

*Windemere Island*

Architectural Guidelines

&

Architectural Control Committee Policies

WINDEMERE ISLAND  
ARCHITECTURAL GUIDELINES &  
ARCHITECTURAL CONTROL COMMITTEE POLICIES

TABLE OF CONTENTS

I.	Guidelines	Page
	Introductions .....	1
	Design Philosophy.....	1
	Minimum Size .....	1
	Building Setbacks and Lot Coverage .....	2
	Foundations .....	2
	Exterior Materials, Colors and Finishes .....	2
	Doors, Windows and Shutters .....	2
	Roofs .....	3
	Chimneys .....	3
	Antennae .....	3
	Mailboxes .....	4
	Greenhouses .....	4
	Decks and Porches .....	4
	House Numbers and Home Names .....	4
	Parking and Driveways .....	4
	Service Areas .....	4
	Grading, Erosion and Sedimentation Control .....	4
	Landscaping .....	5
	Exterior Lighting .....	6
	Fences and Walls .....	6
	Docks, Piers, Seawalls and Inland Boat Houses .....	6
	Signs .....	7
	Time Limits .....	7
	Utilities .....	7
	Mailbox Design Specifications.....	8
II.	Architectural Control Committee Policies	
	Section 1 - Statement of Principle and Purpose .....	9
	Section 2 - Administration of Architectural Control Committee.....	10
	Section 3 - Plan Submission Procedures .....	11
	Section 4 - Architectural Control Committee Meetings .....	13
	Section 5 - Purpose and Use of Construction Escrow Deposit.....	13

## ARCHITECTURAL GUIDELINES

### INTRODUCTION

Windemere Island is a planned community in which manmade improvements have been designed and installed in a manner in harmony with the natural environment. Care has been taken to respond to natural features and to create Homesites (Lots) which take maximum advantage of the physical features of the development. Architectural Guidelines (sometimes the "Guidelines") were first established and enforced the 27th day of October, 1999, so that similar care will be taken to assure that Homes within Windemere Island will contribute to, rather than detract from, the attractiveness of Windemere Island. These Guidelines have been previously amended this 17th day of November, 2012, 10<sup>th</sup> day of June, 2021 and 16<sup>th</sup> day of March, 2024. During construction these same principles should apply.

Windemere Island is a planned community of single family residences in which no unit of ownership or ownership interest may be subdivided to permit "time sharing" or other "devices" to affect internal or interval ownership. No dwelling unit may be rented for a period of less than six (6) months or for any use other than as a single family residence.

### DESIGN PHILOSOPHY

The Dwelling Units ("Homes" or buildings) in Windemere Island should respond to the environment, the homeowners' needs for comfort, function, and beauty, and the overall plan for the community. The Architectural Guidelines provide basic information which should be used to produce a community with a cohesive identity with varied traditional and harmonious architecture without unduly restricting the designer's interpretation of any Owner's particular need or desires.

### ARCHITECTURAL CONTROL COMMITTEE

In accordance with the Declaration of Covenants, Conditions and Restrictions to be recorded in the Iredell Public Registry, as it may be amended from time to time (the "Declaration"), an Architectural Control Committee (the "Committee") will review all plans for Homes and any other structures to be built in the residential community known as Windemere Island, of which are reflected on the present plat recorded in Plat Book 23, pages 170-172, of the Iredell Public Registry. The purpose of the Committee is not to restrict design freedom or to make design decisions but to ensure that each of the Homes reflect the overall objectives of the entire community and that the unique natural setting of the community is preserved and enhanced. The Committee will attempt to be open minded and receptive to new design ideas and building innovations and to work with Owners and builders to reach a mutually satisfying conclusion.

### BUILDING RESTRICTION

These policies concern all new construction, additions and/or modification of existing Homes, structures and other improvements in the community and any clearing, grading, filling or other alterations to any Lot (herein "Homesite") within the community.

### MAXIMUM HEIGHT

The maximum height for a Home is two and one-half (2 ½) stories above the ground; provided, that the Committee shall have the right, because of steep topography or other reasons, to allow greater heights on rear and side elevations.

### MINIMUM SIZE

The following minimum square footage requirements are for enclosed heated floor area and are exclusive of the area in basements, porches of any type, attached or detached garages, carports, and unheated storage areas, decks or patios:

<u>Type of Structure</u>	<u>Requirements for Minimum Square Feet of Heated and Air Conditioned Living Space</u>
Ranch or One Story House	2,500 on the first floor
Multi-Story Houses	2,800 total with 1,500 on first floor

The "first floor" of a house shall be considered the level of the street side entrance to such home. Only heated and air conditioned living space located on or above the first floor shall be considered in meeting the minimum square footage requirements set forth in this section above. The "basement" of a house (ie. Any portion below first floor) shall not be used in meeting the minimum square footage requirements set forth in this section. (Ref. CCRs section 1.d.)

