



Architecture Review Board  
Guidelines  
Effective January 1, 2017

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## Introduction

*Note: Some sections of the community have Special Conditions and Requirements, see Section 4.30 and 4.31*

These Design Guidelines have been drafted to establish criteria, which will facilitate the creation of a cohesive neighborhood appropriate to the environment of Clearwater Cove on Norris Lake ("the Community"), while preserving the natural features of the mountain terrain. This will be done through preservation of its trees, through care in the siting of its homes and through the adoption of an architecture that is authentic to the East TN lake and mountain region. The Guidelines, which follow, define construction features and treatments deemed appropriate to create the character envisioned by the developer, and provide guidelines for landscape and site design.

The Architecture Guidelines provide the Architecture Review Board (ARB) with the basis for making informed, consistent decisions about proposed construction and site development in its review and approval processes. The Guidelines help assure uniformity in the review process and therefore increase predictability. If they are followed carefully, they should help to prevent missteps and delays, thereby limiting the cost to develop an approvable design.

Each property owner, through his/her designers and contractors, is ultimately responsible for assuring that the work contemplated will comply with the guidelines, and should review the guidelines prior to beginning the design process. Although it has been our goal to write the design guidelines in language that can be understood by the layman to plan improvements, property owners are strongly encouraged to enlist the assistance of a competent architect or residential designer with experience in residential design of the character described herein.

These Design Guidelines have been adopted and published pursuant to the Declaration of Covenants, Conditions and Restrictions for the Clearwater Cove on Norris Lake Community ("Declaration"), to establish standards, rules and guidelines applicable to the dwellings and other improvements to be constructed or installed on lots in Clearwater Cove on Norris Lake. These guidelines are to be implemented by the Clearwater Cove on Norris Lake Architecture Review Board (ARB) that is comprised of three (3), but no more than five (5), members. The initial ARB is appointed by the Declarant. These Architecture Guidelines supplement and relate to Article 9 of the Declaration and are binding upon all Owners who acquire lots within the Clearwater Cove on Norris Lake Community and their respective architects, consultants, builders, and agents.

Compliance with the Design Guidelines does not guarantee approval. Decisions of the ARB may be based on aesthetics and therefore based on subjective factors. The ARB may in rare cases, give approval based on specific hardships created by the conditions of the lot. Approval by the ARB does not imply that the structure or improvements submitted for approval comply with applicable building codes or governmental requirements. Furthermore, the ARB does not review and shall not have any liability for the structural integrity or soundness of the approved construction.

All construction or improvements, that impact the look or character of the property (visible from outside of the home or structure) must be designed, documented and submitted for review and approval. This includes new construction and subsequent exterior changes. When in doubt concerning any planned or intended improvement, the property owner shall submit documentation defining the intended improvements to the ARB for review and approval.

## Letter from The Architectural Review Board

### **ARCHITECTURE GUIDELINES FOR THE CLEARWATER COVE ON NORRIS LAKE COMMUNITY CAMPBELL COUNTY, TENNESSEE**

Dear Property Owner:

The primary goal of the Master Plan and Architectural Guidelines develop for **Clearwater Cove on Norris Lake** is to achieve an uncommon, visually pleasing blend of the natural beauty of the region and man-made improvements. Residential activity and active recreational areas have been successfully integrated within a park-like setting. The developers of the Clearwater Cove on Norris Lake have implemented a carefully researched and appropriate plan, which they, in great part, administer through the Architecture Review Board (ARB).

Environmentally sensitive design can only be achieved through a careful, well thought-out response to the configuration, the vegetation and topography of the building site. These issues need to be addressed by your team of design professionals and carefully incorporated into the plans for your custom home in the Clearwater Cove on Norris Lake.

These guidelines are intended to serve as your benchmark in the often-complex process of planning a new home. While this document can prove to be a helpful tool in planning homes at the Clearwater Cove on Norris Lake, it can neither provide every answer nor guarantee ideal solutions for every situation. Nevertheless, as questions arise concerning your building plans, our staff and the Architecture Review Board itself will be most happy to help you. We encourage you to participate when possible in all presentations to the board as your architect, designer or builder makes them.

We hope you, your architect and your builder will find these guidelines helpful and we encourage your questions and comments. If we may be of any assistance whatsoever, please do not hesitate to call on us. Please read, sign and submit the following release with your plans when submitted to Associa to begin the ARB review process.

Sincerely,

**Clearwater Cove on Norris Lake Architecture Review Board**

Sue Joe Allan,  
Property Manager  
**Associa® Tennessee Property Management, Inc.**  
9041 Executive Park Drive, Suite 122  
Knoxville, TN 37923  
Office: 865-692-0930  
Fax: 865-692-0950  
[SueJoe.Allan@Associa.us](mailto:SueJoe.Allan@Associa.us)

**RECEIPT AND ACKNOWLEDGMENT STATEMENT**

**RECEIPT AND ACKNOWLEDGMENT STATEMENT  
OF THE ARCHITECTURE GUIDELINES  
FOR CLEARWATER COVE ON NORRIS LAKE  
CAMPBELL COUNTY, TENNESSEE**

I \_\_\_\_\_(Print Name) and \_\_\_\_\_(Print Name), property owner(s) of Lot \_\_\_\_\_, Phase \_\_\_\_\_, Clearwater Cove on Norris Lake at, Campbell County, Tennessee, hereby acknowledge that I (we) have received and read these Design Guidelines for property located in the private, residential development of Clearwater Cove on Norris Lake, Campbell County, Tennessee. I (we) understand the Design Guidelines impose restrictions and requirements on the design and construction of improvements on my (our) lot. I (we) understand it is my (our) responsibility as the owner of the property to ensure that my actions, and the actions of all agents, architects, builders and others doing work or providing services on my behalf, are in compliance with the requirements of these Design Guidelines.

\_\_\_\_\_  
Property Owners Signature                      Date

\_\_\_\_\_  
Property Owners Signature                      Date

“This page is to be signed by the buyer and returned to the Association”.

**RECEIPT AND ACKNOWLEDGMENT STATEMENT  
OF THE ARCHITECTURE GUIDELINES  
FOR CLEARWATER COVE ON NORRIS LAKE  
CAMPBELL COUNTY, TENNESSEE**

I \_\_\_\_\_(Print Name) and \_\_\_\_\_(Print Name), property owner(s) of Lot \_\_\_\_\_, Phase \_\_\_\_\_, Clearwater Cove on Norris Lake at, Campbell County, Tennessee, hereby acknowledge that I (we) have received and read these Design Guidelines for property located in the private, residential development of Clearwater Cove on Norris Lake, Campbell County, Tennessee. I (we) understand the Design Guidelines impose restrictions and requirements on the design and construction of improvements on my (our) lot. I (we) understand it is my (our) responsibility as the owner of the property to ensure that my actions, and the actions of all agents, architects, builders and others doing work or providing services on my behalf, are in compliance with the requirements of these Design Guidelines.

\_\_\_\_\_  
Property Owners Signature                      Date

\_\_\_\_\_  
Property Owners Signature                      Date



## C. Design and Construction Process

### ARTICLE 1 - DESIGN AND SUBMITTAL PROCESS

#### 1.1 Purpose of these Architecture Guidelines

The Architecture Guidelines for Clearwater Cove on Norris Lake (“The Community”) provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These standards have been developed to assist in the planning, constructing, landscaping, and modifying of Lots within Clearwater Cove on Norris Lake. The standards set forth criteria for design, style, materials, colors, and location of site improvements, landscaping, signage and lighting. In addition, the Design Guidelines establish a process for review of proposed construction and modifications to Lots to ensure that all sites within Clearwater Cove on Norris Lake are developed with the consistency and quality that attracted you to this development.

#### 1.2 Architects, Professional Residential Designers and Landscape Architects

Use of Architects, Professional Residential Designers and Landscape Architects experienced in the design of character required by these Design Guidelines is recommended.

#### 1.3 Stock Plans from Plan Books

Stock plans can be used if they meet, or can be adapted to meet, the Design Guidelines. Floor plans and elevations published in the Plan Book should be submitted for conceptual review and approval, prior to purchasing the construction documents from the Plan Book company. Modifications required to adapt a Plan Book design to the site constraints and/or the architectural requirements of the Design Guidelines, must be graphically represented and printed in the architectural drawings when submitted to the ARB.

All plans for the Community must also comply with requirements in the community’s CC&R’s, particularly Articles III, IV, and V, as well as these Guidelines and all local jurisdictional controls.

#### 1.4 Variances

The Application for Review must clearly identify any requirements of the Declaration or these Design Guidelines for which a variance is sought. In most cases, there should be no need for a variance, however unusual site conditions may occasionally present hardships that may dictate the request for a variance.

#### 1.5 Overview of the steps in the Design Review Process (details in the following sections):

A. Conceptual Review of the plan or a photo or a rendering. This step is optional., but Homeowners and their representatives are encouraged to submit Conceptual Plans for review prior to making a formal submittal. Potential variances should be discussed before commencing any portion of a design that will require a variance.

B. Preliminary review and approval (section 1.6). The preliminary review will generate a written response.

- C. ANY concerns or questions raised in preliminary review need to be appropriately addressed in the final submittal (section 1.7). Architectural Review Board response shall be in writing.
- D. Following the final Architectural Review Board approval, owner may seek building permit.

#### 1.6 Submittal Requirements for Preliminary Review / Approval

A Preliminary Review is the initial review and the drawings submitted should be preliminary, not final. **Incomplete submittals cannot be approved and will be returned.** Submit the following drawings for review and approval:

Completed "**Application for Preliminary Review**" (see **Appendix B**) with two identical "Submittal Packages" including:

Site Analysis (1"= 20')

Erosion Control Plan and a copy of the Notice of Intent from State of Tennessee

Site Plan (scale 1" = 20') showing existing conditions and all proposed improvements including but not limited to:

- Property lines, setbacks and easements
- Setback lines from wells and stream buffers
- Existing deciduous trees >4" in diameter
- Trees proposed for removal
- "Specimen" deciduous and evergreen trees
- Rock outcroppings
- Notable shrubs / vegetation
- Locations of tree protection fencing
- Existing and proposed grades
- Site retaining walls
- House, garages, outbuildings
- Driveways, parking
- Well(s)
- Underground propane tanks
- Patios, walkways and stoops
- Decks, porches, gazebos, bridges
- Fences, screen walls
- Pools, hot tubs, fountains
- Swing sets, basketball hoops, and sports equipment
- Screened areas for trash receptacles and HVAC or other mechanical equipment
- Utility meters
- Antennas /satellite dishes
- Mailbox
- Septic systems are not permitted (see attachment D)

Floor Plans: Foundation or Basement, First Floor and Second Floor (scale 1/4" = 1'-0")

Exterior Elevations: Front (scale 1/4" = 1'-0"), Sides and Rear (scale 1/8" = 1'-0")

Building Site Section showing building height and new and existing grades (scale 1/4" = 1'-0")

Roof Plan (scale 1/8" = 1'-0")

Wall Section - foundation through roof eave (scale 3/4" = 1'-0")

Exterior Building Materials

#### 1.7 Submittal Requirements for Final Review / Approval

This submittal can only be made if the Preliminary Review was "Approved" or "Approved Subject to the Conditions" The drawings and specifications should be final and ready for construction. Resubmit two identical "Submittal Packages" including **all of the items called for in the Preliminary Review** revised if necessary to address the comments from the Preliminary Review. In addition submit the following: Please provide electronic copies as well for distribution to all ARB members.

