

## **INDIAN LAKE CLUB, Inc. – INDIAN LAKE ESTATES**

### **ARCHITECTURAL CONTROL REGULATIONS**

**(Updated August 2020)**

#### **Forward**

The Restated Protective Covenants for Indian Lake Estates were adopted October 2, 1999, by Indian Lake Club, Inc. (the Club). The Bylaws of Indian Lake Club, Inc. were adopted in 1996 and amended in 2001. In accordance with these documents, the Architectural Control Committee (the ACC) shall be appointed by the Board of Directors of the Club. The purpose of the ACC is to ensure that any change to a lot shall be harmonious with the natural surroundings of, and existing structures in, the development. Before any clearing – with the exception of small brush by hand – or grading is begun on any lot, and before any work is performed on a building or addition, dock, fence, wall, hedge, driveway, septic system, or well, plans and specifications for the proposed improvement(s) shall be submitted to the ACC for its review and approval.

Because of the many variables such as lot sizes, contours, shapes, and the like, it is impractical to cover every situation with a fixed rule. Therefore, much is left to the judgment of the ACC. It shall not be the Committee's intent to unduly restrict owners to do what they wish with their property. However, since no one wants an offensive structure erected nearby, all regulations shall apply to all members of Indian Lake Club.

If at any time, an owner questions whether work being considered needs to be approved by the ACC, it is to the owner's benefit and protection to ask. The ACC shall exercise reasonable discretion in deciding whether prospective work need to be approved, but its decision will be final and binding.

#### **Changes to a Lot**

- No lot may be cleared, no driveway may be installed and no septic system may be built on a lot unless there is an existing home, or an ACC/Board approved plan to build a home, on that lot or on an adjacent lot under the same ownership.
- Prior to any clearing of a lot, the plot plan shall be submitted to the ACC for approval.
- As nearly as possible, the plan shall indicate the area to be cleared.
- If the lot is being prepared for a house, the driveway, house and septic system placement shall be drawn, in accordance with their location as determined by the perc test.
- In the case of intent to build, approval for all of the above shall be simultaneous to accommodate building plans.
- Following approval, a silt fence shall be erected and maintained while working.

Because the trees on your lot encourage beautification, air purification and cooling, noise abatement, property value enhancement, and other attributes of nature, the ACC requests that as clearing of the lot proceeds, the contractor/owner proceed carefully in the removal of trees. Removing only those trees necessary for access to the lot and space for the house is recommended for the above reasons.

If improvements to the lot, or existing structure, are being considered, a plot plan shall be submitted to the ACC for approval.

- The plan shall include a detail of the existing structure.
- The improvement(s) – addition to the structure, dock, retaining wall, fence, or the like – shall be highlighted and complete in the drawing.

### **Construction – Dwellings and Additions**

Prior to obtaining a building permit and commencing construction, the following shall be submitted to the ACC for approval.

- A plot plan (see Changes to a Lot, above) shall include the location of the proposed construction, whether dwelling, addition, detached structure, or the like, with setback dimensions indicated.
- Setback dimensions: a minimum of 20 feet from the front property line and the road right of way, a minimum of 15 feet from a side property line, and a minimum of 50 feet from a lakeside property line.  
Owners are encouraged to place dwellings further than the minimum.
- Construction plans shall include a foundation plan, floor plans, and elevation views.

Approval of plans shall be in accordance with the Restated Protective Covenants, Bylaws, and Approved Revisions of the ACR for Indian Lake Estates, according to the following schedule.

- Plans shall be approved, with modifications if any, in writing, within 30 days of receipt thereof. Recommendation of approval is presented to the Board of Directors by the ACC. In making such recommendations, the ACC shall exercise reasonable discretion.
- Upon receipt of the letter of approval, it shall be signed by the owner, returned to the Club, and filed.
- Plans shall be considered approved as submitted, should the ACC fail to respond in writing within 30 days of receipt thereof.
- Approval shall remain in force for one year.  
If lot clearing or construction has not commenced during that time period, the plans shall be considered null and void.
- ACC member(s) shall meet with the owner/builder prior to ground-breaking.

The following points shall be adhered to when planning construction.

