

Architectural Guidelines

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List of Abbreviations and Definitions

ARC	Architectural Review Committee
SBBOD	Sunset Bay Board of Directors
CFL	Compact Florescent Bulb
CO	Certificate of Occupancy
HPUD	Hallsdale-Powell Utility District
IDA	International Dark-Sky Association
NOI	Notice of Intent
SBOA	Sunset Bay Owners Association
SIGNIFICANT TREE	A tree that measures 6 inches or more in diameter at 4 feet from the ground
SWPPP	Storm Water Pollution Prevention Plan
TDEC	Tennessee Department of Environment and Conservation
The Covenants	The Declaration of Covenants, Conditions, Restrictions and Easements for Sunset Bay
TNCGP	Tennessee Construction General Permit
TVA	Tennessee Valley Authority

Sunset Bay Architectural Guidelines

1 Statement of Principles and Purpose

- 1.1 A great deal of effort was given to the master planning of Sunset Bay to ensure a thoughtful and harmonious development process. A major concern in the planning is the integration of development with its immediate environment. Man-made improvements should, as much as possible, blend with nature. The result will be more pleasing to the eye and a more attractive community in which to live.
- 1.2 In order to assure that these objectives are achieved and to assure a continuity of physical development such that future development will be compatible with existing development, the Declaration of Covenants, Conditions, Restrictions and Easements for Sunset Bay (the Covenants) has been declared and recorded. Article VI of the Covenants established the Architectural Review Committee (ARC) and sets forth its jurisdiction, powers, obligations, and the rules and regulations under which it will conduct its review of proposed improvements. Any statements contained in this document are to amplify, or clarify those provisions of the Covenants. In event of a conflict, the Covenants will prevail.
- 1.3 The ARC has been established for the purpose of defining aesthetic standards of construction in Sunset Bay and examining and approving or disapproving any and all proposed improvements for a building site within Sunset Bay, including but not limited to: dwellings, garages, outbuildings or any other buildings, construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, greenhouses, playhouses, awnings, walls, fences, hot tubs, fire pits, communication dishes/antennas, docks, wharves, rip-rap, bulkheads, boat slips and lifts, exterior lights, and any exterior addition to, change, or alteration to existing surface. ARC approval must be obtained for dredging and fill operations, shaping of land areas and drainage, and removal of any trees more than six (6) inches in diameter measured at a height of four (4) feet from the base.
- 1.4 All applicants are urged to review carefully all provisions of the Covenants as well as this document prior to submitting an application to the ARC.

2 General Requirements

2.1 Flood Control Easement Requirements Per Tennessee Valley Authority (TVA)

- 2.1.1 All residential structures constructed on a lot need to be above the flood plain of Norris Lake in accordance with FEMA as protected by TVA.

The water level on a Tennessee Valley Authority (TVA) lake will fluctuate. Current, past and predicted Norris Lake water levels are shown on TVA's website: <https://www.tva.gov/Environment/Lake-Levels/Norris/Norris-Operating-Guide>

Per TVA rule the summer pool (May1–Oct 1) on Norris Lake is at an approximate elevation of 1020 and the winter pool (Dec10-Mar10) is at an approximate elevation of 1000 to allow for spring run-off (but can go lower per TVA Norris Operating Guide). All waterfront properties within Sunset Bay may have seasonal waterfront usage during winter pool depending upon the standard yearly water fluctuations.

- 2.1.2 Property owners of waterfront parcels at Sunset Bay own to the 1020 elevation or contour line. The construction of homes on waterfront lots must take place above the 1044 elevation. Should a property owner desire to have a home fronting on the 1044 contour line the property owner shall first obtain a survey of the exact location of said contour line prior to construction. Certain improvements made to the property below the 1044 contour line may first require approval from the TVA. For the purpose of this section, elevation shall be defined as lowest level, floor elevation. Also prohibited below elevation 1044 are deck support foundations, sewage treatment units, swimming pools and underground propane storage tanks.
- 2.1.3 An exception to the above are lots 438-461 and lots 550-565. Property owners of these waterfront lots own to the 1020 elevation or contour line and may build down to the **1036 elevation**. Should these property owners desire to have fronting on the 1036 contour line the property owner should first obtain a survey of the exact location of said contour line prior to construction. Said lots shall also be subject to a deed modification allowing construction down to the 1036 elevation. For the purpose of this section, elevation shall be defined as lowest level, floor elevation. Also prohibited below elevation 1036, are deck support foundations, sewage treatment units, swimming pools and underground propane storage tanks.

1036 elevation lots may require additional coordination with, and accommodation of, TVA concerning approval of docks, etc. (9/20/2016)

All should be confirmed with TVA.

2.2 Builders (General Contractors)

Builders must be on the ARC's **Approved Builders List**. To be considered for inclusion on the Approved Builders List, a builder must submit their Certificate of Insurance (minimum liability limit of \$1,000,000, automatically renewable and naming SBOA as additional insured), current builder's license and references of recently completed building projects and agree to comply with

the Architectural Guidelines. The ARC may also require financial statements. In order to remain on the Approved Builders List, a builder must demonstrate continuing conformance to the applicable sections of this guidelines document. The Approved Builders List is available on the Sunset Bay website: <http://www.sunsetbaypoa.com>

Those choosing to build their own homes must possess a Tennessee Contractors License and be on the Approved Builders List. And pursuant to Tennessee Law are subject to all requirements as described in the Sunset Bay ARC Guidelines and must personally conduct on-site management of all work performed throughout the duration of the build. Owner/builder's home base should be in the Union County TN area.

2.3 Sewage Treatment System

Each individual homeowner will be required to install an Orenco Systems, Inc. AdvanTex sewage treatment system (www.orencosystems.com), which shall serve as a waste treatment facility for the home. Said system shall connect to the main community sewer system for waste disbursement. When ready for installation contact Hallsdale-Powell Utility District at 865-922-7547 for the provision of the required system/equipment as well as a list of approved installers.

2.4 Indiana and Gray Bat roost tree cutting (per TVA permit, Additional Conditions item 7)

2.4.1 To avoid impacting Indiana and Gray bats, TVA requires that potential bat roost trees (dead or live trees which are larger than 6" diameter - measured at 48 inches above grade) may be removed from any lot (with ARC permission) between October 15th and March 31st, when Indiana bats are not present. The sunset bay lots affected by this ruling are: 4,10,11,12,376,378,379,385,379B,379C,380,381,388,389,398,399,400,401,406,407,437,438,439,440,448,449,450,451,452,549,550,551,558,559,560,561,565,566,567,569,570,572,573 in accordance with Policy Guidance from the SBBOD to the ARC regarding authorized/unauthorized removal of trees from Sunset Bay owners' lots, dated 7/25/2019. Attached as Table F

2.4.2 In the event property owners seek to remove potential bat roost trees between April 1st and October 14th, TVA requires that a qualified biologist will be hired to identify and mark trees within the area. A report will be provided to TVA showing the location and number of roost trees. Removal of any such trees will require a biologist to monitor these trees using ultrasound detectors to identify bat echolocation calls. This monitoring shall occur 30 minutes before dusk to 30 minutes after dark, screening a range of frequencies from 38 to 50 kHz. If no ultrasound calls are detected during one night of monitoring, the tree will be removed the following morning.

- 2.4.3 At any time of year, Sunset Bay ARC Guidelines also require lot owners to obtain ARC approval before removal of any trees greater than 6 inches diameter measured at 48 inches above grade.

2.5 Log Homes

- 2.5.1 Log Homes shall be allowed in specific areas of the community, which have been designated by the Declarant and as approved by the Architectural Review Committee. The following parcels are approved for log home construction: 79-115, 123-149, 153-157, 161, 176-178, 199, 213-279, 292-311, 312-312R, 313, 317A, 335A, 335-341, 343-353, 362-365, 485-491, 701-748, 755-758, 763-816 and 910-932.
- 2.5.2 Log homes also include log-sided houses or any finish material intended to appear like log home construction.

3 Administration of ARC

3.1 ARC Membership

- 3.1.1 The SBOA Board shall establish the ARC, which shall consist of up to seven (7) [but not less than five (5) members], four (4) of which must be residents.
 - 3.1.1.1 The regular term of office for each member shall be two (2) years coinciding with the fiscal year of the Association, except the initial term of two (2) members, which will be for one (1) year each to create an alternating board. Any member appointed by the Board may be removed with or without cause by the Board at any time by written notice to such appointee and a successor or successors appointed to fill such vacancy shall serve the remainder of the term of the former member.
 - 3.1.1.2 The ARC shall elect a Chairperson, a Vice-Chairperson and a Secretary. Election of officers shall be conducted yearly at the first meeting of the year. In the Chairperson's absence, the Vice-Chairperson will preside over meetings.
 - 3.1.1.3 The ARC is authorized to retain the services of consulting architects, landscape architects, urban designers, engineers, inspectors, and/or attorneys in order to advise and assist the ARC in performing its functions set forth herein.

- 3.1.1.4 One member of the ARC shall serve as liaison to and be a member of the Board of Directors. The term of this member on the ARC shall coincide with the term on the Board of Director's position.

