

BUILDING RULES AND REGULATIONS OF THE HEIDELBERG BEACH ASSOCIATION

July 15, 2017

In this document, the term “improvement” shall mean any exterior construction.

- “Improvement” encompasses any alteration that would in any way modify the footprint or shape of an existing building.
- “Footprint” shall be defined as the perimeter of the existing foundation.
- “Shape” shall be defined as the contour or structural appearance of an existing building or lot (i.e. decks, porches, stairs, attachments, patios, driveways, and sidewalks).

All plans and specifications must be approved by the Building and Zoning Committee and the Board of Trustees prior to the construction of a new building or any improvement that modifies the footprint or shape of an existing building. No construction shall be started until so approved.

1. The leaseholder must submit to the Chairman of the Building and Zoning Committee two complete copies of an architect's pictorial scale drawing, including elevations of the building and plot plans showing the proposed building on the lot and its relationship to the road and other buildings. At the discretion of the Chairman, non-professionally prepared drawings may be submitted provided that they are neatly drawn to scale and clearly show the relationship of the improvement to the road and other buildings.
2. After review and approval by the Building and Zoning Committee, the Chairman of the Committee shall present the plans to the Board of Trustees for a final vote of approval.
3. If the presented plans are not approved and the leaseholder disagrees with the decision of the Building and Zoning Committee, the leaseholder may appeal the decision by requesting, in writing, a second review of the decision. If desired, the leaseholder may request the opportunity to present rationale/justification for the proposed construction in person. By a vote of the majority of the Building and Zoning Committee, the decision shall be affirmed or overturned. If the decision of the Building and Zoning Committee is affirmed and the leaseholder wishes still further review, then again by written notice, the leaseholder can appeal the decision to the Board of Trustees. The vote of the Board of Trustees shall be final and not subject to appeal with respect to the requested improvement. Leaseholders are encouraged to share plans for improvements with their immediate neighbors.
4. The approval shall be evidenced by the signatures of the Chairman of the Committee and the President of the Board of Trustees on the plans. One set of approved plans will be returned to the leaseholder and the other set will remain on file with the Building and Zoning Committee.
5. All construction shall be completed within one year from a start date approved by the Board of Trustees, and started within 9 months of date of approval. If construction is not started within 9 months of the approved start date, approval of plans and specifications is void, unless extended in writing by the Chairman of the Building and Zoning Committee.

6. The approval process can take extended time, so leaseholders should plan accordingly. The lengthy approval process shall not exempt leaseholder from these rules and regulations.
7. A copy of the Heidelberg Beach Construction Agreement must be signed by the leaseholder, contractor and the President of the Heidelberg Beach Association wherein they agree to resolve all construction problems that might arise during the construction of any improvement that requires the approval of the Board of Trustees.
8. The leaseholder shall be responsible for insuring that any contractor doing construction work at Heidelberg Beach has insurance to cover damages to Heidelberg Beach property. The leaseholder must post a quality bond from the leaseholder to the Heidelberg Association of 5% of the cost of the new construction/improvement or \$1500 whichever is greater before receiving the signed approval from the Board of Trustees.
9. All construction shall be in accordance with the standards of the residential construction industry and only quality materials shall be used in conformance with industry standards and community custom.
10. No exterior walls shall be constructed of concrete block or similar materials other than foundation. The ground elevation level, or the visible foundation line, of the building shall extend no more than 12 inches above the road level. All buildings shall be neatly finished on all sides.
11. During any construction, the contractor and leaseholder are responsible for cleaning the roads at the end of each workday.
12. All new buildings must be placed on at least two lots and must be constructed for the use of one family. Duplexes and multi-family dwellings are not permitted. The leaseholder must remit a "tap in" fee equal to the cost that each existing cottage leaseholder paid for the new infrastructure (starting with the collection of money for the new Infrastructure Reserve Fund in 2017). Building Committee approval of the new building plan is contingent on the up-front payment of this fee.
13. No building or improvement shall be set closer than 20 feet to the front (i.e. edge of 6 foot path to front of building), 5 feet to the rear (i.e. edge of road to rear of building) and 5 feet to the side lines of the lot, including porches, decks and entrances, but excepting 2 steps down from doorways not to exceed 10 inches each in depth. Balconies, bay windows, foundation overhangs or any other exterior wall projections must meet these clearance requirements. (Note—most roads are 20 feet wide.)
14. Buildings on lots No. 91 through 100 (the "Promenade" lots) shall not be set closer than 20 feet to sides of lots bounded by Elmwood, Maplewood, Lindenwood, and Oakwood Paths. The Promenade lots are in the shape of a parallelogram. Hence, for these lots the northeast corner of the building shall not be closer than 20 feet in a northerly direction to the lot line, nor shall any portion of the building be to the north of this point. No portion of the building shall be built beyond the lot lines.
15. A building cannot consist of more than two stories or be more than 25 feet in height.
16. There are to be no outbuildings. All garages must be attached to cottages..
17. Roofing on all structures shall be of fire retardant construction.
18. In light of the spirit of the origin of Heidelberg Beach, major construction, work and other activities which constitute a public annoyance are not permitted on Sunday during Sabbath worship services.

