



# Architectural Guidelines

Revised November 1, 2011

## **Heron Bay Homeowners Association**

Architectural Review Committee

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<b>The Architectural Review Committee</b>	<b>5</b>
A. The ARC	
B. Variances	
C. Appeals	
D. Enforcement	
<b>This Blue Book</b>	<b>6</b>
A. Guidelines	
B. This Blue Book	
C. Precedence	
D. Interpretation and Severability	
<b>General Property Guidelines</b>	<b>7</b>
A. Guidelines for All Lots	
1. Lot Cleanup	
B. Additional Guidelines for Waterfront Lots	
1. Yadkin Requirements	
C. Shoreline Stabilization	
<b>Building Plan Approval</b>	<b>10</b>
A. Scope of Plan	
B. Plan Approval	
C. No Warranty	
<b>Building Standards &amp; General Use Restrictions</b>	<b>11</b>
A. Lot Usage	
1. Houses	
2. Lot	
3. Landscaping	
B. Site Preparation and Cleaning	
1. Stake-Out Review	
2. Stake-Out Approval	
3. Tree Removal	
4. Fill	
5. Drainage	
C. House Size	
D. Setbacks	
E. Well and Septic Placement	
F. Building Permits	
G. FEMA Flood Zone Certification	
H. Construction Schedule and Completion	
I. Building Material and Other Specifications	
1. Exposed Exterior Walls	
2. Foundations	
3. Roofs	
4. Garage Doors	
5. Driveways	

- 6. Decks and Porches
- 7. Retaining Walls and Fences
- 8. Outbuildings & Pool Enclosures
- 9. Drainage Flow
- 10. Mobile Homes
- 11. Log Homes
- J. Other Covenant Restrictions
  - 1. Utility Equipment
  - 2. Trash, Garbage and Other Waste
  - 3. Dog Runs/Pet Yard Enclosures
  - 4. Mailboxes
  - 5. Satellite Dishes
  - 6. Free Standing Flagpoles, Visible Clothes Lines
  - 7. Dumping of Trash, Garbage or Waste
  - 8. No Noxious or Offensive Trade
- K. Signage
  - 1. Builder Signs
  - 2. For Sale Signs
  - 3. Open House Signs
- L. Duty to Make Repairs
- M. Enforcement

**Replacement after Damage or Destruction 17**

**Architectural Review Process 18**

- A. New Construction
- B. Exterior Additions or Renovations
  - 1. Additions
  - 2. Renovations
- C. Landscaping

**Step One: Construction Document Review 19**

- A. Construction Document Review Request Form
- B. Site Plan
- C. Architectural Plans – Floor Plans and Elevations
- D. List of Exterior Materials and Samples
- E. Landscape Plan
- F. Landscape List of Materials
- G. Payment of Fee(s)
- H. Builder Gate Access Form

**Step Two: Construction Approval 20**

- A. Stakeout Review Request Form
- B. Stakeout Requirements
- C. On-Site Meeting
- D. Construction Approval

- E. Design Changes
- F. Construction Deadlines
- G. Erosion Control

<b>Step Three: Compliance Review</b>	<b>21</b>
A. Compliance Review Request Form	
B. On-Site Inspection	

## **FORMS**

<b>How To Submit Requests, Forms Documents</b>	<b>22</b>
<b>Lot Clean-Up Request Form</b>	<b>23</b>
<b>Construction Document Review Form</b>	<b>25</b>
<b>Stakeout Review Form</b>	<b>34</b>
<b>Design Change Request Form</b>	<b>35</b>
<b>Compliance Review Request Form</b>	<b>37</b>
<b>Appointment of a Designated Agent Form</b>	<b>38</b>
<b>ARC Review Checklist</b>	<b>39</b>
<b>Builder Gate Access Agreement Form</b>	<b>41</b>
<b>Requirements for Contractors and Subcontractors</b>	<b>42</b>
<b>Progressive Notification Procedure for Non-Compliance</b>	<b>46</b>

## **REFERENCE**

<b>Blue Book Revision Record</b>	<b>47</b>
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# The Architectural Review Committee

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- 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 changes to, and rejecting swimming pools, out buildings, boat houses, ramps, piers, driveways, enclosures for satellite dishes, mailbox design, etc.

