procedures refers to the authority granted to the ARC. Other restrictions of the use of homesites are explained in the "Declaration of Covenants, Conditions and Restrictions for Providence Homeowners' Association, Inc.". These documents, along with the DESIGN GUIDELINES contain important information that all Owners at Providence should read prior to beginning the building design process.

The DESIGN GUIDELINES address four basic activities:

- (1) Site Design (reference Section 3.1)
- (2) Architectural Design (reference Section 3.2)
- (3) Signage (reference Section 3.3)
- (4) Construction Site Standards (reference Section 3.4)

3.1 SITE DESIGN GUIDELINES

3.1.1 Site Planning

- (1) Stemwalls/Foundation walls - To preserve the existing vegetation and to maintain the

natural character of the area, faced stemwall construction is required for conditions where the finish floor is two feet or more above natural grade of the lot. Stemwalls or small foundation walls poured in conjunction with a flat slab to create a level building pad will occur on a number of lots at Providence. They must be taken into consideration in the building elevation. Walls over four feet (4') must be engineered by a licensed professional. Stem Walls over two feet (2') (except porches) will be faced with "Canadian Blue Grey" stone from Western Plains Resources, Inc.

- (2) Garage Additions - Should be designed at or near the existing grade of the lot.
- (3) Stone Retaining walls/Planter walls - Should be used to help break up the facade of the building and help relate the house design to the site. All stone shall be "Canadian Blue Grey".
- (4) Drainage - Must conform to the Master Drainage Plan available from the District Engineer, Pettitt & Associates, Inc.

All drainage and grading, including existing and proposed grades and proposed finished floor elevation, must be indicated on the Site Plan and be designed to conform to drainage plan. Homeowner must ensure all drainage complies with the Master Drainage Plan.

The proper drainage of the lot is ultimately the responsibility of the Homeowner, and must conform to the Master Drainage Plan, as well as any other governing authorities having jurisdiction on such matters. The ARC will only review the site plan for general conformance of the planned grading to the Master Drainage Plan.

3.1.2 Landscape Design

- (1) General - A site plan showing the house location and landscape plan must be submitted as a part of the landscape application. Landscape plans must show existing areas to be left undisturbed, proposed planting areas, sodded areas and all tree locations both existing and proposed. Final plans must include a plant list that includes both the common and botanical names, plant sizes and spacing. Homeowner may submit multiple master plans to be approved by the ARC and referenced on the building permit as each house is applied for.

All landscaping installed by Homeowner must be installed at completion of project. (Exception reviewed on lot by lot basis). Views from the roadways, lakes and amenities toward a landscaped yard should compliment the appearance of the existing natural vegetation. All front, side and rear building setback areas must be landscaped and should contain plants selected from the plant list found in the Appendix.

The existing native trees and shrubs may be trimmed or shaped to six feet (6') above ground. Native plants or trees or varieties which do well in the climatic zone of the site are required. ARC review of landscape plans will focus on plant selection. Ease of maintenance should be considered in the design of the landscape.

- (2) Lawns -Bermuda and 419 TIF Bermuda are suitable as a lawn. Buffalo grass is not recommended as a lawn grass. The ARC may require a specific grass variety for certain

locations for consistency and visual continuity. **Front yards to the side yard fence on all lots, the area between the fence and alley in the rear yard and side yards to the curb on corner lots shall be sodded, hydromulched, or approved groundcover.** No gravel or rock shall substitute as a ground cover, lawn or mulch.

- (3) Shrubs - Shrub masses can be used to buffer intruding noises and views and screen private areas. All shrub plantings shall be massed in groupings of three or more plants. Formal hedge lines as a buffer device are acceptable.
- (4) Trees – a minimum of one (1) four inch (4”) caliper shade tree is required to be planted on each 40’ lot in the front yard **between the curb and sidewalk** and a minimum of two (2) three inch (3”) caliper shade trees are required to be planted on each 50’ lot in the front yard **between the curb and sidewalk**. For all lots that have a side-yard adjacent to a street, a three inch (3”) caliper tree shall be planted every thirty-five feet (35’) of frontage on the side street and shall be planted on the side facing the street in accordance with the Landscape plan. See Planting Details. Homeowners may add trees, but must maintain mandatory plantings.
- (5) Site orientation should consider the existing native vegetation drainage, shape of the lot, adjacent residences and views from and to the structures.
- (6) No xeroscape yards are allowed for front yards, side yards on corner lots or rear yards that abut lakes.

3.1.3 Irrigation Design

All lots shall have automatic irrigation systems installed for all mandated landscaped areas. No creek or lake water withdrawals for homeowner irrigation purposes are allowed without ARC permission. All irrigation systems must be of an underground automatic type with pumps and controllers screened from view. All automatic irrigation systems are required to have head-to-head coverage or closer. All irrigation systems shall have municipality approved back flow preventer devices.

"Pop-up" spray and rotary heads are encouraged. Where exposed pipe extensions are necessary, they should be either copper or a dark color.

Irrigation heads should not spray directly into natural areas, since additional water and fertilizer will harm sensitive root systems of mature oak trees and encourage undesirable weed growth. Irrigation heads should be placed to prevent spraying onto paved areas, onto amenities or into community buffer areas. Heads should be placed adjacent to the curb and spray into yard whenever possible.

