



**HERITAGE LAKE
Property Owners Association, Inc.**

**Architectural & Environmental Building
Rules and Regulations**

2015 Printing

Table of Contents

SECTION 100: INTRODUCTION

- 100 PURPOSE
- 103 SAFETY
- 106 AUTHORITY OF THE A&E COMMITTEE
- 109 ARTICLES OF THE ARCHITECTURAL AND ENVIRONMENTAL COMMITTEES
- 112 APPROVAL PROCESS/COMMITTEE PROCEDURES
- 115 APPLICATION REQUIREMENTS
- 118 ACCESS TO A & E FILES
- 121 NO CONSTRUCTION WITHOUT PRIOR COMMITTEE APPROVAL
- 124 SITE LOCATION HLPOA COMPLIANCE FORM
- 127 IMPROVEMENTS NOT LISTED
- 130 LIMITS OF LIABILITY
- 133 AUTHORIZATION TO SEEK INJUNCTIVE RELIEF
- 136 RULES AND REGULATIONS HANDBOOK AND COMPLIANCE FORM
- 139 REFUSAL OF PERMISSION
- 142 RESPONSIBILITY OF NOTIFICATION
- 145 UTILIZATION OF COMMON PROPERTY
- 148 APPROVALS ACCORDING TO RESTRICTIVE COVENANTS
- 151 SIGNIFICANT CHANGES
- 154 CONSTRUCTION OVER LOT LINES
- 157 VARIATIONS
- 160 GRANDFATHERED STRUCTURES

SECTION 200: GENERAL CONSTRUCTION INFORMATION

- 201 PRESERVING AESTHETIC APPEARANCE AND MAINTAINING HARMONY
- 204 DEFINITION OF NORMAL LAKE LEVEL
- 207 PROPERTY OWNER RESPONSIBILITY
- 210 LOCATION OF UTILITY LINES
- 213 EXTERIOR FINISHES
- 216 ROOF PITCH
- 219 OVERHANG
- 222 DRAINAGE
- 225 CONSTRUCTION DEBRI
- 228 MINIMUM SQUARE FOOTAGE
- 231 FOUNDATIONS
- 234 EROSION CONTROL
- 237 MAXIMUM HEIGHT
- 240 FREESTANDING FURNANCES
- 243 SETBACK REQUIREMENTS
- 246 DILIGENCE IN BUILDING

SECTION 300: HOUSE APPROVAL AND CONSTRUCTION PROCEDURE

- 301 PROOF OF OWNERSHIP
- 304 REQUIREMENTS TO OBTAIN AN A&E APPOINTMENT
- 307 AT COMPLETION OF CONSTRUCTION

SECTION 400: MISCELLANEOUS CONSTRUCTION

- 401 MOVING A DWELLING FROM ONE LOT TO ANOTHER
- 404 REMOVAL OF EXISTING HOME OR STRUCTURE AND SUBSEQUENT REPLACEMENT
- 407 BOAT LIFTS
- 410 DECKS
- 413 METAL AND GLASS SUN ROOM OR ANY THREE SEASON ROOM ADDITIONS
- 416 WATERFRONT PROPERTY FENCING
- 419 NON WATERFRONT PROPERTY FENCING
- 421 DETACHED GARAGES
- 424 BOATHOUSES
- 427 CARPORTS
- 430 GAZEBOS
- 433 DOCKS
- 436 POOLS (ABOVE GROUND)
- 439 POOLS (IN GROUND)
- 442 PRIVATE BOAT LAUNCH
- 445 TRAILERS

SECTION 900: REQUIRED DOCUMENTS

- 904 AFFIDAVIT FOR CONSTRUCTION/ HLPOA COMPLIANCE FORM/PERMIT

SECTION 100: INTRODUCTION

100 - PURPOSE

The purpose of this handbook is to document the building regulations at Heritage Lake. The Heritage Lake Property Owners Association (HLPOA) reserves the right to add, change, or delete any rules and regulations in this handbook.

103 - SAFETY

The protection of residents, visitors, and construction workers from death and injury is paramount. Therefore it is imperative that all construction workers and construction procedures fully comply with the regulations of the Occupational Safety and Health Act (OSHA) and other authorities having jurisdiction.

106 - AUTHORITY OF THE A&E COMMITTEE

The Building Rules and Regulations are under the auspice and control of the Board of Directors and the A&E Committee.