The ARC is responsible for the control 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 be responsible for the control 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 or 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 fails 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 in an amount not to exceed \$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.

# 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 clearing or clearing of the lot or home construction may begin.

**C. Precedence:** From time to time additions or revisions made be made in the Guidelines but the property owner will only be held accountable for the Guidelines in affect 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, but if any provision of this document is prohibited, invalid, or unenforceable under any particular circumstances, that provision shall be ineffective only to the extent of the prohibition, invalidity or unenforceability, without invalidating that provision under any other circumstance or invalidating the remaining provisions of this document.

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) Other than lot cleanup, owners are not permitted to perform any site preparation and/or lot clearing independent of house construction.

### 1. Lot Cleanup

Owners are encouraged to maintain their lots. Owners may cleanup 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 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 less than six inches in diameter at ground level, and/or other underbrush and debris from lots. Dead trees may be cut down, but stump removal is not permitted. Felled or fallen trees should be cut into manageable lengths and stacked neatly, chipped up to spread on the ground for erosion control, or completely removed from the property. 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 ground level may be removed from any lot without prior approval of the ARC. Clear cutting is never permitted.
- c. No materials may be disturbed or dumped on adjacent lots without 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. Due to the potential fire risk to the neighborhood, there is a strict "No Open Burn" policy throughout Heron Bay. A fine will be assessed for each violation.
- g. 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.

- h. There shall be no excavation or grading which does not pertain to the building or construction of a home.
- i. If the Association, in 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 his last known address, of the action to be taken if the Owner does not remedy the problem within the said ten (10) day period. The owner will be assessed the actual cost plus 15% by the association. The Association shall take reasonable steps to avoid damage to any trees planted on such lot, to the extent that the Association has been put on written notice in advance by the Owner of the approximate location on a chart or map of such lot showing the location of planted trees to be avoided.

## **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. Yadkin Requirements**

Environmental and wildlife restrictions are monitored by Yadkin, a Division of Alcoa Power Generating, Inc. (PO Box 576, Badin, NC 28009). Please contact Marshall Olson (office: 1-888-886-1063, ext. 2, mobile: 704-796-5256).

- a. Owners should obtain and read a copy of Yadkin's Shoreline Management Plan.
- b. Owners must meet with a Yadkin 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 Yadkin representative to measure and verify the official setback line.
- c. Owners must request Yadkin's permission and obtain a permit to cut ANY TREES on the lot between the 100-foot setback line and the 545-foot elevation. This requirement applies to all trees including those less than six (6) inches in diameter.
- d. Owners must also have Yadkin designate on the permit what (if any) trimming, clearing, etc. can be done on Yadkin property. Yadkin property is all waterfront property below the 545-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. Yadkin 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 Yadkin.

- g. Owners must obtain a permit from Yadkin 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 Yadkin before any work begins.

The ARC must be notified in advance, and work may be reviewed by the ARC after shoreline stabilization 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.

# Building Plan Approval

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## 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 or carport, 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, outbuilding, 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 in writing 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 his 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.

The design, location, and construction of all improvements on each lot (regardless of when such improvements are made) and the landscaping of each lot must be approved in advance by the ARC. No building, fence, wall, pool, outbuilding, 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 purely aesthetic considerations, which in its sole discretion the ARC shall deem sufficient, but approval shall not unreasonably be withheld.

One copy of all plans and related data shall be furnished to the ARC for its records. If no action is taken 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.

**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.

**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 (6) inches in diameter at 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 prevent any standing water and to prevent any run-off onto adjacent properties and 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 under the driveways at an invert elevation set to the lowest elevations of the swale or 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. Setback lines for fences and walls shall require written approval of the ARC.

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).

**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. New maps were issued by FEMA designating all property above the 545-foot elevation to be outside the flood zone.

Owners must, however, provide a topographical map from a surveyor indicating that the entire construction site is above the FEMA required level.

**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 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 outbuildings or other 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, outbuildings, 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, and 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, exposed logs, exposed unfinished concrete and concrete block and similar materials.

