THE LINVILLE LAND HARBOR
UNIFIED DEVELOPMENT REGULATIONS

A COMPILATION OF REGULATIONS GOVERNING
DEVELOPMENT IN LINVILLE LAND HARBOR

ADOPTED BY LINVILLE LAND HARBOR, POA
BOARD OF DIRECTORS
6 OCTOBER 2017
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PREAMBLE

The restrictive covenants applicable to the property located in Linville Land Harbor require approval of uses and compliance with rules and regulations implemented by the Linville Land Harbor Property Association, Inc. This policy is designed to guide property owners and the Linville Land Harbor Property Owners Association, Inc. with the requirements for development and use of property in Linville Land Harbor.

NOW THEREFORE,

The Board of Directors of Linville Land Harbor does adopt as follows:

The policy shall be known as "The Unified Development Regulations for the Community of Linville Land Harbor," and may be referred to as "The Unified Development Regulations" or "UDR."
ARTICLE 1. STATEMENT OF AUTHORITY

SECTION 1.01 DEED RESTRICTIONS
The restrictive covenants applicable to the property located in Linville Land Harbor require approval of uses and compliance with rules and regulations implemented by the Linville Land Harbor Property Association, Inc. The UDR sets forth rules and regulations for development and use of property in Linville Land Harbor. The UDR policy does not preempt the deed restrictions for each type of lot in Linville Land Harbor.

SECTION 1.02 PROPERTY OWNER AGREEMENT
Property owner is obligated to deed restrictions and policies adopted by the Linville Land Harbor Board of Directors

SECTION 1.03 BY-LAWS
ARTICLE IX - POWERS AND DUTIES OF THE BOARD OF DIRECTORS
   Section 3: The Board shall adopt and publish rules, regulations, policies, and procedures governing the use of Linville Land Harbor properties and the conduct of members and guests thereon.

SECTION 1.04 POLICY
The UDR shall be reviewed and adopted annually as policy by the Linville Land Harbor Board of Directors.
ARTICLE 2. REGULATORY SECTIONS

As recorded in Avery County, Linville Land Harbor is divided into 3 different sections for purposes of regulation.

SECTION 2.01 SECTION DESIGNATIONS

RV SECTIONS
- HIGHLAND HILLS (HH)
- KEY RIDGE (KR)
- LAUREL HILLS (LH)
- LINVILLE MEADOWS (LM)
- MOUNTAIN VIEW (B)
- OAK HILLS (D)
- SPRUCE HOLLOW (A)

HOUSE SECTIONS
- GOLFVIEW TOWNHOUSES (GVT)
- GRANDVIEW (GV)
- HARBOR HEIGHTS (HAHE)
- HARBOR LAKE HILLS (C)
- HIGH CREST (HC)
- LAKEVIEW (LV)
- LAKEVIEW HILLS (M)
- LAUREL BROOK (LB)
- LINVILLE ESTATES (LE)
- RIDGEVIEW (RV)
- RIVER BEND (RB)
- RIVER KNOLL (RK)

COMBINATION RV / HOUSE SECTIONS
- GOLF RIDGE (GR)
- PINE RIDGE (PR)

SECTION 2.02 OFFICIAL MAP OF LAND HARBOR SECTIONS
The official map of Land Harbor sections shall serve as a visual reference of the location of sections in Linville Land Harbor.
ARTICLE 3. DEVELOPMENT CONTROLS

SECTION 3.01 COMMUNITY DEVELOPMENT COMMITTEE

LINVILLE LAND HARBOR

COMMUNITY DEVELOPMENT COMMITTEE CHARTER

The Community Development Committee shall advise the Board of Directors on all matters such as construction permits, landscaping, tree removal, variance requests and development in Linville Land Harbor. The committee members shall include at least 3 lot owners, preferably with experience in the landscaping or building industry including general, modular, pre-fabricated and RV / park model construction. The committee will be appointed annually by the Board of Directors. The Linville Land Harbor Community Development Coordinator shall be a non-voting member of said Committee.

The Committee’s duties shall include the following:

1) At the September meeting, select one of its members to serve as Chairperson for the ensuing twelve (12) months, and report this selection to the POA Board.

2) Assist the Linville Land Harbor Community Development Coordinator in clarification and interpretation of construction restrictions and general rules and regulations.

3) Periodically review the construction restrictions and, when advisable, make recommendations for change to the POA Board of Directors.

4) The committee shall review all variance requests and make recommendations to the Board of Directors for approval or denial. The Community Development Coordinator or a committee member shall be present at the Board’s hearing of the case to answer any questions that might arise.

SECTION 3.02 GENERAL INFORMATION

(A) CONSTRUCTION FOR WHICH A PERMIT IS REQUIRED

A permit from the Linville Land Harbor Community Development Coordinator must be obtained before any exterior construction may begin on a lot. Permit requirements are further set forth in Section 3.04. Construction is defined as any alteration to a lot, including but not limited to, the clearing of lots, the building or modification of houses, house additions, carports or garages, RV covers, patios, gazebos, decks, deck covers,
deck additions, golf storage buildings, or utility buildings. Major landscaping, retaining walls, fences, driveway paving, parking area modifications, major external repairs or modifications, painting or staining, siding installation, and roof replacement are also considered “construction.” Even though a project may meet all of the requirements of Avery County and Linville Land Harbor, if it is deemed aesthetically inappropriate by the Community Development Committee and/or the Community Development Coordinator and/or the General Manager in conjunction with the Board of Directors, we reserve the right to cause the owner to cease and desist. All permits are valid for a period of one year from the date issued.

The decision to issue a Linville Land Harbor Construction Permit is at the discretion of the Linville Land Harbor Community Development Coordinator. The Community Development Coordinator will use the written rules, regulations and restrictions of Linville Land Harbor in making all decisions. The Community Development Coordinator may be assisted by the Community Development Committee if assistance is needed or a variance is requested.

A member must be in good standing for a permit to be issued.

Property owner should allow at least 7 working days from the date of permit submittal for a review of the permit request. Property Owners are encouraged to discuss proposed projects with the Community Development Coordinator prior to making application for a permit. Application forms are available at the POA office.

(B) VARIANCE PROCESS

If an application fails to qualify for approval by the Community Development Coordinator because it does not comply with some restriction the property owner may request a variance of the restriction. The property owner is responsible for writing a letter clearly detailing the request and immediately affected neighbors will be contacted for their opinions regarding the variance request. A sign giving notice of the pending request will also be posted on the property for a period of 15 days prior to POA board action. The sign must be posted in a prominent location on the lot so it is visible from the street. Variance requests that are made due to handicap issues will be reviewed on a case by case basis and may require proof of physical disability. The Community Development Committee will review the request and recommend to the Board of Directors that the variance be granted or denied.

If the committee recommends approval, the Board will review the request and the committee’s recommendation and shall make the final decision for approval. If the committee denies the request, the owner may appeal in person at a meeting of the POA Board of Directors. The Community Development Coordinator or a member of the committee will be present to explain the Committee’s decision. The POA Board will then render a final decision on the request for a variance.
(C) CONSTRUCTION FOR WHICH A PERMIT IS NOT REQUIRED

A LINVILLE LAND HARBOR PERMIT IS NOT REQUIRED for minor repairs such as replacing windows, repairing damaged shingles, sealing driveways, replacing gravel on driveways or parking areas, pressure washing, minor trimming of trees or shrubs, general maintenance and upkeep of property or interior modifications.

(D) DEFINITIONS

For the purpose of interpreting this UDR, certain words and terms are herein defined. The following rules of construction shall be used in interpreting words contained in this UDR. Words not specifically defined shall assume their everyday dictionary definitions. Where a word or words may be interpreted in more than one manner, the more restrictive meaning shall be employed.

A. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.

B. The word "lot" includes the word "plot", "parcel", or "tract".

C. The words "used" or "occupied" as applied to any land or building shall include the words "intended, arranged, or designed to be used or occupied".

