



**ARCHITECTURAL CONTROL COMMITTEE**

# **COMMERCIAL CONSTRUCTION HANDBOOK**

**WITH APPLICABLE RULES, REGULATIONS  
AND STANDARDS  
FOR  
PUBLIC AND COMMERCIAL BUILDINGS**

**112 CHOTA CENTER  
LOUDON, TN 37774  
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## FOREWORD

This handbook contains a summation of Architectural Control requirements for obtaining Review Permits for **constructing public and commercial buildings** in Tellico Village, Tennessee. Applicants should also consult the Declaration of Covenants and Restrictions of Tellico Village, Tennessee; read the information contained on the recorded plats for the subject property and seek the guidance of the Architectural Control Office when planning a building project in Tellico Village.

**Note: Building Code permits must be obtained from the authority having code jurisdiction in addition to the Architectural Control Committee (ACC) Review Permit! This handbook is in addition to the zoning ordinances of Loudon or Monroe County (determined by the location of the proposed project). In the event of a conflict between the Rules, Standards and Regulations for Commercial Properties in Tellico Village and the zoning ordinances of the county, the most stringent of the rules will apply.**

This revised handbook was adopted by the Board of Directors of the Tellico Village Property Owners Association, Inc. (the "POA" or "Association") on June 18, 2014 and contains the Rules, Regulations and Standards of the POA's Architectural Control Committee (the "ACC") for Tellico Village, Tennessee, as well as certain related general rules of the POA. This handbook is also intended as a property owners' guide for new construction of, or any exterior changes to, public or commercial structures or property in Tellico Village.

The **Declaration of Covenants and Restrictions for Tellico Village** (the "Declaration"), which restricts all property in Tellico Village, empowers the POA to promulgate rules and regulations pursuant to **ARTICLE VIII: Property Rights In Common Properties**.

The Declaration also provides for the establishment and authority of the ACC pursuant to **ARTICLE XI: Architectural Control Committee**.

The Protective Covenants of the Declaration also provide in Section 2 **Architectural Control Committee**.

In conjunction with exercising its authorized duties, the ACC has adopted the following Mission Statement: to establish, implement and enforce, in a consistent manner, POA governing documents related to construction and maintenance of residential and commercial structures to protect property values.

**If you do not have a copy of the Declaration of Covenants and Restrictions for Tellico Village, including Exhibit I, Protective Covenants, you should obtain a copy and read it thoroughly. The Declaration and this Red Book handbook are available on the Tellico Village website at [tvpoa.org](http://tvpoa.org) and also at the POA office.**

## SECTION A - GENERAL OVERVIEW

**NOTE: Building Permits must be obtained from the authority having code jurisdiction in addition to the ACC Review Permit!**

After studying this booklet, you should **contact the ACC Office early** in the planning stages of your project. This meeting will provide you with an opportunity to ask questions of the ACC Staff and explain any circumstances peculiar to your project.

Except for original construction by the Developer, an Architectural Control Committee (ACC) Review Permit shall be required for all permanent and temporary construction, addition, revision, removal, or demolition within Tellico Village or the Shoreline Strip including, but not limited to, the following: new structures, car washes, storage building, dock, ramp, dry storage boat building, garage, retaining wall, pump station, irrigation system, solar energy system, geothermal energy system, swimming pool, swimming pool building, fence, commercial building, recreational building, public building, parking lot, access street and road, tennis court, racquet ball court, pickleball court, baseball, soccer, or football field, cemetery, cutting and filling, flag pole, antennas, and any other form of temporary or permanent construction. All permits issued by the ACC shall be in compliance with the Declaration, the Protective Covenants, the Shoreline Strip rules, the Water Use Facilities Permit, and these rules, regulations and standards.

### (1) PERMITTING PROCESS

The ACC usually meets on the *first* and *third* Thursdays of each month or such other dates as may be noticed by the ACC from time to time (you should always check to verify meeting dates). By noon Friday, **AT LEAST SIXTY (60)** days prior to the date of the meeting the applicant desires to present a commercial permit application for approval, the building Review Permit application, three (3) sets and one (1) electronic version of building plans (containing the individual plans specified below), an ACC specification sheet, a construction time line (indicating at minimum the anticipated lot clearance date, building construction commencement date, landscaping completion date, construction completion date, and facility operations start date), and all other required documents must be submitted to the ACC Office. The building plans must include a (i) floor plan, (ii) roof plan, (iii) a building design plan showing all elevations, (iv) a complete engineered site plan at a scale of 1" equals 30 feet or better showing all drainage structures and systems, utilities and road features, (v) drainage plan, (vi) landscaping plan showing size, species and location of all plantings and street furniture, (vii) lighting plan, and (viii) signage plan. A complete checklist of the requirements may be obtained at the ACC Office, 112 Chota Center, Loudon, Tennessee. The ACC may in its discretion extend the amount of time it requires to review and act on any commercial permit application so as properly complete it review.

## **(2) PLANNING THE PROJECT**

Several items are given consideration and reviewed by the ACC for each application. Below is a sample checklist of some items that are taken under consideration for the project and are thoroughly reviewed by the ACC members prior to making a decision on any commercial application:

- Building Plans drawn to scale (with a graphic scale on each page)
- Specifications and Exterior color and material samples
- Required lot easements and setbacks
- Noise restrictions (and measures required to meet the rules)
- Required distance from residential areas
- Exterior lighting restrictions
- Ingress and egress location, requirements and restrictions
- Parking requirements (including handicap areas)
- Drainage Control
- Architectural design requirements
- Exterior features (including, but not exclusive of, material, colors, fences, landscaping, tree preservation, compressor unit location, satellite dish size and location, signage)
- Impact on utilities and existing utility capacity
- Sanitation and trash removal requirements
- Required public infrastructure improvements such as streets, street lighting, storm water drainage and traffic control measures
- View sheds, sightlines and other aesthetic impacts

## SECTION B – RULES, REGULATIONS AND STANDARDS

**Note:** In addition to the ACC Review Permit, Building Permits must be obtained from the authority having building code jurisdiction and the structure must comply with all applicable building codes including without limitation all required fire and safety measures including fire sprinkling where required! Any applicable zoning requirements of the county must also be adhered to in all respects. If a conflict between these rules and regulations and any applicable county zoning regulations occur, the most stringent rule will apply.

### (1) General Requirements

#### A. ARCHITECT\* AND ENGINEER\* DESIGNED PLANS

- i. Each public or commercial building shall be designed and inspected by a registered architect, with foundation, civil, structural, mechanical, and electric design being performed by a registered professional engineer. Noise control measures, lighting requirements, ingress and egress requirements, swales, and berms shall be noted on the submitted plans.
- ii. Each building, parking lot, and new cemetery shall be landscaped with the landscaping designed by a licensed landscape architect.
- iii. All construction work in (i) and (ii) above shall be inspected and approved by an architect, engineer, landscape architect, or his/her representative as well as the authority having code jurisdiction.
- iv. All design and construction will be in accordance with applicable federal, state, and local codes, regulations, and laws; including the Americans with Disabilities Act.
- v. Copies of all inspection reports and analyses regarding any commercial project permitted by the ACC shall be promptly provided to the ACC or its staff upon request.

The terms "registered architect", "architect", "registered professional engineer", "engineer", "registered landscape architect", "certified building inspector" or "landscape architect" as used herein shall mean that such professional is licensed to practice and allowed to practice legally in the State of Tennessee. An approved Energy Auditor shall mean that such professional is licensed and has been approved by TVA. When such professional's design, inspection, certification, or approval is required, that professional's signed and dated seal shall be affixed to all applicable documents submitted to the ACC, in accordance with the regulations of the Tennessee Board of Architectural Examiners and the applicable provisions of Tenn. Code Ann. § 62-2-101 et seq. \_\_\_\_\_.

#### B. LICENSED CONTRACTOR

All contractors performing work in Tellico Village must be licensed by the State of Tennessee in accordance with the regulations of the Tennessee Board of Licensing Contractors and the applicable provisions Tenn. Code Ann. § 62-6-101 et seq. All contractors shall provide the ACC with a current copy of the contractor's license, worker's compensation insurance policy, and commercial general liability policy, all of which must be issued in contractor's name. Documentation of a contractor's licensure and insurance

coverage will be maintained on file at the ACC office and contractors are obligated to promptly inform the ACC of any change to the contractor's licensure or insurance coverage and to provide the ACC with appropriate documentation of such change. The use of unlicensed contractors, overseer, consultants, superintendents, etc. may be cause for denial or revocation of the permit.

### **C. FLOOD PLAIN REQUIREMENTS**

Any permanent facilities or equipment subject to flood damage must either be located above or flood profiled to the Tellico Reservoir Profile elevation (820MSL) or the 100-year flood elevation, as applicable at that site.