3.2 ARC Meeting Guidelines

- 3.2.1 Minutes of ARC meetings will be kept and submitted to the SBOA board and posted on the Sunset Bay website.
 - 3.2.1.1 When possible ARC meetings will regularly be scheduled for the Monday prior to the SBOA board meetings.
- 3.2.2 Property owners may be allowed to address the ARC at the beginning of the meeting. A minimum 24 hour written notice of subject to be discussed is required.
- 3.2.3 Only complaints concerning ARC issues will be accepted via phone.
- 3.2.4 The ARC will discuss concerns on any issue with the property owner.
- 3.2.5 When construction reviews, approvals or rejections of proposed improvements, violations, contractor department, fines or any other business of personal nature are discussed all visitors may be asked to leave.
- 3.2.6 Property owners will not be allowed to attend any special or emergency meetings, unless they are requested to attend by the ARC.

4 Plan Submission and ARC Approval Procedures

4.1 Schematic Presentation/Architectural Renderings

At the discretion of the applicant, an artist's rendering or a schematic rendering of a proposed construction or improvement may be submitted to the ARC in order to determine the suitability of a particular style or design for construction in Sunset Bay. The ARC will render an opinion as to whether or not a particular design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the ARC's opinion will be strictly non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that would ultimately be disapproved.

4.2 Submission

- 4.2.1 The ARC requires that the property owners and builder meet with the Architectural Review Committee as part of application process. The purpose of the meeting will be to confirm property owners understanding of, and commitment to, Sunset Bay construction documents. One (1) set of all plans (see checklist - Table B) must be submitted along with a completed application form. It is the owner/builder's responsibility to ensure that all documents and applicable samples be available one week prior to the scheduled time of meeting for review.
 - 4.2.1.1 At this meeting, the homeowner, the builder, and at least three (3) members of the ARC must be present.
- 4.2.2 The ARC will not process any application for construction, minor improvement, dock construction, or waterfront improvements on any lot for which there is an outstanding bill for association dues or violation fines, until the assessments are paid in full.
- 4.2.3 Plans should be submitted *to the Sunset Bay Office Manager*

4.3 Construction Plans

- 4.3.1 Complete plans, and all of the following required information, must be submitted in order to gain approval to commence any construction on a building site (and before removal of trees with a diameter greater than six (6) inches measured four (4) feet from the base):
 - 4.3.1.1 Registered survey of existing property.

The registered survey submitted with the Architectural Plan may be the survey provided to the owner by Sunset Bay LLC when the property was purchased, or may be obtained from the Union County Court House.
 - 4.3.1.2 A second survey is required after construction begins, to:
 - a) Verify the location of foundation footings prior to construction of foundation walls (vertical construction),
 - b) Verify lot setback is in accordance with Architectural Plan,
 - c) Verify foundation orientation and configuration is in accordance with Architectural Plan and
 - d) Confirm property owner is aware of right-of-way property restrictions and easements (see "Sunset Bay Lakefront and

Lakeview Vital Information Statement July 5, 2002”). This will require submittal of an “as built drawing” by a registered surveyor.

- 4.3.1.3 Boundary string-out of property and house to be constructed. Provide proper corner stakes and connect lot sidelines stakes with clearly visible string or tape. Provide labeled corner stakes at all major house corners and connect with clearly visible string or tape.
- 4.3.1.4 Site Plan. – All plans should be submitted in consistent scale of no less than 1 inch = 20 feet. Site plans must depict: (i) access street(s), walkway(s), driveway(s), and other exterior improvements; (ii) culvert(s); (iii) foundation plan if other than slab on grade; (iv) exterior lighting plan; (v) air conditioning, heating, and/or service yard enclosures must be screened from view on all sides; (vi) site plan to scale indicating all structures and other improvements to be included in the scheme; (vii) location and identification of special features, (i.e., drainage ditch, easements, adjacent structures, etc. Materials used for all improvements must be shown (e.g., walks – concrete, etc.)
- 4.3.1.5 All trees, six (6) inches or greater in diameter at four (4) feet above natural grade that are to remain shall be marked with tape. An on-site review will then be made by the person(s) designated by the ARC and a report filed with the application by such designee(s) prior to final consideration for approval by the ARC.
- 4.3.1.6 At the time of submission of plans, the applicant shall be responsible to acquire a suitable storm water pollution protection plan for the protection of state waters utilizing the guidelines as outlined in the Tennessee Erosion and Sediment Control Handbook, details of which can be attained through the Department of Water Pollution Control, a division of the Tennessee Department of Environment and Conservation in Knoxville, Tennessee. Prior to submission of an Application for New Construction, the property owner or builder (general contractor) shall submit (to TDEC) a Notice of Intent (NOI) and storm Water Pollution Prevention Plan (SWPPP) before construction activity begins. Builders may submit NOI and SWPPP for more than one lot. Because the Sunset Bay site was previously covered under the Tennessee Construction General Permit (TNCGP) (by Sunset Bay LLC), lot owners or builders will not be required to submit a fee.

4.3.2 Architectural Drawings

Architectural drawings must be drawn at ¼ inch = 1 foot, and include the following:

- a) Total enclosed heated/air-conditioned square footage (stated by floor in the case of a multi-floored residence).

- b) Floor plans including computation of the square footage of each floor.
 - c) Approximate elevation drawings of all sides indicating both existing and final grade, finished floor level, and include treatment of building from grade to floor in elevated buildings. Include rooflines with slopes, roof material and any chimneys/vents. Include any decking and staircases.
 - d) Detailed drawings of typical wall section (drawn at $\frac{3}{4}$ inch = 1 foot), patio wall section, if applicable and other features desirable for clarification, exterior walls, screens, pools, etc. The wall section must clearly show size, profile, and material of typical cornice, etc.; rafter bearing height; typical window with casings and sill; and special features such as belt courses, jack arches, etc.
- 4.3.3 Descriptive data and actual samples of exterior materials and painted proposed colors for major exterior items including siding, brick, stucco, trim, shingles/roofing, cornice, columns, railings, windows, and doors must be submitted at the time plans for construction are submitted to the ARC.
- 4.3.4 Preliminary landscaping plans must show, in general terms, all house foundation plantings, lawn areas, pine straw areas, shrubbery beds and natural areas for entire lot. See Section 7, Landscaping for final requirements.
- 4.3.5 Any submission that does not include complete information as required by this section will be rejected.

4.4 Approval by the ARC

- 4.4.1 All approvals by the ARC will be in writing; verbal approvals have no standing and are not binding. Approval requires agreement of the majority of ARC members with a minimum of three (3) needed for approval.
- 4.4.2 Approval by the ARC of a submission presumes compliance with all county and state building ordinances and for waterfront property rules of TVA.
- 4.4.3 ARC approval presumes compliance with all requirements of Sunset Bay Documents and the Architectural Review Committee, until and unless the owner receives a written waiver from the committee.
- 4.4.4 ARC approval (including that for variances) expires six months (180 days) from the approval date unless construction and/or land clearing have started. After this time applicant(s) must resubmit their proposal unless the applicant(s) have, in writing requested and received an extension from the committee. The resubmission will be subject to the rules and regulations in force at the time of the resubmission. A new application fee will be required if more than one (1) year (365 days) has elapsed from the original approval.

4.5 Construction Start

- 4.5.1 The date of start of construction is defined to be the day when any work associated with an approved project commences at the job site; e.g. commencement of excavation. (See Table A Fines #5)
- 4.5.2 By starting lot clearing and/or construction, owner acknowledges receipt of ARC decisions and agrees to comply with ARC requests and stipulations provided in the ARC approval document and its attachments.
- 4.5.3 At times, the ARC may require applicants to acknowledge receipt of ARC decisions and agree in writing to comply with ARC requests and stipulations before lot clearing or construction may proceed.
- 4.5.4 Trailers for the purpose of security may be utilized with the approval of the ARC only during the period of construction. (See Table A Fines #1)
- 4.5.5 Portable outdoor toilet facilities must be provided during construction only. They may not be emplaced prior to final construction approval of the ARC and must be removed promptly upon completion of construction. Facilities may be placed only in a location approved by the ARC. Effluent removed from the facilities may not be disposed of in the Sunset Bay sanitary sewer system. (See Table A Fines #2)
- 4.5.6 A dumpster, or suitable trash container, must be in place when framing begins.(See Table A Fines #3)
- 4.5.7 No site clearing, material delivery or construction may begin without first obtaining written ARC approval of the property owner's architectural plan and payment of application fees. (See Table A Fines #5)
- 4.5.8 Construction must be completed within one (1) year from the start date. In the event a build is not expected to be completed within 12 months, the builder must send an email to the ARC, copying the home owner, with a plan of action as what will be completed when. This plan must be agreed upon by all parties and the ARC must receive this written plan no less than 11 months after the commencement of excavation (start date). With valid reasons for delay the ARC may give an extension of up to 4 months. If any further extension is required it must be approved by the SBOA Board. (See Table A Fines #4)

4.6 ARC Reviews

- 4.6.1 The ARC will periodically review the building site to verify that the design is according to the plans approved by the ARC and that the Architectural Guidelines are being adhered to. When construction has been done

contrary to approved plans, the ARC may force removal of the improvement, reconstruction to meet the approved plan, or any other action that the ARC deems is appropriate, including fines.

5 Standards of Design and Construction

5.1 Building Heights

Generally no structure shall be constructed which has a height exceeding forty (40) feet above the elevation of the finished surface of the first floor of such dwelling using the front elevation. Homes shall generally be from one to three stories in height (including basement).

