



A Distinctive Mountain Community

Architectural Guidelines

For New Construction, Existing Homes, and Unimproved Lots

Revised December 2014

Appendix L Added 2016

Appendix M Added 2017

Dear Property Owners, Builders, Architects, Designers and Landscapers,

Environmentally sensitive construction can be achieved only by employing an approach that gives careful consideration to the configuration of your particular lot, its vegetation and its topography. The object of these Guidelines is to assist you in constructing a home that will coordinate with the Arts & Crafts inspired look of our Western North Carolina community and with its distinctive mountain setting.

The purpose of the architectural review process, the first step in launching your project, is to assure that it complies with these guidelines and meets the criteria that will enable your home to integrate esthetically with the rest of the community. We also aim to help you experience a building process that avoids, as much as possible, the costs and frustrations associated with “do-overs” by closely monitoring the process from initial design through construction and landscaping.

*We hope that all parties to your building project will find these Guidelines helpful. Questions and comments are encouraged and you may be sure that we stand ready to assist you at any time. **Please note** that some homes were built in Somersby Park prior to the current Architectural Guidelines (December 2014). Therefore, some of these homes, in part, or in total, do not conform to these guidelines and policies. Any non-conformance of previously built homes does not constitute a precedent or grounds for non-conformance in present day applications to the ARC.*

The next page summarizes for your convenience the seven “Steps in the Architectural Review Process”.

Sincerely,

Somersby Park Architectural Review Committee

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STEPS IN THE ARCHITECTURAL REVIEW PROCESS:

1. Owner notifies Architectural Review Committee (ARC) of intention to build and/or landscape. No clearing of property, tree removal or site grading is permitted until plans are presented to and approved by the ARC. Preliminary under-brushing of lot to facilitate surveying, house design selection and house siting may be permitted with notification and approval of the ARC.
2. Owner or builder provides ARC with documents and information specified in Appendix A: ARC Review Form – New Construction.
3. Owner/builder meets with ARC to review documents and information. A **\$1,000** non-refundable Review Fee, payable to SPHOA, is due at this meeting.
4. ARC reviews plans and documents, issues approval, or suggests changes. If changes are suggested a follow-up meeting is required to review suggested revisions.
5. Upon ARC approval of construction and preliminary landscape plans, a **\$3,500 non-refundable** road impact fee and a **\$5,000 compliance fee** (refundable all or in part), payable to SPHOA, are due. At this time the ARC issues the ARC Approval Form and Permit (Appendix D). The 12 month construction time clock begins at this point.
6. ARC will communicate periodically with both owner and builder and conduct on-site inspections. Inconsistencies with approved plans will be identified and discussed with both. Deviations must be approved by ARC or corrections made to comply with approved plans.
7. ARC Authorization for Final Inspection (Appendix G) is issued once construction is completed and approved by ARC. The Town of Laurel Park subsequently issues a Certificate of Occupancy (CO) upon successful completion of final inspection.

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I. INTENT OF GUIDELINES

A. Design Objectives

1. To facilitate the construction of homes in visual harmony with their mountain setting and inspired by the Arts & Crafts style of architecture.
2. To protect the property values of homes within Somersby Park.
3. To provide a systematic, uniform process for **construction, renovation and landscaping projects** undertaken within the community.

B. The Architectural Review Committee (ARC)

1. The ARC receives its authority from the Master Declaration of Covenants, Conditions and Restrictions of Somersby Park, Article XI. This Article, referring to the Architectural Committee (also known as the Architectural Review Committee or ARC), asserts the following: Section 11.6: Limitation of Liability.

“Review and approval of any application pursuant to this Article is made on the basis of aesthetic considerations only and the Architectural Committee shall not bear any responsibility for insuring the structural integrity or soundness of approved construction or modifications, for ensuring compliance with building codes and other governmental requirements. Neither the Homeowner’s Association, nor the members of the Architecture Committee shall be held liable for any injury or quality of approved construction on or modifications to any lot.”

2. The ARC has the authority of approval of **any building, renovation or landscaping plan** being considered for construction, or installation within Somersby Park. **No site clearing, material deliveries, construction, renovation or landscaping may begin without first obtaining written approval from the ARC.**
3. **The ARC reserves the right to stop construction of any project that deviates from the approved plan, or violates the Architectural Guidelines or municipal laws or regulations.**
4. **All rejected work must be removed and reconstructed in accordance with approved plans. Fines may be assessed and must be paid before construction can continue.**

C. Vetted Builder Program

Under the Somersby Park Vetted Builder Program, the ARC will provide lot/home owners with a list of Builders which are already approved by the ARC. These builders have worked with the ARC in building homes within Somersby Park and understand and respect the protocol involved in our process. Other builder/contractors may be considered, however, any contractor, prior to performing any work within Somersby Park must be approved by the ARC. No person, firm or entity shall be approved as a building contractor unless such person, firm or entity obtains his/her income primarily from construction of the type which is to be performed and is licensed and insured by the State of North Carolina.

II. REVIEW PROCESS

A. New Construction or Improvements to Residences

1. A formal presentation of home plans to the ARC members is required of the owner and/or builder for each construction project. A specific description of the items required for the presentation is listed in Section II B of these guidelines. These items must be submitted to the ARC one week prior to the presentation. All required items must be completed and included at that time.
2. Following the presentation, and committee deliberations the ARC will either grant approval, or request amendments to the plans. If amendments are requested, appropriate changes should be made and the plans resubmitted. Approval of plans is valid for twelve (12) months from the date it is granted. 12/9/2014
3. The ARC will issue a Letter of Approval for Construction covering this twelve month period. The document is then presented to the Town of Laurel Park and to Henderson County by the builder to secure the required building permits prior to initiating construction. Additional specific requirements of the Town and County will need to be met as well.

B. Items Required for Presentation to ARC -- New Construction

1. Site Analysis & Plan

- a. The site analysis and plan should be depicted on a topographical survey diagram prepared by a licensed land surveyor. Drawing of the building site should demonstrate property lines, contour lines, setbacks, easements, and access to the site. Trees greater than six (6) inches in diameter should be depicted with reference to location and type. Other prominent natural features of the site should be shown as well.
- b. A drawing that shows the roof plan of the house and demonstrates conformity with easements and setbacks is also required. Driveways, walks, the proposed service yard, HVAC units, satellite dish(es) and electric meter must be shown on the plan also.

