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**RULES AND REGULATIONS  
FOR  
THUNDER POINTE SUBDIVISION  
DESIGN AND DEVELOPMENT GUIDELINES**

**1.0 INTRODUCTION**

Located amid the rolling hills of East Tennessee, Thunder Pointe is an exclusive gated community consisting of approximately 114 beautiful pastoral acres adjoining Tellico Lake. Its estate size lots and traditional home styles make it a truly unique, one of a kind experience. It has beautifully maintained landscaping with lake access, lake views and mountain views. The quiet serenity of nature is evidenced by the abundant wildlife. Thunder Pointe is truly a special place.

1.1 These design guidelines are to serve as a minimum set of design principles and standards for the community. They outline, illustrate and define desired design objectives to achieve the high quality, desired character and style of Thunder Pointe. These guidelines are part of the Rules and Regulations of Thunder Pointe Residential Association, Inc. and are supplemental and explanatory to the Declaration of Covenants, Conditions and Restrictions for Thunder Pointe Residential Association, Inc. (DCCR's) and are subordinate to the DCCR's in all respects. In addition, compliance is required with any applicable federal, state, county or local ordinances including, but not limited to subdivision ordinances, floodway ordinances, engineering and most recently adopted residential building codes for the state of Tennessee, TVA standards and state and federal wetlands regulation and section 106 of the Historical Preservation Act. It is intended that all owner/builders within Thunder Pointe use functional environment in which to live. Owner/builder is responsible for developing and maintaining individual lots in a manner prescribed in these governing documents. Interpretation, clarification, and amendment of these Design and Development Guidelines are at the sole discretion of the Architectural Review Board, as defined herein.

1.2 These governing documents are in place to ensure that the quality of life and property values are maximized for all property owners. The value of the homes is closely tied to these protective covenants and property purchasers understand that payment of dues and cooperation with Thunder Pointe Residential Association decisions and policies is a requirement concomitant with property purchase and ownership.

**2.0 DEFINITION OF TERMS**

The following terms and phrases used in these Design and Development Guidelines shall be defined as follows:

**"Architectural Review Board"** (hereafter "ARB") shall mean the governing body elected or appointed in accordance with the Charter and Bylaws of the Association and charged with the stipulated responsibilities contained herein. Oversees all improvements in the subdivision to ensure members' investments are protected.

**"Builder"** shall mean any person or company retained by an Owner for the express purpose of making improvements on an Estate Lot.

**"Declarant"** means, Thunder Pointe Residential Association, Inc., a Tennessee non-profit Corporation, and its successors and assigns under an instrument specifically designating such successor or assign as a successor Declarant under this Declaration.

**"Estate Lot"** shall mean a portion of Thunder Pointe, whether developed or undeveloped, intended for development, as provided for on the recorded plat. These shall comprise a residence for a single family in a manner consistent with these Guidelines, the Declaration of Covenants, Conditions and Restrictions and any applicable Supplemental Declaration. The term shall include all portions of the lot owned as well as any structure thereon.

**"Owner"** shall mean the owner of record of an Estate Lot, including a contract purchaser, but excluding anyone having an interest in an Estate Lot as security for the performance of an obligation.

**"Yard"** shall mean that part of an Estate Lot extending open and unobstructed from the lowest level to the sky along the entire length of the lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

**"Yard, Front"** shall mean a yard extending along the full length of a front lot line to the front façade. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one such yard shall be designated for each corner lot to the front façade.

**"Yard, Rear"** shall mean a yard extending for the full length of the lot line to the rear façade.

**"Yard, Side"** shall mean a yard extending along a side lot line to the side facade from the required front yard to the required rear yard. In the case of a corner lot, any yards which abut a street line and which is not designated a front shall be considered a side yard. A side yard abutting a street shall be twice the required minimum side yard depth.

### **3.0 GENERAL LOT STANDARDS**

**3.1** Thunder Pointe is located in Monroe County, Tennessee and is within the Town of Vonore's planning region. The guidelines for building setbacks have been established by the Master Developer and approved by the Vonore Municipal Regional Planning Commission.

### **3.2 SETBACKS (DCCR 6.8)**

Minimum setbacks for the primary residential structures on each Estate Lot are delineated on the final plat as field and are depicted on Exhibit A. In no event will the primary structure on any Estate Lot be located closer to the front Estate Lot line than 30 feet, the side Estate Lot line(s) 25 feet, or the rear Estate Lot line 25 feet. An exception to this requirement is the elimination of rear setbacks on Estate Lots 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17 where the rear of the Estate Lot is directly adjacent to land owned by the Tennessee Valley Authority.

