

## Architectural Standards



LAKE CHESTERFIELD HOMEOWNERS ASSOCIATION

### ARCHITECTURAL STANDARDS

June 2003

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### INTRODUCTION

#### **Purpose**

The Architectural Standards include procedures and guidelines to assist the Lake Chesterfield Homeowners Association (LCHOA) Board of Trustees (the Board) and the Architectural Control Committee and homeowners through the architectural review process. It supports the architectural restrictions allowed by the indentures and subindentures of trust that bind each property owner. This process is essential to create and preserve a community that is attractive and livable and to protect property values. The architectural review process will develop and uphold the attractive and harmonious design of our community.

The Lake Chesterfield Home Owners Association Architectural Standards are published to help Lake Chesterfield residents and the LCHOA maintain certain standards when residents propose modifications to homes and lots. Good curb appeal and high quality of construction are fundamental to sustaining high market values in our community. The Board is entrusted with maintaining design standards that address that very important goal. To that end, all exterior alterations or additions must be pre-approved by the Board.

The Architectural Standards serve to:

- Clarify design and planning principles for exterior improvements or modifications;
- Outline Architectural Application requirements and the processing procedure;
- Establish uniform Architectural Application review criteria.
- Provide a means to preserve home owner property value.

The Indentures outline certain policies and standards and charges the LCHOA Board with the obligation to administer and approve the Architectural Standards. These Architectural Standards have been officially approved by the LCHOA Board. The LCHOA Board may make amendments to the Architectural Standards from time to time based on experience and/or recommendations from homeowners.

#### Responsibilities

See Appendix A for authority granted in the governing documents...Subindentures of Trust and Restrictions – Article VI, Book 8055, Page 1898; Article IX, Book 8055, Pages 1903-1905; Article XI, Book 8055, Page 1905

In carrying out its duties, the LCHOA Board shall review all submittals and apply the procedures, standards and design guidelines as set forth in this policy.

#### Review Procedures

See Appendix C for architectural request form and instructions.

#### Appeal Process

There is no automatic right of appeal of a decision by the LCHOA Board. An applicant may petition the Board for a review of the decision by submitting a written statement to the Chairman of the Board, explaining the issue and the proposed solution. The applicant will be notified within 30 days after the applicant's appeal is received, of the acceptance or denial of the petition, and any conditions. The Board may set procedural limitations for the review, including restricting the scope of the review to specific issues and limiting the time that the applicant may speak.

#### Enforcement Process

Violation(s) of the Architectural Review Policy may be reported by any owner in writing to the Manager at the LCHOA office. Violations will generally be processed in the following manner but some circumstances may require a different action:

(a) Architectural Review Committee representatives will inspect the alleged violations.

(b) If the Committee determines that the alleged violation requires corrective action, two letters (second by registered mail) seven (7) or more days apart, will be sent to the violator by the Board. The letters will clearly state the nature of the violation and the proposed corrective action to be taken.

(c) If no satisfactory response is received within fourteen (14) days of the second letter, the Board will take further action as provided in the governing documents.

See Schedule of Fines – Appendix D

#### LCHOA Board Discretion

The Architectural Standards do not cover every possible situation that may require LCHOA Board approval. As it applies, the Board is authorized to exercise discretion in approving or disapproving a specific proposal. In some special cases, the Board may approve a proposal that may conflict with a standard set forth in this guideline. These special cases do not constitute a precedent for future requests.

**Location and Impact on Neighbors:**

Proposed alterations should relate favorably to the landscape, the existing structure and the neighborhood. When a proposed alteration has possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making Architectural Application. It may be appropriate in some cases to submit neighbor comments along with the Architectural Application. LCHOA reserves the right to notify owners of adjoining property when a request for architectural addition or change is submitted.

**SPECIFIC MODIFICATION STANDARDS**

Based on their nature and extent, the specific modifications listed in this section may require the submittal of a written Architectural Application for LCHOA Board approval or may be preapproved, in which case a written Architectural Application is not necessary

Permits required by any government entity must be submitted as part of any Architectural Application. Approval by each government entity is required prior to LCHOA Board approval.

Setbacks vary from neighborhood to neighborhood. These are supposed to be "buffer zones".

For example, non-permanent recreational structures such as trampolines and/or swing sets should not be located inside these buffer areas in respect of neighboring properties. As a general rule, our neighborhood setbacks are 6 ft from side property line and 15 ft from back property line.

