

# FOXCLIFF ESTATES SOUTH

## ARCHITECTURE & CONSTRUCTION STANDARDS

The Foxcliff Estates South Homeowner's Association (FESHA) Board of Directors presents these Architecture and Construction Standards for both current property owners and new construction by new members of the Association. Our covenants, in Article III (Property Rights), Section 1 (Residential Use) and Section 7 (Approval Required by Building Control Committee) are the baseline requirements and procedures for new construction as well as repairs, remodeling and renovations.

The Board of Directors is proud of our community and works hard on your behalf to build and improve upon that pride. Using architecture and construction standards ensures preserving the value of our investment in our homes and the community. These ARCHITECTURE & CONSTRUCTION STANDARDS apply equally to current homeowners and new construction.

For new construction, we want to provide a community entry that will be warmly and fondly remembered. As you initiate your construction activities, we stand at the ready to assist you in every effort that we can in order to ensure your entrance to the community and your construction experience will be pleasant and harmonious. For current home owners, we want to ensure that your investment is not degraded by construction, repairs, remodeling, and renovations etc. that do not meet community standard.

Any construction, repair, remodeling, renovation, or other activity affecting the exterior appearance of the property must be approved in writing by our Building Control Committee. Plans should be submitted to the Foxcliff South Office Manager who will log them in with a date stamp. The Building Control Committee makes every effort to review the plans in a timely manner and to provide approval in writing to the submitter. One way we believe we can help you after submission and approval of your plans, is to conduct a PRE -CONSTRUCTION MEETING with you and your builder. This meeting gives us a chance to meet with you and your builder in order to provide a full explanation of our ARCHITECTURE & CONSTRUCTION STANDARDS as well as provide you copies of our governing documents. We want to ensure that you understand what the "can do's and cannot do's" are of construction in Foxcliff Estates South.

Congratulations and welcome to our new members! We look forward to your joining our community. For current members, we appreciate your working with other members of the community to keep Foxcliff South an outstanding community and neighborhood.

Sincerely,

The Foxcliff Estates South Homeowner's Association Board of Directors

## Foxcliff Estates South Homeowner's Association

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## **INTRODUCTION**

The ARCHITECTURE & CONSTRUCTION STANDARDS were developed to protect your interests, the interests of your builder and the interests of the homeowners and community of Foxcliff Estates South. By protecting these interests, we, the Foxcliff Estates South Homeowner's Association (FESHA) Board of Directors, believe current home and community asset values will be preserved and enhanced in the future.

A second reason the ARCHITECTURE & CONSTRUCTION STANDARDS were developed is to ensure your entrance into the community, through the construction or repairs, remodeling and renovations of your home, to be a pleasant and harmonious experience; an experience devoid of misconceptions and misunderstandings.

For your convenience, we have divided the ARCHITECTURE & CONSTRUCTION STANDARDS into two (2) sections. There is the PRE CONSTRUCTION SECTION and the CONSTRUCTION SECTION.

The PRE-CONSTRUCTION SECTION of the ARCHITECTURE & CONSTRUCTION STANDARDS provides all information that occurs in the pre-construction phase of building your new home or repairs, remodeling and renovations of existing homes. We each have mandatory requirements that we must satisfy prior to your receiving Board of Directors approval to move on to the CONSTRUCTION SECTION activities of actual construction. Each of these requirements is spelled out in this section.

The CONSTRUCTION SECTION of the ARCHITECTURE & CONSTRUCTION STANDARDS governs the activities of construction of your new home or repairs, remodeling and renovations of existing homes from groundbreaking to the completion of your primary landscaping plan.

We intend these ARCHITECTURE & CONSTRUCTION STANDARDS to help relieve your concerns of what the community will and will not accept when it comes to the construction of new homes or the exterior repairs, remodeling and renovations of existing homes.

## **NOTICE OF AUTHORITY**

The Board of Directors of the Foxcliff Estates South Homeowners Association (FESHA) holds and has sole authority to approve or disapprove properly submitted new home plans or plans for the exterior repairs, remodeling and renovations of existing homes, or grant or not grant waivers upon any or parts of, any construction related requirement, rule or matter in regards to proposed new home construction or repairs, remodeling and renovations to the exterior of existing homes. The Board of Directors of FESHA will, when necessary, supersede any permissions approved by the Building Control Committee when, upon discovery, those permissions do not adhere to any or all architecture and construction standards, rules or waivers previously approved or granted by the FESHA Board of Directors.

