



HOMEOWNERS ASSOCIATION
12796 Emerald Bay Drive
Soddy Daisy, TN 37379



Architectural Review Committee

Process & Guidelines

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APPROVED BY EBHOA BOARD OF DIRECTORS
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Introduction

Architectural Review Committee (ARC)

In a planned community, such as Emerald Bay, the question naturally arises as how to maintain a harmonious, quality development as the community matures. The following Guidelines and Standards attempt to provide a meeting ground between private interests and the broader interest of the Emerald Bay community.

The Declaration of Covenants and Restrictions (DCRs) for Emerald Bay as well as these Guidelines, Standards and Policies run with the land and are binding on ALL homeowners and should be fully understood. Please read these guidelines very carefully. The fact that each homeowner is subject to these Covenants should assure all homeowners that the standards of design quality shall be maintained enhancing the community's overall environment and protecting property values.

Access the DCR's on the EBHOA website at the link below for each respective neighborhood in Emerald Bay: <http://ebhoa.org/covenant-select.htm> . Reference *Article III for Covenants, Uses and Restrictions* and *Article IV for Architectural Control* to view the recorded covenant documents at issue.

The Emerald Bay Homeowners Association (EBHOA), Board of Directors reserves the right to amend these set of standards and guidelines at any time. In the event of discrepancies or conflicts between the DCRs and these Guidelines, the DCRs shall govern.

Current ARC Members:

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ARC Process

Who: The Declarations (DCRs) establish an Architectural Review Committee comprised of homeowners who have volunteered to review architectural requests and make a decision regarding the requests' compliance with the community standards.

What: The Covenants apply to a broad range of potential property changes and address other issues regarding "quality of life". Please refer to the guidelines and Covenants prior to initiating any exterior change to your property to determine if the considered change or improvement falls under the requirement for ARC approval. It should be noted that the declarants/developers (George Luttrell (Emerald Bay and Emerald Pointe) and Tim McClure (Emerald Lake, Patton Place and Brooke Stone) have previously transferred the reviewing authority to the EBHOA ARC for initial (new) Construction and the ARC is responsible for reviewing changes/additions following completion of initial construction as well as the other exterior changes noted above.

New home and addition construction submittal requirements are covered in the Architectural Review Policy printed later in this book. If you are planning a new home or addition in Emerald Bay, please refer to that document.

How: Please follow the steps below when submitting an Architectural Review Request. Once the ARC receives a Request for Architectural Review, each member will review the request and have an opportunity to ask any necessary questions regarding it. You will be notified of the status of your request after the Committee has reviewed the request and additional information. Please be aware that incomplete information will delay the committee's ability to make a decision.

1. Owner submits to the Architectural Review Committee, a request for architectural improvement via email (preferred) or phone. The request should include any plans or sketches with notes & dimensions of the change and any manufactured product data proposed for the exterior change.
2. The request, is forwarded to all members of the Architectural Review Committee. An ARC member will perform a preliminary review and request any other required information prior to formal review by the full ARC.

3. The committee will act on the completed request within 15 calendar days from receipt of all material necessary information for review is submitted. The fifteen (15) day timetable begins when the necessary information is complete and appropriate for review. The committee will attempt to review the request immediately after it is determined complete to ensure that the homeowner is not inconvenienced by any delay in completing their project. Please ensure that all necessary documentation is submitted to ensure a speedy review process.
4. In the event that the ARC fails to approve or disapprove plans submitted to it, or to request additional information reasonably required within thirty (30) days after submission thereof, the plans shall be deemed approved unless such plans are otherwise in direct contravention or violation of the Declaration of Covenants and Restrictions for Emerald Bay.
5. The committee's decision will be noted via email to the Owner. The owner will be notified of all final decisions, either:
 - a. **REQUEST APPROVED:** The request is approved as submitted.
 - b. **REQUEST APPROVED WITH CONDITIONS:** The overall proposal is accepted, but with certain specified changes, limitations, or requirements that must be followed.
 - c. **REQUEST DENIED:** The request is not approved. The owner can appeal the Architectural Review Committee decision to the EBHOA Board of Directors. The appeal must be submitted in writing within 30 days of the denial.
 - d. **ADDITIONAL INFORMATION REQUIRED:** The Committee has determined that additional information is needed for appropriate review of the request. In this case, the entire process begins again once the ARC receives the information. The owner should follow the same submission procedure.
6. The ARC reserves the right to visit your lot and inspect the improvement. No committee member shall enter the property without first advising the homeowner and be given permission.

