

MIMOSA BAY

DESIGN REVIEW GUIDELINES

Rev April 10, 2014

1. INTRODUCTION

Building your home at Mimosa Bay will be an exciting and pleasurable experience. Your residence represents a major investment and the quality of design is very important.

The following Design Guidelines have been prepared to help homebuyers, architects, builders and residents of Mimosa Bay understand and become active participants in the process, to assure long-term neighborhood quality. They will help shape, maintain and enhance the quality of residences. They will be employed by the Mimosa Bay Architectural Review Committee (MBARC), which is a committee of the Mimosa Bay Homeowners Association, Inc. (HOA), during the review process to determine whether a design meets with its approval. The MBARC shall exercise its discretion in a thoughtful, reasonable and good faith manner. It is not the intent of the Design Review Guidelines to make judgments as to what is beautiful, but to coordinate architectural diversity while creating a blend of home styles, which enhance the natural environment. The MBARC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh contrasts in the landscape and architectural themes at Mimosa Bay and to foster thoughtful design so there is harmony between residences. The MBARC intends to be completely fair and objective in the architectural review process and to maintain sensitivity to the individual aspects of design

These Design Guidelines are subject to change from time-to-time. The Design Guidelines in effect at the time plans are submitted will be applied. The design review is authorized by the Restrictive Covenants that contains important information that must be complied with during the building design process.

A. LIMITATIONS OF RESPONSIBILITY

The primary goal of the MBARC is to review the applications, plans, specifications, materials and samples submitted, to determine if the proposed structure conforms in appearance and construction criteria with the standards and policy set forth in the Design Guidelines and the Declaration of Covenants, Conditions and Restrictions For Mimosa Bay Subdivision, which are filed of record in the Onslow County Registry and all Amendments thereto ("Restrictive Covenants"). The MBARC **does not** assume responsibility for the following:

- a) The structural adequacy, capacity or safety features of the proposed improvement or structure.
- b) Soil erosion or unsuitable soil conditions.

- c) Compliance with any or all building codes, manufacturer specifications or instructions, safety requirements, governmental laws, regulations or ordinances of any type or nature.
- d) Performance or quality of work of any contractor or quality of any product, feature, fixture or improvement, whatsoever.

B. TIME LIMITATIONS

After final approval by the MBARC, the Builder must begin construction within one year from the date of approval or forfeit all approvals. The MBARC may grant an extension of one year, subject to any new regulations.

C. APPEAL

If an application has been denied, or the approval is subject to conditions which the owner feels are harsh, the Owner may request a hearing before the Mimosa Bay Homeowners Association, Inc.'s Board of Directors (BOD) to justify his/her position. After the hearing, the MBARC will review its decision and notify the Owner of its final decision within ten (10) days of the hearing

D. PRE-APPLICATION PROCEDURES

Compliance with all governmental and community regulations is the obligation of the Owner. The Owners should familiarize themselves and their building team with the Design Review Guidelines and Restrictive Covenants. The Onslow County Planning Department should be contacted at the beginning of the planning and design process to insure compliance with their regulations. However, compliance with Onslow County's minimum standards is not adequate for meeting the Design Guidelines. For example, as certain Onslow County requirements for setbacks are inadequate to create a better overall community appearance, Mimosa Bay requires a different set back in some instances. All State regulations must be met. Thus, depending on your location and design, you may need to contact the local Coastal Area Management Act (CAMA) office, which is located at 127 Cardinal Drive Extension, Wilmington, North Carolina 28405 (910) 395-3900.

Final approval by the MBARC must be received in writing prior to the start of any clearing, grading or construction. The review procedure has been structured to achieve a timely review from conceptual plan submittal to final inspection and approval.

2. DESIGN REVIEW PROCESS

NEW HOMES

All plans and materials for every proposed new home in Mimosa Bay will be reviewed by the MBARC. Any questions in reference to the Design Guidelines should be submitted to a MBARC representative. All ARC packages and questions should be submitted to ARC Chairman, Gordon Frieze, at (910) 256-2514 or emailed to gfrieze@bizec.rr.com (Please put your lot # and subdivision name in the subject line of your email).

STEP 1: Submission, by the property owner, of a "conceptual" plan for approval by the MBARC. This "Conceptual" plan may be a rendering of the proposed home, a

photograph of a similar home or the actual plans for the home, structure, outbuilding, deck, fence, etc. The intent here is to establish that the proposed home will blend well within the community as is generally acceptable without having the property owner incur any substantial expense. Step 1 may be combined with Step 2.

