



**KENMURE ARCHITECTURAL REVIEW COMMITTEE  
(KARC)**

**RULES AND POLICIES**

**FOR**

**CONSTRUCTION AND ALTERATIONS**

**TO**

**SINGLE FAMILY DWELLINGS**

**Revised by KARC May 15, 2019**  
**Approved by KPOA May 17, 2019**

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# **I. CONSTRUCTION REQUIREMENTS IN DECLARATION**

The following sections in italics are numbered verbatim excerpts from the Third Amended and Restated Declaration of Restrictive Covenants dated August 5, 2013.

## **7. ARCHITECTURAL REVIEW:**

### **A. KENMURE ARCHITECTURAL REVIEW COMMITTEE:**

*The committee shall review all construction, and improvements or modifications thereto, on any Unit and will approve or disapprove under the direction of the Board. KPOA shall have power to levy fees and charges payable by the builder or property owner for the service provided by KARC and to require deposits to insure that construction and landscaping plans are completed as approved. KPOA shall also have the power to promulgate and enforce all reasonable and necessary rules and regulations in this regard and levy appropriate fines.*

### **B. PLANS AND SPECIFICATIONS:**

*No Family Dwelling Unit, garage, fence, wall, swimming pool, tower or other structure shall be commenced, erected or maintained upon any Unit in Kenmure, nor shall any exterior addition to any existing structure or change or alteration therein, nor shall any landscaping or site work be done until complete final plans and specifications showing the nature, kind, shape, height, materials, basic exterior finish and colors, location and floor plan therefor, and showing front, side and rear alterations thereof, the name of the contractor, septic tank contractor and landscaper, have been submitted to and approved by KARC, as to harmony of exterior design and general quality with the standards of Kenmure, and as to location in relation to surrounding structures and topography.*

### **C. SITE PLAN:**

*Prior to the construction of any structure, a site plan to scale must be submitted on a topographic map which shows the location of the house, septic tank, drain field, all drive, walks and parking areas, with each clearly indicated. Prior to any physical disturbance of the site, special and/or irreplaceable features to be identified and provisions for their protection clearly established. This includes large trees, rock outcroppings, springs and streams, and concentrations of azaleas, rhododendrons, and other shrubs and wild flowers.*

### **D. APPROVAL PROCESS:**

*Refusal or approval of plans, specifications, contractor, septic system contractor and landscaper, or location of any structure may be based upon any grounds including purely aesthetic considerations, which in the sole discretion of KPOA shall be deemed sufficient. In the event that KPOA fails to approve or to disapprove any application within thirty days after submission of all information and materials reasonably requested, the application shall be deemed approved. However, no approval, whether expressly granted or deemed granted pursuant to the foregoing shall be inconsistent with this Declaration.*

### **E. CONTRACTOR APPROVAL:**

*No person, firm or entity shall be approved as a contractor unless such person, firm or entity obtains his income primarily from construction or landscaping of the type which the contractor is to perform and is licensed by the State of North Carolina for his services. Any such contractor must be approved by KPOA prior to performing any work within Kenmure. No Lot Owner will be permitted to act as his own builder for the exterior of any structure, except where such Lot Owner obtains his income primarily from the construction of the type of structure to be constructed and otherwise as a licensed service provider meets the qualifications for approval by KPOA.*

### **F. REQUIREMENTS AT COMPLETION:**

*At the completion of all construction in accordance with the plans submitted, the Lot Owner shall request an on-site inspection by KARC. No home may be occupied until a written Occupancy Permit has been issued by the Village or County governmental authority authorized to issue such permits. In addition to the above, the following will be required:*

- 1. Final landscaping development plans must be approved and carried out without undue delay.*
- 2. Exterior lighting must be approved.*
- 3. All clean-up must be completed.*

### **G. VIOLATIONS AND ENFORCEMENT:**

*In the event any Lot Owner violates the terms of this section, KPOA or its duly appointed agent, shall give written notice to the Lot Owner to cure such violation. In the event of the failure of the Lot Owner to cure such violation within thirty days, KPOA shall be entitled to enter upon the property of the Lot Owner and remedy such defect including removal of any structure built in violation hereof, all at the expense of the Lot Owner. This right of KPOA or its agent shall be in addition to all other general enforcement rights which KPOA may have for a breach or violation of the terms of this Declaration and shall not be deemed a trespass by KPOA or its agent.*

## **8. BUILDING SIZE:**

*No structure except as herein provided, shall be erected, altered, placed or permitted to remain on any Residential Lot other than one Single-Family Residential Dwelling not exceeding two stories in height above the basement, with a minimum requirement of at least a two car garage which may be attached or unattached. The main building shall contain a minimum of 2,200 square feet of living space for a one story dwelling. All two-story Family Dwelling Units shall contain a minimum of 1,900 square feet of enclosed living space for the main floor, with a total minimum of 3,000 square feet of enclosed living space. Garages, porches, patios, greenhouses, unfinished basements, cellars, or similar areas shall not be considered floor space in meeting the above requirements. One accessory building may include a private garage and/or servants' quarters, providing the use of such accessory building does not overcrowd the site and; provided further, that such building is not used for any activity normally conducted as a commercial, industrial or religious activity. Such accessory building may not be constructed prior to the construction of the main Family Dwelling Unit. Each Family Dwelling Unit must have sufficient enclosed garage space for any and*

*all family cars. No carports are permitted. The size and carport restrictions do not apply to condominium units or The Cottages of Kenmure Phase V*

## **9. BUILDING REQUIREMENTS:**

*No decorative features such as sculptures, bird baths, bird houses, fountains or other embellishments shall be permitted that are visible from any street unless approved in writing by KARC.*

## **10. TEMPORARY STRUCTURES:**

*No structure of a temporary character shall be placed upon any portion of Kenmure at any time; provided, however, that this prohibition shall not apply to shelters used by contractors during the construction of any Family Dwelling Unit. Temporary shelters, including mobile homes, trailers, recreational vehicles, and tents, may not, at any time, be used as a temporary or permanent residence or be permitted to remain on any portion of Kenmure after completion of construction thereon as hereinabove provided. Basements or partially completed houses will be considered temporary and may not be inhabited.*

## **11. SETBACKS:**

*All front setbacks for buildings in Kenmure shall be a minimum of 50 feet from the nearest edge of the paved road, side and rear setbacks shall be a minimum of 35 feet, except for Phase V and VI properties, where the front setback for buildings from the lot line shall be a minimum of 30 feet, side and rear setbacks shall be a minimum of 25 feet. Relief from said building setback lines may be given by KPOA, acting through KARC, to any Lot Owner upon a showing of extraordinary circumstances by said Lot Owner. Such extraordinary circumstances may include unusual topography, lot shape, frontages and also potential views to give property owners the fullest enjoyment of their Units. In order to assure, however, that location of houses will be staggered where practical and appropriate so that the maximum amount of view and privacy will be available to each house, that the structures will be located with regard to the ecological constraints and topography of each lot, taking into consideration topography, the location of large trees and similar considerations, KPOA, acting through KARC, reserves the right to control absolutely the precise site and location of any Family Dwelling Unit or other structure upon all Residential Lots. Provided, however, that such location shall be determined only after reasonable opportunity is afforded the Lot Owner to recommend a specific site.*

## **12. EXTERIOR CONSTRUCTION:**

*be completed within sixteen months after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the Lot Owner due to strikes, fire, national emergency or natural calamities. Normally, the construction start date will be the date the Village of Flat Rock and/or Henderson County issues a construction permit. In addition, a landscaping plan and driveway surfacing plan, with firm completion dates, must also be approved. The exterior of all houses and other structures as well as site work and landscaping must be approved. Residential units and other dwelling structures may not be occupied until the exterior thereof has been completed. If the exterior is not completed within sixteen months without the prior written approval of KARC, the Lot Owner shall, after notice and opportunity to be heard, be liable for fines as provided in Section 47F-3-102 (12) of the Act.*

### **13. TREES:**

*No protected flowering plants, including, but not limited to, native mountain laurels, rhododendrons, and azaleas, nor trees or portions of trees measuring six inches or more in diameter at a point two feet above ground level, may be removed without the prior written approval of KARC. Excepted from this requirement are trees located within twenty feet of the building, or within ten feet of a driveway. Each protected plant, tree or portion of a tree removed without prior written approval of KARC shall constitute a separate violation. Should a Lot Owner remove any protected plant, tree or portion of a tree as herein provided without the above-described written approval, or negligently or intentionally damage any protected plant, tree or portion of a tree as herein provided, said Lot Owner shall, with notice and opportunity to be heard, be liable to KPOA for a fine for each violation as provided in Section 47F-3-102 (12) of the Act and other remedial action as provided in the Act.*

### **14. SEWER AND WATER:**

*Prior to the occupancy of any Family Dwelling Unit, proper and suitable provisions shall be made for the disposal of sewage by means of a septic system, and no sewage shall be emptied or discharged into any creek, lake or shoreline thereof, or upon the open ground. No sewage disposal system shall be used unless such system is designed, located, constructed and maintained in accordance with the requirements, standards and recommendations of the State Board of Health or its successor governmental authority. Each septic system shall be maintained in good condition so that its use and existence shall not constitute a nuisance to any other Lot Owner. Approval of such system shall be obtained from the health authority having jurisdiction. In the event that KPOA, or other person, firm corporation, or governmental authority provides a public sewage disposal system available to the subdivision's lots, any Lot Owner whose Unit has such service available shall be required to hook up to said system on the terms generally arranged for said system. Every Family Dwelling Unit shall have permanent plumbing and running water and a permanent sewage disposal system. No temporary plumbing, water, or sewage systems are allowed.*

