

Lake Toxaway
Community Association
Architectural Review
Standards
Adopted June 15, 2026

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ARTICLE 1

INTRODUCTION

The Lake Toxaway Community Association's ("LTCA") Architectural Review Board ("ARB") has the responsibility to manage and promote a uniform set of architectural and landscape standards and rules within Lake Toxaway Estates ("LTE" or "Community"). These standards and rules, the Architectural Review Standards ("Standards"), govern the physical development of Lake Toxaway Estates as reflected in this document and recorded deed restrictions.

Purpose and Authority of the Architectural Review Board (ARB)

The ARB, through its authority granted by the Lake Toxaway Community Association, Inc. ("LTCA") Board of Directors ("Board of Directors" or "Board") is charged under Article 9 of the LTCA By-Laws with "adopting and enforcing reasonable rules, standards and regulations for the aesthetic harmony and living environment" of Lake Toxaway Estates. In pursuit of these objectives, The ARB serves as an authorized committee of the Board of Directors under the LTCA By-Laws to develop standards and ensure compliance with protective covenants and restrictions and the current ARB Standards. These Architectural Review Standards are designed for the preservation of Lake Toxaway Estates as an attractive, private, and coordinated residential community with a mountain home orientation, as described in Article 2, and depend upon continuous design excellence and sensitivity to the environment. As changes in technologies, building codes, and modifications and improvements to these Standards occur, previous ARB approvals do not necessarily set a precedent for current and future approvals by the ARB and LTCA. The ARB also makes decisions on variances requests from the Standards as set forth in Article 6.11 herein.

Set forth in these Standards are policies and procedures to assist the ARB, owners, their architects, and contractors through the Architectural Review Process. The Board of Directors strongly believes that the only way to ensure, preserve and protect the natural beauty of Lake Toxaway Estates while developing an attractive, desirable and coordinated community is by consistent administration and strict adherence, except in unusual circumstances, to these Standards and the Architectural Review Process. Adherence to these Standards also helps ensure a smooth and consistent process for all involved during the review and construction process. To accomplish these goals, Owners and their contractors should read and understand the Standards **prior** to commencement of any design work and are encouraged to contact the LTCA in the event of any uncertainty with the requirements of the Standards or process.

In accordance with Sections 9.1 and 13.1 of the Bylaws of the Lake Toxaway Community Association, Inc. ("Bylaws"), the Board of Directors has authority to adopt, add to or amend any of these Standards, as deemed necessary or desirable.

ARTICLE 2

PHILOSOPHY

Lake Toxaway Estates is a mountain community with homes primarily in natural, wooded settings. For the natural surroundings of the community and development to successfully coexist, a balance must be established, preserving the integrity of natural systems, including recognition of LTE as being a dark sky area within a larger region of rapid of land use change and growth. Articles 4 and 5.22, in particular,

provide important design guidance for achieving this balance. In the case of Lake Toxaway Estates (“LTE”), a conservation ethic to preserve our natural surroundings and the aesthetics of those surroundings, requires thoughtful detail in site planning and architectural and landscape design that is consistent with mountain architecture designed to blend in with those natural surroundings. This approach defines the overall quality and uniqueness of LTE.

A positive and desirable development plan includes minimal site disturbance; **architectural design that blends, rather than contrasts, with the surrounding environment and landscaping that incorporates indigenous plant selection rather than transplanted exotics.** Design should be subordinate to setting.

Homes located within the community should be designed to blend into the natural surroundings. For example, timber and local stone, similar to those found on wooded lots throughout the area are frequently used to build a structure which complements other homes in the area. This combination creates and sustains a harmonious, mountain style community. Although the ARB recognizes that over time there are variations in architectural designs and trends within the community, there are key, unifying elements to most of the homes in LTE that support this mountain-oriented philosophy.

The Standards allow for the construction of various styles of homes provided that the style of the home is consistent with the mountain aesthetic described herein. For home remodeling requests, the ARB will take into consideration the existing design and any variations from these standards, including technological innovations and/or all other reasonable architectural measures that will promote consistency with these Standards. The specific style designated as “Mountain Contemporary” is permitted and will be reviewed on a project-by-project basis. Mountain Contemporary homes are generally those homes with a low slope or flat roofs, simple building massing and large areas of vision glass. Mountain Contemporary homes must have articulation of their exterior facades consisting of a minimum 18 inch offset in the façade every 25 feet. Major curvilinear façade elements are not permitted. Round turret shaped rooms are discouraged.

ARTICLE 3

ADHERENCE TO THE LTCA BYLAWS, COVENANTS AND DEED RESTRICTIONS

Following North Carolina Law, general contractors must be licensed in the state of NC and have insurance at least equal to the total value of the project.

General Contractors must submit a copy of their current contractor license, certificate of insurance and building permit for a construction project. On projects submitted to the ARB for review, general contractors and trades must be registered with the LTCA office, and it is the homeowner’s responsibility to ensure that their general contractors and trades carry appropriate insurance. Any general contracting firm found working on an unapproved project within Lake Toxaway Estates that would fall to these Standards may be banned from working on any LTCA-approved projects.

In accordance with Article 9, Section 9.2, of the Bylaws, and/or an Owner’s deed, **no structure shall be altered, placed, erected, installed or made upon any Property/Unit, or adjacent to any Property/Unit, without first obtaining written approval from the ARB.** A “structure” under these Standards is anything made, built, or erected, or placed in a fixed location, on or under a property within Lake Toxaway Estates. **“Alteration” or “Altered”** means any modification, replacement, repair, or re-painting as more specifically set forth in these Standards.

Owners should note that their individual deed may impose restrictions on setbacks, size of home, type of structures that may be built and the like. To the extent that a deed restriction is more restrictive than these Standards, the deed shall take precedence over the Standards unless a variance is permitted by the deed and a variance request is approved by the ARB. Owners are expected to read their deed, including any accompanying restrictive covenants, and to notify the ARB of any restrictions therein that are inconsistent with the Standards and to provide a copy of the recorded deed along with a copy of any referenced covenants along with their application.

Contractors must sign the Lake Toxaway Contractor Acknowledgement Agreement form indicating that they have read and agree to follow the Standards.

Failure to obtain the necessary written approvals as stated above:

- (a) may constitute a violation of Owners' Deed Restrictions; and/or
- (b) may result in a fine being levied against your Property/Unit in accordance with Article 8, Section 8.5, of the Bylaws and Article 9 of these Standards; and/or
- (c) may require modification or removal of unauthorized work at Owner's expense under Section 6.13 of these Standards; and/or
- (d) may result in issuance of a stop work order: and
- (e) will require payment of any review fees, impact fees and/or construction deposits that would have been required for the project under Section 6.1 of these Standards.

ARTICLE 4

DESIGN AND COMPATIBILITY AMONG MOUNTAIN ORIENTED HOMES THROUGHOUT LAKE TOXAWAY ESTATES

To remain consistent with our community standards, Owners and their architects shall develop a home design that complements the natural characteristics of the Property/Unit and its indigenous vegetation. The basic appearance of a home can be made more aesthetically pleasing by utilizing design details such as recessed entries, changes in planes, offsets and extended walls beyond the basic front façade, roof geometry, garage placement, landscape screening and working with the natural contours of the Property/Unit. Flat facades or homes without articulation are discouraged. Homes must have articulation of their exterior facades consisting of a minimum 18-inch offset in the facade every 25 feet. For purposes of these Standards, a façade refers to all exterior faces of a home, including front, back and sides.

Homes should be consistent with the community aesthetic through utilization of natural materials on exterior finishes such as rough-sawn wood, exposed heavy timbers, textured siding, wooden shingles, and native stone (brick is not considered a mountain aesthetic) and employ color schemes and materials that blend with, and complement, the natural, mountainous topography. This combination creates and sustains a harmonious, mountain style community.

Attention to details and finishes is vitally important in a congruent and harmonious blending of structure and nature. An example would be foundations of poured concrete or concrete block being finished with complementary stone or stucco for a complete appearance. To maintain a coordinated visual appearance and interest, the perimeter foundation of all structures must be transitionally screened with natural, evergreen landscape plantings. To maintain consistency among lake front and golf course homes, proposed homes on these lots, (due to their high visibility), **must** be designed with the same attention to accepted community-oriented detail to the rear elevation as to the front elevation.

The LTCA recognizes that over time there have been variations in architectural designs within the community, but there are key, unifying elements to most of the homes within the Lake Toxaway Estates community that supports the mountain-oriented philosophy discussed in this Article. For any home remodeling review request, the ARB will take into account the existing design, and any variations from these Standards, and consider technological innovations and/or all other reasonable architectural measures that will promote consistency with the mountain-oriented philosophy.

A positive and desirable development plan includes minimal site disturbance; architectural design that blends, rather than contrasts, with the surrounding environment and respects our dark sky environment and landscaping that incorporates indigenous plant selection. Design should be subordinate to setting.

The Standards allow for the construction of various styles of homes provided that the style of the home is consistent with a mountain aesthetic described herein. The specific style designated as "Mountain Contemporary" is permitted and will be reviewed on a project-by-project basis. Mountain Contemporary homes are generally those homes with a low slope or flat roofs (see Section 5.3 (a)), simple building massing and larger areas of vision glass. Major curvilinear façade elements are not permitted. Round, turret shaped elements are discouraged.

ARTICLE 5

ARCHITECTURAL CRITERIA AND APPROVED COMMUNITY REQUIREMENTS

Home Construction Requirements Defined

In order to maintain community consistency in the design and development of each Property/Unit, Owners, their architects, and contractors **must** adhere to the following specific construction design standards:

5.1 Setbacks

Unless specified differently in your lot(s) deed(s) and/or Restrictive Covenants (including applicable plats), the following are the **minimum** setback requirements for all Property/Units in Lake Toxaway Estates. Setback dimensions are measured from the closest property line to the outside face of the roof overhang, including any gutters. All structures, including houses, garages, boathouses (see Section 6.9), attached retaining walls, decks, staircases, porches and hardscapes must meet these minimum requirements:

(a) 75 feet from the lake water's edge, property line or 3,010-foot elevation, whichever is the most restrictive. For lakefront properties, decks may be extended to within 60 feet of the lake on a case-by-case basis as determined in the sole discretion of the ARB if the deck extension will not visually encroach on the lake or golf course. Additional landscaping may be required if an extension is granted. This exception applies exclusively to decks and not to homes or any other structures other than boathouses which are addressed under Section 5.9.

(b) 35 feet from the Property/Unit line along the golf course. Larger setbacks may be required within certain subdivisions.

(c) 35 feet from the Property/Unit line along a road.

(d) 25 feet from the rear Property/Unit line (except for lake and golf course Property/Units as stated above).

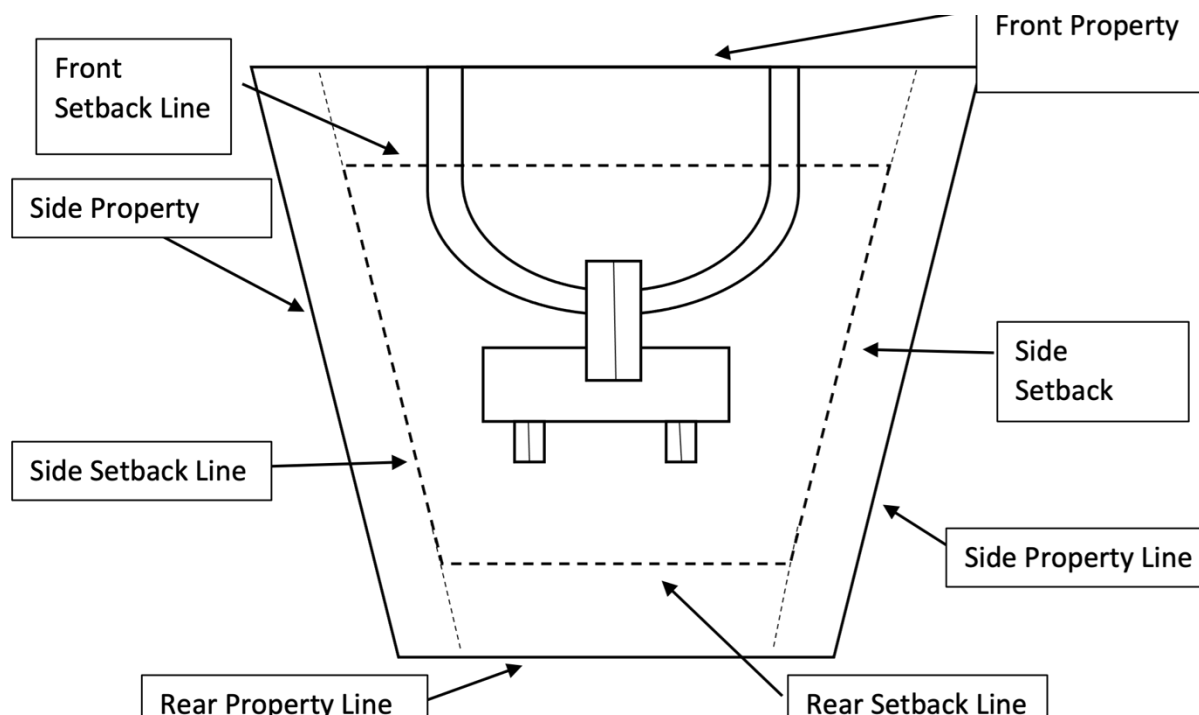
(e) 15 feet from the side Property/Unit line.

(f) Any variance request to a setback requirement must comply with Section 6.12 and be based on a documented hardship or site challenge and be approved by the ARB. As per Section 6.12, adjoining neighbors will be notified of pending variance requests and given a reasonable opportunity to respond. See section 6.12 for more information regarding variance requests.

(g) In instances where the setbacks set forth in deed and the ARB Standards differ; the more restrictive one shall govern.

(h) Hardscape patios and walls should not lie within the side setbacks or rear setbacks on golf course lots.

(i) Docks may not extend more than 12' into the lake but are exempt from side setback requirements.



5.1.1 Setbacks for Existing Home Renovation and Expansion

The Architectural Review Board recognizes that we have older homes in our community that do not comply with the current building setback standards. Owners who wish to modify their existing home where

such a non-conforming setback exists shall present their proposed plan to the ARB as a variance request. Variance requests will be evaluated based on the following criteria.

- (a) The existing house setback shall not be reduced to less than the current nonconforming distance.
- (b) The house modifications do not, in the ARB's discretion, negatively impact adjacent Properties/Units.
- (c) The renovation meets all of the other Standards.

5.2 Size Restrictions

Minimum and maximum square footage parameters for new home construction are impacted in large part by location, visibility, the size of homes on neighboring Property/Units, and LTCA rules and regulations to maintain consistency within Lake Toxaway Estates. The following restrictions take these factors into account:

- (a) Unless specified otherwise in Owners' deed, the minimum home size on any Property/Unit shall be *at least* 2,500 square feet of fully enclosed useable living space *with at least* 1,250 square feet of fully enclosed heated living area on the main floor.
- (b) The maximum heated square footage of any proposed home is 10,000 square feet provided the footprint of the home does **not** exceed 40% of the property area and can be constructed within the setback requirements of the deed or Sections 5.1 or 5.1.1, whichever is more restrictive. A Property with larger acreage may be granted an unusual, limited exception or variance to allow a home design that exceeds the maximum square footage stated above depending on its location, visibility, any other pertinent factors, and adherence to LTCA rules and regulations, including impact on the community.
- (c) The maximum height of any home, including cupolas, chimneys or any other structure, is 2½ stories not to exceed a *maximum* of 38 feet, measured from the front entry-level finish floor to the highest point on the roof.

5.3 Roofs

Because roofs impact the character of a home, neighborhood and community, they shall be constructed with high-quality materials. Roof materials with texture and depth, such as cedar shakes, natural slate, dimensional shingles, or other architectural composite materials are acceptable. Roof colors shall be a dark, neutral or earth tone color palette. Light-colored or black roof materials will not be approved. Curved roof shapes will not be approved. "Green" roofs (those constructed of plant material) are allowed for mountain contemporary designs. Whole house metal roofs are discouraged, particularly for homes facing the golf course and lake. In addition, large expanses of metal roof without articulation will not be approved. Metal roofs are best suited as accessory roofs complementing the non-metal material of the more dominant roof.



Example of home with articulated metal roof



Example of home with large expanse of metal roof



Example of home where metal roof is ancillary to main roof material

The ARB will only consider metal roofs that are dark in color, non-reflective, 1 ½ inch minimum standing seams and a minimum thickness of 24 gauge. The maximum roof slope for a metal roof visible from the golf course or lake is 10:12.

Uncoated copper that will patina can be only used as accessory roofs, gutters, down spouting and other decorative elements as long as such application is harmonious with the overall design. The ARB may require copper accessory roofs to be pre-patinated.

Regarding roof design:

- (a) The minimum roof pitch or slope allowable for predominant roof slope is 6:12.
- (b) The maximum roof pitch or slope allowable for predominant roof slope is 16:12. Slopes greater than the maximum slope will be considered on a case-by-case basis by the ARB, if requested, depending on the aesthetics of the design and whether it complements the overall design of the home.
- (c) Low slope roof designs are **prohibited, except that** environmentally friendly, green type designs may be considered for approval by the ARB. The minimum roof slope for Mountain Contemporary Homes is 2:12.
- (d) All roof accessories such as vent stacks, vents, vent fans, etc., must blend with the roof color and be located at the least visible side of the roof. No light colored or reflective materials shall be used.
- (e) When remodeling existing homes with other roof pitches or designs, these homes will be allowed to utilize their current roof pitch or design.
- (f) Roof materials manufacturer name, description, and colors are required to be submitted as part of the application. A physical sample of materials is required.

For boathouse roof requirements see Section 5.9.

5.4 Garages

The garage, whether attached or detached, must complement the design and scale, materials and color scheme of the home. Owners should refer to their deeds to determine whether they are permitted to have a detached garage. If the garage is detached, it must be no larger than 30 feet wide x 36 feet deep, no smaller than 12 feet wide x 20 feet deep, and no taller than the main house. Unless expressly permitted by deed, a garage with living space must be attached to the home with either an open or enclosed connector that matches the architectural style of the house or a design approved by the ARB. The following requirements apply to garage doors and service entry doors:

- (a) Garage doors and garage service entry doors may be painted or pre-finished metal or natural or synthetic wood and detailed to complement the architectural style and color of the home. All custom designed garage doors will be reviewed to determine their adherence to LTCA regulations and these Standards. Single garage doors cannot exceed 8 feet in height or 9 feet in width. Double garage doors cannot exceed 8 feet in height or 18 feet in width.
- (b) Garage door windows may be considered for approval if they are proposed as clear or obscure glass and installed in the top panel and not exceed 1/3 of the area of the door. The window design **must** match or complement the windows on the home.

5.5 Siding

Exterior walls constructed of natural materials, such as rough-sawn wood siding, exposed heavy timbers, textured composite siding, wooden shingles and/or native stone (in appropriate earth-tone colors) are acceptable. Stucco may be considered acceptable, depending on mass, location, texture and color. Vinyl and metal siding, high-pressure laminate panels, corrugated materials, flashed brick or brick with an epoxy sealant are prohibited. The use of exterior materials **must** be balanced on all elevations to retain a harmonious appearance.

5.6 Windows

The visual effect of windows is extremely important to a home and the community. To promote consistency throughout the community, the size and percentage of windows and glazing on all elevations **must** be in balance with the overall design. Home designs that promote large expanses of solid exterior walls without window installations are prohibited, unless due to unusual circumstances as determined by the ARB and granted a variance by the ARB. The following requirements address color and materials:

- (a) Wood clad, aluminum and fixed glass window materials must be LTCA approved colors. See section 5.8 for color guidelines. Vinyl-clad windows are strongly discouraged and not permitted without an approved sample.
- (b) Colored or stained glass requires a variance from the ARB based on unusual or mitigating circumstances. Clear, decorative, leaded or obscure glass designs are allowed, but in no event will reflective material be allowed.

- (c) Window tinting is prohibited unless **non-reflective** material below 18% reflectivity is used on the proposed window treatment and color is consistent within the community.
- (d) Glass for exterior windows shall be clear, bronze tint or grey tint. Green hues will not be allowed. Low-E coatings may be applied to any approved glass lite (window). Reflective (mirror like) glass coatings are **not** permitted.
- (e) Internal muntins between the glass are not allowed without an approved sample.
- (f) Pre-finished white windows are not permitted.
- (g) Arched windows are permitted, but Palladian, half round, or other neo-classical design windows are not a western North Carolina mountain aesthetic and are not allowed



Example of fully Palladian style window



Example of brow arched window

5.7 Driveways

All driveways (area/size) should be kept to a minimum, with the form of the driveway softened with curves to prevent any long, straight views. Building materials and other requirements are listed below and described in the attached “Appendix C” entitled “Standard Specifications for Private Driveways”.

