

**ARCHITECTURAL CONTROL
COMMITTEE (ACC) RULES AND
REGULATIONS
RIVERBEND PROPERTY OWNERS ASSOCIATION**

WHEREAS, it is the desire and intent to sell the real property in the community known as Riverbend at Lake Lure and to improve upon its mutually 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 Owners 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, supplement, 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 to 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.

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 of 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), general contractor or builder.
- 2) One copy of the 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.

Note: Minimum Area. (Single family residential) No dwelling shall be permitted on any lot with less than 1000 square feet of air conditioned and/or heated finished space. First floor space excluding loft shall not be less than 850 square feet. These requirements are exclusive of terraces, garages, carports, balconies or other outbuildings. Necessary parking areas shall be provided by each individual Purchaser in a manner that will not obstruct road traffic or maintenance operations.

- 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 headwalls, 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.

MINIMUM SET BACK REQUIREMENTS

- a) No construction may encroach on any road right away or utility easement.
- b) Forty (40) feet from the center of any road as presently constructed.
- c) Fifteen (15) feet from each lot's sideline.
- d) Twenty (20) feet from the rear lot line.
- e) Twenty (20) feet from a lake, or park.

Note: Measure the closest part of the house. Include non-living/non-air conditioned space, such as decks and porches.

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 and a fee of \$75.00 is required.

- 4) One copy of the 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 siding is not required for log homes.
- 6) Copy of the Builder's risk insurance.
- 7) Copy of the Builder's Workmen's Compensation Insurance.
- 8) Copy of the Builder's General Liability Insurance.
- 9) Copy of Builder's North Carolina Contractor's License.
- 10) One copy of "Approval for Septic System" from the Rutherford County Health Department (new home construction only).
- 11) Copy of the Building Permit.
- 12) 911 Address of Building site. Please call the 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 a copy of the property deed.
- 14) Depending on the topography of the lot a certified engineer report may be required (at the discretion of the ACC or the POA Board).
- 15) An impact fee payment must be submitted with the application. Applications without the proper impact fee will not be considered for approval.
 - a) New home construction impact fee is \$2,000.00.
 - b) Modular Homes are assessed an additional impact fee of \$1000.00, refundable upon home set and front tree replaced per landscaping plan.
 - c) For modifications or property improvements, installation of driveways, docks, septic systems, wells, garages is \$350.00.
 - d) Retaining wall impact fee is \$150.00
 - e) Sheds with foundation (custom build) is \$150.00.
 - f) Fences \$150.00
 - g) Decks, and prefab sheds is \$75.00
 - h) 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.

Note: Interpretation of minor improvements will be at the discretion of the ACC.

Impact fees* are billed by Town and Country Property Management, or the property management firm at the time of the application.

Fees are to be paid prior to beginning work.

* 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.

Approval Process:

- a) Upon the action by the Architectural Control Committee, an email will be sent giving either "Approval", or "Denial" (with the list of items lacking or questions for clarification) or "Approved as Noted" (with a list of what is required for full approval).
- b) When all requirements are received and approved by the ACC, an ACC Approval PERMIT CARO will be issued.
- c) Both the ACC approval card and the Rutherford County building permit must be displayed on site in the construction box.
- d) 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 \$100.00 if the same owner.

Applications are not transferable to a new owner.

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. The following are examples of earth tone colors.



Earth tones refer to any colors containing some brownish hue that resembles the color of earth or soil. It can also refer to natural colors such as brown soil, green leaf, cloudy sky, and red sun. Think rust, marigold, deep navy, burnt sienna brown, terracotta, sage, and turmeric. These colors are warm and inviting, and often have brownish undertones to them. Even these vibrant colors have an almost dull quality that gives them a soothing and relaxing vibe.

- b) A sample "chip" of all exterior colors (siding, trim, etc.) 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 ensure a pleasing appearance. For example, shutters, window boxes, door details, lanterns, etc., will be carefully considered.
- j) 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. That the foundation has been completed and passed

the County inspection. In addition the builder must coordinate the day and time of the delivery with the ACC contact, and must be onsite when the sections are delivered. The sections may not be stored on the road.
m) 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.