Property owners should call the planning department at the city of Wildwood for specific setbacks for their lot. The square footage and location are the determining guidelines for actual setback requirements. (City of Wildwood: 636-458-0440)

When an Architectural Application is required, the design considerations pertaining to each modification and the essential Architectural Application contents are outlined with each modification. The criteria which must be met for a modification to be pre-approved are also listed. Refer to Subindenture of Trust and Restriction, Article IX for further restrictions. This section and Article XI, Enforcement, are found in Appendix A of this document for your convenience.

Questions regarding modifications and/or compliance with pre-approval must be directed to the Lake Chesterfield Home Owners Association Board of Trustees.

**1. AIR CONDITIONERS/HEAT PUMPS**

An Architectural Application for LCHOA BOARD approval is required for any unit added or relocated on a property or for a replacement unit placed in a different location.

Air conditioner compressors and heat pumps must be located in rear or side yards (but not forward of the front plane of the dwelling.) Window units and permanent wall units are not allowed. Pre-Approval Criteria: Air Conditioners and heat pumps, which are pre-approved and do not require an LCHOA Architectural Application must be replacement units installed in the same location as the original unit.

**2. ALTERNATIVE ENERGY**

An Architectural Application for LCHOA Board approval is required for all alternative energy generation devices such as solar collectors, generators, windmills, etc. The

Architectural Application requires all mechanical and physical data as well as proposed installation materials and location on property and/or building.

### **3. ANTENNAE, TV & RADIO**

(See Satellite Dishes under separate heading) No exterior television or radio antennae, towers, or similar structures will be allowed on any lot or structure.

### **4. ATTIC VENTILATORS, FLUES & VENTS**

An Architectural Application for LCHOA BOARD approval is required for all attic ventilators not meeting the criteria listed below for pre-approval.

Pre-Approval Criteria: Attic Ventilators which are pre-approved and do not require an LCHOA Architectural Application must meet all of the following criteria. Mounted on the roof or side least visible from the front of the house. Does not extend more than four inches above the roof ridgeline. Is galvanized metal or painted black or painted to match the roof or siding color.

### **5. AWNINGS (fixed or retractable)**

An Architectural Application for LCHOA

Board approval is required for awnings installed on the front or side of any residence.

Architectural Application Contents: A picture or sketch of the house showing the placement of the proposed awning. A picture or sample of the proposed awning material. Dimensions of the awning.

### **6. BARBECUE GRILLS (PERMANENT)**

An Architectural Application for LCHOA Board approval is required for permanent (i.e.:

built-in) grills. Architectural Application Contents: Site plan showing the relation of the permanent grill to the house. Picture and/or detailed drawing of permanent grill, including dimensions.

Description of materials and color. Colors of the house.

### **7. CHIMNEY and CHIMNEY CAPS**

Design Considerations for Chimney: Chimney style and size must be appropriate for the house. The color and materials must be compatible with the house's existing color and materials.

Architectural Application Contents for Chimney: Site plan showing the relation of chimney to the house, property line, adjacent

neighbors and all existing site improvements. Picture and or detailed drawing of chimney including dimensions. Color of the house and roof plus the style of the house. Description of materials to be used and color. Pre-Approval Criteria:

Chimneys which are pre-approved and do not

require an LCHOA Architectural Application: Replacement of existing chimney with the same design, size, material composition and colors.

Chimney caps which are pre-approved and do not require an LCHOA Architectural Application must be: Galvanized,

painted black, or match the roof color.

## **8. COMPOST CONTAINERS**

Design Considerations: Compost containers must be located in rear yards and not visible from the front of the house.

Compost containers must be screened from view. The use of natural landscaping is preferred for screening. Privacy fencing is not permitted. Lattice – style screens and posts must be natural wood tones and not exceed 48 inches in height.

All compost piles must be enclosed in a container and must be maintained in STRICT ACCORDANCE with all local health code rules and regulations. Chicken wire containers on light frames will not be approved.

## **9. DECKS...also see patios**

An LCHOA BOARD approval is required for all above grade level decks. Design Considerations: Decks must be located in REAR yards

When deck plans include other exterior changes, such as porches, fencing, lights, plantings, etc., other appropriate sections of these Standards must be consulted prior to Architectural Application. Architectural Application Contents:

Clear and accurate building plans ¼" scale

or larger showing the size and style details of railings and stairs, benches, etc. Copies of necessary city and county building permits. Site plan showing the relationship of the deck to the house, lot, adjacent properties, set backs, right of ways, and all existing site improvements. A description of materials to be used. Color of the deck. State whether the deck will be allowed to weather or will be painted or stained. If deck is to be painted or stained using a solid stain, a color chip must be submitted with the Architectural Application. Colors must compliment or match siding or trim. Dimensions of railings, posts, stairs, steps, benches, trellises, privacy screens and other details as required to clearly describe the proposal. Include height of deck off the ground. Details of changes to doors and windows, if applicable. Include landscaping plans and or details of treatment of under deck area. Details, type, and location of deck lights and other permanent accessories. Pre-Approval Criteria:

Decks which meet pre-approval criteria and do not require an LCHOA Architectural Application: Replacement of an existing deck with the same design, size, material and color. Please note: Replacement decks must meet current county and city codes and may need construction permits prior to replacement.

