



RUMBLING BALD
ON LAKE LURE

New Home Construction
Submittal Package

Revised 02.20.2024

Quick Guide To Architectural Control Committee Submittal Requirements

- 1) Submit the appropriate application (New Home Construction Packet or Exterior Modification Application) along with all applicable supporting documentation.
- 2) Valid Health Dept. (septic system) permits must be submitted for new homes.
- 3) **For new home construction**, a \$9,000 *Impact Fee* (payable to Rumbling Bald POA) and a \$4,580 refundable *Security Deposit* (payable to Rumbling Bald ACC) must accompany each application. **For exterior remodeling projects**, the *Impact Fee* will be 1% of the total cost of projects exceeding \$10,000 (not to exceed the new home construction *Impact Fee*) and the refundable *Security Deposit* will be 2% of the total cost of projects exceeding \$5,000 (not to exceed the new home construction *Security Deposit*). Security deposits will be returned upon satisfactory completion of the project.
- 4) **ALL** external colors must be approved by the ACC. White will not be accepted. The proposed color must have a Light Reflectance Value (LRV) of 50 or less for the body of the home and a LRV of 63 or less for the trim. The ACC retains the right to deny a color based on the need to maintain an aesthetic harmony in the Association.
- 5) Concrete block or poured concrete exterior walls must be parged and painted.
- 6) Corrugated, shiny metallic or baked glazed finishes for exterior walls will not be approved.
- 7) Trailers or mobile homes will not be approved.
- 8) Trees over three (3) inches in diameter must not be removed without the consent of the ACC. Topping of trees is prohibited.
- 9) Trees removed to clear sites for the building, septic field, and driveway must be done within ACC guidelines.
- 10) All setback requirements must be followed. Any deviations require the granting of an ACC variance.
- 11) All fuel tanks (i.e., propane, oil) must be buried according to specifications of fuel supplying company.
- 12) Any revisions to plans after initial approval must be brought to the ACC.
- 13) The Town of Lake Lure Land Disturbance Permit requires that any applicant who does not reside in North Carolina assign an agent who will accept and convey correspondence regarding the land disturbance project. This requirement is separate from the superintendence of the construction project.
- 14) Silt screens must be properly installed and maintained in a condition to serve their intended purpose until erosion is not a problem.

NOTE: Complete and detailed descriptions of these requirements can be found in the "Rumbling Bald ACC Rules & Regulations". If you have further questions, please contact Teresa Kennedy, Community Management Administrator, at (828) 625- 3075.

REMINDER: You must obtain ACC approval for any future exterior work done on your home or lot.



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Process for Obtaining a Residential Building Permit

1. Obtain a Septic Permit

- Issued by Rutherford County Health Department, Environmental Health Division
- Contact Rutherford County Environmental Health at 828-287-6317

2. Obtain Rumbling Bald Architectural Control Committee Approval

- Submit the New Home Construction Submittal Package and receive approval from the ACC.
- This approval is needed before continuing onto the next steps.

3. Obtain Zoning Compliance Permit AND Land Disturbance Permit

- Issued by the Town of Lake Lure
- Contact the Town of Lake Lure Zoning Director at 828-625-9983

4. Obtain a Building Permit

- Issued by Rutherford County Building Inspections Department
- More info can be found at:
https://www.rutherfordcountync.gov/departments/building_inspections/obtaining_my_permit.php



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New Home Construction Submittal Checklist

- _____ **1. Elevation and Floor Plan** prepared by professional engineer, surveyor, or builder. Must show all dimensions, front/side/rear elevations with existing & finished grade, and roof pitch (minimum 8/12).
- _____ **2. Plot Plan** prepared by professional engineer, surveyor, or builder. To include foundation, all hardscapes (driveways, sidewalks, decks, patios, fences, etc.) septic area including repair area, light posts, retaining walls, HVAC equipment and landscape plans. Must show setbacks and easements.
- _____ **3. Colors Form**
- _____ **4. Builder's Risk Insurance**
- _____ **5. Worker's Compensation Insurance** (Contractor/Subcontractor Requirement)
- _____ **6. Contractor General Liability Insurance for \$1,000,000 minimum**
- _____ **7. Owner's Financial Capability** (Letter from Financial Institution)
- _____ **8. Septic System or Sanitary Sewer (Health Dept.) Permit**
- _____ **9. Copy of Current Contractor's License from North Carolina**
- _____ **10. New Home Construction Impact Fee** – Payable to Rumbling Bald POA - \$9,000. The impact fee is not refundable and is due with the application packet.
- _____ **11. New Home Construction Security Deposit (refundable)** – Payable to Rumbling Bald ACC - \$4,580. Deposits are due with the application packet.
- _____ **12. ACC Building Permit Application** (Completed with all necessary signatures)

NOTE: ACC Building Permit is required before obtaining a Zoning Compliance Permit from the Town of Lake Lure and Building Permits from Rutherford County.