## **ARCHITECTURE & CONSTRUCTION STANDARDS**

### **PRE CONSTRUCTION SECTION**

This section governs and guides all activities of a pre-construction nature. It is designed to acquaint you with the ARCHITECTURE & CONSTRUCTION STANDARDS, other governing documents of the community and provide a checklist of mandatory activities that must be met and approved prior to moving to the next ARCHITECTURE & CONSTRUCTION STANDARDS section.

For new construction and repairs, remodeling and renovations, requirements of the PRE CONSTRUCTION SECTION of the ARCHITECTURE & CONSTRUCTION STANDARDS includes a mandatory pre-construction meeting between the homeowner, the prospective new home builder and a representative from the FESHA Board of Directors. The FESHA Board of Directors member will conduct the meeting and will explain, in detail, all of the ARCHITECTURE & CONSTRUCTION STANDARDS, the role of the FESHA Building Control Committee and its duties, the Rights of the home owner and builder and the Rights of FESHA in relation to construction. A task accomplishment checklist that you, your builder, and the FESHA Board of Directors member will sign will guide these detailed explanations.

### **GENERAL REQUIREMENTS AND RULES**

Requirements, rules, items or conditions not expressly stated or provided for in these ARCHITECTURE & CONSTRUCTION STANDARDS by oversight or unintentional omission by FESHA **does not** constitute tacit approval by the FESHA Board of Directors for the homeowner or builder. Should such a situation arise during any construction phase, it is incumbent upon the homeowner and builder to bring that situation to the attention of their assigned construction monitor who

will, in turn, present it to the FESHA Board of Directors for resolution. These written requirements take precedence over notes or addendum not specifically approved.

- Homes shall be built in accordance with all state and local building codes and will be first class, single family dwellings utilized for that purpose only.
- Plans will be considered only when proposed for a lot that is in good standing with the Association (no monies owed).
- From the date of groundbreaking, new homes of less than 4,000 square feet of living space shall be completed within ten months; those of 4,001 and more shall be completed within twelve months, including completion of primary landscaping.
- The design of all proposed homes shall be visibly appealing, be distinct, be of first class custom design and shall blend with existing homes in the immediate proposed construction location and the community.
- For new construction and any change to the existing footprint of an existing home, a licensed surveyor will perform a stake survey of the property boundaries and improvement locations and provide an affidavit of said survey. This affidavit shall be attached to the construction plans.
- A refundable construction bond, paid via cashier's check is required as follows: 1) new homes, \$4,000 **paid by the builder**, 2) extensive repairs, remodeling and renovations or additions of 300 square feet or more, \$1,000 and, 3) major repairs, remodeling and renovations and additions less than 300 square feet, \$500. Minor repairs, remodeling and renovations, decks, gazebos and patios are excluded. These funds will be held in FESHA's general account and will be returned to the submitter when the Board of Directors determines that construction has been satisfactorily completed (excluding secondary landscaping). The funds will accrue interest at the prevailing rate less 1.00% and be returned unless assessments and/or penalties are deducted. Assessments and/or penalties for non-compliance will be determined by the Board of Directors and will be at least \$100 but not greater than \$1,000 per occurrence. Additionally, a non-refundable road usage fee is required as follows: 1) new homes \$500, and 2) repairs, remodeling and renovations or additions of 300 square feet or more requiring heavy vehicle use, \$200. These monies are required at the time of the pre-construction meeting. Should a builder or homeowner sell an uncompleted house, FESHA will retain the refundable construction bond until construction is completed.
- The homeowner shall provide and submit three complete sets of professionally prepared and specific plans of the home to be built or for any repair, remodeling renovation or addition changing the footprint of the existing home to the FESHA Board of Directors for compliance review and approvals as they determine. These plans, as applicable, shall include:
  - A plot plan drawn to a scale of not more than 20 feet per inch, depicting the size and shape of the lot, lot number and dimensions, building setback/easements, location of the proposed home on the lot based on a stake survey as determined by a registered surveyor, including location of culvert placement (when required), drainage ditches/swales, driveway and sidewalks. Mailbox location and design. Note: The front of mailboxes must be at least 1 foot back from the perpendicular line of the road edge. **NOTE:** Any proposed encroachment into the easement (15 feet on the front and back and 7 ½ feet on side property lines) other than driveways across the front easement shall require a written variance from the Board of Directors.
  - A foundation plan (not less than ¼" per foot) including dimensions of basements, if applicable.
  - Floor plan (not less than ¼" per foot) depicting overall size of the house, square footage of living area (if multi story, square footage of each floor) garages with square footage, room division with wall sizes, doors, windows and depiction of porches and terraces.
  - Front, rear, right and left elevation plans, with before and after vertical elevation/topographic depiction of the specific lot, depicting type of construction, roof lines with slopes, and basic land contour.
  - A description of exterior materials plan, samples of brick, stone or stucco and exterior paint or stain will be required, and
  - A primary and secondary landscape plan.
- A majority of Board of Director members must approve all construction plans through their affixed signature on each set of plans and all attendant documentation to those plans. Upon approval, one copy of the plans will be submitted to the County (by the homeowner) and the remaining plans will be retained in the FESHA office. The Board of Directors have thirty (30) calendar days to approve or disapprove submitted plans from the date that the plans are submitted to the FESHA manager who will date the receipt of such plans. The chairperson of the Building Control Committee will notify the prospective homebuilder, through the FESHA Office Manager, of plan approval or disapproval along with any pertinent remarks. If plans are disapproved, reasons of such shall be included in this notification. Disapproval of plans or requested variances may be appealed to the full Board of Directors within 45 days of the date of the disapproval letter. When approved, construction must begin within six (6) months of the date of the approval letter otherwise approval is withdrawn. The Board of Directors may extend this time period when requested by the homebuilder in writing (include extenuating circumstances if appropriate). If disapproved plans are modified and resubmitted, the Board allowed 30-day approval/disapproval period begins anew.

