



# Architectural Guidelines

Revised 8/22/2024

**Heron Bay Architectural Review Committee**

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Architectural Review Committee	4
A.    ARC	
B.    Variances	
C.    Appeals	
D.    Enforcement	
E.    Guidelines	
F.    Precedence	
G.    Interpretation and Severability	
H.    Scope	
I.    Plan Approval	
J.    No Warranty	
K.    Grandfathered Situations / Items / Structures	
ARC's Review Process	7
Progressive Notification Procedure for Non-Compliance	8
General Property Guidelines	9
A.    Guidance for All Lots	
B.    Additional Guidance for Waterfront Lots	
C.    Shoreline Stabilization	
Replacement after Damage or Destruction	12
Building Standards & General Use Restrictions	13
A.    Lot Usage	
B.    Site Preparation and Cleaning	
C.    House Size	
D.    Setbacks	
E.    Well & Septic Placement	
F.    Building Permits	
G.    FEMA Flood Zone Certification	
H.    Construction Schedule and Completion	
I.    Building Material and Other Specifications	
J.    Other Covenant Restrictions	
K.    Signage	
L.    Free Standing Flag Poles	
M.    Duty to Make Repairs	
N.    Enforcement	
Architectural Review Process - Construction (New Construction, Additions)	19
Construction Document Review Form	23
Sample Topographical, Site, Landscaping Drawings	29
Stake-Out Review Request Form	32
Compliance Review Request Form	33
Requirements for Contractors and Subcontractors	34
Appointment of Designated Agent Form	37

Contractor Gate Access Agreement Form	38
ARC Review Checklist	39
Design Change Form	41
Architectural Review Process - Short Form (Ext Repairs, Renovations, Landscaping, Lot Clean Up)	43
ARC Short Form	44
History of Change	46

# Architectural Review Committee

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- A. **The Architectural review Committee (ARC)** was established in accordance with Article V of the Declaration of Covenants, Conditions, and Restrictions of Heron Bay Subdivision for the purpose of protecting the value and desirability of Heron Bay Subdivision and administering control over architectural, landscaping, and related matters, The ARC consists of three persons elected by a majority vote of the Board of Directors and reviews, approves, suggests changes to, and may reject plans and specifications for such Improvements (regardless of when such Improvements are made) on its behalf.

The ARC was also created for the purpose of reviewing, approving, suggesting, or rejecting changes to exterior alterations, swimming pools, outbuildings, driveways, enclosures for satellite dishes, propane tanks, mailbox design, etc.

The ARC is responsible for the approval of size, color, materials, and content of rental and sales signs in the Subdivision, and for the approval or disapproval of boats, boat trailers, house trailers, motor homes, tractor trailer trucks, or any other such vehicle, that are kept or maintained or located upon any lot unless located within enclosed garages. The ARC is also responsible for the approval of temporary construction shelters or vehicles in this Subdivision.

- B. **Variations:** The ARC has the authority to and may occasionally grant certain variances when there is valid justification and where the variance does not have a negative impact on the adjacent properties or the neighborhood.

All variances from these Guidelines must be requested in writing with a substantial justification narrative. Variances may only be granted by the ARC and the Board and must be obtained in writing to be valid. If, during a design review, the ARC discovers a variance that has not been requested and approved, the plan submittals may be disapproved.

The ARC cannot grant a variance to a Covenant, By-Law, or a Montgomery County regulation. No variance can be granted which does not comply with codes, ordinances, rules, or regulations of any governing authority.

- C. **Appeals:** If the ARC disapproves a design review or a change from the approved plans during construction or lot cleanup actions, the owner may submit amended plans to comply with the ARC comments.

Within ten days from the date of the ARC notice to the owner of its disapproval of a Design Review or change of approved plans, the owner may make a request in writing for a hearing before the ARC at its next scheduled meeting. If after the ARC hearing the owner disagrees with the outcome, the owner may then appeal to the HBHOA Board of Directors for further review, in accordance with the Covenants. After reviewing the facts, the Board may then either affirm or reject the ARC decision. The Board decision will be final.

- D. **Enforcement:** Upon written notice, and after expiration of a reasonable period after which the owner has failed to remedy any observed violation to the satisfaction of the ARC, the HBHOA Board may assess reasonable fines for violations of the Declaration, the By-Laws, the Articles of Incorporation, or these published rules and regulations. Fines levied will be in an amount not exceeding \$100.00 for each violation, and without further hearing, for each day after that the violation occurs. The Board may also take actions specified in the Declarations to charge back the actual costs of such actions. Enforcement shall be deemed to be Assessments by Liens pursuant to Article II of the Declaration and Section 47F-3-107.1 of the Planned Community Act of North Carolina.

## Architectural Review Committee cont'd

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- E. **Guidelines:** The ARC has the right to develop and publish, with the prior approval of a simple majority of the Board, guidelines for items including, but not limited to, the design, colors, materials, site location, and landscaping of new construction and site/residential improvements in Heron Bay, reflecting the ARC's judgment on recurring questions which come before the ARC.

Accordingly, the ARC has developed, and updates from time to time, this ARC Guidelines containing property guidelines and building standards. The ARC Guidelines is intended to provide information, assistance and guidance to owners, architects, and contractors throughout the process of planning, building or renovating a residence in Heron Bay. The ARC shall consider the total design of each Improvement under review and shall not restrict its review only to subjects covered by published guidelines.

- F. **Precedence:** Additions or revisions may be made in the Guidelines, but the property owner will only be held accountable for the Guidelines in effect at the time of his or her application and subsequent approval for building and/or modification. After adoption, the latest version will always supersede all others previously published.

- G. **Interpretation and Severability:** Whenever possible, each provision of this document shall be interpreted to be valid and effective under applicable law. If any provision of this document is prohibited, invalid, or unenforceable under any circumstance, that provision shall be ineffective only to the extent of the prohibition's invalidity or unenforceability, without invalidating that provision under any other circumstance, or invalidating the remaining provisions of this document.

- H. **Scope of Plan:** The areas over which the approval shall be required shall include but shall not be limited to the size and plan of the principal residential structure, and all accessory buildings, structures, and improvements on the lot, the size and plan of the garage location and manner of construction of each driveway, swimming pool, utility building, patio, tennis court, and other improvements for athletic, recreational, or gymnastic purposes, and all other exterior improvements, the composition and color of raw and finished materials used on the exterior of all structures, and the location and type of any landscaping, shrubbery, and other plantings.

No building, fence, wall or any other accessory feature to the dwelling or any other structure upon any Lot shall be commenced, erected, placed, maintained, or altered on any Lot or combination of contiguous lots until the Complete Construction Plans (hereinafter "Plans") are approved in writing by the ARC or its designated agents.

The Plans must include the complete construction plans, the plot plan (showing proposed location and elevation of such building, fences, walks, drives, parking areas, etc.) proposed building plans and specifications, before and after topographical map, exterior color, finish and materials, as well as landscaping.

- I. **Plan Approval:** If no response is made by the ARC within thirty (30) days, after plans are submitted, the plans will be considered approved and the owner may proceed to build.

After the Plans are approved with a Stakeout Review completed and after the ARC gives written permission for construction to begin, the actual construction shall be commenced and completed in accordance with the approved Plans.

The ARC shall have the right to waive setback violations when the remedial costs of correcting such violation, in the ARC's opinion, would impose undue hardship upon the violator.

- J. **No Warranty:** The actual construction shall be the responsibility of the Owner of the Lot and their builder. Any permission granted for construction under this covenant and any designation of approved licensed contractors shall not constitute or be construed as an approval, warranty or guaranty, expressed or implied, by the ARC of the structural stability, design or quality of any building or other improvement, or of the contractor who constructs such buildings or other improvements.
- K. **Grandfathered Situations / Items / Structures:** The ARC will recognize a “Grandfathered” provision in which an old rule continues to apply to some existing situation, item, or structure while a new rule will apply to all future cases. If the “Grandfathered” situation, item, or structure undergoes any changes to the style, color, location, or physical dimensions, the grandfather protection is voided and the situation, item, or structure is then governed by the current rules. In the event that the situation, item, or structure falls in a state of disrepair or is destroyed, it will no longer be eligible to be Grandfathered and any replacement will be governed by the current rules.

# ARC's Review Process

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The architectural review process for all improvements (new construction, exterior additions or renovations, landscaping, Lot Clean Up) require submissions to the ARC. These submission consists of various steps depending on the type of improvement. It is essential that owners understand the requirements of each step and ensure that each submission is complete. Until the submission package is complete and has been reviewed and approved in writing by the ARC, owners may not proceed.

**The ARC requires that the Owner(s) or Designated Agent(s) and Builder(s) be present for the Construction Document Review.**

ARC meetings are held on a monthly basis in the Heron Bay Clubhouse. Refer to the Events Calendar located on the Heron Bay Website for meeting Date/Time.

Owner(s) and Builder (or assigned Designated Agent) must contact ARC to verify the meeting date and time to be scheduled on the agenda.

## **Site improvement work requiring ARC approval:**

### **A. New Construction** (page 19)

### **B. Exterior Additions, Renovations**

All exterior modifications

- **Additions:** Include, but not limited to: porches, decks, swimming pools, patios, garages, and/or any changes to the footprint, roofline, or exterior façade of the existing house. (page 19)
- **External Repairs:** (page 43)
- **Exterior Renovations:** Include, but are not limited to, changes in style, color or quality of exterior finish materials including, but not limited to, stain/paint color, stone, brick, shingles, and decking. (page 43)

Notes:

For renovations not affecting the footprint, roofline, or façade of the existing house provide a drawing with dimensions showing location of project in relation to existing house and property lines. It is not necessary to involve the ARC for any interior renovation unless the footprint, roofline or exterior façade of the existing house is modified in any way.

Re-painting of a home exterior the same color, Re-roofing with the same color shingles, and Like-for-Like maintenance and repairs does NOT require ARC permission.

### **C. Landscaping / Lot Clean UP** Includes, but is not limited to, removal of trees greater than six (6) inches in diameter measured at one foot above ground level, outside the 20-foot perimeter around the footprint of the house, planned driveway and PRIMARY repair field only. (page 43)

- All permission for tree removal is at the discretion of the ARC.
- Written opinion by a recognized arborist may be required to be provided to identify trees that are unhealthy or that threaten adjacent property.
- Vegetation intended to screen utility units must *at the time of planting*, have a minimum matching height.
- Any lasting landscape modification above 100' setback incurred due to shoreline stabilization activity.