5.2 Minimum Size of Structure (Building Footprint)

Minimum building square footage requirements are established below however, the ARC may, at its discretion, disapprove an architectural plan that is felt to be inappropriate (too large or too small) for the site due to size. Building footprint will be measured outside to outside of all living space touching the ground or supported by foundations that don't enclose developed space (i.e. crawl spaces). Multiple stories will not be added. Garages with heated living space above will be counted in the footprint calculations, but those without heated living space above will not.

5.3 Square Footage Requirements (Interior Heated Floor Space)

5.3.1 Square footage will be measured outside-to-outside of all heated living space. Garages, decks, and detached structures will not be included. Basements will be included only if they are finished and are heated and meet building code requirements for egress.

5.3.2 Lot Definitions and Square Footage Requirements

5.3.2.1 **Waterfront** (also "Lakefront" and "Lakeside"): All lots containing the elevation contour 1044 feet or lower. Homes on waterfront lots must have at least 2,000 square feet heated floor-space, with a minimum footprint of 1,400 square feet heated floor-space.

5.3.2.2 **Lakeview**: Lots on the lakeside of Russell Brothers Road but not containing the 1044 feet contour. Homes on these lots must have at least 1,800 square feet heated floor-space, with a minimum footprint of 1,200 square feet heated floor-space.

- 5.3.2.3 **Interior:** Lots separated from the lake by Russell Brothers Road. Homes on interior lots above Russell Brothers Road must have at least 1,600 square feet heated floor-space, with a minimum footprint of 1,000 square feet heated floor-space

5.4 Building Setbacks

No vertical structure greater than eighteen (18) inches in height above natural grade (measured from vertical surface, not roof eaves) will be permitted:

- any nearer than twenty (20) feet to any road right-of-way;
- any nearer than ten (10) feet to any interior lot line;
- any nearer than ten (10) feet from the back property lines;

so designated on recorded plats described in the Covenants, or as required by TVA.

ARC must approve the exact location of all home site footprint locations on the lot before the foundation is poured.

Zero lot line set back may be allowed on driveways by approval of the ARC.

Above is per the Covenants, Section 8.25 (setbacks). See also, Covenants section 5.01 (utility easements).

5.5 Horizontal Improvements

Any horizontal improvement (emplacement of a permanent structure more than 18" above natural grade) must be approved by the ARC. Horizontal improvements may not be emplaced closer than ten (10) feet to any property line, except for driveways and turn-arounds, which may be zero feet, but shall not waive applicable easement rights per ARC approval.

5.6 Exterior Appearance

No particular period styles, foreign or geographic influences or historical approaches are specifically endorsed or encouraged. Home design must give due consideration to neighboring properties. The ARC may disapprove Architectural Plans which crowd the site and/or are out of context with other homes in the area. No foil or other reflective materials shall be used in any window for sunscreens, blinds, shades, or other purpose, nor shall any window-mounted heating or air-conditioning units be permitted. Outside clothes lines or other outside facilities for drying or airing clothing are specifically prohibited and shall not be erected, placed, or maintained, nor shall any clothing, rugs, towels, or other items be hung on any railing, fence, hedge or wall.

The building form of every home should be a carefully planned addition to the natural setting. Building shapes should provide interest and be compatible with neighbors. Large homes can be made to appear smaller and small homes to appear larger by manipulation of shapes and form, and by the effective use of decks, garages, and screened porches. The roof-scape of each home should complement the design of the home, the natural surroundings and neighboring designs.

5.7 Changes To Existing Exterior Appearance

- 5.7.1 No alteration, including constructive maintenance, painting, staining, or reroofing, affecting the exterior appearance of any building, structure or landscape shall be made without prior ARC approval. (See ARC form “Application For Changes or Additions”, which is appended to the end of this document, and which is also available on the <https://www.sunsetbaypoa.com> website) (See Table A Fines #1)
- 5.7.2 Any proposed changes in landscaping such as fences, fountains, fire pits, hot tubs, communication equipment, lighting, game/play structures, drives, walks, landscape structures, etc., must be approved by the ARC. Generally hot tubs and fire pits will not be permitted in the front of homes.

5.8 Roofing

5.8.1 Style and Pitch

Conventional ridge and valley roofing. Minimum roof pitch 6:12 on dominant roof forms. Lower pitches (but not less than 4:12) may be acceptable for secondary roof forms. Minimum roof eaves 12” not including gutters. At least three major roof ridgelines are required. In special circumstances, the ARC may approve a minimum roof pitch of 3/12 for small dormers or minor porches. In such circumstances the only acceptable roofing material will be standing seam.

5.8.2 Roofing Material

Roof may be covered in asphalt/fiberglass shingles or metal roof. Must have at least a 30-year warranty and with architectural/ shake profile.

5.8.3 Chimneys

Unless otherwise approved by the ARC, the exterior of all Chimneys shall be clad in brick, stone or rock.

5.8.4 Plumbing Vents

Plumbing vent pipes that pass through roofs shall be painted to blend with the roof color.

5.8.5 Gas Appliance Vents

Gas Appliance Vents (types B, BW, and L gas appliance vents) shall not terminate more than 30 inches above the roof and shall be painted to match the roof color. (The CABO One and Two Family Dwelling code, which in general governs Tennessee construction, specifies that under worst case conditions the minimum allowable height above the roof for these vent types is 24 inches.)

5.9 Exposed concrete and block foundations

Any exposed foundation must be brick, rock, stone, stucco or split-faced “fluted” block.

5.10 Lakefront

On lakefront homes, windows and door trim on lakeside facing elevations shall be in keeping with the street front trim details.

5.11 Exterior Colors/Materials

Colors:

Exterior colors must “blend with nature,” i.e., muted earth tones. No garish, bright or otherwise non-conforming exterior colors will be authorized. (Exception: White may be authorized in limited quantities as an architectural trim and window accent where its inclusion does not impede the overall ability for the home to blend with its surroundings.) In no circumstances will a primary house color with a LRV (Light Reflective Value) of more than 70 be accepted.

A book of suggested colors, although not all-inclusive, will be available in the Sunset Bay Clubhouse office for review. Any questions concerning appropriate exterior colors should be directed to the ARC for review and final approval.

Materials:

Siding/trim:

Exterior cladding elements should also adhere to the blending with nature philosophy of the community and generally include the following materials. Concrete board (Hardieplank), wood, stone, rock, stucco and brick.

Chimney Structure Cladding:
Stone, rock or brick.
All proposed siding/cladding material is subject to final ARC approval.

5.12 Propane Storage Tanks

Propane storage tanks over 100 pounds capacity individually or in aggregate capacity must be located below ground. Tanks of 100 pound capacity and smaller must be screened from view.

5.13 Front Door

Exterior doors cannot be flat panel. The door must have some type of inset decoration. Doors that do not have any glass installed need to have at least one sidelight.

5.14 Driveway/Parking Area Surface Material

Driveways and parking areas will be surfaced with concrete, asphalt or other hard surface material approved by the ARC. Stone or gravel surfaces are specifically prohibited. (See Table A Fines #1)

5.15 Window Glass Type

All windows, and doors with windows, must be insulated glass.

5.16 Screening of Sewer Related Equipment

Sanitary sewer clean-outs and lift pump tanks and controllers must be hidden or screened from view in a manner approved by the ARC.

5.17 Garages

5.17.1 All homes are required to have garages.

5.17.2 Garages must be fully enclosed structures (attached or detached) and provide *side-by-side parking* for at least two (2) standard size cars.

5.17.3 Single garage doors must be minimum 9 feet wide x 7 feet high (two required).

5.17.4. Double garage doors must be a minimum of 16 feet wide x 7 feet high.

- 5.17.5. Garage doors should be located side by side, i.e., not drive through, front & back. Exceptions to this, when necessary, will be considered on a case-by-case basis by the ARC.
- 5.17.6. Garage must be configured such that when occupied by two standard size cars, either car may exit the structure without moving the other. End to end parking is not permitted.
- 5.17.7. The garage structure must compliment/coordinate the architecture, color, doors, windows, trim, siding, roofing, gutters, etc. of the house.
- 5.17.8. Where practical, detached garages should be located within 25 feet of the home to present a unified appearance.
- 5.17.9 Under certain circumstances, (i.e., terrain) exceptions can be made with ARC approval.

5.18 Solar Power Panels

The ARC will consider approval of house plans which incorporate the use of solar power panels on a case-by-case basis. In such cases, the panels must be in keeping with the integrated design of the house in question, be aesthetically pleasing, and be mounted as an integral part of the roof structure. The panels must unobtrusively and closely conform with the roofline.

5.19 Non-Conforming Design & Materials are:

- 5.19.1 House shapes including: A-frame, round, dome, arch, and others at the discretion of the ARC.
- 5.19.2 Flat (horizontal) roofs, mansard roofs, unpainted galvanized metal roofing, bright color metal roofing, corrugated roofing, roll roofing, or flat asphalt shingles.
- 5.19.3 Wood, stucco, or “Hardy Plank” chimney cladding and exposed metal chimneys.
- 5.19.4 Single-glazed windows or mirror glass.
- 5.19.5 Open steps without risers.
- 5.19.6 Vinyl or aluminum siding as main siding material. (Exceptions are Everlast/Smart vinyl, which will be allowed.)
- 5.19.7 Exterior Maintenance
All exterior elements and finishes, including but not limited to paint, siding,

roofing and paved surfaces must be maintained in good condition, preserving the aesthetic appeal of the home. (See Table A Fines #1)

6 Exterior Lighting Rules / Guidelines (Updated 9/27/2020)

6.1 Philosophy

6.1.1 Sunset Bay is blessed with a beautifully clear and vivid night sky that is rapidly disappearing in the increasingly densely populated and lighted cities and towns of our nation. To help prevent degrading the quality of our night skies and to preserve this rare and beautiful heritage at Sunset Bay, the ARC has embraced the spirit of the International Dark-Sky Association (IDA) in crafting the lighting recommendations for Sunset Bay. The ARC requires that exterior lighting must be designed to minimize the effects of what can be considered offensive light pollution, which includes Light Glare, Light Trespass, and Sky Glow.