### **3.3 WATER (DCCR 6.5)**

Each residential building shall be connected to an approved public water supply system at the sole expense of the Estate Lot owner. Wells of any type are prohibited from being drilled or constructed on any Estate Lot except as necessary for the preservation and use or beautification of any Common Areas.

### **3.4 SEWAGE DISPOSAL**

Each residential building shall be connected to a private septic disposal system at the Estate Lot owner's expense. Such sewage disposal system shall conform to all applicable standards of Monroe County, the State of Tennessee, and any other applicable governing party.

### **3.5 UTILITIES (DCCR 6.10)**

Utility lines have been installed underground in or adjacent to the shared access road or upon easements on the Estate Lots or upon the Common Areas. Connections from improvements on Estate Lots to the underground utility lines shall be completed at the Estate Lot Owner's expense and shall be constructed underground.

### **3.6 DRAINAGE**

The builder/owner is responsible for providing positive drainage away from the buildings on each lot. The builder/owner is responsible for not concentrating and discharging storm water as a point source from one lot to any other lot or area within Thunder Pointe unless it is within a prescribed drainage area and indicated on the overall master site plan. Maintenance of storm water drainage means and methods (re: swales, impoundments, etc.) within any Estate Lot is a continuing obligation of the owner of the source lot.

The builder/owner will use natural drainage ways to the extent possible for the preservation of existing trees. Roof drainage must be handled so as to not create an erosion or drainage problem. All buildings are required to have gutters and downspouts and must provide positive drainage away from the building. It is preferable to incorporate a secondary drainage system into the Estate Lot site plan to connect all down spouts and discharge directly into drainage easement.

The builder/owner must indicate the drainage concept on the site plan when applying for building permit.

### **3.7 EROSION CONTROL**

At a minimum, the builder/owner is responsible for providing erosion control measures in compliance with Monroe County or other governing regulatory entities. At no time shall erosion or sediment runoff onto adjacent property or common area be allowed during and after construction. The use of properly installed silt fences as well as other approved methods to avoid this will be enforced by both governmental agencies and the ARB.

### **3.8 GRADING**

In general, graded slopes of greater than 3:1 (33%) should be broken with retaining walls or terraces. If the height is excessive, two retaining walls should be used and separated by a planting area. Slopes graded greater than this should have ARB consultation prior to proceeding with grading activity.

Swales are to be graded shallow but wide to slow run-off. Steep abrupt cuts are to be avoided. Transitions back to natural grade should be smooth and continuous. The same holds true if grading is required joining lot lines and/easements.

Driveways should be graded at 5% maximum grade at top and bottom.

### **3.9 TREE PROTECTION**

The protection of healthy, mature trees throughout the subdivision is vital to the overall design concept of Thunder Pointe. Therefore builder/owners are required to save trees within Estate Lots whenever possible.

Removal of any tree 6" DBH (diameter at breast height) or greater requires the approval of the ARB.

### **3.10 GENERAL CONSTRUCTION SITE GUIDELINES**

3.10.1 Building site must be maintained in a clean orderly fashion at all times. Owner/builder responsible.

3.10.2 A construction type trash dumpster should be on site during entire construction process and site must be picked up of trash and debris on a daily basis. Container should be emptied when top is within 6" of being full. Owner/builder responsible.

3.10.3 Portable toilet must be provided on site during the entire construction period and removed immediately afterward. Owner/builder responsible.

3.10.4 Streets must be kept free of dirt, mud, gravel, debris, etc. on a daily basis. Streets must be left in a clean condition each day. Builder/owner is responsible.

3.10.5 Builder/owners are held responsible for the conduct and actions of those persons they contract or employ while they are on the premises of Thunder Pointe Subdivision.

3.10.6 Any damage caused to curbs or streets or any other property will be the responsibility of the builder/owner and any required repairs or replacement will be satisfied with fines or assessments to either party if necessary.

3.10.7 Under no circumstances shall any type of activity encroach on adjacent or neighboring properties without approval of the ARB and/or Property Owner as applicable. This activity would also fall under the Design & Development Guidelines and require appropriate written approvals.

### **4.0 CONSTRUCTION PERMIT (DCCR 5.0)**

#### **Procedure and Schedules**

4.1 (DCCR 5) No lot improvements are authorized on any Estate Lot without a written "ARB Approval Document" issued by the ARB (and local/state permits if applicable). Improvements are defined as erected, sited, altered, constructed, reconstructed, and added to. Permitting required includes, but is not limited to: building structures of any kind; grading; roads; drives; tennis courts; fences; pools; docks.

