

**Lake Sherwood  
Estates  
Association  
Rules and  
Regulations  
Volume II**

**MAY 1996**

March 1, 2022

Revised for Low Impact 11/30/08

**TABLE OF CONTENTS**  
**LAKE SHERWOOD ESTATES ASSOCIATION**  
**RULES AND REGULATIONS/VOLUME II**  
**ARCHITECTURAL CONTROL COMMITTEE, DESIGN REVIEW, PERMITS,**  
**CONSTRUCTION, and INSPECTIONS**

<b><u>SECTION</u></b>	<b><u>SUBJECT</u></b>
<b>Article 1</b>	<b>Architectural Control Committee</b>  <b>1-A) Authorization</b>  <b>1-B) Definitions</b>  <b>1-C) LSEA Design Review and Building Permit Process</b>
<b>Article 2</b>	<b>Building Code of Lake Sherwood Estates Association</b>
<b>Article 3</b>	<b>Architectural/Engineering Design Requirements</b>
<b>Article 4</b>	<b>Aesthetic Value/Low Impact Rules for all New Residences</b>
<b>Article 5</b>	<b>Design Review - Drawing/Document Requirements for New Residences, Residence Additions and Garages.</b>
<b>Article 6</b>	<b>Definitions/Fees for Class A and Class B Building Permits</b>
<b>Article 7</b>	<b>New Residence Application Package Requirements</b>
<b>Article 8</b>	<b>LSEA Inspection Requirements (for Class A Permits)</b>
<b>Article 9</b>	<b>Pre-Construction Inspection/Erosion Control</b>
<b>Article 10</b>	<b>Performance Bond (Construction Completion Agreement)</b>
<b>Article 11</b>	<b>Contractor/Property Owner General Requirements</b>
<b>Article 12</b>	<b>LSEA Building Permit-Expiration/Construction Abandonment</b>
<b>Article 13</b>	<b>Utility Tie-ins and Road Damage Bond</b>
<b>Article 14</b>	<b>Water and Sewer Hookup/Fee</b>

<b>Article 15</b>	<b>Safety of Persons and Property</b>
<b>Article 16</b>	<b>Off Road Parking Requirements</b>
<b>Article 17</b>	<b>Construction Cease and Desist Orders (Stop Work Orders)</b>
<b>Article 18</b>	<b>Use of Land and Re-subdivision</b>
<b>Article 19</b>	<b>Residential Swim Pool</b>
<b>Article 20</b>	<b>Residential Fences and Partitions</b>
<b>Article 21</b>	<b>Sea Walls</b>
<b>Article 22</b>	<b>Retaining Walls</b>
<b>Article 23</b>	<b>Boat Docks, Ramps, and Lifts</b>
<b>Article 24</b>	<b>Storage Sheds and Gazebos</b>
<b>Article 25</b>	<b>Decks, Porches, Platforms, Stairs and Road and Lake Access Stairways</b>
<b>Article 26</b>	<b>Dog Enclosures</b>
<b>Article 27</b>	<b>Driveways, Culverts, and Covered Drain Boxes</b>
<b>Article 28</b>	<b>Residence heating Systems (including Geo-Thermal)</b>
<b>Article 29</b>	<b>Variances to Lake Sherwood Rules and Regulations</b>
<b>Article 30</b>	<b>Procedures for Enforcement of Violations</b>
<b>Article 31</b>	<b>General Provisions</b>

- Appendices:**
- 1) Current LSEA telephone numbers**
  - 2) Road replacement specification and utilities tap-in installation**
  - 3) Pressure sewer installation and tie-in drawing**
  - 5) High efficiency energy products & systems, selection & appl. guide**
  - 6) High efficiency water products & systems, selection & appl. guide**

## **THE ARCHITECTURAL CONTROL COMMITTEE OPERATING CHARTER**

*The Architectural Control Committee, better known as the ACC, was created at the very birth of Lake Sherwood. In the beginning it mainly supported the original developer of the property. The ACC was maintained as an entity after formation of the Lake Sherwood Estates Association we all belong to today. The ACC has changed somewhat since the beginning but has retained and updated many of the original goals.*

*For the reason that Lake Sherwood Estates is not located within a public governmental jurisdiction that has minimum architectural and construction standards, the Board of Directors deems it to be in the best interests LSEA and the entire community as a whole to adopt minimum standards and code requirements, insurance, review procedures and fees, enforcement and related matters that are uniform, fair and efficient. The Rules adopted in this Volume II are intended to foster an attractive exterior appearance for the community, promote quality construction, protect the welfare of the members and financial assets of LSEA, and preserve the natural resources of the community. The goals of these Rules are discussed below:*

*These goals are: 1) To provide design review for all new dwellings and modifications to foster an attractive community. 2) To maintain and promote member property values. 3) To treat our future neighbors as equally important as our current resident neighbors. 4) To provide overall building continuity while maximizing green space. 5) To encourage and provide for quality home building. 6) To provide a systematic user-friendly process for guiding both our future and current neighbors through the complicated task of building a new home, or other minor building projects. 7) To provide specific rules and guidelines to help support the building process. 8) To provide reasonable assurance that all construction is consistent with applicable codes, rules and regulations, and common-sense practices. 9) To provide harmony and orderly growth of the Lake Sherwood community as a whole. 10) To apply Rules and Regulations to each property owner for the mutual benefit of all property owners.*

*11/12.) Provide improved siting of new structures to control property erosion to minimize silt flow to other property and Lake Sherwood's lakes.*

**LAKE SHERWOOD ESTATES ASSOCIATION**

**RULES AND REGULATIONS/VOLUME II**

**ARCHITECTURAL/ENGINEERING DESIGN REVIEW,  
CONSTRUCTION, AND INSPECTION OF NEW RESIDENCES AND  
OTHER PROPERTY IMPROVEMENTS**

**ARTICLE 1**

**ARCHITECTURAL CONTROL COMMITTEE**

**ARTICLE 1 - A**

**AUTHORIZATION**

*The ACC was created under Section 7 of the Declaration of Restrictions. The following rules are adopted under the authority contained within Section 31 (created in 1967, and amended in 1978, 1995, 1996, and 2005), of the Lake Sherwood Estates Association Declaration of Restrictions. Such authority is to help foster safety, aesthetic values, increased property values, the establishment of continuity, the pursuance of environmental protection, and the promotion of harmony and orderly growth of the LSEA community as a whole. These Rules and Regulations will be enforced equally for all property owners. ACC aesthetic reviews and code inspections on all projects located on Lake Sherwood community owned property. When conflicting interpretations arise with these Rules and Regulations, the ACC interpretations will prevail.*

**ARTICLE 1-B**

**DEFINITIONS**

- 1) **Architectural Control Committee (ACC)** - The ACC committee consists of 5 members and 1 alternate member appointed by the Board of Directors of Lake Sherwood Estates Association. The ACC meets once each month in the LSEA administration building, to review and process applications for Class A and Class B building permits. In the event of special conditions, additional meetings may be scheduled.
- 2) **Lake Sherwood Estates Association** –LSEA
- 3) **Architect** – The licensed professional engaged by the property owner to be responsible for the architectural design, engineering, and inspections of the structural, electrical and plumbing of a proposed

residence or for any other property improvements installed on a property within Lake Sherwood. The licensed professional must be knowledgeable and practiced in low impact building.

(See Article 4)

**4) Engineer** – The licensed professional engaged by the architect when necessary to provide structural, civil, mechanical, or electrical design support for a proposed residence or addition.

**5) Building Code of Lake Sherwood** – The International Residential Code (IRC) and the International Building code (IBC), in combination with the LSEA Rules and Regulations. (See Article 2)

**6) Class A Building Permit** – All Class A building permits **require** an architect/engineer stamped seal of approval on all construction documents provided for ACC approval. (See Article 6 for the detailed list of construction projects requiring Class A Building permits.)

**7) Class B Building Permit** - Class B building permits **do not require** an architect/engineer stamped seal of approval, but all drawings and other documents must be clear, concise, and of high quality. (See Article 6 for the detailed list of construction and installation projects requiring Class B Building permits)

**8) Certified plot plan** – A lot survey drawing developed and certified by a licensed registered surveyor. (See Article 5)

**9) Building site plan** – An overall property plan drawing supplied by the architect that is required to provide details of the full intent of the final graded site. (See Article 5)

**10) Contractor/Builder** – The person responsible to the property owner for the physical construction of a proposed residence or other project within Lake Sherwood in conformance with the Building Code of Lake Sherwood. (See Article 11)

**11) Property Owner** – The current legal owner of the recorded deed for any property requesting a LSEA building permit. The property owner is responsible for all proposed construction on said property, and is responsible for all related engineering, design and inspection associates and their conformance to the Building Code of Lake Sherwood.

**12) Surveyor** – The licensed registered professional responsible for providing the certified plot plan drawing showing the deeded property lines, easements, and related LSEA properties. Also responsible for showing and staking out proposed building locations, key hub elevations, and supplying data adequate for the architect/engineer to provide topographic mapping on the project site plan. (See Article 5)

**13) Variance** – An ACC approved deviation to the LSEA Rules and Regulations (See Article 29)

**14) PIC** – Property Improvement Committee. (See Volume IV for property improvement Rules and Regulations)

**15) Performance Bond** – The performance bond required by LSEA under the building permitting process is not intended to cover the costs to complete the building or construction project, rather the performance bond requirement is imposed to help assure timely completion of the building or construction project. Timely completion is recognized to help preserve neighborly relations and aesthetics of the community during and through the completion of construction activities.

**16) Earth Tone/Slate Tone Color Choices** – Exterior colors shall maintain and encourage the landscape and character of a forested community, frequently characterized as earth tones. Colors shall be of low luminosity such as medium to dark browns, grays, slates, reds, greens, and similar to darker palettes that blend into the setting.

**17) Low Impact** – Building practices specifically developed to prevent long term silt flow problems for other property and our lakes.

**18) Ordinary High-Water Mark (OHWM)**: On Lake Sherwood, that point along LSEA shorelines identified as 623.24 feet above sea level. On all other lakes (Eleanor, Marian, Sugar Hollow, Robin Hood), this elevation point is determined by the bottom of the lowest overflow culvert. This point is to be used when determining the OHWM on all lakes for the purposes of construction of any structure at

or near the shoreline. Lake Alan is not considered “Waters of the United States”, and therefore is not under the jurisdiction of the USACE.

Any structure that will be constructed within 10 feet of the OHWM (including retaining walls, gazebos or any other permanent structures) must be certified by a licensed Surveyor to be located above the Ordinary High-Water Mark (OHWM) and a copy of the survey included with the permit application. For assistance in determining if such a survey will be required, contact Public Works and ask for help determining if your structure will be located within 10 feet of the OHWM.

## **ARTICLE 1 - C**

### **LSEA DESIGN REVIEW AND CLASS “A” BUILDING PERMIT PROCESS**

The ACC has developed a Class A application package (See Article 7) which includes the rules, regulations, and required forms to get your new construction projects off to a good start. Please review this package carefully to understand what is required to have a successful “design review” and a timely high quality construction project. We recommend that you use your architect/engineer to help work you through the Class A project permit application package.

Note: The property owner must be a member in good standing before any LSEA building permit application can be accepted.

This application package, when completed must be submitted to the administration office not later than two workdays (48 hours) prior to the next scheduled ACC meeting. For seawalls, boat docks, and boat lifts etc., the application must be submitted not later than two workdays (48 hours) prior to next scheduled Lakes, Dams, and Marina meeting. Meeting dates for the ACC and LD&M committees are posted in the LSEA post office. The administration office is open Monday through Friday from 8:00 am to 5:00 pm (except holidays). If you have any questions or comments feel free to call the administration office. See Appendix 1 for current telephone numbers.



No structure, permanent or temporary, shall be commenced/erected on a Lake Sherwood lot, nor shall any exterior addition or property improvement to a building, structure or lot be commenced until the plans and specifications showing the nature, kind, shape, height, materials and location of same have been submitted, reviewed, approved, and assigned an LSEA building permit by the ACC. (See Article 6 for permit definitions)

When your application package is received, LSEA administration will prepare the package for the design review meeting, which is held on the 2<sup>nd</sup> Tuesday of every month at the administration office. The property owner must be present for this meeting if the permit being requested is for a new residence. If the property grade/slope is 15 degrees or more or if there are grade elevation differences greater than 9'-0" across the residence footprint, the architect/engineer must also be present. The ACC will review the proposed residence, in cooperation with the property owner and the architect/engineer (if required). A decision on approval or disapproval may be made at this meeting or possibly postponed if the ACC requires further review and discussion and/or information.