- A. Completed "**Application for Final Review**" (see Appendix C) **with two identical** sets of Plans and Specifications with cut sheets including:
- B. Landscape Plan (scale 1" = 20') produced on a copy of the Site Plan to show all the items required on the Site Plan
- C. Site Plan (scale 1" = 20')
- D. Construction Site Plan (scale 1"=20')
  - Produced on a copy of the Site Plan adding proposed locations to be used for:
    - Where the site will be accessed from the road
    - Parking for construction personnel
    - Areas to be used for storage of construction materials & stockpiling topsoil
    - Trenches for underground utilities
    - Construction trailer and other temporary structures
    - Temporary toilets
    - Dumpster(s)
    - Fire extinguishers
    - Construction sign
    - Portable toilets
- E. Typical wall sections
- F. Dormer details
- G. Exterior trim details
- H. Window and door details or cut sheets
- I. Fences and screens wall details
- J. Screen / covered porch and deck sections and details
- K. Details, cut sheets or descriptions of all exterior architectural features including: piers, posts, brackets, shutters, railings chimney caps, gutters and downspouts
- L. Specifications
- M. Samples of the following materials including color:

Roof material  
Exterior Wall and Foundation Cladding  
Stone and mortar  
Paint/stain color for stucco, siding, cedar shingles, front door, exterior trim,  
and shutters

#### 1.8 ARB Response to Submittals

All submittals related to home construction shall be sent to:

Sue Allan

Regional Manager, East Tennessee

**Associa<sup>®</sup> Morris Property Management, Inc.**

9041 Executive Park Drive, Suite 122

Knoxville, TN 37923

Office: 865-692-0930

Fax: 865-692-0950

**SueJoe.Allan@associa.us**

The ARB will return one of the "Submittal Packages" to the applicant marked with the response of the ARB, and will retain the other "Submittal Package" for the files of the ARB.

Responses from the ARB will only be in writing; will typically be one of the following:

Approved

Approved Subject to the Conditions Noted

Resubmit with Additional Information

Denied with an Explanation

Approvals can only be issued in writing by the ARB. Verbal approval by an officer or member of the ARB, or the Association or the Association's manager does not constitute ARB approval. Any approval from the ARB shall be valid for a period one year. If construction has not started within the one-year period, plans will need to be resubmitted to the ARB.

#### 1.9 Deemed Approval

If the ARB fails to respond in writing within 30 days after the ARB actual receipt of a completed application and all required information, the applicant's "Submittal Package" is deemed to have been approved. The applicant may then proceed with the improvements, provided the Applicant adheres to the plans and specifications and does not violate the provisions of the "Design Guidelines" or the "Declaration of Covenants, Conditions and Restrictions". A deemed approval does not waive any other requirements for compliance in design, construction, inspections or any way. In exercising deemed approval, the burden is on the Applicant to document ARB receipt of the owner's application.

#### 1.10 Government Approval

To the extent that Campbell County ordinances or any local government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Design Guidelines, the Declaration of Covenants, Conditions, and Restrictions for Clearwater Cove on Norris Lake the local government standards shall prevail. To the extent that any local

government standard is less restrictive, the Declaration and the Design Guidelines (in that order) shall prevail. Approval from the ARB shall be obtained prior to the application for a building permit from the County.

After approval of the Final Submittal by the ARB, the Applicant may apply to the appropriate governmental authority for the appropriate permits and approvals.

The Campbell County Building Inspections Office is responsible for the enforcement of the building codes and flood plain regulations. It is the responsibility of any individual who is building to obtain the appropriate permits before beginning construction. Drawings for single-family dwellings shall be prepared in compliance with all applicable building codes and "Trade Codes" and shall be submitted for a building permit to the appropriate office.

#### 1.11 Construction in Accordance with Plans

Dwellings and other construction shall be built in strict accordance with the plans and specifications approved by the ARB. Changes to the design that impact the exterior of the building or the site must be submitted for review and consideration of approval. Fees are charged for review of exterior design changes after the original approval. A full or partial withholding of the construction deposit or additional penalty will be assessed to the owner for a project that is in non-compliance with approved plans, or damages Associations common areas.

## ARTICLE 2 - CONSTRUCTION PROCESS

### 2.1 Builders

Builders must be appropriately licensed contractors or otherwise qualified, and insured and a copy of their Certificate of Insurance forwarded to Sue Allan in advance of construction.

**The Applicant must ensure that all contractors and subcontractors control the conduct of their employees** while working in Clearwater Cove on Norris Lake. Loud music, profanity, and other behavior that is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied access at the construction entrance.

### 2.2 Construction Site Plan

The Builder shall abide by the detailed Construction Site Plan submitted prior to construction. Construction activities shall not cross over tree protection fencing shown on the site plan and shall be located out of the drip line of trees unless the incursion into these areas is specifically defined on an approved Construction Site Plan.

### 2.3 Permissible Hours and Days of Construction

If there are adjacent homes that can be adversely affected by the noise of construction activities, Construction shall be scheduled to minimize its impact. Construction activities shall occur between 7:30 AM and 6:30 PM on weekdays, and between 9 AM and 5 PM on Saturday. Construction activities shall not occur on Sunday or legal holidays. The ARB has the authority to grant permission for work to proceed on interiors after the structure has been totally enclosed and outdoor work in areas that are undeveloped or sparsely developed.

## 2.4 Excavation /Grading

Excess excavation material shall not be placed in tree save areas or within the drip line of trees to be saved, or in common areas, roads or on other lots, except as approved by the ARB.

Builders are expressly prohibited, during backfill and final grading operations, from spreading excess debris or material over the remainder of the lot without prior written approval of the ARB.

Any damage to vegetation or common area facilities caused by the Applicant, its contractors, sub-contractors, agents, or employees must be corrected immediately to the satisfaction of the reviewer, the Declarant, and the owner of the damaged property. If the damage is not corrected, the Declarant or the Association may withhold all or part of the construction deposit or may repair such damage and assess the costs of repair to the Applicant.

## 2.5 Erosion Control

Prevention of soil erosion and stream/lake siltation, and any other form of environmental pollution is strictly forbidden. The owner of any lot on which a residential contractor is cited in violation of any locally applicable Environmental Laws – shall also be subject to penalty by the Association.

During any periods of soil disturbance, industry approved techniques for controlling erosion within the site and onto other sites shall be applied. Such methods include sedimentation basins, filtration materials such as hay bales or permeable geo textiles and slope stabilization fabrics. Proper re-vegetation shall begin as quickly as possible after soil disturbance. Site grades shall be maintained at all times to channel runoff away from other adjacent structures and properties.

## 2.6 Construction Trash and Debris

Construction sites shall be kept free of construction waste (trash, debris and leftover construction materials) at all times. Construction waste shall be disposed of in a commercial dumpster. Burning of construction waste is prohibited. Dumpster pickups shall be scheduled to ensure space is always available for construction waste. Dumpsters shall be situated on the lot so as not to interfere with construction traffic. All construction waste and soil “runoff” which finds its way to any roads or ingress / egress points shall be removed daily by the contractor.

## 2.7 Construction Access

Provide gravel or paved construction entrances at ingress/egress points to control the tracking of dirt onto paved roads. Keep all public and Community roads clean and free of mud and debris from jobsite. All construction vehicles and machinery is to be parked within the setback lines of the site or on the street directly adjacent to the project site. No heavy machinery is permitted within the drip line of trees designated to be saved. Access to the site will be restricted to the construction access point as shown on the construction plan and approved by the ARB. No parking will be permitted on other lots.

## 2.8 Dust, Mud, Noise and Odor

The builder shall make a continual effort to control dust, mud, noise, and odor emitted from the construction site. Builder shall water areas where dust is a problem.

## 2.9 Temporary Toilets

Chemical toilets shall be provided by the builder on the first day work activity begins on the lot. Such toilets are to be placed in the least obtrusive area as possible while also being positioned on the road side of the lot yet as far away from the curb as possible. Chemical toilets are to be maintained in a sanitary condition at all times.

## 2.10 Duration of Construction

Construction shall be completed within twelve (12) months of the commencement of work.

# D. REQUIREMENTS

## ARTICLE 3 - SITE REQUIREMENTS

Each site within The Community has its own unique qualities and characteristics. The ARB will be looking critically at individual Site Plans to determine whether existing features are respected and sensitively utilized. Plans that minimize disturbances of existing vegetation, rock formations, natural topography, and drainage patterns are preferred. Respect for adjacent development and construction is essential.

### Conditions affecting certain lots

**Lot numbers 227, 228, 229, 230, 231 and possibly others face interesting opportunities in the design of a home to be compatible with the community's Design Guidelines. The lots are relatively small for the slope of the ground. It is acknowledged that it may be difficult to address the community's garage requirement and that garages on these lots may be tucked under the homes and accessible only from the lower street frontage. Some lots may require other creative approaches to address narrow steep lots. Variances may be requested in extreme cases. Every reasonable effort must be made to comply with requirement for a garage, but it is understood that a variance may need to be requested from the Architecture Review Board.**

## 3.1 Setbacks

The development plan for The Community defines the minimum building setbacks from the property lines on each property. Setbacks are measured from the property line to the exterior face of the wall or any vertical part of the structure more than 18" above grade. In addition to the building setbacks, additional setbacks and undisturbed buffers may be established to protect wells, wetlands, streams and steeply sloped areas on each property.

The following setbacks are applicable to all lots in The Community:

- Front yard setback is 30 feet from the front property line
- Side yard setback is 15 feet from the property lines on each side
- Rear yard setback is 20 feet from the rear property line

Special Conditions for Patio Home sites (Also See Section 4.30)

Due to the smaller sizes and topography of the lots in the Patio Home sites area Lots 1-43, the following setbacks apply:

- Front yard setback is 15 feet from the front property line
- Side yard setback is 5 feet from the property lines on each side
- Rear yard setback is 10 feet from the rear property line

Special Conditions for Overlook Lots (Also See Section 4.31)

Due to the smaller sizes and topography of the lots in the Overlook Lot (of Phase 1) area, Lots 191-234, 172-176, the following setbacks apply:

- Front yard setback is 15 feet from the front property line
- Side yard setback is 5 feet from the property lines on each side
- Rear yard setback is 10 feet from the rear property line

### 3.2 Protection of Existing Trees

Every effort should be made to minimize the impact of construction activities on existing rock outcroppings, specimen trees and vegetation. Houses, walks, patios, drainage fields and other site improvements shall be located in such a way as to preserve these natural features whenever feasible.

Deciduous trees >8" in diameter\* are known as, "specimen" deciduous and evergreen trees, special shrubs / vegetation and rock outcroppings shall be flagged on the site and located on the Site Plan, Landscape Plan and Construction Site Plan.