- Once plans have been approved, the construction will be substantially completed in accordance with the approved plans and the building restrictions in effect at the time of the approval. Should a change be made that results in a lessened requirement, the homeowner/builder may utilize that change at their discretion upon notification of their intent. No changes to the exterior appearance of the home may be made without prior approval of the Building Control Committee. Interior details that do not affect the exterior appearance of the home and otherwise conform to applicable building codes may be made at the homeowner/builders discretion.
- Construction is allowed between 6:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday. NO CONSTRUCTION WORK BY ANY CONTRACTOR IS ALLOWED ON SUNDAY. Only quiet work by the homeowner is permitted. Construction vehicles must abide by speed limits while operating within the Association. It is the responsibility of the homeowner and builder to pass this information to all contractors, sub-contractors and workers associated with the construction of the house. Violation of this rule will result in a serious assessment per occurrence applied against the deposited ARCHITECTURE & CONSTRUCTION STANDARDS construction bond.
- Before starting construction, a solid rock base driveway, with culvert appropriately installed (when required) will be established. Lots with elevation higher than the roadway, must have a swale or ditch at least 1 foot in depth below the road level, established parallel to the road and a silt fence installed at least ten (10) feet from the roads edge which will remain in place until grass is growing in the yard. A small silt fence must be installed at the high end of the culvert to prevent silt from entering the culvert. The bottom of silt fences must be buried at least three (3) inches. Lots with higher elevation as discussed above and other lots where a ditch or swale is present require installation of a culvert underneath the driveway. Any dirt, mud or other materials deposited on the roads from the construction site vehicles shall be cleaned off immediately.
- All construction materials must be new and have grade and character consistent with existing homes in the community.
- Total living space of all new homes shall be no less than 2,000 square feet of finished living area exclusive of porches, terraces, finished or unfinished basements and garages.
- In the case of multi-level homes, the ground floor area, exclusive of porches, terraces, finished or unfinished basements and garages, must be no less than 1,500 square feet. The Board of Directors may approve a smaller ground floor area when topography renders such restriction impracticable.
- Bonus rooms and other similar rooms, most often located in the attic area usually over a garage, where knee walls are often used and ceilings are often lower due to the various roof issues that may limit their height, cannot be used to meet minimum square footage requirements or when alone above a ground floor qualify a home to be a multi-level home. Cape Cod style homes with an upper level containing at least 500 square feet are exempt from this restriction
- Concrete slabs (except in garage areas, basements, patios and on-ground porches) and wooden foundations are not allowed.
- All homes install quality windows meeting WDMA Hallmark, AAMA, or similar certification and carry at least a fifteen year warranty. Windows must be at least double pane and may be wood, composite (wood with vinyl or aluminum clad), vinyl, or fiberglass construction. Exterior window color must complement the exterior of the home. The homeowner shall provide with a window sample or specification, including frame width, to the BCC for approval.
- All homes must have attached garages that have no less than 500 square feet with electrically operated garage door openers.
- All driveways must be of concrete and be at least 18 feet wide throughout their length.
- Roof slopes must be 8/12 or higher pitch.
- All homes must have dimensional roof shingles. No flat, three tab shingles are permitted.
- All homes shall have eaves with a minimum roof overhang of twelve (12") inches.
- All brick, stone, stucco and paints/stains for exterior application must be approved by the Building Control Committee prior to placement and be in accordance with the approved exterior design plan. The exterior walls may not have more than three media/textures; brick, stone, stucco, lap siding, fish-scale siding, etc.
- All single story and the first floor of multi-level homes must be 100% approved brick, stone or stucco (or a combination thereof) and be in accordance with the approved exterior design plan. Dormer and gable ends above the first level that do not have underlying brick or stone walls, may be other than brick or stone.

