



**York County  
South Carolina**

**ARCHITECTURAL, LANDSCAPE DESIGN AND CONSTRUCTION GUIDELINES**

**06.06.05**

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## **ARCHITECTURAL AND LANDSCAPE GUIDELINES**

### **INTRODUCTION**

These Architectural and Landscape Guidelines (the "Guidelines") have been prepared by the Architectural Control Committee (the "ACC") for the residential community known as Heron Cove ("Heron Cove"). The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions of Heron Cove (the "Declaration"). The Guidelines consist of three components: Architectural and Design Guidelines, Landscape Guidelines and Construction Rules, as set forth below. All defined terms used in the Guidelines, as indicated by the initial capitalization thereof, shall have the same meaning ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be employed in conjunction with the Declaration. If there is an express conflict between the terms of the Declaration and the terms of the Guidelines, the terms of the Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements that are applicable to Heron Cove are more restrictive or more stringent than the terms of the Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

### **DESIGN PHILOSOPHY**

The Guidelines have been developed to implement the design philosophy of Heron Cove, namely, to blend structures and residents' lifestyles into a harmonious and aesthetically pleasing residential community, which places a strong emphasis on the preservation and enhancement of the natural beauty of Heron Cove. The Guidelines are intended to provide direction to Lot Owners and builders in the planning, design, and construction of residences and related improvements on Lots. It is not the purpose of the Guidelines to create look-alike residences and other improvements or to suggest that all residences employ the same colors, styles, and materials. Rather, the primary emphasis of Heron Cove is on quality of design and compatibility among all improvements, without unduly restricting the ability of Lot Owners to exercise individuality in their choice or design of a residence and related improvements. The ACC will be open to and encourage creativity, innovative use of materials and design and unique (if appropriate) methods of construction as long as the final result is consistent with the spirit of the Guidelines and the guiding philosophy of Heron Cove. The authority of the ACC to approve or disapprove plans, specifications and drawings for residences, related improvements and landscape improvements is provided by the Declaration .

The Guidelines have been established to provide Lot Owners and their architects and builders with a set of parameters for the preparation of plans, specifications and drawings for the construction of residences and related improvements on Lots ("Building Plans and Specifications") and for the installation of landscape improvements on Lots ("Landscape Plans and Specifications"). Each Lot Owner and each Lot Owner's building team should become familiar with the Guidelines and the process set forth herein for the submittal, review and approval of Building Plans and Specifications and Landscape Plans and Specifications (together, "Plans and Specifications"). If building in Heron Cove for the first time, Lot Owners and their builders are encouraged to consult the ACC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ACC has been created to explain and assist in the design review process as well as to review, approve, or disapprove Plans and Specifications. It is the ACC's objective to maintain a pleasing aesthetic relationship of building to site and building to building and not to restrict individual creativity or preferences. The ACC will use the Guidelines for the purpose of reviewing each design, but the ACC may consider creative and innovative approaches in order to address special site conditions or circumstances, provided such approaches are permitted under the Declaration and are otherwise consistent with the spirit of the Guidelines. The ACC may retain advisory design professionals to serve as members of the ACC to aid in the review of Plans and Specifications.

### **FUTURE AMENDMENTS**

The ACC reserves the right to amend any or all provisions of the Guidelines at any time and from time to time, in the sole and absolute discretion of the ACC.

## ARCHITECTURAL AND DESIGN GUIDELINES

### 1. PROCEDURES AND APPROVALS

#### 1.1. Architectural Review Process.

Prior to the commencement of any construction activity of any type (including any grading work) on any Lot, an Application for

Approval (using a form to be obtained from the ACC) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under Section 1.3 herein entitled "Design Review Procedure" prior to the commencement of any such work. Also, all design and construction escrow fees required under these Architectural and Design Guidelines must be paid to the ACC prior to the commencement of any such work.

#### 1.2. Pre-Application Procedure.

As set forth in Section 5.2 herein, to insure the quality of the Heron Cove community, the ACC requires that each Lot Owner contract with a Featured Builder (as more particularly described herein) to serve as builder and general contractor for the construction of improvements on such Owner's Lot. York County and its planning department have jurisdiction over Heron Cove. Each Lot Owner or a representative of each Lot Owner should contact representatives of York County and its planning department at the beginning of the planning and design process relative to such Owner's Lot to ensure compliance with the rules, regulations and standards of York County - Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of York County and other governmental and quasi-governmental authorities would satisfy all requirements of the ACC.

#### 1.3. Design Review Procedure.

The successful completion of the design review procedure under the Architectural and Design Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Architectural and Design Guidelines and by reviewing and following the step-by-step design review format described below. The review format has been structured to achieve a smooth and timely review from preliminary plan submittal to final site inspection and approval.

If a new residence is to be built "on speculation," the builder must submit a set of Building Plans and Specifications, and Landscape Plans and Specifications for such improvements to the Heron Cove sales office to receive the benefit of the review and comments of personnel in the Heron Cove sales office prior to submitting such Building Plans and Specifications to the ACC for its review. An extra copy of the final Building Plans and Specifications, Landscape Plans and Specifications submittal is to be delivered to the sales office for future reference' by sales office personnel. The review of the Building Plans and Specifications by personnel in the Heron Cove sales office helps to insure the quality and marketability of homes within the Heron Cove community.

The following flow chart represents the necessary procedures in the process of building a residence in Heron Cove:

- 1) APPROVAL OF PRELIMINARY BUILDING PLANS AND SPECIFICATIONS
- 2) CHANGES/ADDITIONS
- 3) APPROVAL OF FINAL BUILDING PLANS AND SPECIFICATIONS
- 4) SITE AND CLEARING INSPECTION WITHIN 6 WORKING DAYS OF STAKING LOT
- 5) BEGIN CONSTRUCTION
- 6) SUBMITTAL OF LANDSCAPE PLANS AND SPECIFICATIONS\*
- 7) READY FOR OCCUPANCY

The ACC has established a schedule for submittal of Building Plans and Specifications, review of Building Plans and Specifications, and meeting with the Lot Owner or the representative of the Lot Owner to discuss any questions or concerns of the ACC relative to the Building Plans and Specifications. The established schedule permits a timely review of submitted Building Plans and Specifications and allows Lot Owners and their representatives to accurately plan their schedules. The Lot Owner must submit building Plans and Specifications or the Lot Owner's representative to the ACC Coordinator at the Heron Cove office by 5:00 PM. on the day prior to the scheduled ACC review meeting.

Each submittal of Building Plans and Specifications, and Landscape Plans and Specification must be accompanied by a complete Application for Approval form (available from the ACC) approximately 10 days prior to the scheduled ACC meeting. A one-time processing fee (the "Processing Fee") of Five Hundred Dollars (\$500.00) is required.

For Architectural/House Plans, two (2) complete sets of the final Building Plans and Specifications must be submitted to the ACC in c/o New Home Services, 4529 Sharon Road, Suite 200, Charlotte, NC 28211. Three (3) complete sets must be submitted if the improvements are to built "on speculation." Out of the five hundred dollar (\$500.00) escrow deposit, the Architect consultant will receive one hundred and twenty-five dollars (\$125.00) for preliminary Building Plan review, and will receive one hundred and twenty-five dollars (\$125.00) for reviewing the final Building Plans, for a total of two hundred and fifty dollars (\$250.00). An additional fee of one hundred and twenty-five dollars (\$125.00) shall be paid by check and shall be made payable to the ACC for each resubmission of Building Plans and Specifications.

For Landscape Plans, four (4) complete sets of the Landscape Plans and Specifications must be submitted to the ACC. Out of the five hundred dollar (\$500.00) escrow account the Landscape Architect consultant will receive two hundred and fifty dollars (\$250.00) to review the final Landscape Plan. An additional one hundred and twenty-five dollars (\$125.00) shall be paid by check and shall be made payable to the ACC for each resubmission of landscape Plans.

The ACC has a review meeting as needed but not more than once a week to review the Building Plans and Specifications that have been submitted since the most recent ACC review meeting. Each Lot Owner that has submitted Building Plans and Specifications, and Landscape Plans and Specifications for review is encouraged, although not required, to attend the ACC review meeting at which such lot Owner's Building Plans and Specifications will be reviewed to respond to any questions that the ACC may have relating to such Lot Owner's Building Plans and Specifications. Appointments for ACC review meetings can be made by contacting the ACC Coordinator.

As set forth above, each Lot Owner will be charged a Processing Fee for the review of such Lot Owner's Building Plans and Specifications, and Landscape Plans and Specifications. The Processing Fee, which is Five Hundred Dollars (\$500.00), shall be paid by check and shall be made payable to the ACC. The ACC shall have the right to increase the amount of the Processing Fee from time to time as stated in the Declaration and these Guidelines. The Processing Fee is intended to partially cover the expense incurred by the ACC in reviewing Building Plans and Specifications, and landscape Plans and Specifications, including the cost of compensating any consulting architects, landscape architects, urban designers, inspectors, or attorneys retained by the ACC.

The Application for Approval, the Processing Fee, the Building Plans and Specifications, and Landscape Plans and Specifications and all other materials necessary for the ACC to review Building Plans and Specifications, and Landscape Plans' and Specifications shall be sent to:

**New Home Services  
4529 Sharon Road, Suite 200,  
Charlotte, NC 28211**

#### **1.4. Review of Preliminary Building Plans and Specifications.**

The ACC encourages Lot Owners and builders who are building in the Heron Cove community for the first time to participate in the preliminary Building Plans and Specifications review process. Although not required, the preliminary Building Plans and Specifications, and Landscape Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Building Plans and Specifications, and landscape Plans and Specifications review process. The ACC will review with the Lot Owner or the Lot Owner's representative such Lot Owner's proposed design approach to confirm general compliance with the Architectural and Design Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Building Plans and Specifications, and Landscape Plans and Specifications review process, a completed site plan and the architectural drawings for the improvements (as outlined in the enclosed Application for Preliminary Design Approval form, a copy of which is attached hereto as Schedule A) shall be included as part of the preliminary Building Plans and Specifications submittal. The preliminary Building Plans and Specifications, and landscape Plans and Specifications submittal shall also include a completed Application for Approval and the Processing Fee.

The ACC shall review the preliminary Building Plans and Specifications, and Landscape Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Building Plans and Specifications that are marked "Approved" by the ACC, final Building Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Building Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Building Plans and Specifications.

The ACC may refuse to approval preliminary Building Plans and Specifications or any component(s) thereof, including, without limitation, the location, style, exterior colors or finishes or other specifications of the proposed improvements for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

### **1.5. Review of Final Building Plans and Specifications.**

The submittal of final Building Plans and Specifications shall incorporate all of the requirements stated in the Application for Final Design Approval form, a copy of which is attached hereto as Schedule B, and other portions of the Architectural and Design Guidelines as well as comments from previous meetings and design reviews.

If not found to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ACC two (2) sets of the final Building Plans and Specifications shall be returned to the Lot Owner marked "resubmit" accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ACC. If the first resubmittal of final Building Plans and Specifications occurs more than a year from the original submittal of the final Building Plans, such a resubmittal shall be accompanied by another two hundred and fifty dollar (\$250.00) plan review fee. Each resubmittal of final Building Plans and Specifications in excess of two (2) submittals (including both the original submittal and any resubmittals) shall be accompanied by a supplemental processing fee of \$125.00.

At such time as the final Building Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Building Plans and Specifications shall be retained by the ACC, one (1) complete set shall be retained by the plan review consultant, and two (2) complete sets of the approved final Building Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner/Builder, along with a written statement with design comments. Once the ACC has approved final Building Plans and Specifications for improvements to be constructed on a particular Lot, the construction of such improvements must be promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the final Building Plans and Specifications by the ACC, the approval of such final Building Plans and Specifications by the ACC shall be deemed rescinded. In the event of any such rescission of the ACC's approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of improvements on such Lot may be commenced thereafter only after submission of final Building Plans and Specifications and fees to the ACC for approval and approval of such final Building Plans and Specifications by the ACC.

Any modification or change to the "Approved" set of final Building Plans and Specifications must be submitted in triplicate to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Building Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Building Plans and Specifications.

### **1.6. Lot Staking; Site Inspection and Approval to Commence Work.**

Once final Building Plans and Specifications approval has been granted by the ACC, the Lot Owner/Builder shall stake the Lot for review and approval by the ACC prior to commencing any construction work thereon (including grading work). After such staking of the Lot has been completed, the Lot Owner/Builder shall request the ACC, in writing, to make a site inspection prior to the commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the ACC is to ensure compliance with the approved Building Plans and Specifications to prevent any unnecessary damage to specimen trees and other unique site features. (Please refer to the Landscape Guidelines regarding requirements and restrictions relating to tree and vegetation protection and removal). In addition to the foregoing matters, the site inspection shall include a review of the following matters and issues:

Building setbacks (as per stakes);

Side yards (as per stakes);

Clearing limits;

Placement of excavation materials;

Protection of water meter and sanitary sewer boxes; Location of construction entrances; Location of temporary toilet;

Location of trash containers; and

Erosion control measures (fencing and hay bales as required).