6.1.2 Definitions

Light Glare: An unnecessary bright light source that “washes out” any darker object near or behind it

Light Trespass: Unwanted light that spills out beyond the area intended, such as on a neighbor’s property, docks, public streets, or waterways.

Sky Glow: Upward directed light that lightens the sky and reduces the visibility of the heavens.

6.2 Rules for Exterior Lighting

6.2.1 All exterior lighting shall be installed so as not to disturb neighbors or impair vision of watercraft on the lake or traffic on nearby streets.

6.2.1.1 The use of exposed non-hooded spotlights/floodlights will not be approved.

6.2.1.2 Exterior lighting should be limited to areas where there will be pedestrian movement and should be extinguished when these areas are not in use.

6.2.1.3 Any lights of any kind attached to soffits or fasciae, stairs, decks or poles, must be hooded, and ***must be approved by the ARC.***

- 6.2.1.4 Landscape lighting may be allowed at the discretion of the ARC. The ARC has discretion to disallow plans that introduce excessive lighting into the landscape. Landscape lighting is lighting mounting in or at grade (but not more than 3 feet above ground) of low voltage or solar power that does not shine in an upward direction and used solely for landscape rather than area lighting.
- 6.2.2 All lighting installations including accent fixtures such as wall sconces, porch/dock lights, patio lights, shall be designed and installed to be fully shielded (full cutoff) and should be shielded in such a way that the lamp itself or lamp image is not directly visible outside the property perimeter. No light should be directed out of the fixture above a horizontal plane.
- 6.2.3 Recessed “can” lights are recommended for use on covered porches.
- 6.2.4 Light intensity (brightness) should only be enough to accomplish the purpose.
- 6.2.5 Exterior lighting, other than low voltage exterior landscape lighting fixtures, must be:
- Operated by properly working motion sensors that will automatically turn off the lights within 5 (five) minutes, and/or
 - Manually switched and operated to remain in compliance with 6.2.1.2 above.
- 6.2.6 No dusk to dawn lights are permitted.
- 6.2.7 Flagpoles are generally unlighted, however lighting, may be approved by the ARC on a case-by-case basis.
- 6.2.8 Exterior lights may be allowed to remain on for safety reasons when out for the evening. Preferably the light will be on a motion sensor. The light should be switched off immediately upon returning home. No exterior light should ever remain on overnight.
- 6.2.9 During the Christmas Season (Friday after Thanksgiving – January 1st) Exterior Christmas lights will be allowed to remain on all night.

6.3 Violations (handled by SBOA Board or Designated Committee)

- 6.3.1 First Violation of Section 6, Exterior Lighting Rules, will result in a reminder letter from the SBOA Board. If excused by the board, the violation will not count as a first violation.
- 6.3.2 Second Violation, within 30 days of the first violation, will result in a \$30 fine along with a letter from the SBOA Board.

- 6.3.3 Third Violation, within 30 days of the first violation, will result in a \$30/day fine until the problem is rectified.

7 Landscaping

- 7.1 Within ninety (90) days following issuance of the Certificate of Occupancy (CO), a formal landscape plan must be submitted. (See Table A Fines #6) and within sixty (60) days thereafter, the basic plan of lawn and shrubs must be completed. (See Table A Fines #7)
- 7.2 Landscaping plans must show all house foundation planting, lawn areas, wood chip or mulch areas, shrubbery beds, mailbox placement, screening of HVAC, Advantex System and LP Tank and natural areas for entire lot.
- 7.3 All right of ways and easements shall be landscaped and maintained.
- 7.4 Grass lawns will be permitted to extend into the road right-of-way.
- 7.5 Right-of-Way Obstruction

No hedge or shrubbery planting which obstructs sight-lines at elevations between two (2) feet and six (6) feet above streets and roadways within Sunset Bay shall be placed or permitted to remain on any lot within the triangular area formed by the street property lines and a line connecting such lines at points fifteen (15) feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the extended street property lines. The same sight-line limitations shall apply to any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway.

7.6 Significant Trees

- 7.6.1 Lot owners must have permission from the ARC before removal of any significant trees (Diameter greater than six (6) inches measured four (4) feet from ground level). Prior to approval to remove any significant trees lot owner must mark with tape all trees intended to remain. (See Table A Fines #8)
- 7.6.1.1 All significant trees, as designated by the ARC, will be protected from damage during construction.
- 7.6.1.2 Excavation and installation of underground utilities should be performed in such a manner as to avoid damaging the root system of such specimen trees, where possible.

7.7 Service Yards

Each homeowner shall provide visually screened barriers to serve as service yards in which garbage receptacles, fuel tanks, gas and electric meters, and air-conditioning equipment must be placed in, or stored in, in such a way as to conceal them from view. Any such visual barrier shall be of a sufficient height so as to effectively screen such areas. Said barrier may consist of fencing and/or landscaping and plantings. Landscape material must be of a sufficient height at the time of installation so as to reach a sufficient height to effectively screen areas in a reasonable amount of time. Advantex control panel shall be located on the house foundation (preferred location) or on a post adjacent to the underground treatment system per HPUD request. If post mounted, the control panel must be screened from view by landscape material or other approved screening.

- 7.8 Each property owner is responsible for preventing the development of any unclean, unsightly or unkempt conditions which reduce the beauty and appearance of the development.
- 7.9 Landscaping must complement the residence and provide continuity between it and the surrounding vegetation. Ideally property lines should disappear with the use of continuous landscaping.

8 Garden Walls and Fencing

8.1 Construction of fencing is discouraged.

All fencing must be approved by the ARC on a case-by-case basis. No approval will constitute a precedent for future requests. Fencing shall not exceed the width and length of the home. Fencing should be located to the rear of the house. Fencing for pools and landscape design will be considered on a case-by-case basis. **No chain link fencing will be permitted in Sunset Bay.** Request for lining of approved fencing shall be decided on a case by case basis, with the proposed liner provided to the ARC. (In no circumstances will vinyl liners of any type be approved.)

8.2 Fence Types and Materials

8.2.1 Split Rail/ Post and Rail

A mortised split-rail fence, and post & rail, with a maximum height 48 inches. Support posts buried at least 30 inches below grade and not less than 12 inches between rails. The measurement of the space between rails is not measured from the center. The measurement between rails will be from the bottom of the top rail to the top of the rail below. Post & rail fences rails should be 1" x 6".

8.2.2 Picket

When approved by the ARC, picket fences can be installed using the following materials and construction guides.

- Vinyl or painted aluminum (wood is not allowed).
- The picket fence cannot be greater than 48 inches in height including finials.
- The pickets cannot be wider than 1½ inches.
- The spacing between the pickets cannot be less than 3 inches. This measurement is not from the center. It will be measured from the side of one picket to the side of the picket next to it.
- Bottom rail to be at least 6 inches above grade for maintenance of landscaping.
- Colors are to be muted and subtle as approved by the ARC.
- Fences must be maintained in good condition and both sides of the fence must be kept clean and trimmed.

8.2.3 Dog Pens and Runs

Free standing dog pens and dog runs are prohibited.

8.2.4 View Restrictions

No wall, fence or landscaping shall be allowed which effectively blocks another lot owner's lake view.

9 Mail Boxes (mandatory), Newspaper & Info Boxes

- 9.1 Position, height, size and construction of all mailboxes and supports must comply with U.S. Postal Service regulations and the local post office. Contact the Sharps Chapel post office for details. The bottom of the mailbox shall be 42 inches above street pavement. On streets with curbs the bottom of mailbox should be set back 6 inches from pavement or curb.
- 9.2 Heavy-duty plastic, aluminum, copper, brass wood, masonry and stainless steel are approved. Carbon steel, either painted or galvanized, is not approved because it rusts. Unfinished rough lumber construction (treated, fence post) is not permitted.
- 9.3 Custom or homemade boxes made from objects or materials whose original intended use is not a mailbox support, e.g. tools, sculptures, milk cans, PVC pipe, welded chains, etc., will not be approved by the ARC.

- 9.4 All finishes shall compliment the home the box serves, in color and material.
- 9.5 Mailboxes and supports damaged by weather, use, or impact shall be promptly repaired or replaced.
- 9.6 Except for materials specifically designed for a weathered appearance (e.g. cedar wood), all finishes shall be maintained routinely to avoid fading, chalking, streaking, or discoloration.
- 9.7 House numbers will be clearly displayed and located with materials appropriate for the U.S. Postal Service, and the Union County emergency response organizations. Contact “911” and the Sharps Chapel Post Office for details.
- 9.8 Any graphic or attachments, other than a name plate and house number, must be approved by the ARC prior to installation.
- 9.9 Information boxes for the sale of homes are allowed. Homeowner must obtain ARC approval of the box to be used. Only the words, “Info Box” or “Information Box” are allowed on the box.