**New construction landscaping plan must be submitted within 6 months of building commencement or once house roof is completed, whichever is sooner.**

# Progressive Notification Procedure for Non-Compliance

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## **Actions taken by the ARC.**

As a courtesy, the ARC has created a progressive notification procedure which is followed prior to the issuing of fines for non-compliance with the ARC Guidelines. ARC will attempt an informal contact with the owner either by telephone call, e-mail, on-site or personal discussion regarding the noncompliance issue. If a satisfactory resolution is not reached within seven (7) days, the ARC will follow the following procedure:

### **Step 1 – Notification by Mail**

A Violation Notice is sent to the property owner stating clearly and concisely:

1. The nature of the violation
2. The basis of the violation citing the specific covenant, restrictions, guideline, etc.
3. Asking the property owner for a written response and intended plan of action, including the invitation to appear in person at the next ARC or HBHOA Board meeting (as appropriate) to discuss the matter.
4. Providing the property owner a specified number of days for that response, written plan and/or attendance at the appropriate meeting.

### **Step 2 – Notification by Certified Letter**

If no response is received in the specified time, a 2nd Violation Notice is sent to the property owner restating the violation, the number of previous requests for compliance, the basis of the violation, and citing a specific time frame for compliance:

### **Step 3 – Notification of Hearing & Fine**

The hearing notice to the Owner will be postmarked at least 10 calendar days prior to the hearing date and mailed via certified mail. The hearing notice will specify the violation, the basis of the violation citing the specific covenant, restrictions, guideline, etc., the date, time, location of the hearing, the requirement that if the Owner intends to bring a third-party representative to the hearing, the Owner must notify the chairman of the hearing panel of that fact at least two days prior to the scheduled hearing.

## **Actions taken by the Heron Bay Board**

### **Hearing Process**

The Board shall provide the opportunity for the property owner to present their case to the Board:

1. The Board will deliberate out of owner's presence and make decision.
2. If the owner doesn't show or send an authorized representative to a scheduled hearing, the Board's decision will stand.
3. The Board shall have the case reviewed by the Association's legal counsel if deemed appropriate.
4. The Association's attorney shall be required to notify the property owner of Board's decision by certified mail of the action to be taken. (i.e., fines and/or charge-back of the costs incurred to correct the violation) and date to be imposed.

### **Board Action**

If a fine and/or charge back of violation correction is not paid within 30 days, the Board may place a Lien on the property.



# General Property Guidelines

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## A. Guidelines for All Lots

The following guidelines apply to all waterfront and non-waterfront lots including non-residential and common property areas. Additional restrictions apply to all waterfront lots.

**Rules set out in “Requirements for Contractors and Subcontractors” (page 34) apply to all work performed in the Heron Bay community.**

### 1. Lot Cleanup (page 43)

Owners are encouraged to maintain their lots. Owners may clean up lots for general maintenance or in preparation for building or sale. Other than lot cleanup, owners are not permitted to perform any site preparation and/or lot clearing independent of house construction.

Owners must provide the ARC with a written description of any Lot Cleanup activity in advance and shall notify the ARC in writing once cleanup has been completed, so that the work can be reviewed to assure compliance with applicable guidelines.

Any lot cleaning or maintenance requiring cutting down of trees shall be done only after approval via a Short Form by the ARC.

Lot cleanup activities must be completed within 90 days of approval, unless extended in writing by the ARC.

- a. Felled or fallen trees should be cut into manageable lengths and stacked neatly until chipped and spread on the ground for erosion control, or completely removed from the property. There is a strict no-burn policy in Heron Bay as a means of lot cleanup. Underbrush, clippings, tree trimmings and all other debris should be removed from the property. Additionally, for new construction, vegetation over the designated **primary septic field only** may be removed.
- b. Except within the building site (namely within 20' of the main dwelling), no trees of any kind greater than 6 inches in diameter at one (1) foot above ground level may be removed from any lot without prior approval of the ARC. Clear cutting is never permitted.
- c. No materials of any kind may be dumped on adjacent lots without the written permission of the owner.
- d. Any ground surface disturbed during the cleanup should be covered with wood chips, mulch, or other suitable material to prevent erosion.
- e. There shall be no excavation or grading which does not pertain to the building or construction of a home.
- f. If the Association, at its sole discretion, determines that any Lot has become unsightly due to grass or weeds that have not been mown, or due to debris of any nature having accumulated on the Lot, then the Association shall have the right from time to time to enter the said Lot for the purpose of mowing the grass or removing the debris. At least ten (10) days prior to entering a Lot for said purpose, the Association shall advise the Owner by letter, sent to the Owner(s)' last known address, of the action to be taken if the Owner has not remedied the problem within the said ten (10) day period. The owner will be assessed the actual cost by the Association. The Association shall take reasonable steps to avoid damage to any trees planted on such Lot, to the extent that the Owner has provided the Association with advance written notice of the approximate location, by marking with surveyor ribbon, the planted trees to be avoided.

# General Property Guidelines cont'd

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## **Lot Cleanup Items that do NOT require ARC approval:**

The following actions are **allowed**, without the requirement to submit an ARC approval form:

- Removal of dead (fallen) trees
- Removal of trees less than 6 inches diameter
- Removal of broken limbs that have fallen.
- Removal of underbrush
- Mowing or bush hogging

These objects and other debris shall be removed from the property, or in lieu of removal, should be pushed to the back of the home site as long as it is out of sight from the road or any adjacent home owners. Care should be taken to avoid encroaching on adjacent property.

**If any damage or noncompliance issues are observed, such as but not limited to damage to the road or failure to remove debris, then a fine may be assessed.**

## **B. Additional Guidelines for Waterfront Lots**

In addition to the guidelines outlined above in Section A, waterfront lots are subject to restrictions imposed by regulatory agencies.

### **Cube Hydro Carolinas**

Cube Hydro Carolinas LLC  
PO Box 575, Badin NC 28009-0575)  
704-422-5555.

Owners are strongly advised to contact Cube PRIOR to doing any work in the 100ft Set Back and familiarize themselves with Cube's Shoreline Management Plan:

➤ <https://cubecarolinas.com/shoreline-management/>

To adequately monitor compliance with Heron Bay's rules and bylaws outlined above, ARC additionally requests that **homeowners forward copies of any proposed work plans, plus written approvals and/or permits applicable to the 100' setback.**

1. Owners are encouraged to meet with a Cube Hydro (Cube) representative to determine the setback of 100 feet from the 541-foot elevation (full pond) required for house construction. This includes all decks, patios and other permanent structures. Even if the owner hires a surveyor to stake their Lot, the owner must ask a Cube representative to measure and verify the official setback line.
2. Owners must request Cube's permission and obtain a permit to cut ANY TREES on their Lot between the 100-foot setback line and the 541-foot full-pond elevation. This requirement applies to all trees including those less than six (6) inches in diameter.
3. Owners may apply for a pier permit only after the house is under roof. Piers in Heron Bay are subject to a special water willow specification imposed by the North Carolina Wildlife Resource Commission. Cube will supply detailed drawings and specifications for construction of a pier.
4. Owners must obtain a permit from Cube Hydro for construction, shoreline stabilization, vegetation removal, shoreline cleanup, private irrigation systems and vegetative plantings.

## General Property Guidelines cont'd

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### C. Shoreline Stabilization

If shoreline stabilization is installed independently of home construction, owners must obtain all necessary permits from Cube Hydro **BEFORE** any work begins. Cube is responsible for and retains oversight of all shoreline stabilization projects. Failure to coordinate with Cube could result in a revoked pier permit.

The ARC and/or the HB Board must be informed of such site improvement work, in order to keep them informed as to community activity. This includes:

- External contractor information
- Signed and completed Contractor and Subcontractor Requirements - (page 34)

# Replacement after Damage or Destruction

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In the event of damage or destruction by fire or other casualty to any dwelling:

- if the Owner of the Single Family Dwelling Unit elects not to repair or rebuild the damaged or destroyed dwelling, such Owner shall clear away the debris from any damage to improvements or vegetation, and leave such dwelling and the Lot upon which it is located in a clean, orderly, safe and sightly condition within seventy-five (75) days of the damage or destruction.
- Should the Owner elect to repair or rebuild such Lot or Single Family Dwelling Unit or other improvements, the Owner shall repair or rebuild such Lot or dwelling or other improvements to substantially the same condition as existed prior to the damage or destruction, unless otherwise permitted by the ARC. Work must be in accordance with all applicable provisions of this section, ARC guidelines and all applicable zoning subdivision, building, and other governmental regulations. Any exterior changes require written approval of ARC.

All work, repair or construction shall commence within seventy-five (75) days following such damage or destruction and shall be carried through diligently to conclusion as per ARC regulations.

# Building Standards & General Use Restrictions

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The design, location, and construction of all improvements on each Lot (regardless of when such improvements are made) must be approved in advance by the ARC. No building, garage, fence, wall, pool, driveway, boathouse, out building, or any other accessory feature to the dwelling or any other structures upon any Lot shall be commenced, erected, placed, maintained, or altered until the Complete Construction Plans (hereinafter "Plans") are approved in writing by the ARC.

The ARC's refusal or approval of plans may be based on purely aesthetic considerations, which in its sole discretion the ARC shall deem sufficient. Approval shall not be unreasonably withheld.

**One copy of all plans and related data shall be furnished to the ARC for its records.** If no response is made by the ARC within thirty (30) days, after plans are submitted, the owner may proceed to build without approval.

## A. Lot Usage

Lots shall be used for residential purposes only, and no structure shall be erected, placed, altered or permitted to remain on any Lot other than one detached, single-family dwelling and related structures incidental to the residential use of the Lot, such as garages, which otherwise comply with these Restrictions.

### 1. Houses

Must be maintained in original condition.

Any changes to the exterior require written ARC approval.

- Garages must be attached to the primary residential structure. Attachment via a covered breezeway from the garage to the primary residential structure is considered attached to the primary residential structure. The finishes of the garage and breezeway mirror / compliment the finishes on the primary residential structure.
- Boat House is defined as a Garage and must meet the requirements for Garages.
- Out Buildings are defined as structures such as a pool filter system enclosures and will be evaluated on a case by case basis. If approved, the Out Building must mirror / compliment the finishes of the residential structure.
- Free standing Storage Sheds are not permitted.

### 2. Lot

Must be maintained and kept free of debris, tall weeds, etc. Removal of any trees requires written ARC approval.

### 3. Landscaping

Must be maintained with the basic requirements of foundation plants, grass and/or mulch and screening of all service areas from view from roads, adjacent lots and the lake. Any major changes, particularly as they may affect property drainage, require written ARC approval.