STEP 2: A face-to-face meeting with the MBARC is available at the request of the property owner and/or their builder, at which time the ARC package will be reviewed for completeness and to explain any extraordinary conditions or concerns. The property owner may choose to designate their builder or another party as an authorized representative. However, the property owner will ultimately be responsible for the actions of their designated representative.

- A. A complete set of Architectural Plans for the proposed house. THIS copy will be kept on file by the MBARC;
- B. A completed ARCHITECTURAL REVIEW CHECKLIST (Appendix A) which includes **ALL** requested information outlined on the form;
- C. An executed copy of the BUILDING CONSTRUCTION APPLICATION AND AGREEMENT (Appendix B);
- D. An executed copy of the RULES FOR CONTRACTORS, OWNERS AND SERVICE PERSONNEL FOR RESIDENCE (Appendix C);
- E. A "Professionally" prepared "SITE PLAN" that indicates the following:
 - 1. **Phases 1-4** --The location of the house on the lot showing front, rear and side setbacks. The minimum front setback shall be 60 feet without a variance. The minimum side setback shall be 10 feet unless the side yard is adjacent to a road and then 15 feet.

Phase 5 – Sections One-A and One-B –The location of the house on the lot showing front, rear and side setbacks. The minimum front setback shall be 25 feet from lot line for lots numbered 1 through 5. The minimum front setback shall be 30 feet from the lot line for all other lots.

The minimum side setback shall be 8 feet from the lot line, the corner street side yard setback shall be 20 feet from the street and the rear yard setback shall be 15 feet from the lot line.

- 2. The location of all well sites must be shown on the site plan and if required, approved by the County Health Department.
- 3. The location of the driveway and walkways must be shown on the site plan. Each lot must provide a minimum of two off-street parking spaces.
- 4. The location of any proposed fencing, retaining walls, drainage swells, ponds, berms, etc., must be shown on the site plan.

5. Impervious surface must be calculated by the professional who prepared the site plan and must be shown on the site plan. The impervious surface allocation for each lot can be found in the recorded *Declaration of Covenants, Conditions and Restrictions for Mimosa Bay*.
- F. Landscaping Plan – A landscaping plan shall be submitted identifying planting beds including the plant and tree selections by name, natural areas, and lawn areas that must be sodded, including the front drainage swale up to the road's edge. All sodded areas must be irrigated. In addition, all service utilities, garbage receptacles, fuel tanks and HVAC units are to be shown on this plan with proposed screening, either by a wall or vegetation buffer. Please see Section 3.3 entitled Landscape Design on page 6 for further details.
- G. A copy of the Contractor's Building License along with a copy of the their workman's compensation, liability insurance and builder's risk insurance;
- H. Samples or pictures of the roofing materials, exterior siding selections, the exposed portion of the foundation, and colors used on all exterior surfaces. All colors shall be identified by their manufacturer and color name and number.

STEP 3: The Owner and/or Contractor shall identify the location of the house, driveway, primary septic field and reserve septic field on the lot with colored tape and corner stakes on each of these items (referred to as the "Stake-Out"). All trees, requested for removal, must be identified with a different colored surveying tape. Please refer to Section 3.3 titled Landscape Design for further details. MBARC must inspect and approve all locations and tree removals in writing as part of the final approval. The penalty for removing any tree before final approval by the Mimosa Bay ARC can result in up to \$1,000 fine per tree (also see the Schedule of Fines - Appendix D of the ARC Guidelines).

New Construction Fees and Payments – A payment of a \$1,000.00 cash or check construction bond shall be made payable to the Mimosa Bay Homeowner's Association or MBHOA. Of this \$1,000.00, \$500.00 is non-refundable and placed in a road repair and replacement fund with the homeowner's association and the remaining \$500.00 will be refunded unless otherwise held by the ARC for damages or fines. Periodically, the developer will make an assessment on items like road damages and or ditch/drainage issues and the cost to repair. This bond will be returned after any prorata assessments or repairs are due from the builder. A Schedule of Fines is attached as Appendix D. If any fines are assessed, the same shall be taken from the construction bond monies being held and the Owner shall be required to pay within 10 days of being notified of such fine assessment that amount to the HOA in order that the total construction bond is replenished to its original amount. The non-refundable portion of the bond is to be given to the HOA to offset wear and tear on the roads that will occur regardless of any improper act of any Contractor and Owner and will assist in building a fund that will be used to perform road maintenance and repaving when necessary. In addition, the Owner must submit an Architectural Review Fee of \$250.00 made payable to the Mimosa Bay Homeowner's Association or MBHOA. As noted in Section 4.11 titled Mailboxes, all mailboxes within the community must utilize the same design and are available through the MBARC. A check for \$200.00 made payable to Blue Marlin, LLC is required for the purchase and installation of the mailboxes. All applicable checks as noted above must accompany the MBARC package.

