

Council Oaks

Construction Guidelines and Application

for

New Construction, New Landscaping, and Changes to Existing Structures and Landscaping



Approved 7/7/2021 (Amended 8/20/2021*)

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General

Architectural Review Committee

The Council Oaks' Architectural Review Committee (ARC) is made up of Executive Board members and Board-approved Council Oaks property owners. The purpose of the ARC is to provide an effective review process of property owner's applications for new construction and modifications to existing structures and landscaping. Once the review process is complete, the Executive Board makes a final decision on application approval as required in the Declaration of Covenants, Conditions, and Restrictions of Council Oaks. **It is important to note that in the review and approval process, the ARC and Executive Board are not bound by any precedent and all decisions will be based on current construction guidelines and standards.**

Home and Landscape Design Philosophy

Council Oaks strives for homes that are harmonious in design, material, proportion and setting to existing homes and property. Homes and landscaping should blend with and preserve the natural landscape and beauty of the property. Council Oaks promotes homes and landscaping that enhance the aesthetic beauty, quality and value of the community.

Role and Responsibility of Property Owner

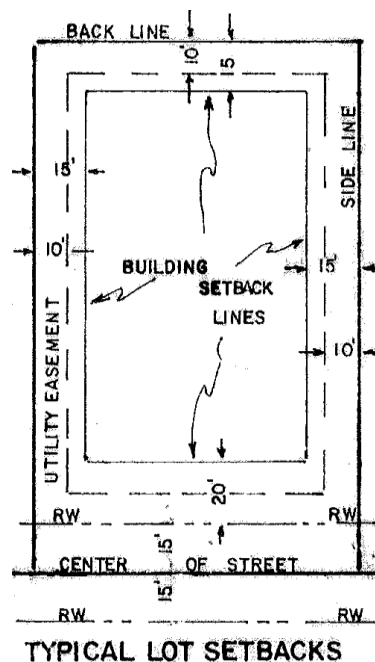
The Declaration of Covenants, Conditions, and Restrictions for Council Oaks provides an overview for home construction and property use, assessments and fines, Association governance and responsibilities, and property owners' rights and responsibilities. Council Oaks' property owners must be familiar with the content of the Declaration document and Construction Guidelines prior to starting the design and application process. A copy of the Construction Guidelines and Declaration document should be provided to the property owner's architect and builder for review. **The property owner's role during construction is to ensure that home and landscape construction follows the approved plans and construction policies. During construction, any changes to the approved construction plans affecting the structure's exterior or landscaping must be reviewed by the ARC and approved in writing by the Executive Board. Non-compliance with the rules and guidelines of this document and/or the Declaration document can result in work-stoppage and/or fines assessed to the property owner.**

Guidelines for Construction and Landscaping

Homes and Accessory Structures

Property owners must read and understand the rules and regulations as outlined in these guidelines and the Declaration of Covenants, Conditions, and Restrictions of Councill Oaks. All questions can be submitted to the ARC at poa@councilloaksboone.com.

1. **Square Footage Requirements** - Main dwellings on lots 1-13 and 25-81, a minimum of 2,000 ft² of heated living space with a minimum of 1,400 ft² on the main floor, not including unfinished basements and garages. Main dwellings on lots 14-24, a minimum of 1,400 ft² of heated living space with a minimum of 1,000 ft² on the main floor. Accessory structure (garage, guest house, etc.) can be no larger than one-third (1/3) the size of the main dwelling. Homes and accessory structures should be in harmony and proportion with lot size and neighboring structures.
2. **Setbacks** - Twenty (20) feet to the street right-of-way for all lots. Fifteen (15) feet to the interior and rear property lines for lots 1-13 and 25-81. Interior setbacks for lots 14-24 will be as determined by the Executive Board.



3. **Siting (Orientation)** - Prior to lot clearing, the house, driveway, and any accessory structure should be accurately staked to show location on the lot. Setbacks, impact on neighboring homes, preservation of existing trees and vegetation, preservation of unique rock formations, natural flow of surface drainage, and disturbance to the natural lay of the land are all design elements that need careful consideration. **Approval of final siting of the house, driveway, and any accessory structure is required by the ARC prior to lot clearing.**

Homes and Accessory Structures (cont.)

