VILLAGE OF WINDING TRAILS
Architectural Control Committee Design Review Guidelines

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I. ARCHITECTURAL CONTROL COMMITTEE (ACC)

A. Purpose

The purpose of the Architectural Control Committee (ACC) is to maintain the architectural character of the Village of Winding Trails by establishing guidelines for modifications to existing structures and any new construction. The ACC's responsibility is to help the residents preserve the value of their property and protect the appearance of the community for the enjoyment of all. The application of the guidelines contained herein will assure the harmony and continuity of any alterations with the original exterior design; while providing every resident the greatest possible freedom to use and decorate his property.

B. Authority

The intent of the guidelines herein is to implement and supplement Article V, Sections 8 and 9, and Article VI, and complement those found in Article IX, Section 1, 6, 8, 10, 11, 12, 13, 14, 16, 17, and 18, Indenture of Trust and Restrictions, Village of Winding Trails, St. Louis County, Missouri (hereinafter referred to as the "Trust Indenture"). These provisions of the Trust Indenture are attached hereto as Appendix A. They comprise the primary restrictions governing exterior modifications of existing structures and new construction.

The Architectural Control Committee (ACC) is appointed by the Trustees of the Village of Winding Trails as set forth in Article VI of the Trust Indenture, entitled "Architectural and Environmental Control," attached as Appendix A.

C. Membership

The Architectural Committee consists of five members; current members are listed in Appendix C. The members of the committee are appointed by the Trustees. If a member can no longer serve, the Trustees will appoint a replacement within 30 days of notification.

II ARCHITECTURAL CONTROL COMMITTEE PROCEDURES

A. Applicability

Submission of applications for proposed changes, improvements and/or alterations to existing property is applicable to all lot owners and residents of the Village of Winding Trails. Applications are to be submitted for, but not limited to, the following: (a) new home construction and (b) as to existing homes, exterior addition, exterior change, exterior color change, alteration or improvements, addition of any buildings, (out buildings, detached buildings, accessory buildings), structures, fences, pools, decks, porches or any other modifications or alteration of the exterior. For the purposes herein, the term "structure" shall include satellite dishes, television and radio antennae or towers, and any other receiving device.

If you are in doubt as to whether or not to submit a proposal, contact a member of the ACC prior to commencing work.

B. Submission of Applications

Applications must be submitted prior to the commencement of any work and should provide sufficient information to accurately describe the work. See Section II D below. If Applications are submitted after the work begins, or if the owner commences work without making application, the ACC may require that the work be stopped pending these review procedures. If the proposal is disapproved, the ACC will require the lot owner or resident to restore the property to its original condition. In the event any enforcement action is necessary, the owner-applicant shall be responsible for any expenses incurred in such enforcement, including attorney's fees, regardless of whether a lawsuit was commenced.

The application may be submitted to any member of the ACC. If there are any questions regarding the application, the procedures or the guidelines, contact a member of the ACC. One copy of the application form is attached as Appendix C.

C. Permits

The applicant is required to secure all necessary building and construction permits and other local governmental approvals as may be required.

D. Completion of Application Form

The application asks for a general description of the work. For example:

> Addition of a 12 ft. x 12 ft. cedar deck to rear of house behind family room. Three-feet railing to border deck with built-in benches. One small four-step staircase to ground level. Deck to be stained to match exterior of house.

The application must include descriptions, location, and dimensions shown on a plot plan. Items that would help the ACC expedite approval are sketches, blue prints, architectural plans, color samples, photographs of similar completed projects, lists of materials, name of contractor (if applicable or known), anticipated date of completion, and certificate of insurance (liability and workers compensation.

Any proposal that involves grading or changes to the existing drainage of the lot must include a grading and drainage plan approved by local government.

All applicants are required to notify their neighbors of their work plans. Any neighbor with a view of the proposed improvement or alteration should be included. The applicant shall include a summary of neighbors' comments in the application.

The applicant must sign and date the certification section.

