

Beacon Pointe

Phases III and IV

ARCHITECTURAL AND SITE GUIDELINES

Beacon Pointe - Phases III and IV
ARCHITECTURAL AND SITE GUIDELINES
TABLE OF CONTENTS

INTRODUCTION	3
DESIGN PHILOSOPHY	3
ARCHITECTURAL REVIEW COMMITTEE	3
PLAN SUBMISSION PROCEDURES	3
Meeting	3
Materials to be Submitted for Site Plan Approval	3
The Plans shall provide specific information	3
Filing Fee	4
Approval Criteria	4
Time for Review	4
Certification of Approval	4
Approval not a Warranty	4
Construction Deposit	4
Commencement of Work	5
Completion of Work	5
BUILDING POLICIES	5
General	5
Before beginning construction and after approval of plans	5
During construction	5
At the end of construction	5
BUILDING RESTRICTIONS	6
Maximum Height/Size	6
Minimum size	6
Building Setbacks and Locations	6
Exterior Materials, Colors, and Finishes	7
Doors, Windows and Shutters	7
Roofs	7
Chimneys	7
Antennae	7
Mailboxes	7
Greenhouses	7
Decks and Porches	8
House Numbers and Home Names	8
Parking and Driveways	8
Service Areas	8
Grading and Erosion and Sedimentation Control	8
Landscaping	8
Exterior Lighting	9
Fences and Walls	9
Docks, Piers, Boatlips, Seawalls and Inland Boathouses	9
Signs	9
Time Limits	9
Utilities	9

INTRODUCTION

Beacon Pointe is a planned community in which manmade improvements have been designed and installed in a manner in harmony with the natural environment. Care has been taken to respond to natural features and to create Homesites ("Lots") which take maximum advantage of the physical features of the development. Architectural Guidelines ("Guidelines") are established and enforced so that similar care will be taken to assure that Homes within Beacon Pointe will contribute to, rather than detract from, the attractiveness of Beacon Pointe. For more additional and information pertaining to specific issues contained in These Guidelines, please refer to the Declaration of Covenants, Conditions and Restrictions for Beacon Pointe ("The Restrictions") as may be noted herein. If there arises any conflict between the Guidelines and Restrictions, it is the Restrictions that will prevail.

DESIGN PHILOSOPHY

The Dwelling Units ("Homes" or "Buildings") in Beacon Pointe should respond to the environment, the homeowners' need for comfort, function, and beauty, and the overall plan for the community. These Guidelines provide basic information, which should be used to produce a community with a cohesive identity with varied traditional and harmonious architecture without unduly restricting the designer's interpretation of any Owner's particular needs or desires.

ARCHITECTURAL REVIEW COMMITTEE (see Article VIII of The Restrictions)

In accordance with The Restrictions which have been recorded in **Book 1526 at Page 720 et seq.**, of the Iredell County Registry of Deeds, as it may be amended from time to time, an Architectural Review Committee ("The Committee") will review all plans for Homes and any other structures to be built in the residential community known as Beacon Pointe Phase III which is reflected on the present plat recorded in **Plat Book 44 Page 79** of the Iredell County Registry of Deeds, and any subsequent residential phases of Beacon Pointe platted of record and submitted to the terms and conditions of The Declaration. The purpose of The Committee is not to restrict design freedom or to make design decisions, but to ensure that each of the Homes reflect the overall objectives of the entire community and that the unique natural setting of the community is preserved and enhanced.

PLAN SUBMISSION PROCEDURES

Refer to Article IX of The Restrictions

1. Meeting

The Committee may meet informally as a group or by telephone, written communication, facsimile transmissions or such other means as the members may agree upon and as may be sufficient to conscientiously, and fully, perform its duties.

2. Materials to be Submitted for Site Plan Approval

Before initiating any construction, alteration of existing Improvements, grading or any site or structural work upon any Lot, the Owner must first submit construction, site and landscape plans, including 2 full sets of working plans, plus such other materials as the Committee may request. At a minimum, the plans shall show in detail:

- (a) The grading work to be performed on the Lot;
- (b) The nature, materials and location of all Improvements including buildings, septic, wells, piers, paving, plantings and screening, etc.;
- (c) Setback Distances; and
- (d) The location of Improvements on adjoining Lots.

The plans shall provide specific detailed information concerning

- (a) Landscaping for the Lot,
- (b) Exterior lighting, and
- (c) A building elevation plan showing dimensions, materials and exterior color scheme samples which we will keep on file.