ARC Guiding Principles

When considering the approval of a request by the ARC, there are a number of key questions that we consider, including:

1. How is the requested change addressed/allowed by the DCRs?
2. What is the impact on adjacent property owners? Have they been notified about the request?
3. Is the change consistent with the architectural theme of the subject and surrounding properties?
4. Are the property values of the requestor as well as the community positively or potentially negatively impacted?
5. What specific conditions are necessary to ensure that the request is implemented consistent with the DCR's.
6. Communication between neighbors is essential to maintaining a friendly neighborhood and is highly encouraged always, but especially when considering adding a fence, porch, pool, entertainment structure, swing set, removing trees, or other item which may adversely impact your neighbor.

Additional Information

Please note that once work on a project has begun, it should be completed within 90 days under most circumstances and the quality of workmanship must be equal to or exceed that of any existing structure.

It is the homeowner's responsibility to obtain and submit all necessary government permits.

It is the homeowner's responsibility to ensure that any contractors are properly insured and licensed when required by Hamilton County Building Department, they clean up after their work, and they repair any damage done to adjacent properties.

ARC Design Guidelines

These design guidelines have been developed in accordance with the DCRs to provide additional details and helpful information to be used by the ARC in reviewing changes and additions within the scope of the ARC. These guidelines are not intended to be exhaustive in nature but will address most changes homeowners will need. In the event of discrepancies or conflicts between the DCRs and these Guidelines, the DCRs shall govern.

Accessory Structures.

Accessory structures are not permitted on any part of the Property without the prior written approval of the ARC. This includes doghouses, tool sheds or structures of a similar kind or nature.

Porches/Decks and Sunrooms.

All porches, decks and sunrooms must be approved in writing by the ARC prior to construction. The configuration, detail and railing design of a deck should be harmonious with the architectural style of the Unit. All proposed structures must be submitted to the ARC in advance for approval showing plans, dimensions, elevations with heights & materials, and location. Permits are the responsibility of the Property Owner.

1. Porches may be open air or screened, but may not be enclosed on the sides.
2. Sunrooms are fully enclosed with windows or walls and heated and cooled.
3. Porches/Decks or Sunrooms must be designed and constructed in a manner which is architecturally consistent with the home and with the neighborhood.
4. The roof pitch of the porch must match the roof pitch of the primary residence. Deviations to this will only be granted when home design (window placement) dictates a different pitch.
5. There are minimum front, side & rear setback requirements in the Hamilton County Zoning Ordinance for this development (25' for Front and Rear and 10' for side), which require a minimum distance from any structure constructed to right-of-way (ROW) property line or common property lines and would apply to a porch/deck or sunroom project as well.
6. There are zoning/building codes which may apply to porch/deck construction and placement. It is the homeowner's responsibility to work with their contractor to ensure that applicable permits and licenses are obtained.

Fences.

Fences are allowed, provided, the design, material, height, and placement with dimensions are approved in advance by the ARC. Locations generally begin within the areas of the rear corners of the home. Wire or chain link fences are prohibited. During the Review Process the ARC will ask if the addition has been discussed with your neighbors.

1. There are three types of fences which have been approved by the ARC (Wood Privacy, Vinyl Privacy and Black Aluminum).
2. Fences are allowed in back yards only.
3. For homes on a standard lot, the fence is to begin at a rear corner of the house and may either proceed to the property line or a point short of the property line.
4. For homes on a corner lot, the fence on the street side of the home is to begin at the rear most corner and proceed to the rear of the lot (i.e. may not proceed any closer to the side lot line or than the rear corner of the home). In cases where an exception may be made for unusual lots, the fence line will be no closer to the road side lot line than 10 ft. Landscape bushes or trees may be required to lessen the obtrusiveness of the fence to the road. This is to ensure there is adequate space between the fenced area and any sidewalks and pedestrians. The Wood privacy fence is to be no more than 6 ft tall and is to be uniform. Construction shall be such that the finished side is smooth and present a finished look from the exterior sides. Wood privacy fences are required to be painted or stained in a harmonious color with the home, and maintained regularly with paint or stain to prevent degradation.
5. The Black Aluminum Fence has a powder coated finish and is typically 4' tall.
6. While variation is allowed, consistency in fence design is a consideration for approval when the adjacent homeowner also has a fence.
7. Communication between neighbors considering fences is essential to maintaining a friendly neighborhood and is highly encouraged.

Entertainment Structures.

These types of structures may include: Pergola, Gazebo, Pavilion, Outdoor Kitchens, Stand-alone Fireplace, Water and Landscape Features, Etc. All proposed structures must be submitted to the ARC in advance for approval showing plans, dimensions, elevations with heights & materials, and location. Permits are the responsibility of the Property Owner. At no time will any part of these structures be used for storage. Any variation from this needs to be approved by the ARC.