## B. Site Preparation and Cleaning

Other than Lot cleanup, owners are not permitted to perform any site preparation and/or lot clearing independent of house construction. The steps are as follows:

1. **Construction Document Review:** A complete Construction document must be submitted along with the required Site Plans, Elevation drawings, Material information. These requirements can be found in the Construction Document Review Form. (page 23)

## Building Standards & General Use Restrictions - cont'd

2. **Stake-Out Review:** After the Construction plan approval, no site preparation, Lot clearing or construction of any type may begin prior to the completion of the Stakeout Review. (page 32)
3. **Stake-Out Approval:** Only upon receipt of written ARC approval of the Stakeout Review may any work begin including removal of live trees, PRIMARY septic field, grading or placement of driveways or walkways.
4. **Tree Removal:** All trees that are to be removed must be identified and approved by the ARC prior to removal. Trees greater than six inches (6") in diameter measured at one foot above ground level may not be removed unless one of the following exceptions applies:
  - a. The tree is within the approved building footprint.
  - b. The tree is within 20 feet of the main dwelling,
  - c. Removal is necessary for the PRIMARY septic field, driveway or well site.
  - d. Written waiver granted by the ARC for any other reason.
5. **Fill:** When determining the maximum amount of fill dirt that will be permitted to be placed above the original grade, the ARC will consider the topography of the site (existing grade elevations), the elevations of adjacent properties and structures, the impact on drainage flow, the possibility of soil erosion, and the separation distance between the proposed and existing adjacent structures. The actual amount of fill on a given lot will also be determined by aesthetic impact and the ability to control drainage.
6. **Drainage:** Final grading shall be contoured to a/ prevent any standing water, b/ to prevent any run-off onto adjacent properties and c/ shall be directed to the nearest available swales, ditches, culverts, and lagoons to the front and rear of the lot.  
Shallow swales and low berms may be used where necessary to control drainage. Where swales or ditches are used for road drainage, a concrete culvert of no less than fifteen inches (15") in diameter shall be installed either under the driveway at an invert elevation set to the lowest elevation of the swale or to a ditch at each end of the culvert.

### **C. House Size**

Each single-family dwelling shall have an enclosed, heated living area (exclusive of open porches, garages, and other unheated spaces) not less than 1800 square feet on the waterfront and 1600 square feet otherwise, regardless of the number of stories.

### **D. Setbacks**

All structures inclusive of roof overhang, porches, decks, patios, etc. shall be at least 10 feet from the side property line of any lot, except that they shall be at least 20 feet from the side property line abutting a street. The front setback line shall not be closer than fifty (50) feet to any existing or newly constructed road .

The ARC shall have the right to approve deviations from each of these setback requirements upon application of an individual lot owner if, for reasons of topography or well or septic approvals, strict compliance creates a hardship.

### **E. Well and Septic Placement**

Montgomery County Environmental Health Department (910-572-8175) determines well and septic placement. Owners should be sure to obtain this information before beginning to design and site a house in order to avoid the necessity of redrawing.

# Building Standards & General Use Restrictions - cont'd

## **F. Building Permits**

Owners must obtain all applicable building permits from Montgomery County Department of Inspections (910-572-3304).

## **G. FEMA Flood Zone Certification**

Effective January 1, 2008, the Montgomery County Inspections Department no longer requires a FEMA/LOMA letter prior to issuing a building permit. FEMA has designated all property above the 541-foot elevation to be outside the flood zone.

## **H. Construction Schedule and Completion**

Construction Projects must begin within ninety (90) days after the ARC Final Review Approval, after which a new application and appropriate fee will be required.

With the exception of construction which is interrupted or delayed due to physical damage to the work in progress (such as damage due to excessive rain, fire, lightning, windstorm, hail, riot or civil commotion, explosion, or theft), any dwelling constructed upon a lot must be completed within one (1) year subsequent to commencement of construction, except with the prior written consent of the ARC.

The normal period of completion time for improvements shall be presumed to be four (4) months from the issue date of the building permit. Additions and Alterations must be completed within six (6) months of the ARC Final Review Approval unless an approved extension has been granted, in writing, by the ARC.

In the event that completion of the dwelling or other improvements on any lot is not completed within one year, and it is determined that construction progress has diminished to such an extent that completion of the dwelling, outbuildings, or other improvements is unlikely within 120 days, the HBHOA hereinafter referred to as the "Association", will be advised of this determination.

The Association shall then have the right to give notice to the owner that the owner has the obligation, within 30 days, to complete the removal of all the construction work in progress, including without limitation, the foundation and all building improvements and all stored building materials, and fill and grade the lot so that it is restored to its natural grade level. The Association shall have the right to undertake this work upon owner's failure to do so and charge the cost to the owner and place a Lien upon the Lot upon owner's failure to pay these charges.

## **I. Building Materials and Other Specifications**

1. **Exposed exterior walls** composed of the following materials shall be prohibited from Heron Bay Subdivision: imitation asphalt brick or asphalt stone siding, tar paper, aluminum siding, vinyl siding, exposed logs, exposed unfinished concrete and concrete block and similar materials. All concrete facing, including step risers, must be finished to complement the house material. Heavy timber or post-and-beam construction must be approved by the ARC on a case-by-case basis.  
**Exterior paint colors:** ARC must approve exterior color to blend with neighborhood homes.
2. **Foundations** must be faced with brick, stone, cultured stone or stucco tinted to complement house material. Exposed block or cement foundation walls are not permitted.
3. **Roofs** must meet the following requirements: Asphalt shingles must be of architectural style. Asbestos shingles are prohibited. Other materials may be approved on a case-by-case basis.

## Building Standards & General Use Restrictions - cont'd

Chimneys must be faced with a material to complement the house – no exposed metal pipes. Slope must be 6/12 or steeper unless architecturally justified.

4. **Building Materials:** NO building material are to be stored on any road or road right-of-way.
5. **Solar Panels:** the ARC will consider plans for installation of solar panels on a case-by-case basis. Please consult the website of Energy United, the local electricity provider, for useful information on home renewable energy: <https://www.energyunited.com/renewable-energy/>.
6. **Garage doors** facing the street are not allowed unless the size and topography of the lot require it, and they are approved by the ARC. Garages must accommodate 2 or more vehicles and doors must be installed.
7. **Driveways** must be a hard surface material consisting of concrete, brick, or stone, exposed aggregate concrete, etc. Culvert when required must be minimum 15" diameter concrete.
8. **Decks and Porches** should be designed to blend with the style and materials of the house and must be approved by the ARC.
9. **Retaining Walls** must blend with the style of the house and must be approved by the ARC.
10. **Pool Houses & Pool Enclosures** must be attached to the main structure. Pools must be fenced using approved fencing and must meet local laws and regulations.
11. **Pools and Swim Spas** can not be above ground and must be approved by the ARC. Hot Tubs can not be larger than 8'x8'x4'. Hot tubs that are not incorporated into the footprint of the house, must have their location approved by the ARC.
12. **Drainage Flow** is the responsibility of the property owner. Any culvert pipe damaged that prevents proper drainage flow must be replaced prior to driveway paving. The driveway must be graveled prior to the start of construction and kept well graveled throughout construction.
13. **Mobile Homes** are prohibited.

### **J. Other Covenant Restrictions**

1. **Utility Equipment** including outdoor HVAC units, generators and other such equipment must be screened by shrubs, vegetation, or approved screening. Bottled gas containers and oil tanks must be buried in accordance with Montgomery County regulations or shall be screened from public view from roads, adjacent lots, and the lake.
2. **Trash, Garbage and Other Waste** shall not be kept, except in sanitary containers screened from view from all roads, all other lots, and from the Common Property. Inside storage of garbage cans is preferred but, if stored outside, cans are required to be screened from view. Water storage tanks must be located inside the garage, basement or under the home.
3. **Dog Runs/Pet Yard Enclosures must be formally approved by the ARC.** Where fencing is visible either from the street, the lake or adjacent lots, it must be screened from public view with sufficiently tall shrubbery. Wire-type or chain-link fencing is prohibited. No animals or poultry of any kind may be kept or maintained on any of said lots, except a reasonable number of dogs and cats and other indoor household pets. Each owner must see to it that all



## Building Standards & General Use Restrictions - cont'd

the owner's dogs are kept on the owner's property unless leashed. Dogs that are not leashed and are found off their owner's property may be picked up by governmental authorities.

- 4. Mailboxes** must be the approved "Raphael" style and can be purchased from Carolina Mailboxes and shall include the house number in easily visible 3-inch digits. A size #2 mailbox is standard, but a larger size 3 is allowable and available by special order.

**Carolina Mailboxes**

3428 Vane Court, Suite C

Charlotte, NC 28206

(704) 334-3393

<https://www.carolinamailboxes.com>

Mailboxes must be placed so they can safely and conveniently be served by carriers without leaving their vehicles. Piedmont Mailpost Systems provides installation service, or the homeowner may install their own using the following installation guidelines.

- Install post in concrete approximately 2 feet from edge of road and 18 inches into the ground, ensuring it is straight and secure.
- Install post approximately 3 feet from driveway.
- Bottom of mailbox should be 41 to 45 inches above road surface and not more than 6 inches from the edge of the street.

Where it is difficult for the carrier to maneuver his/her vehicle to service the mailbox without driving onto the road shoulder (cul-de-sacs, etc.) it should be installed with the front flush with the edge of the street. If the carrier is forced to drive onto the road shoulder it is the homeowner's responsibility to add hard surface material (asphalt, pavers, etc.) to prevent damage to the road edge.

Homes (but not vacant lots) without a mailbox must install either; (1) a four foot, 4"x 4" pressure treated post (30" above the ground) painted black with 3" numbers or, (2) the approved "arch" street address plaque (also available from Piedmont Mailpost Systems). The post or plaque should be installed within 10 feet of the driveway and easily visible from the street by emergency vehicles.

- 5. Satellite Dishes** are permitted provided they are 18" diameter or less and a reasonable attempt has been made to conceal visibility from the street and neighbors. Dishes installed on the ground shall be screened from view from the street, all surrounding lots and open spaces. Roof mounted dishes shall be mounted only on a side or rear facing roof, and a reasonable attempt shall be made to position the dish to minimize visibility from the street. Visible antennas or towers are not allowed.
- 6. Visible Clothes Lines**, poles, or devices for clothes drying are not allowed on individual properties.
- 7. Dumping of Trash, Garbage or Waste** materials shall not be permitted. The interference of any stream or future waterway that may cause pollution or stagnation is prohibited. No portion of any lot shall be used or maintained as a dumping ground for rubbish or other refuse. Dumping of items into construction dumpsters is strictly prohibited, unless by a property owner or on-site contractor on his own property.
- 8. No Noxious or Offensive Trade** or activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
- 9. Stacked firewood** for the private use of the homeowner is permitted and should be located as inconspicuously as practical.

