

Buck Mountain Property Owners Association, Inc.

ARCHITECTURAL AND AESTHETIC CRITERIA (Revised 06/25/2005)

This document details the guidelines to be used in the evaluation of applications submitted for architectural review. These criteria are to be used in combination with the covenants that apply to all property owners in the Buck Mountain POA. It is not a purpose of the criteria to create additional restrictions, but rather to specifically identify and interpret the intent of the covenants as they apply to the architectural review process. The covenants specifically provide for creation of these criteria:

The ARC shall establish written criteria to be used in reviewing all plans, specifications and details submitted for approval [Article VI-6]. The ARC shall have the authority to promulgate regulations pertaining to all types of structures, including but not limited to outbuildings, fences, and walls [Article VII-2b].

The cross-reference above [Article VII-2b] may be used to identify the section of the covenants that is applicable to the preceding statements. This document attempts to provide these cross-references where practical. Two of the most defining sections of the covenants are noted below to identify the scope and intent of this document, so there is not misunderstanding as to its purpose:

No construction, reconstruction, remodeling, alteration, or addition to any driveway, building, structure of any kind, upon any tract in the Development, shall be commenced without the prior written approval of the ARC of the proposed site location, plans and specifications [Article VI-2].

The purpose of the Architectural Review provisions set forth herein is to protect the value of all real property in the development and to promote the interest, welfare and rights of all property owners [Article VI-7].

The ARC is charged with reviewing applications as they are submitted. The covenants control specifically the outcome of this review process:

Decisions of the ARC shall be final and not subject to review or appeal [Article VI-7].

The following sections identify most of the pertinent covenants relating to architectural review, and establish specific criteria to be used in the process of architectural review.

1. **Fees.** The application fee for the *Major Improvement* is \$50, payable with submission of the application. This application is intended to cover the construction of a residence. *Minor Improvement* applications are free, and are intended to cover additional projects such as outbuildings and fences. All fees are non-refundable and are intended to reduce the cost of acquiring, communicating, evaluating and storing information related to the application and permit process [Article VI-4]. Failure to file a *Major Improvement* application with the ARC for review before beginning construction activity (including excavation of foundation) shall result in assessment of a penalty in the amount of \$25 per day for each day an application remains not filed.
2. **Required Information.** Accompanying an application should be the documentation that will enable the ARC to approve the project. One set of plans and specifications are required for construction projects, including an identification of the materials and color schemes that will be used on the exterior. Actual colored samples of the exterior siding, soffit, and roofing materials are required as part of the application, along with exterior drawings of sufficient detail as to make a determination of compliance with these criteria. A plot plan showing the proposed building, driveway or camper location on the tract is required, and should identify all road and utility easements relating to the property [Article VI-3]. The burden of proof of project conformance to the architectural and aesthetic criteria rests with the property owner. The ARC may request any additional information that is deemed useful in evaluating the project. Any submission that does not contain all of the required and requested information shall be deemed incomplete (with or without notice), and shall not be considered an application for approval until all required and requested information has been received by the ARC. All materials submitted for review will be retained by the ARC.
3. **Location on Lot.** All residences and buildings shall be located subject to right-of-ways, easements and set-back restrictions. Typically in Buck Mountain, lots are subject to a 50' main road easement (30' or 45' is typical for side roads) with a 30' front setback restriction and a 25' side and rear setback. This would mean that no building could be constructed within 55 feet of the center of the main road. To ensure that appropriate easements and setbacks are maintained, a plot plan showing all easements and location of buildings and driveways must be provided as part of the application process. The ARC will work

with homeowners that are not able to meet setback restrictions because of lot conditions or required location of septic systems and wells to identify resolutions to these problems.