Inspection by the ACC shall be made within six (6) business days of the date the request is received by the ACC. Written authorization by the ACC to proceed with the Lot clearing and construction work will be issued to the Lot Owner/Builder by the ACC promptly after the inspection is completed or, if problems are detected during the site inspection, written notification of such problems shall be given to the Lot Owner/Builder by the ACC promptly after the inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the ACC. The ACC shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of this paragraph. The ACC may delegate its site inspection functions under this section to the ACC construction manager for the subdivision.

### **1.7. Failure of the ACC to Act.**

If the ACC fails to approve or disapprove any final Building Plans and Specifications and other submittals which conform (and which relate to improvements which will conform) with the requirements of the Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Declaration, of all items that were to have been submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Building Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Building Plans and Specifications and other submittals, EXCEPT that the ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located. If final Building Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance. The ACC is authorized to request the submission of samples of proposed construction materials.

## **2. SITE PLANNING**

### **2.1. Site Analysis and Siting Considerations.**

The siting of a house is a critical and important design decision. The site plan concept developed for each Lot Owner (as part of the Plans and Specifications for such Owner's Lot) should reflect functional needs but also should be sensitive to the unique characteristics of the Lot. Each Heron Cove Featured Builder will be required to submit a final foundation survey prior to the rough framing stage on each home site under construction. These documents should be delivered in accordance with Section 1.3.

The ACC shall consider each Lot independently but shall give consideration to the impact of each individual Lot (and the improvements proposed to be constructed thereon) on adjacent Lots. Care must be taken to locate each structure, when and where possible, so as not to infringe upon adjacent Lots and structures constructed or to be constructed thereon, natural amenities of the area. Consideration in this regard must be given to the following:

- 1) Topography of the Lot and other Lots in the vicinity.
- 2) Existing vegetation type and quality.
- 3) Existing water and drainage patterns.
- 4) Driveway access.
- 5) Setback from street to align with adjacent Lots.

### **2.2. Building Envelopes and Building Setbacks.**

The York County Planning Service Department has established minimum standards for building setbacks for various types of residential structures within York County. The building setbacks required by York County, however, are not to be construed necessarily as setbacks that will be approved by the ACC relative to Lots in Heron Cove, and the ACC reserves the right to impose setback requirements relative to some or all of the Lots that are more stringent than the setback requirements imposed by York County. The ACC has provided setback requirements that, when viewed in total, are designed to ensure that the Heron Cove community will be pleasing in appearance from views such as the roadways. In that regard, the ACC has established a specific "building envelope" for each Lot, and the "building envelope" approved by the ACC for each Lot will be available from the ACC on an unrecorded plat. The "building envelope" for each Lot defines the front, side, and rear yard setbacks, which setbacks are generally more restrictive than the setback requirements imposed by York County. The intent of the ACC in imposing the "building envelope" is to allow for harmonious alignment of the improvements on Lots to help assure appropriate views of and from the residences located on the Lots.

Within the "building envelope", the residence and all other improvements shall be located and tailored to the specific features of the particular Lot. All improvements shall be located so as to minimize disruption or disturbance to the existing natural setting, including mature trees, drainage way. As part of the review and approval of Plans and Specifications, the ACC may require that the location and orientation of the house and other improvements within the "building envelope" be modified. No building on any Lot (including any stoops or porches, patios, terraces, etc.) and no swimming pool, sport court or other recreational improvement on any Lot shall be erected or permitted to remain outside of the "building envelope" for that particular Lot. However, and notwithstanding the foregoing to the contrary, (i) exterior steps at the front and rear of the structure may project into the setback area established by the "building envelope" up to a distance of five (5) feet, provided no stair tread projecting into the setback area may be more than eighteen (18) inches above finished grade and (ii) fireplace chimney structures projecting from the side of a dwelling may encroach eighteen (18) inches into the side yard setback established by the "building envelope".

The ACC shall have the right, in its sole discretion, to make exceptions to any "building envelope" to recognize any special topography, vegetation, Lot shape or dimension, or other site-related condition. State or local building codes may overrule ACC efforts to give relief on certain issues of setbacks and building envelope encroachments.

### 2.3. Driveways, Sidewalks, and Utilities.

The ACC has established a recommended driveway location for each Lot, and such recommended driveway location is depicted on the unrecorded plat that shows the "building envelope" for such Lot. The ACC also may establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. The driveway location will vary from Lot to Lot, depending on the Lot size, shape, topography, vegetation, placement of the "building envelope", sight distances at the entry to the adjacent public roadway(s) and the location of other houses and access driveways in the vicinity of the Lot. Driveways and sidewalks should be configured and curved, where practical, to accommodate existing trees to avoid unnecessary cutting of existing trees and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. In general, the driveway on a Lot should be separated from driveways on adjacent Lots by a distance equal to at least one-half (1/2) of the frontage of the Lot where the driveway is to be located. However, complying with this driveway siting guideline will not be

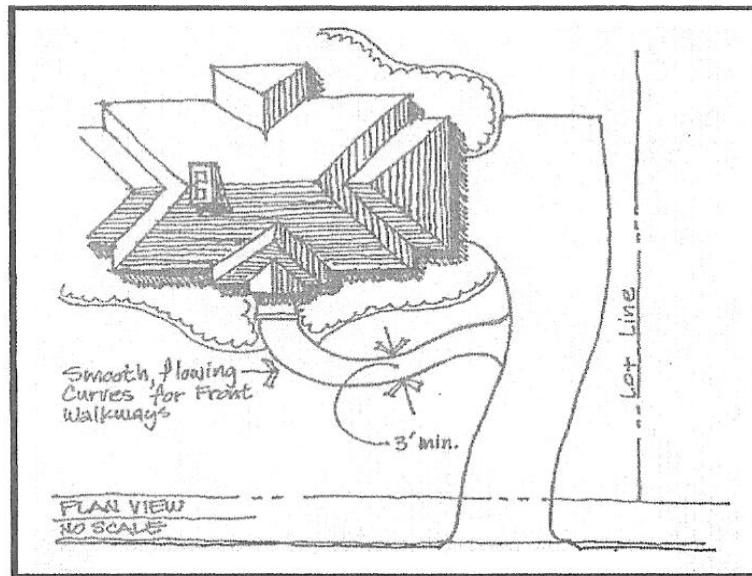


Figure 2.3.1 Driveway and Front Walkway Design

possible in all situations, particularly on cul-de-sac lots, fan lots, and flag lots; but in no case shall the side boundary of a driveway be located less than two (2) feet from a side boundary line of the Lot. Driveways should be constructed of pavers or lightly brushed concrete with a smooth troweled decorative edge, or some combination thereof, unless another material is approved for a particular Lot by the ACC. On cul-de-sac lots, circular drives with two (2) street entrances will not be permitted. Driveway width should be 12' except at garage backup area. (See Figure 2.3.1 )

Exceptions to the designated driveway, sidewalk and utility areas can be made by the ACC in writing. However, the ACC will consider proposed deviations only if their implementation will not result, in the judgment of the ACC, in an adverse impact upon the natural features of the Lot, neighboring Lots, or the Heron Cove community as a whole.

### 2.4. Easements.

Landscape improvements (as defined in the Landscape Guidelines) and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited by a recorded easement instrument). Provided, however, if in the future there is a need for the easement holder to disturb or remove such Landscape improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Owner of the Lot.

### 2.5. Grading and Excavating.

The design and development concepts of the Heron Cove community call for the utilization and enhancement of the existing natural environment. The ACC is particularly conscious of site design and it's potential and seeks to ensure that each residence accommodates and blends aesthetically with the natural site features and existing terrain of the Lot and the neighboring Lots in the best possible manner. Absolutely no grading shall be permitted on a Lot without first obtaining such authorization from the ACC.

All grading plans submitted to the ACC shall be considered individually for each Lot. Recommendations or requirements of the ACC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the ACC determines impact upon the site grading for the Lot.

## 2.6. Drainage and Erosion Control.

Drainage considerations for individual Lots play an important part in the ecological balance of the community. Generally, where feasible, each Lot should be graded such that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff for each individual Lot can possibly be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot.

In order to assign the responsibility for drainage features that direct storm water away from lower lying lots, the following will apply: Instances in which owners have homes under construction at the same time and share common lot lines, with one lot being higher than the other, both owners are equally responsible for a common solution alleviating water runoff onto the lower lot. It shall be their responsibility to communicate, agree on a solution and assign financial responsibility. Instances where homes share a common lot line, one being lower than the other, and were not under construction at the same time, solutions for alleviating water runoff of the home shall be the sole responsibility of the Owner of the home built at the later date. A noted exception is the piping of the higher home's downspouts, which is the responsibility of that homeowner .

Additionally, downspout drainpipes made of corrugated, bendable plastic are required to assist the collection of rainwater from the roof of the dwelling and carry it underground through the pipes to be "daylighted" or emptied at the street's right-of-way (usually 10-11 ft. behind curb). They may also be emptied at the nearest common low point that is outside of adjacent lower lot's boundaries. They may not be emptied in the direction of a lower home or its lot. "Daylighted" ends of the pipes must be cut at an angle, flush with the ground level so as to be less visible.

The ACC requires that the Building Plans and Specifications for any Lot include a drainage plan for such Lot. (See Figure 2.6.1 ) The drainage plan shall show piping as a dashed line. Additionally, swales that are intended to convey surface water to the front or rear of the lot are to be shown with three dots and a line with an arrow that indicates the proposed direction of flow along the centerline of the swale. The ACC shall also be entitled, as its sole option, to rule on drainage disputes.

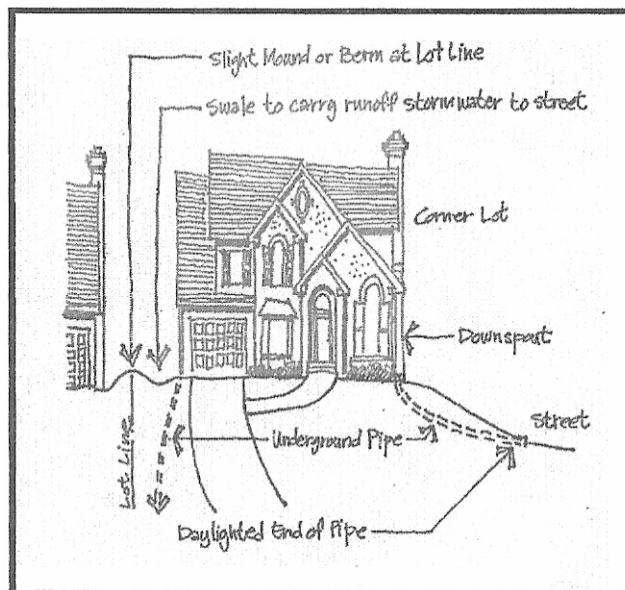


Figure 2.6.1 Storm Water Drainage

## 3. ARCHITECTURAL DESIGN

### 3.1. Architectural Style.

The intent of the Architectural and Design Guidelines is to encourage the excellent design of a community of individual residences which, when viewed together, produce an outstanding total community environment. It is not the intent of the Architectural and Design Guidelines to dictate a particular architectural style, but rather to provide Lot Owners and their architects with a set of guidelines that will foster an attractive community.

The residential architecture at Heron Cove should be custom-designed for each Lot to maximize the natural features of the Lot. Traditional architectural styles are preferred as the basis or foundation of the design provided they adhere to the criteria of the

Architectural and Design Guidelines. The designs employed shall be compatible with traditional architectural styling in terms of make, shape, profile, scale, and proportion.

### **3.2. Quality Design Features.**

The homes in Heron Cove should reflect the individuality of their owners while adhering to the principles of fine architecture. The following considerations are among those to be addressed when developing the architectural design for improvements to be constructed on a Lot:

3.2.1. The residence shall be located on the Lot with minimum disruption to the natural topography, vegetation, and unique site features.

3.2.2. There shall be a consistency in the site planning, architecture, and Landscape improvements.

3.2.3. Sensitive interpretation of the architectural style is encouraged within the constraints of budget and site.

3.2.4. A consistent scale shall be used throughout the design of the residence and other improvements, with each element designed in proportion to the other design elements.

3.2.5 The various building materials shall allow for a pleasing and harmonious exterior appearance for the residence and other improvements. Building materials shall be used logically.

3.2.6. Appropriate colors shall be used, and colors shall be used with restraint.

3.2.7. Bay windows shall be carried down to grade or visual support of any cantilevered conditions must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.

3.2.8. Full masonry or stucco used as a veneer material on the front facade of a residence must continue on all four sides of the dwelling with the exception of accent stone, Hardiplank or cedar siding. Dwellings with only front brick facades will not be allowed.