2. Landscape Plan for New Construction

- a. A preliminary landscape drawing that depicts the house, driveway, and walks as well as all planting beds, lawn areas, and other green scape intended to be installed or preserved must be presented. A final landscaping plan must be submitted no later than 30 days prior to completion of construction.
- b. A depiction of the drainage plan for the dwelling and the property must be included. The principal site targeted to receive runoff is the Green Space. Note: Flow volume and rate must be controlled to protect against erosion.
- c. Drainage into the streets is prohibited by the Master Declarations and Covenants etc of the community. Drainage onto the properties of adjacent homeowners is prohibited.
- d. Landscape lighting is to be depicted as well as sprinkler head locations, fences, pools, decks, patios, play structures and mailboxes. Photographic illustrations (catalogs are acceptable) of these items will be needed.
- e. The following should not be visible from the street: HVAC units, service yards, trash enclosures, electric meters and generators.

3. Floor Plans and Elevations

- a. **Floor Plans** - drawings showing the layout for all levels of proposed building.
- b. **Elevations** - drawings representing the view of all exterior sides of the proposed structure. Wood, stucco and/or masonry elements of exterior walls shall be accurately depicted and labeled.
- c. **Proposed grade levels** must also be shown.

4. Lot Stake Out

- a. Proposed structure shall be staked out on the lot with stakes at least two (2) feet tall marking the corners. A string shall connect all stakes outlining the shape of the house.
- b. The lot line nearest the house shall be defined with string.
- c. Trees proposed to be removed shall have red surveyor's ribbon tied about the circumference.
- d. Changes and amendments to the plan subsequent to the initial staking will require re-staking the lot to reflect the approved amendments.

5. Completed ARC Review Form (See Appendix A)

- a. Completed Review form indicates that all of the required items for ARC review are in the package, along with other information pertinent to the project.
- b. **The Review Fees must accompany this form** (see Appendix B for fee amounts).

6. Color Samples- (See Appendix C)

- a. Samples of proposed colors of all exterior materials including siding, trim, brick, roofing, stucco and lattice shall be submitted.
- b. Samples of the actual materials proposed may also be submitted with the review package.

C. Items Required for Presentation – Renovations and Small Projects.

Note: All projects and/or improvements affecting the exterior of any home or structure Requires' ARC approval (Appendix A-1).

1. Completed Review Form for Renovations and Small Projects (Appendix A-1) outlining the intent and purpose of the proposed improvements.
2. Color Samples (See Appendix C) Samples of proposed colors of all exterior materials including siding, trim, brick, roofing, stucco and lattice shall be submitted. Samples of actual materials are acceptable.
3. Site Plan – If the project involves the exterior dimensions or footprint of an existing structure or involves the addition of a new structure on the property, a site plan showing dimensions of property and the location of proposed improvements is required.
4. Drawings- If necessary, two sets of plans and elevations that define and explain the proposed improvements. Drawings representing the existing structure(s) will also need to be included.

D. Factors Influencing Construction – New or Renovation.

1. **Right of-Way:** A utilities right-of-way abutting each property in Somersby Park exists along its roadways. This area belongs to the community as part of its unpaved road space. Lot owners enjoy an easement across this common area in order to access their home sites and to landscape to the roadway edge. Any work, utility or otherwise, however, that becomes necessary within this easement is not subject to stoppage or other interference by the affected property owner. It is the responsibility of the property owner to remove any structure or landscape element placed in such an area should it inhibit or prevent access to utilities. Said owner shall bear the entire expense of such action. Neither the Homeowners Association nor the ARC will be responsible for damage to landscape, structures or other items placed by the owner in this area.
2. **Corner Boundaries of Property:** Because of HOA ownership of the entire road bed abutting privately owned lots, it is important that the boundary line of private property be identified and marked during construction.
3. **Roadside Drainage:** Mountain rainfall, often severe, creates heavy water flow on and along the roads of Somersby Park. Roadsides are susceptible to erosion in these conditions and measures must be taken to limit such damage from runoff. Methods and materials used to control roadside drainage must be approved by the ARC prior to placement or installation.

III. ARCHITECTURAL GUIDELINES

A. Exterior Walls - Materials

1. **Structure Walls:** wood clapboard (sealed with paint or stain), board and batten, feather edge siding, poplar bark and/or cedar shingles accent elements, “Hardiplank” (or similar products), stucco or stone.
2. **Crawl Space:** skirted with horizontal wood boards, shingles or framed wood with not more than 1 ½” spaces between board or wood louvers. Lattice is acceptable on an approved basis.
3. **Garden Walls:** stone
4. **Garden Gates:** wood or iron
5. **Retaining Walls:** boulders or stone preferred- However, retaining walls should match or compliment already existing materials on the home.

B. Exterior Walls - Configuration

1. If more than one material is used, a change in material may only be made along a horizontal line, with the heavier material below the lighter.
2. Wood clapboard and cedar shingles shall be horizontal, maximum 8” to the weather. Feather-edge siding shall be 9” to the weather. Bark siding shall be a maximum of 12” to the weather and used only as an accent element.

3. All stone natural or cultured is subject to approval by the ARC.
4. Stucco shall be smooth and finished or pebble dashed.
5. Trim shall be minimum grade "B" trim lumber and shall be 3.5" to 6" in width at corners and around openings, except at the front door which may be any size (3.5" minimum) or configuration.
6. All exterior smooth wood trim and wood shingles shall be painted or stained. No vinyl or aluminum siding is allowed.
7. It is preferred that front facing exposures have 20-25% stone.

