



**ARCHITECTURAL REVIEW BOARD (ARB)**  
ARCHITECTURAL STANDARDS AND DESIGN GUIDELINES

**THE COVES MOUNTAIN RIVER CLUB COMMUNITY ASSOCIATION, INC**

PO Box 98, Collettsville, North Carolina 28611

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# Design Guidelines and Architectural Standards

## 1.0 INTRODUCTION

### 1.1 Objective of the Design Guidelines and Architectural Standards

This document was originally prepared by Johns Gamewell LLC and Estates of NC, LLC ("Declarants" also known as "Developer") for the purpose of promoting the development of a residential community known as The Coves Mountain River Club (hereafter "The Coves" or "The Development").

On October 21, 2022, the Declarant executed the **Transfer and Assignment of Association Administration and Management** to The Coves Mountain River Club Community Association, Inc., State of NC.

Reference: Caldwell County BK 2070 PG 1147-1150. "Original Declarant & Successor Declarant in accordance with Article 9, Section 9.2(a), elects to surrender the right to appoint members of the ARB to the members of the Board of the Association" (*hereinafter known as "Board"*).

These Design Guidelines are intended to expedite (your) process of building an exceptionally high-quality residence. Throughout the course of the community build-out, these Design Guidelines will be modified as necessary to reflect changing conditions.

### 1.2 Relationship to Legal Documents

These Design Guidelines are supplementary to the Declaration of Covenants, Conditions and Restrictions (hereafter the "Covenants") for The Coves Mountain River Club, recorded in the Caldwell County, North Carolina public records. These guidelines are intended to complement the Covenants.

### 1.3 Community Master Plan

The Coves Mountain River Club is a Master Planned Community. The site includes an elegant community lodge with swimming pool, hot tub, fitness center, and kitchen facilities. There are multi-use trail systems for hiking, biking, UTV, and equestrian use, river walks, two equestrian centers, designated parks, and other community amenities. The concept behind this Development is reflected in its name, a natural recreational mountain community. It is the desire and intent of the community to protect the natural features throughout the course of development. Consequently, these Design Guidelines reflect that sensitivity in the approach toward the design review process and construction of the varying styles of residences within the Development. Home designs within the community range from Mountain Craftsman Style, Cottages, Log Cabins, Contemporary, Equestrian Estates with their own pastures and barns, as well as Barndominiums with living spaces above stables.

#### **Lots and Sections of the Community Defined:**

- a) Standard Lots: Described as less than ten (10) acres
- b) Estate Lots: Described as ten (10) acres or more
- c) Cabins: Cabin Village

- d) Cottages: Cottage Village
- e) Overlook: Overlook Village
- f) Husband Creek Farm (G-Lots)
- g) Playmore Beach

Because The Coves Mountain River Club is a Certified Firewise community, fire-resistant clearing and final landscaping should be considered when planning 'defensible space' around the completed home.

**NOTE\* These Design Guidelines are not intended to be overly restrictive with regards to Estate Lots that are ten (10) acres or more.**

## **2.0 ORGANIZATION AND RESPONSIBILITIES OF THE ARB**

### **2.1 Mission and Function**

The Covenants state that no structure is to be erected in the Development without being approved by the Architectural Review Board pursuant to Article 9 of the Covenants. The ARB works within the Design Guidelines and Covenants to assure an attractive, compatible, and aesthetically pleasing community.

The Design Guidelines are used by the ARB for the evaluation of projects submitted. The final decision of the ARB may be based purely on aesthetic considerations. The Board reserves the right to have the Design Guidelines, performance and quality standards updated to respond to future changes. It is important to note, that these opinions are subjective and are at the discretion of the Board. The Board working with the ARB reserves the right to revise and update the Design Guidelines, as well as the performance and quality standards to respond to future changes.

The ARB shall adopt the Design Guidelines at its initial organizational meeting and thereafter shall have sole and full authority to amend them. **Any amendments to the Design Guidelines shall be prospective only.** There shall be no limitation on the scope of amendments to the Design Guidelines except that no amendment shall require the modification or removal of any structure previously approved once the approved construction or modification has commenced. **The ARB is expressly authorized to amend the Design Guidelines to remove requirements previously imposed or otherwise “to make the Design Guidelines less restrictive.”**

### **2.2 Membership**

The ARB is comprised of up to eight (8) members appointed by the Board. The right to appoint members to the ARB shall be retained by the Board in accordance with Article 9, Section 2 (a) of the Covenants.

### **2.3 Scope of Responsibility of ARB**

Evaluate each of the plans submitted by an owner for adherence to the Design Guidelines, and compatibility of the design with the adjoining sites, sections of the community, and common spaces.

Approve all new construction.

Approve all exterior modifications to existing structures, including but not limited to walls, fences, exterior painting, material replacements, renovations, additions, and play structures.

Monitor the design and construction process in order to ensure compliance with the Covenants and Design Guidelines.

Enforce the Design Guidelines through specific assessments (fines) or, through 'self-help' as described in the Covenants.

Interpret the Covenants and Design Guidelines at the request of the Owners.

#### **2.4 Enforcement Powers**

Any structure or improvement that is placed on any home site without ARB approval is considered to be in violation of these Design Guidelines and the Covenants and may be subject to fines. The ARB has the authority to request that non-conforming structures or improvements be brought into compliance at the owner's expense. Should the owner fail to comply with the requests of the ARB, it will act in accordance with Article 4 Section 4.3 and Article 9 Section 9.10 of the Covenants to bring the non-conforming structure and/or improvement into compliance.

#### **Note\* In order to enforce these Design Guidelines and Covenants a 'fine policy' has been established to address violations. See Exhibit (B) Fees and Fines Schedule**

Owners that have been assessed a fine for uncorrected violations will receive an invoice along with notification of the specific violation. Such fines will be added to the annual property owner's assessment. An owner will have the opportunity to contest any fine that is assessed but must make immediate arrangements with members of the ARB to discuss.

This policy is intended to help property owners and their builders be aware of persistent problems that affect neighbors and the overall quality of a neighborhood. This process includes multiple notifications, ample time to take corrective actions, and fair enforcement by an objective party.

#### **2.5 Limitation of Liability**

Approval by the ARB does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans.

Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ARB does not assure approval by any governmental agencies that require permits for construction.

Owners are responsible for obtaining or ensuring that their architect or contractor obtains all required permits before commencement of construction.

If an owner fails to follow the review process as detailed in these guidelines, the ARB reserves the right to determine if all existing structures and plans conform to the community standards.

### **3.0 THE DESIGN REVIEW AND APPROVAL PROCESS**

#### **3.1 Design Review (Application for Construction)**

The ARB will review Application for Construction, design submissions at regularly scheduled ARB meetings, normally held on the first Wednesday of each month, or as may be required.

Submissions must contain the following: Engineering and/or architectural drawings for all elevations including door and window take-offs, floor plans, site development plan, material samples, checks for refundable Construction Deposit and non-refundable HOA Road Impact Fee. **See Exhibit (B) Fees and Fines Schedule.**

The ARB chairperson will review submissions in advance of the scheduled meeting.

Final ARB approval of the Application for Construction must be obtained, and proof of all required permits before commencement of construction.

