

Sutton Knob Design Guidelines

August 22, 2020

I. Background

1.1 Architectural Committee (AC)

In accordance with the Sutton Knob Owners Association Declaration of Covenants, Conditions and Restrictions (“Covenants”), an Architectural Committee is established to ensure that all houses and other structures within the Sutton Knob development are of appropriate size and design, properly located in relationship to neighboring homes and structures, suitably adapted to the terrain of each lot and designed to not detract from the aesthetic harmony of the development.

1.2 Guidelines:

It shall be the responsibility of the Architectural Committee (AC), on behalf of the Association, to develop, modify and promulgate these design guidelines and to establish application procedures. The standards and procedures shall be those of the Association. The AC shall make both available to owners and builders who seek to engage in construction upon any portion of the Development or in making any modifications, additions or alterations to any existing improvements located in the Development. Owners shall be responsible for ensuring that all work is compliant with the Guidelines and any approval requirements by the AC.

II. PROCEDURE

2.1 Approval:

All planned or proposed work on any lot, whether as part of the initial construction or as part of an addition or renovation, as required by the Covenants must be approved prior to commencing said work. Plans shall be presented to the AC in writing and in sufficient detail for the AC to make a determination regarding the size, composition, color and layout of the proposed work. The Architectural Committee’s approval or disapproval shall not be unreasonably withheld and shall be given or denied by the Committee in writing within thirty days after receipt of the plans and other information required to be submitted to the Committee. Denial or approval of the plans, location, specifications and other matters requiring the approval of the committee may be based upon any reasonable grounds, including purely aesthetic considerations.

2.2 Building Codes:

All construction must comply with state and local building codes, fire codes, electric and plumbing codes. Compliance is the responsibility of the Owner who is responsible for ensuring all contractors obtain all required permits and approvals and comply with all applicable OSHA safety regulations in the course of their work. Association approval and reviews are separate and independent of government inspections.

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The basis for the Association's approval of plans and materials is primarily aesthetics and not engineering design. By approving submitted plans and materials, the AC, Declarant and Sutton Knob Owners Association assume no liability or responsibility for any defect in any structure constructed from such plans and its specifications.

III. APPLICATION PROCEDURE

3.1 Choosing an Architect/Designer:

In order to avoid unnecessary time and expense when planning any construction or improvements, lot owners are encouraged to first meet with the AC to discuss general building concepts prior to ordering plans to be drawn. This section does not imply that a lot owner cannot work from stock building plans already in existence. Exhibit A, "Sutton Knob Design Guidelines – Recommended Materials and Design Details," describes considerations and suggestions for AC approval, but is not limiting; other materials and design details will be reviewed.

3.2 Requirement to Obtain AC Approval:

No clearing, grading, construction of improvements of any type, remodeling of existing improvements, or other work of any kind may be commenced on any lot within the Development unless and until all plans, including grading and site plan have been submitted by the lot owner to the AC for review and the AC has issued a written approval.

3.3 Plan Review Period:

The AC shall have thirty (30) days after the receipt of complete plans within which to review such plans and proposed activities. If, in the view of the AC, the submission is incomplete or additional materials or clarification are required, these will be requested within fifteen (15) days of the original submission and the AC shall then have thirty (30) days from receipt of the requested materials to review the plans and proposed activities. At the end of said thirty (30) day period, the AC may approve the plans and/or activities in writing or reject in writing, all or portion of such plans and/or proposed activities. If the AC fails to reject or disapprove any plans or activities with thirty (30) days after receipt of *all* plans and other requested information, then such plans shall be deemed to have been approved.

3.4 Appeal by Owners:

Any lot owner whose proposal for improvements is denied or required to be modified by the AC, may appeal that decision to the Board of Directors. The lot owner will be given adequate opportunity to appear before the Board and present his/her case. The Board may affirm, reverse or modify the decision of the AC and the Board's decision will be final and determinative.

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3.5 No Deviation from Approved Plans:

Any deviation from approved plans and specifications requires prior AC approval, and any deviation not approved shall not be started. Any deviation which has been started or completed on an unauthorized basis must be remedied promptly at the expense of the owner by immediately requesting and obtaining AC approval. Should the AC deny the request, the denied work must be removed or restored to an approved condition at the owner's expense. The owner shall have 30 days in which to comply.