**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, including such possibilities as solar panels, architectural metal roofs, etc. 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. 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, asphalt, brick or stone, exposed aggregate concrete, etc. Driveway culvert when required must be concrete. The standard is a minimum of 15 inches in diameter. Exceptions, not less than 12 inches, may be granted by the ARC.

**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 and Fences** must blend with the style of the house and must be approved by the ARC. No chain link or perimeter fencing is allowed.

**8. Outbuildings & 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, unless approved by the ARC.

**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.

**11. Modular and Log Home** construction has been prohibited in the past.

### **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 of their owner's lot picked up by governmental authorities.

**4. Mailboxes** must be the approved “Davidson” style (available from Piedmont Mailpost Systems; 336-434-6600) 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.

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 insuring 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 or tracking mud onto the street.

Homes (but not vacant lots) without a mailbox must install either; (1) a four foot, 4”x4” 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 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 waterways so as to cause pollution or stagnation in these waterways is prohibited. No portion or part of any lot shall be used or maintained as a dumping ground for rubbish or other refuse.

**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.

**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 inch treated wood post and a clear plastic box to display 8 ½ x 11 inch flyers with property information.

**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 3-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 above, no signage is allowed within the Association's maintained area at the street

**4. No Trespassing Sign:** A no trespassing sign that states; "Private Residence No Trespassing", has been approved by the ARC and is available from Peachtree Business Products, 1-800-241-4623. This sign must be placed on a white, wood or vinyl 4x4 post and the top of the sign can't be more than 24 in. from the ground. Only two signs are permitted per residence.

**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

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In the event of damage or destruction by fire or other casualty to any dwelling, if the Owner of such Single Family Dwelling Unit elects not to repair or rebuild the damaged or destroyed Single Family Dwelling Unit, such Owner shall clear away the debris of any damage to improvements or vegetation and leave such Single Family Dwelling Unit 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 such Owner elect to repair or rebuild such Lot or Single Family Dwelling Unit or other improvements, such 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. Such 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 such 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.

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 submittal is complete. Until the submittal 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; usually, on the second Wednesday of each month at 4:00 p.m. in the Heron Bay clubhouse. Owners should contact the ARC at least one week in advance to verify the meeting time and 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 at ground level beyond the 20-foot perimeter around the footprint of the house.

Note: For landscaping other than new construction and not involving retaining walls or roofed structures you need only to complete pages 1, 2 and 9 of the *Construction Document Review Form* and provide a drawing with dimensions showing location of the project in relation to existing house and property lines.

**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**

**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**

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.

## 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.

### **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 5, Section I-A-4).
3. Height of the exposed foundation for all elevations must be shown.
4. All trees greater than six (6) inches in diameter 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 Number 9, page 3 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-ways or into the lake must be prevented.

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

**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.

# How To Submit Requests, Forms and Documents

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Owners may submit forms and supporting documentation via:

E-mail: [ARC@heronbay.org](mailto:ARC@heronbay.org)

Mail: Heron Bay ARC, PO Box 52, Richfield, NC 28137

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

ARC meetings are held on an as required basis; usually, on the second Wednesday of each month at 6:00 p.m. in the Heron Bay Clubhouse. The time and date are subject to change without notice.

In order to be placed on the ARC agenda, owners should contact the ARC at least one week prior to the scheduled ARC meeting.

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.





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:

