

MAGNOLIA GREENS MASTER ASSOCIATION, INC.

ARCHITECTURAL DESIGN GUIDELINES

May, 1998
Major Revision May 2006
Major Revision November 2013

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I. PREFACE

A. Purpose of Design Guidelines

The objectives of these Design Guidelines are to create a comprehensive set of standards which will allow for the orderly and cohesive development of Magnolia Greens and are in addition to the Magnolia Greens Master Association, Inc. Protective Covenants. The Guidelines provide a minimum set of standards considered to be better than average products, design standards, techniques and building codes (5/11/06). The Guidelines intend to encourage standards that exceed the named minimums although it would be exhaustive to index all of them (5/11/06). These Guidelines are to be used by a property owner, builder or developer as a tool to create architecture that is consistent with the stated goals. These Guidelines will help insure the community will mature into one that provides for a high quality of living as well as one in which property values are protected.

The Guidelines establish criteria for architectural design, site improvements, and landscaping. They establish the process for review of proposed construction and modification of existing structures. The intent is to allow the owner flexibility in expressing individual taste and variety within the framework of community standards.

As these Guidelines have already received numerous modifications, it is appropriate from time to time to review the scope of building products, building design, landscape features, etc. against current trends, innovative products, maintenance issues and environmental issues (5/11/06). Responsible "updating" of these Guidelines as times goes on will provide owners a means of enhancing property values by maintaining pace with the future (5/11/06).

B. Master Plan Concept

Magnolia Greens is a mixed-use community to include single-family and multi-family residential and commercial neighborhoods. All communities will be planned relative to existing market conditions and plans are subject to change. There are no specific boundaries, zones and limitations regarding the placement of single-family, multi-family, recreational, open and commercial spaces. Neighborhoods are united through a system of open space and pedestrian pathways to owners' club featuring swimming and tennis. This master plan concept is intended to provide optimum living within an open space system, which provides the opportunity to walk, cycle, or drive from neighborhood to neighborhood or from neighborhood to recreational amenity, in a comfortable and safe manner.

The developer's design of certain areas within Magnolia Greens (i.e. sub-associations and sub-communities) has architectural and landscaping designs that are specific to those particular areas and may not apply to other areas of Magnolia Greens (5/11/06). These areas are Azalea Gardens, Camellia Park (Cherrywood Drive), Cornerstone Village, Fairway Village, Fairway Villas, Holly Glen, Magnolia Place (Rosea Court), The Towns and Three Oaks (5/11/06). The homes within these areas have comprehensive approval as agreed to by the Declarant, developer and builder and are approved as built (5/11/06). Modifications, enhancements or other changes are possible through the established review and approval programs under the ASRC (5/11/06).

Properties and facilities owned by the golf course and properties in Magnolia Village (commercial) are not within the scope of the Magnolia Greens Master Association or these Guidelines (5/11/06).

C. Architectural Standards and Review Committee

The Magnolia Greens Master Association, Inc. Board of Directors has charged the Architectural Standards and Review Committee (**ASRC**) with administration of the **Magnolia Greens Protective Covenants, Article 11, DESIGN GUIDELINES** and the additional criteria and standards included in the **ARCHITECTURAL DESIGN GUIDELINES**. Any resident of Magnolia Greens may request to serve on the **ASRC** which currently has ten members appointed by the Board of Directors. The Committee usually meets twice each month to review and consider applications for new construction and once each month to review and consider requests for change and enhancement projects.

The Committee must use its best judgment in applying the MG Protective Covenants and the Design Guidelines to specific circumstances with the intent to allow owners flexibility in expressing individual taste and variety within the framework of community standards. Over the years, Committee decisions have served to clarify criteria, set decision precedents and, as with all its actions, balance the wishes and desires of individual homeowners with the broader aesthetic qualities of the community.

Per Article 11, the **ARCHITECTURAL DESIGN GUIDELINES**, (which are intended to standardize and, more specifically, expand the general property development guidelines) are not static and should be reviewed, revised and updated from time-to-time to reflect the growth and maturity of the Magnolia Greens community. All proposed changes are subject to final approval by the Magnolia Greens Master Association, Inc. Board of Directors.

D. Disclosure

The ASRC reserves the right, at its discretion, to disclose to the property owner information regarding approvals, violations, problems or concerns during the construction process.

II. THE FEE SCHEDULE

A. Construction Bond

A refundable construction bond in the amount of \$2500 (effective 1/1/04) made payable to **Magnolia Greens Master Association, Inc.** by the general contractor is required prior to the start of any residential construction. This bond is placed in a non-interest bearing account and refunded, without interest, within five business days of final inspection and approval of construction by the ASRC. A non-refundable \$100 impact fee will be retained from the bond to cover the costs of picking up trash and blowing debris around the ponds and other common areas, including streets and vacant lots (effective 3/30/04). Builders should continue to promote a clean and safe working area. Fines will still be levied for violations. Featured builders may have a reduced construction bond due to their experience with the Magnolia Greens Architectural Guidelines. All or part of the bond may be retained as determined by the ASRC representative, to rectify non-compliance or to pay the fines levied during the building process.

B. Architectural Review Fee

A \$500 (effective 1/1/04) review fee must be submitted to the Magnolia Greens Master Association, Inc. at the time construction documents are submitted for an initial review. This fee will be refunded if the plan is not approved. This \$500 fee covers an initial review and one subsequent review, if required. Any additional reviews required due to plan deficiency will cost \$250 (effective 11/11/04) per subsequent review.

III. APPROVAL OF BUILDERS

Builders that are building homes in Magnolia Greens must be licensed North Carolina contractors and approved by the Magnolia Greens Architectural Review Committee.

IV. THE DESIGN PROCESS

To meet the development objectives of Magnolia Greens, owners must follow a comprehensive design process. This process began with the development of the master plan concept, and continues with development improvements. The property owner must thoughtfully consider the integration of each site and house design. The sum of the site and house (the parts) will help to shape the image and characters of the Master Plan (the whole).

A. Site Visit, Analysis and Survey

1. Following a complete tour and orientation of the property, each owner must visit the site and conduct a visual survey of the setting, the immediate surroundings, and the broader environment. If design professions are involved, they should also be participants in this orientation process. It is imperative that all designers fully understand the particulars existing at each site and its context.
2. A site analysis is required for each lot. This must include parts of surrounding areas and take into account the potential impact of the building site from key vantage points, including neighboring lots. Elements of the site analysis are to be incorporated into the site plan, and should include the following:
 - A tree survey indicating the location of existing 6” or larger caliper pine trees and 4” and larger caliper hardwoods, indicating species. **(Home sites are not to be clear cut.)**
 - Descriptions of special or unusual features on or adjacent to the site, e.g., ponds, trails and buffers.
 - To assist with the site analysis, it is recommended that a thorough survey of landform (topography) and vegetation be prepared. The survey should provide sufficient detail to allow careful attention to all environmental issues. (Refer to Appendix A, Required Construction Documents, for other site analysis requirements.)

