

# **RAINTREE LAKE PROPERTY OWNERS ASSOCIATION ARCHITECTURAL REVIEW BOARD GUIDELINES FOR ARCHITECTURAL CONTROL**

*Guidelines reviewed and amended by the Board of Directors 12-13-11.*

The Architectural Review Board (hereafter ARB) of the Raintree Lake Property Owners Association has been charged with the responsibility of preserving and enhancing property value at Raintree. The ARB meets this responsibility by the following actions:

- 1) Approval of plans and specifications of all proposed new construction at RAINTREE.
- 2) Approval of plans and specifications for all improvements of property at RAINTREE.
- 3) Determination that grounds and building maintenance at RAINTREE are satisfactorily performed and is administered by Raintree Lake Codes Enforcement.

New construction and/or improvements to an existing structure must have approval of the ARB.

While legal documents of the Raintree Lake Property Owners Association permit up to thirty (30) days for approval or rejection of submitted plans, the ARB has established ten (10) working days as a goal for completion of the review process.

All applications for construction and/or improvements to lots, multi-family residential units and/or commercial units shall have all assessments, fines and/or liens paid to date before construction and/or improvement application shall be placed on the ARB agenda.

The application of this policy with regard to Article VII, Section 4, of the Covenants and By-laws of the association shall not affect the thirty (30) days ARB limit.

## **NEW CONSTRUCTION APPROVAL**

To maintain the quality of RAINTREE, certain criterion for new homes has been established by the ARB. These criteria for new homes may vary between specific areas within RAINTREE and may change from time to time within a specific area but will always be set in a fashion to maintain a quality residential atmosphere.

## **GENERAL RAINTREE REQUIREMENTS FOR NEW HOME CONSTRUCTION**

The general Raintree new home requirements are set forth below:

### **Square Footage**

All sections of single-family residences at RAINTREE have minimum square footage areas which will vary by type of home.

- (A) Split level homes or split foyer with garage under (side to side) shall have a minimum of 1,200 square feet on the ground and above the garage area, combined. It shall have an additional 250 square feet of finished living area either finished above or below the primary living area. Primary meaning area finished over the garage and area opposite garage, a total of 1,450 square feet with not less than a two-car garage. The primary structure, not to include wing or walls or overhang porches or decks shall have an overall length of not less than 46 feet.
- (B) Two-story houses must have 800 square feet on the first floor and at least 1,400 square feet on both levels with an attached garage or carport.
- (C) Ranch type homes shall have at least 1,200 square feet with an attached garage or carport.
- (D) Ranch type homes with drive under garages shall have at least 1,400 square feet.

The words (for enclosed floor area) as used herein shall mean and include areas of the residence enclosed and finished for all year occupancy, computed on outside measurements of the residence, and shall not mean or include any patio area, basements, garage, porches or attics. A residence containing less than the minimum enclosed floor area provided herein may be erected on

any of said lots with the written consent of the ARB, it being intended that the foregoing shall serve as a guide for the ARB's consideration.

### **Supplemental Covenants for the Estates Lots**

Article IX, Section 3, of the Declaration, shall read as follows:

Section on 3. Minimum Size requirements. Any residence consisting of a single level above ground level shall contain a minimum of 1800 square feet of enclosed floor area. If, however, a single level residence shall contain a basement garage, the minimum enclosed floor area shall be 2000 square feet. Any residence consisting of two levels above ground level shall contain a minimum of 1200 square feet of enclosed floor on the first level above ground level and an overall minimum of 2000 square feet of enclosed floor area in the two levels above ground level. Any residence consisting of a level or part of a level below ground level with garage beneath a part of the living area, sometimes referred to as a "split-level" or a "split foyer", shall have a minimum of 1800 square feet of total enclosed floor area on the level above ground level and above the garage. It shall have an additional 250 square feet of enclosed floor area either above or below the principal living area, for a total minimum enclosed floor area of 2050 square feet. The words "enclosed floor area" as used herein shall mean and include areas of the residence enclosed and finished for all year occupancy, computed on outside measurements of the residence, and shall not mean or include any patio areas, basements, garages, carports, porches or attics. A residence containing less than the minimum enclosed floor area provided herein may be erected on any said lots with the written consent of the Architectural Review Board, it being intended that the foregoing shall serve as a guide for the Board's consideration.

### **Garages**

Each residence shall have an attached or basement private garage for not less than two (2) nor more than three (3) vehicles. The driveway on each lot shall contain sufficient paved area for the off-street parking of at least two cars. All garages must be equipped with doors which shall be kept closed as much as practicable to preserve the appearance of the elevation of the house fronting the street.

### **Supplemental Covenants for the Estates Lots**

Article IX, Section 5, of the Declaration shall read as follows:

Section 5. Garages. Each residence shall have an attached or basement private garage for not less than two nor more than three cars, provided, however, that the use of a two- or three- car carport instead of a garage shall be permitted if the minimum ground level enclosed floor area of the residence shall be 1800 square feet; and provided, further, that no basement garages shall be permitted unless the residence shall have at least 2000 square feet of enclosed floor area. The driveway each lot shall contain sufficient paved area for the off-street parking of at least two cars. All garages facing any street must be equipped with doors which shall be kept closed as much as practicable to preserve the appearance of the elevation of the house fronting the street.

