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The Architectural Review Committee

A. The 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. Variances: 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.
The Blue Book

A. 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 from time to time updates, this Blue Book containing property guidelines and building standards. The Blue Book 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.

B. This Blue Book supplements the Declaration of Restrictive Covenants of Heron Bay Subdivision and has been developed to save you time and potential frustration during the planning and building process. Adhering to these guidelines will help protect and enhance the value of your property in Heron Bay and help you avoid delays, complications and potential fines.

Each lot is different; therefore, it is essential that a home design be chosen which is suitable for your property. Due to the variety of lot shapes and topographies within Heron Bay, the ARC suggests you seek professional help when selecting your home design, especially as it regards topographical issues and related site planning impacts.

A professional site plan will ensure that your intended home is well situated on your Lot and that it meets the necessary design and setback requirements. In accordance with the Restrictive Covenants, all plans must be reviewed and approved by the ARC before any cleaning or clearing of the lot or home construction may begin.

C. Precedence: From time to time 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.

D. 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 particular 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.
General Property Guidelines

All Homeowner Association dues must be current before any request will be considered or approved by the Architectural Review Committee.

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 (see below)

1. Lot Cleanup (Forms pp 23-24)

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.

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

  a. Lot Cleanup is limited in scope and includes only the removal of dead or fallen trees, small trees and branches, and/or other underbrush and debris from lots. Dead trees may be cut down and stump removal is required. 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.

  b. Except within the building site (unless within 20’ of the main dwelling), no trees of any kind in excess of 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. Owners are responsible for the actions of all contractors. Please review these guidelines and communicate them, as well as the “Requirements for Contractors and Subcontractors” (below), to all workers.

  f. The lot may be reviewed by the ARC within 30-days after notification by property owner that lot cleanup is completed. If any damage or noncompliance issue is observed, such as but not limited to damage to the road or failure to remove debris, a fine may be assessed.
General Property Guidelines

g. There shall be no excavation or grading which does not pertain to the building or construction of a home.

h. 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.

i. Lot Cleanup (Forms pp 23-24) Items NOT Requiring Approval: The following actions are **allowed**, without the requirement to submit an ARC approval form:
   - Removal of dead (fallen) trees
   - 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. Care should be taken to avoid encroaching on adjacent property. Once construction has started, all accumulated debris should be removed, prior to final approval by ARC.

Any lot cleaning or maintenance requiring cutting down of trees shall be done only after approval of a lot cleanup Form by the ARC. Please complete Form on pages 23-24.

Additional Guidelines for Waterfront Lots
In addition to the guidelines in Section A, waterfront lots are subject to restrictions imposed by regulatory agencies. While beyond the scope of this document, the following information may be helpful to owners in obtaining and complying with these requirements.

1. Cube Hydro Requirements
Environmental and wildlife restrictions are monitored by Cube Hydro Carolinas LLC (PO Box 575, Badin NC 28009-0575), Arrange an on-site meeting with a Cube representative by contacting Cube at 704-422-5555.

   a. Owners should obtain and read a copy of Cube Hydro’s Shoreline Management Plan.

   b. Owners must 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 the Lot, the owner must ask a Cube representative to measure and verify the official setback line.
c. Owners must request Cube’s permission and obtain a permit to cut ANY TREES on the Lot between the 100-foot setback line and the 541-foot elevation. This requirement applies to all trees including those less than six (6) inches in diameter.

d. Owners must also have Cube designate on the permit what (if any) trimming, clearing, etc. can be done on Cube property. Cube property is all waterfront property below the 541-foot elevation down to the lake.

e. 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.

f. Failure to comply with these regulations may result in loss of pier permits, require two-for-one (2-for-1) reforestation or other penalties imposed by Cube Hydro.

g. Owners must obtain a permit from Cube Hydro for construction, shoreline stabilization, vegetation removal, shoreline cleanup, private irrigation systems and vegetative plantings.