- The owner/builder shall plan to have construction completed in eighteen months. Eighteen months begin at the time the construction site is cleared for building the ACC/Board approved and permitted house and septic system or addition. An extension may be granted by the ACC or Board of Directors if mitigating circumstances exist.
- The minimum interior space of a dwelling shall be 1200 square feet.  
A minimum of 900 square feet shall be on the main floor.  
These measurements shall be figured using outside wall dimensions, excluding porches or decks, terraces, garages, or carports.
- The proposed color scheme shall be harmonious with the natural surroundings so as not to clash with the landscape – pastels and whites shall be avoided.  
Accent colors shall be permissible for doors and shutters provided the color does not clash with the landscape.  
When re-painting, the color scheme shall be followed as outlined as above.

**Exterior walls, roofs, and crawl space:**

- The composition of exterior walls shall be wood logs or shingles, board siding, stone, brick, or exterior plywood with battens.  
Synthetics may be used provided they give the appearance and texture of natural wood, brick, or stone.  
Concrete or cinder block walls above the grade shall be finished with stucco, stone, wood lattice, exterior plywood, grooved paneling, or barnwood.  
Exterior walls composed of corrugated metal, plastic, asphalt shingles, or any metallic or shiny finish are undesirable, and require a variance from the ACC.
- The composition of roofs shall be cedar shakes, asphalt or fiberglass shingles, or slate. Metal roofs are permitted but should not be shiny or reflective. Other materials shall require a variance from the ACC.
- Crawl space, or space between the ground and habitable area of a dwelling shall be enclosed, unless otherwise approved by the ACC.

**Site maintenance: All construction – buildings and docks:**

- Perc Test requirements: If a perc test is done with any equipment other than a hand auger, a silt fence is required if the lot is bounded by a lake or stream. Following completion of the perc test, the site must be raked smoothly. Additionally, any gravel or dirt that has been disturbed must be cleaned from any and all roads so the roads are cleared of debris. If a lot is subject to erosion, a silt fence must be erected prior to a perc test regardless of the lot location. Whether a lot is subject to erosion shall be within the reasonable discretion of the ACC.
- A silt fence shall be erected and maintained during construction until completion of the project.
- The contractor shall be responsible for keeping the building site clean of construction debris. This shall be done on a daily basis.

**Sedimentation control: In accordance with NC Administrative Code DENR, Title 15A, Ch4 Sedimentation Control, 04B.0112, .0113, and .0116:**

- ~“Land disturbing activity in connection with construction on a lake shall minimize the extent and duration of disruption...”
- ~“During the development of the site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required...”
- ~“After site development, the land owner shall install all necessary sedimentation control measures...”
- ~“All uncovered areas which are causing off-site damage from sedimentation shall be provided with ground cover...”
- The owner/builder shall recognize the necessity for ACC member(s) to enter the construction site on a regular basis for inspection.

**Trailers, Mobile Homes, RVs, etc:**

- The ACC shall not approve mobile homes, manufactured homes, on-frame modular homes, recreation vehicles (RVs), or trailers as permanent or temporary dwellings.
- RVs, camping trailers, utility trailers, boat trailers, motorcycle trailers, and the like owned by residents, may be parked on their property but shall not be used for

permanent or temporary living space and shall be **screened from prominent view**.

- **An RV or trailer as listed above cannot be parked on an undeveloped lot.** Extenuating circumstances shall be brought before the Board of Directors for consideration.

### **Signage:**

- Letters on signs designating the name(s) of the owner(s), or property name, shall be limited to no more than 3 inches high on a surface area (the sign) not to exceed 288 square inches.  
This shall not apply to any temporary signage used by contractors during construction of a dwelling, or while undergoing renovation.
- For Sale, No Trespassing, No Dumping and/or Political signs, Realtor Information Boxes, and the like, shall not be erected by owners or their agents.
- Security system signage is permitted.

### **Construction – Docks**

Lakefront property owners are permitted a dock – defined as a structure extending into the lake, such as a boat landing, fishing pier, or the like. A dwelling shall be on the lot or under construction, unless a variance has been granted by the ACC.

