



BUILDER GUIDELINES and RESTRICTIONS FOR ALARKA HIGHLANDS

THE BUILDER GUIDELINES and RESTRICTIONS made on the date hereinafter set forth by Alarka Highlands Community Association, Inc, reviewed by the Architectural Review Committee (ARC) and approved by the Board of Directors.

The noted requirements are part of the DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ALARKA HIGHLANDS.

The Architectural Review Committee shall review and approve the following (provided by the Lot Owner) prior to any construction:

- Floor plan noting total square footage.
- Elevation drawings with exterior details.
- Site plan showing setbacks, utilities, well, septic, and entrance drive.

Builder and/or Lot Owner are responsible for all required permits, erosion control and other requirements as required by Swain County for Construction.

The Builder and Lot Owner understand that any deviation from the said requirements may require removal or modification. Any deviation from said requirements shall be by variance, provided in writing from the ARC.

Architectural Requirements.

a) *Dwelling Size:* The minimum size of any single family residence shall be 1200 square feet of heated/air conditioned floor finished space (excluding garages, basements, porches, patios, etc.).

b) *Dwelling Design:* Similar house designs must be separated by a minimum of 2 lots/homes. Designs will be reviewed with respect to such items as roof elements, size and location of doors and windows of front elevations, etc. One level flat roof's will not be permitted.

c) *Built on Site:* All residences must be built on site. No mobile homes, trailers or modular homes shall be permitted to be placed or remain on any Lot. Builder shall maintain construction equipment, trailers, and storage containers on Lot during construction and not neighboring Lots or roads without said approval from the Board of Directors.

d) *Outbuildings:* All outbuildings must be approved by the Architectural Review Committee and must be compatible with the home itself. Outbuildings are defined as gazebos, Jacuzzis, dollhouses, play

equipment, doghouses and storage buildings. All play equipment shall be placed only in the rear yard and trampolines are not permitted.

e) *Pools and Spas*: Approval must be obtained for the construction of an in ground pool or extra spa from the Architectural Review Committee. All pools will be required to be fenced and all filter tanks, pool chemical feeders and any other above ground apparatus must be enclosed or hidden from view. Pools shall be placed in the rear yard only and no above ground pools shall be allowed.

f) *Fences*: All fencing or fencing type barrier of any kind shall be approved by the Architectural Review Committee before placed on any lot. No chain link fences will be allowed and invisible fencing for animals is preferred.

g) *Set back lines*: All lots shall have the following building setbacks: 50 feet from the front of each lot, 20 feet from the side of each lot and 30 feet from the back of each lot.

h) *Prohibited Items*: No window air-conditioning units, exterior clotheslines or four wheelers shall be allowed on any Lot.

i) *Garbage Containers*: All garbage or waste containers must be concealed from view from the streets and adjoining lots. The Containers must be timely emptied during construction and removed when construction is completed. Builder is responsible for any blown trash or complaints of garbage on the construction site and such complaints shall be corrected immediately by said Builder.

j) *Dwelling Exterior*: The exterior of all foundations shall be covered in natural stone and the exterior of all dwellings above the foundation must be wood or other stain grade material.

Road Requirements.

All roads and streets (with the exception of private Lot drives) located in the Community, belong to the Association

a) *Damage*: The association asks the Builder to correct damage to roads due to construction. Where practical the Builder shall try to time construction around weather conditions (heavy rains, snow, freeze/thaw periods, etc) that could cause severe road damage.

b) *Location*: Builder shall not make changes to any roads without written approval from the Board of Directors. Private drives shall be reviewed by the ARC on the proposed site plan and such entrance private drives approved prior to any construction.

Lighting Requirements.

Exterior lighting on any Lot visible from the street shall not be permitted, except for: (a) approved lighting as originally installed on a Lot; (b) one decorative post light; (c) street lights in conformity with an established street lighting program for the Community; (d) seasonal decorative lights; (e) front house illumination; or (f) other lighting approved by the Architectural Review Committee.

a) *Type*: Exterior lighting shall have motion detectors if left on at all times, only exception is the one decorative post light with a maximum height of 8 feet. Flood lights may be wired for use by Owner while on a Lot; however, when unattended the flood light shall have motion detectors or left switched off.

b) *Security Lights*: Security vapor lights shall be approved by the Architectural Review Committee. If approval is granted it shall be "conditional" and such security vapor light may have to be removed or modified if another Lot Owner issues a complaint.

Signage Requirements.

Exterior signage (house number, other signs) on any Lot visible from the street shall approved by the Architectural Review Committee.

Utilities.

All Utilities (from the easement to the house) shall be placed underground unless prior written approval is provided by the Architectural Review Committee. When possible and practical all utilities serving the Community or any portion thereof shall be inside or along the subdivision road rights of way as set forth on the various maps of Alarka Highlands.

Drainage.

Builder shall ensure drainage from gutters, slopes, and other drains do not create a wash area on any community road, easement, or other Lot Owner. During construction any washing or erosion shall be corrected by the Builder. Any drainage culverts or pipes that drain into a community easement or requires modification to any community road or private drive shall be approved by the Board of Directors prior to installing.

Liability.

Builders including employees, contractor's, sub-contractors, their guests or anyone granted access by the builder during construction shall enter the gated community at their own risk. Access to the gated community includes any community roads, any Lot, or any common area with Alarka Highlands. Builder or associated employee, contractor, sub-contractor, or their guest shall assume sole responsibility for their liability and any personal belongings used or stored within the development. The Association and their respective officers, directors, employees, representatives and agents shall not be held liable for personal injury to any person, nor for loss or damage to personal belongings used or stored on Association Property.

Amendment.

The BUILDER GUIDELINES and RESTRICTIONS FOR ALARKA HIGHLANDS may be amended unilaterally at any time and from time to time after an ARC review and approval by the Board of Directors.

Enforcement.

Any structure or improvement placed or made in violation of this Article shall be deemed to be nonconforming. Upon written request from the Board of Directors, Builder or Owner shall, at their own expense, remove such nonconforming structure or improvement as required.

IN WITNESS WHEREOF, the Board of Directors herein hereby executes this Article, this 14th day of January, 2012.

CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting secretary of ALARKA HIGHLANDS COMMUNITY ASSOCIATION, INC, a North Carolina corporation; and

THAT the foregoing By-Laws constitute the original By-Laws of said Association, as duly adopted at a meeting of the Board of Directors thereof, held on the 14th day of January, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this the 14TH day of JANUARY, 2012.


Secretary

Owner ACKNOWLEDGEMENT by initials _____, DATE _____

- 1) Returned signed copy to the Architectural Review Committee.
- 2) Provide your copy to Builder prior to construction.

Copy kept on file by the Architectural Review Committee President or the Alarka Highlands Board of Directors.