### **Frontage**

To maintain and promote a quality appearance to new construction in Raintree, a minimum of thirty percent (30%) of the total frontal (street elevation) area of the home shall be of one or more of the following materials: stucco, brick, stone, rock or other masonry products. The balance of material may be wood lap siding, grooved sheathing, vinyl siding, stucco or a board and batten composition, however, other materials and/or combination of above materials will be considered in keeping with architectural style and reviewed on a case by case basis. New materials and technology will be reviewed on a case by case basis. *Approved 1995*

### **Colors**

Exterior colors must be subdued and in harmony with other surrounding homes in the community. For your convenience a reference book has been developed by the ARB and is available in the office for your use or you may submit your own color as desired. Provide paint samples of color pallet including but, not limited to, main house color, trim, accent color, door etc. with your application. Also include samples of other materials such as stone or brick and product literature as applicable.

### **Plans and Specifications**

To properly review new construction proposed for RAINTREE, the ARB has established the following types of plans and specifications which must be submitted for approval in duplicate.

(A) Blueprints will be of professional quality and drawn to a scale of not less than one-fourth (1/4) inch to a foot.

(B) The following blueprints will be submitted for each element of new construction:

- (1) Front elevation
  - (2) Rear elevation
  - (3) Side elevation
  - (4) Floor plan of each floor
  - (5) Foundation plan
- (C) Specifications of major building materials (exterior)
- (D) A plot plan prepared by a registered surveyor will be provided which identifies:
- (1) House and driveway placement on lot
  - (2) Location of easements
  - (3) Location of proposed fences
  - (4) Existing and proposed grades
  - (5) Landscape plan

*NOTICE: A SAMPLE PLOT PLAN IS AVAILABLE FOR STUDY AT THE RLPOA OFFICE.*

It is highly recommended that the builder, representative or owner be present at the ARB meeting when submitting plans for approval.

#### **Completion of Structures**

No lot or land may be improved, used or occupied for purpose other than as provided by applicable zoning laws and the restrictions filed of record in relation thereto.

#### **Uncompleted Structures**

No building shall be permitted to stand with its exterior in an unfinished condition for longer than five (5) months after commencement of construction. In the event of fire, windstorm, or other damage, no building shall be permitted to remain in a damaged condition longer than three (3) months. No building shall be occupied until the exterior shall have been completed, nor until the landscaping, as approved by the ARB, shall have been completed or other arrangements for completion shall have been approved by the ARB.

#### **Area and Width**

No residential structure shall be erected on any building plot, which plot has minimum lot width in size, less than that shown on the recorded plat.

#### **Temporary Structures**

Temporary shelter is allowed so long as it is only visible during setup, duration and cleanup of an activity not to exceed seventy-two (72) hours. (Note: This will allow EZ Up Tents and other temporary cover).

All residences and other buildings shall be of initially new construction. No building shall be moved onto any lot or other tract of land. *Amended March 24, 2005*

#### **Detached Structures**

The ARB has determined that detached structure or outbuilding lessens the integrity of the RAINTREE community. No detached structures or outbuildings will be approved except dog pens and play houses which meet the required specifications.

#### **Pergolas**

ARB has discretion to approve pergolas on decks or patios if not attached but close to home structure. Review of applications

to be on a case by case basis. *Board approved June 10, 2014.*

## **IMPROVEMENT OF EXISTING STRUCTURE**

The ARB must have sufficient information with which to evaluate proposed improvements to existing structures in RAINTREE prior to issuing approval for the commencement of the improvements. All requests for improvements of existing structures will be made to the ARB by means of a completed improvements Permit Application, together with the necessary additional information called for below and for each type of improvement.

### **General Requirements for All Improvements**

The applicant shall submit:

- (1) Two (2) copies of a plot plan showing the location of the proposed improvements on the lot, existing grades at the nearest property line with proposed finish grades as applicable to the improvement.
- (2) Two (2) copies of front, rear and side elevations with floor plan structural cross-sections where applicable. Plans or specifications should indicate the type of materials and the color of the exterior.

