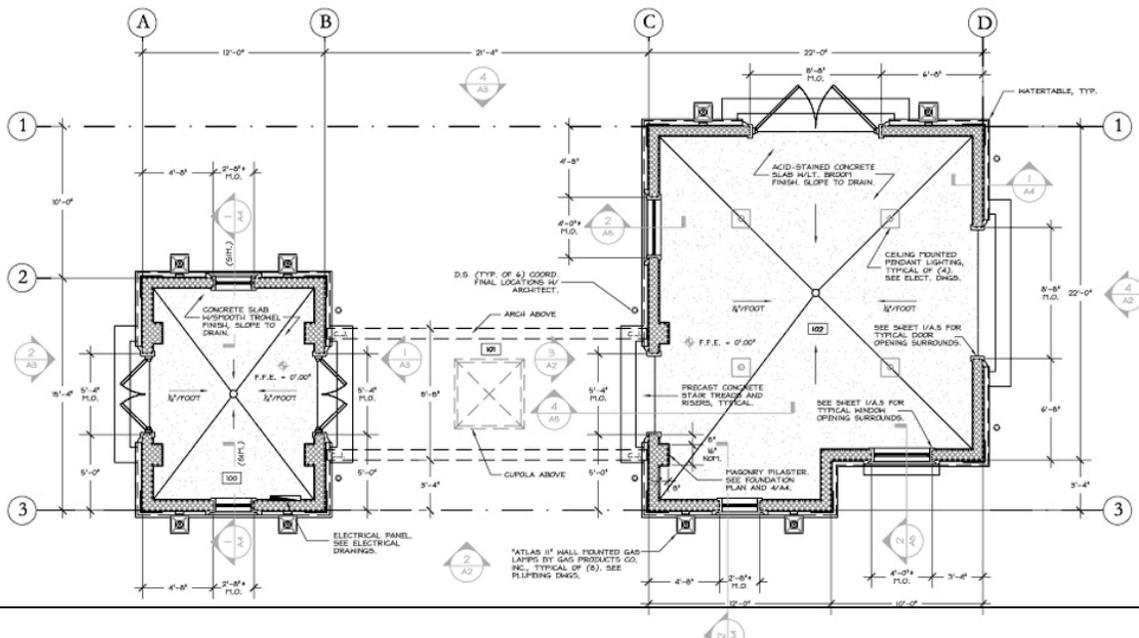
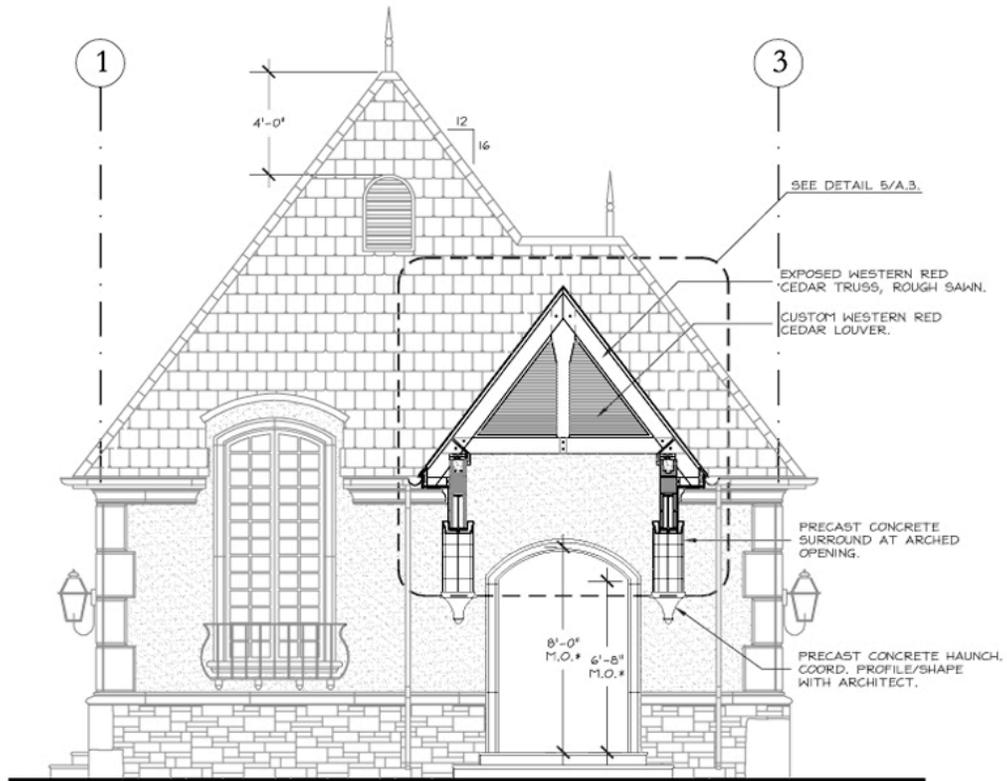


# REFLECTION POINTE ARCHITECTURAL GUIDELINES

December 2015 Edition



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# REFLECTION POINTE ARCHITECTURAL GUIDELINES

December 2013 Edition

The following are the architectural and design criteria established by the Reflection Pointe Architectural Control Committee (RPACC) on behalf of the Reflection Pointe Homeowners Association, Inc. (RPHOA) and, in accordance with the recorded “Declaration of Covenants, Conditions, and Restrictions of Reflection Pointe Subdivision” (CC&Rs).

## ARTICLE 1 - STATEMENT OF PURPOSE & INTENT:

- 1.1 **Purpose:** These Reflection Pointe Architectural Guidelines (Guidelines) provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These Guidelines have been developed to provide direction for the planning, designing, constructing, landscaping, and modifying of all residences, buildings, and structures or improvements within the Reflection Pointe community. The Guidelines set forth criteria for design, style, materials, colors, and location of site improvements, landscaping, signage, lighting, and other structures. In addition, the Guidelines establish a process for review of all proposed construction and modifications to residences, buildings, and structures to ensure that all home sites within Reflection Pointe are developed with consistency and quality.
- 1.2 **Intent:** Reflection Pointe is a custom home community. In order to preserve the unique nature of the community, homes that are the same or essentially the same as existing homes will not be approved. It is the intention of the RPACC that all structures and other improvements within the community be of the highest design quality and be planned and sited to be aesthetically and architecturally harmonious with one another and with the natural features of the land. The design of all structures shall be predicated on an eclectic European theme. Section 5.1 provides further guidance on the styles of homes that meet these criteria. To maintain a “planned look” for the community and to preserve the aesthetic integrity of the community, the RPACC may at times place a temporary moratorium on any particular style of design or building material until, at the sole discretion of the RPACC, it is determined that the referenced design or building material has been brought into balance with the community.

## ARTICLE 2 – APPLICABILITY, AUTHORITY & AMENDMENTS:

- 2.1 **Applicability:** The Guidelines shall govern all residences, buildings, and all other structures and improvements within the Reflection Pointe properties which are or may be subject to the CC&Rs. Pursuant to the CCRs, these Guidelines are not binding upon the RPACC.
- 2.2 **Authority:** The RPACC has jurisdiction over all matters relating to construction, architecture, and landscaping of new construction and modifications of the Properties as set forth in the CC&Rs. While the Guidelines are intended to provide a framework for construction and modifications, the Guidelines are not all-inclusive. In its review process, the RPACC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation among other things. The RPACC reserves the right to reject any submittal and may disapprove plans, specifications, or other materials for any reason, including purely aesthetic reasons, or because the submitted design is similar to an existing home in the community. The discretion of the RPACC shall be sufficient and binding.

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NOTE: Owners who intend to sell their undeveloped lots and include in their marketing materials a drawing or photo of a home that could be possibly be built on their lot are cautioned that the neither the home design nor the potential builder (if one is mentioned) are automatically approved. Both the design and the builder are subject to requirements of these Guidelines.

2.3 **Governmental Permits:** To the extent that the North Carolina State Building Code, Gaston County Ordinances, City of Belmont or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the CC&Rs, the government standards shall prevail. To the extent that any government standard is less restrictive, the CC&Rs and the Guidelines (in that order) shall prevail. NOTE ARTICLE 10.3 FOR SPECIAL CONSIDERATION OF SIDE YARD SETBACKS.

2.4 **Responsibility for Compliance:** It is the responsibility of the Owner and The Builder to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions. The RPACC does not review submittals for compliance with such requirements. Approval of plans and specifications by the RPACC shall not be deemed or construed to mean that improvements constructed in accordance with such plans will comply with applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions as to the structural soundness, quality, durability, suitability, fitness or proper functioning of such improvements; and any responsibility or liability therefore is hereby disclaimed. IF ADDITIONAL CLARIFICATIONS OF THIS DISCLAIMER ARE NEEDED, PLEASE REQUEST THAT FROM THE REFLECTION POINTE HOA.

Owners are also governed by the requirements and restrictions set forth in the CC&Rs, any applicable Supplemental CC&Rs, and these Guidelines. Builders and Owners will be held responsible for violations caused by subcontractors and employees of the Builder or Owner. Violations not remedied may result in reductions to the Compliance Security Deposit or Fines.

*To assist Owners and Builders in ensuring compliance with the Guidelines before incurring the full cost of preparing drawings and specifications, the RPACC provides an optional service, at no cost, to review schematic plans for compliance with the Architectural Guidelines. Begin by submitting the attached "Reflection Pointe Optional Schematic Review Request" to the Association Manager. Reference Articles 3.2 and 3.5 for further information.*

2.5 **Amendments:** Pursuant to Reflection Pointe's Covenants, Conditions, and Restrictions, these Guidelines may be revised and amended at any time by the RPACC, in its sole discretion, as needed to serve the needs of an evolving community.

### **ARTICLE 3 –PROCEDURES AND FEES:**

3.1 **Approval:** Written approval of home construction plans is required prior to commencement of any clearing, grading, or construction. RPHOA dues must be current. All other fees must be paid before submittals will be considered by the RPACC.

Where more than one lot is controlled by a single entity, approvals to commence construction will not be granted when outstanding compliance issues exist from previously approved submittals.

- 3.2 **Required Submittals:** To begin the review process, fill out and sign either the “**Reflection Pointe Optional Schematic Review Request**” or to by-pass the Schematic Review or to continue the review process after receiving comments on your Schematic plans, the “**Reflection Pointe Architectural Review Submittal One**” which are attached to these Reflection Pointe Architectural Guidelines. Review the guidelines carefully, since by signing Submittal One you agree to conform to the Guidelines. Mail, Fed Ex, or hand deliver the completed, signed Submittal One and all required fees to the Association’s property management company listed on the top of the Submittal.  
DO NOT SUBMIT ANY OTHER DOCUMENTS AT THIS TIME. YOU WILL BE NOTIFIED BY E-MAIL HOW TO MAKE OTHER REQUIRED SUBMITTALS. ALL FUTURE SUBMITTALS SHALL BE SUBMITTED TO THE RPACC IN AN ALL DIGITAL FORMAT.
- 3.3 **Architectural Review Fee:** A review fee of \$1,000.00 made payable to the Reflection Pointe Homeowners Association is required. This fee entitles the Owner up to three in-house reviews (one original and two re-submittal reviews) as well as three on site visits to observe compliance (at staking, dry-in, and construction completion once landscaping is installed). The Owner is encouraged to submit all materials at the time of the initial review, including landscape, pools, or other amenities but no later than the date requested for a dry-in inspection. Such plan submitted after the dry-in inspection require additional reviews and will require an additional \$180 fee. Any in-office review required after completion of the Construction Review shall be \$180.00 per review and any site visit required beyond those stated shall be \$180.00 per visit (including re-reviews). For minor projects such as items not requiring a building permit, the review fee is \$50.00. For additions to existing homes, not exceeding 25% of the value of the home, the review fee shall be \$350.00 and include one site review at final completion. For dock and pool reviews, the review fee shall be \$250.00 if not submitted with the original dwelling plans.
- 3.4 **Impact Fee:** A nonrefundable \$1,000 Impact Fee is required by builders to help preserve and maintain the roads, curbs and overall maintenance in Reflection Pointe due to heavy construction vehicles.
- 3.5 **Compliance Security Deposit:** A \$5,000 Compliance Security Deposit is required for builders not currently on the Featured Builders List (first-time builders). A \$3,000 Compliance Security Deposit is required of Featured Builders. A \$1,000 Compliance Security Deposit is required of the owner. Checks payable to Reflection Pointe Homeowners Association, Inc. must be included with the Reflection Pointe Architectural Review Submittal One and delivered to the Association Manager at the address noted on the form. The owner is ultimately accountable to ensure all fees are paid.