- (a) Driveways must be designed to minimize storm water runoff and potential erosion. All driveway designs must be submitted and approved by the ARB before construction begins.
- (b) Subject to any additional requirements of this Section 5.7, all driveways **must** be either constructed with asphalt paving, **tinted** concrete, brick or concrete pavers or other ARB-approved aggregate materials.
- (c) During construction, use of crushed stone is permissible. It is the Owners’ responsibility to ensure gravel does not wash onto community roads. If the Owners or their contractor have been notified and fail to remove the stone from the community road within 24 hours, the LTCA will direct its contractor to remove the debris and charge the costs against the Compliance Deposit.
- (d) A minimum 20’ apron is required for all driveways at the intersection of the driveway and community road. Geogrid may be used when the grade of the road allows. Depending on grade, a culvert or swale may also be required. It is important that the driveway does not negatively impact drainage on roadsides. Loose stone driveways must have edging to keep the stone in place. A sample of the edging material must be submitted to the ARB for approval See also Section 5.16 of these Standards.
- (e) The driveway surface must be tinted or stained concrete, asphalt paving, concrete or brick pavers and must extend the full width of the driveway.

- (f) If the driveway is above road grade, a road front drainage plan prepared by a licensed engineer will be required. The plan must provide that the natural flow of storm run-off that existed prior to construction on the lot will remain the same after construction on the lot. Notwithstanding the above, no incremental storm run-off from the lot onto the road or neighboring properties will be allowed.

The submitted plan must be designed by an engineer and include existing grades, final grades, sections and materials to be used. Where the driveway is above road grade, grated drains should be installed between the driveway and the road. Grated drains are to be sized by the engineer to accept the maximum expected runoff from the property. Culverts should be sized by the engineer to carry the maximum expected runoff through them but must have a minimum diameter of 10".

Diversion of water within the road right-of-way or onto adjoining properties is prohibited. Final construction of the driveway and drainage should not be started until approvals by the ARB and/or the Board of Directors are granted.

- (f) Guest parking for any purpose or type must not be a prominent feature and must be contained within the Property/Unit. Parking areas may not be created along the roadside.

Owners are responsible for the construction and maintenance of all driveway culverts, even if the culvert is in the LTCA owned road right of way.

5.8 Exterior Colors

Paint and stain colors for homes, decks, docks, driveways, pathways and other structures must be approved by the ARB and the color must blend with the surrounding, natural environment.

Exterior color schemes for all painted structures must blend or complement the natural surroundings of our mountain aesthetic. For example, subdued earth or forest tones such as browns, warm grays or dark greens are complementary hues. Blue is not considered a mountain aesthetic. Black (defined as having an LRV 10 or below) is not permitted on wall surfaces or roofs, but may be used on window frames, mullions, and muntins. Colors and materials of major wall surfaces should match or blend harmoniously with each other. Limiting the number of contrasting colors between wall surfaces and trims is preferred. The exterior paint colors of the home's major wall surfaces including garage doors and handrails shall have a Light Reflectance Value (LRV) of not more than 40. The home's trim, fascia, windows and other accents shall have an LRV of not more than 60. Refer to manufacturers' specifications. In addition to LRV, consideration will be given to the contrast between major wall surfaces and trim. Minimizing contrast is encouraged. Pastel, white, bright primary colors, and highly reflective paint finishes such as gloss enamel, or epoxy paints are not permitted.

Written approval from the ARB is required for all painting schemes prior to the beginning of painting including any change to an existing color scheme on any structure. Samples of all proposed colors and names of product manufacturer and product description are required at time of submittal. An actual 4x4 foot sample may be required to be painted on wood or sample siding material or on the home prior to approval of the color.

All structures on a Property/Unit, including boathouses and boathouse doors, **must** be painted the same approved color scheme as the home. The selected paint for all flue caps, electric meters, conduits, gutters, downspouts, etc. must be approved by the ARB prior to the beginning of painting and **must** be painted to match or blend with the surrounding materials. Walls, gates and other exterior structures intended to be

painted **must** be painted or stained to match or blend with the color scheme of the home. Exterior deck band boards, handrails, associated pickets, and stair risers shall match the color of the home's major wall surfaces to blend as appropriate with major wall surfaces and/or trim. All softwood decks and docks, such as pine, spruce, or fir, must be painted, stained or a pre-finished material that either matches or blends with the color scheme of the home. Anodized aluminum, wherever used, must be dark in color. Decks that have limited visibility from the lakes, roads, golf course and adjacent properties may be approved as unfinished wood allowed to age naturally.

ARB approval is required if an Owner wishes to repaint all or part of a home or other structure. For painting resulting from limited repairs and maintenance, see Section 5.28 for maintenance and repair items not requiring ARB approval.

5.9 Boathouses

Boathouses may only be constructed on Lake Toxaway and are prohibited on Lake Cardinal. Boathouse construction, repair and renovations, including doors, must match or complement the design, materials and colors (See Section 5.8) of the existing home on the Property/Unit. White boathouse doors and windows/trim are not permitted. Boathouses are not allowed to be used as guesthouses or to have any type of living space, including bathrooms, in their design. Boathouses shall not exceed 32 feet in width, 38 feet in depth measured to the exterior face of wall. (outside dimensions) or 18 feet in height, measured from the normal lake water level (3,010 feet above Mean Sea Level for Lake Toxaway) to the highest point including railings, parapet walls, roof and any attachments to the roof. Boathouses are prohibited from protruding into or over the lake beyond the lake wall except as noted. The furthest extent of the boathouse roof or roof deck may extend to a maximum of 24 inches beyond the exterior wall on all sides. The roof or roof deck, including gutters, may not extend into the setback. A boathouse is permitted to have a shed roof overhang not exceeding 48" in depth over door openings constructed in an approved roof material. Boathouses with roof decks are required to have visually, open style railings. Boathouses that have a pergola type structure directly above can only cover 1/3 of the total surface area of the deck and must be located to the rear of the boathouse furthest from the lake and should not unduly obstruct a neighbor's view of the lake.

Maximum roof pitch is 6:12 and cannot exceed the roof pitch on the house. The height of boathouses should be designed to be kept at a minimum to protect lake views of neighboring properties. A 15-foot side yard setback must be adhered to and maintained.

Fireplaces are permitted to be included in the exterior design of a boathouse provided the design complements the main house, the fireplace does not negatively impact the adjacent Properties/Units, and the fireplace does not exceed the maximum allowable height of 18 feet measured from the normal lake water level (3,010 feet above Mean Sea Level).

There is one special exception to the prohibition of a boathouse protruding into or over the lake beyond the lake wall that may be considered. Owners of existing boathouses that a) are constructed on very steep lots and b) constructed prior to 2010 and c) are too small to accommodate boats up to 22 feet in length may apply for approval of an extension into or over the lake of up to but not greater than four feet. The ARB may approve such an application if in its sole opinion the physical and environmental impact (not cost) of constructing an extension in the rear of the boathouse further into the lot justifies the special exception, taking into consideration both the LTCA's stated philosophy of environmental conservatism and its desire to maintain the consistency of the lakefront appearance. In addition to the requirements for submission detailed in Article 6 of these Standards, the applicant should submit the following prepared by a licensed or registered engineer, surveyor, architect or landscape architect: a topographical map of the lot, a final grading

plan to accommodate the extension, an explanation with illustration of the type and extent of vegetation that would have to be removed and a finished landscape plan.

New boathouse construction is not allowed on vacant lots. Home construction plans must be submitted in conjunction with boathouse plans for ARB review and approval. All construction must be completed within 24 months as detailed in Section 6.8 of these Standards.

Existing boathouses on vacant lots may be refurbished without building a home on the property only with prior ARB approval of the project.

5.10 Boat Docks

Docks, boat lifts or any other structures and their attachments are prohibited from extending beyond 12 feet from the shore above or beneath water level, however; docks are exempt from side setback restrictions. Docks may have a boat davit system or boat lift as long as they are attached to the dock, run parallel to the dock/shoreline, accommodate only a single boat and do not interfere with views of the lake from neighboring properties. No permanent roofs or canopies are permitted. Automatic boat covers on boats are permitted. Boat covers must be earth-tone colors, including black. Boat dock plans including any davit system, boat lift or floating boat lift must be submitted for ARB review and approval. Dock pilings, if approved, may not have lights mounted on top. Docks may not have lights directed into the lake. Dock piling and post lights are not permitted except interior, downward facing post lights directed onto the dock and otherwise meeting the dark sky requirements of Section 5.23.

Existing boat docks on vacant lots may be repaired, renovated or rebuilt with ARB approval. See section 5.11.

5.11 Boathouse and Dock Maintenance and Renovation

Boathouses and docks shall be maintained in good appearance. If it is determined that a property owner is not properly maintaining a boathouse or deck, the LTCA will send written notice to the property owner advising them of the maintenance that is necessary. If the property owner fails to complete the required maintenance in 60 days, the LTCA may, at its own discretion, fine the property owner under Section 6.13.

The ARB recognizes there are older boathouses in our community that do not comply with the current building setback standards stipulated in Section 5.1. Owners who wish to modify their existing boathouse or dock where such a non-conforming setback exists shall present their proposed plan to the ARB as a variance request. Variance requests will be evaluated based on the following criteria.

- (a) Owner shall provide a survey showing the location of the existing boathouse.
- (b) The existing boathouse setback shall not be reduced to less than the current nonconforming distance without a demonstrated hardship. The boathouse renovation shall use a substantial portion of the existing boathouse foundations and structure.
- (c) The boathouse modifications do not negatively impact adjacent Properties/Units.
- (d) The renovation meets all other ARB Standards.
- (e) Boat dock renovation involving replacement of dock deck boards only may remain the same size and configuration. Boat dock renovation involving the replacement of structural elements below deck boards including foundations or structural framing shall be reconstructed to conform to the current size and set back standards.
- (f) For the safety of boaters and water sports occurring on the lake, non-conforming docks that extend greater than 12' into the lake must be brought into compliance with these Standards when an Owner replaces or repairs more than 20% of the dock.

5.12 Lake Walls and Shore Stabilization

Lake walls are man-made structures, designed to prevent erosion of the shoreline. Lake walls will be reviewed according to form, function, aesthetic and materials, consistent with the community. Lake walls must be structurally sound.

Exposed boulders or other natural stone must be utilized for wall facing and cap stones. Light colored stone is prohibited. Lake walls are prohibited from protruding into the lake beyond the lakeside boundary line. Further, in accordance with Article 5, Section 5.2 of the Bylaws and/or owner's deed, and Section 5.9 and Article 9 of these Standards, lake walls must be maintained in good condition and repair. Exposed concrete block and wood lake walls are prohibited. A photographic sample of wall materials, generally boulders or stone veneer, must be provided as part of the project request. Throughout the construction and maintenance of lake walls, owners are responsible for all applicable local, state and federal permits as required by law. Permits must be submitted to the ARB before final project approval will be granted.

A site plan must be submitted showing the existing shoreline with an overlay of proposed lake wall or shoreline stabilization. See Section 6.5. Wall height and dimensions must be indicated on the site plan. Lake wall plans must be drawn by a North Carolina licensed professional engineer or architect. For rip rap stone installation, the site plan must indicate the approximate dimensions of the proposed installation.

All site plans must indicate the type and location of erosion control features that will be used. (See also Section 6.5 of these Standards). A pre-construction review must be scheduled with the LTCA to review installed erosion control features before any lake wall construction may begin. Pursuant to North Carolina law, turbidity curtains/silt fences/coffer walls are **required** for any shoreline excavation project that will involve sediment exposure to the shoreline and must be designed to prevent sediment from reaching the lake or streams. Sediment runoff contained by the turbidity curtain must be removed before removal of the curtain. A review must be scheduled with the LTCA before the curtain or other erosion control features may be removed. Failure to maintain proper erosion control will result in fines and/or a stop work order, and/or reporting to NC authorities.

A North Carolina licensed professional land surveyor must determine the following elevation along the property's shoreline, 3,010 feet for Lake Toxaway or 3,035 feet for Lake Cardinal. These elevations represent the normal pool level for both lakes and establish the normal property line along the shoreline. This elevation point must be indicated on a survey/site plan a minimum of every 10 feet for the length of the lake wall, including each end point of the proposed wall. These survey points will create a boundary line that the entire lake wall must be built within, the wall may not be constructed nor any earth fill added on the lake side of the boundary line. Control points must be installed so that the contractor and the LTCA can locate the survey points once the shoreline is disturbed. Control points and their distance from associated survey points must be indicated on the site plan. Upon completion, the survey must be updated by a North Carolina licensed professional land surveyor to confirm that the wall was built within the approved line.

Lake wall height is limited to 3 feet above the normal pool elevation. Steep properties where stabilization of the shoreline requires a wall height of more than 3 feet above normal pool elevation may be considered as a variance request. Toe reinforcement using rip rap is encouraged to prevent erosion. Rip rap shall not be visible above the normal water line and approved by the ARB. Any proposed excavation along the shoreline to increase water depth adjacent to a lake wall must be indicated on the site plan.

Repair and replacement of existing walls require ARB approval. Complete replacement of an existing wall will require plans drawn by a North Carolina licensed professional engineer or architect, a survey showing the location of the existing wall, a site plan showing the proposed location of the new wall, control points, and erosion control features. Owners/contractors should submit a proposed scope of work and photographs

of the repair area. Depending on the nature of the proposed repair, a site plan or engineered drawing may be requested.

5.13 Site Retaining Walls Facing the Lakefront

A retaining wall, or a series of retaining walls, facing the lake front to support fill placed to create flat areas must be limited to a 5 foot maximum of total exposed wall height. A detailed, three-dimensional rendering of the proposed retaining wall(s) may be required. Exceptions may be considered based upon the topography of the lot. All retaining walls must be constructed of natural rock and approved by the ARB. Screening may be required.

Where applicable, the ARB may request additional review(s) by the LTCA's Lake and/or Roads Committee before a final project approval is granted.

5.14 Exposed Concrete

Any application of exposed concrete such as for driveways, patios or paths **must be tinted with** an appropriate color to blend in with the natural landscape. A color sample must be submitted to the ARB for approval **prior** to placement of the concrete. Exposed concrete is not allowed on homes, boathouses, or other structures; however, appropriate textured concrete may be used on foundation walls provided adequate landscaping to limit visibility of the foundation wall is provided. Exposed aggregate pathways are preferred.

5.15 Landscaping, Hardscaping, Retaining Walls and Fencing

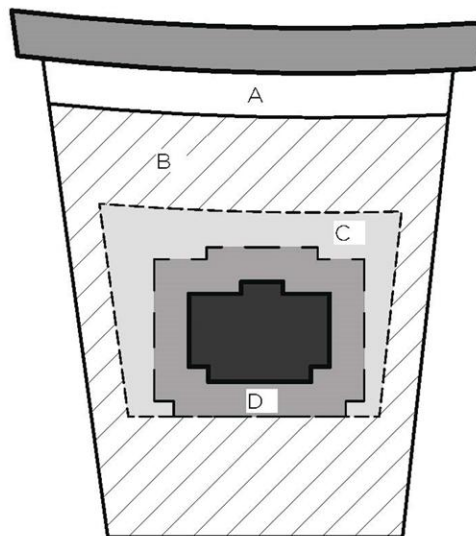
When thoughtfully designed, a landscape and/or hardscape plan becomes an extension of a well-planned home. It is extremely important that elements of the landscape, lighting, pathways, and any other structures on a Property/Unit harmoniously unite to form a single, attractive entity that blends with the home. **An experienced horticulturist or landscape architect best accomplishes this harmony by careful selection of plants according to type, size, location, growth patterns and climate tolerance.** When and wherever possible, the current, undisturbed natural vegetation that exists in Lake Toxaway Estates should be used. The ARB looks very favorably upon landscape plans that propose the least amount of disturbance to the pre-existing plant material while adding indigenous plants to meet the screening requirements.

A landscape plan, including any proposed hardscape, must be submitted within 90 days of final project approval. Landscape plans must include a drainage plan which also includes the location of down spout and drains. All landscaping **must** be installed per the approved written ARB landscape plans prior to the Completion Deadline as stated in Article 6.8, of these Standards. An extension may be granted by the ARB to complete the landscape installation if extended winter weather or other extreme weather conditions justifiably hinders completion.

Imperative considerations that must be addressed in the proposed landscape/hardscape plans are:

- a) Selective tree removal and/or trimming to improve views may need approval by the ARB as more specifically described below. Photos of the property in its current condition must be included in the application and must designate the tree(s) proposed to be removed. In any location on the property, removal of trees that are greater than 6 inches in diameter at ground level without ARB approval may result in fines being levied to include, but not limited to, costs to remove and /or replace damaged or downed trees.

- b) **No clear-cutting of property is allowed beyond an approved home site.** Clear cutting is defined as cutting trees and under brushing plant material down to within five feet of the ground in any area more than 15 feet from a home or in any areas on an unimproved lot. If a homeowner would like to remove trees and plant material on an improved or unimproved lot, ARB approval is required. Cut trees and shrubs must be removed from the property or mulched and spread on site within 10 days.
- c) Cutting zones (see diagram below): Setback limits are as stated in Section 5.1 of these standards unless specifically stated otherwise in the property deed.
- i. Zone A: Right of Way ("ROW"), no cutting will be allowed besides what is necessary for ingress/egress/drainage and dead trees that are an eyesore/potential danger. **Nothing can be cut without approval.**
 - ii. Zone B: Between property line and setbacks; minimal cutting will be allowed, native buffer to be maintained, minor trimming when necessary. Cutting open views must be approved, is limited, and will be considered on case-by-case basis with particular attention given to how much of the home will be exposed to view from the lake, golf course, or other properties.
 - iii. Zone C: Outside the setbacks but not within building site. Cutting trees greater than 6" in diameter must be approved. Maintenance trimming/thinning* as needed is permitted without approval. No clearing without approval.
 - iv. Zone D: Within the building site (not greater than 15' from the home). Under brushing/trimming does not need approval. Removal of trees greater than 6" diameter still requires approval. In cases where the building site overlaps with the setbacks, defer to standards pertaining to the setbacks. **ANY cutting within the setbacks must be approved.**
- *Topping trees is not considered maintenance/trimming and is **not** permitted without ARB approval.



- d) A plant list showing all plant species and the height of each at installation will be required as part of the landscape plan. Gallon sizing is not acceptable. Indigenous plant selection is highly recommended; however, newly introduced species of plants that complement the natural surroundings may be considered acceptable, but only if arranged according to an ARB approved landscape plan. Refer to recommended plant list in Appendix B. An appropriate landscape plan will blend in with and include largely native species as found in and adapted to the surrounding natural

landscape. Horticultural varieties and even specimens of non-native/exotic species may be acceptable, especially near the home and outdoor living areas, and may be approved as part of the landscaping plan.

- e) Evergreen landscape screening is required around the perimeter of foundation walls, retaining walls (excluding those abutting or supporting a driveway, boathouses, HVAC units, above ground fuel tanks, generators, parking areas and other appropriate locations).
- f) Hard scaping, including fences and hardscape, shall not be installed within the LTCA right-of-way ("ROW") without LTCA Board approval and in no case should be installed within eight feet from the existing road edge except for driveway aprons. See section 5.16. Firepits must be a minimum of 20 feet from the lake edge.
- g) Site retaining walls must complement the house architecture and blend with natural settings. Stone veneer, boulder walls and boulder banks are recommended. Pressure treated timbers, railroad ties, stucco covered-concrete/CMU block, split face CMU concrete, or large-scale modular precast concrete block walls are not permitted. Retaining wall location, color and materials must be reviewed and approved by the ARB prior to construction. Retaining walls over 4 feet in height must be designed by a licensed engineer and may not be higher than 5 feet without specific approval by the ARB of the excess height.
- h) The ARB requires that fences be reviewed and approved in advance of installation. Landscape buffers should be maintained or installed as a condition of the fence approval. Maximum height of permitted fences is 5 feet. Decorative fences may be considered as part of an overall landscape plan. Materials should be natural and should blend with the landscape and architecture of the home.
- i) Where large expanses of grass or hardscape exist or is proposed bordering the lake, the ARB will require a minimum 4' landscape buffer to be created between the lake edge and grass or hardscape comprising natural vegetative material to hinder storm water and pesticide run-off into the lake.
- j) Elevated walkways or bridges that are visible to the lake, golf course, or other properties will not be permitted. The floor of these structures cannot be greater 3 feet above ground and must be landscaped to be aesthetically pleasing. Trams or tram style systems are prohibited.

5.16 Landscaping & Other Improvements Along Roadsides Most of the roads in Lake Toxaway Estates are built (though often not centered) within a 60-foot right of way (ROW), owned by LTCA, but homeowners should consult their individual survey to determine any ROW that may affect their lot. These ROWs in addition to the roadway within each ROW, exist to allow for safety, emergency vehicle access, road drainage, snow removal, storm cleanup, and utilities. The boundaries of these ROWs are shown in detail on subdivision plats and property surveys that are recorded with the county. They also are often indicated by surveyor's pins in the ground on your property boundary along the road. Any landscaping within the ROW between the property line and the road edge requires approval.

