

## 2019 Owner's Guide to Heron Pond @ Pelican Reef – Consolidated Documents

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The information in this document is to give you the “need to know” details of life in our community and answer many of the questions you’ll have in the first few months after you move in. It is also a reminder for long-time residents who might need a refresher.

***Important:*** *This is intended to highlight items that you will routinely encounter. It isn't intended to include everything in the official, legal documents you received at or before you closed on your home. So please look at those documents when you have questions that can't be answered by reviewing this information.*

Residents of Heron Pond at Pelican Reef belong to two homeowners associations (HOAs), Heron Pond and Pelican Reef. It is important that you are familiar with the documents from both HOAs. The Pelican Reef documents apply to everyone in the subdivision. The Heron Pond documents address issues that are specific to Heron Pond owners/renters/residents.

The following two organizations manage the Heron Pond and Pelican Reef HOAs respectively. They each have web pages that provide ways to pay HOA dues, access the most up-to-date revisions of governing documents, lists of HOA officers, contacts for security, amenities, reporting violations, etc. Copies of Board of Directors Meeting Minutes and other useful information can be found on the Heron Pond/Atlantic Shores Management web page. Similar information can be found for Pelican Reef by asking Chris Blake.

Representing Heron Pond @ Pelican Reef  
Atlantic Shores Management LLC, Elizabeth Parker, President/CEO, (910) 270-9975  
<https://www.atlanticshoresmanagement.com>

Representing Pelican Reef  
Community Solutions Southeast LLC, Chris Blake, (910) 799-9779  
<https://www.csshoamgt.com>

In addition to the By-Laws and Covenants of each association which you were given when you purchased your home, you should find the following helpful:

- (1) Guidelines for Heron Pond At Pelican Reef Homeowners' Association, adopted by the Heron Pond Board of Directors at various times as issues have arisen and
- (2) Highlights of the Pelican Reef Restrictive Covenants, adopted April 2007, by the Pelican Reef Board.

## **Responsibilities of the Heron Pond Homeowners Association**

- Maintenance of Driveways and Walkways, unless caused by neglect of the homeowner. Heron Pond Bylaws, Article III (1)
- Maintenance of the common areas. Article V
- Setting rules for use of the common areas. Article II (9)

## **Responsibilities of Pelican Reef HOA Within Heron Pond**

- Maintenance of all streets within Heron Pond
- Maintenance of the pond and dock
- Enforcement of Association's Governing Documents

## **Home Owner Responsibilities**

**Water Systems** Each home originally was assigned and connected to one of six wells. See Article IV of the Heron Pond Bylaws for the responsibilities you have to maintain the well and well house to which you are assigned. Also, see the included list of wells (numbered) and the homes assigned to each well.

For indoor water use, most Heron Pond homes are served by Pender Utilities but a few remain connected to the original wells for their indoor and outside water needs. In most cases, even when Pender Utilities provides inside water service, the irrigation system is still connected to your assigned well. The HOA has no responsibility for your water system. Responsibilities are shared by those who are connected to the assigned well.

**Septic Systems** - Article IV also describes your responsibilities regarding your septic system. Septic systems are not shared and are the sole responsibility of the homeowner. In addition to the By Laws, you will find in the Heron Pond Guidelines (also included in this document) instructions to follow should you ever have to replace/repair your drain field.

**Exterior of your unit** – Heron Pond was developed as a low maintenance community. It was designed and has been maintained as a community with a harmonious, uniform appearance. Consistent with that philosophy, you'll find information on the Atlantic Shores Management web site, <https://www.atlanticshoresmanagement.com/heron-pond-at-pelican-reef>, indicating the *standard paint colors* to be used in Heron Pond: for trim (deep forest green and cream) and type/color of *roofing shingles* used in the community. If you paint your mailbox and need a new decal, you'll also find information about where to get a new decal on the web site.