The MBARC will meet twice a month to review submitted packages. If all of the requirements as outlined in Steps 2 and 3 above are not included in the submitted package, the Owner/Contractor should expect delays and approval. Although MBARC will attempt to expedite the process, it may not be able to do so in every instance. In any event, the MBARC shall respond to Applications within 45 days. This may be extended for a short time under unusual circumstances such as the illness of members or the absolute need to obtain outside consultation.

STEP 4: The MBARC will respond in writing via email to the Owner or their Representative as to the approval, conditional approval, denial or any omitted requirements of the submitted package. Construction may begin only after FINAL approval by the MBARC. The MBARC has the right to verify that no "additional" trees have been removed and verify that the structure is located in the exact location represented during the "Stake-Out". If the structure is relocated without the written approval of the MBARC, then the Owner will be directed to stop work, remove all incorrectly located work and build the structure as approved, solely at his/her expense.

The Owner/Contractor should provide MBARC with an estimated time for completion of construction. Six months into the construction, MBARC will meet at the site and review the progress. If construction is not complete at six months, they shall review at nine months at which time, the builder will be given written notice construction is to be completed in twelve months unless there have been unusual delays due to weather, etc. If construction is not complete at twelve months and it is unlikely that it can be completed within an additional 120 days, MBARC shall notify the Association, which may take further legal action. (See Covenants and Restrictions item C page 18-19)

The MBARC has the right to periodically monitor construction, from the beginning of site work and continue through completion, to insure compliance with setbacks, square foot requirements and initial submittals.

RENOVATIONS & ADDITIONS & DELETIONS

STEP R1: A written request to the MBARC, which specifically addresses the proposed renovation, placement, additions, or deletions of the home exterior.

STEP R2: Please submit Appendices A, B and C along with a "Plan" and supporting literature that clearly defines the Owner's proposed modification. The MBARC may require some of the same items required for "New Home Construction" for the protection of Mimosa Bay roads and common areas. After reviewing the submitted package, the MBARC will notify the Owner of any necessary construction bonds as a part of the approval process.

Modifications may begin once the MBARC has issued its final approval of the plan.

No changes to approved new homes or renovations or additions shall be made without first having those changes submitted to and approved in writing by the MBARC.

(Appendices E, F & G require \$50 ARC fees each when individually submitted; however, only one \$50 ARC fee will be required from any homeowner submitting multiple applications at any one time.

ARC fees are only an effort to recover a portion of the administrative expenses and follow up inspections by the MBARC to ensure compliance of the project.)

FENCING OR DOG HOUSE / DOG RUN (Appendix E)

(See Appendix E for application) – An ARC fee of \$50.00 will be required with the submission of this ARC packet. Please make check payable to Mimosa Bay ARC.

SHED, DECK, PATIO, POOL, GAZEBO, DOCK, DRIVEWAY EXTENSION (Appendix F)

(See Appendix F for application) – An ARC fee of \$50.00 will be required with the submission of this ARC packet. Please make check payable to Mimosa Bay ARC.

TREE REMOVAL & LANDSCAPING ALTERATIONS (Appendix G)

(See Appendix G for application) - An ARC fee of \$50.00 will be required with the submission of this ARC packet. Please make check payable to Mimosa Bay ARC.

3. SITE IMPROVEMENT STANDARDS

One of the unique qualities of Mimosa Bay is the diverse character of the site, from tall pines to oak clusters, from natural water features to marsh wetlands, to habitats for birds and other wildlife. It is the intent of these Design Review Guidelines to ensure that these natural features be retained. New construction should emphasize these features.

