



**Kenmure Property Owners Association  
10 Kenmure Drive  
Flat Rock, NC 28731**

**Rules and Regulations  
Approved: November 2023**

Approved by the KPOA Board of Directors to be promulgated to residents. Any questions or comments should be addressed to any member of the Board.

## Contents

<b>Rules and Regulations .....</b>	<b>3</b>
<b>Residential Building.....</b>	<b>10</b>
<b>Fencing/Outside Play Equipment .....</b>	<b>14</b>
<b>Awnings.....</b>	<b>16</b>
<b>Exterior Alterations/Additions to Existing Houses, Condominiums, Villas,or Cottages and the Use of Dumpsters/Portable Toilets .....</b>	<b>17</b>
<b>Construction Approval .....</b>	<b>19</b>
<b>Landscape Guidelines and Rules .....</b>	<b>21</b>
<b>Wind Turbines.....</b>	<b>23</b>
<b>Flags and Flag Poles/Antennae.....</b>	<b>24</b>
<b>Exterior Lighting for both New Home Construction and Additions to Existing Houses, Condominiums, Villas or Cottages.....</b>	<b>25</b>
<b>Mailbox Installation and Replacement.....</b>	<b>28</b>
<b>Right-of-Way Landscape Alterations .....</b>	<b>30</b>
<b>Right-of-Way Maintenance .....</b>	<b>31</b>
<b>Right-of-Way Dead and Fallen Trees .....</b>	<b>32</b>
<b>Curbing and Water Diversion.....</b>	<b>33</b>
<b>Right-of-Way Reflectors .....</b>	<b>34</b>
<b>Winter Storm Management.....</b>	<b>35</b>
<b>Kenmure Roads and Traffic Safety .....</b>	<b>37</b>
<b>Moving Vans/Large Trucks.....</b>	<b>41</b>
<b>Real Estate, Estate/Garage Sale, and Political Signs .....</b>	<b>43</b>
<b>Gate Access .....</b>	<b>45</b>
<b>Contractor Work Hours .....</b>	<b>47</b>
<b>Fireworks, Fires, and Devices Using Fire.....</b>	<b>49</b>
<b>Argyle Lane Gate Access .....</b>	<b>50</b>
<b>Appendix I – Enforcement Process .....</b>	<b>55</b>

# Rules and Regulations

## Preface

The KPOA Board of Directors has officially adopted the Rules and Regulations contained in this publication. The Declaration of Restrictive Covenants for Kenmure (Paragraph 44) provides the following statements relative to the establishment and enforcement of Rules and Regulations:

### ***Rules and Regulations Must Be Consistent with the Declaration***

The Board may from time to time promulgate reasonable rules and regulations respecting the restrictive covenants set out in this Declaration, but such rules and regulations shall be consistent with this Declaration and not in derogation of or intended as an amendment thereof.

### ***Rules and Regulations Will Address the Use of Common Elements***

The Board may from time to time promulgate reasonable rules and regulations respecting the use of the Common Elements, including exclusive use of part of the Common Elements (such as picnic facilities, if any) by a Unit Owner and his or her guests, which exclusive use may be conditioned upon, among other things, payment of a fee.

### ***Rules and Regulations Are Subject to General Powers of the Board***

The Board may from time to time, without the consent of the Members, promulgate, modify, or delete rules and regulations applicable to Lots and Family Dwelling Units, Common Elements, administration and management of Kenmure, or Kenmure as a whole. Such rules and regulations shall be binding upon all Unit Owners, guests of Unit Owners, tenants of Unit Owners, contractors and other guests until and unless overruled, canceled, or modified in a regular or special meeting by the vote of Members holding a majority vote in the Association. Such rules and regulations may be enforced by the Association in accordance with the Act, this Declaration and Bylaws, to include but not be limited to the imposition of fines and penalties pursuant to Sections 47F-3-102 (11) and (12) and 47F-3107.1 of the Act, after notice and an opportunity to be heard.

## Common Definitions and Acronyms

***Board*** refers to the Board of Directors of the Kenmure Property Owners Association, Inc.

***Declaration*** refers to the Third Amended and Restated Declaration of Restrictive Covenants Governing Kenmure.

***KCC*** refers to Kenmure Country Club including Kenmure 11 LLC, Kenmure 12 LLC and Kemper

***Kenmure*** refers to the community consisting of 1,400 acres, more or less, that is described in the Declaration.

***KPOA*** refers to the Kenmure Property Owners Association, Inc.

***KRMC, KARC, and KSC*** refer to the operating committees of KPOA, which are the Kenmure Road Maintenance Committee, Kenmure Architectural Review Committee, and the Kenmure Security Committee, respectively.

***Unit Owner*** is the same as a Lot Owner, as that term is defined in the Declaration. It refers to the owner or owners as shown on the real estate records in the office of the Register of Deeds of Henderson County, North Carolina, of a fee simple title to any Unit situated within Kenmure.

***Unit*** refers to a Residential Lot (an unimproved parcel of land located in Kenmure restricted as a site

for a Single Family Residential Dwelling, as defined in the Declaration) or Family Dwelling Unit (improved property used as a Single Family Residential Dwelling, including condominium living units, as defined in the Declaration).

Other terms used but not defined in these Rules and Regulations will have the meaning as is provided in the Declaration. Any discrepancies between terms used in these Rules and Regulations and terms used in the Declaration will be resolved in favor of the Declaration.

## **Trees**

### **(KARC-01)**

KARC has the 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 the action impacts the community of Kenmure.

For the purpose of this rule, any plant in excess of 20 feet tall will be considered a tree regardless of species, and all rules regarding cutting, trimming, or topping must be followed.

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

#### **Permit Process**

The following is the procedure for a Unit Owner (including the owner of a condominium or a villa) to request tree removal, tree trimming, and underbrushing. Please plan ahead and make an advance inquiry. Only under emergency conditions might KARC respond to same-day requests.

- The Unit Owner should determine the scope of the request. If the Unit Owner requires professional advice, a licensed arborist should be consulted.
- The Unit Owner must verify that the affected trees are on his or her property.
- Trees across a property line may be approved, but only with agreement from the other Unit Owner. The permit for tree work will be issued to the Lot Owner who owns the property where the trees are rooted.
- The KARC representative for Trees must be contacted for all tree work. Contact information can be found at the back of the Kenmure Directory or on KPOA website under KARC.
- In the case of a condominium or villa Unit Owner, the Unit Owner first needs to contact his or her HOA Board, who will then contact KARC regarding permit issuance.
- The KARC representative will arrange an on-site meeting with the Unit Owner (and HOA representative) and prepare a written permit (NEH2 form) to be signed by both KARC and the Unit Owner (and HOA representative) to define the project scope.
- If the Unit Owner is unable to meet directly with KARC, then an agent (realtor, family member, tree contractor) may act on behalf of the Unit Owner with respect to the permit.
- In the case in which KARC believes that further review by committee is warranted, permit issuance may be delayed until the next monthly KARC meeting.
- Once the permit is issued, tree work may begin.
- At the time of work the Unit Owner MUST present the permit to the contractor for his, her, or her signature. In this way, the Unit Owner and the contractor accept joint responsibility for compliance with the permit. The Unit Owner should retain the signed permit for his or her records.
- Only approved contractors from a list on the KPOA website may be used for tree work.

Unapproved contractors may be allowed access by signing a form that they understand our rules agree to follow them.

Any contractor that does work not approved by KARC may be suspended from doing any work in Kenmure for such a period as determined by the Board or terminated as an approved Kenmure contractor.

### **General Tree Trimming and Removal Policies**

KARC approval is required by the property owner for removal of trees greater than six inches in diameter as measured four feet from ground level and for native flowering plants.

KARC approval will generally be given when, in its sole discretion, the tree or plant:

- Is damaged, diseased, dead or dying,
- Is leaning toward the residential or other structure such as a deck, pergola, or patio,
- Poses a threat to the residential or other structure, or
- Is within 20 feet of a residential structure or within 10 feet of a driveway.

Trees authorized to be removed must be cut to ground level and removed from the lot or cut and stacked out of view of roads and neighbors.

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

**Clear-cutting:** Clear-cutting/underbrushing is strictly prohibited. "Clear-cutting" is the cutting down and removal of every, or nearly every, tree in an area. Clear-underbrushing is the removal of every, or nearly every plant/bush/shrub in an area. This may be allowed in conjunction with an approved landscaping plan.

**Lollipoping:** Trimming up (limbing up) of trees is allowed only in the lower 2/3 of the tree and must be approved by KARC in writing prior to the commencement of any work. Trimming in the upper 1/3 of the tree is prohibited.

**Topping:** The practice of removing the tops of trees ('topping') is strictly prohibited.

**Shaping:** "Shaping" of trees is ONLY allowed for Leyland cypresses and arborvitae ("green giants"). Shaping must maintain the health of the tree and be aesthetically pleasing. Consult an arborist to determine the best manner for shaping your trees. Major shaping may only be done in the winter months to avoid heat and sun damage to trees. All shaping of trees requires written KARC approval. Regular maintenance and minor trimming may be done without prior KARC approval.

**Emergencies:** Emergency situations that may cause injury or damage to person or property (such as hanging large, broken branches or downed trees due to wind or ice) are an exception and may be removed immediately but must be reported and approved by KARC in writing as soon as possible after commencement of work.

**Maintenance:** Routine landscape maintenance (trimming of shrubs and small ornamental trees under 20 feet in height) are exempt from the permit process set forth above and does not require KARC approval.

KARC will always try to work with Unit Owners to find solutions that maintain the safety, health, and beauty of Kenmure's trees. However, there may be overriding circumstances that result in the denial of a tree trimming or removal request, including the following:

- **Environmental impacts.** If removal of trees would cause erosion, slope instability, damage to sensitive species, or other negative environmental impacts, the request may be denied.
- **Viewshed impacts.** If removal/trimming of trees would cause a noticeable change in the viewshed of Kenmure (as seen by neighbors and/or community members), the request may be denied. Tree removal/trimming that would impact the privacy of a neighbor's home, or tree removal that would result in a home being more visible from the golf course, would fall under this rule.
- **Area Impacted.** If removal of trees would impact an overly large area, the request may be denied.

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

Trees, including native trees and native plants, shall not be removed or trimmed to create or enhance 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, native trees and native flowering plants for creation, restoration, or enhancement of a view corridor may be permitted when it will enhance the value of the property and have no significant negative impact on neighbors or the overall value and natural beauty of Kenmure. The creation or restoration of a view corridor of up to 20 degrees may be approved. Permission to create or restore a view corridor in excess of 20 degrees will not be granted, regardless of the width of the area to be cleared. View corridors may under no circumstances exceed 100 feet at their widest point. View corridors will be measured from tree trunks, not foliage. Native shrubs and groundcover will be preserved.

KARC may require that the Unit Owner, at the Unit 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 or remove to create or enhance a view corridor. If native trees and native flowering plants are removed to create or enhance a view corridor, KARC also may require that the Unit Owner plant on the property other native plants and trees that will not encroach upon the view corridor.

#### **Removal or Trimming of Trees and Flowering Plants on Undeveloped Residential Lots**

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 may not be removed.

As an exception to this requirement, when the undeveloped Residential Lot is adjacent to and owned by

the same resident of an existing house, then the rules applicable to the undeveloped lot will be the same as the existing house.