No building or structure shall be erected, and no building or structure shall be modified, unless the lowest habitable finished floor of said building or structure is placed at least one (1) foot above the elevation of the Tellico Reservoir Structural Profile or the 100-year flood, as appropriate. Foundations of any structures constructed within the Tellico Reservoir Structural Profile or the 100-year flood line shall be designed to withstand flood conditions and forces.

### **D. AESTHETIC DESIGN OF BUILDINGS**

All buildings and structures shall comply with the requirements for aesthetics established by the ACC, including, but not limited to, the following:

- i. For each commercial area or amenity area, the Architectural Control Committee shall approve the architectural style. The design of commercial buildings shall not exceed two stories plus roof above the highest finished grade at the building perimeter. Notwithstanding the foregoing, the ACC, in its sole discretion, may approve multi-family and mixed-use residential buildings that are taller than two stories plus roof above the highest finished grade at the building perimeter. In consideration of the permissible height for multi-family and mixed-use residential buildings, the ACC may consider, in its sole discretion, factors including but not limited to the following: safety, parking, site topography, site drainage, building aesthetics, and the location and aesthetics of any surrounding structures. All commercial buildings shall comply with the minimum building and fire codes adopted by the State of Tennessee and any other applicable state and local building and fire regulations. The ACC shall decide all questions relative to location of structures upon Commercial Lots based on such criteria as determined by the ACC.
- ii. Each building permitted after the original style on individual commercial lots is established and approved shall be in harmony with the existing buildings in close proximity. This is to protect the Village image and maintain architectural consistency in each area. For purposes of this Red Book Section, "harmony" means an orderly and aesthetically pleasing arrangement of the external appearance of the various buildings and structures within Tellico Village based upon factors including, but not limited to, external design, architectural detail, size, orientation, topography, exterior materials, and exterior colors.
- iii. None of the following finished exterior materials shall be allowed: metal

- siding (other than roofing materials), exposed block, asphalt siding, asphalt shingle siding, and insulation board.
- iv. Color chips must be submitted for review by the ACC. All finish colors shall be a neutral tone such as tan, gray, and earth tone. White, near white, and gray that appear white may be used only for trim. Bright blue, bright orange, pink, bright red, bright yellow, bright green or purple will not be allowed. Fluorescent and iridescent finishes will not be allowed.
  - v. Exposed block foundations must be covered with stucco so that mortar joints are not visible. Poured concrete foundation walls must be painted.
  - vi. Roof finishes of white, metallic silver, or bare galvanized colors shall not be allowed. No bright roofs are permitted. Buildings with flat roofs shall require one or more parapets of sufficient height to screen the roof from the parking area.
  - vii. Concrete block or split concrete block may be approved for the sidewalls or rear walls of large commercial buildings provided they are painted with a textured paint or similar material. Each request will be reviewed by the ACC on an individual basis.
  - viii. All dumpsters, trash containers, mechanical equipment at ground level, and service areas shall be screened by structural or vegetative methods approved by the ACC, in its sole discretion, so that such elements are not visible. All structural screens for service areas shall be kept closed at all times when not in use and shall be well maintained. All roof-mounted equipment shall be shown on the building plan and elevation drawings submitted with permit application. The ACC reserves the right to require specific placement of all roof-mounted equipment. All roof-mounted equipment shall be screened, to the greatest extent possible.

## **E. NOISE RESTRICTIONS**

The property owner is responsible for submitting evidence that any and all sounds coming from the commercial operations shall not exceed the following DBA levels:

- i. Bedrooms, living areas of residences within three hundred (300) feet in the vicinity of the business: 30dBA at any time.
- ii. Outdoor living areas: 45dBA at any time.

These requirements also apply to noise emitted by trucks parking, loading and unloading. No overnight parking of refrigeration trucks is permitted. All noise standards shall be measured from property line to property line. The ACC may also require the property owner to take measures to reduce predicted noise levels where possible. In such circumstances, common noise mitigation measures associated with construction activities include limiting noisy construction activities between 9:00 p.m. and 7:00 a.m.; ensuring that all construction equipment is properly muffled; and using low-pressure steam blows or temporary blowout silencers when appropriate. With respect to operational noise, common mitigation features include the use of acoustically insulated buildings, the use of silencers, and other appropriate noise control (e.g., duct silencers, acoustical louvers, and acoustical caulking).

## F. EXTERIOR LIGHTING

The ACC shall approve all exterior lighting, including, but not limited to, the type of fixtures, the strength and type of lighting, the height of the poles and attached fixtures. All lighting shall be restricted to the commercial lot and shall not be allowed onto adjoining properties. Off site lighting shall not exceed .01 foot-candle. No fluorescent or other lighting around the fascia or canopies of the gas pumps is allowed. In selecting exterior lighting, the ACC encourages the use of LED lighting or other energy efficient lighting.

The purpose and intent of these provisions is to balance the desire to maintain a small village, rural atmosphere, with the need to provide for the safe movement of vehicles and people in commercial areas. To meet this intent, recommended lighting levels are to be defined at minimum levels to protect the public safety and at the same time enhance the appeal of buildings and landscaping to protect the desired atmosphere of the community.

Exterior lighting plans associated with a new commercial application (Architectural Control Application) must be submitted at the same time as development plans are processed. The following standards shall apply:

Parking Lots and Exterior of Commercial Structures						
	General Parking & Pedestrian Area			Vehicle Use Area (Only)		
Level of Activity	Lux (Minimum on Pavement)	Foot candle (Minimum on Pavement) ***	Uniformity Ratio (Average: Minimum)	Lux (Average on Pavement)	Foot candle (Average on Pavement)	Uniformity Ratio (Average: Minimum)
Medium	6	0.6	4:1	11	1	3:1

Other ACC requirements for exterior lighting include, but are not limited to, to following:

Feature	Standard
(i) Fixture Height.	Pole mounted fixtures shall not exceed fourteen (14') feet in height as measured from finish grade to the bottom of the light fixture. Concrete pedestals shall not exceed twenty-four (24") inches and shall be included in the overall height. Building mounted fixtures shall be located below the roof eave and not exceed the height of the pole mounted fixture (14') whichever is lower
(ii) Light Source.	Metal halide, high-pressure sodium, and similar sources shall be permitted. Halogen and mercury vapor sources shall be prohibited
(iii) Fixture Type.	Boxed type with recessed lens preferred. All fixtures must meet the approval of the Architectural Control Committee.

Note: Lighting for under the canopy of gasoline pump areas is limited to one foot-candle.

## **G. UTILITY EASEMENTS**

Plats for commercial properties in Tellico Village may designate utility easement strips along the interior of certain lot lines. No structure, planting or other material shall be located within any utility easements. Any structure, planting or other material located within any utility easements may be removed at any time by the POA at the lot owner's full expense. The POA shall not be responsible for any property damage resulting from its removal of any structure, planting or other material located within any utility easements. Note that the local utility company also has specific restrictions pertaining to the required clearance around utilities.

## **H. TREE REMOVAL/LOT CLEARING**

**NOTE: NO BURNING IS ALLOWED IN TELLICO VILLAGE! Exception is a warming fire (See Rule 18, Item F under Other Construction Site Requirements).**

To preserve the rural, woodland character of Tellico Village, the permit applicant shall identify on the plans submitted to the ACC all healthy deciduous trees 6 inches or more in diameter (measured at 48 inches above existing grade) that are more than 30 feet from the structure and related construction. For purposes of this Section, deciduous trees include, but are not limited to, the following species: oak, hickory, maple, beech, ash, sycamore, walnut, pecan, magnolia, birch, sourwood, persimmon, cherry, hornbeam, dogwood, redbud, and bald cypress.

If the applicant intends to remove any healthy deciduous trees that are 30 feet or more from the structure and related construction, an explanation is required (i.e. enhance view, safety, facilitate drainage structure, driveway cuts, grading, etc.). As a condition to granting the permit, the ACC may require the planting of one or more additional trees elsewhere on the site to ameliorate the effects of any permitted tree removal that alters the site character of the lot as determined by the ACC, in its sole discretion.

Clear cutting of any lot or selective cutting of trees (larger than six inches in diameter measured forty-eight inches from the ground) on any lot is prohibited until a proper lot clearing permit has been obtained from the ACC. A **Minor Lot Clearing Permit** is required when clearing an undeveloped lot of undergrowth and trees with a trunk diameter of six inches or less (measured forty eight inches from the ground). There is no charge for a Minor Lot Clearing Permit, and a building permit is not required for this work. A separate **Permit for Bulldozing Dead Pines** must be obtained before the removal of dead pine trees by bulldozer or similar manner. In many cases, it is considered safer to bulldoze dead pines rather than cutting them down, since they become brittle after a period of time. There is no charge for a Permit to Bulldoze Dead Pines, and it is not required in connection with a building permit.

