



Home Owners Association, Inc.

Design and Development Guidelines And Application and Review Procedures

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This document has been created to *interpret* both the Master Declaration and Development Plan for Bent Tree Plantation and the Addendum to Master Declaration and Development Plan for Bent Tree Plantation including Covenants, Conditions and Restrictions for Bent Tree Plantation to administer the Architectural Review Standards. This document can be used as a tool, for quick access to our ARC standard but does not replace the existing legal documents. When possible, the article and number location have been noted.

The ARC will review existing violations (pre-turnover), on an individual case-by-case basis, for conformance to the Master Declaration and make recommendations. The Board of Directors retains the right to approve or overturn the recommendations of the ARC.

SECTION I – INTRODUCTION

The Bent Tree Architectural Review Committee (ARC) is a committee of the Bent Tree Property Owners Association Board of Directors. The ARC is designated and authorized in Article V, Section I, of the Master Declaration and Development Plan for Bent Tree Plantation and the Addendum to Master Declaration and Development Plan for Bent Tree Plantation including Covenants, Conditions and Restrictions for Bent Tree Plantation to administer the Architectural Review Standards. The standards purpose is to preserve, for the mutual benefit of all property owners, the concept of a homogeneous, planned community.

This document provides homeowners with information on the ARC guidelines and the application process. It also provides an architectural standards chart, an explanation of these standards, enforcement procedures, and an Architectural Review Application. Homeowners are responsible for repairs to existing structures and additions.

SECTION II - GENERAL GUIDELINES

These Standards are intended to protect the rights of each homeowner in the community. Approvals from ARC protect your rights, as well as those of your neighbors and help avoid legal issues that may arise from neighbors' disputes over proposed construction and landscape changes. Failure to follow these standards may subject the homeowner to the enforcement provisions of this and other documents that govern Bent Tree property owners. The Covenants run with the land. In some cases they may be more stringent than the codes demanded for this area by the municipal governments of Brunswick County.

The ARC has jurisdiction over all construction, modifications, additions and alterations made on or to existing properties including landscaping. The ARC has the responsibility to prepare and disseminate the Architectural Guidelines and application and review procedures.

In addition to ARC approval, architectural changes may require permits or approval from the Brunswick County. It is recommended that the county be contacted to determine whether such permits or approvals are required. ARC approval will be based on the assumption that the owner has obtained all required permits. However, obtaining permits or approval from these groups does not mean ARC approval. The architectural changes must still meet the Bent Tree aesthetic criteria which are solely determined by the ARC.

Other suggested contacts are telephone service and electric company (ATMC at 910-754-4311, Brunswick Electric Membership Corporation at 910-754-4391 Brunswick County Utilities (Water) at 910-253-2655) concerning plants placed around the green utility boxes and water meters in front and side yards.

Homeowners are not allowed to alter, by any kind of planting, building of any structure, removing existing plants or sod, any common area, easement or right of way located next to or close to their property.

ARC applications may be obtained from an ARC member or the Chairman of the Committee. All information required on the submission form must be complete in order to be considered for approval. All assessments must be current before a modification will be approved. Upon written request from the owner, the Board of Directors may review a disapproval decision of the ARC. The Board may uphold, reverse or modify the decision of the ARC.

SECTION III - APPLICATION PROCESS (Convents; Article 5, Sections All)

The supporting documentation listed below must accompany the architectural review application, as applicable for the proposed change. An application submitted without all required submissions shall be considered incomplete. In such a case, the ARC's 60-day review period will not commence until all required submissions have been provided.

TWO (2) COPIES OF THE APPLICATIONS MUST BE SUBMITTED TO THE ARC.