B. Shoreline Stabilization

If shoreline stabilization is done independent of house construction, owners must obtain all necessary permits from Cube Hydro before any work begins. Cube is responsible for and maintains all shoreline stabilization projects. Failure to coordinate with Cube could result in a revoked pier permit.

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.
Building Plan Approval

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.

Plan Approval
The ARC or its designated agents shall have thirty (30) days after physical receipt of the Plans to accept or reject the same in whole or in part. If no response by the ARC has been made within said 30 days, the Plans shall be deemed to be approved as submitted.

After the Plans are approved 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, together with the requirements of the Declaration and, in this regard each Owner shall provide the ARC with the foundation survey as soon as it is made.

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.

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.
Building Standards & General Use Restrictions

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, fence, wall, pool, driveway, 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 to it, the owner may proceed to build without approval.

**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.

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 require written ARC approval.

**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. **Stake-Out Review:** After plan approval, no site preparation, Lot clearing or construction of any type may begin prior to the completion of the Stakeout Review. (Form p34)

2. **Stake-Out Approval:** Only upon receipt of written ARC approval of the Stakeout Review may any work begin including removal of live trees, grading or placement of driveways or walkways.
Building Standards & General Use Restrictions

3. 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 septic field, driveway or well site
   d. Written waiver granted by the ARC for any other reason

4. 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.

5. 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.

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.

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.

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 Permits
Owners must obtain all applicable building permits from Montgomery County Department of Inspections (910-572-3304).
Building Standards & General Use Restrictions

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.

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.

Building Material 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

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. 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.
Building Standards & General Use Restrictions

4. **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.

5. **Driveways** must be a hard surface material consisting of concrete, brick or stone, exposed aggregate concrete, etc. Driveway culvert when required must be concrete. The standard is a minimum of 15 inches in diameter.

6. **Decks and Porches** should be designed to blend with the style and materials of the house and must be approved by the ARC.

7. **Retaining Walls** must blend with the style of the house and must be approved by the ARC.

8. **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. There shall be no above-ground swimming pools.

9. **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.

10. **Mobile Homes** are prohibited.

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 approved by the ARC. Visible wire-type 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 of the owner’s dogs are kept on the owner’s property unless leashed. No dogs shall be permitted to roam the property and the Association may have strays and dogs that are not leashed and are found off their owner’s lot picked up by governmental authorities.
Building Standards & General Use Restrictions

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 http://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.

(a) Install post in concrete approximately 2 feet from edge of road and 18 inches into the ground, ensuring it is straight and secure.

(b) Install post approximately 3 feet from driveway.

(c) Bottom of mailbox should be 41 to 45 inches above road surface and not more than 6 inches from the edge of the street.

(d) 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. Free-Standing Flagpoles, 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.
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. Four 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 consist 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 open house
   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
   d. Sign may list the 6-digit keypad number to reach the phone of the listed property for remote gate opening by the agent
   e. Sign may display a “Temporary Open House Gate Code” but may not provide any permanent gate code

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 listed above, no signage is allowed within the Association’s maintained street area.

Duty to Make Repairs: Each Owner of a lot 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.

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.
Replacement after Damage or Destruction

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.
Architectural Review Process

The architectural review process for all improvements (new construction, exterior additions or renovations, landscaping) consists of three steps. 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 to the next step.

**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 an as-required basis. Owners should contact the ARC to verify the meeting date and time to be scheduled on the agenda.

**Definitions of Improvements**

**A. New Construction**

**B. Exterior Additions or Renovations**
This includes all exterior modifications.

**Additions:** Include, but are not limited to, porches, decks, swimming pools, patios, garages, and/or any changes to the footprint, roofline or exterior façade of the existing house.

**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.

- Note: For renovations not affecting the footprint, roofline or façade of the existing house you need only to complete pages 1, 2 and 9 of the *Construction Document Review Form* and if applicable, provide a drawing with dimensions showing location of project in relation to existing house and property lines

- Please note that it is not necessary to involve the ARC on any interior renovation unless the footprint, roofline or exterior façade of the existing house is modified in any way.