3.1.4 Fencing, Walls and Screen

- (1) General - Wall enclosures may be used to control privacy by reducing noise and visual intrusions. Fencing should be used to screen or buffer private areas, not necessarily to enclose an entire lot or major portion thereof, however, it is recognized that on small lots with limited rear yard area useable private space is limited. No fences over five feet (5’) tall will be allowed. Fences are provided for:
 - a. Privacy for yards and patios;
 - b. Screening of equipment and garbage containers in rear and side yards.
- (2) Amenity Lots - Special fencing and planting requirements may exist for designated

amenity lots.

(3) Permanent Fencing

- a. Location/Materials - Permanent fences surrounding a building or any fence between a building and the fronting street are not allowed. Fences shall be white PVC material (no recycled material shall be used). Panels shall be solid, scored to resemble pickets and have a flat top (see details). **All fences shall be constructed with the finished side facing out. No post shall be visible from outside the yard, including alley side, of the home being constructed (see design guidelines).** All fences require ARC approval.
- b. Use of masonry in combination with the standard fence details shall be restricted as follows:
 1. Front yard fencing and/or side yard along the building setback line
 2. Corner Lot fencing five feet (5') inside the lot line.
 3. Masonry shall match house masonry if brick or stone, or be compatible in color if stone and brick combinations are used.
 4. Masonry pilasters/columns should be of uniform design and materials to a maximum size of eighteen inches (18") square.
 5. Masonry pilasters/columns should be spaced at a maximum twenty feet (20') o/c or conform to the same section spacing as the post of the PVC fence and be placed on an every other support column basis.
 6. Fences that front on designated open space/common green areas are to be four foot (4') PVC, resembling an open wrought iron fence (see details) with one (1) 4' gate as depicted in the Standard Details. Fences on corner lots shall be set back an additional five (5') from the street. Fences that abut the front of the home shall be solid PVC.

3.1.5 Mailboxes, Utility Services, Antennae, Etc.

Mailboxes shall be as specified by the ARC and Section 2.9 of the Declaration. All services to the home including prewiring for Cable TV must be installed underground. Surface mounted mechanical equipment shall be screened from view and grouped together away from street/public view. Satellite dishes and antennae shall not exceed twenty inches (20") diameter and their location must be approved by the ARC prior to installation. All satellite dishes shall also comply with any state and federal guidelines.

3.1.6 Circulation and Auto Storage

- (1) Garages/Driveways - At least one (1) car bay is required, along with two (2) uncovered spaces, for parking outside the garage. The ARC standard driveway material is broom finished concrete. **Homeowner must maintain uncovered parking requirements (no carports are allowed).**
- (2) Sidewalks - All public sidewalks shall be provided by the Builder. Surface materials for additional entry walkways shall be compatible with the driveway or structure materials forming an entry courtyard statement. Additional sidewalks will be a minimum of 3,000 PSI concrete with #3 rebar on a sixteen inch (16") grid pattern. All public sidewalks not designated as community trails are required to be five feet (5') wide. All community trail walks shall be eight feet (8') wide. Builders are required to install sidewalks adjacent to

all street frontages. **Any sidewalks damaged by Homeowner will be immediately repaired at Homeowner's sole expense.**

3.1.7 Animal Housing

No animal housing shall be visible from the street. All animal housing shall be shown on the site plan submission. This includes dog houses, runs and other pet enclosures. ARC shall review the siting of the structure and its impact on neighboring property.

3.1.8 Landscape Features

The landscape plan should include all bird baths, pole mounted bird houses, art pieces, collector items and personal artifacts showing location and size. All features, such as fountains, statues and topiaries, must be approved for materials and locations and may be best suited inside a walled garden.

3.1.9 Decks, Porches and Exterior Stairs

The design of outside living spaces shall be coordinated and integrated with the design of each home. Decks shall not unduly infringe on the privacy of neighboring homes. Decks should be sensitively sited and incorporate private screening or plantings to increase full and effective use. Decks shall be designed to minimize unsightly supporting structure. Landscaping should be incorporated to hide the space between a deck and the ground. Exterior stairs to upper level deck areas shall be integrated with the structure and shall be unobtrusive and painted or stained to blend with the house trim or exterior color finish of the home. Front porches shall be a minimum of eight feet (8') wide and encompass at least one-third (1/3) to one-half (1/2) of the front of the home, excluding the garage on front-entry lots.

3.1.10 Lot Grading - Engineering Guidelines

GENERAL

We strongly recommend that someone from the Providence Engineering staff be contacted to look at the lot while grading is still in progress and before any concrete flatwork is set up to be poured. This will help to reduce the chance of any significant problems arising when the final inspection is made.

RETAINING WALLS

There are four basic circumstances in which retaining walls will be required. These are as follows

- (1) If a lot has been cut in order to establish a building pad for the structure, the Builder responsible for the cut will provide a retaining wall if the amount (depth) of the cut will need to be retained if proper slopes (3' horizontal: 1' vertical minimum) cannot be established.
- (2) If a lot has been filled in order to establish a building pad for the structure, the Builder responsible for the fill will provide a retaining wall if the amount (depth) of the fill will need to be retained if proper slopes (3' horizontal: 1' vertical minimum) cannot be established.
- (3) If needed to facilitate proper lot drainage.
- (4) If needed to protect existing trees.

Any proposed wall that is over four feet (4') in height (top of footing to top of wall) is required to be designed by a Registered Professional Engineer. Walls over four feet (4') in height shall be provided with a protective fence as per Standard Detail.

