

Park Crossing Owners Association (PCOA)

HOMEOWNERS' GUIDE TO THE ARCHITECTURAL GUIDELINES OF PARK CROSSING

This guide summarizes some of the key terms of the Architectural Guidelines adopted by the Board of Directors (“Board”) for the administration of Article VIII of the Declaration of Covenants, Conditions and Restrictions for Park Crossing Community (“Declaration”) by the Architectural Control Committee (“ACC”). For more details, see the Architectural Guidelines. Neither of these documents should be amended without ensuring that the relevant provisions of both are consistent. Only the Board has the authority to amend these documents.

1. Prior Approval is Required for All Structures, Additions, Changes, and Alterations.

All structures, and all additions, changes or alterations to structures, require the prior written approval of the ACC. This includes (but is not limited to) constructing, installing, attaching, adding or changing:

Any house; dwelling; building; foundation; chimney; room or room addition or expansion beyond the existing walls of a house; exterior window; exterior window covering (including anti-burglary bars); exterior shutter; exterior door; exterior entryway; exterior wall; exterior stairway; roof; garage; shed; storage facility; awning; canopy; column, arch; porch; deck; patio; gazebo; outside walk or driveway; parking area; car port; clothesline pole; flagpole (excluding usual and customary decorative flagpoles affixed to the exterior wall of a house); exterior radio or television antenna; satellite dish; lamp post; mailbox; mailbox post; newspaper box post; fence; sign (except signs permitted under Section 2(g) of Article VIII of the Declaration); exterior statue or sculpture; non-portable playground, sports or recreational equipment installed on any lot or common area or affixed to any exterior wall or other structure; children’s playhouse, swing-set, tree-house, tree-platform or other play structure; outside pond, swimming pool, hot tub or spa (including any related equipment or device); heating, cooling, air conditioning, refrigeration, ventilation, or plumbing equipment or device (whether air or water related) for any structure when such equipment or device is located outside a house.

2. Requesting Approval.

Any homeowner requesting approval must use an ACC Approval Request form, which can be obtained from PCOA’s office. Plans and specifications must also be submitted. As provided in Section 1(a) of Article VIII of the Declaration, they must be complete final plans and specifications showing the nature, kind, shape, height, materials, basic exterior finishes and colors, location and floor plan for the work, and showing front, side and rear elevations. If construction work is not involved, it is within the discretion of the ACC to accept plans and specifications that are less formal.

Completed ACC Approval Request forms are to be returned to PCOA’s office along with the required plans and specifications. Requests will be acted upon within 30 days, which may include requests for changes or additional information, in which case the review process could take longer than 30 days.

Note: approvals are for purposes of the Declaration only. Homeowners and their builders are responsible for complying with building codes, deed restrictions, setback, lot line or border restrictions, and any legal requirements.

3. Automatic Disapproval.

The following things are expressly prohibited and will not be approved:

- Storage sheds or storage facilities unattached to any house.
- Chain-linked fences or fences with any “chicken wire” or barbed wire.

- Any fence located on any Lot such that all or any portion of the fence extends forward beyond the front line of the house drawn in both directions to the Lot's borders.
- Stucco fences.
- Plain plank privacy fences.
- A privacy fence with the unfinished side facing the neighbor.
- A privacy panel (a fence which does not fully enclose a backyard) which is not finished on both sides (double picketed or of a shadow box design).
- Satellite dishes larger than one meter in diameter.
- Above-ground swimming pools.
- Unpainted aluminum or wrought iron storm doors.
- Tree-houses or tree-platforms.
- Any separate post for the mounting of any newspaper box.
- Any mailbox or mailbox post that does not meet the Old or New Standard Mailbox & Post requirements (described below).
- Vinyl siding on any exterior surface.
- Any driveway color other than a shade of gray (specific shade to be approved if color change is to be made).
- Any revision to driveway shape which will eliminate "s" curve of driveway.

Note: just because something does not fit these descriptions does not mean it will be approved.

