

# **BRICK LANDING PLANTATION**

**Architectural Review Committee**

**Design Guidelines**

Accepted as amended \_\_\_\_\_

Date \_\_\_\_\_

## **ARCHITECTURAL REVIEW COMMITTEE**

The Master Declaration of Covenants, Conditions, and Restrictions for Brick Landing Plantation, Brunswick County, North Carolina Part 1, 1 provides the Declarant the right of approval of design and location of improvements, buildings, fences or other structures. The Declarant assigned this authority to the Master Association. These provisions stipulate that no structure be erected, placed, or altered on any lot until proposed building plans, specifications, exterior color or finish, plat plan, and construction schedule have been approved in writing. Removal, reduction, cutting down, excavation and lowering of trees also require approval. The Master Association established an Architectural Review Committee to assist in the approval process.

The Architectural Review Committee (the "ARC") has been empowered with the responsibility of administering the adopted Design Guidelines to ensure the integrity of the Plantation is held to the high standards expected. To fulfill this responsibility, the Architectural Review Committee reviews all plans for tree alteration, new construction and for improvements to existing residences for approval.

The ARC meets the fourth Wednesday of each month to review all plans and requests for alterations submitted to confirm that each satisfies the specific design criteria established for the plantation. Complete plan submissions must be made available for the ARC members review at least seven (7) days prior to the scheduled meeting. Once plans are approved, the ARC works in conjunction with the property owner to ensure construction is performed in accordance with those approved plans. The Master Association reserves the right to amend the established Design Guidelines from time to time.

### **PURPOSE OF THE ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee's purpose is quite simple: to ensure the natural beauty of the Plantation is preserved as construction within the Plantation takes place, thereby creating a uniquely developed community allowing for man and nature to live in harmony. Land featuring such a variety of landscapes only Mother Nature can provide, from waterfront property to wandering salt water marshes to hardwood forests is rare and served as the attraction when the Plantation was conceived. Attention to preserving this beauty is critical to making certain Brick Landing Plantation remains one of the finest communities along the Carolina Coast.

To accomplish the foregoing makes the need to develop these Design Guidelines critical. Implementing such Guidelines and controlling what is built simultaneously puts in place a mechanism to preserve aesthetics and ultimately enhance property values.

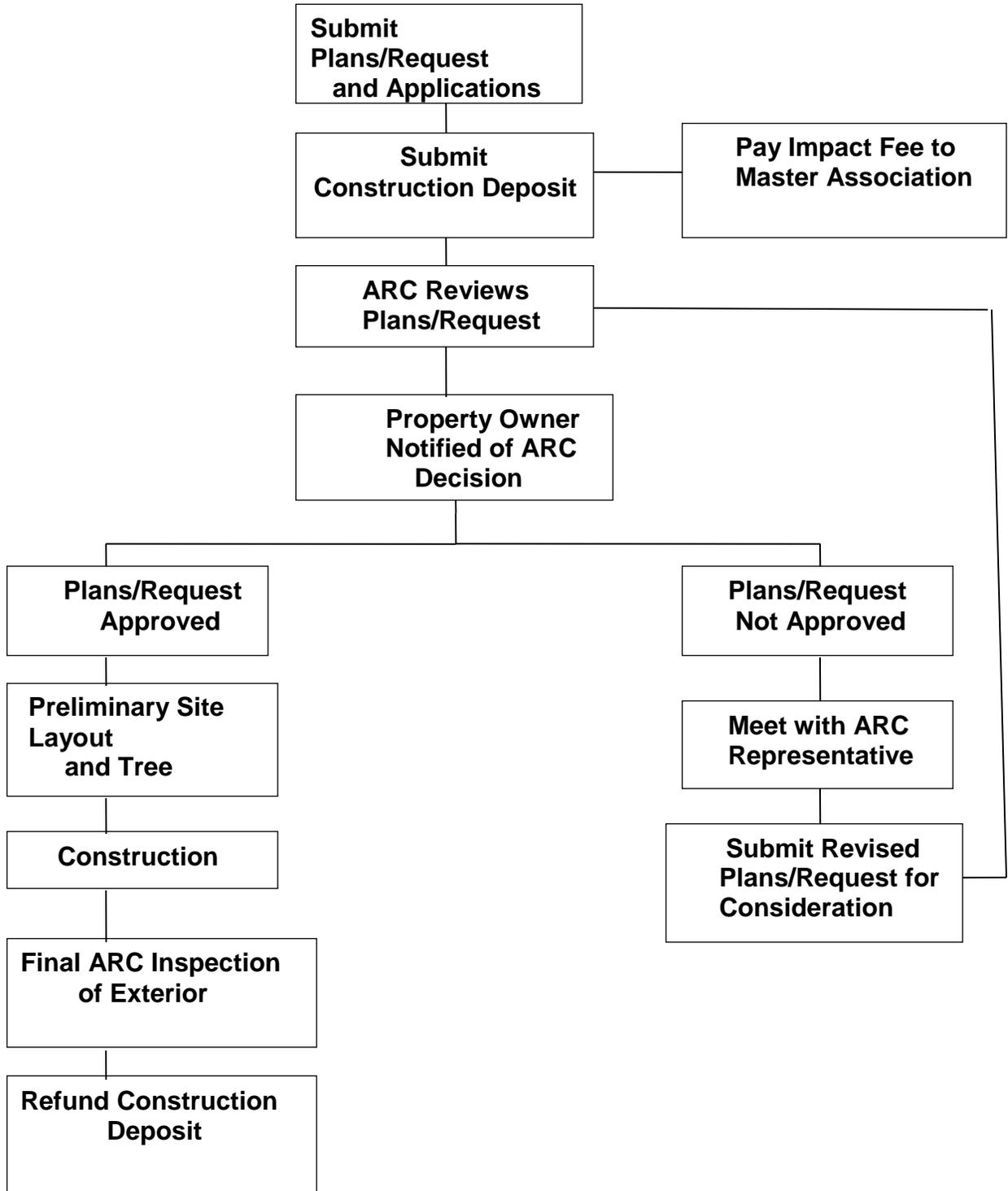
### **ARCHITECTURAL REVIEW COMMITTEE MEMBERSHIP**

The Architectural Review Committee is appointed by the Boar of Directors of the Master Association and consists of members from various sub-associations within Brick Landing. The chairperson and at least two other members, one of which must be the representative of the particular sub-association whose member is submitting plans/request, must approve all plans for new construction and modifications to existing residences. The ARC may also engage outside consultants, such as architects, contractors and land planners to serve on a non-voting advisory basis to assist in fulfilling its responsibilities.