DRAINAGE SWALES

Drainage swales are needed in most cases to facilitate proper lot drainage in accordance with the required subdivision drainage plan or as required by the natural grade as shown on the topographic maps. These swales should be constructed in such a manner as to:

- (1) Be maintainable by the Homeowner. (no slopes steeper than 4' horizontal : 1' vertical) .
- (2) Be able to carry the anticipated amount of stormwater runoff.
- (3) Minimize erosion problems within the swale itself. This can be accomplished by sodding any swales that could possible carry large volumes of water.

The location of these swales is up to the Homeowner in charge of the project. Swales are shown on Engineered Drainage Plans and should be adhered to as closely as possible. Generally, swales are placed at or near the property lines so as to meet the given drainage requirements.

If possible, swales through the center of side or rear yards should be avoided in anticipation of future improvements such as pools and/or spas which could potentially block a drainage swale located in these areas.

The minimum grade allowed for grass swales is one (1) percent. Lesser slopes may be considered for concrete or stone lined swales.

Guttering downspouts must flow into the swales and/or flow to the streets.

SIDE SLOPES FOR SINGLE-FAMILY LOTS

The maximum percentage of a slope that is allowed is 3:1. This means that for every three feet (3') of horizontal distance a maximum one foot (1') rise/fall vertically is allowed. Any slope that is steeper than 3:1 should be retained. It is also recommended that any slope approaching a 4:1 slope should be sodded to reduce the possibility of erosion.

3.1.11 Outbuildings

All garden sheds and outside storage building areas must be indicated on the site plan submission. Appropriate elevations and details necessary to illustrate the design must be submitted. The ARC shall consider visibility of the structure, impact on neighboring lots and streets and quality of materials, finish and color when reviewing submissions. **No metal storage sheds will be allowed.**

3.1.12 Exterior Lighting

Outdoor lighting shall be functional and enhance the overall appearance of the residence. Outdoor lighting shall not be obtrusive or glare unduly toward streets, neighboring properties, walkways or housing units. Floodlights without hoods to shield glare are unacceptable. Soffit mounted down lighting and building mounted lighting shall be subtle and use attractive fixtures and enclosures. All outdoor lighting must be reviewed and approved by the ARC.

3.1.13 Pools

Pools are restricted to the following types of construction: Gunitite, Poured Concrete, Fiberglass Shell and Hybrid Fiberglass. No above ground pools will be allowed. Pools, pool decking, fencing, related equipment and structures should be designed to integrate with the natural topography of the site. Backwash must be directed to the street. Plans must have ARC approval.

3.1.14 Utilities, Mechanical and Pool Equipment

All utilities must be installed underground. Surface mounted mechanical equipment, transformers, air conditioners, condensers, compressors, pool equipment, switches, meters, etc. shall be placed behind the side-yard fence. All HVAC and electrical equipment must also be located behind the side-yard fence.

Roof mounted air conditioning units, fans or ductwork on sloped roofs are unacceptable. On flat roof applications, a parapet wall to the same height as the unit on a horizontal plane must be provided around the entire perimeter of the flat roof area.

3.1.15 Trash Containers

Trash collection containers shall be stored within the garage or hidden from view.

3.1.16 Consolidated Lots

With the approval of the ARC, any owner of one or more adjoining sites (or portions thereof) may consolidate such sites or portions into one single family residence building site with the privilege of placing or constructing improvements on such resulting site, in which case setback lines shall be measured from the resulting side property lines rather than from the site lines as indicated on the recorded plat. The greatest depth of front yard setback will be used.

3.1.17 Build To Lines (Single Family Detached)

It is the intention that homes will have varied setbacks, not "lined up" as in a "tract" subdivision, and be carefully sited in more random order where trees and topography indicate. On front-entry garage lots, the garage shall not be closer to the right-of-way than twenty-five feet (25'). The house build to line will be twenty feet (20') from the right-of-way. If front porches are utilized, the build to line will then be twelve feet (12'). The rear build to line is ten feet (10') for the main body of the home. All garages will be a minimum of twenty feet (20') from the property line. Eaves, chimneys, fireplaces and box windows may encroach up to two feet (2') into the setback.

3.2 ARCHITECTURAL DESIGN

3.2.1 General Design and Configuration

The exterior of all dwellings shall be compatible with adjacent structures and be located to fit site conditions respecting existing vegetation and topo features. All buildings within Providence have been harmoniously designed as a community. Overhangs and covered porches are encouraged as design elements. Homeowner will match any additions to the existing style of their home.

3.2.2 Materials and Colors

Hardiplank (or equal) and stone in light, warm earthtone colors are encouraged. Front-oriented treatments in dissimilar materials which do not appear integrated into the design and inappropriate changes in material between elevations may not be allowed. No more than two dominant wall surface materials should be used on any elevation. Examples of acceptable materials and colors are:

- a. Canadian Blue Grey rock left in natural patina or stone in a light, warm earthtone color
- b. Hardiplank (or equal) in natural stain colors with appropriate trim details. (Rough or smooth finish vertical boards with battens, horizontal shiplap and clapboard and T&G board siding with joints finished.) Grooved plywood panels are unacceptable. Hardiplank (or equal) is limited in width to four inches (4"), six inches (6") and eight inches (8"). Twelve-inch (12") hardiplank may be approved by the ARC on a limited basis, based on architectural style and function. In addition, hardiplank is limited to smooth faced or wood textured. No stucco or sand finishes are acceptable.

All exterior colors and texture selections will require ARC approval. An example of inappropriate color is a bright color used for an entire wall surface or roof material. Samples of proposed colors may be required to be painted on a panel for field review if the color has not been previously approved, or if they appear to be out of character with the surrounding homes. Conservative, natural colors are encouraged. Judiciously selected brighter accent colors are permitted if approved by the ARC. Building colors including trim combinations are specifically subject to review and approval by the ARC. Approval of a color or material for an individual residence does not necessarily mean blanket approval for another residence in a different location.