Submission requirements are outlined in Article 9, Section 3(b) of the Covenants and these Design Guidelines. **Incomplete submissions will not be reviewed.**

#### **3.2 Conditions of Approval [or] Rejection of Plans**

Final approval by the ARB shall in no way relieve the owner of responsibility and liability for the adherence to any applicable ordinances and codes. Plans submitted for review, or any portion thereof, may be rejected upon any grounds which are inconsistent with the purpose and objectives of the ARB, **including purely aesthetic considerations.**

#### **3.3 Architectural and Contractor Requirements**

Plans for the construction of primary dwellings, detached garages, and other significant accessory structures shall be designed by, and built, in accordance with the plans and specifications of a licensed architect or other qualified building designer, unless otherwise approved by the ARB in its sole discretion. Work must be performed by a contractor who is licensed in the State of North Carolina except as referenced below:

##### **Exception(s)\***

- a.)** In the case of manufactured or modular structures, design plans will be accepted by the provider [or] agent representing the product. A qualified installation team directed by the provider may be accepted as 'the contractor' in this instance, and/or the property owner acting as his or her own GC.
- b.)** All dwellings and structures must be in accordance and in compliance with both state and local building codes, permitting, and ARB Design Guidelines.

- c.)** Property owners may act as their own general contractor under the strict guidelines as follows: **Ref: (G.S. 87-1(b)(2)) “Property owner can act as his own general contractor”** and thus be exempt from the requirement to hire a licensed general contractor for building projects costing \$30,000 or more if the property owner (including the owner’s family) intends to solely occupy the building being altered or built on his property.
- d.)** Any property owner acting as his/her own general shall adhere to all ARB and CCR governing documents.

### **3.4 Design Review and Approval Process**

The design review process is divided into two steps: **review and approval**. The purpose of the ‘review’ is to allow the Owner and ARB to work together to arrive at an approved design that complies with the Design Guidelines and Covenants.

For the review, the applicant or authorized agent must submit accurate drawings of the proposed site layout and building for approval. The ARB reviews these plans for design and technical issues as set forth in the Design Guidelines and may approve, approve with conditions, or reject the plans. The ARB may, at its sole discretion, grant Final Approval for Commencement of Construction with, or without imposing requirements or conditions

### **3.5 Final Submittal**

For final approval, the applicant or authorized agent must submit a copy of the Final Plan. This consists of the proposed Site Plan, Architectural Design Plan with Elevations and Floor Plans. These drawings should address all the conditions imposed by the ARB during the Preliminary Review (if any). The ARB Chairperson will verify that all conditions/requirements imposed by the ARB have been implemented, or, in the case of a divergence, schedule the submittal for another review.

### **3.6 Additional Meetings with the ARB**

If an Application for Construction is denied or ARB rendered conditions and/or stipulations are unacceptable, the applicant may appeal the decision to the ARB by requesting a variance with justification at the next scheduled ARB meeting. Any applicant’s appeal for construction must receive a final approval from the Board of Directors. **Unique site and building conditions are examples where a variance may be addressed.**

### **3.7 Variances**

From time to time, the Design Guidelines or existing site conditions may impose an undue hardship that may inhibit construction on a particular home site. In such case, the applicant may submit a variance application for ARB review and approval.

The ARB may grant or deny the variance request in writing. No variances are allowed unless the applicant has received a written notice of approval.

Any variance granted is unique and does not set any precedent for future decisions of the ARB. Approval of a variance request cannot create a conflict with or violate any building code/s.

### **3.8 Design Review Fees**

Design review fees may be established and published by the ARB. The purpose of these fees is to cover expenses related to the processing of applications for plan approval.

### **3.9 New Construction Deposit and HOA Road Impact Fees; See Exhibit (B) Fees and Fines Schedule.**

A refundable Construction Deposit is typically to be paid by the property owner's selected builder or property owner before receiving approval to commence construction. However, property owners may submit the Construction Deposit Fee on behalf of their selected builder. Deposit will be for each project a builder has been contracted for. Should the builder accrue any fines during construction, the amount of the fine will be deducted from the construction deposit. The builder and/or property owner, whoever wrote the Construction Deposit check, will then be required to replenish the amount deducted from the construction deposit within fifteen days of incurring the fine. Failure by a builder or property owner to replenish funds deducted from their Construction Deposit will become the responsibility of, and chargeable to the Property Owner.

A non-refundable "HOA Road Impact" fee **is required to be paid by the property owner** upon submission of the Application for Construction.

In addition to an Application for New Construction and/or a Modification Application, at the ARB's discretion, a non-refundable "HOA Road Impact" fee may also be required in cases where use/transport of heavy construction equipment will result in above normal wear and tear of HOA roads. E.g.: a major addition to an existing home is proposed [or] pre-construction site clearing has been authorized such as early grading, septic work, well drilling, etc. **If commencement of construction is begun within (12) months of the pre-construction site clearing approval, a second impact fee will not be required. If over 12 months, a second HOA Road Impact fee will be imposed.**

**Upon project completion**, the builder and/or property owner shall notify their ARB representative or ARB Chair by submitting a copy of Certificate of Occupancy (CO), at which time the refundable Construction Deposit is also to be requested to be returned to the builder and/or property owner. This action will initiate a final inspection, subsequent Certification of Completion, and authorization by the ARB Chair to return the requested deposit.

### **3.10 Renovation/Additions to Existing Structures**

All revisions and/or changes to overall square feet, and/or exterior changes to the structure of any kind made during construction must be submitted in writing to the ARB for approval prior to the implementation of such change. All revised drawings, material and color samples must be submitted along with the revision request. The ARB will review and approve the request in writing.



**An application for renovation and/or addition is required.** Additionally, a refundable Construction Deposit and non-refundable road impact fee (*see Exhibit (B)*) may be required dependent on the scope of work. The refundable deposit will be returned once work is complete, and the project and site conditions have been inspected and approved by the ARB. Please note the road impact fee is non-refundable.

### **3.11 Final Approval**

The final approval letter is issued after the ARB approves the submitted plans. A copy of the letter is sent to both the property owner and general contractor. **The applicant must then submit a copy of their building permit to the ARB before commencement of construction.**

### **3.12 Completion**

Upon project completion and issuance of a Caldwell County Certificate of Occupancy (CO), all structures, landscaping, and drainage must be inspected by a representative of the ARB for compliance with the approved final plans. Upon passing inspection, an ARB **Certificate of Completion** will be issued to the property owner, at which time the refundable construction deposit may be requested, and the build site folder will be removed from the active ARB Build Site files and placed in the ARB Archive e-folder on the HOA Website.

## **4.0 THE CONSTRUCTION PROCESS**

### **4.1 Construction Time Limit**

All dwellings and other initially planned accessory structures must be completed within (18), eighteen months from commencement of construction. Additional structures must be completed within one year from commencement of construction.

**Note\* If a dwelling is not completed within 18 months from commencement of construction, and, a written request from the builder and/or property owner for an extension has not been received by the ARB, the \$5000 Refundable Construction Deposit is automatically forfeited.**

Exceptions and/or extensions to construction completion time may be granted where such completion is impossible, when continuation would result in hardship to the owner or builder. If an extension is needed, the builder and/or property owner may submit an extension request, including a projected completion date in writing to the ARB. Failure to complete the project within the deadline could also result in; special assessments, self-help measures, or other enforcement rights as set forth in the Covenants, as detailed Article 9, paragraph 9.10.

