

HOUSING GUIDE



HERON
LAKE

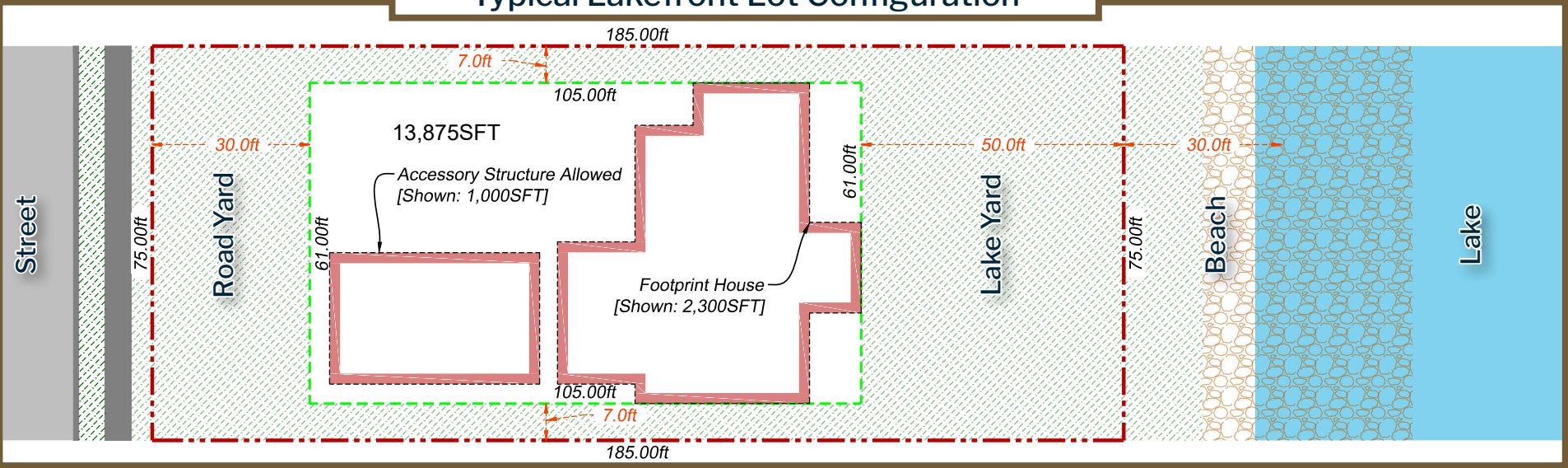
Springs



With a variety of house orientations, the Springs is exactly what you're looking for if you want options. You get to determine what kind of view you want to wake up to in the morning and what view you say goodnight to at the end of the day. All lots are located along the southwest portion of the lake.



Typical Lakefront Lot Configuration



Details, specifications, pricing is subject to change without notice. All rights reserved, Heron Development LLC 2017



Housing - Conceptual

Wooded Views

Not only do you get to enjoy beautiful views of the wooded Cedar Creek corridor, you also get to enjoy a view highlighted by beautiful sunrises and colorful sunsets. Enjoy a view that you can enjoy every day of the year.

Clubhouse & Marina Access

You get to enjoy all the benefits of Heron Lake within close proximity to your beautiful home. Lots within the Springs are the closest lakefront lots to the Vineyards Clubhouse and Spring Marina, so you'll be able to enjoy these residential amenities all year.

Live Work Play

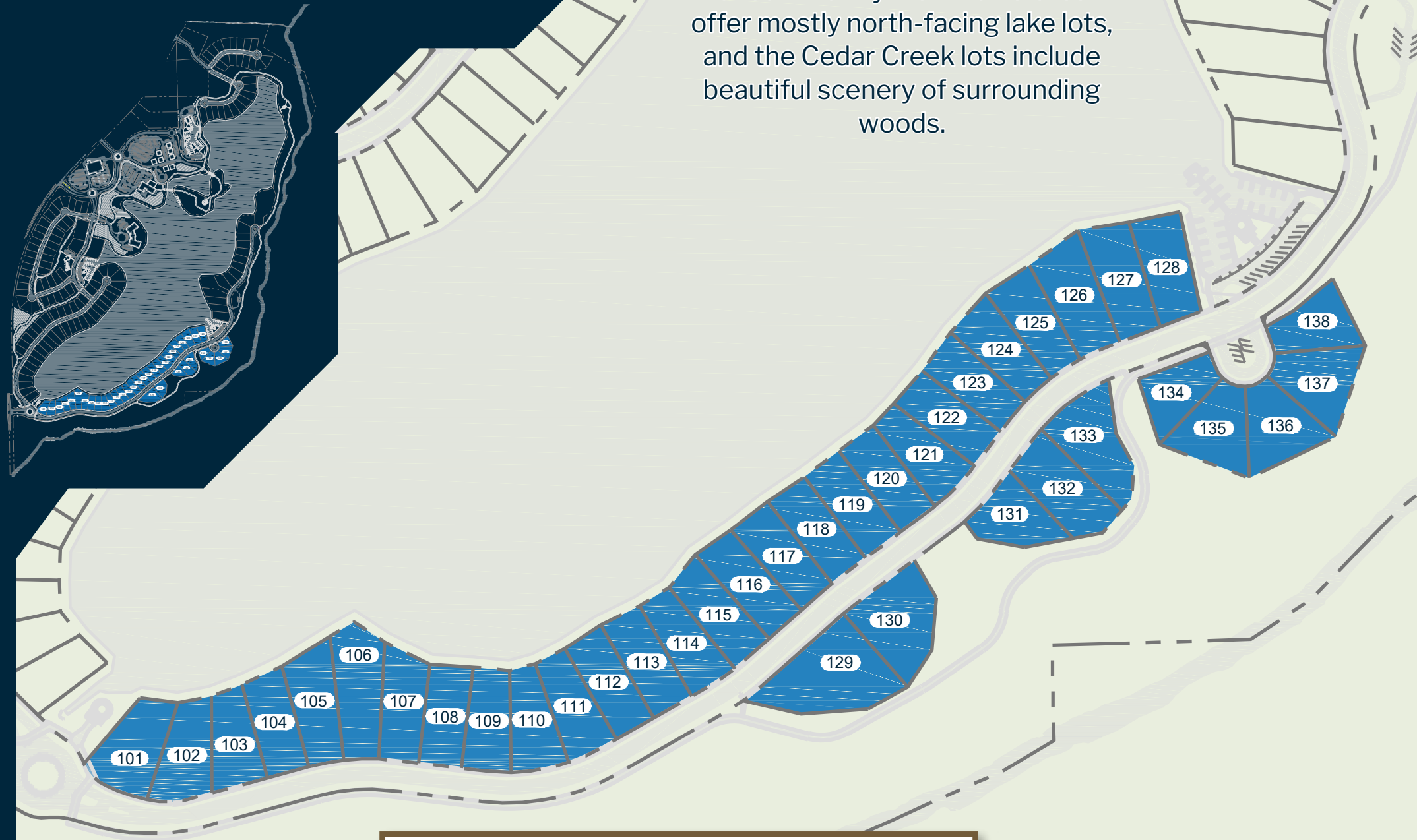
The Heron Lake community is designed just for you. Enjoy your home without travelling far for work or play. Everything you'll ever need to enjoy life is available right here.

Typical Lot Size:	75ft x 185ft [0.32 Acres]
Total Lots:	44
Walking Time to Island:	15 minutes
Marina:	Springs

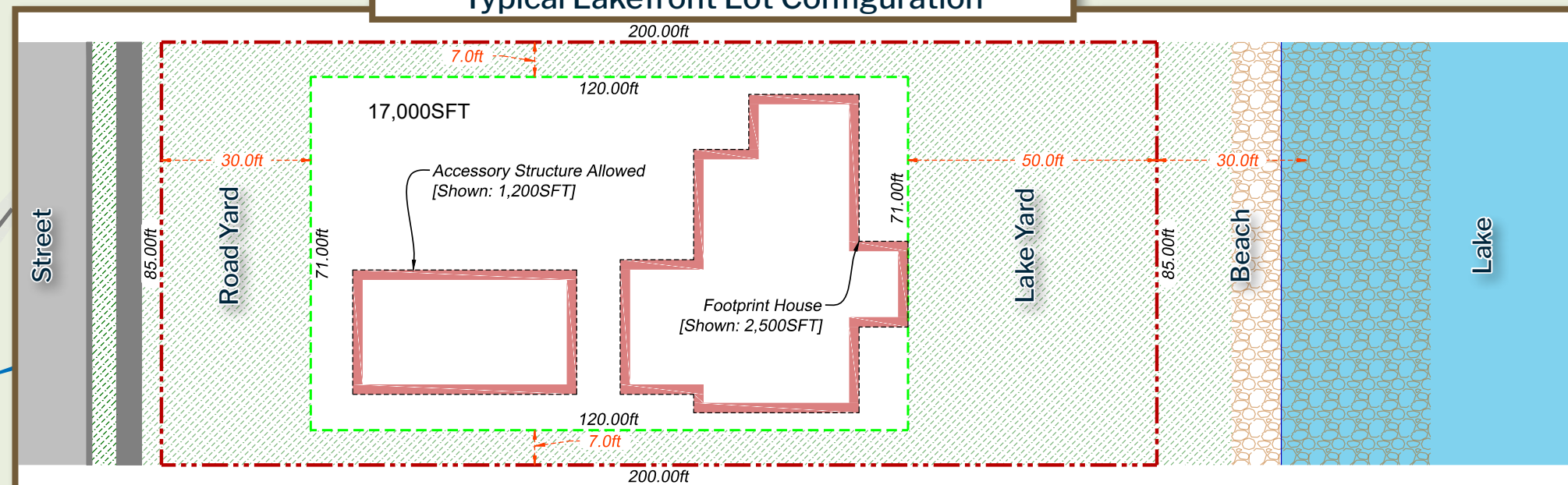
Quick Facts

Estates

Peace and quiet is available to you with a lot in the Estates, while still giving you the convenience of community life. The Estates offer mostly north-facing lake lots, and the Cedar Creek lots include beautiful scenery of surrounding woods.



Typical Lakefront Lot Configuration



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Housing - Conceptual

North Views

Enjoy a picturesque full-lake vantage point from your home. Don't worry about missing spectacular sunset vistas! The Estates offer views that you will be able to enjoy year-round.

Trail & Marina Access

Lots located in the Estates directly connect you to the extensive Heron Trail. These lots also have ready access to the Cedar Marina, available only to residents.

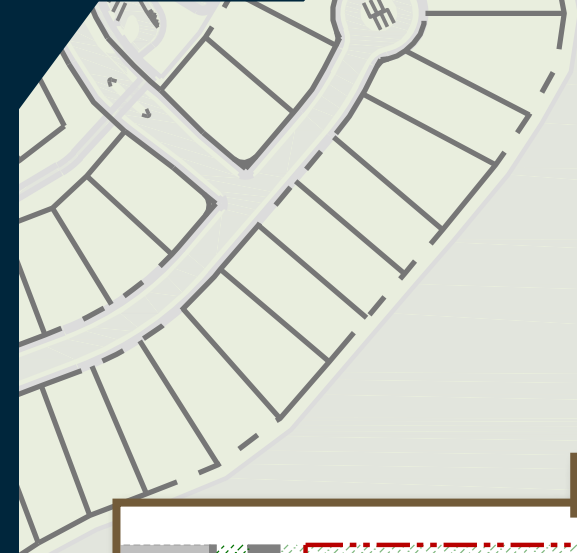
Live Work Play

The Heron Lake community is designed just for you. Enjoy your home without travelling far for work or play. Everything you'll ever need to enjoy life is available right here.

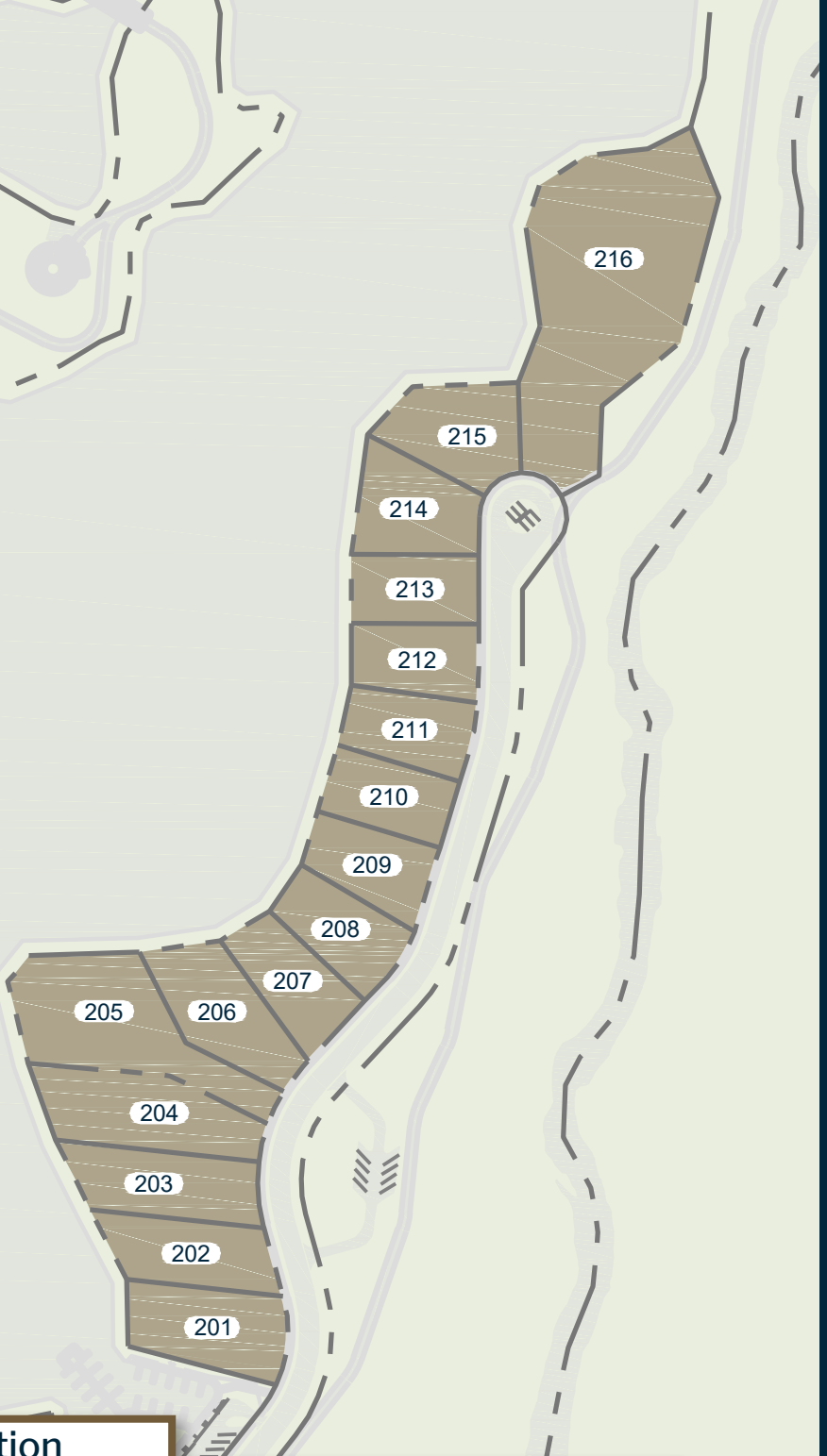
Typical Lot Size:	85ft x 200ft [0.39 Acres]
Total Lots:	38
Walking Time to Island:	25 minutes
Marina:	Cedar

Quick Facts

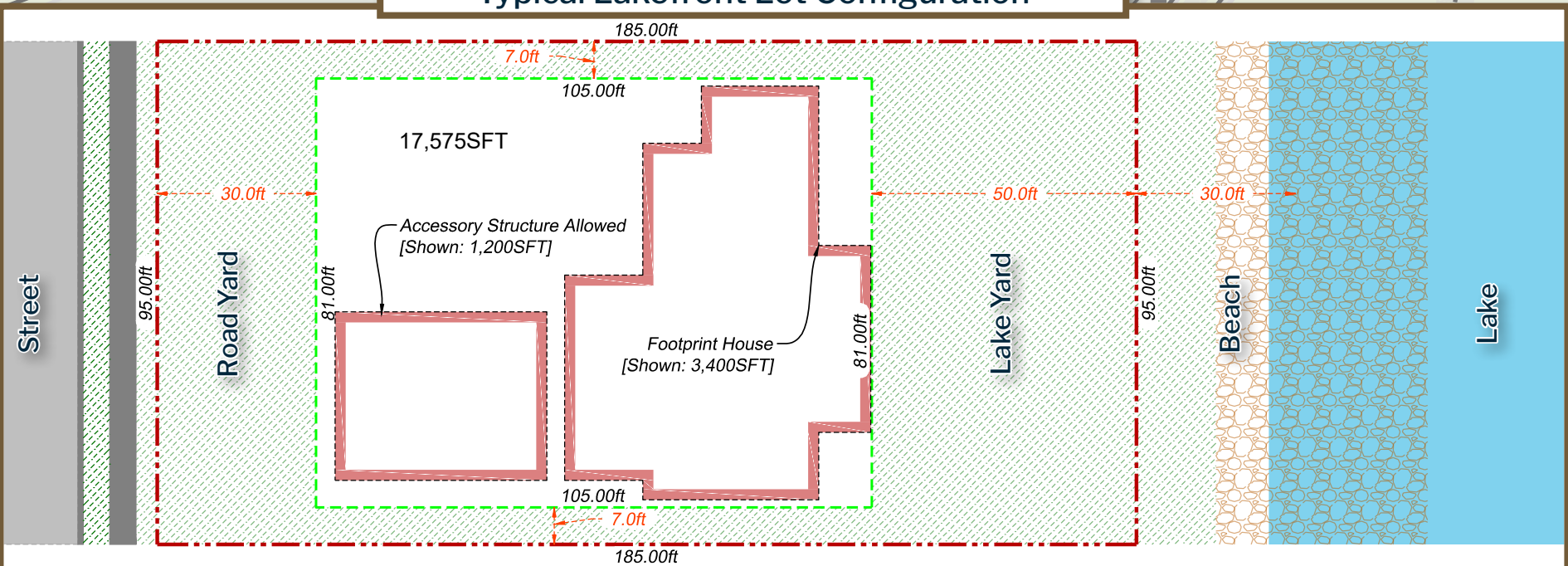
Bluffs



You can experience the most secluded place on Heron Lake by choosing a lot in the Bluffs. These lots offer suitable height to accommodate traditional, multi-level lake houses. Located along the eastern shore of the lake, you will still have close access to the Cedar Marina and Wilson Park while enjoying your privacy.



Typical Lakefront Lot Configuration



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Housing - Conceptual

Lake Views

Enjoy an unbelievable view of Heron Lake right from your home. The Bluffs allow you to see Heron Lake in its entirety, as well as a natural backdrop of Cedar Creek.

Trail & Marina Access

The Bluffs offer private residential access to the Cedar Marina and Heron Trail, as well as Wilson Park. You can enjoy a quiet life while still being close to some of Heron Lake's best amenities.

Live Work Play

The Heron Lake community is designed just for you. Enjoy your home without travelling far for work or play. Everything you'll ever need to enjoy life is available right here.

Typical Lot Size:	95ft x 185ft [0.40 Acres]
Total Lots:	16
Walking Time to Island:	25 minutes
Marina:	Cedar

Quick Facts

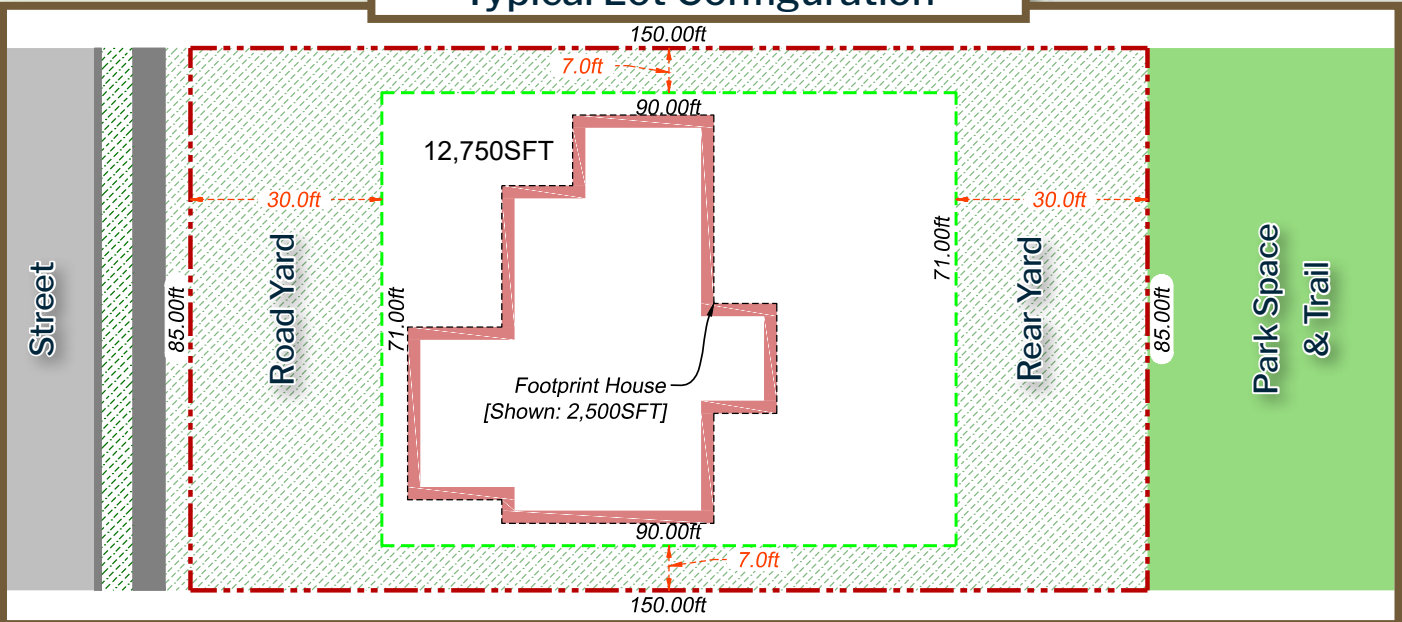
Vineyards



You'll enjoy the convenience of all the amenities of Heron Lake with the lots available in the Vineyards. These lots are non-lakefront, varying orientation, and closest to the Clubhouse and Springs Marina.



Typical Lot Configuration



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Housing - Conceptual

Community

The Vineyards allows you to be right at the heart of the community. You'll find yourself right in the middle of the best amenities and conveniences Heron Lake has to offer.

Clubhouse & Marina Access

The Vineyards lots are the closest non-lakefront lots to the Vineyards Clubhouse and Springs Marina. Use this proximity to fully enjoy the resident amenities.

Live Work Play

The Heron Lake community is designed just for you. Enjoy your home without travelling far for work or play. Everything you'll ever need to enjoy life is available right here.

Typical Lot Size:	85ft x 150ft [0.29 Acres]
Total Lots:	41
Walking Time to Island:	10 minutes
Marina:	Springs

Quick Facts

Reserva



Experience lake life in a modern way. The Reserva is a townhouse option, situated along the west shore. Reimagine your idea of the lake house with one of these lots, all with stunning views.

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Housing - Conceptual

Stunning Views

The Reserva townhouses offer you a panoramic view that cannot be beat. A private upper-level balcony gives you an extensive view that extends from the Winery all way to the south end of the lake.

Clubhouse & Marina Access

The benefits of community life are closer than you think. With the Clubhouse located just across the street and the Springs Marina right next to your home, you won't need to walk far to enjoy the amenities

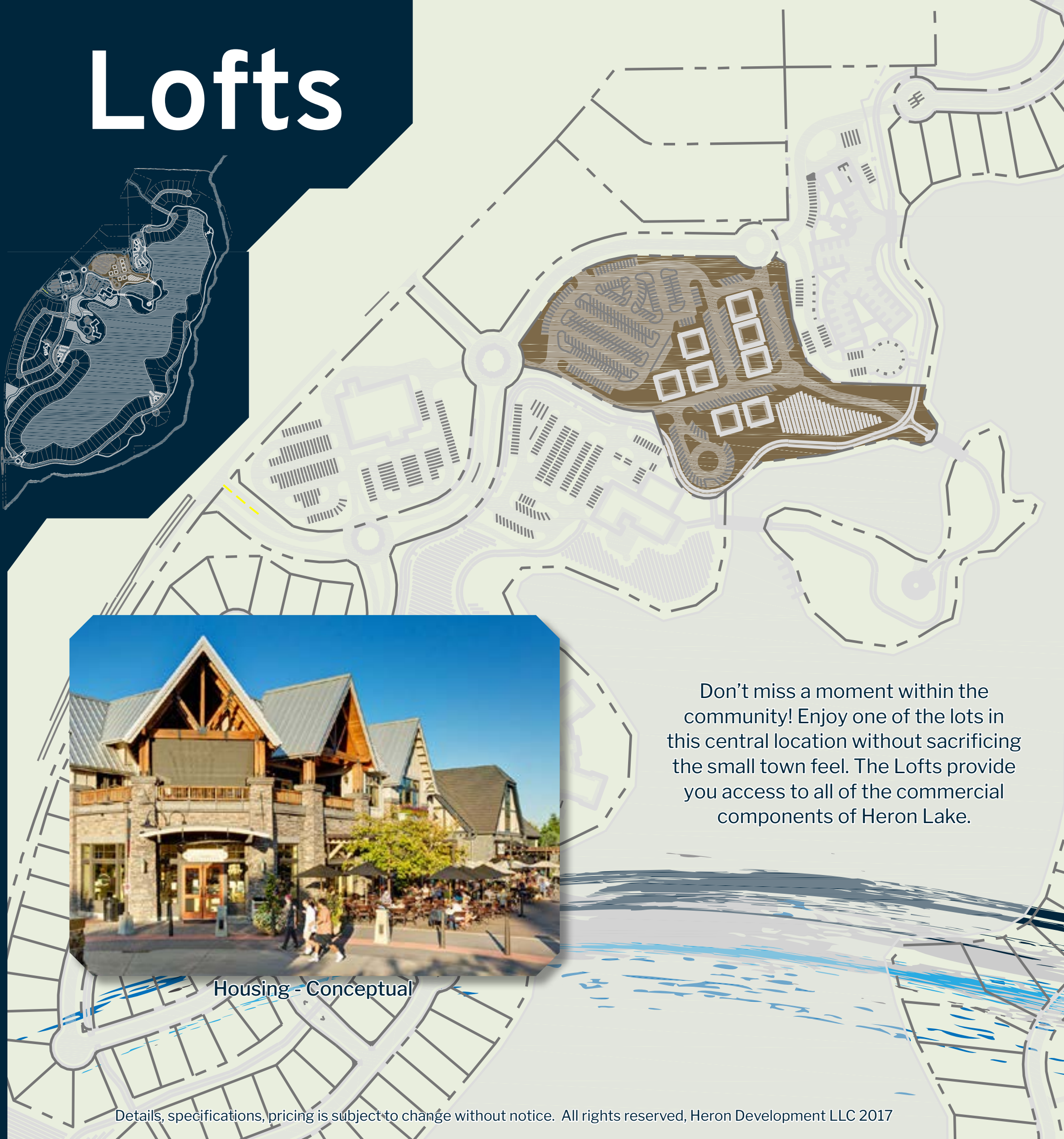
Live Work Play

The Heron Lake community is designed just for you. Enjoy your home without travelling far for work or play. Everything you'll ever need to enjoy life is available right here.

Typical Townhouse Size:	3 Level - 1,500 sft
Total Units:	21
Walking Time to Island:	5 minutes
Marina:	Springs

Quick Facts

Lofts



Housing - Conceptual

Don't miss a moment within the community! Enjoy one of the lots in this central location without sacrificing the small town feel. The Lofts provide you access to all of the commercial components of Heron Lake.



Housing - Conceptual

Small Town Urban

The Lofts provide you with access to virtually every amenity and service at Heron Lake. Everything you want or need will be within walking distance. Experience this almost European town center, unmatched within our region.

Island & Marina Access

You will find the Lofts are within easy walking distance to both the Wilson Marina and the Island. You'll have the ability to take full advantage of all the dining and recreation Heron Lake has to offer.

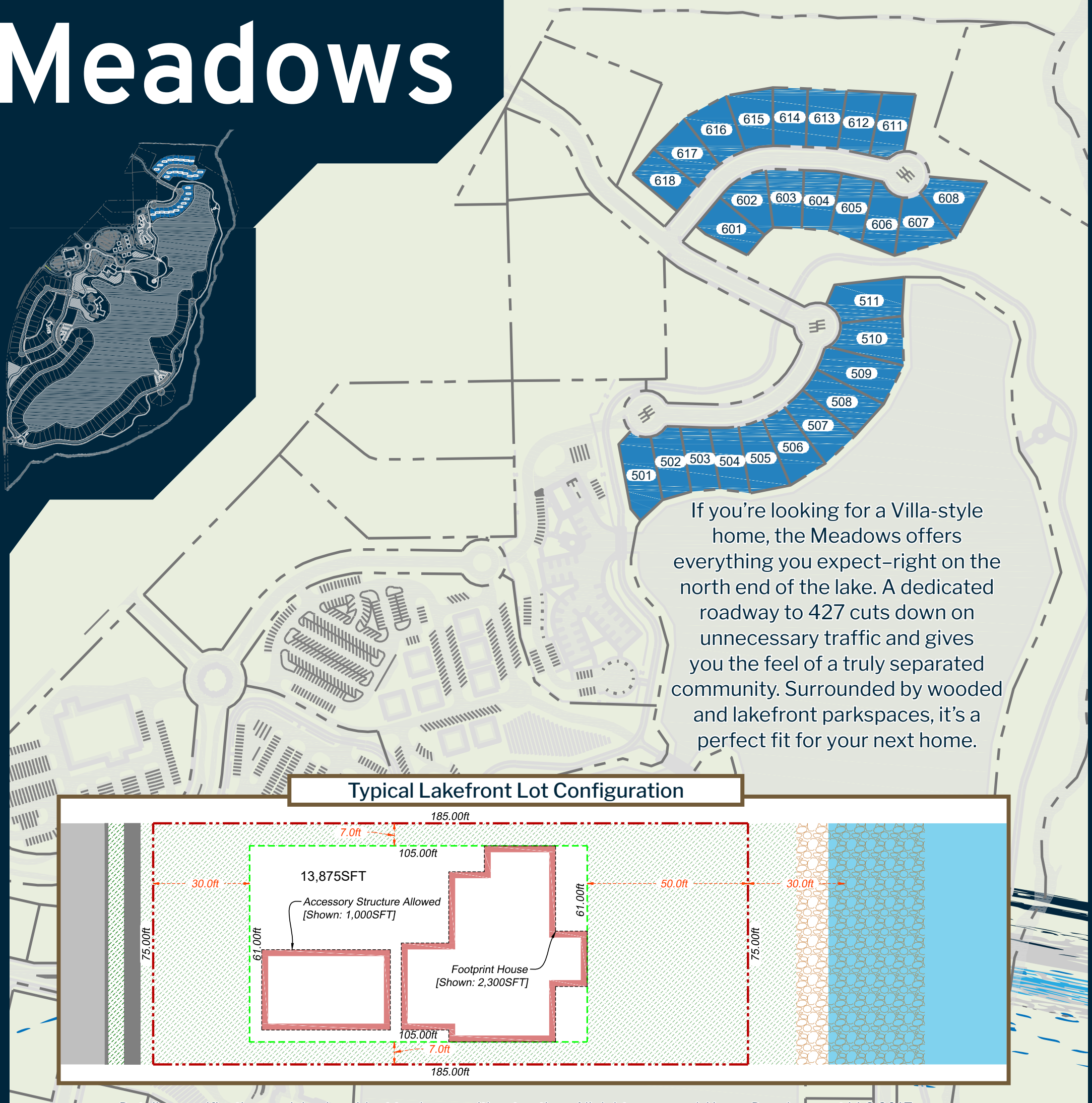
Live Work Play

The Heron Lake community is designed just for you. Enjoy your home without travelling far for work or play. Everything you'll ever need to enjoy life is available right here.

Typical Loft Size:	2-3 bedroom
Total Units:	20
Walking Time to Island:	15 minutes
Marina:	Wilson

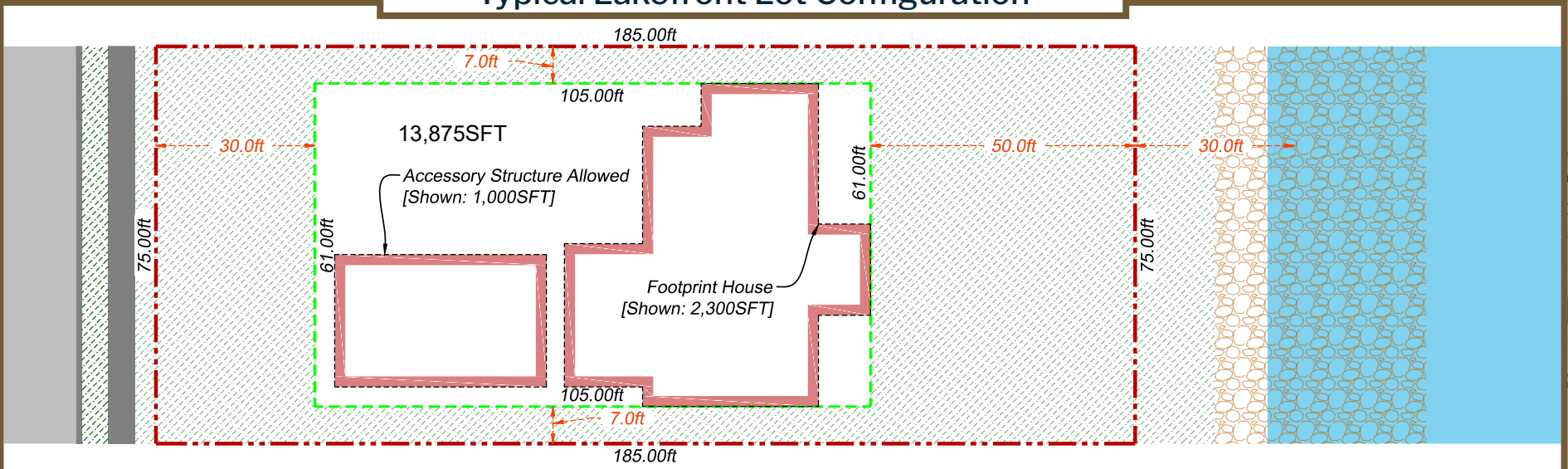
Quick Facts

Meadows



If you're looking for a Villa-style home, the Meadows offers everything you expect—right on the north end of the lake. A dedicated roadway to 427 cuts down on unnecessary traffic and gives you the feel of a truly separated community. Surrounded by wooded and lakefront parkspaces, it's a perfect fit for your next home.

Typical Lakefront Lot Configuration



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Housing - Conceptual

Wooded Seclusion

The Meadows provides lakefront Villa living with the natural wooded parkspace as your backdrop. This region on the north end of the lake is a great blend of both seclusion and access to all of the commercial ammenities.

Island & Marina Access

Your lot in the the Meadows will benefit from the expansive lakefront as well as quick access to the Island and the Springs Marina.

Live Work Play

The Heron Lake community has been designed for those who wish to Live, to Work, and to Play at the same location. We believe that time is your most precious resource, don't waste it on traveling from one location to another.

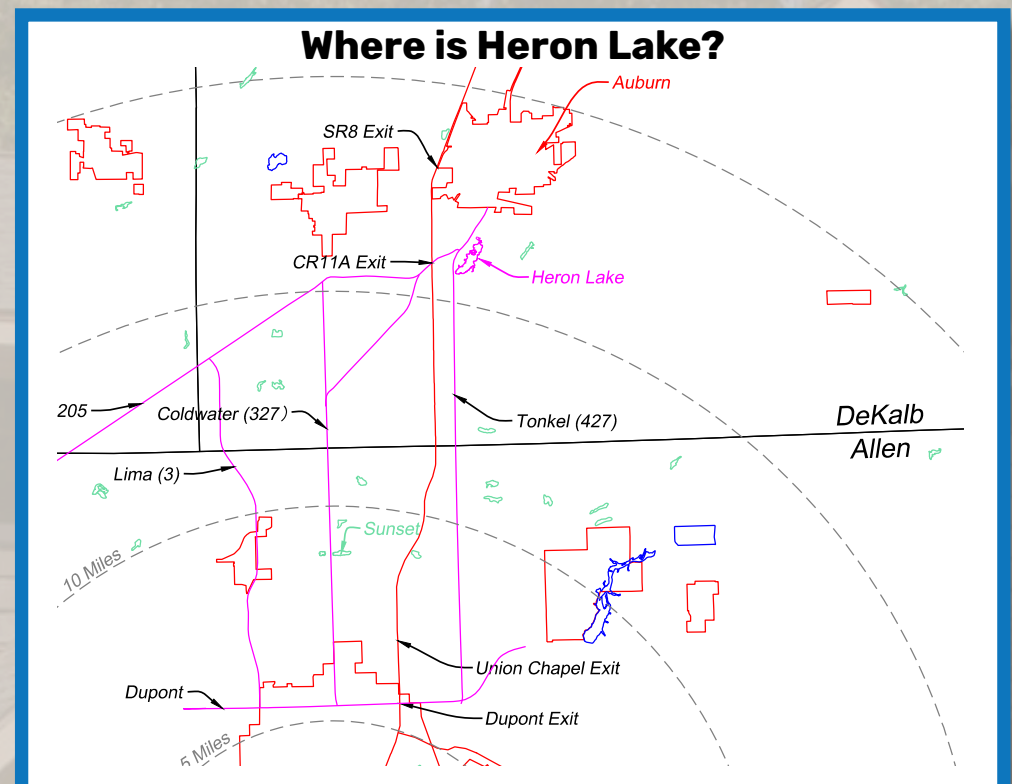
Typical Lot Size:	75ft x 185ft [0.31 Acres] 85ft x 150ft [0.29 Acres]
Total Lots:	16
Walking Time to Island:	10 minutes
Marina:	Springs

Quick Facts

WHAT IS HERON LAKE?

