

ARCHITECTURAL REVIEW COMMITTEE
DESIGN GUIDELINES
FOR
JONAS CREEK

Modified & Adopted August 7, 2019

INTRODUCTION

Owners of property within Jonas Creek are bound by the Declaration of Covenants for Jonas Creek recorded in the Brunswick County Registry, and any subsequent amendments thereto. The restrictions state that no improvement, building, wall, fence, landscaping, berm or hedge which acts as a fence or privacy inducing structure, shall be erected, placed, maintained, or altered on any lot within Jonas Creek Subdivision until the construction plans and specifications and a plan showing the location of the structure and landscaping have been approved in writing by the Architectural Review Committee. The Declaration of Covenants provides that the developer of Jonas Creek Subdivision, may adopt from time to time architectural guidelines for use by the Architectural Review Committee and such guidelines shall be mandatory for use by the Architectural Review Committee except as the Board of Directors of the Association shall authorize upon appeal of the Architectural Review Committee decision

Purpose of the Guidelines

These Architectural Guidelines will assist all property owners in the planning and construction of their new homes and any major improvements to existing homes. The design guidelines are intended to protect the existing property owners and to provide a uniform review process to obtain approval by the Architectural Review Committee.

Within these guidelines, you will find an elaboration on the covenants in the property restrictions and also recommendations and performance levels established by the Board. Creativity is encouraged within bounds of appropriateness, but the Board has set basic standards to promote a harmonious community aesthetic of compatibility for Jonas Creek.

The guidelines outlined here are not intended to be onerous; we believe each of them essential to ensure a built environment that will sustain and maintain the beauty and essence of Jonas Creek. You will be able to see that each step in the approval process and the guidelines themselves protect your investment and help to guarantee the continuing livability of your home in Jonas Creek.

Architectural Review Committee (ARC), Jonas Creek Homeowners Association

Subject: Architectural Review Guidelines

There shall be established an Architectural Review Committee (ARC) pursuant to the Restrictive Covenants for Jonas Creek.

1. Purpose of Committee. To apply aesthetic control over new construction or modifications to existing structures in Jonas Creek so as to enhance the enjoyment of the neighborhood and maintain property values and will be accomplished by the following:
 - a. Approve or disapprove submitted plans for architectural review in accordance with this guideline and reference to the Restrictive Covenants).
 - b. Respond to unapproved new or modified structures or other violations of the Restrictive Covenants.
 - c. Maintain and update this guideline to assist in long-term consistency of architectural review.
 - d. The Architectural Review Committee (ARC) has the responsibility to make as honest and fair an assessment as possible.
2. Architectural Control. The Restrictive Covenants provides for architectural control over any and all improvements or alterations to the lots contained within Jonas Creek.
3. Basis for Architectural Review. The Restrictive Covenants mandate the following, which are restated herein for ease of reference:
 - a. No building, fence, sign, wall or other structure shall be commenced, erected, or maintained upon the property, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the said improvements or alterations shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the ARC.
 - b. In the event that the ARC fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to them, approval will not be required and this Article will be deemed to have been fully complied with; provided that the plans and specification required to be submitted shall not be deemed to have been received if they contain erroneous data or fail to present accurate information upon which the ARC can arrive at a decision.

- c. During initial construction, the ARC shall have the right, at its election, to enter upon any lot during construction, erection or installation or improvements or alterations to inspect the work being performed in conformity with the approved plans and specifications and in a good and workmanlike manner, utilizing approved methods and good quality materials.

