

# **HARBORGATE PROPERTY OWNERS ASSOCIATION ARCHITECTURAL GUIDELINES**

**PURPOSE:** To preserve the natural beauty of Harborsgate, to maintain the neighborhood as a pleasant and desirable environment, to establish and preserve harmonious design for the community and to protect and promote the value of our property. The Architectural Control Committee (ACC) is charged with the responsibility of examining, approving or disapproving any proposed new home or renovation to achieve these goals.

**POLICY:** The policy of the ACC is that construction and landscaping plans must be submitted for design approval prior to proceeding. From time to time, the ACC may modify or change any part, or all of the following guidelines with Board of Director approval. The guidelines herein replace and supersede all prior Architectural Guidelines. Those contemplating the initiation of construction and/or exterior renovation or alterations, including color changes, need prior approval from the ACC before they proceed.

**AUTHORITY:** The authority of the Architectural Control Committee is set forth in Article X of the Bylaws of Harborsgate Property Owners Association, Inc. and Declarations of Restrictive Covenants. The ACC is responsible for carrying out its duties on behalf of all members of the Association for the benefit of the total community.

**MEMBERS:** The ACC shall include a minimum of three (3) members appointed by the Board of Directors of the Property Owners Association.

**TERM:** The term of each member shall be one (1) year with no limit to the number of terms a member shall serve. In the event a member resigns his/her position, the Board shall appoint someone to fill the vacancy.

**LIABILITY OF ACC MEMBERS:** No member of the ACC shall be liable to any lot owner for any decision; action or omission made or performed by such ACC in the course of his/her duties unless such member acted in bad faith or in reckless disregard of any person. Neither the Harborsgate Subdivision Board of Directors nor the Architectural Control Committee shall be responsible or liable for any defects in any plans or specifications submitted, revised, or approved, or any defects in construction undertaken pursuant to such plans and specifications.

**FEES:** For any new construction project that requires a Davidson County building permit (excluding piers and decks), the ACC shall collect a fee sufficient to cover the expense of reviewing drawings and related data and shall collect a fee to establish a Property Damage Bond. The Board of Directors shall have the right to increase or decrease the amount of fees from time to time, as necessary.

**NON-REFUNDABLE FEE:**

\$250 – Plan Review

**REFUNDABLE FEE**

\$1,000 – Property Damage Bond

The Property Damage Bond is a cash deposit reserved for payment of any non-repaired damage to common areas, including roadways and roadsides (adjoining and across from the construction site) as a result of construction work. The Association shall be entitled to retain said deposit and apply same to any such required repair, provided the owner shall remain fully liable for all costs

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and expenses of such required repair in excess of said deposit. Photographs of the lot and common areas will be taken prior to the start of construction.

Provided no damage was incurred, the owner's deposit will be refunded at the completion of home construction, driveway installation and front yard landscaping.

**PLANS APPROVAL:** All plans for new construction or subsequent alterations must be submitted and approved by the ACC prior to the beginning of construction. In order to discharge its responsibilities, the ACC requires that you:

1. Submit two (2) copies of your home plans, specifications and site plans for review and approval in advance of construction or alteration;
2. If project requires a county permit, excluding piers and decks, submit a one-time \$250 Plan Review Fee and \$1,000 Property Damage Bond. Make checks payable to Harborgate Property Owners Association; and
3. Complete the attached Application Form and submit it with your plans.

It's important to note that submissions will not be reviewed for, nor will the ACC certify compliance with the following:

1. Building code;
2. Governmental agency requirements; and
3. Adherence to good engineering practices.

**HOUSE PLANS:** The ACC requires that you submit house plans at the scale of at least one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot, though one-fourth ( $\frac{1}{4}$ ) equals one (1) foot is preferred. House plans should include the following:

1. Floor plans as well as elevation drawing for all exterior sides;
2. A complete description of all exterior surfaces specifying material, texture and color; submitting actual samples of exterior materials, including color are highly encouraged;
3. A cross-section of walls;
4. A recap of the total number of square feet of the interior heated livable floor space; and
5. A detailed site plan at a scale of at least one (1) inch equals fifty (50) feet, showing the following:
  - a. The position of all proposed structures, including residence, garage walls, and fences, along with the setback distances of each structure from the property lines;
  - b. The location of all walls, septic tanks and drainage fields; and
  - c. The proposed location of driveway, sidewalk, landscaping details and parking areas including materials to be used and the finished floor elevation of the house.

**APPROVAL PROCESS:** The application, plans, material samples, and checks should be delivered to the Chairman of the ACC. The ACC has thirty (30) days in which to review and take action; every effort will be made to expedite the process. Upon review completion, the ACC will provide written confirmation indicating its approval or rejection along with comments. A property owner who is not satisfied with the Committee's decision has the following two (2) options:

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1. Modify the application and resubmit (the thirty-day approval process begins again with each submittal); and
2. Appeal the denial to the Board of Directors by sending written notice to the Board, and to the Chairman of the ACC, requesting a hearing. The written request must clearly state the basis for the appeal.

