



Kenmure

RULES

AND

POLICIES

FOR

CONSTRUCTION

AND **ALTERATIONS** TO

SINGLE FAMILY DWELLINGS

**KENMURE PROPERTY
OWNERS ASSOCIATION (KPOA)**

**KENMURE ARCHITECTURAL
REVIEW COMMITTEE (KARC)**

Revised by KARC July 20, 2014

Approved by KPOA August 1, 2014

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NOTE:

1. Items in these Rules and Policies "italicized", & included at the beginning of each Section, are verbatim quotes from the AMENDED AND RESTATED - DECLARATION OF RESTRICTIVE COVENANTS – GOVERNING KENMURE - A PLANNED COMMUNITY - HENDERSON COUNTY, NORTH CAROLINA as approved 31 October 2002 and amended December 2004.
2. Items in these Rules and Policies “underlined”, and included after item #1 above, are verbatim quotes from the KPOA Rules and Regulations, with the date of latest KPOA approval noted at the end of the insert.
3. All other items in these Rules and Policies are Operating Committee additions to provide guidance to general contractors and property owners and to assist Operating Committees in providing consistency in decisions.

I. KPOA Committee Responsibilities

3. A. THE KENMURE PROPERTY OWNERS ASSOCIATION

[The following italicized items are applicable excerpts from the Declaration.]

The Association is a non-profit corporation as defined in the Act, G.S. 47F-3-101, organized to further and promote the common interests of Kenmure property owners, manage and maintain the Road Systems and other Common Elements in Kenmure, and manage the services for which it is responsible under this Declaration.

3. C. ROAD MAINTENANCE COMMITTEE:

The Road Maintenance Committee (herein the “RMC”) shall be a Permanent Committee of the KPOA and shall consist of Board members of the KPOA and Members who will have primary responsibility for road surfaces, shoulders, drainage, rights-of-way, signs, road markings and striping, and speed attenuation devices owned or controlled by the Association (the “Road Systems”). The KPOA Board shall appoint the Chairman of the RMC and shall appoint Directors and members to perform the duties outlined in the RMC Policies and Procedures, the Rules and Regulations of the Association and the Bylaws of the Association as they relate to the road system. The KPOA Board retains the right to appoint all members of the RMC, who shall serve at the discretion of the KPOA Board.

3. D. SECURITY COMMITTEE:

The Security Committee (herein the “SC”) shall be a Permanent Committee of the KPOA and shall consist of Board members of the KPOA and Members who will have primary responsibility for the security function for Kenmure, including the security facilities, personnel and policies and procedures related thereto. The KPOA Board shall appoint the Chairman of the SC and members to perform the duties outlined in the Policies and Procedures, the Rules and Regulations of the Association and the Bylaws of the Association as they relate to the security systems. The KPOA Board retains the right to appoint all members of the SC, who shall serve at the discretion of the KPOA Board.

7. A. KENMURE ARCHITECTURAL REVIEW COMMITTEE:

The Kenmure Architectural Review Committee (herein the “KARC”) shall review all construction, and improvements or modifications thereto, on any residential lot or family dwelling unit and make recommendation as to approval or disapproval to the KPOA. The KPOA Board retains the right to appoint all members of the KARC, who shall serve at the discretion of the KPOA Board. The KPOA shall have power to levy fees and charges payable by the builder or property owner for the service provided by the KARC and to require deposits to insure that construction and landscaping plans are completed as approved. The KPOA shall also have the power

to promulgate and enforce all reasonable and necessary rules and regulations in this regard and levy appropriate fines.

KARC Mission, Organization, Authority and Recommendations:

1. Wherever reference is made to either Kenmure Properties Owners Association or KPOA, only the Board of KPOA is permitted to make decisions or interpretations concerning these Rules and Policies and/or Declaration excerpts. Wherever reference is made to KARC, RMC, or SC only the Chairperson of the appropriate Committee is permitted to make decisions or interpretations concerning these Rules and Policies.
2. The KARC's mission is to keep Kenmure aesthetically pleasing, thus enhancing homeowner property values. The KPOA retains the right to appoint the Chairperson of the KARC who shall serve at the discretion of the KPOA. Normally, member terms will be for three years and members/Chairperson may be reappointed. The KPOA has delegated its construction related authorities to KARC. Contractors & Lot Owners should contact KARC for all construction & alteration issues.
3. KARC's role is limited to the aesthetics of the exterior of new houses and alterations to existing houses or second structures, along with any and all changes to landscaping, trees, and other exterior modifications as outlined in these Rules and Policies. KARC is specifically not responsible for engineering, construction quality, or other technical aspects on new houses or renovations.
4. KARC does not suggest or recommend the acceptability of any one General Contractor over any other, except said contractor must be:
 - a. Licensed, to at least the "Intermediate" level, in the State of North Carolina,
 - b. A firm or entity that obtains their income primarily from construction of single family dwellings of the type which the contractor is to perform, and
 - c. Approved by KARC prior to start of construction.
5. KARC does not recommend or take responsibility for any of the terms and conditions of any arrangements between the property owner and the general contractor selected for construction of the home, notwithstanding the approvals that are necessary from KARC. However, KARC does recommend that:
 - a. Lot Owner does obtain a written contract from the contractor, defining the terms and conditions for construction of the home on the owner's property. KARC strongly recommends that property owners seek advice of competent counsel in the preparation of the contract.
 - b. Although not required, an architect licensed in North Carolina,
 - c. Property Owner's should obtain an All Risk policy to protect all interests adequately and to cover the home during construction and subsequent to completion of construction, so that the property owner will be adequately covered for all types of contingencies and liabilities.
 - d. A pressure regulator be installed at the main water entry to the house due to large potential variations in water pressure within Kenmure. Houses at

higher elevations should consider a supplemental pump and reservoir to insure adequate pressure at all times.

- e. Given the very high incidence of excessive radon in this area, radon testing is recommended, with mitigation systems installed where appropriate.
- f. In the event of a serious injury on the construction site, **first call 911**; then, call the Kenmure Gate (692-8104) and request a trained CPR person.
- g. Fireplace and fires rules will be inserted here, once approved.
- h. An automatic water shutoff system is recommended for those who intend to spend long or frequent times away from their Kenmure home.

II. NEW HOUSES

II. A. GENERAL CONTRACTORS - NEW TO KENMURE

7. E. CONTRACTOR APPROVAL:

Any contractor must be approved by the KPOA prior to performing any work within Kenmure. No person, firm or entity shall be approved as a contractor unless such person, firm or entity obtains his income primarily from construction or landscaping of the type which the contractor is to perform and is licensed by the State of North Carolina for his services. No Lot Owner will be permitted to act as his own builder for the exterior of any structure, except where such Lot Owner obtains his income primarily from the construction of the type of structure to be constructed and otherwise as a licensed service provider meets the qualifications for approval by the KPOA.