## Building Standards & General Use Restrictions - cont'd

### **K. Signage:**

No billboards or signs of any description shall be displayed upon any lot, with the exception of those approved by the ARC. All sign colors must be brown or tan, unless otherwise approved by the ARC. These types of signage are generally permitted:

1. **Builder Signs:** The builder may display a sign on the lot during construction. No subcontractor or vendor signs are allowed. All signs must be removed at the end of construction.
2. **For Sale Signs:** A real estate agent or owner may display a sign for marketing and selling purposes. "For Sale" signage must consist of a 3 foot high (from ground level) 4 x 4 post with the blue "Heron Bay" sign attached. The approved sign **MUST** be purchased at Eddie's Signs in New London to remain consistent with the only real estate sign allowed in Heron Bay.  
Eddie's Signs, LLC 40919 NC 740 Highway, New London, NC 28127 (704-422-5287)
3. **Open House Signs:** Real Estate Agencies may post a single standard size Open House sign in the common area to the right of the entrance gate, directional signs at turns, and a single Open House sign directly in front of the listed property or house, provided:
  - a. One open house sign per listing agency may be posted on Saturday and Sundays only between 11am and 5pm and must be removed promptly at the end of the event.
  - b. The agency must have a current listing in Heron Bay, and at least one agent must be in the neighborhood or on the property during open house hours.
  - c. The sign may list the phone number of the agency or agent who must escort all visitors.
    - a. Sign may list the 4-digit keypad number to reach the phone of the listed property for remote gate opening by the agent.
    - b. Sign may display a "Temporary Open House Gate Code" but may not provide any permanent gate code.
4. **Political Signs:** For the purpose of this subdivision, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing a candidate, political party, or an issue on the election ballot. Heron Bay allows political signage with the following restrictions:
  - a. Political signs on a residence's property may not be displayed earlier than 45 days before the day of election nor later than 7 days after election day.
  - b. The maximum size of a political sign is 24 inches X 24 inches.
  - a. The association shall permit one (1) political sign per property.
  - c. All political signs must be at minimum 15 feet back from the roadway.
  - d. Political signs cannot be placed in common areas, easements, right-of-ways, or other areas owned by others.

Political Signage guidelines will follow requirements laid out in North Carolina Statutes: § 47F-3-121. American and State flags and political sign displays.

The HOA reserves the right to place and maintain appropriate development signs at the entrance to this Subdivision and to erect and maintain signs designating streets, boat landings, recreational areas and any other sign that will aid the development of Heron Bay Subdivision.

**Other than as listed above, no signage is allowed in the Association's maintained street area.**

### **L. Free Standing Flag Poles / Flag Pole Flags**

Free Standing Flag Poles must be approved by the ARC. ARC approval requests must include height, color, material, and location on property (site map) of the Flag Pole. The following are the specifications:

- a. Flag Pole height not to exceed 20ft and limited to one per property.
- b. Flag Pole base must be at normal grade of surrounding land (no elevated bases)
- c. Flag Pole must be silver or black and made out of metal.
- d. Flag Pole (and flag) must not impede sightline or introduce a hazard.

Heron Bay only allows the flying of the following on Free Standing Flag Poles:

- a. United States Flag (traditional standard US Flag, upright and unadulterated)
- b. North Carolina State Flag (traditional standard NC Flag, upright and unadulterated)
- c. United States Armed Forces Flags (traditional standard Armed Forces Flag, upright and unadulterated)

The Flying of these flags will follow requirements laid out in North Carolina Statutes: § 47F-3-121. American and State flags and political sign displays. Flying of the US Flag with follow H.R.42 - Freedom to Display the American Flag Act of 2005. Flying of the US Flag must always be done with respect and follow the US Flag Code.

#### **M. Duty to Make Repairs:**

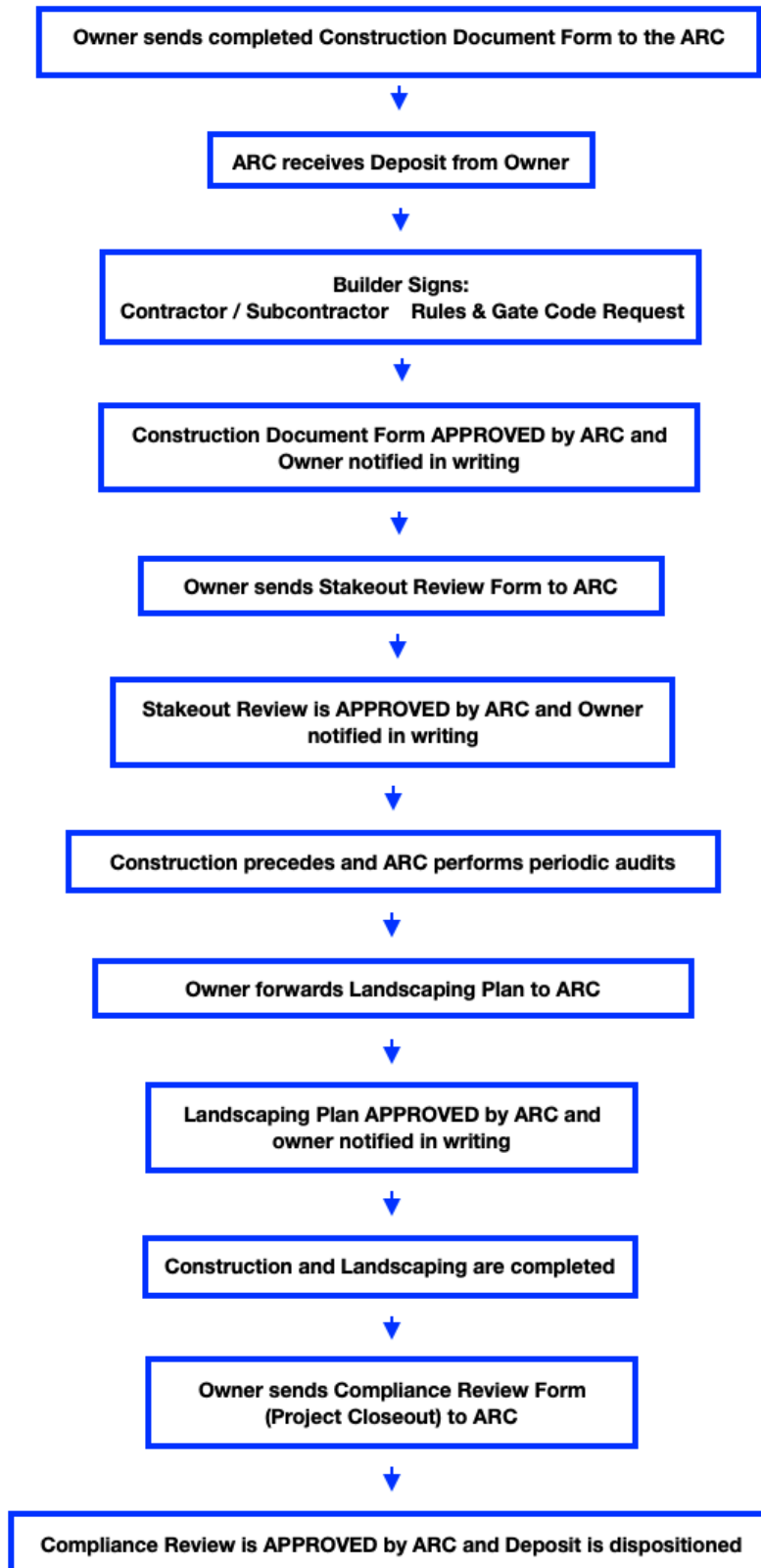
Each lot Owner shall be solely responsible for any repairs to a road right-of-way or other Common Property caused by the negligent act or acts of said owner, his or her invitees, agents, licensees, or guests. For these purposes, it shall be a negligent act for any building material to be unloaded on any road or road right-of-way.

#### **N. Enforcement**

Enforcement of these Restrictions may be at law or in equity against any person or persons violating or attempting to violate any covenant, condition or restriction herein contained. In the event of enforcement of these Restrictions at law or in equity and a violation hereof is judicially determined, then the violator shall be assessed with the costs of such action, including without limitation reasonable attorneys' fees.

# Architectural Review Process - Construction

The follow pages contain the process for New Construction. This includes new residence construction and residence additions. The flow chart below provides the basic steps of New Construction.



# Architectural Review Process - New Construction

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## Step One: Construction Document Review

Prior to beginning construction, owners must submit the following documents for Construction Document Review and approval by the ARC.

**A. Construction Document Review Request Forms** (page 24)

**B. Site Plans** (containing all the Drawing Checklist components listed (page 26)

**C. Architectural Plans – Floor Plans, Elevations, Topography**

**D. List of Exterior Materials and Samples** (page 27)

**E. Landscape Plan**

A separate site plan must be submitted which indicates the location of all landscape materials. This drawing should be to scale and depict all screening and required planting with a suitable key delineating species, type and bucket size of plants being used. Vegetation intended to screen utility units must, at the time of planting, have a minimum matching height. (page 30, 32)

**F. List of Landscape Materials**

**G. Payment of Fee(s)**

Only applicable to new construction or alteration projects.

Construction - \$5000. Upon completion to ARC satisfaction, up to \$3000 is refundable.

Check payable to: Heron Bay HOA (Lot # printed on Memo Line)

ARC will Mailed to: Heron Bay  
C/O RealManage  
8301 University Executive Park Drive, Suite 130  
Charlotte NC 28262

**H. Builder Gate Access Forms.**

The Builder must sign the gate access form acknowledging their understanding of all construction rules and guidelines. Owners are responsible for the actions of all contractors. (page 39)

Upon ARC's approval of the Construction Documents, ARC will submit the completed plan package for review by an independent Construction/Landscape Engineer. This takes approx. 10 working days. Any further comments and reviews will be promptly relayed to the Owner. Upon final approval, owners will be notified in writing and may proceed to Step Two

# Architectural Review Process cont'd

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## Step Two: Stakeout Review

After completing Step One and prior to beginning any site preparation, lot clearing or construction, the builder/surveyor stakeout must be reviewed by the ARC to ensure compliance with setbacks and other restrictions. Owners must submit the following document for Stakeout Review and approval by the ARC:

### **A. Stakeout Review Request Form**

The lot must be flagged and staked prior to submitting this form. (page 33)

### **B. Stakeout Requirements**

1. Area of clearing and driveway must be flagged.
2. Largest footprint of the house, addition or renovation must be staked ensuring compliance with setbacks noted in Property Guidelines.
3. All trees greater than six (6) inches in diameter, measured one (1) foot from ground level to be removed, must be marked.

### **C. On-Site Meeting**

Owners and/or builder must arrange an on-site meeting with an ARC representative to conduct the Stakeout Review.

### **D. Construction Approval**

Upon receipt of written ARC approval of the Stakeout Review, construction may begin.