D. Any word denoting gender includes the female and the male.

E. The term "Board of Directors" or "Board" shall mean the "Board of Directors of Linville Land Harbor".

F. The term "Street" or "Road" shall also mean "Lane", "Loop", "Circle", "Parkway", or "Knoll"

G. The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.

H. The word "may" is permissive in nature, except when the context of the particular use is negative. In such cases it shall be construed as being mandatory.

I. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

J. Any reference to an Article or Section shall mean an Article or Section of this document, unless otherwise specified.

K. Words used in the present tense include the future tense.
The word "structure" shall include the word "building".

**ALTERATION** - A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

**BAY OR BOX WINDOW** - A window or series of windows forming a bay or recess in a room and projecting outward from the exterior wall.

**BUILDABLE LOT AREA** - The lot area that remains after first subtracting from the total lot area those restricted areas (such as front, rear and side yard setbacks) wherein buildings are not permitted.

**COMMON AREA** - All areas, including private streets, owned and maintained by the property owners association.

**CONTIGUOUS** - Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right of way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

**DIAMETER AT BREAST HEIGHT (DBH)** - A standard method of expressing the diameter of the trunk of a tree. DBH is measured in inches at a height of 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, then each trunk is measured as a separate tree. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet.

**FENCE** - A physical barrier or enclosure used as a boundary or means of protection or confinement, but not including a hedge or other natural growth.

**GREEN AREA** – An area of undeveloped, commonly owned, land designated to protect natural environments and the unique character of the community.

**EASEMENT** - The right to use the land of another for a special purpose.

**STRUCTURAL FOOTPRINT AREA** - The area of all structures on a lot including the house, decks, porches, patios, garages, carports, gazebo’s, sheds, etc.

**LOT** - The word “lot” shall mean the entire property which is subject to a single Association Membership, and an annual Maintenance and Service Assessment.

**LOT AREA** - This is the area in square feet as measured horizontally within the property line and not as measured on the land surface.

**LOT LINE** - A line of record bounding a lot that separates one lot from another lot or separates that lot from a public or private street or any other public space.
MODULAR HOME - A home constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTOR VEHICLE, JUNKED - A motor vehicle that does not display a current license plate or inspection sticker and is one of the following: 1) partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than fifteen (15) years old and appears to be worth less than five hundred dollars ($500).

PARK MODEL TRAILER – A recreational vehicle that meets the following criteria: (i.) Built on a single chassis mounted on wheels, and (ii.) having a gross trailer area not exceeding 400 sq. ft. in the set-up mode.

ROAD RIGHT OF WAY - “Rights of Way” extend from the front property line on one side of the road to the front property line on the other side. In general, rights of way extend three feet from the edge of paved roads but are defined by marker stakes at corners of all lots.

SETBACK LINE - A line that establishes the minimum allowable distance between the nearest portion of any structure and a lot line.

SETBACK, FRONT - Any setback from a property line directly adjacent to a street or road from which the property is addressed.

SETBACK, REAR - Any setback adjacent to a road or green area from which a property is not addressed or a rear property line.

SETBACK, SIDE - Any property line setback other than a front or rear setback.

SIGN - Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

STRUCTURE - Anything constructed, erected, or placed.

USE - The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

VARIANCE - Official permission from the Linville Land Harbor Board of Directors to depart from the requirements of the development regulations contained in this document.
SECTION 3.03  RESTRICTIONS ON LOTS / STRUCTURES

(A)  RESTRICTIONS ON LOTS IN ALL SECTIONS

1)  USE OF LOT – All lots in Linville Land Harbor are limited to single family use.

2)  HOUSING UNITS ON LOT - No more than one residential unit may be built, stored or maintained on any lot in Linville Land Harbor.

3)  PARKING - Each lot must have off-street parking for at least two standard size vehicles.

4)  EXISTING STRUCTURES - Setbacks for existing structures may not meet the current regulations because they were constructed under previous and different regulations. In such cases, additions to the living area by enclosing decks and/or walkways will be permitted without the necessity of obtaining a variance providing that the existing footprint, including decks and/or walkways, does not encroach into the prescribed side setback area more than three (3) feet, and the existing footprint is in no way altered.

5)  RIGHT OF WAY - Property owners are responsible for keeping a minimum of three (3) feet of property adjacent to the road unobstructed.

6)  SURVEY OF PROPERTY - All new development on a lot or projects involving expansion of an existing footprint shall require a property survey by a North Carolina registered land surveyor. Development of lots that where previously un-developed shall also require a tree survey.

7)  MODULAR HOMES - Modular Units that are certified by the State of North Carolina as modular will be permitted in Linville Land Harbor provided: they are designed and constructed to rest on a solid perimeter foundation and conform to all the building restrictions of Linville Land Harbor and Avery County. All modular units installed on properties within Linville Land Harbor will require a $10,000 bond to be posted prior to permitting. The bond will be used to cover any property damages that may occur during transport.

8)  UTILITY EASEMENT - Every property line in Linville Land Harbor has an easement ten (10) feet wide (5 feet on each side of the line) which may be entered upon and used by Linville Land Harbor to install and service utilities. This easement is included in the original restrictions of Linville Land Harbor.
9) **TREE REMOVAL** - Trees 6” or more in diameter at breast height (DBH) shall not be removed without a permit. So as to preserve the aesthetics of Linville Land Harbor, roads special emphasis will be made to preserve street canopy trees.

10) **DRIVEWAY OPENINGS** - Driveway openings shall not exceed a total of 30 feet in width per street.

11) **IMPERMEABLE SURFACES** - Paved areas shall cover no more than 10 percent of the lot area. Paved areas must be shown on the site plan prior to permit approval. Impermeable surfaces include, but are not limited to asphalt or concrete.

12) **WATER CUT-OFF VALVE** - All new construction, including additions, must have an exterior, freeze resistant, water cut-off valve located so as to be accessible when the owner is absent.

13) **UTILITY BUILDING/CART SHED** - Utility buildings, including golf cart and general storage buildings, may not exceed 120 square feet in size and are to be included in the footprint. They must have the same exterior finish as the dwelling, if one exists. If none exists, utility buildings must conform to the specifications prescribed for dwellings, including colors. Metal storage buildings are not permitted.

14) **CANTILEVERED CONSTRUCTION** shall be considered a part of the footprint except for bay windows, chimney enclosures, and up to two feet of roof overhang.

15) **ROOF OVERHANGS** - may encroach no more than two (2) feet into a setback area.

16) **HEIGHT OF STRUCTURE** - The highest part of the roof cannot exceed twenty five (25) feet above the natural ground level or twenty five feet above the road frontage as measured from a point central to the footprint of the foundation.

17) **NUMBERS OF STORIES** - Structures are limited to two (2) stories plus a basement.

18) **ARTIFICIAL PLANTS** - Artificial plants shall not be visible from the road.
(B) RESTRICTIONS SPECIFIC TO RV LOTS / SECTIONS

1) STRUCTURAL FOOTPRINT AREA - All structures on RV lots shall not have a combined structural footprint area that will exceed a total of 1400 sq. ft. or 20% of the total lot area, whichever is greater.

2) SETBACKS ON RV LOTS < 10,000 SQ. FT. (.23 ACRE) - RV lots having less than 10,000 sq. ft. (.23 Acre) of area shall maintain a minimum setback of 15 ft. from all sides adjacent to a street. Side yard setbacks shall be 9 ft. on each side. Rear setbacks shall be 10 ft. Relief for corner lots having two or more street sides may be possible by designating the street, for which the property is addressed, as the front setback and any other sides as side setbacks. All measurements are to be made by the Community Development Coordinator.

3) SETBACKS ON RV LOTS > 10,000 SQ. FT. (.23 ACRE) - RV lots having greater than 10,000 sq. ft. (.23 Acre) of area shall maintain a minimum setback distance of 25 ft. from all sides adjacent to a street. Side yard and rear setbacks shall be a minimum of 15 ft. from the side and rear property lines. (same as house sections) Relief for corner lots having two or more street sides may be possible by designating the street, for which the property is addressed, as the front setback and any other sides as side setbacks. All measurements are to be made by the Community Development Coordinator.

