

HAWTHORN HILLS PROPERTY OWNERS ASSOCIATION

Building Regulations

PART 1: Authorization

These regulations have been approved by the HHPOA membership. No portion of the regulations shall be altered without another majority vote of approval.

The HHPOA Protective Covenants state that the Building Committee acts as an agent of the HHPOA Board of Directors. The Committee has full authority and discretion to approve or disapprove all construction plans and requests for waiver. An application and documentation (detailed herein) for all building plans and plan changes shall be submitted to the Committee and receive written approval before construction may commence. THIS APPLIES TO ALL EXTERIOR ALTERATIONS TO STRUCTURES, AS WELL AS CONSTRUCTION OF NEW STRUCTURES. The Committee will review submissions promptly. Approval will not be unreasonably withheld.

1.1 Appeals

The Covenants state that a Building Committee decision may be appealed to the Board of Directors, provided that a written notice of appeal is submitted by the property owner to the Board within 15 days of the Committee's final determination.

PART 2: Purpose

This document is written to provide helpful information to property owners, architects, and contractors during their application, review, construction, and inspection. For the benefit of all, the Building Committee encourages the parties to become familiar with these regulations and to involve the Committee at the earliest stage of this project.

The design objective is: for a project to harmonize with its surroundings, rather than compete or contrast. The intent is always to preserve unity, as well as ensure compliance with these regulations and the Covenants. The broader purposes are: to uphold the high standards of Hawthorn Hills and to foster betterment of the community.

Only detached single-family houses for residential use may be built in Hawthorn Hills. No condominiums, cluster or townhouses, multiple family dwellings, modular or mobile homes, sheds or other outbuildings are allowed. No basement, garage, outbuilding, or temporary unit may be used as a residence for short or long periods of time.

PART 3: Initiating the Review Process

A preliminary meeting with the Building Committee is recommended.

3.1 Request a Review

In order to request the required review of plans for new construction or exterior alterations, property owners must submit certain documents to the Building Committee, including the application and agreement (completed by owner) located at the end of this document.

The level of detail needed in a submission depends on the proposal's complexity. Along with attached forms, typical documentation includes (but may not be limited to) the following:

3.1.1 Plat

A plat showing the footprint of the house and driveway. Obtain from Henderson County Register of Deeds (hendersoncountync.gov/rd), 100 N King St.

3.1.2 Setback

Documentation of conformance with setback regulations (see Section 4.2).

3.1.3 Scale Drawings

Scale drawings of floor plan and elevation views, or changes to them (see Section 4.3).

3.1.4 Tabulation of Areas

A tabulation of total enclosed square footage, as well as square footage of conditioned heating and ventilation areas (see Section 4.4).

3.1.5 Materials List

A list of exterior materials to be utilized, including indication of color, and conformance with the percentage regulation for brick or stone facing (see Section 4.5).

3.1.6 Drainage

Documentation indicating that a drainage ditch with suitable culvert pipe under the driveway and beside the road will be installed to divert water flow from the road and to promote drainage, if necessary (see Section 4.11).

3.2 Retention of Documents

Any documentation submitted will become the property of the Building Committee.

3.3 Plan Changes

Any changes from the originally submitted plans and specifications affecting the exterior of the structure or site must be resubmitted and approved in writing by the Building Committee prior to action.

3.4 Contact Information

Attached to this document is an application form, which must be completed and submitted to the Building Committee before the project begins, so principals can be contacted. If and when replacements occur, a resubmission is required within a week.

3.5 Compliance Deposit

A compliance deposit of \$200 or 2% of the estimated construction cost (whichever is greater) is to be submitted to the Building Committee with the application. Upon approval of the plans, the funds will be held and discretely recorded in an HHPOA account. Upon completion of the project, with final inspection and approval by the Committee, the compliance deposit funds will be returned, minus any portion spent to attain conformance (see Sections 5.1, 5.4). This deposit may not be required for small alterations or additions.

PART 4: Review Criteria

Throughout the review process, the Building Committee is guided by the measurable standards in these regulations and the Covenants, and such standards must be met by all construction. In addition, the Committee considers the effect of design elements — such as points of interest, form and function, scale and color — that cannot be fully judged by measurable standards.