4.2 All contractors performing work in Thunder Pointe 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 ARB 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 contractor's license and insurance coverage will be maintained on file at the TPRA office and contractors are obligated to promptly inform the ARB of any

change to the contractor's licensure or insurance coverage and to provide the ARB with appropriate documentation of such change. The ARB shall maintain a current list of approved builders for Thunder Pointe and qualification/disqualification will be at the sole discretion of the ARB. Local building experience, financial stability, and verifiable references will be some of the factors considered for approval to the list of approved builders.

**4.3 Owner/builder must present three (3) duplicate sets of plans and specifications for any desired Estate Lot improvements to the ARB. Plans for primary residences shall originate with a designer/licensed architect. Sufficient information shall be submitted in the plans and specifications to demonstrate compliance with all of the requirements of these Covenants and Design and Development Guidelines. In addition to the house plans, the ARB will require the following to be submitted for approval.**

- **ARB Material & Color Checklist** (form provided by ARB) This should include a complete list specifying materials as well as colors to be used. Samples are helpful and could be required in some instances.
- **SITE PLAN** – showing exact proposed placement of structure(s) on property, including all setback dimensions; driveway(s); parking pad; walkways; patios; etc..
- **SITE EXCAVATING PLAN** – topography of land and any proposed grading to be done. Drainage plan for lot. Placement of temporary excavated soil. Placement of septic tank and lines. Placement of water lines; electric lines; geo-thermal lines; placement of propane tank.
- **SITE ACTIVITY PLAN** – placement of silt fencing; placement of construction dumpster; placement of port-a-john; show any proposed temporary egress onto the lot that is not a proposed permanent driveway.

**4.4 Any plan submitted for a residential structure shall be accompanied with a non-refundable fee of one thousand dollars (\$1,000). This one-time fee for review, processing, and compliance monitoring covers any other plans submitted for Estate Lot improvements and even future improvements.**

**4.5 The ARB shall review all submitted Estate Lot improvement plans within thirty (30) days from submission thereof, and determine if the proposed plan conforms to the requirements of the Covenants and Design and Development Guidelines for Thunder Pointe. If approved, the ARB will retain one set of plans and specifications for its permanent file and issue the owner/builder a Building Permit.**

**4.6 Upon issuance of the Building Permit for a residential structure, the owner/builder must provide a builder's non-refundable bond in the amount of five thousand dollars (\$5,000) made out to Thunder Pointe Residential Association, Inc. Construction shall commence within 45 days of Building Permit being issued in order to be valid and shall be completed within 18 months of start date. Residential structures must be built and completed according to Design & Development Guidelines and "inspected" by the ARB before occupancy can take place.**

**4.7 Absolutely no changes, alterations or deviations may be made to any approved building plan without written approval of the ARB. Violations of Thunder Pointe Covenants or Design and Development Guidelines will result in fines to the builder/owner and/or assessments and/or liens on the subject lot. The Board has the authority to require reconstruction if necessary or even work stoppages in extreme situations. Primary residence construction must be completed within 18 months of issuance date of Building Permit for same. Completion time frame for other projects requiring Building Permits will be at the discretion of the ARB, depending on the project.**

**4.8 Should any discrepancies occur between the approved plans and the Design and Development Guidelines, the Design and Development Guidelines shall govern, unless specific written approval is provided by the ARB.**

## **5.0 RESIDENCE**

While there is no strict architectural style being enforced in Thunder Pointe, it is very desirable to emphasize traditional home designs. Traditional forms, materials and details will best exemplify the character of Thunder Pointe, and invoke an enduring, timeless quality. Architectural design shall aspire to be complimentary and in harmony with other homes within the community, as well as the land itself.

### **5.1 Size Requirements (DCCR 6.6)**

No building shall be greater than two (2) stories above the highest ground level of the foundation. (In most cases this should allow for two stories above a basement)

#### **For residential construction on Estate Lots numbering 1 through 17**

Single level – exclusive of the garage, the principle residence structure shall have a minimum of 3,500 square feet of heated living space.

Multiple levels – exclusive of the garage, the principle residence structure shall have a minimum of 4,200 square feet of heated living space and a minimum of 2,500 of this should be on the main level.

#### **For residential construction on Estate Lots numbering 18 through 48**

Single level – exclusive of the garage, the principle residence structure shall have a minimum of 2,500 square feet of heated living space.

Multiple levels – Exclusive of the garage, the principle residence structure shall have a minimum of 3,200 square feet of heated living space and a minimum of 2,500 of this must be on the main level.

### **5.2 DESIGN GUIDELINES (DCCR 6.5)**

**5.2.1 Foundations** – Slab on grade construction is not permitted for the principle dwelling. Crawl space foundations are permitted and conditioned crawl space is highly recommended. Homes must be elevated a minimum of 24" above finished grade. Outside wall of foundation must be finished to grade with like materials of the main house. Exposed block is prohibited.

