



**RULES
AND
POLICIES
FOR
CONSTRUCTION
OF
SINGLE FAMILY DWELLINGS**

**KENMURE PROPERTY OWNERS ASSOCIATION
KENMURE ARCHITECTURAL
REVIEW COMMITTEE (KARC)**

**REVISED July 1, 2005
Approved by KPOA June 28, 2005**

C O N T E N T S

P A G E #

I. GENERAL COMMENTS 2 - 3

II. NEW HOUSES 4

 A. NEW TO KENMURE GENERAL CONTRACTORS..... 4

 B. PRECONSTRUCTION

 1. PLAN APPROVAL PROCEDURE..... 5 - 7

 2. DWELLING DESIGN/SITE WORK..... 8 - 9

 C. CONSTRUCTION

 1. GENERAL10 - 13

 2. ROAD MAINTENANCE CONSTRUCTION &
 RIGHT-OF-WAY RESTRICTIONS.....14 - 16

 3. CONTRACTOR VEHICLES & WORK HOURS..... 17

 D. CONSTRUCTION COMPLETION & OCCUPANCY 18

 E. VIOLATIONS & ENFORCEMENT 19 - 20

III. EXISTING HOUSES 21

 EXTERIOR ALTERATIONS/ADDITIONS TO EXISTING
 HOUSES, CONDOMINIUMS, VILLAS, & COTTAGES

IV. KARC FORMS INDEX 22

NOTE:

Items in these Rules and Policies "underlined", & included at the beginning of each Section, are verbatim quotes from the AMENDED AND RESTATED - DECLARATION OF RESTRICTIVE COVENANTS – GOVERNING KENMURE - A PLANNED COMMUNITY - HENDERSON COUNTY, NORTH CAROLINA as approved 31 October 2002 and amended December 2004.

I. GENERAL COMMENTS

3. A. THE KENMURE PROPERTY OWNERS ASSOCIATION

The Association is a non-profit corporation as defined in the Act, G.S. 47F-3-101, organized to further and promote the common interests of Kenmure property owners, manage and maintain the Road Systems and other Common Elements in Kenmure, and manage the services for which it is responsible under this Declaration.

3. C. ROAD MAINTENANCE COMMITTEE:

The Road Maintenance Committee (herein the “RMC”) shall be a Permanent Committee of the KPOA and shall consist of Board members of the KPOA and Members who will have primary responsibility for road surfaces, shoulders, drainage, rights-of-way, signs, road markings and striping, and speed attenuation devices owned or controlled by the Association (the “Road Systems”). The KPOA Board shall appoint the Chairman of the RMC and shall appoint Directors and members to perform the duties outlined in the RMC Policies and Procedures, the Rules and Regulations of the Association and the Bylaws of the Association as they relate to the road system. The KPOA Board retains the right to appoint all members of the RMC, who shall serve at the discretion of the KPOA Board.

3. D. SECURITY COMMITTEE:

The Security Committee (herein the “SC”) shall be a Permanent Committee of the KPOA and shall consist of Board members of the KPOA and Members who will have primary responsibility for the security function for Kenmure, including the security facilities, personnel and policies and procedures related thereto. The KPOA Board shall appoint the Chairman of the SC and members to perform the duties outlined in the Policies and Procedures, the Rules and Regulations of the Association and the Bylaws of the Association as they relate to the security systems. The KPOA Board retains the right to appoint all members of the SC, who shall serve at the discretion of the KPOA Board.

7.A. KENMURE ARCHITECTURAL REVIEW COMMITTEE:

The Kenmure Architectural Review Committee (herein the “KARC”) shall review all construction, and improvements or modifications thereto, on any residential lot or family dwelling unit and make recommendation as to approval or disapproval to the KPOA. The KPOA Board retains the right to appoint all members of the KARC, who shall serve at the discretion of the KPOA Board. The KPOA shall have power to levy fees and charges payable by the builder or property owner for the service provided by the KARC and to require deposits to insure that construction and landscaping plans are completed as approved. The KPOA shall also have the power to promulgate and enforce all reasonable and necessary rules and regulations in this regard and levy appropriate fines.

