



Aesthetics And Environmental Control Committee (AECC)
Guidelines For Property Improvement and
New Construction
For the Powder Horn Mountain Development

As Approved by the Powder Horn Mountain Property Owners Association, Inc.
Board of Directors on May 12, 2012
(Revised and Approved August 27, 2020)

The following six (6) documents constitute an official and binding supplement to the Powder Horn Mountain Restrictive Covenants and By-Laws as referenced therein.



Guidelines For Obtaining a Permit for New Construction or Major Exterior Renovations

**Powder Horn Mountain Property Owner's Association (POA)
Aesthetics and Environmental Control Committee (AECC)**

This form is to be used as a guide in preparing for new construction activity on your lot by outlining the information that must be submitted to the AECC. If you have questions or need additional guidance, please contact the Powder Horn Mountain POA Office at phmpoa@powderhornmountain.com or 828-264-2072.

A Powder Horn Mountain Owners Association Construction Permit Must Be Obtained BEFORE Any Construction Activity May Begin on Your Lot. Construction Activity is defined as any alteration of your lot, including but not limited to: clearing of lot, building of houses, decks, additions or modifications thereto, major landscaping that requires moving earth, driveway and parking area modifications, major external repairs or renovations, including painting, staining, and roof replacement. **A Powder Horn Mountain POA Construction Permit is required in addition to any permits that are required by Watauga County.**

The decision to issue a PHM Construction Permit is at the discretion of the PHM Aesthetics and Environmental Control Committee (AECC) and the POA Board of Directors as defined in the PHM Restrictive Covenants and By-Laws. Please allow seven to ten days from submittal for the initial review of your Construction Permit Application and up to thirty days for final review of new construction or major renovation projects.

Steps To Follow To Obtain A PHM POA Construction Permit:

1. Obtain the Construction Packet from the POA Office, which includes this document, the Building Regulations, the Construction Permit Application, and the Construction Agreement. Also obtain a current copy of the PHM POA Restrictive Covenants.
2. After reviewing the aforementioned documents, prepare, assemble, and submit the Construction Permit Application and the Construction Agreement along with a copy of the construction drawings and specifications of the project to the POA Office (or the AECC Chairperson).
3. The AECC will review the Application and, if it conforms to the Building Regulations and is in keeping with the intents of the Restrictive Covenants
4. If the AECC denies an Application, the AECC shall prepare a written statement of reason with suggestions for changes to the project, such that, if these changes were made the AECC would then recommend approval to the POA Board of Directors.
5. If the AECC denies an Application, and the suggestions for changes to the project are not acceptable to the owner, the owner may appeal in person at a meeting of the POA Board of Directors. A member of the AECC will be present to explain the Committee's decision. The Board of Directors will render a final decision on the application.



Building Regulations

Powder Horn Mountain Property Owner's Association (POA)

Aesthetics and Environmental Control Committee (AECC)

Carefully review these regulations and the Powder Horn Mountain Restrictive Covenants prior to submitting a Basic Application for Property Improvement (PIR) or an Application for a PHM Construction Permit. If you have questions or need additional guidance, please contact the Powder Horn Mountain POA Office at phmpoa@powderhornmountain.com or 828-264-2072.

These regulations apply to Construction Activity on Powder Horn Mountain or Powder Horn Estates and are in addition to those of Watauga County and the North Carolina State Residential Building Code.

Definitions:

Lot – The term “LOT” for the purposes of these regulations shall mean the entire area of one or more platted lots for which one annual association membership is paid.

Building Regulations:

1. Lots are limited to single family residential use, except as noted in the Restrictive Covenants, Section II, and paragraph 3.
2. Manufactured (mobile) homes or hybrids thereof and modular homes are prohibited on Powder Horn Mountain.
3. Proposed structures located in the Powder Horn Mountain and Powder Horn Estates subdivisions are limited to two (2) stories plus a basement and shall have a minimum heated living area within the perimeter of the foundation walls as follows:
 - a. Powder Horn Mountain – fourteen hundred (1,400) heated or finished square feet for a single-story dwelling or eight hundred eighty (880) square feet on the main floor and fourteen hundred (1,400) square feet total for a two-story dwelling.
 - b. Powder Horn Estates – sixteen hundred (1,600) heated or finished square feet for a single-story dwelling or one thousand (1,000) square feet on the main floor and sixteen hundred (1,600) square feet total for a two-story dwelling. There is no minimum size for guest houses.
4. Minimum setbacks are ten (10) feet on each side and rear boundary and twenty-five (25) feet from the front property line boundary, except that roof overhangs may project two (2) feet horizontally into a restricted area such as front, rear, or side setbacks. Variance requests for setbacks may be granted by the Powder Horn Mountain POA Board for topographic, septic, or other valid technical related reasons on a case by case basis.
5. Exterior, unroofed, substantially impermeable paved areas shall not cover more than ten percent (10%) of the lot area.
6. Except for porches and decks, a structure’s exterior foundation walls must be built on a continuous reinforced concrete footing with concrete block, brick, stone masonry, poured concrete or engineered walls no more than forty-eight (48) inches above the highest lot grade. Variance requests for pedestal foundation construction may be granted by the Powder Horn Mountain POA Board for topographic, septic, or other valid technical related reasons on a case by case basis.
7. Exterior concrete or concrete block wall surfaces must be covered from view by stucco or other AECC approved materials.
8. Enclosed structures on pole supports or pedestal foundations must have floor framing, plumbing, etc. concealed from view with AECC approved structural materials.
9. Exterior finish materials shall be wood or other wood appearance materials as approved by the AECC upon submission of samples.

