

# Architectural Guidelines



New Tazewell, Tennessee 37824  
Lone Mountain Shores Architectural Guidelines  
*(Revised December 2018)*

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## 1. STATEMENT OF PRINCIPLES AND PURPOSE

- 1.1 A great deal of effort has been given to the master planning of Lone Mountain Shores (“**LMS**”) to ensure a thoughtful and harmonious development process. A major concern in the planning is the integration of development with its immediate environment. Man-made improvements should, as much as possible, be sensitive to nature. The result will be more pleasing to the eye and a more attractive community in which to live.
- 1.2 To assure that these objectives are achieved and to assure continuity of physical development such that future development will be compatible with existing development, the Declaration of Covenants, Conditions, Restrictions and Easements for Lone Mountain Shores (the “**Covenants**”) has been declared and publicly recorded. Article VII of the Covenants establishes the Architectural Review Committee (the “**ARC**”) and sets forth its jurisdiction, powers, obligations, and the rules and regulations under which it will conduct its review of proposed improvements. Any statements contained in these Guidelines are to amplify or clarify provisions of the Covenants.
- 1.3 All Owners, as that term is defined in Section 16(i) herein, applying to make an improvement on their lot are urged to review, and to require their contractors to review, carefully all provisions of this document, as well as the Covenants, the LMS Bylaws, and the Vital Information Statements for their lot prior to submitting an application to the ARC.
- 1.4 Owners are responsible for all project improvements and construction activities occurring on their lot.
- 1.5 The ARC has been charged with exercising its best judgment to (a) see that all improvements conform and harmonize with any existing structures as to external design and quality, and (b) examine and approve or disapprove any and all proposed improvements for a building site within Lone Mountain Shores, including but not limited to: construction of Dwellings, garages, outbuildings, or any other buildings; construction or installation of sheds, sidewalks, steps, driveways, parking lots, decks, greenhouses, playhouses, awnings, walls, gates, fences, alternative energy devices, rip-rap, exterior lights, any exterior addition, change, or alteration to existing structures, or major excavation and the shaping of land. In summary, the ARC Committee is responsible for approving or disapproving plans and then following up to verify that the construction matches the plans submitted.
- 1.6 Additionally, ARC approval must be obtained for dredging and fill operations, clearing of vegetation, or any minor excavation that has the potential to affect drainage. This does not include normal mowing, trimming, or brush or tree removal for the maintenance of a property, but refers to lot or area clearing that has the potential to create an erosion or fire hazard risk.
- 1.7 ARC approval does not eliminate the obligation of an Owner to apply for and obtain permits, if required, from the Tennessee Valley Authority (“**TVA**”), the U.S. Army Corps of Engineers (“**USACE**”), the Tennessee Department of Environment and Conservation, Claiborne County, the State of Tennessee, or any other governmental agency.

## 2. ADMINISTRATION OF ARC

- 2.1 The ARC is composed of up to five, but not less than three, members (each an “**ARC Member**”). One Member, who will also serve as the ARC Liaison on the Board of Directors of the Lone Mountain Shores Owners Association, Inc. (the “**LMS Board**”), will be elected by vote of the Owners. The remaining ARC Members will be appointed by the LMS Board.

All ARC Members must be and remain Owners in good standing with the Lone Mountain Shores Owners Association, Inc. (the “**LMSOA**”).

- 2.2 The LMS Board will appoint an ARC Member to serve as Chairperson. The ARC will then select a Vice-Chairperson and Secretary at its first meeting each year.
- 2.3 The ARC Chairperson will preside over ARC meetings and provide for reasonable notice to each ARC Member before a meeting. In order to conduct ARC business a quorum of three members must be present. In addition, all applications for ARC approval and any other communications with the ARC by an Owner should be directed to the ARC Chairperson.
- 2.4 The ARC Liaison will be responsible to communicate pertinent information between the LMS Board and the ARC, and to present to the Board any ARC matters that require Board approval (e.g., proposed revisions of the ARC Guidelines).
- 2.5 The regular term of office for each ARC Member will be two years, beginning January 1. Any ARC Member appointed by the LMS Board may be removed with or without cause by the Board at any time by written notice to such Member. The LMS Board will appoint a successor to fill any such vacancy for the remainder of the removed Member’s term.