KARC Objective, Organization, Authority and Recommendations:

A. The objective of KARC is to keep Kenmure aesthetically pleasing, thus enhancing homeowner property values. The KPOA retains the right to appoint the Chairperson of the KARC who shall serve at the discretion of the KPOA. Normally, member terms will be for three years and members/Chairperson may be reappointed. The KPOA has delegated most of its construction related authorities to KARC. Contractors & Lot Owners should contact KARC for all construction & alteration issues

B. KARC does not suggest or recommend the acceptability of any one contractor (builder) over any other, except said contractor must be licensed in the State of North Carolina, such person, firm or entity obtains his income primarily from construction or landscaping of the type which the contractor is to perform, and is approved by KARC prior to start of construction. KARC does not recommend or take responsibility for any of the terms and conditions of any arrangements between the property owner and the contractor selected for construction of the home, notwithstanding the approvals that are necessary from KARC. KARC does, however, recommend that:

1. The Lot Owner obtain a contract from the contractor, defining the terms and conditions for construction of the home on the owner's property. The Lot Owner should seek advice of counsel in the preparation of the contract. Although not required, an architect licensed in NC is recommended.
2. The Lot Owner should seek the advice of an insurance agent to protect all interests adequately and to cover the home during construction and subsequent to completion of construction, so that the property owner will be adequately covered for all types of contingencies and liabilities.
3. KARC recommends that a pressure regulator be installed at the main water entry to the house due to large potential variations in water pressure within Kenmure. In addition, houses at higher elevations should consider a supplemental pump and reservoir to insure adequate pressure at all times.
4. Given the very high incidence of excessive radon in this area, radon testing is recommended, with mitigation systems installed where appropriate.
5. In the event of a serious injury on the construction site, first call 911; then, call the Kenmure Gate (692-8104) and request a trained CPR person.

C. Wherever reference is made to Kenmure Properties Owners Association (KPOA), only the Board of KPOA is permitted to make decisions or interpretations concerning these Rules and Policies and/or Declaration excerpts. Wherever reference is made to KARC, RMC, or SC only the Chairperson of the appropriate Committee is permitted to make decisions or interpretations concerning these Rules and Policies.

II. NEW HOUSES

II. A. NEW TO KENMURE GENERAL CONTRACTORS

7. E. CONTRACTOR APPROVAL:

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

Rule:

Contractors new to Kenmure must accept the provisions for building in Kenmure as outlined in the Contractor/Builder/Landscaper Information Sheet (Form NGC 1) and accept those provisions in writing prior to final KARC approval of new house plans.

II. B. 1. PRECONSTRUCTION – PLAN APPROVAL PROCEDURE

7. B. PLANS AND SPECIFICATIONS:

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

7.C. SITE PLAN:

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

7. D. APPROVAL PROCESS:

Refusal or approval of plans, specifications, contractor, septic system contractor and landscaper, or location of any structure may be based upon any grounds including purely aesthetic considerations, which at the sole discretion of the KPOA shall be deemed sufficient. In the event that the KPOA fails to approve or to disapprove any application within thirty (30) days after submission of all information and materials reasonably requested, the application shall be deemed approved. However, no approval, whether expressly granted or deemed granted pursuant to the foregoing shall be inconsistent with this Declaration unless a variance has been granted in writing by the KPOA.

Rule:

The Builder must submit the following materials to KARC at least 2 (two) weeks prior to desiring a Building Permit:

1. two (2) sets of plans (at 1/4" = 1'0" scale) including site plan, floor plans, elevations, special features and all proposed improvements. (One (1) set will be returned upon approval).
The site plan shall include, in addition to items noted in the Declaration 7.C., the following: lot lines, set backs, adjacent streets, existing and new culvert pipes (with size), location of new and existing drainage ditches, and erosion control measures proposed during construction. Every driveway access shall use a minimum of twenty feet of corrugated metal pipe (fifteen inches diameter minimum) unless otherwise noted on the approved site plan. Because all homeowners share the expense of roadway maintenance, it is the responsibility of each to restore the road right-of-way in such a way to minimize the impact to the ROW as well as adjacent properties.
2. "Home Design Application" (Form NH1), which includes:
 - site & architectural plan checklist
 - house exterior materials & colors
 - changes during construction limitations
3. Include checks for fees and Forms NH 3, NH 4, & NH 5.

