

Architectural Review Policy

For the Architectural Review Committee

This document serves as policy and guidelines for Architectural Review within the Emerald Bay community, as administered by the Emerald Bay Homeowners Association (EBHOA) through the Board of Directors and the Architectural Review Committee.

The bases for all policy and guidelines herein are the legal documents of EBHOA, namely the Charter, the Bylaws, and the Covenants and Restrictions. Where contents of this document conflict with provisions of the Charter, the Bylaws, or the Covenants and Restrictions, guidance shall be taken from the legal documents.

The Bylaws of the Association, Article 5.02 (b) refer to Architectural Control as administered by (first) the Developer and (later) by a committee established by the Board of Directors. Article 5.15 defines the establishment by the Board of special committees, including the Architectural Review Committee. The Covenants of the Association, Article III, COVENANTS, USES AND RESTRICTIONS, define and provide the acceptable uses for all property within the purview of the Emerald Bay Homeowners Association. The Covenants of the Association, Article IV, ARCHITECTURAL CONTROL, define the reasons for exercising such control over use of the properties, identify and define the proper administering authority for such control, and the scope of such control. Approval for new construction as well as improvements must comply with all relevant agreements and restrictions as contained in the legal documents of the Emerald Bay Homeowners Association.

Architectural Review Committee

1. Each member of the committee will be appointed by the Board of Directors in accordance with the Bylaws, Article 5.15. The Board will appoint the organizing Chairman of the committee, but the committee may, at its own discretion, elect another chairman.
2. Members of the Architectural Review Committee shall normally be three in number. Where possible, all three members shall be involved in investigation of issues. In considering the issues brought before it, the quorum for a decision is two (2) committeemen in agreement.
3. The committee is responsible to the Membership of the Association through the Board of Directors.
4. The committee will keep a record of all actions taken and will make regular reports to the Board of Directors for consideration at their monthly meetings. A special report on such items that might be deemed of special significance may be requested by the Board.
5. In the event of significant disagreement within the committee, such issue shall be brought before the Board of Directors for a decision.

Requirements for Issues under Committee Review

1. Professionally-drawn plans are required for new construction per Covenants, Article 4.01 (c).
2. The committee may, at its own discretion, consider hand-drawn diagrams for improvements to existing properties in lieu of professionally-drawn plans.
3. A fee will be charged for review of the submitted plans per Covenants, Article 4.01 (d). The fee may, or may not, be returned to the property owner at the completion of the project, at the discretion of the Architectural Review Committee.
4. Property owners are responsible to obtain any and all appropriate building permits for the work being proposed.
5. Property owners are responsible keeping the committee apprised of the status of the work as it proceeds toward completion. Progress status updates should occur every 60 days minimum.

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6. Property owners are to use current Licensed Contractors for any work performed in Emerald Bay.

Non-Compliance with Covenants and Restrictions

1. Members of the Architectural Review Committee are responsible to all Members of the Association. In that capacity members of the ARC are responsible to report all known cases of non-compliance to the Board of Directors for consideration and possible action.
2. Officers and Directors are responsible to all Members of the Association. In that capacity they are responsible to review any known cases of non-compliance, to decide upon a course of action, and to take whatever action, legal or otherwise, that is deemed appropriate to the situation.

Required Submittals to the ARC

Emerald Bay subdivision covenants in Article 4.01, C., describe in detail what type of changes or construction activities initiate an ARC review. If the homeowner, property owner and/or contractor have any questions regarding these requirements, they are to contact the ARC for clarification.

C. No Dwelling Unit, other building, structure, fences, exterior lighting, walls, swimming pools, children's play areas, decorative appurtenances, or structures of any type, shall be erected, placed, added to, remodeled, or altered and no trees or shrubs shall be cut or removed and no grading shall be commenced until the proposed building plans and specifications (including height, and composition, of roof, siding or other exterior materials and finish), plot plan (showing the proposed location of such dwelling unit, building or structure, drives and parking areas), drainage plan, landscape plan or construction schedule, as the case may be, shall have been submitted to the Developer or the Architectural Review Committee for approval at least thirty (30) days prior to the proposed date of construction. In addition, any repainting of a substantial portion of the exterior of any structure in a manner not previously approved by the Developer or the Architectural Review Committee, shall be subject to prior approval of the Developer or Architectural Review Committee as provided in the preceding sentence.