1. Entertainment structures may be open air, but may not be enclosed.
2. Entertainment structures must be designed and constructed in a manner which is architecturally consistent with the home and with the neighborhood.
3. The materials for proposed entertainment structures are to be consistent with the architectural themes in the Community. All exterior siding must be approved in writing by the ARC.
4. All fireplace inserts must be capped with a colored metal shroud at the point where the flue reaches the top of the chimney, and all chimneys must be constructed of brick, stucco, or stone, and those chimneys on the exterior must have a foundation. Any other materials must be approved in writing by the ARC.
5. Roof pitches must be a minimum of 9/12, unless otherwise approved by the ARC. All roofing materials must be approved in writing by the ARC. The roofs of all structures shall be maintained in a clean, neat and attractive condition with a full complement of roof tiles or architectural shingles. Architectural shingles are the only shingles permitted.
6. Only good quality materials and design will be accepted on any structure built on any Lot. No concrete blocks shall be used above the finished ground elevation of any structure unless said blocks are covered with brick veneer, stone or other material approved by the ARC.
7. There are minimum setback requirements provided by Hamilton County Zoning Ordinance (See above), which require a minimum distance from any structure constructed to the front, rear or sidelines of the property and would apply to a porch project as well.
8. There are also zoning/building codes which may apply to entertainment structure construction and placement. It is the homeowner's responsibility to work with their contractor to ensure that applicable permits and licenses are obtained.

9. Placement of the entertainment structure and potential for impact on neighbors is a key consideration for approval of the entertainment structure by the ARC.

Swimming Pools and Hot Tubs.

These types of structures may include: Pools, hot tubs, swim spas, Etc. All proposed structures must be submitted to the ARC in advance for approval showing plans, dimensions, elevations, heights & materials, and location. Include any proposed pool houses for filters, heaters and pool equipment. Permits are the responsibility of the Property Owner.

1. Swimming Pools must be in-ground. No above ground pools are allowed.
2. Swimming Pools must have approved fences surrounding them completely.
3. Pools or hot tubs must be designed and constructed in a manner which is architecturally consistent with the home and with the neighborhood.
4. The materials for proposed pool, hot tub or pool house are to be consistent with the architectural themes in the Community. All exterior siding must be approved in writing by the ARC.
5. Roof pitches must be a minimum of 9/12, unless otherwise approved by the ARC. All roofing materials must be approved in writing by the ARC. The roofs of all pool houses shall be maintained in a clean, neat and attractive condition with a full complement of roof tiles or architectural shingles. Architectural shingles are the only shingles permitted.
6. Only good quality materials and design will be accepted on any structure built on any Lot. No concrete blocks shall be used above the finished ground elevation of any structure unless said blocks are covered with brick veneer, stone or other material approved by the ARC.
7. There are minimum setback requirements provided by Hamilton County Zoning Ordinance (See above), which require a minimum distance from any structure constructed to the front, rear or sidelines of the property and would apply to a pool or hot tub project as well.
8. There are also zoning/building codes which may apply to pool construction and placement. It is the homeowner's responsibility to work with their contractor to ensure that applicable permits are obtained and licensed contractors are employed.

9. Placement of the pool, hot tub or other structure and potential for impact on neighbors is a key consideration for approval by the ARC.

Painting & Repainting of Structures within the Emerald Bay

Structure exteriors shall have a fresh coat of paint applied evenly and no excessive cracks, peeling, or stripping shall be allowed to remain un-remedied, and all exterior paint colors for the body and trim of the structure are to be neutral and consistent with the architectural themes in the Community. Any deviation from this needs to be approved by the ARC.

Swing sets, Trampolines, and similar Play Equipment

The ARC may, but shall not be obligated to, permit swing sets and similar permanent playground equipment to be erected within the backyards of the Community provided they are approved in writing by the ARC. Placement of the play equipment and potential for impact on neighbors is a key consideration for approval of the play equipment by the ARC.

Trees

The ARC is to approve the removal of any live tree over 6" in diameter. Storm damaged, dead or dying trees do not require approval but it is helpful if the ARC is notified in advance of the removal of those trees and how many will be removed. It is required that all tree debris be removed from the premises of any live or dead trees removed. Any stumps from dead or live trees in lawn areas shall be removed completely and the lawn dressed and reseeded/strawed or sodded promptly.

Landscaping

Significant removal, rearrangement or replacement of existing front or side landscaping is to be approved by the ARC. Replacement of up to ten (10) dead or diseased shrubs or plants do not require approval. Submit landscape plans showing proposed changes and plant list.

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 administrating 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.
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.
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 be 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 10 "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) 718-3313
 - 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
 - I. Dwell Designed Construction (Bryan Bledsoe) - 423-309-9253
 - J. Brent Mercer Construction / (CMHB,LLC) (423)-413-5834
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 to 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 Architectural Review Policy document was approved by the Board of Directors in session on March 17, 2020.