**ARCHITECTURAL CRITERIA:** The criteria outlined below reflect the exterior architectural elements that should be considered in the design and site plan of your home. The ACC uses these general guidelines in its review of plans.

**SIZE OF THE HOME:** A minimum of one thousand, six hundred (1600) enclosed home square footage has been specified in the Restrictive Covenants for Harbortate homes. A minimum enclosed living area is defined as those living areas that are heated, excluding garages, carports, porches, terraces, decks, attics, unfinished basements and bulk storage areas that are not heated.

**DESIGN:** The most important requirement for the house exterior is that it be in harmony with the surrounding environment. To accomplish this, the design must be sensitive to the existing natural elements as well as to the neighboring homes. The following design styles are not permitted:

1. "A-Frame" style homes with roof lines extending to or near ground level;
2. Adobe;
3. Octagonal;
4. Flat Roof Structures;
5. Trailers/Mobile Homes; and
6. Some modular styles.

**EXTERIOR SIDING MATERIALS:** Exterior material choices are brick, stone, stucco, cement board or some other commercially available materials. A home completely sided with vinyl or aluminum is not permitted. A combination of vinyl or aluminum siding with brick or stone accents, excluding foundations, may be acceptable.

**FOUNDATIONS:** Foundations must be constructed of concrete block or reinforced concrete. Exposed concrete block foundations are unacceptable. Crawl spaces or basements are required.

**ROOFS:** One of the most visible elements of any home is the roof. Its ultimate appearance in relation to the entire structure should be carefully considered. The roofing material is to be fungus resistant and be of tab or shake design. The committee will consider other materials such as metal if the texture, color and weight are satisfactory. Pitches less than 6/12 on all roof levels (except dormers) are not allowed and overhangs must be at least twelve (12) inches. The following materials are unacceptable if exposed:

1. Aluminum panel/sheeting;
2. Fiberglass panels/sheeting;
3. Steel;
4. Tar paper; and
5. Tin.

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**SOLAR COLLECTORS:** Flat integrated roof panels located on the side or back of the roof shall be permitted. Panels that are raised above the roof are unacceptable unless they blend with the roof.

**DECKS & PORCHES:** Compatibility with the architecture of the primary structure should be taken into consideration when selecting deck and porch designs. If the area is elevated to a level that creates uninhabitable space below, the lower area must be underpinned with lattice or other concealment material such as landscaping, so as to be screened from the street or neighboring property.

**EXTERIOR COLORS:** Colors of surrounding homes should be taken into consideration when selecting exterior colors. Choice of exterior paint colors, brick and mortar colors and roof colors must be submitted for ACC approval.

**GARAGES:** A minimum attached two-car garage with doors is required. All attempts should be made to orient it so that doors are screened and not visible from the street. The design should be consistent with the architecture of the primary structure. Carports or porticos are strongly discouraged.

**DRIVEWAYS & PARKING:** Driveways should be carefully located for practicality as well as overall aesthetic appearance. In some cases, it may be desirable to create a two or three car parking area, which can double as a turn-around area. Driveways must be hard surface and constructed of asphalt, concrete or brick material. Materials and a sketch of the driveway and parking plan must be approved by the ACC.

**FENCES:** Fences shall only be used to enclose areas behind a house and may be no higher than five (5) feet. Lot perimeter fencing is not allowed. Chain link, vinyl or solid fencing is not permitted. The committee encourages the use of decorative black wrought iron/painted aluminum or roughhewn woods (such as split rails) as fencing materials.

**SCREENING:** Screening in HVAC, above ground propane tanks and other service equipment, utility and garbage areas and kennels is required if they are visible from the street and neighboring property. They are encouraged to be screened by planned shrubbery and plantings or approved fencing or lattice.

**TREES:** It is realized that not all trees can be saved and incorporated into the final site design; however, extreme care should be taken to retain as many trees as possible. Removal of existing live trees greater than eight (8) inches in diameter outside the foundation, driveway and septic system footprint must have ACC approval.

**LANDSCAPING:** Proper landscaping adds the finishing touches to your home. We strongly recommend that you obtain the advice of a professional landscaper to develop the landscape plan. Basic foundation landscaping within six (6) months of a finished home is a minimum requirement to be completed before construction is considered complete. Waterfront lot owners must comply with regulations set forth by Cube Hydro Carolinas Yadkin Project Shoreline Management Plan in regard to landscaping or tree removal within the fifty (50) foot setback.

**ROADS:** No alteration or trenching of the roads will be permitted without ACC approval. Any damage or alteration to the roads as a result of construction will be the responsibility of the property owner.