Deciduous trees >4" in diameter\*, evergreen trees >6" in diameter\*, and shrubs, may not be removed outside the tree protection zone without the prior written approval of the ARB and applicable governmental agency.

\*Measured at a point 2' above ground level

A tree / vegetation protection fence (2' x 2' stakes with temporary construction fencing) shall be installed before any clearing or grading is done on the site and shall be maintained until the landscaping is installed. The fence shall be installed no further than 12' from the front and rear of the house, 8' from the sides of the house and 3' from driveways, walks, patios, septic tanks and drainage fields. If there are no trees / vegetation in these zones, the fence can be located further from the house and site improvements, as long as it is outside of the drip line (root zone) of trees / vegetation to remain. This fence is not only intended to protect root zones from grading, but to also prevent construction activity (parking of construction vehicles, storage of construction materials, soils and debris, etc.) from impacting or compacting the root zones. Construction activity shall not cross the fence lines without the approval of the ARB.



Should a Property Owner or Builder remove any tree or vegetation without approval, or negligently or intentionally damage any tree or vegetation, said Property Owner shall, after notice and opportunity to be heard, be liable for a penalty in an amount up to \$1,000 for each tree or other plant removed.

### 3.3 Site Grading

Site Plans should be designed to minimize the extent of grading required. Techniques for doing this include using partial basements to step the building down the slope, providing access across slopes instead of down them, and using low retaining walls where appropriate. Where grading is necessary, cut and fill slopes should be kept to a maximum of 2 in 1, with steeper slopes allowed (if permitted by soils engineer) when excessive disturbance of ground would otherwise result. Graded slopes should be rolled back into existing slopes so that no sharp contrast exists between existing and disturbed slopes.

All retaining walls require approval by the reviewer. Such walls shall be designed to retain the forces exerted upon them. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Walls shall not be located to alter the existing drainage patterns.

Prior to rough grading, stockpile topsoil in appropriate area (within limit of construction activity area and outside of drip line of trees to be saved).

No grading or clearing of any kind shall occur on site until the Site Plan has been submitted and approved.

### 3.4 Driveways

Owners shall secure ARB approval before extending or expanding any driveway. The curb cut for driveways should be a minimum of 15'-0" from the side property lines. The maximum driveway width is 12'-0" except at garage turnaround areas. Parking and turnaround areas are prohibited in the setback areas. Driveways can encroach on the setback areas only if topography or other factors justify such placement, and only as approved by the ARB. See additional Guidelines for driveways in Section 4.5.

### 3.5 Wells

Wells on individual residential lots are not permitted.

### 3.6 Septic Systems

Septic systems are not permitted in the community. (See attachment D)

### 3.7 Drainage Swales / Streams / Wetland Areas

Slope of the yard should ensure that drainage of runoff is directed away from the home and into designated drainage areas (as indicated on The Community final design drawings and final plat for the lot). No plant or improvement shall be permitted on the lot line or in a drainage swale that will or could obstruct drainage.

Proposed culverts, structural channels, bridges, and grading/disruption/realignment of drainage swales, streams and wetland area on the lot shall be submitted on the Site Plan for approval of the ARB. These plans shall describe how the area will be restored with plantings, rocks, mulch, and other natural erosion control measures to blend in with the natural environment and to allow water to flow without erosion.

No pond shall be constructed, nor shall the course of any stream be changed, nor any culverts installed in any stream without prior written approval of the applicable controlling state and federal agencies. Naturally occurring streams are protected by regulatory agencies by mandatory buffer zones.

### **3.8 Pools, Hot Tubs and Other Site Features**

In-ground swimming pools shall be reviewed and approved by the ARB on a case-by-case basis, depending on anticipated impact on adjacent properties. Above ground swimming pools are prohibited.

Hot tubs not exceeding 10' x 10' in area are allowed and may be above ground or in-ground. Hot tubs must be visually screened from view from other lots and residences, and covered securely when not in use.

Pools and hot tubs must be located within the build able area of the lot. They shall be located to rear of the house, or to the side of the house only if they will not be visible from the road. Pool equipment shall be screened from view and located where the noise will not impact neighbors.

Swing sets and similar sports / play structures and equipment must be in the rear or in a side yard where they will not be visible from the road. Tennis courts and courts for other sporting activities are prohibited. They shall be reviewed and approved by the ARB.

Basketball hoops, sculptures, birdbaths, birdhouses, fountains, flamingos and other decorative features visible from any road must be reviewed and approved by the ARB, prior to installation.

### **3.9 Fences and Screen Walls**

The location, design and materials for fences and screen walls shall be located and defined on the Site Plan and Landscape Plan for review and approval by the ARB. Fences and walls defining the boundaries of the property are prohibited. Fences and walls may be used to screen utilities, trash receptacles and other undesirable items, or when required by building codes, such as enclosing a swimming pool. When fences and screen walls are deemed to be desirable or necessary, they shall be designed to relate to the character, materials and colors of the exterior materials of the house. Fences and enclosure walls shall be no more than 6' in height and shall be integrated into the site with landscaping. Chain link fences are specifically prohibited.

### **3.10 Trash Receptacles and HVAC Mechanical Equipment**

Areas used for storage of solid waste and HVAC Equipment shall be kept in trash receptacles that are screened from views in garages or using fences, screen walls and/or landscaping. Except on days designated for trash pick-up, trash receptacles shall be kept within the designated screened area.

### 3.11 Exterior lighting

All exterior lighting must be approved by the ARB. Subtle lighting of porches, walkways, driveways, patios and low-level lighting of landscaping is highly encouraged. All light sources shall be shielded or enclosed so that the light source (bulb) is not visible from the road or adjacent properties to prevent glare. At this time, a light post at the end of a drive, located near the street, is also encouraged, with a light sensor for turning on at dusk and off during daylight hours. Motion sensors are not encouraged as they are too easily triggered by any motion.

Security lighting not complying with the above requirements is allowed if activated by a light sensor, which limits the duration of its use to the evening hours when it is activated

Colored lights are prohibited except during holiday seasons, but must be removed as soon as the holiday passes.

### 3.12 Mailboxes / Address Numbers

Street address numbers shall be purchased by the owner and installed visibly on the house facing the street. Individual mail delivery service shall be provided by the USPS to mail kiosks within the community.

### 3.13 Utilities

Air conditioning equipment, gas meters, and electrical meters/disconnects, and other utilitarian features are permitted in rear yards, or in side yards if setback a minimum of 20' from the front corners of the house. They shall be screened from view with landscaping.

Electric and telephone lines shall be installed underground. The proposed location of trenches for electrical, telephone, water, and propane gas shall be shown on the Site Plan and Landscape Plan. Trenches shall be routed outside of tree save areas and the drip line of trees to be saved. When appropriate, utilities should be installed in a common trench where permissible. Backfill of trenches shall be properly compacted.

Propane tanks if desired shall be placed underground with visible valves screened by landscaping.

### 3.14 Antennas and Satellite Dishes

Antennas and satellite dishes may be installed only for the purposes of:

- Receiving direct broadcast satellite service, including direct-to-home satellite service
- Receiving video programming services via broadband radio service (wireless cable)
- Receiving local television broadcast signals.
- Receiving or transmitting fixed wireless signals

As provided for in FCC Rule 47 C.F.R. Section 1.4000. Nothing in this section is intended to conflict with this Rule. Antennas and satellite dishes not provided for by the FCC Rule are prohibited.

Antennas and satellite dishes may be mounted to the rear wall of the dwelling (not projecting beyond the sidelines of the dwelling), or installed free standing to the rear of the dwelling. Free standing antennas and satellite dishes shall be located outside of the side and rear setbacks and shall be screened by landscaping so as not to be easily visible from roads.

Antennas shall not be mounted to the front or side walls of the dwelling, to any portion of the roof, or free standing in areas other than to the rear of the dwelling, unless documentation is provided to the Architecture Review Board that a signal cannot be received in other less visible locations.

Antennas and satellite dishes shall be no larger, than necessary for reception of an acceptable quality signal. Satellite dishes larger than one meter (39.37") in diameter (or diagonal measurement) are prohibited.

Antennas and satellite dishes may be mounted on "masts" to reach the height needed to establish line-of-sight contact with the transmitter, but shall be installed no higher than necessary for reception of an acceptable quality signal. Antennas and satellite shall be located in areas that will minimize height of a mast and in locations where the antennas and/or satellite dish is least visible from roads and adjacent properties.

No more than one television and one Internet device may be installed on any lot.

Antennas and satellite dishes shall be maintained in a good repair and in an attractive condition.

Upon the removal of an antenna or satellite dish, the installation location shall be restored to its original condition.

The Association has the right to erect, construct, and maintain central or common antennas and/or satellite dishes and restrict the installation of individual antennas and satellite dishes

### 3.15 Easements

Easements for installation and maintenance of utilities, roadways, drainage, and other purposes shall be kept open and free of improvements that could affect the use, service, and maintenance of the intended easement.

### 3.16 Prohibited Improvements

The following improvements shall not be permitted:

- Signs not in compliance with the CC&R's

- Animal pens

- Satellite dishes over one meter (39.37") in diameter

- Quoins (projecting masonry or stucco corner blocks)

- Window air conditioning units

- Permanently installed basketball goals

- Freestanding flagpoles (unless approved by the ARB)

- Solar panels (unless approved by the ARB)

- Any form of Yard art or decoration (pink flamingos – bird bathes), must be submitted to the ARB and approved before being installed

## ARTICLE 4 - HOUSE REQUIREMENTS

### 4.1 Architectural Style

The goal of The Community is to develop a community of **Mountain Cottage Style** homes that have a look and feel of a home that evolved from materials indigenous to the region.

While the homes and cottages that were built in the Mountain Cottage Style in Tennessee during this time period have a recognizable look, they do not follow or represent a strict architectural style. The architectural language found in these homes can be traced to a variety of sources. They were influenced first and foremost by the rural homes and cottages of the Carolinas, Virginia and North Georgia. More sophisticated Mountain Homes and lodges adopted the characteristics of the Arts and Crafts style, and, to a lesser degree, the Adirondack homes of upstate New York.

The exteriors of all buildings must be designed to be compatible with the natural site features of the Lot and are to be in harmony with their surroundings. The architectural style which is characterized as “Mountain Cottage Style” can be achieved using natural materials to make the house appear “grounded” in the site. This architectural style is typically a one-and-a-half story structure. The upper floor is created under the main roof and using dormers. A stone foundation touches the ground followed by wood siding or wood shingles on the body of the house. The house will be covered by a natural color shingle or split wood shingle roof. The landforms, natural contours, local climate, vegetation, and views should dictate the building location, the building form, and the architectural finishes. The reviewer may disapprove plans if in its judgment, the massing, architectural style, roofline, exterior materials, colors, or other features of the building do not meet these standards.