Landscaping within the ROW should be sensitive to the purposes of the ROW described above and include these rules or standards:

- (a) No plantings tall enough to impede visibility or obstruct access in the ROW are allowed within 8 feet of the road. Mirrors that have been installed to aid traffic visibility shall not be blocked. Any homeowner plantings must be kept trimmed away from the roadside to allow visibility for drivers and pedestrians. If owner landscaping is not kept trimmed, LTCA contractors will do so, and the cost will be charged back to the owner after 30 days notice to owner.

- (b) No curbs, walls, fences, pillars, vegetation, or other hard objects that could inhibit the purposes of the ROW explained above should be installed within 8 feet of the road edge. The only hard objects within the ROW should be the mailbox, utility poles and boxes, and guard rails or stones installed, with LTCA approval, to safeguard steep roadside drop-offs. USPS guidelines define the best mailbox support as those that are stable but bend or fall away if a vehicle hits them.
- (c) Nothing that prevents drainage from the road surface or shoulders, or that adds drainage to the road surface or shoulders from adjacent property may be installed. This includes curbs or grading that inhibit drainage, as well as surfaces such as driveways or slopes that could contribute water or silt/gravel/mulch to the road surface. All driveways and curb cuts (driveway to road intersections) sloping towards the road are required to have a 20 foot apron and have a grated drain or grade that diverts all water into a roadside ditch or other drainage route away from the road (see LTCA Architecture Review Standards Section 5.7). Culverts must be sized by an engineer to carry maximum expected runoff but be a minimum of 10" in diameter.
- (d) All paving must be done in accordance with the requirements of Appendix C: Standards and Specifications for a Private Driveway. All roads need adequate adjacent drainage space for storm runoff and snow melt to prevent hydroplaning, icing, and winter freeze-thaw damage. Owner landscaping may not block or impede roadside drainage with silt, gravel, mulch, vegetation, or otherwise. It is the responsibility of the property owner to keep private driveway culverts and grated drains clear of leaves and debris such that they function properly.
- (e) See section 5.15(d) and Appendix B for appropriate plant species selection.
- (f) Modifications/repairs of more than 10% to non-compliant driveways, curb cuts, drainage and landscaping require bringing them into compliance and ARB approval.
- (g) For any structure, including mailbox, expressly permitted in writing to be placed in the LTCA owned ROW, owners automatically agree to indemnify and hold the LTCA harmless from any and all damages, liabilities, fees, expenses and costs resulting from said placement.

5.17 Miscellaneous Structures

Miscellaneous structures of any kind, including but not limited to storage sheds, woodsheds, water tank enclosures, art studios, play structures, treehouses, sports courts, statues, etc., must receive ARB written approval. Individual deed restrictions and restrictive covenants which may limit the number of structures on a given property apply in all cases. The submittal to the ARB must include a site plan showing the proposed location of the proposed structure, and a picture, brochure or plans detailing the appearance and dimensions of the proposed structure and its color scheme (please refer to Sec 5.8). Property line setbacks must be adhered to for all miscellaneous structures. The criteria for the review of miscellaneous structures will include use and purpose, size of structure, lot size and topography, location, and site lines from adjacent properties/units, the lake and golf course, Tree houses may not be visible to the lake golf course or neighboring properties and may NOT have electricity, lighting, plumbing or HVAC.

5.18 Fuel and Storage Tanks

Tanks must be installed underground. Above ground tank installations may be considered for a variance by the ARB under the requirements of Sec 6.12 in its sole discretion if proposed for the least visible side of the

home and painted earth or forest tones to match or blend with its surroundings and fully screened by appropriate evergreen landscaping.

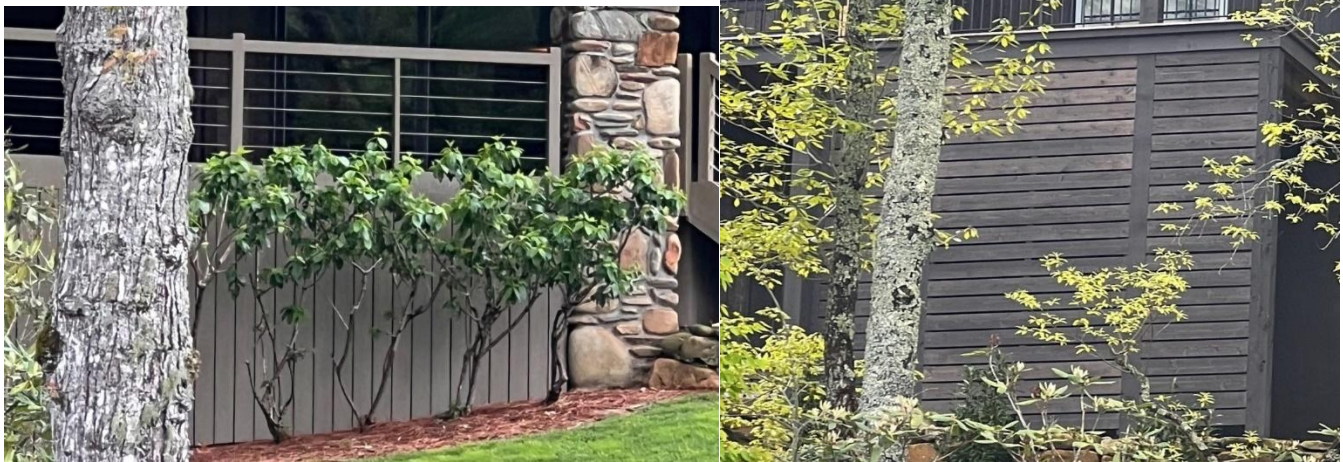
For new construction, water tanks should be placed inside the home if possible. All exterior, above ground water tanks must be approved by variance upon demonstration, on a site-specific basis, so the tank cannot be placed underground due to topography or other hardship under the requirements of Section 6.11. Any above ground tank must be landscaped so that it is not visible from the lake, golf course, road or neighboring properties. If an enclosure is desired, the requirements of Section 5.17 will apply.

5.19 Septic Systems

Septic systems must be located at least 75 feet from the lake, streams, or any other body of water, well or water source. If unable to comply with the setback requirement due to lot configuration, the septic system **must** comply with the minimum setback requirements of the County Health Department and Owner must request a variance from the ARB. Further, a copy of the Transylvania County Septic Improvement Permit is required for review as part of the project request.

5.20 HVAC and Generator Units

HVAC and generator units **must** be installed in the least visible location adjacent to the home. The location of a proposed unit must be indicated on a plat, survey, or drawing of the property. Wherever located, such units **must** be screened from view with evergreen shrubs or other ARB approved landscaping. An enclosure for screening is acceptable if the frame matches the color scheme of the home, and the incorporation of shrubs, or other appropriate vegetation to soften the appearance, is required. Equipment such as HVAC units or generators must have adequate landscaping or screening and should not be visible from the lake, golf course, or neighboring properties. Open under deck space may not be screened with lattice, but should instead 1) remain open or 2) be screened with a pattern of horizontal and/or vertical boards that complement the home design such as in the examples below





Exposed piping shall not be visible from the lake or neighboring properties/units.

5.21 Basketball Goals, Pickleball, Tennis and Sports Courts

Basketball goals are permitted within the community; qualifying factors include the proposed location, visibility and impact on neighboring Properties/Units, as well as complying with the following requirements:

- (a) If mounted above the garage door, backboards must be clear acrylic/glass or painted to match the background color where attached.
- (b) Only clear acrylic/glass basketball backboards will be allowed for free standing pole installations. Poles must be black or painted to blend with the surroundings.
- (c) Portable basketball goals may be considered for approval by the ARB.

Pickleball and tennis courts are not permitted near the lake or golf course and must not be visible from neighboring properties. The ARB may deny application for a pickleball or tennis court if, in its sole discretion, the location of the court could generate noise that might disturb the quiet use and enjoyment of other property owners within the community.

5.22 Mailboxes, Address Identification and Home Identity Signs

Mailboxes, mailbox posts and newspaper boxes must match the color scheme and character of the home or be subdued earth or forest tones (mailboxes may also be black). White mailboxes and/or white mailbox posts are **prohibited**. Approved mailboxes and mailbox posts may be installed in the right-of-way along the roadside in compliance with USPS requirements.

Damaged or dilapidated mailboxes must be repaired or replaced. Mailboxes that are broken or dilapidated may be removed or replaced by the LTCA at the owner's expense per Article 9 below.

To allow emergency personnel to readily identify an address, all properties should have their addresses clearly marked. In addition, it is highly recommended that boat houses or docks display the address in the event of an emergency on the lake.

Home identity sign requests shall be submitted to the ARB for approval. The maximum sign size is 4 square feet. Sign colors must comply with the color standards in section 5.8.

Mailboxes and home identity signs may not be illuminated other than illumination of the address. In this instance, light fixtures must comply with the dark sky requirements of Sec 5.23.

5.23 Exterior Lighting and Dark Sky Guidelines

- (a) Exterior light fixtures must blend with the design and colors of the house and be warm toned (3000K or less). Exterior fixtures must either have fully shielded bulbs with light directed downward or textured or frosted glass to diffuse the light. Specifications for all exterior light fixtures must be submitted along with the application.
- (b) Flood lights with exposed lamps are prohibited. Soffit lights must be approved by a variance.
- (c) Holiday lighting is permitted but should not be lighted earlier than one week before Thanksgiving, and not later than two weeks after New Year's Day.
- (d) Dark Sky lighting refers to outdoor fixtures and light plans that mitigate nighttime light pollution. Dark sky lighting protects the environment and conserves energy resources. Dark sky compliant light fixtures are designed to reduce light pollution, minimize glare, improve visibility, reduce light trespass, and eliminate night sky pollution. The ARB uses the following Dark Sky Lighting Principles in reviewing exterior lighting plans.
 - (i) A light fixture must be fully shielded and emit no light above the horizontal plane. There shall be no sag or drop lenses, side light panels, or up light panels. Colored lights or lenses of any kind including "bug zapper" are prohibited.
 - (ii) Light fixtures shall employ warm-toned (3000K or less) light sources. Sodium lamps are not acceptable.
 - (iii) Light fixtures for driveway areas, pathways and garden areas should direct all light toward the ground and should be controlled by motion sensors or manually turned on only when in use. These lights should not be left on when the home is unoccupied. Horizontal spacing on driveways should be not less than 20 feet on center and not less than 8 feet on center for pathway lights to prevent runway style lighting of pathways and driveways. Mailboxes may not be illuminated. Dock pilings may not be illuminated, and docks may not have lights directed into the lake.
 - (iv) Maximum LED lamp size for light fixtures other than security lighting– 12 w or 900 lumens. Security lighting should be limited and must be no more than 1200 lumens and must be shielded from shining onto the lake or neighboring properties and must be controlled by motion sensors.
 - (v) Lighting fixtures shall be carefully located, aimed, and shielded so light is not directed toward the lake, golf course, adjacent streets, roads, or adjacent property owners. Limit light crossing property lines i.e. "light trespass". Limit spill light across property lines. Light levels at the property line should not exceed 0.1 foot candles (fc).
 - (vi) Targeted landscape lighting at desired features such as trees or hardscape should be placed on motion sensors, timers, or manually turned on, and should not be left on when the home is unoccupied. Be strategic with exterior lighting and only use when needed. Direct uplighting of trees is not allowed. Angled lighting of features is site specific and may be allowed on a case-by-case basis depending on location and amount of lighting requested if it is demonstrated that the proposed lighting is in compliance with these dark sky requirements and if the light does not light trespass onto the lake, golf course or neighboring property. The maximum illumination on any vertical surface on any surface shall not exceed 5 foot candles, excluding flag poles. Façade and eave/soffit lighting that illuminates a façade is not permitted.
 - (vii) Provide timers or motion sensor controls as applicable herein for turning off exterior lighting or manually turn them off before 11:00 pm nightly unless the area is actively occupied by residents or guests in which case the lights must be turned off as soon as the space is vacated.

- (viii) Exceptions to fully shielded light fixtures – entry posts and driveway decorative light fixtures with frosted or textured glass at road Right of Way. Exterior illumination of house numbers, if provided, shall be provided by light fixtures that are fully shielded and directed downward.

5.24 Antenna and Satellite Dishes

The installation of satellite dishes and antennas is prohibited, except as provided herein or as expressly authorized by Federal or State law. Notwithstanding, without prior approval of the ARB, Owners may install, at their sole expense, (i) antennas that receive television broadcast signals, (ii) satellite dish antennas 39.37 inches or less in diameter that receive or transmit video, data or other programming, or (iii) antennas 39.37 inches or less in diagonal measurement that receive or transmit video, data or other programming via multipoint distribution services so long as:

- (a) Equipment is installed entirely within the boundaries of the Owners' lot and within areas exclusively set aside for Owners' use;
- (b) Equipment can be safely installed, and the color must reasonably blend with the background color at the point of attachment or its surroundings depending on location;
- (c) The placement of equipment is in a **Preferred Location*** as defined below, which location may be unique to Owners' lot based on such considerations, without limitation, as topography, signal reception, costs, safety and/or aesthetics; A Preferred Location means an area on the lot that is the least visible location as viewed from the lake, golf course/adjoining properties/properties within the line of sight and roads.
- (d) The Federal Communications Commission (FCC) or any other governmental agency preempts community regulation that is more restrictive than the provisions established in this section; and
- (e) Lake Toxaway Estates does not otherwise qualify for an exemption under FCC rules imposing federal limitations on local covenants or rules addressing the installation of equipment described above such as an exemption related to the provision of community antenna or satellite services.

5.25 Flags

Unless otherwise expressly permitted by Federal or State law, fixed or permanent flags that meet the following criteria may be displayed **without** prior approval from the ARB:

- (a) Flagpoles attached to the home garage or boathouse **must** not exceed 10 feet in length and **must** blend with the existing color scheme of the dwelling or be natural wood.
- (b) A **maximum** of two flags on the front side and two flags on the rear side of a home are permitted.

In addition, flags that become faded, torn, or otherwise deteriorated **must** be removed or replaced with a new flag.

Proposed ground installed flagpoles require written request submission, and ARB approval, prior to installation. Poles should be painted to blend in with the natural surroundings. If poles are illuminated, lights should be shielded so they do not shine onto the lake, golf course, or other properties.

5.26 Awnings

Fabric awnings of any type are not permitted except as noted in Section 5.10 Boat Docks.

5.27 Pre-manufactured Homes

Pre-fabricated, pre-engineered and pre-manufactured modular homes or anything other than custom built on-site homes are not permitted. The ARB may consider as an exception to this prohibition, on a case-by-case basis, if the home is a custom, site-specific design typical for the community and the owner is able to make all modifications required by the ARB. However, the ARB strongly discourages homeowners from requesting an exception.

5.28 Repairs and Maintenance

Routine maintenance and ordinary repairs of wear due to normal wear and tear or damage not exceeding 10% of the home are not subject to ARB review as long as such repairs or maintenance are made to restore existing conditions back to the original condition previously approved by the ARB. Work on non-damaged components that is necessary for the repairs of damaged components are considered part of the total repair and are also not subject to ARB review.

Re-painting of all or a portion of a home, boathouse, or other structure must be in a color allowable under current ARB Standards and requires ARB approval.

Replacement of all or a significant portion of an existing seawall, deck or dock in excess of 10% of the surface area requires ARB approval and may require bringing the entire area into compliance with the current ARB Standards.

5.29 Solar Panels

The installation of solar panels is complex and will be reviewed on a case-by-case basis. The LTCA does not prohibit the use of solar panels but seeks to regulate the location of panels to the least obtrusive location while still allowing them to be effective. Solar panels are prohibited in the following locations that are visible to a person on the ground:

- (1) On the facade of a structure that faces areas open to common or public access, including the lake and the golf course,
 - (2) On a roof surface that slopes downward toward areas open to common or public access that the façade of the structure faces; or
 - (3) Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade and those areas of common or public access faced by the structure.
- Towards this end, any solar panels applied to a roof must be subordinate to the overall roof design and must be low profile and shall minimize the visual impact for other homes. Reflectivity, surface area and visual effect will be considered in the approval process. The effect of reflectivity on homes at elevations above homes seeking to install solar panels is an important consideration in determining approval. Non- roof solar panels must be installed in a **preferred location** that does not prevent reasonable use of the solar collector. A preferred location means an area on a lot that is the least visible location from the lake, golf course, roads, adjoining property owners, or property owners within the line of sight. Trees may not be removed to accommodate the use of solar panels. Solar panels must blend with, and not have a high contrast to, the roof color.

5.30 Gardens

Vegetable gardens may not exceed 500 SF and must be reasonably screened from view of the lake, golf course or neighboring properties. Visible fencing from the lake, golf course, roads or neighboring properties is not allowed. A variance may be requested for gardens in excess of the square footage or fencing limitations in areas not visible to the lake or neighboring properties.

5.31 Artificial Turf and Vegetation

The LTCA encourages natural, indigenous vegetation within the community. It recognized, however, that in certain limited applications, the use of synthetic turf may be acceptable. The ARB will consider applications for installation of this product in LIMITED circumstances. Applications for artificial turf must be submitted as a variance request to the ARB for consideration prior to installation. Because of the unique effect of introducing a product that will remain green all year round into our natural landscape, applications will be considered for improved lots only on a CASE-BY-CASE basis at the discretion of the ARB taking into consideration the overall aesthetic effect under the following conditions:

- (a) Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in both look and color and shall have a minimum pile height of 1 and ½ inches and a maximum of 2" and a tufted weight of 56 oz per square yard except for approved putting greens which are excluded from the minimum pile height. A sample of the proposed synthetic turf (and infill material if required) to be used and the technical specifications of the material must be provided to the ARB with submission of an application. Artificial turf must be lead free. Turf having rubber crumb as a component is not allowed. The ARB will take into consideration location of the requested installation, quality and aesthetics of the sample submitted. Materials containing polypropylene will not be allowed.
- (b) Artificial turf must have a minimum eight-year manufacturer's warranty that protects against color fading and pile height.
- (c) The total area of synthetic turf per lot cannot exceed either 10% of the unwooded portion of the lot not built upon or 400 SF, whichever is less.
- (d) Synthetic turf cannot be installed on the lake's edge and must minimize visibility from the lake, golf course, roads, or other property owners. An appropriate vegetative barrier must be installed as a buffer between the synthetic turf and the lake, road, or natural grass or vegetative areas which buffer must include native evergreen plant material to provide a year-round visual barrier. Turf areas adjacent to pond, stream or the lake are required to have a minimum ten (10) foot buffer from the water consisting of natural, indigenous vegetation.
- (e) Synthetic turf must be installed according to the manufacturer's specifications and by a professional experienced in the use and installation of this material. The turf must be porous and set on open graded aggregate with adequate drainage demonstrated as part of the application. Drainage needs to ensure that no direct runoff goes into the lake, ponds or streams and instead percolates through the soil by incorporating French drains, catch basins, or underground distribution systems.
- (f) All artificial turf shall be anchored to withstand the effects of wind. Seams shall be nailed and glued, not sewn and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.

- (g) No putting greens made of synthetic turf are allowed unless completely screened by native evergreen vegetation.
- (h) Synthetic turf shall not be installed in areas subject to flooding.
- (i) No artificial turf shall be placed in any right of way including setbacks.
- (j) Precautions for installations around existing trees must be taken to ensure that tree roots are not damaged, and that the overall health of the tree will not be compromised.
- (k) All artificial turf shall be maintained in a green, fadeless condition. Maintenance shall include cleaning, brushing and repair of depressions and ruts to maintain a visually level surface.
- (l) Because artificial turf has a useful life, turf must be replaced, and it is incumbent on the owner to maintain the turf in good condition and to replace it as necessary prior to the expiration of the specific product warranty. If the ARB determines that the turf has faded or fallen into disrepair, then it shall notify the owner, and the property owner shall file application to the ARB for review and approval for replacement of the artificial turf under the provisions hereof.
- (m) For those properties where artificial turf is currently installed without ARB approval and not in compliance with this section, when the existing turf is replaced or repaired, then compliance with the section shall be required. Further, all existing turf, not in compliance with this section, must be maintained in good condition and be replaced as necessary. If the ARB determines that the turf has faded or fallen into disrepair, then it shall notify the owner, and the property owners shall file application to the ARB for review and approval for replacement of the artificial turf under the provisions hereof.
- (n) Artificial vegetation, such as flowers, shrubbery and bushes, is prohibited.

ARTICLE 6

ARCHITECTURAL REVIEW PROCESS

All requests for projects under these Standards commence with the filing of a completed application defining the proposed work.

The purpose of LTCA's approval of plans and materials is largely to assess and guide aesthetic considerations based on a review, consideration, or judgment regarding how well the proposed architectural, engineering, and landscape design complies with community objectives and these Standards, and its harmony within the community, natural environment and landscape, and potential impact on neighboring properties.