3. Filing Fee

In order to defray the expense of the Committee, the Committee will require a reasonable fee for review of plans. The initial filing fee shall be Three Hundred Dollars (\$300.00). The filing fee may only be increased to defray actual out-of-pocket costs to the Declarant, such as attendance fees or travel reimbursements to the Committee Members, and in no event may the fee exceed Four Hundred Dollars (\$400.00).

4. Approval Criteria

The Committee shall have the right to disapprove plans, specifications or details submitted to it for any of the following reasons:

- (a) The submission fails to comply with the terms of this Declaration or the Architectural and Site Guidelines, including payment of the review fee;
- (b) Insufficient information or failure to provide detail reasonably requested by the Committee;
- (c) The submission fails to comply with the appropriate zoning ordinance or other Applicable Laws that may be in effect from time to time;
- (d) Objection to the grading plan for any portion of the Lot;
- (e) Objection to the color scheme, finish, proportions, style, height, bulk or appropriateness of any structures; or
- (f) The plans are not prepared by licensed architects, engineers or landscape architects.

5. Time for Review

Upon submission of all detail reasonably requested by the Committee (received in the office of Declarant or other office as designated by Declarant), the submitting Owner shall receive, in writing, the decision of the Committee within thirty (30) business days. Failure of the Committee to render a written decision within thirty (30) business days shall be deemed approval of the submission.

6. Certification of Approval

Upon the request of Owner, the Committee shall confirm its approval of the Owner's plans by issuing a written certificate describing the specific Lot and plans, which have been approved.

7. Approval is not a Warranty

Approval of the plans submitted by any Owner or other party to the Committee shall not be construed as a certification or warranty, by either Declarant or the Committee, that

- (a) the plans meet with any minimum standards of suitability for use,
- (b) are acceptable under any Applicable Laws,
- (c) conform to any other standards of quality or safety, or
- (d) describe Structures or development, which would be safe, prudent or feasible.

Neither Declarant, the Committee, nor any member thereof shall be liable for any damage, loss or prejudice suffered or claimed by any person on account of the approval or disapproval of any preliminary plans, plans, drawings or specifications, construction or performance of any work or the development of any Property within the Subdivision.

8. Construction Deposit

Prior to grading or commencement of any construction activity upon a Lot, an Owner shall deposit with the Declarant or the Association (as instructed by Declarant) the sum of Five Hundred Dollars (\$500.00) per Lot. This "Construction Deposit" will be held until the completion of construction activity upon the Lot. During the construction period, the Construction Deposit may be applied toward the repair of any damage caused by construction (e.g. damaged street shoulder or pavement, and the like), street cleaning or storm water culvert clean out necessitated by silt or grading runoff from the Owner's Lot, or other repairs or clean-up necessitated by acts of the Owner or his agents.

9. Commencement of Work

Beginning with the approval of the Committee as described herein, the Owner or other parties submitting plans shall, as soon as practical, satisfy all conditions of the Committee and proceed with all approved work described in the plans and such other work as may be necessary for improvement of the Lot in accordance with this Declaration. Commencement of Construction must begin within one hundred eighty (180) days from the date of such approval or the approval of the Committee shall lapse. The Committee may, at its discretion and upon the request of Owner, extend the one hundred eighty (180) day period for Commencement of Construction in the event that good cause is shown for such extension.

10. Completion of Work

All Improvements upon the Lot, including alteration, construction and landscaping shall be completed within twelve (12) months after the Commencement of Construction upon the Lot. This time period may be extended in the event that work or completion is rendered impossible due to strikes, fires, national emergencies, force majeure or other supervening forces beyond the control of Owner, lessee, licensee, Occupant or their agents. Installation of large items of shrubbery or trees may be delayed beyond the 12-month completion period in order to plant during the best seasons for such plantings. Installation of sod and seeding of rear yards shall, however, be completed within the 12-month period.

BUILDING POLICIES

The following requirements shall apply to all builders involved in construction at Beacon Pointe, their employees, and their subcontractors, and to any person who visits Lot in Beacon Pointe.

1. GENERAL

- (a) All activity by the builder shall be restricted to the Lot on which he is building
- (b) Delivery and storage of materials shall be confined to the building Lot only.
- (c) Existing vegetation shall not be disturbed except as approved where necessary to construct the Home, driveway, and utilities.
- (d) A sign, with a maximum area of six (6) square feet, indicating Lot number, property owner, and general contractor, should be put up for the Building Inspector and supply companies. (see Article X, Section 13 of The Restrictions)

2. Before beginning construction and after approval of plans:

- (a) Building contractors shall locate a temporary driveway in the same location as the future permanent driveway to ensure that ingress and egress are within the building Lot only. There shall be no traffic, vehicular or pedestrian, on adjacent Lots.
- (b) Building contractors shall arrange for a suitable container for waste building materials and trash to be placed on the Lot in a clearing, which is existing or has been approved, without damage to existing plant materials required or designated to remain.
- (c) Builder contractor will arrange for a port-a-john to be placed on the property.

