

The Cramer Mountain Architectural Control Committee Guidelines

INTRODUCTION

These Guidelines shall be employed in conjunction with the Declarations of Covenants, Conditions and Restrictions of Cramer Mountain Home Owners Association (CMHOA). The Cramer Mountain Architectural Control Committee (CMACC) has prepared these Architectural, Landscape and Building Guidelines for the residents of Cramer Mountain. The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions of Cramer Mountain. All defined terms used in the Guidelines, as indicated by the initial capitalization thereof, shall have the same meaning ascribed to such terms in the declaration, unless otherwise specifically defined herein.

It is not the purpose of the Guidelines to create look-alike residents or to suggest that all employ the same colors, style and materials. Rather, the primary emphasis of CMACC is on quality of design and compatibility among all improvements without unduly restricting the ability of Lot Owners to exercise individuality in their choice or design of a residence and related improvements. No residence, structure or other improvement should stand apart in its setting, design or construction so as to detract from the overall environment or appearance of Cramer Mountain. The Lot Owners and their builders should become familiar with these Guidelines and the process set forth for submittal, review and approval of building plans, specifications and landscaping plans.

RESTRICTIONS ON USE AND OCCUPANCY

1. SINGLE FAMILY RESIDENCES

- 1.1 No Lot shall be used except for single-family residential purposes.
- 1.2 No structure shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached, single family residence dwelling and such accessory buildings as are usually accessory to a single family residence dwelling. No Lot or any portion of a Lot shall be used for a street or roadway to any adjoining property.

2. DWELLING SIZE

2.1 PHASE 1

No dwelling shall be constructed on a Lot in Phase I with less than two thousand six hundred (2,600) square feet under roof, of which at least two thousand six hundred (2,600) square feet shall be heated area. Multi-level dwellings in Phase I shall have at least one thousand two hundred fifty (1,250) square feet of heated area on the main floor. The minimum square footage of foundation area and the minimum square footage of finished, heated area for all other improvements shall be specifically approved by CMACC.

2.2 HANNA WOODS

No dwelling shall be constructed on a Lot in Hanna Woods with less than one thousand seven hundred fifty (1,750) square feet under roof, of which at least one thousand seven hundred fifty (1,750) square feet shall be heated area. Multi-level dwellings in Hanna Woods shall have at least one thousand two hundred fifty (1,250) square feet of heated area on the main floor. The minimum square footage of foundation area and the minimum square footage of finished, heated area for all other multi-level improvements shall be specifically approved by CMACC.

2.3 MAPLE POINT

No dwelling shall be constructed on a Lot in Maple Point with less than two thousand (2,000) square feet under roof, of which at least two thousand (2,000) square feet shall be heated area. Multi-level dwellings in Maple Point shall have at least one thousand two hundred fifty (1,250) square feet of heated area on the main floor. The minimum square footage of foundation area and the minimum square footage of finished, heated area for all other multi-level improvements shall be specifically approved by CMACC.

3. GARAGES

3.1 All dwellings shall have a private, attached, enclosed garage. Boats, trailers, stored vehicles or other similar objects shall be maintained in such a manner as to not be visible from a street, side lot or golf course.

4. BUILDING SETBACKS

4.1 PHASE 1

No dwelling shall be located on any Phase I Lot nearer to the front Lot line or nearer to the side street line than the minimum building setback lines shown on the record plat. The side and rear building setback line shall be a minimum of 15 feet from the side and rear property lines of each Lot except in the case in which the Property Owner combines two or more contiguous Lots for a single residence, then the building setback line shall be 30 feet from the side Lot lines. The CMACC shall make final approval of the location of a residence on a Lot and its rulings shall take precedence over this provision.

4.2 HANNA WOODS & MAPLE POINT

No dwelling shall be located on any Maples Point or Hanna Woods Lot nearer to the front Lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located on any Lot nearer than 10 feet to any side Lot line. No dwelling or building shall be located on any Lot nearer than 10 feet to the rear Lot line.

