

## **Merrymount Property Owners Architectural Guidelines**

The Merrymount Property Owners' Association welcomes you to our community. To aid you in building your new home, we have devised the following guide lines. This does not replace the covenants; therefore, all lot owners should refer to the Protective Covenants for further detail.

According to the Protective Covenants, no residence, outbuildings, fence or wall shall be constructed or located on any residential lot nor shall any addition or exterior change to or modification of the improvements be commenced until the plans and specification thereof have been submitted to and approved, in writing by the Architectural Review Committee (ARC). You should receive conformation within 30 days of the receipt of your application and impact fee, if additional information is required you will be notified. If you have not received conformation within 30 days after submission please contact the Architectural Committee chair.

### **1.0 FEES TO PROPERTY OWNERS' ASSOCIATION AND UTILITIES**

1.1 MAINTENANCE ASSESSMENT/DUES Annual on March 1 \$350 per lot each year (reviewed annually)

1.2 IMPACT FEE ON NEW CONSTRUCTION \$1500 initial fee for new home construction (reviewed annually) to be paid to the secretary before construction begins.

1.3 WATER CONNECTION CHARGE \$1500 hook on fee per residential lot, paid to Aqua Virginia. This is subject to change by Aqua Virginia. Private wells are not permitted in Merrymount.

### **2.0 BUILDING SITE PREPARATION**

All plans must be submitted to and approved by the Architectural Review Committee prior to clearing the building site or construction of a new home. Submit the completed "Request for Architectural Approval" 60 days prior to requesting the building permit from county.

2.1 The property setbacks are as follows:

2.1.1 Side line setback 10 feet, the property side line should be marked by (1) front and (1) rear wooden property markers or iron pins.

2.1.2 Front (street) setback 50 feet, the property front line should be marked by (2) wooden property markers.

2.1.3 Rear setback for waterfront lots 0 feet, the property rear line should be marked by (2) wooden property markers.

2.1.4 Rear setback for non waterfront lots 30 feet, the property rear line should be marked by (2) iron pins.

2.1.5 If the recorded Plat establishes a building setback line or lines or a building line greater than listed above, then the setback line or lines or the building line shown on the applicable Plat shall control. The setback lines vary from lot to lot depending on the width of the lot, which must be at least 100 feet wide at the building line.

2.2 Utility and Drainage Easements

2.2.1 Sidelines- 10 feet

2.2.2 Front lines- 10 feet

2.2.3 Rear line (waterfront) - 0 feet

2.2.4 Rear line (non-waterfront)-10 feet

2.3 In order to maintain the natural beauty of Merrymount and attempt to afford sight isolation between homes, clear cutting (denuding) the lot is prohibited. An access driveway to the construction site, a buffer around the home footprint and the septic field area are allowable exceptions to clear cutting. Removal of dead or diseased trees and underbrush is encouraged by the ARC. It is desirable to keep as many trees of six (6) inch caliper, measured at a level of four (4) feet above ground plain, along side lot lines and

between street and house. All debris created from clearing the home site must be hauled away. Open fires are prohibited.

2.4 Silt fences shall be installed prior to or at time of lot clearing to reduce erosion onto streets, adjacent lots or into Lake Gaston. These fences must be maintained in functional order over the entire construction period until permanent solutions are installed. Lot Owner/Builder is responsible for storm water runoff control by installing positive control devices to prevent drainage from lot and home site improvements to the street, Lake Gaston or adjacent lots.

2.5 A construction driveway, coincident with final driveway location, must be installed prior to lot clearing and will consist of a minimum of # 2 or larger gravel applied into lot a sufficient distance to eliminate or greatly minimize mud from being tracked onto streets. Integrity of the roadway storm water control ditches must be maintained by installing a suitable culvert pipe in the drainage ditch. When construction begins, this construction drive must be extended up to the building footprint. This driveway must be at least twelve (12) feet wide and be maintained (addition of new stone as required) over entire construction period. When installing the driveway culvert, make sure that water can freely flow through the culvert to the existing ditches. Periodically check to make sure that grass, dirt and stones don't impede water flow.

2.6 Construction debris fencing or a commercial dumpster must be on site prior to building construction start date. Debris fencing in lieu of dumpsters can be employed to contain construction debris from being distributed to adjacent lots or streets. Debris must be periodically hauled away from the site. No construction debris burning will be tolerated. Personal trash (food and drink remnants) may only be burned in large metal barrels or drums while workers are actively on site.