3. During construction:

- (a) Building contractors and subcontractors shall be responsible for the condition of adjoining roads and roadsides.
- (b) Builder shall be responsible for regular clean-up of the Lot. Scrap and trash too large to be put in the container shall be removed from the Lot on a weekly basis.
- (c) There shall be a weekly clean-up and stacking of building materials by the builder.
- (d) There shall be a port-a-john on site.

4. At the end of construction

The Lot shall be completely cleaned at the end of construction and/or when the building inspectors give occupancy permit, whichever is earlier.

BUILDING RESTRICTIONS (see Article X, Section 1 of The Restrictions)

These policies concern all new construction, additions and/or modification of existing Homes, structures and other improvements in the community and any clearing, grading, filling or other alterations to any Lot within the community.

1. MAXIMUM HEIGHT/SIZE (see Article X, Section 1 of The Restrictions)

The maximum height for a Home is two and one-half (2 ½) stories above the ground. A basement is not deemed a “level” or a “story”.

The maximum height for detached garages and Outbuilding may not exceed fourteen feet (14’) in height and the total square footage contained within all such buildings combined on any one Lot shall not exceed two thousand (2000) square feet.

Private garage may not exceed three (3) car capacity; or two garages each of two (2) car capacity.

The total combined square footage of recreational structures (including decking, gazebos, covered patios, playhouses, barbecue pits and similar structures) may not exceed one thousand (1000) square feet in area on any one Lot.

2. MINIMUM SIZE (see Article X, Section 2 of The Restrictions)

The following minimum square footage requirement are for enclosed finished heated floor area and are exclusive of the area in basements, unheated porches of any type, attached or detached garages, carports, and unheated storage areas, decks or patios, except as otherwise provided below:

- (a) Any one-story dwelling shall contain no less than:
 - (i) 2200 square feet of Heated Living Area if erected upon any Waterfront Lot
 - (ii) 2000 square feet of Heated Living Area if erected upon any Interior Lot
- (b) One and a Half Story dwellings shall contain no less than:
 - (i) 2400 square feet of Heated Living Area if erected upon any Waterfront Lot
 - (ii) 2200 square feet of Heated Living Area if erected upon any Interior Lot
- (c) Two or more story dwellings shall contain no less than:
 - (i) 2600 square of Heated Living Area with at least 1600 square feet of Heated Living area on the ground level if erected upon any Waterfront lot
 - (ii) 2400 square of Heated Living Area with at least 1400 square feet of Heated Living area on the ground level if erected upon any Interior lot.

3. BUILDING SETBACKS AND LOCATION (see Article X, Section 5 of The Restrictions)

The location and design of each Home and all other Improvements shall be tailored to the specific features of each Lot. All Improvements should be sited so as to minimize disruption to the existing natural setting, including existing vegetation, drainage ways, and views.

The buildable area of each Lot is determined by easements and setbacks shown on the subdivision plats as recorded in the Iredell County Registry of Deeds and the following setbacks, or as indicated in the Iredell County Zoning Regulations:

- (a) Typical side yard 15 Feet
- (b) Front yard facing street 35 Feet
- (c) From the waters of Lake Norman 50 Feet; or
From the rear on an Interior Lot 35 Feet

In addition, The Committee may control the location and orientation of any Home within the area enclosed by the above setbacks. All building on the Lot (including any stoops, porches, patios, terraces, decks, etc.) and any recreational improvements shall be located within the area enclosed by the above setbacks; provided that docks, piers, boatslips and

inland boathouses on waterfront Lots are exempt from this requirement provided they are in conformity with the applicable portions of these Guidelines.

4. EXTERIOR MATERIALS, COLORS, AND FINISHES (see Article X, Section 3 of The Restrictions)

Materials and color constitute a dominant visual element of the community and require careful attention.

Permitted exterior materials are brick, stone, hard stucco (synthetic stucco is not permitted), wood (no logs or siding with a log appearance), engineered cement composite wall coverings (e.g.: Hardiplank® or Hardishingle™ siding), or engineered coverings specifically approved by the Committee. Any siding installed with a horizontal orientation must be fully back supported to maintain a straight and even outer surface and must be fully and properly finished.