B. Building Design Guidelines

Attractively creative and architecturally sensitive design solutions are encouraged to complement each site, to express the design concept of individual property owners and to contribute to the aesthetics of the Magnolia Greens community as a whole. The ASRC uses the ARCHITECTURAL DESIGN GUIDELINES (which reflect the current review criteria) along with the MG Protective Covenants for consideration of applications for new construction and for requests to make changes to existing dwellings and/or landscaping. Collectively the rules, regulations and guidelines will help insure that Magnolia Greens matures into a community that provides a high quality of living as well as one in which property values are protected.

1. Application and Review Process

- a) Prior to beginning a new construction project or a change and enhancement project, property owners should thoroughly review the Magnolia Greens Protective Covenants and the Architectural Design Guidelines.
- b) For new construction projects, property owners should refer to Section V. The Review Process (which is briefly explained below and graphically shown in the Flow Chart included at the end of Section V).
 - 1) Applicants meet for a preliminary conference with the Community Management staff and the required application form(s) are obtained.

- a. The completed application form(s) and plans are submitted to the Community Management Company.
 - b. The application form(s) and plans are reviewed by the Community Management team and the ASRC at their next scheduled meeting for consideration of new construction projects.
 - c. Meetings to consider new construction applications are usually held on the 1st & 3rd Thursday of each month at 2:00 pm at the Community Manager's office.
 - d. The Applicant is usually notified of ASRC Action within 5 working days.
- 2) Guidelines for contractor activity during the Construction Phase are described in Section VI.
- c) For architectural change and enhancement projects, homeowners should use the process described below and the request forms on the MG Info website.
- 1) The property owner obtains the required ASRC application form(s) from either the MG website (magnoliagreensinfo.com) or the Community Management office. (Sample General Request, Fence Request and Shed Request forms are included on the MG Info website.)
 - a. Except for those items noted in #5 below, four (4) complete copies of the request forms, supporting detail specifications and drawings must be submitted to the Community Management office at least eleven (11) days prior to the Committee meeting on the 2nd Tuesday of each month at 6:30 p.m. (The deadline for submittal is the Friday before the first Tuesday of the month.)
 - b. Requests that come from homeowners in Holly Glen, Fairway Village, Fairway Villas, Three Oaks and The Towns must have approval of their sub-association Board of Directors prior to submission of the request to the ASRC.
 - 2) An agenda is compiled and two-person ASRC teams are assigned to visit, inspect and document conditions for each property. (Unobstructed access to the proposed project area is required for the inspection team; gates to fenced yards must be unlocked, no unattended dogs in the area, etc.)
 - a. Committee meetings open with a limited public comment period which is followed by a closed deliberative session. Requests are individually discussed and adjudicated followed by discussion of unfinished and new business.
 - b. Minutes of each meeting are recorded and action/decision notices are usually mailed within 10 days after approval by the Committee.
 - 3) Approved change or enhancement projects must be completed within twelve (12) months from the date of the original approval notice.
 - a. Any change to the original request requires an additional written request and Committee approval before work can begin.
 - b. Any application that is denied then re-submitted without change will not be re-inspected or deliberated.
 - c. Change or enhancement projects that are not completed within twelve (12) months require a written request and approval for extra time or the request will be considered lapsed.
 - d. When a change or enhancement project is completed, the owner must notify the - community management office so that a final inspection can be scheduled.
 - 4) Property owners that fail to seek prior ASRC approval for changes made to their property will be issued a VL02 violation letter.
 - 5) Requests for additions and/or changes for the five items listed below require only two (2) copies of the request which are submitted to the Community Management office for approval. The Community Management office must be notified when the work has been completed so the Committee can make a final inspection. The items are:
 - a. Gutters, downspouts, and gutter guards
 - b. Lawn replacement of a different type
 - c. Mulch replacement of a different type
 - d. Satellite dishes
 - e. Storm doors

2. Building Size, Impervious Limitation and Setback Requirements

- a) For information regarding minimum building sizes, refer to the Magnolia Greens Master Association, Inc. Protective Covenants Article 11.10 (c) and ASRC Impervious Limits and Minimum Square Footage document on MG Info Web Site.
- b) For the appropriate amendment for specific impervious surface limitation for each lot, refer to Article 12, Section 12.6 of the Master Declaration of Protective Covenants and ASRC Impervious Limits and Minimum Square Footage document on MG Info Web Site.
- c) Setback Requirements
 - 1) Side setbacks – minimum 10 ft.
 - 2) Front setback – minimum 30 ft. from front property line.
 - 3) Rear setback – minimum 40 ft. (if possible).
 - 4) Side setback for driveway – minimum 3 ft.
 - 5) For corner lots, 20 ft. setback is required for the side adjacent to the street.
 - 6) Setback requirements for The Lakes may differ per zoning classification.

3. Detailing

- a) Structural detailing in Magnolia Greens must give consideration to the architectural style being used, the construction technology available and the environment of the Carolina coastal plain.
- b) The design of homes should complement and enhance adjacent homes and the community.
- c) Large, open living areas with high ceilings and well-developed inside-outside relationships are recommended.
- d) Rooms with a door that opens to the exterior should open onto balconies, decks, porches, and/or terraces; not directly onto the ground.
- e) Steeply pitched roofs and generous overhangs are recommended.
 - 1) Major sections of the house require a minimum roof pitch of 6/12.
 - 2) Height and profile should be determined by the particular lot setting (open fields – low profile; heavily wooded lots – high profile).
 - 3) Massing should be scaled to the site with consideration for the surroundings.
- f) Environmental considerations should include the hot summer sun, heavy seasonal rains, high humidity, salt content in the air, prevailing seasonal breezes, cold winter winds off open areas, soil characteristics, the occasional tropical storm or hurricane, etc.
- g) Windows on the front and sides should include detailing (such as a soldier course, rowlock, pediment, etc.).
- h) A foundation band (such as a soldier course or rowlock for masonry veneer; or a 2" x 10" beauty band for siding) is required.
- i) Window shutters (either the fixed, decorative; or an operative, hinged variety) are permitted with prior ASRC approval.
 - 1) Shutters are recommended on the front elevation and; for corner lots, on both the front and side elevation that faces the street.
 - 2) All types of window shutters must complement the architectural style and color scheme of the house.
 - 3) Hinged, operative shutters are permitted on any/or all windows but they must be retracted when not in use.
 - 4) Hurricane/storm shutters are permitted for short-term, severe weather conditions on any/or all windows if they are attractively designed and concealed when not in use.
- j) Awnings may be allowed on the back of homes (including those on golf course lots) on a case-by-case basis.
 - 1) Awnings are not permitted on the front or sides of homes.

- 2) Awnings must complement the architectural style and color scheme of the house with solid, earth-tone colors preferred.
- 3) Awnings must be retractable, and owners are encouraged to keep them retracted while not in use to prevent wind damage.
- k) The primary front entrance must be sheltered on the exterior.
 - 1) Prominence and detailing that distinguishes it from other entrances is required.
 - 2) Detailing for all entry doors must be consistent with the house style.
- l) Satellite dish antennas and other outside antennas are allowed if approved by the Community Management office prior to installation.
 - 1) The dish (or any other antenna) and its cabling should be placed in the most inconspicuous location, consistent with good signal reception and, if at all possible, to the rear of the house. No satellite dish (or any other antenna) may be mounted forward of the front face of any residence.
 - 2) The satellite dish may be mounted to a masonry wall, a sturdy metal pole, or wood deck post. For safety and/or structural reasons, attaching the satellite dish to aluminum or vinyl siding is not recommended.
 - 3) NOTE: Homeowners in sub-associations may be subject to additional guidelines covering the placement of satellite dishes (e.g. rooftop and chimney mountings).
- m) Storm doors are allowed if approved by the Community Management office prior to installation.
 - 1) Storm doors for the primary front entrance must be of the 'Full-View' type.
 - 2) Color must match the existing exterior door, door frame, or house trim.
 - 3) Clear glass panels or clear glass with border etching may be used.
 - 4) Handle sets and kick plates must match existing exterior door hardware.
 - 5) Storm doors with a kick plate greater than 5 inches high are not allowed.
 - 6) Retractable self-storing insect screens are permitted.