**3. PLAN SUBMISSION AND APPROVAL PROCEDURES for Buildings, Garages, and Other Structures Equal to or Greater Than 200 Sq. Ft. in Size.**

3.1 Schematic Presentation/Architectural Renderings.

To aid the homeowner in the pre-planning process, an artist’s rendering or a schematic rendering of a proposed construction or improvement may be submitted to the ARC to determine the suitability of a particular style or design for construction in Lone Mountain Shores. The ARC will render an opinion as to whether a particular design would be acceptable. Because a rendering is not always an accurate depiction of a design scheme, the ARC’s opinion will be non-binding and will be offered only in an effort to save an Owner’s time and expense in pursuing a design that may ultimately be disapproved.

3.2 Project Plan Submission for ARC Approval.

Before commencing a project to construct a building, garage, or other structure equal to or greater than 200 sq. ft. in size, an Owner must submit to the ARC Committee a completed Application for Construction form, which can be found on the LMS website, along with the following additional items (See also the “Construction Checklist” located on the LMS website for complete documentation requirements):

- (a) A nonrefundable application fee of \$100.00; and a refundable security deposit of \$500.00
- (b) One set of complete Architectural Plans to scale including the following: **Site Plan:** 1” = 100’ minimum scale. For new home construction one set of Architectural B or larger plans. See Architectural Guidelines and Architectural Checklist for complete list of documents required for submittal.
- (c) A registered survey of the Owner’s property clearly showing the location of all corner survey pins for the property;
- (d) A site plan that clearly shows property lines, bearings, distances, the legal description of the property, parcel number, easements, setbacks from property lines and roadways,

access streets, septic field location, proposed footprint of the building structure and well location, outbuilding location, drive location, walkways, building location, dimensions from property lines to proposed structures, and existing stream or storm runoff courses across the site. Include also on the site plan or another drawing proposed sediment and erosion control measures (e.g., silt fences); and

- (e) Either: (i) a copy of the Construction General Permit the Owner has obtained from TDEC, including the Storm Water Pollution Protection Plan filed by the Owner as part of their application for this Permit, describing proposed sediment and erosion control measures; or (ii) a written statement from the Owner stating that the Owner contacted TDEC and was advised by TDEC that a Construction General Permit was not required for the proposed project. An application for this Permit may be obtained from TDEC's Environmental Field Office in Knoxville, Tennessee. TDEC's current toll-free number is 1-888-891-(TDEC) 8332. The current number for the Knoxville Field Office is 1-865594-6035.

3.2.1 Applications will be marked as to the time and day of receipt.

3.2.2 Architectural drawings should include the following:

- (a) Total enclosed heated/air-conditioned square footage (stated by floor in the case of a multi-floored residence);
- (b) Approximate elevation drawings of all sides indicating both existing and final grade, finished floor level, and including treatment of building from grade to floor in elevated buildings; and
- (c) Detailed drawings of any patio wall section, if applicable, and other features desirable for clarification, such as exterior walls, screens, etc. The wall section must clearly show the proposed size, profile, and building material.

3.3 Incomplete Submission.

A submission that does not include complete information as required by this Section 3 will be rejected by the ARC.

3.4 Approval by the ARC.

3.4.1 All approvals by the ARC will be in writing or email; verbal approvals are not binding.

3.4.2 Approval by the ARC of a submission presumes continued compliance with all County and State building ordinances and, for waterfront property, the rules of the TVA and the USACE.

3.4.3 ARC approval also presumes continued compliance with all requirements of the Lone Mountain Shores Governing Documents (the "**LMS Governing Documents**," as more fully described in Section 16(g) herein) and any directions provided by the ARC, unless the Owner has received from the ARC a written waiver of particular ARC Guidelines.

3.4.4 ARC approval (including that for variances) expires one year from the approval date unless construction or land clearing has started. After that time the Owner must resubmit his or her application unless he or she has, in writing, requested and received an extension from the ARC. Any resubmission will be subject to the rules, regulations, and ARC Guidelines in force at the time of the resubmission. A new

application fee will be required if more than two years has elapsed from the date of the original approval.

3.4.5 All exterior improvements must be completed no later than one year from the commencement of construction of the improvement, unless the ARC, in writing, has granted the Owner an extension. The Owner must request such an extension in a timely manner.

### 3.5 Construction Start.

3.5.1 Construction may not start without the written approval of the ARC.

3.5.2 By starting construction, the Owner acknowledges receipt of and agrees to comply with ARC decisions, requests, and stipulations provided in any ARC approval document and its attachments. This includes payment of a mandatory refundable \$500 security deposit and display at the job site of an ARC approval sign before any construction begins.

3.5.3 The construction initial start date is the day when any work associated with a project commences at the job site, including the start of excavation for the preparation of septic or building construction. The substantial disturbance of soil by equipment to remove brush that could lead to erosion or sediment problems is also deemed to be the start of construction, and requires prior ARC approval in accordance with Section 5 of these Guidelines.