**BUILDING SETBACKS AND LOCATION**

The location and design of each Home and all other Improvements should be tailored to the specific features of each Homesite. All Improvements should be sited so as to minimize disruption to the existing natural setting, including existing vegetation, drainage ways, and views.

The buildable area of each Homesite is determined by easements and setbacks shown on the subdivision plat as recorded in the Iredell County Registry and the following setbacks, or as indicated in the Iredell zoning regulations:

- |   |         |
|---|---------|
| 1) Front yard                                     | 35 Feet |
| 2) Rear yard                                      | 35 Feet |
| 3) Typical side yard                              | 15 Feet |
| 4) Side yard facing a street                      | 25 Feet |
| 5) From the waters of Lake Norman (ie. 760' line) | 35 Feet |

In addition, the Committee may control the location and orientation of any Home within the area enclosed by the above setbacks. All buildings on the Homesite (Lot) (including any stoops, porches, patios, terraces, decks, etc.) and any recreational improvements shall be approved by the Committee and located within the area enclosed by the above setbacks; provided that docks piers, boatslips and inland boathouses are exempt from this requirement provided they are in conformity with the applicable portions of these Guidelines.

All new home construction must be approved by the ACC before any work takes place. Part of the ACC approval includes insuring harmony and fit of new homes within the community. This includes location and orientation of a home. New homes are to be in line with the homes on either side of them and oriented parallel to the road. In rare instances, home plans may have to be modified to conform.

**FOUNDATIONS**

Foundations must be decoratively finished in an approved color. Exposed concrete block or cast-in-place foundation walls must be covered with an approved exterior material, such as brick, stone, stucco, etc... Slab-on-grade foundations will generally not be permitted except for garages, patios, basements, and porches.

**EXTERIOR MATERIALS, COLORS, AND FINISHES**

Materials and color constitute a dominant visual element of the community and require careful attention. Permitted exterior materials are brick, stone, stucco, shake or horizontal siding if approved by the Committee. Sidings not permitted include metal siding, asbestos siding, exposed decorative plywood siding (such as T-111), any siding run at a diagonal, or any horizontal vinyl siding. Imitation stone or brick-like materials must be approved by the Committee. Aluminum and vinyl fascia and soffit will be considered as trim material. Any exceptions must be approved in writing by the Committee.

The exterior materials and colors used on a Home should blend together to create a harmonious, visual appeal. To this end, samples of proposed exterior materials and colors of paints and stains must be submitted to the Committee for approval. Natural weathering of wood materials is not allowed. Trim colors should not contrast strongly with the exterior wall color.

Foundation colors should blend rather than contrast with the exterior wall color. In general, Homes should not use more than four exterior finish colors (foundation, body of Home, trim, exterior doors). Allowable roofing materials are described in another section of these guidelines. However, the color of the roofing materials selected for the Home must be in keeping with a harmonious, visual appeal.

#### DOORS, WINDOWS, AND SHUTTERS

Doors and windows should be carefully proportioned and located to enhance the exterior appearance of the Home while taking advantage of opportunities for special views, natural light and ventilation. Doors and/or windows should be placed appropriately to break up large blank walls. Window and door frames may have anodized aluminum or other metal finishes, vinyl, or painted or stained wood finishes in colors approved by the Committee. Natural color aluminum is not allowed.

Each Home must have a minimum of two entry doors which shall be hinged.

Windows should generally be the same type and style around the house. Thermal pane windows are preferred. Exterior storm windows will generally not be permitted.

Shutters are encouraged, should fit the shape and proportion of the windows, and, when used, should be located at a minimum on all elevations visible from the street.

All windows and doors shall have caps of soldier course brick, jack arches, wood caps, or other approved decorative treatment and no running bond brick will be permitted over any door or window of any elevation.

#### ROOFS

Roofs and roof pitches should be in proportion to the overall size and shape of the Home. The minimum roof slope is six in twelve (6/12). The main roof should slope equally in both directions from the main peak. Not permitted are flat roofs (which constitute more than 25% of the total roof area), A-frame roofs, dome roofs, "butterfly" roofs, or shed roofs composed of only one plane as an overall roof shape for the majority of the building. Permitted roofing materials are wood shingles, wood shakes, natural or man-made slate, tile, or 280 pound per square minimum weight composition (fiberglass) architectural or dimensional style shingles in variegated (not solid) color. No flat tab shingles will be allowed. As with other items, all specific roof materials must be approved in writing by the Committee prior to the commencement of construction.