4. Terms & Conditions of Approval.

Some approvals may be conditional, in which case the approval will set forth the terms and conditions with which the homeowner must comply, such as those described below. However, just because something meets the following terms and conditions does not mean that it will be approved.

- **Fences**

- (a) **Fence Guidelines** (by type)

Fences may be privacy (wooden), split rail, brick, stone or wrought iron subject to the guidelines set forth below. These guidelines apply to all new fences installed after May 18, 2003; fences installed prior to May 8, 2003 are grandfathered until such time that a fence needs to be replaced, at which time the guidelines below would apply to the replacement fence, including (without limitation) the planting and screening requirement for any fence that borders Park Crossing Drive or any other street in the Park Crossing Community. Plans and specifications submitted for fence approvals (including approvals of any replacement fence) must include (i) sufficient information to indicate that these guidelines will be met, and (ii) a site plan or survey showing the location of the proposed fence (except in the case of a replacement fence being erected on the same location).

Privacy Fences

Color: Natural wood/transparent natural color wood stain that promotes color continuity. Painted fences must be painted either white or the same color as the house trim of the house on the Lot. Samples of the specific paint and stain colors must be submitted with the ACC request form.

Height: Six (6) feet maximum height

Design: The decorative, top portion of a wooden privacy fence may include: French gothic, Virginia gothic, convex, concave, dog eared, lattice, straight top with trimtopper.

Pickets on the fence are to be spaced no wider than the width of the picket.

Panels of the wooden privacy fence may be broken with brick columns evenly spaced.

The good side must face out toward neighbors if the fence is not double picketed or of shadowbox design.

Fencing not fully enclosing the backyard must be of neighbor friendly construction – good both sides (double picketed or of shadowbox design).

Split Rail Fences

Color: Natural wood/transparent natural color wood stain that promotes color continuity. Painted fences must be painted either white or the same color as the house trim of the house on the Lot. Samples of the specific paint and stain colors must be submitted with the ACC request form.

Height: Maximum height of four and one-half (4.5) feet

Mesh: Standard contractor wire mesh (no chicken wire)

Brick or Stone Fences

Color: To match that of siding on home, except stone fences may be different from siding if color is approved by the ACC.

Height: Six (6) feet maximum height.

Wrought Iron or Decorative Rolled Steel/Aluminum Fences

Color: Black unless the color is approved by the ACC.

(b) Landscaping and Screening Requirement for all Fence Approvals

In addition to the guidelines set forth above, the approval of any fence that borders Park Crossing Drive or any other street in the Park Crossing Community shall be subject to the requirement to install and maintain plantings designed to screen such fence year round from the view of such street within two growing seasons following the installation of the fence; for all fences installed after March 1, 2018, the plantings to be installed will be transplanted 7-gallon ligustrum for sunnier areas and transplanted 7-gallon osmanthus for shadier areas. The use of any other plantings for such purpose requires prior ACC approval. All plantings shall be installed no later than 30 days after the fence is installed unless otherwise approved in writing.

● Exterior antennas & satellite dishes.

All satellite dishes must be no larger than one meter in diameter, and all antennas, satellite dishes and masts supporting them must otherwise be approved as to color and location, which shall be in the sole and absolute discretion of the Association provided that any such approval shall be subject to Section 1.4000 of Title 47 of the Code of Federal Regulations, including the requirement that any location chosen must not preclude an acceptable quality signal.

● Above-ground hot tubs or spas, and any above-ground equipment related to any hot tub, spa or swimming pool.

All above-ground hot tubs or spas, and all above-ground equipment related to any hot tub, spa or swimming pool shall be accompanied by plantings such as evergreens designed to screen such above-ground tub, spa or equipment from the view of any street or adjacent house year round within two growing seasons following the installation of the above-ground tub, spa or equipment. Such plantings shall be installed no later than six months after the hot tub or spa is installed unless otherwise approved in writing. The ACC or the Board shall have the discretion to waive such plantings when visual screening is already provided by berms or natural vegetation.

