



**PERMIT FOR CHANGES ON COMMON PROPERTY**

**NOTIFICATION REQUIRED**

**It shall be the responsibility of the applicant to notify all owners of property within one hundred fifty (150) feet radiating in all directions from the perimeter of the common property under consideration. This notification shall include the complete contents of the application and shall be sent with delivery confirmation from the Post Office, or by securing the identified property owner's signature on the permit application. The applicant shall provide proof of delivery to the CPFC prior to any hearing on the application. The date and time of the hearing of the application may be obtained by calling the P&I Department at 501-922-5562.**

**LIST OF PROPERTY OWNERS RECEIVING NOTICES**

Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Mailing Address \_\_\_\_\_

I have reviewed and understand the proposed work and have no objection.

Signature \_\_\_\_\_

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Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Mailing Address \_\_\_\_\_

I have reviewed and understand the proposed work and have no objection.

Signature \_\_\_\_\_

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Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Mailing Address \_\_\_\_\_

I have reviewed and understand the proposed work and have no objection.

Signature \_\_\_\_\_

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Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Mailing Address \_\_\_\_\_

I have reviewed and understand the proposed work and have no objection.

Signature \_\_\_\_\_

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Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Mailing Address \_\_\_\_\_

I have reviewed and understand the proposed work and have no objection.

Signature \_\_\_\_\_

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Applicant's Signature

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Date

**PERMIT FOR CHANGES ON COMMON PROPERTY**

**DISCLAIMER**

The granting of a permit under the procedure set out herein shall in no way convey unto the permit holder any legal interest in, over, or to the common property. No warranty or representation made should be implied by any individual owner that the action of the CPFC in the issuance of permits, inspections and approval of changes, construction or otherwise is intended as a tacit approval of the quality, safety, desirability or suitability of such changes, design or construction.

It should be understood that an approved permit does not indicate any responsibility of the HSVPOA for future maintenance of said improvements and the permittee is totally responsible for the changes, repairs, and maintenance of said improvements. The HSVPOA has the right to disturb said improvements in its rightful use of the common property for any use it deems appropriate.

The permittee recognizes the risks inherent with tree removal activities and agrees to defend, hold harmless and indemnify HSVPOA, its directors, officers, employees and representatives against all claims, actions, proceedings, damages, costs and liabilities, including bodily injury to property owners and others and damage to property owned by property owners or others, arising from or connected with the permittee's activities with respect to tree removal or other alteration activity on common property or as authorized in this permit.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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**COMMON PROPERTY AND FORESTRY COMMITTEE ACTION**

Recommendation of Director of Golf (if golf course lot involved); Director of Public Works (if lake lot, utility, and/or road right-of-way are involved)

\_\_\_\_\_ Approve    \_\_\_\_\_ Disapprove

\_\_\_\_\_ Approve    \_\_\_\_\_ Disapprove

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Lake Manager/Golf Course Superintendent (Date)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Department Director's Signature (Date)

**THIS PERMIT APPLICATION FOR CHANGES ON COMMON PROPERTY IS HEREBY:**

\_\_\_\_\_  
Approved, Modified, Rejected

\_\_\_\_\_  
Date of Meeting / Minutes

\_\_\_\_\_  
CPFC Chairperson Signature

\_\_\_\_\_  
Date

**PERMIT FOR CHANGES ON COMMON PROPERTY**  
**APPLICATION REQUIREMENTS FOR A CLASS 1 PERMIT**  
**PERMIT GOOD FOR 30 DAYS AFTER ISSUED**

**Class 1 activities include: general cleanup; removal of vines and shrubs; pruning and cutting of seedlings and small trees; cutting of large trees that are hazardous, unhealthy, diseased, or dead; construction of facilities; and limited landscaping.**

**The following is a list of items that are required or information that should be of help to you in obtaining your permit.**