## **I. START DATE, FINAL INSPECTION AND TIME FOR COMPLETION OF COMMERCIAL BUILDINGS**

All contingencies must be met, final approval must be obtained, and actual construction commenced no later than forty-five (45) days from the date of the ACC meeting at which conditional approval is given unless a later commencement date is approved by the ACC. Failure to meet this requirement will void the ACC approval, and the building permit fee will be forfeited. In that event, a new and complete application must be submitted for reconsideration.

The completion of commercial projects, exterior (including paving and finished landscaping) and interior shall be in accordance with the construction time schedule submitted to the ACC at the time the Permit is approved and issued. A Certificate of Occupancy must be obtained from the authority having code jurisdiction prior to occupancy!

**NO STRUCTURE IS TO BE OCCUPIED UNTIL THE FINAL ACC COMPLIANCE REVIEW IS COMPLETE AND ACC APPROVAL IS GIVEN. IN ADDITION, THE JURISDICTION HAVING AUTHORITY FOR BUILDING CODE INSPECTIONS MUST HAVE COMPLETED THE FINAL INSPECTION AND A CERTIFICATE OF OCCUPANCY MUST HAVE BEEN OBTAINED.**

**THE ACC FINAL COMPLIANCE REVIEW WILL NOT BE SCHEDULED UNTIL GROUND COVER IS IN PLACE, PARKING AREAS PAVED, AND THE ACC OFFICE HAS RECEIVED THE FOLLOWING ORIGINAL DOCUMENTS (the county building code department may have additional requirements):**

- Certificate of Occupancy from authority having code jurisdiction
- Certificate of Compliance and Letter of Approval from Architect/Engineer (if applicable)
- Final As-Built Survey
- Termite Letter (copy acceptable)
- Engineer's Letters for retaining walls or decks, as required

## **J. ASSURANCE OF COMPLETION: PERFORMANCE BOND/LETTER OF CREDIT**

Except for original construction by the Developer, the property owner and any person or company employed by the owner to build a structure shall, prior to beginning construction, provide the ACC with proof that a suitable performance bond or letter of credit has been obtained in an amount determined by the ACC to be sufficient to ensure completion of the structure, within the required time limits established by the ACC, and to indemnify the Owner, and The Property Owners Association when appropriate, against material and mechanics liens. The performance bond or letter of credit required by the ACC will not be released until (i) all requirements of the POA's and ACC's Rules, Regulations and Standards have been met, including basic ground cover, and (ii) a copy of the Certificate of Occupancy from the authority having jurisdiction for building code compliance is submitted to the ACC Office.

At the same time, all contractors shall furnish to the ACC satisfactory proof that builder's risk and appropriate workman's compensation and liability insurance is in effect for the construction period. Contractors are obligated to promptly inform the ACC of any change to the contractor's insurance coverage and to provide the ACC with appropriate documentation of such change. In the event that a contractor's insurance is terminated or lapses, all building permits issued under such contractor's name shall be revoked subject to reinstatement at the discretion of the ACC.

## **K. CONSTRUCTION WITHIN THE SHORELINE STRIP**

All construction within the Shoreline Strip shall conform to the requirements of TVA and other appropriate agencies, the Shoreline Strip rules, and the Water Use Facilities Permit, the ACC Standards for usage of and Building and Construction within the Shoreline Strip.

### **(2) SURVEY, PLOT PLAN AND SITE PLAN REQUIREMENTS**

The ACC shall decide all questions relative to the location of the structure, parking areas, signs and all related items on commercial lots. Site plans and elevations shall be submitted showing the exact location of all structures, utilities, parking, exterior lighting, drainage, signs, proposed and finished grading and landscaping (including, but not limited to, swales, berms, retention ponds).

The developer shall submit a survey/plot plan of the proposed site drawn by a Tennessee Licensed Surveyor that is drawn to a scale of not less than one (1) inch equals thirty (30) feet.

All Plot Plans must conform to the requirements as follows:

#### **A. State Survey Requirements**

All surveys shall meet state Survey Requirements for General Property Survey as outlined under 0820-3-.07, and shall meet or exceed (Urban Land Surveys, Class A) Accuracy of Surveys as outlined under 0820-3-.05. For this information see "Rules of Department of Insurance, Division of Regulatory Boards, Board of Examiners for Land Surveyors", "Chapter 0820-3, Standards of Practice". The survey must be signed and sealed by a registered land surveyor or civil engineer licensed to practice in Tennessee.

#### **B. Checklist of Plot Plan and Survey Requirements for Existing Conditions**

Bearings and Distances shall be based on an *actual* field survey, **not** copied from the Record Plot. Also, Shoreline Strip Bearings and Distances and Lakeward Extension Lines for Waterfront Properties must be included.

- All easement dimensions shall be shown not stated. Utility easements extend from all lot lines including the front and back lot lines as well as side lot lines.
- All building setback dimensions, including golf course/recreational area setbacks, shall be shown, not stated.
- Lot corners must be noted as either found or set.
- All existing utilities shall be shown and plotted to scale based on an actual field survey.
- Locate and show outline of houses and buildings on adjoining lots or make note that no such structures are present.
- Topo at maximum of 1-foot intervals based on actual field survey.
- All elevations shall be based upon either monuments or Record Plats. Plot plans shall indicate derivation. Elevation of street and all floor levels shall be shown including all garages.
- Locate centerline of existing roads and show width. Contours shall go from edge of pavement to rear property line
- Scale: 1" = 30 feet

**C. Checklist of Plot Plan and Survey Requirements for Proposed Improvements**

- Show building footprint with roof overhang and all other proposed improvements: decks, heat/air units, concrete pads, patios, driveways, access or service roads, porches, fences, swimming pools and aprons, walks, sewage tank, sewer stub-out, outbuildings, gasoline pumps, service entry for water and sewer, loading docks, service entries, trash container storage areas, soil erosion structure, retaining walls, etc.
- Show all proposed drainage facilities, structures and tile locations under all access and service roads, driveways and parking areas. The plot plan must show no change in the rate of runoff from the improved site and must address both the quantity and quality of the drainage. Contact the Public Works Office for driveway tile and other utility questions.
- Show proposed location of conduit under all access and service roads, driveways and parking areas for cable TV.
- Show proposed basement, finish floor, and accessory structure grade elevations.
- Show distance from the closest point of the proposed structure, including projections, roof overhangs (including storm water gutters), porches, driveways, sidewalks and concrete pads on each side to the property line. This measurement must be perpendicular to the property line. Then show the distance down the property line to the property corner.
- Projections and overhangs shall not encroach into easements.
- Show any needed swales or other drainage control measures to properly control water runoff during construction and after completion.
- If the application involves Shoreline Strip improvements such as a dock, irrigation system, geothermal system, water and electric service, etc., these shall be accurately located on the plot plan. A licensed surveyor shall establish the positions of the dock, irrigation system pump, and geothermal coils to assure that they are correctly located in accordance with the permit application.

- Final grades are required to slope away from building foundations a minimum of five percent (5%) (the equivalent of 6" in 10') or swales may be required to prevent drainage problems (indicated by notes on plot plan.)
- Title Block must include the owner's name, plan title, certification as to precision, location by lot, block, and subdivision, legend, date and revisions, scale, surveyor's name, address, and seal.  
Show certain trees on plot plan as required by Section B(1)(H).

**One (1) copy of the Plot Plan with original seal and signature must be delivered to the ACC Office with the permit application.**

#### **D. Footing Survey Confirmation**

A surveyor's plot plan must be updated and submitted to the ACC Office **within 5 business days** after the completion of the footings to assure conformity with the site location as originally submitted in the permit application. At this time the surveyor shall set nails in the footers or otherwise properly mark their location to accurately locate foundation walls. **The POA Office (458-4522) shall be called and told the day the footings are poured.**

#### **E. Final As-Built Survey**

This survey shall show **all** construction and improvements on the lot including (but not limited to) the following: all structures, parking lot, fencing, sidewalk, steps, stoops, patios, decks, loading areas and docks, service entries, trash container storage areas (including associated screening structures and landscape screening), fences, swimming pools and aprons, retaining walls, air conditioner/heat pump pads and equipment, and propane tanks. **This document MUST be submitted when the final compliance review is requested.**

- If there has been a permit issued for shoreline improvement and it has been completed, the as-built survey must show the dock, walkway, water and electric lines, and geothermal coils to be within the imaginary lakeward extension lines.

