

# **Villages of Plott Creek Homeowners' Association Inc.**

## **Design Guidelines**

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## **INTRODUCTION:**

The Declaration of Covenants, Conditions and Restrictions (CCR's) for of the Villages of Plott Creek (VOPC) establishes a standing committee of the Villages of Plott Creek Homeowners' Association, Inc. (HOA), designated the Architectural Review Committee (ARC), whose function is to review and determine the suitability of any proposed construction or substantial external alteration within Villages of Plott Creek. The scope of the ARC's purview may include the: design, architectural style, colors, landscaping, exterior materials, overall impact on surrounding property, and other aesthetic and property drainage concerns. Capitalized terms in this document are as defined in the CCR's.

It is the intent of the ARC is to work with lot and home owners throughout their construction project to assure that the Villages of Plott Creek will remain a community of homes with tasteful and aesthetically pleasing architectural designs that are harmonious with surrounding structures and topography. Existing homes will be governed by the restrictions in force at the time their homes were constructed. Existing homes will comply with this document for any future modifications addressed herein.

THE LOT OWNER IS RESPONSIBLE TO ENSURE THAT THE RETAINED CONTRACTOR MEETS THE REQUIREMENTS OF THIS MANUAL AND OTHER APPLICABLE STATE AND COUNTY REGULATIONS.

This manual has been prepared by the ARC as a guideline for owners. A major concern of the ARC is to minimize the possible impact of water runoff from a property from eroding or clogging culverts and potentially damaging roadways and surrounding properties. If the owner elects to retain a building and/or landscape architect, a licensed contractor, or other construction/engineering professional, the owner is responsible to ensure that these individuals are informed of the applicable parts of the CCR'S and these Design Guidelines. In designing new homes (defined as the primary living structure, swimming pool and/or spa, or other structure) and remodeling existing homes (defined as the primary living structure, swimming pool and/or spa, or other structure that affects existing exterior architectural features, foot print and/or square footage, or exterior appearance in any fashion) these design standards.

## **GENERAL SUBDIVISION STANDARDS**

### **1. Buildings.**

All buildings erected shall be in compliance with applicable building, zoning, and health codes of the State of North Carolina. All buildings erected on each lot shall be completely finished and all construction debris removed within twenty-four (24) months of commencement of construction. No Owner shall voluntarily cease construction subsequent to commencement and shall always make a continued effort to complete all construction in a timely manner according to the size of the constructed dwelling. Each Owner is responsible for their construction site being maintained in a neat and orderly manner.

No residence erected shall be more than a single family residence and shall have a minimum of 1500 square feet of heated area, with a minimum of 1200 square feet of heated area on the main

level, excluding, but not limited to garages, carports, decks, porches. All exposed block shall be covered in rock, brick and/or stucco.

No building, fence, wall or other structure shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Homeowners Association or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specification in accordance with Appendix A, approval will not be required and this Article will be deemed to have been fully complied with.

2. Land Clearing and Excavating.

No owner shall clear-cut timber on any lot. Excavation on any lot shall be done in a manner to maintain proper drainage, prevent erosion, and in no way to cause adverse environmental detriment to the owners or adjoining lots. No mineral exploration or mining will be allowed.

3. Drainage and Grading

Special attention shall be given to proper site surface drainage so that surface waters will not interfere with surrounding home sites, roadways or natural drainage flows. Paved areas shall be designed to allow surface water to drain naturally and to prevent water from collecting or standing.

Erosion control measures shall be of primary concern during all construction activities to prevent sediments from leaving the site during construction or after occupancy. Fill shall not be deposited or removed without ARC permission.

Site plans shall show physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns. No changes shall be made without prior approval of the ARC. Road side ditches and ditch outs shall be maintained to facilitate water flow during and after construction.

All lot owners shall install a galvanized or corrugated polyethylene pipe culvert with a minimum diameter of 18 inches at the intersections of all driveways with any subdivision roadways. The culverts must be installed so as to not obstruct the drainage of the roadways.

4. Utility Easements.

A utility easement is reserved ten (10) feet in width over and across each and every lot, the centerline of said ten-foot utility easement to run with all the boundary lines of said lots. The utility easements reserved herein shall be for the purpose of construction, maintaining and repairing telephone and electric lines, as well as any future cable, water, sewer, or any and all other utilities.

5. Utility Service

No lines, wires or other devices for communications purposes, including telephone, television, data and radio signals, or for transmission of electric current or energy shall be constructed or placed on any home site unless the same shall be in or by conduits or cables constructed, placed

and maintained underground or concealed in, under or on buildings, or other approved improvements. Above ground electrical transformers and/or generators and other equipment may be permitted if properly screened and approved by the ARC. In addition, all propane, water, sewer, oil and other pipes for gas or liquid transmission, and their storage tanks, shall also be placed underground or within or under buildings. Above ground plumbing associated with water, propane, electric, or any other utility necessary to the home will be camouflaged so as not to be visible from street view. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

6. Setback Requirements.

The setback requirements for all buildings shall be 30 feet from all property lines and 40 feet from the center of any road right of way. The ARC reserves the right to amend the setback requirement in the event the above setback line is impractical or is a hardship upon any Owner.

