

Downing Creek Community Association
Architectural Guidelines for Existing Homes

Issue Date: June 1, 2001

Amended April 7, 2004

Amended 2008

Downing Creek Community Association Architectural Modification Application

BACKGROUND

The primary purpose of the Architectural Guidelines for Existing Homes (Architectural Guidelines) is to maintain a community that is aesthetically pleasing where individual taste will not be sacrificed, but blended in such a way so that all properties will be enhanced and their values protected.

The Declaration of Covenants and Restrictions of the Downing Creek Community Association, (DCCA), Inc. and the Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Property in Downing Creek as recorded in book 1402, pages 764-788 in Durham County outlines certain restrictions applicable to all property in Downing Creek. These documents covenants and restrictions are referred to as the General Property Covenants of Downing Creek.

Article VII, Architectural Control and the General Property Covenants, Section 1 states: No building, wall fence, swimming pool, or other structure shall be commenced, erected, or maintained upon the Common Property or the Restricted Common Properties, nor shall landscaping be done, nor shall any exterior addition to an existing structure or change or alteration therein be made until the plan and specifications therefore showing the structure, kind, shape, height, materials, colors and location of the same shall have been submitted to and approved in writing as to the compatibility of the external design and location with the surrounding structures and topography by the Architectural Review Committee and [the DCCA Board] pursuant to the provisions of the Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Property in Downing Creek.

Article VII further states that an Architectural Review Committee (ARC) be established. The Architectural Review Committee is to be composed of at least three (3) but no more than eleven (11) members, all of whom shall be appointed by the DCCA Board of Directors. One member of the DCCA Board of Directors shall serve as liaison to the ARC.

Part I of the General Property Covenants states *that DCCA shall establish and amend from time to time certain objective standards and guidelines including, but not limited to, Architectural Standards and Construction Specifications, Uniform Sign Regulations, Uniform Mailbox Regulations, Landscape Guidelines and Environmental Rules and Regulations as defined hereinafter, which shall be in addition to and more restrictive than said Conditional Use and which shall be binding on all Property Owners within Downing Creek.*

Part 1, Section 1 of the General Property Covenants, specifically states: *No building, fence or other structure shall be erected, placed, or altered nor shall a building permit for such improvement be applied for any Property in Downing Creek until the proposed building plans, specifications exterior color or finish, plot plan (showing the proposed location of such building or structure, drives or parking), the land management plan as described in paragraph 1 of Part II and construction schedule shall have been approved in writing by the DCCA Board of Directors. In addition, DCCA Board of Directors at its election may require prior written approval of a landscape plan.*

Refusal or approval of plans, location, exterior color or finish or specifications may be based by the DCCA Board of Directors upon any ground, including purely aesthetic considerations, which in the sole and uncontrolled discretion of the DCCA Board of Directors. No alteration in the exterior appearance of any building or structure, including exterior color or finish shall be made without like prior written approval by DCCA Board of Directors.

DCCA ARCHITECTURAL GUIDELINES

Downing Creek Community Association Architectural Modification Application

The Architectural Guidelines are intended to provide guidance to Property Owners who plan to modify the exterior of their property. In addition to submitting and obtaining approval from DCCA Board of Directors on the proposed architectural modification, the Property Owner is also responsible for following all applicable building codes, local ordinances and for obtaining any necessary building permits from Durham county prior to making any modifications to existing structure such as decks, additions, screened porches, sunroom, etc.

Property lines and existing structures must be identified for both a building permit and for the DCCA Architectural Modification Application (AMA). It is the Property Owner's responsibility to locate and mark the surveyor pins prior to submitting an application form.

Good design by its nature is a somewhat subjective process which must continually address unique situations. While no two sites are alike, the Architectural Review Committee and DCCA Board of Directors will make judgements based on adherence to the DCCA Architectural Guidelines and will evaluate unique situations individually.

PROCESS

1. Property Owner must complete the DCCA Architectural Modification Application (AMA) form. Appropriate supporting sketches, plans or other documentation as needed or required must be attached.
2. Property Owner must make six (6) copies of the application and documentation and deliver them to the DCCA Property Manager.
3. The DCCA Property Manager will distribute the Architectural Modification Application to members of the ARC.
4. Members of the ARC will review the specifics of the proposed architectural modification(s) to ensure its adherence to DCCA Architectural Guidelines, and will visit the site and/or consult with the Property Owner as needed. Please mark survey pins locations with flags or stakes for easy reference.
5. The ARC will meet to review applications and make its recommendation approve or deny the request to the DCCA Board of Directors. The ARC may also request that missing or additional information be provided by the Property Owner or suggest specific modifications to the proposed change before making its recommendation.
6. The majority recommendation of the ARC will be forwarded to the DCCA Board of Directors to vote for action.
7. Within forty-eight (48) hours of the DCCA Board of Director's meeting, the Property Manager will telephone the Property Owner of the disposition of the application.
8. A written follow up of the DCCA Board of Director's action will be sent to Property Owner and ARC within five (5) working days.