These deposits are intended to provide the Homeowners Association a ready fund to quickly correct any careless or negligent construction practices by the Builder or Owner.

If charges are made against either Compliance Security Deposit and the balance falls below 50% of the initial amount, a supplemental deposit must be made to bring the balance back to the initial level. The supplement must be submitted within 7 days of notification to the review site to the person of record on the site. If the deposit is not made within 7 days, construction must cease and the Builder’s gate access codes will be suspended. Owners/Builders will be notified via the review site or by email.

**A. Process:** Should a problem arise during construction which requires the RPHOA to take action to correct, the process described in the following paragraphs will be implemented:

**1) For problems the Builder is permitted to correct.** Before the RPHOA begins a repair that reduces a refund, the Owner will receive one notification letter stating the specific violation that must be corrected and the time table required for the correction. Where damaged areas are fully restored to the pre-construction condition by the Builder/Owner within the prescribed time period, as determined by the

RPHOA in its sole discretion, no reduction will be made to the Compliance Security Deposit for that violation. An onsite inspection by the Association Manager will authenticate the quality of the repair.

**2) For problems the Builder is not permitted to correct or is unwilling to correct:** The Association Manager will notify the Owner that the repair is being outsourced, will deduct the cost from their Compliance Security Deposit, and will send the Owner a copy of the invoice. The Owner is required to restore the funds to the Compliance Security Deposit at the time invoiced is received.

**B. Construction activities that may reduce Compliance Security Deposit refund:**

Any and all costs incurred by the RPHOA to remedy violations that occur during construction activities may reduce the amount of deposit refund. Examples include RPHOA expenditures to reseed or clean up the road rights-of-way, to repair road pavement, road shoulders and drainage swales near and in front of the subject lot, to perform maintenance on utility services and irrigation systems damaged by construction activities, to repair silt fences, to correct deficiencies in the construction of the home (including deficiencies caused by non-compliance with these Guidelines), to secure the home or the site during construction, to place a fine or lien on the home, or to supplement an incomplete landscape plan. **Damage to some systems may require repair by other than the Builder/Owner (e.g., city water system, sewer system, road surfaces, curbs, gutters).** In those cases, the Association Manager will arrange for the repair by the appropriate maintenance personnel as described above.

**C. Approval of final amount of refund:**

The Association Management company will refund the Compliance Security Deposit to the party who deposited it (Builder or Owner) in full or in part following the Construction Completion onsite review described in Article 3.11. The final amount of the deposit refund will be determined by the RPACC. If any of the CSD is withheld the reason for the deduction will be provided. Owners or Builders who contest the amount of a partial refund may attend the next regularly scheduled RPHOA Executive Board meeting to have an opportunity to present their objections to any withholding of their full refund. The Board of Directors will deliberate the final determination in a closed session and will notify the Builder or Owner of its decision in writing.

**ALSO SEE ARTICLE 9 – NOTIFICATIONS - FINES FOR VIOLATIONS**

3.6 **Schematic, Design Development, and Construction Document Submittals.** Submittals may be fully approved, approved with conditions, or rejected. See Article 3.6 for the review period.

A. **Schematic Submittal (Optional):** Owners who intend to build a home for themselves and Potential Owners\* who would like an opinion from the RPACC as to whether their desired home will meet the Guidelines are eligible for a no cost review of their schematic plans from the RPACC.

\* Qualifications of a “potential owner”: A potential owner eligible for the free review is defined as a private individual or family unit who has made a bona fide offer on a property in Reflection Pointe and would like to ensure the home they wish to build meets the community guidelines. A copy of the offer, cost may be obscured from the document, must be provided with the schematic submittal. Entities other than existing property owners intending to reside in the home they submit or other than potential owners as described herein shall submit the required fees defined on Form One to commence the review.

(1) The potential owner is responsible for the due diligence period of their contract. They should take into consideration that the RPACC will need a minimum of 14 calendar days for the review once the plans have been submitted as indicated below with all elements included. No potential owner should

base any agreement on the timeliness of the RPACC approval. See section 9.6 of the Reflection Pointe CCRs for details.

- (2) A survey showing the placement of the home on the lot with contours shown is required for any review. The RPACC has in its possession contour plans for most lots in the community. If on file, that contour plan will be made available and may be used with qualifications. (See disclaimer.) The contours are shown in two foot increments on the 2004 Reflection Pointe Street and Drainage Plans.

DISCLAIMER: The potential buyer is responsible for verifying the information in these drawings as the drawings may no longer be accurate for their particular location.

- (3) Submit elevations of all sides, adapted to the existing contours, and include all floor plans and a roof plan.
- (4) Acknowledge by signing the Optional Schematic Review Request that the efforts of the RPACC are based on a good faith effort and that there is no guarantee or warranty that the RPACC will not find unacceptable conditions at a later date after drawings are more detailed and complete that would prevent approval of the home or that could incur additional costs to construct.

**B. Design Development (DD) Submittal:** The following items must be submitted to the RPACC for DD approval: (Note that it is the responsibility of the Owner to ensure that all copyrighted documents are approved by their originator for copying digitally and submitting for the review process.)

**NOTE:** The RPACC is prohibited by law from transferring copyrighted documents to new owners should the property be sold either before, during, or after construction. The RPACC does not serve as a document storage service and will not release copies of materials it receives to current or future owners or other persons.

(1) A completed **Reflection Pointe Featured Builder Form Submittal Four** in digital format if the Builder is not already listed as a Featured Builder on community website:  
[www.ReflectionPointeOnLakeWylie.com](http://www.ReflectionPointeOnLakeWylie.com)

(2) A completed **Reflection Pointe Architectural Review Submittal Two** in digital format is required to be submitted on two separate occasions: first with the Design Development Submittal and later at the Construction Submittal. These submittals must have detailed descriptions of materials and final color selections clearly noted, including the following:

(a) **Preliminary Floor Plans and Elevations** in digital format (Minimum scale:  $1/8"=1'-0"$ , minimum sheet size 24"x36") including:

- Floor plan: Indicate all rooms, and sizes, along with square footage of the total enclosed living area.
- Roof plan showing pitch and identifying finish material (slate, shingle, metal or other)
- Elevations: Provide front, rear, and side elevations indicating building materials and finishes.

(b) **Site Plan** in digital format (Minimum scale:  $3/32"=1'-0"$  or  $1"=10'$ , minimum sheet size 24"x36" – please advise your surveyor of the minimum scale and sheet size). Indicate the required setbacks (SEE ARTICLE 4.1), easements and horizontal dimensions that locate the residence on the lot. Show all anticipated driveways, walkways, patios, decks, pools, and other recreational equipment. Show all existing contours at two foot increments, and with respect to existing contours, show the planned floor elevation of the main floor and the elevation of the garage floor.

The RPACC has in its possession contour plans for most lots in the community. If the respective drawing is on file, the RPACC will make it available to the owner and used with qualifications. The

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contours are shown in two foot increments on the 2004 Reflection Pointe Street and Drainage Plans.

**DISCLAIMER:** The potential buyer is responsible for verifying the information in these drawings, as the drawings may no longer be accurate for their particular lot.

(c) **Existing Tree Survey** – A formal survey is not required. An annotated site plan with the home shown can be used to show:

- Location and Identification of hardwood trees with a caliper of 6” or greater at the base that are 15 feet outside the boundary of the home and those five feet outside the lot boundary on neighboring lots
  - Trees to be preserved and tree protection measures
- NOTE: Trees to be saved should be marked for review at the pre-construction on-site review (Article 3.11)

(d) **Erosion Control and Site Management**

- Drainage and Erosion Control Plan, including stone driveway
- Show portable toilet, dumpster, and spoil locations

(e) **Product Literature**

Materials brochures photocopied and sent digitally for each material and color

(f) **Schematic Landscaping Plans** in digital format showing plants, shrubs, trees, etc. (Minimum scale: 3/32”=1’-0” or 1”=10’, minimum sheet size 24”x36”). Note: Submission later than Dry-In review will result in an additional review fee.

(g) **Photographs** in digital formats documenting the existing conditions of your lot and adjacent lots prior to clearing/construction. Photos shall be provided showing the following:

- a. Road surface including all pre-existing damage to curbing, road shoulder, and drainage ditch abutting the street along the entire portion of your lot, the lots to either side of your lot, and the lot across the street from your lot. **Be sure to capture any cracks in the curbing in any areas where construction equipment may eventually be parked or staged.**
- b. The entire width of the lot and its trees/vegetation as viewed from the street and as viewed from the approximate center of the lot facing the rear of the lot.
- c. Water meter and cover and low pressure sewer system cover.
- d. The entire width of the lot and its trees/vegetation, and shoreline, as viewed from the lake. (Lakefront lots only).

(h) **The contract** between the Builder and Owner (see Article 8.1.(c)).

(3) **Additional Information.** The RPACC reserves the right to require the submittal of other information, data, drawings, and samples as deemed necessary. Submit all required items as directed by the Association Manager.

B. **Construction Document (CD) Submittal.** To ensure any comments provided by the RPACC in accordance with Article 3.6 have been incorporated into the plans, the owner is to resubmit in digital format **Reflection Pointe Architectural Review Submittal Two** in its entirety to the RPACC for Final approval along with the final drawing submittal.

(1) **Final Floor Plans, Elevations and Specifications** (Minimum scale: 1/8”=1’-0”, minimum sheet size 24”x36”) including:

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- (2) **Floor plan:** Indicate all rooms, and sizes, along with square footage of the total enclosed living area. Show the finished floor elevation of the first floor. Submittals without finished floor height indicated will be rejected.
- (3) **Roof plan:** Indicate slopes, pitches, hips and gables. Show finish materials for each roof area.
- (4) **Elevations:** Provide front, rear, and side elevations showing building materials and finishes. Indicate maximum height of the principal structure and anticipated finished grades. A rendered elevation depicting material and colors of the primary façade may be requested by the RPACC for more complicated elevation schemes.
- (5) **Typical Wall Section(s):** The section should be made in a location that shows all floor to ceiling heights for all occupied spaces. (Two or more wall sections may be required) Indicate foundation condition, building materials, roof overhang, fascia, and decorative elements & other details as needed to convey the design. Ceiling heights must be indicated for all occupied levels of the home. One wall section must be cut through a typical window and a typical door.
- (6) **Final Site Plan** in (Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36" – please advise your surveyor of the minimum scale and sheet size). Indicate the required setbacks (SEE ARTICLE 4.1), easements and horizontal dimensions that locate the residence on the lot. Show all driveways, driveway aprons, walkways, patios, decks, pools, other recreational equipment, HVAC units, etc. (Include screening details for HVAC unit). Show all existing contours and finish contours at two foot increments and show the planned floor elevation of the main floor. **Curb elevation** and elevation at rear property line should be clearly denoted. **The submittal will be rejected and you will not receive approval if finished contours are not noted.**
- (7) **Detailed Landscaping Plan** (Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36"), including site grading, and showing location, size, species, quantity, spacing, percentage of native plant material, and quality of all plant material, protection of existing vegetation and other landscaping details shall be submitted for approval prior to the completion of construction. Extent of the planting beds shall be noted as well.
- (8) **Drainage Plan** (Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36"), showing the location of erosion control devices and the direction of storm water flow. Note: Reflection Pointe requires more silt fencing than is required by the city to prevent run-off into the street and subsequently into Lake Wylie.
- (9) **Samples** of all exterior materials and finishes, including paint colors, siding materials, roofing, shutters, medallions, chimneys, doors, lighting scheme, and other details affecting the exterior appearance.
- (10) **Contract (per Article 8.1(c)).**
- (11) **Other data:** The RPACC reserves the right to require the submittal of other information, data, drawings and samples as deemed necessary.