If construction has not commenced within six months after the date of a project's final approval, it shall be deemed to have expired, and the applicant must resubmit all documentation to the ARB for subsequent review. Unless the applicant, prior to such expiration date, has requested and received an extension **in writing** from the ARB.

For an ARB approved project, if excavation of the homesite was started yet the construction process delayed, during the 'delay period', the disturbed areas must be maintained with proper ground cover such as mulch or seed, and erosion control measures put into place such as silt fencing. Failure to maintain excavated build sites with a prolonged delay until the commencement of construction will result in a NOTICE OF VIOLATION AND FINE.

**NOTES\***

- a.) On properties less than ten (10) acres, where the Board has authorized the property owner to first build a garage apartment prior to construction of the primary dwelling, **the property owner must start construction of the primary dwelling within two (2) years from commencement of construction of the authorized garage apartment which is based on the Caldwell County Building Permit date**. Both garage apartment and primary dwelling plans must be submitted to the ARB for approval strictly adhering to the Design Guidelines and Architectural Standards.
- b.) Within the Husband Creek Mini-Farm section of the community, those lots designated as approved mini-farms per the CC&R's may solely construct a barn without the requirement to construct a homesite on the same property.

**Ref: CCR 10.10** - Mini farms are allowed on designated Husband Creek G-Lots containing less than ten (10) acres with the following exceptions: G3, G4, G7, G16, G17, G18, G22, G23, G24, G25, G39, G40, G41, G42, G43, G44, G45, G46, G47, G48, and G49.

Use of mini farms is restricted to horses, no more than (6) chickens [or] guinea hens, and (4) sheep [or] goats.

**4.2 Preferred Builder's Sign**

Only a member of The Coves Preferred Builder Team will be allowed to have a Builder's Sign on each job site. Builder signs may be installed at the start of clearing and grading. The sign shall remain properly installed and maintained throughout construction. Subcontractor signs or vendor advertising signs are prohibited. Preferred Builder signs must be removed within sixty (60) days after receipt of the Certificate of Occupancy (CO).

**4.3 Port-A-John**

A port-a-john is required for each job site at the immediate start of work.

**4.4 Tree Protection**

As mentioned in the introduction, one of the primary goals of these Design Guidelines is the preservation of the property's existing natural features. Because of this, tree removal should be kept to a minimum. **Ref. Covenants: Article 9.5 (b) (ii) Tree Removal for more specific detail.**

**'Protected Tree' requirements are as follows:** Trees that are 12" in caliper size or greater are considered **'protected'** and shall be approved by the ARB prior to removal [if] outside the Total Impervious Coverage Zone required for the building envelope.

Storage, temporary or otherwise of equipment or materials is not permitted under the drip line of protected trees.

No signs shall be nailed to trees.

**NOTE\*** If protected trees designated for preservation are cleared during construction that are outside of the Total Impervious Coverage building envelope including (when applicable) NFS and Firewise recommended 'defensible space' from forestation to the domicile, [or] damaged the builder shall be subject to a fine. *See Exhibit (B) Fees and Fines Schedule*

#### **4.5 Erosion Control**

The Development is required by the State of North Carolina to maintain high water quality standards within the development. In order to meet these standards and criteria, a plan wherein erosion control measures are implemented is mandatory for all home sites. The following erosion control measures shall be followed on all job sites:

Silt fencing, preferably wire backed, shall be installed and maintained on the lower portion of the disturbed area and environmentally protected areas.

**A suitable gravel construction entrance shall be established at the time of initial clearing/grading and shall be maintained throughout the entire build process until a permanent drive has been installed.**

All drainage shall be routed/channeled to avoid damage or erosion on adjacent properties, and/or conservation easements. Furthermore, erosion control measures as noted on the Site Plan shall be maintained by the builder during construction.

Failure to properly maintain erosion control measures may result in a fine. (*See Exhibit (B) Fees and Fines Schedule*). In addition, multiple erosion issues identified but uncorrected by an offender will create cause for the offender to reimburse the Developer/ Association for any costs incurred in bringing job site erosion control measures into compliance, as well as for repairing any damage to adjacent properties due to a lack of maintenance.

The Association reserves the right to inspect and require modifications /corrections to existing drainage systems adversely affecting adjacent properties and/or easements.

#### **4.6 Jurisdictional Wetland and Stream Protection**

Jurisdictional Wetlands are defined as; Flood Plain, Flood Way, or Special Flood Hazard Area.

Any site work and/or structures that are proposed in such areas must first be permitted by the Caldwell County Planning Department using the “Floodplain Development Application”. *Reference document “Caldwell County Flood Damage Prevention Ordinance”*. The signed application by both lot owner and Agent must be included in the Application for Construction submission for ARB review and subsequent approval.

There are environmentally sensitive areas scattered throughout the development. Jurisdictional wetlands are primarily located on the perimeter of the development adjacent to the John’s River. Jurisdictional wetland areas are protected by state and federal law. The following protection measures shall apply to wetland areas during construction.

#### **4.6(a) Jurisdictional wetlands**

**Note\*** Duke Energy manages a 50-foot utility easement zone along the John’s River Corridor throughout the entire Coves Community. This easement zone is measured from the top of the river embankment shoulder – inland. No structures may be placed in this buffer zone, nor may the area be disturbed in any way without authorization from Duke Energy and ARB approval.

On lots that are adjacent to jurisdictional wetlands, silt fence shall be installed completely across the lot at the elevation setback line that abuts the jurisdictional wetland prior to beginning any construction activity.

Silt fence surrounding wetland areas shall be maintained during the entire construction period.

Failure to maintain or erect silt fence around wetland areas will result in a stop work order.

The Association reserves the right to inspect and require modifications and or corrections to existing drainage systems which adversely affect adjacent properties and or easements.

#### **4.6(b) Isolated wetlands**

By law, all isolated wetlands must have a 50-foot buffer surrounding them. Silt fencing shall be installed completely around the perimeter of an isolated wetland using a 5-foot setback prior to beginning any construction activity.

### **4.7 Site Maintenance**

Dumpsters are required on each job site. If a site is considered ‘too small’ for a dumpster, the general contractor must contact the ARB to discuss an alternate plan for debris removal and site cleanliness. Contractors and subcontractors must maintain the job site in a clean and orderly condition at all times, including but not limited to:

Job site superintendents/project managers who are going to start construction on a site that may be deemed 'too tight' to accommodate a dumpster, must contact the sitting ARB Chairperson prior to commencement of construction to discuss and agree on an alternate plan for routine debris material removal.

No "petroleum-based products" or other potentially hazardous or toxic substances may be disposed upon any lot or into any drainage ditch, stream, or pond.

No building materials or equipment may be stored or placed in the streets or on the road-shoulder right-of-way (ROW) without prior ARB approval.

Construction materials, materials to be discarded, equipment or vehicles shall not be placed in a designated 'tree save area'.