If the shoreline improvement is completed at a later date, a final as-built survey must be submitted to the ACC office at the completion of the project.

### **(3) UTILITY REQUIREMENTS**

#### **A. Electrical**

For specific requirements and electrical permit fees, underground requirements and property owner responsibilities; contact the Utility Company serving your property. For Loudon County projects, contact Loudon Utility Board (LUB) at 865-458-2091. For projects located in Monroe County, contact Fort Loudon Electric Co-Op (FLEC) at 423-884-2049. **Landscaping around electrical transformers, water/sewer connections, telephone/cable TV equipment or utility or right-of-way easements or anywhere in the utility easement area (i.e., within 7.5 feet of all property lot lines) is installed at the owner's risk!** If trees, shrubs,

grass, plantings or any other such landscaping interferes with the servicing or connecting of utilities by a utility company, POA, or other interested parties, it may be removed by the POA, the utility company or other interested party at the owner's expense and without any obligation of replacement. The ACC reserves the right to require as a condition of permit issuance that all electrical service lines be underground.

## **B. Water and Sewer**

Property owners for all commercial projects will be responsible for all costs and expenses incurred by the POA to provide water and sewer service to the proposed facility. Such property owners may be required to pay fees and charges in addition to those stated on the application forms for the connection of adequate water and sewer service. The Public Works Department will review all commercial permit applications to determine the necessary water and sewer systems required to properly serve the proposed commercial location. To arrange for permanent water and sewer hook-up to the building or other permitted structure, the owner or contractor will need to coordinate all facility requirements and installation timing with the Public Works Department at least thirty (30) days prior to the time that installation of the interceptor unit is needed unless a longer or shorter time requirement is noticed in writing to the property owner or contractor by the Public Works Department.

The permitted structure will be connected to a central sewer system that will require the installation of various holding tanks, pumps, electrical controls, and associated appurtenances. In most situations, the property owner will be responsible for locating and extending the sewer and water service lines five (5) feet from the foundation of the building. The property owner will be required to provide all necessary electrical facilities and connections at a location to properly provide water and sewer service as determined by the Public Works Department. Contact the Public Works Department for all applicable construction and operational requirements.

## **C. Telephone**

The ACC Office will notify the telephone company of the approved building permit. However, the owner is advised to contact its telephone service provider for more information regarding wiring and establishing service.

## **D. Cable TV**

Cable service is available in Loudon County. Commercial permit applicants should consult with the cable company to determine any installation requirements or recommendations. The local cable provider should also be contacted for information on the time required to initiate service and for other application requirements.

## **E. Trash, Waste and Debris**

The property owner must provide adequate sanitation facilities to properly handle, process, store and contain all trash, waste and debris produced on the property or otherwise generated from any commercial operations on the property. Adequate

containers for the storage of trash, waste and debris must be provided in locations that are properly screened from view and which mitigate noise associated with the use, storage or removal of the collected debris. Trash containers, such as dumpsters, need to be emptied at least twice per week. All dumpsters, trash containers, and service areas shall be screened by structural or vegetative methods approved by the ACC so that such elements are not visible. All structural screens for service areas shall be kept closed at all times when not in use and shall be well maintained. All sanitation facilities will be located on the site plan submitted for review and the ACC reserves the right to require such measures as it deems appropriate to mitigate the adverse health, noise, smell or aesthetic effects of such facilities.

**(4) TRAFFIC CONTROL**

The property owner will be required to retain, at the property owner's sole expense, a licensed professional engineer to complete a traffic study and plan documenting the impact of the proposed commercial activity on all private streets in the immediate area (as determined by the ACC) and the impact of ingress and egress traffic to the property on all public streets. The traffic study and plan must be submitted for review and approval by the ACC and its consultants prior to the issuance of any commercial permit. Any traffic study and plan submitted to the ACC shall be deemed a record of the POA and may be disclosed by the POA upon request from a Tellico Village property owner. The ACC may also, in its sole discretion, require the property owner to pay for any needed traffic signage or signaling, as well as needed road improvements to property manage the effects of increased traffic resulting from the commercial activity under review.

**(5) PROPANE TANKS**

- ALL propane tanks require a permit and may NOT be located on or buried in the utility easements.
- Propane tanks with a rated capacity of 121 gallons or more, **REGARDLESS OF FILL AMOUNT, MUST be fully buried in the ground.**
- Propane tanks with a rated capacity of 120 gallons or less may be installed above ground WITH AN **APPROVED PERMIT**. The permit application must show details as to the tank size and proposed location. Landscape screening is required for any propane tanks located above ground so that the propane tank is not visible.

**(6) ANTENNAS**

Except as provided below, a permit shall be required for each exterior antenna. Application for permits shall include:

- Information showing location, size, and complete specifications and dimensions.
- Justification for need.

All permitted antennas shall comply with the following requirements:

- Antenna height shall not exceed the distance from the base of the mounting unit to the nearest lot line and no guy wires shall be permitted.
- The antenna mast shall not exceed one and one half inches in diameter.
- If an array is attached to the mast it shall not exceed one meter in any dimension.
- The antenna shall be located in the side rear or back of the lot outside of the minimum setbacks and utility easements (usually 7-1/2 feet from side lines and 20 feet from rear property line). Preference is a location that cannot be easily seen from the street (in other words, the structure should be used as a screen).
- Additional landscaping to screen the antenna may be required.

Antennas of a meter (or less) diameter shall be allowed on any Tellico Village building without issuance of an ACC permit. Such antennas shall be placed in a location that is as minimally noticeable as possible.

**Antennas greater than a meter in diameter are restricted, require ACC approval, and shall meet the requirements of this rule before a permit will be issued.**

## **(7) BLASTING**

If blasting is necessary during construction, prior ACC approval will be required. A blasting permit application form can be found in Section III. If blasting is anticipated, the request for approval should be included in the initial application for the building permit. Blasting required for footings, basements, utility installation, swimming pools, etc. should be coordinated and done at the same time.

The following rules for blasting shall apply:

- a. Blasting may be done only by a State of Tennessee licensed professional. A copy of a current and valid license must be on file in the POA office or must accompany the application;
- b. The person or company doing the blasting must supply a certificate of liability insurance which is in compliance with state requirements;
- c. The blasting contractor must take precautions to ensure that flyrock does not result from the blast;
- d. The blasting contractor is responsible to be in compliance with all local, State and Federal regulations, statutes and ordinances; and
- e. In areas where blasting is anticipated, the Public Works Department will install the sewer system and water and sewer lines at the same time that the footings are being prepared. Any blasting expense incurred will be the responsibility of the property owner. Should blasting be required for the installation of the sewer or water lines, the property owner or contractor may provide that service through their own blasting contractor, coordinating the work with the Public Works Department. Or, they may authorize the Public Works Department to arrange for the work through its own contractor at the property owner's expense. If rock is encountered, it is recommended that provisions also be made for the installation of the electric, telephone, and TV cables.

## **(8) STREET RIGHT-OF-WAY**

**The right-of-way of any street or roadway under the maintenance jurisdiction of the Public Works Department of the POA shall not be encroached upon or altered in any way without the written permission of the Public Works Director.**

Ingress and egress areas of commercial projects must be approved by the Public Works Department, the ACC, the County where the project is located and State of Tennessee (if applicable). The property owner must extend the pavement of the entrance exit areas to the edge of the street pavement. These surfaces must meet the street at the same elevation. Street shoulders must be properly restored to the original condition.

Drainage tiles and other drainage structures or facilities located in driveways, parking areas, access roads, service roads or other similar areas, if required, are to be installed at an elevation that meets the ditch grade and flow line. A swale in the finished drive may be necessary to divert water into the ditch. If this is necessary, some adjustment of the ditch grade may be required.

The Public Works Department shall have the right to alter the right-of-way and shall not be responsible for replacing or maintaining anything placed on the right-of-way with or without a permit, excluding driveways.

Removal of rock or gravel from the roadway, shoulder, ditch way, or anywhere within the right-of-way is strictly prohibited. The Public Works Department will restore any such damage and recover the costs from the responsible party. Violations may be referred to the ACC or POA Board of Directors for appropriate rule enforcement and remediation.

## **(9) EROSION AND DRAINAGE CONTROL**

Unfortunately, some applicants for new construction have given little thought to drainage issues before applying for a permit. Property owners and contractors must understand elevation grades and decide how to resolve potential grading and drainage issues. This should be done prior to submitting the permit application to the ACC. Property owners should be aware that any work done on the lot affecting the drainage pattern (parking lots, landscape beds, grading, mulching, etc), must be controlled in such a manner as to prevent any resulting drainage problems for adjoining properties. **Any alteration to the approved drainage plan must be submitted to and approved by the ACC prior to commencing work.**

Each permit application shall be accompanied by a copy of the Surveyor's Plot Plan diagrammed and annotated to indicate how the applicant plans to handle (i) storm water drainage from sloping yards, parking lots, drives and walkways, and (ii) water drainage from footing drains and roof leaders by such means as curbs, catch basins, French drains, swales and subsurface piping. Subsequent changes that affect drainage from the submitted drainage plan must be approved by the Public Works Department via a change order request.