### **3.0 CONSTRUCTION REQUIREMENTS**

3.1 Residential lots shall be used for single family residential purposes only. Homes can be conventional stick build or pre-fab construction.

3.2 All buildings for human habitation and other freestanding structures erected on any lot shall be of conventional "stick built", "panelized" or "modular" on site construction.

3.3 Home size for LOTS 1-129

3.3.1 One story Single Family Residential Homes shall have a minimum of 1500 square feet enclosed, heated, living space. Basement area is not included in this calculation.

3.3.2 More than one story Single Family Residential Homes must have a minimum of 1700 feet enclosed, heated, living space. Basement area is not included in this calculation.

3.4 Home size for LOTS 201-213

3.4.1 One story Single Family Residential Homes shall have a minimum of 1700 square feet enclosed, heated, living space. Basement area is not included in this calculation.

3.4.2 More than one story Single Family Residential Homes must have a minimum of 2100 feet enclosed, heated, living space. Basement area is not included in this calculation.

3.5 All dwellings must have a solid exterior, weight bearing walls, footers, and foundations.

3.6 All building materials must be new or structurally sound.

3.7 The exterior construction of all improvements upon any residential lot and all grading, landscaping and seeding shall be complete within one year from commencement of construction.

3.8 MAIN FLOOR

3.8.1 Must be supported by and constructed on continuous weight bearing exterior walls (interrupted only by enclosed windows, doors or garage doors) built on a continuous footer to meet requirements of the applicable state and county building codes.

3.8.2 The main floor may be constructed, in whole or in part, on a concrete slab poured on grade.

3.8.3 The bottom of the foundation sill plate located on top of the foundation wall must be at least two feet above ground level at every point when neither basements nor concrete slabs are employed in the construction technique. The two feet above ground level applies to homes with crawl spaces.

### 3.9 ROOF

3.9.1 At least 70% of the roof of any home or detached garage shall have a minimum slope of 6/12 and a minimum 12 inch overhang over each end and side wall.

### 3.10 EXTERIOR

3.10.1 All dwellings for human habitation and all other free standing structures erected on any lot in the subdivision shall have solid exterior, weight bearing footers, foundations and walls.

3.10.2 Exterior walls shall be brick, wood, aluminum, vinyl, masonite, dryvit or stucco.

3.10.3 Concrete or similar blocks may be used for foundations but they shall not be employed as "above ground" exterior walls unless they are fully and permanently finished with stucco, brick or stone veneer.

3.10.4 All exterior colors for new homes must be submitted along with the application. All proposed exterior colors must be compatible with the natural environment of the Merrymount subdivision.

## 4.0 HEALTH, SAFETY and REPAIR

4.1 OSHA requires that construction sites provide toilet facilities for workers. If no such permanent facility is available, a portable facility is to be provided (e.g. Porta-John, dumpsters, trash receptical, etc.) by the contractor. These portable facilities shall be located 100 feet from the street and at least 20 feet from any adjacent developed lot sideline.

4.2 The MPOA requires that a trash receptacle with a tight fitting lid be provided on-site for food and drink remnants to reduce the occurrence of wild animals and local pets scavenging through the work site and either becoming ill from spoiled food or scattering the trash throughout the neighborhood.

4.3 The impact fee you paid when your building permit was issued was to cover normal wear and tear on the road system because of construction vehicles. However, contractors will be responsible for repair of any specific damage done by their equipment. Such repair will be completed within a reasonable length of time or the Association will order the repair and submit the costs to the contractor and homeowner for payment. As the homeowner, you are ultimately responsible for the repair, so please ensure your contractor is aware of this responsibility.

## **5.0 OTHER STANDARDS AND GUIDELINES**

5.1 All fences, sheds, outbuildings, hard landscaping, and other “improvements” to said property must henceforth conform to the “Architectural Review Committee Guidelines” and be approved by the Architectural Review Committee prior to implementation/construction on said property. Upon completion of said construction of said items, the lot owner will receive a final letter of approval from the Architectural Review Committee.

5.2 Installation of high intensity "dusk to dawn" outside security lighting is prohibited.

5.3 Merrymount Property Owners' Association and the Architectural Review Committee have no jurisdiction over the construction of boat docks. Property owners should contact Dominion Power directly for guidance and directions.