## **10. DOG HOUSES and DOG RUNS**

Dog Houses and Dog Runs are not allowed per the Indentures of LCHOA (see appendix A #7).

An animal run is defined as any outdoor enclosure used to contain domestic animals.

## **11. DOORS and WINDOWS**

An Architectural Application for LCHOA BOARD approval is required for all windows and doors not meeting the criteria for preapproval.

Architectural Application Contents: All replacement doors and windows must meet color requirements. (see Painting) Security bars on doors and windows are not allowed. However, decorative filigree or ornate patterns are allowed on storm

doors.

Pre-Approval Criteria: All replacement doors and windows are preapproved as long as existing dimensions, color and style are maintained.

## 12. DRIVEWAY

An Architectural Application for LCHOA BOARD approval is required for changing an existing driveway, expanding a driveway, extension, or parking pad. Architectural Application Contents: A plat of the property showing the location of the driveway, extension or parking pad. Indicate the dimensions of an extension or creation of a new parking area. Concrete only. No asphalt, bricks, or stones. Cannot paint, carpet, coat, or cover driveway. Color must be natural. Pre-Approval Criteria: Replacing an existing concrete driveway with no changes.

## 13. FENCES

FENCES, YARD (also see Trellises & Arbors) An Architectural Application for LCHOA BOARD approval is required for all fences. Other alternatives may achieve the desired fence objectives. The use of plant materials alone can be an alternative, or planting schemes can be integrated with all fencing to soften visual impact. Homeowners are responsible for having property lines surveyed or demonstrate knowledge of existing property pins from a previous survey. Design Considerations: See Appendix B1 & B2 for approved fence designs. All fencing must be wood, vinyl, wrought iron, or aluminum designed to appear as wrought iron. Chain link, chicken wire, bare electric or barbed fencing will not be approved.

Vinyl and wood must be natural earth tones. Primary colors, black and white are not allowed. Wrought iron or aluminum to appear as wrought iron fencing must be black. Fencing must be installed with the finished side facing out and within 4" of the property line. Fencing must start at the rear of the building and not extend toward the front of the property.

Gates must be compatible with fencing in design, height and color. Gate hardware must be unobtrusive and rust resistant.

The top of the fence must be aligned with the contour of the land. Depending on the fence style, the bottom of the fence must be no more than approximately four inches above grade at any point. Fencing material will not be fastened to natural objects such as trees, bushes, or rocks. No fence is to be higher than 4 feet.

Vertical members must be plumb and

generally not extend beyond the uppermost horizontal portion of the fence except in "picket" fences. Fences left to weather naturally are

preferred to staining fences. Treatment of existing fences with a clear coat sealant requires no LCHOA BOARD Architectural Application.

No fencing shall be erected or maintained on any lot between the rear of the building and street(s) upon which such lot fronts, nor, in the case of corner lots, shall the fence extend beyond the rear corner of the house on the side nearest the street. Fencing must start at the rear corners of the building. Fencing must be full perimeter (i.e. not just one or two completed sides or just a portion of the yard) Fence Maintenance: All fences constructed within the Lake Chesterfield community shall be kept in good repair. Damaged or loose boards, framing or

gates shall promptly be repaired or replaced as necessary. Fence treatments such as stains or sealants, if used, shall be maintained in good condition and any peeling, cracking, etc. shall be treated in a timely manner. The Architectural Control Committee and the Board of Trustees

reserves the right to determine if a fence is in need of repair or treatment. Electronic Pet (Dog) Fences Guidelines: Pet

(dog) fences shall be installed to allow at least a 3 foot setback from public sidewalks located in the front or sides of the property. The 3 foot setback also applies to the property lines adjacent to neighbors property or common ground areas. One intent is to reduce the pedestrian's perception of risk from animals guarding a yard at the property line and minimize the potential risk of physical injury from animal attacks at the property line in the absence of a physical barrier. FENCES may have exceptions at the sole discretion of the LCHOA Board. Application Contents: Site plan, which shows the relationship of the fence to adjacent property, open spaces, property lines and all existing site improvements. Architectural Applications must show exact relationship with property lines. Fence style and material. Dimensions. Specify fence color or state "weather naturally".