Erosion and sediment control measures must be maintained during and after construction. Measures must be taken to ensure that any excessive run-off, silt, and sediment is contained and not allowed to contaminate adjoining properties, common areas, golf courses, the TVA reservoir, and other similar areas in Tellico Village. Except in unusual circumstances, a **properly installed** silt fence is usually adequate. The silt fence **must** be properly installed and maintained in order to trap silt and must not allow silt or debris to be washed over, under or around the fence.

**Storm water must not be allowed to unreasonably:**

- Run onto the streets.
- Run across the street to other properties.
- Be diverted to adjacent properties.

In most instances, these requirements can be accomplished by properly utilizing the utility and drainage easements, natural swales, and the ditch at the roadway. Some entrances and exits may require a grate or swale to divert water into the ditch-way. The driveway tile must be cleaned out and maintained by the property owner. All questions concerning street or driveway tiles should be addressed to the Public Works Department (865) 458-4522.

**NOTE: Written permit approval must be granted by the Public Works Department Director to install any drain tile on any lot in Tellico Village (except for tiles under driveways, access roads or service roads, which will be reviewed as part of the permit application process).**

**(10) PARKING STANDARDS**

**Note: Parking areas must meet the building code adopted by the jurisdiction having code authority! Check with the local authority to make sure the current rules are followed!**

**Each auditorium, church, stadium, or other place of public assembly requires not less than one parking space for each five seats provided in the place of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, at least one space for each two hundred square feet of floor space devoted to that particular use shall be provided.**

**Each office and professional building requires not less than one parking space for each 300 square feet of office space for each 500 square feet of floor space, or fraction thereof, above or below the first or main floor.**

**Each retail sales and service establishment requires not less than one parking space per 150 square feet, or fraction thereof, of floor space.**

Each auditorium, church, stadium, or other place of public assembly requires not less than one parking space for each 200 square feet, or fraction thereof, of commercial floor space.

Each Convenient Store, Motor Fuel Outlet or Service Station requires not less than five spaces for each grease or service bay or one space for each 1,500 square feet of lot area, or fraction thereof, whichever is greater.

Each restaurant requires not less than one space per 150 square feet of floor area, plus one space for each two employees.

For each building constructed, there shall be provided and constructed paved parking areas of hot mix asphalt, Portland cement concrete, brick, or other durable aesthetic material so as to provide dust-free, all-weather surfaces, and maintained thereafter in good condition. Each parking area shall be served by adequate driveways and space for the movement of vehicles.

Public parking areas shall be white or yellow lined with traffic paint to identify individual spaces. Such parking shall be attractively landscaped in accordance with the plan submitted.

The number and the specific location of parking spaces required for each building shall be designated in plans submitted with the application for a permit.

Parking lots shall be curbed and guttered and designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

Parking lots shall include landscape islands with appropriate overstory trees in all parking rows with more than ten (10) contiguous spaces. Landscape islands shall be a minimum of twelve (12) feet in width and depth

Landscape strips of a minimum of ten (10) feet in width and depth are required between parking lots and any adjacent street right of ways.

All driveway standards, parking lot standards, paving standards, entrances and exits and grading for all off-street parking lots and curb, gutter, drainage and soil conservation standards, shall be in accordance with Volume III of the Tellico Village Master Plan of Development, which may be reviewed at the Property Owner's Association office, and any applicable current local codes, laws of the State of Tennessee, or federal regulations including the Americans with Disabilities Act regarding provisions for the access of handicapped persons.

**IN THE EVENT OF ANY CONFLICT BETWEEN THE ABOVE-REQUIREMENTS AND THE APPLICABLE LOCAL BUILDING CODE, THE REQUIREMENT REQUIRING THE HIGHEST NUMBER OF PARKING SPACES SHALL CONTROL.**

**(11) FENCES AND BARRIER WALLS**

**All fences and walls shall meet the following requirements:**

**No fence or wall shall be built closer than two (2) feet to a property line unless the permit application includes documented consent by the adjacent property owner, and the survey line is adequately staked to eliminate property line disputes. No fence or wall shall be built within any utility easements.**

**Fence material must be approved by the ACC. A fence or wall may only be built of brick, stone, concrete, painted aluminum rails (aluminum panels are prohibited), painted iron rails, or other approved materials of durable and aesthetic quality. Chain link may be approved by the ACC only within areas of lumber yards, garage, storage buildings, etc., but such approval is discretionary.**

**All finish colors shall be in neutral and/or soft tones. No bright or fluorescent colors are permitted.**

**The height of any fence shall be a maximum of six (6) feet. Notwithstanding the foregoing, the ACC may, in its sole discretion, approve fences or walls in excess of six (6) feet that are used exclusively for structural screening of service areas.**

**(12) RETAINING WALLS**

All retaining walls that are 36 inches or higher above grade at any point must be designed and inspected by a registered professional engineer or architect. The construction of all retaining walls shall be in accordance with the plans as designed and permitted and shall be inspected and approved by a registered professional engineer or architect (or their representative), with a letter of approval as evidence thereof submitted to the ACC.

**All retaining walls shall be in accordance with all applicable building codes. The safety and structural integrity of the retaining wall is the responsibility of the property owner and contractor.**

**A permit is required for retaining walls such as those used in landscaping, which are subject to low levels of horizontal pressure, and are over three (3) feet in height.**

**All retaining walls within the Shore Line Strip require a current survey with the applicable corner pins and elevations clearly established.**

**Retaining walls shall be built of durable materials, including, but not limited to, reinforced concrete, steel, stone, brick, and other approved materials.**

**Finishes for retaining walls shall be in neutral tones. No bright or fluorescent colors are permitted.**

### **(13) HEAT EXCHANGERS**

A geothermal heat exchanger may be used in a commercial, community, recreational, or public building which adjoins the Shoreline Strip to improve the efficiency of a heat pump, heat and air conditioning system, or other such equipment in order to conserve energy resources.

Such heat exchanger shall be installed as follows:

- a. No heat exchanger may extend outside the designated Shoreline Strip area shown on the record plat for the abutting lot.
- b. No heat exchanger may extend more than 100' beyond the 805 MSL Elevation.
- c. Heat exchanger circulation lines must be buried below the frost line at all elevations of 805 MSL and higher.
- d. No heat exchanger may be closer to the shore than elevation 802.
- e. In the event that a heat exchanger cannot be constructed at a given lake lot, or plot, or if properties located away from the lake would like to utilize a heat exchanger, then geothermal heat exchanger coils may be approved and installed in cisterns or large diameter wells installed within a lot boundary. Trench methods for shallow installation may also be used.
- f. Each heat exchanger installation shall be designed by and the installation inspected by a registered professional engineer.

### **(14) IRRIGATION SYSTEMS**

**Unless otherwise waived by the ACC, all commercial property owners are required to install an adequate irrigation system to properly maintain and protect the landscaping on the property.**

**Annual inspections of irrigation systems as required by law will be coordinated by the Public Works Dept. and charged to the property owner.**

If a lawn or other irrigation sprinkler system is required, the location of the piping should be shown on the Plot Plan. If the routing of the sprinkler system is not known at the time the permit application is submitted, it should be noted and discussed with the ACC Staff. Lawn sprinkler systems require the installation of a reduced pressure backflow preventer when connected to a potable water system (often, larger water services will be needed.) **The back-flow preventer device is**

**inspected annually and the cost of the inspection is the responsibility of the property owner.**

Property owners may use the utility easement, building setback areas, or the street right of way (areas not used for vehicular or pedestrian travel) to place sprinkler systems but never closer than three feet to the street pavement. However, property owners are cautioned that any damage done to, or caused by the sprinkler system being placed in these areas, as the result of utility work, mowing, or vehicles parked on the right-of-way, or for any other reason or use, is strictly the responsibility of the property owner. Said property owner agrees to indemnify and hold harmless the Tellico Village POA from any such liability and damages.

The sprinkler system should be installed and maintained in such a manner as to prevent water being sprayed on the traveled portion of the street right-of-way. In the event TVPOA requires that the sprinkler system be removed from the street right-of-way for any reason, the property owner shall promptly comply and remove the system.

Owners of lake lots may wish to use the lake water for irrigation purposes. ACC, TVA, and Corps of Engineers permits are required. Contact the ACC office for details. Any property owner may make an application to the ACC requesting authorization to dig irrigation well.