### **15. STORAGE TANKS:**

*Fuel storage, bottled gas, with the exception of gas grills, are not permitted.*

### **16. TRASH:**

*Each Lot Owner shall provide sanitary containers for garbage and all garbage receptacles, tools and equipment for use by the Lot Owner or otherwise shall be placed in an enclosure to shield same from general visibility from roads abutting the Lot Owner's property, and also from neighboring properties. Trash, garbage and other waste shall be kept in said sanitary containers. No trash, garbage, construction debris or other unsightly or offensive material shall be placed upon any portion of Kenmure, except as temporary and incidental to bona fide improvements of said area of Kenmure.*

**17. ANTENNAE AND THE LIKE:**

*All utilities, wires, cables, antennae (including television satellite receptacles) and the like, of any kind (such as telephone, electrical, television, radio and citizens band radio) must be placed underground or within or upon the house so as not to be visible from the street or adjoining units, except as may be expressly permitted by FCC regulation or approved in writing by KPOA. Solar panels shall be placed upon the house so as to not be visible from the street or adjoining Units, except as may be expressly permitted otherwise by Federal Regulations or approved in writing by KPOA.*

**26. WATER COURSES:**

*No lake, pond or other water retention basin shall be constructed, nor shall the course of any stream be changed, nor any culverts installed in any stream without prior written approval of KPOA.*

**27. WATERWAYS:**

*The owner of a Unit fronting on a lake, stream, or other waterway, or on an open-space area, separating the Unit from such waterway, will not be permitted to erect or maintain a private dock, dam or similar structure on such waterway.*

**43. SPECIAL RESTRICTIONS AFFECTING ALL UNITS ABUTTING GOLF COURSES:**

*Some Lots and Family Dwelling Units (the "Course Lots") in Kenmure may abut a golf course owned by the Developer. For those Course Lots only, the following special restrictions apply:*

**A. LANDSCAPING:**

*The landscaping pattern of that portion of the Course Lot within fifty feet of the lot line bordering a golf course shall be in general conformity with the overall landscaping pattern for the course fairway area established by the golf course architect and communicated to the Lot Owner by Developer.*

## **II. NEW HOUSE CONSTRUCTION**

### **A. KARC Mission, Organization, Authority, Recommendations**

1. Wherever reference is made to either Kenmure Properties Owners Association or KPOA, only the Board of KPOA is permitted to make decisions or interpretations concerning these Rules and Policies and/or Declaration excerpts. Wherever reference is made to KARC, RMC, or SC only the Chairperson of the appropriate Committee is permitted to make decisions or interpretations concerning these Rules and Policies.
2. The KARC's mission is to keep Kenmure aesthetically pleasing, thus enhancing homeowner property values. The KPOA retains the right to appoint the Chairperson of the KARC who shall serve at the discretion of the KPOA. Normally, member terms will be for three years and members/Chairperson may be reappointed. The KPOA has delegated its construction related authorities to KARC. Contractors & Lot Owners should contact KARC for all construction & alteration issues.
3. KARC's role is limited to the aesthetics of the exterior of new houses and alterations to existing houses or second structures, along with any and all changes to landscaping, trees, and other exterior modifications as outlined in these Rules and Policies. KARC is specifically not responsible for engineering, construction quality, or other technical aspects on new houses or renovations.
4. KARC does not suggest or recommend the acceptability of any one General Contractor over any other, except said contractor must be:
  - a. Licensed, to at least the "Intermediate" level, in the State of North Carolina,
  - b. A firm or entity that obtains their income primarily from construction of single family dwellings of the type which the contractor is to perform, and
  - c. Approved by KARC prior to start of construction.
5. KARC does not recommend or take responsibility for any of the terms and conditions of any arrangements between the property owner and the general contractor selected for construction of the home, notwithstanding the approvals that are necessary from KARC. However, KARC does recommend that:
  - a. Lot Owner does obtain a written contract from the contractor, defining the terms and conditions for construction of the home on the owner's property. KARC strongly recommends that property owners seek advice of competent counsel in the preparation of the contract.
  - b. Although not required, an architect licensed in North Carolina,
  - c. Property Owner's should obtain an All Risk policy to protect all interests adequately and to cover the home during construction and subsequent to completion of construction, so that the property owner will be adequately covered for all types of contingencies and liabilities.
  - d. A pressure regulator be installed at the main water entry to the house due to large potential variations in water pressure within Kenmure. Houses at higher elevations should consider a supplemental pump and reservoir to insure adequate pressure at all times.
  - e. Given the very high incidence of excessive radon in this area, radon testing is



recommended, with mitigation systems installed where appropriate.

- f. In the event of a serious injury on the construction site, **first call 911**; then, call the Kenmure Gate (692-8104) and request a trained CPR person.
- g. An automatic water shutoff system is recommended for those who intend to spend long or frequent times away from their Kenmure home.

## **B. Residential Building (KARC-02)**

### **General Construction**

Uniform construction standards apply to all homes being built in Kenmure. These standards are detailed in this section.

**Building materials**-Log cabins, modular units and manufactured homes are not permitted. Exterior wall materials must be predominately natural wood, cement plank, stone, brick, or stucco. Synthetic, cultured, or prefabricated stone and certain precast concrete materials may be used as accents on exterior surface areas. Vinyl or aluminum siding will not be permitted. Roofs constructed of metal material will not be permitted. Metal roof accents of the standing seam type may be allowed up to 20% of the total roof area. Metal accent roofs must meet the following conditions: The system manufacturer warrants for at least seven (7) years against color or texture change, reflective sunlight glare, and warping or buckling. Only copper accent roofs may be left unfinished to weather naturally. All other metal accent roofs shall be coated with Kynar 500, its equivalent or better, applied by the manufacturer. Except for copper **only nonreflective finishes will be approved.**

**Exterior colors**-Exterior house colors should be moderate and compatible with the forest setting. Stark white, off-white, and pastel colors will not be approved. Roof colors should be moderate and compatible with forest setting.

**Roof attachments**-Roof stacks, sheet metal flashing, metal chimneys, and plumbing vents should be painted to match roof color (except if copper or lead) and shall be located on roof slopes away from main streets. All fireplace vents, furnace stacks and other roof penetrations 4" in diameter and larger shall be disclosed on the elevation drawings for review by the KARC.

**Roof Pitch**-The pitch of a roof should not be less than 6 inches vertically in 12 inches horizontally (6/12), unless there are special design considerations which KARC concludes would justify slightly less pitch. .

**Attached structures**-All decks, posts, rails, and similar attached structures shall be painted or stained to match the exterior color or trim of the house.

**Concrete surfaces**-All exterior surfaces of poured or precast concrete foundations and retaining walls shall be covered with stucco, brick, stone, textured concrete, or other KARC approved material..

**Similar Architectural Designs**-Identical or nearly identical houses will not be permitted within the lesser of line of sight or one-quarter mile from each other.

**Adjacent or Attached Structures**-In an effort to maintain the attractiveness of the community and to address the concerns of neighboring properties, KARC has established standards for adjacent or attached structures to the dwelling.

**Driveways and outside equipment**-All driveways and parking areas must be paved with asphalt or concrete paving, unless the KARC in writing approves another paving material before construction begins. All play equipment shall be placed so that it is not visible from any street. Tree houses are considered separate structures requiring KARC approval. Outside clotheslines should not be visible from any street or neighboring family dwelling unit.

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**Electrical requirement**-Each house must have a minimum 200 AMP electric service supplied by Duke Energy or its successor who normally supplies electric service to Kenmure.

**Screening requirements**-All window air conditioning units must be screened from roads and from neighboring lots. Compressor units shall be ground mounted. Approved fencing or plantings can screen compressor units. Fencing of any kind or purpose shall be submitted to the KARC for approval and specific conditions apply. Please see Fencing Rules KARC-03. Firewood shall not be stored in front yards and shall be shielded from view from adjacent lots.

**Dams for streams**-KARC may permit construction of dams on existing streams as long as the dam does not exceed 12” in height from the original stream bed, and no water flow control measures are installed. No applications for a dam will be approved by KARC unless accompanied by written approvals from the Army Corps of Engineers and the North Carolina Department of Natural Resources.

## **Construction Completion and Occupancy**

In order to obtain and Occupancy Permit an owner must submit documentation for each of the following to KARC:

- A **Certificate of Occupancy** issued by Henderson County; if the dwelling is within the Village of Flat Rock, owners must also provide a **Certificate of Occupancy** issued by the Village.
- A **Moving Van Access Form** (NEH 10) will not be issued until Occupancy Permit has been issued.
- Evidence that **permanent power** is being supplied to the home.
- An **approved landscape plan**, including a final driveway plan and provision for drainage. This must be submitted to KARC not less than two (2) months prior to the home construction’s anticipated completion.
- An **installed mailbox** meeting KARC and KRMC requirements with readily visible street numbers on the mailbox or conspicuously Posted on the home.

*Adopted by the KPOA Board of Directors on July 18, 2005*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Revised and Approved by the KPOA Board of Directors—November 18, 2016*

*Authority: Declaration, paragraph 7, 26, 27*

## C. Construction Approval (KARC-06)

Kenmure Architectural Review Committee (KARC) shall approve, in advance and in writing, all construction and exterior building alterations. The Kenmure Road Maintenance Committee (KRMC) shall approve, in advance and in writing, all alterations to rights-of-way.