Owners are encouraged to work with an architect and builder who are knowledgeable and experienced in mountain home design and construction.

For each project type, the ARB has developed Checklists which are attached as Appendix A to these Standards. Owners should consult the appropriate project Checklist to ensure that they have all required elements to constitute a completed application prior to submittal for preliminary or final review of a project. Owners will be informed by e-mail by the LTCA within 10 days of submittal whether their submittal is complete or additional material is required. **The ARB will not consider any request until an application**

is deemed complete as to all documents and information required to be submitted as part of the Architectural Review Process and the required 30-day response will not be triggered until a completed application has been submitted.

For all projects, a completed application must be submitted ten (10) days prior to a scheduled ARB meeting to be placed on the agenda for review.

Project Process

1. New Home Construction

The Architectural Review Process for new home construction consists of:

- (a) a Preliminary Plan Review
- (b) a Final Plan Review
- (c) an on-site pre-construction review to approve any proposed vegetative/tree removal and to verify that the actual foundation and setbacks are in conformance with the approved Final Construction Plan on file. **No site work or tree/vegetative removal may commence without ARB approval until this step has been completed.**
- (d) an on-site review to verify adequate erosion controls are in place **prior** to construction
- (e) payment of any required review and/or impact fees under Section 6.1
- (f) Periodic on-site inspections at the discretion of the LTCA to determine the progress of the project or to address and construction concerns
- (g) Final Construction Review
- (h) Issuance of Final Construction Approval

Prior to a Preliminary Plan Review, applicants can submit for a Conceptual Plan Review if desired. The Conceptual Plan Review does not require fee payment and will only advise applicant of the feasibility of the project's approval once fully submitted.

2. All Other Projects

The ARB process for all projects other than new home construction is as follows:

- (a) Submission of a completed application, including any required samples
- (b) Administrative or ARB review
- (c) On-site visit, if necessary, to review the project before commencement
- (d) On-site visit to review the project once completed. **It is the Owner's responsibility to notify the ARB that the project is complete and final review is necessary.**
- (e) Issuance of Final Project Approval

For projects other than new home construction, homeowners must submit a completed application to the LTCA office which can be accomplished via e-mail. Please consult the Checklists (attached as Appendix A) to determine what information must be filed for a particular project to be deemed a complete application. Within 10 days after submitting a complete application, the applicant will be notified via e-mail whether their application is complete or whether additional information is required. Once the application is complete, a determination will then be made by LTCA staff whether the project can be administratively approved or will be placed on the agenda for the next regularly scheduled ARB meeting, and the applicant will be so notified by the LTCA office prior to the next regularly scheduled ARB meeting. Applications must be submitted **10 days prior** to a regularly scheduled ARB meeting to be placed on the agenda for that meeting. All projects are subject to review and /or impact fees as set forth in Section 6.1. Once an approved project is completed,

the Owner **must** contact the LTCA to schedule an on-site review of the project. Once it is determined that the project has been completed in compliance with the submitted and approved application, a Final Project Approval will be issued and all construction deposits, less any deductions, will be returned to Owner.

Installation of temporary drives, wells, septic systems (with copy of applicable government permits), etc. will only be allowed following review and approval of the ARB. All applicable ARB construction fees will apply.

For all projects that are considered new home construction, large projects, and major landscape projects, the contractor named on the ARB application must submit proof of liability insurance and the "Lake Toxaway Community Association, Inc." shall be named as an additional insured. Approval to begin work will not be issued until this requirement is met.

For all types of projects, if changes or updates are made to the plans subsequent to the original submission, all changes/updates should be highlighted and marked with a revision date and number (ie - Rev 1).

6.1 Review Fees, Impact Fees, and Construction Deposits

Applicable fees and a construction deposit must be paid to the LTCA by Owners building or repairing structures or landscaping their property. These review fees, impact fees and construction deposits are required to be paid to the LTCA either the earlier of 30 days after final plan approval or the start of project construction. The review fee covers the time and effort expended by LTCA staff to approve and monitor projects. The impact fee covers the wear and tear on LTCA roads. This section explains the applicable fees.

1. **Review Fees:** A non-refundable application fee.
2. **Impact Fees:** An Impact Fee will be charged for construction vehicles using LTCA private roads to access the construction site. No impact fee will be charged for projects that do not utilize LTCA roads.
3. **Construction Deposits:** This is a damage deposit paid to the LTCA and held until the completed project has received final approval from the ARB.

Small, intermediate and large projects are those independent projects not associated with a new home build or major renovation. LTCA staff will determine the scope of a project on a case-by- case basis taking into consideration the scope of work and the degree of machinery and materials that will be transported over community roads.

		Review Fee	Impact Fee	Construction Deposit
a.	Small Projects. Projects that can be completed without a noticeable impact or cost to the LTCA. Examples include painting projects, small maintenance items, tree removals not exceeding 2 trees of a diameter of 18" or less, exterior home improvement requests (see section 6.10), roof repair, small landscape projects, small hardscape projects less than 250 SF, mailbox replacement, replacement of less than 10% of a dock or deck.	\$100	No Fee	No Fee
		Review Fee	Impact Fee	Construction Deposit
b.	Intermediate Projects. Intermediate projects are described as those in which some impact or cost is realized by the LTCA in connection with the work proposed, either through the movement of materials, equipment or subsequent site inspection required by the LTCA in connection with Owners' proposed project; however, the impact does not reach the level of a large project. Intermediate projects may include but are not limited to exterior renovation projects to a home, boathouse, garage, with no footprint change, tree removal in excess of 2 trees having a diameter of 18" or more, hardscape projects between 250 -400 SF, total replacement of deck railing and/or steps, fence installation, and roof replacement over 35 squares.	\$200	\$500 Slate roofs will be charged an additional impact fee of \$1.00/square	\$1,000
c.	Large Projects. Large projects are those that cause greater impact on LTCA roads (not including new homes). Large projects may include but are not limited to major exterior renovations that include a footprint change to the home and additions to or the new construction of garages, carports, and porte-cocheres.	\$250	\$750 + \$1/SF over 300 SF	\$2,500 for projects under 1,000 SF \$5,000 for projects over 1,000 SF

e.	Major Landscape. Major landscape plans may include but are not limited to large landscape installations or tree removal, the addition or replacement of retaining/boulder walls in excess of 100 SF, stone patios or walkways or other projects involving hardscape construction in excess of 400 SF.	\$500	\$500 + \$2.00/ SF for retaining/ boulder walls or concrete pathways, and \$1.00/SF stone patio or stone walkways not set in a concrete base. Concrete bases will be charged an extra \$2.00/SF	\$2,000
f.	Demolition of home or other structure.	\$250	\$2,000 for homes and \$1,000 for other structures	\$4,000
g.	New home construction. Includes areas of all walkable surfaces including decks. Does not include lake walls, hardscape/patios, driveways and cart paths, and boulder walls.	\$2,500 + \$1/SF over 3,500 SF	\$3,500 plus \$2/SF over 3500 SF	\$10,000 for homes up to 3,500 SF \$20,000 for homes over 3,500 SF
h.	New boathouse construction	\$1,500	\$1,500 + \$1/SF	\$4,000
i.	New or Replacement Lake Walls exceeding 10 linear feet	\$750	\$20 per linear foot	\$5,000
		Review Fee	Impact Fee	Construction Deposit
j.	New or resurfaced driveway or cart path	\$175	\$1.00/SF for new asphalt and \$1.25 for concrete or pavers \$0.50/SF for	\$3,000 for asphalt or concrete \$2,000 for gravel or pavers

			resurface or gravel	
k.	New or replacement docks and decks not part of a new home construction	\$175	\$2/SF	\$1,000
l.	New or replacement septic or well	\$200 unless included in a new home construction	No fee for well For septic \$500+	\$2,000 unless included in a new home construction
m.	Field Change Request	\$250	Fee Schedule Applies	Fee Schedule Applies
n.	Other Miscellaneous Projects. The ARB reserves the right to assign fees to other projects that are not covered in other fee sections if it is determined the project will have an impact on the community resources.	Up to \$1,000	Up to \$1,000	Up to \$2,000
o.	Overweight and over length vehicles delivering construction excavation or similar machinery are subject to a delivery and pick up impact fee charge of a one-time fee of \$1,500. These vehicles must display “oversize load” or “wide load” signs front and rear while on LTCA roads. Over length vehicles are defined as trailers greater than 28 feet in length measured from the connection point and/or trucks/loads with a GVW of greater than 68,500 pounds. Only trucks delivering equipment may exceed these limits with an oversized truck permit. An oversized truck permit is not a free pass to exceed length and weight limits for material loads. Owners or contractors must secure an oversized vehicle permit from the LTCA office before the oversized vehicle is permitted to deliver on LTCA roads. Failure to do so will result in a fine in accordance with the Schedule of Fines section of these Standards.	No fee	\$1,500	No fee

The following vehicles are not permitted on LTCA roads and are subject to removal and/or fines to the property owner if discovered: • Concrete delivery trucks carrying greater than 8 cubic yards • Dump trucks with a GVW of greater than 68,500 pounds • Dump trucks must comply with the Federal Bridge Formula adopted by North Carolina that limits dump trucks to a 258-inch wheelbase with an overall length of 24 feet and a maximum of 68,500 GVW.			
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NOTE:

For the safety of the residents and to facilitate the flow of traffic in Lake Toxaway Estates, it is mandatory that all concrete trucks, heavy earth moving equipment and trucks with heavy loads going to and from Meadow Ridge, Toxaway Mountain and associated areas use Cold Mountain Road.

6.2 Preliminary Plan Review

Preliminary Plan applications must contain all the required information specified in the Checklist in Appendix A to be considered complete for review. Owners have the option of submitting for a conceptual review by the ARB prior to submitting for Preliminary Plan Review (see Article 6). No fees are charged for a conceptual review.

Prior to submitting the preliminary plans, Owners must contact the LTCA to set up an on-site meeting to review the plans and Property/Unit and the Property/Unit perimeter **must** be clearly marked with white stakes (minimum: three feet tall) by a licensed surveyor and must **remain in place** until the construction project is completed and Final Construction Approval granted. The corners of the proposed home site must also be staked, connected with flagging ribbon/tape and identified. Building corners must include all above ground structures such as decks, garages, patios and boathouses. Orange flags or tape must mark any trees or shrubs proposed for removal. **Note:** In accordance with Section 10.10, **no grading, tree or shrub removal or construction**, except that required for the County Health Department survey and proposed septic system location inspection (not including installation), will be allowed until **after approval of the Final Construction Plans is granted, in writing, by the ARB.**

This first and vital step in the Architectural Review Process gives Owners the opportunity to present design ideas to the ARB on paper through their architect. Due to the likelihood of revisions being made during this initial step, it is **strongly** recommended that these preliminary plans **not** be final construction drawings. Along with a completed Preliminary Plan Review application, Owners will need to submit the required fees as stated in Section 6.1 and electronic versions (PDF) of the plans outlined below, hard copy (paper) plans can be presented by the applicant at the meeting but are not retained by the LTCA. The ARB may require a hard copy if electronic copies are not clear. Preliminary Plans should include the following:

- (a) Preliminary schematic topographical site plan at a scale of one inch = 20 feet (maximum two-foot contour intervals) by a licensed surveyor identifying: Property/Unit boundaries and acreage, house siting along with any other proposed structures, driveway, parking area, potential tree (in excess of 6 inches in diameter) and shrub removal, septic system, well, utility areas, generator location, if any and other appropriate topics. In addition to adhering to the setback requirements stated in Section 5.1, of these Standards, **please refer to your individual deed and covenant restrictions to determine if there are any additional setback requirements.**
- (b) Conceptual floor plans at a scale not smaller than 1/8" = one foot showing overall house dimensions, room sizes, windows and doors. All rooms should be labeled as to function.
- (c) Conceptual elevations (all sides) at a scale not smaller than 1/4 inch = one foot.
- (d) A copy of your original Property/Unit Deed including all Restrictions and Covenants. Note that Restrictions and Covenants may be in a separate document.
- (e) Designations of proposed material types to be used on exterior of home.

If the ARB approves the proposed Preliminary Plans, Owners will be sent an acceptance letter by US Mail or e-mail within 10 days of the ARB meeting at which the plans were reviewed, and Owners may then communicate with their architect to proceed with final construction drawings. If the proposed Preliminary Plans are not approved, Owners will be notified by e-mail or written letter within 10 days stating the reasons for non-acceptance. Once each reason for non-acceptance is addressed and **all** required changes are made to the Preliminary Plans, Owners may resubmit to the LTCA for another preliminary review or for final review if all the conditions for submission under Section 6.3 are met.

6.3 Final Plan Review

After receiving Preliminary Plan Review approval for the ARB, Owners may direct their architect to proceed with the Final Construction Plans. Once completed, Owners **must** submit a Final Construction Plan Review application along with electronic versions (PDF) of the plans outlined below. Paper plans can be presented by the applicant at the meeting but are not retained by LTCA. The ARB may require hard copy plans if electronic versions are not clear. Final construction plans should include the following:

- (a) A final site plan showing all items required for the Preliminary site plan plus any proposed new topography grading, drainage, swales, cut and fill, pipe sizes, etc., and erosion control features at a scale of 1 inch = 20 feet or larger.
- (b) Floor plans showing complete construction details at a scale of ¼ inch = one foot. They should include location of exterior HVAC units; exterior light fixtures; all utility locations, meters and easements, if applicable; trash enclosure with type of screening noted, fuel tank size and location, generator size and location, if any, and other appropriate topics.
- (c) Elevations (all sides) at a scale not smaller than ¼ inch = 1 foot showing all exterior materials, windows, doors, any exterior lighting on home, decks, height above foundation cap, etc.
- (d) Drainage plan showing the proposed path of surface water and points of its discharge. Under no circumstances may the natural flow of water be artificially concentrated so as to create erosion problems or additional flow over a neighboring Property/Unit.
- (e) See Section 5.7 Driveways

- (f) All proposed exterior materials including exterior paint/stain colors and any proposed siding, stone, brick, roofing material, etc. must be specified as part of the electronic application. Physical samples of any exterior materials requested by the ARB, including a 4x4 paint on wood of façade and trim color are required to be provided prior to final approval.
- (g) A Landscape Plan as outlined in Section 5.15 of these Standards must be submitted within 90 days of final plan approval. Landscape plans shall include, if applicable, dark skies certified landscape lighting and controls as set forth in Section 5.23.
- (h) A copy of the approved County Building Permit
- (i) A copy of the approved County Septic Permit
- (j) The ARB final approval letter and all applicable permits must be displayed on site.

An application for Final Plan Review must be submitted 10 days prior to a regularly scheduled ARB meeting to be considered for review at that meeting. If any of the above requirements are absent or incomplete, the application will not be placed on the agenda for the next regularly scheduled ARB meeting and the LTCA will notify Owners by e-mail what information was incomplete.

Once the LTCA receives a complete submission, the LTCA will render a decision within 30 days of receipt and will notify Owner within 10 days of the ARB meeting at which the application was considered. If the ARB approves the proposed Final Construction Plans, Landscape Plans and the color/material samples, Owners will be sent an approval letter by e-mail and may then proceed with grading after an on-site inspection. Once the grading has been completed and appropriate erosion controls are put in place, Owners **MUST** notify the LTCA to schedule an additional on-site inspection by the LTCA to ensure the erosion controls are adequate **PRIOR** to commencing construction.

If the proposed plans are not approved, a letter will be sent to Owners by e-mail within 30 days of receipt of the submittal or 10 days of the ARB meeting at which the application was considered stating the reasons for disapproval. Once each reason for disapproval is addressed and **all** required changes are made to the Final Construction Plans, Landscaping Plans and/or color and materials samples, Owners may resubmit to the LTCA for another Finished Construction Plan Review.

By approving submitted plans and materials, the ARB, LTCA Board of Directors and its Managing Agent(s) assume no liability or responsibility for any defect in any structure constructed from such plans and its specifications as further elaborated in Article 9, Section 9.3 of the Bylaws, Owners' deed and Article 7 of these Standards.

6.4 Building Codes

All construction should comply with all applicable state and local building codes, fire codes, electric codes and plumbing codes. Compliance with government regulations is the responsibility of Owners/contractor and they are responsible for obtaining all required permits and approvals. Owners shall obtain a building permit for all projects where required by Transylvania County and/or Jackson County. **LTCA reviews and approvals are separate and independent of government-required inspections, approvals and permits. Please refer to North Carolina law for these independent requirements.**

6.5 Erosion Control

Erosion control is critical as a protective measure for soil conservation and protection of streams and lake systems as soil and drainage systems are especially fragile in this mountain ecosystem. Erosion control measures should be clearly shown on all site plans. Intended as preventive maintenance in order to avoid costly and possibly irreparable environmental damage, the following requirements, in accordance with Article 10, Section 10.10 of the Bylaws, and/or Owners' deed, are minimum standards. Erosion control will be monitored throughout the construction project.

(a) Silt fences are to be a **minimum** of two feet in height, staked every six feet, the base continuously buried six inches, have continuous wire backing with continuous bales of straw in front of the fence facing the construction site. Based on the topography of certain lots, such as degree of slope, proximity to water, etc., additional silt fencing and more severe erosion control devices may be needed as determined by the ARB.

(b) All disturbed soil associated with, but not limited to a new house construction site, septic field construction, new driveways/roads, remodeling projects, and the like will have a continuous silt fence, surrounding the disturbed soil area, to impede erosion/water flow according to existing and expected drainage patterns.

A boundary silt fence **must** be established around the perimeter of the project site before construction begins. The offset distance should not be greater than 15 feet from the edge of any disturbed area. No construction equipment is permitted outside of the project site boundary.

(c) If a breach in any silt fencing is reported to Owners or contractor and is not corrected within 24 hours of notification, the LTCA may hire a contractor to remedy the breach and charge the cost against the Compliance Deposit.

(d) Periodically remove collected sediment to maintain the barriers in an effective condition.

(e) Revise the planned control measures as the site conditions change. Gaps in protection will not be allowed.

(f) Install utilities early in the construction process and stabilize slopes quickly thereafter. Driveways should be continuously maintained with proper aggregate material throughout construction.

(g) Finish grade and establish a permanent ground cover as soon as possible.

(h) In the case of boathouse construction, sediment barriers should be installed to ensure that no sediment from dredging or soil removal drains into the lake.

(i) Once Completed Construction Review approval has been granted, barriers must be removed with proper disposal of all materials and accumulated sediments, along with final stabilization as necessary.

Pursuant to North Carolina law, all silt and debris fences must be maintained, and all silt maintained on the construction site. Silt fences and erosion control installation shall be inspected by an LTCA representative prior to the start of construction.

Erosion control devices other than the required silt fencing described above may be appropriate; however, it will require the approval of the ARB.

The ARB reserves the right to direct the installation of Erosion Control measures at Owners' expense if such measures are not properly installed and maintained.

6.6 Construction Reviews.

After receiving Final Construction Plan approval and before grading/construction has commenced, the LTCA or its representative may make the following scheduled/non-scheduled reviews to ensure that the work performed is in compliance with the approved plans:

- (a) **Preliminary Site Layout Review:** Before grading and clearing begin, the building footprint and vegetative removal must be marked and Owners, their architect or contractor **must** contact the LTCA to schedule a site review. All required erosion control features must also be in place and inspected at this time. See Sections 6.0 and 6.5.
- (b) **Footing Review:** After grading and foundation forming is completed, but before placing concrete, Owners, their architect or contractor **must** contact the LTCA as foundation to schedule its review.
- (c) **Framing Review:** After the completion of framing. Owners, their architect or contractor **must** contact LTCA as framing is nearing completion to schedule its review.
- (d) **Unscheduled Reviews:** Random, periodic reviews of the construction site by an LTCA representative for compliance with the LTCA's Construction and Contractor Rules (refer to Article 8) may take place without prior notice.
- (e) **Final Construction Review:** After completion of the construction project, Owners, or their architect or contractor **must** contact the LTCA to schedule a completed construction review (hereinafter "Final Construction Review"). Before notifying the LTCA to schedule a Final Construction Review, Owners must make sure the following requirements have been met:
 - (i) Completion of all construction and exterior painting/staining.
 - (ii) Installation of landscaping, including hardscape.
 - (iii) Removal of dumpster, portable toilet, other temporary facilities, temporary utility pole and all other construction related materials and/or debris.
 - (iv) Repair of any damage to right-of-way, common areas and adjacent areas caused during construction.
 - (v) Repair of any damage to the roadway, including structural or scarring, pavement stains, concrete spills and replanting of grass or other damaged plants.
 - (vi) An electronic copy of the 'as built' plans detailing actual location of the septic tank and system submitted to the ARB.