4. Architectural Guidelines.

- a. Square Footage. The minimum square footage is 1,750.
- b. Set Backs. The set back requirements are set forth in the Restrictive Covenants.
- c. Exterior Design. The exterior design shall be in harmony with existing homes in historic Southport and Jonas Creek subdivision. Exterior design shall generally blend and meld with those in historic Southport.
- d. Exterior Materials:
 - 1. Homes. Acceptable primary exterior materials for homes are painted wood or hardy board clapboard siding and trim. Vinyl trim may be considered, provided sufficient detail of quality is made known in submission plans. Vinyl windows and heavy duty vinyl shakes are acceptable. Unacceptable are aluminum and vinyl siding. Acceptable foundation and parking level materials are brick, stucco or stone. Pilings must be screened by the use of finished painted wood, hardiboard or masonry as used in remainder of home. Open space between pilings or piers must be closed with louvers, lattice or decorative masonry which is similar to foundation.
 - 2. Other structures (detached garage, sheds, workshops, sun-shelters, pool or garden houses). Acceptable materials are same as homes. Additionally, finished and painted wood, aluminum or composite columns which match the major material.
- e. Driveways, may be concrete, brick or masonry pavers, crushed oyster shell, small gravel or pea gravel. In addition to these materials, walkways, terraces, patios and decks may also be treated wood, impervious wood or composite wood “grain”/plastic material. Placement of these elements to protect existing trees and minimize grading is encouraged.
- f. Swimming pools shall be in-ground. Vanishing edges are acceptable. Garden fountains and water features are permissible in the rear and entertaining areas; upon approval of ARC.
- g. Fences. Acceptable materials are **painted or stained** wood, painted wrought iron or aluminum pickets, heavy duty vinyl pickets and privacy fencing, and brick or stucco. Effective May 15, 2015, newly installed unfinished wood must be clear coated with

protective stain within 6 months of installation, and subject to Board review based on location. Unacceptable is chain link or exposed concrete block. Fences shall be allowed, however they shall be reviewed to determine if they intrude unfairly on neighbors' views.

- h. Exterior Screening. HVAC equipment, irrigation pumps and propane tanks are required to be screened from view from all directions with fencing or landscape materials. Additionally, trash receptacles must be screened from view and kept in an enclosed area not subject to view from any person, from any direction. These screenings must be indicated on house or landscape plans.
- i. Drainage and Grading. Final grading of the lot must ensure that neighboring lots or common areas will not be adversely affected, and that existing trees will not be impacted in a negative way.
- j. Additions. Additions shall be in keeping with existing design and exterior treatment and meet the home requirements above.
- k. TV Antennas and Dishes. Antennas and dishes shall be located so as to not be seen or be obtrusive from the street.
- l. Site Improvements. The purpose of this section is to create a more mature landscape when construction is completed. The more mature appearance will help ensure Jonas Creek appearance, values, and more quickly blend with the Southport residential community.

To create this landscape use:

- 1. Large specimen shrubs, flowering and shade trees – Shrubs are to be in a minimum of 3 – 10 gallon containers, or even larger for accents. Flowering trees are to be 2 ½ - 3” caliper, 8 – 10’ height minimum. Shade and large evergreen trees are to be 3 ½ - 4” caliper, 14 – 16’ height minimum.
- 2. Plantings and hedging at the lot edges – This is to help define each lot and create privacy. These plant materials may be smaller because of possible large quantities.
- 3. Lawns – Lawns are to be sodded, rather than seeded. This includes the entire R.O.W. in front of each lot.
- 4. Front fencing and gates extending to the sides and rear – Though optional, this is to help enhance the appearance of a traditional neighborhood.

If there are few existing trees, or due to site conditions existing trees must be removed, then to insure that the house and lot blend into the neighboring lots, planting of additional vegetation or large trees may be required.

The landscape plan may be submitted for approval at the same time that the house and site are presented, however must be submitted no later than sixty (60) days from completion.

To minimize unexpected cost overages, it is recommended that costs for landscape plantings and features be estimated simultaneously with development of the house estimate.

The use of an experienced and registered landscape architect or landscape contractor to develop the site and landscape plans is encouraged.

m. Irrigation. An automatic system is required for maintaining lawn and landscaped areas.

