

Mallard Oaks Design Guidelines

Introduction

The design concept for Mallard Oaks encompasses traditional and contemporary detailing that lends itself to a transitional architectural style. There is no single historical style from which to draw upon for details for the Transitional style; yet clean lines, simple masses, and conventional proportions are the major elements of the vocabulary. These guidelines are not intended to restrict the creative design process, but rather set parameters to maintain a consistent theme within Mallard Oaks, and to help expedite the planning, design, and approval process. The Mallard Oaks Architecture Review Committee (MOARC) maintains the right to interpret the standards and design criteria on a case by case basis.

I. Site Design Criteria

Zoning

Sites in Mallard Oaks are zoned O1-CD and B1-CD. The specific conditions and terms of the zoning are per Petition No. 98-03 (c) as approved by the Mecklenburg County Board of Commissioners. The plans approved as part of the petition documents are Sheets No.1 through No.3, drawn by LandDesign Inc., latest revision 6-25-98, referred to in these guidelines as “Zoning Plans”. These Zoning Plans contain detailed development standards, terms, and requirements of the conditional rezoning.

A. Lot and Site Configuration

The lot size, width, and configuration are intended to comply with the conditional zoning petition plans, specifically Sheet 2, *Schematic Site Plan* and are subject to approval by the MOARC. The Developer of Mallard Oaks will make changes to the masterplan as depicted on the *Schematic Site Plan* as deemed necessary during the course of development of the project. The MOARC reserves sole discretion in its direction and approval of lot size, width, and configuration.

B. Building and Parking Setbacks

The intent is to comply with the design intent of building and parking layouts of the *Schematic Site Plan* previously referenced herein. Consult the Development Standards of the Zoning Plans. In addition, the Zoning Plans specify additional buffers and setbacks required at Mallard Oaks.

Minimum Front Setback

Twenty-five (25) feet building setback. Fifteen (15) feet parking setback.

Minimum Side Setback for Building and Parking

Ten (10) feet.

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Minimum Rear Setback for Building and Parking

Twenty (20) feet.

C. Building Placement

The MOARC will require that the loading dock and dumpster areas be placed at the rear of buildings and out of view from the main streets. Care should also be taken to limit views of these areas from adjacent properties. Trash dumpsters should be screened from view by a screen wall compatible with the building design.

D. Parking and Driveways

Parking areas are prohibited within 5' of the building structure on the front and sides. All driveways should be located to provide clear unobstructed traffic flow. Consideration shall be given to adjacent driveway locations to improve overall traffic circulation. All parking areas and loading areas, driveways and pedestrian walks shall be constructed of asphalt or concrete. All parking areas and drives to be banded by concrete curb and gutter. Sidewalks shall be provided along the street frontage of each individual property.

II. Architectural Design Criteria

A. Exterior Walls

Brick shall be the predominant façade material for projects within Mallard Oaks. The brick shall be modular in size and installed with a running bond pattern. Alternate bond patterns are encouraged for accent areas of the façade. Alternate brick sizes are not encouraged, but may be accepted if compatible with the proportions of the building. Brick arches are not encouraged, but if necessary for the design of the project, arches should be segmental or jack in type. A brick water table and a brick cornice is encouraged at Mallard Oaks. The water table shall be placed at a consistent height on all sides of the building visible to streets and adjoining property. The cornice element shall be placed at the top of the parapet wall on all buildings. Additional aesthetic considerations for the brick should also be taken into account, such as brick position, surface finish, expansion joint location and mortar joint profiles. Horizontal banding, where appropriate for the design of the building, shall be permitted. Specific brick manufacturers and colors have not been selected in order to allow the designer maximum flexibility and cost efficiency. The traditional red brick color range listed below has been established as a guideline for the main body color of the buildings. Accent colors shall not be set forth by the guidelines, but shall be compatible with the base color of the buildings.

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Acceptable Brick Color Range

The following samples are for reference only and not intended to dictate manufacturer.