The following exterior surfaces are specifically prohibited: synthetic stucco of any type; logs; cladding with sawmill strips; siding with the appearance of logs or sawmill strips; Masonite™ or similar composite siding manufactured primarily from compressed cellulose or similar non-durable materials; and vinyl or aluminum siding. Aluminum, vinyl and materials clad with aluminum or vinyl may be employed for soffit, fascia, boxing and trim applications.

The exterior materials and colors used on a Home should blend together to create a harmonious whole. To this end, samples of proposed exterior materials and colors of paints and stains must be submitted to The Committee for approval. Trim colors should not contrast strongly with the exterior wall color. Foundation colors should blend rather than contrast with the exterior wall color.

The exterior surface of any garage or Outbuilding erected on any Lot shall be architecturally compatible with, and of material and construction comparable in cost and design to, the exterior surface of the dwelling located on said Lot.

5. DOORS, WINDOWS, AND SHUTTERS

Doors and windows should be carefully proportioned and located to enhance the exterior appearance of the Home while taking advantage of opportunities for special views, natural light and ventilation. Window and doorframes may have anodized aluminum, vinyl, or painted or stained wood finishes. All windows, doors, shutters and all colors/stains must be approved by The Committee. Natural color aluminum or other metal finishes are not allowed.

6. ROOFS

Roofs and roof pitches should be in proportion to the overall size and shape of the Home. A minimum roof slope of six in twelve is required with not less than 12" overhang. The main roof should slope equally in both directions from the main peak. Not permitted are flat roofs (which constitute more than 25% of the total roof area), A-frame roofs, dome roofs, or shed roofs composed of only one plane as an overall roof shape for the majority of the building.

Permitted roofing materials are slate, wooden or architectural metal shakes, terra cotta tile, copper sheathing, or architectural fiberglass shingles (see Article X, Section 3 of The Restrictions).

Covered porches and other structures on the Lot (e.g. detached garages, pool houses or other accessory structures permitted by The Committee) should have the same roofing material and color as the main Home.

Copper flashing may be permitted to weather to a natural patina. All other flashing shall be painted to match or blend with the shingle color as approved by The Committee.

7. CHIMNEYS

Exterior chimneys should be full foundation based and made of brick, stone, hard-coat stucco or other material approved by The Committee, and of a design, location and material appropriate to the Home. Exposed metal flues are not permitted. All chimney caps should be finished in a finish blending with the colors of the Home.

8. ANTENNAE

Refer to Article X, Section 14 of The Restrictions.

9. MAILBOXES

No masonry mailboxes or other improvement may be constructed or placed within any private road easement. All mailboxes and newspaper boxes (including supporting posts) shall be of standard color, size, and design as approved by The Committee. Mailboxes may not violate North Carolina Department of Transportation Standards.

10. GREENHOUSES

The use of manufactured greenhouse rooms or units as an integral element in the overall design of the Home shall be permitted with the approval of The Committee.

11. DECKS AND PORCHES

Decks and porches should be designed with substantial, well-proportioned railings, flooring, and support posts meeting building code requirements. The space below decks should be screened with lattice, shrubbery or other means appropriate to the design of the Home.

12. HOUSE NUMBERS AND HOME NAMES

House numbers must be installed in an easily visible location near the front entrance of the Home as approved by The Committee and in accordance with Iredell County Zoning Ordinance.

13. PARKING AND DRIVEWAYS (see Article X, Section 16 and Section 32 of The Restrictions)

Driveways shall be constructed of concrete, asphalt, brick or other hard finished surface approved by the Committee. Exposed aggregate concrete may be permitted with the written approval of The Committee. Unpaved driveways and parking areas are prohibited. If any driveway crosses a drainage ditch or swale, the Owner is required to install, at the Owner's expense, any necessary piping or culverts before the commencement of any other construction or grading on the Lot. Specifications for any such piping or culvert must be approved by the Committee and installed in accordance with the approved specifications and Applicable Laws.

14. SERVICE AREAS

All service areas containing heating or air conditioning apparatus, propane tanks, garbage containers, or other equipment stored outside the Home may not be located within any front yard or side yard facing a street and must be appropriately screened by landscaping or approved fencing. All such service areas shall be shown on the plans submitted to The Committee.

15. GRADING AND EROSION AND SEDIMENTATION CONTROL

Plans for any grading, excavation, or filling of Lots must be approved in writing by The Committee before any site work can begin. During any clearing, grading and construction activities on a Lot, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Lot must be contained within the perimeter of the Lot. Particular care must be exercised on waterfront Lots to avoid negative impacts upon Lake Norman.