## 4. **PLAN SUBMISSION AND APPROVAL PROCEDURES *for Buildings Less Than 200 Sq. Ft. in Size and Other Property Improvements as Delineated in Section 1.5 of these Guidelines.***

### 4.1 Project Plan Submission for ARC Approval.

Before commencing a project to construct a building less than 200 sq. ft. in size, an Owner must submit to the ARC Committee a completed Application for Construction form, which can be found on the LMS website, along with the following additional items:

- (a) A non-refundable application fee of \$25.00, and a refundable security deposit of \$200.00;
- (b) An artist's rendering, brochure or a simplified drawing/schematic of the proposed project improvement to determine the suitability of a particular style or design for construction or installation in Lone Mountain Shores. The ARC will decide whether a particular design is acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the ARC may request additional drawings, descriptions or plans before rendering its decision;
- (c) A site plan that clearly shows property lines, setbacks from property lines and roadways, access streets, septic field location, proposed footprint of the project, outbuilding and Dwelling locations, drive location, walkways, dimensions from property lines to proposed structures, and existing stream or storm runoff courses across the site. If required by TDEC, include on the site plan or another drawing proposed sediment and erosion control measures (e.g., silt fences); and
- (d) Either: (i) a copy of the Construction General Permit the Owner has obtained from TDEC, including the Storm Water Pollution Protection Plan filed by the Owner as part of their application for this Permit, describing proposed sediment and erosion control

measures; or (ii) a written statement from the Owner stating that the Owner contacted TDEC and was advised by TDEC that a Construction General Permit was not required for the proposed project. An application for this Permit may be obtained from TDEC's Environmental Field Office in Knoxville, Tennessee. TDEC's current toll-free number is 1-888-891-(TDEC) 8332. The current number for the Knoxville Field Office is 1-865-594-6035.

4.1.1 Applications will be marked as to the time and day of receipt.

4.2 Incomplete Submission.

A submission that does not include complete information as required by this Section 4 will be rejected by the ARC.

4.3 Approval by the ARC.

4.3.1 All approvals by the ARC will be in writing or email; verbal approvals are not binding.

4.3.2 Approval by the ARC of a submission presumes continued compliance with all County and State building ordinances and, for waterfront property, the rules of TVA and the USACE.

4.3.3 ARC approval also presumes continued compliance with all requirements of the LMS Governing Documents and any directions provided by the ARC, unless the Owner has received from the ARC a written waiver of particular ARC Guidelines.

4.3.4 ARC approval (including that for variances) expires one year from the approval date unless construction or land clearing has started. After that time the Owner must resubmit his or her application unless he or she has, in writing, requested and received an extension from the ARC. Any resubmission will be subject to the rules, regulations, and ARC Guidelines in force at the time of the resubmission. A new application fee will be required if more than two years has elapsed from the date of the original approval.

4.3.5 All exterior improvements must be completed no later than one year from the commencement of construction of the improvement, unless the ARC, in writing, has granted the Owner an extension. The Owner must request such an extension in a timely manner.

4.4 Construction Start.

4.4.1 Construction or installation may not start without the written approval of the ARC.

4.4.2 By starting construction, the Owner acknowledges receipt of and agrees to comply with ARC decisions, requests and stipulations provided in any ARC approval document and its attachments. This includes payment of a mandatory refundable \$200 security deposit and display at the job site of an ARC approval sign before any construction begins.

4.4.3 The construction initial start date is the day when any work associated with the project commences at the job site, including the start of excavation for building construction. The substantial disturbance of soil by equipment to remove brush that could lead to erosion or sediment problems is also deemed to be the start of

construction and requires prior ARC approval in accordance with Section 5 of these Guidelines.

**5. PLAN SUBMISSION AND APPROVAL PROCEDURES for Dredging or Fill Operations, Clearing of Vegetation, or Minor Excavation that Has the Potential to Affect Drainage as Delineated in Section 1.6 of these Guidelines.**

**5.1 Project Plan Submission for ARC Approval.**

Before commencing a project to clear vegetation, to conduct dredging or fill operations, or to perform other minor excavation that has the potential to affect drainage on a lot, an Owner must submit to the ARC Committee a completed, Application for Clearing, which can be found on the LMS website, along with the following additional items:

- (a) An artist's rendering or a simplified drawing/schematic of the proposed project improvement;
- (b) For dredging or fill operations or any minor excavation, a site plan clearly showing property lines, setbacks from property lines and roadways, along with the locations of access streets, septic fields, and existing stream or storm runoff courses across the site. If present, include on the site plan outbuilding and Dwelling locations, driveway location, and walkways. Additionally show or describe proposed sediment and erosion control measures;
- (c) If clearing of vegetation is all that is being requested, the area to be cleared should be clearly shown on the drawing, along with setbacks from property lines. Also, the method of vegetation removal and the type of vegetation being removed (e.g., brush, ground cover, trees, or stumps,) must be included in the application. Additionally, show or describe proposed plans for disposal of vegetation materials. The clearing of vegetation does not include, and ARC approval is not required for, normal mowing, trimming, or brush or tree removal for the maintenance of a property, but refers to major lot or area clearing that has the potential to create an erosion or fire hazard risk; and
- (d) Either: (i) a copy of the Construction General Permit the Owner has obtained from TDEC, including the Storm Water Pollution Protection Plan filed by the Owner as part of their application for this Permit, describing proposed sediment and erosion control measures; or (ii) a written statement from the Owner stating that the Owner contacted TDEC and was advised by TDEC that a Construction General Permit was not required for the proposed project. An application for this Permit may be obtained from TDEC's Environmental Field Office in Knoxville, Tennessee. TDEC's current toll-free number is 1-888-891-(TDEC) 8332. The current number for the Knoxville Field Office is 1-865594-6035.

5.1.1 Application will be marked as to the time and day of receipt.

**5.2 Incomplete Submission.**

A submission that does not include complete information as required by this Section 5 will be rejected by the ARC.

**5.3 Approval by the ARC.**

5.3.1 All approvals by the ARC will be in writing or email; verbal approvals are not binding.

5.3.2 Approval by the ARC of a submission presumes continued compliance with all County and State building ordinances and, for waterfront property, the rules of the TVA and the USACE.

5.3.3 ARC approval also presumes continued compliance with all requirements of the LMS Governing Documents and any directions provided by the ARC, unless the Owner has received from the ARC a written waiver of particular ARC Guidelines.

5.3.4 ARC approval (including that for variances) expires one year from the approval date unless construction or land clearing has started. After that time the Owner must resubmit his or her application unless he or she has, in writing, requested and received an extension from the ARC. Any resubmission will be subject to the rules, regulations, and ARC Guidelines in force at the time of the resubmission.

5.3.5 All improvements must be completed no later than one year from the commencement of construction of the improvement, unless the ARC, in writing, has granted the Owner an extension. The Owner must request such an extension in a timely manner.

#### 5.4 Construction Start.

5.4.1 Construction or vegetation removal may not start without the written approval of the ARC.

5.4.2 The initial start date is the day when any work associated with the project commences at the job site.

5.4.3 By starting the project, the Owner acknowledges receipt of and agrees to comply with ARC decisions, requests and stipulations provided in any ARC approval document and its attachments. This includes payment of a mandatory refundable \$200 security deposit and display at the job site of an ARC approval sign before any work begins.

### **6. ARC MEETINGS**

6.1 The ARC will conduct regular meetings providing there is business to conduct. The ARC will consider at its meeting any complete Application for Construction or Application for Clearing that it received in a timely manner prior to the meeting.

6.2 The date, time, and location of ARC meetings will be decided on by the polling of ARC members by the Chairperson.

6.3 In the Chairperson's absence, the ARC Vice-Chairperson will preside over meetings.

6.4 Decisions of the ARC require a majority vote of all ARC Members.

6.5 All decisions of the ARC will be final unless appealed pursuant to the appeals procedures set forth in Section 12 of these Guidelines.

6.6 All documents submitted for approval will be kept until a project has been completed to the satisfaction of the ARC. Documents provided to the ARC will be destroyed one year after the project has been completed unless requested in writing to the ARC Committee to be returned.

### **7. STANDARDS OF DESIGN AND CONSTRUCTION**

7.1 Minimum Dwelling Size.

No Dwelling, as defined in Section 7.1.1 below, may be erected having less than the following:

- (a) For waterfront lots – 1,800 square feet of heated floor-space, with a 1,200 sq. ft. footprint, excluding carports, garages, and porches; or
- (b) For interior lots – 1,200 square feet of heated floor-space, with an 800 sq. ft. footprint, excluding carports, garages, and porches.

7.1.1 **“Dwelling”** means any enclosed space wholly or partly used for living and sleeping by human occupants, provided such use is for single family residential purposes only.

## 7.2 Flood Requirements.

All residential structures constructed on a lot must comply with the regulatory requirements of the Federal Emergency Management Agency, the TVA, and any other applicable governmental agency, regarding building above the flood plain of Norris Lake.