IV. PLANS; APPROVAL CRITERIA

4.1 Construction Plans:

All plans submitted by a lot owner to the AC pursuant to Article 11 of the Declaration shall be in writing and contain a complete description of the proposed work, improvements and/or activities, including a site plan; grading plan with proposed tree removals; and building plans to include floor plans, elevations, exterior lighting location and type, and identification of all exterior materials and colors.

4.2 Dwelling Size:

No building shall be erected, placed or permitted to remain on any lot other than one (1) detached, single-family dwelling, not to exceed two stories in height above the highest graded corner elevation (chimneys, solar panels, vents and flues excepting) together with a porch, terrace, and an attached garage and/or carport for not more than three cars or a detached garage or carport for not more than two cars. Per Exhibit B of the Declaration, Summit Lots may also have a guesthouse, barn, or storage building not to exceed 1500 square feet in size.

Each dwelling constructed, erected or situated on a lot shall have a fully enclosed floor area at ground level (exclusive of any roofed or unroofed porch, terrace, garage, carport or other areas not enclosed by the main structure) of not less than 1,600 square feet, and in the case of two or two and one half (2.5) story buildings, shall contain not less than 1,200 square feet of fully enclosed floor area on the main floor at ground level. However, the AC may grant variances from these square footage requirements when, in its judgment, the uniqueness of a lot (e.g. topography, setback line locations, etc.) make it impractical or impossible to conform to minimum square footage requirements set forth herein.

4.3 Additions/Alterations:

Additions/alterations likewise require AC approval. Additions/alterations may include any room additions or extensions, garages, carport enclosures, sunrooms, greenhouses, porches, etc. Additions shall be planned and designed with the same care and consideration as the initial dwelling construction. The addition/alteration shall be visually integrated with the existing dwelling through the consistent and complementary use of architectural elements, materials, colors and other details. The design must be compatible with the existing house in style, character, scale, massing, materials and colors.

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Specific Guidelines:

- The size and location of the addition should be appropriate in relation to the existing house and space available on the property.
- The addition should minimize any tree removal.
- Changes in grade or drainage patterns must not adversely affect adjacent properties.
- The design of the addition should repeat significant architectural elements of the existing house such as roof lines, windows, trim details, materials and colors.
- The new roof pitch should, if possible, match that of the existing roof pitch.
- New windows and doors should be the same type, material and color as those of the existing house.

4.4 Set-Back Lines:

All buildings shall be at least: (a) 20 feet from all road right-of-way lines; (b) 20 feet from lot lines and streams (rear lot lines shall be defined as furthest from the entrance roadway); (c) 15 feet from lot lines of adjacent properties; and (d) 20 feet from greenways or common areas. Variations by the AC may be granted on a case-by-case basis if the uniqueness of a lot makes it impractical or impossible to conform to the minimum setback requirements set forth herein.

4.5 Roof Design and Materials:

New or replacement roofing, including the design and material to be used, shall be appropriate in appearance and quality to the style and design of the house. Roof material and color should be compatible with other existing or proposed exterior colors and materials on the house. Roof colors should normally be dark to blend harmoniously with the forest and surrounding environment. Acceptable roofing materials include slate, cedar shingles or shakes, 40 year architectural-grade asphalt shingles, and dark metal or composite tile. Solar panels shall be permitted provided they are generally not visible from the street.

4.6 Siding and Block:

Siding material should complement the overall design of the structure. Cement board, wood, stone and composite materials are encouraged. In no case are vinyl, aluminum siding, plastic, plywood or fiberboard acceptable siding materials. No exposed cinder block will be allowed; stucco may be acceptable on foundations to cover exposed cinder block.

4.7 Fences:

The location, type, composition and color of any proposed fence requires AC approval. In no case will chain link or stockade fences be permitted.

4.8 Exterior Lighting:

With the exception of motion-operated security lights, exterior lighting shall be selected and installed to minimize light pollution and shall not shine directly on other properties.

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4.9 Natural Drainage:

Drainage should remain as natural as possible. Any changes to the drainage of any lot requires AC approval to ensure it does not negatively affect other lots or common area.

4.10 Site planning:

Site plans should be designed with the intention to disturb as little of the property as possible. Driveways should follow the natural topography and large formal auto courts are prohibited. Tree removal should be kept to a minimum, when possible. Tree removal and pruning purely to establish or enhance long-range views is permitted with AC approval provided that tree removal is minimal and that the view does not disturb the aesthetics of the community or unnecessarily affect the privacy or naturalistic elements of neighboring lots.