3.7 **Review Period:** Properly completed Applications which consist of all required submittals, fees, deposits, and dues, will be reviewed and a written response to the registrant will be issued within 30 calendar days of the RPACC's receipt of all materials. The letter will give the status of the submittal as follows:

“Approved” – The entire submittal is approved as submitted.

“Approved With Conditions” – The submittal is not approved as submitted, but approved with the RPACC's suggestions for curing objectionable features or segments noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit to receive approval prior to commencing the construction or alteration.

“Disapproved” – The submittal is rejected. The RPACC may provide comments.

3.8 **Submittals Retained:** All approved submittal items are retained by the RPHOA for record purposes.

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- 3.9 **Variations:** Variations may be granted in some extenuating circumstances including, but not limited to, odd shaped lots or parcels, topography, natural obstructions, hardship, or environmental considerations. Variance requests must be submitted in writing as part of the Design Development Review submittal, though some situations may arise before construction is complete that may give rise to a variance request. The applicant must state the reason for the request and propose mitigation of the variance. The RPACC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the CC&Rs or governmental regulations. No variance shall be effective unless acknowledged and approved by a representative of the RPACC. A variance given one property owner applies only to that property owner. All requests for a variance will be reviewed on a case by case basis. Decisions of the RPACC may be appealed in writing to the RPHOA Board of Directors. The Board will review the appeal with the owner at the next regular Board meeting, decide the issue in closed session, and advise the owner in writing of the final decision.
- 3.10 **Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the RPACC or the RPHOA that work completed or in progress on any site/parcel is not in compliance with these Guidelines or any approval issued by the RPACC, the RPACC shall notify the Owner and the Builder in writing of such noncompliance, shall specify in reasonable detail the particulars of noncompliance, and shall require the Owner and/or Builder to remedy the same. If the Owner and/or Builder fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be in violation of the CC&Rs and these Guidelines.
- 3.11 **Sample Board:** The lot Owner shall have installed by the time of the preconstruction on-site review and maintain through the construction completion inspection a sample board demonstrating the approved material palette for all exterior wall, roof, and trim materials. The board shall near the curb, face the street, be constructed of a single piece of plywood mounted vertically on 4x4 posts, and have the lot number in 3" high numerals on a post facing the street. The board shall be at least 32" wide and of adequate height to devote 16" vertically to each material being used on the home. The upper part of the board shall be reserved for the roofing materials which shall be installed at a 12:12 pitch with a 12" overhang distance for installation of the fascia and soffit materials. If the home has multiple wall materials, larger materials such as stone should be installed at the bottom. The builder may display on the rear of the sample board in English and in Spanish a sign delineating the permitted construction hours of article 4.32. The sign shall not be visible from the street. The sign shall not exceed the width and height of the sample board. Failure to have a complete sample board in place at the time of the pre-construction review will result in an additional review and fee of \$225 before construction may begin. The sample board may be removed after the final on-site review.
- 3.12 **On-site reviews:** Each lot Owner must request three separate reviews from the RPACC during the construction of the home.
- Pre-Construction:** Prior to commencement of clearing, grading, or construction, the Owner shall: stake-off the location of the driveway; stake the outline of the home with string lines along major walls; clearly mark all areas to be cleared, including flagging all hardwood trees to be saved that are larger than six inches (6") in diameter, as measured at the base that are 15 feet outside the boundary of the home, for inspection/approval by the RPACC. Mark with string or tape the location of the silt fencing. Install the sample board, and where practical, the stone drive. Confirm all required photographs were submitted with Submittal Two (Article 3.5A (2) g refers.) Call the RPACC to schedule the inspection. Allow a minimum (5) business days notice. Members of the RPACC will meet with you at the site. After the RPACC approves the staking, markings, and sample board, send Submittal Five to the Management Company to confirm that all the pre-construction conditions have been met. Approval to start construction will then be granted.

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**Dry-In:** Once the home has the roof, windows and doors installed, the lot Owner shall notify the RPACC for a site visit. The lot Owner shall retain manufacturers' labels on windows and doors and shall keep on site roofing material packaging for verification of the proper shingles. The landscape plan must have been submitted prior to this request or must accompany this request. Allow a minimum of (5) business days notice.

**Construction Completion:** Once the home is complete and landscaping is installed, the lot Owner shall notify the RPACC for a final site visit. Allow a minimum of (5) business days notice.

**Note – During construction, members of the RPACC may inspect the building site to ensure compliance with these Guidelines. Pursuant to the CCRs, prior notification of these visits is not required.**

- 3.13 **Time to Complete:** If no maximum time period is specified in the approval or any other agreement, construction shall be completed within twelve months of its commencement. The Applicant may request an extension of such maximum time period not less than thirty days prior to the expiration of the maximum time period. The RPACC may approve or disapprove this request in its sole discretion.

If construction is not completed on a project within the period set forth in the approval or within one year, or within any extension approved by the RPACC, the approval may be deemed withdrawn, and the incomplete construction may be deemed to be in violation of the CC&Rs and these Guidelines.

- 3.14 **Changes After Approval During Construction:** All proposed changes to structures, including changes that affect the exterior of any building, colors, windows, doors, grading, paving, utilities, landscaping, or signage, made after the final approval of plans and while still under construction must be submitted to and approved in writing by the RPACC prior to implementation. Close cooperation and coordination between the Applicant and the RPACC will ensure that changes are approved in a timely manner. If the City of Belmont or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the RPACC, the Applicant must notify the RPACC of such changes and receive approval from the RPACC prior to implementing such changes.

- 3.15 **A. Review of Modifications to Existing Dwellings (initial construction is complete):** The review of modifications to existing dwellings including modifications to the main residence or the addition or modification of other improvements on the subject property will require the submission of the applicable sections of Reflection Pointe Architectural Review Submittals One through Three based on the nature of the modification. Only one submission of forms for a modification is required, different from two submissions (DD and CD) required for new construction. The review and approval of modifications shall take place within the same time periods as required for new construction. Modifications must be scheduled and completed in a time agreed upon by the RPACC. The review fee for modifications and other improvements shall be as stated in Article 3.3.

**B. Pre-approved Modifications to Existing Homes:**

The RPACC pre-approves the following items for a home that has previously been given final approval by the RPACC:

1. Children's play equipment if it does not extend across side yard or rear yard setbacks, is screened from neighboring property with shrubs and trees and anything above six feet in height is finished in natural colors as opposed to primary colors. Play structures over eight feet (8') in height will require submittal to the RPACC.

2. Fencing may be installed in a rear yard, not forward of the front face of the home where it is wrought iron rail or black aluminum simulating wrought iron not exceeding five feet in height.
3. Garden walls composed of masonry matching the masonry of the home, or material similar to Belgard in complementary color, installed in the rear or a side yard which is not street facing, or facing a common area and is less than three feet tall is pre-approved without an RPACC submittal, providing it is installed according to manufacturer's recommendations with masonry or stone top cap and water proofing to prevent efflorescence. All front street facing and common area facing retaining walls or walls over three feet high, or walls set within the side yard setback lines require submittal to the RPACC.
4. Landscape elements may be changed providing they conform to the Landscape Guidelines of the community at the time the change is made.
5. Satellite dishes may be installed on poles with the units not exceeding eight feet in height if installed in side yards not facing the street or rear yards **AND** where they are fully screened with shrubs or trees. Satellite dishes must not extend across side yard or rear yard setbacks.
6. The addition of a patio or masonry fire place to the rear of the home which is at grade level and does not extend across side yard or rear yard setbacks as long as construction is at least two feet from the side yard or rear yard setbacks. Masonry must match the masonry of the home and the fireplace may not be more than eight feet wide nor eight feet high.
7. Extensions of irrigation systems or tying a new underground drainage system into an existing larger system, providing there is not an addition of nor relocation of a grade level discharge point, are approved.
8. Any recreation equipment to the rear of the home providing it does not extend across side yard or rear yard setbacks.

**Exception: Any modification in the lake riparian buffer area must be submitted for review. See article 6.9.**

C. **Other Modifications.** Owners of waterfront lots may choose to install rip-rap to stem erosion before a home is constructed on the lot. Depending on the method of rip-rap delivery, the reviews required and the fees assessed will vary. Adding a pool, additional landscaping, or modifying an existing dock also require approval by the Architectural Control Committee. Submit Form One to the Association manager to initiate the review. The fees listed in article 3.14D apply.

#### D. Modification Fees

Scope of Work	CSD	Review Fee
Installation of Shoreline Rip-Rap by Water	N/A	\$150.00
Installation of Shoreline Rip-Rap by Truck through Neighborhood	\$3000	\$150.00
Installation of Patio and Pool	\$3000	\$250.00
Addition to Home	\$3000	\$350.00
Major Landscaping Renovation or Work Described in 3.14 E	\$1500	\$250.00
Construct or Modify Existing Dock by Water	N/A	\$250.00
Construct or Modify Existing Dock through Neighborhood	\$3000	\$250.00

E. **Other Work:** Any work requiring movement across a curb with equipment larger than a 2000 series John Deere tractor or truck larger than 3/4 ton must be submitted for review. Include photographs of the curbing to capture any pre-existing cracks in areas where heavy equipment may transit, be parked or staged.

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3.16 **Low Pressure Sewage System Installation Fee:** In accordance with the Second Amendment to the CC&Rs, Article VII, Article 8.3, the construction, operation, and maintenance of the wastewater collection system in Reflection Pointe must conform to the rules and regulations established by the North Carolina Department of Environmental and Natural Resources and the North Carolina Environmental Management Commission. To conform to these rules and regulations, the RPHOA has contracted with Carolina Low Pressure Sewer Systems (CLPSS) to install a wastewater grinder pump unit on each. The installation residential lot at the time a home is constructed of the grinder pumps by CLPSS is mandatory and builders are to contact CLPSS at (980)722-1802 before trenching sewer or water lines. A check in the amount noted on the Architectural Review Submittal One, payable to the Reflection Pointe Homeowners Association, Inc., must accompany the Architectural Review Submittal One to cover the cost of materials and labor. The installation fee is adjusted annually to reflect changes in the Consumer Price Index. Either the Owner or the Builder may provide this payment. In the event the cost of installation exceeds the amount originally submitted (for example, because drilling or heavy equipment is required to remove rock), the Owner's account will be assessed the amount of the additional cost and this assessment is payable within 30 days.

#### **ARTICLE 4 – SITE REQUIREMENTS:**

4.1 **Setbacks:** Setback requirements from property lines are established in these Guidelines and by Specific Site Zoning and are subject to public utility easements, drainage easements, landscape easements, and rights-of-way. Typically, side yard setbacks are twelve (12) feet and front and rear setbacks thirty (30) and forty (40) feet respectively. Front setbacks are from the Right of Way (ROW), not the road curb. A setback as close as 25 feet to the ROW may be approved under special circumstances because of streetscape requirements and site contours. This variance must be approved in advance. The property Owner's surveyors should confirm all setback and right of way dimensions. All homes must meet minimum setback requirements as set forth in the recorded plat, deed restrictions, and governmental regulations. For homes located on Lake Wylie, owners must conform to the North Carolina Division of Water Quality regulations regarding the 50 foot lake buffer zone. Those rules are available at this link:  
[http://ncrules.state.nc.us/ncac/title 15a - environment and natural resources/chapter 02 - environmental management/subchapter b/15a ncac 02b .0243.html](http://ncrules.state.nc.us/ncac/title%2015a%20-%20environment%20and%20natural%20resources/chapter%2002%20-%20environmental%20management/subchapter%20b/15a%20ncac%2002b%20.0243.html).

