

**EXHIBIT D****Architectural Guidelines****WATERFRONT CLUB HOMEOWNER'S ASSOCIATION**  
**ARCHITECTURAL GUIDELINES****I) Purpose**

The goal in creating these Architectural Guidelines ("Guidelines") is twofold; to preserve the land and lake in a manner that will help ensure everyone's enjoyment of all things that Waterfront Club has to offer, and to encourage a diversity of architectural designs while assuring compatibility of architectural styles within the community.

The purpose of the Architectural Review Committee (ARC) is to control the design, locations, construction of all improvement, and the landscaping (regardless of when such improvement are made) for each lot in the Subdivision as outlined in the Declaration of Covenants, Conditions and Restrictions for Waterfront Club to which these Guidelines are attached. The ARC is a sub-committee of the Waterfront Club Homeowner's Association (the "WCHOA") as described in the CCR's. These Guidelines shall be in addition to and not in lieu of any restrictions or conditions imposed by the CCR's.

All improvements must receive written approval from the ARC in advance of construction. Specifically, the ARC is to review, approve, reject, or suggest changes to plans and specifications for improvements and the landscaping of each lot. The ACR will accomplish its purpose by:

- 1) Reviewing construction/improvements plans.
- 2) Providing direction to homeowners, architects, and building contractors during planning or renovating structures on the lots.
- 3) Ensuring all new construction and renovation are compatible with existing architectural styles within the community to include periodic on-site inspection during the on-going project.
- 4) Enforcing WCHOA Covenants and Architectural Guidelines for new constructions, renovations, improvements, and landscaping.

The failure to obtain all the necessary approvals are a violation of the Architectural Guidelines. Any work that is done without written approval may result in fines of up to \$100.00 per day as allowed by the North Carolina Planned Community Act - Chapter 47F.

A copy of these Guidelines can be obtained by a lot owner by request to the following address:

By email request:

By mail:

The foregoing contact information is subject to change upon changes in the control and governance of the ARC. Lot owners will be apprised of any such changes.

**It is mandatory to contact the ARC prior to beginning any construction, improvements, major landscaping, brush hogging, or tree removal.**

Owners considering construction or alteration should consult the provisions of Article V of the Declaration of Covenants, Conditions and Restrictions.

## **II) Guidelines and Standards**

Because each lot in Waterfront Club varies, it is essential that you understand all factors of your property before designing/choosing a plan and attempting to position your home. Paying close attention in the beginning to the following guidelines and standards may save you money and frustration later.

### **1) Lot Guidelines**

- 1.1) No clearing, construction, improvements or major landscaping of any type may commence without prior written approval of the plans by the ARC. Failure to obtain written approval can result in fines and work being undone. This includes the removal of live trees and placement of driveways or walkways. The ARC reserves the right to assess a Surety Deposit fee for any new construction, additions, renovations, tree removal, brush hogging, and clearing. The ARC will make this assessment based on the type of equipment used and the duration and magnitude of work being performed.
- 1.2) It is important that you, your builder, your landscaper, and all other contractors understand the guidelines regarding clearing and tree removal. The removal of any trees greater than eight (8) inches in diameter at six (6) feet above ground level will require prior written approval from the ARC. Failure to obtain written approval is a violation and can result in a \$100.00 fine. The ARC may require that three (3) new trees be replanted for each unauthorized tree removed. A deadline for the replanting of those tree(s) will be provided by the ARC. Failure to meet that deadline can result in a \$100.00 per day fine after the deadline has passed.
- 1.3) Clear cutting healthy trees or stump removal from any lots are not permitted at any time without approval.
- 1.4) Property owners shall promptly remove all dead or fallen trees and debris from vacant lots.
  - Owner may thin and chip trees less than eight (8) inches in diameter without prior written approval from the ARC.
  - Depending of the type and size of equipment to be used, the ARC reserves the right to assess a Surety Deposit/Road Bond.