Richtex Dark Palomino 739 (wirecut)
Richtex Red 222 (wirecut)
Richtex Red wirecut ironspot 225
Boren Red wirecut ironspot
Boren Red wirecut

Additional materials may be used on the exterior of the façade, but brick must make up at least 85% of the exterior surface, excluding windows and doors. Other materials that may be used include precast concrete accents; stucco or synthetic stucco, manufactured or cultured stone and pre-manufactured reinforced plaster or fiberglass products. For hotels exceeding one story in height, the exterior surface material above the first floor may consist of stucco or precast concrete; however, brick must remain the predominant material on the first floor. In all instances, long, expressionless portions of wall should be avoided. These areas should be broken up with design elements or detailing compatible with the park; for example: brick banding or brick pilasters.

B. Roofs

The Mallard Oaks Development will be proposed with both sloped and flat roofs. It is the intent of the ARC to maintain a consistent appearance between buildings with varying types of roof systems and structures by means of consistent detailing and roof material color. On sloped roof buildings dormers and monitors are encouraged to add interest to large expanses of roof. Dormers and monitors may include windows or louvered vents. Materials that will be accepted for sloped roof buildings include architectural style asphalt shingles in a charcoal or slate gray color, slate or synthetic slate products in a gray color, and standing seam metal roofs. Flat roofs may also be used within the park. All flat roof buildings must be designed such that no portion of the roof is visible from the street or public areas. Parapet walls shall be required on all visible sides of flat roof buildings in order to screen mechanical equipment from view. All parapet walls shall be capped with a decorative cornice. No portion of mechanical equipment shall be visible from the street or adjoining property.

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C. Windows/Doors

Numerous window openings are encouraged and should be placed in a thoughtful and well-proportioned manner. Window openings should be rectangular in shape. Circular, triangular or other unusual window openings should be avoided. Individual or punched openings are encouraged over strip or ribbon windows. Window systems should be made of aluminum with a pre-finished paint system. The color shall be black, bronze, white or clear anodized. Vinyl finishes in black or white shall be accepted as long as the quality of the window is acceptable to the MOARC. All glass shall be clear or with light gray tint. Entry doors storefront systems and curtain-wall systems (if applicable) should follow the above guidelines.

D. Convenience Store Canopies

Canopies over pump islands may be allowed at Mallard Oaks subject to review and approval by the MOARC. The canopy roof must be mansard or sloped standing metal seam if top of canopy structure is visible from John Adams Road or Mallard Creek Church Road.

III. Signage

A. Monument Signage

Site monument signage shall be allowed based on the following guidelines. Where these criteria are more restrictive than ordinances and the Zoning Plans controlling a site, these criteria shall be controlling. Consult requirements of the Development Standards contained on the Zoning Plans.

1. Only one monument sign shall be allowed per parcel. The sign may be double faced. The display area shall not exceed requirements of the conditional Zoning Plan.
2. All signs shall be permanent construction and shall be subject to provisions of the building code.
3. Signs may be internally illuminated or backlighted. Illumination shall be turned off within one hour after closing and turned on within one hour of opening.
4. The vertical dimensions of the sign will be as per requirements of the conditional Zoning Plan.
5. Such signs shall contain only the name or trademark of the business, which it identifies and shall not contain change panels, or advertising. Convenience stores selling retail gasoline shall be permitted to display the price of gasoline and diesel fuel in the sign display area using changeable panels.
6. Location of sign will not infringe on visibility or present a hazard to vehicular or pedestrian traffic, infringe on view corridors, adjacent parcels, setbacks, and non-building areas and adhere to codes.

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7. Sign shall not be moving, flashing action or audible types. Fast food users shall be permitted one (1) audible sign at drive-through lane.
8. All detached signage shall conform to these design guidelines.
9. All signage materials and construction will conform to local, state, and federal governmental laws and ordinances. If the requirements of the project design guidelines or covenants and restrictions differ with governmental laws the more restrictive shall prevail.