- 1. Completed permit application (see page 1).**
- 2. Return Receipt Notification Certificates or signatures of all property owners within 150' of the common property described in the application (see page 2).**
- 3. All permitted areas are subject to a visit by the CPFC / P&I representative before, during, and after the completion of the work.**
- 4. Dogwood, Redbud, Serviceberry or other flowering trees may not be cut on common property.**
- 5. Protect undergrowth, natural vegetation, fallen leaves, fallen trees and rocks. This undergrowth is a natural protective layer of the forest floor that prevents erosion of the soil and the ultimate destruction of desired native plants, wild flowers, and trees.**
- 6. Before cutting large trees that are hazardous, unhealthy, diseased, or dead:**
  - a. All trees to be cut must be clearly flagged for review by the CPFC and adjacent property owners.**
  - b. The applicant is to notify the P&I Department (922-5562) 24 hours in advance of tree cutting.**
  - c. Unless the tree has a free fall area, the tree must be taken down in sections so that surrounding trees will not be damaged when the tree falls. The remaining tree trunk may not exceed 12" in height. The applicant is responsible for not infringing on other lots when cutting down a tree.**
  - d. If required by the CPFC, all branches and debris are to be removed from common property. Trimmed tree trunks may be left on the common property only with CPFC approval.**
- 7. Work on common property abutting lakes and/or golf courses require the approval of the Public Works Department and/or Golf Department.**
- 8. The selective cutting of trees on common property behind a homeowner's lot is restricted to an area that is within the property owner's straight or extended lot lines out into the common property. This protects an adjacent property owner's view behind his lot on the common property.**

**PERMIT FOR CHANGES ON COMMON PROPERTY**  
**APPLICATION REQUIREMENTS FOR A CLASS 2 PERMIT**  
**PERMIT GOOD FOR 30 DAYS AFTER ISSUED**

Class 2 activities include: selective cutting and pruning of large healthy trees.

The following is a list of items that are required or information that should be of help to you in obtaining your permit:

1. Completed permit application (see page 1).
2. Check in the amount of \$100.00 made out to the HSVPOA. This permit fee is non-refundable for all approved Class 2 permits. If your Class 2 permit is not approved, \$ 75.00 will be refunded.
3. Return Receipt Notification Certificates or signatures of all property owners within 150' of the common property described in the application.
4. All permitted areas are subject to a visit by the CPFC / P&I representative before, during, and after the completion of the work.
5. Dogwood, Redbud, Serviceberry or other flowering trees may not be cut on Common Property.
6. Protect the undergrowth, vegetation, fallen leaves and trees, and rocks that provide a natural protective layer to the forest floor. Cleanup down to the bare forest floor is not permitted.
7. Before cutting or pruning large healthy trees:
  - a. All trees to be cut or pruned must be clearly flagged for review by the CPFC and adjacent property owners.
  - b. The applicant is to notify the P&I Department (922-5562) 24 hours in advance of tree cutting.
  - c. Unless the tree has a free fall area, the tree must be taken down in sections so that surrounding trees will not be damaged when the tree falls. The remaining tree trunk may not exceed 12" in height.
  - d. The applicant is responsible for not infringing on other lots when pruning or cutting trees.
  - e. If required by the CPFC, all branches and debris are to be removed from common property. Trimmed tree trunks may be left on the common property only with CPFC approval. Removal of the tree trunks may not be necessary if there will be erosion problems or damage to the slope.
8. Work on common property abutting lakes and/or golf courses require the approval of the Public Works Department and/or Golf Department.
9. The selective cutting of trees on common property behind a homeowner's lot is restricted to an area that is within the property owner's straight or extended lot lines out into the common property. This protects an adjacent property owner's view behind his lot on the common property.

**PERMIT FOR CHANGES ON COMMON PROPERTY**  
**APPLICATION REQUIREMENTS FOR A CLASS 3 PERMIT**  
**PERMIT GOOD FOR 30 DAYS AFTER ISSUED**

**Class 3 activities include: shaping under and around boat docks and lakefront property line.**

**The following is a list of items that are required or information that should be of help to you in obtaining your permit.**

- 1. Completed permit application (see page 1).**
- 2. Written plan describing the area to be shaped, depth of water at normal pool level before work, and depth of water at normal pool level after the work is completed.**
- 3. Plot plan indicating area to be shaped.**
- 4. Plan for disposing of excavated material, if any.**
- 5. Notification of both of the adjacent property owners (see page 2 of these documents for the notification requirements).**
- 6. Approval and signature of the Lake Manager.**
- 7. Approval and signature of the Director of Public Works.**