### **THE ARCHITECTURAL REVIEW COMMITTEE PROCESS**

The ARC reviews all plans for new residential construction and for alterations/additions to existing residences and lots. Plans must be approved by the ARC prior to any work being initiated. Work requiring ARC review and approval as it relates to existing residences is comprehensive in nature and includes a broad scope ranging from physical alterations to the residence, to removing trees from the lot, to exterior painting. The following page represents a diagram of the ARC review process.

# ARC REVIEW PROCESS



## Plan/Request Submission

In order for the ARC to consider a request to review plans for new residence construction or alterations/additions to an existing residence, an applicant must submit two (2) complete sets of plans, a completed Application for Building Permit and a review fee in the amount of \$500.00 for new construction, \$500.00 for major alterations/additions and \$250.00 for minor alterations. Painting a house the same color as the original requires no fee but ARC approval.

In addition to submission of the appropriate review fee, the Owner Deposit, if applicable, is due. To allow adequate time for distribution and review, requests are to be submitted by 5:00 PM the Wednesday before the next scheduled meeting. Plan and requests received after the submission deadline will be deferred to the next meeting unless a special meeting is scheduled.

## Construction Deposit

Applications for new construction should include a Construction Deposit from the Contractor in the amount of \$6,000.00. This deposit shall be made payable to Brick Landing Master Association and is held in escrow through construction to ensure compliance with the applicable Restrictive Covenants, these Design Guidelines and the plans approved by the ARC, as security for any damage to common areas, and will be held in an interest bearing account (with interest paid to the Brick Landing Master Association, Inc.) until completion of construction, landscaping and final inspection approval. A copy of the Certificate of Occupancy is necessary for deposit refund. After final inspection approval, any unpaid fines assessed for violations will be deducted from the deposit, as will any unpaid expenses incurred by the POA or the ARC in connection with unapproved construction, to repair damage to the common area or to clean up the project site. The Construction deposit will be refunded after final approval by ARC and Certificate of Occupancy is granted to owner/builder by the County.

The deposit is refunded to the contractor within fourteen business days of the ARC's final inspection and approval (refer to page 17 for Inspections). However, the ARC reserves the right to use any portion or all of this deposit to cure matters not attended to by the contractor. To the extent this occurs, the deposit amount refunded without interest will be reduced by a like amount.

## Owner's Deposit

All applications for alterations/additions to existing structures and work projects to a property (i.e. including exterior painting, tree removal, etc.) shall include a deposit from the property owner. This deposit shall be made payable to Brick Landing Master Association and shall be held in a non-interest bearing escrow account. The amount of this deposit is dependent upon the level of work contemplated in the application and the schedule is as follows:

Application Type	Deposit
Major Alteration/Addition	\$ 500
Minor Alteration/Addition	\$ 250

The ARC shall determine what constitutes major alterations/additions to existing residences. The purpose of this deposit is to ensure that the specified work is performed in compliance with the work approved by the ARC. This deposit is refundable to the owner within thirty business days after inspection and approval by the ARC. A copy of Certificate of Occupancy is required for ARC's final inspection and approval. However, the ARC reserves the right to use any portion or all of this deposit to defray costs incurred to remedy violations. To the extent this occurs, the deposit amount refunded will be reduced by a like amount.

## **Sewer Tap Fee**

All applications for new construction are to also include a sewer tap fee in accordance with State approved fees at time of construction. This fee is collected by the ARC as agent for the utility company. This fee is non-refundable and allows the owner to tap into the Plantation's central wastewater disposal system. Payment of this fee should be made to CTC Brick Landing, LLC. Owner and Contractor are responsible for any damages resulting from tapping into the wastewater disposal system.

## **Impact Fee**

All applications for new construction are also to include payment of an Impact Fee in the amount of \$3,000. Payment of this fee should be made to Brick Landing Master Association. The purpose of this fee is to fund two accounts dedicated solely to satisfy repair and maintenance costs incurred associated with the upkeep of the Plantation's drainage system and roadways. Seventy-five percent of this fee is dedicated for drainage repairs. The remaining twenty-five percent of this fee is dedicated for road repairs/maintenance. This fee is non-refundable.

## **ARC Review and Notification**

The ARC meets on the fourth Wednesday of each month to consider business brought before it. Outside professional consultants may assist the committee during this review process. Written notification of the ARC's decision is forwarded to an applicant within seven business days from the meeting date. Plan approval or denial must occur within thirty days of a **fully** completed ARC new home construction package being received by the ARC committee. All items requested by the ARC committee must be included in the new construction package. If this package is not complete it will be returned. If the ARC committee fails to respond within the thirty days of receiving a **fully** completed ARC new home construction package, approval is waived. If plans are approved, the ARC will provide a copy of the signed ARC approval form. The Owner or Contractor shall pick up one set of plans from the ARC representative along with the ARC approval form. One set of plans will be retained in the files of the ARC. Approved plans are valid for a period of six months from the date approved. If construction has not commenced within six months, resubmission of plans is required.

If plans are not approved or are conditionally approved, the applicant will receive notification as the reasons for denial or explanations of the conditions for approval. In an effort to obtain the ARC's approval upon this occurrence, owners are encouraged to telephone or meet with the identified ARC representative to gain a full understanding of the reasons why the plans were not approved or approved with conditions.

## **Preliminary Site Layout, Tree Locating and Site Inspection**

Prior to clearing any lot the Owner or Contractor shall stake out the perimeter of the individual lot(s), residence and identify all trees greater than 3" in diameter the owner or contractor requests permission to remove. This allows the ARC members to ensure compliance with the approved plans and to evaluate the impact on adjacent lots, the golf course, common area tree preservation, drainage, etc. The owner or the owner's representative shall schedule a site inspection by contacting the ARC chairperson or identified ARC representative for his sub association. Inspections will be made within seven working days of the owner's request. ARC approval must be obtained before lot clearing or delivery of any materials.