A.. Submittals above shall be reviewed by the KARC and the RMC, with comments and recommendations thereto communicated to the Lot Owner/Contractor.

B. KARC will issue a "Kenmure Building Permit" (Form NH 2) if the submission is approved. The Lot Owner, Builder, KARC representative, and RMC representative will meet at the Lot to review all aspects of the Building Permit, and other applicable parts of the Rules and Policies for Construction of Single Family Homes, prior to approval of the Building Permit. Both the Lot Owner and Builder must sign the Building Permit & Home Design Application. Approval to build will not be provided until all these signatures are in place. In the event that a Lot Owner or Builder can not be present for this review, an affidavit from a Notary Public certifying that the respective person(s) have signed the two above forms (NH 1 & NH 2) must be presented.

Prior to the issuance of a Building Permit, the Lot Owner and/or contractor will stake the footprint of the house (including decks & patios) along with the driveway, septic field, and parking area. This will be done through staking, marking trees to be removed with spray paint, ribbons, etc. The owner will notify KARC and an on-site inspection will be made. Agreement between KARC and the owner/contractor will be reached on trees, flowering plants, etc. to be removed. No other trees or flowering plants may be removed in the building process unless agreement is reached with KARC. KARC will make a photographic record of the original conditions. KARC will notify Common Grounds Committee that the house has been approved for construction and that they might wish to use plants, trees or shrubs within the footprinted house/driveway area for Kenmure common areas, subject to:

- the consent of the owner
- removal for replanting will not impede construction

No cutting of trees, clearing, ditching, storing of materials, construction or other such work shall begin on any homesite until the Lot Owner/Builder has received from KARC an approved set of plans, an approved Home Design Approval Form and a Building Permit issued by KARC. Excepted therefrom, are topographic surveys, the marking of trees and special features and the preliminary staking of the proposed septic drain field, home site, parking areas, and driveways.

In the absence of specific building plans which have been approved by the KARC, removal of trees on vacant lots will not be permitted without approval of KARC and any such removal will be subject to assessments or fines as detailed in the Declaration & elsewhere in these Rules and Policies.

II. B. 2. PRECONSTRUCTION - DWELLING DESIGN/SITE WORK

8. BUILDING SIZE:

No structure except as herein provided, shall be erected, altered, placed or permitted to remain on any Lot other than one (1) Single-Family Detached Dwelling not exceeding two (2) stories in height above the basement, with a minimum requirement of at least a two (2) car garage which may be attached or unattached. The main building shall contain a minimum of 2,200 square feet of living space for a one story dwelling. All two-story Family Dwelling Units shall contain a minimum of 1,900 square feet of enclosed living space for the main floor, with a total minimum of 3,000 square feet of enclosed living space. Garages, porches, patios, greenhouses, unfinished basements, cellars, or similar areas shall not be considered floor space in meeting the above requirements. One accessory building may include a private garage and/or servants' quarters, providing the use of such accessory building does not overcrowd the site and; provided further, that such building is not used for any activity normally conducted as a commercial, industrial or religious activity. Such accessory building may not be constructed prior to the construction of the main Family Dwelling Unit. Each Family Dwelling Unit must have sufficient enclosed garage space for any and all family cars. No carports are permitted. The size and carport restrictions do not apply to condominium units or The Cottages of Kenmure as shown on Plat Slide 3516, Henderson County Registry and additional plats designated "The Cottages of Kenmure" as recorded in the Henderson County Registry.