In general, **Mountain Cottages and Homes** should have a comfortable, organic look and can be very simple in design. Historically, these homes were typically built as a single gabled structure, with a shed roofed porch. As time went by, this basic home was added onto with numerous additions. Large additions were generally gabled structures like the original home, with smaller additions and porches generally having lower sloped shed roofs. Porches are a vital part in the image of a mountain cottage home. They often stretched along the entire length of the home, particularly on the southern exposure. The resulting overall composition of these homes is almost never formal and is rarely symmetrical, although individual parts often exhibit symmetrical qualities. The homes in the Community should emulate these qualities and features. They should be composed of several modestly scaled massing elements, around a dominant building form, rather than a single, large building mass.

Homes from this region and time exhibit simple detailing reflecting the skills of the simple craftsmen that built homes in the area. Exterior materials were usually simple lap or shingle siding with stone foundations and chimneys. Roofs were generally shingles, wood shakes or standing seam metal. Chimneys/fireplaces were expressed on the exterior with a stone or stucco

finish. Timbered beams, exposed rafter “tails,” simple eave/rake brackets, and traditional windows were common characteristics. Trim was usually rectangular in shape with back bands being the only decorative molded trim found on the exterior.

The architectural character of this community should not reflect the suburban homes currently being built in the major metropolitan areas of this country. Formal, symmetrical facades with ornate exterior features should be avoided. Dormers, columns, windows, beams, brackets, etc., should be simple, not elaborate in character. Overall arrangement of building elements should be simple, avoiding numerous gables, stepped gables and complex roof elements.

By striving to emulate the exterior qualities and features of **Mountain Homes and Cottages** of the 1930’s, in an effort to create a homogenous neighborhood, Clearwater Cove on Norris Lake will be a distinctive community with unique appeal not found in developments less focused on creating a thematic character. Moss Creek is just one architect company that has house plans that can help you visualize the concept of a mountain home or cottage. Several of these homes have been built next to the Twin Coves marina. Click on this link for hundreds of house plans and designs from this group and other similar house plans from Dream Home Source. These are just ideas, not required styles.

<http://www.moss creek.net/whats.htm>

<http://www.dreamhomesource.com/house-plans/dhs/collections/mountain-home-house-plans.html>

#### 4.2 Dwelling Area

Allowable dwelling areas shall be in general proportion with the size of the lots and the vision for the community.

Square footage shall be measured from the exterior face of the walls of the home and shall include all heated or air conditioned or finished residential areas. It shall exclude porches, screened porches, decks, garages and other unheated or unfinished non-residential areas of the home.

##### A. General Conditions for most of the Clearwater Cove on Norris Lake

**Minimum** residential square footage requirements for each proposed home is 1,850 square feet, at least 1,000 SF of which shall be on the main floor.

**Maximum** residential square footage is limited only by the aesthetic impact of the home, as determined by the ARB.

##### B. **Special Conditions for Patio Home sites** (Also see Section 4.30) Lots 1-43

Due to the lot size and topography of the Patio Home sites area, the following will apply:

**Minimum** residential square footage requirements for each proposed home is 1,450 square feet, at least 1,000 SF of which shall be on the main floor.

**Maximum** residential square footage is 1,800 square feet.

- C. **Special Conditions for the Overlook Section** (Also see Section 4.31) Lots 191-234, 172-176  
Due to the lot size and topography of the Overlook Lots, the following will apply:

**Minimum** residential square footage requirements for each proposed home is 1,400 square feet, at least 1,000 SF of which shall be on the main floor.

**Maximum** residential square footage is 4,000 square feet or less in general proportion to the size of the lot.

The maximum number of stories above a basement is two stories plus an attic. The heated living area of the attic space shall be within a roof form bearing at (or below) the third floor level. The area of an attic shall not exceed 60% of the area of the second floor.

#### 4.3 Dwelling Height

Finish floor elevation of the First Floor shall be a minimum of 2' above grade (not including basements).

Buildings shall not exceed 35' above the level of the first floor of the home, to the peak of the roof.

Buildings shall not exceed 48' in the height from the lowest natural grade level at the perimeter of the house to the highest point of the roof.

The intent of these height regulations is to minimize house forms that tower over their neighbors. To comply with this regulation, houses on steeply sloped lots can be designed such that the roof on the downhill portion of the lot bears at a lower elevation (i.e. the ceiling of the first floor), with roofs on the uphill portion of the lot bearing at a higher elevation (i.e. the ceiling of the second floor). Daylight basements can be developed with additional living space to meet these requirements without building excessively tall structures.

Some lots may have additional height restrictions placed on them during design review. Lower buildings are generally more appropriate on more exposed sites (tops of hills and areas without trees) where a tall building would tend to stand out. Taller buildings are more appropriate on sites that are less visible and/or more protected (valleys and forested areas) where the height of the adjacent vegetation and or grade would reduce the impact of the building in the area.

#### 4.4 Garages

Garages are required for each home as follows:

Garage door openings shall face the side or rear yard, unless deemed unfeasible by conditions on the site. If site conditions require garage door openings to face the road, the garage shall be set back from the primary face of the house by a minimum of 20'. The intent is to prevent vehicles parked in front of the garage from intruding into the front yard, and limiting the visibility of vehicles as viewed from areas down the road.

Garages shall accommodate a minimum of two and a maximum of three vehicles. Additional interior vehicular parking can occur in the basement if approved by the ARB. The impact of

grading of the driveway to the basement, and the visibility of the garage doors and driveway from off site will be important considerations.

Garage Doors facing a road shall be individual carriage style doors and a maximum of 9' in width and 8 feet in height.

**Special Conditions for Patio Home sites** (Also see Section 4.30) Lots 1-43

Due to limit land area available on lots in the Patio Home sites:

Side entry garages are preferred, but not required.

Two car garages are preferred, but single garages may be approved if dictated by site conditions.

**Special Conditions for the Overlook Section** (Also see Section 4.31) Lots 191-234, 172-176

Due to some very steep lots with limited land area in the Overlook:

Side entry garages are preferred, but not required.

Two car garages are preferred, but single garages may be approved if dictated by site conditions.

#### 4.5 Driveways and Parking

Driveways shall be a minimum of 12' wide and be set back a minimum of 3' from the side property line. Driveways shall be constructed so as not to interfere with any drainage flow or to create any additional erosion to the property. Driveways shall be constructed using the following materials:

Asphalt

Concrete tinted with an integral, dark, (grey/black, tan/brown) color

(Dark aggregate and 50 lbs. of colorant per yard of concrete)

Tinted concrete with exposed dark aggregate

Tinted concrete with stamped patterns - natural looking stone or pavers

Tinted concrete pavers

Natural Stone

Driveways shall intersect the road at only one location to limit site disturbance. On large lots, a second driveway intersection at the road may be permitted (allowing for circular driveways) provided the resulting driveway does not have significant impact on desirable site features through additional pavement and/or grading. Driveways should intersect the road at an angle of approximately 90 degrees and should be located to maximize visibility for traffic safety. The width of the driveway when it crosses the right-of-way (front property line) shall be 12'. Flares can increase the driveway width to 18' at the intersection with the road. The apron (portion of the driveway from the right-of-way to the road) shall be paved with asphalt to match the road.

Where practical, driveways approaching garages shall enter the lot in a direction that faces the house and curve in the direction of the garage, so that views down a driveway from the road are of houses and landscaping not garage doors or parking areas. Parking areas should be located out of major sight lines be screened from view to the extent possible by grading and landscaping.

The maximum desirable driveway slope is 25%. Slopes greater than 25% are difficult to construct and maintain, and are difficult to use once constructed. Slopes greater than 12% must be paved with concrete. Slopes greater than 18% must be paved prior to construction to avoid erosion. Pay



careful attention to the slope transitions at the top and bottom of a steep driveway to avoid dragging the bottom of the car.

The surface of driveways and walkways should be level with, or slightly depressed, relative to the grade/landscaping surrounding them. The grade/landscaping should taper / roll down to the sidewalk or driveway. This will make the driveway / walk way feel more integral to the terrain. As an example, the area in which a concrete driveway / walk will be constructed must be excavated prior to being formed then the edges backfilled. Concrete driveway / walks shall not be poured on top of the existing grade. Adequate turn around area to allow cars to maneuver when backing out of garage shall be provided. Informal, gently curving driveways are preferable to straight ones. Careful attention needs to be given to vertical transitions, as the driveway gets close to both the street and the garage.

#### 4.6 Outbuildings and Accessory Structures

Detached garages are not considered accessory structures. Storage sheds, green houses, play houses, gazebos, constructed or installed on a lot, shall adhere to ALL applicable guidelines for buildings and site planning. It is important that the massing and scale, as well as forms, materials, and other detailing, relate to the design of the main structure but at a diminished scale.

Prefabricated buildings are prohibited unless they meet all of these requirements. Metal and vinyl clad prefabricated structures are specifically prohibited.

An accessory building must be of the same color, material, and architectural style as the main residence, or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence.

Any utilities servicing accessory buildings shall be installed underground.

Accessory buildings generally shall be located in the rear yard but may not be located within an easement or setback area, and shall not unreasonably obstruct any adjacent neighbor's views and must be visually screened.

Only one accessory building is permitted per lot.

#### 4.7 First Floor Elevation relative to grade

Finish floor elevation of the First Floor shall be a minimum of 2' above grade. First Floor shall be over a basement or crawl space. Slab on grade is not allowed except at basements and garages.

#### 4.8 Foundation / Basement walls

Differentiation of foundation / basement cladding from the exterior house cladding is required. This shall be done through a change of materials (stucco house with stone foundation, siding house with stucco foundation, etc.) and by a floor band at the First Floor elevation (for example a stone water table at stone foundation with a 2x12 wood floor band with a drip cap at the floor line).

Foundation cladding shall extend from grade to the bottom of the First Floor framing. Step-downs in foundation cladding are not allowed. Bare cement or block foundation walls must be clad with stucco or preferably native stone.

#### 4.9 Site Retaining Walls

Siting the house and site improvements should be manipulated to minimize the need for significant changes in site elevations. Use of landscaped slopes is recommended in lieu of retaining walls. Slopes over 2 to 1 are not recommended unless the soil contains rock or clay that will allow the steeper slope to hold. Steeper slopes should be reviewed and approved by a soil engineer.

If the severity of slope on a lot dictates that site retaining walls will be required, they shall be located inside the building setbacks. They should be as low as possible to a maximum of 4 feet. If a retaining wall of higher than 4 feet is necessary, retaining walls should be terraced so that no single wall exceeds a maximum height of 4 feet to minimize impact. Exception: Walls that cannot be seen from the road or adjacent property can be 8 feet maximum high. Retaining walls above 4' in height shall be designed by a structural engineer.

Concrete and concrete block retaining walls shall be reinforced cantilevered type, stones walls shall be gravity type.

Concrete and concrete block retaining walls shall be the same finish as the foundation / basement cladding at the house.

Use of stacked and battered rock boulders is also acceptable to retain earth.