### **Rules and Guidelines for Home Additions/Remodels**

- (1) Any exterior changes or alterations must be submitted and approved by the ARB.
- (2) Lee's Summit Zoning Board Application (copy) must be attached.
- (3) Multiple applications may be required depending on changes made.
- (4) In the event the Owner shall initiate construction or any improvement or alteration, without prior written approval of the ARB, per "Enforcement of ARB Violation Fines and Structure" Section (b), the member will be assessed a fine of \$200.00. Section (d) states: Upon receipt of the citation either by mail or in person, the member shall cease construction or improvement and Section (f) have ten (10) days following the date of the notice to submit a request of the ARB for review and approval of construction and Section (i) Should the member continue the work in progress without approval or without submission of an application the member will be fined at the initial rate of \$25.00 per week to begin fourteen (14) days following the date of the original notice. This \$25.00 per week fine shall continue each week for a four (4) week period with notice of each weekly violation. Section (j) following said four (4) week period, the rate may increase to the sum of \$50.00 per week to a maximum of \$2,000.00 in total fines.
- (5) No building shall be permitted to stand with its exterior in an unfinished condition for longer than six (6) months after commencement of construction. Landscaping or sod is required when ground disturbance is greater than ten percent (10%) in front and/or twenty-five percent (25) % in back or side(s) of yard.
- (6) Storage of dirt and/or building materials on the Common Ground is not permitted. Any use of the adjoining lot must be authorized by the lot owner prior to use.
- (7) Any abuse to the Common Ground and/or adjoining lots or building during construction shall be corrected within five (5) working days of notification including grading and sodding.
- (8) The owner shall comply with the City of Lee's Summit Ordinance governing erosion control.
- (9) The owner agrees to maintain the lot reasonably free of papers, trash, all unusable wood and building debris.
- (10) The Board of Directors may approve an extension, based on case-by-case basis. *Board approved on August 12, 2008*

### **Landscape Improvements**

Landscape improvements are considered to be terraces, retaining walls, unusual vegetation covering or dense shelter belts, walks, detached patios, cabanas or decks, etc.

Applicant shall submit:

- (1) Two (2) copies of plot plan showing the location of the proposed improvements on the lot, existing grades at the nearest property line with proposed finish grades as applicable to the improvement.
- (2) Two (2) copies of additional plans as required to evaluate the appearance of the improvements and type of construction including the type of material used, the color of the finished improvement and the type of vegetation, if any.

### **Fences**

Applicant shall submit:

- (1) Two (2) copies of plot plan showing the location of the entire proposed fence on the lot with relation to the lot lines and the outline of the home.
- (2) Two (2) copies of additional plans as required to evaluate appearance and type of construction of the fence including type of material and finished color.
- (3) Applicant shall agree to maintain fencing structure and appearance. Amended October 22, 2013.

## **ARCHITECTURAL GUIDELINES**

The ARB has established the following guidelines for specific types of construction and improvements at RAINTREE.

### **BUILDING ALTERATIONS, ADDITIONS, AND DETACHED STRUCTURES**

#### **General Policy**

Any addition to an existing building, any exterior alteration, or change in an existing building, or any new detached structure must have the approval of the ARB before any work is undertaken. Examples of such projects include a deck, fireplace, fence, etc.

Any addition, exterior alteration, or change to an existing building shall be compatible with the design character of the original building. Any new detached structure shall be compatible with the parent structure.

#### **Awnings**

The guidelines for residents and builders are as follows:

- (1) Size and color of the awning shall be approved by the ARB.
- (2) The awning shall only be attached to the home and shall not extend a distance in excess of three (3) feet from the home.
- (3) Any decorative fencing in the front of model homes shall similarly be temporary and done pursuant to size and standards to be propounded by the ARB.
- (4) Retractable awnings for the back deck or back patio will be considered on a case by case basis. Include all dimensions, specifications, color, location, and product image along with your request to the ARB.

#### **Exterior Color and Materials**

Exterior paint color must gain the approval of the ARB when repainting in an existing color or a new color excluding repairs. Colors must be subdued and in harmony with other surrounding homes in the community. For your convenience a reference book has been developed by the ARB and is available in the office for your use or you may submit your own color as desired. Provide paint samples of color pallet including, but not limited to, main house color, trim, accent color, door etc. to the ARB for approval. Also include in the submission a photo of the front elevation of the home, this will allow the ARB to understand the context of the color scheme and other materials that will be adjacent to the colors. *Board approved Oct. 11, 2011*

#### **Roofs**

No flat roofs will be constructed without approval by the ARB. It is generally believed that flat roofs do not enhance the appearance of structures.

The Raintree Lake development was conceived with wood roofing as the desired material for the look of the entire development. If you have this type of roof and would like to maintain it you are in compliance with the original vision of the community. New developments in other roofing materials have allowed homeowners other options that achieve the look of wood shingles without some of the draw backs. For that reason, the following composition materials and colors are considered acceptable, subject to approval through the ARB submittal process: Composition roofs must be a pattern that simulates a wood shingle roof and has a dimensional design. Simple "running bond" layout of composition tiles is not acceptable. "Premium" and /or "Designer" patterns will be reviewed on a case by case basis. THICKNESS of shingles must meet the manufacturer's term of 40 year warranty. Most roof shingles come with a lifetime warranty, so it is imperative to confirm the THICKNESS is 40 year or better.