In general, requests to clear undeveloped Residential Lots to create views will be denied unless work is minimal (*e.g.*, removal of vines and small branches).

### **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, area to be cleared, and construction parking area. Trees and native flowering plants to be removed or trimmed will be marked with flagging. The limit of the area to be cleared shall be staked in such a way that the stakes will remain after the completion of clearing.

When notified, KARC will make an on-site inspection and may make a photographic record of the original property conditions.

The guidelines set above will be followed for KARC approval on new construction sites:

- Within the footprint of the septic field
- Within the footprint of the house plus 20 feet
- Within the footprint of the driveway plus 10 feet
- Within the footprint of slopes that must be cut or filled for construction

Requests to remove trees or flowering plants exceeding the 20 and 10 foot rules described above will be considered by KARC if the root system of trees/plants will be damaged during the construction process to the point where trees/plants may die. Any additional removals not permitted will require remediation by the Unit Owner prior to a certificate of occupancy being issued.

KARC approval, in writing, is required by the Unit 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**

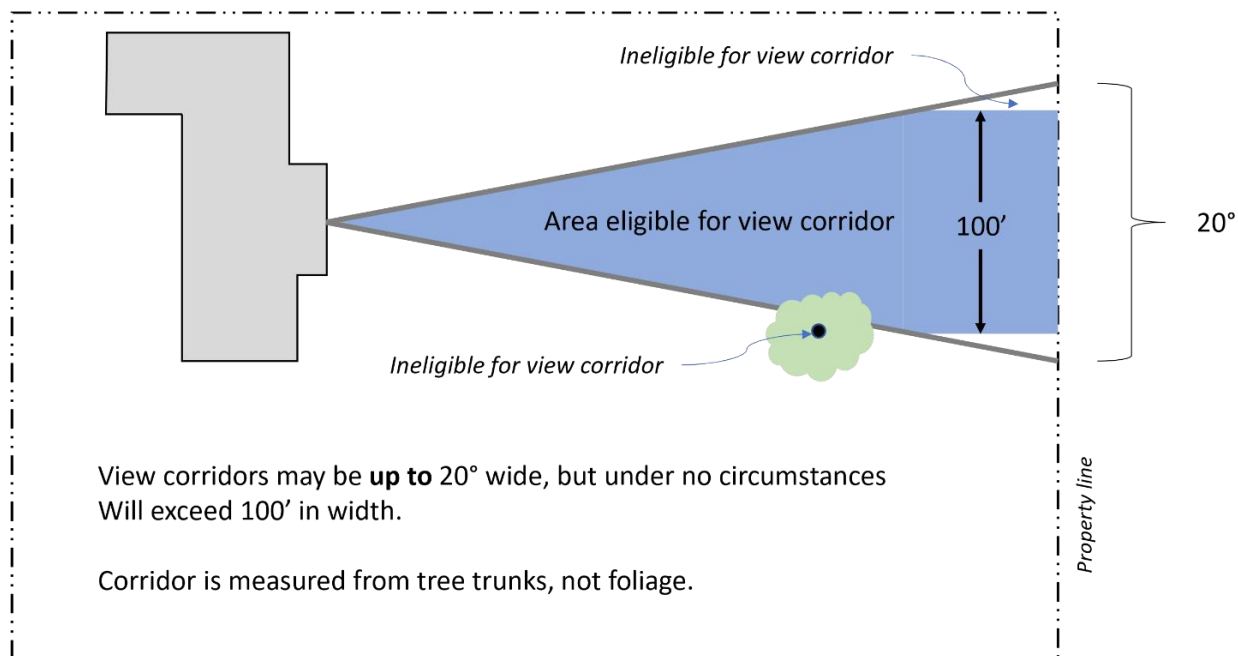
Trees, including native trees and native flowering plants, shall not be removed or trimmed to create a view without prior written KARC approval. At such time as the contractor shall have finished framing the home or thereafter, KARC will make an on-site inspection and may make a photographic record of the current property conditions. The reasonable removal of trees, including native trees, and native flowering plants for creation of a view corridor may be permitted when it will enhance the value of the property and have no significant negative impact on neighbors or the overall value and natural beauty of Kenmure. KARC may require that the Unit Owner, at the Unit 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 corridor and to provide for long-term maintenance of a view.



## Violations and Remedies

Each tree, including native trees and native flowering plants, removed, topped, or trimmed requiring KARC written approval prior to work and for which such approval was not obtained by the Unit Owner, or which the Unit Owner has negligently or intentionally damaged, the Unit 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 Community Act, and for replacement of each tree, native tree, or native flowering plant so removed and remediation or replacement of those improperly topped or trimmed in accordance with the requirements of KARC. The fine for each violation shall be defined as an amount not to exceed \$100.00 per 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.

## View Corridor Definition



*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 KPOA Board of Directors – July 21, 2017*

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

*Revised and Approved by KPOA Board of Directors – March 16, 2018*

*Revised and Approved by KPOA Board of Directors – August 17, 2018*

*Revised and Approved by KPOA Board of Directors – October 14, 2022*

*Authority: Declaration, Paragraph 1*

## 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 non-reflective finishes will be approved.

### ***Exterior Colors:***

#### **Requirements**

- An overarching principle relating to structures to be built on Residential Lots or that are already built on Family Dwelling Units is that they must blend harmoniously with the mountainous and forested environment of Kenmure. All exterior colors on such structures must therefore satisfy the requirements set forth below. "Exterior colors" include the colors used on exterior walls, trim, doors, windows, gutters, decks, railings, and roofing of any structure.
- Exterior colors for structures must, in KARC's judgment, harmonize with Kenmure's natural wooded landscape and with the built environment, such as by use of earth tones that fall into the categories of beige/brown, muted forest greens, gray tones, or similar. Accent colors (e.g., colors on front doors) may be of contrasting colors if used sparingly, but may not conflict with the overarching principle referred to above. In no event, however, will colors be approved if they vary greatly from the standard of color and tone that harmonize with Kenmure's natural and built environment.
- For general guidance on shingles and siding, stark white, off-white, black or near-black, bright pastels, highly saturated/intense colors, and colors approaching primary colors (e.g., red, blue, yellow) will not be approved. Strong contrast between siding and trim colors is not acceptable. Off-white and other tones that would not be approved for siding, but which appear pleasing in combination with the siding color, may be acceptable for trim.
- High-gloss finish paints are not acceptable. Exterior paints shall be one of flat, matte, low-luster, low-gloss, or satin finish. Exceptions: a semi-gloss paint may be approved for trim, and a semi-gloss clear finish is allowable for stained wooden exterior doors. Note that flat finishes reduce the amount of light reflected by the paint and reduce the paint's brightness, so an otherwise unacceptable color might be approved if offered in a flat finish.
- An exception to the guidelines for acceptable colors above will be for alteration projects that require repainting less than 25% of the total painted exterior-wall surface of the home. In

these cases repainting the affected area to precisely match the existing house color will be approved, even if the color might not meet approval for new construction or a major repainting.

### **KARC Approval Process**

**BOTH NEW CONSTRUCTION AND REPAINTING OR RE-STAINING OF EXISTING STRUCTURES, AS PROVIDED BELOW, REQUIRE REVIEW AND APPROVAL BY KARC COMMITTEE MEMBERS BEFORE WORK BEGINS ON THE STRUCTURE.**

- Exterior colors proposed for new construction require KARC approval before work begins on the structure. Tentative approval will be based on paint-blend numbers and a sample chip; final approval will be based on inspection of an actual patch (measuring at least 3 by 5 feet) of the color painted on the surface of the structure once construction has begun. Additionally, requests to use custom colors should be accompanied by a separate, portable painted sample with two coats of the proposed color(s) on a wood surface of approximately 8 by 10 inches for KARC use in comparing the completed paint work to the approved colors if any questions arise.
- Once final approval has been granted, any change in plan (e.g., lightening or darkening a hue) requires filing a new application.
- Repainting or re-staining existing structures also requires KARC approval, but may be based on a paint-blend number and chip if the reapplied color will be an exact match.
- Review and approval, if judged appropriate, of all exterior color requests shall be by a KARC subcommittee of at least three members.
- Simply because a color is currently visible within Kenmore does not mean that color will be approved for new requests.
- Previous color approvals by KARC are not binding precedents for reviewing new requests. Requests are judged case by case for their setting and for compatibility with KPOA's general guidelines on maintaining a visually harmonious community.

KARC's request-and-examination process reflects the reality that there is no feasible way to establish and maintain a definitive list of acceptable colors (short of dictating a finite set of specific paints that residents must select from, with no others permitted). Paint manufacturers offer literally thousands of named colors, and countless custom mixes are possible by blending. Even if a detailed list of acceptable colors were practicable, and even if there were no variations in color perception among observers, other factors combine to make a multi-observer, on-site viewing of proposed colors essential to ensure a fair, flexible, and reasonable process for residents while maintaining compliance with KPOA's general color guidelines. For example:

- A given color looks different on different materials, in different light, or in different settings (e.g., shaded among trees versus sunlit on an open tract, or standing apart versus in proximity to other houses).
- Stain applied to siding will appear less intense than a similar-hued solid paint would if applied to the same surface.
- The larger the painted surface, the more intense the color will appear.
- Paint makers' color chips can be deceiving: they may have faded in the store, or the maker may have reformulated the color since the chip was made.

These variables are among the reasons for KARC's approval process requiring an on-site visual inspection of a painted sample of the proposed color on the home. (Exception: If a resident is proposing repainting or re-staining exactly in the previously approved color, then KARC may, in its sole discretion, base its approval on the paint maker's specific color number and a sample chip without requiring inspection of a sample patch painted on the structure.)

Due to the requirement that at least three KARC members approve all exterior color choices, the approval process may take additional time. While KARC will attempt to review all submissions within a reasonable period of time, due to scheduling issues the process may take several weeks. Please plan accordingly.

**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 four inches 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 that 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.

**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:** All driveways and parking areas must be approved by KARC and KRMC. Driveways and parking areas must be paved with black asphalt, natural (uncolored) concrete, or earth tone pavers. Any other material must be approved by KARC in writing before construction begins.

**Electrical Requirement:** Each house must have a minimum 200 AMP electric service supplied by DukeEnergy or its successor that normally supplies electric service to Kenmore.

**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 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 inches 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 an **Occupancy Permit**, a Unit 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, Unit 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**, 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*

*Revised and Approved by the KPOA Board of Directors – April 20, 2018*

*Revised and Approved by the KPOA Board of Directors – September 16, 2022*

*Revised and Approved by the KPOA Board of Directors – November 17, 2023*

*Authority: Declaration, Paragraphs 7, 26, and 27*

## **Fencing/Outside Play Equipment**

**(KARC-03)**

### **Fencing**

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 KPOA website. If applicable, condo association approval is required prior to KARC approval.

If approved, the fence must meet the following requirements:

1. Fences may only be placed on the side or rear of the house; no fencing is permitted in front of the home.
2. Fence must be fully screened from view from neighboring residences and Kenmure roadways with evergreen plants.
3. It must not be visible from any Kenmure road.
4. It must be minimally visible from nearby residences.
5. Applicant must notify owners of immediately adjacent neighboring properties of their plans prior to KARC's consideration of the request and the installation of any fence. The notification must include a copy of the plans to be submitted for approval, acknowledgement of this notification must be evidenced in writing on the NEH5 request. Any deviation from the plans submitted to neighbors or KARC will result in a demand for the fence to be immediately removed.
6. Fence is not taller than 4 feet (Exception: Fences bordering Kenmure community perimeter may be 6 feet high)
7. Fence is of acceptable fencing material: *i.e.*, wrought iron, steel or aluminum in a dark color. (wood, chain link, or synthetic materials are not allowed)

Use of invisible fencing is strongly recommended if necessary for pets as an alternative.