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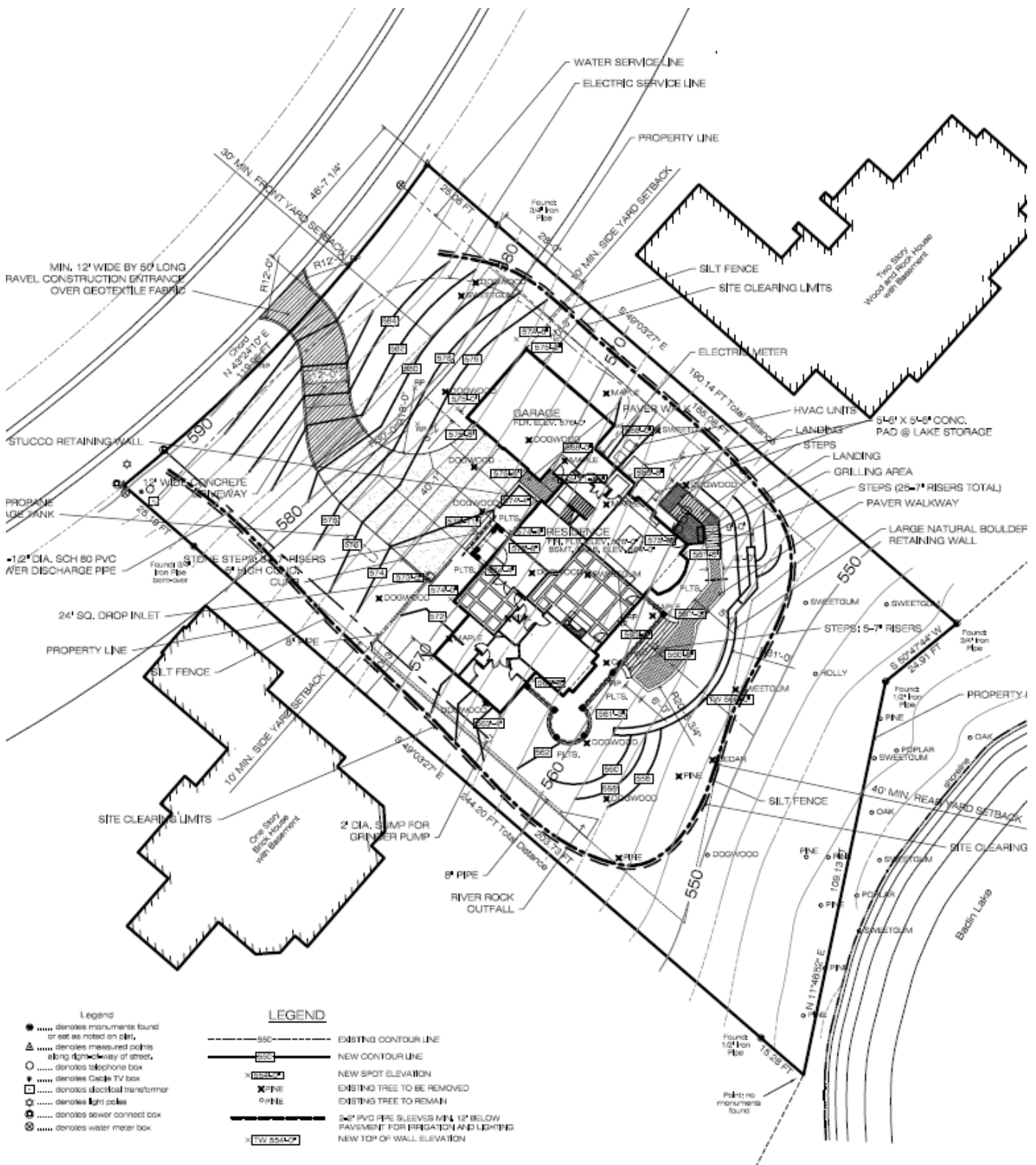
5. Drawing Checklist