NOTE: All of the above documentation must be submitted four days in advance of an ACC meeting by 4:00 PM in order to be placed on the agenda. Failure to comply could result in a delay of being issued a permit. ACC meetings are typically held on the first Tuesday of each month. Email all documents to Teresa Kennedy at TKennedy@rumblingbald.com for Committee review.



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New Home Construction Colors Form

Lot or Address of Project _____

Owner _____

Contractor _____

	Material	Color Name, Brand, and #	LRV #
<i>Foundation</i>	_____	_____	_____
<i>Siding</i>	_____	_____	_____
<i>General Trim</i>	_____	_____	_____
<i>Window Trim</i>	_____	_____	_____
<i>Shutters</i>	_____	_____	_____
<i>Front Door</i>	_____	_____	_____
<i>Roofing</i>	_____	_____	_____
<i>Garage Siding</i>	_____	_____	_____
<i>Garage Trim</i>	_____	_____	_____
<i>Garage Door</i>	_____	_____	_____



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Building Permit Application

Subdivision/Lot or Address of Project _____

Proposed Start Date _____

General
Contractor _____
Address _____
State _____ ZIP _____
Telephone _____
Email _____

Property
Owner _____
Address _____
State _____ ZIP _____
Telephone _____
Email _____

North Carolina General Contractor's License No: _____

(Note: If you are an owner-contractor, please mark N/A above, then read and sign the Owner-Contractor Addendum to Building Permit Application)

Property Owners are responsible for the actions of any contractor and/or subcontractor that they, or their contractor, may employ. Failure to abide by any of the Rules and Regulations of Fairfield Mountains Property Owners Association (d/b/a Rumbling Bald on Lake Lure) and the ACC, or failure to cooperate with the ACC, could affect a owner and/or contractor's ability to obtain future approvals from the ACC.

The Owner and Contractor shall minimize the adverse effect the construction may have on the surrounding neighbors and the community. Parking of all vehicles (construction and employee) shall be on one side of the road only (not both sides). No parking shall block mailboxes.

All construction employees, subcontractors, and suppliers shall obey the stop signs and speed limits while driving on Rumbling Bald property. The primary contractor shall be responsible for ensuring adherence to these rules.

<u>Subcontractors</u>	<u>Name</u>	<u>Telephone</u>
Electrical	_____	_____
Plumbing	_____	_____
HVAC	_____	_____
Insulator	_____	_____



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Total square feet of heated, finished, living area in the home (not including garages, carports, decks, etc.) is _____ square feet.

1 st Floor Heated Sq. Ft. _____	Number of Bathrooms _____
2 nd Floor Heated Sq. Ft. _____	Number of Bedrooms _____
Additional Heated Sq. Ft. _____	Total Number of Rooms _____

Number of Off-Street Parking Spaces _____

Each housing unit is required to have a minimum of one off-street parking space for every two bedrooms or portion thereof: For example: 1-2 bedrooms: 1 parking space
 3-4 bedrooms: 2 parking spaces
 5-6 bedrooms: 3 parking spaces

Front Setback _____	Left Side Setback _____
Rear Setback _____	Right Side Setback _____

Are you aware of any drainage problems on the property lot that you feel are not your responsibility? _____ If the answer to this questions is yes, please explain:

Is there a natural ditch or swale running across your lot that will possibly flood your home? _____ If the answer to this question is yes, please show the existing and proposed re-routed ditch or swale on your plot plan and explain either here or on the plans how you propose to divert the water:

****By signing this application, you are assuming the responsibility for diverting this water****

The following information is to be completed by the General Contractor:

Are the following items included in your contract with Owner?

	YES	NO
1) All structural and painting exterior work on the house itself, including all trim work	<input type="checkbox"/>	<input type="checkbox"/>
2) Sidewalks	<input type="checkbox"/>	<input type="checkbox"/>
3) Paved or Concrete Driveway	<input type="checkbox"/>	<input type="checkbox"/>
4) Landscaping	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of these questions is YES, the ACC will hold the Contractor accountable for completion of these items along with the Owner.