### **Play Equipment**

Installation of all outside play equipment (basketball backboards, soccer goals, racket nets, gym sets, etc.) must be approved by KARC. If approved, it must meet the following requirements:

1. It must be placed at the rear of the home when possible and meet setback requirements.
2. It must not be visible from any Kenmure road.
3. It must be minimally visible from nearby residences.
4. It must be natural colored, browns and dark greens that blend in with the natural colors of the landscape, no bright colors, including swing seats, slides, goal frames, etc.
5. Sensitivity should be shown for neighbor views. Landscape screening with evergreen plants is required.
6. Applicant must notify owners of immediately adjacent neighboring properties of their plans prior to KARC's consideration of the request and the installation of any outside play equipment. The notification must include a copy of the plans to be submitted for approval, acknowledgement of this notification must be evidenced in writing on the NEH5 request. Any deviation from the plans submitted to neighbors or KARC will result in a demand for the fence to be immediately removed.

If possible, the use of moveable equipment is preferred which should be stored away out of sight when not in use.

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

*Revised and Approved by the KPOA Board of Directors – Nov2, 2008*

*Revised and Approved by the KPOA Board of Directors – Aug 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*

*Revised and Approved by the KPOA Board of Directors – April 22, 2022*

*Authority: Declaration, Paragraph 7.B.*

## **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 shall be a cloth-type fabric. Aluminum or vinyl is not permitted.
- 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.
- 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 KPOA Board of Directors – September 15, 2017*

*Authority: Declaration, Paragraph 7*



## **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 \$1,500 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 - See KARC-03
- Major Mailbox alterations (Form NEH 6)
- Paint Color – generally, only subdued tones that are moderate and compatible with the forest will be approved. (Form NEH 4) – See KARC-02 for the full exterior color rules.
- 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 Repair/Relocation (Form NEH 4) – Requires KARC and RMC approval - See KARC -02 for the full rules.
- 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 – See KARC-03.

The installation and placement of 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 an existing house requires a port-o-let and/or a dumpster, the resident must notify KARC 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 KPOA Board of Directors – May 19, 2009*

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

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

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

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

*Revised and Approved by KPOA Board of Directors – April 20, 2018*

*Revised and Approved by KPOA Board of Directors – September 16, 2022*

*Authority: Declaration, Paragraphs 7 and 9*

# Construction Approval

## (KARC-06)

KARC shall approve, in advance and in writing, all construction and exterior building alterations. 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 Unit 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 used to prevent the flow of mud or silt or other debris onto either the roadway or adjoining properties.

**Lot Drainage:** The contractor and the Unit 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 Unit 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 Unit 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 the failure of any Unit Owner, architect, or contractor 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 Unit 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 Unit 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, Paragraphs 3.C., 18, 19, and 23.*

# **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 NEH 1 and/or NEH2 (Tree Removal and Shrub Removal Form) with one copy of your landscape design plan to KARC for review.

Any proposed changes of existing materials or additions to the site involving fences, water features, lighting, outdoor structures, communication satellite devices, driveways, walks, 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 the 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. In addition, the plan must include a plant schedule (listing) identifying species, common name, variety, quantity, 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 and approval no later than 90 days prior to requesting the Kenmure Occupancy Permit. Landscape plan approval is a requirement for the Kenmure Occupancy Permit. All landscape construction and landscaping must be completed no later than 90 days after home construction is completed and the Unit Owner has received the Kenmure Occupancy Permit. Refund of any 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 sizes 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 Unit Owners, 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 Unit Owner'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 properties 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 buried pipes that daylight into rip/rap (rock) designed to prevent erosion.
- Direct water away from septic tanks and fields.
- Boulder retaining walls must use 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 break down 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*

*Revised and Approved by KPOA Board of Directors – August 17, 2018*

*Revised and Approved by KPOA Board of Directors – February 25, 2022*

*Revised and Approved by KPOA Board of Directors – November 14, 2022*

*Authority: Declaration, Paragraph 7.B.*

## **Wind Turbines**

**(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:

- Special use zoning permit from Henderson County is required.
- Maximum height above roof peak is 10 feet.
- Maximum turbine diameter at blade tips is 6 feet.
- Manufacturer certification of no sound and no vibration is required.
- 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 (manufacturers 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 otherwise be consistent with North Carolina ridge law.

Submit with an application for wind turbine approval 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/specifications 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 the application and required submittals, KARC will review the 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, Paragraphs 7 and 17*

## **Flags and Flag Poles/Antennae**

**(KARC-09)**

### **Flags and Flag Poles**

In accordance with the North Carolina Planned Community Act, 47F-3-121(1), display of the flag of the United States or North Carolina is permitted. The size of the U.S. or N.C. flag shall be no greater than four feet by six feet. Flags must be displayed, in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended. The term "flag of the United States" is defined in 4 U.S. C. §§ 1-3, *i.e.*, the U.S. flag has thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

Under the Kenmure Declaration, paragraph 9: "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." Flags other than the U.S. Flag or the North Carolina flag are embellishments. The following types of flags (no greater than four feet by six feet) are permitted:

1. The Kenmure flag;
2. Official U.S. Military Service Flags, including those flags representing military authority or command (See, Flags of the United States Armed Forces (only Service flags and Personal flags);
3. University and college flags; and
4. Garden Flags no larger than 12" x 18" with garden, nature, or seasonal motifs.

All other flags are prohibited unless approved in writing by KARC.

This Rule applies to owners of property who displays permissible flags on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others. Flag Poles may be installed with the approval of KARC and cannot exceed twenty feet in height measured from the surrounding ground area.

### **Antennae and Such**

Satellite receptacles, ham radio, and citizen band radio antennae must be placed so as not to be visible from any Kenmure road or by any neighboring unit. KARC may approve installation providing a landscape plan of evergreen plants for hiding the equipment is submitted.

*Approved by the KPOA Board of Directors – August 21, 2015*

*Revised and Approved by the KPOA Board of Directors – August 22, 2021*

*Revised and Approved by the KPOA Board of Directors – April 22, 2022*

*Authority: Declaration, Paragraphs 7 and 9; North Carolina Planned Community Act, 47F-3-121(1)*



# **Exterior Lighting for both New Home Construction and Additions to Existing Houses, Condominiums, Villas or Cottages**

**(KARC-10)**

## **Exterior Lighting Alterations/Additions/New Construction**

It is KARC's responsibility to protect and preserve the natural beauty of Kenmure and the quiet enjoyment of life by its residents. All decisions by KARC, with regard to exterior lighting, will be based on how it impacts the community of Kenmure.

The purpose of this Rule is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, security, and enjoyment.
2. Minimize adverse offsite impacts of lighting such as glare and light trespass, and obtrusive light.
3. Curtail light pollution, reduce skyglow, and improve the nighttime environment.

## **General Requirements**

The use of dusk-to-dawn light sensors for exterior lighting other than landscape lighting is prohibited. All exterior lighting should be located to cause minimal impact to adjacent properties, roadways and street traffic. All fixtures attached to the building shall be of a traditional design consistent with the design of the structure and located at appropriate locations. All other outdoor luminaires shall be fully shielded. All exterior lighting shall not exceed the Kelvin color temperatures and lumen (wattage) output defined below. Opaque glass is recommended to reduce glare

Kenmure is a forested community, as such, the use of bright lights that disturb the natural surrounding is prohibited. When installing or replacing lights a Warm or Soft White bulb should be used, as defined a "warm white" bulb is usually considered to be below 3000K (3000 kelvin). This is the light color provided by an incandescent bulb (2700K) or halogen bulb (2850K). Soft White bulbs that provide light at around 3000K to 3500K may be considered "white" or "soft white" under this rule. Bulbs that provide light at around 4100K to 5000K are considered "Cool White" and these start to have a slightly blue feel to them. Bulbs that provide light at around 6500K are considered "Daylight Bulbs" and these have a definite blue and cool sensation to them. Bulbs in the Cool White and Daylight categories are prohibited.

## **Area Lighting**

Exterior light fixtures at entry doors, porches, post or carriage lights on walkways or at the foot of exterior stairways, low voltage landscape lighting and lights at the driveway entrance are considered area lighting and appropriate for safety. These types of fixtures shall have bulb lumens not to exceed 1,600 (100 watts). Where multiple bulbs are in a single fixture, the combined total wattage shall not exceed 1,600 lumens. Please see requirements for low voltage landscape lighting below. Area lighting is allowed at any time you or your visitors are outside after dark but should be turned off as soon as your outside activities have finished so as to not disturb neighbors or the natural surroundings. Area lighting, including wall sconces, but with the exception of driveway entrance and directly above entry doors to the house, should be extinguished not later than midnight. Driveway entrance and doorway lighting may be left on from dusk to dawn.

## **Landscape Lighting**

1. Landscape lighting must be aimed away from adjacent properties.
2. Landscape "up lighting" is allowed with the restriction that the bulb must be in a shrouded

enclosure and installed facing the residence to avoid glare from the bulb that is visible from the neighbors or street traffic. This type of lighting should be extinguished no later than midnight.

3. Landscape lighting with shades that direct the light down toward the ground, mushroom type fixtures, may be used to light walkways, patios, and driveways. This lighting may be left on from dusk to dawn.
4. All landscape lighting fixtures shall use bulbs equal to 200 lumens (25 watts) or less.

### **Security Lighting**

If security lighting is desired, it must be installed so that the arc of the light faces downward and shielded so as to prevent line of sight of the bulb(s) from the street or neighboring properties. Traditional flood light fixtures may be used for security but must be in a fully shielded enclosure and use bulbs which do not exceed 1,600 lumens (100 watts) and have a maximum Kelvin rating of 4,000. Multiple bulb floodlight fixtures are allowed provided they are installed with each light positioned at least 90 degrees from the other and meeting all the other requirements above. Each bulb in the floodlight will be treated as a separate fixture. Shielded directional flood lighting must be aimed so that direct glare from the bulb is not visible from the street or adjacent properties. Security lighting may be motion activated but its duration should be set to 5 minutes or less. In all cases non motion triggered exterior security/floodlighting should be extinguished not later than 11:00 PM.

By definition, all floodlights will be classified as security lighting regardless of where installed on the house or property.

### **Approval Process**

- For new home construction a completed exterior lighting plan which includes fixture location, type, lumens and directional reference must be included with the NH1 Home Design Application. Exterior lighting will be reviewed for compliance prior to the issuance of a Kenmure Occupancy Permit.
- Changes to or additions to existing exterior lighting are considered an alteration and may be requested by completing a NH4 Alteration to Existing Home form and must include details of location, type, lumens, and directional reference for all new lighting, including landscape lighting.
- While existing lighting will be grandfathered, any lighting that causes annoyance complaints from neighbors will be investigated by KARC. If the complaints are well founded you will be required to correct the deficiency, which may include changing bulbs, repositioning the offending lights or changing the entire fixture.