E. Response

The ACC will review the application as promptly as reasonable possible. If a response or an extension of time is not received by the applicant within 45 days after submission of all required information, the application will be considered approved by the ACC. Consent of a majority of the members of the ACC is necessary to act on an application.

The response shall be in writing and may be one of three types:

1. Project approved without modification. The applicant may proceed.
2. Conditional approval. The applicant may proceed in accordance with the conditions set forth by the ACC. For example:
   A sunroom is to be added to a house which is red brick and brown cedar. The exterior of the sunroom is to be painted fluorescent orange. The ACC rejects the exterior color and either recommends colors for conditional approval or allows the applicant to make another choice.
3. Rejection. The application is rejected in its entirety.
   The ACC will state the reason for the rejection. The applicant may reapply if he satisfies the reasons stated for rejection. (A copy of the ACC response form is attached as Appendix D.)

In addition, the ACC reserves the right, under conditional approval, to:

(1) Require a reasonable deposit pursuant to Section 9 of Article V when, in the ACC's judgment, heavy construction equipment or movement of heavy materials may impose a threat to Subdivision improvements, such as streets, sidewalks, curbs, Common Property, etc., or to secure complete site cleanup.

(2) Receive the following documents prior to the start of construction and as a condition of commencing construction:

A. Copy of all plans submitted to local government;
B. Copy of building permit and grading permit (if applicable) issued by local government; and
C. Written contract with contractor, which must require certificate of liability insurance naming the homeowner and Trustees as additional insureds, certificate of worker's compensation insurance, lien waivers, removal of all debris upon completion, and a reasonable completion date.

Note that ACC approval constitutes a binding agreement with the Applicant, and all terms of the approved application must be satisfied. Any material change in the plans or deviation in actual construction must have the prior written approval of the ACC.

F. Appeal

If the applicant elects to request a reconsideration of a rejection or a conditional approval, a written request with a copy of the original application, all attachments and the ACC response is to be filed with the ACC within 10 days after ACC notice of rejection. The applicant shall be entitled to a meeting with the ACC if he so requests. A final response by the ACC will be provided within 30 days of the receipt of the appeal.

If the applicant is not satisfied with the final ACC response, he/she may file an appeal with the Trustees within 10 days. The appeal must be written and include a copy of the original application, all attachments, the ACC's initial response and the ACC's final response. The applicant shall be entitled to a hearing if he so requests. The ruling of the Trustees shall be made within 30 days after the receipt of the appeal, and such ruling is final.

G. Grandfather Clause

All structural or site modifications that are more than ten percent (10%) completed prior to the Effective Date of these Guidelines are grandfathered and considered to be approved by the ACC unless a complaint against the modification is received by the ACC within 30 days of the Effective Date of these Guidelines, and proper approval was not received from the Trustees.

III. GUIDELINES

* Alterations are considered to be those which alter the existing structure or site either by subtraction and/or addition.

* Alterations should be compatible in scale, materials and color with the applicant's house and the subdivision, with greater weight given to surrounding homes.

* The location of alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.

* Pitched roofs should match the slope of the roof on the applicant's house. Roofing shingles must match existing shingles.

* New windows and doors should match or compliment the existing ones and should be located in a manner which will relate well visually with the existing openings in the house.

* If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

* Construction materials should be stored so as to minimize unsightly views from neighboring properties. Excess material and debris should be immediately removed after completion of construction.

A. Swimming pools

Only pools that meet the following criteria will be allowed:

1. The site must be appropriate for such an installation.

2. Pools, including the pump and filter installations, must be located to the rear of dwellings.

3. Pools must be fenced to prevent uncontrolled access by children from the street or from adjacent properties. Gates must be self-latching or otherwise made inaccessible from the outside to small children. Fences should be used in conjunction with appropriate landscaping on outside of pool.

4. The lighting used to illuminate the pool shall be directed away from adjoining property.

5. All installations must meet local governmental code requirements.

B. Exterior Solar Collectors

Exterior solar collectors are discouraged. If approved by the ACC, solar collectors must be hidden from street view and incorporated into the structure/surroundings. Passive solar greenhouses and rooms will be permitted provided they are compatible in design, shape, size and material with the applicant's house and appropriately located in relation to the existing structure.

