

Heritage Lakes Homeowners Association

Architectural Review Committee (ARC) Request Policy

Adopted: 3/25/2026

I. Policy Purpose and Authority

The purpose of this policy is to maintain the aesthetic integrity, architectural standards, and property values within the Heritage Lakes community, as set forth in the community's governing documents. This policy establishes the **mandatory requirement** for all homeowners to obtain written approval from the Architectural Review Committee (ARC) prior to commencing any exterior project.

II. Scope and Applicability

This policy applies to **all exterior changes, modifications, improvements, or additions** to any property within the Heritage Lakes community. Exterior projects include, but are not limited to:

- Installation, construction, or alteration of window, doors, decks, patios, sheds, or outbuildings
- Exterior color changes (paint, siding, trim, gutters)
- Additions to the structure (e.g., garages, swimming pools, pergolas)
- Major landscaping changes, hardscaping, or **tree removal**
- Driveway, or any other concrete work
- Installation of solar panels, exterior lighting, or security systems
- Roof replacement or material changes
- Repainting or re-staining (including same color)
- Reroofing (including same color)

III. Mandatory ARC Request Submittal

All homeowners must submit a formal ARC Request Form to the Committee and receive written pre-approval prior to starting any exterior project.

1. **Submission:** The ARC Request Form, along with all required supporting documentation as specified in the Architectural Design Guide (e.g., site plans, material samples, color swatches, dimensions, grade elevations) must be submitted to the ARC.

2. **Pre-Approval Required:** Construction, material procurement, grading, clearing, or any site work for the project **must not begin** until the homeowner has received an official, written approval document from the ARC.
3. **Building Permit:** Where required, a Heritage Lakes building permit must be issued prior to commencement of any clearing, material delivery, or construction.

IV. Penalties for Non-Compliance (Violations)

Failure to obtain the mandatory written pre-approval from the ARC before starting any exterior project constitutes a violation of the governing documents and this policy. To ensure clarity, fairness, and consistent enforcement, the HOA employs a simple, flat-rate penalty structure based on the type of violation.

A. Classification of Violations

Tier	Violation Type	Description	Examples
1	Minor Violations	Reversible or cosmetic projects that do not permanently alter the property.	Exterior color changes (paint, stain), exterior lighting, security cameras, temporary structures, planting new landscaping (not removal).
2	Major Structural Violations	Permanent structures or significant alterations that are costly or difficult to reverse.	Fences, decks, patios, sheds, garages, swimming pools, pergolas, room additions, roof replacements, driveway expansions, accessory buildings.
3	Protected Resource Violations	Actions that permanently damage or remove protected natural features that define the community's character.	Removal of any tree six inches in diameter or greater , major grading or excavation, destruction of protected natural areas.

B. Protected Tree Definition

Consistent with the Heritage Lakes Architectural Design Guide, a "**protected tree**" is any tree with a trunk diameter of **six inches or greater** measured at a height of fifty-four inches (4.5 feet) above ground level. This objective standard applies to all properties within Heritage Lakes.

C. Penalty Schedule

The following penalties shall be assessed immediately upon discovery of any violation:

Tier	Violation Type	Immediate Penalty	Cure Period / Required Action	Continuing Penalty for Non-Compliance
1	Minor Violation	Notice of Violation (no immediate fine)	14 days to either: (a) submit retroactive ARC application with \$100 administrative fee , OR (b) restore property to original condition.	\$200 fine if cure period expires without compliance.
2	Major Structural Violation	Cease & Desist Order + \$1,000 fine	30 days to either: (a) submit retroactive ARC application, OR (b) remove unapproved structure at homeowner's expense.	\$200 per week until compliance is achieved.
3	Protected Resource Violation (Tree Removal)	Cease & Desist Order + \$2,500 fine	30 days to submit a Restoration Plan to the ARC for approval. Plan must include	\$500 per week until restoration is complete.

Tier	Violation Type	Immediate Penalty	Cure Period / Required Action	Continuing Penalty for Non-Compliance
			replacement planting and timeline.	

D. Special Requirements for Tree Removal Violations

Because trees are a defining feature of the Heritage Lakes community, and in accordance with the Tree Preservation section of the Architectural Design Guide, the following specific requirements apply to any Tier 3 violation involving protected tree removal:

1. **Automatic Restoration Requirement:** Any homeowner who removes a protected tree (six inches in diameter or greater) without ARC approval **must** plant replacement trees as follows:
 - o **For each protected tree removed:** Plant **two (2) replacement trees** of a species approved by the ARC.
 - o **Minimum Size:** Replacement trees must be of an appropriate size as determined by the ARC, typically a minimum of **2-inch caliper** at the time of planting.
 - o **Timeline:** Replacement trees must be planted within **60 days** of the violation notice, or within the next appropriate planting season, as determined by the ARC.