4. Building Codes and Prefabricated Structures. All residences and outbuildings must meet state and local building codes. Buildings or structures meeting only HUD codes, such as mobile homes, are not acceptable. Modular homes or other prefabricated structures that are delivered on a permanent frame with attached wheels are not permissible, even if the hitch and wheels are removed prior to occupancy. Buildings assembled on-site from SIPS (structural insulated panels) are permitted provided such structures meet state and local building codes. The property owner must continuously maintain a valid building permit issued by the Wilkes County Building Inspections department, and display such permit on the construction site at all times. The owner must notify the ARC of any change in status relating to the building permit. Human waste disposal facilities acceptable to the Department of Health must be maintained on the construction site during the entire term of construction. As a contingency for approval, prior to final inspection by the ARC, a copy of any required building permit or certificate of occupancy must be made available to the ARC. The ARC may also request and receive copies of any related project engineered drawings relating to the site or structures.
5. Residential Use. No tract shall be occupied or used except for residential purposes. No structure shall be erected, placed or permitted to remain on any tract other than one detached, single-family residence dwelling and such outbuildings as are usually accessory to a single-family residence, including a private garage or barn facility [Article VII-1]. No commercial structure of any type shall be placed upon or constructed in the development.
6. Current Status of Member. No application will be accepted from any member who is not current on POA dues, or has had POA privileges suspended for violation of published rules and regulations [Article IV-5]
7. Timeline for Approval. The ARC has up to 30 days to review a submitted application. It is the intention of the ARC to meet at least once per month to review all applications [Article VI-4].
8. Suited to Mountain Environment. All structures must be suited to the terrain and surrounding areas, and be consistent in appearance with that which is typically found in a mountain environment.
9. Materials. All structures constructed or placed on any tract shall be built of substantially new materials and no used structures shall be relocated or placed on any tract [Article VII-3.a]. No building shall have exposed concrete or cinder block on its exterior unless covered with a wood, stone, stucco or other acceptable material that provides a finished appearance. Poured or pre-fabricated concrete surfaces are acceptable if their unfinished surface is similar to a textured stucco treatment.
10. Color. All materials used in construction which are visible from the exterior, including siding, soffits, eaves, gutters, roofing, trim, doors, windows, fences, gates, retaining walls, etc., will be subject to color control. All colors shall be aesthetically compatible with a wooded environment or be of a suitable earth tone. Painted exteriors in bright colors such as white, blue, yellow, or red will generally not be acceptable. The ARC reserves the right to require actual material samples of the above components as part of the application approval process, and the application shall not be considered as complete unless and until submitted with such samples.
11. Trim. The exterior of all structures shall be trimmed appropriately so as to provide a pleasant and finished appearance. For example, stained or painted exterior plywood without battens or other reasonable level of trim would not be an acceptable siding for a residential structure.
12. Roof Slope of Residential Structures. All residences must have a roof design that is pleasing in appearance and does not appear to resemble that of a manufactured home. As a guideline, a section of the roof not covering a porch, stoop or dormer, and representing at least 25% of the entire roof surface area, must be constructed with a pitch of at least 8:12. (This is meant to include most gull-wing, gambrel and salt-box roof designs in addition to multi-gabled homes).
13. Quality. Since the quality of construction has an impact on the value of improvements, and one purpose of these provisions as identified in the covenants is to protect the value of neighboring properties, the ARC will consider the expected quality of proposed construction and may require additional information about the specifics of construction prior to granting approval. As a contingency to approval, structures must be built to meet a level of quality that would not negatively impact other homeowners. The ARC and Board of Directors shall have the sole authority to determine that a structure does not substantially meet the above standards. All costs required to rectify any substandard construction will be the responsibility of the individual property owner.
14. Design Diversity. Homes that are overwhelmingly similar to each other in exterior appearance grouped in close proximity to one another can negatively impact the property values within the community. As a result, the ARC will seek to maintain diversity of exterior appearance among structures built on neighboring lots.

