



ARCHITECTURAL CONTROL COMMITTEE

AMENDED & RESTATED DESIGN CRITERIA

POLICIES & PROCEDURES

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ACC FORMS

Form 1	Conceptual Design Review Application
Form 2	Residential Construction Application
Form 3	Addition/Modification Application Form
Form 4	Contractor Department Agreement



THISTLE DOWNS
(THISTLE GOLF ESTATES)

ARCHITECTURAL CONTROL COMMITTEE
AMENDED & RESTATED DESIGN CRITERIA
POLICIES & PROCEDURES

SECTION 1: INTRODUCTION

Just as Thistle Golf Club was designed to transplant a bit of Scotland to the South Brunswick Isles, so too the decidedly European architecture at Thistle Downs will complement and blend with the rolling hillsides covered in wildflowers and natural grasses. The goal of Thistle Downs is to preserve the natural beauty and develop the community with an emphasis on value, quality, and most importantly, lifestyle.

The Declaration of Protective Covenants, Restrictions and Easements and the Declaration for Thistle Downs at Thistle Golf Club (“Declaration”) provide for the establishment of an Architectural Control Committee (“ACC”), and charges the ACC with the preparation and promulgation of the Architectural Design Criteria and Guidelines (“Design Criteria”) and the ACC Policies and Procedures (“Procedures”). These Design Criteria and Procedures are those of the Thistle Downs Property Owners Association, Inc. (“Association”). The Declarant, has sole and full authority to prepare and to amend the Design Criteria and Procedures and upon termination of Declarant’s status as Declarant, by majority vote of the Board upon recommendation by the ACC. In the event of a conflict, the provisions of the Declaration, as amended, will prevail.

SECTION 2: PRINCIPLES & PURPOSE

In order to assure that proper design standards for buildings and landscaping are achieved and to assure a continuity of physical development such that future development will be compatible with existing development, Thistle Downs has declared and recorded the Declaration. That Declaration established the ACC and sets forth its jurisdiction, powers, obligations and the rules and regulations under which it will conduct its review of proposed improvements. Any statements contained in this document are to condense, amplify, or clarify provisions of that Declaration. In the event of a conflict, the provisions of the Declaration will prevail.

THE APPLICANT IS URGED TO CAREFULLY REVIEW ALL PROVISIONS OF THE DECLARATION PRIOR TO SUBMITTING AN APPLICATION TO THE ACC.

The ACC has been established for the purpose of defining aesthetic standards for construction in Thistle Downs and examining and approving or disapproving any and all proposed improvements for a building site within the subdivision, including but not limited to: dwellings, garages, outbuildings or any other buildings, construction or installation of landscaping, walks, driveways, parking lots, mailboxes, decks, patios, courtyards, swimming pools, awnings, walls, fences, exterior lights, any exterior addition to or change or alteration to existing structures including, without limitation, paint or staining or any exterior surface.

ACC approval must be obtained for fill operations, shaping of land areas and drainage, and unless located within ten feet (10') of a building or parking area, no tree, shrub, bush or other vegetation having a trunk diameter of four inches (4") or more at a point of five feet (5') above ground level shall be cut, removed or mutilated, provided this does not apply to dead or diseased trees or shrubs. If any such tree, bush or shrub is removed without approval of the committee, the owner may be required to replace it with a tree, bush or shrub of comparable value. In the event the Owner fails, within thirty (30) days, to satisfactorily replace the tree, bush or shrub removed, the Owner shall pay the Association a damage fee (as set by the ACC) upon demand of up to \$2,500 per lost or removed tree, bush or shrub. The Association through its agents and employees shall have the right to enter the property for the purpose of replacing the tree, bush or shrub. Liquidated damages provided for herein shall become a lien on the property of the Owner.

SECTION 3: ADMINISTRATION OF ACC

3.1 To ensure that the high aesthetic standards of Thistle Downs are consistent, the ACC initially will consist of three (3) members appointed by the Developer.

3.2 **ACC Administrator.** The ACC is governed by the ACC Administrator, including the day-to-day management as follows:

- (a) To receive and process all applications;
- (b) To answer questions concerning the ACC and represent the ACC with property owners and the general public;
- (c) To supervise site inspections efforts;
- (d) To prepare routine correspondence;
- (e) To prepare minutes of meetings.

The ACC is authorized to retain the services of consulting professionals and to provide administrative assistance as required or deemed helpful in performing its functions. The ACC Administrator, as referenced in this Section, may be delegated by the ACC to the Association's management services provider.

SECTION 4: ARCHITECTURAL CONTROL COMMITTEE MEETINGS

4.1 The ACC will conduct meetings when ACC action and applicant review is necessary, meetings may be held at the onsite office of the ACC or via conference/teleconference.

4.2 All decisions of the ACC will be final unless appealed pursuant to the appeals procedures set forth in Section 12, contained herein.

4.3 Applicants will be notified, in writing, of all decisions of the ACC. Oral representation of any decision will not be valid and will not represent decisions of the Committee.

4.4 Applicants may have returned to them a copy of plans reviewed by the ACC with appropriate markings to amplify the comments or recommendations of the Committee. Markings on plans so received will not bind the ACC to any design indicated therein but are offered only as advisory comments.

4.5 Special visual aids such as models, slides, etc. may be reclaimed by the applicant.

4.6 Final Estoppels by the Association prior to the closing of a sale or transfer of a Lot with a home constructed (or under construction) shall require affirmation of compliance with Design Criteria and Maintenance requirements as set forth in the Declaration and Policies and Procedures set forth herein.

4.7 The plan submittals for the preferred builder selected by Declarant shall be reviewed and approved solely by the Declarant, in consultation with the ACC, and consistent with the minimum requirements set forth herein.

SECTION 5: PLAN SUBMISSION PROCEDURES

5.1 **Applicant.** Only the Lot Owner shall be the applicant for plan submittal to the ACC. No home within Thistle Downs, except by or through the Declarant, shall be constructed on a speculative or “build to sell” intent. Each Owner shall be required to represent and warrant that it intends to occupy the home as its residence or for vacation use; not a business purpose.

5.2 **Conceptual Design Review.** The conceptual design review is provided to assist Owners in determining if a particular design under consideration is in keeping with the Design Criteria. Renderings and photographs may be submitted in addition to plans. Please note that this is a conceptual review and without a fully developed site plan, the ACC cannot fully determine whether the proposed design can be accommodated on the home site. The **Conceptual Design Review Application** is shown in **Form 1**.

5.3 **Final Plan Review.** An electronic/digital set of all plans (site, building and landscape) must be submitted along with a completed application form to be provided by the applicant to the ACC. Owners are required to utilize a duly licensed (NC) residential contractor approved by the ACC. No contractor shall be permitted to construct a residence upon a residential lot within Thistle Downs, except such builders as are approved by the ACC and listed as active on

the ACC list of approved builders. The **Residential Construction Application** is shown in **Form 2**.

5.4 **Delivery.** Plans are to be submitted to the ACC Administrator through the Association's management services provider.

5.5 **Plan Submittals.** Plans must indicate a project number, architect/engineer and date and shall include the following elements:

- (a) Site Plan at 1" = 20' (minimum)
 - (1) North arrow;
 - (2) Property lines with dimensions and bearings;
 - (3) Survey of lot;
 - (4) Dwelling to be indicated as structure/pad plan with entry area, stairs, and decks delineated and rooflines shown as dashed lines;
 - (5) First floor elevations (FFE) indicated;
 - (6) Setback lines shown;
 - (7) Drives and walkways shown including materials and colors;
 - (8) Service yard and screening;
 - (9) Flood elevation at approximately the middle of the building pad (FEMA flood elevation may be obtained from the Official FEMA maps located at the Brunswick County Planning Office).
- (b) Floor Plans to scale at 1/8" = 1' (minimum), including for each floor:
 - (1) Exterior and interior walls;
 - (2) Windows and doors;
 - (3) Overhangs of roof shown;
 - (4) Overall dimension limits of plans;
 - (5) Driveway location, stairways, trash and HVAC service yard enclosures;
 - (6) Heated and cooled square footage of home.
- (c) Elevations -- Front, rear, right and left sides at 1/8" scale (minimum)
 - (1) Building relation to grade level;
 - (2) Screening type and location;
 - (3) Trim and comer details;
 - (4) Material brand name and color called out on the plan or attached;
 - (5) Typical decks and railings;

- (6) Typical porch(s);
 - (7) Service yard and screening detail
 - (8) Screen enclosures
 - (9) Color selections.
- (d) Landscaping Plan at 1" = 20' (minimum)
- (1) Tree locations showing all trees having a minimum trunk diameter of five inches (5") outside of building pad (notation of number of trees of five inches (5") or above which need to be removed);
 - (2) Landscaping planting plan showing existing and new materials with sizes and names;
 - (3) Irrigation design including the proposed electrical connections;
 - (4) Site lighting plan including the proposed electrical connections;
 - (5) Location of the mailbox on the lot.