## 7.3 Building Setbacks.

No building or any part thereof may be erected on any Lot: (a) nearer than thirty (30) feet to any road right-of-way; (b) nearer than fifteen (15) feet to any interior Lot line; or (c) nearer than fifteen (15) feet to any rear lot line, unless the rear Lot line is the 1044 TVA Contour Line, in which case the rear set back line shall be as required by the Tennessee Valley Authority (the **“TVA”**). Furthermore, on all Lakefront Lots no building or other improvement may be constructed below elevation 1044 unless otherwise permitted by the TVA. A zero Lot line setback may be allowed on driveways by written approval of the ARC.

## 7.4 Horizontal Improvements.

A horizontal improvement is any permanent structure less than 18” above grade. This could be a gravel, concrete, or asphalt driveway, or a fence, wall, sidewalk, wood walkway, deck porch, septic tank, etc.

7.4.1 Any horizontal improvement must be approved by the ARC.

7.4.2 Horizontal improvements may not be placed closer than 10 feet to any property line with the following exceptions:

- (a) Driveways and turn-arounds, which may be no closer than five feet; or
- (b) Driveway entrances and exits which may be to zero feet, provided they do not impinge on any applicable easement rights.

7.4.3 All driveways must be surfaced with materials that have been approved by the ARC. This requires a material such as, but not limited to, gravel, crusher run, asphalt, concrete, or any environmentally safe product that will provide a drivable surface, help prevent soil erosion, and eliminate build-up of undesirable material on the public roadway.

7.4.4 Any grading to create a new or restore an existing driveway where soil has been disturbed requires ARC approval. However, routine maintenance on existing driveways or lanes, with materials previously approved by the ARC, does not require further ARC approval.

## 7.5 Portable Outdoor Toilet Facilities.

Portable outdoor toilet facilities must be provided during active construction only. They may not be placed before the ARC has approved a project and must be removed promptly upon project completion.

## 7.6 Architectural Standards.

Modular homes, mobile homes, manufactured homes, motor coaches, recreational vehicles, house trailers, travel trailers, and stand-alone basements are prohibited for permanent Dwellings.

7.6.1 The ARC will consider alternative types of construction on an individual basis.

7.6.2 The prohibition of motor coaches, recreational vehicles, and travel trailers does not apply during the construction phase of a Dwelling. The Owner may temporarily place a recreational vehicle, motor coach, or travel trailer upon the premises and reside in it for a maximum of one year, as long as construction is progressing.

7.6.3 Manufactured and modular constructed sheds, garages, and outbuildings may be permitted on a case-by-case basis, provided they meet the other requirements for these buildings.

7.6.3.1 A garage may be built separately from or attached to and made a part of a Dwelling. If a garage is attached to a Dwelling it must be made of the same or similar materials and conform to the construction type of the Dwelling. If a garage is not attached to a Dwelling it must conform either to the Dwelling type or the surrounding natural area. The garage must be built at the same time or after construction of the Dwelling and must be approved by the ARC.

7.6.3.2 A garage, attached or unattached to a Dwelling, and a separate storage building, shed, work-shop or other outbuilding may be allowed, provided that the architectural style, quality of construction, and building material are consistent with the appearance of the Dwelling or blend with the surroundings. All garages and outbuildings must be approved by the ARC prior to construction and must be built at the same time or after construction of the Dwelling. The dwelling must be completed prior to completion of the garage. These structures must be of sufficient sturdiness and stability to stand alone.

7.6.4 Exterior finish materials must be of natural colors or wood/log to blend with the surroundings. Finish material such as white vinyl siding, aluminum, or aluminum siding are prohibited, except as used for trim, gutters, shutters, or soffits. Exposed concrete foundation, concrete block, or other composite material used in foundations must be painted with natural-colored materials or coated with a material such as stucco or stone.

## 7.7 Walls, Fences, and Gates.

7.7.1 All walls, fences, and gates must be approved by the ARC prior to construction or installation.

7.7.2 Metal cattle-guard-style gates are permitted provided they are painted or finished to conform to the surrounding natural area. Cables, chains, or ropes strung across driveways are not permitted, except as a temporary measure during construction.

7.7.3 No wall or fence will be allowed that effectively blocks another Owner's view. Fences, walls, and dog runs or other pet containment areas must be of an architectural style, quality of construction, and utilize building materials that are consistent with the appearance of the

Dwelling or the surrounding natural area. Chain link, tubular style PVC, or wire fences or dog runs are not permitted.