The RPACC reserves the right to require alternate setbacks, to be determined at time of the RPACC review, to preserve particular view corridors, or to account for unusual topography, natural site features, or other extenuating circumstances. SEE ARTICLE 10.3 FOR SET BACK VARIANCE.

4.2 **Construction Fencing:** Indicate on the Erosion Control and Site Management Plan the areas where silt fencing will be installed. Immediately following the clearing of the lot, install silt fencing. Use at least 36 inch silt fencing material. Depending on the topography of the lot, silt fencing may not be required on all sides of the lot. Some steep grades may require multiple runs of silt fencing to be effective in preventing runoff into the storm drains or directly into Lake Wylie. Other erosion and sediment control measures such as straw wattles may be required if a properly installed silt fence does not adequately perform. If the Owner does not have the Builder install such fencing following lot clearing, then the ACC will install the fencing and bill the cost to the Owner. This fencing must be maintained throughout the construction period and removed at the time of the Construction Review when Compliance Security Deposit issues are reconciled unless authorized by the ACC for earlier removal.

Note: If mud is observed being tracked onto the road from the yard, orange construction fencing will be required along the curb and fully along disturbed areas.

4.3 **Sewer and Water Caps:** The Owner/Builder will be responsible for protecting sewage and water caps. If there is damage to either sewage or water caps on a construction site, the RPHOA will make repairs and deduct the cost from the Compliance Security Deposit as described in Article 3.4.A.2. If there is damage to sewer or water caps on lots in proximity to the building site, the Builder may be held responsible for that damage. In the case where there is more than one construction site in the area of the damage, Builders will bear the responsibility of their pro-rated share of the cost of repair. The RPACC will make the determination for responsibility for any damage.

4.4 **Construction Entrance and Parking:** The property Owner is responsible for placing and maintaining a stone driveway. The driveway shall be located at the same location as the finished drive and shall be comprised of a six inch (6") deep by twenty (20') feet wide by fifty (50') feet long of two to three (2"-3") inch coarse aggregate stone. The stone should be placed in a manner to provide off street parking for construction vehicles. No materials or heavy equipment of any nature are to be unloaded or stored in the road or road rights-of-way. This driveway is to be used before and during construction to minimize damage to the roads and road shoulders caused by the repeated parking of vehicles, heavy equipment, and trucks. All vehicles must park so as not to impede traffic or damage vegetation. Parking in cul-de-sacs must be done in a way to allow room for construction and delivery vehicles to pass.

NOTE: Unless the photographs per section 3.5A.(2)(g) show road or curb damage was evident before construction began, any curb or road damage where construction equipment was parked or transited shall be deemed to have been caused by that equipment. Owners will be back charged for repairs which will be completed by HOA selected contractors.

4.5 **Material Storage:** All construction materials must be kept within the property lines and street rights-of-way must be kept open for vehicular access to all sites. Temporary storage structures must receive approval by the RPACC prior to their use. Storage structures may not be used as living or office quarters.

4.6 **Vegetation Protection:** All existing trees or other vegetation shown on the plans or required by the RPACC to be preserved must be left undisturbed during construction. Prior to beginning construction the Builder must erect wire or plastic environmental barriers to protect these natural areas. It will be the financial responsibility of the applicant to mitigate or restore any disturbed areas and to keep the barriers in good repair during construction.

4.7 **Dumpster:** A commercial dumpster is required on site to keep a neat and clean construction site. No dumpster shall be placed on neighboring property without written permission of that property Owner and that letter submitted to the ACC. Fabricated wood or wire bins will not be permitted. The Builder is encouraged to utilize the services of a disposal company that is environmentally friendly by using recycling and composting techniques. In addition, the following clean up rules shall apply:

- At the end of each day on which work occurs, all construction materials must be neatly stored, and all lightweight construction debris, such as roofing paper, insulation bags, and any polyethylene or sheathing must be placed in trash dumpster.
- At the end of the day on Friday, all construction debris must be picked up and scraps such as shingles, wood, drywall, bricks, etc. must be put in trash dumpsters.
- Dumpsters must be emptied when full.

4.8 **Toilet Facilities:** Each construction site is required to have a job toilet, and it must be placed within the lot boundary and the side yard setbacks in an inconspicuous location with the door facing away from the street.

- 4.9 **Fires and Blasting:** Fires and burning are not permitted on construction sites under any circumstances. Using any explosive materials during construction (for example, to remove rock) is prohibited.
- 4.10 **Drainage:** Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff is directed to the natural drainage areas or storm drainage facilities of each lot Owner. Ensure that gutter extensions and crawl space tell-tales drain in such a manner as to preclude drainage on neighboring lots.
- 4.11 **Mailbox:** Only the mailbox type, size and color approved by the RPACC may be used, and it must be installed according to US Postal regulations. Information on the correct mailbox can be obtained by contacting the Association's Association Manager for this information (or by contacting Carolina Mailbox at 877-845-0850). Driveway reflectors and markers are prohibited. Additional mailboxes are not permitted.
- 4.12 **Driveways/Walkways:** Driveway must be constructed of broom finished concrete with the first 15' having an apron of pressed concrete, brick or stone pavers, or pavers made of cast concrete. Asphalt, gravel, and plain poured concrete driveways are prohibited. Driveways shall be constructed and maintained in accordance with the requirements of the NC Department of Transportation. A concrete culvert must be installed where the driveway crosses the drainage swale. Driveways constructed before April 1, 2008 which have a 15' apron made of broom finished concrete shall be deemed to be in compliance with the Reflection Pointe Architectural Guidelines.

To keep with the aesthetic appeal of the neighborhood and a harmonious feel throughout, all homes are required to have a walkway leading to the front door from either the street or the driveway. Walkways or patio areas must be constructed of concrete, brick, flagstone, stepping-stones, pavers made of cast concrete, or pavers made from natural materials. Walkways or patio materials shall be selected to match the appearance and style of the residence. Semi-pervious pavers are encouraged where practical but must be maintained at all times.

- 4.13 **Exterior Lighting:** RPACC approval is not required for exterior lighting if lighting is installed in accordance with the following guidelines: Exterior lights shall be conservative in design and as small in size as is reasonably practical. Exterior lighting shall be directed toward the house and be of low wattage (limited to 2,000 lumens) to minimize glare sources to neighbors and other homeowners. Lighting for walkways generally must be directed toward the ground. Lighting fixtures shall be dark colored so as to be less obtrusive. Light fixtures must complement the architectural style of Reflection Pointe and the specific home and landscaping. Lighting of walls can be achieved by use of eave or ground recessed fixtures. Landscape lighting should be concealed where possible by ground recessing or placing in shrub beds. Colored lights are prohibited, except as temporary holiday decorations. Post mounted light fixtures will be considered on an individual basis. Spillover of light on to neighboring property should be avoided, and lights should be shielded where necessary. Any deviation from the aforementioned guidelines or use of high-wattage, spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc) requires RPACC approval. The RPACC may consider the visibility and style of the fixture on the home.
- 4.14 **Flags and Flagpoles:** Yard-mounted flagpoles are not permitted on any portion of the Properties, except for flags and flag poles installed by or for the RPHOA at amenity sites. Owners may attach one official flag of the United States of America and/or one State of North Carolina flag or one official flag of the Armed Forces of the United States to their home and dock without the approval of the RPACC during daylight hours. Flag size is not to exceed 4' x 6'. No other flags are allowed.

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- 4.15 **Fountains:** RPACC approval is required for all fountains.
- 4.16 **Hot Tubs and Saunas:** RPACC approval is required for the installation of any hot tub, Jacuzzi, sauna, or spa. Any hot tub, Jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, Jacuzzi, or spa shall be located in the rear or side yard, shall be installed in such a way that is not immediately visible to adjacent property owners or the street, and shall not create an unreasonable level of noise for adjacent property owners. All mechanical equipment necessary for the operation of any hot tub or sauna must be located in the rear or side yard and shall be screened from the street and neighboring units by a fence, wall, or landscaping. That screening is to be in accordance with these Guidelines and approved by the RPACC. All issues of safety and liability shall be the sole responsibility of the property owner and not the RPHOA, its agents, or assigns. Applications for hot tubs, Jacuzzis, saunas and spas shall be accompanied by a screen or fence plan and a plot of the property with the improvements indicated thereon and evidencing compliance with the above criteria.
- 4.17 **Pools:** RPACC approval is required for the construction or installation of pools. Pools must be located in the rear yard and must be an integral part of the residence and landscape. Landscaping shall be provided around any retaining wall and such wall and landscaping must be an integral part of the overall landscape plan. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring residences/buildings by a fence, wall, or landscaping. Screening shall be submitted to and approved by the RPACC. Above ground pools are prohibited. All issues of safety and liability shall be the sole responsibility of the property owner and not the RPHOA, its agents, or assigns.
- 4.18 **Ornaments and Statues:** Lawn ornaments, statuary and outdoor sculpture must be submitted for RPACC approval in advance of installation and are prohibited in front and side yard areas unless concealed within a privacy wall. Approved ornaments installed in rear yard areas or behind a privacy wall must be placed so as to not be visible from adjacent lots.
- 4.19 **Antennae & Satellite Dishes:** No exterior antennae are allowed. One small and inconspicuous satellite dish having a diameter of 24 inches (24") or less installed upon or adjacent to any residence, not visible from adjacent properties or the street, and integrated with the residential structure and surrounding landscape, is permitted and does not require RPACC approval. Larger satellite dishes are to be mounted in the ground and shielded with evergreen plants/shrubs that conceal the dish from the street and neighbors. Such equipment shall be located as inconspicuously as possible only in side or rear yards that are not adjacent to a street.
- 4.20 **Exterior Wires & Cables:** No exposed exterior wires or cables of any kind are permitted.
- 4.21 **Propane Tanks:** Propane tanks must be installed underground.
- 4.22 **Garbage Containers:** Garbage containers shall be stored inside of the garage or screened so they are not visible from the road or adjacent property. Garbage containers and recycling bins must not be placed at the curb until after 6:00 P.M. on the day before pickup and must be removed by midnight on the pickup day.
- 4.23 **Walls & Fencing:** Walls and fencing should reflect the architecture of the residence. Maximum retaining wall height is six feet and must include a cap composed of similar material to the wall, with flashing below the cap to limit the potential for water migration into the wall and development of efflorescence. .

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Exception: The Architectural Control Committee may authorize retaining walls greater than six (6) feet and up to 10 feet so long as the provisions of Section 11.9 of the CCRs are met. The RPACC may not approve walls in every case based on aesthetic considerations within the neighborhood, and, in the case of retaining walls over six feet, certification of the plans and job site supervision by a licensed civil engineer will be required. Retaining walls shall also have foundation drains and weeps incorporated when subjected to hydrostatic pressures. Special consideration should be given to the design and placement of the wall or fence from neighboring home sites. Fencing within an adjacent home's 'view corridor' (135 degrees off the back plane of the home on both sides) where the view is of common areas, lakes, or ponds shall be visually permeable so as not to restrict the field of view from neighboring homes onto these amenity areas. See Article 10.5. No fencing will be erected or permitted to remain between the street right-of-way and the applicable minimum building setback line, as approved by the RPACC. No chain link fence will be allowed. All walls and fences, including description of materials, must be approved by the RPACC prior to installation. Any fencing and/or walls to be installed shall be shown on the site plan. No double fencing is allowed. Fencing samples must be submitted digitally to be approved by the RPACC. Approved fencing must be finished on all sides and edges.

