

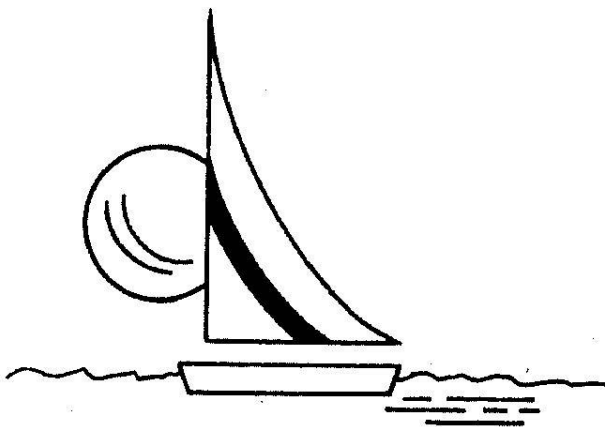


# LAKE HERITAGE

PROPERTY OWNERS  
ASSOCIATION, INC.

(A NON-PROFIT CORPORATION)

## LAND USE PERMIT REGULATIONS AND STRUCTURE CODE



## PREAMBLE

Straban, Mt. Pleasant and Mt. Joy Townships, the only townships with jurisdiction in Lake Heritage, have adopted and are enforcing the provisions of the Pennsylvania Uniform Construction Code (PUCC). This State Code provides that the primary responsibility for the inspection and approval of residential dwellings rests with the municipality within which the dwelling is to be constructed. Thus, as to residential dwellings the LHPOA Land Use Regulations hereinafter set forth are in addition to, and are not a substitute for, the permits and approvals required by the applicable municipality or other cognizant government agency(s). Please note that Mt. Joy does not enforce the UCC but relies on the individuals to contract with independent inspectors to inspect compliance with the UCC and submit a certificate of compliance to the township.

Any member considering erecting or modifying any structure on LHPOA property is responsible to first obtain permit(s) legally required by the cognizant municipality, by Adams county and by state agency(s). The member shall further be responsible for scheduling the required inspections during inspection-covered work."

## SECTION 1

### Purpose

Supplemental to and in compliance with the LHPOA Deed Restrictions, the purpose of this regulation is to describe the requirements of LHPOA for all types of buildings and structures at Lake Heritage in a manner that promotes the health, safety, beauty, and general welfare, and aesthetic value and to protect the property values of the Lake Heritage Community.

## SECTION 2

### Land Use Permit

**PERMIT APPLICATION:** Any repair, replacement, modification, or renovation to an existing structure may require a LHPOA Land Use Permit Application. Members considering such work (not excepted per the following Permit Required section) shall bring to the LHPOA office their plans for the project, any contractor quotes that may have been obtained, and all required municipal, county and state agency permits. The Community Manager or his designee shall review the work to determine the need for a LHPOA permit and inspection shall assign the required fee according to regulations and shall provide application forms as required.

**PERMIT REQUIRED:** Prior to the start of any onsite activities, a Land Use Permit is required to excavate, grade, construct, add to a dwelling, garage, carport, greenhouse, seawall, boat dock, deck, outbuildings (over 100 sq. ft.) including but not limited to prefabricated sheds, retaining walls, sidewalks, fences, swimming pools, driveways and culverts. No person shall construct or erect any structure including, but not limited to, a wall or entry gate, on any Association right-of-way without the written permission of the LHPOA Board of Directors and a permit.

Permit Application review and subsequent inspections shall be limited to the following aspects of the project:

- Exterior architectural design - LHPOA shall review the exterior architectural design and, in its sole discretion, may deny the issuance of approval if the proposed exterior construction does not comply with this Regulation.
- Location – The project conforms to all set-back and easement requirements of the Lake and applicable law
- Drainage – The project is not likely to adversely affect the drainage away from the subject property and any adjacent properties.

...and any other aspects as may be determined to be in the community interest as resolved from time-to-time by the Board of Directors and local municipalities.

**[Note:** Approval and permitting by LHPOA does not relieve the owner of ensuring that the actual construction conforms to set-back and drainage requirements. Work not so conforming may be deemed in non-compliance with requirements by LHPOA and the member will be required to pay for all surveys, remediation, associated legal costs and fees.]

LHPOA permits and inspections shall **NOT** be required for:

1. Construction, modifications, remodeling and repairs entirely within existing approved structures (Note however that members must obtain required permits from any legally cognizant jurisdictions as aforementioned.)
2. Alterations or repairs to the outside of existing approved structures that clearly will not, in the opinion of the Community Manager, affect exterior architectural design or non-conform to set-back or drainage requirements. Any excepted work will be determined by the Community Manager in coordination with the building inspector.

Permits will be issued only to members of the Association in good standing.

