

**Stoney Point Harbor
Architectural Review Committee (ARC)
Construction Guidelines
Approved by HOA Board, September 2, 2006
(latest revision July 16, 2010)**

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**Stoney Point Harbor
Construction Guidelines Compared to Restrictive Covenants**

Written Permission Required Prior to Construction

1.1 No building, fence, wall, pool, outbuilding, driveway, or any other accessory feature to the dwelling or any other structure upon any lot shall be commenced, erected, placed, maintained or altered on any lot or combination of contiguous lots until the Complete Construction Plan (hereinafter "Plans") are approved in writing by the Committee or its designated agents. The Committee's refusal or approval of plans may be based upon purely aesthetic considerations, which in its sole discretion the Committee shall deem sufficient, but approval shall not unreasonably be withheld. ((DORC General Use Restrictions, part 7 & DOCCR, Article 5, Architectural Control, parts c & e; CG-04, part 1)

1.2 If no action is taken by the Committee within thirty (30) days after plans are submitted to it, the owner may proceed to build without approval. DORC, General Use Restrictions, part 7).

1.3 After plans are approved and after the Committee gives written permission for construction to begin, the actual construction shall be commenced and completed in accordance with the approved Plan. (DOCCR, Article V, Architectural Control, part e).

One Year Allowance for Completion of Construction

2.1 With the exception of construction which is interrupted or delayed due to physical damage to the work in progress (such as damage due to fire, lightning, windstorm, hail, riot or civil commotion, explosion, or theft), any dwelling constructed upon a lot must be completed within one (1) year subsequent to commencement of construction, except with the written consent of the Declarant (A.R.C. Committee). The normal period of completion time for outbuildings or other improvement shall be presumed to be four (4) months from the issue date of the building permit. In the event that completion of the dwelling, outbuildings, or other improvements on any lot is not completed within one year, and it is determined that construction progress has diminished to such an extent that completion of the dwelling, outbuildings, or other improvements is unlikely within 120 days, Stoney Point Harbor Homeowner's Association, Inc., hereinafter referred to as the "Association", will be advised of this determination. The Association shall then have the right to give notice to the owner that the owner has the obligation, within 30 days, to complete the removal of all the construction work in progress, including without limitation, the foundation and all building improvements and all stored building materials, and fill and grade the lot so that it is restored to its natural grade level, and the Association shall have the right to undertake this work upon owner's failure to do so and charge the cost to the owner and place a lien upon the lot upon owner's failure to pay these charges. (DORC, General Use Restrictions, part 9 & H.O.A. Minutes, September 12, 2008:

2.2 Construction Time Frame: Upon receiving a written request from the homeowner, prior to the one-year completion requirement, the ARC may allow an extension to

complete construction. This may be done up to three times, if determined necessary by the ARC. (HOA, September 12, 2008)).

Only New, Single Family Dwellings Allowed

3.1 Except as otherwise provided in these Restrictions, lots shall be used for residential purposes only, and no structure shall be erected, placed, altered or permitted to remain on any lot other than one detached, single- family dwelling and related structures incidental to the residential use of the lot, such as garages and boat houses which otherwise comply with these Restrictions..... (DORC, General Use Restrictions, part 1).

3.2 Construction of new residential buildings only shall be permitted, it being the intent of this covenant to prohibit the moving of any existing building or portion thereof on a lot and remodeling or converting the same into a dwelling unit in subdivision. (DORC, General Use Restrictions, part 8).

Temporary Structures

4.1 No trailer, truck, van, mobile home, tent, camper, barn, garage, or other outbuilding or temporary structure parked or erected on lots in this Subdivision shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence; provided, however, that this prohibition shall not apply to shelters used by the contractors during the construction of the main dwelling house, it being clearly understood that these temporary shelters will not be permitted to remain on any lot after completion of construction. The Committee shall have the right to approve or disapprove these temporary construction shelters or vehicles. The Committee, upon approval of a temporary construction shelter or vehicle, will issue a letter stating the length of time such shelter will be allowed to remain upon such lot and where such shelter is to be located upon such lot. (DORC, General Use Restrictions, part 10.)

Construction Plans

5.1 The Plans include the complete construction plans, the plot plan (shoring, proposed location and elevation of buildings, fences, walks, drives, parking area, etc.) proposed building plans and specifications, exterior color, finish, and materials. (DOCCR, Article 5, Architectural Control, part d).