NOTE: Retaining walls or a series of retaining walls that retain more than four feet (4') of fill are required to be designed by an appropriately licensed North Carolina professional. Copies of the design and the inspection results by either the Gaston County building inspectors or an independent inspector shall be made available to the both the owners and the ACC.

4.24 **Patios & Decks:** Patios, decks, deck railings, and deck supports shall be substantial in appearance and reflect the style and architectural detail of the residence. Decks and patios are to be constructed of materials that are generally acceptable as complementary to the residence. Decks and patios shall be designed and installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property Owners. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with applicable governmental requirements.

4.25 **Accessory Buildings:** Owners shall obtain RPACC approval prior to construction of any accessory building or permanently installed playhouses, playground equipment, doghouses, gazebos, green houses, etc. whether built during initial construction or after. Accessory buildings shall meet the following criteria:

- A. An accessory building must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. Roofing materials on an accessory building shall match those of the main residence.
- B. Any utilities servicing accessory buildings shall be installed underground.
- C. Accessory buildings generally shall be located in the rear one third of the yard as long as it does not front onto a street, shall be incorporated as an integral part of the landscape plan, shall not unreasonably obstruct any adjacent neighbor's views of the ponds, open areas, or other amenities, and must be screened by a fence or vegetation.
- D. Freestanding metal utility sheds or storage sheds are not permitted.
- E. A playhouse or playground equipment shall be considered an accessory if it measures more than 30 square feet, is more than 6 feet high from peak to ground, or is constructed on a concrete slab or footing. All playhouses and playground equipment must be located in the rear yard and screened from view from adjacent properties and the street. Playground equipment must be constructed with natural colors with no primary colors permitted that are not fully screened. Tree houses are not permitted.

F. Dog houses shall not be visible from the street or adjacent properties. RPACC approval may require screening or landscaping. Dog lots, dog runs, and dog kennels are not permitted.

4.26 **Recreational Equipment:** All recreational equipment, including, but not limited to, tennis courts, basketball hoops, and playgrounds must be approved by the RPACC prior to installation on any lot. The RPACC may require photographs or other means of illustrating the appearance of equipment. Recreational Equipment may not be located forward of the front set back. Except for basketball goals, no recreational equipment may be located forward of the back plane of the home. Basketball goals may not be located forward of the front plane of the home, and the plane of the backboard shall be perpendicular to the street. Recreational equipment visible from the street will be subject to screening on a case-by-case basis.

4.27 **Recreational Vehicles:** All boats and recreational vehicles (i.e. campers, motor homes, etc.) must be kept in a garage or in the boat storage area. No outside storage on an owner's lot will be allowed. Exception: No more frequently than once in a six month period, visiting guests of owners who travel in live-in recreational vehicles, e.g., campers or motor homes, may park that vehicle in the owner's driveway during the visit but not longer than seven (7) days.

4.28 Birdbaths, Birdhouses, and Bird-feeders: RPACC approval is not required for the installation of a birdhouse, a bird-feeder, or a birdbath in the rear yard or in a side yard behind the front plane of the house. Placement in any front yard requires RPACC approval.

4.29 **Clotheslines:** No clotheslines are permitted.

4.30 **Signs:** Reflection Pointe property Owners may place one lot marker on a vacant lot to identify the lot number. A lot marker must be made from a 4" x 4" x 4' treated lumber post and may not be stained or painted but may be sealed with a clear sealant. The top of the marker shall have a decorative copper cap. The numerals on the lot marker must be metal, each 3" tall, black in color, and run vertically down the post. Markers are to be placed at the cut line (where mowing stops) at the approximate center of the lot and extend two feet above the ground. No lot numbers may be painted on road curbs over the original lot numbers. Existing lot numbers on the curbs are being removed.

Owners may display one security sign (e.g., "Protected by ABC Security") in the front yard in a location either adjacent to the driveway or in proximity to the front entrance of the main dwelling. An additional security sign may be displayed at the rear of the home and, for homes on Lake Wylie, a similar sign may also be displayed on a dock, if applicable. In accordance with Section 11.22 of the Reflection Pointe CC&R's, no signs of any kind shall be placed or displayed in the public view on any Lot or on the Common Area without the approval of a member of the Architectural Control Committee. Political signs shall not be allowed in any case. For Sale and Realtors signs will not be approved for display. Exceptions:

(a) Featured Builders and Designers may erect one sign each (in addition to a permit board) on a building site at the start of construction. Reference Article 8.3 for specifications.

(b) Owners whose properties are on the market may:

(1) Display one "For Sale" sign (no larger than 2' X 2') inside the home in a window facing the street.

(2) Place an information box at the curb from which prospective buyers may access information about the property.

Note: If desired, the homeowner can obtain a custom, post-mounted information box through the management company for a cost-covering fee.

(c) Article 8 explains the terms "Featured Builder" and "Featured Designer" and sets forth specifications for their signs and lot markers.

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4.31 **Street Cleaning:** Builders are to ensure the streets and curbs adjacent to the construction site are cleared of gravel from the temporary driveways at the end of each work day. When work is done for the week, the streets shall be cleared of any dirt and mud that may have accumulated near their site. Any concrete spilled must be removed immediately. To uphold the aesthetic integrity of the community, streets subject to construction traffic will be cleaned on an as needed basis as determined by the RPHOA. The lots under construction at the time of cleaning will bear the responsibility of their pro-rated share of the cost of such cleaning where it is observed that dirt, mud, or concrete is tracked from the area on or near a site where construction is performed. NO WRITTEN OR VERBAL NOTIFICATION WILL BE PROVIDED.

4.32 **Permitted Hours of Construction:** In keeping with the need to maintain a safe and desirable neighborhood, construction will be limited to the following hours: Monday thru Friday: 7:00 AM to 7:00 PM; Saturday: 7:00 AM to 5:00 PM. On Sundays, limited construction is allowed from 7:00 AM to 5:00 PM, as long as no noise is heard on the exterior of the dwelling or physical construction activity of any nature on the exterior of the dwelling. No construction is allowed on the following holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving day and the day after Thanksgiving, Christmas Eve and Christmas Day. Quitting time is the time at which construction personnel are expected to depart the site. Cleanup and storage of materials for the day are to occur prior to quitting time.

4.33 **Gate Access to Reflection Pointe:** Gate access for material delivery is through the use of a Builder's code separate from the homeowner's code. It is the responsibility of the Builder to give the gate access code to delivery companies for Saturday or Sunday delivery. No material delivery using trucks over two axles will be permitted on Saturday or Sunday except for residential moving vans delivering or removing household goods and furnishings.

4.34 **Adjacent lots:** Builders are NOT to stage any equipment or park any vehicles on adjacent lots or nearby lots without written consent of the respective lot owners. A copy of this consent will be uploaded on the Charette Architects web site. Construction vehicles shall park on the construction site or on the street adjacent to the site. Once construction is complete, any adjacent lot used for such purposes will be returned to pre-construction condition.

4.35 **Delivery trucks:** Loaded delivery trucks are limited to a speed of 15 mph to minimize damage to the roads. Concrete truck loads are limited to eight yards of concrete.

Each Featured Builder will be given one access code for entrance into the community that shall be used by all of its subcontractors, no matter how many homes the Builder is undertaking at any one time. The Builder must complete the Reflection Pointe Featured Builder Application Submittal Four which will list all subcontractors before the gate access code will be issued. The Builder will be responsible for notifying the RPACC of any additional subcontractors receiving the access code. Codes may be changed and reissued at any time for control purposes.

4.36 **Wells:** All Owners are required to connect into the Water System for potable water service, and the Water System shall be the sole provider of potable water supply to the community. On Lots where irrigation from Lake Wylie is not practicable, one well may be drilled for irrigation purposes only. Bored wells do not penetrate the bedrock and are not permitted. Water from a drilled well may not be connected to the potable water supply to the residence. Wellheads must be screened with landscaping. Location of the wellhead and a landscaping plan will be required and subject to approval by the RPACC.

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## ARTICLE 5 – BUILDING REQUIREMENTS:

5.1 **Architectural Standards:** The exteriors of all buildings must be designed to be compatible with the natural site features and to be in harmony with their surroundings. The design of all structures shall be predicated on an eclectic European theme. The RPACC may disapprove plans if in its judgment the massing, architectural style, roofline, exterior materials, colors, or other features of the building do not meet these standards. No mobile home or manufactured home type construction shall be permitted. Environmentally contained off-site construction may be approved. No slab-on-grade construction shall be permitted.

- Some qualifying architectural elements of the eclectic European design are:
  - Asymmetrical massing
  - Broken roof lines (see section 5.7 for roof pitch guidelines)
  - Front facing gables or clipped gables with hip acceptable at the main body
  - Front doors with multi-pane glass
  - Multi-pane glass on front-facing windows with vertical orientation
  - Minimum 6” frieze band
  - Minimum overhang of 12” with boxed eaves
  - Window and door trim/banding at heads
  - Window heads are flat or shallow arch
  - Cove mold sills
  - Stone detail for homes wider than 60 feet.
- Styles that meet the guidelines are: French Country, Tudor, English Revival, Chateausque, Norman, New American (where qualifying elements are predominant)
- Styles that are not acceptable are: Mediterranean, Spanish, Country, Colonial Revival, Florida, Log Cabin, Second Empire
- Styles that may be acceptable: Craftsman, Tuscan (both if appropriately modified)
- Houses constructed on Lots 1, 12, 13, 176, 177, 193, 194 and 195 shall be in harmony as to color, design and materials with the stucco and stone gated entrances to the project, the approval of which is in the sole discretion of the Architectural Control Committee. Ref: CCRs 9.3e.

5.2 **Minimum Area Requirement:** Required Minimum Heated Square Footage exclusive of garages, basements, decks, porches, etc.:

One Story	2000 HSF
1 ½ Story	2,200 HSF with 1,500 HSF minimum ground floor (the half story floor shall be less than 50% of the area on the ground floor to not be considered a two story home)
Split Level	2,200 HSF with 1,500 HSF minimum ground floor
Tri-Level	2,200 HSF with 1,400 HSF minimum ground floor
2 Story	2,400 HSF with 1,400 HSF minimum ground floor

Square footage shall be measured in accordance with the definition of “AREA” stated in the International Building Code (IBC) with North Carolina amendments, to the inside face of the finished walls of the home, which is the painted side of sheetrock or finished side of wall paneling or tile. Wall structures, cavities or interior finishes do not count in area calculations.

5.3 **Maximum Height:** No home shall be over two stories in height as viewed from the street side. However, rear elevations of sloped lots may be three stories providing the lower floor is not more than 36 inches above finished grade.

