

# Architectural Guidelines



Lone Mountain Shores  
Owners Association  
Post Office Box 719  
New Tazewell, Tennessee 37824

# Lone Mountain Shores Architectural Guidelines

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## TABLE OF CONTENTS

1. STATEMENT OF PRINCIPLES AND PURPOSE
2. ADMINISTRATION OF ARC
3. PLAN SUBMISSION AND APPROVAL PROCEDURES for Dwellings, garages and other buildings greater than 200 sq. ft.
  - 3.1 Schematic Presentation/Architectural Renderings
  - 3.2 Submission
  - 3.3 Construction Plan
  - 3.4 Builder
  - 3.5 Complete Submission
  - 3.6 Approval by the ARC
  - 3.7 Construction Start
4. PLAN SUBMISSION AND APPROVAL PROCEDURES for buildings less than 200 sq. ft. and other property improvements as delineated in section 1.5
  - 4.1 Schematic Presentation/Architectural Renderings
  - 4.2 Submission
  - 4.3 Construction Plan
  - 4.4 Builder
  - 4.5 Complete Submission
  - 4.6 Approval by the ARC
  - 4.7 Construction Start
5. PLAN SUBMISSION AND APPROVAL PROCEDURES for clearing of vegetation, dredging and fill operations, and excavation delineated in section 1.6
  - 5.1 Project plan submission for ARC approval
  - 5.2 Contractor/Builder Approval Requirements
  - 5.3 Incomplete Submission
  - 5.4 Approval by the ARC
  - 5.5 Construction Start
6. ARC MEETINGS
7. STANDARDS OF DESIGN AND CONSTRUCTION
  - 7.1 Minimum Size
  - 7.2 Flood Requirements
  - 7.3 Building Setbacks
  - 7.4 Horizontal Improvements
  - 7.5 Signs
    - 7.5.1 General
    - 7.5.2 For Sale Signs
    - 7.5.3 Non Complying Signs
    - 7.5.4 Other Signs
    - 7.5.5 Non-Complying Signs
  - 7.6 Portable Outdoor Toilet Facilities
  - 7.7 Architectural Standards
  - 7.8 Garden Walls and Fencing
  - 7.9 Trailers
  - 7.10 Mail, Newspaper Boxes
  - 7.11 Satellite Dishes
  - 7.12 Lighting and Gates
8. MAINTENANCE OF PROPERTY
9. DOCKS
  - 9.1 Required Approval
  - 9.2 Boat Ramps
10. SHORELINE PROTECTION

- 10.1 Application Procedure
- 11. LAKEFRONT LOT IRRIGATION
  - 11.1 Use of Lake Water
  - 11.2 Irrigation Pumps
  - 11.3 Irrigation Piping
- 12. PAYMENT OF FEES
  - 12.1 Application Fee
  - 12.2 Security Deposit
- 13. ARC REVIEWS
- 14. ENFORCEMENT OF THE DECLARATION
- 15. Table "A" Fines
- 16. APPEALS OF ARC DECISIONS
- 17. CONTRACTOR DEPARTMENT
  - 17.1 Worker Behavior
  - 17.2 Working Hours
  - 17.3 Keeping Roads Clean
  - 17.4 Defacing Adjoining Properties or Public Areas
  - 17.5 Trash and Debris
  - 17.6 Burning or Fires
- 18. AMENDMENT
- 19. SEVERABILITY

### **Attachments**

- 1.0 ARC Guidelines Signature of Receipt
- 2.0 LMS Vital Information Statement Signature of Receipt
- 3.0 Table of Fines

### **Lone Mountain Shores Architectural Guidelines**

#### **1. STATEMENT OF PRINCIPLES AND PURPOSE**

1.1 A great deal of effort was given to the master planning of Lone Mountain Shores (LMS) to ensure a thoughtful and harmonious development process. A major concern in the planning is the integration of development with its immediate environment. Man-made improvements should, as much as possible, be sensitive to nature. The result will be more pleasing to the eye and a more attractive community in which to live.

1.2 In order to assure that these objectives are achieved and to assure continuity of physical development such that future development will be compatible with existing development, the Declaration of Covenants, Conditions, Restrictions and Easements for Lone Mountain Shores has been declared and recorded. Article VII of the Declaration established the Architectural Review Committee (The "ARC") and sets forth its jurisdiction, powers, obligations, and the rules and regulations under which it will conduct its review of proposed improvements. Any statements contained in this document are to amplify, or clarify provisions of that Declaration. In event of a conflict, the Architectural Guidelines provisions will prevail.

1.3 All applicants for property improvements (homeowners and contractors) are urged to review carefully all provisions of this document, as well as the Declaration of Covenants, the LMS Bylaws, and the Vital Information Statements prior to submitting an application to the ARC.

1.4 Owners are responsible for all projects improvements and construction activities occurring on their lot.

1.5 The ARC has been established for the purpose of defining aesthetic standards of construction in Lone Mountain Shores and examining and approving or disapproving any and all proposed improvements for a building site within Lone Mountain Shores, including but not limited to: construction of dwellings, garages, outbuildings or any other buildings; construction or installation of sheds, sidewalks, steps, driveways, parking lots, decks, greenhouses, playhouses, awnings, walls, fences, satellite dishes, alternative energy devices, rip-rap,

bulkheads, exterior lights; any exterior addition, change, or alteration to existing structures or major excavation and the shaping of land.

1.6 Additionally, ARC approval must be obtained for small dredging and fill operations, clearing of vegetation, and any minor excavation that has the potential to affect drainage. The clearing of vegetation does not include normal mowing, trimming or brush/tree removal for the maintenance of a property, but refers to major lot or area clearing that has the potential for erosion or Firewise non-compliance issues.