**Paying Dues** –You will receive information from Atlantic Shores Management with instructions on how to set up your resident portal. You can choose from a number of ways to pay your dues. Dues are always to be made payable to Heron Pond HOA. Dues can be paid on a monthly, quarterly or yearly basis. An increase or decrease of more than 10% of

the previous year's assessment must be approved by a majority of the members of the HOA. Article II (3). Late charges will apply. Article II (6)

If dues are paid on a monthly basis, they are due on the 15th of each month. If they are paid on a quarterly basis, the total quarterly amount is due on the 15th of the 3rd month of the quarter. If you elect to pay them annually, the total amount is due on the 15th of March of each year.

**Attending Meetings** –The Annual Meeting of Members is held at the end of each calendar year at the Pelican Reef Club House. Notice is sent via e-mail and 30 days prior to the meeting date. The Annual Meeting is where the business of the HOA is conducted so it is vitally important that you participate. A quorum is required. Please complete your proxy and return it to our Management so that, in your absence, the business of the association can be conducted. Article VII

## **Other Matters**

**Renters:** If you rent your property (*minimum* lease is 3 months), please contact the HOA Manager with the name of the Agency that is handling your property. Your renters must follow the same rules and guidelines as any owner/resident would. You will be asked to have your renter sign a document saying that they have received a copy of the Community Rules and that they understand them. Remember to exercise reasonable security precautions when you have new renters—such as, new keys to your home, change front gate security code.

**Landscaping:** The landscape schedule is year-round, with weekly or semi-weekly services generally from April through September and monthly services the remainder of the year.

## **Use of Common Property**

The Board of Directors has set some basic common courtesy guidelines for the use of various sections of Heron Pond common lands. Article II (9)

**\*\*If there is an area of common land or pine straw bed near your home that needs occasional cleanup (picking up pine cones, pulling weeds, etc.) before the landscapers come or our resident volunteer work days, consider doing a little neighborly cleanup. It's in everyone's interest that our community look its best so property values will remain high!**

**\*\*In order for the landscapers to do their work, please remove all obstructions from the common areas around your home. Lawn furniture, vehicles, toys, gardening equipment, campers, trailers, etc. are prohibited on all common property.**

**\*\*The Pond. Open from dawn to dusk. Fishing is allowed from the dock only. The pond is regularly stocked with fish that minimize the development of algae. That's the reason for our "catch & release" policy. As with all areas of Heron Pond and Pelican Reef, there is no parking on the street, swales and there is no parking at the pond after dusk.**

\*\*Please be considerate of those residents who live directly around the pond and dock area. Sound carries so be aware that your conversations may be heard by nearby residents!

\*\*Please work with your neighbors to keep the swales/ditches in your area clear of debris. They help drainage and avoid flooding issues during our heavy rainfalls.

\*\*Parking on common land allowed *in designated areas only*.

\*\*The rules that apply to Pelican Reef (speed limit, use of golf carts, etc.) also apply to Heron Pond so become familiar with those.

\*\*Reminder to all pet owners. We may not mind picking up after our pets but other people probably don't like doing it. So, let's make sure we take care of our "parental responsibilities."

\*\* As an accepted practice, due to how close our homes are to each other, health concerns of our neighbors and limited ability to use common property, burning debris has not occurred within Heron Pond. Should you choose to use a fire pit or chiminea on your deck, please be considerate of neighbors (smoke) and observe fire safety precautions. There is only one way in and out of our neighborhood (Royal Tern Dr.) and we do not want to be the reason someone is hurt or property damaged.



**Heron Pond Board of Directors/Officers:**  
<https://www.atlanticshoresmanagement.com>

**Pelican Reef Board of Directors/Officers & Committees**  
<https://www.csshoamgt.com>

## **Wells - Heron Pond Revised 2018**

### Well # 1

101 Sanderling Ln  
102 Sanderling Cir E  
103 Sanderling Cir E  
105 Sanderling Cir E

### Well # 2

103 Sanderling Ct  
107 Sanderling Ct  
109 Sanderling Ct  
109 Sanderling Cir E

### Well #3

106 Sanderling Ct  
108 Sanderling Ct  
110 Sanderling Ct  
111 Sanderling Ct  
115 Sanderling Cir E  
117 Sanderling Cir E

### Well # 4

106 Sanderling Cir E  
108 Sanderling Cir E  
110 Sanderling Cir E  
112 Sanderling Cir E  
114 Sanderling Cir E  
118 Sanderling Cir E