4.11 Landscaping:

Good judgment should be used when planting trees and flowers. Owners should not overplant trees, bushes and flowers. Owners shall consider how landscaping will affect neighboring owners and lots. While normal landscaping does not need AC approval, the initial, overall site landscaping plans shall be approved by the AC. Courteous communication will be key to successful, mutual enjoyment of the neighborhood. Additionally, should any landscaping encroach or disturb the privacy, landscaping, foliage or views of another owner, the AC retains authority to render a decision regarding its disposition. Owners are required to maintain their property and landscaping in a reasonably healthy and attractive manner and ensure that foliage does not become distractively overgrown.

4.12 Landscaping along Common Elements:

No trees, brush or shrubs along any Common Element shall be trimmed or removed prior to proper approval of such trimming or removal by the AC.

Clotheslines, garbage cans, tanks, woodpiles, clotheslines, garbage cans, above-ground tanks, woodpiles, and other similar items shall be located or screened so as to be concealed from view from streets, other lots, and other areas within the Development.

4.13 Items needing approval:

The following must be Approved *before* commencing work.

- All outdoor lighting.
- Overhead utility lines, including lines for cable television.
- Window air conditioning units
- Exterior sculptures, fountains, flagpoles, and flags (with the exception of the American Flag).
- Sprinkler or irrigation systems of any type which draw upon water from wells, creeks, streams, rivers, lakes, ponds or other water within the Development.
- Detached structures
- Swimming pools.

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4.14 Easements:

Use of and Maintenance by Owners. The areas of any lot affected by the easements reserved herein shall be maintained continuously by the owners of such lots, but no structures, plantings or other material shall be placed or permitted to remain or other activities undertaken thereon which may damage or interfere with the use of said easements for the purposes herein set forth. Improvements within such areas shall be maintained by the owners of said improvements except those for which a public authority or utility company is responsible. *Should the removal of any or all improvements on and within the easement be required, it shall be the responsibility of the owner to timely remove the improvement; if not timely removed and required for the maintenance, inspection and/or access of the underlying easement purpose, the improvements may be removed by the entity having jurisdiction over the easement at the owner's expense.*

V. COMMON PROPERTY

5.1 Requested Improvements to Common Areas:

Lot owners who wish to make improvements to common areas adjacent to their respective lots, other than the addition of grass seeding or weeding, must obtain prior written approval from the AC. In seeking approval, the lot owner shall provide the AC with plans showing in detail the proposed improvements.

5.2 Maintenance of Approved improvements:

Any approved improvements on common area must be maintained in an acceptable manner at the expense of the lot owner requesting the improvements and under no circumstances shall these improvements become a burden to the Association to maintain. This responsibility to maintain the improvements shall pass to any subsequent owner of the lot in question and therefore must be disclosed to any prospective purchaser of the lot in question.

5.3 Removal of Approved Improvements:

If at any time and for any reason, the AC determines that the improvements should be removed and the common area restored to its condition existing prior to the addition of the improvements, the cost of such work shall be the responsibility of the current lot owner, and this requirement, as well as the status of the improvements, must be fully disclosed to any prospective purchaser of the lot in question.

5.4 No Ownership by Lot Owner:

The construction or addition by a lot owner of any improvements within the common area shall give such lot owner no ownership or other rights with respect to the improvements or the common area.

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VI. CONSTRUCTION ACTIVITIES

6.1 Construction Commencement and Completion:

Prior to commencement of construction, an estimated start date and completion date must be established. All work should normally be scheduled to be completed within a year. If more time is required for any reason, the AC must approve the extension in writing.

6.2 Contractor Licensing & Insurance:

All contractors must be properly licensed and insured. Prior to commencing any construction activities on a lot, the owner shall be responsible for providing the AC with: (a) the name(s) and address(es) of the person(s)/company(ies) who will be performing the work; (b) a copy of valid and current license(s) of the contractor(s); and (c) evidence of current insurance for the contractor(s), including a certificate of insurance if required by the AC. Owners who wish to be their own contractor, must submit a copy of their risk insurance.

6.3 Required Permits and Code Compliance:

Building permits from Transylvania County, if required, must be obtained and in place before the start of any work. The work itself must meet the appropriate electrical, mechanical, plumbing and other building codes.

6.4 Mud Mats:

During construction, lot owners must see that a gravel mud mat or similar measures are taken to prevent the transfer of mud from contractor's vehicles to adjacent roads within the Development.

