The Lodges at Eagles Nest
Banner Elk, NC

DESIGN GUIDELINES

THE LODGES AT EAGLES NEST | FEBRUARY 2022

Table of Contents

CHAPTER 1 - INTRODUCTION 4

BACKGROUND 4

1.2 PURPOSE 4

1.3 GOVERNMENTAL REQUIREMENTS 5

1.4 INTERPRETATION 5

1.5 AMENDMENTS 5

CHAPTER 2 - ARCHITECTURAL REVIEW PROCESS 6

2.1 REVIEW AUTHORITY 6

2.2 APPROVAL REQUIREMENT 6

2.3 PROJECT TYPES 7

2.3.1 New Construction/Large Project 7

2.3.2 Home Improvement/Mid-Size Project 7

2.3.3 Small Project 7

2.4 SUBMITTALS 7

2.4.1 Survey and Site Plan – (all submittals shall be electronic) 8

2.4.2 Description of the Materials and Finishes 8

2.4.3 Construction Detail 8

2.4.4 Architectural Floor Plans and Elevations 8

2.4.5 Landscape / Hardscape Plan 8

2.5 SCOPE OF REVIEW 9

2.6 TIMING 9

2.6.1 Site Review 9

2.7 RESPONSIBILITY FOR COMPLIANCE 9

2.8 OBSERVATION 10

2.8.1 Final Inspection 10

2.9 CONSTRUCTION REGULATIONS AND PROCESS 10

2.9.1 Contractor 10

2.9.2 Subcontractor 10

2.9.3 Construction Regulations 11
2.9.4 Inspections 11
2.10 MATERIALS 11
2.10.1 Roofs 11
2.10.2 Exterior Finishes 11
2.10.3 Foundations 12
2.10.4 Colors 12
2.12 OTHER 13
2.12.1 Temporary Structures 13
2.12.2 Driveways 13
2.12.3 Well and Septic 13
2.12.4 Garages 13
2.12.5 Fences 14
2.12.6 Site Grading 14
2.12.7 Rubbish and Sanitation 14
2.13 SIGNS 14
2.14 TREES 15
2.15 EXTERIOR LIGHTING 15
2.15.1 High Density Area Lighting 16
2.15.2 Exterior Decorative Accessories and Installations 16
2.16 ANTENNAE 16
2.17 POOLS AND SPAS 16
2.18 MISCELLANEOUS 16
2.19 TOYS, TOOLS, AND LAWN EQUIPMENT 17
2.20 ITEMS NOT COVERED 17
2.21 EXCEPTIONS 17
2.22 RIGHT-OF-WAY 17

CHAPTER 3 - CONSTRUCTION DEPOSIT AND SCHEDULE 18
3.1 NEW CONSTRUCTION/LARGE PROJECT 18
3.1.1 Construction Letter of Credit 18

3.1.2 Architectural Review Fee – New Construction 18
3 1.3 Architectural Review Fee – Improvements, Additions, or Incomplete application submittal 18
3.1.4 Road Impact Fee – New Construction 18

CHAPTER 4 - SUBMITTAL PROCESS 19
4.1 REQUIRED DOCUMENTATION 19
4.2 REQUIRED DEPOSITS AND FEE CHECKS 19
4.3 CONSTRUCTION LETTER OF CREDIT 20
4.4 ARCHITECTURAL REVIEW FEE 20
4.5 IMPACT FEE 20
4.6 VIOLATIONS AND ENFORCEMENT 20
4.6.1 Notice 20
4.6.2 Corrections 20
4.6.3 Fines 21
4.6.4 Government Notice 21
4.6.5 Remedies 21
4.6.6 Lien 21
4.6.7 BUILD TIME REQUIREMENTS 21

CHAPTER 1 - INTRODUCTION

BACKGROUND

Eagles Nest is a planned mountain community, designed to be well integrated with the terrain and climate. The design objective is to blend the development into its natural setting rather than contrast or compete with it.

A 2,400 acre development with altitudes over 5,000 feet, The Lodges at Eagles Nest features a wildlife preserve, waterfalls, trout-filled streams, and miles of pristine mountain trails perfect for hiking, riding, and biking. These Custom-built homes are designed by some of the country's best architects, each showcasing a one-of-a-kind rustic mountain elegance with creative flair and ingenuity. One of the community's strongest statements is the architectural quality of its homes. The degree to which Eagles Nest integrates with its blended rural atmosphere is therefore dependent on the design and setting of each home. The architectural review process has been established to help ensure that each home makes a contribution to this design objective and is site-compatible when employing these guidelines. A mountain design theme will be prevalent throughout many of the homes at Eagles Nest. Although all sites and homes will vary somewhat, a common set of design elements and theme compatibility should be carried throughout.

1.2 PURPOSE

The Lodges at Eagles Nest Property Owners Association has established these Design Guidelines for Lodges at Eagles Nest to provide guidance to homeowners planning to build on their lots or planning improvements and modifications to their existing homes to facilitate the review process. However, these Design Guidelines are not the sole basis for decisions on architectural and aesthetic matters. Please refer to the Eagles Nest Architectural Review Board, hereinafter referred to as "ARB", for additional guidance.

These Design Guidelines are not meant to discourage new lot owners from building their homes or owners from beautifying and improving their existing property. On the contrary, new builds or exterior improvements can contribute positively to neighborhood property values and aesthetics. The intent is to protect all homeowners with a strict process for assuring that new builds, modifications and improvements are:

a) consistent with the harmony of exterior design in Eagles Nest.
b) located appropriately with regard to surrounding structures and topography.
c) high quality materials and workmanship.