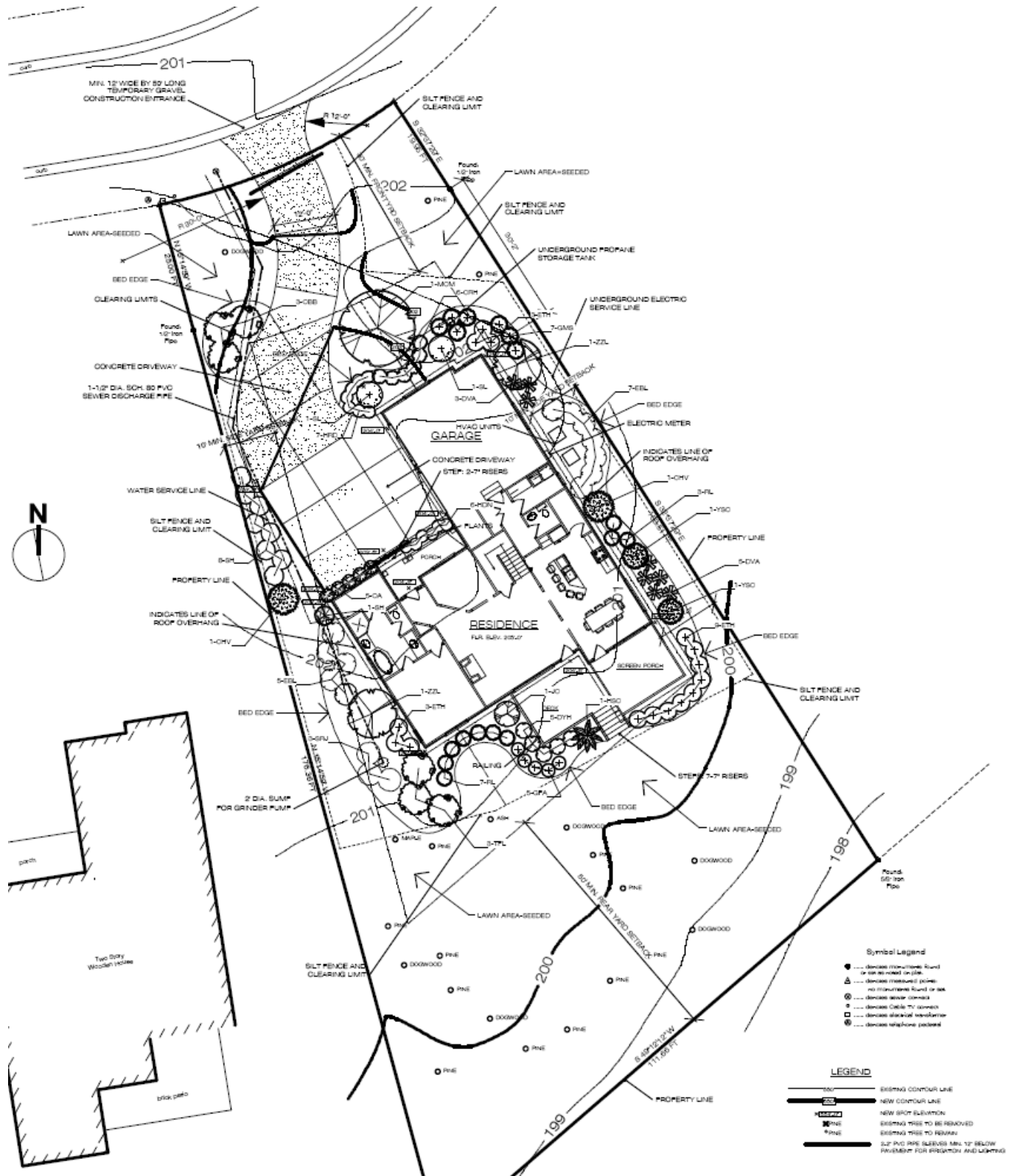
A. Site Plan Required Elements	Owner	ARC
1. Surveyors Seal	<input type="checkbox"/>	<input type="checkbox"/>
2. North Arrow	<input type="checkbox"/>	<input type="checkbox"/>
3. Scale	<input type="checkbox"/>	<input type="checkbox"/>
4. Lot Numbers of Adjacent Lots	<input type="checkbox"/>	<input type="checkbox"/>
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) (2' elevation change from street to 20 feet beyond house/structure)	<input type="checkbox"/>	<input type="checkbox"/>
11. Clearing Limits	<input type="checkbox"/>	<input type="checkbox"/>
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. Location of Water Storage Tank	<input type="checkbox"/>	<input type="checkbox"/>
18. Silt Fence	<input type="checkbox"/>	<input type="checkbox"/>
19. Photos of Lot Front, Road Shoulder, Shoreline (waterfront lots)	<input type="checkbox"/>	<input type="checkbox"/>

B. Floor Plan Required Elements	Owner	ARC
1. Heated Living Square Footage	<input type="checkbox"/>	<input type="checkbox"/>
Basement _____		
Level 1 _____		
Level 2 _____		