**5.2.2 Elevation and Facade Articulation** – It will be assumed that the house will be seen from all angles and that there will be a continuity of colors, materials and details on all elevations. However, priority must be given to those sides that are visible from streets and walkways. The most articulated elevations will be those that are in public view. The exterior elevation shall be a combination of planes and shapes designed to be visually interesting. Front elevations in which the key elements (front entrance, main windows, etc.) are symmetrical will be the norm. Variations are acceptable but must be consistent with the theme of the traditional design. All two story houses shall have single story elements and all single story houses will have some variation in the ridge line.

**5.2.3 Gables** – Front facing gables shall not be massive or blank but should be carefully integrated into the design of the front elevation, incorporating detailed elements (such as windows) where possible. Otherwise, large open gables are better facing toward side or rear yard. Gables are particularly unattractive when placed over the garage door. The unshielded exposure of the door is helped greatly by way of a low roofline over the door.

### **5.3 Note: exterior wall framing shall be 2" X 6"**

### **5.4 Exterior siding material approved for houses built in Thunder Pointe are:**

All exterior materials and all exterior colors must be approved by the ARB.

- Brick – medium to dark ranges in earth tone color are acceptable. Orange, yellow and pink hues will not be approved.
- Stone – natural stone or high quality artificial stone is acceptable.
- Wood siding – stained in earth tone color if cedar; painted in muted earth tone or neutral colors if pine or smooth cedar.
- Horizontal application only. Diagonal or vertical application is prohibited.

- Cement based fiberboard - same application guidelines as wood.
- Stucco – only concrete masonry based stucco is approved.
- Cedar shingles/shakes – are permitted.
- Prohibited materials for “siding” are: vinyl; aluminum; hard board; plywood; particle board; rough sawn siding; board & batten.
- Vinyl & aluminum metal may be used for soffits, guttering, fascia, chimney caps, and other “trim” material if painted or clad. All exterior materials to be approved by the ARB.
- All wood must be painted or stained. Naturally weathered wood is not allowed.
- Samples of all exterior materials as well as color pallets must be presented the APB when submitting plan for approval. In all instances, colors (other than trim) shall be in muted earth tones and ALL exterior colors approved by the ARB.

Covered front porches are encouraged. As is a formal stoop transition.

## 5.5 Windows

Placement must be carefully designed to create a balanced composition. They must be sized to be in scale to the overall size and design of the house. Wooden windows, stained or painted, and vinyl clad windows are approved. Aluminum windows are not approved.

## 5.6 Roof

Flat or shallow sloping roofs are not permitted. Minimum slop on primary roof must be 8 in 12 pitch. A combination of roof pitches may be used if they are integrated with the design of the house and pitches of less than 8 in 12 on accent roofing must be signed off on by the ARB at time of plan review. Changes in roof geometry are best when accompanied by offsets in plan. Overhangs of 6” or more must be used on the eave condition and the rake condition. Overhangs must be boxed in to avoid exposing ends of rafters. The roof, as an expressive design element, should be kept as visually unobstructed as possible. Vent stacks, power roof ventilators and other necessary roof protrusions must be located away from public view. All vent covers and counter flashing shall be copper or painted to match roof color. Vent stacks should be located at the rear of the house if codes permit. All vents must have covers. Roofing color shall be in the primary family of colors that presently exist in the neighborhood. These are medium to darker shades of brown and grey. Approved materials for roofing are: slate; tile; natural shake; and architectural/ dimensional grade asphalt shingles. Standing seam metal roofing material is approved when used as accent roofing and conforms to color pallet. Whole metal roofs are prohibited.

## 5.7 Fireplaces & Chimneys

It is recommended that every residence incorporate a minimum of one fireplace. Any “vented” fireplace must have a chimney. The chimney should be used as a design element with the following considerations: If placed on an exterior wall, a masonry finish shall be used. The height of the chimney shall be in proportion with the roofline. Chimneys that barely peek above the roof where they protrude are not visually bold enough and are unacceptable. Broad massive chimneys are encouraged, and small, spindly ones will not be approved. Chimney must be brick, stone, or masonry stucco and have a chimney cap which hides any vent stacks. Chimneys clad with other siding are not permitted.

## 5.8 Garages

Garages must be de-emphasized in the overall design of the house so as not to detract from the overall appearance. When attached, garages shall be well integrated with the overall house design and incorporate design features and details through the balance of the house. Detached garages shall be entirely consistent with architectural style and materials of the main house. Garages, attached or detached, shall have a minimum of two (2) stalls and a maximum of three (3) stalls for standard size vehicles. Garage doors must not exceed eight (8) feet in height. Single garage doors that are structurally divided often have a more desirable look and are encouraged. Double doors are permitted. All garage doors require windows that are architecturally compatible with the house design. All garage doors are to be a color that matches the adjacent wall or trim of the house. Side loaded garages are preferred but front loaded garages are approved in some situations. A porte-cochere, which does not extend past the home’s front facade, is permissible. Enclosed auto courts, constructed of material complimentary to the Estate home, are also acceptable.