4) PARK MODEL TRAILERS - Park model trailers shall be in good general condition as verified by the Community Development Coordinator or the Community Development Committee. Park model trailers shall have the crawlspace fully screened with POA approved materials.

5) RECREATIONAL VEHICLES (RV) - All recreational vehicles i.e. travel trailers or motor homes shall be in good general condition as verified by the Community Development Coordinator or the Community Development Committee. If a recreational vehicle is to be set up on a permanent basis the crawlspace shall be fully screened with POA approved materials. If there is an existing house, park model, or permanently set up RV on the lot and an RV is to be parked for storage, water and sewer connections are prohibited.

(C) RESTRICTIONS SPECIFIC TO HOUSE SECTIONS

1) STRUCTURAL FOOTPRINT AREA - All structures on a lot in house only sections shall have a combined minimum structural footprint area of 1,000 sq. ft.

2) SETBACKS ON HOUSE LOTS - All lots in house only sections shall maintain a minimum setback distance of 25 ft. from all sides adjacent to a street. Side yard and rear setbacks shall be a minimum of 15 ft. from the side.
and rear property lines. Relief for corner lots having two or more street sides may be possible by designating the street, for which the property is addressed, as the front setback and any other sides as side setbacks. All measurements are to be made by the Community Development Coordinator.

3) **PARK MODEL TRAILERS** - Park model trailers are not permitted in house only sections.

4) **RECREATION VEHICLES (RV)** - Recreational vehicles are not permitted in house only sections except for loading and unloading, which shall not exceed a total of ten days during any calendar year.

(D) **RESTRICTIONS SPECIFIC TO COMBINATION RV / HOUSE LOTS**

1) **STRUCTURAL FOOTPRINT AREA** - All structures on combination RV / house lots shall not have a combined structural footprint area that will exceed a total of 1400 sq. ft. or 20% of the total lot area, whichever is greater.

2) **SETBACKS ON RV LOTS < 10,000 SQ. FT. (.23 ACRE)** - Combination RV / house lots having less than 10,000 sq. ft. (.23 Acre) of area shall maintain a minimum setback of 15 ft. from all sides adjacent to a street. Side yard setbacks shall be 9 ft. Setbacks from the rear property line on lots without adjacent roads shall be 10 ft. Relief for corner lots having two or more street sides may be possible by designating the street, for which the property is addressed, as the front setback and any other sides as side setbacks. All measurements are to be made by the Community Development Coordinator.

3) **SETBACKS ON RV LOTS > 10,000 SQ. FT. (.23 ACRE)** - Combination RV / house lots having greater than 10,000 sq. ft. (.23 Acre) of area shall maintain a minimum setback distance of 25 ft. from all sides adjacent to a street. Side yard and rear setbacks shall be a minimum of 15 ft. from the side and rear property lines. Relief for corner lots having two or more street sides may be possible by designating the street, for which the property is addressed, as the front setback and any other sides as side setbacks. All measurements are to be made by the Community Development Coordinator.

4) **PARK MODEL TRAILERS** - Park model trailers shall be in good general condition as verified by the Community Development Coordinator or the Community Development Committee. Park model trailers shall have the crawlspace fully screened with approved materials.

5) **RECREATIONAL VEHICLES (RV)** - All recreational vehicles i.e. travel trailers or motor homes shall be in good general condition as verified by the Community Development Coordinator or the Community Development Committee.
Committee. If a recreational vehicle is to be setup on a permanent basis the crawlspace shall be fully screened with POA approved materials.

(E) **RESTRICTIONS SPECIFIC TO FLOOD HAZARD AREAS**

Linville Meadows and lower Pine Lp. in Highland Hills section are flood hazard areas. In these areas the lowest “living area” floor level shall be at least eight (8) feet above existing highest ground level adjacent to the building’s exterior wall. If insurance provisions or governmental regulations are more stringent than Linville Land Harbor’s, then they shall take precedence over Linville Land Harbor’s regulations.

**SECTION 3.04 TYPES OF PERMITS**

1) **LINVILLE LAND HARBOR BUILDING PERMIT** - The property owner is required to obtain a Linville Land Harbor Building Permit prior to construction or installation of homes, park models, home additions, decks, deck covers, deck enclosures, deck additions, golf cart storage or utility buildings. The permit must be posted in a prominent location on the lot so it is visible from the street.

2) **LINVILLE LAND HARBOR SITE IMPROVEMENT PERMIT**

A Site Improvement permit is required for the following and shall be valid for a period of one year:

A. alterations (not additions) to existing buildings  
B. driveway modifications or parking area modifications – including paving or resurfacing  
C. painting / staining exterior of structure  
D. installation of exterior siding  
E. placement of objects that may obstruct views, including trees and shrubs  
F. roof replacement  
G. major landscaping  
H. erection of fences, signs, lights, retaining walls  
I. clearing a lot for new construction  
J. removal of trees greater than 6 inches in diameter (19 inches circumference) measured at breast height (DBH)  
K. removal or major trimming (greater than 1 – 2 years growth) of native rhododendron, laurel, or azaleas

3) **LINVILLE LAND HARBOR RV PARKING PERMIT**

An RV Parking permit is required for parking an RV, boat, or cargo trailer at an RV or Combination RV / House site which contains a house or park model and is to be renewed annually.
SECTION 3.05 PERMIT FEE SCHEDULE

- HOUSE ................................................................. $ 500.00
- PARK MODEL......................................................... $ 500.00
- VARIANCE REQUEST............................................. $ 50.00
- VARIANCE APPEAL................................................. $ 50.00
- HOUSE ADDITION (> 300 SQ. FT.)............................. $ 250.00
- HOUSE ADDITION (< 300 SQ. FT.)............................. $ 125.00
- GARAGE OR CARPORT........................................... $ 200.00
- UTILITY / CART SHED (< 144 SQ. FT.)......................... $ 100.00
- DECK OR DECK ADDITION (> 100 SQ. FT.)..................... $ 100.00
- DECK OR DECK ADDITION (< 100 SQ. FT.)..................... $ 50.00
- DECK ROOF OR ENCLOSURE (> 100 SQ. FT.)............... $ 100.00
- DECK ROOF OR ENCLOSURE (< 100 SQ. FT.)............... $ 50.00
- SITE IMPROVEMENT/ TREE REMOVAL PERMIT................. $ 20.00
- TREE REMOVAL PERMIT (DEAD TREE)......................... NO FEE

SECTION 3.06 OBTAINING A LINVILLE LAND HARBOR BUILDING PERMIT

Linville Land Harbor permits are in addition to any permits required by state or local law. For example, in many instances an Avery County building permit is required in addition to the Linville Land Harbor permit. It is the property owner’s responsibility to determine if such a permit is necessary and comply with all Avery County code requirements.

A) NECESSARY FORMS FOR PERMITS

1. The property owner/contractor will obtain, read, and complete and sign a Linville Land Harbor Construction Permit Application prior to any construction.

2. Each general contractor working in Linville Land Harbor will be made available a copy of the rules and regulations pertaining directly to general contractors, builders, and sub-contractors for construction within Linville Land Harbor. Rules and regulations are available in the Community Development Coordinator’s office.

B) DOCUMENTS TO BE SUBMITTED

For a construction permit to be issued the property owner must submit the following documents:
1) A Linville Land Harbor construction permit application

2) A legible site plan using a scale of not less than one (1) inch equals ten (10) feet, which includes the following
   
   a) setback distances from property lines  
   b) size and location of present and proposed structures  
   c) entrance drives (showing areas to be paved)  
   d) off-street parking (showing areas to be paved)  
   e) location of gutter / foundation drain outlets  
   f) landscaping plan

3) Scaled drawings of the proposed building(s) (¼” = 1”) must include
   
   a) floor plans for all floors, including basement  
   b) measured elevations of all four sides showing natural grade  
   c) a profile view showing the total height dimension of proposed structure, measured from the highest point of natural, pre-construction grade level at the foundations.