1.7 The ARC approval for the items listed above does not eliminate the obligation for the property owner to apply for and obtain permits from the Tennessee Valley Authority (TVA), U.S. Core of Engineers (USACE), Claiborne County or the state of Tennessee as required by these agencies.

## **2. ADMINISTRATION OF ARC**

2.1 The Board of Directors of the Lone Mountain Shores Owners Association, Inc. shall establish the ARC, and appoint up to five (5) [but not less than three (3)] members, all of whom must be property owners in good standing with the LMSOA.

2.1.1 The regular term of office for each member shall be two (2) years coinciding with the fiscal year of the Association. Any member appointed by the Board may be removed with or without cause by the Board at any time by written notice to such appointee and a successor or successors appointed to fill such vacancy shall serve the remainder of the term of the former member.

2.1.2 The ARC shall appoint a Chairperson, Vice-Chairperson and a Secretary at the first meeting of the year. In the Chairperson's absence, the Vice-Chairperson will preside over meetings.

2.1.3 The ARC is authorized to retain the services of consulting architects, landscape architects, urban designers, engineers, inspectors, and/or attorneys in order to advise and assist the ARC in performing its functions set forth herein.

The ARC will be required to receive an estimate prior to retaining any of said services and is authorized to spend up to \$3000.00 for these services. Should this limit fail to cover the estimated expenses a board approval will be required.

## **3. PLAN SUBMISSION AND APPROVAL PROCEDURES for Dwellings, garages and other buildings greater than 200 sq. ft.**

### **3.1 Schematic Presentation/Architectural Renderings**

At the discretion of the applicant, an artist's rendering or a schematic rendering of a proposed construction or improvement may be submitted to the ARC in order to determine the suitability of a particular style or design for construction in Lone Mountain Shores. The ARC will render an opinion as to whether or not a particular design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the Arc's opinion will be strictly non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that may ultimately be disapproved.

### **3.2 Project plan submission for ARC approval**

A completed Project Review Application, which can be found on the LMS website along with the additional items delineated below, must be submitted to the ARC for review at least fourteen (14) days prior to a scheduled ARC Meeting to allow the ARC enough time for a thorough review prior to discussion at the meeting.

3.2.1 One set of completed project plans and all of the following required information must be submitted in order to gain approval to commence any Project. See the "Construction Checklist" sheet located on the LMS website for complete documentation requirements.

- a) Registered survey of existing property
- b) All property corner survey pins must be clearly marked.
- c) A site plan with property lines, bearings, distances, legal description, parcel number, easements, setbacks from property lines and roadways,

access streets, septic field location, proposed footprint of the dwelling and well location, outbuilding location, drive location, walkways, building location, dimensions from property lines to proposed structures, and existing stream or storm runoff courses across the site, clearly shown. Include on the site plan, or another drawing proposed sediment and erosion control measures. (i.e. silt fence)

- d) At the time of submission of plans, the applicant shall be responsible to acquire a suitable storm water pollution protection plan for the protection of state waters utilizing the guidelines as outlined in the Tennessee Erosion and Sediment Control Handbook, details of which can be obtained through the Department of Water Pollution Control, a division of the Tennessee Department of Environment and Conservation in Knoxville, Tennessee. The current telephone number at this writing is 1-888-891-(TDEC) 8332.

3.2.2 Plans must be submitted to the ARC Chairperson/ARC Liaison.

3.2.3 Plans will be stamped as to the time and day of receipt.

3.2.4 Architectural drawings should be drawn at 1/8"=1'-0" minimum and include the following:

- a) Total enclosed heated/air-conditioned square footage (stated by floor in the case of a multi-floored residence).
- b) Floor plans including computation of the square footage of each floor.
- c) Approximate elevation drawings of all sides indicating both existing and final grade, finished floor level, and include treatment of building from grade to floor in elevated buildings.
- d) Detailed drawings of patio wall section, if applicable and other features desirable for clarification, exterior walls, screens, etc. The wall section must clearly show size, profile, and material.

### 3.3 Contractor/Builder Approval Requirements

The Contractor/Builder must be approved by the ARC for each individual project. To be considered for approval a contractor/builder must agree and sign Attachments 1 & 2 included within this document. The ARC shall not be responsible for quality or timeliness of work by contractors. The Homeowners shall be responsible for confirming references, contacting the Chamber of Commerce and Better Business Bureau etc. for their own contractors.

### 3.4 Incomplete Submission

Any submission that does not include complete information as required by this section will be rejected.

### 3.5 Approval by the ARC

3.5.1 All approvals by the ARC will be in writing; verbal approvals have no standing and are not binding.

3.5.2 Approval by the ARC of a submission presumes compliance with all county and state building ordinances and for waterfront property rules of TVA and the USACE.

3.5.3 ARC approval presumes continued compliance with all requirements of Lone Mountain Shores Documents and the Architectural Review Committee directions, until and unless the owner receives a written waiver from the committee.

3.5.4 ARC approval (including that for variances) expires one year (365 days) from the approval date unless construction and/or land clearing have started. After this time applicant(s) must resubmit their proposal unless the applicant(s) have, in writing, requested and received an extension from the committee. The resubmission will be subject to the rules and regulations in force at the time of the resubmission. A new application fee will be required if more than two (2) years (730 days) has elapsed from the original approval.

3.5.5 All exterior work in improvements shall be completed no later than twelve (12) Months from the commencement of the construction of the improvement unless specifically waived by the Architectural Review Committee. The applicant must request this waiver from the ARC in a timely manner.