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## **MISCELLANEOUS:**

1. Installation of large, obtrusive satellite dishes will not be permitted. Placement of small dishes (twenty-four inches or smaller) that are located and/or landscaped to minimize visibility are generally acceptable as long as they are not in or adjacent to a front yard.
2. Gazebos and trellises should be architecturally compatible with their surroundings and adjacent structures.
3. All outdoor structures over three (3) feet in height, excluding fences, shall be placed inside the same front, side and back yard setbacks designated for home construction.
4. Chimneys must be faced with an approved material and should complement the architectural elements of the home.
5. Dog pens and dog runs are strongly discouraged but may be acceptable if they are architecturally compatible with the surroundings and adjacent structures and they are placed in the backyard. Dog pens must be screened so as to not be visible from the street or adjoining properties.
6. Blasting within a subdivision requires proper permitting. Those responsible must meet all state, county and local requirements and will be liable for any damages. Should your property be subject to blasting, the ACC must be notified.

**OWNER/CONTRACTOR REGULATIONS:** During the course of the construction process, the owner, the owner's agent and/or the contractor will be responsible for abiding by the following rules and regulations set forth in the Architectural Guidelines:

1. The lot may not be cleared and construction may not begin until ACC approval has been granted;
2. Changes to construction that alter exterior appearance may not be made without first obtaining ACC approval;
3. Construction workers' vehicles must be parked in such a manner as not to impede traffic flow or damage property;
4. Should damage occur to roads or roadsides, repairs to return to pre-construction conditions must be made immediately;
5. At the start of construction, a portable toilet should be placed as inconspicuously on the owner's property as possible and should be positioned outside of the street right-of-way;
6. A dumpster must be onsite during the construction period and emptied regularly;
7. The lot must be cleared of debris daily during the construction period; and
8. Contractors, subcontractors, materials suppliers and/or their respective employees or associates are required to drive carefully and obey all traffic laws, including the 25 m.p.h. speed limit, while in Harborgate.
9. Contractors shall be responsible to periodically clean roads of any mud or debris

**INSPECTIONS:** The ACC may inspect the site after a house or other improvements have been field staked and before tree removal and excavation work is started. Inspections may also be made

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as work progresses. This is intended to ensure compliance with approvals granted by the committee for the protection of all concerned. Upon full completion of the project (including driveway paving and landscaping), the owner should request an ACC final inspection. Provided no damage was incurred, the owner's Property Damage Bond will be refunded.

# APPLICATION FOR NEW HOME CONSTRUCTION AND HOME ADDITIONS

(Fill in and electronically send or print and hand write form)

Lot # \_\_\_\_\_ Located at Harborgate Address: \_\_\_\_\_

## SECTION 1: REQUIRED CONTACT DATA

### OWNER:

Name(s): \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Phone Number: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

### BUILDER/CONTRACTOR:

Company Name: \_\_\_\_\_  
Builder Name: \_\_\_\_\_ License #: \_\_\_\_\_  
Address: \_\_\_\_\_  
Office Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Insurance Company: \_\_\_\_\_ Phone #: ( ) \_\_\_\_\_  
Workers' Comp # \_\_\_\_\_

## SECTION 2: REQUIRED RESOURCES BY ACC

All plans for new home construction and additions to existing homes must be submitted and approved by the ACC prior to the beginning of construction. The following items must be submitted prior to ACC project consideration:

- SURVEY PLAN

Must contain a north arrow and Scale and must show all property lines along with any road, utility or drainage easements.

- SITE PLAN

Must contain a north arrow, scale and contour lines and must show the location of the proposed structure along with setbacks, the lot number of adjacent lots (if any) as well as the location of any proposed driveways, walkways, retaining walls and/or fencing. Plan should also show location of the proposed septic leach field and repair area. The scale should be at least 1" = 50 feet.

- ARCHITECTURAL PLAN (Full Size Blueprints)

Must show each level with dwelling area square footage, building elevations of all sides, indicating materials, door and window locations, and roof pitch(es). The scale should be a minimum of 1/8" = 1 foot, though 1/4" = 1 foot is preferred.

- PRELIMINARY LANDSCAPE PLAN (professionally or owner drawn)

Must show location of sidewalks, pathways, planting beds and natural areas and indicate general type of plants, shrubs and trees to be used. If trees with trunks greater than 8 inches and that lie outside the foundation and septic system footprint are slated for removal, please show location and provide justification for removal.

### SECTION 3: EXTERIOR SPECIFICATIONS

Every attempt should be made to submit samples of roofing material, stone facing, siding and exterior paint colors. Also, please identify the material type, color and manufacturer for the following construction items.