3.2.9. The main roof shall have a minimum slope of eight (8) vertical to twelve (12) horizontal. Shed roof forms are discouraged. Roof shapes and configurations shall be planned to avoid complex, awkward, or odd roof designs.

3.2.10. Gutters and downspouts shall be used at all eave lines, unless deemed inappropriate. All exterior downpipes (except copper downpipes) shall blend with the color of the exterior walls of the residence.

3.2.11. All roof structures, such as attic vents, plumbing vents, etc., shall be treated or painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.

3.2.12. All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric meters and main fuse boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved Landscape improvements and/or screening.

3.2.13. Exposed electrical equipment, stub outs, conduit, drain lines, pipes and vents must be painted to match the color of the home. Exterior disconnects for air conditioning equipment, etc. shall be mounted at the lowest point allowed by applicable building codes.

3.2.14. Gas meters must be adequately screened with Landscape improvements to conceal equipment from view.

## **4. DESIGN CRITERIA**

### **4.1. Dwelling Types.**

Each Lot may contain only one single-family private dwelling and one private garage for not more than three (3) vehicles, unless a variance is permitted in the discretion of the ACC. Heron Cove shall be entitled to use Lots owned by it from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for the Heron Cove project.

### **4.2. Dwelling Size.**

The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cochères and unheated storage areas, decks and patios.

Any dwelling erected upon any Lot shall contain not less than the following heated floor areas:

<u>Minimum Total Heated Area</u>	
1 Story	2,200 SF
1 ½ Story, Split Level	2,600 SF
2 Story, 2 ½ Story	2,800 SF

Notwithstanding the foregoing requirements, the ACC shall have the right (but not the obligation), because of restrictive topography, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage, at their discretion.

#### **4.3. Maximum Dwelling Height.**

No dwelling erected upon a Lot shall contain more than two and one-half (2 ½) stories above main entry ground level; provided, however, the ACC shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow dwelling heights greater than two and one-half (2 ½) stories on rear and side elevations.

#### **4.4. Ceilings.**

Interior ceiling heights in dwellings constructed on Lots are recommended to be a minimum of nine (9) feet on all floors.

#### **4.5. Garages.**

Every house shall have an enclosed garage for not more than three (3) vehicles, unless a variance is granted. Garage openings \*' may not face the front elevation street on Lots that contain more than 16,000 square feet of land area unless approved in advance in writing by the ACC; and such approval will be given by the ACC only where particular hardship would otherwise result because of Lot size, configuration, topography, or other circumstances deemed sufficient by the ACC. Otherwise, front entry garages (i.e., garages that have garage openings that face the front elevation street) are restricted to Lots that contain 16,000 or fewer square feet of land area.

The placement of garages and driveways has a great effect on the overall aesthetics of the street scene and on the architectural appeal of each specific residence. A street scene with emphasis on residences instead of garages and driveways is more visually interesting. For that reason, certain garage placements on a Lot are discouraged.

In cases where a front entry attached garage must be used, recessing the garage from the remainder of the residence diminishes

The adverse impact of the front entry garage on the street scene and keeps the residence from appearing to be composed of almost entirely the garage. Therefore, in cases where Lot size does not allow a side entry garage, a minimum thirty-six (36) inch offset of the front entry garage from the major facade of the house is required, and a greater recess distance [up to a maximum of ten (10) feet] is encouraged. A porte-cochere that does not extend past the major building facade, and is constructed of the same building materials as part of the house, is allowed.

Side entry attached garages on corner Lots are acceptable as long as architectural details are provided to avoid an overwhelmingly blank side facade. Also, landscape screening shall be required to minimize the view of garage doors from the street.

Garage doors are required for all garages, and the garage doors must be paneled and/or detailed to provide appropriate scale. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width garage doors. Front entry garages must use single paneled doors. Carports shall not be allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side entry garages, adequate screening of the garage opening and the garage doors must be provided (to minimize the view of the garage opening and the garage doors from the street) by the use of Landscape improvements, a wall, fencing, or a combination of these elements. The garage turn around area must provide a minimum twenty-four (24) foot back-up distance, with an additional two (2) foot buffer between the edge of the driveway and the Lot boundary line [i.e., there must be a total minimum distance of twenty-six (26) feet between the garage opening and the adjacent side Lot boundary line].

The driveway slope on a Lot shall not exceed a fourteen percent (14%) grade. As set forth above, the driveway shall be located on each Lot within the area designated therefore by the ACC on the unrecorded plat that also depicts the "building envelope" for such Lot.

#### 4.6. Exterior Materials and Colors.

Exterior materials shall be brick, hard coat stucco, stone, cedar shake and "Hardy Plank" type siding. If approved by the ACC, the horizontal siding used must be fully back-supported to maintain a straight and even outer surface and must be fully and properly finished. Natural weathering of exterior wood materials is not desired. Imitation stone or brick-like materials are generally discouraged and may be used only upon prior written approval of the ACC. The ACC reserves the right to require builders to produce sample boards of colors if they are not on file with the ACC.

#### 4.7. Roofs.

Roofs and roof pitches shall be in proportion to the overall size and shape of the house. Except as specifically approved otherwise in writing by the ACC, the minimum roof slope for the main house structure shall be eight (8) vertical to twelve (12) horizontal. Acceptable roofing materials are (i) wood shingles, (ii) wood shakes, (iii) natural or man-made slate, (iv) tile or (v) minimum twenty-five (25) year warranty, variegated (or solid) color, dimensional architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing by the ACC as part of the final Building Plans and Specifications prior to commencement of construction.

#### 4.8. Windows and Shutters; Doors.

Windows shall generally be the same type and style all around the house. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted. Wood windows are preferred; however, vinyl windows will be considered, provided the style and profile are visually similar to wood windows. Shutters are encouraged, shall fit the proportion and shape of the windows and, if used at all, shall be used for all windows on elevations that are visible from the Roadway(s). Unless specifically waived in writing by the ACC, all windows and doors shall have caps of soldier course brick jack arches, wood caps or other approved decorative treatment, and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board.

#### 4.9. Chimneys

Chimneys shall be full foundation based and constructed of brick, stone, hard coat stucco or other material approved in writing in advance by the ACC. Chimneys shall have a design and location, and shall be constructed of a material that is appropriate to the house. Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues. Direct vent fireplaces are discouraged if the location is a side elevation.

#### 4.10. Foundations.

Unless specifically waived in writing by the ACC, all foundations must be raised with a minimum two (2) foot high crawl space, and slab-on-grade foundations generally will not be permitted, except for garages, patios and unheated porches.

#### 4.11. Porches and Decks.

Porches and decks shall be designed with substantial, well-proportioned railing, flooring and support posts meeting applicable building code requirements. Porches and decks shall blend with the style and material of the house (e.g., stucco deck fascia and piers with stucco house, or brick piers with a brick house). Deck support columns that are 5' or more in height from finished grade MUST be constructed with the material of the house. Porch and deck support columns constructed of masonry shall be 12" x 12", and porch and deck support columns constructed of wood shall be 6" x 8" (with base and capital detailing). One-story decks shall be appropriately screened with lattice and/or sufficient Landscape improvements. (See Figure 4.11.1 ). Under no circumstances may porch and deck support columns be constructed of the 4' x 4' material. Porches and decks may not be constructed outside of the "building envelope" setbacks unless approved in writing by the ACC.

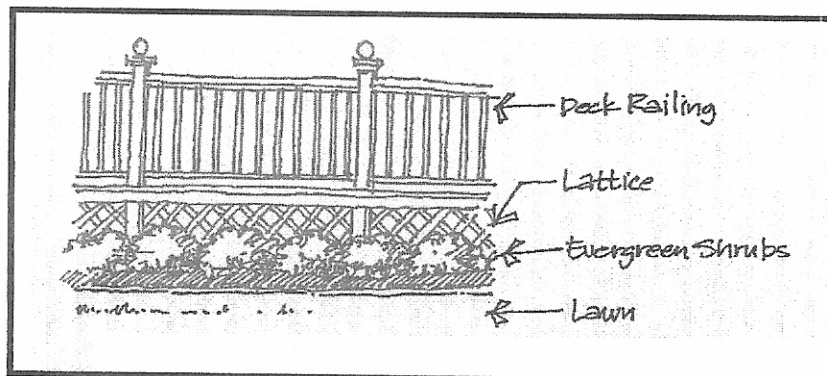


Figure 4.11.1 Deck Foundation/Perimeter Planting

#### **4.12 HVAC Equipment**

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a lot. It is preferred that, if located on the side of any dwelling, the units be located in the rear 0% of the side of the dwelling. Additionally, air conditioning and heating equipment and apparatus shall be screened from view from streets by landscape improvements, as more particularly provided in the landscape Guidelines herein.

#### **4.13. Attachments; Satellite Dishes and Antennae.**

No permanent attachment of any kind or character whatsoever (including, but not limited to, television and radio antennae, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building on any lot or otherwise placed or maintained on any lot, unless such attachments or devices are approved in advance in writing by the ACC. Notwithstanding the above to the contrary, one satellite or microwave dish may be installed within the rear yard of the "building envelope" of any Lot, provided such satellite or microwave dish does not exceed eighteen (18) inches in diameter and is properly screened from view. The location and screening of the satellite or microwave dish must be approved in writing by the ACC prior to installation.

#### **4.14. Mail and Newspaper Boxes; House Numbers.**

All mailboxes and newspaper boxes must be of a standard color, size and design as approved by the ACC and shall be installed only in a location approved by the ACC. House numbers may be displayed on houses and/or mailboxes only as approved by the ACC. Any damage to mailboxes is the sole responsibility of the owner to repair in a timely manner.

#### **4.15. Pools, Therapy Pools and Spas.**

The size, shape and setting of pools (including standard swimming pools, therapy pools and spas) must be carefully designed to be compatible with the surrounding natural and man-made environment. In locating swimming pools, therapy pools and spas, the following shall be considered:

- 4.15.1. Indoor/Outdoor relationship;
- 4.15.2. Setbacks imposed by the applicable "building envelope";
- 4.15.3. Views both to and from the pool area;
- 4.15.4. Terrain (grading and excavation ); and
- 4.15.5. Fencing and privacy screening.

Pools, surrounding decks and related equipment will not be allowed outside of the "building envelope" area. Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail. Pools, decks and related equipment and pool and pool equipment enclosures shall be screened or treated so as to avoid distracting noise and views.

#### **4.16. Exterior Lighting.**

Exterior lighting (which must be approved by the ACC as part of the Building Plans and Specifications) must be limited to areas within the "building envelope" (unless otherwise approved in writing by the ACC), must not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ACC in its sole discretion.

#### **4.17. Play Equipment.**

Unless elements of a planned park or playground, swing sets, trampolines and similar outdoor play structures and equipment should generally be located where they will have a minimum impact on adjacent Lots, in the middle one third of the rear yard and must be submitted for ACC approval. All basketball goal backboards must be the roll-out type. No permanent backboards will be permitted.

#### **4.18. Fences and Walls.**

The location, materials, size and design of all fences and walls must be approved in advance in writing by the ACC prior to installation. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that is the only approved fence or wall design and material(s) that may be erected on that common Lot line. Chain link fences and stockade fences are not acceptable. No double fencing will be allowed on side or rear Lot lines. No fence or wall (including for this purpose densely planted hedges, rows or similar landscape barriers) shall be erected, placed or maintained on any Lot nearer any Roadway fronting such Lot than the building corner of the main dwelling constructed on such Lot (unless otherwise approved advance in writing by the ACC). No fence or wall shall be erected, placed or maintained on a Lot in a location that will substantially obstruct views of the Common Areas of the Heron Cove community. Pet Enclosure Fences -Enclosure fences or any fence system will serve to contain a pet, even periodically, shall be designed such that the pet enclosure is at least five (5) feet from the side lot Line, In all cases. Fences and walls shall not exceed five (5) feet in height.

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins. Crosstie timber walls may be used for retaining walls if set apart from the residence.

All local and state codes are to be followed with regard to retaining wall height and provisions for safety/protection fencing at the top of any such wall. Generally, all retaining walls over 42" in height will be required to have a safety fence installed on the top of the wall. The fall protection fence must be wrought iron, aluminum, or another material approved in writing by the ACC, prior to installation. The protection fence must run the length of the wall where its height exceeds 42", and the rail must not be less than 42" in height. It must be constructed in a manner that would pass York County building codes if subjected to the codes. The standard rail design must have rails that are spaced no more than 6" inches apart. The total cost of the rail and its construction shall be the sole responsibility of the owner of the Lot. Alterations of Lot elevations and grades, which create the need for retaining walls, shall be the responsibility of the altering party.

#### 4.19. Remodeling and Additions.

A Lot Owner desiring to remodel existing improvements and/or to construct additions to existing improvements is required to follow the Guidelines to the same extent as if such remodeling or addition were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscape, colors and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future improvements or additions that will be of particular concern to the ACC are skylights and solar collectors, recreational features, lighting, antennas and satellite television dishes and house colors. An approval from the ACC is required for remodeling and additions just as it is for new construction.