Covered porches and other structures on the Homesite (e.g. detached garages, pool houses or other accessory structures permitted by the Committee) should have the same roofing material and color as the main Home. Covered docks may have a different roofing material than the main Home but the color must be the predominate roof color of the main Home.

Copper flashing may be permitted to weather to a natural patina. All other flashing shall be painted to match or blend with the shingle color as approved by the Committee.

Ridge vents are permitted if approved in advance in writing by the Committee. All other vents (including, without limitation, plumbing, exhaust and power vents) will not be permitted on roof areas visible from the street, unless approved in advance by the Committee, and, in any event, shall be as low profile as possible and painted to match or blend with the roof color.

Skylights and operable roof windows may be permitted by the Committee provided that no more than three are located in any one Home and are situated in such a manner that they are located on the sloped surface of the roof and are not installed in the peak or on any vertical surface.

#### CHIMNEYS

Chimneys must have an exterior appearance of being full foundation based. Materials approved by the Committee include brick, stone, stucco or other material approved by the Committee, and of a design, location and material appropriate to the Home. Exposed metal flues are not permitted. All chimney caps should be similar, proportionate in size, decorative and finished in a finish blending with the colors of the Home.

#### ANTENNAE

No television antenna, satellite dish (with the exception of mini-dishes), radio receiver, sender, or other similar device shall be attached to or installed adjoining the exterior portion of any Home or any other structure or located on any Homesite within the community.

For placement of mini satellite dishes (of no greater than 20 inches in diameter) an application must be submitted to the Committee and approved by the Committee prior to installation.

#### MAILBOXES

All mailboxes and newspaper boxes (including supporting posts) shall be of standard color, size, and design as approved by the Committee and may be installed only in a location approved by the Committee. (See drawing at the end of these Guidelines for a complete description.)

#### GREENHOUSES

The use of greenhouse rooms or units as an integral element in the overall design of the Home shall be permitted with the approval of the Committee, but only on a case by case basis. Stand alone greenhouses will not be permitted.

#### DECKS AND PORCHES

Decks and porches should be designed with substantial, well proportioned railings, flooring, and support posts meeting building code requirements. The space below decks should be screened with lattice, shrubbery or other means appropriate to the design of the Home.

#### HOUSE NUMBERS AND HOME NAMES

House numbers must be installed in an easily visible location near the front entrance of the Home as approved by the Committee. Signs displaying business, owners or property names are not permitted.

#### PARKING AND DRIVEWAYS

Each Homesite must have garage capacity for two cars and a maximum capacity for three cars. Off-street parking for at least two additional guest vehicles must also be provided.

Driveways constructed of brick or lightly brushed concrete finished in a natural concrete color are permitted. Exposed aggregate concrete may be permitted with the written approval of the Committee. Unpaved driveways and parking areas are prohibited.

#### SERVICE AREAS

All service areas containing heating or air conditioning apparatus, propane tanks, garbage containers, or other equipment stored outside the Home may not be located within any front yard or side yard facing a street and must be appropriately screened on all sides by landscaping or approved fencing. All such service areas shall be shown on the Plans submitted to the Committee.

#### GRADING AND EROSION AND SEDIMENTATION CONTROL

Plans for any grading, excavation, or filling of Homesites must be approved in writing by the Committee before any site work can begin. During any clearing, grading, and construction activities on a Homesite, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Homesite must be contained within the perimeter of the Homesite. Particular care must be exercised to avoid negative impacts upon Lake Norman.

Grading must be designed as much as possible to conform to the natural site contours. Homesites have generally been located to minimize grading and avoid disruption of natural drainage patterns. Excessive grading should not be necessary and will be viewed as undesirable by the Committee. Final grading should produce gently rounded contours rather than sharp changes in slope and should allow for transition at the head and toes of slopes. Final grading must not result in sharp changes in elevation with adjoining lots. Any retaining walls must be noted on original site plan drawings and approved in advance by the Committee. In general, retaining walls above 5' require engineered drawings (refer to Iredell Co building standards) and may require appropriate landscaping or other features as needed to enhance the aesthetics.

The creation of fill sections to artificially elevate Homes will generally be disallowed. In the event of particularly low-lying Homesites, or in areas where artificial elevation will not adversely affect views from surrounding Homesites, filling to provide elevation may be approved by the Committee.

#### LANDSCAPING

Plans for any landscaping must be approved by the Committee before any site work can begin. Landscaping plans must show topography, all trees larger than four inches (4") in diameter measured four feet (4') from grade at the tree base and their approximate spread and all groupings of smaller trees and shrubs whose spread is more than twenty feet (20') in diameter, and all flowering shrubs and trees.