It is desirable for the homes at Mimosa Bay to exhibit the individuality of their owners as well as to adhere to the Design Review Guidelines within the context of the selected architectural style. It is also important to observe basic design principles inherent in good design. The following are some of the questions that the owner and design team should consider when developing the design:

- a) Is the residence located on a site in a sensitive manner with minimum disruption to the natural topography, vegetation and unique site features?
- b) Is there consistency in the site planning, architecture and landscaping?
- c) Will the various building materials allow for pleasing and harmonious exterior appearance?
- d) Are the colors appropriate and used with restraint?
- e) Is the home placement sensitive to the location of existing homes, other lots, and potential homes on other lots? For example, homes on Lots 19, 20 and 21 should be located so as not to block the view of the next-door lot.
- f) Does the plan provide privacy and screening from neighbors to the extent possible?

3.1 SITE ENGINEERING

All homes must connect to their own septic system or connect to the sewer system provided by the developer (whichever is applicable) and must also connect to telephone and electrical utilities offered at the lot line.

Drainage of finished lots must utilize existing roadway and other ditches and must not drain into neighboring lots except through natural ditches already in place. Draining may not cause the silting of creeks, ditches or marshes.

Lot owners may not exceed the allowable impervious surface area as detailed in the Water Quality Certification Permit for Mimosa Bay as referenced in the *Declaration of Covenants, Conditions and Restrictions for Mimosa Bay Subdivision*.

A 12 foot wide by 15 foot deep construction entrance on the lot including a **cement culvert** in the drainage swale must be installed prior to starting construction of the house. The cement culvert pipe shall be installed a depth level to the grade of the existing drainage swale to maintain the flow of storm water. Drainage swale elevations shall not be altered without the prior approval of the MBARC. The necessity of having this entrance stoned will be made on a case-by-case basis. These items shall be maintained until construction is completed and landscaping has been established.

3.2 BOARDWALKS, DOCKS, PIERS AND VIEWING AREAS

These guidelines will assist in preserving the pristine view corridor of the Mimosa Bay Shoreline.

Owners of waterfront home sites, after approval of MBARC, may build boardwalks which provide access to Alligator Bay and Mill Creek limited to a 6' wide walkway. Gazebos may be approved if they are of an acceptable size and don't block neighboring views of Alligator Bay and Mill Creek and, of course, must comply with applicable regulations and requirements, including those associated with CAMA.

The gross surface of a deck and/or a viewing platform shall also be acceptable to the MBARC and may be constructed no larger than 200 square feet at the terminus of the boardwalk.

Construction permits must be obtained and must comply with all applicable jurisdictional agencies.

3.3 LANDSCAPE DESIGN

Landscaping is a most essential element of your home and should be utilized to reinforce and extend its livability. It is the intent of Mimosa Bay that the homes and sites preserve as much of the natural elements as possible, consistent with the minimum tree removal required to site the house, driveway and septic drain field.

Preservation of existing vegetation must be taken into consideration in establishing the landscape design as follows:

Within the driveway, primary septic field, the building site, and within 10 feet of the main dwelling, any hardwood or pine tree may be removed. Between 10 feet and 20 feet of the main dwelling, any pine trees may be removed while any hardwoods 6 inches or larger within this same area may not be removed without the prior approval of the MBARC. Pine trees and hardwood trees greater than 6 inches in diameter that lie 20 feet or more from the main dwelling may not be removed from any lot without the prior approval of the MBARC.

No gravel or rock shall substitute as lawn. However, the pristine nature of this community does not demand lawns in each instance and instead, properly maintained and design natural areas are acceptable under certain circumstances. If a lawn is included in the approved plan, then it **must be sodded and irrigated**.

Landscaping vegetation is encouraged to meet the requirements that outside utility areas be screened and to funnel wind and buffer intruding noises.

Great care must be taken not to block easement areas described in the *Declaration of Covenants, Conditions and Restrictions for Mimosa Bay*. For example, a site plan must consider the easements that exist fifteen feet on the rear and front of all Lots and fifteen feet along all roads and ten feet on each side of all Lots (except for sides which front a road where the fifteen foot easement applies)

Within 45 days after the date of issuance of a Certificate of Occupancy (CO) by the County, landscaping must be completed as shown on the plans approved by MBARC unless there is an extreme weather situation.

3.4 STRUCTURE SIZE AND PLACEMENT

The lots in Mimosa Bay shall be used for residential purposes only, and no structure shall be erected, placed, altered or permitted to remain on any lot other than one detached single-family dwelling and related structures incidental to the residential use of the lot.