Aesthetic impact is as important to Hawthorn Hills as meeting the objective criteria. Therefore, these regulations are not the exclusive basis for decisions, and compliance with them does not guarantee approval of an application.

4.1 Site Utilization

In addition to drainage, driveway, and parking, the Building Committee considers the synergy between planned construction and its surroundings, including views from the house and views to the house as seen from outside the property.

4.2 Building Setbacks

The minimum front setback for any structure is 50 feet from the frontage road centerline. Other setback regulations are the same as those specified in the applicable Henderson County Zoning Ordinance, or as shown on recorded plats, whichever is greater. No structure is to be located nearer than 25 feet to any inside lot line. In cases of unusual topographic conditions, the Building Committee may approve a variance of not more than 20 percent.

4.3 Floor Plans

The Building Committee is primarily concerned with the exterior design of the house. However, floor plans are included in the review process to ensure that no attempts are made to divide a house or garage into multiple partitioned living quarters.

4.4 House Size

No house may exceed 2 stories in height from grade level. A basement may be included (below grade, at least on the side facing the road). Dwellings must have a finished, heated living area of not less than 1800 square feet, exclusive of porches, garages, and basements.

4.5 Materials and Colors

Exterior material and color selections are key factors of architectural criteria, and the Building Committee will consider both. Repetition of just a few elements creates a more cohesive design. In a wooded mountain setting, materials like wood, stone, and brick make a positive visual contribution, while others like shiny metals do not. All houses must be surfaced with at least 25 percent brick, brick veneer, or stone veneer. No exposed surfaces may appear to be concrete or cinder block. Materials often used for commercial structures are not likely suitable.

4.6 Fenestration

For unity of design, the Building Committee considers the relationship of exterior openings (doors, windows, vents, skylights, etc.) to each other and to the house.

4.7 Roofs

The Building Committee considers: proportion and appearance in relation to the structure's body, color, and texture; character provided by roof breaks (at least one); pitch of significant slope (at least 7/12 is desirable); weight and other safety issues (for example, textured asphalt shingles are acceptable, while flammable cedar shakes are not). Mechanical equipment, vent covers, and stacks must complement the roof color. Gutters and trim must complement the house's aesthetics. Eave overhangs may extend over setback lines by no more than two feet.

4.7.1 Solar Panels

Installation of solar panels will be permitted only on a dwelling's least conspicuous rooftop location, unless the panels replicate shingles or other roofing materials, in which case they will be approved on any rooftop location.

4.8 Chimneys

The Building Committee considers a chimney's proportion and balance with the rest of the structure, as well as code conformance.

4.9 Antennas

No antenna or similar device may be installed where visible from a road. Dish antennas no larger than 40 inches are permitted, but must be attached to the house.

4.10 Garages

Vehicle storage is a required part of Hawthorn Hills dwellings. Garage design is integral to overall design and will be reviewed for suitability. Garages may not open to the front lot line, unless the Building Committee approves a waiver for topological or access reasons only. Each dwelling may have garage space no smaller than needed to house 2 four-wheeled passenger vehicles and no larger than needed to house 4 four-wheeled passenger vehicles.

4.11 Driveways and Drainage

All driveways should be attractively and practically located. Steep slopes require longer drives that curve with the land's contours, meet the road at a safe angle, and are graded to prevent runoff onto the road. No more than one driveway entrance per lot is permitted, unless the Building Committee approves a waiver. Driveways must have a minimum width of 9 feet, to be compacted and surfaced with asphalt, concrete, or similar hard pavement.

To facilitate drainage, a drainage ditch must be installed wherever a lot slopes down to a road, with a culvert under the driveway. Culverts are to be drainage pipe of at least 15 inch diameter and 20 foot length. The contractor will abate high levels of rainwater, mud, or silt runoff that result from the current construction and that negatively impact adjacent properties.

4.12 Yard Partitions

All fence and stand-alone wall plans must be submitted to the Building Committee for approval. Such partitions must lie entirely within a single property and not be installed at a property line, or appear to be a barrier or screen along any side of a property. No partition may extend nearer to a road than the minimum setback lines, or into an easement or legally restricted area.