## 7.8 Alternative Energy Devices.

7.8.1 Alternative energy devices, such as solar panels or backup electric generators, may be installed, provided they do not present a nuisance or interfere with the views of any neighbors. Solar panels must not extend above the roof line of the home.

7.8.2 Windmills, including those for the purpose of electric power generation or pumping of fluids, are prohibited.

## 7.9 Lighting.

No street lights are permitted within the Lone Mountain Shores development. Only down lights (i.e., shoebox-type), where the lamp is hidden from the side view and reduces glare, are permitted. Security-type, high-glare flood lights mounted to Dwellings or outbuildings are permitted only if they are connected to a motion detection system. No such dusk-to-dawn lights will be permitted.

## 8. LAKEFRONT LOT IRRIGATION

Irrigation pumps must be hidden from view in a manner approved by the ARC. Irrigation pipes, including those drawing water from the lake, must be concealed in a manner approved by the ARC.

## 9. PAYMENT OF FEES

### 9.1 Application Fee.

9.1.1 The ARC has established an application fee for property improvement projects as follows:

- (a) For Dwellings, garages, and other buildings equal to or greater than 200 sq. ft. in size -- \$100.00;
- (b) For buildings less than 200 sq. ft. in size and other property improvements as delineated in Section 1.5 -- \$25.00. These improvements are exempt from an application fee but not exempt from an application: sidewalks, steps, paving of driveways, decks, awnings, alternative energy devices and exterior lights. This fee may be reduced, waived, or refunded by the ARC following a determination of the actual cost of the ARC review; and
- (c) For clearing of vegetation, dredging or fill operations, or minor excavation as delineated in Section 1.6 -- \$0.

9.1.2 The application fee is due at the time of the first plan submission. The application fee structure may be increased or decreased from time to time at the sole discretion of the ARC.

9.1.3. All major modifications to an approved plan must be submitted to the ARC for approval. The ARC may, in its sole discretion, assess an additional fee of \$50.00 for a major modification to an approved plan for a property improvement project involving a Dwelling, garage, or other outbuilding equal to or greater than 200 sq. ft. in size.

## 9.2 Security Deposit.

9.2.1 An Owner is required to post a security deposit for each property improvement project to assure adherence to the LMS rules, regulations, and Architectural Guidelines by the Owner, builder, subcontractors, and material delivery personal. The amount of the security deposit is as follows:

- (a) For Dwellings - \$500.00;
- (b) For all other structures - \$200.00; and
- (c) For clearing of vegetation, dredging or fill operations, and excavation - \$200.00.

9.2.2 The security deposit must be paid prior to the start of any construction work or lot-clearing.

9.2.3 Any charges assessed against an Owner by the ARC or the LMS Board will be deducted from this deposit, and the Owner will be required to replenish the security deposit promptly. Owners are strongly urged to include in their contracts with their general contractor the right to deduct from the contractor's final payment the amount of any assessment the Owner has incurred due to the actions of the contractor.

9.2.4 Any remaining security deposit will be returned to the Owner after: (a) all trash and debris have been removed from the job site; (b) the Owner has notified the ARC Chairperson in writing that the project has been completed; and (c) the ARC has (i) conducted a site review; and (ii) confirmed that the project has been completed and the job site has been cleaned satisfactorily.

## 10. ARC REVIEWS

The ARC will periodically visit and review a project site to verify that the design is according to the plans approved by the ARC and that the Architectural Guidelines are being followed. If construction has been done without or contrary to ARC-approved plans, the ARC may require removal of the improvement or any other action it reasonably deems appropriate, including recommending to the LMS Board that the Owner be fined for such violation, as discussed in Section 11.3 below. ARC and LMS Board members have the right to access the exterior portions of the project site without threat of trespassing for their reviews.

## 11. ENFORCEMENT OF THE ARCHITECTURAL GUIDELINES

11.1 The ARC has primary responsibility for enforcing all aspects of the Architectural Guidelines.

11.2 The ARC will keep the LMS Board apprised of any actions, remedies, or attempts to resolve noncompliance issues the ARC has undertaken in accordance with Section 11.1 above.

11.3 After the ARC has exhausted the remedies available to it, any unresolved violations of the Architectural Guidelines will be submitted to the LMS Board for further action. Additionally, the ARC may at any time recommend to the LMS Board that an Owner be fined for making a property improvement that violates the Governing Documents or has been completed without or contrary to ARC-approved plans. A list of possible fines is set forth in Attachment 1.0 to these Guidelines. The LMS Board will decide whether to impose a fine and the amount of any such fine.