Owners or their contractor must contact the LTCA to schedule the above reviews. Failure to do so, as well as any non-compliance discovered during the scheduled reviews or during any periodic, unscheduled review or nonpayment of required fees, may result in a *Stop Work Order* being issued. A *Stop Work Order* notice will be posted on the Property/Unit and a copy sent to Owners describing the violation(s). **No further construction work will be allowed**, enforced by the LTCA's security service, until such time as the non-

compliance has been corrected and verified by the LTCA. When the violation(s) is corrected, Owners, their architect or contractor, are required to contact the LTCA to arrange a review to confirm compliance. Upon confirmation of compliance, the LTCA will remove the *Stop Work Order* and notify Owners of the approval to proceed with the construction project. If violation(s) are not corrected in a timely manner or if violations re-occur during the construction project, Owners may be assessed fines and be subject to further action being taken by the LTCA.

6.6.1 Final Construction Approval

Homeowners must notify the ARB when a project is completed, and final construction approval is requested. Once it has been determined that all the requirements of Section 6.6 (e) have been met, and that the as-built construction is consistent with the approved final construction and landscape plans, the LTCA will issue final construction approval and all deposits, less any deductions, will be returned to the Owner. Any homeowner who sells their property before receiving final construction approval must notify the ARB or the deposit may be forfeit. Approved projects can be transferred to a new owner if the new owner agrees, in writing, to comply with the terms of the prior approval and submits the required deposit. The prior homeowner, if entitled to have all or part of their deposit returned, will only receive payment after the new owner has remitted their deposit.

6.7 Field Changes

Changes to the approved Final Exterior Construction Plan Review documents are not allowed without prior written approval from the ARB. The ARB realizes that circumstances arise from time to time during construction that require a change to the originally approved plans. If such a circumstance arises, the ARB will consider the request as quickly as possible. The required review fee must accompany such change requests as outlined in Section 6.1 of these Standards.

6.8 Completion Deadline

All construction **must** be completed, and a Final Construction Review made by the LTCA and approved, in accordance with Section 6.6(d) above, within 24 months of final project approval. The LTCA may consider a request, in writing by Owners, for an extension to complete the construction project after the 24-month deadline for extenuating circumstances not the fault of the Owner or contractor. Failure to complete the construction project within the completion deadline timeframe, including any extensions granted by the LTCA, is a violation of these Standards. Barring mitigating circumstances, as detailed by Owners and satisfactorily verified by the ARB, the LTCA will levy fines at a rate of 10% of the initial project impact fee charge per month, or up to \$1000 per month, whichever is greater, for each month the project remains incomplete, or otherwise unapproved by the ARB. Such fines will be drawn from the project compliance deposit or charged to Owners' account.

Landscaping/hardscaping as part of an application for new construction, or an addition/remodel shall be completed prior to Final Construction Review. A homeowner may apply for an extension due to seasonal planting restrictions.

Landscaping not associated with the new construction, addition, or remodel of a home, such as generators, propane tanks and other mechanical units shall be completed within 60 days of installation of the unit unless an extension has been granted by the ARB.

Individual landscaping or hardscaping projects not associated with new construction must be completed within 60 days of the final project approval unless extension has been approved by the ARB.

In addition, the LTCA may then pursue whatever action necessary to complete the construction project in a timely manner. All legal fees and costs reasonably incurred by the LTCA for such action will be assessed to Owners in accordance with Article 4, Section 4.5 and Article 8, Section 8.5 of the Bylaws.

If work does not commence within six months of the LTCA's Final Construction Plan Review approval letter date, the approval status may be rescinded, and the plans considered disapproved. If Owners wish to pursue the project after the approval has been rescinded, a new Application along with new electronic (PDF) plans must be submitted for review. No additional fees will be charged.

If construction does not begin within 12 months after removal of any vegetation, especially if grading has taken place, Owners may be required to return the Property/Unit to its original condition to the extent possible.

6.9 Improved and Unimproved Properties Defined

For purposes of determining assessments, a lot will be deemed "improved" as of the date of the Certificate of Occupancy, as issued by the Transylvania County Building Department, with assessments pro-rated from that date for the remainder of the current fiscal year. Conversely, a lot may be reclassified from "improved" to "unimproved" if all structural improvements are removed (excluding wells, septic drainage fields, underground utilities and driveways). The lot must be re-graded and re-vegetated, with native plants, to stabilize the soil. Erosion control measures must be in place throughout the re-vegetative process. All demolition, re-vegetation and erosion control measures are subject to prior review and written approval by the ARB. Owners' assessment billing for the unimproved lot will be adjusted at the beginning of the next fiscal year. Lots containing boathouses or other structures, including hardscaped areas are considered improved lots.

6.10 Exterior Home Improvement Request

The Exterior Home Improvement Request process is required for Owners proposing non-structural improvements. Examples include, but are not limited to, exterior lighting, roof replacement, exterior paint/stain color changes, window or door installations or changes, gutter replacement/installation, fountains/statues/art installations, drainage improvements, walkways, pathways, and any other exterior improvements not specifically covered elsewhere in these Standards.

- a) A fully complete Minor Home Improvement or Minor Landscape application
- b) All materials must be indicated per manufacturer's specs and/or a photographic example. Physical samples may be required.
- c) A site plan if applicable (drainage, walkways, etc.)
- d) A review fee if applicable (See Section 6.1 of these Standards).

In the case of a paint/stain color change request, paint colors must be submitted and identified as to their proposed location (i.e., trim, wood siding, plaster/stucco, front door, shutters, etc.). If the proposed color is different than the existing color, a 4x4 painted wood sample is required.

The ARB has a maximum of 30 days from the date a request is received, along with all required pictures, samples and/or attachments and the review fee, to render a decision. If a complete submittal is received but a decision is not rendered within the 30-day time limit, such request will be deemed approved. Owners

will be notified by e-mail of the ARB's decision. Once approved, Owners must complete the proposed improvement within 12 months from the date of the approval letter from the LTCA. The LTCA may consider an extension request, in writing, by Owners for an additional three months if deemed necessary. If the installation has not begun within 12 months from the date of the approval letter and no extension request has been received or if an extension has been granted and no work has begun within the maximum fifteen months period allotted, the approval becomes void, and Owners must re-submit a new application prior to starting any work. The LTCA will review the complete improvement for conformance with the approved request, pictures and/or attachments.

If exterior improvements of any kind begin prior to written approval by the ARB, Owners are in violation of these Standards and may be required to return the Property/Unit to the condition prior to the work and/or be assessed fines.

6.11 Variances

A request for a variance from any of the standards set forth herein must be submitted, in writing, to the LTCA office **at least twenty (20) days before** a scheduled ARB meeting. The request should explain, in detail, the hardship(s) or property challenges that necessitate such a variance request and should include all supporting documentation. The applicant or the contractor is required to appear in person or virtually before the ARB at the meeting in which its application for variance will be considered. As a courtesy, adjacent Owners/Units will be notified by the LTCA by regular mail at the mailing address on file with the LTCA or by e-mail if an address is on file with the LTCA of the pending variance request and given ten (10) days upon receipt of notice to respond. This notification is a courtesy one and the failure to provide such cannot be used to nullify the Association's decision on the variance. The ARB will consider the response of adjacent owners but can grant or deny a request with or without neighboring consent. Adjacent property owners may also attend the meeting but are requested to notify the LTCA within 24 hours of the meeting of their intent to attend.

A variance—may only be granted in very limited circumstances where the application can satisfy the standards set forth below:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be a basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured and substantial justice is achieved.

For existing homes with non-conforming setbacks, refer to the requirements of Section 5.1.1.

The ARB will review each variance request and will grant or deny the request. The applicant will be notified, in writing, of the decision made by the ARB which decision shall be final unless appealed by the applicant to the LTCA Board of Directors within twenty (20) days of the date of the notice of action taken by the ARB. Alternatively, in case of denial or other adverse decision, an applicant may submit for consideration a one-

time amended variance application in writing, to the ARB twenty (20) days prior to its next regularly scheduled meeting. If the amended application is denied, the applicant has the right to appeal the decision of the ARB to the LTCA Board of Directors in accordance with these provisions.

Appeals from a denial of a variance application will be considered by the LTCA Board at its next regularly scheduled meeting. The applicant or the contractor is required to appear in person or virtually before the ARB at the meeting in which its application for variance will be considered. Adjacent property owners will be notified by the LTCA that an appeal of the variance request has been taken and may attend the Board meeting by request to the LTCA. The LTCA shall review the application as submitted to the ARB. The LTCA Board of Directors will notify the applicant in writing of its decision within 10 days. Any decision of the Board of Directors is final.

The ARB or Board of Directors may impose reasonable and appropriate conditions and safeguards upon any variance approval. Any such variance will be in writing and will not constitute a waiver of the ARB or LTCA'S power of enforcement with respect to any of the architectural controls as to any covered Properties/Units under these Standards.

Notwithstanding the above, whenever the terms set forth in recorded covenants are uniquely applicable to the property, those covenant terms will control to the extent in conflict with the above provisions or any part thereof.

6.12 Appeal Process

In the event of any dispute regarding an ARB decision during the Architectural Review Process, Owners have 15 days from the date of the written denial notice from the ARB to request a hearing, in writing to the LTCA Office, with the LTCA Board. The timely requested hearing will be conducted in accordance with the Bylaws of the LTCA and all decisions of the LTCA Board are final.

6.13 Enforcement/Fines

Failure to adhere to these Standards during any portion of the Architectural Review Process and construction project, or at any other time, could result in action being taken by the Association, which may include fines, and/or other legal action as described in Article 4, Section 4.5, and 4.6, of the Bylaws. Fines will constitute a lien upon the Property/Unit and, if not paid in the timeframe specified, the Association will take whatever action it deems necessary to bring the Property/Unit into compliance and to recuperate all costs involved in taking such action. For projects requiring ARB approval and not approved by the ARB, including landscape projects, in addition to levying fines, the LTCA reserves the right to stop work on the project and/or require the homeowner to remove the work and return the property to its state before the project commenced.

ARTICLE 7

DISCLAIMER

No implied warranties of good workmanship, design, habitability, quality, fitness for purpose or merchantability will arise as a result of any plans, specifications, standards or approvals made by the Declaration, the LTCA, its directors, officers, management company, managing agents, ARB and its members, employees and any agents of the foregoing.

Neither the ARB, nor the LTCA, nor the Managing Agent(s) are liable to Owners or to any other person on account of any claim, liability, damage or expense suffered or incurred by or threatened against Owners or such other person arising out of or in any way relating to the subject matter of any review, acceptances, inspections, permissions, consents or required approvals which must be obtained from the ARB whether given, granted or denied.

ARTICLE 8

CONSTRUCTION AND CONTRACTOR RULES

It is the collective responsibility of Owners, their contractors and sub-contractors to honor all rules of the community in order to ensure the safety of our residents and to mitigate the damage and disruption that a construction project imposes upon the community. Consequently, the Board of Directors has established a security/damage deposit for each new house or renovation in Lake Toxaway Estates. (See Section 6.1 for deposit schedule.) The deposit is for the purpose of maintaining, protecting and restoring common areas (*i.e.*, roads, drainage, dams, lakes, streams, trails, etc.) that may be damaged during construction and to maintain the peace, safety and tranquility of the community. This sum must be paid prior to the commencement of construction.

Damage to common areas will be the joint responsibility of Owners and offending contractor(s). The LTCA, should it deem necessary, has the right to remove and suspend offending contractors or subcontractors. Failure to follow these Standards and/or approved plans may result in suspension or removal of working privileges for the contractor within Lake Toxaway Estates.

8.1 Construction Hours

Construction, delivery of materials and equipment, or use of motorized construction equipment will be allowed from 8:00 am to 6:00 pm on Monday through Thursday, 8:00 am to 5:00 pm on Fridays, and 9:00 am to 5:00 pm on Saturdays, **except** on Saturdays from July 1- August 31, when motorized construction equipment, pressure washers, blowers or other noise that might disturb the peaceful use and quiet enjoyment of the community is prohibited. **No** construction is allowed on Sundays or the following holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day.

8.2 Speed Limit/Motor Vehicle Laws

The speed limit, stop signs, and all motor vehicle laws of the state of North Carolina **must** be obeyed at all times within Lake Toxaway Estates. Unless otherwise posted, the speed limit will not exceed 25 miles per hour. The LTCA has the right to suspend access to the community by any contractor with more than two violation notices. **All vehicles must be in compliance with Tarp Laws effective in Transylvania County and/or Jackson County or imposed by any other governmental regulatory agency.** No vehicle may emit noxious fumes or make excessive noise.

8.3 Driver's License/Insurance

All contractors, sub-contractors, and their employees must have a valid driver's license and automobile (liability) insurance in order to operate their vehicles within Lake Toxaway Estates. Violation of this rule will result in the offending party, and that party's principal employer, being suspended from the community until such time as the violation is corrected.

8.4 Project Access

In an effort to minimize damage to the edge of roadway pavement, Owners/contractors must install a culvert of approved size. Such culvert should be covered by compacted crushed stone, which should be flush with the pavement and extend at least to the lot line. This culvert and stonework should be completed prior to the commencement of any clearing or construction on the property and must be maintained during the entire construction period. In the event that a culvert is not required, Owners are required to lay the crushed stone as stated above. All vehicular crossing over the grass swales is prohibited. All access to the property is over the approved driveway.

8.5 Permit Boxes

Every residential construction job site should have one permit box identifying Owners and their contractor. No signs will be allowed on the premises. The job site permit box should be clearly visible from the road along the front property line. Permit boxes must contain the following:

1. Building permit(s) issued from state/local authority.
2. LTCA/ARB final approval letter
3. Any other approval letters or permits required by government agencies for the project.

8.6 Portable Toilet

All construction sites are required to have a portable toilet on the premises. Portable toilets must be located within the home site boundary fence described in Section 8.6 above to be screened from view as much as possible. Portable toilets must be regularly serviced and not allowed to create a nuisance due to neglect or any other reason. Portable toilets must be removed prior to Final Construction Approval being given.

8.7 Construction Trash/Debris

Throughout the construction project, all trash, debris, construction materials and waste must be picked up, contained and kept neat **daily**. Dumpsters are to be emptied as soon as they reach their capacity and must remain on site until project completion. All personnel working in Lake Toxaway Estates are to properly discard all trash. A dumpster of proper size suited to the project must be placed at the job site until the project is completed. Lunch bags, drink cans or bottles, wrappers and other trash are **not** to be thrown from any vehicle, nor to be left unsecured to possibly blow out of a vehicle.

8.8 Dumping of Waste

There should be no dumping of waste, construction materials, lawn waste, leaves or any trash in the roadways, rights-of-way, lakes, ponds, streams or any other property in Lake Toxaway Estates, including on common property or on vacant lots.

8.9 Burning/Burying Trash or Debris

Burning or burying of trash or unused or damaged building materials is **prohibited**. Burning of vegetative debris is prohibited during construction but is permitted by homeowners in home fireplaces and recreational fire pits.

8.10 Audio Devices

Audio Devices, and other similar equipment, must **not** be played loudly so as to create a nuisance.

8.11 Cleaning Vehicles/Equipment

Cleaning of vehicles/equipment on the streets or on other LTCA Property/Unit is prohibited. Concrete delivery trucks must be washed on the construction site where the delivery is made. Contractors/company employees violating this rule will be held responsible for the complete removal and clean-up of spills and/or debris and restoration of the affected area.

8.12 Parking and Storing Construction Vehicles/Trailers/Equipment

No vehicles should be parked or stored on any paved portion of the roadway in Lake Toxaway Estates. When parking any vehicle within two feet of the paved portion of the roadway, warning signs should be placed on the shoulder of the road to advise motorists of the construction area. Storing of construction vehicles, construction trailers and/or construction equipment may be left on site while needed as determined by the general contractor but must **not** be permitted to be left on any street.

8.13 Storing Construction Materials

No construction materials should be stored on or within two feet of the traveled portion of any roadway in Lake Toxaway Estates, nor should any materials be stored on the properties of the LTCA, or the properties of any person without the express written consent of the landowner, which said consent must be filed with the office of the LTCA. **Any remedies created hereunder will not preclude Owners from pursuing criminal or civil remedies for trespass.**

8.14 Blocking Roadways/Flagmen

It is recognized that residential construction occasionally requires the temporary blocking of the traveled portion of the roadways for the purposes of loading or off-loading heavy equipment and materials. When one or both lanes of the roadway are blocked for the purposes stated above, the contractor must provide flagmen to warn motorists.

8.15 Oversized Loads

Overweight and over length vehicles delivering construction excavation or similar machinery are subject to a one-time delivery and pick up impact fee charge of \$1,500. These vehicles must display "oversize load" or "wide load" signs front and rear while on LTCA roads. Over length vehicles are defined as trailers greater than 28 feet in length measured from the connection point and/or trucks/loads with a GVW of greater than 68,500 pounds. Only trucks delivering equipment may exceed these limits with an oversized truck permit. An oversized truck permit is not a free pass to exceed length and weight limits for material loads.

Owners or contractors must secure an oversized vehicle permit from the LTCA office before the oversized vehicle is permitted to deliver on LTCA roads. Failure to do so will result in a fine in accordance with the Schedule of Fines section of these Standards.

The following vehicles are not permitted on LTCA roads and are subject to removal and/or fines to the property owner if discovered:

- Concrete delivery trucks carrying greater than 8 cubic yards.
- Dump trucks with a GVW of greater than 68,500 pounds.

Dump trucks must comply with the Federal Bridge Formula adopted by North Carolina that limits dump trucks to a 258-inch wheelbase with an overall length of 24 feet and a maximum of 68,500 GVW.

Oversized vehicles without a permit will be stopped by the LTCA's security contractor and the fine described in the Schedule of Fines section of these Standards will be levied against the compliance deposit on file and/or Owners' LTCA account.

Oversized vehicles and vehicles pulling oversized loads and/or trailers must always be accompanied by a lead vehicle to warn motorists of a potentially dangerous condition within the community.

Oversized vehicles, as defined above, must display an "Oversized Load" sign on the front and rear of the oversized vehicle in order to warn oncoming and following traffic that extra caution is required.

8.16 Mud and/or Concrete on Roadways

Any mud, gravel, concrete, asphalt or other debris that is tracked from a construction site to the traveled portion of the roadways **must** be cleaned up at the end of the workday. Any concrete that is spilled on the roadways, either from the job site or from trucks hauling concrete, **must** be cleaned up immediately. Violations will result in the cost of the cleanup and any necessary road repairs.

8.17 Care and Protection of Roadways

In order to minimize road damage, concrete trucks **must** not carry more than 8 cubic yards of concrete. Delivery slips must be available for inspection by the LTCA's Managing Agent(s) or other LTCA representatives.

Construction, excavation or similar machinery using continuous track, also called tank tread or caterpillar track, as a system of vehicle propulsion in which a continuous band of treads is driven by two or more wheels should be off loaded from and loaded onto its transportation trailer onto minimum ¾ inch thick plywood or a similar or greater wood base to protect the asphalt pavement of the LTCA's roads

8.18 Temporary Utilities

Contractors will use only the utilities provided on the building site on which they are working.

8.19 Utility Damage

If any telephone, cable TV, electrical, water, gas, drainage or any other lines are cut, it is the contractor's responsibility to immediately contact the utility company whose lines have been cut and to notify the LTCA and the contractor will be responsible for any costs that may be incurred by the LTCA as a result.

8.20 Miscellaneous Damage

Any damage to streets, curbs, drainage, inlets, streetlights, street markers, mailboxes, walls, the golf course, lakes, etc., is the responsibility of the contractor to repair at its own cost. If the damage is not repaired within 30 days of the incident, or sooner if deemed necessary, the LTCA will repair the damage and Owners of the project the contractor is working on will be assessed for all costs incurred.

8.21 Firearms and Fireworks

No hunting of any kind or discharging of firearms will be permitted in Lake Toxaway Estates; except for law enforcement officers or other authorized personnel. The discharging of fireworks at any time is strictly prohibited.

8.22 Pets

No pets of contractors, sub-contractors or their employees are permitted on the job site.

8.23 Fishing and Use of Lakes

No contractors, sub-contractors or their employees may use or fish the lakes and ponds in the Lake Toxaway Estates.

8.24 Temporary Dwellings and Structures

No tents, campers or construction trailers may be used for dwelling purposes at any time.

8.25 Due Process Procedure

- (a) **NOTICE:** Prior to imposition of any sanction requiring compliance with these procedures the Board of Directors or its delegate will serve Owners and/or alleged violator with written notice including:
- (i) the nature of the alleged violation;
 - (ii) the proposed sanction to be imposed;
 - (iii) a statement that Owners and/or alleged violator may present a written request for a hearing to the Board of Directors within 15 days of the notice; and
 - (iv) a statement that the proposed sanction will be imposed as contained in the notice unless a request for a hearing is received within 15 days of the notice.

If a timely request is not received, the sanction stated in the notice will be imposed; provided, however, the Board of Directors may, but is not be obligated to, suspend any proposed sanction if the violation is cured within the 15-day period, or in the case of a violation which cannot be cured within such 15-day period, such person has commenced to cure and is diligently pursuing such cure to conclusion. Such suspension will not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any person. In the event of a violation that recurs within six months from the date of any notice hereunder, the Board of Directors or its Covenants Committee may impose a sanction without further notice to the violator.