**Note:** For seawalls, boat docks, boardwalks or boat lifts, the application for permits must first be submitted to the Lakes, Dams, and Marina Committee for preliminary review. If your project is to be constructed within 10 feet of the OHWM, an elevation survey by a licensed surveyor will be the first requirement. If this survey reveals that your project is above the Ordinary High-Water Mark, LD&M will continue their review and your application will be forwarded to the Lake Sherwood Estates Association ACC for final review and approval. If, however, this survey determines that your project is at, or below, the Ordinary High-Water Mark, you will need to either a) adapt your design so that all parts of the project reside above the OHWM and re-submit to the LD&M Committee or b) contact the USACE as additional governmental permits may be required before further review is continued by LD&M or LSEA ACC.

**See Article 1 -1B, Definitions, Item 18.**

When your application for the permit is approved, approved as noted, or disapproved, you will be further notified by the administration office of the approval status. If your application is disapproved, the administration office will notify you by mail or by telephone that your application is disapproved and explain the reasons why. You will be given back your application package for revisions to be made (this may be done at the meeting if the review is completed). After the revisions are complete, you can resubmit your updated application package for approval.

If then approved, the administration office will retain two (2) of the three (3) sets of the approved documents. The other one is returned to the property owner with the signed building permit. All associated fees, deposits, and performance bonds must be paid in full by the property owner before the permit is granted by LSEA administration.

No construction/excavation work can begin before a building permit is issued to the property owner, except for paint marking the trees to be removed, staking out of the proposed residence or unattached garage, decks, patios, porches, and driveways.

The approved LSEA building permit must be posted by the property owner at the building site, before trees are removed, and any construction work defined within the application package and permit can begin.

For projects other than new residences the process is the same, except the total application package as defined above is not necessary. Only the application form is required with document and inspection requirements as defined in individual building projects. I.e. Decks, fences, retaining walls, boat docks etc.

## **ARTICLE 2**

### **THE BUILDING CODE OF LAKE SHERWOOD ESTATES ASSOCIATION**

**The IRC code and the IBC code in combination with the LSEA Rules and Regulations and the “NAHB Green Building Standard” or the “U.S. Green Building Council LEED-H” high efficiency/low impact sections as defined below shall be known as the “Building Code for Lake Sherwood Estates Association” in Warren County, Missouri.**

**INTERNATIONAL RESIDENTIAL CODE (IRC)** - All buildings/residences and structural additions to buildings/residences or separated from building/residences being constructed or revised must follow the (IRC) International Residential code of May 2003. All plumbing installations must follow the (IRC) International Plumbing Code of May 2003. All electrical installations must follow the (IRC) International Electrical Code of May 2003. A copy of this code is available for review at the administration office or can be provided by the architect/engineer. Buildings, residences, and other structures existing prior to 2005 in which there is new work being performed involving repairs, alterations, additions or changes of use, shall be made to conform with the IRC code.

**LSEA RULES AND REGULATIONS** - The Rules and Regulations of Lake Sherwood Estates Association are intended to expand upon and support IRC code and the IBC code requirements and will precede and/or override the above IRC Code and the below IBC code where applicable and where they are in disagreement of one another.

**INTERNATIONAL BUILDING CODE (IBC)** – All Lake Sherwood “community owned commercial projects” that include structural, mechanical, electrical, plumbing, and sewage disposal additions or modifications must conform to the International Building Code of May 2003.

**NAHB GREEN BUILDING STANDARD or U.S. GREEN BUILDING COUNCIL LEED-H** – All Lake Sherwood “Property owner” projects and “community owned commercial projects” must conform to the “NAHB Model Green Building Guidelines” or “US Green Building Council LEED-H” (High efficiency /low impact sections as follows:

NAHB Green Building Standards: applicable sections of 403 Site Design, 404 Site Development and Construction, 503 Lot Design, and 504 Lot Construction, or US Green Building Council LEED-H: applicable sections of SS1 Site Stewardship, SS2 Landscaping, SS4 Surface Water Management, SS5 Non-toxic Pest Control, and WE2 Irrigation System.

### **ARTICLE 3**

#### **ARCHITECTURAL/ENGINEERING DESIGN REQUIREMENTS**

(FOR ALL NEW RESIDENCES, RESIDENCE ADDITIONS, AND GARAGE ADDITIONS)

All new residential plans and documents submitted for Lake Sherwood Estates Association Class A permit on lots with 15 degrees or greater slope shall without exception have an original architect/engineer sealed stamp. The plans shall include the property owner's architect/engineer's name, address and phone number. In addition to architect/engineer approval of the plans and other documents, the Lake Sherwood Estates Class A building permit approval will be contingent on:

1) An architect/engineer's total review and approval of the low impact integration of any proposed residence, and adjacent dwellings, and any other attached or unattached structural items into the existing plat grade/slope. On grade/slopes greater than 15 degrees or if there are grade elevation differences greater than 9'-0" across the residence footprint, a site visit by the property owner's acquired architect/engineer must be made to the proposed residence site before the architectural/engineering design phase begins. For any new residences and adjacent dwellings to be located on grade/slopes greater than 15 degrees or if there are grade elevation differences greater than 9'-0" across the residence footprint, the architect/engineer must sign a letter of certification (Form ACC-1) for confirmation of this visit. This form will be attached to the

property owner's application for a LSEA Class A building permit. This architect/engineer's total effort is to include the integration of all low impact structural landscaping requirements, such as retaining walls for driveways, and other major installations required for earth containment. In addition, this effort should include low impact siting of all structures and minimal run-off for storm water flow and residence downspout and driveway be for lot drainage, culvert or drain box requirements, and for the real or potential impact of erosion and silt movement to adjacent properties, and easements, including Lake Sherwood roads, lakes, and other LSEA common grounds.

2) The architect/engineer that is providing the sealed stamp of approval for a Class A residence building permit shall (at property owner's expense) be available for consultation with the Lake Sherwood personnel, including the LSEA ACC and the LSEA manager. In addition, the architect/engineer shall provide, within reason, site supervision and problem solving as necessary to the contractors/subcontractors during the construction period in conjunction with the property owner's coordination. For all new residences the property owner must be present for the ACC design review of the application for a Class A residential permit and all attached documents. The property owner's architect/engineer must also be present for the application design review of a class A residential permit if the property grade/slope is greater than 15 degrees or if their grade elevation differences greater than 9'-0" across the residence footprint,

\*(See Article 5 - Certified plot plan and building site plan for the acceptable method of defining and determining plat grade/slopes). The existing grade/slope shall be verified by a licensed surveyor before application for Class A building permit is made. It is understood that all plats are different in elevation and shape and can have unique features. The property owner may request an ACC visit to the site. The site review possibly could provide for ACC consideration of a potential "variance" to the Lake Sherwood Rules and Regulations and IRC code (See Article 29 for variance

definition). A general way of determining the 15-degree slope is a fall of approximately 6.5” per 2’0” of horizontal run.

Note: It is the property owner’s responsibility that the grade/slope is verified and accurate before applying for a LSEA Class A building permit.

## **ARTICLE 4**

### **AESTHETIC VALUE AND LOW IMPACT RULES AND REGULATIONS FOR ALL CONSTRUCTION PROJECTS**

#### **A) AESTHETIC VALUE RULES**

*These aesthetic value rules and regulations are established to enhance the design and harmony within the community and surrounding residences; to help effectively integrate all new residences into the natural environment of Lake Sherwood; and to promote and help establish continuing growth in property values for the benefit of all residents, and other property owners. The final judgment/ interpretation of the rules below will be made by the LSEA ACC and their judgment/ interpretation will be final. Because of unique requirements, LSEA community owned projects shall be reviewed by the ACC primarily for overall aesthetics and the following Article 4 rules may or may not apply to these projects as appropriately determined by the ACC.*

**Note:** *Variance requests can be considered and potentially approved on the aesthetic rules below based on total ACC review of the residence architecture, and detailed variance definition in Article 30.*

1) **Frontal appearance of new residences:** The front of all new residences shall have a minimum of one or more offsets and one or more roof line changes to create a unique style and character to the residence. In no case shall the front of any new residence have more than 3 garage doors and the combined total width of the garage doors shall not exceed 29 feet.

- 2) **Roof design:** The roof shall be a minimum of a 6/12 pitch. It should be either hip or gable design, except over decks or porches.
- 3) **Frontal facing:** Each new residence shall have at least 50% decorative brick/ stone on the front (roadside) of residences. Variances may be considered for residences with all cedar lap siding or log construction. Other variances may be considered based on the overall architectural style of the proposed residence. Samples of roofing, siding, brick, stone, or other exterior finishes shall be provided by the Property Owner for ACC review and approval.
- 4) **Exposed concrete:** All exposed concrete foundations shall be faced with approved siding to match residence to a minimum one foot from grade.
- 5) **Elevation openings:** Overall building elevations shall consist of a minimum of 10% area of windows and doors.
- 6) **Exterior walls:** All residence exterior walls longer than eighteen feet horizontally shall include a proportionally sized window, door, offset, setback or other acceptable architectural detailing.
- 7) **Garages:** All new residences require an attached or unattached two car garage. All new garages or garage additions shall have a minimum 22-foot width and a minimum 22-foot depth. The maximum size of a new garage or garage addition shall be limited to 36 foot wide and shall not exceed 900 square feet. For attached garages which face the street, the access width of any garage shall not exceed 50% of the total width of the house. Garage doors shall not exceed 9 feet in height and color must be of earth tone.  
NOTE: A written variance may be granted in consideration of lot characteristics.
- 8) **Exterior lighting:** All exterior lighting, which is not attached to or within 25 feet of a residence, is limited to down directed light beam only (except lighting for U.S. flags). No exterior lighting shall be directed onto the water of any lake. All exterior lighting shall be weatherproof 120V or low voltage (24 volts or less).

9) **Exterior materials and colors:** All exterior materials shall be brick, stone, stucco, glass, wood shingles, log, vinyl, cedar lap, or fiber/cement plank siding. Color selections and material types must be approved by the ACC. Vinyl siding shall be non-fade warranted and applied to a structural substrate of minimum 1/2" plywood or approved equal. Acceptable colors are natural wood, earth tones, and slate tones. Colors will be submitted for approval to help compliment to the natural surroundings. The Property Owner must sign a color/material agreement form. (ACC-18)

10) **Driveways:** All new residences shall have a driveway. All driveways shall be paved with asphalt, concrete, or pavers. Rock or gravel driveways are not permitted. (See Article 27)

11) **Fuel tanks:** Propane or heating oil tanks must be screened from view from both roads and lakes. Tanks over 120 gallons in size shall be approved for location by the ACC. All propane tanks must be installed per propane company regulations and per local codes.

12) **Hot tubs:** All outdoor hot tub locations, support, and screening shall be approved by the ACC.

13) **Set back requirements and projections:** A thirty (30) foot building setback line from the road and/or lake (at normal pool) is established to enable the A.C.C. to comply with the original restrictions calling for maintaining overall harmony with existing structures. Important, the front setback line under this requirement shall be from the edge or curb of the roadway and **not** from the surveyed property line. Setbacks for all other building lines shall be a minimum of ten (10) feet from property lines including the rear setback if property is not located on a lake. Note: Requested variations for side or back set back intrusions must be accompanied by a signed approval letter from the affected neighbor, including the LSEA manager if effecting LSEA common ground. In no case will the ACC approve an intrusion into a setback of more than 3'-0".

a) **Window Projection:** Bay, bow, dormer and other projecting windows not exceeding one (1) story in height may project beyond the front, side or rear building lines, not to exceed two (2) feet.



**b) Miscellaneous Projection:** Cornices, down spouting, chimneys, brackets, pilasters, grillwork, trellises and other similar projections and any other projections for purely ornamental purposes, may project beyond the front, side or rear building lines, not to exceed two (2) feet.

**c) Vestibule Projections:** Vestibules not more than one (1) story in height may project beyond front, side, or rear building lines, not to exceed two (2) feet.

**d) Porch Projections:** Un-enclosed, covered porches, balconies may project beyond the front building lines, not to exceed three (3) feet.

14) **Required size of residence:** The LSEA Declaration of Restrictions sets the minimum size of residences in Lake Sherwood Estates. The Declaration says, in part, “Any residences one (1) story in height erected on any lot within Lake Sherwood Estates, shall contain a minimum of 1,400 square feet of living space; or any residence of more than one (1) story in height erected on any lot within Lake Sherwood Estates, shall contain a minimum of 1,250 square feet of living space on the ground floor, and a minimum of 1,600 square feet of total living space. The words “living space” as used herein shall mean and include in all cases, areas of the residence enclosed and finished for year-round occupancy, computed on outside measurements of the residence, and shall not mean or include any areas of basement, garage, porch, deck, or attic. Requested variances to this rule **will not** be considered by the ACC.

15) **Air Conditioners:** Air conditioning units extending from windows and/or ground mounted condenser/compressor shall not be installed in locations facing road or lakes.

