

**ARCHITECTURAL CONTROL COMMITTEE
RULES AND REGULATIONS
RIVERBEND PROPERTY OWNERS ASSOCIATION**

WHEREAS, it is the desire and intent of the Developer, its successors and assigns, to sell the real property in the community known as Riverbend at Lake Lure and to improve upon it mutual beneficial restrictions, conditions, easements, covenants, agreements, fines, liens and charges under a general plan of improvement for the benefit of all of the said lands and the future owners of said lands.

All of which are declared and agreed to be in furtherance of a plan for the subdivision improvement, and sale of the said real property and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of said real property and every part thereof, and all of which shall run with the land and shall be binding on all parties having or acquiring and part thereof.

The Declaration of Restrictive Covenants for the Property Owner's Association (POA) requires the Architectural Control Committee (ACC) to preserve the harmony of buildings, structures, and improvements with each other and with the general surroundings and also require the ACC to preserve the rights, interests, and welfare of all property owners with respect to the environment.

To those ends, the ACC acts in the interest of all property owners to approve or disapprove all plans, specifications, details, and color schemes for buildings and other structures and improvements to property, to approve or disapprove the removal of all trees over three (3) inches in diameter, and to maintain the appropriate upkeep of their acreage and buildings. Any damage caused by an owner to Riverbend Property Owner Association (POA) assets in constructing anything in Riverbend the owner will replace the item damaged or pay for it at the Property Owners Association's (POA) discretion.

These regulations do not, in any way, supplant, but do give specific definition to restrictions and responsibility of the ACC, as set forth in the Restrictive Covenants, and in no way is intended limit its authority. Any contradictions with prevailing Restrictive Covenants, the Restrictive Covenants will prevail. In addition all applicants must abide by the governing state, county and city of Lake Lure regulations where applicable.

1) SUBMISSION TO THE ARCHITECTURAL CONTROL COMMITTEE (ACC)

New home construction, existing home modifications or property improvements require that an application be submitted to the ACC. The ACC will consider only those applicants whose maintenance dues and other charges are current. The ACC will respond in writing notifying the applicant of their decision relative to the application. Property owners and builders making property changes without written approval from the ACC will be subject to penalties in the form of fines, liens against their property, and/or suspension off rights and privileges.

a) When submitting plans for approval, the following items are required:

- 1) An Application form, completed and signed by the **property owner(s) and the builder.**
- 2) One copy of building elevations, floor plans and specifications. The requirements for specifications may be waived if plans are noted in detail to show all information normally contained in specifications.
- 3) One copy of property survey showing location to scale of all proposed new construction. Plot plan must have surveyor's stamp of approval; driveways must be sufficient for parking two (2) cars. All items, which are to be added to the property now, or at a future date; such as fences, walls, driveways, sidewalks, driveway head walls, etc., shall be shown on the plot plan or another drawing with sufficient detail or description so that the ACC can make an informed decision. Prior to submitting the plans, the contractor shall have staked out the actual corners of all major new construction.
- 4) One copy of landscaping plan showing all new planned vegetation, including front tree replacement.
- 5) Color samples of all new exterior construction. This shall include roof and siding. Sample of siding is not required for log homes.

- 6) Copy of Builder's risk insurance.
- 7) Copy of Builder's Workmen's Compensation Insurance.
- 8) Copy of Builder's General Liability Insurance.
- 9) Copy of Builder's North Carolina Contractor's License.
- 10) One copy of "Approval for Septic System" from Rutherford County Health Department (new home construction only).
- 11) Copy of Building Permit.
- 12) 911 Address of Building site. Please call addressing department at (828)-287-6366. This can be obtained after issuance of Building permit.
- 13) Proof of property ownership or right to develop. Such as copy of the property deed.
- 14) An ***impact fee*** must be submitted with an application. Applications without the proper impact fee will not be considered for approval.
 - a) The impact fee for new home construction will be \$1,000.00.
 - b) For modifications or property improvements, such as clearing of property, installation of driveways, docks, septic systems and/or wells will be \$350.00.
 - c) Improvements of a minor nature will not require an impact fee, however an application must be filed. If no application is filed a \$350.00 fee is imposed. Normal replacement repairs do not require an application.

Interpretation of minor improvements will be at the discretion of the ACC. Checks for the impact fee shall be made payable to the Riverbend Property Owner's Association.

- 15) Modular Homes are assessed an additional ***Impact Fee*** of \$1000. refundable upon home set and front tree replaced per landscaping plan.

IMPACT FEES ARE FOR THE OVERALL IMPACT THAT CONSTRUCTION HAS ON THE COMMUNITY AS A WHOLE. IMPACT FEES DO NOT COVER ACTUAL DAMAGE TO ROADS, CULVERTS, AMENITIES, OR ANY STRUCTURES OR DEVICES MAINTAINED BY THE POA.

PLEASE NOTE: THE ACC WILL VIGOROUSLY ENFORCE THE ACC RULES AND REGULATIONS. PROPERTY OWNERS AND BUILDERS ARE STRONGLY ENCOURAGED TO ADHERE TO THESE RULES AND REGULATIONS. VIOLATORS WILL BE SUBJECT TO FINES, LIENS AND/OR SUSPENSION OF COMMUNITY RIGHTS AND PRIVILEGES.