3.2.3 Roof Construction and Materials

A minimum of 8 to 12 slope roof pitches for any gable or element that faces the street, overhangs may vary as necessitated by Architectural design. However, no flat roofs are allowed as a major structural element. A minimum of 6 to 12 slope is set as a standard. Fascias must be a minimum of 6 inches. No metal fascia or soffits will be allowed. No fiberglass or thin asphalt shingles of thickness/weight of 225 pounds (225#) or less will be allowed. The color of all shingles shall be "weather wood". Metal roofs for porches, dormer or eyebrow arches are acceptable. Shingles must be at least 30 life and be submitted for approval. The ARC reserves the right to approve variances as deemed appropriate.

Acceptable materials and colors are:

- a. Slate left natural.
- b. Copper left to weather to a natural patina.
- c. Asphalt shingles with thickness to appear as cedar shakes or slate (as described above).
- d. Other materials as specifically approved in writing by the ARC.

3.2.4 Inappropriate Materials

Inappropriate use of materials and colors will not be allowed. Examples of such inappropriate materials are concrete flowers, plastic or simulated brick materials, plastic and particle board siding materials or simulated stone. The ARC has deemed the use of the following materials for predominant exterior finishes as incompatible with the design objectives for Providence.

- a. Sheet Metal Siding
- b. Painted Concrete
- c. Mirrored Glass
- d. Ceramic Tile
- e. Brightly Colored Masonry
- f. Speckled or Glazed Brick
- g. Clear or Gold Anodized Aluminum Windows
- h. Certain types of Artificial Stone
- i. Ferro-Cement Siding
- j. Exposed Cinder Block
- k. Concrete brick (any brick with surface applied, non-integral, color)
- l. Vinyl siding
- m. Log siding
- n. Synthetic siding
- o. Certain types of brick with non-integral colors

Limiting the number of finish materials and avoiding contrived combinations is encouraged. Facades on two-story homes shall be of limited materials (all brick, all siding, etc.) except where a change of material is required for structural reasons.

3.2.5 Windows, Doors

All window and door openings should be defined by pop-outs, reveals, insets, overhangs, screening devices and trim. Windows shall be single or double hung aluminum double pane windows. Consistency of detailing of openings and trim treatment will be considered by the ARC as part of the review process.

Careful attention should be given to the proportion, form and detail of all windows. Windows should be clear glass. Tinted glass of bronze, grey or smoke colors may be appropriate in some cases. No reflective glass or reflective tinting may be used. The ARC may request changes to the exterior elevations to achieve consistency of detailing and expression.

Mullions may be eliminated from windows with ARC approval.

When possible, it is encouraged that dormers provide natural light into the home's interior. When used in the attic, dormer windows are to be a double pane window with clear glass on the front pane and an obscure glass on the back pane.

Within sixty (60) days from closing, all windows shall be covered with approved window coverings (i.e. blinds, drapes, curtains, shutters, etc.). **No bedsheets or similar items shall be allowed.** When visible from any street or open space, storm shutters or windows may be installed over openings only with ARC approval. Awnings or shading devices are permitted only if they compliment and enhance the general design. Sliding glass or French doors must open onto a useable, exterior deck, patio or balcony. Window and porch screening must be a white, bronze or charcoal; mill-finish or brightly anodized aluminum will

not be allowed.

Entry areas should receive emphasis with an accent on porches, courts, walkways and use of quality door materials. All front doors should be compatible with the exterior design of the house and shall be a minimum of three feet (3') wide by 6'8" tall. The front door shall be a raised six-panel door or doors with glass inserts.

3.2.6 Garages Facing Public Streets (Not Alleys)

For all homes that have garages that face a public street, garages shall be two (2) overhead doors with a center column separating the two doors. Front entry garages shall be set back such that the front façade of the garage is behind the leading front edge of the house. Garages should not make a major statement to the street and should be incorporated into the general massing of the house. All garage doors shall be compatible with the exterior design and have raised panels and architectural detail. Recessed protected garage doors are required with detailed opening/trim treatments (Sec. 3.2.5). For front-entry, garage doors must match the front door by incorporating panels, window treatments or quality wood finishes. The minimum required garage size on a 40' lot is 12' x 20' (interior measurement) with one single 8' garage door. Two (2) car garages are encouraged but not required. If a two (2) car garage is installed, the minimum dimensions shall be 18' x 20' (interior measurement) and have single garage doors with a center column (if facing a public street). All 50' lots shall have a two (2) car garage and at least one garage shall have an automatic garage door opener.

