

THE SETTINGS OF BLACK MOUNTAIN

Construction Guidelines



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**Construction Guidelines
for Designing and Building a House
in The Settings of Black Mountain**

The purpose of this document is to guide the Owner and Builder and other construction team members in the step-by-step process of designing and constructing a house in The Settings.

Process Steps for Building in The Settings

The process is a series of eight steps that are summarized in the table on the next page. Time is critical to the owner and builder. Approximate time frames are noted for the DRB to take action at each step. For the time frames that are expressed as business days, please note that business days do not include weekend days, most major holidays, the week of Thanksgiving Day, the week of Christmas Day, and the week of New Year’s Day.

STEP	ACTIONS	RESPONSIBILITY	TARGETED RESPONSE TIME
1 Vision	Review Association/DRB and site documents	Owner	Owner controlled
	Begin selection of design/build/landscape teams	Owner	Owner controlled
	Contract for topographic and tree survey of property	Owner	Owner controlled
2 Planning	Initial on-site concept evaluation meeting with DRB ¹	Owner, Designer, Builder	Within 10 business days of owner request to DRB
	DRB communicates site concerns, if any	DRB	10 business days after site visit
3 Preliminary Design	Submit: 1) preliminary design review fee of \$2500 2) completed application and affidavit forms 3) preliminary design and site plans	Owner	Owner controlled
	Preliminary design review; documented response to owner	DRB, Reviewing architect	25 business days from receipt of all submittals
4 Final Design	Submit final design and site plans	Owner	Owner controlled
	Final design review; documented response to owner	DRB, Reviewing architect	25 business days from receipt of all submittals
5 Pre-Construction	Submit Construction Compliance Deposit & Road Use Fee of \$3500 ²	Owner, Builder	Builder controlled
	Obtain building permits	Builder	Builder controlled
	Complete House site staking and tree marking	Owner, Builder	No more than 30 calendar days before inspection
	5A DRB to review staking & marking on-site; documented response to owner	DRB	5 business days after request; 5 business days after site visit
	Clear Site for Construction	Builder	Builder controlled
	5B DRB to review clearing & erosion control on-site; documented response to owner	DRB	5 business days after request; 5 business days after site visit
6 House Construction	Construction schedule to be advised to DRB	Owner, Builder	Owner/Builder controlled
	Submit Preliminary Landscape Plan	Owner, Builder	Within 30 days after clearing
	DRB landscape plan review; documented response to owner	DRB	20 business days after receipt of plan
	Periodic DRB inspections	DRB	
7 Landscape	Submit final landscape plan	Owner	Minimum of 150 calendar days prior to proposed completion or Certificate of Occupancy (CO)

	DRB landscape plan review; documented response to owner	DRB	20 business days
	Final landscaping completed per approved plan	Owner	Within 180 calendar days after receipt of CO
8 Project Closeout	Notify DRB when substantially complete or CO issued	Owner	Min 5 business days prior to requested inspection date
	Final inspection by DRB; documented response to owner	DRB	10 business days after inspection
	Construction deposit less unpaid fines refunded to owner	DRB	Within 10 business days after final inspection response
Design Review and Construction Fees	Design Review Fee	Owner	\$2500 due with Preliminary Design Submission
	Construction Fee	Builder	\$3500 due prior to clearing at Step 5A

¹ If the owner chooses not to move forward with the construction of their home, the owner may be charged \$500 for this service.

² \$2000 for Road Use Fee, \$1500 refundable Construction Compliance Fee

STEP 1 – VISION

OWNER REVIEW OF CONTROL DOCUMENTS, SITE DOCUMENTS AND SELECTION OF DESIGN/CONSTRUCTION TEAM

Owners must notify the DRB of their intent to begin the design process. The DRB can be contacted at DRB@tsobm.com.

The Owner should begin selection of their professional team: a licensed architect or designer, and if desired at this step, a NC licensed (and The Settings Approved) builder and a landscape architect or designer. If not utilizing the services of a NC licensed architect, a NC licensed landscape architect **must** be used to develop the site plan. It is not required to select a builder at this step; however, the builder must be selected by Step 4 when the Final Design and Construction Documents are submitted.

It is the responsibility of the owner to acquaint their consultants with the Design Review Board (DRB) Architectural Design Standards and Construction Guidelines, and the Design Review Process.

It is highly recommended the property owner utilize professionals who understand the risks associated with building homes in the mountains, and who have relevant experience. Lots may contain underground springs, underlying rock formations, streams and soil instability hazards, to name a few.

Before commencing any detailed design, the owner and their architect or designer should review the following documents for specific constraints and/or requirements:

1. Recorded Plat of the Subdivision and the subject lot to determine any lot specific restrictions and/or easements;
2. Topographic, Boundary & Tree Survey for subject lot (see details below);
3. Declaration of Covenants, Conditions and Restrictions (CC&R's), including Amendments as recorded, and the By-Laws of the Association
[\[https://www.tsobm.com/wp-content/uploads/2019/01/CCR-Docs-Combined.pdf?x36566\]](https://www.tsobm.com/wp-content/uploads/2019/01/CCR-Docs-Combined.pdf?x36566)
4. The Design Standards and Construction Guidelines described in the body of this document;
5. The Design Review Application and related forms in Appendix 1;
6. ALL applicable Town, County and State Building Codes/Restrictions, Fees and/or submission requirements for The Settings of Black Mountain;
7. If the Owner is considering building a home on merged lots, they should refer to the HOA Policy, "*Process for the Construction of a Residence on Merged Lots in The Settings of Black Mountain*" and complete the "*Application Form*" in the Appendix.

