



# **The Hamptons Subdivision Architectural and Landscape Design Guidelines 2010**

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NO IMPROVEMENT OF ANY KIND SHALL BE MADE TO ANY LOT NOR SHALL SUCH IMPROVEMENTS BE CONSTRUCTED, REPAIRED, REPLACED, REMODELED, PLACED OR ALLOWED TO REMAIN ON ANY LOT UNTIL THE CONDITIONS AND CRITERIA OF THE HAMPTONS SUBDIVISION ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES (THE “GUIDELINES”) HAVE BEEN FOLLOWED AND ALL PLANS INCLUDING A SITE PLAN THEREFORE HAVE BEEN SUBMITTED TO AND APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.  
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## Introduction:

These Guidelines are supplementary to the Declaration of Covenants, Conditions and Restrictions (the “Covenants”) for The Hamptons, recorded in the Chatham County, North Carolina Registry. The criteria herein are intended to complement the Covenants and should a conflict arise, the Covenants shall prevail.

The Covenants state that no improvements are to be erected on the Property without being approved by the Architectural Control Committee (the “ACC”) pursuant to Article VI of the Covenants. The ACC works with the Guidelines and Covenants to assure an attractive, compatible, and aesthetically pleasing community. The Guidelines are used by the ACC for the evaluation of projects submitted to them. The final decision of the ACC may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as committee members change over time. The developer reserves the right to revise and update the Guidelines as well as the performance and quality standards to respond to future changes.

## Membership:

The ACC is comprised of 3 to 5 members appointed by the Declarant or the Board of Directors. A member of the corporation's staff will chair the committee. The right to appoint members to the ACC shall be retained by the Declarant until one hundred percent of the parcels have been developed and conveyed to purchasers in the normal

course of development. At such time, the Board of Directors of the Association shall appoint the members of the ACC in accordance with Article VI of the Covenants.

Responsibilities of the ACC:

1. Reviewing and evaluating each of the plans submitted by an Owner for adherence to the Design Guidelines and compatibility of the design with the adjoining sites and common spaces.
2. Approving all new construction and landscaping.
3. Monitoring the design and process in order to ensure compliance with Covenants and approved construction documents.
4. Enforcing the Design Guidelines through special assessment or remedy as per the Covenants.
5. Interpreting the Covenants and Design Guidelines at the request of the Owners.
6. Approving all modifications to existing structures, including but not limited to walls, fences, exterior painting, material replacements, window tinting, renovations, additions, play structures and landscaping which includes yard structures and fountains.
7. In the event that a member of the ACC is called upon to review and evaluate a plan for a structure to be located on a property adjacent to where that member resides, said member may comment on that structure but may not vote on its acceptability. An adjacent property shall be defined as the three properties directly in front of and the three properties directly behind as well as the property directly to the sides of the ACC member's property.

Enforcement Powers:

Any structure, improvement, or landscaping that is placed on any home site without ACC approval is considered to be in violation of these Design Guidelines and the Covenants. The ACC has the power to fine and/or direct that the non-conforming structure be brought into compliance at the Owner's expense. Should the Owner fail to comply with the directives of the Board, the ACC will act in accordance with the Covenants to bring the non-conforming item into compliance.

Limitation of Liability:

Design and plan decisions by the ACC do not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, decisions by the ACC do not assure approval by any governmental agencies. Owners are responsible for

obtaining or ensuring that their agent or contractor obtains all required permits before commencement of construction. The Declarant, the Association, the Board of Directors, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved plans for construction on or modifications to any home site. In all matters, the committees and their members shall be defended and indemnified by the Association as provided in Article 6.12 of the Covenants.

The Review Procedure:

No improvement shall be erected, remodeled or placed on any Lot, except by the Declarant, or its assigns, until all plans and specifications and a site plan have been submitted to and approved in writing by the ACC as to:

- (a) quality of workmanship and materials, adequacy of site dimensions, adequacy of structural design, and facing of main elevation with respect to nearby streets;
- (b) conformity and harmony of the external design, color, type and appearance of exterior surfaces;
- (c) location with respect to topography and finished grade elevation and effect of location and use on neighboring Lots and any improvements situated thereon and drainage arrangement; and
- (d) the other standards set forth within the architectural and landscape design guidelines in which the ACC has been vested with the authority to render a final interpretation and decision.