Driveways shall be a minimum of sixteen feet (16') wide, however, builders may utilize the five foot (5') side yard setback for a portion of the driveway. Note: builders are to construct driveways without altering drainage swales. Driveway aprons are to be a minimum of 3,000 PSI concrete with #3 rebar on a sixteen-inch (16") grid pattern. Homeowners may not park a vehicle in the street for more than three (3) consecutive days without HOA approval and no more than seven (7) days with approval. All vehicles parked for more than three (3) days shall be subject to towing and fines. Moving the vehicle during the day but parking on the street at night shall constitute one (1) day. All vehicles must have current registration and license tags. **R.V.s, boats, campers and trailers can not be parked or stored such that they are visible from the street. Only one R.V., boat, camper or trailer is allowed in each driveway in alleys only.**

3.2.7 Roof Accessories

- (1) Stacks and Vents - Plumbing stacks and roof vents must be painted to match roofing colors and be installed vertically and as inconspicuously as possible. In most instances, stacks and vents located on front slopes will not be allowed by ARC.
- (2) Flashing, Gutters and Downspouts - Exposed flashing, gutters and downspouts must be painted to blend with the adjacent materials. No unpainted attachment straps will be allowed. Step flashing should be consistently applied with even steps of 90 degrees. Straight line counter flashing matching the slope of the roof is recommended. All flashing should be painted to blend with adjacent materials, not white or black.
- (3) Chimneys - All prefabricated fireplace units must have a metal terminal cap. Spark arresters are mandatory. They shall be constructed of stainless steel, aluminum, copper or brass with woven galvanized, wire mesh and conform to Uniform Fire Code specs. Chimneys shall be constructed completely to the ground so as not to appear cantilevered from the building. All flues shall be encased except for direct vent fireplace flues which are not required to be enclosed pursuant to Section 2.10 of the Declaration. Chimneys

must be integrated with the building architecture and must match exterior materials. Full exterior chimneys on the front of the home are to be brick or stone.

- (4) Skylights/Solar Appurtenances - Flat skylights are preferred on exposed, sloped roofs. Bubble or pyramidal skylights will be considered on concealed small flat roofs or roof areas hidden from general view. No skylights will be permitted on front slopes of pitched roofs. Solar design should be considered in the early design stages. Any solar installations shall be installed to give the appearance of a skylight, and installed with a finished trim material or curb, and located so as not to be visible from the street. Active solar appurtenances shall be non-reflective and integrated with the building architecture. Skylight panels should be of a smoke or bronze color, not white.

3.2.8 Exterior Lighting

Light sources should be unobtrusive or concealed with all light in shades of white (no colored lights). No spillover of light should occur on neighboring properties and lighting must be shielded to prevent glare. Tree uprights should be concealed underground or in shrub masses. Soffit mounted unshielded spotlights are unacceptable. Exterior flood lights are to be directed away from neighboring homes and yards.

The wattage of exterior building mounted lighting is limited to 150 watts maximum. No "barnyard" lights or sodium vapor light (yellow light source) is acceptable. A site lighting plan detailing landscaping lighting shall be submitted for ARC approval.

3.2.9 Building Size

All homes shall have a minimum of a 9' first floor ceiling. Building size limitations are as follows:

- a. 40' lots shall have a minimum home size of nine hundred (900) air conditioned/heated square feet of interior space.
- b. 50' lots shall have a minimum home size of eleven hundred (1,100) air conditioned/heated square feet of interior space.

3.2.10 Energy Efficient Design and Construction

All home additions shall comply with Senate Bill No. 5 (International Energy Conservation Code) and any amendments to such Bill that may be made in the future.

3.2.11 Design Assistance

The Declarant highly recommends that each Homeowner retain the services of a qualified Architect or residential designer to assist in the design process. The knowledgeable designer has a familiarity with architectural design, materials and construction which can enhance the marketability and efficiency of the house design.

3.2.12 Internet/Intranet

Homeowners are required to install Category 5E wire in the addition to handle high speed internet/intranet requirements.

3.3 SIGNAGE

All Signage must conform to the Providence Sign Design Guidelines. Three types of temporary signs are allowed: temporary Builder signs, temporary model home signs, and real estates sales signs. A separate Signage design package has been prepared specifying size, materials and method of construction for all Signage. All Signage design and placement will require ARC approval.

No Signage will be allowed in a street, off-site on neighboring property, or mounted on buildings or trees.

One subcontractor sign may be placed on a lot. All signs must be removed upon sale of the residence.

All homes will have an address block located on the front of the home and above the garage doors (see Sign Guidelines for style, materials and colors).

3.3.1 Builder Sign

Signs identifying the Builder, lot number and sales status (Available, Under Contract, or Sold). The sign may be placed on the lot at the time of optioning the lot before construction begins, and it must be removed at occupancy.

3.3.2 Builder Model Home Sign

Each model home may erect a sign indicating the Builder's name in accordance with the sign design guidelines.

3.3.3 Real Estate Sign

Each dwelling unit may erect one (1) five square foot real estate sign to advertise the sale of the premises upon which the sign is located. The real estate sign must be located on the property of the unit it is advertising and not in any Common Area or on public property and must otherwise comply with Section 2.5(k)(iii) as same has been supplemented and amended.

3.4 CONSTRUCTION SITE STANDARDS

3.4.1 Site Cleanliness/Materials Storage/Erosion Control

It is imperative that all sites be maintained in a clean and tidy manner. **Unsightly construction or non-maintained sites will not be tolerated!** All construction materials must be kept within the property lines, maintaining a neat street right-of-way. The storage of materials should be in an inconspicuous area and should be neat and orderly. The use of adjoining properties for access or storage of materials without the written permission of the adjacent owner is prohibited. Temporary storage structures approved by the ARC may be used to store materials. Storage structures may not be used as living quarters.

Care should be taken when loading trucks and hauling trash to prevent spillage while in transit. Builders shall be held responsible for trash and debris falling from construction vehicles. A trash container enclosure will be required on each construction site after the pouring of the foundation. At the end of each work day, materials must be stored neatly and all trash placed in the trash enclosure. No trash will be strewn about the site or piled openly. Builders will be responsible for cleanup on all lots owned or contracted for by that Builder. Lots that are not cleaned upon notification are subject to fines. If a home that has requested a final certificate is adjacent to lots that are not clean, the final certificate shall be denied.