Color Board and Samples consistent with those called out on the plans shall be submitted as a part of the submission process.

5.6 Incomplete Submissions. Any submission that does not include all plans, materials, applications, and other items as required by this Section will be rejected by the Administrator and will not be placed on the agenda until all requirements have been met.

5.7 Rejected Submissions. Rejected submissions may be resubmitted seven (7) days in advance of the next meeting.

5.8 Certification of ACC Approval. If the plans are approved, the ACC will provide written notification along with a reference to the set of plans approved (as evidenced by architect/date). If the plans are not approved or approved with conditions, notification will be provided as to the reason for denial or conditions. Owners are invited to contact the ACC to discuss changes to the plans that may lead to approval. The approval is valid for sixteen (16) months.

5.9 Modification/Additional Improvement Review. The Declaration, Article 6, Section 6 requires that no subsequent alteration or modification of any existing improvements nor construction, erection, or installation of additional improvements may be undertaken on any of the properties without prior review and express written approval of the ACC. A request for review of the proposed modification or addition of improvements by the Committee must be on the **Addition/Modification Application Form** attached as **Form 3**, which is to be submitted to the ACC Administrator together with the following:

- (a) Site plan of proposed location of improvement to scale;
- (b) Detailed plans and engineering (if applicable) of proposed modifications;
- (c) Description and purpose of improvements;

- (d) Material detail and color samples (preferably to match or blend with existing materials);
- (e) Elevations as outlined in Section 5.4 together with applicable screening and landscaping plan.

SECTION 6: SITE DESIGN STANDARDS

6.1 Antennas & Satellite Dishes. Only satellite dishes permitted by applicable governing authority shall be allowed. A side yard location is preferable but they can be located in the back yard if a side yard location results in an unacceptable signal. Regardless of the location, visibility from the street and golf course must be fully screened by vegetative (evergreen) landscaping. In all instances, written ACC approval is required prior to installation to affirm location and screening.

6.2 Fences, Screen & Walls.

(a) **Fences.** Fences shall be considered by the ACC on a case-by-case basis. Fences shall be used in limited lengths to define spaces within the rear yard only. Fences shall not be allowed on easements or shall not be used as property delineators. Fences shall be of high quality black wrought iron/aluminum allowing minimum screening in order to preserve open views throughout the subdivision. Likewise, gates and other features should be of compatible design and color. Five feet (5') is the maximum height allowed for any such constructed fencing; however, desirable views and vistas should not be blocked nor should adjacent homesites be negatively impacted. No wood, chain link or welded wire fencing or lattice shall be permitted on any homesite within the subdivision. Construction details and locations of all fences must have ACC approval prior to construction.

(b) **Screens.** Each Owner of a homesite shall provide visually screened areas to conceal from view of roads, adjacent properties, rights of way and golf courses, items such as garbage equipment, mechanical equipment, or any other objectionable site elements. Screens on homes located Legacy Estate homesites (as defined in Section 7 below) shall be of stone, brick or other suitable material and must harmonize in character and color with the house. Generators located on Legacy Estate homesites shall be installed as close to the structure as possible and shall be screened with vegetative screening providing full opacity from street view. Screens within Highland Estate homesites (as defined in Section 7 below) may be approved for vegetative evergreen plant materials that provide full opacity. Five feet (5') is the maximum height allowed for any structural/non-vegetative screening; however, desirable views and vistas should not be blocked nor should adjacent homesites be negatively impacted. Screens shall be used in limited lengths and only where appropriate. No wood, chain link, welded wire or lattice screening shall be permitted on any homesite within the subdivision. Construction and landscape details and locations of all screens must have ACC approval prior to construction.

6.3 Mailboxes, Newspaper Receptacles & House Numbers. Owner and/or their Contractor shall provide and install the mailbox upon completion of construction. The mailbox must be in accordance with the approved design by the ACC. The approved mailboxes shall be a single structure and where feasible, include two mailboxes shared between contiguous lots. The

location of the mailbox shall be in the front corner property line of the lot as designated by ACC. Installation, including location of the mailbox, must be submitted along with the Landscaping plan and completed within thirty (30) days of receiving the certificate of occupancy. House address number shall be affixed to the mailbox. Owner names may not be placed on mailboxes. Only mailboxes, newspaper boxes or house numbering systems approved by the ACC shall be allowed in Thistle Downs. The approved design currently provides for a stone finished structured mailbox on Legacy Estate homesites and those Lots located on Crail Court and decorative brown anodized steal post mailboxes for all Highland Estate homesites located on Lieth Lane and Falkirk Lane. On Lots upon which Association has previously installed mailboxes, homeowners shall pay a mailbox fee of \$1,650.00 upon issuance of building permit.

6.4 **Outdoor Equipment.**

(a) **Children's Play Equipment.** Children's play equipment is restricted to rear yards with visibility from streets and golf courses minimized. Play equipment must be constructed with natural or earth tone finishes, which will blend with the natural surroundings. ACC approval is required for any structure placed upon a lot.

(b) **Outdoor Fixtures.** Any type of outdoor fixture such as fountains, birdhouses, flags, trellis, playground equipment or other recreational equipment must be approved by the ACC prior to installation. No vertical structural feature, podium, column, post or element shall be permitted at the front of any Lot, any such improvement, if approved by the ACC, shall be within the building setback. Each proposal will be considered on a case-by-case basis and owners should anticipate that not all proposals will be approved. Outdoor clotheslines are prohibited. Brightly colored items are discouraged and approved fixtures and/or equipment should be placed and screened with vegetative buffer so as to minimize visibility from streets and the golf course.

(c) **Recreational Vehicles and Equipment.** Motor homes, campers, boats, trailers and other recreational vehicles and equipment shall not be parked at any residence or lot for longer than twelve (12) hours or stored on driveways, streets or lots, except within a fully enclosed garage.

6.5 **Pools, Therapy Pools & Spas.** The size, location, shape and dimensions of pools must be carefully designed to achieve a feeling of compatibility with the surrounding natural and man-made environment. Pool decks may encroach into the setback area if site conditions allow and will be evaluated on a case-by-case basis by the ACC. No encroachment is permitted into a golf course easement. Pool and equipment enclosures must be architecturally related to the residence and other structures in their placement, detail and mass. Screen enclosures of pool areas are discouraged; if permitted, such enclosures will be required to integrate structural framing, mansard roofing on all sides with structured support columns, of a design deemed compatible with the character and style of the house built upon a lot. (No full aluminum/metal screen structures shall be permitted.) Pool and equipment must be screened or treated so as not to infringe on adjoining property owners because of noise or view and must comply with county and PUD standards. No above ground pools, inflatable bubble covers, therapy pools, hot tubs or spas are allowed.

6.6 **Setbacks - General Philosophy.** Inflexible setback lines are not in the best interest of Thistle Golf Estates or the owners of property therein. The ACC shall determine the location of any structure, having regard to aesthetic considerations, the community wide standard, size, shape and location of the property, the type of housing, and any other reasonable considerations.