## 12. APPEALS OF ARC DECISIONS

12.1 An Owner receiving an unfavorable decision from the ARC has two choices. The Owner may either: (a) revise their plans in accordance with ARC recommendations and resubmit them for ARC approval; or (b) if the Owner believes that the decision of the ARC is contrary to the LMS Governing Documents or otherwise is in error for any reason, or if the Owner is unable to comply with the requirements of the ARC, the Owner may request a hearing before an ARC Appeals Board. Such a request must be made in writing, directed to the ARC Chairperson, and be postmarked or hand-delivered within 30 days of the date the Owner was notified of the ARC decision. An untimely appeal will only be considered if the LMS Board decides to allow it.

12.2 The ARC Chairperson will schedule an ARC Appeals Board meeting to be held within 45 days of receipt of an Owner's written request therefor, or as soon thereafter as is reasonably possible, taking into consideration the schedules of the Owner, any consultants, and ARC Appeals Board members.

12.3 The LMS Board will maintain an ARC Appeals Board pool of not less than five Owners in good standing with the LMSOA who stipulate that they have read and have a general understanding of the LMS Governing Documents. Any Owner not currently serving on the LMS Board or the ARC may volunteer for the ARC Appeals Board pool. The LMS Board will select ARC Appeals Board pool members from such volunteers.

12.4 The ARC Appeals Board for a particular matter will consist of three members selected as follows:

- (a) The Owner will select one member by name from the ARC Appeals Board pool;
- (b) In the presence of the ARC Chairperson, the Owner will select a second member from a blind draw of the remaining ARC Appeals Board pool members; and
- (c) In the presence of the ARC Chairperson, the Owner will select one member of the LMS Board from a blind draw of all LMS Board members except the ARC Liaison, who is not eligible to serve as an ARC Appeals Board member. The LMS Board member so selected will then serve as the third member and chairperson of the ARC Appeals Board.

12.5 The ARC Appeals Board may consult with professionals, as it deems necessary. These professionals will not have a vote on the matter being appealed.

12.6 The ARC Appeals Board will conduct a review of the issues being appealed by the Owner. The Owner will be given an opportunity to address the issues before the ARC Appeals Board, using whatever documents, visual aids, or consultants the Owner feels is appropriate.

12.7 All ARC Appeals Board members must be present for a quorum. The majority vote of the ARC Appeals Board will determine an appeal disposition.

12.8 The ARC Appeals Board chairperson will notify the Owner in writing of the Board's decision within seven days after the Board has reached its decision.

12.9 The ARC Appeals Board will have no authority to issue a decision that is contrary to the LMS Governing Documents.

12.10 All decisions of the ARC Appeals Board will be final.

### **13. OWNER'S RESPONSIBILITY FOR WORK PERFORMED AT JOB SITE**

### 13.1 Worker Behavior.

The Covenants prohibit the carrying on of any noxious or offensive activities on an Owner's lot that could constitute an annoyance or nuisance to the neighborhood. Owners are responsible to see that their contractors, sub-contractors, material deliverymen, and agents conduct their business in Lone Mountain Shores in a manner that will not create such a nuisance. This requires, for example, that work be conducted so as to:

- (a) Minimize the amount of dirt and mud tracked onto roads during construction (e.g., by limiting site access or the use of temporary gravel-covered access when required);
- (b) Ensure that the general contractor sees that all their direct employees, subcontractors, sub-contractor employees, and material delivery personnel do not deface any adjoining properties or public areas; and
- (c) Keep trash and debris to a minimum by placing trash in a container or removing weekly and not allow the job site to become a nuisance to adjacent property Owners or unsightly to the neighborhood.

### 13.2 Burning or Fires.

Any burning or fires at a job site must be managed in compliance with the rules and regulations of the Tennessee Department of Agriculture, Division of Forestry. At the time of this writing those regulations require that burn permits be obtained from October 15 – May 15 prior to starting any fire. Permits may be obtained by telephoning the Claiborne County Field Office at 1-423-869-8275 or online at: <https://agriculture.tn.gov/OnlineBurnPermitPublic/default.aspx>

### 13.3 Working Hours.

Material deliveries may be made and contractors may work only during daylight hours, unless the structure under construction is completely enclosed and the work is entirely inside.

## 14. AMENDMENT

The ARC may amend these Guidelines at any time, subject to LMS Board approval of any amendments. Before approving any material change to the Guidelines, the LMS Board must notify Owners of the proposed change and provide Owners with the opportunity to see the proposed new Guidelines. If, within 30 days after sending such notification, 10% or more of the Owners request in writing a meeting to discuss the proposed change, the President of the LMS Board will call a meeting for open discussion of the subject; otherwise, the changes will become effective at the end of the 30-day notice period. If a meeting is held in accordance with this Section, the ARC and the LMS Board will reconsider the proposed new Guidelines in light of the discussion at the open meeting and take whatever further action they deem appropriate.