## **Construction and Alterations/Additions**

Upon completing the foregoing steps, construction of the new residence or alterations/additions to an existing residence may begin. It is the responsibility of both the owner and the contractor to ensure that the construction is completed in accordance with the approved plans. The ARC members or the ARC's delegated agent may periodically inspect the construction site and work. If changes to an approved plan should become necessary during construction, a written request detailing such a change must be given to the ARC. If the change is considered minor, ARC Chairman or any ARC member who reviewed and approved the plans may approve the change. All other proposed changes shall require the ARC's review consistent with the process for initial approval. The applicant will be notified of the process required, or in lieu thereof of the representative's approval within seven (7) business days.

## **Owners Responsibility**

Owners are responsible for ensuring that their architects, designers, and builders comply with all of the provisions of the Master Declaration, the applicable Restrictive Covenants, these Design Guidelines, the approved plans and all applicable permits. Finally, owners are responsible for obtaining approval of the ARC before making or allowing any changes to previously approved plans.

## **Final Inspection**

Upon completion of construction, the owner shall notify the ARC in writing and schedule a final inspection. All construction and landscaping should be complete at the time a final inspection is made by the ARC.

## **Enforcement of Architectural Review Committee Design Guidelines**

The ARC and the Association encourage all property owners to follow the adopted Design Guidelines. These Guidelines have been developed to ensure that construction and design are aesthetically compatible within the community while preserving both the inherent natural beauty found within the community and individual property values. Any work being performed without receiving the ARC's prior approval **will not be tolerated**. A stop work order will be recommended to the Master Association for such work, and the Master Association will pursue appropriate legal remedies.

If a property owner or contractor fails to comply with any provision of the Master Declaration, the applicable Restrictive Covenants, these Design Guidelines or any requirements of the ARC, enforcement action will be taken by the Master Association. Such action may include stop work orders, fines of \$100 per violation, daily fines of \$100.00 per day ("after date of the Master Association's decision and the conditions") set forth in the Building Agreement of Application. .

In the event of an observed or alleged violation, an ARC or Master Association Representative shall issue a notice of violation to the contractor and the owner. Such notice will describe the alleged violation and that a hearing will be held at an upcoming ARC meeting to determine whether a fine will be recommended to the Master Association. A stop work order will also be issued.

After notice of violation has been issued the owner and, if applicable, the contractor will have an opportunity to correct the violation and/or appear before the ARC and either consent to or contest the violation. If the violation is not corrected within five (5) working days of the Notice, the ARC will make a recommendation regarding the violation and an issuance of a fine. If the Owner, the owners representative or Contractor does not appear at the hearing the ARC will still make a decision. A maximum fine of \$100.00 may be imposed for each violation.

If the violation continues for more than five (5) days after the date of the Master Association decision for issuance of a fine, the Master Association may impose additional fines of \$100.00 for each day without further hearings.

It is the responsibility of the Owner/Builder or owner's representative to notify the ARC Committee in writing within 90 days after issuance of Certificate of Occupancy to request a final inspection. Upon final inspection approval, any damage or repairs will be deducted from the construction deposit, as will any unpaid expenses incurred by the ARC or the Master Association in connection with unapproved construction, to repair damage to any common area or facility, to cleanup the project site, or otherwise with regard to any violation. The amount to the deposit remaining after such deductions if any will be returned without interest.

In the event of a major violation or repeated violations the ARC shall recommend other actions in addition to those described above, which may include increasing the required construction deposit. In addition to the requirements set forth or referred to in these Design Guidelines, contractors and construction workers are subject to suspension of access privileges for violation of rules and regulations or other governing documents applicable to Bricklanding Plantation.

### **Storm Water Design Requirements**

The property owner is responsible for grading and landscaping in a manner that does not cause drainage or storm water run off problems on adjacent properties or common areas

### **Summary of Construction Plans and Specifications:**

The following is a summary of the plans and specifications to be submitted to the ARC for work requiring ARC approval.. Each area has been segregated by discipline.

**Owner, or Owners representative and Contractor are required to sign the Site and Building Plans submissions; and any handwritten notes/changes to plans must show initials and date by Owner, Contractor or Owners representative.**

#### **Site Plan shall indicate the following:**

- Property lines, setback lines, and easements with dimensions shown
- Tree survey locating and identifying all existing trees possessing a circumference greater than or equal to 3" at two feet above ground elevation.
- All streets adjacent to lot with street names.
- Any existing utility structures on lot or in adjacent right of ways.
- Any areas to be graded indicating the proposed directional drainage flow
- Outline of exterior house walls, decks, driveways and walks.
- Finish floor elevation of first floor and garage slab.
- Drives and walks with dimensions and materials to be used indicated.
- Proposed garden walls, retaining walls, fences, screens, etc. with dimensions and materials to be used indicated
- Location of pools and/or spas. No above ground pools are permitted.
- Location and description of any other accessory use (dog runs, gazebos, etc.).
- Percent of lot covered by impervious surfaces is required by the ARC.

**Exterior Plan shall include the following:**

- Roof overhang (dashed line).
- Garage, decks, terraces, steps, stoops and porches dimensions with materials to be used indicated
- Finish floor and garage slab elevations.
- Front, rear, right and left elevations with compass orientation indicated.
  
- Terraces, walls, decks, vents (roof and foundation), screens for trash and HVAC compressors.
- Any hidden elevation not shown in other drawings.
- Finish floor elevation on each drawing with proposed finish grade line against elevation
- Fascia, trim and handrail details, window and door types.
- Materials and finishes for exterior surfaces.

**Construction Landscaping Specifications shall include the following:**

- Outline of all structures and site elements shown on the Site Plan.
- Existing trees and vegetation to be preserved.
- Outline of proposed tree and shrub locations showing circular symbols indicating mature shrubs, lawn areas, ground cover and seasonal color areas with quantities and names indicated.
- Natural or mulched areas.
- Any landscape elements (arbors, trellises, fences, walls, stepping stones, etc.).
- Locations of any proposed landscape lighting indicating fixture type, bulb type and bulb wattage.
- Exterior light fixtures including any security lighting.