### Driveway/Entrance rules and standards

- **Entrance lights**-Driveway entrance light posts and/or lights must be located a minimum of 10 feet from the edge of the road surface and must be shown on the site plan.
- **Curbs or impediments**-No driveway curbing, large rocks, culvert headers, or other impediments may be placed in the right-of-way as part of the driveway construction or landscaping. Driveway curbing cannot be within 24 inches of the road.
- **Culverts**-Every driveway access shall use a size 15-inch diameter culvert under the driveway at a location specified by the RMC, with a minimum length of 20 feet of corrugated metal pipe or H20 loading double-wall plastic pipe, unless otherwise noted on the approved site plan. It is also the owner's responsibility to keep the culvert clean of leaves and other debris.
- **Mud Mats**-The contractor must install a gravel mud mat and gravel driveway as soon as the driveway is cut. An adequate level of gravel must be kept on the mud mat during construction to keep mud off the roadway. The gravel shall be 2 ½ aggregate or larger at the mud mat. If mud is tracked onto the roadway, the contractor shall remove it by the end of the workday.

### Drainage rules and standards

- **Drainage ditch**-All lots at or above the grade of the road must have a drainage ditch constructed by the contractor along the front of the property line to allow water to drain off of the right-of-way. Corrective measures must also be utilized to prevent the flow of mud or silt or other debris onto either the roadway or adjoining properties.
- **Lot drainage**-The contractor and the property owner are responsible for constructing the home in such a way that drainage from the lot, and from the road and unpaved right-of-way, does not adversely affect the owner's property, the road and unpaved right-of-way, or any adjacent property. The contractor shall consider the natural flow of water from the owner's lot, from the road, and along the unpaved right-of-way when designing the home location on the lot, installing the driveway, and constructing other structures near the right-of-way.
- **Drainage responsibility**-The KPOA does not assume any responsibility for owner, architect, or contractor failure to properly or adequately address drainage issues at the home site. Where no drainage problems existed prior to the building of a home, neither KARC nor KRMC is responsible for correcting drainage problems created by construction or which appear after the home is completed.
- **Structures to prevent damage from water flow**-Where the natural flow of water from the lot, or from the road and along the unpaved right-of-way, would be altered by home and driveway construction, the contractor and the property owner are responsible for installing culverts, ditches, driveway curbing, and other structures to prevent that flow of water from damaging the road, the unpaved right-of-way, or adjacent properties, including the owner's property

## **Construction parking rules and procedures for use of right-of-way**

- **Parking location-** Parking by the contractor and all sub-contractors must be accommodated on the lot. If overflow parking is required on the right-of-way, the KRMC must first be contacted for approval. KRMC will designate where parking will be allowed. Both traffic lanes must be open at all times.
- **Damage repairs-** Any ruts created by parking on the right-of-way must be filled in, raked, seeded, and covered with straw prior to return of the refundable deposit or remaining portion thereof. Any damage to asphalt road surface is the responsibility of the contractor and will be either repaired by the contractor to KRMC specifications, or arrangements made to pay the KPOA through the KRMC for the estimated cost or repairs.
- **Construction equipment placement-** Except as permitted by KARC, construction equipment, building materials, and portable toilets are prohibited on the right-of-way and must be placed on the lot. Construction vehicles, including trailers, may not be parked on the right-of-way outside of authorized contractor working hours. Dumpsters must be placed a minimum of 10 feet from the edge of the road pavement.
- **Parking Regulations-** Construction parking must follow KPOA General Parking Regulations listed in the Kenmore Security section of this document.

*Approved by the KPOA Board of Directors—March 17, 2003*

*Revised and Approved by the KPOA Board of Directors—November 21, 2005*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Authority :Declaration, paragraph 3C, 18, 19, 23*

## D. Approval Process

1. The Property Owner/General Contractor must submit the following to KARC at least 5 calendar days in advance of a regularly scheduled KARC Committee meeting (1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month) and prior to desiring a Building Permit:
  - a. One (1) set of plans (at ¼" = 1'0" scale) including site plan, floor plans, elevations, special features and all proposed improvements. All submitted drawings shall be designed by a licensed architect, certified professional building designer, or other building professional deemed acceptable by KARC, and notated that the drawings are designed for the property owner and a specific Kenmure site, as well as having the owners name on the plans.

The site plan shall include, in addition to items noted in the Declaration 7.C., the following: lot lines, set backs, adjacent streets, existing and new culvert pipes (with size), location of new and existing drainage ditches, erosion control measures proposed during construction, and proposed construction footprint including all grading for home, driveway, construction entrance, staging areas and septic fields with a calculation of total square footage to be disturbed in this footprint. Every driveway access shall use a minimum of twenty feet of corrugated metal pipe (fifteen inches diameter minimum) unless otherwise noted on the approved site plan. Because all homeowners share the expense of roadway maintenance, it is the responsibility of each property owner to restore the road right-of-way in such a way to minimize the impact to the ROW as well as adjacent properties.
  - b. "Home Design Application" (Form NH1), including:
    - a. site & architectural plan checklist
    - b. house exterior materials & color samples on the actual building material
    - c. changes during construction limitations
    - d. checks for fees and Forms NH 3 & NH 5.
    - e. approved Village/County Zoning Permits, Building Permits, Henderson County Septic Permit, Henderson County Sketch Plan Review Application, and any other required Government forms.
2. Submittals received in compliance with the requirements above shall be reviewed by KARC and RMC. Comments and recommendations on the submittal will be communicated to the Property Owner/General Contractor.
3. After resolution of any and all comments and recommendations, the Property Owner and/or General Contractor will stake the footprint of the house (including decks & patios) along with the driveway, septic field, and parking area. This will be done through staking, marking trees to be removed with spray paint, ribbons, etc. The Property Owner will notify KARC and an on-site inspection will be made. Agreement between KARC and the Property Owner/General Contractor will be reached on trees, flowering plants, etc. to be removed. No other trees or flowering plants may be removed in the building process unless agreement is reached with KARC. KARC will make a photographic record of the original conditions.
4. Next, the Property Owner, General Contractor, KARC representative, and RMC representative will meet at the Lot to review all aspects of the Building Permit, and other applicable parts of the Rules and Policies for Construction and Alterations to Single Family Homes, prior to approval of the Building Permit. Both the Property Owner and General Contractor must sign the Building Permit & Home Design Application. Approval to build will not be provided until all signatures are in place. In the event that a Lot Owner or General Contractor can not be present for this review, an affidavit from a Notary Public certifying that the respective person(s) have signed forms (NH 1 & NH 2) must be

presented.

5. KARC will issue a "Kenmure Building Permit" (Form NH 2) if all the above are approved.
6. KARC will notify Common Grounds Committee that the house has been approved for construction and that they might wish to use plants, trees or shrubs within the footprinted house/driveway area for Kenmure common areas, providing the Property Owner agrees and that removal for replanting will not impede construction.
7. No cutting of trees, clearing, ditching, storing of materials, construction or other such work shall begin on any homesite until the Property Owner/General Contractor has received an approved Home Design Approval Form and a Building Permit issued by KARC. Excepted therefrom, are topographic surveys, the marking of trees and special features and the preliminary staking of the proposed septic/drain field, home site, parking areas, and driveways.
8. In the absence of specific building plans which have been approved by the KARC, removal of trees on vacant lots will not be permitted without approval of KARC and any such removal will be subject to assessments or fines as detailed in the Declaration & elsewhere in these Rules and Policies.
9. All statutory ordinances, rules and regulations of the State of North Carolina, Henderson County and the Village of Flat Rock (as applicable) shall be adhered to in the planning, design, and construction of each new house, addition to an existing house, or other permitted accessory structure on any lot. [The Village of Flat Rock Land Development Ordinance (Section 606) states the following: "Prior to any excavation or filling of any lot or the erection, construction, relocation, removal, enlargement or other alteration of any building or structure on a lot, a property owner shall obtain a certificate of zoning compliance from the Zoning Administrator for such work. The Zoning Administrator may withhold the issuance of a certificate of zoning compliance for excavation or construction begun before the certificate is issued and that does not comply with the requirements of this ordinance. Civil Penalties may apply under Section 1509 and shall, when owed, be paid in full prior to the release of the certificate of zoning compliance". This ordinance applies to both new houses and to alterations to existing houses built north of Pinnacle Mountain Road. Henderson County Land Development Code Paragraph 200-A outlines the Zoning Permit and Building Permit required for new houses and to alterations to existing houses built south of Pinnacle Mountain Road. All Kenmure lots are subject to the land disturbing ordinance of more than 100 square feet of land and must submit a Henderson County Sketch Plan Review Application Form to the Erosion Control Division for approval of any such land disturbance, prior to requesting the applicable change from KARC.]
10. While Declaration Section 8 states that KARC has the right to grant setback variances, the Village of Flat Rock ordinance requires that all houses north of Pinnacle Mountain Road first obtain a variance from the Village.

NOTE: The above rules must also be met for additions to existing residences or second structures that exceed 800 square feet of conditioned interior space. Additions or second structures less than 800 square feet must submit Form NEH4 to KARC.

## **E. General Contractor Approval**

### **Limitations on Contractor Approval**

As stated in the Declaration 7.E, no person, firm, or entity shall be approved as a contractor for new house construction unless they obtain their income primarily from construction and are licensed by the State of North Carolina. No Lot Owner will be permitted to act as his own builder unless he meets these requirements.

### **Rule for contractors new to Kenmure**

1. Contractors new to Kenmure must accept the provisions for building in Kenmure as outlined in the:
  - a. General Contractor/Landscaper Information Sheet (Form NGC 1)
  - b. Other reasonable terms and conditions that KARC may require.
2. The General Contractor must accept these provisions in writing prior to final KARC approval of new house plans.
3. General contractors may use only licensed sub-contractors to perform work.