4) All new development on a lot or projects involving expansion of an existing footprint shall require a property survey by a registered North Carolina land surveyor. New development shall also require a tree survey.

5) Name of contractor and/or sub-contractor with addresses, phone numbers, and license number.

6) Receipt of payment for appropriate permit.

7) A completed construction agreement form signed by the owner and contractor.

8) The Linville Land Harbor building permit must be posted in an accessible and visible location prior to start of construction.

9) Any changes to drawings after approval by the Community Development Coordinator must be submitted for approval prior to implementing the proposed changes.
C) **EXPIRATION DATE OF PERMIT:**

The Linville Land Harbor building permit is valid for a period of one (1) year from the date of issuance and may be renewed by the Community Development Coordinator for an additional year at a cost equal to double the previous year’s fee. For example, if the original permit is $500.00, the second year permit renewal will be $1,000.00, third year will be $2,000.00, the fourth year will be $4,000.00, etc.

**SECTION 3.07 CONSTRUCTION GUIDELINES – GENERAL**

1) **COORDINATION OF UTILITY TAP-ONS**
   The contractor or property owner must coordinate with the POA Office Staff and the Operations Manager to decide the location and timing of the installation of all utility connections. The contractor understands that permanent sewer and water connections are made solely by Linville Land Harbor and that such connections will not be made until all inspections are approved. All sewer connections shall be made directly to main lines. Property owners are responsible for all costs for utility tap-on connections as set by the Linville Land Harbor Board of Directors.

2) **SANITARY TOILET**
   The contractor must provide a portable sanitary toilet on the construction site starting with the first day of construction if toilet facilities are not available on the site. The toilet may not be located within fifteen (15) feet of an adjoining property that is developed. The toilet shall be maintained in a manner that prevents noxious odors from becoming a problem for adjacent property owners. Toilets must be removed from the property as soon as possible after construction is completed.

3) **ENTRANCE BY COMMUNITY DEVELOPMENT COORDINATOR**
   The contractor must permit the Linville Land Harbor Community Development Coordinator to enter the premises under construction at any reasonable time to inspect and/or review construction progress.

4) **ROAD RIGHT OF WAY**
   Property owners shall keep their property clear of obstructions up to three (3) feet from the edge of the roadway. The POA cannot be responsible for damage to personal property within three feet from the edge of the road.

5) **TRAFFIC VISIBILITY**
   No fences, walls, shrubs, trees, hedges, ornamental objects or structures of any kind may be placed in a location that will limit anyone’s ability to see vehicular traffic.
6) **LIGHTS**
Streetlights shall be no closer than 300 feet to each other. Prior approval is required from all property owners within 150 feet of the proposed light location. Security or night-lights may be closer than 300 feet if approved by the Community Development Committee. The Community Development Committee may require lights to be shielded if they disrupt a neighbor’s privacy.

7) **FENCES**
Fences are only allowed if they (i) are constructed in a split rail or post and rail fashion; (ii) are made of natural wood; (iii) have posts no higher than 4 ft.; and (iv) create no traffic safety hazard. Black or green coated wire mesh backing may be used in conjunction with the fence provided the mesh is no smaller than 2” x 2” and extends no higher than the top rail of the fence. The finished side of a fence, where applicable, must face the adjoining property or the street. Due to the variety of circumstances that may exist where a fence is to be constructed, setback distances from property lines will be at the discretion of the Community Development Coordinator and screening with trees / shrubs may be required.

8) **NOTIFICATION FOR INSPECTION**
The contractor shall notify the Linville Land Harbor Community Development Coordinator twenty-four (24) hours in advance of all required inspections.

9) **REQUIRED INSPECTIONS**
The contractor shall notify the Linville Land Harbor Community Development Coordinator for a visual inspection of construction progress specifically at the following times:

   a) Prior to the removal of trees, shrubbery, etc. and general clearing and grading of site. A visual inspection and approval of the trees to be cleared is required.
   b) Immediately upon roughing in the driveway and off-street parking areas – prior to the placement of stone or paving.
   c) Immediately after excavation for footings and prior to pouring the footings in order to verify compliance with setback requirements.
   d) Immediately upon completion of exterior framing to verify compliance with area dimension restrictions
   e) Immediately upon completion of rafter/truss installation to verify compliance with height and overhang dimension restrictions.
   f) Immediately upon connecting dwelling utilities to Linville Land Harbor system and prior to backfilling, the Operations Manager is to inspect all connections.
   g) Immediately upon completion of construction.
   h) Upon completion of landscaping plan to ensure all regulations are met within six (6) months or prior to sale of property.
10) **WORKING HOURS FOR CONTRACTORS**
   No construction or tree removal work shall be performed between the hours of 7:30 p.m. and 7:30 a.m.

11) **VEHICLES/EQUIPMENT**
   The vehicles of construction workers and construction equipment shall not block any private driveways or any streets in Linville Land Harbor without prior approval of Linville Land Harbor Special Police.

12) **REMOVAL OF DEBRIS**
   Discarded construction material is to be removed on a weekly basis at the property owner’s, or contractor’s expense. Debris such as paper, plastic, etc., that is subject to being blown by the wind shall be removed or properly contained on a daily basis.

13) **DISPOSAL OF FILL MATERIAL**
   Contractors shall not dump loose fill material on public or private property without prior approval of the owner and Linville Land Harbor.

14) **REMOVAL OF TREES AND BRUSH**
   Contractors are responsible for the removal of all trees, brush, and leaves that are cut on their work site(s). Linville Land Harbor maintenance staff will not pick up brush left from contracted jobs.

15) **NOTIFICATION PRIOR TO DIGGING**
   Contractors must notify all utility companies and Linville Land Harbor Maintenance Department 48 hours prior to any excavations.

16) **REPAIR OF DAMAGE TO ROADS/PROPERTY**
   Contractors are to repair, at their expense, any damage to roads, road ditches, road shoulders, culverts and rights of way or POA property, including “green areas” or property of other Linville Land Harbor owners that were caused by their own or their sub-contractors activities. Property owners are ultimately responsible and will be billed for repairs.

17) **ENFORCEMENT OF UNIFIED DEVELOPMENT REGULATIONS**
   Contractors must be aware of and understand the following:
   a) The POA reserves the right to take appropriate actions so as to remedy any and all violations of the Unified Development Regulations.
   b) The POA may assess penalties, as appropriate.
   c) The POA may refuse to issue Building Permits to contractors who refuse to follow or ignore POA policies.

18) **CONTRACTOR’S AGREEMENT WITH RESTRICTIONS**
   The Contractor, by signing a construction permit, agrees to the following:
a) To abide by all building rules and regulations of Linville Land Harbor, the County of Avery, and the state and federal government.

B) To cease all construction activity immediately upon being issued a Stop Work Order by the Linville Land Harbor Community Development Coordinator and to discontinue all construction until such order is duly lifted.

SECTION 3.08 CONSTRUCTION STANDARDS

1) FOOTINGS
The exterior walls of all living space must be built on a continuous reinforced concrete footing with concrete block, or stone masonry foundation walls up to eighteen (18) inches above the finished grade. Other code approved foundation types will be reviewed on a case by case basis by the Community Development Coordinator.

2) EXTERIOR MASONRY WALL FINISHES
Exterior walls of concrete and cinder block or other masonry which are exposed must be concealed from view by stucco or other approved materials.

3) ADDITIONS
All new additions, attached or unattached, will be constructed of the same materials used in the main structure or in a manner to aesthetically blend with the main structure.

4) EXPOSED TO VIEW CONSTRUCTION
Enclosed structures on stilts or with floor framing, plumbing, etc. exposed to view (including golf cart and utility buildings) are not permitted. Exposed areas must be screened with lattice or similar screening.