10 Name Plates, House Numbers, etc.

- 10.1 Nameplates will only be permitted to be mounted on the ARC-approved mailbox.
- 10.2 House numbers may be displayed on mailboxes or the front wall of a home. We also encourage posting house numbers on private docks.

11 Communication Dishes/Antennas

Communication dishes/antennas should be located as inconspicuously as possible.

12 Signs

12.1 General

- 12.1.1 Signs may only be placed on the lot in a form, size and location to be designated by the ARC.
- 12.1.2 “For Sale” or “For Rent” signs are strictly prohibited anywhere on a lot or dock. This shall include any county or common property within the subdivision.

12.2 Construction Related Signs

- 12.2.1 Signs may only be placed on a building lot upon receipt of ARC approval to commence construction. Signs must be removed upon completion of construction (prior to deposit return). Signs may not exceed dimensions of 24 inches x 18 inches. Signs may indicate the name of the contractor and architect provided that such information is contained on the same sign face. When the name of the design company and the contractor are on a sign, the company's information shall have equal weighting, with neither having dominance or preeminence over the other.
- 12.2.2 Upon receiving approval to build, and prior to the commencement of excavation, every lot shall have a sign listing the builder of record and the lot number.
- 12.2.3 Signs may be placed on a lot fifteen (15) feet recessed from the front line along the mid-line of the lot (half the distance between the side property lines).
- 12.2.4 Only one sign may be placed on a lot. No sign will be permitted on lot side facing waterways.
- 12.2.5 Signs shall be single-faced only and must be placed with the sign face parallel to the roadway.
- 12.2.6 Signs must be removed promptly upon completion of construction/project.
- 12.2.7 Subcontractors, including landscaping firms, will not be permitted to place their signs on a building construction site.

12.3 Other Signs

"Home Protection" (alarm) signs that are less than 1 square foot in size may be placed on a lot. A maximum of 2 Home Protection signs (one in the front and one in the rear) may be placed on a lot and must be in close proximity to the house.

12.4 Non Complying Signs

Signs not complying with the provisions of this Section 12 may be immediately removed by the ARC, and disposed of after five (5) days written/phone notice to the owner.

12.5 Temporary Short-Term Signs

The ARC may allow temporary, short-term Open House and Garage Sale signs with prior permission. Sign dimensions should comply with the Architectural Guidelines, not exceeding 24 inches x18 inches in size. They may be placed at the subdivision entrance, major road intersections and destination. Signs may only be placed within 24 hours of an event and must be removed immediately at the end of the event.

12.6 Property Advertising

All signs advertising property must conform to ARC standards: dark green background with black lettering. Signs must be no larger than 24 inches x18 inches. Flyer boxes offering “take one” information are allowed. Contact email address and phone number are allowed.

13 Shoreline Protection

All lakefront property owners desiring to install riprap or alter the shoreline of their property are required to obtain approval from the Sunset Bay ARC. This approval is in addition to any approval from TVA. *(See Section 26a of the TVA Act – Regulations)*

13.1 Application Procedure

- 13.1.1 An application form obtained from the ARC.
- 13.1.2 Approved permit from TVA.
- 13.1.3 A site plan showing the proposed alteration of the shoreline.
- 13.1.4 Detailed plans and cross-sections of proposed alteration including fabric and material selection

13.2 Approvals

- 13.2.1 Approvals are required from both the ARC, and from the TVA.
 - 13.2.1.1 Granting of initial ARC approval does not release the property owner from the responsibility of obtaining all permits and all inspections from TVA.
 - 13.2.1.2 The issuance of a permit by TVA does not constitute Sunset Bay ARC approval.

13.2.1.3 Upon the homeowner's receipt of appropriate approvals from TVA, copies of the same must be submitted to the Sunset Bay ARC. Final ARC approval is not considered complete until this is done.

13.2.2 All approvals must be obtained prior to any dock or shoreline construction beginning.

13.3 Specifications

13.3.1 All erosion control will be done by use of filter cloth and riprap.

13.3.2 Filter cloth shall be heavy grade geo-textile material.

13.3.3 Riprap will be granite or other suitable riprap, 25-150 lbs., with heavier weights preferred.

13.3.4 Consideration will be given to sea walls that meet or exceed TVA guidelines.

14 Lakefront Irrigation

14.1 Use of lake water for irrigation purposes requires approval of the ARC as well as TVA. The standard application form should be used.

14.2 Irrigation pumps must be hidden from view in a manner approved by the ARC.

14.3 Irrigation pipes drawing water from the lake must be black and be concealed (buried, or covered by some means) in a manner approved by the ARC.

15 Docks

15.1 Required Approval

15.1.1 Any property owner desiring to construct a dock at Sunset Bay must first submit, as part of the Application for New Construction process to ARC, TVA approval for the dock.

15.1.2 There will be no private docks allowed in Sunset Bay attached to vacant lots. The ARC will not consider approval of a request for a dock on any lot until such time that home construction on that lot has been approved and begun.

15.1.3 Approval by both the ARC and TVA is required prior to start of dock construction.

15.2 Application Procedure

The property owner will be required to apply to the Sunset Bay ARC in writing and submit the following:

- An approved permit from TVA.
- An application form (either “New Construction” or “Changes or Additions”) obtained from the ARC.
- A site plan showing the location of the dock.
- Detailed plans and profile drawings to include dimensions and materials.

15.3 Specifications, Dock Dimensions, and Requirements

ARC guidelines are in cooperation with the TVA.

15.4 Non-Dockable Lots

The following lots are non-dockable per TVA permit, due to their proximity to the Sunset Bay Marina:

Lots 388, 389, 390, 370, 371, 372, 373, 374, 375, 376, and 377.

15.5 Materials

ARC guidelines are in cooperation with TVA.

15.6 Site Planning and Set-Backs

15.6.1 Typical lot set-backs are as follows:

- a) Side lot line set-back 15 feet.
- b) Opposite (adjacent lot) dock setback (separation) 50 feet.

15.6.2 Standard design criteria shall be adhered to.

15.6.3 As a general rule, two (2) opposing docks should not exceed 25% for each dock of the overall dimension from shore to shore. A minimum of 50% of this should be maintained as circulation space.

15.7 Boat Ramps

Boat ramps are strictly prohibited on individual lots.

15.8 Maintenance

Dock owners are required to keep the docks in good repair. Should owners neglect the maintenance of their docks and the docks fall into disrepair, the ARC shall have the right to cure such repair as allowed under the Covenants (Article XI, Section 11.01). Expenses incurred by the ARC on behalf of the owner of the property will be reimbursed to the ARC by the owner as described in the Covenants.

16 Enforcement of the Covenants and ARC Guidelines

- 16.1 The ARC will have the responsibility of enforcing all provisions of the Covenants and Architectural Guidelines as they pertain to the ARC.
- 16.2 Unresolved violations of Covenants and Architectural Guidelines will be submitted to the Board of Directors. Violations requiring immediate action will be handled by the ARC.

17 Fines

Fines for failure to comply with Sunset Bay documents are shown in "Table A" at the end of this document.

18 Payment of Fees

18.1 Application Fee

- 18.1.1 The ARC has established a non-refundable application fee of Five Hundred Dollars (\$500.00) for each plan submitted for review. The application fee is payable at the time of the first plan submission.
- 18.1.2 The application fee may be increased or decreased from time to time at the sole discretion of the ARC with SBBOD approval.

- 18.1.3 If major modifications of an approved plan are submitted by applicant/owner, an additional fee of Fifty Dollars (\$50.00) may be required by the ARC.

18.2 Security Deposit

- 18.2.1 All builder's security deposits shall be \$2,500 regardless of whether the builder has previously built in Sunset Bay. No builder shall be allowed to commence work on any new approved construction project unless and until any outstanding fines for any current or former building projects of said builder are paid in full and the security deposit for any such current projects are replenished.
- 18.2.2 The security deposit must be paid prior to ARC approval of plans.
- 18.2.3 Upon satisfactory completion of the construction project, clean up of trash from the construction lot and adjacent lots and approval of homeowner the security deposit will be returned. (See Table A Fines #9 & #10)

18.3 Construction Performance Deposit

A \$2,500.00 refundable Construction Performance Deposit shall be submitted by the property owner prior to the start of construction. This deposit will be held by Sunset Bay and returned to the homeowner, net of any fines or other amounts owed by the homeowner to Sunset Bay, upon a written request, issuance of a CO, and successful completion of the exterior of their home - including: exterior painting, garage construction, site cleanup, preliminary landscaping, driveway and sidewalk paving, retaining wall and foundation treatment, screening of HVAC equipment and waste water treatment unit. If construction is not per the homeowner approved Architectural Plan, all or a portion of the Performance Deposit may be forfeited. Non-return of the Performance Deposit will only occur with the approval of the ARC. Property owners have the right to appeal this decision per the Architectural Guidelines Section 23.

19 Contractor Department

19.1 Behavior

- 19.1.1 Section 8.11 of the Covenants prohibits obnoxious or offensive activities. Contractors, sub-contractors, material delivery-person, owners and any

other agent of the owner doing business in Sunset Bay will be required to conduct themselves accordingly.(See Table A Fines #11)

- 19.1.2 The builder (General Contractor) is responsible to see that all his direct employees and his sub-contractors and their employees adhere to all of the applicable Sunset Bay rules and requirements; specifically those in this Section.