#### **(15) GASOLINE, CAR WASH AND SERVICE STATION STANDARDS**

Each gasoline service station building shall be set back a minimum of 40' from all streets and rights-of-way. Proposed sites will be evaluated by the ACC as to the appropriateness of the proposed business for the site location. Traffic patterns, entrance and exit safety, potential noise, nuisance from exterior lighting and aesthetics all will be considered by the ACC when reviewing this and all applications. All gasoline service stations and car washes shall comply with all applicable local, state, and federal laws and regulations.

- a. Sign standards for gasoline stations shall be in accordance with sign standards established by the ACC.
- b. Car washes must receive approval from the Public Works Department for water use and drainage control.
- c. Fuel tanks must be buried per code requirements and must meet applicable local, state and federal laws and regulations.

#### **(16) OTHER CONSTRUCTION SITE REQUIREMENTS**

##### **A. Trash Containers**

During all construction activities, the lot shall be kept neat and free of excess trash, debris, and building materials. TRASH AND DEBRIS MUST BE CONTAINED to prevent cans and bottles, paper, and any other materials from being blown from the site. Building debris shall be kept condensed and removed from the site on a timely basis. Trash containers, such as dumpsters, must be emptied at least twice per week. Workers shall be cautioned about any intentional or unintentional littering while on the job or while traveling within Tellico Village. Litter violators will be subject to a fine of up to \$500.00 by the State of Tennessee.

## **B. Lot Line Markings**

After a permit for any work has been issued, the side lot lines must be defined and maintained throughout the construction process with string, surveyor's tape, or other means. Further, all building activities and materials shall be restricted to the lot for which the permit was issued. Use of adjacent lots, or common property for access to the building site is also prohibited. In rare instances in which it might be essential to use adjacent properties for access, prior permission from the property owner is required AND written proof of this permission must be submitted to the ACC Office. On waterfront lots the ACC requires iron pins set at the 820 MSL property corners and additional iron pins set where the projected shoreline strip property lines, as shown on the recorded plats, cross the 813 MSL.

## **C. Care of Streets**

The streets and street right-of-way (including the ditch) must be kept clean and free from mud, rocks, concrete equipment washout and debris from the building site on a daily basis. To help keep streets clean, the contractor must cover the proposed driveway with crushed stone before construction commences and maintain during the construction process. Excess concrete must be dumped on the job site and not on adjacent properties or in the street right-of-way. Any damage to the street or within the street right of way must be promptly repaired. If necessary, the Public Works Director will take corrective action and will bill the contractor and/or property owner for all expenses involved in the clean up or repair. If there is an unpaid balance at the time final inspection is requested, final inspection will be withheld until the balance is paid. Failure to comply with this requirement can result in the suspension of the permit.

## **D. Toilet Facilities**

Toilet facilities must be made available to the personnel on the building site and must be in place before the start of construction.

## **E. Warming Fires**

On **COLD** days (below 50 degrees) between October 1 and April 30, **WARMING FIRES** will be permitted during the construction period under the **STRICT** requirements detailed below. **Failure to comply with these requirements will result in the revocation of this privilege.**

- Fires must be contained in a barrel or other suitable container.
- Container must be situated no closer than 15 feet from other combustibles.
- Fires shall not be unattended or left burning after workmen leave the site.
- Only wood scraps may be burned. Under no circumstances can plastics, asphalt or other toxic and/or gas producing materials be burned.
- Gasoline or other highly flammable liquids may not be used to start fires.
- If the fire department responds, a charge may be imposed against the contractor/property owner.

## **F. Parking at Construction Sites**

Parking is limited to *one* side of the road to allow room for regular traffic, school buses and emergency vehicles to pass. Parking **MUST NOT** impede mail delivery.

## **G. Site Clean-Up**

A final clean up is required, including the removal of all building materials, building debris, stumps, portable toilets, etc., before the final inspection will be completed.

## **H. Noise**

Excessive noise on a construction site may be considered a nuisance. Loud music or broadcasts from radios, televisions, or other similar devices and loud, offensive or abusive language or behavior is strictly prohibited.

Construction noise outside of reasonable hours that causes a nuisance or an unreasonable disturbance to neighbors is prohibited except for unusual circumstances specifically authorized by the ACC. This requirement is not intended to prohibit work, but rather to limit noise.

Any construction activity that produces sufficient noise so as to unreasonably disturb neighbors during the hours stated below is prohibited. Prohibited noise shall include without limitation shouting, loud radios, hammering, and the use of power equipment from 9:00 PM to 7:00 AM each day from Sunday evening through Saturday morning and from 9:00 PM on Saturday evening until noon on Sunday. Exceptions will be granted for a limited period of time for special situations with ACC approval and Contractor notice to neighbors within 500 feet of the noise producing activity. Examples of permissible exceptions are to allow completion of a concrete pour for a foundation, basement slab or driveway, or a 2-3 day exemption to install a shingle roof during hours of daylight.

## **I. Liquid Containment**

Construction liquids and all other construction materials shall be contained within the property. No runoff is permitted. Spills shall be contained and disposed of in a manner prescribed by local, state and federal laws.

## **(17) SIGNS**

Commercial Signs: The erection of signs (including flags or banners) in any area zoned commercial upon any recorded subdivision plat or for which a commercial permit is required shall require a permit of the ACC, and no such sign shall be erected without the prior approval of the ACC.

- a. The ACC standard is the use of signs that are generally consistent with the appearance of sandblasted wooden or wood resin signs that are used elsewhere in the Village. Size, shape, height, design, color, illumination, and method of installation must be approved and permitted by the ACC. Fluorescent and iridescent colors are prohibited.

- b. Interior lighted translucent signs or interior lighted translucent letters are prohibited. The light for or from any illuminated sign shall be shaded, shielded, or directed so as to minimize the light intensity to the surrounding areas. Inert gas, bent tube (neon) type signs are not permitted.
- c. All signs for occupants of multi-tenant buildings shall have the same background and contrasting color for letters. Proprietary logos of different colors may be authorized on an individual basis. The length of such signs may not exceed 80 percent of the width of storefront. Letters shall not exceed ten (10) inches in height. Fluorescent and iridescent colors are prohibited.
- d. Individual buildings may have one free-standing sign of the same materials and colors specified above of a size not to exceed four (4) feet above the parking area level and four (4) feet in width. Signs on the building itself shall be submitted for approval with building plans. Signage should be designed in proportion to overall design.
- e. Directory type signs shall be of the same material and colors specified above. Such signs may extend to a height of six (6) feet and a width of four (4) feet. No individual letters shall exceed five (5) inches.
- f. Any signs of a temporary nature, on or visible from the exterior of any commercial building and/or business must have approval from the ACC.
- g. All ACC approved signs and surrounding landscape shall be maintained in good repair and appearance by the sponsoring organization.

## **(18) SOLAR PANELS**

The ACC recognizes that the use of solar panels and related solar equipment can potentially conserve energy resources and reduce utility expenses. However, while the ACC recognizes the merits of solar panel installation, the ACC desires to ensure that all solar panel installation within Tellico Village has minimal visual impact and generally comports with the established aesthetics of the community. Consideration will be given to granting a permit for installation of solar panels on a commercial building, if in the judgment of the ACC, the solar panel installation will fit neatly, unobtrusively, and inconspicuously on the property. The following rules will apply in consideration of a permit application for solar installation:

- Solar installations shall be limited to the roof of the building.
- Ground mounted solar panel installation is prohibited.
- Solar panel installation on outbuildings is prohibited.
- The preferred location for installation of solar panels is behind the front roof peak of the building or concealed behind roof parapets.
- The color of solar panels, framing, hardware, and all supportive structures shall blend with the color of the roof upon which they are installed.
- The color of solar panels, framing, and hardware shall be uniform.
- Solar panels on sloped roofs shall be permanently installed in a manner running parallel to the roof plane upon which they are located and may not be raised or tilted.
- Solar panels on flat roofs may be raised or tilted so long as the solar panels are

concealed behind roof parapets.

- The top of solar panels and framing shall not extend more than 10 inches above the roof upon which they are located.
- All supportive components for solar panels, including, but not limited to, piping, meters, and other fixtures and equipment shall be located behind the front roof peak of the building.
- All supportive components for solar panels, including, but not limited to, piping, meters, and other fixtures and equipment that are not concealed within the building shall be screened by landscaping so that they are not visible.
- The installation of solar panels and all supportive components shall comply with all applicable laws, regulations, and building codes.
- The installer of solar panels shall be licensed in accordance with all applicable laws, regulations, and building codes.
- Periodic maintenance all solar panels and supportive components is required to maintain a suitable exterior appearance.
- Solar panel fields should be uniform in size and shape to the greatest extent possible.
- All solar panels shall be located at least 24 inches away from the exterior edge, interior edge, and ridge of the roof area upon which they are installed.