### 3.6 Construction Start

3.6.1 Construction may not start without written approval of the ARC.

3.6.2 The Date of start of construction is defined to be the day when any work associated with a project commences at the job site, including the start of lot clearing for the preparation of septic or building construction. Lot clearing shall be defined as the date when heavy equipment (bulldozers, backhoes etc) begins excavation of trees and soil excavation. The massive disturbance of soil by equipment to remove brush that could lead to erosion and sediment problems shall also be classified as the Start of Construction, and must have ARC approval.

3.6.3 By starting lot clearing and/or construction, the owner acknowledges receipt of and agrees to comply with ARC decisions, requests and stipulations provided in the ARC approval document and its attachments. This includes a mandatory refundable \$500 security deposit to be paid and the ARC approval sign properly displayed before any construction can begin.

3.6.4 At times, the ARC may require applicants to acknowledge receipt of ARC decisions and agree in writing to comply with ARC requests and stipulations before lot clearing or construction may proceed.

## **4. PLAN SUBMISSION AND APPROVAL PROCEDURES for buildings less than 200 sq. ft. and other property improvements as delineated in section 1.5**

### 4.1 Project plan submission for ARC approval

A completed Project Review Application, which can be found on the LMS website along with the additional items delineated below, must be submitted to the ARC for review at least fourteen (14) days prior to a scheduled ARC Meeting to allow the ARC enough time for a thorough review prior to discussion at the meeting.

4.1.1 An artist's rendering, brochure or a simplified drawing/schematic of the proposed project improvement shall be submitted to the ARC in order to determine the suitability of a particular style or design for construction or installation in Lone Mountain Shores. The ARC will render a decision as to whether or not a particular design is acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the ARC may request additional drawings, descriptions or plans in order to render a decision. Additionally all of the following required information must be submitted in order to gain approval to commence any Project.

- a) A site plan with property lines, setbacks from property lines and roadways, access streets, septic field location, proposed footprint of the project, outbuilding and dwelling location, drive location, walkways, dimensions from property lines to proposed structures, and existing stream or storm runoff courses across the site, clearly shown. If required, include on the site plan, or another drawing proposed sediment and erosion control measures. (i.e. silt fence)
- b) At the time of submission of plans, the applicant shall be responsible to acquire a suitable storm water pollution protection plan for the protection of state waters utilizing the guidelines as outlined in the Tennessee Erosion and Sediment Control Handbook, details of which can be obtained through the Department of Water Pollution Control, a division of the Tennessee Department of Environment and Conservation in Knoxville, Tennessee. The current telephone number at this writing is 1-888-891-(TDEC) 8332.

4.1.2 Plans must be submitted to the ARC Chairperson/ARC Liaison.

4.1.3 Plans will be stamped as to the time and day of receipt.

#### 4.2 Contractor/Builder Approval Requirements

The Contractor/Builder must be approved by the ARC for each individual project. To be considered for approval a contractor/builder must agree and sign Attachments 1 & 2 included within this document. The ARC shall not be responsible for quality or timeliness of work by contractors. The Homeowners shall be responsible for confirming references, contacting the Chamber of Commerce and Better Business Bureau etc. for their own contractors.

#### 4.3 Incomplete Submission

Any submission that does not include complete information as required by this section will be rejected.

#### 4.4 Approval by the ARC

4.4.1 All approvals by the ARC will be in writing; verbal approvals have no standing and are not binding.

4.4.2 Approval by the ARC of a submission presumes compliance with all county and state building ordinances and for waterfront property rules of TVA and the USACE.

4.4.3 ARC approval presumes continued compliance with all requirements of Lone Mountain Shores Documents and the Architectural Review Committee directions, until and unless the owner receives a written waiver from the committee.

4.4.4 ARC approval (including that for variances) expires six months (182 days) from the approval date unless construction and/or land clearing have started. After this time applicant(s) must resubmit their proposal unless the applicant(s) have, in writing, requested and received an extension from the committee. The resubmission will be subject to the rules and regulations in force at the time of the resubmission.

4.4.5 All exterior work in improvements shall be completed no later than six (6) Months from the commencement of the construction of the improvement unless specifically waived by the Architectural Review Committee. The applicant must request this waiver from the ARC in a timely manner.

#### 4.5 Construction Start

4.5.1 Construction or installation may not start without written approval of the ARC.

4.5.2 The Date of start of construction or installation is defined to be the day when any work associated with the project commences at the job site. The massive disturbance of soil by equipment to remove brush that could lead to erosion and sediment problems shall also be classified as the Start of Construction or installation,

4.5.3 By starting construction or installation, the owner acknowledges receipt of and agrees to comply with ARC decisions, requests and stipulations provided in the ARC approval document and its attachments. This includes a mandatory refundable \$200 security deposit to be paid and the ARC approval sign properly displayed before any construction or installation can begin.

4.5.4 At times, the ARC may require applicants to acknowledge receipt of ARC decisions and agree in writing to comply with ARC requests and stipulations before lot clearing or construction may proceed.

### **5. PLAN SUBMISSION AND APPROVAL PROCEDURES for clearing of vegetation, dredging and fill operations, and excavation delineated in section 1.6**

#### 5.1 Project plan submission for ARC approval

A completed Project Review Application (Attachment 1.0) along with the additional items delineated below must be submitted to the ARC for review at least fourteen (14) days prior to a scheduled ARC Meeting to allow the ARC enough time for a thorough review prior to discussion at the meeting.

5.1.1 An artist's rendering or a simplified drawing/schematic of the proposed project improvement shall be submitted to the ARC. If vegetation removal is all that is being requested, the rendering or drawing is not required, however the method of vegetation removal and the type of vegetation being removed (i.e. brush, ground cover, trees,

stumps...) must be included in the submittal. Additionally all of the following required information must be submitted in order to gain approval to commence any Project.