4.3 FOR THE PURPOSES OF THIS COVENANT:

Eaves, steps and open porches shall not be considered as a part of a building; provided, however, that these shall not be constructed to permit any portion of any building on any Lot to encroach upon another Lot.

4.4 BUILDING ON MULTIPLE LOTS

In the event any residential dwelling is placed upon more than one (1) Lot as shown upon the aforesaid subdivision plat, then the combination of said Lots shall be considered one (1) Lot and these restrictions and covenants shall apply to said Lots in combination, as if, the same were only one (1) Lot and the interior Lot line easement which shall affect the construction of a dwelling on the combination of two (2) or more lots, unless then in use, shall be vacated. The building setback line for a dwelling constructed on two (2) or more contiguous Lots shall be measured from the most exterior Lot lines.

5. DRIVEWAYS

5.1 PHASE 1 & MAPLE POINT

All driveways in Maple Point or Phase I shall be constructed of brick pavers or paved with a hard surface concrete. It is recommended that colored concrete of either stamped or smooth be used, samples to be submitted. All drainage pipes that are required to be placed under any driveway shall be concrete with flared end sections on both ends and shall be approved by the CMACC prior to installation. Corner lot driveways should unload toward side streets or toward the safest direction.

5.2 HANNA WOODS

All driveways in Hanna Woods shall be constructed of brick pavers or paved with a hard surface concrete which is either smooth or stamped. All drainage pipes that are required to be placed under any driveway shall be concrete with flared end sections on both ends and shall be approved by the CMACC prior to installation. Corner lot driveways should unload toward side streets or toward the safest direction.

CMACC APPROVAL AND INSPECTION REQUIREMENT

REQUIREMENT FOR APPROVAL

No construction, which term shall include without limitation, clearing, excavating, grading and other site work shall take place until the requirements hereof have been fully met. Also, no construction shall take place until the final written consent and lot owner and builder have obtained signed application approval of CMACC.

6. APPROVAL PROCESS

- 6.1 Prior to commencing any grading, clearing and construction on a Lot, the Owner thereof shall submit to CMACC two sets of all building plans and specifications (the "Plans") covering such construction which have been prepared by a qualified, registered architect or reviewed and approved by a registered architect for the specific use of the Owner prior to submittal of the same.
- 6.2 A complete application will contain the following:
 - Site prep-plan and grading plan**
 - Erosion control plan**
 - Foundation plans**
 - Site plan showing drive & sidewalk locations**
 - Landscaping plan (see Item #7 pg. 4 for details)**
 - Orientation of all structures proposed to be built on the lot such as retaining walls, etc**
 - Retaining walls – should be made of impervious materials – specify materials**
 - Floor plans**
 - Elevation drawings of all exterior walls**
 - Roof plan**
 - Square footage of the proposed structures on a floor-by-floor basis**
 - Samples of all proposed building materials and colors – specify manufacturers**
 - MSOS where applicable**
- 6.3 Once submitted plans are examined and approved by the ACC, the plans must then be submitted to the Gaston County inspections Department for approval. This "stamped" set of drawings will then be reviewed by the ACC for any changes prior to final approval by the Committee. Any changes to the original drawings by the applicant or Gaston County must be approved by the ACC Committee before final approval is granted.

7. LANDSCAPE PLANS (Revised January 2006)

Landscape plans should include but not limited to all retaining walls and other structures to be placed on lot. All retaining walls must be constructed of impervious materials. Retaining wall materials and locations must be approved by CMACC prior to any construction. All Landscape plans should include existing trees and structures on the property. The plans should list all types of materials to be planted, their correct names, container sizes and specifications. The landscape plans should be drawn on paper no smaller than 18" X 24" in size.

8. CMACC RIGHTS

CMACC shall have the absolute and exclusive right in its sole discretion to refuse or to approve the proposed plans and samples.