5) EXTERIOR FINISH COLORS
Colors used on normally exposed-to-view exterior surfaces (including roofs) must comply with the approved color chart available in the Community Development Coordinator’s office. All colors and materials on additions must match those used on the main structure.

6) ROOFING MATERIALS AND COLORS
Roofing materials used on normally exposed-to-view exterior surfaces shall be textured asphalt (or fiberglass reinforced asphalt) shingles with a minimum twenty (20) year manufacturer’s warranty, or such other material as is approved by the Community Development Committee. Wood shingles may also be approved for use. Metal roofing is allowed if consisting of a grade approved by the Community Development Coordinator and the colors comply with the approved metal roofing color chart which is available in the Community Development Coordinator’s office. All colors on additions must match those used on the main structure.
7) **USE OF PRESSURE TREATED LUMBER**
Any structure that is normally exposed to weather, including decks, railings, porches or retaining walls, etc. will be constructed of pressure treated lumber (Grade 1 or better). Railroad ties are acceptable for retaining walls. Support columns shall be of pressure treated lumber. Galvanized nails or bolts will be used in any treated lumber. Synthetic wood, approved by county code, will be an acceptable alternative to pressure treated lumber.

8) **TREATMENT FOR WOOD EATING INSECTS**
Foundation walls, areas under basement slabs, and crawl spaces shall be treated for wood eating insects.

9) **GUTTERS / SURFACE DRAINS**
All gutter and/or surface drain pipes shall be buried a minimum of six (6) inches underground or to a depth necessary to prevent crushing by vehicular traffic. Drains shall not empty on the top or sides of sloped embankments unless a rip-rap raceway is constructed to control erosion. Drains shall not empty into the sewer system.

10) **FUEL TANKS**
All fuel tanks – gas, fuel oil, or kerosene shall be screened from sight when viewed from the street and from neighbors on adjoining lots.

11) **RETAINING WALLS**
All retaining walls using wood must be constructed with pressure treated lumber or railroad crossties and must be erected using good engineering practices. Walls more than two timbers high must have vertical support posts to help stabilize the wall. Walls more than four (4) timbers high must have vertical support posts and “dead-man” or cables to help support the wall. Walls more than eight (8) timbers high must have vertical support posts, “dead-man” and cables to help support the wall. Other designs such as “setback” walls may be used. Concrete or masonry walls must be covered with stucco or other approved materials on the exposed side. These are minimum standards and the contractor must determine if additional stabilization or reinforcement is required. All retaining walls must be back filled within 12” of their height. All retaining walls fronting a road and/or requiring outside fill and/or fronting an adjoining lot require a variance.

12) **CLOTHES LINES**
Outside clotheslines are not permitted in Linville Land Harbor.

13) **SATELLITE DISHES**
No satellite dishes exceeding 18 inches in diameter are permitted in Linville Land Harbor.
SECTION 3.09 PENALTIES FOR VIOLATING CONSTRUCTION STANDARDS

When a property owner is in violation of a building restriction a Stop Work Order will be issued by the Community Development Coordinator. The following penalties will be assessed against the property owner.

There will be an assessment of $100.00 fine for a violation of any of the following:

- Building without a permit.
- Contractors starting construction without an on-site toilet. The toilet must be in place when footings are poured.
- Failure to observe set-back restrictions.
- Violation of each building restriction(s).
- Failure to keep construction debris removed from site.

Property owners have 5 days in which to correct the violation. Commencing on the fifth working day after the violation there will be an assessment of $5.00 per day for each day the violation continues to exist. In addition to the five dollar per day assessment, a property owner may lose the use of all of Linville Land Harbor’s amenities until the penalty plus any daily assessments are paid in full. The decision to suspend use of Linville Land Harbor amenities is at the discretion of the POA Board of Directors.

Penalties will be considered as unpaid assessments and will be handled accordingly as long as they are unpaid.

SECTION 3.10 APPEALS PROCESS

A person receiving a notice of violation which he/she considers unwarranted may request a hearing before the Hearing Panel and may present evidence and have an opportunity to be heard. The Hearing Panel will then issue a decision promptly.

Should the member disagree with the decision of the Hearing Panel, he/she may request an appeal to the Board of Directors. A request for a Board appeal hearing shall be submitted in writing to the POA office within 15 days of the date of the notification of the Hearing Panel decision and must include a detailed explanation of the reasons for the request.
The Board of Directors is required to hear an appeal by the violator. The Board may affirm, vacate, or modify the prior decision of the Hearing Panel.

The decision reached by the Board of Directors on the appeal is final. Notification of the Board’s decision will be sent via first class mail, postmarked within 10 days of the date of the decision.

All appeal hearings will employ the following procedures and standards:

1. The person appealing the notice of violation shall be given a reasonable opportunity to present a case regarding the violation.
2. Statements and evidence shall be limited to the violation in question.
3. Statements and evidence may be heard from all parties concerned who wish to be heard.
4. The actual hearing dates and continuances are at the discretion of the POA Board and General Manager.
5. Minutes of all meetings shall be kept on file at the POA offices and will be available for review by any POA member during normal business hours. A member of the POA staff, acting as Recording Secretary, will take the minutes.
ARTICLE 4. LANDSCAPING REQUIREMENTS

SECTION 4.01 PURPOSE AND INTENT

The purpose of this article is to regulate the planting and preservation of landscape material, to promote the general health, safety and welfare of this community; to facilitate the creation of an attractive environment; to protect property values; and to encourage skilled installation and continued maintenance of all plant materials.

Thus, the Board of Directors finds that these regulations are intended to apply as minimum standards which result in a better overall appearance of the community by:

1) Encouraging the preservation of existing vegetation and trees, especially large, old trees, and replacement of plant material which has been damaged or removed

2) Improving the visual quality of the community and minimizing potential negative impacts of development such as noise, dust, and parking areas

3) Providing environmental benefits such as reduced stormwater runoff, decreased erosion, improved water and air quality

4) Providing transition between dissimilar architecture to protect abutting properties from potential negative impacts of neighboring development and preserve the character and value of a property and provide a sense of privacy

5) Improving standards for quantity, location, size, spacing, protection, and maintenance of landscape plants and other screening materials to assure a high level of quality in the appearance of Linville Land Harbor while allowing flexibility to promote good designed and creative landscape plantings

6) Requiring the maintenance of landscaping installed to meet the requirements of these standards to ensure that the landscaping continues to thrive and enhance the visual quality of Linville Land Harbor.

SECTION 4.02 GENERAL SCREENING STANDARD

Every construction project shall provide sufficient landscape material so that:

1) Neighboring properties are shielded from adverse external effects of that development.

2) The development is shielded from the negative impacts of adjacent uses such as driveways and parking areas.
SECTION 4.03 BUFFER AND SCREEN REQUIREMENTS

1) EXISTING VEGETATION
Buffers require provision of both physical separation and landscape elements to meet the intent of these regulations. Existing vegetation shall be used to meet all or part of the requirements of this regulation wherever possible, if it provides the same level of obscurity as the planted buffer required below. Vegetation to be saved shall be identified on site plans along with protection measures to be used during grading and construction.

2) PLANTED VEGETATION
Required plantings include for a mix of large shade trees, small trees/large shrubs, and smaller shrubs to provide variable height screening, and a variety of plantings and seasonal color. Evergreen trees are used to provide a more opaque screen, as well as more natural appearance to the buffer. The mix is designed to create a buffer which will give a satisfactory screen within three (3) to five (5) years of planting, under normal maintenance, while allowing room for the various plants to grow.

SECTION 4.04 STREET TREES AND SHRUBS

The Community Development Coordinator shall have the authority to vary on a case-by-case basis the amount and size of required street trees where an alternative requirement would address unique site conditions and allow design flexibility while still serving the objectives for street tree standards. Planting location shall take into consideration adequate setback distance from the road to minimize future encroachment.