16) **Individual sewage disposal:** No individual sewage treatment system shall be installed on any lots. All sanitary sewer lines shall connect with the central sewage disposal system provided. Existing individual systems shall be inspected every 12 months to determine if the system is in good operating condition. This inspection cost shall be paid for by the residence property owner. A copy of each inspection report shall be sent to the LSEA administration office.

- 17) **Residence roof and surface drain water:** No water from roof down spouts, residence surface or foundation drains, or sump pump discharge shall be directed into any sanitary sewer system.
- 18) **Off road parking:** All new residences must provide off road parking if the residence driveway slopes 10 degrees or more. For detailed requirements see Article 16.
- 19) **Basements:** All new residences require a basement. The basement overall area must equal at least 50% of the residence first floor square footage. Additionally, all basements must be finished with poured concrete flatwork.
- 20) **Tree removal:** All trees within 10'-0" of a new residence may be removed after ACC or LSEA approval is obtained. For trees outside of 10'-0" from the residence see Volume IV, Article 4, paragraph 14 of the LSEA Rules and Regulations.
- 21) **Access/exit doors:** All new residences must have as a minimum an operational front door and an additional operational exit door in an appropriate location. For lots that have more than 9'-0" of differential elevation across the residence footprint caused by grade slope, an additional operational exit door must be installed in any basement. Additional doors may be installed as needed.
- 22) **Decks/platforms and stairs:** All attached decks/platforms and stairs for new residences must be engineered, installed, and inspected in conjunction with any new residence. Any new residences with entrance or exit doors above 1'-0" from grade must have an installed deck or a platform with stairs installed. For doors other than listed in (item 21) above, must have at least a deck or platform installed. No stairs are required for these decks/doors.
- (See Article 25 for detail requirements.)
- 23) **Retaining walls:** All retaining walls that are installed in conjunction with new residences must comply with Volume II, Article 22 requirements.
- 24) **Short wave antennas:** All shortwave antennas require an LSEA building permit. Any shortwave antenna must be attached to the residence or an attached/unattached garage. The height of the shortwave

antenna shall extend no more than 5'-0" above the roof ridge line (highest point) of the residence or attached/unattached garage. Any SW antenna should have no more than a 4'-0" by 4'-0" footprint. No trees can be removed to install a SW antenna.

25) **General aesthetic requirements:** All new residence plans that are reviewed by the LSEA ACC will be approved or disapproved based on the overall aesthetics, style, and overall quality of the residence appearance as viewed from the road and/or lake. Aesthetic decisions made by the ACC can be based on the overall harmony of the Lake Sherwood community, and the relationship with the environment, existing residences, and over all property values. New residences with the same, like or mirrored elevation and/or footprint as previously approved and/or existing residence, are not allowed without "significant" aesthetic/and structural differences as judged so by the ACC, within a 1000' radius of the previously approved and/or existing residence. It shall be the responsibility of the property owner to establish/prove compliance of this 1000' rule and regulation before an LSEA building permit will be issued. If the ACC or others do not detect a violation of this rule and regulation until the time of the first inspection and before foundations are excavated, the active approved permit will be considered null and void. If this should be the case, new or revised replacement plans must be submitted for ACC review, and if approved, a new LSEA Class A residential building permit will be processed and issued.

## **B) LOW IMPACT RULES**

*These low impact rules and regulations are established to minimize property surface water flow that could create silt movement affecting private and common properties including our precious lakes. The contracted Architect/Engineer shall develop the property siting scope and plans to minimize water run-off from the property. (See Article 3 for overall Architect/Engineer design requirements)*

- 1) **Residence and property siting:** All new residence designs and site plans shall have applied minimum erosion/silt flow standards as defined in the "NAHB Green Home Building Standard"

or the USGBC LEED-H. The Architect/Engineer shall use these guidelines in the planning of the total residence and property design.

- 2) **Irrigation systems**: Irrigation systems are allowed for plants/trees/shrubs only and must be approved by the ACC before installation. Irrigation systems for lawns are not allowed.

## **ARTICLE 5**

### **DESIGN REVIEW - DRAWING/DOCUMENT REQUIREMENTS FOR ALL NEW RESIDENCES, ADDITIONS, AND GARAGES**

**ALL SUBMITTED DRAWINGS/DOCUMENTS LISTED BELOW, EXCEPT THE CERTIFIED PLOT PLAN, MUST CONTAIN A SPECIFIC REFERENCE NOTE AS TO THE USE OF AND COMPLIANCE WITH THE “BUILDING CODE OF LAKE SHERWOOD”. ALL SUBMITTED DRAWINGS/DOCUMENTS LISTED BELOW MUST CONTAIN AN ORIGINAL ARCHITECT/ENGINEER SIGNED SEAL. ALL DRAWINGS SHALL BE CLEAR, READABLE, AND OF OVERALL PROFESSIONAL QUALITY.**

#### **1) CERTIFIED PLOT PLAN**

A certified plot plan (survey) is required for all proposed new residences and other additions and shall be submitted with the application for residence building permit. This certified plot plan must be prepared by a licensed land surveyor. The following minimum information shall be shown on this plan:

- A. The lot number, surveyor’s name, and applied certification seal
- B. All property lines by physical dimensions and bearings
- C. All property corner angles by degree, including installing metal stakes
- D. All recorded property easements

E. Proposed residence and existing structures, decks, and including set back dimensions.

Temporary stakes to be installed to outline same at the site.

F. Elevations of existing grades to be surveyed at the following hub locations: (1) each at 12'-0" diagonally from all corners of the proposed dwellings(s); (1) each at the center of the proposed dwelling 10'-0" from both front and rear, located as perpendicular to the road; (1) each at the near edge of existing road at property lines where they project/intersect with the road; (1) each at the shore line if on a lake lot. These elevations shots to be shown clearly on the certified plot plan and staked at the building site.

G. All adjacent roads, lakes (at normal pool), and Lake Sherwood easements.

NOTE: The property owner shall give copies of the Rules and Regulations Volume II to the architect/engineer, surveyor, and the construction contractor before their work commences to ensure compliance.

H. For property grade/slopes of 15 degrees or more or have an elevation differential greater than 9'-0" across the residence footprint, the surveyor shall provide adequate site elevation data points to enable the Architect/Engineer to create a complete topographic map within the final building site plan (see below).

## 2) **BUILDING SITE PLAN**

A building site plan is required by ACC for all proposed new residences and additions and must be submitted with the application for a residence building permit. The building site plan must be provided with an architect/engineer professional sealed stamp of approval. This building site plan shall be required to provide the full intent of the finished, graded site including reduction of storm-water run-off systems. This plan shall be prepared and sealed by the property owner's architect/engineer. It shall be designed in accordance with the certified plot plan information but should not be provided by the land surveyor unless he is also a registered engineer. This building site plan must be drawn to scale

with all size and location dimensions shown. The site plan must be drawn at a minimum scale of 1/8" = 1'0". This plan drawing must have the following minimum information shown:

- A. The size and location dimensions of all proposed construction and all existing structures on the site.
- B. Location of roads, culverts or drain boxes, utilities, retaining walls above 3'-0", driveways, lake (at normal pool), and all property lines/easements by physical dimensions. An overall detail plan for indication of surface water and down spout drainage, considering the overall impact to other property and the LSEA lakes. Proper siting of structures must be provided to accomplish the above and to maximize the retention of trees.
- C. All property corner angles by degree
- D. All recorded property easements and building set back dimensions
- E. Elevation of main floor of proposed residence
- F. Elevations of proposed finished grades at the same hub locations provided by the surveyor on the certified plot plan. Relative differences to existing grades shall be noted on the drawing.

The noted locations of the elevation hubs should be as follows:

Elevation of proposed finished grades shall be noted at the following hub locations: (1) each at 12'-0" diagonally from all corners of the proposed dwellings(s); (1) each at the center of the proposed dwelling 10'-0" from both front and rear, located as perpendicular to the road; (1) near edge of the road; (1) each at the shore line if on a lake lot. These elevations shall be shown clearly on the building site plan and staked at the building site. If results from the above hub elevations indicate property is at 15 degrees or more in grade/slope or if there is a differential elevation of greater than 9'-0" across the residence footprint, **full and complete contours of the finished site must be provided on the building site plan using elevation data point information provided by the certified surveyor as noted in item 1 above.**

G. All required building set back lines and off-road parking as prescribed by the Lake Sherwood Rules and Regulations.

H. Any of the proposed construction that will encroach on or has a potential negative effect on neighbor's property or LSEA common grounds, roads, and/or easements, shall be added to the building site plan.

### **3) ADDITIONAL DRAWING REQUIREMENTS FOR RESIDENCES, GARAGES, AND ADDITIONS**

All plans and details are to be drawn to scale, fully dimensioned, and must be of a professional quality.

All documents are to be submitted in triplicate. Construction plans must include the following:

Basement plan showing: - **Note: All new residences shall require a basement** (see Article 4 – item 21)

- a) Basement dimensions and floor slab thickness.
- b) Footings, piers, and foundations sizes (include reinforcing rods).
- c) Size, materials, and location of columns and beams.
- d) If fireplace is masonry, show footing size and location.
- e) Size and spacing of floor joists above.
- f) Size and location of all basement doors and windows.
- g) Size and location of anchor bolts.

Floor plan showing: (include second floor if applicable)

- a) Location by dimension of all interior partitions plus overall dimensions.
- b) Size and location of all doors and windows.
- c) Size and spacing of roof framing or trusses.
- d) Location of furnace and water heater and any other mechanical equipment if located on this floor.

- e) Location of fire rated walls.
- f) Exterior roof plan of entire structure.

Elevations

- a) Front, two sides, and rear view, including grade relationship to residence.
- b) Type of exterior material and color.
- c) Roof pitch, underlayment material, and finish color.
- d) Chimney materials and height above roof.
- e) Spark arrestors on fireplace flues (if any).
- f) Planned final grade slopes as related to finished floors and basement footings and walls. (Must be to actual scale)

Structural wall sections detail showing:

- a) Stud size and spacing. Header and plate sizes.
- b) Sub-floor material and thickness.
- c) All materials attached to and within walls.
- d) Foundation section detail including reinforcing rods.
- e) Drain tiles and minimum grade level shown.
- f) Planned final grade slopes, including specific planned foundation details that are required to

relate to the planned final grade slopes and must be shown in dimensional relationship to top of foundation wall and bottom of footings. A “second” wall section is required if there is an elevation difference of 9’-0” or greater across the residence footprint. This wall section must be provided at the lowest grade elevation point.

Decks/platforms and stairs:



For attached decks/platforms and stairs installed with new residences, include installation and construction detail drawings showing:

- a) Foundation details including rebar and anchor bolt type and locations.
- b) Framing, stair location and details.
- c) Handrail heights and baluster spacing.
- d) Type of materials of construction, and sizes of materials.
- e) Installation details of band boards, including attachment hardware.
- f) Stairs shall be detailed showing riser heights and tread lengths.

Note: For decks installed on existing residences, see Article 25 for additional drawing requirements.

**NOTE: See the individual construction area items IE: Boat docks, retaining walls, etc. for the drawing/document requirements within individual small construction projects Class A and Class B building permits**

## **ARTICLE 6**

### **DEFINITIONS FOR L.S.E.A. CLASS A and CLASS B**

#### **BUILDING PERMITS:**

#### **A) CONSTRUCTION REQUIRING A CLASS “A” LSEA BUILDING PERMIT IS AS FOLLOWS:**

Note: All Class A building permits require an architect/engineer’s original stamped seal of approval on all construction documents provided for approval.

- 1) All new residences; 2) All room additions (screened or enclosed); 3) All garage additions (attached or unattached); 4) All new decks and porches installed with a new residence; 5) All retaining walls over 6’0” high on property owner’s property or any

retaining wall located on LSEA property; 6) All in ground swimming pools; 7) All concrete drain boxes located on LSEA property; 8) All L.S.E.A. community commercial projects to be located on common ground property.

**B) CONSTRUCTION REQUIRING A CLASS “B” LSEA BUILDING PERMIT IS**

**AS FOLLOWS:**

Note: Class B building permits do not require an architect/engineer stamped seal, but all drawings and other documents must be clear, concise, and of professional quality.

