

## Augusta Shores Rules For Building

**The Augusta Shores Owners Association Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration")** states the following:

**Section 1.01 (B) defines "Association Property"** as "all land, improvements and other properties heretofore or hereafter owned by the Association";

**Section 1.01 (K) defines "Property"** as "all land and the improvements thereon as are subject to this Declaration and any streets within the Community known as Augusta Shores";

**Section 4.02 states** that" With respect to the Association Property owned, and in accordance with the Certificate of Incorporation and By-Laws of the Association, the Association shall have the right: a. to promulgate rules and regulations relating to the use, operation and maintenance of the Association Property for the safety and convenience of the users thereof or to enhance the preservation of such facilities or which, in the discretion of the Association, shall serve to promote the best interests of the Lot Owners";

**Section 7.02. states** "Submission of Plans for Initial Development. No improvements shall be initially made to or constructed on any Lot unless and until such plans for such improvements, in such detail as Developer may require, have been approved by Developer, in Developer's sole discretion, as to the proposed use and external design of the Improvements. In addition, all plans and proposed Improvements shall comply with the applicable zoning, building, health or other laws, codes and ordinances and all permits and approvals, if any, required by governmental agencies for such development shall be obtained. No such development shall be commenced except in accordance with such approved plans or a modification thereof similarly approved. Developer may impose such other requirements with respect to the construction of such initial improvement or such other development of such Lot as Developer deems appropriate, provided such requirements do not conflict with the provision of this Declaration, applicable zoning and building codes, or any other applicable laws, codes or ordinances."

In recognition of the diversity in the size of lots to be developed, and the topography of the lots and surrounding areas, and in order to maintain and control the aesthetic beauty and architectural integrity and character of the overall development of Augusta Shores, the Developer shall have absolute discretion with respect to the approval or disapproval of proposed house or other structure plans, including but not limited to, the size of the house or other structure, and the type or style of house or other structure plans. Further, in recognition of the existence of underground springs on the property, all structural foundations must have footer drains";

**Section 10.06 states** "Single-Family Residential Dwellings. The only dwellings permitted to be constructed on the Property shall (i) be single-family detached residential dwellings; and (ii) other improvements such as shed, work shops, (iii) be on a permanent foundation and (iv) be completed within twelve (12) months after the commencement of construction."

**Section 10.09 states** "No trees or shrubs more than 3" in trunk diameter other than trees or shrubs under or within 25 feet of any physical improvement existing or to be undertaken, including but not necessarily limited to a house and driveway) shall be removed from any Lot or portion of the Property except with the written permission of the Board of Directors of the Association..."

**Section 10.20 states** "Roadway and Lot to be Kept Clear of Mud and Debris During Construction. Each Lot and the roadway accessing such Lot shall be kept reasonably clear of any accumulation of mud and debris occasioned by any construction undertaken on such Lot. The Developer and the Association shall have the right if such accumulation has not been removed after 3 days notice to that Lot Owner to remove said mud or debris and to recover the cost thereof from the Lot Owner including, if necessary, the cleaning and flushing of sewers, flush basins and catch basins. In addition to being the personal obligation of the Owner, any such costs if expended by the Association shall be a charge and continuing lien on such Lot and shall be collectible in the same manner as Assessments under Article V of this Declaration."

**Section 13.05 states** "The rights, powers and authorities possessed by Developer or by R & H. L.L.C., hereunder shall continue until the earlier of twelve years from the date of recording of this Declaration...and, upon the occurrence of any such event, such rights, Powers and authorities shall devolve to the Association." The Declaration was recorded in 1997, and the Association, through the Board of Directors and Architectural Committee shall therefore assume the role of the Developer in the Declaration where applicable.

**Therefore, under the authority of the Declaration** and for the purpose of insuring the enforcement of the same, the Board of Directors of Augusta Shores Owners Association, Inc. (the "Board") hereby establishes and amends its Rules for Building as follows:

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Adopted by the Augusta Shores Owners Association Board of Directors April 11, 2015, added SF requirement December 8, 2018

The Declaration of Protective Covenants, Conditions and Restrictions of Augusta Shores (the "Declaration"), and the Board of Directors of the Augusta Shores Owners Association, Inc. (the "Association") hereby establish the following rules for building at Augusta Shores for which the Lot Owner/s are responsible and must inform the Builder and insure compliance:

**Plan Approval and Limitation.** No Initial Improvements, excavation or construction upon any lot, as set out in Article VII of the Declaration, and no other improvement, excavation or construction upon any lot, as set out in Article VIII of the Declaration, shall be started until plans, including a site plan and specifications and samples as required by the Architectural Standards, as set out below, for such improvements have been submitted to and approved by the Association Architectural Committee ("ASOA-AC"), in its sole discretion. A copy of all plans must be submitted for approval. **Please allow 30 days for review of building plans once submitted to the Architectural Committee.** Plans must specify all systems and components. The site plan must show the location of the house and driveway on the lot, any other structures, walks, patios etc. and propane tank location and all other General Requirements as set out below. In accordance with Section 10.06 of the Declaration, any such approved improvements, excavation or construction must be completed within one (1) year from the date of the plan approval or the Lot Owner/s shall be subject to a fine as established and published by the Board.