- Tree management within the 50' setback from the full pond must be in compliance with Duke Energy's ("Duke") Shoreline Management Plan (SMP) and also the ARC Guidelines. (see section II.2.2)
  - Dying trees may be removed with the written recommendation of an arborist.
- 1.5) Any ground surface disturbed during the thinning process must be covered with wood chips, mulch, etc. in order to prevent erosion.
- 1.6) At no time shall a vacant lot be used for dumping purposes (i.e. dirt, trees, building materials, debris, etc.). The property owner will be responsible for the removal of any and all of these materials in a timely manner.
- 1.7) Setback (including roof overhang, patio, or porch.) shall comply with Caldwell County requirements. Lots shall also comply with Duke Shoreline Management 50ft setback requirement from the waterfront. (see II.2.2)
- Off Water lots will have 25 foot setbacks from all lot lines and right-of-ways.
  - Waterfront lots will have 20 foot side setbacks from the lot lines and right-of-ways.
  - Waterfront lots will have setbacks from the water determined by the county zoning ordinance.
  - Waterfront lots will have 25 foot front setbacks from the lot line and right-of-way.

Request for a variance to the ARC Guidelines/decisions can be made directly to the ARC in writing. This includes requesting a setback variance for lots that it can be demonstrated have challenging areas that would require unreasonable costs to build a house.

## **2) Shoreline Guidelines**

- 2.1) Property owners shall comply with the requirements and restrictions for Duke Shoreline Management which monitors shoreline activities. They must also comply with all the requirements set forth in the ARC Guidelines.
- 2.2) The ARC will refer to the Duke Shoreline Management Plan document, which is subject to change. Any activity along the shoreline or lake bottom (i.e. Piers, Rip-Rap, dredging, etc.) must also be submitted in writing and approved by the ARC. Failure to do so will result in a fine. Also, the property owner is required to notify the ARC before the start of construction activity along the shoreline or the lake bottom.
- 2.3) Lot owners shall:
- Obtain a copy of Duke's Shoreline Management Plan (SMP). Section 4 – Private Facilities Program pg. C-46 through 54 addresses docks. Section 8 Vegetation Management Requirements pg. C-81 through 85 addresses lot clearing.
  - Obtain a permit for dock construction, dock renovation, shoreline stabilization, vegetation removal, or dredging.
  - All lot owners shall be responsible for obtaining all required permits for shoreline construction and the ARC requires copies of all the permits received from Duke prior to the commencement of construction.

- Violation of Duke's SMP may result in permanent loss of property owner's Dock Permit.
- All lot owners shall obtain a Caldwell County building permit before constructing a dock.

**Current Point of Contact at Duke:**

Duke SMP (1-800-443-5193)

[www.duke-energy.com/community/lakes/services/cw-shoreline-management-plan](http://www.duke-energy.com/community/lakes/services/cw-shoreline-management-plan)

Please note that the Duke contact information is subject to change at any time and each lot owner shall be responsible for contacting the appropriate party at Duke to ensure compliance.

- 2.4) Property owners shall comply with the Caldwell County Zoning Ordinance. They must also comply with all the requirements set forth in the ARC Guidelines.
- 2.5) The ARC will refer to the Duke's Shoreline Management Plan and Caldwell County Zoning. Caldwell County Zoning defers to NC Division of Water Quality riparian buffer rules for the Catawba river and main-stem lakes, which is subject to change, regarding any work within the 50 ft. buffer from full pond. Any activity within the buffer must also be submitted in writing and approved by the ARC. Failure to do so will result in a fine. Also, the property owner is required to notify the ARC before the start of any activity within the 50 ft. buffer.

**3) Building Standards**

Building standards are intended to maintain a quality community. If the placement or design of your home or improvement project cannot meet all the building standards, you may request a variance

- 3.1) The exterior of the home should be completed within twelve (12) months of the date of commencement. The ARC must be notified when home construction and required landscaping is completed. The ARC will then conduct a final construction inspection which is required in order to receive a return of the Surety Deposit.
- 3.2) New homes constructed within the community must be stick built only; provided, other construction materials may be used with the approval of the ARC. Manufactured homes (i.e., but not limited to single, double, or triple wide mobile homes, modular, pre-manufactured, or off-site built.) are not allowed within the community. Approved modular only homes such as "Timber Block Homes" may be approved by the ARC subject to conformance with the Guidelines.
- 3.3) Lot owners shall place an erosion control silt fence along the lakeshore setback before construction begins. A silt fence should also be placed along the adjacent property lines to prevent water runoff, mud, and debris from spilling onto lots, creeks.