A Home Like No Other in Indiana

The Heron Lake community is a 306-acre development with residential housing, apartments, and commercial facilities centered on an all-sports lake. This community, located eight minutes from Fort Wayne, will be ideal for those who desire lake life year around but still want a convenient work commute to Allen County and surrounding areas.



Lake Lifestyle

Lake life should incorporate amazing community experiences with the ability to balance work with family and adventure. Heron Lake is conveniently located near Fort Wayne, and the development will include multiple neighborhoods for families, an all-sports lake with marinas, an island event center, a 3.5 mile trail, and a boutique winery—all within walking distance.

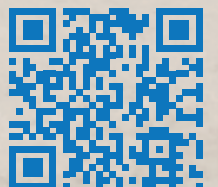
Natural beauty and a fun community experience come with your home, and you'll fit right in!

How to Contact us

+1.260.920.8121
info@herondev.com

Heron Development LLC
5419 County Road 427
Suite C
Auburn, IN 46706

www.HeronLakeLiving.com



Comments/Response:**Mail****Will Pick Up****Email****Request ACC Presentation****ACC Office:****App #:** _____

Date Received: _____ By: _____

Heron Lake ACC - General Improvements Review Application**Applicant Information:****Owner/Operator:**

Name: _____

Region [Springs, etc.]: _____

Address: _____

Lot #: _____

Phone: _____

Email: _____

**Consultant/Contractor/Designer:**

① Name: _____

② Name: _____

Company: _____

Company: _____

Phone: _____

Phone: _____

Email: _____

Email: _____

Purpose of Application:**General Improvements:**

Prelim Review	\$ 50	Doors & Windows	\$ 50	Spa/Hot Tub	\$ 50
New House Construction	\$800	Fence / Screening	\$ 75	Recreation Equip	\$ 50
Final House Review	\$800	Deck / Patio	\$ 50	Gazebo, Pergola	\$ 50
Remodel [Min \$250 or]	\$0.50/sft	Flatwork	\$ 50	Landscaping	\$ 25
Accessory Structure	\$ 50	Play Structure	\$ 75	Roofing	\$100
Tree / Plant Removal	\$ 50	Solar Devices	\$ 75	Exterior Surfaces	\$ 50

Other: _____

Total Fees: _____*Make payable to "Heron Property Management"***ACC Office:**

Fees Received By: _____

As an applicant for Heron Lake ACC Improvement Review, I am familiar with the latest adopted Heron Lake Covenants and PUD ordinance. I fully understand this application, and the Review Process as detailed within the ACC Guidelines. Any significant alterations in improvements from an approved application must be resubmitted to the ACC for approval prior to commencing improvements.

I assume responsibility for any and all damage caused by the construction of these proposed improvements to adjoining Lots, and/or the Developer's property.

By submitting this application I authorize the ACC or its agent to perform on-site observations, including taking photographs, etc., of the Lot and/or improvements as part of the review and compliance process with approved applications.

Applicant Signature: _____ **Date:** _____**ACC Committee Findings:***Receipt of Approval if signed by at least 2 ACC Members*

Approved

Approved with Conditions

Rejected

Information Requested

ACC Member #1

ACC Member #2

ACC Member #3

Comments and/or Approval Conditions: _____

[See back of page for General Submittal Package Requirements]

Heron Lake ACC - General Application Requirements

Pre-Submittal: Applicants are encouraged to discuss Application requirements and Application contents with the Developer or ACC prior to official submittal. The ACC Members maintain regular office hours and would prefer to address deficiencies and propose solutions prior to official submittal.

Submittal: Application, required fees, and accompanying documentation must be submitted in person to the Developer office. A dropbox location shall be provided for after hour submittals. Incomplete applications will be returned without review.

Materials Returned: A copy of the Application with findings will be returned to Applicant via method selected by Applicant. All accompanying documentation will be retained by ACC for archival purposes. If Applicant wishes to receive a copy of approved documentation with ACC approval stamp, submit number of copies desired along with Application.

General Plan / Depiction Requirements: [Only Improvement Applicable Items]

Site / Geometrics Plan:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- North arrow & scale
- Min Scale: 1/8 inch = 1ft
- Contours:
 - Existing - 2ft interval
 - Design - 2ft interval
- Building locations & dimensions
- Plants/Trees to be removed and placed
- Utility locations
- Existing features:
 - Patios, decks, walks, driveways, stairs, accessory structures, lighting, landscaped beds, etc.
- Site:
 - Property lines, setbacks, easements, dimensions, etc.
- Improvement features
- Drainage directions - approx

Building / Floor Plan:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- North arrow & scale
- Min Scale: 1/8 inch = 1ft
- Doors & Windows:
 - Size
 - Operating type
- Room names/uses & dimensions
- Stairways
- Floor square footage
- Garage / Accessory structure
- As applicable:
 - Floor treatments, wall treatments, ceiling treatments, electrical routing, HVAC routing, water routing, patios, decks, walks, driveways, exterior connections and features, landscaped beds, trash storage, etc.
- Improvement features

Improvement Elevations:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- View orientation
- Min Scale: 1/8 inch = 1ft
- Building finish grades
- Plants/Trees to be placed
- As applicable:
 - Roof and material, Side and material, exhaust/vent/flue locations, windows and operation, trim, corner treatments, railings, decks, stairs, screening elements, doors, patterns of materials, dimensions, etc.
- Improvement features

Landscaping Plan:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- North arrow & scale
- Min Scale: 1/8 inch = 1ft
- Contours:
 - Existing - 2ft interval
 - Design - 2ft interval
- Building locations & dimensions
- Plants/Trees to be removed and placed
- Plants:
 - Common names, size at planting and maturity, botanical names, etc.
- Site:
 - Property lines, setbacks, easements, dimensions, etc.
- Improvement features
- Drainage directions - approx

Misc Plan & Depiction Requirements: Applicants are encouraged to provide as much information as feasibly available to define the Improvement proposed. Color samples, material samples, and examples of prior installations are critical to the review process. The ACC Members will review plans and depictions prior to official submittal to provide feedback and initial responses that will not necessarily be made part of the review findings. Electronic files are encouraged to eliminate excessive printing needs.

Timeframes to remember: Approvals are valid for 90 days. If the Improvement has not commenced within 90 days of approval, a re-submittal of the Application may be required given the changing nature of the Heron Lake site. In general, all approved Improvements must be completed within one (1) calendar year of approval date. Landscaping and other similar Improvements must be completed within 180 days of approval.

Ordinances, Covenants, Guidelines, and Processes: The office of the Developer can provide, for review, hard copies of applicable governing documents. Electronic format versions are available at the website.



Heron Lake ACC - General Application Requirements

Application Score Card: Application # _____
[Sheet 1 of 4]

Site & Geometrics

0.0	Components	Req'd or N/A	Points	
			Max	Score
0.1	Application package meets requirements	X	5	
0.2	Accompanying documentation is satisfactory	X	5	
0.3	Proposed improvements meet covenant restrictions	X	5	
0.4	Improvement geometrics meet ACC guidelines	X	5	
0.5	Non-conforming uses or improvements meet conditional review guidelines	X	5	
0.6	Adjoiners have been notified	X	5	
0.7	Adjoiner's comments have been resolved	X	5	
0.0	Subtotal [Max 35]			

ACC Use Only

- The Site & Geometrics metric requires approval or N/A (Not Applicable) on each item.

- The point tally provides a baseline for required building materials, etc. The extra points that can be gained will be applied to the Assessment Incentive.

- Assessment Incentive? The AI is a 10 year reduction in Assessments levied by HPM. This amount varies based on the total point tally but maxes out at \$1,000 per year for the ten (10) year window.

Building Components

1.0	General	Req'd	Points	
			Max	Score
1.1	Construction Waste	X	5	
1.2	Local Available Materials		5	
1.0	Subtotal	5	10	

ACC Use

General
Priority Rating:
 High. Consistent with efficiency focus of Heron Lake.

Benefits:
 Readily available materials in northern Indiana.

Has minimal embodied energy, primarily with transportation.

2.0	Site	Req'd	Points	
			Max	Score
2.1	Rain Garden		5	
2.2	Native Plantings	X	5	
2.3	Smart Irrigation		5	
2.4	Plantings - 30% / 50%		5	
2.5	Creative Uses		5	
2.6	Driveway		5	
2.0	Subtotal	5	30	

ACC Use Only

Site
Priority Rating:
 High. Consistent with restoration/reclamation efforts of Heron Lake.

Benefits:
 Restores native species.

Utilizes lake reservoir, conserving potable water use.

Heron Lake PUD

ACC Guidelines & Improvement Review Process
 Adopted: January 1, 2018



Application Score Card

ACC.23

Application Score Card: Application # _____
[Sheet 2 of 4]

3.0	Building Envelope	Req'd	Points	
			Max	Score
3.1	Roof		3	
3.2	Efficient Windows	X	3	
3.3	Natural Ventilation		3	
3.4	Metal Framing		3	
3.5	Siding Material		3	
3.6	Insulation	X	3	
3.7	Salvage/Repurp Materials		3	
3.8	House Wrap	X	3	
3.9	Compartmental		3	
3.10	Infiltration Test	X	3	
3.0	Subtotal	12	30	

ACC Use Only

Envelope

Priority Rating:

High. Consistent with long term sustainability goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Utilizes materials that would otherwise be used in waste streams.

4.0	Interior Finishes	Req'd	Points	
			Max	Score
4.1	Low VOC Paint		5	
4.2	Low VOC Floor		5	
4.3	Building Material Efficiency		5	
4.4	Energy Star Appliances		5	
4.0	Subtotal	0	20	

ACC Use Only

Interior Finishes

Priority Rating:

Medium. Consistent with long term efficiency goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Promotes better living health.

5.0	HVAC	Req'd	Points	
			Max	Score
5.1	High Efficiency System	X	5	
5.2	Geothermal		5	
5.3	Heat Exchange		5	
5.4	Make Up Air		5	
5.5	Radon Test	X	5	
5.0	Subtotal	10	25	

ACC Use Only

HVAC

Priority Rating:

High. Consistent with long term efficiency goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Promotes better use of available resources.



Application Score Card: Application # _____
[Sheet 3 of 4]

6.0	Plumbing Systems	Req'd	Points		ACC Use Only
			Max	Score	
6.1	Efficient Fixtures	X	5		
6.2	High Efficiency Water Heater	X	5		
6.3	Dual Flush Toilets		5		
6.4	Solar Water Heater		5		
6.5	Gray Water Collector		5		
6.0	Subtotal	10	25		

Plumbing Systems
Priority Rating:
 High. Consistent with long term efficiency goal of Heron Lake.

Benefits:
 Reduces daily operating costs.
 Reduces long term maintenance costs.
 Promotes better use of available resources.

7.0	Electrical Systems	Req'd	Points		ACC Use Only
			Max	Score	
7.1	LED 50%		5		
7.2	LED 100%		5		
7.3	Daylighting		5		
7.4	Power Over Ethernet (POE)		5		
7.5	Photo Voltaic Panels		5		
7.0	Subtotal	0	20		

Electrical Systems
Priority Rating:
 Medium. Consistent with long term efficiency goal of Heron Lake.

Benefits:
 Reduces daily operating costs.
 Reduces long term maintenance costs.
 Promotes better use of available resources.

Visual Appropriateness

8.0	Improvement Appearance	Req'd	Points		ACC Use Only
			Max	Score	
8.1	Adjoiner color contrast		3		
8.2	In-site color contrast		3		
8.3	Site cohesiveness		3		
8.4	Creative uses		3		
8.0	Subtotal	0	12		

Appearance
Priority Rating:
 High. Consistent with blending cosmetic elements of adjoining Lots.

Benefit:
 Variety in contrast and appearance but cohesiveness for lakefront properties.



Application Score Card: Application # _____
[Sheet 4 of 4]

Application Tally

	Heading	Req'd	Points	
			Max	Score
Site & Geometrics				
0.0	Components	35	35	
Building Components				
1.0	General	5	10	
2.0	Site	5	30	
3.0	Envelope	12	30	
4.0	Interior Finishes	0	20	
5.0	HVAC	10	25	
6.0	Plumbing Systems	10	25	
7.0	Electrical Systems	0	20	
Visual Appropriateness				
8.0	Improvement Appearance	0	12	
	Subtotal	77	207	

ACC Use Only

ACC Use Only

Meets or Exceeds Requirements: Yes No

Date: _____

AI Level: _____

MSFI Level: _____

ACC Member #1

ACC Member #2

ACC Member #3

Supplemental Findings or Notes: _____

(AI)
Assessment Incentive Levels

Level 1 : 77 - 145 \$ 0

Level 2 : 146 - 185 \$ 500

Level 3 : 186 - 207 \$1,000

(MSFI)
**Minimum Square Footage
Incentive Levels**

Level 1 : 77 - 185 0 SF

Level 2 : 186 - 207 250 SF

Heron Lake PUD

ACC Guidelines & Improvement Review Process
Adopted: January 1, 2018



Application Score Card

ACC.26



HERON LAKE

City of Auburn - Planned Unit Development

Architectural Control Committee (ACC)

Guidelines & Improvement Review Process

Adopted: January 1, 2018

Heron Lake Planned Unit Development

Architectural Control Committee - Guidelines and Improvement Review Process

Introduction

The Heron Lake Planned Unit Development was enacted on June 20th, 2017 by the Common Council of the City of Auburn, Indiana, and recorded as Ordinance No. 2017-06 in the Office of the Recorder of DeKalb County, Indiana. Such Planned Unit Development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to hereinafter as the "Heron Lake PUD" and the ordinance enacting the same shall be referred to hereinafter as the "Heron Lake PUD Ordinance".

The Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements, and Approvals appended to as part of the Heron Lake PUD, Jackson Township, DeKalb County, Indiana was recorded as Document No. 201707033 in the Office of the Recorder of DeKalb County, Indiana. Such covenants, agreements, restrictions, easements and limitations have been impressed upon the Heron Lake PUD and they shall be considered a part of every conveyance of land within the Heron Lake PUD, without being written therein. Those provisions contained are for the mutual benefit and protection of the owners present and future of any and all land in the Heron Lake PUD, and they shall run with and bind the land and shall inure to the benefit of and be enforceable by the owners of land included therein, their respective legal representatives, successors, grantees and assigns in accordance to and subject to the terms and conditions contained therein, shall be referred to hereinafter as the "Heron Lake Covenants".

This document, hereinafter referred to as the "ACC Guidelines", contains rules and regulations promulgated pursuant to Article V and Article VII, Section 19 of the Heron Lake Covenants. These rules and regulations are adopted and promulgated to carry out the intent and purpose of the Heron Lake Covenants and, as set forth in the Heron Lake Covenants, shall be enforceable by Heron Development, LLC, or its successors, assigns, or designated representatives (collectively, the "Developer") in the same manner as the restrictions and covenants contained in the Heron Lake Covenants. Additionally, the Developer's remedies, including the imposition of liens, monetary fines, and penalties are as set forth in these rules and regulations and the Heron Lake Covenants as authorized by the Heron Lake Covenants

Preface

The ACC Guidelines are intended to provide a basis for dialogue between the ACC Committee and Owners/Builders and provide transparency in the review process. An ongoing exchange of concepts and potential solutions is viewed as the desirable method for addressing the requirements of each stage of the Improvement Review Process.



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Appendix:

Score Card Companion

General Definitions

Schedule of Exhibits:

Samples:

Available at ACC Office

Design Guidance:

Score Card Companion

ACC Review Process:

Flowchart 6

General Application Form:

Covers all applications
18 - 19



Review Process

The improvement application review process is comprised of four components. The improvement placement / construction review is also comprised of four components. Specific improvements within the purview of the ACC may not be subject to or applicable to all components:

1 - Building Ordinances:

The first level of building requirements and review consists of the City of Auburn local building requirements. These requirements are specifically developed for the Heron Lake PUD. A copy of these requirements are available from the ACC. This step is reviewed by the City of Auburn.

2 - Site & Geometrics:

The second level of review relates to site layout and geometrics. Documentation relating to improvement location, layout, and heights will be presented to the ACC for review and approval/disapproval. This step is reviewed by the ACC.

3 - Building Components:

The third level of review consists of a point based review. This review system incorporates regionally appropriate options for improvement elements. The points are weighted to direct improvements into a desirable outcome. The intent is to maintain the value and quality of materials and craftsmanship in the final improvement. This step is reviewed by the ACC.

4 - Visual Appropriateness:

Final level of review will evaluate the visual or cosmetic appropriateness of the proposed improvement. The applicant will provide improvement documents (as applicable) to adequately communicate the visual appearance of all improvements. The intent is to maintain a blending appearance for all surrounding improvements and not a stark contrast. This step is reviewed by the ACC.

5 - 8 Improvement Placement / Construction Review:

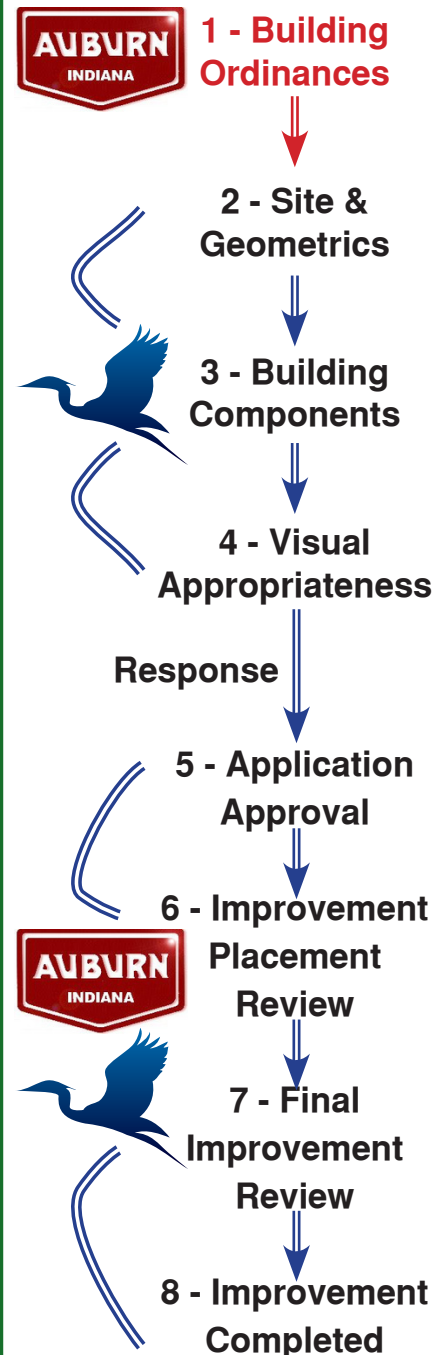
The final four steps relate to oversight of the actual improvement placement and construction. The final review of the improvement will respond with an ACC Review Completion notification or additional conditions to ensure compliance. Both local jurisdictions and ACC will review these steps.

NOTE:

Commercial improvements will follow the process above with the addition of State codes within Component #1 (and other codes where applicable).

Review Process

4 Components



Heron Lake PUD

ACC Guidelines & Improvement Review Process

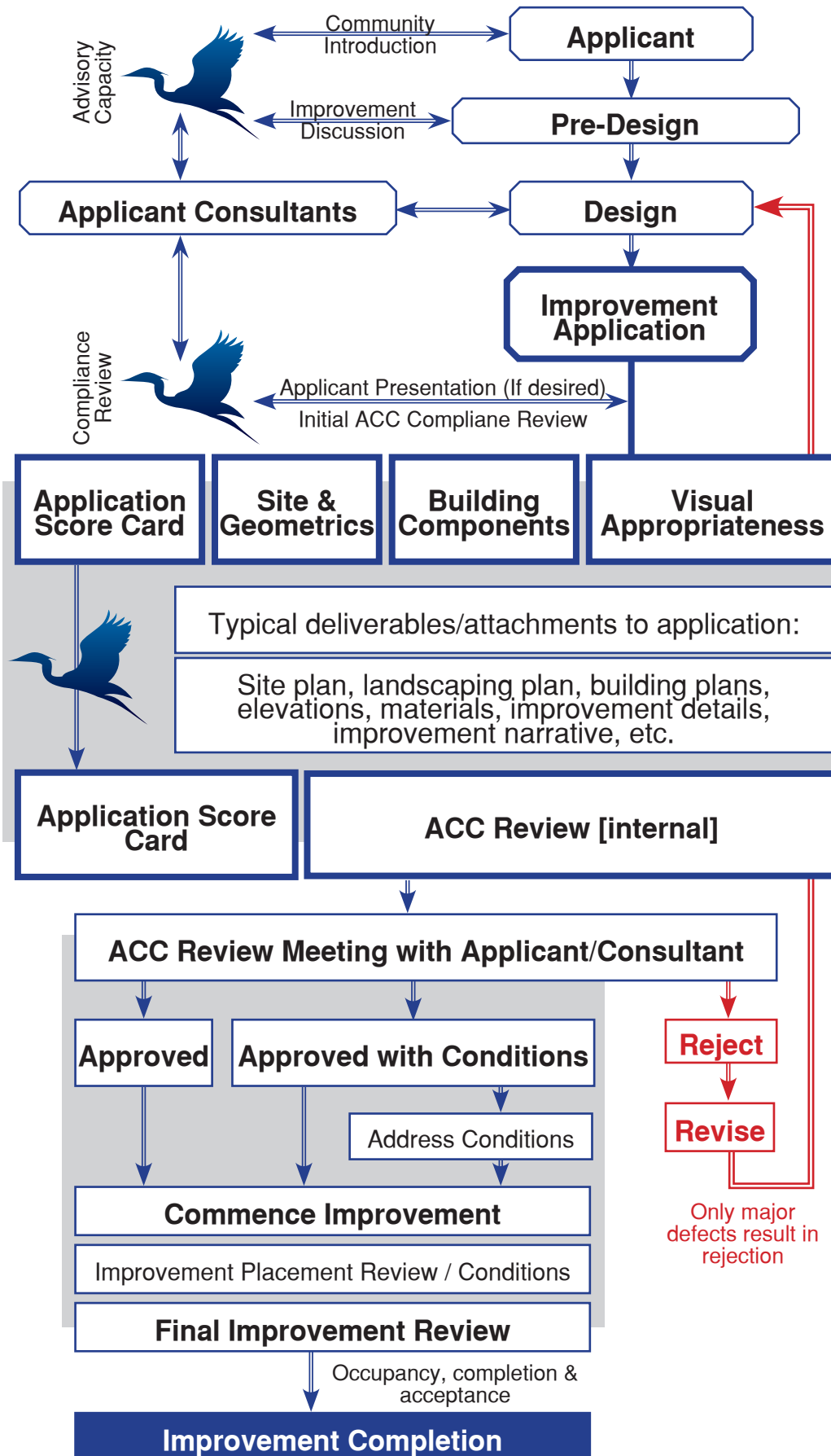
Adopted: January 1, 2018



Review Process

ACC.4

ACC Review Process Flowchart



Summary

- The Review Process is an evaluation of the Improvement Application.
- The Applicant is encouraged to present concepts and ideas to the ACC prior to official submittal. The ACC provides an advisory capacity for Applicants.
- The intent of the Review is to: maintain a blended atmosphere with a palate of unifying materials, to elevate the quality of design and construction, and to not inhibit design options.
- Not to inhibit but to educate and advance the quality of Improvements.
- Matter of choice: the Applicant retains the right to choose and adopt, within the allowed options, the most similar method, material, components or design to their own preference.
- All choices are aimed to improve your sustainability, your ecological footprint, and provide you with greater long term value.

Heron Lake PUD

ACC Guidelines & Improvement Review Process
Adopted: January 1, 2018



Review Process

ACC.5

Typical Required Documents:

Typical New Home Construction Package:

Application:

Form
Fees
Improvement Narrative

Drawings:

Site Plan
Landscape Plan
Building Plan
Elevations

Documents / Misc:

Material Selection Sheets
[from manufacturer literature]
Color samples
Window details
Roofing details

Optional:

Narratives or other documentation to demonstrate the special conditions or goals of the construction.

Typical Lot Improvement Package:

Application:

Form
Fees
Improvement Narrative

Drawings:

Site Plan
Landscape Plan

Documents / Misc:

Material Selection Sheets
[from manufacturer literature]
Color samples
Improvement details

Optional:

Narratives or other documentation to demonstrate the special conditions or goals of the improvement.

NOTE: The ACC office will be able to confirm the documents needed for your specific application.

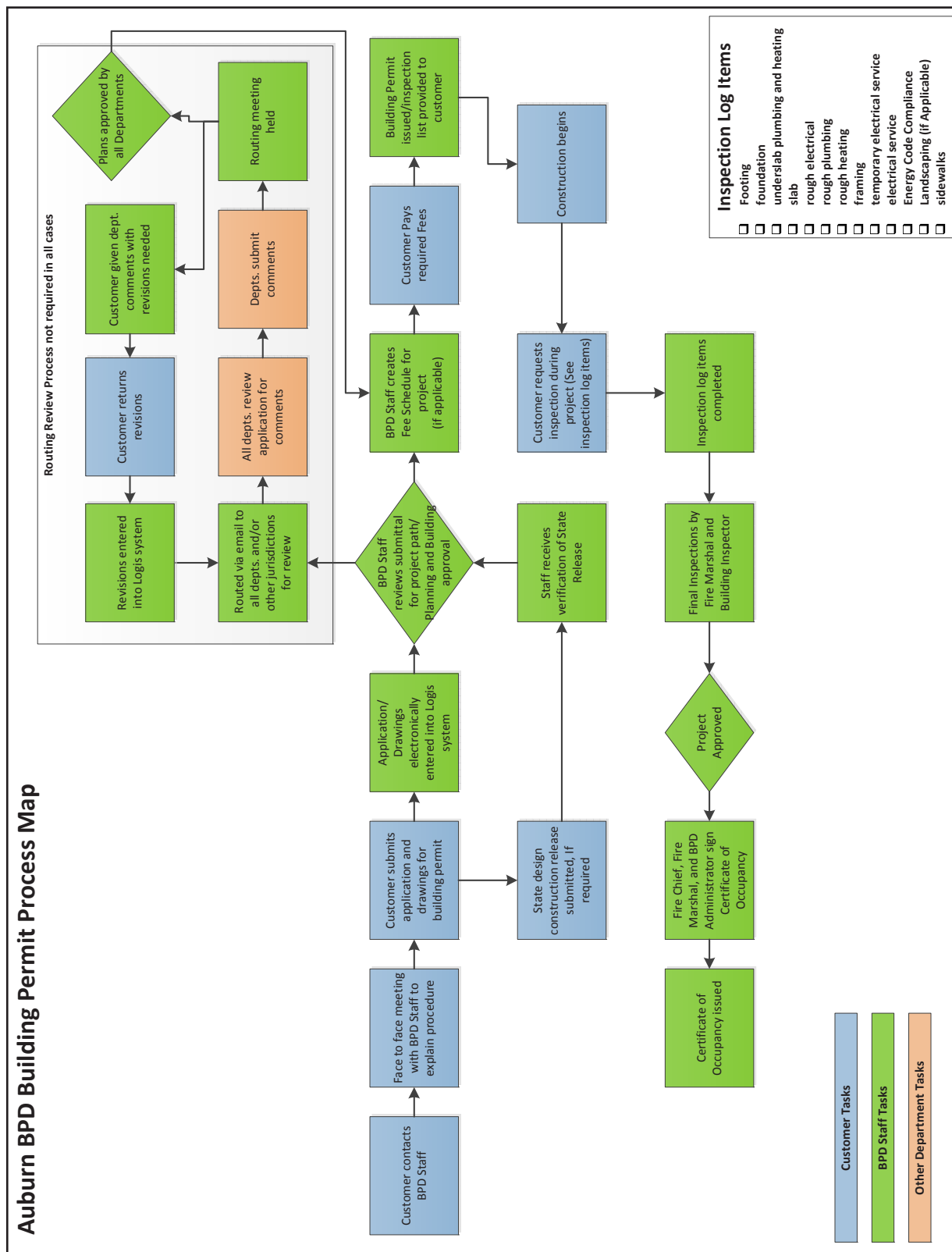
Summary

- The document package required is based on the type of Improvement being submitted.
- As a general rule, if your proposed Improvement does not need it for placement or construction, then it probably isn't required in the document package.
- Please provide additional information that you believe will help convey your intent and purposes in constructing the improvements or house.



Building Ordinance

Applicants will be responsible for ensuring compliance with the City of Auburn Building Department. The process chart, depicted below and supplied by the BPD is not guaranteed to be accurate or the latest version. Applicant should contact the Building Department for latest and applicable codes and processes.



Site & Geometrics Guidelines

ACC Standard Requirements:

If your improvement meets the standard requirements listed below, the points metric will be satisfied. If the improvement does not meet these requirements a variance will need to be requested from the ACC for points metric satisfaction.

It is the Applicant's responsibility to contact the municipality to ensure the improvement placement will be in compliance with the municipality codes and ordinances. ACC approval does not satisfy the need for any municipal approvals or permits. Additional permits may be required prior to the placement.

General Note: The ACC does not review or approve structural design, only architectural and/or aesthetic components.

General Improvements: House

Minimum Building Footprint Square Footage Requirements

Springs, Vineyards	1,800 SFT
Estates, Meadows	2,200 SFT
Bluffs	2,600 SFT

Minimum Gross Floor Area Square Footage Requirements

Reserva	1,000 SFT
Circle [Residential Lofts]	800 SFT

Egress Window:

- 1 - An egress window cannot project past the side yard setbacks of the Lot and cannot be placed within a utility or other easement.
- 2 - It is the responsibility of the Applicant to ensure that the egress window conforms to building code and local ordinance, including but not limited to proximity to utility meters or site egress paths.
- 3 - The Lot slopes and swales, as established by Developer and approved by the municipality, shall remain as permanent. Within these slopes and swales, no structure, planting or other material shall be placed that would substantially alter the ground elevations. No improvement shall obstruct or increase the flow of stormwater through drainage routes.

Flag Poles:

The location of the flag pole may be in any of the following locations:

- A - On the side walls of a building structure.
- B - On an attached structure, such as a deck or pergola.
- C - Near the eveline, the pole shall not project above the eve line.
- D - Within the Road Yard.

No free standing pole, within the Lake Yard, shall be allowed without a variance. If the flag pole is placed in any location other than those detailed above, it is considered a variance and will need ACC approval.

Summary

- Don't forget to also check the overall Covenants for the Heron Lake PUD.

- Freestanding poles within the Lake Yard will be considered for variance.



Satellite Dish:

The location of the satellite dish may be in any of the following locations. It shall not be readily visible from the Road Yard Lot line:

- A - On the side walls of a building structure.
- B - On an attached structure, such as a deck or pergola.
- C - Near the roofline, the dish shall not project above the upper most roof ridgeline.

If the satellite dish is placed in any location other than those detailed above, it is considered a variance and will need ACC approval.

Solar Panels:

- 1 - No freestanding (non-structure mounted) solar panels shall be permitted.
- 2 - Solar panels shall be installed flat against or parallel to the plane of the supporting roof.
- 3 - Solar panels must not protrude over the roof limits.
- 4 - Solar panels shall be subject to aesthetic review.

If the solar panel is placed in any location other than those detailed above, it is considered a variance and will need ACC approval.

General Improvements: Lot

Accessory Structures:

- 1 - Accessory structures must be substantially similar in appearance and building materials as the main structure.
- 2 - No temporary structures shall be allowed.

Decks: (See Patios / Decks)

Driveways / Parking:

- 1 - Driveways shall be constructed to accommodate parking for all residents of the lot.
- 2 - Parking along the street shall not be permitted for Residents or guests except in temporary instances, such as Resident Open Houses, Resident Parties, etc. Residents are encouraged to notify HPM in advance of such events to ensure adequate parking be made available.

Fire Pits / Fixed Grills:

- 1 - The ACC does not review or approve fire pits unless an improvement structure is being proposed to place the fire pit within, i.e. Fixed Grill.
- 2 - A fire pit cannot project past the side yard setbacks of the Lot.
- 3 - The use of an open fire pit and fixed grills will be dictated by the City of Auburn rules, regulations, and covenants.

Generator:

- 1 - Generators must not be visible from the Road Yard Lot line.
- 2 - The ACC may require, at any time, the installation and maintenance of screening and landscape materials for screening around the generator for aesthetic purposes.
- 3 - An impervious base, such as poured concrete, may be required for placing a generator.
- 4 - All required scheduled maintenance must be performed within standard business hours.

Summary

- Don't forget to also check the overall Covenants for the Heron Lake PUD.

- Auburn Essential Services is available for the entire site.

- Applicants are encouraged to find novel methods for energy gathering and efficiency improvements.

- Lake lots may place an accessory structure between the house and road, in the Road Yard.

- Lake and Rear Yard improvements are encouraged but the uses may be restricted by the City of Auburn.

- Generator screening or other treatments will probably be required by the ACC.



Hot Tub:

- 1 - Hot tubs must not be visible from the Road Yard Lot line.
- 2 - The ACC may require, at any time, the installation and maintenance of screening and landscape materials for screening around the hot tub for aesthetic purposes.
- 3 - Any hot tub structural element located within an easement (utility, surface drainage, etc.) on any part of a Lot is subject to removal at the Owner's expense for maintenance and other reasons as determined by the benefited easement party. Reinstallation of any improvement would be at the Owner's expense.

Landscaping:

- 1 - The ACC does not review or approve minor plantings. Any substantial landscaping improvement, such as those requiring structures, Lot grading, retaining walls, or similar improvements, will go through the standard review process.
- 2 - To control stormwater run-off, all downspouts and downspout extenders are to drain into permeable regions; such as grass or a landscaped planting bed. Perimeter drains may be utilized to direct stormwater flow within a Lot.
- 3 - The Lot slopes and swales, as established by Developer and approved by the municipality, shall remain as permanent. Within these slopes and swales, no structure, planting or other material shall be placed that would substantially alter the ground elevations. No improvement shall obstruct or increase the flow of stormwater through drainage routes.
- 4 - Any landscaping element located within an easement (utility, surface drainage, etc.) on any part of a Lot is subject to removal at the Owner's expense for maintenance and other reasons as determined by the benefited easement party. Reinstallation of any improvement would be at the Owner's expense.

Parking: (See Driveways / Parking)

Patio / Decks:

- 1 - An impervious surface patio cannot project past the side yard setbacks of the Lot and cannot increase the Lot coverage ratio beyond what is allowed by the municipality.
- 2 - To control stormwater run-off, all downspouts and downspout extenders are to drain into permeable regions; such as grass or a landscaped planting bed. Perimeter drains may be utilized to direct stormwater flow within a Lot. Most lots benefit from a Rear Yard perimeter drain connection for best stormwater flows, contact the ACC for details.
- 3 - The Lot slopes and swales, as established by Developer and approved by the municipality, shall remain as permanent. Within these slopes and swales, no structure, planting or other material shall be placed that would substantially alter the ground elevations. No improvement shall obstruct or increase the flow of stormwater through drainage routes.

Play Structures:

- 1 - Play structure must not protrude into the side yard setbacks of the Lot.
- 2 - Play structure shall not be used as an accessory structure for storage.
- 3 - There are no formal restrictions regarding color, but attention during review will be made to adjoining Lot Improvements and negative impacts.
- 4 - Any play structure located within an easement (utility, surface drainage, etc.) on any part of a Lot is subject to removal at the Owner's expense for maintenance and other reasons as determined by the benefited easement party. Reinstallation of any improvement would be at the Owner's expense.
- 5 - The Lot slopes and swales, as established by Developer and approved by the municipality, shall remain as permanent. Within these slopes and swales, no structure, planting or other material shall be placed that would substantially alter the ground elevations. No improvement shall obstruct or increase the flow of stormwater through drainage routes.

Summary

- Don't forget to also check the overall Covenants for the Heron Lake PUD.
- Hot Tub screening or other treatments will probably be required by the ACC.

- You cannot alter the drainage paths on your lot without express permission.

- Lake and Rear Yard improvements are encouraged but you cannot greatly impair the sight lines of your neighbors.

- You cannot alter the drainage paths on your lot without express permission.

- Lake and Rear Yard improvements are encouraged but you cannot greatly impair the sight lines of your neighbors.



Pools:

- 1 - No above ground pool which requires a filtration system or other above ground pool which is more than six (6) feet in diameter and eighteen (18) inches deep shall be placed or maintained on any Lot.
- 2 - In ground swimming pools, spas, or hot tubs shall require approval of the ACC.

Sports Equipment:

- 1 - Temporary (portable base or pole sleeve in ground) or permanently installed sports equipment shall be permitted in the Road Yard or Lake Yard of each Lot.
- 2 - Poles and structural elements shall be steel, fiberglass, plastic or aluminum. Pole heights may be adjustable or fixed. Wood poles or support elements are not allowed. No element may impede adequate Lake visibility for adjoining Lots.
- 3 - For Basketball setups, backboards may be acrylic, composite board, glass, polycarbonate or steel in widths ranging from 36" to 54" and shall be fully finished and weather resistant. The overall apparatus shall not exceed 13ft in height.
- 4 - For Soccer or other free ball sports, the apparatus shall not be over 8ft in height.
- 5 - Poles, attachments, netting, and all other components shall be kept in good working order, free from rust and maintained in a pleasing appearance.