Rule:

1. Contractors new to Kenmure must accept the provisions for building in Kenmure as outlined in the:
 - a. General Contractor/Landscaper Information Sheet (Form NGC 1)
 - b. Other reasonable terms and conditions that KARC may require.
2. The General Contractor must accept these provisions in writing prior to final KARC approval of new house plans.
3. General contractors may use only licensed sub-contractors to perform work.

II. B. 1. PRECONSTRUCTION –

7. B. PLANS AND SPECIFICATIONS:

No family dwelling unit, garage, fence, wall, swimming pool or other structure shall be commenced, erected or maintained upon any lot in Kenmure; nor shall any exterior addition to any existing structure or change or alteration therein, nor shall any landscaping or site work be done until complete final plans and specifications show the nature, kind, shape, height, materials, basic exterior finishes and colors, location and floor plan therefor, and showing front, side and rear elevations thereof, the name of the contractor, septic tank contractor and landscaper have been submitted to and approved by the KARC, as to harmony of exterior design and general quality with the standards of Kenmure, and as to location in relation to surrounding structures and topography.

7.C. SITE PLAN:

Prior to the construction of any structure, a site plan to scale must be submitted on a topographic map which shows the location of the house, septic tank, drain field, all drives, walks and parking areas, with each clearly indicated. Prior to any physical disturbance of the site, special and/or irreplaceable features are to be identified and provisions for their protection clearly established. This includes large and/or specimen trees, rock outcroppings, springs and streams, and concentrations of azaleas, rhododendrons, and other shrubs and wild flowers.

7. D. APPROVAL PROCESS:

Refusal or approval of plans, specifications, contractor, septic system contractor and landscaper, or location of any structure may be based upon any grounds including purely aesthetic considerations, which at the sole discretion of the KPOA shall be deemed sufficient. In the event that the KPOA fails to approve or to disapprove any application within thirty (30) days after submission of all information and materials reasonably requested, the application shall be deemed approved. However, no approval, whether expressly granted or deemed granted pursuant to the foregoing shall be inconsistent with this Declaration unless a variance has been granted in writing by the KPOA.

8. BUILDING SIZE:

No structure except as herein provided, shall be erected, altered, placed or permitted to remain on any Lot other than one (1) Single-Family Detached Dwelling not exceeding two (2) stories in height above the basement, with a minimum requirement of at least a two (2) car garage which may be attached or unattached. The main building shall contain a minimum of 2,200 square feet of living space for a one story dwelling. All two-story Family Dwelling Units shall contain a minimum of 1,900 square feet of enclosed living space for the main floor, with a total minimum of 3,000 square feet of enclosed living space. (see below) Garages, porches, patios, greenhouses, unfinished basements, cellars, or similar areas shall not be considered floor space in meeting the above requirements. One accessory building may include a private garage and/or*

*servants' quarters, providing the use of such accessory building does not overcrowd the site and; provided further, that such building is not used for any activity normally conducted as a commercial, industrial or religious activity. Such accessory building may not be constructed prior to the construction of the main Family Dwelling Unit. Each Family Dwelling Unit must have sufficient enclosed garage space for any and all family cars. No carports are permitted. The size and carport restrictions do not apply to condominium units or The Cottages of Kenmure as shown on Plat Slide 3516, Henderson County Registry and additional plats designated "The Cottages of Kenmure" as recorded in the Henderson County Registry. * Minimum enclosed square footage calculations are taken from inside of exterior framed walls of conditioned living space. This rule supersedes ANSI standards of dimensioning to the outside of exterior framed walls. Please provide notation on plans stating the enclosed conditioned interior square footage of each floor and totals of all conditioned interior square footage.*

9. SETBACKS:

*All front setbacks for buildings in Kenmure shall be a minimum of 50 feet (see * below), side and rear setbacks shall be a minimum of 35 feet, except for Phase V properties, where the front setback for buildings from the Lot line shall be a minimum of 30 feet, side and rear setbacks shall be a minimum of 25 feet. Relief from said building setback lines may be given by the KPOA, acting through the KARC, to any Lot Owner upon a showing of extraordinary circumstances by said Lot Owner. Such extraordinary circumstances may include unusual topography, Lot shape, frontages and also potential views to give property owners the fullest enjoyment of their Lots. In order to assure, however, that location of houses will be staggered where practical and appropriate so that the maximum amount of view and privacy will be available to each house, that the structures will be located with regard to the ecological constraints and topography of each Lot, taking into consideration topography, the location of large trees and similar considerations, the KPOA, acting through the KARC, reserves the right to control absolutely the precise site and location of any residential unit or other structure upon all Lots. Provided, however, that such location shall be determined only after reasonable opportunity is afforded the Lot Owner to recommend a specific site. *Village of Flat Rock requires minimum of 50' from road edge*

10. EXTERIOR CONSTRUCTION:

The exterior of all houses and other structures as well as site work and landscaping must be completed within sixteen (16) months after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the Lot Owner due to strikes, fire, national emergency or natural calamities. Normally, the construction start date will be the date the Village of Flat Rock and/or Henderson County issues a construction permit. In addition, a landscaping plan and driveway surfacing plan, with firm completion dates, must also be approved. Residential units and other dwelling structures may not be occupied until the exterior thereof has been completed. If the exterior is not completed within sixteen (16) months without the prior written approval of KARC, the Lot Owner shall, after notice and opportunity to be heard, be liable for fines as provided in Section 47F-3-102 (12) of the Act.

Associated KPOA Rules & Regulations

(KARC-06) Construction Approval

Kenmure Architectural Review Committee (KARC) shall approve, in advance and in writing, all construction and exterior building alterations. The Kenmure Road Maintenance Committee (KRMC) shall approve, in advance and in writing, all alterations to rights-of-way.

Driveway/Entrance rules and standards

- **Entrance lights**-Driveway entrance light posts and/or lights must be located a minimum of 10 feet from the edge of the road surface and must be shown on the site plan.
- **Curbs or impediments**-No driveway curbing, large rocks, culvert headers, or other impediments may be placed in the right-of-way as part of the driveway construction or landscaping. Driveway curbing cannot be within 24 inches of the road.
- **Culverts**-Every driveway access shall use a size 15-inch diameter culvert under the driveway at a location specified by the RMC, with a minimum length of 20 feet of corrugated metal pipe or H20 loading double-wall plastic pipe, unless otherwise noted on the approved site plan. It is also the owner's responsibility to keep the culvert clean of leaves and other debris.
- **Mud Mats**-The contractor must install a gravel mud mat and gravel driveway as soon as the driveway is cut. An adequate level of gravel must be kept on the mud mat during construction to keep mud off the roadway. The gravel shall be 2 ½ aggregate or larger at the mud mat. If mud is tracked onto the roadway, the contractor shall remove it by the end of the workday.