15. Outbuildings. Outbuildings, including garages, barns, storage sheds or other related buildings usually associated with a residence, whether temporary or permanent in nature, must be approved with consideration to intended use, location, and visibility to main roads, common areas and neighboring lots. These structures must not be used for habitation purposes, and shall be of similar color and style as the primary residence. Doghouses should not be easily visible from a main road and not be located in close proximity to adjoining lots where they could create a nuisance.
16. Fences. Fences, gates and walls shall be of wood, stone, or other suitable material and shall be subject to the same color control as residential structures. Fences must not be of a height that will interfere with the view from neighboring lots. Fences associated with dog pens and horse pastures will be the exception, but these are still subject to approval. No barbed wire or white fences will be approved. No fences or gates of any kind (including chains or other barriers) may be erected across POA-maintained roads. A fencing project is considered *pre-approved* and does not require specific application or action of the ARC if the project meets ALL of the following conditions:
 - a. The fence, gate or wall meets all set-back requirements applicable to the recorded plot plan.
 - b. The fence, gate or wall does not exceed 4 feet in height and is open-type construction (not solid such as block, masonry, or stone) OR the fence is used to screen a service area (including dog houses, campers, trash cans, propane tanks, etc.) and does not exceed 6 feet in height, enclose more than 120 square feet, or have any side longer than 12 feet.
 - c. The fence or wall is constructed of wood (split rail or post and timber).
 - d. The gate is constructed of wood (split rail or post and timber) or metal.
 - e. The gate consists of a chain and the chain is neat in appearance, easily visible day and night, and deemed to be a safe method of restricting pedestrian, equestrian or vehicular traffic.
 - f. The gate does not restrict the ability of traffic to turn around safely, or negatively impact road maintenance activities.
 - g. All painted or coated surfaces meet the color requirements as identified in section 10 of these guidelines.
17. Service Areas. Service areas must be screened from view of all roads, common areas and neighboring lots. These include screens for garbage or trash cans, ashes, HVAC equipment, or above-ground LP tanks. Screens may be made from wood, stone or other suitable material and shall be subject to the same color control as residential structures. Landscaping may also be use to make the area non-intrusive to the surrounding environment. Larger equipment that is being stored and currently not in use such as boats, campers, tractors or horse trailers must be screened or housed in an approved garage or barn facility if viewable from the road, common areas, or neighboring lots.
18. Driveways. Driveways must be located so that they do not create a traffic hazard. They will be approved based on location to curves, intersections, right of ways, easements, steepness, and to apparent drainage problems to common areas, adjoining lots and to all roads.
19. Landscaping. Landscaping should minimize the impact to the neighboring lots and to common areas including roads. Grading must not create drainage problem to any area. Tree removal must minimize the impact to neighboring lots and to common area. A landscaping project is considered *pre-approved* and does not require specific application or action of the ARC if the project meets ALL of the following conditions:
 - a. The area being landscaped on a tract does not exceed 10% of the total tract area.
 - b. No excavation requiring heavy equipment is conducted that results in any change or modification to the existing natural lay of the land.
 - c. The landscaping does not impact drainage or natural erosion of primary or secondary roads, adjacent properties, or common areas.
 - d. The landscaping does not have a negative impact on adjacent properties (the ARC suggests that all changes made within 15' feet of a property line be discussed with neighboring property owners).
 - e. The landscaping is not within the right-of-way for POA roads or common areas (flowers and small shrubs are allowable within the right-of-way but may be impacted by maintenance activities at property owner's risk).
20. Outdoor Lighting. Outdoor lighting will be used in a manner that minimizes impact to the environment and as not to create a nuisance to neighboring lots or to common areas including roads. Streetlights will not be approved, as they detract from rustic mountain environment. Outdoor lighting must be of a type that will require a switch or a motion sensor to activate. No continuous-on or photo-sensing lights without a switch or motion sensor will be approved.
21. Excessive Debris. All properties will remain free of excessive clutter and debris at all times, including during the construction process. Failure to comply with this provision after receiving written notice that a site is not being properly maintained may result in additional sanctions, such as requiring during construction that the property owner pay for an on-site construction dumpster. No construction debris may be dumped or buried on any lot or common area, or placed in any common area dumpster. Any cleanup charges incurred by the POA in order to enforce these provisions will be billed to the property owner, and illegal dumping will be subject to prosecution. The property owner must follow all rules as established in the *Guidelines for Construction Debris Removal*. The owner must remedy or cure any infraction within **72 hours** of receiving written notification from the Board of Directors that the construction site is not meeting the established guidelines. Failure to meet

the above responsibilities may subject the property owner to fines from the POA of up to \$25 per day until the site is properly cleaned. The owner may also be subject to a fine of \$500 per occurrence for the placement of any construction debris from the property owners' project in POA maintained garbage dumpsters.