As set forth in the Declaration, the Board (i.e., the board of directors of the Property Owners Association) may hereafter create and establish an Architectural Changes Committee (the "Changes Committee") to review and approve Building Plans and Specifications for all renovations, changes and additions to existing improvements on Lots. In the event the Board acts to create and establish the Changes Committee, with regard to renovations, changes and additions to existing improvements on Lots, the Changes Committee shall have all rights and powers that are reserved to the ACC in the Guidelines.

#### 4.20. Patios

Patios encroaching out of the rear of the yard "building envelope" on Lots that have a building pad depth of 60' or more shall not be allowed. However, if a building pad has a depth of less than 60', a 10' variance for a patio shall be allowed (see attached Figure 4.21). The finished elevation on the patio shall be either at or within two (2) feet of natural grade.

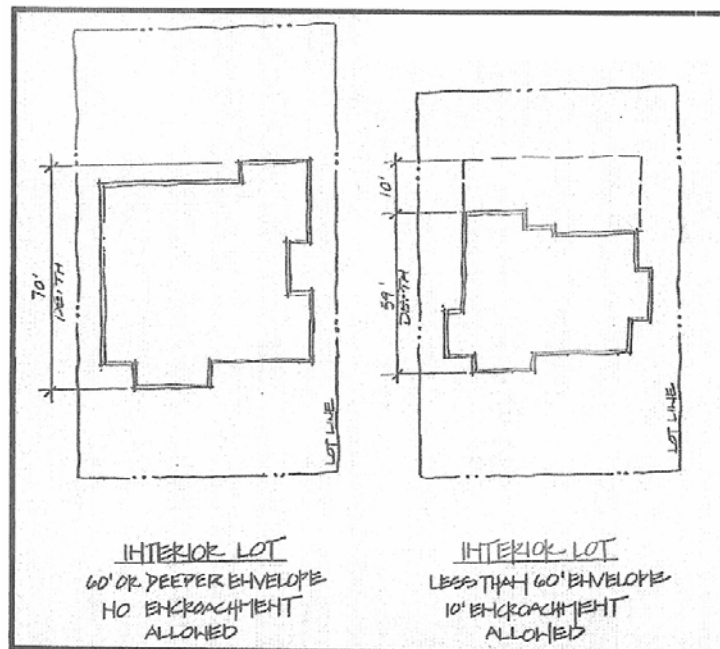


Figure 4.21.1 Interior Lot Encroachment

## **5. MISCELLANEOUS MATTERS**

### **5.1. Diligent Construction.**

All improvements to be constructed on a Lot must be completed within ten (10) months following commencement of construction (i.e., commencement of Lot clearing and grading) of the first of such improvements, unless a longer time is approved in writing by the ACC.

### **5.2. Featured Builders.**

Only builders then in good standing under the Heron Cove Featured Builder Program (collectively, "Featured Builders"; each, a "Featured Builder") may serve as the general contractor/builder for the construction of improvements on any Lot. Upon request, the ACC will make available to any Lot Owner a list of the then-current Featured Builders. To qualify as a Featured Builder, a builder must satisfy certain criteria and requirements established by the ACC and the Heron Cove Developer. However, the criteria and requirements established by the ACC and the Heron Cove Developer for a builder to qualify as a Featured Builder are solely for the protection and benefit of the ACC and Heron Cove and are not intended to, and shall not be construed to, benefit any Owner or any other party whatsoever. The ACC and the Heron Cove Developer make no representation, express or implied, to any Owner or any other party whatsoever with regard to the Featured Builders, including, without limitation, the existence, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the Featured Builders from time to time, the solvency or financial status of the Featured Builders from time to time, the nature and amount of any bonds that may be maintained by the Featured Builders from time to time, the performance (or the ability to perform) by the Featured Builders of their contractual obligations (including any contractual obligations of any of the Featured Builders in favor of any Owner or any other party whatsoever), the compliance by the Featured Builders with building codes and other requirements, rules, laws and ordinances of federal, state and local governmental and quasi-governmental bodies and agencies relating to the construction of homes and other activities engaged in by the Featured Builders from time to time, and the compliance by the Featured Builders with any licensing requirements imposed by federal, state and local governmental and quasi-governmental bodies and agencies from time to time. Furthermore, neither the ACC nor the Heron Cove Developer, nor the officers, directors, members, employees, agents or affiliates of either of them, shall have any responsibility whatsoever for any sum that any Owner or any other party may deposit with a Featured Builder, including, without limitation, any earnest money or other deposit that any Owner may deliver to a Featured Builder. The selection of a Featured Builder by an Owner shall be conclusive evidence that such Owner is independently satisfied with regard to any and all concerns such Owner may have about the Featured Builder's qualifications. Owners shall not rely on the advice or representations of the ACC, Heron Cove or the officers, directors, members, employees, agents or affiliates of either of them in that regard.

### **5.3. Outside Builders.**

No outside builders will be approved.

### **5.4. Purpose and Use of Landscape/Construction Escrow Deposit.**

The Landscape/Construction Escrow Deposit that is required to be paid, at the developer's discretion, to the ACC by each Lot Owner pursuant to Section 1.5 herein shall be deposited by the ACC in an escrow account. The Landscape/Construction Escrow Deposit paid by an Owner may thereafter be used by the ACC for any of the following purposes:

5.4.1. To pay for the cost to repair any damage to the Roadways or Common Areas in Heron Cove caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder or subcontractors.

5.4.2. To complete any Landscape improvements shown on the approved final Landscape Plans and Specifications for such Owner's Lot, if and to the extent such Landscape improvements have not been completed within three (3) months after completion of the residence on such Lot.

5.4.3. To pay for the cost of completing any improvements so that they are in accordance with the approved final Building Plans and Specifications, if and to the extent the Owner fails so to complete such improvements consistent with the terms of the Guidelines and the Declaration.

5.4.4. To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by the Owner in violation of the Guidelines.

5.4.5. To reimburse the Heron Cove Developer for the Owner's share of street cleaning costs during construction, if the Owner does not pay such amounts to Heron Cove Developer in a timely manner as specified in the Construction Rules.

5.4.6. To reimburse the Heron Cove Developer for the cost of cleaning up any significant amount of dirt, cement, or debris left by the Owner or by the Owner's builder or subcontractors on any street, if and to the extent such materials and debris is not immediately removed by the Owner or the Owner's builder or subcontractors.

5.4.7. To pay for the cost of enforcing any of the Owner's other obligations under the Guidelines or the Declaration.

5.4.8. To pay any other costs, fines or expenses which, by the express terms of the Guidelines, may be deducted from the Landscape and Construction Escrow Deposit.

Except for the reimbursements described in Section 5.4.6 above and except for the application of the Landscape/Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ACC shall give an Owner prior notice that the ACC intends to use such Owner's Landscape/Construction Escrow Deposit for a particular purpose. Such Owner thereafter shall have five (5) days from the date of the notice to complete the performance that is required and for which the ACC intended to use such Owner's Landscape/Construction Escrow Deposit or, if the performance cannot be completed during that time, to begin the performance and to thereafter diligently pursue such performance to completion. Upon the completion of all improvements and all Landscape improvements and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Declaration, the ACC shall return to such Owner the unused portion (if any) of such Owner's Landscape/Construction Escrow Deposit.

## **5.5. Notices.**

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be given in compliance with the requirements of this section.

5.5.1. Each notice shall be in writing.

5.5.2. Any notice to be given to the ACC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery (such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ACC. The address of the ACC for delivery of notices hereunder shall be as follows:

For Architectural/House Plan and Landscape Plan Reviews:

Heron Cove Architectural Control Committee  
c/o New Home Services  
4529 Sharon Road, Suite 200,  
Charlotte, NC 28211

A copy of each notice shall be mailed to the Heron Cove Developer (via certified or registered mail, return receipt requested) at the following address:

For Architectural/House Plan and Landscape Plan Reviews:

Heron Cove Architectural Control Committee  
c/o Hitchens Development LLC  
2316 Vernon Drive  
Charlotte, NC 28211

5.5.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the ACC's office or when delivered to the Owner's address by regular U.S. Mail Service (such delivery being presumed to have occurred on the second (2nd) day following the deposit of such notice by the ACC in the U.S. Mail). The address of an Owner shall be as set forth in the Owner's submittal of preliminary Building Plans and Specifications, or, if different, then as set forth in the Owner's submittal of final Building Plans and Specifications.

5.5.4. Either the ACC or an Owner may change its address for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address to be given to the other party in accordance with this Section 5.6.

## **6. LANDSCAPE GUIDELINES GENERAL LANDSCAPE MATTERS**

### **6.1. Goals and Objectives.**

These Landscape Guidelines have been prepared for use by all Lot Owners and their builders, contractors, architects and landscape architects who are involved in making site improvements to Lots in the Heron Cove community. Adherence to the Landscape Guidelines by all such parties will help ensure the continued success of Heron Cove as a premiere residential community. The Landscape Guidelines, implemented in concert with the Architectural Design Guidelines and the Construction Rules (which are the other two primary components of the Guidelines), will help assure that the foregoing objectives will be realized. The overall success of the Heron Cove community is dependent, in large part, on the coordination of Landscape improvements (as defined herein) and architectural improvements. A Glossary of Terms for a number of terms used in the Landscape Guidelines is attached hereto as Schedule C and is incorporated herein by reference and a Reference List that was used in the preparation of the Landscape Guidelines is attached hereto as Schedule D.

The specific objectives of the Landscape Guidelines are to:

6.1.1. Provide minimum standards for the installation of Landscape improvements and associated site improvements within Lots at Heron Cove.

6.1.2 Establish criteria to ensure visual continuity in the Landscape improvements at Heron Cove.

6.1.3. Present clear, concise, and enforceable guidelines for the installation and maintenance of Landscape improvements at Heron Cove.

## **6.2. "Landscape" and "Landscape Improvements" Defined.**

For the purposes of the Guidelines, and to distinguish landscape elements from other site structural elements (which are covered by the separate Architectural and Design Guidelines), "Landscape" shall be deemed to be the combination of existing and introduced plant material and all of the land area within each Lot located outside the boundaries of the building perimeter of the house. As used in the Guidelines, "Landscape improvements" include, but are not limited to, trees, shrubs, ground covers, annual and perennial flowers turf grasses, mulches, irrigation and landscape lighting systems, and similar existing and introduced improvements. ,

## **7. PROCEDURES AND APPROVALS**

### **7.1. Landscape Review Process.**

Prior to the commencement of any Landscape activity of any type (excluding any grading or similar site work encompassed by the Building Plans and Specifications) on any Lot, an Application for Landscape Plans and Specifications Approval (the form of which is attached hereto as Schedule E) must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under the section herein entitled "Final Landscape Plans and Specifications Review Procedure" prior to the commencement of any such Landscape work.

### **7.2. Design Review Procedure.**

The successful completion of the landscape review process under the Landscape Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Landscape Guidelines and by reviewing and following the landscape review procedure described herein.

The Landscape Plans and Specifications Review Application, the Landscape Plans and Specifications and all other materials necessary for the ACC to review the Landscape Plans and Specifications shall be sent to:

Heron Cove Architectural Control Committee  
c/o New Home Services  
4529 Sharon Road, Suite 200,  
Charlotte, NC 28211

### **7.3. Review of Preliminary Landscape Plans and Specifications.**

The ACC encourages Lot Owners and builders who are building in the Heron Cove community to participate in the preliminary Landscape Plans and Specifications review process. The preliminary Landscape Plans are marked "Approved" or "Disapproved," as the case may be. As to any preliminary Landscape Plans and Specifications that are marked "Approved" by the ACC, final Landscape Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Landscape Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Landscape Plans and Specifications.

The ACC may refuse to approve preliminary Landscape Plans and Specifications, or any component(s) thereof, for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

### **7.4. Final Landscape Plans and Specifications Review Procedure.**

The submittal of final Landscape Plans and Specifications must incorporate all of the elements described herein as being required as part of the final Landscape Plans and Specifications submittal. It is critical that final Landscape Plans and Specifications (and the other required documentation, as described above) be submitted to the ACC for review in a timely manner. In that regard, four (4) complete sets of the final Landscape Plans and Specifications for each Lot must be submitted to the ACC when the exterior finish work on the house (i.e., brick veneer, siding or stucco application, etc.) is completed. Lot Owners submitting final Landscape Plans and Specifications after the exterior finish work on the house has been completed will receive a written request for the final Landscape Plans and Specifications from the ACC. Beginning on the thirtieth (30th) day following the date such written request is sent by the ACC to such Lot Owner, funds will be withheld from the Landscape/Construction Escrow Deposit (as defined in the Architectural and Design Guidelines) at the rate of \$50.00 per day; and such funds that are withheld shall be deemed earned by the ACC and shall be non-refundable to the Lot Owner. Such charges will accrue daily until the date that the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Furthermore, if final Landscape Plans and Specifications are not submitted to the ACC by the date the Lot Owner occupies the residence on the Lot, whether or not Landscape improvements have been installed and whether or not any written notice has been given to the Lot Owner by the ACC as described above, fines shall accrue against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner, at a rate of \$100.00 per day from the occupancy date until the date on which the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Such fines will be deducted first from the

Landscape/Construction Escrow Deposit and, if and when the Landscape/Construction Escrow Deposit is depleted as a result of such daily deductions, such fines will continue to accrue at the daily rate until final Landscape Plans and Specifications are received by the ACC. No exceptions will be made to the circumstances described above which allow the ACC to withhold and retain part or all of the Landscape/Construction Escrow Deposit.