Drainage rules and standards

- **Drainage ditch**-All lots at or above the grade of the road must have a drainage ditch constructed by the contractor along the front of the property line to allow water to drain off of the right-of-way. Corrective measures must also be utilized to prevent the flow of mud or silt or other debris onto either the roadway or adjoining properties.
- **Lot drainage**-The contractor and the property owner are responsible for constructing the home in such a way that drainage from the lot, and from the road and unpaved right-of-way, does not adversely affect the owner's property, the road and unpaved right-of-way, or any adjacent property. The contractor shall consider the natural flow of water from the owner's lot, from the road, and along the unpaved right-of-way when designing the home location on the lot, installing the driveway, and constructing other structures near the right-of-way.
- **Drainage responsibility**-The KPOA does not assume any responsibility for owner, architect, or contractor failure to properly or adequately address drainage issues at the home site. Where no drainage problems existed prior to the building of a home, neither KARC nor KRMC is responsible for correcting drainage problems created by construction or which appear after the home is completed.
- **Structures to prevent damage from water flow**-Where the natural flow of water from the lot, or from the road and along the unpaved right-of-way, would be altered by home and driveway construction, the contractor and the property owner are responsible for installing culverts, ditches, driveway curbing, and other structures to prevent that flow of water from

damaging the road, the unpaved right-of-way, or adjacent properties, including the owner's property.

Construction parking rules and procedures for use of right-of-way

- **Parking location-** Parking by the contractor and all sub-contractors must be accommodated on the lot. If overflow parking is required on the right-of-way, the KRMC must first be contacted for approval. KRMC will designate where parking will be allowed. Both traffic lanes must be open at all times.
- **Damage repairs-** Any ruts created by parking on the right-of-way must be filled in, raked, seeded, and covered with straw prior to return of the refundable deposit or remaining portion thereof. Any damage to asphalt road surface is the responsibility of the contractor and will be either repaired by the contractor to KRMC specifications, or arrangements made to pay the KPOA through the KRMC for the estimated cost or repairs.
- **Construction equipment placement-** Except as permitted by KARC, construction equipment, building materials, and portable toilets are prohibited on the right-of-way and must be placed on the lot. Construction vehicles, including trailers, may not be parked on the right-of-way outside of authorized contractor working hours. Dumpsters must be placed a minimum of 10 feet from the edge of the road pavement.
- **Parking Regulations-** Construction parking must follow KPOA General Parking Regulations listed in the Kenmure Security section of this document.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

(KARC-02) Residential Building - PART A

General Construction

Uniform construction standards apply to all homes being built in Kenmure. These standards are detailed in this section.

Building materials-Log cabins are not permitted. Exterior wall materials must be predominately natural wood, cement plank, stone, brick, or stucco. Synthetic, cultured, or prefabricated stone and certain precast concrete materials may be used as accents on exterior surface areas. Vinyl or aluminum siding will not be permitted. Roofs constructed of metal material will not be permitted.

Exterior colors-Exterior house colors should be moderate and compatible with the forest setting. Stark white, off-white, and pastel colors will not be approved.

Roof attachments-Roof stacks, sheet metal flashing, metal chimneys, and plumbing vents should be painted to match roof color (except if copper or lead) and shall be located on roof slopes away from main streets. All fireplace vents, furnace stacks and other roof penetrations 4" in diameter and larger shall be disclosed on the elevation drawings for review by the KARC.

Roof Pitch-The pitch of a roof should not be less than 6 inches vertically in 12 inches horizontally (6/12), unless there are special design considerations which KARC concludes would justify slightly less pitch. . However, any pitches on 3/12 or less roofs may not use shingles unless ice/water underlayment is installed.

Attached structures-All decks, posts, rails, and similar attached structures shall be painted or stained to match the exterior color or trim of the house.

Concrete surfaces-All exterior surfaces of poured or precast concrete foundations and retaining walls shall be covered with stucco, brick, stone, textured concrete, or other KARC approved material..

Similar Architectural Designs-Identical or nearly identical houses will not be permitted within the lesser of line of sight or one-quarter mile from each other.

Adjacent or Attached Structures-In an effort to maintain the attractiveness of the community and to address the concerns of neighboring properties, KARC has established standards for adjacent or attached structures to the dwelling.

Driveways and outside equipment-All driveways and parking areas must be paved with asphalt or concrete paving, unless the KARC in writing approves another paving material before construction begins. All play equipment shall be placed so that it is not visible from any street. Tree houses are considered separate structures requiring KARC approval. Outside clotheslines should not be visible from any street or neighboring family dwelling unit.

Electrical requirement-Each house must have a minimum 200 AMP electric service supplied by Duke Energy or its successor who normally supplies electric service to Kenmure.

Screening requirements-All window air conditioning units must be screened from roads and from neighboring lots. Compressor units shall be ground mounted. Approved fencing or plantings can screen compressor units. Fencing of any kind or purpose shall be submitted to the KARC for approval and specific conditions apply. Please see Fencing Rules KARC-03. Firewood shall not be stored in front yards and shall be shielded from view from adjacent lots.

Dams for streams-KARC may permit construction of dams on existing streams as long as the dam does not exceed 12” in height from the original stream bed, and no water flow control measures are installed. No applications for a dam will be approved by KARC unless accompanied by written approvals from the Army Corps of Engineers and the North Carolina Department of Natural Resources.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

KARC Rules:

1. The Property Owner/General Contractor must submit the following to KARC at least 5 calendar days in advance of a regularly scheduled KARC Committee meeting (1st and 3rd Wednesdays of each month) and prior to desiring a Building Permit:
 - a. One (1) set of plans (at ¼” = 1’0” scale) including site plan, floor plans, elevations, special features and all proposed improvements. All submitted drawings shall be certified by a registered architect and notated that the drawings are designed for the property owner and a specific Kenmure site, as well as having the owners name on the plans.
 - b. The site plan shall include, in addition to items noted in the Declaration 7.C., the following: lot lines, set backs, adjacent streets, existing and new culvert pipes (with size), location of new and existing drainage ditches, and erosion control measures proposed during construction. Every driveway access shall use a minimum of twenty feet of corrugated metal pipe (fifteen inches diameter minimum) unless otherwise noted on the approved site plan. Because all

homeowners share the expense of roadway maintenance, it is the responsibility of each property owner to restore the road right-of-way in such a way to minimize the impact to the ROW as well as adjacent properties.