C. Elevations	Owner	ARC
1. Exterior Materials (siding, stone, brick, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
2. Door and Window Locations	<input type="checkbox"/>	<input type="checkbox"/>
3. Finished Grades	<input type="checkbox"/>	<input type="checkbox"/>







D. <b>Materials Checklist</b>	<b>Owner</b>	<b>ARC</b>
1. Roofing - picture(s) or sample presented	<input type="checkbox"/>	<input type="checkbox"/>
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Brick - picture(s) or sample presented	<input type="checkbox"/>	<input type="checkbox"/>
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
Pattern _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Stone - picture(s) or sample presented	<input type="checkbox"/>	<input type="checkbox"/>
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
Pattern _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Siding - picture(s) or sample presented	<input type="checkbox"/>	<input type="checkbox"/>
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
5. Trim and Fascia:		
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Shutters:		
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
7. Windows:		
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
8. Doors:		
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>
9. Driveway:		
Style/Name _____	<input type="checkbox"/>	<input type="checkbox"/>
Color _____	<input type="checkbox"/>	<input type="checkbox"/>

**E. Landscape Plan Required Elements**

A complete landscape plan must be submitted to the ARC within 180 days of approval of this form, and must be executed and completed within 180 days of issuance of the Certificate of Occupancy unless otherwise approved by the ARC.

	<b>Owner</b>	<b>ARC</b>
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"/>
11. Notice of completion sent to ARC		<input type="checkbox"/>
<input type="checkbox"/>		
12. Project approved by ARC	<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"/>
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New construction \$795, Addition \$100, Renovation or Landscaping \$ 0 (No charge)

**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

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.

\_\_\_\_\_  
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:

ARC Member	Phone	Email
_____		
_____		

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

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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 Yadkin (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:

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\_\_\_\_\_  
Signature of Architectural Review Committee member

\_\_\_\_\_  
Date

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



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.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner (optional)

\_\_\_\_\_  
Date

4. ARC Ruling

The ARC ruling on the requested change 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 Design Change Request. Owners may request an appeal to the HBHOA Board, whose decision on the matter shall be final.



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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

## 2. Designated Agent Contact Information

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

## 3. Comments/Notes

\_\_\_\_\_

\_\_\_\_\_

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	By (Initials)
<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"/> Design Change Review	_____	_____	_____
Brief Description: _____			
<input type="checkbox"/> Appointment of a Designated Agent	_____	_____	_____



4. Periodic Review Record

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

**ARC Periodic Review** Date: \_\_\_\_\_ By (Initials) \_\_\_\_\_

No discrepancies found

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

\_\_\_\_\_

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

\_\_\_\_\_

Owner notified:  In Person  Phone  FAX  Email  Letter

**ARC Periodic Review** Date: \_\_\_\_\_ By (Initials) \_\_\_\_\_

No discrepancies found

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

\_\_\_\_\_

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

\_\_\_\_\_

Owner notified:  In Person  Phone  FAX  Email  Letter

**ARC Periodic Review** Date: \_\_\_\_\_ By (Initials) \_\_\_\_\_

No discrepancies found

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

\_\_\_\_\_

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

\_\_\_\_\_

Owner notified:  In Person  Phone  FAX  Email  Letter

**- Make additional copies of this page as necessary -**

# 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](mailto: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 pg 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 may not trespass, store materials or cause damage to any properties including the road shoulders.

**Port-A-Let:** Construction site must have a port-a-let.

**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](mailto:ARC@heronbay.org).

## Requirements for Contractors and Subcontractors pg 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 Yadkin'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.

## Requirements for Contractors and Subcontractors pg 3 of 4

**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.

Children under sixteen (16) years of age and pets are not permitted on any construction site.

**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 pg 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:

1. 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 to make decision
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
5. If the fine and/or charge back of violation correction are not paid within 30 days, the Board may place a lien on the property

### **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.

# Blue Book Revision Record

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A brief description of major revisions to this document is provided below:

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

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

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

- Page 14 clarified statement regarding modular homes

## **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

## **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