- All exteriors above the first floor/ground level in the case of multi-level homes must be at least 50% approved brick, stone or stucco.
- Aluminum and vinyl siding is not permitted on new or remodeled homes. Aluminum and vinyl may be used on overhangs and soffits.
- Soffits, gutters and downspouts must be color coordinated with the approved exterior paint or stain scheme
- Decks are permitted when they are attached to the back of the house. Gazebos designed in conjunction with a deck are permitted and must be constructed with the same materials.
- In-ground swimming pools, when approved, must be covered by an electrically operated automatic cover or be surrounded by a 5 foot high wrought iron fence with automatic self-locking gate and pool alarm.
- Consistent with receiving adequate signal, satellite dishes should be attached to or be no more than 3 feet from the home sides or back and be no more than 18 inches wide at its widest point.
- Commercial portable toilets must be placed at each construction site for mandatory use by building crews prior to groundbreaking and shall remain until operable facilities in the new house are available. Placement of the toilet must be away from the roadway to the extent possible.
- When trusses are used at 24" on center, roof decking must be at least 9/16" thick. When installed at 16" on center, decking must be at least 7/16" thick. No other application is permitted.
- All applicable environmental laws and rules will be adhered to during all phases of construction.
- The Board of Directors will evaluate the use of alternative energy sources for permanent home use on a case-by-case basis.
- Removal of trees from the building site is permitted once plans have been approved. However, sufficient live trees should be maintained to preserve the natural wooded environment. In no cases should a lot be "clear cut." Removal of dead, diseased, or live trees for landscaping purposes with a 12-inch or larger diameter requires specific approval of the Building Control Committee.
- Drainage must be away from the home at a 5 % grade or greater for 15 feet in front and back and 7 ½ feet on the sides of new homes and generally conform to the topography of the building site.
- Appropriate and adequate swales must be created between adjoining lots on the sides of homes that permit water drainage to drainage ditches.
- Erosion controls must be placed and maintained so as not to impact the site under construction or adjoining properties.
- Primary landscaping includes the primary and finish grading, placement and growth of grass seed with straw and/or sod, and initial foundation plantings. All items must be in place to deem construction substantially complete.
- Secondary landscaping includes placement of trees, shrubs, flower gardens and other decorative vegetation and must be done within 12 months after the exterior of the new home is completed.
- Disturbed soil with a slope of 10 % or greater requires the placement of sod and/or other appropriate materials to prevent erosion.
- During all phases of construction, trash on/from the building site must not encroach onto adjoining lots and roadways and must be kept in a neat and orderly manner on the building lot. In particular, wind-blown trash will not be tolerated. Use of a dumpster, fencing, or other means to contain trash is encouraged. The FESHA Board of Directors will cite violations and expect cleanup to occur within 24 hours. If the cleanup does not occur after such notification, the Board of Directors will have the construction site cleaned and assess the property owner for charges incurred from the ARCHITECTURE & CONSTRUCTION STANDARDS construction bond.
- No construction related or caused fire is permitted. Excess or discarded construction related materials must not be burned, buried, or discarded on any common or private property. Brush and other related debris from clearing the lot must be hauled away.