Roof colors and names vary from manufacturer to manufacturer. Weather Wood is the only approved color for the community. Other colors will be considered on a case by case basis. They must be in the brown color range. Examples include: GAF colors: Barkwood, Driftwood, Mission Brown, Slate, and Weathered Wood. Owens Corning colors: Autumn Maple, Brownwood, Chestnut, Driftwood, Estate Gray, Granite, Mesquite, Storm Cloud, Summer Harvest, Sycamore, Timber, and Teak. The homeowner must state in writing the reason why Weathered Wood color is not acceptable for their home.

The ARB recommends LEED (Leadership in Energy and Environmental Design) and will allow Energy Star colors in the following colors: GAF: Cool Weathered Wood. Owens Corning: Frosted Oak and Sunrise. *Amended October 11, 2011*

### **Vinyl Siding**

New home or replacement vinyl siding shall be embossed wood-grain or smooth finish in subdued color (Glacier White and Snow White are not allowed). Profile to be vertical, flat tongue and groove-type appearance. Horizontal, simulated lap siding is not allowed (except on a case-by-case basis, and then with a maximum total width of 10'-0" for very limited use in ridge or accent areas). At the present time, Wolverine vinyl siding "Perimeter" series and Alside "Charter Oak" series are the only manufacturers and lines presently approved. Vinyl soffits may use the Wolverine "Restoration Beaded Triple 2" or "Universal Soffit Triple 4" or the Alside "Invisible Ventilation" Series. Other manufacturers may be considered for approval as long as the following minimum specifications are met:

- Panel lengths; minimum 8'-0". Properly sealed box channels may be used for breaks in material at similar locations where the typical wood (Masonite, etc.) siding is abutted. Butting or lapping of panels is not acceptable. Trim to match siding in color and material. Window frames may be wrapped in same material.
- 4"- 6" vertical profile with recesses; grooves a min of .438".
- Warranty lifetime transferable.
- Siding to be not less than 44-mil thickness.
- Trim to match siding in color and material.
- Window frames may be wrapped in same material.
- Materials to meet: ASTM D-3679 standard for Rigid Polyvinyl Chloride.
- ASTM D-1435 standard for weathering.
- ASTM D-659 standard for acceptable chalking.
- Tensile strength 7,344 psi.
- E84 fire test rating.
- Deflection temperature 168° F.
- Color shall be throughout material.
- Sealants used to be silicon based and color matched.

Installation to be by a bonded and insured installation company, certified in writing by the manufacturer, and shall be in conformance with The Society of the Plastics Industry, and written manufacturer's instructions.

Installation must be complete with associated weatherproof end and corners closures, etc.

Vinyl siding will not be allowed on the front elevation (street side) of a new home. These should consist of the following;

brick, stone, stucco, synthetic stucco, painted lap siding with a minimum of thirty percent (30%) being masonry. Vinyl siding is discouraged for use as replacement siding on the front of existing homes but will be considered on a case-by-case basis.

Prior to any siding being installed, homeowners or builders must submit for approval to the ARB. Included in this submittal shall be manufacturer's literature, including detailed specifications, an actual piece of the material to be used, showing profiles, and color and certificate from the installer showing that the contractor who will be installing this siding is approved, bonded, insured, etc. Sketches, showing the home's elevations and indicating the location of any breaks in the material.

### **Fences, Walls and Screens**

The ARB's goal is to keep all fencing or screening as harmonious as possible with the architectural character of the community. Any fence or screen must have the approval of the ARB before installation is undertaken.

No fence or screen will be approved if this installation will obstruct sight lines for vehicular traffic. Undue obstruction of view of lake or other amenities from adjoining property will be taken into consideration by the ARB when reviewing fences for approval.

In general, fences shall not be nearer to the front of the structure than the rear foundation line of the structure. The ARB may permit, as an exception, fences not closer than twenty-two (22) feet from the front foundation line in order to permit uniformity with fencing on adjoining lots or for unique circumstances with regard to access or need for fencing on that particular lot.

Fences may be privately installed but must be constructed to professional levels of quality. Nonprofessionally installed fences will be inspected by a representative of the ARB after completion to insure that the final product is of professional quality, and final approval of the fence is withheld until successful completion of this final review.

### **Materials and Finish for Fences**

- (a) Wood fencing or screening will be approved if the design is in conformity with the architectural design of the community.
- (b) The Board will not approve an application for the installation of chain link or other galvanized-metal fencing unless it has wood posts and rails.
- (c) All fencing or screening should preferably have finish material on both sides. If only one side has finish materials, that side must face the public side of the individual lot. The Board recommends rail or picket-type construction. Recommendations include: 1) 48" wood picket with 2-3" spacing between pickets 2) 48" black aluminum with spacing between spindles 3) 48" black welded steel with spacing between spindles. Shadow box style fences are allowed on arterial roads only. Any variation other than the above will be reviewed on a case-by-case basis. *Board amended July 26 2006. Amended October 11, 2011.*
- (d) Walls above grade should be constructed of natural stone, masonry or attractive lumber.