10. Colors used on exposed-to-view exterior surfaces, including roofs, are subject to AECC approval upon submission of samples. Muted, earth tone colors (e.g. browns, greens, tans, etc.) are required for both roofing and exterior wall and trim surfaces. No white colored or white painted soffit or fascia trim, major house trim components, railings, gutters, or downspouts are permitted.
11. The main roof structure shall be a minimum 6/12 pitch (6 inches vertical of rise for each 12 inches of horizontal extension), except for gambrel design roofs, which may have a lesser pitch for the top panels. Porch roofs and deck covers may be of a lesser pitch as approved on a case-by-case basis by the AECC.
12. Roof materials on exposed-to-view- surfaces shall be composition shingles with a minimum 30-year manufacturer's warranty, or such other material as may be approved by the AECC upon submission of samples or published specification material.
13. Standalone security lights shall not be installed without prior approval of the AECC. All outdoor lighting shall be installed in accordance with the Exterior Lighting Guidelines contained within this packet.
14. The Property Owner and/or Contractor shall coordinate timing and location for tap-on with Carolina Water Service where needed. The Property Owner is responsible for any fees charged by Carolina Water Service for tap-on.
15. The Property Owner is responsible for the Contractor complying with the Powder Horn Mountain Building Regulations.
16. Galvanized or other non-corroding nails, screws or other fasteners shall be used with any exterior wood materials.
17. All exposed-to-weather decks, railings, porches, etc. will be constructed of pressure treated lumber or other weather resistant wood composite/engineered materials. Support foundation posts will be pressure treated lumber.
18. Each lot must have off-street parking for at least two (2) standard size autos.
19. Fuel tanks shall be either buried underground or concealed from view by AECC approved screening materials in accordance with the Declaration of Restrictive Covenants.
20. Property boundary fences shall be open or semi-open construction (2" minimum open spacing required) and not be more than five (5) feet high and must be made of wood or wood look ornamental picket, framed lattice (2" minimum lattice opening required), or rustic post and rail fence construction. Property boundary fencing must not obstruct the view for vehicular street traffic. Small screening fences for utilities and exterior mechanicals may be of solid construction up to six (6) feet in height. Wire backing for open construction fencing should not extend above the top rail or other horizontal support member and have a wire weave opening of two (2) inches by four (4) inches or greater and should be galvanized steel or have a color that minimizes its visibility. Fences may be stained or painted with clear or other neutral earth tone colors. The use of white or other bright or bold colors shall not be permitted.
21. All exterior construction work must be completed within a reasonable time period, but not to exceed one (1) year unless otherwise approved by the AECC.
22. When a Powder Horn Mountain Construction Permit contains an element(s) requiring variance approval by the Powder Horn Mountain Board of Directors, such Board approval must be in place prior to final approval by the AECC Committee.



Accessory Outbuildings and Detached Garages

Powder Horn Mountain Property Owner's Association (POA)

Aesthetics and Environmental Control Committee (AECC)

The AECC has officially adopted the following guidelines dealing with Accessory Outbuildings and Detached Garages to clarify the Restrictive Covenant governing such structures. If you have questions or need additional guidance, please contact the Powder Horn Mountain POA Office at phmpoa@powderhornmountain.com or 828-264-2072.

Article III. Residential Restrictions

2. *Accessory Outbuildings and Detached Garages.* No accessory outbuilding, detached storage shed, barn, detached garage or other outbuilding structure shall be placed, erected, or installed on any lot without the prior written approval of the AECC. In addition, no open-air carport shall be permitted unless it is attached to the dwelling and approved in advance by the AECC. Prefabricated carports of any material and prefabricated metal outbuildings of any type are not permitted. The AECC is hereby authorized to establish architectural, aesthetic and landscaping requirements for all garages, carports and outbuildings. In addition, the AECC is authorized to establish location, set-back and screening requirements for all outbuildings of any type. Children's gym sets and playhouses are not considered to be accessory outbuildings but must be approved by the AECC and must meet aesthetic requirements established by the AECC.