- 3.4) After lot preparation and prior to beginning construction, the lots must be maintained, a dumpster and a portable toilet, located on the lot is required. The property should be cleared of debris at the end of each day. Debris should not be allowed to “blow” into neighbor’s lots.
- 3.5) Burning of construction debris, including, but not limited to trees, branches, brush and stumps is not permitted at any time.
- 3.6) No building materials are to be unloaded or stored in the road or road right-of-ways.
- 3.7) All homes constructed within the development must be a minimum of 1,600-SF for waterfront lots and 1,400 SF for non-waterfront, heated living areas exclusive of garages deck, porches, unfinished basement, and unfinished bonus rooms.
- 3.8) Maximum height above ground should not exceed 2 ½ stories. The ARC shall have the right to approve the final height of any structure as a part of the review process.
- 3.9) On each Parcel, there may be constructed no more than one detached building, which shall be constructed in the same style and manner of the primary Dwelling with regard to siding, style and roof color. Guest quarters shall be permitted above the detached building.
- 3.10) Foundations should be solid brick or stone covered block, stucco or parge coated.
- 3.11) Landscaping must be installed around the foundation of the house. All areas exposed during construction must be covered by grass, mulch or plant material.
- 3.12) Chimneys should be faced with a material to complement the house.
- 3.13) Roofs over the main structure should be at least an 8.5 pitch; minimum 30 yr. architectural shingles required, unless otherwise approved.
- 3.14) Exterior materials shall be submitted to the ARC for approval. The ARC reserves the right to require samples of exterior materials. Vinyl may not be used for the horizontal siding although “Hardy Plank” type siding and vinyl coated aluminum siding used in the soffits of a home may be used subject to ARC approval.
- 3.15) Garages and Driveways:
  - Garage doors must be installed.
  - Driveways must be finished hard surface material consisting of concrete, asphalt, brick or stone, exposed aggregate concrete, or other approved material for any lot over 3 acres.
- 3.16) Decks and porches should be designed to blend with the style and material of the house.

- 3.17) Visible antenna towers are not allowed.
- 3.18) Window air conditioning units for use in newly constructed residential homes are prohibited.
- 3.19) Satellite dishes must be installed in an unobtrusive location, preferable not visible from the lake or right-of-way.
- 3.20) Retaining walls and fences must blend with the style of the house and compliment neighboring properties. Chain link fencing is not allowed
- 3.21) No above ground pools shall be allowed.
- 3.22) Deck and porches, to include steps, must be constructed of material such to blend with the general style of the house.
- 3.23) All lots must be graded as to not divert water both natural and construction related directly onto or towards adjoining properties to result in said properties receiving drainage from the newly graded lots unless the pre-clearing conditions already have a natural flow to said lots, if so the ARC should be notified to verify current lot conditions.
- 3.24) Bay windows shall be carried down to grade or visual support of any cantilevered condition must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.
- 3.25) All exterior downpipes (except copper downpipes) shall blend with the color of the exterior walls of the residence.
- 3.26) All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric meters and main fuse boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved Landscape improvements and/or screening.
- 3.27) Windows shall generally be the same type and style all around the house. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted. Wood windows are preferred; however, vinyl windows will be considered, provided the style and profile are visually similar to wood windows. Unless specifically waived in writing by the ARC, all windows and doors shall have caps or soldier course brick jack arches, wood caps or other approve decorative treatment, and no running bond brick will be permitted over and door or window of any elevation. No window casing, door casing or decorative treatment shall directly abut the surrounding siding materials, or any frieze board and framing shall be used to surround all such casings.
- 3.28) All heating, ventilating, and air conditioning units, utility meters, electric utility transformers boxes, swimming pool pumps equipment, permitted satellite's or

microwave dishes and similar equipment, apparatus and fixtures on each lot, including all refuse containers stored outdoors, must be screened from view from streets and from neighboring lots. Plants used as screening should be maintained by the lot owner so that the equipment, apparatus or fixture being screened is accessible (where ever possible) by service personnel and/or meter readers.

### **III) Architectural Review Approval Process**

The ARC will only address approval requests from property owners in good standing with the WCHOA (i.e., compliance with covenants and assessments). The following are the steps that must be taken before any construction is commenced and after completing new construction at the Waterfront Club Subdivision. Contact the ARC with any questions as needed.

