

**The Lake at Winterwood
Community Organization**

**Supplement to the
Protective Covenants and
Architectural Guidelines
Handbook**

September 2004

Introduction

Handbook Caveat

The intent of this handbook is to make the rules that govern our community more accessible and understandable. However, all homeowners are urged to use the legally recorded “Declaration of Protective Covenants for the Lake at Winterwood” as the final authority for all rules. This handbook is meant to clarify, not supercede that legal document.

What are the Covenants?

The “Declaration of Protective Covenants for the Lake at Winterwood” is a set of rules initially established by the developer of the Subdivision. The Covenants were intended to govern the initial construction on the subdivision lots and any subsequent improvements. The Covenants contain certain specific architectural restrictions and requirements and provide the authority for establishment of aesthetic standards for construction, design, and color by the Lake Winterwood Board of Directors, henceforth referred to as the Board

What is the Architectural Control Committee?

The Architectural Control Committee is composed of the elected and/or appointed members of the Organization’s Board of Directors.

What are the Architectural Guidelines?

This handbook contains not only a summary of the Covenants but also additional details known as Architectural Guidelines. The purpose of these guidelines is to provide further clarifications and interpretations of the Covenants. The Covenants and guidelines govern changes to the houses, additions or alterations to other lot structures, and guidelines for certain other activities that impact the neighborhood. The intent of these rules is to strike a balance between freedom of expression and community standards.

Architectural Requests

Submitting requests

Prior to placing or improving any structure or making any change or alteration to the external appearance of any improvement on a lot, the plans or specifications shall be submitted to and approved by the Board. When constructed or placed on the Lot, the structure or improvement shall conform to the plans and specifications as approved.

Afterword

Every homeowner will have his or her own opinion about the proper balance between community control and individual freedom. It is the Board’s goal to achieve the best balance for the greatest number of homeowners. It is the Board’s hope that this document promotes that intent.

Why might a request be denied?

The Board may refuse to approve an architectural request, if in the exercise of the discretion of the Board the proposed change detracts from the general visual appearance of the neighborhood as seen from the streets and/or adjacent lots.

The Board’s standards

The Board shall have the authority to determine and establish standards involving aesthetic considerations of harmony of construction and color which it determines to be in the best interest of providing for attractive development of the Subdivision, which authority shall include but not be limited to the height, configurations, design and appearance of the dwelling and fences, walls, outbuildings, pools, and other structures and improvements appurtenant to the use of a dwelling. Such determinations may be amended and shall be binding on all persons.

The Board may use advisors

The Board may appoint advisors or advisory committees from time to time to advise on matters pertaining to the Subdivision.

Homeowner responsibility

The homeowner is responsible for obtaining all legally required building permits and insuring compliance with local building code. These Guidelines do not supplant state, city, or county building code requirements. The Board and its advisors are not responsible for any defect in any plan or specification submitted or approved, nor for any defect in work done according to such plans and specifications.

Can exceptions to the Covenants be made?

The Board shall have the authority to approve plans and specifications which do not conform to these restrictions in order to overcome practical difficulties or prevent hardships in the application of these restrictions provided that such variations so approved shall not be materially injurious to the improvements of other Lots and shall not constitute a waiver of the restrictions herein contained but shall be in furtherance of the purposes and intent of these restrictions.

Restrictions on Activities and Animals

Nuisances

Nothing shall be done on a Lot which may become a nuisance to the neighborhood.

Businesses

No trade, craft business, profession, commercial or manufacturing enterprise or business or commercial activity of any kind shall be conducted or carried on upon any Lot or within any building located in any Subdivision.

Exception:

- Telecommuting and in-home offices that do not contribute to traffic or noise in the community are allowed.

Animals

Animals must be controlled by their owners in such a matter that they not be a nuisance to their neighbors and/or those using the common areas.

- Dogs must be on a leash or under other control at all times.
- Animals owners must be responsible for the waste of their pets.
- Owners must keep dogs from barking needlessly and excessively.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for commercial purposes.