### **5.4 FENCES AND SCREEN WALLS**

5.4.1 No fences or screen walls (privacy fence) of any kind (regardless of material) will be approved in the street yards in Merrymount. For matters of clarification this means that all fence approvals will be in the back yard or side yard. The street yard is defined as that area of each lot between the house and the street in Merrymount.

5.4.1.1 The only exception to this ruling is for a safety fence surrounding swimming pools as required by Mecklenburg County. The fence must meet approved material guidelines.

5.4.1.2 Pet enclosures, such as kennels and cages, are permitted only if they are not located in the street yard or visible from the street, of attractive design consistent with the neighborhood, maintained in a neat and clean condition, not made of chain link and/or chicken wire or any other wire fencing.

5.4.2 All requests for fence construction must be accompanied by a documented attempt to notify adjacent neighbors whose line of site from the fence construction would be visible or impacted. This will be completed by the ARC.

5.4.2.1 The ARC will consider comments and concerns received from those adjacent neighbors whose view is impacted.

5.4.3 The ARC will review requests for all fence construction with recommended fence varieties that maintain the aesthetics and beauty of Merrymount.

5.4.3.1 No permanent chain or permanent metal fence (barbed wire, chicken wire, mesh) or split rail will be approved. Recommended fence materials that will be reviewed for approval include wood, aluminum or wrought iron. .

5.4.3.2 Fence posts will be secured by concrete footings.

5.4.3.3 Fence post footings must be on the homeowner's property.

5.4.3.4 Fence post must be located at least 2 feet inside the property line. Homeowners are responsible for yard maintenance up to their property line.

5.4.3.5 Home owners are responsible for maintenance of the fence.

5.4.3.6 Framing and support structures are to be on the inside of the fence facing the interior of the homeowner's property.

5.4.3.7 All color finishes applied to the fence shall require approval.

5.4.3.8 Fences shall not exceed 6 feet in height and shall be of an open construction design. (minimum opening between slats of 3-5 inches) nor give the appearance of closed design.

### **5.5. SHEDS AND OUTBUILDINGS**

5.5.1 Home owners are limited to one shed per lot; the maximum size of shed may not exceed 256 square feet or 10% of the heated square footage of the house, whichever number is smaller.

5.5.2 Size, material, color, design, and location must be approved by the ARC.

5.5.3 Siding, color and roof materials will be the same as the main dwelling.

5.5.4 Must conform to Mecklenburg County or Warren County easement and/or set back requirements unless a variance is approved.

5.5.5 Shed and outbuilding construction will be approved only in backyards or side yards. For waterfront houses backyards are defined as that part of the lot between the house and the water in Merrymount. The front of the house is defined as that part of the lot between the road and the house.

5.5.6 Sheds may not have a flat roof. There must be a minimum slope or pitch of 4/12 for drainage purposes.

#### **5.6 HARD LANDSCAPING**

5.6.1 Any permanent hard landscaping (e.g. concrete, asphalt, grading, retaining wall, driveway, etc.) needs ARC approval. Plans should be submitted showing location, setbacks, etc with the request for architectural approval form.

### **6.0 ARCHITECTURAL REVIEW COMMITTEE FINAL APPROVAL**

Architectural Review Committee will monitor approved projects from start to finish and submit a final letter of approval to the property owner.

### **7.0 GRANDFATHER CLAUSE**

7.1 Non-conforming fences, sheds, outbuildings, hard landscaping, and other existing, non-complying "improvements" may be excluded from these current "Architectural Review Committee Guidelines", with proof of prior Architectural Review Committee approval. Non-approved, existing fences, sheds, outbuildings, hard landscaping, and other existing "improvements", shall not be "grandfathered", and shall be removed from said property or brought into compliance with the current Architectural Review Committee guidelines at such time that the current lot owner sells such property. The expense of such compliance or removal of non-conforming fences, sheds, outbuildings, hard landscaping, and other "improvements" shall be incurred by the current lot owner and/or the new owner.

**8.0 LOT OWNER/BUILDER ACKNOWLEDGEMENT**

By signing this form you acknowledge you have read understand the guidelines for building in Merrymount. This form must be signed for the architectural committee to process your application.

Lot owner signature: \_\_\_\_\_

Builder signature: \_\_\_\_\_

Date: \_\_\_\_\_

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