C. Other Design Elements - Materials

1. Masonry Chimneys: stone or traditional stucco.
2. Wood burning fireplace and wood stove Flues: exposed flue pipes must be encased with material that matches or is consistent with materials already on the house, stone or traditional stucco.
3. Piers and Arches: stucco, wood shingles or stone.
4. Porches, Posts, Spindles and Balusters: wood or modern weather resistant composite materials like "Trex" (or similar products). Other newer, maintenance free materials such as aluminum or metal for spindles and steel cables will also be considered.
5. Plans to employ glass panes or windows in a porch must be submitted to the ARC for review. Please note, a deck is not considered a porch unless it has a finished roof and a finished ceiling. Decks may not be screened in, glassed in, or enclosed in any way.
6. Porches may be enclosed with glass or screen for a minimum of 30% of their length, provided that the porch is not at the front of the residence.
7. Porch ceilings, including exposed joists: painted or stained wood.
8. Columns: stone or wood
9. Attic Vents: set at gable ends, having proper proportions (12" w x 36" h)
10. Stoops: wood, stone or stamped concrete. If concrete, stoop shall have brick, stone or stucco cheek walls.
11. Patios: stone, manufactured pavers, or stamped concrete simulating stone.
12. Garden Paths and Walkways: framed mulch, gravel, stone or stone pavers, wood and/or materials that complement existing materials of the house.

D. Other Design Elements - Configuration

1. Double Fascias totaling a minimum of 10" are required.
2. Metal elements shall be unpainted galvanized steel, anodized or ESP aluminum, or marine-grade aluminum.
3. Frieze Boards are required minimum 2 x 6.
4. Decks shall be located in rear and side yards only and will be painted or stained. See Section III.C.4

5. The following should not be installed in the front of homes or be visible from the street: HVAC equipment, generators, utility meters, 18" satellite dishes, permanent grills, permanent play equipment, pools and hot tubs (those at ground level must be covered). On corner lots landscape must be installed to conceal such structures from view.
6. Mechanical and electrical conduits should be buried, or run inside the crawl space. Meters and conduits should not be visible from the street.
7. Septic system control/warning boxes must be mounted on the house so as not to be visible from the street.
8. The following **are not** permitted: laminated materials, window air-conditioning units, antennas, clothes lines and concrete driveways unless colored or stamped.
9. Chimneys to be a minimum 2:1 proportion in plan and capped to conceal spark arresters. Fireplace enclosures and chimneys to extend to ground.
10. Porch piers of masonry construction shall be no less than 12" x 12".
11. Arches of masonry construction shall be no less than 12" in depth.
12. Arcades and breezeways shall have vertically proportioned openings.
13. Peeled log or bark on (winter cut) post to be a minimum of 8". Bracing to match is encouraged. Tapered Craftsman box columns are also acceptable. 6 x 6 or 3 x 8 timbers, smooth or rough sawn are acceptable.
14. Railings shall have horizontal top rails and be centered on the pickets. Wood Top rails shall be eased and bottom rails, when used, shall have a vertical section. Openings between spindles and balusters shall be less than 4". Two level decks shall have matching railings.
15. Balconies that cantilever shall be structurally supported by brackets.

E. Roofs - Materials

1. Asphaltic or fiberglass shingles
2. Wood shingles
3. Galvanized steel (corrugated/painted), 5 V crimp or standing seam)
4. Galvalume/painted
5. Copper

F. Roofs - Configurations and Details

1. Roof colors: submit color for ARC approval.
2. Principal roofs to be a symmetrical gable, hip or partial hip with a slope of 8:12 to 12:12.
3. Front elevation shall have equal or same pitch relationships.
4. Ancillary roofs (attached to walls at the highest portion of the principal building) may be on sheds sloped to no less than 3:12. Roofs on towers to have slope of no less than 12:12.
5. Eaves to be continuous. Eaves overhanging less than 8" to have a closed soffit. Soffits to be a standard of 24" – 36". High end maintenance free materials may be permitted if they match trim color of house.

6. Roof penetrations shall be placed on rear slope of roof, and painted to match the color of the roof, except those of metal which may be left unpainted.
7. Shed dormers must be covered in metal when in view of the street or neighbors.
8. Gutters and Downspouts to be made of galvanized steel, aluminum, copper (not copper-coated), anodized or ESP aluminum. Flashing shall be copper or galvanized metal. The color and material of gutter covers must be submitted to the ARC for approval.
9. Copper roofing, flashing, gutters and downspouts to be allowed to age naturally, and not be painted or sealed.
10. Skylights to be flat and mounted only on rear slope of roof.
11. Solar Panels to be flat and mounted only on rear slope of roof if conditions allow. Other configurations will be considered on a case-by-case basis.

G. Doors and Windows - Materials

1. doors to be of wood, fiber-glass, or other materials approved by ARC.
2. security doors and window grilles must be approved
3. windows to be of wood (painted or stained), fiberglass or exterior aluminum/vinyl clad
4. glazed with clear glass
5. trim no less than 3 ½"
6. bay windows made of trim lumber, corner trim to be no less than 6"
7. screens to be of brass, bronze or black vinyl

H. Door and Window Configurations

1. Stucco trim articulations shall be subject to approval by the ARC.
2. Doors to be hinged and constructed of planks or raised panels, not flush with applied trim
3. Garage doors facing a street to be no more than 9' in width.
4. Windows to be single, double or triple-hung, awning, fixed or operable casement types.

IV. CONSTRUCTION GUIDELINES

A. Building Setbacks for Single Family Lots

The following are minimum building and/or structure setbacks

Front.....25 ft. from property line (roadway right-of-way)

Rear.....25 ft. from property line

Sides.....15 ft. from property line

Requests for deviation from this requirement or any other provision of these Guidelines shall be submitted to the ARC on the Variance Request Form (Appendix H) and be approved by the ARC prior to the start of any construction activity. Variance from set-back requirements on

Somersby lots shall be determined in the sole discretion of the ARC. Variance requests will be based upon, but not limited to, such factors as lot shapes, lot size, topography, excessive cost, roadway frontages, and natural features such as trees and other natural vegetation, large rocks, boulders, streams, and intermittent drainages.

B. Structure Sizes

1. One story homes: no less than 1,800 sq. ft heated floor space
2. Two story homes: no less than 2,400 sq. ft. heated floor space
3. No homes exceeding two stories above foundation height will be permitted without approval of the ARC.
4. Garages: attached or detached two-car garage to be provided for each dwelling or residence.
5. **Floor Area Ratio (FAR) and Landscape Surface Ratio (LSR)** Calculated by builder/architect.
 - a. FAR – this includes the building footprint, along with garages, decks and porches, and may not exceed 22.5%, compared to the overall size of the lot.
 - b. LSR – this includes all items under the FAR definition, plus driveways, patios, gazebos, play structures, pools/spas, etc., and may not exceed 30% compared to the overall size of the lot.