***When replacing bulbs in existing lighting, Kenmure residents must not replace bulbs with rating higher than those listed in this rule.***

### **Lighting Plan Guidelines**

- The Lighting Plan should be depicted on a site plan, indicating the location of each current and proposed outdoor lighting fixture with projected hours of use.
- Type and number of luminaire equipment (fixtures).
- Lamp source type (bulb type, *i.e.* high pressure sodium), lumen output, wattage and kelvin rating.
- Mounting height with distance noted to the nearest property line for each luminaire.

- Total Lumens for each fixture.

According to the Department of Energy:

- To replace a 100 watt (W) incandescent bulb, look for a bulb that gives you about 1600 lumens. Replace a 75W bulb with an energy-saving bulb that gives you about 1100 lumens.
- Replace a 60W bulb with an energy-saving bulb that gives you about 800 lumens Replace a 40W bulb with an energy-saving bulb that gives you about 450 lumens.

*Adopted by the KPOA Board of Directors on May 21, 2021*

*Authority: Declaration, Paragraphs 7 and 22*

## Mailbox Installation and Replacement

### (KRM-C-01)

The Kenmure mailbox standard is based on USPS Regulations and AASHTO Guidelines aimed at consistency and uniformity of materials used and at preventing serious injury or property damage. This standard will be enforced on all new home construction AND mailbox replacement installations. Key elements of the standard include mailbox location, box weight/size, size & permanence of the post, and its installation.

#### Recommended Mailbox Configuration

Approval will be based on "substantial compliance" in meeting the safety intent of this standard. Non-conforming mailboxes must be corrected.

<u>Item</u>	<u>Recommendation</u>	<u>Substantial Compliance</u>	<u>Not Permitted</u>
Box	<ul style="list-style-type: none"><li>· USPS Approved</li><li>· Small or Medium Size</li><li>· Metal or Plastic</li><li>· Color - Black</li></ul>	<ul style="list-style-type: none"><li>· USPS Approved</li><li>· Small or Medium Size</li><li>· Metal or Plastic</li><li>· Color - Earth Tone</li></ul>	<ul style="list-style-type: none"><li>· Box not USPS Approved</li><li>· Box larger than 22"x8"x11"</li><li>· Excessive weight</li><li>· Bright or pastel colors</li></ul>
Post	<ul style="list-style-type: none"><li>· 4"x 4" wood</li><li>· Optional cross arm</li><li>· Optional paper slot</li></ul>	<ul style="list-style-type: none"><li>· 4"x4" extruded aluminum</li><li>· Extruded / molded plastic (Color - Black or Earth Tone) anchored by 4"x4" wood post</li><li>· 2-2 1/2" diameter pipe</li></ul>	<ul style="list-style-type: none"><li>· Wood post greater than 4"x4"</li><li>· Wood cross arm greater than 4"x4"</li><li>· Pipe post greater than 2-2 1/2"</li><li>· Stone</li><li>· Masonry</li><li>· Concrete, stone or masonry base</li></ul>

Location	<ul style="list-style-type: none"> <li>· Front edge of mailbox 8" to 12" from edge of road</li> <li>· Bottom of box 41" to 45" above road surface</li> <li>· Locate mailbox on same side of road as direction of the mail carrier route</li> <li>· If a corner lot, install mailbox a minimum of 100 feet from intersection</li> </ul>	<u>Must Comply</u>	<u>Must Comply</u>
Post Hole Backfill	Backfill and tamp post hole with soil, no concrete or stone	<u>Must Comply</u>	<u>Must Comply</u>

### **Request for Approval of a Replacement Mailbox**

The KPOA Mailbox Standards and a form to request approval of a replacement mailbox are available at the Forms link (Mailbox Guidelines) on the KPOA website: <http://www.kenmure.org/forms.asp>

KRMC or KARC approval must be received before installation of a replacement mailbox.

### **Procedures for Mailbox Replacement Damaged by a KRMC Contractor**

Should a mailbox conforming to the above standards be destroyed in the course of ordinary maintenance of the road and right-of-way, KRMC will reimburse the Unit Owner up to the cost of a standard replacement mailbox, not to exceed \$100.

*Approved by the KPOA Board of Directors – March 15, 2004*

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

*Revised and Approved by the KPOA Board of Directors – November 18, 2011*

*Authority: Declaration, Paragraph 3.C.*

## **Right-of-Way Landscape Alterations**

**(KRMCMC-02)**

While Unit 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 KRMCMC. 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 3.C.*

## **Right-of-Way Maintenance**

### **(KRMCMC-03)**

Projects or alterations completed in the right-of-way by a Unit Owner are the sole responsibility of that Unit Owner, and the Unit 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 Unit Owners of homes resold in Kenmore. New Unit Owners may be unaware of inherited responsibility; however, homeowner improvements in the right-of-way pass to subsequent Unit Owners. The following procedures apply to right-of-way maintenance.

**Culvert Maintenance:** Unit Owners are responsible for keeping their driveway culvert free of obstructions.

**Leaf Removal:** KRMCMC 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 Unit Owners are the responsibility of the Unit Owners to remove. If the KRMCMC is required to remove the leaves because of the Unit Owner's failure to do so, then the Unit Owner will be billed for the cost of removal.

**Right-of-way Restoration:** The Unit 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 KRMCMC. If the Unit Owner fails to restore the right-of-way, then KRMCMC will bill the cost of restoration to the Unit Owner.

**Utility Companies Working in the Right-of-Way:** Utility companies that periodically do work in the right-of-way, such as telephone, power, gas, water, and television companies, are to identify to the gagehouse security force the area to be worked. Kenmore Security will then notify the right-of-way repair person on KRMCMC of the work to be done. During their normal rounds, Kenmore Security will monitor the work being performed and notify the right-of-way repair person on the committee of any problems noted.

Kenmore Security will log the utility company work in their log, noting approximate start and completion times. The right-of-way repair person on KRMCMC 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 Forego Right-of-way Maintenance:** If a Unit Owner wishes to forego maintaining an Unit Owner-improved right-of-way, KRMCMC will describe its right-of-way maintenance responsibilities and then-current procedures. The Unit Owner will be made aware that KRMCMC repair or maintenance procedures MAY result in reduction or elimination of landscaping enhancements in order to facilitate regular KRMCMC maintenance procedures. Upon written Unit Owner agreement, KRMCMC 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 Unit Owner or predecessors. KRMCMC reserves the right to bill an Unit Owner for the cost of restoring the right-of-way to a KRMCMC-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 3.C.*

## **Right-of-Way Dead and Fallen Trees**

**(KRMC-04)**

In the event that a tree falls from a Unit Owner's property onto a Kenmure road or the right-of-way, the Unit 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 Unit 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 Unit 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 Unit Owner cannot be reached, KRMC will contract to have the tree removed, and the Unit 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 Unit Owner will be billed for all the associated costs.
- In the event that a tree falls from the right-of-way onto a Unit Owner's property, KRMC will remove the tree at KPOA expense.
- Because Unit 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 Unit 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 Unit 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 3.C.*



## **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. In the event RMC approves an exception, it will be the responsibility of the Unit Owner to fund the cost of installation and to maintain them in case of damage.

**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, 2013*

*Authority: Declaration, Paragraph 3.C.*

## **Right-of-Way Reflectors**

**(KRMC-06)**

Preferably, reflectors should not be placed in the right-of-way; however, it is recognized that residents may have a need for reflectors to protect KARC and KRMC approved Unit Owner improvements in the right-of- way.

When approved, reflectors placed in the right-of-way must comply with KRMC standards.

### **Standards for Reflectors**

- Reflectors must be red in color.
- Reflectors must be a maximum of 3 inches in diameter, including frame.
- The stem should be no higher than 18 inches above the ground or grass.
- The stem should be 3/16 inch in diameter, must be breakaway, not set in concrete, and without rock or wood posts for support.
- Reflectors should be set a minimum of 12 inches from the edge of the road and be spaced a minimum of 20 feet apart.

*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 – January 26, 2018*

*Authority: Declaration, Paragraph 3.C.*

# Winter Storm Management

## (KRMCM-07)

### Purpose of Storm Management

During winter storm situations, Kenmure Road Maintenance and Kenmure Security will use a coordinated plan to:

- Allow Kenmure roads to be cleared in a timely fashion
- Maintain a safe driving environment
- Provide sufficient information in order for people to make well-reasoned decisions with regard to travel.

### Snowman Responsibilities

During winter storms, the KRMCM "Snowman," or his alternate, will be the decision-maker and leader of the response plan. His responsibilities include the following:

- Calling in and directing the plowing and sanding contractor
- Establishing the condition of roads within Kenmure and the level of response needed
- Communicating Kenmure road conditions to the guards at the front gate as well as residents

### Notice of Road Conditions

In order to provide consistent reports, Kenmure Road Maintenance and Kenmure Security have defined the following road conditions:

<b>GREEN</b>	Normal road conditions. Drive with usual care.
<b>YELLOW</b>	All roads are wet, with potential for icing/slick conditions.
<b>ORANGE</b>	All roads snow or ice covered – slippery conditions in many locations. Impassable in spots.
<b>RED</b>	All roads are icy and slippery - very treacherous and impassable. ROADS ARE CLOSED!

A status indicator will be posted at the gate to alert returning residents of current road conditions. In addition, a message stating current road conditions will also be posted on the Kenmure Emergency Information Line (696-8805).

### Kenmure Gate Responsibilities Related to Color Designations

**When Status is "Yellow"** – Unit Owners, guests, and contractors will have normal gate access. If asked about road conditions by Unit Owners, guests or contractors entering Kenmure, the guards will advise them of the following:

- Roads are wet with packed snow in many areas, but are passable
- Drive with care on snow-covered sections
- Be wary of scattered icy spots and falling temperatures that may cause icing
- Latest road status can be obtained by calling the Kenmure Emergency Information Line (696-8805)

**When Status is "Orange"** - Kenmure Security Guards will close the outer entry gate and direct all incoming traffic through the inner entry gate. Guards will call "Snowman" every two hours with report of abandoned cars and/or road conditions they have discovered either during routine patrol or by input from cars leaving Kenmure. As Unit Owners, guests, or contractors enter, guards will advise them of the following:

- Snow is on all roads, icy conditions in many locations
- Roads are treacherous and impassible in spots, especially on steep grades
- It is recommended that drivers stay off the roads until conditions improve
- If drivers must enter, please proceed with extreme caution
- Latest road status can be obtained by calling the Kenmure Emergency Information Line (696-8805)

**When Status is "Red"** - Kenmure Security Guards will close the outer entry gate and direct all incoming traffic through the inner entry gate. Guards will turn away all nonresident/contractor/guest traffic except for emergency vehicles, snow removal contractor, and KCC staff. Guards will tell returning Unit Owners that all roads are temporarily closed because they are icy, treacherous, and impassable. If returning residents insist on entering, guards will note their name, license tag, time of entry, and destination. The guards will then allow them to enter.

KRMC will communicate with Emergency Management Chair to determine if a community wide emergency declaration is needed. Guards will give returning Unit Owners a copy of the following "Kenmure Roads are Temporarily Closed" notification.