1.3 GOVERNMENTAL REQUIREMENTS

Homeowners shall comply with these Design Guidelines in addition to the requirements of Avery County and any other applicable government ordinances, building codes, and regulations. To the extent that any other government ordinance, building code, or regulation imposes a more restrictive standard than the standards set forth in the Eagles Nest ARB, these Design Guidelines or the Eagles Nest style the government standard shall control. To the extent that any government standard is less restrictive, the Eagles Nest ARB, these Design Guidelines and the Eagles Nest ARB shall control. In accordance with International Building Code (IBC) regulations and the requirement of The Lodges at Eagles Nest Architecture Review Board, all active construction sites must include a permit box prominently located at the front of the construction site for inspection, as well as temporary restroom facilities and a designated construction dumpster.

1.4 INTERPRETATION

In the event of a conflict in the Design Guidelines, the Eagles Nest Architectural Review Board shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Eagles Nest Architectural Review Board.

1.5 AMENDMENTS

The Eagles Nest ARB may amend these Design Guidelines so long as it has any reviewing authority under the ARB. Thereafter, the Architectural Review Board appointed by the Eagles Nest POA Board of Directors may amend them. Amendments shall not apply retroactively to require modification or removal of work already approved and completed or in progress. It is the responsibility of owners to ensure that they have the most current edition of these Design Guidelines.

CHAPTER 2 - ARCHITECTURAL REVIEW PROCESS

2.1 REVIEW AUTHORITY

Eagles Nest Architectural Review Board is granted the power of establishing design guidelines through The Declaration of Covenants, Reservations and Restrictions for Eagles Nest Development. The Declaration of Covenants is a recorded and binding instrument as stated on the Deed to your property. These guidelines are intended to supplement all specific information included in the various Amended and Restated Declaration of Covenants for the Lodges at Eagles Nest Developments, to include all neighborhoods within the development. If there is a discrepancy between these two documents, the various Declarations of Covenants will take precedent.

2.2 APPROVAL REQUIREMENT

The Design Guidelines derive their authority from the Declaration of Covenants, Reservations and Restrictions for the Lodges at Eagles Nest Development; the Guidelines are meant to clarify and add greater detail to the Covenants.

Any work done in violation of these Guidelines is nonconforming. With a written request from the ARB, the Owner, at his sole cost and expense, shall bring any and all such work into conformance.

If the Owner chooses not to correct such issues, the Eagles Nest ARB can enjoin the property for corrective action, at Owner's expense.

The Eagles Nest ARB, acting on behalf of the Board of Directors, shall pursue all legal and equitable remedies to enforce the provisions, including, but not limited to, placing a lien on a lot for payment of delinquent fines and assessments. Such fines may include fines imposed by the ARB for violations as stated on the Schedule of Fines in Appendix B and costs related to any and all corrective actions undertaken and/or required. Additionally, legal and equitable remedies may include issuance of "cease-and-desist order".

Verbal approval by the manager, an officer or member of the ARB, by The Lodges at Eagles Nest Property Association or the Association's manager does not constitute ARB approval. Approvals for any items noted and identified in these Design Guidelines or so referred to in the Declaration must be issued in writing from a representative of the of the Eagles Nest ARB.

2.3 PROJECT TYPES

2.3.1 New Construction/Large Project

The new construction/large project is for new construction, and/or any improvement that requires structural changes. This includes additional structures such as garages and/or ADUs.

2.3.2 Home Improvement/Mid-Size Project

The home improvement/mid-size project request is required for owners proposing temporary structures and non-structural improvements after completion of the initial construction of the home on the home site. Examples include but are not limited to decks that do not require structural change, fences, and structures of the like.

2.3.3 Small Project

The small project request is required for owners proposing to make any changes to the home exterior paint/stain color, or that alter the exterior of the home itself. Examples of the later include but are not limited to fountains, patios and walkways.

2.4 SUBMITTALS

Requests for approval of large projects and new construction must be made by submitting a completed **Appendix A** Project Application; an acknowledgement of **Appendix B** Construction Agreement; **Appendix C** the completed submittal checklist, **Appendix D** Photo and Material Examples, the required survey and site plan; architectural floor plans and elevations; landscape/hardscape plans as identified below, and the erosion control plan.

Phases of Review. The ARB review process occurs in three phases designed to identify issues early, ensure compliance, and minimize delays. The **Conceptual Review** (optional but strongly recommended) provides informal, nonbinding feedback on site layout, placement, and general compliance based on a basic sketch and project description, allowing early homeowner involvement and helping avoid costly redesigns. The **Preliminary Review** (mandatory) requires a surveyed plat and preliminary site information so the ARB can formally verify setbacks, topography, drainage, erosion control needs, and determine whether civil engineering is required, resulting in written ARB comments and conditions. The **Final Submittal** (mandatory) consists of complete, construction-ready plans and all required documentation addressing prior ARB comments; construction may not begin until final written ARB approval is granted, and any variances must be clearly identified and approved in writing.

Submittals for approval of other items must include drawings, pictures, or other information sufficient for the ARB to properly consider the application. Failure to provide adequate information may result in denial of the application.

Color samples and photographs assist the ARB in rendering its decision and expedite the review process. The ARB may require the submission of such additional information as may be reasonably necessary to consider any application.

Applications for approval of new home construction, additions or modifications to structures and improvements on any Unit must be accompanied by a PDF of all of the following (See Chapter 4 for more information):

2.4.1 Survey and Site Plan – (all submittals shall be electronic)

a) Survey and site plan, drawn to scale no less than 1" = 20', showing all of the following: Property lines, lot setbacks, structure setbacks and easements.
b) Footprint of the house and driveway, sidewalks, deck, patio, retaining walls, etc.
c) Finished floor elevation relative to existing/proposed grades.
d) Existing trees more than six (6") inches in diameter at four (4') feet high (DBH) and other existing large clumps of rhododendron or mountain laurel.
e) All proposed improvements dimensioned to properly locate them from the house or property line.
f) The well, septic tank and drain fields (initial and repair).