Consistent with the above covenant, the Aesthetics and Environmental Control Committee (AECC) and Powder Horn Mountain Property Owners' Association, Inc Board of Directors hereby adopt the following guidelines for all accessory outbuildings and detached garages:

1. Prior to construction or installation of an accessory outbuilding or detached garage, an Application for Construction Agreement and all related documents must be submitted to the AECC for consideration and possible approval. Not all lots in Powder Horn Mountain may be of the topography, size and shape to permit the construction or installation of an accessory outbuilding or detached garage, and the AECC reserves the right to reject the application where the AECC, in its sole discretion, determines that it would be inappropriate to construct or install an accessory outbuilding or garage on the lot or lots in question. All decisions of the AECC in this regard may be appealed to the Board of Directors of the Association at their next regular scheduled meeting.
2. Accessory outbuildings and detached garages must be constructed of materials, roofing and exterior paint or stain that substantially matches or is aesthetically compatible with the dwelling. Aesthetic and architectural requirements and rules for dwellings are also applicable to accessory outbuildings and detached garages. In no case can either of them exceed the height of the primary dwelling.
3. Accessory outbuildings shall be limited in size to a maximum of 200 square feet. Detached garages shall be constructed in proportion to the primary dwelling and the footprint shall not exceed the lesser of 900 square feet or 75% of the footprint of the primary dwelling. Basement and/or loft space within the vertical confines of the foundation perimeter are not included as part of the square footage calculation for the footprint of the structure.
4. Properties shall be limited to a single accessory outbuilding or detached garage.
5. The precise location of the accessory outbuilding or detached garage must be approved by the AECC in advance of construction. All such structures must comply with minimum setback requirements (10' from each side and the rear boundary, 25' from the front property line). The AECC may condition approval of the structure by requiring that it be placed in a specific location on the lot and by requiring additional landscaping or other screening of the structure. No accessory outbuilding or detached garage may be placed inside or partially inside any easement. Whenever possible, the accessory outbuilding will be placed in a location that accommodates screening the outbuilding from public view.
6. No accessory outbuilding or detached garage may be used for human habitation.
7. No accessory outbuilding or detached garage may be constructed prior to the time that a primary residence has been constructed on the lot or combination of lots.
8. Accessory outbuildings and detached garages must be maintained to comply with aesthetic standards. In the event of damage due to fire, wind, floor or any other cause or act of God, the structure must be promptly repaired, rebuilt or removed from the lot within six months of the occurrence of the deterioration, damage or destruction.



Exterior Lighting Regulations

Powder Horn Mountain Property Owner's Association (POA)

Aesthetics and Environmental Control Committee (AECC)

Please complete and submit a Basic Application for Property Improvement Request (PIR) prior to installing any new security lights on Powder Horn Mountain. All newly installed exterior lighting shall be installed per the following requirements. If you have questions or need additional guidance, please contact the Powder Horn Mountain POA Office at phmpoa@powderhornmountain.com or 828-264-2072.

Outdoor Lighting General Requirements

All outdoor lighting shall be installed such that it does not create light trespass onto neighboring properties and shall provide a means of either manual or automatic shut off when not needed.

Outdoor Lighting Specific Requirements

1. All outdoor lighting will be full cut-off or shielded and on motion sensors or timers.
2. Lighting attached to single-family home structures should not exceed the height of the eaves.
3. Lighting for stairs and ramps, should be the lowest possible voltage to meet the building code requirements.
4. Signs are regulated by the sign code, but all signs are recommended to fully shielded.
5. Low voltage landscape lighting should be shielded in such a way as to eliminate glare.
6. Residential freestanding security lights must be approved by the AECC Committee prior to their installation and shall be hooded or shielded in such a manner that light emitted is cast downward rather than upward and/or horizontally (full cutoff).

This document does not address interior light that may emanate from within a residence or other buildings from windows, skylights, and other glazed surfaces. Nevertheless, residents are encouraged to comply with the spirit of minimalizing visible light through the use of shades and judicious placement of interior lights.



Basic Application for Property Improvement Project Request (PIR)

Powder Horn Mountain Property Owner's Association (POA)

Aesthetics and Environmental Control Committee (AECC)

This form shall be completed in full and submitted to the AECC via the POA Office for approval of ALL PROJECTS that affect the exterior appearance of a home or lot PRIOR TO THE BEGINNING of any improvement activity.