## COMMON PROPERTY PROCEDURE

### Section 1. PURPOSE

The common property of Hot Springs Village (HSV), as defined in the Declaration, Article I, Section 1(c) and Articles VI, VII and VIII, including, but not limited to, green belt areas, roadways, road right-of-ways, lakes, drive-ways, golf courses, and all other amenities and facilities, are available for the use and enjoyment of all members of the Property Owners' Association (POA). No use or enjoyment of such common property may be made by any member who would be detrimental to the usage and enjoyment of the membership as a whole.

It is the intent of this procedure to regulate landscaping, construction and encroachments on the common property of Hot Springs Village and to establish a procedure for the securing of a permit prior to the commencement of any work on common property.

### Section 2. PROHIBITIONS, IN GENERAL

- A. Without an approved permit from the HSVPOA, no landscaping, pruning, construction or encroachment on common property shall be allowed or tolerated.
- B. Neither the HSVPOA nor any of its committees, staff or other designated representatives shall grant or recommend the granting of an easement or any other legal interest in, on, or across common property.
- C. Only HSVPOA members shall have any rights for the usage of common property.
- D. Any permit granted by the procedure set out herein shall only authorize the usage and work specified in the permit approval letter and shall be subject to any terms and conditions stated therein.
- E. The granting of a permit under the procedure set out herein shall in no way convey or grant unto the permit holder any legal interest in, over or to the common property.
- F. No fences, buildings, driveways, walkways or other structures shall be allowed on common property.
- G. No boat docks shall be allowed on common property.
- H. Common property that adjoins HSV Lakes will have a 10' buffer zone from the lake edge onto common property and is to be left in a totally natural state. No work of any kind will be permitted in this area or buffer zone. This follows Arkansas's Department of Environmental Quality Standards.

I. In very low lying areas and drainage basins that are only 1' to 2' above normal lake pool level the buffer zone will be extended back 25' from the lakes edge.

### Section 3. PERMITTING PROCEDURE

#### A. THE APPLICATION

Any member of HSVPOA shall have the right to apply for a permit to perform work, construction or encroach on common property. Such application shall be on a form provided by the HSVPOA, together with any and all other relevant information (drawings, plats, pictures, petitions, etc.) necessary to identify the applicant, the location of the common property, the work or project to be performed, and any approvals of the requested work by other HSVPOA departments.

Any application shall be submitted to the Planning and Inspections Department (P & I) together with the application fee as established by the HSVPOA Board of Directors. The P & I Department will forward the application to the CPFC for action and recommendation.

Any application for work on common property bordering any HSV golf course or golf course property not maintained by the golf department shall be accompanied by a recommendation of approval by the Golf Course Superintendent and the signature of the Director of Golf.

Any application for work on common property bordering any HSV lake shall be accompanied by a recommendation of approval by the Lake Manager and the signature of the Director of Public Works.

Any application for work on common property affecting utilities, utility easements, roadways, drainage or vegetative control shall be accompanied by a recommendation of approval by the Director of Public Works.

#### B. NOTIFICATIONS REQUIRED BY APPLICANT

It shall be the sole responsibility of the applicant to notify all owners of property within one hundred fifty (150) feet radiating in all directions from the perimeter of the area to be considered for the requested work of the filing of the application, the work to be performed, and the date and hour of the hearing on the application. Such notice shall be sent with delivery confirmation from the Post Office, or by securing the identified property owner's signature on the permit application. The applicant shall present proof of delivery confirmation or signatures to the CPFC prior to any hearing on the application.

#### C. HEARING ON APPLICATION

All applications shall be presented to, heard by and acted on by the CPFC at its next most convenient date after such filing. The applicant shall have the

right to present his/her/its project and be accompanied at the hearing by a legal representative or any other professional or lay supporters.

At the conclusion of the hearing the CPFC shall take the action represented by a majority of the Committee, and such action shall be reduced to writing with a statement of reasons therefore and delivered to the applicant. The vote will take place without the applicant's presence. Any decision will be an approval, approval with modifications, or rejection of the application.