B. Building Wall Signage

Signage will be allowed on the exterior of building. Wall signs will be permitted to identify the individual business, building, or building complex by name or trademark only. Panel signs shall be permitted. Building signage shall conform to the following guidelines:

1. Wall signage will be permitted to identify the individual business, building and building complex by name, number or trademark.
2. Individual letter type signs shall not exceed 2 ft. in height and 20 ft. in total length of all letters. Lettering styles shall be chosen by landowner subject to approval by MOARC.
3. Temporary advertising material may be affixed to one (1) exterior wall per premise for a period not to exceed two (2) weeks from the date of installation. The MOARC does not require review and approval of temporary signage prior to installation. However, ARC reserves the right to reject any and all temporary signage installed deemed unacceptable to MOARC.
4. No hand lettered or other type of window signage will be permitted.
5. Any wall-mounted signage shall not exceed 10% of wall area.
6. Signs shall be placed on vertical wall surface, not extending above parapet (the roofline).
7. Building signage is not to be moving, flashing action or audible in type.
8. Any building over three (3) stories will be allowed to have face lighted letters up to sixty (60) inches high subject to local sign ordinances and approval by MOARC.
9. Scaled drawings in duplicate indicating all copy, materials of construction, letter style and colors are to be submitted to the Architectural Review Committee for approval before construction begins.
10. All signage will conform to local, state, and federal governmental laws ordinances. If the requirements of the project design guidelines or covenants and restrictions differ with governmental laws the more restrictive shall prevail.

C. Site Identification Signage

All site identification signage shall conform to the attached design guidelines.

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D. Mailboxes

If an on-site outdoor mail receptacle is required by the property owner, it shall be located in the parking area. Location of mailboxes must be approved by the MOARC, and in accordance with design guidelines set forth by the MOARC.

E. Mechanical Screening

All ground mounted mechanical, electrical or other utility units shall be screened with the same material used on the building or with an approved plant material. All rooftop mechanical units shall be screened with parapet or roof screen that matches the material and/or color of the building material, so as not to be visible by standing pedestrian on any adjacent street.

F. Landscaping

Landscaping is viewed as an important aspect of the project design and is essential to adding value to Mallard Oaks. A landscape site plan is required for review. The plan will show all lawn areas, irrigated areas, planting and trees along with the boundary, building footprint and parking areas.

1. The plan must comply with all requirements of the local County ordinances regarding tree planting, buffers, allowable impervious areas, etc.
2. Mallard Oaks Design review guidelines require a tree along the front site setback spaced at 30' on center, specimen 3 1/2" Willow Oak
3. All maintained lawn areas must be irrigated. Irrigation is not required in undisturbed areas, seeded slopes not maintained, planted areas, and natural areas.
4. Trees and shrubs are required around buildings and other structures. These trees and shrubs should be placed so to soften the building and complement its architecture.

IV. Review Procedures

A. Review Process

A project is reviewed and monitored through three basic stages of its development:

1. Schematic
2. Final Plans & Specifications
3. Construction

The lot owner, at its expense, shall submit to the Committee for review three (3) complete blue-line sets of documents during the design stages of the review process. Document format is explained further on in these guidelines.

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Schematic: The lot owner must submit information pertaining to the use, size, location, and character of its development. A site plan showing building location, general landscape areas, service areas, pedestrian and vehicular circulation and all applicable setbacks and easements is required along with the above information. A schematic elevation(s) showing building form, materials colors, and signage shall also be provided. The Committee's review should normally take one to two weeks from receipt of documents.

Final Plans & Specifications: The Committee will review Final Plans and Specifications ("Final Plans") for conformance with commitments made in the Schematic Phase. The Final Plans submittal shall be accompanied by the Architectural Review Fee, as of the effective date of these Guidelines, is \$1000.00 and must be paid upon initial submittal.