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- 5.4 **Roof Slope:** The minimum roof slope over the main residence structure shall be at least six (6) vertical to (12) horizontal inches.
- 5.5 **Exterior Wall Treatments:** The materials listed below are acceptable exterior wall treatments for vertical and horizontal surfaces except where noted as prohibited. When used in combination, transitions from one material to another shall be made in an aesthetically sensitive manner such that the appearance and style of the home are consistent on all sides. Note: Long walls must have some break in the plane, windows, and a change in the wall treatment.
- At least 2 hard materials are required on the front and any lake facing side of the house. Hard materials include stone, cast stone, brick or stucco.
  - Traditional Portland concrete stucco in muted colors, natural, tinted, or painted is allowed.
  - Vinyl, aluminum siding and compressed wood (Masonite) are prohibited.
  - No straight, lapped siding on the main body of the house will be allowed. If it is used as an accent piece, the RPACC may approve it on a case-by-case basis.
  - Nichaha Sierra Premium shakes (or comparable) may be allowed. However, no elevation may contain more than 50% of this material (calculated as total surface area less windows, doors, roof, etc.).
  - Anodized, copper, or paint finishes are required on all metal surfaces including windows, flashing, drips, and caps in colors matching the approved trim colors.
  - Soffits are preferred to be of wood, stucco, wood fiber in phenolic resin, or cementitious materials.
  - Aluminum (including vinyl coated aluminum) soffits and fascia may be used when supplied in thickness of 0.019” and 0.024” respectively, or heavier. They shall be installed to prevent “oil canning” or other irregular surface conditions. Fastening details and edge treatments must be submitted with material specifications for review, and must be so displayed on the required sample board.
  - Synthetic/foam products (EIFS) are prohibited.
  - Gutters and downspouts shall be used at all eave lines unless deemed inappropriate and should be either aluminum or copper. Galvanized material is not permitted. Gutter color, if aluminum, should closely match the trim color.
  - The use of wood shall be limited to trim, accent materials, and approved decks only.
- 5.6 **Exterior Colors:** Color selections for all exterior material shall be in warm earth tones. No pure whites or primary colors may be used. Owners must submit color samples of all exterior surfaces to the RPACC for review and approval.
- 5.7 **Roofing:** Roof pitches and overhangs shall be designed for compatibility with adjacent roof profiles in front, side, and rear elevation, and may vary as dictated by architectural design. A main body minimum roof pitch of 6 in 12 slope is required, however, accent roofs (i.e. porches, dormers, etc.) may be a minimum of 4 in 12 slope, but must be consistent with architectural style of the home. A minimum overhang of 12 inches is required. Acceptable roof materials are: natural or synthetic slate, copper, dimensional asphalt shingles (architectural grade and style, minimum 260 pounds per square), standing seam metal, clay or concrete tile in a barrel, flat or “S” profile. Special considerations may be made for metal roofing on a case by case basis.
- 5.8 **Roof Accessories and Equipment:** RPACC approval is required for all roof top equipment and accessories. All roof top equipment must be placed as inconspicuously as possible and match roofing colors or be a color that complements the house. Chimneys and stack pipes visible from the street (both streets

on corner lots) shall be enclosed. Spark arrestors must be enclosed by a clay pot or other decorative chimney element to conceal the metal. Exposed flashing, other than copper, must be painted to match the fascia and trim of the structure. No exposed attachment straps will be allowed.

- 5.9 **Windows, Doors, and Trim:** Full vinyl windows are prohibited. Aluminum clad, vinyl clad, or all wood windows are permitted. Windows should be clear glass or a tinted glass in gray or smoke colors. Samples shall be submitted for gray and smoke glass colors for approval by the RPACC. Window screen fabric must be dark bronze or charcoal color. Windows shall be trimmed/banded or otherwise similarly treated on all elevations. Where arched headers are used, the windows below must be arched to conform to the framing. Filler panels are not permitted. The RPACC must approve security treatments for doors and windows; however, no “burglar bars,” steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling. Running bond brick headers on window and door openings is prohibited. Ganged windows shall be separated by mullions. Pre-mulled windows are acceptable.
- 5.10 **Screen and Storm Doors:** Front screen and storm doors are not permitted. Screening is not allowed at any exterior garage door, and RPACC approval is required for all other exterior screen door or storm door applications. If approval is requested, the design and color must match and be generally accepted as complementary to that of the actual entry doors of the house.
- 5.11 **Vents:** Plumbing vents, mechanical vents and fans, turbine type attic vents, and other similar types of vents must be painted to match the roof/wall. No vents shall be located on the front elevation.
- 5.12 **Skylights and Solar Collectors:** Skylight trim must be painted and glass must complement or match roof color. Solar collectors may be submitted for approval. These collectors shall lie flat against the supporting roof and be consistent with the architecture of the home. The collectors must be appropriate to residential use and not recreational vehicle grade or capacity. The RPACC will require specifics as to the design and construction of such collectors prior to approval.
- 5.13 **Ceiling Height:** To add to the aesthetic exterior appearance of the home, ceiling heights must be a minimum of 9’ on all floors. Wall sections must demonstrate ceiling height on all occupied floors.
- 5.14 **Utilities:** Meter boxes, gas regulator, conduit, electrical panels, etc. are to be fully screened from view from the street with evergreen shrubs or approved fencing. See Article 6.4.
- 5.15 **HVAC Units and Pool Equipment:** HVAC units and pool equipment must be located to minimize the transmission of noise to adjacent properties and must be screened from view from the street. Window air conditioning units and through-wall units are not permitted.
- 5.16 **Awnings & Overhangs:** The installation of awnings or overhangs requires RPACC approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence. Metal awnings are prohibited.
- 5.17 **Glass Block:** Glass block on the exterior of a dwelling shall be subject to RPACC approval. Glass block shall not be a dominant feature for the dwelling or elevation. All glass block located on the dwelling shall be treated similar to windows with banding and/or architectural trim. Glass block located at the front and/or rear of the dwelling shall provide a privacy wall and/or sufficient landscaping that simulates a wall to diminish the impact on the elevation.

5.18 **Screen Porches/Patios & Other Enclosures:** RPACC approval is required for the construction of covered porches, patios, and other enclosures. Such structures and their supports shall be substantial in appearance and reflect the style and architectural detail of the residence. Such structures shall be constructed of materials that are generally acceptable as complementary to the residence and be designed and installed as an integral part of the residence with rooflines that complement that of the principle structure. Any such structure must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property Owners. Structures on the street façade(s) shall be in keeping with the approved architectural theme. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements. Screens shall be either dark bronze or charcoal.

5.19 **Garages:** All residences shall have a fully enclosed garage designed to accommodate at least two vehicles when garage doors are in the closed position. Such garages shall be compatible with and complementary to the main residence in architectural style, material, and color. The garage and specifically the garage door(s) shall not be the focus of the main front façade. Front entry garages are prohibited except where the garage is a single, additional garage set back toward the rear of the home and complements the existing architecture of the home.

Garages shall be finished on the inside. Garage doors shall have a “carriage house” appearance and may be made of wood or metal. Access to the garage shall include a minimum of 24 feet (as measured at a perpendicular angle) for back-out space from the garage door to the pavement edge. Driveway pavement shall be no closer than 24 inches to the property line. Detached garages are allowed only on lots designated with an asterisk on the recorded plat only.

5.20 **Additions, Modifications, & Expansions:** Any addition, modification, expansion or similar alteration, including changes to the color scheme of a previously approved residence before construction is complete, is subject to the requirements of these Guidelines and must be submitted to the RPACC for approval. Article 3.14 addresses modifications after initial construction.

5.21 **Shutters and Window Treatment:** Where shutters are used they should match the configuration and dimension of the window they serve, even if only decorative; i.e. if the decorative shutters could be closed, they would completely cover the opening. Shutter colors should be submitted with Submittal Two. Where interior window treatments are visible from the exterior, they should be backed by a white or neutral color material so that colors do not detract from the exterior appearance of the home but rather compliment the exterior of the home as determined by the RPACC. **NO BLACK OUT OF WINDOWS IS PERMITTED.**

5.22 **Landscape Walls, Screen Walls, and Fences:** Landscape walls shall be used to retain earth and shall be constructed of Keystone Block, concrete faced with stone, stone, brick, or other permanent non-organic material approved by the RPACC. Screen walls shall be walls attached to the home to screen areas as required by the RPACC or the Guidelines (e.g., HVAC and pool equipment and in some instances, garage doors). See Article 4.23 for wall specifications. Fences shall be barriers around pools or yards to provide privacy. Fences are not permitted in yards in the front plan of the home. Fences shall be iron or aluminum rail or masonry. Wood and plastic fences are not approved. Fences are not permitted to be higher than four feet except that up to five feet may be requested and will be reviewed on a case basis. Fences shall not contain barbed wire, razor wire, or exposed electrical wire. Chain link fences are not permitted. See Article 10.5 for fence requirements near common areas and lake properties.

5.23 **Deer Screening:** Screening is allowed for the purpose of protecting plantings from deer, with the following requirements, restrictions, and limitations:

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- Stakes must be no larger than 3/4” diameter.
- Fencing must be a minimum of 20 feet from the street.
- Stakes cannot be more than 6” taller than the tallest plant(s) being protected with a maximum height of 72”.
- Stakes must be placed as close to the plants as practicable.
- Stakes must be green or brown so as to blend in with the vegetation they are designed to protect.
- Only standard, black or green deer netting or clear monofilament fishing line may be attached to stakes.
- Netting may be draped over the plants.

## ARTICLE 6 – LANDSCAPING REQUIREMENTS:

- 6.1 **Purpose:** These landscape requirements have been established to maintain the high standards of Reflection Pointe and reflect the community’s emphasis on the value of open spaces, natural land forms, and landscapes to provide a positive impact in property values, quality of life, and the overall enjoyment and benefits of outdoor living. There are three categories of trees to be planted: hardwoods to replace forest canopy, flowering trees to create interest and for bird habitats below the canopy, and evergreens to give year round color and recreate the appearance of the Carolina forest that we wish to maintain. Article 6.6 below lists the minimum requirements. NOTE: All plantings shall be placed in accordance with the guidelines provided by the North Carolina State University Horticulture Information Leaflet 8601, available at: <http://www.ces.ncsu.edu/depts/hort/hil/pdf/hil-8601r.pdf>
- 6.2 **Shade & Canopy Trees:** The establishment of trees in open areas and the re-vegetation of wooded home-sites will be required to restore over time the natural forest canopy lost during construction. Specific requirements will be reviewed on a lot-by-lot basis. Any tree removed from a landscaped lot must be replaced unless the remaining trees meet the minimum requirements.”
- 6.3 **Evergreen Foundations:** Evergreen Foundation Plantings are required to provide year ‘round accents and softening of foundations as well as to provide a backdrop for ornamental and flowering plants. Shrubs are required in areas along foundations and under windows, with exceptions for lower windows, porches, patios, and in areas where the foundations materials are an important architectural accent. Quantities will be decided on an individual basis.
- 6.4 **Evergreen Screening:** Evergreen screening is needed to conceal service and utility areas. These areas include HVAC units, electrical connections on the sides of homes, pool equipment, and, in some instances which will be considered on a case basis, garage door screening as viewed from the street. Fencing may be used to screen some of these areas (see Article 5.14). If evergreen screening is used, quantities and sizes will be considered on an individual basis but should provide immediate screening (e.g., HVAC should be concealed by plantings 4-6’ tall at time of installation).
- 6.5 **Lawn and Groundcover:** Areas should be established to control erosion in compliance with these Guidelines and all Environmental Rules and Regulations of the County and State. Front and side lawn areas that are adjacent to roads shall receive sod. Grass areas must be seeded and maintained in accordance with the North Carolina State University Guidelines for turf grass in “high profile home lawns,” as described on their website: <http://www.turf.ncsu.edu/turfselect/> for Gaston County, North Carolina.
- 6.6 **Minimum Plant Quantities and Sizes:**

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- **Ground Covers:** 1 gallon: 12-18” spread; 3 gallon: 18-24” spread
- **Hardwood Trees (including ornamentals):** 2.5” caliper (or 12 -14’) There is a requirement of one hardwood tree per 8,000 gross square feet of the lot size or any portion thereof. Hardwoods should include magnolia, oak, hickory, walnut, maple and the like, and shall be restricted to no more than two trees of the same species. At least two trees shall be planted in the front yard and one tree on a street facing side yard. Existing hardwood trees may be credited toward the required amount. More than two trees of the same species may be planted but are not counted toward the required total. Do not include the lake Buffer area in calculating the lot area or in the required tree count.
- **Evergreen Trees:** may also include the Cedars, Hollies and the like. 6-8’ height minimum
- **Evergreen Foundation Shrubs:** Minimum of 5 gallons or 24-36” tall planted 24-30” on center. 7 gallon plants may be placed 36” on center.
- **Screen Plantings:** Minimum 4-6’ for utilities or service areas; larger for garage door screening when such screening is specified.
- **Flowering trees:** Dogwoods, Weeping Cherry trees and Redbuds - minimum of two planted in the front yard and one in the side yard visible from the street.