109 - ARTICLES OF THE ARCHITECTURAL AND ENVIRONMENTAL COMMITTEE

1. NAME: (A&E) Architectural and Environmental Committee.
2. PURPOSE: To fulfill the objectives of Articles VI and VII of the Restrictive Covenants.
3. MEMBERSHIP: The committee shall consist of six (6) or more representatives appointed and approved by the Board of Directors. New or first time members must attend three (3) consecutive meetings before they can be presented to the Board for membership. Voting privileges for members will be suspended if a member misses three (3) consecutive meetings, without notifying the committee chairman. Voting privileges will be restored upon attendance at a third consecutive meeting.
4. OFFICERS: The officers will be a Chairman, Vice-Chairman, and a Secretary.
5. MEETINGS: Meetings will be held at 7:00 p.m. at the Clubhouse, on the 3rd Thursday of each month.
6. QUORUM: Shall be a minimum of three (3) voting members of the committee. In the event a scheduled meeting is held where an insufficient number of voting members are present to constitute a quorum, a special meeting shall be called. All committee members, anyone in attendance at that scheduled meeting, and anyone with proposed plans that were to be reviewed will be notified as to the time and date of the special meeting. The agenda of the special meeting will be limited to only those items that were on the agenda for the scheduled meeting.
7. Amendments to the Building Rules and Regulations document require the vote of the committee with the approval of the Board of Directors.
8. AUTHORITY: Roberts Rules of Order, Newly Revised will be followed.

112 - APPROVAL PROCESS/ COMMITTEE PROCEDURES

1. Property owners will submit plans by 3 pm on the first Thursday of the month (see Application Requirements, section 115). Plans shall be submitted to the POA Office Secretary. The A&E committee reserves the right to decide whether or not to review plans submitted after the deadline at the scheduled meeting.
2. The application fee must be paid according to the fee schedule approved by the Board of Directors.
3. The POA office will make the plans available to the A&E Committee on the day after the submission deadline. The POA office will also deliver a list of properties requesting permits and permit request type via E-mail notification to current A&E committee members that have email addresses on file at the POA office
4. A pre-inspection team consisting of A&E committee members, POA board members, and/or the property manager may at their discretion complete a site inspection before the scheduled A&E committee meeting.
5. Representation at A&E committee meeting- The property owner's presence at the A&E Committee meeting is encouraged. The property owner may have a representative represent the project in their place. The property owner is responsible for following up with the representative and ensuring the construction is completed as documented and approved. If the property owner or representative is not in attendance, the A&E Committee will review the related documents. Any significant changes, questions, or concerns that need to be addressed shall result in postponing the construction approval to the next available meeting.
6. At the A&E Committee meeting the proposed plans will either be (a) approved, (b) denied, or (c) denied pending POA Board review. The approval of proposed plans will be by a majority of attending A&E committee members but with the approval of at least 3 voting members.
7. The property owner/builder will be notified that the approved/disapproved plans are at the POA office ready to be picked up. A disapproved notice will be sent by mail.
8. After the anticipated construction start date the A&E committee, POA board members, and/or property manager may at their discretion complete an "in progress construction inspection". Construction will be halted (see injunction section 133) if any of the rules and regulations are not being followed and/or the approved plans do not match current construction.
9. After construction is complete, the A&E committee may at their discretion finish the approval process with a final inspection.

115 - APPLICATION REQUIREMENTS

Property owners will submit plans to the committee, including the following: (All items must be completed before the plans will be considered for approval.)

1. A current licensed and professional surveyor's plot plan showing the exact location of building stakes, location of well, driveway, and all improvements existing upon the lot and the location of the improvement proposed to be constructed or placed upon said lot, each properly and clearly designated.
2. Floor plans drawn 1/4 inch to 1-foot scale.

3. Exterior elevation plan drawn 1/4 inch to 1- foot scale (when required)
4. Specifications for the color and composition of all exterior materials proposed to be used together with any other material or information which the committee shall require.
5. Notarized Agreement (Section 904).
6. Anticipated start and completion dates.

118 - ACCESS TO A & E FILES

1. All A & E Committee minutes are available for review and copy by all Association members.
2. Members of the POA Board and/or the A & E Committee have access to all A & E records at any time while performing their POA duties.
3. All property owners have access to their own A & E Committee files.
4. Only POA Directors and A & E Committee members shall remove A & E files from the POA office after signing a receipt for the same.
5. Anyone being denied access to the A & E files may appeal to the POA Board.

121 - NO CONSTRUCTION WITHOUT PRIOR A&E COMMITTEE APPROVAL

1. No dwelling, building, structure, or improvement of any type, including any addition to an existing structure shall be constructed or placed on any lot in the Properties without the prior written approval of the A&E Committee in accordance with the By-laws and Restrictive Covenants.
2. Such approval shall be obtained only after written application has been made to the A&E Committee by the property owner.
3. Such written application shall be in the manner and form prescribed by the committee, and shall be accompanied by one complete set of plans and specifications (section 112, 115) for the proposed construction or improvement.
4. Where applicable, there shall also be submitted to the office, the HLPOA compliance forms (Section 904) and review fee or reports required by the Heritage Lake Property Owners Association, Inc. Restrictive Covenants. Failure to do so will result in the HLPOA seeking an injunction.