**Security Deposit.** (a) Prior to the start of any approved Initial Improvements, excavation or construction upon any lot, as set out in Article VII of the Declaration, the Lot Owner/s must deposit with the Association the sum of \$2,500.00 in cash as and for a security deposit to be used by the Association to pay the costs of any maintenance expenses, repair any damage to the roads or common ground, to pay the costs of maintaining that the Lot and the roadway accessing such Lot shall be kept reasonably clear of any accumulation of mud and debris occasioned by any construction undertaken on such Lot and to pay any fine or penalty assessed against the Lot Owner/s under the Declaration or these rules. After final completion and inspection of the approved Initial Improvement, excavation or construction any unused portion of the security deposit, if any, will be refunded to the Lot Owner/s.

(b) Prior to the start of any subsequent other improvement, excavation or construction upon any lot as set out in Article VIII, at the discretion of the Architectural Committee, the Lot Owner/s must deposit with the Association the sum of \$2,500.00 in cash as and for a security deposit to be used by the Association to pay the costs of any maintenance expenses, repair any damage to the roads or common ground, to pay the costs of maintaining that the Lot and the roadway accessing such Lot shall be kept reasonably clear of any accumulation of mud and debris occasioned by any construction undertaken on such Lot and to pay any fine or penalty assessed against the Lot Owner/s under the Declaration or these rules. After final completion and inspection of the subsequent other improvement, excavation or construction any unused portion of the security deposit, if any, will be refunded to the Lot Owner/s.

**Plan Changes.** No work outside of the scope of the approved plans or changes from the approved plans shall be started without approval from the ASOA-AC. Two copies of any requests for changes from originally approved plans must be submitted for approval.

**General Contractor.** A general contractor ("Builder") must be employed to manage construction. The Builder must be qualified, in the sole judgment of the ASOA-AC, to build and construct the planned

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Improvements. Two copies of a Certificate of Insurance and contact information, including office phone, facsimile and mobile phone must be provided at time of plan approval.

**Building Codes and Other Laws.** All plans and activities shall comply with applicable zoning, building, health or other laws, codes and ordinances and any permits and approvals required by governmental agencies shall be obtained. Builder shall follow all applicable laws.

The Association wishes to spell out certain other rules that apply to building at Augusta Shores. This list is in addition to commonly accepted good practices and is not meant to circumvent or replace applicable codes and laws, the Declaration, or the judgment of the ASOA-AC. These rules are listed on the following pages and by signing this agreement; the Lot Owner and Builder agree to follow the rules above, General Requirements and the architectural standards listed on the attached pages and all applicable codes and laws.

**The Lot Owner is responsible for compliance with these rules and is subject to fines for any violations and re-payment of any monies expended by the Association to correct violations. In addition to being a personal obligation of the Lot Owner, any such fines or costs if expended by the Association shall be a charge and continuing lien on such Lot.**

**Penalties for Failure to Comply.** A copy of the latest "Penalties and Fines Rules" of the Association will accompany this agreement, be initialed by the Lot Owner and the Builder, and upon such acceptance, shall become a part of this agreement.

Accepted and Agreed as of \_\_\_\_\_.

Owner/s \_\_\_\_\_, Lot # \_\_\_\_\_

Association Architectural Committee \_\_\_\_\_

Builder \_\_\_\_\_ Builder \_\_\_\_\_  
(print name of builder)