9. CONSIDERATIONS

In passing upon such plans and samples, CMACC may take into consideration the suitability and desirability of the proposed construction, the proposed materials, the harmony of the external design, the existing structures of the surrounding neighborhood and the appearance of such proposed improvements as viewed from neighboring lots.

10. REFUSAL TO APPROVE

Refusal to approve the proposed plans may be based on any grounds, including purely aesthetic considerations. Without limiting the foregoing, CMACC shall not be bound in its decision-making by prior approvals and disapprovals made with respect to other Lot Owners.

11. APPROVAL LETTER

If CMACC approves the construction of such improvements, it shall issue a letter evidencing such approval.

12. ALTERATIONS TO EXTERNAL APPEARANCE

No alterations in the external appearance of any structure shall be made without approval by CMACC.

13. APPROVAL TIME FRAME

CMACC shall approve or disapprove plans, specifications and details submitted in accordance with its procedures within a timely manner from the receipt thereof and the decision of CMACC shall be final and not subject to appeal. However, if the plans, specifications or details are revised in accordance with CMACC recommendations, they are required to be resubmitted to the CMACC

14. FINAL REVIEW AND APPROVAL

Once final Plans & Specifications have been approved, the Lot Owner or Agent shall stake the lot for review and approval by the CMACC prior to commencing any construction work thereon (including grading work).

15. INITIAL GRADING AND CLEARING

All trees that are not being removed must be marked with colored ribbon. Initial clearing and grading of said lot may only include the drive and floor plan plus seven (7) feet until receipt of final landscaping plans.

16. STAKING

Staking shall be with continuous ribbon or string encircling the area to be cleared, and any additional trees to be cleared located outside the encircled area shall be ribboned individually or in groups. Provided, however, and notwithstanding any term or provision herein to the contrary, mature trees located outside the building envelope may not be cut down, damaged or otherwise removed without the specific written approval of the CMACC.

17. MATURE TREES

For purpose of the Guidelines shall mean the following:

TREE TYPE AND DIAMETER

- 17.1. Evergreen Trees measuring 6 inches or greater in diameter measured 12 inches from the ground at the truck
- 17.2. Deciduous Trees measuring 3 inches or greater in diameter measured 12 inches from the ground at the truck
- 17.3. Dogwoods and Flowering Trees measuring 3 inches or greater in diameter measured 12 inches from the ground at the truck

**** Trenching on mature trees will not be allowed inside drip line – coring is required inside drip line to avoid killing tree. The primary purpose of site inspection by the CMACC is to ensure compliance with the approved plans to prevent any unnecessary damage to specimen trees and other site features.**

18. ADDITIONAL INSPECTION ITEMS

In addition to the foregoing matters, the inspection shall include a review of the following:

- 18.1 BUILDING SETBACKS (AS PER STAKES)**
- 18.2 SIDE YARDS (AS PER STAKES)**
- 18.3 PROTECTION OF WATER & SEWER METERS**
- 18.4 LOCATION OF CONSTRUCTION DRIVEWAY**
- 18.5 EROSION CONTROL MEASURES**
- 18.6 CLEANING & WASHING OF STREET (FRONT OF JOBSITE)**

19. AFTER CONSTRUCTION COMPLETION

Upon completion of approved construction, the CMACC shall inspect the construction site to ensure that the Owner/Builder complied with the approved plans and samples. No structure may be occupied or used until the CMACC issues a letter of compliance.

FEES & FINES

20. APPLICATION FEE

A \$500 nonrefundable application fee as well as a \$3,000 refundable deposit will be required at the time that house plans, landscape plans and specifications are submitted to CMACC for review. Should Owner/Builder have no violations during construction, Owner/Builder will be refunded the full amount. Any additions or alterations to a lot that are not new construction of primary structure may require a refundable deposit of \$1,500. This deposit may be required at CMACC discretion.