The ARC will schedule its meetings to parallel the published DCCA Board of Directors meeting schedule, so that Architectural Modification Applications can be forwarded to the DCCA Board of Directors for action as quickly as possible.

A copy of the DCCA Architectural Modification Application form is attached at end of this document or can be obtained from the DCCA Property Manager.

If a Property Owner wishes to consult with the ARC prior to hiring an architect and/or contractor to discuss the concept/ideas about the project, please contact the Property Manager or an ARC member to schedule a meeting time.

The approval and acceptance by the DCCA Board of Directors, does not circumvent additional requirements, which may be established by local ordinances.

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Approvals for architectural modifications granted prior to June 1, 2001 are grandfathered. If the Property Owner elects to make any architectural modifications to an existing grandfathered element, the DCCA Board of Directors reserves right to review and approve this change.

ADDITIONS

Additions may have an impact on neighboring properties. Plans must be well thought out to minimize any potential adverse effect. As a courtesy, please discuss your plans for an addition with your neighbors.

The design of the addition must be compatible in scale, size, character, materials and color with the original house. Detailed drawings of the proposed addition, including specific information about dimensions, materials, colors, and the location of surveyor pins, lot lines and any existing structures must be attached to the DCCA Architectural Modification Application form. Applications without this information will not be considered.

Additions must be located in such a way as to minimize the removal of trees or changing the topography of the property. Changes in grade or drainage must not adversely affect adjacent properties. Under no circumstance may the addition use or infringe upon DCCA Common Property. The ARC may require supplemental landscape treatment to compensate for the removal of vegetation, or to soften the addition visually.

New windows and doors should be compatible in scale, size, character, materials and color to match or compliment the existing architecture.

Roof pitch should be compatible with the architectural style and scale of the house and match or compliment the original roof color and materials.

As a reminder, additions must meet all applicable building codes and local ordinances. Any necessary building permits must be from obtained from Durham County prior to starting any work.

ARBORS

Applications for arbors must indicate where they are to be located, at the rear, the side of the house or set back forty feet from the road. Arbors may not infringe or interfere with neighbors' property or view.

AWNINGS

Although awnings are not encouraged, they may be appropriate for rear yard patios and decks.

Awnings must be compatible with the architectural style and scale of the house. The color of the fabric must be compatible with the existing house colors. Any exposed frames must be painted to match the trim or the dominant color of the house. Canvas or other retractable materials are recommended.

DECKS

Decks should be an integral part of the design and appearance of the house and consideration should be given to the privacy of adjacent homeowners. As a courtesy, please discuss your project with your adjacent neighbors. The size of the deck must be compatible with the scale of the house and the yard.

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Decks must be constructed of rot resistant wood. The deck may be left to weather, stained a natural wood color or painted to match the base and/or the trim color of the house. Railing height and spacing must conform to Durham County building codes. Plantings and latticework are recommended at post foundations and under decks to screen the area under the deck.

The application for the construction of a deck or the modifications to an existing deck must include detailed specifications, such as: color, post location, use of trim, railing design, and a sketch/diagram of the project and the location of surveyor pins, lot lines and any existing structures must be attached to the DCCA Architectural Modification Application form. Applications without this information will not be considered.

As a reminder, construction of decks must meet all applicable building codes and necessary building permits must be from obtained from Durham County prior to starting any work.

DOG HOUSES/RUNS

Electric, underground fencing is recommended to keep dogs on the Property Owner's premises. If a dog run is to be constructed, please refer to the guidelines for fencing. A sketch/diagram, including the location of the surveyor pins, lot lines and existing structures must be included in the application. As a courtesy, please discuss your plans with our neighbors.

Doghouses must be located behind the house where they cannot be seen from the street or by neighbors. The doghouse should be painted to match the house or left to weather naturally. Landscaping may be required to soften the visual impact of the doghouse. On the application form, specify the size, materials, color and location of the doghouse.

ENCLOSED FREESTANDING STRUCTURES

Enclosed freestanding structures such as sheds, playhouses, greenhouses should be located in the rear yard and should not be visible from the street. When selecting the size and location for these structures, views from the adjacent properties must be considered. As a courtesy, please discuss your plans with your neighbors.

Prefabricated metal storage sheds are not permitted.

