

Article I
Use Restrictions

***** = changes to verbiage in 2001 C&R

***** = new and/or added as necessary to comply with NC PCA

New Document	2001 C&R	Notes & Background
<p>1. All lots in the Village shall be used solely for single-family residential purposes and no business or commercial activity will be permitted on or upon a lot. Only one single-family dwelling (hereinafter, "Residence") and one accessory, unattached out-building as is typically incidental to a Residence, shall be permitted on any lot; provided, however, that any non-conforming out-building that has been constructed or placed on a lot prior to the recording of this Declaration shall not be deemed a violation of this Paragraph 1.</p>	<p>Section I: Each and every lot... 1) All of said lots in said development shall be residential lots, and except for strictly temporary purposes, as herein- after defined, no structure shall be erected, altered, placed or permitted to remain on any lot other than one detached, single family dwelling, with appropriate appurtenant structure for dwelling use only.</p>	<p>Addressed Outbuildings</p> <ul style="list-style-type: none"> • Clarified language: removed "structure" to help Board with language as required in consideration for new construction and permit requirements; • Clarified dwelling and residence • Addresses outbuildings, while Grandfathering previously built & permitted outbuildings • Removed confusing language re: "appurtenant" structure
<p>2. No business or commercial activity will be permitted on a lot and no commercial structure or activity of any type shall be placed upon any lot or allowed within the Village. This restriction shall not be construed so as to disallow private home offices provided that the use of such home office does not alter the character and nature of the community; generate pedestrian or vehicular traffic in conjunction with such office use; or involve non-resident employees.</p>	<p>Section I: Each and every lot... 3) No trade or business of any kind, or obnoxious offense, of unlawful activity, shall be permitted on any residential lot in the Subdivision. In those lots designated as commercial on Highway 64, including the common ground areas, no obnoxious offenses or unlawful activities, or anything which may become an annoyance or nuisance to the neighborhood shall be allowed</p>	<p>Addressed Commercial/Business Use</p> <ul style="list-style-type: none"> • Cleaned up and clarified language • Addressed "home offices" for members working from home • Provided better language and explanation regarding increased traffic
<p>3. No Residence shall be erected with less than 1,000 square feet of heated living space, exclusive of open porches, carports or garages.</p>	<p>Section I: Each and every lot... 5) No dwelling shall be erected with less than 1,000 square feet of heated living space, exclusive of open porches, carports or garages.</p>	<ul style="list-style-type: none"> • Essentially same information, rearranged and revised in organization of document

<p>4. No structure may be placed or erected upon any lot which shall lie or rest within twenty (20) feet of any side boundary line of said lot, or within twenty-five (25) feet of the edge of a road. If an owner combines one or more lots, only the exterior boundary lines of the combined lots are to be considered. Upon written application of an owner, the Board of Directors (hereinafter, "Board") is authorized, in its sole discretion, and for good cause shown, to grant or deny variances with respect to the foregoing setback restrictions. Before rendering a decision, the Board may require the owner to provide additional information the Board deems necessary to its consideration such as floor or site plans, surveys, and waivers by adjacent owners.</p>	<p>Section I: Each and every lot... 2) No residence shall be located on any one of said residential building lots nearer the side property lines than twenty (20) feet except with expressed approval of the CVCA Board of Directors. If more than one lot is used, the exterior boundary lines of the combined lots alone are to be considered. No residence shall be located closer than twenty-five (25) feet of the road way (side of road). Lot owners requiring a waiver shall submit a request in writing to the CVCA Board of Directors. Upon review of all facts the Board will notify the party in writing of its decision. To reach a decision the Board may require the party to supply additional information, i.e. floor plans, site plans and waivers signed by neighboring lot owners.</p>	<ul style="list-style-type: none"> Essentially same information, rearranged and revised in organization of document
<p>5. Owners wishing to make additions to, or remodel, the exterior of their residences or outbuildings shall submit an application to, and receive authorization by, the Board.</p>	<p>Section I: Each and every lot... 8) Additions/Remodeling: Any residents wishing to make additions to or remodel (outside structural changes) to their residence shall request and receive permission from the CVCA Board of Directors</p>	<ul style="list-style-type: none"> Essentially same information, rearranged and revised in organization of document
<p>6. No temporary dwellings – such as tents, camping trailers, mobile homes, motor homes, and Recreational Vehicles (RV's), whether occupied or unoccupied – shall be permitted in the Village. The foregoing notwithstanding, the Board is authorized to approve, in its sole discretion, and for good cause shown, an exception to such prohibition for not more than three (3) days. No such temporary dwelling will be parked or located on common area.</p>	<p>Section I: Each and every lot... 4) Temporary dwellings such as tents, camping trailers, mobile homes, motor homes, occupied or unoccupied, shall not be parked or located in Chatuge Village unless specific approval is given by the CVCA Board. Approval may be given for a maximum-of three days. Any resident found to be in violation shall have camping trailers, mobile homes and motor homes towed away and stored at owners expense</p>	<p>Addressed Campers and RVs</p> <ul style="list-style-type: none"> Removed some language Included "Recreational Vehicles" in description for clarification <p>This is essentially the same information which has been included in the C&R for decades and which we believe maintains the intent to prevent a transportable vehicle being used in lieu of a permanent structure as a residence.</p>
<p>7. No lot shall be further subdivided. Two or more lots may be combined into one lot. Once lots are combined, they may not be subdivided</p>	<p>Section I: Each and every lot... 6) No residential lot shall be subdivided, but shall remain as conveyed, except that two or</p>	<ul style="list-style-type: none"> Essentially same information, rearranged and revised in organization of document