C. Special Criteria for Septic/Sewage System

Somersby Park operates a homeowner association North Carolina certified (STEP) septic system. Waste materials are carried from the home and deposited in tanks similar to what would be found in a leech field septic system. The difference is that a second tank accumulates the clear effluents from the intake tank which are then pumped into effluent lines which carry the liquids by pump and gravity to a lift station which then pumps the materials into the Hendersonville sewage system.

Materials used in the installation of the home site septic system must meet specifications outlined in the new home installation guidelines (see Builders Packet). The installer must hold a current grade 4 Septic System license from the State of North Carolina. A copy of the license must be submitted prior to the initiation of any work.

Two separate inspections, required by the State of North Carolina, will take place during the installation process. These inspections are described in the guidelines. A copy of all invoices detailing the equipment and specifications must be provided to the Somersby Park contracted inspector as part of the process.

There will be a cost for each inspection which can be built into the construction cost or deducted from the refundable construction deposit.

Failure to meet the guidelines outlined will result in the delay of ARC approval of the project and certificate of occupancy by Henderson County

A Builders Packet with all relevant information will be provided to the builder by the ARC at the outset of the project. Any questions should be directed to Art Delcher (homeowner manager of the system) at 828-692-7703.

D. Before Construction

1. Submit required drawings, forms, and plans to ARC (see Appendix A) with a check for the required fees.
2. Erect approved job site sign and any approved contractor/architect signs. Sign must have permits posted on the rear of the contractor's sign before any materials are delivered. No signs may be nailed to a tree, and no additional subcontractor signs may be posted at the site. Signs must be erected before a building permit is issued from the town.
3. Obtain Town of Laurel Park and Henderson County building permits.
4. Post building permits at job site.
5. Place dumpster on job site. Construction site is to be maintained in a clean and tidy manner. All construction materials must be kept within the property lines and should be neat and orderly. No food waste should be left in dumpsters overnight and Dumpsters should be covered at the end of each work day. Temporary structures for storage of building materials may be used with the approval of the ARC. Contractors are responsible for trash and debris removal from the site and for any that falls from the transporting vehicle.
6. Place portable toilet on job site in an inconspicuous location with the door facing away from the street and neighboring homes.
7. Temporary Utilities should be neatly installed. Temporary power pole must be installed plumb and will not be used for the placement of signs. Temporary water hookup may be provided.
8. Driveway must be graveled.
9. The use of a silt fence is required during all construction. Careful consideration must be given to its deployment as well as to the use of other measures necessary to control erosion.

E. During Construction

1. All construction at Somersby Park will be under close observation by the ARC. Periodic field inspections will be conducted by the ARC on every residence under construction.
2. Site cleanliness will be maintained at all times. If not appropriately maintained, a "stop work" order will be used by the ARC.
3. **The ARC reserves the right to stop construction on any project that deviates from any or all approved plans as submitted to the ARC. All rejected work must be removed and reconstructed according to the approved plans.**

F. General Regulations for Construction

1. Only one single-family residential dwelling shall be erected on any lot within Somersby Park.
2. All builders of residences at Somersby Park must be licensed as a residential builder by the State of North Carolina.

3. Maximum hours allowed for construction personnel to be on-site will be from 7:00 a.m. to 7:00 p.m. or dusk, whichever is more restrictive, Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. No residential construction work will be performed on Sunday or on major national holidays (New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas).
4. Conduct of workmen is the responsibility of the Contractor. Workmen are not allowed to ride about or use Somersby Park facilities. Loud cars and speeding are not allowed within the development, and if site conditions allow, all construction vehicles are to be parked on the construction site. Workers are required to wear shirts and shoes when on the job site. Loud music from radios will not be permitted at any time.
5. Construction of all residences to be completed within one year of the issue date of the building permit, a \$1,000 per month fine will be assessed for each month following the one year deadline until construction is completed according to the ARC approved plan. (Please refer to section II.A.) Unforeseen circumstances that cause a delay in construction will be considered, if the circumstances are determined to be out of the builder's control. This will be judged on a case-by-case basis. The final landscaping plan must be turned in no later than 30 days prior to completion of construction, with an emphasis on erosion control. The owner then has 90 days thereafter to complete the landscaping plan.

G. Once Construction and/or Landscaping are Completed

1. All building debris shall be removed from the site
2. Remove temporary facilities, utilities and signs
3. Install mailbox (see Appendix J)
4. Pay an appropriate utility tap fee
5. Contractor notifies the ARC that he is ready for Final Inspection
6. Upon approval by the ARC, the completed inspection form (Appendix G) will be issued, and must be submitted to the utility company along with all required fees prior to permanent utility hookups.

V. LANDSCAPING GUIDELINES

A. Factors to consider in Plant Selection:

1. Control of erosion
2. Screening of utility areas and crawl spaces.
3. Softening the foundation line of the building.
4. Providing a buffer for driveways and parking areas.
5. Providing cover for areas disturbed during construction.
6. Enhancing the esthetics of the home and site.

B. Planting Guidelines

1. No living tree exceeding 6" in diameter nor any flowering tree or shrub will be cut without approval of ARC. See Appendix L for further guidance on the cutting or trimming of trees.

2. Trees, shrubs and ground covers beyond the boundaries of individual private property lie in the community's Green Space or Common Area and are considered protected vegetation. No cutting or clearing of this foliage is permitted. Under limited circumstances, residences can apply for a variance to modify Green Space areas. See Appendix L for the procedure necessary for requesting a variance to this provision.
3. If vegetation in the Green Space is damaged or removed in connection with construction at least fifty percent of said Green Space must be restored at the expense of the property owner responsible. The ARC must be consulted in regard to this restoration.
4. Where the size of the property permits, the peripheral landscape should be maintained in as natural a state as is possible.
Exceptions: Dead or diseased trees may be removed; poisonous plants may be removed, underbrush may be selectively cleared, understory may be thinned to provide better views, grass or ground covers may be planted.
5. **Vegetable gardens** are to be located so as not to be visible from the street, should be screened or incorporated into other gardens.