The use of modular block walls must be specifically approved. Modular walls must be the colors of natural stone (buff, tan, brown). Gray and unnatural colors are not allowed. Wall systems that have a variety of block sizes and a mix of colors to simulate natural stone are required (i.e. Versa-Lok - Mosaic-Weathered). Battered walls are preferred to vertical walls. Brick is not permissible. Landscaping shall be planted on the downhill side of retaining walls to screen them from view, when walls face the street or neighboring homes. Dense landscaping or a railing / fence shall be installed at the top side of retaining walls as required by code to prevent people from approaching / falling over the walls.

#### 4.10 Piers and Arches at the Basement Level

Piers shall be no less than 16"x16"; opening in arches shall be no less than 12" wide

#### 4.11 Posts and Brackets

Posts supporting decks shall be 6x6's (5 ½" x 5 ½") minimum, 8x8's are preferred. Cantilevered balconies (that are not supported by posts) shall have 6x6 minimum brackets or other exposed structural elements to provide visual support. Posts and brackets shall be made of solid wood or a synthetic material that simulates solid wood.

#### 4.12 Columns

Columns, if any, shall be square or tapered square (narrower at the top) and having a minimum bottom width of 10". Columns shall be made solid wood or a synthetic material that simulates solid wood. Architecturally correct (columns that are an authentic replication of classical columns) are required. Fiber cement columns are recommended for economy and durability.

#### 4.13 Porches, Decks and Guardrails

Side walls of porches may be enclosed with glass or screens; however, glass enclosures shall be located to rear of the house, or at side of the house only if they will not be visible from the road. Screened Porches shall have dark colored screens framed in wood installed behind framed railings. Porch ceilings may be enclosed with wood ceiling or have exposed joists that shall be stained or painted. Porches and screened enclosures must be visual extensions of the basic home design in both structure and materials. Aluminum frame add on type screened rooms are not permitted. Screened rooms are not to have a flat roof.

Front porches shall be a minimum of 7 feet deep from the top step to the door/wall.

Decks shall be located to rear of the house, or at side of the house only if they will not be visible from the road. Decks shall be painted or stained (except walking surfaces which may be unpainted) to be compatible with the house.

Guardrails shall be a minimum of 36" high with top and bottom rails. Top and bottom rails shall be centered on the pickets. The space between the bottom rail and the walking surface shall not exceed 4". The space between pickets, spindles or balusters shall not exceed 4". Uninterrupted sections of railings between posts or newels should not exceed 8'-0" and shall comply with all applicable codes. All railings must be in compliance with local requirements, including setbacks. Glass panels are also acceptable as an alternative to guard rails on decks. Manufacturer's guidelines for installation and measurements should be used in all cases.

Enclosed screened porches shall provide the appearance of having previously been a deck with appropriate hand rails. Now enclosed with screen, the hand rails must be retained with the screen.

#### 4.14 Patios, Walkways and Stoops

Outdoor living areas connected to and/or relating to the main residential structure are encouraged. Fire pits, outdoor fireplaces, permanent grilles and outdoor kitchens are encouraged. Walks extending from outdoor living spaces to the remainder of the lot and / or to the other common walks are desirable. These should be aligned to fit into the existing terrain and vegetation and should be constructed of stable, subdued materials appropriate to the expected use.

Stoops shall be made of stone, wood or concrete. If concrete, a stoop shall have stone or stucco cheek walls.

#### 4.15 Exterior Wall Materials

Exterior finish of basement / foundation walls, piers and arches below the level of the First Floor shall be:

- Natural stone
- Cultured stone
- Hard coat stucco

The following exterior wall materials are approved for use above the level of the First Floor:

- Natural stone
- Cultured stone
- Antique brick \*

Hard coat stucco  
Traditional exposed logs  
Natural wood siding  
    Wood clapboard  
    Board and batten  
    Cedar shingles  
    Exposed Natural Edge wood siding  
    Fiber cement siding (Hardi-plank or acceptable alternative)

Any other exterior materials are subject to approval by the ARB, on a case by case basis.

Natural stone shall be a minimum 6" veneer.

Cultured stone shall be subject to approval by the ARB. A mix of multiple grey, tan and brown ranges of cultured stone (from the same manufacturer) can be used to create the look of the natural range prevalent in natural stone. Grout colors are to be submitted and approved by ARB.

Stucco shall have a smooth or sand finish.

Clapboard siding and shingles shall be installed horizontally. Clapboard siding shall have a maximum weather exposure of 6". Shingles shall have a maximum weather exposure of 8". Decorative shingles are not permitted. Shingles shall be machine cut with bottom edges aligned.

Lattice shall be installed between supports, vertically and horizontally. Diagonal lattice panels are prohibited.

Materials used in the construction of the exterior of a home shall be installed in a consistent manner within that home.

Exterior walls of any individual building may be clad with no more than two materials in addition to the foundation material. Transitions between exterior wall materials shall occur ONLY at inside corners and/or at floor bands or projecting roof ledges. Transitions at outside corners or mid-wall are prohibited. The intention of this requirement is to make the building appear to be constructed "of" the material, and to prevent exterior materials from appearing to be "applied" like wallpaper.

Heavier materials shall be located below the lighter materials - siding above stucco, stucco above stone, etc.

\*When combined with other natural materials to break up the surface on the front facade

#### 4.16 Prohibited materials

The following exterior materials are specifically prohibited:

Particleboard  
Masonite (hard board)  
Aluminum siding or columns  
Imitation log siding  
Plywood or T-111 siding  
Vinyl siding and columns  
Exterior Insulation and Finish System (EIFS)  
Turned (Victorian type) posts, spindles and balusters

Fluted columns  
Modular or Pre-fabricated homes

#### 4.17 Log Homes

Custom natural log homes may be approved by the ARB. No homes will be allowed that are derived from pre-assembled parts such as modular homes. No chinking is allowed. Log homes exteriors shall not be painted; only lightly pigmented or clear stains and finishes shall be used.

#### 4.18 Roof Forms

The form of the roof and the materials used on it create a significant part of the visual impact of a structure and will be carefully reviewed.

Principal roofs shall be a symmetrical gable or hip with a minimum slope of 8 in 12 and a maximum slope of 16 in 12. A-frame roofs are not acceptable.

Ancillary roofs and porch roofs shall be symmetrical gable, hip or sheds with a minimum slope of 3 in 12, a minimum slope of 4 in 12 is preferred.

Flat roofs, shall be permitted only when they can be occupied (used as a balcony) and are accessible at the same level from an interior room. Flat roofs shall have a perimeter guardrail.

Eaves shall have an overhang (from the face of the exterior wall material) of between 12" to 30". Within this range, shorter overhangs are appropriate for steeper roofs, longer overhangs are appropriate with lower sloped roofs. Exposed rafter tails are preferred in lieu of closed soffit. Rafter tails shall not exceed 8" in depth. Overhangs may encroach into building setbacks.

Rakes shall have an overhang (from the face of the exterior wall material) of between 8" to 16".

Dropping the bearing point of roof framing to below the top of the exterior wall framing is encouraged to reduce the apparent scale of the building. This technique also creates attic like feel of the rooms where it occurs. Shed, gable and hip dormers that project thru the roof eaves can be used to add character.

#### 4.19 Roof Materials and Features

Roofs shall be clad in one of the following materials, in its natural color:

- Fiberglass shingle roofing
- Wood shakes or shingles
- Pre-finished Metal (standing seam or steel rock)
- Galvalume <http://www.steelrockroofproducts.com/>
- Copper
- Natural slate
- Artificial slate is acceptable if approved

Fiberglass shingle roofing shall be High Definition Architectural Shingles with 30-year warranty (or approved equal). Approved colors include Weatheredwood, Antique Slate or Sablewood.

Metal roofs shall be pre-finished "v" crimp or standing seam. Corrugated roofing materials are not allowed. Copper roofs shall be allowed to age naturally (not sealed). Painted metal roofs are prohibited. Metal roofs on porches are common in the Appalachian Mountain cottages.

Ridge vents and or louvered vents installed in the gables shall be used whenever practical in lieu of other types of roof mounted attic ventilation devices. Provide supplementary roof mounted attic vents only if required to provide adequate ventilation (if ridge vents and gable vents do not provide sufficient ventilation area).

Roof penetrations (plumbing vents, attic ventilation devices, flues, etc.), except stucco or stone chimneys, shall be placed on the rear slope of the roof so as not to be easily visible from the road. Multiple plumbing vents should be joined into a single vent when feasible to minimize penetrations. Roof penetrations shall be painted to match the color of the roof. If using Elk fiberglass shingles, paint with roof accessory paint to match the roof available from Elk.

Skylights shall be flat (not bubble type), parallel with the plane of the roof and mounted only on the rear slope of the roof so as not to be easily visible from roads.

Solar panels, are encouraged and must be mounted flat, parallel to the plane of the roof on which is placed, and as close to the actual plane of the roof as possible. It is preferred that they be mounted on the rear slope of the roof so as not to be easily visible from roads.

#### 4.20 Chimneys and Flues

Chimneys shall be clad in natural stone, cultured stone, or hard coat stucco. Fireplace enclosures and chimneys shall extend to grade (no cantilevers). The plan of chimneys should have a proportion of width to depth of approximately 2 to 1. Pre-fabricated fireplace components are permitted if imperceptible from the exterior and capped to conceal spark arresters. Flues and chimneys shall be no taller than required by the building code.

Exposed metal flues are allowed only if treated as an architectural feature complimenting the design.

#### 4.21 Dormers

Dormers shall have symmetrical gable, hipped or shed roofs. The slope of gable and hipped dormers shall meet or exceed the slope of the principle structure. Shed roofs on dormers shall have a minimum slope of 3 in 12; a minimum slope of 4 in 12 is preferred. Flat arches may be acceptable if appropriately designed.

The main face of a dormer should have limited wall area around the windows. Dormers should be no wider or taller than necessary to accommodate the window(s), interior casing and the wall framing of the dormer. This should require no more than 6" to 8" from the head to the eave, from the jamb to the dormer edge and from the sill to the roof. This is requirement is not intended to limit the size of dormers – large dormers can be created by using multiple ganged windows.

The area adjacent to the window on the main face of a dormer should be clad with painted or stained trim; not siding, stucco or stone.

Windows in dormers shall meet the guidelines for windows.

Dormers shall be spaced a minimum of 3' from other dormers or building walls, unless they actually abut a building wall.

#### 4.22 Gutters, Downspouts and Flashing

Gutters and downspouts, when used, shall be made of galvanized steel, copper (not copper-coated), anodized or pre-finished aluminum. Gutters shall be square or half-round. Downspouts shall be round. Metal chains may be used in lieu of downspouts. Downspouts shall be located where they are least visible from the roads, at inside corners where practical.

Splash blocks shall be made of concrete, stone or gravel. In the absence of gutters, stone or gravel shall be placed at the drip line.

Galvanized or aluminum flashing and gutters shall be painted to blend with surrounding materials.

Flashing shall be copper, lead or darkly anodized aluminum.

Copper Flashing, Gutters and Downspouts shall be allowed to age naturally (not painted or sealed).

#### 4.23 Garage Doors

All garage doors are to be electrically operational and carriage house style, constructed of solid wood, MDO board or pre-approved synthetic material that simulates solid wood. Window lites can be located in the top panel of the garage door. Garage doors shall be painted or stained and oriented to face away from the street, ie side entrance garage. The ARB will review lots that are topographically unable to accommodate a side entrance garage and grant a variance on a case by case basis.