<p>again. Owners who combine two or more lots into one lot will be responsible for only one assessment. Any owner wishing to combine two or more lots into one lot and be eligible for only one assessment shall fill out an application and return it to the Board. The owner shall be responsible for notifying Clay County regarding the combination and complying with any requirements imposed by the County. Any owner who has erected a residence or outbuilding that is located on more than one lot shall combine the lots to form a single lot.</p>	<p>more lots may be combined as one lot, in which event the restriction imposed in paragraph two (2) above pertaining to side lines, shall be construed as pertaining to the outer lines of said two or more lots combined. Once lots are combined, they may not be subdivided again. Property owners who combine two (2) or more lots into one (1) lot will be responsible for only one (1) maintenance fee. Any property owner wishing to combine two (2) or more lots into one (1) lot and be eligible for only one maintenance fee shall fill out a property wavier form and return it to the CVCA Board of Directors.</p>	
<p>8. All rentals of property located within Chatuge Village are made expressly subject to the following special terms and conditions: The tenant shall be made aware of all covenants, restrictions and other rules and regulations of Chatuge Village, and be required by the underlying lease or similar document to agree to abide by the same. The lease shall also state that any violation of such covenants, restrictions and other rules and regulations shall constitute a material breach of said lease. The owner(s) shall be held responsible for any violations of this Declaration or other rules and regulations. Owners of property rented to others should inform tenants that they must consider the privacy of neighbors and not trespass across any neighbor's property.</p>	<p>Section III: Provisions and Maintenance Fees 4) All rentals of property located within Chatuge Village is made expressly subject to the following terms and conditions: The renter shall be made aware of all Covenants and Restrictions of Chatuge Village, and shall agree in the aforesaid rental agreement to abide by the same. If said renter violates said Covenants and Restrictions, the Board may at their discretion cause such rental of property to be terminated. Any complaints by the neighbors of said rental property shall be reported to the Board, and the Board will investigate to ascertain the reported violation. If substantiated the Board will take action to resolve the problem or terminate the rental. Owners of property rented to others should inform renters that they must consider the privacy of neighbors and must not trespass across any neighbor's property</p>	<ul style="list-style-type: none"> Essentially same information, rearranged and revised in organization of document
<p>9. No skateboarding, roller skating or driving unlicensed motor bikes or all-terrain vehicles (ATVs) is allowed on the roads in the Village. Privately-owned golf carts are permitted and</p>	<p>Section IV: Other Considerations 8) Skate boarding, roller skating, unlicensed motor bikes including 3 and 4 wheel ATV's are not allowed on the roads in Chatuge Village</p>	<p>Addressed Golf Carts & Other Wheeled Instrumentalities</p> <ul style="list-style-type: none"> Added and addressed Golf Carts since many are used within the Village