2.4.2 Architectural Floor Plans and Elevations

Architectural floor plans should be a minimum scale 1/4" = 1'-0" and must show all rooms, walls, windows and all dimensions. The architectural elevations be a minimum scale 1/4" = 1'-0", representing the view of all exterior sides of the proposed home. Wood and/or stone elements of all exterior walls shall be accurately and specifically depicted or designated. No kit style homes are permitted.

Elevations must delineate existing and proposed grade levels. All exterior component materials must be defined for specific material type and colors.

2.4.3 Landscape / Hardscape Plan

A scaled (min 1" = 20') landscape plan must identify all proposed plant material, including placement, number, size of trees and plants. Also show mulched and grass areas of proposed landscape additions or modifications.

2.5 SCOPE OF REVIEW

These Design Guidelines are intended to facilitate the review process but are not the sole basis for decisions on architectural and aesthetic matters. Compliance with these Design Guidelines does not guarantee approval. In reviewing each application, the ARB may consider any factors it deems relevant. Decisions may be based on purely aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective, and opinions may vary as to the desirability and/or attractiveness of a proposed addition or modification. The ARB is not responsible for ensuring compliance with codes or structural integrity of approved work.

2.6 TIMING

The timing of review of applications and notification of applicants shall be conducted as described in the Declaration of Covenants. Specifically, the ARB shall notify the applicant via an email from the Eagles Nest Property Owners Association of their determination on any application no later than 35 business days upon determination of a completed application with all required documentation.

2.6.1 LOT CLEARING

Except for minimal brush cutting necessary for Health Department or survey purposes, lot clearing, grading or tree removal is not allowed until Final Site Plans have approval by ARB and all fees have been paid.

2.7 RESPONSIBILITY FOR COMPLIANCE

The ARB is not responsible for ensuring compliance with state and local building codes. Each owner is responsible for obtaining all necessary building permits from Avery County or Building and Zoning Department, and other government approvals that may be required for proposed modifications or additions. Additionally, owners are responsible for locating underground cables and wires prior to any modification requiring digging.

An applicant is responsible for ensuring that all the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines, the Contractor Work Rules as stated in Appendix B and all requirements imposed by the ARB as a condition of approval.

2.8 OBSERVATION

Periodic field observation may be conducted by the ARB, the Eagles Nest Board members and Property Management Representative for every residence under construction.

Field observation shall be limited to the exterior of the structures and the grounds surrounding them. Interior designs which meet minimum finished living space requirements are the sole concern of the homeowner.

2.8.1 Final Inspection

Upon completion of construction and request for final inspection by the Owner, the completed residence shall be inspected by the ARB to determine compliance with the Final Design Approval. Avery County shall not issue a final Certificate of Occupancy until the ARB has conducted its inspection and issued a Certificate of Compliance. If the ARB inspection identifies deficiencies, the ARB will provide written notice of such deficiencies, and the Owner shall have thirty (30) days to correct them, after which a re-inspection may be requested.

2.9 CONSTRUCTION REGULATIONS AND PROCESS

2.9.1 Contractor

All contractors performing construction activities within Eagles Nest must comply with the requirements of the Architectural Review Board (ARB) and the Association's Construction Regulations.

For contractors who have not previously performed work within Eagles Nest, the ARB may require the Owner to submit documentation demonstrating that the contractor meets objective baseline requirements necessary to protect the Association and the community. Such documentation may include evidence of a valid North Carolina contractor's license, certificates of general liability and workers' compensation insurance meeting minimum coverage requirements, and confirmation that required forms and acknowledgements have been executed.

The ARB's review of contractor-related materials is limited solely to confirming submission of required documentation and compliance with applicable Association requirements. The ARB does not endorse, approve, supervise, or guarantee the contractor's qualifications, financial condition, workmanship, performance, or suitability for any project.

The Owner remains solely responsible for the selection, supervision, and performance of the contractor and for ensuring full compliance with the approved plans, the Design Guidelines, ARB Policies and Procedures,

and the Construction Regulations. The Association and ARB assume no responsibility or liability for contractor actions, omissions, or construction outcomes.

2.9.2 Subcontractor

All subcontractors performing work within Eagles Nest must comply with the Association's Design Guidelines, ARB Policies and Procedures, and Construction Regulations.

The ARB may require confirmation that subcontractors meet applicable objective requirements necessary to protect the Association and the community, including compliance with access rules, safety standards, and insurance requirements where applicable. The ARB's review of subcontractor-related information is limited to confirming compliance with such requirements and does not constitute approval, endorsement, supervision, or evaluation of subcontractor qualifications, workmanship, or performance.

The Owner and the Contractor are solely responsible for the selection, supervision, and actions of all subcontractors, and for ensuring that all subcontractors comply with approved plans, community rules, and applicable laws. The Association and ARB assume no responsibility or liability for the acts or omissions of subcontractors.

2.9.3 Construction Regulations

All contractors will sign a copy of the construction agreement attached hereto as ***Appendix B***. The Owner, the Contractor and all Subcontractors will comply with the Construction Regulations developed by the Association. A copy of the current Construction Regulations is attached hereto as ***Appendix C.*** All Contractors will acknowledge in writing receipt of a copy of the Construction Regulations and agree to fully comply there with.

2.9.4 Inspections

The ARB or representatives thereof may periodically inspect the construction to determine compliance with the Construction Regulations and Final Design Approval. Such inspections (or failure to inspect) do not constitute approvals or waive the right of the ARB to demand full and complete compliance with the Final Design Approval at any subsequent time or at the time of the Final Inspection. The ARB may give written notice of failure to comply with the Construction Regulations or the Final Design Approval at any time.