Whenever possible such trees, shrubs and groupings shall be preserved in site planning. No Owner shall remove or alter any trees or shrubs larger than four inches (4") in diameter measured four feet (4') from grade at the base without the prior approval of the Committee.

All final landscaping plans including (without limitation) all structures, driveways, mailboxes, service yards, terraces, patios, walks, paths, outdoor lighting fixtures, walls, fences, pools, piers, docks, decks, and screens are to be shown on the plans submitted to the Committee prior to occupancy and are subject to approval by the Committee. All landscaping of Homesites must be completed within ninety (90) days of occupancy.

The Owner of each Homesite is responsible for maintaining in a healthy condition all natural and introduced vegetation on the Homesite. Removal of dead, dying or diseased trees and plant material must be done on a regular basis in accordance with the best practices for the plant material involved. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including any areas mulched with pine needles, pine bark nuggets or other such material. The Owner of each unimproved Homesite is not required to remove dead, dying or diseased trees and plant material but is encouraged to do so, especially when roads or adjacent property are endangered. Cut trees, shrubs and undergrowth must be removed from the site.

The fundamental design criterion to be considered in the review and approval of landscaping plans is the need for gardens and lawns to harmonize with the native vegetation, terrain, and natural beauty of the community. Plants native to or traditional in North Carolina are encouraged.

A significant factor will also be the need to preserve wherever possible scenic views of Lake Norman or other prominent natural features. Consequently, evergreen or any other buffer plantings which will, when mature interfere with such

**Commented [HR1]:** Should we speak to cleaning up dead or downed trees/vegetation within view of the roadway on unimproved lots? Allow the community to address it? At no cost to the owner?

views from other Homesites within the community will not be permitted. Such plantings will be considered as walls in excess of the maximum six foot (6') height for such walls and, if planted, and not removed by Owner after reasonable notice, may be removed by the Committee at the expense of the Owner.

Nominal additions to landscape plantings, in general, will not require Committee approval unless they become excessive and do not meet the foregoing criteria, in which case the Committee may require the Owner to modify or remove the additional landscaping. The Committee must approve, in advance, the landscaping materials used by Owners to prevent automobiles and other vehicles from parking or driving on grassed and/or landscaped easements.

When removal of trees and plant material is done by means of burning, the Owner must obtain a burn permit and notify a member of the Board of Directors as to the time and place of the burning. In addition, the Owner must have an adequate supply of water readily available at the site and the fire must be manned at all times until it is completely extinguished.

Statues, lawn ornaments, flag poles, and other decorative lawn features must be approved by the committee before installation.

#### EXTERIOR LIGHTING

Exterior lighting is subject to approval by the Committee. In general, such lighting must not result in excessive glare and must not interfere with the privacy of nearby Homes.

Directional lights (such as flood or spot lights) shall be aimed in such a way that no light from them shines on adjacent properties and shielded in such a way that the directed light from their filaments is not visible from adjacent properties.

#### FENCES AND WALLS

Fences and walls should be considered an extension of the architecture of the residence and a transition of the architectural forms to the natural forms of the Homesite. All fence and wall designs should be compatible with the total surrounding environment. Special consideration should be given to design, placement, impact, and view of the fence or wall from other properties within the community. Fences and walls should be considered as design elements to enclose and define courtyards, pools and other private spaces provide security, and relate building forms to the landscape. They should not be unnecessarily obtrusive. The location, materials, size and design of all fences and walls must be approved in advance in writing by the Committee prior to installation. Chain link fences are specifically prohibited within the community.

No fence or wall shall be erected, placed or maintained on any Homesite nearer to any street fronting such Homesite than the building corner of the main building constructed on such Homesite (with the exception of retaining walls). No fence or wall shall be erected within any of the side setback areas (15 feet) of any homesite, or located within fifty (50) feet of the waters of Lake Norman. Fences and walls shall not exceed six feet (6') in height, unless approved by the committee.

Privacy walls or fences (which totally inhibit visibility), including evergreen or any other planted screens which will have the result of essentially inhibiting visibility, will not be allowed.

The use of retaining walls on Homesites will generally be permitted where such omission would result in excessive slopes, erosion, excessive maintenance or excessive clearing. Any retaining walls must be noted on original drawings and approved in advance by the Committee. Retaining walls visible from streets, from Lake Norman, or from adjoining Homesites must be constructed of or faced with material of a type approved by the Committee and may require landscaping or other features to improve the aesthetics.