- b) Upon action by the Architectural Control Committee, one set of the plans and specifications will be returned to the applicant stamped "Approved", "Disapproved" (re-submit) or "Approved as Noted."
- c) When all requirements are received and approved by the ACC, an ACC Approval PERMIT CARD will be issued.
- d) Prior to start of construction, the contractor shall apply to the Rutherford County Building Department for a Building permit. The ACC requires a copy of the County building permit for the file. BOTH THE ACC APPROVAL PERMIT AND THE RUTHERFORD COUNTY BUILDING PERMIT MUST BE DISPLAYED AT THE SITE DURING CONSTRUCTION.
- e) If a new home is not started within six (6) months after ACC approval, the approval becomes null and void and the total reapplication must be re-submitted with a refilling fee of \$100 if same owner. Applications are not transferable to new owner.

2) MINIMUM SET BACK REQUIREMENTS

No construction may encroach on any road right away or utility easement.

- a) Forty (40) feet from the center of any road as presently constructed.
- b) Fifteen (15) feet from each lot sideline.
- c) Twenty (20) feet from the rear lot line.
- d) Twenty (20) feet from a lake, or park.

The ACC reserves the right to alter these setback dimensions after inspection of the site and in the best interest of the property owner and the Community and in accordance with Rutherford County and/or the Town of Lake Lure zoning requirements, where applicable. A variance form is available a fee of \$75.00 is required.

3) HARMONY WITH SURROUNDINGS

- a) In the interest of all, to preserve the woodland appearance of the entire area, colors used on structures must be subordinate in tone to the surrounding landscape.
- b) A sample "chip" of all exterior colors must accompany the submission to the ACC.
- c) The ACC will not approve any external color that does not blend in with the surrounding landscape.
- d) Bare concrete block exterior walls are not acceptable.. The finished exterior walls shall harmonize with the surroundings.
- e) For exterior walls, the ACC will approve logs, part stone, part brick, wood shingles, board siding, and exterior plywood with battens or other synthetic material providing that it gives the appearance and texture of natural wood.
- f) A minimum of 18" steel culverts will be required where culverts are necessary.
- g) The ACC will not approve corrugated metal or any shiny metallic or baked glazed finish for exterior walls.
- h) Thin imitation stone or brick on exterior walls, or asphalt shingles on such walls, will not be approved.
 - i) The ACC will give particular attention to structural details with respect to street elevations to insure a pleasing appearance. For example, shutters, window boxes, door details lanterns, etc., will be carefully considered.
- j) No structure having the appearance of a trailer or mobile home will be approved. This includes two trailers or mobile homes joined together to satisfy square foot area requirements.
- k) In the event that it is proposed to move in a house in large sections, the builder must demonstrate to the ACC that this can be done without removal or major damage to existing trees.
- l) Satellite Dishes should be located in a non-conspicuous location on the house structure. The ACC may demand removal if placement interferes with the natural beauty of the community.

4) CONSTRUCTION SANITATION

- a) The contractor shall, at the time he starts construction, provide on the building lot the following:
 - 1) One temporary toilet facility equivalent in sanitary effectiveness to a "Johnny on the Spot" and placed at a location to be least offensive to people in adjoining houses or on the lake. **PLEASE NOTE: THIS IS REQUIRED BY THE NORTH CAROLINA PLUMBING CODE.**

2) An adequate container for the placement of construction trash and other builder generated trash. The prime contractor will be responsible that his workmen, as well as those of his sub-contractors, make use of the container. Littering of the job site and adjacent properties with the builder's trash, empty bottles and cans, paper wrappers, etc., will not be tolerated. Construction trash is not to be deposited in Riverbend community trash receptacles. Violation of this rule will result in severe fines and/or penalties.

3) Building materials are not to be stored on roadways, edge of roadways, or adjacent lots. All building materials are to be stored in a neat and orderly manner on the property where the construction is taking place. Building materials or vegetation are not to be placed in community dumpsters.

5) **TREE CUTTING AND PRESERVATION REGULATION**

a) The complete removal of all trees from any parcel of land or any substantial portion thereof without the written consent of the ACC is prohibited.

b) No living tree over three (3) inches in diameter shall be removed from any lot without the written consent of the ACC.

c) Removal of other trees shall be limited to dead trees, diseased trees, trees in danger of falling and creating a hazardous condition, and trees in close proximity to other more desirable trees (where removal will improve growth of remaining trees) and must have approval of the ACC.

d) Removal of trees for construction site clearance shall be limited to those within the boundaries of the building foundation and not more than ten (10) feet there from, and those within the boundaries of septic tank drainage fields, walks, driveways, and parking areas. Location of buildings, walks, driveways, and parking areas should be planned to minimize tree removal.

e) Our minimum requirements for landscaping includes replacement of trees cut in front and side (where house is exposed to neighbors) so as to screen the house from the road and neighbors where applicable.