SECTION 4.05 COMPLIANCE AND MAINTENANCE

Landscaping must be installed according to the approved site plan and inspected prior to receiving a certificate of compliance. All plant material shall meet or exceed size and shape relationships specified in the plan. All sizes specified refer to size at time of planting. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant material.

Should significant amounts of landscaping or physical elements used to meet these requirements be lost due to an unusual weather occurrence or natural catastrophe, the owner of the property shall submit a plan detailing his/her intent in replacing lost material. Replacement planting may occur within a phased basis as approved by the Community Development Coordinator. The owner shall have one year or one growing season, whichever is sooner, to replace or replant.

A. PRESERVATION OF EXISTING TREES AND VEGETATION
Preserving trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, mitigate the impacts of development on the
community, and help minimize opposition to the proposed development. It is recommended that groups of trees be preserved, as well as individual trees. Existing healthy preserved trees and shrubs may be credited towards required buffer trees, street trees, and parking lot trees according to the following:

1) It shall be the responsibility of all applicants for new construction, on previously undeveloped lots, to submit a tree survey of the site proposed for development. The tree survey shall be drawn to engineers scale and designate the species, location and diameter of all trees 6 inches in diameter or greater on the site.

2) Every development shall retain all existing healthy and/or significant trees with drip lines outside the building and paving area footprint to the greatest extent possible. A developer will be required to modify his/her design in order to preserve healthy significant trees, provided the redesign can be accommodated without reducing the intensity of development on the site.

3) The standard measurement for existing trees to be preserved shall be the diameter at breast height (DBH) measured in inches at a height of 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, then each trunk is measured as a separate tree. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet.

B. PROTECTION OF EXISTING TREES AND VEGETATION
1. No grading or other land disturbing activity can occur on a site with existing trees which are designated to be preserved in order to meet the landscaping requirements until protective barriers are installed by the developer and approved by the Community Development Coordinator. Protection measures to be used during grading and construction shall be specified on all landscaping plans.

2. The tree protection perimeter is defined as that area within a circle drawn with the tree’s trunk as the center and a minimum radius of 6 feet. Greater radius distances may be required, when possible, for larger trees. In cases where there is a hardship meeting the tree protection perimeter, relief may be offered with the additional requirement of an adequate layer of mulch being applied in the tree protection perimeter. No storage of materials, dumping of waste materials, fill or parking of equipment shall be allowed within this protected area, either during construction or after completion. No structures shall be permitted within the protected area unless approved by the Community Development Coordinator.

3. A protection fence constructed of a high visible material resistant to degradation by sun, wind and moisture for the duration of the construction shall be used. A tree protection fence detail should be drawn on one plan submittal sheet and referenced on the landscaping, grading and erosion control sheets.

4. Intentional killing of trees shall be considered un-permitted removal. Intentional killing includes, but is not limited to, girdling, cutting, and poisoning.
ARTICLE 5. SURFACE WATER MANAGEMENT

SECTION 5.01 GENERAL

Surface water control in Linville Land Harbor is a challenge because of the extreme slopes and the predominantly clay type soils native to the surrounding mountains. The purpose of this policy is to give instructions regarding the design, implementation, continued maintenance, and remediation of surface water containment and control structures within Linville Land Harbor.

The charge to all property owners, professional builders, architects and landscape architects is to include in their drainage and landscape planning, provisions that would result in little or no increase in the volume or velocity of the storm water runoff and little or no increase in accelerated erosion as a result of their improvements and additions. During the construction stage the goal is to retain sediment on the site during all phases of the project from clearing to completion. Specific provisions to minimize any additional runoff and to mitigate its impacts must be detailed in landscape and construction plans submitted to the Community Development Coordinator prior to permit issuance.

SECTION 5.02 DEFINITIONS

In addition to the definitions set forth in Section 3.2(D), the following words and terms are herein defined for this Article 5. Where a word or words may be interpreted in more than one manner, the more restrictive meaning shall be employed.

1. “ACCELERATED EROSION” means any increase over the rate of Natural Erosion, as a result of land-disturbing activities.

2. “ENERGY DISSIPATER” means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

3. “NATURAL EROSION” means the wearing away of the earth’s surface by water, wind, or other natural agents under environmental conditions undisturbed by man.

4. “STORM WATER RUNOFF” means the direct runoff of water resulting from precipitation in any form.

5. “STORM DRAINAGE FACILITIES” means the system of inlets, conduits, channels, ditches, berms, lakes, ponds, structures, and appurtenances, which serve...
to collect and convey surface water through and from the drainage areas within Linville Land Harbor.

6. “TEN YEAR STORM” event is determined by the amount of precipitation in a given period of time measured against the historical precipitation record for that given location. The surface runoff resulting from a ten-year storm is of such intensity that it is expected to be equaled or exceeded, on the average, once in 10 years. This is not to say we could not or will not experience more than one ten-year storm within a ten-year period. The peak rate of run off is as calculated according to procedures in the U.S. Department of Agriculture Soil Conservation Service’s National Engineering Field Manual for Conservation Practices. For Linville Land Harbor, the 10, 25, 50 and 100-year storm events approximate precipitation as shown in the following table:

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>Precipitation in any 24-hour period</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Year</td>
<td>6.23 inches</td>
</tr>
<tr>
<td>25 Year</td>
<td>7.54 inches</td>
</tr>
<tr>
<td>50 Year</td>
<td>8.64 inches</td>
</tr>
<tr>
<td>100 Year</td>
<td>9.82 inches</td>
</tr>
</tbody>
</table>

* Please note that the table above is only an approximation. When preparing design plans and implementation schedules, professional engineers, landscape architects, and design consultants should reference a chart showing “Rainfall intensity – duration – frequency curves” for a precise definition of how to calculate a Ten Year Storm event.

SECTION 5.03 IMPLEMENTATION

Accommodation of the Ten Year Storm is the minimum standard for storm water design and implementation within Linville Land Harbor.

This standard is in accordance with North Carolina Administrative Code Title 15, Chapter 4, which states that drainage structures and erosion control measures must be planned, designed and constructed to accommodate the peak runoff from the ten-year storm and storm water channels and stream banks must be protected from accelerated erosion by requiring that storm water discharge velocities must be non-erosive.

Although all designs and implementations that accommodate the ten-year storm will be considered to be in compliance with this Surface Water Management Policy of the Linville Land Harbor Property Owners Association, this is only the minimum standard. The POA recommends that professionals give consideration to the ramifications of design failure for events exceeding the ten-year storm and advise their clients what reasonable precautions may be taken to mitigate any catastrophic effects.
If the Community Development Coordinator determines that the lot proposed for development is likely to create significant off-lot drainage problems or is in a sensitive drainage area, then the Community Development Coordinator will require technical calculations by a licensed civil engineer supporting the proposed drainage plan to be submitted with the building permit application and may also require an additional review and approval by a licensed civil engineer chosen by the POA and at the expense of the POA.

Storm water should be managed within the boundaries of its natural drainage basin. To the degree practicable, French drains and other structures used to collect and consolidate surface water on a lot are to be connected to Linville Land Harbor storm drainage structures. Where such water drainage structures are not available or the drainage structures are inadequate to handle the volume of water, Energy Dissipaters, impoundment or detention basins, and drywells must be used to eliminate the potential of impacts from high velocity flows; vegetated swales may also be considered. Bubbler boxes that do not drain, however, are not considered adequate for this purpose.

Site disturbing activities must not interfere with existing storm flow, cause back up of storm water off a property, or exhaust concentrated storm water onto neighboring property in a location where drainage does not naturally flow. Natural drainage ways shall be left undisturbed whenever possible. In the event that it is necessary to re-route natural drainage ways, the overall drainage pattern shall not be altered.

The Linville Land Harbor community has a number of active springs on the property. Each individual lot design must properly accommodate the flow from any spring. Unless specifically approved by the Community Development Coordinator, no “spring flow” or other constant flow of water may be discharged to a street ditch line. All spring flow should be piped or conveyed to a piped drainage structure or to a natural drainage way. Exceptions to this will be granted only in extraordinary circumstances.