### **Kenmure Property Owners Association Winter Storm Emergency**

#### **KENMURE ROADS ARE TEMPORARILY CLOSED!**

- ALL roads are icy and slippery.
- ALL roads are very treacherous and impassable.
- Returning residents are encouraged not to enter until conditions improve and snow removal is completed.
- Consider finding temporary shelter offsite.
- Latest road status can be obtained by calling the Kenmure Emergency Information Line at (696-8805).
- If you choose to enter, you do so at your own risk, as well as risk to others.
- Abandoned vehicles may hamper road-clearing efforts or impede first-responder emergency personnel.
- If your vehicle is abandoned and impedes snow removal or creates a safety concern, it will be towed away at your expense.

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

*Revised and Adopted by the KPOA Board of Directors – November 2005*

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

*Revised and Approved by the KPOA Board of Directors – November 28, 2023*

*Authority: Declaration paragraph 18*

## **Kenmure Roads and Traffic Safety**

**(KSC-01)**

The motor vehicle laws of the State of North Carolina shall apply as rules and regulations with respect to roads and drivers within Kenmure. Under these laws all drivers in Kenmure including home owners, residents, guests, visitors, renters, contractors, subcontractors, service providers, Kenmure Country Club (KCC) employees (including Kenmure 11 LLC, Kenmure 12 LLC and Kemper), KCC members and guests are to be licensed. All vehicles operated in Kenmure are to be licensed and must have at least state-required minimum levels of insurance.

Only golf carts and golf course maintenance vehicles operated on the golf course and related facilities are exempt from State motor vehicle regulations. However, the operators of private golf carts and golf course maintenance vehicles must be at least 16 years of age and possess a valid driver's license. Such vehicles must give right of way to other regulated motorized vehicles operating on Kenmure roadways.

### **Moving Vehicles**

**Speed:** The maximum speed limit on the roads within Kenmure is twenty-five (25) miles per hour (mph) or such lower speed when indicated by appropriate markers or as may be required for prudent driving, such as during adverse weather conditions. The maximum speed for golf carts is nineteen (19) mph. Golf cart suppliers can install a "speed control device" that automatically limits golf cart speed, even when descending hills.

**Cell Phone Use:** The use of a cell phone by drivers of motor vehicles is prohibited when the motor vehicle is in motion on Kenmure roadways

**Repair:** All vehicles shall slow in any area where construction, general maintenance, or utility personnel are working. Signals from flagmen must be obeyed at all times.

**Side of the Road:** All vehicles shall be operated on the right-hand side of the roads within Kenmure. Crossing of centerline is prohibited except when turning.

**Passing Vehicles:** Passing another moving vehicle in Kenmure is prohibited. Automobile drivers should take care when overtaking a golf cart on a Kenmure road. Whenever it is safe to do so, golf cart drivers are asked to pull off onto the shoulder and stop to let automobiles pass.

**Violations:** Any vehicle being operated in violation of any traffic law or KPOA Rule or Regulation is considered operated in a reckless manner. Violations may be committed by 1) property owner, renter, members of the households and/or guests, or 2) non-property owners (KCC, contractors, service providers, etc.). Warning letters will be issued for the first and second violation per household or contractor. For violations in excess of two (2) violations in a twelve (12) month period, a fine and/or access restriction may be administered for each additional violation. If deemed to be a very serious violation, a fine may be administered immediately. A violation committed by home owners, family member, guest, visitor or renter of a Unit shall be attributed to the Unit Owner as well as to the actual violator.

Proper documentation of offenses is required in all instances, and fines to be imposed must be consistent with the KPOA Declarations, Bylaws, and Rules and Regulations.

**Damage Responsibility:** Drivers (residents, contractors, KEI staff, or visitors) are responsible for any damage done by their vehicles to roads, shoulders, signs, mailboxes, or resident's property.

**Parking:** Parking is not permitted on the roads within Kenmure. Parking in the right-of-way is permitted by a Unit Owner only to the extent that parking in the Unit Owner's driveway or ingress or egress to or from the Unit Owner's garage or driveway is not a reasonable option because of work being done on the driveway or the driveway is blocked by vehicles parked in the driveway by contractors performing work at the Unit Owner's property, but only for as long as the work is being done (including a reasonable period of time for driveway sealer to cure) or the vehicles are blocking the driveway. Parking in the right-of-way is permitted by short-term guests of a Unit Owner only to the extent that (a) parking is not available in the Unit Owner's driveway and (b) the guest's vehicle remains in the right-of way for only a reasonable amount of time (based upon the reason for visiting the Unit Owner), and in no event more than 24 hours. Construction activity may not block any road and may block the right-of-way for only as long as is necessary to complete the activity. In addition to the foregoing conditions, parking in the right-of-way will be permitted only if no portion of the parked vehicle is on the road or is obstructing or interfering with traffic on the road in any way (including obstructing or interfering with the ability of drivers to see other traffic or pedestrians).

**Jobsite Parking:** Contractors and subcontractors should park on the jobsite and not on the road or road shoulder. The Kenmure Road Maintenance Committee shall approve which side of the road shoulder may be used for overflow parking if it becomes necessary. Parking is not allowed on both shoulders of the road. Violations may be subject to enforcement action.

**Activities Blocking the Road:** If the loading/unloading or parking of trucks and trailers necessitates a blockage or partial blockage of a Kenmure roadway, the contractor, Unit Owner or resident will be required to have persons (flagmen) in the roadway at a reasonable distance in front of and to the rear of the blockage to direct traffic during the entire time of the blockage. The driver should also place cones and warning signs an appropriate distance in front and behind the blockage to warn oncoming vehicles. Failure to do so can result in fines and/or restrictions on future work in Kenmure.

### **Private Golf Carts**

Private golf carts may be driven on all Kenmure roads, maintained by Kenmure Property Owners Association, but must adhere to all the driving rules in Kenmure. A private golf cart may be driven on Kenmure Country Club property ONLY by a member of Kenmure Country Club. All owners of private golf carts must review and sign the "Golf Cart Rules and Safety Precautions" form which is available in the KPOA Office at 10 Kenmure Drive and on the KPOA website.

### **Motorcycles, ATVs, and Bicycles**

**Motorcycles-**Motorcycles shall be licensed and equipped with the most recently approved noise control devices. All motorcycle drivers must operate according to the KPOA Motorcycle Rules below.

**Motorcycle Use Permit-**This permit is required for all residents and overnight guests and states the rules for the use of motorcycles within Kenmure. It must be signed and approved prior to the operation of the vehicle in Kenmure. This permit application form is available in the KPOA Office at 10 Kenmure Drive and at the Gatehouse. (See Appendix Attachment V)

This permit may be revoked at any time if any of the conditions below are violated or if the motorcycle is operated in an unsafe manner or in violation of any of the KPOA Covenants or Rules and Regulations.

Copies of the signed Motorcycle Permit shall be distributed to the motorcycle driver, the Kenmure Gatehouse and the KPOA Office. It is to be made available, upon request, to any KPOA security officer or Security Committee member.

### **Conditions governing motorcycle use**

- The motorcycle is registered and licensed.
- The motorcycle may be operated only on designated roads between the gate and the applicant's home (or the residence being visited) and Kenmure facilities such as the golf course, tennis courts and fitness center. Use beyond these points is prohibited.
- The operator will make utmost effort to operate the motorcycle in a quiet manner.
- Residents must obtain a bar code sticker and overnight guests must obtain a guest pass to facilitate entry at the gate.
- Any visitor arriving on a motorcycle, after obtaining entry permission must travel to his/her final Kenmure destination directly and the visitor must conform to traffic and other rules and regulations in effect.

**ATVs**-All-terrain vehicles (ATV's), Segway-type vehicles, *non-licensed* motorized dirt bikes and mopeds, and small foot/motor propelled scooters are prohibited from use on Kenmure roads.

**Bicycles**-Bicycles shall be equipped with lights and the most recently approved safety devices. They may operate only on the roads and driveways in such manner as not to obstruct traffic.

### **Heavy Vehicles**

Guards at the Gatehouse will determine when vehicle loads are potentially damaging to the roads or to the safety of others on the roads, such as when roads are icy or snow covered or when the vehicle load is deemed unsafe for some roads. Trucks or trailers may then be required to break down the cargo into smaller trucks if possible, to use restricted routes deemed suitable, or to wait until road conditions improve. Special restrictions governing the use of roads may be imposed when trucks are transporting large, heavy objects. Moving Van Rules (KSC-02) may also be applied.

### **Assumption of Risk**

All persons using the roads in Kenmure do so at their own risk and are subject to the published rules and regulations and penalties levied for any violations. KPOA will not be responsible for delays, breakdowns, damage to personal property, personal injury, or death occurring on said roads. It should be clearly understood that the roads within Kenmure are private roads, owned and controlled by KPOA as common areas and as such are not necessarily built, nor maintained, to State public road standards.

### **Reporting Accidents and Violations**

In the event of a vehicle accident, persons involved should notify Gatehouse Security immediately. Residents are encouraged to assist our Security Officers in monitoring the streets for traffic rules violators by reporting their observations to Security Officers. If persons observe unsafe driving behavior, they are asked to contact the Gatehouse and report the incident, including: date, time, place, vehicle description, description of the driver (to the extent possible), license tag number, and description of the unsafe driving observed. The security officers will log all such reports, and incident reports will be prepared for those incidents. Such complaints by residents will be issued to residents, guests and contractors along with a notification letter to the person. These complaints will not count as violations under the enforcement policy and are not subject to a fine being levied to the person. Only violations supported by objective information (for example, radar gun recorded speed violation) documented by security officers can be considered violations for which a resident, guest or contractor might be subject to a fine. In other words, traffic violations by anyone witnessed and documented by a KPOA Security Officer are subject to a fine. Contractors who exercise poor driving habits are also subject to restricted gate access.

### **Impaired Driving**

Driving under the influence of alcohol or other drugs that impair the ability to control a vehicle in a safe manner will result in an unsafe driving incident report being filed. Law enforcement may be called if circumstances require. If persons observe unsafe driving behavior, they are asked to contact the Gatehouse and report the incident, including: date, time, place, vehicle description, description of the driver (to the extent possible), license tag number, and description of the unsafe driving observed. The guards will log all such reports, and incident reports will be prepared for those incidents.

## **Enforcement**

Where warranted, the on-call KSC member or the KSC Chairman will be consulted regarding violations. KSC will review incident reports on a regular basis to determine if and what action is required.

*Adopted by the KPOA Board of Directors on December 15, 2003*

*Revised and Approved by the KPOA Board of Directors – June 16, 2004*

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

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

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

*Revised and Approved by the KPOA Board of Directors – February 17, 2017,*

*Revised and Approved by the KPOA Board of Directors – November 17, 2017,*

*Revised and Approved by the KPOA Board of Directors – November 25, 2019,*

*Revised and Approved by the KPOA Board of Directors – July 15, 2022*

*Revised and Approved by the KPOA Board of Directors – November 28, 2023*

*Authority: Declaration, Paragraphs 18, 19, and 20*



## **Moving Vans/Large Trucks**

**(KSC-02)**

### **Purpose**

It is recognized that Kenmure Unit Owners and residents will, on occasion, require moving vans or other large trucks to deliver or collect household items from their residences. These guidelines are meant to provide advance notice to Unit Owners/residents and their agents of the requirements for such large truck access. The objectives of these guidelines are to protect Kenmure roads from damage and to ensure traffic safety within Kenmure, while avoiding excessive cost and inconvenience to Unit Owners. These general rules apply to large trucks and also cover trucks used for home construction. See KRMC-01 and KSC-01 for truck parking details.