The topographic survey along with a tree survey of the house site should be prepared so that the owner, architect/designer, landscape architect/designer and builder (if applicable at this step) can make a proper site evaluation in accordance with the site planning guidelines that are listed below. The topographic survey shall:

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- verify the corner pins of the property
- note any water boundaries, springs, creeks or streams on the site
- provide graduated contours at two-foot elevation intervals
- indicate spot elevations of any distinctive features such as mounds
- locate utilities where they protrude above the ground
- show the location and species of all trees 6 inches in diameter and greater, (measured as diameter at breast height (4'-6") above grade)
- note the location and identification of any special features of the house site
- show building setback requirements, easements and any restrictions per the recorded plat(s), Town zoning regulations, and these DRB Guidelines.
- The information included on the survey, at least with respect to tree sizes, must be less than one (1) year old when presented to the DRB for the next step (Planning).

STEP 2 – PLANNING

INITIAL SITE EVALUATION & CONCEPT DESIGN MEETING WITH DRB

The design team, along with the approved builder (if applicable) and the DRB shall visit the house site for an onsite visit prior to providing the Preliminary Design submission. This allows the designer to creatively design the dwelling in a compatible site-specific manner taking the overall goals of The Settings Design Style/Philosophy into consideration. Please contact the DRB at DRB@tsobm.com to arrange this meeting.

At the time of the on-site meeting with a DRB member(s), the owner (or their agent), the architect and the builder (if applicable) will note and discuss any site related issues. Also in attendance will be a NC licensed landscape architect who has been retained by The Settings. Following the Concept Site meeting the landscape architect will provide a report that keeps in mind how the home may take the best advantage of the lot, minimizing land disturbance and erosion potential. The expense for this service is covered in the Preliminary Planning Review fee. This fee accompanies submission for Preliminary Planning Review of your drawings (Step 3). If, following the Concept Site Visit, the owner determines that building in The Settings on their lot is not suitable and the owner chooses not to move forward with the construction of their home, the owner may be charged \$500.00 for this service.

During the meeting, discussions of possible building sites, easements or site restrictions, natural drainage requirements and/or existing streams will be addressed. Also, site clearing concerns and plans will be addressed as they relate to natural vegetation or its alteration due to grading, location of stormwater retention, and other factors that determine the extent of tree removal.

The Settings strives to have houses in the community blend into the natural environment. We encourage the design team to look at other houses in the community for good examples of how to do this. Maximum consideration should be given to the house design's relationship to the site features such as views, as well as the proposed house's impact on the natural qualities of the house site. House concepts may not be approved if they substantially damage the natural qualities of a lot; consequently, a house that may be acceptable for some house sites might not be acceptable for other house sites.

The design team shall submit the following conceptual details to the DRB at least 10 days prior to the concept site visit. NOTE: all documents must include the owner name and lot number and address.

- The topographic survey with details as noted in Step 1 above;
- The topographic survey, or portion thereof, with the proposed location of the house, any detached structures, and driveways;
- Locations of any retaining walls, both attached to the structures, or otherwise located on the lot;
- Anticipated grading beyond construction envelope;
- Anticipated location for stormwater retention areas.

No commitments or approvals will be granted from the DRB at this early onsite meeting, but the DRB will make an effort to respond within 10 business days after the site visit to communicate any concerns with respect to site related issues, as noted above.

STEP 3 – PRELIMINARY DESIGN

DRB REVIEW OF PRELIMINARY DESIGN PACKAGE

The Owner must submit a Preliminary Design Package containing the design fee, forms, and design & site plans listed in the "Preliminary Design Submission Requirements" noted below. The Preliminary Design Package review will facilitate an efficient preparation of final construction/working drawings to meet the standards and guidelines. The Association contracts with Registered Architects to undertake both the Preliminary and Final Design reviews on behalf of the DRB. The Reviewing Architect will compare the proposed design with the standards and guidelines noted herein. Owners are advised that they can file an appeal to a DRB decision with the HOA Board of Directors as referenced in Article 9.10 in the CC&Rs. **Any variances to the design standards and guidelines must be noted in the Preliminary Design Package submitted by the Owner. Failure to do so may delay the time frame for the DRB approval.**

Variances require approval from the DRB and the Association Board of Directors.

Identifying variances early in the project will reduce the possibility of rejection later in the process. Examples of major variances might include unusual/alternative choices of materials, porches and decks, reduction of setbacks, windows, etc. The above list is not all-inclusive. It is important for owners to contact the DRB in the beginning steps and maintain communication throughout the design steps, especially if uncertainties arise.

Preliminary Design Submission Requirements:

- 1) Design Review Fee
\$2500 check (non-refundable), payable to The Settings of Black Mountain Association, Inc., and delivered to the Management Company at the address noted on the Design Review Application (Appendix 1). Indicate the owner name, street

address, and lot number on the check.

Please let the DRB know when the check is mailed so that the management company can be notified to expect it. It is recommended that the check be sent via tracking.

2) Forms

- Design Review Application (Appendix 1)
- Owner/Builder Affidavit (Appendix 2) when a Builder is selected.