No site preparation activities (earth moving or tree removal) shall commence on any lot until drainage and erosion control plans have been approved by the Community Development Coordinator.

SECTION 5.04 ADJOINING PROPERTIES

The POA is not responsible for the maintenance or adequacy of yard inlets and French drains that service individual property owners lots, even if those yard inlets and French drains are connected to Linville Land Harbor storm drainage structures. The POA is not responsible for the maintenance or adequacy of any natural watercourse or swale on individual lots, even if those watercourses or swales are utilized as part of the community storm drainage facilities.

A) LOTS ABUTTING THE GOLF COURSE: For lots that have a contiguous border with the golf course, the homeowner or his/her designate must develop, in conjunction with the Golf Course Superintendent and the Community
Development Coordinator, a reasonable plan for Storm Water Runoff. Depending on the distance from the contiguous property boundary to the nearest storm drainage structure, the homeowner or his/her designate will, at the homeowner’s cost and expense, be required to either detain and dissipate excess water on his/her lot or to capture and carry surface water to his/her property line for subsequent connection to a Linville Land Harbor storm drainage structure.

The responsibility for, including the cost and expense of installation of, the connection from the homeowner’s property line to the Linville Land Harbor storm drainage structure will reside with the homeowner.

B) LOTS ABUTTING POA COMMON AREA: For lots that have a contiguous border with POA common property other than a street right-of-way, the homeowner or his/her designate must develop and submit to the Community Development Coordinator, a reasonable plan for Storm Water Runoff. Depending on the distance from the contiguous property boundary to the nearest storm drainage structure, the homeowner or his/her designate will, at the homeowner’s cost and expense, be required to either detain and dissipate excess water on his/her lot or to capture and carry surface water to his/her property line for subsequent connection to a Linville Land Harbor storm drainage structure.

The responsibility for, including the cost and expense of installation of, the connection from the homeowner’s property line to the Linville Land Harbor storm drainage structure will reside with the homeowner.

C) LOTS ABUTTING LAKES OR NATURAL WATERCOURSE: No land-disturbing activity shall be permitted within 25 feet of the Linville Land Harbor Lake or Linville River.

SECTION 5.05 RESPONSIBILITIES

The Linville Land Harbor storm drainage system utilizes both natural swales and man made infrastructure to manage the surface water. The network crosses POA Common Area, Golf Course Property, and individually owned lots. For the community storm drainage system to be effective there must be cooperation between all parties. All design plans, implementation, and ongoing maintenance must work seamlessly together.

The Maintenance Department shall oversee the storm drainage system for the POA on all common areas and easements.

The Golf Course Superintendent shall oversee the storm drainage system on the Golf Course Property.
As homes are built or expanded in Linville Land Harbor, re-grading the land and the increase in hard surface area creates the potential for an increase in storm water volume, velocity, and accelerated erosion. The property owner is responsible to ensure the adequacy of the design/plans and the implementation for the proposed improvements in accordance with the requirements of the policies of the Linville Land Harbor Board of Directors. The General Contractor, as well as and ultimately, the property owner, have direct responsibility for compliance during the construction phase as required by the Community Development Regulations and agreed to in the Linville Land Harbor Construction Agreement.

The Community Development Coordinator is responsible for reviewing and approving all construction, landscaping, sedimentation control, and drainage plans for construction projects on individual lots in Linville Land Harbor. When designs/plans and construction implementation prove to be inadequate to properly manage runoff, the Community Development Coordinator will require the property owner to submit a revised plan and, upon approval, have the revised plan implemented. In all instances, runoff from individual lots is to be controlled so as not to adversely affect structures on adjacent properties or damage adjacent property through accelerated erosion, siltation, or sedimentation. Plans and implementations that prove to be inadequate must be corrected expeditiously.

Due to changing weather patterns and the natural migration of subterranean springs, water may flow or surface in new or different locations over time. Systems designed and installed to manage storm water runoff and surface flow from springs may need modifications and/or upgrading to remain effective. The property owner will not be expected to control or manage the water flowing beneath the surface, but will be responsible for water if its surfaces from a spring on his or her lot.

Notwithstanding that improvements on a lot may have been completed in accordance with plans approved by the Community Development Coordinator and a property owner received a Building Permit, the property owner shall have continuing responsibility to control storm water runoff and surface flow from springs from his/her lot so as to not adversely affect structures on adjacent properties or damage adjacent property through accelerated erosion, sedimentation, or siltation. In the event of such adverse affect on adjacent properties from storm water runoff or damage to adjacent property through accelerated erosion, sedimentation, or siltation, the POA shall have such rights as may be permitted under the policies of the Linville Land Harbor Board of Directors, without limitation, the right to cause the property owner of the offending lot to design, implement and maintain reasonable containment and control structures to minimize the reoccurrence of such affect and damage.
ARTICLE 6. GENERAL TERMS

SECTION 6.01 RELATIONSHIP WITH RESTRICTIVE COVENANTS

The rules and regulations set forth in this UDR shall not relieve any person of the rules and regulations set forth in the recorded restrictive covenants applicable to the properties located in Linville Land Harbor. In the event of a direct conflict between this UDR and the restrictive covenants, the restrictive covenants shall govern and control.

SECTION 6.02 RELATIONSHIP WITH POLICIES AND PROCEDURES

The rules and regulations set forth in this UDR shall not relieve any person of the rules and regulations set forth in the Policies and Procedures adopted by Linville Land Harbor, POA. In the event of a direct conflict between this UDR and the Policies and Procedures, this UDR shall govern and control.

SECTION 6.03 MINOR MODIFICATIONS

The Community Development Coordinator shall have the authority to approve minor changes from the terms and provisions of this UDR which do not alter the basic intent of this UDR or the relationship with the proposed development to adjacent properties. Major changes or deviations are only allowed if approved through the variance procedures of Linville Land Harbor, POA.

SECTION 6.04 NO RELIANCE

The inspections and approvals made pursuant to this UDR shall not create any duty or obligation from Linville Land Harbor, POA (and its employees including but not limited to the Community Development Coordinator) to third parties regarding the approvals, means, methods, techniques, consequences or procedures of any development. Property owners and other third parties must look to the parties performing the construction services for any recourse.

SECTION 6.05 OTHER REMEDIES

The remedies set forth in this UDR are in addition to all other remedies available to Linville Land Harbor, POA. In addition, nothing contained in this UDR shall be construed to prohibit an independent action between third parties.
APPENDIX 1. CONSTRUCTION PERMIT APPLICATION
LINVILLE LAND HARBOR

PROPERTY OWNER INFORMATION:

Name of Legal Owner: ____________________________________________________________

Street Address: ____________________________________________ Lot/Section: __________

Mailing Address: ______________________________________________________________

Telephone numbers: (local) __________________________ (other) ______________________

PROJECT INFORMATION:

Permit Type: _________________________________________________________________

Square feet of structure: Proposed __________ Existing __________

Property line set-backs: Front __________ ft. Rear __________ ft.
Left side facing __________ ft. Right side facing __________ ft.

Elevations from natural grade: Finished First Floor __________ Roof Ridge __________

Exterior finishes: Roof material __________ Color __________
Exterior wall material __________ Color __________
Exterior trim material __________ Color __________
Exposed masonry finish __________ Color __________

CONTRACTOR INFORMATION:

General Contractor: ____________________________________________________________

Address: _________________________________________________________________

Telephone Numbers: _________________________________________________________

Insurance Company: __________________________ Policy #: ____________________

POA USE ONLY:

Fee Amount: $ ________ Method of Payment: Cash ________ Check # ________

Signature: ___________________________ Date: __________________________

Community Development Coordinator

Comments: ___________________________________________________________________

PERMIT NUMBER ____________

Linville Land Harbor: Unified Development Regulations: Appendix 1
Adopted by POA Board: 6 October 2017
APPENDIX 2. CONSTRUCTION AGREEMENT
LINVILLE LAND HARBOR

PERMIT NUMBER: ______________ PROJECT TYPE: ______________________________

PROPERTY OWNER INFORMATION:
Name of Legal Owner: ______________________________________________________
Street Address: ____________________________________________________________

This document constitutes an agreement among the legal property owner, the contractor, and the Linville Land Harbor
Property Owners Association for the project described above Linville Land Harbor in accordance with the Construction
Regulations and the legally binding Declaration of Restrictions for each lot referred to in the warranty deed and
recorded in the Avery County Register of Deeds Office. A copy of these recorded restrictions may be obtained at the
Linville Land Harbor Community Development Office.