CONSTRUCTION SANITATION The contractor shall, at the time construction is started provide on the building lot the following:

- a) 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
- b) 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 fines and/or penalties.

The following is an example of an approved construction site trash dumpster:



At no time can the dumpster be overflowing with trash piled above the top.

Not allowed!!!!



- c) 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.

ENVIRONMENTAL PROTECTION - 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.

WORKING HOURS - Monday thru Saturday 8:00 AM - 5:30 PM, no work on Sunday. Exceptions require ACC or Board approval.

TREE CUTTING AND PRESERVATION REGULATION

- a) The complete removal of all trees from any parcel of land or any subs(antial portion thereof is not allowed without the written consent of the ACC. Any trees removed without approval are to be replaced by 5 year old hardwood trees.
- 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 that 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) Tree debris as the result of tree removal must be removed from the property or converted into split firewood for use by the home owner either in a fireplace or fire pit.
- l) 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.

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 Melve (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.

Exterior completion is defined as: The exterior of the building structure is complete when it is weather tight and NO exterior work remains to be done to the building AND the surrounding site. In addition, all work completed must be done per any and all plans and revisions submitted for permitting if applicable, and to comply with any and all applicable building codes.

The following is a checklist that can be used as an aid in following the completion requirements:

***For the Building:**

- Finished foundation,
- Well and septic system complete.
- Finished roofing (all roofing material properly installed and weather tight),
- Finished exterior wall sheathing and exterior siding (all siding material properly installed and weather tight),
- All windows and exterior doors be properly installed, sealed and weather tight,
- All exterior painting has been completed.
- All construction debris and dumpsters shall be removed from the site and Riverbend and disposed of in a legal manner,

***For the Surrounding Site Work•**

- All downed trees and brush shall be removed from the site and Riverbend and disposed of in a legal manner,

- Finish grading shall be performed to prevent erosion and/or damage to neighboring sites,
- Driveway must be roughed in with at least one base layer of gravel to prevent erosion and/or damage to neighboring sites.

For Projects That Include Performing Only Site Work and/or Landscaping:

- The site work and/or landscaping is complete when no work remains to be done.
- In addition, all work must be done properly per all plans and revisions submitted for permitting if applicable, and to comply with any and all applicable building codes.

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.

VIOLATIONS - 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.

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. The property owner will not be considered in good standing until the violation is paid in full.

**ACC may refuse to approve any further submissions by the builder or the Developer owner for construction at Riverbend at Lake Lure

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.
- b) No accumulation of refuse or garbage, except in concealed receptacles, shall be permitted.

ANIMALS

- a) No livestock, poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats and other household pets. Horses, ponies, cows and other domesticated farm animals are not allowed. Bee hives are prohibited.
- b) No pets or other animals shall be kept in such a number or in such manner as to constitute a nuisance. The ACC is empowered to define nuisance.

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.

FENCES

- a) All fences shall be no higher than 3'-6" above grade, and shall be constructed of natural materials suited to the surrounding environment.
- b) Fences shall not extend past the midpoint of the side of the home and must be to the rear of the property unless approved in writing by the POA Board.
- c) The POA Board may require landscaping to be installed to enhance the look of the fence.
- d) Fences SHALL NOT be made of the following:
 - i) Pre-manufactured metal or plastic fencing.
 - ii) Galvanized metal wire mesh or chicken wire.
 - iii) Chain Link fencing.
 - iv) Barb-wire.
 - v) Wood board privacy fencing.
- e) Subject to the approval of the POA Board all fencing must be completed within 3 months and maintained throughout the life of the fence.

Approval Process:

1. Submit an ACC Application.
2. Submit drawings indicating the design, color, material to be used, and the location.
3. Submit a \$150.00 fee along with the ACC Application Form.

Note: Constructed fences that have not been approved may be required to be removed and a \$350.00 fee will be billed to the property owner.