(a) **Specific Setbacks:**

Front (front of house to side edge of curb of road)	30'
Back (back of house to back edge of lot or golf course)	30'
Side (on Legacy Estate Lots)	8'
Side (on Highland Estate Lots)	5'

Drainage easements may be within setback areas, however no building shall encroach on any drainage easement. Proposed roof drip-lines may extend into setbacks by no more than one foot six inches (1' 6").

6.7 **Signs.** Except as may be required by legal proceedings, no signs or advertising posters of any kind shall be maintained or permitted within any lot, windows, or on any "Residence" (as defined in the Declaration) without the express written approval of the ACC. The ACC will allow one sign during construction displaying the name of the General Contractor, Lot Number and the street address. This sign shall be a standard design approved by the ACC and must be constructed according to this design. This sign must be one-sided and must be installed on the front property line, parallel to the street at a location designated by the ACC. The names of any sub-contractors or lenders are not permitted on any approved sign or anywhere on the Lot. The back of this temporary sign will be built to accommodate the attachment of the "Contractor box" in which permits, etc. are to be displayed.

Any person or entity having ownership or control of an approved sign in place shall be responsible for maintaining said sign in good physical condition. The placement of any sign or advertising poster without the express written approval of the ACC shall be considered a violation of the Design Standards and the Declaration. Upon written notice from the ACC, the Owner or Contractor will have forty-eight (48) hours, after and including the date of notification to remove the violation at their own expense. Should the Owner or Contractor fail to remove the sign or advertising poster in violation, the ACC or its designee will proceed to enforce its legal right to enter the property and remove the violation. All costs incurred may be assessed against the Owner and collected as a Specific Assessment per the Declaration. The restrictions of this paragraph shall not apply to the Developer who shall have the right to erect reasonable and appropriate signage on any portion of the common and private areas of Thistle Downs.

This Section shall not apply to Developer promotional and sales signage. Except for Developer lot sales signage promoting new lot/home sales within the subdivision, no "for sale" signs shall be permitted on any lot/home.

6.8 **Specimen Trees.** It is the intent of the Declarant to protect specimen trees in order to preserve and enhance the natural beauty of the planned community.

It is required that any existing live oaks or other specimen trees having a six inch (6") DBH (diameter at breast height) be indicated on your Site Development Plan. Specimen trees, as may be designated by the ACC during the Site Layout Inspection, such as live oaks, hollies, dogwoods, hardwoods, well-formed long-leaf pines, etc., must be protected from damage unless within the Building Pad area or ten (10) feet outside thereof.

Construction barriers must be erected and maintained around each specimen tree's drip line as may be designated by the ACC.

Excavations and installation of underground utilities will be performed in such a manner as to avoid damaging the root system of specimen trees. In the event of carelessness or avoidable activities on the part of the Owner and/or its contractor, which damage such specimen trees, the ACC will require the replacement of the tree with a new equivalent specimen tree and impose a fine of up to \$2,500 per tree.

6.9 Statuary, Landscape and House Ornaments. All statuary, landscape and house ornaments such as fountains, birdhouses, flags, trellis, gazebos, swings, etc. must be approved by the ACC prior to installation, in writing as set forth in Section 5.8 hereof. Not all such requests may be accommodated. Thus, proposals will be considered on a case-by-case basis.

Statuary, landscape and house ornaments desired by Owner upon any lot should be integrated into and in harmony with the overall landscape plan of the home, should not block desirable views and vistas nor negatively impact adjacent homesites, should maintain high design standards and be aesthetically pleasing, should incorporate natural finishes and blend with and enhance the natural surroundings. No ornaments or installations shall produce noise or sounds. If statuary, landscape and house ornaments are not indicated on approved plans, any requests or subsequent proposals must be submitted by using the Addition/Modification Application. No installation or change may be made without ACC approval.

6.10 Common Areas. To enhance the community streetscape, landscape islands and/or common open space parcels have been developed and are maintained by the Association. Any additions or alterations to the landscape islands may only be made by the Association and shall be approved by the ACC, and shall not require any Lot Owner approval.

6.11 Street & Right of Way Repair. The Owner is responsible for maintaining the right of way and edge of the street adjacent to its property. The Owner shall repair any damage by matching the existing material. Association may effect repairs and charge the cost of the repairs to the Owner. No alterations to street drainage is permitted. Streets are to be kept free of mud, silt and debris. Sedimentation and erosion control facilities on the site are to be maintained so that they function properly.

6.12 Silt Fences. Silt fences are required along the street right-of-way, as well as ten feet within lake water lines and within the golf course right-of-way.

6.13 Trash Receptacles. A commercial dumpster is required for each job site, and must be located a minimum of five feet (5') from the street. Contractors constructing multiple contiguous homes may utilize a common dumpster. All dumpsters shall be maintained in a proper condition, not filled above the tope edge and shall be emptied and/or replaced when full.

6.14 **Site Maintenance.** During construction upon any lot, the Contractor is responsible for insuring that the job site is maintained in a neat and clean manner at all times.

Following are some specific items for which the Contractor will be held responsible:

- (a) Construction debris and trash are to be picked up and deposited in the proper receptacles on a daily basis;
- (b) No boards or signs are to be nailed to any tree;
- (c) Materials must be stored within the property lines (unless written consent has been obtained by the adjacent property owner). A clear street right-of-way must be maintained at all times;
- (d) Adjacent lots or common areas may not be used for parking, access or materials storage (unless written consent has been obtained by the adjacent property owner);
- (e) Washing of vehicles such as concrete trucks is only allowed on site and not in the streets or adjacent lots;
- (f) Excess concrete shall be placed in dumpsters to be taken off site and shall not to be dumped on adjacent lots, common areas, or rights-of-way;
- (g) Fires, including burning in barrels, are strictly prohibited.

6.15 **Site Clean-Up.** All sites shall be cleaned at the end of every work day. Sites shall be kept free from all trash such as bottles, cans, wrappers, etc., all of which will be bagged and placed in dumpsters. Similarly, construction scraps are to be placed in dumpster.

All temporary facilities shall be removed upon completion of construction activities. Any damage to adjoining lots and street right-of-way must be restored to pre-construction condition. Contractor identification signs shall be removed within seven (7) days after receiving the Certificate of Occupancy.

6.16 **Landscape & Irrigation.** Landscaping is an essential element of your home and should enhance its value. It is important that landscape contractors consult with the ACC to determine whether any extreme site conditions particular to the proposed homesite may exist which must be addressed to create positive drainage patterns necessary for the survival of any to be installed landscaping. Your plan should address the entire homesite, extending to the edges of pavement and other property lines. Annuals and perennials should be used to enhance your landscape design, but are not considered permanent landscaping. Care should be given in the selection of plants for hardiness, eventual size, resistance to shade/sun, and drought tolerance. Shrub plantings should be massed in groupings, with taller, courser-textured plants massed behind lower, finer textured plants. Darker colored plants should be placed behind lighter colored plants. Mulching with pine straw or other approved mulch is required and to be maintained for all planted areas, providing a smooth transition to the existing natural vegetation and or lawn areas. Areas to remain natural should be kept mowed and maintained. Dead material and weeds must be removed from natural areas and approved mulch installed in disturbed areas. All trees to be preserved

should be left undisturbed from the trunk outward to the drip-line of the canopy. Lawn areas must be installed with Centipede sod or Zoysia, be sufficiently irrigated through underground irrigation systems, and consist of at least twenty-five percent (25%) of the remaining pervious area. Sodding to the street and to golf course easements is required.

Owners are not permitted to have any private water wells drilled or approved for their individual lots regardless of any limitation of usage which may be proposed.

When a Lot is bordered by the golf course, a natural buffer will be designed with taller plants and trees generally along the sides. When a lot is bordered by a body of water, a sodden path may be part of natural buffer areas, but is not required, provided the section of sod pathway does not exceed six feet (6') in width. These buffer areas will have larger plant material on either property line and should reflect the native golf course mound plantings, or the native lake bank plantings. This buffer is intended to transition the structure of the home into the surrounding natural/native landscape, rather than becoming part of the golf course. Plantings around utility boxes are required and proposals should be included on the submitted landscape design. Plantings around mailboxes are encouraged and should also be included on the submitted plan.