## **FENCES, GARDEN**

Design Considerations: Vegetable gardens must be located between the rear line of the dwelling and the rear property line. Gardens located on the sides of homes must be less than four feet in width from house foundation. Gardens must not adversely impact or damage abutting property in terms of weed growth, unsightliness, adverse drainage, etc. Temporary fencing to keep out small animals may not exceed 18 inches total height, including supports. Temporary fencing material must be natural wood-tone and "open" (not "privacy" style). For added security, wire mesh screening (rectangular 2" x 2" or 2" x 4") may be attached to the inside of the fence and shouldn't extend above the top. The use of natural landscaping to screen vegetable garden fencing is highly recommended.

## **14. GARAGE DOORS**

An Architectural Application for LCHOA BOARD approval is required for all garage doors that are a different style or color than the original doors. Design Considerations: Must be consistent with the architectural style of the house and the surrounding homes. Architectural Application Contents: Picture or sketch of the proposed garage door. Color and material of the garage door. Color of the wood trim around the garage door. Pre-Approval Criteria: Must be the same size and color of the existing garage door with no ornamentation. Must be similar style to existing door but may have flat, raised panels, recessed panels, or windowed panels.

## **15. HOLIDAY DECORATIONS**

Holiday decorations do not require an LCHOA Architectural Application but must meet the following criteria. Decorations for a holiday may be displayed 45 days prior to the holiday and remain on display for 30 days after the holiday. Holiday decorations must be confined to the owner's private property.

## **16. LANDSCAPING/TREES**

All landscaping must be planted and maintained in accordance to Indentures (see appendix A #5). Please contact the city of Wildwood for ordinances regarding the removal of trees.

## **17. MAJOR EXTERIOR ALTERATIONS**

An Architectural Application for LCHOA BOARD approval is required for all major exterior alterations. The LCHOA BOARD will only approve after all other city and county permits are received. Major alterations include, but are not limited to, construction of driveways, garages, porches, decks, greenhouses, rooms, fireplaces or other additions or modifications

which substantially alter the existing structure, either by subtraction and/or addition. Any exterior change, which substantially alters the original configuration of the residence, is considered a major alteration. Other major alterations may be included elsewhere in these guidelines. The design considerations below are not intended to supercede design considerations listed elsewhere. Design Considerations: All Major Exterior Design alterations must be completed within 180 days. Cleanup and landscaping must be completed within the timeframe. Design, materials and colors of an addition to or extension of, existing construction must be the same as the original construction. The construction site must be kept in a workmanlike manner throughout the construction period. Excess materials must be removed immediately after the completion of the project. The design must be of a scale that is compatible with the applicant's house and lot size. Pitched roofs on major alteration must match as closely as possible the slope of the existing roof on the applicant's house.

The design must anticipate and incorporate plans to minimize changes in grade that will adversely affect drainage. The design must not adversely affect adjoining properties due to changes in grade. Windows, doors, and other major alterations must be located to balance the existing structure. Site plan showing the relation of the proposed alteration to the applicant's house and property line. Front, side, and rear elevation drawings showing the proposed addition on the house. Detailed plans and drawings including all exterior dimensions. Color and description of materials of existing and proposed roofing. Major Exterior Alterations continued... Architectural Application Contents:

Note the style and pitch of the roof. Siding color of the existing and proposed addition. Location of the gutters and downspouts. Color of existing and proposed gutters and downspouts. Location, style, and color of existing windows, shutters, and doors. Color of existing and proposed trim. Color, style, and location of existing and proposed lighting. Details on screening. Landscaping details. For further assistance in preparing the Architectural Application, please see specific topics listed separately.

## **18. PAINTING (EXTERIOR)**

An Architectural Application for LCHOA Board approval is required for all exterior color changes including siding and shutters. All exterior colors must be approved by the LCHOA. Only colors in subdued or neutral tones will be considered for the body color. Bright or high intensity colors will not be permitted. Accent colors must be compatible with the field color. Repainting with the same color does not require LCHOA approval. Architectural Application Contents: Description of all existing colors of the house. Paint chip sample of colors to be used. Description of paint or stain properties: e.g.: Paint-flat, semi-gloss, gloss Staintranslucent or opaque. Pre-Approval Criteria (exterior painting): Repainting or re-staining to match existing color, (unless owner has been previously or otherwise notified in writing).