2. **Species Approval:** Replacement tree species shall be subject to ARC approval and should be selected from native or adaptive species suitable for the community.

3. **No Retroactive Approval for Removal:** For Tier 3 violations involving tree removal, retroactive approval is not available for the removal action itself. The violation has already occurred. However, the Restoration Plan required under this section is subject to ARC approval.

E. Examples of Penalty Application

Scenario	Classification	Immediate Consequence	Long-Term Requirement
Homeowner paints front door an unapproved color	Tier 1: Minor	Notice of Violation	14 days to pay \$100 fee for retroactive review or repaint; \$200 fine if no action
Homeowner repaints entire house same color without approval	Tier 1: Minor	Notice of Violation	14 days to pay \$100 fee for retroactive review; \$200 fine if no action
Homeowner builds a 6-foot privacy fence without approval	Tier 2: Major	Cease & Desist + \$1,000 fine	30 days to submit plans or remove fence; \$200/week thereafter
Homeowner installs a prefabricated storage building (not permitted per Design Guide)	Tier 2: Major	Cease & Desist + \$1,000 fine	Must remove structure within 30 days; \$200/week thereafter
Homeowner cuts down one mature oak (10" diameter)	Tier 3: Protected Resource	Cease & Desist + \$2,500 fine	Must plant 2 replacement trees of approved species within 60 days; \$500/week until planted
Homeowner cuts down three mature trees (each 6"+ diameter) without approval	Tier 3: Protected Resource	Cease & Desist + \$2,500 fine	Must plant 6 replacement trees within 60 days; \$500/week until planted

V. Retroactive ARC Review

For Tier 1 and Tier 2 violations, homeowners may submit a retroactive ARC application during the cure period. Submission of a retroactive application does not guarantee approval.

- If the retroactive application is **approved**, the homeowner must pay all applicable fees and fines, and the matter will be closed.
- If the retroactive application is **denied**, the homeowner must restore the property to its original condition within the timeframe established by the ARC or Board.

For Tier 3 violations involving tree removal, retroactive approval is not available for the removal action itself. The violation has already occurred. However, the Restoration Plan required under Section IV(D) is subject to ARC approval.

VI. Matters Not Subject to Retroactive Approval

Certain improvements are explicitly prohibited by the Architectural Design Guide and shall not be approved retroactively. If such improvements are constructed or installed without prior ARC approval, the homeowner must remove them immediately at their sole expense. These include:

- Pre-fabricated storage buildings
- Exterior antennas and satellite dishes
- Chain link fences
- Above-ground swimming pools
- White or red roofing materials
- Plywood, fiberboard, aluminum, or vinyl siding

VII. Enforcement and Property Lien

A. Payment of Fines

All assessed fines must be paid in full by the due date specified on the violation notice. Fines not paid by the due date shall accrue interest at the rate of 1.5% per month (18% per annum) and may be treated as an assessment against the property.

B. Lien Process

Failure to pay assessed fines or comply with restoration requirements may result in the Heritage Lakes HOA placing a lien against your property in accordance with the community's controlling documents and applicable state law. The homeowner will be responsible for all costs associated with placing and releasing the lien, including administrative and legal fees.

C. Right to Appeal

Homeowners have the right to appeal any fine or enforcement action to the HOA Board of Directors. Appeals must be submitted in writing within 14 days of the violation notice. The Board shall consider the appeal at its next regularly scheduled meeting and provide a written decision to the homeowner.

VIII. Homeowner Responsibility

All homeowners must comply with the governing documents. The Declaration of Covenants, Conditions and Restrictions expressly states that the home "shall be held, transferred, sold, conveyed and occupied subject to the covenants, reservations, restrictions, easements, assessments, charges, liens and other provisions hereinafter set forth in this declaration."

It is the homeowner's responsibility and duty to educate themselves on the provisions and rules, including the Heritage Lakes Architectural Design Guide.

Homeowners can easily access the Architectural Review Committee (ARC) request form directly on the HOA's website by visiting the page at <https://heritagelakeshilliard.org/architectural-review/>. Before submitting a request for any exterior property changes, we encourage you to review the community's governing standards; all official controlling documents, including the HOA's bylaws and design guidelines, are available for your reference at <https://heritagelakeshilliard.org/rules-and-covenants/>.