For any of these categories, visit this web site:

<http://www.ces.ncsu.edu/depts/hort/consumer/factsheets/index.html>

6.7 **Exterior Lighting:** Refer to Article 4.13 above.

6.8 **Ornaments & Statues:** Refer to Article 4.18 above.

6.9 **Downspouts:** Downspouts must not adversely affect drainage on adjacent properties. Tubing used for additional drainage purposes must be buried underground and directed away from adjacent properties and notated on the landscape plan.

6.10 **Lake Riparian Buffer:** The North Carolina Division of Water Quality is the governing agency for the 50 foot buffer zone existing on lots on Lake Wylie. The rules pertaining to the protection and maintenance of the buffer areas are found at this link:

[http://ncrules.state.nc.us/ncac/title\\_15a\\_-\\_environment\\_and\\_natural\\_resources/chapter\\_02\\_-\\_environmental\\_management/subchapter\\_b/15a\\_ncac\\_02b\\_.0243.html](http://ncrules.state.nc.us/ncac/title_15a_-_environment_and_natural_resources/chapter_02_-_environmental_management/subchapter_b/15a_ncac_02b_.0243.html)

These rules address, among other concerns, the size and type of paths allowed to the lake, the vegetation allowed to be installed or removed from the buffer, and the restoration of disturbances to the buffer consequent to dock or path construction. During construction the Lake Buffer shall be protected by placing construction fencing along the buffer line prior to calling for the site staking review. The Lake Buffer serves as a filter for debris and fertilizer into Lake Wylie, and the rules set forth by the North Carolina Division of Water Quality must be followed. The RPACC has no authority to permit or approve any work or disturbance in this area, but may reject any planned modifications or work in the buffer area for any reason, including purely aesthetic reasons.

6.11 **Thinning of underbrush on undeveloped lots:** Owners desiring to clear underbrush from an undeveloped lot are to follow the same restrictions that pertain to the protection of the riparian buffers of the Catawba River basin (state law 15 NCAC 02B .0243). Specifically, thinning of underbrush, shrubs, and limbs up to 50% of individual tree height is permitted providing soils are undisturbed, diffuse flow of runoff is maintained, and no stems of woody vegetation greater than 3 inches diameter at breast height (measured at 4.5 feet above the ground) are removed.

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## **ARTICLE 7 – DOCK AND BOAT FACILITY REQUIREMENTS:**

For docks and Boat Facilities on lots otherwise approved for private docks and are also constructed in compliance with the Reflection Pointe Covenants, Article 11.15 Docks and Piers, the following applies:

- 7.1 Docks should be constructed only during or after construction of the main residence for that lot. Toilet facilities and off road parking are required on the lot prior to using the docks. During home construction, toilet facilities that are a portable type are adequate to meet this requirement, provided that they do not conflict with Covenant requirements stated in Article 11.16, Marine Toilets.
- 7.2 Docks should be residential in character and single level; no roof top decks are permitted. Vertical posts should be pressure treated wood. Roof material shall meet the requirements of Article 5.7, applied over wood frame construction, and attached to meet the minimum wind load required by the building code. The roof and any finishes shall match or complement the home as well as blend with the natural colors of the tree lined shore. If a metal roof is chosen, specify the color under “Other” on page 3 of Submittal Form Two.
- 7.3 The roof structure shall have hurricane clips securing the roof structure to the pile driven posts. Uplift design for the setting of the posts shall be confirmed by the contractor to meet local codes.
- 7.4 The pitch of the roof shall be no less than 4:12 nor greater than 8:12.
- 7.5 Solar Collectors: Solar Collectors may be applied to the roof when set flush against the surface of the roof. The collectors may provide heated water to pools. Where piping and pumps are required for this purpose they shall be concealed vertically in a chase to match columns and buried in the ground where applicable. Pumps shall be placed in containers to prevent noise disturbance to neighboring properties.
- 7.6 The structures should be centered as much as possible on the shore line length of the lot they serve.
- 7.7 The outermost point of construction should be no more than 50 feet from the shore, but may be extended to a point further out to achieve a draft of five feet at the lake water’s mean high elevation. Confirmation of below water contours is required for docks set greater than 50 feet from the shore.
- 7.8 Lighting shall be indirect and provide a low light level of warm white light. Positioning spot lights so that they cast a direct beam more than 45 degrees from the straight down position is prohibited (consideration shall be given to the full spread of the beam). Lights shall be on a timer or switched off no later than 11:00 pm each evening except for times permitted by the Board of Directors of Reflection Pointe. A light at the end of the dock that is concealed from view from adjacent land may remain on during the night hours. Reflectors are encouraged for placement at the end of the docks.
- 7.9 Shore stabilization shall conform to the requirements of the North Carolina Division of Water Quality, and an owner may elect to stabilize the shore on a lakefront lot before construction on the home begins (see articles 6.9). In this instance, the plan for the stabilization is to be submitted to the ACC for review in accordance with Article 3.3. If the stabilization material is to be delivered by truck, photographs of the curbing in accordance with article 3.5Ag. are to be submitted, and a separate \$1500 Compliance Security Deposit will be required. A similar deposit may be required for instances of modifications to landscaping on an established lot. See article 3.14 C and D.

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- 7.10 All proposals for dock construction shall be approved by the Reflection Pointe Architectural Control Committee and may be denied simply because the dock or structure may block the view corridor to the lake from neighboring properties. The Architectural Guidelines require that all fees for the construction of the home must be submitted to the Association Manager prior to issuing approval for construction. Submitting dock plans to commence construction ahead of the submittal of plans for the home shall follow payment of all fees for the construction of the home.

## **ARTICLE 8 – FEATURED BUILDERS AND DESIGNERS - DEFINITION AND BENEFITS.**

- 8.1 **Featured Builders:** As required under Articles 9.9 and 9.10 of the Reflection Pointe CC&Rs, the RPACC has established a list of “Featured Builders” who are permitted to construct homes within the Reflection Pointe Community. Though neither the RPACC nor the Reflection Pointe Board of Directors endorses or promotes any Builder on the Featured Builder list (FBL), the RPACC wants to encourage and retain quality builders in the community. Both the HOA Board and the RPACC have the discretion to add a builder from the list of Featured Builders on its own initiative or in response to a request from an owner. Therefore, an owner may request a builder not on the FBL be permitted to build his/her home if that builder meets the requirements listed below. If the ACC concurs, that first-time builder will be added to the FBL in a probationary status but will not be retained on the Featured Builder’s list until, in the sole discretion of the ACC, he/she has successfully completed the initial project. The builder will not be approved for a second project until the first home is given final approval at the end of construction.

NOTE: The selection of a Featured Builder by an Owner shall be conclusive evidence that such Owner has completed his/her due diligence and is independently satisfied with regard to any and all concerns such Owner may have about the Featured Builder's work product, knowledge, skills, abilities, and/or specifications to complete the home to the Owner's satisfaction.. Owners shall not rely on the advice or representations of the Architectural Control Committee, or the officers, directors, consultants, or members of the Reflection Pointe Homeowners Association in that regard.

Builders are required to meet the following conditions to apply for and/or remain on the Featured Builders list.

- (a) The Builder must complete and update at the beginning of each new project the Reflection Pointe Featured Builder Application Form (Submittal Four) to acknowledge his/her references and recent history of successful construction of homes similar to those permitted by the Guidelines. Previous homes built in Reflection Pointe may be included in this list which is subject to review by the PRACC. Builders must also verify continuation of insurance coverage in accordance with Article 8.5.
- (b) For each new project, the Builder is required to pay requisite fees and sign Submittal One to signify that he/she understands and agrees to abide by the Guidelines and also agrees to work cooperatively with the RPACC to resolve any violations of the Guidelines that occur during the course of construction.
- (c) The Owner or the Builder must provide the RPACC a copy of the fully executed contract for construction between the Owner and the Builder to show that a properly licensed contractor who is also on the approved Featured Builders list is the entity performing the work in the community. To prevent divulging proprietary information in the contract, the contract submitted may conceal the price. However, the terms of the contract and names and addresses of the parties to the contract should be clearly shown. A digital photocopy of the contract should be provided to the RPACC with Submittal Two. Approval to start construction will not be granted until this document is received.
- (d) Builder must possess an intermediate or unlimited contractor license issued by the State of North Carolina. The Builder shall also provide the name of the 'Qualifier' if different from the

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person identified in the firm name. The Builder shall warrant all work performed on the subject home in Reflection Pointe but may elect to have a qualified job superintendent manage the day to day activities of the project. The qualifications of the superintendent shall be provided to the RPACC with Submittal Four as noted in Article 8.1(a).

- (e) First-time builders, if added temporarily to the FBL, will not be retained on the Featured Builder's List until after they have completed their first project in accordance with these Guidelines. Once the ACC notifies the owner that his/her first-time builder is both acceptable to the ACC (and meets the qualifications to build in Reflection Pointe, the builder is added to the FBL prior to signing the first contract with the owner and is removed from the FBL immediately upon signing that contract. The builder is allowed to complete that first contract though no longer on the FBL. Once the home is completed satisfactorily, the builder may be added again to the FBL. In this manner, the ACC executes the probationary period in accordance with the CCRs which state 1) a builder must be on the FBL as a condition to commence construction and 2) builders may be added or removed from the FBL in the sole discretion of the ACC.
- (f) The ACC will notify HOA Board if the ACC deems it appropriate to deny access to the FBL for a first-time Builder. The HOA Board may override the ACC's recommendation to deny access and add the Builder to the FBL.
- (g) Featured Builders and first-time Builders must agree to the terms of the Builder's Compliance Security Deposit procedures as described in articles 3.4, 9.1, and 9.2 of these Guidelines.
- (h) Featured Builder and first-time Builders must pay the Compliance Security Deposit with checks written from his/her business accounts.
- (i) Removal from or failure to be added to the Featured Build List (FBL). The ACC can remove a Builder from, or in the case of a first-time Builder, deny addition to the FBL if the ACC loses confidence in the builder's ability to perform in the best interests of the community. Factors the ACC considers in its determination include, but are not limited to the following:
  - Written complaints from an owner (per Section 9.9 of CCRs) regarding violations of the Guidelines
  - Verification by enforcement authorities of a violation of local building codes which the Builder fails to correct any municipal, state, or federal law or regulation which the Builder fails to correct.
  - Failure to maintain required insurance
  - Failure to name Reflection Pointe HOA as Certificate Holders on all required insurance policies (Article 8.4)
  - Commencing construction before ACC approval
  - Failure to complete construction in the allotted time
  - Misrepresentations made to or about the ACC or HOA Board
  - Not providing adequate supervision of a job such that damage, either cosmetic or otherwise, occur to the community or to another owner's property
  - Making a change to plans, construction methods, or materials without ACC approval
  - Using non-approved materials
  - Entering into a contract with an owner without providing management of all aspects of the work on the home, including landscaping (excludes pools and docks)
  - Significant contractual or monetary disputes, either in number or amount
  - Constructing a home or a dock or a dock in an unapproved location
  - Violating buffer rules
  - Clearing live trees not approved for removal

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- Impacting the community storm water system adversely through negligence
- Use of gate code by personnel other than Builder and sub-contractors
- Use of HOA common areas by any personnel, i.e., pool, marina, boat dock
- Trespassing on privately owned lots (includes staging materials on neighboring lots without written approval)
- Behavior by the Builder or his subcontractors which results in intervention by law enforcement
- Damage to roads or community amenities without making necessary, timely or quality repairs.
- An accumulation of three of the Guidelines violations cited in article 9.2 below in a one year time frame
- Falsifying any required document (e.g., insurance or contractor license)\*
- Threats or acts of violence against anyone\*
- Possession or distribution of illegal drugs while within the community\*
- Discharge of a firearm in Reflection Pointe (also a violation of Belmont city ordinances)\*
- Commission of felonious acts (e.g., theft)\*
- Hunting in Reflection Pointe without approval\*

