

"Exhibit B"

# WhiteGate

ARCHITECTURAL AND LANDSCAPE GUIDELINES – 01 Jan 07

Revision : 18 September 07

These Guidelines have been developed to implement the design philosophy of WhiteGate, namely, to blend the homes and the residents' lifestyles into a harmonious and aesthetically pleasing residential community, which places a strong emphasis upon the preservation and enhancement of the natural beauty of WhiteGate. The intent of these Guidelines is to encourage quality of design and compatibility of all improvements without undue restriction of choice or design of the home.

These Guidelines have been written to encourage a specific character in the individual home design. The WhiteGate design character is intended to be similar to the architecture of older Southern neighborhoods. Typically the design of these homes incorporate steeply pitched gables, porches, and a mixture of materials, shapes and forms that reflect a "sense of heritage and character." WhiteGate seeks to recreate the warmth and friendliness of those vintage neighborhoods. While the exterior celebrates the past, the interior spaces may be designed to fit the contemporary lifestyle of the individual homeowners.

## I. DESIGN REVIEW PROCEDURE

An Architectural Control Committee (ACC) has been established to administer these Guidelines. The ACC will review all design elements of any new construction prior to construction. The ACC has established a schedule for the submission and review of plans and specifications. Please call the ACC Coordinator to learn the exact day and time of the ACC meetings. All plans with completed applications and fee payments due

shall be submitted twenty-four (24) hours prior to the ACC meetings. The applicant is encouraged but not required to attend the meeting.

The review fee is \$800.00. This fee is due at the review along with the construction escrow deposit and the mailbox fee. Additional ACC review fees are as follows:

- Third re-submittal of house, site and landscape plan whether preliminary or final - \$250.00.
- Swimming pool plans or playground equipment. - \$50.00.
- House additions - \$200.00.
- Exterior color change - \$50.00.
- Landscape plan re-submittal - \$50.00.
- Additional site visits for noncompliance - \$100.00.

The application for plan review, the review fee, the plans and specifications, and material samples as needed shall be sent to:

Architectural Control Committee  
c/o WhiteGate Homeowners Association, ACC Review  
7436 WhiteGate Park Drive  
Charlotte, NC 28226  
704.542.6624  
704.542.6614 (fax)

The ACC will review all design elements of any new construction prior to construction. The plans and specifications (two sets) must be submitted in four stages: (1) during the Design stage, (2) at the conclusion of the Construction Documents stage, (3) House Staking stage and (4) Landscape Plan stage. The following is an outline of what is required:

A. Stage One: Preliminary Review

Preliminary reviews are encouraged but not required. At this stage guidance can be given prior to completion of plans and specifications to avoid the expense of extensive modifications.

Submitted plans should include:

1. Schematic Site Plan (1/20" or larger).

Show dimensioned setbacks, 2' topography, trees larger than 6" caliper.

2. Schematic floor plans at 1/8" scale.

3. Schematic elevations at 1/8" scale.

#### B. Stage Two: Final Review

Submitted plans should include:

1. Final site plan at 1/20" scale or larger. Show location of all proposed improvements (house, driveways, walkways, etc.), setback dimensions, all materials, 2' final grade topography, all trees 6" caliper or more, location of silt fences and gravel driveways for sediment control.

2. Final floor plans at 1/4" scale.

3. Final elevation at 1/4" scale, showing all sides, selected materials and grade.

4. All exterior material and color selection.  
Samples shall be submitted.

#### C. Stage Three: House Staking

Upon final plan approval, the house corners shall be staked prior to footings being dug. ACC will review the on-site staking to confirm the most appropriate house location.

#### D. Stage Four: Landscape Plan

Prior to completion of the house, a landscape planting plan (1/10" scale or larger) must be submitted for review and approval.

Note: The ACC reserves the right to amend the Architectural and Landscape Guidelines from time to time. The ACC may refuse approval or request improvements to the proposed house and site layout for any reason and at its sole discretion.

## II. THE SITE

A. Building Envelopes: All building structures shall be setback thirty feet (30') from the front property line; forty-five (45') feet or thirty (30') feet from the rear property line based on the approved subdivision site plan (per the specific lot), and six (6') from the side property lines, except for corner lots. The side setback on the street side of the lot shall be twenty feet (20').

B. Driveway: No driveway may be closer than two (2') feet to the side property line. A recommended driveway has been established for each lot with the intent of avoiding driveways being adjacent to one another. Driveways shall be constructed of brick, stone or concrete unless otherwise approved by the ACC. Two street entrances (for circular drives) are not permitted on cul-de-sac lots. Driveways shall be twelve (12') feet wide except at garage backout area. No parking area is permitted in the

front and/or street setback. Landscape planting may be required to screen view of garage doors from the street or adjacent lots. Driveways should be curved to avoid linear monotony and away from the side property line.

C. Fences and Walls: The location, materials, size, and design of all fences and walls must be approved. They should be made of wrought-iron/aluminum, stucco, stone, brick, or planted hedges. Wood fencing is discouraged. No fence or wall may be nearer the street than the main building. The maximum height shall be no higher than six feet (6'). Retaining walls must be constructed of or faced with a material approved by the ACC. These walls must be structurally sound and allow proper drainage. If the retaining wall is attached to the house, the wall must match the masonry of the house. Cross-tie timber walls are permissible if unattached to the house. Once a fence/wall has been approved and/or built on a side or rear property line, only that approved design and material may be used along the common property line. No double fencing is allowed.