### **5.9 Driveways**

The builder is required to build a paved driveway flush from the back of the street curb to the garage. Expansion joints between the back of the curb and driveway are required. In addition, two (2) four inch PVC sleeves are required to be installed under each driveway at two (2) feet back of curb. The conduits shall be installed with a magnetic locator tape. This conduit will be reserved for irrigation and lighting extensions by the lot owner and/or Thunder Pointe Subdivision use. All driveways must be paved with approved materials for driveways which are: concrete; granite pavers, brick pavers, or combination thereof. Asphalt is a prohibited surface. Color, pattern and design should complement the house and landscape design. Driveways must be a minimum of 10 feet in width.

Any driveway design shall not cover more than 25% of the front yard. The remaining 75% must be maintained in turf grass and soft landscaping. The driveway may not abut the main building foundation except as necessary to enter the garage. Driveways may be formal – straight symmetrical, or in a more natural setting – an informal layout. Where buildings are set back considerably from the street, the builder is encouraged to incorporate a curvilinear, meandering driveway layout. Especially if it means being able to preserve mature trees.

Alternative driveway designs, such as motor courts, circular drives, etc. may be used to provide additional visual interest.

### **5.10 Walkways**

Walkways built from the street or driveways to the front door (or other entrances) must be constructed of concrete, brick pavers, granite pavers, or flagstone. Limestone gravel or asphalt is not an approved option. It is recommended that walkways be generous in width and have gentle curvatures that will complement the overall landscape design.

### **5.11 Mailboxes (DCCR 6.9)**

Mailbox shall be constructed of either brick or stone to match that of the primary residence. Mailbox must be substantial enough in size so as not to appear spindly. Since the mailbox is so close to and visual from the street, this is a good opportunity to showcase the quality of the home's craftsmanship.

Mailbox placement, height, etc. must meet U.S. Postal Service regulations. Street address is required to be clearly and prominently displayed for guests, service personnel, and emergency services.

Mailbox plans shall be included and submitted with original house plans to the ARB when requesting Building Permit.

### **5.12 Outside Operating Equipment**

No rooftop or window HVAC equipment is permissible. Propane tanks shall be buried underground. HVAC equipment, house generators, meters, etc. shall be adequately screened from view by adjacent lot or public. This can be accomplished with landscaping and/or ARB approved screening methods.

### **5.13 Accessory Structures**

All accessory structures must be approved by the ARB. Some examples of those that could be considered are: detached garages; in ground pools, spas, and cabanas; gazebos; trellis shade structures; detached hardscaped patios; outdoor kitchens, fireplaces, and fire pits. Other accessory structures will be considered on a case by case basis.

Satellite dishes shall not exceed 24" in diameter and should be mounted on the house in such a manner so as to not be visible from the street. In some instances, this can be accomplished by mounting low to the ground and on the side or rear of the house. Ground mounted satellite dishes are permissible provided they are adequately screened with approved screening methods.

Some prohibitive accessory structures are: external TV or radio antennae; flagpoles; swing sets or playground apparatus; basketball goals (fixed or portable); dog houses, dog runs; storage sheds.

#### **5.14 Pools and Spas**

Above ground type pools of any type are prohibited. In ground pools, spas and hot tubs are permitted (Reference 5.16), provided all appurtenances are screened from public view with approved screening methods as established by the ARB.

Maximum height for privacy screen is not to exceed six (6) feet above existing grade. Fencing material must be with decorative masonry wall of stone or brick that is compatible with the residential structure. An ARB designed fence option, or other screening material approved by the ARB.

All state and local codes pertaining to pools and spas must be met.

The location and layout of all pools, spas, pool decks, privacy screens, and related elements, including mechanical equipment, are subject to review and approval of the ARB. At a minimum, these features must observe the building set back requirements that are established for each individual lot as indicated on the final plat. In no case shall these features be located in a "front yard" (as defined elsewhere in this document).

#### **5.15 Lighting**

Exterior residential lighting for Thunder Pointe shall be designed to convey a warm, inviting atmosphere and to aid in providing nighttime security. Care is to be taken in placing fixtures, selection of fixtures, and types of light sources.

General responsibilities – Private lighting installed on individual lots shall not cause distraction, nuisance, or excessive spillover light to other lots. Decorative fixtures must be of high quality materials and workmanship and be in scale and style with the residence.