3) Preliminary Design & Site Plans, to include Owner name, lot number and address on all documents and the following:

- Site Plan at either 1" = 20' or 1" = 10' scale. Setbacks, easements, driveways, and building locations must be clearly shown. Areas of anticipated disturbance outside the construction envelope, such as grading and proposed stormwater retention facilities, must be shown. ***If not utilizing the service of a NC licensed architect, a NC licensed landscape architect must be used to develop the site plan.***
- Floor plans at either 1/8" = 1' or 1/4" = 1' scale. Major spaces are to be labeled and dimensions noted. The floor elevation for the main level, and all ceiling heights must be identified.
- All elevations illustrated with the initial and proposed final grades, at either 1/8" = 1' or 1/4" = 1' scale.
- Overall building height must be clearly shown.
- All proposed exterior materials must be noted and clearly delineated.
- Window types and grille patterns must be clearly shown.
- All roof pitches must be indicated.
- Square footage for all heated and unheated/unfinished areas must be noted for each level.
- Access to street, driveways, parking area, sidewalks, paths, decks, and patios with elevations indicated.
- Each drawing or document submitted with design review packages must include: Title Block with Drawing Number, Revision Number, Revision Date, and all revisions identified compared to prior revisions. Electronic files should be named with the project (owner name), drawing number, and revision number. Forms and drawings must be delivered as electronic files in PDF format. It is preferred that the submissions be in a single email with drawings compressed in zip files when warranted. Submissions with multiple emails may result in missed documents in the review process and subsequent delays or re-reviews.

Approximately twenty (25) business days should be allowed for the Preliminary Review Process after receipt by the DRB of all items listed above. When the preliminary review is complete, any comments, suggestions and recommended changes will be provided to the Owner to allow the design team to prepare Final Design documents accordingly.

The DRB review time is an indication of the window required to work with the reviewing architect under normal conditions and is based on a best effort basis and not a firm commitment. Additional time may be required for ongoing workloads, the need for additional

information, or other time constraints. A preliminary review response does not constitute any final approval on behalf of the DRB or Board of Directors.

The Preliminary Design Package must be approved in writing before proceeding to Step Four.

STEP 4 – FINAL DESIGN

DRB REVIEW AND APPROVAL OF FINAL DESIGN AND CONSTRUCTION DOCUMENTS

The Owner must have selected a Builder at this step, if not prior.

Final Design Construction Drawings and Preliminary Landscaping Plan are to be submitted in accordance with the preliminary design review comments. As with the preliminary design submittal and review, variances must be noted in the final design submittal. Non-disclosure of variances and/or significant deviation of the final design from the approved preliminary design may cause the DRB to re-evaluate the design and review further. Major revisions to the size, appearance and features of the house are examples where additional effort may be required. Depending on the extent of the revisions, additional review time may be required by the reviewing architect. **Additional design review fees may be assessed in extreme cases, at the discretion of the DRB.**

Twenty (25) business days should be allowed for the DRB Final Review Process after receipt by the DRB of all Final Construction Documents. **All Final Plan submittals MUST be presented to the DRB by the Owner or their agent.**

Final Design Submission Requirements:

Each drawing or document submitted with design review packages must include: Title Block with Drawing Number, Revision Number, and Revision Date.

All changes must be identified compared to prior revisions. Electronic files should be named with the project (owner name), drawing number, and revision number.

1. Floor plans at either 1/8" = 1' or 1/4" = 1' scale. Major spaces and dimensions must be noted. Floor elevations are to be noted.
2. All four elevations (front, rear, both sides) at either 1/8" = 1' or 1/4" = 1' scale. All proposed exterior materials must be noted and clearly delineated.
3. Revisions to materials, colors and specifications as submitted with the preliminary design should be noted in an updated Design Review Application and on the drawings as applicable.
4. Site plan at either 1" = 20' or 1" = 10' scale. Scale to be noted. This site plan is to include the following information:
 - Setbacks, easements, driveways and building locations must be clearly shown

- Locations and species of all trees 6" and greater in diameter (Diameter means "diameter at breast height", as measured at 3 feet above grade). The locations of the drip line of all trees 12" or greater diameter shall be shown.
 - Access to street, drives, parking area, sidewalks/paths, decks and patios with elevations indicated.
 - Entry to house sites for water, electric, cable TV, telephones and AC unit locations shown on plan.
 - Building accurately located from property and setback lines as required.
 - Dwelling to be indicated as exterior walls with entry area and stairs delineated. Roof and deck lines are to be shown.
 - Total impervious surface coverage.
 - Inset drawing with structures and water bodies or other natural feature(s) noted. Principal view shall also be indicated with directions.
 - Placement of construction debris bin, portable toilet, construction vehicle parking, as noted in the Builder Affidavit in Appendix 2
5. If any information in the Design Review Application has changed since submitted in Step 2, a revised Application must be resubmitted indicating the updates
 6. If the Builder has not been selected until this step, the Affidavit must be submitted and signed by all parties.
 7. Excavation, clearing and grading plan showing existing and proposed contours, culvert locations, sized pipes, inverts and flow directions, drainage, and any retaining walls or berm locations and proposed heights and material usage.
 8. Tree removal plan. This plan should identify all trees to be removed within the construction envelope. The construction envelope, as defined within these Guidelines, must be shown on the plan. If trees outside of the construction envelope are proposed for removal, additional approval is required per Section III.D. If trees are removed without approval, the DRB may, at its discretion, require replacement of trees and/or impose fines.
 9. Erosion and Drainage Control Plan for construction, including protection for trees.

When the Final Design review is completed and approved, written confirmation will be sent to the owner, builder and architect/designer as applicable. **This approval is valid for 180 days from the date of written approval.**

Written approval of the Final Design must be obtained before moving to the next step.