- a) A site plan with property lines, setbacks from property lines and roadways, access streets, septic field location, proposed footprint of the project, and existing stream or storm runoff courses across the site, clearly shown. If present, include on the site plan outbuilding and dwelling location, drive location, and walkways. Additionally show or describe proposed sediment and erosion control measures and plans for removal or disposal of vegetation materials.
- b) At the time of submission of plans, the applicant shall be responsible to acquire a suitable storm water pollution protection plan for the protection of state waters utilizing the guidelines as outlined in the Tennessee Erosion and Sediment Control Handbook, details of which can be obtained through the Department of Water Pollution Control, a division of the Tennessee Department of Environment and Conservation in Knoxville, Tennessee. The current telephone number at this writing is 1-888-891-(TDEC) 8332. The ARC will not approve the plan but shall notify TDEC of the pending construction.

5.1.2 Plans must be submitted to the ARC Chairperson/ARC Liaison.

5.1.3 Plans will be stamped as to the time and day of receipt.

## 5.2 Contractor/Builder Approval Requirements

The Contractor/Builder must be approved by the ARC for each individual project. To be considered for approval a contractor/builder must agree and sign Attachments 1 & 2 included within this document. The ARC shall not be responsible for quality or timeliness of work by contractors. The Homeowners shall be responsible for confirming references, contacting the Chamber of Commerce and Better Business Bureau etc. for their own contractors.

## 5.3 Incomplete Submission

Any submission that does not include complete information as required by this section will be rejected.

## 5.4 Approval by the ARC

5.4.1 All approvals by the ARC will be in writing; verbal approvals have no standing and are not binding.

5.4.2 Approval by the ARC of a submission presumes compliance with all county and state building ordinances and for waterfront property rules of TVA and the USACE.

5.4.3 ARC approval presumes continued compliance with all requirements of Lone Mountain Shores Documents and the Architectural Review Committee directions, until and unless the owner receives a written waiver from the committee.

5.4.4 ARC approval (including that for variances) expires three months (90 days) from the approval date unless construction and/or land clearing have started. After this time applicant(s) must resubmit their proposal unless the applicant(s) have, in writing, requested and received an extension from the committee. The resubmission will be subject to the rules and regulations in force at the time of the resubmission.

5.4.5 All work in improvements shall be completed no later than three (3) Months from the commencement of the construction of the improvement unless specifically waived by the Architectural Review Committee. The applicant must request this waiver from the ARC in a timely manner.

## 5.5 Construction Start

5.5.1 Construction or vegetation removal may not start without written approval of the ARC.

5.5.2 The Date of start is defined to be the day when any work associated with the project commences at the job site.



5.5.3 By starting the project, the owner acknowledges receipt of and agrees to comply with ARC decisions, requests and stipulations provided in the ARC approval document and its attachments. This includes a mandatory refundable \$200 security deposit to be paid and the ARC approval sign properly displayed before any work can begin.

4.5.4 At times, the ARC may require applicants to acknowledge receipt of ARC decisions and agree in writing to comply with ARC requests and stipulations before lot clearing or construction may proceed.

## **6. ARC MEETINGS**

6.1 The ARC will conduct regular meetings providing there is business to conduct. The date, time, and location shall be decided on by the polling of ARC members by the Chairperson.

6.2 The ARC Chairperson may call for a special meeting upon providing five (5) days notification to the Members of the date, time and place of the meeting and the availability of a quorum.

6.3 The fourteen (14) day advance submission requirement may be waived for plans submitted to special meetings upon approval of the chairperson.

6.4 A quorum requirement will have been met if a majority of the ARC members are in attendance at any regular or special meeting.

6.5 Resolutions, approvals, approvals with conditions, and disapproval's of the ARC may be passed only upon majority vote of those present as long as the quorum requirement has been met.

6.5.1 For the purpose of passing a resolution, the chairperson may propose resolutions and vote on any resolution. In the event of a tie vote on a resolution, the vote of the chairperson shall be weighted by a factor of 1.5 so as to allow the chairperson to cast the deciding vote.

6.5.2 All decisions of the ARC will be final unless appealed pursuant to the appeals procedures set forth in Section 16 hereof.

6.5.3 Applicants shall have returned to them a letter from the ARC approving or rejecting their project with recommendations. Start of project is pending receipt of approval letter. Any recommendation will not bind the ARC to any design indicated thereon but are offered only as advisory comments.

6.5.4 All documents submitted for approval will be kept until the project has been completed to the satisfaction of the ARC. The submitted plans will be returned with the security deposit. Only pertinent documents will remain on permanent file.

6.5.5 If an applicant's submission status is pending, a special meeting with two (2) ARC members can be called to verify compliance with the ARC's requests. Agreement by the two (2) ARC members that the requirements have been met is sufficient for approval and authorization to start construction by an applicant.

## **7. STANDARDS OF DESIGN AND CONSTRUCTION**

### **7.1 Minimum Dwelling Size**

No dwelling shall be erected on any Lot having less than the following:

7.1.1 Waterfront lots – 1,800 square feet heated floor-space 1,200 sq. ft. foot print, excluding carports, garages, or porches.

7.1.2 Interior lots – 1,200 square feet heated floor-space 800 sq. ft. foot print, excluding carports, garages, or porches.

7.1.3 All lots are restricted to (1) one dwelling or (1) one dwelling unit per lot. All multiple dwelling units, such as condo's, apartments, duplex's, etc. are strictly prohibited.

7.1.4 "Dwelling" shall mean any enclosed space that is wholly or partly used for living and sleeping by human occupants.

7.1.5 "Dwelling Unit" shall mean any room or group of rooms forming a single habitable unit with facilities which are used for living, sleeping, cooking, and eating.

7.1.6 "Multiple Dwelling Units" shall mean any structure containing more than (1) one dwelling unit or multiple structures containing dwelling units.