New Home Construction

1. The Architectural Review Committee (ARC) requires a one-time plan review/approval fee of \$500 made payable to EBHOA to be submitted with plans for approval as described below for new home construction. This fee may be returned to the submitter at the end of construction if all plans and approvals are in accordance with the Covenants and Restrictions as determined by the ARC.
2. Plan submittals are to include two (2) full sets of plans on 24" x 36" paper including as a minimum:
 - 1.) Plot Plan with all improvements, 2.) Landscape Plan identified with plant list, 3.) Floor plans for each level including basement, 4.) Four (4) exterior elevations. All plans shall be professionally drawn, to scale, with proper delineation and labeling including square footages and dimensions. All materials shall be indicated and labeled including roofing, brick, rock, siding, concrete, etc. Landscape plans shall also be professionally prepared by experienced landscape architects or contractors. The landscaping shall be consistent with surrounding homes and provide proper screening for HVAC units and garbage cans as required by the covenants. Approval is required by the ARC before any installation occurs. The Hamilton County Building Department may require other drawings including Erosion & Sedimentation Control Plan, Foundation Plan, Framing Plan and Details. One set will be retained for the ARC's records. The other set will be returned to the submitter with any markups for changes or corrections required by the ARC.

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3. The property owner and/or builder will be required to sign an acknowledgment form indicating they are bound to the Covenants and Restrictions for the Emerald Bay subdivision being built in.
4. The ARC has 30 days to approve or disapprove submitted plans or they will be considered approved by default.
5. Appeals may be made regarding decisions made by the ARC. Appeals must in writing stating the hardship or special conditions that may warrant the appeal request. The ARC will respond to appeals within 2 weeks.
6. Contractors must be approved to build in Emerald Bay. Currently there are 8 "approved" Contractors in the Emerald Bay subdivisions as listed below. The ARC can evaluate new proposed builders by an interview, experience, documentation and visiting past work.
 - A. Trademark Builders (423)596-8660
 - B. George Wright Construction (423) 593-7700
 - C. Randy Stanley (423)704-3222
 - D. Tracy Cooke (423)18-3313
 - E. Scott Barnett (423)413-1923
 - F. Bo Ellis (423)314-6197
 - G. Jake Taylor (PTC Construction LLC) (423)443-6400
 - H. Andy Sellers (Timberwolf Construction) (423)355-3637
7. Other issues: Silt fencing during construction is required by Hamilton County Building Dept and their requirements will need to be implemented. Work times should be daylight hours so as not to disturb neighbors with light and noise. Parking by construction personnel should occur mostly on the property being improved, but occasional parking can occur on the roads during heavy work periods as long as the access through the neighborhood is not restricted. Any EBHOA common or private property damage caused by construction must be repaired by the at-fault party to the satisfaction of the EBHOA or private party. New homes and landscaping must be completed in one year from the start date of construction.

Additions and Remodeling

1. The Architectural Review Committee (ARC) requires a one-time plan review/approval fee of \$500 made payable to EBHOA to be submitted with plans for construction of additions and remodeling that value 25% or more than the current Hamilton County appraised value of the property. This fee may be returned to the submitter at the end of construction if all plans and approvals are in accordance with the Covenants and Restrictions as determined by the ARC. If the value is less than 25% of the appraised value, no plan review/approval fee will be required.
2. Items 2-7 under New Home Construction above shall apply to this section except that the required approval drawings under Item 2 may be reduced to be appropriate for the size of the addition or remodeling. Other items broadly apply but may not be applicable due to the lesser scope of work.

This document was approved by the Board of Directors in session on March 17, 2020.