## **19. PATIOS**

An Architectural Application for LCHOA BOARD approval is required for all patios not meeting the criteria listed below for preapproval. Design Considerations: Patios must be located in rear yards. Patios are not allowed to be painted, covered or carpeted. Patios are not to adversely affect adjoining properties due to changes in grade. Architectural Application Contents: Site plan showing the dimensions and location of the patio as it relates to the applicant's house, other yard features and property lines. Dimensions of the patio. Description of materials, color, grading, and drainage changes. Pre-Approval Criteria: Ground level patios located below an approved upper deck that are the same size or smaller than the upper deck. Patios located in the rear of a home. The materials are a natural colored concrete, brick, slate or earth tone stone or gravel and contain no permanent benches, planters, and or lattice. Patios not requiring government permits.



## **20. PLAY EQUIPMENT**

Including, but not limited to, trampolines, swing sets, basketball hoops, and skate ramps. City and County codes should be followed regarding installation and use. Codes regarding property lines, set backs, and impeding of public right of ways must be followed. Respect of neighbors' privacy should be considered.

## **21. PORCHES - See Major Exterior**

Alterations

## **22. RETAINING WALLS**

An Architectural Application for LCHOA BOARD approval is required for all rock gardens and walls not meeting the criteria for pre-approval. Pre-Approval Criteria: Natural "earth-tone" colored rock, stone, or brick. Treated or cedar landscape timbers may be used to replace existing timber retaining walls. Creosote treated ties are not permitted. Height of wall is less than that requiring a permit under city or county codes. Wall meets all set back requirements. Does not adversely change the grade or drainage on property or adjacent lots. Any wall that does not require a County or City Permit.

## **23. ROOFING**

Corrugated fiberglass or metal materials will not be allowed. Roofing replacement must be completed in a timely fashion. Pre-Approval Criteria: Replacement shingles to match or complement existing color and style of the house. Architectural Application Content: Sample or description (including color, type and design) of new material to be used.

## **24. SATELLITE DISH ANTENNAE & MMDS**

An Architectural Application for LCHOA BOARD approval is required for installation of all satellite dishes not meeting pre-approved criteria. Satellite dish and antenna installations are subject to FCC regulations and the rights afforded to homeowner associations to control their location. Pre-Approval Criteria: Satellite dish must be less than 24" in diameter. Satellite dishes will be mounted on the rear or side of the house with no visibility from the front of the house except when such locations prevent adequate signal reception, in which case it will be mounted in the least visible location of the house still allowing signal reception. Ground installations shall be screened or disguised by trees, shrubs, rocks, or other means. Architectural Application Contents: If the location of the satellite dish doesn't meet pre-approved criteria, please submit documentation from a certified installer stating that reception isn't available without locating outside our guidelines.

## **25. SHUTTERS**

An Architectural Application for LCHOA BOARD approval is required for changing the style, size or permanently removing existing shutters. For painting shutters, see Painting, Exterior. Architectural Application Contents: A picture or sketch of the house showing the existing shutters. A picture or sketch of the proposed shutter style. Dimensions of the shutters. Color and material of shutters. Pre-Approval Criteria: Shutters which are pre-approved and do not require an LCHOA BOARD Architectural Application must meet the following criteria. Replacement shutters matching the original style, color and location(s).

## **26. SIDING & FASCIA**

An Architectural Application for LCHOA BOARD approval is required for changing the style of siding or fascia. For painting siding & fascia, see Painting, Exterior. Architectural Application Contents: A picture or sketch of the proposed siding style (when applicable). Pre-Approval Criteria: Siding and fascia, which is pre-approved and does not require an LCHOA BOARD Architectural Application, must meet the following criteria. Replacement siding or fascia matching the original style, color and appearance.

## **27. SPAS and HOT TUBS**

An Architectural Application for LCHOA BOARD approval is required for all permanently built-in spas and hot tubs. NOTE: Caution must be taken in draining the spa or hot tub so as not to adversely impact any property. Architectural Application Contents: A plat of the property showing the location of the spa or hot tub. The dimensions of the spa or hot tub. Picture or description of the spa or hot tub, noting colors and details and color of cover. Details of decking or screening. If the mechanical unit is not self-contained, describe the screening in detail.

## **28. SWIMMING POOLS and PONDS**

An Architectural Application is required for all permanent pools, or temporary pools over 10' in diameter or 24" high. Design Considerations: Swimming pools are to be located behind the house and enclosed by a fence in accordance with St. Louis County code. Patios, decks associated with a swimming pool must comply with the appropriate sections of this Standards Book. Fences associated with a swimming pool must comply with St Louis County – department of Public Works building permit requirements and may be located as approved by said permit and the approval of the LCHOA Board. Fencing material shall be in accordance with appropriate sections of this Standards Book. Above ground pools are not permitted (with the exception of children's wading pools less than 6 foot in diameter and less than 24 inch high). Architectural Application Contents: Site plan showing the size of the equipment and its location as it relates to the applicant's house, property lines and all existing site improvements. Detailed drawings and plans of pool, deck area, lighting, walkways, fences, etc. and pertinent information concerning water supply system, drainage and water disposal system. Description of all materials, colors, and finishes to be used. Information required for fencing, patios and decks as required by the appropriate sections of this Standard Policy. No metal, galvanized pools, tanks, or cattle troughs are allowed. City and County permits.