Builders are responsible for controlling erosion on each lot. Care must be taken to use soil control measures such as hay bales (properly installed with staking as necessary), silt fence, hydromulch, etc. to prevent soil erosion. Streets surrounding each lot shall be kept free from soil build-up. Builders will be provided with two (2) concrete wash-out signs. Builders will designate one lot in each phase for concrete wash-out. **All construction vehicles must access the site from F.M. 2931.**

3.4.2 Natural Preservation Areas

It is important that all natural preservation areas shown on approved plans be left undisturbed during the construction period. The Homeowner is responsible for erecting barricades to protect these natural areas. It will be the financial responsibility of the Homeowner to re-landscape any disturbance of these natural areas and to keep the barricades in good repair.

3.4.3 Job Toilets/Fires

Each construction area is required to be served by a job toilet for the use of the workers.

Fires are not permitted on residential construction sites under any circumstances.

3.4.4 Construction Adjacent to a Common Green

When building adjacent to an improved common green, before the start of construction a barrier fence must be installed on the property.

3.4.5 Final Site Review

Before final site review, the construction of the residence must be completed conforming to the previously approved plans and the landscaping plan must be approved. The installation of the landscaping must conform to the guidelines set forth in Section 2.0 hereof. All building debris must be removed from the site and the surrounding area, and the construction site sign and the temporary power pole must be removed. At this time, the Builder should notify the secretary of the ARC that the site is ready for Final Review. Any unauthorized changes to the previously approved plans must be corrected before Final Review Approval will be issued. This procedure is mandatory.

4.0 MISCELLANEOUS

4.1 Enforcement

These procedures may be enforced in the same manner as the declaration is enforced, or by any other method available at law or equity.

4.2 Waiver, Amendment and Third Party Benefit

The ARC maintains the right from time to time, at its sole discretion, to waive, amend or modify the Procedures and Guidelines. The ARC, its agents, representatives or employees shall not be liable for failure to follow these Procedures and the Guidelines as herein defined. These Procedures and Guidelines confer no third party benefits or rights upon any entity, Person or Builder.

4.3 Non-Liability of the ARC

Neither the ARC nor its respective members, Secretary, successors, assigns, agents, representatives, employees or attorneys shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Builder by reason of mistake in judgment, nonfeasance arising out of any action of the ARC with respect to any submission, or for failure to follow these Procedures and Guidelines. The role of the ARC is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. The ARC assumes no responsibility with regard to design or construction, including, without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction, or technical suitability of materials.

4.4 Accuracy of Information

Any person submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

4.5 Builder Representation

The Builder represents by the act of entering into the review process with the ARC that all representatives of Builder, including, but not limited to, Builder's Architect, Engineer, Builder's subcontractors, and their agents and employees, shall be made aware by the Builder of all applicable requirements of the ARC and shall abide by these Procedures, the Guidelines and the Declaration with respect to approval of development plans and specifications.

4.6 Conflicts with the Declaration of Covenants, Conditions and Restrictions

In the event of a conflict between these Procedures or the Guidelines and the terms of the Declaration, the latter shall prevail.

4.7 Providence Homeowners Association, Inc. - Use Restriction

The Board of Directors of the Providence Homeowners Association, Inc. may from time to time promulgate restrictions governing the use of lots and Association common area. The Homeowner should review any such restrictions to ensure that lot improvements are in compliance with such use restrictions.

4.8 Regulatory Compliance

Plans submitted for ARC review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the building project. It is the responsibility of the Builder to obtain all necessary permits and ensure all governmental compliance. Regulatory approvals do not preclude the authority and responsibility of the ARC for design review, and approval by the ARC does not preclude the Builder from obtaining any necessary governmental approvals.

APPENDIX A
DESIGN REVIEW APPLICATION AND RESPONSE FORMS

(Forms follow, 2 pages)

**THIS STAMP IS FOR SCANNING
PURPOSES ONLY.**

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PURPOSES ONLY.**

PROVIDENCE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL REVIEW COMMITTEE

ARC

Submission No.: _____

At its _____ Meeting, the Architectural Review Committee took action, as detailed below, on your submittal for:

Phase: _____ Block: _____ Lot: _____ Builder/Applicant: _____

A. Construction Start Status

- Approved for construction start
 Not approved for construction start

B. Review item Status

Builder may not begin construction on the following items until approved by the ARC:

	Approved	Disapproved	Approved as Noted
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building Elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Swimming Pool Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Materials Sched.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. ARC Design Check List

1. **Site Planning:** Set backs observed Driveways min. 18" from property line
 Utility location indicated Auto storage adequate Building orientation
 Tree locations indicated

2. **Grading Plan:** Existing grades Proposed grades
 Illustrates intent to conform to H.S. Master drainage plan
 Finished floor elevations Lake front 537' impact

3. **Architectural:** A/C square footage within range

D. General Comments: _____

Members Present:

The Applicant acknowledges and agrees that the ARC and the Association assume no liability resulting from the approval or disapproval of any plans submitted by the Applicant. The ARC and the Association assume no liability and make no representation regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governmental requirements.