19.2 Working Hours

- 19.2.1 General contractors and their sub-contractors may work only 7:00 A.M. – 7:00 P.M., Monday through Friday and 8:00 A.M. – 5:00 P.M. on Saturdays. No work or lot clearing may be conducted on Sundays or holidays. (See Table A Fines #12)
- 19.2.2 Material deliveries may be made subject to the same working hours provisions of Section 19 herein.

19.3 Keeping Roads Clean

The builder (General Contractor) shall diligently try to minimize the amount of dirt, mud and gravel tracked onto roads during construction (e.g., limit site access, temporary/permanent gravel covered access when required, etc.). When unacceptable amounts of dirt have been tracked (or washed etc.) onto the roads from a job site, the builder is responsible to see that it is cleaned up quickly. (See Table A Fines #13)

19.4 Defacing Adjoining Properties or Public Areas

The builder (General Contractor) is responsible to see that all his direct employees and his sub-contractors and their employees shall not deface adjoining properties or public areas. This defacement (damage) includes, but is not limited to, damage caused by vehicles and debris. Adjoining properties may only be used with written approval from the lot owner. (See Table A Fines #9)

19.5 Trash and Debris

- 19.5.1 Building sites must be kept clean. Trash and debris on building sites shall be kept to a minimum and shall not become a nuisance to adjacent property owners or unsightly to the neighborhood.(See Table A Fines #10)
- 19.5.2 *Dumpsters (or a similarly suitable trash receptacle approved by the ARC) must be used and must be replaced when full. Roads should be cleaned of gravel to avoid damage to roads that will require repair. (See Table A Fines #10)*

19.5.3 *There shall be no dumping of cement/concrete off site. Cement mess/over-pours must be cleared by builder or new homeowner before return of performance deposits. (See Table A Fines #10)*

19.6 Burning or Fires

Small, contained fires are allowed, but must be controlled and extinguished when crews leave in the evening. In any case, toxic and noxious building materials including but not limited to: PVC pipe, roofing, shingles, and Styrofoam insulation may not be burned. Burn permits are required from October 15 through May 15. Permits may be acquired either from the TVA website or by calling 865-278-3348. (See Table A Fines #14)

19.7 Abandonment of Construction Project

A project may be presumed abandoned after ninety (90) days if the contractor or homeowner terminates the project without just cause or without proper notification to the ARC, or fails to perform work without just cause for ninety (90) consecutive days. (See Table A fines #16)

19.8 Repair/Reconstruction

Builder/Homeowner shall use reasonable efforts to repair and/or restore the building or relevant structural elements to its previous condition if it is determined that the damage to the structure can be reasonably and substantially repaired and/or restored within ninety (90) days from the incident/damage using standard working methods and procedures. (See Table A Fines #17)

19.9 Payment of Contractor Fines

Contractor fines are due within fifteen (15) days of notification to the contractor. In the event that fines against a contractor are deemed uncollectible, the lot owner is responsible for payment under Section 4.02 of the Covenants.

20. Road Compliance

There are two (2) types of roads in Sunset Bay (See Table D). There are Union County roads in which the maintenance and upkeep are the responsibility of the Union County Roads Department. There are also private roads in which maintenance and upkeep are the responsibility of the lot owners on that road. Generally speaking, the Union County roads were built to a higher standard and were designed to withstand Tennessee Road Standards for weight distribution. If a private road is damaged (upheaval, ruts, cracks, etc.) by construction traffic, it will be the responsibility of the lot owner who is building to repair the road.

Modular homes are permitted to be built in Sunset Bay with the following provisions:

- Generally, modular homes can only be built on lots that are on Union County Roads (see Table D). The building contractor must show proof of insurance that will fully cover any damage to roads inside Sunset Bay from both the modular home transporter and the crane transporter. Furthermore, cranes and modular homes can only be transported on vehicles that displace no more than 20,000 pounds distributed per axle.
- As a general rule, modular homes cannot be built on private roads (See Table D) unless otherwise specifically approved by the ARC on an individual case by case basis. If approved, the contractor will follow all the guidelines for modular homes being built on Union County roads. Additionally, the contractor or homeowner will be required to sign a “promise to repair road” addendum.
- If the contractor needs to use an adjacent lot during the installation, they will be required to get written permission from the lot owner and the ARC prior to delivery of the modular home. The contractor will also be required to repair any damage to the lot. Modular homes should be delivered on Mondays and setting should start on Tuesday and be completed before Sunday. No Sunday work will be allowed.

21. Amendment

- 21.1 The ARC Guidelines may be amended at any time by majority vote of the ARC at a duly constituted meeting, subject the requirements of Section 6.05 of the Covenants.
- 21.2 Notices or announcements of proposed changes to the ARC Guidelines shall be as required by Section 6.05 of the Covenants.

22. Severability

This document shall not be rendered invalid or unenforceable should any of the provisions of this document or the application or effect thereof be invalid or unenforceable for any reason and to any extent. These provisions, which are not invalid or unenforceable, shall be enforced to the greatest extent permitted by law.

23. Appeals of ARC Decisions

- 23.1 An applicant receiving an unfavorable ruling from the ARC is advised to revise the plans in accordance with recommendations and resubmit them to the ARC for approval.

- 23.2 If the applicant believes that the decision of the ARC is contrary to the Sunset Bay Documents or otherwise in error for any reason, or if the applicant is unable to comply with the requirements of the ARC, he/she may request a hearing before an Appeals Board. The request must be made in writing and directed to the chairperson of the ARC and be postmarked or hand delivered within thirty (30) days of the date that the applicant was notified of the ARC decision. Untimely appeals will only be considered upon the unanimous vote of all members of the ARC.
- 23.3 The ARC chairperson shall schedule a meeting of the Appeals Board within fifteen (15) days of receipt of request or as soon thereafter as is reasonably possible considering the schedules of the applicant, consultants, and Appeals Board Members.
- 23.4 The Appeals Board will consist of three (3) members who shall be selected as follows:
- 23.4.1 Appeals Board Members: The Chairman of the ARC will maintain a pool of names of not less than 5 members of the association who are
- a) in good standing with the association, and
 - b) who stipulate that they have read and have a general understanding of the Covenants and the Architectural Guidelines.
- 23.4.1.1 Members of the ARC Appeals Pool will serve a two-year term. The name of any association member that is not currently serving on the Board of Directors or the ARC may volunteer or have their name presented to the ARC for nomination to the Appeals Pool. The ARC will recommend nominations for the Appeals Pool to the Board of Directors for its approval.
- 23.4.1.2 The applicant shall select one member by name to serve on the Appeals Board from the ARC Appeals Pool.
- 23.4.1.3 In the presence of the ARC chairman, the applicant will randomly (blindly) select a second member to serve on the Appeals Board from the ARC Appeals Pool.
- 23.4.1.4 In the presence of the ARC chairman, the applicant will randomly (blindly) select one member of the Board of Directors to serve as the 3rd member and chairperson of the Appeals Board.
- 23.4.1.5 The Appeals Board may request consultation of other professionals, as it deems necessary. These professionals will not have a vote.
- 23.5 The Appeals Board will conduct a review of these items/issues that are being appealed by the applicant.

- 23.5.1 The applicant and an ARC member(s) shall be required to address the issue(s) before the Appeals Board, using whatever documents, visual aids or consultants he/she feel appropriate.
- 23.6 All Appeals Board members must be present for a quorum.
 - 22.6.1 The majority vote of the Appeals Board will determine an appeal disposition. The applicant shall be notified in writing of the outcome of the appeal within seven (7) days of the Appeals Board vote.
- 23.7 The Appeals Board shall have no authority to issue a decision that is contrary to the Sunset Bay Documents.
- 23.8 All decisions of the Appeals Board will be final.

Table A - ARC Fines

Violation	Fine
1. Violation of Architectural Rules or noncompliance with covenants by an owner or builder.	\$100 initially. After 5 working days, \$30 per day until in compliance.
2. No portable toilet on site at commencement of construction.	\$100 initially. After 5 working days, \$30 per day until installed.
3. No trash container on site at commencement of framing	\$100 initially. After 5 working days, \$30 per day until installed.
4. Incomplete construction after a 12 month period from building start.	Builder will be fined \$50 per day until completion.
5. Start of new home construction without ARC approval	\$500 per occurrence plus \$25 per day until written ARC approval is granted.
6. Failure to submit final landscaping plan within 90 days of issuance of CO	\$10 per day until completion.
7. Incomplete landscaping after 150 days from issuance of CO. Includes completion of HVAC, Advantex System, LP Tank and trash screening	\$10 per day until completion
8. Unauthorized removal of significant trees.	Replacement of trees as directed by the ARC and a fine of up to \$1,000 per tree.
9. Failure to repair damage to the interior of or the grass adjacent to the road on any lot other than the lot on which you have been approved to work within 15 days of completion of the approved project.	\$200 per damaged lot plus cost to repair any damage. (Repairs will be made by a contractor of SBOA choosing and the builder will be responsible for the cost).
10. Unsightly lot or debris not picked up. This includes debris and/or damage to any property.	\$100 per occurrence.