Trash Receptacle(s) / Compost Bin(s):

- 1 - Trash receptacle(s) or Compost Bin(s) must not be visible from the Road Yard Lot line.
- 2 - The ACC may require, at any time, the installation and maintenance of screening and landscape materials for screening around the receptacle(s) or bin(s) for aesthetic purposes.

General Improvements: Lake

Beach Objects:

- 1 - Beach objects shall not impede or impair the Developer's ability to performance maintenance activities upon the Lake parcel.
- 2 - In general, Beach objects must be mobile and have storage locations.

Beach Improvements:

- 1 - Beach improvements shall not impede or impair the Developer's ability to performance maintenance activities upon the Lake parcel.

Boat Houses:

- 1 - May be allowed by variance within the Wilson Marina.

Boat Lifts:

- 1 - Boat lifts shall not substantially obstruct the sight pictures of adjoining Lots.
- 2 - There shall be a maximum of 2 boats per lift, smaller watercraft may increase limit.
- 3 - Residents may rent boat lifts from HPM but shall only have a maximum of two lifts per Lot.

Summary

- **Don't forget to also check the overall Covenants for the Heron Lake PUD.**

- **Lake and Rear Yard improvements are encouraged but you cannot greatly impair the sight lines of your neighbors.**

- **Typically no handmade equipment fixtures will be allowed.**

- **Screening or other treatments will probably be required by the ACC.**

- **Lake improvements must not impair your neighbors ability to enjoy the sitewide amenities.**

- **Unique and creative improvements are encouraged. Contact the ACC for variance questions.**



Docks / Piers:

- 1 - Docks shall be cosmetically similar to main structure. Untreated or unfinished surfaces are generally discouraged.
- 2 - The Lake Rules document specifies the dock and pier envelope sizing permitted for each lakefront lot.
- 3 - Residents may rent docks from HPM. Placement and retrieval may also be provided by HPM.

Improvements: Unique

Dock Outfitting:

- 1 - Outfitting for electrical, water, etc. improvements on dock / pier may be granted by variance. All work performed shall be according to applicable codes and may require a liability release for HPM.

Lake Water Harvesting:

- 1 - Water harvesting for irrigation purposes may be approved by variance.

General Improvements: Non-conforming

ACC Approach to Non-conforming Improvements:

The ACC recognizes that the improvements and uses detailed within the adopted documents are NOT comprehensive. Those uses and improvements which may be in the spirit of the overall HLPUD may be submitted for variance review and potential adoption into later documents. Some typical non-conforming uses and improvements are listed below.

Energy Harvesting:

- 1 - Novel energy harvesting devices that do not negatively impact the sight lines or enjoyment of the site by others may be approved by variance.

Lake Water Harvesting:

- 1 - Novel lake water harvesting devices that do not negatively impact the sight lines or enjoyment of the site by others may be approved by variance.

Accessory Structures:

- 1 - Accessory structures with a larger building footprint than the primary structure may be approved by variance.

Summary

- Don't forget to also check the overall Covenants for the Heron Lake PUD.

- Lake improvements must not impair your neighbors ability to enjoy the sitewide amenities.

- Unique and creative improvements are encouraged. Contact the ACC for variance questions.

- Technologies and criteria change over time. The ACC encourages unique and creative improvements. Contact the ACC for variance questions.



Building Components Guidelines

Building Components: ACC Goal

The ACC intends to foster an environment for the Applicant that would yield better building practices with focus on long term maintenance issues. To this end the Building Components points metric is skewed toward better quality materials and materials that are sourced with regional impact considerations. The ACC is always willing to discuss exchanging or substituting alternate components for those listed within the metrics. The advances in construction technology are welcome to be evaluated and considered for inclusion.

Building Components: Assessment Incentive

The ACC intends to encourage these desirable building practices by offering an Assessment Incentive (AI). This incentive is points based and maxes out at a \$1,000 per year reduction in the HLPUD Assessments for Residents and Operators. The AI will run for 10 years from the date of occupancy for the affected new home construction.

Building Components: Minimum Square Footage Incentive

The ACC intends to encourage these desirable building practices by offering an Minimum Square Footage Incentive (MSFI). This incentive is points based and maxes out at a reduction of 250 square feet in the minimum structure footprint required. This incentive is based on the concept that being more efficient also includes the size of structures being constructed. A higher value structure with better long term return is not driven by the overall size but the quality of construction.

- The ACC encourages the best practices and materials for your improvement.

- The point tally provides a baseline for required building materials, etc. The extra points that can be gained will be applied to the Assessment Incentive.

- Assessment Incentive? The AI is a 10 year reduction in Assessments levied by HPM. This amount varies based on the total point tally but maxes out at \$1,000 per year for the ten (10) year window.

- The point tally provides a baseline for required building materials, etc. The extra points that can be gained will be applied to the Minimum Square Footage Incentive.

- Minimum Square Footage Incentive? The MSFI is minimum structure footprint reduction based on the points tally within the Building Components Scorecard. This incentive maxes out at a reduction of 250 square feet.



Visual Appropriateness Guidelines

The Heron Lake community is not intended to be a cookie-cutter homogeneous collection of identical homes and improvements. This final level of review will evaluate the visual or cosmetic appropriateness of the proposed improvement. This evaluation will be based on adjoining structures and features that are deemed desirable. The intent is to maintain a blending appearance for all surrounding improvements and not a stark contrast. The ACC encourages Applicants to express their personalities and tastes within the improvements.

Visual Appropriateness: ACC Goal

The ACC intends to foster an environment for the Applicant that would yield a collection of blended contrasting homes distinguished by unique architectural elements all conveying a cohesive community feel.

Visual Appropriateness: Examples of Desired Components

As the project progresses homes and businesses will continue to be constructed. These new structures will alter the overall blending and contrasting requirements. As such, the Visual Appropriateness Guidelines and Examples are a living set of constraints and requirements. We encourage all new construction to contact the ACC for current examples or blending strategies based on existing structures.

Exterior Building Materials - All exterior building materials shall be of high quality, with emphasis on natural appearance products with greater longevity than standard building practices. These materials may be brick, wood, stone, and other natural materials treated in such a manner as to minimize maintenance needs or drastic cosmetic changes over time. These materials may also be contemporary such as aluminum, copper, plastics, and other metals, assuming that their use would contribute to the preservation or enhancement of traditional materials and contribute to the overall integrity and longevity of the structure.

Exterior Building Appearance and/or Style - The Heron Lake PUD is centered around the private lake. The overall design goal are structures that would be appropriate for a marine or natural surroundings emphasis. There numerous names for these varying styles and the ACC does not intend for strict adherence to any one style or school of design. On the following page there are example graphics of houses and commercial centers that demonstrate a general adherence to the ACC's desired end results. Updated examples are available from the ACC. In general terms a few styles that have desired elements are: Craftsman, Timberframe, Mountain Ranch, Coastal, Cape Cod, and many of the Colonial variants.

- The ACC encourages unique and creative improvements.

- The goal of the ACC is to foster and encourage appropriate variety and contrast.

- The ACC encourages owners to express their personalities and lifestyles in their homes and improvements.



Visual Appropriateness: Graphic Examples



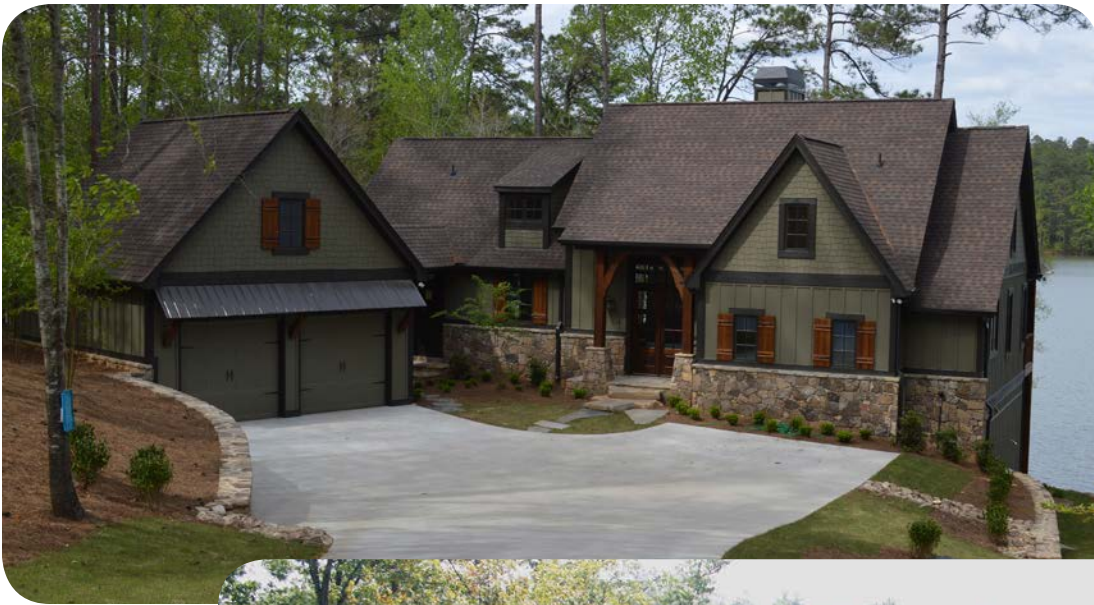
**Residential Houses
Style Variations**





**Residential Houses
Style Variations**





**Residential Houses
Style Variations**





**Commercial & Residential
Loft Blending
Style Variations**



Heron Lake PUD

**ACC Guidelines & Improvement Review Process
Adopted: January 1, 2018**



Guidelines

ACC.18

Commercial Applications

Typical Commercial Construction Package:

Application:

Form
Fees
Improvement Narrative

Drawings:

Site Plan
Landscape Plan
Building Plan
Elevations

Documents / Misc:

Material Selection Sheets
[from manufacturer literature]
Color samples
Window details
Roofing details

Typical Variations from Residential Applications:

Application:

Improvement narrative based on commercial region

Drawings:

Commercial regions should have overall site and landscaping plans on file with ACC

Documents / Misc:

Material selection will conform to master region plan on file with ACC

Summary

- The document package required is based on the type of Improvement being submitted.
- As a general rule, if your proposed Improvement does not need it for placement or construction, then it probably isn't required in the document package.



Amendments

This ACC guideline document shall be amended from time to time. The Developer shall adopt and promulgate those amendments on an annual basis. The current date of adoption shall be clearly indicated on the lower document bar. The current rules and regulations shall be available from the ACC office.

Applications

The current forms and applications are available on the following pages. Applications currently under review shall adhere to regulations and rules in force at time of application acceptance. The current rules and regulations shall be available from the ACC office.

- Amendments are intended to be adopted on annual basis, as needed.

- Application forms are also available from the ACC office.



Comments/Response:

- ☐ Mail
 ☐ Email
☐ Will Pick Up
 ☐ Request ACC Presentation

ACC Office:

App #: _____

Date Received: _____ By: _____

Heron Lake ACC - General Improvements Review Application

Applicant Information:**Owner/Operator:**

Name: _____ Region [Springs, etc.]: _____
 Address: _____ Lot #: _____
 Phone: _____
 Email: _____

**Consultant/Contractor/Designer:**

① Name: _____ Company: _____ Phone: _____ Email: _____	② Name: _____ Company: _____ Phone: _____ Email: _____
---	---

Purpose of Application:**General Improvements:**

- | | | | | | |
|---|------------|--|-------|--|-------|
| <input type="checkbox"/> Prelim Review | \$ 50 | <input type="checkbox"/> Doors & Windows | \$ 50 | <input type="checkbox"/> Spa/Hot Tub | \$ 50 |
| <input type="checkbox"/> New House Construction | \$800 | <input type="checkbox"/> Fence / Screening | \$ 75 | <input type="checkbox"/> Recreation Equip | \$ 50 |
| <input type="checkbox"/> Final House Review | \$800 | <input type="checkbox"/> Deck / Patio | \$ 50 | <input type="checkbox"/> Gazebo, Pergola | \$ 50 |
| <input type="checkbox"/> Remodel [Min \$250 or] | \$0.50/sft | <input type="checkbox"/> Flatwork | \$ 50 | <input type="checkbox"/> Landscaping | \$ 25 |
| <input type="checkbox"/> Accessory Structure | \$ 50 | <input type="checkbox"/> Play Structure | \$ 75 | <input type="checkbox"/> Roofing | \$100 |
| <input type="checkbox"/> Tree / Plant Removal | \$ 50 | <input type="checkbox"/> Solar Devices | \$ 75 | <input type="checkbox"/> Exterior Surfaces | \$ 50 |
| <input type="checkbox"/> Other: _____ | | | | | |

Total Fees: _____

Make payable to "Heron Property Management"

ACC Office:

Fees Received By: _____

As an applicant for Heron Lake ACC Improvement Review, I am familiar with the latest adopted Heron Lake Covenants and PUD ordinance. I fully understand this application, and the Review Process as detailed within the ACC Guidelines. Any significant alterations in improvements from an approved application must be resubmitted to the ACC for approval prior to commencing improvements.

I assume responsibility for any and all damage caused by the construction of these proposed improvements to adjoining Lots, and/or the Developer's property.

By submitting this application I authorize the ACC or its agent to perform on-site observations, including taking photographs, etc., of the Lot and/or improvements as part of the review and compliance process with approved applications.

Applicant Signature: _____ **Date:** _____

- ☐ Approved
☐ Approved with Conditions
☐ Rejected
☐ Information Requested

ACC Committee Findings:

*Receipt of Approval if signed by at least
2 ACC Members*

ACC Member #1

ACC Member #2

ACC Member #3

Comments and/or Approval Conditions: _____

[See back of page for General Submittal Package Requirements]

Heron Lake ACC - General Application Requirements

Pre-Submittal: Applicants are encouraged to discuss Application requirements and Application contents with the Developer or ACC prior to official submittal. The ACC Members maintain regular office hours and would prefer to address deficiencies and propose solutions prior to official submittal.

Submittal: Application, required fees, and accompanying documentation must be submitted in person to the Developer office. A dropbox location shall be provided for after hour submittals. Incomplete applications will be returned without review.

Materials Returned: A copy of the Application with findings will be returned to Applicant via method selected by Applicant. All accompanying documentation will be retained by ACC for archival purposes. If Applicant wishes to receive a copy of approved documentation with ACC approval stamp, submit number of copies desired along with Application.

General Plan / Depiction Requirements: [Only Improvement Applicable Items]

Site / Geometrics Plan:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- North arrow & scale
- Min Scale: 1/8 inch = 1ft
- Contours:
 - Existing - 2ft interval
 - Design - 2ft interval
- Building locations & dimensions
- Plants/Trees to be removed and placed
- Utility locations
- Existing features:
 - Patios, decks, walks, driveways, stairs, accessory structures, lighting, landscaped beds, etc.
- Site:
 - Property lines, setbacks, easements, dimensions, etc.
- Improvement features
- Drainage directions - approx

Building / Floor Plan:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- North arrow & scale
- Min Scale: 1/8 inch = 1ft
- Doors & Windows:
 - Size
 - Operating type
- Room names/uses & dimensions
- Stairways
- Floor square footage
- Garage / Accessory structure
- As applicable:
 - Floor treatments, wall treatments, ceiling treatments, electrical routing, HVAC routing, water routing, patios, decks, walks, driveways, exterior connections and features, landscaped beds, trash storage, etc.
- Improvement features

Improvement Elevations:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- View orientation
- Min Scale: 1/8 inch = 1ft
- Building finish grades
- Plants/Trees to be placed
- As applicable:
 - Roof and material, Side and material, exhaust/vent/flue locations, windows and operation, trim, corner treatments, railings, decks, stairs, screening elements, doors, patterns of materials, dimensions, etc.
- Improvement features

Landscaping Plan:

- Title Block: (Minimum)
 - Applicant
 - Region
 - Lot #
 - Address
 - Improvement Type
 - Preparer / Designer
- North arrow & scale
- Min Scale: 1/8 inch = 1ft
- Contours:
 - Existing - 2ft interval
 - Design - 2ft interval
- Building locations & dimensions
- Plants/Trees to be removed and placed
- Plants:
 - Common names, size at planting and maturity, botanical names, etc.
- Site:
 - Property lines, setbacks, easements, dimensions, etc.
- Improvement features
- Drainage directions - approx

Misc Plan & Depiction Requirements: Applicants are encouraged to provide as much information as feasibly available to define the Improvement proposed. Color samples, material samples, and examples of prior installations are critical to the review process. The ACC Members will review plans and depictions prior to official submittal to provide feedback and initial responses that will not necessarily be made part of the review findings. Electronic files are encouraged to eliminate excessive printing needs.

Timeframes to remember: Approvals are valid for 90 days. If the Improvement has not commenced within 90 days of approval, a re-submittal of the Application may be required given the changing nature of the Heron Lake site. In general, all approved Improvements must be completed within one (1) calendar year of approval date. Landscaping and other similar Improvements must be completed within 180 days of approval.

Ordinances, Covenants, Guidelines, and Processes: The office of the Developer can provide, for review, hard copies of applicable governing documents. Electronic format versions are available at the website.



Heron Lake ACC - General Application Requirements

Application Score Card: Application # _____
[Sheet 1 of 4]

Site & Geometrics

0.0	Components	Req'd or N/A	Points	
			Max	Score
0.1	Application package meets requirements	X	5	
0.2	Accompanying documentation is satisfactory	X	5	
0.3	Proposed improvements meet covenant restrictions	X	5	
0.4	Improvement geometrics meet ACC guidelines	X	5	
0.5	Non-conforming uses or improvements meet conditional review guidelines	X	5	
0.6	Adjoiners have been notified	X	5	
0.7	Adjoiner's comments have been resolved	X	5	
0.0	Subtotal [Max 35]			

ACC Use Only

- The Site & Geometrics metric requires approval or N/A (Not Applicable) on each item.

- The point tally provides a baseline for required building materials, etc. The extra points that can be gained will be applied to the Assessment Incentive.

- Assessment Incentive? The AI is a 10 year reduction in Assessments levied by HPM. This amount varies based on the total point tally but maxes out at \$1,000 per year for the ten (10) year window.

Building Components

1.0	General	Req'd	Points	
			Max	Score
1.1	Construction Waste	X	5	
1.2	Local Available Materials		5	
1.0	Subtotal	5	10	

ACC Use

General
Priority Rating:
 High. Consistent with efficiency focus of Heron Lake.

Benefits:
 Readily available materials in northern Indiana.

Has minimal embodied energy, primarily with transportation.

2.0	Site	Req'd	Points	
			Max	Score
2.1	Rain Garden		5	
2.2	Native Plantings	X	5	
2.3	Smart Irrigation		5	
2.4	Plantings - 30% / 50%		5	
2.5	Creative Uses		5	
2.6	Driveway		5	
2.0	Subtotal	5	30	

ACC Use Only

Site
Priority Rating:
 High. Consistent with restoration/reclamation efforts of Heron Lake.

Benefits:
 Restores native species.

Utilizes lake reservoir, conserving potable water use.

Heron Lake PUD

ACC Guidelines & Improvement Review Process
 Adopted: January 1, 2018



Application Score Card

ACC.23

Application Score Card: Application # _____
[Sheet 2 of 4]

3.0	Building Envelope	Req'd	Points	
			Max	Score
3.1	Roof		3	
3.2	Efficient Windows	X	3	
3.3	Natural Ventilation		3	
3.4	Metal Framing		3	
3.5	Siding Material		3	
3.6	Insulation	X	3	
3.7	Salvage/Repurp Materials		3	
3.8	House Wrap	X	3	
3.9	Compartmental		3	
3.10	Infiltration Test	X	3	
3.0	Subtotal	12	30	

ACC Use Only

Envelope

Priority Rating:

High. Consistent with long term sustainability goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Utilizes materials that would otherwise be used in waste streams.

4.0	Interior Finishes	Req'd	Points	
			Max	Score
4.1	Low VOC Paint		5	
4.2	Low VOC Floor		5	
4.3	Building Material Efficiency		5	
4.4	Energy Star Appliances		5	
4.0	Subtotal	0	20	

ACC Use Only

Interior Finishes

Priority Rating:

Medium. Consistent with long term efficiency goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Promotes better living health.

5.0	HVAC	Req'd	Points	
			Max	Score
5.1	High Efficiency System	X	5	
5.2	Geothermal		5	
5.3	Heat Exchange		5	
5.4	Make Up Air		5	
5.5	Radon Test	X	5	
5.0	Subtotal	10	25	

ACC Use Only

HVAC

Priority Rating:

High. Consistent with long term efficiency goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Promotes better use of available resources.



Application Score Card: Application # _____
[Sheet 3 of 4]

6.0	Plumbing Systems	Req'd	Points		ACC Use Only
			Max	Score	
6.1	Efficient Fixtures	X	5		
6.2	High Efficiency Water Heater	X	5		
6.3	Dual Flush Toilets		5		
6.4	Solar Water Heater		5		
6.5	Gray Water Collector		5		
6.0	Subtotal	10	25		

7.0	Electrical Systems	Req'd	Points		ACC Use Only
			Max	Score	
7.1	LED 50%		5		
7.2	LED 100%		5		
7.3	Daylighting		5		
7.4	Power Over Ethernet (POE)		5		
7.5	Photo Voltaic Panels		5		
7.0	Subtotal	0	20		

Visual Appropriateness

8.0	Improvement Appearance	Req'd	Points		ACC Use Only
			Max	Score	
8.1	Adjoiner color contrast		3		
8.2	In-site color contrast		3		
8.3	Site cohesiveness		3		
8.4	Creative uses		3		
8.0	Subtotal	0	12		

Plumbing Systems

Priority Rating:

High. Consistent with long term efficiency goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Promotes better use of available resources.

Electrical Systems

Priority Rating:

Medium. Consistent with long term efficiency goal of Heron Lake.

Benefits:

Reduces daily operating costs.

Reduces long term maintenance costs.

Promotes better use of available resources.

Appearance

Priority Rating:

High. Consistent with blending cosmetic elements of adjoining Lots.

Benefit:

Variety in contrast and appearance but cohesiveness for lakefront properties.



Application Score Card: Application # _____
[Sheet 4 of 4]

Application Tally

	Heading	Req'd	Points	
			Max	Score
Site & Geometrics				
0.0	Components	35	35	
Building Components				
1.0	General	5	10	
2.0	Site	5	30	
3.0	Envelope	12	30	
4.0	Interior Finishes	0	20	
5.0	HVAC	10	25	
6.0	Plumbing Systems	10	25	
7.0	Electrical Systems	0	20	
Visual Appropriateness				
8.0	Improvement Appearance	0	12	
	Subtotal	77	207	

ACC Use Only

ACC Use Only

Meets or Exceeds Requirements: Yes No

Date: _____

AI Level: _____

MSFI Level: _____

ACC Member #1

ACC Member #2

ACC Member #3

Supplemental Findings or Notes: _____

(AI)
Assessment Incentive Levels

Level 1 : 77 - 145 \$ 0

Level 2 : 146 - 185 \$ 500

Level 3 : 186 - 207 \$1,000

(MSFI)
**Minimum Square Footage
Incentive Levels**

Level 1 : 77 - 185 0 SF

Level 2 : 186 - 207 250 SF

Heron Lake PUD

ACC Guidelines & Improvement Review Process
Adopted: January 1, 2018



Application Score Card

ACC.26

1st Reading 6/6/2017
2nd Reading 6/20/2017

Received 5/18/2017
Clerk-Treasurer email
Auburn, IN

ORDINANCE NO. 2017-06

**AN ORDINANCE
ADOPTING A PLANNED UNIT DEVELOPMENT ORDINANCE
FOR HERON LAKE AND
TO AMEND THE ZONING MAP OF THE CITY OF AUBURN**

SUMMARY

An ordinance adopting a Planned Unit Development (PUD) Ordinance for Heron Lake and amending the Zoning Map of the City of Auburn, Indiana.

_____ Recorder's Office
_____ Auditor's Office
_____ Clerk's Office
_____ Other

_____ Publish Public Hearing

_____ Publish O/R after adoption

Building Department

Engineering Department

DeKalb County Plan Commission

Internet Code Site

ORDINANCE NO. 2017-06

**AN ORDINANCE
ADOPTING A PLANNED UNIT DEVELOPMENT ORDINANCE
FOR HERON LAKE AND
TO AMEND THE ZONING MAP OF THE CITY OF AUBURN**

WHEREAS, Ordinance No. 89-01, as amended, adopted a Zoning Map for the City of Auburn, Indiana; and

WHEREAS, in accordance with Indiana Code §36-7-4-205, the DeKalb County Commissioners and the Auburn Common Council have executed an Inter-Local Cooperation Agreement to grant the City of Auburn authority to exercise Extra-Territorial Jurisdiction with regard to planning and zoning in specific areas outside the corporate limits; and

WHEREAS, Indiana Code section §36-7-4-600 et. seq provides for amendments to the zoning map of a municipality by ordinance of the municipality; and

WHEREAS, in accordance with Indiana Code §36-7-4-1500 et. seq provides for the adoption of Planned Unit Development (PUD) ordinances and districts; and

WHEREAS, the City of Auburn Plan Commission held a Public Hearing on May 9, 2017 as required by law in regard to a request for a Planned Unit Development (PUD) Ordinance for Heron Lake and to amend the Zoning Map of the City of Auburn; and

WHEREAS, the City of Auburn Plan Commission at its May 9, 2017 meeting forwarded a favorable recommendation to the Auburn Common Council by a vote of ten in favor and zero opposed concerning the adoption of the Planned Unit Development (PUD) Ordinance and the rezoning of certain real estate located within the City of Auburn, Indiana's Extra-Territorial Jurisdiction.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN, INDIANA:

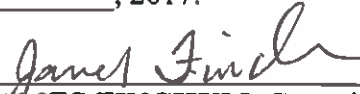
THAT, the Planned Unit Development (PUD) Ordinance for Heron Lake, attached hereto as Exhibit A shall be adopted; and

THAT, the Zoning Map of the City of Auburn shall be amended in the following manner:
The zoning of the tracts of land bound by County Road 11A, the Garrett City Drain, and Cedar Creek shall be changed to MUP (Mixed Use Planned Unit Development) District. The tract of land is illustrated in Exhibit B, and the legal description is attached hereto as Exhibit C, and, also attached hereto.

1st Reading 6/6/2017
2nd Reading 6/20/2017

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect after its passage by the Common Council and after the occurrence of all other actions required by law.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 20 day of June, 2017.


JAMES FINCHUM, Council Member


ATTEST:


Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 20 day of June, 2017.


PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 20 day of June, 2017.


NORMAN E. YODER, Mayor

VOTING:

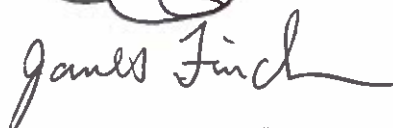
AYE

NAY

Dennis (Matthew) K. Kruse II



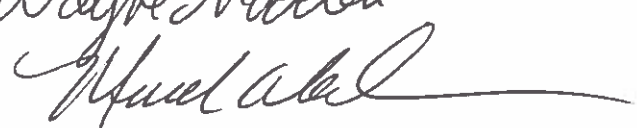
James Finchum



Wayne Madden



Michael Watson



Kevin Webb



Dennis Ketzenberger



Michael Walter


Michael Walter (nay)

EXHIBIT A

**CITY OF AUBURN, INDIANA
PLANNED UNIT DEVELOPMENT ORDINANCE - HERON LAKE PUD**

ARTICLE I - Declaration

The official zoning map of the City of Auburn, Indiana, as amended, are hereby amended as follows:

In accordance with the procedures set forth in the text of the Zoning Ordinance of the City of Auburn, Indiana, as may be amended or replaced from time to time ("Ordinance"), the zoning classification of the real estate described on Exhibit B of the Primary Plat of Heron Lake appended hereto ("Real Estate") in this Planned Unit Development ("PUD") is hereby classified as a **Planned Mixed Use District—MUP** and said zoning district shall hereafter be known as the **Heron Lake PUD**. The Primary Plat of the Heron Lake PUD is appended hereto.

ARTICLE II - Purpose and Intent

The purpose of this PUD is to encourage improved design and development of land by promoting the following:

- a. Innovative developments that will not distract from the original district intent;
- b. Flexibility in design and development;
- c. Mixed and compatible commercial and residential land use types with special emphasis on the effect and compatibility of such commercial and residential uses on the Lake (as defined below); and
- d. Efficient use of land.
- e.

ARTICLE III - Uses; Plats

Commercial and residential uses allowable under the Ordinance shall be permitted. Except as otherwise set forth herein, industrial and/or agricultural uses set forth in the Ordinance, as the same may be amended and replaced from time to time, shall be excluded. Intended uses include, but are not limited to, single-family residential, multi-family residential, professional offices, commercial retail, hotels, recreational facilities, marinas, and commercial winery and vineyards. Real Estate within the PUD may be platted in accordance with the procedures set forth in the Subdivision Control Ordinance of the City of Auburn, Indiana ("Subdivision Control Ordinance"). In the event that the development standards and procedures set forth herein conflict with the Ordinance or the Subdivision Control Ordinance, the development standards and procedures set forth herein shall control.

ARTICLE IV - Heron Lake PUD

4.01 Applicability. The standards of the Ordinance for commercial districts and residential districts shall apply to the development of the Real Estate within the PUD, except as modified, revised, or expressly made inapplicable by this PUD. Pursuant to Section 4.06, Procedures, below, and subject to Indiana Code 36-7-4-1109, an amendment or replacement to the Ordinance shall apply to this PUD unless this PUD has specified an alternative development or design standard in Section 4.04, Development Standards

4.02 Concept Plan. See Exhibit A of the Primary Plat of Heron Lake, appended hereto, for the Concept Plan. The Concept Plan is hereby incorporated in the PUD. The development of the Real Estate may vary from the Concept Plan, however, pursuant to Article II, Purpose and Intent, above, the Concept Plan provides the Common Council and the Plan Commission of the City of Auburn, Indiana with a general vision of the development of the real estate for commercial and residential uses in the areas indicated on the Concept Plan.

4.03 Lake and Lakefront Properties. The central design and development feature of the PUD will be the parcel of real estate that consists of the private body of water and immediately adjoining and surrounding land depicted on the Concept Plan shown on Exhibit A (the "Lake"). Development of the Real Estate shall be undertaken and completed with special consideration of the impact on and compatibility with the Lake. For purposes of the development standards set forth in Section 4.04, Development Standards, "lakefront" shall refer to (i) the lot line of a parcel or lot within the Real Estate which directly abuts the Lake or (ii) in general, a lot or parcel which directly abuts the Lake.

4.04 Development Standards.

Use / Intent	Region	District¹	Height² (ft)	Road Yard³ (ft)	Lake Yard⁴ (ft)	Rear Yard⁵ (ft)	Side Yard (ft)	Lot Size⁶ (sqft)	Min Lot Width⁷ (ft)	Lot Coverage (%)
Single Family Residential	Bluffs	RP	35	30		30	7	11,500	85	30
				30	50			15,000	85	
	Estates	RP		30		30		11,500	75	
				30	50			15,000	85	
	Meadows	RP		30		30		11,500	75	
				30	50			12,500	75	
	Springs	RP		30		30		11,500	85	
				30	50			12,500	75	
	Vineyards	RP		30		30		11,500	85	
				30	50			12,500	75	
Multiple Family Residential⁸	Reserva	RP	40	30	30	30	10⁹	10,000¹⁰	100¹⁰	45
Retail & Service Facilities	Circle	CP	40	30	30	30	10	10,000	100	45
Mixed Use Facilities		MUP	40	30	30	30	10	10,000	100	45
Recreational Facilities & Open Space	Marina	CP	35	30	30	30	10	10,000	70	20
	Island	CP	35	30	30	30	10	10,000	70	20
	Community	OS	35	30	30	30	10	10,000	70	20
	Parkspace	OS	35	30	30	30	10	10,000	70	20
	Private Lake	OS	35	30	30	30	10	10,000	70	20

Notes:

1 - The Heron Lake PUD is classified in total as Planned Mixed Use District - MUP. This "District" refers to individual units comprising the PUD.

2 - The vertical distance measured from the ground level immediately adjacent to the primary road yard entrance to the highest point of the roof or structure.

3 - The building setback from lot line directly abutting public right-of-way line.

4 - The building setback from the lot line defined as "lakefront."

5 - The building setback from rear yard lot line not defined as "lakefront."

6 - Denotes minimum lot area.

7 - Minimum lot width as determined at building line setback.

8 - Restricted to Townhouses. Townhouse structures to contain three or more townhouse dwelling units.

Townhouse dwelling units to be a single family dwelling unit with two or more floors located on a separate lot or development parcel, with a private entrance and direct ground access level access to the outdoors and a totally exposed front and rear wall to be used for access, light, and ventilation, and attached to one or more similar units.

9 - Applies to end units on townhouse structures. Side yard between adjoining townhouse dwelling units in the same structure to be zero foot setbacks.

10 - Applies to overall townhouse structure parcel.

General commercial, residential, mixed-use, and open space districts are referenced in the table above and table set forth on the Concept Plan. Except as otherwise set forth

above, the development standards set forth in the Ordinance for specific commercial, residential, and open space uses shall apply to the PUD, subject to Indiana Code 36-7-4-1109.

4.05 Design Standards. The design standards set forth in the Ordinance shall apply to the PUD.

4.06 Procedures. The procedure for amending this PUD ordinance shall be as set forth in the Ordinance and the Subdivision Control Ordinance. The procedure for variances from the uses set forth in Article III, Uses and/ or development standards set forth in Section 4.04, Development Standards, shall be the same as the procedures for use variances and development standard variances set forth in the Ordinance.