4. **Tree and Bush Removal** - Major consideration should be given to the preservation of healthy trees and vegetation on the lot during and after construction. **No tree with a base diameter of eight (8) inches or greater can be removed outside the ten (10) foot border of the approved layout of the home and any accessory structure without written approval by the Executive Board.**
5. **Foundation** - All dwellings and accessory structures must be built on a foundation that is permanently anchored to the site through concrete footings, piers, slab, or equivalent.
6. **Foundation covering** - Exposed concrete and cement block must be covered with natural stone, cultured stone, or stucco. No cross-hatched lattice is allowed.
7. **Height** - Houses should not exceed two (2) stories above the crawlspace or basement. Accessory structures should not exceed one (1) story.
8. **Siding and Trim Materials** - Acceptable materials for exterior siding and trim are painted or stained wood, fiber cement or other composite siding or shakes (e.g., Hardie, LP SmartSide products), cedar shake, poplar bark, board and batten, timbers, natural stone, natural stone veneer, and cultured stone. Vinyl or aluminum siding is not allowed on any structure. Additional materials will be considered and reviewed by the ARC and approved by the Executive Board as requested.
9. **Roofs** - Acceptable roofing materials include architectural asphalt shingles, standing seam metal, exposed fastener metal, and cedar shake. Roofing material and color should be in harmony with the architectural style of the home or accessory structure. The color of roof flashing should match the roof. Roofing material should have a minimum 30-year rating.
10. **Exterior Colors** - All exterior siding, trim, and decking must be covered in stain or paint. Colors should be in harmony with existing structures and the natural landscape. Colors found in the local landscape and mountain architectural vernacular are preferred.
11. **Exterior Lighting** - Exterior lighting should be in harmony with the architectural style of the house or accessory structure. Exterior lighting should be turned on only as needed and be indirect or of a focus and intensity so as not to disturb neighbors.
12. **Driveways** - A finished asphalt driveway is required from the street edge to the garage of the house or accessory structure. Driveway material other than asphalt must be reviewed by the ARC and approved by the Executive Board. Driveways sloping from the garage site to the street should be designed to prevent stormwater runoff going directly into the street. Driveways should be sized appropriately to accommodate property owner and guest parking but not so large that it becomes the predominant feature of the property. Driveways must be paved within one (1) year of construction completion.

Homes and Accessory Structures (cont.)

13. **Construction Completion** - All proposed and approved structures must be completed on their exterior within sixteen (16) months after the start of construction. No home or accessory structure may be permanently occupied before the exterior is completed.

Landscaping

A landscape plan must be submitted with the construction application. Trees, shrubs, gardens, patios, and retaining walls are some of the elements that need to be included in the landscaping plan. The following should be considered when designing a landscape plan:

1. **Trees, Shrubs and Flowers** - Native species of trees, shrubs and flowers that blend with the natural environment and are adapted to the local climate are preferred. Species of flora that are deer resistant and rated for USDA plant hardiness zone 6a or lower are highly recommended.
2. **Patios and Walkways** - Patio and walkway design, material, and color should be in harmony with the home and accessory structure's architectural style. A patio's scale should be in proportion with the main structure.
3. **Retaining Walls** - Retaining walls for landscaping should be under four (4) feet in height. Wall material, color, and design should be in harmony with the architectural style of the home or accessory structure and blend with the terrain and natural landscape. Acceptable material for retaining walls include natural stone, boulders, pressure treated timbers, and architectural block. Retaining walls with a cumulative height greater than five (5) feet over a horizontal distance of fifty (50) feet or less must be designed by a registered design professional.
4. **Playhouse and Play Equipment** - Permanent playhouses and play equipment should be in harmony with the material, color, style, and location of the home, accessory structure, and neighboring property. Playhouses and play equipment should be maintained to a standard that does not detract from neighboring property and the community.
5. **Fire pits** - Permanent fire pits need to be constructed of material and in a style that is designed and suited for its purpose and in harmony with the property.
6. **Other** - Any element that significantly changes the landscape of the property or otherwise affects or might affect immediate neighbors or the community (whether by affecting views or otherwise) should be submitted to the ARC for review and approval by the Executive Board.
7. **Landscaping Completion** - Most of the approved landscaping plan must be completed within one (1) year of occupancy.

Changes to Existing Homes, Accessory Structures and Landscaping

Any project that changes the appearance of the exterior of an existing home or accessory structure needs review by the ARC and approval by the Executive Board through the application process. Significant landscape changes will also need to be reviewed by the ARC and approved by the Executive Board. Changes requiring an application and approval include, but are not limited to:

1. **Siding and trim** - Material, color, and style changes.
2. **Roofing** - Material, color, and style changes.
3. **Windows and Doors** - Material, color, and style changes.
4. **Decks** - Addition, modification, material, color, and style changes.
5. **Retaining Walls** - Addition, modification, material, color, and style changes.
6. **Patios** - Addition, modification, material, color, and style changes.
7. **Privacy Screens** - Addition, modification, material, color, and style changes.
8. **Landscaping and Gardens** - Significant addition or change to existing landscaping and gardens.
9. **Other** - Any significant changes to a previously reviewed and approved landscape plan or element.