## **29. TRELISES and ARBORS**

An Architectural Application for LCHOA BOARD approval is required for all trellises not meeting the criteria listed below for preapproval. Pre-Approval Criteria: Trellises which are pre-approved and do not require an LCHOA BOARD Architectural Application must meet the following criteria. Wood trellises up to 8' high and 4' wide. Trellis cannot be attached to a fence. Color and material must be compatible with surrounding structures (deck and/or fence). Arbors can be freestanding or integrated with gates, fence or deck.

## **30. WALKWAYS & PATHWAYS**

An Architectural Application for LCHOA BOARD approval is required for all front and side yard walkways and for changes to the alignment or surfacing of existing sidewalks and front yard pathways. Design Considerations: Materials must have natural weathering qualities as do brick, slate, stone and concrete. All materials must be natural in color. Color additives or painting must not be used. Color of brick, if selected, must be compatible with that used in existing walks or house if

applicable. Changes in grade or other conditions, which may affect proper drainage, must be addressed. Approval will be denied if adjoining properties are adversely affected by changes in drainage. Architectural Application Contents: Site plan showing the size and location of the walkways and their relation to the applicant's house, property lines, adjacent properties and all existing site improvements. Description of materials, color, grading and drainage changes. Pre-Approval Criteria: Walkways and pathways which are preapproved and do not require an LCHOA BOARD Architectural Application must meet the following criteria. Located in the rear yard. Constructed of slate, stepping stones, natural color concrete paving stones, concrete, brick matching brick color on house, natural color river or pea gravel or wood bark or mulch. No wider than three feet. No change in grade or other conditions that affect proper drainage. Replacement of existing lead walks in same location, using same materials. Slate and stepping stone paths are allowed on side between front and rear corners of dwelling. Other exterior changes and additions that may include, but are not limited to, security cameras, mailboxes and recreational equipment will be reviewed on a case by case basis.

## **Appendix A**

### **ARTICLE VI**

Architectural and Environmental Control From and after the conveyance of an improved Lot or Living Unit by First parties, no building, fence, wall or other structure, swimming pool or tennis courts, outside television or radio antennae or satellite receiving dish shall be commenced, erected or maintained thereon, nor shall any exterior addition to, removal of all or any part thereof, or exterior change or alteration, in any improvement thereon be made until the plans and colors and location of the same shall have been submitted to and approved in writing as to harmony of external design, types of materials, colors and locations in relation to surrounding structures and topography by the Trustees, or by an architectural committee composed of five (5) or more representatives appointed by the Trustees. reference herein to "Architectural Control Committee," shall refer either to the aforesaid Committee, if appointed and constituted, or to the Trustees, whichever happens to be acting at the time. In the event the Architectural Control Committee fails to approve or disapprove any design, materials, colors and location within forty-five (45) days after all required plans and specifications have been submitted to it (and fees, if required, have been paid), approval will not be required and this provision will be deemed to have been fully complied with. The Architectural Control Committee is authorized where it deems appropriate to charge a review fee for any submission to defray the costs of reviews it conducts or authorizes. It is the intent of this Subindenture that all buildings and structures within the Properties shall be constructed of attractive exterior materials of high quality. In its review of submissions the Architectural Control Committee shall evaluate the construction standards and building materials for all proposed construction to insure that they are in conformance with such objectives. Accessory buildings, enclosures, appurtenant structures to, or extrusions from any building or structure shall be of similar or compatible materials, design and construction. Exterior finishes once approved shall not be altered without the written consent of the Architectural Control Committee.

### **ARTICLE IX RESTRICTIONS**

1. Building Use. No building or structure shall be used for a purpose other than for which the building or structure was originally designed, without the approval of the Architectural Control Committee.