Fencing may be permitted in small sections for specific purposes such as entry courts, private patios, or screening of utility and mechanical equipment. Fencing for pets is also acceptable, but pet areas are only allowed in order to facilitate periodic exercise, not to provide a regular habitat. In general, fences should be: (1) attached to the house; (2) hidden from view outside the property as much as possible; (3) no more than four feet in height, though shorter fences are encouraged. Chain-link fences are not permitted.

4.13 Recreational Structures

As with any structural projects, plans for built-in outdoor hot tubs, and swimming, wading, or decorative pools must be submitted to the Building Committee. Outdoor water projects are discouraged due to their demanding requirements, such as pool draining, visual masking from neighbors, muffling and concealment of equipment, secure safety enclosures, personal liability, and insurance costs, all of which are the sole responsibility of the owner.

Recreational equipment that is placed outdoors for extended periods of time, such as basketball hoops or child playsets, must meet the requirements and intent of these regulations and the Covenants, particularly regarding loud noise and colors.

Private tennis courts, basketball courts, other types of playing fields, driving ranges, and target ranges, as well as related chain-link fences or other types of sports partitions are not permitted.

4.14 Signs and Flags

Signs and flags, particularly political signs and flags, are not permitted on any lot in public view, except: signs used by builders to advertise during construction; one sign of 5 square feet or less to advertise a property for sale or rent; one sign of 1 square foot or less indicating security system protection; the U.S. flag; the North Carolina flag.

4.15 Mailboxes, Mailbox Posts, and Newspaper Boxes

Mailboxes, mailbox posts, and newspaper boxes are to be black and traditionally shaped, with a red flag attached as approved by the Postmaster General. Height must comply with postal regulations. Newspaper boxes may be attached to the post or mailbox. Neither box may bear decals or decorative covers, but may display address numbers to guide carriers. Attaching decorations for holidays or family events (birthdays, etc.) is encouraged, but they should be replaced if damaged, and removed within a reasonable time soon after the event.

PART 5: Completing The Project

All construction work, landscaping, and site cleanup are to be completed within one year of the start date (date of first grading). The project must be completed as detailed in the approved plans, at which time the owner formally requests a final inspection by the Building Committee.

5.1 Inspection

The Building Committee's final inspection includes (but may not be limited to): house design, execution, and colors per plan; roof vents and chimney caps painted; driveway per plan; drainage; sod restoration in front of house and on areas damaged by construction; repair of any damage to adjacent properties and roads; removal of materials, equipment, and debris.

5.2 Code Conformance

Construction must conform to the latest regulations of North Carolina State Building Code, North Carolina Plumbing Code, National Electric Code, and all applicable national, state, and local codes. Neither the HHPOA Board of Directors nor the Building Committee has authority to issue a waiver of these codes. Each owner and contractor is responsible for ensuring the work meets such regulations and for obtaining all permits and approvals.

Building, water, and septic/sewer permits are obtained from Henderson County Permits and Inspections (hendersoncounty.gov/permitcenter), 100 N King St. All current permits are to be posted at the construction site.

5.3 Clean Site

The construction site, including right of way, drainage ditch, and road in front of lot, must be kept clear of debris, dirt, mud, and trash at all times. Culvert pipe is to be temporarily placed under any construction access road, if necessary to prevent flooding or pooling. Silt fences and erosion control must be installed prior to any clearing, in compliance with EPA regulations. Stumps, wood, or other material may not be dumped on the site or adjacent lots. At least once per week during construction, surrounding lots must be cleaned of debris originating from the project. Construction vehicles may not block or park in neighboring driveways and may not block mailboxes or roadways. Any regular loud noise that may bother neighbors, such as a barking dog or loud music, is not permitted.

5.3.1 Pets on Site

Bringing pets to the job site is discouraged. However, if present, they must be leashed within the property boundaries. The responsible person must immediately remove any deposits left by the pet.

5.4 Fines

In cases of flagrant disregard for the Covenants or these regulations, or for plans approved by the Building Committee, it will take steps to correct non-compliance and will have full authority to retain any compliance deposit funds received from the owner. Additionally, the Board of Directors may elect to levy fines to any extent set forth and permitted in the Covenants or by North Carolina law.