#### DOCKS, PIERS, BOATSLIPS, SEAWALLS AND INLAND BOATHOUSES

The Owner of each Homesite in Windemere Island will be permitted to construct one dock or pier, provided that, in



the sole and absolute discretion of the Committee, the Homesite is not located in an area where the narrowness of a cove precludes construction of a dock or pier, and is approved by Iredell County, Duke Power or other governing authority.

The design, color, location, dimensions and materials of docks, piers, boatslips, seawalls and must be approved in advance in writing by the Committee. In general, docks and piers should be centered on the shoreline between the property corners. It is the Owner's responsibility to obtain any permits or approvals required from Duke Energy Lake Services or its successor.

Generally, any waterfront improvement should have a low profile (no greater than 5/12 pitch) and open design to minimize obstruction of neighbors' views. Enclosed or two-story docks will generally not be allowed. Shade or roof structures upon a dock, pier or boatslip will be permitted only if approved in writing by the Committee.

Commented [HR2]: Do we still agree with this?

Docks, piers, boatslips, seawalls should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The use of rip-rap, bulkheading or other shoreline stabilization methods or materials may not be initiated without approval by the Committee. The point of access of a dock, pier, boatslip or inland boathouse and any site disturbance or clearing associated with its placement or construction must be submitted to the Committee for approval along with the final Plans.

Docks, piers, boatslips, seawalls must be constructed of new materials, and must be compatible in style with the other Improvements on the Homesite, the Homesite width on the lake side, the shoreline configuration and vegetation massing. Metal docks and ramps will not be permitted.

#### SIGNS

Except during periods where approved construction activities are underway, no sign shall be placed, erected, maintained or permitted to remain on any Homesite except as expressly approved in writing by the Committee. Temporary political signs, not exceeding five square feet, are exempt from this from this requirement and must be promptly removed after election day.

No signs are permitted at the street except approved lot number signs with or without the approved for sale sign attachment and the construction sign as described in *II. Architectural Control Committee - Policies, Section 1 - Statement of Principles and Purpose, Section 1.5.1(d) (page 11)*. One for sale sign per lot may be placed at the waterline, without approval. The sign may be no larger than the standard realtor-size sign of 18" x 24".

#### TIME LIMITS

Any construction, once approved and undertaken, shall be completed within eighteen (18) months of the date of commencement unless a written extension of time is granted by the Committee.

All landscaping shall be completed within ninety (90) days of occupancy of any Home within Windemere Island.

#### UTILITIES

Windemere Island is served by public utility companies for electricity, water and sewer. Each Owner is responsible to arrange and pay for installation with the various companies. The Committee will supply Owner with a list of utility companies and service providers upon request by Owner.



# IMPERIAL MAILBOX SYSTEMS

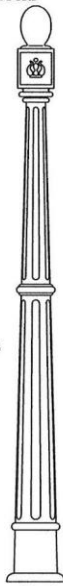
## "IMPERIAL SERIES" CAST ALUMINUM MAILBOX SYSTEMS COMPONENT SHEET

Mailbox Posts

Mailboxes

### 310K-6

Post 3  
Box 0 with Ring  
Number Plate 1  
with 2" brass numbers  
Newspaper box (6x6)  
Scroll Support Brace



Post 1

Post 3

APPROVED MAILBOX DESIGN

Windemere POA  
and  
Windemere Island POA

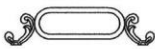
Available online and from:

Hoke Lumber  
347 Jetton Street  
Davidson NC 28036  
704-892-4841

Carolina Mailboxes  
9535 Monroe Road #130  
Charlotte NC 28270  
704-845-0850

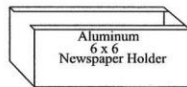
Mailbox Accessories

Number Plate



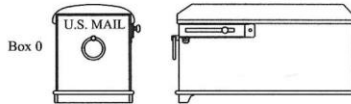
1

Scroll Support  
Brace



Aluminum  
6 x 6  
Newspaper Holder

color = black



Box 0

ALL MAILBOXES EQUIPPED WITH  
RING PULL FOR FRONT DOOR

800-647-0777

FAX: 334-285-6635

[www.imperialmailboxsystems.com](http://www.imperialmailboxsystems.com)

## ARCHITECTURAL CONTROL COMMITTEE

### POLICIES

#### SECTION 1 - STATEMENT OF PRINCIPLES AND PURPOSE

Section 1.1. A great deal of effort was given to the master planning of Windemere Island to ensure a thoughtful and high quality lake front community development. A major concern in the planning is the integration of development with its immediate environment. Water's Edge Properties, LLC (the "Developer") believed that man made improvements should, as much as possible, blend with nature rather than stand in stark contrast with it. The result is a development more pleasing to the eye and a more attractive community in which to live.