2. Resubdivision. No Lot shall be resubdivided nor shall a fractional part of any Lot be sold without the consent of the Trustees, which consent shall not be unreasonably withheld. In the event either of the forgoing is approved, then the assessment attributable to the Lot so subdivided shall be pro-rated between the resulting Lots.
3. Commercial Use. No commercial activities of any kind shall be conducted on any Lot, but nothing herein shall prohibit the carrying on of promotional activities by First Party, nor the conduct of a home occupation in strict accordance with the provisions of the applicable zoning ordinances.
4. Nuisances. No noxious or offensive activity shall be carried on upon any portion of the properties, nor shall anything be done thereon that may be or become a nuisance or annoyance to the neighborhood. No exterior lighting shall be directed outside the boundaries of a Lot or other parcel.
5. Maintenance. Each Owner shall maintain and keep his Lot in good order and repair, and shall do nothing which would be in violation of law.
6. Obstructions. There shall be no obstruction of any portion of the Common Property or any storage or construction or planting thereon by an Owner. No clothes, laundry or other articles or equipment shall be placed, hang, exposed or stored in any portion of the Common Property or in any portion of the exterior or yard area of any Lot or on or about the exterior of any building.
7. Animals. No animals, reptiles, birds, horses, rabbits, fowl, poultry, cattle or livestock of any kind shall be brought onto or kept on the properties, except that no more than two dogs, cats, or other household pet (except house pets with vicious propensities) may be kept or maintained on any Lot, provided that such pets are not kept for any commercial purpose and provided that such pets are at all times leashed and no runs or other outside structures are erected or installed therefore. The keeping of any pet which by reason of its noisiness or other factor is a nuisance (as determined by the Trustees in their sole judgment) or annoyance to the neighborhood is prohibited.
8. Trucks, Boats, Etc. No trucks or commercial vehicles, boats, motorcycles, campers, recreational vehicles, house trailers, boat trailers and trailers of any other description shall be permitted to be parked or stored on any Lot unless they are parked or stored in an enclosed garage or in such other enclosure (open or otherwise) approved by the Architectural Control Committee, except only during periods of approved construction on the Lot.
9. Vehicular Sight Lines. No Fence, wall, tree, hedge or shrub planting shall be maintained in such manner as to obstruct sight lines for vehicular traffic. Except as may be required to comply with the prior sentence, no live tree shall be removed without the approval of the Architectural Control Committee.
10. Temporary Structures. No structure of a temporary character, trailer, tent, shack, garage, barn or other out buildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
11. Signs. No signs, advertisements, billboards, or advertising structures of any kind may be erected, maintained or displayed on any Lot; provided, however, that nothing herein shall prohibit signs erected or displayed by First Parties in connection with the development of the Properties and the sale or rental of homes therein.
12. Garbage. No rubbish, trash or garbage receptacle shall be placed on the exterior of a Lot except on the day of regularly scheduled collection, unless such receptacle is completely recessed into the ground and equipped with a

permanent cover, or unless an above-ground receptacle is approved by the Architectural Control Committee.

13. Utility and Drainage Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements.

14. Oil Drilling. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot or portion of the Properties, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot or portion of the properties. No derrick or other structure designated for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot or portion of the Properties.

15. Cul-De-Sac, Etc. No above-ground structure, other than required street lights, may be erected upon a cul-de-sac, divided street entry island, or median strip, without the written approval of St. Louis County and the St. Louis County Department of highways and Traffic.

16. Fences. No fences or screening of any kind shall be erected or maintained on any Lot between the rear of any building erected upon the Lot and the Street upon which such Lot fronts. Fences may be maintained on other portions of the Lots only with written consent of the Architectural Control Committee as to location, material and height, and the decision of such committee to approve or reject a fence shall be conclusive. Nothing herein contained shall prevent placement of fences by the Trustees on the Common Ground.

17. Television Antennae. No exterior television or radio antennae, towers, satellite dishes, or similar structures will be allowed on any Lot in the Properties without the prior written consent of the Trustees, which consent shall not be given without unanimous approval of the Trustees.

## **ARTICLE XI**

### **GENERAL PROVISIONS**

These general provisions shall apply to the foregoing Subindenture for the Properties. Enforcement. Enforcement of any of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenants and may be brought to restrain any such violation and/or to recover damages therefore together with reasonable attorney's fees and court costs.

## **Appendix D THE HARBORS AT LAKE CHESTERFIELD HOMEOWNERS ASSOCIATION**

### **SCHEDULE OF FEES AND FINES**

WHEREAS Article V, Section 6 of the Indentures of Trust and the Sub-indentures of Trust and Restrictions (the "Indentures") grants the Trustees with the power to prevent any infringement and to compel the performance of any restriction set out in the "Indentures" or established by law, and also any rules and regulations issued by said Trustees governing the use of Common Property or any other matters relating thereto, LET IT BE RESOLVED THAT the following Schedule of Fees and Fines will be followed:

1. The Trustees are authorized to enforce timely assessment payments from owners, compliance with Rules and Regulations, and other policies enacted in accordance with the governing documents by assessing monetary penalties against owners, their guests, family, and renters who are in violation.