5.5 Covenants Prevail

Every effort has been made to include herein all building regulations that also appear in the Covenants, but in case of confusion, discrepancy, or any perceived conflict between the two documents, the Covenants prevail. In any case, careful adherence to both documents helps ensure approval of plans and construction in Hawthorn Hills.

In order to request a review of your plans for new construction or exterior alterations, complete and submit the following documents plus any other appropriate material to the Building Committee.

HHPOA Application For Construction Review

Project Title/Designation _____

Project Address _____ **Lot** _____

Owner _____

Address _____

Telephone _____ Cell Phone _____

Architect _____

Address _____

Telephone _____ Cell Phone _____

Contractor _____

Address _____

Contractor's License Number _____

Telephone _____ Cell Phone _____

Job Supervisor _____

Address _____

Telephone _____ Cell Phone _____

Emergency Contact _____

Telephone _____ Cell Phone _____

HHPOA Construction Checklist

Preliminary stakeout (required)

Site Plan to Scale

Schematic Floor Plan to Scale

Schematic Elevations to Scale

Actual Sq Ft _____ HVAC Sq Ft _____ _____% Brick or Stone of exterior surface

Exterior Materials Descriptions (color/mfg/name/number, if available, or samples)

HHPOA Construction Agreement

1. Owner of the property located at _____ in the Hawthorn Hills subdivision of Henderson County, NC, and Contractor engaged by Owner to execute the Project identified in the accompanying application, each acknowledge by their signatures below that they have been given copies of the Hawthorn Hills Property Owners Association Protective Covenants and Building Regulations and have read both documents. Owner and Contractor further acknowledge that they understand these documents and do hereby agree to abide by the terms and provisions of these documents.

2. Owner takes responsibility for, and shall be held responsible by the HHPOA for, all work performed by Contractor, subcontractors, employees, resident renters, and any others performing services related to the Project.

3. Contractor takes responsibility for, and shall be held responsible by the HHPOA for, the conduct of all workers performing services related to the Project.

4. Owner and Contractor agree that all construction or exterior alterations must comply with the HHPOA Covenants and Building Regulations, and that the Project shall be completed as detailed in their final submitted plans, and as approved by the Building Committee.

5. OWNER HEREBY SUBMITS WITH THIS AGREEMENT A CHECK IN THE AMOUNT OF \$_____, EQUALING \$200 OR 2% OF THE ESTIMATED CONSTRUCTION COST (WHICHEVER IS GREATER). OWNER UNDERSTANDS AND AGREES THAT THIS CHECK IS A COMPLIANCE DEPOSIT, TO BE HELD THROUGH THE PROJECT'S DURATION AND DISCRETELY RECORDED IN AN HHPOA ACCOUNT. Owner and Contractor understand and agree that: (1) failure on their part, or on the part of either one, to comply with the terms and provisions of the HHPOA Covenants and Building Regulations shall result in the HHPOA taking steps to correct non-compliance, and may result in a cease-and-desist order; (2) any such steps taken by the HHPOA may cause expenses to be paid and/or fines levied that shall be collected from Owner's Compliance Deposit and/or from Owner. The balance remaining in the Compliance Deposit when the Project receives final approval shall be refunded to Owner within thirty days.

Contractor

| | | |
|------------|-----------|------|
| Print Name | Signature | Date |
|------------|-----------|------|

Owner

| | | |
|------------|-----------|------|
| Print Name | Signature | Date |
|------------|-----------|------|

An authorized signature on the line below certifies that the Project identified in the accompanying application has received a Building Committee review and approval to proceed with construction as detailed in the final plans submitted by Owner and/or Contractor. With that signature, this document serves as a receipt for the Compliance Deposit in the dollar amount entered above.

Building Committee Chair — approval to proceed with project as detailed in plans

Print Name

Signature

Date

An authorized signature on the line below certifies that the Project identified in the accompanying application has received a Building Committee inspection, and that this project has been completed with final approval from the Committee, provided that the accounting of the Owner's Compliance Deposit is closed.

Building Committee Chair — approval of completion of project

Print Name

Signature

Date