MT. **POCAHONTAS PROPERTY OWNERS ASSOCIATION**

**ARCHITECTURAL STANDARDS AND REGULATIONS**

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**M.P.P.O.A.**

**Architectural Standards & Regulations**

**Article I (Section) Introduction**

The Mount Pocahontas Property Owners Association (here after referred to M.P.P.O.A.) has adopted these standards & regulations to provide architectural control and oversight in the

M.P.P.O.A. community in furtherance of legal rights and obligations stated in the M.P.P.O.A covenant and in furtherance of legal rights and obligations stated in the adopted by-laws of

M.P.P.O.A. and to carry out the following objectives:

* + - * 1. Assist in the improvement and promotion of the Community, which are designed for healthful and harmonious residential and recreational living.
        2. Promote, assist, and encourage the collective interests of all owners in the community.
        3. Promote and maintain the natural beauty of the physical environment in the community.
        4. Prevent harm to the environment or to property values or other adverse effects by nuisance or other conditions detrimental to the health and welfare of the owners.
        5. Authorize actions as may be desirable and necessary to prevent or abate any conditions which are inconsistent with the standards, Bylaws, M.P.P.O.A. Covenant, and applicable laws; .
        6. Aid and cooperate with the owners of lots and houses in the communities in the enforcement of regulations and restrictions of the community as now exist, or as may be adopted in the future.

## Article I (Section2) Definitions

1. "Architectural" shall mean comparable in quality of design and detail as would be produced in the offices of a registered architect.
2. "Association" shall mean the Mount Pocahontas Property Owners Association. C "Board" shall mean the currently elected or appointed board of directors for the

Mount Pocahontas Property Owners Association.

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1. "Buildings" shall mean structures intended for single family residential use or accessory uses.
2. "By-laws" shall n:iean the by-laws of the association, as amended.
3. "Community" shall mean the area occupied by the Mount Pocahontas Property Owners Association and the residents therein.
4. "Deed Restrictions" shall mean the common set of covenants, conditions and restrictions in deeds for residential lots in the community.
5. "Harmonious" shall mean the state of being architecturally and environmentally compatible, and in compliance with the design review objectives stated in Article I, Section 1 of these standards.
6. "Improvement" shall mean to change in either design or character from existing or prior condition.
7. "Neighborhood" shall mean the amenities, residential lots and improvements within wintertime sight or separated by not less than seven intervening lots on either side of the same street, whichever is greater, of any proposed or existing improvement on a residential lot.
8. "Owner" shall mean any and all owners of a residential lot in the community.
9. "Permit" shall mean the written authorization(s) from M.P.P.O.A. to make improvements to a lot.
10. "Residential" shall mean approved for improvement and use as a single-family dwelling house.

' . .

1. "Similar Color" or "identical color" shall mean substantially similar or identical

color based on color and value on chip as provided by the stain/paint manufacturer.

0. "Similar Design" shall mean designs with substantially similar exterior architectural features, such as elevation, relief, material and color, including mirror image, reversed designs.

1. "single family home" shall mean a dwelling occupied by a single family unit.
2. "standard" or "standards" shall mean these architectural standards and requirements.
3. "structural" shall mean architectural elements that involve actual framework of the structure or that noticeably change the outward appearance of the structure.

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**Article II (Section 1)**

**Requirements for Improved Properties**

M.P.P.O.A. approval is required for all proposed improvements to any property in the community. A completed building permit must be signed and approved by the Director of Architecture and one other M.P.P.O.A. board member prior to the beginning of any work. A copy of the M.P.P.O.A. building permit can be obtained from the office.

* + - * 1. Setback Requirements;

M.P.P.O.A. strongly recommends that no structure whether permanent or temporary or other, shall be located nearer than fifty (50) feet to the front boundary line or nearer than twenty (15) feet to any side boundary. Setback requirements have been articulated in the M.P.P.O.A. Covenant (see appendix A). Failure to comply with setback requirements could result in either relocation or removal of structures at owners' expense. The location of structures on a property must also meet Penn Forest Township regulations. M.P.P.O.A. setback requirements may not necessarily be the same as that of Penn Forrest Township. Consult with your builder or Penn Forest Township prior to locating structures.