**BRICK LANDING PLANTATION  
APPLICATION FOR ARCHITECTUAL APPROVAL - NEW CONSTRUCTION**

**OWNER/PROJECT INFORMATION**

Properly Owner(s) Name: \_\_\_\_\_ Date of Application \_\_\_\_\_  
 Lot Unit & Neighborhood: \_\_\_\_\_ New Construction: \_\_\_\_\_  
 Owner(s) Plantation Address: \_\_\_\_\_

Owner(s) Permanent Address (if different): \_\_\_\_\_

Contractor Name: \_\_\_\_\_  
 Contractor Phone: \_\_\_\_\_  
 Contractor Address: \_\_\_\_\_

Architect/Designer Name: \_\_\_\_\_  
 Architect/Designer Phone: \_\_\_\_\_  
 Architect/Designer Address: \_\_\_\_\_  
 Projected Construction Start Date: \_\_\_\_\_  
 Projected Construction Completion Date: \_\_\_\_\_

**BUILDING DESCRIPTION**

Total Square Feet: \_\_\_\_\_ Total Heated/Cooled Square Feet \_\_\_\_\_  
 Number of Stories: \_\_\_\_\_ Total Livable Heated/Cooled Square Feet: \_\_\_\_\_  
 Number of Bedrooms: \_\_\_\_\_ Garage Square Feet: \_\_\_\_\_  
 Number of Bathrooms: \_\_\_\_\_ Porch (es) Square Feet: \_\_\_\_\_ Bonus over Garage \_\_\_\_\_  
 Total Impervious \_\_\_\_\_  
 Total Lot area \_\_\_\_\_

**DOCUMENT CHECKLIST**

Two (2) complete sets of plans (using defined minimum scale) and specifications, including:

- Site Plan at 1/8"/1' scale \_\_\_\_\_
- Foundation Plan at 1/4"/1' scale \_\_\_\_\_
- Floor Plan at 1/4"/1' scale \_\_\_\_\_
- Elevations at 1/4"/1' scale \_\_\_\_\_
- Construction Specifications \_\_\_\_\_
- Material and Color Samples \_\_\_\_\_
- Landscape Plan at 1/8"/1' scale \_\_\_\_\_

**FEES**

Review Fee - \$500.00 \_\_\_\_\_ Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Construction Deposit - \$6000.00 \_\_\_\_\_ Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Sewer Tap Fee - \$1,100.00 \_\_\_\_\_ Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Impact Fee - \$5,500.00 \_\_\_\_\_ Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

**EXTERIOR FINISHES/MATERIALS\***

	Material	Manufacturer	Color
Exterior Walls:	_____	_____	_____
Exterior Doors:	_____	_____	_____
Exterior Windows:	_____	_____	_____
Exterior Trim:	_____	_____	_____
Garage Door(s):	_____	_____	_____
Roof:	_____	_____	_____
Decks/Patios:	_____	_____	_____
Driveways/Parking:	_____	_____	_____

\* Samples of all Exterior Finishes/Materials and colors are to be provided with this application for review by the Architectural Review Committee.

**AGREEMENT TO ADHERE TO DESIGN GUIDELINES**

I, \_\_\_\_\_ (please print) as owner of the property described more fully on this application, and I, \_\_\_\_\_ (please print) as the contractor responsible to construct the improvements corresponding thereto hereby acknowledge my full understanding of and agree to abide by the following terms and conditions

1. I have read and fully understand the Master Association Declaration of Covenants, Conditions and Restrictions for Brick Landing Plantation, Brunswick County, and the Design Guidelines as set forth by the Architectural Review Committee
2. I have provided a Construction Deposit to Brick Landing Master Association to hold in escrow as security to insure that the improvements will be constructed in accordance with those plans and specifications approved by the ARC. The Construction Deposit will be held in an interest bearing account; interest shall be paid to the Brick Landing Master Association.
3. We are responsible to complete the construction of the improvements in accordance with those plans and specifications approved by the ARC and agree that any changes in plans and specifications can only be made after written approval is granted by the ARC.
4. We accept full responsibility for the conduct of all workers and material men performing services or delivering materials to this project until such time as the job is complete and a certificate of occupancy is issued, and hereby agree to pay for any damage caused by any workers or material men.
5. We will maintain a clean construction site at all time and will provide a portable toilet set back a minimum of ten (10) feet from the property line and construction dumpster or an 8' x 8' square screened by lattice enclosure for the duration of the project.
6. The Contractor will install a mailbox built according to the specifications shown in Appendix A of these Guidelines.
7. We grant the ARC the authority to deduct from the Construction Deposit any monies paid by the Master Association to correct changes not approved by the ARC or to use any portion or all of this deposit to cure matters not attended to by the contractor including any fines imposed and not waived or paid in full at approval of final inspection by the ARC.

This Agreement, Application for ARC approval made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by \_\_\_\_\_ (Property Owner) and \_\_\_\_\_ (Contractor) on behalf of and in favor of the Architectural Review Committee.

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Property Owners Signatures

## DESIGN STANDARDS

### Building Size

Plantation residences are required to have a minimum heated square footage of space. This actual required square footage varies dependent upon the neighborhood in which the lot property is located. Minimum heated square footage is defined as the total of all interior areas within the roof line of the dwelling excluding open porches, terraces and like areas. However, up to 200 square feet of the minimum heated square footage, may be provided by covered porches if their roofline forms an integral part of the main dwelling. Unless required by Government/County building code single homes are not permitted to exceed two stories in height, both stories must consist of heated living area. Architectural details increasing height are strictly prohibited on all structures in Brick Landing. All developed lots may have one single level attached accessory building (garage, storage, workshop, etc.) that is approved by the ARC.

The table below summarizes minimum heated square footage requirements of single-family detached residences by neighborhood:

<u>Neighborhood</u>	Minimum Square Foot Requirement
Lake Forest	1,800 (1,600 if single story)
Oak Brook I	1,500 (1,300 if single story)
Oak Brook II	1,500 (1,300 if single story)
Oak Brook III	1,500 (1,300 if single story)
Windsong I	1,475
Windsong II	1,290
Ship Wacche Estates	2,500
*Mariners Watch	
*Fairwinds	
*Inlet Watch	

Minimum heated square footage requirements will be determined for each parcel currently undeveloped prior to its development.

Impervious requirements per the recorded documents will be strictly enforced by the ARC and violations will be reported to government agency.

\* Review sub association covenants which may apply.

## **Architectural Styles**

Brick Landing property owners may choose from a variety of compatible architectural styles that are harmonious with the community theme and image. It is the intent of the ARC to allow for individual preferences of architectural styles as long as they complement each other and the community as a whole. The design for each lot should consider the community theme, the natural site characteristics and the adjacent lots.