7. Builder Conduct

All Owners shall be held responsible for the acts of all persons or parties involved in the construction or alteration of a home site. In this regard, a Lot Owner shall be responsible for the following:

- a. Ensuring that the construction site is kept clean and free of all debris and waste materials, and that stockpiles of unused materials are kept in a neat and orderly fashion. Maintenance of dumpsters and portable toilets on site is required. There shall be no burning unless a permit is obtained, a water source is available to extinguish the fire and an individual is on site to monitor the fire until it is extinguished.
- b. Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants. .
- c. Assuring that all contractor, subcontractors, material men, suppliers, laborers, or agents of any tier and their respective employees are properly insured with regard to property damage, malicious damage and Workman's Comp requirements.
- d. Assuring that all contractor, subcontractors, material men, suppliers, laborers, or agents of any tier and their respective employees do not commit any violations of the CCR's, Rules and Restrictions, or these Design Guidelines.
- e. Limiting working hours for construction personnel to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction work will be allowed on Sundays. Exceptions to this rule may be allowed by the ARC or Board under special circumstances and only with prior written authorization.
- f. Prohibiting construction personnel from having pets within Villages of Plott Creek.
- g. Prohibiting the playing of music or other sounds from non-construction activities which create a nuisance to adjoining property.
- h. Prohibiting use of adjacent property for access or storage of material or equipment. If this becomes a problem, the ARC should be contacted for assistance.
- i. Limiting all contractor, subcontractors, material men, suppliers, laborers, or agents of any tier and their respective employees to construction related activities at the designated site only. (NO FISHING, TOURING, ETC.)
- j. Ensuring contractors employees, subcontractors and suppliers use only designated construction access routes as described by the ARC.
- k. Assuring that contractor employees, subcontractor, supplier or construction vehicles do not limit or hinder access to the street, cul-de-sac or adjacent property driveways.

8. Exterior Materials

Vinyl siding, if used, shall be a textured wood-like product with approved exterior coloring. Exterior surfaces shall be covered in rock, brick, wood, or stucco. No surfaces shall be left unfinished

9. Exterior Colors

The color palate for the Villages of Plott Creek is subdued earth tones. Earth tone is a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. Deviation from earth tone colors requests will be made on a case by case basis during the application review process.

10. Sod/Vegetation

All non-forested areas within each home site not covered with pavement, buildings, shrubs or groundcover shall be completely sodded or hydro seeded to prevent erosion and sedimentation. The lot owner will ensure that the sodded / hydro seeded areas remain viable and effective with regard to the distribution of runoff water.

11. Trees

In order that the natural beauty of the home site may be preserved, the Owner will ensure that the contractor shall take special care during construction not to injure or destroy trees or tree root systems by using protective barriers to keep equipment away from trees.

Prior to the downing of any trees or any grading of a lot, silt screens shall be erected along the down slope limits of said site, to prevent runoff into the branches and creeks and roads of the subdivision. If clearing/grading commences without silt screens, the Board of Directors reserves the right to place said screens, at the Owners' expense, and to impose fines and sanctions it deems appropriate. Said screens shall remain intact and effective until completion of the dwelling and landscaping of same.

**Further, trees along the perimeter of the clearing site shall be removed in such a manner as to not topple, nor lean against, nor damage the surrounding forest.**

**Failure to comply with the requirements to prevent silt runoff and erosion may result in fines(s) levied by the Board or the County or the State.**

**CLEAR CUTTING OF ANY LOT, OR A SIGNIFICANT PORTION OF THE LOT TO, IS PROHIBITED.** *If the lot owner has a legitimate justification to remove more trees than would be necessary for the construction of the home, approval of the ARC is required.*

## **APPEAL**

If an application for construction has been denied; or if an approval is subject to conditions which the Owner feels are harsh or unwarranted; or if there are disputes on any other matter related to actions of the ARC, the Owner may request a hearing before the full committee of the ARC within 10 days after the Owner receives notification of the ARC's decision. At the hearing the Owner will be permitted to

present their position on the matter and make requests or recommendations as to an alternative action. After the hearing, the ARC will review the information presented and notify the Owner of its decision on the matter within 10 days. The decision of the ARC shall be subject to two additional appeal processes.

1. The Owner may request a review by the Board of Directors of the Association. The request for this review must be submitted to the Board within 10 days of the decision of the ARC. In addition to the Board, the Chairman of the ARC will also be present representing the ARC.
2. If the Owner has not been satisfied by the Boards' decision, they have the right to secure an arbitrator who, with the concurrence of the Board, will provide a binding decision related to the contested issue. The Owner will bear the cost of this adjudication.

## Appendix A

**ATTACH PLANS AND SPECIFICATIONS**

Include height, width, depth, types of materials, color, location, relation to property line/fencing/neighbor, paint color, and other information pertinent to the request.

*Approval is based on conformance with the Declaration of Covenants, and aesthetic concerns. No representation is made of approval of structural integrity. Drainage issues and existing slopes are crucial elements of exterior changes and should be strongly considered.*

I understand the approval of the Architectural Review Committee must be obtained before I can proceed with my project. I understand that approval by the ARC does not constitute approval by the local building department or any other agency which may require prior approvals. I understand I may be required to obtain permits, licenses, pay fees or obtain other professional opinions and/or certifications. I agree to complete all improvements as they are submitted and understand that I must submit my request if modifications to these plans become necessary. I agree to complete the improvements promptly and in a good workmanlike manner.

Homeowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

**THIS AREA TO BE FILLED OUT BY ARCHITECTURAL REVIEW COMMITTEE**

**DATE RECEIVED BY ARC:** \_\_\_\_\_

**DATE APPROVED OR DENIED BY ARC:** \_\_\_\_\_

**Approved as Submitted:** \_\_\_\_\_

**Approved with Conditions** \_\_\_\_\_

**Denied as Submitted:** \_\_\_\_\_

**Conditions for Approval** (use reverse side if necessary)

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**Reasons for Denial:** (use reverse side if necessary):

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Signature \_\_\_\_\_ Date \_\_\_\_\_

Chairperson ARC

Signature \_\_\_\_\_ Date \_\_\_\_\_

Member ARC