### **Moving Van and Large Truck Requirements**

#### ***Advance Notice***

Advance notice to the Kenmure Gatehouse Security Site Supervisor or Senior Security Officer of any major move into or out of Kenmure is required. Notice should be given using the "Approval for Moving Van Access" form. Note: A Moving Van Access Form (Form NEH 10) will not be issued until Occupancy Permit has been issued by KARC (Occupancy Permit is not required for resale's). The Moving Van Access Form is available on the Kenmure web site at [www.Kenmure.org](http://www.Kenmure.org), the Kenmure Gatehouse, or at the KPOA Office. This form should be submitted to the Gatehouse at least 72 hours before the intended delivery or pick-up. It is to be approved by the Kenmure Security Site Supervisor or Senior Security Officer on day shift from 7:00 am to 2:30 pm weekdays. Deliveries or pick-ups without pre-approval of the form above will not be allowed. In the event the Site Supervisor or Senior Security Officer is not available for approval, the form may be submitted to the Kenmure Security Committee member on call for approval.

#### ***Road Damage***

The Unit Owner is fully responsible for any damage done to Kenmure roads, rights-of way, common property, Kenmure Country Club property, or other resident's property during or as a result of the delivery or the pick-up.

#### ***Vehicle Size***

Vehicles, including the length of any trailer/van, that is less than 35 feet long, will be permitted anywhere in Kenmure for moves of household goods or any other service, except on Tarnhill Drive, between Pineholt Lane and Tall Oak Lane. On Tarnhill Drive, vehicles are restricted to two axles and no trailers or pulled vans are allowed. Vehicles longer than 35 feet will often be permitted on Kenmure roads depending on the road needed for use, and access restrictions of the entrance to the residence, or lot. The size of the truck permitted on Kenmure roads will be determined by the Security Site Supervisor or Senior Security Officer. After discussing size with the Moving Company agent/driver or the driver for the construction/delivery company, and after safety considerations and a possible drive-through of the route are made, permission may or may not be granted for the trip.

Note: A Moving Van with a trailer length of 26 feet is close to 35 feet in total length, including the cab, so the Moving Van Access Form wording still applies.

#### ***Restricted Entry***

In a discussion with the Security Site Supervisor or Senior Security Officer, the local agent or driver should determine whether the truck involved can reach the delivery address, park without impeding

traffic, and return to the gate without damaging Kenmure roads or rights-of-way, without excessively impeding traffic, and without endangering resident or traffic safety. If the agent and Security Site Supervisor or Senior Security Officer determine that delivery truck/moving van access to the delivery site cannot be achieved safely, then the delivery truck/moving van may be parked in the lower Kenmure Country Club parking lot, assuming that KCC agrees that its property is available for use and for parking and the Unit Owner submits a check payable to KCC for \$250.00 for use of the parking lot. (KCC will issue a \$150 Food & Beverage Credit if you join KCC within 90 days of your move in date.) Smaller trucks are then used to shuttle the household goods to the Unit Owner's location.

### ***Cul-de-sac Delivery***

For delivery to cul-de-sacs, large trucks should reverse down the cul-de-sac to the delivery location since the turnaround may not be large enough.

### ***Pilot Vehicle Requirement***

For large trucks that are going beyond the lower parking lot, where width and turn radius present a problem for vehicles coming in the opposite direction, but are still deemed to be safely passable on the roads to be used, a lead "pilot" vehicle must precede the truck to warn oncoming traffic and to ensure that the truck can make a wide turn to avoid road or right-of-way damage.

### ***Blocking the Road***

If during loading/unloading the van or truck blocks any part of a Kenmure roadway, the Unit Owner, or the contractor will be required to hire two private flagmen to direct traffic for the entire time that the truck/van is blocking the road. The Unit Owner or contractor must arrange in advance to hire and pay the flagmen. The driver should also place warning cones at appropriate distances in front of and behind the truck to warn oncoming traffic.

### ***Hours for Deliveries and Pick-ups***

Deliveries and pick-ups should be scheduled for Monday through Saturday. No Sunday or holiday deliveries or pick-ups are allowed. Additionally, on some days deliveries/pick-ups may be restricted if the lower Kenmure Country Club parking lot must be used because of scheduled Club events. Security Officers who approve moving forms will know, in advance, if a move is possible. If special hardship circumstances exist, the KSC member on call must be contacted in advance to determine if an exception will be made to the rules above, such as extending moves beyond normal work hours. Delivery can begin no earlier than 7:00 am Monday-Friday, and moves must be completed by 5:30 pm; on Saturday they must begin no earlier than 8:00 am and must be completed by 4:30 pm.

*Adopted by the KPOA Board of Directors – June 16, 2003*

*Revised and Adopted by the KPOA Board of Directors – November 7, 2005*

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

*Revised and Approved by the KPOA Board of Directors – June 19, 2009*

*Revised and Approved by the KPOA Board of Directors - January 18, 2013*

*Updated – July 30, 2021 (Parking Fee)*

*Revised and Approved by the KPOA Board of Directors – November 28, 2023*

## **Real Estate, Estate/Garage Sale, and Political Signs**

### **(KSC-03)**

#### **Kenmure Declaration, Paragraph 25**

No signs, including "for rent," "for sale," and other similar signs shall be erected, placed, allowed, or maintained on any Unit by anyone, including but not limited to a Unit Owner, a Realtor, a contractor, or a subcontractor, except as provided in Section 47F-3-121(2) or with the written approval of KPOA or as may be required by legal proceedings. If such approval is granted, KPOA reserves the right to restrict size, color, and content of such signs.

#### **Real Estate Open Houses**

Kenmure is a residential community, and the sale of new or existing residences via real estate Open Houses will be permitted and shall not be considered a commercial undertaking as prohibited in the covenants. Real estate Open Houses, however, shall conform to the following regulations:

- A realtor will register an Open House with a KPOA Security Officer at the Gatehouse at least two days prior to the event. Realtors must provide enough copies to the Security gate of specific written driving instructions of the route from the gate to the Open House for all expected visitors during the Open House period.
- The Public Open House activities (public is welcome) will be limited to Wednesday and Sunday afternoons between the hours of 1:00pm and 5:00pm. Realtors may also hold Listing Preview Open House events (only Realtors are invited) any weekday (Monday through Friday) between 11:00 am and 6:00 pm.
- Realtors must abide by the KPOA Declaration of Restrictive Covenants, Paragraph 25, regarding the prohibition of all signs with the exception of directional signs to the Open House inside the community, not to exceed 24" x 18," during the hours of the event. Tent signs may be placed at the outside entrance to Kenmure, but shall not restrict visibility of drivers exiting Kenmure. All signs must be removed when the Open House activity ceases for the day.
- Individuals attending the Open House shall follow the normal visitor access procedures and policies of Kenmure.
- Abuse or noncompliance with these rules by the Realtor may result in limiting or denying future Open House activities in Kenmure.

#### **Estate & Garage Sales**

It is recognized that Kenmure has a large number of residents who will experience a life-changing event while living in the community, such as a divorce, a death of a spouse/partner, or a move from Kenmure; thus, they may choose to reduce their ownership of personal property through an estate sale. An estate sale, in order not to be considered a commercial activity, must conform to the following regulations:

- The resident or agent must register the planned sale activity with the KSC for review and approval at least five business days prior to the event.
- Only one estate sale, covering not more than two consecutive days, will be permitted at the same street address in any 12-month period. Only one estate sale within Kenmure will be permitted each day.
- The sales activity will be "by appointment only." The names of the appointment holders shall be provided to KSC and guards at the Kenmure Gatehouse by 9:00 am of the day of the event. Only those individuals whose names have been provided will be admitted into Kenmure. Individuals attending the estate sale shall follow all visitor regulations.

- The resident or agent must provide specific, written directions from the gate to the resident's location for appointment holders. Vehicles must be parked on the driveway of that residence; parking on the shoulder of the road or any road right-of-way is prohibited.
- Estate sale activity shall be limited to the hours of 10:00am through 5:00pm on Monday through Saturday.
- At no time will items be displayed from an open garage, adjacent lawn or property, or from any portion of the property visible from the street.
- Garage sales are not permitted within Kenmure. Garage sales are considered to be a "not-by appointment" sales activity conducted by a resident or his agent.

### **Political Signs**

As defined by the North Carolina Planned Community Act (NCPCA), a "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot.

In accordance with the *North Carolina Planned Community Act*, 47F-3-121(2), political signs are permitted on a property owned exclusively by an association member. Political signs are not permitted in common areas, easements, rights-of-way, or other areas owned by others.

KPOA adopts the NCPCA's duration, number and size limitations on political signs.

**Duration:** KPOA prohibits display of political signs earlier than 45 days before the day of the election and later than seven days after an election day.

**Number and Size:** KPOA permits one political sign with the maximum dimensions of 24 inches by 24 inches on a member's property.

If Henderson County or the Village of Flat Rock regulates the size and number of political signs on residential property, KPOA adopts by reference that ordinance, if that ordinance is less restrictive than this KPOA Rule.

*Adopted by the KPOA Board of Directors on April 21, 2003*

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

*Revised and Approved by the KPOA Board of Directors – May 19, 2017*

*Revised and Approved by the KPOA Board of Directors – October 10, 2020*

*Revised and Approved by the KPOA Board of Directors – August 20, 2021*

*Authority: Declaration paragraph 25; North Carolina Planned Community Act, 47F-3-121(2)*

## Gate Access

(KSC-04)

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

### Unit Owners and Others

**Bar Code Requirement:** All Unit Owners are to use bar code stickers installed on their vehicles to gain gate access. Bar code stickers may be obtained by submitting a "Request for Bar Code Decal" form, which is available from the web site at [www.kenmure.org](http://www.kenmure.org) or from the KPOA Office or the Kenmure Sales Office. A \$35 fee is charged for each bar code sticker. If the Unit Owner disposes of an existing vehicle, the number should be reported to the KPOA Office for deactivation. There is no charge for a new bar code sticker, unless the vehicle purchased is an additional vehicle, not a replacement.

**Proof of Vehicle Ownership:** Owners and leasers of vehicles must present proof of ownership or lease of the vehicle when needing a new or replacement bar code. The proof of ownership or lease can be the vehicle registration card, bill of sale or proof of insurance. They must also supply the license plate number, year, make, model, and color of the vehicle.

**Problems with Bar Codes:** Gatehouse security officers are instructed to grant access only to Unit Owners with a bar code sticker. If a bar code sticker fails to work, the Security Officer will request the driver contact the KPOA Office and determine the nature of the problem after recording the driver's name and license plate number for cross checking in the Gate Pass system. Vehicles without working bar codes should not be waived through the gate. Habitual offenders will be referred to the Chairman of the KSC for regulation enforcement discussions. If a vehicle without a bar code sticker approaches the outer entry gate, the guard will request the vehicle enter through the inner gate, because manual operation of the outer entry gate is limited to emergency situations and large trucks only.