* + - * 1. Single Family Dwelling;

A single-family dwelling shall be no less than 800 sq./ft. of living area unless otherwise approved by the M.P.P.O.A. board of directors. Living area shall be defined as a finished living space. Garages and areas with concrete floors and/or exposed cinder block or concrete walls are not considered living area.

Questionable areas will be decided upon by the board of directors.

C Additions:

Additions are required to meet the same standards and regulations as any permanent structure. All the same permitting and application procedures will apply. . . .

1. Garages & Sheds;

Sheds will be no larger than 12' x 16' (192 sq./ft) x 12' high. Structures larger than this are deemed a garage and a permanent structure. All permanent structures must be built on a footer below the frost line. Sheds may be put up on cinder blocks or a level grade of crushed modified stone. Sheds will never be attached to a permanent structure.

1. Exteriors;
   1. Exterior colors and materials must be consistent and in harmony with the natural environment of the community. This applies to new construction and refinishing of existing buildings. Exterior colors being used shall be of earth tones such as browns, greens and grays or others. Exteriors shall be unique in design and shall have no less than 4 structural features different from any other homes within 1000 feet.

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1. Heating; . .

Submitted architectural plans must include type & location of all heating devices including furnaces, pumps, baseboard heaters, fireplaces, wood stoves and interior or exterior fuel tanks. All submitted heating designs must be of the most current practices. Heating systems must be safety conscious as well as ecologically conservative and economically efficient. Plans not meeting these requirements by the judgement of the Director of Architecture or his appointee will be rejected.

G Electrical;

1. Outdoor lighting is encouraged for safety but must be directional and/or restricted as to not be a nuisance to neighbors.
2. Exterior electrical junction boxes must be of metal construction and an appropriate exterior conduit must protect wires connecting such boxes.
3. Extension cords are for temporary use only and should not remain outside for any extended period of time.
4. Septic and Well;
   1. Septic systems and wells must meet all Penn Forest Township regulations.
   2. Septic systems must be adequate for the total number of people residing on premises.
   3. Septic systems (including all percolation test pits) must be located in the rear of the property, unless otherwise approved by the MPPOA board of

. directors. The rear of the property is defined as being more than 2/3 the distance of the property from the street the lot is located on.

* 1. Owners are required to maintain their septic systems in proper working order.

1. Tree Removal

After a lot has been improved, construction completed and only after residency has been taken; a lot owner may remove trees from their property as needed. No application or fee will be required.

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# Article Il (Section 2)

**Provisions Applicable During Construct on or Improvement**

1. Application Posting.

Lot owners and contractors are required to have a copy of their approved

M.P.P.O.A. application posted on site at all times during the construction or improvement of a lot. Posted documentation should be located with their Penn Forrest Township application and be protected from inclement weather. Beginning construction or any lot improvement without first receiving M.P.P.O.A. written permission is a violation of the Mount Pocahontas Covenant and these Standards and Regulations. ·

1. Construction Restrictions.

No heavy equipment or trucks are permitted in the community from February

15th through April 15th

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Construction from this time is limited to that of a light

hand tool nature.

1. Removal of Debris.

Owners must haul away or cause to be hauled away all construction debris. No burning or burying of the material is permitted. If the lot is not cleaned properly, upon notice to the owner, the club shall contract to do the necessary work and assess the owner of the lot for the cost of this work.

1. Drainage Culverts.

The Director of Architecture may require owner to prepare drainage plans, 1:1-nd call for installation of drainage culverts and headwalls in locations where driveways or other improvements may impede proper flow of surface water and no state or municipal encroachment permit is required. If the culverts and drains are not installed properly, upon notice to the owner, the club shall contract to do the necessary work and assess the owner of the lot for the cost of this work.