## **F. Landscaping and Trees**

**Removal or cutting of trees on vacant lots-**In the absence of specific building plans that have been approved by the Kenmure Architectural Review Committee (KARC), trees cannot be removed without prior written approval of KARC, and any such unauthorized removal will be subject to assessments or fines. It is KARC policy to only work with property owners relative to tree cutting.

**Removal or cutting of trees for pre-construction-**Prior to the issuance of a building permit, the lot owner and/or contractor will stake the footprint of the house (including decks and patios), along with the driveway, septic field, and construction parking area. This will be done by staking and marking trees to be removed with spray paint or tape. The owner will notify KARC so that an on-site inspection can be made. KARC will make a photographic record of the original conditions. A written agreement between KARC and the owner/contractor will be reached on trees or flowering plants to remove. No other trees or flowering plants may be removed in the building process unless an additional written agreement is reached with KARC.

**Removal of Trees to Create Views-**In lieu of removing trees, removing branches will be encouraged. Trimming shall be limited to the lower 2/3 of tree. Topping of trees is strictly prohibited.

Contractors will finish the framing of the house prior to the owner requesting approval of KARC for removal or trimming of trees solely for views. In the case of an owner desiring to create a view on a vacant lot, KARC will review the area covered by a septic permit issued by Henderson County and mark the trees in the field or lane across the field that will be permitted to be removed. The owner must commit in writing to maintain the septic permit in an active status and to include this requirement in any conveyance of the property to a new owner.

The reasonable removal of trees for creation of a view may be permitted as a variance to the tree policy when it enhances the value of the property and has no significant negative impact on neighbors or the overall value and natural beauty of Kenmure; however, removing of trees to create a view must be approved in advance and in writing by KARC (Form NEH 2). Any other removal will be subject to the assessments or fines stated in the *Declaration*, paragraph 13.

Tree removal for the purpose of enhanced landscaping will be treated similarly to the above.

**Removal of Other Trees-**Trees less than 6 inches (2 feet from ground) or within 20 feet of a structure may be removed; however, it is suggested that the owner obtain KARC approval to prevent future misunderstandings.

KARC will approve the removal of trees greater than 6 inches (2 feet from ground) in diameter and more than 20 feet from a structure when, in the committee's opinion, removal will prevent future damage if a tree is diseased, leaning toward the structure, or poses a threat to the structure. KARC may approve the removal of diseased, dying, or damaged trees. Trees must be cut to ground level and removed from the property, or wood should be cut and stacked out of public view if the wood is to be used by the owner. KARC will consider the type and size of the tree and will normally reject the cutting of specimen trees. KARC will consider the impact cutting will have on neighbors and the natural beauty of Kenmure and will normally reject tree removal when it would cause a significant negative impact.

**For the complete Tree Policy refer to Section IV B, KARC-01,**

## **G. Construction Completion and Occupancy**

### **Requirements at Completion**

At the completion of all construction in accordance with the plans submitted, the Lot Owner shall request an on-site inspection by the KARC. No home may be occupied until a written Occupancy Permit has been issued by the Village or County governmental authority authorized to issue such permits. In addition to the above, the following will be required:

1. Final landscaping development plans must be approved and carried out without undue delay.
2. Exterior lighting must be approved.
3. All clean-up must be completed.

### **Construction Completion and Occupancy (Excerpt from Residential Building (KARC-02))**

In order to obtain a **Kenmore Occupancy Permit**, an owner must submit documentation for each of the following to KARC:

- A **Certificate of Occupancy** issued by Henderson County; if the dwelling is within the Village of Flat Rock, owners must also provide a **Certificate of Occupancy** issued by the Village.
- A **Moving Van Access Form** (Form NEH 10) will not be issued until Occupancy Permit has been issued.
- Evidence that **permanent power** is being supplied to the home.
- An **approved landscape plan** (Form NEH 1), including a final driveway plan and provision for drainage. This must be submitted to KARC not less than two (2) months prior to the home construction's anticipated completion.
- An **installed mailbox** meeting KARC and KRMC requirements with readily visible street numbers on the mailbox or conspicuously posted on the home.

### **Rules**

1. In addition to the above, any items noted on the KARC (Form KARC 03) and RMC (Form RMC 02) Final Inspection Checklists must be completed by the listed date.
2. The Village of Flat Rock Occupancy Permit may be a Village stamp on the County Certificate of Occupancy.

### **III. EXISTING HOUSES**

#### **Exterior Alterations/Additions to Existing Houses, Condominiums, Villas, or Cottages and the Use of Dumpsters/Portable Toilets (KARC-05)**

##### **Exterior Alterations or Additions**

Any exterior alterations or additions, other than landscaping within the general scope of the original plan, require written KARC approval prior to implementation. Submit changes to KARC, in writing, on the indicated Form prior to any alteration. KARC, at its sole discretion, may require a refundable deposit of \$1500 for any exterior alterations or additions requiring the use of significant amounts of heavy equipment. These changes include but are not limited to the following:

- Major landscape alterations (Form NEH 1)
- Tree Cutting and Shrub Removal (Form NEH 2)
- Awnings (Form NEH 3)
- Fencing (Form NEH 5)
- Major Mailbox alterations (Form NEH 6)
- Paint Color (except when repainting with original color); only subdued tones which are moderate and compatible with forest will be approved. (Form NEH 4)
- Exterior Walls and Stonework (Form NEH 4)
- Roof Color and Material (Form NEH 4)
- Exterior Wall Materials (Form NEH 4)
- Windows and Doors, except direct replacement (Form NEH 4)
- Any new building or other structure, attached or unattached (Form NEH 4)
- Patios and Decks (Form NEH 4)
- Driveway Relocation (Form NEH 4)
- Decorative Features, if visible from any street (Form NEH 4) Flagpoles may be installed with the approval of KARC, and cannot exceed twenty feet in height measured from the surrounding natural ground area.
- Play Equipment, if visible from any street (Form NEH 4) The installation of any basketball goals, soccer goals, racket nets, gym sets, etc., shall not be installed without the approval of KARC.

##### **Alterations to Condos—PORTABLE TOILETS/DUMPSTERS**

When an alteration of any type to a condo requires a port-o-let and/or dumpster, the resident must notify the condo president on form NEH4. (Dumpsters include trailers or any other device used to store debris). The time limit for these objects to be on the property is a maximum of 60 days without special approval. These objects may not be placed on the right of way. When the time limit is up KARC may demand the removal of the objects. Failure to comply will result in a \$100 per day fine.

## **Alterations to Existing Homes—PORTABLE TOILETS/DUMPSTERS**

**When an alteration of any type to a condo requires a port-o-let and/or dumpster, the resident must notify the condo president on form NEH4. (Dumpsters include trailers or any other device used to store debris). The time limit for these objects to be on the property is a maximum of 60 days without special approval. These objects may not be placed on the right of way. When the time limit is up KARC may demand the removal of the objects. Failure to comply will result in a \$100 per day fine.**

## **Unattached Structures**

Unattached structures are expressly prohibited without prior written approval from KARC. If an unattached structure is approved, it must be compatible with the style and color of the main house and it is highly recommended that it be attached to the main structure by a covered walkway. No trailer, tent garage, shed gazebo, pergola or any other building or structure (temporary or permanent) other than the single family dwelling is permitted on any lot without the approval of KARC.

*Adopted by the KPOA Board—July 18, 2005*

*Revised and Approved by the KPOA Board of Directors—November 21, 2005*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Revised and Approved by the KPOA Board of Directors—May 19, 2009*

*Revised and Approved by the KPOA Board of Directors—May 15, 2015*

*Revised and Approved by the KPOA Board of Directors—August 21, 2015*

*Revised and Approved by the KPOA Board of Directors—August 17, 2016*

*Revised and Approved by the KPOA Board of Directors—July 21, 2017*

## IV. ASSOCIATED KPOA RULES AND REGULATIONS

### A. Landscape Guidelines and Rules (KARC-07)

#### Existing Homes

A modification to existing landscaping disturbing more than 250 square feet of the existing landscaping requires KARC approval. Submit form NEH1 and/or NEH2 (Tree Removal and Shrub Removal Form) with one copy of your landscape plan to KARC for review.

Any proposed changes of existing materials or additions to the site involving fences, water features, statuary, and landscape structures must be approved by KARC.

All landscape design plans for existing homes must also comply with the guidelines outlined in the **New Home Landscape Guidelines and Rules for New Home Construction** (as outlined below).

#### New Home Construction

The forested environment of Kenmure is generally naturalistic and beautiful in its simplicity. Special care must be taken to protect the existing native forest, vegetation, topography and natural drainage. Therefore, all improvements should be planned to minimize the alteration of the land, as well as the impact to the environment while maintaining its natural beauty,

All areas of the lot disturbed as a result of construction must be landscaped. A landscape plan shall include all existing and proposed hardscape and softscape. Softscape is defined as all plant material such as trees, shrubs, ground covers, annual and perennial flowers, turf grasses and mulch. Hardscape refers to driveways, walkways, paths, planters, retaining walls, boulders, decks, arbors, pools, water features, irrigation, landscape lighting, etc.

KARC suggests a landscape architect or professional prepare the landscape design and construction documents. This assures that the drawing will be expressed in a standard graphic language that communicates the intent of the design in a manner that the committee will understand. If the submitted plan does not clearly communicate your proposed landscape design, the committee reserves the right to reject your plans and require that they be prepared by a professional and resubmitted.

The site plan is independent of the landscape plan and must be included with architectural house plan submission. See the KARC Home Design Application NH1.