Landscape Plans and Specifications submitted to the ACC will be reviewed by a certified landscape architect who is licensed in the state of South Carolina and who is either a member of the ACC or is hired by the ACC to conduct such review on behalf of the ACC.

If found not to be in compliance with the Landscape Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Landscape Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Landscape Guidelines or to be otherwise unacceptable to the ACC. If the final Landscape Plans and Specifications for a Lot are submitted and rejected two (2) or more times, the ACC may require an additional review or processing fee to be deposited by the Lot Owner to cover the additional time and expense incurred by the ACC in reviewing the resubmitted final Landscape Plans and Specifications.

At such time as the final Landscape Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Landscape Plans and Specifications shall be retained by the ACC and the other complete set of the approved final Landscape Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with any comments of the ACC. Once the ACC has approved final Landscape Plans and Specifications for Landscape improvements to be installed on a particular Lot, the installation of such Landscape improvements must be promptly commenced and diligently pursued to completion.

Upon approval of the final Landscape Plans and specifications by the ACC, lot owner will receive approved mailbox and post. No mailbox may be installed until the approval of the landscape plans and specifications are approved.

Any modification or change to the "Approved" set of final Landscape Plans and Specifications must be submitted in triplicate to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Landscape Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Landscape Plans and Specifications.

#### **7.5. Required Elements of Final landscape Plans and Specifications.**

All final Landscape Plans and Specifications shall include the following:

7.5.1. A 24" x 36" blueprint or a 30" x 42" blueprint with accurate boundaries of the Lot (i.e., as taken from the most recent boundary survey of the Lot) drawn at a scale of 1" = 10' or larger (e.g., 1/8" = 1' -0").

7.5.2. Accurate adjoining street right-of-way lines and the names of adjoining street(s).

7.5.3. Accurate locations and widths of any and all utility easements, each labeled as to the specific type of utility occupying the easement (i.e., sanitary sewer, water, electric power, etc.).

7.5.4. Accurate location of the "building envelope" for the Lot. 7.5.5. Accurate North direction shall be shown and labeled.

7.5.6. A title block located in either the lower right-hand corner of the sheet, across the entire bottom edge of the sheet, or down the entire right-hand edge of the sheet shall contain the following information:

- 1) Lot number and section within the Heron Cove community.
- 2) Scale of the drawing.
- 3) Date of the drawing, including any revision dates.
- 4) The name, address and telephone number of the preparer of the Landscape Plans and Specifications.
- 5) Lot Owner's name.

7.5.7. All accurate locations of existing trees over eight (8) inches in diameter as measured twelve (12) inches from ground/grade level. Of these trees, all trees to remain shall be so marked.

7.5.8. "Limits of Clearing and Grading Line" shall be shown exactly as it appears on the grading plan previously submitted by the Lot Owner as part of the approved final Building Plans and Specifications. All "No-Clear Areas" shall be shown and shall conform to the "No-Clear Areas" shown on the unrecorded plot plan received by the Lot Owners.

7.5.9. Precise location of the dwelling, garage and all other structures as depicted on the approved final Building Plans and Specifications for the Lot.

7.5.10. Precise location of all exterior doors and windows on the first floor/ground level of the dwelling.

7.5.11. Precise location of driveways, walkways, decks and steps, screened porches, gazebos, swimming ( or other) pools, fountains, spas/hot tubs, fences and gates, garden walls, sculptures, sundials, bird houses, play equipment/swing sets, retaining and freestanding walls, etc.

7.5.12. Location of all proposed new Landscape improvements, clearly labeled and indicating the species and quantities. Show all lawn areas as "lawn seed" or "lawn sod."

7.5.13. Plant list/planting schedule listing all proposed plant material, quantities, their common name and their botanical/scientific name, their size at the time of planting, and any special or notable distinguishing characteristics. (See the sample final Landscape Plans and Specifications attached hereto as Schedule F. ) Specify only seven (7) gallon evergreen shrubs at the foundation.

7.5.14. Location of gas and electric meters, location of heating, ventilating and air conditioning units and pool equipment/pump or other utility-related equipment and apparatus. Electric meters are to be screened from the street view with 7' to 8' height evergreen shrubs, i.e. Emerald Green Arborvitae. Air conditioning condensing units shall be screened with a minimum of four 20" by 20" evergreen shrubs.

7.5.15. All plants shown on the final Landscape Plans and Specifications are assumed to be scheduled for installation in the initial planting of the Lot Any plants to be installed in a later phase (i.e., following the initial planting of the lot) must be clearly labeled to that effect on the final landscape Plans and Specifications and in the plant list that constitute a part of the final landscape Plans and Specifications.

7.5.16. Street trees must be located and the species must be noted as is specified by the Street Tree Planting Plan for each street..

7.5. 17. Street light locations shall be noted on the final Landscape Plans and Specifications (where applicable) . 7.5.18. The type(s) of mulch material(s) to be used and their location(s) must be clearly indicated.

7.5.19. Drainage Plan to be included on the minimum landscaping plan (see Schedule G -Sample Landscape Plan)

If any of the foregoing information or detail is not provided in the final Landscape Plans and Specifications, in whole or in part, the final Landscape Plans and Specifications will be rejected until all of the required information and detail is included, regardless of how elaborate and extensive the actual design may be.

## **7.6. Failure of the ACC to Act.**

If the ACC fails to approve or disapprove any final Landscape Plans and Specifications and other submittals which conform (and which relate to landscape improvements which will conform) with the requirements of the Landscape Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the landscape Guidelines and the Declaration, of all items that were to have been submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final landscape Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Landscape Plans and Specifications and other submittals, EXCEPT that the ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the lot is located. If final landscape Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

## **7.7. Lot Owner Responsibility.**

Although a landscape contractor, landscape architect, or landscape designer may prepare the final Landscape Plans and Specifications for a particular Lot on behalf of the lot Owner, it is the ultimate responsibility of the Lot Owner to review the final Landscape Plans and Specifications for completeness (consistent with the Landscape Guidelines ); and it also is the ultimate responsibility of the Lot Owner to ensure the timely submission of the landscape Plans and Specifications and related documentation to the ACC for review as contemplated herein. Additionally, each Lot Owner is responsible for making those individuals acting on behalf of such Lot Owner aware of the requirements contained herein relating to the preparation and submittal of the final Landscape Plans and Specifications.

## **7.8. Field Verification.**

Following the approval of final Landscape Plans and Specifications for a Lot and the subsequent installation of Landscape improvements in accordance with such approved final Landscape Plans and Specifications, the Lot Owner shall so notify the ACC in writing and the ACC shall inspect the landscape improvements installation for compliance with the approved final Landscape Plans

and Specifications. Plant locations, plant species and plant sizes shall be consistent with those shown on the approved final Landscape Plans and Specifications. Plant sizes shall conform to the latest edition of the American Standards For Nursery Stock,

published by the American Association of Nurserymen, Inc. Upon positive field verification of installation of the Landscape improvements on the Lot in accordance with the approved final Landscape Plans and Specifications, the Landscape/Construction

Escrow Deposit (or any residual portion thereof not previously retained by the ACC as provided herein) shall be returned to the Lot Owner. If the Landscape improvements, as installed, do not conform to the approved Landscape Plans and Specifications, at the sole discretion of the ACC and without limiting any other rights or remedies of the ACC or any other party under the Guidelines or under the Declaration, the Landscape/Construction Escrow Deposit may be withheld until the Landscape improvements installation is brought into conformance with the approved final Landscape Plans and Specifications.

## **8. PRESERVATION OF EXISTING TREES**

The existing trees at Heron Cove are a prized natural amenity that adds value to the community in a multitude of ways. Heron Cove has exercised care to retain as much of the existing vegetation as possible in the design of the land plan for Heron Cove; and it is expected that Lot Owners and home builders and contractors of the Lot Owners will continue to preserve and protect this valuable resource during the course of construction.

### **8.1. Owner Responsibilities.**

Each Lot Owner shall be responsible for ensuring that such Lot Owner's general contractors and subcontractors adhere to the requirements of the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees. The Landscape/Construction Escrow Deposit will be retained by the ACC if, in the sole discretion of the ACC, the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees are not followed and result in the destruction of or severe damage to otherwise healthy and desirable existing vegetation.

The ACC may employ the services of a qualified arborist and/or landscape architect to analyze the condition of existing trees and to assist the ACC in monitoring adherence to the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees.

### **8.2. Tree Protection and Preservation Procedures.**

It is recommended that a qualified arborist or Landscape Architect shall be consulted by each Lot Owner or such Lot Owner's builder for on-site evaluation of the existing trees prior to, during, and after construction. In addition, the following plan of protective measures is recommended to be followed by the Lot Owner and the Lot Owner's builder to ensure the protection of existing trees that are intended to remain on the Lot following the construction of improvements thereon.

8.2.1. All healthy, individual existing hardwood trees over six (6) inches in caliper, as measured twelve (12) inches from ground level, and all groups of trees comprising a "tree save area" should be identified before any clearing, grading or other construction activity is commenced on the Lot.

8.2.2. Keep trash, construction debris, fires, chemical liquids and stored construction materials out of the drip-line area. Canopy is defined as 10' beyond drip-line.

8.2.3. Stored construction materials shall be located no closer than ten (10) feet to the tree canopy.

8.2.4. Supply supplemental water and/or deep-root fertilization (as recommended by the arborist) before, during and after construction, as appropriate. Severe and prolonged heat, cold and/or drought conditions, coupled with nearby construction activity, often cause an adverse lowering of available groundwater levels requiring protective measures.

8.2.5. Do not change grade within canopy area. When changes in grade are required near existing trees, erect a retaining wall or walls outside the "drip-line" of the existing trees, to preserve the existing grade around the tree. Supply supplemental water and/or deep-root fertilization, as recommended by the arborist, to ease the stress of possible root loss due to grading operations and the construction of retaining walls.

8.2.6. The ACC does not guarantee the life or longevity of any existing trees in common areas or Lots within Heron Cove.

### **8.3. Tree Repair Procedures.**

When trees are inadvertently damaged during construction, the Lot Owner shall retain a licensed arborist to make the necessary repairs. The arborist selected by the Lot Owner must have a minimum of five (5) years of working experience as an arborist and must be actively involved in the care and maintenance of trees in the southeastern United States.

The following tree repair measures shall be taken by the arborist (as deemed appropriate by him or her) subsequent to his or her through inspection of the damaged area and determination as to the severity thereof.

8.3.1. Tree trunks scarred during the construction process shall be treated immediately. The scarred area must be properly cleaned. Any and all tom bark and/or ragged edges shall be cut cleanly away, and the wound shall be shaped into an ellipse where possible.

8.3.2. Limbs or branches damaged by construction operations shall be removed. Clean cuts with sharp pruning tools are to be made at the nearest lateral branch or flush with the trunk for major limbs.

8.3.3. If, during or after construction, minor root damage is observed, reducing the crown by as much as thirty percent (30%) during the appropriate season of the year may be advisable. Crown reduction by pruning several of the small to medium-sized branches will reduce the demand on the damaged root system, thereby increasing the tree's prospects for survival and eventual full recovery .

**9. MINIMUM PLANTING REQUIREMENTS**

Minimum requirements for the initial landscape improvements to be installed on each Lot within the Heron Cove community have been devised to ensure that the high quality, visually appealing house styles and associated landscaping portray an aesthetically pleasing streetscape image. Essential to this is a unified and consistent balance between the quality of the architecture and the quality of the Landscape improvements. A Recommended Plant List is attached hereto as Schedule N and information regarding

Minimum initial Landscape improvements planting requirements are established for Heron Cove Lots. Of course, as provided above, the ACC may, from time to time and at the sole discretion of the ACC, make revisions or amendments to all requirements and provisions in the Guidelines, including, without limitation, these minimum initial Landscape improvements planting requirements. All minimum expenditures specified below for each category of Lots are costs for complete Landscape improvements installation, including reasonable and customary labor charges and a reasonable percentage of replacement planting/warranty planting based upon industry standards. However, not included in the minimum expenditures for each category of Lots are costs associated with grading, importation of fill material or soil retaining walls or other walls, fences, gazebos, pools, irrigation systems and facilities, fountains, play equipment, decorative boulders and rocks, and the labor cost of preparing planting beds; and any costs for such items must be funded by the Lot Owner in addition to the minimum initial Landscape improvements planting requirements specified below.