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FENCING

In general, fences detract from the open character of Downing Creek property and have both a visual and physical impact on adjoining properties; therefore, property owners are encouraged to use shrubs and plants (even prickly varieties) to accomplish the purpose of a fence.

Fences shall sit within the context of the architectural design of the house. Wooden picket fences are preferred. Other fencing types, designs, and materials will be considered on an individual basis in relation to neighboring properties. The framework (posts and stringers) supporting the fence must face the area being enclosed.

Fences should be located so that trees do not need to be removed. Fencing located in front of the building line will be limited to 36" in height. Fencing, which is located within 20 feet of any house is restricted to no more than 48" in height. This height includes but is not restricted to areas directly on the side of a house. The maximum fence height in the rear of the property is 72". The DCCA Board of Directors reserves the right to impose further restrictions if the proposed fence will have an adverse impact on adjoining property.

Wooden fences adjacent to Downing Creek Parkway must be painted white. Fences on Common Property are not permitted. If fences infringe on Common Property, they will be removed at the Property Owner's expense.

A sketch/diagram or photo of proposed fencing, including specific information about dimensions, materials, colors, and the location of surveyor pins, lot lines, and any existing structures must be attached to the DCCA Architectural Modification Application form. Applications without this information will not be considered.

The following guidelines recommended for wood fences are:

- (a) All fence lumber must be rot-resistant.
- (b) Posts: 4x4 inches set in cement;
- (c) Runners: 4x2 inches;
- (d) Pickets: minimum of ¾ inch thick and 2- 6 inches in width;
- (e) Spacing minimum of 1-½ inches of open space between pickets. Spacing must conform to local building code requirements.

GENERAL PROPERTY APPEARANCE AND LANDSCAPING

Streetscape is a term used to describe the overall visual affect of the street and is the sum total of the effect produced by design of individual houses, supplementary landscaping, and details such as streetlights and mailboxes. The Downing Creek objective is to provide continuity and identity without sacrificing individuality. Landscaping is the means that strongly connects the house to its natural setting.

Trees that were planted along the streets when Downing Creek was developed were standardized to enhance the streetscape design. In order to maintain the streetscape concept a Property Owner may not cut down these trees. If a problem develops with one of these trees, the DCCA Board must be notified. The Property Owners must replace these trees with the approved species and cultivar for their street. If this is not the same as the tree that was lost, then the DCCA Board must be contacted to approve the location and spacing of the new tree. Otherwise, the tree must be replaced with the same like and kind in the same location or, with the Board's approval, as close to it as reasonably possible.

GENERAL PROPERTY APPEARANCE AND LANDSCAPING Continued

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Written notification must be submitted to Property Manager to remove any healthy tree with a trunk diameter exceeding 6 inches within 2 feet from the ground, unless the tree can be shown to be diseased, dead or an endangerment.

Trees or plants that obstruct sight lines of vehicular traffic are not acceptable.

Landscaping is intended to consist of natural components. While lawn ornaments are acceptable accents, they should be positioned to blend into the natural features and not draw excessive attention to themselves.

Landscape plans must be submitted to the ARC under the following conditions: 1) a structural or alteration to the existing unit is made, and/or, 2) a permanent, structural or decorative element is included such as an arbor, gazebo, barbecue, in ground patio, retaining walls or walkways.

Vegetable gardens may be on the side or rear of the property ONLY if they are unobtrusive from the street and to adjacent property owners.

Dog owners should be considerate of neighbors and their children by letting your dog relieve it self in the wooded areas and not on or directly adjacent to jogging path or other common areas by the pool, playground or tennis courts. Dog owners are expected to clean up after their dog droppings in the common areas.

The General Property Covenants, Part II, Land Management Controls and Part III Additional Restrictions Affecting Open Space Areas address the following:

- (a) In order to implement effective insect, reptile, rodent and woods fire control, Property Owners must maintain their property by mowing, removing, clearing, cutting or pruning underbrush, weeds and other unsightly growth.
- (b) Trash, garbage, sewage, sawdust or any unsightly or offensive material may not be dumped on open space areas or private open space areas.
- (c) Each Property Owner shall provide a screening area to conceal unsightly objects or place them out of view. One or more method including landscaping, fences or walls may accomplish screening. These methods must conform to any minimum requirements outlined in these Architectural Guidelines.
- (d) No mobile home, trailer, tent, boat, barn or other similar out building or structure shall be placed on any Residential Property at any time.

LAMPPOSTS

To maintain the aesthetic continuity of the streetscape, the height and lampshade style for all lamp posts are uniform throughout Downing Creek. Lampposts must be painted exterior white.