2.10 MATERIALS

Native or indigenous materials must be used in the construction of homes including:

2.10.1 Roofs

Roof pitches for major roof areas are required to be a minimum of 6/12 and a maximum of 14/12 for functional and aesthetic reasons. Roof pitches less than 6/12 down to 4/12 may be approved on a case-by-case basis. The aesthetic appearance of a residence roof-scape depends greatly upon the articulation of the siding, roofing, details, fenestration, walls, and fences. Details at the soffit, fascia, base, corner, windows, and decks should have common elements that help unify the appearance.

2.10.2 Exterior Finishes

High-quality exterior engineered wood-like aggregate products, natural woods, and stone is encouraged while the use of imitation or less than highest quality materials strongly discouraged and may be grounds for rejection. The use of fiber cement board siding is permitted with a minimum 5/16 inch thickness, including shake. The use of plywood siding is not permitted except on the underside of soffit. Roofing materials shall be heavy wood shakes, shingle style clay tile products, fiberglass shingles, metal, or slate. In case of fiberglass architectural shingles, they must have a minimum 30-year warranty. There shall be NO EXPOSED STUCCO.

2.10.3 Foundations

Foundations **MUST** be veneered using natural woods and stone. Cultured stone is prohibited.

2.10.4 Colors

All exterior materials and colors must complement the surrounding natural environment. Color selections for new construction and for the re-coloring of existing buildings shall be consistent with the Eagles Nest environment, which is limited to natural browns and greys.

Color samples for all exterior paints, stains, and finishes must be submitted to the Architectural Review Board (ARB) for approval **prior** to application. No exterior painting or staining may occur without prior ARB approval.

Window exteriors visible from the outside of the structure must comply with the Eagles Nest environment. White window exteriors are not permitted anywhere within the community.

Properties located within designated sub-communities must also comply with any additional or more restrictive color, material, or architectural requirements set forth in their respective governing documents. In the event of differing standards, the more restrictive requirement shall apply.
For example, residences within Vineyard Village shall utilize color tones consistent with the established gray palette intended to complement the winery and surrounding structures.

All color schemes are subject to ARB approval. The ARB may consider alternative or accent colors on a case-by-case basis. Applicants must submit color chips for all proposed paints and stains with their project application and may be required to provide on-site sample applications on the proposed materials prior to final approval.

2.11 LANDSCAPING

Rocks, berms, plantings, and natural landscape features may be used to define outdoor spaces and enhance the site. Plant and material selections must be appropriate for the mountain environment, including consideration of mature size, environmental tolerance, drought resistance, and wildlife interaction. Plant species identified by the USDA Forest Service or other applicable authorities as invasive are prohibited.

Landscape designs shall be compatible with the natural mountain setting and shall utilize native or regionally appropriate materials such as stone, wood, and vegetation in conjunction with plantings.

All trees, shrubs, groundcovers, and landscaped areas must be properly maintained by the Owner. Any dead, diseased, or dying plants or trees must be removed within thirty (30) days of written notice from the Architectural Review Board (ARB). Replacement planting may be required unless otherwise approved by the ARB.

A comprehensive stormwater and surface water drainage plan is required as part of all landscape and site

plan submittals. The drainage plan must demonstrate how runoff will be managed to prevent erosion, ponding, or adverse impacts to neighboring properties, roads, or common areas.

For lots with steep slopes, complex topography, or drainage concerns, the ARB may require the drainage plan to be prepared, stamped, or supported by a licensed civil engineer or other qualified design professional, at the Owner's expense.

Storm drainage systems in and adjacent to the site must be integrated into the overall landscape design. Landscaping around utility infrastructure must comply with access and clearance requirements. A minimum clearance of five (5) feet is required on the sides and rear of transformers, and ten (10) feet is required from the front of transformers.

Lawn areas are permitted and encouraged where appropriate, particularly in front-yard areas, provided they are designed and maintained in a manner consistent with the overall mountain character of the community.

2.12 OTHER

2.12.1 Temporary Structures

No structure of a temporary nature shall be placed upon any portion of Eagles Nest at any time for any reason. Temporary shelters, including mobile homes, trailers, recreational vehicles, and tents, may not be used as temporary permanent residences or be permitted to remain on any portion of Eagles Nest. Trailers for contractors, builders, or others normally placed at construction sites are permitted only after specific approval in writing by the ARB and only for its need during constructions. Basements or partially complete houses are considered temporary and **may not** be inhabited.

2.12.2 Driveways

All driveways and parking areas shall be finished with asphalt, concrete, or natural stone unless an alternative paving material is specifically approved in writing by the Architectural Review Board (ARB). Any exceptions must receive prior written approval from the ARB.

Owners are responsible for the ongoing maintenance of their driveways and parking areas. If gravel, stone, soil, or other materials from a driveway or parking area migrate onto roadways, common areas, or adjacent properties, the Owner shall be responsible for prompt cleanup and corrective action to prevent recurrence.

Failure to maintain driveway surfaces in a manner that prevents material runoff or roadway contamination may result in notice from the ARB and required remediation at the Owner's expense.

2.12.3 Well and Septic

Prior to the occupancy of any family dwelling unit, proper and suitable provisions shall be made for the disposal of sewage by means for a septic system. No sewage shall be emptied or discharged into any creek, or upon the open ground. No sewage disposal system shall be used unless such system is designated, located, constructed, and maintained in accordance with the requirements, standards, and recommendations of the Health Department 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 without having jurisdiction.

2.12.4 Garages

Garages are permitted as part of a residence or as an accessory structure, subject to review and approval by the Architectural Review Board (ARB). The size, location, massing, materials, and architectural integration of

garages—whether attached or detached—shall be reviewed to ensure compatibility with the primary residence, surrounding homes, and the overall character of Eagles Nest.

Garage placement and orientation should minimize visual impact from the street and neighboring properties, taking into consideration site topography, driveway access, and natural features. Where site conditions reasonably allow, garage doors should be oriented away from the street; however, this is not a requirement and may be approved by the ARB when dictated by lot layout, grade, or other practical considerations.