**Non-residents Issued Bar Codes:** It is possible for other drivers to be issued bar codes.

- **Renters** who have leases of two weeks or more may obtain bar codes for up to two vehicles registered to them. The cost of each Bar Code is \$35.00 each with a replacement charge of \$0.00. If a renter is a repeat renter each year, the bar codes may be reactivated each year at no charge.
- **Non-resident Kenmure Country Club Members** may purchase no more than two bar codes. These bar codes are red in color, designating KCC membership, and cost \$35.00 each with a replacement charge of \$10.00. Kenmure residents, who move to Berwick Downs, will have their bar codes deactivated unless they are KCC members.
- **Kemper Sports Employees.** Selected employees are issued bar codes based on their job responsibilities. Kenmure Country Club will be invoiced for those approved employees. Cost is \$10.00 each with a replacement charge of \$10.00.
- **Others.** It is possible that other categories of drivers will be issued bar codes in addition to the above. These categories will be decided by the KSC with KPOA Board approval.

### Gate Access for Visitors

**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 subcontractors. The temporary passes are to be returned to the Gatehouse upon exit of Kenmure, or when the pass expires. Contractors can apply to the Kenmure Security Committee for an annual gate pass. Contractors Holding a Gate Pass will be reviewed annually in January. Contractor access is granted on the

condition that current KPOA Rules and Regulations are followed.

**Visitors:** All others wishing to obtain access to Kenmure and who do not have bar code stickers will be considered a visitor and must sign in at the Gatehouse and follow the established security procedures for Kenmure visitors. Unit Owners, specified KEMPERSPORTS employees, or renters may pre-register guests for admittance into Kenmure by informing the Gatehouse when the guests are expected and providing the necessary registration information. If a visitor arrives whom the Unit Owner, KEMPERSPORTS employee, or renter has not registered and the individual being visited is not available by phone to clear the visitor, the Security Officer will not allow the visitor to enter.

Residents may wish to allow certain family members, friends, or regular service employees to pass through the Front Gate to visit them at any time. They must enter this information (permission) into the Gate Pass system. They should state how long the individual(s) have permission to enter; up to 1 (one) calendar year. Upon entry, the valid pass must be available and displayed in the windshield; otherwise, a new pass must be obtained.

#### **Gate Access in the Event of Guardianship or Death of Unit Owner**

- If the Unit Owner is an individual, that individual's children will be presumed to have access to the Unit Owner's property. Upon appointment, court-approved representatives of the estate or a guardian will have gate access, and the representative or the guardian can authorize Gate Pass Access for visitors and contractors.
- If the Unit Owner is a trust, the trustee or beneficiary will be presumed to have access to the Unit Owner's property.
- As applicable, children of a Unit Owner, court-approved estate representatives, guardians, trustees, or trust beneficiaries should contact the KPOA Office for a bar code or a temporary vehicle pass as well as access to the Gate Pass system.

*Approved by the KPOA Board of Directors – July 21, 2023*

*Revised and Adopted by the KPOA Board of Directors -- March 3 & 18, 2003*

*Revised and Adopted 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 3.D. and 18*

## **Contractor Work Hours**

**(KSC-05)**

**Definition:** Contractors are individuals who do work under written or verbal contracts with Lot Owners or KCC 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 5:30 pm. Saturday work is permitted from 8:00 am to 4:00 pm, provided the contractor complies with the Saturday Work Rules, below. On Saturdays Contractors must be off property by 4:30 pm.

### **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 contact 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 am 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 is advised and has given 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 give permission. Moving vans are not allowed on Sundays.

### **Special Allowed Work/Deliveries**

Between the hours of 10:00 PM and 7:00 AM package deliveries, non-urgent medical services, emergency services/deliveries (HVAC, etc.), and convenience deliveries (fast food, etc.) will only be admitted to Kenmure if the Security Gate House is informed in advance by resident needing the service and/or delivery.

### **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. Security officers will also conduct a drive-by of construction sites between 5:00 pm and 6:00 pm on weekdays and 4:00 pm and 5:00pm on Saturdays to insure work has ceased at these 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 Unit 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 rule's violation. The violation will also be reported to KSC. If the individual is a KARC contractor or sub, the general contractor and KARC contact will also be notified of the violation by the Security officers.

Delivery/service/utility operators who violate these work 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/Unit 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 the 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 of a sub-contractor 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 Unit Owner.

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

*Revisions adopted by the KPOA Board of Directors 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*

*Revised and Approved by the KPOA Board of Directors – November 28, 2023*

*Authority: Declaration Paragraph 3.D. and 18*



## Fireworks, Fires, and Devices Using Fire

(KSC-06)

**Purpose:** Fire is the **single largest threat** to the Kenmore community as a whole, and prevention of fire is a major concern for all Unit Owners. **Unit Owners 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

Use of fireworks or similar incendiary devices, setting of bonfires, or conducting outdoor burning is prohibited at all times.

Use of an open fire pit device on a deck or yard is prohibited except as follows:

1. 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 that 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 such operating fire pit and cause hot fly ash dispersion;
2. 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;
3. 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; and
4. 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 owners use.

Fireplaces and grills **without chimney** may be installed on **non-covered** decks or patios according to applicable North Carolina Codes and Manufacturer's Specifications. 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.

It is the responsibility of the Unit Owner to insure compliance with all applicable North Carolina Codes and Manufacturer's Specifications.

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.

Violators may be subject to fines in accordance with Section 11.3 of the KPOA Bylaws.

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

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

*Revised and Approved by the KPOA Board of Directors – April 13, 2012*

*Authority: Declaration, Paragraph 32.C.*

*See North Carolina Residential Code, North Carolina Fire Code, Section 308, and North Carolina Fuel Gas Code, Sections 303 and 304, for more information.*

*Applicable North Carolina Codes may be found on line or in the KPOA Office.*

# **Argyle Lane Gate Access**

**(KSC-07)**

## **Purpose of Gate**

The purpose of the Argyle Lane Gate is to provide the following benefits to residents of Kenmure:

1. Provides an emergency exit in case of certain fire, flooding, or other conditions that may require leaving Kenmure on an emergency basis.
2. Provides faster response times by Emergency vehicles such as fire, law enforcement, or medical response teams, especially to the area south of Pinnacle Mountain Road.
3. Provides general entry/exit to/from Kenmure.
4. As an alternate to the main gate on Kenmure Drive, reduces wear and tear on Kenmure Drive, Elmridge Drive, Berry Creek Drive, and portions of Pinnacle Peak Lane by requiring certain vehicles that are headed to or leaving the area south of Pinnacle Mountain Road to use Argyle Lane Gate.

**Note:** During extreme weather conditions (Code Red and/or Orange), the Kenmure Security Officers may close the gate and place orange cones in the roadway at Hollybrook Drive to indicate the gate is closed to all uses.

## **Characteristics of the Gate**

The Argyle Lane Gate is equipped with automatic cross-arms, signage, lighting, and cameras so that the Kenmure Security Officers may monitor the gate 24/7 from the Main Gate House at the Kenmure Drive entrance (the "Main Gate"). The cameras record all vehicles entering and leaving Kenmure, specifically capturing the license plates of each vehicle and recording this on a long-term DVR recorder. There is also a camera and a keypad and communications system at the ingress side of the gate arms that can be used for communication with the Main Gate House.

## **Resident Hours and Instructions**

Residents may use the Argyle Lane Gate 24/7 unless temporarily closed for weather-related conditions. If there is any doubt, the Main Gate should be used. Egress from Hollybrook Drive is automatic and ingress from Pinnacle Mountain Road may be made by communicating with the Main Gate House and providing proper identification, such as name, address, phone number(s), and/or email address. There is an instruction panel just above the keypad, and those requesting entrance should press **001** on the keypad to call the Main Gate House. Once approved for entry, the Security Officer will open the gate.

## **Guests of Residents or KCC**

Except as required below in the immediately following section, all non-residents, including guests of Kenmure residents and the Kenmure Country Club, must use the Main Gate.

## **Vehicles Required to Use Argyle Lane Gate**

Anyone driving a Restricted Vehicle, for ingress and for egress, that is transporting people, equipment, supplies, or building materials to or from any construction site on a Designated Street must use the Argyle Lane Gate. A Restricted Vehicle is any construction, delivery, or other vehicle that is not classified as Class 1 through Class 3 by the USDOT Truck Classification system. KSC 07-A sets forth the requirements and enforcement provisions associated with such construction-related use.

*Adopted by the KPOA Board of Directors on March 3, 2012*

*Revised and Approved by the KPOA Board of Directors – February 25, 2022*

*Authority: Declaration, Paragraph 18*

## Argyle Lane Gate Access

(KSC-07A)

This Rule is a supplement to KSC-07. It relates to the use of the Argyle Lane Gate by all drivers of inbound and outbound vehicles associated with construction projects in Kenmure.

### Purpose of Gate

The purpose of this Rule is to reduce wear and tear on Kenmure Drive, Elmridge Drive, Berry Creek Drive, and portions of Pinnacle Peak Lane by requiring certain vehicles that are headed to or leaving any construction site in the area south of Pinnacle Mountain Road to use Argyle Lane Gate.

### Characteristics of the Gate

The Argyle Lane Gate is equipped with automatic cross-arms, signage, lighting, and cameras so that the Kenmure Security Officers may monitor the gate 24/7 from the Main Gate House at the Kenmure Drive entrance (the "Main Gate"). The cameras record all vehicles entering and leaving Kenmure, specifically capturing the license plates of each vehicle and recording this on a long-term DVR recorder. There is also a camera and a keypad and communications system at the ingress side of the gate arms that can be used for communication with the Main Gate House.

### Vehicles Required to Use Argyle Lane Gate

The Argyle Lane Gate must be used by anyone driving a Restricted Vehicle, for ingress and for egress, if it is transporting people, equipment, supplies, or building materials to or from any construction site on a Designated Street. A Restricted Vehicle is any construction, delivery, or other vehicle ***that is not classified as Class 1 through Class 3 by the USDOT Truck Classification system.*** Contractors and their subcontractors using any vehicles other than Restricted Vehicles are encouraged to use the Argyle Lane Gate as well. Designated Streets are as follows:

Brookhaven Court	Edgehurst Court	Manorwood Court
Chancery Court	Fernridge Court	Minthill Court
Chatsworth Court	Green Meadow Court	Mossridge Court
Cottonwood Court	Haverhill Court	Pinnacle Peak Lane
Creeksedge Court	Hollybrook Drive	Stonecrest Court
Dartmoor Court	Huntmere Court	

Each general contractor is responsible for compliance with this requirement by all sub-contractors and crews. For contractor work hours, see KPOA Rule KSC 05.

### Enforcement

It is a violation for anyone to attempt to access Kenmure via the Main Gate if that individual is driving a Restricted Vehicle that is required to use the Argyle Lane Gate. The individual will be notified of the violation and will be directed to the Argyle Lane Gate. The first violation will result in a verbal or written warning. Second and subsequent violations will result in fines in the amount of \$100 per violation.

Fines will be collected by deducting the total amount from the Adherence to Policy portion of the Refundable Construction Deposit. See form NH 5.

*Adopted by the KPOA Board of Directors on February 25, 2022*

*Authority: Declaration, Paragraph 18*

# Grounds Maintenance Upkeep

(GN-01)

## Rights-of-Way

The right-of-way for the road system in Kenmure is generally 10 feet from the edge of the pavement. KPOA owns or controls all rights-of-way on roads that the KRMC has accepted for maintenance. The KRMC has the responsibility for maintenance of those rights-of-way subject to the following exceptions:

**Mowing:** Grass on the shoulders will be mowed, in general, to a width of 6 to 8 feet from the edge of the pavement.

**Improvements:** Unit Owners *may* make approved improvements in the right-of-way. KRMC must approve all improvements made in the right-of-way prior to the commencement of any work. Once improved, it is the responsibility of the Unit Owner to maintain those improvements except for damage done by KPOA during maintenance.