C. Driveway/Parking

1. Permanent driveways, turnarounds and parking areas must be surfaced.
2. Acceptable material choices include: asphalt, paver stones, colored concrete, stamped concrete or prime and seal. Colors must be approved by the ARC.
3. Adequate drainage provisions to accommodate heavy rains must be used. Drives may not drain onto roadways.
4. Driveway must be at least 10' wide and provide off street parking for at least two automobiles. An apron of the same material and color as the driveway pavement must be installed to the edge of the road, be at least 20' wide at the connection, and taper to meet the driveway surface.
5. There must be a non-paved, landscaped buffer of at least 4 ft. between the house foundation and the driveway pavement, except at entry doors and garage doors.
6. Off street parking areas (driveways) should be landscaped.

D. Mailboxes

1. Each home is to have a mailbox conforming to ARC standards of design, construction, color and installation. Appendix J covers the design and construction specifications.
2. Each mailbox will have the assigned street number displayed in accordance with ARC requirements (see Appendix J)

E. Exterior Lighting

1. Path lighting must be no taller than 18 inches mounting height and use no more than the equivalent of a 7-watt incandescent lamp.

2. To be installed so as not to disturb neighbors or impair vision of traffic on nearby streets (i.e. no street lights, stadium).
3. Down lighting is encouraged to reduce glare and better light roads and paths.
4. Spot lights and flood lights may only be used after approval by the ARC. Flood lights are to be used only on occasion for momentary lighting purposes. They may not be the primary source of lighting on porches, decks, garages, etc.
5. Holiday illumination shall be minimal. The Covenants and Restrictions state that the ARC has the right to require the removal of any holiday illumination which it determines, in its sole discretion, to be inappropriate for the Subdivision. For the purposes of these guidelines, the ARC establishes the following.
 - a. Winter holiday lighting may begin no earlier than the weekend before Thanksgiving and must be turned off by January 7.
 - b. Except for the night before or the night of the holiday, no exterior lighting should remain lit after midnight.
 - c. All other holiday displays during the year may be displayed from one week before to one week after any major nationally recognized holiday (see Section IV.F.3 for these holidays).
 - d. Extensions to these rules for purposes of special occasions and/or events must have prior approval of the ARC.
6. Year round strings of decorative lighting on decks, porches, patios and on trees, shrubs, fencing, etc. are not permitted unless specifically approved by the ARC.

F. Fences

1. ARC approval is required before any fence is erected.
2. Wooden Fences to be of pressure-treated 40-year material or cedar/locust split rail. They may be simple wooden picket fences, or wider, more ornate Victorian picket fences.
3. Pickets of wooden fences--no less than 1 ½ inches wide.
4. Spacing between pickets--no greater than 1 ¼ times the width of the picket.
5. Height of picket fences may be no lower than 36" above the grade or higher than 48" above the grade.
6. Natural landscape fences are allowed.

G. Pools/Spas/Fountains

1. Approval for installation of any pool, spa or fountain, and its location on the property must be obtained.
2. No above ground pools or inflatable bubble covers will be allowed.

H. Recreational Structures, Courts, and Equipment

Construction of recreational structures and equipment must be reviewed and approved.

I. Site Grading

Note: All site grading shall be performed with erosion control as a primary objective.

1. Shall be kept to a minimum.
2. No grading to encroach on the drip line of the trees to be preserved.
3. No heavy equipment, storage of topsoil or building materials to be permitted in this area after completion of construction.
4. Driveways must be graded to avoid damming the natural drainage flow
5. Retaining walls may be used to reduce the area that needs grading.

Note: If grading of the building site impinges or approximates adjacent property, whether above or below grade, a retaining wall must be erected to protect this property from collapse or erosion. A design diagram and examples of the proposed materials to be used must be presented to the ARC.

J. Mulching

1. Materials to be pine bark or pine straw or hardwood mulch. Dyed or colored mulch or shredded rubber is not permitted.
2. Mulching is required for all planted areas.
3. Rock, pebbles or rubber are not acceptable mulching material

K. Deck or Bridge Construction

Requires approval of ARC before construction may be initiated.

L. Unimproved Lots

Any owned lot that has substantial tree, or foliage damage or disease, or poses a safety hazard must be cleared of these conditions. It is the responsibility of the owner to remedy these conditions at his own expense.

VI. EXISTING HOME/LOT GUIDELINES

*Please refer to Section V as well.

A. Landscaping

1. All landscaped areas, beds and lawn areas to be maintained in an orderly, neat manner. In natural areas, weed growth must be controlled. Any changes such as fences, fountains, lighting, game or play structures, drives, walks, landscape structures and statues or yard art, walls, water features, erosion control/drainage projects, patios, spas, pools, etc. must be approved by the ARC.
2. Use of statuary, globes, garden figures and other yard art should be minimal.

3. Toys, tools and other utility items should be stored out of sight when not in use.
4. In property areas that are being left in a natural state, care must be given to maintain that property in an attractive, well managed manner. Trash and debris must be cleaned up on a regular basis.
5. Overgrown vegetation, such as Kudzu must be removed on homeowner's property. Diseased or falling trees must be removed if it endangers or potentially damages the neighboring property.

B. Boats and Campers

1. Storage of boats and campers, including RVs, in yards or driveways is prohibited. These must be stored out of sight in garages or below houses.
2. Trailers of any type and boats on trailers shall be kept inside an enclosed structure.

C. Trash Receptacles

1. Outside trash receptacles are to be covered, and stored in a location on the property so as not to be visible from the street.
2. Trash receptacles must not be placed to the street prior to the morning of pickup. They must be removed from the street on that same day.

D. Signage

1. One ARC-approved sign may be posted on a property for the purpose of identifying, renting or selling that property (Appendix K).

E. Generators

1. Generator must not be visible from the street.
2. Generator decibel levels must be kept to a minimum so as not to disturb neighbors.
3. 50- 70 decibels is considered acceptable.