Appendix A – PUD Ordinance prepared by:
Heron Lake Development LLC

EXHIBIT B

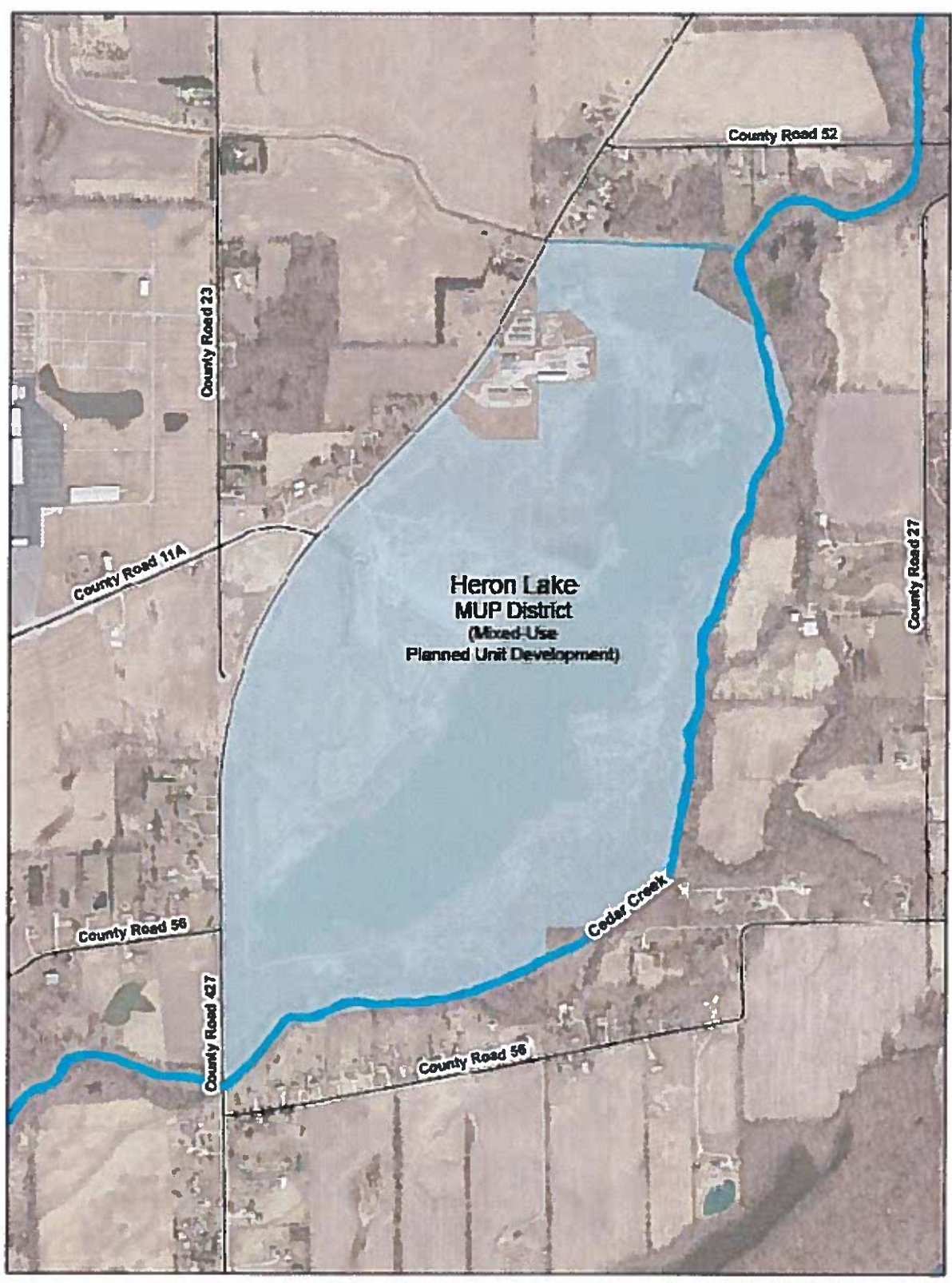


EXHIBIT C***PUD - Total Overall Perimeter*****Legal Description:**

A tract of land located in the Southeast Quarter, in the Southwest Quarter, and in the Northwest Quarter of Section 7, and in the Northwest Quarter of Section 18, all in T33N, R13E, in DeKalb County, the State of Indiana, more fully described as follows:

COMMENCING at a Marker Spike with tag (FIRM 0042) situated in the Northwest corner of said Southwest Quarter; Thence South 00 Degrees 34 Minutes 27 Seconds East (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 306.60 feet along the West line of said Southwest Quarter to a Harrison Marker situated in the Northeast corner of the Southeast Quarter of Section 12, T33N, R12E; Thence South 00 Degrees 33 Minutes 04 Seconds East, a distance of 2372.17 feet along the West line of said Southwest Quarter to an Iron Rod situated in the Southwest corner of said Southwest Quarter, the **TRUE POINT OF BEGINNING**; Thence North 89 Degrees 05 Minutes 01 Seconds East, a distance of 48.15 feet along the South line of said Southwest Quarter to a Rebar stake with cap (FIRM 0042); Thence North 00 Degrees 56 Minutes 35 Seconds West, for a distance of 866.21 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Northerly, a distance of 2216.63 feet along said East right-of-way line (being a circular arc that is concave Easterly, having a radius measuring 2814.79 feet, having a central angle measuring 45 Degrees 07 Minutes 12 Seconds, and having a long chord bearing North 21 Degrees 37 Minutes 02 Seconds East and measuring 2159.80 feet) to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent line; Thence North 44 Degrees 10 Minutes 38 Seconds East, for a distance of 962.31 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Northeasterly, a distance of 87.33 feet along said East right-of-way line (being a circular arc that is concave Northwesterly, having a radius measuring 2914.79 feet, having a central angle measuring 01 Degrees 43 Minutes 00 Seconds, and having a long chord bearing North 43 Degrees 19 Minutes 08 Seconds East and measuring 87.33 feet) a Rebar stake with cap (FIRM 0042) in the beginning of a nontangent line; Thence South 46 Degrees 36 Minutes 10 Seconds East, a distance of 313.73 feet along the South line of the Replat of Lot #2 of the Gravel Pit Addition Section II as recorded in DeKalb County Document No. 20602729 to a Rebar stake with cap (FIRM 0042); Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 376.61 feet along the South line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042); Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 3.89 feet along the South line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042) in the Southeast corner thereof; Thence North 01 Degrees 18 Minutes 00 Seconds West, a distance of 231.81 feet along the East line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042); Thence North 01 Degrees 18 Minutes 00 Seconds West, a distance of 168.21 feet along the East line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042) in the Northeast corner thereof; Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 396.81 feet along

the South line of The Re-Plat of the Gravel Pit Addition as recorded in DeKalb County Plat Book 10, page 193 to a Rebar stake with cap (Russell) in the Southeast corner thereof; Thence North 01 Degrees 10 Minutes 09 Seconds West, a distance of 314.85 feet along the East line of said Re-Plat to a Rebar stake with cap (FIRM 0042); Thence North 49 Degrees 59 Minutes 39 Seconds West, a distance of 250.71 feet along the East line of said Re-Plat to a Rebar stake with cap (FIRM 0042); Thence South 85 Degrees 35 Minutes 24 Seconds West, a distance of 211.90 feet along the North line of said Re-Plat to a Rebar stake with cap (FIRM 0042); Thence North 01 Degrees 10 Minutes 07 Seconds West, a distance of 238.08 feet along a line parallel with and Sixteen and one half (16.50) feet West of the East line of said Northwest Quarter; Thence North 28 Degrees 25 Minutes 38 Seconds East, a distance of 33.41 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the East line of said Northwest Quarter; Thence North 28 Degrees 25 Minutes 38 Seconds East, a distance of 172.45 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Northerly, a distance of 77.70 feet along said East right-of-way line (being a circular arc that is concave Easterly, having a radius measuring 8544.37 feet, having a central angle measuring 0 Degrees 31 Minutes 16 Seconds, and having a long chord bearing North 28 Degrees 41 Minutes 16 Seconds East and measuring 77.70 feet) to the beginning of a nontangent line; Thence meandering the centerline of the Garrett City Drain (also being the South line of Ash-brook Acres as recorded in DeKalb County Plat Book 5, page 17) along the following courses and distances:

North 81 Degrees 41 Minutes 03 Seconds East for 21.92 feet, North 88 Degrees 18 Minutes 45 Seconds East for 41.76 feet, South 89 Degrees 27 Minutes 21 Seconds East for 53.95 feet, South 87 Degrees 40 Minutes 19 Seconds East for 52.17 feet, South 86 Degrees 12 Minutes 44 Seconds East for 53.24 feet, North 86 Degrees 59 Minutes 34 Seconds East for 51.84 feet, South 89 Degrees 26 Minutes 06 Seconds East for 66.60 feet, South 83 Degrees 27 Minutes 34 Seconds East for 43.02 feet, South 88 Degrees 29 Minutes 07 Seconds East for 53.03 feet, North 86 Degrees 46 Minutes 04 Seconds East for 38.54 feet, South 78 Degrees 41 Minutes 27 Seconds East for 53.94 feet, South 85 Degrees 59 Minutes 06 Seconds East for 43.07 feet, North 85 Degrees 04 Minutes 25 Seconds East for 53.37 feet, South 89 Degrees 36 Minutes 41 Seconds East for 50.21 feet, South 82 Degrees 37 Minutes 56 Seconds East for 45.33 feet, North 87 Degrees 53 Minutes 32 Seconds East for 95.35 feet, South 88 Degrees 46 Minutes 24 Seconds East for 88.10 feet, South 81 Degrees 10 Minutes 22 Seconds East for 66.63 feet, North 88 Degrees 54 Minutes 12 Seconds East for 80.40 feet, South 87 Degrees 46 Minutes 13 Seconds East for 116.04 feet, and South 87 Degrees 46 Minutes 13 Seconds East for 2.20 feet;

Thence South 83 Degrees 03 Minutes 20 Seconds West, a distance of 118.10 feet along the North line of the tract of land described in the conveyance to Robert Seifert in DeKalb County Document No. 201200434 to a Rebar stake with cap (FIRM 0042); Thence South 17 Degrees 33 Minutes 27 Seconds West, a distance of 281.88 feet along the West line of said Seifert tract to a Rebar stake with cap (Russell); Thence South 59 Degrees 05 Minutes 30 Seconds East, a distance of 631.00 feet along the South line of said Seifert tract to a Rebar stake with cap (FIRM 0042); Thence South 16

1st Reading 6/6/2017

2nd Reading 6/20/2017

Degrees 40 Minutes 09 Seconds East, a distance of 400.00 feet along the West line of the tract of land described in the conveyance to Gene and Miriam Wilson in DeKalb County Deed Record 191, page 168 to a Rebar stake with cap (FIRM 0042); Thence South 24 Degrees 55 Minutes 08 Seconds East, a distance of 72.90 feet along the West line of said Wilson tract to a Rebar stake with cap (FIRM 0042) in the Southwest corner thereof; Thence South 21 Degrees 29 Minutes 08 Seconds West, a distance of 207.31 feet along the West line of the tract of land described in the conveyance to Marvin Bok in DeKalb County Deed Record 191, page 229 to the centerline of Cedar Creek; Thence meandering the centerline of Cedar Creek along the following courses and distances:

South 02 Degrees 25 Minutes 08 Seconds East for 80.78 feet, South 21 Degrees 22 Minutes 14 Seconds West for 57.76 feet, South 51 Degrees 08 Minutes 20 Seconds West for 48.34 feet, South 40 Degrees 28 Minutes 29 Seconds West for 43.94 feet, South 24 Degrees 40 Minutes 55 Seconds West for 69.44 feet, South 31 Degrees 30 Minutes 32 Seconds West for 60.41 feet, South 31 Degrees 19 Minutes 02 Seconds West for 48.76 feet, South 26 Degrees 20 Minutes 14 Seconds West for 59.20 feet, South 20 Degrees 33 Minutes 08 Seconds West for 44.70 feet, South 07 Degrees 36 Minutes 04 Seconds West for 53.55 feet, South 04 Degrees 09 Minutes 56 Seconds East for 38.60 feet, South 08 Degrees 09 Minutes 16 Seconds East for 48.62 feet, South 10 Degrees 49 Minutes 55 Seconds West for 49.15 feet, South 22 Degrees 51 Minutes 03 Seconds West for 58.55 feet, South 45 Degrees 38 Minutes 43 Seconds West for 56.94 feet, South 36 Degrees 02 Minutes 16 Seconds West for 66.82 feet, South 10 Degrees 13 Minutes 18 Seconds West for 64.79 feet, South 01 Degrees 34 Minutes 11 Seconds East for 47.55 feet, South 11 Degrees 00 Minutes 14 Seconds East for 50.61 feet, South 01 Degrees 16 Minutes 27 Seconds West for 51.11 feet, South 32 Degrees 55 Minutes 26 Seconds West for 49.60 feet, South 30 Degrees 30 Minutes 24 Seconds West for 52.03 feet, South 19 Degrees 36 Minutes 01 Seconds West for 75.60 feet, South 08 Degrees 27 Minutes 06 Seconds West for 83.27 feet, South 19 Degrees 33 Minutes 07 Seconds West for 43.13 feet, South 28 Degrees 10 Minutes 34 Seconds West for 52.80 feet, South 37 Degrees 43 Minutes 37 Seconds West for 107.37 feet, South 35 Degrees 43 Minutes 49 Seconds West for 57.42 feet, South 08 Degrees 23 Minutes 29 Seconds West for 81.16 feet, South 09 Degrees 54 Minutes 07 Seconds East for 58.03 feet, South 22 Degrees 16 Minutes 04 Seconds East for 64.34 feet, South 05 Degrees 42 Minutes 59 Seconds West for 104.50 feet, South 01 Degrees 49 Minutes 13 Seconds West for 131.43 feet (to a point in the North line of the tract of land described in the conveyance to Graber Enterprise, Inc. in DeKalb County Deed Record 201, page 84 – see also Document No. 20703140), South 05 Degrees 13 Minutes 58 Seconds West for 85.66 feet, South 16 Degrees 55 Minutes 07 Seconds West for 81.99 feet, South 39 Degrees 17 Minutes 46 Seconds West for 76.94 feet, South 28 Degrees 12 Minutes 22 Seconds West for 44.37 feet, South 02 Degrees 07 Minutes 38 Seconds West for 71.36 feet, South 28 Degrees 32 Minutes 07 Seconds East for 79.23 feet, South 09 Degrees 10 Minutes 12 Seconds East for 61.51 feet, South 05 Degrees 16 Minutes 01 Seconds West for 74.75 feet, South 22 Degrees 09 Minutes 43 Seconds West for

1st Reading 6/6/2017
2nd Reading 6/20/2017

90.94 feet, South 11 Degrees 09 Minutes 46 Seconds West for 230.53 feet, South 09 Degrees 22 Minutes 13 Seconds West for 173.96 feet, South 06 Degrees 49 Minutes 44 Seconds West for 70.92 feet, South 06 Degrees 49 Minutes 44 Seconds West for 15.65 feet, South 20 Degrees 30 Minutes 50 Seconds West for 54.50 feet, South 36 Degrees 28 Minutes 26 Seconds West for 67.95 feet, South 64 Degrees 17 Minutes 19 Seconds West for 87.60 feet, South 49 Degrees 57 Minutes 26 Seconds West for 87.42 feet, South 44 Degrees 20 Minutes 21 Seconds West for 98.61 feet, South 43 Degrees 50 Minutes 03 Seconds West for 108.76 feet, South 43 Degrees 50 Minutes 03 Seconds West for 23.66 feet, and South 56 Degrees 18 Minutes 37 Seconds West for 144.95 feet;

Thence South 88 Degrees 14 Minutes 17 Seconds West, a distance of 390.59 feet along the South line of said Southeast Quarter to an Iron Rod in a concrete post situated in the Southwest corner thereof; Thence South 00 Degrees 57 Minutes 10 Seconds East, a distance of 186.81 feet along the East line of the Northwest Quarter of said Section 18 to the centerline of Cedar Creek; Thence meandering the centerline of Cedar Creek along the following courses and distances:

South 59 Degrees 05 Minutes 23 Seconds West for 121.23 feet, South 66 Degrees 30 Minutes 11 Seconds West for 135.64 feet, South 65 Degrees 18 Minutes 20 Seconds West for 94.91 feet, South 66 Degrees 03 Minutes 20 Seconds West for 74.11 feet, South 70 Degrees 26 Minutes 19 Seconds West for 71.50 feet, South 69 Degrees 34 Minutes 58 Seconds West for 93.70 feet, South 77 Degrees 12 Minutes 22 Seconds West for 116.54 feet, South 78 Degrees 23 Minutes 53 Seconds West for 128.32 feet, South 84 Degrees 59 Minutes 28 Seconds West for 98.52 feet, South 88 Degrees 56 Minutes 24 Seconds West for 93.00 feet, South 85 Degrees 22 Minutes 06 Seconds West for 127.83 feet, South 87 Degrees 55 Minutes 09 Seconds West for 94.76 feet, North 78 Degrees 25 Minutes 02 Seconds West for 68.55 feet, North 81 Degrees 20 Minutes 02 Seconds West for 102.76 feet, South 79 Degrees 09 Minutes 47 Seconds West for 49.31 feet, South 41 Degrees 54 Minutes 06 Seconds West for 37.48 feet, South 67 Degrees 29 Minutes 48 Seconds West for 42.73 feet, South 60 Degrees 11 Minutes 07 Seconds West for 75.46 feet, South 53 Degrees 48 Minutes 48 Seconds West for 66.81 feet, North 81 Degrees 40 Minutes 52 Seconds West for 39.90 feet, South 85 Degrees 36 Minutes 18 Seconds West for 62.77 feet, North 86 Degrees 43 Minutes 56 Seconds West for 67.51 feet, South 77 Degrees 06 Minutes 11 Seconds West for 47.41 feet, South 45 Degrees 01 Minutes 26 Seconds West for 36.75 feet, South 34 Degrees 06 Minutes 40 Seconds West for 115.04 feet, South 37 Degrees 51 Minutes 15 Seconds West for 141.16 feet, South 42 Degrees 17 Minutes 52 Seconds West for 122.80 feet, South 48 Degrees 18 Minutes 10 Seconds West for 163.80 feet, and South 68 Degrees 00 Minutes 25 Seconds West for 54.27 feet to a Brass plaque (S0337);

1ST READING _____
2ND READING _____

Thence North 00 Degrees 53 Minutes 32 Seconds West, a distance of 761.64 feet along the West line of the Northwest Quarter of said Section 18 to an Iron Rod situated in the Southeast corner of the Southeast Quarter of Section 12, T33N, R12E; Thence North 00 Degrees 33 Minutes 04 Seconds West, a distance of 267.47 feet along the West line of said Northwest Quarter to the **POINT OF BEGINNING**, said tract containing 301.788 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.



BUILDING, PLANNING & DEVELOPMENT

260.925.6449 p | 260.925.3342 f | 210 S Cedar St / PO Box 506 Auburn, IN 46706 | bpd@ci.auburn.in.us

City of Auburn Plan Commission Certification and Recommendation

On May 9, 2017, the City of Auburn Plan Commission held a legally advertised Public Hearing to consider a Planned Unit Development (PUD) Ordinance and Zoning Map Amendment (rezoning) request made by Heron Development LLC for the Heron Lake property. This is a 300-acre tract of land bound by County Road 11A, Garrett City Ditch, and Cedar Creek.

The request is to change the zoning to MUP District (Mixed Use Planned Unit Development). The Planned Unit Development Ordinance is attached to the Ordinance as Exhibit A; an aerial photograph illustrating the rezoning area is attached to the Ordinance as Exhibit B.

The City of Auburn Plan Commission is forwarding a *favorable* recommendation concerning the proposed Planned Unit Development Ordinance and Zoning Map Amendment to the City of Auburn Common Council.

Certified by:

A handwritten signature in black ink, reading "Amy M. Schweitzer", written over a horizontal line.

Amy M. Schweitzer, AICP
Director of Planning

PC Case Number: PC-ZONE 2017-00000003



HERON LAKE

City of Auburn - Planned Unit Development

Definitions

To Accompany All Guidance Documents

Adopted: January 1, 2018

Heron Lake Planned Unit Development

Definitions - Introduction

The Heron Lake Planned Unit Development was enacted on June 20th, 2017 by the Common Council of the City of Auburn, Indiana, and recorded as Ordinance No. 2017-06 in the Office of the Recorder of DeKalb County, Indiana. Such Planned Unit Development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to hereinafter as the "Heron Lake PUD" and the ordinance enacting the same shall be referred to hereinafter as the "Heron Lake PUD Ordinance".

This document, hereinafter referred to as the "Definitions", contains terms and definitions to accompany the rules and regulations promulgated pursuant to Article V and Article VII, Section 19 of the Heron Lake Covenants . Those rules and regulations are adopted and promulgated to carry out the intent and purpose of the Heron Lake Covenants and, as set forth in the Heron Lake Covenants, shall be enforceable by Heron Development, LLC, or its successors, assigns, or designated representatives (collectively, the "Developer") in the same manner as the restrictions and covenants contained in the Heron Lake Covenants. Additionally, the Developer's remedies, including the imposition of liens, monetary fines, and penalties are as set forth in these rules and regulations and the Heron Lake Covenants as authorized by the Heron Lake Covenants



Common Abbreviations:

ACC - Architectural Control Committee
AI - Assessment Incentive
HLPUD - Heron Lake Planned Unit Development
HPM - Heron Property Management
ID - Identification

Definitions:

Accessory Building - A building detached from a primary building, or structure and customarily used with, and clearly incidental and subordinate to, the primary building, structure, or use, and ordinarily located on the same lot with that primary building, structure, or use.

Accessory Dwelling Unit (ADU) - An additional dwelling unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An accessory dwelling unit is intended to be subordinate to a primary single family residential structure. Where permitted, only one freestanding or integrated accessory dwelling unit shall be allowed per property. Examples of an integrated accessory dwelling unit shall include no separate primary entrances, no separate utility metering, or internal access between the accessory dwelling unit and the rest of the residence.

Access Ramp - A ramp or similar structure that provides wheelchair or similar access to a building.

Addition - Any construction that involves an extension or increase in the square footage, size, or height of an existing building or structure.

Advisor - A Resident that is appointed at the sole discretion of the Developer to provide opinions and guidance on specific community related issues and applications.

Adjacent - Two or more lots whose external boundaries adjoin one another. For the purposes of the landscape and yard requirement standards, lots shall also be considered adjacent if separated by a strip of land of less than 25 feet in width, or a street right-of-way of 60 feet or less.

Agricultural Building or Structure - A building or structure designed primarily for agricultural purposes in which the majority of the structure is used for the storage or propagation of crops and/or materials used in the preparation of crops, or for storage, protection and maintenance of farm machinery and equipment, or for the housing or preparation of domestic farm animals for marketing, all primarily for the use of the owner or occupant.

Alley - Right-of-way other than a street, road, crosswalk or easement designed for the special accommodation of the property it reaches, usually as an access to the rear or side of lots.

Apiculture - The raising and care of bees (beekeeping); this definition shall also include the on-site sale of honey.

Aquaculture - The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled environments.

Aquaponics - A food production system that combines aquaculture with hydroponics in a constructed, recirculating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients.

Arbor - A shade structure often covered with shrubs, vines, or branches.

Accessory Buildings require ACC approval.

Those Residents who would desire to be Advisors are encouraged to contact the Developer for further information.



Architectural Control Committee (ACC) - Developer designated committee body designated herein by the Developer to review plans and to grant or withhold certain approvals in connection with improvements and developments. The Architectural Control Committee shall be composed of three (3) members appointed by the Developer. Any vacancies from time to time shall be filled by the Developer. A shade structure often covered with shrubs, vines, or branches.

Assessment Incentive (AI) - An incentive to reduce the annual assessment or minimum square footage requirements by conforming to and scoring at established levels within the points based evaluation criteria for improvements and new home construction.

Automobile - A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

Awning - A cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. The top surface of an awning is typically sloped. An awning may be fixed in place or retractable. An awning is completely supported by the building.

Bed And Breakfast - A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the lot.

Building - An enclosed structure (typically having a roof supported by walls). A carport, deck, gazebo, and open porch shall not be considered buildings.

Building, Detached - A building having no structural connection with another building.

Building, Nonconforming - An existing building that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the district in which the building is located.

Building, Primary - A building constituting the primary use of a lot. In calculating the square footage of a primary building, all enclosed areas, including attics, basements, and attached garages, shall be included.

Building, Residential - A building in which all of the uses are to accommodate household living (e.g. single family, two family, or multiple family dwelling units) or a small group residential facility.

Building Height - The vertical distance measured from the ground level immediately adjacent to the primary front entrance to the highest point of the roof or structure.

Building Line, Road - A line with a fixed location generally parallel to the road yard line beyond which the foundation wall and/or any enclosed porch, vestibule, or other portion of a building shall not project.

Building Line, Lake - A line with a fixed location generally parallel to the lake yard line beyond which the foundation wall and/or any enclosed porch, vestibule, or other portion of a building shall not project.

Building Setbacks - Lines that are substantially parallel to the lot lines which define the minimum distances that buildings must be located from the lot lines.

The ACC encourages the Residents and Owners to discuss the proposed improvements or building with the ACC prior to a formal application.



Candelas - A unit of luminous intensity, which is the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.

Canopy - A fixed cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. A canopy typically projects at a 90-degree (perpendicular) or similar angle. Freestanding canopies may also be permitted. A canopy may be completely supported by the building, or completely or partially supported by columns, poles, posts, or similar supports.

Carport - A structure or part of a structure used for the parking, storage, or keeping of vehicles by the owner or tenant of the lot as an accessory use to a permitted residential use, and that does not include a wall between the ground and the roof on at least one side that is not a vehicle entryway.

Certificate of Occupancy - A certificate issued by the Building Department or successor agency, allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with the applicable codes and ordinances.

Certificate of Use - A certificate issued by the Zoning Administrator certifying that a proposed or existing use is a permitted use in the zoning district where the use is located.

Change of Use - Any use that is a substantial change from the previous use of a building, structure, or land.

Clubhouse - A building that provides a meeting place for a club as a primary use.

Common Area - All real property owned by the Developer for the common use and enjoyment of the Owners and Operators of land within the Heron Lake PUD subject to the conditions, restrictions, rules, and regulations set forth.

Community Facility - Buildings, structures, or facilities owned, operated, or occupied by a non-profit, for-profit, or governmental entity to provide a service to the public, including broadcast studio, museum, neighborhood facility, planetarium, public transportation or similar public facility, radio station, television station, or zoo.

Conditions - Any terms of approval placed upon an application by the decision-making body.

Deck - An unroofed platform, either freestanding or attached to a building, which is supported by pillars or posts.

Developer - Heron Development, LLC an Indiana limited liability company, its grantees, successors or successors in interest, and any person, firm or corporation designated by it or its said successor or successor in interest to perform some or all of the operations of the Developer within the Heron Lake PUD. Sometimes commonly referred to as Heron Property Management (HPM).

Double Frontage Lot - A lot having frontage on two separate parallel or approximately parallel dedicated streets. (Also known as a "through lot".)

Driveway - An unobstructed paved or unpaved strip providing access to a vehicle parking space, loading space, or maneuvering facility.

The Clubhouse near the Springs marina is the primary clubhouse for the entire Heron Lake PUD.

The Developer is also referred to as Heron Property Management (HPM).

Heron Lake PUD

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Adopted: January 1, 2018



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Dwelling - Any building that is wholly or partly used or intended to be used for a residence by human occupants, including but not limited to the use of living, sleeping, cooking, and eating.

Dwelling, Townhouse - A single family dwelling unit with two (2) or more floors located on a separate lot or development site, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear wall to be used for access, light, and ventilation, and attached to one or more similar units. Townhouse dwellings are typically part of a structure whose dwelling units are attached in a linear arrangement with no other dwelling or use, or portion of another dwelling or use directly above or below the unit, and separated from adjoining unit(s) by a continuous wall.

Easement - recorded grant by a property owner to a third party, the general public, public utility or utilities, or a governmental or quasi-governmental entity permitting the use of land for a specifically stated purpose or purposes.

Fence - A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking lot wheel stops; and similar barriers/partitions that are less than 12 inches high.. The posts, concrete for the posts and attachment of the fence to the posts shall be contained within the lot where the fence is located. This definition shall include a freestanding wall.

Fence, Open - A fence that is less than 50% opaque when viewed perpendicularly to its vertical surface.

Fence, Ornamental - An open fence intended to partition or enclose a property or a portion of a property. Ornamental fences shall include, but not be limited to split rail, picket, wrought iron, and similar style open fences. Chain link fencing is not an ornamental fencing material.

Fence, Privacy - A solid fence erected or constructed to prevent views across the fence line.

Fence, Solid - A fence that is at least 85% opaque when viewed perpendicularly to its vertical surface.

Fence or Wall Height - The height of a fence or wall shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

Fill - Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

Frontage - The length of the property line of any parcel along each street that it borders.

Full-Cutoff - For purposes of lighting standards, a light fixture that prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

Garage, Residential - A detached accessory structure or portion of a primary building used for personal storage, the storage of motor vehicles and other similar accessory residential uses.

**The townhouse PUD region
is The Reserva.**



Garbage - Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; or other business or household waste materials.

Gazebo - A freestanding, roofed, usually open-sided structure providing seating or an area for gathering.

Glare - A situation created when illumination sources shine with visibly harsh, uncomfortably bright light that: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding glare, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

Gross Floor Area - The total floor area of all stories of a building or buildings, measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage (including basements), but not including any uncovered or unenclosed porches, patios, or decks.

Ground Floor Area - The gross floor area of a building exclusive of basements and floors above the ground floor.

Hedge - A linear arrangement of plants grown closely together to create the effect of a solid, continuous barrier that divides one space from another.

Heron Lake PUD - The Heron Lake Planned Unit Development (PUD) was enacted on June 20th, 2017 by the Common Council of the City of Auburn, Indiana, and recorded as Ordinance No. 2017-06 in the Office of the Recorder of DeKalb County, Indiana. Such Planned Unit Development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to as the "Heron Lake PUD".

Heron Lake PUD Ordinance - The ordinance enacting the Heron Lake PUD.

Island - The PUD Region containing temporary docking, support buildings, trail, and event support vehicle access for the use of Residents and those renting the four season pavilion. Aside from boat access, two bridges comprise remaining access points.

Holiday Decorations - Ornamental materials that are incidental and commonly associated with any national, local or religious holiday.

Home Business - An accessory use of a dwelling unit, or a use of a structure accessory to a dwelling unit, where business activities are conducted which do not change the residential character of the structure or property, or adversely impact adjacent properties. A home business would typically be more intensive than a home occupation, due to factors such as outside employees working at the dwelling unit, clients or customers coming to the dwelling unit, or on-site retail sales. To allow for possible mixing of uses in rural and residential areas, outside employees shall be permitted; however, only one (1) outside employee shall be permitted to work at the home. Clients or customers shall be permitted to come to the home, and on-site sales of items either produced or value added on the property, along with accessory retail sales, shall be permitted. A home business shall be permitted in conjunction with a single family or two family dwelling unit where the business owner lives, and shall be conducted entirely within a primary or accessory structure. If conducted within the dwelling unit (primary structure), the gross square floor area used for the home business shall be less than 50% of the area of the primary structure. If conducted out of an accessory structure, the area used for the home business shall not exceed

The Island may be reserved for events at the four season pavilion or other gatherings.

But otherwise it is a community amenity for all Residents to enjoy.

Heron Lake PUD

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Adopted: January 1, 2018



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the square footage of the primary structure. Permitted home businesses shall include, but not be limited to, professional offices, personal service uses such as barber shops and beauty/nail salons, and teaching/tutoring/music lessons.

Home Enterprise - A use of a single family property, where business activities are conducted. Home enterprises are intended to permit higher intensity uses, including uses which produce or repair a product, but which do not adversely impact adjacent properties. Home enterprises may include assembly, contracting, fabricating, manufacturing, processing, or repair activities (excluding auto repair). A home enterprise shall be permitted in conjunction with a single family dwelling unit where the business owner lives. The gross floor area of the home enterprise shall not exceed eight thousand (8,000) square feet. To allow for the mixing of uses in rural areas, outside employees shall be permitted to work at the home enterprise, clients or customers shall be permitted to come to the property, and on-site retail sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Identification - The various tags, cards, stickers, or similar that are issued by the Developer upon receipt of assessments, fees, or dues. There are three main categories: Vehicle, Watercraft, and Beach Objects.

Junk Material

Materials, including but not limited to the following:

1. automobile or machinery equipment or parts, including used automobile tires;
2. building/infrastructure construction materials;
3. cloth and clothing;
4. construction materials;
5. electronics or furniture;
6. garbage, refuse, trash, or debris;
7. manufactured clay and porcelain products;
8. manufactured plastic products;
9. manufactured rubber products;
10. motor vehicles, or motor vehicle equipment or parts;
11. paper and paper products;
12. recyclable products of all kinds;
13. scrap metal;
14. wood and wood products; and
15. wrecked and/or dismantled automobiles and machinery.

Lake - The private body of water and immediately adjoining and surrounding land depicted in the Heron Lake PUD filing.

Lake Rules - The "Heron Lake & Site - Uses, Rules, Regulations, & Guidelines" document. Being the rules and regulations document promulgated pursuant to Article II and Article III, Section 19 of the Heron Lake Covenants. This Lake Rules document is intended to: assure personal and group safety, provide consideration for the usage rights of all Residents, and to provide the means for all reasonable and appropriate maintenance of Developer property and equipment. Hard and electronic copies may be acquired at the Developer office.

Land Surveyor - A surveyor who is licensed in compliance with the laws of the State of Indiana.

Landscape Buffer - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Landscape Elements - Annual plants, benches, chairs, perennial plants,

Don't forget that you can't launch a boat or access the marinas without an ID!



planters, shrubs, statuary, trees, yard ornaments, and similar elements.

Landscape Planting Area - An area designed for landscape plantings that meets all applicable width and/or square footage requirements as set forth in this ordinance.

Landscape Screening - The method by which a view onto one site from another site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, mounding, or other features.

Live-Work Unit - A dwelling unit containing a living and working space that is intended to function as business workspace with a residential use occupied by the business owner or operator. The unit typically has a workspace on the main floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or to the back of the unit if there is only one floor.

Lot - A piece of land of specific shape and dimension; it may be a single platted lot or a single parcel. The word "lot" shall include the words "lot, platted" and "parcel."

Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

Lot, Lakefront - A lot which directly abuts the Lake parcel.

Lot Area, Net - The total horizontal area included within the area defined by the rear, side, and front lot or proposed front street line. No alley, public way, public land, or area proposed for a future street purpose is included in the net area of a lot.

Lot Coverage - That portion of a lot that is covered by buildings.

Lot Depth - The average horizontal distance between the road and rear or lake lot lines.

Lot Width - The dimension of a lot, measured between side lot lines on the building line in either the road or lake yard. For lots with curved road building lines, the lot width shall be the dimension of the lot as measured along a straight line that is tangent to the midpoint or approximate midpoint of the curve of the building line. Irregular geometry within the lot may allow for this dimension to be controlled via a perpendicularity constraint with side lot lines.

Lot Width, Minimum - The least permissible width of a lot as measured in the "Lot Width" criteria.

Lot Line - Lines bounding a lot.

Lot Line, Lake - The lot line directly abutting the Lake parcel. The lake lot line is also referred to as the lakefront line.

Lot Line, Road - The line running along the road frontage right of way of the lot. The road lot line is also referred to as the front lot line.

Lot Line, Rear - The lot line generally opposite road lot line for non lake lots.

Lot Line, Side - Any lot line other than a road lot line, lake lot line, or a rear lot line. A side lot line separating the lot from a non-public street is a side street line.

Lumens - The luminous flux emitted per unit solid angle from a uniform point



source whose luminous intensity is 1 candela.

Marina - The PUD Region containing boat slips, support buildings, and parking for the use of Residents. Contains boat slips and docking facilities that may be rented by Residents or Tenants.

Minimum Building Elevation - The lowest opening on any building or structure as determined by the stormwater authority based on local stormwater management requirements specific to a Development Plan or Subdivision Plat.

Mirrored Glass - Glass with a high exterior light reflectance level (typically over 50%).

Mitigation - The avoidance, elimination, minimization, reduction, or compensation for the adverse effects of a proposed action.

Mixed-Use Building - A building containing more than one type of use, such as governmental, institutional, office, personal service, retail, and residential; including a mix of residential and non-residential uses.

Mixed-Use Development - The practice of allowing more than one type of use in a building or set of buildings.

Model Home - A single family (attached), single family (detached), or two family dwelling unit used for a temporary period of time for display purposes as an example of dwelling units available or to be available for sale or rental in an approved Major or Minor Subdivision or other residential development. Model homes may also include sales or rental offices.

Model Unit - A townhouse (apartment or condominium) dwelling unit used for a temporary period of time for display purposes as an example of dwelling units available or to be available for sale or rental in a townhouse dwelling complex. Model units may also include sales or rental offices.

Monument - A permanent marker, used to identify the boundary lines of any lot, parcel, tract, street lines, or survey control points.

Motor Vehicle - A boat/watercraft, bus, truck, tractor, trailers, semi-trailer, recreational vehicle, or similar vehicle drawn or propelled by mechanical power, and farm implements whether self-propelled or designed to be pulled, pushed or carried by another motor vehicle or automobile.

Motor Vehicle, Inoperable - An automobile or motor vehicle which cannot be driven on a public street for reasons including, but not limited to, being abandoned, wrecked, in a state of disrepair, or otherwise incapable of moving under its own power.

Mounting Height, Light - The mounting height of a light fixture shall be defined as the vertical distance between the adjacent grade and the top of the lighting fixture (luminaire).

Name Plate - An accessory sign containing only the name of the occupant of a dwelling and an occupation permitted in that zoning district.

Nature Preserve - An area intended to remain in a predominantly natural or undeveloped state to provide resource protection and passive recreational opportunities.

Neighborhood Center - A facility operated by a recognized neighborhood association and typically includes administrative office activities for the

There are three marina facilities on-site. Typically your nearest marina is the location that you would be able to rent a slip depending on availability.



association as well as low intensity community services. Activities shall not include commercial or uses that create land use conflicts within a residential neighborhood.

Neighborhood Facility - A facility intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood facilities shall include, but not be limited to, a branch YMCA or YWCA; a Boys and Girls Club; or a Boy Scout or Girl Scout facility.

Nits - A photometric unit defined as cd/m² (candelas per square meter).

Nonconforming Building/Structure - An existing building or structure that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the district in which the building or structure is located.

Nonconforming Use - A use of land, or of a building or structure, that lawfully existed prior to the effective date of this ordinance that fails to comply with the requirements set forth in this ordinance applicable to the district in which the use is located.

Outdoor Storage - The keeping of goods, materials or equipment in a location not enclosed by walls and a roof.

Operator - Any person, including tenants, operating a commercial enterprise within the Heron Lake PUD.

Owner - The record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the plat, including contract purchasers, excluding those having such interest merely as security for the performance of an obligation.

Parcel - An individual unplatted piece of land, that was either: created by a deed recorded prior to the effective date of this ordinance in compliance with the Subdivision Control Ordinance in effect at the time of recordation; or created by a Plan Commission-approved Development Plan. When a piece of land is titled in the name of the same landowner, but is divided by an improved public right of way, waters of the United States, or waters of the State of Indiana, then that piece of land shall be deemed to be more than one parcel.

Park or Recreation Area (Public) - A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, provided by a unit of government to meet the active and/or passive recreational needs of the public.

Park or Recreation Area (Private) - A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, owned or controlled and used by private or semi-public persons, entities, or groups for active and/or passive recreational purposes.

Parking Area - A public or private area designed and used for the temporary parking of automobiles or motor vehicles, including parking lots and driveways.

Parking Space (Off-Street) - A space other than on a street, passageway, or alley designed for use or used for the temporary parking of a motor vehicle, including driveways and garages on private residential property.

Parking Structure - A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, including parking garages and deck parking.

The Park and/or Recreation Areas within the Heron Lake PUD are all private.



Patio - A slab on grade located in the road, rear, or side yard of a property.

Pavilion - Those buildings located within the Marina and Recreation Spaces placed for the enjoyment of and support of activities by the Residents. May be open or enclosed, typically with bathroom facilities. May only be reserved for specific gatherings or activities by Residents.

Pedestrian Oriented - Areas that accommodate pedestrians in a manner that is safe, functional, and aesthetically pleasing. Pedestrian oriented areas generally separate pedestrian and auto traffic, as well as offer designs that are more humanscaled.

Person - An individual, firm, company, corporation, limited liability company, partnership, limited partnership, joint venture, trust, or any other incorporated or unincorporated associations or organizations, including the respective agents of such persons.

Plat - The drawing on which a plan of subdivision is presented to the Plan Commission (or an approved committee of the Commission) for approval, showing the length, width, and size of each lot, and public ways or places. A plat must be properly approved and recorded to be of effect.

Play Equipment - Accessory structures and uses, used for recreation and play, including jungle gyms, play houses, play sets/structures/equipment, skateboard halfpipes, swing sets, trampolines, tree houses, sandboxes, and other similar uses.