5.2 A landscaping plan will also need to be submitted before planting of any trees, shrubs, etc., or placing of any approved fencing. (DOCCR, Article 5, part d).

5.3 One copy of all plans and related data shall be furnished to the Committee for its records. (DORC, General Use Restrictions, part 7). Plans mentioned in 5.1 shall be submitted to the Committee prior to construction approval. Landscaping plans must be submitted in compliance with 5.2, but not prior to construction approval.

Minimum Square Footage & Number of Stories

6.1 Each single-family dwelling shall have an enclosed, heated living area (exclusive of open porches, garages, and other unheated spaces) not less than One Thousand Eight Hundred (1,800) square feet on the waterfront and One Thousand Six Hundred (1,600)

square feet otherwise, regardless of the number of stories. (DORC, General Use Restrictions, part 2).

6.2 No dwelling unit should exceed two and a half stories in height above the ground. (CG-04, part 2).

Approved Exterior Building Materials, Foundation, Roofs

7.1 Exposed exterior walls composed of the following materials shall be prohibited from Stoney Point Harbor Subdivision: concrete block, imitation asphalt brick siding, imitation asphalt stone siding, tar paper. (DORC, General Use Restrictions, part 12). In addition, the following materials are prohibited: asbestos shingles, aluminum siding, imitation stone roll siding, exposed concrete. (CG-04, part 9)

7.2 No building may be erected without a solid brick, stone, covered block, stucco, or pre-cast concrete wall foundation. (CG-04, part 9 & H.O.A. Board, July 16, 2010).

7.3 Roofs (except for dormers) need no less than an eight-inch (8") pitch and no less than a twelve inch (12") overhang. (CG-04, part 6 & H.O.A. Board, July 16, 2010).

7.4 All exterior materials are to be newly manufactured and painted or treated. (CG-97, part 10 & H.O.A. Board, July 16, 2010).

No Front Loading Garages

8.1 The house front elevation should be facing, but not necessarily parallel with, the street. The house rear elevation should be facing the water if it is a waterfront lot. (C.G.-01, part 15 & H.O.A. Board July 16, 2010)

8.2 No front-loading garages (facing the street) are allowed, unless the lot width is too narrow to allow for a side-loading, garage, in which case a waiver may be granted to permit the garage to face the street. (CG-01, part 10)

Tree Buffer/Removal

9.1 Except within 20 feet of the building site, no trees of any kind in excess of 6 inches in diameter at ground level may be removed from any lot without prior approval of the Committee. (DOCCR, Article 5, Architectural Control, part c).

9.2 Except within the building site or within 20 feet of the main dwelling, no trees of any kind in excess of 6 inches in diameter at ground level may be removed from any lot without prior approval of the Committee. (DORC, General Use Restrictions, part 21).

9.3 If an Association member is notified by the A.R.C. and/or the H.O.A. Board that a tree or trees on their property need to be removed for the safety of the community, this notification shall serve as approval to remove the tree(s) without further paperwork. (H.O.A. Board, July 16, 2010.)

Setback Requirements

10.1 All improvements to the lot must comply with Davidson County setback requirements. (DORC, General Use Restrictions, part 3).

10.2 All structures shall be at least 10 feet from the side property line of any lot, except that they shall be at least 20 feet from the side property line abutting a street. The A.R.C. Committee, shall have the right to approve deviations from each of these setback requirements upon application of an individual lot owner if, for reasons of topography or well or septic approvals, strict compliance creates a hardship. (DORC, General Use Restrictions, part 3).

10.3 The front setback line (facing Stoney Point Harbor Drive) shall meet or exceed Davidson County subdivision regulations, however, notwithstanding anything herein to the contrary, said front setback line shall not be closer than fifty (50) feet to any existing or newly constructed road, unless with prior written approval of the Committee unless such restriction renders the lot not buildable. (DORC, General Use Restrictions, part 3).

10.4 Setback lines for fences and walls shall require written approval of the Committee. (DORC, General Use Restrictions, part 3).

10.5 All homes must meet setback requirements as set forth in the deed Restrictions, Homeowners' Association documentation, Davidson County and all Governmental regulations and guidelines, as well as Yadkin, Inc. requirements on waterfront lots. The Yadkin, Inc setback requirements shall serve as the setback requirements for all Stoney Point Harbor waterfront lots. (DORC, part 3 & CG-04, part 4 & DORC General Use Restrictions, part 27 & H.O.A. Board, July 16, 2010).

