



# **LOCH LLOYD NORTH HOMES ASSOCIATION**

## **DESIGN REVIEW RULES AND REGULATIONS**

**REVISED 2020**

# **Loch Lloyd North Homes Association Design Review Guidelines**

*Revision December 2020*

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*These Design Standards outline information, which will be helpful in the design and construction of new single-family homes at Loch Lloyd North and will explain the design review process. Because the design, approval and construction of a home requires a substantial investment of time, capital, and emotional involvement, the information contained here should be carefully studied before design work is started.*

*If you are altering or updating an existing residence contact your Home Owners Association representative for information about the Architectural Review Committee.*

*Before any homeowner is allowed to move-in to their new home they are required to have a Village of Loch Lloyd Building Occupancy permit and DRC Certificate of Compliance. Temporary certificates of occupancy and temporary certificate of compliance are at the sole discretion of the Village of Loch Lloyd and the DRC Committee.*

These guidelines, rules and regulations are subject to change without notice at any time. Please check with appropriate development and/or Homes Association personnel for updated copies.

## **1.0 DESIGN REVIEW COMMITTEE:**

The Design Review Committee (DRC) shall be comprised of five individuals, all of whom need not be Members of the Association. One member of the DRC shall be a member of the Board of Directors of the Association and is appointed by the Board of Directors of the Association. One member shall be a representative of the Developer appointed by the Developer. All other members of the DRC shall be appointed by the Developer and shall be members of the professions involved in residential community design and development. At least one member shall be a registered architect and one other shall be a professional involved in the field of landscape architecture. Where necessary, the Board of Directors of the Homes Association shall approve the appointees from the Developer. The members of the DRC shall appoint a chairman.

### **1.1 REVIEW PROCESS:**

Prior to DRC review, applicants must execute a Participating Builder Agreement, complete and sign the builder checklist, flag all trees to be removed, and complete and sign the “Loch Lloyd Submittal Application” (included as section 12.0) by which the applicant agrees to pay for any damage to streets, curbs, common areas, or adjoining lots occurring during the lot clearing, house construction, or landscaping.

Signed plan approval by the DRC, the field review of any trees to be removed and a building permit will be required prior to the commencement of construction or installation, including clearing, grading, paving, structures, landscaping, building additions or alterations.

Application to the Village of Loch Lloyd Building Official, for building permits shall not be made until plans have been approved by the DRC. Following DRC approval, the applicant must obtain a building permit from the Village of Loch Lloyd before proceeding with any construction, including clearing of the lot.

All plans submitted to the DRC for the construction of homes shall include three full size sets of plans, 1 ledger set and must display a Missouri registered architect’s or engineer’s seal, unless waived by the DRC for minor projects not requiring a building permit. Site plans will

be stamped and signed by a registered surveyor. Two sets of plans will be required for all landscape submittals. One full size copy shall be retained as a permanent record with the DRC. Notifications of recommendations and/or approval will be provided in writing to the builder.

To secure the completion of your home on the homesite as well as all required landscaping and trash removal Loch Lloyd requires a deposit in the amount of \$10,000 for single family homes. If a landscape escrow was not deposited into an escrow account approved by Loch Lloyd at closing you will be required to deposit these funds with Loch Lloyd Residential Development Company before your plans will be reviewed. Funds will be refunded upon completion of your home on the homesite (including sod, landscaping and trash removal), final inspection and approval by the DRC, or its designee.

**1.2 APPLICATION PROCEDURES:** (See section 9.0, 10.0, 11.0 and 12.0)

A fully completed Submittal (12.0) is to accompany all DRC submittals including the builder checklist, house plans and elevations, site plan, exterior colors and materials to be used on all exteriors, plus a final landscaping plan showing placement of all landscaping features; however, landscape and colors may be deferred to be selected after the home construction begins but before installation or application of these items.

1. Complete and submit the submittal application, builder checklist, and all attachments to the DRC for review.
2. Provide stakeout of the proposed new construction. Flag trees that are to be removed.
3. Protect existing trees to remain to the drip line.

**2.0 APPROVAL OF PROPOSED PLANS:**

A seven-stage process has been defined for approval of proposed plans. Plans and other required documentation must be submitted to the DRC consistent with the following stages of planning and design:

- |           |  |
|-----------|--|
| Stage I   | Submit - Submittal Application, builder checklist, check for \$1,000 made payable to Village of Loch Lloyd, landscape escrow, if not already paid and house plans (including site plan and tree survey). |
| Stage II  | DRC review and approval.   |
| Stage III | DRC Pre-Construction meeting/new builders and tree removal review.   |
| Stage IV  | DRC review of exterior colors including roof and stone.  |
| Stage V   | DRC review of landscape.   |
| Stage VI  | Certificate of Compliance – if approved, process to refund landscape escrow will begin (requires AS-BUILT SITE PLAN)   |
| Stage VII | Move In Requirements – Prior to move in Homeowner must have a Village of Loch Lloyd Building Occupancy Permit & DRC Certificate of Compliance.   |

**2.1 STAGE I – SUBMITTAL APPLICATION AND HOUSE PLANS:**

Construction documents, including plans and specifications for the proposed project shall be of professional quality and be completed in sufficient detail to fully explain the intent of the structural and architectural design, as well as the materials and finishes

involved. The Application, Section 9.1, outlines the required information, which must be included with each DRC submittal (form does not need to be submitted).

All proposed construction shall be in accordance with the requirements of the International Building Code (latest edition), and the local ordinances of the Village of Loch Lloyd.