- 1) New or modified boat docks, ramps, bulkheads, seawalls, boardwalks and boat lifts;
- 2) All residential fences and partitions;
- 3) All storage sheds and gazebos;
- 4) All dog enclosures;
- 5) All driveways, expanded and off-road parking, patios and sidewalks not within original footprint;
- 6) All culverts and concrete drain boxes located on property owner’s property;
- 7) All geo-thermal heating systems;
- 8) All retaining walls less than 6’-0” high and over 3’-0” high on owner’s property;
- 9) All above ground swimming pools;
- 10) All decks, porches, platforms, stairs and road and lake access stairways installed on existing residences;
- 11) All other durable permanent structures;
- 12) Exterior finishes

**NOTES: 1) The definition for requirement of an LSEA permit for repair/replacement is as follows: If a structure requires 50% or more of repair/replacement, either in kind or with minor modifications, it will be judged by the ACC as a new or total replacement. Thus, it will require a Class A or Class B permit and the repair/replacement must comply with the current building code of Lake Sherwood.**

**Important: If any structural construction, installation, or general site work is started or completed before the ACC has reviewed and approved a required application for a LSEA building permit, the property owner shall be required to pay “double” the current published LSEA permit fee. This fee is due immediately and prior to the permit being “ultimately” approved and obtained by the property owner.**

**2) Article 4 (Aesthetic value rules) apply “where appropriate“ to all the Class A and Class B building permits.**

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE, CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

## **ARTICLE 7**

### **NEW RESIDENCE - APPLICATION PACKAGE REQUIREMENTS**

An approved construction Class A building permit must be obtained and displayed at the building site for all proposed new residences and other structures or improvements/additions to same. Submit application to Lake Sherwood Estates Administration Office. If mailed, send to P.O. Box 1085, Lake Sherwood, MO 63357 The following items are required (in triplicate) to obtain approval of an LSEA Class A residence, addition, or garage building permit are as follows:

- 1) Three (3) copies of permit application with all applicable blanks filled in, including color samples for roof, siding and trim. (Form 6a and 6b)**
- 2) Three (3) copies of plans or drawings of proposed construction. (See Article V for details required on plans and drawings).**
- 3) Certificate of insurance showing proof of contractor liability insurance (see Article 11 for details).**
- 4) Three (3) copies of the certified plot plan and the building site plan (see Article 5 for details).**
- 5) Three (3) copies of geo-thermal permit application completed, if applicable (see Article 28 for details).**
- 6) Two (2) copies of the construction completion agreement (form ACC-10) signed and dated.**

- 7) One (1) copy of a signed and dated letter of the certification of the architect/engineer site visit. Lake Sherwood will supply this (form ACC-1) with the permit application. (This form is only necessary if property grade/slope is greater than 15 degrees or if differential is greater than 9'-0" across the residence footprint.)
- 8) One (1) copy of a signed property owner / LSEA contract (form ACC-8) establishing the property owner's agreement to apply the "Building Code of Lake Sherwood". This action is required before any documents are reviewed by the LSEA ACC. Lake Sherwood will supply this contract with the application for permit.
- 9) One (1) copy of a signed certificate code, regulation, and inspection compliance. (form ACC-2), to be signed by the property owner, architect/engineer, and contractor and **must be signed and given to the LSEA manager before an Occupancy Permit can be issued, and full-time water service can be established.** Lake Sherwood will supply this form with your permit application for your future use.
- 10) One (1) copy of a signed LSEA easement and maintenance agreement (form ACC-4) if any of the proposed construction is on LSEA property/common grounds. Lake Sherwood will supply this form with the permit application.
- 11) One (1) copy of the residence location certification form. This (form ACC-3) must be signed and given to the LSEA association manager "after residence foundation footing has been excavated with re-bar in place and before the foundation footing concrete is poured" **Concrete trucks will not be passed through the LSEA gate unless this form is signed and on file at the Administration office.** Lake Sherwood will supply this form with your permit application for future use.
- 12) One (1) copy of the road damage agreement (form ACC-11)

- 13) The applicant property owner shall provide samples of the proposed residence roofing, siding, paint, brick, stone or any other exterior finish treatments. These items will be part of the new residence approval process at the ACC design review meeting. A color/material agreement (form ACC-18) shall be filled out and signed before the design review.
- 14) Three (3) copies of Volume II of the LSEA Rules and Regulations for distribution to property owner, architect:/engineer, and general contractor.
- 15) One (1) copy of the Identification and qualifications of inspectors (Form ACC-14) - This form must be signed and submitted before the design review and before a LSEA building permit can be issued.
- 16) One (1) copy of the material/color agreement (FormACC-18) - This form must be submitted before the design review meeting.
- 17) One (1) sample copy of the “**LSEA Occupancy Permit**” (Form ACC-15b) - This form must be obtained, submitted and approved by the LSEA administration manager before any temporary or permanent occupancy of a new residence can proceed, and before full time water service is established.
- 18) The property owner shall certify on the application (Form ACC-6b – page 2) that his general contractor has disclosed that the work is subject to Sections 436.350 to 436.365, RSMo., Relating to pre-litigation procedures for resolution of claims for construction defects between the property owner and contractor.
- 19) The property owner shall make application on form ACC-7. An application shall be deemed received on the date the LSEA manager receives a completed application and all plans, specifications, and other documentation required by these Rules (Article 7) and set forth on form ACC-7., and such other information as may be requested by the manager, in writing, with respect to the documentation provided with the application.

20) Upon receipt of a complete application, the ACC or LSEA administration shall provide the applicant property owner a written notice approving, rejecting, or approving with conditions the application within 30 days unless extended for a reasonable time for good cause. While verbal approval or rejection may be provided, it shall be followed up with written documentation. A rejection shall set forth the reasons for the rejection. Failure to provide written notice of decision within this period of 30 days shall be deemed rejection of the application.

## **ARTICLE 8**

### **LSEA INSPECTION REQUIREMENTS**

**(For all new residences, residence additions, and garages requiring a LSEA Class A building permit)**

**NOTE 1) THE PROPERTY OWNER OR HIS ARCHITECT/ENGINEER MUST FILL OUT AND SUBMIT FORM “ACC-14” IDENTIFYING THE SOURCE AND QUALIFICATIONS OF THEIR CHOSEN CERTIFIED IRC CODE INSPECTOR. THE INSPECTION SOURCE MUST BE INDIVIDUALLY CERTIFIED IN THE CONSTRUCTION DISCIPLINE FOR WHICH THEY ARE INSPECTING IE: BUILDING, PLUMBING, ELECTRICAL, MECHANICAL, ETC. FORM “ACC-14” MUST BE RECEIVED BY LSEA ADMINISTRATION PRIOR TO THE ACC DESIGN REVIEW AND BEFORE A LSEA BUILDING PERMIT CAN BE ISSUED.**

**NOTE 2) THE LSEA ADMINISTRATION OFFICE MUST BE NOTIFIED NO LESS THAN FOUR (4) HOURS IN ADVANCE OF ANY INSPECTION. IGNORING THE REQUIREMENT FOR AN IRC CODE INSPECTION, OR AN LSEA INSPECTION, OR**

**FAILURE TO NOTIFY LSEA ADMINISTRATION AT LEAST FOUR (4) HOURS IN ADVANCE OR FAILURE TO CALL FOR AN LSEA OBSERVER WHEN REQUIRED WILL BE CAUSE FOR A FINE, OR POSSIBLY THE REMOVAL OF MATERIAL COVERING THE AREA TO BE INSPECTED. FAILURE TO COMPLY WITH THE REQUIREMENTS ABOVE OR FOR EROSION CONTROL AND CONSTRUCTION REQUIREMENTS WILL BE SUBJECT TO PERFORMANCE BOND VIOLATION PENALTIES AND/OR A CEASE-AND-DESIST ORDER (STOP WORK ORDER). (See Article 17)**

**LEGEND FOR INSPECTION RESPONSIBILITIES**

**X = INSPECTIONS THAT ARE THE RESPONSIBILITY OF AND PROVIDED BY THE LSEA ASSOCIATION MANAGER OR HIS DESIGNATE.**

**XX = INSPECTIONS THAT ARE THE RESPONSIBILITY OF THE PROPERTY OWNER'S ARCHITECT/ENGINEER. THESE INSPECTIONS MUST BE PERFORMED BY A CERTIFIED IRC CODE INSPECTOR. COPIES OF ALL COMPLETED INSPECTION REPORTS, INCLUDING "REPEAT" INSPECTION FORMS, MUST BE GIVEN TO THE LSEA ADMINISTRATION OFFICE SECRETARY WITHIN ONE BUSINESS WORKDAY OF THE INSPECTION EXECUTION. THESE REPORTS WILL BE FILED WITHIN THE PERMIT APPLICATION FOLDER. ALL INSPECTION REPORTS (Form ACC-15) MUST BE ON FILE WITH LSEA ADMINISTRATION BEFORE A "LSEA OCCUPANCY PERMIT" CAN BE ISSUED. A LSEA INSPECTION REPORT FORM (form ACC-15) MUST BE USED FOR ALL IRC CODE INSPECTIONS.**

**XXX = INSPECTIONS THAT ARE THE RESPONSIBILITY OF THE PROPERTY OWNER'S ARCHITECT/ENGINEER. THESE INSPECTIONS MUST BE PERFORMED BY A**

**CERTIFIED IRC CODE INSPECTOR. THE LSEA ASSOCIATION MANAGER OR HIS DESIGNATE WILL PROVIDE AN ON-SITE OBSERVER AT THE TIME OF THIS INSPECTION TO WITNESS THE SEWER LEAK TEST. THIS SEWER LEAK TEST WILL BE OBSERVED FROM THE RESIDENCE TO THE TIE –IN AT THE LSEA UTILITY SEWER HEADER.**

**Inspections are required at the following points of construction as outlined below:**

Additionally for all permits issued after January 1, 2005, erosion controls must be established and maintained. Initial and re-inspection of erosion controls will be performed. Compliance is mandatory to protect adjoining properties, common grounds, waterways and lakes within and downstream of Lake Sherwood:

- 1) **X - Pre-construction inspection “A”**: Building site must be inspected prior to any land disturbance, tree removal or excavating and consisting of the following:
  - a) Building layout on lot according to survey
  - b) Trees to be removed are to be marked with red paint
- 2) **X - Pre-construction inspection “B”**: After tree removal, erosion control is to be installed before excavation and properly maintained per instructions provided in Article 9
- 3) **XX - Footing inspection**: Footing must be inspected to IRC code just before pour with reinforcing rods on site. Erosion control re-inspection is required to assure it is installed and properly maintained.
- 4) **XX - Foundation inspection**: Foundation walls must be inspected to IRC code before pour with reinforcing steel installed. Erosion control re-inspection is required to assure it is installed and properly maintained.
- 5) **XXX - Ground rough plumbing** – leak test inspection: Ground rough and connection plumbing must be inspected to IRC code before backfill. Erosion control re-inspection is required to assure it is installed and properly maintained. The LSEA maintenance department, L.S.E.A. association manager, or his designate must observe the leak test from the residence to the LSEA utility sewer header tie-in before backfill.
- 6) **X - Water/sewer connections inspection**: Water and sewer hook-ups must be inspected before backfill. Erosion control re-inspection is required to assure it is installed and properly maintained.



7) **XX - Framing inspection:** All framing must be inspected according to IRC Code. Erosion control re-inspection is required to assure it is installed and properly maintained.

8) **XX -Interior rough plumbing inspection:** Rough plumbing must be inspected according to IRC code. Erosion control re-inspection is required to assure it is installed and properly maintained.

9) **XX - Rough electrical inspection:** Rough electrical work must be inspected according to IRC code. Erosion control re-inspection is required to assure it is installed and properly maintained.

10) **X - Road inspection:** Roadways must be inspected for damage and proper patching. Erosion control re-inspection is required to assure it is installed and properly maintained.

11) **X - Exterior completion:** Check-off of this exterior inspection is necessary before a “LSEA Occupancy Permit” can be obtained. This inspection is to assure exterior finish and construction are complete, roof shingles are installed, all windows and doors are installed, foundation is backfilled to frost depth, siding is installed, painting is applied, gutters installed (if required), driveway paved, decks, parking areas, stairs, and walkways installed (weather permitting). Construction material and other debris, such as stumps, brush, and long logs (logs under 2’-0” and stacked are acceptable), must be removed from the site, and the lot graded. Erosion control re-inspection is required to assure it is installed and properly maintained with temporary seeding and mulch applied to disturbed areas if finish grading within 30 days. Finish grading with seeding is strongly suggested at this time, weather permitting. (See Article 10 - Performance Bond for additional details)

12) **XX - Final inspection:** Check-off of this final inspection is necessary before a “LSEA Occupancy Permit” can be obtained and indicates completion to IRC code of the work for which this permit was issued. Final grading of disturbed area with seeding, ground cover or sod must be in place and properly maintained until soil is stabilized and verified by the inspector. Soils stabilization is required to be in place and verified by the inspector.

13) **X - General inspections** - The LSEA ACC will conduct routine inspections to ensure that the building code of Lake Sherwood Rules and Regulations provides for the control of erosion and silt flow are being adhered to. If a difference of opinion as to the adequate installation of these controls should arise, the final decision will rest with the LSEA association manager or his designate.

**Note:** If a discrepancy is found with respect to the intrusion of building lines, a stop order will be issued by LSEA and will require the property owner/architect/engineer to verify and/or correct the location of any building or structure.