### Well # 5

201 Sanderling Cir W  
203 Sanderling Cir W  
204 Sanderling Cir W  
100 Sanderling Cir E

### Well # 6

1280 Royal Tern Dr  
1298 Royal Tern Dr  
1316 Royal Tern Dr  
100 Sanderling Ln  
202 Sanderling Cir W

# Heron Pond At Pelican Reef Homeowners' Association

## Guidelines

2018

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<b>2. Tree Removal</b>	<b>January 2006</b>	<b>September 2009</b>
<b>3. Septic Field Repair</b>	<b>June 2015</b>	
<b>4. Building Decks/Patios on Common Property - Encroaching on Common Property</b>	<b>November 2017</b>	
<b>5. Guidance for Deck/Patio Planning in Heron Pond @ Pelican Reef</b>	<b>April 2018</b>	

# 1. Heron Pond Driveway and Walkway Repair Guideline

“The Bylaws of Heron Pond at Pelican Reef Homeowners Association, Inc., Easements and Additional Restrictive Covenants for Heron Pond Patio Units”, Article II, Section 3, defines the common areas maintained by the Homeowners Association.

This document establishes a guideline for determining when a driveway or sidewalk in the Heron Pond community needs attention and consideration for repair or replacement.

The Heron Pond Board of Directors (HP BOD) will make regular inspections of these areas with the goal of mitigating damages and if possible, avoid the expense of replacement.

If raised concrete can be determined to be caused by tree roots in proximity of the driveway or walkway, at the discretion the HP BOD, trees may be removed, to mitigate potential damage to a particular driveway or sidewalk.

If damage of common property is caused by the Patio Unit Owner’s negligent actions or intentional abuse, repair is the responsibility of the Patio Unit Owner, as defined in “The Bylaws of Heron Pond at Pelican Reef Homeowners Association, Inc., Easements and Additional Restrictive Covenants for Heron Pond Patio Units”, Article II, Sections 4 and 8.

In consultation with knowledgeable experts, the following guidelines are established by the HP BOD to address concrete repair and replacement not caused by the Patio Unit owner.

1. Cracks are considered for repair if the separation exceeds 1/4 inch in width. Repairs may be made in several ways, including patching, caulking, and sealing. The decision for the type of repair to be made is made by the HP BOD in conjunction with the contractor.
2. Raised concrete is considered for repair if the separation exceeds 3/4 inch. This repair may require replacement but other forms of repair such as filling and faring, may be used in specific cases. The decision for the type of repair to be made is made by the HP BOD in conjunction with the contractor.
3. Crumbled concrete repairs are made on a case-by-case basis. The decision for the type of repair to be made is made by the HP BOD in conjunction with the contractor.
4. When driveways or driveway sections are replaced, the homeowner may not drive over the newly poured concrete for a minimum of seven days. Doing so shall be considered a Patio Unit Owner’s negligent action and result in any future repairs needed to the same driveway or driveway section, as applicable, to be the Patio Unit Owner’s responsibility. As defined in “The Bylaws of Heron Pond at Pelican Reef Homeowners Association, Inc., Easements and Additional Restrictive Covenants for Heron Pond Patio Units”, Article II, Sections 4 and 8.

Considerations used by the HP BOD for concrete repair and replacements include but are not limited to safety, liability, and aesthetics.



## 2. Heron Pond Tree Removal Guideline

We have limited funds allocated for Storm Clean Up and Tree Removal.

Trees shall be removed in the spring and fall of each year (unless it is an emergency situation). Limiting the number of trips the tree removal company makes should help keep our costs down.

We should consider removing “Small” trees and performing “Branch Trimming” ourselves, if possible. “Branch Trimming” shall be at the expense of the individual homeowner.

Requests for the removal of trees within the Heron Pond Community shall be submitted, in writing, to the Heron Pond Tree Committee, on or before March 30<sup>th</sup> of each year and the tree(s) requested for removal shall be flagged with Orange ribbon.

In order to be considered for removal, a tree shall be:

- Dead,
- Dying,
- Diseased,
- Threatening a structure within Heron Pond, and/or
- Threatening concrete driveways or walkways.