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VIOLATIONS

Violation of the Restrictive Covenants and/or the Rules and Regulations of the ACC will be called to the attention of the Property Owner and General Contractor. If this warning is ignored and the violation continues, the ACC may refuse to approve any further submissions by the General Contractor and/or owner. Failure to correct violations may result in the denial of future permits and/or the assessment of fines, as provided by the governing documents of the Fairfield Mountains Property Owners Association, Inc. d/b/a Rumbling Bald on Lake Lure.

I, the undersigned General Contractor have read and understand the Rules and Regulations of the Architectural Control Committee and I agree to abide by these specifications, rules, and requirements; build the home according to the plans approved by the ACC; and complete the home within twelve (12) months. I agree to adhere to the approved house and site plans during construction and will submit any plan changes to the ACC for approval.

General Contractor

Signature _____ Date _____

I/We, the undersigned Owner(s), I/We have read and understand the Rules and Regulations of the Architectural Control Committee and acknowledge receipt of a copy of the Restrictive Covenants and Rules and Regulations that cover my property and agree to abide by these specifications, rules and requirements; build our home according to the plans submitted; and complete the home within the twelve (12) months as required.

Property Owner

Signature _____ Date _____

Signature _____ Date _____



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Owner-Contractor Addendum to Building Permit Application

The questions below provide clarification to the owner-contractor exemption eligibility requirements in the state of North Carolina. If you are not hiring a licensed general contractor to superintend your construction project, you must read and sign this addendum stating that you are knowledgeable of, and will abide by, the state requirements for owner-contractor exemption.

1. What building construction projects are required to be superintended by a licensed general contractor?

Under North Carolina law (G.S. 87-1), the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the construction is \$30,000 or more must be superintended (supervised and managed) by a general contractor who is licensed in this state. A licensed general contractor is also required for erecting a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code. Among the exemptions to this requirement are “owner-contractor” projects discussed in Question 2.

2. Who is eligible for the “owner-contractor” exemption?

A property owner can act as his own general contractor and thus be exempt from the requirement to hire a licensed general contractor for building projects costing \$30,000 or more if the property owner (including the owner’s family) intends to solely occupy the building being altered or built on his property. If the building is not solely occupied by the property owner for at least 12 months following completion of the project, it is presumed that the property owner did not intend to solely occupy the building. (G.S. 87-1(b)(2)) In addition, a property owner who acts as his own general contractor must personally supervise and manage the building construction or alteration project for which the building permit was obtained under the exemption. The property owner cannot then delegate this duty to an unlicensed person to superintend the project on his behalf. After the building permit has been obtained pursuant to the exemption, the property owner can only delegate this duty to a general contractor licensed in this state. This exemption applies to building alteration or construction projects on property owned by individuals as well as firms and corporations (including local governments). The exemption – and the criteria for eligibility under the exemption – applies to both residential and commercial building construction projects.

3. How does a property owner qualify for the exemption?

If a property owner meets the eligibility requirements for the “owner-contractor” exemption (he owns the property on which the building is being altered or constructed and intends to solely occupy the building once completed), the property owner must submit a verified affidavit to the local building inspector attesting to certain facts when the property owner applies for a building permit. The building inspector cannot issue a building permit unless the property owner submits the affidavit.

4. What information must the affidavit contain?

At a minimum, the affidavit must attest to the following three facts:

- 1) The person is the owner of the property on which the building is being



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- altered or constructed, or if the property is owned by a firm or corporation, the person is legally authorized to act on the firm or corporation's behalf;
- 2) The person will personally superintend and manage all aspects of the construction of the building, and that he will not delegate this duty to any other person who is not a licensed general contractor; and
 - 3) The person will be personally present for all building inspections required under the North Carolina State Building Code (this last requirement does not apply if the plans for the building were drawn and sealed by a licensed architect).

5. Is the property owner required to submit any additional information or supporting documentation with the affidavit?

The property owner is not required to submit any additional information or supporting documentation with his affidavit. However, a local building inspector may ask questions, require the property owner to fill out a questionnaire or form, or request additional information in determining whether the property owner appears to qualify for the exemption prior to issuing the building permit.

6. Who must sign the affidavit?

The affidavit must be signed by the owner of the property on which the building is being constructed. An individual who is or will be occupying the structure but who does not have an ownership interest in the property cannot sign the affidavit. If the property is owned by a firm or corporation (including a unit of local government), the person submitting the affidavit must be legally authorized to act on the entity's behalf.

7. If the property is owned by multiple individuals (not a firm or corporation), do all property owners have to sign the affidavit?

The affidavit may be signed by only one of the property owners. For example, if the property is jointly owned by a husband and wife, the affidavit does not have to be signed by both spouses and may be signed by either the husband or the wife. However, if the husband and the wife sign the affidavit, then they both must personally supervise the building project and be personally present at all building inspections (unless the plans were drawn and sealed by a licensed architect).