- c. "Home Design Application" (Form NH1), including:
 - a. site & architectural plan checklist
 - b. house exterior materials & color samples on the actual building material
 - c. changes during construction limitations
 - d. checks for fees and Forms NH 3 & NH 5.
 - e. approved Village/County Zoning Permits, Building Permits, Henderson County Septic Permit, Henderson County Sketch Plan Review Application, and any other required Government forms.
2. Submittals received in compliance with the requirements above shall be reviewed by KARC and RMC. Comments and recommendations on the submittal will be communicated to the Property Owner/General Contractor.
3. After resolution of any and all comments and recommendations, the Property Owner and/or General Contractor will stake the footprint of the house (including decks & patios) along with the driveway, septic field, and parking area. This will be done through staking, marking trees to be removed with spray paint, ribbons, etc. The Property Owner will notify KARC and an on-site inspection will be made. Agreement between KARC and the Property Owner/General Contractor will be reached on trees, flowering plants, etc. to be removed. No other trees or flowering plants may be removed in the building process unless agreement is reached with KARC. KARC will make a photographic record of the original conditions.
4. Next, the Property Owner, General Contractor, KARC representative, and RMC representative will meet at the Lot to review all aspects of the Building Permit, and other applicable parts of the Rules and Policies for Construction and Alterations to Single Family Homes, prior to approval of the Building Permit. Both the Property Owner and General Contractor must sign the Building Permit & Home Design Application. Approval to build will not be provided until all signatures are in place. In the event that a Lot Owner or General Contractor can not be present for this review, an affidavit from a Notary Public certifying that the respective person(s) have signed forms (NH 1 & NH 2) must be presented.
5. KARC will issue a "Kenmure Building Permit" (Form NH 2) if all the above are approved.
6. KARC will notify Common Grounds Committee that the house has been approved for construction and that they might wish to use plants, trees or shrubs within the footprinted house/driveway area for Kenmure common areas, providing the Property Owner agrees and that removal for replanting will not impede construction.
7. No cutting of trees, clearing, ditching, storing of materials, construction or other such work shall begin on any homesite until the Property Owner/General Contractor has received an approved Home Design Approval Form and a Building Permit issued by KARC. Excepted therefrom, are topographic surveys, the marking of trees and special features and the preliminary staking of the proposed septic/drain field, home site, parking areas, and driveways.

8. In the absence of specific building plans which have been approved by the KARC, removal of trees on vacant lots will not be permitted without approval of KARC and any such removal will be subject to assessments or fines as detailed in the Declaration & elsewhere in these Rules and Policies.
9. All statutory ordinances, rules and regulations of the state of North Carolina, Henderson County and the Village of Flat Rock (as applicable) shall be adhered to in the planning, design, and construction of each new house, addition to an existing house, or other permitted accessory structure on any lot.

[The Village of Flat Rock Land Development Ordinance (Section 606) states the following: "Prior to any excavation or filling of any lot or the erection, construction, relocation, removal, enlargement or other alteration of any building or structure on a lot, a property owner shall obtain a certificate of zoning compliance from the Zoning Administrator for such work. The Zoning Administrator may withhold the issuance of a certificate of zoning compliance for excavation or construction begun before the certificate is issued and that does not comply with the requirements of this ordinance. Civil penalties may apply under Section 1509 and shall, when owed, be paid in full prior to the release of the certificate of zoning compliance". This ordinance applies to both new houses and to alterations to existing houses built north of Pinnacle Mountain Road.

Henderson County Land Development Code Paragraph 200A-362 outlines the Zoning Permit and Building Permit required for new houses and to alterations to existing houses built south of Pinnacle Mountain Road.

All Kenmure lots are subject to the land disturbing ordinance of more than 100 square feet of land and must submit a Henderson County Sketch Plan Review Application Form to the Erosion Control Division for approval of any such land disturbance, prior to requesting the applicable change from KARC.]

10. While Declaration Section 8 states that KARC has the right to grant setback variances, the Village of Flat Rock ordinance requires that all houses north of Pinnacle Peak Road first obtain a variance from the Village.

NOTE: The above rules must also be met for additions to existing residences or second structures that exceed 800 square feet of conditioned interior space. Additions or second structures less than 800 square feet must submit Form NEH4 to KARC.

II. C. 1. CONSTRUCTION – GENERAL

1. BUILDING REQUIREMENTS:

No decorative features such as sculptures, birdbaths, birdhouses, fountains or other embellishments shall be permitted that are visible from any street unless approved by the KARC.

2. TEMPORARY STRUCTURES:

No structure of a temporary character shall be placed upon any portion of Kenmure at any time; provided, however, that this prohibition shall not apply to shelters used by contractors during the construction of any Family Dwelling Unit. Temporary shelters, including mobile homes, trailers, recreational vehicles, and tents, may not, at any time, be used as a temporary or permanent residence or be permitted to remain on any portion of Kenmure after completion of construction thereon as hereinabove provided. Basements or partially complete houses will be considered temporary and may not be inhabited.

3. TREES:

No flowering trees, shrubs, or evergreens of any size, or trees measuring six (6) inches or more in diameter at a point two (2) feet above ground level, may be removed without the prior written approval of the KARC, unless located within twenty (20) feet of the building, or within ten (10) feet of the right-of-way of driveways and walkways. Excepted here from shall be damaged trees, or trees which must be removed because of any emergency. However, should a Lot Owner remove any tree or vegetation as herein provided without the above-described written approval, or negligently or intentionally damage any tree or vegetation as herein provided, said Lot Owner shall, after notice and opportunity to be heard, be liable to the KPOA for an assessment in the amount of Fifteen Hundred Dollars (\$1,500) for each tree or other plant removed or be liable for fines as provided in Section 47F-3-102 (12) of the Act.

4. SEWER AND WATER:

Prior to the occupancy of any Family Dwelling Unit, proper and suitable provisions shall be made for the disposal of sewage by means of a septic system, and no sewage shall be emptied or discharged into any creek, lake or shoreline thereof, or upon the open ground. No sewage disposal system shall be used unless such system is designed, located, constructed and maintained in accordance with the requirements, standards and recommendations of the State Board of Health or its successor governmental authority. Each septic system shall be maintained in good condition so that its use and existence shall not constitute a nuisance to any other Lot Owner. Approval of such system shall be obtained from the health authority having jurisdiction. In the event that the KPOA, its successors or assigns, or other person, firm corporation, or governmental authority provides a public sewage disposal system available to the subdivision's lots, any Lot Owner whose Lot has such service available shall be required to hook up to said system on the terms generally

arranged for said system. Every Family Dwelling Unit shall have permanent plumbing and running water and a permanent sewage disposal system. No temporary plumbing, water, or sewage systems are allowed.

5. STORAGE TANKS:

Fuel storage receptacles may not be exposed to view and must be installed, either within an accessory building or buried underground. Bottled gas, with the exception of gas grills, is not permitted.

6. TRASH:

Each Lot Owner shall provide sanitary containers for garbage and all garbage receptacles, tools and equipment for use by the Lot Owner or otherwise shall be placed in a fenced enclosure to shield same from general visibility from roads abutting the Lot Owner's property, and also from neighboring properties. Trash, garbage and other waste shall be kept in said sanitary containers. No trash, garbage, construction debris or other unsightly or offensive material shall be placed upon any portion of Kenmure, except as temporary and incidental to bona fide improvements of said area of Kenmure.

7. ANTENNAE AND THE LIKE:

All utilities, wires, cables, antennae (including television satellite receptacles) and the like, of any kind (such as telephone, electrical, television, radio and citizens band radio) must be placed underground or within or upon the house so as not to be visible from the street or adjoining Lots, except as may be expressly permitted by FCC regulation or approved in writing by the KPOA.