All initial landscaping of homesites and dwellings must be completed on or before thirty (30) days from completion of construction and no more than sixteen (16) months after commencement of construction. The Association may exercise self-help to cure violations as granted by the Declaration and install the landscape and irrigation according to the approved plan, assessing the Owner for all costs incurred. Your Landscape and Irrigation Plan must be submitted and approved prior to your Residential Construction Application being accepted as final. Any material modification to the landscaping and/or irrigation shall require approval by the ACC and shall be applied for by utilizing the Addition/Modification Change Form.

The natural landscaping approach should concentrate your planting efforts adjacent to the house, especially near the entry. The more ornamental plants if used correctly will provide a transition from the natural character of the site to the man-made structure of the home. The ground cover should begin this transition, which should progress to larger shrubs closer to the house. For maximum appeal, try to mix textures and color, but do keep the plan simple. A better effect can be achieved from using quantities of a few species rather than a few plants each of many species. Straight line planting is discouraged; planting should achieve a staggered, grouped effect as if grown naturally.

Minimum planting requirements:

(a) Front yard: Three (3) trees, minimum size, B & B, 10' tall, 3" minimum trunk or equal and ten (10) shrubs minimum size seven (7) gallon, and ten (10) of minimize size three (3) gallon and twenty (20) minimum size one (1) gallon;

(b) Side yard (each side): Fifteen (15) shrubs minimum size three (3) gallon (18" height);

(c) Rear yard: Two (2) trees, minimum size, B & B, 10' tall, 3" minimum trunk or equal and twenty (20) shrubs minimum size three (3) gallon;

(d) **Planting beds:** Minimum of one planting bed in front yard to incorporate two (2) trees minimum and six (6) shrubs (May be part of the total trees as referenced in section (a) above);

(e) The number of trees may be reduced with ACC approval on lots having an adequate number and quality of existing trees that will not be removed as of completion;

(f) All plants shall be in accordance with American Association of Nurserymen (AAN) latest edition of American Standard for Nursery Stock and shall be deemed native to Coastal North and/or South Carolina. No palm trees shall be permitted on any Lot.

For purposes of this Section, references to “3 gallon” plants shall require no less than 18 inch height (installed) and “7 gallon” to be minimum 24 inch height (installed). The ACC may approve certain standard landscape packages for homes constructed by select home builders that are working with Developer as lot/home sales and construction packages for homebuyers. Base plan packages shall meet minimum requirements set forth above.

6.17 Exterior Lighting. A well-designed exterior lighting plan can add a dramatic touch to a home and is encouraged. Exterior lighting should not infringe and/or spill over upon adjacent property owners or impair vision on adjacent streets and shall in all cases be focused up lighting and/or hooded downlighting. Colored lights are prohibited. Path lighting should be no taller than eighteen inches (18”) and should not exceed twenty (20) watts and/or 500 lumens. Exterior lighting should not permit direct vision to the source of light from beyond the property line of the homesite. This restriction shall not apply to up-lighting into the trees or as approved by the ACC. Floodlights under soffits are permitted; however, the fixtures must be hooded to control the path of the light and prevent exposure of the lamp to spill over onto adjacent property. Prior approval of the ACC is required for all landscape and exterior lighting.

6.18 Water Run-Off Requirements.

(a) Under the rules and regulations of the North Carolina Division of Environmental Management, water run-off (surface water drainage) must be controlled on the Owner’s property so that problems are not created for any other property. Site design must be in harmony with the stormwater plans of Thistle Downs.

(b) Site design must direct water run-off into either Thistle Downs retention areas utilizing existing drainage patterns, or retain the water run-off on site.

(c) The ACC may require the Owner to have a qualified engineer provide the site design at the Owner’s expense if unusual circumstances exist.

(d) Water problems created by a home not complying with these requirements will be corrected at the Owner’s expense.

6.19 Driveways, Parking & Walkways.

Driveways, turnarounds and guest parking areas shall be hard-surfaced and constructed of acceptable materials to include brick or concrete pavers, cobblestones, cast-in-place concrete,

stamped concrete, poured concrete, or exposed aggregate (such as stone or shell tabby). Concrete driveways on Legacy Estate Lots must be enhanced by a one foot (1') minimum border and subdividing with other materials such as brick or concrete pavers, or cobblestones, or contrasting colored stamped concrete. Concrete driveways on Highland Estate Lots shall include a trimmed apron area measured from the street to ten feet (10') which shall be materials to include brick, concrete pavers or cobblestones. The driveways must provide adequate drainage provisions to accommodate a heavy downpour and incorporate a substantial apron at the road edge. Driveways shall be a minimum of twelve feet (12') wide, and shall not follow the property line, allowing room for landscaping and irrigation a minimum of seven feet (7') from property line. Guest or visitor parking area for at least two (2) vehicles shall be provided and defined. Asphalt driveways are not permitted.

Legacy Estate Lot walkways are required from the front door of the home to the driveway and must be a minimum width of five feet (5'). Acceptable front walkway materials include: natural stone, brick or concrete pavers, cobblestones, concrete with an exposed material such as stone or oyster shell, colored stamped concrete, provided these are subdivided and bordered to counter their monolithic appearance. Walkways must be constructed according to the approved plan. Highland Estate Lot walkways shall be four feet (4') wide and may be concrete material and match driveways.

Some driveways may require the installation of pipe based on the condition of the homesite and existence of any drainage swales. The Association may remove any driveway material, which has extended into the street pavement and repair same, charging the cost to the Owner.

SECTION 7: BUILDING DESIGN STANDARDS

7.1 General. The ACC requires that a registered architect or certified residential designer provide construction drawings and specifications for residences to be built in Thistle Downs.

Certified high quality stock plans will be reviewed on an individual basis, providing their content follows the Design Criteria. This helps assure the ACC of a high level of competency in the preparation of the drawings that will be reviewed, as well as a thorough understanding of, and compliance with, these Design Criteria. Be advised that additional regulations and building codes will apply to new construction and your design professional should be familiar with these. All new construction must comply with the North Carolina Building Code and Calabash Building Code. New homes shall be designed to fit within all designated setbacks with minimal impact upon existing views and topography and not encroach on views from adjacent homesites. Further, the Declaration requires that there be a maximum built upon area, or impervious surface, of eight thousand (8,000) square feet. The style of all homes in Thistle Downs shall be based on "European Style." The architectural requirement in certain legacy sections of Thistle Downs, to include Lots located on Carenden Court, Strathaven Lane, Kirkcaldy Court, and Kilbirnie Drive, which are generally hereafter referred to as Legacy Estate homesites, are intended to include more traditional and deliberate architectural elements while Lots located on Crail Court, Lieth Lane and Falkirk Lane, which generally referred to hereafter as Highland Estate homesites, may additionally include limited Brunswick Isles style elements and/or materials. Within Thistle Downs, no contiguous

lots shall be permitted to utilize the same structural front elevation design, and color patterns as its neighboring home on either side or across the street (it being acknowledged that homes may have similar internal plans but the front finishes and elevation must be sufficiently variant so as not to look similar to each other). Any Declarant selected contractor offering Lot/Home packages shall have no less than three (3) different front and rear elevations of each model made available for sale and shall not place homes with the same elevation contiguous to or across from each other.

Exterior materials and colors should complement the surroundings. In keeping with the European influence, the use of stone and/or brick is required. Natural base colors are required to be complemented by accent coloring in elegant tones. Obtrusive or inappropriate colors and materials, which would draw undue attention, are not allowed. Approved exterior materials shall include the following:

(a) Legacy Estate Lots: stone and/or brick; stucco or wood will only be allowed as an accent feature and only if ninety percent (90%) of the front elevation of the building exterior and seventy-five percent (75%) of the overall building exterior is stone and/or brick; fascia and soffits will be wood or other high-quality synthetic wood materials as may be approved by the ACC on a case-by-case basis.