The committee shall review the Schematic and Final Plans and return them to the Owner marked "Approved" or "Disapproved", as the case may be, with any appropriate review comments.

The Committee may disapprove of any preliminary plans, location and style of Improvements, exterior colors or finishes or other specifications for any reason including purely aesthetic reason, in the sole discretion of the Committee.

Before starting any operations on site, the Owner's contractor must supply the design review committee with the name and phone number of the contractor's field superintendent.

Once the committee has approved the Final Plans for Improvements, the construction of such Improvements must be promptly commenced within six (6) months following the date of approval of the Final Plans by the Committee. Such an approval shall be deemed rescinded, and, before construction of Improvements can thereafter be commenced, the Plans must again be submitted and approved by the committee pursuant to this Paragraph.

B. Document Requirements

1. Survey

If required by the committee, the Owner shall provide the committee with a "survey" prior to the review of documents in the schematic phase of development. The "Survey" shall be obtained by the Owner. The "Survey" shall be prepared by a licensed land surveyor and shall be made in accordance with the "Minimum Standard Detail Requirements for Land Title Surveys" jointly established and adopted by ALTA and ACSM in 1962. In addition, the "land title survey" shall include, but not be limited to, the following: Parcel zoning classification, setback or building restriction lines, and the acreage of the parcel, underground and other utilities, topography, easements, major vegetation, etc.

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2. Architectural Site Plan

The minimum information required for each stage of the review process is as follows:

- a. Schematic:
 - Title, date, architect, lot owner, and sheet number
 - North arrow
 - Scale
 - Approximate building area
 - Parking Data: Number and ratio required by code, number and ratio provided, size of stalls and aisles.
 - Acreage
 - Location of any view corridors, building setbacks, property lines, easements and other restrictions on the property
 - Circulation features within the property and location of parking areas
 - Grading plans sufficient to indicate proposed grades for entire property development, including preliminary building floor elevations
 - Property lines, easements, and prominent existing physical features to remain
 - Location and number of all signs and pavement marking
 - Utilities and utility locations
 - Site lighting
- b. Final Plans: All information required in design development stage.
- c. Construction: Certified “as built” survey showing all above and below grade improvements.

3. Landscaping Site Plan

The minimum information required for each stage of the review process is as follows:

- a. Schematic:
 - Site plan must indicate areas to be landscaped. (Information may be shown on “Architectural Site Plan” for this phase in lieu of a separate landscaping plan)
 - Plan at a scale of 1”=30’ or larger. Details and special plan areas may be shown at a larger scale
 - North Arrow
 - Date
 - Architect and Lot Owner
 - Project Name
 - Dimensions, property lines, easements, contour lines, elevations, and prominent physical features.

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- Location of building(s), driveway(s), curb cut(s), parking, pedestrian, and service areas.
- Location and types of hard construction materials, furniture, lighting and other amenities
- Irrigation – Indicate type of system and irrigated areas
- Plant and Ground Cover Materials – Show quantity, type, size and location of material

b. Final Plans:

- All above information with appropriate revisions.

4. Building Plans

The minimum information required for each state of the review process is as follows:

a. Schematic: Information required may be shown on site plans for This phase, in lieu of a separate building plan.

- Project Name, Architect, Lot Owner, Date and Sheet Number
- North Arrow
- Floor Plan Scale at 1/8" = 1'-0"min.
- Building Data: type and use, number of seats when applicable, building area (by use)
- Elevations (any available tree-dimensional drawings)
- All proposed signage on building
- Samples of actual materials to be used reflecting accurate colors

b. Final Plans:

- All above information
- Final construction documents (including specifications)
- Name and address of Owner's agent responsible for implementation of the construction

5. Signage

The minimum information required for each stage of the review process is as follows:

a. Schematic:

- Plan showing size and location of all proposed signs. The Lot Owner shall be fully responsible for conforming to all applicable ordinances
- Elevation showing all dimensions, material, colors, and method of illumination
- Photographs of identical or similar signs from previous projects, if available

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b. **Final Plans:**

A Final Plan submission is not necessary for the Signage portion of the documents. All signs must conform to the designs as approved.