General design standard – Sodium vapor lights are prohibited. Incandescent, low voltage incandescent, LED, metal halide, quartz and natural gas lights are acceptable.

Security lights are to be located so as to be as unobtrusive as possible in order that they not be visible from the street or other lots. Security lights must be concealed from view and mounted on a structure. Pole mounted security lights on exterior property lines are prohibited.

Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lights are not permissible.

Exterior illumination to accent street address numbers, architectural features such as columns, entries, chimneys and landscape features is allowed but must be subdued in overall intensity. Spotlights are to be concealed from direct view and directed to prohibit light spillover onto adjacent property.

Driveway lighting should be soft and strategically placed within landscape areas.

All exterior lighting is subject to review and approval by the ARB.

#### **5.16 Fencing and Walls (DCCR 6.7)**

It is the intent of these guidelines to insure compatibility of wall/fence design/usage throughout the Thunder Pointe development by providing direction to homeowners for a harmonious use of details and materials.

All walls/fencing shall comply with the special requirements of Thunder Pointe as outlined below. Approval of all proposed walls/fencing, as part of the site plan submitted to the ARB is required.

In Thunder Pointe, a basic distinction will be observed in the way walls and fences are allowed and used. Three (3) classifications of walls/fences are recognized: (1) Perimeter Boundary Fence; (2) Privacy Walls/Fence and (3) Special Walls/Fences.



**5.16.1 - Perimeter Boundary Fences** around the exterior lot lines of any Estate Lot are permitted. All perimeter fences shall be a consistent "4-board horse fence"/post and rail design. The preferred height of these fences is 48 inches with a maximum height not to exceed 60 inches. These fences, if incorporated, shall be finished in a consistent color as approved by the ARB. Under no circumstances will Perimeter Boundary Fences be left in an unfinished, natural state.

Perimeter Boundary Fences on lots abutting common open spaces shall not exceed four (4) feet in height if located within twenty (20) feet of the rear or side property line abutting common open space.

A 2x4 wire mesh may be mounted on the inside of the rail fence to secure pets, provided its mounting detail is approved by the ARB.

Perimeter Boundary Fences shall be setback a minimum of six (6) inches from a property line unless it is being connected to an adjacent fence, in which case an easement to construct and maintain the fence shall be created and mutually agreed to by the affected owners.

**5.16.2 - Privacy Walls/Fences** are allowed. Privacy Walls/Fences, if used, shall enclose or establish a boundary for the most private portions of the grounds including the rear yard principal outdoor living areas of the house, manicured gardens, pool/spa area, etc.

No Privacy Walls/Fences shall be greater than six (6) feet in height, unless approved by the ARB by exception only, and shall be less as specified under certain special conditions. They shall not exceed forward of the rear corners of the primary structure.

Any Privacy Fence incorporated into the site must be constructed with the finished side facing outward from the interior of the Estate Lot. Fences shall be finished in a consistent color that complements the primary structure and only as approved by the ARB. Under no circumstances will Privacy Fences be left in an unfinished, natural state.

**5.16.3 - Special Fences** shall be considered for approval by the ARB by exception only: (1) Fences around a tennis court or swimming pool, the permitted size of which and construction type shall be approved by the ARB. Note: A non-climbable fence with a minimum height of four (4) feet and safety locking gate to enclose swimming pools is mandatory. (2) Underground electronic fences to restrain and control pets shall be permitted within the boundaries of an Estate Lot.

**5.16.4** As general guidelines:

Estate Lots may be cross-fenced or partially cross-fenced with the "board horse fence"/post and rail design, described under Boundary Perimeter Fence above, only once, so as to preserve the open beauty and continuity of the development.

Fence sections may either run horizontally with changes in grade being taken up at the fence post at regular intervals or may slope parallel with the grade. Fence height shall be consistent as provided for in these guidelines.

In no case shall any type of metal, plastic, or other non-natural material or finish be used. Electrified fences are prohibited.

Masonry walls such as brick, stone or stucco should be designed as an extension of the architectural design of the home. These wall designs should be simple yet possess enough detail to avoid the appearance of uninterrupted panels. A water table and cap are recommended as design features to be included in wall designs.

Wall sections shall run horizontally with changes in the grade to be taken up at a column at regular intervals. Wall height shall be consistent.

Gates may be installed and shall be designed to be compatible and complimentary of the wall design.

All supplemental landscaping shall be in accordance with the landscape guidelines.

Should existing trees or other obstacles require adjustments to the fence/wall location, the fence/wall shall always be shifted in the direction of the private side.

### **5.17 Signage and Graphics (DCCR 6.15)**

Signs advertising property for sale must not exceed four (4) feet in area and shall be limited to one such sign per lot and shall be placed only on the specific lot to which it applies. Any such sign shall be professional in design and appearance and shall be removed upon closing of sale. No other signage, flags or banners is permitted on estate lots or common areas except as below.