Carports and other open-sided vehicle shelters are not permitted. All garages must be fully enclosed and constructed of materials and colors consistent with the approved architectural design of the residence.

2.12.5 Fences

Fencing may be permitted as a landscape element on a limited, case-by-case basis and requires prior review and approval by the Architectural Review Board (ARB). Where approved, fencing shall be designed to complement the natural mountain environment and the architectural character of the residence.

Rail fencing, split-rail fencing, and low stone walls consistent with the Eagles Nest rock wall style are encouraged when used as landscape features. Privacy fencing, chain-link fencing, and wire fencing are not permitted.

Pet containment solutions will be reviewed on a case-by-case basis. Physical pet fences, where approved, must be visually unobtrusive and integrated into the landscape. Wireless or underground pet containment systems are encouraged and do not require ARB approval, as they have no visual impact on the community.

2.12.6 Site Grading and Erosion Control

Site grading shall be kept to the minimum necessary to accommodate the proposed improvements and shall be designed to preserve the natural topography and existing drainage patterns to the greatest extent practicable. Drainage systems must be designed to minimize adverse impacts to adjacent properties, community infrastructure, and natural waterways.

Surface water drainage shall be managed in accordance with North Carolina law. Owners may not unreasonably alter natural drainage patterns, concentrate runoff, increase flow velocity, or redirect surface water in a manner that causes erosion, flooding, sedimentation, or other damage to neighboring properties, roadways, or common areas. Stormwater runoff should generally follow its historic downhill flow paths and be dispersed in a manner that approximates pre-development conditions using accepted best management practices.

Flooding from large storm events may occur in mountain environments; however, grading and drainage design must avoid the creation of standing water, unstable slopes, or concentrated discharge points. Retaining walls may be used to reduce the extent of grading where appropriate. Retaining walls must be constructed of stone or materials that reflect and complement the architecture and materials of the residence and must be integrated thoughtfully into the site. All retaining walls require prior ARB approval.

Sedimentation and erosion control measures must be employed during all phases of construction in compliance with applicable state and local regulations. A comprehensive erosion control plan shall be submitted with the project application and must demonstrate the phased use of Best Management Practices (BMPs) to prevent soil loss and sediment migration during construction.

Erosion control plans shall include, as applicable:

- Phased installation of erosion and sediment controls corresponding to site disturbance
- Stabilized construction entrances to prevent sediment tracking onto roads

- Sediment barriers such as silt fencing or wattles installed along contours and downslope of disturbed areas
- Inlet protection for storm drainage structures
- Temporary stabilization of disturbed areas left idle for fourteen (14) days or more
- Permanent stabilization through seeding, sodding, mulching, or other approved methods following final grading
- Slope protection measures appropriate to site conditions
- Stockpile management and protection
- Runoff control measures such as diversions, swales, check dams, or level spreaders
- A defined sequence of construction and a maintenance and inspection schedule

Stormwater and surface drainage systems shall be integrated into the overall site, landscape, and hardscape design. On lots with steep slopes, complex topography, or drainage constraints, the ARB may require the submission of drainage calculations or a stormwater management plan prepared by a licensed civil engineer at the Owner's expense.

All erosion control and drainage measures must be properly maintained throughout construction and until the site is fully stabilized.

2.12.7 Rubbish and Sanitation

Each construction site is required to provide a commercial construction dumpster and a temporary construction toilet for use by workers throughout the duration of active construction.

Temporary construction toilets must be securely anchored or staked to the ground to prevent movement or overturning due to wind, weather, or site conditions. Toilets shall be placed outside of the street right-of-way in an inconspicuous location, with the door oriented away from public roads and neighboring residences. Toilets must be located a minimum of twenty-five (25) feet from the street.

Construction dumpsters are intended solely for construction-related debris and materials. Dumpsters shall not be used for food waste, household trash, or domestic garbage of any kind. Improper use of dumpsters may attract wildlife and create unsanitary or hazardous conditions and is prohibited.

Each lot Owner is responsible for providing bear-resistant, sanitary containers for all food waste, household trash, and domestic garbage associated with the project. All garbage receptacles, tools, and equipment used by the Owner or Contractor must be stored in a manner that prevents access by wildlife.

Trash, garbage, construction debris, or other unsightly or offensive material shall not be placed or allowed to accumulate on any portion of Eagles Nest, except as temporary and incidental to bona fide construction activities. Animal-resistant trash receptacles are mandatory and shall be screened from view by planting, berms, fencing, or other approved screening methods where practicable.

Failure to properly secure toilets, manage waste, or prevent wildlife access may result in corrective action or enforcement as permitted by the governing documents.

2.13 SIGNS

The Eagles Nest Property Owners Association seeks to maintain a consistent, high-quality visual environment throughout the community. Except as expressly permitted below, signs of any kind are prohibited on any Lot or structure.

Prohibited Signs

The following signs are not permitted anywhere within the community:

- "For Sale," "For Rent," or similar real estate signage
- Paper, cardboard, plastic, corrugated ("waffle") plastic, wire-frame, or temporary stake-in-the-ground signs
- Handwritten, printed, banner, flag, or promotional signage
- Subcontractor signage of any kind, including but not limited to roofing, landscaping, HVAC, plumbing, electrical, or similar trade advertising
- "No Trespassing" or similar warning signs

Approved Community Signage

Feather-style signs are permitted for homes only when they match the design, scale, and appearance of signage used throughout the Eagles Nest community and are approved by the ARB. These signs are intended for community consistency only and may not be used for advertising, sales, or rental purposes.