Porch, Open - A roofed structure attached to a building and open on two or more sides. A screened in porch shall not be considered open.

Portable Storage Container - A semi-trailer, truck box or other similar container placed on a property for use as accessory storage. Dumpsters or roll-off containers used for the temporary storage of solid waste shall not be included under this definition.

Professional Engineer - An engineer who is licensed in compliance with the laws of the State of Indiana.

Public Sewer Facility - A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory Commission (IURC). This shall not include a package treatment or similar private sewer facility

Public Utility - A firm, corporation, municipal department or board duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

Public Water Facility - A water supply system operated by an entity regulated by the Indiana Utility Regulatory Commission (IURC).

PUD Region - See Region, PUD

Recreation Facility - A private or non-prpofit indoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including , bowling alleys, tennis clubs, skating rinks, swimming pools, and other similar uses.

Recreation Area - Private or non-profit recreation uses. Structures are typically required by or are part of the primary use of the use. Recreation areas shall include campgrounds, driving ranges, golf courses, swimming pools, swimming beaches, volleyball or tennis courts, and similar uses. This

The sanitary and water facilities at the Heron Lake PUD are provided by the City of Auburn.



use shall not include public parks or public recreation areas.

Recreation, General - A commercial use that provides indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including amusement park, athletic field, arena, batting cages, betting or other gambling facility, country club, entertainment facility, golf course (miniature), golf driving range, go-kart facility, haunted house, recreation uses, riding stable, skating rink, stadium/race track, swim club, tennis club, and theater.

Recreation/Tourism, Limited - A commercial use that provides indoor amusement, entertainment, recreation, or sport for consumers, including arcade, billiard or pool hall, bingo establishment, bowling alley, dinner theater, entertainment facility, haunted house, hotel, motel, skating rink, swim club, tennis club, and theater.

Recreation Uses, Outdoor - Outdoor recreation uses may include athletic fields, riding stables, swimming pools, tennis courts, and similar uses.

Region, PUD - Those distinct use areas set aside within the Heron Lake PUD ordinance. Namely: Bluffs, Circle, Community, Estates, Island, Marina, Meadows, Parkspace, Private Lake, Reserva, Springs, and Vineyards.

Resident(s) - Any Owner or Operator who is currently satisfying said Owner or Operator's obligations in full for the fees and assessments set forth in the Heron Lake PUD ordinance.

Restrictions - Refers to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Impressed Upon the Real Estate Comprising the Heron Lake PUD.

Retaining Wall - Any fence or wall built or designed to retain or restrain lateral forces of soil or other materials.

Right-of-Way - A dedicated strip of land that may be occupied or may be intended to be occupied by transportation facilities, public utilities, or other public uses.

Security Fence - A fence erected as a barrier to persons, animals, or vehicles entering or leaving the enclosed area.

Setback - The distance on a lot measured from the lot line that must remain open, unoccupied and unobstructed by structures, except as otherwise provided or permitted.

Shed - An outbuilding or other structure that is accessory to a principal use on the same lot.

Solar Panel - A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices.

Special Event - Short term events connected to activities such as business openings or special sales; civic, education, philanthropic, religious institution, or similar group fund drive, campaign, or other activity; fairs, carnivals, circuses, or festivals.

Storage Shed - An accessory structure to a residential use used for the storage of household recreational or yard equipment, gardening materials, tools, and household similar items, but excluding portable storage containers,



shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

Story-Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of that story.

Street - A dedicated, constructed public right-of-way primarily for purposes of vehicular travel, including the pavement, median, curb, and/or shoulder.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include arbors, awnings, billboards, buildings, canopies, carports, decks, fences, gazebos, loading docks, manufactured homes, porches, storage tanks, satellite dishes, swimming pools, and walls. The term does not include construction or features such as driveways; earth berms or mounds; on-grade patios; parking areas; ponds or detention areas; sidewalks; sanitary or hazardous waste landfill disposal areas; sand, gravel, stone, or other similar natural material extraction overburden mounds; vegetation; or similar natural features and/or man-made construction.

Swimming Pool - Any constructed or portable structure designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the structure currently contains water or is empty.

Temporary Use - A temporary or seasonal use intended to occupy a lot, tract, or development site for up to seven (7) days (or as otherwise specified herein) per event.

Tenant - Those parties that rent, lease, or operate facilities owned by others within the Heron Lake PUD. May or may not be classified as a Resident.

Top Roof Line - The principal top edge of the roof of a building.

Tourist Home or Tourist House - A house or structure in which rooms, in total or in part, are available for rent by transient occupants.

Townhouse Complex - A grouping of at least two (2) freestanding townhouse structures.

Townhouse Structure - A structure containing three (3) or more townhouse dwelling units.

Tract - An area, parcel, site, piece of land, or property.

Trash - Combustible waste materials, excluding garbage, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.



Trellis - A structure of open latticework, typically used as a support for vines and other plants.

Unlicensed Motor Vehicles - A motor vehicle without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

Unrelated Persons - Two (2) or more persons occupying a single dwelling unit who are not related by blood, marriage or adoption.

Use - The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, Nonresidential - A commercial, industrial, or institutional use, as opposed to a single family, two family, multiple family, or other residential use.

Use, Primary - The predominant use of any lot, tract, development site, building, or structure permitted as a matter of right under the applicable zoning district, or by the approval of a special use, conditional use, or by use variance. Unless otherwise prohibited by this chapter more than one primary use may exist on or within building(s) or structure(s) or on a lot, tract, or development site provided there is compliance with all other applicable ordinance provisions.

Utility Fixture, Accessory - An accessory fixture or use of building or lot for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, onsite sewage system or septic tank covers, pumps, inspection pipes, utility connection enclosure boxes, or well heads.

Violation - The failure of a structure or other development to be fully compliant with an ordinance.

Waiver - An adjustment to an ordinance standard or a complete removal of an ordinance requirement.

Wall - The vertical exterior surface of a building or structure.

Watercraft - Any boat or vessel that is used upon, under, or a combination of uses in water. Typically powered upon or under the water by either the occupants or an internal source, such as a motor.

Wind Energy Conversion System (WECS) - The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, wind tower, wire, or other component used in the system. In the case of multiple wind energy conversion systems, this shall also include the collection, transmission lines, and any related accessory use, building, or structure.

Window - An opening constructed in a building wall that functions to admit light or air, typically framed and spanned in glass.

Vacation Home or Vacation House - See Tourist Home or Tourist House.

Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided.

Yard, Road - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building line.

The sanitary and water facilities at the Heron Lake PUD are provided by the City of Auburn.



Yard, Internal Side - On a corner lot, the side yard that does not abut a street right-of-way.

Yard Light - A fixture intended to provide illumination to a certain area or a portion of a lot

Yard, Lake - A yard extending across the full width of the lot between the rear of the primary building or structure and the lake lot line, the depth of which is the least distance between the lake lot line and the rear of the primary building or structure.

Yard, Rear - A yard extending across the full width of the lot between the rear of the primary building or structure and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the primary building or structure.

Yard, Side - A yard between the primary building or structure and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line to the nearest part of the primary building or structure.



**DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS, AND APPROVALS IMPRESSED UPON
THE REAL ESTATE COMPRISING THE HERON LAKE PLANNED UNIT
DEVELOPMENT, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA**

HERON DEVELOPMENT, LLC, an Indiana Limited Liability Company, by Stephen D. Brown, its Manager, hereby declares that it is the owner of certain real estate legally described on attached Exhibit "A" which is located in Jackson Township, DeKalb County, Indiana, which comprises the Heron Lake Planned Unit Development which was enacted on June 20, 2017, by the Common Council of the City of Auburn, Indiana, such planned unit development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to hereinafter as the "Heron Lake PUD" and the ordinance enacting the same shall be referred to hereinafter as the "Heron Lake PUD Ordinance."

Heron Development, LLC hereby impresses upon the Heron Lake PUD and makes the same subject to these covenants, agreements, restrictions, easements and limitations hereinafter set forth, and they shall be considered a part of every conveyance of land within the Heron Lake PUD, without being written therein. The provisions herein contained are for the mutual benefit and protection of the owners present and future of any and all land in the Heron Lake PUD, and they shall run with and bind the land and shall inure to the benefit of and be enforceable by the owners of land included therein, their respective legal representatives, successors, grantees and assigns in accordance to and subject to the terms and conditions contained herein.

PREFACE

The Heron Lake PUD is real estate which will ultimately be platted into parcels of residential and commercial real estate. The central feature and amenity of the Heron Lake PUD will be a private lake known as "Heron Lake." The use and development of the Heron Lake PUD will take into special consideration the effect and compatibility of all such development on the private lake.

This Preface and its statement shall be deemed a covenant of equal force and effect as all others herein set forth.

**ARTICLE I
Definitions**



The terms hereinafter set forth shall have the following meanings:

Section 1. "Architectural Control Committee" shall mean the body designated herein by the Developer to review plans and to grant or withhold certain approvals in connection with improvements and developments. The Architectural Control Committee shall be composed of three (3) members appointed by the Developer. Any vacancies from time to time shall be filled by the Developer.

Section 2. "Common Area" shall mean and refer to all real property owned by the Developer for the common use and enjoyment of the Owners and Operators of land within the Heron Lake PUD subject to the conditions, restrictions, rules, and regulations set forth herein.

Section 3. "Developer" shall mean Heron Development, LLC an Indiana limited liability company, its grantees, successors or successors in interest, and any person, individual, organization, or entity designated by it or its successor in interest to perform some or all of the operations of the Developer, including management of the Lake and Common Areas, within the Heron Lake PUD (as defined below).

Section 4. "Improvement" shall mean and refer to any structure, improvement, building, or home constructed and located upon a Lot including any appurtenances and related structures or facilities.

Section 5. "Lake" shall mean that parcel of real estate encompassing the private lake within the Heron Lake PUD depicted in the site plan attached as Exhibit "B", which site plan was also appended to and part of the Heron Lake PUD Ordinance. The Lake is a body of water expressly reserved for the use and benefit of the Owners and Operators subject to the restrictions and regulations herein and the rules and regulations promulgated by the Developer from time to time. The actual legal boundary of the Lake shall be as determined and set forth in subsequently recorded documents and plats.

Section 6. "Lot" shall mean any of said platted tracts of land conveyed originally by the Developer or by subsequent Owners, which may consist of one or more Lots or parts of one or more Lots, upon which an Improvement may be erected in accordance with the restrictions hereinafter set forth.

Section 7. "Operator" shall mean any person, including tenants, operating a commercial enterprise within the Heron Lake PUD.

Section 8. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the plat, including contract purchasers, excluding those having such interest merely as security for the performance of an obligation.

Section 9. "Resident(s)" shall mean any Owner or Operator who is currently satisfying said Owner or Operator's obligations in full for the fees and assessments set forth in Article VI, Assessments, below.

Section 10. "Restrictions" shall mean and refer to this Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Impressed Upon the Real Estate Comprising the Heron Lake PUD.

ARTICLE II

Heron Lake and Common Facilities

Section 1. Heron Lake Use and Enjoyment. Residents shall have a non-exclusive license to use and enjoy the Lake in accordance with these Restrictions and the rules and regulations regarding the Lake adopted and promulgated by the Developer.

Section 2. Heron Lake Watershed Responsibilities. To ensure proper conservation of the Lake as an asset for the benefit of the Owners, Operators, and the Developer, runoff, other than storm water runoff from any Lot, shall not be discharged into the Lake. Lot, dock and watercraft cleaning and maintenance as well as lawn and landscape maintenance, shall utilize the use of phosphorus free fertilizers, soaps and detergents. The discharge or disposal of any liquids, substances, waste or debris into the Lake is strictly prohibited. No Owner or Operator shall be permitted to place any non-native debris into the Lake or remove native debris from the Lake. No non-native materials are to be added to any beach or Lake bottom without the prior and express written consent of the Developer. No Owner or Operator shall pollute the Lake with human or animal urine or feces. More specific rules governing the conservation and use of the watershed shall be adopted and promulgated by the Developer to effect the purposes of this Article II, Section 2.

Section 3. Fishing. Fishing shall be permitted by Residents in a manner that promotes and balances reasonable conservation, safety and recreational enjoyment for the benefit and protection of the Owners, Operators, and Developer. Permitted activities include designated park space, shore line, marina and boat fishing, bow fishing and ice fishing. Prohibited activities include, but are not limited to, fishing utilizing large netting, multi-hook lines, powered spears,

chumming, chemical or electrical attractants or stimulants. No fish, no fish crustacean (such as freshwater lobster, crawfish or shrimp) or any filter feeding mollusks (such as clams and mussels) species or any other type of lake dwelling animal shall be introduced into the Lake by anyone other than the Developer. More specific rules governing fishing shall be adopted and promulgated by the Developer.

Section 4. General Watercraft and Personal Watercraft Regulations. The operation of watercraft by Residents in a safe and lawful manner shall be permitted on the Lake. The operation of watercraft shall be subject to applicable state and federal law and the rules and regulations promulgated and adopted by the Developer to effect the purposes of this Article II, including this Section 4. All watercraft speed between sunset and sunrise shall be the idle speed, unless the prior written approval of the Developer is obtained allowing for speeds in excess of idle speed at such times. Watercraft launching and retrieval is subject to inspection by Developer to prevent the introduction of exotic and/or invasive plant or animal species into the Lake. Any watercraft propelled by a combustible engine in excess of 200 horsepower is prohibited without the prior written approval of the Developer. The maximum speed for any watercraft on the Lake is 45 mph unless the prior written approval of the Developer is obtained allowing for speeds in excess of 45 mph. Powered watercraft shall be powered by a single engine. No watercraft shall discharge sewage or wastewater into the Lake. Excessive watercraft engine noise is strictly prohibited. Any watercraft, including houseboats intended for living, are prohibited on the Lake without the prior written approval of the Developer. Watercraft shall not operate within designated swimming areas located upon the Lake.

Section 5. Marinas. The use and enjoyment of the marina facilities for watercraft launching, slip and dock usage and refueling shall be restricted to Residents. Watercraft shall not operate in any marina area designated for swimming. The use and enjoyment of the marina facility shall be subject to rules and regulations promulgated and adopted by the Developer to effect the purposes of this Article II, including this Section 5.

Section 6. Piers and Other Beach and Water Line Structures. Residents who own lakefront (as defined in the Heron Lake PUD Ordinance) Lots may place a single dock into the Lake. The authorization, selection and placement of docks and any beach objects shall be subject to the rules and regulations promulgated and adopted by the Developer to effect the purposes of this Article II, including this Section 6. No dock or beach object shall be stored outside on any Lot. Docks and beach objects shall be stored indoors or in a storage space approved in writing by the Developer.

Section 7. Other Common Areas and Facilities. From time to time, additional Common Areas and facilities may be constructed by the Developer. Access to such Common Areas shall

be controlled and determined by the Developer pursuant to the rules and regulations promulgated and adopted by the Developer to effect the purposes of this Article II, including this Section 7.

ARTICLE III **Residential Use and Development**

Section 1. Pools and Hot Tubs. No above ground pool which requires a filtration system or other above ground pool which is more than six (6) feet in diameter and eighteen (18) inches deep shall be placed or maintained on any Lot. No in ground swimming pool or hot tub or spa may be placed or maintained on any Lot without the prior written approval of the Architectural Control Committee in accordance with Article V.

Section 2. Radio and Television Antennas. No outdoor radio or television antenna shall be attached to any residential Improvements. No free standing radio, television antenna, television receiving disk or dish shall be permitted on any residential Lot.

Section 3. Solar Panels. No solar panels attached or detached shall be placed on any Improvement or Lot without prior written approval of the Architectural Control Committee in accordance with Article V.

Section 4. Temporary Structures. No structure of a temporary character, tent, shack, garage, barn or other outbuilding shall be either used or located on any Lot, or adjacent to any Lot, public street or right-of-way within the Heron Lake PUD at any time, or used as a residence either temporarily or permanently.

Section 5. Accessory Structures. No detached accessory structures shall be placed on any Lot without prior written approval of the Architectural Control Committee in accordance with Article V. Accessory structures shall be substantially similar in appearance to the primary structure located on the Lot.

Section 6. Temporary Storage. Vehicles, such as a non-operational vehicle, trailer, boat trailer, truck, commercial vehicle, recreational vehicle (RV), camper shell, all-terrain vehicle (ATV), camper or camping trailer, may be stored for no more than fifteen (15) consecutive days or ninety (90) total days within a calendar year, on any Lot or adjoining any Lot within the Heron Lake PUD at any time. Nothing herein shall be construed to prohibit common vehicular storage, delivery, or construction support activities relating to constructing, repairing, or altering Improvements.

Section 7. Signs. No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than five (5) square feet, advertising such Lot for sale, or signs used by a builder to advertise such Lot during the construction and sales period.

Section 8. Driveways. All residential driveways from the street to the garage shall be asphalt, poured concrete, or masonry and not less than sixteen (16) feet in width.

Section 9. Individual Water and Sewage Systems. No individual water supply system or individual sewage disposal system shall be installed, maintained or used on any Lot in the Heron Lake PUD.

Section 10. Sidewalks. The Developer may place sidewalks on any residential Lot where reasonably necessary to accommodate pedestrian traffic with the Heron Lake PUD. Sidewalk construction shall be the responsibility of the Developer.

Section 11. Swing Sets and Play Equipment. No swing sets or play equipment shall be placed on any Lot without the prior written approval of the Architectural Control Committee in accordance with Article V.

Section 12. Fencing. No fencing shall be placed on any Lot without the prior written approval of the Architectural Control Committee in accordance with Article V. No fencing shall be allowed on Lake Yard (as defined in the Heron Lake PUD Ordinance) Lot lines.

Section 13. Improvements Exterior. All windows, porches, balconies and exteriors of all residential Improvements shall at all times be maintained in a neat and orderly manner. No clotheslines or other outside drying or airing facilities or uses shall be permitted.

Section 14. Yard Lights. A yard light of type and location approved by the Architectural Control Committee may be installed by the builder or Lot Owner in front of the Road Yard or Lake Yard (as those terms are defined in the Heron Lake PUD Ordinance) building line.

ARTICLE IV **Commercial Use and Development**

Section 1. Prohibited Uses. No Lot shall be used as follows:

- (a) For any noxious or offensive activity which may be or may become an annoyance or nuisance to the other Lots. Without limiting any of the foregoing, no exterior lights, the principal beam of which shines upon portions of a Lot

other than the Lot upon which they are located, or which otherwise cause unreasonable interference with the use and enjoyment of a Lot by the occupants thereof, and no speakers, horns, whistles, bells or other sound devices, shall be located, used or placed on a Lot which are audible, except security devices used exclusively for security purposes which are activated only in emergency situations or for testing thereof.

- (b) For a tattoo parlor, adult-oriented business, night club, dance club, pawn shop, bulk fuel storage, vehicle storage yard, residential group home, rehabilitation center, haunted house, wind energy conversion system, taxi service, skating rink, parking structure, off-site parking area, multiple family dwelling or complex, firework sales, credit service, correctional services facility, fraternity house, sorority house, scrapyard, junk yard, recycling facility, landfill, waste disposal facility, agricultural uses, food production/processing, commercial or private stables, camp ground, grain elevator, playground, and/or swimming pool (not part of a hotel).

Section 2. Radio and Television Antennas. No outdoor radio or television antenna shall be visible from the public roadway or attached to any commercial Improvements. No free standing radio, television antenna, television receiving disk or dish shall be permitted on any commercial Lot.

Section 3. Solar Panels. No solar panels attached or detached shall be placed on any Improvement or Lot without the prior written approval of the Architectural Control Committee in accordance with Article V.

Section 4. Temporary Structures. No structure of a temporary character, tent, shack, garage, barn or other outbuilding shall be either used or located on any Lot, or adjacent to any Lot, public street or right-of-way within the Heron Lake PUD at any time.

Section 5. Accessory Structures. No detached accessory structures shall be placed on any Lot without the prior written approval of the Architectural Control Committee in accordance with Article V. Accessory structures shall be substantially similar in appearance to the primary structure. Accessory structures and uses shall be allowed which are subordinate, appropriate, and incidental to the permitted use of the primary structure.

Section 6. Accessory Uses. Permanent outdoor displays or storage areas, dumpsters, and trash compactors each must be surrounded by a combination of masonry wall or wrought iron fencing, or by a suitable substitute screening and buffering method as determined by the

Architectural Control Committee.

Section 7. Sidewalks. The Developer may place sidewalks on any commercial Lot where reasonably necessary to accommodate pedestrian traffic with the Heron Lake PUD. Sidewalk construction shall be the responsibility of the Developer.

Section 8. Mechanical Equipment. All Improvements shall screen all mechanical equipment, including roof mounted, to obscure pedestrian visibility.

Section 9. Fencing. No fencing shall be placed on any Lot without prior written approval of the Architectural Control Committee in accordance with Article V. No fencing shall be allowed on Lake Yard (as defined in the Heron Lake PUD Ordinance) Lot lines.

Section 10. Improvements Exterior. All exteriors of all commercial Improvements shall at all times be maintained in a neat and orderly manner.

Section 11. Building Façade and Trim. Facades that are greater than 35 feet in length, measured horizontally, shall incorporate columns, wall plane projections, or other architectural relief elements. No uninterrupted length of any façade shall exceed 35 horizontal feet.

ARTICLE V

Architectural Control

Section 1. Architectural Control Committee. The review and approval of Improvements shall be controlled by the Architectural Control Committee. The Architectural Control Committee shall be composed of three (3) persons appointed by the Developer. The Architectural Control Committee members shall be subject to removal by the Developer at any time with or without cause. Any vacancies that may occur from time to time shall be filled appointments by the Developer.

Section 2. Approval of Improvements and Other Construction, Excavation, Landscaping, and Alterations. No improvement, construction, excavation, landscaping, fence, wall, swimming pool or spa, dock, pier, boat slip, or other structure shall be commenced, erected or maintained upon or about any Lot, nor shall any exterior addition to or change or alteration therein be made to the same unless and until plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the Architectural Control Committee in accordance with the design standards and approval procedures adopted and promulgated by the Developer and/or Architectural Control Committee from time to time. In the event the Architectural Control Committee fails to approve or disapprove such improvements or other matters within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required, and this Article will be deemed to have been duly complied with.

Section 3. Considerations for Review. The Architectural Control Committee shall consider the visual and physical impact of the proposed construction, excavation, landscaping, or exterior modification or alteration upon the surrounding Owners and Operators as well as the visual, physical, and ecological impact of the same on the Lake when reviewing submittals of plans under this Article V for approval. Further detail of construction methods shall be set forth in the design standards and approval procedures adopted and promulgated by the Developer and/or Architectural Control Committee from time to time.

Section 4. Responsibility. Neither the Developer nor the Architectural Control Committee, nor any member thereof, nor any of their respective shareholders, directors, members, managers, directors, officers, employers, agents, heirs, personal representatives, successors or assigns, shall be liable to anyone by reason of any mistake in judgment, negligence or nonfeasance arising out of or relating to the approval or disapproval or failure to approve any plans so submitted, nor shall any of them, be responsible or liable for any structural defects in such plans or in any building or structure erected according to such plans or any drainage

problems resulting therefrom. Every person and entity who submits plans to the Architectural Control Committee agrees, by submission of such plans, that he or it will not bring any action or suit against the Architectural Control Committee or the Developer to recover any damages or to require the Architectural Control Committee to take, or refrain from taking, any action whatever in regard to such plans or in regard to any building or structure erected in accordance therewith. Neither the submission of any complete sets of plans to the Architectural Control Committee for review by the Architectural Control Committee, nor the approval thereof by the Architectural Control Committee, shall be deemed to guarantee or require the actual construction of the building or structure therein described, and no Owner or Operator may claim any reliance upon buildings or structures described therein.

ARTICLE VI **Assessments**

Section 1. Assessments and Fees for Common Areas and Lake; Purpose of Assessments and Fees. The Developer shall levy assessments and charge fees to the Owners and Operators for the purpose of the installation, maintenance, repair, and/or replacement of the Common Areas, common stormwater and utility facilities, and the Lake and related facilities and for the privileges of use of the same. The amounts of such assessments and fees and their apportionment amongst the Owners and Operators shall be as reasonably determined by the Developer, shall be binding on the Owners and Operators subject to such assessments and fees, and shall be based upon the reasonable market rates for the installation, maintenance, repair, and/or replacement of the Common Areas and the Lake and granting of privileges of use of the Common Areas and Lake by the Developer.

Section 2. Rate of Assessment and Fees; Manner and Payment of Assessments and Fees. Assessments and fees shall be fixed by the Developer at a rate for all Owners and Operators taking into consideration use of the Lake and Common Facilities and the sizes of Lots and Improvements. Assessments and fees shall be assessed and collected in the time and manner determined by the Developer. Fees and assessments and the methods for calculating the same shall be detailed in publications adopted and promulgated by the Developer on an annual basis. The method of calculating such fees and costs may differ for Owners of commercial and residential properties in recognition of the distinct characteristics of such respective uses and Improvements.

Section 3. Increases in Assessments and Fees. Assessments and fees may not be increased each year more than eight percent (8%) above the assessments and fees from the prior year without the written assent of the majority of the Owners and Operators. Notwithstanding the foregoing, such an increase in the assessments and fees affecting only Operators shall only

require the assent of a majority of the Operators hereunder. Likewise, such an increase in the assessments and fees affecting only Owners who are not Operators shall only require the assent of a majority of Owners who are not Operators hereunder.

Section 4. Effect of Nonpayment of Assessments and Fees: Remedies of the Developer. Any assessment or fee not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum. The Developer may bring an action at law against the Owner or Operator obligated to pay the same and may suspend any such non-paying Owner's or Operator's rights to use and enjoy the Common Areas and Lake. In addition, delinquent assessments and fees shall become a lien against the Lot of a non-paying Owner and the Developer may file a notice lien against any Lot in the amount of the unpaid fees and assessment (and any other cost and expense, including reasonable attorney's fees incurred by Developer, to which Developer may be entitled in these Restrictions as a result of such nonpayment of assessments and fees) and may foreclose on the same in a court of competent jurisdiction.

Section 5. Subordination of the Lien to Mortgages. The lien of the assessments and fees shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceedings in lieu thereof shall extinguish the lien for such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE VII

General Provisions

Section 1. Utility and Drainage Easements. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on plats within the Heron Lake PUD, as the same may be executed and recorded with the Recorder of DeKalb County, Indiana, from time to time. Additionally, such easements may also be established by other written and recorded instruments. No Owner or Operator shall erect or grant to any person, firm or corporation, the right, license or privilege to erect or use or permit the use of overhead wires, poles or overhead facilities of any kind for electrical, telephone or television service (except such poles and overhead facilities that may be required at those places where distribution facilities enter and leave the Heron Lake PUD). Nothing herein shall be construed to prohibit street lighting or ornamental yard lighting serviced by underground wires or cables.

Section 2. Surface Drainage. The land surface of any Lot shall be constructed and maintained so as to conduct the flow of surface water runoff to common storm facilities.

Section 3. Maintenance of Lots and Improvements. No Lot and no Improvements shall be permitted to become overgrown, unsightly or to fall into disrepair. All Improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished in accordance with specifications established by the Architectural Control Committee. Each Owner and Operator, for himself/herself and his/her successors and assigns, hereby grants to the Developer, jointly and severally, the right to make any necessary alterations, repairs or maintenance approved by the Architectural Control Committee to carry out the intent of this provision and they further agree to reimburse the Developer for any expenses actually incurred in carrying out the foregoing..

Section 4. Nuisances; Prohibited Uses. The Lots shall be landscaped according to plans approved by the Architectural Control Committee. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. Landscaping, as approved in writing by the Architectural Control Committee, shall be installed no later than one hundred eighty (180) days following occupancy of or completion of the Improvements, whichever occurs first.

Section 5. Drilling, Refining, Quarrying and Mining Operations. Except for the current aggregate mining operations associated with the development of the Heron Lake PUD, no oil, gas, or mineral drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot. No derrick or other structure designed for the use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot.

Section 6. Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. No animal(s) shall be allowed to become a general nuisance. Pets shall be leashed at all times when walking throughout the Heron Lake PUD.

Section 7. Hunting, Trapping, and Weapons. Hunting is strictly prohibited. The recreational use of any firearms is also strictly prohibited. For purposes of these Restrictions, recreational use of bow and arrow by Owner on Owner's Lot is permissible, subject to the utilization of appropriate safety precautions. Trapping for sport is prohibited. Trapping for household rodent control is permitted. Any other form of trapping is prohibited, with the specific exception of professionally-licensed trapping for the removal of animal pests other than household rodents. Rules governing hunting, trapping and weapons shall be promulgated and adopted by the Developer from time to time.

Section 8. Vehicles. Vehicles that may be lawfully operated on public roadways in the State of Indiana may be lawfully operated on the public streets located within the Heron Lake PUD. Owners' and Operators' authorized operation of vehicles upon any property owned by the Developer shall be limited to golf carts, mobility scooters, manually powered vehicles and pedestrian vehicles. Use of ATVs, VTVs, off-road 2-wheeled vehicles, motorcycles and track vehicles for recreational purposes is prohibited without the prior written consent of the Developer. More specific rules governing permitted vehicles and the utilization of such vehicles shall be promulgated and adopted by the Developer from time to time.

Section 9. Work Vehicles and Watercraft. Developer shall be permitted to utilize any type of vehicle, equipment and/or watercraft within and throughout the Heron Lake PUD to undertake and complete any construction, repair, maintenance and/or replacement of any Developer-owned or controlled assets or property and to meet its oversight, monitoring and compliance enforcement obligations as set forth in these Restrictions and/or rules and regulations promulgated and adopted by the Developer from time to time.

Section 10. Fireworks. Fireworks may be utilized only in accordance with applicable local, state and federal law. In addition, rules governing the use of fireworks shall be promulgated and adopted by the Developer from time to time.

Section 11. Fires. No outdoor fires for the purpose of burning leaves, grass or other forms of trash shall be permitted to burn upon any street roadway or Lot. No outside incinerators shall be kept or allowed on any Lot. Outdoor recreational fires shall be contained within rings, pits, or other structures and permitted under applicable City of Auburn, Indiana ordinances, guidelines, or requirements. In addition, the Developer may promulgate and adopt rules and regulations from time to time governing the use of outdoor recreational fires.

Section 12. Dumping and Trash. Trash, garbage or other waste shall not be kept except in sanitary containers. No incinerators or outside incinerators shall be kept or allowed on any Lot. No disposal of trash, garbage or other waste on the Lot will be allowed.

Section 13. Building Materials. All Improvements and other permitted structures shall be constructed in a substantial and good workmanlike manner and of new materials. Building material restrictions, design guidance, and approved materials shall be in the design standards and approval procedures adopted and promulgated by the Developer and/or Architectural Control Committee from time to time. The Architectural Control Committee shall have the right to approve or disapprove materials and colors so controlled.

Section 14. Use of Public Easements. In addition to the utility easements herein designated, easements in the streets, as shown on this plat, are hereby reserved and granted to the Developer and any public or quasi-public utility company engaged in supplying one or more of the utility services, and their respective successors and assigns, to install, lay, erect, construct, renew, operate, repair, replace, maintain and remove all and every type of gas main, water main and sewer main (sanitary and/or storm) and/or other required utilities with all necessary appliances, subject, nevertheless, to all reasonable requirements of any governmental body having jurisdiction thereof as to maintenance and repair of said streets.

Section 15. Sanitary Sewer Restrictions. No rain and storm water runoff or such things as roof water, ground water, street pavement and surface water, caused by natural precipitation, shall at any time be discharged into or permitted to flow into the sanitary sewage system, which shall be a separate sewer system from the storm water and surface water runoff sewer system. No sanitary sewage shall at any time be discharged or permitted to flow into the above-mentioned storm water and surface water runoff sewer system.

Section 16. Permits and Certificates. In addition to any approvals or consents of the Architectural Control Committee pursuant to Article V, above, before any Improvements located on any Lot may be constructed, used, or occupied, such user or occupier shall first obtain all necessary governmental permits and approvals.

Section 17. Identification for Facilities Use. The owner of any vehicle, watercraft and/or beach objects utilized within the Heron Lake PUD shall affix a Developer-issued identification tag or sticker to such vehicle, watercraft and/or beach object. Identification tags or stickers shall be issued on an annual basis and conditioned upon the full payment and satisfaction of assessments and/or dues due and owing to Developer from any person required to obtain such identification or sticker. The rights and responsibilities associated with identification tags and stickers and the use, location and placement of identification tags or stickers shall be set forth in the rules and regulations promulgated by the Developer.

Section 18. Storage Areas. Garbage and refuse shall be placed in containers which shall be concealed and contained within the Improvements. Firewood must be placed adjacent to the Improvements behind a visual barrier screening this area so that it is not visible from neighboring streets or Lots. The location and screening of this area must be approved in writing by the Architectural Control Committee.

Section 19. Mailboxes and House Numbers. The mailbox installation shall be the responsibility of the Developer. The type, location, and installation of house numbers must be approved by the Architectural Control Committee.

Section 20. Time for Building Completion and Restoration. Every Improvement on any Lot shall be completed within twelve (12) months after the beginning of such construction. No Improvement which has partially or totally been destroyed by fire or otherwise shall be allowed to remain in such state for more than three (3) months from the time of such destruction or damage, with either demolition and cleaning of such Lot or commencement of reconstruction or repair occurring before the expiration of such time period.

Section 21. Rules and Regulations. The Developer may adopt and promulgate rules and regulations reasonably necessary to effect the intent and purpose of these Restrictions. Such rules and regulations may be amended, restated, or revoked in whole in part, by the Developer from time to time in the Developer's discretion. The Developer shall maintain written copies of the current rules and regulations in electronic form and such rules and regulations will be made available to an Owner or Operator within a reasonable time upon request. Additionally, the Developer shall have the right to enforce any and all such rules and regulations in the same manner and with the same remedies as enforcement of these Restrictions. Such remedies may include, but are not limited to, (i) payment of damages to the Developer and/or (ii) the imposition of monetary fines and penalties at rates and amounts set by the Developer in writing from time to time. Such damages, monetary fines, and penalties shall become a lien and may be collected in the same time and manner as assessments and fees in Article VI.

Section 22. Invitees and Licensees. Owners and Operators shall be obligated to and liable for the performance of all of the obligations and liabilities set forth in these Restrictions for any such Owners and/or Operators' invitees and licensees entering upon the Heron Lake PUD.

Section 23. Partial Invalidation. Invalidation of any one of these Restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 24. Covenants, Restrictions and Extensions; Necessary Zoning and Development Approvals. These Restrictions shall run with the land, and be effective for a term of twenty (20) years from the date these Restrictions are recorded, after which time they shall automatically be extended for successive periods of ten (10) years; provided these Restrictions may be amended by an instrument signed by owners of not less than a majority of the real estate, including Common Areas and the Lake, within the Heron Lake PUD. Further, the Developer, its successors or assigns shall have the exclusive right for a period of five (5) years from the date of recording of these Restrictions to amend any of the Restrictions. In addition, every Owner hereby designates the Developer as its attorney-in-fact to sign and file any and all variance, special exception, platting, rezoning, and similar land use, zoning, and planning applications and

requests on behalf of every such Owner as the Developer deems necessary for the ongoing use and development of the Heron Lake PUD. Notwithstanding the foregoing, the Owners of no less than two-thirds (2/3) of the Lots may amend these Restrictions to the extent that such amendment affects only areas within any of the Lots and does not affect real estate within the Heron Lake PUD located within any of the Common Areas or Lake. Any amendments to these Restrictions affecting the Lake or the Common Areas shall require both the Owners of no less than two-thirds (2/3) of the Lots *and* the Developer. There shall be one (1) vote per Lot for purposes of assent to an amendment of these Restrictions regardless of the number of persons owning any such Lot.

Section 25. Subdivision of Lots. A Lot may not be further subdivided unless approval has been obtained from the Developer and the City of Auburn Plan Commission.


Section 26. Cost and Attorney's Fees. In any proceedings arising because of the failure of an Owner or Operator to observe any of these Restrictions, including, but not limited to, payment of any assessments, fees, or other amounts due pursuant these Restrictions, or any rules and regulations adopted by the Developer pursuant to Article VII, Section 19, above, or other sections of these Restrictions, as each may be amended from time to time, The Developer shall be entitled to recover its costs and expenses, including its reasonable attorney's fees from such Owner or Operator.

Section 27. Annexation. Additional properties may be annexed by Developer and made subject to these Restrictions. Said annexation may be perfected without the consent of the Owners and Operators.

[signature and notary page follows]

IN WITNESS WHEREOF, Heron Development, LLC, a limited liability company organized and existing under the laws of the State of Indiana, Owner of the real estate described in the Heron Lake Planned Unit Development, has hereunto set its hand and seal, by its duly authorized officer, this 28th day of December, 2017.

HERON DEVELOPMENT, LLC
an Indiana Limited Liability Company,

By: 
Stephen D. Brown, Manager

STATE OF INDIANA

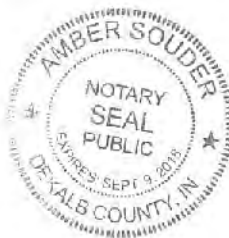
COUNTY OF DEKALB

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, personally appeared Stephen D. Brown, known by me to be the Manager of Heron Development, LLC, an Indiana Limited Liability Company, and acknowledged the voluntary execution of the above and foregoing instrument on behalf of said Company for the purposes and uses therein set forth.

IN WITNESS WHEREOF, I have set my seal and notary stamp, this 28th day of December, 2017.