11. SETBACKS:

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

12. EXTERIOR CONSTRUCTION:

The exterior of all houses and other structures as well as site work and landscaping must be completed within sixteen (16) months after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the Lot Owner due to strikes, fire, national emergency or natural calamities. Normally, the construction start date will be the date the Village of Flat

Rock and/or Henderson County issues a construction permit. In addition, a landscaping plan and driveway surfacing plan, with firm completion dates, must also be approved. Residential units and other dwelling structures may not be occupied until the exterior thereof has been completed. If the exterior is not completed within sixteen (16) months without the prior written approval of KARC, the Lot Owner shall, after notice and opportunity to be heard, be liable for fines as provided in Section 47F-3-102 (12) of the Act.

Rules:

- A. Log cabins are not permitted
- B. Exterior Colors shall be moderate and compatible with the forest setting. Stark white, off-white, and pastels are strongly discouraged, and may not be approved as base colors, depending on the site and other aesthetic considerations.
- C. Driveway Entrance 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.
- D. Roof Stacks, Sheet Metal Flashing, Metal Chimneys, Plumbing Vents, Etc. shall be painted to match roof color. (except copper and lead) and shall be located on roof slopes away from main streets. All fireplace vents, furnace stacks & other roof penetrations 4" diameter & over shall be disclosed on the elevation drawings for review by the Kenmure Architectural Review Committee.
- E. Roof Pitch shall not be less than 6 inches vertically in 12 inches horizontally (6/12), unless there are special design considerations which the KARC feels would justify a slightly lesser pitch.
- F. Exterior Wall Materials must be predominately natural wood, stone, brick or stucco. Synthetic, cultured, or prefabricated stone, and precast concrete can be used as accent materials on exterior surface areas. Vinyl or aluminum siding is not approvable.
- G. All decks, posts, rails and similar attached structures shall be painted or stained to match the exterior color or trim.
- H. All exterior surfaces of poured or precast concrete foundations and retaining walls shall be covered with stucco.
- I. Identical, or near identical houses, will not be permitted within the lesser of line of sight or ¼ mile.

II. C. 1. CONSTRUCTION – GENERAL

9. BUILDING REQUIREMENTS:

No decorative features such as sculptures, birdbaths, birdhouses, fountains or other embellishments shall be permitted that are visible from any street unless approved by the KARC.

10. TEMPORARY STRUCTURES:

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

13. TREES:

No flowering trees, shrubs, or evergreens of any size, or trees measuring six (6) inches or more in diameter at a point two (2) feet above ground level, may be removed without the prior written approval of the KARC, unless located within twenty (20) feet of the building, or within ten (10) feet of the right-of-way of driveways and walkways. Excepted here from shall be damaged trees, or trees which must be removed because of any emergency. However, should a Lot Owner remove any tree or vegetation as herein provided without the above-described written approval, or negligently or intentionally damage any tree or vegetation as herein provided, said Lot Owner shall, after notice and opportunity to be heard, be liable to the KPOA for an assessment in the amount of Fifteen Hundred Dollars (\$1,500) for each tree or other plant removed or be liable for fines as provided in Section 47F-3-102 (12) of the Act.

14. SEWER AND WATER:

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

15. STORAGE TANKS:

Fuel storage receptacles may not be exposed to view and must be installed, either within an accessory building or buried underground. Bottled gas, with the exception of gas grills, is not permitted.

16. TRASH:

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

17. ANTENNAE AND THE LIKE:

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

26. WATER COURSES:

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

27. WATERWAYS:

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

42. SPECIAL RESTRICTIONS AFFECTING ALL LOTS ABUTTING GOLF COURSES:

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

A. LANDSCAPING:

The landscaping pattern of that portion of the Course Lot within fifty (50) feet of the lot line bordering a golf course shall be in general conformity with the overall landscaping pattern for the course fairway area established by the golf course architect and communicated to the Lot Owner by the Developer.