- Construction related vehicles must park off the FESHA roadways to the extent possible and park on only one side of the road. Should damage occur to the roadway, drainage ditches, or swales, the owner and/or builder will bear responsibility for repair to the satisfaction of the Board of Directors.
- The 6" Gothic post, large custom painted box (nominal size - 11" wide, 15" high, 24" deep, with smoothly arched top), paper holder and Murray lettering, as available from Otto's Streetscape, is the standard for all new construction and replacement of damaged and/or unsightly mailboxes. Failure to install a conforming mailbox will result in an assessment equal to the cost of purchasing and installing a conforming mailbox, plus administrative fees. (If the homeowner requests and is granted a waiver to install a brick mailbox, the standards are: nominal size – 24" wide, 54" high, 30" deep, house number on the mailbox; built-in paper holder, incorporate a "break-away" feature (no rebar), brick or stone to closely match that of the house. Homeowners will be required to replace existing mailboxes/posts within this standard, as need dictates. The front of mailboxes must be at least 12" back from the perpendicular line of the pavement.
- Between January 15 and April 15, concrete truck gross weight limits are 11,000 pounds per axle, (tri-axle trucks can carry four (4) square yards of concrete and quad axle trucks can carry five (5) square yards of concrete).
- Fences may be recommended for approval by the Building Control Committee and must also be approved by the FESHA Board of Directors. All requests for fences must be submitted in writing with a list of materials, description, dimensions and area to be bordered by the fence. Any structure erected as a privacy panel, wind break, etcetera shall be considered a fence. The proposed fence must be deemed to enhance, rather than detract from the aesthetic appearance and value of individual properties and the community as a whole. All fencing materials must be compatible with the architectural design of the house and be inoffensive to neighboring properties. The following types of fences will generally be approved:
  - Decorative wrought-iron type fences less than three (3) feet in height used as accents in flower beds and bordering patios.
  - Trellises, arches over walkways, and other vegetative fences.
  - The following types of fences may be approved, but there will be a bias against approval:
    - Decorative panels around patios, less than four (4) feet in height.
    - Decorative panels or fencing around HVAC units or trash receptacles, less than four (4) feet in height, and immediately adjacent to the side or rear of the house.
    - "Invisible" mesh fencing (both mesh and posts should not be overtly visible) used for gardens. (These must be removed at the end of the growing season.)
  - Boat docks, floats, or other structures extending into any Association lake must be approved by the BCC and the Board of Directors. Such structures may not materially impede maintenance of the lakes or extend more than ten (10) feet into the lake.
- The following are expressly prohibited and will not be approved:
  - Non-custom homes (including trailers or other mobile homes, pre-fabricated homes, relocated homes, any other types of outbuildings, tree houses, or permanent or temporary structures not attached to the approved single family dwelling);
  - Homes built for/as rental income properties;
  - Outdoor pet pens, houses or kennels of any type;
  - Private tennis courts;
  - Barriers that restrict or prohibit access to utility meters to include water, gas, electric, telephone, etc.;
  - Above ground swimming pools;
  - Privacy, split-rail, farm style woven or welded wire (chain link) or similar type of visible fences or barriers (other than vegetation) that a) block the view of vehicular traffic; b) block the line of sight from a neighboring property; c) are more than four (4) feet in height; and d) enclose any portion of a yard other than as required for in-ground pools; and
  - Identical homes.

## **CONSTRUCTION SECTION**

The CONSTRUCTION SECTION of the ARCHITECTURE & CONSTRUCTION STANDARDS governs all construction activities once all approvals for construction to begin have been obtained from the FESHA Board of Directors. Primarily, this section is the compliance section of the ARCHITECTURE & CONSTRUCTION STANDARDS. The FESHA Building Control Committee Construction Monitor will monitor compliance.

## **ROLE OF THE BUILDING CONTROL COMMITTEE AND ITS DUTIES**

The Building Control Committee and its members serve FESHA by and under the direction of the FESHA Board of Directors. The president of FESHA appoints the membership of this committee. Committee membership will not exceed five; three members of this committee will be Board of Directors members. The chairperson of this committee shall be a FESHA Board of Directors member.

The purpose of this committee is to protect home and community values and architectural standards through compliance with FESHA's ARCHITECTURE & CONSTRUCTION STANDARDS during new construction and repairs, remodeling, and renovations of existing homes.