Each dwelling shall have an enclosed heated living area provided for in the Restrictive Covenants. For example, with respect to Phase I:

LOTS NUMBERED 1 through 24 (consecutively); 82 through 87 (consecutively); and A1, A2 and A3 shall have a minimum square footage of 2500 square feet of enclosed, heated dwelling area.

ALL OTHER LOTS IN PHASE I –IV shall have a minimum square footage of 1800 square feet of enclosed, heated dwelling area.

Absent extraordinary circumstances set forth below, the Architectural Review MBARC shall approve no plans unless the following minimum setback requirements are met:

Phases 1 – 4:

Front yard:	60 feet from Lot line
Side yard (not situated on a Road):	10 feet from Lot line
Rear yard and Side yard on Road:	15 feet from Lot line

Phase 5 Sections One-A and One-B:

Front yard (Lot # 1 – 5)	25 feet from Lot line
Front yard (all other lots)	30 feet from Lot line
Side yard	8 feet from Lot line
Corner street side yard	20 feet from Street
Rear yard	15 feet from Lot Line

There are a few cases where individual lots will be permitted different setbacks because of unique situations that must be substantiated by the property owner and approved by the MBARC. The MBARC shall have the right to approve deviations from each of these setback requirements upon application of an individual lot owner if, for reasons of topography or septic approvals, strict compliance creates a hardship if such approval does not violate the applicable governmental regulations or approvals.

Building Height - The vertical distance from the finished grade at the building line to the highest point of the building shall not exceed 35 feet.

3.5 STRUCTURE ORIENTATION

Site orientation should consider the existing native vegetation, shape of the lot, adjacent residences and views from and to the structures.

Air conditioning units, utilities, pool equipment and garbage receptacles should be located so as not to be visible from the roads or adjacent areas. These may be placed in set back areas and should be screened using landscaping.

3.6 GARAGES, DRIVEWAYS, SIDEWALKS AND OUTBUILDINGS

Garages for at least two cars are required, along with an uncovered space for parking 2 additional cars outside the garage. This can be in the driveway or other area. Resident's parking on other than designated and approved areas is not permitted. Curved or turnaround capability should be provided where space permits. Examples of approved paving materials are:

- a. Concrete or hard surface.
- b. Impressed or pattern concrete.
- c. Paver blocks or bricks.
- d. Fixed exposed aggregate.

No driveway may be constructed of any other material unless approved in writing by the MBARC. Driveways must be installed within 30 days of issuance of a Certificate of Occupancy and all driveway culverts must be concrete and installed as outlined in Section 3.1 above.

Side-facing garages must have a driveway apron of at least 24 feet in width opposite the garage doors unless otherwise approved by the MBARC.

Sidewalks shall provide entry from the driveway to the house. Sidewalks shall be of pavers or the same material as the driveway unless otherwise approved by the MBARC.

The location and materials of all animal housing will be subject to approval by MBARC. Animal fencing must be disguised with adequate landscaping and approved individually by the MBARC.

Outbuildings for storage of tools, garden equipment, etc., shall be constructed from the same materials (type and color) as the main house or as approved by the MBARC. Detailed plans must be submitted to the MBARC for approval.

Miscellaneous yard, garden and construction material must be contained entirely on your lot and not be visible from the street. Landscaping can be used to shield these items from view.

4. ARCHITECTURAL STANDARDS

The exterior of all dwellings should be designed to be compatible with the existing vegetation and the adjacent structures. All buildings within Mimosa Bay should be in harmony with their surroundings. The use of materials such as wood, cement board and brick are encouraged. Only hardcoat stucco is permitted; no synthetic stucco is allowed. Vinyl siding will be approved when the siding gives the appearance, in the opinion of the MBARC, of being made of natural materials and are not readily recognized as vinyl from the street. Lap vinyl siding is not allowed.

4.1 ELEVATIONS AND ROOFING

Exposed foundations must have a brick façade, stucco type covering or other materials approved by the MBARC. A slab flooring system must have a 3 course stem wall.

Roof pitches and overhangs may vary as necessitated by architectural design. However, no flat roofs are allowed, as a major structural element.

Roof shingles shall be at least 25 year "architectural".

The MBARC will not allow materials or colors, which it deems to be inappropriate, for the site. Reflective materials will not be permitted.

4.2 POOLS

Pools, when approved by the MBARC, must be enclosed by fencing for safety. Pool fencing must tie in or match the building structure and must be shown on the submitted Plans. Raised pools 2' above existing grade will require stem walls. No pool enclosure is allowed to extend beyond the side of the home except where buffered from view of street.