F. Awnings:

Awnings are permitted but must be approved by the ARC and meet the following requirements:

1. They must be retractable.
2. They may be installed only at the rear of the dwelling. Color must be that of the principal color of the dwelling.
3. Striped awnings are permitted but the colors limited to the dwelling's principal color and the primary trim color.
4. Structural integrity of the fabric must be maintained. Tears, shredding, or other damage constituting aesthetic compromise must be promptly remedied.



APPENDIX A

ARC Review Form for New Construction

The following documents and information are required for approval.

Lot _____ New Construction _____ Renovation _____

Owner: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

Architect: _____

Contractor: _____

North Carolina License Number: _____ Class _____

Submittals:

Site Analysis & Plan
 Schematic Landscape Plan
 Floor Plans and Elevations
 Lot Stake Out
 Color Samples (see Appendix C)
 Review Fee for New Construction of **\$1,000** (non-refundable) made payable to "SPHOA".

Additional fees will be due upon ARC approval of construction plans and prior to start of construction.

- Road Impact Fee..... **\$3,500** – nonrefundable
- Compliance Fee..... **\$5,000** – refundable all or in part

Owner and Contractor acknowledge receipt of a copy of the Somersby Park ARC Policies and Procedures with a revision date of _____ and all Attachments and agree to fully comply with terms thereof.

Signature of Owner	Print Name	Date: _____
Signature of Contractor	Print Name	Date: _____
Signature of ARC Representative	Print Name	Date: _____



APPENDIX A-1

ARC Review/Approval Form for Renovations and Small Projects

Name: _____

Address: _____

Telephone: _____

Email: _____

Project Type: Renovation _____ Landscaping _____ Other _____

Project Timeline to Completion: _____

Request: _____

Is the requested work within the property boundaries of owner's lot? Yes _____ No _____

Does the requested work involve or impact adjoining Green Space lands?
(If yes, a Variance Request Form (Appendix H) must be submitted) Yes _____ No _____

Does the requested work result in a change to the existing home footprint
Or, involve the construction of a new structure or addition to the home Yes _____ No _____

NOTE: If any of the above are answered yes, additional information may be requested by ARC.

Signature of Owner

Date

ARC Action:

- Approved
- Denied
- Other _____

ARC Member/s: _____

Date: _____



APPENDIX B

Schedule of Fees

New Construction

- **Review Fee** **\$1,000** – nonrefundable—due at Review Meeting

- **Road Impact Fee** **\$3,500** – nonrefundable---due upon Approval of Construction and landscape plans.

- **Compliance Fee** **\$5,000** – refundable in full or in part---due upon Approval of Construction and landscape plans.

TOTAL FEES: \$9,500

Renovations and Small Projects

- **Simple Changes (includes small landscaping projects and normal maintenance projects such as exterior painting, replacing roof shingles, etc.)**

No Fees

- **Exterior Changes that do NOT impact Original Footprint of house (includes adding roof over an existing deck, replacing and/or upgrading decking materials, enclosing existing porch with glass or screens, etc.)**

\$20 Review Fee

- **Major Changes that DO impact the Original Footprint of house (includes additions to original home, adding a permanent separate structure, adding a deck or adding a dormer or new opening in a roof line, etc.)**

Fees TBD based on overall size of project (could include a Compliance & Road Damage Fees)

APPENDIX C

Exterior Materials and Colors Form





Main Body Color

Material _____
Color _____

Primary Trim

Material _____
Color _____

Secondary Trim

Material _____
Color _____





Roof

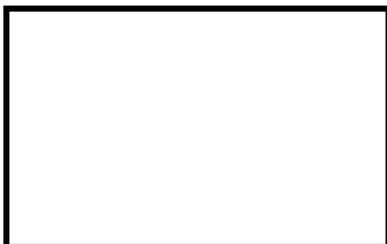
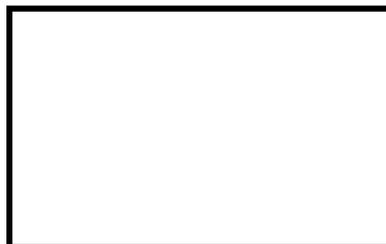
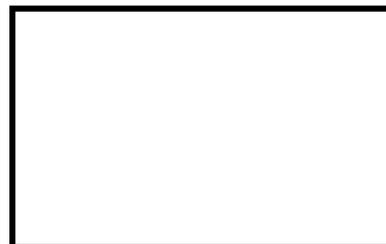
Material _____
Color _____

Crawl/Basement

Material _____
Color _____

Shutters

Material _____
Color _____

Doors

Material _____
Color _____

Other:

Material _____
Color _____

Other:

Material _____
Color _____



APPENDIX D

ARC Approval Form and Permit for New Construction

Conditional Approval _____ Final Approval _____ Permit Expires _____

Comments: _____

Lot _____ New Construction _____ Renovation _____

Owner: _____ Contractor: _____

Submittals:

Site Analysis & Plan Approved _____ Declined _____

Comments: _____

Schematic Landscape Plan Approved _____ Declined _____

Comments: _____

Floor Plans and Elevations Approved _____ Declined _____

Comments: _____

Lot Stake Out Approved _____ Declined _____

Comments: _____

Color Samples Approved _____ Declined _____

Comments: _____

Fees Received

Yes _____ No _____

Somersby Park ARC Approval

Signature _____

Print Name _____

Date _____



APPENDIX E

ARC Subsequent Change Form

Lot _____ Addition _____ Renovation _____

Original Approval Date _____

Owner _____

Contractor _____

Submittals (all items may not be required—judged on case-by-case basis)

\$100 Review Fee (per request) Received _____

Color Samples Approved _____ Declined _____

Comments _____

Site Plan Approved _____ Declined _____

Comments _____

Renderings Approved _____ Declined _____

Comments _____

Somersby Park ARC Approval

Signature

Date: _____

Signature



APPENDIX F

ARC Stop Work Order

All work on this property must stop immediately!