- (b) **Hearing:** If a hearing is requested within the allotted 15-day period, the hearing will be held before the Board of Directors in executive session. Prior to imposing any sanction, proof of proper notice will be placed in the minutes of the meeting. Such proof will be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered by the officer, director or delegate who delivered such notice. The notice requirement will be deemed satisfied if Owners and/or the alleged violator or their representatives appear at the meeting. The minutes of the meeting will contain a written statement of the results of the hearing and the sanction, if any, imposed. The Board of Directors may from time to time amend its schedule of sanctions for violations of these Construction and Contractor Rules.

NOTICE: All remedies set forth in these Construction and Contractor Rules will be cumulative of any remedies available at law or in equity. In any action to enforce the provisions of the Governing Documents, if the LTCA prevails, it will be entitled to recover all costs, including, without limitation, attorneys' fees and court costs, reasonably incurred in such action.

The LTCA is not obligated to take action to enforce any covenant, restriction or rule which the Board of Directors in the exercise of its business judgment determines is, or is likely to be construed as, inconsistent with applicable law, or in any case in which the Board of Directors reasonably determines that the LTCA's position is not strong enough to justify taking enforcement action. Any such determination should not be construed as a waiver of the right of the LTCA to enforce such provision under any circumstances or prevent the LTCA from enforcing any other covenant, restriction, or rule.

ARTICLE 9

OWNERS' MAINTENANCE RESPONSIBILITIES

Owners should maintain their Property/Unit including, but not limited to, their home, all structures, walls, fences, landscaping (including fallen tree removal), boathouse, dock, lake-wall, driveways, pathways, mailboxes, etc., in good condition and repair. If, in the opinion of the LTCA, any maintenance is required to be performed, Owners will receive written notice of such requirement with a timeframe in which to accomplish the maintenance.

Maintenance should be accomplished in accordance with these Standards and, if required by these Standards, only after written approval of the ARB. Written approval is required for any change or modification to a structure or hardscape such as roof material change or paint/stain color change, etc.

In accordance with Article 5, Section 5.2, and Article 10, Section 10.9, of the Bylaws, in the event Owners fail to perform properly their maintenance responsibility, the LTCA may, after proper notice, perform such maintenance responsibilities and assess all costs incurred by the LTCA against the Property/Unit and Owners.

SCHEDULE OF FINES

The following is a schedule of fines that may be filed against the Compliance Deposit for **failure to comply** with these Standards. Fines are subject to change at the discretion of the ARB and are in addition to the other rights and remedies of the LTCA. **Additional fines and remedies will be imposed for continued violations. Any unauthorized construction projects will also be charged applicable review fees, impact fees and construction deposits.**

No Dumpster	\$200
Burning	\$500
Littered site	\$500
No or inadequate erosion control*	\$500
No temporary sanitation (Porto Lettes)	\$200
Parking in roadway (over the white line)	\$200 per incident
Parking on adjacent properties without written permission	\$200 per day
Storage in common areas or right-of-way without prior written permission	\$200
Damage to common areas or right-of-way: fine based on actual damage repair cost(s)	
Damage to undisturbed area vegetation	\$500 Plus Repair Costs
Unauthorized removal or destruction of trees (per tree)	\$500 and/or replacement cost
Clear cutting of an area of vegetation	up to \$5,000 plus costs to replant
Unauthorized plan change (Minor)	\$1000
Unauthorized plan change (Major): \$1,000 and revocation of ARB permit and forfeiture of remaining deposit	
Unauthorized demolition of a structure	\$2,000
Unauthorized construction	up to 5,000
Exceeding maximum allowed construction time	up to \$1,000 per month
Failure to adhere to dark sky provisions	up to \$1,000
Failure to maintain a structure	up to \$1,000 per month
Failure to file an application with the ARB for landscape or construction project	\$2,500

APPENDIX A – Design Submittal Checklists

New Home Construction Preliminary Checklist

The process consists of a Preliminary Plan requirement and Final Plan Review Requirements as outlined below

****If any of the requirements below are absent or incomplete, the Association will not be able to conduct the review process which will delay the project.**

Preliminary Plan Review Requirements

- ☐ Contractor Agreement, License, and Proof of Insurance on file in the LTCA Office
- ☐ A copy of the Property Deed and all Covenants and Restrictions
 - I/we have read the Deed and accompanying covenants and restrictions and affirm that the project does not violate any of these restrictions.
- ☐ Plans must be submitted electronically. Hard copies may be requested on a case-by-case basis.
- ☐ Preliminary Topographical site plan (maximum 2-foot contours) at a scale of 1" = 20'. Must be prepared by a licensed NC surveyor and identifying:
 - Property/unit boundaries and acreage
 - House location on site with FINISHED FLOOR ELEVATIONS along with any other proposed structures, driveway, parking area, patios, and decks.
 - ALL SETBACKS MUST BE CLEARLY SHOWN
 - Potential tree and shrub removal (larger than 8")
 - Septic System
 - Well location
 - Utility areas (generator, HVAC units, etc.)
- ☐ Conceptual floor plans at a scale not smaller than 1/8" = 1"
 - Showing overall house dimensions, decks, windows, and doors.
 - All rooms shall be labeled as to function "future" construction is not approved.
- ☐ Conceptual Elevations (all sides and with grade/ground lines shown) at a scaled not smaller than 1/4" = 1"
 - Showing all exterior materials, windows, doors, decks, height above foundation cap, etc.
 - We encourage 3-D renderings to be submitted.
- ☐ Property line, setbacks, and house location must be clearly marked ON SITE with white stakes (minimum 3' tall). Any property more than 2 acres, stake only house location, setbacks, and/or property lines that are within 200 feet of the proposed new home.

	Owner or Owner Representative	Date
	ARB Admin	Date

ANY changes to the plans require notification and may require further approval by the ARB.

New Home Construction Final Construction Checklist

****If any of the requirements below are absent or incomplete, the Association will not be able to conduct the review process which will delay the project**

Final Construction Plan Review Requirements

After receiving Preliminary Plan review acceptance, owners must direct their architect, draftsman, contractor, or engineer to proceed with the Final Construction plans. The plans need to be submitted electronically.

- ☐ A final site plan showing all items required in Preliminary site plan plus any proposed new grading, drainage, cut and fill) and EROSION CONTROL features at a scale of 1 inch = 20 feet or larger. Site plan shall also include the location of the following: exterior HVAC units, exterior light fixtures, all utility locations, meters, generators, easements, trash enclosures, and fuel tank locations with the type of screening noted.
- ☐ Floor plans showing completed construction details at a scale not smaller than ¼ in = 1 foot.
- ☐ Elevations (all sides) at a scale not smaller than ¼ inch = 1 foot showing all exterior materials, windows, doors, decks, roof pitch, and heights above the main level foundation cap
- ☐ Window and door schedule
- ☐ Grading and drainage plan showing the proposed path of surface water and points of discharge. Under NO circumstances may the natural flow of water be artificially concentrated to create erosion problems or additional flow over neighboring property or LTCA owned property
- ☐ Exterior Material Specifications including color, light reflective values, and material selections submitted electronically. A .pdf file color board and materials board with samples of the proposed exterior paint/stain color scheme and any proposed siding, stone, brick, roofing material, etc. may be requested by the ARB on a case-by-case basis
- ☐ Exterior lighting specification sheet, lumens, locations, color temperature with photo examples.
- ☐ A landscape plan as outlined in Section 5.9 of the Guidelines will be due with final plan submittal.
- ☐ A copy of the Approved County on-site wastewater disposal application.
- ☐ A copy of any other permits required from the county, state, or federal authorities.

_____	Owner or Owner Representative	Date _____
_____	ARB Admin	Date _____

- ☐ The Project requires the use of oversized vehicles- subject to an additional \$1500 Impact fee. Use of oversized vehicles without a permit will incur a fine of \$3,000. Vehicles considered oversized are as follows: Trailers greater than 28 feet in length, gross vehicle weight greater than 68,500 pounds, concrete trucks carrying greater than 8 cubic yards. Oversized vehicles must display “Oversized load” or “Wide Load” in the front and rear while driving on LTCA Roads.

ANY changes to the plans require notification and may require further approval by the ARB.

Lot Maintenance/ Landscaping Project Checklist

****If any of the requirements below are absent or incomplete, the Association will not be able to conduct the review process which will delay the project.**

Driveway submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
 - ☐ Deed
 - I/we read the Deed and Accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions.
 - ☐ Scope of work
 - ☐ Site plan
 - ☐ Total Square Footage of project
 - ☐ Materials used (pavers- asphalt-gravel- stained/tinted concrete color) photo examples and physical sample, if requested
 - ☐ Lighting – Manufacturer cut sheet (specifications), lumens, locations, temperature color if applicable.
-

Fence or Driveway Gate submittal checklist.

- ☐ Contractor Agreement on file in the LTCA Office
 - ☐ Deed
 - I/we read the Deed and Accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions, including the 8 Ft LTCA Right of Way
 - ☐ Scope of work
 - ☐ Site plan showing location of Fence or Driveway Gate and in relation to property lines/setbacks
 - ☐ Manufacturer materials, style, dimensions, elevation view(s) and colors (photo examples)
 - ☐ Lighting – Manufacturer cut sheet (specifications), lumens, locations, temperature color if applicable.
-

Mailboxes and Home Identity Signs

- ☐ Site plan for location
 - ☐ Color scheme to match color scheme of home in earth and forest tones (no white mailboxes)
 - ☐ Mailbox installation compliant with USPS requirements
 - ☐ Dimensions of home identity signs (Max size is four square feet)
-

Miscellaneous Structures

- ☐ Contractor agreement on file in the LTCA office
- ☐ Deed and site plan indicating proposed location with distances to property lines and setbacks.
 - I/we read the Deed and Accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions.
- ☐ Scope of work (dimensions, picture, brochure, etc.)
- ☐ Colors- manufacturer name, light reflective value, color code (physical sample of color if requested)

ANY changes to the plans require notification and may require further approval by the ARB.

Lot Maintenance/Landscaping Project Checklist

Seawall Maintenance and shore stabilization submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
 - ☐ Deed
 - I/we read the Deed and Accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions.
 - ☐ Scope of work
 - ☐ Site plan AND survey with existing shoreline noted and proposed lake wall or stabilization noted.
 - ☐ Type and location of erosion control features to be used and required buffer.
 - ☐ Turbidity curtains for shoreline excavation required.
 - ☐ If replacing a portion of an existing sea wall, new materials must match existing seawall.
 - ☐ Materials and wall cap
-

Tree Removal, Underbrush, Minor clearing submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
 - ☐ Scope of work and reason for tree removal
 - ☐ Site plan, Plat, survey showing location and size of items to be removed, and diameter of each tree at base.
 - ☐ Tag trees or place a ribbon around the items to be removed.
-

Landscaping Project Checklists

Landscaping submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
- ☐ Scope of Work including drainage plan
- ☐ Site plan with hardscape, plant type/size-height/width/variety listed and location - see Native Plant Recommendations
- ☐ Square footage of hardscapes (i.e., walkways, patios, firepits)
- ☐ Hardscape materials, including any concrete stains (photo examples), and physical sample, if requested
- ☐ Lighting- Manufacturer cut sheet (specifications), lumens, locations, temperature color (photo examples)
- ☐ The Project requires the use of oversized vehicles- subject to an additional \$1500 Impact fee. Use of oversized vehicles without a permit will incur a fine of \$3,000. Vehicles considered oversized are as follows: Trailers greater than 28 feet in length, gross vehicle weight greater than 68,500 pounds, concrete trucks carrying greater than 8 cubic yards. Oversized vehicles must display "Oversized load" or "Wide Load" in the front and rear while driving on LTCA Roads.

ANY changes to the plans require notification and may require further approval by the ARB.

Exterior Home Improvement Project Checklist

****If any of the requirements below are absent or incomplete, the Association will not be able to conduct the review process which will delay the project**

Boathouse Addition submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
- ☐ Deed
 - I/we read the Deed and Accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions.
- ☐ Survey showing existing location of boathouse and site plan with setbacks.
- ☐ Scope of work (dimensions, roof pitch, railings, flooring, etc.)
- ☐ Floor plans and exterior elevations to scale.
- ☐ Square footage of project
- ☐ Tree removal including dimensions of tress to be removed at base.
- ☐ Window/Door schedule – manufacturer/size/colors/photo images
- ☐ Exterior Material specifications (i.e., stone, siding, railings, overhead doors, etc.). Note proposed locations on the exterior elevations (photo examples and physical sample, if requested)
- ☐ Colors - Manufacturer and code of color (i.e., SW1234 for Sherwin Williams color code 1234), light reflective value (LRV), and physical sample of color if requested.
- ☐ Roofing materials- manufacturer, color, and physical sample if requested.
- ☐ Lighting details/info if applicable - Manufacturer cut sheet (specifications), lumens, locations, temperature color (photo examples)

Dock Maintenance repair submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
- ☐ Scope of work (Replacing deck boards or renovation of structural elements) and square footage
- ☐ Photo documentation of exiting dock condition
- ☐ Material specifications (i.e., Trex, pressure treated wood, stained)
- ☐ Colors - Manufacturer color code, (i.e., SW1234 for Sherwin Williams color code 1234), light reflective value (LRV), and physical sample of color if requested.
- ☐ Lighting details/info if applicable - Manufacturer cut sheet (specifications), lumens, locations, temperature color (photo examples)

Additions/Carport/Garage/Miscellaneous Structures submittal checklist

- ☐ Contractor Agreement on file in the LTCA Office
- ☐ Deed
 - I/we read the Deed and Accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions.
- ☐ Site Plan with setbacks
- ☐ Scope of work and square footage (Dimensions, pitch of roof, flooring, etc.)
- ☐ Show existing construction and new construction with floor plan(s) and exterior elevations.
- ☐ Tree Removal plan including dimensions of tress to be removed at base.

- ☐ Window/Door Schedule – manufacture/sizes/colors/photo examples
- ☐ Material specifications and locations (i.e., stone, siding, roofing, etc.) noted on the exterior elevations, and physical samples if requested.
- ☐ Colors- Manufacturer code of color (i.e., SW1234 for Sherwin Williams color code 1234), light reflective value (LRV), and physical sample of color if requested.
- ☐ Lighting- Manufacturer, lumens, locations, temperature color (photo examples)

ANY changes to the plans require notification and may require further approval by the ARB.

Exterior Home Improvement Project Checklist

Exterior Renovation or Maintenance submittal checklist (i.e., windows, doors, roof, siding, decks, gutters)

- ☐ Contractor Agreement on file in the LTCA Office
- ☐ Scope of work
- ☐ Show existing construction WITH new construction floor plan(s) and exterior elevations.
- ☐ Site plan
- ☐ Material specifications (i.e., stone, siding, roofing, Trex, pressure treated etc.) photo examples, and physical samples if requested.
- ☐ Colors - Manufacturer color code (i.e., SW1234 for Sherwin Williams color code 1234), light reflective value of color, and physical color sample if requested.
- ☐ Landscape Plan (Plant sizes- W x H, materials, hardscape materials, etc.)
- ☐ Tree removal including diameter at base of each tree to be removed.
- Deck Renovation or Maintenance additional items checklist.
 - Square footage of project (new, replacement boards, etc.)
 - Lighting- Manufacturer cut sheet (specifications), lumens, locations, temperature color (photo examples)
- Windows/Doors replacement submittal checklist
 - Manufacturer/colors/sizes (photo examples)
 - Vinyl-clad windows are not permitted.
 - Snap in Mullions, grids, and muntins are not acceptable.
- Gutters/Roof profiles and colors
 - Manufacturer/color (photo example)
 - Soffit/trim colors – manufacturer and code of color

ANY changes to the plans require notification and may require further approval by the ARB.

New Boathouse, Dock, or Lake Wall Project Checklist

****If any of the requirements below are absent or incomplete, the Association will not be able to conduct the review process which will delay the project**

New Boathouse

- ☐ Contractor Agreement, License, and Proof of Insurance on file in the LTCA Office
- ☐ Copy of Approved County Building permit, and any other government required permits.
- ☐ Deed including all Covenants and Restrictions
 - I/we read the Deed and accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions
- ☐ Property survey
- ☐ Scope of work
- ☐ Site Plan including hardscape, drainage, and landscaping.
- ☐ Building setbacks
- ☐ Building area
- ☐ Floor plans with dimensions
- ☐ Building exterior elevations & heights. Indicate ground grades on elevations.
- ☐ Roof slopes & all exterior materials
- ☐ Landscape plan & Tree removal plan if applicable including diameter at base of each tree to be removed.
- ☐ Electrical Plans
- ☐ Exterior Materials – Note proposed location on exterior elevations. Colors/textures- Manufacturer color code (i.e., SW1234 for Sherwin Williams color code 1234) and light reflective value (LRV). Photo examples and physical sample if requested.
- ☐ Lighting- Manufacturer cut sheet (specifications), lumens, locations, temperature color (photo examples)

New Dock / New Lake Wall

- ☐ Contractor Agreement, license, and proof of Insurance on file in the LTCA Office
- ☐ Copy of Approved County Building permit, and any other government required permits.
- ☐ Deed
 - I/we read the Deed and accompanying Covenants and Restrictions and affirm that the project does not violate any of these restrictions
- ☐ Site Plan with proposed dock location and dimensions. Landscape and drainage for sea wall.
- ☐ Scope of work
- ☐ Exterior colors/textures- Manufacturer color code and light reflective value (i.e., pressure treated wood, Trex, stain, etc. SW1234 for Sherwin Williams color code 1234) and physical color sample if requested.
- ☐ Lake wall and sea wall buffer material and physical color sample if requested.
- ☐ Lighting- Manufacturer cut sheet, lumens, locations, temperature color (photo examples)
- ☐ Landscape Plans (if applicable)

ANY changes to the plans require notification and may require further approval by the ARB.