C. Landscaping

The use of landscaping to accent entryways, define space, create "soft" privacy screens and reduce the visual impact of fences, air conditioners and other separate structures in encouraged. However, considerations must be given to views from neighboring houses and property, shade patterns of larger trees and physical damage from encroaching plantings.

Landscaping work and planting, in general, do not require the approval of the ACC. Exceptions to this general rule are listed below.

* No living tree shall be removed from any lot.

* Any proposal for the extensive use of rock, gravel or boulders shall be submitted to the ACC for approval.

* Any proposed landscaping which will alter the natural drainage pattern of the property or located in drainage or utility easements shall be submitted to the ACC for approval.

* Use of synthetic grass or other synthetic ground cover will not be approved.

D. Maintenance of Property

All rubbish and debris must be removed from the lot and lawns must be cut, trimmed and maintained reasonably free of weeds and large or numerous bare areas.

All shrubs, trees, hedges or any other planting must be trimmed or pruned as frequently and in such manner so as to prevent a detrimental appearance or effect to adjoining properties, to prevent any traffic hazard and to prevent their creating an unattractive appearance.

All lots shall be maintained in such a manner as to cause drainage of water to flow into adjacent streets or greenbelt drainage outlets and not upon adjoining property. (See Article V, Number 7 of the Indentures)

E. Vegetable Gardens

Written approval is not necessary for vegetable gardens. It is recommended that the garden be located so as to be as unobtrusive as possible. Visual screening of gardens from view by adjacent homeowners is encouraged.

Gardens should be properly maintained during the growing season. After the growing season, dead plants, stakes, etc., must be removed.

It is strongly suggested that ornamental sculpture or statuary be kept to a minimum and may be subject to approval by the ACC. Seasonal decorations do not require approval unless deemed to be a nuisance, and shall be removed within sixty (60) days.

G. Fences

Section 17 of Article IX of the Trust Indenture provides: No fences or screening of any kind shall be erected or maintained on any Lot between the building set back lines and the street which such Lot fronts. Fences may be maintained on other portions of the Lots only with written consent of the ACC as to location, material and height, and the decision of such committee to approve or reject a fence shall be conclusive. Nothing herein contained shall prevent placement of fences by the Trustees on the Common Ground.

The following guidelines with regard to fences apply:

1. Freestanding fenced enclosures, including but not limited to dog runs, are prohibited.

2. Fencing should match or blend with any existing adjacent fencing.

3. Fencing should terminate into the dwelling at a point near or at the back of the house to maximize the open look desired in the community.

4. The ACC discourages property line fences.

5. Property line fencing shall preferably be "open" style such as split rail.

6. Alternatives to privacy fencing should be considered. For example, use of plantings alone or short segments of fence combined with landscaping may be used to achieve the desired amount of privacy without a severe impact on natural open space.

7. Plantings are encouraged to soften the visual impact of the fencing.

8. The height of fencing should conform to other fencing in the area.

9. The tops of all fences, except certain low-open types such as split rail, should be maintained horizontal. If the ground slopes, the fence should follow the contour of the ground.

10. Vertical members should plumb and generally not extend beyond the uppermost horizontal portion of the fence.

11. Structural framing or an unfinished side shall not be exposed to any public street, sidewalk, green belt, park, recreation area or neighboring lot.

12. Metal caps on posts are generally not acceptable unless painted to match the fence.

13. Unacceptable fencing materials include but are not limited to:

    a. Aluminum or sheet metal.
    b. Chicken wire or wire mesh.
    c. Galvanized or plastic chain link.
    d. Plastic webbing, reeded or straw-like material.
    e. Corrugated or flat plastic or fiberglass sheets or panels.
    f. Rope or other fibrous strand elements.

g. Glass block.
h. Strand wire, barbed wire, electric.
i. Industrial or agricultural grade quality.

14. All original and new fencing shall be maintained in its natural finish or finished to match existing house and/or fence stains.