Trees that do not meet the above criteria will not be removed by the Heron Pond HOA. However, trees that meet the criteria defined in the “Restrictive Covenants of Pelican Reef Subdivision”, part B.4., may be removed by the Patio Unit Owners, at their own expense and with the Approval of the Heron Pond Tree Committee.

### 3. Heron Pond Septic Field Repair Guideline

Heron Pond has begun to experience septic field failures due to many things such as tree and shrub roots spreading and destroying the field or the field just giving out.

Pursuant to “The Bylaws of Heron Pond at Pelican Reef Homeowners Association Inc., Easements and Additional Restrictive Covenants for Heron Pond Patio Units”, Article I, Definitions,

‘It being understood that all Systems and Water Supply Systems shall be and remain the property of the applicable Patio Unit owner(s).’ “System” or “Systems” shall mean any wastewater and septic disposal system (whether the same be either a conventional system or bed system) which is constructed to serve any Patio Unit. Regardless of location, Systems shall not be Common Property.’

If your septic field needs to be replaced and the property needs to be excavated in order to make said repairs to your septic field, according to statements by the Pender County Health Department you cannot plant any trees or shrubs over the repaired septic field area only grass. While this is only verbal from the Health Department, the North Carolina Government website suggests only ground covers such as vinca, sedum, and ornamental grasses are planted in bed areas other than where grass is planted.

Prior to excavation, photographs of the area to be excavated and surrounding areas must be provided to the Heron Pond Board of Directors. If you are unable to provide such photographs, contact any member of the Heron Pond Board of Directors and the Board will schedule and take the required photographs, prior to excavation beginning.

In order to comply with the recommendations of Pender County Health Department and the state of North Carolina, if you need to have repairs made to your septic field the Heron Pond Common Area that was excavated must be turned into a grassed area. The grass should match the type that exists elsewhere in the area around your house and you may sod or seed the repaired area. The exception to this is if you wish to remake beds that existed prior to the repair, only ground covers may be used in the bed(s) area. Prior to planting beds, a ‘planting plan’ must be submitted to the Heron Pond Board of Directors for approval. Bed planting cannot begin until your plan has been approved.

It is understood that pursuant to the Bylaws of Heron Pond the applicable Patio Unit owner(s) are responsible for these repairs, not the Heron Pond Homeowners Association.

## 4. Building Decks/Patios on Common Property Guidelines for Requesting Encroachment on Common Lands within Heron Pond<sup>1</sup>

In 2000, the Pender County (NC) Planning Board approved the Heron Pond Board of Directors' request to alter the Heron Pond Master Plan to allow for construction of decks or patios that will encroach upon Heron Pond Common Lands.

The following steps are required if a Heron Pond homeowner wishes to attach a deck or patio to your home which, of course, will encroach on Heron Pond Common Lands.

1. Submit a plan for the proposed construction to the Heron Pond Board of Directors. This should include (a) sketch of the proposed construction on your plot plan, proposed size and materials you intend to use and (b) completed Appendix A from the Pelican Reef Architectural Review Committee Rules/Regulations 2014 Revision found on page 13. (Attached to this Guidance)
2. Submit same documentation to the Pelican Reef Architectural Review Committee (PRARC). PRARC requires Heron Pond Home Owners' Association approval before they will consider your request.
3. Once approved by PRARC, you will receive an easement from the Heron Pond Home Owners' Association allowing the construction of the deck on Common Lands.
4. You must then have a licensed surveyor prepare a plot plan indicating the footprint of your home along with the proposed deck or patio. You will need to give one copy of the plot plan to the HOA and retain one for your records since it will be required if you wish to sell or otherwise transfer your home in the future.
5. You must then secure a Pender County Planning Department permit.
6. You must then secure a Pender County Health Department permit.
7. Finally, you must secure a Building Permit from the Pender County Inspections Department.

NOTE: All of the required Pender County Permits should be available at the Hampstead Annex on US 17.