Lot _____ **Issue Date** _____

Owner: _____

Contractor: _____

Violation(s):

1. Violation: _____

2. Violation: _____

3. Violation: _____

4. Violation: _____

5. Violation: _____

6. Violation: _____

7. Violation: _____

8. Violation: _____

Somersby Park ARC

Signature

Date: _____

Print Name



APPENDIX G

ARC Authorization for Final Inspection

Lot _____ New Construction _____ Renovation _____

Address _____

Owner _____

Contractor _____

Septic System Certification for New Construction Completed & Filed

Yes

No

Somersby Park ARC Approval

Signature

Date _____

Print Name



APPENDIX I

ARC Somersby Park Schedule of Fines

Rev 2/7/11

No dumpster (new construction/alterations)	\$200
Burning without Laurel Park burn permit	\$500
Littered site	\$500
Lack of proper erosion control/no county permit	\$500
No port-a-john (new construction)	\$200
Failure to repair damages to right-of way	\$200
Unauthorized parking/material storage on adjacent properties	\$200
Non conforming "For Sale" sign	\$200
Unauthorized trimming or removal of vegetation or small trees in the natural areas within the building lot setback.	\$500
Unauthorized destruction and/or removal of live trees with minimum trunk diameter of 6" as measured 3' from the tree base.	\$1000/tree
Unauthorized new construction/alteration change to approved ARC plan	\$2000
Unauthorized renovation to existing home exterior or lot	\$2000
Construction period of home greater than one year	\$1000/mo
Unauthorized landscaping changes	\$500
Damage or trimming of vegetation or encroachment in the Greenspace	\$2000
Cutting down of trees (any size) or trimming trees in the Greenspace.	\$3000/tree

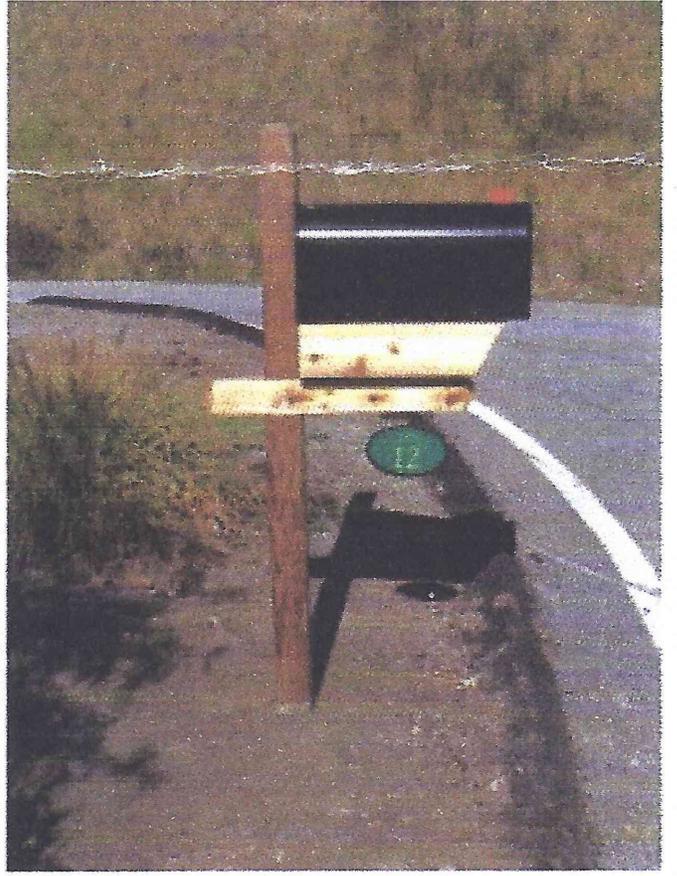
ARC reserves the right to issue a Stop Work Order and/or place a lien on a property/home if infractions are not corrected and/or fines are not paid within 30 days of demand.

APPENDIX J

Mailbox Guidelines

The following requirements apply to all mailboxes installed 11/15/2007 and later. Any mailbox installed prior to that date may continue to be used if in general compliance with these requirements and is properly maintained, as determined by the ARC. The oval hanging address plaques will be installed on ALL mailboxes, BOTH NEW AND OLD.

1. MAILBOX – Must be standard BLACK METAL USPS approved Medium (T2) sized box with red flag mounted on right side. It has an arched top and flat, vertical sides. Approximate outside measurements are 21” L x 10.5” H.
2. NEWSPAPER/DELIVERY BOX – Must be constructed of ¾” Cedar WOOD and clear stained/sealed. The rough side of the cedar will be on the outside. It may not be made of other materials such as plastic or metal, and may not display the newspaper name. OUTSIDE measurements should be 7” W x 5.5” H. It should be 16.5” L at the bottom and 19.5” L at the top. This box is required of all newly-erected mailboxes (even if no newspaper delivery), as well as all existing mailboxes that have or desire newspaper delivery.
3. POST and HORIZONTAL BOX SUPPORT – Must be 4 x 4 (3.5” x 3.5”) Cedar WOOD and clear stained/sealed. Post should extend approximately 60” H from ground and be embedded 24” into the ground. Post will be beveled at top end and extend 8” above the top of the mailbox. Horizontal Box Support should be approximately 26” L overall, extending approximately 16.5” from the front of post and 6.5” from the rear of the post. Horizontal Box Support should have beveled ends. Post and Horizontal Box Support connection should be jointed and dowelled using two oak dowels. Top of Horizontal Box Support should be 36.5” above the ground.
4. OVAL ADDRESS PLAQUE - This will be supplied by the HOA at no additional expense. It will be 8” W x 5” H and will hang from the Horizontal Box Support by 2 sets of stainless steel hooks and screw eyes. The two-sided address plaque will be made of 2 pieces of Hunter Green aluminum sandwiching a plastic core. Both sides of the plaque will have a black border with a 2.5” high gold 2 or 3 digit street address number and a 1” high gold Somersby Park LOGO centered above the numbers.
5. LOCATION – Post should be installed so that bottom front of mailbox itself is 42” above the ground and 8-12” from the outside edge of the road at the end of the driveway. That means the front of the post should be installed 29-5” – 33.5” from the edge of the road pavement.
6. MAINTENANCE – It is expected that all mailboxes, paper boxes, posts and supports, as well as the address plaques, will be maintained to the satisfaction of the ARC at the owners expense. The ARC and/or HOA may exercise its right to have any maintenance, repair, or replacement performed by the HOA or its representative at the Owner’s expense.