20.5. CONSTRUCTION DAMAGE SECURITY REQUIREMENTS

The Owner/Builder has an affirmative duty to conduct construction activities and deliveries of materials so as to prevent excessive load or stress on the structures or conditions of the property, including, without limitation, the community roads and other infrastructure and common areas. Owner/Builder shall take all steps necessary to avoid creating an unsafe condition, an unreasonable risk of bodily injury, or damage to any property within the community. The CMACC may promulgate reasonable regulations and guidelines on construction activities designed to prevent property damage or personal injury (See Section 32 for written restrictions).

As a condition to approval of the proposed project, the Builder is required to provide an endorsement or rider to its commercial liability insurance policy naming the CMHOA as additional insured and certificate holder, for the purpose of providing coverage for damages to the streets, common areas and other common amenities caused by construction activity.

21. FINES FOR NONCOMPLIANCE

If an Owner/Builder occupies or uses a structure for which a letter of compliance has not been issued by CMACC, the CMACC shall levy a fine of up to \$100 per day for each day of such occupancy after required hearing is held. Fines will be deducted from the above-mentioned deposit. Fines in excess of deposit must be paid prior to final issuance of letter of compliance.

Neither the CMHOA nor CMACC shall be responsible in any way for any defects in plans, specifications or details submitted, revised or approved in accordance with the provisions contained herein or in the Guidelines, nor for any structural or other defect in any construction.

22. NOTICES

- 22.1. Whenever any provisions of these Guidelines are being violated, the CMACC shall notify the Owner/Builder that the violation exists by means of a personal service (whether phone call, email or certified mail).
- 22.2. Failure to abate the violation within five (5) days of written notification shall result in the actual cost of notification and a hearing to be held.
- 22.3. After said hearing, fines may be assessed if violation is not remedied.

CONSTRUCTION RULES

23. APPLICATION

All Lot owners, general contractors and sub-contractors shall abide by these construction rules and such other rules as the CMHOA and/or the CMACC may establish from time to time.

24. TIMELINE

Construction must be completed within 18 months. If construction is not completed within this time, fines and penalties will be assessed against Owner/Builder. However, Owner/Builder may request additional time in writing from CMACC. CMACC has no obligation to approve any such request. Written requests should be sent to:

Property Matters Realty, LLC, PO Box 158 Gastonia, NC 28053

25. CONSTRUCTION HOURS AND NOISE

- 25.1.1. Monday through Friday - construction activities and deliveries must be conducted from 7:30 a.m. until 7:00 p.m.
- 25.1.2. Saturday construction activities and deliveries must be conducted between 8:00 a.m. until 6:00 p.m.
- 25.1.3. **NO CONSTRUCTION IS ALLOWED ON SUNDAYS OR ANY MAJOR HOLIDAY WITHOUT WRITTEN APPROVAL FROM CMACC.**

26. RUBBISH & DEBRIS

In order to maintain a neat and orderly appearance at all times throughout the Cramer Mountain Community, the following rules must be strictly followed.

- 26.1 At the end of each day on which work occurs, all lightweight construction debris, such as roofing paper, insulation bags and any polyethylene or sheathing must be placed in trash dumpster.
- 26.2 At the end of the day on Friday, all construction debris must be picked up and scrapes such as shingles, brick banks, drywall, bricks, etc.... must be put in trash dumpsters.
- 26.3 During the last three (3) days of each month, all debris must be taken off the Lot and out of the Cramer Mountain community leaving the Lot free of debris.
- 26.4 All construction debris as well as construction dumpsters/roll-offs shall be placed on construction lot only and emptied when full.

27. STREET CLEANING

At the end of each working day the general contractor must clean up any significant amount of dirt, gravel, cement, etc., left on any street. If this task is not done daily the CMACC will have a cleaning service do the work, at which time the amount will be deducted from the above-mentioned deposit.

NO WRITTEN OR VERBAL NOTIFICATION SHALL BE PROVIDED.