### **E. Design Changes**

No changes to the approved plans involving the exterior of the structure or the site may be made without providing documentation to ARC for review and written approval. Any non-approved changes will be considered violations and may require restoration to the approved plans. (page 42)

### **F. Construction Deadlines**

New construction must be completed within one (1) year of the issue date of the building permit. Additions and renovations must be completed within four (4) months of the issue date of the building permit.

In accordance with the General Use Restrictions of the Heron Bay Restrictive Covenants, extensions may be granted by the ARC. A written request for an extension must be submitted prior to the expiration of the time limit and must include an acceptable justification and evidence of continuous progress.

### **G. Erosion Control**

Erosion of soil onto the streets, road right-of-way or into the lake must be prevented.

Upon completion of ARC approval of the Stakeout, owners will be notified in writing and may begin site preparation, lot clearing and construction.

# Architectural Review Process cont'd

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## Step Three: Compliance Review

After the completion of construction, paving of the driveway and the installation of the landscaping, owners must submit the following document for Compliance Review and approval by the ARC.

### **A. Compliance Review Request Form (page 34)**

An ARC representative will conduct an on-site inspection to verify that the project was completed in accordance with all approved plans.

Digital photographs of the completed project may be taken by ARC for its working files.

Upon ARC's approval of Compliance, owners will be notified in writing and the \$3000 deposit will be refunded to the property owner.

# Construction Document Review Form (1 of 6)

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Please complete, sign, and submit this form with the required supporting documentation.

Upon review of all documents, the ARC will approve the Construction Documents and the owner will be notified in writing and may proceed to Step Two: Stakeout Review.

## 1. Owner Contact Information

Owner: \_\_\_\_\_ Lot/Phase: \_\_\_\_\_

Heron Bay Street Address: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Extension: \_\_\_\_\_

Email Address: \_\_\_\_\_

## 2. Builder Contact Information

Builder: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

## 1. Landscaper Contact Information

Landscaper: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_



# Construction Document Review Form (2 of 6)

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## 2. Description of Proposed Project

New Construction

Addition

Please provide a brief description of the proposed project:

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# Construction Document Review Form (3 of 6)

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## 3. Drawing Checklist

### A. Site Plan Required Elements

Owner ARC

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. Surveyor's Seal  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. North Arrow  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Scale  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Lot Numbers of Adjacent Lots   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Corners of Adjacent Structure(s) (if any)  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Property Lines   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Setbacks   | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. 100-foot Setback from 541-foot Elevation (waterfront lots)   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Existing Structure(s)  | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Topographical Maps (Pre & Post construction)<br>(8' elevation change from front to back and side to side) | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Clearing Limits   | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. 12. Footprint of Entire Structure(s)  | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Approved Location of Well, with County Permits  | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Approved Location of Septic and Repair Fields, with County Permits  | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Retaining Walls   | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Driveway Location   | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Silt Fence  | <input type="checkbox"/> | <input type="checkbox"/> |

### B. Floor Plan Required Elements

Heated Living Square Feet:

Basement \_\_\_\_\_ Level 1 \_\_\_\_\_ Level 2 \_\_\_\_\_

### C. Elevations

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. Exterior Materials (siding, stone, brick etc.) | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Doors and window locations                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Finished grades                                | <input type="checkbox"/> | <input type="checkbox"/> |

# Construction Document Review Form (4 of 6)

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## D. Materials Checklist

Owner    ARC

1. Roofing - picture(s) or sample presented

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

2. Brick - picture(s) or sample presented

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

Pattern \_\_\_\_\_

3. Stone - picture(s) or sample presented

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

Pattern \_\_\_\_\_

4. Siding - picture(s) or sample presented

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

5. Trim and Fascia:

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

6. Shutters:

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

7. Windows:

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

8. Doors:

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

9. Driveway:

Style/Name \_\_\_\_\_

Color \_\_\_\_\_

# Construction Document Review Form (5 of 6)

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## E. Landscape Plan Required Elements

A complete landscape plan must be submitted to the ARC **after the structure is under roof or by 6 months after construction begins**. Landscape work must be executed and completed within 90 days of issuance of the Certificate of Occupancy unless otherwise approved by the ARC.

	Owner	ARC
1. Scale	<input type="checkbox"/>	<input type="checkbox"/>
2. Shrubs, trees, perennials, other plantings (including bucket size)	<input type="checkbox"/>	<input type="checkbox"/>
3. Mulched, paved, bricked, and other finished areas	<input type="checkbox"/>	<input type="checkbox"/>
4. Area to be planted for grass/sod	<input type="checkbox"/>	<input type="checkbox"/>
5. List of all landscape materials	<input type="checkbox"/>	<input type="checkbox"/>
6. Details for any fencing or walls proposed	<input type="checkbox"/>	<input type="checkbox"/>
7. Location and screening materials for propane tank	<input type="checkbox"/>	<input type="checkbox"/>
8. Location and screening materials for service and trash areas	<input type="checkbox"/>	<input type="checkbox"/>
9. Location and screening for well pump, septic pump, and HVAC	<input type="checkbox"/>	<input type="checkbox"/>
10. Outdoor lighting with Specification	<input type="checkbox"/>	<input type="checkbox"/>

## 6. Administrative Checklist

### A. Builder Access

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. Builder Access Form (completed and signed) | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Builder Access Code assigned: _____        | <input type="checkbox"/> | <input type="checkbox"/> |

### B. Administrative Fee

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

**New construction:** \$5000. ARC will retain \$2000 for architectural and landscape engineering review Reserve Fund. Upon satisfactory completion of the project and ARC approval, up to \$3000 will be refunded to the applicant.

Additions: \$400 non-refundable

Renovations or Landscaping: - no fee

PAYABLE TO: Heron Bay HOA  
ARC will Mailed to: Heron Bay  
C/O RealManage  
8301 University Executive Park Drive, Suite 130  
Charlotte NC 28262

## 7. Homeowner Contact Information

As a homeowner you have the opportunity of having your name(s), Heron Bay address and phone number (s) listed in the Heron Bay Homeowners directory. This is optional; please check below:

I/we would\_\_\_ would not\_\_\_ like to be listed in the Heron Bay Homeowner directory.

# Construction Document Review Form (6 of 6)

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## 8. Agreement

Administrative Fees:

- New construction: \$5000 (up to \$3000 refundable)**
- Additions: \$400 (non-refundable)**

I (we) attest that the information contained herein and presented to the Architectural Review Committee represent my (our) intentions, that I (we) will notify the ARC and request advance approval for any changes or deviations from these approved plans.

I (we) have read and agree to abide by all terms and conditions set forth in the Declaration of Restrictive Covenants of Heron Bay Subdivision as well as the Heron Bay Architectural Guidelines Book.

I (we) understand that failure to promptly report deviations from approved plans or take timely corrective action to remedy any issue found to be out of compliance and reported to the owner in writing may result in the assessment of fines or other action as allowed by the covenants and bylaws, at the sole discretion of the ARC and approved by the HOA Board.

---

Signature of Owner

Date

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Signature of co-Owner (optional)

Date

## 9. Assignment of ARC Representative

To facilitate timely communication, and provide a resource for the owner, the ARC assigns one or more ARC committee members or representative to each owner construction project.

Should the owner have any questions or concerns during the construction process, contact an assigned representative. They are empowered to review and authorize many common changes and will be a valuable resource throughout the process.

Owner's project has been assigned to:

**ARC Member**

**Phone**

**Email**

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## 10. Approval

I approve the plans as presented and authorize, if applicable, proceeding to Step Two Stakeout Review