## **2.2 STAGE II – DRC REVIEW AND APPROVAL:**

The DRC may offer specific suggestions or requirements on any plans or specifications. Upon approval by the DRC of any plans and specifications, a copy of such plans and specifications, as approved, shall be retained as a permanent record with the DRC. Three copies of such plans and specifications bearing such approval in writing shall be returned to the builder for permit issuance. One set will be returned to the DRC, one set to the builder and one set will be retained by the Village. Approval of such plans and specifications shall be final and may not be revoked or rescinded by the DRC.

Any revisions to the approved construction documents, plans and/or specifications will be subject to further DRC review and approval before their implementation.

When questions of judgment or interpretation arise during the review period, an Owner may appeal a decision of the DRC to the Developer. The decision of the Developer is final. After the development period, appeals should be made to the Board of the Loch Lloyd North Homes Owners Association.

The DRC, at its discretion, is permitted to approve deviations from these Design standards and Procedures when, in its judgment, such deviations will result in a more commonly beneficial use, or when such deviations do not detract from the value or enjoyment of surrounding properties. Any variance granted is considered not to be precedent setting because the deviation is being made with respect to unique site features and with the welfare of the overall Loch Lloyd development in mind. Such deviation must be granted in writing.

All future homeowners should refer to the Home Site Purchase Agreement for further clarification. Homeowner and builder must proceed with due diligence.

## **2.3 STAGE III – PRE-CONSTRUCTION MEETING:**

The Builder and Buyer shall meet with a Representative of the Design Review Committee prior to the start of construction to review all construction requirements and regulations, grading, drainage, site preparation, and tree removal (if necessary). This step is an on-site meeting. Only after this step is completed, DRC approval has been completed, and the Village of Loch Lloyd has issued a building permit, may home construction begin.

## **2.4 STAGE IV - EXTERIOR COLORS:**

See section 5.0 for specifications on all exterior colors and materials, including: stucco & paint colors, window & door cladding, brick, stone, concrete, driveway tint color and roof material shall be approved by the DRC. All exterior items, involving color, should

be submitted simultaneously so as to be considered at the next regularly scheduled meeting of the DRC.

**2.5 STAGE V – LANDSCAPE REVIEW:**

A final landscaping plan will be reviewed for its overall appropriateness, as well as determining whether it presents a sense of cohesiveness and thoughtful composition for our natural setting. See section 6.0 for specifications.

**2.6 STAGE VI – CERTIFICATION OF COMPLIANCE:**

A Certificate of Compliance is issued to an owner by the DRC upon the total completion of construction. The Certificate of Compliance states that the requirements of the Design Standards have been met. The DRC Certificate of Compliance does not preclude the necessity of the homeowner obtaining a Village of Loch Lloyd Building Occupancy Permit.

The following items will be covered by the Design Review Committee Certificate of Compliance:

- a. Buildings located according to approved site plan.
- b. Site improvements, including grading, paving, walls, walks and tree preservation have been provided in accordance with approved plans. An AS-BUILT site plan showing spot elevations AND stamped by a licensed land surveyor is required for review.
- c. Building(s) is (are) of approved architectural design and approved materials and colors.
- d. Only approved exterior lighting (if any) has been installed.
- e. In-ground sprinkler system and sod have been installed.
- f. Landscaping is in accordance with approved landscaping plan.

The approval of plans and specifications by the DRC shall not be construed as engineering decisions or compliance with zoning and building ordinances, and by approving plans and specifications, neither the DRC nor any member thereof assumes any liability or responsibility for any defect in any structure constructed from such plan and specifications or noncompliance with the approved landscape plan.

**2.7 STAGE VII – MOVE IN REQUIREMENTS:**

Before any homeowner is allowed to move-in to their new home they are required to have a Village of Loch Lloyd Building Occupancy permit and DRC Certificate of Compliance. Temporary certificates of occupancy and temporary certificate of compliance are at the sole discretion of the Village of Loch Lloyd and the DRC Committee.

- a. If the homeowner wishes to move-in before final construction of the home and landscaping, then they must have two certificates:
  - 1.) Temporary Certificate of Occupancy issued by Village of Loch Lloyd.
  - 2.) Temporary Certificate of Compliance issued by the Loch Lloyd Design Review Committee.
- b. A temporary Certificate of Compliance will be granted by the DRC under the following conditions:

- 1.) A temporary certificate will be issued between 30-120 days with clear documentation of the items to be completed before the permanent certificate will be issued.
- 2.) Homeowner/builder agrees to escrow \$10,000 for uncompleted items per the agreed upon plans and specifications. The escrow amount will be set-up in a third party title company who will hold the funds and release them upon written notification from the homeowner/builder and the DRC Committee member.
- 3.) Builder/homeowner signs the Temporary Certificate of Compliance that they agree and guarantee the remaining work will be completed in a timely fashion.
- 4.) If the temporary certificate expires before successful completion of the pending items, then the Owner must apply for a 30 day extension for a \$100 extension fee.

### **3.0 CONSTRUCTION:**

#### **3.1 CONSTRUCTION REGULATIONS:**

No lot is to be cleared or construction started without written approval of all plans by the DRC and the issuance of a building permit by The Village of Loch Lloyd.

There will be no trespassing across the adjoining lots or common ground.

No dumping of construction materials, waste or trash shall occur in the community. If it is determined that the site is not being kept clean, the Homes Association and/or Developer will have lot cleaned and will bill homeowner for expenses.

Loud music and alcoholic beverages are prohibited on the job site.

Portable toilets are required at each job site. Portable toilets may be removed, if and when the builder provides facilities inside the home.