<p>must comply with all posted speed limit and traffic control signs in the Village.</p>		<ul style="list-style-type: none"> • Other wheeled instrumentalities
<p>10. To preserve the relative tranquility of the community, excessive noise emanating from any residence or lot which tends to disturb the quiet enjoyment of other owners in the subdivision or create a nuisance or annoyance to them, is generally prohibited. Quiet hours shall be observed between the hours of 11:00 PM to 7:00 AM. "Quiet hours" shall mean a prescribed period during which loud music or activities (e.g., parties, construction) and such other excessive noise as the Board may prohibit through the promulgation of rules and regulations, is prohibited.</p>		<p>Addressed Quiet Hours</p> <ul style="list-style-type: none"> • Added to provide reference and guidelines. • Helps address noisy renters, new construction, etc. • Neighbors having a party are not restricted per se, but with this provision, would be encouraged to notify adjacent homeowners. • Similarly, when a neighbor notices noise, late or early, they have reference as a reminder to notify offending neighbor. <p>This is standard in many communities and provides guidelines for earliest start time for construction or other work involving large and/or loud equipment.</p> <ul style="list-style-type: none"> • Village has recently seen existing houses torn down or new construction begun on undeveloped lots
<p>11. Title to streets, water system facilities, marina and common ground areas is retained by the Association.</p>	<p>Section I: Each and every lot... 7) Title to streets, water system facilities, marina and common ground areas are retained by the CVCA.</p>	<ul style="list-style-type: none"> • Essentially same information, rearranged and revised in organization of document
<p>12. No hunting or trapping of wild animals shall be permitted.</p>	<p>Section IV: Other Considerations 1) No hunting or trapping of wild animals shall be permitted within the Chatuge Village Subdivision.</p>	<ul style="list-style-type: none"> • Essentially same information, rearranged and revised in organization of document
<p>13. Except in cases of lawful self-defense, no firearms shall be discharged, within the Village.</p>	<p>Section IV: Other Considerations 1) ... No firearms, guns or pistols shall be discharged within the Chatuge Village Subdivision.</p>	<ul style="list-style-type: none"> • This section has <i>not changed</i> since the original CVCA C&R in 1989, but was questioned at the 2024 AGM with a regard to 2nd amendment rights • NC is a "castle" law state, meaning you are able to defend your home, but there are restrictions

		<ul style="list-style-type: none"> • https://legalclarity.org/north-carolina-gun-discharge-laws-criteria-penalties-and-rights/
14. No farm or livestock animals shall be permitted in the Village. Only domestic pets not kept or bred for commercial purposes are permitted.	Section IV: Other Considerations 2) No farm or livestock-animals shall be permitted in Chatuge Village Subdivision. Only domestic pets not kept or bred for commercial purposes, are permitted.	<ul style="list-style-type: none"> • Essentially same information, rearranged and revised in organization of document
15. No clothesline shall be permitted in the Village that is visible from any of the Village roads, or from the waters of Lake Chatuge.	Section IV: Other Considerations 4) No clothesline shall be permitted in the Chatuge Village Subdivision that is visible from any of the roads in said Village, or from the waters of Lake Chatuge.	<ul style="list-style-type: none"> • Essentially same information, rearranged and revised in organization of document
16. No junked, neglected, abandoned, discarded, unlicensed or inoperable vehicles (hereinafter "prohibited vehicles") shall be allowed in the Village. Upon determining that a vehicle is prohibited, the Association shall provide the owner of any such prohibited vehicle with notice of the violation of this paragraph, and a reasonable opportunity to dispose of, or otherwise address the prohibited vehicle as warranted by the given circumstances. For purposes of this paragraph, "vehicle" means any land-, air- or water-based instrumentality designed to convey persons or goods; "unlicensed" means a vehicle that does not display a requisite, current tag; and "junked" means a vehicle that is determined by the Board, in its sole discretion, to be discarded or has otherwise outlived its usefulness for its intended purpose.	Section IV: Other Considerations 5) ... No 'junked' or unlicensed vehicles shall be allowed or stored in the Subdivision. After, reasonable notice to the owner of such 'junked' or unlicensed vehicle, the Board shall have the authority to remove the offensive vehicle and store it at the owner's expense. An "unlicensed" vehicle shall be defined as one that does not exhibit current inspection and auto tag stickers. A 'junked' vehicle shall be defined as an unlicensed vehicle, which is inoperable and is not used on a regular basis.	Addressed Junked cars but also other "instrumentalities" <ul style="list-style-type: none"> • Addressed weakness in wording of current C&R where member only has to update/renew tag on an otherwise "junked" vehicle to get around the restriction. • Provides clarification beyond cars, also addresses junked boats, jet skis, etc. • The ability to fine is a more practical method to address the issue, avoids property right issues and problems associated with removal of an "offensive" vehicle (as currently written) and is specified under NC PCA