124 – SITE LOCATION HLPOA COMPLIANCE FORM/PERMIT

All dues and other fees owed by an Association member on any property must be paid in full before a site location HLPOA compliance form/Permit (Section 904) is issued for any property.

127 – IMPROVEMENTS NOT LISTED

Any improvement not listed in the Building Rules and Regulations are also subject to approval by the A&E Committee, which is agreed to by all lot owners by accepting deed to the lot per HLPOA Restrictive Covenants.

130 - LIMITS OF LIABILITY

1. The Heritage Lake Property Owners Association A&E Committee Members, employees and officers charged with the enforcement of these Rules and Regulations, while acting for the Association, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that shall accrue to persons or property as a result of any act required or permitted in the discharge of their official duties.
2. Any suit instituted against any officer or employee because of an act performed by her or him in the lawful discharge of his or her duties and under the provisions of these Rules and Regulations shall be defended by the legal representative of the Association until the final termination of the proceedings.
3. The A&E Committee Officials shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of these Rules and Regulations and any of its provisions, or by reason of any act or omission in the performance of their official duties in connections therewith.

133 - AUTHORIZATION TO SEEK INJUNCTIVE RELIEF

The A&E Committee shall have the power, pursuant to the Restrictive Covenants and the Building Rules and Regulations to recommend to the Heritage Lake Board of Directors to seek injunctive relief in the event that any improvement is constructed in violation with the A&E Committee approved specifications or when no plans are on file with the A&E Committee.

1. The A&E Committee shall have the power to recommend to the Heritage Lake Board of Directors that injunctive relief be sought.
2. Nothing in this section shall prevent the Association from obtaining other appropriate relief.

136 – RULES AND REGULATIONS HANDBOOK AND COMPLIANCE FORM

1. One copy of all required forms and the Rules and Regulations information shall be available at the Clubhouse to a lot owner free of charge.
2. The Association reserves the right to assess a fee for additional copies.

139 – REFUSAL OF PERMISSION

The committee may refuse to grant permission to construct, place or make the requested improvements when:

1. The drawings or other material submitted are themselves inadequate or incomplete, or show the proposed improvement to be in violation of these restrictions (see Section 115).
2. The requirements of the Restrictive Covenants have not been met.

142 -RESPONSIBILITY OF NOTIFICATION

When a surveyor is contracted to survey a lot, it is the property owner’s responsibility to inform the surveyor of

HLPOA building rules and regulations.

145 -UTILIZATION OF COMMON GROUND

Heritage Lake Property Owners Association common grounds shall not be utilized during construction in any way without written permission from the Property Manager.

148 - APPROVALS ACCORDING TO RESTRICTIVE COVENANTS

Any structure approved by the Heritage Lake A&E Committee is approved according to the design requirements, limitations and restrictions of the Heritage Lake Restrictive Covenants.

151 - SIGNIFICANT CHANGES

1. Any significant changes in the external structure and/or design of the home during the "construction process" without approval of the A&E Committee members, will result in an immediate injunction.
2. Changes will be noted on a new Compliance Form which will be filed in the construction folder for that property and maintained in the POA office after the A&E Committee approval.

154 - CONSTRUCTION OVER LOT LINES

Before submitting an application to the A&E Committee for construction over a lot line (contiguous lots), the property owner must deed the two lots into one lot and record this change with the Putnam County Clerk. A copy of the recorded deed is to be submitted for any project that requires the properties to be deeded together.

157 - VARIATIONS

The HLPOA Board after consulting with the A&E Committee shall determine and vary these regulations in harmony with their general purpose and intent, only in the specific instances hereinafter set forth.

1. Application
 - a. An application or communication to the Property manager or A&E committee chairman for a variation shall be filed with the HLPOA Board on a prescribed form.
 - b. The application or communication shall contain such information as the A&E Committee shall require.
 - c. No more than ninety days after filing of such application or communication, a hearing shall be held on the application.
 - d. Variations of survey set back line, for front, side, or rear setback, shall be considered by the Board only after the written approval of said variation by the Putnam County Planning Commission.
2. Standard of Variations: The Board shall not vary these regulations, as authorized herein, unless it shall make findings based upon the evidence presented to it in each specific case that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations due to the following findings of facts:
 - a. The particular physical surroundings shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same building classification.
 - c. The purpose of the variation is not based exclusively upon financial considerations.
 - d. The alleged difficulty or hardship has not been created by the owner of the property.
 - e. The granting of the variation will not be detrimental to the public welfare or the injurious to other property or improvements in the neighborhood in which the property is located.
 - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood, or adversely affect the health, morals, or general welfare of the public.

The Board shall impose such conditions and restrictions upon the premises benefited by a variation as shall be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to carry out the general intent of these regulations.