## **(19) OUTBUILDINGS**

Outbuildings are prohibited on commercial properties.

## **(20) EXTERIOR MERCHANDISING**

Exterior merchandising of goods and materials for sale outside of commercial buildings shall require a permit from the ACC. Exterior merchandising permits will be issued by the ACC based upon submittal of a written permit request describing the proposed display and including a site plan. All displays of merchandise for sale outside of commercial buildings shall be subject to the following restrictions:

- a. Exterior merchandising shall comply with all applicable federal, state and local laws, building codes, standards and regulations.
- b. Exterior merchandising shall only occur during regular business hours for the commercial establishment. All materials associated with the exterior merchandising, including goods and display equipment, shall be removed from the sidewalk area and taken indoors upon the close of each business day.
- c. Exterior merchandising shall not impede sidewalk clearance and accessibility. A minimum clearance of four feet of public sidewalk width shall be maintained unimpeded and free of obstruction at all points to allow for safe pedestrian circulation and handicap access.
- d. Exterior merchandising shall not impede doorways and other entrances to commercial buildings.
- e. Exterior merchandising shall only be permissible on the front sidewalk of any commercial building, located fully beneath the cover of the building roof or awning and shall not encroach into parking or landscape areas.
- f. Exterior merchandise displays shall not generate excessive noise or light.
- g. Any merchandise displayed outdoors must be relative or incidental to the merchandise offered by the retail establishment on the site.

- h. No permanent outdoor storage of merchandise shall be permitted.
- i. No additional signage shall be permitted for exterior merchandising.
- j. All exterior merchandising shall at all times be maintained in a neat and orderly manner and shall not be displayed in bins or boxes. The permit holder shall be responsible for keeping the sidewalk area in front of the business clean and swept free of litter and debris.

Notwithstanding the foregoing, the ACC may, in its sole discretion, approve special limited seasonal permits for exterior merchandising by outside vendors to sell fruits, vegetables, trees, shrubs, flowers, food, and seasonal decorations. Seasonal exterior merchandising shall require a permit from the ACC. Seasonal exterior merchandising permits will be issued by the ACC based upon submittal of a written permit request describing the proposed display and including a site plan. All seasonal exterior merchandising permits shall be subject to the following restrictions:

- a. The ACC shall designate the type, time, location, and duration of seasonal exterior merchandising in its sole discretion.
- b. Seasonal exterior merchandising shall comply with all applicable federal, state and local laws, building codes, standards and regulations.
- c. Seasonal exterior merchandising shall not impede roadways, parking lots, and sidewalk clearance and accessibility. A minimum clearance of four feet of public sidewalk width shall be maintained unimpeded and free of obstruction at all points to allow for safe pedestrian circulation and handicap access.
- d. Seasonal exterior merchandising shall not impede doorways and other entrances to commercial buildings.
- e. All seasonal exterior merchandising shall at all times be maintained in a neat and orderly manner and shall not be displayed in bins or boxes. The permit holder shall be responsible for keeping the merchandising area clean and swept free of litter and debris.
- f. Seasonal exterior merchandising may be located in parking lots and landscaped areas with the express permission of both the property owner and the ACC.
- g. The ACC shall require a clean-up deposit in an amount set by the ACC in its sole discretion to cover the costs of any necessary clean-up after completion of seasonal exterior merchandising.

## **SECTION C – ENFORCEMENT AND APPEALS**

### **(1) GENERAL**

The Rules, Regulations and Standards contained in this handbook have been adopted by both the ACC and the POA. The POA and ACC also reserve the right to amend, rescind or waive the Rules, Regulations and Standards at any time. The delay or failure by the POA or ACC to enforce in any one or more instances any Rule, Regulation or Standard contained in this handbook shall not be construed as a waiver of the POA's or ACC's future ability or right to enforce the same. If any Rule, Regulation or Standard contained in this handbook, or any part of any provision thereof, shall be invalid or unenforceable under applicable law, said Rule, Regulation or Standard or the applicable part thereof shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining Rules, Regulations or Standards or parts thereof.

### **(2) ENFORCEMENT**

The POA has instituted a three (3) part program further described below to minimize, and ultimately eliminate, ongoing construction period violations that consists of regular site compliance checks, notification and sanctions for continued violations. Violations of the Rules after completion of construction will also be handled in a similar manner.

#### **A. Site Compliance Checks**

An authorized representative of the POA will make regular, but randomly, scheduled compliance checks of permitted construction sites. The representative will look for rule violations such as, but not limited to: fires, mud on roads, trash collection, toilet facilities, silt fences, encroachment on adjacent lots, common property, final clean-up, etc. These compliance checks are NOT conducted to check compliance with building codes and standards. Site Compliance checks may also be conducted by POA representatives after the construction process is complete to assure that the property owner continues to comply with the Rules. Such compliance checks may be initiated by the POA as part of its regular compliance program or as a result of a property owner complaint.

#### **B. Notifications**

Notice of any violations will be provided by the POA representative, who will notify the general contractor and/or property owner by phone, if possible, of the allowable period of time to correct or cure the violation (as determined in accordance with the guidelines specified in the Table of Violations). This notification may be followed up with a letter from the POA to the contractor and/or property owner. Should the contractor or property owner fail to promptly correct the violation after receiving a verbal or written notification, the POA may by written notice assess a non-compliance charge or revoke a construction permit at its sole discretion.

### **C. Penalties**

Where applicable, non-compliance charges(s) will be based upon the cost incurred by the POA in its efforts to investigate and bring about a cure for the violation. This recovery of cost charge will normally range from a minimum of \$50.00 to a maximum amount equal to the total costs to the POA, including attorney fees. **All non-compliance charges must be paid before the ACC will issue its final written compliance review, which is required before a house may be occupied. Failure to pay a non-compliance charge that is assessed after the final compliance review is complete may result in the suspension of membership privileges in the POA for the property owner or other legal action.**

### **D. Reinstatement of a Revoked Construction Permit**

Reinstatement of a revoked construction permit requires:

- Correction of the violation(s) cited;
- Re-inspection; and
- Paying a reinstatement fee the POA equal to the greater of (i) \$500.00 or (ii) ten percent (10%) of the original permit fee.

In the event of subsequent violation(s) on a given site, the same procedure described above applies; however, a reinstatement payment equal to the greater of (i) \$1,000.00 or (ii) ten percent (10%) of the original permit fee for the second violation and the greater of \$1,500.00 or (ii) ten percent (10%) of the original permit fee for the third violation may apply. Further violations may result in additional legal action as provided under law and the loss of membership privileges in the POA for the property owner.

Contractors who prove to be habitual violators will be subject to additional review and may also be subject to additional performance security requirements on future permit applications as determined by the ACC.

## **(3) APPEALS TO THE POA BOARD**

The Declaration provides property owners with an appeal to the POA Board of Directors for actions taken by the ACC. The following rule has been adopted by the POA Board of Directors to govern such appeals:

### **A. Right of Appeal**

Any final action of the Architectural Control Committee ("ACC") may be appealed to the Board of Directors ("Board") of the Tellico Village Property Owners Association, Inc. ("POA") by any member of the POA by filing an appeal as provided below.

## **B. Appeal to the Board of Directors**

An appeal shall be in writing, signed by the member and set forth the following:

- i. The specific action complained of and the date of the meeting when such action was taken.
- ii. The reasons for the appeal of such action.
- iii. The specific action requested to be taken by the Board of Directors.

## **C. Time of Filing of Board Appeal**

An appeal shall be filed in the principal office of the POA within fifteen (15) business days following the date of the meeting when such action was taken.

## **D. Processing a Board Appeal**

Upon receipt of an appeal, the General Manager shall determine if the appeal was properly filed and notify the appealing member of any deficiency. If the appeal is properly filed, the General Manager shall furnish a copy of the appeal to the ACC and any POA member specifically and individually affected by the appeal as determined by the General Manager. Provided, however, in the event more than three (3) additional property owners are affected, the General Manager may choose not to furnish a copy of the appeal but instead issue a general notice regarding the appeal and informing those interested in the appeal that they may obtain a copy of the appeal by requesting it in person at the POA office.

The General Manager shall promptly collect and review all pertinent information and prepare a report to the Board regarding the appeal. The Board will then make a decision on the merit of the appeal and inform the appellant of its decision.