## **Exterior Elevations**

It is important for the building's elevations to complement both the surroundings and the neighborhood. In keeping with the neighborhood Image of compatible architectural styles, the exterior materials and colors should be of similar "theme" to adjacent residences. Obtrusive or incompatible colors and materials, which would draw undue attention to specific buildings, are not allowed. Owners are required to include color samples when applying for a building permit from the ARC.

Approved exterior siding materials are:

- Brick
- Stucco
- Hardy Plank Weather Boards
- Cedar shakes
- Wood siding
- Stone

Approved window and trim materials are:

- Vinyl
- Aluminum: painted
- Wood: painted or stained

The ARC on a case by case basis may consider other materials. The ARC shall in its sole discretion determine the appropriateness of all proposed exterior materials and colors for all construction.

## **Entry**

The primary entrance to the home should have a sense of prominence that differentiates it from other entrances to the house. This can be accomplished by appropriately detailing the entrance and its walkway access. The primary entrance should be sheltered on the exterior and should have a prominent single or double door consistent with the home's architecture.

## **Roofs**

Due to a roof's prevalence, colors should be compatible with the home and its facade. Further, the roof should be harmonious with the property's landscape and material setting. Roof vents and accessories should not be located on the front elevation and must be painted to match the roof color. Gutters and down spouts shall match the fascia trim color or shall be copper. Flue pipes are required to be cased in a chimney enclosure that matches exterior wall materials. A minimum roof pitch of 6/12 is required. Roof materials may be wood shakes, asphalt shingles (25 year or better), slate or standing seam metal. ARC may consider other materials on a case by case basis.

## **Patios, Terraces and Decks**

Outdoor living areas should be constructed with materials and colors that are compatible with the exterior materials and detailing of the home. Railings should be designed to insure safety and be consistent with the architectural character of the home. Patio and terrace surfacing materials should be concrete, stone or pavers.

## Garages

Efforts to allow for side entry garages should be made. However, it is recognized that not all lots are conducive to allow for such. Garage doors and its accenting should contain detailing consistent with the home's trim work in order to reduce the prominence of the garage. Owners are also encouraged to use natural vegetation to assist in screening driveways and garage doors. All single family residences shall contain sufficient garage space to house two (2) cars at any one time. Certain homes in Windsong II however shall be allowed to contain space for one car. All garage doors must be a minimum standard one car garage in size (if two doors) or a minimum standard two car door (if one door). Approval for more than two car garage must have prior written approval of the ARC.

## Fences

Fences and walls must be compatible with architectural style of the house and must be shrouded primarily with evergreen plantings. Fencing is not permitted to back up to main roads without prior approval of the ARC and must include a plan to shroud the fence from view. In addition the ARC may require fencing along main roads to be moved away from lot lines in order to shroud properly from view. Lack of adequate screening on the exterior of fencing will result in non approval of the final inspection. Perimeter fencing around the entire lot is not allowed. Split rail, chain link, or welded wire fencing are not allowed. In order to preserve the Plantation's natural beauty, the ARC discourages owners from building fences around their residence. Instead, owners are encouraged to use natural screening in place of fences and to hide such things as equipment, propane tanks and trash receptacles. Approved dog runs, pet pens, etc. must be properly screened from the Plantation's private roadways, adjacent homes/lots and the golf course. All fences are required to be placed no less than 36 inches (three feet) from the inside of the property line to provide for the placement of the plantings on the Outside of the fence locations and the landscape plantings for screening. Vinyl fencing is prohibited. Lanais or any type of screening around pools is strictly prohibited.

Walls and fences must maintain a reasonable scale to the house and not block desirable views or negatively impact adjacent lots. Walls must be constructed of the same material and color as the exterior of the home.

Fencing is not permitted on golf course lots.

## Site Design Building Setbacks

Maintaining minimum building setbacks from the property lines is considered critical in retaining a plantation lifestyle. A summary of adopted minimum setbacks for all single-family detached residences is provided below:

Neighborhood	Front Yard	Side Yard	Rear Yard	Rear Yard Abutting Golf Course	Corner Lots Side Yard on Street
Lake Forest	40'	Greater of 10% of narrowest lot width or a minimum of 7.5 feet	30'	40'	30'
Oak Brook I	40'	same as above	30'	40'	30'
Oak Brook II	30'	same as above	30'	40'	20'
Oak Brook III	30'	same as above	25'	30'	20'
Windsong I	20'	same as above	25'	30'	15'
Windsong II	20'	same as above	25'	30'	15'
Ship Wacche Estates	Refer to restrictions included in covenants.				

To the extent certain setbacks are not possible due to a particular lot's size or configuration, the ARC will work with an owner to achieve desirable setbacks. Any lot abutting the Intracoastal Waterway or a tidal marsh must adhere to setback requirements established by the Coastal Area Management Act (CAMA). Setbacks may also be determined by county regulations. In case of different setback requirements or guidelines, the most stringent provisions apply. Minimum building setbacks for parcels not currently developed will be determined prior to its development.

## **Drainage**

Extensive lot grading is discouraged as it may destroy vegetation on the lot being graded and on a neighboring lot. Further, extensive grading can be visually disruptive to the natural character of the land. Areas with little slope may require subsurface drainage solutions. Individual lot drainage must be designed to integrate into the Brick Landing Plantation master storm water plan. Directing runoff to adjacent lots shall be avoided. If you are building in a flood zone, you should contact your insurance company regarding flood insurance and appropriate government authorities concerning compliance with governmental standards for construction in such areas.

## **Utilities**

To provide a more aesthetically pleasing feature, all utility services within Brick Landing Plantation have been installed underground with the exception of such equipment as transformers and junction boxes. This above ground equipment has been located at lot lines in most cases. Owners are encouraged to incorporate landscape screening around these facilities to reduce their visual impact. However, it is important not to block service access doors or fire hydrants with landscape materials and the root systems of such plant materials must be considered to eliminate damage to equipment.

## **Driveways and Walkways**

Owners should insure driveways and walkways are carefully designed for ease of circulation and aesthetics. All parking and garage door areas should be screened from streets and adjacent lots with landscape materials as much as possible. Keep in mind that enlarging driveway connection points and walk areas at the base of steps allows for easier flows.

## **Landscape**

The ARC and the Plantation strongly encourage owners to use landscaping to complement construction and to integrate the house with the natural characteristics of the lot. The use of landscape materials to define outdoor spaces that are varied in size, materials, color, light levels, fragrances, and textures also creates an aesthetically pleasing feature to be enjoyed by the owner and neighbors. Property owners are encouraged to consult with a landscape architect to assist them in the preparation of professionally designed landscape plans.