6.5 Work Site:

The worksite must be kept in a clean and orderly condition to minimize the impact on adjacent lots and maintain the appearance of the Development. Trash shall not be buried or burned. Parking of contractors' vehicles and equipment must be on the subject lot unless otherwise arranged through the AC. Sanitary facilities must be provided on-site throughout the period of construction.

6.6 Construction Hours:

To minimize disturbances to other property owners and their guests, all work must be performed between the hours of 7 am and 6 pm, Monday through Saturday. No construction will be allowed on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day unless approved by the AC.

6.7 Visitors to job sites:

Other than owner-authorized guests or persons on project-related business with the contractor(s), no visitors or other persons will be permitted on the job site. Personal pets of

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contractor, subcontractor and tradesmen are excluded from job site properties. There will be no loitering on job sites or Sutton Knob property after working hours. Worker's jobsite radios, if used, shall not disturb other lot owners and are to be kept to a reasonable decibel level as determined by the AC.

6.8 Erosion Control:

To mitigate erosion, the following protection measures will be required:

- Prior to stripping soil, temporary sediment (silt) barriers along property lines in low areas and at drain inlets where runoff will occur, shall be installed.
- As clearing progresses, install temporary diversions, barriers, mulch, etc. to minimize erosion.
- Periodically remove collected sediment to maintain the barriers in an effective condition.
- Revise temporary protective measures as site conditions change or are modified. No gaps in the protection are to be permitted.
- The installation of utilities early in the construction is paramount.
- Slopes shall be stabilized promptly.
- A temporary aggregate base course shall be installed on driveways until time for paving or finished aggregate.
- All pavements or walks, as called for on the drawings, shall be completed. The final grade shall be finished, and a permanent base cover established.
- After completion or when no longer required, temporary protective devices and accumulated sediments shall be removed and disposed of. If required, permanent final stabilization must be accomplished.
- The owner is responsible to ensure that these measures are adhered to by any contractor or person working on the jobsite.
- Should damage occur to streets, gutters and shoulders of roadways, the owner shall be responsible for their repair; it is the owner's responsibility to ensure that any contractor or person working on the jobsite understand that these repair costs could be passed on to them by the owner.
- The owner shall ensure that all contractors or other persons working on the jobsite protect the lot and any offsite property from siltation, especially the streams, lakes and ponds.

6.9 Inspection of Work:

The worksite may be inspected at any time by the AC or any member of the AC to ensure compliance with the approved plans, any special requirements of the AC, provisions of the Declaration, the Bylaws or laws and regulations of agencies having jurisdiction over the Development. The AC shall provide reasonably advanced notice to the lot owner of any proposed inspection. Lot owners may be present during the inspection. Lot owners shall not unreasonably withhold agreement to any requested inspection.

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6.10 6.10 Encroachment of Improvements:

All improvements must be contained within both the lot lines and applicable setback requirements set forth herein. Any improvements that affect or encroach upon adjacent lots, common property or setback areas, must immediately be removed and the affected property restored to its original condition, at the sole expense of the offending owner.

VII. MISCELLANEOUS

7.1 Pre-existing Improvements:

Nothing contained in these Guidelines shall imply that any improvement constructed or in the process of being constructed prior to the effective date of these Guidelines is or is not in compliance with the Declaration or any other guideline in effect prior to such effective date. Dwellings and any improvements constructed or altered prior to the effective date of these Guidelines are exempt from the requirements of these Guidelines provided the dwellings and improvements were approved by the Developer/Declarant in accordance with the Sutton Knob Owners Association Declaration of Covenants, Conditions and Restrictions (“Covenants”); any and all subsequent modifications, alterations, or additions of the dwelling or improvement will require AC approval and must conform to these Guidelines. This waiver does not include exterior alterations not approved through the requisite Application process.

7.2 Conflict with Declaration:

Should any terms of these Guidelines conflict with any terms of the Declaration, the terms of the Declaration shall govern.

7.3 Address for Correspondence:

All correspondence plans and specifications directed to the Sutton Knob AC shall be forwarded to Sutton Knob at its official address or be hand delivered to the current chair of the Sutton Knob AC.

7.4 Article and Section Headings:

The article and section headings contained herein are merely for purposes of reference and convenience and shall in no way modify, expand or limit any term, condition or restriction contained herein.

VIII. Approval:

Reviewed and Approved:

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AC Chairperson

Member AC

Member AC