

**Hollyhock Homeowners Association
Architectural Guidelines
Addenda and Clarifications
February 2014**

Pursuant to article 2.5 of the Hollyhock Architectural Guidelines (hereinafter also called the Guidelines), the following items are in addition to the requirements already stated in the Guidelines. Where there is a conflict, the amendment(s) contained in these addenda shall take precedence. These addenda address changes to articles 3.4, 3.5, 4.2, 4.23, 4.32, 7.2, 8.1, 8.4, 9.1, 9.2, and Submittal Form One.

- 3.4 A \$3,000 Compliance Security Deposit is required of the builder. A \$1,000 Compliance Security Deposit is required of the owner. Checks payable to Hollyhock Homeowners Association, Inc. must be included with the Hollyhock 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 correct quickly 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 written notification that a supplement is due, or construction must cease and the Builder's gate access codes will be suspended. Owners will be notified by USPS mail; Builders will be notified via the Charette Architects website or by email.

NOTE: When the Builder is the Owner, only the \$3000 Builders CSD is required.

Reason for change – Establishes a separate CSD for builders

- 3.5 Delete the note at the end of the article:
Note: Applicants shall be subject to a \$500.00 fine for commencing any construction activities prior to the review and written approval of the Architectural Review Submittal by the HARC. Additional fines could be assessed if construction continues without HARC approval.

Reason for deletion: Now covered in article 9.2

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 ARC 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.

Reason for change – Emphasize silt control and remove the requirement that all silt fencing be black.

4.23 Walls and Fencing – add the following note at the end of the article:

NOTE: Retaining walls or a series of retaining walls that retain more than four feet (4') of unbalanced fill are required to be designed by an appropriately licensed North Carolina professional.

Reason for change: State the building code requirements.

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

No construction work is permitted on Sundays or on the following holidays: New Years 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:

However, interior work during the hours of 7:00 AM to 5:00 PM is allowed on Sundays and holidays if no noise can be heard on the exterior of the dwelling.

The 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.

Reason for change – To ensure the construction times are clear. The reference to fines for violating the hours of construction has been deleted from this article. See article 9.2

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.

Reason for change: Ensure the color of a metal dock roof is specified, as it does not appear on the sample board.

8.1g (new) 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. Featured Builder and first-time Builders must pay his Compliance Security Deposit with checks written from his/her business accounts.

- 8.1h (new) Removal from or failure to be added to the Featured Build List (FBL)
- (1) The ARC can remove a Builder from, or in the case of a first-time Builder, deny addition to the FBL if the ARC loses confidence in the builder's ability to perform in the best interests of the community. Factors the ARC 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 or any municipal, state, or federal law or regulation
- Failure to maintain required insurance (all construction must stop immediately upon notification)
- Failure to name Hollyhock HOA as Certificate Holders on all required insurance policies (Article 8.4)
- Commencing construction before ARC approval
- Failure to complete construction in the allotted time
- Misrepresentations made to the ARC, HOA Board, or owners
- Not providing adequate supervision of a job such that damage, either cosmetic or otherwise, occurs to community or to another owner's property
- Making a change to plans, construction methods, or materials without ARC approval
- Using un-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)
- Constructing a home or a dock in an unapproved location
- Violating buffer rules
- Clearing live trees not approved for removal
- 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 personnel which results in action by law enforcement
- Damage to roads or community amenities without making necessary, timely corrections
- 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 Hollyhock (also a violation of Belmont city ordinances)*
- Commission of felonious acts (e.g., theft)*
- Hunting in Hollyhock without approval*

*Major violations

- (2) If the ARC receives a complaint from an owner, the ARC 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.
- (3) Once the ARC determines that a builder has met one or more of the criteria for removal from the FBL, the ARC will notify the builder in writing of his/her non-compliance.
- (4) The ARC 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.
- (5) The ARC will recommend one of the following options:
Retention on the FBL Removal from the FBL

If the ARC recommends by majority vote retention of the builder on the FBL, no further action is required.