## 7.2 Flood Requirements

All residential structures constructed on a lot must be above the flood plain of Norris Lake in accordance with FEMA as protected by TVA.

## 7.3 Building Setbacks

No vertical construction greater than eighteen (18) inches in height above natural grade (measured from vertical surface, not roof eaves) will be permitted within building setback areas so designated on recorded plats or described in the CCRS.

## 7.4 Horizontal Improvements

A horizontal improvement is any permanent structure less than 18" above grade. This could be a gravel/concrete/asphalt driveway, fence, wall, sidewalk, wood walkway, deck porch, septic tank, etc... once the permanent structure gets above 18" it is considered a building or is attached to a building of some sort.

This was included so people wouldn't put this type of structure in the utility easements between properties and encroach on their neighbors.

Concessions were made for driveways because some owners have such a hard time accessing their lots due to the extreme steep terrain.

7.4.1 Any horizontal improvement (emplacement of a permanent structure less than 18" above natural grade) must be approved by the ARC.

7.4.2 Horizontal improvements may not be placed closer than ten (10) feet to any property line with the following exceptions:

- a. Driveways and turn-arounds which may be no closer than five (5) feet,
- b. Driveway entrances and exits which may be to zero feet, but shall not waive applicable easement rights.

7.4.3 All driveways shall be surfaced with materials meeting specifications approved by the ARC. This requires a material such as but not limited to gravel, crusher run, asphalt, concrete, or any environmentally safe product that will provide a drivable surface and help prevent soil erosion and eliminate build-up of undesirable material on the public roadway.

7.4.4 Any grading to create a new or restore an existing driveway where soil has been disturbed requires ARC approval. Routine maintenance on existing driveways or lanes with previously approved materials does not require ARC approval.

## 7.5 Signs

Signs may only be placed on the lot in a form, size and location to be designated by the ARC.

### 7.5.1 Allowable Signs

All signs must be placed outside of the county roadway right-of-way lines. This sign placement will provide better visibility and allow mowing of any widened area, where possible.

#### 7.5.2.1 For Sale Signs

- a) "For Sale" signs are strictly prohibited anywhere on LMSOA docks.
- b) "For sale" signs shall be permitted on lots but shall be a "Standard" real estate sign size. No directional signs (real estate) shall be installed in the development to aid in locating available property. Directional real estate signs will be removed immediately without notice.
- c) Upon the sale of a lot or home, a "Sold" sign may be displayed for a period of 14 days following the sale closing, at which time the "Sold" sign must be removed by its owner. Signs left up after the allowable 14 day period are subject to removal without notice.

#### 7.5.2.2 Construction Related Signs

a) Signs may only be placed on a building lot upon receipt of ARC approval to commence construction.

Signs may indicate the lot number, name of the owner, contractor and architect provided that such information is contained on the same sign face.

b) Sign posts, when used, shall be painted a color that readily blends with the natural surroundings and meet ARC approval.

c) Signs must be removed promptly upon completion of construction.

d) Each lot owner, upon approval of any said improvement to lot will be required to display an ARC Approval Sign.

#### 7.5.2.3 Home Protection (alarm) Signs

“Home Protection” (alarm) signs that are less than 1’ square in size may be placed on a lot. A maximum of 2 Home Protection signs (one in the front and one in the rear) may be placed on a lot.

### 7.6 Portable Outdoor Toilet Facilities

Portable outdoor toilet facilities must be provided during active construction only. They may not be placed prior to final project construction approval by the ARC and must be removed promptly upon completion of construction.

### 7.7 Architectural Standards

7.7.1 All construction must comply with aesthetic standards established by the ARC.

7.7.2 Modular homes, mobile homes, manufactured homes, housing motor coaches, recreational vehicles, house trailers, travel trailers and basements are prohibited for dwellings

7.7.2.1 The prohibition of Modular homes is not meant to exclude prefabricated home sections which are constructed at other sites and transported to the Owner’s lot for attachment to the dwelling. The ARC will review and consider alternative types of construction on an individual basis.

7.7.2.2 The prohibition of motor coaches and recreational vehicles is modified during the construction phase of the dwelling upon the real estate. The owner may place a temporary self contained recreational vehicle/motor coach upon the premises and reside in it for a maximum period of one (1) year as long as construction is progressing.

7.7.3 Manufactured and modular constructed sheds, garages and outbuildings maybe permitted on a case by case basis as long as they meet the other requirements for these buildings.

7.7.3.1 A private garage may be built separately or attached to and made a part of the dwelling. The garage must be made of the same or similar aesthetically blended materials and conform to construction type of the dwelling if attached, or conform to the dwelling type or the aesthetics of the surrounding natural area if detached. The garage must be built at the same time or after construction of the dwelling and must be approved by the ARC.

7.7.3.2 Any separate storage building, shed, work-shop or other incidental outbuilding may be allowed provided that the architectural style, quality of construction and building material are consistent with the caliber and appearance of the main residence structure and the surrounding natural area. All these outbuildings must be approved by the Architectural Review Committee prior to the construction, and must be built at the same time or after construction of the dwelling. These structures must be of sufficient sturdiness and stability to stand alone. Structures built or installed that are flimsily constructed or assembled will not be approved.

7.7.4 Exterior finish materials should be of natural colors or wood/log to blend with the surrounds. Primary finish material such as white vinyl siding, aluminum or aluminum siding are prohibited except as used for trim, gutters, shutters, or soffits. Exposed concrete foundation, exposed concrete block, or other composite material used in foundations must be coated or painted with natural colored materials such as stucco or stone.

#### 7.8 Garden Walls and Fencing

7.8.1 All garden walls and fences must be approved by the ARC.

They will be approved or not on a case by case basis and no approval shall constitute a precedent for future requests.