The duties of this committee include:

1. Reviewing appropriately submitted construction plans for compliance with FESHA ARCHITECTURE & CONSTRUCTION STANDARDS;
2. Recommending or disapproving, of appropriately submitted construction plans, (approval requires three (3) committee member signatures, two signatures which must be those of Board of Directors members on the first page of each set of plans; no signature(s) means plans are not approved);
3. Recommending suggestions to unapproved construction plans to move them towards approval;
4. Assisting homeowners in their understanding and compliance with FESHA ARCHITECTURE & CONSTRUCTION STANDARDS;
5. Monitor all phases of construction through assignment of a construction monitor;
6. Report any and all FESHA ARCHITECTURE & CONSTRUCTION STANDARDS violations to the FESHA Board of Directors;
7. Review and recommend revisions to the ARCHITECTURE & CONSTRUCTION STANDARDS to the FESHA Board of Directors;
8. If any Board of Director member, that is a member of this committee disagrees with submitted plans, then those plans must be submitted to the full Board of Directors for approval.

## **RIGHTS OF THE HOMEOWNER / BUILDER**

The homeowner/builder must have their rights protected as they build within Foxcliff Estates South. To that end, their rights shall include:

1. All those rights provided by applicable laws;
2. The right to receipt and explanation of all governing construction related documents from the chairperson of the Building Control Committee who is also a FESHA Board of Directors member;
3. The right to a timely construction approval process;
4. The right to consult with the Building Control Committee in any construction related matter; and
5. The right to request construction related waivers.

## **RIGHTS OF FESHA IN REGARDS TO CONSTRUCTION MATTERS**

In order to protect the interests of all parties, but, especially the interests of the community, the Board of Directors of FESHA must and do retain particular rights in all construction matters. These rights include:

1. All those rights provided by applicable laws;
2. The right to collect all signatures of the homeowner and builder on documentation that demonstrates their receiving explanation of, understanding of, and compliance with all documents that govern construction within Foxcliff Estates South;

3. The right to enforce all governing documents of FESHA;
4. The right to hold the homeowner and builder responsible for adherence and compliance to all governing documents of the Association and all state and local building codes and to require any surveys or inspections by appropriate, licensed professionals to insure construction is in compliance with state and local codes and the ARCHITECTURE & CONSTRUCTION STANDARDS of FESHA;
5. The right to assign a Construction monitor to each construction site to assist the homeowner and builder in all construction related matters. FESHA understands and agrees that the property is a construction site and that the property and the improvements, equipment and supplies thereon constitute a danger to those who may enter on the property. FESHA understands that any entry onto property is at FESHA'S own risk;
6. The right to approve/disapprove properly submitted proposed new home or repair, remodeling, and renovation plans in part or in full within thirty (30) calendar days of receipt;
7. The right to offer suggestions to disapproved plans for proposed new home or repair, remodeling, and renovation plans for the exteriors of existing homes so that they become approved;
8. The right to grant or not grant waivers for construction related matters requested and submitted by the prospective homeowner or initiated by the FESHA Board of Directors;
9. The right to inspect, at any time, any property under construction and to require any surveys or inspections by appropriate, licensed professionals to insure construction is in compliance with state and local codes and the ARCHITECTURE & CONSTRUCTION STANDARDS of FESHA;
10. The right to halt construction at any time and indefinitely by written notice when the preceding right yields a finding that jeopardizes the safety and integrity interests of the home under construction, the residents within the community or community assets
11. The right to permit resumption of construction when the offenses of the preceding two rights are satisfactorily resolved as evidenced in writing by the FESHA Board of Directors; if the offenses are found to exist as a result of the inspection(s), the owner must bear the costs of all inspections and remedies recommended and all FESHA related fees; if the offenses are found not to exist as a result of the inspection(s), FESHA will bear the costs of the inspections;
12. The right to the collection of refundable ARCHITECTURE & CONSTRUCTION STANDARDS compliance checks and non-refundable construction road usage fees prior to the beginning of construction;
13. The right to demand placement of a commercial toilet facility on the construction site away from the roadway;
14. The right to assess and collect a One Hundred Seventy Five (\$175) dollar extended building fee for every week that construction occurs beyond the allotted construction period from the date of groundbreaking;
15. The right to collect all damages from the homeowner for damages to FESHA infrastructure;
16. The right to compile photographic data at any construction site at any time; and
17. The right to review and revise the ARCHITECTURE & CONSTRUCTION STANDARDS and process as needed and implement revisions. Any changes shall not be more restrictive than those in force at the time of approval of properly submitted plans.