<u>Item</u>	<u>Material Type/Manufacturer</u>	<u>Color</u>
Brick		
Stone		
Siding		
Trim and Fascia		
Windows		
Exterior Doors		
Shutters		
Driveway/walks		
Foundation Walls		
Roofing		
Chimney		
Deck(s)		
Railing(s)		



**SECTION 4: PROJECT TIMELINE**

The project is estimated to start on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Estimated completion date for the project is on th \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Proposed work hours are from: \_\_\_\_\_ AM to \_\_\_\_\_ PM

Owner's Comments to include requested exceptions to the guidelines or other information for ACC considerations. Please use back of page if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
(continue on back)

We, the undersigned, have read, understand and will comply with the April 2017 Harborsgate Architectural Guidelines. The owner(s) agree to be bound by and comply with all requirements of the Harborsgate Restrictive Covenants and the By-Laws of Harborsgate Property Owners' Association.

X  
\_\_\_\_\_  
Owner(s) Signature Date  
X  
\_\_\_\_\_  
Contractor Signature Date

**ARCHITECTURAL CONTROL COMMITTEE PROJECT SUMMARY**

The submitted application, plans, samples and other documentation, including any requested exceptions or changes noted, are hereby:

- Approved as presented
  
- Denied as presented, noting the following required modification(s) as documented on back of page.

\_\_\_\_\_  
Signature of ACC Member Date

**For Internal Use ONLY**

Application Date:	_____ / _____ / _____	Received by:	_____
Approval Date:	_____ / _____ / _____	Delivered by:	_____
Denial Date:	_____ / _____ / _____	Delivered by:	_____
Revision Date:	_____ / _____ / _____	Received by:	_____
Review Fee:	\$ _____	Check # _____	Deposited on _____ / _____ / _____
Damage Bond	\$ _____	Check # _____	Deposited on _____ / _____ / _____

**Recommended ACC Inspection/Actions**

<u>Date</u>	<u>Inspection/Action</u>	<u>Participating ACC Members</u>
_____ / _____ / _____	Initial Photo - undisturbed	_____
_____ / _____ / _____	"Stake Out" Inspection	1. _____ 2. _____
_____ / _____ / _____	Framing – Dry Inspection	1. _____ 2. _____
_____ / _____ / _____	Building Completed Inspection	1. _____ 2. _____
_____ / _____ / _____	Landscaping Inspection	1. _____ 2. _____
_____ / _____ / _____	Neighborhood Impact Inspection	1. _____ 2. _____
_____ / _____ / _____	Project Complete Photo	_____

Damage Bond Refunded on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ In the amount of \$ \_\_\_\_\_

If Damage Bond retained, state reason: \_\_\_\_\_  
\_\_\_\_\_

# APPLICATION FOR IMPROVEMENTS TO PROPERTY ONLY

(Fill in and electronically send or print and hand write form)

## SECTION 1: RESIDENT CONTACT INFORMATION

Requesting Resident:

[Home Address]

Home Phone Number: (336)

Cell Phone: (336)

E-mail address:

Date of Request:

## SECTION 2: IMPROVEMENT PROJECT

- Outdoor structure (habitable) gazebo, trellises, shed, etc
- Yard Fence Project
- Landscaping Project
- Outdoor structures (non-habitable) – cook areas, chimneys, ponds, etc

## SECTION 3: PROJECT DESCRIPTION

Please provide brief description of project to include specifics of project, compliance or exceptions to current ACC Guidelines, projected start date and duration for project and other documentation used to describe project. Also, provide simple map showing property lines, house and intended area(s) impacted by project. Attach additional page if needed.

Other attachments include:

## SECTION 4: EXTERIOR SPECIFICATIONS

Also, please identify any construction materials and color that will be used for this project.

Item	Material Type/Manufacturer	Color

We, the undersigned, have read, understand and will comply with the March 2017 Harborgate Architectural Guidelines. The owner(s) agree to be bound by and comply with all requirements of the Harborgate Restrictive Covenants and the By-Laws of Harborgate Property Owners' Association.

X

\_\_\_\_\_

Owner(s) SignatureDate

In addition, we have contacted any neighbors adjacent to our property who may be impacted by this project to notify them of the anticipated impacts and timeline for completion. The following neighbors were contacted.

Name	Address	Any Concerns	
1.		<input type="checkbox"/> No	<input type="checkbox"/> Yes
2.		<input type="checkbox"/> No	<input type="checkbox"/> Yes
3.		<input type="checkbox"/> No	<input type="checkbox"/> Yes

**ARCHITECTURAL CONTROL COMMITTEE PROJECT SUMMARY**

The submitted application, plans, samples and other documentation, including any requested exceptions or changes noted, are hereby:

- Approved as presented
- Denied as presented, noting the following required modification(s) as documented on back of page.

\_\_\_\_\_

Signature of ACC MemberDate