STEP 5 – PRE-CONSTRUCTION

HOUSE SITE STAKING, TREE MARKING, AND DRB APPROVAL TO BEGIN CONSTRUCTION

Before any action is taken by the DRB in this step, the following fees must be remitted to the Management Company. All fees should be made by check payable to The Settings of Black Mountain Association, Inc., and delivered to the Management Company at the address noted on the Design Review Application (Appendix 2). Indicate the owner name, street address, and lot number on all checks:

- Construction Compliance Deposit (refundable upon Final Project Closeout):
\$3,500 from Builder. Of this fees, \$2,000 will be for the Road Impact Usage Fee. The remaining \$1,500 is refundable upon Final Project Closeout, based on compliance to DRB guidelines. The end of the project is defined as the date closeout approval is received by the Owner from the DRB.

The builder is to notify the DRB once the approved Stormwater Plan and building permits have been obtained, and the house construction envelope is staked on the house site, according to the final site plan approval. All trees approved for removal must be clearly marked, including those for Stormwater retention. An updated tree removal plan must be submitted at this point if additional trees are required to be removed. Trees outside the construction envelope that are greater than 6” in diameter, as measured 3 feet above ground are required to be replaced. Staking and marking should be done within 30 days prior to the inspection. Longer time frames between staking and clearing may require the process to be redone if the stakes and markings are compromised.

Property lines and clearing limits are to be staked. Trees that have been approved for removal are to be flagged with orange surveyor’s tape. For trees not being removed, where there are tree canopies that extend into the Construction Area (15 feet beyond the primary structure), the trees are to be flagged with contrasting color of surveyor’s tape and delineated with the installation of tree protection fencing situated at the drip lines. Any areas outside of the construction area (and within protection fences where required) must be avoided for construction access, equipment staging, or any activity that disturbs the trees and vegetation outside the clearing limits.

Additional clearing of trees for Firewise Guidelines or for a view window or canopy will be considered once the house construction is substantially underway and completed such that the trees can be reviewed from the structure.

A written request is still required to remove any trees 6” and greater diameter beyond the 15 ft. Construction envelope, regardless of reason. See Section III.D. of Architectural Design Standards and Guidelines document for tree removal guidelines.

The DRB will review the staking and tree marking and must provide written approval before any clearing can begin on the site. Approximately five (5) business days, depending on weather, should be allowed from the time the DRB is notified the staking is ready to inspect, until written response and/or approval is granted.

After the lot is cleared and all erosion protection measures have been installed, the DRB should be notified so the site can be inspected. The DRB must be given 5 days written notice to undertake this inspection. After the inspection, the DRB will respond within 5 business days with written approval to commence Step 6.

Written approval to commence house construction must be obtained before moving to the Step 6.

STEP 6 – HOUSE CONSTRUCTION

PERIODIC INSPECTIONS BY DRB, AND DRB REVIEW AND APPROVAL OF PRELIMINARY LANDSCAPE PLAN

The DRB reserves the right of entry and inspection of a home site during the construction process for the purpose of verifying compliance with the Building Guidelines and Architectural Standards.

Construction is expected to proceed without significant periods of inactivity. The Builder must provide the DRB with an approximate schedule for the project.

Periodic inspections will be performed by the DRB at certain points in the construction phase. These will occur at the time of lot clearing and initial grading, at the time the foundation is poured, after the posting of all exterior materials and colors on a sample board, and at any time a complaint is registered with the Association regarding potential violations.

These inspections may be done without notice to the owner/builder. The owner, their builder and architect, if applicable, will be notified in writing of any items of exception or non-compliance. All items must be remedied within 14 calendar days (weather permitting). A follow-up inspection will be performed by a DRB representative.

Any changes after the final design approval must be submitted to the DRB for review and approval. Changes may be submitted by email with supporting documents, as appropriate. Minor changes will be reviewed by the DRB for approval. More significant changes to the design may require review by the Reviewing Architect. Any additional review by the Reviewing Architect will necessitate additional fees.

The Preliminary Landscape Plan is required no later than 30 calendar days after clearing. This plan can be basic, showing general areas for elements such as mass plantings (shrubs, ground cover, grass, natural areas, etc.), trees, screening of utilities, walkways, retaining walls, water features, fire pits, and other hardscapes. If any of the trees that were removed during clearing require replacement, the plan must contain details of the tree replacement requirements. The Final Landscape Plan with greater detail is required in Step 7.

STEP 7 – LANDSCAPE

DRB APPROVAL OF FINAL LANDSCAPE PLAN

A Final Landscape Plan must be submitted to the DRB no less than 180 calendar days prior to proposed completion or receipt of a Certificate of Occupancy (CO), whichever is earlier. A Final Landscape Plan, including a schedule of completion, must be approved by the DRB prior to the plan installation. A written response will be provided by the DRB to the builder and/or landscaper (as applicable) and to the Owner within 10 business days of receipt of the landscape plan.

Final landscaping per the approved plan must be completed within 180 calendar days after receipt of the Certificate of Occupancy. The Construction Compliance Deposit will be refunded once the Final Landscaping is completed according to the approved plan.

STEP 8 – PROJECT CLOSEOUT

FINAL DRB INSPECTION

The owner/builder shall notify the Management Company **when construction (including final landscaping) is substantially complete** and ready to be inspected. Notification should be a minimum of five (5) business days prior to the requested date of the inspection to allow scheduling of a DRB representative.

The Final Inspection Checklist is in Appendix 6.

Written notification will be provided by the DRB to the Owner regarding any deficiencies that must be remedied prior to final approval. Upon satisfactory completion of all items in the Checklist, a written Final Inspection Approval will be issued by the DRB.

The Construction Compliance Deposit less any unpaid non-compliance fines will be approved for refunding to the owner within ten (10) business days after the issuance of the approval letter.

DESIGN REVIEW APPLICATION **(General Instructions)**

Send Completed Documents electronically to the DRB) at DRB@tsobm.com .