4. Exterior Elevations

- a) The floor level should be sufficient to accentuate design and accommodate the raised foundation and plant beds.
 - 1) For a non-crawl space house, the finished floor should be a minimum of 24” above the surrounding grade; however 32” is preferred.
 - 2) Positive drainage away from the structure is required.
- b) Materials used and construction techniques employed shall be primarily those that are typical to the Carolina coastal plain.
 - 1) Low maintenance materials are encouraged.
 - 2) Roof colors and textures and exterior wall materials should be compatible with the setting and reflective of southern traditions.
 - 3) The following exterior elevation materials are approved:

Approved Siding Materials	Approved Window and Trim Materials
Brick (preferred)	Wood (painted or stained)
Stone	Aluminum Clad Wood Windows
Hardiplank	Vinyl Clad Wood Windows
Wood Siding	Cedar, Cypress, Juniper, Redwood, Treated
Cedar Impressions	Pine
Vinyl (street façade must be brick or stone)	Vinyl Windows
Vinyl Trim	

5. Garages

- a) Side loaded or rear loaded attached garages are preferred; however, front loaded attached garages are allowed if side load is not possible or impractical.
- b) Front loaded garages are also allowed where other prominent physical conditions exist provided their presence on the front façade is minimized. For example, the front plane of the front loaded garage can be set back from the plane of the main house front elevation.
- c) If a front loaded garage is allowed, it must have one garage door with windows or two separate garage doors with raised panels.
- d) In addition, trim or brick details should be used to enhance the appearance of the garage door(s) from the right-of-way.
- e) Exposed interior framing is not permitted in garages. Interior walls and ceilings of garages must be finished with painted drywall (or a similar painted wall covering material).

6. HVAC Equipment

- a) HVAC equipment must be installed toward the rear of the house to minimize visibility.
 - 1) Large plants, fencing or walls are required to screen HVAC equipment.
 - 2) Plants used for screening must be at least 36" in height at the time that they are planted with sufficient density to provide adequate screening within one (1) year of planting. (The following plants are suggested: Ligustrum, Viburnum, Majestic Beauty Hawthorne, Variegated Privet, Lorapetalum, Acuba, and Formosa Azalea.)
 - 3) Solid screening for HVAC equipment must comply with the guidelines for fences and walls.
- b) Small HVAC equipment installed through-the-wall will be considered on a case-by-case basis. (Small HVAC equipment installed in windows is not permitted.)

7. Patios, Decks, Terraces

- a) Outdoor uncovered living areas must be constructed with materials and colors that are compatible with the exterior materials and architectural detailing of the house.
- b) Deck and porch railings must be consistent with the architectural character of the house and must be stained to match the deck, painted to match the trim of the house or painted white.
- c) Decks must be enclosed at the bottom with brick or wood/vinyl lattice screening (maximum 2 inch opening) that is painted or stained to match the house trim or prominent elements of the deck.
- d) Additional plants are required to soften the appearance around patios, decks and terraces.
- e) Patio, terrace and walkway surfacing materials must be a type of concrete, embedded stone, or pavers.
 - 1) Wood is not recommended but may be used for special circumstances.
 - 2) Loose stone is not an approved surface.
- f) Impervious surface limitations apply to all solid surfacing materials.

8. Porches

- a) The common use of open porches is encouraged. However, porches may be screened or enclosed with glass (except screened or glass enclosed porches are not permitted on the front of houses.)
- b) All porches must be permanent structures and painted or covered in vinyl to match the trim of the house.
- c) Elevated porches on piers must be enclosed on all sides at the bottom with either brick lattice matching the house or wood/vinyl lattice (maximum 2 inch opening) that is painted to match the trim of the house.

d) Impervious surface limitations will apply to covered porches, depending on type of foundation.

9. Renewable Energy Equipment

- a) All installations of renewable energy equipment must be individually reviewed and approved by the ASRC prior to installation. Applications must include:
 - 1) Details of the proposed equipment and its location.
 - 2) Qualifications and experience of the company that will install the equipment.
- b) Solar systems must be architecturally and aesthetically compatible with the house.
 - 1) Roof mounted solar collector panels are allowed if mounted where they are not visible from the street and front of the house.
 - a. Colors must closely match the color of the roof material.
 - b. Panels must be installed parallel to the roof surface, not more than 8" above the roof surface and below the roof ridge line.
 - 2) Solar collector panels may be installed on the ground in the rear yard if completely screened from view on neighboring properties.
 - 3) Requests to remove tree(s) blocking the operation of the solar collector panel(s) will be considered case-by-case. However, the owner must follow the guidelines for tree removal and replacement.
 - 4) Solar equipment that becomes inoperative must be repaired, replaced or removed in a timely manner. Replacement equipment must comply with all ASRC guidelines.
- c) Roof mounted solar tubes for interior light are allowed if mounted where they are not visible from the street and front of the house and if they blend with the roof materials.
- d) Wind driven systems for electrical generation are not permitted in the Magnolia Greens community.

10. Roofs, Gutters and Downspouts

- a) Steeply pitched roofs with a minimum roof pitch of 6/12 and generous overhangs are required for major sections of the house.
 - 1) Roof material may include cedar shakes, asphalt shingles (25 year architectural is the minimum weight), tile, simulated shake, slate, or standing seam metal. Colors that are compatible with the elevations and surroundings should be used.
 - 2) Roof vents and accessories should be located on the part of the roof that cannot be seen from the right-of-way and street and must be painted to match the roof color.
 - 3) Flue pipes must be cased in a chimney enclosure that matches the exterior materials or painted to match the roof color.
- b) Gutters and downspouts for collecting and diverting rainwater from rooftops are allowed, subject to the Protective Covenants and these guidelines.
 - 1) Requests for gutters and downspouts must be submitted to the Community Management office and owners must receive written approval prior to installation.
 - 2) Gutters and downspouts must be a color that matches the existing house trim (or they may be copper). Downspout extensions and splash pads must be an earth-tone color.
 - 3) All downspouts and downspout extensions must be placed so as to direct water runoff away from all buildings and not onto neighboring properties.
 - 4) Gutters and anti-clogging gutter covers must be minimally visible from the street and, if visible, colors must match the adjacent house component color.
- c) All properties in Magnolia Greens are subject to the State of North Carolina Rules and Regulations concerning storm water runoff and the MG Protective Covenants.