**Landscaping**
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.
Architectural Review Process

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 Form (see p25)

B. Site Plan

C. Architectural Plans – Floor Plans, Elevations, Topography

D. List of Exterior Materials and Samples

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 plantings with a suitable key delineating species, type and bucket size of plants being used

F. List of Landscape Materials

G. Payment of Fee(s)

H. Builder Gate Access Form. (see p41)
   The Builder must sign the gate access form acknowledging understanding of all construction rules and guidelines. Owners are responsible for the actions of all contractors.

Upon ARC approval of the Construction Documents, owners will be notified in writing and may proceed to Step Two.
Architectural Review Process
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. (See p34)

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 (Page 12, Setbacks).
3. Height of the exposed foundation for all elevations must be shown.
4. 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, 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.

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 Restriction 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
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

B. On-Site Inspection
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 approval of Compliance, owners will be notified in writing and the $1000 refundable deposit will be returned to the property owner.
How to Submit Requests, Forms and Documents

Owners may submit forms and supporting documentation via:

E-mail:  ARC@heronbay.org

In person:  Heron Bay Clubhouse, 275 Mallard Drive, Badin Lake, NC

ARC meetings are held on an as required basis. In order to be placed on the ARC agenda, owners should contact the ARC to verify the meeting date and time.

Please include all required information. If a submittal is incomplete, the ARC must reject the request and the owner may not proceed to the next step of the architectural review process.
Lot Clean-Up Request Form (1 of 2)

Please complete and submit the following information to one of the assigned ARC representatives to request lot clean-up.

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

Owner: ____________________________________________  Lot/Phase: ________

2. Description of Clean-Up Proposed
Please provide a detailed description of the proposed work to be done.

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
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____________________________________________________________________________
Lot Clean-Up Request Form (2 of 2)

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.

Signature of Property Owner ________________________________ Date ____________

Signature of Property Owner (optional) ________________________________ Date ____________

4. ARC Ruling

The ARC ruling on the requested lot clean-up 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 Lot Clean-Up Request. Owners may request an appeal to the HBHOA Board, whose decision on the matter shall be final.
Construction Document Review Form (1 of 9)

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 Phone: __________________

Email Address: ________________________________

3. Landscaper Contact Information

Landscaper: ________________________________

Mailing Address: ________________________________

_________________________________________________

Business Phone: _____________________ Cell Phone: __________________

Email Address: ________________________________
4. Description of Proposed Project
   □ New Construction
   □ Addition
   □ Renovation
   □ Landscaping

Please provide a brief description of the proposed project:

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________
5. Drawing Checklist

A. Site Plan Required Elements
   1. Surveyors Seal □ □
   2. North Arrow □ □
   3. Scale □ □
   4. Lot Numbers of Adjacent Lots □ □
   5. Corners of Adjacent Structure(s) (if any) □ □
   6. Property Lines □ □
   7. Setbacks □ □
   8. 100-foot Setback from 541-foot Elevation (waterfront lots) □ □
   9. Existing Structure(s) □ □
   10. Topographical Maps (Pre & Post construction)
       (8’ elevation change from front to back and side to side) □ □
   11. Clearing Limits □ □
   12. Footprint of Entire Structure(s) □ □
   13. Approved Location of Well, with County Permits □ □
   14. Approved Location of Septic and Repair Fields, with County Permits □ □
   15. Retaining Walls □ □
   16. Driveway Location □ □
   17. Silt Fence □ □
   18. Photos of Lot Front, Road Shoulder, Shoreline (waterfront lots) □ □

B. Floor Plan Required Elements
   1. Heated Living Square Footage □ □

       Basement _________ Level 1 _________ Level 2 _________

C. Elevations
   1. Exterior Materials (siding, stone, brick, etc.) □ □
   2. Door and Window Locations □ □
   3. Finished Grades □ □
## D. Materials Checklist

<table>
<thead>
<tr>
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<th>Owner</th>
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<td>2. Brick - picture(s) or sample presented</td>
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<td>4. Siding - picture(s) or sample presented</td>
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<td>5. Trim and Fascia:</td>
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<td>6. Shutters:</td>
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<td>7. Windows:</td>
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<td>8. Doors:</td>
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<td>9. Driveway:</td>
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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, and must be executed and completed within 90 days of issuance of the Certificate of Occupancy unless otherwise approved by the ARC.