Firearms and Related Activity

No firearm, crossbow, bow and arrow, or air gun, paintball gun, including without limitation, BB type or pellet guns, whether for purposes of hunting or target practice, shall be discharged within the community.

Other Lot Restrictions and Obligations

House Colors

The Board must approve all changes to house colors. Paint chips or color photographs must be submitted with the architectural request forms. The Board may request a small section of the house be painted with the proposed colors prior to final approval so that the colors' suitability can be assessed. R1: Accessory building and fence colors must match either the base or trim color of the house. Natural wood tone is an additional color option for fences only.

Fences

- No fence, wall or hedge shall be permitted to exceed 3 feet in height if it is in within 10 feet of any street, except that nothing shall prevent the erection of a retaining wall, the top of which does not extend 3 feet above the finished grade at the back of said retaining wall.
- No fence, wall hedge or mass planting shall at any time, where permitted, extend higher than 6 feet above the ground.
- No chain-link fence shall be permitted on a lot except in those cases where the fence is not visible from the street and/or adjacent properties.

Roofs

New roofs installed on principal and accessory buildings on a lot must match any existing roofs to be retained on the lot and may be either cedar shake, simulated cedar shake, or tile. Color of new or re-stained roofs must have prior approval by the Board if there is a change from the original color. Composition asphalt shingle and sheet metal roofs are not permitted under any circumstances.

Aerials and Dishes

No external aerial or microwave receiver (dish) for television reception larger than 39" in diameter shall be permitted on any Lot. Dish or external aerial must be attached to the principal building and not visible from the street. Free standing or pole-mounted dishes are not permitted.

Above-Ground Wires

No lines or wires for the transmission of electric current or television or telephone signals shall be constructed, placed or permitted to be placed outside of the buildings of a Lot, unless the lines and wires shall be underground or in conduit attached to a building, and must comply with all local building code requirements.

Signs

No sign of any kind shall be displayed on any Lot except:

- entry signs identifying the neighborhood.
- one professional sign of not more than one square foot.
- one sign of not more than five (5) square feet advertising the property for sale or rent.
- one sign of not more than five (5) square feet identifying a contractor (e.g. painter) may placed on the Lot during the period of work.

The Board reserves the right to allow certain other signs upon request. Examples:

- Discretely displayed security/alarm system signs
- Briefly (not greater than one week) posted signs or banners announcing special events (e.g. births, birthdays).

Basketball Hoops

No permanently affixed basketball hoops or fixtures are allowed in front yards. The use of portable rollaway hoops is acceptable if they are kept in good repair and not left out indefinitely.

Clothes Drying Area

No portion of any Lot shall be used as a drying or hanging area for laundry of any kind where it can be viewed from any street or adjacent house.

Landscaping and Ditches

Landscaping, yards, and ditches shall be maintained to reasonable standards by the individual homeowner. As a guideline, grass or weeds rising higher than 6" will be considered unsightly on lawns. R1: Ditches should be kept free of weeds and grass, with the exception that areas with standing or running water may have a reasonable amount of aquatic vegetation.

Lot Lights

Each lot must have at least one light standard located near the front of their lot. Each lot owner shall, at their own expense, cause such light to be operated during the hours of darkness and shall maintain the light in good repair. Should more than one free standing light exist on the property, all must be maintained and in working order.

Seasonal Decorations

Seasonal decorations (e.g. Christmas lights, Halloween decorations) that are visible from the street must be removed within thirty (30) days of the event.

Storage Restrictions

No goods, equipment, vehicles (including busses, boats, motor homes, and trailers of any description) and no materials or supplies used for private purposes or in connection with any trade business or service wherever the same may be conducted, shall be kept, stored, dismantled or repaired outside of any building or approved fence or permitted accessory building on any Lot, or on the street adjacent to a Lot.

Storage period

Equipment, vehicles, goods, material, or supplies shall not remain outside of any building or approved fence for a period exceeding seven (7) days before and seven (7) days after use without specific approval from the Board.