### **Height Restrictions for Fences**

The ARB believes that the environmental integrity of the community will be materially lessened if the open nature of the community is damaged by a proliferation of fences of excessive height. The ARB will give consideration to a variance in this height limit where the rear line of a lot abuts a major arterial roadway or in other clearly-unique circumstances.

Arterial roadways in RAINTREE have been defined as Ward Road, Missouri 150 Highway, Raintree Parkway, Raintree Drive and Cole Younger Drive.

The ARB encourages use of six (6) foot fences around the smaller patio area of the back yard of homes to secure privacy of the immediate patio area while permitting the feeling of spaciousness throughout the open area and back yards of homes. The specific fence height restrictions are set forth below:

- (A) Property fencing and walls above grade shall not exceed four (4) feet above grade.
- (B) The ARB will not consider for approval any proposed fence which exceeds four feet in height unless the rear line of that lot abuts a major arterial roadway or offers some other circumstance clearly unique to that lot.
- (C) Patio screens shall not exceed six (6) feet in height.

### **Landscaping and Planting**

Landscaping and planting, for existing homes, in general does not require the approval of the ARB. *Amended March 24, 2005*

Trees, hedges, and shrubs, which restrict sight lines for vehicular traffic shall be cut back or removed.

Hedge type shrubs in a fence-like appearance may be installed in front of the foundation line of a residence. Other locations upon approval by the ARB, as long as said plantings;

- (a) Plantings are no greater than thirty-six (36) inches in height
- (b) Plantings are not more than thirty-six (36) feet in length
- (c) Plantings do not entirely enclose any area of the yard, so as to constitute fencing
- (d) Plantings do not unduly restrict the view of the lake, amenities or other properties and shall not have a solid growth pattern.

Special landscaping beyond that normally associated with a single family residence must be approved by the ARB prior to its installation.

Decorative trellis and landscaping borders of a fence-like appearance may be installed in front of the foundation line of a residence upon approval by the ARB so long as said construction:

- (a) Is no greater than thirty-six (36) inches in height.
- (b) Is no more than thirty-six (36) feet in length
- (c) Does not entirely enclose any area of the yard so as to constitute fencing.
- (d) Is limited to a border or trellis of approved materials, including split rail, wrought iron, or other approved materials not to be of chain link or coated-wire mesh.
- (e) Is in conformity with the architectural design of the home and community.
- (f) Does not unduly restrict the view of the lake, amenities or other properties and shall not be of solid stockade-type construction.

Full sodding of the entire lot is required for all single-family residence after outside of home is completed.

### **Exterior Antennas**

Television or radio antennas are not allowed by any unit owner upon any lot or exterior of a dwelling. The ARB has determined that inside attic antennas are technically sufficient to serve residents at RAINTREE and recommends use of these antennas. The ARB will not approve a request to install or erect a television or radio antenna on the exterior of a dwelling. Approval of HD or "Special Use" antennas will be considered on a case by case basis. Position, appearance and design should be taken into consideration. Pictures, dimensions, details of the antenna and installation along with photos or plans indicating location of installation location are to be included with the application to the ARB.

### **Wind Turbines, Solar Panels, Weather Stations**

Wind turbines, solar panels and weather stations shall be considered on a case-by-case basis before the ARB. *Approved September 8, 2009*

### **Swimming Pools**

Permanent-type, back-yard swimming pools must have the approval of the ARB before any work is undertaken. Permanent, back-yard swimming pools will be approved by the ARB only after careful consideration of the potential effect of such a pool on neighboring property.

Temporary swimming pools above grade having a depth less than twenty-four (24) inches require no such approval.

ARB Regulations for Above Ground Swimming Pools – Sides of pool must be totally enclosed and concealed with approved material of solid wood or picket type material with no spacing and landscaped with ARB approval. Enclosure could also be approved masonry product. Pool height cannot exceed 48 inches. Pool and surrounding enclosure must be subdued neutral earth tone colors and in harmony with surrounding homes. Decking may surround pool with ARB approval.

An application for the construction of a permanent-type, back-yard swimming pool will not be considered unless the application is accompanied by an application for an acceptable fence design. The design shall conform to county or municipal



regulations for such fencing. Use of plantings in the vicinity of the pool is recommended to soften the effect of sound on adjacent property.

All pool construction should be submitted to the City of Lee's Summit Zoning Board for approval before submitting to the ARB.

A swimming pool, spa or other pool of water greater than twenty-four (24) inches in depth shall be separated from adjoining property by a fence at least four (4) feet in height, provided with gates, which shall be kept locked when the pool or spa is unattended. Sides of pool must be totally enclosed and concealed with approved material of solid wood or picket type material with no spacing and landscaped with ARB approval. Enclosure could also be approved masonry product. Pool height cannot exceed 48 inches. Pool and surrounding enclosure must be subdued neutral earth tone colors and in harmony with surrounding homes. Decking may surround pool with ARB approval. Applications will be at the discretion of the ARB and will be on a case by case basis with particular attention to aesthetic value to neighboring properties. *Board approved June 10, 2014.*

Spas, hot tubs, Jacuzzis and yard pools must have the approval of the ARB before any work is undertaken. The application for such structure will not be considered unless the application is accompanied by an application for acceptable fence design. The design shall conform to municipal regulations for such fencing. The structure will be approved after careful consideration of the effect on neighbors and property.