C. SITE DESIGN GUIDELINES

1. Clearing and Grading

- a. Owners are solely responsible for the accuracy of the survey of their property and for validation of property lines.
- b. No clearing or grading is allowed without prior ASRC approval.
- c. Removal and/or damage to existing trees should be minimized.
- d. Existing public sidewalks and curbs must be protected from damage by heavy equipment.
- e. Grading and/or removal of soil must be kept to a minimum.
 - 1) Alterations to existing drainage must be avoided.
 - 2) Any necessary grading must maintain a natural appearance and must provide drainage away from the structure.
 - 3) If erosion control cannot be managed, silt fencing is required.

2. Construction Signs

- a) The Magnolia Greens Master Association Protective Covenants do not allow advertising signs, billboards or other advertising structure(s) of any kind on properties in Magnolia Greens without prior approval of the ASRC.
- b) The only currently approved construction sign is an Inspection Box as described in Appendix E.
- c) The Committee has the right to remove any unapproved sign.

3. Driveways and Residential Walkways

- a) All lots, including corner lots, on or contiguous with a cul-de-sac street must connect a driveway with the cul-de-sac unless an exception has been approved by the ASRC.
- b) No driveway can be closer than 30 feet to a street intersection as measured from the right-of-way line to the edge of the driveway.
- c) A minimum of 3 feet is required between the property line and edge of the driveway pavement for plants or fencing.
- d) The following driveway and residential walkway materials are allowed:
 - 1) Concrete (Loose gravel or stone is not allowed for driveways or residential walkways),
 - 2) Concrete with brick edges and/or outlining,
 - 3) Stamped concrete,
 - 4) Colored concrete in earthtone colors,
 - 5) Pea gravel concrete,
 - 6) Oyster shell concrete,
 - 7) Exposed aggregate concrete,
 - 8) Brick pavers.
 - 9) Requests for pervious concrete or wood will be considered case-by-case.
- e) Concrete driveways are required to have a detail such as a brick rowlock, soldier course or stamped brick pattern at the driveway flare except in town home and patio home communities.
- f) Public concrete sidewalks are installed parallel to the street in the right-of-way area in front of and (on corner lots) on the side of houses throughout the Magnolia Greens community.
 - 1) The width of public concrete sidewalks varies depending on the width of the right-of-way.
 - 2) If a public concrete sidewalk is not already installed when a house is initially constructed, the property owner is responsible for its installation (which must be completed before the final inspection).
 - 3) Builders are required to repair or replace public concrete sidewalks and/or curbs that are damaged by their heavy equipment.

- 4) After the property passes the final inspection, public concrete sidewalks are maintained by the Town of Leland.
- g) Poured concrete driveways and sidewalks are required to have 4" minimum thickness and must be completed within 24 hours of beginning the work.

4. Exterior Lighting

- a) ASRC approval is required prior to the installation of all exterior site lighting. (All proposed site lighting must be detailed on the Landscape Plans.)
- b) Illumination of surfaces such as walls, walks and decks is permissible; however, lighting sources must not be directly visible and lighting must be decorative.
- c) Effect lighting of exterior surfaces such as walls, walks and decks is permissible; however, lighting sources must be minimally visible from adjacent properties.
- d) Low voltage and 120 volt systems are permitted.
- e) Colored exterior lighting is prohibited except during limited holiday periods.
- f) Flood/spotlights must not be directed toward streets or neighboring properties.
- g) Exterior illumination must not be directed toward the open night sky since the Association supports the dark skies program.
- h) Lighting fixtures must be decorative, complement the existing house architecture, and not create a nuisance to the adjoining property owners.

5. Fences, Courtyards and Walls

- a) Fences, courtyards and walls are allowed on residential properties subject to the MG Protective Covenants, various sub-community requirements and approval by the ASRC.
 - 1) A separate Fence Request form is available on the MG website and from the community management office.
 - 2) Fences and walls should be compatible with the design of the house.
 - 3) Fences and walls must maintain a reasonable scale to the house and must not block desirable views and vistas or negatively impact adjacent lots.
 - 4) Solid structural fences, walls or plants are required to screen all HVAC equipment, trash receptacles recreational equipment, rain barrels, pet pens, dog runs, etc.
 - a. All above ground propane tanks installed after May 26, 2005 must have ASRC approved solid structural screening.
 - b. The same style and materials must be used if there are multiple screens on the same side of the house.
 - 5) Neither perimeter fences nor walls are permitted on golf course lots.
- b) Fences are typically used for defining boundaries of yards and for large area screening (See Courtyards for defining smaller areas of yards.)
 - 1) Neither fenced front yards nor perimeter fencing around the entire lot is allowed.
 - a. Architectural screens and other details that resemble fence sections may be considered for landscape enhancements on a case-by-case basis.
 - b. Sufficient use of shrubbery and plantings between the detail and the property lines is required to soften its appearance to the public.
 - 2) Perimeter fences must be placed on the rear and side property lines (except for corner lots.)
 - a. Fences must tie into the sides of the house forward of the rear corners but not near the front corners.
 - b. Two different styles of fencing installed back-to-back on adjacent properties is not allowed. (If a neighbor has installed a fence on his/her property, the newly installed fence must tie into the neighbor's existing fence.)
 - c. For corner lots, side fences along the rights-of-way cannot be placed within the utility easement.

- d. In general, fences must be placed six (6) feet inside the sidewalk. Additionally, fences along the rights-of-way must have the posts in line with the fence and the posts must have caps. Landscaping must be installed along this portion of the fence to soften its impact from the street.
 - e. The maximum height for any fence is six feet.
 - f. The finished side of perimeter fences must always face out from the lot.
 - 3) Wood, vinyl, wrought iron and anodized aluminum are allowable fence materials but split rail, chain link, welded wire or lattice fencing is not allowed on residential lots.
 - a. **Note for Cornerstone Village, all fences must be wood, board-on-board and finished at the top to match the other fences in Cornerstone. The rear fence must be six (6) feet high. The side fencing may be either six (6) feet high, or four (4) feet high as desired by the homeowner. If the homeowner installs four (4) feet high fencing on each side, there must be transitioning in one panel to (6) feet high at the rear.**
 - 4) The fence color must be approved prior to installation.
 - a. A semi-transparent stain (Sherwin-Williams TWP-101 or the exact equivalent) is the only approved stain for wood fences. Fences must be stained on all sides within 210 days of installation.
 - b. Dark paint colors are preferred for fences made of metal.
 - c. Vinyl/PVC fences and wood courtyard fences may be white.
 - 5) Owners must maintain fences and walls in good structural condition and good surface finish.
 - a. All fences must be power washed and re-stained or re-painted every seven (7) years or sooner. Only the ASRC may grant exceptions to this provision.
 - b. Any change in the finish or color of the fence after installation must be approved in advance.
 - c. Owners who do not stain/paint or maintain their fences in accordance with this policy are subject to fines.
 - c) Courtyards are smaller areas of defined space on a property.
 - 1) Courtyards are not a substitute to fully fencing a backyard. In general, backyard courtyards will enclose areas significantly less than one-half (50%) of the total backyard area. (See Fences and Walls for defining larger areas of yards.)
 - 2) Courtyards may be constructed on any side of a house, subject to specific site approval. Fencing to define a courtyard area may be allowed in front of a home, on lots adjacent to the golf course, or in other sections of Magnolia Greens where fencing is typically not allowed.
 - 3) Courtyards must be enhanced with landscape features (e.g., decorative fencing material, plants, etc.) to improve appearance or privacy.
 - 4) Courtyards must be scaled in size so as not to detract from the aesthetics of the house, must abut the house structure and must not exceed four (4) feet in height.
 - 5) All non-metallic courtyard fencing material must match the house trim color.
 - 6) Metallic courtyard fencing will be considered on a case-by-case basis.
 - 7) Open lattice is not an approved courtyard fencing material.
 - d) Walls are typically used for screening (such as for HVAC equipment, propane tanks, trash receptacles, etc.).
 - 1) Walls must be built of the same material and color as the house exterior.
 - 2) Walls must be constructed of brick or stucco over concrete block.
 - 3) The maximum height of walls is six (6) feet. (See 'Supplemental Data Sheet - Fences)
6. Hardscapes
- a) Construction of any and all hardscapes made of concrete, brick pavers, turfstone, wood, etc. including (but not limited to) walkways, driveways, patios, terraces, play areas or other landscaping features with an impervious footprint must have prior ASRC approval.