160 – GRANDFATHERED STRUCTURES

Any structure approved by the A & E Committee prior to March 1, 2012 shall be considered exempt from complying with these Building Rules and Regulations unless said structure was constructed without obtaining proper permits or violated the then existing Rules and Regulations of the HLPOA, in which case, these illegal structures shall henceforth comply with these Rules and Regulations. Replacement of structures with different dimensions than the original structure shall no longer be grandfathered and must be in compliance to all current Building Rules and Regulations.

SECTION 200: GENERAL CONSTRUCTION INFORMATION

201 – PRESERVING HARMONY

Improvements applied for by property owners for approval by the A&E committee (or Board of Directors on appeal) are to maintain the "Harmony" of the community. Understandably, the term "harmony" is subject to interpretation.

While the judgment of the A&E committee or Board of Directors, if applicable, is the final determination of the test of harmony, a general guideline is that improvements are to be consistent in material and design with the owner's property, neighboring property, and that of the community in general. In addition, all improvements are to have reasonable impact on neighbors' view of common areas and/or lake views. The judgment of the A&E Committee or Board of Directors is the final determination of the term "reasonable". The property owner may appeal the A&E Committee's denial of an application based on its judgment of harmony or significance to the Board of Directors. In such an event, the applicant and the affected neighbor(s) will be given at least 15 days notice of a meeting of

the Board of Directors, at which time the appeal will be ruled upon.

204 - DEFINITION OF LAKE POOL LEVEL is the level at which the lake is at normal pool. Heritage Lakes normal pool is 827.5 NGVD29; or when then lake level is even with the spillway.

207 - PROPERTY OWNER RESPONSIBILITY

The property owner is responsible for the actions and activities of all persons issued entry under his/her lot number. It is the property owner's responsibility to make all such persons aware of the Association Rules and Regulations.

210 - LOCATION OF UTILITY LINES

Location of utility lines is the responsibility of the property owner in cooperation with his contractor. As interruption of utility services represents potential downtime of vital public services, the A&E Committee strongly urges property owners and their contractors to call appropriate utilities and Indiana Underground Plant Protection Services before any digging is initiated. This is particularly important when building over two lots.

213 - EXTERIOR FINISHES

Exterior finishes must agree with the existing homes.

216 - ROOF PITCH

All homes must have at least a 4/12 roof pitch. The A&E committee reserves the right to consider a roof pitch less than 4/12 for additions or alterations to a current structure.

219 - OVERHANGS

Overhangs must be at least 12 inches excluding the gutter width. The A&E committee reserves the right to consider an overhang of less than 12 inches for additions or alterations to a current structure.

222 - DRAINAGE

Structures are approved with the understanding that the property is subject to drainage in its entirety and that it is the property owner's sole responsibility to insure compliance with all state and local drainage regulations through proper engineering so that drainage does not drain onto adjacent property.

225 - CONSTRUCTION DEBRI

The property owner shall be responsible for keeping the premises free from accumulation of waste materials and debris during construction. No burning of treated construction materials or shingles is allowed. Property owners must make arrangements for disposal of the building materials outside of Association properties.

228 - MINIMUM SQUARE FOOT

A house must have a minimum of 680 square feet of ground floor, enclosed living space.

*Note: HLPOA current recorded covenants state 680 square feet minimum; however, Putnam county currently requires new home constructions to be a minimum of 950 square feet.

231- FOUNDATIONS

All homes and garages are to be placed on continuous concrete footers. Pole type buildings (a building quickly constructed in which vertical poles are secured to the ground to serve as both the foundation and framework) are prohibited.

234 - EROSION CONTROL

No construction shall be permitted without erosion control devices being installed. They must be installed within twenty-four (24) hours of commencing the excavation process.

237 - MAXIMUM HEIGHT

No home construction shall exceed 2 ½ stories in height measured from ground level on the street side elevation of the structure.

240 - FREESTANDING FURNACES

No outdoor, free standing, auxiliary building, wood burning structures are permitted.

243 - SETBACK REQUIREMENTS

In general, except as shall be otherwise provided in these restrictions or on the plat, no dwelling or other structure shall be constructed or placed on any numbered lot in the Properties except as follow:

1. No building shall be located on any property nearer than 25 feet to the front property line or nearer than 20 feet on any side street line. (See section 157 #1d for variance requirements)

*Note: HLPOA current recorded covenants state 25 feet minimum setback from the street line; however, the recorded plats state 30 feet setback from the street line. Putnam county may require plat changes to accommodate a request closer than 30 feet setback from the street line.