### **Driveways and Patio**

Extensions, widening, or re-routing of existing driveways must have the approval of the ARB before any work is undertaken. Acceptable materials include concrete or pavers, no asphalt will be allowed.

### **Parking Pad Guidelines**

Minimal parking pads will be considered on a case-by-case basis for approval if the following requirements are strictly adhered to:

1. No free-floating pads will be approved (i.e. not attached to existing or proposed construction).
2. The pad must be attached to adjacent slab.
3. Visual screening must be provided (i.e., berm, landscaping, etc.)
4. Approximate size must not exceed 8' x 20'.
5. Project or additional work must be approved by the ARB prior to installation to avoid fines. *Amended March 24, 2005.*

### **Retaining Walls**

Any retaining wall must be approved by the ARB before installation is initiated.

Retaining walls which divert ground water onto adjoining properties or which otherwise substantially change the existing drainage pattern will not be approved.

### **Detached Structures**

The ARB has determined that detached structures or outbuildings lessen the integrity of the RAINTREE community. No detached structure or outbuildings will be approved except dog pens and play houses which meet the required specifications.

### **Play Equipment**

Children's play equipment such as sandboxes, temporary swimming pool having a depth less than twenty-four (24) inches, play houses and tents shall not require approval of the ARB provided that such equipment is in good repair (including painting), and every reasonable effort has been made to screen or shield such equipment from view.

Equipment higher than fifty-two (52) inches shall require approval as to design, location, color, material and use. Play houses shall not exceed twenty-four (24) square feet and shall not exceed fifty-two (52) inches in height at roof peak. No shed-type roofs will be approved.

Play houses shall be of wood material. No metal playhouses will be approved.

Swing sets and play equipment will be allowed and must meet the following requirements:

- a) Color: must be subdued and within harmony with other colors of the community including slides, swings and canopies.

- b) Material: must be timber construction. Other materials will be considered on a case by case basis.
- c) Use: play equipment is intended for juvenile play only
- d) Restrictions: total elevated platform cannot exceed twenty-four (24) square feet

Tree houses are prohibited.

Permanent basketball goals must be approved by the ARB. Goals must show location on the application when submitted. Temporary goals must be stored out of sight of street view, lake view, amenity view or that of a neighbor, when not upright in proper location.

### **Dog Pens**

Dog pens or runs may be approved provided they adjoin the rear of the house with the axis, parallel to the rear of the house, not to extend further forward than the rear foundation line of the house and not to extend more toward the side lot line than the rear corner of the house, and is otherwise compatible with standards applicable to fences. The ARB recommends fencing to match existing fencing if applicable, see FENCE, WALLS AND SCREENS; MATERIALS FOR FENCES. Pens shall be adjoining the house and the ARB will not approve an application for installation of chain link or other galvanized metal fencing.

The aforesaid pen shall be a maximum of six (6) feet in width and a maximum of twelve (12) feet in depth from the rear foundation line of the house. The base shall consist of at least four- (4) inch reinforced concrete with a one- (1) foot drainage ditch containing gravel fill adjoining the base. There shall be no cover on top of the structure. The owner will be responsible for policing of the aforesaid area to insure compliance with nuisance and sanitation standards.

## **MISCELLANEOUS**

**Exterior lighting** shall not be directed in such a manner as to create an annoyance to adjacent property.

**Trash and/or yard waste containers** shall not be permitted to remain visible from the street except on resident's day of trash collection. If necessary, these containers may be placed at the curb AFTER DARK the night before collection. Yard waste including branches, must be kept to the side or behind the residence out of sight or view of the street, until day of pick or after dark the night before. Yard waste may not be left out more than one week on side or back of house. Storing of trash and/or yard waste containers (full or empty) shall not be permitted to remain where they are visible from the street at any time. Violations of these rules will result in a warning for the first offense and a fine of \$10.00 for each succeeding violation. Each day may be deemed to be a separate offense. *Amended by the Board of Directors September 14, 2004.*

**Garage doors** shall be kept closed except during times of actual use of the garage facility.

Collapsible and removable **clotheslines** will be permitted by the ARB. Permanent clotheslines will not be approved.

Equipment, personal property or landscaping of any kind, which is no longer appropriately or safely used for the purpose for which it is manufactured or designed, is prohibited. Equipment, fencing, play equipment, personal property and landscaping must be maintained by homeowner. A fine can be imposed if the problem is not corrected in a timely manner. Exceptions could be made on an individual basis by the ARB. *Board approved 6-12-12.*

## **PROJECTS NOT REQUIRING ARB APPROVAL (ADDED 3/17/07)**

The ARB and RLPOA Board deems that the following projects may be started and completed in a timely fashion without the need for prior ARB approval.