Construction Policies

To minimize impact and disturbance to neighbors and property in Council Oak during the construction process, the property owner needs to ensure that their general contractor, subcontractors, suppliers, and others working in Council Oak understand and follow the rules and guidelines in this document and the Declaration of Covenants, Conditions, and Restrictions as they apply to construction. Gross failure to follow these policies can result in work stoppage, fine, and/or loss of POA privileges.

1. All work must follow North Carolina and the Town of Boone environmental and building codes.
2. No work is to begin until the property owner's construction application has been reviewed by the ARC and approved by the Executive Board, impact fee paid, and all Town of Boone permits secured.
3. Access into Council Oak by all construction related parties will be directly to and from the job site. A unique gate code will be provided for gate access.
4. Construction hours for workers and deliveries are 7:00 a.m. – 7:00 p.m. Monday through Saturday.
5. Vehicles must be parked at the job site in a safe manner and not impede traffic. No parking on neighboring property or common space.

Construction Policies (cont.)

6. The job site must be kept in a reasonably clean, litter-free, and orderly condition.
7. Material (dirt, gravel, concrete, paint, etc.) spilled on the road must be removed as soon as possible.
8. If road closure is needed for a lengthy period, the ARC must be notified in advance so the POA can communicate the closure to residents.
9. **During construction, no changes to the approved construction plans affecting the structure's exterior or landscaping can occur until reviewed by the ARC and approved in writing by the Executive Board.**

Variations and Exceptions

Variations or exceptions to construction guidelines as outlined in this document and the Declaration document may be considered by the Executive Board. The property owner must demonstrate in writing that the requested variance or exception will not negatively affect the harmony and value of property in Council Oaks. **Variations or exceptions approved by the Executive Board will be considered a unique circumstance and will not set a precedent for future requests and decisions.**

Architectural Review

Application, Review and Approval Process

This section outlines the steps involved in the application submission, architectural review, and approval process. Please review all steps before filling out the application. **Submit completed application, plans, and sample board to the ARC in both digital and paper form only when all steps have been completed.** Contact the ARC at poa@councilloaksboone.com with any questions during the design and application process.

Steps and Checklist

1. If you are new to Council Oaks, email the Association at poa@councilloaksboone.com to introduce yourself and provide contact information and your lot number.
2. Read this document, Architectural Review - Construction Guidelines and Application, and the Declaration of Covenants, Conditions, and Restrictions of Council Oaks prior to starting the design process.
3. Provide a copy of this document, Construction Guidelines and Application, and the Declaration of Covenants, Conditions, and Restrictions of Council Oaks document to your architect and builder.
4. Prior to finalizing construction and/or landscape plans, contact the ARC at poa@councilloaksboone.com to set up a meeting on-site to evaluate and discuss preliminary plans. This step applies to changes to an existing structure or landscaping as well.
5. Submit the completed application and all required plans, material, and information from the checklist below to the ARC for review. **Exterior material and colors should be submitted on a sample board (24" x 36") that includes manufacturer and item number.**
 - a. ____ **House Plans** - one (1) printable PDF and one (1) 24" x 36" paper copy showing floor plans, elevations (all sides), and overall building height with all spaces and dimensions labeled.
 - b. ____ **Accessory Structure Plans** - one (1) printable PDF and one (1) 24" x 36" paper copy showing floor plans, elevations (all sides), and overall building height with all spaces and dimensions labeled.
 - c. ____ **Site Plan** - one (1) printable PDF and one (1) 24" x 36" paper copy showing structure(s) location and orientation, driveway, setbacks, easements, drainages, springs, stormwater retention areas, and notable terrain features. All dimensions should be labeled.
 - d. ____ **Landscape Plan** - one (1) printable PDF and one (1) 24" x 36" paper copy showing location and common name of planted trees and shrubs in relation to structure(s), driveway, setbacks, easements, drainages, springs, and notable terrain features. All dimensions should be labeled. Note: the landscape plan can be included on the site plan.

Steps and Checklist (cont.)

