**Architectural Control Committee Design Guidelines**

Policy Statement

The Architectural Control Committee (ACC) seeks to implement additional design guidelines into our current Declaration of Covenants and Restrictions for the following reasons:

1. 1. To promote the general welfare and safety of the community.
2. 2. To promote visual harmony.
3. 3. To protect the overall design plan of the community.
4. 4. To avoid activities and uses that could have an adverse effect on property value.
5. 5. To avoid circumstances that would impede or add to the exterior maintenance responsibilities of the Beachwalk HOA or interfere with existing drainage patterns, utility lines, television cable systems, irrigation systems, or drainage easements and rights-of-way.
6. 6. To create the “community-wide standard” mentioned in the Covenants which the ACC will use in reviewing proposed changes to dwellings and lots in Beachwalk.

Note 1: Design Guidelines are less restrictive than Property Use Restrictions *(See Exhibit B in Declarations of Covenants to read about restrictions)*. Design Guidelines can be changed with a simple majority vote, and are subject to variances that can be granted for good cause by the HOA Board.

Note 2: All architectural features in existence on dwellings and lots in Beachwalk when these design guidelines are adopted shall be grandfathered. The homeowner has the responsibility to show that a non-conforming structure or feature was in existence when the guidelines were adopted. Upon the destruction, removal or modification of a non-conforming feature, the Property Use Restrictions require the property owner to bring the non-conforming conditions into conformity with the approved design guidelines.

Note 3: The ACC will review projects and proposed changes not covered by these guidelines on a case-by-case basis and provide guidance where warranted. The ACC reserves the right to amend or revise the approved guidelines as necessary for clarity. Major changes in the guidelines must be approved by a simple majority vote of the homeowners.

**SPECIFIC GUIDELINES BY ITEM: (Alphabetical)**

**Antennas and Satellite Dishes:**

External antennas over forty (40) inches in height and diameter from its base or satellite dishes with diameter over forty (40) inches are prohibited. Applicants are not required to seek ACC approval for dishes/antennas that are less than 40 inches in height and/or 40 inches in diameter if dish/antenna is installed in least conspicuous location on the property consistent with receiving a clear signal.

**Awnings:**

Exterior awnings are allowed on a dwelling unit without ACC approval. Awnings should be compatible with the architectural design and color scheme of the dwelling unit.

**Basketball Hoops:**

Temporary basketball hoops are allowed on individual lots but permanent hoops/goals shall be submitted to the ACC for approval on a case-by-case basis.

**Clotheslines:**

One clothesline is allowed in each back yard of homes in Beachwalk without ACC approval.

**Construction Deposit (Refundable):**

Property owner shall provide a deposit of not less than $1,000.00 to be paid to the Beachwalk HOA. The HOA shall refund the deposit in full upon completion of the project if:

(A) The construction project on the property has been completed in accordance with the ACC approved plans;

(B) No Common Areas or rights-of-way have been left damaged or disturbed by construction;

(C) No covenants or design guidelines have been violated;

(D) No deficits are remaining from the approved landscaping plan.

Failure to satisfy these conditions may result in the loss of some or all of the construction deposit regardless of whether such failure is caused by the owner, architect, or builder or their contractors or agents.

**Decks:**

Construction of decks shall be submitted to the ACC for review and will be approved on a case-by-case basis, provided they meet the following specifications:

(A) Variances will be considered on a case-by-case basis by the ACC.

(B) Applications for ACC approval must be accompanied by a copy of the Town of Kure Beach building permit, if one is required for the proposed deck.

**Detached Workshops, Shacks, and Garages:**

Detached workshops, shacks, garages, and other similar structures are prohibited in Beachwalk.

**Driveways:**

Driveway replacements using poured concrete and involving no adjustments to dimension do not require ACC approval. Decorative veneers over concrete shall be submitted to the ACC for review and approval.

**Fencing:**

Fences shall be submitted to the ACC for review and will be approved on a case-by-case basis, provided they meet the following specifications:

(A) No fence shall be more than four (4) feet in height.

(B) Fences must be built with pressure treated lumber, artificial outdoor wood, brick or vinyl materials.

(C) Gates shall be located so that they open on to common area or lot owner’s property without trespassing onto the private property of a neighbor. Gate widths shall be a minimum of 42 inches wide to accommodate mowing by the landscape contractors hired by the HOA and must be constructed of the same material as the fence.

**Flags:**

Beachwalk Property Use Restrictions already provide for the display of the U.S. and N.C. flags by Beachwalk property owners if specific conditions are followed pursuant to state law. Small decorative flags may be displayed on lots and dwelling units without approval of the ACC.