**9.1. Lots Containing 15,000 Square Feet of Land Area -Minimum Initial Landscape Improvements Planting Requirements.**

Minimum Initial Landscape improvements Planting Requirements

Non-Corner Lot Comer Lot

<u>Plant type</u>	<u>Quantitv</u>	<u>Quantity</u>	<u>Size</u>	<u>Remarks</u>
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	1	1	2.5-3" cal.	B&B
Accent Trees	1	2	2-2.5" cal.	B&B
Evergreen Trees	2	2	7'-8' ht.	8&8
Evergreen Shrubs	12	14	5-7 gallon	Cont.
Small Shrubs	10	12	3 gallon	Cont.
Ground covers	250 SF	300 SF	Flats or 2" Pots	Cont.

Annual Flowers:

Beds	50 SF	50 SF	Flats or 4" Pots	Cont.
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Lawn Sod	Front Yard	Front & Side Yards
	N/A	N/A

Lawn Seed All disturbed/graded areas other than plant beds or sod.

Mulch/Pine Straw All plant beds and natural areas. Three inches (3") minimum.

(Note: "B&B" means "Bag and Burlap," "cal." means "calipher" and "Cont." means "Container."/

**9.2. Postponement of Planting.**

Under circumstances of extreme weather conditions, the ACC may, in its sole discretion, grant a Lot Owner a postponement of the annual landscape improvements planting. The request for such a postponement must appear in writing on the final Landscape Plans and Specifications as submitted to the ACC for review. Generally, postponements of the initial Landscape improvements planting will be considered only for the hotter summer months between July 1 and August 30 and for prolonged periods of below-freezing weather forecasted during the winter months. Such a postponement, when granted by the ACC, in no way releases the Lot Owner from the obligation to install the initial Landscape improvements pursuant to the approved final Landscape improvements Plans and

Specifications at the earliest time that weather permits and in all events not later than the timetable set forth in the ACC's written postponement.

## **10. REFORESTATION OF LOTS**

The existing Landscape at Heron Cove is a combination of mixed hardwood forest, pine forests and open fields. Areas containing open fields will require additional reforestation/tree planting by each Lot Owner. These additional Landscape improvements must be installed as part of the initial landscape Improvements planting on the Lot, and these additional landscape improvements represent planting required over and above the required minimum landscape improvements planting for each lot as provided above in the Landscape Guidelines. Refer to the Unrecorded Lot Plat provided by the ACC for each Lot to identify if the Lot is a designated "Reforestation Lot" or a "Partial Reforestation Lot" and that are encompassed by the additional planting requirements in this section.

### **10.1. Existing Vegetation Classification.**

All Lots within the Heron Cove community will be assigned a vegetation classification by an arborist and/or landscape architect retained by the ACC for such purpose. Such vegetation classification of the Lots is based on their existing mature vegetative cover as follows:

Wooded Lots: Lots containing substantial stands of mature or maturing trees, not requiring additional reforestation.

Partially Wooded Lots: Lots containing fifty percent (50%) or greater coverage with mature or maturing trees, requiring fifty percent ( 50% ) of the reforestation planting required of an Unwooded Lot.

Unwooded Lots: Lots containing either no mature existing trees or insignificant, immature existing trees, and requiring one hundred percent ( 100% ) of the designated reforestation planting.

The species of trees used for reforestation purposes shall be Oaks, Maples, Elms or similar large-maturing shade trees. Evergreen trees and Bradford Pear trees or their cultivars will not be permitted to satisfy the reforestation requirement. All trees will have a straight, single trunk with a full canopy or crown, and shall conform to current American Nursery Association Standards. All trees will be 3" caliper or larger at the time of planting.

## **11. LANDSCAPE DESIGN GUIDELINES- REQUIRED PRACTICES**

The following guidelines shall be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing landscape improvements on Lots within Heron Cove. These guidelines contain specific required practices and techniques for creating an aesthetically pleasing landscape.

### **11.1. Screening of HVAC Units, Utility Meters, Utility Transformers, Outside Refuse Containers, Etc.**

All heating, ventilating, and air conditioning units, utility meters, electric utility transformer boxes, swimming pool pump equipment, permitted satellite or microwave dishes and similar equipment, apparatus and fixtures on each Lot, including all refuse containers stored outdoors, must be screened from view from streets and from neighboring Lots. Plants used as screening should be maintained by the Lot Owner so that the equipment, apparatus or fixture being screened is accessible (wherever possible) by service personnel and/or meter readers. Plant materials for this purpose shall be installed using seven (7) gallon sizes, evergreen only. Recommended plant types include Otto Luykens Laurel, Schipka Laurel, Dwarf Burford Holly, Compacta Holly, Variegated Ligustrum, Cleyera, etc., although this is not intended as an exclusive listing. (See Figure 11.1.1 )

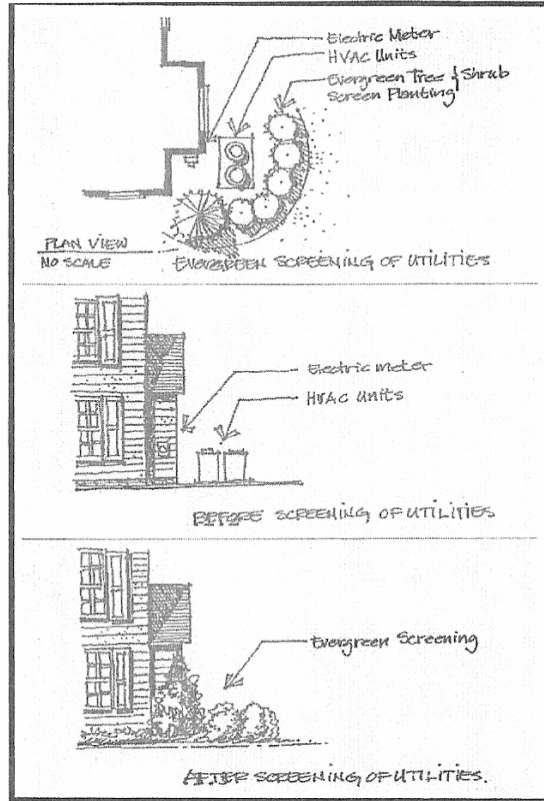


Figure 11.1.1 Screening of Utilities

### 11.2. Driveway Location and Planting.

As set forth in Section 2.3 in the Architectural and Design Guidelines, driveways shall not be located closer than two (2) feet to the side Lot boundary line. Where a driveway exists on a Lot that is adjacent to a neighboring Lot which does not have a driveway on the same adjacent side, the Owner of the Lot on which the driveway exists shall be responsible for landscaping the two (2) foot strip between such Owner's driveway and the side Lot boundary line with a row of seven or more evergreen shrubs or narrow, conical evergreen trees to screen the view of the driveway from the neighboring Lot. This plant material will be required in addition to the minimum initial landscape improvements planting requirements set forth in Section 9 herein. Installation of such plant materials pursuant to this Section 11.3 is not required until the construction of improvements on the adjacent Lot is completed. (See figure 11.2.1)

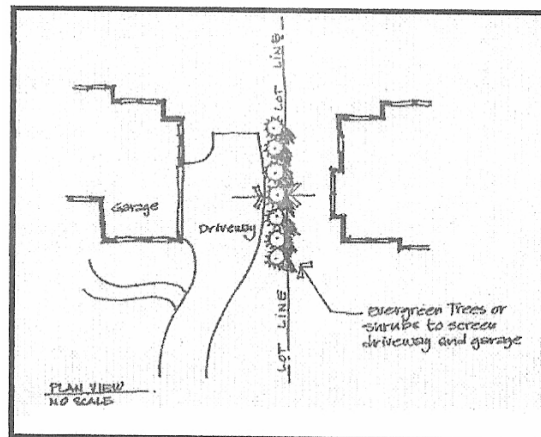


Figure 11.2.1 Driveway/Garage Screen Planting

### 11.3. Retaining Walls.

As set forth in the Architectural and Design Guidelines, all retaining walls must be approved by the ACC prior to construction, and the material, location, and height of all retaining walls must be clearly labeled on the final Building Plans and Specifications. Where retaining walls are located on a Lot in an area that is visible from a street, additional plant material, over and above the minimum initial landscape improvements planting requirements herein, will be required to screen, or otherwise "soften" the retaining wall from view at the street. Additionally, it is recommended that retaining walls that are visible from neighboring Lots be screened and/or "softened" with plant material. Additional plant screening material required to be installed pursuant to this Section 11.4 must be installed at the same time the minimum initial landscape improvements are installed hereunder. (See Figure 11.3.1.)

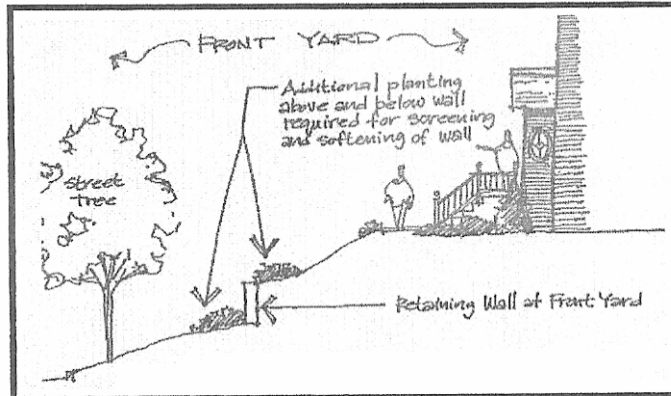


Figure 11.3.1 Retaining Wall at Front Yard

### 11.4. Street Tree location.

Street trees will be required on each Lot. The required species, size and location of each required street tree will be shown on the unrecorded plat provided by the Heron Cove Developer the ACC in connection with the initial sale of each Lot. The street trees planted on each Lot are expected to contribute to the overall effect of a unified street planting scheme that distinguishes each street with a particular species of tree. It is the responsibility of each Lot Owner (over and above the minimum initial landscape improvements planting requirements herein), to plant the precise size and species of tree described on the unrecorded plat provided by the Heron Cove

Developer or the ACC in the designated location(s) shown on such unrecorded plat and to maintain the same in a healthy, well-maintained condition in perpetuity. Additional trees required to be installed pursuant to this Section 11.5 must be installed at the same time the minimum initial landscape improvements are installed hereunder. (See Figure 11.4.1.)

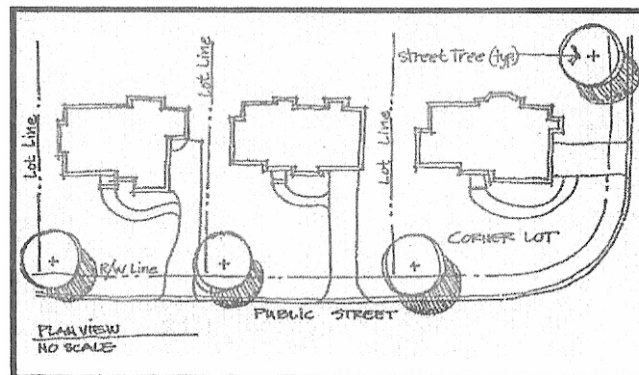


Figure 11.4.1 Typical Street Tree Location

### 11.5. Lawn Ornaments / Bric-a-Brac.

All lawn ornaments and bric-a-brac constitute landscape improvements and therefore are subject to review and approval by the ACC. Without limiting the generality of the foregoing, no such landscape elements will be permitted in the front yard of any Lot without the prior written approval of the ACC. If, in the sole discretion of the ACC, such landscape elements are incompatible with the objectives of the Guidelines, they must be removed or relocated by the responsible Lot Owner, as specified by the ACC, within ten (10) days from the date of written notification to the Lot Owner.

### **11.6. Mulch Materials**

Annual flower beds and perennial flower beds shall receive one (1) to two (2) inches of small/fine pine bark mulch. All planting beds and natural areas require a cover of two (2) to three (3) inches of mulch. Acceptable mulch materials for covering planting beds and natural areas include pine straw, pine bark nuggets, shredded hardwood mulch, brick chips or dark-colored gravel (i.e., dark gray granite or dark brown "lava-rock"). White gravel will not be permitted without the prior written approval of the ACC. Consistent use of the same mulch material for any given Lot is required. Each Lot Owner shall be responsible for replacing and maintaining mulch material on such Owner's Lot from time to time consistent with the requirements of this Section 11.8.

### **11.7. Respect For "NO-CLEAR" Areas.**

"NO-CLEAR" areas will be clearly marked on the unrecorded plat provided by the Heron Cove Developer or the ACC in connection with the initial sale of each Lot. These "NO-CLEAR" areas have been designated as possible tree preservation areas due to the exceptional, mature trees located in their boundaries. Generally, NO-CLEAR areas are to be undisturbed during construction of the home. At the landscape stage of home construction, NO-CLEAR areas may be hand-cleaned for selective underbrushing of any species the owner desires with the exception of healthy hardwood trees over 8" in caliper.