MAILBOXES

To maintain the aesthetic continuity of the streetscape, all mailboxes and posts are uniform throughout Downing Creek. Mailboxes should be metal, copper or black and measure 21 inches long, 8 inches wide, and 10.5 inches deep. The post must be exterior white with black numbers for the house address.

PAINTING/ EXTERIOR COLOR CHANGES

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Painting the exterior structure of a dwelling includes the colors for the siding, trim, shutters, windows, and doors, etc.

Wood surfaces must be painted. Exceptions are decks and related railing and fences. Stained or natural wood finishes are not allowed for siding or trim. No masonry surfaces may be painted.

Selected colors must be harmonious with other colors used on the structure such as roofing and brick, and must be harmonious with the colors used in the neighborhood. More than 50 colors are available on the approved DCCA color palette. From time to time the color palette will be reviewed and updated. The approved color palette is available from the DCCA Property Manager. The colors to be used should be listed on the application form.

If a house is painted with the **SAME** colors (base, trim, shutters, and doors), the Property Owners must complete the Architectural Modification Application (AMA) form, list the color name or number, and check the **SAME as existing** box as applicable. The completed AMA form is submitted to notify the DCCA Property Manager. Review by the Architectural Review Committee and approval by DCCA Board of Directors will not be required.

If however, a Property Owner wishes to change any of the colors (base, trim, shutters and doors), a DCCA AMA form must be submitted, reviewed by Architectural Review Committee and approved by the DCCA Board of Directors. Please list the color name and number from the approved DCCA color palette available from the DCCA Property Manger.

If the desired paint color is not already on the approved palette, Property Owners may request that a new color be added. New colors must be found to be aesthetically compatible with the existing colors on the palette. The colors most likely to be accepted are those, which are shades from existing colors, and colors in muted earth tones. If the proposed color is accepted as an addition to the approved color palette, the requesting Property Owner must provide 5 copies of the paint chip with manufacturer and color name clearly labeled. In addition, extra time must be allowed to process applications requesting new colors.

PATIOS

Patios should be located at the rear of the house and be compatible with the size of the house and yard. Patios should be constructed with natural colored concrete, slate, flagstone, brick, or wood left to weather naturally. If constructed of stone, brick, etc., they must be set in sand.

PLAY EQUIPMENT

Play equipment, e.g. swing sets, should be placed in the rear yard and may not be placed on Common Property. The Property Owner should take into account the size of the lot, the size of the equipment, material, design, and the amount of visual screening, which may be needed in relation to adjacent properties.

For information about playhouses, see storage sheds.

Freestanding, mobile or fixed basketball backboards must be located a **MINIMUM** of fifteen (15) feet from the curb.

RETAINING WALLS

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Retaining walls should be unobtrusive and compatible with the aesthetics of Downing Creek. Materials may be brick, natural stone, square corner timbers or concrete.

SATELLITE DISH

Property Owners have the right to install a small digital satellite dish on their property. When selecting the size and location of a satellite dish, views from adjacent properties must be considered and visual screening may be required. As a courtesy, please discuss your plans with your neighbors.

SPAS/HOT TUBS

Spas/Hot tubs must be located in the rear yard and be an integral part of a deck, patio or landscaping. The understructure of the spa/hot tub set into above ground decks must be screened, so they will not be seen from adjacent properties. Mechanical equipment, pipes and wiring must be concealed.

When selecting the size and location for a spa or hot tub, views from adjacent properties must be considered so that the noise of the mechanical equipment does not adversely affect adjacent properties. Visual screening may be required. As a courtesy, please discuss your plans with your neighbors

SWIMMING POOLS

Above ground swimming pools will not be approved.

Swimming pools must be located in the rear yard and away from adjacent properties. Mechanical equipment, pipes and wiring must be concealed and located in such a way that they do not adversely affect adjacent properties. Swimming pools must comply with all local code and ordinance requirements.

Swimming pools, including decks and associated security fencing must be in scale and designed to conform to the character of the property on which they are located. Refer to Deck and Fencing sections within this document for specific requirements.

**Downing Creek Community Association
Architectural Modification Application**

Please complete the appropriate section(s) below and attach any supporting sketches, plans, photos or other documentation as needed or as required by Architectural Guidelines. **Sign and submit six (6) copies of this application to the DCCA Property Manager using the dropbox at the pool.** As a courtesy, please advise your neighbors of your plans prior to submitting your application to the DCCA Property Manager.

Name: PLEASE PRINT		Date:
Signature:		Telephone:
Property Address:		

Painting Exteriors

Please list the color name and numbers from the approved DCCA color palette available from the DCCA Property Manager. If the request is for a color not on the approved DCCA color palette, paint chips that clearly show the color name, number code and manufacturers must be provided for consideration. Check SAME as Existing, if applicable, and describe.