My Commission Expires:

Sept 9th, 2018





Notary Public

Printed: Amber L. Souder
County of Residence: DeKalb

Prepared by:

Robert C. Kruger and Michael C. Moellering, Attorneys at Law
Burt, Blee, Dixon, Sutton & Bloom, LLP
200 East Main Street, Suite 1000, Fort Wayne, IN 46802

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Stephen Brown

EXHIBIT A

Legal Description of Real Estate Comprising the Heron Lake PUD

April 7, 2017

Heron Development LLC
Heron Lake Project
Auburn, IN
PUD - Total Overall Perimeter

Legal Description:

A tract of land located in the Southeast Quarter, in the Southwest Quarter, and in the Northwest Quarter of Section 7, and in the Northwest Quarter of Section 18, all in T33N, R13E, in DeKalb County, the State of Indiana, more fully described as follows:

COMMENCING at a Marker Spike with tag (FIRM 0042) situated in the Northwest corner of said Southwest Quarter; Thence South 00 Degrees 34 Minutes 27 Seconds East (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 306.60 feet along the West line of said Southwest Quarter to a Harrison Marker situated in the Northeast corner of the Southeast Quarter of Section 12, T33N, R12E; Thence South 00 Degrees 33 Minutes 04 Seconds East, a distance of 2372.17 feet along the West line of said Southwest Quarter to an Iron Rod situated in the Southwest corner of said Southwest Quarter, the **TRUE POINT OF BEGINNING**; Thence North 89 Degrees 05 Minutes 01 Seconds East, a distance of 48.15 feet along the South line of said Southwest Quarter to a Rebar stake with cap (FIRM 0042); Thence North 00 Degrees 56 Minutes 35 Seconds West, for a distance of 866.21 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Northerly, a distance of 2216.63 feet along said East right-of-way line (being a circular arc that is concave Easterly, having a radius measuring 2814.79 feet, having a central angle measuring 45 Degrees 07 Minutes 12 Seconds, and having a long chord bearing North 21 Degrees 37 Minutes 02 Seconds East and measuring 2159.80 feet) to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent line; Thence North 44 Degrees 10 Minutes 38 Seconds East, for a distance of 962.31 feet along said East right-of-way line to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Northeasterly, a distance of 87.33 feet along said East right-of-way line (being a circular arc that is concave Northwesterly, having a radius measuring 2914.79 feet, having a central angle measuring 01 Degrees 43 Minutes 00 Seconds, and having a long chord bearing North 43 Degrees 19 Minutes 08 Seconds East and measuring 87.33 feet) a Rebar stake with cap (FIRM 0042) in the beginning of a nontangent line; Thence South 46 Degrees 36 Minutes 10 Seconds East, a distance of 313.73 feet along the South line of the Replat of Lot #2 of the Gravel Pit Addition Section II as recorded in DeKalb County Document No. 20602729 to a Rebar stake with cap (FIRM 0042); Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 376.61 feet along the South line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042); Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 3.89 feet along the South line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042) in the Southeast corner

thereof; Thence North 01 Degrees 18 Minutes 00 Seconds West, a distance of 231.81 feet along the East line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042); Thence North 01 Degrees 18 Minutes 00 Seconds West, a distance of 168.21 feet along the East line of said Replat of Lot #2 to a Rebar stake with cap (FIRM 0042) in the Northeast corner thereof; Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 396.81 feet along the South line of The Re-Plat of the Gravel Pit Addition as recorded in DeKalb County Plat Book 10, page 193 to a Rebar stake with cap (Russell) in the Southeast corner thereof; Thence North 01 Degrees 10 Minutes 09 Seconds West, a distance of 314.85 feet along the East line of said Re-Plat to a Rebar stake with cap (FIRM 0042); Thence North 49 Degrees 59 Minutes 39 Seconds West, a distance of 250.71 feet along the East line of said Re-Plat to a Rebar stake with cap (FIRM 0042); Thence South 85 Degrees 35 Minutes 24 Seconds West, a distance of 211.90 feet along the North line of said Re-Plat to a Rebar stake with cap (FIRM 0042); Thence North 01 Degrees 10 Minutes 07 Seconds West, a distance of 238.08 feet along a line parallel with and Sixteen and one half (16.50) feet West of the East line of said Northwest Quarter; Thence North 28 Degrees 25 Minutes 38 Seconds East, a distance of 33.41 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the East line of said Northwest Quarter; Thence North 28 Degrees 25 Minutes 38 Seconds East, a distance of 172.45 feet along the East right-of-way line of County Road 427 to a Rebar stake with cap (FIRM 0042) in the beginning of a tangent circular arc; Thence Northerly, a distance of 77.70 feet along said East right-of-way line (being a circular arc that is concave Easterly, having a radius measuring 8544.37 feet, having a central angle measuring 0 Degrees 31 Minutes 16 Seconds, and having a long chord bearing North 28 Degrees 41 Minutes 16 Seconds East and measuring 77.70 feet) to the beginning of a nontangent line; Thence meandering the centerline of the Garrett City Drain (also being the South line of Ash-brook Acres as recorded in DeKalb County Plat Book 5, page 17) along the following courses and distances:

North 81 Degrees 41 Minutes 03 Seconds East for 21.92 feet, North 88 Degrees 18 Minutes 45 Seconds East for 41.76 feet, South 89 Degrees 27 Minutes 21 Seconds East for 53.95 feet, South 87 Degrees 40 Minutes 19 Seconds East for 52.17 feet, South 86 Degrees 12 Minutes 44 Seconds East for 53.24 feet, North 86 Degrees 59 Minutes 34 Seconds East for 51.84 feet, South 89 Degrees 26 Minutes 06 Seconds East for 66.60 feet, South 83 Degrees 27 Minutes 34 Seconds East for 43.02 feet, South 88 Degrees 29 Minutes 07 Seconds East for 53.03 feet, North 86 Degrees 46 Minutes 04 Seconds East for 38.54 feet, South 78 Degrees 41 Minutes 27 Seconds East for 53.94 feet, South 85 Degrees 59 Minutes 06 Seconds East for 43.07 feet, North 85 Degrees 04 Minutes 25 Seconds East for 53.37 feet, South 89 Degrees 36 Minutes 41 Seconds East for 50.21 feet, South 82 Degrees 37 Minutes 56 Seconds East for 45.33 feet, North 87 Degrees 53 Minutes 32 Seconds East for 95.35 feet, South 88 Degrees 46 Minutes 24 Seconds East for 88.10 feet, South 81 Degrees 10 Minutes 22 Seconds East for 66.63 feet, North 88 Degrees 54 Minutes 12 Seconds East for 80.40 feet, South 87 Degrees 46 Minutes 13 Seconds East for 116.04 feet, and South 87 Degrees 46 Minutes 13 Seconds East for 2.20 feet;

Thence South 83 Degrees 03 Minutes 20 Seconds West, a distance of 118.10 feet along the North line of the tract of land described in the conveyance to Robert Seifert in DeKalb County Document No. 201200434 to a Rebar stake with cap (FIRM 0042); Thence South 17 Degrees 33 Minutes 27 Seconds West, a distance of 281.88 feet along the West line of said Seifert tract to a Rebar stake with cap (Russell); Thence South 59 Degrees 05 Minutes 30 Seconds East, a distance of 631.00 feet along the South line of said Seifert tract to a Rebar stake with cap (FIRM 0042); Thence South 16 Degrees 40 Minutes 09 Seconds East, a distance of 400.00 feet along the West line of the tract of land described in the conveyance to Gene and Miriam Wilson in DeKalb County Deed Record 191, page 168 to a Rebar stake with cap (FIRM 0042); Thence South 24 Degrees 55 Minutes 08 Seconds East, a distance of 72.90 feet along the West line of said Wilson tract to a Rebar stake with cap (FIRM 0042) in the Southwest corner thereof; Thence South 21 Degrees 29 Minutes 08 Seconds West, a distance of 207.31 feet along the West line of the tract of land described in the conveyance to Marvin Bok in DeKalb County Deed Record 191, page 229 to the centerline of Cedar Creek; Thence meandering the centerline of Cedar Creek along the following courses and distances:

South 02 Degrees 25 Minutes 08 Seconds East for 80.78 feet, South 21 Degrees 22 Minutes 14 Seconds West for 57.76 feet, South 51 Degrees 08 Minutes 20 Seconds West for 48.34 feet, South 40 Degrees 28 Minutes 29 Seconds West for 43.94 feet, South 24 Degrees 40 Minutes 55 Seconds West for 69.44 feet, South 31 Degrees 30 Minutes 32 Seconds West for 60.41 feet, South 31 Degrees 19 Minutes 02 Seconds West for 48.76 feet, South 26 Degrees 20 Minutes 14 Seconds West for 59.20 feet, South 20 Degrees 33 Minutes 08 Seconds West for 44.70 feet, South 07 Degrees 36 Minutes 04 Seconds West for 53.55 feet, South 04 Degrees 09 Minutes 56 Seconds East for 38.60 feet, South 08 Degrees 09 Minutes 16 Seconds East for 48.62 feet, South 10 Degrees 49 Minutes 55 Seconds West for 49.15 feet, South 22 Degrees 51 Minutes 03 Seconds West for 58.55 feet, South 45 Degrees 38 Minutes 43 Seconds West for 56.94 feet, South 36 Degrees 02 Minutes 16 Seconds West for 66.82 feet, South 10 Degrees 13 Minutes 18 Seconds West for 64.79 feet, South 01 Degrees 34 Minutes 11 Seconds East for 47.55 feet, South 11 Degrees 00 Minutes 14 Seconds East for 50.61 feet, South 01 Degrees 16 Minutes 27 Seconds West for 51.11 feet, South 32 Degrees 55 Minutes 26 Seconds West for 49.60 feet, South 30 Degrees 30 Minutes 24 Seconds West for 52.03 feet, South 19 Degrees 36 Minutes 01 Seconds West for 75.60 feet, South 08 Degrees 27 Minutes 06 Seconds West for 83.27 feet, South 19 Degrees 33 Minutes 07 Seconds West for 43.13 feet, South 28 Degrees 10 Minutes 34 Seconds West for 52.80 feet, South 37 Degrees 43 Minutes 37 Seconds West for 107.37 feet, South 35 Degrees 43 Minutes 49 Seconds West for 57.42 feet, South 08 Degrees 23 Minutes 29 Seconds West for 81.16 feet, South 09 Degrees 54 Minutes 07 Seconds East for 58.03 feet, South 22 Degrees 16 Minutes 04 Seconds East for 64.34 feet, South 05 Degrees 42 Minutes 59 Seconds West for 104.50 feet, South 01 Degrees 49 Minutes 13 Seconds West for 131.43 feet (to a point in the North line of the tract of land described in the conveyance to Graber Enterprise, Inc. in DeKalb County Deed Record 201, page 84 – see also Document No. 20703140), South 05 Degrees 13

Minutes 58 Seconds West for 85.66 feet, South 16 Degrees 55 Minutes 07 Seconds West for 81.99 feet, South 39 Degrees 17 Minutes 46 Seconds West for 76.94 feet, South 28 Degrees 12 Minutes 22 Seconds West for 44.37 feet, South 02 Degrees 07 Minutes 38 Seconds West for 71.36 feet, South 28 Degrees 32 Minutes 07 Seconds East for 79.23 feet, South 09 Degrees 10 Minutes 12 Seconds East for 61.51 feet, South 05 Degrees 16 Minutes 01 Seconds West for 74.75 feet, South 22 Degrees 09 Minutes 43 Seconds West for 90.94 feet, South 11 Degrees 09 Minutes 46 Seconds West for 230.53 feet, South 09 Degrees 22 Minutes 13 Seconds West for 173.96 feet, South 06 Degrees 49 Minutes 44 Seconds West for 70.92 feet, South 06 Degrees 49 Minutes 44 Seconds West for 15.65 feet, South 20 Degrees 30 Minutes 50 Seconds West for 54.50 feet, South 36 Degrees 28 Minutes 26 Seconds West for 67.95 feet, South 64 Degrees 17 Minutes 19 Seconds West for 87.60 feet, South 49 Degrees 57 Minutes 26 Seconds West for 87.42 feet, South 44 Degrees 20 Minutes 21 Seconds West for 98.61 feet, South 43 Degrees 50 Minutes 03 Seconds West for 108.76 feet, South 43 Degrees 50 Minutes 03 Seconds West for 23.66 feet, and South 56 Degrees 18 Minutes 37 Seconds West for 144.95 feet;

Thence South 88 Degrees 14 Minutes 17 Seconds West, a distance of 390.59 feet along the South line of said Southeast Quarter to an Iron Rod in a concrete post situated in the Southwest corner thereof; Thence South 00 Degrees 57 Minutes 10 Seconds East, a distance of 186.81 feet along the East line of the Northwest Quarter of said Section 18 to the centerline of Cedar Creek; Thence meandering the centerline of Cedar Creek along the following courses and distances:

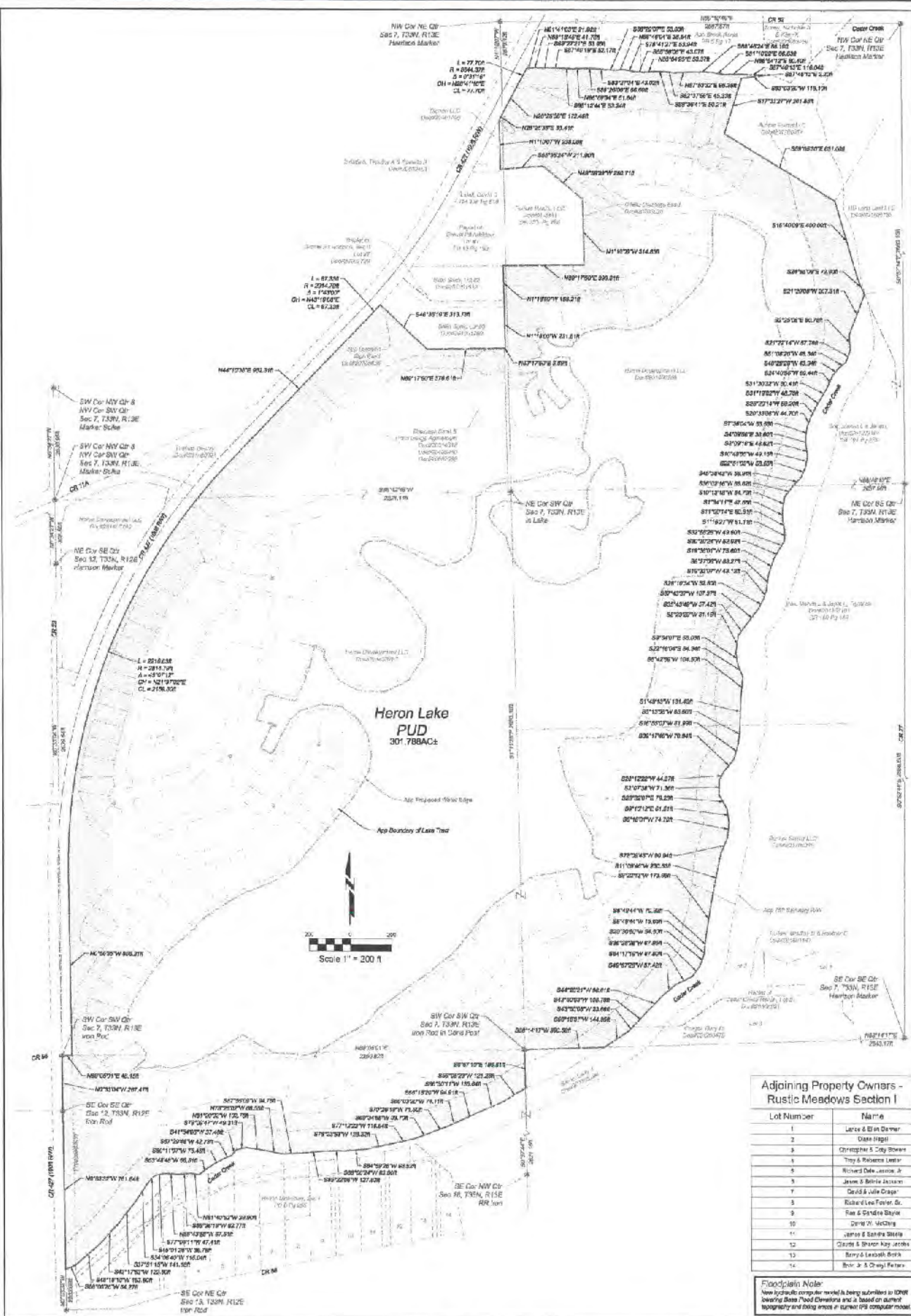
South 59 Degrees 05 Minutes 23 Seconds West for 121.23 feet, South 66 Degrees 30 Minutes 11 Seconds West for 135.64 feet, South 65 Degrees 18 Minutes 20 Seconds West for 94.91 feet, South 66 Degrees 03 Minutes 20 Seconds West for 74.11 feet, South 70 Degrees 26 Minutes 19 Seconds West for 71.50 feet, South 69 Degrees 34 Minutes 58 Seconds West for 93.70 feet, South 77 Degrees 12 Minutes 22 Seconds West for 116.54 feet, South 78 Degrees 23 Minutes 53 Seconds West for 128.32 feet, South 84 Degrees 59 Minutes 28 Seconds West for 98.52 feet, South 88 Degrees 56 Minutes 24 Seconds West for 93.00 feet, South 85 Degrees 22 Minutes 06 Seconds West for 127.83 feet, South 87 Degrees 55 Minutes 09 Seconds West for 94.76 feet, North 78 Degrees 25 Minutes 02 Seconds West for 68.55 feet, North 81 Degrees 20 Minutes 02 Seconds West for 102.76 feet, South 79 Degrees 09 Minutes 47 Seconds West for 49.31 feet, South 41 Degrees 54 Minutes 06 Seconds West for 37.48 feet, South 67 Degrees 29 Minutes 48 Seconds West for 42.73 feet, South 60 Degrees 11 Minutes 07 Seconds West for 75.46 feet, South 53 Degrees 48 Minutes 48 Seconds West for 66.81 feet, North 81 Degrees 40 Minutes 52 Seconds West for 39.90 feet, South 85 Degrees 36 Minutes 18 Seconds West for 62.77 feet, North 86 Degrees 43 Minutes 56 Seconds West for 67.51 feet, South 77 Degrees 06 Minutes 11 Seconds West for 47.41 feet, South 45 Degrees 01 Minutes 26 Seconds West for 36.75 feet, South 34 Degrees 06 Minutes 40 Seconds West for 115.04 feet, South 37 Degrees 51 Minutes 15 Seconds West for 141.16 feet, South 42 Degrees 17 Minutes 52 Seconds West for 122.80 feet, South 48 Degrees 18 Minutes 10 Seconds West for 163.80 feet, and South 68

Degrees 00 Minutes 25 Seconds West for 54.27 feet to a Brass plaque (S0337);

Thence North 00 Degrees 53 Minutes 32 Seconds West, a distance of 761.64 feet along the West line of the Northwest Quarter of said Section 18 to an Iron Rod situated in the Southeast corner of the Southeast Quarter of Section 12, T33N, R12E; Thence North 00 Degrees 33 Minutes 04 Seconds West, a distance of 267.47 feet along the West line of said Northwest Quarter to the **POINT OF BEGINNING**, said tract containing 301.788 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.

EXHIBIT B

Site Plan Depiction of Lake



Adjoining Property Owners - Rustic Meadows Section I

Lot Number	Name
1	Lance & Ellen Danner
2	Dave Hagel
3	Christopher & Cindy Stowers
4	Troy & Rebecca Lester
5	Richard Dale Lester, Jr.
6	James & Bethie Jackson
7	David & Julie Cragg
8	Robert Lee Foster, Jr.
9	Rae & Sandra Bayler
10	David W. McClure
11	James & Sandra Stahle
12	Charles & Sharon Kay Jacobs
13	Barry & Leanneth Berk
14	Bob & Jo Cheryl Peters

Floodplain Note:
New hydrologic computer model is being submitted to IDWR lowering Base Flood Elevations and is based on current topography and existing areas in current 100 year computer model.

Owner	Address	City	State	Zip
Heron Development LLC	CR 11A & CR 127	Auburn	IN	46705
DeKalb County		Indiana		

Heron Lake PUD
Heron Development LLC
CR 11A & CR 127
City of Auburn
DeKalb County Indiana

DABEC
Civil Engineering and Surveying
3419 County Road 607, Box D, Auburn, IN 46705
Phone: (202) 528-2020 Fax: (202) 528-1242
www.dabecengineering.com

Exhibit B
Planned Unit Development
PUD Site Boundary



HERON LAKE

City of Auburn - Planned Unit Development

Heron Lake & Site

Uses, Rules, Regulations, & Guidelines

Adopted: January 1, 2018

Heron Lake Planned Unit Development

Heron Lake & Site - Uses, Rules, Regulations, & Guidelines

Introduction

The Heron Lake Planned Unit Development was enacted on June 20th, 2017 by the Common Council of the City of Auburn, Indiana, and recorded as Ordinance No. 2017-06 in the Office of the Recorder of DeKalb County, Indiana. Such Planned Unit Development and the real estate comprising it, including any future annexations of additional real estate into the same, shall be referred to hereinafter as the "Heron Lake PUD" and the ordinance enacting the same shall be referred to hereinafter as the "Heron Lake PUD Ordinance".

The Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements, and Approvals appended to as part of the Heron Lake PUD, Jackson Township, DeKalb County, Indiana was recorded as Document No. 201707033 in the Office of the Recorder of DeKalb County, Indiana. Such covenants, agreements, restrictions, easements and limitations have been impressed upon the Heron Lake PUD and they shall be considered a part of every conveyance of land within the Heron Lake PUD, without being written therein. Those provisions contained are for the mutual benefit and protection of the owners present and future of any and all land in the Heron Lake PUD, and they shall run with and bind the land and shall inure to the benefit of and be enforceable by the owners of land included therein, their respective legal representatives, successors, grantees and assigns in accordance to and subject to the terms and conditions contained therein, shall be referred to hereinafter as the "Heron Lake Covenants".

This document, hereinafter referred to as the "Lake Rules", contains rules and regulations promulgated pursuant to Article II and Article VII, Section 19 of the Heron Lake Covenants. These rules and regulations are adopted and promulgated to carry out the intent and purpose of the Heron Lake Covenants and, as set forth in the Heron Lake Covenants, shall be enforceable by Heron Development, LLC, or its successors, assigns, or designated representatives (collectively, the "Developer") in the same manner as the restrictions and covenants contained in the Heron Lake Covenants. Additionally, the Developer's remedies, including the imposition of liens, monetary fines, and penalties are as set forth in these rules and regulations and the Heron Lake Covenants as authorized by the Heron Lake Covenants

Preface

The Lake Rules are intended to: assure personal and group safety, provide consideration for the usage rights of all Residents, and to provide the means for all reasonable and appropriate maintenance of Developer property and equipment.



Sections:

Definitions	4
Privileges	4 - 5
<u>II - Identification</u>	5 - 6
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Notwithstanding anything to the contrary in these Lake Rules, Residents and Operators are bound by the terms of the HLPUD and applicable Covenants.

A. DEFINITIONS

Refer to Covenants for definitions of:

Architectural Control Committee, Common Area, Developer, Improvement, Lake, Lot, Operator, Owner, Resident(s), Restrictions.

Advisor - A Resident that is appointed at the sole discretion of the Developer to provide opinions and guidance on specific community related issues and applications.

Tenant - Those parties that rent, lease, or operate facilities owned by others within the Heron Lake PUD.

Common Abbreviations:

HLPUD - Heron Lake Planned Unit Development

HPM - Heron Property Management

ID - Identification

B. PRIVILEGES

1) All Operators, with a Resident status, are entitled to:

- a) Access to the recreational multi-use trail.
- b) Access to the three marina facilities.
- c) Access the vessel launching facilities at the Wilson Marina for purposes of launching or retrieving water craft.
- d) Reasonable use of the lake as restricted by the guidelines herein, including but not limited to the identification requirements detailed in Section II - Identification.
- e) Receive all Developer directories and communications for the general Ownership.
- f) Operators, with a Resident status, may attend Resident Meetings, but may only address and/or vote on agenda items which are directly related to the amenities for which the Operator is entitled.
- g) Receive a copy of the current Lake Rules and all Developer newsletters.

2) All Residents are entitled to the above and to the following additional privileges:

- a) Usage of Developer Amenities. Developer Amenities being, but not limited to: managed beaches, recreational building spaces, pavilion buildings, clubhouses, marina slips, and other Developer managed facilities. A fee set by the Develop may be levied for marina slip, recreational building, and Island Pavilion usage, see Fee & Assessment Table.
- b) Usage of the Vineyard Clubhouse, Island Pavilion, and other Developer managed gathering or recreational buildings. Use will be restricted per the regulations described herein.
- c) Eligibility to become an Advisor to the Architectural Control Committee (ACC), position appointed solely at the discretion of the Developer.
- d) Complimentary participation in all Developer sponsored activities within the HLPUD.
- e) Public road snow removal by Developer.

Summary

- Don't forget to also review the Covenants for the overall site!

- HPM - Heron Property Management

- Operators enjoy the privileges of lake access but not the daily amenities common to those living in the residential regions.

- Residents enjoy the most amount of base privileges.

- Additional services chosen by Residents will incur additional fees and assessments



- 3) Developer retains the right to add, suspend, change, or terminate defined Privileges.

II. IDENTIFICATION

A. TYPES OF IDENTIFICATION

There are three types of HLPUD IDs: (1) Vehicle, (2) Watercraft, and (3) Beach Objects (Docks, Rafts, etc.). These ID's will be issued by Developer upon receipt of assessments or dues.

- 1) Vehicle: Issued annually for each Resident or Operator vehicle with marina access privileges, these stickers need to be prominently displayed on the corresponding vehicle and are not transferrable to guests or tenants. At the request of a Resident or Operator, a temporary guest vehicle ID, typically a hangtag, may be authorized at the discretion of Developer. Vehicle ID's are only transferrable, on a limited basis, for a Tenant (not a guest) of a Resident's or Operator's property.
- 2) Watercraft: Issued annually for each Resident's or Operator's watercraft with lake access privileges. These ID's need to be prominently displayed on the corresponding watercraft and are not transferrable. At the request of a Resident, a temporary guest watercraft ID may be authorized at the discretion of Developer. At the request of an Operator, a temporary Tenant watercraft ID may be authorized at the discretion of Developer but typically also requires an accompanying Marina Slip rental for Tenant watercraft storage.
- 3) Beach Objects: Issued annually for each Resident or Operator owned Beach Object which protrudes onto or within the lake. Beach Objects may include but are not limited to: Rafts, docks, shades, and boat lifts. No temporary guest or Tenant Beach Object ID's will be authorized.
- 4) Maximum number of IDs allowed: The Developer retains full discretion on the number of ID's that shall be issued to Residents, Operators, guests, or Tenants. Vehicle ID's are typically limited by the number vehicle storage spaces within the applicant Resident's or Operator's Lot. Watercraft and Beach Object ID's are typically limited to the number of slip spaces, dock spaces, marina slips, or other approved storage locations attributed to or controlled by the Resident or Operator applicant.

B. TENANT'S IDENTIFICATION

Residents or Operators who hold rental contracts within HLPUD will be responsible for transferring appropriate ID's to their Tenants. Tenant ID's shall be identical to Resident ID's and not transferrable to another party. Tenant ID's shall not be issued annually and are only valid during the timeframe that the rental or lease agreement is in force.

C. AFFIXING LOCATION

Developer will issue IDs in a form suitable for affixing as detailed below. For prominent visibility IDs should typically be affixed:

- 1) Vehicle: Hangtags should be left on rearview mirror. Stickers should be affixed on rear bumper or rear window.
- 2) Watercraft: The Indiana Department of Natural Resources (IDNR) guidelines for watercraft registration will be followed. Any additional identification shall be affixed in a location to be readily visible while at lowest

- Vehicles may not enter the marinas or other Developer spaces without an ID.

- Watercraft may not be operated or launched upon the lake without an ID.

- Operators can get watercraft ID's.

- Guests & Tenants cannot get Beach Object ID's

- There is a maximum number of ID's allowed. Consult with the Developer for details.

- Tenants might be able to get a watercraft ID but will probably require a marina slip rental.

- Beach Object IDs are more about registration than placing stickers on objects.



buoyancy point. ID preferably affixed between the aft and port quarter of the vessel for visibility while docked or slipped at the marina.

- 3) Beach Objects: ID's need not be affixed. However, affixing readily visible IDs on floating objects, such as rafts, is encouraged. Developer will maintain ID records and will enforce assessment for unauthorized Beach Objects.

D. INDIVIDUAL IDENTIFICATION

Developer reserves the right conduct restricted access events or sponsor restricted access group activities within HLPUD. Individual identification may be required at those events or activities. Daily access to and unrestricted events within the HLPUD site does not require individual IDs. Employees of Developer or their designated representatives shall dress or identify themselves in a prominent manner as a member or representative of Developer.

Summary

- Beach Object IDs are more about registration than placing stickers on objects.

- Individual ID's may be tags, physical cards, but will always be based in the smartphone app. Your registered app will provide access when required.



Sample IDs Exhibit



Vehicle ID:

- » R - Resident, O - Operator, G - Guest, T - Tenant
- » For 2017 calendar year
- » Contains Lot information



Watercraft ID:

- » R - Resident, O - Operator, G - Guest, T - Tenant
- » For 2017 calendar year
- » Contains Operator information



Individual ID:

- » R - Resident, O - Operator, G - Guest, T - Tenant
- » For 2017 calendar year, or may be altered for specific events
- » Contains sponsoring Lot information
- » Includes two access scan function
- » May incorporate photo ID for security
- » May detail access locations
- » May be based in smartphone app

NOTE: Appearance and contents may vary from time to time at discretion of Developer



E. VEHICLE USE

- 1) Only vehicles which may be lawfully operated on the public roadways of the State of Indiana may be operated on the public roadways within HLPUD. Such vehicles shall only be operated as lawfully allowed on said public highways.
- 2) Vehicles specifically allowed to operate, lawfully and per manufacturer's express instructions, within facilities owned by Developer are as follows, without limitation of the foregoing: golf carts, manually powered vehicles, mobility scooters, and pedestrian vehicles.
- 3) Vehicles specifically prohibited from operating within HLPUD are as follows, without limitation of the foregoing: ATVs, UTVs, off road two wheeled vehicles, and tracked vehicles.
- 4) Upon written application, substantiated as required by Developer, exceptions to the vehicle prohibition may be made at the sole discretion of Developer.
- 5) Violation of this vehicle prohibition shall result in the imposition of a fine, to increase with subsequent infractions. Amounts for these fines shall be listed within the Fees & Assessments Table.

F. WATERCRAFT & LAKE USE

- 1) Watercraft with proper ID may utilize the Developer watercraft launching and retrieval area at the Wilson Marina and the lake itself.
- 2) All watercraft launching and retrieval activities subject to inspection by Developer for the express purpose of preventing exotic or invasive plant and animal placement into or out of Heron Lake.
- 3) Operation of all watercraft of any type shall be subject to regulations established and promulgated by Developer including the establishment of use zones in various regions and watercraft restrictions.
- 4) Personal watercraft are allowed, providing the use conforms with Developer guidelines.
- 5) Fishing shall be allowed by Developer per guidelines established for the various species present in the lake. These guidelines are subject to seasonal adjustment and are listed in the General Fishing Regulations exhibit.
- 6) Watercraft should be operated at Idle Speed between sunset and sunrise. Idle Speed herein defined as a speed which does not create undue wake.
- 7) No watercraft use shall pass or approach another watercraft in such a manner as to create hazardous wake or wash.
- 8) All watercraft shall be operated with appropriate safety equipment as approved and condoned by the United States Coast Guard.
- 9) All watercraft operators shall conform to standard recreational boating standards as defined by the United States Coast Guard.
- 10) All accidents shall be immediately reported to the applicable governmental entity.

G. WATERCRAFT RESTRICTIONS

- 1) Rental watercraft are not permitted on the lake or marina areas without proper ID.
- 2) Watercraft activities are allowed and restrictions waived at the sole discretion of Developer.
- 3) The overall maximum speed for the lake is 45 miles per hour (45 mph).

- If you can drive it on the public roads, you can drive it at Heron.

- Heron encourages golfcarts for access, just stay within the Heron community!

- Make sure you know what the potential fines are for infractions!

- If you can't launch your boat on a public lake, then you probably can't launch it here either.

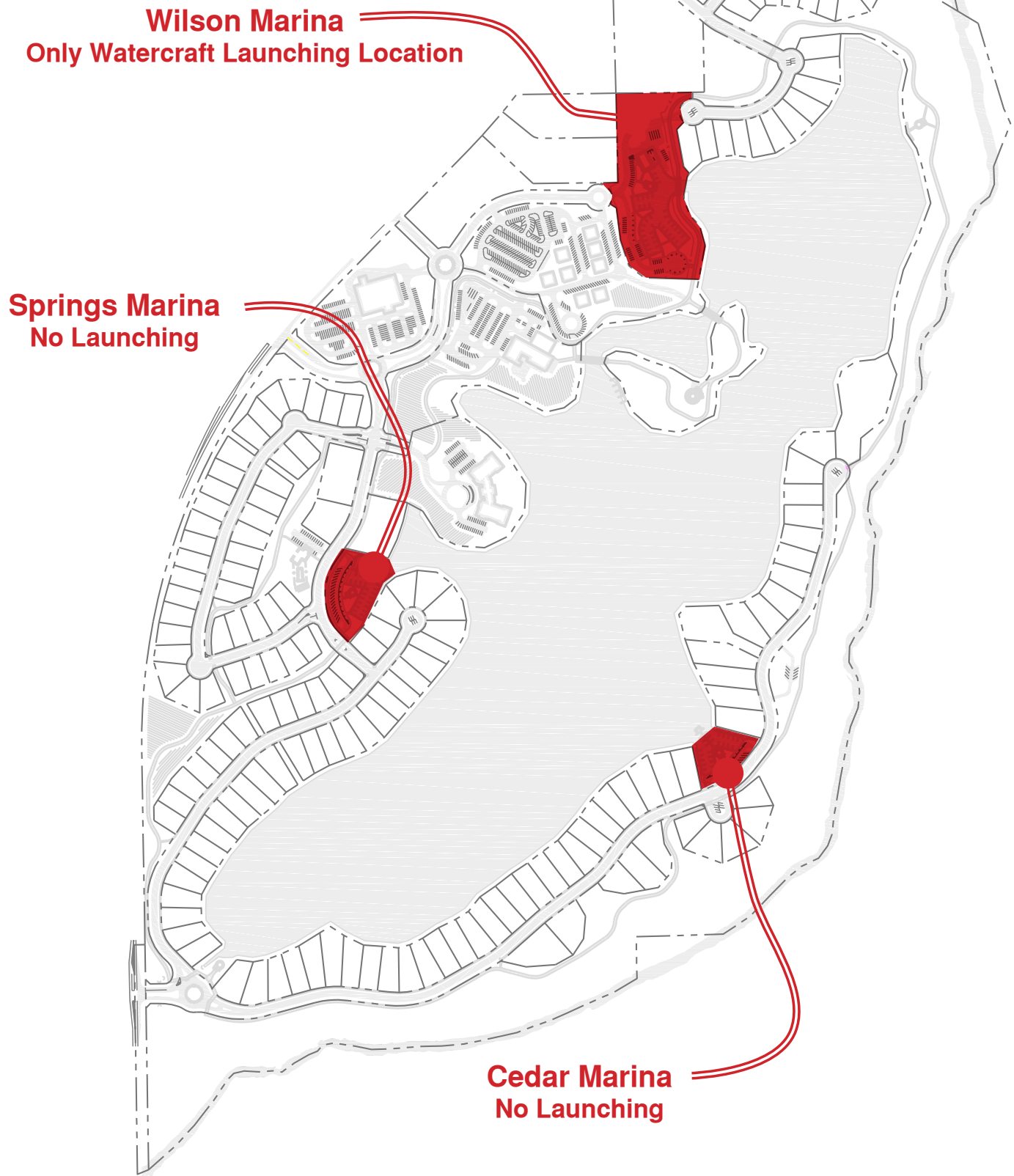
- Heron encourages fishing, just refer to the Fishing Regulations for catch limits and seasons.

- Have a special boating use, talk to Heron about it, they'd love to try and accommodate reasonable requests!

- You can't launch a watercraft without an ID!