- (1) Site Plan - A site plan, drawn to scale, must show the location and dimensions of the proposed improvement, and include orientation with respect to all property lines.
- (2) Architectural Drawings and Landscape Plans - Detailed architectural drawings or plans must be provided for decks, house additions, fences, and major landscape improvements that would change the topography of the lot or landscape plan originally provided by the builder.
- (3) Finish Materials - A description and/or sample of all materials to be used for the exterior surface of proposed improvements must be provided.
- (4) Photographs - Photographs or brochures are appropriate for exterior lighting fixtures, decorative objects and similar cosmetic additions to the house or lot.
- (5) Drainage - A detailed plan of grading changes and plans for proper drainage must accompany the request, if applicable. Plans for installing a culvert and covering the drainage ditch where this driveway is to cross the drainage ditch between roadway and lot.
- (6) Signatures - Acknowledgment of adjacent property owners.

Signatures of the property owners most affected by the proposed alteration are required. This is to ensure that, prior to the ARC's review; planned alterations are made known to adjacent residents. However, signatures do not indicate approval or disapproval and are not the deciding criteria used by the Committee.

SECTION IV ARC STANDARDS CHART

Addition or Alteration	No	See ARC Standards	Yes	Reference in Documents
Accessory Bldg/Temp Storage	N			MD, Art 7,A
Animals		X	Y	MD, Art 7,D
Air Conditioners (Window)	N			Addendum, 5.6
Boats		X		MD, Art 7,O
Burning (Leaves, wood, etc.)	N			MD, Art 7, M
Clothes Lines	N			MD, Art 7, G
Detached Buildings	N			Addendum , Page 1
Doors		X		Addendum , H
Driveways		X		Addendum 5.13
Dog Houses, Runs, Pens	N			MD, Art 7,D
Fences		X		Addendum 5.6.1
Garages		X		See Bldg. Specs
Gardens (Vegetable)	N			MD, Art 7, Q (Aesthetics)
Golf Carts		X		MD, Art 7, P
Grading & Drainage		X		MD, Art 5, G
Landscaping		X		Addendum 5.6 – 5.7.3
Patios		X		Setbacks – Addendum, 2
Privacy Screens/Hedging		X		Addendum 5.7.2
Propane /Fuel Storage Tanks		X		MD, Art 7, F
Real Estate Signs – For Sale		X		Addendum, 5.8
Reflectors – Staked	N			MD, Art 7, Q (Aesthetics)
Replace/Repaint Windows		X		MD, Art 5,A
Roof Replacement		X		Addendum 3.5;5.A
Siding Replacement		X		See Bldg Specs
Storage:				
Trailers	N			MD, Art 7, F
Campers	N			MD, Art 7, F
Mobile Homes	N			MD, Art 7, F
RV's	N			MD, Art 7, F
Tent		X		MD, Art 7, A
Trash Containers		X		MD, Art 7, F
Vehicles Parking				
Personal Property (Yard)	N			MD, Art 7, Q (Aesthetics)
Common Property	N			MD, Art 7, Q (Aesthetics)
Right-Of-Way	N			MD , Art. 7, J

Section V – Architectural Standards

This section of the standards provides general guidelines the ARC considers when reviewing an application. If you believe your planned change is aesthetically acceptable but does not specifically meet all of the guidelines, consult with an ARC member early in the planning stage. Unless specifically exempted, all exterior building and landscape projects require ARC approval prior to the start of the project.

ATTIC VENTILATORS: (Aesthetics) ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

Attic ventilators and turbines are permitted if painted to match the color of the roof (if roof mounted) or the color of the house siding or trim (if mounted on a gable end). Ventilators and turbines must be mounted on the least visible side of the roof ridgeline to minimize their visibility.

- No part of the ventilator should protrude more than twelve (12) inches above the roof surface.
- All exposed parts must be painted to match the exterior color of the material they penetrate to conceal them.
- Roof mounted units must be located on the least visible side of the roof and must not extend above the ridgeline.
- If it becomes necessary to block airflow through the ventilator, it should be done from the inside of the structure.

All other installations require an application showing elevations of the ventilator installation.