2. Fees and / or fines for specific offenses are:

- NSF checks: see Returned Check Policy
- Misuse of Association Property (e.g. damage to clubhouse during a rental agreement): Cost of repairs and the fine for the appropriate level of offense.
- Architectural guideline violation

i. Untimely submittal of Architectural Application for architectural change will result in a fine of not greater than \$25.00.

ii. An architectural change in violation of the current, in effect architectural guidelines will be subject to the fine for the appropriate level of offense, which level shall be increased one level for each week the violation is not corrected to conform to the in effect architectural guidelines.

- All other violations of covenants or restrictions contained in the "Indentures" and additional rules adopted by the Board of Trustees will be subject to the fine for the appropriate level of offense.

3. The following fines shall be applied to the offenses described above:

- First offense not greater than \$ 50.00
- Second offense not greater than \$100.00
- Third offense not greater than \$250.00
- Fourth offense the Board of Trustees to consider other legal action

4. All unpaid fines are subject to the Collection Policy.

5. Appeal Process Any Owner receiving a fine who believes no violation occurred, may submit a written explanation to the Board of Trustees. The Owner will be given an opportunity for a hearing and no enforcement fee will be imposed until after the hearing.

Recorded in the book of Minutes 1/16/03

HARBORS AT LAKE CHESTERFIELD  
 REQUEST FOR ARCHITECTURAL ADDITION OR ALTERATION  
 (Please complete this form and return to the clubhouse or mail to:

Lake Chesterfield, P.O. Box 457, Wildwood, MO 63040)

Owner \_\_\_\_\_ Account# \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ E-mail address \_\_\_\_\_

Type of Request \_\_\_\_\_

Please note the following information required in order for this request to be considered complete.

For any building additions/fencing: a copy of your plat with the proposed alteration clearly

indicated, a copy of the architectural plans and copies of all building permits required by St. Louis County and Wildwood. For fencing, include addresses of properties your plat adjoins. For request for color changes, please include a paint sample of the proposed color.

Requests should be submitted by the 2nd Thursday of the month to allow time for the Architectural Committee to review and present to the Board of Trustees at their monthly meetings held the 3rd or 4th Thursday of each month.

If this request is approved, it is based only on the aesthetics and type of material. It is the homeowner’s responsibility to obtain structural approval, if required by St. Louis County and/or Wildwood, and is subject to local Building Regulations and Restrictions of Record.

Additional Information:

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

This section to be completed by the Architectural Committee and/or Board of Trustees

Date Reviewed \_\_\_\_\_

Approved \_\_\_\_\_ Approved as noted \_\_\_\_\_ Disapproved \_\_\_\_\_

Comments \_\_\_\_\_

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

NOTIFY [LCHOA@LCHOA.ORG](mailto:LCHOA@LCHOA.ORG) OR 636-458-1070 UPON COMPLETION

Submit any requests for changes or alterations as soon as possible.

Architectural request forms, once approved, shall not be altered without the written consent of the LCHOA Board of Trustees.

Fence Specifications

(Include with all Architectural Requests for Fencing)

1. Fence design or style (verify by checking one of allowed types shown below)

- a. 48” Forest Park style picket \_\_\_\_\_
b. 48” French Gothic style picket \_\_\_\_\_
c. 48” Scalloped style picket (6 “ scallop depth/56” post height) \_\_\_\_\_
d. 48” Arched style picket (6” arch depth/56” post height) \_\_\_\_\_
e. 48” Wrought iron or simulated wrought iron similar to “Majestic Regent” \_\_\_\_\_

2. Check to verify the that the spacing of the fence pickets is the required 3 inches \_\_\_\_\_

(4 inch spacing is allowed for wrought iron fences)

3. Check to verify picket board thickness and width is the required 1 X 4 \_\_\_\_\_

4. Specify the proposed date of completion so a re-inspection can be made \_\_\_\_\_

(Note: Fence installation should be completed within a 3 month time period)

5. State all variances from the LCHOA Architectural Standards that are requested and include reasons:

\_\_\_\_\_

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Note: See LCHOA Architectural Standards document section 13 (pages 6 and 7) for fence requirements and Appendix B-1 and Appendix B-2 for the allowed fence styles/dimensions.

The signature (below) of the property owner verifies the above stated fence specifications are in agreement with the contract negotiated with the fence company to install the requested fence.

Signature of property owner: \_\_\_\_\_ Date: \_\_\_\_\_

Re-Inspection by: \_\_\_\_\_ Date: \_\_\_\_\_