(b) Highland Estate Lots: stone, brick and/or oyster shell tabby, stucco, wood and/or architectural high-quality James Hardie (type) siding shall be permitted on all elevations. Fascia and soffits will be wood or other high-quality synthetic wood materials, as may be approved by the ACC on a case-by-case basis. The finishes listed above are permitted with the understanding that each of the following elevations shall include the minimum standards below:

(1) Front: the front elevation must be a combination of no less than three materials/textures: i.e. lap siding with shake details; board & batten with lap siding details; and stone, brick, oyster shell tabby foundation and highly textured stucco (no more than twenty percent (20%) of the total front surface area shall be stucco). Lap siding with shake detail and/or board & batten with lap siding detail may be utilized but in combination representing no more than thirty-five percent (35%) of the surface area of the front of house. Any combination of three (3) (if lap/board & batten is utilized, then two additional) of the following approved materials must be incorporated into the front elevation: stone, brick, oyster shell tabby and highly textured stucco (subject to the limitation set forth in Section 7.1(b)(1) above;

(2) Side: the side elevations shall include two different surface materials with lap siding/board & batten representing no greater than 80% of the surface area of the side walls, windows shall be trimmed in accent color (not the same color as the base wall color of house, the foundation up to a minimum of height of 30 inches shall be a different material than that of the primary side wall surface. Corner Lots with side elevation visible from the road will be required to have three materials an architectural detail/element that provides depth and variation to the side wall; and/or

(3) Rear: The rear of each house shall meet the criteria of side elevation except as to any house which is contiguous to the golf course, a lake/pond or visible from the Old Thistle Club Road, which in such case the rear elevation shall be required to include

three different materials and architectural elements which break up massing effect of a vault or large wall.

7.2 Building Size. Without ACC prior approval, the following minimum and maximum interior heated and/or air-conditioned square footage requirements have been established:

Minimum: (Lots 55-102)	1,500 square feet
Minimum: (Lots 103-120)	2,000 square feet
Minimum: (Legacy Estate Lots)	2,400 square feet
Maximum:	5,000 square feet
Maximum Built Upon Area (Impervious Surface):	8,000 square feet

7.3 Entry. Porches or porticos providing architectural dimension at the entrance are required on the front elevation of all new homes with sufficient detailing to identify them as the main component and primary entry of the residence. Entry doors must be emphasized with architectural detail trim, sidelights or transoms. Any columns should be fully detailed in the submitted drawings.

7.4 Decks, Patios & Terraces. Decks, patios and terraces shall be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the site. Decks, patios and terraces shall be placed on side and rear elevations only. Decks must be stained or painted a neutral earth tone. The underside of decks must be enclosed with materials that are consistent with the foundation materials and should be natural or consistent with the deck treatment.

7.5 Exterior Elevations. Subject to the materials requirements set forth in Section 7.1 above, equal design consideration shall be given to front, side and rear elevations, including consistency in window and roof character, and consistency in design elements such as banding, quoins, accents, trim work and belt courses. Natural colors are encouraged. Obtrusive or inappropriate colors and materials which would draw undue attention to specific buildings are not allowed. All homes built with crawl space shall have a water table detail to define the first floor line, unless not in keeping with the architectural style. Windows and doors, to include the garage door and quoins that are not surrounded by brick, stone and/or oyster shell tabby (to the edge of window/door) shall have detailing around the window/door opening. Side elevations should reflect architectural interest in their design. No straight, elongated side elevations without insets or outsets shall be permitted, except for Highland Estate Lots. Notwithstanding, front, side and rear elevations in Highland Estates Lots shall comply with specific design criteria set forth in this Section 7.

7.6 Garages. A minimum two-car garage (side by side) is required (minimum size 500 sq. ft. with overhead door(s) and automatic openers. Side entry garages are strongly encouraged as a design feature when homesite will accommodate. Front entry garage designs will be required to be enhanced with architectural elements acceptable to the ACC. All garage doors must be paneled and reflect the architectural trim detail compatible with the building design. Individual garage doors for each automobile are encouraged. Garages for more than two (2) automobiles shall be properly scaled to the benefit of the building design. The intended garage

door material, color and finish on the building elevations will be shown on the “Material Information and Color Samples” section of the Final Design Review submittal, provided garage door shall be wood or finished in neutral earth tones.

7.7 **Gutters.** Gutters shall match the fascia trim color (neutral tones) or be copper or zinc. Downspouts shall be tied into underground drainage which shall run into ponds or into swales in the roadways. With approval of the ACC, downspouts may be tied into other underground drainage alternatives and/or pop up drains so long as such an alternative will dispose of all stormwater on the Lot that the downspout is serving and does not negatively impact any other Lot. Downspouts shall match the fascia trim color (neutral tones) or be copper or zinc, or placed where least visible from the street with the color matching the exterior wall trim, installed with ornamental gutter hangers.

7.8 **Porches.** Open and screened porches are encouraged and can provide inside/outside transitions. Screened porches may be placed on the side and rear elevations with front unscreened porches requiring the prior review and approval of the ACC. All screening and structures shall be charcoal, earth tones, or bronze or another approved ACC color. Mill finish aluminum is not permitted. The underside of porches may be enclosed with materials that are consistent with the base and should be natural or consistent with the porch treatment. Construction details and location of all porches must have ACC approval. Any screen structure that extends beyond the roof line shall be required to incorporate structural framing with architectural style comparable with the home. (No full aluminum/metal screen structure shall be permitted.)

7.9 **Railings.** Exterior railings shall be of quality material, compatible with the design of the residence, have a top and bottom rail and the pickets shall terminate at the bottom rail. All railings shall be painted a dark or earth tone so they do not stand out from the architecture.

7.10 **Side Finish.** The ACC may require enhanced trim detail features around openings, doors, windows and/or within vaulted roof lines. Fascia and enhanced trim detail features shall be of contrasting/complementary color (if brick, then alternate pattern is required as trim detail).

7.11 **Shutters.** All shutters should be sized to fit the windows they serve. Shutters must be consistent with the architectural design of the residence.

7.12 **Roofs.** Roofs shall have a minimum pitch of eight inches (8”) in twelve inches (12”), unless approved by the ACC. Shingles must be “Dimensional.” Also permitted are clay, slate, cedar and tile (concrete or clay). All bay windows, which protrude from an exterior wall, must have copper or metal roofs, unless other materials are approved by the ACC. Roof penetrations should be located on sides of roofs with the least exposure to the street or golf course.

7.13 **Soffits & Fascia.** Except for vent materials, soffits and fascias shall be constructed of wood or wood composite materials. Vinyl or aluminum soffits shall be permitted if pre-approved by ACC.

7.14 **Windows & Doors.** Windows and doors should reflect restraint in the number of types, styles and sizes. All openings should be articulated with the use of flat or arched lintels, projecting sills or surrounds. High quality wood or aluminum clad windows, or high quality vinyl windows pre-approved by ACC, are required and must be consistent with the architecture.

7.15 **Accessory Structures.** Accessory or detached structures impeding views from adjacent home sites, common areas and/or the golf course shall not be permitted. Any permitted accessory or detached structures such as pool shades, trellises, benches, planters, etc. must be in harmony with the main house. Such structures will be of the same materials and colors as the house. Approval by the ACC is required and the application must include a detailed drawing with materials and colors conforming to house finishes.

SECTION 8: BONDS & FEES

8.1 **Construction Bond Deposit.** A construction bond in the form of a cash deposit is required, to insure compliance with the Declaration, Architectural Design Criteria and plans approved by the ACC. This Bond Deposit will be held in an interest bearing account (interest paid to Thistle Downs POA) until completion of construction, landscaping and final inspection approval. After final inspection approval, any unpaid fines as well as any unpaid expenses incurred by the POA or the ACC in connection with unapproved construction, any funds required to repair damage, or any funds required to clean up the construction site will be deducted from the Bond Deposit. Any remaining funds will be returned to the Owner without interest. The Owner is solely liable and responsible for any amount in excess of the \$5,000 Bond Deposit. An approved contractor, in good standing, and actively constructing five (5) or more homes in the Subdivision may place \$5,000.00 Bond with Association to satisfy the bonding requirement for all homes under construction by such Contractor.