Table A - ARC Fines

Violation	Fine
11. Obnoxious noises (loud radios, etc.) or obnoxious behavior	\$100 per occurrence.
12. Working during non-approved hours. (Approved hours: Mon. to Fri. 7 AM to 7 PM, Sat. 8 AM to 5 PM. No working on Sundays or Holidays without specific ARC approval.	\$100 first occurrence. \$250 any further occurrences.
13. Excess dirt/mud tracked onto roads (applicable if due diligence has not been exercised).	\$50 per occurrence plus \$30/day until cleaned up.
14. Unattended fires or burning without a burn permit.	\$100 per occurrence
15. Cement spills/over-pours on construction lot or any other lots which are not expeditiously cleaned up (within (2) days of occurring.	\$50 plus cost of cleanup.
16. No silt fencing on construction site when excavation begins.	\$100 initially. After 5 working days, \$30 per day until installed.
17. Construction is abandoned for more than 90 days.	\$25 per day until resumption.
18. Repair or reconstruction is not commenced within 90 days of loss/damage.	\$25 per day until commencement of repair or reconstruction.

Table B – SBOA Fines

Violation	Covenant Reference	Fine
Discharge of firearm within Sunset Bay	Section 8.16	Subject to a fine of up to \$1,000 per occurrence
Parking trailers or vehicles in Clubhouse parking lot in excess of seven (7) days without SBOA board approval	Section 3.06	\$30 per day
Short-term rental in violation of the Covenants	Section 8.24	\$125 per day
Parking of any trailer on property or in driveway without specific SBOA board approval	Section 8.02	\$30 per day
Parking of any vehicle or trailer on the road	Section 8.02	\$30 per day
Violation of architectural rules or non-compliance of covenants by an owner	Section 6.08/ 12.02	\$100 initially. After 5 working days \$30 per day until in compliance.
Obnoxious noises (loud radios, etc.) or obnoxious behavior	Section 8.11	\$100 per occurrence
Dogs not confined on a leash outside an owners lot	Section 8.10	\$30 per occurrence
Dumping trash in any non-owned dumpster	Section 8.11	\$250 per occurrence

TABLE C -- Checklist of Required Submissions for Architectural Plan.

Note: This checklist will be used to evaluate the completeness of property owner's submission for construction.

		See Arch. Guidelines Section	Submission Received	Verified at Completion of Construction
1	One set of architectural plans	4.3	<input type="checkbox"/>	<input type="checkbox"/>
2	Application form (Application for New Construction)	4.2	<input type="checkbox"/>	<input type="checkbox"/>
3	Registered Property Survey	4.3	<input type="checkbox"/>	<input type="checkbox"/>
4	Boundary string-out with house corner stakes	4.3	<input type="checkbox"/>	<input type="checkbox"/>
5	Architectural Drawings - Scale ¼ inch = 1 foot	4.3	<input type="checkbox"/>	<input type="checkbox"/>
6	Site Plan (scale 1 inch = 20 feet) which should include: Section 4.3.1.4	4.3	<input type="checkbox"/>	<input type="checkbox"/>
	Foundation showing house footprint		<input type="checkbox"/>	<input type="checkbox"/>
	Location and identification of HVAC Service Yard Enclosures, Driveways, Walkways, Landscape Features, Grass Lawns, Retaining Walls, Fencing		<input type="checkbox"/>	<input type="checkbox"/>
7	Trees to remain - marked with tape (See also ARC Guidelines Section 4.3.1.5)	4.3	<input type="checkbox"/>	<input type="checkbox"/>
8	Tennessee Department of Environment and Conservation SWPPP and NOI forms	4.3	<input type="checkbox"/>	<input type="checkbox"/>
9	Elevation Drawings (Scale ¼ inch = 1 foot) of all sides, with true slopes and exterior details including basement, showing grade and finish.	4.3	<input type="checkbox"/>	<input type="checkbox"/>
10	Typical wall sections (scale 3/4 inch = 1 foot) showing size, profile, trim details, including windows and doors.	4.3	<input type="checkbox"/>	<input type="checkbox"/>
11	Floor Plans -- footprint per lot location with computation of square footage for each floor	4.3	<input type="checkbox"/>	<input type="checkbox"/>
12	Enclosed heated / air conditioned space square footage, with exact square footage of HVAC living space on each floor. Ceiling heights less than 5' will not be considered living space. A garage with HVAC will not be considered living space.	5.3	<input type="checkbox"/>	<input type="checkbox"/>
13	Roof lines with slopes, asphalt dimensional shingles, and chimneys (if included) with stone, rock or brick.	5.8	<input type="checkbox"/>	<input type="checkbox"/>
14	Foundation appearance above grade with brick, stone, split-face block, and siding that matches that of house.	4.3	<input type="checkbox"/>	<input type="checkbox"/>
15	Decking and staircase plans including materials and colors.	4.3	<input type="checkbox"/>	<input type="checkbox"/>
16	Exterior lighting plan for house, walkways, etc.	6	<input type="checkbox"/>	<input type="checkbox"/>
17	Data & samples of exterior materials with colors for major exterior items.	4.3	<input type="checkbox"/>	<input type="checkbox"/>
	Siding (brick, stone, stucco, etc.)		<input type="checkbox"/>	<input type="checkbox"/>
	Roofing/Shingles		<input type="checkbox"/>	<input type="checkbox"/>
	Driveways, walkways		<input type="checkbox"/>	<input type="checkbox"/>
	Exterior color samples		<input type="checkbox"/>	<input type="checkbox"/>
18	Preliminary Landscape Plan (scale 1 foot = 20 feet) showing all plants, trees, mulch beds, service yard screening/planting, and any lawn ornamentation over 18 inches height. Formal Landscape Plan submitted within 90 days of completion of home.	7	<input type="checkbox"/>	<input type="checkbox"/>
19	TVA approval for shoreline protection (if applicable)	13	<input type="checkbox"/>	<input type="checkbox"/>
20	TVA permit with dock and access details: (if applicable)	15	<input type="checkbox"/>	<input type="checkbox"/>
21	ARC \$500 application fee	18	<input type="checkbox"/>	<input type="checkbox"/>
22	Builder \$2,500 refundable deposit and current license & insurance.	18	<input type="checkbox"/>	<input type="checkbox"/>
23	Property owner \$2,500 refundable Construction Performance Deposit.	18	<input type="checkbox"/>	<input type="checkbox"/>
24	Homeowner / Builder affidavit (see Application for New Construction)	4	<input type="checkbox"/>	<input type="checkbox"/>
25	Adjacent lots- written permission to use and repair from lot owner	19	<input type="checkbox"/>	<input type="checkbox"/>
	ARC Monitor _____	Date		
	Builder _____			

Table D
Sunset Bay Roads

Union County Roads (These roads are maintained by Union County.)	Private Roads/Driveways (These roads are required to be maintained by the Owners of the Lots on which they are located and served. See Covenants Section 3.09)
Anchor Place	Apple Lane
Big Valley Road	Beehive Lane
Brittany Lane (to & including cul-de-sac)	Brittney Lane (beyond cul-de-sac)
Captains Cove	Cardinal Lane
Claude's Nest (to & including cul-de-sac)	Cherrywood Lane
Dove Court	Claude's Nest (beyond cul-de-sac)
Eagle Court	Diamond Lane
Edith Lane	Falcon Crest
Fishers Loop	Garnet Lane
Garfield Lane	Gemstone Lane
Kite Pass	Gillespie Lane
Larayne Hollow Road	Hardwood Lane
Lawrence Trail	Hawk Lane
Leilas Way	Hemlock Lane
Nikki Street	Jade Way
Regina's Point	Magnolia Lane
Ruby Lane	Merlin Way
Russell Brothers Road	Orange Way
Ruth Circle	Osprey Lane
Shainas Place	Paint Rock Way
Sierra Ridge (to & including cul-de-sac)	Sierra Ridge (beyond cul-de-sac)
Sparrow Way	Softwood Lane
Sunny Street	Swan Song Trail (beyond cul-de-sac)
Sunset View	Volunteer Lane
Swan Song Trail (to & including cul-de-sac)	Windy Sails Lane (beyond cul-de-sac)
Windy Sails Lane (to & including cul-de-sac)	Woodside Lane

Table E Guide to the Building Process

1. Work with Realtor or Lot owner in purchasing Lot.
2. Read and understand SSB Covenants and ARC Guidelines.*
3. Purchase Lot.
4. Research House Plans (refer to Sections 5 thru 8 of ARC Guidelines)*
5. Interview Builders referring to **Approved Builders List**.*
6. Sign Contract with Builder.
7. Finalize House Plans with Builder input (refer to Sections 5 thru 8 of ARC Guidelines)*
8. Fill out Complete **Application for New Construction**. (Refer to ARC Guidelines)*
9. Refer to ARC Guidelines Table C, insure all are completed that apply.
10. ARC requires documents be submitted 7 days prior to scheduled meeting.
11. Contact ARC for appointment to meet for approval.
 - A. Both homeowner and Builder must be present.
 - B. Fee must be paid at time of approval. (Refer Section 18. ARC Guidelines)*
 - C. ARC meets on the 1st Monday and 3rd Wednesday of the Month.
 - D. To avoid delays in approval ensure all items in Table C are complete.
12. ARC Guidelines requires home must be complete within 12 Months from start date. The start date is set when excavation starts.
13. Obtain a Certificate of Occupancy (CO) from Union County.
14. Within 90 days after (CO) a landscaping plan must be submitted and work completed within 150 days of issuance of the (CO). (Refer to Section 7 ARC Guidelines)
15. Submit ARC Deposit Refund Request upon final completion of build per ARC Guidelines*

*Available on the Sunset Bay Website (www.sunsetbaypoa.com) under "Building"

Table F Tree Removal Policy

Policy Guidance from Sunset Bay Board of Directors (BOD) to the Architectural Review Committee (ARC) regarding Authorized/Unauthorized Removal of Trees from Sunset Bay owners' lots. Policy established 7/25/2019.