For all LSEA inspections (**X**) that are to be performed by the LSEA manager or his designate, the requirement is normally 1 to 2 workdays notice (24 to 48 hours) Monday through Friday, 8 a.m. through 5 p.m., excluding holidays. Contact the administration office to schedule these inspections. Be

sure you are ready for these inspections. If you are not ready or do not pass, a fine of \$25.00 will be charged and must be paid before re-inspection.

**Note:** All LSEA community owned projects must comply with and be inspected to conform to the Commercial “International Building Code” (IBC). See Article 29 on Variances for exceptions.

**Note:** For inspection requirements on Class B permits see the individual items. I.e., boat dock, retaining walls, etc.

**THE LSEA ACC RESERVES AND MAINTAINS THE RIGHT TO OBSERVE AND MONITOR INSPECTION PROGRESS AND ACTIVITIES AS THEY DETERMINE NECESSARY.**

**ARTICLE 9**

**PRE-CONSTRUCTION INSPECTIONS/EROSION CONTROL**

**Note:** The following rules in Article 9 apply to all property owner and all LSEA community owned projects.

Upon receiving notice from the property owner that trees to be removed have been marked with red paint and all building stakes have been located, the association manager or designate will make the first pre-construction **inspection “A”**. All trees above 6”in dia. at 12” above grade must remain if they are 10’-0” or more from the perimeter of the new residence, decks, porches, garages, etc. After trees are removed, erosion control must be installed before the second pre-construction **inspection “B”**, and properly maintained throughout the entire construction period and until the disturbed soil has been stabilized with hard surface or ground cover in place. If everything is in order, notification to that effect will be made on the building permit. At the time of inspections, trees to remain may be marked on the plot plan by the ACC inspector for future verification. Normally, inspections will be within 24

hours of receipt of the “tree paint marking” notice from the property owner. (See Rules and Regulations Volume IV for additional detail tree requirements)

Erosion control devices must consist of geo-textile supported by suitable post (silt fence) placed before hay or straw bales and anchored with post of sufficient length to support the runoff loads. These hay or straw bales must be installed on the down slope side of the silt fence to provide for longer term stability of the fence. The geo-textile silt fence can be a suitable prefabricated fence. Erosion control (combination of silt fence and straw/hay bales) shall be positioned as noted below: All new and ongoing construction sites, as a “minimum requirement,” are to install silt fence and backup straw bales to encompass the entire construction site perimeter in compliance with best practices such as those described in “Protecting Water Quality.” (Available at the LSEA administration office)

- 1) All excavation material must be maintained within this perimeter. Sections at the roads may be installed and removed on a daily basis to allow equipment access. These sections must be in place before leaving the site each day.
- 2) **Required locations:**
  - a. Side silt fences/bales must be installed a maximum of 10’-0” from each side of the residence/garage (if separated from residence) and within the construction site perimeter.
  - b. Rear silt fence/bales must be installed a minimum of 10’-0” from the rear property line or lake, if lake front property.
  - c. Front (road) silt fence must be located 10’-0” from the road or road ditch.
  - d. All erosion control devices must be placed to assure runoff does not bypass or flow through corners or around any temporary open end. On lands exceeding 10 degree or more slopes, erosion control must consist of two parallel erosion control fences (combination of silt fence and straw/hay bales).

**Note:** Variance requests on the above may be considered and potentially approved by the ACC if site erosion runoff to lakes, ditches, or adjacent properties is highly unlikely. These variations must be applied for in writing before the second **pre-construction inspection “B”** is made.

In addition to the erosion control requirements stated above, the property owner/contractor is responsible to install and maintain suitable runoff diversion control to assure runoff from up gradient areas does not enter the disturbed area. Acceptable runoff diversion controls include, but are not limited to, silt fence and hay/straw bale combination, rock, or sandbag berm or other controls.

The property owner or contractor must routinely inspect erosion control devices after significant rainfall. Any sediment deposits must be removed once the deposits exceed one half of the heights of the bales or upon notice by LSEA ACC inspections or IRC code inspections, whichever comes first. Removed sediment must be properly disposed to assure it does not erode to another property or into a water body or ditch. All erosion protection must remain in place through the entire construction process and until final ground cover is restored.

Temporary ground cover (e.g., seeding and mulch application) of soil stockpile(s) (except those properly covered and tarped), and any disturbed areas after exterior completion, must be provided prior to inspection. Property owner/ or contractor will furnish and apply suitable seed and mulch or other acceptable ground cover to reduce erosion until final grading and permanent ground cover is in place. The suggested temporary seeding mixtures of oats, cereal rye, or wheat should be applied at a rate of 100 pounds per acre. Temporary seeding mixtures of oats are recommended during the months of December through March. Erosion protection (e.g., silt fence and hay/straw bales) must be maintained through final inspection and until disturbed soils have been stabilized and verified by IRC inspection or ACC inspection. Weather permitting, final grading and permanent ground cover or seeding must be completed for final inspection. Erosion control must be properly installed and maintained. In no event shall final grading be delayed longer than 4 months from the date of final inspection.

A spot survey (with a transit) must be conducted by the architect/engineer and /or his designated surveyor **to** ensure the residence is properly located per LSEA required setbacks and are verified to agree with the submitted plans before any concrete is poured. A signature to a Certification Form (form no. ACC-3) for this action must be delivered to the LSEA association manager's office before concrete is poured. **Concrete trucks will not be passed through the LSEA gate until this form is signed and on file at the Administration office.**

## **ARTICLE 10**

### **PERFORMANCE BOND**

(CONSTRUCTION COMPLETION AGREEMENT)

A performance bond as defined within this document (see form ACC-10) and payment in full will be made to LSEA before a permit is issued. Ten percent (10%) of original performance bond will be surrendered to Lake Sherwood Estates Association for each week (seven days), past the exterior completion date established by the duration time schedule below. If the exterior has not been completed within 10 weeks after the original completion date another 10-week extension and bond will be required. This bond will be forfeited at 10% per week. This action will continue until the exterior completion has been accomplished. If the project is not complete before the 10-week extension, the property owner must obtain a new performance bond of \$1000 with a completion of a maximum of 10 weeks. This action will also be forfeited at 10% a week. This action will continue to repeat until final exterior completion is accomplished. The original defined duration of construction defined below begins after the first inspection for residence permits and from the permit date on all other construction. The LSEA association manager with support from the ACC is authorized to consider unusual mitigating circumstances in granting extensions. Any extensions requested beyond the established periods below must be applied for (with reasons and a new schedule plan) in writing to the association manager and

the ACC. This extension must be submitted at least one week before the original established final completion date. There will be no refund of the performance bond before the completion of a successful exterior inspection. Exterior completion for residences is defined as follows: All exterior work is complete including foundation backfill installed, siding installed, decks installed, painting applied, roofing installed, exterior doors installed, windows installed, gutters installed (if required), erosion protection installed, final seeding, sod, or ground cover installed (weather permitting - December through March), driveway paving installed (weather permitting), sidewalks installed (if required and weather permitting), construction and other debris, stumps, long logs,( logs under 2'-0" and stacked are acceptable),and brush must be removed from premises.

#### **ESTABLISHED COMPLETION TIME DURATIONS SCHEDULE**

- 1) New residences or residence additions of less than 2000 square feet: Six (6) months.
- 2) New residences or residence additions of 2001 square feet or more: Nine (9) months.
- 3) Specialty residences. IE: Log homes, timber frame residences, etc.: Add Two (2) months to item 1 or 2 above.
- 4) Residences with lot slope greater than 15 degrees: Add Two (2) months to either item 1 or 2 above.
- 5) The maximum established completion time for any new residence is eleven (11) months.

**NOTES:** 1) The exterior completion start date for new residence or residence addition occurs immediately after the first LSEA inspections for tree removal and residence location. The completion date occurs after all items noted above are accomplished.

2) The Exterior completion start date for a deck, swimming pool, and retaining/seawall, etc. permit occurs at the time the permit is issued, and the completion date occurs after LSEA administration receives a copy of the final IRC code inspection.

**Note:** If the exterior completion date has been met, the performance bond, or the proper portion of the performance bond will be returned to the property owner/contractor when the final approved inspection is completed.

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE, CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

## **ARTICLE 11**

### **CONTRACTOR/PROPERTY OWNER GENERAL REQUIREMENTS**

**Note:** The following rules in Article 11 apply to all property owner and all LSEA community owned projects.

1) After the property owner/architect/engineer has indicated the general contractor for construction, the general contractor is required to furnish LSEA administration with a list of workmen to be accessed through the gate. The general contractor is required to keep the list current. Exterior construction may not start before 7:00 a.m. unless extreme weather conditions would necessitate an earlier start. The contractor must submit a current certificate of insurance indicating coverage of the following: 1) Vehicle liability, 2) Contractor's commercial general liability to include completed operations and coverage for independent contractors, 3) 1 and 2 above require \$1,000,000 Limit of liability. 4) Lake Sherwood Estates Association shall be named as additional insured on the General Contractor Commercial General Liability policy. 5) Workers' Compensation (Statutory limits). Certificate of insurance will be made to Lake Sherwood Estates Association before any building permit can be issued.

#### **2) ROAD LOAD LIMITS**

To enhance the life expectancy of the roads within our community a load limit is enforced as follows:

**Concrete trucks - 5 yards maximum**

**All other trucks - 60,000 pounds maximum**

#### **3) BACK GATE ENTRANCE**

The back gate is closed except for emergencies and severe weather. A key for the gate may be checked out, Monday thru Friday only, for large construction equipment. The gate must be secured immediately after the construction vehicle has entered. A check or cashier's check deposit of \$150 is required to check out the key. If at any time the key is checked out and the gate is found open and unattended, the deposit will be forfeited. If the key is not returned, the deposit will be forfeited. The key must be returned by 4:30 p.m. the same day.

## **ARTICLE 12**

### **LSEA BUILDING PERMIT-EXPIRATION/CONSTRUCTION ABANDONMENT**

If commencement of a construction project is not started within ninety (90) days of the issue date on any LSEA construction permit, the permit shall be considered expired and null and void.

If any proposed construction project is abandoned after tree removal, by either the property owner and/or the general contractor, the property owner shall be responsible to restore the property to its natural state. Erosion control devices and temporary seeding must be maintained until the disturbed area is stabilized or necessary permanent ground cover is established, and verified by the ACC. All prepaid fees, deposits, and bonds will not be refunded to the property owner until the required restoration is complete. Restoration must be completed as soon as possible, but not later than 6 months of the date of the original building permit. Requirements of the restoration will be defined, reviewed, and inspected by the Lake Sherwood ACC. Failure to restore the abandoned project in the above time frame may result in a fine. If the property owner submits an application for a new building permit for a project on the same property within a three-month period, the fees, deposits, and bonds will be applied to the new permit.



## **ARTICLE 13**

### **UTILITY TIE-IN ROAD REPAIR FEE AND ROAD DAMAGE BOND**

1) **Water and Sewer Tie-ins:** When the road is excavated for water and sewer tie-ins while building a residence, the paving must be saw cut to minimum width opening. For safety concern, the excavation opening must be properly barricaded until the roadway is repaired. The property owner and/or the contractor must notify the LSEA maintenance department as soon as possible when the tie-ins are complete. LSEA maintenance department will schedule the replacement of the roadway. There is an upfront fee for road repair required after utilities are tied in.

2) **Road Damage Performance Bond:** To ensure that Lake Sherwood will not experience road damage during the construction phase of new residences, residence room additions, and garage additions, the property owner and/or contractor must provide a Road Damage Performance bond. When a new residence is complete, the LSEA association manager or his designate will inspect for any road damage due to construction activities. If there is no damage the bond deposit will be returned to the property owner and/or contractor. If there is damage, the money to repair this damage will be withheld to cover the expense of the repair. Should the damage repair exceed the amount of the bond deposit, the property owner and/or contractor will be responsible to pay the additional amount.

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE, CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

## **ARTICLE 14**

### **WATER AND SEWER HOOK-UP AND FEE**

A hook-up fee will be charged for connecting into the existing water and sewer systems.

Instructions with regard to hook-up procedures may be obtained from the administration office. **Hook-up of water and sewer to Lake Sherwood systems will be inspected from the residence to the**

**utility tie-ins before back fill. The LSEA association manager or his designate must observe the leak test of the sewer.** (See inspections, Article 8 and water and sewer tie-in drawings at end of this volume. “Appendix nos. 2 & 3”)

A water meter is required for new residences and will be furnished by Lake Sherwood as part of the connection fee. Any home located with any floor above 790-foot elevation will have low water pressure. The property owner may wish to install a pump and tank. (See water tie-in drawing at end of this volume. “Appendix nos. 2 & 3”) **Long term water service will not be established until a “LSEA Occupancy permit” is signed and issued by LSEA administration.**

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE, CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

## **ARTICLE 15**

### **SAFETY OF PERSONS AND PROPERTY**

**Note:** The following rules in Article 15 apply to all property owner and all LSEA community owned projects.

- 1) **CONSTRUCTION SAFETY/TRAFFIC FLOW** - Individual property owners and their contractor will be responsible for initiating and maintaining safety procedures and precautions in connection with their construction work, including maintaining traffic flow at all times. No construction materials or vehicles will be permitted to obstruct traffic flow. A fine will be levied for a disruption of traffic flow. Individual property owners shall provide all reasonable protection to prevent damage, injury or loss to other persons and or other property/lakes adjacent to the construction site, including but not limited to trees, erosion control, shrubs, lawns, pavements, roadways, structures, automobiles, boats and utilities.
- 2) **SPARK ARRESTORS**

All wood-burning fireplaces and wood-burning furnace flues must have a spark arrestor and meet the IRC Code.