#### D. APPEAL PROCESS

The CPFC shall act as the avenue for appeals of any permit denied by Planning and Inspections staff; decisions by the Common Property and Forest Committee shall be final.

### Section 4. VIOLATION OF COMMON PROPERTY PROCEDURE

The Committee shall review violations and shall make recommendations to the staff for enforcement.

### Section 5. GUIDELINES FOR PERMITTED LANDSCAPING, CONSTRUCTION AND ENCROACHMENT ON COMMON PROPERTY

#### A. PERMITS

CPFC Permits are not required for HSVPOA work on any common property or for work authorized by the HSVPOA on golf courses.

#### B. COMMON PROPERTY

No work will be allowed on common property areas of HSV without an approved permit.

The clearing of brush, weeds, trees less than three inches in diameter measured 12" above the ground and the pruning of trees as defined in the application may be permitted so long as such is in conformity with this intent and is not intended to expand the rear or side yard of a lot or living unit.

The cutting of hazardous, unhealthy, diseased, or dead trees as defined in the application may be permitted. Selective cutting of a limited number of view-blocking trees may also be permitted if approved by the CPFC, provided that such cutting does not degrade the aesthetics of HSV. It is the intent of this procedure that the natural forest look be maintained and in no case is the buffer and screen afforded adjacent properties to be adversely affected. In no case shall clear cutting or tree topping be allowed for view enhancement.

The selective cutting of trees on common property behind a homeowner's lot is restricted to an area that is within the property owner's straight or extended

lot lines out into the common property. This protects an adjacent property owner's view behind his lot on the common property.

The placing of materials or foreign matter on the area will not be permitted unless such is found necessary for the preservation of the common property area and is of benefit to the area.

### C. SEA WALLS

Sea walls may be permitted on common property only with CPFC approval to prevent further erosion. The Lake Manager and Lakes and Water committee will be advised before a permit is issued.

### D. LAKEFRONT SHAPING

The applicant must obtain a permit from the CPFC with input from the Lake Manager and signature of the Director of Public Works before shaping along the landowners lakefront property line. The following guidelines shall govern all permitted work:

1. **Depth not to exceed 3 ½ feet from normal pool elevation or bedrock, whichever is less.**
2. **No cutting of any bedrock.**
3. **Removal from HSV of all excavated material from the lake bottom.**
4. **No disturbance of the lake bottom within 10' from any abutting property line.**
5. **No work performed within 18" of shoreline or seawall.**
6. Neighbors on either side of the project will be notified of the proposed work by the applicant.

### E. CUL DE SACS

All work on a cul de sac must have an approved CPFC class 1 permit. An agent for the adjoining lot owners should be selected by the group requesting the permit.

No healthy trees larger than 3 inches in diameter may be cut. If ornamental shrubs, perennials or annual plantings (maximum height not to exceed 30") are requested, a landscaping plan must be submitted to the Planning and Inspection Department and the CPFC.

The placing of man-made materials on the area will not be permitted. (i.e. benches or wishing wells) An annual maintenance permit must be obtained through the CPFC for the on-going care of the cul de sac.

In cases where improvements were made to a cul de sac prior to 1996, the CPFC may consider grandfathering approvals. However, an annual maintenance agreement will be required for continual maintenance.

#### F. ROADS AND ROAD RIGHT-OF-WAY

Generally, no alterations of the road right-of-way or placing of any obstruction on the right-of-way will be permitted. Any work, modifications or landscaping to the right of ways needs to be approved by the Director of Public Works.