Signage erected by the ARB for the TPRA for identification of streets, traffic control, and common use facilities, etc. These signs shall be of such quality of design and materials to be in keeping with the character of Thunder Pointe.

### **5.18 Exterior Maintenance Requirements**

The lot owner shall have the responsibility to maintain the exterior of any and all structures on the estate lot as needed or required. This includes, but is not limited to repairing, replacing, and painting, staining and cleaning of: walks, driveways, porches, roofs, gutters, downspouts, exterior building surfaces, windows, fascia, doors, fences and mailbox. Failure to do so after a reasonable notice will result in special assessment procedures to commence.

## **6.0 LANDSCAPE TREATMENT**

At the time, or before, the driveway(s) are completed, the Homeowner must submit a Landscape Plan to the ARB for approval.

The landscape treatment for Thunder Pointe is intended to be a unifying element in the design of the overall community, helping to create a strong sense of place. While landscape design throughout common areas and in the majority of the lot area will tend to be pastoral or naturalistic, the design for principal outdoor living areas (within building envelopes) should be more formal and restrained. Planting beds should use domestic/exotic plants along with indigenous species. A manicured look is desired. While curvilinear bed layouts are acceptable, the edges dividing beds and lawn should look crisp and distinct. Individual and clusters of mature trees saved throughout the site in combination with the individual required landscape treatments will help accomplish the desired effect.

### **6.1 General Responsibilities**

Any landscaping and lawn maintenance of common open spaces, major street corridors and rights-of-way is the responsibility of the Thunder Pointe Residential Association, Inc. and shall be maintained in a pristine like condition at all times. The TPRA should "set the tone" for the benefit of its members.

The Estate Lot owner is responsible for landscaping and lawn maintenance of Estate Lot as well as the portion of the street right-of-way between the property line and back of street curb. Lawn maintenance responsibility shall commence at time of lot purchase. Landscape responsibility (planting of trees, shrubs, etc.) shall commence at time of house completion and must be completed within 120 days unless time for completion is extended in writing by the ARB.

### **6.2 Planting and Plant Maintenance Requirements**

**6.2.1 Trees** – a minimum of 12 trees of at least 2" – e" caliper measured 6" from the base of the tree. These trees shall be thoughtfully placed to frame views/vistas of the surrounding countryside and the estate home and shall be considerate of not impairing views from neighboring homes. Trees shall be pruned as required on a regular basis.

**6.2.2 Shrubs** – a minimum of 20 large shrubs (5 gallon min.) and 50 medium shrubs (3 gallon min.) is required in initial planting. Homeowners are encouraged to plant additional. Shrubs shall be pruned or trimmed as required.

**6.2.3** When selecting trees and plants, thought should be given to evergreen vs. deciduous. You may also wish to select plants that are resistant to deer. Thunder Pointe is geographically located in the " Middle South" – Zone 7.

**6.2.4** Any dead plant material must be removed immediately from the landscape.

**6.2.5 *Planting Beds*** – beds should not stop where they come to the edge of the house. They should round the corner and extend a minimum of eight (8) feet beyond. Cut beds should be sharp/crisp edges. Gentle, meandering curvatures can give an easy and relaxing effect. Raised beds offer nice interest to the landscape and give prominence to special plantings. Small boulders can add to the project if not overdone. The beds are to stay adequately mulched (3" - 4") in all seasons using pine straw, pine bark nuggets, shredded hardwood or other natural mulch material. Planting beds shall be kept free of grass and weeds.

**6.2.6** Although not recommended, river stone measuring 2" to 6" in diameter will be allowed in some situations but cannot be used next to the driveway or the street. The ARB must be consulted prior to using. No gravel of any size or color is permitted.

### **6.3 *Lawns and Lawn Maintenance Requirements***

Lawn maintenance is a vital element in any residential landscape and this has never been truer than within the boundaries of Thunder Pointe. Each lot owner shall be responsible for seeing that their lot(s) are maintained in a manner that is consistent with the guidelines set forth in the governing documents for Thunder Pointe Residential Association, Inc.

**6.3.1 *Type of grass*** – there is no standard being enforced regarding a specific variety of lawn grass to be used in Thunder Pointe. Most of the lawns have achieved good success with fescue or tuft Bermuda grasses. The important thing is to eliminate any bare ground areas. Eradicate the weeds or other unwanted grasses whenever possible. The desired effect is to have a nice thick, solid, stand of lawn grass that is maintained in a manner that is consistent with the required guidelines.