**Fuel Tanks, Emergency Generators, Garbage & Recycling Receptacles:**

None of the above require prior ACC approval as long as these items are not installed or stored within five (5) feet of a property line or common property and are screened from public view.

**Garage Doors:**

Changes to color or appearance of a garage door and door trim style shall be reviewed and approved by the ACC on a case-by-case basis. No ACC approval is required for garage door replacement if the exterior finish, style and color remain the same.

**Gardens:**

Vegetable gardens are prohibited in front yards of all homes. Installation of a small vegetable garden does not require ACC approval. Vegetable gardens must be kept in a neat manner and pests must be controlled. Gardens shall not impede mowing and other contracted landscape services provided by the HOA.

**Grass/Sod/Turf**

Bermuda, type Tifway-419 (current standard grass in Beachwalk) shall be applied on lots in Beachwalk without approval of the ACC. Deviations from this type of Bermuda grass shall be submitted to and approved by the ACC.

**Gutters, Downspouts and Related Landscape Drains:**

The addition of downspouts and gutters and changes to downspout drains onto or into the landscape or driveways require review and approval of ACC to ensure compliance with Beachwalk's state stormwater system permit.

**Hot Tubs and Outdoor Showers:**

Hot tubs and outdoor showers do not require prior ACC approval as long as they are screened from public view.

**House Numbers:**

Quick identification of house numbers is critical to fire, medical, and police responders. Therefore, every dwelling unit shall display at least one legible, visible house number on the front of the unit. Numbers shall be a minimum of three (3) inches high with contrasting color with respect to its mounting surface.

**Landscaping including Mulch:**

Landscaping by homeowner or homeowner's contractor, including incidental sodding and seeding, on developed lots will not require ACC approval except as stated below. However, no tree, hedge or other landscape feature shall be planted or maintained in a location which obstructs sight-lines for vehicular traffic on streets and driveways or interferes with the operation or maintenance of the Beachwalk Stormwater Management System.

Prior approval from the ACC is necessary for the following cases:

(A) Substantial or total removal of turf and replacement with another material, such as mulch or gravel.

(B) Planting of trees on or near a property line.

(C) Proposed removal of sound hardwood trees measuring in excess of six (6) inches in diameter at two (2) feet above the ground.

(D) Installation of non-traditional mulch material such as granite chunks or rubber.

(E) Raised flower beds either adjacent to the house, or not adjacent to the house.

**Lighting:**

Lighting fixtures that are part of the original dwelling unit may be replaced with substantially equivalent fixtures without prior approval. ACC approval is required for major deviations from the original light fixtures and for proposed additional fixtures on the dwelling unit or on the lot such as up-lighting of trees. Changes must be compatible in style and scale with the applicant’s house. Exterior lighting shall not be directed outside the owner’s property, and should not have an adverse visual impact upon adjoining neighbors.

**New Construction and Additions:**

No new construction or additions to dwelling units shall commence in Beachwalk without prior ACC approval as submitted on the approved “Request for Architectural Modification” form. *See “Exhibit B--Property Use Restrictions” for other mandatory conditions.*

Approved exterior materials include brick, wood and vinyl siding. Proposed exteriors using other materials such as cedar shakes, Hardiplank®, stone, and stucco shall be approved on a case-by-case basis by the ACC.

**Paint and Colors:**

All exterior painting involving a color change from the original color scheme requires ACC approval. This requirement applies to siding, front doors, shutters, trim, roof color, and all other exterior painting. All requests for change in exterior colors will be reviewed on an individual basis with regard given to adjacent homes and original color. Color samples must accompany all requests. If repainting original color, no approval is required from the ACC.

**Political Signs:**

Political signs may be displayed on private lots no more than forty-five (45) days prior to or seven (07) days after a local election.

**Repair, Replacement, Maintenance:**

Approval by the ACC is not required for repair, replacement or maintenance to lots and dwelling units if such repair, replacement or maintenance work will result in a final product that is substantially equivalent to the original. Deviations shall require ACC review to determine if ACC approval will be required.

**Retaining Walls and Bulkheads:**

Retaining walls are generally meant to retain soil and the ground behind the wall. Bulkheads are walls that create a static shoreline between high ground and water. Professional advice is highly recommended for both retaining walls and bulkheads and may be required for a successful review by the ACC. Pressure treated lumber, brick masonry and natural stone are acceptable materials. Proposed retaining walls and bulkheads shall be submitted for approval by the ACC and will only be approved on a case-by-case basis for the following purposes:

(A) To prevent soil erosion unmanageable by other means,

(B) To level a significant slope or prevent soil slumping, or

(C) To protect the foundation of a dwelling unit.