### **Doors/Windows/Skylights**

1. Exact replacement of doors, windows and skylights.
2. Replacement of wood garage doors with aluminum or steel garage door, so long as the color of the new doors remains the same color as the doors being replaced or white.
3. Replacement of rotted wood around windows with wood or current acceptable material that resembles wood in appearance.
4. Installation of front or back storm door in black, almond or white.

### **Guttering**

1. Replacement of guttering and repair of soffit with exact same material. Installation of Gutter Cover.

## **Fences**

1. Removal of existing fences, patio privacy screens, slatted sun covers, arbors and play equipment.
2. Hidden fences that are below ground.
3. Exact replacement and repair of existing fences, providing that the height, type, color, material and location of the fence does not change with the exception for non-conforming fences or encroachment of common ground.
4. Staining of natural wood color.

## **Satellite Dish**

*The following guidelines and recommendations were approved by the Board of Directors on September 10, 1996. Amended May 11, 2004. Amended March 17, 2007.*

1. The diameter shall be no larger than one (1) meter (39 inches).
2. No satellite dish shall be installed on Common Ground property.
3. The preferred location, allowing for good reception, is the back yard within close proximity of the dwelling.
4. The installation should be as unobtrusive as possible and landscaping is suggested to screen the satellite dish so as to maintain some aesthetic qualities.
5. Satellite dish shall not be higher than twelve inches (12") above the roofline.
6. High definition antennas must be mounted to dish or in attic.

## **Spas, hot tubs, Jacuzzis and temporary swimming pools with depth less than 24 inches.**

1. Spas, hot tubs and Jacuzzis with locking lid that is placed on deck or patio.
2. Temporary swimming pools with depth less than 24 inches.

## **Sun Covers**

1. Installation of portable metal and canvas sun covers providing the portable canvas sun cover is not installed on the deck or patio before March 1 and must be removed by November 1 and is kept in good repair. Solid earth tone colors only. Must be placed on deck or patio or will be defined under the "temporary structure" rule in guidelines.

## **Landscaping and Planting**

1. Landscaping and planting, for existing homes, in general does not require approval.
2. Special landscaping beyond that normally associated with a single family residence must be approved by the ARB. Example retaining walls that could not be laid by hand and are greater than 36" in height or more than 36' in length.

## **ENFORCEMENT OF GUIDELINES FOR ARCHITECTURAL CONTROL**

Means of enforcement of RAINTREE'S Architectural Control Guidelines are provided by terms contained in the Covenants, Conditions and Restrictions document filed October 29, 1973, on all property sold thereafter at RAINTREE. (Jackson County, Missouri, Document No. 1-167323)

The Covenants generally provide that the ARB has the right and the duty to promulgate and enforce reasonable rules to "regulate the external design, appearance, use, location and maintenance of the properties and of improvements thereon in such a manner so as to preserve and enhance values, and to maintain a harmonious relationship among structures and the natural vegetation and topography".

These guidelines represent specific written interpretations issued by the ARB as their means of satisfying their obligation to regulate property use at RAINTREE.

## **Appeal of ARB Findings**

Any property owner who believes that the ARB has unfairly judged their request for either new construction or an improvement to an existing structure may appeal that finding in writing to the RLPOA Board of Directors. The Board of Directors may, upon two-thirds (2/3) vote of the Directors; overturn the findings of the ARB if the Board of Directors believes that the original finding was unfair.

## **Enforcement**

The Covenants provide that the RLPOA, after due notice to the landowner, may enter onto any property being built or maintained in violation of these guidelines and correct the violation. The cost of such correction of the violation will be assessed against the land in violation and, if not paid on a timely basis by the landowner, become a lien on the property.

## **ARB COMMERCIAL RULES & GUIDELINES**

### **COMMERCIAL DEFINITIONS:**

The Architectural Review Board (hereinafter as the "ARB") of the Raintree Lake Property Owners Association ("RLPOA") has been charged with the responsibility of preserving and enhancing property within the Raintree Lake Property Owners Association. The ARB meets this responsibility with the following actions:

### **COMMERCIAL STRUCTURE**

Color, roof, elevation, building structure, should be compatible with the adjacent properties of RLPOA, with approval of the ARB and the City of Lee's Summit UDO;

### **BUILDING FRONTAGE**

Building must be four sided architecture with minimum 30% outside building area with one or more materials of EFIS materials and the remainder must be brick, stone, or stucco with approval of the ARB.

### **COLORS**

Colors must be subdued and in harmony with the Raintree Lake Community. All colors are subject to approval by the ARB.

### **TEMPORARY STRUCTURES**

No temporary structures attached or detached on premises. Exceptions would include tent structures for promotional sales or civic events which must get approval through the ARB.

### **AWNINGS**

Size and color of any awning shall be approved by the ARB.

### **ROOFTOP EQUIPMENT**

Rooftop equipment (air conditioning, etc) must be screened and not visible from ground level according to UDO of the City of Lee's Summit.