4.3 ROOF ACCESSORIES

Plumbing stacks and roof vents must be placed as inconspicuously as possible, preferably located on the rear elevation.

Any solar installations shall be installed to give the appearance of a skylight, and installed with a finished trim material or curb, and located so as not to be visible from the street.

Dormers shall appear to be finished when viewed from the outside of the structure. Unfinished framing should not be visible.

Chimneys shall be brick or covered with the same siding material as the house or a complimentary material and shall terminate with an identifiable cap.

4.4 EXTERIOR LIGHTING

Exterior light fixtures should be subtle, with emphasis on function and not a dominant architectural element. Light sources should be concealed where possible, with all light in shades of white. Lights may not spillover into neighboring properties and lighting must be shielded to prevent glare. Garden lights or walkway bollards must be directed downward.

4.5 FENCES

In order to maintain the views within this wooded, natural setting, fences will be discouraged. However, the MBARC, upon petition by the property owner, may approve some fencing for unique reasons, such as the Owner has a dog. Such petition must justify use of the fencing. The MBARC has sole discretion over size, material(s) and location of such fencing.

Above ground fences designed to restrict the movement of wildlife will not be permitted.

A 4-foot solid fence for the sole purpose of privacy will be permitted. The maximum height for any fence will be set at 5 feet and any fence over 4 feet must be a picket style fence. All fencing that faces the street must have additional landscaping installed on the street side of the fence. The required landscaping shall be a minimum of 3 gallons in size and a "bushy" plant which should grow to the height of the fence and shall be planted no further than 4 feet apart.

The ARC is very concerned about fencing being installed where it encroaches on the neighbor's property. We ask that all property corners be located and the fence be placed inside the property line a sufficient distance to be able to maintain both sides of the fence or at least 2 feet from your property lines. In the event the fence is located within the side or rear easements and the easement is needed in the future, it could be the homeowner's expense to remove and replace the fencing.

While "invisible" dog fences are preferred by the MBARC for animal containment, the MBARC realizes that they do not keep other animals away from your pet. In that regard, the MBARC, upon written petition will consider chain link dog pens with the following minimum landscape screening: Plants shall be of a "bushy" type and shall be equal to two-thirds the height of the proposed pen, at the time of planting as measured from the adjacent grade. (No pen shall exceed five feet in height). The plants shall be spaced at a distance equal to or less than their height. Location of any dog pens must be sensitive to views from neighboring properties and from the street. The location must also be approved by the MBARC.

Acceptable materials for fencing will include wood, iron, and aluminum. Preferred colors for fencing shall be black or natural wood color. No white or vinyl fences will be allowed after April 10, 2014.

4.6 EXTERIOR STAIRS AND RAILINGS

Front and rear porches must be constructed of materials that compliment the house style and design.

Exterior staircases to upper floors are discouraged. Plans for such structures must be submitted to the MBARC. If allowed, these stairs and railings must be located on the rear of the house and not be visible from the street.

4.7 PRIVACY SCREENS

Generally, will not be permitted.

4.8 EXTERIOR FINISHES

All exterior colors shall be approved by MBARC. When repainting, original color scheme shall be repeated or a new color scheme shall be submitted for approval by MBARC.

4.9 SERVICE LINES

All electrical, telephone and television service lines shall be underground.

4.10 ADVERTISEMENT SIGNS

All signs, including "For Sale", "For Rent", "Contractor", "Sub-Contractors", "Architect", "Landscape Architect", "Real Estate Companies", etc., other than those furnished by Mimosa Bay will not be allowed on lots. Exception: Preferred Builders with approval may have an approved company name sign as outlined in the Mimosa Bay Builders Sign Policy. Builders should contact the MBARC for a copy of this policy.

4.11 MAILBOXES

All houses require mailboxes and newspaper holders that will utilize the same design. These mailboxes are available only through the MBARC. Each owner will be required to pay for the cost of the mailbox during the ARC approval process.

4.12 BOATS

No boats and/or boat trailers over 28 feet in length shall be kept or maintained or located upon any lot without prior approval of the MBARC. Boats and/or boat trailers less than 28 feet in length must be stored in the garage or Boat Corral. Any boat with permission from the MBARC to be kept or located on a lot, must be stored behind the house where it cannot be visible from the street.