3) **SMOKE ALARMS**

Smoke alarms on each floor, including the basement and garage, must be in accordance to the IRC Code. Wiring into the house current with a battery backup is required.

4) **ROOFING**

Cedar shake shingles are considered a fire hazard and not allowed.

5) **EXPLOSIVES**

No explosives may be used at a proposed construction site without a special letter of approval written by the ACC and the LSEA association manager. Notice must be given to adjacent property owners before any blasting is commenced. The explosive contractor shall exercise the utmost care with the use of these materials. The explosive contractor must provide a proof of insurance before performing any blasting. (See Article 11)

## **ARTICLE 16**

### **OFF-ROAD PARKING REQUIREMENTS**

Off-road parking requires a LSEA Class B building permit. All new residence construction shall consider the need for off-road parking on the property. Off-road parking must be indicated on the building site plan. If a driveway slopes more than 10 degrees, or 4 inches in 2 feet, off-road parking for at least one vehicle is required. Off-road parking is described as a paved and level surface at least 8'-0" wide by 20'-0" long next to the road to allow for complete snow removal from the road and for emergency vehicles to pass comfortably. Note: When off-road parking is located on Lake Sherwood property, it requires a signed easement and maintenance agreement (form ACC-4). (See Article 22 for retaining wall requirements)

## **ARTICLE 17**

### **CONSTRUCTION CEASE AND DESIST ORDERS (STOP WORK ORDER)**

LSEA management may issue a cease and desist (stop work) order for non-conformance with the LSEA Rules and Regulations and circumstances involving safety or adverse impact to LSEA common ground or other property owner's properties.

Any person who shall continue work in or about the construction site after having been served with a stop work order or cease and desist order except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to a fine and other remedies reserved by LSEA. (See Article 30 for fines)

## **ARTICLE 18**

### **USE OF LAND AND RE-SUBDIVISION OF LOTS**

Use of land in Lake Sherwood is subject to the LSEA Declaration of Restrictions.

No lot may be improved, used or occupied for other than private residence purposes, and no flat, apartment house, house trailer, or mobile home, modular, prefabricated, manufactured, or similarly built, although intended for residential purposes, shall be erected. All homes shall be stick built on site. Any residence erected shall be designed for occupancy by a single family. Boat houses and private boat ramps for lake access are not allowed.

No more than one (1) single family residence, one (1) shed, and one (1) gazebo can be built on any one lot. A residence may have an attached or unattached garage. The homeowner may be allowed to add an unattached garage to a single-family residence which has an existing, attached garage if the homeowners lot, or (combined) adjacent lots are compliant with all LSEA building setback rules. Any owner owning multiple adjoining lots may have only one (1) residence with attached garage and one (1) detached garage on the (combined) adjacent lots that have been combined thru the required

“notarized property agreement” form (ACC-19). This notarized property agreement is a commitment from the property owner that they will include said adjacent lot in a future sale of their single-family residence lot. The residence lot and adjacent lot must always be maintained or sold under single property ownership.

The detached garage must match aesthetics of color and design of the single-family residence/garage and maintain the maximum square footage requirements of 900 square feet, and other guidelines for garages and driveways as per Article 4, Paragraph 7 and Paragraph 10. All submitted permit applications for such detached garage will be reviewed by ACC from the perspective of the adjacent property owners to refrain from causing unacceptable negative impact on any existing homeowner’s property.

At no time, may a lot owner build a garage without a residence on their property.

A shed and/or gazebo may be constructed without a signed notarized property agreement commitment on adjacent owned lots if they are in compliance with LSEA Rules and Regulations and a LSEA permit has been granted.

## **ARTICLE 19**

### **RESIDENTIAL SWIM POOL**

All swimming pools above grade, require a LSEA Class B building permit. Concrete in-ground or fiberglass w/vermiculite backing pool drawings and documents require a Class A permit and a stamped seal of approval by a professional architect/engineer:

Maximum size of portable pools which do not require a permit shall be six (6) feet in diameter and (12”) inches in height. All other pools requiring an LSEA permit shall have a four (4) foot-high fence enclosure with a self -locking gate. (See Article 20 for fence requirements)

Drawing requirements: A certified plot plan showing location of pool and an assembly drawing. For an in-ground pool, a certified plot plan and complete foundation and reinforcing details and plans showing fence type and location. All documents are required in triplicate.

Inspection requirements: In-ground pool inspections will be performed by architect/engineer's inspector. These inspections include: Foundation before pour and at final installation per IRC Code. For above ground pools, the inspections will be performed by the LSEA inspector for final installation only.

## **ARTICLE 20**

### **RESIDENTIAL FENCES AND PARTITIONS**

All fences and partitions require a LSEA Class B building permit, but do not require a stamped seal of approval by a professional Architect/Engineer:

Construction materials, design and location of fences must be approved by the ACC. All fences must be complementary to existing dwellings and compatible with earth tone colors and materials of any adjacent structure on the same lot. Split rails are considered a fence. Fence full height is limited to four (4) feet above grade. Privacy fences around patios and dog pen enclosure (see Article 26) may be six (6) feet high and must be located not less than ten (10) feet from the property line.

Chain link fence materials are not allowed for use as residential fence material. No fences or partitions are allowed within the thirty (30) foot setback area of lake-shore property.

Drawing requirements: A certified plot plan showing location of fence or partition. Drawing or brochure describing fence type and style. All documents are required in triplicate.

Inspection requirements: Final inspection only by the LSEA association manager or his designate.

## **ARTICLE 21**

### **SEAWALLS**

**Note:** The following rules in Article 21 apply to all property owner and all LSEA community owned projects.

All sea walls require a LSEA Class B building permit, all seawalls do not require an architect/engineer's seal of approval. The property owner must sign a certification (form ACC – 12) that specifies that the proposed seawall addition will be built and inspected by a certified IRC inspector to conform to all IRC code requirements. A security deposit is required before a LSEA permit is issued. Copies of the inspection reports must be submitted to LSEA administration before the security deposit is refunded.

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE, CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

Seawall construction materials, design and location require a LSEA building permit and must be approved by the Lakes, Dam and Marina Committee and the ACC. Additionally, seawall locations must be certified by a licensed surveyor to be located above the Ordinary High-Water Mark (OHWM) and a copy of the survey included with the permit application. Seawalls that will be located at or below the OHWM require additional permits from the US Army Corps of Engineers and the MO Department of Natural Resources. This includes the footing for any seawall. No fill activity is allowed below the OHWM, so the footing may not go below the line established by the survey for the OHWM. The only acceptable materials are stone, brick, concrete, rock gabions, or architectural interlocking blocks which are a minimum of eight (8) inches thick. Wooden ties are not allowed. Maximum height of sea walls is three (3) feet above normal pool level. Tops of walls must be level--slight slope for water runoff is acceptable. Concrete sea walls shall have a natural stone or decorated cap.

Note: All required repair or maintenance of seawalls, whether on or off LSEA common ground or property, is the responsibility of the property owner. The cost of any required future repair or maintenance of these seawalls is the responsibility of the property owner.

Drawing requirements: A plot plan showing the location, details, and a section thru the wall. All documents are required in triplicate.

IRC Code inspections required: Inspections include footing and wall before pour, and a final inspection. All these inspections will be performed by a certified IRC code inspector provided by the property owner.

## **ARTICLE 22**

### **RETAINING WALLS**

**Note:** The following rules in Article 22 apply to all property owner and all LSEA community owned projects.

All retaining walls 4' or lower in height do not require an LSEA building permit with the exception of a wall to be installed on LSEA property. Any retaining wall installed on LSEA property or any walls above 6' in height installed on property owner's property require a LSEA Class A permit and require an architect/engineer stamped seal of approval. Retaining walls on property owners' property (above 4' in height and lower than 6') require a LSEA Class B permit and do not require an architect/engineer stamped seal of approval. The property owner must sign a certification (form ACC – 12) that specifies that the proposed retaining wall (above 4'-0" in height) to be installed on property owner's property will be built and inspected by a certified IRC inspector to conform with all IRC code requirements. A security deposit is required before a LSEA permit is issued. Copies of the certified inspection reports must be submitted to LSEA administration before the security deposit is refunded.

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE, CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

Note: The ACC and the Roads Committee will review and approve all permits for retaining walls on LSEA common grounds.



Acceptable materials are stone, brick, masonry blocks (decorated type), or concrete. Retaining walls constructed of wood ties are not allowed for walls higher than 3 feet. Geogrids shall be installed only within property owner's property lines. When interlocking masonry blocks are used, manufacturing specifications should be applied. Adequate space for geogrids or other wall supports must be maintained. All supports systems shall be installed only within the property owner's property. Any concrete retaining walls(s) over 3'-0" high, with its running length parallel to a road or lake and can be clearly observed from the road, lake or adjacent neighbor, must have a troweled surface finish applied using an earth tone color, or decorative stone or brick facing in earth tone colors. All decorative type masonry block retaining walls must be purchased and installed with earth tone colors. All retaining walls located on LSEA common grounds require that the property owner sign a maintenance agreement for the future maintenance of the wall. This maintenance agreement (form ACC-4) shall be part of the filed property title. Failure to maintain these walls will result in Lake Sherwood maintaining the walls with the cost of maintaining the walls charged to the property owner. The ACC and the Roads Committee will review and approve all permits for retaining walls on Lake Sherwood common grounds. Tiered walls are recommended where adequate space is available.

Drawing and color sample requirements: A certified plot plan showing the location of the retaining wall. Detail cross section through the wall. If on a new residence permit, the location shall be shown on the building site plan. Manufacturing specifications are required when masonry blocks are used. Color samples of all concrete or other surfacing materials and block retaining wall manufactured colors must be submitted to the LSEA ACC for approval.

Inspection requirements: For all retaining walls that are installed on LSEA property or those above 4 feet in height that are located on property owner's property, the inspection will be performed by an IRC Code certified inspector provided by the property owner. These inspections include footing and

wall before pour, and a final inspection at completion. For block walls with geogrids an inspection is required at every 3 feet of height.

## **ARTICLE 23**

### **BOAT DOCKS, RAMPS, BOARDWALKS AND LIFTS**

All boat docks and lifts require an LSEA Class B building permit and do not require an architect/engineer stamped seal of approval. All newly constructed docks must use encapsulated foam billets manufactured specifically for dock flotation.

All items discussed below must be shown on drawings.

No private boat docks or ramps are allowed on Lake Alan. LSEA has installed an access dock for community use.

**1) BOAT DOCKS:** Boat Docks are limited to one (1) per lot except on Lake Alan. They must be floating type and floats shall be encapsulated foam billets manufactured specifically for dock flotation. All flotation devices must meet State and Coast Guard requirements for positive flotation. Maximum dock size on the large lake is 14' x 16' (6" tolerance) and on small lakes is 12' x 12' (6" tolerance). Bulkhead for anchoring ramps must be certified by a licensed surveyor to be located above the Ordinary High-Water Mark (OHWM) and a copy of the survey included with the permit application. Bulkheads that will be located at or below the OHWM require additional permits from the US Army Corps of Engineers and the MO Department of Natural Resources. This includes the footing for any bulkhead. No fill activity is allowed below the OHWM, so the footing may not go below the line established by the survey for the OHWM. Maximum ramp size on the large lake is 4' x 17' and on the smaller lakes is 4' x 10'. Ramps shall extend until no more than five (5) feet water depth is obtained at the shore side of dock at normal pool level. Overall length of ramp and dock at normal pool will not exceed thirty-four (34) feet on the large lake and twenty- two (22) feet on the small lakes. A variance

may be requested in writing and a case-by-case determination can be made. No roofs or enclosures are allowed. Handrails are not to exceed thirty-six (36) inches above flooring. In-water stabilizing poles will be allowed for docks and/or ramps where wakes are a problem or other problems exist that are acknowledged by the ACC. Decking shall be a minimum of ¾ inch thickness with adequate support. Dock bumpers can be plastic covered cork, or foam. No vehicle tire materials are allowed. Docks shall be no closer than ten (10) feet from adjacent property lines. U-shaped docks are permitted if outside dimensions are maintained.