Trash and Garbage

- No Lot shall be used or maintained as a dumping ground for rubbish and trash.
- Garbage or other waste shall not be kept except in sanitary containers.
- All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and out of sight from the street.

Guest RVs

RVs belonging to temporary guests may be parked in the driveway of a residence being visited for a period not exceeding three weeks. Time extensions require prior written approval by the Board.

Vehicle covers

Fitted covers may be used on vehicles stored, but visible, behind an approved fence. Bright colored tarpaulins are not acceptable for this purpose.

Changing the Covenants

Covenants may be amended and changed by the written consent of not less than sixty (60%) of all the Subdivision lots.

Guidelines for Lot Structures

What types of structures are permitted

Lots are to be used for residential purposes only. The only building permissible is one detached single family dwelling and approved accessory buildings such as garages, greenhouses, playhouses, tool sheds, woodsheds, doghouses and gazebos.

All buildings and improvements on a Lot shall be of permanent construction, and no temporary structure, trailer, mobile home, tent, garage, outbuilding or other similar device shall be placed on any Lot, except with the permission of the Board.

Where can structures be placed?

The location of a permitted accessory building other than garages shall be at a place which minimizes the visual impact as seen from the streets and adjacent lots, and as a general guideline shall be in the side or rear yard behind the front of the house.

Who can do construction?

No structure may be placed or erected on a Lot except by a person or firm holding a valid contractor's license. Exception: The Board reserves the right to allow certain minor projects to be done by persons without a valid contractor's license (e.g. sheds and fences).

How much time can be taken to complete construction?

Once started the work of constructing, altering, repairing or reconstructing any structure or improvement on a Lot shall be diligently worked upon until completion thereof and in any event the exterior of the structure shall be completed and finished within six months after the work first commences.

Legal Considerations

Severability

In the event that any provision is declared invalid by any court of competent jurisdiction, no other provision shall be affected thereby and the remaining provisions shall remain in full force and effect. No waiver of the breach of any of these provisions shall constitute a waiver of a subsequent breach of the same provision or of any other provision. No right of action shall accrue for or on account of the failure of any person to exercise any right hereunder nor for imposing any provision, condition, restriction or covenant which may be unenforceable.

Enforcement

The Board shall have the right and authority to enforce the Covenants and Architectural Guidelines and in addition to any other remedy for damages or otherwise, shall have the right to injunctive relief. The prevailing party in any action to enforce any of these provisions shall recover a reasonable sum as attorneys' fees together with the reasonable costs of searching and abstracting the public record which sums shall be paid by the unsuccessful party.

The request process

All plans and specifications or information required shall be submitted in writing prior to the start of work to a Board Member

The request shall include as applicable:

- A written request for approval. Standard request forms may be obtained from any Board member or the Lake Winterwood website. A copy is attached for your convenience.
- Name and address of the person submitting the request and the Lot involved.
- Location of the structure upon the Lot.
- Elevation of the structure with reference to the existing and finished lot grade.
- General design, specifications, and drawings.
- Exterior finish materials and color including roof materials.
- Such other information as may be required to determine whether such structure conforms with these restrictions.
- Submit duplicate copies of the request to a Board member.

Within thirty days after the receipt of plans, specifications, and other pertinent information with the request forms for approval, the Board shall by majority vote approve or disapprove the request which in its opinion does not conform to the protective covenants. Approval or disapproval of a request shall be made upon one of the copies thereof and returned to the address shown on the request. In the event that no disapproval of a request is given within thirty days of submission in compliance herewith, the request shall be deemed approved.

What kind of lot changes require permission?

The design and location of new and altered structures such as garages, greenhouses, playhouses, tool sheds, woodsheds, dog-houses, gazebos, fences, walls, sports courts, pools, and decks require approval. External house paint colors if altered require approval. Colors and material of new roofs and colors of re-stained roofs require Board approval.