### **SYNOPSIS FOR CURRENT PROPERTY OWNERS**

While these ARCHITECTURE & CONSTRUCTION STANDARDS apply in full to all current and new property owners, this synopsis is provided for current property owners planning any repairs, remodeling, renovations or significant landscaping changes. Any changes to the exterior appearance of your home require BCC approval. These changes include:

- **Painting** – review and approval of color for main house or trim work; not required for minor touch-up work.
- **Roofing** – review and approval of shingles (dimensional shingles only); not required for minor replacement of missing shingles.
- **Decks / Gazebos / Patios** etc. – review and approval for addition or major reconstruction especially if footprint or overall appearance is changed; not required for replacement of missing/damaged decking boards or railings.
- **Trees** – approval for removal of any tree with a base diameter of 12 inches or more.



- **Driveways** – review and approval for any removal, repaving, or expansion of driveway requiring the use of a concrete truck or heavy equipment; not required for resealing of existing macadam driveways.
- **Fences / Barriers** – review and approval of installing any fence.
- **Windows** – review and approval of replacing windows to ensure they meet standards.
- **Mailboxes** – Damaged or unsightly mailboxes must be replaced with a conforming mailbox.
- **Retaining Walls, Fish/Decorative Ponds, Significant Landscaping Changes** – review and approval to ensure secondary landscaping is not compromised or negatively impact overall appearance or adjacent properties.
- **Room Additions** – review and approval of architecture plans with site survey for any change to existing footprint of home.

All requests should be submitted in writing (or via email) with appropriate plans, dimensions, materials, photos etc. to facilitate a timely response. The homeowner will be notified of approval in writing and a copy placed in the property file.



**PRE CONSTRUCTION / CONSTRUCTION / POST CONSTRUCTION ACTIVITIES**

LOT \_\_\_\_\_ HOMEOWNER \_\_\_\_\_ BUILDER \_\_\_\_\_ FESHA MONITOR \_\_\_\_\_

DATE /PRINTED NAME/SIGNATURE

SUBMISSION OF PLANS \_\_\_\_\_

APPROVAL OF PLANS BY THE BOARD OF DIRECTORS \_\_\_\_\_

NOTIFICATION OF PLAN APPROVAL TO HOMEOWNER \_\_\_\_\_

ASSIGNMENT OF FESHA MONITOR \_\_\_\_\_

CONDUCTION OF PRE CONSTRUCTION \_\_\_\_\_

RECEIPT OF REFUNDABLE CONSTRUCTION DEPOSIT (Amount) \_\_\_\_\_

RECEIPT OF ROAD USAGE FEE (Amount) \_\_\_\_\_

SITE SURVEYS CONDUCTED/AREAS STAKED \_\_\_\_\_

ROUGH DRIVEWAY PLACED AND APPROVED \_\_\_\_\_

PLACEMENT OF TOILET APPROVED \_\_\_\_\_

APPROVAL FOR GROUNDBREAKING \_\_\_\_\_

GROUNDBREAKING \_\_\_\_\_

PLACEMENT OF DUMPSTER / FENCING \_\_\_\_\_

FESHA INSPECTION AND APPROVAL OF FOOTER PLACEMENT \_\_\_\_\_

CONSTRUCTION TIME OVERAGE (IN DAYS PAST ALLOTMENT) \_\_\_\_\_

APPROVAL AND PLACEMENT OF MAILBOX \_\_\_\_\_

COMPLETION OF CONSTRUCTION/PRIMARY LANDSCAPING \_\_\_\_\_

COMPLETION OF SECONDARY LANDSCAPING \_\_\_\_\_

RECONCILIATION OF REFUNDABLE DCONSTRUCTION DEPOSIT \_\_\_\_\_

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16
Week 17	Week 18	Week 19	Week 20	Week 21	Week 22	Week 23	Week 24
Week 25	Week 26	Week 27	Week 28	Week 29	Week 30	Week 31	Week 32
Week 33	Week 34	Week 35	Week 36	Week 37	Week 38	Week 39	Week 40
Week 41	Week 42	Week 43	Week 44	Week 45	Week 46	Week 47	Week 48



**RECEIPTS AND ACKNOWLEDGMENTS**

I/we acknowledge receipt of the FESHA ARCHITECTURE & CONSTRUCTION STANDARDS.