## Unimproved Residential Lots

Unimproved Residential Lots are those which have been platted and for which neither KRMC nor KARC have approved any building or other plan. Unit Owners may do routine maintenance on unimproved Residential Lots including mowing, light trimming, and removal of dead vegetation. Please see previous sections for information relating to tree and landscaping work requiring KRMC or KARC approval. For example, under brushing of an area exceeding 250 square feet requires KARC approval.

The unapproved removal of trees is in violation of the tree policy. The piling of debris is not permitted. Such activity is subject to correction by the Residential Unit Owner and/or fine if not rectified within a reasonable time.

## Proposed Improved Residential Lots

A proposed improved Residential Lot is one that has had a proposed plan submitted to and approved by KARC and KRMC. While generally a precursor to the building process, a lot may also be deemed a proposed improved Residential Lot if the owner receives permission to make certain improvements to the Residential Lot, such as installing a drive for the purpose of maintaining the lot, or making improvements on the right-of-way. Once an approved plan has been executed, the Residential Unit Owner must maintain the improved portion of the Residential Lot to acceptable standards unless the owner receives approval of KARC for a revised landscaping plan.

A Residential Lot may be partially improved with the balance of the Residential Lot left in a natural state. A Residential Lot or portion of a Residential Lot left in a natural state is not deemed to be in violation of the covenants; however, the improved portion of the Residential Lot must be acceptably maintained.

## Noxious Weeds

Unit Owners must insure that noxious weeds, those covered by Federal and State noxious weed laws and those deemed a local problem, are not allowed to encroach onto adjacent properties. KPOA reserves the right to implement control, at the expense of Unit Owner, of such weeds if Unit Owners do not take adequate control measures to prevent encroachment. Local weeds deemed as problems include but are not necessarily limited to kudzu, poison ivy, Chinese Sumac ("Tree of Heaven"), poison oak, and poison sumac. *(The latter two are generally not found in this area.)*

## **Fire Hazards Under Extremely Dry Conditions**

KPOA may, from time to time when conditions are extremely dry, require owners to implement vegetative control practices and other programs designed to protect property from becoming a fire hazard. The Unit Owner is responsible for such maintenance, but KPOA may decide that action is needed and has the right to enter vacant lots to perform such maintenance; lots owners will be charged for the same.

*Adopted by the KPOA Board of Directors – July 21, 2003*

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

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

*Revised and Approved by KPOA Board of Directors – August 17, 2018*

*Revised and Approved by KPOA Board of Directors – September 21, 2018*

*Authority: Declaration, Paragraphs 21, 22, and 24*

## **Unit Combination, Subdivision, or Boundary Relocation (GN-02)**

A Unit combination, subdivision, or boundary line relocation can be authorized with the prior written approval of KPOA under the authority of the Third Amended and Restated Declaration of Restrictive Covenants, Paragraph 5 (Units were referred to as "lots" under previous declarations and rules). Should a Unit Owner (excluding Developer as set forth in the Third Amended and Restated Declaration) wish to combine or subdivide two adjacent Units, a written application must be submitted to the KPOA Board for approval. Once approved, before two Units may be combined, the Unit Owner must pay KPOA six times the then applicable annual assessment for an unimproved Unit. No fee is required for a Unit subdivision or boundary relocation. After KPOA approval, the payment of any fee, and the filing of a new deed with Henderson County, the Unit Owner will be responsible for future annual assessments on any Units in place after the combination or subdivision.

The above rule replaces previous versions of GN-02.

*Adopted by the KPOA Board of Directors, August 27, 2014  
Authority: Declaration, Paragraph 5*

## Appendix I – Enforcement Process

### Enforcement Overview

#### Purpose

The Kenmure Property Owners Association (KPOA) is staffed and managed by property-owner volunteers. The KPOA does not have traditional police functions or powers. The Association is, however, responsible to follow-up on complaints and reported violations. The purpose of the Enforcement Procedure is to provide the KPOA Board and its Committees guidance in the timely and consistent handling of complaints or reported violations of the *Kenmure Declaration* and the KPOA Rules and Regulations. KPOA Rules & Regulations apply to all persons while on Kenmure property. This includes owners, their dependents, guests, visitors, and renters. All Kenmure Country Club (KCC) employees (including Kenmure 11 LLC, Kenmure 12 LLC and Kemper), non-owner KCC members, KCC guests, contractors, subcontractors, and service providers must also abide by these rules.

#### Documenting Complaints or Violations

Complaints or violations must be in writing and sent to the KPOA Community Relations Board Liaison and describe the specific violation of the Kenmure Declaration or KPOA Rules and Regulations, pertinent facts, and the name of the party making the report. In general, violations of a rule or covenant will be referred by the Community Relations Board Liaison to the responsible Committee.

#### Process for Handling Owner Violations

The North Carolina Planned Community Act, 47F--3-102 (11) and (12) and 47F-3-107.1 set forth procedures for fines and suspension of privileges. In accordance with the Planned Community Act, the Kenmure Restated and Amended Bylaws (dated August 5, 2013) outlines a four-step (Demand-Notice-Hearing-Appeal) process for handling violations. In an effort to quickly and amicably resolve violations, the KPOA Board has added an optional preliminary step.

Unit Owners are responsible to ensure that all dependents, guests, visitors, and renters abide by KPOA rules, regulations, and covenants. The handling of owner violations, or those of their family, guests, visitors, or renters, will be handled in this process:

#### *The Optional Preliminary Step: Informal Demand*

The responsible Unit Owner will be informed by email, phone, or in-person of the complaint or violation as well as the corrective measures that must be taken. Phone or in-person contacts should be documented in writing. In this **Informal Demand**, the Unit Owner will be made aware that a formal "Demand Letter" and possible "Notice Letter" will follow if the situation is not abated. In the case of violation posing an immediate danger to persons or property, or a significant nuisance, the Informal Demand will be made in person or over the phone as soon as the Board or Committee is aware of the violation. The Unit Owner shall be informed that they must immediately abate the violation or be subject to a fine or sanction. If not abated, a Demand Letter will be sent to the Unit Owner within 72 hours.

#### *The First Step: Demand Letter*

In the event the responsible Owner fails to abate the situation, a **Demand Letter** will be sent which documents the violation, and explains what action (or failure to act) on the part of the Unit Owner resulted in the violation. The Demand Letter will inform the Unit Owner that failure to take corrective action within a stated period of time may result in a fine or suspension of privileges.

### ***The Second Step: Notice Letter***

If the responsible Unit Owner fails to take corrective action in response to the Demand Letter, a Notice Letter will be sent informing the Unit Owner that a fine or suspension of privileges is being imposed. The Unit Owner will be notified of the right to request a hearing by the KPOA Judicial Committee within 10 days after the date of the Notice Letter, as provided in the Declaration. If the Unit Owner does not request a hearing within these 10 days, or if a hearing confirms that a fine or suspension of privileges should be imposed, the Unit Owner shall be informed in writing that the fine or sanction shall take effect. Fines may be up to \$100 for each violation, and for each day the violation continues (or is repeated beyond five days of a decision by the Judicial Committee confirming that a fine or sanction should be imposed or, beyond 15 days of the date of the Notice letter if a hearing is not requested).

### ***The Third Step: Judicial Committee Review***

If the optional hearing is requested, it shall be held before the Judicial Committee and the violator shall be given a reasonable opportunity to be heard. The Judicial Committee shall render its final decision regarding imposition of the fine or suspension of privileges no later than five days after the hearing and inform the Board of its decision.

### ***The Fourth Step: Appeal to KPOA Board of Directors***

The last potential step is the optional appeal to the KPOA Board. The Board is not required to take testimony or have the violator present during the appeal process, but shall review the record created during the hearing before the Judicial Committee. A final decision of the Judicial Committee shall be affirmed unless the Board review determines from the record that the procedures specified in the Act, the Declaration, Bylaws and/or the Judicial Committee Procedures and Rules were not properly followed, or for any other reason the violator did not receive a fair hearing..

## **Procedures concerning non-Lot owners**

### **Contractors**

The enforcement procedure steps regarding a New Construction Contractor are the same as for a Lot Owner, however the ability to fine is limited to the amount of the Contractor's refundable construction deposit and where a fine(s) is imposed, the fine(s) could exhaust the Contractor's refundable construction deposit. Should that occur, the Committee shall inform the KPOA Director Liaison. In this event, the Lot Owner becomes accountable for any additional Contractor violations in accordance with the Enforcement for Lot / Homeowners in Kenmore. Should the Contractor also be the Owner of the Lot, then once the refundable construction deposits are exhausted, then the Lot / Homeowner enforcement actions apply.

In some cases, it may be appropriate to deal with a Contractor in other or additional manners. Contractors who continuously or deliberately violate building or site construction Rules are subject to an exclusion sanction that would prevent the Contractor from constructing additional homes, or doing other construction work in Kenmore, for a period of time as determined by the KPOA Board. As an alternative to, or in addition to, an exclusion sanction, the KARC, RMC, or Security may impose a sanction that requires a higher refundable construction deposit on the next home constructed in Kenmore.

Before an exclusion sanction is imposed, however, the New Construction Contractor with the Owner, if the Contractor so requests, should be allowed to appear before the applicable Committee to explain why they should not be sanctioned. Final decisions on sanctioning a New Construction Contractor will be made in consultation



with the Developer and reviewed by the KPOA Director Liaison for the Committee imposing the sanction. The Director Liaison must review the circumstances surrounded the pending sanction and will review the facts of the case with the KPOA Board before the sanction is executed.

### **Service Providers**

Service Providers (e.g. lawn maintenance, tree cutters, painters, FEDEX, etc.) and remodeling Contractors are subject to the Bylaws, Declarations, and KPOA Rules and Regulations while on KPOA governed property. Should a service provider be found in violation of the Bylaws, Declaration or KPOA Rules and Regulations, the same enforcement process is to be followed, except that no fine can be issued. Instead, the service provider may be denied access to Kenmure for a period of time, as recommended by the Committee and approved by the KPOA Board. The duration of the denied access shall be determined by the nature of the violation and the abatement actions of the violator. Any appeal of an access denial shall be to the KPOA Board directly.

### **Enforcement for Kenmure Club Members, but not Lot / Homeowners in Kenmure**

Individuals who are Kenmure Country Club Members, but not Lot / Homeowners in Kenmure, Club guests and Club employees are subject to the Bylaws, Declarations, and KPOA Rules and Regulations while on KPOA governed property. Should an individual(s) be found in violation of the Bylaws, Declaration or KPOA Rules and Regulations, the same enforcement process is to be followed, except that no fine can be issued. (As a courtesy, KPOA will notify the organization owning the Kenmure Country Club prior to the enforcement process being invoked). Instead, the individual may be denied access to Kenmure for a period of time, proposed by the appropriate Committee and approved by the KPOA Board. The duration of the denied access shall be determined by the nature of the violation and the abatement actions of the violator. Any appeal of an access denial shall be to the KPOA Board directly.

Updated: November 17, 2023