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### General Requirements

- **Silt Fence.** An *operational* silt fence must be in place before beginning any work that may cause erosion into the lakes, ponds, ditches or any other waterways in Augusta Shores. The “tail” of the silt fence must be properly buried.
- **Height of Foundation.** When the lot is surveyed and staked before excavation a stake must be placed to indicate the height of the top of foundation on the Lot.
- **Trash, Waste and Refuse.** Any trash, waste or refuse generated or placed on the site by the Lot Owner, Builder or workers must be contained and properly disposed of. A dumpster must be on the site from the start of framing through completion. No concrete, waste, trash or refuse shall enter any waterway, common area, or other lots. The Lot Owner is responsible for enforcement and will be billed for clean up and/or fined by the Association as necessary.
- **Mud and Debris on the Roads.** The roads must be kept clear of mud and debris. The Association shall have the right to remove said mud and debris if such accumulation has not been removed after 3 days notice to the Lot Owner to remove it and to recover the cost thereof from the Lot Owner, including, if necessary, cleaning and flushing of sewers, catch basins, etc.
- **Portable Toilet.** A portable toilet must be placed on the site at the start of construction, and remain on site and be properly maintained and serviced until construction is complete. The toilet shall not be on the surface of the road.
- **Burning.** No open burning is permitted. No burning of trade waste is permitted.
- **Deliveries and Gates.** Any large load deliveries (trusses, etc.) must be coordinated with the Association so that the gates may be opened, the interior lowered, and damage to the gates avoided. Any operator of any motor vehicle pulling a trailer must be cautioned about the gates and advised to carefully check clearances and their driving skills. Any damage to the gates shall be the responsibility of the Lot Owner. No large trucks are permitted to use the Terry Road entrance.
- **Propane Tanks.** Tanks of 250-gallon capacity and larger must be buried. Smaller tanks must be hidden from view so that they cannot be seen from any neighboring lot, roadway, or common area, including lakes. Location of tanks (buried or exposed) must be shown on the site plan.
- **Drainages.** The building of any improvement on the Lot shall not substantially change the drainage of the property or any ditches, draws or waterways without express written permission of the Association. Any cost associated with restoring the original drainage of the property or any ditches, draws or waterways shall be the responsibility of the Lot Owner.
- **Posting.** A signed copy of these rules must be prominently posted on the site at all times.
- **Ditches.** Damage to the roads from open ditches will be repaired at the owner’s expense. Depending on the topography of the lot, if you build a driveway over a ditch on Augusta Shores Common Ground, you must include in your design a cross pipe to allow water to flow under the driveway and the crosspipe will be a minimum of 18” in diameter and with a smooth wall interior.
- **Common ground.** The common ground adjacent to the Lot shall not be disturbed, except for placement of a driveway or landscaping as shown in the site plan. If the common ground is accidentally disturbed, it shall be restored as soon as practical.

Initials Owner \_\_\_\_\_, Builder \_\_\_\_\_, ASOA-AC \_\_\_\_\_

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**Construction Times.** The operation of any construction related equipment or noise generating activity outside of the time schedule below is prohibited.

1. Monday through Friday           7:00 to 16:30
2. Saturday                           8:00 to 12:00
3. Sunday & Holidays               Not Allowed

**The Declaration of Protective Covenants, Conditions and Restrictions.** The Declaration also contains limits and restrictions governing the length of time for new construction, tree removal and other restrictions and should be reviewed for applicability and additional governing rules.

**Damage to Association Property.** Any damage to the gates, roads, common ground or other Association Property done by a Builder, his contractors, sub-contractors, workers, vendors or suppliers, or with any vendor or supplier of the Lot Owner **shall be the responsibility of the Lot Owner.** The Association shall have the right to repair such damage that has not been repaired after 3 days notice to the Lot Owner to repair it and to recover the cost thereof from the Lot Owner. In addition to being the personal obligation of the owner, any such costs if expended by the Association shall be a charge and continuing lien on such Lot and shall be collectible in the same manner as Assessments under Article V of the Declaration.

### Architectural Standards

- The minimum square footage requirement for new construction in Augusta Shores is 2,500 square feet. This would be inclusive of the main level and second floor. The 2,500 square foot requirement does not include garage, decks, patios, basements, or any enclosed outdoor space. The 2,500 square feet minimum is to be used as a reference for lot owners and potential lot owners to aid in home planning. The architectural committee has the authority to alter the square footage requirement if they deem necessary due to lot size and extenuating circumstances. All potential lot owners should contact the architectural committee prior to finalizing their plans to be sure that it meets the square footage approval of the architectural committee.
- Foundations will have no more than 12 inches of exposed concrete and the trim line will follow the grade of the lot.
- All chimney chases must be of masonry construction.
- A sample of all exterior siding, i.e. masonry, clapboard, cedar or vinyl must be provided to and approved by the ASOA-AC .
- Roof pitch must be 8 on 12 or steeper.
- Front and back overhang shall be a min of 12"; side overhang must be a min of 8".
- Roofing material will be architectural style asphalt shingles, cedar shake shingles or metal roofing; in all cases, specifications and a sample must be submitted for approval.
- Driveways must be paved and the type of pavement noted on the site plan.
- ASOA-AC must approve any exceptions to Architectural specification before construction begins.
- Owner and Builder note that the top of the grinder pump must be one foot below the level of the basement floor to help prevent sewer backups and that all manufacturer's instructions should be followed in installation of the grinder pump.

After the completion of new construction and the receipt of the owners Certificate of Compliance all improvements to the building(s) or lot must be submitted and approved by the Architectural Committee.

Initials Owner \_\_\_\_\_, Builder \_\_\_\_\_, ASOA-AC \_\_\_\_\_