APPENDIX B – Recommended Plant List

Common name	Scientific name	type	light	water
small tree (up to 25 feet)				
Serviceberry	<i>Amelanchier arborea</i>	D	☀ → ☂	▲ → □
*Devils-walking stick	<i>Aralia spinosa</i>	D	☀ → ☂	■ → ○
Paw paw	<i>Asimina triloba</i>	D	☂ → ●	▲ → □
American hornbeam	<i>Carpinus caroliniana</i>	D	☂ → ●	▲ → □
Chinquapin	<i>Castanea pumila</i>	D	☀ → ●	□ → ○
Eastern redbud	<i>Cercis canadensis</i>	D	☀ → ●	▲ → ○
Fringe tree	<i>Chionanthus virginicus</i>	D	☀ → ●	▲ → ○
Pagoda dogwood	<i>Comus alternifolia</i>	D	☂ → ●	▲ → □
Flowering dogwood	<i>Comus florida</i>	D	☀ → ●	▲ → ○
Washington hawthorn	<i>Crataegus phaenopyrum</i>	D	☀ → ☂	▲ → ○
Persimmon	<i>Diospyros virginiana</i>	D	☀ → ☂	▲ → □
Carolina silverbell	<i>Halesia carolina</i>	D	☀ → ●	▲ → □
Common witch-hazel	<i>Hamamelis virginiana</i>	D	☀ → ●	▲ → □
American holly	<i>Ilex opaca</i>	E	☀ → ●	▲ → □
Eastern red cedar	<i>Juniperus virginiana</i>	E	☀ → ☂	□ → ○
Umbrella tree	<i>Magnolia tripetala</i>	D	☀ → ☂	▲ → □
Hop-hornbeam	<i>Ostrya virginiana</i>	D	☂ → ●	▲ → □
Sourwood	<i>Oxydendrum arboreum</i>	D	☀ → ●	□ → ○
Hop tree	<i>Ptelea trifoliata</i>	D	☀ → ●	▲ → □
American plum	<i>Prunus americana</i>	D	☀ → ☂	□ → ○
Pin cherry	<i>Prunus pensylvanica</i>	D	☀ → ☂	▲ → □
*Common sassafras	<i>Sassafras albidum</i>	D	☀ → ☂	▲ → □
Blackhaw viburnum	<i>Viburnum rufidulum</i>	D	☀ → ●	▲ → ○

large tree (over 25 feet)

Red maple	<i>Acer rubrum</i>	D	☀ → ●	■ → ○
Sugar maple	<i>Acer saccharum</i>	D	☀ → ●	▲ → □
Yellow buckeye	<i>Aesculus flava</i>	D	☂ → ●	▲ → □
Yellow birch	<i>Betula allegheniensis</i>	D	☀ → ☂	▲ → □
Sweet birch	<i>Betula lenta</i>	D	☀ → ●	▲ → □
River birch	<i>Betula nigra</i>	D	☀ → ☂	■ → ○
Bitternut hickory	<i>Carya cordiformis</i>	D	☀ → ●	▲ → □
Pignut hickory	<i>Carya glabra</i>	D	☀ → ●	□ → ○
Yellowwood	<i>Cladrastis kentukea</i>	D	☀ → ☂	▲ → □
American beech	<i>Fagus grandifolia</i>	D	☀ → ●	▲ → □
Tulip tree	<i>Liriodendron tulipifera</i>	D	☀ → ☂	▲ → □
Cucumber tree	<i>Magnolia acuminata</i>	D	☂ → ●	▲ → □
Black tupelo	<i>Nyssa sylvatica</i>	D	☀ → ●	▲ → ○
Sycamore	<i>Platanus occidentalis</i>	D	☀ → ☂	■ → ○
Red spruce	<i>Picea rubens</i>	E	☀ → ●	▲ → ○
*Black cherry	<i>Prunus serotina</i>	D	☀ → ☂	▲ → ○
White oak	<i>Quercus alba</i>	D	☀ → ☂	▲ → ○
Chestnut oak	<i>Quercus montana</i>	D	☀ → ☂	▲ → ○
Northern red oak	<i>Quercus rubra</i>	D	☀ → ☂	▲ → □
Post oak	<i>Quercus stellata</i>	D	☀ → ☂	□ → ○
American basswood	<i>Tilia americana</i>	D	☀ → ●	▲ → □
Eastern hemlock	<i>Tsuga canadensis</i>	E	☀ → ●	▲ → □
Carolina hemlock	<i>Tsuga caroliniana</i>	E	☀ → ●	▲ → □

K

LIGHT

- ☀ = full sun
- ☂ = part sun
- = shade

TYPE

- D = deciduous
- E = evergreen

E

SOIL MOISTURE

- = hydric; wet, plants periodically or often inundated by water

- ▲ = mesic; moist, adequate soil moisture retention year round

- = sub-xeric; moist to dry, seasonally moist, periodically dry

Y

- = xeric; dry & drought resistant, little moisture retention, excessively drained

Common name	Scientific name	type	light	water
low shrub (under 4 feet)				
New Jersey tea	<i>Ceanothus americanus</i>	D	☂ → ●	▲ → ○
Sweetfern	<i>Comptonia peregrina</i>	D	☀ → ☂	□ → ○
Wild hydrangea	<i>Hydrangea arborescens</i>	D	☂ → ●	▲ → □
Shrubby St. John's wort	<i>Hypericum prolificum</i>	D	☀ → ☂	■ → ○
Drooping leucothoe	<i>Leucothoe fontanesiana</i>	E	☂ → ●	▲ → ○
Carolina rose	<i>Rosa carolina</i>	D	☀ → ☂	▲ → □
Swamp rose	<i>Rosa palustris</i>	D	☀ → ☂	■ → ▲
Cranberry	<i>Vaccinium macrocarpon</i>	E	☀ → ☂	■ → ▲
Lowbush blueberry	<i>Vaccinium pallidum</i>	D	☂ → ●	▲ → ○
Maple-leaf viburnum	<i>Viburnum acerifolium</i>	D	☂ → ●	▲ → ○

mid-size shrub (4 feet to 10 feet)

Red chokeberry	<i>Aronia arbutifolia</i>	D	☀ → ☂	■ → ○
Black chokeberry	<i>Aronia melanocarpa</i>	D	☀ → ☂	■ → ○
Sweetshrub	<i>Calycanthus floridus</i>	D	☂ → ●	■ → □
Cinnamonbark	<i>Clethra acuminata</i>	D	☀ → ☂	□ → ○
Silky dogwood	<i>Comus amomum</i>	D	☀ → ☂	■ → ▲
Hazelnut	<i>Corylus americana</i>	D	☀ → ☂	▲ → □
Sthm bush-honeysuckle	<i>Diervilla sessilifolia</i>	D	☀ → ●	▲ → ○
Hearts-a-bustin	<i>Euonymus americanus</i>	D	☂ → ●	▲ → □
Large fothergilla	<i>Fothergilla major</i>	D	☀ → ☂	▲ → □
Dense St. John's wort	<i>Hypericum densiflorum</i>	D	☀ → ☂	▲ → ○
Common winterberry	<i>Ilex verticillata</i>	D	☀ → ●	■ → □
Virginia sweetspire	<i>Itea virginica</i>	D	☀ → ●	▲ → □
Mountain laurel	<i>Kalmia latifolia</i>	E	☀ → ☂	□ → ○
Spicebush	<i>Lindera benzoin</i>	D	☂ → ●	▲
Sweet azalea	<i>Rhododendron aborescens</i>	D	☀ → ☂	■ → ▲
Flame azalea	<i>Rhododendron calendulaceum</i>	D	☂ → ●	▲ → □
Carolina rhododendron	<i>Rhododendron carolinianum</i>	E	☂ → ●	▲ → □
Catawba rhododendron	<i>Rhododendron catawbiense</i>	E	☀ → ●	▲ → □
Pinxter azalea	<i>Rhododendron periclymenoides</i>	D	☂ → ●	■ → □
Pinkshell azalea	<i>Rhododendron vaseyi</i>	E	☀ → ☂	▲ → □
*Elderberry	<i>Sambucus canadensis</i>	D	☀ → ●	▲
*Coral berry	<i>Symphoricarpos orbiculatus</i>	D	☀ → ●	▲ → ○
*Nthm hightbush blueberry	<i>Vaccinium corymbosum</i>	D	☀ → ☂	□ → ○
Deerberry	<i>Vaccinium stamineum</i>	D	☀ → ●	▲ → ○
Hobblebush	<i>Viburnum alnifolium</i>	D	☂ → ●	▲
Witherod viburnum	<i>Viburnum cassinoides</i>	D	☀ → ●	▲ → □

large shrub (over 10 feet)

*Tag alder	<i>Alnus serrulata</i>	D	☀ → ☂	■ → ▲
Mountain winterberry	<i>Ilex montana</i>	D	☀ → ☂	▲ → □
Mock orange	<i>Philadelphus inodorus</i>	D	☀ → ☂	▲ → □
Rosebay rhododendron	<i>Rhododendron maximum</i>	E	☂ → ●	▲ → □
*Smooth sumac	<i>Rhus glabra</i>	D	☀ → ☂	▲ → □
*Silky willow	<i>Salix sericea</i>	D	☀ → ☂	■ → □
*Arrowwood	<i>Viburnum dentatum</i>	D	☀ → ☂	▲ → □

vine

Dutchman's pipe	<i>Aristolochia macrophylla</i>	D	☂ → ●	▲ → ○
Crossvine	<i>Bignonia capreolata</i>	E	☀ → ●	■ → □
Trumpet creeper	<i>Campsis radicans</i>	D	☀ → ☂	□ → ○
Virgin's bower	<i>Clematis virginiana</i>	D	☀ → ●	▲ → ○
Climbing hydrangea	<i>Decumaria barbara</i>	D	☀ → ☂	▲ → □
Coral honeysuckle	<i>Lonicera sempervirens</i>	D	☀ → ☂	▲ → □
*Virginia creeper	<i>Parthenocissus quinquefolia</i>	D	☀ → ●	▲ → ○
Passion flower	<i>Passiflora incarnata</i>	D	☀ → ☂	▲ → ○
Fox grape	<i>Vitis labrusca</i>	D	☀ → ☂	▲ → □

* These plants can be vigorous growers and may need more management control.

FERNS

Nthem maidenhair fern	<i>Adiantum pedatum</i>
Ebony spleenwort	<i>Asplenium platyneuron</i>
Lady fern	<i>Athyrium filix-femina</i>
Hay-scented fern	<i>Dennstaedtia punctilobula</i>
Marginal wood fern	<i>Dryopteris marginalis</i>
Sensitive fern	<i>Onoclea sensibilis</i>
Cinnamon fern	<i>Osmunda cinnamomea</i>
Interrupted fern	<i>Osmunda claytoniana</i>
Royal fern	<i>Osmunda regalis</i>
Christmas fern	<i>Polystichum acrostichoides</i>
New York fern	<i>Thelypteris noveboracensis</i>
Netted chain fern	<i>Woodwardia areolata</i>

GRASSES AND SEDGES

Big bluestem	<i>Andropogon gerardii</i>
Broomsedge	<i>Andropogon virginicus</i>
River cane	<i>Arundinaria gigantea</i>
Pennsylvania sedge	<i>Carex pensylvanica</i>
Plantain-leaved sedge	<i>Carex plantaginea</i>
River oats	<i>Chasmanthium latifolium</i>
Oat grass	<i>Danthonia compressa</i>
Bottle brush grass	<i>Elymus hystrix</i>
Switch-grass	<i>Panicum virgatum</i>
Little bluestem	<i>Schizachyrium scoparium</i>
Indian grass	<i>Sorghastrum nutans</i>
Eastern gamma grass	<i>Tripsacum dactyloides</i>

MOSAIC FOR FULL SUN

Butterfly-milkweed	<i>Asclepias tuberosa</i>
New England aster	<i>Aster novae angliae</i>
Rigid white-top aster	<i>Symphoricarpos reticulatus</i>
Hairy coreopsis	<i>Coreopsis pubescens</i>
Joe-Pye weed	<i>Eupatorium fistulosum</i>
Dense blazing star	<i>Liatris spicata</i>
Cardinal flower	<i>Lobelia cardinalis</i>
Scarlet bee balm	<i>Monarda didyma</i>
Wild blue phlox	<i>Phlox divaricata</i>
Black-eyed susan	<i>Rudbeckia hirta</i>



SERVICEBERRY



WILD BLEEDING HEART

GROUND COVERS

Pussy's toes	<i>Antennaria plantaginifolia</i>
Wild ginger	<i>Asarum canadense</i>
Green-and-gold	<i>Chrysogonum virginianum</i>
Lobed tickseed	<i>Coreopsis aunculata</i>
Wild strawberry	<i>Fragaria virginiana</i>
Wintergreen	<i>Gaultheria procumbens</i>
Little brown jugs	<i>Hexastylis arifolia</i>
Dwarf crested iris	<i>Iris cristata</i>
Partridge berry	<i>Mitchella repens</i>
Allegheny spurge	<i>Pachysandra procumbens</i>
Fernleaf phacelia	<i>Phacelia bipinnatifida</i>
Hairy phlox	<i>Phlox amoena</i>
Wild blue phlox	<i>Phlox divaricata</i>
Creeping phlox	<i>Phlox stolonifera</i>
Narrowleaved silkgrass	<i>Pityopsis graminifolia</i>
Christmas fern	<i>Polystichum acrostichoides</i>
Oonee bells	<i>Shortia galacifolia</i>
Blue-eyed grass	<i>Sisyrinchium mucronatum</i>
Foamflower	<i>Tiarella cordifolia</i>
Yellow-root	<i>Xanthoxia simplicissima</i>

MOSAIC FOR SHADE

Jack-in-the-pulpit	<i>Arisaema triphyllum</i>
Wild ginger	<i>Asarum canadense</i>
Trout lily	<i>Erythronium americanum</i>
Sharp-lobed hepatica	<i>Hepatica acutiloba</i>
Alumroot	<i>Heuchera americana</i>
Partridge berry	<i>Mitchella repens</i>
Cinnamon fern	<i>Osmunda cinnamomea</i>
Smooth Solomon's seal	<i>Polygonatum biflorum</i>
Christmas fern	<i>Polystichum acrostichoides</i>
Oonee bells	<i>Shortia galacifolia</i>
Foamflower	<i>Tiarella cordifolia</i>



BITTERNUT HICKORY

WILDFLOWERS

Doll's eyes	<i>Actaea pachypoda</i>
Carolina phlox	<i>Phlox carolina</i>
Eastern blue star	<i>Amsonia tabernaemontana</i>
Thimbleweed	<i>Anemone virginiana</i>
Wild columbine	<i>Aquilegia canadensis</i>
Green dragon	<i>Arisaema dracontium</i>
Jack-in-the-pulpit	<i>Arisaema triphyllum</i>
Goat's beard	<i>Aruncus dioicus</i>
Swamp milkweed	<i>Asclepias incarnata</i>
Butterfly milkweed	<i>Asclepias tuberosa</i>
White wood aster	<i>Aster divaricatus</i>
Late purple aster	<i>Aster patens</i>
False goatsbeard	<i>Astilbe biflora</i>
Wild indigo	<i>Baptisia tinctoria</i>
Blue cohosh	<i>Caulophyllum thalictroides</i>
Pink turtlehead	<i>Chelone lyonii</i>
Black cohosh	<i>Cimicifuga racemosa</i>
Coreopsis	<i>Coreopsis pubescens</i>
Bleeding heart	<i>Dicentra eximia</i>
Shooting star	<i>Dodecatheon meadia</i>
Joe-Pye weed	<i>Eupatorium fistulosum</i>
Wild geranium	<i>Geranium maculatum</i>
Resin-dot sunflower	<i>Helianthus resinosus</i>
Sharp-lobed hepatica	<i>Hepatica acutiloba</i>
Alumroot	<i>Heuchera americana</i>
Jewelweed	<i>Impatiens capensis</i>
Blazing star	<i>Liatris spicata</i>
Turks-cap lily	<i>Lilium superbum</i>
Cardinal flower	<i>Lobelia cardinalis</i>
Blue lobelia	<i>Lobelia puberula</i>
Great lobelia	<i>Lobelia siphilitica</i>
Fringed loosestrife	<i>Lysimachia ciliata</i>
Bishop's cap	<i>Mitella diphylla</i>
Bee balm	<i>Monarda didyma</i>
Carolina phlox	<i>Phlox carolina</i>
Fall phlox	<i>Phlox paniculata</i>
Solomon's seal	<i>Polygonatum biflorum</i>
Black-eyed susan	<i>Rudbeckia hirta</i>
Bloodroot	<i>Sanguinaria canadensis</i>
Fire pink	<i>Silene virginica</i>
Wrinkle-leaf goldenrod	<i>Solidago rugosa</i>
Blue Ridge goldenbaker	<i>Thermopsis villosa</i>
New York ironweed	<i>Vernonia noveboracensis</i>

Basics About Using Native Plants

Maximize your success by matching the right plants with the right site conditions. Do your homework before planting:

- Assess the available light, moisture, and soil pH at your planting site.
- Have your soil tested to learn the pH and if the soil needs to be improved.
- Choose native plants that match your site conditions. Use this list as a guide.

Remember, landscaping with native plants is art imitating nature. For ideas, look to nearby natural areas to observe how native plants occur naturally.

The Invasive Plant Dilemma

A very small number of nonnative plants have become highly invasive and destructive. These are plants that have been accidentally or deliberately introduced by people. The natural controls, such as disease and insects, that normally kept these plants "in check" in their homeland do not exist here. This gives these invasive plants an advantage, making it easy for them to grow out of control and take over the habitat of other plants. These invasions affect native wildlife and insects, too. The balance and diversity of our mountain environment will decline as these invasive plants continue to spread. Some of the invasive plants considered most destructive are:

Japanese honeysuckle – *Lonicera japonica*

Japanese barberry* – *Berberis thunbergii*

Japanese spirea – *Spiraea japonica*

Autumn-olive – *Elaeagnus umbellata*

Chinese Silvergrass* – *Miscanthus sinensis*

Multiflora rose – *Rosa multiflora*

Tree of heaven – *Ailanthus altissima*

Princess tree – *Paulownia tomentosa*

Oriental bittersweet – *Celastrus orbiculatus*

Chinese yam – *Dioscorea batatas*, *D. oppositifolia*, *D. bulbifera*

Privet* – *Ligustrum sinense*, *L. obtusifolium* and *L. vulgare*

*Varieties less invasive may be available; talk to your local nursery.

APPENDIX C – Standard Specifications for Private Driveways

STANDARD SPECIFICATIONS FOR PRIVATE DRIVEWAYS

GENERAL SPECIFICATIONS FOR DRIVEWAYS:

1.0 All work shall be in accordance with the latest edition(s) of the Lake Toxaway Property Owners Association Architectural Design Standards, North Carolina Sedimentation Pollution Control Act as amended, North Carolina State Building Code, OSHA Safety and Health Requirements, Transylvania County Subdivision Regulations, and all other applicable codes, ordinances, regulations, and requirements. The Owner and/or Contractor shall obtain all required permits and driveway approvals prior to beginning work.

2.0 All private driveways and driveway connections shall be in accordance with the standard details and specifications shown herein. Where the land disturbing activity is one (1) acre or more, a Sedimentation and Erosion Control Plan shall be prepared and submitted to the North Carolina Department of Environment and Natural Resources (NCDENR) for approval prior to beginning work.

3.0 NC State Building Code requires that all site retaining walls greater than 4-feet in height be designed by a registered professional engineer. A permit and/or inspections may be required by the Transylvania County Building Inspections Department.

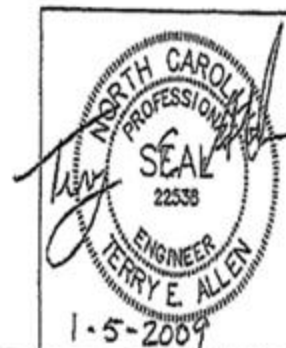
4.0 The area or size of driveways shall be kept to a minimum with the form of the driveway softened with curves to prevent any long, straight views.

5.0 Driveways must be designed to minimize stormwater runoff and potential erosion. All driveway designs must be submitted to the Architectural Review Board.

6.0 All driveways must be either paved with asphalt, concrete aggregate or constructed of crushed stone or other approved aggregates. For the purpose of maintenance, consistency and appearance, matching driveway material with the adjoining road material is preferred as a minimum standard.

7.0 During new home construction, use of crushed stone is premissible. It is the Homeowner's responsibility to insure that gravel does not wash onto the community roads. If the Owner/Contractor has been notified and fails to remove the stone from the community road within twenty-four (24) hours, the POA will direct our Contractor to remove the debris and charge the cost against the Compliance Deposit. Upon completion of construction, the intersection of the driveway and community road (note grated drain required for driveways with positive slope) must be paved with a hard surface course. The surface is to be concrete, asphalt, paving stone or paving brick and shall extend the full width of the driveway at the intersection of the community roadway and extend a minimum of twenty (20) linear feet into the lot from the community roadway edge. A base course consisting of a minimum of 6-inches of NCDOT Type ABC stone shall be provided under the surface course.

8.0 If the driveway is above the road grade (i.e., driveway has a positive slope), a road front drainage plan prepared by a registered professional engineer will be required. The plan will be such that the natural flow of stormwater runoff that existed before construction on the lot shall continue after construction on the lot. No stormwater runoff shall be diverted onto the community road.



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TYPICAL DRIVEWAY CONNECTION

Lake Toxaway Estates POA
16801 Rosman Hwy (P.O. Box 100)
Lake Toxaway, Transylvania County
North Carolina 28747

Vertical Curve
S10C

Horizontal Curve
S10C

DATE 01/05/09
1-5-2009

C-1
SHEET 1 OF 1

GENERAL SPECIFICATIONS (Continued from Sheet C-1)

8.1 The driveway plan shall include existing grades, final grades, sections, materials to be used, and erosion control measures.

8.2 Driveway culverts shall be installed at all driveway connections where existing road side drainage ditches exist. For driveways with positive slope, catch basin(s) and trench drains shall be provided near the driveway connection. All stormwater conveyances shall be sized by a registered professional engineer.

9.0 Stormwater runoff shall not be diverted onto any community road or onto adjoining properties. Final construction of the driveway and drainage shall not be done until approvals are granted.

10.0 Adequate guest parking should be planned to contain all parking within the Property/Unit without being a prominent design feature. By-laws prohibit parking on the POA right-of-way.

11.0 The Owner is responsible for driveway culverts despite driveway being in the POA right-of-way.

12.0 A pavement surface course shall be provided at all locations where the driveway grade exceeds 16%.

13.0 Driveways shall be constructed on satisfactory insitu material having a minimum bearing capacity of 2000 PSF, or on satisfactory fill material placed in 6-inch compacted lifts. Where unsatisfactory insitu material is encountered, such material shall be removed and replaced with satisfactory compacted fill, or in accordance with a site specific engineered plan.

14.0 ROADBED FILL - Only satisfactory material shall be used driveway fill. Satisfactory fill shall be limited to materials classified in ASTM D 2487 as GW, GP, GM, GP-GM, GC, GP-GC, SW, SP, SM, SW-SM, SC, SW, SC, SP-SM, SP-SC, CL, ML and CL-ML. Satisfactory materials shall be placed in 6" compacted lifts. Material shall be compacted to 95% of the maximum dry density. Classification of backfill materials shall be determined in accordance with ASTM D 2487 and the moisture-density relations of soils shall be determined in accordance with ASTM D 1557.

15.0 FILL PLACED ON SLOPES - An engineered site plan is required where roadbed fill is to be placed on slopes. Fill placed on slopes steeper than 2:1 (or steeper) shall be reinforced with horizontal layers of Mirafi 500X geotextile fabric placed at 2 ft on center vertically. Length of geotextile fabric layers shall be field determined by the engineer, but in no case shall the horizontal length of geotextile be less than the height of the embankment.