10.6 Each owner shall provide the Committee with a foundation survey as soon as it is made. (DOCCR, part C-V-e).

Requirements for Wells

11.1 All homes constructed in Stoney Point Harbor Subdivision must be supplied with water for normal domestic use from individual privately drilled wells, or from a public utility company, if available. Each individual owner shall locate the well drilled on such owner's lot so as to comply with all the governmental regulations regulating the minimum distance between such well and septic fields proposed or approved for owner's lot and all lots adjoining such owner's lot. Before drilling a well, each owner must submit a site plan locating the proposed building sit, drainage and repair septic field and well site. (DORC, General Use Restrictions, part 11).

Driveways and Connections to Roads

12.1 All connections of private driveways to Stoney Point Harbor road system, and all connections of private easements and right-of-ways to that road system shall be constructed and maintained in accordance with the specifications as approved by The Architectural Review Committee and must also meet all requirements for acceptance into the North Carolina state road system. (DORC, General Use Restrictions, part 5).

12.2 All driveways must be finished in concrete, asphalt, pavers or other approved materials. (C.G. - 01, part 8 & HOA Board July 16, 2010).

12.3 Driveway tile must be 15" concrete, NO plastic or PVC driveway tile will be allowed. (C.G. -04,part 22).

12.4 Driveways will be 10-12 feet wide with an appropriate approach. (HOA, September 6, 2006).

No Parking in Commons Areas

13.1 There shall be no signs, fencing, or parking permitted within the road right-of-way. (DORC, General Use Restrictions, part 6).

Home Improvements and Landscaping Improvements

14.1 The design, location, and construction of all improvements on each lot (regardless of when such improvements are made) and the landscaping of each lot must be approved in advance by the Architectural Review Committee. (DORC, General Use Restrictions, part 2).

No Excavation Other than Approved Construction

15.1 There shall be no excavation which does not pertain to the building or construction of a home. (DORC, General Use Restrictions, part 14).

Garbage Disposal

16.1 The throwing or dumping of trash, garbage, and waste materials shall not be permitted. No portion or part of any lot shall be used or maintained as a dumping ground for rubbish or other refuse. Trash, garbage, or other waste shall not be kept, except in sanitary containers screened from view from all roads, all other lots, and from the Common Property. (DORC, General Use Restrictions, part 15).

Swimming Pools

17.1 There shall be no above-ground swimming pools, unless approved by the Committee. (DORC, General Use Restrictions, part 14).

Drainage and Waterways

18.1 The interference of any stream or future waterways so as to cause pollution or stagnation in these waterways is prohibited. (DORC, General Use Restrictions, part 14).

Screening of Gas & Oil Tanks

19.1 Bottled gas containers and oil tanks shall be screened from public view. (DORC, General Use Restrictions, part 14).

Clotheslines and Satellite Dishes

20.1 No satellite dishes shall be permitted unless concealed from view from all lots and open spaces. The design of such enclosures must be approved prior to erection by the Committee. (DORC, General Use Restrictions, part 18.)

Mailboxes

21.1 Mailboxes shall be of a design, color and choice of materials as designated by the Stoney Point Architectural Committee and may not violate North Carolina Department of Transportation standards. (DORC, General Use Restrictions, part 18). The required mailbox is "The Lexington; and may be ordered from Carolina Mailboxes. An order form is provided on the Stoney Point Harbor Website. (DOCCR, Architectural Control, part 5-a; DORC, part 18) (HOA, September 12, 2008).

21.2 Lot owners may purchase an official mailbox, put it up in a temporary location during the construction phase and then move the mailbox to the designated position prior to the return of the refundable portion of the building bond. (HOA, December 9, 2006).

Billboards and Signs

22.1 Only builders' signs previously adopted by the Stoney Point Harbor Board of Directors are permitted. Signs will be 10"x15", green background with white lettering placed on a 3' high, white 2"x4," 2" down from top of the 2"x4". The builders' signs can contain the lot or job #, and the builder's name and phone number. No signs for subcontractors be allowed on a building site. Signs may be purchased from Pruett Signs (to ensure conformity), Lexington, NC. (HOA, July 7, 2007) (HOA, September 12, 2008)

22.2 For new construction, signs must be removed within two weeks of the time the building bond is returned. For improvements, signs must be removed within two weeks of completion of the construction project. (HOA, September 2, 2006).