2. No building shall be located nearer than 10% to the width of the property on which such building is to be placed to any side line. In no case shall the setback be less than 8 feet on the back and sides, except that a three foot minimum side yard shall be permitted for a garage or other permitted accessory building which is located toward the rear of the property.
3. In no instances shall buildings be built any closer than 30 feet to the waterline at normal pool (Section 204).
4. Eaves, steps and open porches shall not be considered when determining the setback requirements. However,

- no portion of the building shall encroach upon adjoining property.
5. Eaves, steps and open porches may be removed from easements by utilities and replacement will be at the owner's expense.
 6. Easements are reserved:
 - a. along and within 8 feet of rear, front and side lines, 12 feet in front per plat maps, of all original lots for the construction and perpetual maintenance of public and quasi-public utilities, sewers and drainage;
 - b. to trim any trees which at any time may interfere or threaten to interfere with the maintenance of such lines with right of egress and ingress from and across said premises to employees of said utilities;
 - c. to extend along owner's side and rear property lines in cases of fractional lots.
 7. A person owning contiguous lots may build on the adjoining lot line and the easement shall be inoperative if the lots are deeded together. The building shall be placed thereon prior to the instigation of use of this easement. (also see section 154).
 8. It shall not be considered a violation of the provision of easement if wire or cables carried by power lines pass over some portion of properties with the eight foot wide easement as long as such lines do not hinder the construction of buildings on the property.
 9. The foregoing Building and Use Limitations shall not apply to the Common Properties.
 10. **DEFINITIONS:**
 - a. "Side Line" - is a lot boundary line that extends from the road on which the lot abuts to the rear line of said lot.
 - b. "Rear Line" - is the lot boundary line that is farthest from, and substantially parallel to the road on which the lot abuts, except that on corner lots, it shall be determined from either abutting road.
 - c. Setback line is determined by the measurements from the lot line to the structure.

246 - DILIGENCE IN BUILDING

Every building whose construction or placement on any numbered lot in the Properties is initiated shall be completed within 12 months after the beginning of such construction or placement. Home construction shall be considered complete when a Putnam County Occupancy Permit is issued. This is consistent with the Putnam County requirements. An extension may be requested from the A&E Committee but, to be granted, the construction must be compliant with any new rules and regulations.

SECTION 300: HOUSE APPROVAL AND CONSTRUCTION PROCEDURE

301 - PROOF OF OWNERSHIP

No house plans shall be submitted to the A&E Committee for approval until the applicant can provide proof of ownership in the form of the recorded deed for the lot(s).

304 – REQUIREMENTS TO OBTAIN AN A&E COMMITTEE APPOINTMENT

1. The property owner's presence at the A&E Committee meeting is encouraged. The property owner may have a representative present in their place. The property owner is responsible for following up with the representative and ensuring the construction is completed as documented and approved. If the property owner or representative is not in attendance, the A&E committee will review the related documents. Any significant changes, questions or concerns that need to be addressed shall result in postponing the construction approval to the next available meeting. See sections 115 and 201 - 246 which specifically address new home construction and application requirements.
2. Tree Removal Application – The Property Manager must be notified and permission granted in writing if trees to be cut will drop on HLPOA property.

307 - AT COMPLETION OF CONSTRUCTION

After the Putnam County Occupancy Permit has been granted, a copy must be submitted to the Heritage Lake Property Owners Association office for filing with the Heritage Lake Property Owners Association.

SECTION 400: MISCELLANEOUS CONSTRUCTION

401 - MOVING A DWELLING FROM ONE LOT TO ANOTHER

1. A finished home may be moved from one lot to another only with the written permission of The A & E Committee or the Board of Directors.
2. A HLPOA compliance form (Section 904) is required before the dwelling is moved.
3. After the Putnam County Occupancy Permit has been granted, a copy must be submitted to the Heritage Lake Property Owners Association office for filing with the Heritage Lake Property Owners Association.

404 – REMOVAL OF EXISTING HOME OR STRUCTURE AND SUBSEQUENT REPLACEMENT

1. In cases where acts of God require the removal of an existing structure and subsequent replacement with a structure having the same dimensions/materials, a new permit from the A&E Committee is not required if permits were previously approved. The property owner is strongly encouraged to request a copy of the original permit from the POA office.
2. Removal of an existing structure to replace it with a structure with different dimensions/materials will be processed as a new structure and therefore requires a new permit. All current building rules and regulations must be followed on the new structure.