APPENDIX K

SIGNAGE GUIDELINES

(Revised 5/26/06)

The Somersby Park Covenants and Restrictions allow for one sign to be placed on a property for the purpose of selling or renting that property. The approved standard sign for such use is shown below.

The sign can be obtained from Speed Graphics in Arden, NC. Their phone number is 828-771-0322. The name and number shown on the example below should be replaced with the real estate agency of your choice and phone number.



APPENDIX L

TREE REMOVAL & TRIMMING GUIDANCE¹

An integral part of what makes Somersby Park the unique community that it is, is the prevalence of natural beauty in its common areas (herein Green Space), and the beautiful views of the Western Carolina mountains. The SPHOA Board of Directors (Board) has a responsibility to protect and preserve both in continuing to make Somersby Park a unique and desirable community.

At times, maintaining green space and views come in conflict because of continued natural growth in the vegetation. Generally speaking, the Board must place priority toward preservation of the green space not only for its intrinsic beauty, but also for its ecological services including but not inclusive of storm water management and erosion control, stabilization of steep slopes and wildlife habitat. Alternatively, the Board also sees the value of mountain views not only for the enjoyment of the owner but also for the economic value of Somersby Park.

The following procedure outlines the steps necessary for applying to remove, trim or modify vegetation under specific circumstances listed below.

L.1 **Requests to remove, trim or modify vegetation on your own property**

- a. Removal of trees larger than 6” in diameter at base height (3’ above base of tree) requires submission of Small Projects Form (Appendix A-1) to the ARC.
- b. Trimming and/or removing limbs of trees larger than 6” in diameter can be done without ARC approval as long as it does not endanger the tree
- c. Removal of any flowering tree (e.g. Dogwood) or shrub (e.g. Mountain Laurel and Rhododendron) requires approval of the ARC
- d. Pruning and trimming of any flowering tree or shrub can be done without ARC approval as long as it does not endanger the plant.

L.2 **Requests to remove, trim or modify vegetation on adjoining private property**

Requests to have vegetation removed or modified on adjoining property owned by someone else is between the two parties. However, if the removal or modification falls under one of the actions listed in L.1 requiring ARC approval the adjoining property owner will have to seek that approval.

¹ Added to Guidelines in 2016

L.3 **Requests to remove, trim or modify vegetation located in Green Space**

The ban on modification of any vegetation in community Green Space is specified by the Somersby Park Covenants, Conditions and Restrictions (CCR's) and by adopted ARC Guidelines. In the past this ban has been strictly enforced by the SPHOA. Thus any homeowner wishing to modify Green Space must request a variance from these restrictions. The requirements to request this variance are as follows:

- a. Only selective pruning, trimming or limb removal that preserves the natural canopy shape of the tree will be considered. The removal or topping of healthy trees in the green space will not be permitted.
- b. Shrub and debris removal will be considered if it constitutes a direct wildland fire hazard to the adjoining property and the homeowner cannot achieve proper fire safety clearances without encroaching on the Green Space. Saplings that are no more than 2" or less in diameter three feet from the base of the tree are considered brush for the purpose of this procedure.
- c. Dead trees & branches that have fallen and lying on the ground may be removed by homeowners if they are considered a fire hazard and/or can be used as firewood in the community.
- d. The resident shall submit a request in writing to the ARC by submitting a Variance Request Form (Appendix H) including any sketches or other descriptions to describe the specific trees to be affected.
- e. The ARC will notify the Green Space Committee of the proposed action for their review and comment and will coordinate with them on any approved actions.
- f. Residents on all adjoining sides of the green space in question shall review the request and all parties must approve of the request. The ARC shall make the final determination as to who should review and approve the request.
- g. If all neighbors are in agreement and the Green Space Committee has no objection, the ARC will hire an arborist to review the plan to ensure pruning will not harm the tree. The resident is responsible for all fees charged by the arborist.
- h. If the plan is approved by the arborist, the ARC will obtain cost estimates from a qualified tree service not associated with the arborist. If the resident approves the estimate, the ARC will contract with the tree service to have the work performed.

- i. The resident is responsible for paying for the tree service. This payment is required before any service is performed.

L.4 **Requests to remove dead or diseased trees in Green Space**

A standing dead or diseased tree in itself is not sufficient cause for its removal.

Dead and dying trees are a naturally occurring event that plays an important role in our overall ecosystem. Dead or diseased trees may be removed at the discretion of the ARC if, in addition to its condition, it is unsightly or it poses a risk of falling and causing damage to residents property.

- a. A resident may request that a dead or diseased tree be cut down by submitting the Variance Request Form (Appendix H) to the ARC.
- b. The ARC will coordinate review the request with the Green Space Committee and if in agreement, will have the tree removed at the expense of the SPHOA.
- c. If the request is denied the resident may, at their expense, hire an arborist to render their professional opinion.
- d. If the arborist believes the tree should be removed, the ARC will review his opinion and reconsider their original opinion. If the ARC decides to have the tree removed, the tree will be removed at the expense of the SPHOA. If the removal only benefits the requestor, the ARC may ask that the requestor to pay for the tree removal.

L.5 **Violations**

Residents who violate the above requirements shall be subject to the following fines:

- a. Damage to or removal of vegetation in a green space is subject to a fine of \$2,000 per occurrence.
- b. Trimming or removal of trees in the green space is subject to a fine of \$3,000 per tree.

APPENDIX M

Request for ARC Review - Compliance with ARC Guidelines & CCR's

Return Completed Form via E-Mail to: SomersbyParkARC@gmail.com

Property Address/Lot _____ Property Owner(s) _____

Provide a brief description of the perceived violation and reference the corresponding ARC Guideline or CCR, including item # and page # & photos if desired. Please complete a separate form for each infraction.

ARC or CCR?	Item #	Page #	Guideline or CCR Description
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Description of Violation	Date/Requestor's Signature
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ARC Review/Notes	Date/ARC Signature
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ARC Action

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Property Owner Notification	Date/ARC Signature
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Complainant Notification	Date/ARC Signature
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