DECKS: (Aesthetics) Requires approval

The ARC will use the following criteria in determining whether to approve an application to construct a deck:

- Location: Permanently attached to the rear elevation of the home and constructed within the 20-foot setback from the rear of the property line.
- Height: The maximum distance from the top of the deck to existing grade cannot exceed six (6) inches.
- Scale and Style: Decks must be of a scale and style that are compatible with the home to which they are attached, adjacent homes and the environmental surroundings. In some cases, limits may be placed on the scale or style of decks that will be approved, based on considerations of density, visibility, scale and size of decks provided as standard builder features or options.

- Materials and Color: Materials must be consistent with the style of the houses to which they are attached.

DRIVEWAYS: Requires approval.

An approved application is required for any new driveway coating, construction or expansion. Driveways must be concrete, brick or paved. Sidewalks can be either concrete or brick. Driveways must be 12 feet wide and should meet the road with a ten (10) feet radius at each corner. Driveway coatings are acceptable in neutral colors and matching trim, but must be approved by the ARC. . A building permit may be required from Brunswick County for construction on expansion.

Fences: ARC Approval Required – Addendum 5.6.1 (Revised)

Fences may only be constructed of brick, wood or other suitable material. Six fence styles have been approved, for Bent Tree, by the ARC Committee and Board of Directors. As stated in the Master Declaration Addendum, "fences should attempt to define and create spaces rather than merely used as a property delineator". Examples are:



Vinyl Gothic



Vinyl or Wrought Iron



Wood



Wood



Wood Spindle



Vinyl Picket

GARAGES: Requires approval.

No exterior alterations, additions or improvements shall be made to any garage that would defeat the purpose for which it was intended. No exterior screen modification will be permitted. Garage door alterations and garage door replacements must be approved by the ARC

GARDENS (VEGETABLE): ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

The garden must be located between the rear of the house and the rear property line, and cannot exceed thirty-two (32) square feet. Nothing should be allowed to grow more than 36 inches above the ground.

GOLF CARTS: ARC registration is required

The ARC and BOD require all golf carts be registered with the Management Company (CAMS) and the sticker be displayed as directed. A critical part of the registration is the signing of a release of liability to the Bent Tree Homeowners Association. The safety and liability for occupants of the golf carts are the responsibility of the owner. All golf cart owners are reminded any damaged incurred as a result of your golf cart is your financial responsibility.

GRADING AND DRAINAGE: Requires approval.

Drainage away from the foundation of your home is imperative. The contractor has designed the grading so water will be dispersed away from the foundation. Major changes in grading, e.g., berms, mounds, etc., must be submitted for review. No Owner shall channel or direct drainage water onto a neighboring Lot, Common Area in accordance with a drainage plan approved by Developer.

In addition, it should be noted that major changes to the topography of a lot could result in flooding into an adjacent property due to improper drainage. Neither the Board of Directors nor the ARC accepts any liability for any damage caused by any grading action, whether approved by the ARC or not.

HEAT PUMP/AIR CONDITIONERS: Requires approval.

Exterior air conditioning units or heat pumps may be relocated or added only if there is no adverse visual impact to adjoining properties or potential noise disturbance to neighboring bedrooms. The ARC may require that permission be granted by the neighboring owner. Individual air conditioning units extending from windows are prohibited.

HOME ADDITION: Requires approval

- Room Addition. Changing the exterior walls to add a room or increasing the size of an existing room is a room addition. Setbacks must be adhered to, and the finished product should look like it was always a part of the home as opposed to something that was added.
- Screened Porch. Exterior living spaces, such as a screened-in porch, are considered on a case-by-case basis. However, the general guidelines for establishment of such an exterior living area include the following: (1) An uncovered cement slab porch, existing with the purchase of the house, may be upgraded; e.g., tile, Epoxy cement treatments and (2) A covered porch must comply with the restrictions established by the Brunswick County and the Bent Tree Property Owners Association. Homeowners must comply with all codes and building restrictions.
- Sunroom. A sunroom is similar to a screened porch except instead of screens the room has walls and glass or acrylic windows. The same criteria for room additions apply to sun rooms.