Landscape plans must be drawn to 1"=10' (min) to 1"=2' (max) scales with North indicator and must convey a scaled representation of all planting material. Symbols used on the drawing must have a schematic list identifying each symbol. Additionally, the plan must include a plant schedule (listing) identifying species, common name, variety, and size—trees in caliper of the diameter of the trunk with height indicated from top of root ball and plantings (shrubbery/bushes) in gallons. Plans shall also show the footprint of the house, location of landscape lighting, water features, HVAC units, satellite dish, walks, fences, pools, decks, patios, retaining walls, arbors, planters, etc. Adequate **evergreen** plant screening must be provided for generators, HVAC units, satellite dishes, gas and electric meters. Mulch must be organic ground hardwood or softwood and natural in color. Pine straw may also be used as mulch. Crushed stone or rock may not be used as mulch, but may be used for paths and walkways. The contractor must be responsible for location of existing utilities before excavating.

All tanks must be buried.

Landscape plans must be submitted to KARC for review no later than 90 days prior to requesting the Kenmure Occupancy Permit. All landscape construction and landscaping must be completed no later than 90 days after home construction is completed and the property owner has received the Kenmure Occupancy Permit. Refund of any Landscape plans must be submitted to KARC for review no later than portion of the landscape deposit will only occur after all landscape improvements have been completed within the 90 day time limit and inspected by KARC.

The landscape plan shall be robust and appropriate to the site with a goal of replenishing the disturbed land, native trees, and shrubs. A generous proportion, size, and mixture of plants, shrubs, trees and groundcover should be used.

Softening the impact of building foundation and support piers/posts (decks) with plantings is required. Planting the equivalent of 75 percent of the house footprint is preferred. Foundation planting must be a combination of one (1) to five (5) gallon plants with a minimum of fifty percent (50%) to be five (5) gallon size or at least five feet (5') in height. KARC may require additional selections of mature (larger) species or size of trees and shrubs depending on the scale of the home and disturbed area of the site.

Plant materials should be selected with consideration of their ultimate size and compatibility with native plants, tolerance to Kenmure mountain growing conditions, invasive potential, resistance to drought and potential damage by wildlife.

Storm water drainage systems in the immediate area of the site must be integrated into the overall landscape design. Poor drainage systems can create a variety of problems for homeowners, including water flowing into the home, wet walls in areas below grade, washout of plant material, and undermining of drives, walks and culverts. It is the homeowner's responsibility to ensure that landscape and building plans make provision for the control of storm water. The following are concepts that must be taken into consideration:

- Water must be directed away from foundations but water must NOT be directed onto neighboring and/or Kenmure roadways.
- Direct runoff should be designed to assist irrigation where possible.
- Gutters with captured downspouts are required and must direct water away from the foundation in pipes that daylight into rip/rap (rock) designed to prevent erosion.
- Direct water away from septic tanks and fields.
- Boulder retaining walls must utilize landscape fabric to prevent soil erosion and wall failure.  
\*Native sedimentary boulders found during site excavation may not be suitable for retaining walls as they breakdown when exposed to the elements.

*Approved by the KPOA Board of Directors—June 19, 2015*

*Revised and Approved by KPOA Board of Directors—July 21, 2017*

*Authority—Declaration, paragraph 7B*

## B. Trees (KARC-01)

It is KARC's responsibility to protect and preserve the natural beauty of Kenmure. All decisions by KARC, with regard to the trimming and/or removal of trees and flowering plants, will be based on how it impacts the community of Kenmure.

All statements/requirements under this policy apply to all properties in the community, including vacant lots (Unit), developer lots (Development Lots), existing houses, condominiums, villas, and cottages (Family Dwelling Unit), and KPOA common elements.

All requests for work must come from the property owner or, in the case of a condominium or villa, from its association and must be approved by KARC in writing, utilizing form NEH2 (available at [kenmure.org](http://kenmure.org)) prior to commencement of any work. Requests will not be accepted or acted upon from any other person or entity without signed written documentation giving that person or entity permission to act on behalf of the owner. In any event, it is the owner's responsibility to manage approved work and to ensure that the work performed complies with KARC written approval. KARC will furnish the owner and contractor performing the work a copy of the completed NEH2 form outlining the approved work. Once a written agreement between KARC and the property owner has been signed designating approved work, no other work shall be performed without an additional written agreement between KARC and the owner. Any contractor that does work not approved by KARC may be suspended from doing any work in Kenmure for such period as determined by the Board or terminated as an approved Kenmure contractor.

KARC will generally reject the removal of native flowering trees and native flowering plants. Native flowering trees include, but are not limited to, magnolia, sourwood and dogwood. Native flowering plants include, but are not limited to, mountain laurel, azalea, and rhododendron.

Clear-cutting is strictly prohibited. "Clear-cutting" is the cutting down and removal of every, or nearly every, tree in an area.

With regard to trimming of landscape shrubbery, non-native flowering plants and small ornamental trees (crepe myrtles, Japanese maples, dogwoods and the like) including the trimming or shaping of branches in these trees, KARC considers this to be normal owner landscape maintenance and does not require KARC pre-approval.

Trimming up (limbing up) of trees requiring KARC approval is in writing prior to commencement of any work. **Trimming in the upper 1/3 of the tree is not allowed, unless specifically approved by KARC.** Topping, hat-racking, heading, rounding over, tipping and crown reduction of trees (the practice of removing whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs) is prohibited. (See [www.treesaregood.com/treecare/topping.aspx](http://www.treesaregood.com/treecare/topping.aspx) for more information)

Emergency situations that may cause injury or damage to person or property, such as hanging large, broken branches due to wind or ice are an exception, but must be approved by KARC in writing prior to the commencement of any work.

KARC approval is **not** required by the owner of a Family Dwelling Unit (any improved property used as a Single Family Residential Dwelling) for removal of trees **less** than a six inch diameter as measured two feet from ground level or less than twenty feet from a residential structure or less than ten feet from a driveway, providing landscape modification does not exceed 100 square feet. Areas greater than 100 square feet require KARC approval. If there is doubt, it is strongly advised that KARC review/approval be obtained to prevent any misunderstanding.

KARC approval **is** required by the property owner for removal of trees having a six inch or more diameter as measured two feet from ground level or twenty or more feet from a residential structure or more than ten feet from a driveway or for native trees and native flowering plants. KARC approval will generally be given when, in its sole discretion, removal or trimming will prevent further damage if the tree, native flowering tree or native flowering plant is diseased, damaged or dying; is leaning toward the residential or other structure such as a deck, pergola or patio; or poses a threat to the residential or other structure. Trees authorized to be removed must be cut to ground level and removed from the lot or cut and stacked out of view, if the wood is to be used by the owner.

#### **Removal or Trimming of Trees and Flowering Plants on Undeveloped Residential Lots (Unit) and Development Lots (lots owned and being offered for sale by Kenmure Enterprises)**

KARC written approval is required before subject lots can be cleaned up by clearing brush, fallen trees and/or removing any trees. In the absence of specific building plans that have been approved by KARC in writing, all trees and native flowering plants (as noted above) and landscape shrubbery shall not be removed.

#### **Removal or Trimming of Trees and Flowering Plants on Undeveloped Residential Lots (Unit) and Development Lots to Create Views**

In the absence of specific building plans that have been approved by KARC in writing, trees, including native trees and native flowering plants shall not be removed or trimmed. At such time as the lot owner has a septic permit issued by Henderson County and has staked the septic field and marked with tape trees, native trees and native flowering plants to be removed or trimmed, KARC will make an on-site inspection and may make a photographic record of the original property conditions. KARC generally will not authorize the removal of trees, native trees or native flowering plants unless they are within the designated footprint of the septic plan. When notified KARC may approve the removal of trees, native trees or native flowering plants in a portion of the primary septic field; however, in this case the owner must commit in writing to maintain the septic permit in an active status and to include this requirement in any conveyance of the property.

#### **Removal or Trimming of Trees and Flowering Plants for Construction**

Prior to the issuance of a building permit, the contractor shall stake the footprint of the house (including decks and patios), driveway, septic field and construction parking area and mark with tape the trees, including native trees and native flowering plants to be removed or trimmed. When notified KARC will make an on-site inspection and make a photographic record of the original property conditions. KARC approval, in writing, is required by the lot owner prior to the commencement of any work for removal of trees, including native trees and native flowering plants.

#### **Removal or Trimming of Trees and Native Flowering Plants During or Upon Completion of Construction to Create Views**

Trees, including native trees and native flowering plants, shall not be removed or trimmed to create a view without prior written KARC approval. At such time as the contractor shall have finished framing the home or thereafter, KARC will make an on-site inspection and may make a photographic record of the current property conditions. The reasonable removal of trees, including native trees, and native flowering plants for creation of a view may be permitted when it will enhance the value of the property and have no significant impact on neighbors or the overall value and natural beauty of Kenmure. KARC may require that the owner, at the owner's expense, engage a registered/certified arborist to advise both the owner and KARC as to the appropriate trees, including native trees, and native



flowering plants to remove or relocate to create or maintain a view and to provide for long-term maintenance of a view.

### **Removal or Trimming of Trees and Native Plants to Create or Maintain Views at Existing Houses**

Trees, including native and native plants shall not be removed or trimmed to create a view corridor without prior written KARC approval. When notified, KARC will make an on-site inspection and may make a photographic record of the current property conditions. The reasonable removal of trees, including native trees, and native flowering plants for creation, maintenance or reclaiming of a view corridor may be permitted when it will enhance the value of the property and have no significant impact on neighbors or the overall value and natural beauty of Kenmure. KARC may require that the owner, at the owner's expense, engage a registered/certified arborist to advise both the owner and KARC as to the appropriate trees, including native trees, and native flowering plants to trim, remove or relocate to create, maintain, or reclaim a view corridor and to provide for long-term maintenance of a view. If native trees and native flowering plants are removed to create, maintain, or reclaim a view, KARC may also require that the owner plant on the property other native plants and trees which will not encroach upon the view corridor.