If electronic submittal is not possible, send seven (7) hard copies of all material to the Association Management Company.

Please mail the Design Review Fees to:

The Settings of Black Mountain Association, Inc.
c/o FirstServices Residential
5970 Fairview Road, Suite 710
Charlotte NC 28210

*Make check payable to The Settings of Black Mountain Association, Inc.

*Note the check is for DRB design review, along with Owner Name, Lot Number and Street Address on check

Please notify the DRB know when the check is mailed so that the management company can be notified to expect it. It is recommended that the check be sent via tracking

Checklist for Preliminary Design Review Submittal

In accordance with the Design Review Guidance provided in this document, the following checklists are to be used in the Application Submittal. Owner name, lot # and address are to be included on all documents.

Preliminary Submission Requirements (as noted in Step 3) :

- Site Plan at either 1" = 20' or 1" = 10' scale. Setbacks, easements, driveways, and building locations must be clearly shown. Areas of anticipated disturbance outside the construction perimeter, such as grading and proposed stormwater retention facilities, must be shown. If not utilizing the service of a NC licensed architect, a NC licensed landscape architect must be used to develop the site plan.
- Floor plan at either 1/8" = 1' or 1/4" = 1' scale. Major spaces labeled and dimensions must be noted. Finished floor elevations must be identified.
- All elevations illustrated with existing and proposed grades at either 1/8" = 1' or 1/4" = 1' scale.
- All proposed exterior materials must be noted and clearly delineated.
- Window types and grille patterns must be clearly shown.
- All roof pitches must be indicated.
- Square footage totals for heated and unheated/unfinished areas for each level must also be indicated
- Access to street, driveways, parking area, sidewalks, paths, decks, and patios with elevations indicated.
- List of major variances to standards. Examples of major variances might include unusual choices of materials, porches and decks, reduction of setbacks, windows (lack of, inconsistent style, and/or grids), etc. The above list is not all-inclusive.
- Non-refundable \$2500.00 Design Review Fee made payable to The Settings of Black Mountain Association, Inc., delivered to the address noted. Please note the Construction Compliance Deposit and Road Use Fee are not due until the Design is approved.
- Property Owner/Builder Affidavit (Appendix 3).

**THE SETTINGS OF BLACK MOUNTAIN
DESIGN REVIEW APPLICATION**

Please complete all line items or indicate they are not applicable

A. Property Information

Date:

Owner Name:

Owner Current Address:

Owner Phone Number(s):

Owner e-mail address(es):

Property Address (Lot number and street address):

Builder Name:

Builder Address:

Builder Contact/Supervisor:

Contact Phone Number:

Contact E-Mail:

Architect/Designer Name:

Architect Address:

Architect Phone Number:

Architect E-Mail:

Landscape Architect/Designer Name:

Landscape Architect Address:

Landscape Architect Phone Number:

Landscape Architect E-Mail:

B. SITE SPECIFIC SPECIFICATIONS

1. Minimum required setbacks (as platted or as currently required by ordinance, whichever is greater):

Front: _____ Rear: _____

Left side (as viewed from street): _____ Right side (as viewed from street): _____

Stream setback requirements? Y / N

Corner lot requirements? Y / N

Lot with frontage on two streets? Y / N

Steep Slope requirements? Y / N If lot is a steep slope, is a setback variance requested?

2. Style (Type) of House

Number of Stories: _____

Garage (attached or detached): _____

Basement (finished or unfinished) _____

Number of bedrooms: _____

Number of baths (full/half): _____

3. Conditioned square footage to comply with minimums specified for lot type:

Main floor conditioned footage: _____

Lower floor conditioned footage: _____

Second floor conditioned footage: _____

Total conditioned footage: _____

Unfinished (unconditioned) footage: _____

Decks (number and total square footage): _____

Front porch (depth and square footage): _____

Garage (number of cars and square footage) _____

4. Height from average foundation finished grade to highest roof ridge: _____

5. **All variances to guidelines are to be noted:**

C. COLORS/MATERIALS/FINISH SPECIFICATIONS

Please fill in all the blanks and attach samples where required:

* Display of these items on a Sample Board and DRB written Approval is required prior to installation

ROOF/TYPE*

Manufacturer/Type/Warranty _____

Color _____

EXTERIOR WALL MATERIALS*

Material	Location	Finish	Color & LRV

FASCIA/SOFFIT*

Specifications _____

Finish _____

Color(s) _____ LRV(s) (if painted) _____

TRIM/ACCENT/DETAILING*

Specifications _____

Finish _____

Color(s) _____ LRV(s) (if painted) _____

FRONT DOOR

Manufacturer _____

Material _____

Color _____ LRV (if painted) _____

GARAGE DOOR (Carriage Style Only)

Manufacturer _____

Color _____

Style Detailing _____

LRV (if painted) _____

WINDOWS*

Manufacturer _____

Style _____

Frame Color _____

LRV _____

SHUTTERS*

Manufacturer _____

Color _____

Material _____

LRV(s) (if painted) _____

GUTTERS*

Manufacturer _____

Color _____

Material _____

LRV(s)

DECKS/PORCHES & ASSOCIATED RAILINGS*

Specifications _____

Type _____

DRIVEWAY*

Materials _____

Finish _____ Color _____

WALKWAYS*

Materials _____

Finish _____ Color _____

EXTERIOR LIGHTING (to be shown on site plan, elevations and floor plans)

Location _____

Type of Lighting _____

Dark Sky Compliant _____

RETAINING WALLS (must be shown on site plans)