4.13 PRIVATE IRRIGATION WELLS

All private irrigation wells must be approved for their location on the lot and must be shown on a site plan submitted to the ARC. The site plan must show the house, driveway, landscaping and any other structures. This approval is necessary before or after the construction of the home and the installation of the well.

5. GENERAL PROVISIONS

5.1 PLANS

5.2 FEDERAL, STATE & COUNTY CODES

In addition to the provisions of the Mimosa Bay Design Review Guidelines and those regulations, all construction is subject to Federal, State and County building codes. All reviews and inspection procedures described in these regulations and the design approval process are intended to assure compliance with aesthetic considerations. Mimosa Bay, its affiliates and the MBARC are not responsible for design or construction defects or structural failure or failure of the building to meet appropriate building codes.

5.3 CONTRACTOR REQUIREMENTS

The general contractor and all subcontractors shall be licensed as required by the state of North Carolina and the Onslow County Building Department. All permits must be obtained and fees paid prior to construction. The general contractor shall warrant all materials and workmanship to be good quality and remain so for a period of one year. The general contractor is responsible for all work and the work of any subcontractor.

All contractors shall carry Workmen's compensation and liability insurance and Builder's Risk during the construction process.

Contractors must comply with North Carolina and Onslow County codes.

5.4 CONSTRUCTION STANDARDS

Any cracking, chipping, staining, movement of the street or other damage thereto that is caused by a contractor or material supplier must be remedied by the Owner to the existing Department of Transportation standards. Parking of vehicles during construction shall not prevent normal traffic flow.

Lot owners and Contractors are responsible for keeping the job site clear of trash and debris daily with a thorough cleaning each Friday. Storage of all construction materials shall be contained within property lines in trash containers or enclosures.

Per ordinance, portable toilets will be maintained to clean, healthy standards.

5.5 HOURS OF CONSTRUCTION, NOISE AND PETS

Construction activities shall occur no earlier than 7:00 AM Monday through Friday and no earlier than 9:00 AM on Saturday. There will be no construction permitted on Sundays. Construction noise shall cease at 6:00 PM daily Monday through Saturday.

Radios cannot be played at a volume on construction sites, which will disturb residents.

Domestic animals on construction sites must be on a leash or under the control of any owner at all times. The contractor is responsible for any noise or damage caused by any

animal brought onto the site and for cleaning up after the animal. The contractor shall remove any pet if requested by the MBARC.

6. VARIANCES

If the owner and/or architect feel that certain portions of these Design Review Guidelines are inappropriate, based on the design elements of his/her particular residence, then the owner may apply for a variance. The burden of establishing the reasons why a specific requirement is not appropriate lies with the owner. The owner should make reasonable assurance in the variance request submitted that the overall intent of the Design Review Guidelines will be accomplished. The granting of a variance rests solely with the MBARC. Granting of the variance for one particular situation does not warrant or imply that such a variance will be granted for the same situation of another home site. Each variance will be reviewed on a case-by-case basis in keeping with the overall objectives of the Design Review Guidelines.

APPENDIX E

MIMOSA BAY FENCING OR DOG HOUSE / RUN APPLICATION

Lot _____ Phase _____ Anticipated Start Date ___/___/___

Site Address _____

Owner(s) _____

Address _____

City _____ State _____ Zip _____

Home Phone _____ Work Phone _____

Fax No. _____ Cell Phone _____

E-Mail _____

Builder/Contractor's Name _____

License No. _____

Address _____

City _____ State _____ Zip _____

Work Phone _____ Cell Phone _____

E-Mail _____

Style of Fencing: _____

Height of Fencing: _____ Material Used: _____

Paint/Stain: Mfr _____ Color _____ # _____

Notice to Applicants:

1. Homeowner and Builder/Contractor have reviewed and understand the most recently revised version of the ARC *Design Review Guidelines* before submitting this application.
2. Any work started prior to receiving approval and/or permits is a violation of the Design Review Guidelines and will result in up to a \$500.00 fine by the ARC.
3. All ARC applications that include any kind of excavation whatsoever are required to have a utility mark-out to prevent damage to any underground utilities.
4. Acceptable materials for fencing include wood, iron and aluminum. Preferred colors shall be black or natural wood color.
5. 4-foot solid privacy fences will be permitted. Any fence over 4 feet though must be a picket style fence with a maximum height of 5 feet.
6. Fences should be oriented so that the posts, rails and braces face into the property and the finished side or pickets face the street or adjacent neighbor.
7. All fencing facing the street must have additional landscaping installed on the street side. Required landscaping shall be a minimum of 3 gallons in size and a "bushy" plant which should grow to the height of the fence and planted no further than 4 feet apart.
8. Fences in wetlands areas should be built high enough off ground so that it does not block, obstruct or otherwise impede the wetlands drainage flow on his or adjoining lots.
9. If tying into your neighbor's fence you must have your neighbor's permission. Please supply letter from your neighbor if applicable. Please provide a subsequent purchaser of your home a copy of this executed agreement.
10. Property corners should be located and the fence placed inside the property line a sufficient distance to be able to maintain both sides of the fence or at least 2 feet from the property line. In the event this easement is needed in the future, it could be the homeowner's expense to remove and replace the fencing.
11. Please check with the zoning department in Onslow County for all required permits.

Please send/email this completed Application to Gordon Frieze, MBARC Chairman, PO Box 1328, Wrightsville Beach, NC 28480 or for overnight delivery to 6336 Oleander Drive, Ste 4, Wilmington, NC 28403. Email address is gfrieze@bizec.rr.com. (Please put your lot # and subdivision name in the subject line of your email).

General Description or Proposed Change:

The following rules apply to all building contractors, owners and service personnel. Questions or concerns may be directed to the MBARC.

1. Contractors are required to keep the job sites neat and clean. If trash and debris becomes a noticeable problem, notification to the responsible party will be given by the HOA Office to clean up the site. If this notice does not bring acceptable action within 5 days, then the Mimosa Bay HOA may remove the debris at the property owner's expense. Use of adjacent lots is not permitted unless the adjacent lot owner grants written permission.
2. Proper erosion control is the responsibility of the contractor. Adequate silt fencing, gravel at the entry drives and other erosion control measures must be properly installed and maintained. The streets shall be kept free of mud, silt and debris from erosion.
3. Contractors will use only the utilities provided at the site on which they are working.
4. Vehicles are to be parked on the site on which the contractor is working. No vehicles, (cars, trucks, vans, etc.) may be left in Mimosa Bay overnight. Construction equipment may be left on the site while needed but must be kept off the street.
5. Washing of any truck or vehicle on the street is not permitted. Any washing of concrete delivery trucks must be on the construction site.
6. The contractor must clean up spills of damaging materials. (Please report spills to Mimosa Bay HOA as soon as possible.) Clean ups done by Mimosa Bay personnel will be charged to the responsible party.
7. The established speed limit within the community is 25 miles per hour for all vehicles, unless otherwise posted.
8. Damages to streets, curbs, drainage inlets, street lights, street markers, walls or other Mimosa Bay property will be repaired by the Owner/Contractor and if it is not repaired in an acceptable manner within a reasonable timeframe, then the Mimosa Bay HOA will cause the repairs to be made and will bill the Owner and Contractor..
9. It is the responsible party's obligation to **immediately** report to the HOA office any cutting of water, telephone, cable TV, electrical or any other utility lines.
10. Loud radios or noise will not be allowed within the community.
11. Only bonafide workers are allowed on the property. Spouses and family members may drive workers to the site and pick them up, but must not remain on the property unless they are employees of the contractor.

Notification of violation will be sent to the responsible party and property owner defining those items not in compliance with the rules and regulations. Upon receipt of the notification, the involved parties must correct the violation or Mimosa Bay HOA will take the necessary actions to correct the violation. Those actions could include charging the property owner for the corrections done by Mimosa Bay HOA, withholding project approval for construction, or denying the entry to the contractors and personnel.

Additional information required to support application:

- _____ Photographs of fence style or dog house/dog run
- _____ Samples, photos or catalog pictures of proposed material
- _____ Site Plan/Survey (drawn to scale, showing exact fence or dog house/dog run location and setbacks from property line)
- _____ Landscaping plan demonstrating compliance with ARC minimum standards, if any.
- _____ Application fee of \$50.00. Check made payable to Mimosa Bay ARC.
(Appendices E, F & G require \$50 ARC fees each when individually submitted; however, only one \$50 ARC fee will be required from any homeowner submitting multiple applications at any one time. ARC fees are only an effort to recover a portion of the administrative expenses and follow up inspections by the MBARC to ensure compliance of the project.)

To my knowledge, this request meets all the applicable requirements and I understand any modifications from the submitted application will require resubmission to ARC.

Owner's Signature

Date