- **Garages**

Conversions

The conversion of any existing garage of a house into a living area requires prior ACC approval if any change will be made to any exterior wall of the house, such as removal of an overhead garage door. The ACC must include in any such approval a stipulation for a garage to be built on the Lot within six months of the conversion, the construction of which shall meet all requirements of the Declaration and the Architectural Guidelines, including approval of the plans and specifications required by Section 1(a) of Article VIII of the Declaration. No approval for such conversion may be given without the prior submission by the homeowner and approval by the ACC of such plans and specifications for the building of such garage.

Detached Garages

Although attached garages are preferred, they may not be feasible due to property site limitations. The ACC is authorized to approve detached garages so long as at least the following minimum requirements will be met:

- The garage must be attached to home via fence or wall (minimum of 4' high).
- The garage must be located with a minimum of 5' setback (10' preferred) as measured from the eave to the property line.
- The veneer must match front veneer on home.
- The roof pitch/materials must match roof pitch/materials on home.
- The garage door must be panel or architectural.

5. When Approval is Not Needed: Maintenance, Repairs & Replacements.

No approval is required for any maintenance, repairs or replacements of pre-existing structures (so long as they do not involve any additions, changes or alterations to or from those pre-existing structures, or the rebuilding of any house), except that builders must still be approved if construction work is involved.

The following examples are illustrative:

- Repainting or restaining a surface in the same color as that of the existing surface.
- Replacing shingles (or other roof covering materials), gutters, siding or other building materials with the same type and color of materials as those of the pre-existing material (except builders doing construction work require approval).
- The repainting, repairing or replacement of any Old Standard Mailbox or Post so long as the Old Standard Mailbox specifications or New Standard Mailbox & Post specifications are met. Note that the use of a separate post for the mounting of any newspaper box is prohibited.

Old Mailbox Specifications:

Mailbox: Black #1 metal rural mailbox.
Pole: Black schedule 40 steel pipe (1-5/8" outside diameter).
Finial: Black 4" high pineapple finial (order #657).
Scroll: Black 3-piece scroll (s,c, and 1/2 of s scroll welded together) 1" X 3/16" thickness (metal).

New Mailbox Specifications

Manufacturer: Carolina Mailboxes.
Approved Builder: Carolina Mailboxes.
Make/Model/Color: Park Crossing custom black aluminum mailbox system #2 composed of the mailbox, newspaper holder and post with white reflective address numbers on both sides of the newspaper holder.
Mailbox: Solar #2 aluminum mailbox with red aluminum flag.

6. Construction Work must be done by Qualified Builders.

As required by the Declaration, all construction work must be done only by a builder approved in advance by the ACC. Builders must meet the requirements of Section 1(d) of Article VIII of the Declaration (e.g., they must obtain their income primarily from constructing the type of structure to be built), including homeowners acting as their own builders. This applies to new construction, but also to construction work being done to repair or replace something.

Note: approvals are for purposes of the Declaration only. PCOA does not endorse builders or their work.

7. Lots may be Used for Single-family Residential Use Only.

The Declaration requires all Lots to be used for single-family residential purposes only. Section 2(a) of the Declaration was amended to add the following language:

“For purposes of this section “single family” shall mean and refer to one family related by blood, marriage or legal action or no more than three (3) individuals unrelated by blood, marriage or legal action. No Owner shall lease his lot for transient or hotel purposes. No Owner may lease less than the entire house located on a lot. Any lease agreement shall provide that it is subject to the provisions of this Declaration.”

Although Lots and houses cannot be used as places of business, this does not prohibit anyone from keeping professional records in, or making or receiving professional telephone calls from, any residence.

8. Other Restrictions: Anything Noxious, Dangerous, Unsightly, Unpleasant, Offensive, Embarrassing, Discomforting, Annoying or Constituting a Nuisance, Etc.