Builder will provide an adequate trash container of at least 55 gallons to be kept at building site during construction. This container will be dumped by builder off site, as necessary. Once landscaping is installed the Homes Association will deliver a trash and recycling bin to the home. Builder or homeowner is responsible for notifying the Homes Association if a trash and recycling bin is needed before landscaping is completed.

The downhill perimeter of all disturbed portions of the site shall be protected from erosion by the installation of appropriate erosion control measures.

After pouring the foundation, a temporary gravel (2" size or larger gravel) area is to be installed to accommodate construction site and delivery vehicles and prevent mud being carried onto the street. Upon completion of foundation work, and the installation of first-floor floor joists, all exposed excavation must be backfilled and the construction site rough graded to ensure proper drainage. Excess building materials shall be promptly removed from site.

As a general rule, construction hours are: 7:00 a.m. to 6:00 p.m., Monday through Friday. 8:00 a.m. to 3:00 p.m. on Saturday. ***No construction work is permitted on Sundays or holidays.***

*Variances on work schedules may be requested by the homeowner. The variance request is to be submitted to the Homes Association Board of Directors for approval. A reasonable time period should be allowed (two weeks) for variance approvals.*

**3.1.1. SETBACKS:**

- Front Yard - 30' from front property line adjacent to a street
- Side Yard - 12' from side property line
- Rear Yard - 30' from rear property line
- Bordering golf course-50' from property line adjacent to golf course.

Set back deviations may be modified upon approval by the DRC. Some neighborhoods have different requirements, see **addendum**.

**3.1.2 SQUARE FOOTAGE REQUIREMENTS:**

Minimum square footage requirements will be set forth for each phase.

All lots, with the exception of Phase C as noted below, consisting of a single story above ground shall contain a minimum of 2100 square feet of enclosed floor area; any residence consisting of two stories, 1 ½ stories and reverse 1 ½ stories shall contain a minimum of 2400 square feet of enclosed floor area with a minimum of 1800 **square feet on the first level**.

All Homes in Phase C shall have a minimum of 4,000 square feet on the main floor.

The words “enclosed floor area” as used herein shall mean and include areas of the residence enclosed and finished for all year occupancy. Footage requirements are computed on outside measurements of the residence and shall not mean or include any unfinished areas in basements, garages, porches or attics.

**3.2 DRIVEWAYS – WALKWAYS:**

All driveways and walkways must be approved by the DRC. DRC encourages the use of concrete with brick banding and/or brick outline or pavers versus asphalt, but will review on a case by case basis. The preferred driveway width at the property line is 14' for side entry garages and 18'-20' for front entry garages.

**3.3 EASEMENTS:**

No structure, planting or other material shall be placed or permitted to remain within such utility easements, which may damage or interfere with the maintenance or change the direction of the flow of drainage channels in the easements. The easement area of each lot and all improvements on it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. (Future developer easements may or may not be included).

**3.4 EROSION CONTROL:**

All lots must be maintained in a clean and orderly manner during construction periods. Erosion shall be controlled on each site while the site is in a disturbed condition. This control shall be accomplished by using bales of straw or silt fencing. This erosion control shall be installed prior to excavation or simultaneous to excavation, and must be properly maintained until the



landscaping is complete. Builder shall be required to maintain the streets free of debris at all times.

### **3.5 GRADING:**

The grading of each site will be undertaken in a sensitive fashion. The natural landforms should be preserved and enhanced; consequently, all new construction should work with the land. A minimum of 2.5% grade in concentrated swales away from a building site to drainage ditches must be maintained.

Finished grades must also be sensitive to the adjacent properties, with particular regard to drainage and views. An AS-BUILT site plan will be required by the land surveyor showing spot elevations of the final grade prior to DRC Final Approval. Grading conditions that will not be allowed are as follows:

No fill over tree drip lines

No property line grade conditions which do not gracefully meet adjacent grades

No established or shared drainage courses can be removed or altered unless approved by the DRC.

Drainage swales along the streets of Loch Lloyd shall not be disturbed or altered except for the installation of drainage pipes limited to driveway areas only.

### **3.6 GARAGES:**

Garages are to be given the same architectural treatment and be constructed of the same materials as the main structure. Each residence must have an attached private, fully enclosed garage. All garages shall be a side, motor court or rear entry unless the site will not accommodate it, and then it must be approved by the DRC. Garages shall have a minimum of space for two cars, and garages for over four cars must be approved by the DRC. The interior walls of all garages must be finished in a quality material. Garage doors are to remain closed except when in use. No garage will be permitted to be enclosed for living or purposes other than storage of automobiles and related normal use without DRC approval.

### **3.7 ROOFS:**

All roofing materials must be approved by the DRC. The following are recommended:

- Concrete tile or clay tile
- Slate
- Manufactured slate
- Stone clad metal

### **3.8 STOCKPILING:**

Stockpiling of any building materials, or any ground disturbances are not allowed within the drip line of existing trees which are to remain. All building materials will be stacked and stored on the job site only.

### **3.9 UTILITIES AND SERVICES:**

- a. Finished grading of the driveway where it connects to the street will be determined by the DRC to achieve proper drainage and compatibility with the street surface.