8. WATER COURSES:

No lake, pond or other water retention basin shall be constructed, nor shall the course of any stream be changed, nor any culverts installed in any stream without prior written approval of the KPOA.

9. WATERWAYS:

The owner of Lots fronting on a lake, stream, or other waterway, or on an open-space area, separating the Lot from such waterway, will not be permitted to erect or maintain a private dock, dam or similar structure on such waterway.

10. SPECIAL RESTRICTIONS AFFECTING ALL LOTS ABUTTING GOLF COURSES:

Some Lots and Family Dwelling Units (herein "Course Lots") in Kenmure may abut a golf course owned by the Developer. For those Course Lots only, the following special restrictions apply-

LANDSCAPING:

The landscaping pattern of that portion of the Course Lot within fifty (50) feet of the lot line bordering a golf course shall be in general conformity with the overall landscaping pattern for the course fairway area established by the golf course architect and communicated to the Lot Owner by the Developer.

Associated KPOA Rules & Regulations

(KARC-01) Trees

New Construction

Removal or cutting of trees on vacant lots-In the absence of specific building plans that have been approved by the Kenmure Architectural Review Committee (KARC), trees cannot be removed without prior written approval of KARC, and any such unauthorized removal will be subject to assessments or fines. It is KARC policy to only work with property owners relative to tree cutting.

Removal or cutting of trees for pre-construction-Prior to the issuance of a building permit, the lot owner and/or contractor will stake the footprint of the house (including decks and patios), along with the driveway, septic field, and construction parking area. This will be done by staking and marking trees to be removed with spray paint or tape. The owner will notify KARC so that an on-site inspection can be made. KARC will make a photographic record of the original conditions. A written agreement between KARC and the owner/contractor will be reached on trees or flowering plants to remove. No other trees or flowering plants may be removed in the building process unless an additional written agreement is reached with KARC.

Removal of Trees to Create Views-In lieu of removing trees, removing branches will be encouraged. Trimming shall be limited to the lower 2/3 of tree. Topping of trees is strictly prohibited.

Contractors will finish the framing of the house prior to the owner requesting approval of KARC for removal or trimming of trees solely for views. In the case of an owner desiring to create a view on a vacant lot, KARC will review the area covered by a septic permit issued by Henderson County and mark the trees in the field or lane across the field that will be permitted to be removed. The owner must commit in writing to maintain the septic permit in an active status and to include this requirement in any conveyance of the property to a new owner.

The reasonable removal of trees for creation of a view may be permitted as a variance to the tree policy when it enhances the value of the property and has no significant negative impact on neighbors or the overall value and natural beauty of Kenmure; however, removing of trees to create a view must be approved in advance and in writing by KARC (Form NEH 2). Any other removal will be subject to the assessments or fines stated in the *Declaration*, paragraph 13.

Tree removal for the purpose of enhanced landscaping will be treated similarly to the above.

Removal of Other Trees-Trees less than 6 inches (2 feet from ground) or within 20 feet of a structure may be removed; however, it is suggested that the owner obtain KARC approval to prevent future misunderstandings.

KARC will approve the removal of trees greater than 6 inches (2 feet from ground) in diameter and more than 20 feet from a structure when, in the committee's opinion, removal will prevent future damage if a tree is diseased, leaning toward the structure, or poses a threat to the structure. KARC may approve the removal of diseased, dying, or damaged trees. Trees must be cut to ground level and removed from the property, or wood should be cut and stacked out of public view if the wood is to be used by the owner. KARC will consider the type and size of the tree and will normally reject the cutting of specimen trees. KARC will consider the impact cutting will have on neighbors and the natural beauty of Kenmure and will normally reject tree removal when it would cause a significant negative impact.

Existing Residences

All statements under the Kenmure Tree Policy above are also applicable to existing houses, condos, villas, and cottages.

Revised and Approved by the KPOA Board of Directors – April 17, 2009

KARC-03 Fencing

Kenmure has historically believed in forests and not in fences. Kenmure is a community that is known for its wooded atmosphere – this environment provides reasonable opportunity for walling in or walling out with planted landscaping. Therefore, Kenmure will continue to discourage fences. However, we recognize that some circumstances exist that suggest fencing is an appropriate action. Therefore, the philosophy for fences in Kenmure shall be: There shall be no fences built or replaced in the future in Kenmure, other than those that meet one or more of the following:

When they may be visible from Kenmure roads or nearby residences:

1. bordering Kenmure Community perimeter (may be up to 6' high)
2. required by law
3. previously permitted in purchase contracts by KEI
4. that meet the "absolutely needed" provision (e.g. parking barriers required to protect vehicles on drives with steep drop off)

When they shall not be visible from Kenmure roads or nearby residences:

5. to meet the personal freedom needs of residents without upsetting residents who dislike fences (e.g. decorative fences that provide enjoyment for a resident, but can not be seen from roads or nearby lots).

In all cases, fences must be requested on Form NEH5 and approved by KARC.

Revised and Approved by the KPOA Board of Directors Aug 22,2011

(KSC-06) Fireworks and Fires

Use of fireworks or similar incendiary devices, setting of bonfires, conducting outdoor burning, or the use of an open fire pit device on a deck or in a yard is expressly prohibited at all times. Violators will be subject to fines in accordance with Section 11.3 of the KPOA Bylaws.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

(KARC-04) Awnings

Because outside decks are often exposed to direct sunlight and heavy rainfall, awning protection is permissible.

Requirements for awnings

The following requirements must be met before awnings are approved:

- **Type**-Retractable awnings, if practical, are recommended
- **Material**-Material shall be a cloth-type fabric. Aluminum or vinyl is not permitted.
- **Color**-Color shall blend with exterior color of the house or condominium.
- **Placement**-Awnings over swinging doorways or windows are not permitted. Awnings must maintain the present elevation profile and not extend more than 12” beyond existing deck structure.

Approval process for awnings

Awnings require the prior written approval of KARC (Form NEH 3). An application showing the floor plan with the location of the proposed awning is required and shall include a sample of the awning material, showing color and quality. A photograph of the side of the house, condominium, villa, or cottage where the awning is to be installed shall be attached to the application.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

KARC Rules

1. Mailboxes shall be installed in accordance with KRMC standard design (Form KRMC 01). KARC shall be responsible for approving mailboxes associated with new houses.

KRMC shall be responsible for storm damaged mailboxes on existing houses. Requests for revising existing mailboxes may be sent to KARC (KARC Form 04).

2. Solar Panel Systems are permitted by Federal Government Code 65850.5 and Henderson County (Section SR 2.11 of the Henderson County Land Development Code) for all Kenmure lots. Kenmure limitations include:

- panels shall be mounted flush with pitched roof surfaces and arranged together in no more than 2 groupings – panels may be ganged together with DC batteries to achieve an “off the grid” status.
- panels shall have anti-reflection coatings and the glare shall not affect vehicle traffic on roads or other Kenmure residents.
- tree removal to improve efficient operation will not be considered or condoned.