## 15. LIMITATION OF LIABILITY

The ARC shall use reasonable judgment in accepting or disapproving plans and specifications submitted to it. Neither the ARC nor any individual ARC Member will be liable to any person for any official act of the ARC in connection with any submitted plans or specifications, except to the extent that the ARC or any individual ARC Member has acted with malice or wrongful intent. Approval by the ARC does not necessarily assure approval by any appropriate governmental agency, board, or commission having authority for a particular matter. Notwithstanding that the ARC may have approved particular plans or specifications, neither the ARC nor any of its Members may be held liable to any Owner or contractor with respect to any loss, liability, claim, or expense that may arise by reason of such approval. Neither the LMS Board nor the ARC, nor any

agents thereof, may be held responsible in any way for any defects in any plans or specifications submitted, revised, or approved in accordance with the LMS Governing Documents, nor for any structural or other defects in any work performed according to such plans and specifications.

## 16. DEFINITIONS

As used in these Guidelines, the following terms have the meanings set forth below:

- (a) “**ARC**” means the Lone Mountain Shores Architectural Review Committee;
- (b) “**ARC Member**” means a person who serves as a member of the Lone Mountain Shores Architectural Review Committee;
- (c) “**Covenants**” means the Declaration of Covenants, Conditions, Restrictions and Easements for Lone Mountain Shores, as amended;
- (d) “**Dwelling**” has the meaning set forth in Section 7.1.1 of these Guidelines;
- (e) “**Initial Start Date**” means Excavation for the home site or septic system;
- (f) “**LMS**” means the planned community of Lone Mountain Shores created by the Covenants;
- (g) “**LMS Board**” means the Board of Directors of Lone Mountain Shores Owners Association, Inc.;
- (h) “**LMS Governing Documents**” means (i) these Guidelines, (ii) the Bylaws of Lone Mountain Shores Owners Association, Inc., and (iii) the Declaration of Covenants Conditions, Restrictions and Easements for Lone Mountain Shores, all as they may be amended from time to time;
- (i) “**LMSOA**” means the Lone Mountain Shores Owners Association, Inc., a nonprofit corporation;
- (j) “**Owner**” means the record owner, whether one or more persons or entities, of fee simple title to any lot in Lone Mountain Shores, but does not mean any person or entity who holds its interest merely as security for the performance of a debt or other obligation, until such person or entity has acquired fee simple title pursuant to foreclosure or other proceeding;
- (k) “**TDEC**” means the Tennessee Department of Environment and Conservation;
- (l) “**TVA**” means the Tennessee Valley Authority; and
- (m) “**Site Plan**” means a diagram showing Property lines, bearings, distances, septic, setbacks and any existing buildings.

- (n) **“Survey”** means registered with all pins marked.
- (o) **“TDEC SWPP”** means Construction General Permit from TDEC or written statement from owner.
- (p) **“USACE”** means the United States Army Corps of Engineers.

**Attachment 1.0**

**Recommended Table of Fines/Violations Imposed by LMS Board**

Violation	Fine/Violation
Start of a site improvement or construction project without ARC approval.	\$200 per occurrence, plus \$25 per day until unresolved issues are settled and written ARC approval is granted to Owner.
Violation of Architectural Guidelines or noncompliance with the Governing Documents by Owner.	Up to \$30 per day for each event of noncompliance or violation
No trash container on site or other means of removing trash during active construction. Unsightly lot or debris not picked up. This includes debris or damage to adjacent property or public/common areas.	ARC will notify Owner of violation. If violation has not been corrected within 10 days, Owner will be fined \$50, plus \$10 per day thereafter until corrected.
No portable toilet on site during active construction.	\$50 initially. Also, following ARC notification to Owner of failure to comply, a \$10 per day fine will be assessed until installed.
Excess dirt/mud tracked onto roads (if the ARC has determined due diligence has not been exercised).	\$50 per occurrence plus cost of clean-up.
Failure to obtain or noncompliance with a government-required permit (e.g., TDEC Construction General Permit).	Violation will be reported to appropriate government agency if not corrected within 5 working days after ARC notifies Owner. Additionally, Owner will be responsible for any and all fines or legal costs incurred by LMS as a result of the violation.
Unattended fires or fires during County-issued ban of fires.	Violation will be reported to appropriate government agency. Owner will be responsible for any and all fines or legal costs incurred by LMS as a result of the violation.