Section 1.2. In order to assure that these objectives are achieved and to assure a continuity of physical development, the Developer has declared a Declaration of Covenants, Conditions and Restrictions dated October 27, 1999, recorded in the Iredell Public Registry (the "Declaration"). Article VII of the Declaration establishes the Architectural Control Committee (the "Committee") and sets forth its jurisdiction, powers, obligations and the rules and regulations under which it will conduct its review of proposed improvements to the Homesite (referred to as Lots in the Declaration) within Windemere Island. Any statements contained in this document are to condense, amplify or clarify provisions of the Declaration and the procedures set forth herein may be amended by the Board of Directors of Windemere Island Property Owners Association, Inc. (the "Association"). In the event of a conflict, the Declaration's provisions will prevail.

Section 1.3. The applicant is urged to carefully review all provisions of the Declarations for Windemere Island and Windemere prior to submitting an application to the Committee.

Section 1.4. The Committee has been established for the purpose of defining aesthetic standards of construction in Windemere Island and examining and approving or disapproving any and all proposed improvements (sometimes referred to herein as the "Improvements") for a Homesite within Windemere Island, including but not limited to: Homes, garages, outbuildings or any other buildings, construction or installation of sidewalks, boardwalks, piers, docks and decks, boathouses, driveways, parking lots, patios, courtyards, swimming pools, tennis courts, greenhouses, awnings, walls, fences, bulkheads, exterior lights; and any exterior addition, modification or remodeling to or change or alteration to existing structures, including (without limitation) the painting or staining of any exterior surface.

Committee approval must be obtained for dredging and fill operations, shaping of land areas and drainage, as well as removal of any tree more than four (4) inches in diameter, measured at a height of four (4) feet from its base.

Section 1.5. The following requirements shall apply to all builders involved in construction at Windemere Island, their employees, and their subcontractors, and to any person who visits a Homesite (also described hereinafter as a "Lot") in Windemere Island.

1. General:
  - (a) All activity by the builder shall be restricted to the Lot on which he or she is building.
  - (b) Delivery and storage of materials shall be confined to the building Lot only.
  - (c) Existing vegetation shall not be disturbed except as approved where necessary to construct the Home, driveway, and utilities.
  - (d) A sign, with a maximum area of six (6) square feet, indicating Lot number, property Owner, and general contractor, should be put up for the Building Inspector and supply companies.
2. Before Beginning Construction and After Approval of Plans:
  - (a) Building contractors shall locate a temporary driveway of gravel in the same location as the future permanent driveway to ensure that ingress and egress are within the building Lot only. This temporary driveway

shall be maintained and replenished, as necessary, to maintain road edge integrity and to prevent soil transfer to the road. There shall be no traffic, vehicular or pedestrian, on adjacent Lots.

(b) Building contractors shall arrange for a suitable container for waste building materials and trash to be placed on the Lot in an approved or existing clearing without damage to existing plant materials required or designated to remain.

3. During Construction:

(a) Building contractors and subcontractors shall be responsible for the condition of adjoining roads and roadsides.

(b) Builder shall be responsible for regular clean up of the Homesite. Scrap and trash too large to be put in the container shall be removed from the Homesite on a weekly basis.

(c) There shall be a weekly clean up and stacking of the building materials by the builder.

(d) Burning of construction debris is prohibited.

4. At the End of Construction:

The Homesite shall be completely cleaned at end of construction and/or when the building inspector gives occupancy permit, whichever is earlier. Any damage to Lots in the immediate vicinity or common areas must be repaired and returned to their original condition prior to the commencement of construction no later than ninety (90) days from the occupancy permit.

SECTION 2 - ADMINISTRATION OF ARCHITECTURAL CONTROL COMMITTEE

Section 2.1. The Board of Directors (the "Board") of the Association shall establish the Committee which shall consist initially of a minimum of three (3) members.

Section 2.1.1. The regular term of office for each member shall be one (1) year, coinciding with the fiscal year of the Association. 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.

Section 2.1.2. The Committee shall elect a Chairman and he or she, or in his or her absence, the Vice Chairman, shall be the presiding officer at its meetings.

Section 2.1.3. The Committee shall initially meet monthly, as well as upon call of the Chairman. All meetings shall be held at a place designated by the Chairman. The Committee shall obtain Board approval to retain the services of consulting architects, landscape architects, designers, engineers, inspectors, and/or attorneys in order to advise and assist the Committee in performing its functions set forth herein. The Association shall pay all costs incurred by the Committee (including, without limitation, the cost of the services mentioned in the previous sentence) in performing its duties.