- b. The site plan, topography and final grade plan will determine the necessity for driveway culverts to insure proper drainage. Adjacent lot drainage is also to be considered. Drainage swales adjacent to streets shall not be altered.
- c. The DRC shall approve the location of all water service lines. The builder will keep the ditch from the meter pit to the house open for inspection. All water service lines shall be of type “K” copper and be a minimum of 1 1/2” size. All back-fill material must be free of rock to a depth of 2’ below water line and 4” above the line. Sand may be used except in instances where terrain is too steep to warrant it. Water service line must be a minimum of 10 feet from the sewer service line trench.
- d. All utilities are marked and in working order. The homeowner or builder will be responsible for any maintenance if any damage occurs during construction.
- e. The sanitary sewer system is of pressure force main type. Each house will have its individual grinder pump. Size, location and installation will be the responsibility of the homeowner/builder. The Village of Loch Lloyd is serviced by the Northwest Cass County Water Resources District. The sewer connection fee is established from time to time & payable at closing by the seller. *NWCCWRD, (North West Cass County Water Resource District) should be contacted to determine the location of the sewer main connection.*

#### **4.0 PROPERTY MAINTENANCE:**

The home owner will maintain all finished exterior surfaces of all structures on the lot, yards, hedges, plants, and shrubs in a neat and trim condition at all times, and observe the designated buffer zones as prescribed in the Loch Lloyd North Homes Association Rules and Regulations. This includes watering sod and maintaining yard areas.

#### **5.0 COLORS AND MATERIALS:**

All exterior colors and materials, including: stucco & paint colors, window & door cladding, brick, stone, concrete, driveway tint color and roof material shall be approved by the DRC. All exterior items, involving color, should be submitted simultaneously so as to be considered at the next regularly scheduled meeting of the DRC.

Window frames other than wood will be either anodized or electro statically painted. Wood frames will be painted, sealed or stained.

It is required that all homeowners have their homes designed using a “4 sided” architecture approach including windows, trim, facades and cornices.

Buildings will be faced on all sides with quality facing materials such as brick, stone, wood lapped siding or stucco as approved by the DRC. Materials chosen for use shall be consistent with the “style” of architecture chosen for the house. Exterior materials used on the front elevation shall be extended along all adjacent sidewalls to the nearest inside corner. The following materials are not allowed without prior written approval of the DRC: exposed standard concrete block; simulated brick, stone or wood and metal windows. Exposed foundations must be painted and those exceeding six inches (6”) at the front and twelve inches (12”) at sides and rear will be covered with the same facing material as the building.

An Exterior Color approval form can be found in the builder checklist package or will be given upon request.

**A sample pallet of all materials of at least 4' X 4' shall be placed at the site location for review.**

## **6.0 LANDSCAPING:**

### **6.1 LANDSCAPE REQUIREMENTS:**

Part of what sets Loch Lloyd apart from other developments is its natural environment and landscaping. We are proud of the image we are presenting and continue to pay careful attention to the landscaping process. You will be selecting a landscape company to develop your landscape plan for DRC submittal. We are fortunate to have many quality landscape companies from which to choose throughout the Greater Kansas City area, some of whom are familiar with Loch Lloyd's natural beauty. The Loch Lloyd Design Review Committee wants you to be aware of our landscaping goals for this community. Considerable effort has been expended to save the existing vegetation and existing specimen trees have been preserved to reinforce this planning. New plantings must complement the existing landscape.

All landscaping plans are subject to review by the DRC. In addition, any subsequent improvement involving a construction element (i.e., adding or changing decks, pools, gazebos, fences, basketball goals, play structures, etc.) or changes that would affect drainage must be submitted to the DRC for approval. In compliance with our recorded Covenants, Conditions and Restrictions (CCR's), no outdoor sculpture or lawn ornamentation may be added at any time without DRC approval.

### **6.2 LANDSCAPE CONSTRUCTION:**

The existing topography at Loch Lloyd is one of its best assets. Consequently, all new construction should be sensitive to the land and conform to it whenever possible. Fills and cuts must be kept to a minimum. When cutting is necessary, the resultant wall or swale should be integrated into the grade through the use of indigenous materials.

A final landscaping plan will be reviewed for its overall appropriateness, as well as determining whether it presents a sense of cohesiveness and thoughtful composition for our natural setting. The guidelines are as follows:

1. All areas of the lot must be sodded and irrigated, except for certain rough areas where terrain and trees make this impractical. All irrigation systems must have backflow prevention installed. All irrigation must use and install smart irrigation systems where smart irrigation controllers monitor weather, soil conditions, evaporation and plant water use to automatically adjust the watering schedule to actual conditions of the site.
2. Each lot must have a minimum of five (5) hardwood shade trees, three (3) of which must be in front, and a minimum of 3" caliper. Of the three shade trees required for the front yard, DRC requires one of them to be placed within 10' from the back of the curb as established. And, at least one of the three must be an October Glory, Autumn Blaze Maple, Red Oak, or Black Gum. However, existing ornamental shade trees 4" caliper or greater may be counted if quality

- trees remain in place at the end of construction. These existing trees should be noted on the original landscape plan and preserved accordingly. A 10'-12' blue spruce will count toward one of the three trees in the front of the house.
3. When possible, garage doors should be screened from view of adjacent homes.
  4. Decks and gazebos should contain appropriate design elements to "tie" them to the home (i.e., painting handrails to match house trim, similar cornices, etc.).
  5. The minimum landscape requirement is 2.5% of home value and such amount is in addition to the cost of sod, irrigation, and retaining walls.
  6. Lot line definition is discouraged. Continuity between lots in order to preserve the natural lay of the land is most desired.
  7. Golf & Lake Buffer Zones must be preserved and protected in their natural state.
  8. All four sides of the home must be given consideration with regards to landscape as specified by the DRC.