Rules:

A.. TREES:

1. Removal or cutting of trees to Create Views: Owners will be encouraged to finish framing of their house prior to requesting removal of trees solely for views. Further, rather than remove trees, the removal of branches will be encouraged (trimming shall be limited to the lesser of: the lower 2/3 of trees or the area below the crown). Topping of trees will be strictly prohibited. The reasonable removal of trees for creation of a view may be permitted as a variance to the tree policy, when it enhances the value of the property & has no significant negative impact on neighbors or the overall natural beauty of Kenmure, but must be approved in advance in writing by KARC (Form NEH 2). Any other removal will be subject to the assessments or fines stated in Declaration 13.

In those cases where it is difficult to predict the total tree removal required to enhance views, KARC will approve the minimum deemed necessary & will return ASAP after the approved trees are removed (normally on the same day as removal) to grant additional removal if warranted.

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

3. Removal of trees to prevent structure damage: KARC may approve the removal of trees greater than 6" diameter and more than 20' from a structure to prevent future damage when a tree is damaged, leaning toward the structure, or pose a damage threat to the structure.

4. Trees must be cut to ground level and then removed from the property or cut & stacked if the wood is to be used by the owner.

NOTE:

1. KARC will consider the type and size of the tree and will normally reject the cutting of specimen trees.

2. KARC will consider the impact cutting will have on neighbors and the natural beauty of Kenmure and will normally reject cutting when it would cause a significant negative impact.

3. Correction Plans: KARC may request or provide a reasonable plan to replant trees and/or plants that will accelerate return to desirable conditions. Violations of this plan will incur assessments, or fines as provided in the KPOA Procedures for Enforcement.

- B. All driveways and parking areas must be paved with asphalt or concrete paving unless another paving material is approved in writing by the KARC
- C. All play equipment shall be placed so that it is not visible from any street. Treehouses are considered structures requiring full approval by the KARC.
- D. No outside clothesline visible from any street or neighboring family dwelling unit shall be permitted.
- E. Each house must have a minimum 200 AMP electric service. Each family dwelling unit must have permanent electric service supplied by Duke Power Company or its successor normally supplying electric service to Kenmure.
- F. No concrete blocks may be exposed unless they are plastered or stuccoed.
- G. No unpainted sheet metal may be exposed.
- H. All roof stacks and plumbing vents shall be placed on the portion of the family dwelling unit roof facing away from the front lot line.
- I. All window air conditioning units must be screened from roads and also from neighboring lots. All compressor units shall be ground mounted. Compressor units shall be screened by approved fencing or planting.
- J. Fencing of any kind or purpose shall be submitted to the KARC for approval at time of new house approval, or at time of landscape approval or at anytime thereafter (see Fencing Instructions & Approval Form NEH 5).
- K. Firewood shall not be stored in front yard or within twenty-five feet (25 ft) of adjacent property lot lines.
- L. Mailboxes shall be installed in accordance with RMC standard design (Form NEH 6).
- M. Awnings require KARC approval and must meet the "Instructions & Approval Form for Awning Installations" (Form NEH 3).
- N. Construction of dams on existing streams may be permitted by KARC, as long as: the dam does not exceed 12" in height from the original stream bed and no water flow control measures are installed. In addition to approval by KARC, a Corps of Engineers Permit #404 is required.

II. C. 2. ROAD MAINTENANCE CONSTRUCTION RIGHT OF WAY RESTRICTIONS

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

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

This keeps the ROW in a condition which:

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

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

Rules Relating to New Home Construction

1. 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.
2. All lots that are at or above the grade of the road must have a drainage ditch established by the builder along the front of the property line to allow water to drain off the ROW. Provisions must also be made to prevent the flow of any rain water, mud, silt, etc. onto either the roadway or adjoining properties.
3. Every driveway access shall use a minimum of 20 feet of corrugated metal pipe or H20 loading double wall plastic pipe (15 inches diameter minimum) unless otherwise noted on the approved site plan. It is also the owners responsibility to keep the culvert clean of leaves and other debris.
4. A gravel mud mat and gravel driveway must be installed as soon as the driveway is cut. An adequate level of gravel must be kept on the mud mat to keep mud off the roadway. The gravel needs to be 2 ½ aggregate or larger at the mud mat. If mud is tracked onto the roadway, it must be cleaned off by the end of the work day.
5. Parking should be accommodated on the lot. If overflow parking is required on the ROW, RMC will designate on which side of the road ROW parking will be allowed. Both traffic lanes are to be open at all times. Any mud tracked onto the roadway must be cleaned off by the end of the workday. Any ruts created by parking on the ROW must be filled in, raked, seeded, and covered with straw prior to return of the refundable deposit.