## **E. Hearings for Board Appeals**

As appropriate, the General Manager will cause appeals to be placed on either the next special session or regular meeting agenda of the Board, or if the General Manager determines that additional time is required to give the affected parties adequate notice, he may schedule the appeal for the following special session or regular meeting agenda. The appealing POA member, the ACC and any POA member required to be furnished a copy of the appeal shall be notified of the time and place of such meeting and each party shall be given an opportunity to be heard. The appealing member, the ACC, and any party required to be furnished a copy of the appeal shall furnish written statements in support of their position to the General Manager five (5) days prior to the scheduled hearing so that the Board shall have sufficient time to review all submittals prior to the hearing. Other property owners who may be affected by the decision but who are not required to be provided copies of the appeal are also entitled to provide written statements to the Board as provided above.

At the Board meeting designated for the hearing, the appealing party shall present that party's information and position first; the ACC shall present information

regarding the action and position of the committee; POA staff members may present information if deemed necessary; and any other POA member required to be furnished a copy of the appeal may present his/her information. Other property owners who may be affected by the decision but who are not required to be provided a copy of the appeal may also be permitted to present information when permitted by the Board, but subject to its time restrictions or the requirements for the appointment of one or more designated speakers when necessary to facilitate an orderly hearing of the appeal.

If new or additional information is presented to the Board by the appealing party that has not been previously submitted as required above, the matter may be sent back to the ACC for review and further consideration.

#### **F. Board's Decision on Appeal Extensions**

The decision of the Board regarding an appeal under this rule shall generally be made no later than seventy-five (75) days after the receipt of the appealing party's request for review, unless special circumstances require an extension of time for processing, in which case a decision shall be rendered as soon as practically possible. If special circumstances require that the decision will be made beyond the initial time for furnishing the decision, written notice of the extension shall be furnished to the appealing party prior to the commencement of the extension. Any appeal that is extended twice at the request of the appealing party shall be scheduled for final hearing on the third date and without allowance for additional extensions except at the request of the General Manager. The Board's decision on the appeal shall be in writing and shall be furnished to the appealing party and the ACC.

#### **G. Final Decision**

Decisions made by the ACC on matters where no appeal to the Board is requested and decisions by the Board on matters where appeal is requested shall be final, binding and conclusive on all interested parties.

#### **H. Amendments; Waiver**

**The Rules prescribed in this Enforcement and Appeals section may be revised, amended, supplemented or otherwise changed from time to time by action of the Board. The Board specifically reserves the right to waive informalities or non-conformities to the requirements of this appeals process when the Board determines that such waiver did not or will not result in unfair or biased treatment of any matter under review by the Board.**

## **SECTION D – ACC REVIEW FEES AND FEE SCHEDULE**

The property owner for all commercial permit applications shall be responsible for all charges, fees and costs incurred by the ACC and the Tellico Village POA in processing and administering the property owner's permit application, including without limitation those charges, fees and costs incurred as a result of the permit review, plans and site review, building inspection and monitoring, and compliance assurance with all applicable legal, code, permit, Handbook and rule requirements. Such costs shall include reimbursement to the ACC and Tellico Village POA for its fixed staff time including administrative and overhead charges as determined by the POA, but also any out of pocket expenses the ACC or POA may incur during the permitting and construction process, including without limitation costs for outside engineering, architectural, survey, traffic, noise, environmental, and other professional and similar type reviews and services, as well as attorney fees and courts costs if necessary for enforcement and compliance activity. The ACC reserves the right to conduct its reviews at any time during the permitting and construction process, for which the cost of such reviews may be assessed against the property owner.

The costs associated with such activity will be recovered by the ACC and the Tellico Village POA through the permit fee requirements, a fee deposit requirement, and if necessary, direct billing and personal charges and a lien against the lot for which the permit applies. The initial permit application fee is not designed to recover all the contemplated costs associated with any particular commercial permit application and the applicant should expect additional charges that neither the ACC nor the Tellico Village POA may not be able to predict at the onset of any particular project.

The permit application fee shall be assessed at \$1.00 per square foot for all enclosed areas under roof (if multiple floors, each floor's area will be counted), but subject to a maximum permit application fee of \$25,000.00 for any one permit. In addition to the permit application fee, the property owner shall be responsible for paying any engineering, architectural, or consulting fees incurred by the ACC and the Tellico Village POA in reviewing a permit application.

The property owner agrees that the POA may bill the property owner at any time for any charges paid from the deposit throughout the permit process so as to maintain the deposit at its original level throughout the permit process and such invoices shall be paid within ten days of their receipt by the property owner. Failure to do so shall be grounds for immediate revocation of the permit and/or the issuance of a stop work order for the project under permit. In addition to the nonrefundable portion of the permit fee and the required deposit amount, the ACC and the POA may also charge such additional fees and charges as are prescribed on the ACC's Schedule of Fees and Charges, which may be amended by the ACC and POA from time to time.

## ACC REVIEW FEE SCHEDULE

<u>TYPE OF PERMIT</u>	<u>FEE DEPOSIT AMOUNT</u>
1. NEW CONSTRUCTION	\$1.00 PER SQ. FT. OF ALL <b>Enclosed</b> Areas under roof. If multiple floors, include each floor's area., (maximum fee \$25,000)
2. CHANGE OF EXTERIOR SPECIFICATIONS OR PLOT PLAN DURING CONSTRUCTION	IF REQUESTED BY OWNER OR CONTRACTOR: \$250.00 MAXIMUM FEE
	<b><u>IF DISCOVERED BY ACC: ASSESSMENT IS \$1000.00</u></b>
3. A. REPAINT EXTERIOR-EXISTING COLOR B. REPAINT EXTERIOR-NEW COLOR	PERMIT REQUIRED; NO FEE PERMIT REQUIRED, <u>See Fee Schedule</u>
4. REMODELING AND ADDITIONS A. INTERIOR ONLY B. EXTERIOR WORK (INCLUDING UTILITY BUILDINGS), MISCELLANEOUS PROJECTS	NO PERMIT REQUIRED PERMIT REQUIRED; <u>See Fee Schedule</u>
5. FENCES	PERMIT REQUIRED: <u>See Fee Schedule</u>
6. MINOR LOT CLEARING	PERMIT REQUIRED; NO FEE
7. PROPANE TANK	PERMIT REQUIRED; \$200.00 FEE
8. BURNING	<b>NOT PERMITTED</b>
9. SHORELINE STRIP REQUESTS*	
A. BOAT DOCK; SEAWALL; RIP RAP; GEO-THERMAL UNITS, ETC.	\$75.00 FOR ALL COMBINED REQUESTS
B. IF SUBMITTED INDIVIDUALLY:	
1. BOAT DOCK	\$75.00
2. SEAWALL	\$75.00
3. DREDGING	\$75.00
4. RIP-RAP***	\$50.00
5. WATER INTAKE SYSTEM	\$50.00
6. GEO-THERMAL SYSTEM	\$50.00
10. EXTERIOR MERCHANDISING	PERMIT REQUIRED; NO FEE (Clean-up deposit required for seasonal exterior merchandising)
11. ENGINEERING, ARCHITECTURAL, AND CONSULTING FEES INCURRED BY THE ACC AND TVPOA IN REVIEW OF PERMIT APPLICATION	OWNER RESPONSIBILITY

**A \$500.00 FEE IS REQUIRED BY TVA FOR ALL 26A APPLICATION FORMS SUBMITTED  
\*\*\*EXCEPT RIP-RAP. THIS FEE IS IN ADDITION TO THE POA FEES SHOWN ABOVE**

**ANY EXTERIOR PROJECT(S) STARTED AFTER SUBMISSION OF THE FINAL SURVEY WITHOUT FIRST OBTAINING THE REQUIRED, PROPER PERMIT WILL BE SUBJECT TO A MINIMUM FEE SURCHARGE OF NOT LESS THAN \$200.00 NOR MORE THAN \$1,000.00, IN THE SOLE DISCRETION OF THE ARCHITECTURAL CONTROL COMMITTEE.**



## Commercial Miscellaneous Permit Review Fee Schedule

**Note: Building permit fees charged by the jurisdiction doing code inspections are in addition to the following POA charges:**

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection is required, in which case a \$25.00 fee for inspection shall be charged
\$1,000 to \$50,000	\$25.00 for the 1 <sup>st</sup> \$1,000, plus \$6.50 for each additional thousand or fraction thereof, to and including \$50,000
\$50,000 to \$100,000	\$340.00 for the 1 <sup>st</sup> \$50,000, plus \$5.25 for each additional thousand or fraction thereof, to and including \$100,000
\$100,000 to \$500,000	\$600.00 for the 1 <sup>st</sup> \$100,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$500,000
\$500,000 and up	\$2,160.00 for the first \$500,000, plus \$2.60 for each additional thousand or fraction thereof.