7.8.2 No wall or fence shall be allowed which effectively blocks another lot owner's lake view. These fences and walls must be of an architectural style, quality of construction and utilize building materials that are consistent with the caliber and appearance of the main residence structure and the surrounding natural area. Chain link, tubular style PVC, or wire fences are not permitted.

7.8.2 Dog runs or other pet containment areas must meet the same requirements of fences above.

#### 7.9 Travel Trailers, water craft trailers and Recreational Vehicles (RV)

7.9.1 Travel Trailers or RV's for the purpose of security may be utilized with the approval of the ARC only during the period of construction.

7.9.2 Travel Trailers or RV's for the purpose of temporary residence may be utilized for one year during the construction period with the approval of the ARC. Travel Trailers, RV's and tents may be used as temporary residence when lot owner visits or performs lot maintenance/clearing prior to start of construction (such as weekends or vacation periods). However, such vehicles/tents used for the purpose of maintenance/clearing must be removed from the lot upon owner's departure after each visit.

7.9.3 After construction is complete, Travel Trailers or RV's, kept for personal use, may be stored on owners lots provided they are not utilized as dwellings and must be stored such that they do not present a nuisance or block the aesthetic views of their neighbors. If the storage presents a nuisance or interferes with the aesthetic views of neighbors, the Travel Trailer or RV must be stored in an enclosure. This enclosure must comply with the ARC guidelines as would any garage or outbuilding. The ARC will determine on a case by case basis whether the storage of a Travel Trailer or RV is a nuisance following the receipt of complaints from other lot owners.

7.9.4 Each lot owner and/or their assigns may store or park their boats or other recreational water craft and/or the trailers for these water craft upon the lot. Each lot owner may store multiple boats and/or the trailers upon their property provided these water craft are for their own personal use and such boats and/or trailers must be stored such that they do not present a nuisance or block the aesthetic views of their neighbors. If the water craft storage presents a nuisance or interferes with the aesthetic views of neighbors, the owner will be limited to one (1) boat/trailer stored externally and all other watercraft must be stored in an enclosure. This enclosure must comply with the ARC guidelines as would any garage or outbuilding. The ARC will determine on a case by case basis whether the storage of water craft/trailers is a nuisance following the receipt of complaints from other lot owners.

7.9.5 Owners may not park or store any boat and/or trailer in any common area for more than fourteen (14) consecutive days. Owners can be fined for these violations.

7.9.6 Garden or utility trailers may be stored on the owners lot provided these trailers are for personal, not business use, of the lot owner and are stored such that they do not present a nuisance or interferes with the aesthetic views of neighbors.

#### 7.10 Mail, Newspaper Boxes

7.10.1 Mail and newspaper boxes must conform to the standards of the US Post Office.

#### 7.11 Satellite Dishes and Alternative Energy Devices

7.11.1 Satellite dishes must be no more than twenty-four (24) inches in diameter. High definition digital satellite dishes which are elliptical and are approximately 30" wide shall be permitted.

7.11.2 Alternative energy devices such, as solar panels or backup electric generators, may be installed provided they do not present a nuisance or interferes with the aesthetic views of neighbors. Normally, solar panels should not extend above the roof line of the home.

7.11.3 Windmills for the purpose of electric power generation or pumping of fluids are prohibited.

#### 7.12 Lighting and Gates

7.12.1 No street lights shall be permitted within the limits of the Lone Mountain Shores development. Only downlights

(i.e.: shoebox type) where the lamp is hidden from the side view and reduces glare shall be permitted on any individual's lot. All lights must have ARC approval. Security type high glare flood lights mounted to dwellings or outbuildings are permitted only if they are connected to a motion detection system. No dusk to dawn lights will be permitted.

7.12.2 Gates must have ARC approval prior to installation. Metal cattle guard types are permitted provided they are painted/finished to meet the aesthetics of the surrounding area. Cables/chains/ropes strung across driveways are not permitted except as a temporary measure during construction.

### **8. MAINTENANCE OF PROPERTY**

Owners are responsible to keep their dwellings, outbuildings and other property improvements reasonably maintained such that the aesthetic standards of Lone Mountain Shores is preserved. Because a large number of residences are part time and could be away from the mountain for extended periods of time, if damage has occurred to an owners structures, the ARC will inform the owner of the damage so repairs can be scheduled. The ARC will assist absentee owners with scheduling repairs if requested.

### **9. DOCKS**

9.1 All docks and other features constructed below the 1044' (ft) elevation must be approved by the TVA and Army Corps of Engineers.

9.2 Boat ramps are strictly prohibited on individual lots.

### **10. SHORELINE PROTECTION**

10.1 Any property owner desiring to rip-rap property above the TVA 1044' (ft) elevation must apply for ARC approval

10.2 Any property owner desiring to riprap or alter/maintain the shoreline of his property is required to follow the TVA rules and if required obtain approval from the TVA and Army Corps of Engineers.

## **11. LAKEFRONT LOT IRRIGATION**

### 11.1 Use of Lake Water

Use of lake water for irrigation purposes requires approval of the TVA. The standard application form should be used.

### 11.2 Irrigation Pumps

Irrigation pumps must be hidden from view in a manner approved by the ARC.

### 11.3 Irrigation Piping

Irrigation pipes drawing water from the lake must be concealed (buried, or totally concealed by some other means) in a manner approved by the ARC.

## **12. PAYMENT OF FEES**

### 12.1 Application Fee

12.1.1 The ARC has established an application fee for property improvement projects as follows:

- a. For dwellings, garages and other buildings greater than 200 sq. ft. - \$300.00
- b. For buildings less than 200 sq. ft. and other property improvements as delineated in section 1.5 - \$100.00
- c. For clearing of vegetation, dredging and fill operations, and excavation delineated in section 1.6 - \$50
- d. The application fee is payable at the time of the first plan submission.