In the case of adjacent lots, if a dwelling is in place or under construction, the owner may choose to construct a dock on the vacant or adjacent lot. This shall require a variance from the ACC.

- Plans shall be submitted to the ACC prior to the start of construction.
- Plans shall include a plot plan showing dimensions and location of the proposed dock, and elevation details: type of flotation method, bracing, railing, etc.
- The color scheme shall be harmonious with the natural surroundings.
- Covered boathouses shall not be permitted.
- Seats, storage boxes, and railings may be an integral part of a dock and shall not exceed 4 feet in height.
- Multi-level docks shall not be permitted.
- The distance to the nearest dock shall be a minimum of 50 feet.

#### **INDIAN LAKE:**

- Docks shall not extend more than 20 feet past the natural shoreline.
- The total floor area shall not exceed 250 square feet, including any ramp or walkway between the dock and shoreline. Any portion of the dock built on the land side of the natural shoreline shall be included in the total area.

#### **RAINBOW LAKE:**

- The small size – 2 acres – of Rainbow Lake necessitates special consideration to lessen the impact on the lake's natural beauty.
- Docks shall not extend more than 5 feet past the natural shoreline.
- The length shall not exceed 12 feet with a maximum floor area of 72 square feet.
- An additional 5 feet in width shall be acceptable, if on shore.

### **Impact Fees**

Clearing lots and construction have a profound impact on the infrastructure of the community – its roads, water system, lakes, and the general environment. Impact fees shall be assessed to adequately maintain and repair damages to the roads, maintain

and add to the water system, and build up funds to maintain the dams and develop other infrastructure improvements.

- The appropriate Impact Fee shall be paid at the same time that plans for clearing, house construction, additions, or docks are submitted.
- If the plans are not approved, the impact fee shall be returned.
- Lot clearing, other than that done by hand, or as required for access by the Transylvania County Health Department for septic site approval - \$500 – This is separate from the house impact fee, and is due prior to clearance of the lot.
- Conventional or traditional ('stick built') homes - \$2000
- Modular homes - \$3000
- Additions/docks – up to 100 square feet: \$ 50  
101 to 250 square feet: \$100  
251 to 400 square feet: \$200  
over 400 square feet: \$100 per 100 square feet
- Prefabricated construction, kits, partial walls, and the like may be assessed on an individual basis.
- Impact Fees shall not be assessed for interior renovations and routine exterior maintenance.
- Lot clearing and impact fees are cumulative and independent, due prior to clearance of a lot and construction.

### **Water hookup**

A&D Maintenance, the current water system manager – 828.884.9772, shall be contacted directly by the homeowner/builder in order to tap into the water system. All charges shall be paid to the water management company for this service.

### **Specific Damage Clause**

The Impact Fees paid for new construction are for anticipated normal wear on roads and for partial funding of the services necessary as a result of additional residences. All property owners shall remain responsible for the repair of any identifiable damage caused by them, or their contractors, to the Indian Lake Estates infrastructure – its roads, shoulders, culverts, or other common property.

- If the cost of repairing the damage is less than the jurisdictional limit of the Transylvania County Small Claims Court, either the Club or the property owner may cause the matter to be heard before an Adjudicatory Panel.
- This panel shall be composed of at least three property owners, appointed by the Board of Directors.
- The parties – the Club and/or the property owner – shall have an opportunity to present evidence to the Panel. In turn, the Panel shall have an opportunity to inspect the claimed damage.
- The decision of the Panel shall be binding and may be enforced by an assessment secured by a lien on the owner's property in Indian Lake Estates, or by judicial proceedings.
- If the cost of repair exceeds the limits of the Small Claims Court, the Club may elect to proceed against the property owner in a court with jurisdiction.
- In lieu of court action, the Club may waive the excess claim and proceed with the Panel, but in that event, the recovery shall not exceed the Small Claims jurisdictional limit of \$4000.

### **Permits**

Pursuant to all of the foregoing items as they may apply, and subsequent to obtaining ACC approval, the applicant shall be further required to obtain any and all permits that may be necessary pursuant with all North Carolina statutes and regulations, as well as all Transylvania County building ordinances and codes.