6. **Maintenance**

The Owner shall, at all times and at their own expense, keep their Lot, in a well maintained and attractive condition. Such maintenance includes, but is not limited to, the following:

- Prompt removal of all litter, trash, refuse and wastes
- Keeping all landscaping alive, weed-free and attractive
- Keeping exterior lighting and mechanical facilities
- Keeping parking areas, driveways, and roads clean and in good repair
- Complying with all government health and safety requirements
- Striping of parking areas and repainting of Improvements
- Repair of exterior damage to Improvements

7. **Enforcement**

If any Owner fails to maintain its Lot in accordance with the foregoing in such manner as may be deemed necessary by the Committee to preserve and protect the value and attractive appearance of the Lot, then the Committee may give such Owner written notice stating with particularity the work or repair which the Committee finds to be required and requesting the same be carried out or undertaken and diligently pursued within the period as specified in the Covenants, Conditions, and Restrictions for Mallard Oaks. Should Owner fail to carry out or undertake such maintenance and repair, then the Committee, through its authorized agent or agents, shall have the right and power to enter onto the Lot and perform such care and maintenance without any liability for damages for wrongful entry, trespassing or otherwise to Owner and Owner shall be liable for the cost of such work and shall promptly reimburse the Committee for such cost.

C. Applicability to All Lots

As to any Lot in Mallard Oaks, no improvements may be commenced, erected or maintained until the Committee has given its written approval of Final Plans pursuant to the criteria listed below.

These Guidelines shall apply to all Owners and builders at Mallard Oaks, and any reference here to an "Owner" shall also apply to the Owner's builder, subcontractors, or agents.

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D. Advisory Design Professionals

The Committee may retain an Architect and/or other design and construction professionals to advise the Committee in the plan review and approval process. Lot Owners and builders may wish to consult with these professionals on a preliminary, informal basis with questions about the design intent of these Guidelines and their application to the overall design or design features of buildings and landscaping.

Since these professionals will be advisors only, their views and opinions will be considered by, but will not be binding on, the Committee.

E. Definition of “Improvements”

The term “Improvements” shall mean and include any and all man-made changes or additions to a Lot, including but not limited to, the location, materials, size and design of all buildings (including any exterior pieces attached to or separate from buildings, such as heating and air conditioning equipment, roofed structures, parking areas, fences, walls landscaping (including cutting of trees), hedges, mass plantings, poles, driveways, ponds, changes in grade or slope, site preparation, signs, exterior illumination and changes in grade or slope, site preparation, signs, exterior illumination and changes in any exterior color or shape). The definition of Improvements includes both original Improvements and all later changes to Improvements. However, the definition of Improvements does not include the replacement or repair of Improvements previously approved by the Committee, provided that such replacement or repair does not change exterior color, materials, designs or appearances from that which were previously approved by the Committee.

F. Design Standards

The following statements and standards shall be explanatory and illustrative of the general intent of the development of Mallard Oaks, and are intended as a guide to assist the Committee in reviewing preliminary plans, the Final Plans and other submittals.

G. Liability of Declarant & Committee

Neither Declarant nor the Committee shall be responsible for any losses or damages arising out of the construction of the improvements permitted under these Guidelines, nor shall the Committee’s approval of

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any plans, specifications or other submissions be deemed a representation or warranty by the Committee or its agents regarding the design, materials, or any other aspect of the developments depicted in such submissions.

H. Zoning & Other Governmental Regulations

In addition to complying with the requirements imposed by this Declaration, the Owner of any Lot must comply with all zoning and other applicable governmental laws, rules and regulations. Approvals by the Committee pursuant to these Guidelines shall in no event be construed as representations or warranties that the Owner's plans, Final Plans or Improvements comply with any such governmental requirements.