1. Lot Clearing and Tree Removal.

No lot shall be cleared of brush or trees without written permission from the association. (see Appendix A - M.P.P.O.A. Covenant - Item 10) Permission will be granted by the issuance of a green card. This card will contain emergency contact information for the benefit of both the association and the individuals performing the lot clearing operation. The card will also denote (4) dates that the actual work will be performed. Work will only be done on these dates. If the work is not completed within these 4 dates the lot owner must re-apply for a new green card.

The association will charge a $50 fee for the issuance of each green card.

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* 1. Lot owners *or* contractors will only remove the minimum amount of . trees needed in order to safely complete construction. Any further desire to remove trees will require the submittal of a landscaping plan to be approved by the Director of Architecture & one current board member. This landscaping plan will require the intended replacement of at least 20% of the trees.
  2. An effort is required on the part of those developing lots to maintain the natural habitats of local wildlife and to preserve the natural beauty of the Pocono's.
  3. After permission is given from the association to clear an entire lot, it will be the lot owner's responsibility to complete proposed landscaping within one year.
  4. Lot clearing operations will only be performed between the hours of9:00 AM and 6:00 PM.
  5. Individuals on site are required to have their M.P.P.O.A. issued green card on hand at all times.
  6. Lot owners and/or contractors are required to leave a minimum of twenty

(20) feet of existing trees in between their proposed structure and the front border for privacy. In addition, corner lots will be required to maintain a minimum of ten (10) feet of existing trees on the side adjacent to streets. Removal of trees in these areas is reserved solely for driveways (maximum 20' wide) and utilities.

1. Well Drilling;
   1. Lot owners are required to receive written permission from the association prior to the drilling of any well(s). It will be the lot owner's responsibility to ensure that the well drilling operators adhere to the following regulations. Failure to do so will result in the lot owner assuming blame and receiving all possible fines.
      1. · The association will grant permission to drill wells by the issuance of a red card. The association will charge a $50 fee for the issuance of the first red card. This card will contain emergency contact information for the benefit of both the association and the individuals performing the drilling operation. The card will also denote the actual date that the work will be performed.
      2. Drilling and preparation to drill will only take place on the date denoted on the issued red card. If the work is not completed on this date either the lot owner or well drillers may exchange their red card for a new one at no charge.
      3. Wells will only be drilled by a licensed and state certified drilling operation.
      4. The association will require the well drilling operation to provide proof of insurance prior issuance of a red card.
      5. Individuals on site are required to have their M.P.P.O.A. issued red card on hand at all times.

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* 1. Wells will be for fresh drinking water only.

1. Sanitation

Lot owners and their respective contractors are required to have dumpsters and portable enclosed temporary toilet facilities on all active work sites.

# Article II (Section 3)

**Provisions Applicable at All Times**

1. Signs
   1. No signs of any kind shall be erected on any lot, or attached to, or displayed at any home except for an identifying plaque signifying the owners by name. This sign must not be larger than 2 square feet. For example, two acceptable sizes are 12 inches by 24 inches or 16 inches by 18 inches. An additional sign measuring 6 inches by 18 inches may be added to the owner's identifying plaque to display a street address.
2. All residents are required to display their street address on either their residence or on a posted sign near the street front of their property. This street number address must be visible from the street. Numbers fixed or painted on a house must be a minimum of 5" high. Numbers fixed or painted on a roadside sign must be a minimum of 3" high.
3. Contractors may erect temporary signs denoting their business while work is being done. Signs of this nature will be no larger than 36" x 48". Contractor signs will be removed immediately after completion of work.
4. Maintenance;

Owners shall maintain all building exteriors and residential lots in a neat and attractive manner and in good order and repair. Sound property maintenance includes but is not limited to overgrown properties, properties in disrepair, excessive or intrusive lighting, inadequate provisions for refuse disposal, yard clutter, homes in need of paint or stain, partially downed trees.