### **Appeals Process**

If plans submitted to the ACC have been modified, and the property owner does not agree with the decision of the ACC, appeal of that decision shall be made in writing, or in person, to the Board of Directors.

- A decision by the Board shall be made in writing within 30 days of receipt thereof; otherwise, the owner's appeal shall be deemed approved.
- The decision of the Board shall be considered final.

### **Burn Permit**

Smoke from open burning can cause serious health problems and pollute the air. Therefore, the state regulates open burning.

- Only leaves, branches, or other plant growth can be burned.
- Homeowners can burn yard trimmings, excluding logs and stumps, if it's allowed under local ordinances, no public pickup is available, and it doesn't cause a public nuisance.
- Burning to clear land for lot clearing or construction is prohibited.
- Burn permits issued by the NC Division of Forest Resource or local government do not excuse a person from following these rules.
- Burn permits contain NC state burn rules **which should be observed**, including the following 2 paragraphs.
  - Permissible Residential Burning – Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises in areas where no public pickup is available and such burning is done between 8:00 am and 6:00 pm and shall not create a nuisance.
  - Open burning is permissible providing that (1) prevailing winds are away from built up areas; (2) the location of the burn is at least 500 feet from any occupied structure; (3) the location of the burn is at least 250 feet from the edge of a roadway if the prevailing wind is toward the roadway; (4) only kerosene distillate, or diesel fuel is used to start the fire; (5) burning shall commence between 8:00 am and 6:00 pm and no additional material is added other than during those hours.
- Locally, Burn permits may be purchased at Toxaway General Store next to Bear Tracks.

### **It is illegal to burn:**

- Garbage, paper, cardboard
- Tires and other rubber products
- Building materials, including lumber
- Wire, plastics, and synthetic products
- Asphalt shingles and oil
- Paint and chemicals.

For further information, contact:

NC Department of Environment and Natural Resources (DENR)  
Asheville Regional Office  
Interchange Building  
59 Woodfin Place  
Asheville NC 28801  
828.251.6208

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**INDIAN LAKE CLUB, INC. – INDIAN LAKE ESTATES PO BOX 371, LAKE TOXAWAY NC 28747**

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Board Approved Revision - 1 November 2015  
Board Approved Revision - January 2018  
Updated – August 2020

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**Sample Approval Letter**

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**INDIAN LAKE CLUB, Inc. – INDIAN LAKE ESTATES  
PO Box 371, LAKE TOXAWAY NC 28747-0371**

M/M John Homeowner  
2007 Any Street  
Lake Toxaway NC 28747

Dear Homeowner:

Congratulations! Your plans for construction have been approved by the Architectural Control Committee and accepted by the Board of Directors.

The following points are understood by both parties – you, as the owner, and the Club.

1. The Architectural Control Regulations, as printed, have been read and understood, and will be adhered to.
2. The Specific Damage Clause of the ACR is accepted.
3. A member or members of the ACC will meet with you and the builder, prior to construction.
4. A silt fence will be erected and maintained.
5. The construction site will be kept clean of debris on a regular basis.
6. ACC member(s) will conduct routine inspections.
7. Bared earth will be covered by straw, seeded, or hydroseeded as soon as excavation is completed.

For security, it is recommended that a chain be placed across the entrance to your property, indicating construction and caution to the casual observer.

Please sign and return a copy of this letter in the pre-addressed envelope. No construction or site work may proceed until this letter is signed by you and received by the Club. The letter will be placed in the Club files.

If you have any questions or concerns, please feel free to contact the Secretary.

Sincerely,

The Architectural Control Committee: Rich Firebaugh, Chair [rfirebaugh@aol.com](mailto:rfirebaugh@aol.com),  
Members: Danny Pate, Hedgie Bartol

For the Club,  
Barbara Pence

Secretary  
Indian Lake Club, Inc,  
[ilcsec@comporium.net](mailto:ilcsec@comporium.net) 904.699.7015  
Enclosure: 2 letters, one to be signed and returned

- Owner (Print) \_\_\_\_\_
- Owner (Sign) \_\_\_\_\_
- Date \_\_\_\_\_