**PERMIT APPLICATION REVIEW:** The LHPOA Community Manager or his/her designee shall examine all applications, plans and plot plans, for compliance and shall issue a Land Use Permit (if needed) for the proposed work as soon as practical. If the examination reveals noncompliance with the regulations, the Applicant and the Board of Directors will be notified in writing giving the reasons for the rejection of the application(s).

**PERMIT POSTING:** The LHPOA and other legally required permits must be conspicuously posted so as to be visible from the street during the time of and at the site of construction.

**INSPECTIONS:** An LHPOA representative shall have the right to enter onto the property at any time to inspect the work for compliance with the LHPOA Deed Covenants, Rules & Regulations, Land Use Permit Regulations and Structures Code and the DEP Small Projects Permit.

### **SECTION 3**

#### **Permit Fee**

Permit fees as set by the Board of Directors from time to time will be required and paid at the time of the application. These fees include the review of all plans and plot plans, onsite visits for easement enforcement and inspections of structures not mandated in the Pennsylvania Uniform Construction Code (PUUC). The fees are the following:

1. **Permit Fee - \$25 for all projects.**
2. **Building Deposit – A refundable deposit is required for all projects needing a permit (refundable upon final inspection of completed project and compliance with LHPOA requirements). The deposit on all projects is \$250.**
3. **Inspection Fee - \$100 non-refundable fee to inspect the completed project for compliance with LHPOA requirements.**
4. **Permit Renewal Fee - \$100 for the first renewal and \$200 for the second renewal of a permit. Permits expire after six (6) months. If the project is not completed, the permit must be renewed. The limit on permit renewals is two.**
5. **Impact Fee – An impact fee of \$300 is required for all projects needing specialized, oversized, or overweight equipment such as prefab or modular home construction. Note: all other deliveries to the construction site must meet the LHPOA weight requirements of no more the 60,000 pounds (Rules & Regulations, Article II, Section 2).** Adopted 3/13/13

### **SECTION 4**

#### **Plans**

**PLANS:** Application for permits shall be accompanied by two sets of drawings of the proposed work, drawn to scale; (1/4" = 1'0") showing floor plans, foundation plan, sections, and all elevations, including finished grade line, and types of exterior materials to be used.

The LHPOA Office will keep one set of plans and one set when approved will be returned to the builder/owner for use at the construction site.

**PLOT PLAN:** Application for permits shall be accompanied by one certified surveyed plot plan drawing showing the size and exact location of the proposed new construction, proposed water drainage, and the relation to other proposed buildings or structures on the same lot including sewage, approved by the appropriate authority.

New construction must have plot boundary lines staked and building corners staked at the time of permit application.

**COMPLIANCE WITH PLANS:** All work performed under a permit issued shall conform to the approved application and plans. The location of all new construction shall be strictly adhered to. If a change is required, the property owner is responsible to obtain LHPOA re-approval.

### **SECTION 5**

#### **Permit Revocation and Expiration**

**REVOCATION:** LHPOA can revoke a permit or approval issued in the case where there has been any false statement or misrepresentation in the plans, application or plot plans on which the permit or approval was based. All construction shall cease and the fines and remedies as stated in Section 6 would be enforced until the property owner complies with the regulations.

**EXPIRATION:** A permit under which no work is commenced within six months after the date of issuance shall expire by limitation and a new permit must be obtained before work is started. A permit under which all exterior work, including trim, decorative work, painting and final grading including ground stabilization to prevent erosion of the soil has not been

completed within six months from the commencement of construction shall expire and the applicant shall be in violation of this regulation and subject to the fines and remedies as stated in Section 6. Should completion of the exterior occur during a period in which grass or other foliage cannot be grown, permission to extend the time for this work and this alone can be granted and noted on the application. This does not relieve the applicant from making every effort to complete that phase within the time period.

## SECTION 6

### Violations, Fines, Assessments, Costs

Owners of lots who violate any provision of these regulations or who fail to comply with any requirements thereof, or who shall erect, construct, alter, repair or demolish a building or structure in violation of an approved plan or directive of LHPOA or a permit or certificate issued under the provisions of these regulations, shall be subject to the following action by LHPOA:

1. A fine of not less than \$25.00 or more than \$300.00 per violation. If the said violation is not corrected within sixty (60) days, subsequent fines not to exceed \$300.00 shall be levied for that first sixty (60) day period and for every succeeding sixty (60) day period so long as the violation in question remains uncorrected.
2. Forfeiture of the owner's deposit, if any.
3. Suspension of some or all of the owner's membership privileges.
4. Any fine may be appealed in accordance with the procedures outlined in the LHPOA Rules and Regulations.

## SECTION 7

### Regulations

#### 1. Deed Restrictions:

It shall be the responsibility of the property owner to adhere to the LHPOA Deed Restrictions as contained in the Lake Heritage Property Owners Association, Inc. Booklet.