Section 2.1.4. The Architectural Control Committee has established the following procedure to deal with violations of the Declaration and/or Guidelines:

A. The Committee will:

1. Make one attempt with a letter to the Owner that:

(a) Informs the Owner of the infraction, the amount of fine, if any, and sets forth a time limit of 30 days for compliance (or a maximum of 120 days, at the Committee's discretion, for major projects);

(b) States that should the property not be brought into compliance within the allotted time frame, the association will either:

(i.) Take action itself (as already provided for in the Guidelines) to correct the infraction, if possible (i.e., contracting for the removal of an oversized for sale sign at the waterline) and bill the cost to the Owner;

(ii.) In the case of a construction related violation for which the Committee deems it appropriate to make an exception, the Committee will determine a reasonable amount and assess a penalty against the Owner. Every effort will be made to notify Owner as soon as a violation is noted;

(iii.) Turn the matter over to the Association's attorney for appropriate legal action.

B. If the Committee determines that a violation has occurred, the Owner continues to fail to make the correction or submit the appropriate application for approval along with payment of the appropriate application fee, and the Committee chooses not to undertake making the correction itself, the matter will be turned over to the Association's attorney, who will:

1. Write one letter giving the Owner a last opportunity to comply. The letter will set forth a final time limit for compliance and payment of fees (same as above: minimum of 30 days, maximum of 120 days), as determined by the Committee, and if compliance is still not forthcoming, the Association's attorney will file suit or take such other legal action as is appropriate.

### SECTION 3 - PLAN SUBMISSION PROCEDURES

Section 3.1. Prior to commencing any construction or other work, three (3) sets of all plans, a fee of \$120.00, and a completed application form (to be provided to the applicant by the Committee or the Administrator) must be submitted to the Committee. Two sets of plans must be at 1/4 inch = 1 foot. One set of plans must be in an electronic (pdf) format.

Section 3.1.1. Plans must be submitted at least two (2) weeks prior to the scheduled Committee meeting to allow the Committee enough time for a thorough review.

Section 3.1.2. Plans must be submitted to the residence of the Windemere Island ACC Committee Chairperson.

Section 3.1.3. A Construction Escrow Deposit (the "Deposit"), as set by the Committee as of the date the Plans are submitted, shall be submitted with the Plans. The Deposit should be by check payable to the Association. The Deposit will be held and used for the purpose and uses set forth in Section 5 of these Guidelines. The schedule of Deposits and Fees is as follows:

<b>Application for Site Work</b>	
Application fee	\$30.
<b>Application for Modifications/Additions</b>	
<i>(includes dock, if it is constructed before or after home construction)</i>	
Application fee	\$30.
<b>Application for Construction</b>	
<i>(includes dock, if its construction performed in conjunction with home)</i>	
Application fee	\$120.
Refundable construction deposit	\$4,000.

**There will be a penalty of up to \$2,500 when any work is performed without Committee approval.**

Section 3.1.4. All fees and deposits shall be paid by Owner.

Section 3.2. At the discretion of the applicant, an artist's rendition or a schematic rendering of a proposed improvement may be submitted to the Committee, in order to determine suitability of a particular style or design for construction in Windemere Island. The Committee 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 Committee'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.

Section 3.3. Final Plans must include a site plan. All site plans should be submitted in consistent scale. Unless otherwise impractical, the scale should be 1/8 inch = 1 foot for all submissions. Site plans must depict:

- (a) Access to streets and walkways, drives, boardwalks, piers, docks and other exterior improvements.
- (b) Grading drainage plan showing existing and finished elevations.
- (c) Fill plan, if any (indicating run-off and tree preservation method).
- (d) Foundation plan.
- (e) Exterior lighting plan (due thirty [30] days prior to installation).
- (f) Location of service yards (propane tanks, HVAC equipment, etc.).
- (g) For that portion of the lot which is fifteen (15) feet outside the foundation perimeter, the location of all trees four (4) inches or larger in diameter at a point four (4) feet above ground which are to be removed.
- (h) Location of contractor's I.D. sign and portable outdoor toilet facilities, and temporary power pole.

Section 3.3.2. The Architectural Drawings to be submitted shall include:

- (a) Total enclosed heated/air conditioned square footage (stated by floor in case of multi-floored residences).
- (b) Floor plans, including an exact computation of the square footage of each floor and drawn to scale with ¼ inch = 1 foot.
- (c) Elevation drawings - all sides - Indicate existing grade, fill and finished floor elevation (include treatment of Home from grade to floor in elevated homes).
- (d) Detailed drawings of:
  - (i) Typical wall section.
  - (ii) Patio wall section if appropriate.
  - (iii) Other features desirable for clarification - for example: exterior walls, screens, pools, piers, docks, etc.
- (e) All Architectural Drawings must contain a seal by a professional engineer or licensed architect registered in North Carolina or as required by Iredell County.