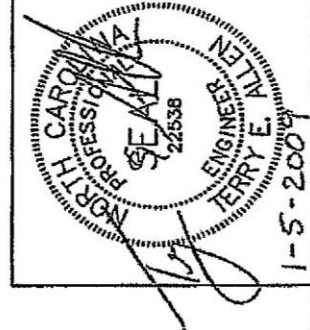
16.0 Ground cover shall be established on exposed slopes within 7 calendar day days following completion of any phase of grading and permanent ground cover shall be established on all disturbed areas within 14 calendar days following completion of each respective phase of construction.

17.0 The Driveway Plan shall be revised and adjusted as necessary to prevent off site sedimentation and to prevent increased turbidity in streams and surface waters. The turbidity of surface water shall not exceed background (preconstruction) levels at any time during development. Erosion control features shall be installed prior to beginning other land disturbing activities.

18.0 A 25 foot undisturbed buffer zone is required around all trout waters.

19.0 All driveway culverts shall be sized to carry the runoff from the 25 yr storm event. All driveway culverts shall have outlet protection.

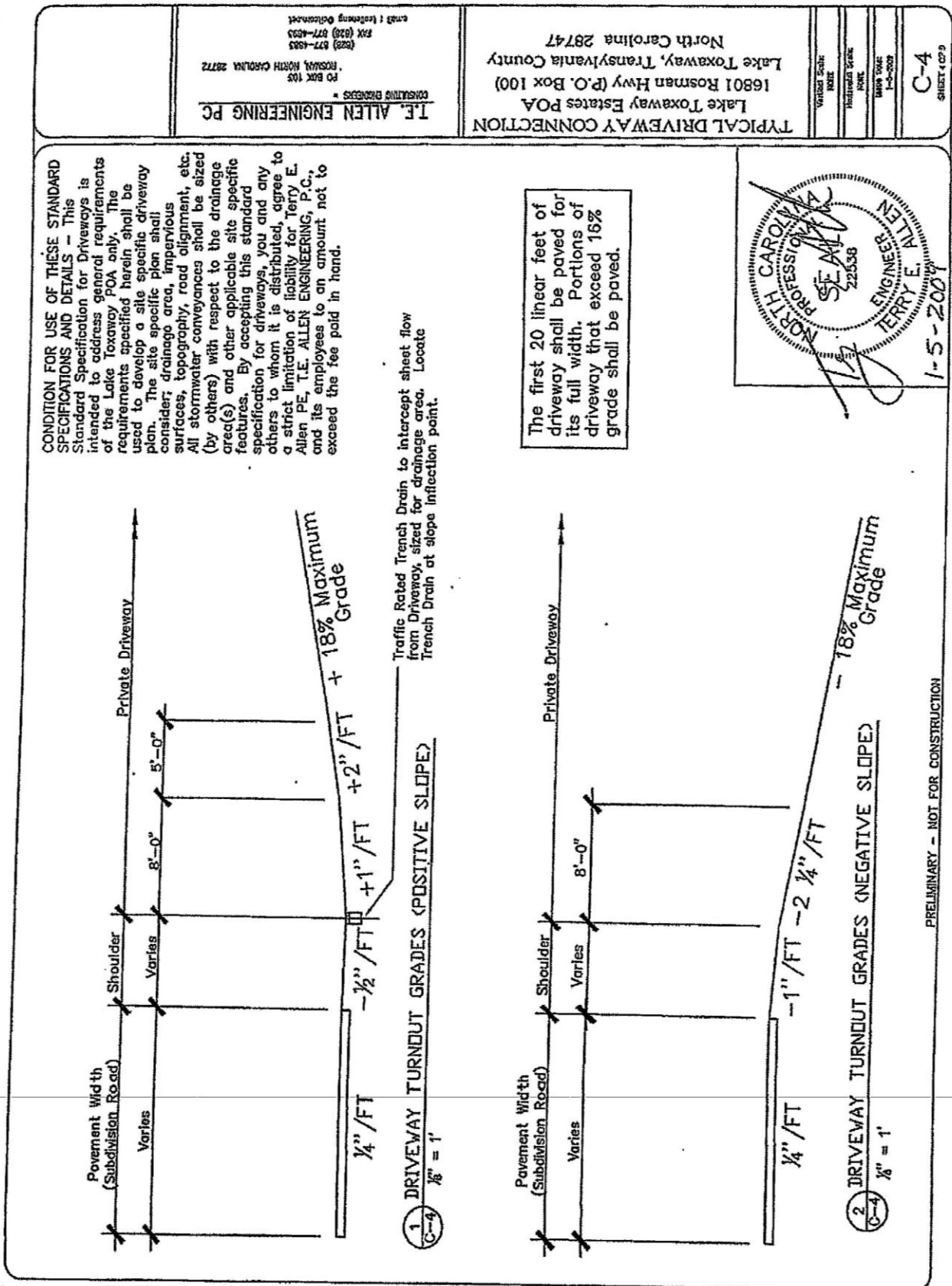
20.0 The maximum height of cut or fill slopes shall not exceed 20 FT unless an engineered site plan is prepared by a registered professional engineer.



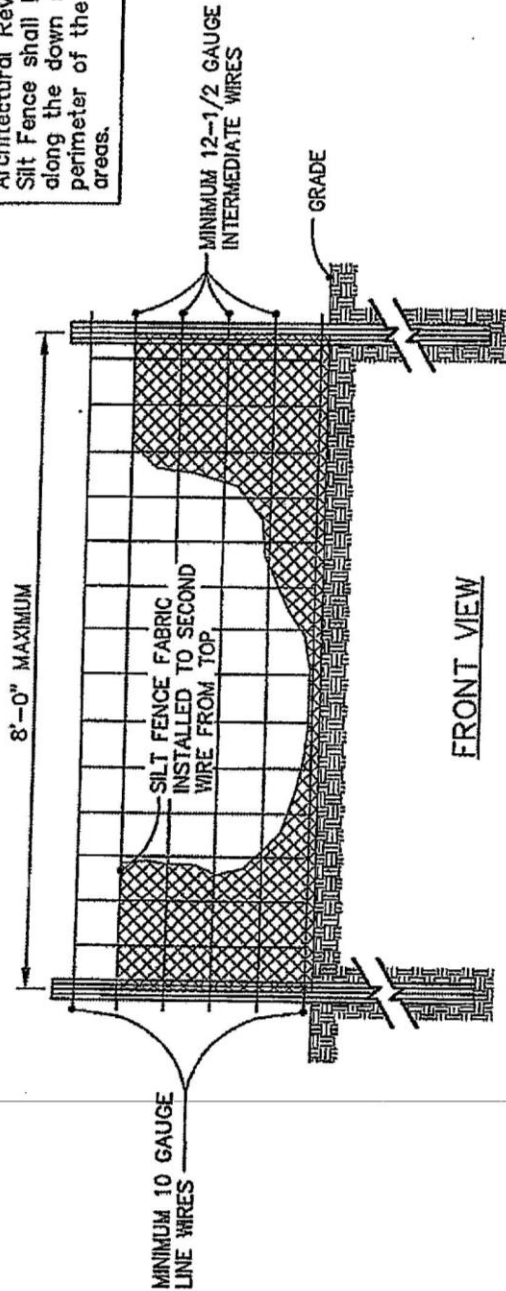
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TYPICAL DRIVEWAY CONNECTION
Lake Toxaway Estates POA
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Lake Toxaway, Transylvania County
North Carolina 28747

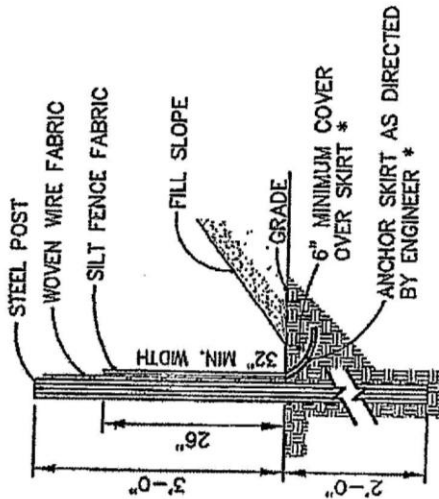
C-2
SHEET 2 OF 5



Where required by the Architectural Review Board; Silt Fence shall be provided along the down slope perimeter of the disturbed areas.

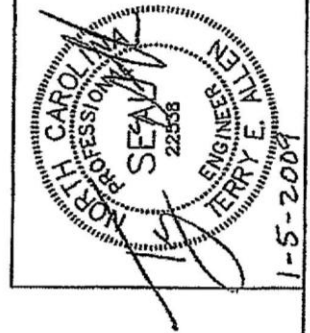


FRONT VIEW



SIDE VIEW

* FOR REPAIR OF SILT FENCE FAILURES, USE No. 57 WASHED STONE FOR ANCHOR WHEN SILT FENCE IS PROTECTING CATCH BASIN.

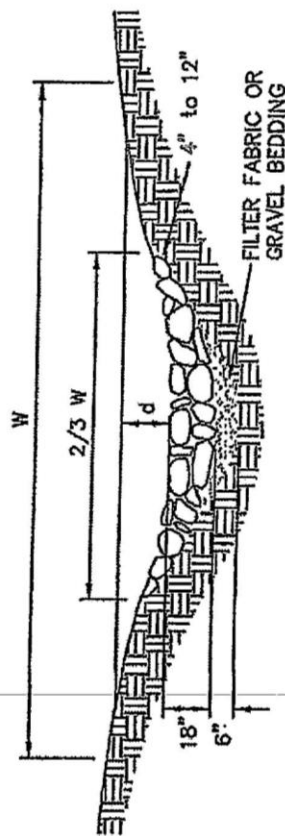


1 STANDARD SILT FENCE DETAIL
C-5 NOT TO SCALE

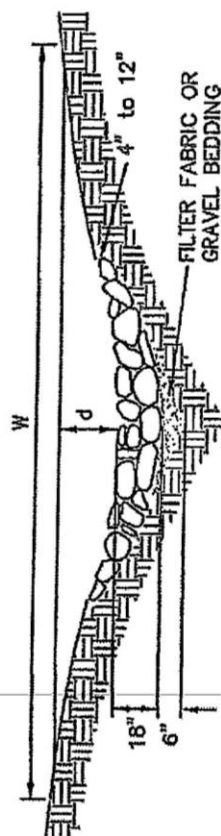
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TYPICAL SILT FENCE DETAIL
Lake Toxaway Estates POA
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Lake Toxaway, Transylvania County
North Carolina 28747

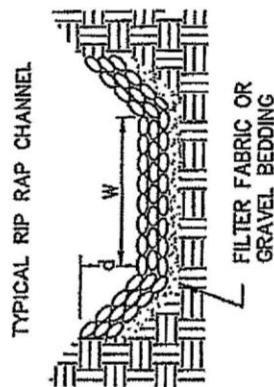
Sheet No. C-5
of 6
1-5-2004



PARABOLIC-SHAPED WATERWAY WITH STONE CENTER DRAIN
(SHAPED BY BULLDOZER)



V-SHAPED WATERWAY WITH STONE CENTER DRAIN
(SHAPED BY MOTOR GRADER)

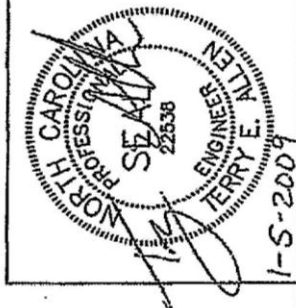


TRAPEZOIDAL

NOTES:

- TO BE USED WHERE EXCESSIVE STORMWATER VELOCITIES PROHIBIT VEGETATIVE OR GEOTEXTILE LININGS.
- SIZE OF STONE MUST BE DETERMINED BY APPROPRIATE DESIGN PROCEDURE.
- DIMENSIONS FOR d & w VARIES ACCORDING TO DESIGN. ALL STORMWATER CONVEYANCES TO BE DESIGNED IN ACCORDANCE WITH SITE SPECIFIC REQUIREMENTS.

Where required by the Architectural Review Board, Rock Check Dams shall be provided in all Driveway drainage ditches as shown herein.

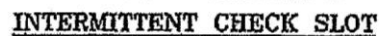
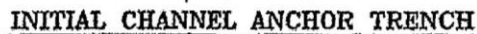
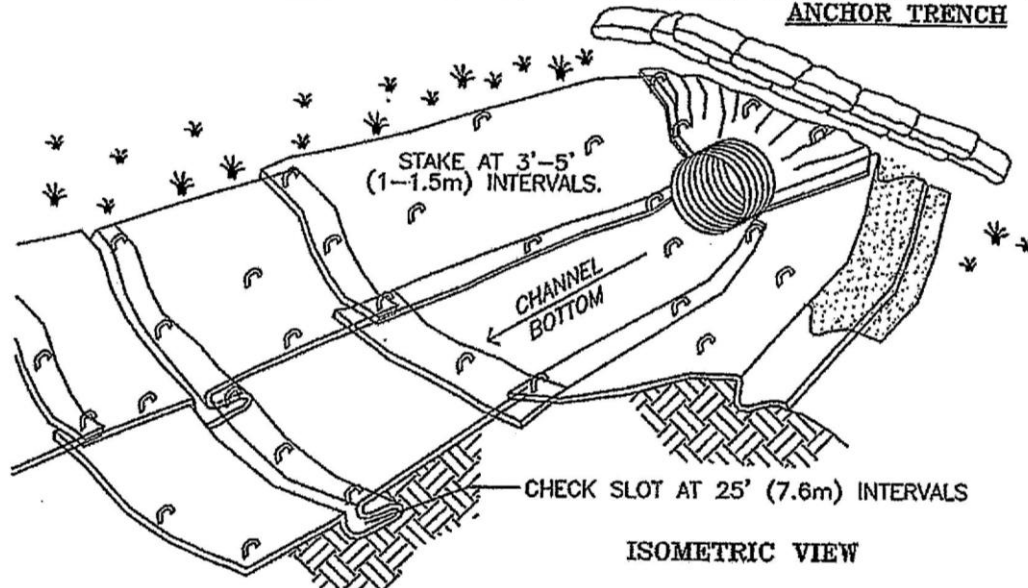
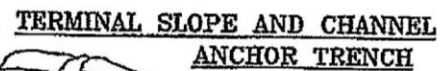


1 STANDARD ROCK CHECK DAM DETAIL
C-7 NOT TO SCALE

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TYPICAL RIPRAP LINED CHANNEL
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North Carolina 28747

Vertical Scale
Horizontal Scale
Date
Sheet
C-7
Sheet 7 of 9



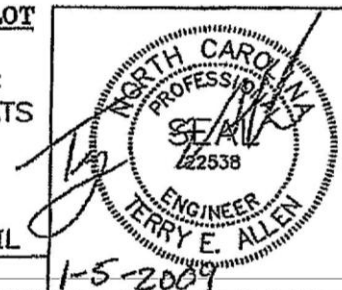
Where required by the Architectural Review Board, Channel stabilization shall be provided as shown herein.

NOTES:

1. CHECK SLOTS TO BE CONSTRUCTED PER MANUFACTURERS SPECIFICATIONS.
2. STAKING OR STAPLING LAYOUT PER MANUFACTURERS SPECIFICATIONS.

EROSION BLANKETS &
TURF REINFORCEMENT MATS
CHANNEL INSTALLATION

1 STANDARD CHANNEL STABILIZATION DETAIL
C-8 NOT TO SCALE

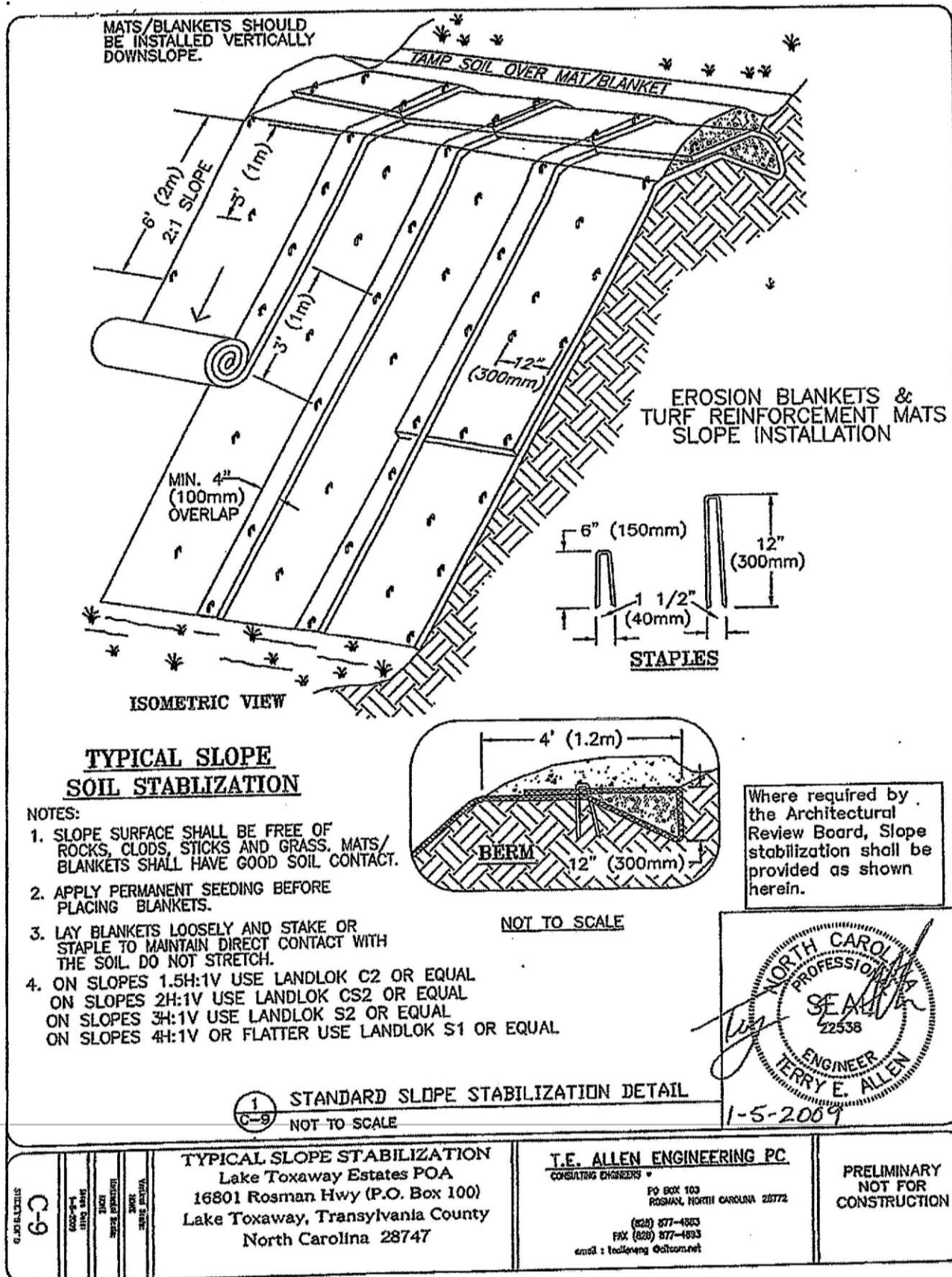


TYPICAL CHANNEL STABILIZATION
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C-8
SHEET 8 OF 10



APPENDIX D – Historical Reference

History of the LTCA and the Architectural Review Board

While virtually all developers of “planned communities” now draft and record community-wide covenants before they sell their first lot, this was not common in the late 1960s when Lake Toxaway began its marketing efforts. In place of a single community-wide standard, early lots were conveyed to purchasers by individual deeds that contain many, but not all, of the restrictions later found in the Declarations of Covenants and Restrictions. One consistent community-wide standard in place since the beginning of the Lake Toxaway Estates development was the provision for architectural control of the erection and maintenance of buildings, fences, hedges, walls, boathouses and other structures. Early on, The Lake Toxaway Company managed all of the development operations for Lake Toxaway Estates, including the functions of an architectural control committee, and established the framework for blending the structures built with the surrounding beauty of the mountains and Lake Toxaway.

On November 18, 1976, a letter was sent to the property owners stating: “Due to regulations set forth by the Department of Housing and Urban Development, all house plans must now be approved by the Architectural Committee of the POA and not by the Lake Toxaway Co. as in the past.” Thus, the Lake Toxaway Property Owner’s Association (LTPOA) [now Lake Toxaway Community Association, Inc. (LTCA)] established an Architectural Committee and was delegated the responsibility to oversee architectural control within Lake Toxaway Estates. In 1984, The Lake Toxaway Company established the first of several General Declarations of Covenants and Restrictions that mentioned specifically the LTPOA and membership requirements.

As a consequence of The Lake Toxaway Company transitioning management and operational responsibilities for Lake Toxaway Estates to the LTPOA with certain exceptions and culminating in the Transition Agreement signed December 31, 2003, the LTCA adopted a set of By-laws and other rules and regulations to provide a framework for governance within the community.