

## **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 architectural 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 confirmation within 30 days of the receipt of your application and impact fee (for new home construction). The Architectural review committee will notify you if additional information is required. If you have not received confirmation within 30 days after submission please contact the Architectural Committee chair.

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" along with the impact fee required for new construction at least 60 days prior to requesting the building permit from the county.

### **Section 1 Construction Requirements**

In order to maintain the natural beauty of Merrymount and attempt to afford sight isolation between homes, clear cutting (denuding) the lot is prohibited. A fifteen (15) foot access driveway to construction site, a ten (10) foot 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.

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.

If any such construction is not complete within one year of its commencement, the ARC or the Association shall notify the owner of the Residential Lot upon which such incomplete construction is located of the deficiency after which the Owner shall have 90 days to complete the exterior construction, grading, landscaping, and seeding after which the Association shall have the absolute right and first option but not the obligation to repurchase the Residential Lot in question at its original cost subject however to the lien of any then existing deeds of trust, judgments, liens or levies existing upon such property.

#### **1.1 Building Site Preparation**

##### **1.1.1 Silt Fences**

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.

### **1.1.2 Construction Driveway**

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 do not impede water flow.

### **1.1.3 Construction Debris Fencing and Commercial Dumpster**

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.

## **1.2 Construction Requirements (Size, materials, colors)**

### **1.2.1 Residential lots**

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

No temporary structures of any nature shall be erected, located, occupied, used or maintained on any Residential Lot except for "port-a-johns" when used in connection with construction of an on-site single family residence and then only so long as such residence is under construction.

### **1.2.2 All Buildings**

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.

### **1.2.3 Manufactured houses**

Manufactured houses prohibited. Absolutely no manufactured houses (trailers, mobile homes or multiple wide mobile homes) are permitted in the Subdivision.

Manufactured houses (defined as mobile homes whether single or multiple wide) are absolutely prohibited. No manufactured houses shall be located, erected, placed or parked on any Residential Lot in the Subdivision. A manufactured house (single or multiple wide) is defined as a structure transportable in one or more sections that is built on a permanent chassis having an exterior tongue or other apparatus to enable the unit or units to be moved or towed from one location to another by use of an external motorized power unit and designed to be used as a dwelling for human habitation with or without a permanent continuous weight bearing foundation when connected to the required utilities and includes or may include all or portions of on board plumbing, heating, air conditioning, water, sewage and electrical systems.

**1.2.4 Home size for Lots 1 through 129**

**1.2.4.1 One story Single Family Residential Homes**

One story Single Family Residential Homes shall have a minimum of 1500 square feet enclosed, heated, living space. Basement area whether or not the basement is partial or fully above ground is not included in this calculation.

**1.2.4.2 Multiple story Single Family Residential Homes**

More than one story Single Family Residential Homes must have a minimum of 1700 feet enclosed, heated, living space. Basement area whether or not the basement is partial or fully above ground is not included in this calculation.

**1.2.5 Home size for Lots 201 through 213**

**1.2.5.1 One story Single Family Residential Homes**

One story Single Family Residential Homes shall have a minimum of 1700 square feet enclosed, heated, living space. Basement area whether or not the basement is partial or fully above ground is not included in this calculation.

**1.2.5.2 Multiple story Single Family Residential Homes**

More than one story Single Family Residential Homes must have a minimum of 2100 feet enclosed, heated, living space. Basement area whether or not the basement is partial or fully above ground is not included in this calculation.

**1.2.6 All Dwellings**

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

**1.2.7 All Building Materials**

All building materials must be new or structurally sound.

**1.2.8 Exterior Construction**

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.

**1.2.9 Main Floor**

**1.2.9.1 Weight Bearing Exterior Walls**

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.

**1.2.9.2 Main Floor Construction**

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

**1.2.9.3 Foundation Sill Plate**

**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.

**1.2.10 Roof**

**1.2.10.1 Roof Pitch and Overhang**

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

**1.2.10.2 Design Alternatives**

Design alternatives will be considered with prior approval from the ARC.

**1.2.11 Exterior**

**1.2.11.1 All Buildings**

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.

**1.2.11.2 Exterior Walls**

The exterior walls of all improvements constructed upon any Residential Lot shall be brick, wood, aluminum, vinyl, Masonite, dryvit or stucco. No asphalt shingles, tar paper, tin or similar building materials shall be used for the exterior walls of any improvements.

**1.2.11.3 Foundations**

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.

**1.2.11.4 Exterior Home Materials and Colors**

All exterior materials and colors must be approved by the ARC.

**1.3 Health, Safety and Repair**

**1.3.1 OSHA Requirements**

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 receptacle, 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.

### **1.3.2 Merrymount Property Owners Association Requirements**

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.

### **1.3.3 Impact Fee**

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.

### **1.3.4 Security Lighting**

Installation of high intensity “dusk to dawn” outside security lighting is prohibited.