8.2 **Landscape Bond.** If the home is completed and ready for occupancy prior to the landscape work being completed according to the approved landscape plan, the ACC may require a performance deposit in the amount of \$20,000, before it gives approval to Brunswick Electric Membership Corporation to connect the electrical service. Should the homeowner fail to complete the landscape work within sixty (60) days after the issue of a Certificate of Occupancy, the ACC may (but is not required to) proceed to have the landscaping completed and paid for it out of the landscape bond, with the Owner being responsible for the balance.

8.3 **Pre-Construction Fees.** Prior to, and as a condition to the start of construction, each Owner shall pay “Pre-Construction Fees” with checks payable to “Thistle Downs Property Owner’s Association” in the amounts set forth below:

Pre-Construction Fees Required:

	<u>Highland Estate Lots</u>	<u>Legacy Estate Lots</u>
ACC Review Fee	\$100	\$250
<u>Capital Contribution Fee</u>	<u>\$1,000</u>	<u>\$1,000</u>
Total Pre-Construction	\$1,100	\$1,250

Developer selected Contractor, offering lot and home package to the public may collect and pay the Pre-Construction Fee at the consumer closing after completion of each home upon a lot. ACC review fees shall be waived for Developer selected Contractor homes approved by Developer and/or ACC.

8.4 **Notification.** Contractor must notify the ACC Administrator four (4) weeks prior to its anticipated completion of the residence such that the ACC may inspect and confirm compliance with approved plans prior to occupancy by the Owners.

SECTION 9: ENFORCEMENT

The overall goal of any set of design standards is to enhance the community and lifestyle of the homeowners and to create and preserve value and protect the homeowners' investment. It is our intent that our Declaration, Design Criteria and Procedures assist in creating a stable community in which values will appreciate and where community resources are preserved. Thus, the ACC, per the Declaration, has at its disposal several remedies where it becomes necessary to enforce the provisions of the Declaration, Design Criteria and/or Procedures.

These remedies include stop work orders, immediate removal, fines, remediation and other legal remedies. The Owner is primarily liable and responsible for any costs, fines, assessments, etc. that may exceed any Construction Bond Deposit held by Association and if the fault lies with the Contractor, it shall nevertheless be the Owner's responsibility to recover from the Contractor.

Each violation may result in a fine based on the following per diem/per item schedule:

Littered site	\$100
No dumpster or trash bin	\$100
No screened portable toilet	\$100
Violation of tree protection rules	\$100
Dumping of refuse materials	\$100
Improper signage	\$100
Employees without shirts	\$100
Loud music on job site	\$100
Fires on job site	\$100
Pets on job site	\$100
Construction not completed in 16 months	\$100
Equipment or materials on adjacent site (without consent)	\$250
Damage to other property	\$250
Work during unauthorized hours	\$250
Damage to golf course	\$500
Construction without ACC approval	\$500
Unauthorized changes to approved plans	\$100 to \$1,000
Damage or destruction of specimen trees	\$2,500 per tree

In addition to the above fines, the Owner and Contractor will be jointly responsible for the cost to correct any violation and infractions for which fines have been imposed.

Any fines assessed will be credited against the bond and/or paid within seven (7) days. Any unpaid fines or unpaid expenses incurred by the Association or ACC in connection with unapproved construction, damage repair or clean-up will be deducted from the Construction Bond Deposit with any deficiency to be paid by Owner.

As provided for in the Declaration upon request from the ACC, and after reasonable notice to the offender and to the Owner, the ACC may remove any improvements or landscaping which is in violation of the architectural and landscaping provisions of the Declaration, and invoice the Owner for all expenses incurred. If the Owner fails to pay any charge levied in accordance with this provision within thirty (30) days, then the Association has the right to claim a lien against the property and to foreclose such lien.

Owners are responsible for ensuring that their Contractors comply with all provisions of the Declaration, Design Criteria, Procedures, approved plans and all permits. In the event of a major violation that is not remedied, or repeated violations, the ACC may require that a Contractor post a construction bond in addition to the Owner's bond or the ACC may refuse to approve construction projects involving such contractor.

SECTION 10: FIELD REVIEW & NOTIFICATION OF ACC ADMINISTRATOR

10.1 Pre-Clearing Inspection. The ACC reserves the right to inspect the homesite to confirm compliance with approved plans and verify the following:

- (a) Staked lot corners and property lines;
- (b) Stake building and garage foundations and the outline of driveways, string-line each;
- (c) Marked trees to be removed.

10.2 Foundation Inspection. The ACC reserves the right to inspect the homesite to confirm compliance with approved plans and verify the following:

- (a) Staked building and garage foundations and the outline of driveways, string-line each;
- (b) Contractor shall string the foundation line to the height of the finished floor prior to commencement of construction of the foundation and notify the ACC;
- (c) Surveyor shall provide a foundation survey and issue a certificate once the foundation is in place, and provide a copy of the survey certificate to the ACC.

10.3 Dry-In. Contractor or Owner must notify the ACC at such times as each of the following is completed: the walls are framed, roof is in place, and windows and exterior doors are hung, such that ACC can confirm compliance with approved plans.

10.4 Final Inspection. Contractor or Owner shall notify the ACC Administrator when the residence is fully completed with connected utilities and completed installation of landscaping and mailbox. Upon final approval, the ACC will issue a final approval certificate.

SECTION 11: VARIANCES

11.1 The ACC may grant variances from these Design Criteria to alleviate hardships in any particular case, to adjust for physical conditions where strict compliance would not be practical and to accommodate any particular special design that the ACC feels is compatible with the surrounding area, but not in strict compliance with these Design Criteria.

11.2 All variance requests must be in writing and shall contain a complete description of the variance requested, and the reason for the request. The request must be submitted with the project submission.

11.3 No variance request shall be permitted for submittal to Brunswick County, NC, nor other governing jurisdiction without prior written approval from ACC.

SECTION 12: APPEALS OF ACC DECISIONS

12.1 An applicant receiving a negative decision from the ACC is advised to revise the plans in accordance with recommendations and resubmit them to the Committee for review.

12.2 If the applicant is unable to comply with the requirements of the ACC, such applicant may request an appeal to the Association Board. The request must be made in writing and directed to the Board care of the Association manager.

12.3 The Board will conduct a review of the most recently disapproved plans of the applicant. The appellant will be given an opportunity to speak to the Board.

12.4 The majority vote of the Board will carry a decision. All decisions of the Board of Appeals will be final.

SECTION 13: PRIORITY OF DOCUMENTS

The Declaration is superior to these Design Criteria, Policies and Procedures.

SECTION 14: CONTRACTOR DEPARTMENT

Only those contractors licensed in the state of North Carolina, approved by the ACC and on the ACC list of active contractors shall be permitted to construct houses within the subdivision. The Contractor, in carrying out the construction project, shall comply with the Declaration and these Design Criteria which applies to the Lot on which construction is occurring. The Owner shall insure that its subcontractors, material delivery men, and their agents and employees, comply with these requirements together with the rules and regulations contained in the Design Criteria.

In addition, the Contractor shall execute and deliver to the ACC Administrator, the **Contractor Department Agreement** attached to these Design Criteria as **Form 4**, along with the appropriate fees and bonds, prior to commencement of construction.

Thistle Downs may keep on file one Contractor Department Agreement for the approved contractors in Thistle Downs, which will cover all of the contractor's construction projects.

SECTION 15: AMENDMENT

15.1 These Design Criteria, rules and regulations may be amended at any time by Declarant and upon termination of Declarant's status as Declarant, by majority vote of the Board.

15.2 No prior notices or announcements will be required to amend these rules and regulations.

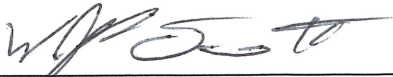
15.3 Any preliminary or final plan, marked received, shall be subject to the rules and regulations applicable at that time.