### **11.8. Walkway Layout.**

Walkways from the driveway to the front door or porch of the house shall be designed with smooth, flowing curves (where possible), rather than rigid straight lines. Walkways shall be at least three (3) feet wide.

### **11.9. Elevated Deck and Patio Foundation Planting.**

Decks and patios that are elevated above ground level shall be landscaped around their perimeters with appropriately sized plant material to screen the view of the space underneath the structure. It is especially important to screen those portions which are visible from the public street (i.e., especially on corner lots with elevated rear decks).

## **12. LANDSCAPE DESIGN GUIDELINES -RECOMMENDED PRACTICES**

The following guidelines are recommended to be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing landscape improvements on Lots within Heron Cove. These guidelines contain specific recommended practices and techniques for creating an aesthetically pleasing landscape.

### **12.1. Automatic Irrigation Systems.**

Automatic irrigation systems are highly recommended. Besides the obvious advantage of convenience, automatic irrigation systems, when designed, installed and operated properly, should provide plant and lawn sod landscape improvements with the consistent waterings they require to thrive. Landscape improvements that are installed between March 15 and September 30 likely will be subjected to periods of intense heat and periods of low precipitation. Automatic irrigation systems are especially beneficial during such periods to help ensure a consistent amount, frequency and duration of watering.

When designing an automatic irrigation system it is recommended that lawn areas and shrub beds be placed on separate zones since the watering requirements for the two differ substantially. Also, the automatic irrigation system plan shall provide complete coverage, or "head-to-head" coverage, of all lawn areas. Without "head-to-head" coverage, lawn areas that are not covered will become brown or will suffer "brown-out." Another consideration is whether or not to meter the automatic irrigation system separately from the house water system. Separate water meters can be purchased at an additional cost from governmental authority having jurisdiction over the municipal water supply. In the event a Lot Owner elects to install an automatic irrigation system on such Owner's Lot, the automatic irrigation system shall be designed and operated so that water from the system remains on the Lot being irrigated without overspraying onto adjacent Lots. (See Figure 12.1.1.)

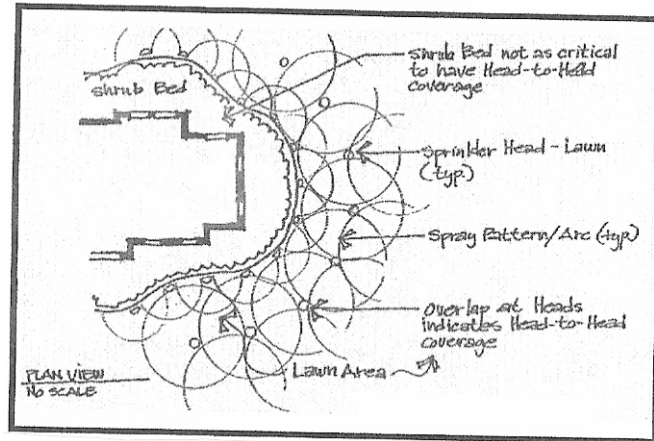


Figure 12.1.1 Head-to-head Irrigation Design

## 12.2. Landscape Lighting Systems.

Subject to the restrictions in Section 4.16 in the Architectural and Design Guidelines, landscape lighting systems are encouraged, although approval of landscape lighting systems may be granted or denied by the ACC in its sole discretion. Landscape lighting systems shall be designed, installed and operated to enhance the architecture of the house and the landscape improvements on the Lot in a tasteful and subtle manner. Overlighting the house and/or landscaping shall be avoided. Landscape lighting shall be confined to the Owner's Lot only, and no direct illumination from such landscape lighting shall encroach onto any other Lot or any other location beyond the boundaries of such Owner's Lot.

## 12.3. Foundation Planting.

When designing foundation plantings, several important factors must be considered. Select shrubs that will not overgrow the location at maturity (i.e., covering windows). Select evergreen shrubs to be planted adjacent to the house foundation to provide an aesthetically pleasing appearance during all seasons, rather than deciduous plants (which shed their leaves in the winter months). Select plant types and varieties that require moderate to low maintenance and pruning. Locate foundation shrubs on either side of windows instead of directly under windows; this allows the shrubs more vertical growing room without blocking the window. Locate foundation plants far enough from the foundation of the house to allow ease of maintenance access to the house (e.g., with a ladder or to paint the wall directly behind the shrubbery). Foundation plants shall be layered from front to back, with taller plants (evergreen -7 Gallon) at the back, and successively lower plants in the front. (See Figure 12.3.1.)

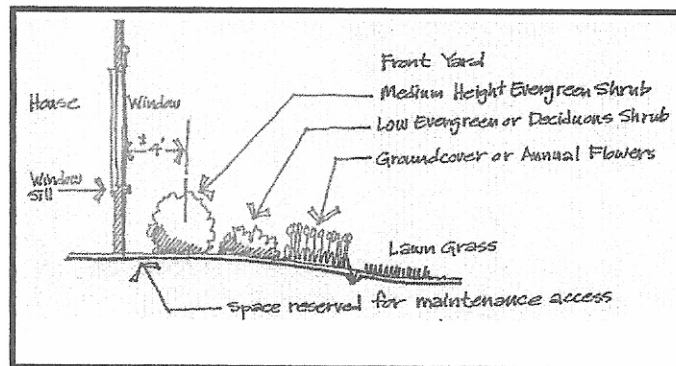


Figure 12.3.1 Foundation Plant Hierarchy

## 12.4. Corner Lots.

With regard to landscape improvements, corner Lots shall treat both facades or elevations of the house which face the streets with equal care and consideration. Both facades or elevations are "public" sides of the house to the degree that both elevations front on a public street. Care and consideration shall be given to selecting plant material that will lend privacy to the rear yard by grouping evergreen trees and/or shrubs near the side right-of-way line. (See Figure 12.4.1.)

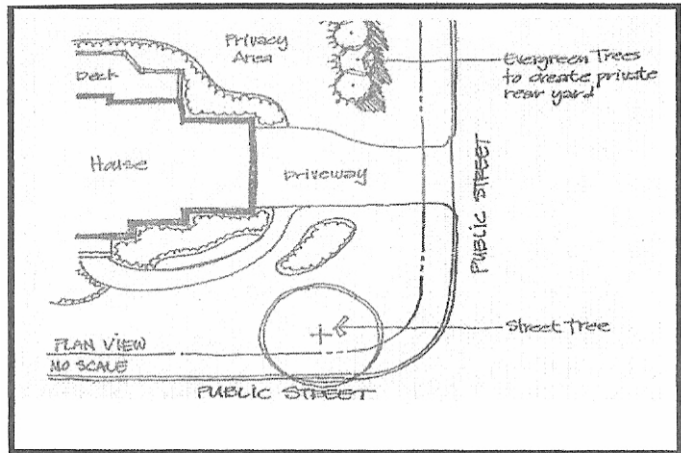


Figure 12.4.1. Corner Lot Privacy Screening

**12.5. Plants and Enframing Devices.**

Trees and shrubs can and shall be utilized to enframe a view of the house (e.g., the front elevation). For instance, street trees located near the Lot boundary line at the street are best located near the side Lot boundary lines to create visual parameters through which to view the front of the house. This idea is further illustrated by locating evergreen trees (e.g., Nellie R. Stevens Hollies) at the front corners of the house to enframe the house with a plant material during all seasons of the year. (See Figure 12.5.1.)

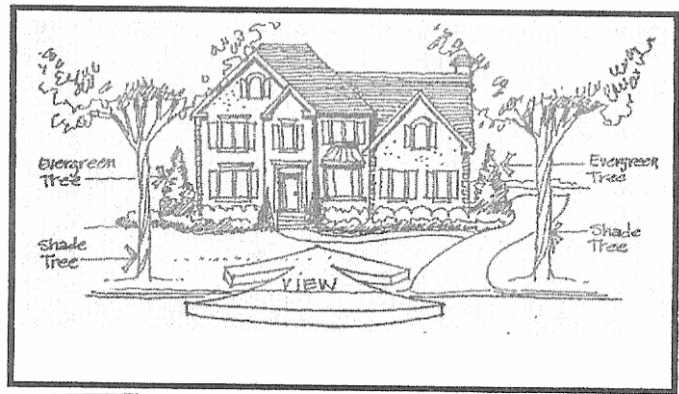


Figure 12.5.1 Trees as Enframing Devices

**12.6. Planting Bed Layout.**

Planting beds containing plant materials such as trees, shrubs, ground covers, and annual flowers shall be designed or constructed with smooth, flowing curves (wherever possible). The curves shall be broad enough to allow ease of maneuvering lawn mowing equipment along the edges of the planting beds. Consideration also should be given to the type of lawn mowing equipment that will be used (i.e., riding lawn mower or push-type lawn mower) and its minimum turning radius. (See Figure 12.6.1.)

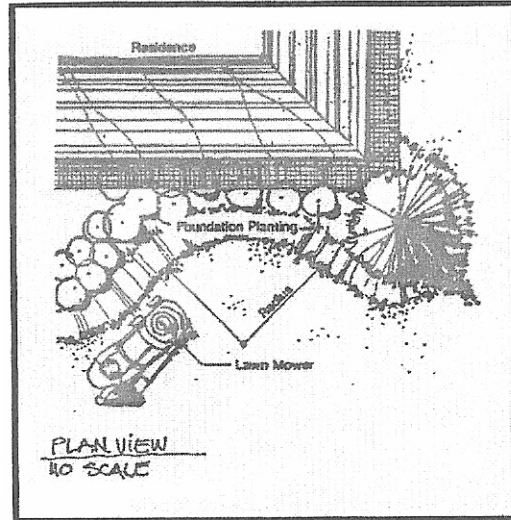


Figure 12.6.1 Planting Bed Layout

**12.7. Landscape and Architecture Compatibility.**

The landscape design for each Lot should enhance the architectural style of the residence on such Lot. Different architectural styles call for different landscape styles. Lot Owners are urged to hire an experienced, qualified landscape architect or landscape designer to assist in achieving such compatibility.

**12.8. Fish Ponds and Fountains.**

Fish ponds and fountains are permitted to be installed on Lots, subject to the ACC prior written approval. Generally, such site amenities must be restricted to rear yards only. Professional design and installation services are highly recommended for such amenities.

**12.9. Yards and Visual Importance**

Any area of a Lot that is visible from a public street takes on a "semi-public" character in that the visual quality of that portion of the Lot contributes to the overall quality and character of the community at large. It is incumbent upon all Lot Owners, therefore, to landscape and maintain all such "semi-public" areas of their Lots with utmost care and consideration. Corner Lots -effectively have two such "semi-public" yards due to the fact that such Lots front on two public streets.

In contrast, rear yards tend to be the private domain of the Lot Owner, allowing somewhat more flexibility in the uses of the rear yard space. However, it is the hope of the ACC and Heron Cove that equal care and attention will be given to the landscaping and maintenance of these areas. Additionally, rear yards become more "semi-public" where they front on Common Areas, common recreation facilities; and rear yards in these locations should always be well maintained and adequately landscaped as "semi-public" areas.

## CONSTRUCTION RULES

1). Applicability. These construction rules (collectively the "Construction Rules") shall apply to all Lot Owners and their builders, and any reference herein to an Owner shall also apply to the Owner's builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the P .O.A. Board of Directors and/or the ACC may establish from time to time.

2). Construction Hours and Noise. All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 8:00 p.m. Monday through Saturday; provided, however, no construction activities shall be conducted and no deliveries shall be made on July 4, Labor Day, Thanksgiving Day, Christmas Day or New Years Day. Any construction activities conducted or access to Heron Cove other than during the foregoing hours must be scheduled with the ACC at least twenty-four (24) hours in advance and must be approved by the ACC in writing. No loud radios or distracting noise (other than normal construction noise) will be allowed within the community during construction. This is distracting to Lot Owners and golfers alike. Normal radio levels are acceptable. Radio and stereo speakers shall not be mounted on vehicles or outside of homes under construction.

3). Rubbish and Debris. In order to maintain a neat and orderly appearance at all times throughout Heron Cove, the following rubbish and debris rules must be strictly followed:

(a) Interior Construction Debris. All parties are strongly encouraged to frequently clean up and remove rubbish and construction debris located within the walls of a residence that is under construction.

(b) Exterior Construction Debris. With regard to all construction debris located on a Lot outside the walls of a residence that is under construction, the following rules shall apply:

( 1) At the end of each day on which work occurs on the Lot, all lightweight, blowable construction debris, such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a silt fence pen or other approved containment device on the Lot; and

(2) At the end of the day on each Friday, all non-blowable construction debris, such as wood scraps, shingles, brickbands, drywall, bricks and masonry blocks, must be gathered into at least one but not more than five neat piles.