28. SILT FENCES

Silt fencing and/or other devices for sedimentation control shall be installed where necessary or as directed by CMACC. Silt fencing must be properly maintained during construction of residence.

29. MATERIAL STORAGE

All materials must be kept in a neat, orderly fashion on Lot, not in the streets.

30. GRAVEL DRIVES

Prior to the commencement of construction, the Lot Owner/Builder shall provide a gravel driveway for use during construction, and the driveway must be maintained for duration of construction.

31. PARKING

All vehicles must be parked so as not to impede traffic or damage vegetation. Parked vehicles shall have 2 wheels on the same side of vehicle off the street. No parking shall be permitted on any property except for homeowners or builders property. No vehicles (trucks, vans, cars, construction equipment, etc.) may be left overnight, unless the vehicle will be used within three (3) days. Any vehicle left overnight must be left on the gravel drive and not on any other portion of lot.

32. WEIGHT LIMIT OF VEHICLES ON COMMUNITY ROADS

The maximum weight of any vehicle entering the community shall not exceed 16 tons. Concrete delivery vehicles shall not exceed 6 yards of concrete or 16 tons total per delivery; whichever is greater on any single trip into the neighborhood. Verification of the vehicle weight may be required before entering the neighborhood.

MISCELLANEOUS PRACTICES

33. The following practices are prohibited at Cramer Mountain:

- 33.1 Changing oil of any vehicle or equipment
- 33.2 Allowing concrete suppliers and contractors to clean their equipment at areas other than Lot at which they delivered. Any debris must not run into curb gutters or street.
- 33.3 Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by CMHOA.
- 33.4 Operators of vehicles are required to use due care to ensure they not spill any damaging materials or damage in any way the roads and/or curbs within Cramer Mountain. **Any such damage will be charged to the General Contractor.**
- 33.5 Unloading of any construction equipment using steel tracks must be unloaded onto the lot where it is to be used. No equipment with steel tracks is allowed on the roadway at any time.

34. COMMON AREAS

Except with the prior written permission of the CMAAC, builder and sub-contractor personnel are not allowed in the Common Areas or allowed to cross any Common Areas

35. SPEED LIMIT

The established speed limit within Cramer Mountain is twenty-five miles per hour (25 MPH) for all vehicles and everyone must obey the speed limit.

36. PROPERTY DAMAGE

Any damage to streets and curbs, water meters or boxes, drainage inlets, street lights, street markers, mailboxes, walls, etc., will be repaired by CMHOA and the cost of such repairs will be deducted from the above-mentioned deposit or billed to the responsible Owner.

If not paid promptly, the repair cost will be placed as a lien against said property.

GENERAL BUILDER RESPONSIBILITIES

37. BUILDERS RESPONSIBILITIES

Builders are required to maintain strict control over sub-contractors to minimize soil and mud build-up in streets. General Contractors will be held responsible for all subcontractors on Cramer Mountain. Planning the home construction with erosion control measures in mind will be crucial to the success of each builder at Cramer Mountain. In addition to protecting and controlling erosion, builders are encouraged to preserve natural wooded areas wherever possible and to minimize Lot grading disturbance.

38. FAILURE TO ABIDE

Failure of Owner, Builder or Sub-contractor to abide by any of the construction rules may result in loss of such builders or sub-contractors privilege to enter Cramer Mountain on a temporary or permanent basis.

39. NOTICES

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be in compliance with above listed Section "**NOTICES**" **Section 22.**"

Disclaimer: The provisions of this Agreement are severable, and the invalidity or unenforceability of any one or more of the provisions of this Agreement shall not affect the validity and enforceability of the remaining provisions thereof.

Acknowledgement of ACC Guidelines:

1. All homeowner's dues are paid through current year.
2. No open house events for the purpose of marketing the property to the general public shall be permitted. Realtors holding an open house for other Realtors shall be permitted.

Owner Signature

Date

Builder Signature

Date