#### 4.24 Doors

Exterior Front Doors, including the side entry doors facing the road shall be constructed of solid wood or pre-approved synthetic material that simulates solid wood. They shall be hinged. They shall be constructed of planks, or be stile and rail type, with recessed or raised panels, to express the construction technique. Three quarter glass doors are preferred over half glass doors. Flush doors with applied trim are not allowed.

Storm doors, screen doors and security doors shall be constructed of solid wood or pre-approved synthetic material that simulates solid wood. Stiles (sides) and rails (top and bottom) of these doors shall be 3 ½" minimum.

#### 4.25 French doors

(frequently used in lieu of sliding glass doors)

Maximum width of French doors shall be 3'-4". Maximum height of French doors shall be 8'-0". When wider French door openings are desired they shall be made up of multiple units. When taller French door openings are desired transoms can be used.

French doors shall be made of primed wood (painted) or exterior anodized aluminum clad or vinyl clad and shall be glazed with clear, non-reflective glass. See below for exterior trim requirements. Stiles (sides) and rails (top and bottom) of French doors shall be 3 ½" minimum.

French doors shall be hinged or fixed. Sliding doors are not allowed on the front or side of the home.

Pocket doors are permitted as well.

#### 4.26 Windows

Maximum individual window width shall be 6'-0". Maximum window height shall be 6'-6". When wider or taller windows are desired they shall be made up of multiple ganged window units.

No more than three windows may be located in the same rough opening. When a grouping of more than three windows is desired, double studs shall be used to separate the windows into symmetrical groups of three or less.

Muntins are required at all front and side facing windows and doors. Muntin patterns shall be historically based, but can be limited (i.e. one vertical and one horizontal in a cross shape) to minimize the obstruction of views. Panels created by the muntins shall be vertical or square (not horizontal) in proportion. Muntins shall take the form of simulated divided lites (muntins permanently affixed to the outside and inside of the glass) or true divided lites. Muntins of ganged windows and transoms shall align with adjacent windows. Muntin colors shall match the color of the window sash. Snap in grilles and strap muntins (on or between panes of glass) are not allowed.

Direct set windows (windows with no sash) are not allowed.

Windows shall be rectangular with vertical proportions. The ratio of height to width shall be no less than 1 1/2 to 1 and no more than 3 to 1; a height to width ratio approximating 2 to 1 is preferred.

Transoms and the tops of window tops shall be rectangular transoms and be horizontal in proportion. Small windows (less than 2'-4" in width and height) can be round, square or octagonal. Trapezoid, hexagonal and other polygon window shapes are not allowed. Gothic, Tudor and other pointed arch tops are not allowed. Triangular windows may be permitted only on the "view" side of the home and only if the angle is consistent to an adjacent roof rake.

Windows shall be double hung, casement, French casement, hopper or awning types. Sideways sliding windows are not allowed.

Windows shall be made of primed wood (painted) or exterior clad in vinyl or aluminum. They shall be glazed with clear, non-reflective glass. See below for exterior trim requirements.

Bay windows shall have a minimum of 3 sides and shall extend to the floor inside and to the ground outside or be structurally supported by brackets.



#### 4.27 Exterior Trim

Exterior trim shall be solid wood or a synthetic material that simulates solid wood. Painted PVC and treated exterior composite trim (Miratec) are acceptable low maintenance substitutes for painted wood exterior trim.

The fascia at rakes shall be a minimum of 8".

Trim shall be 3 1/2" to 5 1/2" in width at corner boards and around window and door openings, except at the front door, which may be other sizes (3 1/2" minimum) or configuration. The depth of the trim (or back band on trim) shall be sufficient to project beyond the face of the exterior wall material.

Stucco trim articulations are not allowed unless accurately representing the historical use of limestone lintels, keystones, water tables, etc. and shall be subject to approval by the ARB.

#### 4.28 Shutters

Shutters, if specified, shall be operable, sized and shaped to match the openings. Shutters shall be solid wood or a synthetic material that simulates solid wood (i.e. the products of Atlantic Premium Shutters or approved alternative). Shutter shall be installed using operable hardware, including appropriate shutter hinges and shutter dogs.

#### 4.29 Exterior Colors

Exterior colors shall be limited to those that blend well with the subdued (not bright), earthy, natural colors prevalent in a mountain forests. Warm gray, brown, muted green, and dark tan are example of colors that should be considered.

Exterior material and colors should not exhibit a high degree of contrast. Paint and stain colors selected should relate with the color of roofing without a high degree of contrast in color or value (darkness).

Employing a designer or architect to select the exterior colors can be invaluable in enhancing the look of a building and associated parts.

No two houses in a row shall be of the same color.

No bright or unfinished surfaces, or High Gloss exterior paint, will be allowed on any exterior surfaces. Brushed metal accents and copper accents may be approved by the ARB.

An accent color for items such as the front door and shutters may be used.

Walls shall be one color per material used.

Porch ceilings may be stained or painted an accent color.

#### 4.30 Special Conditions for Patio Home sites, specifically including only the following lots:

Lots # 1- 43

- A. Setbacks – See Special Conditions under Section 3.1
- B. Dwelling Size – See Special Conditions under Section 4.2
- C. Garages – See Special Conditions under Section 4.4

#### 4.31 Special Conditions for the Overlook Section (aka Phase 1),

specifically including only the following lots: Lots # 191 – 234 and Lots # 172 – 176.

- A. Setbacks – See Special Conditions under Section 3.1
- B. Dwelling Size – See Special Conditions under Section 4.2
- C. Garages – See Special Conditions under Section 4.4

## ARTICLE 5 - LANDSCAPING REQUIREMENTS

### 5.1 Landscape Plan

A detailed Landscape Plan must be submitted. In addition to all of the items on the Site Plan, the Landscape Plan shall illustrate (to scale) the trees, shrubs, ground cover, mulch, lawn and other landscape improvements proposed for the property.

### 5.2 Required Landscaping

Landscape allowance shall generally be a approximately 3% of the sales price of the home. In addition to foundation plantings, trees and screening vegetation should be located in the areas between the rear / side yard setbacks and the property line. This will frame the view of the house from the road, define the yard as an identifiable space and enhance the privacy of the lot.

Except on lots where it is unfeasible due to the existing dense tree coverage, a minimum of seven trees shall be planted on each lot. These required trees shall have a minimum diameter of 2 1/2" at planting and shall be located as described above with emphasis given to infilling areas that lack existing tree coverage.

Foundation planting shall be planted around the entire perimeter of the house. Multiple shrubs of the same variety grouped together are preferred to individual shrubs each of a different variety.

### 5.3 Irrigation Systems

Use of native planting materials is recommended to reduce the need for an irrigation system. Water in the Community is derived from private wells and may need to be restricted or limited to domestic consumption in times of drought. An irrigation system if installed must be restricted to small accent landscape areas. It must be automatically controlled, with rain sensors that automatically shutoff the system during wet weather.

### 5.4 Suggested Plant Material

The following is a list of plant materials that are generally accepted as compatible with the natural vegetation on the mountain. The list represents a core group of plants, which are mostly native to the area and generally perform well in the mountain environment. The purpose is to provide landscape designers and owners not familiar with the area a sense of plant materials well suited to this environment. The list is not exhaustive and many species not on the list are worthy of

consideration. However, all plants should be evaluated for their potential to be invasive in this environment.

Deer resistance plants should be considered. Protection devices are not permitted.

### Deciduous Trees

Oaks: Very common in this area, varieties to consider are chestnut, eastern red, willow, black and white oak.

Maple: Less common in the area, varieties to consider are red, and some varieties of sugar maple. Avoid silver maple as they are structurally weak and will not stand up to the winds which can occur on the mountain. Smaller varieties such as Japanese maples, trident maple, and shagbark maple are useful as landscape accent trees.

Hickory: Common on the mountain, varieties to consider are bitternut, pignut or smoothbark, and shagbark hickory.

Yellow Poplar: Very common on the mountain, known as tulip tree. Described in some sources as “one of the tallest and most beautiful Eastern hardwoods.”

Birch: Not common in this range of the mountains but planted for landscape accent. River birch or Sweet Birch are the only species that will thrive in this environment.

Dogwood: *Cornus florida* is native to the mountain and very common although very susceptible to anthracnose. Other varieties such as *Cornus kousa* are resistant to this disease.

Sourwood: Very common and native to the mountain.

Eastern Redbud: Native to the area.

Black Gum: Very common and native to the mountain. Black Gum or tupelo is an alternative name for this tree.

### Evergreen Trees

Pine: Loblolly, Eastern White and shortleaf pine are grown commercially in the area and probably provide the seed for the pines on the mountain.

Hemlock: The common variety of hemlock in most nurseries is Canada hemlock (*Tsuga canadensis*). There is a variety (Carolina hemlock, *Tsuga caroliniana*) native to the southern Appalachians from Virginia to Georgia, which is more appropriate to the mountain if it is available commercially. It should be noted that hemlocks are subject to severe damage from deer.

### Shrubs

Azalea: Native to the mountain with several varieties, both deciduous and evergreen are available for landscaping.

Mountain Laurel: Native to the mountains.

Rhododendron: Native to the mountain with several varieties available for landscaping.

Pieris: Not native to the mountain but a useful plant to provide variation when mixed with azaleas, laurel and rhododendron.

## 5.5 Prohibited Plant Material

### Invasive Plant Materials

The plants in the following list are either known to be invasive in a variety of environments or are plants that are known to be invasive in some environments. The plants on this list should not be included in landscape plantings or plans. A few of these plants, crown vetch and kudzu in particular, have been introduced to the mountain areas and are demonstrating their ability to invade new areas. Limiting further spread of these two plants in this rugged terrain will be very difficult if not impossible. The introduction of additional invasive species in the mountain environment has the potential to dramatically change the natural landscape, which is one of the attractive features of the community.

The ARB recommends that all plant materials used in landscaping be obtained from a source that can provide accurate identification of the materials. This is important, as there are situations where some varieties of a species are invasive and while others are not. If you elect to use a non-invasive cousin of an invasive plant, the planting should be carefully monitored for evidence of aggressive growth and spreading which may indicate the plant is not suitable for use in a mountain landscape.

### Aquatics

Eurasian watermilfoil (*Myriophyllum spicatum*): Although there are some milfoils that are not considered invasive, the use of any milfoil in a garden water feature is discouraged. Eurasian watermilfoil is a major problem in the lakes of New England. Diamond milfoil or parrot feather (*M. aquaticum*) is another invasive variety of milfoil.

### Herbs

The following specific herbs should be avoided:

Giant reed (*Arundo donax*): An evergreen, rhizomatous perennial grass, which can reach heights of 15 feet.

Canada thistle (*Cirsium arvense*): Many members of the genus *Cirsium* are invasive with grassy mountain slopes and are a favored habitat.

Cogon grass (*Imperata cylindrical*): Also, known as Japanese blood grass.