(3) Within the last three (3) days of every month, all debris must be taken off the Lot and out of Heron Cove, leaving the pens and the Lot free of all debris-

(c) No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4 ). Excess Natural Materials. Excess plant matter, rock, topsoil and similar materials must be offered first to Heron Cove prior to their removal from Heron Cove, and no such materials may be removed from Heron Cove without the prior approval of the Heron Cove Developer.

5). Street Cleaning. Approximately once each week near the end of the week, the Heron Cove Developer will engage a street cleaning service to clean the streets in Heron Cove of normal construction dirt, mud, and gravel. Heron Cove shall pay for twenty-five percent (25%) of the cost of such service. The Owners who are constructing homes in Heron Cove at the time such services are rendered shall pay for the remaining seventy-five percent (75%) of the cost, in accordance with the following formula:

A particular Owner's pro-rata share of street cleaning costs shall be determined by multiplying the total cost of the service times (a) .75 and (b) a fraction, the denominator of which is the total number of houses in Heron Cove that have been under construction for six (6) months or less, and the numerator of which is the number of houses in Heron Cove that such Owner has had under construction for six (6) months or less. The intent of this formula is to ensure that each house under construction bears its fair share of the street cleaning costs for the first six (6) months it is under construction, but not thereafter. Invoices from the Heron Cove Developer for reimbursement of the street cleaning costs must be paid within thirty (30) days.

The Heron Cove Developer also shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the responsible Owner, to charge the cost of such clean up to the responsible Owner and to receive reimbursement for the expense of such clean up from the responsible Owner.

6). Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ACC.

7). Material Storage. No construction materials, equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved by the ACC.

8). Trailers. Construction office trailers can be erected on Lot/Lots where specified by the developer.

9). Construction Access. During the time a residence or other improvements are being built, all construction access shall be confined to the approved driveway for the Lot, unless the ACC approves an alternate access way.

10). Gravel Drives. Prior to the commencement of construction on a Lot, the Owner of such Lot or such Owner's contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base.

11 ). Parking. All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc. ) may be left parked on any streets within Heron Cove overnight. Construction vehicles may be left on a Lot overnight only if additional use of the vehicle will be made within the following three (3) days.

12). Miscellaneous Practices. The following practices are prohibited at Heron Cove.

(a) Changing oil of any vehicle or equipment;

(b) Allowing concrete suppliers and contractors to their equipment other than at locations, if any, designated for that purpose by the ACC;

(c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by Heron Cove Developer;

(d) Careless disposition of cigarettes and other flammable material; and

(e) Operators of vehicles are required to use due care to ensure that they do not spill any damaging materials while within Heron Cove. If spillage does occur, it is the responsibility of the operator of the vehicle to properly clean up the spill. Any such clean up operations completed by Heron Cove's personnel will be charged to the responsible party. Any spills must be reported to the ACC and the Heron Cove Developer in writing as soon as possible.

13). Pets. Builder and contractor personnel may not bring pets into Heron Cove.

14). Common Areas. Except with the prior written permission of the ACC, builder and contractor personnel are not allowed in the Common Areas, and no construction access will be allowed across the Common Areas.

15). Accidents. The Heron Cove Developer and the ACC shall be notified immediately of any accidents, injuries or other emergency occurrences.

16). Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided for at least every two homes under construction, and must be located in as inconspicuous a location as possible.

17). Speed Limit. The established speed limit within the Heron Cove community is twenty-five miles per hour (25 mph) for all vehicles, and this limit must be obeyed.

18). Signs. Building permits are the only sign or documentation that may be posted at a residence or on a Lot during construction. Business signs or other forms of advertisement are not permitted. Building permits are to be attached to a post in a manner protected from the elements; and in no event may building permits or any other signage or documentation be attached to trees.

19). Property Damage. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by the Heron Cove Developer and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be deducted from the Landscape/Construction Escrow Deposit. If the Landscape/Construction Escrow Deposit is not sufficient to cover the entire repair cost, the additional amount will be charged to and promptly paid by the Owner. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such an accident within thirty (30) minutes to Heron Cove Developer personnel; and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

20). Failure to Abide. Failure of a builder or contractor to abide by any of the Construction Rules may result in the loss of such builder's or contractor's privilege to enter Heron Cove on a temporary or permanent basis, or a fine, the amount being at the Heron Cove Developer's discretion may be levied for infractions and failure to abide.

SCHEDULE A

APPLICATION FOR PRELIMINARY DESIGN APPROVAL

(Heron Cove Lot\_\_\_\_ )

Submit this form with three (3) copies of preliminary site plan and blueprints (1 – large set and 2 – 11x17) along with a \$250.00 check made payable to Narmour Wright Associates. One copy will be kept in the ACC's files and one copy will be returned to you and one for the Sales Center.

Name of Lot Owner: \_\_\_\_\_

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

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_

I. Preliminary Site Plan (1/10" = 1'-0")

Location (with dimensions and materials) should be illustrated for each of the following site improvements on the "building envelope" Lot Plan:

- A. House and other improvements (garage, decks, patios, swimming pools, tennis courts, etc.) within "building envelope"
- B. Front, rear, and side yard setbacks dimensioned
- C. Driveway, sidewalks, and utility easements as shown on recorded plat
- D. Fences and walls (including retaining walls)

II. Preliminary Floor Plans and Exterior Elevations (1/4" = 1'0") Heated finished square footage:

First Floor \_\_\_\_\_

Second Floor \_\_\_\_\_

Third Floor \_\_\_\_\_

Basement \_\_\_\_\_

Total \_\_\_\_\_

ACC Required and Suggested Modifications:

Required:

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

Suggested:

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

Advisory Design Professional:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Heron Cove:

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

**SCHEDULE B**

**Application for Final Design Approval**

(Heron Cove Lot\_\_\_\_ )

Submit this form with three (3) copies of final site plan and house plans along with \$250.00 check made payable to Narmour Wright Associates. One copy will be kept in the ACC's files and one copy will be returned to you and one for the Sales Center.

Name of Lot Owner: \_\_\_\_\_

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

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_

**I. Final Site Plan** {1/10" = 1'-0"}

Location {with dimensions and materials} should be illustrated for each of the following site improvements on the "building envelope" Lot Plan:

- A. Grading plan with 2' contour topography
- B. House and other improvements {garage, decks, patios, swimming pools, tennis courts, etc.} within "building envelope"
- C. Front, rear, and side yard setbacks dimensioned
- D. Driveway, sidewalks, and utility easements from recorded plat {include sewer pump system}
- E. Fences and walls {including retaining walls}

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

**II. Final House Plans** {1/4" = 1'0"}

Heated finished square footage:

First Floor \_\_\_\_\_

Second Floor \_\_\_\_\_

Third Floor \_\_\_\_\_

Basement \_\_\_\_\_

Total \_\_\_\_\_

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

**III. Final House Elevation:** (1/4" = 1'-0")

Front; side, and rear elevations shown

Design Exterior and Layout appropriateness

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

**IV. Exterior Specifications:** Submit samples with manufacturer specifications

Material

Color

Foundation \_\_\_\_\_

Wall \_\_\_\_\_

Trim \_\_\_\_\_

FrontDoor \_\_\_\_\_

Shutter \_\_\_\_\_

Garage Door \_\_\_\_\_

Roof \_\_\_\_\_

Window Other \_\_\_\_\_

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

v: **ACC Required and Suggested Modifications:**

Required:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Suggested:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

4) **Final Approval**

\_\_\_\_\_ Granted as noted above; however construction start is subject to approval to Commence work

\_\_\_\_\_ Granted with Approval to Commence Work

\_\_\_\_\_ Denied

Reviewed and Approved by:

Advisory Design Professional:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Heron Cove:.

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

**5) Approval to Commence Work**

\_\_\_\_\_ 1. Private driveway (ratable cost) paid (if applicable).

\_\_\_\_\_ 2. Site visit to review staking.

\_\_\_\_\_ 3. Receipt of contract for construction between owner and Featured Builder.

In accordance with the receipt of the above items as required in the Architectural and Landscape ( commence construction on this lot.

\_\_\_\_\_

Date: \_\_\_\_\_

**SCHEDULE E  
APPLICATION FOR LANDSCAPE PLANS  
AND SPECIFICATIONS APPROVAL  
(Heron Cove – Lot \_\_\_\_\_)**

**REQUIRED INFORMATION:**

Submission Date \_\_\_\_\_

Lot Number \_\_\_\_\_

Lot Owner \_\_\_\_\_

Landscape Contractor \_\_\_\_\_ Phone Number \_\_\_\_\_

Landscape Architect/Designer \_\_\_\_\_ Phone Number \_\_\_\_\_

Projected Construction Initiation Date \_\_\_\_\_

Projected Construction Completion Date \_\_\_\_\_

Note: All pertinent information as outlined in the Heron Cove Landscape Guidelines shall be included on the plan submission prior to plan review consideration.

This landscape plan is submitted for: \_\_\_\_\_ Preliminary Review  
\_\_\_\_\_ Final Review  
\_\_\_\_\_ Resubmittal Review

The submitting party shall fill in all information above this line.

**ACC PLAN REVIEW:**

Review Date \_\_\_\_\_ Review By \_\_\_\_\_

The following action was taken subsequent to plan review:

\_\_\_\_\_ Approved with the condition that all plants be installed as represented on the approved plan without additions, deletions, or size modification, unless approved in writing by the ACC.

\_\_\_\_\_ Contingent Approval -The plan as submitted does not meet the requirements of the ACC; however, approval will be given if the following required changes are made in full:

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\_\_\_\_\_ Disapproved (revise and resubmit plans) for the following reasons:

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ACC File Copy \_\_\_\_\_ Contractor/Owner Copy \_\_\_\_\_

## SCHEDULE G RECOMMENDED PLANT LIST (Heron Cove)

### **Street and Shade Trees:**

October Glory Red Maple  
Red Sunset Red Maple  
Legacy Sugar Maple  
Shumard Oak  
Southern Red Oak  
Bloodgood London Planetree  
Ginko Biloba  
Zelcova  
Pin Oak  
Darlington Oak  
Littleleaf Linden  
Purple Beech  
American Yellowwood  
Willow Oak

### **Large Evergreen Trees:**

Deodar Cedar  
Southern Magnolia  
Austrian Pine  
Loblolly Pine  
Norway Spruce  
American Holly  
Cryptomeria Japonica (protected)  
Emily Bruner Holly  
Pyramidal Arborvitae  
Laurel Oak

### **Medium Evergreens:**

Nellie R. Stevens  
Savannah Holly  
Foster Holly

### **Medium Evergreen (flowering):**

Kwanzan Cherry  
Yoshino Cherry  
Weeping Japanese Cherry  
White Dogwood  
Kousa Dogwood  
Pink Dogwood  
Smoketree  
Crabapple (improved varieties)  
Washington Hawthorne  
Purple Plum  
Eastern Redbud  
Saucer Magnolia  
Sweet Bay Magnolia  
White Fringetree  
Witch Hazel  
Amelanchier (protected)  
Japanese Snowball Viburnum  
Crepe Myrtle Species  
Sourwood  
Vitex (Chaste Tree)  
Styrax (Japanese Snowbell)  
White Fringetree  
Red Dogwood  
Pagoda Tree

### **Accent Trees (non-flowering):**

Black gum

Chinese Pistache  
Wax Myrtle  
Bloodgood Japanese Maple  
Green Japanese Maple  
Arnur Maple  
Trident Maple  
American Hombearn  
Thornless Honey Locust  
Heritage River Birch  
Carolina Cherry Laurel

### **Evergreen Shrubs:**

Holly Species (e.g. Dwarf Urford Holly,  
Compacta Holly, Helleri Holly, etc.)  
Euonymus Species  
Abelia  
Ligustrum Species  
Pieris  
Aucuba  
Boxwood  
Azalea  
Otto Luykkens Laurel  
Schipka Laurel  
Zabel Laurel  
Dwarf India Hawthorne  
Camellia Japonica (protected)  
Camellia Sasanqua (protected)  
Gardenia (protected)  
Cypress and False Cypress Species  
Juniper Species  
Nandina Species  
Plum Yew  
Was Myrtle  
Cleyera Japonica  
Cotoneaster Species  
Osthmanthus Fortunei  
Osthmanthus Species  
Rhododendron Species  
Azaleas

### **Deciduous Shrubs:**

Althea  
Barberry Species  
Spirea Species  
Bumming Bush Euonymus  
Hea Species  
Clethra Alnifolia  
Hydranges Species  
Deutzia Species  
Kerria Species  
Azalea Species  
Pomegranate  
Butterfly Bush  
Forsythia  
Flowering Quince  
Hydrangea Macrophylla  
Oakleaf Hydrangea  
Viburnum Species  
Lilac Species (improved varieties)