\*Major violations

- (j) If the ACC receives a complaint from an owner, the ACC may meet with the owner if necessary to ensure the allegations are fully understood. A copy of the complaint will be forwarded to the HOA Board of Directors if deemed valid.
- (k) Once the ACC determines that a builder has met one or more of the criteria for removal from the FBL, the ACC will notify the builder in writing of his/her non-compliance.
- (l) The ACC will schedule a meeting with the builder at which time the builder may address the issues and explain why he should not be removed from the FBL. The builder may bring legal representation to the hearing.
- (m) The ACC will recommend one of the following options: Retention on the FBL or Removal from the FBL.
- (n) If the ACC recommends by majority vote retention of the builder on the FBL, no further action is required.
- (m) If the ACC recommends by super majority vote (equal to or greater than 2/3 of the members) for removal of the builder from the FBL, the recommendation of the ACC will be sent to the HOA Board of Directors for review. The HOA Board may accept the ACC recommendation or may conduct a subsequent hearing. If an HOA Board hearing is convened, the Builder may address the issues and explain why he/she should not be removed from the FBL.
- (n) The HOA Board may vote to have the ACC remove a Builder from the FBL by a super-majority vote of 2/3 of the then-current number of officers. The decision of the HOA Board to retain the Builder on the FBL or to remove the Builder from the FBL is binding. The ACC will notify the Builder of his/her status.
- (o) A Builder removed from the FBL may complete the projects for which he/she had been previously approved to start but will not be approved for any further projects. Reference to the Builder's previous projects will also be removed from the FBL. Any advertising that states she/he is a Featured Builder must be discontinued immediately (signs, web site advertisements, etc.).
- (p) A Builder may be removed from the FBL without Board action upon request from the Builder, on upon confirming the Builder no longer desires to build in Reflection Pointe, or if the Builder is no longer in the construction business or if the Builder has not built a home in Reflection Pointe for a period of 24 months.
- (q) Any Builder so removed may reapply to build in the community at a later time.

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## 8.2 **Featured Designers:**

Featured designers are architects and designers who are familiar with the designs accepted in Reflection Pointe and may have experience in designing similar homes or landscapes in other communities. Designers who do not have the requisite skill to provide drawings meeting the thematic and technical requirements stated in these guidelines may cause significant delays in the approval of your home. Submittal Form 4B is an optional form to help owners facilitate both the approval and the building process. The form allows the owner's chosen designer(s) to document to the owner that they have read and understand these Guidelines and, if applicable, to document similar designs they may have created. The form also serves as the application for the designer to list his licenses and to be added to Reflection Pointe's Featured Designer list.

Featured Designers may place one "approved" sign with identifying information on a construction site after the Builder has received written approval of home construction plans submitted to the RPACC in accordance with Article 3.1.

- 8.3 **Featured Builder/Designer Sign Specifications:** The Featured Builder and Designer may erect a company sign that states the company name and contact information; it may also display the company logo. The sign shall be no larger than 3 feet by 3 feet; no sub-contractor signs are permitted. No subcontractor or vendor signs are permitted, and no signs may be placed on trees. A Featured Builder/Designer sign must be removed within 120 days after issuance of a Certificate of Occupancy or thirty days after the sale of the home to the first resident, whichever is later.

## 8.4 **Insurance Requirements for ALL BUILDERS:**

Builders are a crucial element in the integrity of the subdivision and therefore fall within the scope of regulation by the RPACC. The RPACC will confirm that Builders are licensed and meet the minimum insurance requirements listed herein. However, any and all qualification of a Builder is the sole responsibility of the property owner. Evidence of insurance shall be provided with Submittal Form One.

With regard to all activities conducted under these Guidelines, Builder, or owner building own home shall carry public liability insurance with a minimum AM Best rated insurance company whose minimum score is B+ (or equivalent) and is licensed to do business in the State of North Carolina and is satisfactory to the Reflection Pointe Home Owners Association Board of Directors. The limits of public liability (including products and completed operations liability) shall not be less than \$2,000,000.00 per occurrence, combined single limit for bodily injury and property damage subject to an annual aggregate of \$2,000,000.00 applicable to products and completed operations liability. Builder will arrange for the Reflection Pointe Home Owners Association, its Board of Directors and its agents to be named as "Certificate Holders" on such liability insurance.

**NOTE:** An owner building his/her own home need not be added to the list of Featured Builders, but the owner must possess an intermediate or unlimited contractor license issued by the State of North Carolina. See article 8.1 d.

During the term of these Guidelines, Builder shall keep all homes fully insured during construction against loss of damage by "all risk" perils, including but not limited fire, vandalism, malicious mischief, casualty and all other available extended coverage insurance in a sum not less than 100% of the full replacement value of the insured property. Said policies are to be written by companies licensed to do business in the State of North Carolina. All proceeds from any loss shall be used by the Builder to replace or restore the inventory homes to their original condition.

In the event that a home is destroyed or damaged in whole or in part, and in the event there are insurance proceeds in excess of the costs needed and used to restore the inventory home to its original condition, then such excess shall become the sole property of the Builder. And deficiency in monies needed to restore a home to its original condition shall be paid by the Builder.

During the term of this Agreement, Builder shall secure and maintain in effect and at its expense insurance of the following kinds and limits to cover Builder's employees and all locations of the Builder's operations in connection with work on the Builder's projects:

1. Workmen's Compensation with Statutory limits of liability, and
2. Employer's Liability with a limit of availability of at least \$2,000,000.00 per accident.

In compliance with the requirements herein, at the time Submittal Form One is delivered to the Association Manager, copies of all policies required pursuant to these Guidelines shall be provided, together with evidence of payment thereof, including an endorsement which states that such insurance may not be changed, altered or cancelled, except upon thirty days prior written notice to the Reflection Pointe Home Owners Association Board of Directors.

## **ARTICLE 9 – NOTIFICATION – FINES FOR VIOLATIONS**

- 9.1 **Notification:** Whenever a violation of any provision of the Architectural Guidelines or CC&Rs of Reflection Pointe occurs, the RPACC, through the review site, will notify the person of record of the violation.

The notifications will state the violation, the amount of fine and give the Owner/Builder ten (10) days in which to remedy the violation on the first occurrence of a violation. In the event the violation is not remedied within the ten (10) day period, the RPACC may levy fines in accordance with the provisions of the North Carolina Planned Community Act and the Reflection Pointe CCRs. The amount of the fine will be deducted from the Compliance Security Deposit. The ACC may use funds from the CSD to correct a deficiency if the violation is not corrected in a timely manner.

Note: A courtesy phone call or email may be sent to the builder at the discretion of the ACC in lieu of a violation notification.

- 9.2 **Fines for Violations:** In accordance with CCR Article XIV Article 14.2 item j -1, fines for owners who violate the provisions of the Architectural Guidelines, will be in accordance with the policies stated in the CCRs and in accordance with the provisions of NC General Statutes, Chapter 47F, the North Carolina Planned Community Act.

If Owner/Builder occupies or uses a structure for which a letter of compliance from the RPACC has not been resolved to the satisfaction of the RPACC, the fine for the violation up to \$100.00 per day for each day of such occupancy from the Compliance Security Deposit.

Builders found to be violating provisions of the Architectural Guidelines shall be fined as follows:

- Allowing trash to accumulate on the site and or spill over onto neighboring properties, or for leaving mud on the street at the end of the week: \$100 per day.
- Failure to maintain the silt fence allowing silt to discharge into the community storm water system, \$200.00 per day, which may be increased if additional remediation is required.
- Working outside of permitted hours on any given day: \$100 per hour or fraction thereof.

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- Violating the Sunday or holiday working restrictions (Article 4.32): \$500 per day.
- Trespassing on private lots or common areas (e.g., marina, pool): \$100 per incident
- Storing equipment on adjacent lots or on common areas without written permission of owner/ACC: \$100 per day.  
Use of gate code by personnel other than Builder and Sub-contractors: \$100 per incident and administrative costs to issue a new gate code .
- Commencing any construction activities prior to the review and written approval of the Architectural Review Submittal by the RPACC: \$500.00. Additional fines could be assessed if construction continues without RPACC approval.
- For a major violation cited in article 8.1above, \$1000.00.
- For speeding by Builders or their sub-contractors: \$100.
- Other violations of the Guidelines not mentioned herein, fines will be levied at the actual cost of the corrective action plus any HOA expense.

## **ARTICLE 10 – COMMUNITY OBSERVANCES**

### **10.1 Common Areas**

Except with the prior written permission of the RPACC, Builders and subcontractors are not allowed in the Common Areas or allowed to cross any Common Areas that are not paved streets.

### **10.2 Speed Limits**

The speed limit in Reflection Pointe is 25 miles per hour (MPH). To minimize road damage, the speed limit for loaded concrete trucks, large material delivery trucks, and loaded moving vans is 15 MPH.

### **10.3 Automatic Zoning Variance – Side Yard Setbacks:**

The Declaration Of Covenants, Conditions And Restrictions For Reflection Pointe, (“CCRs”) recorded in Book 3843 Page 399 Gaston County Public Registry are applicable to this community. The Platt shows a side yard setback requirement of 15 feet. However, subsequent to the recordation of this Platt, the Reflection Pointe Subdivision was annexed into the City of Belmont. The Belmont Zoning Ordinance allows a side yard setback for all lots in Reflection Pointe to be 12 feet. The RPACC will approve plans submitted with side yard setbacks of 12 feet instead of 15 feet, as permitted by the Belmont Zoning Ordinance. The RPACC and the Reflection Pointe Home Owners Association accepts neither liability nor responsibility to the owners or any other party by reason of approving submittals based on current City of Belmont Zoning Laws. As such, each property owner must take the full responsibility for any and all liability for encroachment into a fifteen foot side yard setback originally noted on the Platt.

### **10.4 Special consideration for Asterisked lots (as noted on the recorded Platt):**

The asterisk on the Reflection Pointe recorded Platt indicate lots where the lake is considered the front of the lot. According to Zoning Ordinances in the City of Belmont, the front of a home must be no greater than two stories and cannot have screened enclosures. The RPACC was able to obtain a concession for these lots to permit three story construction and screened porches on lake front sides, as long as the lower floor is no higher than three feet above grade and there are no other accessory structures placed on the lake front side except for an approved dock. Also, the home must not appear to be a slab on grade from the street side. See also Article 5.19 for considerations given garages on these lots.

### **10.5 Special provisions for the protection of View Corridors:**

Lots on the lake or connected to public open spaces will be limited with respect to their placement to protect the view corridor of neighboring lots, even un-built. The limitations are intended to protect the

interest of all property owners in these areas by ensuring that a later arrival will not place their home to restrict their view of the amenity. Generally, the view corridor will extend from the corner of each home at an angle of 135 degrees off the back plane of the home. Fences and landscape encroaching into the view corridors will be restricted as well in terms of types and locations. Generally, the first home in an area will be used to set the standard for subsequent homes. In the case where lot lines are not perpendicular to roads or lakes, the strict rules may not apply. But the intent to preserve view corridors will be administered as fairly as reasonably permitted, and at the sole discretion of the RPACC.

**10.6 Special Consideration for Homes attempting to achieve Leadership in Energy and Environment Design (LEED®) Certification.**

To encourage environmental sustainability and reduce the “carbon footprint” of our homes, the RPACC will give special consideration to homes attempting to achieve a LEED® Certification. To obtain consideration the owner must submit a variance request for any departure from the requirements stated in this document and show how the requested variance will assist in achieving “points” toward the certification. The LEED program is administered by the US Green Building Council. The participation by the RPACC will be limited to review of aesthetic issues with respect to the home and the grounds and not on the performance of the design with respect to its energy or sustainability objectives or suitability of materials or methods of construction.