407 - BOAT LIFTS

1. Boat lifts must be approved by the A&E Committee. An application and plans showing dimensions and location of construction must be submitted to the Heritage Lake Property Owners Association Office by 3 pm on the first

Thursday of the month. (see sections 112, 115)

2. A Heritage Lake Property Owners Association Site location HLPOA compliance form is required. (see Sec. 904)
3. The boat lift may extend over the water no more than 10 percent of the width of the cove on which it is located, or 24 feet maximum. Boatlifts and boats shall not be configured in a way that blocks access to the end of the cove. There must remain no less than 12' of clear width for boat travel.
4. If the boatlift is to be covered you must submit an elevation drawing or picture.
5. The boatlift's cover may be constructed of regular construction materials (e.g. wood, roofing tiles, etc.) as well as the built-on awning type cover.
6. Boat lift covers may not have enclosed walls of any type of material.
7. Boat lift covers are not to contain a storage shed.
8. As a general rule, canvas awning type boat lift covers will be approved because they have minimal affects to a neighbor's view.
9. Boatlifts with boat lift covers cannot exceed 15 feet in height at any point from the normal lake water level.
10. If the A&E committee has concerns about the project complying with Section 201, the committee reserves the right to deny the request. If the Board determines that the construction does not comply with Section 201, the application will be denied. If the Board determines that the construction does comply with Section 201, the application will be returned to the A&E Committee to complete their review. *Soft cover boat lifts, such as Shore Station® and Shore Master®, which meet all other conditions of the boat lift guidelines shall not be denied solely based on the Section 201. As a general rule/guideline the property's elevation is key to having minimal disturbance of a neighbor's view and the neighbor's view will be the top consideration in each of these requests. If the properties elevation drops significantly from the street to the lake then minimal disturbance can be expected.
11. Any plans to use the Boat lift cover as a seating area must be approved by the A&E Committee.
12. If a boatlift is removed, any cover over the boatlift is required to be removed at the same time with no exceptions.
13. No permanent type boat lift shall be located nearer than 10% of the width of the property on which such building is to be placed from any side line.
14. Drainage must be preserved, to the satisfaction of the A&E Committee.

410 - DECKS

1. Decks must be approved by the A&E Committee.
2. A Heritage Lake Property Owners Association site location HLPOA compliance form (Sec. 904) is required for construction of a deck. See Section 115 for application requirements.

413 - METAL AND GLASS SUN ROOM OR ANY THREE SEASON ROOM ADDITIONS

1. Additions must be approved by the A&E Committee.
2. A Heritage Lake Property Owners Association site location HLPOA compliance form (Sec. 904) is required for the construction of a Sun Room or any three season room. See section 115 for application requirements.

416 – WATERFRONT PROPERTY FENCING

1. Fences are permitted in Heritage Lake Properties upon application and approval. See Section 115 for application requirements.
2. Plans for the erection and location of fences, walls, and pet enclosures will be considered on a case by case basis by the A&E Committee. In cases where the view of adjacent neighbors is significantly affected, the A&E Committee reserves the right to deny the permit request pending a Board of Directors review. Anything placed in the utility easement can be destroyed by a utility without compensation to the owner. The fence, wall, or pet enclosure must be built entirely within the bounds of the owner's property.
3. Pet owners are encouraged to consider using underground pet containment type of fencing as a first option.
4. Fences are only allowed in the backyard (waterfront) and in a side yard. Fencing may not be nearer the front street than the rear of the house, however if the house access to the enclosed area is by side door only, then the fence may be extended to enclose the side door.
5. A sample and/or colored picture of the materials to be used are to be included in the submission process and will be used to help the A&E Committee's decision. Generally speaking the A&E Committee may approve the following:
 - a. Wrought iron, aluminum, and plastic covered aluminum fencing considered decorative.
 - b. Split-rail fences with a top rail not exceeding four (4) feet.
 - c. Other decorative or accent fences not exceeding four (4) feet in height.
6. Pet enclosures (See section 419 #11) and pool fencing will be considered on a case by case basis.
7. Fencing cannot be solid in appearance.

419 – NONWATERFRONT PROPERTY FENCING

1. Fences are permitted in Heritage Lake Properties upon application and approval. See Section 115 for application requirements
2. Plans for the erection and location of fences, walls, and pet enclosures will be considered on a case by case basis by the A&E Committee. In cases where the view of adjacent neighbors is significantly affected, the A&E Committee reserves the right to deny the permit request pending a Board of Directors review. Anything placed in the utility easement can be destroyed by a utility without compensation to the owner. The fence, wall, or pet enclosure must be built entirely within the bounds of the owner's property.
3. Fences are only allowed in the backyard and in a side yard. Fencing may not be nearer the front street than the

rear of the house, however if the house access to the enclosed area is by side door only, then the fence may be extended to enclose the side door. Implementation of this rule will be considered on a case by case basis.