Only usable construction materials may be stored on a construction site. They must be neatly stacked or placed in a way visual impact is minimized to the extent possible.

Discarded construction materials and debris must be contained within a dumpster. Dumpsters, debris bins and other trash receptacles should not exceed capacity and should be securely covered during transport.

All "tracked construction machinery" that needs to cross Coves Paved Roads must use track-mats to prevent damage. Any builder's project if observed that a track machine or other heavy equipment has damaged the road will be held responsible for repairs over and above the refundable construction deposit amount.

**NOTE\* Care** shall be exercised in the storage of materials and debris. Should it become necessary for the Coves to have a site cleaned, the cost will be directly charged to the property owner.

Please keep trash and debris contained the first time.

#### **4.8 TEMPORARY OR DETACHED STRUCTURES**

**LOTS LESS THAN 10 ACRES** - Except as permitted by the ARB during initial construction on a case-by-case basis; no temporary house, dwelling, garage, or outbuilding shall be placed or erected on any Lot less than 10 acres. No travel trailer, camper, or RV shall be stored, parked, or otherwise allowed to be placed on a Lot as a temporary or permanent dwelling. **Mobile Homes and Trailer Homes are prohibited.**

**ESTATE LOTS 10 ACRES OR MORE** – On Estate Lots that are 10 acres or more, temporary living structures, *e.g.* campers, towed travel trailers, and recreational vehicles (RV's) are permitted, but must be screened from community roads as much as possible. Final placement requires ARB review and subsequent approval. **Mobile Homes and Trailer Homes are prohibited.**

#### **4.9 Construction Parking / Staging of Equipment & Materials**

Construction parking on any internal street is limited to trade vehicles and deliveries only. Contractor and subcontractor employee parking should be accomplished to avoid traffic congestion and environmental impact. Construction trailers must be parked on the jobsite so as not to obstruct traffic, and where possible minimize visual impact.

Parking or staging of equipment or vehicles on adjacent properties is prohibited except as

approved by Coves management and/or the ARB. Damage to road shoulders and asphalt due to vehicular parking, staging of equipment, building materials or debris containers will be the responsibility of the builder. Every effort to minimize damage and environmental impact will be the responsibility of the builder. All "tracked construction machinery" that needs to cross Coves Paved Roads must use track-mats to prevent damage. Any builder's project if observed that a track machine or other heavy equipment has damaged the road will be held responsible for repairs over and above the refundable construction deposit amount.

Job site superintendents/project managers who are going to start construction on a site that may be deemed 'too tight' to accommodate a dumpster, must contact the sitting ARB Chairperson prior to commencement of construction to discuss and agree on an alternate plan for routine debris material removal.

#### **4.10 Right to Enter and Inspect Property for Compliance**

The right of entry and inspection is specifically reserved by the ARB, its agents, and representatives to visit any portion of the Owner's property for verifying compliance with the requirements of the ARB Guidelines during the construction period.

The Builder will be notified in writing of any items and exceptions noted in the inspection. These items will be noted in the report and all such items and exceptions/ discrepancies must be resolved or completed in a timely fashion, but not later than 15 days after receipt of notification from the ARB or designated representative.

Failure to comply in resolving these issues will result in fines being levied until the sited issues have been addressed and resolved to the satisfaction of the ARB.

#### **4.11 Conduct and Supervision of Workers**

Contractors and their subcontractors shall be allowed to work from **7:00 a.m. to 7:00 p.m. on Monday - Friday**, and **8:00 a.m. to 4:00 p.m. on Saturday**.

No work shall be performed on Sunday's [or] the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas.

Exceptions may be considered but must be preapproved only on a case- by-case basis with abutting neighbor's approval.

No alcohol or drugs are permitted on site.

Animals are prohibited.

Firearms are prohibited.

No harassing or loud behavior is permitted.

Contractor's and subcontractor's employees shall not travel recklessly or at speeds in excess of the posted limits.

Workers shall not be allowed to travel the property unnecessarily or use the amenities.

Employees of a contractor or subcontractor in the community will be the responsibility of the GENERAL CONTRACTOR and will be held accountable for their conduct.

#### **4.12 Revisions and Changes during Construction**

All revisions and changes made during construction must be submitted in writing to the ARB for approval prior to the implementation of such change. All revised drawings, material and color samples must be submitted along with the revision request. The ARB will review and approve the request in writing.

**4.13 Termination/ Replacement of Builder**

The ARB shall receive written notification of any decisions by the Owner to terminate or replace a builder during the construction phase. Before commencing with construction, the

new builder must receive a preconstruction "Builder's Briefing" and post a Construction Deposit.

#### **4.14 Return of Construction Deposit**

When all construction is complete, including final landscaping, the builder may request a final inspection by the ARB. The ARB chairperson will inspect the project for compliance with the approved plans. If the site is compliant, the Management Company will be notified to return the construction deposit less any outstanding fines and provide the builder with a letter stating that they are compliant. If the site is not in compliance, the ARB will submit a letter addressing all deviations from the approved plan to the owner/ builder. The builder must then submit a revised plan and or survey showing deviations from the approved plans have been corrected.

#### **4.15 Alterations - Remodeling – Improvements - Re-painting of Structures**

Any exterior change to an existing approved structure requires approval from the ARB before commencing with work. All exterior changes or renovations shall be submitted to the ARB for approval as outlined in the Covenants. All construction shall be subject to the construction regulations set forth in these Design Guidelines.

### **5.0 SITE REQUIREMENTS: Clearing, Grading, & Drainage**

#### **5.1 Clearing**

**Site Clearing** should strike a balance between preservation of protected trees and the natural beauty of our wooded mountain community in concert with recommended best practices from the National Forrest Service and Firewise for the recommended fire-buffer zone around the perimeter of the domicile.

**Note\* BURNING – Lot/site clearing burning is prohibited.** Based on increased density of homes throughout the community, no burning is allowed on any build site during construction. Failure to observe the burning prohibition will result in an automatic \$1,000 fine of which shall be paid by the property owner. *See Exhibit (B) Fines and Fees Schedule.*

**Site clearing should include:** Only the removal of trees required within the Total Impervious Coverage Zone for the primary homesite including the septic field and view corridor, as well as the fire-defensible-area defined by the NFS and Firewise as best practices which recommends a 100' perimeter from forestation to the domicile perimeter on a slope of up to 20 percent, and a recommended perimeter of 200' for slopes greater than 20 percent.

Site Preparation prior to commencement of construction may be pre-approved in order to expedite the construction process. Adherence to Section(s) 4.0 and 5.0 is required. Failure of the builder to receive ARB written pre-approval for Site Preparation will result in an automatic fine. *See Exhibit (B) Fees and Fines Schedule.* The ARB Chairperson is the primary authority for Site Preparation pre-approval.



**Commencement of Construction is defined as:** " construction of a structure has physically commenced beyond site preparation." REF: COVENANTS 9.6, par. 2 (c).

**5.2 Grading** - The Grading Plan should be designed with detailed attention to terrain, slope, water well, wastewater location, and erosion control.