The following elements should be included on a 24" x 36" sample board:

- e. ____ **Siding and Trim** - Manufacturer, style, color, and item number for all exterior siding and trim.
 - f. ____ **Roofing** - Manufacturer, style, color, and item number for all roofing.
 - g. ____ **Windows** - Manufacturer, style, color, and item number for all windows.
 - h. ____ **Doors** - Manufacturer, style, color, and item number for all doors.
 - i. ____ **Stone** - Manufacturer, style, color, and item number for all stone. Also note where on the structure stone will be located.
 - j. ____ **Foundation Stucco** - Color and style (smooth or rough-textured).
 - k. ____ **Deck** - Manufacturer, style, color, and item number for all decking material.
6. The review process will begin once the completed application, all plans, and signed agreement have been received by the ARC. Final approval by the Executive Board will occur within 30 days of application submission.
 7. The property owner will pay the impact fee to Councill Oaks Property Owners' Association once the application has been approved and prior to lot clearing.

Impact Fee

New Construction on an Unimproved Lot - Once the building application has been approved and prior to the start of any work on the property owner's lot a fee of **\$1,500.00** will be paid to Councill Oaks' POA. This nonrefundable fee covers general impact to POA property during construction.

Architectural Review Application

Councill Oaks ARC

PO Box 282

Boone, NC 28607

poa@councilloaksboone.com

Date: _____

Property Owner's Information

Property Owner's Name: _____

Current Address: _____

Property Address: _____

Lot Number: _____

Phone Number: _____

Email: _____

Contractor's Information

Contractor Name: _____

Contractor Address: _____

Phone Number: _____

Email: _____

Project Type (check all that apply)

New Home: ____ New Accessory Structure: ____ New Landscape Plan: ____

Type of New Accessory Structure (guest house, garage, etc.): _____

Change to Existing Home: ____ Change to Existing Accessory Structure: ____

Change to Existing Landscape Plan: ____

Application (cont.)

New Home and Accessory Structure

New Home Information

Number of Stories: _____

Garage (attached or detached): _____

Foundation (basement, crawlspace, slab): _____

Main Floor Conditioned Square Footage: _____

Second Floor Conditioned Square Footage: _____

Total Square Footage: _____

New Accessory Structure Information

Number of Stories: _____

Type of Structure (guest house, garage, etc.): _____

Foundation (basement, crawlspace, slab): _____

Main Floor Conditioned Square Footage: _____

Second Floor Conditioned Square Footage: _____

Total Square Footage: _____

New Landscape Plan Information

Provide a copy of the landscape plan as outlined in these guidelines under Landscaping, pages 6, and Architectural Review, page 9, step 5d.

Change to Existing Structure and Landscaping

Change to Existing Home and/or Accessory Structure Information

Describe proposed change to existing home and/or accessory structure: _____

- For exterior changes that only involve a change to material and/or color and do not alter the original plans of the structure, provide a sample of the proposed material with manufacturer and item number.
- For deck modification, provide plans showing design, elevations, and setbacks. Include a sample board with all proposed materials and colors with manufacturer and item number.
- For renovation that alters the original design of the structure, follow all the guidelines and policies for construction as outlined in this document. Provide foundation and square footage information for all additions:

Foundation (basement, crawlspace, slab): _____

Main Floor Addition Square Footage: _____

Second Floor Addition Square Footage: _____

Total Square Footage: _____

Change to Landscape Information

Describe proposed change to existing landscape plan: _____

- For landscape change that significantly alters the original plan or adds elements not on the original plan, provide a new site and landscape plan as described under Steps and Checklist, page 9, steps 5c and 5d. Provide material samples with manufacturer and catalog number.

Lot size (acres): _____

Area of Change (square feet): _____

Property Owner Agreement

The undersigned property owner(s) acknowledge that they have read, understand, and will comply with the Construction Guidelines and the Declaration of Covenants, Conditions, and Restrictions of Council Oaks.

The undersigned property owner agrees that any changes to the approved construction and/or landscape plans must be submitted to the ARC for review and approved by the Executive Board before any construction or other action may be taken with respect to the proposed changes.

The undersigned property owner understands that failure to comply is a violation of the Declaration of Covenants, Conditions, and Restrictions of Council Oaks and Council Oaks' Executive Board will, if necessary, take legal action. Work will be stopped until violations are corrected and fines paid. Court and legal costs will be at the property owner's expense.

Property Owner's Name(s): _____

Property Owner's Signature(s): _____

Date: _____

Please keep the Construction Guidelines for reference and submit the completed Architectural Review Application and signed Property Owner Agreement to the ARC at poa@counciloaksboone.com.

*** List of Amendments to Approved Construction Guidelines Document**

August 2021

Guidelines for Construction and Landscaping

Page 5 Homes and Accessory Structures

Item 4, Tree and Bush Removal: **Delete** 'driveway'