GENERAL INFORMATION:
• The Property Owner shall assume all responsibility for the contractor complying with construction
  regulations.
• All permits must be posted in prominent location, visible from the road, prior to construction.
• Any changes to approved designs must be submitted for reapproval prior to implementation.
• The Linville Land Harbor building permit is valid for a period of one (1) year from the date of issuance
  and may be renewed by the Community Development Coordinator for an additional year at a cost equal
to double the previous year’s fee.

REQUIRED INSPECTIONS:
The Linville Land Harbor Community Development Coordinator should be notified at the following times:
• Prior to the removal of trees, shrubbery, etc. and general clearing and grading of site.
• Driveway and parking area for construction vehicles and equipment. Immediately upon roughing in the
  driveway and off-street parking areas – prior to the placement of stone or paving.
• Immediately after excavation for footings and prior to pouring the footings in order to verify compliance
  with setback requirements.
• Immediately upon completion of exterior framing and rafter/truss installation is required to verify
  compliance with height and overhang dimension restrictions.
• Immediately upon completion of exterior construction and landscaping.

THE CONTRACTOR, BY SIGNATURE, AGREES:
To abide by all building rules and regulations of Linville Land Harbor, the County of Avery and the State and
Federal Governments. To immediately cease all construction activity upon being issued a Notice of Violation by
the Linville Land Harbor Community Development Coordinator or Special Police and to discontinue all
construction until such order is duly lifted.

SIGNED: Property Owner _____________________________________________________ Date ____________
Contractor ______________________________________________________ Date ____________
Community Development Coordinator ________________________________ Date ____________
APPENDIX 3. GENERAL CONSTRUCTION REGULATIONS
LINVILLE LAND HARBOR

Working hours for Contractors: Contractor’s shall not begin work before 7:30 a.m. and stop work no later than 7:30 p.m.

Construction Vehicles/Equipment: Construction vehicles and/or equipment shall not block any private property, driveway, POA property or street in Land Harbor without prior notification and approval of Land Harbor Special Police.

Removal of Debris: Construction debris and scrap materials shall be removed weekly. Materials that are subject to being windblown shall be removed daily. Discarded construction material is to be removed on a weekly basis. Construction materials shall be stored at the construction site in an orderly manner.

Disposal of Fill Materials: Excess fill shall not be dumped on any public or private property or roadway in Land Harbor without the owner’s permission. The Maintenance/Utilities Manager or the Golf Course Superintendent should be contacted to determine if they can use any excess fill.

Removal of Trees and Brush: Contractors are responsible for the removal of all trees and brush that are cut on the work site. A permit is required for removal of trees, rhododendron, and mountain laurel.

Excavation Notification: Contractors shall not begin excavation on any lot without forty-eight (48) hours advanced notification to the utility companies, including electrical, cable TV, telephone and Land Harbor Maintenance/Utilities.

Repair of Damage to Roads and Property: Contractors are to repair, at their expense, any damaged roads, road ditches, road shoulders, culverts, right-of-ways, any POA properties or the properties of any Land Harbor residents that is caused by their or their sub-contractor’s construction.

Work-site Safety: Open ditches, trenches, pits, basements, etc. should be properly barricaded or marked to prevent accidents.

Completion of Project: The project will be considered complete when all construction has a finished appearance, landscaping is installed, and all construction material has been removed from the site.

THE CONTRACTOR, BY SIGNATURE, AGREES:

To abide by all building rules and regulations of Land Harbor, the County of Avery and the State and Federal Governments.

To immediately cease all construction activity upon being issued a Notice of Violation by the Land Harbor Community Development Coordinator or Special Police and to discontinue all construction until such order is duly lifted.

SIGNED: Property Owner _______________________________ Date ______________

Contractor _______________________________ Date ______________

Community Development Coordinator_________________ Date ______________
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<tr>
<th>Permit Fee Item</th>
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<tr>
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</tr>
<tr>
<td>Park Model</td>
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<tr>
<td>Variance Request</td>
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<tr>
<td>Variance Appeal</td>
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</tr>
<tr>
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<tr>
<td>House Addition (&lt; 300 SQ. FT.)</td>
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<tr>
<td>Garage or Carport</td>
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<tr>
<td>Utility / Cart Shed (&lt; 144 SQ. FT.)</td>
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<tr>
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<td>Deck or Deck Addition (&lt; 100 SQ. FT.)</td>
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<tr>
<td>Deck Roof or Enclosure (&gt; 100 SQ. FT)</td>
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<tr>
<td>Deck Roof or Enclosure (&lt; 100 SQ. FT)</td>
<td>$50.00</td>
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</table>
APPENDIX 4. SITE IMPROVEMENT PERMIT APPLICATION
LINVILLE LAND HARBOR

GENERAL INFORMATION:
Name of Legal Owner: _______________________________ Date: __________________
Street Address: ________________________________________________
Contractor: ____________________________________________________

PERMIT APPLICATION:

TREE REMOVAL / TRIMMING: __________________________________________

__________________________

PAINTING: Wall Color ___________________ Trim Color __________________

ROOF REPLACEMENT: Shingle Color ______________ Material __________________

PAVING: (10% of lot area maximum) __________________________________

__________________________

RETAINING WALLS, FENCES, ETC.: _________________________________

__________________________

OTHER: (Please Describe) ___________________________________________

__________________________
APPENDIX 5. REQUEST FOR VARIANCE
LINVILLE LAND HARBOR

PROPERTY OWNER INFORMATION:
Name of Legal Owner: ____________________________
Street Address: ____________________________
Mailing Address: ____________________________
Telephone numbers: (local) ________________________ (other) ________________________

VARIANCE REQUEST:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signature of Property Owner ____________________________ Date ____________________________

COMMUNITY DEVELOPMENT COMMITTEE:
Recommendation to POA Board: ______ Approval ______ Denial - Date ____________________________

Comments: __________________________________________________________________________
________________________________________________________________________

Signed: ____________________________ Date: ____________________________
Chairman, Community Development Committee

POA BOARD OF DIRECTORS:
Action taken by POA Board: ______ Approved ______ Denied - Date ____________________________

Comments: __________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Date Property Owner Notified: ____________________________ By: ____________________________
APPENDIX 6. NOTICE OF VIOLATION
LINVILLE LAND HARBOR

PROPERTY OWNER INFORMATION:

Name of Legal Owner: ____________________________________________

Street Address ________________________________________________

Telephone numbers (local) ____________________________ (other) __________

__________________________

YOU ARE IN VIOLATION OF THE LINVILLE LAND HARBOR UNIFIED
DEVELOPMENT REGULATIONS. YOU ARE ORDERED TO STOP
WORK IMMEDIATELY ON THE FOLLOWING:

Please be advised that a hearing will be scheduled with the Linville Land Harbor Hearing Panel
to review your violation. At this time a remedy may be offered. You will have five (5) days to
adhere to the conditions of the remedy. Fines and other penalties may be imposed by the Hearing
Panel. Property owners are encouraged to attend this meeting.

Please contact the Community Development office for further questions, (828) 733-8311.

SIGNED: ___________________________ Date: ________________
Community Development Coordinator

SIGNED: ___________________________ Date: ________________
Chief of Special Police

DELIVERED BY: ____________________ Date: ________________
Linville Land Harbor Special Police