SHEDS AND STORAGE BUILDING: An ACC Application is required for all sheds and storage buildings and must be submitted to the ACC for review. Approval must be provided by the Board.

- a) Sheds shall be wood frame construction or have the appearance of wood. The paint or stain color shall match or compliment the home.
- b) Shingles or metal roofing shall match or compliment the home.
- c) Sheds must be on a foundation. (Concrete, Block, Pavers, Pressure Treated wood)

Note: As per the Restrictive Covenants, no "Temporary Structure" (please review for specific exceptions). All "Temporary Structures" need to be removed within one year from the date of construction.

PROPERTY SITE LIGHTING: All property lighting shall be low level decorative type and should illuminate only the area on the property and not shine onto adjacent properties. Spot lights shall illuminate only the area on the property and be on motion sensors or controlled by a light switch. Spot lights shall not have dusk to dawn photo-controlled sensors.

Note: New street pole lighting by an energy company is not allowed without Board approval.

RETAINING WALLS: Retaining wall shall be constructed of materials as follows:

- a) Concrete or concrete masonry units walls with textured stucco finish.
- b) 6x6 pressure treated timber.
- c) Manufactured stacked stone.
- d) Split face interlocking concrete masonry units.
- e) Precast concrete with textured finish.

Note: The Board may also require landscaping to be installed to enhance the look of the retaining wall.

Approval Process:

1. Submit an ACC Application.
2. Submit drawings indicating the design, color, material to be used, and the location.
3. A \$150.00 fee will be billed by the property management company, which is to be paid prior to beginning work.

Note: 1. Constructed retaining walls that have not been approved may have to be removed and \$350.00 will be billed. 2. Construction must be completed within 3 months from approval. 3. Property variances must be approved by the Board prior to construction.

LANDSCAPING:

- a) All new construction shall provide a landscaping plan 3 months prior to completion of construction.
- b) Landscaping requires replacement of trees removed outside the limits of construction as indicated on the ACC Rules and Regulations.
- c) 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.
- d) 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.

SINGLE FAMILY/RV/CAMPER LOTS: Owners shall refer to the Riverbend at Lake Lure Declaration of Amended Restrictive Covenants entered into the 2nd Day of September 2002. It states "No RV/Camper shall be placed on any authorized lot or parcel of land without first receiving Architectural Control Committee approval regarding location, access, aesthetic appeal, landscaping, and physical condition of RV/Camper. RV/Camper may be approved or denied in the sole discretion of the Board of Directors."

- a) The ACC and Board will only allow RV/Campers with no less than 160 sq. ft. and no larger than 350 sq ft.
- b) RV/Camper lots will require site improvement for water, sewer, and electrical.

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. Depending on the topography of the lot, a certified engineer report may be required (at the discretion of the ACC or the POA Board).
5. Vegetation and Landscaping Plan (1 copy). Includes replacement of front trees.
6. Color samples of exterior construction.
7. Copy of Builder's Risk Insurance.
8. Copy of Builder's Workmen's Compensation Insurance.
9. Copy of Builder's General Liability Insurance.
10. Copy of Builder's North Carolina Contractor's License.
11. Copy of Septic System Permit.
12. Copy of Building Permit. (To be submitted and posted prior to the start of construction.)
13. Address of Buildings site. (May be obtained from the County Addressing Department about 2 weeks after obtaining a Building permit). Call (828) 287-6366
14. Proof of property ownership or right to develop.
15. Maintenance dues must be current.
16. Impact Fees:
 - \$2,000.00 for new construction
 - \$1,000.00 modular home refundable deposit
 - \$350.00 garage
 - \$150.00 shed with foundation (custom build)
 - \$75.00 decks and prefab sheds with no foundation
 - \$150.00 retaining wall
 - \$150.00 fence
 - \$350.00 for major modifications and infrastructure, determined at the time of application
 - No charge for minor additions which are approved by the ACC. \$350.00 without prior written approval.
 - All projects are subject to up to a \$100.00 per day fee for non-compliance of guidelines, until remediation is completed to the satisfaction of the ACC.

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

PLEASE NOTE:

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