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<sup>1</sup> Nov. 3, 2017

## **5. Guidance for Deck/Patio Planning in Heron Pond @ Pelican Reef**

In an effort to maintain the harmonious appearance of the community and to respond to those who are planning to add patios or decks to their homes, the Board of Directors met on April 10, 2018 and established the following guidance:

1. Color—natural or earth tone
2. Material —wood or composite
3. Design—no larger than 12 feet by 20 feet, railings (if included) 36 – 42 inches high, made of the same material as the floor.<sup>2</sup>

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<sup>2</sup> See also “Building Decks/Patios on Community Property”  
<https://www.atlanticshoresmanagement.com/heron-pond-at-pelican-reef>

## APPENDIX A: Property Owner Agreement

### The Pelican Reef Architectural Review Committee

Association documents require that each property owner seeking to build upon, improve or alter their lot, or add to or modify an existing structure, shall make a request to the Architectural Review Committee (PRARC) prior to commencing any construction activity.

This form shall be submitted by the property owner for consideration and should be accompanied by all required documentation relative to the specific request being made. The 30-day sanctioned time limit for request consideration shall not commence until ALL REQUIRED DOCUMENTATION is received by PRARC.

Lot #: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Description of work: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I (We) certify that I (We) have read the above text, the By-Laws, the Restrictive Covenants, the Architectural Review Rules and Regulations, and the Rules & Regulations of the Pelican Reef Subdivision, and I (we) hereby agree that I (we) will abide by same. Furthermore, I (We) hereby grant permission to PRARC members to enter upon my (our) property for the purpose of conducting their inspections.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Revised: February 8, 2019

# Pelican Reef Homeowners Association, Inc.

## Rules and Regulations Adopted April 18, 2007

Dear Property Owners,

The following are highlights from our Restrictive Covenants. Each and every property owner is required to comply with them as a matter of law as well as to be respectful of your Neighbors and the Community. These items are not intended as a burden but rather to protect the integrity of the Community and the value of our property.

1. All lots shall be used for residential purposes only. "No Trailer, truck, van, mobile home, doublewide mobile home, tent, camper, barn, garage or other outbuilding or temporary structure parked or erected on lots in this subdivision shall at any time be used as a residence...." (Page 8, #12)
2. Summary: All construction, exterior alterations to any building or structure or grade of any lot, additions, repairs and upgrades must be approved in writing, prior to beginning the project, by the Architectural Review Committee (PRARC). (Page 4, #2)
3. "Except within the building site or within twelve (12) feet of the main dwelling, no trees of any kind (other than pine trees) in excess of six (6) inches in diameter at the ground level may be removed from any lot without the prior approval of the Committee." (See Pine Trees) The Association does have the ability to fine owners \$100.00 per tree removed without the prior written permission of PRARC. (Page 5, #4)
4. "There shall be no signs, fencing or parking permitted within in the road right-of-way." (Other than Traffic Control Signs & Mailboxes). (Page 7, #8)
5. "No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood."(Page 8, #15)
6. "No animals or poultry of any kind may be kept or maintained on any of said lots, except a reasonable number of dogs, cats and birds that are kept on the owner's property." No animals are allowed to roam the community away from the owner's private property. (Page 8, #15) Pender County Code Sec. 3-6. At large: "It shall be unlawful for any owner or keeper of a dog or cat to allow it to run at large in the county. Hunting dogs shall be exempt from the provisions of this section, while engaged in hunting, as long as they are under the supervision of the owner or keeper." (Ord. of 12-15-97)
7. "The throwing or dumping of trash, garbage or waste materials shall not be permitted." (Page 8, #15 – on Page 9)
8. "No clearing, filling or disturbing of wetlands in violation of the governmental regulations shall be permitted." (Page 8, #15 – on Page 9)
9. "... proposed alterations to the grade, elevation or physical characteristics of the site)...." shall be approved by the PRARC. (Page 4, #2)