#### 2. Regulations Responsibility:

It shall be the responsibility of the property owner to insure that the contractor adheres to the rules of the PA Uniform Construction Code, BOCA Building Code, and the Township Building Codes and companion electrical, plumbing, mechanical and residential codes. LHPOA will not be held responsible for ensuring compliance.

## SECTION 8

### Other Regulations

#### 1. Foundation:

All structures exceeding one hundred (100) square feet shall be constructed as defined by the (PUCC) or other appropriate township and county guidelines.

#### 2. Grading:

Any grading or other disturbance to the natural terrain must be done so as not to create a nuisance to adjacent properties. Water shall not pass from one lot to the next but must be diverted to the natural storm water runoff areas. During construction and while the ground lacks stabilization, temporary storm water management devices such as berms, straw bales or cloth fibers, holding ponds etc., must be installed.

#### 3. Driveway Culverts:

An eighteen-inch (18") culvert pipe – twenty feet (20') in length shall be used for driveways unless a smaller diameter or other length has been approved by the Community Manager or his/her designee. No additional pipes or culverts will be placed in swales thus maintaining sufficient water runoff. Any re-grading of a swale required by the Association that is needed to restore proper runoff would be completed at the expense of the property owner.

#### 4. Fences, Trellises, Similar Visual Barriers:

- a. All fences or walls erected must be approved by LHPOA for type, design and placement; requests must be submitted in writing accompanied with the appropriate drawings. Fences are considered a permanent structure and must not block any required easement.
- b. The fence should not exceed four (4) feet in height and must be at least 50% "see-through" (except swimming pool enclosures, which can be six (6) feet in height and do not need to be see-through"); nor be within sixty (60) feet of the lake shoreline.
- c. Portable (fold up) dog-runs that are six (6) feet high, limited to one dog run are permissible.
- d. The fence or wall must comply with the easement setbacks as outlined in the LHPOA Deed Restrictions.
- e. No electric or barbed wire fences are permitted; however, underground fences for animal control are permitted. Adopted 5/9/12

#### 5. Trees, Hedges and Shrubs:

Trees, hedges and shrubs may be planted on any property owner's lot. Lot owners should consider the DEED RESTRICTIONS and boundary restrictions when planting. Lot owners assume the risk of having their plantings removed, modified, cut, etc. should there be a need to exercise the rights granted to LHPOA by the easements.

Adopted 5/9/12

#### 6. Planting in the Right of Way

On Heritage Drive LHPOA owns a 70-foot strip of land which includes the roadway and extends approximately 25 feet on each side of the roadway. This strip of land is referred to as the "Right of Way". On all other roads the Right of Way is 60 feet, which includes the roadway and extends approximately 20 feet on each side of the roadway. Similar to the easement consideration above, lot owners assume the risk of having their plantings, as well as any other structures, improvements, etc. removed, modified, cut, etc. should there be a need to repair, replace, upgrade, or install utilities, swales, etc. or anything else the Association may deem to be in its best interest within the Right of Way. Adopted 5/9/12

#### 7. **Seawalls:**

Property owners are required to properly maintain the shoreline at all times to prevent erosion into the lake. Plans for any dwelling, dock or other structure shall provide for adequate shoreline erosion control such as a seawall. A Land Use Permit **from the LHPOA Office** and a DEP - Small Projects Permit for Seawalls and Docks **from the PA Department of Environmental Protection** must be obtained prior to the commencement of work.

**All new seawall construction and repairs in excess of 50% of the length of the existing seawall must be constructed of energy absorbent materials. The preferred material is rip rap. However, if this is not practical due to the grade, depth, etc. of your waterfront, you may present an alternative to the Lake and Dam Committee (LDC) for consideration. The LDC recommendation will be presented to the BOD for approval.** Adopted 3/13/13

#### 8. **Docks**

The rules for construction of boat docks are as follows:

- a. A Land Use Permit **from the LHPOA Office** and DEP – Small Projects Permit **from the PA Department of Environmental Protection** must be obtained prior to the commencement of any repairs, as stipulated in this section.
- b. Adequate shoreline erosion control such as seawalls, rock or other approved device must be installed
- c. Boat dock shall be installed not less than ten (10) feet from the lateral/side property lines at water's edge.
- d. Boat docks or extension thereof (including diving boards, sliding boards, boat davits, etc.) shall not extend more than twenty (20) feet into the lake from the shoreline or seawall as it exists prior to construction. LHPOA reserves the right to limit the extension length in coves and inlets where a twenty (20) foot extension would inhibit ingress and egress to the cove or inlet or anywhere safety considerations would be compromised.
- e. A railing may be constructed around any portion of the dock shall be open and at a height no greater than three (3) feet above the surface of the dock

**Note:** Any item, regardless of the nature of its construction, or its material make up, if higher than the seawall or dock, is prohibited, including but not limited to dock roofs, canvas covers, awnings, patio covers, etc., except as provided in

9 a. below. Adopted 3/31/13

#### 9. **Boat Lifts**

- a. Boat lifts with canvas covers as an integral part of their construction will be allowed provided that the cover is no more than nine (9) feet above the water line, lower if practical.
- b. LHPOA reserves the right to limit the extension length in coves and inlets where a twenty (20) foot extension would inhibit ingress and egress to the cove or inlet or anywhere safety considerations would be compromised.