Construction Signage

During active construction, one (1) General Contractor sign is permitted per Lot, subject to the following requirements:

- The sign must be constructed of wood or other high-quality, durable materials
- The sign must be professionally made and maintained in good condition
- The sign must be limited to identifying the General Contractor only
- No subcontractor logos, names, or advertisements are permitted
- The sign may be used to securely mount the required permit box on the reverse side

Contractor signs must be removed promptly upon completion of construction or issuance of a Certificate of Occupancy, whichever occurs first.

Permit Boxes

Where required, permit boxes must be mounted in a secure, visible location at the front of the construction site and may be affixed to the approved General Contractor sign or a separate approved structure.

All signage is subject to review and approval by the Architectural Review Board. The ARB reserves the right to require removal of any sign that does not comply with these guidelines or detracts from the visual character of the community.

2.14 TREES

The preservation of mature trees and native vegetation is a fundamental design principle of Eagles Nest. Clear-cutting is strictly prohibited. The Association recognizes that homeowners may desire views from their property; however, tree removal must be carefully managed to protect the natural character of the community, adjacent properties, and common areas.

Prior written approval from the Architectural Review Board (ARB) is required before removing or materially altering any tree measuring six (6) inches or more in diameter at four (4) feet above grade (DBH), as well as large clumps of rhododendron or mountain laurel, except for trees located within ten (10) feet of an approved building footprint or within an approved driveway or walkway. Exceptions may be granted for trees that are dead, diseased, storm-damaged, or present a documented safety hazard.

Owners seeking approval to remove or limb trees (topping is not permitted) must clearly mark the trees or limbs proposed for removal and submit a written request to the ARB. The ARB may conduct a site inspection and will notify the Owner in writing of its decision prior to any work commencing. Logs or cut materials retained on site must be stored out of view from Eagles Nest roads and neighboring properties.

Any tree or regulated vegetation removed without prior written ARB approval constitutes a violation of the Design Guidelines and governing documents. For each unauthorized tree removed or destroyed, the Association may impose fines of **up to $2,000 per tree**, in addition to any other remedies available under the CC&Rs. The Association may also, at the Owner's expense, enter the property to install replacement trees or vegetation as deemed necessary to restore the site.

Nothing herein limits the Association's right to pursue additional enforcement actions, including injunctive relief or recovery of costs, as permitted under the CC&Rs and North Carolina law.

2.15 EXTERIOR LIGHTING

All exterior lighting shall be installed so as not to disturb neighbors and minimize visual access to the light. Exterior floodlights must use a hooded-type fixture and directed downward to minimize glare.

All exterior lighting must be approved by the Eagles Nest ARB. Down lighting is encouraged to reduce glare; exterior light fixtures on homes should be of baffled design and conservative in number. Colored lights are prohibited.

2.15.1 High Density Area Lighting

The following lighting standards apply specifically to the high-density neighborhoods of **Camp Eagles Nest, The Village, The Park, The Overlook, and Vineyard Village**.

Landscape and exterior lighting within these areas must be uniform, restrained, and designed to preserve dark skies and neighborhood character. No exterior lighting shall be installed in a manner that allows the direct light source to be visible from a neighboring residence, or that produces light spillover, glare, or distraction to pedestrian or vehicular traffic.

When exterior lighting is used, fixtures shall emit **soft-white light only** and shall be shielded and directed downward. Low-level landscape lighting immediately adjacent to the residence may be permitted, provided it is subtle in intensity and fully compliant with these standards. **Up-lighting of any kind is strictly prohibited.** All exterior lighting is subject to ARB review and approval.

2.15.2 Exterior Decorative Accessories and Installations

All exterior accessories including, but not limited to, address numbers, hardware, house signs, ornamentation, light fixtures, pole lamps, and lawn ornaments must have prior written approval of the ARB prior to installation. Such accessories must conform to the prevailing theme of the Eagles Nest community. No Christmas themed lights, rope style, etc. of lighting for decorative or other purposes will be allowed outside of the standard holiday season timeframe of Thanksgiving-New Year.

2.16 ANTENNAE

All utilities, wires, cables, antennae and the like, of any kind (such as telephone, electrical, television, radio, and citizen band radios) must be placed underground except as may be expressly permitted and approved in writing by the Eagles Nest ARB. Satellite dishes shall not exceed 24" in diameter and must be placed as unobtrusively as possible.

2.17 POOLS AND SPAS

No above ground pools or inflatable bubble covers will be allowed. Pools and enclosures should relate architecturally to the home and other structures in their materials and detailing.

2.18 MISCELLANEOUS

Any clearing, grading, construction, or site work performed without prior ARB approval may result in immediate suspension of work and denial of access to the project site for the builder, contractor, and/or

subcontractors.

Mulching is required for all planted areas to promote soil stability, moisture retention, erosion control, and a natural transition to surrounding vegetation. Acceptable mulch materials are limited to natural hardwood bark or wood-based mulches in natural color palettes, including brown, dark brown, and natural wood tones. Pine straw is not permitted due to increased wildfire risk. Gravel, rubber mulch, pine bark nuggets, and dyed or artificially colored mulches are not authorized. All mulch selections must maintain a natural appearance consistent with the mountain environment and are subject to ARB approval.

2.19 TOYS, TOOLS, AND LAWN EQUIPMENT

Toys, bicycles, portable play equipment, tools, landscaping materials, and lawn or maintenance equipment shall be stored inside the dwelling, garage, or another ARB-approved structure or container when not actively in use. These items shall not be left in view of streets, neighboring properties, or common areas when not in use.

Sprinklers, hoses, and similar equipment must be neatly coiled and stored out of view from streets and neighboring properties when not in use.

Outdoor furniture, seating, and accessory items that are visible from public roads or common areas must utilize natural, muted color palettes that complement the mountain environment. Acceptable colors include earth tones, browns, grays, greens, and natural wood finishes. Bright, neon, fluorescent, or highly reflective colors are not permitted where visible from the road or neighboring properties.