8. If the property is owned by a firm or corporation, do all partners in the firm or corporation have to sign the affidavit?

No. The new law is clear on this point, and only requires the affidavit to be executed by a person who has legal authority to act on behalf of the firm or corporation (including a unit of local government). It would be wise for the person who is acting on behalf of the firm or corporation to have this legal authority in writing.

9. If the property is owned by an individual, can that individual authorize someone else to sign the affidavit on his behalf?

No. G.S. 87-14(a)(1)a. specifically requires the person submitting the affidavit to attest that he or she owns the property on which the building is being altered or constructed. Only in the case of property owned by a firm or corporation (including a unit of local government) can an individual be authorized to act on the property owner's behalf.



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10. What does the building inspector do with the affidavit?

The building inspector must transmit a copy of the affidavit to the North Carolina Licensing Board for General Contractors for verification that the property owner is validly entitled to claim the exemption under G.S. 87-1(b)(2).

11. What kind of review does the Licensing Board conduct?

The Licensing Board is required to review the affidavit to verify that the property owner was validly entitled to claim the exemption under G.S. 87-1(b)(2).

12. What is the time frame for the Licensing Board's determination?

No time frame is specified within which the Licensing Board must render a determination as to the property owner's eligibility to claim the exemption under G.S. 87-1(b)(2).

13. Must the building inspector wait for a determination from the Licensing Board before issuing the building permit?

No. The building inspector is not required to delay issuing the building permit pending the Licensing Board's review of the affidavit submitted by the property owner. In fact, if the affidavit appears valid when presented to the building inspector and, based on the information contained in the affidavit along with other information the building inspector might request, the owner appears to be eligible for the exemption, the building inspector does not have a valid legal basis to delay issuing the building permit if all other permit requirements have been met. A local building inspector may ask questions, require the property owner to fill out a questionnaire or form, or request additional information in determining whether the property owner appears to qualify for the exemption prior to issuing the building permit.

14. What happens if the Licensing Board determines that the owner is not eligible for the owner-contractor exemption?

If the Board determines that the property owner is not eligible for the exemption under G.S. 87-1(b)(2), the Board will notify the building inspector of its determination and the building inspector is required to revoke the building permit pursuant to either G.S. 153A-362 (for counties) or G.S. 160A-422 (for cities).

15. What does the property owner do if his building permit is revoked?

If a building permit is revoked, all construction activity must cease. In addition, other permits obtained under state or local laws applicable to the project also may be revoked. The property owner then has three choices: (1) modify his circumstances to become eligible for the exemption; (2) hire a licensed general contractor to superintend the project; or (3) abandon the project altogether. Any resumption of construction activity on the project will require the issuance of a new building permit (and perhaps other permits applicable to the project).

16. Does the property owner have to be present at all building inspections?

Yes. One of the facts to which the property owner (or person legally authorized to act on behalf of the firm or corporation owning the property) must attest in the affidavit is that he or she will be personally present at all building inspections required by the North Carolina State Building Code. If the person who executed the affidavit is not personally present, the



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building inspector is not allowed to conduct the inspection. This requirement does not apply if the plans for the building were drawn and sealed by a licensed architect.

17. Can the property owner delegate the responsibility of supervising the building project to someone else?

No. One of the facts to which the property owner (or person legally authorized to act on behalf of the firm or corporation owning the property) must attest in the affidavit is that he or she will personally superintend and manage all aspects of the alteration or construction of the building and will not delegate this duty to any other person who is not a general contractor licensed in this state. If the person who executed the affidavit becomes unwilling or unable to personally supervise the project once construction has started, he or she can only delegate this responsibility to a general contractor licensed in this state.

18. Are there any penalties for violating the new law?

Yes. If the Licensing Board determines that the property owner was not eligible for the exemption under G.S. 87-1(b)(2), the building inspector must revoke the building permit pursuant to either G.S. 153A-362 (for counties) or G.S. 160A-422 (for cities). If the building construction does not cease or resumes without complying with applicable state laws, G.S. 87-13.1 authorizes the Licensing Board to apply to Superior Court for a restraining order and injunction to stop further construction activity, and the court may order the property owner to pay for the Board's reasonable costs associated with investigating and prosecuting the violation. Continued construction activity by the property owner may also constitute a violation of the requirements of G.S. 87-1, which is punishable as a Class 2 misdemeanor. In addition, swearing falsely on the affidavit (perjury) is also a criminal offense punishable as a Class F felony. (G.S. 14-209)

Property Owner

Signature _____ Date _____