### **Violations and Remedies**

Each tree, including native trees and native flowering plants removed, topped or trimming requiring KARC written approval prior to work and for which such approval was not obtained by the lot owner, or which the owner has negligently or intentionally damaged, the owner shall, after written notice and opportunity to be heard, be liable to KPOA for a fine for each violation and as provided in Section 47F-3-102 (12) of the North Carolina Planned Communities Act, and for replacement of each tree, native tree or native flowering plants so removed and remediation or replacement of those improperly topped or trimmed in accordance with requirements of KARC. The fine for each violation shall be defined as an amount not to exceed \$100.00 a day per tree or native flowering plant and may also include the requirement that any tree(s) or shrub(s) removed shall be replaced with one or multiple tree(s) or shrub(s) planted equaling the same total caliper of trees or shrubs removed. Failure to complete the replacement and/or remediation plan prescribed by KARC shall constitute a continuing violation for which cumulative daily fines may apply.

*Adopted by the KPOA Board—July 18, 2005*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Revised and Approved by the KPOA Board of Directors—April 17, 2009*

*Revised and Approved by the KPOA Board of Directors--June 21, 2013*

*Revised and Approved by the KPOA Board of Directors—August 17, 2016*

*Revised and Approved by the KPOA Board of Directors—July 21, 2017*

*Revised and Approved by the KPOA Board of Directors—August 18, 2017*

*Authority: Declaration, paragraph 1*

## C. Fencing (KARC-03)

In order to preserve the natural beauty of our community, there shall be no fences built in Kenmure unless approved by KARC. Fencing requests must be submitted on Form NEH5 (Fencing Application) available in the Forms Section on the KOA website. If applicable, condo association approval is required prior to KARC approval.

If approved, the fence must meet the following requirements:

1. Fence is minimally visible from Kenmure Roads or nearby residences.
2. Fence is not taller than 4 feet (Exception: fences bordering Kenmure community perimeter may be 6 feet high).
3. Fence is acceptable fencing material: i.e., wrought iron, steel or aluminum in a dark color. Wood, chain link, or synthetic materials are not allowed.
4. Fence is screened with evergreen plants.

*Adopted by the KPOA Board of Directors—August 18, 2003*

*Revised and Approved by the KPOA Board of Directors—November 2, 2008*

*Revised and Approved by the KPOA Board of Directors—August 22, 2011*

*Revised and Approved by the KPOA Board of Directors—June 19, 2015*

*Revised and Approved by the KPOA Board of Directors—October 16, 2015*

## D. Awnings (KARC-04)

Because outside decks are often exposed to direct sunlight and heavy rainfall, awning protection is permissible.

### Requirements for Awnings

The following requirements must be met before awnings are approved:

- **Type**—Retractable awnings, if practical, are recommended.
- **Material**—Material shall be a cloth-type fabric. Aluminum or vinyl is not permitted.
- **Color**—Color shall be solid, moderate, compatible with the forest setting, and blend with exterior color of the house or condominium. Stark white, off-white, patterns, stripes and pastel colors will not be approved.
- **Placement**—Awnings over swinging doorways or windows are not permitted. Awnings must maintain the present elevation profile and not extend more than 12' beyond existing deck structure.

### Approval Process for Awnings

Awnings require the prior written approval of KARC. An application showing the floor plan with the location of the proposed awning is required and shall include a sample of the awning material, showing color and quality. A photograph of the side of the house, condominium, villa, or cottage where the awning is to be installed shall be attached to the application.

*Adopted by the KPOA Board—August 18, 2003*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Revised and Approved by the KPOA Board of Directors—September 15, 2017*

*Authority: Declaration, paragraph 7*

## **E. Wind Turbine (KARC-08)**

Kenmure discourages wind turbines, both because inconsistent winds in this area do not generally support profitable operation and because wind turbines are inconsistent with the wooded atmosphere that is fundamental to Kenmure. However, they will be considered under the following limitations:

- Requires special use zoning permit from Henderson County
- Maximum height above roof peak of 10 feet
- Maximum turbine diameter at blade tips of 6 feet
- Manufacturer certification—no sound and no vibration
- At wind speeds above 42 MPH the blade unit must turn parallel with the wind direction
- Unit may be pole or roof mounted. If roof mounted, the maximum wind load of each tripod foot connection shall not exceed 100 pounds (manufacturer's certification)
- No more than one (1) turbine shall be installed on a single lot and that turbine must have a payout that makes practical sense
- Must be consistent with North Carolina Ridge Law

Submit with this application a lot plan showing the location of the proposed wind turbine and details concerning meeting the above limitations, including an approved Henderson County Special Use Permit. Include a description/specification of material, showing color. Attach a photograph of the side of the house, or other location, where the wind turbine is to be installed.

On receipt of this application and required submittals, the KARC will review same at a regularly scheduled meeting, and give its decision for final action, normally within two weeks.

*Approved by the KPOA Board of Directors—January 5, 2012*

*Authority—Declaration, paragraph 7, 17*

## **F. Solar Panels**

Solar Panel Systems are permitted by Federal Government Code 65850.5 and Henderson County (Section SR 2.11 of the Henderson County Land Development Code) for all Kenmure lots.

Kenmure limitations include:

- Panels shall be mounted flush with pitched roof surfaces and arranged together in no more than 2 groupings – panels may be ganged together with DC batteries to achieve an “off the grid” status.
- Panels shall have anti-reflection coatings and the glare shall not affect vehicle traffic on roads or other Kenmure residents.
- Tree removal to improve efficient operation will not be considered or condoned.

## **G. Mailboxes**

Mailboxes shall be installed in accordance with KRMC standard design (Form KRMC 01).

KARC shall be responsible for approving mailboxes associated with new houses. KRMC shall be responsible for storm damaged mailboxes on existing houses. Requests for revising existing mailboxes may be sent to KARC (KARC Form 04).

## H. Fireworks, Fires and Devices Using Fire (KSC-06)

Purpose: Fire is the **single largest threat** to the Kenmure community as a whole, and prevention of fire is a major concern for all homeowners. **Homeowners and KPOA insurance requirements may also be integral to this rule.**

Approval and Enforcement: KARC is charged with all Approvals and KSC is charged with all Enforcement of this Rule.

Rule:

1. Use of fireworks or similar incendiary devices, setting of bonfires, or conducting outdoor burning is prohibited at all times.
2. Use of an open fire pit device on a deck or yard is prohibited except as follows:
  - a) Fire pits that are fueled by either propane or natural gas may be installed on **non-covered** decks or patios **contiguous to the residence**, provided they are not subject to any overhang of trees or shrubs within 10 feet of such installation, or such that falling leaves or debris might land on each operating fire pit and cause hot fly ash dispersions.
  - b) Such fire pits may be installed on **covered** decks or patios **contiguous to the residence** provided that any overhanging roof is higher than 10 feet above such installation.
  - c) Fire pits must have a screen cover, a manual cut off valve, and an automatic timer switch installed on the incoming gas line in order to assure fuel cut off after a prescribed time as set by the owner. (See Fire Magic part 3090, less than \$100, as an example: [www.grillandpatio.com/fire-magic-accessories-76/fire-magic-barbeque-accessories-82/fire-magic-3-hour-automatic-timer-safety-gas-shut-off-valve-274.html](http://www.grillandpatio.com/fire-magic-accessories-76/fire-magic-barbeque-accessories-82/fire-magic-3-hour-automatic-timer-safety-gas-shut-off-valve-274.html))
  - d) All fire pit devices must otherwise conform to the North Carolina Residential Code, the North Carolina Fire Code, and the North Carolina Fuel Gas Code and shall be installed per manufacturer's instructions. The URL link to the applicable codes is at the end of this rule for owner's use.
3. Fireplaces and grills without chimney may be installed on **non-covered** decks or patios according applicable North Carolina Codes and Manufacturer's Specification. Fireplaces and grills with chimney may be installed on **covered** decks or patios according to applicable North Carolina Codes and Manufacturer's Specifications. All fireplaces must have a screen installed during operation. Residents of condos may be subject to prohibition or additional restraints based on North Carolina Codes or Condo Association rules. Consult with the Condo Association for their current rules.
4. It is the responsibility of the Owner to insure compliance with all applicable North Carolina Codes and Manufacturer's Specifications.
5. The attached form must be approved by KARC prior to any construction/installation of **fire pit** devices. This form is to be used for New Home, Additional, or Modified construction. Condo and cottage owners must get their Association's approval for the installation before submitting the document to KARC for final approval.
6. Compliance to this Rule is required for all residents and property owners who have such devices currently installed (April 2012).
7. Violators may be subject to fines in accordance with Section 11.3 of the KPOA Bylaws.

*Adopted by the KPOA Board of Directors—June 23, 2004*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Revised and Approved by the KOA Board of Directors—April 13, 2012*

*Authority: Kenmure Declaration paragraph 32C*

## **V. CONSTRUCTION RULES RELATING TO ROADS**

### **A. Kenmure Road Maintenance Committee**

Kenmure Road Maintenance Committee (RMC) manages approximately 20 miles of road along with the associated right-of-way, both owned or controlled by KPOA. Although the actual width of ownership/responsibility on each side of the road varies from 14 to 21 feet from the edge of the road surface, the practical application for property owners of the requirements listed below is generally within 10 feet of the road edge.

RMC is responsible for maintenance of the ROW, including the resurfacing, patching, and striping of roads; snow removal; sanding icy roads; road sign installation and maintenance; mowing, other than landscaped areas; debris removal from and upkeep of drainage ditches and shoulders of roads; dead tree removal and tree/shrub trimming.