Location _____

Materials _____ Color _____

LOT/GARAGE SPECIFICS

GARAGE: (Check all that apply)

- _____ Side Loading
- _____ Courtyard Entry
- _____ Rear Loading
- _____ Front Entry (Requires DRB Approval – Site Specific)
- _____ Detached Garage
- _____ Basement or Lower Level Garage

LOT: (Check all that apply)

- _____ Cottage Lot
- _____ Park Setting Lot
- _____ Estate Lot
- _____ Grand Estate Lot
- _____ Corner Lot ___ Bordering Multiple Streets
- _____ Creeks or Streams on Lot

Property Owner/Builder Attestation

The Settings of Black Mountain is a residential community. All persons coming into the community shall do so with the understanding that the residents, wildlife, vegetation and environment are to be respected. The rules presented below are to be followed without exception. The members of the Association expect Owners and Builders to convey these rules to all persons engaged in the construction of the house and any other activities associated with that construction. If a Landscaper is contracted for services outside of the Builder's responsibility, the Landscaper shall also be held accountable for the requirements of this Affidavit to the same standards as the Owner and Builder and must execute this document.

Owner/Builder Attestation

1. The Builder may not commence any construction until all of the requirements in Steps 1-5 of Appendix 1 of the Design Standards and Construction Guidelines are completed and approved by the DRB, and all required building permits are obtained. Written authority must be received by the Builder from the DRB before any activity takes place on any lot.

2. Before grading begins, the Builder will install silt fencing around the entire building envelope according to the approved erosion control plan. The Builder must protect the roots of any trees whose drip line extends into the construction area. The Builder will install protective fencing to the drip line at the tips of the branches. Special care must be exercised to prevent vehicles, equipment and personnel encroaching on tree protection areas and easement areas.

3. **Construction hours are from 7 AM to 6 PM Monday through Friday. No construction is permitted on Saturday or Sunday unless approved by the DRB in advance.** The Builder shall post a placard in a visible location on the site indicating working hours. No construction is allowed on the following holidays: Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Fourth of July, and Labor Day. If the holiday falls on a weekend, and there is an associated federal or bank "in-lieu" holiday on another day, work is not permitted on the actual weekend holiday, but is permitted on the in-lieu holiday. For example, if the Fourth of July falls on a Saturday and federal offices and banks are closed on Friday the third of July in observance of the holiday, work would be permitted on July 3, but

not on July 4. Any builder or subcontractors deviating from the allowed construction times will be warned on the first occurrence, fined on the second occurrence, and subject to additional fines and stoppage of work on the third and any subsequent occurrences.

4. All Builders will provide a 24-hour Emergency Phone Number to be kept on file with the DRB and Management Company. A list of all subcontractors is to be provided by the Builder to the Management Company prior to commencing construction on the job site.

5. All Builders will follow the gate access procedures detailed in Appendix 4 of the Design Standards and Construction Guidelines, which requires the names of all subcontractors allowed on site.

6. All job sites must be kept in a clean and orderly condition.

7. A single sign identifying the builder, architect and/or owner may be installed upon approval by the DRB. No sign shall be installed prior to final DRB approval to commence construction "Step 5 in Appendix 1 of the Design Standards and Construction Guidelines". The sign must face the street, be installed no closer than 10 feet from the curb and shall remain properly maintained by the Builder throughout the construction process. No subcontractor signs are allowed. For Sale/For Rent signs placed by the Builder must conform to the requirements of the Association CC&Rs.

8. Construction debris bins (dumpsters) are required on all job sites. Bins are to be located on the construction project lot and are not to be placed on adjacent lots, streets or common property. Tarp covers shall be secured on debris bins upon leaving job site at the end of each work day. This is required to prevent scattering of debris around the house site and to discourage others from using the Builder's bins. Debris bins shall be emptied as soon as they are filled.

9. Dumping or washing of any concrete is not allowed anywhere within The Settings of Black Mountain, with the exception of the project lot, and all dumped concrete must be removed prior to end of the project.

10. No food, food waste or food wrappings may be placed in the debris bin or left in an unsecured manner at any time. Any such material left on the job site outside of working hours is subject to a fine without warning. A bear-proof trash container is required for non-construction material trash. It will be the responsibility of the builder to assure trash pick-up is arranged.

11. No construction site office trailer may be placed on any project site.

12. Construction vehicles and trucks must park on the construction site or on the paved street along one side of the road. Parking on shoulders, adjacent lots, or

common areas is not allowed. Vehicles or equipment of the Builder and their subcontractors shall not block any driveways, roadways, or fire hydrants. Vehicles shall not be parked in front of existing houses, across from driveways of existing houses, in front of mailboxes, or in any way impede access to existing houses. Parking in violation of these requirements will be warned on the first occurrence, fined on the second occurrence, and subject to additional fines. Continued violations will result in the vehicle being towed.

13. Utilities, street signs, retaining walls and sidewalks are installed in the Association road right-of-way. Builders and their Subcontractors must protect these features from damage by their vehicles and equipment. Damage by the Builder or any subcontractor to any Association infrastructure is the responsibility of the Builder and must be repaired by the Builder to the original condition. Any costs incurred by the Association to restore said elements or return said areas to their original condition must be reimbursed by the Builder. Failure to report any damage caused by the Builder or their Subcontractors is subject to an immediate fine on all occurrences and permanent removal of the offending party.

14. Portable toilets, which are placed temporarily on a house site during construction, shall be located as far back on the lot as possible yet still maintain service access. The toilet door shall face away from the street. The unit shall not be placed on the roadway. Toilets shall be secured to prevent tipping that can be caused by high winds that regularly prevail in the community.