### **TRASH**

No outdoor trash. Trash shall be deposited in required trash enclosure immediately. No pallets, racks or refuse may be stored outside of the facility. Rules should be applied according to the UDO of the City of Lee's Summit.

## **REGULATIONS**

Raintree Lake Property Owners Association ARB must receive application for project prior to the City of Lee's Summit Public hearings;

If for any reason this requirement is not met, the RLPOA will issue a demand letter by certified mail, and if no response, then RLPOA will impose a maximum fine of \$5,000 within (10) ten days of the date of the demand letter;

### **NOISE POLLUTION**

This article may be cited as the "Noise Control Ordinance of the City of Lee's Summit" (Code 1988, Section 17-251) and shall apply to the control of all noise and sound originating within the City limits of the City.

This article herein has been amended to apply to RLPOA solely:

*Raintree Lake Commercial Noise Ordinance as follows:*

All Commercial Business operations within the boundaries of the Raintree Lake Sub-division as recorded shall conduct their business procedures in such a manner as to not interfere with or degrade the calm and quiet atmosphere of adjoining or nearby residential properties. Any loud or offensive noise, music or sounds or unacceptable noisy conduct requiring the assistance of local law enforcement to quell shall cause a fine of \$1,000.00 to be imposed against the offending business operation immediately. Additional penalties shall be loss of privileges to the use of Raintree Lake Amenities for 90 days to begin after the fine is paid.

#### **SIGNAGE**

Any sign to be placed on Commercial Property located within the boundaries of the Raintree Lake Subdivision as recorded must be approved by the Raintree Lake Architectural Review Board prior to placement on the subject property.

A fine for non-compliance to seek ARB approval will result in a fine of \$100.00 with the immediate loss of all privileges to Raintree Lake Amenities until ARB approval is given and the fine imposed is paid. An additional \$100.00 fine will be imposed monthly until the fine is paid with total fines not to exceed a total of \$2,000.00. Signage placed on Commercial Buildings simply identifying each business or regarding their operations shall not require ARB approval but are under the basic codes and established regulations of the City of Lee's Summit UDO that includes all signs placed anywhere on the subject property in question. Any sign in place prior to this regulation is exempt under this requirement unless sign is changed.

#### **WATER RETENTION/SILT**

- a. Siltation barriers should be in place during all phases of construction and according to ordinance of the City of Lee's Summit;
- b. Water retention pursuant to the ordinance of Lee's Summit and drawings presented to the RLPOA ARB prior to public hearings.

#### **COMMERCIAL DUES**

All assessments, liens, are referenced in the *Raintree Lake Articles of Incorporation, Declaration and Covenants, Conditions and Restrictions and Amended By-Laws at Article 6, Section 2, Item A, and also at Section 4.*

#### **COMMERCIAL BUSINESSES OF CONCERN TO RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**

Listed below are examples of businesses the RLPOA and ARB do not find desirable and/or compatible to the adjoining community:

Fast Food Restaurants, Adult Video and Adult Book Stores, Adult Entertainment Activity (Strip Clubs), Pawn Shops, Quick Cash-Unsecured Loan Businesses, Title 1 Loans, Mobile Food Venders, Salvage Operations, Automotive Service Stations-Automotive Repair, Second Hand Stores, Heavy Equipment or Machinery Sales or Storage and General Warehousing or Storage Facilities and any Planned Business or Commercial or Machinery Sales or Storage and General Warehousing or Storage Facilities. Any Planned Business or Commercial Business that is changing its service or product within the Raintree Lake Subdivision Boundaries is required to present to the Raintree Lake ARB full disclosure of it future plans in advance of gaining approval or permits from the City of Lee's Summit and prior to any development or change in major business operation, service or product etc. *Approved November 12, 2013*

#### **COMMERCIAL AND/OR DEVELOPER MONUMENTATION**

##### **Pylons and wall made of:**

**Hand tooled limestone** – color matched square cut, color Dover gray

**Footings** – 3000 lb. test concrete with #4 steel reinforcing 12” on center

**Fabricated sheet metal roof cap** – standing seam metal canopy, 24 ga. Paintgrip, painted satin black automotive grade acrylic polyurethane. (Canopy to have removable top for electrical access & service).

**50 watt down light fixture** – recessed 50 watt White LED down light. (If determined to be needed)

**Cast bronze plaque** (Final artwork & design to be determined). Smooth reverse with satin face, recessed single line border, pebble finished background painted black baked enamel with U.V. clear lifetime finish. (Guaranteed not to tarnish, fade, or discolor).

**12" reverse halo channel LED letters, mounted on wall, UL approved.** All backlit LED sign letters will be UL listed and individually labeled per the city of Lee's Summits' electrical requirements. All letters welded .063" and .080" aluminum construction, painted satin black auto grade acrylic polyurethane, internally illuminated using White LEDs, U.L. Listed. (If determined to be needed)

Design of font style and plaque to be approved by the ARB and the Board of Directors. Approved Sept. 9, 2014.