**5.3 Drainage** – Drainage from the home site must flow to the lowest elevation on the property. Drainage shall not flow onto adjacent lots. Builders and/or property owners will be held liable to repair any adverse effects (i.e., erosion) of improper or excessive storm water runoff. Builders and or property owners could be held legally liable if damage to abutter's property is caused by on-site erosion.

Note\* General Contractors must provide a 'sufficient gravel driveway pad' to every job site of which must be maintained throughout the duration of construction to prevent primary road damage and mud from being tracked out onto Coves roads. Failure to maintain the gravel access pad throughout the build process will result in fine being deducted from the \$1500 construction deposit of which must be replenished to maintain the \$1500 refundable construction deposit until the Certificate of Occupancy is issued. *Maintaining gravel driveway access throughout the build cycle is most important on construction projects that abut a Coves gravel roadway to prevent mud wash-over onto established gravel roadways that are costly for The Coves HOA to maintain.*

## **6.0 SITE REQUIREMENTS: DRIVEWAYS AND WALKS**

### **6.1 Driveways**

**All driveways shall be constructed of the following materials:**

1. Pervious concrete, concrete pavers, concrete
2. Approved washed gravel, gravel or grass pads over grid
3. Asphalt paving
4. Brick/ cobblestone/stone (water permeable installations and materials are preferred).

**NOTE\*** Driveways shall be 8 feet minimum in width. Pads and/or turnaround spaces shall only occur at the garage and shall extend no farther back than is necessary to provide adequate vehicular circulation. Materials used in driveway construction, if impervious, shall be included into calculations as it pertains to the total impervious surface allowed on an individual lot/ estate which shall not exceed 50% of the total lot area or less.

**All driveways that abut community paved roads must have, at a minimum, a 20 ft. x 12 ft. wide concrete or hard surface material apron adjoining the community road that would avoid gravel from being spread onto the community road right-of-way and help prevent breakdown of asphalt edges.**

### **6.2 Gates**

Private gates are allowed but must be approved by the ARB. They must reflect the architectural details and materials of other site elements of the home and community.

### **6.3 Walkways / Sidewalks**

Walkways shall be constructed using suitable materials (concrete, stone, washed stone, stone, pavers etc.)

## **7.0 SITE REQUIREMENTS: Potable Water & Septic, Energy, Antenna's, Service Area**

### **7.1 Potable Water and On-site Wastewater (Septic) Systems**

Wells and septic systems are essential and will require permits from Caldwell County. These permits should be obtained prior to commencement of construction to ensure they are properly planned and located to meet current and future envisioned system demands.

### **7.2 Natural Gas, Renewable Energy, and Back Up Electrical Systems**

There will be no central natural gas service provided to the community. LP or NG tanks shall be screened or hidden from the street and are allowed within the community. Water heaters may be LP gas, electric or tankless, or solar. HVAC units may be gas, electric or geo-thermal. Use of on-demand (tankless) water heaters are recommended as an energy- efficient alternative to conventional "tank" systems. Renewable Energy Systems and Back- up electrical systems are allowed/encouraged and require a Caldwell County permit and ARB approval. Installation shall be accomplished to avoid adverse visual or environmental impact in the community as reviewed and approved by the ARB.

### **7.3 Antennas and Satellite Dishes**

Satellite dishes are permitted within the Development. All Satellite dishes are limited to a maximum diameter of 1 meter. Satellite dishes shall be mounted behind the front line of the dwelling and in a location not visible from any street if at all possible. The location of any satellite dish must be submitted to the ARB for approval.

**7.4 Service Area** – Electrical Panels/meters, Heat Pumps, and/or any other service [or] units are not permitted on the front elevation of any home. Installation shall be accomplished to avoid adverse visual or environmental impact.

## **8.0 SITE REQUIREMENTS: DETACHED GARAGES, ACCESSORY, and DECORATIVE STRUCTURES**

### **8.1 Detached Garages and Accessory Structures**

**Metal accessory structures/utility sheds are strictly prohibited within the community.**

Acceptable detached garages, accessory, and decorative structures must be designed and constructed in accordance with the same architectural style and materials as the primary residence. These structures must also be completed with suitable landscaping, access walkways., **and be approved by the ARB.**

**NOTE\*** Detached garages shall not be greater than 50% of the gross floor area of the principal residential structure and cannot be located upon a separate lot absent of a structure for residential use. Any planned accessory structure/s shall comply with the Caldwell County Zoning ordinance, permitted as required, and be reviewed and approved by the ARB.

*Definition: Gross Floor Area – Total floor area in sq. ft. of all floors of a building calculated with the external dimensions of the building including; structures, partitions, corridors, stairs*

## **8.2 Arbors and Trellises**

Arbors and Trellises are allowed structures. Location, elevations and finishes must be submitted to the ARB for approval prior to beginning construction.

## **8.3 Fencing and Retaining Walls –**

**All Residential [and] Pasture** fencing proposals shall be submitted to the ARB on a Site Plan (*typically on the property plat*) listing the *'material and color and showing the proposed location and measured distances in relation to the primary structure and any accessory structures.* **All fencing requests will be reviewed and approved by the ARB on a case-by-case basis.**

**NOTE\*** Any unapproved fences will be required to be removed as the property owner's expense.

### **Pasture Fence Standards –**

Primary Road-Facing fence sections shall be constructed of wood. Side and rear perimeter fence sections that are not road-facing may be constructed of RAMM webbing or equivalent, and or RAMM Wire-Rail or equiv.

All Pasture Fence sections whether wood or RAMM WEBB or RAMM Wire-Rail shall have three (3) or four (4) rails, square or round posts.

All wood materials are required to be stained/painted after the cure period.

If Ramm or equivalent rails are used, post Stain/Paint shall match the color of the rails.  
**Only Brown or Black Ramm [or] Ramm-equivalent rail colors are allowed.**

Accepted Stain/Paint Colors; Brown, Dark Brown, or Black. **White stain/paint is PROHIBITED.**

**NOTE\*** Pasture Fencing in the Husband Creek G-Lot and Playmore sections of the community shall be stained 'Black

## **Residential Fence Standards- ARB approved on a case-by-case basis**

Residential fencing on the front elevation of any lot is not allowed. For the purpose of 'fencing' the front elevation is defined as that section of the property spanning from the front left and right corners of the primary domicile in relation to the primary roadway. Approved fencing shall have a minimum height of 30" and not exceed a maximum height of 72". (72" is standard height for most wooden fence sections).

Fences must harmonize in character and color with the house and or an accessory structure.

### **Retaining Walls**

Location and materials used for all retaining walls must be submitted for approval.

Retaining walls may be constructed of timber, crossties, stone, or an interlocking wall system (i.e., keystone or an approved equal.).

#### **8.4 Flagpoles**

American and/or decorative flags that are non-political are permitted. Flags shall be properly displayed.

#### **8.5 Swimming Pools / Hot Tubs / Water Features**

Any and all proposed swimming pools, hot tubs, fountains, water features, etc. shall comply with North Carolina State Law and County set-back ordinances and must be approved by the ARB.

Above-ground swimming pools are prohibited. Pools may not be installed on the front yard of any home and must comply with all setback requirements. All plans for swimming pools must be submitted to the ARB for approval.