- b) Hardscapes will be included in the overall impervious surface calculation of a property.
- c) Decorative fishponds, waterfalls, and swimming pools are not considered hardscapes.

7. Irrigation and Drainage

- a) Irrigation systems are required for maintaining lawn and landscaped areas and for promoting a healthy, green appearance throughout the neighborhood.
 - 1) Irrigation systems should be zoned according to available water pressure.
 - 2) Sprinkler heads should be adjusted to direct water away from houses, walls, fences, sidewalks, driveways and public roads.
 - 3) Drip and soaker line irrigation around the house is required to prevent staining the structure.
 - 4) A separate zone of directional sprinklers should be used in the right-of-way area between the public sidewalk and street to avoid wetting the sidewalk.
- b) Underground sprinkler systems may use either public utility water or ground water from individual residential wells (refer to MG Protective Covenants).
 - 1) A second water meter is provided for lots that use the public utility water system in order to prevent charges for sewer service for water used to irrigate lawns.
 - 2) The irrigation water meter is required to have a backflow prevention device between the water meter and the irrigation system.
- c) Irrigation wells are allowed in Magnolia Greens subject to local and/or state code requirements.
 - 1) Shallow wells are recommended for irrigation because deep wells in this area usually produce discoloration. (Rust prevention systems are encouraged.)
 - 2) Wells must be located at least 25 feet from the house foundation, at least 50 ft. from the sewer line, at least 5 ft. from the property line and at least 50 ft. from ponds.
 - 3) Wells should be drilled to a depth to reach water that has minimal iron content to prevent iron staining. Concrete surfaces and house siding must not be rust stained or fines will be levied.
 - 4) If not buried at the wellhead, pumps and other well equipment must be visually screened from the street, golf course and adjacent properties.
- d) Proper lot drainage (storm water runoff) and maintenance of underground irrigation systems are the property owner's responsibility, given the flat topography of Magnolia Greens. Any change in lot topography (elevation or slope) or installation of a drainage system or irrigation well requires prior ASRC Committee approval.
 - 1) Owners are responsible for all storm water runoff from their lots and, once original construction landscaping has been approved, Owners may not take any action that would increase water runoff to any adjacent properties.
 - 2) In general, residential lot drainage must be toward the street in front of the house or, on a case-by-case basis, drainage toward a pond may be approved. Storm water drainage may be approved using surface swales and culverts or buried systems such as French drains.
 - 3) The engineering and execution of drainage systems must minimize erosion on the lot and any adjacent common property. Culverts, swales and/or French drains must empty water as close as possible to the street or, if specifically approved, near the waterline of a pond.
 - 4) Approved drainage changes are limited to the owner's property only and may not extend onto an adjacent property.

8. Landscape Design and Siting

- a) Imaginative landscape design that considers the functions of, color, textures, screening and enhancement of the architecture is encouraged to establish the standard for a high quality community.
 - 1) Integration of grounds, driveways, sidewalks, landscaping, gardens and parking is essential.

- 2) The house, porches, courtyards, decks, patios, terraces, driveways, walkways, etc. should create a unified design plan.
- b) In addition to the mulched beds for foundation plants around the house, well designed landscape beds for plants may be located around trees or in other areas of the yard to enhance the landscape.
- c) Turf grass is required for all home sites from the rear corners of the house to the paved street including the right-of-way area between the sidewalks and curbs. Home sites that are adjacent to the golf course must provide access for golfers to retrieve their golf balls.
 - 1) Corner lot home sites must include grass in all areas.
 - 2) Home sites with a sidewalk along the street must place sod in the area between the sidewalk and the curb at the same time the sod is installed in the yard
 - 3) Centipede, St. Augustine and Bermuda sod are recommended varieties.
- d) Grass/Lawn Replacement is permitted if the owner adheres to the following guidelines.
 - 1) If an owner is replacing only a problem section of lawn with the same type of grass, no request to the Community Management or the ASRC is required, as this is considered "maintenance" under the existing MG covenants.
 - 2) Owners who wish to replace a section or their entire lawn with a different grass variety (i.e., Bermuda, St. Augustine, Empress, Zoysia) must make a request directly to the Community Management office.
 - 3) In cases of sectional lawn replacement, a different variety of grass will be allowed in a lawn if a barrier (defining line) exists to separate the two different grasses. A barrier is defined as driveway, landscape beds, sidewalks, property lines and fences, or an area that meets the requirements of fence placement.
 - 4) It may be more beneficial to extend and/or establish a landscape bed in areas of Centipede grass affected by ground pearl. Owners must make a formal request to the ASRC for this option.
- e) Plants must sufficiently screen utility areas, break up the foundation of the building, buffer driveways and parking areas adjacent to property lines and provide cover for areas disturbed during construction.
 - 1) Plants for screening must be of sufficient size and spacing when installed to ensure an adequate visual buffer within one year.
 - 2) Approved plants for screening include: Ligustrum, Viburnum, Majestic Beauty Hawthorne, Variegated Privet, Lorapetalum, Acuba, and Formosa Azalia.
 - 3) Foundation Plants should sufficiently screen the house foundation, crawl space or decks.
 - 4) Approved utility areas such as vegetable gardens, dog runs, and work/storage areas must be screened or incorporated into the garden so as not to be unsightly.
- f) Approval of the landscape plan does not grant permission for further lot clearing unless specifically requested.
- g) Requests to expand or reduce in size the original landscape bed configuration requires prior approval from the ASRC.
- h) Changing of shrubs or flowers of similar sizes within an existing bed is considered maintenance and does not require prior approval.
- i) Homeowners must request permission from the Community Management office to change their mulch.
 - 1) Applying the same type of mulch is considered "maintenance" and requires no request.
 - 2) Requests from homeowners in a sub-association that has lawn care and mulch replacement provided for them are forwarded to that sub-association's Board of Directors for final approval.
- j) Trees (large and small) and the preservation of trees are considered to be prominent, mandatory elements of the overall plan and design of the Magnolia Greens community.
 - 1) A minimum of two flowering trees in the front yard is required for single family lots not classified as patio homes or multi-family units. (Homes in Azalea Gardens, Camellia Park, Cornerstone

Village, Fairway Village, Fairway Villas, Holly Glen, The Towns and Three Oaks are exempt from this requirement.)