### **6.3 LANDSCAPE PROCESS:**

Two full size copies of the initial landscape plan should be submitted to the DRC showing the following details:

1. Existing tree survey on the lot and along the street location of house, sidewalks, driveway, streets, curbs, and property lines
2. Plan must be to scale, not less than 1" 20'0"
3. Location of air conditioning units, exterior utility meter boxes and proposed evergreen screening. A/C units must be screened with evergreen screening if they are within view of any neighbor, street or common ground.
4. Proposed contours for grading, swales and berms (minimum 2' contours)
5. Landscape plantings. Proposed installation, which includes:
  - a. Height and spread
  - b. Container type and size
    - One (1) gallon size minimum for perennials
    - Three (3) gallon or 18" minimum for woody shrubs
    - Six (6) foot minimum on evergreen trees
    - Minimum 1 3/4" caliper for ornamental trees
    - Minimum 3" caliper for specimen hardwood trees
  - c. Price for individual plantings extended and totaled. (Minimum landscape allowance of 2.5% of home value.)
6. Walls and planters are to include footing design, size, material type, and color. The recommended maximum wall height is 10'. All walls over 10' will require independent inspections during construction and all walls over 4' shall be designed by a professional engineer, registered in Missouri unless otherwise approved by the DRC.
7. Location of swimming pool, filtration system, pool fencing, pool landscaping, decks, gazebos, and cabanas. All pool equipment must be properly enclosed and screened with evergreen screening if it is within view of any neighbor, street or common area.
8. Location and types of all ground cover materials. Hardwood mulch is to be used in all bedding areas. Decorative rock will be considered on a case-by-case basis, where applicable, in accent locations only.
9. If portions of the submitted plan (in excess of the required landscaping) are to be "phased in", these areas and plantings must be clearly identified on the submitted plan as "future landscaping". (The initial phase work must equal the minimum allowance.)

10. Buffer Zone Treatment: There are established dimensions for both golf course and lake that must be observed and undisturbed. See Loch Lloyd Rules and Regulations.

A copy of these guidelines should be provided to your landscape company or landscape architect to assist in the preparation of your landscape plan.

Within fifteen (15) working days after receipt of the submission, the DRC will respond indicating any required or recommended changes. Early submission of plans is encouraged so that landscaping can be completed to the maximum extent possible prior to occupancy.

A DRC on-site inspection by the Design Review Committee must occur prior to the removal of any tree. Permission is required from the DRC before removing any tree 4" or over in caliper. Contractor shall mark with a red painted "X" trees to be removed and shall wrap the trunk of adjacent trees to be retained with yellow permanent tape prior to this inspection.

Appropriate construction procedures should be followed to protect and preserve desirable trees and other vegetation, which may exist on the construction site or adjacent sites. Trees shall be protected from construction damage by barricades or fencing to the drip line. When it is absolutely necessary to substantially alter the existing grade of a native tree, appropriate preservation methods must be employed. Good examples of mature vegetation shall, whenever practical, be saved to give the design an established feeling.

All new trees planted or existing trees noted as retained to meet landscape requirements shall be guaranteed to the Association for twelve months. If they die, it is the responsibility of the owner to replace them. All disturbed ground areas of a building shall be covered with sod, covered with plants or mulched with approved landscape materials. Landscape improvements as approved by the DRC shall be installed within sixty (60) days of completion of the building, weather permitting. Cleared areas should be landscaped with trees, shrubs and lawns designed to complement the architectural character of the home. Use of plant material of advanced maturity and of the highest quality shall be used to give the property a finished feeling. All sodded areas shall be irrigated.

**NO INSTALLATION OF LANDSCAPING SHALL BEGIN PRIOR TO RECEIVING AN APPROVED LANDSCAPE PLAN.**

#### **6.4 SIGHT LINES:**

No fence, wall hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways will be placed or permitted to remain in any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, extended. The same sight line limitations will apply on any lot within 10 feet of the intersection of a street property line with the edge of a driveway. No tree will be permitted to remain within such distances of such intersections unless the foliage line is maintained at a height in excess of 6' to prevent obstruction of such sight lines.

### **7.0 GENERAL:**

#### **7.1 ANTENNAS-SATELLITE DISHES-SOLAR PANELS:**

Antennas or satellite dishes will not be erected on any property for any purpose without prior DRC written approval. Such structures may require some screening. Antennas or satellite dishes shall not be visible from the street or the golf course.

Solar panels must be approved by the DRC. Solar panels must be flush with the roof and shall not be visible from the street or common areas.

## **7.2 FENCES, RETAINING WALLS AND AWNINGS:**

### **7.2.1 Fences:**

Fences are discouraged at Loch Lloyd. However, when necessary swimming pools must be enclosed with fencing and gates which are compliant with current building codes. All fencing shall conform to the architectural concept of the home. Chain link, wire or stockade fencing are never allowed. Acceptable materials for fencing are: wrought iron, stone, stucco or brick. All fencing must be approved by the DRC.

Property lines shall not be delineated along the street line, golf course, lake or other common areas. No structure, freestanding wall, fence, hedge or any other separating device will be permitted. Pool fencing shall be minimized by maintaining close proximity to the pool and its apron. In no way shall the fence encroach on the defined golf course or other setbacks.

### **7.2.2 Walls:**

Retaining walls must be of a natural material or faced with a quality material as approved by the DRC. Concrete block or unfinished concrete is not allowed. Native limestone is encouraged. Retaining walls occurring on the golf course or lake frontage must be limestone. Simulated limestone and modular concrete block retaining walls may be considered by the DRC. All walls over 4' must be designed by a professional engineer, registered in Missouri. The maximum recommended height is 10'. If allowed by the DRC, any wall 10' or higher will require independent inspections during construction. A copy of the certification will be held in the DRC file. All walls must be compliant with the current building codes to prevent fall hazards.