This keeps the ROW in a condition which:

- Minimizes erosion and damage to roads
- Provides safe conditions for motorists and pedestrians
- Retains the natural beauty of the areas adjacent to the roads

The following requirements or restrictions apply to all areas in Kenmure, including the Cottage Area and those covered by the various Condominium Associations. These requirements/restrictions are designed to help maintain proper drainage and eliminate erosion, promote vehicle safety on the roads, provide access for large emergency vehicles (e.g. fire trucks) to all residences, and enhance aesthetics.

### **B. Curbing and Water Diversion (KRMC-05)**

Curbs, or structures installed along the edge of the driveway, and water diverters (typically asphalt, curb-like additions installed across a driveway to prevent water from running down the drive) must be installed at least 2 feet from the edge of the road surface and must not direct water onto the road or adjoining property.

No curbs are to be installed along the road without specific approval of Kenmure Road Maintenance Committee. Normally, such curbs will not be approved because they interfere with road plowing.

**NOTE: It is UNLAWFUL to channel water onto adjacent property.**

*Approved by the KPOA Board of Directors—November 21, 2005*

*Revised and Approved by the KPOA Board of Directors – November 21, 2008*

*Revised and Approved by the KPOA Board of Directors – August 19, 2014*

*Authority—Declaration, paragraph 3C*

## **C. Right of Way Landscape Alterations (KRMC-02)**

While property owners are encouraged to help beautify the unpaved right-of-way adjacent to their property, no projects can be undertaken that would affect drainage, safety, or aesthetic without the written approval of a plan submitted to the KARC and KRMC. KPOA retains ownership and/or control of the right-of-way, regardless of owner enhancements.

### **Standards for alteration of the right-of-way**

**Project scope**-Projects include all changes or alterations to the right-of-way from its original condition, including removal or addition of trees and other vegetation, addition of landscaping/permanent structures, rocks, sprinkler systems, and the initial planting of grass or initial spreading of mulch

**Material placement**-No plantings shall be added that will grow to within 4 feet of the edge of the road. Low growing shrubbery with a maximum height of 24 inches at maturity may be planted in the right-of-way, but it must be no closer than 4 feet from the edge of the road.

**Size of material**-New trees and shrubbery larger than 24 inches tall at maturity may be planted in the right-of-way, but they must be a minimum of 10 feet from the edge of the road.

**Material height**-Any grass or sod planted in the right-of-way cannot be higher than the road and must slope away from the road by 1 inch for each foot planted.

*Approved by the KPOA Board of Directors—August 18, 2003*

*Revised and Approved by the KPOA Board of Directors – November 21, 2005*

*Revised and Approved by the KPOA Board of Directors – November 21, 2008*

*Authority—Declaration, paragraph 3C*

## **D. Right-of-Way Maintenance (KRMC-03)**

Projects or alterations completed in the right-of-way by the owner are the sole responsibility of that owner, and the owner will be responsible for all maintenance and damage repair expenses associated with the alterations.

### **Procedures related to right-of-way maintenance**

Questions concerning right-of-way maintenance responsibility will arise, especially from new owners of homes resold in Kenmure. New owners may be unaware of inherited responsibility; however, homeowner improvements in the right-of-way pass to subsequent owners. The following procedures apply to right-of-way maintenance.

**Culvert maintenance**-Property owners are responsible for keeping their driveway culvert free of obstructions.

**Leaf removal**-KRMC collects and removes leaves that have fallen in the right-of-way and may impede natural drainage along the right-of-way. Leaves deposited in the right-of-way by owners are the responsibility of the owners to remove. If the KRMC is required to remove the leaves because of the owner's failure to do so, then the owner will be billed for the cost of removal.

**Right-of-way restoration**-The property owner may be required to restore the right-of-way to its original condition if it has been altered without the prior written approval of the KARC and KRMC. If the owner fails to restore the right-of-way, then KRMC will bill the cost of restoration to the owner.

**Utility companies working in the right-of-way**- Utility companies who periodically do work in the right-of-way, such as telephone, power, gas, water, and television companies, are to identify the area to be worked to the gate house security force. Kenmure Security will then notify the right-of-way repair person on KRMC of the work to be done. During their normal rounds, Kenmure Security will monitor the work being performed and notify the right-of-way repair person on the committee of any problems noted. Kenmure Security will log the utility company work in their log, noting approximate start and completion times. The right-of-way repair person on KRMC will periodically check the work site. If unsatisfactory conditions are noted, they are to be discussed with workers' supervisor. Any right-of-way damage that occurs is to be corrected by the utility to "as found" or better conditions.

**Property owner's right to forgo right-of-way maintenance**-If an owner wishes to forego maintaining an owner-improved right-of-way, KRMC will describe its right-of-way maintenance responsibilities and then-current procedures. The owner will be made aware that KRMC repair or maintenance procedures MAY result in reduction or elimination of landscaping enhancements in order to facilitate regular KRMC maintenance procedures.

Upon written owner agreement, KRMC will perform regular repair and maintenance within the right-of-way in accordance with maintaining a structurally sound and safe road system. However, this will NOT include the repair or maintenance of any landscaping enhancements installed by the owner or predecessors. KRMC reserves the right to bill an owner for the cost of restoring the right-of-way to a KRMC-manageable condition.

*Approved by the KPOA Board of Directors—August 18, 2003*

*Revised and Approved by the KPOA Board of Directors – November 21, 2005*

*Revised and Approved by the KPOA Board of Directors – November 21, 2008*

*Authority—Declaration, paragraph 3C*

## **E. Right-of-Way Dead and Fallen Trees (KRMC-04)**

In the event that a tree falls from an owner's property onto a Kenmure road or the right-of-way, the owner is responsible for the cost of removing the tree.

### **Procedures related to dead and fallen trees**

- Any such tree that blocks the road will be cut and moved at least 3 feet off the edge of the road by KRMC, and the owner will be billed for the associated cost. Removal from the roadway will be done immediately in order to maintain road safety.
- Where practical, KRMC will attempt to notify the owner that the tree must be removed from the right-of-way within 3 days. If the work is not completed within 3 days, or if the owner cannot be reached, KRMC will contract to have the tree removed, and the owner will be billed for the associated costs.
- In unusual circumstances, such as the tree's being too large or insufficient shoulder is available such that the tree cannot be moved at least 3 feet off the edge of the road, the KRMC will cut and remove the tree in order to eliminate dangerous driving conditions. The owner will be billed for all the associated costs.
- In the event that a tree falls from the right-of-way onto a property owner's property, KRMC will remove the tree at KPOA expense.
- Because property owners are responsible for the removal of dead trees on their property that have the potential of falling onto the right-of-way or the roadway, KRMC will notify the owners in writing if such a situation is discovered in the course of routine right-of-way inspections. This will provide early warning to assist property owners in disposing of possible safety hazards

*Revised and Approved by the KPOA Board of Directors – November 21, 2005*

*Revised and Approved by the KPOA Board of Directors – November 21, 2008*

*Authority—Declaration, paragraph 4C*



## **VI. CONTRACTOR RULES, VEHICLES & WORK HOURS**

### **A. Gate Access (excerpt from KSC-04)**

In order to maintain Kenmure as a safe and secure community, KPOA has adopted a gate access policy.

**Contractors** -All contractors are to sign in at the Gatehouse and obtain a temporary pass. Temporary passes may be issued for up to one week for regular contractors and sub- contractors. The temporary passes are to be returned to the Gatehouse upon exit of Kenmure, or when the pass expires. Access is granted on the condition that current KPOA Rules and Regulations are followed.

*Approved by the KPOA Board of Directors—March 3 & 18, 2003*

*Revised and Approved by the KPOA Board of Directors –April 18, 2005 and November 7, 2005*

*Revised and Approved by the KPOA Board of Directors – November 21, 2008*

*Authority—Declaration, paragraphs 3D & 18*

### **B. KSC Rules for Contractors**

- General contractors (inc. landscaping) are responsible to insure that all vehicles working on their job (own and subcontractors) are maintained in good order. This responsibility includes any and all cleanup costs of Kenmure roads caused by spills from construction vehicles going to/from their jobsites.
- Vehicles that are obviously overloaded or in unsafe condition may be denied access at the Kenmure gate.

## **C. Contractor Work Hours (KSC-05)**

**Definition:** Contractors are individuals who do work under written or verbal contracts with residents, lot owners, or KEI management. They are either individuals who perform work related to new home construction or major home renovation and fall under KARC oversight authority, or they are individuals who perform lawn maintenance, delivery service, utility operators, or resident requested services. The first category will be referred to as “KARC contractors,” and the others as “delivery/service/utility operators.” Refer to KSC-01 “Enforcement”.

### **Normal work hours**

KARC contractors and delivery/service/utility operators in Kenmure are allowed to work Monday through Friday from 7:00 am to 5:00 pm and must be off property by 5:30pm. Saturday work is permitted from 8:00 am to 4:00pm provided the contractor complies with the Saturday Work Rules, below. Contractors must be off property by 4:30pm.

### **Extended work hours**

Work, and deliveries, on weekdays before 7:00 am or after 5:30 pm or on Saturday before 8:00 AM or after 4:30 PM require special approval by the KSC member on call. Permission will be given only in unusual or “hardship” situations and only for specified and limited work hours. The length of the extension, name of the KSC member who approved the extension and the reason for the extension must be entered in the Security Staff’s daily log for record purposes. Contractors wishing to work after normal hours must contact the Gatehouse Security Officer to request approval. Security Officers will call the KARC on-call member to obtain approval or disapproval. No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter any Kenmure gate after hours; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during those times.