12.1.2 The application fee may be increased or decreased from time to time at the sole discretion of the ARC.

12.1.3. All major modification to an approved plan must be submitted to the ARC for approval. An additional fee of Fifty and No/100 Dollars (\$50.00) may be required by the ARC.

### 12.2 Security Deposit

12.2.1 A Homeowner is required to post a security deposit for each property improvement project. This deposit is to assure adherence to rules and regulations covered herein by the builder, subcontractors, material delivery-men and the homeowner's follows:

- a. For dwellings, garages and other buildings greater than 200 sq. ft. - \$500.00
- b. For buildings less than 200 sq. ft. and other property improvements as delineated in section 1.5 - \$200.00
- c. For clearing of vegetation, dredging and fill operations, and excavation delineated in section 1.6 - \$200.00

12.2.2 The security deposit must be paid prior to the start of any construction work.

12.2.3 Any fees assessed against an Owner will be drawn from this deposit, and the homeowner shall replenish the security deposit within ten (10) days of depleting 80% of the original balance.

Owners are strongly urged to inform their contractors etc. in their contracts with them that any assessment against an Owner due to the actions of a contractor shall be deducted from the contractor's final payment.

12.2.4 Upon completion of the construction project and clean up of trash from the construction lot and adjacent lots, and submission by the Owner to the ARC a letter of substantial completion stating that the Contractor has fulfilled all of his contractual obligations, and a site review by the ARC the security deposit will be returned to the Owner.

## **13. ARC REVIEWS**

The ARC will periodically visit and review the building site to verify that the design is according to the plans approved by the ARC and that the Architectural Guidelines are being adhered to.

When construction has been done contrary to approved plans, the ARC may require removal of the improvement, reconstruction to meet the approved plan, or any other action that the ARC deems is appropriate, including fines. The ARC and Board members shall have free access to the exterior portions of the project site without threat of trespassing for their reviews.

#### **14. ENFORCEMENT OF THE LMSOA BYLAWS, COVNANTS & GUIDELINES**

14.1 The ARC will have the responsibility of enforcing all rules, regulations, remedies and other provisions of the Bylaws, Covenants and Architectural Guidelines as they pertain to the ARC.

14.2 The ARC will keep the Board of Directors updated on any actions, remedies or attempts to resolve noncompliance issues in accordance with 14.1 above.

14.3 After the ARC has exhausted the actions assigned to it through the above mentioned documents any unresolved violations of the Bylaws, Covenants and Architectural Guidelines will be submitted to the Board of Directors.

#### **15. FINES**

See 'Table A' for fines

#### **16. APPEALS OF ARC DECISIONS**

16.1 An applicant receiving an unfavorable ruling from the ARC is advised to revise the plans in accordance with recommendations and resubmit them to the ARC for approval.

16.2 If the applicant believes that the decision of the ARC is contrary to the Lone Mountain Shores Documents or otherwise in error for any reason, or if the applicant is unable to comply with the requirements of the ARC, he/she may request a hearing before an Appeals Board. The request must be made in writing and directed to the chairperson of the ARC and be postmarked or hand delivered within thirty (30) days of the date that the applicant was notified of the ARC decision. Untimely appeals will only be considered upon the unanimous vote of all members of the ARC.

16.2.1 The ARC chairperson shall schedule a meeting of the Appeals Board within fifteen (15) days of receipt of request or as soon thereafter as is reasonably possible, i.e., schedules of the applicant, consultants, and Appeals Board Members.

16.3 The Appeals Board will consist of three (3) members who shall be selected as follows:

16.3.1 Appeals Board Members: The Chairman of the ARC will maintain a pool of names of not less than 5 members of the association who are in good standing with the association, and who stipulate that they have read and have a general understanding of the Covenants and the Architectural Guidelines.

16.3.1.1 Members of the ARC Appeals Pool will serve a two-year term. The name of any association member that is not currently serving on the Board of Directors or the ARC may volunteer or have their name presented to the ARC for nomination to the Appeals Pool. The ARC will recommend nominations for the Appeals Pool to the Board of Directors for its approval.

16.3.1.2 The applicant shall select one member by name to serve on the Appeals Board from the ARC Appeals Pool.

16.3.1.3 In the presence of the ARC chairman, the applicant will randomly (blindly) select a second member to serve on the Appeals Board from the ARC Appeals Pool.

16.3.1.4 In the presence of the ARC chairman, the applicant will randomly (blindly) select one member of the Board of Directors to serve as the 3rd member and chairperson of the Appeals Board. In the event that a person holding both the ARC Liaison and the ARC Chairperson position is randomly selected as the third party on the appeals process he/she shall not be allowed to vote on the resolution and another board member must be randomly selected.

- 16.3.2 The Appeals Board may request consultation of other professionals, as it deems necessary. These professionals will not have a vote.
- 16.4 The Appeals Board will conduct a review of these items/issues that are being appealed by the applicant.
- 16.4.1 The applicant will be given an opportunity to address the issue(s) before the Appeals Board, using whatever documents, visual aids or consultants he/she feels appropriate.
- 16.5 All Appeals Board members must be present for a quorum.
- 16.5.1 The majority vote of the Appeals Board will determine an appeal disposition. The applicant shall be notified in writing of the outcome of the appeal within seven (7) days of the Appeals Board vote.
- 16.6 The Appeals Board shall have no authority to issue a decision that is contrary to the Lone Mountain Shores Documents.
- 16.7 All decisions of the Appeals Board will be final.