### **7.2.3 Awnings:**

Awning and canopies are not permitted to be affixed to the exterior of a residence unless approved by the DRC.

## **7.3 BASKETBALL GOALS:**

Basketball goals and their placement are to be sensitive to adjacent homes, the street and common areas and their locations must be approved by the DRC. Basketball goals shall not be attached to the home. Additional landscaping screening of basketball goals must be included in the landscape plan. All basketball goal backboards must be clear. Driveways shall not have any permanent sport markings, and all goals must be properly maintained. The DRC can approve the installation of basketball goals when two criteria are met in the judgment of the DRC.

- 1) The location of the backboard must be such that there will be very minimal potential for noise nuisance for neighbors; and
- 2) The backboard must not be visible from the street or golf course unless its design, color and screening by trees or other plantings are acceptable to the DRC.

## **7.4 EXTERIOR LIGHTING:**

All outdoor lighting requires DRC approval and shall be directed so as to avoid glare and excessive light spillage on adjacent property. Ground mounted flood lighting used to accent architectural or landscape features is encouraged.

Exterior lighting shall have concealed sources of illumination, and maintain lighting levels consistent with the recognized standards of the lighting industry. Accepted white color shall be in the color range of 2700-4500 degrees K. Golden, yellow, blue, or reddish light sources are not allowed.

No exterior light will be installed or maintained on any lot from which light is found to be objectionable by the DRC. Upon being given notice by the DRC that any exterior light is objectionable, the owner will immediately remove said light or have it shielded in such a way that it is no longer objectionable. Temporary lighting shall follow the standards for permanent lighting as described in this document.

#### **7.5 ORNAMENTATION:**

Lawn ornaments, fountains and sculpture of any kind will not be permitted in yards which are visible from the street or golf course without written DRC approval. A permanent pole for display of flags shall be permitted subject to DRC approval of placement and size.

Elevation drawings or product sheets must be provided to the DRC either at final plan or landscape plan submittal.

#### **7.6 SCREENING:**

The public views from the streets are to be protected and considered when screening, and must be compatible with architectural and planting concepts.

No privacy screening may stand in front of the building setback line of the residence unless approved by the DRC.

All mechanical, electrical and electronic equipment will be properly housed and landscaped with evergreens in a manner that will blend with the site and residences. Electric and gas meters shall be located at the side walls of the home. All such equipment will be located within the building setbacks of the primary structure. Ground mounted electrical transformers and pedestals and telephone and cable TV distribution boxes located at the R.O.W. line shall be incorporated into a decorative landscape bed. NO window or wall air-conditioning or heating units will be permitted. UHF & VHF antennas must be of the concealed type installed inside attic space or other enclosed space. The DRC must approve any exceptions.

All decks shall be screened unless the bottom edge of the deck structure is 5' or greater above the finished grade. Under deck areas which are not screened shall be appropriately landscaped.

#### **7.7 PLAY STRUCTURES:**

No play structure shall be erected until the design, materials, colors and location have been approved by the Design Review Committee. No play structure shall be permitted forward of the rear line of the home nor within any platted setback area. Play structures shall be constructed of wood structural members stained brown. Non-wood components shall be green



or tan. No components may be of primary colors. Landscape screening shall be installed to separate play structures from adjoining properties including the golf course.

#### **7.8 SIGNS & MAILBOXES:**

All mail boxes shall be Developer furnished mailboxes. Installed by Builder.

No permanent freestanding sign will be allowed on any residential lot. Temporary signs may be allowed for a period approved by the DRC, and must not exceed five (5) square feet in effective area. The sign may only advertise the property for sale, or the name of the builder. All other signs, whether temporary or permanent, are strictly prohibited.

The Developer or the Homes Association has the right to remove any sign, which violates these sign conditions including the removal of signs on right-of-ways or on private property.

#### **7.9 SWIMMING POOLS-TENNIS COURTS:**

All pool and/or tennis court plans must be submitted to the DRC for approval. Plans must include location (including setbacks), design, dimensions, fencing height (including material & color), equipment associated therewith and placement including the screening enclosure thereof, lighting (if any) and landscaping. Pool fencing and gates shall comply with current codes and be minimized by maintaining close proximity to the pool and its apron. In no way shall the fence, deck or pool encroach on the defined golf course setback.

All mechanical, electrical, and electronic equipment must be properly enclosed and landscaped with evergreens to blend with the architecture and existing topography.

Equipment associated with the pool operation shall be permanently enclosed with a 2-sided enclosure a minimum of 6 inches above the tallest equipment, matching the style of the home, and screened from view. Views must be screened from off site, from the rear, street, adjacent property, golf course, and lake with access to equipment from residence side of the equipment.

All materials, colors, placement, size, and design, including pool fencing, decking, and coping materials, must be submitted to the DRC/ARC for approval.

Pools must be enclosed with fencing of wrought iron like, powder coated aluminum, or other acceptable materials. The fence must be at least four and one half feet high and access gate shall be self-closing, and self-latching, at least four feet high.

Pools must comply with current Loch Lloyd North HOA Design Rules & Regulations and the current Village of Loch Lloyd Building Code Ordinance. The Village Building Inspector and Design Review Committee and/or Architectural Review Committee must both provide final review and inspection for compliance.

### **8.0 LIMITATIONS:**

#### **8.1 BUILDING INSPECTIONS:**

Regular Design Review Committee inspections will be made to ensure compliance with the approved plans. DRC members have the right to enter the property at any reasonable time at their own risk to perform inspections. The DRC Committee meets the 2<sup>nd</sup> and 4<sup>th</sup> Monday of

each month. If the resident requires an immediate inspection to obtain a review, the resident must pay a fee of \$300 in advance.