5. Architectural Style Guideline Requirements

a. Buildings – While Jonas Creek willingly accepts contemporary elements such as wider driveways, garages, stricter building codes, new materials and different life styles, there are still architectural styles, materials and sizes which will let Jonas Creek meld into historic Southport.

1. Roofs, Gutters and Downspouts. Pitched roofs (6/12 to 12/12) and generous overhangs are recommended. Roof material may be simulated cedar shakes, standing seam metal, cementitious asphalt shingles (25-year or better, architectural grade) or slate. Colors that are compatible with the elevations and surroundings should be used. Roof vents and accessories should be located on the part of the roof unseen from the street right-of-way, and must be painted to match the roof color. Gutters shall match the fascia trim color or they shall be copper. Downspouts shall match the exterior wall trim or be copper. Flue pipes shall be cased in a chimney enclosure that matches exterior materials.

2. Porches. Each dwelling shall include, as part of the front elevation and attached at the roofline, a roofed porch, which should be compatible with the setting and reflective of Low Country traditions. The size and location of porches must be a minimum of eight feet (8') in depth and encompass a minimum of 50% of the front street elevation of the first floor of the house. Location of porches shall be dependent upon lot setbacks established by the Code of Ordinances of the City of Southport and all recorded plats. No front porch shall be screened, but an attached rear or back porch may be screened. Side porches may only be screened if they are set back from the front elevation.

3. Exterior Lighting. Illumination of surfaces such as walls, walks and decks is permissible. Porch and garage lighting may include wall or recessed fixtures that will illuminate the entry surface. Floodlights are restricted to the rear of the house and must be positioned so as not to shine directly into another owner's windows.

All lights installed in an exterior fixture located on any structure shall be clear or white. No mercury vapor or wide area lighting similar to streetlights shall be allowed without ARC approval.

4. Landscaping. Larger, mature plant materials are identified with "historic Southport". Therefore, while understanding that totally mature plants can not be installed, larger, more closely planted plant materials will be expected to be specified and used. Plantings other than foundation plantings shall be encouraged, such as low streetside or privacy hedges.

All existing vegetation and trees which can be preserved, will be identified and protected with temporary fencing with no or minimal grading within the dripline. These will be shown on the plans submitted for review.

6. Architectural Review Process. The Jonas Creek Architectural Review Committee must approve all plans for new residential construction and additions or alternations to existing residences and lots.
 - a. Preliminary Conference (optional). Prior to the submission of plans to the Architectural Review Committee owners, builders and/or architects may request a preliminary conference with the Committee for a preliminary review of their design concepts or any special conditions or hardships.
 - b. Plan Submission and Approval. Two sets of construction documents, a completed Application for Approval of Residential Construction form and the required review fee should be delivered to:

LRES
1226 N. Howe Street
Southport, North Carolina 28461

In order to allow for adequate review time, plan applications must be received by 5:00 p.m. on the Wednesday prior to the next scheduled Committee meeting. Plans received after this time will be deferred to the next meeting cycle.

The review fee for home plans is \$400.00.

Owners will receive written notification of the Architectural Review Committee's decision within fourteen (14) working days of the Committee meeting. If the plans

are approved by the ARC, the owner will receive notification of the approval. If the plans are not approved or approved with conditions, the owner will receive notification as to the reason for denial or conditions. Owners are invited to contact the ARC Chairman to discuss changes to the plans that may lead to ARC approval. All plans approved by the ARC are valid for twelve (12) months.

The ARC shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons. In so approving such plans and specifications, the ARC shall consider the suitability of the proposed building, improvements, structure, or landscaping and the materials of which it is to be built, the site upon which it is proposed to erect the same, the harmony thereof with the surroundings, and the effect thereof on the adjacent or neighboring property.