Section 3.3.3. Each application submitted shall include materials with samples of exterior materials including shingles, fascia, soffit, siding; and colors and samples must be submitted at the time final Plans for construction are submitted to the Committee.

Section 3.4. Any submission that does not include all plans, materials, applications, and other items as required by this Section 3 will be rejected by the Committee and will not be placed on the agenda until all requirements have been met.

Section 3.4.1. To receive consideration, rejected submissions must be resubmitted seven (7) days in advance of the next meeting of the Committee.

#### SECTION 4 - ARCHITECTURAL CONTROL COMMITTEE MEETINGS

Section 4.1. Initially, the Committee will conduct regular monthly meetings on the second Saturday of each month, or as designated by the Chairman.

Section 4.2. All members of the Committee shall be notified in writing, at least five (5) days prior to a scheduled meeting. The notification will contain an agenda for the meeting.

Section 4.3. The Committee may conduct special meetings, upon five (5) days' written notification of date, time, and place, from the Chairman.

Section 4.4. The two (2) week advance submission requirement may be waived, for Plans submitted to special meetings, upon approval of the Chairman.

Section 4.5. The quorum requirement will have been met if three (3) members of the Committee are in attendance at any regular or special meeting.

Section 4.6. Resolutions, approvals and disapprovals of the Committee may be passed only upon majority vote of those present in person or by proxy. Proxies will not qualify to meet the quorum requirements of Section 4.5. hereinabove.

Section 4.6.1. For the purpose of passing a resolution, the Chairman may propose resolutions and vote on any resolutions.

Section 4.6.2. All decisions of the Committee will be final.

Section 4.6.3. Applicants will be notified, in writing, of all decisions of the Committee. Oral representations of any decisions will not be valid and will not represent decisions of the Committee.

Section 4.6.4. Applicants may have returned to them a copy of the Plans reviewed by the Committee with appropriate markings to amplify Committee comments or recommendations. Markings on plans so received will not bind the Committee to any design indicated therein but are offered only as advisory comments.

Section 4.6.5. One set of plans received will be retained by the Committee as part of its permanent records. Color and materials samples will be retained until the end of construction.

Section 4.6.6. Special visual aids such as models, slides, etc., may be reclaimed by the applicant at the end of construction.

#### SECTION 5 - PURPOSE AND USE OF CONSTRUCTION ESCROW DEPOSIT

Section 5.1. The Deposit, if any, required in Section 3.1.3 above shall be deposited by the Committee in an account established by the Board or the Committee. The Deposit may thereafter be used by the Committee for any of the following purposes:

(a) To pay for the cost to repair any damage to the streets and roads or Common Areas caused by an Owner or an Owner's builder or subcontractors not repaired by the responsible Owner, such Owner's builder or subcontractor.

(b) To complete any landscaping shown on Plans for a Lot which has not been completed within six (6) months after completion of the Home on such Lot.

(c) To pay for the cost of completing any Improvements so that they are in accordance with the approved Plans, if Owner fails so to complete such Improvements.

(d) To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by an Owner in violation of these Guidelines.

(e) To reimburse the Association for its cost of cleaning up any significant amount of dirt, cement, etc., left by an Owner on any street if the same was not immediately removed by the Owner.

(f) To pay for the cost of enforcing any of Owner's other obligations under these guidelines.

Section 5.2. Except for the reimbursements described in Section 5.1 above, the Committee shall give an Owner prior notice that it intends to use the Owner's Deposit for a particular purpose. The Owner shall thereafter have five (5) days from the date of the notice to repair the damage, complete the landscaping or Improvements, or otherwise perform the work for which the Committee intended to use the Owner's Deposit, or, if the work cannot be completed during that time, to begin the work and thereafter diligently pursue it to completion. If the Owner, upon receipt of the notice, shall fail to perform the work, then the Committee shall thereafter be free to perform it and to use the Owner's Deposit to pay for the cost thereof. Upon the completion of Improvements and when all work has been completed by either the responsible Owner or the Committee, the Committee shall return to the Owner any unused portion of the Owner's Deposit.

Section 5.3. In the event the Committee expends sums on the Owner's behalf as provided above in excess of the Owner's Deposit, the Owner shall pay the excess to the Committee within twenty (20) days of notice thereof. In the event no Deposit has been required by the Committee, the Committee shall have the authority to expend money for the purposes set forth in this Section 5 and to charge the Owner for all expenditures with respect thereto.