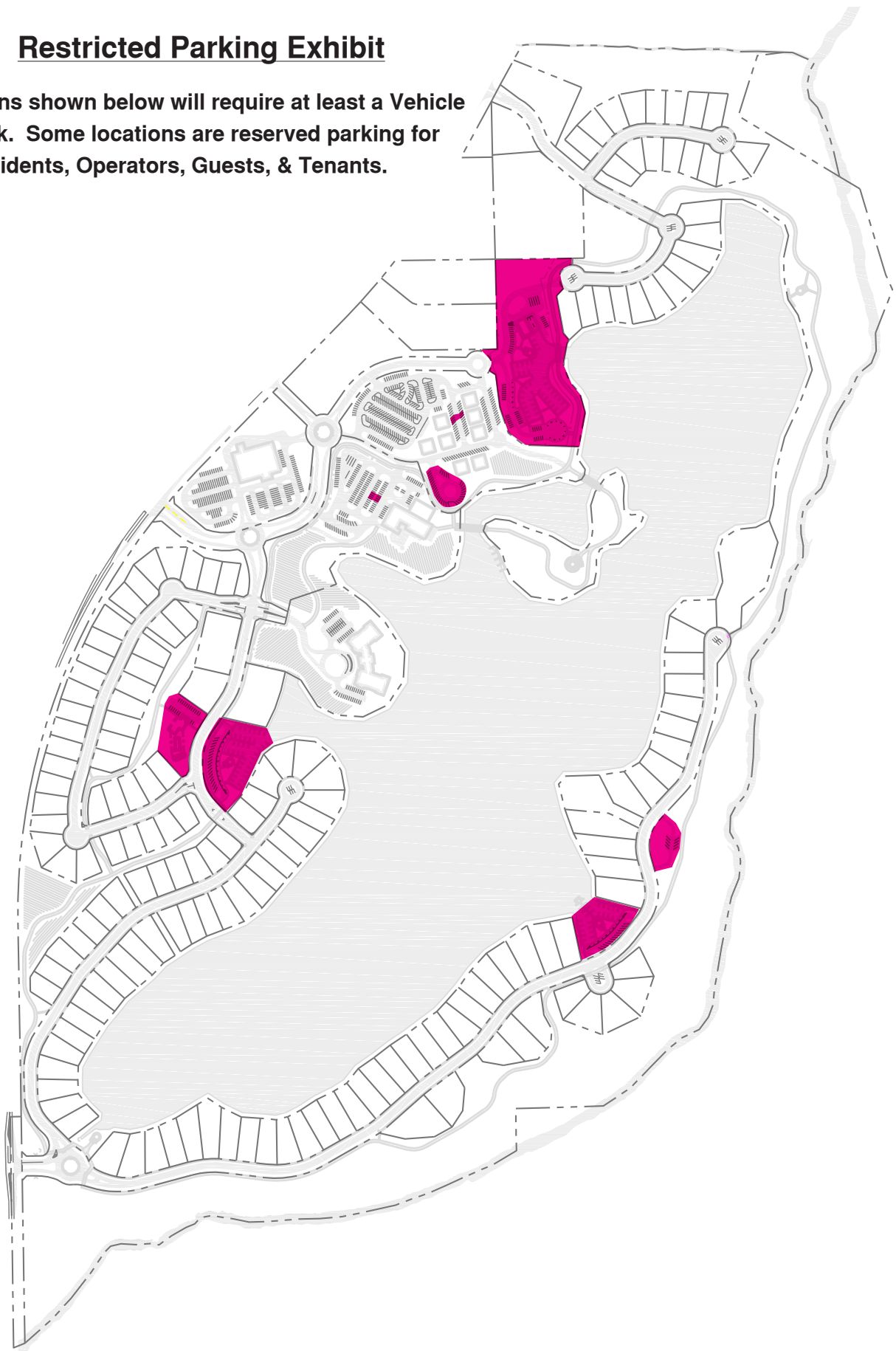


Launching Location Exhibit



Restricted Parking Exhibit

The locations shown below will require at least a Vehicle ID to park. Some locations are reserved parking for Residents, Operators, Guests, & Tenants.



Summary

- No watercraft over 200 horsepower are allowed without approval of the Developer.

- Dock placement is reviewed by HPM. The typical arrangements and sizes allowed are shown on the following page.

- We encourage you to share the site with your guests, just make sure they know the rules, Residents are responsible for their guests.

- Yes, you can rent your house, but no more than one Tenant every 6 nights.

- 4) Power watercraft shall be driven by a single engine, not to exceed 200 horsepower without prior written permission of the Developer. Power watercraft creating excessive noise will not be permitted.
- 5) No watercraft shall be powered in excess of the manufacturer's hull rating or Coast Guard rating for the hull.
- 6) Watercraft are generally limited to an overall length of 28ft with an 8ft beam. Houseboats or watercraft intended for living aboard are generally not permitted for that use.
- 7) Watercraft shall not discharge sewage or wastewater into the lake.
- 8) Developer shall be the only entity with authority to permit or operate work oriented watercraft.

H. DOCK USE, PLACEMENT, & STORAGE

Lakefront properties have the right to place a single dock into the lake. Selection of, authorization of, and placement of docks will be at the discretion of Developer. All Beach Objects use and placement shall be reviewed and approved by Developer. Storage of docks shall not occur on the residential lot but at a designated location within HLPUD.

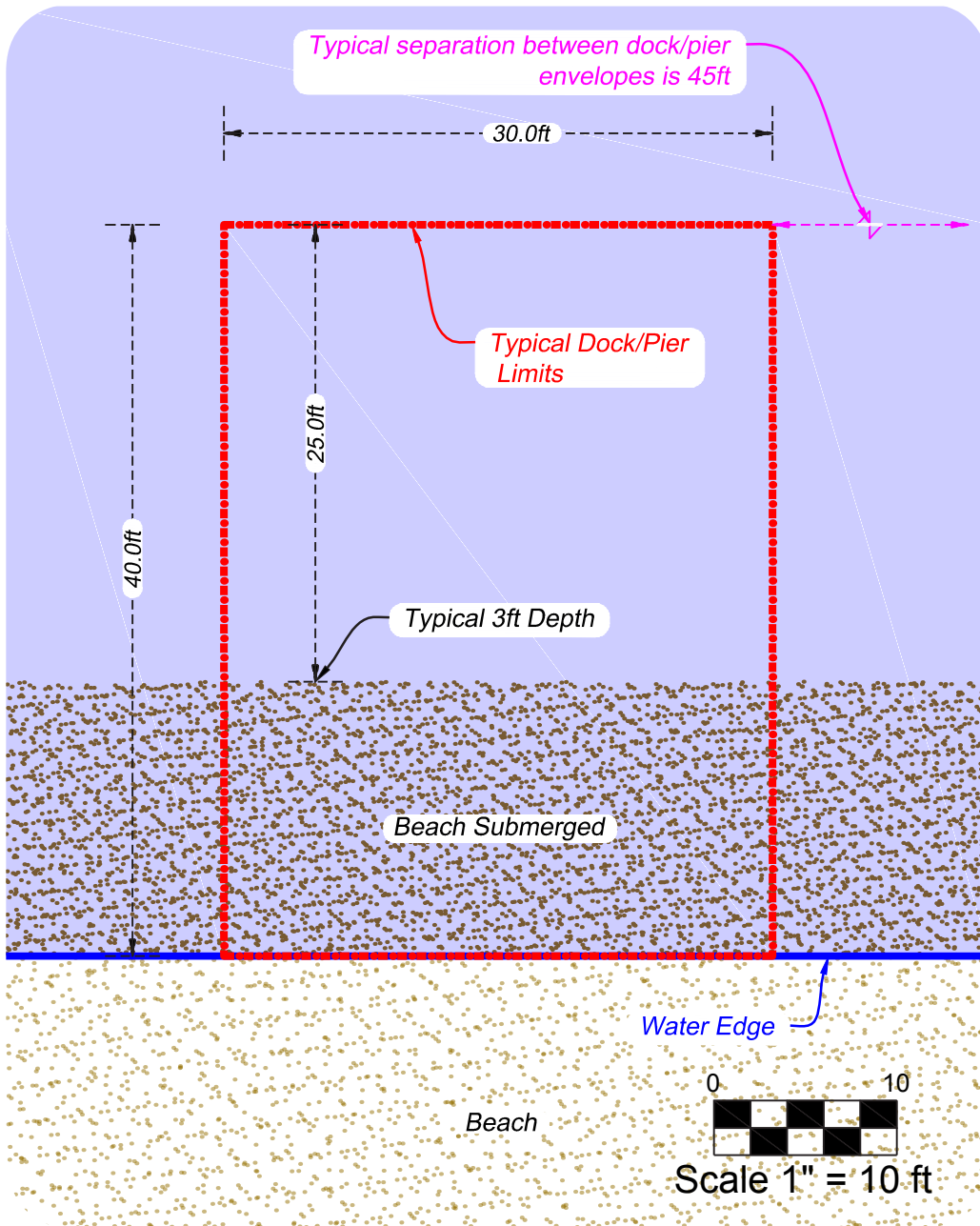
I. USE OF LOTS

- 1) Plant removal within the Lake is prohibited. Developer is responsible for all maintenance activities within the Lake.
- 2) No Resident may remove debris or plants from or place debris or plants onto the Lot of another Resident.
- 3) Residents with lakefront Lots may not authorize use or provide access to the Lake for unauthorized individuals or companies.
- 4) Residents may obtain guest IDs for marina access from Developer.
- 5) Noise levels can be amplified by the lake. Residents should take care that their activities and noise levels not be intrusive upon other Residents. Developer will respond to and resolve complaints.
- 6) Tourist Homes
 - a) Residents and Operators who choose to rent their Lots are responsible for the behavior of their Tenants. Tenants will be assumed to be knowledgeable in the Restrictions and Covenants of the HLPUD. Violation penalties of the Site and Lake Use Guidelines, as well as other Covenants, will be assessed to the Resident or Operator.
 - b) Providing accurate IDs for Tenants to Developer will be the responsibility of the Resident or Operator.
 - c) Use of Developer owned amenities and Lots is restricted to Residents, Operators, and their guests. Renting or leasing of lake access, amenities, and other features is prohibited.
 - d) A Resident may only rent or lease their Lot and assign Resident privileges for a temporary amount of time.
 - e) A Operator may only rent or lease their Lot and assign Operator privileges for a temporary amount of time.
 - d) Residents and Operators may only rent or lease their Lots for a minimum of 7 days (6 consecutive overnight stays) per Tenant agreement. This expressly prohibits more than one Tenant agreement per 6 consecutive nights. Longer period agreements are encouraged by the Developer.



Dock / Pier Sizing Exhibit

Purpose: Regardless of configuration selected, see Dock/Pier Configuration Exhibit, the overall Dock/Pier structure shall fit within the Typical Dock/Pier Limits shown below in red. Waivers may be granted by the Developer.



Intent: The Typical Dock/Pier Limits shown below in red, is intended to provide adequate docking/mooring space as to not infringe on the submerged portions of the beach. The limit is a guideline and will be evaluated at each proposed shoreline location.

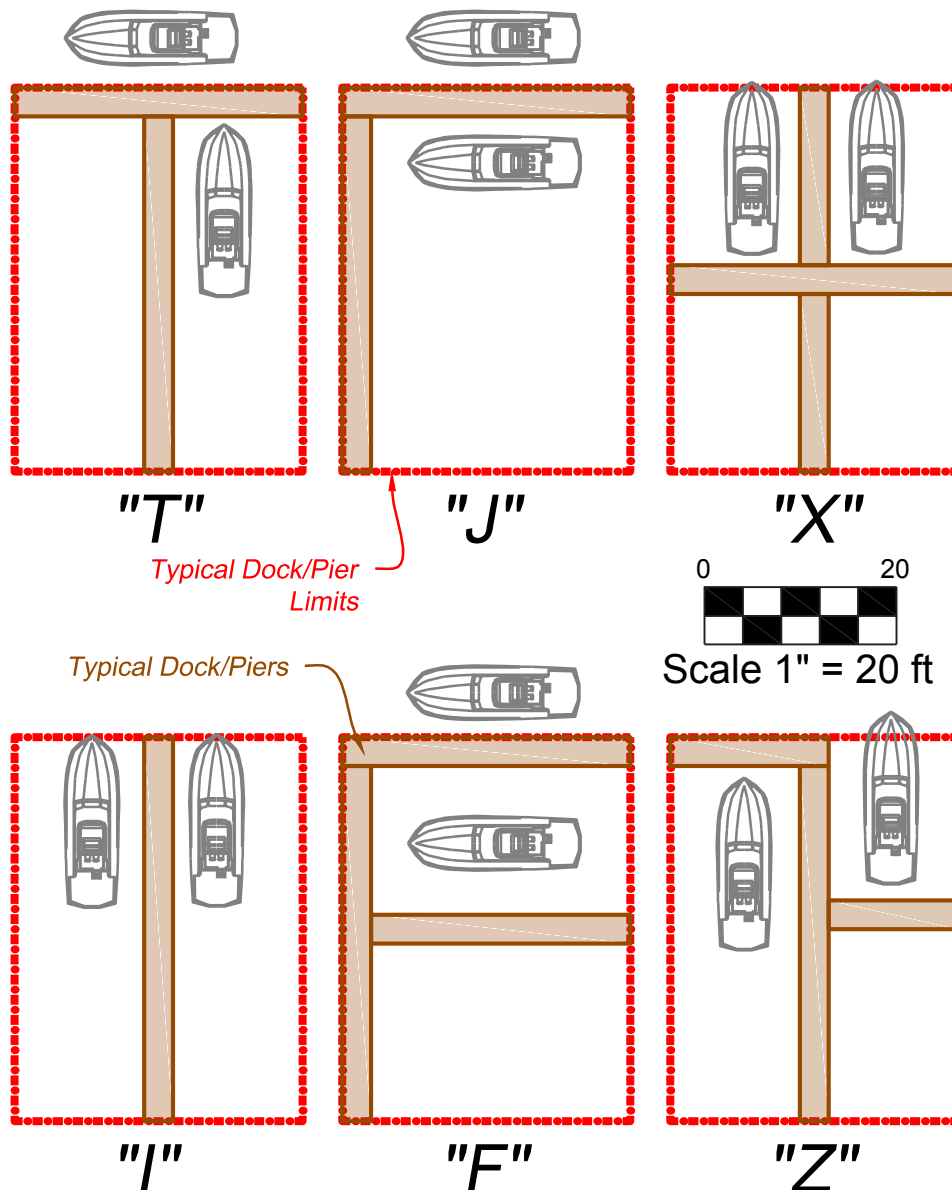
Summary

- No dock/pier shall infringe on an adjoining Lot's Lake access.
- Design your dock/pier to fit within a 30ft x 40ft rectangle.
- Centering your dock/pier on your Lot line is advised but not required depending on shoreline.



Dock / Pier Configuration Exhibit

Purpose: HPM shall make available these dock configurations. The overall size and specific configuration is at the discretion of the Resident or Tenant providing the overall size does not exceed the dock size envelope. Waivers may be granted by the Developer.



Intent: The Typical Dock/Pier Configurations shown above in brown, are intended to provide adequate docking/mooring space (3-4 total watercraft) to allow a variety of watercraft and adequate approved storage locations.

Summary

- No dock/pier shall infringe on an adjoining Lot's Lake access.
- Configure your dock/pier to fit within a 30ft x 40ft rectangle. The watercraft are not included in that size limit.
- Centering your dock/pier on your Lot line is advised but not required depending on shoreline.



J. WATERSHED RESPONSIBILITIES

- 1) Residents and guests are responsible for ensuring run off from their property does not unduly affect lake health. To this end Residents must use phosphorous-free fertilizers, soaps and detergents wherever feasible.
- 2) The following activities, all of which affect the lake either directly or indirectly, are strictly prohibited:
 - a) Placing non-native debris into the lake (trash, etc.)
 - b) Adding non-native materials to beaches or lake bottom without express consent of Developer.
 - c) Washing objects or pets in the lake with un-approved soap or detergent.
 - d) Allowing any person or pet to pollute the lake with urine or feces.
 - e) Painting of Beach Objects in the lake.
- 3) Dumping of any unauthorized liquids, solids, waste, or other debris into the lake is prohibited.

III. GENERAL

A. Developer OFFICE LOCATION/ADDRESS NOTIFICATION

The Developer Office is located near the Wilson Marina at XXX. Developer maintains site records and Resident and Operator records at this location. All Site and Lake Use Guidelines, Bylaws and general information concerning Developer-owned facilities may be reviewed at this location. Each Resident and Operator is responsible for reporting a current address and phone number to Developer.

B. COMPLAINTS OF VIOLATIONS OF SITE AND LAKE USE GUIDELINES

Developer will make every reasonable attempt and take every reasonable action to resolve complaints formally presented. However, anonymous complaints will not be given priority as Developer cannot report the status of resolution or determine if the complaint has been resolved. The identity of a complainant will not be divulged unless Developer is instructed to do so. Developer will provide a variety of measures by which a written complaint can be made directly and confidentially to Developer. Time sensitive complaints such as boating violations and safety concerns can be reported via phone, text, or the Developer smartphone application.

C. SCHEDULE OF FEES FOR Residents AND OPERATORS AND FINES FOR VIOLATIONS OF SITE AND LAKE USE GUIDELINES

Refer to the Schedule of Fees, Assessments, and Fines exhibit. Fees, Assessments, and Fines will be levied for but not limited to the following activities or services:

- 1) Assessment: **A.1 - A.6** - Required Resident and Operator assessment for privileges as defined previously.
- 2) Assessment: **A.7 - A.8** - Voluntary assessment for Villaminium-style services as defined in the Villa Services contract. Minimum time length for securing services is 3 months.
- 3) Fee: **F.1 - F.3** - Required Fee for issuing and replacing Developer Identification.
- 4) Fee: **F.4 - F.5** - Recovery of unrestrained or capsized watercraft and beach objects - cost of recovery may include fine. Developer may waive fee

- Make sure you only use approved cleaners and methods when cleaning outside.

- If all else fails, during normal business hours, you can always speak to someone at the HPM office, or find hard copies of the Rules and Covenants.

- Anonymous complaints will not be given priority as no follow-up or ability to determine if the issue is resolved is possible.

- Use your smartphone app to connect with and inform HPM.

- The Covenants control the maximum amount of increase per year for Assessments and Fees (8% per year).



and/or fine based on weather conditions and extenuating circumstances.

- 5) Fee - Rental: **R.1 - R.3** - Residents or Operators may rent facilities within the HLPUD per contracts and requirements specified by Developer.
- 6) Fee - Rental: **R.4** - Residents, Operators, or Tenants may rent marina slip facilities as available within the HLPUD per contracts and requirements specified by Developer.

- 7) Fee - Rental: **R.5 - R.6** - Residents or Operators may reserve regions of the Lake for specific uses per oversight of the Developer. Restricted uses, such as sitewide athletic events, public gatherings, fundraisers, may also be approved per contracts and requirements specified by Developer.

NOTE: All fines based on material property damage experienced during infraction.

- 8) Fine: **P.1** - Plant debris dumping in lake or on other property
- 9) Fine: **P.2** - Garbage dumping in lake or on other property
- 10) Fine: **P.3** - Vandalism - Developer offers a standing \$1000.00 reward for conviction of vandalism perpetrators. Developer will attempt to seek restitution from all individuals (guardians if vandal is minor)
- 11) Fine: **P.4** - Vehicle trespassing - law enforcement notification, fine, restitution, and/or repair costs.
- 12) Fine: **P.5** - Improper use of facilities resulting in damages to facilities or amenities. Activities may include improper use of unapproved fertilizers, vehicular damage to landscaped areas, trail facility damage. Developer will attempt to seek restitution from all individuals involved. Developer may waive fee and/or fine based on weather conditions and extenuating circumstances.
- 13) Fine: **P.6** - Tree removal from tree protection zone without Developer consent is strictly prohibited.

D. PARKING

Parking is permitted for vehicles with IDs at the marinas and parkspaces. During times of parking lot repair, inclement weather, and/or snow removal these facilities may be unavailable.

E. VANDALISM

Acts of vandalism or other acts of malicious mischief or damage to Developer property will be prosecuted. Residents and Operators will be held responsible for their Guests and/or Tenants. Developer offers a \$1,000 reward for providing information leading to the conviction of anyone damaging or vandalizing Developer property.

F. COMMERCIAL ENTERPRISE

Residents may not engage in any commercial enterprise of any sort, including those related to boating, fishing, swimming, in or upon the lake. Developer may grant exemptions for personal businesses, which do not require the coming and going of clients and which do not engage in obnoxious noises or manufacturing related concerns.

G. PERSONAL NOTICES

Residents may post notices at public bulletin boards located in and around the marinas and Developer office. Residents and Operators are encouraged to use the Heron Lake smartphone application for posting notices and reviewing the latest updates and news items from the Developer. Electronic notifications may also be included in Developer communications.

Summary

- The pavilions and regions of the lake may be rented/reserved by Residents.

- Remember that the HPM fine will be in addition to any other fine imposed by other parties or law enforcement.

- There are areas of dedicated parking for Residents throughout the Heron Lake site.

- A standing \$1,000 reward is available to help prevent vandalism.

- Operators or Tenants may operate their commercial enterprise but it may not be lake related without consent of the Developer.

- Use the smartphone app to connect with other Residents and be informed about activities and opportunities.



Schedule of Fees, Assessments, Penalties & Fines - Heron Lake

Adopted: December 31, 2017 [Valid 12 months]

Assessments		Payment Options	
		Monthly	Annual [Lump Sum]
Resident			
A.1	Lakefront	\$320.00	\$3,500.00
A.2	Lakefront - Full AI / ACC Waiver	\$230.00	\$2,500.00
A.3	Non-Lakefront	\$250.00	\$2,750.00
A.4	Non-Lakefront - Full AI / ACC Waiver	\$160.00	\$1,750.00
Operator			
A.5	Owner	\$590.00	\$6,500.00
A.6	Tenant	\$480.00	\$5,300.00
Villa Services			
A.7	Lakefront	\$410.00	\$4,500.00
A.8	Non-lakefront	\$295.00	\$3,250.00
A.9	Commercial [per acre/site]	\$590.00	\$6,500.00

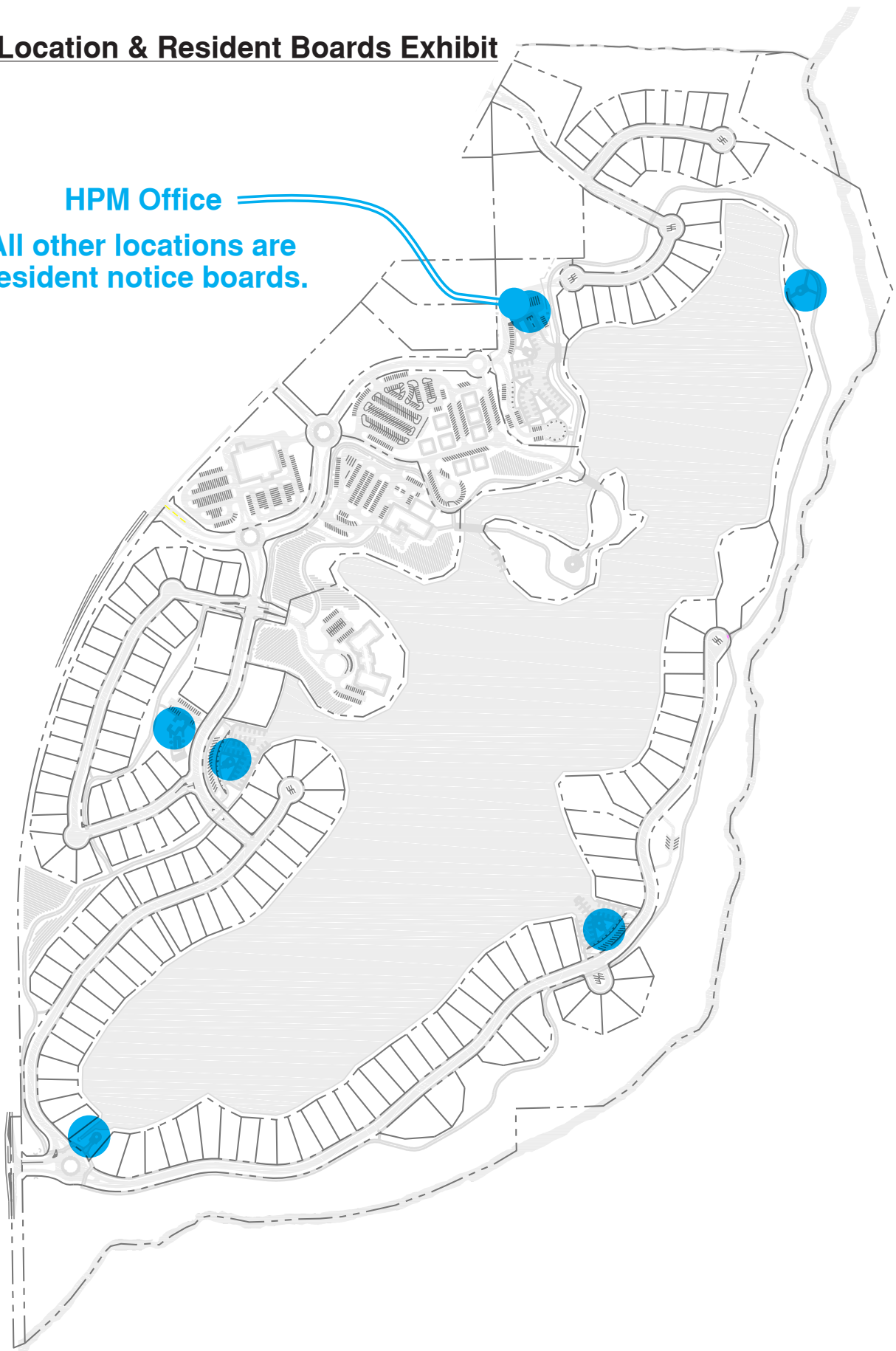
Fees		New / Instance	Replacement
ID's			
F.1	Resident, Operator, Tenant, & Guest	\$50.00	\$30.00
F.2	Watercraft	\$75.00	\$50.00
F.3	Beach Object	\$20.00	\$20.00
Recovery			
F.4	Watercraft	\$200.00*	
F.5	Beach Objects	\$150.00*	
Notes: * - Fee may be waived or varied due to circumstance or severity of retrieval			

Rentals		Resident	Non-resident
Buildings			
R.1	Vineyard Lodge	\$30.00/hr	
R.2	Trail Pavilions	\$0.00/hr	
R.3	Island Pavilion	\$200.00/hr	\$300.00/hr
Lake			
R.4	Marina Slip	\$850.00/year	
R.5	Region	\$50.00/region	
R.6	Restricted Use	\$50.00/event	
Cleaning fees may be added due to condition of buildings after rental.			

Penalties / Fines		Offense			
		1st	2nd	3rd	Recurring
Offenses					
P.1	Plant Debris Dumping	\$500.00 LE	\$750.00 LE	\$1,000.00 LE	LE
P.2	Garbage Dumping	\$1,000.00 LE	\$2,000.00 LE	LE	LE
P.3	Vandalism	Reward	LE		LE
P.4	Vehicle Trespassing	\$500.00 LE			LE
P.5	Improper Facility Damaging Use	\$100.00	\$250.00	\$400.00	\$400.00
P.6	Improper Tree Removal	\$1,000.00	\$1,000.00	\$1,000.00	LE
Notes: LE - Law Enforcement will be notified. Reward - Standing \$1,000 reward for information.					

Office Location & Resident Boards Exhibit

HPM Office
All other locations are
Resident notice boards.



H. GENERAL NUISANCES

Residents and Operators shall not produce obnoxious conditions nor contribute to such conditions. Residents and Operators shall endeavor to ensure that all surrounding Residents and Operators may be able to fully benefit from the enjoyment of their property. Developer will enforce resolution for all complaints and ensure that Residents and Operators may enjoy their property and the Lake.

Residents and Operators may not use outdoor power equipment or produce excessive noise between the hours of 9:00PM and 8:00AM. Lawn care activities, in particular, should be performed at appropriate times.

I. ECOLOGICAL CONCERNS

- a) Waterfront Residents or Operators should consult Developer regarding any maintenance concerns along the lakeshore or conservancy district.
- b) Feeding waterfowl can lead to unwanted animal densities and accompanying fecal pollution. This unnatural feeding can also inhibit migratory patterns. Developer is committed to maintaining a healthy animal population with minimal negative impacts to the animals or Residents.

J. FIREWORKS

- 1) State of Indiana regulations pertaining to Fireworks and Firework Displays will hold for the HLPUD.
- 2) Fireworks that are not restricted by the State of Indiana (sparklers, snakes, waterfalls, etc.) may be enjoyed by Residents without prior notification to Developer.

K. RISK NOTIFICATION & ACCIDENT REPORTING

The use of Developer-owned facilities, lake, and amenities is at the user's own risk. Should an accident or an injury be sustained during use of a Developer facility, after appropriate healthcare and/or police notification, the Developer Office and/or a Developer Officer must be notified. Developer may be contacted for this purpose at: 260-920-8121 or via the emergency notification option within the smartphone application.

L. SECURITY

- 1) Police services are provided by the DeKalb County Sheriff's Department. They can be contacted at: 260-925-3365 or 911 in an emergency.
- 2) HLPUD Residents and Operators have the authority to notify trespassers to leave Developer property.
- 3) Developer personnel have the authority to notify trespassers to leave Developer property and will notify law enforcement personnel as appropriate.
- 4) Developer can be contacted at: 260-920-8121 or via the smartphone application.

M. BOATING REGULATIONS

- 1) Watercraft propelled by combustion engines in excess of 200 horsepower are prohibited on Heron Lake. Waivers may be granted by Developer
- 2) All watercraft operators using the lake should be familiar with the current State of Indiana, Department of Natural Resources Boating Handbook and accompanying regulations.

- Outdoor activities should take your neighbors enjoyment of their lot into consideration.

- The site is being professionally maintained, please do not intentionally attract nuisance animals.

- Always contact the appropriate public agency, or health services company, prior to notifying HPM of accidents or perceived emergencies.

- Make sure you are familiar with the boating regulations for the State of Indiana.



Summary

- Enjoy your boating activities safely and responsibly.

- The Clubhouse may be rented/reserved by Residents.

- The Heron Lake site will eventually be within the City of Auburn municipal limits, only those appropriate activities will be allowed.

- 3) Any watercraft must be operated in a responsible manner. Indiana state law generally prohibits operating a watercraft while:
 - a) Intoxicated
 - b) Consuming an alcoholic product
 - c) Within prohibited areas
 - d) Loaded beyond its safe carrying capacity
- 4) Designated swimming areas are off limits to all watercraft.
- 5) Deliberate capsizing of watercraft (with the exception of formal boating instruction or proper use of kayaks) is strictly prohibited.

N. FISHING

- 1) Only Residents, Operators and/or Guests, Tenants may fish the Lake. Indiana State Conservation Laws concerning fishing methods, wanton waste, and species introduction will apply. Seasons, species, sizing, and bag limits will be determined by the Developer.
- 2) Fishing or casting lines is prohibited within 50 feet of the designated swimming areas.
- 3) Ice fishing is subject to the same regulations as fishing from a watercraft and requires a Developer ID.
- 4) The cleaning of fish in any non-designated fish cleaning area on Developer owned property, such as on the lake, or at the lakeside is prohibited.
- 5) Use of any chemical or electrical attractant or chumming is strictly forbidden.

O. DOCKS

- 1) Waterfront property owners may have one dock per residence.
- 2) Developer may oversee all dock placements and retrievals.

P. THE CLUBHOUSE

The Developer Clubhouse is located near the Springs Marina. These facilities are for the enjoyment of Residents and may be reserved for large parties or group meetings.

Q. HUNTING, TRAPPING, WEAPONS

- 3) Hunting within HLPUD is specifically PROHIBITED AND FORBIDDEN. This includes use of any of the following in pursuit of game: Pistol, rifle, shot gun, pellet gun, B-B gun, slingshot, crossbow, and bow and arrow.
- 4) For reasons of public safety, recreational use of firearms within the HLPUD is STRICTLY PROHIBITED. Individuals who wish to engage in such recreational use should use the various commercial firing ranges available in the surrounding community.
- 5) Recreational use of bow and arrow on one's own property is PERMITTED, provided that all pertinent safety provisions (e.g. target backstops, etc.) are complied with. This includes making certain that the location of the target and allowable distance is such that projectiles do not crossover to the property of other lot owners, Developer property, or the lake.
- 6) The discharging of any weapon is totally prohibited.
- 7) Trapping for household rodent control is permitted. Other forms of trapping are prohibited. Developer hires a state- approved trapper to remove beavers because of the damage they do to the trees and because of the huge hutches they produce on the lake.



IV. AMENDMENTS

Amendments to the Site and Lake Use Guidelines may be proposed by any member of the Developer. The Developer will then decide which amendments to adopt. The Developer invites comment from the Residents regarding amendments, both proposed and those under review.

Summary

- Voice your opinion to the Developer at any time regarding proposed amendments or concerns over existing regulations.



General Boating Regulations Exhibit

General: Operators of watercraft shall observe traffic rules detailed within the Indiana Boating Rules.

Site specific traffic rules:

- 1 - Marinas, coves, bays, and connecting waterways shall be minimum speed zones, "Idle Zones", speed not to exceed 5 MPH and shall cause minimal wake.**
- 2 - Watercraft exiting Idle Zones shall yield to watercraft underway.**
- 3 - No mooring or anchoring watercraft in a location that impedes the traffic flow.**
- 4 - Watercraft underway shall not operate closer than 35 feet to any other watercraft and/or 50 feet from the shoreline.**
- 5 - Within skiing or special use regions no watercraft other than those specific to the region's activities shall be allowed.**
- 6 - The maximum speed of any watercraft is 45 MPH. Waivers may be granted by Developer within special region zones.**

Special use regions:

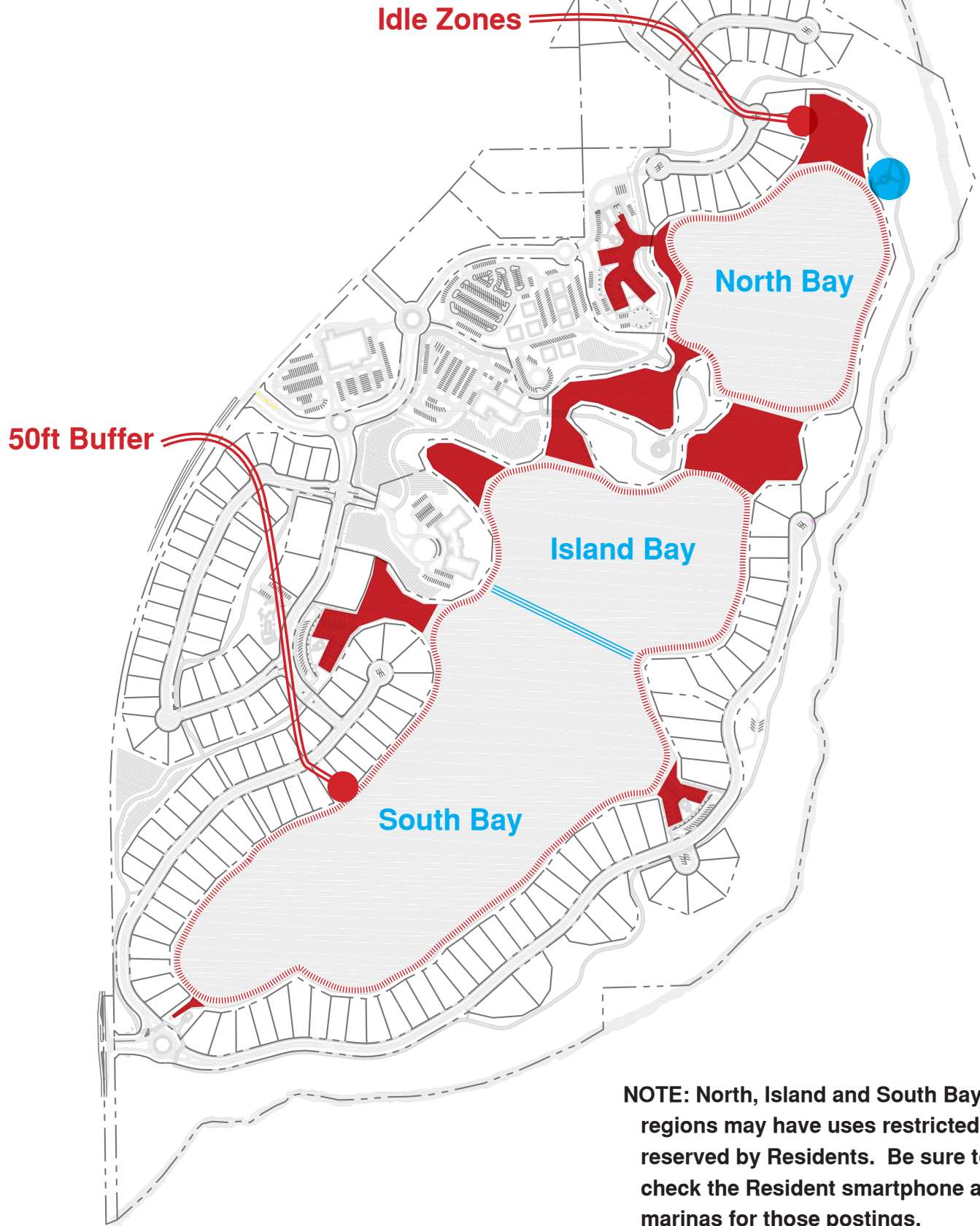
- 1 - The Lake has been divided into 3 distinct regions to allow for use designation and restriction of activities in a specific area for a specific purpose without impacting the entire Lake. Those regions are detailed on the following page.**
- 1 - When regions have been set aside for a specific use, placards or other notifications shall be posted to indicate restrictions. Colors shall be used to indicate special region speed and use limits:**
 - A - Red : No watercraft allowed. Swimming permitted.**
 - B - Yellow : Watercraft at idle speed only. SCUBA Diving allowed. Swimming permitted.**
 - C - Green : Region specific uses allowed. SCUBA by permit only. No swimming permitted.**

Towing Method (Skiing, Tubing, Knee Boarding, Wake Boarding, etc.) Lakesports:

- 1 - No towing method lakesports shall be permitted within Idle Zones.**
- 2 - No towing method lakesports shall be permitted without at least one operator and one observer on the towing watercraft. An exception is made for emergency boat retrieval or other similar uses.**
- 3 - No watercraft shall pull more than 2 distinct towed objects at one time.**
- 4 - Personal watercraft shall not tow any object. An exception is made for emergency boat retrieval or other similar uses.**
- 5 - No para-sailing or kite based towing activities shall be permitted.**
- 6 - Residents and Operators are encouraged to reserve times and regions for specific unique uses.**



General Boating Exhibit



NOTE: North, Island and South Bay regions may have uses restricted or reserved by Residents. Be sure to check the Resident smartphone app or marinas for those postings.