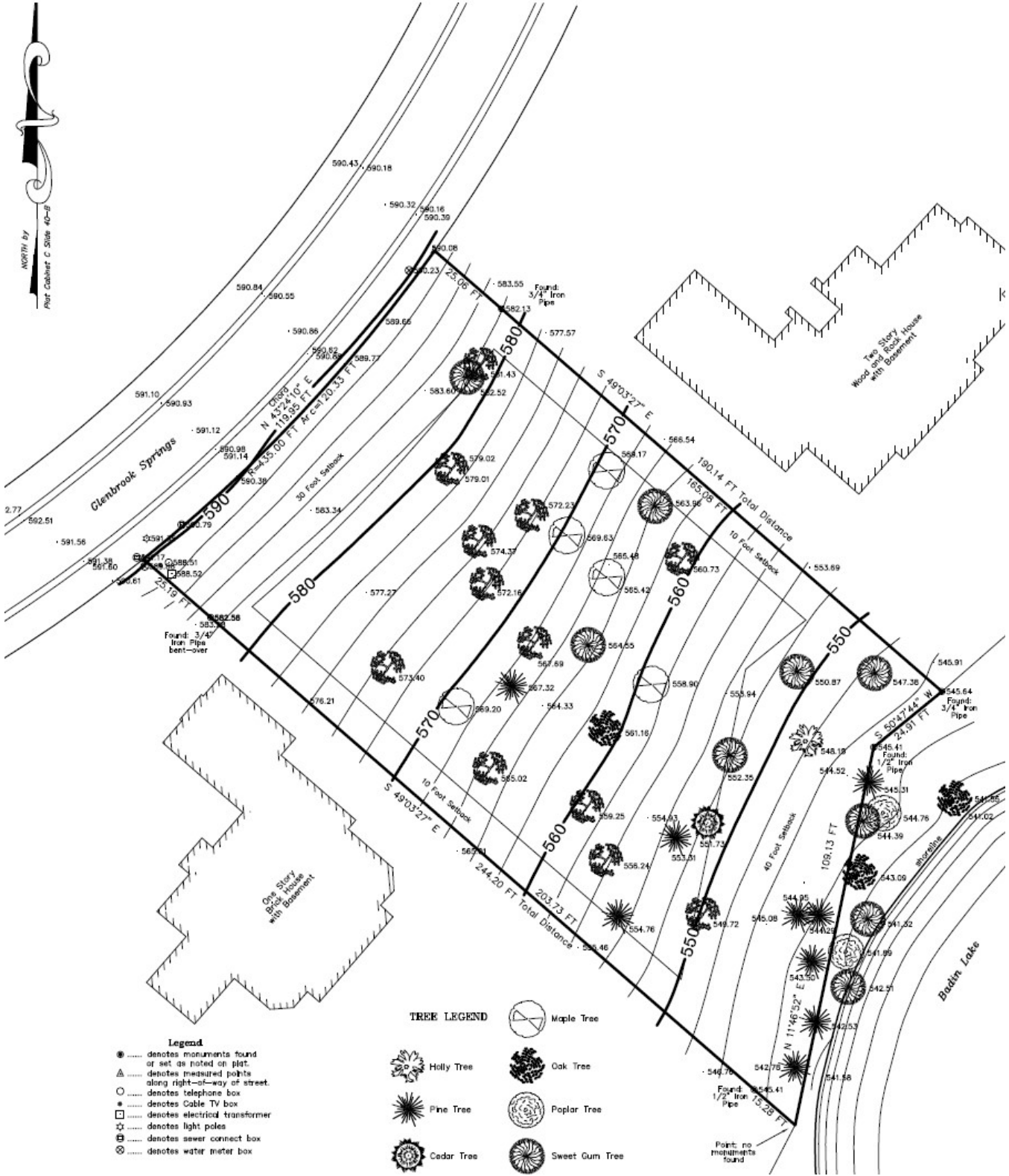
---

Signature of Architectural Review Committee Member

Date

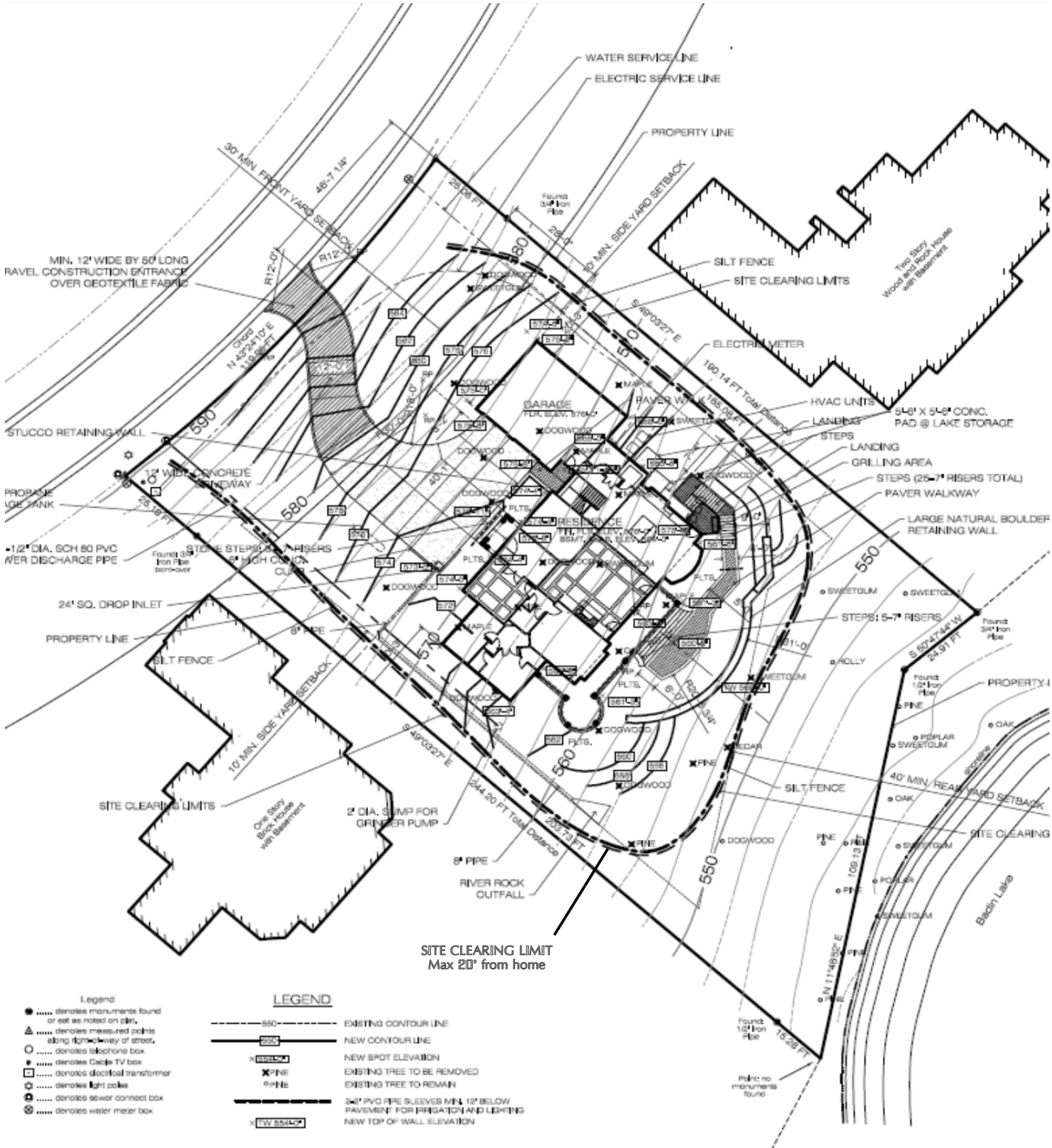
# Sample Topographical Drawing

Please indicate neighboring building profiles and large trees.

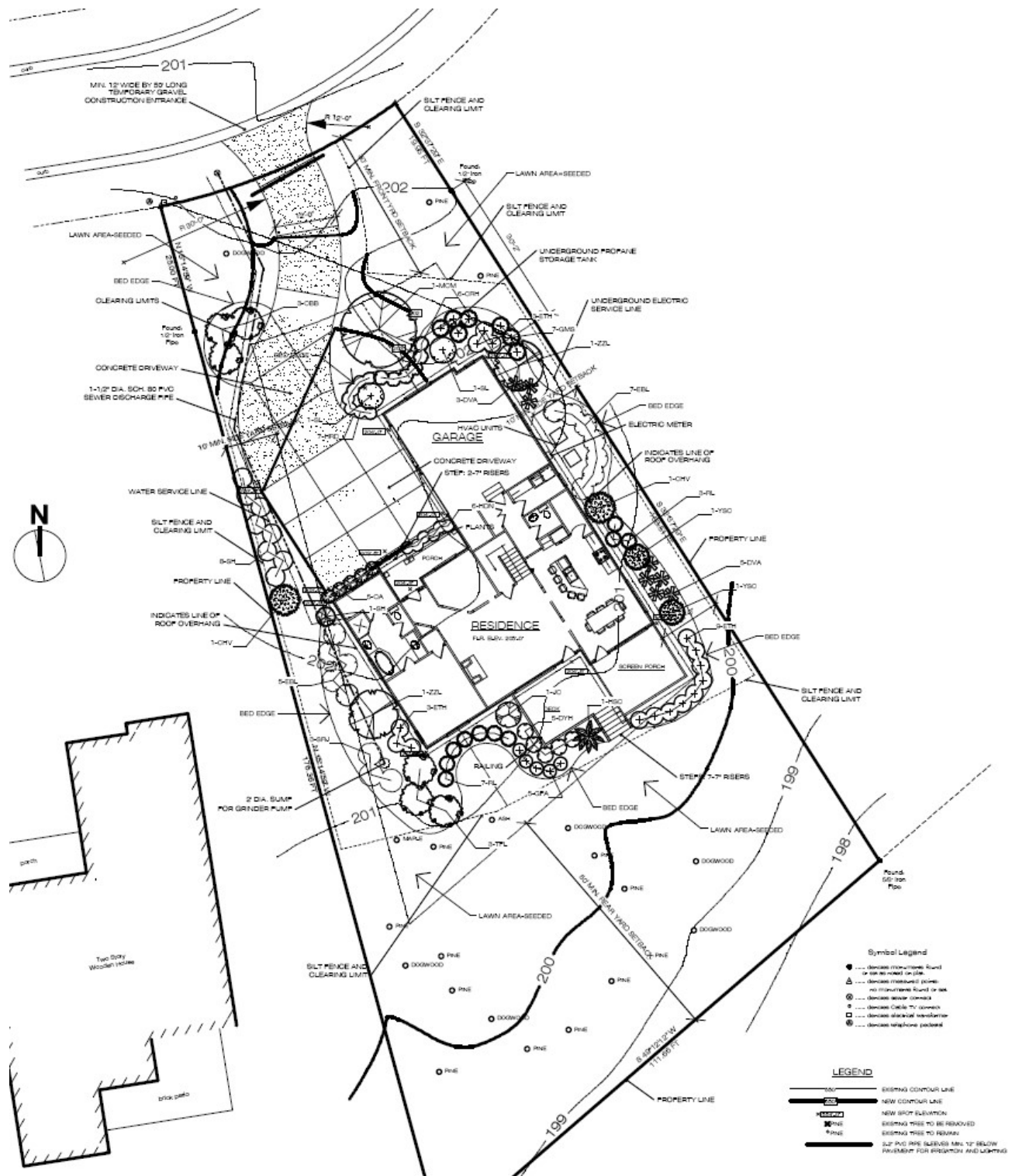


# Sample site plan with proposed site clearing perimeter.

NOTE: Vegetation Clearing perimeter to reflect contours after grading.  
Silt fences where needed.



# Sample landscaping drawing





# Stake-Out Review Request Form

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When the house footprint and applicable setbacks have been staked out and clearly marked, and the owner has clearly marked all trees greater than six (6) inches in diameter which are to be removed (or alternatively marking the perimeter of trees surrounding the structure beyond which the owner will not remove trees), owner must request a Stakeout Review by an ARC representative.

No work should be done to incorporate changes or deviate from approved plans until the ARC provides written approval of the owner's request. The ARC reserves the right to accept or reject all requests at its sole discretion.

IMPORTANT: The ARC has limited authority within the 100-foot setback for all lakefront lots. Before any materials may be removed or disturbed within this area, including fallen trees of any diameter which touch the lake, the owner must obtain written approval or a waiver from Cube. Failure to do so may result in penalties including, but not limited to, required reforestation and/or revocation of pier permits.

## 1. Owner Request

I request ARC approval of the Stakeout prior to initiating any activity on the lot.

Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Lot \_\_\_\_\_

## 2. ARC Ruling

The ARC ruling on the lot stakeout is:

- Approved       Approved with modifications       Rejected\*

Explanation/details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Architectural Review Committee Member      Date

\*If rejected, the owner must make the necessary changes and submit a new approval request.

# Compliance Review Request Form

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Please complete, sign, and submit this form to advise the ARC that an approved activity/project is complete and to request a compliance review.

Upon receipt, the ARC will review the project and the owner will be informed of any discrepancies and given 60 days to resolve them. If issues are not resolved in a timely manner, the ARC will turn the issue over to the Board of the Homeowners Association.

## 1. Owner Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

## 2. ARC Ruling

Approved

Denied until the following issue(s) is/are satisfactorily resolved\*

Explanation/details:

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\_\_\_\_\_  
Signature of Architectural Review Committee Member

\_\_\_\_\_  
Date

\*If denied, the owner must make the necessary changes and submit a new Compliance Review Request. Owners may request an appeal to the HBHOA Board, whose decision on the matter shall be final.