### **8.2 DAMAGED STRUCTURES AND/OR LAPSES IN CONSTRUCTION:**

In the event of fire, windstorm or other damage, no building shall be permitted to remain with its exterior in a damaged condition longer than three (3) months. The DRC may grant extensions. These extensions shall be subject to renewal by the DRC but in no event shall the exterior of any building or any lot be permitted to remain in a damaged condition for more than twelve (12) months. If an owner fails to comply with the time limitations set forth herein, liquidated damages at the rate of \$100 per day shall accrue against such owner and may become a lien upon such owner's lot. In the event of lapses in construction the Village of Loch Lloyd may require a new permit at the then current rates.

### **8.3 EXCAVATION:**

No work may be done on the lot without a valid Building Permit. No excavation will be done except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings will be backfilled, graded and planted. All excess excavation materials shall be promptly removed. Weed growth on excavated / graded construction sites shall not be allowed to exceed 6" in height.

### **8.4 USE LIMITATIONS:**

No structure of a temporary character, recreational vehicle, mobile home, trailer, tent, shack, storage shed, garage, barn or other outbuilding will be placed on any lot, at any time, either temporarily or permanently. Construction trailers and vehicles will be permitted during construction "only" and only as approved by DRC. A plan showing location and screening shall be submitted for review and approval. Construction vehicles will not be allowed to remain overnight. Construction trailers shall be removed once the home has been "weathered in".

Any driveway, street, or parking area, which may be in front of, adjacent to or part of any lot may not be used as a habitual parking place for trucks, trailers, recreational vehicles, boats or commercial vehicles except in specially designated areas approved by the DRC. The term "commercial vehicle" will include all automobiles, trucks, vehicular equipment, station wagons or pickup trucks, which bear signs or have printed on the sides of same, reference to a commercial enterprise.

No noxious or offensive activity shall be carried on upon any site, nor shall anything be done which causes embarrassment, discomfort, annoyance or nuisance. No clotheslines shall be erected on any lot.

Burning of trash, vegetation or construction materials shall not be allowed on any site at any time, per state and local ordinances.

No excess excavation materials, surplus construction materials, concrete washouts or debris of any kind shall be placed or left on vacant lots or in forested areas.

### **8.5 VIOLATIONS:**

If any Living Unit shall be erected, placed, maintained or altered upon, any Lot, or any new use commenced on any Lot, such erection, placement, maintenance or alteration shall be deemed to have been undertaken in violation of this Article without the approval required herein.

If, in the opinion of the applicable Review Committees, such violation shall have occurred, the Review Committees shall notify the Association. If the Association Board shall agree with the determination of the Review Committees with respect to the violation, then upon Notice of the violation to the Owner from the Association Board, any such Living Unit or improvement hereof shall be removed or altered, and any such use shall be terminated, so as to extinguish such violation.

If, the owner of the Lot upon which such violation exists shall not have taken reasonable steps toward the removal or termination of the same within the time specified provided in this declaration together with all remedies whether at law or in equity and including but not limited to the remedy of injunctive relief and obtaining a monetary judgment for all costs, expenses, including reasonable attorney fees, and damages.

**9.0 PROCEDURE FOR OBTAINING DESIGN REVIEW COMMITTEE (DRC) APPROVAL:**

1. Builder must complete, submit and obtain acceptance of Participating Builder Agreement (PBA)
2. Complete and submit submittal application and Builder Checklist to the DRC.
3. Submit 3 full size sets and 1 ledger size set of construction documents (as outlined on the next page), provide stakeout of the proposed new construction, flag trees that applicant proposes to remove. The Developer will walk the lot before plans are approved for permit to compare the marked trees to those to be removed on the site plan. If applicant desires, preliminary site plan, building plans and elevations may be submitted for non-binding review and comment at the option of the applicant.
4. A Design Review fee of \$1,000.00 shall be collected at the time of lot closing and paid by the Buyer/Builder. This fee pays for 4 separate reviews by the DRC. Any subsequent reviews above these 4 will be at \$250 per occurrence, with the exception of the construction of a pool. Please see additional pool requirements (Pool Addendum).

## 9.1 Checklist:

The following items must be included in DRC submittals and will be considered by the DRC prior to approval of any proposed construction: (Note: \*items are required for DRC review and approval, \*\* items may be deferred but must be submitted for review and approval prior to incorporation into the work).

### Site Plan:

- \_\_\_ \* Minimum scale 1"=20'0"
- \_\_\_ \* Location of site improvements including house, garage, decks, driveways, sidewalks, retaining walls and patios.
- \_\_\_ Preferred width of driveways at the property line will be 14' for side entry and 18'-20' for front entry garage. Show intended banding on plan.
- \_\_\_ Retaining walls over 4' shall be designed by a Professional engineer registered in Missouri. Any walls over 10' require independent inspection during construction.
- \_\_\_ \* Property lines
- \_\_\_ \* Natural site topography tied to USGS datum proposed grading plan (2' contours) and finished floor elevations
- \_\_\_ \* Tree survey – list all trees 4" caliper and above by size, species and if they are proposed to be removed.
- \_\_\_ \* List other natural features such as rock outcroppings
- \_\_\_ \*\*Proposed landscape plan and description of plant material and berm locations, if planned. Include plant list showing species, size, quantity, unit prices and total prices.
- \_\_\_ Temporary structures
- \_\_\_ \* North arrow
- \_\_\_ \* Front building line, side and rear setbacks and any easements of record.
- \_\_\_ Construction staging and access areas
- \_\_\_ \* Locations of all underground utility lines including location of the grinder pump, sewer and water valves and plumbing
  
- \_\_\_ On completion of the site work, landscaping and prior to final DRC approval and Certificate of Compliance. The builder will have a registered surveyor reset the corner points of the lot.