General Fishing Regulations Exhibit

Preface: Only Residents, Operators and/or Guests, Tenants may fish the Lake. Indiana State Conservation Laws concerning fishing methods, wanton waste, and species introduction will apply. Seasons, species, sizing, and bag limits will be determined by the Developer.

General Fishing rules:

- 1 - Fish may be kept per the fishing regulations.
- 2 - Fish stocking is the sole responsibility of the Developer. No other person or entity may introduce any species or type of aquatic animal without written consent of the Developer.
- 3 - All people fishing are encouraged to make a reasonable effort to maintain the healthy condition of all fish. Should a fish expire during capture and/or release, do not place back into Lake.

Special use activities:

- 1 - Lakewide fishing activities, such as tournaments or other gatherings, may occur from time to time. During those activities fishing privileges may be suspended temporarily for those not participating.
- 2 - Colors shall be used to indicate special region speed and use limits:
 - A - Red : No watercraft allowed. Swimming permitted.
 - B - Yellow : Watercraft at idle speed only. SCUBA Diving allowed. Swimming permitted.
 - C - Green : Region specific uses allowed. SCUBA by permit only. No swimming permitted.

Penalties for non-compliance:

Flagrant disregard for the fishing regulations will result in all Lake access privileges being revoked for a period of time. The severity of the penalty will be at the sole discretion of the Developer. No refunds on Assessments will be given if/when privileges are revoked.

Schedule of Bag Limits, Sizing, & Species - Heron Lake				
Adopted: December 31, 2017 [Valid 12 months]				
Season	Species	Minimum Size*	Limits [Per Angler]	
			Daily	Annual
Resident or Operator [Guest or Tenant is included within Limits]				
-	Black Bass: Largemouth, Smallmouth, Spotted	14"	5	-
-	Perch: Yellow	12"	10	-
-	Sunfish: Bluegill, Redear	-	15	-
-	Panfish: Black Crappie, White Crappie	-	20	-
-	Catfish: Blue, Channel, Flathead	14"	5	-
-	Walleye	16"	C/R	-
-	Turtle: Spiny Spotted Softshell	12"	C/R	-
Jul 1 - Mar 31	Turtle: Eastern Snapping, Smooth Softshell	12"	2	4
Jun 15 - Apr 30	Game Frog: Bull, Green	-	25	50
NOTES: * = Tip of snout to end of tail, ** = Carapace length, C/R = Catch & Release Only,				



Comments/Response:☐ Mail☐ Email☐ Will Pick Up☐ Request HPM Meeting**HPM Office:**

App #: _____

Date Received: _____ By: _____

Heron Lake - General Resident / Operator Application**Applicant Information:****Resident/Operator:**

Name: _____

Resident/Operator #: _____

Address: _____

Region [Springs, etc.]: _____

Phone: _____

Lot #: _____

Email: _____

**Purpose of Application:****General:**☐ Dock Placement☐ Dock Rental☐ Watercraft / Object Retrieval☐ Villa Service Request☐ Other: _____**ID's:**☐ Individual☐ Vehicle☐ Watercraft☐ Beach Object☐ Replacement: _____☐ Guest / Tenant**Facility Rental:**☐ Trail Pavilion☐ Island Pavilion☐ Vineyard Cluhouse☐ Marina Slip☐ Lake Region☐ Restricted Use**Guest / Tenant ID**

Name: _____

Site Address: _____

Phone: _____

Email: _____

Pavilion / Clubhouse Rental

Desired Rental

Location: _____

Date: _____

Time: _____

HPM Services: Yes / No

Watercraft / Beach Object ID [only those applicable]

IN Registration: _____

Watercraft VIN: _____

HP / Length: _____

Object Type: _____

Lake Region / Restricted Use

Desired Region

Location: _____

Date: _____

Time: _____

HPM Services: Yes / No

Total Fees: _____*Fees from Schedule of Fees Exhibit
Make payable to "Heron Property Management"*

By submitting this application I authorize HPM or its agent to perform on-site observations, including taking photographs, etc., of the watercraft, vehicle or beach object and/or reviewing supporting documentation for compliance.

Applicant Signature: _____ **Date:** _____**HPM Response:**☐ Approved☐ Approved with Conditions☒ Rejected**Conditions:**☐ Alt Time: _____☐ # of IDs: _____☐ Retrieval Agreement req'd☐ Villa Service Agreement req'd☐ HPM Service Agreement (cleaning, etc.)☐ HPM waives watercraft requirements

Fees Received By: _____

HPM Member #1

HPM Member #2

*Receipt of Approval if signed***ID # Approved:** _____*[See back of page for General Application Package Requirements]*

Heron Lake - General Application Requirements

Pre-Submittal: Applicants are encouraged to discuss Application requirements and Application contents with the HPM Office prior to official submittal. The HPM Office maintains regular office hours and would prefer to address deficiencies and propose solutions prior to official submittal.

Submittal: Application, required fees, and accompanying documentation must be submitted in person to the HPM Office. A dropbox location shall be provided for after hour submittals. Incomplete applications will be returned without review.

Materials Returned: A copy of the Application with findings will be returned to Applicant via method selected by Applicant. All accompanying documentation will be retained by ACC for archival purposes. If Applicant wishes to receive a copy of approved documentation with ACC approval stamp, submit number of copies desired along with Application.

General Application Requirements:

All electronic requirements may be submitted via the smartphone app or to applications@herondev.com [As Applicable]

Dock Placement:

- Provide preferred location of dock attachment point. A simple sketch with approximate distances from property corners or lot features is sufficient.
- Provide special instructions for installation (preferred dates, to be done with Resident/Operator oversight, etc).

Dock Rental:

- Same as Dock Placement plus:
- Provide preferred dock configuration and sizing.

Villa Services:

- Provide unique requests.
- Provide signed (or redlined) Services Agreement.

ID's:

- Provide a copy of the accompanying documentation:
 - **Individual:**
Photo ID
 - **Watercraft:**
Photo
IN Registration Info
 - **Vehicle:**
Drivers License
Photo
Registration Info
Insurance Info
 - **Beach Object:**
Photo

Facility Rental:

- Provide signed (or redlined) Rental Agreement.
- Provide a copy of the accompanying documentation:
 - **Island Pavilion:**
Photo ID
 - **Marina Slip:**
Photo ID
Preferred slip location
 - **Lake Region:**
Preferred regions. (See map provided by HPM)
 - **Restricted Use:**
Provide narrative of event and purpose.
Preferred regions.

Misc Application Requirements: Applicants are encouraged to provide as much information as feasibly available to define the application proposed. Narratives and other information will allow HPM to provide feedback and initial responses. Electronic files are encouraged to eliminate excessive printing needs.





HERON LAKE

City of Auburn - Planned Unit Development

Score Card Companion

Guidance & Definitions for the Improvement Review Process

Adopted: January 1, 2018

Heron Lake Planned Unit Development

Score Card Companion - Guidance & Definitions for the Improvement Review Process

Purpose

Information support for making score card decisions and in working with your Architect and Contractor in planning your home. This document will take each item listed on the score card and explain why it is important, how it is incorporated, and examples of material/system.

Why?

General:

This year it is estimated that 40-48 percent of new nonresidential construction will be green. [USGBC Green Building Facts]

Energy:

- » According to the USGBC Buildings account for 40% of the worldwide energy use, and 70% of electricity use.
- » Energy used during its lifetime causes as much as 90% of environmental impacts from buildings according to Journal of Green Buildings.
- » Buildings are one of the heaviest consumers of natural resources and account for a significant portion of the greenhouse gas emissions that affect climate change. In the U.S., buildings account for:
 - » 38 percent of all CO₂ emissions
 - » 73 percent of electricity consumption[USGBC Green Building Facts]

Construction Waste:

From report prepared by U.S. EPA in 1998

- » An estimated 136 million tons of building-related C&D debris were generated in 1996
- » The estimated per capita generation rate in 1996 was 2.8 pounds per person per day.
- » Forty-three percent of the waste (58 million tons per year) is generated from residential sources and 57 percent (78 million tons per year) is from nonresidential sources.
- » Building demolitions account for 48 percent of the waste stream, or 65 million tons per year; renovations account for 44 percent, or 60 million tons per year; and 8 percent, or 11 million tons per year, is generated at construction sites.

Water:

Buildings use 13.6 percent of all potable water, or 15 trillion gallons per year. [USGBC Green Building Facts]

Retrofitting 1 out of 100 American homes with water-efficient fixtures could avoid approximately 80,000 tons of greenhouse gas emissions, the equivalent of removing 15,000 cars from the road for one year. [USGBC Green Building Facts]



Materials:

Buildings use 40 percent of raw materials globally (3 billion tons annually). [USGBC Green Building Facts]

The bottom line is:

- » **Incorporating green systems recommended can reduce monthly utility bills by 25% or more!**
- » **Will make your home healthier and more comfortable.**
- » **Will add value to your home.**

General Guidance

Building/Design Considerations: Many factors go into the Design of your Home, it important to start with the right mindset and understanding. Following are a few important points:

Recyclable Materials: As choices of building materials and finishes are being made, an understanding of how will the materials be disposed of at the end of its usefulness. EX: brick can be salvaged for reuse or ground for landscaping material. Vinyl siding is not recyclable and negatively impacts the landfill.

Durability: How long will the material or system last in comparison to the expense (life cycle cost). The longer an item lasts with reduced maintenance the greater the life cycle cost and the greater value to you.

Reuse/Salvaged materials: Reusing materials replaces the need to use new materials which would have to be harvested. Look at items being incorporated that could have a salvage value for when its current use is complete.

Renewable materials: Use items that the source materials can be replaced in a short period of time. There are many attractive and durable materials being manufactured based upon this mythology today.

Local availability: Materials that are produced close to the construction site supports local business, and reduces transportation impact and cost.

Resource system efficiency: Look to systems that minimize laying of materials and simplify the product. As you are designing and constructing reduce redundancy of materials and minimize cut off waste. EX: use polished concrete as the finished floor, as opposed to concrete with mastic and carpet.

Non Toxic Materials: Many building materials off gas harmful vapors in the construction process and continue after the facility is completed. Be aware of these materials and try to avoid/minimize as possible. Use Low/No VOC adhesives and paint, and Formaldehyde-free materials.



Sections:

Purpose & General Guidance	2 - 3
Building Ordinance	5
Site & Geometrics	5
Building Components Guidelines:	5 - 13
Visual Appropriateness Guidelines:	13 - 14

Appendix:

ACC Guidelines

General Definitions

Schedule of Exhibits:

Samples:

Available at ACC Office

Design Guidance:

Score Card Companion



Companion Narratives for:

A - Building Ordinances:

Contact the City of Auburn for all supplemental information.

B - Site & Geometrics:

Documentation relating to improvement location, layout, and heights will be presented to the ACC for review and approval/disapproval.

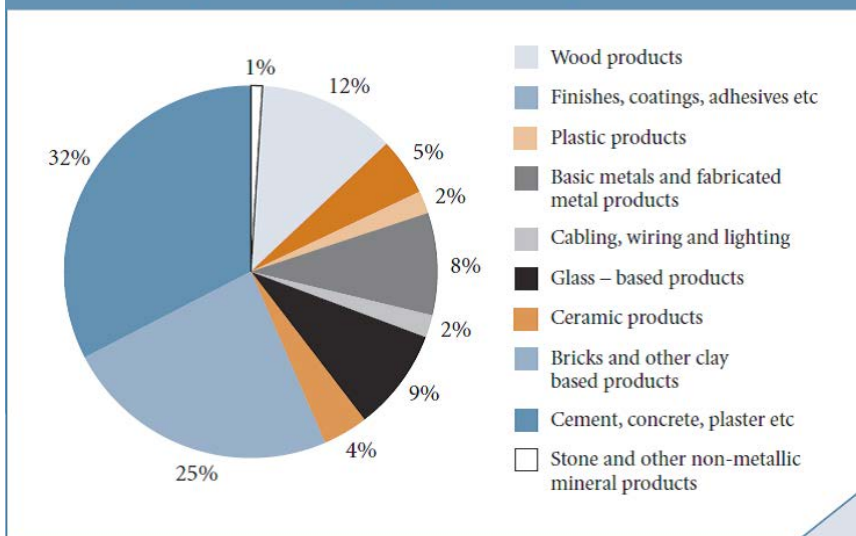
C - Building Components:

1.0 General:

1.1 Construction Waste: The objective is to divert 60% of waste material from the landfill. This can be done by:

- » Better planning of materials such as ordering material as proper length that are not required to be cut.
- » Create cutting station that manages cuts and reutilize the cutoffs.
- » Having suppliers be responsible for recycling/reusing packaging materials.
- » Salvage resources - separate materials that can be reused.
- » Segregate waste materials that can be recycled, such as metals, cardboard, block, etc.
- » Identify various trades that have recycling solutions. As example during the drywall phase waste drywall can be separated and recycled back into new drywall.

Wastes from construction materials and products industry, kt (excluding quarry wastes)



Documentation:

1. Design/Pre-Construction provide a Construction Waste management plan identifying objectives and implementation plans for the course of the project.
2. Track the Management Plan thru the construction process documenting/tracking the waste product.

1.2 Local Available Materials: Utilize locally available materials within a 300-mile radius of the site. With our geographic locations will pick up large market municipalities including: Chicago, Detroit, Columbus, Toledo, Cleveland, Cincinnati, Indianapolis, Louisville, and Lexington.

Documentation: Provide list of materials identifying material, local distributor, where manufactured.

2.0 Site/Landscaping:

2.1 Rain Garden: Storm runoff of petroleum base impervious surfaces carry pollutants along with the water.



Rain Gardens collect the runoff allowing the heavy sediment to settle out, along with specialize plantings which filter and clean the water.

Documentation: Provide design drawings showing appropriate sizing for hard surface runoff and planting materials utilized.

2.2 Xeriscape - Native Material Sourcing:

Xeriscape is a landscape designed with native or adapted plant that requires no irrigation after the plants are established. Thus, easy to maintain and does not require irrigation.

Documentation: Provide Site plan with planting plan identifying plantings.

2.3 Smart Irrigation: Irrigation systems are only allowed with approval. If irrigation is incorporated an irrigation plan should be established to efficiently strategy to utilize the water resources. As planning the system consider rain water collection as a water source, rain water is much more effective then city water.

Documentation: Provide irrigation use and design plan.

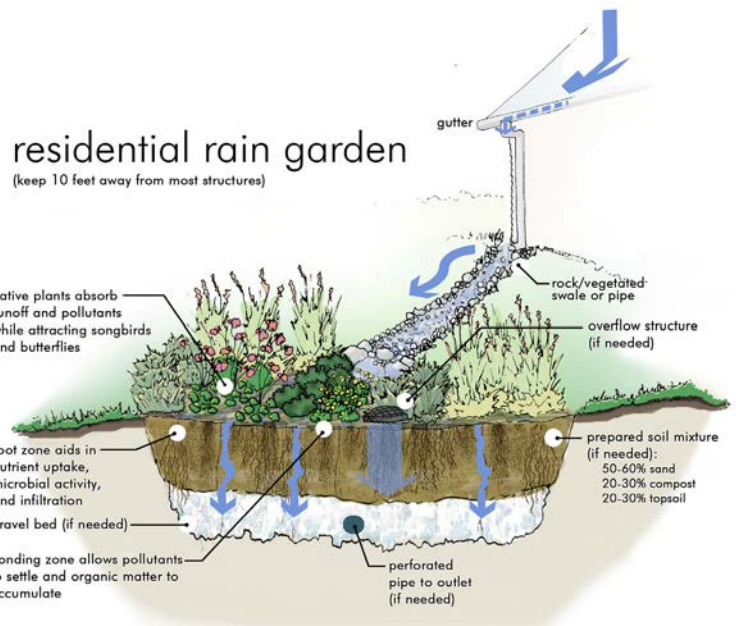
2.4 Plantings: Maximize Landscaping with native planting materials

2.4.1 30% of non-hard surface

2.4.2 50% of non-hard surface

2.5 Creative Uses: Develop significant landscape feature that accents building and lake front appearance.

Documentation: Provide construction documents with explanation of significance.



2.6 Driveways: Concrete and masonry applications are encouraged. Typical asphalt surfaces (minimal cross section) will be scored the lowest.

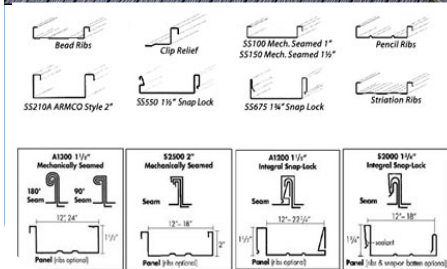
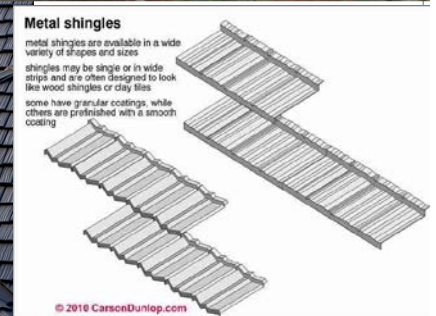
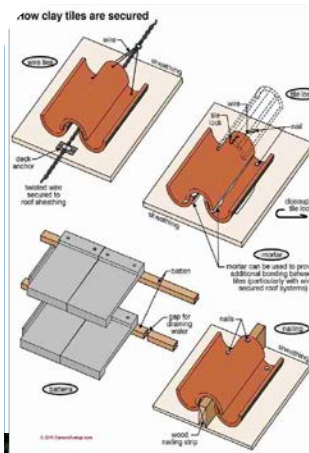
Documentation: Provide construction documents.

3.0 Building Envelope: As with the selection of all materials and systems we need to stress the importance of utilizing materials the minimize the environmental impact.

3.1 Roof: Roofing is a critical component for both structural integrity and longevity of other building components. The roof surface itself can be utilized for energy harvesting and efficiency. Some roofing materials have a larger negative environmental impact that offset the cost savings and other features. Greater longevity roofing with minimal maintenance concerns and better long term cosmetic impact will be scored at a higher level. No 3-Tab shingles shall be allowed.

Documentation: Provide manufacturers specifications regarding longevity and life cycle.

3.2 Efficient Windows: Windows greatly impact the building envelope



efficiency. While the most efficient envelope would have no window, this is not practical obviously for your personal comfort.

As result it is important to balance the amount of window with higher thermal quality of windows. With today's technology, it is easy to tune the windows thermal values to its physical orientation.

West and South orientation get most of the solar impact while the west typically is impacted by



winter winds. A minimum requirement is for thermally glazed systems that are thermally broken. For additional points adjust the thermal qualities of the window based upon orientation, and increase of R-rating.

Documentation: Show on the elevation windows and thermal performance of each style.

3.3 Natural Ventilation: Incorporating a natural ventilation system either actively or passively (with mechanical system or naturally) can minimize the use of utilities and allow for fresh air to flush out pollutants from the living spaces. Ex: introduction of whole house fan that would bring in large column of fresh air at night for cooling and providing air changes venting out stagnate air.

Documentation: Provide design drawings and explanation of how the system functions.

3.4 Metal Framing: Wood framing has been the residential standard although a renewable material it is slowly renewable and we are out pacing its renewability. The alternative is to utilize metal framing members which is recyclable and can reduce the demand upon the timber resources.



Documentation: Provide design documents showing detailing and specifications.

3.5 Siding Material: Stress the use of natural materials that will be required in the Visual Appropriateness along with complementary materials that minimize the environmental impact. Utilize a material that is high in recycled content, has ability to be recycled, and is low maintenance. Ex. James Hardy is a fiber cement material that is durable, has a recycle content, and is easily maintained.



Documentation: Provide drawings indicating location, materials, and material specifications/product sheet.

3.6 Insulation: Minimum wall insulation is 1" of spray foam insulation, with other insulation for total wall value greater than R-25, and minimal roof/ceiling value of R-30.

Documentation: Provide drawings showing conditions and design requirements.



3.7 Salvage/Repurposed materials: The reuse of items or materials salvaged from buildings being abandoned or raised reduces the landfill impact and eliminates the need for new harvesting/manufacturing of the material.

Documentation: Provide listing of materials, quantity and how material/items are utilized.

3.8 House Wrap: Industry standard to reduce air infiltration and a requirement to be installed per manufacture recommendations.

Documentation: Show on building plans with specification.

3.9 Compartmental Design: In the planning process identify spaces that can be reduced heating/cooling reducing the living area that requires higher/cooler temperatures to maintain comfort.

Documentation: Provide with the plan the methodology showing the spaces and the HVAC system operation.

3.10 Infiltration Testing: Reduce the amount of air infiltration will create a more economical and controllable environment. The tighter the house the HVAC system will need to be designed to factor proper air exchanges and possibly incorporate a heat exchanger (5.3).

Documentation: Provide documentation of blower door test ACH50 with a rating of 3 or better.



4.0 Interior Finishes

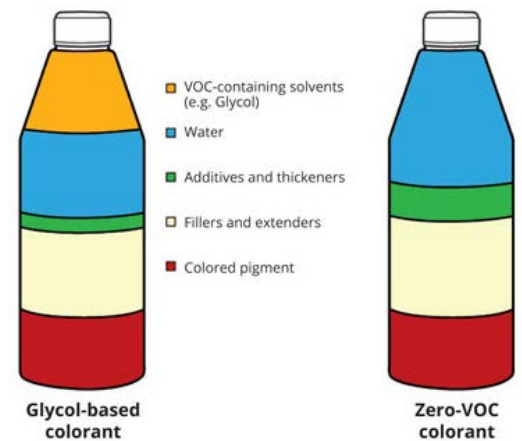
4.1 Low VOC Paint: Most paint releases volatile organic compounds (VOC) and once released react with other pollutants effecting human health. Therefore No-VOC paints should be utilized.

Documentation: Provide receipts and product documentation of selected paint manufacture.

4.2 Low VOC and Formaldehyde-free Floor: Most flooring and adhesives releases volatile organic compounds (VOC) and once released react with other pollutants effecting human health. Therefore No-VOC and Formaldehyde-free flooring and adhesives should be utilized.

Documentation: Provide receipts and product documentation of selected flooring and adhesive manufacture.

4.3 Building Material Efficiency: As selections of finishes consider minimizing layering of materials. Ex. Using polished concrete floors in lieu of placing concrete, with leveling, adhesive and floor finish. Another

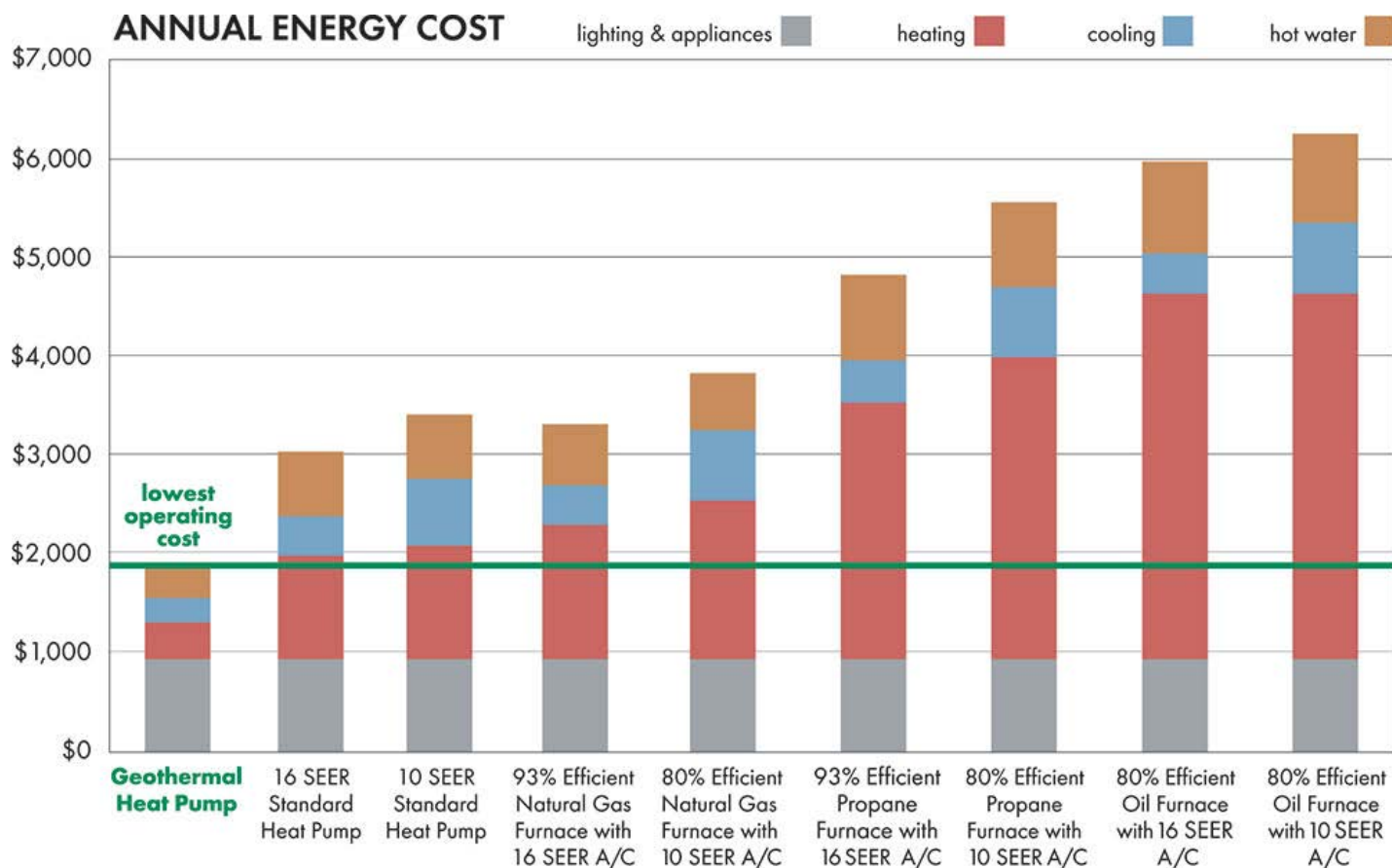


example - concrete block painted in lieu of wood framing, structure, drywall, finishing, painting.

Documentation: Provide at least two system that represents material efficiency.

4.4 Energy Star Appliances: Some of the largest energy consuming are the appliances that makes our lives more comfortable, but in the process, create an ongoing expense. By utilizing "Energy Star" rated equipment will reduce the use of ongoing utilities and save you dollars. The largest energy consuming appliances are: 1. Water Heater, 2. Clothes Dryer, 3. Refrigerator/freezers, 4. Oven/stove (electric), 5. TV (including accessory components), 6. Dishwasher, 7. Computers.

Documentation: Provide a listing of appliances and other energy consuming equipment with the "energy star" documentation.



Calculations are based upon current utility costs for a typical home in the U.S. Midwest

5.0 HVAC

5.1 High Efficiency System - Defining a High Efficiency System is not limited to just the method of combusting a fuel for heat or the cooling plant. The methods by which that system delivers and exchanges the heat or cooling of the space is also critical to overall efficiency. The ductwork or radiant piping installation along with insulation methods is essential to overall efficiency. See the diagram above for a typical breakdown of common HVAC systems and costing for a typical home in the midwest. A true High Efficiency System can payback the additional initial installation costs in a matter of a few years.

Documentation: Provide evidence of a High Efficiency System installation.



5.2 Geothermal - Geothermal systems can be the most efficient method for providing heating and cooling to a living space. For lakefront lots, the lake may be utilized for geothermal loops. The suggested installation is looping placed underneath dock space.

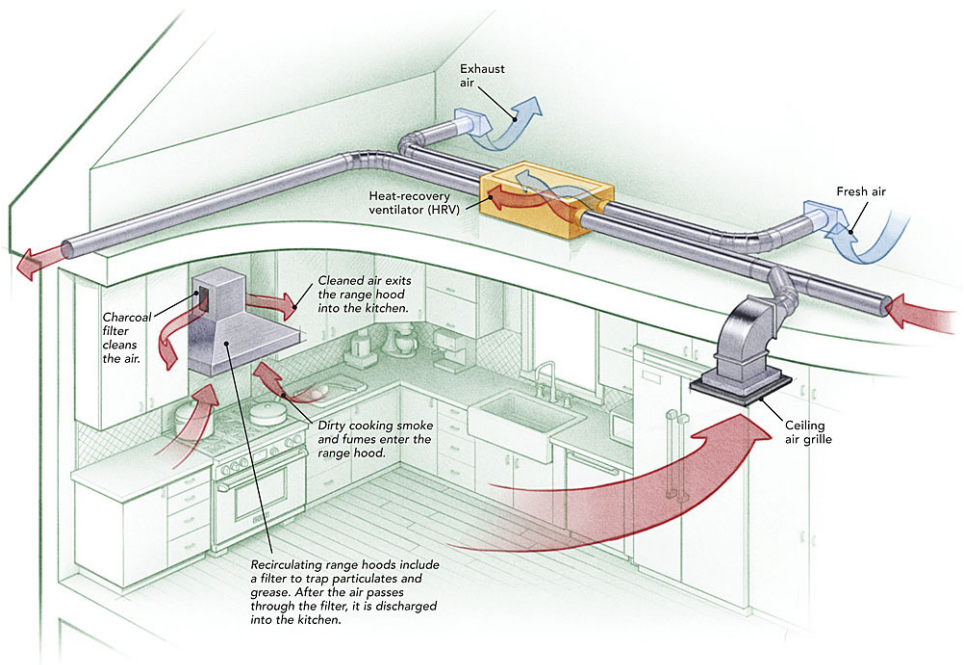
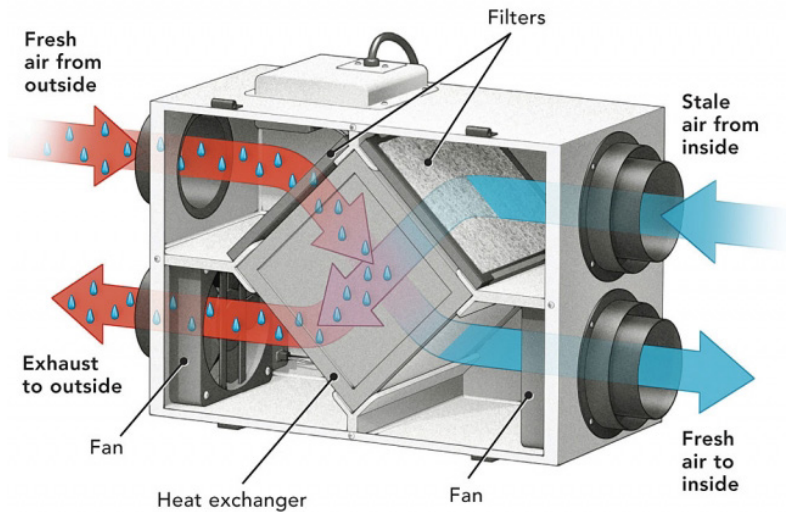
Documentation: Provide evidence of geothermal system install.

5.3 Heat Exchange/Recovery: This is a system that recovers some of the heat from air being exhausted from the living areas and then is used to warm the fresh air being brought in to accomplish the necessary air changes.

Documentation: Show in design and construction drawings.

5.4 Make Up Air: Most houses used a forced-air distribution system for heating and cooling. This system is not a Make-Up Air system. For new construction with typically tight air seals a make-up air system may be essential to providing clean air for your interior spaces. See diagram, one common application is for range hood exhausts, particularly those in excess of 400 cfm [required by Code M1503.4 IRC]. When coupled with a heat-recovery ventilator (HRV), energy-recovery ventilator (ERV), or similar system, this configuration can also benefit overall system efficiency.

Documentation: Show in design and construction drawings.



5.5 Radon Test: Required at the start of the design process, if test is positive then systems can be incorporated to vent radon gas from the living areas.

Documentation: Provide test and remediation process is necessary.



6.0 Plumbing Systems

6.1 Efficient Fixtures: Required to use low flow fixture that conserve water. This has become standard practice in residential construction.

Documentation: Provide fixture schedule and cut sheets of fixture indicating flow rates for all water fixtures.

6.2 High Efficiency Water Heater or on-demand: Utilize highly insulated water heater as minimum requirement. For added points utilize on demand water system throughout the residence.

Documentation: Provide design drawings with specifications/cut sheets.

Typical Household Water Usage

Fixture	Use (gallons/person)	% of total water use
Baths	1.5	3%
Clothes Washers	15	25%
Dish Washers	1	2%
Faucets	11	18%
Showers	12	20%
Toilets	19	32%
Total	59.5	100%

6.3 Dual flush Toilets: Means of conserving water is to minimize the use.

Documentation: Provide evidence of installation.

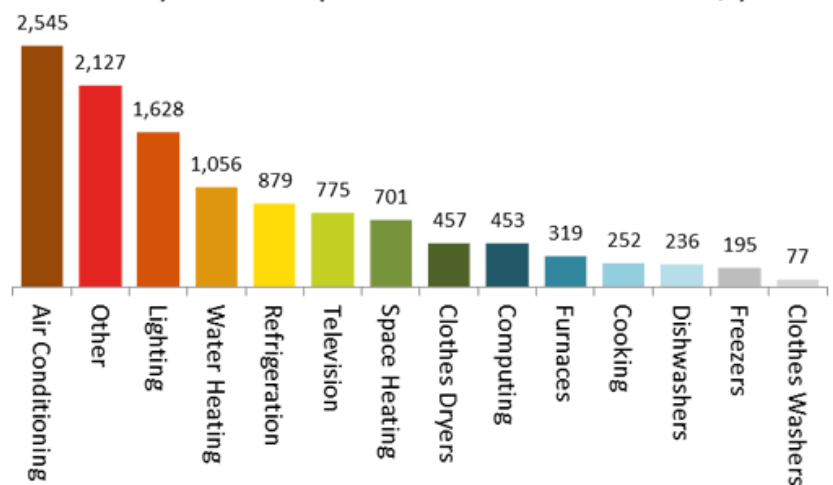
6.4 Solar Hot Water: Renewable energy source for water heating in lieu of utility powered water heater. Systems consists of water solar collectors, piping loop from collector to water storage, water storage with exchange loop.

Documentation: Design/construction drawings.

6.5 Gray Water Collection: Collect rain water at a capacity to utilize for gray water system (non-potable) ie. Use for flushing toilets

Documentation: Provide design drawings.

Electricity Consumption in US Homes: kWh/year



Note: figures for average US household in 2010

Source: EIA Annual Energy Outlook 2012

Shrink That Footprint

7.0 Electrical Systems

7.1 LED: With today's availability of LED fixtures it is relatively easy and affordable to incorporate LED including much of the decorative style.

Level 1: LED 50% of lighting

Level 2: LED 100% of lighting

Documentation: Provide lighting schedule with quantity and lighting type indicating % of LED



7.2 Daylighting: Incorporate daylight harvesting whereby artificial light is not required or with system that would reduce the artificial lighting when natural light is available.

Documentation: Provide design drawings showing strategy and or systems incorporated.

7.3 Power over Ethernet (PoE): The next generation of the current LED system is PoE lighting where the LED is being powered over a low voltage system such as a computer switch. This is much more efficient and will become common as fixtures are adapted.

Documentation: Provide system installation manuals and material list.



7.4 Photovoltaic System: Renewable energy system today offset grid utilities, but are relatively expensive in how they interface with the utility grid and the reception of the utility provider. The concern with Heron is in the way it would be incorporated esthetically; which will default to the Visual Appropriateness review.

Documentation: Provide elevations/site plan locating panel and the electrical off set. (Must have Visual Appropriateness approval.)



D - Visual Appropriateness

8.0 Improvement Appearance

The visual Appropriateness will be evaluated by the review committee on four basic levels: Adjoiner color contrast, In-site color contrast, Site cohesiveness, and Creative uses. All four of these areas must receive a pass to be able to proceed. The review comments will be pass, revise with areas needing revised, or reject. The ACC will provide examples of desired features upon request.

8.1 Adjoiner color contrast: New construction must be aware of existing structures adjoining the proposed improvement. The adjoining color schemes will have some bearing on the color palettes available for the new construction. The goal is to have a contrast between adjoining structures so rarely will two identical color palettes be approved for adjoining properties.

Documentation: Provide elevations/color sheets of proposed structure, and photos or color samples of adjoining structures to demonstrate contrasting plan.



8.2 In-site color contrast: The ACC encourages variety and contrast in-site for new construction. The in-site color scheme must have some contrast in overall color selections, including material types. Variety and creative uses are encouraged.

Documentation: Provide elevations/color sheets of proposed structure.

8.3 Site Cohesiveness: The ACC wishes that new construction would utilize similar elements and materials in a variety of locations and applications in-site. This adherence to a variety of similar elements without jarring contrast is the goal of cohesiveness. Variety and creative uses are encouraged.

Documentation: Provide site plans, elevations/color sheets of proposed structure and/or landscaping as applicable.

8.4 Creative Uses: New construction should be an expression of the owner and designer. The ACC encourages creative uses and is willing to entertain and provide comment on any creative uses brought forward.

Documentation: Provide site plans, elevations/color sheets of proposed structure and/or landscaping as applicable.