Chinese lespedeza (*Lespedeza cuneata*): Be sure the varieties of lespedeza available in garden centers are properly identified.

Purple loosestrife (*Lythrum salicaria*): This loosestrife is very invasive and a major problem in several states. It invades wetland habitats, which makes it a major threat to the ponds and streams. It has been declared a noxious weed in several states where its sale has been banned.

Fountain grass (*Pennisetum setaceum*): This grass has the potential to be invasive but generally will not survive the cold temperatures in the mountains. Its use in a landscape as an annual is discouraged.

Lesser celandine (*Ranunculus ficaria*): The genus *ranunculus* is commonly known as buttercups. Some variants of this species are described in garden books as “extremely invasive.” None of the variants of this species should be included in a landscape.

### Vines

Most vines by nature tend to climb over other plants and structures in their habitat and rapidly develop an overgrown look if not pruned on a regular basis. Based on this characteristic alone, they are not particularly desirable plants for landscaping on the mountain as unmaintained plantings could readily spread into natural areas. The following specific vines should be avoided:

Fiveleaf akebia (*Akebia quinata*): A semi-evergreen climber.

Porcelainberry (*Ampelopsis brevipedunculata*): Overtakes open, sunny, disturbed habitats.

Oriental bittersweet (*Celastrus orbiculatus*): Invades open woods, thickets, and roadsides, overtopping native species. Has escaped from cultivation in 21 states from Maine to Georgia. Not quite as vigorous as kudzu, but with time, has the same ultimate impact on a natural area.

Climbing euonymus (*Euonymus fortunei*): Also, known as wintercreeper. Recommended as a ground cover and described as a vigorous climber.

English Ivy (*Hedera helix*): If not properly pruned and maintained, could readily escape into natural areas abutting landscaped property.

Mile-a-minute (*Fallopia aubertii*): Described as a vigorous, woody, twining, climber.

**Kudzu (*Pueraria lobata*):** This plant needs no further comment.

### Shrubs

The following specific shrubs should be avoided:

Russian olive (*Elaeagnus angustifolia*): Not recommended due to its tendency to spread.

Bush honeysuckles, exotic (*Lonicera cultivars* and species): Since some species are invasive, the use of honeysuckles for landscaping is not recommended.

Common buckthorn (*Rhamnus cathartica*): Described as having become a weed in some areas.

Japanese spiraea (*Spiraea japonica*): Readily infests stream banks and roadsides spreading into forests, thickets and overgrown fields from New England to Indiana and south to Tennessee and Georgia.

### Trees

The following specific trees should be avoided:

Tree-of-heaven (*Ailanthus altissima*): In addition to a tendency to be invasive, the male flowers are unpleasantly scented and the pollen may cause an allergic reaction.

Silk tree, mimosa (*Albizia julibrissin*): The numerous seedlings from this tree are a nuisance in a cultivated environment.

Princess tree (*Paulownia tomentosa*): Although described as naturalized in the eastern U.S., they are not presently recommended on the mountain.

Bradford Pear (*Pyrus calleryana*) A structurally weak tree and very susceptible to snow, wind and ice damage which ruins its shape.

White poplar (*Populus alba*): Trees tend to be fast growing, short-lived, and weak with vigorous root systems that may damage drains, septic fields, and foundations. Produces fluffy white seeds.

## APPENDIX

### APPENDIX A: Schedule of fees for reviews/site inspections by the Architecture Review Board (ARB)

<b>Preliminary Review Fee (See Appendix B)</b>	<b>N/C</b>
<b>Final Review Fee (See Appendix C)</b>	<b>\$300.00</b>
<b>Re-submittal - Major Design Change for Review</b> This fee is for reviewing a project that has been rejected in the Final Review and a change is required for the majority of the project.	<b>\$200.00</b>
<b>Re-submittal - Minor Design Change for Review</b> This fee is for reviewing a project that has been rejected in the Final Review and minor changes were required of the project.	<b>\$100.00</b>
<b>Compliance and Damage Deposit</b> This is a refundable deposit that will be returned to the Owner if the project stays within compliance with the approved design and development guidelines, and is completed within the specified time frame. Any damage to common areas by contractors working on the project will be deducted from this fee as well.	<b>\$1,000.00</b>
<b>Initial Site Inspection During Final Review</b>	<b>No Charge</b>
<b>Site Inspections Due to Deviation from Approved Plans</b>	<b>UP to \$250.00 per visit</b>
<b>Penalties for Non-Compliance</b> A penalty will be assessed to the Owner for a project that is in non-compliance with approved plans. A letter of warning will be issued and the Owner will have ten (10) working days to show compliance. If compliance is not met, the fee listed above will be assessed until compliance is met.	<b>Up to \$50.00 per day</b>

**APPENDIX B: Application for Preliminary Review**

The following documents and information are submitted for ARB approval for construction of improvements described herein. If all information is not available at time of initial application, Owner will update this application until all information is provided to the ARB.

**1. Lot \_\_\_\_\_, Phase \_\_\_\_\_, Section \_\_\_\_\_**

**2. Owner:**

Address:  
Telephone:  
Fax:

**3. Architect:**

License Number:

**4. Builder:**

License Number: Class

**5. Submittals**

Date Received

- ✓ \_\_\_ Site Analysis (1"= 20')
- ✓ \_\_\_ Septic Permit (NTS) (See attachment D)
- ✓ \_\_\_ Site Plan (1"= 20')
- ✓ \_\_\_ Floor Plans (1/4"=1'0")
- ✓ \_\_\_ Exterior Elevations (1/4"=1'0")
- ✓ \_\_\_ Building Site Section (1/4"=1'0")
- ✓ \_\_\_ Other:

**6. Description of any variances sought:**

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**7. Fees:**

ARB Preliminary Review: N/C

**FOR ARB USE  
INTERIM ACTIONS AND APPROVALS**

Lot, Phase, Section, Owner:  
Date    Comments or Action                      By: (Initial)

**PRELIMINARY REVIEW APPROVAL  
Clearwater Cove on Norris Lake ARB APPROVAL**

**BY:                                              DATE:**



## APPENDIX C: Application for Final Review

The following documents and information are to be completed by the lot owner, or his/her designated representative. The submittal documents are for ARB approval for construction of proposed improvements described herein. If all information is not available at time of initial application, Owner will retain submittal and update this application until all information is provided to the ARB.

**1. Lot \_\_\_\_\_, Phase \_\_\_\_\_, Section \_\_\_\_\_**

**2. Owner:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**3. Architect:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Architect Number \_\_\_\_\_

Telephone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

**4. Builder:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

License Number: \_\_\_\_\_ Class \_\_\_\_\_

### 5. Submittals Date Received

- ✓ \_\_\_ Final Stakeout \_\_\_\_\_
- ✓ \_\_\_ Color Samples \_\_\_\_\_
- ✓ \_\_\_ Site Plan (1"= 20') w/ trees & topography \_\_\_\_\_
- ✓ \_\_\_ Landscape Plan (1"= 20') \_\_\_\_\_
- ✓ \_\_\_ Construction Site Plan (1"= 20') \_\_\_\_\_
- ✓ \_\_\_ Foundation & Framing Plans (1/4"=1'0") \_\_\_\_\_
- ✓ \_\_\_ Floor Plans (1/4"=1'0") \_\_\_\_\_
- ✓ \_\_\_ Exterior Elevations (1/4"=1'0") \_\_\_\_\_
- ✓ \_\_\_ Building Sections (1/4"=1'0") \_\_\_\_\_
- ✓ \_\_\_ Details \_\_\_\_\_

- ✓ \_\_\_ Typical wall section \_\_\_\_\_
- ✓ \_\_\_ Exterior trim \_\_\_\_\_
- ✓ \_\_\_ Window and door details \_\_\_\_\_
- ✓ \_\_\_ Exterior wall, fences, or screens \_\_\_\_\_
- ✓ \_\_\_ Railings and/or seating \_\_\_\_\_
- ✓ \_\_\_ Screen porch section \_\_\_\_\_
- ✓ \_\_\_ Specifications \_\_\_\_\_
- ✓ \_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**6. Description of variances sought:**

\_\_\_\_\_  
 \_\_\_\_\_

**7. Fees:**

ARB Final Review Fee: \$300.00                      Paid: \_\_\_\_\_  
 Compliance Deposit: \$1,000.00                      Paid: \_\_\_\_\_  
 (Refundable upon completion pending compliance w/ARB)

Major Design Change \$ 200.00                      Paid: \_\_\_\_\_  
 Minor Design Change \$ 100.00                      Paid: \_\_\_\_\_  
 Other:  
 \_\_\_\_\_ \$ \_\_\_\_\_                      Paid: \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_                      Paid: \_\_\_\_\_

**8. Evidence of Compliance Date Received**

With Final Submittal:

- a. General Liability \_\_\_\_\_
- b. Worker’s Compensation \_\_\_\_\_
- c. Builder’s Risk \_\_\_\_\_

To be submitted prior to construction:

- d. Building Permit \_\_\_\_\_
- e. Septic System Permit (see attachment D)

**8. Site Protection Requirements Prior to Clearing**

- a. Review Site with Clearwater Cove on Norris Lake for tree removal & protection.
- b. Review Site with Clearwater Cove on Norris Lake for driveway location.
- c. Review Site with Clearwater Cove on Norris Lake for utility locations, protection & connections.
- d. Review Site with Clearwater Cove on Norris Lake for erosion control.

Date Reviews Completed: \_\_\_\_\_

By signing below, we hereby represent that the Submittal Package attached to this application is in compliance with the Design Guidelines with the exception of the noted variances requested:

\_\_\_\_\_  
Signature of Owner Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Architect or Professional Residential Designer Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Landscape Architect Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Builder Date: \_\_\_\_\_

**For ARB Use**

**Interim Actions and Approvals**

Lot \_\_\_\_\_, Phase \_\_\_\_\_, Section \_\_\_\_\_, Owner: \_\_\_\_\_

Date	Comments or Action	By: (Initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Conditions to be addressed prior to re-submittal:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**FINAL APPROVAL**

Clearwater Cove on Norris Lake ARB APPROVAL

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## APPENDIX D: Sewage System

The following documents and information briefly explain the sewage system at the Clearwater Cove on Norris Lake community (CCNL). The DSH-CCNL contract and attachments are the controlling documents and are available upon request and will be distributed with your Architectural Review Board (ARB) Guidelines when you submit application to build a home.

The Community Association (CCNLCA, Inc.) owns the sewage system at CCNL for the exclusive use of its members. Phase 1 of the sewage system is completed and will serve 100-125 homes built anywhere in the CCNL community. The system is operated and maintained by contract with DSH & Associates of Knoxville, TN and operates under State Operating Permit SOP 07001 held by Caryville Jacksboro Utility District of Jacksboro, TN in Campbell County, TN.

The system will be built in 4 phases, each capable of serving 100-125 homes and will ultimately serve 452 homes when CCNL is completely built out with homes. The system was designed by DSH & Associates in conjunction with the Tennessee Department of Environmental Conservation (TDEC) who issued the permit and it will accommodate 135,600 gallons per day (GPD) of sewage flow at full capacity based on a flow rate of 300 GPD per home.