2.20 ITEMS NOT COVERED

Matters not covered in this document cannot be construed, as authorization to execute by a property owner and must be provided approval in writing by the ARB. When in doubt, contact the Eagles Nest ARB for resolution.

2.21 EXCEPTIONS

Variances or deviations from these Design Guidelines may be considered only when the ARB determines that extraordinary site-specific conditions exist that make strict compliance impracticable. Such conditions are limited to physical constraints inherent to the lot, including but not limited to unusual topography, waterways, required easements, or other natural features that materially restrict reasonable building placement.

Variances will not be granted for the purpose of improving views, increasing building size, enhancing convenience, or avoiding design modifications. Requests based solely on personal preference, economic considerations, or architectural expansion shall be denied.

Prior to consideration of any variance request, the Owner must demonstrate to the satisfaction of the ARB that all reasonable alternatives to achieve compliance have been exhausted, including but not limited to modifications to building footprint, orientation, layout, or reduction in overall structure size.

The ARB is authorized to approve setback variances not to exceed twenty-five percent (25%) of the applicable setback requirement. Any request exceeding a twenty-five percent (25%) variance shall be automatically denied by the ARB. Owners may appeal such a denial to the Lodges at Eagles Nest Property Owners Association Board of Directors in accordance with the appeal procedures set forth by the Association.

Any variance granted shall be documented in writing, shall be limited to the specific conditions of the subject lot, and shall not establish precedent for any future application. The ARB is under no obligation to grant a variance, even where similar conditions may exist on other properties.

2.22 RIGHT-OF-WAY

The right-of-way consists of the road adjacent to your property and the strip of land on each side of the road.

Owners may not build or place any structure in the right-of-way, remove any trees or other vegetation from the right-of-way, or undertake any projects in the right-of-way that would affect drainage, safety, or aesthetic without obtaining prior written notice from the ARB. Proceeding with a project in the right-of-way without written approval will incur the peril of having to restore the right-of-way to its original condition at Owner's expense.

Contractors are expressly forbidden from parking, placing equipment or materials on the shoulder of the road. The lot owner and contractor will receive one (1) warning via email. The second occurrence will result in a fine up to $100.00 per day.

If an Owner proceeds with a project in the right-of-way after obtaining approval, (such as planting grass on the shoulder of the road, or installing a curb across a driveway entrance), Owner will be solely responsible for all maintenance and damage associated with that project.

CHAPTER 3 – CONSTRUCTION DEPOSIT AND SCHEDULE

3.1 NEW CONSTRUCTION AND MAJOR PROJECTS

All new home construction and other large-scale projects within The Lodges at Eagles Nest are subject to the fees, deposits, and requirements set forth in this Chapter. All required fees and deposits must be paid in full, and all required approvals obtained, prior to any site clearing, grading, or construction activity.

Payments shall be made payable to The Lodges at Eagles Nest Property Owners Association, unless otherwise directed by the Association.

3.1.1 Construction Letter of Credit

A Construction Letter of Credit in the amount of $7,500.00 is required for all new residential construction.

The Letter of Credit is due upon approval of final architectural plans and prior to the commencement of any site work. The Letter of Credit serves as security to ensure compliance with the Design Guidelines, Construction Regulations, erosion control requirements, and protection of Association roads and common property.

The Letter of Credit may be drawn upon by the Association, in whole or in part, to remedy violations, repair damage, or address non-compliance attributable to the Owner, Contractor, or Subcontractors. Any unused portion will be released in accordance with Association procedures upon satisfactory project completion and final inspection.

3.1.2 Architectural Review Fee – New Construction

A non-refundable Architectural Review Fee of $1,000.00 is due at the time of submission of a complete application for new residential construction. This fee covers administrative review, professional consultation as needed, and ARB review associated with new construction projects.

3.1.3 Architectural Review Fee – Improvements, Additions, or Incomplete application submittal

A non-refundable Architectural Review Fee of $500.00 per occurrence applies to:

- Additions or improvements to existing structures requiring ARB approval
- Resubmittals resulting from incomplete, inaccurate, or materially deficient applications
- Re-reviews caused by applicant-initiated changes after initial submission

This fee is due at the time of resubmittal or revised application.

3.1.4 Road Impact Fee – New Construction

All new residential construction is subject to a Road Impact Fee to account for construction-related wear and impact on Association-owned private roads.

The Road Impact Fee is assessed prospectively and applies only to new construction applications submitted on or after the effective date adopted by the Board of Directors.

The Road Impact Fee is structured as follows:

- A base Road Impact Fee of $10,000.00 applies to new homes with up to 2,000 square feet of heated living space.
- For homes exceeding 2,000 square feet, an additional fee of $2.00 per square foot shall be assessed for each square foot above 2,000 square feet.

The Road Impact Fee is a reasonable charge related to construction traffic, heavy equipment use, material deliveries, and extended construction duration. It is not a fine or penalty and shall not apply retroactively to previously approved projects.

3.1.5 Timing and Enforcement

All fees, deposits, and impact charges outlined in this Chapter must be paid in full prior to any site clearing, grading, or construction activity.

Failure to comply with these requirements may result in suspension of work, denial of site access, enforcement action, and fines as provided in the Construction Regulations and Appendix B.

CHAPTER 4 - SUBMITTAL PROCESS

4.1 REQUIRED DOCUMENTATION

All requests for Architectural Review Board (ARB) approval must be submitted to the Eagles Nest Property Owners Association (POA) through the Community Manager in accordance with the procedures outlined herein.

Pre-Submission Meeting Required

Prior to submitting any application for new construction, major additions, or projects requiring site grading, the Owner (and/or Contractor) must schedule and attend a pre-submission site meeting with an ARB representative. This meeting is intended to review the lot's topography, access, setbacks, drainage considerations, and general compliance expectations before formal plans are prepared and submitted.