If not resolved by \_\_\_\_\_ the issue will be turned over to the Board of the Heron Bay Homeowners Association

# Requirements for Contractors and Subcontractors (1 of 3)

By signing below, I (we) confirm that I have read and acknowledge the Heron Bay Requirements for Contractors and Subcontractors and I (we) will monitor and ensure Contractor adherence to the conditions of work described in these requirements

\*Owner Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Owners are responsible for communicating these rules and regulations and may be subject to fines or other action if contractors are not in compliance.**

**Protection of Trees and Natural Vegetation: Only those trees indicated for removal on the approved Site Plan can be removed.**

**Operating Hours:** Permitted work hours: All external contractor or subcontractor work to be undertaken between 7:00 am and 7:00 pm Monday to Friday, and 7:00 am to 5:00 pm on Saturdays. Contract work is not permitted on Sundays or US public holidays.

**Personal Conduct:** Proper personal conduct is expected from all workers. No loud music or language is allowed. Any sound, other than that of customary construction activity, that can be heard from adjoining properties, will be considered a nuisance, and is prohibited.

**No Burn Policy:** There is a strict NO BURNING policy throughout Heron Bay.

**Speed Limit:** The speed limit throughout Heron Bay is 25 miles per hour.

**Erosion Control:** Silt fence and erosion control measures must be in place before any lot clearing or construction begins.

**Cover Loads:** All trucks involved in clearing and excavating lots must have their loads covered with a tarp to prevent spilling limbs, dirt, etc. onto streets.

**Driveway Culvert:** Must be 15 inches minimum in diameter and made of concrete.

**Gravel:** Driveway, Lot Entry/Exit, and areas for parking machinery must be graveled prior to starting construction and kept well graveled throughout the building process, requiring repeated applications as necessary, to keep mud off the street and to maintain pavement in good repair. When such occurs, debris should be washed/swept from street.

**Roadway Cleaning:** Public roadways must be swept daily of mud deposits and any loose stone. T

**Parking and Material Staging:** Is allowed on the job site. No parking or material staging is allowed on road shoulders (HOA Common Area).

**No Overnight:** No trucks or equipment may be left parked on the road overnight. Vehicles left unattended may be towed at the owner's expense.

**Neighbor Access:** Do not block neighbors' access to driveways or mailboxes on adjacent lots.

## Requirements for Contractors and Subcontractors (2 of 3)

**Adjacent Property:** Adjacent properties must remain in original condition. Owners and their contractors/employees may not trespass, store materials or cause damage to any properties including the road shoulders (HOA Common Area).

**Portable toilet:** Construction site must have a portable toilet.

**Dumpster:** Builder will maintain a dumpster on site throughout construction. Absolutely no dumping is allowed anywhere in Heron Bay.

**Cleanup:** Lot must be cleared of debris at the end of each day. Please monitor trash blowing from overfilled dumpsters and open pick-up trucks.

**Signage:** The general contractor may display a sign. All other signs are prohibited.

**Time Limit:** The house, driveway and all structures must be completed within one (1) year.

**Construction Site Access:** Whenever possible, the access should be at the point of the proposed driveway to the property no more than twenty feet (20'). A base of not less than 8" of gravel should be placed for at least 40' into the property and maintained until a permanent driveway surface is constructed.

Any damage to the road pavement, curbing, or the road right-of-way caused by construction activity must be restored to the original condition before the project will be considered complete. Final compliance will not be approved until all damaged is satisfactorily addressed.

**Site Preparation:** No lot can be cleared, no site prepared, or any other construction activity started without Heron Bay ARC approval. Where required, silt fences, culvert and fill, and road shoulder protection must be in place prior to site clearing. The use of water and electric services from adjacent residences is prohibited.

**Drainage Control, Erosion Control & Environmental Protection:** Prior to and during all construction activity, including the clearing and filling of the lot, the following protective actions must be taken and maintained:

- Water Drainage Control
- Soil Erosion Control
- Road Pavement and Curb Protection
- Road Right-of-Way Protection
- Tree Protection

**Responsibilities During Construction:** During construction, the general contractor is responsible for preventing drainage and soil erosion onto any adjacent roadways or property, whether private or common.

**Trespassing:** All access areas, parking, storage of materials, location of dumpsters, and portable toilets must be confined to the permitted lot. The use of private properties, common property, or open space is prohibited.

**Site Maintenance:** Materials must be stored in an orderly manner on site. Contractors are required to make frequent clean-ups of construction materials, trash, litter, etc. always leaving the area neat and clean at the end of each workday.

## Requirements for Contractors and Subcontractors (3 of 3)

**Construction Trailers, Vehicles and Mobile Equipment:** No trailer, vehicle or mobile equipment shall be parked on the lot that might block entry of security or emergency vehicles.  
HBHOA is not liable for any theft of or vandalism to any trailer, vehicle, or mobile equipment.

**Signage:** A sign (4' 0" x 1' 0" or less) at a construction site is not intended to advertise, but rather to identify the architect, designer, or contractor. The ARC reserves the right to remove any sign.

**Exterior Lighting:** It is the contractor's responsibility on all unoccupied structures to turn off all exterior work lights between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday, between 5:00 p.m. Saturday through 7:00 a.m. Monday, and during all no-work holidays.

**Violations:** A stop order or other actions may also be taken for serious and/or repetitive violations.

# Appointment of a Designated Agent Form

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If the owner would like the ARC to communicate with a third party throughout the Architectural Review Process, the owner may appoint a designated agent by submitting this request. Designated Agents may be an architect, designer, builder or other representative of the owner. Designated Agents may be appointed or removed at any time by written request of the owner.

## 1. Owner Contact Information

\*Owner: \_\_\_\_\_

\*Heron Bay Street Address: \_\_\_\_\_ Lot/Phase: \_\_\_\_\_

\*Current Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Home phone: \_\_\_\_\_ Bus. Phone: \_\_\_\_\_ x \_\_\_\_\_

\*Cell: \_\_\_\_\_

\*Email: \_\_\_\_\_

## 2. Designated Agent Contact Information

\*Designated Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\*Email: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Bus. phone: \_\_\_\_\_ x \_\_\_\_\_

\*Cell: \_\_\_\_\_

# Contractor Gate Access Agreement Form

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**Gate Access Policy:** In order to access the Heron Bay development, a Temporary Construction Gate Access Code will be issued. For reasons of community security, homeowners should avoid sharing their gate code with Contractors. For any extra codes, contact RealManage at HERBAYHA@Ciramail.com with Gate Access in the subject line. The ARC will gladly assist whenever required.

Owners are responsible for communicating these rules and regulations to contractors and may be subject to fines or other action if contractors are not in compliance.

Each Owner and the primary contractor must sign this form prior to issuance of code and shall agree to abide by the Heron Bay Requirements for Contractors and Subcontractors.

- All builders, contractors, subcontractors, and vendors will be allowed to use this code only during the following hours: Monday through Friday 7am to 7pm, Saturdays 7am to 5pm. Construction work on Sunday is not permitted.
- The code shall be deactivated upon completion of the project or after one (1) year unless an extension is granted by the ARC.
- All entry and exit from Heron Bay property is video recorded. Damage to the gate and/or gate entry system will be billed back to the Primary Contractor below. In addition, depending on the nature and extent of damage, Heron Bay Homeowners Association may prosecute any individual associated with damaging the gate, associated entry or HBHOA property.
- Issues encountered with the gate entry system should be reported to RealManage, phone 866-473-2573, email HERBAYHA@Ciramail.com with "Gate Entry" in the subject line.

By signing below, I (we) confirm that I have read and acknowledge the Heron Bay gate access policy,

\*Primary Contractor Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Contractor/Builder Phone #: \_\_\_\_\_ Alt Phone: \_\_\_\_\_

On-site Supervisor: \_\_\_\_\_

\*Lot Owner Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

\*HB Street Address: \_\_\_\_\_ Lot #: \_\_\_\_\_

- required

# ARC Review Checklist (1 of 2) - for ARC use

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In order to provide accurate records of ARC activities related to an owner's project, assigned ARC representatives will maintain a record of ARC related activities. The owner may request a copy of this document at any time during the process or after the project is completed.

## 1. Owner Information

Owner: \_\_\_\_\_ Lot/Phase: \_\_\_\_\_

## 2. Description of Proposed Project

- New Construction
- Addition
- Renovation
- Landscaping

Brief description of the proposed project:

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## 3. Receipt of Request Forms

The following will be completed by ARC representative as Property owner project proceeds:

	Date Received	Date Approved	Date by (Initials)	Date
<input type="checkbox"/> Construction Document Review	_____	_____	_____	
<input type="checkbox"/> Stakeout Review	_____			
<input type="checkbox"/> Compliance Review.	_____			
<input type="checkbox"/> Design Change Review	_____			
Brief Description: _____				
<input type="checkbox"/> Design Change Review	_____			
Brief Description: _____				
<input type="checkbox"/> Designated Agent	_____			



# ARC Review Checklist (2 of 2) – for ARC use

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## 4. Periodic Review Record

The following record indicates the ARC has reviewed and inspected work in process:

**ARC Periodic Review** Date: \_\_\_\_\_ By \_\_\_\_\_

Construction Stage: \_\_\_\_\_

No discrepancies found

Discrepancies found: \_\_\_\_\_

\_\_\_\_\_

Action required: \_\_\_\_\_

\_\_\_\_\_

Owner notified:  In Person  Phone  Email  Letter

**ARC Periodic Review** Date: \_\_\_\_\_ By \_\_\_\_\_

Construction Stage: \_\_\_\_\_

No discrepancies found

Discrepancies found: \_\_\_\_\_

\_\_\_\_\_

Action required: \_\_\_\_\_

\_\_\_\_\_

Owner notified:  In Person  Phone  Email  Letter

### ARC Periodic Review

Construction Stage: \_\_\_\_\_ Date: \_\_\_\_\_ By (initials) \_\_\_\_

No discrepancies found

Discrepancies found: \_\_\_\_\_

\_\_\_\_\_

Action required: \_\_\_\_\_

Owner notified:  In Person  Phone  Email  Letter

# Design Change Form (1 of 2)

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Please complete and submit the following information to one of the assigned ARC representatives to request approval of a change or variance from a plan previously approved by the ARC.

No work should be done to incorporate changes or deviate from previously approved plans until the ARC provides written approval of the owner's request. The ARC reserves the right to accept or reject all requests at its sole discretion.

## 1. Owner Information

Owner: \_\_\_\_\_

Lot/Phase: \_\_\_\_\_

## 2. Description of Proposed Change

Please provide a detailed description of the proposed change.

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# Design Change Form (2 of 2)

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## 3. Agreement

I (we) attest that the information contained herein and presented to the Architectural Review Committee represent my (our) intentions, that I (we) will notify the ARC and request advance approval for any changes or deviations from these approved plans.