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

Owner | ARC
--- | ---

6. Administrative Checklist

A. Builder Access

1. Builder Access Form (completed and signed)
2. Builder Access Code assigned: __________

B. Administrative Fee

<table>
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<tr>
<th>Owner</th>
<th>ARC</th>
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</table>

New construction $795, non-refundable, plus a $1,000 deposit (refundable at final compliance sign off). Additions: $100, non-refundable. Renovations or Landscaping: no fee

7. 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 however, and not a requirement for construction approval. Please check below.

I/we would ___ would not ___ like to be listed in the Heron Bay Homeowner directory.
8. Agreement

Administrative Fees enclosed:  □ New construction: $795 (non-refundable)  □ plus $1000 refundable
  □ Additions: $100 (non-refundable)
  Renovations or Landscaping: no fee

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

______________________________  _________________________
Signature of Owner (optional)       Date

9. Assignment of ARC Representative

In order 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:

<table>
<thead>
<tr>
<th>ARC Member</th>
<th>Phone</th>
<th>Email</th>
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</table>

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
Stakeout Review Form

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 (See Page 6, Section I-B-1). 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: __________________________________________ Lot/Phase: ______

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.
Design Change Request Form (1 of 2)

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 Request Form (2 of 2)

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.

__________________________________________  Date

Signature of Property Owner

__________________________________________  Date

Signature of Property Owner (optional)

4. ARC Ruling

The ARC ruling on the requested change is:

☐ Approved  ☐ Approved with modifications  ☐ Rejected*

Explanation/details:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

__________________________________________  Date

Signature of Architectural Review Committee member

*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.
Compliance Review Request Form

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

Owner: ____________________________ Lot/Phase: ________

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 Homeowners Association.
Appointment of a Designated Agent Form

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: ____________________________ Lot/Phase: ________

Heron Bay Street Address: ____________________________

Current Mailing Address: ____________________________

Home Phone: ____________  Cell Phone: ____________

Business Phone: ____________  Extension: ______

Email: ____________________________

2. Designated Agent Contact Information

Designated Agent: ____________________________

Mailing Address: ____________________________

Home Phone: ____________  Cell Phone: ____________

Business Phone: ____________  Extension: ______

Email: ____________________________
ARC Review Checklist (1 of 2)

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:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

3. Receipt of Request Forms

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

<table>
<thead>
<tr>
<th>Request Type</th>
<th>Date Received</th>
<th>Date Approved</th>
<th>By (Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Construction Document Review</td>
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<tr>
<td>☐ Stakeout Review</td>
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<td>☐ Compliance Review</td>
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<td>☐ Design Change Review</td>
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<td>Brief Description:</td>
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<tr>
<td>☐ Appointment of a Designated Agent</td>
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ARC Review Checklist (2 of 2)

4. Periodic Review Record

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

ARC Periodic Review

Date: ____________  By (Initials) ________

Construction Stage: __________________________

☐ No discrepancies found

☐ Discrepancies found: ________________________

____________________________________________

Action required: __________________________________

____________________________________________

Owner notified: ☐ In Person  ☐ Phone  ☐ FAX  ☐ Email  ☐ Letter

ARC Periodic Review

Date: ____________  By (Initials) ________

Construction Stage: __________________________

☐ No discrepancies found

☐ Discrepancies found: ________________________

____________________________________________

Action required: __________________________________

____________________________________________

Owner notified: ☐ In Person  ☐ Phone  ☐ FAX  ☐ Email  ☐ Letter

ARC Periodic Review

Date: ____________  By (Initials) ________

Construction Stage: __________________________

☐ No discrepancies found

☐ Discrepancies found: ________________________

____________________________________________

Action required: __________________________________

____________________________________________

Owner notified: ☐ In Person  ☐ Phone  ☐ FAX  ☐ Email  ☐ Letter
Builder Gate Access Agreement Form