15. Material removed from the construction site must not be relocated to any other location in The Settings. Illegal dumping will subject the Builder to fines and work stoppage without warning. Any material dumped in violation of this rule must be removed within three (3) business days of written notice from the Association, or the Association will take action to remove such material and require reimbursement from the Builder to the Association.

16. No construction mud/silt runoff or debris from cleared and disturbed land shall infiltrate the storm sewer system, or streams, or run onto adjacent lots. If runoff infiltrates the storm sewer, the storm sewer shall be cleaned out immediately. Failure to comply will result in a warning on the first occurrence, fines on the second occurrence, and will be subject to fines and stoppage of work on the third and any subsequent occurrences.

17. Should blasting be required for work on any site, the appropriate local, county, state or federal permits and requirements are the responsibility of the Builder. Copies of all such permits and requirements are to be delivered to the DRB for review a minimum of 5 business days prior to commencing blasting work.

18. No alcoholic beverages or illegal drugs are permitted on any job site. Violators will be asked to leave the community immediately. Fines will be levied against the Builder immediately on any occurrence.

19. No open fires are allowed on construction sites or anywhere else within The Settings. Fines will be levied against the Builder immediately on any occurrence.
20. The possession of firearms within The Settings is prohibited. Fines will be levied on any occurrence, and the offending party will be permanently denied further access into the community.
21. Playing of loud music or excessive noise is prohibited. Music should not be heard outside the house. When work is authorized on a weekend there shall be no music or noise audible from outside the property. Violation will result in a warning on the first occurrence, a fine on the second occurrence, and fines and work stoppage on the third or later occurrences.
22. The Association prohibits bringing animals onto the property, either by the Builder or their representatives. Violation will result in a warning on the first occurrence, a fine on the second occurrence, and fines and work stoppage on the third or later occurrence.
23. Builders or their representatives are not allowed to bring any person less than 17 years of age to any job site. Violation will result in a warning on the first occurrence, a fine on the second occurrence, and fines and work stoppage on the third or later occurrences.
24. Construction debris, dirt, rocks or litter must be swept or otherwise removed from the street(s) adjacent to the project lot at the end of each day.
25. Smoking is allowed on the job site only and not on anywhere else in the community. The builder must provide a receptacle for extinguishing and collecting all smoking material. Smoking material discarded anywhere in the community other than proper receptacles is subject to fines on all occurrences.
26. Overnight storing or parking of equipment or vehicles on streets or vacant lots should be avoided. All material, equipment, or vehicles located in the streets must be properly marked with hazard protection, flags, or cones. The Association may tow vehicles that are parked at their discretion at the respective vehicle owner's expense. The Builder should consult with the DRB if unsure as to proper location for vehicles and equipment on specific job sites.
27. Builders, subcontractors and their representatives should take all precautions to prevent accidents. In the event that loading or unloading materials and equipment must take place on curves, intersections, steep roads or blind driveways, flagmen and warning flags and/or cones must be used.

28. Excessive speed within the community is prohibited; speed shall not exceed 25 mph, and limits will be enforced. It is the responsibility of the Builder to inform subcontractors and supply delivery vehicle drivers as the Builder will be held accountable. Violations will result in a warning on the first occurrence, and fines and permanent removal from the community on subsequent occurrences.

29. Owners/Builders must inform their crews, subcontractors, and delivery personnel that they are not to use other owners' driveways or lots as turn-around points, whether there is a house there or not.

30. Any Builder, subcontractor or their employees and/or representatives who violate this Property Owner/Builder Affidavit may be prohibited from entering The Settings property by the Association's Board of Directors or the DRB. It is the sole responsibility of the Builder to provide all Subcontractors and representatives with a copy of this Affidavit, and ensure the guidelines are followed.

31. The DRB will provide the Builder with signs (in both English and Spanish) that identify the permitted construction hours and the proper disposal of food/drink. These signs must be posted and visible on the job site.

NON-COMPLIANCE FINES

<u>Violation</u>	<u>Fine Amount</u>
Construction Start without All Required Permits displayed on site	
- Results in Construction Stoppage & Fine	1,000.00
Failure to post DRB supplied rules on site	100.00
Silt/Erosion Fencing not installed or maintained	100.00
Littered Job Sites	First offense warning
followed by increasing fines starting at 150.00	
Dumping of material anywhere than the building site	750.00
Lost loads of any bulk material (gravel, sand, fill material, etc.)	Min 500.00
No Sanitary Facilities on Job Site	100.00
Working outside of approved hours	First offense warning
followed by increasing fines starting at 150.00	
Parking in No Parking areas	150.00
Failure to secure portable toilets	150.00
Materials and/or Equipment on Right-of-Way	150.00
Damage to Association Infrastructure	
- Results in fine plus cost of repair	150.00
Non-Approved Exterior Color Palette Changes (Total Determined By DRB)	Min \$500.00
Unauthorized persons (underage) on site	500.00
Non-Approved Plan Changes (At DRB Discretion)	Min 500.00

Burning on Job Site or Property	1,000.00
Possession of alcohol or firearms	500.00
Failure to report damage to community or private property - Results in fine plus cost of repair	500.00
Occupation of house without written Certificate of Occupancy	250.00/night
Cutting of trees without prior DRB approval (For each tree)	
Trees between 6” and 11” diameter	1,000.00
Trees between 12” and 23” diameter	2,500.00
Trees 24” or greater diameter	5,000.00

Unauthorized tree removals will result in mandatory replacement of the removed trees. Removal of trees without DRB written approval require each replacement to be a minimum of 2” diameter for 50% of the cumulative diameter removed. Removal of trees for approved stormwater mitigation require a minimum of 2” diameter for 50% of the cumulative diameter removed. Removal of trees to allow view windows require a minimum of 2” diameter replacement trees for 25% of the cumulative diameter removed. The replacement trees must be of the same species as the trees removed.