6. Construction equipment, building materials, dumpsters, and portable toilets are prohibited on the ROW and must be placed on the lot. No construction equipment or trailers may be left on the ROW overnight. Dumpsters may not be placed within 10 feet of the road.
7. No driveway curbing, large rocks, culvert headers, or other impediments may be placed in the ROW as part of the driveway construction or landscaping. Driveway curbing cannot be within 24 inches of the road.
8. If there is a violation of the Rules and Policies for Construction of Single Family Dwellings, the general contractor will be contacted to correct the situation. If there are any future violations of said Rules and Policies, a letter will be sent to the owner and the general contractor specifying a date by which the violation must be corrected. Failure to correct the violation by the date specified, or any additional violations will result in withholding up to \$150 per day from the refundable deposit for each violation.
If a contractor exhausts the deposit with these violations, actions outlined in Section II. E., Contractor Penalties Process, may be invoked. It is not our intention to impose penalties but the Rules and Policies for the Construction of Single Family Dwellings must be enforced.
9. The builder and the homeowner are responsible for constructing a home in such a way that drainage from the lot, and from the road and unpaved ROW does not adversely affect the owner's property, the road and unpaved ROW, or any adjacent property. Where no drainage problems existed prior to the building of a home, the RMC is not responsible for correcting drainage problems after the home is built. The builder should consider the natural flow of water from the owner's lot, and from the road and along the unpaved ROW when designing the home location on the lot, installing the driveway, and constructing other structures near the ROW. Where the natural flow of water from the lot, or from the road and along the unpaved ROW would be altered by home and driveway construction, the builder and the home owner are responsible for installing culverts, ditches, driveway curbing, and other structures to prevent that flow of water from damaging the road, the unpaved ROW, or other property, including the owner's property.

Mailbox Rule

10. A standard mailbox on a wooden post without a concrete base is the only item that can be placed within 10 feet of the road edge on the ROW without prior approval of the KARC and the RMC.

Alteration of the Right-of-Way Rule

11. While property owners are encouraged to help beautify the unpaved ROW adjacent to their property, no projects can be undertaken that would affect drainage, safety or aesthetics without the written approval of a plan submitted to the KARC and RMC. Projects include all changes or alterations to the ROW from its original condition, including removal or addition of trees and other vegetation, addition of landscaping/permanent structures, and the initial planting of grass or spreading of mulch. No plantings that will grow higher than 18 inches shall be added in the ROW. No plantings are allowed within 4 feet from the edge of the road.

Maintenance of the Right-of-Way Rule

12. If projects or alterations are approved and made to the ROW, the property owner is solely responsible for all maintenance and damage repair expenses associated with the alterations, except when drainage/shoulder maintenance is needed that would have incurred regardless of the alterations. The property owner may be required to restore the ROW to its original condition if it has been altered without the prior written approval of the KARC and the RMC.

Dead and Fallen Trees Rule

13. In the event that a tree falls from an owner's property onto a Kenmure road or the Right-of Way (ROW), and was caused by an Act of God, the following policy will apply.
 1. Any such tree that blocks the road will be cut and moved at least 3 feet off the edge of the road by the Road Maintenance Committee (RMC), and the owner will be billed for the associated cost. Removal from the roadway will be done immediately in order to maintain road safety.
 2. Where practical, RMC will attempt to notify the owner that the tree must be removed from the Right-of-Way within 3 days. If the work is not completed within 3 days, or if the owner cannot be reached, RMC will contract to have the tree removed and the owner will be billed for the associated costs.
 3. In unusual circumstances where:
 - a. The tree is of such a size (too big?) or,
 - b. Insufficient shoulder is available such that the tree cannot be moved at least 3 feet off the edge of the road, then RMC will cut and remove the tree in order to eliminate dangerous driving conditions. The owner will be billed for all the associated costs.
 4. In the event that a tree falls from the ROW onto a property owner's property, RMC will remove the tree at KPOA expense.
 5. Property owners are responsible for the removal of dead trees on their property that have the potential of falling onto the ROW or the roadway. RMC will notify the owners in writing if such a situation is discovered in the course of routine ROW inspections. In the event that such a tree falls onto the ROW, and if the owner had been previously put on notice, the owner will be billed for any RMC work associated with opening the roadway and/or cleanup of the ROW.