Outdoor Hot Tubs are allowed. Location of a hot tub shall be shown on the **SITE PLAN** and/or **LANDSCAPE PLAN**. Hot tubs shall not be installed on the front or side yard of any home.

Water features are allowed. The ARB will review water features on a case-by-case basis to determine their appropriateness.

#### **8.6 Decorative Objects**

All decorative 'yard art' (of significant size) placed on a property are subject to ARB approval.

#### **8.7 Clotheslines**

Clotheslines placed on the property are subject to ARB approval. If approved, they must be located and installed to minimize visual impact.

#### **8.8 Tennis Courts**

Private tennis courts may be approved but shall be approved on a case-by-case basis by the ARB.

### 8.9 Pet Enclosures/ Dog Houses

All proposed pet enclosure or Doghouse plans must be submitted to the ARB for approval.

Chain-link fenced pet enclosures are strictly regulated. ARB approval is required and will be decided on a case-by-case basis dependent on visibility from neighbors and community roadways. Any chain link fence approved must be 'black' in color.

Pet enclosures or Dog Houses should be located to minimize noise pollution and visual impact.

Pet enclosures and/or dog houses are prohibited from being placed on the front lawn or as seen from primary community roadways.

### 8.10 Swing Sets/ Play Structures

Swing sets and play structures are allowed whose location does not create a hazard or is offensive visually.

## 9.0 ARCHITECTURAL DESIGN GUIDELINES

### 9.1 General

Homes must be designed in conformity with the standards, requirements and guidelines set forth in the Declaration of Covenants, Conditions and Restrictions, and these Architectural and Site Design Guidelines. All residential dwelling footprints, detached garages, accessory and decorative structures must be sited within the proper setbacks. Plans submitted for review, or any portion thereof, may be disapproved upon any plans/grounds that are inconsistent with the purpose and objectives of the ARB, including purely aesthetic considerations.

### 9.2 Manufactured Homes

Manufactured homes are **discouraged** in the development. If you desire to assemble a manufactured home, you must have written approval from the Architectural Review Board.

**NOTE\* 'Container-Style' manufactured homes are prohibited.**

### 9.3 Dwelling Size/ Detached Garages/ Accessory Structures/Min-Max Standards

Minimum primary dwelling square footage shall be defined as a heated floor space. Heated floor space does not include attached or detached garages, covered walks, decks and porches.

The **minimum** primary dwelling size for the Cabin Village Neighborhood Lots, typically one acre or less, shall be 400' heated square feet.

The **minimum** primary dwelling size on traditional lots less than (10 acres) shall be fifteen (1,500) heated square feet.

#### Reference Section 8.1

**For all lot sizes**, if the secondary dwelling planned and approved is to be a 'Guest House', four hundred (400') heated square feet is the minimum allowed.

**Barndominiums** – If on less than 10 acres, ARB approved Barndominium style structures must meet the same criteria as a primary dwelling size on traditional lots which is fifteen hundred, (1,500) heated square feet.

There is **no minimum size** for accessory structures that comply with these Design Guidelines and are approved by the ARB. An "Accessory Structure" is defined as any structure meeting the design intent and aesthetics for the community and is a structure that's incidental and subordinate to the principal/ primary dwelling structure. They are to be located on the same parcel with a primary residence. Furthermore, they do not include detached garages, or "guest house(s)".

**NOTE\*** Detached garages shall not be greater than 50% of the gross floor area of the primary residence/principal structure on the lot. The number of permissible "accessory structures" can vary based upon lot size. Additionally, the "total allowable" square footage of all accessory structures on a lot is restricted based upon lot size. *Reference Section 8.1*

**Reference Caldwell County Zoning Ordinance for specific details pertaining to accessory structures.**

**NOTE\*** No accessory structure may be placed upon a lot which is absent a primary dwelling without approval of the Board.

#### **9.3A Stable & Barn sizing as an accessory structure.**

Stables are allowed as an accessory structure on a building lot, or on a separate property as authorized by the Board, that is of a size to adequately provide pasture for the owner's horse(s), stable, and/or primary residence (if applicable). The minimum required lot size should provide a primary building site with suitable additional property for a stable and adequate open pasture and fencing allocated, as a "rule of thumb", two (2) acres for the first horse and one (1) acre per each additional horse. All structures and Stable locations must comply with all front, side and rear lot setbacks, and if visible from community roads incorporate an appropriate vegetative buffer reviewed and approved by the ARB. Lot size and the primary residence (if applicable) footprint will limit the number of horses that can be properly stabled/ pastured. These factors then establish the minimum stable size and lot's size that shall be reviewed and approved by the ARB.

#### **9.3 B Guest House**

**On lots less than ten (10) acres**, the topography of select/ identified lots encourage and allow the compound or estate development concept. The Board reserves the right to identify these lots with such unique topography allowing such development. Minimum dwelling size on these lots for a primary residential structure is 1500' square feet. However, for a Guest House, where allowed, the minimum allowable size structure can be 400' square feet, even as a primary structure.

These structures are to be positioned on a site plan to best minimize their visual impact from community roads. Visual impact can be reduced by an effective vegetative buffer reviewed and approved by the ARB. Additionally, these unique structures must meet and comply with all design and building guidelines to be reviewed and approved by the ARB.

**NOTE\*** Variances for minimum floor space may be granted if the site conditions that are present dictate. Variances may also be granted if, in the ARB's sole discretion, the resulting appearance of such residential dwelling/will preserve and conform to the existing architectural aesthetics of the community and comply with building codes.

#### 9.4 Impervious Coverage

The maximum permissible lot coverage by all total impervious surfaces (primary/ accessory structures, pavement, etc.) shall not exceed 50% of the total lot's area.

#### 9.5 Setback Requirements

Setback requirements may be found/ recorded on each home site survey plat/ or in the Caldwell County Zoning Ordinance. Except where permitted otherwise such as Cottage Village, Caldwell County setbacks are as follows:

Front - 30 ft.

Sides - 10 ft.

Rear - 25 ft.

#### 9.6 Height Requirement

Building height requirements shall be as set forth in the "Developers PUD" approved by the Caldwell County Board of Commissioners. **Maximum building height is limited to 35 feet.**

**Ref: 17.42.030 Height Measurement. A.** Height Measurement Generally. *The allowable height shall be measured as the vertical distance at any point from the average natural grade within the building pad area to the topmost portion of the building or structure including structural framing and roof covering material.*

#### 9.7 Exterior Facades

As stated in the introduction, it is the intent of these guidelines to describe and promote the vision of the development and facilitate the building of high-quality residences. The overarching theme of The Coves Mountain River Club is to create a community which works to preserve the feeling of a quiet mountain community with quality homes, estates, and superb amenities for its residents.

From a land-planning perspective, this has been accomplished through the use of large single-family and compound lots, unique log cabins, a cottage village with managed setbacks, and an equestrian themed section of the community "Husband Creek Farm" where there are approved mini-farms as defined in the CCR's. These work to facilitate a privacy feeling of a quaint mountain community. The final step in achieving this goal is working with the residents to ensure that homes within the community echo and maintain the theme of the community.