3. Wind Turbines

Kenmure discourages wind turbines, both because inconsistent winds in this area do not generally support profitable operation and because wind turbines are inconsistent with the wooded atmosphere that is fundamental to Kenmure. However, they will be considered under the following limitations:

- requires special use zoning permit from Henderson County
- maximum height above roof peak of 10 feet
- maximum turbine diameter at blade tips of 6 feet
- manufacturer certification – no sound & no vibration
- at wind speeds above 42 MPH the blade unit must turn parallel with the wind direction
- unit may be pole or roof mounted. If roof mounted, the maximum wind load of each tripod foot connection shall not exceed 100 pounds (manufacturers certification)
- no more than one (1) turbine shall be installed on a single lot & that turbine must have a payout that makes practical sense
- must be consistent with North Carolina ridge law.

II. C. 2. ROAD MAINTENANCE CONSTRUCTION RIGHT OF WAY RESTRICTIONS

Kenmure Road Maintenance Committee (RMC) manages approximately 20 miles of road along with the associated right-of-way, both owned or controlled by KPOA. Although the actual width of ownership/responsibility on each side of the road varies from 14 to 21 feet from the edge of the road surface, the practical application for property owners of the requirements listed below is generally within 10 feet of the road edge.

RMC is responsible for maintenance of the ROW, including the resurfacing, patching, and striping of roads; snow removal; sanding icy roads; road sign installation and maintenance; mowing, other than landscaped areas; debris removal from and upkeep of drainage ditches and shoulders of roads; dead tree removal and tree/shrub trimming.

This keeps the ROW in a condition which:

- *Minimizes erosion and damage to roads*
- *Provides safe conditions for motorists and pedestrians*
- *Retains the natural beauty of the areas adjacent to the roads*

The following requirements or restrictions apply to all areas in Kenmure, including the Cottage Area and those covered by the various Condominium Associations. These requirements/restrictions are designed to help maintain proper drainage and eliminate erosion, promote vehicle safety on the roads, provide access for large emergency vehicles (e.g. fire trucks) to all residences, and enhance aesthetics.

Associated KPOA Rules & Regulations

(KRMC – 05) Curbing and Water Diversion

Curbs, or structures installed along the edge of the driveway, and water diverters (typically asphalt, curb-like additions installed across a driveway to prevent water from running down the drive) must be installed at least 2 feet from the edge of the road surface and must not direct water onto the road or adjoining property.

No curbs are to be installed along the road without specific approval of Kenmure Road Maintenance Committee. Normally, such curbs will not be approved because they interfere with road plowing.

NOTE: It is UNLAWFUL to channel water onto adjacent property.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

(KRMC-01) Mailbox Construction & Installation

Kenmure Property Owners Association Policy revised March 2010

The standards in this policy and guidelines apply on all new home construction and mailbox replacement installations. The Guidelines can be found on the KPOA website under the “Forms” link and can be accessed by clicking on the following link:

Mailbox Guidelines

(KRMC-02) Right-of-Way Landscape Alterations

While property owners are encouraged to help beautify the unpaved right-of-way adjacent to their property, no projects can be undertaken that would affect drainage, safety, or aesthetic without the written approval of a plan submitted to the KARC and KRMC. KPOA retains ownership and/or control of the right-of-way, regardless of owner enhancements.

Standards for alteration of the right-of-way:

Project scope-Projects include all changes or alterations to the right-of-way from its original condition, including removal or addition of trees and other vegetation, addition of landscaping/permanent structures, rocks, sprinkler systems, and the initial planting of grass or initial spreading of mulch.

Material placement-No plantings shall be added that will grow to within 4 feet of the edge of the road. Low growing shrubbery with a maximum height of 24 inches at maturity may be planted in the right-of-way, but it must be no closer than 4 feet from the edge of the road.

Size of material-New trees and shrubbery larger than 24 inches tall at maturity may be planted in the right-of-way, but they must be a minimum of 10 feet from the edge of the road.

Material height-Any grass or sod planted in the right-of-way cannot be higher than the road and must slope away from the road by 1 inch for each foot planted.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

(KRMC-03) Right-of-Way Maintenance

Projects or alterations completed in the right-of-way by the owner are the sole responsibility of that owner, and the owner will be responsible for all maintenance and damage repair expenses associated with the alterations.

Procedures related to right-of-way maintenance

Questions concerning right-of-way maintenance responsibility will arise, especially from new owners of homes resold in Kenmure. New owners may be unaware of inherited responsibility; however, homeowner improvements in the right-of-way pass to subsequent owners. The following procedures apply to right-of-way maintenance.

Culvert maintenance-Property owners are responsible for keeping their driveway culvert free of obstructions.

Leaf removal-KRMC collects and removes leaves that have fallen in the right-of-way and may impede natural drainage along the right-of-way. Leaves deposited in the right-of-way by owners are the responsibility of the owners to remove. If the KRMC is required to remove the leaves because of the owner's failure to do so, then the owner will be billed for the cost of removal.

Right-of-way restoration-The property owner may be required to restore the right-of-way to its original condition if it has been altered without the prior written approval of the KARC and KRMC. If the owner fails to restore the right-of-way, then KRMC will bill the cost of restoration to the owner.

Utility companies working in the right-of-way- Utility companies who periodically do work in the right-of-way, such as telephone, power, gas, water, and television companies, are to identify the area to be worked to the gate house security force. Kenmure Security will then notify the right-of-way repair person on KRMC of the work to be done. During their normal rounds, Kenmure Security will monitor the work being performed and notify the right-of-way repair person on the committee of any problems noted. Kenmure Security will

log the utility company work in their log, noting approximate start and completion times. The right-of-way repair person on KRMC will periodically check the work site. If unsatisfactory conditions are noted, they are to be discussed with workers' supervisor. Any right-of-way damage that occurs is to be corrected by the utility to "as found" or better conditions.

Property owner's right to forgo right-of-way maintenance-If an owner wishes to forego maintaining an owner-improved right-of-way, KRMC will describe its right-of-way maintenance responsibilities and then-current procedures. The owner will be made aware that KRMC repair or maintenance procedures MAY result in reduction or elimination of landscaping enhancements in order to facilitate regular KRMC maintenance procedures. Upon written owner agreement, KRMC will perform regular repair and maintenance within the right-of-way in accordance with maintaining a structurally sound and safe road system. However, this will NOT include the repair or maintenance of any landscaping enhancements installed by the owner or predecessors. KRMC reserves the right to bill an owner for the cost of restoring the right-of-way to a KRMC-manageable condition.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

(KRMC-04) Right-of-Way Dead and Fallen Trees

In the event that a tree falls from an owner's property onto a Kenmure road or the right-of-way, the owner is responsible for the cost of removing the tree.