**Gate Access Policy:** In order to access the Heron Bay development a Temporary Construction Gate Access Code will be issued. All builders, contractors, subcontractors and vendors will be allowed to use this code only during the following hours: Monday through Saturday 7am to 7pm. Construction work on Sunday is not permitted.

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.

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 will be 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 via e-mail to 4u2contact@heronbay.org and/or Cedar Management at (704) 644-8808.

By signing below I acknowledge that I have read, reviewed and acknowledge the above Heron Bay gate access policy, and that I have read, reviewed and acknowledge the separate Heron Bay “Requirements for Contractors and Subcontractors”

Gate Code: ____________

Primary Contractor Signature: __________________________________________

Print Name: __________________________________________________________

Business Name: _______________________________________________________

Contractor/Builder Phone # ___________________ Alt Phone: ____________________

On-site Supervisor: _____________________________________________________

Lot owner Name: _______________________________________________________

Street Address: ________________________________________________________ Lot Number: ____________
Requirements for Contractors and Subcontractors (1 of 4)

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. These requirements must be prominently posted on the jobsite.

No Burn Policy: There is a strict NO TRASH BURNING policy throughout Heron Bay. A fine will be assessed for each violation.

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 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.

Lot Entry/Exit: Vehicles must enter/exit the lot only at/on graveled driveway.

Mud and Debris: Contractors must make every effort to prevent mud, gravel, etc. from getting onto the street. When such occurs, debris should be washed/swept from street.

Parking: Is allowed on the job site and the road. No parking is allowed on road shoulders.

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.

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.

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.

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

Requests: Communications with the ARC may be via email to: ARC@heronbay.org.
Requirements for Contractors and Subcontractors (2 of 4)

Site Access and Protection of HBHOA Property: Whenever possible, the access to the construction site between the edge of the road pavement and the front property line shall be no more than twenty feet (20’) wide and is limited to one (1) entrance only. Insofar as possible the access should be at the point of the proposed driveway to the property. 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.

The edge of the road pavement shall be protected from damage by construction vehicles. Heavy wood planks, gravel, or any other effective means to make the transition between the pavement and the road shoulder shall be used.

In the case of ditches or swales, the grade elevations must be maintained to prevent any blockage of the drainage system. The installation of a culvert may be required. If a permanent culvert is to be installed, the permanent culvert shall be in place prior to any site preparation.

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 areas are satisfactorily restored.

Site Preparation: No lot can be cleared, no site prepared, or any other construction activity started without a County Building Permit and a Heron Bay ARC approval. Where required, silt fences, culvert and fill, and road shoulder protection must be in place prior to site clearing.

Water and electric services must be installed on-site prior to the need for these services. The use of water and electric services from adjacent residences is prohibited unless permission is granted.

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 property whether private or common.

Water drainage shall be directed into the drainage system including road swales, ditches, culverts, lake, or ponds. This shall be accomplished by means of rough grading, earth berms, swales, and drain lines or by retention entirely within the construction site property lines. Soil erosion shall be controlled entirely within the construction site property lines in such a manner as to prevent the erosion of soil onto any adjacent properties, roads, or into any drainage system, waterway, lake, or pond by means of soil fences.

Hay bales or silt fences must be placed to control runoff and/or spoilage into the coastal critical line of lots abutting the lake. Waterfront lots must also control erosion on conformance to Cube’s shore management plan requirements. The failure to control drainage and erosion may result in other actions as well as the cost of all required restoration work.
Protection of Trees and Natural Vegetation: Only those trees indicated for removal on the approved Site Plan can be removed. Caution should be exercised to protect all other trees and natural vegetation from equipment damage and/or fill dirt cover. Protective barriers and tree wells should be installed wherever necessary.