The style of house(s) in the community ranges from natural elements, Arts & Crafts, Log Cabins, Cottages, Contemporary, and in certain areas where approved by the Board, Barn-style or Barndominium-style homes. The Arts and Craft style homes are built from natural elements utilizing gables, large windows, steep pitched rooflines typically 8/12. Exterior facades are constructed with exposed rock faces, timber construction components, exposed rafters, shingle and/or metal roofing materials with the eaves of the roof extending beyond the home on all sides. A shed roof porch may extend beyond the front facade and may wrap around one, both sides, or even the entire home.

The Log Cabin Homes are constructed using standard construction practices and typically have metal roofs with 8/12 pitch.

Homes in the Cottage Village are of Mountain Craftsman style using natural materials with zero lot lines and beautiful views.

The Contemporary-Style Homes utilize the same natural materials and subdued earth tones for the exterior facades, but roof pitches can range from 4/12 to 2/12.

Barn-style or Barndominium-style homes in areas where permitted, range from a central living space with shed-roofs on either side replicating a barn, or in the case of a Barndominium-style home, a stable and pasture structure with living spaces above the stable. All barn-style and Barndominium-style homes must meet all Architectural Standards and Design Guidelines to be approved.

## **9.8 Garages / Garage Doors**

All garages should be side, front or rear loaded or detached. Front loaded and courtyard garages are permitted only if the site conditions and or setbacks do not provide adequate space for a side or rear-loading garage. All garages must incorporate windows, louvers, or shutters as necessary to provide lighting and visual variety. Architectural styled raised-panel garage doors are preferred. Single panel double-car garage doors must have a distinct architectural style.

## **9.9 Front Porches**

Covered porches are recommended as architectural features.

## **9.10 Approved Exterior Siding Material**

### **Siding materials:**

**9.10.1** Brick (earth toned)

**9.10.2** Cultured or natural stone

**9.10.3** Cedar shakes

**9.10.4** Natural wood materials

**9.10.5** Hardie-plank or other approved fibrous-cement materials for all vertical, horizontal, and shake siding

**9.10.6** Vertical, Horizontal, or Shake Fibrous Cement Siding

**9.10.7** Hardie-shake

### **Approved exterior Colors:**

**9.10.8** Exterior finishes that are subdued [and/or] muted earth-tone color are preferred. All exterior colors must be approved by the ARB. 'White colored' horizontal, vertical, and shake siding is PROHIBITED. 'WHITE colored' Trim and Soffits is allowed.

### **The following exterior materials are STRICTLY PROHIBITED:**

**9.10.8.1** Vinyl Siding (**Vinyl Soffits are approved**)

**9.10.8.2** Vinyl Shakes

**9.10.8.3** Aluminum or other metal siding

## **9.11 First Floor Elevation**

Homes shall be constructed with a minimum dimension of 24" (foundation) from the finished grade to the first-floor elevation. This elevation requirement does not apply to approved accessory structures and or slab on grade homes where the topography of the property would present such a condition.



## 9.12 Foundations

Where applicable, homes within the community shall be built on a raised foundation or basement. These foundations may be solid wall, or masonry pillars.

Slab-on-grade construction is permitted but is dependent on the 'style' of home constructed such as log cabins or ARB approved 'contemporary-style' homes.

### Acceptable foundation materials are as follows:

9.12.1 Brick (brick or brick face)

9.12.2 Concrete block with stone facing

9.12.3 Rock or Stone

9.12.4 Troweled stucco or parge. Color must blend with the primary exterior siding

**NOTE\*** Where a home sits on a foundation of masonry piers, the open space between the piers and or pilings should be screened with appropriate architectural materials such as wooden lattice or similar feature which should be painted or stained to compliment the color scheme of the house. This also applies to Tiny Homes that sit on frames. In some instances, as determined on a case-by-case basis by the ARB, solid screening may or may not be required dependent on aesthetics as determined by the ARB.

**All foundation materials or representative pictures thereof shall be submitted to the ARB for approval.**

## 9.13 Roofs

Main roof structures may have a pitch of 8/12 to 2/12, with 8/12 pitch preferred. Mansard-style roofs are PROHIBITED.

Roof pitches for porches, breezeways, and approved accessory structures should architecturally blend with the primary structure.

All roof penetrations shall be located on the rear roof slopes when feasible so they are not visible from the street. Roof penetrations visible from the street must be approved in writing by the ARB.

With the exception of solar shingles or roof mounted solar energy panels, **plain colored** standing seam metal reflective roofing material is prohibited. Colored standing seam metal roofs are allowed but must be approved by the ARB. Failure to adhere to this standard can result in the homeowner having to bring the roof into compliance with either painting, or replacing the roofing at the homeowner's expense. **Note\*** Solar panels are allowed but must be reviewed by the ARB on a case-by-case basis. Non-reflective Panels such as example "REC Twin peak 4 Black Series" should be considered in all solar installations, as well as colored racking hardware as opposed to plain stainless.

**Approved roofing materials shall consist of the following:**

9.13.1 Minimum 25-year or better architectural shingles

9.13.2 Cedar Shakes

9.13.3 Slate

9.13.4 Synthetic Slate

9.13.5 Colored Standing Seam Metal **Note\*** **No reflective finishes.** Plain Colored Metal roofing is prohibited.

9.13.6 Copper Accents

**9.14 Chimneys**

Chimney Chase finishes are restricted to; brick, natural stone or rock, dry stack stone, cultured stone, and/or the same siding and trim used on the primary structure. No exterior metal fireboxes are allowed unless encased in masonry surrounds.

**9.15 House Identification**

Traditional metallic (black, bronze, or brass) are approved for this use, and the primary residence identification number prominently displayed for emergency services compliance.

**9.16 Doors**

Exterior doors shall be appropriate to the architectural theme.

**9.17 Windows**

Windows should be of high quality in order to withstand gusts up to 50+mph. Vinyl Clad windows are approved.

**9.18 Decks and Patios**

Detailing of all patios and decks must be architecturally compatible with the home. Patios and decks shall be designed to serve as an extension of the house. Rails, pickets, and underpinning should be painted and or stained to match the trim of the house.

**Note\* Vinyl deck railing and decking is prohibited**

Views to the underside of decks and porches must be screened with underpinning and landscaping. Porch screen, where necessary or desired, their colors must be submitted to the ARB for approval.

**9.19 Cornices and Exterior Trim**

The use of traditional crown molding and detailing at cornices, as well as authentic detailing around window and door openings will be an important part of the overall appearance. The use of rafter tails under eaves is strongly recommended. Such detailing must be consistent on all elevations.

**9.20 Awnings and Shutters**

Aftermarket awnings and/or canopies shall not be affixed to the exterior of the residence without written ARB approval. Exterior shutters shall be used consistently on all windows.

**9.21 Gutters and Downspouts**

Gutters and downspouts may be required if diverters and drainage plans are insufficient and create ground water and/or erosion problems.

**9.22 Mailboxes**

Mailboxes are to be purchased from the developer or their assignee. All mailboxes shall have a consistent appearance with four (4") inch reflective material on both sides of the mailbox.

Intentionally Blank

## **10.0 SITE REQUIREMENTS: LANDSCAPING, IRRIGATION, AND LIGHTING**

### **10.1 Final Landscape Submission requirements**

Landscape plans should be submitted 30-60 days prior to CO.