SECTION 16: SEVERABILITY

This document shall not be rendered invalid or unenforceable should any of the provisions of this document or the application or effect thereof be invalid or unenforceable for any reason and to any extent. Those provisions which are not invalid or unenforceable shall be enforced to the greatest extent permitted by law.

These Thistle Downs Architectural Control Committee Amended & Restated Design Criteria, Policies & Procedures approved and accepted by the ACC this the 20th day of January, 2023.

DGH THISTLE, LLC, as Declarant

By: 

W. Jack Davis II
Manager

[FORMS ATTACHED]

Form 1

CONCEPTUAL DESIGN REVIEW APPLICATION

DATE SUBMITTED: _____ Lot #: _____

STREET ADDRESS: _____

OWNER: _____

ADDRESS: _____

CITY: _____

STATE/ZIP: _____

TELEPHONE: _____

FAX: _____

CELL: _____

ARCHITECT/DESIGNER: _____

ADDRESS: _____

CITY: _____

STATE/ZIP: _____

TELEPHONE: _____

FAX: _____

CELL: _____

HEATED LIVING AREA:

Single Story: _____ square feet

Multi Story:

 First Floor: _____ square feet

 Second Level: _____ square feet

 Third Level: _____ square feet

TOTAL _____ square feet

(ACC Use Only): Date Rec'd: _____

Approved: _____ ACC Member: _____

Comments: _____



THISTLE DOWNS

Residential Construction Application

Lot _____ Date Submitted _____

OWNER

Address _____
 City, State, Zip _____
 Telephone _____ Fax _____ Cell _____

CONTRACTOR

Address _____
 City, State, Zip _____
 Telephone _____ Fax _____ Cell _____
 NC License # _____ Classification _____

ARCHITECT/DESIGNER

Address _____
 City, State, Zip _____
 Telephone _____ Fax _____ Cell _____

LANDSCAPE ARCHITECT

Address _____
 City, State, Zip _____
 Telephone _____ Fax _____ Cell _____

Application Checklist

- Two sets of construction documents
- Site Plan @ 1"=20' Min.
 - Floor Plans @ 1/4"=1'
 - Building Elevations @ 1/4"=1' or 1/8"=1'
 - Landscape Plan @ 1"=20' Min.
-
- Material and Color Samples
 - Preconstruction Forms

(Incomplete applications will not be reviewed)

Application Fees

CONSTRUCTION BOND DEPOSIT (Cash Deposit)
 Amount: \$1,000.00
 Received by: _____
 Check # _____
 Date _____

PRECONSTRUCTION FEES (8.3)
 Amount: _____
 Received by: _____
 Check # _____
 Date _____

Make separate checks payable to: Thistle Downs Property Owners Association, Inc.

Square Footage

Heated Living Area _____ SF
Covered Porches _____ SF
Under Roof _____ SF
Decks, Walks, Drives _____ SF

(Refer to page ____ for Impervious Details)

Submit Completed Applications to:

Thistle Downs POA
Attn: Architectural Control Committee

EXTERIOR MATERIALS

Foundation

Finish _____
Color (include sample) _____

Exterior Walls

Material _____
Mfg./No. _____
Color (include sample) _____

Windows

Type _____
Mfg./No. _____
Color (include sample) _____

Exterior Doors

Material _____
Mfg./No. _____
Color (include sample) _____

Roofing

Material _____
Mfg./No. _____
Color (include sample) _____

Garage Doors

Material _____
Mfg./No. _____
Color (include sample) _____

Exterior Trim (includes shutters)

Material _____
Mfg./No. _____
Color (include sample) _____

Decks/Patios/Terraces

Material _____
Mfg./No. _____
Color (include sample) _____

AGREEMENT

I, _____, as property owner,
and I, _____, as Contractor of the
above described construction project, acknowledge and agree that:

1. We have read and understand the Declaration of Protective Covenants, Restrictions and Easements applicable to the subject property and the Architectural Guidelines adopted by the Architectural Control Committee (the "Committee") of Thistle Downs Property Owners Association, Inc. ("POA").
1. We will maintain a clean construction site at all times and install an approved Contractor identification sign, job toilet, and commercial dumpster or trash bin.
2. We are responsible for the conduct of all workers and subcontractors performing services on this project while they are engaged by either of us.

3. We agree that by accepting a construction job at Thistle Downs, all workers and vehicles are subject to be searched to prevent theft of materials and equipment.
4. We will not undertake any construction that has not been approved by the committee and we will obtain approval before making any changes in previously approved plans.
5. We agree that construction of the improvements will be completed within twelve (12) months after commencement and in accordance with plans, materials, finishes, and color samples approved by the Committee. We also agree that landscaping will be completed within 60 days after receiving a Certificate of Occupancy and prior to occupancy and in accordance with plans approved by the Committee.
6. We understand that a violation will result in enforcement action by the Committee, which may include a stop work order and assessment of fines against the owner and/or the Contractor. We further understand that any such fine must be paid within seven (7) days.
7. The owner understands that: (a) the Construction Bond Deposit will be held in an interest or non-interest bearing account (with interest, if any, paid to the Thistle Downs POA) until completion of construction, landscaping and final inspection approval; (b) upon final inspection approval any unpaid fines will be deducted from the bond, as will any unpaid expenses incurred by the Thistle Downs POA in connection with unapproved construction, to repair damage to common areas or to clean up the project site; and (c) the amount of the Bond Deposit remaining after such deductions, if any, will be returned to the owner without interest.
8. The Contractor understands that in the event of a major violation by the Contractor, which is not remedied, or in the event of repeated violations by the Contractor on this or other projects in Thistle Downs, the Committee may take action to prevent future violations, including a requirement that the Contractor post a construction bond on future projects (in addition to the owner's bond) and/or refusal to approve future construction projects involving the Contractor.
9. Applicant acknowledges and represents that this application is submitted for a residential home intended to be occupied by the Applicant as an Owner and not for speculative or "build to sell" purposes.

This Application and Agreement made this _____ day of _____, 20__, by
 _____ and _____.

Property Owner's Signature _____

Contractor's Signature _____

REQUIRED REVIEW DRAWINGS

THE FOLLOWING ITEMS MUST BE INCLUDED

Site plan at a scale of 1"=20' min. showing:

- Property lines, setback lines, wetland limits and easements with dimensions shown and compass orientation.
- Tree survey, showing location of existing trees 4" diameter and larger (DBH). Thickets, shrubs and similar groupings may be shown as an outline, and named.
- All streets adjacent to lot with street names.
- Any existing utility structures on lot or in adjacent right-of-ways.
- Lot Drainage Plan.
- Any areas to be graded or filled should show drainage; indicated by arrows that show flow directions.
- Outline of house foundation walls, decks, terraces, steps, stoops, and roof overhang.
- Finish floor elevation of first floor and garage lab.
- Drives and walks with dimensions and materials indicated.
- Proposed garden walls, retaining walls, fences, screens, etc., with dimensions and materials indicated.
- Pools and/or spas.
- Location and description of any other accessory use (playground equipment, dog runs, gazebos, etc.).
- Total amount of impervious coverage.
- Pre-Construction Form.

Floor plans at a scale of 1/4"=1' showing:

- All interior spaces drawn to scale with all rooms dimensioned and named.
- All window and door openings.
- Roof overhang (dashed line).
- Garage, decks, terraces, steps, stoops, and porches dimensioned with materials indicated.

- Finish floor and garage slab elevations.
- All dimensions necessary for construction.

Building elevations at a scale of 1/8"=1' min. showing:

- Front, rear, right, and left elevation with compass orientation indicated.
- Terraces, walls, decks, vents (roof and foundation), screens for trash, and HVAC Compressors.
- Any hidden elevation not shown in other drawings.
- Finish floor elevation on each drawing with proposed finish grade line against elevation.
- Fascia, trim and handrail details, window, and door types.
- Materials and finishes for all surfaces.