### Floor Plans:

- \_\_\_ \* Scale 1/4"=1'0" for all levels
- \_\_\_ \* North arrow
- \_\_\_ \* Overall exterior dimensions
- \_\_\_ \* Door and window openings
- \_\_\_ \* Walls, partitions and stairways
- \_\_\_ \* Decks and porches
- \_\_\_ \*\* Type and location of outdoor heating and cooling units
- \_\_\_ \* Square footage

### Elevations:

- \_\_\_ \* Building elevations showing all views
- \_\_\_ \* Scale 1/4"=1'0"
- \_\_\_ \* Door and window openings
- \_\_\_ \* All exterior building features
- \_\_\_ \* Stone requires a 2' return on an exterior wall unless wall is short. If short, return to the inside corner.
- \_\_\_ \* Roof Materials (Color selection may be deferred)
- \_\_\_ \* Type of building materials (samples may be required) listed on all elevations
- \_\_\_ \*\* All exterior colors
- \_\_\_ \* Chimneys
- \_\_\_ \* Railings & Guard Rails
  
- \_\_\_ \* Solar panels and/or mechanical units
- \_\_\_ \*\* Lights
- \_\_\_ \* Decks
- \_\_\_ \* Provide AS-BUILT SITE PLAN, for final review.
  
- \_\_\_ \* Cornice and fascia details (4 sided architecture required)
  
- \_\_\_ \* Line of proposed finish grade and shall be coordinated with finished grades depicted on site plan

**10.0 EXTERIOR MATERIAL AND COLOR REQUIREMENTS:**

Shall be prepared and presented on a 4 x 4 façade at the home's location for approval by the DRC, prior to application of materials to the home.

- \_\_\_ Sample of exterior colors of paint or stucco
- \_\_\_ Sample of exterior trim colors
- \_\_\_ Sample of window cladding
- \_\_\_ Roof type and color
- \_\_\_ Sample of materials on home (stone, brick, etc.)
- \_\_\_ Driveway banding type & color

## 11.0 LANDSCAPE REQUIREMENTS:

- \_\_\_ 2 full size copies of the initial landscape plans shall be prepared and submitted for approval by the DRC, prior to the installation of landscape materials.
- \_\_\_ Existing trees on the lot and along street.
- \_\_\_ Location of house, sidewalks, driveway (to include banding and design), and curb.
- \_\_\_ Plan must be to scale, not less than 1"=10'0".
- \_\_\_ Location of air-conditioning units, exterior utility meters and distribution boxes. – A/C units must be screened with evergreen screening.
- \_\_\_ Proposed contours for grading, swales and berms.
- \_\_\_ Landscape plantings. Proposed installation size, which includes:
  - a. Height and spread
  - b. Container type and size
    - One (1) gallon size minimum for perennials.
    - Three (3) gallon, or 18" minimum for woody shrubs.
    - Six (6) foot minimum on evergreen trees.
    - One & three-quarter (1 ¾") minimum for ornamental trees.
    - Minimum 3" caliper hardwood specimen trees.
- \_\_\_ Landscape plant schedule which includes: quantities, plant types, size, price, extended cost and total cost.
- \_\_\_ Retaining, decorative walls and planters are to include footing design, size, material type and color. All walls over 4' will be prepared by a professional engineer registered in Missouri. The maximum recommended height is 10'. Any wall over 10' will require independent inspections. All walls must comply with current building codes as to protection from fall hazards.
- \_\_\_ Location of swimming pool, filtration system, pool apron, pool fencing and pool landscaping. Must be enclosed with 2 sided architecture and screened with evergreen screening.
- \_\_\_ Decks, gazebos, cabanas and / or play structures are to include design, size, material type and color.
- \_\_\_ Location and types of all ground cover materials. Hardwood mulch is to be used in all bedding areas. Decorative rock will be considered on a case-by-case basis, where applicable, in accent locations only.
- \_\_\_ If portions of the submitted landscape plan (in excess of the required landscaping) are to be "phased in" these areas and planting must be clearly identified on the submitted plan as "future landscaping".





## **13.0 DESIGN REVIEW ADDENDUMS**

### **Phase A – Lots 7-21**

- **Front Yard – 20’ from front property line adjacent to a street**
- **Side Yard – 5’ from side property line**
- **Rear Yard – 30’ from rear property line**

### **Phase C (West Ridge) – Lots 1-14**

- **Front Yard – 35’ from front property line**
- **Side Yard – 20’ from side property line**
- **Rear Yard – 35’ from rear property line**

### **Phase E (Low Country) – Lots 1-29**

- **Front Yard – 30’ from front property line**
- **Side Yard – 7’ from side property line**
- **Rear Yard – 35’ from rear property line**

### **Phase F (Dormie)– Lots 1-20**

- **Front Yard – 20’ from front property line**
- **Side Yard – 10’ from side property line (exception, lots 1 & 20 street-side setback is 20’)**
- **Rear Yard – 20’ from rear property line (exception of golf course lots 13-20 rear setback is 50’)**

### **Phase G (East Ridge)– Lots 1-18**

- **Front Yard – 20’ from front property line**
- **Side Yard – 10’ from side property line (exception, lots 1 & 18 street-side setback is 20’)**
- **Rear Yard – 20’ from rear property line (exception of golf course lots 1-10 rear setback is 50’)**