APPENDIX B

DEFINITIONS

- 1.1 “Association” (as defined in Article 1, Section 1.3 of the Declaration) shall mean and refer to the Providence Homeowners Association, Inc., a Texas non-profit corporation.
- 1.2 “Builder” shall mean the person making the official submission to the ARC whose name shall appear on the APPLICATION FOR REVIEW. The “Builder” is the Builder, as defined in Section 1.6 hereof.
- 1.3 “Production Builder” shall mean any homebuilder who purchases five (5) or more lots in the Providence Community.
- 1.4 “Builder” shall mean any person who has or will become an “Owner” (as defined in Article 1, Section 1.19 of the Declaration), or any person acting as an agent of an Owner or a prospective Owner, seeking approvals pursuant to and required by the Guidelines, these Procedures, or the Declaration.
- 1.5 “Building Project” shall mean the total scheme of improvement constructed or proposed to be constructed upon any site by a Builder.
- 1.6 “Building Setback” shall mean and refer to the areas, defined in these Guidelines, and as shown on the recorded Plat, measured from the property line to any structure, which areas shall be unobstructed by structures from the ground upward, but which may include surface driveway areas or other similar surface improvements.
- 1.7 “Municipality” shall mean and refer to any official, agency, or body of government of the City of Denton County, Texas.
- 1.8 “Declarant” shall mean and refer to Providence - and to any of its successors or assigns which are designated as the “Declarant”.
- 1.9 “Declaration” shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for Providence Homeowners Association, Inc.
- 1.10 “Development Concept Plan” shall mean and refer to a graphic plan entitled “Development Concept Plan” which may be prepared for each neighborhood as it is ready to be developed.
- 1.11 “Development Guidelines” shall mean and refer to the Design and Development Guidelines of the Modifications Committee of the Providence Homeowners Association, Inc. which are the Design Guidelines and standards prepared by the ARC.
- 1.12 “Guidelines” shall mean the same as Design Guidelines.
- 1.13 “Providence” is the name of the property subject to the Declaration.
- 1.14 “Providence Homeowners Association, Inc.” shall mean the same as the Association defined in definition 1.1 hereof.
- 1.15 “Landscape Setback” shall mean and refer to areas, delineated in the Guidelines and usually adjacent to but within the Site boundaries, which are to be used exclusively for planting, pedestrian paving, or other uses deemed appropriate by the ARC. Uses which shall not be permitted within a Landscape Setback area shall include, without limitation, buildings, parking

lots, and any other item as deemed undesirable by the ARC.

- 1.16 “Neighborhood” shall mean and refer to an area for which the Declarant has prepared a Subdivision Plat and Development Concept Plan.
- 1.17 “Architectural Review Committee” or “ARC” shall mean and refer to the Architectural Review Committee described in Article III of the Declaration as the Architectural Control Committee or ACC.
- 1.18 “Person” (as defined in Article 1, Section 1.20 of the Declaration) shall mean a natural person, a corporation, a partnership, trustee or other legal entity.
- 1.19 “Procedures” shall mean the Design Application and Review Procedures contained herein which are the application procedures prepared by the ARC pursuant to Article III, Section i 3.5 of the Declaration.
- 1.20 “Project” shall mean the same as defined in definition 1.13 hereof.
- 1.21 “Secretary” shall mean the person designated by the ARC to assist the ARC in the administration and documentation of the ARC’s functions as provided for in the Declaration, the Guidelines or these Procedures, which person may be a member of the ARC or someone who is not a voting member of the ARC.
- 1.22 “Single Dwelling Unit” shall mean a building project which consists of an individual detached residence located on a lot with building setbacks to the front, rear and side.
- 1.23 “Site” shall mean and refer to each of the lots described upon any recorded plat of the Property encumbered by the Declaration or any portion thereof, except the Common Area, and excluding lots dedicated to any municipality or any other governmental entity. If such Site is further subdivided or resubdivided, each of the lots resulting from such subdivision or resubdivision shall be considered as a Site as that term is used herein and the restrictions of the Declaration shall apply to Sites so created.
- 1.24 “Site Specific Guidelines” shall mean and refer to guidelines which may be prepared for each neighborhood as it is ready to develop. These guidelines shall apply specifically to the Neighborhood for which they are prepared.
- 1.25 “Step” shall mean any of the distinct sequences as specified in these Procedures related to approval or action upon any development plans submitted by a Builder.
- 1.26 “Take Action” by the ARC or by the Secretary, as the ARC’s agent, means approving or disapproving a specific submission by a Builder. The ARC may take action with or without a formal meeting, and written notice of any such action shall be sent by the Secretary to the Builder.

APPENDIX C
Recommended Plant List

Note: ★ denotes mandatory trees ✓ denotes additional optional trees

Large Shade and Canopy Trees

	COMMON NAME	BOTANICAL NAME	Minimum Size/Condition
✓	Bald Cypress	Taxodium distichum	3" caliper, B&B or container
✓	Black Willow	Salix spp.	Not recommended for planting
★	<i>Bur Oak</i>	<i>Quercus macrocarpa</i>	<i>3" caliper, B&B or container</i>
★	Chinese Pistachio	Pistacia chinensis	3" caliper, B&B or container
★	<i>Chinquapin Oak</i>	<i>Quercus muhlenbergii</i>	<i>3" caliper, B&B or container</i>
✓	<i>Cottonwood (Seedless)</i>	<i>Populus deltoideoides var.</i>	<i>3" caliper, B&B or container</i>
★	Lacebark Elm	Ulmus parvifolia	3" caliper, B&B or container
✓	Lacey Oak	Querc	3" caliper, B&B or container
★	Live Oak	Quercus virginiana	3" caliper, B&B or container
✓	Magnolia	Magnolia grandiflora	3" caliper, B&B or container
✓	Pecan Tree		
✓	<i>Persimmons</i>	<i>Carya illincensis</i>	<i>3" caliper, B&B or container</i>
✓	<i>Shumard Red Oak</i>	<i>Quercus shumardi</i>	<i>3" caliper, B&B or container</i>
★	Sweetgum	Liquidambar styraciflua	3" caliper, B&B or container
★	<i>Texas Red Oak</i>	<i>Quercus texana</i>	<i>3" caliper, B&B or container</i>
✓	Weeping Willow	Salix babylonica	