\_\_\_\_\_  
Homeowner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Builder

\_\_\_\_\_  
Date

**AGREEMENT OF COMPLIANCE**

I/we, having been informed of the FESHA ARCHITECTURE & CONSTRUCTION STANDARDS and having received copy of same, agree to comply with the totality of its contents. Further, that I/we are aware of the existence of covenants and restrictions and agree to comply with the totality of its contents. I/we understand and agree that in the event that I/we fail to comply with said ARCHITECTURE & CONSTRUCTION STANDARDS and the Covenants and Restrictions that I/we shall be jointly and severally liable for any resulting action taken by the FESHA to enforce said ARCHITECTURE & CONSTRUCTION STANDARDS and Covenants and Restrictions, including but not limited to court costs, legal fees, prejudgment interest, witness fees, travel expenses and any other cost reasonably incurred to enforce said ARCHITECTURE & CONSTRUCTION STANDARDS and Covenants and Restrictions. Further, I/we expressly waive any right to contest the validity, authority or bring suit alleging liability of FESHA and its Board of Directors with regard to said ARCHITECTURE & CONSTRUCTION STANDARDS and the enforcement thereof.

\_\_\_\_\_  
Homeowner(s)

\_\_\_\_\_  
Lot

\_\_\_\_\_  
Date

\_\_\_\_\_  
Builder

\_\_\_\_\_  
Date

## Schedule / Guideline for ARCHITECTURE & CONSTRUCTION STANDARDS Assessments

The following schedule may be used by the Building Control Committee (BCC) as a guideline to determine a proposed assessment to be levied against a homeowner / builder for infractions of the FESHA ARCHITECTURE & CONSTRUCTION STANDARDS. The BCC has the authority to deviate from this guideline. The FESHA Board of Directors may use this guideline and the BCC recommendations to determine the assessment. Any homeowner / builder who has had an assessment levied against them has the right to contest the assessment before the FESHA Board of Directors.

The value of an assessment is generally predicated on the type of violation and an evaluation on the impact on the community. Repeat violation of the ARCHITECTURE & CONSTRUCTION STANDARDS may result in a doubling of the initial assessment. Subsequent violations may result in a further doubling of the second assessment. Certain violations may result in a "Stop-Work Order" being placed. Any construction continued but not permitted by the "Stop-Work Order" is the most egregious violation. The homeowner / builder may be required to remove the offending construction and replace it with construction that meets FESHA approved plans and materials. Submitting a request for a waiver to the approved building plans after a violation, even if approved, does not negate the violation and an assessment may still be levied.

### Violation:

Changing exterior dimensions of home:

- A. Meets FESHA standards: \$250
- B. Does not meet standards, waiver granted: \$500
- C. Does not meet standards, no waiver: \$500, plus re-build to standard

Changing exterior appearance of home:

- A. Meets FESHA standards: \$250
- B. Does not meet standards, waiver granted: \$500
- C. Does not meet standards, no waiver: \$500, plus re-build to standard

Working before or beyond normal hours (Mon-Sat)

- A. Less than one (1) hour: \$100
- B. More than one (1), but less than two (2) hours: \$250
- C. More than 2 hours: \$500

Working on Sunday

- A. One contractor, quiet interior work, and less than three (3) hours: \$250
- B. More than one contractor, noisy, exterior work, or more than three (3) hours: \$500
- C. Work by homeowner objectionable to neighbors or Board of Directors: Withdrawal of permission to work on Sunday

Not installing solid rock drive, not installing culvert (if required), not building swale (if required), or not installing silt fence:

- A. Excessive dirt on roadway: \$100, stop work until installed, plus cost to clean roadway
- B. Corrected within two weeks of notification: \$100, plus cost to clean roadway
- C. Corrected within four weeks of notification: \$200, plus cost to clean roadway

Use of improper siding on home:

- A. No waiver granted: \$500, plus re-build to standard
- B. Waiver granted: \$250

Commercial portable toilet not in place as required:

- Each week, or portion thereof, not available: \$50

Removal of trees larger than 12" in diameter for landscaping purposes:

- A: No prior approval granted: \$250, plus cost to replace tree with one at least 6" in diameter

Trash encroaching onto adjoining property or not neat and orderly:

- A. Cleaned up within 24 hours: \$0
- B. Not cleaned up within 24 hours: \$50, plus cost to clean up lot(s)

Construction related fire

- A: Small "warming" fire: \$50
- B: Large fire, burning brush, construction trash: \$250

Construction vehicles violating parking rules or speeding:

- A: Parking \$20 per vehicle
- B: Speeding \$100

Overweight vehicle between Jan 15 and Apr 15  
For every 2000 pounds or portion thereof not permitted: \$500