D. Grading and Drainage: Grading must be designed to conform as much as possible to natural site contours. The final site drainage should not allow more storm water to flow into adjacent lots than presently existing. Walls, fences and retaining walls shall allow for proper drainage.

E. Tree Protection: Trees outside the location of the building structure and the driveway shall be saved, provided they are 6" caliper or greater.

F. Site Protection During Construction: Prior to the start of construction, a gravel driveway with a minimum of five inches of #5 crushed stone base must be provided from the paved street to the site of the construction. Also silt fences must be installed and maintained. During construction, all construction trash and debris shall be kept in a dumpster or whatever measures necessary to keep the lot free of trash and construction debris.

G. Landscape: Street Trees: Each lot is required to have at least one street tree planted prior to house construction completion. Type, size and location to be determined by ACC.

### III. BUILDINGS

A. Each lot may contain only one detached single-family home with one private garage and only accessory structures as approved by the Architectural Control Committee.

B. Area Requirements: For a single-story house, the minimum heated space is 3,200 square feet. For a multi-story house, a minimum area of 3,200 square feet with a minimum ground floor heated area of 2,000 square feet.

C. Maximum height of a house subject to Charlotte-Mecklenburg building codes.

D. Garages: Every house shall have a garage of not less than two (2) vehicles. Garage doors may not face front toward the street. Garage turn around requires a two (2) foot landscape buffer between the driveway and the property line.

E. Exterior Materials and Colors should be brick, stucco, stone, cedar shake. Horizontal siding in the form of "Cement board" (Hardiplank, as an example) will be considered in certain circumstances. Vinyl siding is not acceptable. The exterior colors and materials should be blended together harmoniously.

F. Roofs and roof pitches should be in proportion to the overall size and shape of the house. The minimum roof pitch shall be nine in twelve. Acceptable roofing materials shall be wood shingles or shakes, natural or

man-made slate, tile or twenty-five (25) year or greater warranted composition (fiberglass) shingles. Roof vents, power vents and plumbing vents may not be visible from the street.

G. Porches and Decks should be designed with substantial, well proportioned railings, flooring, and posts. Space below decks shall be screened with lattice, shrubbery, etc. Deck columns greater than six (6) feet high shall be masonry (12"x12") matching house material.

H. Chimneys should be full foundation based and made of brick, stone, or stucco. Exposed metal flues and wood chases may not be used. Direct vent fireplaces are discouraged on side elevation and not permitted on street side.

I. HVAC Equipment, meters, garbage containers, etc. should not be located in the front of any house and should be fully screened from view of the public by enclosure and/or landscaping.

J. Skylight and all forms of venting should not be placed on the front of the house or on any elevation visible from the street.

K. Solar Panels, Satellite Dishes and Antennas may not be attached to the house unless such devices are approved in advance by the Architectural Control Committee. One satellite dish allowed per lot. All exterior satellite receiving equipment (dishes) must be placed on the ground within the rear building envelope at a height of no more than six (6) feet with an eighteen (18") inch maximum diameter. Only in the case of extremely poor or no reception shall any other placement be allowed. Any / all ground based equipment stated above shall be screened from view by landscape.

L. Mailboxes and newspaper boxes must be of a standard color, size, and design as approved and provided by WhiteGate.

M. Windows, Frieze boards and Shutters should be generally the same manufacture, type and style all around the house. Exterior storm windows are not permitted in general. All windows and glass doors shall have mullion grids throughout. All windows and doors shall have head cap treatments including brick soldiers, jack arches or wood head treatment. Frieze boards are required under every soffit including gable rake boards. Shutters shall be in proportion to that of the window or door.

N. Ceiling Height shall be a minimum of nine feet (9') on the first floor and recommended throughout. Eight feet (8') is a minimum on all other floors.

O. Construction Completion must occur within one (1) year after commencement.

P. Exterior Lighting shall not be situated as to affect the privacy of adjacent homes. No lighting of tennis courts, playground / sport-court areas etc., is permitted on individual lots.

Q. Accessory/Outbuildings/Play Equipment storage sheds and playhouses must be attached to the house and must be of similar design and materials. Gazebos, statues, and play equipment must be located to have minimum impact on adjacent lots and screened from street view. Play equipment must be earth tone in color and located within building setbacks. Basketball goals shall have a clear backboard and a black pole and shall be located at a minimum in the rear 50% of the yard from the middle of the house side elevation.

R. Pools & Pool Deck(s) must be located / built behind the house as close to the center third of the rear yard as possible and must be screened from street view. No night lighting is permitted. The pool and deck may not be closer than 20 (twenty) feet to the side and rear setbacks without specific

ACC approval. Any / all Pool and Deck layout(s) and fencing must be submitted for ACC approval.

S. Tennis Courts must be built within the building setbacks and must be screened from street view. Tennis courts must be a minimum of 24' from an adjacent lot property line. The tennis fence shall be black in color and moderate in height. No night lighting is permitted. All tennis courts and fencing must be submitted for ACC approval.

T. Front Yard Decoration(s), Fountain(s) and Ornamentation(s) are discouraged but may be considered on a case by case basis. Any additions must blend and complement the house / homesite in question and the adjacent homes.

U. Additions or Remodeling is required to follow the Architectural Guidelines, the same as new construction.

NOTE: Approval of Plans by the Architectural Control Committee in no way implies that plans are acceptable for Mecklenburg County Building Permit or other regulatory requirements