1. Poorly Maintained Properties;

Owners of houses and/or grounds that are inadequately maintained under these regulations so that they, for example, constitute a health or safety hazard, or have a detrimental visual effect on the community may be required to take corrective measures upon notice by the club. Failure to take the appropriate corrective measures within a reasonable period of time after notice will authorize the club

to take appropriate actions and impose sanctions. The M.P.P.O.A board of directors will make decisions regarding what constitutes a property in need of maintenance and what corrective actions are required.

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1. Damaged Structures . .

The owner shall make damaged structure secure and weather-tight promptly after damage to or destruction of portions of the improvements on a lot, and shall complete repair of the improvements or removal of debris from the lot within sixty

(60) days of the casualty·. After this time, the homeowner must request an extension from the M.P.P.O.A. board of directors, stating the reasons for the extension. If the owner fails to comply with these requirements, or in case of an emergency,

M.P.P.O.A. may exercise self-help to secure and protect the improvements on an owner's lot and shall have a lien the reasonable costs of this work.

1. Violations;

Owners who violate these standards are subject to disciplinary action by the Mount Pocahontas Property Owners Association. The association may sanction an owner using any or all of the following measures, as the offense merits:

1. Recommend to the board of directors an imposition of a fine not to exceed

$1000.00 for each violation, plus the cost of reparations or restitution. Each month of a continuing violation may at the discretion of the board of directors constitute a new violation, provided separate notice is given.

1. Recommend suspension of the owner's club privileges, and of those claiming club privileges through the owner, to the board, for a period of time as the board of directors may deem just, or for so long as any violation continues. Where the violation is repeated or is considered otherwise intentional, disorderly, or hostile and against the best interests or objectives of the club, its members or assets, an owner's failure to make reparations shall be deemed sufficient grounds for suspension of club privileges until the owner takes corrective action to remove or correct the violation.

# Article III (Section 1)

**Application, Procedures, Violations and Enforcement**

1. M.P.P.O.A. Approval is Required.

I . In accordance with article II, all persons desiring to change or construct any improvement to a lot, or to make any structural alterations or changes to a dwelling shall apply to the association through the office by requesting and completing the appropriate application forms and submitting the associated documents and the required fee. If the application complies with these standards, the plans may be approved by the Director of Architecture and issued by the Mount Pocahontas Property Owners Association.

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2. It shall be a violation *of* these standards and the deed restrictions for any person to proceed with erection, alteration, enlargement, demolition of improvements or changes to property in the community without prior approval from M.P.P.O.A.. In cases where other permits are required by the township, county, state, or federal government or by other agencies with jurisdiction, those permits shall be obtained, and copies provided when the application for approval under these standards is made.

1. Fees and Requirements;
   1. The Director of Architecture shall grant approvals only upon written application and proper documentation accompanied by the applicable filing fee and required security deposits. Checks should be made payable to Mt. Pocahontas Property Owners Association.
   2. All documentation submitted with applications becomes the property of

M.P.P.O.A. and will be kept on file for future reference. Submitted materials including Applications, Architectural Drawings and Permits will not be returned even if an application for an approval is denied.

* 1. If an application for building permit is refused approval, the Association will reimburse the applicant the full amount of paid application fees.
  2. If an application is approved the permission shall be granted to improve a lot. The Director of Architecture shall signify approval by signing off in the appropriate area of the building permit application. This approval and grant of permission to improve a lot shall be valid for 12 months.
  3. The Director of Architecture shall approve or disapprove applications within fifteen (15) days after receiving all required information. If the Director of Architecture disapproves an application, then the Director of Architecture shall give notice to the applicant stating the reasons for the disapproval noting the applicable sections of these standards.
  4. All building exterior construction, painting, finish grading and

removal of construction materials shall be completed within one hundred eighty (180) days of the start of work, which is defined to be the time at which any site work, including clearing, is begun. All landscaping and driveway work shall be completed within one year of the start of work. The contractor will notify the inspector in writing of the starting date of construction.