Procedures related to dead and fallen trees:

- Any such tree that blocks the road will be cut and moved at least 3 feet off the edge of the road by KRMC, and the owner will be billed for the associated cost. Removal from the roadway will be done immediately in order to maintain road safety.
- Where practical, KRMC will attempt to notify the owner that the tree must be removed from the right-of-way within 3 days. If the work is not completed within 3 days, or if the owner cannot be reached, KRMC will contract to have the tree removed, and the owner will be billed for the associated costs.
- In unusual circumstances, such as the tree's being too large or insufficient shoulder is available such that the tree cannot be moved at least 3 feet off the edge of the road, the KRMC will cut and remove the tree in order to eliminate dangerous driving conditions. The owner will be billed for all the associated costs.
- In the event that a tree falls from the right-of-way onto a property owner's property, KRMC will remove the tree at KPOA expense.
- Because property owners are responsible for the removal of dead trees on their property that have the potential of falling onto the right-of-way or the roadway, KRMC will notify the owners in writing if such a situation is discovered in the course of routine right-of-way inspections. This will provide early warning to assist property owners in disposing of possible safety hazards.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

II. C. 3. CONSTRUCTION – **CONTRACTOR VEHICLES & WORK HOURS**

Associated KPOA Rules & Regulations

(exerpts from: KSC-04) Gate Access

In order to maintain Kenmure as a safe and secure community, KPOA has adopted a gate access policy.

Contractor Vehicles -All contractors are to sign in at the Gatehouse and obtain a temporary pass. Temporary passes may be issued for up to one week for regular contractors and sub-contractors. The temporary passes are to be returned to the Gatehouse upon exit of Kenmure, or when the pass expires. Access is granted on the condition that current KPOA Rules and Regulations are followed.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

(KSC – 05) Contractor Work Hours

Contractors are individuals who do work under written or verbal contracts with residents, lot owners, or KEI management. They are either individuals who perform work related to new home construction or major home renovation and fall under KARC oversight authority, or they are individuals who perform lawn maintenance, delivery service, utility operators, or resident requested services. The first category will be referred to as “KARC contractors,” and the others as “delivery/service/utility operators.” Refer to KSC-01 “Kenmure Roads and Safety - Enforcement”.

Normal work hours. KARC contractors and delivery/service/utility operators in Kenmure are allowed to work Monday through Friday from 7:00 am to 5:00 pm and must be off property by 5:30pm. Saturday work is permitted from 8:00 am to 4:00pm provided the contractor complies with the Saturday Work Rules, below. Contractors must be off property by 4:30pm.

Extended work hours. Work, and deliveries, on weekdays before 7:00 am or after 5:30 pm or on Saturday before 8:00 AM or after 4:30 PM require special approval by the KSC member on call. Permission will be given only in unusual or “hardship” situations and only for specified and limited work hours. The length of the extension, name of the KSC member who approved the extension and the reason for the extension must be entered in the Security Staff’s daily log for record purposes. Extensions will not be given for contractors who fail to complete the job by 5 pm. Project completion must wait until the new work day. KARC contractors wishing to work after normal hours must call the Front Gate Security Officer before 3:00 pm to request approval. Security Officers will contact the KARC on-call member to obtain approval or disapproval.

Saturday work rules.

No outside noise-making activity by a contractor will be permitted on Saturdays. Examples of such non-permitted activity include, but are not limited to: lot clearing, stump or tree removal, use of chain saws or chippers, nailing with a pneumatic or cartridge nail gun,

installation of siding, roofing or decking, power washing or other use of compressors, and resurfacing of driveways.

No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter the gate Saturday or after hours on weekdays; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during those times. Exceptions include lawn maintenance vehicles or vehicles seeking entry to perform KPOA contracted work. Moving vans may also be allowed on Saturdays after approval by the Security Site Supervisor or KSC Member on call.

Sunday and Holiday work. No work is permitted on Sunday or holidays. Holidays include Memorial Day, July 4, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day.

Special allowed work/deliveries. During off-hours and on Sundays and holidays; convenience deliveries, such as pizza, party providers, medical services, or special Mail/UPS/FedEx type deliveries will be allowed by the Security Officers. All other deliveries during these time periods require approval by the KSC on-call member or KSC Chair.

Revised and Approved by the KPOA Board of Directors – July 15, 2011

KSC Rules

- General contractors (incl. landscaping) are responsible to ensure that all vehicles working on their job (own and subcontractors) are maintained in good order. This responsibility includes any and all cleanup costs of Kenmure roads caused by spills from construction vehicles going to/from their jobsites.
- Vehicles that are obviously overloaded or in unsafe condition may be denied access at the Kenmure gate.

D. CONSTRUCTION COMPLETION & OCCUPANCY

7. F. REQUIREMENTS AT COMPLETION:

At the completion of all construction in accordance with the plans submitted, the Lot Owner shall request an on-site inspection by the KARC. No home may be occupied until a written Occupancy Permit has been issued by the Village or County governmental authority authorized to issue such permits. In addition to the above, the following will be required:

- 1. Final landscaping development plans must be approved and carried out without undue delay.*
- 2. Exterior lighting must be approved.*
- 3. All clean-up must be completed.*

Associated KPOA Rules & Regulations

(KARC-02) Residential Building

Construction Completion and Occupancy

In order to obtain a **Kenmure Occupancy Permit**, an owner must submit documentation for each of the following to KARC:

- A **Certificate of Occupancy** issued by Henderson County; if the dwelling is within the Village of Flat Rock, owners must also provide a **Certificate of Occupancy** issued by the Village.
- A **Moving Van Access Form** (Form NEH 10) will not be issued until Occupancy Permit has been issued.
- Evidence that **permanent power** is being supplied to the home.
- An **approved landscape plan** (Form NEH 1), including a final driveway plan and provision for drainage. This must be submitted to KARC not less than two (2) months prior to the home construction's anticipated completion.
- An **installed mailbox** meeting KARC and KRMC requirements with readily visible street numbers on the mailbox or conspicuously posted on the home.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Rules:

1. In addition to the above, any items noted on the KARC (Form KARC 03) and RMC (Form RMC 02) Final Inspection Checklists must be completed by the listed date.
2. The Village of Flat Rock Occupancy Permit may be a Village stamp on the County Certificate of Occupancy.

II. E. VIOLATIONS AND ENFORCEMENT

7. G. VIOLATIONS AND ENFORCEMENT:

In the event any Lot Owner violates the terms of this section, the KPOA or its duly appointed agent, shall give written notice to the Lot Owner to cure such violation. In the event of the failure of the Lot Owner to cure such violation within thirty (30) days, the KPOA shall be entitled to enter upon the property of the Lot Owner and remedy such defect including removal of any structure built in violation hereof, all at the expense of the Lot Owner. This right of the KPOA or its agent, shall be in addition to all other general enforcement rights which the KPOA may have for a breach or violation of the terms of this Declaration and shall not be deemed a trespass by the KPOA or its agent.