- c. **Construction Bond.** A refundable construction bond in the amount of \$4,000.00 made payable to JONAS CREEK HOMEOWNERS ASSOCIATION, INC. is required prior to the start of any residential construction at Cottage Point. This is to ensure compliance with the Master Declaration, the applicable Restrictive Covenants, these Design Guidelines and the plans approved by the Architectural Review Committee (ARC). The construction bond will be held in a non-interest bearing account until completion of construction, landscaping and final inspection approval. After final inspection approval, any unpaid fines assessed for violations will be deducted from the bond, as will any unpaid expenses incurred by the JONAS CREEK HOMEOWNERS ASSOCIATION, INC. or the ARC in connection with unapproved construction, to repair damage to common areas or to clean up the project site. The amount of the bond remaining after such deductions, if any, will be returned to the owner/builder without interest.
- d. **Site Inspection and Preliminary Stakeout.** A site inspection of the house stakeout by the Architectural Review Committee will be required prior to approving any application for construction.

The owner shall clearly stake the property corners and proposed house corners using string lines to outline the house footprint. All trees to be removed shall be flagged individually or in groups for review and approved by the ARC. A foundation survey is required for all new construction and for building additions (if directed). Foundation surveys shall be submitted before framing.

- e. **Changes During Construction.** If changes to an approved plan become necessary during construction, a written request describing the proposed change must be submitted to the Architectural Review Committee. 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 chairperson of the Committee, in lieu of a full Committee review. The ARC chairperson will determine if a proposed change is

minor or will require full Committee review. The applicant will be notified in writing within five (5) working days of meeting with the chairperson as to approval or disapproval of minor changes.

- f. Changes to Existing Construction. A non-refundable review fee of \$75.00 is required for structural modification and/or addition **requiring permitting on** permanent structures, such as garage, storage sheds, outbuildings, etc. A major change, as determined by the ARC, to existing construction will require a refundable construction bond in the amount of \$300.00 made payable to the JONAS CREEK HOMEOWNERS ASSOCIATION, INC. prior to start of construction. The construction bond will be held in a non-interest bearing account until completion of construction and final inspection approval. After final inspection approval, any unpaid fines assessed for violations will be deducted from the bond, as will any unpaid expenses incurred by the JONAS CREEK HOMEOWNERS ASSOCIATION, INC. or ARC in connection with unapproved construction, to repair damage to common areas or to clean up the project site. The amount of the bond remaining after such deductions, if any, will be returned to the owner/builder without interest.
- g. Final Inspection. A final inspection of all home sites is required upon completion of all construction and landscaping to verify plan compliance. The owner or their agent should contact the Architectural Review Committee via LRES at 910-454-0700 to schedule the final inspection. The inspection should be requested at the time a certificate of occupancy is applied for. An ARC representative will make the inspection within five (5) business days of the inspection request.

Landscaping must be complete within sixty (60) days of receiving a certificate of occupancy and must be complete prior to bond being released.

- h. Enforcement. These Design Guidelines and the other applicable documents are intended to protect and benefit all of the property owners in Jonas Creek. In the event of a violation, the ARC will take appropriate action to enforce the applicable requirements.
7. Approval/Disapproval.
- a. ARC shall respond with approval or disapproval within forty-five (45) days of submittal. ARC will provide a written response to the applicant. Written response may be as simple as writing “approved”, date and sign on the drawings and application description.
 - b. Approval with conditions.
 - c. Approval with conditions together with a request for additional information.
 - d. If disapproved, ARC will state in writing why the plans were disapproved.

8. Records.
 - a. The Chairman of the ARC shall keep a log of all submissions for review.
 - b. One set of documents shall be kept by ARC for permanent records. Other drawings and documents shall be returned to the homeowner.
9. Unapproved construction, modifications, and other violations to the Restrictive Covenants.
 - a. A member or representative of the ARC will contact homeowner in violation with explanation of ARC function and request compliance with Restrictive Covenants in reference (a) by either a submittal for approval or a correction of the violation. With proper compliance, the issue is considered resolved.
 - b. If homeowner refuses compliance of the violation, the ARC will refer the issue to Board of Directors of Jonas Creek's Homeowner Association for guidance regarding enforcement.

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Carver Rudolph, Declarant