HOUSE NUMBERS:

House numbers within Bent Tree are recommended for reasons of security and public safety. Brunswick County and Shallotte Point fire and rescue officials recommend that three (3) - inch high house numbers appear on both sides of the pole under the mailbox.

LAMP POST: ARC approval is not required.

LANDSCAPING: ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

Homeowners are required to maintain yards at the same standards as at possession of the property. The yards should be free of noticeable weeds, islands maintained, yards mowed, dead or ailing trees pruned and/or removed as required. Personal or visitor automobiles are not allowed to be parked on your personal property or the common property.

- Plantings: Landscaping must blend with existing plantings on both your lot and the adjacent lots. Large shrubs and trees should be sufficiently set in from the property lines to avoid overhanging the property line or obstructing sight distance at intersections on corner lots at maturity. Ensure that side and rear-yard drainage patterns are not adversely affected. Generally, items planted at least three (3) to five (5) feet from property lines will not affect drainage. Ground covers must stay within shrub bed or berg. Examples of preapproved mulch substances are lava rock, pine straw, pine bark, dyed pine mulch, cedar mulch, finely ground hardwood chips, river rock and brown and red crushed brick (less than 1/2 inch in diameter). All other ground cover must be approved by the ARC.

- Privacy Screening Including Hedges: Requires approval.

Screening is defined as any material constructed or established to provide privacy. Privacy screens near to or constructed as a part of a patio or deck, is permitted in rear yards of lots in accordance with the established building setback guidelines and in limited styles. No privacy screen shall exceed six (6) feet in height or fourteen (14) feet in length. Deck or patio screens can be planting material (hedge) not to exceed five (5) feet or constructed of wood or vinyl. Constructed screens must be white in color. In all cases, a primary consideration for approval will be whether the screen will eventually restrict other resident's views. The ARC will be the sole judge of what determines "restrict other resident's views". Generally, this means views of ponds or wooded areas.

- Planting Beds/Borders: ARC approval is not required

For beds that are at least three (3) feet from the property line or non-raised planting beds which are hand watered or uses a drip irrigation system do not require approval. The beds can be edged with a spade or edged with commercially available edging products. ARC approval is required for new beds that exceed two hundred (200) square feet. Landscape borders must not exceed twelve (12) inches in height.

- Retaining walls: ARC approval is required
- Trees: New ARC approval is required

Planting of new trees, shrubs, or bushes that will reach 36 inches or higher on property requires ARC approval; approval will be subject to the intended purpose.

Tree Removal: ARC approval is required

- There should be valid reasons for the removal of trees.
ARC approval is required to remove any tree regardless of species with a trunk in excess of 6 inches in diameter when measured twelve (12) inches above grade. Any tree removal must include removal of the stump below ground level, and the ground must be repaired with sod or otherwise landscaped. Homeowner who removes a tree more than six (6) inches in diameter without ARC approval may be required to replace the tree at his/her own expense.
- Dead, diseased or damaged trees may obtain expedited consideration by contacting a member of the ARC or Board of Directors or the Managing Agent or his/her designee. The homeowner must complete an “after-the-fact” ARC Review Application.
- For the preservation of the aesthetics and privacy of the Plantation, in the event of the destruction or removal of any tree or landscaping within the Buffer, (except destruction caused by act of God), the Owner of the Lot upon which such tree, shrub or landscaping was located will cause same to be replaced or restored with a comparable size and type of tree or landscaping, at the Lot Owners sole expense.
- Homeowners are responsible for continued maintenance of the grounds, which are part of the homeowner’s lot, which includes trees and plantings. Trees in urban settings depend on our help. The most likely cause of tree damage is human negligence, other than natural calamities.