When absolutely necessary, and as determined and approved by the ACC, docks can be anchored to trees (very steep banks or shale rock can be a problem). When trees are used, they must be live and a minimum of four (4) inches in diameter, as measured one (1) foot above ground level. Screw in anchors or clamps will not be allowed. Trees will be protected by placing a hose over the rope/cable at the connection points. Attachments shall not be made more than six (6) inches above ground level. Anchor points for the dock should be located on the permit application drawing. If cable, rope, or stabilizer bar anchors are needed they should not be located more than six (6) feet from shore nor more than twelve (12) feet along the shore from the corner of the dock. One cable/rope from each shore-side corner of dock is allowed. Stabilizer bars are permitted if embedded in concrete. All dock ramps must be attached to the shoreline with a permanent solid anchoring system. Examples of the type of anchorage required can be seen by visiting the LSEA park docks near the main dam. As all shorelines vary in slope and structure, the anchoring design and installation will have to be altered to fit the existing shoreline terrain.

NOTE: When using cable, rope, or stabilizer bars, the crisscross (X-cross) method of installation is preferred by most property owners and the ACC. This is because it does not interfere with swimming, fishing, and longer boats around the dock.

An existing dock may be enlarged to the allowed maximum dimensions by applying for an LSEA Class B building permit.

All electrical services to boat docks must be twenty-four (24) volts or less. One hundred and twenty (120) volt service is acceptable if protected by a GFI system. All electrical service to docks must be approved by the ACC.

**2) BOAT LIFTS:** All boat lifts require a LSEA Class B building permit. Only one boat lift can be installed per lot/dock. Integrated overhead roofs/covers are not allowed. Walkways for perimeter access are not allowed. Only GFI protected electric or low voltage is permitted for operation of lift. No boat lift is allowed to extend beyond the outward side of any dock.

Boat docks and lifts - Drawing requirements: A plot plan showing dock location. Detail plan and section drawings showing assembly of dock. Ramp length and dock to land mounting details. For a boat lift: A plot plan showing location. A drawing or brochure showing dimensions and specifications. If anchoring the dock to grade or trees with cables, rope, or stabilizers, the anchor points must be shown on the plot plan. All documents are required in triplicate.

Boat docks and lifts - Inspection requirements: The water depth will be checked by the LSEA association manager or his designate before a permit is approved. The LSEA association manager or his designate will provide a final inspection of the dock, ramp, lift, and ramp mounting details.

## **ARTICLE 24**

### **STORAGE SHEDS AND GAZEBOS**

All storage sheds and gazebos require a LSEA Class B building permit, and do not require an architect/engineer's stamped seal of approval.

#### **A) STORAGE SHEDS**

Storage sheds shall be limited to one (1) per lot, located in the rear yard only. Maximum size is 12' x 10' x 8' high side wall, painted a neutral earth tone or slate tone color or the same color as the house. Sheds are to be installed level and no closer than ten (10) feet from side property line and rear property line. Carbon steel metal sheds are not allowed.

B) GAZEBOS

Gazebos will be limited to one (1) per lot. They may not contain more than 140 square feet or twelve feet in length and width with a maximum 8-foot-high wall. Gazebos are to be installed level and no closer than ten (10) feet from the side property lines. Colors must be of earth tone and follow the LSEA aesthetic code.

Drawing requirements: A plot plan showing the location on the property with dimensions from property lines. Dimensions of shed or gazebo to be built and type and dimensions of materials used, elevation support details, or if purchased prefabricated or as a molded unit, brochure and manufacture specifications are required. All documents are required in triplicate.

Inspection requirements: The LSEA association manager or his designate will make a final inspection.

## **ARTICLE 25**

### **DECKS, PORCHES, PLATFORMS, BOARDWALKS AND STAIRS**

**AND**

### **ALL ROAD AND LAKE ACCESS STAIRWAYS**

**Note:** The following rules in Article 25 apply to all property owner and all LSEA community owned projects.

A) DECKS, PORCHES, PLATFORMS AND STAIRS

All decks and porches added to existing residences require a LSEA Class B building permit and do not require a stamped seal of approval by a professional architect/engineer. The property owner must

sign a certification (form ACC – 12) that specifies that the proposed deck or stair addition will be built and inspected by a certified IRC inspector to conform to all IRC code requirements including both foundation and structure. A security deposit is required before an LSEA permit is issued. Copies of the inspection reports must be submitted to LSEA administration before the security deposit is refunded.

**NOTE: FOR INFORMATION ON THE FEE AND DEPOSIT SCHEDULE CONTACT THE ADMINISTRATION OFFICE FOR A COPY.**

**All deck plans and details are to be drawn to scale, fully dimensioned and must be of professional quality.** Construction plans must include:

Drawing requirements:

- 1) Certified plot plan (and a building site plan if installing with a new residence) showing:
  - a) Lot number, dimensions and angles at corner stakes
  - b) Location and dimensions of any setbacks or easements
  - c) Structure location by dimensions from lot lines and other structures
  - d) Structures will not extend past OHWM of the lake (structures approved prior to March 1, 2022, are grandfathered and no changes will be required). Structures must be certified by a licensed Surveyor to be located above the Ordinary High-Water Mark (OHWM) and a copy of the survey included with the permit application.
  
- 2) Plan drawing showing:
  - a) Structure overall size
  - b) Size, materials and location of columns and beams
  - c) Size and spacing of floor joists and band boards
  - d) Size and material of decking
  - e) Location of steps/stairs
  - f) Dimensions and materials of stairs.
  
- 3) Elevation drawing showing:
  - a) Railing sizes, height of rail, and spindle spacing
  
- 4) Detail drawings showing:
  - a) Method of attaching structure to other structures - when required
  - b) Show method of attaching joists to band boards and band boards to columns
  - c) Detail size, depth, and reinforcement of concrete piers

Note: All documents are required in triplicate.

B) ALL ROAD AND LAKE ACCESS STAIRWAYS

All road and lake access stairways will require approval from the ACC. An International Residential Code Inspector (IRC) is not required.

1) Permit application requirements:

- a) A certified plot plan showing location of stairway
- b) Legible detailed drawings (safe consistent treads/riser dimensions including adequate handrails will be required)
- c) Materials used and color (must be earth tone color)

2) Inspection requirements: The LSEA manager or his designate will make a final inspection.

**ARTICLE 26**

**DOG ENCLOSURES**

All dog enclosures, require a LSEA Class B building permit and do not require an architect/engineer's stamped seal of approval.

Fences for dog enclosures are limited to six (6) feet maximum in height above grade or ground level.

Enclosures are limited to one (1) per lot. Enclosure size is limited to a maximum size of six (6) feet

wide x twenty (20) feet long. Construction materials, design, and location of all dog enclosures must

be approved by the ACC. Chain link fencing may be used for dog enclosures. The ACC recommends

a concrete slab as opposed to a dirt floor for all dog enclosures. Dog enclosures and fences must be

located behind the rear foundation line and not within the setback lines. All dog enclosures require

landscape screening from view of adjacent property owners.

Drawing requirements: A plot plan showing the location of the dog enclosure. Details showing fence type and dimensions of enclosure. All documents are required in triplicate.

Inspection requirements: A final inspection will be made by the LSEA association manager or his designate.

## **ARTICLE 27**

### **DRIVEWAYS, CULVERTS, AND COVERED DRAIN BOXES/CHANNELS**

#### **A. DRIVEWAYS AND EXPANDED PARKING AREAS**

All driveways, expanded or off-road parking, culverts, and covered drain boxes/channels not within the original footprint, require a LSEA Class B building permit.

Driveways and expanded parking areas requested along with new residences do not require a separate building permit, but driveways and related culverts/covered drain boxes must be shown on the building site plan. Driveways expanded and off-road parking, culverts, and concrete drain boxes not within original footprint, that are added at a later date require a LSEA Class B building permit at that time. A LSEA building permit is not required to replace an existing rocked or gravel driveway, or to resurface an existing paved driveway, existing expanded and off-road parking as long as the driveway, expanded and off-road parking, is confined to the same footprint of the original installation. All new driveway and parking areas shall be paved with asphalt, concrete, or paver stones.

#### **B. CULVERTS**

All culverts require a LSEA Class B building permit.

A culvert is required when there is an existing ditch along the side of the road where driveways or parking areas intersect. If the ditch is at the running crown point of a road where the drainage is away from the property in both directions, a culvert is not required. The minimum size of the culvert shall be 15” in diameter and must extend at least 12” beyond each side of the driveway or parking area, including driveway sweeps. All culverts must be located at the center of the existing ditch and its invert aligned with the bottom of the existing ditch. If a culvert length of 24’-0” or more is needed, a



5'-0" long concrete drain box with a removable galvanized grating must be installed in the center of the overall culvert. All culverts are to be constructed of corrugated galvanized steel pipe or high-density polyethylene – type S – double walled pipe with outer corrugated wall and smooth inner liner.

### **C. COVERED PVC DRAIN CHANNEL/CONCRETE DRAIN BOXES**

All covered drain boxes/channels require a LSEA Class B building permit. If located on LSEA property as a whole or partial, the concrete drain boxes (in Alternate 2) shall be verified that the dimensions shown below are adequate by a professional architect/engineer. An architect/engineer's signed stamp of approval is required on the drawings and details. The PVC drain channels (in Alternate 1) can be engineered/sized by the channel supplier. Any concrete drain boxes or drain channels located as a whole or is partially located on LSEA property requires that the property owner sign a maintenance/easement agreement. This maintenance/easement agreement shall be part of the filed property title. The property owner is responsible for all future maintenance for all the above items that are installed within Lake Sherwood common grounds.

A covered drain channel or concrete drain box is required in lieu of a culvert when there is an existing ditch along the side of the road (including at the running crown point) and when the driveway slopes down at an angle of fifteen (15) degrees or more toward the road. Both PVC drain channels and concrete drain boxes shall be installed flush and level.

#### **Alternate 1 – Prefabricated PVC drain channel** – A prefabricated PVC drain channel (NDS

Company or approved equal) can be installed as engineered/sized by the drain channel manufacturer.

Required design conditions and minimum specifications for this type of drain channel are as follows:

- a. The drain channel shall be a class B installation as a minimum (medium traffic load limit of 61 – 175 psi. at 20 mph). This is adequate for passenger cars and light trucks.
- b. 3" to 3-1/2" in 1 hour of rainfall at a driveway slope of 15 degrees and specific to the total runoff of the driveway and any other feeders from roofs and gutters.

**Alternate 2 – Concrete covered drain box** – The minimum size of a covered concrete drain box shall be a minimum of 8” in width (inside dimension) and its invert aligned with the bottom of the existing ditch. End openings shall be a minimum of 8”. The drain box shall be inset with removable galvanized grating of adequate size and strength for its entire length. This covered concrete drain box shall extend to the full width of the driveway minus 1’-0” from each side and must have flow through capability. The covered concrete drain box shall be adequately reinforced to accommodate vehicle traffic and shall be flush and level.

**Special Note:** A) New covered drain boxes must be installed in existing repaved concrete or asphalt driveways that slope more than 15 degrees toward the road. LSEA Public Works Department shall be consulted on the installation of all drain boxes and culverts. B) In addition to the ACC, the Lake Sherwood Road Committee will participate in reviewing and approving these related drawings within the request for a Lake Sherwood building permit. It is the property owner’s responsibility to ensure that the proper installation and drainage is designed/maintained in a way that will prevent any adverse impact to Lake Sherwood common grounds and/or other property owners. The cost of road repairs caused by the installation will be charged to the property owner (see Article XIV – Road Damage Bond).

**Drawing requirements:** A certified plot plan showing location of all driveways, culverts, and drain boxes/drain channels (shown on the building site plan if new residence). Detail drawings of concrete drain boxes or manufacture’s specification and catalog page information if a drain channel. All documents are required in triplicate.

**Inspection requirements:** Final inspection by the LSEA association manager or his designate.

## **ARTICLE 28**

### **RESIDENCE HEATING SYSTEMS (INCUDING GEO-THERMAL)**

**1) WATER SUPPLY AND FUELS** – Private water wells are not permitted. No lake water or ground water can be used for any residence heating or cooling system. No coal (soft or hard) shall be used as a fuel in any residence.

**2) GEO-THERMAL** - All geo-thermal heating systems require a LSEA Class B building permit.

All geo-thermal installation must be vertical, closed loop systems. No horizontal systems or lake systems will be permitted. Well water from LSEA property may be used for drilling purposes, but property owner will be charged at existing water use rates. The property owner must submit with his application for a building permit, complete specifications for a geo-thermal unit. Said specifications shall be in accordance with Federal and State regulations.

Only Propylene Glycol may be used as an anti-freeze. No substitutes will be allowed.

Concrete must be used to seal the shafts to a depth of ninety (90) feet.