Final plans and specifications (including a site plan showing the location of the contemplated improvements on the Lot) for all improvements proposed to be constructed on a Lot shall be submitted to the ACC for approval or disapproval. The ACC is authorized to request the submission of samples of proposed construction materials. Any modification or change to the ACC– approved set of plans and specifications (specifically including, but without limitation, the above described site plan) must again be submitted to the ACC for its inspection and approval. The ACC’s approval or disapproval as required herein shall be in writing. See Exhibit D for the Application for Design Approval.

Once the ACC has approved the plans and specifications for the proposed improvements, the construction of such improvements must be promptly commenced and diligently pursued to completion, and if such construction is not commenced within the time set therefore by the ACC in the written approval (but in no event later than four (4) years after such approval), such approval shall be deemed rescinded and before construction of improvements can thereafter be commenced on the Lot in question, the plans and specifications therefore must again be approved by the ACC pursuant to this Article.

### Conditions of Approval - Rejection of Plans:

Approval by the ACC shall in no way relieve the Owner and/or Builder of responsibility and liability for the adherence to any applicable ordinances and codes. Construction documents submitted for review or any portion thereof may be disapproved upon any grounds, which are consistent with the purpose and objectives of the ACC. The final decision of the ACC may be based on purely aesthetic considerations.

### Architectural and Contractor Requirements:

All plans for the construction of dwellings and other buildings or significant structures in the Development must be designed and drawn by a licensed architect or a professional, experienced home designer. The plans must meet, at a minimum, the building codes of Chatham County and the State of North Carolina. All construction work must be completed under the direct supervision of a general contractor, herein referred to as the builder, who holds license in the State of North Carolina.

### Fees for Plan Approval:

The ACC, in its sole discretion, may require that each Person submitting plans and specifications for improvements to the ACC pay one or more fees to the Hamptons Owners Association, Inc. or to the Declarant as a condition to commencement of construction of such Improvements. Such fee(s), including the amount(s), payee and purpose(s) thereof, shall be established by, and may be increased from time to time by, the ACC and shall be set forth herein. Planworx will remain as the ACC resource to be used at the Declarant's discretion for review of all plans and elevations to be built in the Hamptons. Declarant will be the lead party of the Hamptons ACC with Planworx assisting in certain defined areas.

### Design Criteria:

The following items serve to establish the initial Architectural and Landscape Design Criteria used in The Hamptons and can be modified at any time by the Committee.

#### 1. Architectural Style:

The architectural designs should be customized for each lot to maximize the natural features that exist. Styles such as Georgian, Southern, Williamsburg Colonial, English Tudor, French Normandy, English Manor, or French Country, Craftsman and Transitional are all acceptable designs and should adhere to the criteria below. Non-approved architectural styles are Victorian, Mediterranean, Italianate, Modern, and Contemporary.

2. Exterior Materials:

- A. Exterior walls may incorporate any of the following materials: Brick, Cement Stucco, Stone, Wood, Cedar Shakes, Hardshake and Hardiplank. Vinyl siding will not be allowed. In general the exterior will have a minimum of four sides same material. However, exceptions will be made to accommodate a Craftsman style house. Accent materials will be allowed. Decisions will be made on the merits of a design.
- B. Roofing: Standard shingle will be an architectural grade dimensional shingle (30 year minimum). Earth tone colors are preferred, but other selections are approvable: Slate, Tile, Cedar Shingles, Cedar Shakes, Standing Seam Copper or Standing Seam Metal Roofing.
- C. Windows and Doors: Wood, Vinyl Clad or Aluminum Clad are approvable materials. Approved window grilles are SDL, GBG or open light. The ACC will insure gridded pattern/type is appropriate to the submitted plan. If GBG is used on the front of the house, grilles must match trim paint and must be at least 1 ¼". No reflective glass may be used and Low E is strongly recommended.
- D. Vinyl is approvable for soffits, etc. in order to have a more maintenance free exterior.

3. Design Features:

- A. The main roof should be a minimum 8 vertical to 12 horizontal pitched roof (other pitches will be considered on an individual basis), either gabled, hipped or a combination of the two. Roof forms should be well organized and demonstrate the same character on all sides of the residence. Shed roof forms are discouraged. Eave lines should align wherever possible. Eaves and rakes should be articulated by multiple fascia boards, cove and crown molds or gutters.
- B. Windows and doors should reflect restraint in the number of types, styles, and sizes. Consistency of detailing on all elevations should be maintained. All openings should be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds.
- C. Main entrance should have a sense of prominence that is reflected in the design. It should be sheltered on the exterior and include either a pair of doors with or without sidelights or a single door with sidelights. It should contain more detail than other openings but be consistent in styling.
- D. Foundations must be brick, stone or stucco.
- E. Raised deck supports should incorporate materials which relate to the residence such as brick, stucco, stone or decorative wooden column if the

decks is over a daylight basement. Otherwise, all decks over 12” from the ground must be screened with opaque landscaping.