The above referenced fines are assessed by the DRB and are due within 14 calendar days of written Notice to the Builder and/or Owner. Any fines that remain unpaid after 30 days from receipt subject the Builder to stoppage of work on the project. Trees required to replace those removed without approval must be planted within three months of written notice of the infraction from the DRB.

In addition to the fines, the owner/builder will be required to pay for any expenses necessary to bring subject property into compliance with the Design Standards and Guidelines. The list of violations and amounts are subject to change by DRB recommendation and Association Board of Directors approval, with the effective date specified in the document footer.

Local, County, State or other governmental entities may levy additional fines or penalties, as allowed by ordinance, in addition to the DRB Fine Schedule.

Attestation

I hereby certify that I/We will construct the dwelling in accordance with the design and representations made on the “Design Review Application”, including plans, specifications and oral representations. All Design Standards, governmental requirements, and rules in this affidavit will be adhered to by all parties. I understand all changes to previously approved plans require resubmission and approval.

Lot number: _____

Street Address: _____

Owner's Name(s)

Owner's Signature(s)
Date

Builder's Company Name

Builder's Signature
Date

Landscape's Company Name (if contracted separately by Owner)

Landscape's Signature
Date

Appendix 3

Gate Access for Builders in The Settings

This process is provided to allow access to the community for approved builders, subcontractors and occasional suppliers of goods and services in the construction of houses and other builder/contractor services as necessary. It is the intent of the Association to provide security and safety to our residents and property owners, while at the same time giving access to the builders and service providers in a simple and consistent manner. Adherence to this process is critical to retain the access that is desired.

The Settings of Black Mountain Homeowner's Association/Design Review Board (Association/DRB) Guidelines allow for construction activity between the hours of 7:00 am and 6:00 pm Monday to Friday. No construction is permitted on Saturday or Sunday. No construction is allowed on the following holidays: Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Fourth of July, and Labor Day. If the holiday falls on a weekend, and there is an associated federal or bank "in-lieu" holiday on another day, work is not permitted on the actual weekend holiday, but is permitted on the in-lieu holiday. For example, if the Fourth of July falls on a Saturday and federal offices and banks are closed on Friday the third of July in observance of the holiday, work would be permitted on July 3, but not on July 4.

Where specific circumstances necessitate work on restricted days, consideration for access will be reviewed upon application to the DRB at least two (2) business days in advance and approved in writing before access is granted.

Gate access to Builders and their contractors is granted through the provision of gate bar code stickers, access codes, and contact numbers on the call box.

In general, all access for builders and their service providers is only allowed through the resident gate (large gate to the right at the entrance).

- Bar code stickers are provided for the entrance gate by the management company (FSR) to the general manager and superintendents of active builders. As long as the builder retains approval to build in the community, the access to the community will remain in place. This allows the builder to have access for designers, surveyors and other service providers necessary to conduct concept development, preliminary design and other activities outside the course of the construction process.
- Access codes for other approved subcontractors who require regular access to the project are provided by request of the builder to FSR. These codes are valid only for the time frame specified in the process below. Contact numbers are provided on the entrance call box for builder's phone numbers, allowing occasional access for suppliers and services that do not require regular access to the building site.

Entrance to the community through the small entrance gate (left side under the porte cochere) is reserved for property owners with personal codes and shall not be utilized by any builder or their providers under any circumstances. Service providers who request access to the community outside of normal hours, via the call box at the entrance, must call the builder and announce their presence so that the builder can open the large gate remotely.

Gate access by any other means than allowed by this process will subject the violator to lose approval, possibly incur a fine, and other actions as allowed by the

agreed guidelines. Moreover, all vehicles must exit the community through the exit gate. Exiting through the open entrance gate is a safety hazard and is prohibited. Video surveillance is utilized in the community, and appropriate action will be taken against offenders.

All means of access are granted by application to the management company (FSR) and approval by the DRB. .

Specifically, approved builders must apply for access to the community for each project approved by the DRB. The process should follow these steps:

1. Upon written approval by the DRB for a new project, the builder will contact FSR to initiate the gate access program.
2. The builder will provide a list of superintendents, subcontractors, and service providers that will need gate access throughout the project. This list is to be completed on a spreadsheet provided by FSR.
3. The DRB will work with FSR to approve requests for gate codes and other means of access, including bar code stickers or call box phone numbers.
4. Gate codes and other means of access will be provided to the builder upon approval. These means of access are approved for a time period as approved by the Association.
5. Call box phone numbers should be considered as the preferred means of access for irregular service providers. This allows the process to be simpler than providing codes to many contractors who do not need regular access and allows for unanticipated visits outside of the normal working hours when the gates are open. Gate access call box numbers will not function outside of approved working hours.
6. The gate codes will be changed every (3) months and advised to the builder at least 5 days before the end of the month in which they expire.
7. FSR and the DRB will work with builders to identify and approve certain subcontractors who work in The Settings on a regular basis, so as to provide rolling approval and access to these parties. This might include plumbers, electricians, heating and air conditioning companies, painters, etc. who provide services across many of the builders working in the community. This also is intended to help residents who continually use these providers.
8. Any proposed changes to the gate access should be made in writing to FSR at least three (3) working days in advance of the need.

The Association reserves the right to change this process at any time, and to take action against any violators. Builders agree to follow the guidelines set forth by the DRB.