**6.3.2 *Mowing etiquette*** – lot owners must make sure that grass clippings (or other debris) are not left on the street after mowing. Owners are responsible for the actions of their "lawn service" personnel and any messes they may cause. If owner fails to see that these guidelines are followed, a fine will be issued and charged to their account. It is also important to make sure that grass and/or debris is not blown onto neighboring property. Ants and other lawn pests should be kept eradicated from lawns within setback areas so as to prevent encroachment onto neighboring property.

**6.3.3 *Mowing frequency*** – history has shown us that "mowing season" in our geographic location usually begins in April and last thru October. It's sometimes longer, sometimes shorter. Also, that there will be occasional droughts and certainly periods of excessive rain. Lots of variables in temperature, grass types, and grass/weed ratios.

What we have learned for sure is that if the grass is not mowed a minimum of every two weeks, it becomes completely unacceptable for the standards established by Thunder Pointe Residential Association, Inc.

Unimproved lots - shall be mowed a minimum of every two weeks during the growing season and as needed at other periods of time.

Common area and Improved lots – shall be mowed a minimum of once a week during the growing season and as needed at other periods of time.

### **6.4 *Failure to adhere to these guidelines will have the following schedule for compliance:***

1st violation = request to owner to comply. If not complied within 7 days, TPRA will have lot mowed. Mowing charges plus a \$100 fine will be billed to the owner's account.

2nd violation = request to owner to comply. If not complied within 7 days, TPRA will have lot mowed. Mowing charges plus a \$200 fine will be billed to the owner's account.

3rd violation = request to owner to comply. If not complied within 7 days, TPRA will assume mowing responsibilities for the lot on a regular basis and mowing charges will be billed to owner's account.

### **6.5 Lawn Ornaments**

Lawn Ornaments are usually discouraged. However, if used, must to be used very sparingly and with good taste in keeping with the overall architectural style and decor of the community.

Holiday decorations are approved but here again, must be both tasteful and subdued. Decorations may not be put up prior to 30 days of the holiday and must be removed within 15 days after the holiday.

In all instances, care should be taken so as not to be objectionable or insensitive to others residing in Thunder Pointe. The ARB and the Board of Directors will monitor. If in doubt, please ask first.

**7.0** Initial Landscaping Plans must be submitted to the ARB for approval at the time, or before, the driveway(s) are completed. The plan will include the location of all required plantings and/or proposed hardscape. Landscaping shall commence at time of house completion and must be completed within 120 days unless time for completion is extended in writing by the ARB.

### **8.0. ADOPTION OF RULES AND REGULATIONS FOR THUNDER POINTE SUBDIVISION DESIGN AND DEVELOPMENT GUIDELINES**

The foregoing were approved by the Board of Directors on behalf of Thunder Pointe Residential Association, Inc., and adopted as RULES AND REGULATIONS FOR THUNDER POINTE SUBDIVISION-DESIGN AND DEVELOPMENT GUIDELINES, a corporation not-for-profit under the laws of the State of Tennessee on the 28<sup>th</sup> day of January 2019, these are original documents replacing any and all previous RULES AND REGULATIONS FOR THUNDER POINTE SUBDIVISION-DESIGN AND DEVELOPMENT GUIDELINES of record for Thunder Pointe Residential Association, Inc., as recorded in the Registrar's Office for Monroe County, Tennessee.

9.0 Acceptance of RULES AND REGULATIONS FOR THUNDER POINTE SUBDIVISION – DESIGN AND DEVELOPMENT GUIDELINES.

Every purchaser or owner of an Estate Lot within the Property shall be bound by and subject to all of the provisions of this Declaration.

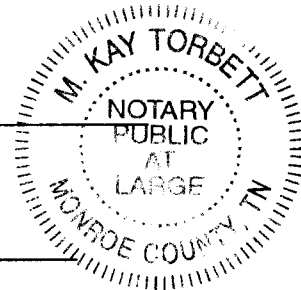
By Ben Keil

Ben Keil Its: President

Before me M Kay Torbett a Notary Public in and for the State of Tennessee, Monroe County, personally appeared Ben Keil, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the President of the Association and member of the Board of Directors, being authorized so to do, executed the forgoing instrument for the purposes therein contained by signing the name of the Association by himself as President and member of the Board of Directors.

Witness my hand and official seal at office in Vonore, Tennessee, this 28<sup>th</sup> day of January, 2019.

Notary Public: M Kay Torbett



My commission expires: 02/01/20

**BK/PG: M277/389-401  
19000650**



13 PGS:AL-RESTRICTIONS	
DEB BATCH: 74960	
<b>02/05/2019 - 12:49:53 PM</b>	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	65.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	67.00

STATE OF TENNESSEE, MONROE COUNTY  
**KIMBERLY ESTES BIVENS**  
REGISTER OF DEEDS