### **Saturday work rules**

No outside noise-making activity by any contractor will be permitted on Saturdays with the exception of normal lawn mowing and blower clean up. Landscape work not involving power equipment is permitted. Fall leaf blowing and clean up will be permitted on Saturdays between the hours of 8:00 a.m. and Noon only, and no extensions of this rule beyond Noon will be permitted. Examples of non-permitted activities include, but are not limited to: lot clearing, stump or tree removal, use of chain saws or chippers, nailing with a pneumatic or cartridge nail gun, installation of siding, roofing or decking, power washing or other use of compressors, and resurfacing of driveways.

No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter any Kenmure gate on Saturday or after hours on weekdays; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during those times. Exceptions include vehicles seeking entry to perform KPOA contracted work or extenuating circumstances and ONLY after a KSC member on call must be advised and give permission. Moving vans may also be allowed on Saturdays after approval by the Security Site Supervisor or KSC Member on call.

No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter any Kenmure gate on Saturday or after hours on weekdays; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during those times. Exceptions include vehicles seeking entry to perform KPOA contracted work or extenuating circumstances and ONLY after a KSC member on call must be advised and give permission. Moving vans may also be allowed on Saturdays after approval by the Security Site Supervisor or KSC Member on call.

### **Sunday and Holiday Work**

No work is permitted on Sunday or holidays. Holidays include Memorial Day, July 4, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day. No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter any Kenmure gate on Sundays or holidays; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during these days. Exceptions include vehicles seeking entry to perform KPOA contracted work or extenuating circumstances and ONLY after a KSC member on call is advised and gives permission. Moving vans are not allowed on Sundays.

### **Special allowed work/deliveries**

During off-hours and on Sundays and holidays; US Post Office/UPS/Fed Ex/DHL package deliveries; medical services and emergency services/deliveries; convenience deliveries such as fast food and party providers will be allowed by the Security Officers. All other deliveries during these times and days require approval by the KSC on-call member or KSC Chair.

### **Exceptions to Saturday and Sunday work**

Residential emergencies such as plumbing and HVAC problems, electrical/internet/cable outages, and roof leaks will normally be granted exceptions. Hardship situations will be considered on a case-by-case basis by the KSC member on call.

### **Enforcement Procedures**

After 5:30 pm weekdays and after 4:30 pm Saturdays, Security officers will monitor the exit gate to ensure that all KARC contractors and delivery/service/utility operators have left Kenmure. They will also conduct a drive-by of construction sites between 5:00 pm and 6:00 pm on weekdays and 4:00 pm and 5:00 pm on Saturdays to insure work has ceased at those sites.

If any contractor leaves Kenmure after normal hours, Kenmure Security Officers will deliver a verbal reminder concerning the rules to the offender; obtain the individual's name, the name of the contractor, vehicle license number, and owner/name/address where the work was being done. This information will be logged into the security record and the violator's supervisor, where applicable, will be advised of the rules violation. The violation will also be reported to KSC. If the individual is a KARC contractor or sub, the general contractor will also be notified of the violation by the Security officers.

Delivery/service/utility operators who violate these rules a third time may be denied access to Kenmure for a period of time by the Security Committee if approved by the KPOA board. If repeated violations occur and KARC contractors or the sub-contractors of their suppliers for a new home are responsible, the Security Site Supervisor will contact KARC, who may then elect to take action against the contractor/lot owner through a reduction of the refundable building deposit. KARC will take the lead on enforcement action against general contractors and their employees, rather than KSC.

The general contractor is responsible for employees, subcontractors, and all persons who supply material and labor for the fulfillment of the general contractor's contract observing Saturday work rules. Any failure to comply by employees, subcontractors, and/or material and labor suppliers can be charged against the general contractor. Any failure to comply by an employee or subcontractor or by an employee of a material and labor supplier can also be charged against the employer of that employee. The ultimate responsibility remains with the property owner.

*Adopted by the KPOA Board of Directors on March 3, 2003*

*Revisions adopted by the KPOA Board on April 18, 2005 and November 7, 2005*

*Revised and Approved by the KPOA Board of Directors—November 21, 2008*

*Revised and Approved by the KPOA Board of Directors—July 15, 2011*

*Revised and Approved by the KPOA Board of Directors—May 18, 2012*

*Revised and Approved by the KPOA Board of Directors—November 20, 2015*

*Revised and Approved by the KPOA Board of Directors—July 21, 2017*

*Authority: Declaration, paragraph 3D & 18*

## **D. Violations and Enforcement**

As stated in Section 7.G of the Declaration:

*In the event any Lot Owner violates the terms of this section, KPOA or its duly appointed agent, shall give written notice to the Lot Owner to cure such violation. In the event of the failure of the Lot Owner to cure such violation within thirty (30) days, the KPOA shall be entitled to enter upon the property of the Lot Owner and remedy such defect including removal of any structure built in violation hereof, all at the expense of the Lot Owner. This right of KPOA or its agent, shall be in addition to all other general enforcement rights which KPOA may have for a breach or violation of the terms of this Declaration and shall not be deemed a trespass by the KPOA or its agent.*

### **Contractors**

The KPOA Operating Committees (KARC, RMC, SC) intend to rigorously impose penalties on contractors for violations that are associated with, but not limited to:

- Failure to follow good building practices (e.g. silt protection, drainage provisions, mud mats, repeated violations of trash accumulation, etc.)
- improper condition, operation, & parking of vehicles
- violation of Kenmure contractor work hours
- unapproved changes, damage, or disruptions to Kenmure roads and Right of Way
- other restrictions noted in the Construction Rules and Policies & related Forms (e.g. fires, excessive noise, disruptions to adjacent lots, inadequate coordination with utility services, etc.)
- violations of timelines; exterior house/site plan changes without prior approval, including landscaping, driveway, fences, awnings, etc.; tree removal beyond that permitted in these Rules and Policies; exterior alterations to existing houses, condos, villas, & cottages as outlined in these Rules and Policies, etc.

The KPOA Operating Committee(s) will treat the degree of penalties on a case-by-case basis, but will follow the KPOA Board Procedure for Enforcement Action – Contractors.

### **Rules:**

If there is a violation of the Rules and Policies for Construction or Alteration of Single Family Dwellings, the general contractor will be contacted to correct the situation. If there are any future violations of said Rules and Policies, a letter will be sent to the owner and the general contractor specifying a date by which the violation must be corrected. Failure to correct the violation by the date specified, or any additional violations will result in withholding up to \$100 per day from the refundable deposit for each violation.

If a contractor exhausts the deposit with these violations, actions outlined in Section II. E., Contractor Penalties Process, may be invoked. It is not our intention to impose penalties but the Rules and Policies for the Construction of Single Family Dwellings must be enforced.

Contractors who repeatedly violate the Declaration, the Rules and Regulations, or these Rules and Policies, will be subject to rescission of approval to be a contractor in Kenmure. This rescission of approval shall be preceded by at least three journeys through the KPOA Board Procedure for Enforcement Action – Contractors (reduction of deposit not required), except in the most serious cases, where rescission of approval may be imposed for a single incident, subject to the approval of the KPOA Board.

Partial rescission of approval, imposed during construction of a house in Kenmure, will normally be for 6 months (no additional houses by that Contractor will be approved by KARC during this period).

Full rescission of approval, imposed at the completion of all Kenmure houses currently under construction by that Contractor, will normally be for 2 years, but may be up to 5 years, depending on the circumstances.

Contractors will be given the opportunity to meet with the appropriate KPOA Operating Committee to appeal the decision to rescind approval. Appeal requests must be presented, in writing, to the appropriate KPOA Operating Committee Chair not more than 10 days after receipt of the letter rescinding KPOA approval to be a contractor in Kenmure.

A contractor may apply to the appropriate KPOA Operating Committee for reinstatement, after the specified period of rescission. The contractor will be given the opportunity to meet with the appropriate KPOA Operating Committee(s) to provide evidence that the violations that caused the rescission of approval have been corrected. If the contractor is reinstated by the appropriate KPOA Operating Committee then the contractor will be subject to a doubling of the Refundable Construction/Landscaping Deposit for the first house to be built after reinstatement. See the Rules and Policies for Rescinding a Contractor's Approval to Build and the Policies for Reinstatement of a Contractor for additional detail.

## **VII. KARC FORMS**

**(See [kenmure.org](http://kenmure.org) website or the KPOA Office for copies of Forms)**

### **New Houses**

	New Construction Fee Schedule
NH 1	Home Design Application
NH 2	Kenmure Building Permit
NH 3	Receipt for Non-refundable Construction Fees to KPOA, Inc.
NH 5	Receipt for Refundable Construction Deposit to KPOA, Inc.
NH 6	Kenmure Occupancy Permit Application
NH 7	Occupancy Permit Checklist (website shows as KARC03)
NH 8	Construction Deposit Refund Request (website shows as KARC04)

### **General Contractors**

NGC 1	General Contractor Information Sheet (required from general contractors before building in Kenmure)
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### **New & Existing Houses**

NEH 1	Landscape Plan Approval Request
NEH 2	Tree Cutting & Shrub Removal Request
NEH 3	Instructions and Approval Form for Awning Installations
NEH 4	Alterations to Existing Houses/Changes during New House Construction
NEH 5	Instructions & Approval Form for Fencing
NEH 6	Solar Panel Systems Approval Request
NEH 7	Wind Turbines Approval Request
	Henderson County Sketch Plan Review Application Form
NEH 8	Fire Pit or Similar Device Approval Request
NEH 9	Satellite Dish/Antennae Approval Request
RMC 01	Mailbox Request Form

### **Existing Houses**

EH 01	Receipt for Refundable Renovation Deposit
EH 02	Renovation Deposit Refund Request (website shows as KARC06)