LIGHTING: Exceptions must be approved by the ARC. - Aesthetics

- Bug Lights: ARC approval is not required if all the following provisions are met.
Colored bulbs designed to repel insects may be installed only in lighting fixtures located at the rear of houses.
- Exterior Lighting: May not be so installed on any Lots as to illuminate any portion of a neighboring Lot or to shine into any window or otherwise enter a dwelling located on an adjoining Lot.
- Holiday Lights (Temporary): ARC approval is not required if all the following provisions are met. Temporary lighting for decoration, holiday and festival use may be operative for a period not to exceed six weeks. After the period of use, all temporary lighting and decorations must be removed.
- Accent Lighting: Requires no approval

PATIOS: Requires approval.

- Colors and Materials: Visible portions of patios must be constructed only of concrete, brick, slate, stone or concrete interlocking pavers. Colors should coordinate with the existing materials and colors of the home and typically be neutral earth tones. Where installation of a patio material dictates the use of joints or seams, the joint or seam must be entirely filled with sand compacted stone dust, pea gravel or mortar. Wooden borders or trim, as well as seating, planters, plant hangers or other similar fixed accessories, may be added if their material and finish matches that allowed for lower level deck construction.
- Foundations: If proposed, the material should be integrally colored and include a form of surface texture treatment to replicate stone, brick or pavers. There are limits to the area of concrete that can be poured without including control joints to prevent cracking. Seek professional advice if uncertain about these limits based on your particular installation. Building Permit must be obtained from Brunswick County.

PROPANE/FUEL STORAGE TANKS: ARC approval is not required if all the following provisions are met

All propane or other fuel storage tanks must be installed in the typical below ground method, so as not to be visible from a road or a neighboring lot. This guideline does not pertain to portable barbeque propane tanks.

REAL ESTATE SIGNS: ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

- For Sale/For Rent: The only signs permitted in the community shall be standardized for sale signs. Signs may display only a single phone number and real estate agency name; however, an information box containing more specific information may be added, but must be affixed to the real estate signpost. For Rent signs, SOLD signs and FOR SALE signs on lots are not allowed.

REPAINTING: ARC approval is not required if the new paint is identical to the original color.

- Different Color Paint: Approval required.

ARC approval is required when the house, siding, shutters, doors or trim is to be painted a different color than the original. Applications must include samples of all color changes, as well as a description of where on the house changes will occur. Colors should be consistent with the neighborhood.

REPLACEMENT WINDOWS: ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

- Storm or screen replacement windows must be white. The mullion design must be compatible with the existing or neighboring windows.

ROOF REPLACEMENT: ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

- New roofing must be of the same shape, color scheme and material as the originally installed roof.

SIDING (Residing and Restyling Structures): Requires approval.

- The choice of vinyl siding is left to the discretion of the owner. It is the owner's responsibility to ascertain whether this material meets the Brunswick County's Building and Fire Codes that apply to exterior materials.
- If the proposed residing material differs in color and texture from the existing siding on the residence or if it results in a change in architectural style, it should be consistent or compatible with the style and color of the siding materials on the homes immediately surrounding it.
- The style of existing trim work at soffits, corners, eaves, windows and doors and of accent panels, shutters and other stylistic features should be retained in the residing design. This will be considered an important requirement where these elements contribute to the visual continuity of the neighborhood by evoking similarities in style among nearby homes.

Signs - Other

- Political: One temporary political sign that advertises candidates or issues may be erected thirty (30) days prior to an election, run off, primary or referendum and must be removed within seven days of the election, run off, primary or referendum.
- Public Event Announcement Signs: Community Watch signs or one small "house is alarmed" sign do not need approval. Sign lighting is not permitted. Only those sign types listed above may be erected without prior approval, all other signs require approval in advance. No signs will be allowed in the common areas.