- 2) Tree removal (whether dead or alive) or the addition of any type of tree (including trees located within landscape beds) requires prior ASRC approval. (See the General Change Request Form.)
- 3) Removal of dead/dangerous limbs and/or branches is considered maintenance and does not require prior ASRC approval.
- 4) For every tree that is approved for removal, a replacement tree of minimum 4 inch caliper (or two trees of 2 inch caliper) will normally be required by the Committee. (If the lot is heavily wooded, this requirement may be waived.)
- 5) A list of preferred trees is available in the Architectural Design Guidelines and from the property management office.
- 6) The Committee will address the replacement of trees felled or severely damaged by an act of nature on a case-by-case basis.
- 7) The following factors should be considered when requesting permission for tree removal and it is recommended (but not required) to consult a certified arborist or other qualified professional to render a written opinion to accompany the owner's request. Is the tree (or trees):
 - a. Damaged, diseased or dying to the extent that the entire tree creates an obvious safety hazard or imminent danger to the home? (Note: Healthy trees can be a potential hazard in certain situations such as lightning strikes, wind damage, etc.)
 - b. Disfigured and/or poorly located, such that its removal would enhance the look of the property and the aesthetics of the community?
 - c. Disrupting healthy growth and/or appearance of adjacent trees such as an undesirable cluster of trees of different species that are inhibiting the growth of desirable trees?
 - d. Located so that the roots will damage the foundation or other structural elements of the property?
 - e. Interfering with the growth of the lawn or making lawn maintenance difficult.
 - f. **NOTE: Unauthorized removal of trees will result in a \$1000 fine per tree in addition to the requirement for the installation of a replacement tree(s) for each tree removed.**

- k) The following Recommended Lists of Trees and Plants represent many varieties, both native and exotic, which will grow in the region. It is not intended to be all-inclusive, but rather it is intended to provide the landscape designer a palette of plant materials that could form the basis for the landscape plan.

Large Trees	Small Trees	Evergreen Trees
Weeping Willow	Eastern Redbud	American Holly
Red Maple	Flowing Dogwood	Southern Magnolia
Southern Red Oak	Kousa Dogwood	Dahoon Holly
Sweet Pignut Hickory	Golden Raintree	Cherry Laurel
Water Oak	Crepe Myrtle	Cedar Tree
Persimmon	Sweet Bay Magnolia	Yaupon Holly
Laurel Oak	Saucer Magnolia	
Willow Oak	Bradford Pear	
Bald Cypress	White Fringetree	
Poplar	Service Berry	
Live Oak	Purple Leaf Plum	
Chinese Elm	Cherry	
River Birch		
Sourwood		
Deciduous Shrubs	Evergreen Shrubs	
Abelia	Aspidistra	Emily Bruner Holly
Barberry	Acuba	Nellie Stevens Holly
Quince	Azalea	Ligustrum
Cotoneaster	Camelia	Nandina
Oakleaf Hydrangea	Sasanqua	Pyracantha
Coastal Leucothoe	Cleyera	Viburnum
Spirea	Holly Fern	Inkberry
	Eleagnus	
	Fatsia	
	Gardenia	
	Burford Holly	
	Carissa Holly	
	Yaupon Holly	
Groundcover	Vines	
English Ivy	Akebia	
Love Grass	Wisteria	
Liriope	Lady Banks Rose	
Wintercreeper	Clematis	
Miscanthus	Climbing Fig	
Mondo Grass	Virginia Creeper	
Asiatic Jasmine	Cherokee Rose	
Confederate Jasmine	Climbing Rose	
Juniper		
Vinca		

9. Mailbox Design, Care and/or Replacement

- a) Each unit must have only one ASRC approved Magnolia Greens Golf Plantation style mailbox.
 - 1) 4 x 4 treated wood posts with an attached newspaper box and a classic black metal mailbox mounted over the wooden newspaper box).
 - 2) Mailbox posts and supporting structure must be "Magnolia Green" exterior semi-gloss paint obtained at Sherwin-Williams or C&S Paints.
 - 3) The metal mailboxes must be painted satin or gloss black.
 - 4) Property address numbers must be displayed on the mailbox.
- b) Each owner is responsible for mailbox maintenance (unless such maintenance is included in a sub-association's agreement with its residents).
 - 1) Mailboxes must be maintained in an acceptable, community-wide standard condition. Mailboxes displaying faded or missing paint damaged posts and rusted or damaged mailboxes must be repaired or replaced in a timely manner.
 - 2) Damaged mailboxes must be replaced with a metal mailbox of the same dimensions and design as originally installed. (Vinyl mailboxes are not allowed.) Information about replacement mailboxes is available from the Community Management Office.
 - 3) To prevent damage to mailbox posts from string trimmers, owners may:
 - a. Install 4 solid brick pavers matching the brick of the house around the base of the mailbox post.
 - b. Install a small flower bed not exceeding 16 inches to either side of the post.
 - c. Install a vinyl sleeve to the base of the post. (e.g., 4" cove base molding, or similar, found at Lowe's or Home Depot in a green that matches the post color.)
- c) Mailbox plants & beds are allowed under the following guidelines:
 - 1) Owners may install both individual plants and small, defined planting beds around the base of mailboxes, subject to prior ASRC approval.
 - 2) Owners are responsible for maintaining the appearance of the plaza areas abutting their property. Therefore, all proposed mailbox plants must first have the approval of the responsible owner in whose plaza the mailbox is located.
 - 3) Individual plants and/or defined planting beds must not extend more than 16 inches to the left, to the right, or to the rear of the mailbox post. Defined beds must extend forward to the edge of the street curb. Any border materials used to define the beds must be earth-tone in color and must not exceed three (3) inches in height.
 - 4) If multiple mailboxes are within three feet of each other and one owner wishes to have a defined bed, then a single larger bed must encompass the entire group while remaining within the maximum 16 inches to the left and right of the two outside mailbox posts.
 - 5) To avoid a tripping hazard, plants must not grow over or onto the sidewalk or street curb. Foliage must not extend higher than the top of the mailbox post and all plants must be trimmed to allow unrestricted access to the mailbox door and flag by the mail carrier.
 - 6) Approved vine trellises must not be higher than the top of the mailbox post. Trellises must be taken down if there is no seasonal live foliage.
 - 7) Beds must contain only live foliage, preferably rotating seasonal flowers or plants. Bare soil must be mulched to match other beds in the yard. Dead foliage must be removed immediately.

12. Recreational Equipment

- a) Recreational sports and play sets (which are defined as semi-permanent sports and play sets that are not easily moveable once installed) are allowed, subject to specific site approval. These include, but are not limited to, child swing sets, jungle gyms, and trampolines.

1. Play sets must be located in the rear yard and must be placed at least ten (10) feet from the rear and side property lines or an existing 6 ft. high fence..
 2. Overall height of play sets must not exceed ten (10) feet.
 3. Approved play sets not located within fully privacy-fenced backyards must be screened using area fencing or landscape materials of minimum four (4) foot height at time of planting to soften the look from adjacent properties and the street.
 4. Slides, tent tops and other substantive structures on approved sets must be green or a darker earth-tone color.
 5. Basketball goals must be of the mobile type and must be stored with minimum visibility to rights-of-way and adjacent properties when not in use. Permanent basketball goals are permitted, with prior ASRC approval, on INTERIOR LOTS ONLY, so long as they are not visible from the street.
- b) Recreational equipment is prohibited on golf course lots except that ASRC approved PORTABLE and TEMPORARY play equipment, including basketball goals, are allowed, so long as they are stored COMPLETELY OUT OF SIGHT when not in use.