* 1. If no work is begun within the twelve (12) month period, the approval shall automatically expire, and a new application accompanied by another filing fee must be submitted by the applicant.

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* 1. Filing fees are establishe9 annually by the board and re payable only to the association.
  2. Approval and/or fees are not required for minor interior repairs or alterations where there is no change in the exterior architectural appearance of the building.
  3. Owners are required to allow a walk-through inspection by the

M.P.P.O.A. director of Architecture or his appointee to verify compliance with these standards & regulations and to verify that proposed designs on submitted plans were adhered to. This inspection should take place before owner takes up occupancy. Failure to comply with inspection can result in disciplinary action by the association · including fines. This inspection can be waved at the discretion of the Director of Architecture.

1. Filing Documents.
   1. . The owner shall submit an application for approval to the M.P.P.O.A. office on forms supplied by the association. The application shall be completed and accompanied by two (2) sets of architectural plans with full specifications setting forth the extent and character of the work.

These plans shall include:

* + 1. Elevation plans showing all exterior features of structure.
    2. Floor plans with overall dimensions.
    3. All rooms including sizes are noted on drawings.

D. . Location and description of all heating devices including (but not limited to) tanks, radiators, solar panels, fireplaces, furnaces, and/or wiring for radiant heat flooring.

* 1. Architectural quality plans and specifications shall have attached to them a certified plot plan prepared or approved by a

Pennsylvania licensed land surveyor or engineer. At the discretion of the Director of Architecture, a legible copy of the plot plan on file with Penn Forest Township or Carbon county will be accepted as a suitable substitute. The plot plan must show the size and location of the dwelling and other exterior components (driveway, existing water courses, well, septic system) in their proposed locations, their exact relation to the lot and street lines, the existing grade of the lot, and any existing drainage features on the lot. Adjacent streets must be shown on the plot plan.

* 1. After approval of any plans and specifications, one approved set of plans shall be retained by the association office. No change shall be made in the approved plot plan, approved architectural plans or specifications without further approval from the M.P.P.O.A..

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* 1. No preliminary rough sketches, incomplete designs or photocopies of stock sketches will be accepted as part of any application.
  2. Drawings and prints shall be prepared specifically for each site or

lot. Each drawing and print must completely identify the lot's location,· the owner's and contractor's full name and full address and the name of the engineer, architect or draftsperson who prepared each drawing. Plans and elevations shall be prepared in 1/4 inch to one foot scale. Plot plans should be to the largest practicable scale.

1. Change of Application After Approval Is Granted;

Once an approval is granted and the applicant desires to alter or deviate either material or design from the approved plot plan, approved architectural plans or specifications, the applicant shall notify the Director of Architecture in writing the proposed change(s) in the plans and/or the specifications and shall file the modified plans and/or specifications with the association. The applicant shall not proceed with any work in connection with those changes until receiving written approval.

1. Approval of Change of Application;

A change of application will be approved or rejected by the Director of Architecture within a reasonable time, but in any case, not to exceed a period of sixty (60) days from filing of the completed change of application with all the required information. The Director of Architecture shall hold the right to request further details of proposed changes and the right to deny approval of proposed changes until such time as all information required is received.

1. Contractor Financial Responsibility; .
   1. All general contractors involved in the construction or improvement of lots or dwellings in the community who has constructed five (5) or

fewer houses in the community in the past three (3) years must provide

M.P.P.O.A. with evidence of financial responsibility in the form of financial/insurance statements, duly certified by a public accountant. The association may, in its sole discretion, request other data or additional information regarding previous work completed by the contractor as it may deem necessary for a reasonable determination of the contractor's financial responsibility.

* 1. All owners are encouraged to engage a reliable general contractor of proven ability, competence, and financial responsibility, with a history of building in the community, to ensure proper completion of the work contracted.

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