Evergreen Trees

	COMMON NAME	BOTANICAL NAME	Minimum Size/Condition
✓	Austrian Pine	Pinus nigra	8' ht, container
✓	Japanese Black Pine	Pinus thunbergii	5' ht, 10-gallon container
★	Slash Pine	Pinus elliotii	
★	Modell Pine (Eldarica)		

Italic print denotes Native Plants indigenous to Denton, Dallas and Tarrant counties, Texas

Ornamental and Small Canopy Trees

	COMMON NAME	BOTANICAL NAME	Minimum Size/Condition
✓	Aristocrat Pear	<i>Pyrus calleryana</i> 'Aristocrat'	3" caliper, 6'-8' ht
✓	Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'	3" caliper, 6'-8' ht
✓	Crapemyrtle	<i>Lagerstroemia indica</i>	6' ht, B&B
✓	Dogwood, Cherokee Chief (ruby)	<i>Cornus</i> spp. 'Cherokee Chief'	4' ht, B&B
✓	Dogwood, Cloud 9 (white)	<i>Cornus</i> spp. 'Cloud 9'	4' ht, B&B
✓	Dogwood, Roughleaf	<i>Cornus drummondii</i>	4' ht, B&B
✓	Dogwood, Spring Song (rose-red)	<i>Cornus</i> spp. 'Rubra'	4' ht, B&B
✓	Dogwood, Stiff Cornel	<i>Cornus</i> spp. 'Spring Song'	4' ht, B&B
✓	Japanese Maple	<i>Acer japonica</i> 'Bloodgood'	4' ht, 7-gallon container
✓	Natchez Crapemyrtle	<i>Lagerstroemia indica</i> 'Natchez White'	6' ht, B&B
✓		<i>Cercis canadensis</i> 'Oklahoma'	6' ht, B&B
✓	Royal Purple Smoketree	<i>Continus cogyria</i> "Royal Purple"	6' ht, container
✓	<i>Redbud (all varieties)</i>	<i>Cercis Canadensis</i>	4' ht, B&B or container
✓	Savannah Holly (tree shape)	<i>Ilex opaca</i> "Savannah"	4' ht, container
✓	Yaupon Tree Holly	<i>Ilex vomitoria</i>	6' ht B&B

Approved Shrubs (all sizes)

	COMMON NAME	BOTANICAL NAME	Minimum Size/Condition
★	Anthony Waterer Spirea	<i>Spiraea bumalda</i> 'Anthony Waterer'	1-gallon
★	Armstrong Juniper	<i>Juniperus chinensis</i> 'Armstrong'	3-gallon
★	Bridal Wreath Spiraea	<i>Spiraea cantoniensis</i>	3-gallon
★	Burford Holly	<i>Ilex comuta</i> "Burfordii"	3-gallon
★	Cleyera	<i>Terstroemia gymmanthera</i>	3-gallon
★	Compact Nandina	<i>Mandina domestica</i> "Compacta"	1-gallon
★	Crimson Pygmy Barberry	<i>Berberis thunbergii</i> "Crimson"	1-gallon
★	Dazzler Holly	<i>Ilx cornuta</i> "Dazzler"	3-gallon
★	Dwarf Burford Holly	<i>Ilex cornuta</i> "Dwarf Burford"	3-gallon
★	Dwarf Chinese Holly	<i>Ilex cornuta</i> "Rotunda"	3-gallon
★	Rosey Glow Barberry	<i>Berberis thunbergii</i> "Rosey Glow"	

Italic print denotes Native Plants indigenous to Denton, Dallas and Tarrant counties, Texas

Approved Shrubs (all sizes) (continued)

	COMMON NAME	BOTANICAL NAME	Minimum Size/Condition
★	Abelia (all varieties)	Abelia Grania Floria	3-gallon
★	Boxwood (all varieties)	Buxus	3-gallon
★	Columnar Juniper		3-gallon
★	Cotoneaster		3-gallon
★	Dwarf Crape Myrtle	Lagerstroemia indica	1-gallon
★	Dwarf Yaupon Holly	Ilex vomitoria "Nana"	1-gallon
★	Elaeagnus	Elaeagnus pungens "Fruitlands"	3-gallon
★	Foster Holly	Ilex attenuata "Foster"	4' ht, 7-gallon
★	Gulf Stream Nandina	Nandina domestica "Gulf Stream"	3-gallon
★	Harbour Dwarf Nandina	Nandina domestica "Harbour Dwarf"	3-gallon
★	Indian Hawthorne (all varieties)	Rhapiolepis indica "Clara"	3-gallon
★	Nandina (standard)	Nandina domestica	3-gallon
★	Needlepoint Holly	Ilex Comuta (needlepointe)	3-gallon
★	Spiraea (all varieties)	Spiraea spp.	3-gallon or B&B
★	<i>Texas Barberry</i>	<i>Berberis swaswyl</i>	<i>1-gallon</i>
★	Wilson Holly	Ilex altaclarensis "Wilson"	3-gallon

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