#### G. ANNUAL MAINTENANCE CERTIFICATE TO MAINTAIN COMMON PROPERTY

Homeowners who have had an approved Class I or II Permit to work on adjacent common property to theirs and has completed the work satisfactorily and had the final inspection may apply for an Annual Common Property Maintenance Certificate. This certificate is issued by the CPFC and P& I Department to the original owner and is good for the calendar year issued (January to December). This certificate must be renewed each year that the homeowner wishes to keep the common property in an improved state under the following conditions:

1. Adjacent common property MUST NOT look like an extension of one's own yard.
2. The property owner's lot line must be clearly delineated by a rock line, hedges or bushes along his lot line separating his lot from the common property.
3. Absolutely no tree cutting or pruning of branches of any kind to be allowed on common property under this certificate. (Homeowners' may reapply for a Class I or II Permit to cut additional trees or prune existing trees).
4. The only items allowed under this maintenance certificate are the following;
  - a. Cutting and removing of vines.
  - b. Cutting of new growth sprouts coming from tree stumps previously cut.
  - c. Cutting of grasses (weedwacking). Do not cut wild flowers growing until finished blooming.
  - d. Spot spraying for poison ivy and poison oak.
  - e. Applying ¼ inch wire mesh around trees and bushes near lakes to protect them from beavers.
  - f. Raking or blowing and removal of dead leaves. (Do not throw or blow leaves into the lakes)
  - g. Ground cover or grasses or leaves must be maintained to minimize soil erosion.
  - h. If fencing is being considered, submit a permit request to the ACC Committee.

- i. This common property may be inspected from time to time for compliance.

**REMINDER: Common Property is just that, Common Property and is available for the use and enjoyment of all HSV Property Owners under Article I, Section I.c. of the HSV Declaration.**

Any violation of the above conditions will void this certificate and no further work will be allowed on this common property.

Section 6. RECISION OF ALL PROCEDURES IN CONFLICT WITH THIS PROCEDURE

Upon the adoption of these CPFC procedures dated 5-5-08, all previous CPFC procedures of HSVPOA are null and void.

Adopted 3-27-96 BOD, Amended 5-28-97, 10-22-97, 6-24-98, 9-23-98, 11-15-00, 2-21-01, 8-15-02, 7-20-05, 9-12-05, 5-7-2007, 10-17-2007, 5-5-08, 9-2-09, 3-1-2010

**Hot Spring Village Property Owners Association**

**Common Property and Forest Committee**

Annual Common Property Maintenance Certificate

**Year** \_\_\_\_\_

(January thru December)

**Property Owner:** \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Sub \_\_\_\_\_

\_\_\_\_\_  
(Property Owner)

**Date Submitted:** \_\_\_\_\_

Homeowners who have had an approved Class I or II Permit to work on adjacent common property to theirs and has completed the work satisfactorily and had the final inspection may apply for an Annual Common Property Maintenance Certificate. This certificate is issued by the CPFC and the Planning and Inspections Department for the year specified above. This certificate must be renewed each year that the homeowner wishes to keep the common property in an improved state under the following conditions. **REMINDER:** Common Property is just that, Common Property and is available for the use and enjoyment of all HSV Property Owners under Article I, Section I.c. of the HSV Declaration.

- 1.) Adjacent Common Property **MUST NOT** look like an extension of one's own yard.
- 2.) The property owner's lot line must be clearly delineated by a rock line, hedges or bushes along his lot line separating his lot from common property.
- 3.) Absolutely no tree cutting or pruning of branches of any kind to be allowed on common property under this certificate. (Homeowners' may reapply for a Class I or II Permit to cut additional trees or prune existing trees).
- 4.) The only items allowed under this maintenance certificate are the following:
  - a. Cutting and removing of vines
  - b. Cutting of new growth sprouts coming from tree stumps previously cut.
  - c. Cutting of grasses (weedwacking). **Do Not Cut Wild Flowers** growing until finished blooming.
  - d. Spot spraying for poison Ivy and Poison Oak.
  - e. Applying ¼ inch wire mesh around trees and bushes near lakes to protect them from Beavers.
  - f. Raking or blowing and removal of dead leaves. **Do not** put leaves in the lakes.
  - g. Ground cover or grasses or leaves must be maintained to minimize soil erosion.
  - h. This Common Property maybe inspected from time to time for compliance

**Violation to this certificate**

Any violation of the above conditions will void this certificate and no further work will be allowed on this common property.

Any gross violation of this common property will be referred to the HSVPOA Board of Directors and additional actions maybe taken under the provisions in Article VIII, Section III c. of the HSV Declaration.