4. Fences cannot exceed 6 feet in height.
5. Shadow box fencing is permitted as a backyard fence, but there must be spacing between adjacent fencing members of approximately two (2) inches when viewed at a forty-five (45) degree angle.
6. Picket fences shall not exceed four (4) feet in height nor have member components closer than three (3) inches or greater than (4) inches either parallel or perpendicular.
7. Split-rail fences shall not have a top rail exceeding four (4) feet high.
8. Chain link fencing is permitted as a side and backyard fence, but must have a top rail.
9. All decorative or accent fences shall not exceed four (4) feet in height.
10. Side or back boundary line fences which are not part of an enclosure will be limited to a decorative type fence.
11. Pet Enclosures must meet the same requirements as back yard fences plus, the size shall be limited to a maximum of 150 square feet per dog with a length to width ratio no greater than 2:1. If there is a need for a pet enclosure over six (6) feet tall, the A&E Committee may grant permission for one seven (7) foot tall. Chain link fences may be used as long as the general view is not marred.
12. Privacy Fences or Walls are limited to the back yard and must be located so as to cause the least disturbance to nearby property owners. They can be up to seven (7) feet tall but cannot be over sixteen (16) feet in total length.

421 – DETACHED GARAGES

1. Garages must be approved by the A&E Committee.
2. A Heritage Lake Property Owners Association site location HLPOA compliance form (see Sec. 904) is required for construction of a garage. (See section 115 for application requirements).
3. There must be a house constructed on the lot in order to construct a garage.
4. Pole barns/building type structures are not considered garages and are prohibited. (See Sec. 231 for foundation requirements).
5. Detached garages must have a minimum of 180 square feet of floor space.
6. The building must have an exterior matching or compatible with the architectural design of the dwelling served, such that, without limitation, the roof, siding, doors and windows of the garage are the same as or substantially similar to those of the dwelling served.
7. In cases where in the opinion of the A&E Committee the view of adjacent neighbors is significantly affected, the A&E Committee reserves the right to deny the permit request pending Board of Directors review (see Sec. 201).

424 - BOATHOUSES

1. Boathouses must be approved by the A&E Committee
2. Application for a Site location HLPOA compliance form, appropriate fee and Construction plans (see Sec. 115 for application requirements) must be submitted to the Heritage Lake Property Owners Association Office by 3 pm on the first Thursday of the month and in accordance with the provisions in Section 121.
3. A Heritage Lake site location HLPOA compliance form (see Sec. 904) must be acquired unless the boathouse is approved and constructed at the same time as a new home construction.
4. A boathouse must be directly accessible to the waters of Heritage Lake via an access door at least 8' x 7' in size.
5. Have an interior floor size of at least 180 square feet
6. Be used and/or capable of immediate use for the parking and/or storage of a boat. (For example, a building that is used principally for the storage of personal property other than a boat or that has so deteriorated that it cannot be safely used by individuals and/or that boats cannot be stored therein without substantial risk of damage is not a boathouse.)
7. The structure must have a permanent foundation.
8. The building must have an exterior matching or compatible with the architectural design of the dwelling served, such that, without limitation, the roof, siding, doors and windows of the boathouse are the same as or substantially similar to those of the dwelling served.
9. No boathouse shall be located nearer than 10% of the width of the property on which such building is to be placed from any side line.
10. If the A&E Committee has concerns about the project complying with Section 201, the committee reserves the right to deny the request. If the Board determines that the construction does not comply with Section 201, the application will be denied. If the Board determines that the construction does comply with Section 201, the application will be returned to the A&E Committee to complete their review.

427 - CARPORTS No freestanding carports will be permitted. An attached carport to a house will be considered as an addition to the dwelling and will be processed as such.

430 - GAZEBOS

1. Gazebos must be approved by the A&E Committee.
2. An application, appropriate fee, and plans showing dimensions and location of construction must be submitted to the Heritage Lake Property Owners Association Office by 3 pm on the first Thursday of the month (see Section 115 for application requirements).
3. A Heritage Lake Property Owners Association site location HLPOA compliance form (see Sec 904) is required for gazebos.
4. There must be a house constructed on the lot in order to construct a gazebo.
5. Concrete slabs for gazebos are not permitted.
6. Approval of gazebos for height, square footage, and location shall be on an individual basis by the A&E

Committee.

7. Construction material must be treated wood, redwood, cedar, etc.
8. May be screened but cannot be enclosed with glass or solid panels.
9. The Committee may refuse to grant permission to construct, place or make the requested improvement.
10. Gazebos are not to be constructed and/or built over the water.

433 - DOCKS

1. Docks must be approved by the A&E Committee.
2. An application, appropriate fee and plans showing dimensions and location of construction must be submitted to the Heritage Lake Property Owners Association office by 3 pm on the first Thursday of the month (see Section 115 for application requirements).
3. A Heritage Lake Property Owners Association Site location HLPOA compliance form is required (see Sec. 904).
4. The boat dock can only extend over the water no more than 10 percent of the width of the cove on which it is located, or 24 feet maximum. Docks and boats shall not be configured in a way that blocks access to the end of the cove. There must remain no less than 12' of clear width for boat travel.
5. Construction materials shall be of exterior grade wood or other materials compatible to the structure.
6. DOCKS CANNOT BE ROOFED.
7. Drainage must be preserved, to the satisfaction of the A&E Committee, on any pier or dock constructed.