13. Storage Buildings

- a) Detached, non-habitable, enclosed storage buildings with significant architectural detail that complements the house are allowed in several communities. (See the Design Guidelines for a list of MG communities that do not allow storage buildings).
- 1) The roof pitch must be a minimum of 6/12 on all such structures. An overhang of 8" minimum is required on all sides of the building. The structure may not exceed ten (10) feet in height from ground level.
 - 2) The color of the building must match the color of the existing house and the roof shingles must match those on the existing house.
 - 3) Manufactured sheds must be of similar style to the house, must match the house color and must comply with all other structural requirements for storage buildings.
 - 4) Detached structures are prohibited in certain sub-communities and on all lots adjacent to the golf course.
 - 5) The shed structure must be a minimum of 10 ft. inside the rear and side property lines except; if the property has a 6 ft. high fence (or will have installed in conjunction with the shed request), the shed may be located 5 ft. from the adjacent rear and side fence. Any fencing less than 6 ft. high will require a minimum 10 ft. setback. On corner lots, the shed structure must be a minimum of 30 feet from the street right-of-way.
 - 6) All detached structures must sit on a concrete base at ground level or on a raised brick foundation that matches bricks on the existing house. Impervious surface limits will apply.
- b) Attached structures for lots adjacent to the golf course will be considered on a case-by-case basis.
- c) All storage buildings must comply with local and state building and zoning codes. (See the Supplemental Data Sheet - Sheds.)

14. Swimming Pools

- a) In-ground swimming pools at the rear of homes will be considered on a case-by-case basis.
- b) Above ground pools and inflatable bubble pools are prohibited.
- c) Pools must be a minimum of 10 ft. inside the property line and screened from the adjacent right-of-way, the golf course and adjoining lots.
- d) Pools must be enclosed and secured to meet all local, state and Federal statutes and code requirements. Enclosures must meet the guidelines for courtyards, fences, etc.
- e) The placement, materials and detailing of the pool area, its surroundings and pool equipment enclosures must architecturally complement the house and other structures.

15. Utility Services

- a) All utility (i.e., cable, electric, telephone, etc.) services in Magnolia Greens are located underground.
- b) Above ground transformers, junction boxes, HVAC equipment and electric meters must be screened with fencing, walls or plants.

16. Yard Art and Lawn Furniture

- a) Well-designed and tastefully-located wood, concrete and metal lawn furniture as well as ornamental and decorative items such as mirrored globes, statues, large bird houses, weathervanes, windmills, fountains, fish ponds, waterfalls, plant trellises, landscape lighting, etc. are permitted subject to prior approval by the ASRC.
- b) All yard art and lawn furniture must be consistent with the architectural styles and aesthetics of the Magnolia Greens community.

V. THE REVIEW PROCESS

All plans for new residential construction, and for additions, alterations and renovations to existing houses and lots must be reviewed by the Magnolia Greens Architectural Standards and Review Committee (ASRC). Refer to the Design Review Process Flow Chart, included at the end of this section, for a graphical synopsis of the steps described below. Forms listed below, to assist with submittals and reviews, can be found in Section VII.

A. Conceptual Review/Preliminary Conference

Before submitting plans to the ASRC it is recommended that property owners, builders, and architects request a preliminary conference. During this conference, which is optional, applicants may present design ideas, as well as special conditions or hardships. The purpose of this conference is to communicate the applicant's intent to build or alter, as well as to provide a forum for answering any questions the applicant may have concerning these guidelines.

B. Plan Submittal and Review

Two sets of construction documents, a completed **Form One** (Review/Construction Application), **Form Two** (Architectural Detail Sheet), and a \$500.00 (effective 1/1/04) review fee made payable to **Magnolia Greens Master Association, Inc.**, and a \$2500.00 (effective 1/1/04) Construction Deposit made payable to **Magnolia Greens Master Association, Inc.** should be submitted at the time of review. In order to allow an adequate review period, applications must be received by 5:00 p.m. on the Friday prior to the next scheduled ASRC meeting. NOTE: Plans received after this time will be deferred to the next meeting cycle. Required construction documents are listed in Appendix A.

Applicants will receive written notification of the ASRC's decision within five working days of the ASRC meeting. If approved, the applicant will receive notification of the approval with a set of plans bearing the ASRC's approval. If the plans are not approved or are approved with conditions, the applicant will be notified as to the reason for denial or conditions. Applicants are invited to contact the ASRC Chairperson to discuss plan changes necessary to gain ASRC approval. ASRC approval is valid for twelve months from the date of applicant notification.

C. Site Inspection and Preliminary Stakeout

A site inspection of the house corner stakeout by the ASRC is required before clearing. The purpose of this inspection is to ensure compliance with the approved plans, as well as to evaluate impact on adjacent lots, common areas, golf course, tree preservation, wetlands, drainage, etc. The owner shall clearly stake the property corners and proposed house corners. **All trees to be saved shall be flagged individually or in groups. No site work, tree removal, plant removal, clearing, or excavation shall be permitted on any Magnolia Greens lot prior to Lot Owner receiving written approval for this work by the Magnolia Greens ASRC Committee. If this requirement is violated, the Lot Owner may be fined up to \$5,000.00. The property owner is responsible for any violation by his builder or other party.**

D. Changes During Construction

If changes to an approved plan become necessary during construction, **Form Three** (Application to make construction or design change) should be submitted to the ASRC. The review process for these requests will be the same as that for new construction. However, minor changes to an approved plan may be approved by the ASRC chairperson in lieu of a full ASRC review. The committee chairperson will determine if the change warrants full ASRC attention, if the change is not deemed of a minor nature. The applicant will be notified within three working days of meeting with the ASRC chairperson as to approval, disapproval or deferral. **Unauthorized exterior change is automatic forfeiture of architectural deposit and fines will be levied.**

E. Final Inspection

To confirm plan compliance, a final inspection will be conducted by an ASRC representative following completion of all planned construction and landscaping. A completed **Form Four** (Request for final inspection/deposit refund) must be submitted **prior** to the owners occupying the house (3/30/04). Occupancy of the home before the final inspection will result in forfeiture of the construction deposit. Final inspections must be completed within 30 days of the request, unless the Committee approves otherwise (8/20/03). If the inspections are not completed, the construction deposit will be forfeited. If the Committee has to make more than one additional inspection, then the Committee will charge a fee of \$100 for each additional inspection. Landscaping must be completed at the time a certificate of occupancy issuance.