## **Section 2 Building Site Setbacks**

### **2.1 The property setbacks**

Unless the applicable state statutes, local ordinances, or recorded Subdivision plats require a more restrictive set back, the building line and the building setback lines are established as follows:

#### **2.1.1 Side Line Setback**

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**

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**

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**

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

#### **2.1.5 Recorded Plat**

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 Building line – Minimum Lot Width**

Mecklenburg County: Each Residential Lot in Section A must be at least 100 feet wide at the building line.

## **Section 3 Utility and Drainage Easements**

### **3.1 Utility and drainage easements**

Each Residential Lot is subject to the following general and specific easements reserved for the use and benefit of public or private utility or service companies for electricity, telephone, water, sewer, gas, or cable TV service, and drainage:

Side lines: 10 feet;

Front line (street): 10 feet;

Rear line\* (waterfront); 0 feet;

Rear line (non-waterfront): 10 feet

\*That portion of any Residential Lot line that fronts on and is conterminous with lands of the Virginia Electric Power company (VEPCO/Lake Gaston), its successors and assigns, is deemed "waterfront".

The Association may convey utility easements in the designated area to the appropriate utility or Service Company whether or not the individual Residential Lot encumbered thereby has been conveyed to a third party.

Additionally, an easement for the drainage of surface water is reserved within the area designated for utility easements as set forth above.

If the Plat requires or denotes a lesser easement than that contained herein as to any Residential Lot, then the provisions of the Covenants shall control and the conflicting provision shown on the Plat is deemed amended to accord with the provisions of the Covenants.

If the Plat requires or denotes a greater easement than that contained herein as to any Residential Lot, then the provisions of the Plat shall control the conflicting provision contained in the Covenants is deemed amended to accord with that shown on the Plat.

The easements may be used for the construction, reconstruction, operation and maintenance of utility conduits, poles, wires, pipes or fixtures and shall include the right to trim or cut any trees, brush, shrubs or grass ("Vegetation") that interferes, or threatens to interfere, with the construction, reconstruction, operation and maintenance of the utilities whether or not the Vegetation is actually located upon or situate within the easement area designated above. The utilities shall be installed below the ground.

### **3.2 Drainage and Access Easements**

The Association reserves the right to clear, grade and maintain the drainage easements so as to afford physical ingress and egress over the easement area to, from, and within the Subdivision and any other property adjacent thereto.

## **Section 4 Signs**

Refer to the Merrymount Covenants for restrictions on signs.

## **Section 5 Livestock**

Refer to the Merrymount Covenants for restrictions on livestock.

## **Section 6 Garbage Containers**

Refer to the Merrymount Covenants

## **Section 7 Fuel Containers**

All fuel tanks and other containers shall be buried or concealed from the public view including the view of other Owners.

## **Section 8 Plumbing Facilities**

Refer to the Merrymount Covenants

## **Section 9 Location of Improvements/Construction, Use Permits**

Refer to the Merrymount Covenants

Note: The ARC has no jurisdiction over boat docks or boat houses.

## **Section 10 Fences and Screen Walls**

### **10.1 Fence Location**

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.

#### **10.1.1 Safety Fence**

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.

#### **10.1.2 Pet Enclosures**

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.

### **10.2 Requests for Fence Construction**

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.

#### **10.2.1 Neighbors Whose View is Impacted**

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

## **10.2.2 Fence Construction**

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

### **10.2.2.1 Fence Materials**

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.

### **10.2.2.2 10.1.4.2 Fence post**

Fence post will be secured by concrete footings.

### **10.2.2.3 Fence Post Footings**

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

### **10.2.2.4 Fence Post Location**

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

### **10.2.2.5 Fence Maintenance**

Homeowners are responsible for maintenance of the fence.

### **10.2.2.6 Framing and support structures**

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

### **10.2.2.7 Fence Color and Finishes**

All color finishes applied to the fence shall require approval.

## **10.3 Fence Height and Design**

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

## **Section 11 Sheds and Outbuildings**

### **11.1 Sheds**

Homeowner's are limited to one shed per lot; size can be no larger than 10% of the heated square footage of the house.

### **11.2 Size, Material, Color, and Location**

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

### **11.3 Siding, Color, and Roof Materials**

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



#### **11.4 County Easement and/or Setback Requirements**

Easements and setbacks must conform to Mecklenburg County or Warren County easement and/or setback requirements unless a variance is approved.

#### **11.5 Shed and Outbuilding Location**

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. The front of the house is defined as that part of the lot between the road and the house.

### **Section 12 Hard Landscaping**

#### **12.1 Permanent Hard Landscaping**

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.

### **Section 13 Renting**

Refer to the Merrymount covenants

### **Section 14 Enforcing New Additions to the Architectural Guidelines.**

#### **14.1 Architectural Guideline additions, deletions, amendments, changes, or corrections**

Any additions, deletions, amendments, changes, or corrections from this Article VI of the Covenants and/or the ARC Guidelines as of (Date of enactment) can be found in the ARC Guidelines and will still be enforceable and must be voted on by the Merrymount membership.

### **Section 15 Grandfather Clause**

#### **15.1 Non-Conforming**

Non-conforming fences, sheds, outbuildings, hard landscaping, and other existing, non-complying "improvements" may be excluded from these current ARC Guidelines with proof of prior ARC 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 ARC 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.