I (we) have read and agree to abide by all terms and conditions set forth in the Declaration of Restrictive Covenants of Heron Bay Subdivision as well as the Heron Bay Architectural Guidelines Book.

I (we) understand that failure to promptly report deviations from approved plans or take timely corrective action to remedy any issue found to be out of compliance and reported to the owner in writing may result in the assessment of fines or other action as allowed by the covenants and bylaws, at the sole discretion of the ARC and approved by the HOA Board.

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Signature of Property Owner Date

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Signature of Property Owner (optional) Date

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Contractor/Subcontractor Requirements acknowledgement Date

## 4. ARC Ruling

The ARC ruling on the requested change is:

- Approved       Approved with modifications       Rejected\*

Explanation/details:

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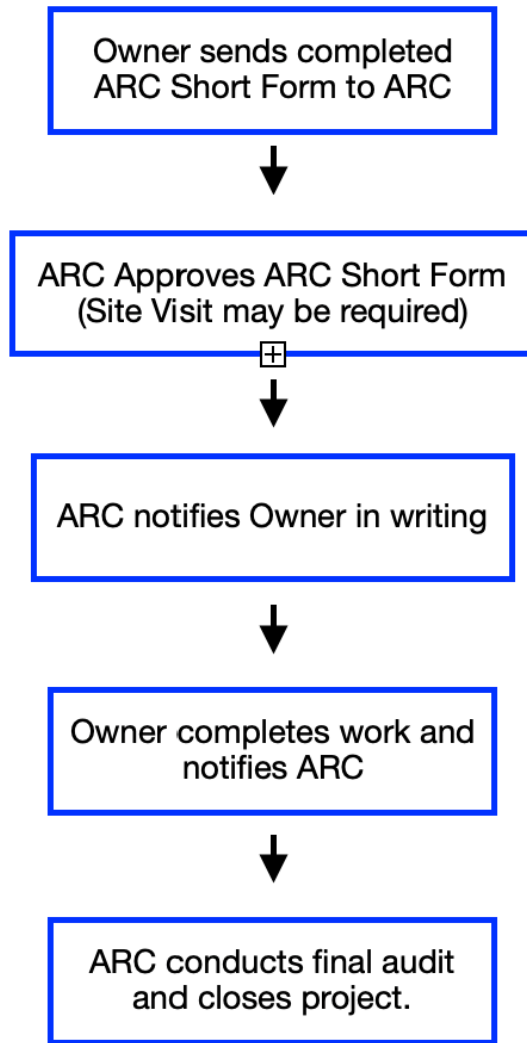
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Signature of Architectural Review Committee Member Date

\*If rejected, the owner must make the necessary changes and submit a new Design Change Request. Owners may request an appeal to the HBHOA Board, whose decision on the matter shall be final.

# Architectural Review Process - Short Form

The follow pages contain the process for Exterior Repairs / Renovations, Landscaping, and Lot Clean Up. The flow chart below provides the basic steps of New Construction.



# ARC Short Form (1 of 2)

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**This form is to be used for Exterior Repairs / Renovations, Landscaping, and Lot Clean Up.**

Please complete and submit the following information to [ARC@heronbay.org](mailto:ARC@heronbay.org).

No work should be done until the ARC provides written approval of the owner's request. The ARC reserves the right to accept or reject all requests at its sole discretion.

## 1. Owner Information

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Owner:

Lot/Phase: \_

## 2. Description of Work Proposed

Please provide a detailed description of the proposed work to be done. Where applicable, include final contractor work order(s), plans, materials, finish colors.

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# ARC Short Form (2 of 2)

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**This form is to be used for Exterior Repairs / Renovations, Landscaping, and Lot Clean Up.**

## 3. Agreement

I (we) attest that the information contained herein and presented to the Architectural Review Committee represent my (our) intentions, that I (we) will notify the ARC and request advance approval for any changes or deviations from these approved plans.

I (we) have read and agree to abide by all terms and conditions set forth in the Declaration of Restrictive Covenants of Heron Bay Subdivision as well as the Heron Bay Architectural Guidelines Book.

I (we) understand that failure to promptly report deviations from approved plans or take timely corrective action to remedy any issue found to be out of compliance and reported to the owner in writing may result in the assessment of fines or other action as allowed by the covenants and bylaws, at the sole discretion of the ARC and approved by the HOA Board.

I (we) agree to adhere to conditions of work described in "Responsibilities for Contractors and Subcontractors" (page 34)

As applicable I (we) will monitor and ensure Contractor and Subcontractor adherence to the conditions of work described in the above document.

\_\_\_\_\_  
Signature of Property Owner. \_\_\_\_\_  
Date

Temporary Gate Code requested? \_\_\_\_\_

## 4. ARC Ruling

Approved       Approved with modifications       Rejected\*

Explanation/details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Architectural Review Committee Member \_\_\_\_\_  
Date

\*If rejected, Owners may request an appeal to the HBHOA Board, whose decision on the matter shall be final.

# ARC GUIDELINES - Revision Record

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Brief descriptions of major revisions to this document are provided below:

**03-09-09 Major Overhaul** - The ARC invested over 8 months to produce a document which:

- Reflects the spirit and combined wisdom of prior Blue Books and ARC decisions
- Includes specific language and requirements of the Covenants and Bylaws
- Reduces approval steps and improves process flow through the use of new forms
- Eliminates refundable fees and provides a notification process for enforcement and fines

**01-17-10 Clarifications and Corrections**

- Page 1 date change
- Page 2 table of content addition
- Pages 5&6 enforcement paragraph
- Page 16 satellite language change
- Page 20 renovations and landscaping notes
- Page 34 required elements additions, builder access code addition, new fee table
- Page 36 approval sentence change

**04-15-10 Clarifications and Corrections**

- Page 14 clarified statement regarding modular homes

**07-14-10 New Sign Policy**

- Page 16 added K.4 allowing only the approved "No Trespassing" sign

**08-26-2013 Clarifications and Corrections**

- Page 7 sentence addition & removal of item
- Page 15 additional item
- Page 18 meeting time clarification
- Page 33 administrative fee clarification

**08-11-2015 Clarifications and Corrections for the following pages:**

- Pages 5-14
- Page 18
- Pages 21-24
- Page 27
- Pages 32-33
- Page 36
- Page 44
- Page 47

**08-01-2018 Updated Vendor for Mailboxes and New Real Estate Sign Policy**

- Page 15
- Page 16

**10-01-2019 Further updates, clarifications, and corrections**

- Entire Document : "Alcoa" and "Yadkin" replaced with "Cube Hydro" or "Cube".
- Entire Document - Replace "Trees greater than six (6) in. diameter" with "Trees greater than six (6) in. diameter measured one (1) foot from ground level"
- Page 7 General property Guidelines, Guidelines for All Lots, A 1 e - BOLD "Owners are responsible for the actions of all contractors."
- Page 8 General Property Guidelines, Additional Guidelines for Waterfront Lots, 1 - Replace the address of Alcoa with the address for Cube Hydro.
- Page 10 Building Plan Approval, Plan Approval - Delete "in writing" so it reads, "If no response has been made by the ARC in 30 days..."
- Page 11 Building Standards and General Use Restrictions, (3rd paragraph) - Delete "action is taken" so it reads, "If no response has been made by the ARC in 30 days..."
- Page 13 Building Material, 1 - add "vinyl siding" to the restricted material.
- Page 13. Building Material, 1 - add "All exposed concrete facing (including step risers) must be finished to compliment house material.
- Page 15, Building Standards and General Use Restrictions, 4 - "Raphael" is listed as the proper mailbox.
- Page 15, Building Standards and General Use Restrictions, 7 - Added wording stating that only Property Owner or Contractor can utilize dumpster on the property.
- Page 20, Architectural Review Process, Step Two: Stakeout Review, B, 2 - Replace "Property Guidelines (Page 5, Section 1.A.4" with "Setback (p12")
- Page 20, Architectural Review Process, Step Two: Stakeout Review, F - Delete "Number 9, page 3"

**07-08-2020 Updates**

- Page 8. Addition of Lot Cleanup items that do not require ARC approval. (new Section A.1.i.)

**09-01-2020 Updates, clarifications and community information**

- Contents Insertion of LIST OF HELPFUL CONTACTS p47
- Page 16 Insert street number for Eddie's Signs LLC
- Page 16 Change wording "3-digit" to "6-digit"
- Page 20 Insert "completion of"
- Page 47 List of helpful Contact numbers and web pages

**03-09-21 Additions: contractor work hours, solar panels**

- Contents Changes to reflect the following inserted items
- Page 14 Insert comment: ARC will consider Solar Panel construction on case-by-case basis
- Page 7 Insert rule: Contractor permitted work hours
- Page 41 Contractor Gate Code Form: insert agreement to observe HB community hours of operation
- Page 47 Insert Energy United's advice website on Solar Panels

**08-31-22**

Page re-alignment, agree to contractor requirements for every renovation, clean-up and construction; per Covenant 2 p1, enclosed hsqft 1800 on waterfront, 1600 non-wf, p2,3: "all structures shall be at least 10 ft from the side property line of any lot or 20ft from side property line abutting street:

p2,7 "no building, fence, wall, pool, outbuilding, driveway, or any other accessory d=feature to the dwelling or any lot shall be commenced, erected, placed, maintained or altered on any lot tr combination of contiguous lots until the complete Construction Plans(hereinafter the "plans") are approved in writing by the committee or its designated agents. The C's refusal or approval of plans may be based upon purely aesthetic considerations, which in its sole discretion of the Committee shall deem sufficient, but approval hall not unreasonably be withheld. One copy pf all plans, and related data shall be furnished to the committee for its records.

2,10 no trailer truck, van, mobile home, tent, camper, barn, garage or other outbuilding or temporary structure

**3/18/2024**

- Changes made from Henderson to RealManage - contact info and mailing address
- New Construction Deposits increased from \$1795 (\$1000 refundable) to \$5000 (\$3000 potentially refundable).
- Additions Deposit increased from \$100 non-refundable to \$400 non-refundable
- Clarification made on Outbuilding restrictions
- Clarification made on "Grandfathered" status
- Consolidation of Landscaping, Lot Clean Up, Renovations, and Repair Forms into one Short Form.
- Added Process Flows for Construction Form and Short Form
- Restructure topics for better flow

**7/2/24**

Page 16, Step 11 - details added regarding restrictions about pools, swim spas, and hot tubs. Above ground pools and swim spas not allowed and hot tub located separate from the house must be reviewed by ARC

**8/22/24**

Page 18, Step K, 4 - section added to detail guidelines addressing Political Signage (index edited to reflect additions)

Page 19, Step L - section added to detail guidelines addressing Free Standing Flag Poles / Flag Pole Flags (index edited to reflect additions)