Negligent Acts

23.1 Each owner of a lot shall be solely responsible for any repairs to a road right-of-way or other Common Property caused by the negligent act or acts of said owner, his or her invitees, agents, licensees, or guests. For these purposes, it shall be a negligent act for any building material to be unloaded on any road or road right-of-way. (DOCCR, Article II Rights and Duties of the Association and Property Owners Assessments, Section V, part c.)

Requirements for Lot Preparation Prior to Construction

24.1 Before initiation of construction, a stone driveway must be placed and maintained for use by contractors and subcontractors to minimize damage to the commons area roads. (CG-04, part 22)

24.2 Before construction begins, a port-a-pot must be placed on the lot. (DOCR, part 14).

24.3 Before construction begins, a four foot (4') orange screening barrier must be installed and maintained to minimize damage to the road shoulders. This screening is to be installed as follows: Fifty feet (50') on each side of the driveway and one hundred feet (100') across the street, the mid-section of said 100 feet to be directly across from the center of the driveway. Upon completion of construction, the orange barrier will be removed by the Contractor when said Contractor is notified by a Homeowners Association representative that their inspection is complete. (CG-05, part 21).

24.4 A trash dumpster is to be installed as soon as practical after construction begins. (DORC, part 14).

24.5 Builders are responsible for removal of construction and contractor-generated trash in the commons areas and along the roadway daily, and for cleaning the roadway immediately when debris of any kind is deposited during the construction process. This includes both the Stoney Point Harbor access road and all roads within the Stoney Point Harbor development. (DORC, part 14).

Additional HOA Board Action Relating to Architectural Review

25.1 Lot owners may act as contractor when building their private residence. (HOA, April 14, 2006).

25.2 Homeowners may place deer netting around shrubs and plants without specific ARC approval. (HOA, November 26, 2007).

25.3 The term "road bond" will be replaced with "building bond:". (HOA, June 3, 2006).

25.4 A \$250.00 Architectural Review Fee shall be paid prior to the Architectural Review Committee's receiving or evaluating an Association member's construction plans and materials. Upon approval of the plans and materials by the Committee, the Association member shall post a \$5,000.00 Building Bond. At the completion of the construction, \$3,000.00 of the bond shall be refunded to the Association member under the following conditions: the road pavement, road shoulders and common areas are determined by the Committee to have no damage. If damages exceed \$3,000.00, the Association member will forfeit the \$3,000.00 and will be responsible for any and all additional damage charges. The remaining \$2,000.00 dollars of the Building Bond is non-refundable and will remain with the Association. (HOA Board, 09-13-2009).

25.5 If an Association member decides not to begin construction after the \$5,000.00 Building Bond has been received by the Architectural Review Committee and no improvements to the property have been made, and after the Association member has given written notice to the Architectural Review Committee of that decision, the entire \$5,000.00 Building Bond shall be returned to the Association member. However, the \$250.00 architectural fee will not be refunded. Should the Association member decide to begin the construction approval process at a later date, the Association member shall pay a \$250.00 architectural review fee prior to a review of plans and materials and pay the \$5,000.00 Building Bond, \$2,000.00 of which is non-refundable. (HOA Board, November 13, 2009).

25.6 For construction of additions only, not first time primary home construction, Association members shall be charged a \$250.00 fee for the Architectural Review Committee's review of plans and materials. If the Architectural Review Committee deems the addition a major construction project requiring heavy equipment, the Association member shall be required to post a \$3,000 Building Bond that shall be fully refundable under the following conditions: no damage is done to the road pavement, the road shoulders or common area(s). When the addition is completed, it will be the Architectural Review Committee who will determine if a fee for damages is necessary and will deduct that fee from the \$3,000 bond. The remainder will be returned to the Association member. If damages exceed \$3,000, the Association member shall forfeit the bond and shall be responsible for any and all additional damage charges. (HOA Board, November 13, 2009)

25.7 Issue Resolution: If a homeowner has issues that they can't resolve with the ARC, they should contact any of the Stoney Point Harbor HOA Board Members and arrange to attend a Board of Director's meeting to present and discuss their issues. (HOA, September 12, 2008).

Revised by H.O.A. Board 07/16/2010