10. "It shall be the responsibility of each lot owner to prevent any unclean, unsightly or unkempt condition of buildings or ground on such lot. No portion or part of any lot shall be used for or maintained as a dumping ground for rubbish or other refuse." (Page 9, #17)
11. All trash and waste is to be kept in a trash container that is screened from view from all roads, all other lots and from the Common Property. (Page 9, #17)
12. "No firearms may be discharged within the subdivision." (Page 11, #20)
13. "No outside clotheslines shall be permitted." (Page 12, #23)
14. Satellite dishes may be erected in accordance with applicable Federal and State Law. (Page 12 # 23)
15. "Mailboxes shall be of a design, color and choice of materials" as previously established. There are to be no separate newspaper boxes. Mailboxes may be purchased from: Sal Migliara at 910/233-7900. (Page 12 # 23)
16. "There shall be no junk automobiles, junk of any sort, unserviceable vehicles or salvage stored or placed or allowed to remain on or in any portion of the subdivision." All vehicle repairs must be made in the enclosed garage. (Page 12, #24)
17. All boats and trailers over Twenty-Eight feet (28') must be located within an enclosed garage or have Committee approval to be kept on a lot; all boats and trailers under Twenty-Eight feet (28') must be stored behind the building set back lines. (Page 12, #24)
18. No signage (other than Political Signs as allowed by NC Law) shall be erected on any lot without the prior approval of either the BOD or PRARC. (Page 12, #25)  
The following signs have been pre-approved by the BOD and PRARC: Invisible Fence Signs (no larger than 12"x12"), A "For Sale" flyer box approximately 12"x12" and a "Small" (12"x12" or less) sign indicating that the property is protected by an Alarm System.
19. "No dwelling unit on any lot shall be leased for transient or hotel purposes, nor may any owner lease less than the entire building unit, nor shall any lease be for any period less than ninety (90) days." All leases shall be subject, in all respects, to the provisions of these Restrictions and the By-Laws. (Page 13, #26)

In addition, your Board of Directors, in accordance with the power conveyed upon it by the By-Laws (Article II, Section 6), hereby establishes the following Rules and Regulations.

### **Common Areas (Including but not limited to all roads in Pelican Reef)**

- The speed limit on all Pelican Reef Roads is hereby set at 25 MPH and it will be enforced to the best of our ability. Property Owners and visitors are expected to obey this speed limit at all times. THIS IS A SAFETY ISSUE INTENDED TO PROTECT EVERYONE. Owner violators will be subject to a \$50 fine for each offense and Visitor violators may be subject to removal from the Community.
- Stop signs have and will be posted in locations selected by the BOD considering input from the Community. Stop signs will be enforced in the same manner as speeding.

- All operators of Motor Vehicles (Gas, Electric or Other) within Pelican Reef shall be 16 years of age or older, those under 16 years of age shall be accompanied by an adult and/or possess a valid learner's permit or license. Please refer to NC House Bill 189, which took effect December 1, 2005 for the Safe Operation of ATVs. Copies are available from the BOD.
- Parking within the Right-of-Way of all Pelican Reef Roads is **Prohibited** by the Restrictive Covenants. Parking within the Right-of-Way causes damage to the edge of the road surface as well as to the roadside drainage swales. Violators will be subject to a \$50.00 fine for each offense and your vehicle may be towed off site (at your expense). The BOD may grant short term exceptions upon written request and assumption of responsibility. Construction vehicles, not making deliveries, shall not be parked in the Right-of-Way.

Hearings and/or Fines will be administered in accordance with NC Statue 47F, as amended, by an Adjudicatory Panel to be selected by the BOD or the BOD if an Adjudicatory Panel has not been established.

**Meeting Rules:** All Regular meetings of the Board of Directors will be open to observers. Once the "Open Forum" portion of the meeting has been closed, observers are welcomed to stay and observe only, there will be no further participation from observers unless the Board so requests. This Rule is in accordance with the Pelican Reef By-Laws and North Carolina State General Statues Chapter 55A, neither of which requires membership notice or attendance for Board of Director meetings.

**Please see Pelican Reef's Management Company Website ([www.csshoamgt.com](http://www.csshoamgt.com)) for the following: Architectural Review Procedures & Guidelines, Clubhouse Rules, Pool Rules, Fitness Center Rules, Boat Corral Rules**

**Residents of all ages must abide by the Association's Rules & Regulations for the safety and enjoyment of all. Parents and guardians should familiarize all members of the household with these rules & regulations and ensure that they abide by them.**

*This information including any updated attachments may be accessed at Pelican Reef's tab on the Management Company's Website, [www.csshoamgt.com](http://www.csshoamgt.com).*