Base House Color:	Trim Color:	Shutter Color:	Door Color(if applicable)
SAME As Existing _____			

Note: Even if the house is to be painted with the **SAME** colors (base, trim, shutters & door), the Property Owner is required to complete and submit this application to notify the DCCA Property Manager. Review by the Architectural Review Committee and approval by the DCCA Board of Directors will not be required.

Fences

Attach a sketch/diagram and/or photo of proposed fencing, including specific information about dimensions, materials, colors, location of surveyor pins, lot lines to the DCCA Architectural Modification Application form. Applications without this information will not be considered.

Other Projects (e.g. Additions, Deck, etc.)

Describe proposed project and provide appropriate supporting sketches, plans or other documentation as needed or required to including specific information about dimensions, materials, colors, location of surveyor pins, lot lines and existing structures. Applications without this information will not be considered.

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Downing Creek Approved Colors
(Spring 2008)

Approved Sherwin Williams Color Sheets (number in upper right hand corner of sheet)

A-L (these are in fandeck, but not the store display)

1,6,11-13,16-34,36-37,56

Additional Colors:

Most of these are **accent colors only**, and the brightest red is approved for doors only.

Dark Accent Colors	SW #	Additional Approved Colors	SW #
Chanticleer (doors only)	2912	Downing Earth	2820
Crimson Red	2906	Downing Stone	2821
Wine Country	2901	Downing Sand	2822
Liberty Blue	2942	Ancestral Gold	6407
Fireweed	6328	Rice Paddy	6414
Blue Hill	2939	Vital Yellow	6392
Bitter Chocolate	6013	Convivial Yellow	6393
Bramble Bush	2923	Sequin	6394
Clover	2964	Downing Straw	2813
English Ivy	2935	Downing Slate	2819
Black Emerald	2936	<i>Classical Yellow</i>	2865
Weather Vane	2927	<i>Peace Yellow</i>	2857
Courtyard	6440		
Perennial Green	2932		
Greenhouse	2933		
Iron Gate	2926	<i>Colors in italics were added after the books were printed.</i>	
Garden Path	2929		
Marsh Fern	2930		
Status Bronze	7034	The color Lantern Light is pictured in the book but is no longer approved.	
Woodsy Brown	2924		
Fiery Brown	6055		
Marooned	6020		
Cordovan	6027		
Plum Brown	6272		
Black Swan	6279		
Naval	6244		
<i>Distance</i>	<i>6243</i>		
<i>Roycroft Bottle Green</i>	<i>2847</i>		
<i>Rookwood Dark Green</i>	<i>2816</i>		
<i>Rookwood Shutter Green</i>	<i>2809</i>		

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Downing Creek Paint FAQ

Do I have to get permission before I paint my house?

Yes, you must fill out, submit, and in most cases wait for an approval on your Architectural Modification Application prior to painting your house. Repainting in the same color requires only one copy and does not need to wait for approval. Changing the paint color requires that the application be reviewed by the Architectural Review Committee and approved by the Board of Directors.

How do I know what colors are on the approved palette?

You call the property manager at 968-1303 or email to prop_mgr@downingcreek.org to request a loan of the paint book. The paint book also includes several paint schemes suggested by a designer should you have trouble picking your own.

I saw another house in Downing Creek the color I want. Does that mean I can paint my house that color?

Precedence does not guarantee approval.

Can the DCCA really tell me what color I can paint my house?

Yes, we can. The covenants which give us the right to approve colors and many other things around the neighborhood are legal documents which are attached to your property deed. When you bought your house, you agreed to follow the rules.

Are there any other guidelines I should consider when picking my colors?

The Board can make its decision based on any factors it considers relevant, including aesthetic opinion. Here are some of the major things we consider. This list is not guaranteed to be complete.

- Look at the paint chip in **exterior** light, preferably on both a **sunny** and a cloudy day.
- Paint chips cannot be evaluated in the evening under incandescent light.
- Blues and yellows in particular seem to look a lot brighter on the house.
- When in doubt, it's a good idea to purchase a quart of the color and paint a small sample on the house to evaluate in several lighting situations, and at several distances.
- The Board may require seeing a sample painted on the house when we are in doubt.
- In general, neighboring houses should be painted in different colors for visual interest.
- Paint colors should complement the colors of adjacent homes.
- Contrasting trim is found on most homes in Downing Creek and is highly encouraged. (Contrasting color may be lighter or darker, and contrast may be strong or subtle.)