- Construction projects shall be completed within 12 months of AECC approval date.
- Tree removal projects shall be completed within 6 months of AECC approval date.
- Projects not completed by the expiration date must be reviewed and the approval renewed by the AECC.

Project for which approval is sought: (select box(es) that most closely match project scope)

Construction of a new residence Major addition to an existing residence
 Other major exterior modifications or repairs

For any of the above items, Owners shall obtain a Construction Packet from the POA Office and submit the Application for Construction Permit and the Construction Agreement, along with two sets of drawings and specifications for the project to the AECC for review and approval prior to the start of construction.

Construction Sign
 Driveway/lot drainage modifications (Provide description or sketch on back or attach).
 Fence (Provide description and sketch on back or attach)
 Paint/stain exterior (Provide color samples, even if same as existing)
 Roofing replacement (Provide color samples)
 Security Lighting (See Exterior Lighting Guidelines)
 Tree removal _____ # of trees (Mark tree(s) with ribbons and provide sketch on back or attach.)
 Tree pruning _____ # of trees (Mark tree(s) with ribbons and provide sketch on back or attach.)
 Utilities addition or upgrade (ex: satellite dish, electric, telephone, fuel tank, trash cans)
 Other (Provide description or sketch on back or attach)

Property Owner(s): _____

Phone #: _____

Address #: _____

Lot #: _____

Email: _____ Date AECC can review project with you: _____

Owner Signature: _____

This space for POA Office, AECC and PHM Board use.

Date PIR Received: _____

Project Reviewed By: _____

Date: _____

AECC Review Date: _____

Matter#: _____

AECC Recommendation: Approve Deny (see attached explanation for denial reason)

AECC Committee Initials: _____

AECC Chairperson Signature: _____

Follow-up Needed No Yes Follow-up Date: _____

POA Board Action: Approve Deny for Appeal or Variance Requests Only (attach explanation for denial)

POA Board Signature/Title: _____ Date: _____

Owner Called: _____ Copy Sent: _____ Copy to Gate: _____



Construction Agreement

Powder Horn Mountain Property Owner's Association (POA)

Aesthetics and Environmental Control Committee (AECC)

This form is to be filled out and submitted along with all required materials and the Application for Construction Permit to the POA office **prior to the beginning of any construction activity**. If you have questions or need additional guidance, please contact the Powder Horn Mountain POA Office at phmpoa@powderhornmountain.com or 828-264-2072.

This document constitutes an agreement between Property Owner(s) _____ of Lot(s) _____ Contractor: _____ and the Powder Horn Mountain Property Owner's Association Inc. (POA) for certain construction on Powder Horn Mountain in accordance with the Powder Horn Mountain Building Regulations and the legally binding Declaration of Restrictive Covenants for each lot referred to in the warranty deed and recorded in the Watauga County Register of Deeds Office.

All parties, by signing this document, agree to abide by the following:

1. The Property Owner and/or Contractor will obtain any and all necessary building and septic permits required by Watauga County and/or the State of North Carolina and will comply with the same.
2. The Property Owner and Contractor will abide by the Powder Horn Mountain Building Regulations and those of Watauga County and the State of North Carolina, including the registered Declaration of Restrictive Covenants of Powder Horn Mountain.
3. The plans and specifications approved in the Powder Horn Mountain Application for Construction Permit will not be modified without notification to the Powder Horn POA Office and approval of the Powder Horn Mountain Aesthetics and Environmental Control Committee (AECC).
4. The Property Owner will assume all responsibility for the Contractor complying with the Building Regulations.
5. AECC representative(s) shall be allowed to review the work in progress at any time.
6. The Property Owner and/or Contractor shall notify the AECC at least twenty-four (24) hours in advance of construction progress at the following times:
 - a. Prior to removal of trees, shrubs, etc. and general clearing and grading.
 - b. Upon completion of the project outlined in the permit.
7. There shall be no construction noise (power saws, hammering, equipment, etc.) between dusk and 7:00 AM.
8. Workers' vehicles and construction equipment shall not block any private driveways or any public access without prior approval of the affected property or the POA Office.
9. No open burning shall occur on Powder Horn Mountain or Powder Horn Estates.
10. Discarded or unused construction materials shall be removed from the site at regular intervals during the project.
11. Cut trees and scrubs shall be removed from the site, shredded for mulch, or cut and stacked for firewood.
12. Notice for digging on a lot shall be made in advance per the requirements of the utility companies including electrical, telephone and water.
13. Permanent water connections are the responsibility of the Property Owner, Contractor and Carolina Water Service.
14. Powder Horn Mountain roads, green/community areas or other amenities shall not be disturbed without prior written approval of the AECC.
15. The Property Owner and/or Contractor will repair to original condition or better and at their expense, any and all damage to roads, culverts, lakes, silt ponds, greenspaces, common areas or any other POA owned property due to construction activities.
16. Appropriate toilet and hand washing facilities shall be provided for the workers on the site if there are not existing facilities.
17. Appropriate measures for social distancing and recommended hygiene and cleaning practices aimed at limiting the transmission of COVID-19 should be in-place and followed as required by Watauga County and/or the State of North Carolina.