19. Any damage to Heidelberg Beach roads or any Association property caused by building operations or repairs must be repaired and restored to its original condition at the expense of the leaseholder, the same to be done without delay, upon completion of the improvement.
20. All new buildings and improvements to existing buildings shall conform to the building code (Vermilion Zoning Resolution) and require the approval of the City of Vermilion (even though Heidelberg Beach is in Vermilion Township). Approval of the Erie County Health Department in the form of a written disposition is required for the construction of any new building or any improvement to an existing building which includes a new bathroom.
21. Any new septic tank or the replacement of an existing septic tank must be approved by, and conform to the code and rules of the Erie County Health Department.
22. On new construction, the water line must be provided with an outside shut-off valve.
23. Each cottage must have parking space for at least one automobile.
24. Heat pumps and air conditioning condensers installed after January 1, 1980 can only be placed at the front or rear of the building and not between cottages.
25. All exterior decoration and signage on cottages or leasehold property shall be in good taste and not offensive in regards to religion, national origin, race or ethnicity.
26. Fences or walls are prohibited except for underground “invisible” pet fences and ornamental landscaping fences not to exceed four feet in height. In order to maintain the openness of the landscape, natural (i.e. bushes, green barriers etc.) and manmade fences of any type to mark or ‘fence in’ lots are not permitted.
27. Outdoor pools, hot tubs or saunas are prohibited. They are also prohibited on decks, screened/glassed in patios, sunrooms and three season rooms. Plans for attractive nuisances such as landscaping ponds must be presented for approval by the Building and Zoning Committee. Following approval, the lease holder shall show documentation of liability insurance for said item to the Building and Zoning Committee annually.
28. To avoid unnecessary hardship, the Board of Trustees shall have the authority to grant reasonable variances provided that the variance is in the best interest of the community and is within the spirit of the standards of the community.
29. The Board of Trustees shall have the authority to impose sanctions on leaseholders for non-compliance with these rules and regulations. Each sanction will be determined on a case-by-case basis. Sanctions may include but are not limited to, removal of the offending improvement, suspension of voting rights, suspension of the right to use the common areas of the Association property (except for necessary ingress and egress to the leaseholders lot), monetary fines and revocation of the lease. The Board of Trustees shall be entitled to recover damages and any costs incurred (including but not limited to reasonable attorneys’ fees) in the enforcement of these rules and regulations. Failure by the Board of Trustees to enforce any provision of these rules and regulations shall not constitute a waiver of any right to enforce any violation of such provision.

HEIDELBERG BEACH ASSOCIATION CONSTRUCTION AGREEMENT

We agree to abide by the Building Rules and Regulations of the Heidelberg Beach Association during the construction, re-construction or remodeling of the home.

We understand that the construction of any new home or any improvement which modifies the footprint or shape of an existing building requires the prior written approval of the Board of Trustees. We understand that any change to the approved plans made in the course of construction which modifies the external shape or appearance of the improvement or its location on the lot will invalidate the approval of the Board of Trustees. Any such changes must be submitted to the Board of Trustees for re-approval.

At no time will the utilities be cut off from the other leaseholders without ample notification.

We agree that any issues which may arise during construction must be resolved to the satisfaction of the Board of Trustees.

Any and all damages to Heidelberg Beach property caused by the construction of the improvement will be repaired at the expense of the leaseholder and/or contractor.

We understand we are responsible for cleaning up all debris on the roads, the surrounding lots and the common areas at the end of each work day. All roads will be open to through traffic at the end of each work day.

LEASEHOLDER:

Lot No. _____
Phone Number: _____
Cell Phone Number: _____

CONTRACTOR:

Printed Name: _____
Address: _____
Phone Number: _____
Cell Phone Number: _____
Fax Number: _____

HEIDELBERG BEACH ASSOCIATION:

President