H. Storage Sheds and Outbuildings

Storage sheds should be of the same architectural style, material, and color as the original building and should be compatible with the house or fence to which it is most visually related or physically attached. Open sheds and carports will not be permitted. Views from other properties will always be considered and sheds should not be located other than at the rear of the dwelling and so as not to block the views of neighbors. Detached structures are discouraged.

Landscape screening to soften the visual impact is encouraged. Prefabricated sheds of any kind will not be approved. Sheds should be located as close to the dwellings as possible and integrated into the original dwelling or connected via a fence with landscaping to soften its appearance. Locating within 10 feet of a property line is prohibited.

Sheds should be limited in size to 100 square feet and shall be enclosed on all sides, with a roof of the same material as the dwelling. Door(s) should face away from the nearest property line: In the case of detached units the doors should face the dwelling.

I. Recreational and Play Equipment

Recreational and play equipment should be located so as to be as inconspicuous as possible. Equipment utilizing natural materials is preferred. It is recommended that equipment should be screened from view by planting materials or a privacy fence.

J. Arbors, Trellises, Gazebos

Materials must be natural, painted or stained to blend with the surrounding area.

K. Permanent Barbecues

Prefabricated units shall be installed as close to the dwelling as permitted by fire and building codes. Custom built units shall be of brick or stone and should be of such size as to not dominate the area in which it is located. Location within 10 feet of a property line is prohibited. Landscaping should be provided to soften the visual impact.

L. Shutters

Shutters which are added to a house should be compatible with the style of the house and should match the windows to which they relate. Colors should be compatible with the colors of the house and neighborhood.

M. Air Conditioners

Air conditioning units extending from windows generally will not be approved if visible from the street, except for health reasons. Compressors for central air conditioning units and electrical transformers should be screened by architectural treatment or appropriate landscaping.

N. Exterior Painting

Repainting or staining to match the original colors need not be submitted for approval to the ACC. Color changes apply not only to the house siding, but also to doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior color should relate to the colors of other houses in the immediate area.

In general, only those areas that are painted may be repainted and those areas that are stained may be restained; unpainted surfaces and unstained areas such as brick shall remain unpainted and unstained. Concrete foundations may be painted white or a color which matches the brick or siding.

0. Permanent Flagpoles

The installation of flagpoles shall be subject to review by the ACC and must fit in with surroundings.

P. Awnings

Awnings, as a general rule, are not felt to enhance the aesthetic qualities of this community and are, therefore, discouraged. They must be of straightforward design and consistent with the visual scale of the house or building to which they are attached. Solid colors are preferred.

It should be noted, as an alternative to awnings, that materials are available for application on the inside of windows to reduce thermal transmission and glare. Effective sun control can often be provided by such simple measures as installing white backed insulated curtains, drapes, blinds, or room darkening shades, or planting deciduous trees to shade windows from excessive sun exposure.

Q. Window Tinting

No reflective materials may be used to create a mirror from the outside.

R. Gutters and Downspouts

Written approval is not required for gutters and downspouts which match color of house or trim.

S. Storm and Screen Windows and Doors

Approval is not required for storm windows or doors provided the style matches the style of the house and the color of the entry doors or existing window frames.

T. Chimneys, Metal Flues, Attic Ventilators

Chimneys must be of masonry construction and of compatible design and color with the existing house. Metal flues, attic ventilators, or other apparatus requiring penetration of the roof should be as small in size as functionally feasible, painted either flat black (or white or left as unpainted aluminum) or to match the roof. These should be located on the least visible side of the roof not extending above the roofline.

U. Mailboxes/Posts

Mailbox posts must be either constructed of wrought iron or enclosed in wood or masonry similar to that of the house. They must be painted the predominant color of the house, dark gray or black, unless stained natural wood or allowed to weather.

V. Signs

See Indentures Article IX (Appendix A)

W. Repair

Repair of exterior (open & notorious) property damage from man-made or natural causes should be effected by the homeowner as soon as possible and follow the same guidelines as established for architectural control as established within this document. See sections II (A-E), III General, and II (D) for guidelines.