22. Security Access. All subcontractors and other workers entering the subdivision must comply with published and/or posted guidelines relating to use of the entrance security gate, include time of use and entry method restrictions. The property owner shall be held primarily responsible for this compliance, and failure to comply with community security guidelines may result in denial of access to some or all workers.
23. Road Damage. The property owner shall be held responsible for any damage or excessive wear and tear to roads as the result of construction traffic. Any repair required to the roads or other common areas shall be conducted at the direction of the association with the costs borne by the property owner.
24. Access and Right to Inspect. During the application process and throughout the period of construction, the ARC and Board of Directors has the right to visit the construction site to ensure project conformance to these criteria and the details provided within the approved application. The ARC shall be provided with any keys required to access any driveway leading to the construction site.
25. Posting of Approval. All projects requiring a *Major Improvement* application must have an ARC compliance tag (provided upon application approval) posted in clear view visible from the road near the construction entrance to the property. No construction activity of any kind is permitted on the property without this posting.
26. Approval Limitations. The approval by the ARC of an application is and remains contingent on the property owner continuing to follow the guidelines as established by these architectural and aesthetic criteria.
 - a. All applications approved by the ARC are contingent upon the resulting construction being consistent in both the process and the result of that which was described on the approved application. Quality of construction and conformance to approved materials, color schemes and other project details will be closely interpreted. Structures deviating from that which was approved must be brought into conformance or submitted for re-approval, and the ARC will not hesitate to use all legal means to enforce compliance with these criteria.
 - b. Construction activity must begin within six months of application approval and framing of the primary approved structure must begin within one year. Failure to meet these deadlines automatically rescinds approval and a new application must be submitted under the then current fee structure and design criteria.
 - c. The architectural approval process, established by and for the benefit of the Buck Mountain POA and its members, does not replace any state and/or county codes and regulations. If governmental violations are noted by a member of the ARC or Board of Directors, these violations may be reported to the appropriate authority.
 - d. The ARC and the Board of Directors are not responsible for any errors in construction, design, materials, landscaping, grading, etc., whether approved by the architectural review process or not.
27. Commercial Signage. Commercial signage which is visible from a road, neighboring lot, or common area shall be subject to architectural review. For the purposes of this provision, commercial signage includes any sign, flag, banner or similar structure that displays text, symbols, or other graphics for the purposes of advertising real estate, commercial or private services, products, or other commercial endeavors and includes those signs displayed by realtors, builders, contractors, tradesmen, banks, etc. All commercial signage is limited in size to 24" x 18". Sign placement must be approved by the underlying property owner, even if placed in the road right-of-way. Signage placed within the road right-of-way must not create a safety concern; the POA accepts no liability for any damage to signs placed in a road right-of-way.

Only one commercial sign may be displayed per tract, even if multiple vendors wish to display signs.

Signage related to construction activities or services may only be displayed during the time a building permit is active for the site at which the sign is displayed and must be removed within six (6) months following completion of the project. Exceptions will be permitted for construction signage placed on lots owned by an advertiser who is licensed as a General Contractor in good standing in North Carolina.

Signage relating to the sale of real estate is limited to display on tracts currently offered for sale. These restrictions apply to "For Sale By Owner" offerings as well as real estate offered through licensed agents or brokers.

The Board of Directors may provide other areas within the community for display of commercial signage. The Board of Directors reserves the right to remove and return to the property owner any sign that is deemed objectionable, unsightly, unsafe, or the subject of unresolved complaints. No signage of any type may be placed in any common area without specific authorization from the Board of Directors.