Landscapes should be planned to incorporate and preserve natural lot features. Any tree that is to be cleared from the lot for house construction should be evaluated for transplant potential to another location on the lot. Mature trees can be economically transplanted with today's mechanical/tree spades. Plant materials grouped in the same planting beds should vary in form, texture, color, etc., but should have similar requirements for things such as soil conditions, water, sunlight, etc.

Irrigation systems are strongly recommended. Automated irrigation systems properly installed allow owners to deliver a prescribed amount of water to each landscape area according to its needs. Irrigation systems should be zoned according to available water pressure and the water requirements of the various landscape areas.

Lawns require more water than trees and shrubs and therefore should be zoned separately. Irrigation heads should be located to direct spray patterns away from neighbor's property, drives, walks and streets to reduce the potential for surface staining and spraying people and cars. If an irrigation system is to be installed for any residence, an irrigation plan must be submitted to the Architectural Review Committee for approval with the landscape plan.

To quickly establish a completed landscape appearance, all new lawns must be sodded in the front, and sides to the curb. It is the responsibility of each homeowner to maintain his landscape, including the area adjacent to his lot within a street right of way, in a healthy and attractive manner. The Brunswick County Agricultural Extension Service can provide free publications on the maintenance of trees, shrubs and lawns in this area.

## **Landscape Lighting**

Well-designed exterior lighting can add a dramatic touch to a home site. The key to a successful lighting system is the proper placement of the correct fixtures to produce the desired lighting effects. Landscape lighting includes up lighting, down lighting, back lighting, shadowing and accent lighting among plants and garden elements. The lighting source should be hidden so that only the effect of the light on the subject is seen.

The proper illumination levels of landscape lighting are essential to a successful lighting scheme. All exterior lighting should be installed so as not to disturb neighbors or impair vision of traffic on adjacent streets. Colored lights are prohibited.

## **Mailboxes**

Mail delivery service is provided directly to your home. Therefore, it is necessary to install an approved mailbox for the U.S. Postal Service. The Contractor must install an approved mailbox with a 6" x 6" post in accordance with the specifications as illustrated in Appendix A of these guidelines.

## **Signs**

No signs may be erected on any lot without the consent of the ARC or as specifically allowed in the Declarations for Brick Landing.

## **Lot Markers**

A special lot marker has been designed to display lot numbers prior to house construction. No other lot marker style is allowed.

## **Street Signs**

The street signs in Brick Landing Plantation have been designed to complement the community's theme. Sign replacements or additional street signs must be constructed in accordance with the approved sign design. Subcontractor and product identification signs are not allowed. No sign may be nailed to a tree.

## **CONSTRUCTION GUIDELINES**

In the interest of safety and insuring an appealing community environment for residents and visitors is maintained, construction guidelines have been developed for Brick Landing Plantation to control all construction activities. A summary of general regulations as well as regulations to be adhered prior to and after construction are presented herein for your convenience.

### **General Regulations**

#### **Construction Schedule**

All construction must be completed within twelve (12) months of the initiation of construction. All construction must begin within 6 months of ARC approval of plans or plans must be resubmitted (with \$500.00 resubmission fee). Construction must begin immediately upon the clearing of lot. The Contractor must request an extension if unexpected construction delays are encountered. Landscaping in accordance with the approved landscape plan must be completed within sixty (60) days of receiving county certificate of occupancy and prior to obtaining the ARC's final approval.

#### **Builder Requirements and Construction Compliance**

All builders of residences in Brick Landing Plantation must be licensed by the State of North Carolina. A North Carolina Residential Builders License is the minimum licensing requirement. All construction must comply with State and local codes.

#### **Construction Entrance**

Construction workers and material men are required to use the back entrance to the Plantation (sr1155). The primary community entrance (NC 179) is closed to construction traffic.

#### **Contractor Signs**

The General Contractor may post the standard identification sign and permit sign on a lot during construction on the lot. Signs are to be single sided and be 2' wide by 2' high (See Declaration Part I, II). All signs must be removed by the date of submission of the Certification of Occupancy to obtain refund of deposit(s). Subcontractors and material suppliers may not place signs.

#### **Fires**

Fires are not allowed on a lot at anytime without first receiving the ARC's approval.

#### **Working Hours**

Working hours for all construction activities are as follows:

Monday through Friday, 7:00 AM to 7:00 PM

Saturday, 8:00 AM to 5:00 PM

Sunday, 9:00 AM to 4:00 PM

Work on Sunday is strictly limited to interior work only.

#### **Conduct of Workers**

The conduct of all workers is the responsibility of the Owner and General Contractor. Loud vehicles, radios, tape players, etc. which can be disturbing will not tolerated. Posted speed limits must be adhered to. Workers must pick up all trash at the end of each workday.

## **BEFORE CONSTRUCTION OR ALTERATIONS/ADDITIONS**

### **Plan Approval and Site Inspection**

No lot clearing or other construction activities may begin until the ARC has approved all plans, has completed its site inspection has provided written notice to the owner of its approval and has received a signed agreement to Adhere to Design Guidelines from the Contractor/Owner. The ARC is to be notified when construction has begun to establish a start date.

### **Permits, Fees**

Owners and contractors are responsible for obtaining required governmental building permits and paying the associated fees prior to beginning any construction activities.

### **Temporary Facilities**

Each building site is required to provide a job toilet for the workers. It must be set back at least ten (10) feet from the property line in an inconspicuous location and be screened by lattice work. The door must face away from the street and any existing residences. Temporary power poles shall be installed plumb and shall not be used for posting signs. Silt fences and other erosion control devices should be installed prior to any grading activities. The ARC must approve construction office trailers and storage facilities.

### **Tree Protection**

The existing trees on the site represent one of the community's most valuable assets. All trees greater than or equal to 3" in circumference at 2' above ground level are considered protected and should not be damaged during construction activities. A barrier is required around the drip line of individual trees or tree groupings that are to be preserved to reduce root compaction and other physical damages.