X. Time Guidelines Time guidelines for repairs are as follows:

1. Submittal of repair plans within sixty days of the occurrence of damage and pending settlement of insurance claims.

2. Construction should start within 90 to 120 days of the occurrence of damage including ACC or Trustee approvals.

3. Repairs should be completed within six months from the date of construction start.

Upon the request of the homeowner, the Trustees may extend the time limits at their discretion. The Trustees may access refundable fees to insure prompt completion of damage repairs or normal modifications to a dwelling.

APPENDIX A

ARTICLE IX

RESTRICTIONS

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

2. **Resubdivision.** No lot shall be resubdivided nor shall a fractional part of any Lot be sold without the consent of the Trustees, which consent shall not be unreasonably withheld. In the event either of the foregoing is approved, then the assessment attributable to the lot so subdivide shall be prorated between the resulting lots.

3. **Commercial Use.** No commercial activities of any kind shall be conducted on any Lot, but nothing herein shall prohibit the carrying on of promotional activities by First Party, nor the conduct of a home occupation in strict accordance with the provisions of the applicable zoning ordinances.

4. **Nuisances.** No noxious or offensive activity shall be carried on upon any portion of the Properties, nor shall anything be done thereon that may be or become a nuisance or annoyance to the neighborhood. No exterior lighting shall be directed outside the boundaries of a Lot or other parcel.

5. **Maintenance.** Each owner shall maintain and keep his Lot in good order and repair, and shall do nothing which would be in violation of law.

6. **Obstructions.** There shall be no obstruction of any portion of the Common Property or any storage or construction planting thereon by an Owner. No clothes, laundry or other articles or equipment shall be placed,

hung, exposed or stored in any portion of the Common Property or in any portion of the exterior or yard area of any Lot or on or about the exterior of any building.

7. **Animals.** No animals, reptiles, birds, horses, rabbits, fowl, poultry, cattle or livestock of any kind shall be brought onto or kept on the Properties, except that no more than two dogs, cats, or other household pets (except house pets with vicious propensities) may be kept or maintained on any Lot, provided that such pets are not kept for any commercial purpose and provided that such pets are at all times leashed and no "runs" or other outside structures are erected or installed therefore. The keeping of any pet which by reason of its noisiness or other factor is a nuisance (as determined by the Trustees in their sole judgment) or annoyance to the neighborhood is prohibited.

8. **Trucks, Boats, Etc.** No trucks or commercial vehicles, boats, motorcycles, campers, house trailers, boat trailers and trailers of any other description shall be permitted to be parked or stored on any Lot unless they are parked or stored in an enclosed garage or in such other enclosure (open or otherwise) approved by the Architectural Control Committee, except only during periods of approved construction on the Lot.

9. **Abandoned Vehicles.** No abandoned cars, motorcycles, jeeps, trucks or motor vehicles of any kind whatsoever that are unable to move under their own power may be stored or suffered to remain upon any of the Common Property or on any Lot. If any such motor vehicle is so stored or remains on the aforesaid premises, the Trustees shall take the necessary steps to remove the same at the Owner's expense.

10. **Vehicular Sight Lines.** No fence, wall, tree, hedge or shrub planting shall be maintained in such manner as to obstruct sight lines for vehicular traffic. Except as may be required to comply with the prior sentence, no live tree shall be removed without the approval of the Architectural Control Committee.

11. **Temporary Structures.** No structure of a temporary character, trailer, tent, shack, garage, barn or other out buildings shall be used on any Lot at any time as a residence, either temporarily or permanently.

12. **Signs.** No signs, advertisements, billboards, or advertising structures of any kind may be erected, maintained or displayed on any Lot, provided, however, that nothing herein shall prohibit signs erected or displayed by First Party in connection with the development of the Properties and the sale or rental of homes therein.

13. **Garbage.** No rubbish, trash or garbage receptacle shall be placed on the exterior of a Lot except on the day of regularly scheduled collection, unless such receptacle is completely recessed into the ground and equipped with a permanent cover, or unless an aboveground receptacle is approved by the Architectural Control Committee.