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.

Portable Toilets: A portable toilet must be in place on each new construction site. The portable toilet must be located in an inconspicuous area, within the lot property lines, as far away as is feasible from the street and adjacent properties, and as near to the structure as possible. The door must face toward the construction and some screening is suggested. Clean and sanitary conditions must be maintained at all times. Sanitation contractors may not display telephone numbers or advertising.

Dumpsters: Each project that generates debris must provide a commercial dumpster at all times. It must be located within the lot property lines and cannot be placed on the road right-of-way or on any adjacent private or common property. It must be emptied prior to exceeding capacity. The dumping of construction debris is prohibited within Heron Bay.

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.

Construction Trailers, Vehicles and Mobile Equipment: No trailer, vehicle or mobile equipment shall be parked on the lot so as to block entry of security or emergency vehicles. No trailer, vehicle, or mobile equipment shall be parked on any HBHOA or adjacent private property. Trailers must have State registration if required by Law.

HBHOA is not liable for any theft of or vandalism to any trailer, vehicle, or mobile equipment.

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.

Signage: A sign at a construction site is not intended to advertise, but rather to identify the architect, designer, or contractor.

- Any sign placed on a construction site must be approved by the ARC.
- Placement of a sign must be within the property lines.
- Only one (1) architect or designer and one (1) contractor sign is permitted on each construction site.
- No approved sign shall be placed on any property prior to the issuance and posting of all required building permits.
- The sign must be removed within one week of notification of final compliance inspection approval.
- The area of the sign face must be 4.00 square feet (4’ 0” x 1’ 0”) or less. The maximum height shall not exceed five feet (5’).
Requirements for Contractors and Subcontractors (4 of 4)

• Advertising slogans or addresses are prohibited.
• Telephone numbers may be displayed.
• Landscape Company signs are permitted, but may be in place only during the landscape installation, and must be removed upon completion.

The ARC reserves the right to remove any sign that is in noncompliance with the above rules.

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.
Progressive Notification Procedure for Non-Compliance

**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 Blue Book. 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 letter is sent by regular mail 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 three (3) to fifteen (15) 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 certified letter 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:
   Note: For minor and easily corrected violations (including, but not limited to: mailbox replacement, debris clean-up, etc.) give homeowner “Notice of Hearing” to occur within 7-14 days after the postmark date of the letter.

**Step 3 – Notification of Hearing & Fine**
If home/property owner has complied by the date of the “Hearing”, property owner may or may not be assessed a fine. However, “Result of Hearing Notice” will inform property owner, that further infractions of this nature may result in a fine of $100 per day and/or a charge-back of costs incurred to correct the problem as determined by the Board.

**Actions taken by the 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 fine and/or charge back of violation correction is not paid within 30 days, the Board may place a Lien on the property.
List of Helpful Contacts

Homeowner’s dues, boat storage, entrance Gate remotes
  ➢ Cedar Management - Email: support@cedarmanagementgroup.com
Heron Bay Construction Review
  ➢ Architectural Review Committee – ARC@heronbay.org
Building Permits
  ➢ Montgomery County Dept. of Inspections – (910) 572-3304
Wells and Septic Systems
  ➢ Montgomery County Environmental Health Dept. – (910) 572-9715
Shoreline Management Plan
  ➢ http://cubecarolinas.com/shoreline-management/
  ➢ Cube Hydro – (704) 422-5555
Mailboxes
  ➢ Carolina Mailboxes – (704) 334-3393
For Sale Signs
  ➢ Eddie’s Signs, LLC – (704) 422-5287
Blue Book Revision Record

A brief description of major revisions to this document is 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, 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 the line “LIST OF HELPFUL CONTACTS” Blue Book Revision Record listing 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”