Landscape plan at a scale of 1"=20' min. showing:

- Outline of all structures and site elements shown on the Site Plan.
- Existing trees and vegetation to be preserved.
- Outline of proposed tree and shrub locations showing circular symbols indicating mature spreads, lawn areas, ground cover, and seasonal color areas with quantities and names indicated.
- Plant list showing quantity, common name, scientific name, root (B & B or container), tree caliper and height, shrub container size, ground cover container size, spacing, and sod.
- Natural or mulched areas and any hardscape elements (arbors, trellises, fences, walls, stepping-stones and statuary or other features).



THISTLE DOWNS

SITE LAY-OUT

Owner _____ Date _____

Lot # _____ Street _____

1. The footprint of the house (HAS) (HAS NOT) been staked and complies with the setbacks.

Reason for variance from approved plan (if applicable):

Approved [] Not Approved []

2. Location of the existing trees over 6" in diameter (DBH) (HAVE) (HAVE NOT) been identified.

Reason for variance from approved plan (if applicable):

Approved [] Not Approved []

Administrator Notes:

Thistle Downs
Architectural Control Committee

By: _____ (Seal)
Contract Administrator



Addition/Modification Application

Lot _____ Date Submitted _____

OWNER _____
Address _____
City, State, Zip _____
Telephone _____ Fax _____ Cell _____

CONTRACTOR _____
Address _____
City, State, Zip _____
Telephone _____ Fax _____ Cell _____
NC License # _____ Classification _____

Description of Addition/Modification:

Documents Required:

- Site Plan (original approved by ACC)
- Proposed Site Plan (with Addition/Change)
- Floor Plan/Structure Plan
- Landscape Plan (after improvements)
- Material and Color Samples

(ACC Use Only): Date Rec'd: _____

 Approved: _____ ACC Member: _____

Comments: _____



Contractor Department Agreement

Date: _____

Construction Location (Lot#): _____

Name of Owner: _____

Address: _____

Telephone: _____ (h) _____ (w)

Contractor: _____

License#: _____ Telephone: _____

Address: _____

_____ New Construction _____ Major Improvements to Existing Structure

The ACC is the body charged with enforcement of the Thistle Downs Covenants and Construction Guidelines for construction work taking place in Thistle Downs. The Contractor has been chosen by an owner of a lot in the community to be the General Contractor on the above described construction project. In order to insure compliance with the community governing documents, the terms of the Declaration of Protective Covenants; Restrictions and Easements for Thistle Downs at Thistle Golf Club (“Declaration”) and the Building Guidelines, the ACC requires as a part of the project approval process that this General Contractor Department Agreement be executed and the parties reduce this Agreement to writing set forth herein.

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained between the general contractor and the ACC acting through its ACC Contract Administrator, the parties agree as follows:

GENERAL CONTRACTOR COVENANTS

The General Contractor hereby covenants and agrees with the ACC that:

1. I have read the ACC Guidelines, Covenants, and the Declaration and do agree to follow them in full.

2. I understand and agree that both the property lines and the house footprint is to be staked by a registered land surveyor for the administrator's review prior to any construction activities on the lot.
3. I agree to carry out this project construction according to the plans and specifications as approved for this project in the final review by the ACC. No changes to these plans will be made by me without prior approval by the ACC or its Contract Administrator and Owner.
4. I am responsible for the behavior and actions of all of my employees, agents, subcontractors, suppliers and others coming on or about the job in connection with my performance under the contract.
5. I am responsible for maintaining a clean construction site at all times. In order to comply with this requirement, I will provide a refuse container on-site with screening sufficient to block the view of its contents and large enough to accommodate the trash and refuse from my building project. In addition, I will provide a covered container so that employees can dispose of cans, bottles, lunch bags and other minor refuse items so that they will not be lying loose on the lot. I will also empty these refuse containers often enough so that they will be able to support the refuse generated from the building project.
6. For the duration of construction and upon completion of the building project, I am responsible for a thorough clean-up of the construction site.
7. I agree that should I or any other person for whom I am responsible violate any of the terms of the Declaration, these guidelines or any term of this Agreement, that the ACC may:
 - a. Withdraw my right to enter upon the private streets of Thistle Downs to access any lot in the subdivision for construction purposes; and
 - b. That any such entry by me or any other person under my responsibility who should enter upon the private streets to pursue a building project will be considered a trespass until such time as the right to enter has been restored by the ACC.
8. I agree that I will immediately stop construction on the building project at any time should I be directed to do so by the ACC Contract Administrator in writing, provided the written notice describes the manner in which I am in violation of this Agreement, the Restrictions or the Residential Design and Construction Guidelines. I further agree that any action I take after notice will be limited to the sole purpose of correcting any violation and/or as otherwise necessary to comply with this Agreement and those requirements. I will not commence work toward completion of the building project until the stop work order has been lifted by the ACC Contract Administrator.

9. I hereby represent to the ACC that I am a licensed North Carolina General Contractor, that the license number shown at the head of this document is correct and current, and that the undersigned license holder has sufficient resources to undertake the building contract as the general contractor for the Owner.
10. I understand the Construction Bond Deposit in the amount of \$1,000.00 which has been submitted to the ACC will be held by the ACC in an escrow account; and should I fail to abide by this Contractor Department Agreement, the Residential Design and Construction Guidelines and the Restrictions, some or all of the performance Bond Deposit may be retained by the ACC. Should the ACC impose a fine or a charge against my performance bond, it shall furnish to me a statement as to why the fine or charge was imposed, together with the amount charged. As a guide, the Contract Administrator may impose a fine or charge for the following types of violations:
 - a. Failure to control soil run-off into ditches, adjoining lots or ponds;
 - b. Failure to provide a chemical toilet for the workers' use;
 - c. Failure to provide the necessary refuse and trash containers;
 - d. Failure of the container to properly screen the chemical toilet and refuse from view;
 - e. Failure to empty the trash containers;
 - f. Removal of trees or shrubs in violation of the covenants and guidelines;
 - g. Failure to notify the Contract Administrator timely for the various inspections;
 - h. Failure to provide proper protection and/or allowing damage to the streets or curbs by the delivery trucks; and
 - i. Failure to meet the construction completion deadline.

ACC COVENANTS

The ACC hereby covenants and agrees with the General Contractor that:

1. The Contractor may enter upon and use the private streets in the subdivision in order to access the job site above described until and unless he is given a stop work order by the Contract Administrator because of violation of the Declaration, the Building Guidelines or this General Contractor Department Agreement.
2. That the \$1,000.00 Construction Bond Deposit will be held in an escrow account by the ACC subject to the terms of this Department Agreement. At the completion of the job, if the Contractor has not violated the Declaration, the Building

Guidelines or this Department Agreement, these funds will be returned in full to the Contractor; should, however, the Contractor violate any of these items, the ACC may withhold funds from this performance Bond Deposit as it deems appropriate in the circumstances.

- 3. Should the Contractor violate any of these requirements, the ACC, acting through its Contract Administrator, will notify the Contractor accordingly, and, if the violation is of sufficient magnitude in the opinion of the Administrator to issue a stop order to the Contractor, he shall give that order in writing specifying the reasons and deficiencies, whereupon, the Contractor shall immediately cease work until the stop order is lifted by the Contract Administrator. In this connection, should the Contractor violation be of the types shown in the laundry list under General Contractor Covenants, in paragraph 10 above, the Contract Administrator will give the Contractor forty-eight (48) hours' notice before any fine or charge will be imposed. Further, any of those type violations will carry a charge or fine as listed in Enforcement and Penalties section after the Contractor has been notified by the Administrator of the violation. Should the Contractor fail to correct these types of deficiencies within the three (3) day period after notice, the ACC may proceed to correct the violation as reasonably expedient and charge the full cost thereof to the Contractor and deduct it from the performance Bond Deposit or assess the Owner for the balance due.

The parties hereto do hereby execute this Agreement on the date set forth below.

Thistle Downs
Architectural Control Committee

Contractor

By: _____ (Seal)
Contract Administrator

By: _____ (Seal)
Date: _____