## **17. CONTRACTOR DEPARTMENT (See Table A for Fines)**

- 17.1 Worker Behavior
- 17.1.1 Section 6.19 of the Declaration prohibits obnoxious or offensive activities. Contractors, sub-contractors, material delivery-men and any other agent of the owner doing business in Lone Mountain Shores will be required to conduct themselves accordingly.
- 17.1.2 The builder (General Contractor) is responsible to see that all his direct employees and his sub-contractors and their employees adhere to all of the applicable Lone Mountain Shores rules and requirements; specifically those in this Section and those of Section 12 (Fines) and "Table A" at the end of this document.
- 17.2 Working Hours
- 17.2.1 Contractors may work 7:00 A.M. – 10:00 P.M., Monday through Sunday, only during daylight hours, unless the house is completely enclosed and the work is entirely inside.
- 17.2.2 Material deliveries may be made subject to the same provisions of Section 17 herein.
- 17.3 Keeping Roads Clean
- The builder (General Contractor) shall diligently try to minimize the amount of dirt and mud tracked onto roads during construction (e.g., limit site access, temporary/permanent gravel covered access when required, etc.). When unacceptable amounts of dirt have been tracked (or washed etc.) onto the roads from a job site, the builder is responsible to see that it is cleaned up quickly.
- 17.4 Defacing Adjoining Properties or Public Areas
- The builder (General Contractor) is responsible to see that all his direct employees and his sub-contractors and their employees shall not deface adjoining properties or public areas. This defacement (damage) includes, but is not limited to, damage caused by vehicles and debris.
- 17.5 Trash and Debris
- Trash and debris on building sites shall be kept to a minimum and shall not become a nuisance to adjacent property owners or unsightly to the neighborhood.
- 17.6 Burning or Fires
- Burning or fires in open areas are hereby prohibited without ARC approval. Small contained fires are allowed, but must be controlled and extinguished when crews leave in the evening. In any case, toxic and noxious building materials including but not limited to: PVC pipe, roofing, shingles, and Styrofoam insulation may not be burned.

## **18. AMENDMENT**

- 18.1 The foregoing rules and regulations may be amended at any time by the ARC at a duly constituted meeting, subject to LMSOA Board approval per the requirements of Section 7.05 of the Covenants.



18.2 No prior notices or announcements will be required to amend these rules and regulations other than as provided in of the Covenants.

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

## **19. SEVERABILITY**

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

19.2 The failure of the Board of Directors, the ARC or any aggrieved Owner to enforce the Lone Mountain Shores Documents shall not be deemed a waiver of the rights to do so for any subsequent violations or of the right to enforce any other part of the Lone Mountain Shores Documents at any future time.

**Attachment 1**  
**Signature of Receipt**

The Architectural Review Committee (ARC) was established for the purpose of defining aesthetic standards of construction and external home improvements in Lone Mountain Shores. These "Lone Mountain Shores Architectural Guidelines" are conveyed to you to delineate the requirements to be followed to assure that this objective is achieved. Please review this document prior to submitting a project application to the ARC. Additionally, please sign this "Signature of Receipt" page as indicated below and return this page to the ARC with your application. Retain this copy of the Guidelines for your use and reference during the implementation of your project.

*I (We) the undersigned acknowledge receipt of the Lone Mountain Shores Architectural Guidelines and am (are) aware of the need to review this document before proceeding with my (our) project.*

*Owner #1* \_\_\_\_\_ *Date* \_\_\_\_\_

*Owner #2* \_\_\_\_\_ *Date* \_\_\_\_\_

**Attachment 2**  
**Signature of Receipt**

The Architectural Review Committee (ARC) was established for the purpose of defining aesthetic standards of construction and external home improvements in Lone Mountain Shores. The “Vital Information Statements” are conveyed to you to delineate the requirements to be followed to assure that this objective is achieved. Please review this document prior to submitting a project application to the ARC. Additionally, please sign this “Signature of Receipt” page as indicated below and return this page to the ARC with your application. Retain this copy for your use and reference during the implementation of your project.

*I (We) the undersigned acknowledge receipt of the Lone Mountain Shores “Vital Information Statements” and am (are) aware of the need to review this document before proceeding with my (our) project.*

*Owner #1* \_\_\_\_\_ *Date* \_\_\_\_\_

*Owner #2* \_\_\_\_\_ *Date* \_\_\_\_\_

**TABLE A – FINES**

<b>Violation</b>	<b>Fine</b>
No erosion /sediment control on construction site	\$50 initially. After 5 working days, \$10 per day until installed.
No trash container/bags on site during active construction. Unsightly lot or debris not picked up. This includes debris and/or damage to adjacent property or public/common areas.	\$50 initially. After 5 working days, \$10 per day until installed.
No portable toilet on site during active construction Camper/portable type toilets are permissible.	\$50 initially. After 5 working days, \$10 per day until installed.
Unattended fires or fires during County issued ban of fires.	\$500 per occurrence
Failure to meet Department of Water Pollution Control's requirements	ARC shall report to the Department of Water Pollution Control any evidence of infraction within 5 days of observation and noncompliance and owner shall be responsible to pay all legal costs and fines levied against Lone Mountain Shores by the same.
Excess dirt/mud tracked onto roads (applicable if due diligence has not been exercised).	\$50 per occurrence plus cost of clean-up
Start of construction without ARC approval.	\$200 per occurrence plus \$25 per day until unresolved issues are settled and written ARC approval is granted to OWNER.
Violation of Architectural Guidelines or noncompliance with said guidelines by an owner.	Up to \$30 per day for each event of noncompliance or violation
Violation of boat guideline 5.9.3	\$50.00 initially, after 14 days of receipt of written notice.  \$10.00 per day thereafter until violation has been corrected.