(D) Walls should not divert surface and/or ground water onto adjoining properties (private or common) or change existing drainage patterns.

**Roofing Materials and Finishes:**

Approval of roof materials by the ACC is required as part of new home construction review and approval and for whole roof replacements. New or replacement roofs using asphalt shingles (25-year or better quality) shall be approved by the ACC. Metal roofs are allowed but must be treated with a rust inhibitor and have anti-reflective coating. Colors that are compatible with the dwelling facade and that are harmonious with existing roofs in Beachwalk shall be used.

**Shutters:**

Replacement of shutters matching the original color, style and dimension does not need approval. The addition of shutters or change in shutter color must be approved by the ACC. Hurricane shutters are allowed on dwelling units without review or approval from the ACC.

**Signs and Advertisements:**

No signs can be placed in the street right-of-way. *See “Exhibit B—Property Use Restrictions” for other mandatory conditions regarding signs and advertisements in Beachwalk.*

**Solar Panels:**

(A) The ACC and the Beachwalk HOA will not be held responsible for any non-compliance with any government or government agency ordinance, regulation or law regarding the installation and/or use of solar panels.

(B) An application to install solar panels on a lot, dwelling or structure within Beachwalk must be submitted to and approved by the ACC before any work is started. The removal of trees must be included in the application and separately approved.

(C) Applications shall include details of the proposed unit(s) and installation location(s). The qualifications and experience of the company installing the solar panel system must be included.

(D) The lot owner is responsible for complying with all ordinances, regulations and laws regarding the installation and use of solar panels.

(E) All solar panels must have anti-reflective coating.

(F) Only ground or roof mounted systems shall be installed.

(G) Ground mounted solar panels must be screened from the view from streets and adjoining lots. Placement of above ground panels shall be located on the lot between the lot rear boundary and the dwelling.

(H) Roof mounted solar panels shall be placed on the roof facing away from and not visible from the street.

(I) Roof mounted solar panels must be installed with the panels parallel to the roof structure and not more than eight (8) inches above the roof surface. No panel shall extend above the roof ridge line.

(J) Inoperative solar panel systems must be removed within ninety (90) days from the day it was determined to be inoperative. The roof sites must be returned to the original condition and ground sites must be landscaped after the inoperative solar panel system has been removed. Roofing material must match the existing roofing material.

**Storm Doors:**

Installation or replacement of a storm door on the front or back of a dwelling unit shall not require ACC approval.

(A) Front storm doors should be made of aluminum or vinyl exterior. Wood or other material requiring maintenance is discouraged.

(B) Front storm doors should match the color of the door trim.

**Structural Damage or Destruction:**

Demolition does not require approval of the ACC. However, property owner must give notice to the HOA Board when demolition is expected and who will perform the work. Property owner shall ensure removal of all materials from the lot with concurrent restoration of the lot. A damaged dwelling unit must be restored or removed within 90 days of cause. Time extensions must be sought from and approved by the ACC.

**Swimming Pools:**

Swimming pools (above ground or in-ground) are prohibited in Beachwalk. “Children’s inflatable” or similar small pools are allowed and do not require approval of the ACC.

**Temporary Structures:**

No structure of a temporary character including, but not limited to, trailer, tent, pen, kennel, run, or other buildings shall be erected, used or maintained on any lot at any time for longer than 24 hours, without the prior written consent of the ACC. *See “Exhibit B--Property Use Restrictions” for other mandatory conditions regarding temporary structures used as residences*.

**Walkways, patios:**

New walkways and patios and proposed changes of material or expansions of existing walkways, patios and other impervious surfaces on the property shall be submitted to the ACC for review and approval. In general, patios and walkways should be constructed of materials similar to those which harmonize with the colors of the community.

**Wells:**

Only irrigation wells are allowed in Beachwalk and must be approved by New Hanover County prior to drilling. *[Both the Kure Beach building inspector and public works department confirmed that the town does not prohibit or regulate irrigation wells.]* Property owner shall submit a site plan and construction details to the ACC for review and approval.

**Windows:**

Replacement of broken window panes or those with failed seals does not require approval of the ACC. Total replacement with windows that are substantially equivalent and that meet the current building code for coastal wind resistance does not require approval of the ACC. Proposed window replacement resulting in major deviations in size and/or style shall be submitted to the ACC for approval.

**Windows Air Conditioners:**

Window air conditioners are prohibited in Beachwalk.

**Windows Security Bars:**

External security bars are prohibited in Beachwalk. Interior security bars are allowed and does not require approval of the ACC.