The system has 4 main equipment components:

- 1- STEP tank and pump (Septic Tank Efficient Pumping “STEP” tank unit and pump)
- 2- Connection lines
- 3- Waste Water Treatment Plant (WWTP)
- 4- Distribution Field

There are 4 cost components for owners

- 1- Sewer Access Fee. For lot owners who have not yet built a home there is a \$120 per year sewer access fee that is assessed with Annual HOA dues and put into escrow for payment to DSH for annual Operations and Maintenance services.
- 2- STEP tank and pump purchase and installation fee. This is purchased from and installed by DSH. Costs vary based on the chart shown later. There is also an optional annual maintenance contract available for your STEP system.
- 3- Tap Fee. This is a one-time cost for connecting your STEP system to the forced main sewer connection lines paid to DSH when your home is built and transferred to the HOA Tap Fee Escrow account to fund the future expansion to phase 2, 3 and 4 of the sewer system as capacity is needed. See the chart for the current Tap Fee rate.
- 4- Sewage Use Fee. After your home is connected to the forced main connection lines, you will stop paying the annual Sewer Access Fee and begin paying a monthly Sewage Use Fee. See the chart for the current Sewer Use Fee rate.

The CCNL Sewage System rate are from the same State Tariff rates that other DSH customers are charged and are subject to Tariff rate changes (up or down) over time. The CCNL sewage system is 8 years more technically advanced than the system that would have been installed by Land Resource in 2007.

As owner of the CCNL sewage system CCNLCA is NOT regulated by the Tennessee Regulatory Authority. We are required to follow TDEC rules and regulations to maintain our State Operating Permit which includes onsite inspection and accurate reporting to TDEC which will be done by DSH. For that reason, owners must follow proper installation, care and use of their STEP systems.

## **Important Terms & Conditions of the DSH-CCNLCA Contract for home owners:**

The following are excerpts from the DSH-CCNLCA contract. The entire contract will be provided to owners when they submit application to build a home at CCNL.

### **STEP System installation and costs**

Item 3.b. Members may not use any other contractor for any part of installation, including but not limited to initial digging, unless expressly authorized in writing by all members of the HOA board. Failure for an HOA member to go through DSH to install the individual STEP system can significantly affect, damage, or otherwise impair the HOA's community STEP system.

### **Sewer Tap Fees**

Item 10. Sewer tap fees will be billed and collected by DSH and held by the HOA. These sewers tap fees are intended to pay for DSH's services and costs for replacement parts and future design and construction costs. DSH will provide costs estimates to the HOA prior to commencement of any work. The sewer tap fees charged to the lot owners do not require DSH approval, but are set forth in **Attachment C** for ease of reference to a document that contains all the wastewater service costs to the HOA members.

### **Operations Maintenance & Services**

Item 11.b. Sewage access fees will be prorated in the year that the member transitions to becoming a user of the sewage system. For usage fees, DSH will perform the billing and collections on behalf of the HOA. For any fees billed and/or collected by DSH, DSH will provide the HOA with the related financial information for record keeping, including but not limited to the amount billed to the HOA member, the basis of the billing (*i.e.*, usage), and cash received from the HOA member. These reports shall be provided at least annually, or as frequently as quarterly upon request of the HOA.

Item 11.e. If a lien was recorded against the land as a result of nonpayment of fees, the HOA member seeking reconnection is obligated to reimburse the HOA for the cost of recording the lien to the extent the law permits such reimbursement.

Item 11.n. In an emergency, however, DSH has the authority to access a privately-owned lot to try to stop the wastewater issue causing or resulting from the emergency.

### **Involuntary Termination of HOA Member's Wastewater Service**

Item 16. The HOA has the authority to turn off the waste water valve to any structure in the event the monthly wastewater bill is not paid for a period of sixty (60) days per the HOA's Governing Documents.

### **Restrictions and Protective Covenants**

Item 17. The HOA will further cause the following language, or similar language as agreed in advance between DSH and the HOA, to be incorporated into all restrictions and protective covenants for the HOA and, to the extent restrictions or protective covenants are already of record, the HOA will cause such recorded restrictions or protective covenants to be amended, to include such language as a lien on all real property within the Development: **(See DSH-CCNLCA Contract)**

**The following 4 pages are Attachment C of the DSH-CCNLCA Contract which covers the CCNL Sewage System pricing information. The current contract in effect is the controlling document.**

## **ATTACHMENT C (of DSH-CCNLCA Contract)**

### **HOA-Approved Wastewater Fees for HOA Members**

HOA members with property connected to the wastewater system will be billed by DSH, with all payments sent to DSH for collection at: DSH & Associates, PO Box 10621, Knoxville, TN 37939.

Each HOA member will be billed the minimum monthly charge set forth in the charts below unless DSH determines that the HOA member's measured usage exceeds an average of 300 gallons per day over a thirty-day period. Unless otherwise stated in this tariff, measured usage will be based on the HOA member's actual or estimated usage, averaged over a thirty-day period.

Actual usage may be measured in any of the following ways:

- Effluent flow meter.
- STEP pump. Usage will be measured by multiplying the period of elapsed pumping time shown on the pump times the capacity of the pump.
- In the absence of an effluent flow meter or a STEP pump, usage will be assumed to be equal to the HOA member's usage of potable water as shown on the HOA member's potable water meter.

If an HOA member is charged in excess of the minimum monthly fee, DSH will measure the HOA member's actual usage at least once every ninety days using one of the methods described above and display on the HOA member's statement the usage and measurement method used. In any month in which DSH does not measure the company's actual usage, the HOA member's monthly bill will be based on the HOA member's estimated monthly usage. No less than once every ninety days DSH will bill (or credit) the HOA member for any differences between an estimated bill and actual measured usage.

If an HOA member's usage exceeds the average daily design flow for three consecutive months, the HOA member may be required to pay any capital costs associated with increasing the capacity of that portion of the system designed and dedicated to serve that HOA member. For purposes of this section, DSH must measure actual usage for three consecutive months using one of the methods described above.

If DSH determines that an HOA member's usage meets the criteria described above, DSH will notify both the HOA and the affected HOA member in writing of any proposed construction work, the reasons for the work, and the estimated cost to the HOA member. The notice will also state that if the HOA member believes that his usage does not meet the criteria described above or that the charge to the HOA member is unjust and unreasonable, the HOA member may file a written complaint with the Clearwater Cove on Norris Lake Community Association, using the following contact information:

Phone CCNL Associa Property Manager TEL: (865) 692-0930 FAX: (865) 692-0950  
Address: 9041 Executive Park Drive, Suite 122 Knoxville, TN 37923  
Email Address: Sue.Joe.Allan@Associa.us

Unless the HOA determines otherwise, the filing of a complaint will not delay the proposed construction work but may initiate a process in which the HOA will determine whether, under the terms of the HOA Membership Agreement, and its requirements that its members comply with all TDEC permits, including

but not limited to acting in a manner that enables the HOA to comply with all TDEC permits, the HOA member is responsible for the cost of the construction work.

**Returned Checks**

A check returned by the bank will incur a fee of \$25.

**Sewer System Access Fee**

The owner of each property parcel, which is provided a service connection when the sewer system is built, will be required to pay a sewer access fee of \$120.00 per year. This fee will be payable to the HOA pursuant to the Governing Documents (e.g., When the annual dues are billed and owed. A pro-rated amount will be credited in the year when an owner connects to the sewage system).

**STEP System Installation & Tap Fees**

For a 3 bedroom unit/300 gallons per day, STEP systems will be installed for \$6,000. If larger STEP systems are required, they will be quoted on an individual basis. The installation of the STEP systems includes a 15% markup by the utility.

Tap Fees for each new unit will be derived based on the number bedrooms as listed in the table below. Tap Fees are escrowed to pay for parts and expansion of the sewage system capacity.

<b><u>TAP FEES (Standard Installation)</u></b>			
<b>Daily Expected Flowrate</b>	<b>Number of Bedrooms</b>	<b>Tap Fee</b>	<b>Total Estimated Cost of STEP Installation</b>
300	3	\$3,750.00	\$6,000.00
400	4	\$5,000.00	Indiv. Quote
500	5	\$6,250.00	Indiv. Quote
600	6	\$7,500.00	Indiv. Quote
700	7	\$8,750.00	Indiv. Quote
800	8	\$10,000.00	Indiv. Quote
900	9	\$11,250.00	Indiv. Quote
1000	10	\$12,500.00	Indiv. Quote

**RESIDENTIAL RATES & FEES**

Annual Sewer Access Fee for unbuilt lots (fees pay for annual operations and maintenance contract of sewage treatment system)	\$120/yr.	
The monthly sewer charge per HOA members with connected homes (annual sewer access fee stops when homes are connected)	\$44.53**	
<u>Description of fees:</u>	<u>Costs:</u>	
STEP System Installation (see table above)	\$6,000	
Tap Fee (see table above)	\$3,750/lot*	
Non-Payment of monthly sewer charge	5%	
Returned Check	\$ 25.00	
Disconnection	\$ 40.00	
Reconnection	\$ 50.00	
*Tap fee shown above is for homes with 3 bedrooms or less		

\*\*Components of monthly sewer charge for HOA members with connected homes per Tariff:

FFR.D:	Rate Class I: Standard Base RSF/Fixed Film Reactor	\$30.73
E1:	RSF Escrow Rate	\$10.24
B1:	Standard bonding charge of	\$3.56
	<b>Total</b>	<b>\$44.53**</b>



**COMMERCIAL RATES & FEES (including Overnight Rental Units)**

The monthly sewer charge per HOA member is based on the monthly average daily flow monitored from the unit being served. A minimum of \$69.53 per month will be charged for up to the first 300 gallons per day of average daily flow. (I) For each additional 100 gallons per day of average daily flow, up to a total of 1,000 gallons per day, an additional charge of \$15.00 per month per 100 gallons will be levied. For average daily flows over 1,000 gallons per day, an additional monthly charge of \$157.95 per 1,000 gallons of average daily flow will apply.

<u>COMMERCIAL W/O FOOD</u>	<u>FLOWRATE</u>		<u>TOTAL**</u>	<u>ESCROW***</u>
	<u>BETWEEN (GPD)</u>			
Tier 1	0	300	\$69.53	\$15.95
Tier 2.1	301	400	\$84.53	\$19.49
Tier 2.2	401	500	\$99.53	\$23.02
Tier 2.3	501	600	\$114.53	\$26.56
Tier 2.4	601	700	\$129.53	\$30.10
Tier 2.5	701	800	\$144.53	\$33.63
Tier 2.6	801	900	\$159.53	\$37.17
Tier 2.7	901	1000	\$174.53	\$40.71
Tier 3.1	1001	2000	\$332.48	\$77.95
Tier 3.2	2001	3000	\$490.43	\$115.19
Tier 3.3	3001	4000	\$648.38	\$152.43
Each additional tier			\$157.95	\$37.24

\*\* Bonding amount of \$3.56 included

\*\*\* Escrow amount is included