Contractors

The KPOA Operating Committees (KARC, RMC, SC) intend to rigorously impose penalties on contractors for violations that are associated with, but not limited to:

- Failure to follow good building practices (e.g. silt protection, drainage provisions, mud mats, repeated violations of trash accumulation, etc.)
- improper condition, operation, & parking of vehicles
- violation of Kenmure contractor work hours
- unapproved changes, damage, or disruptions to Kenmure roads and Right of Way
- other restrictions noted in the Construction Rules and Policies & related Forms (e.g. fires, excessive noise, disruptions to adjacent lots, inadequate coordination with utility services, etc.)
- violations of timelines; exterior house/site plan changes without prior approval, including landscaping, driveway, fences, awnings, etc.; tree removal beyond that permitted in these Rules and Policies; exterior alterations to existing houses, condos, villas, & cottages as outlined in these Rules and Policies, etc.

The KPOA Operating Committee(s) will treat the degree of penalties on a case-by-case basis, but will follow the KPOA Board Procedure for Enforcement Action – Contractors.

Rules:

If there is a violation of the Rules and Policies for Construction or Alteration of Single Family Dwellings, the general contractor will be contacted to correct the situation. If there are any future violations of said Rules and Policies, a letter will be sent to the owner and the general contractor specifying a date by which the violation must be corrected. Failure to correct the violation by the date specified, or any additional violations will result in withholding up to \$100 per day from the refundable deposit for each violation.

If a contractor exhausts the deposit with these violations, actions outlined in Section II. E., Contractor Penalties Process, may be invoked. It is not our intention to impose penalties but the Rules and Policies for the Construction of Single Family Dwellings must be enforced.

Contractors who repeatedly violate the Declaration, the Rules and Regulations, or these Rules and Policies, will be subject to rescission of approval to be a contractor in Kenmure. This rescission of approval shall be preceded by at least three journeys through the KPOA Board Procedure for Enforcement Action – Contractors (reduction of deposit not required), except in the most serious cases, where rescission of approval may be imposed for a single incident, subject to the approval of the KPOA Board.

Partial rescission of approval, imposed during construction of a house in Kenmure, will normally be for 6 months (no additional houses by that Contractor will be approved by KARC during this period).

Full rescission of approval, imposed at the completion of all Kenmure houses currently under construction by that Contractor, will normally be for 2 years, but may be up to 5 years, depending on the circumstances.

Contractors will be given the opportunity to meet with the appropriate KPOA Operating Committee to appeal the decision to rescind approval. Appeal requests must be presented, in writing, to the appropriate KPOA Operating Committee Chair not more than 10 days after receipt of the letter rescinding KPOA approval to be a contractor in Kenmure.

A contractor may apply to the appropriate KPOA Operating Committee for reinstatement, after the specified period of rescission. The contractor will be given the opportunity to meet with the appropriate KPOA Operating Committee(s) to provide evidence that the violations that caused the rescission of approval have been corrected. If the contractor is reinstated by the appropriate KPOA Operating Committee then the contractor will be subject to a doubling of the Refundable Construction/Landscaping Deposit for the first house to be built after reinstatement. See the Rules and Policies for Rescinding a Contractor's Approval to Build and the Policies for Reinstatement of a Contractor for additional detail.

III. EXISTING HOUSES

Exterior Alterations/Additions to Existing Houses, Condominiums, Villas, or Cottages

(KARC-05) Exterior alterations or additions

Any exterior alterations or additions, other than landscaping within the general scope of the original plan, require written KARC approval prior to implementation. Submit changes to KARC, in writing, on the indicated Form prior to any alteration. KARC, at its sole discretion, may require a refundable deposit of \$1,500 for any exterior alterations or additions requiring the use of significant amounts of heavy equipment. These changes include but are not limited to the following:

- Major landscape alterations (Form NEH 1)
- Removal of rock outcroppings (Form NEH 2)
- Awnings (Form NEH 3)
- Paint Color (except when repainting with original color) - only subdued tones which are moderate and compatible with the forest will be approved. (Form NEH 4)
- Exterior Walls and Stonework (Form NEH 4)
- Roof Color and Material (Form NEH 4)
- Exterior Wall Materials (Form NEH 4)
- Windows and Doors, except direct replacement (Form NEH 4)
- Any new building or other structure, attached or unattached (Form NEH 4)
- Patios and Decks (Form NEH 4)
- Driveway Removal, Replacement and or Relocation (Form NEH 4)
- Decorative Features, if visible from any street (Form NEH 4)
- Play Equipment, if visible from any street. (Form NEH 4)
- Mailbox Replacement (Form NEH 4)
- Fencing (Form NEH 5)
- Solar Panel Systems Approval Request (Form NEH 6)
- Wind Turbines Approval Request (Form NEH 7)
- Land Disturbance (Henderson County Sketch Plan Review Application Form)

Accessory Building and Major Additions

An accessory Building may include a private garage and/or guest quarters, providing the use of such accessory building does not overcrowd the site. A major addition is defined as an addition to an existing dwelling unit of a one or more car garage or an addition of a room or enclosed patio, requiring any change or addition to the foundation.

The construction of an accessory building or major addition will require the approval of KARC. The procedure to obtain KARC approval will follow the guidelines for a Residential Building, including the submittal of forms NH 1 and NH 2. A KPOA refundable deposit of \$1,500 will be required. Approvals by KARC and RMC will be required prior to issuance of a refund.

Revised and Approved by the KPOA Board of Directors – November 21, 2008

IV. KARC Forms Index

(See KARC.org/forms website or the KPOA Office for copies of Forms, except Administration Forms)

New Houses:

- NH 1 Home Design Application
- NH 2 Kenmure Building Permit
- NH 3 Receipt for Non-refundable Construction Fees to KPOA, Inc.
- NH 5 Receipt for Refundable Construction Deposit to KPOA, Inc.
- NH 6 Kenmure Occupancy Permit Application

New General Contractors

- NGC 1 General Contractor Information Sheet (required from general contractors before building in Kenmure)

New & Existing Houses:

- NEH 1 Landscape Plan Approval Request
- NEH 2 Tree Cutting & Shrub Removal Request
- NEH 3 Instructions and Approval Form for Awning Installations
- NEH 4 Alterations to Existing Houses/Changes during New House Construction
- NEH 5 Instructions & Approval Form for Fencing
- NEH 6 Solar Panel Systems Approval Request
- NEH 7 Wind Turbines Approval Request
- Henderson County Sketch Plan Review Application Form
- RMC – 01 Mailbox Construction & Installation Requirements

New Houses and Resales:

- KSC – 02 Approval for Moving Van Access

Existing Houses:

- EH 01 Receipt for Refundable Renovation Deposit

Administration Forms:

- KARC 02 Monthly New House Inspection Checklist
- KARC 03 KARC Occupancy Permit Final Inspection Checklist
- RMC - 02 RMC Occupancy Permit Final Inspection Checklist
- KARC 04 Construction Deposit Refund Request
- KARC 05 Landscaping Deposit Refund Request
- KARC 06 Renovation Deposit Refund Request