See Application for SPECIFIC DESIGN GUIDELINE SUBMISSION REQUIREMENTS / 12.4 LANDSCAPE PLANS

### **10.2 Landscape Plan Requirements**

**Note of Special Interest\*** *This community is an approved participant in the national Firewise USA program. The program actively promotes education and awareness of fire risk reduction measures. Final Landscape Plans should include Best Practices for defensible space between the domicile and forestation.*

*Fire-resistant landscaping involves creating “defensible space,” or selecting, placing, and maintaining plants and other landscape features around a home in a way that helps make the home less vulnerable to damage or loss from wildfire. Defensible space is the area extending outward from the home that is designed to serve as a buffer to slow or stop a wildfire.*

*For homes and other structures on terrain that slopes less than 20 percent, a minimum of 100 feet is recommended for defensible space. For steeper terrain, defensible space may need to extend from the structure as far as 200 feet.*

*To assist homeowners with the suggested Firewise Landscaping recommendations, the ARB inspection team will flag building projects that are within 60 days of CO. This will alert the Firewise Committee to send you an email containing information and tips for making your home and yard compliant with Firewise recommendations. Additionally, you will be instructed how to sign up on the Coves Community website in order to receive the “Firewise Friday” educational email sent out regularly by the Firewise team.*

### **At a minimum, the following landscaping will be required for all homes:**

**10.2.1** Blank areas of foundation walls are required to be landscaped with upright shrubs or small trees. Plantings throughout the landscape should complement the natural surroundings. Firewise recommends a perimeter of natural stone around the domicile that can be used ‘in-part’ as defensible space against wildfires.

**10.2.2** All yard ‘cover dressing’ shall be of any of the following: grass seed or sod, mulch, or pine straw.

**10.2.3** At a minimum, bark mulch or pine straw is recommended to be used in all plant beds and areas without grass keeping in mind that around the home perimeter, a defensible space of river rock bed or other natural stone is recommended. These areas are to be maintained in a weed-free condition.

### **10.3 Timing of Landscape Installation**

All landscape installation shall be completed within 120 days of receiving a certificate of occupancy (CO). If this deadline cannot be met, the owner may request an extension from the ARB in writing.

### **10.4 Irrigation Requirements**

An automatic underground irrigation system is acceptable, but not recommended due to the strain created on area underground water resources within the community. Rainwater harvesting/collection systems such as buried cisterns are recommended/ preferred.

**10.5 Lighting**

All exterior lights shall consist of fixtures designed for the intended purpose. Down lighting is highly encouraged to reduce glare, better light drives and paths, and to protect neighboring properties from bright light sources.

**11.0 ADDITIONAL REQUIREMENTS AND CONSIDERATIONS**

**11.1 Storage of Recreational Vehicles and Other Equipment**

**On properties of less than ten (10) acres:** Recreational Vehicles (RV's), Motor Homes, Mobile Homes, Trailer Homes, Travel Trailers, and/or any style of Portable Camper are prohibited from being stored on the property.

**On Properties of ten (10) acres or more:** Recreational Vehicles (RV's), Motor Homes, Travel Trailers and/or any style of Portable Camper are allowed to be stored on the property adhering to Article 9.5 (b) in the covenants. **Mobile Homes and Trailer Homes are prohibited.**

**Ref: Covenant Article 9.5 (b)** - *“Subparagraphs (ii) through (x) shall not apply to, nor restrict, any lots which contain more than ten (10) acres with the exception that Mobile Homes and Trailer Homes are prohibited. (Fixed Structure) Tiny Homes are permitted. All RV's, Motor Homes, Travel Trailers, campers, and/or recreational vehicles should be screened from community roads as much as possible. Final placement requires ARB approval.”* **Failure to contact the ARB to approve final placement could result in a fine up to and including removal at the owner's expense.**

**11.2 Signage**

Only members of The Coves Mountain River Club Community Association, Inc. Preferred Builder Program may have a builder sign. All others are prohibited.

**11.3 Construction debris and burning**

**Debris**

Trash, natural and toxic construction debris and natural vegetative debris are normal byproducts of the construction process. Every attempt to confine and cover a trash container/ debris receptacle should be made especially during forecast and/or windy conditions. When these containers are filled, they should be promptly removed or recycled as appropriate.

**Burning**

**Based on increased density of homesites throughout the community, lot/site clearing \*open burning during the construction phase is prohibited\***. Failure to observe the burning prohibition will result in an automatic \$1,000 fine of which shall be paid by the property owner. *See Exhibit (B) Fines and Fees Schedule included in application packet.* Once property owners have been issued a Certificate of Occupancy, they may burn (preferably in a contained fire pit) but are required to adhere to all Caldwell County Fire Ordinances as well as the Declaration of Covenants when doing so.

**Exhibit (B)**

## **Fees and Fines Schedule**

**The Board reserves the right to adjust Fees and Fines as necessary.**

**Application for Construction -**

- i. New Construction Deposit: **Paid by selected builder [or] Property Owner**; \$5,000.00; refundable; Payable to: **'The Coves Mountain River Club Community Association'** at time of Application for Construction submittal.
- ii. HOA Road Impact Fee: **Paid by property owner**; \$5,000.00 - Road Impact Fee if on a paved road. \$7,500.00 – Road Impact Fee if on a gravel road; non-refundable; Payable to: **'The Coves Mountain River Club Community Association, Inc.'**
- iii. **Failure to complete construction within the allotted (18) month timeframe, and a written request for an extension by the builder and/or property owner has not been received by the ARB Chairperson, will result in automatic forfeiture of the \$5,000.00 construction deposit.**

**BOTH CHECKS DUE UPON SUBMITTAL OF THE 'APPLICATION FOR CONSTRUCTION'**

**Design Review –**

As of the date of this revision, there is no Design Review Fee.

**New construction violations -**

- (i) For the 1st notification of a violation discovered or reported, a courtesy reminder is sent.
- (ii) For the 2nd notification of a violation of the same or similar nature that has not been corrected, a \$200 fine will be issued.
- (iii) For the 3rd notification of a violation of a same or similar nature that has not been corrected, a \$500 fine will be issued.
- (iv) If the violation is not corrected and fines not paid, legal action will be initiated.

**Site preparation violation -**

- (i) Failure of the builder to receive ARB written pre-approval for Site Preparation prior to commencement of construction will result in an automatic \$1,000 fine.
- (ii) Failure to adhere to burning prohibition during the construction phase will result in an automatic \$1,000 fine of which will be paid by the property owner.

**Protected Tree Cutting/Removal violation –**

- (i) Clearing of Protected Trees with a caliper size of 12" without ARB approval that are outside of the Total Impervious Area required for the build site shall carry a fine of (two thousand dollars) **\$2,000** for each tree removed. In addition, replacement trees may also be required.

**Violations for exterior additions and/or changes or alterations made to the property which have not been approved by the ARB will be assessed a fine as follows -**

- (i) For the 1st notification of a violation, ten (10%) percent of the appraised value of the construction will be assessed and the addition subject to removal.
- (ii) 2nd notification of the same violation and/ or the fine has not been paid, legal action will be initiated.