## **DURING CONSTRUCTION OR ALTERATIONS/ADDITIONS**

### **Site Maintenance**

The Contractor is responsible for insuring that the job site is maintained in a neat and clean manner at all times and keeping the roads clean from any mud, dirt, debris, etc. Materials must be stored within the property lines maintaining a clear street right-of-way. Adjacent lots or common areas may not be used for parking or materials storage. Construction equipment shall be kept on the site and off the street. Vehicles parked on the street right-of-way during construction shall not impede safe traffic flow. Washing of vehicles (concrete trucks, etc.) shall occur on-site and not in the streets. Excess concrete shall not be dumped on adjacent lots, common areas, or street right-of-ways.

### **Tree Protection**

No vehicles shall be parked or materials stored inside the protective tree fencing. Construction cleaning solvents and all other chemical materials inside this fencing is prohibited. No boards or signs shall be nailed to any tree.

### **Parking**

All parking of workers cars shall be on-site or parked neatly along the roadway. At no time should cars park on the grass shoulders or on the curbing. No parking or driving across the common areas adjoining Landing Boulevard is permitted.

## **Sediment and Erosion Control**

Streets shall be kept free of mud, silt and debris from construction traffic. Sedimentation and erosion control facilities on the lot shall be maintained so that they function properly.

## **Clean-up**

Upon completion of construction activities, all building debris shall be removed from the site and surrounding areas.

## **Temporary Facilities**

All temporary facilities shall be removed upon completion of construction activities. The builder identification signs shall be removed within ten (10) days of receiving a certificate of occupancy from the County.

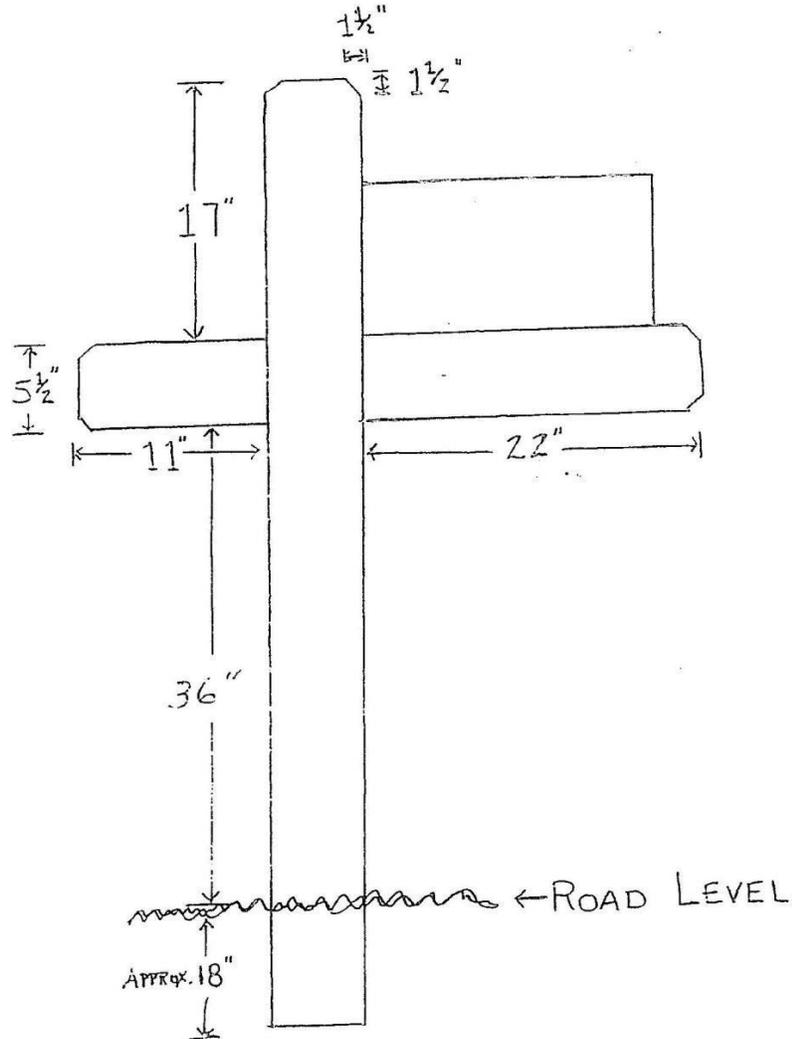
## **Final Inspection by Architectural Review Committee**

ALL VIOLATIONS OR NON COMPLIANCE WILL BE ASSESSED FINES IN ACCORDANCE WITH NORTH CAROLINA STATE STATUE. PROCEDURE ATTACHED.

Upon completion of all construction activities, clean up, removal of temporary facilities, and completion of landscaping, a final inspection by the ARC shall be arranged by the owner to insure all work has been completed according to the approved plans. A copy of Certificate of Occupancy must be given to a ARC representative.

Appendix A

ARCHITECTURAL REVIEW GUIDELINES  
MAILBOX SPECIFICATIONS



Mailbox Stand Material: 6" x 6" Treated Lumber  
Post Painted White  
Mailbox to be Black  
Black Numbers on Plastic Face

Dimensions shown are not to scale.

LOT #: \_\_\_\_\_  
SUBDIVISION: \_\_\_\_\_

## CTC BRICK LANDING, LLC APPLICATION FOR SERVICE

Date of Application: \_\_\_\_\_

Name of Customer: \_\_\_\_\_

Address for Service: \_\_\_\_\_

Street Address

City

State

Zip Code

Mailing Address (if different): \_\_\_\_\_

Street Address

City

State

Zip Code

**Projected Date to Begin Construction:** \_\_\_\_\_

**Projected Date Completion Date:** \_\_\_\_\_

**Date Service Request to Begin:** \_\_\_\_\_

CTC Brick Landing, LLC. mails customer billings for sewer service on a monthly basis for that month's services; it is a base rate regardless of usage with payment due in full upon receipt. Checks should be made payable to **CTC Brick Landing, LLC** and delivered to the **ARC Committee**. **By signing below, the customer named above agrees to be fully responsible for payment for services rendered at the address shown.** This obligation will continue until such time as **the utility company is informed of otherwise.** It is also understood, that prior to a customer connecting into the waste water treatment facility resulting from new construction; a customer is obligate to pay a non-refundable tap fee in the amount of \$1,100.00.

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Representative  
CTC Brick Landing, LLC

\_\_\_\_\_  
Date

Signed the day-received application.