18. Silt barriers shall be provided when building near streams or lakes.
19. A minimum 18" smooth bore culvert shall be installed at driveway entrance(s) where the road drainage requires a culvert.
20. All construction work will cease upon issuance of a stop work order by the AECC until an acceptable solution to the issue can be worked out or the appeal process instituted.
21. The POA Construction Permit and Construction Agreement is valid for One Year from the date of issue and may be renewed by the AECC at the end of this period as required. It is the responsibility of the Property Owner to contact the POA Office with their request to extend the Construction Permit and Construction Agreement, the reason(s) for the extension request and the extension period they are requesting, at least fifteen (15) days in advance of the expiration of these documents.
22. A \$1,000 Construction Impact Fee is due with the submission of the Application for Construction Permit and the Construction Agreement. Checks should be made payable to Powder Horn Mountain POA, Inc. If for some reason, construction is denied and an agreeable resolution not able to be reached for construction, the Construction Impact Fee will be refunded in full to the party originally paying the fee.

Date Received in POA Office: _____ By: _____

Property Owner: _____
Signature _____ Printed _____ Date _____

Property Owner: _____
Signature _____ Printed _____ Date _____

Primary Contractor: _____
Signature _____ Printed _____ Date _____

AECC Chairperson: _____
Signature _____ Printed _____ Date _____

Appeal or Variance

Approved by POA

Board of Directors: _____

Attach documentation
detailing need for variance

Signature _____

Title _____

Printed _____

Date _____



Application for Construction Permit

Powder Horn Mountain Property Owner's Association (POA)

Aesthetics and Environmental Control Committee (AECC)

This form is to be filled out and submitted along with all required materials and the signed Construction Agreement to the POA office **prior to the beginning of any construction activity**. If you have questions or need additional guidance, please contact the Powder Horn Mountain POA Office at phmpoa@powderhornmountain.com or 828-264-2072.

I/We _____ as the owner(s) of Lot(s) _____ of Powder Horn Mountain, Watauga County North Carolina, do hereby apply for a permit for a certain construction on said lot. We verify that all current Powder Horn Mountain assessments are paid through date.

The following documents are required for new home and major addition construction:

1. Legible Construction Drawings or detailed sketches (for additions to existing structures), which shall include the following:
 - a. Plot/site plan showing: size and location of both existing and proposed structures with proper orientation on lot; set back dimensions; entrance roads, off street parking and the area(s) that will be cleared of trees versus area where existing vegetation will remain undisturbed. Minimum scale for drawings is 1/8" = 1'0".
 - b. Floor plan for all levels including the basement. Minimum scale for drawings is 1/8" = 1'0".
 - c. Exterior elevations (views) of the front, rear and all sides of the building including the slope of grade. Minimum scale for drawings is 1/8" = 1'0".
 - d. Cross section showing typical wall construction or detailed description of the building construction method. Minimum scale for drawings is 1" = 1'0".
 - e. Project specifications, samples of proposed materials for roofing, siding, decking, walkways, foundation, and actual color samples (chips) for all exterior surfaces as well as any other information required by the Powder Horn Mountain Building Regulations.
2. An approved Septic System Installation Permit from the Appalachian District Health Department depicting the location of the proposed house and septic field as required.
3. Names, addresses, phone numbers and emails of the contractor and/or major subcontractors.
4. A signed Powder Horn Mountain Construction Agreement.

Property Owner(s): _____ Phone #: _____

Address: _____ Lot #: _____

Owner Email: _____ Date AECC can review project with you: _____

Owner Signature(s): _____

This space for POA Office, AECC and PHM Board use. Date Received: _____

Date Project Reviewed By AECC Committee: _____

AECC Recommendation: Approve Deny (see attached explanation for denial reason)

Committee Chairperson Signature: _____

Committee Signatures: _____

Appeal or Variance referred to POA Board

POA Board Action: Approve Deny (see attached explanation for denial reason)

Signed for the Board: _____ Title: _____

Owner Called: _____ Copy Sent: _____