f) Where steep slopes are cut for excavation, such slopes should be seeded with an appropriate grass (such as Tall Fescue 31) or "cribbed" with railroad or landscape ties to prevent erosion of the slope.

g) **SILT CURTAIN** - The contractor is responsible to provide adequate protection from silt or dirt being washed from his construction site into lakes, streams, roadside ditches, adjacent property or drainage ditches. If any dirt or silt is washed from the construction site, such dirt or silt shall be cleaned up and returned to the site or an approved dump site. As a minimum, a hay bale dam is required in the ditch line of all job sites, on all lot lines bordering lake or stream or where the lot slopes down to lake or stream, or another property. **PLEASE NOTE: THIS IS REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL RESOURCES.**

h) The ACC may approve reasonable deviations from these regulations provided such deviations will not be materially detrimental to the neighborhood in which such deviation is allowed.

6) **TIME FOR COMPLETION**

a) The exterior of any home and all property improvements applied for shall be completely finished within TWELVE (12) months from the date of the ACC application approval. If home or property is incomplete in twelve (12) months, an application for an extension must be filed.

b) Should construction activity cease for ninety (90) consecutive days, or if the times for completion (as stated above) are not met, the violation will constitute a nuisance. In such a case, the POA shall have the right to exercise its power vested in the Covenants, Deed Restrictions and ACC Rules.

7) ARCHITECTURAL CONTROL COMMITTEE MEETINGS AND AUTHORITY

- a) The Architectural Control Committee meets on an on-call basis or when the agenda requires.
- b) Nothing in these Rules and Regulations shall constrict, or in any way, derogate the authority of the ACC to grant variances or exceptions.

8) VIOLATIONS

- a) Violations of the Restrictive Covenants of Riverbend at Lake Lure and/or the Rules and Regulations of the ACC will be called to the attention of the property owner and/or builder in writing. If this warning is ignored, and the violation is not corrected in a reasonable period of time, as determined by the ACC, a fine will be assessed to the property owner, or a lien will be placed against the property. Also the ACC may refuse to approve any further submissions by the builder or the property owner for construction at Riverbend at Lake Lure
Each violation of the Restrictive Covenants of Riverbend at Lake Lure and/or the Rules and Regulations of the ACC will result in a fine based on the severity of the violation or the length of time that the notice of the violation is ignored. This fine will vary at the discretion of the ACC. However the fines will not exceed \$100.00 per day. Fines will be added to the property owner's account and will accrue interest until paid in full.

9) REFUSE DISPOSAL AND CONCEALMENT OF FUEL STORAGE TANKS AND TRASH RECEPTACLES

- a) Fuel storage tanks on any lot shall not be visible from any street, or adjoining water or other common area within the subdivision. No accumulation of refuse or garbage, except in concealed receptacles, shall be permitted.

10) ANIMALS

- a) No livestock, poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats and other household pets may be kept and horses and ponies may be kept, provided none of such animals are kept, bred or maintained for any commercial purposes.
- b) No pets or other animals shall be kept in such number or in such manner as to constitute a nuisance. The ACC is empowered to define nuisance.

11) BURNING PERMITS

- a) No open fires shall be permitted without a burning permit secured from the NC Division of Forest Resources or its licensed agencies.
- b) Under no circumstances shall anything other than plant growth be burned. This is a regulation of the NC Division of Forest Resources.
- c) Construction waste materials shall be disposed of off site. Burning of this material on site is not permitted by the North Carolina Division of Forest Resources. Please see regulation 15A NCAC 2D.1900; "Open Burning" for details. Disposal of this material in the Riverbend community trash receptacles is strictly prohibited.

Architectural Control Committee

Documents required for ACC review and approval for Riverbend at Lake Lure permit

CHECK LIST

1. Application form signed by **property owner(s) and builder.**
2. Elevation and Floor Plan (1 copy)
3. Property survey Plot Plan stamped by surveyor. (1 copy) Note: Builder to stake out corners of new construction prior to submitting application and documents for approval.
4. Vegetation and Landscaping Plan (1 copy). Includes replacement of front trees.
5. Color samples of exterior construction.
6. Copy of Builder's Risk Insurance.
7. Copy of Builder's Workmen's Compensation Insurance.
8. Copy of Builder's General Liability Insurance.
9. Copy of Builder's North Carolina Contractor's License.
10. Copy of Septic System Permit.
11. Copy of Building Permit. (To be submitted and posted prior to start of construction.)
12. Address of Buildings site. (May be obtained from County Addressing Department about 2 weeks after obtaining a Building permit. Call (828) 287-6366
13. Proof of property ownership or right to develop. Maintenance dues must be current
14. Impact Fee of \$1,000 for new construction. \$350 for major modifications and Infrastructure. No Charge for minor additions which are approved by the ACC. \$350.00 without approval.
15. Modular Homes additional \$1,000. Impact Fee refundable upon placement of Home and Replacement of all necessary trees.

NOTE: The above items are all required for construction of new homes. Property improvements may require less than this complete list of items. Please check with the ACC to determine which items are pertinent to your submission for this category of changes.

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