436 – Pools (ABOVE GROUND)

Above ground pools are not allowed. Children's pools holding less than 100 gallons of water with sides less than 12 inches tall are not considered above ground pools.

439 - POOLS (IN GROUND)

1. In-ground pools must be approved by the A&E Committee.
2. In-ground pools will be considered for approval on an individual basis.
3. A survey showing the plot plan with dimensions and location of construction must be submitted with the appropriate fee to the Heritage Lake Property Owners Association office by 3 pm on the first Thursday of the month.
4. In-ground pools must be within the building area. (see section 243)
5. The Putnam County Building Inspector must be notified for inspection.
6. When a pool is removed, the fence must also be removed.

442 - PRIVATE BOAT LAUNCH

Private boat launches are not permitted.

445 - TRAILERS

A site location HLPOA compliance form will not be issued to any structure that is similar to a trailer.

1. Any structure of a temporary character
2. Mobile home
3. Other dwelling unit so designed to be moved by any means from one site to another and to be used with or without a permanent foundation
4. Any structure sold with a title
5. Any dwelling whose structural integrity depends upon a transportation device.
6. Modular type construction homes that meet all A&E committee guidelines will be carefully considered. They must meet the Section 201 guideline and be consistent in material and design to that of the community in general. See sections 207 – 246.

SECTION 900: REQUIRED DOCUMENTS

904 Affidavits for Construction/ HLPOA compliance form/Permit

Affidavit for Construction of _____

HLPOA Permit _____ **Date:** _____

NAME: _____

LOT(S) NO(S): _____

PRESENT ADDRESS: _____

TELEPHONE NO: _____

ANTICIPATED START DATE: _____

ANTICIPATED COMPLETION DATE: _____

AGREEMENT:

This document, my (our) approved blueprints (complete with cross section and elevation drawings, etc.), and approved plot plan, constitute an agreement on my (our) part that I (we) have read and understood the Restrictive Covenants of Heritage Lake, and that my (our) project conforms to them. I (we) understand it is my (our) sole responsibility to make sure that my (our) property and any structures contained thereon and conduct is in compliance with the Restrictive Covenants, and the rules and guidelines as established by the HLPOA Board of Directors, and that I (we) face legal action from neighboring homeowners and/or the POA if found to be in violation. Furthermore, it is understood and agreed that it is my (our) sole responsibility to make sure that my (our) property and any structures contained thereon and conduct is in compliance with any and all municipal, county, state, and/or federal laws, including those governing the body of water known as Heritage Lake.

The plans, drawings, documentation, etc., that accompany this application for a Heritage Lake HLPOA compliance form are a true and accurate representation of what I (we) intend to build, as approved by the A&E Committee and/or the Board of Directors. I (we) further state that to the best of my knowledge the foundation, grade, landscaping, or any changes in the topography of my (our) lot(s) will not cause drainage of water from my (our) lot(s) to an adjoining lot.

In addition I (we) further agree that it is our sole responsibility to ensure that any topography changes of my (our) lot(s) have been approved by the proper governing authority over the body of water and/or water ways known as Heritage Lake. I (we) acknowledge and understand that HLPOA is in no way responsible for any changes, fees and/or judgments brought or levied by any governmental authority which may result from incorrect and/or unapproved topography changes and that HLPOA is in no way responsible for approving such changes.

I (we) further agree and understand that any and all permits, certifications or allowances granted by HLPOA are granted and/or denied based solely upon the compliance with the HLPOA Restrictive Covenants, and the rules and guidelines as established by the HLPOA Board of Directors.

If changes to the approved construction are needed, I (we) agree to submit the changes to the A&E Committee, and will not proceed with construction until such changes are approved. Work must be completed within twelve (12) months of HLPOA compliance form/permit issuance.

I (we) further understand the construction will be monitored before, during, and after completion for compliance and adherence to the approved project plans. I (we) agree to allow the A&E committee, HLPOA office staff, and/or Board of Directors permission to enter onto my (our) property to perform inspections after reasonable attempts to contact me (us) prior to inspections.

I (we) acknowledge that the ultimate authority for enforcing and interpreting the Restrictive Covenants is the Board of Directors and a court of law.

NOTICE: Permits required by Putnam County and other Local, State, and Federal Agencies must be obtained and are the responsibilities of the property owner.

Signed _____
(Lot Owner or Owners only)

OVER

State of Indiana SS: County of (_____)

Subscribed and sworn to me this _____ day of _____, 20____.

_____ Notary Public

A & E Committee Approval HLPOA Number _____ Date: _____

Signed by: _____

Signed by: _____

Signed by: _____

Signed by: _____

Signed by: _____

Signed by: _____