- F. Retaining walls which attach to the residence should utilize the same materials that the wall comes in contact with. Cross-tie timbers may be used following approval by the ACC.
- G. Quoins, when utilized in the design, should be expressed on the side elevations as well.
- H. All fencing must be approved by the ACC. Max. height 6’. Montage welded steel ornamental fence classic 2&3-Rail style will be the only allowed fence material. Montage panel drawings and gate drawings are attached hereto as Exhibit B.
- I. Pools are allowed within setback areas. Pool decks may encroach into setback areas, but no closer than thirty feet to any property line. Pools and the like shall be screened from visibility from neighboring lots and streets pursuant to the Restrictive Covenants, and Chatham County restrictions may override.
- J. Flue pipes should be encased with a chimney enclosure of masonry or stucco and be supported by a foundation at grade when located at an exterior wall. Direct vent systems are approvable, but must be on a foundation.
- K. All garages shall be side load. No front entry garages are permitted.
  - Permitted examples:
    - 2 + 2 or 2 + 1 Side Court Yard
    - 45 Degree Angle Side Load
- L. Standard mailbox will be chosen for the neighborhood.
- M. Utility yards, screening for ac units, trash receptacles, etc are required for every home. Utility yards may be screened by a small fence, brick wall or sufficient landscaping. Materials used must compliment the exterior of the home.
- N. Minimum width of driveway apron adjoining the road shall be a minimum of 23 feet and shall consist of stamped concrete or approved pavers for the initial 30 feet. The approved headwall design to be used around the driveway culvert pipe is attached hereto as Exhibit C. Dimensioned headwall plans are to be included with the landscape submittal. Grass separation between the driveway and the headwall is recommended.
- O. Plans from a Registered Landscape Architect (RLA) shall be submitted for review by the ACC not later than the insulation inspection of the dwelling. Natural areas within the landscape plan are acceptable; however, the entire front or rear areas cannot be left in a natural state. If areas within the yard are left natural, these areas must be kept in a well maintained appearance. Foundation planting shall be required on all homes. This material shall be a minimum of 3’ at installation. A landscape lighting package and irrigation system are required for each lot where permitted.
- P. All lamp posts (or similar lighting) shall be gas lanterns similar to those installed at the entrance to the Hamptons subdivision.

- Q. Please indicate on the Architectural Transmittal Form (an example of such attached hereto as Exhibit D) all exterior materials and colors including garage door materials and finish. Twelve to sixteen inch recesses at the doors are recommended. Use of individual doors are also encouraged.

4. Technical and Procedural Items:

- A. Water run-off and control for each lot is the responsibility of the builder.
- B. After clearing, all lots will be required to have some type of construction fencing (the orange plastic type, or silt fencing where needed) along the sides and rear property lines to contain blowing trash and such from washing onto the adjoining property.
- C. Builders are reminded of the requirement to keep sites clean. A trash receptacle is required for every site. No stockpiling of dirt or debris is allowed on an active building site or on a lot owned by the builder. The street R.O.W. is also to be maintained.
- D. An adequate bed of gravel located in the temporary driveway shall be established on every lot for construction traffic in an effort to keep as much debris out of the street as possible.
- E. The ACC has the right to make reasonable changes to keep abreast of current technology and industry trends.

EXHIBIT A

**Minimum Square Footage and Setback Requirements**

No exterior improvement of any kind or nature shall be constructed, repaired, replaced, remodeled, placed or allowed to remain on any lot until all plans and a site plan therefore have been submitted to and approved by the Architectural Control Committee.

Minimum Square Footage:	1 Story	3000 sq. ft.
	1.5 Story	2300 sq. ft. on 1 <sup>st</sup> floor, 700 sq. ft. on 2 <sup>nd</sup> fl
	2 Story	1600 sq. ft. on 1 <sup>st</sup> floor, 1400 sq. ft. on 2 <sup>nd</sup> floor
Setbacks:	Front	40 feet
	Back	25 feet
	Side	25 feet
Minimum Lot Width:		110 feet
Maximum Building Height:		60 feet

EXHIBIT B

**Approved Fence Design and Fencing Requirements**

EXHIBIT C

**Approved Headwall Design**

EXHIBIT D

**Application for Design Approval**