II. C. 3. CONSTRUCTION –

CONTRACTOR VEHICLES & WORK HOURS

A. Rules - Contractor Vehicles:

- General contractors (incl. landscaping) are responsible to ensure that all vehicles working on their job (own and subcontractors) are maintained in good order. This responsibility includes any and all cleanup costs of Kenmure roads caused by spills from construction vehicles going to/from their jobsites.
- Vehicles that are obviously overloaded or in unsafe condition may be denied access at the Kenmure gate.
- All contractors, both “regulars” and one-time are to register at the Gatehouse each time they enter Kenmure and are to be issued a contractor pass, which must be displayed on their vehicle and returned to the Gatehouse on leaving Kenmure. Contractors entering/ exiting Kenmure repeatedly during the course of a workday may retain the pass until their final exit of the day.

B. Rules - Contractor Work Hours in Kenmure:

- Normal work hours for contractors/subcontractors/suppliers/tradesmen in Kenmure are 7:00 AM to 5:30 PM, Monday through Friday.
- Work on weekdays before 7:00 AM or after 5:30 pm or work on Saturdays requires special approval and which will be given only in unusual or “hardship” situations and only for specified and limited work hours. Saturday work inside occupied homes and their yard maintenance is normally approved but workers must be on the weekly authorized work list at the Guardhouse.
- No work is ever to be done and no contractors will be admitted on Sundays or Holidays except for genuine emergencies (e.g. water leaks, electrical outages, roof leaks, etc.). Holidays include Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day.
- The policy for contractor work hours is contained in the K.P.O.A. Rules and Regulations, which may be found on the Kenmure website at www.kenmure.org.

C. Procedures for Requesting Late Work or Saturday Work:

- Contractors wishing to work after 5:30 PM on weekdays must call the Gatehouse before 3:00 PM to request approval. In no case may the late work extend past 7:00 PM
- Contractors wishing to work on Saturday must request permission through the Gatehouse before 3:00 PM on Friday and be approved for the Saturday work list. KARC will periodically provide SC with a list of new home construction projects where late/Saturday work could be approved.

D. Enforcement Procedures by Kenmure Security Guards:

- After 5:30 PM, Security will use the routine patrol to ensure that all contractors have left Kenmure. If any contractors are found working after normal hours, Security will log this event and then ask the contractor to leave Kenmure immediately
- Guards will only admit contractors who are already on the approved Saturday list.
- Contractors/subcontractors/suppliers who violate these work hour rules may be denied the privilege of late or Saturday work in future.

D. CONSTRUCTION COMPLETION & OCCUPANCY

7. F. REQUIREMENTS AT COMPLETION:

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

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

Rules:

A. Submit landscape plan, drainage provisions, and driveway final surfacing plan, with dates for final completion, to the KARC 2-4 months prior to project completion (Form NEH 1).

B. House exterior completion, driveway final surfacing plan, proper drainage provisions, and a landscaping plan must be approved by the KARC prior to issuance of a Kenmure Occupancy Permit.

C. In addition to those requirements for an Occupancy Permit listed in the Declaration, either a mailbox with street number or some other clear identification of the street number in a manner acceptable to SC & KARC must be in place. Also refer to Kenmure Building Permit item 16.