Purpose: The purpose of this document is to establish policy to assist the ARC and all Sunset Bay owners regarding removal of trees from their property.

Related References:

The Architectural Guidelines document (Sections 1.3, 2.4, 4.3.1, 4.3.1.5, 7.6, Table A – Fines)
TVA Declaration of Abandonment of Easement Rights and Restrictive Covenants and Declaration of Restrictive Covenants (Item 6, and Exhibit D)

Statement of Policy:

- Owners shall be able to clear without permission, anywhere on their property, any trees, bushes, etc., whose trunks are less than 6 inches in diameter measured 4 feet from the base. The ARC shall only be concerned with trees larger than this that were taken down without approval. Owners who conduct such clearing shall remove the cuttings from their property, to avoid creating an eyesore or potential fire/safety hazard.
- The Association encourages vacant lot owners to routinely keep their lots clear of such undergrowth, to help keep their lots as presentable and salable as possible, and to avoid problems which can occur if left unmaintained for extended periods of time.
 - Our experience has shown that, after their initial lot purchase, some owners may not check on the condition of their property and/or don't decide to build or sell until years after their initial purchase. Such owners are often surprised by the amount of overgrowth that has occurred on their lot over such a period of time. It is not uncommon for such owners to comment that their lot looks entirely different from when they initially purchased it. This is especially true for non-open-field lots which are not able to be bush-hogged by the Association, or even on open-field lots where rocks, downed trees/limbs, other debris, terrain, or closeness to the shoreline prevents bush-hogging that may occur elsewhere (or previously) on their lots.
 - It is not the Association's intent to prevent such owners from clearing trees/bushes/shoreline growth in an attempt to re-establish the aesthetic conditions which existed at their initial time of purchase. The ARC will work with such owners to approve such efforts to the maximum practical extent possible.

- Restrictions regarding potential Indiana Bat roost trees:
 - The TVA Declaration of Abandonment of Easement Rights and Restrictive Covenants and Declaration of Restrictive Covenants document (the TVA Declaration) applies, specifically paragraph 6 and Exhibit D.
 - Exhibit D provides a listing of the Sunset Bay Lot #'s which are affected by this restriction.
 - Specifically, they are Lot #'s 4, 10, 11, 12, 376, 377, 378, 379, 385, 379B, 379C, 380, 381, 388, 389, 398, 399, 400, 401, 406, 407, 437, 438, 439, 440, 448, 449, 450, 451, 452, 549, 550, 551, 558, 559, 560, 561, 565, 566, 567, 569, 570, 572, 573.
 - The bat roost tree cutting mentioned in Section 2.4 of the Architectural Guidelines document applies only to these lots.
 - Sunset Bay lots other than those listed in the referenced TVA Declaration are not subject to these restrictions.
 - Regarding these restrictions, the ARC shall be responsible for compliance with reporting requirements stated in the TVA Declaration.
- Regardless of tree size or type, owners can expect that the ARC will routinely grant permission for the cutting down and removal of any trees:
 - within the footprint of the home in any ARC approved plan
 - that are close to the home's footprint, driveway, etc.
 - that are dead or clearly dying
 - that present a potential safety hazard to people, homes, roadways, etc.
- The ARC shall require owners to remove such cut down trees and other cut debris from an owner's lot.
 - Cut down trees, etc., shall not be left to rot in place.
 - Trees which have fallen as an act of nature on vacant lots may be left in place, unless they present a hazard, eyesore, Association maintenance, or similar problem, in which case the ARC or the Association may require removal, on a case-by-case basis.
- Replacement of trees following unauthorized tree removal
 - The Architectural Guidelines permits the ARC to require replacement of such trees.
 - This option will only be taken in unusual circumstances and only with the express approval of the BOD.

Application for New Construction

Please complete this form and provide all of the applicable items listed here and in the "Application Procedure and Checklist for Architectural Review." Incomplete submissions will not be acted upon.

Lot #: _____ **Date:** _____ **Start Date:** _____

Street Address: _____

Name of Property Owner: _____

Mailing Address: _____

Phone Number: _____ E Mail address: _____

Name of Contractor: _____

Mailing Address: _____

Phone Number: _____ E Mail address: _____

Footprint Square Footage of House: _____ Heated Square Footage of House: _____

Exterior Colors: (Please indicate specific manufacturer, color name and number and include color sample. Samples will be returned when approved.)

Paint (muted): _____ Brick: _____

Roof: _____ Siding: _____

Exposed foundation: _____ Chimney: _____

Windows & trim: _____ Mailbox: _____

Screening for service yards: _____ Stucco: _____

Driveway: _____ Sidewalk: _____

Patio walls: _____ Decks/gazebos: _____

Fencing: _____ Detached garages: _____

Exterior lighting: _____ Retaining wall: _____

Homeowner /Builder Affidavit: "I have read the Covenants and Architectural Guidelines and agree to abide by such Covenants and restrictions and Architectural Guidelines. No work will commence without approval of the Architectural Review Committee. The contractor has a copy of the Architectural Plan and will build in accordance with the approved Architectural Plan. **No changes** (structural, material or color) to the exterior of the house or garage may be made without submission of an Application for Change or Addition and its approval by the ARC. The contractor must provide an automatically renewable certificate of insurance naming Sunset Bay Owner's Association as an additional insured with a 30 day notice of cancellation. Minimum liability limit is \$1,000,000.

Signature of Property Owner _____ Signatures of Builder _____

Application for Changes or Additions

New Const. Existing Const. Docks Shoreline Protection Lakefront Irrigation

NOTE: Prior to beginning work on the exterior of your property, this form must first be submitted, along with proper supporting paperwork to the ARC Committee for approval.

Lot # _____

Property Owner _____

DOCUMENT CHECKLIST

__ Survey/plot plan __ Specifications
 __ Bldg Plans __ Permit(s)
 __ Elevations __ Photo(s)
 __ Details __ Other

REQUEST FROM

Date: _____

Mr./Mrs.: _____

Property Address: _____

Phone: _____

Residence Address: _____

E Mail Address _____

Brief description of addition, alteration, improvement, new construction, etc.

_____ Continue on back if necessary

CONTRACTOR INFORMATION

Contractor _____

Address _____

Certificate of Insurance _____

License # _____

E Mail Address _____

Homeowner /Builder Affidavit: "I have read the Covenants and Architectural Guidelines and agree to abide by such Covenants and restrictions and Architectural Guidelines. No work will commence without approval of the Architectural Review Committee. The contractor has a copy of the Architectural Plan and will build in accordance with the approved Architectural Plan. **No changes** (structural, material or color) to the exterior of the house or garage may be made without submission of an Application for Change or Addition; approved by the ARC. The contractor must provide an automatically renewable certificate of insurance naming Sunset Bay Owner's Association as an additional insured with a 30-day notice of cancellation. Minimum liability limit is \$1,000,000.

Signature of Property Owner _____

Applicant notified _____

Signature of Builder _____

By ARC Member _____

FOR ARC USE ONLY	
__ APPROVED	__ DISAPPROVED
COMMENTS/SIGNATURES/DATE	

Approvals good for 6 months	

ARC Request for Building Extension

This form must be signed by the builder requesting the extension of current build.

Lot #: _____ Owner: _____

Phone #: _____ Email Address: _____

Street Name: _____

Builder: _____

Phone: _____ Email Address: _____

Build Start Date: _____ Completion Date: _____

Reason for extension:

Extended Completion Date: _____

ARC Member Monitor: _____

Certificate of Occupancy Date: _____

Within 90 days following issuance of the Certificate of Occupancy, a formal landscape plan must be submitted, please refer to the ARC Guidelines, Section 7.

Homeowner/Builder Affidavit: I have read the Covenants and Architectural Guidelines and agree to abide by such Covenants and Restrictions and Architectural Guidelines. No extension will be approved without approval from the ARC Committee.

*Please note that failure of extension completion date is subject to a fine of \$50.00 per day per the Covenants and Architectural Guidelines. Please make every effort to stay in contact with the ARC Board communicating any changes. Thank you.

ARC Board Member: _____

ARC Board Member: _____

ARC Board Member: _____

Builder Signature: _____

Sunset Bay Owners Association ARC Deposit Refund Request

Refunds can only be made upon **final completion** of the project to the party who originally deposited the money and must be approved by the ARC representative.

The ARC will only refund deposits for which there is a clear record of the amount deposited, lot number the deposit is made for, and whom the deposit is made.

Deposit refund will be reduced by the amount of any accumulated fines.

Builder:

Date of request _____

I request the refund of builder security deposit and certify that the project is completed according to the guidelines.

_____ Lot number _____

(Owner or builder who originally deposited the money)

The builder security deposit of \$2,500 was paid by _____ on or about _____.

Owner:

The Construction Performance Deposit of \$2500 was paid by _____ on or about _____.

(Owner who originally deposited the money)

Property owner _____ Lot _____

Builder _____

Address if check is to be mailed: _____

Contact phone number _____

Amount to be refunded: \$ _____

Refund check # _____

Date _____

Approved by ARC member: _____ Date _____