The Declaration prohibits anything of this nature, and so the Board has declared the following to be prohibited:

- The raising, breeding or keeping of any animals, except that dogs, cats and other usual household pets may be kept as pets only if they are not raised, kept or bred for any commercial purpose, are not dangerous and do not cause or create a nuisance or unreasonable disturbance.
- All clotheslines are prohibited, and no clothes, sheets, blankets, or laundry of any kind may be hung out anywhere on any house or Lot.
- Firewood, except when kept in the back yard (but with PCOA reserving the right to require its removal when it becomes noxious, dangerous, unsightly, unpleasant, etc.)
- Yard waste (such as piles or bunches of grass clippings, leaves, sticks or branches), except when placed in an inconspicuous place behind the house for no longer than a week at a time, and yard waste may also be placed adjacent to the curb of the street in front of the house for collection by the City of Charlotte’s Solid Waste Services.

Homeowners should note, however, that if anyone places yard waste at curbside earlier than the day before the scheduled collection date or fails to remove by midnight any such yard waste if left uncollected by Solid Waste Services on the scheduled collection date, they may be subject to a fine of at least \$50.00 payable to the City of Charlotte. See Section 10-105 of Chapter 10 of the City of Charlotte’s Health and Sanitation Ordinance. For yard waste, garbage and other materials to be eligible for collection by Solid Waste Services, such materials must meet certain requirements specified in such ordinance. Homeowners may wish to familiarize themselves with Chapter 10 in its entirety as it covers a variety of health, sanitary and safety requirements pertaining to residential property, sidewalks and streets.

- The storage or overnight parking of any vehicle on any Common Area.

The foregoing is not intended to be an all-inclusive or complete list of things or activities that the Board may find or

declare to be noxious, dangerous, unsightly, unpleasant, offensive, embarrassing, discomfoting, annoying or a nuisance and therefore prohibited.

9. Maintenance & Upkeep

Under the Declaration, homeowners are responsible for preventing unclean, unsightly or unkempt conditions of buildings or grounds that tend to substantially decrease the beauty of Park Crossing. This applies to all lawns, beds, landscaping and grounds, as well as all structures and exterior surfaces.

10. Prohibition on Removing any Trees (of a certain size), any Flowering Trees (no matter what size) or any Shrubs.

Under the Declaration, prior approval is required to remove any trees measuring at least six inches in diameter (at a point two feet above ground level), any flowering trees (regardless of their size), and any shrubs, except approval is not needed (i) when the tree or shrub is located within ten feet of a house, or (ii) when the tree has been damaged or must be removed due to an emergency.

Before the removal of any damaged tree or tree measuring less than six inches in diameter (at the required point), it must first be inspected by the ACC to verify that it qualifies for removal, unless the tree is located within ten feet of a house.

If a tree measures at least 19 inches in circumference at a point two feet above the ground, it shall be deemed to have at least a six-inch diameter at that point.

11. Prohibition on Signs.

Under the Declaration, signs are not permitted on any Lot, except for one “For Sale” or “For Lease” sign that is professionally-lettered and measures no more than 36 inches by 48 inches.

For U.S. Constitutional reasons, the Board also intends to permit homeowners to maintain on their Lots during political campaigns usual and customary signs promoting political candidates seeking public office or other matters on which a vote is to be taken in a local or national election or referendum.

Also, the Board has declared that all signs on the Common Areas are prohibited except for certain signs placed by the PCOA, the Park Crossing Recreation Club or the Park Crossing Women’s Club with the approval of the ACC. Therefore, while “For Sale” signs, “For Lease” signs, and political signs are permitted on Lots, they are not permitted on the Common Areas.

The Board reserves the right to change this Homeowners’ Guide or the Architectural Guidelines at any time without notice. If this Homeowners’ Guide is in any way inconsistent with the Architectural Guidelines, the terms of the Architectural Guidelines will prevail.

Nothing herein constitutes legal advice, and the Board assumes no responsibility for advising, notifying or informing homeowners of any law, statute, ordinance, rule, regulation, building code, deed restriction, easement, or other requirement, obligation, right, power or privilege that may pertain to them or to their activities or property or that they may have under the Declaration or otherwise.

Board of Directors
Park Crossing Owners Association, Inc.
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