If the ARC 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 ARC will be sent to the HOA Board of Directors for review. The HOA Board may accept the recommendation to remove the Builder, reject the recommendation to remove the Builder, or may conduct a subsequent hearing. If an HOA Board hearing is convened, the Builder may address the issues and explain why he should not be removed from the FBL. The decision of the HOA Board to retain or remove the Builder from the FBL is binding.

- (6) The HOA Board may remove a Builder from the FBL by a super-majority vote of 2/3 of the then-current number of officers.
- (7) 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.).
- (8) 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 Hollyhock, or if the Builder is no longer in the construction business.

8.4 Insurance Requirements for ALL BUILDERS:

Builders are a crucial element in the integrity of the subdivision

With regard to all activities conducted under these Guidelines, Builder, or owner building their own home, shall carry public liability insurance in a solvent insurance company licensed to do business in the State of North Carolina, or satisfactory to the Hollyhock 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 Hollyhock Home Owners Association, its Board of Directors and its agents to be named as “Certificate Holders” on such liability insurance.

- 9.1 **Notification:** Whenever a violation of any provision of the Architectural Guidelines or CC&Rs of Hollyhock is committed by an owner, the HARC through the property management company will notify the Owner of the violation in a letter of non-compliance delivered by means of personal service U.S. mail, or certified mail with a copy sent to the Builder of record.

The notifications will state the violation and give the Owner/Builder ten (10) days in which to remedy the violation. In the event the violation(s) is/are not remedied within the ten (10) day period, the HARC may, after a hearing is held, levy fines in accordance with the provisions of the North Carolina Planned Community Act and the Hollyhock CCRs.

For violations by Builders, the ARC will notify the Builder of record using the review site for communication or by email if the owner is the registrant on the review site. The Builder will be notified of the violation and the amount of the fine. The Builder will be notified of the violation and the amount of the fine, and if there are no reasonable, mitigating circumstances, the amount of the fine will be deducted from the Builder’s security deposit and the owner will be informed of the violation. The ARC may use funds from the Builder’s CSD to correct a deficiency if the Builder fails to do so in a timely manner.

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

Reason for change – specify the notification process for violations.

- 9.2 **Fines for Violations:** In accordance with CC&R 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 non-compliance from the HARC has not been resolved to the satisfaction of the HARC, the fine for the violation may be up to \$100.00 per day for each day of such occupancy. The applicable CSD will be annotated as described above.

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

- a) For 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.
- b) For 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.
- c) For working outside of permitted hours on any given day: \$100 per hour or fraction thereof.
- d) For violating the Sunday or holiday working restrictions (Article 4.32): \$500 per day

- e) For trespassing on private lots or common areas (e.g., marina, pool): \$100 per incident
- f) For storing equipment on adjacent lots or on common areas without written permission of owner/ARC: \$100 per day.
- g) For use of gate code by personnel other than Builder and Sub-contractors: \$100 per incident and administrative costs to issue a new gate code
- h) For commencing any construction activities prior to the review and written approval of the Architectural Review Submittal by the HARC: \$500.00 Additional fines could be assessed if construction continues without HARC approval.
- i) For a major violation cited in article 8.1above, \$1000.00
- j) For other violations of the Guidelines not mentioned herein, fines will be levied at the actual cost of the corrective action plus any HOA expense.

Reason for change – Specify the fines, allow swift accountability, and assign accountability to the entity that violates the Guidelines.

Submittal Form One Page 1

III.* Initials _____ Compliance Security Deposits for dwelling construction: \$3,000.00 by Builder (\$1,500.00 for remodel); \$1,000.00 by owner

Submittal Form One Page 3

Compliance Security Deposits	Check#s _____ _____	Date: _____ _____	Paid By: _____ _____
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Reason for change: Reflect the changes to the Guidelines regarding CSDs on the applicable form