D. A Moving Van Access (Form NEH 10) must be completed prior to Moving Vans entering Kenmure property.

II. E. VIOLATIONS AND ENFORCEMENT

7. G. VIOLATIONS AND ENFORCEMENT:

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

Enforcement Policy:

Owners

The KPOA Operating Committees (KARC, RMC, SC) have been delegated authority from KPOA to impose fines and/or penalties on owners who have not responded to repeated requests to correct violations of the KPOA Declaration, By-laws, Rules & Regulations and Construction Rules and Policies (associated with building or altering houses and landscaping) such as, but not limited to: timelines; exterior house/site plan changes without prior approval, including landscaping, driveway, fences, awnings, etc.; tree removal beyond that permitted in these Rules and Policies; exterior alterations to existing houses, condos, villas, & cottages as outlined in these Rules and Policies, etc.

See the “KPOA Board Procedure for Enforcement Action – Owners”, approved May 18, 2005, copies of which are available from KPOA Board or Operating Committee members.

Contractors

The KPOA Operating Committees (KARC, RMC, SC) intend to rigorously impose penalties on contractors for violations that are associated with:

- Failure to follow good building practices (e.g. silt protection, drainage provisions, mud mats, repeated violations of trash accumulation, etc.)
- improper condition, operation, & parking of vehicles
- violation of Kenmure contractor work hours
- unapproved changes, damage, or disruptions to Kenmure roads and Right of Way
- other restrictions noted in the Construction Rules and Policies & related Forms (e.g. fires, excessive noise, disruptions to adjacent lots, inadequate coordination with utility services, etc.)

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

Rules:

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

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

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

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

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

III. EXISTING HOUSES

Rules:

Exterior Alterations/Additions to Existing Houses, Condominiums, Villas, Cottages

Any exterior alterations or additions, other than landscaping within the general scope of the original plan, requires KARC approval, prior to implementation.

This includes, but is not limited to: .

- Major landscape alterations (Form NEH 1)

- Removal of rock outcroppings, concentrations of azaleas, rhododendrons & other shrubs & wildflowers, or tree removal or topping (trees measuring (6) inches or more in diameter) (Form NEH 2)

- Awnings (Form NEH 3)

- Fencing (Form NEH 5)

- Major mailbox alterations (Form NEH 6)

All of the following require Form NEH 4:

- Paint Color (except when repainting with original color)

 - recommend natural tones

- Exterior Walls and Stonework

- Roof Color

- Exterior Wall Materials

- Windows & Doors (except direct replacement)

- Any new building (attached or unattached)

- Patios & Decks

- Driveway Relocation

- Decorative Features (if visible from any street)

- Play Equipment (if visible from any street)

Submit changes to KARC, in writing, on the indicated Form prior to any changes.

Please see the appropriate Section of these Rules and Policies for additional details on any of the above alterations, especially Sections II. B. 2 and II. C. 1. In addition, please note Section II. C. 2 for ROW information.

Violations of any of the above may result in the same penalties as outlined in Section II. E., for new houses.

IV. KARC Forms Index

(See KARC website or the KPOA Office for copies of Forms)

New Houses:

- NH 1 Home Design Application
- NH 2 Kenmure Building Permit
- NH 3 Receipt for Non-refundable Road Fee and Refundable Landscaping Deposit to KPOA, Inc.
- NH 4 Receipt for Non-refundable Construction Administrative Fee to KPL, Ltd.
- NH 5 Receipt for Refundable Construction Deposit to KPOA, Inc.
- NH 6 Kenmure Occupancy Permit Application

New General Contractors

- NGC 1 Contractor/Builder/Landscaper Information Sheet (required from general contractors new to Kenmure)

New Houses and Alterations to Existing Houses/Structures:

- NEH 1 Landscape Plan Approval Request
- NEH 2 Tree Cutting & Shrub Removal Request
- NEH 3 Instructions and Approval Form for Awning Installations
- NEH 4 Alterations to Existing Houses/Changes During New House Construction
- NEH 5 Instructions & Approval Form for Fencing
- NEH 6 Mailbox Construction & Installation
- NEH 7 Saturday Work Rules & Procedures

New Houses and Resales:

- NEH 10 Approval for Moving Van Access