THE DESIGN REVIEW PROCESS FLOW CHART

Preliminary Conference with ASRC (Optional)

Submit Plans & Application

Plans Reviewed at ASRC Meeting

5 Working Days - Applicant Notified of ASRC Action

Plans Not Approved

Correspondence From ASRC

Submit Revised Plans

Plans Approved

Request Clearing Approval

Clearing Plan Approved

Obtain Local Bldg. Permits

Begin Construction

Submit Form 3 for Changes

Submit Form 4 to Request Final Inspection

Final Inspection by ASRC

VI. THE CONSTRUCTION PHASE

In order to maintain attractive surroundings and to promote a safe environment for residents and guests, the following guidelines have been developed for Magnolia Greens to control contractor activities during the construction phase.

A. General Regulations

1. Time Limit of the Construction Phase

All construction on a particular property must be completed within a twelve-month period, commencing with the initial clearing of the lot. Approved landscaping construction must be completed at the time of issuance of a certificate of occupancy.

2. Builder Requirements

All builders of residences in Magnolia Greens must be licensed by the state of North Carolina. A North Carolina Residential Builders License is the minimum licensing requirement.

3. State and Local Code Compliance

All construction must comply with Federal, State and local laws, codes and ordinances.

4. Construction Entrance

A gravel construction entrance must be provided and maintained in each lot during the construction period accompanied by any other necessary erosion protection in order to keep erosion material from entering the street.

5. Signage

The general contractor may post only the standard regulatory permitting signs required by governmental authorities on lots during the construction phase. Please refer to Appendix E for more information on the appearance of the inspection box. Signs shall not be attached to any tree. Sub-contractors may not post any signs.

6. Construction Parking

Parking on sidewalk or landscaped right of way is not allowed. Parking is allowed on the lot or on street pavement in front of lot.

7. Working Hours

Working hours for all construction activities shall be restricted to the following hours:

- Monday through Saturday: 7:00 a.m. until dark
- Sunday: No work allowed
- Holidays: Only quiet work inside of house

8. Conduct of Workers

The conduct of workers is the ultimate responsibility of the general contractor. Loud vehicles, radios, etc., or any other machine that is not directly related to construction activities that can disturb residents, will not be tolerated. The posted speed limits must be observed by all workers, including subcontractors and vendors. Violations are subject to fines by the Leland Police Department.

9. Burying Materials

The ASRC does not grant permission or recommend that any material be buried on a lot (3/30/04). This applies, but is not limited, to vegetation and construction materials. If any material is buried, the ASRC will assess a fine and will require the builder to inform all subsequent purchasers of the lot of the location and type of material(s) buried. A repeat offense will result in automatic revocation of all building privileges at Magnolia Greens.

B. Before Construction

1. Plan Approval and Site Inspection - No lot clearing or other construction activities may begin until the ASRC has approved all plans, and a **Form One** (Review/Construction Application) has been approved.

2. Permits, Fees and Fines

Contractors are responsible for obtaining required building permits and paying associated fees prior to commencing construction. Violation of the ASRC standards will result in fines to the property owner and may be charged against the Construction Bond. The following fine structure will be assessed on a per

builder basis regardless of the type of violation (10/7/04; 4/28/05). Other fines may apply to any specific occurrence (see table below).

- 1st occurrence \$50
- 2nd occurrence \$100
- 3rd occurrence \$200
- 4th occurrence Forfeit of construction bond plus hold on future permits

This fine structure will be implemented for the following violations:

- Littered site.
- Cleaning paint brushes or dumping of any refuse materials on any lot other than the subject lot.
- Construction equipment or material on adjacent property.
- No temporary sanitary facility or a nonconforming temporary sanitary facility (11/11/04).
- No contained trash receptacle or a nonconforming trash receptacle (11/11/04).
- Non-conforming signs.
- Parking violations (11/11/04).
- Misconduct of workers (11/11/04).

The following violations will also be assessed on a per-builder basis and will incur the designated fines.

<u>Violation</u>	<u>Fine</u>
Damage to natural areas	\$2,500.00
Burning without a permit	\$200.00
Unauthorized clearing of lot	\$5,000.00
Unauthorized removal of trees	\$1,000.00
Unauthorized plan change (minor)	\$200.00
Unauthorized plan change (major)	Forfeit of construction bond plus hold on future permits
Unauthorized exterior finishes (e.g., paint, roofing materials or design)	Forfeit of construction bond plus hold on future stain, permits
Erosion across sidewalk	\$100.00
into street	\$250.00
into drainage facilities	\$750.00
Working on Sunday (3/30/04)	
1st occurrence	\$100.00
2nd occurrence	\$250.00
3rd occurrence	\$500.00
4th occurrence	Forfeit of construction bond plus automatic revocation of building privileges

<u>Violation</u>	<u>Fine</u>
Burying material (3/30/04)	
1st occurrence	\$500.00
2nd occurrence	Forfeit of construction bond plus automatic revocation of building privileges
Any violation of the covenants (3/30/04)	\$250.00

3. Temporary Facilities

Each building site is required to provide at least one toilet for the use of workers. It must be located no closer than 15 feet from any street. The door must face away from the street and any existing residence(s). An enclosed trash receptacle is required for each job site and set back a minimum of 25 feet from any street. Temporary power poles must be installed plumb and shall not be used for posting signage. Construction office and storage trailers or buildings must be approved by the ASRC.

Silt fences are required and other necessary erosion control devices should be installed before initial grading. Pipes shall be installed in road swales to maintain flow at the construction entrance to the lot.

4. Tree Protection

The existing trees on the site are one of the community's most valuable assets. All hardwoods with 4-inch caliper and greater and all pines with 6-inch caliper and greater are considered protected and must not be damaged during construction.

C. During Construction

1. Site Maintenance

The general contractor must ensure that the job site is maintained in a neat and clean condition at all times. All materials and construction equipment must be stored within the lot boundaries in a contained area or container. Adjacent lots or common space may not be used for parking. Vehicles parked on the street during construction activities shall not obstruct traffic flow. Washing of vehicles, including concrete trucks shall occur on site, not in the street. Excess concrete and/or paint must not be dumped on adjacent lots, common areas or right-of-ways.

2. Sedimentation and Erosion Control

Streets shall be kept clear of mud, silt and construction debris from construction traffic. Sedimentation and erosion control devices shall be continuously maintained throughout the construction, to ensure its proper function.

D. After Construction

Clean-up - Upon substantial completion of daily construction activities, all debris shall be removed from the site and surrounding areas, and properly disposed. All job sites shall be thoroughly cleaned at least once each week.

CHANGE BLOCK

- 01-05-14:
 - VIII Appendix – Added item “H”
 - Page 7 – Added Reference to ARC Impervious Limits and Minimum Square Footage Document
 - Page 12 – Item 5.a.4 – added Above Ground Storage Tanks
- 01-14-14:
 - VIII Appendix – Item H renamed to ASRC
 - Page 7 – Renamed ARC Document to ASRC
- 01-16-14:
 - C.5.b.3 Fences, Courtyards and Walls – Added note for fences in Cornerstone Village
- 05-19-14:
 - C.5.4 Fences, Courtyards and Walls - Revised guidelines for propane tank screening and multiple screens on same side of house
- 07-1-14:
 - C.3 Item name changed to Driveways and Residential Walkways
 - C.3.d.1 Added note re: Loose stone or gravel not allowed.....
 - C.12.1 Recreational Equipment – For clarity, added note re: 10’ setback from a 6’ fence
 - C.13.5 Storage Buildings – Reduced setback requirement to 5’ from a 6’ fence