Grading must be designed as much as possible to conform to the natural site contours. Lots have generally been located to minimize grading and avoid disruption of natural drainage patterns. Excessive grading should not be necessary and will be viewed as undesirable by The Committee. Final grading should produce gently rounded contours rather than sharp changes in slope and should allow for transition at the head and toe of slopes.

The creation of fill section to artificially elevate Homes will generally be disallowed. In the event of particularly low-lying Lots, or in areas where artificial elevation will not adversely affect views from surrounding Lots, filling to provide elevation may be approved by The Committee.

16. LANDSCAPING

Plans for any landscaping, grading, excavation or filling of Lots must be approved by The Committee before any site work can begin.

All landscaping plans including (without limitation) all structures, driveways, mailboxes, service yards, terraces, patios, walks, paths, outdoor lighting fixtures, walls, fences, pools, piers, docks, decks, gazebo and screens are to be shown on the plan submitted to The Committee and are subject to approval by The Committee. All landscaping of Lots must be completed within thirty (30) days of occupancy.

The owner of each Lot is responsible for maintaining in a healthy condition all natural and introduced vegetation on the Lot. Removal of dead or diseased plant material must be done on a regular basis in accordance with the best practices for the plant material involved. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including any areas mulched with pine needles, pine bark nuggets or other materials.

The fundamental design criterion to be considered in the review and approval of landscaping plans is the need for gardens and lawns to harmonize with the native vegetation, terrain, and natural beauty of the community. Plants native to or traditional in North Carolina are encouraged.

A significant factor will also be the need to preserve wherever possible scenic views of Lake Norman or other prominent natural features.

17. EXTERIOR LIGHTING

Exterior lighting is subject to approval by The Committee. In general, such lighting must not result in excessive glare and must not interfere with the privacy of nearby Homes.

Directional lights (such as flood or spotlights) shall be aimed in such a way that no light from them shines on adjacent properties and shielded in such a way that the directed light from their filaments is not visible from adjacent properties.

Non-directional lights should have enclosures that conceal the shape of the lamp (light bulb) and prevent the view of the lamp from above. Ideally, positioning of exterior light fixtures to conceal the source of light is preferable.

18. FENCES AND WALLS (see Article X, Section 12 of The Restrictions)

Fences and walls should be considered an extension of the architecture of the residence and a transition of the architectural forms to the natural forms of the Lot. All fence and wall designs should be compatible with the total surrounding environment. Special consideration should be given to design, placement, impact, and view of the fence or wall from other properties within the community. Fences and walls should be considered as design elements to enclose and define courtyards, pools and other private spaces provide security and relate building forms to the landscape. They should not be unnecessarily obtrusive. Perimeter fencing shall not have more than fifty (50) percent of any of its surface closed as viewed from a point on a line of sight perpendicular to the line of the fence. A wall constructed of brick or stone and used in lieu of a fence is exempt from the openness test. The location, materials, size and design of all fences and walls must be approved in advance in writing by The Committee prior to installation. Chain link fences are specifically prohibited within the community except that decorative wrought iron or high quality aluminum or vinyl-clad fencing made with the appearance of wrought iron is permitted. Split rail wooden fencing is expressly permitted.

No fence or wall shall be erected, placed or maintained on any Lot nearer to any street fronting such Lot than the front face of dwelling located on such Lot. Fences and walls shall generally not exceed five (5) feet in height.

The use of retaining walls on Lots will generally be permitted where such omission would result in excessive slopes, erosion, excessive maintenance or excessive clearing. Retaining walls visible from streets, from Lake Norman, or from adjoining Lots must be constructed of or faced with material of a type approved by The Committee.

19. DOCKS, PIERS, BOATSLIPS, SEAWALLS AND INLAND BOATHOUSES

Refer to Article X, Section 21 of The Restrictions.

Docks, piers, boatslips, seawalls and inland boathouses must be constructed of new materials, and must be compatible in style with the other Improvements on the Lot, the Lot width on the lake side, the shoreline configuration and vegetation massing.

20. SIGNS (see Article X, Section 13 of The Restrictions)

Except during periods where approved construction activities are underway, no sign shall be placed, erected, maintained or permitted to remain on any Lot except as expressly approved in writing by The Committee.

21. TIME LIMITS (see Article IX, Section 8 and Section 9 of The Restrictions)

Any construction, once approved and undertaken, shall be completed within one (1) year of the date of commencement unless a written extension of time is granted by The Committee.

All landscaping shall be completed within thirty (30) days of occupancy of any Homes within Beacon Pointe.