## Appendix C

### **Article 1            Compliance and Enforcement.**

1.1 General Remedies. Every Owner and occupant of any Lot shall comply with the Association Documents and the applicable provisions of the Planned Community Act, Failure to comply shall be grounds for an action by the Association to recover sums due, for damages, injunctive relief or any other remedy available at law and equity or under the Act.

1.2 Enforcement/Sanctions. The Board or such other Association agent with the Board's approval, may impose sanctions for violations of Association Documents after notice and a hearing in accordance with the procedures set forth in the Declaration. Such sanctions may include, without limitation:

- (a)        Imposing reasonable monetary fines which shall constitute a lien upon the Lot of the violator;
- (b)        Suspending an Owner's right to vote;
- (c)        Suspending any Person's right to use any Recreational Facilities within the Common Elements; provided, however, nothing herein shall authorize the Board to limit ingress or egress to or from the Lot'
- (d)        Suspending any services provided by the Association to an Owner or the Owner's Lot if the Owner is more than thirty (30) days delinquent **in paying any assessment or other charge owed to the Association;** and
- (e)        Levying Assessments to cover costs incurred in bringing a Lot into compliance.

1.3 Self-Help Remedies. The Board or such other Association agent with the Board's approval, may elect to enforce any provision of the Association Documents by self-help (specifically including, but not limited to, the towing of vehicles that are in violation of parking rules and regulations in accordance with any applicable ordinance(s) of Brunswick County North Carolina) or by suit at law or in equity to enjoin any violation or to recover monetary damages or both.

1.4 Cumulative Remedies/Attorneys' Fees. The Association shall have all powers and remedies under the Act and the Association Documents which shall be cumulative of any remedies available at law or in equity. In any action to enforce the provisions of the Association Documents, if the Association prevails, it shall be entitled to recover all costs, including .without limitation, attorney's fees and court costs, reasonably incurred in such action.

1.5 Association's Right Not to Take Action. The Association shall not be obligated to pursue enforcement action in any particular case, such decisions to be within the discretion of the Board, except that the Board shall not be arbitrary or capricious in taking enforcement action. Without limiting the generality of the foregoing, the Board may determine that, under the circumstances of a particular case: (a) the

Association's position is not strong enough to justify taking any or further action; or (b) the covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with applicable law; or (c) although a technical violation may exist or may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or justify expending Association funds; or, (d) it is not in the best interest of the Association, based upon hardship, expense or other reasonable criteria, to pursue enforcement action.

Such a decision shall not be construed a waiver of the right of the Association to enforce such covenant, restriction, rule or provision at a later time under other circumstances or preclude the Association from enforcing any other covenant, restriction, rule or provision, nor shall it preclude any Owner from taking action at law or in equity to enforce the Association Documents.

1.6 Enforcement by Owner. Nothing set forth in this article shall prevent any aggrieved Owner from instituting any available remedy in law or in equity for a violation of the Association Documents.

1.7 Hearing Procedures. Except as may be otherwise specifically authorized by the Association Documents, and permitted by the Association Documents, the Board shall not (i) impose a fine or penalty, (ii) undertake permitted remedial action, or (iii) suspend voting or infringe upon other rights of a Member or other occupant of a Lot or Dwelling Unit for violations of the Association Documents, or for assessments or other amounts due and owing to the Association remaining unpaid for a period of thirty (30) days, or longer, unless and until the following procedure is completed:

(a) Demand. Written demand to cease and desist from an alleged violation shall be served upon the Responsible Person (hereinafter defined) specifying (i) the alleged violation; (ii) the action required to abate the violation; and (iii) a time period, not less than five ( 5) days, during which the violation may be abated without further sanction, if such violation is a continuing one, or a statement that any further violation may result in the imposition of a sanction after notice and hearing if the violation is not continuing. For purposes of this the "Responsible Person" shall be any Member, Owner, or occupant of a Lot or welling Unit.

(b) Notice. At any time within twelve (12) months following such demand, if the violation continues past the period allowed in the demand for abatement without penalty or if the same rule is subsequently violated, the Board, or an adjudicatory panel appointed by the Board, shall serve the Responsible Person with a written notice of a hearing to be held by the

Board of the Association in executive session or an adjudicatory panel appointed by the Board; provided, however, any adjudicatory panel appointed by the Board shall be composed of members of the Association who are not officers of the Association or members of the Board. The notice shall contain: (i) the nature of the alleged violation; (ii) the time and place of the hearing, which shall not be less than ten (10) days from the giving of the notice; (iii) an invitation to attend the meeting and produce any statement, evidence and witness on his or her behalf; and (iv) the proposed sanction to be imposed. The notice prescribed herein may be served by mailing a copy of said notice to the alleged violator by placing said notice in the United States mail, postage prepaid, by any method as permitted for the service of summons as set forth in Rule 4 of the North Carolina Rules of Civil Procedure or by the delivery of said notice by an officer, director or agent of the Association to the Responsible Person or to any person who may be served on the Responsible Person's behalf as provided in said Rule 4.

(c) Hearing. The hearing shall be held in executive session of the Board or an adjudicatory panel appointed by the Board pursuant to the notice affording the member a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the Responsible Person appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed. In addition, a written statement of the results of the hearing and the sanction, if any, imposed shall be mailed by the United States mail, postage prepaid, by the Association to the violator.

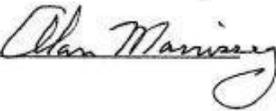
(d) Appeal. If the hearing is held before an adjudicatory panel, following such hearing and notice of a decision adverse to the violator, the Responsible Person shall have the right to appeal the decision to the Board. To perfect this right, a written notice of appeal must be received by the managing agent of the Association, President or Secretary of the Association within fifteen (15) days after the date of the decision, said written notice to contain information by which the Board may notify the Responsible Person of the date of the appeal hearing. If no adjudicatory panel is appointed by the Board, no right of appeal shall exist.

(e) Sanction as Assessment. Pursuant to the provisions of this Section- a fine may be imposed by the Association is an amount not exceeding One Hundred and No/100 Dollars (\$1 00.00) (or any greater amount as may be provided otherwise by law or the Act) per violation of the Association Documents and without further hearing for each day after five (5) days after the decision to impose such fine that the violation occurs. Any such fine shall be an assessment as set forth in this Declaration and the Act. If it is decided pursuant to the provisions of this Section that a suspension of privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured.

# BRICK LANDING PLANTATION

Architectural Review Committee

Design Guidelines

Accepted as amended  Date 10/17/2008