Only contractors certified by Cuivre River Electric and/or the State may install the geo-thermal system. Contractors must barricade the area to be drilled in order to contain the drilling debris from runoff. Immediately after the drilling operation has been completed, the contractor must remove all drilling debris from Lake Sherwood Estates, or it can be used for fill in enclosed areas (such as a garage) or used as a base on a driveway and may not be used for back fill against the house.

Shafts must be located under the driveway or within fifteen (15) feet of the residence. No trees larger than six (6) inches in diameter may be removed beyond these fifteen (15) feet limit in order to accommodate the geo-thermal installation. The location and dimensions of all geo-thermal shafts and pipe linkups must be indicated on a certified plot plan.

Type of pipe should be Drisco pipe or pipe of equal quality. No metal will be used under the ground.

All permits for a geo-thermal system must be issued by ACC. Installations will be monitored by the administration office.

If a geo-thermal system is to be installed to serve an existing home, the same procedures as described above must be followed.

Drawing requirements: A certified plot plan showing dimensional locations of drillings for geo-thermal system (form A.C.C. - 17) must be filled out and attached to application for permit.

Inspection requirements: The LSEA association manager or his designate will review drilling locations before commencing and will make a final clean up inspection.

## **ARTICLE 29**

### **VARIANCES TO LSEA RULES AND REGULATIONS**

Variations may be applied for and potentially granted if the existing rules and regulations are not applicable for logical construction and/or have unique installation problems. Variations for any other reasons will not be approved and the rules and regulations will apply as stated. Variations approved by the ACC shall be reported to the LSEA Board of Directors on a monthly basis.

**NOTES: 1) All requests for variations must be submitted in writing at the same time of the application for a Class A or Class B building permit is made. 2) Variations requested for side and back “set back” intrusions must be accompanied by a “signed letter of approval” from the effected neighbor or the LSEA Board of Directors if LSEA property is affected. In no case will the ACC approve more than a 3’-0” intrusion into a setback zone.**

## **ARTICLE 30**

### **PROCEDURES FOR ENFORCEMENT OF VIOLATIONS**

*Compliance with the covenants and restrictions in the Declaration and these Rules is important to foster harmony of community and to protect property values. It is in the best interests of the Association and the community as a whole to have fair, efficient and effective enforcement procedures as set forth in this Section.*

- 1) **Determination of Alleged Violation.** The existence of an alleged violation of any ACC by inspection or by written complaint by one or more members of LSEA.
- 2) **Voluntary Resolution.** The manager shall make reasonable efforts to meet personally with the alleged violator to seek voluntary and appropriate measures to correct the conduct or activity causing the alleged violation. Following the meeting, the manager shall send the alleged violator a written confirmation of any resolution reached, including a statement of the alleged violation and the agreed upon corrective action and schedule for compliance.
- 3) **Notice of Violation.** In the event that a meeting and resolution with the alleged violator are not reasonably possible under Section 2 above, or in the event that the alleged violator fails to perform any agreement to comply reached under Section 2 above, the manager shall serve the alleged violator with written notice stating (a) a description of the nature of the alleged violation, (b) the proposed penalty to be imposed as provided in Section 7 below, (c) a period of not less than five (5) days within which the alleged violator may present a written request for a hearing with the ACC, (d) that the proposed penalty shall be imposed as set forth in the notice unless the alleged violation is corrected within a reasonable schedule set forth in the notice or the alleged violator requests a hearing within the allotted time, and (e) that in the event LSEA incurs attorney's fees in connection with enforcement of the alleged violation, the alleged violator would be responsible for LSEA's reasonable attorney's fees. The ACC may shorten the period of time for a hearing in the event it determines an emergency exists.
- 4) **Notice of Hearing.** A hearing shall be scheduled upon timely request by the alleged violator and set by the manager. The manager shall provide written notice to the alleged violator setting forth the date, time and place of the hearing.
- 5) **Hearing Procedures.** The hearing shall be held at a meeting of the ACC in executive session. The manager shall request any other property owner or resident that provided a written

complaint of the alleged violation to be present and testify as to his/her complaint separately or at the same time as the hearing for the alleged violator, as determined by the ACC. The alleged violator shall be afforded a reasonable opportunity to be heard, including presentation of any testimony or evidence on his/her own behalf. Proof of proper notice shall be placed in the minutes of the meeting and shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the manager or other persons who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. The minutes shall state the purpose of the hearing. Legal counsel representing any party may be present at the hearing.

6) **Finding of Violation.** The ACC shall give written notice to the alleged violator of its findings and decision within fifteen (15) days after the hearing. In the event (a) the alleged violator declines or fails to request a hearing, (b) fails to appear at a scheduled hearing, or (c) as a result of a hearing, the manager shall give written notice of the ACC's findings and decision that such violation exists, demand that the violation be corrected on such schedule as the ACC may determine to be reasonable under the circumstances, and impose any reasonable penalty under Section 7.

7) **Penalties.** The following penalties may be imposed in the event of a violation:

(a) A fine of not more than Five Hundred Dollars (\$500.00) per incident of violation or, in the case of a violation involving continuing conduct or activity, not more than Fifty Dollars (\$50.00) per day that the violation continues. Any unpaid fine, together with any costs and fees incurred by the Association as set forth in Section 8 of these Rules, shall be a continuing lien against the violator's lot, and shall be the personal obligation of the property owner, and shall be enforceable in the same manner as assessments under the Declaration.

(b) In the event the violation is not satisfactorily corrected within the allotted period of time after written decision thereof is given under Section 6, the Board may declare that the violator's status as a member in good standing is forfeited. In the event the violator owns more than one (1) lot, the withdrawal of privileges shall apply to any and all such lots.

The penalties provided in this Section 7 shall be cumulative, and shall be in addition to any other remedy allowed under law and the Declaration, including but not limited to enforcement by an action at law or in equity, and the right to recover the Association's costs and fees set forth in Section 8, or by abatement of the violation, including removal of any article, vehicle or other object that constitutes the violation, at the cost of the violator.

- 8) **Costs and Fees.** Any costs and fees incurred by the association in the implementation of these Rules, unpaid fines, and attorney's fees, shall be recoverable against the violator in the same manner as assessments under the Declaration, including but not limited to court costs, lien preparation and recording charges (including release of the lien), administrative expenses, fees and costs of title search, returned check charges, reasonable fees for attorney and paralegal services, and any other reasonable expenses incurred in the enforcement of these Rules. For the purposes of this Section 8, the violator shall be responsible for attorney's fees and paralegal services incurred by the association beginning with the notice of violation provided in Section 3 above, regardless of whether a judicial proceeding is commenced, or a notice of lien is recorded.
- 9) **Appeal to Board.** The violating property owner may request an appeal of an adverse decision by the ACC under Section 6 above to be heard by the LSEA board. Such request must be made in writing within ten (10) days after receipt of the ACC decision. The board may deny the request or schedule an appeal in its discretion. If an appeal is scheduled, the manager shall give

written notice to the violating property owner, and the procedures in Section 5 above shall apply.  
The LSEA board's decision shall be final and conclusive.

- 10) **Board Discretion.** The decision to pursue enforcement action in any particular case shall be within the board's discretion, except that the LSEA board shall not be arbitrary or capricious in taking enforcement action. Without limiting the generality of the foregoing sentence, the LSEA board may determine that, under the circumstances of a particular case:
- (a) LSEA's position lacks sufficient strength to justify taking any or further action, or
  - (b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with applicable law, or
  - (c) Although a technical violation may exist or may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending LSEA's resources, or
  - (d) That it is not in LSEA's best interests, based upon hardship, expense or other reasonable criteria to pursue enforcement action.

Such a decision shall not be construed as a waiver of LSEA's right to enforce such provision at a later time under other circumstances or preclude LSEA from enforcing any other covenant, restriction or rule.

- 11) **Alternative Dispute Resolution.** The Board deems it to be in the best interest of the community as a whole to encourage the amicable resolution of disputes between LSEA and individual property owners, or between property owners, without the emotional and financial costs of litigation. Therefore, at any time in the implementation of these rules, the board may encourage the voluntary resolution of a dispute through alternative dispute resolution proceedings such as mediation, advisory arbitration, or binding arbitration.

## **ARTICLE 31**



## **GENERAL PROVISIONS**

- 1) **Guidelines.** The provisions of these Rules are intended to provide guidance to property owners, contractors, engineers, architects and others providing services on behalf of the property owners, regarding matters of particular concern to the ACC in considering applications. These Rules are not the exclusive basis for decisions of the ACC and compliance with these Rules does not guarantee approval of any application.
  
- 2) **Review Considerations.** In reviewing applications, the ACC, as provided in Paragraph 6 of the Declaration (as amended), shall take into account design considerations including the nature, kind, shape, height, materials and location of the proposed new construction or modification as to harmony of exterior design and types of materials in relation to existing structures, and as to location with respect to lot lines and finish grade elevations. Decisions may be made based on purely aesthetic considerations. Determinations as to such matters are purely subjective and opinions may vary as to the desirability and/or attractiveness of particular improvements. The ACC shall have the sole discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment and such determinations shall be upheld so long as made in good faith and in accordance with the procedures contained in these Rules.
  
- 3) **No Waiver of Future Approvals.** It is integral to the functioning of the ACC that the persons serving on the ACC and reviewing applications under these Rules will change from time to time and that opinions on aesthetic matters, as well as interpretation and application of the design review guidelines and conditions contained in the Declaration and these Rules may vary accordingly. It may not always be possible to identify objectionable features until work is completed, in which case it may be unreasonable to require changes to the improvements involved, but the ACC may refuse to approve similar proposals in the future. Approval of applications or plans, or in connection with any other matter requiring approval, shall not be

deemed to constitute a waiver of the right to withhold approval as to any similar applications, plans, specifications, or other matters subsequently or additionally submitted for approval.

- 4) **Variances.** The ACC may grant variances from compliance with any of the conditions in the Declaration or ACC guidelines and procedures in these Rules when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, consistent with these Rules. No variance shall be effective unless in writing, be contrary to the Declaration, or estop the ACC from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.
- 5) **Limitation of Liability.** The standards and procedures established in these Rules are intended as a mechanism for maintaining and enhancing the overall aesthetics of the community; they do not create any duty to any person. Review and approval of any application pursuant to these Rules are made on the basis of aesthetic considerations only. LSEA, the Board, ACC and any other committee, or any member of any of the foregoing, shall not bear any responsibility for ensuring the structural integrity or soundness of approved new construction or modifications, nor for ensuring compliance with building codes and other governmental requirements, nor for ensuring that all dwellings are of comparable quality, value or size, or of similar design, or aesthetically pleasing or otherwise acceptable to property owners of neighboring properties.
- 6) LSEA, the Board, ACC, and any other committee, or member of any of the foregoing shall not be held liable for soil conditions, drainage or other general site work; any defects in plans revised or approved hereunder; any loss or damage (including but not limited to consequential damages and attorney's fees) arising out of the action, inaction, integrity, financial condition or quality of work of any contractor or its subcontractors, employees or agents, whether or not the ACC has approved or featured such contractor as a builder in Missouri; or any injury, damages, or loss

arising out of the manner or quality or other circumstances of approved new construction or modification of any residence. In all matters, the Board, ACC, and the members of each shall be defended and indemnified by LSEA as provided in Article VI, Section 8 of the By-Laws.

- 7) **Certificate of Compliance.** Any property owner may request that the ACC issue a certificate of architectural compliance for such property owner's completed new construction or modification, certifying that there are no known violation of these Rules. The ACC shall either grant or deny such request within thirty (30) days after receipt of a written request and may charge a reasonable administrative fee for issuing such certificate. Issuance of such a certificate shall estop the association from taking enforcement action with respect to any condition as to which the association had notice as of the date of such certificate.
- 8) **Occupancy Permit.** All property owners seeking temporary or permanent occupancy of a new residence must obtain an LSEA Occupancy Permit from LSEA administration. This permit is indication of property owner's guarantee that all signed documents and inspections/reports have been accomplished and on file, and that the property owner is a "member in good standing" and all amounts due LSEA must be paid in full associated with the lot number that is seeking this Occupancy Permit.
- 9) **Amendment.** The board has full authority to amend these Rules at any time. Any amendments shall be prospective only and shall not apply to require modifications to or removal of structures previously approved once the approved construction or modification has commenced. There shall be no limitation on the scope of amendments to these Rules, and such amendments may remove requirements previously imposed or otherwise make the Rules less restrictive.
- 10) **Adoption; Applicability.** The Board shall provide these Rules in draft form to each property owner and schedule an opportunity for review and comments by the property owners. Thereafter, the board is authorized to adopt these Rules, with such revisions as may be reasonable based

upon said comments, upon execution below by the president and attestation by the secretary. These Rules shall be applicable to all lots and dwelling units, and all property owners, residents, guests and invitees, as to events and circumstances occurring after the effective date is announced.