Single, Complete Submission Required

All applications must be submitted at one time as a single, complete package. The ARB will not review partial, piecemeal, or evolving submissions.

It is the responsibility of the Owner and Contractor to assemble and submit a complete application. The Community Manager will not assemble application materials, request missing items, or coordinate incomplete submittals on behalf of the Owner or Contractor. Any submission that is incomplete, unclear, or missing required documentation will be returned without review.

Submission Format

All required materials must be submitted electronically as one consolidated PDF file, unless otherwise expressly approved by the ARB. All drawings, plans, exhibits, and supporting materials must be legible, drawn to scale where applicable, and clearly labeled.

Required Documentation

Each submission must include, at a minimum, all items identified in the current ARB Submission Checklist, which is incorporated by reference into these Design Guidelines. The checklist must be completed in full and included with the submission.

Required documents include, but are not limited to:

- Appendix A – Project Application (fully completed)
- Appendix B – Construction Agreement (acknowledged by Owner and Contractor)
- Appendix C – Construction Regulations (acknowledged by Owner and Contractor)
- Contractor license and required insurance documentation

- Survey and site plan showing all required elements
- Architectural floor plans and elevations with all dimensions, materials, and colors specified
- Landscape and hardscape plans
- Erosion control and drainage plan
- Any required variance request and supporting justification
- Color samples, photographs, or material specifications as required

Generic descriptions such as “grey/brown tones,” “color family,” or “to match house” are not acceptable.

Review Process

The ARB’s review will not begin until a complete submission is received and verified against the checklist. Submission of materials does not guarantee approval. The ARB reserves the right to request additional information as reasonably necessary to evaluate compliance with the Design Guidelines, CC&Rs, and applicable policies.

4.2 REQUIRED DEPOSITS AND FEE CHECKS

Required deposit and fees may be paid on-line when the Project Application is submitted, or the fees can be paid by separate checks, made payable to the Lodges at Eagles Nest POA and mailed to:

Lodges at Eagles Nest POA
Attention: General Manager
486 Main St. W Banner Elk, NC 28604

PLEASE NOTE THE FOLLOWING:

The ARB will not begin the 35-business day review period until both completed exhibits with required supporting documentation and applicable fees have been received.

Absolutely no construction is allowed until all fees have been paid in full and you have received written approval from the ARB.

4.3 CONSTRUCTION LETTER OF CREDIT

This letter of credit is due upon approval of final plans and will be held on file throughout the duration of the project. The letter of credit will be released at the completion of the project after a final site review has been completed and if there is no damage caused by any party involved in the construction process and no design violations have occurred. However, if there is a need to administer or process a violation as listed in Appendix B, the associated costs will be deducted from this letter of credit.

4.4 ARCHITECTURAL REVIEW FEE

This fee is due with the project application. The fee covers the cost of processing and reviewing an application through the required steps. It also includes assistance to owners submitting an application, document control, the potential cost of review by an architect, engineer, landscape architect, etc., if required and necessary, construction observation and final project administration.

4.5 IMPACT FEE

This fee is non-refundable and is due with the project application. It is required to cover impact and damage to the existing road network.

4.6 VIOLATIONS AND ENFORCEMENT

4.6.1 Notice

In the case of a violation of the Construction Regulations, or failure to implement construction in accordance with Final Design Approval, a RED violation notice will be posted at the property and a copy thereof sent by certified mail to the Owner, Contractor and Architect to the addresses specified in the Application or any subsequent change of address notice given to the ARB. Minor violations may be handled on a less formal basis via direct contact by the ARB with the Owner or Contractor.

4.6.2 Corrections

There shall be no grace or cure period prior to enforcement of fines and remedies for violations of the Construction Regulations. The Owner will cause non- Construction Regulation violations to be corrected within ten (10) days after receipt of such violation notice unless, such violation is incapable of being cured within ten (10) days. If such violation is incapable of being cured within ten

(10) days, the Owner will inform the ARB of Owner's intended corrective action, and subject to approval and consent of the ARB of Owner's proposed remedy and timing, Owner will continuously and diligently pursue correction of the violation until corrected.

4.6.3 Fines

If a violation continues beyond the ten (10) day period (or such longer period as agreed to by the ARB), the Owner will pay to the ARB a fine of $100 per day RETROACTIVE to the date of notice of violation until the violation is corrected.

4.6.4 Government Notice

If the violation involves a safety risk to the public or the environment, the ARB may inform appropriate governmental agencies of the potential risk.

4.6.5 Remedies

The ARB will be entitled to enforce the provisions of these policies, procedures, rules, regulations and standards by all available remedies under the Declaration and as are afforded by law or in equity, including injunctive relief. The Owner will be responsible for all costs incurred by the ARB in enforcing these provisions including attorney's fees.

4.6.6 Lien

All Fees, Fines, charges and enforcement costs will constitute a lien against the property of Owner to which the Fee, Fine, charge or enforcement cost applies and may be enforced in accordance with the provisions of the Declaration.

4.6.7 BUILD TIME REQUIREMENTS

Construction is expected to proceed in a continuous and diligent manner once commenced. The standard construction timeline is as follows:

• Dry-In Milestone:
The structure must be dried in (roof installed, exterior walls enclosed, windows and doors installed) within 12 months of the start of construction.

• Final Completion:
The home or structure must be substantially complete within 24 months of the start of construction.

Extensions:
The ARB may grant reasonable extensions upon written request for good cause shown, including but not limited to severe weather, material shortages, labor availability, or other circumstances beyond the Owner's control as determined by the ARB, in its sole discretion. Requests must be submitted prior to expiration of the applicable deadline.

Failure to Progress:
Projects that are not progressing in a timely manner or that remain inactive for extended periods without approved extensions may be subject to enforcement action in accordance with the Design Guidelines, Construction Regulations, and applicable POA policies.