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

15. **Oil Drilling.** No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot or portion of the Properties, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot or portion of the Properties. No derrick

or other structures designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot or portion of the Properties.

16. **Cul De Sac, Etc** . No aboveground structures, other than required streetlights, may be erected, upon a cul de sac, divided street entry island, or median strip, without the written approval of St. Louis County.

18. **Fences.** No fences or screening of any kind shall be erected or maintained on any Lot between the building set back lines and the street which such Lot fronts. Fences may be maintained on other portions of the Lots only with written consent of the Architectural Committee as to location, material and height, and the decision of such committee to approve or reject a fence shall be conclusive. Nothing herein contained shall prevent placement of fences by the Trustees, which consent shall not be given without unanimous approval of the Trustees.

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

APPENDIX B

ARTICLE VI

ARCHITECTURAL AND ENVIRONMENTAL CONTROL

From and after the conveyance of an improved Lot by First Party, no building, fence, wall or other structures, swimming pool or tennis courts shall be commenced, erected or maintained thereon, nor shall any exterior addition to, removal of all or any part thereof, or exterior change or alteration in any improvement thereon be made until the plans and specifications showing the nature, kind, shape, height, materials, colors and location of the same shall have been submitted to and approved in writing as to harmony of external design, types of materials, colors and location in relation to surrounding structures and topography by the Trustees, or by an architectural committee composed of three (3) or more representatives appointed by the Trustees. Reference herein to "Architectural Control Committee" shall refer either to the aforesaid Committee, if appointed and constituted, or to the Trustees, whichever happens to be acting at the time. In the event the Architectural Control Committee fails to approve or disapprove any design, materials, colors and location within forty-five (45) days after all required plans and specifications have been submitted to it (and fees, if required, have been paid), approval will not be required and this provision will be deemed to have been fully complied with. The Architectural Control Committee is authorized where it deems appropriate to charge a review fee for any submission to defray the costs of reviews it conducts or authorizes.

It is the intent of this Indenture that all buildings and structures within the Properties shall be constructed of attractive exterior materials of high quality. In its review of submissions, the Architectural Control
Committee shall evaluate the construction standards and building materials for all proposed construction on the Lots to insure that they are in conformance with such objectives. Accessory buildings, enclosures, appurtenant structures to, or extrusions from any building or structure on any Lot shall be of similar or compatible materials, design and construction. Exterior finishes once approved shall not be altered without the express consent of the Architectural Control Committee.

APPENDIX C

The Architectural Control Committee consists of the following members:

Gavin Savage (Chairman)
563-726-2569
gsavage2@gmail.com

Thomas Jury
608-516-3657
Jury9149@gmail.com

Rich Gebhardt
314-651-3413
vrg1968@gmail.com

VILLAGE OF WINDING TRAILS ARCHITECTURAL CONTROL
APPLICATION FOR MODIFICATION TO PROPERTY

This form is to be submitted to the Architectural Control Committee prior to commencement of work on the property. Work can only commence after approval by the ACC.

DATE OF APPLICATION_____NAME_____

ADDRESS_____TELEPHONE_____

EXPECTED START DATE_____APPROXIMATE DAYS TO COMPLETE_____

NAME & ADDRESS OF CONTRACTOR (if applicable or known):_____

_____

DESCRIPTION OF WORK: (Attach pertinent plans, sketches, blue prints, photographs, etc.) including location on your plot plan.

I certify that the information on this form is correct and represents the work to be performed on the property.

Homeowner's signature _____ Date_____

ACC Received Date_____ ACC Member_____

ARCHITECTURAL CONTROL COMMITTEE RESPONSE* _____APPROVED WITHOUT MODIFICATION

_____CONDITIONAL APPROVAL.
The following changes must be made in order for this project to comply with the rules and covenants.

_____REJECTED.
Reasons listed below.

Date_____ ACC Members _____ _____

_____ _____

Homeowner's name_____Address_____

* This form is returned with a copy of the application.
The original application and response will be kept by the ACC on file.