

# Reflection Pointe Homeowners Association

## Architectural Guidelines

### Addenda and Clarifications

#### February 2021

Pursuant to article 2.5 of the Reflection Pointe 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 3.1, 3.9, 3.11, 3.12, 4.2, 8.1, 8.1A3, 8.1A5, and adds Appendix A.

Italicized text reflects the changes to be incorporated into respective articles in the next revision of the Guidelines.

**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 fees must be paid before submittals will be considered by the RPACC. *A copy of the contract between the owner and a Featured Builder must also be submitted to the ACC (see article 8.1 for contract and Featured Builder details).*

**Reason for Change:** Emphasis - Repeat the CCR requirement also found in article 8.1 that the contract must be with a Featured Builder.

**Added this paragraph -**

**3.9 Variances:** *Variances 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 Construction Document (CD) 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 if mitigation is warranted. 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 the RPACC. Granting or denial of the variance request will be conveyed to the owner via the architectural review portal website ([arcreview.org](http://arcreview.org)). A variance given one property owner applies only to that property owner.*

**Reason for change:** Added the “Variance” provisions allowed by the CCRs to the Guidelines in section 3.9 so the owners can see their options in one place and not have to go to the CCRs. (This paragraph appeared in earlier editions of the Guidelines.)

### Sample Board – 3.11

#### Replace these last two sentences in the article:

The sample board may be placed in the completed garage one week prior to preparing the finished grade and subsequent installation of the landscape materials, providing it can remain intact. The board can be removed from the site after the final on-site review is fully approved.

#### With

*The board can be removed from the site after the exterior of the home meets the specifications depicted on the sample board and approval documented in the file on the arcreview.org website.*

**Reason for change:** Facilitate landscaping.

### On-site reviews – 3.12

#### Add highlighted sentence

- 1) **Pre-Construction Site Staking review:** Following approval of the sample board and prior to commencement of clearing, grading, or construction, the general contractor 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 and stone construction drive. *Only minimal brush clearing to facilitate staking and stringing is allowed.* Request the RPACC through the review site to schedule the inspection. Allow a minimum (7) seven business days’ notice. Members of the RPACC will meet with you at the site. After the RPACC approves the staking, markings, and sample board, approval to start construction will then be granted. The approval date of the site staking review is the official date that construction is deemed to commence.

**Reason for change:** To preclude extensive clearing for staking.

### Addition to 4.2 Construction Fencing

**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. *For waterfront lots, use “high hazard” silt fencing with woven filter fabric at least 32” wide and have a minimum of 6 line wires with 12” stay spacing, 5 foot steel posts, and wire fencing that is at least #10 gauge with a minimum of 6 line wires with 6 “ stay spacing. (See appendix A.) This fencing must extend on the sides of the lot at least 20 feet from the waterfront where it must continue or transition to the construction fencing required for interior lots. For interior lots, 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. Where downward slopes of 2:1 or greater are present at the property line (PL) or clearing limit (CL) as approved by the ACC, a double silt fence is required and each fence must be backed with 4” WWF (*welded wire fabric*) secured between steel fence posts. Where the downward slope is 3:1 at the PL or CL, but is less than 2:1, a single reinforced silt fence is required. A code compliant silt fence is required fully at other downslope PL or CL locations. The RPACC*

reserves the right to require additional erosion control measures on a case-by-case basis at any location where silt run-off is present. This can be determined either at plan review, site review or after construction commences at a silt fence failure. If the owner does not have the Builder install such fencing following lot clearing, then the RPHOA 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:** Enhanced protection of Lake Wylie from stormwater runoff based on recommendations erosion control officials. Define WWF.

### **Featured Builders 8.1**

The first change is to differentiate between the two sections of 8.1 after the introductory paragraph. The first section addresses what the Featured Builder must do – it's to be labeled *section A*. the second section addresses the removal of a Featured Builder – it's to be labeled *section B*.

#### **8.1 Modify the notes at the end of the opening paragraph and add a note**

“NOTE: *An owner's selection of a builder currently listed as a Featured Builder (FBL) 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.*

*Note: It is advised that owners **do not enter into any contract with builders not on the FBL until the ACC has approved the builder**, as not all builders are able to meet the prerequisites to build in Reflection Pointe.”*

**Reason for change:** Emphasize in the first note that it's the owner who selects the builder and clarify the difference between builders already on the FBL and applicants for the FBL. Warning owners not to assume a builder will be approved to build in Reflection Pointe.

#### **8.1 A 3 Contract**

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. The contract must also address the following as applicable:*

*‘Owner purchased, builder installed’ - These are items the owner has purchased and has delivered to the Builder for which the Builder is responsible to install.*

*‘Owner selected Subcontractors’ - Any agreement between the Builder and the Homeowner to allow the homeowner to select sub-contractors for the Builder to employ instead of the Builder’s sub-contractors will be included in the contract and disclosed to the ACC. 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.*

**Reason for change:** Deletes the requirement to disclose the financial details of the contract. The owner purchased/owner selected section can save money for owners and recognizes common industry practices.

#### **Change to 8.1 A 5**

5) Builder must submit at least three (3) recent (no more than four (4) year old) homes as examples of projects similar in scope and value as proposed home. Homes may not be built for the builder’s family members. *A first-time builder may not build a home for himself/himself in Reflection Pointe until he/she has been permanently added to the FBL.*

**Reason for change:** Clarify that a builder on the FBL can build a home for anyone including himself/ herself.

#### **Adds Appendix A – Diagram High hazard silt fencing**