#### **Step 1- Design and Construction Document Approval**

Submit the following to the ARC:

- A complete set of house plans (blue-prints). An electronic copy is preferred. Such plans shall include, at a minimum, the following information:
  - (a) Front, rear and side elevation drawings, showing roof pitch;
  - (b) Depictions of the use of exterior materials on the home;
  - (c) Floor plans with Square foot calculations.
- An overhead site plan detailing the location of the home and the location of items, such as driveway, well pump, septic area, outbuilding, landscaping, lighting, tree removal, etc.
- A complete preliminary design checklist (Form 1).
- A check for \$1,500.00 payable to WCHOA for the Surety Deposit, of which up to \$1,500.00 is refundable upon meeting all ARC requirements, subject to deduction under Step 3 below.
- A second check for \$150.00 (non-refundable) payable to WCHOA for the review and document approval process.

The ARC will notify you via email and/or mail of ARC construction document of approval. Unless earlier approval is given, no work is allowed during the 30-day period that ARC has to review the plans.

The ARC may request additional samples, pictures or drawings for the approval process.

#### **Step 2: Stake out**

Notify the ARC when the lot has been flagged for clearing and the house has been staked on the lot. The area of the parking pad and driveway should also be flagged. Only trees within the flagged areas are approved for removal. The removal of trees outside the flagged areas, without prior approval, is a violation. This violation can result in a fine and require the replacement of the trees removed.

### **Step 3: Notify the ARC upon construction completion**

Property owners must notify the ARC, when construction is complete, this includes all required landscaping. The ARC will conduct a Final Construction Inspection which will review the completed construction and verify pre, during, and post-construction compliance with the design plans submitted and approved, and all Covenants and the architectural requirements. Upon ARC notification to the Board that the final construction is fully compliant, the Board will refund the Surety Deposit/Road Bond, less and deductions required to correct out of compliance issues, site deficiencies or damage to community property. Deficiencies/damages must be corrected within sixty days. The deposit will be withheld until all the work is completed.

### **IV) Construction Rules**

- 1) These construction rules shall apply to all lot owners and their builders, and any reference herein to an owner shall also apply to the owner's builders and subcontractors.
- 2) All construction activities must be conducted, and all deliveries must be made between 7:00am - 8:00pm Monday through Saturday; provided, however, no construction activities shall be conducted, and no deliveries shall be made on July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas Day and New Year's Day. Any construction activities conducted or access to Waterfront Club other than during the foregoing hours must be scheduled with the ARC at least twenty-four hours in advance and must be approved by the ARC in writing. No loud radios or distracting noised (other than normal construction noise) will be allowed within the community during construction. Use of radios at reasonable sound levels (to be determined by the Board of Directors of the WCHOA at is sole discretion) are acceptable. Radio and stereo speakers shall not be mounted on vehicles outside of homes under construction.
- 3) In order to maintain a neat and orderly appearance at all time throughout Waterfront Club, the following rubbish and debris rules must be strictly followed.
  - At the end of each day on which work occurs on the lot, all lightweight, blow able construction debris, such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a silt fence pen or other approved containment device on the lot.
  - At the end of each Friday, non-blowable construction debris, such as wood scrap, shingles, brick-bands, brick and masonry blocks, must be gathered into a least one but not more than five neat piles.



- Within the last three (3) days of every month, all debris must be taken off the lot and out of Waterfront Club, leaving the pens and lot free of debris.
- 4) Burning and burial of construction debris or vegetation is prohibited.
  - 5) Silt fence and/or other devices for sedimentation control shall be installed where necessary or as directed by the ARC.
  - 6) No construction materials, equipment or debris of any kind may be stored on any street, curb, or on any adjacent lots or otherwise than in the locations approved by the ARC.
  - 7) All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (truck, vans, cars, trailers construction equipment, etc.) may be left parked on any streets within Waterfront Club overnight. Construction vehicles may be left on a lot overnight only if additional use of the vehicle will be made within the following three days.

#### **V) Periodic Inspection**

The ARC will periodically conduct community-wide appearance inspection to ensure the properties, existing homes and structure comply with ARC Guidelines. Homeowners receiving notification of non-compliance with ARC requirements have 30 days to correct any deficiencies and to provide evidence of such correction to the ARC. Each lot owner acknowledges that in the event of a failure to comply with the ARC Guidelines, in addition to any remedies described in the CCR's, the WCHOA may seek injunctive relief to enjoin or correct any non-compliance, it being understood that monetary damages may not be an adequate remedy to prevent harm to the community and its other owners. Questions concerning actions to comply with ARC guidance may be directed to the Board of Directors of the WCHOA.