#### 10. **Boathouses**

- a. Construction of boathouses is prohibited.
- b. Pre August 14, 1991 boathouses having a roof can be repaired, improved, or reconstructed so as to prolong the natural life of the boathouse, to enhance the beauty of the lake shoreline and to insure personal safety

**Note:** If any boat dock or boathouse is not maintained as per this section, becomes unsafe, or becomes a visual distraction or unsightly annoyance, the same shall be removed or brought into compliance with this code.

#### 11. **Lake Waters:**

Nothing, such as sand, rip-rap, buoys, rocks, etc., shall be placed into the lake or removed from the lake nor shall any form of dredging be permitted, without the Board's permission. No lake water may be used by any resident for personal use, such as, but not limited to, irrigation, plant or yard watering by mechanical means, or any other use without the specific permission of the Board of Directors. [The last section of the above sentence does not apply to water pumped by fire and emergency vehicles due to dry hydrants or any other means necessary in emergency]. (Revised 8/8/07)

#### 12. **Number of Structures:**

In amplification of Deed Restriction, Section 2, only one single family dwelling house may be erected or constructed on any one lot, and only one freestanding building such as a residential style garage, storage shed, pool house, greenhouse, or other type structure which meets with the approval of LHPOA may be erected in addition to the dwelling house. (Adopted 12/02/09)

#### 13. **Nuisance:**

In amplification of Deed Restriction Section 5 and paragraph 8 above, LHPOA shall review Land Use Permit Applications and, in its sole discretion, can deny the issuance of approval where the proposed construction would

or tend to violate the prohibition against noxious or offensive trade or activity, or lessen or tend to lessen the desirability of the lot and/or the immediate area residential purposes. LHPOA is not bound to, but may consult published documentation and/or request from any disinterested expert, as the case may suggest, an opinion on the effect of the proposed land use under the criteria above, and may give such opinions due weight in reaching a determination. (Adopted 12/02/09)

## **SECTION 9 General**

1. **Portable Toilets:** Professionally maintained portable toilets are approved for site location during construction.
2. **Work Site Maintenance:** All lots must be maintained in a neat and orderly manner. Grass or other vegetation must be mowed. Debris and building materials shall be safeguarded and/or secured against blowing to adjacent properties.
3. **Driveway:** The driveway must be stoned prior to construction.
4. **Work Hours:** The work hours are from 7:00 A.M. to 7:00 P.M., Monday through Saturday. New home construction on Sundays and holidays would be restricted to that type that would not disturb the peace or serenity of the lake community – by way of illustration but not to be inclusive, plumbing, painting, electrical work, or similar low noise types of work.
5. **Small Fires:** Small fires used for burning brush, wood and paper cannot be left unattended at any time. The contractor and/or property owner must notify Adams County Control of his or her intentions to burn this material.

## **SECTION 10 Remuneration**

Property owner(s) causing damage to LHPOA common property, including roadways and recreational areas, shall be liable to pay the costs of the repair or rebuilding.

## **SECTION 11 Liability**

The LHPOA Community Manager, Members of the Building Committee and the members of the Board of Directors shall not be held responsible for the location of lot lines and structural strength of a building. Nothing in these regulations is intended to be in conflict with any rule, regulation code or ordinance of a higher authority. In case of conflict, the higher authority shall prevail.

## **SECTION 12 Permit Denial and Appeal**

When LHPOA has reason to deny the issuance of a Land Use Permit, such denial shall be in writing, stating the reason(s) for the denial, and shall be mailed or delivered to the Applicant. The Applicant may then appeal the denial to the Board of Directors by mailing or delivering a request for a hearing, in writing, to the Administration Office within seven (7) days from the date the denial was received by the Applicant. The Board of Directors shall hold a hearing on the denial in not less than fifteen (15) days, but not more than forty-five (45) days after receiving the appeal, subject to the Board's right to extend or continue the date of hearing for good cause shown. The Board of Directors shall render its decision, to the Applicant, in writing, within five (5) days of the end of the hearing, and the Board's decision shall be final.

## **SECTION 13 Authority**

These regulations were adopted by the Board of Directors on November 1, 2006, as the official Land Use Permits Regulations and Structures Code of the Lake Heritage Property Owners Association and have subsequently been amended as contained herein. These regulations may be further amended from time to time by the Board of Directors, effective immediately. (Adopted 7/13/11)