STORAGE OF BOATS TRAILERS, CAMPERS, MOBILE HOMES AND RECREATIONAL VEHICLES:

- Comprehensive regulations concerning vehicle types and the areas in which permissible vehicles may be parked or stored are contained in Article 7, Section E;J;O and P, of the Master Declaration and Development Plan for Bent Tree Plantation. No travel trailer or mobile home, truck or van of a size to hold another vehicle, camper, school bus, commercial tractor-trailer, commercial truck or cab shall be parked overnight, either on any lot, Common Area, or on any street. A Commercial Vehicle is any vehicle with has Commercial license plates issued by the state. All other vehicles must be parked in the garage or on the driveway. Homeowners are not allowed to park vehicles on any space of their property except the driveway. Additionally, no vehicles shall be allowed to park on the common property in front of their homes.

TRASH CONTAINERS:

- Trash located and outside residences shall be kept in the rear or side yard and out of sight from the street in the container provided by Brunswick County. Containers must be kept out of view at all times, except when placed at curbside no earlier than the evening prior to scheduled trash pick-up. Containers must be retrieved and placed out of view as soon as possible the same day as regularly scheduled pickup.

TRASH ENCLOSURES: ARC approval is not required if all the following provisions are met. Exceptions must be approved by the ARC.

- In order to store containers outside, appropriate screening is required. The use of white fencing, no greater than four (4) feet in height, in the recommended styles described in the Privacy Screens/Walls Section. White vinyl lattice may be used if constructed in a manner to meet community standard. Shrubbery may also be used to screen the container, if sufficiently spaced and composed of any of the approved species below and maintain the height of 4'.

VEHICLE PARKING

- Homeowners are not allowed to park vehicles on any space of their property except the driveway. Additionally, no vehicles shall be allowed to park on the common property in front of their homes.

SECTION V ENFORCEMENT

Consistent and reasonable enforcement of the architectural standards is everyone's responsibility; the ARC, the Management Company, the Board of Directors and all residents. An exterior change made without approval of the ARC is a violation of the Covenants and may require removal or modification of the work at the expense of the property owner or payment of costs incurred by the Association in having the work removed or modified. This assumes, of course, that the unapproved exterior change does not comply with the architectural standards. Refusal to comply with architectural standards can result in substantial fines. No member of the Board of Directors may give ARC approval without having gone through the documented process.

DETERMINING VIOLATIONS

The Management Company working with the ARC will take the lead in identifying violations as ARC will have knowledge of approved projects. The ARC will review all approved ongoing projects to ensure they are being carried out as described. The ARC, Board of Directors and management company conducts periodic reviews/inspections of our community (including the common areas) for general compliance with architectural standards and to determine work needed on the common area. In carrying out these duties, the ARC and the Management Company are in a position to identify unapproved exterior changes. Residents can also help. Residents will not generally be aware of what has been approved, but if something is being done that seems clearly out of line with the architectural standards, they should bring it to the attention of an ARC member or the Management Company.

NOTICE OF VIOLATION

Once an alleged violation has been reported, the Management Company shall investigate and if warranted issue a Notice of Violation to owner of record. All Notices will be sent by U.S. Postal Service. The Notice of Violation shall describe the nature of the violation, the rules or regulation that support the violation, and a date to have the violation corrected or to present an acceptable plan of action to correct the violation.

NOTICE OF HEARING

If after the allotted time the violation is not corrected, a Notice of Hearing shall be issued. This hearing shall be held before the ARC Committee Property and Bent Tree Board of Directors. The Notice of Hearing shall provide the date, time and place of the hearing; the alleged violation; and the rules and regulations in violation. The owner or their representative will be given an opportunity to be heard, and to present evidence as to why a fine should not be imposed. Based on all evidence and information provided the Board of Directors shall determine what corrective action shall be taken. This action may include fines up to \$100 per day until the violation is corrected. Failure to appear at the scheduled hearing will not prevent the Board of Directors from levying a fine or taking any other action authorized by the North Carolina Planned Community Act, and the Declaration of Protective Covenants. A letter shall be sent to the owner specifying the result of the hearing. The first fine shall be applied to the owners account if the violation exists 5 days after the mailing of this letter.

