

**WINONA LAKES PROPERTY OWNERS ASSOCIATION
REQUIREMENTS FOR CONSTRUCTION/SITE COMPLIANCE
APPLICATION**

Effective: October 1, 1999

Revised: May 19, 2007

I. INTRODUCTION

IA The application states the requirements for new construction, site property identification, enlargement and additions, site improvements, and construction regulations and restrictions.

IB Also included in the application are the Escrow and Fee Schedule, Construction and Site Fine Schedule and the Winona Lakes Property Owners Association (WLPOA) Building Compliance Application.

1. Escrow as required by WLPOA construction/site compliance application is defined as follows:

Escrow is required to 1). Insure that design/color applied for and approved is in fact adhered to; 2). To insure that the proper set backs are adhered to; 3). Has met any other conditions as asked for on the application for compliance; 4). That the lot is cleaned up of construction materials, upon completion of any construction project. The request is then made for the release of the escrow. We will perform an inspection solely to see that the stipulations stated above have been satisfied. If they have, the escrow will be released, if not, then the owner/contractor will be notified of the remaining issues. We are not in any way inspecting for the actual quality of workmanship.

B. Compliance Application - The WLPOA compliance's must be posted in a clear view adjacent to township permit if applicable, at construction site.
See Section VIII - 7.

1. No compliances will be issued to a member/owner of Winona Lakes who has not paid in full all their dues, fines, and assessments, or who is not up to date on an approved Board payment plan for current year dues and all other dues, fines and assessments.

2. No compliances will be issued to any property owner whose contractor has outstanding fines levied against their company.

3. No compliance will be issued until contractor submits separate escrow checks where applicable.

II. TYPES OF IMPROVEMENTS (DEFINITION)

A. New Construction

1. New residential home
2. New detached garage (or attached)

B. Enlargements & Additions

1. Additional residential space
2. Open or screened deck or porch
3. Exterior alteration of building

C. Site Improvements

1. Fences
2. Dog Run
3. Driveway modification
4. Paving of existing driveways
5. Sheds

III. CONSTRUCTION & SITE RESTRICTIONS

1. No communication tower on individuals property unless approved by WLPOA

2. No property decorations to exceed 3 feet high. (excluding holiday decorations).

3. No more than 6 cords of wood may be stored on an individuals property at any one time.

IV. NEW RESIDENTIAL & NEW DETACHED GARAGE CONSTRUCTION

The following will be submitted to Winona Lakes Property Owners Assoc. (WLPOA) before any clearing of construction activity on site with a completed "WLPOA Building Compliance Application."

1. Complete set of detailed plans along with a survey by a licensed surveyor. The plan will be kept on file as the property of (WLPOA).

2. Detailed specifications, which must include exterior color scheme with color samples. See Section VII Design Requirement #4.
3. Site plan must be submitted indicating the location of home, garage, driveway, decks, well and septic. This will remain the property of WLPOA.
4. One copy of the Township Building Permit (not returnable).
5. Where the land exceeds a 35 degree slope, the owner will submit a soil erosion plan prepared by a professional engineer.
6. Separate checks for the escrow fee and compliance fee.
7. After building compliance issuance, owner has 12 months to fully complete construction of a new home.
8. Contractor must submit copy of insurance certificate verifying one million dollar liability coverage, and will name WLPOA as a certificate holder when applicable (not needed for driveway paving).

V. SITE/PROPERTY IDENTIFICATION AND REQUIREMENTS FOR NEW BUILDINGS

1. Property and Boundary Markers - Each property shall have a minimum of four (4) corner markers (steel pins driven into the earth) indicating the boundary property lines of the township approved section plan by licensed surveyor.
2. Locations of House - A minimum of four (4) wooden stakes driven in ground to be installed indicating the corners of where the house will be located. They must have the word "House" on stake with a dark marker.
3. Driveway Location Markers - A minimum of two (2) stakes driven into the ground to mark the driveway entrance and or exit. These stakes must have the word "Driveway" on stake with a dark marker.

4. Septic and Well Areas - Septic and well areas must be defined with wooden stakes. These stakes must have the word "well or septic" written on them with a dark marker. Septic must be a minimum of 100 feet from any well, or as required by authorities.

5. Tree Identification Requirements - Any and all tree removal outside excavation for construction must be identified by visible marker and approval given by WLPOA. A ten foot natural barrier must remain at the roadside, with the exception of the driveway entrance. Clearance of trees are restricted to twenty (20) feet from the outer walls of the dwelling. An allowance will be made only for the septic sand mound area. All stumps must be removed from Winona Lakes. No debris or stumps can be buried on property. Any exception must be submitted to WLPOA for review and approval.

6. Inspection Requirements - Contractors must notify WLPOA upon completion of footings and prior to construction of foundation walls to verify proper placement of structures.

VI. ENLARGEMENTS, ADDITIONS & SITE IMPROVEMENTS

A compliance application shall be made to WLPOA for any enlargements, additions and site improvements which includes 1) an addition; 2) exterior alteration; 3) decks and porches; 4) expansion and or change of driveway location; 5) sheds; 6) fences; 7) any and all construction which alters or changes the exterior appearance of the original structure; 8) Tree houses; 9) Swimming Pool; 10) Gazebo; 11) Carport

A. The following items must be submitted with the Application for enlargements and additions:

1. Complete set of detailed plans.
2. Set of detailed specifications. Must include exterior color scheme and sample.
3. Site plans indicating any and all existing buildings, driveways, and with location of any existing easements and restrictions.

4. Soil erosion plan (if applicable) when land exceeds 35 degree slope.
5. Copy of the approved building permit from the township.
6. A check for escrow fee payable to WLPOA and a separate check for compliance fee, payable to WLPOA.
7. A signed statement by owner agreeing that all changes will be completed within six (6) months.
8. Contractors must submit copy of insurance certificate verifying one million dollar liability coverage, and will name WLPOA as a certificate holder for additions and major alteration work.
9. A tree house may not exceed sixty four (64) sq. ft. and must be at least six (6) feet off the ground. The height of the sides may not exceed six (6) feet. A \$25.00 escrow fee must be submitted with application. Fee will be refundable.

B. The following items must be submitted with application for site improvements.

1. A site plan indicating the size and location of the fence, dog run, shed, driveway improvement, carports, swimming pool and gazebo.
2. Detail specifications sheet indicating the construction material.
3. Picture of the site showing existing conditions where improvements be made in relation to existing residential building.

VII. DESIGN REQUIREMENTS

1. New residential homes restricted to one family.
 - A. A variance maybe applied for and will be decided on a case by case basis to improve upon an empty lot, that is both contiguous to a lot with an existing single family dwelling on it, and has also been merged to that same lot upon which the single family dwelling is located for tax purposes.

2. Setback Requirements - Minimum residential building setbacks must be in accordance with township and WLPOA setback requirements for each lot as stipulated in the Restricted Covenants. (See WLPOA for required setbacks).

3. All new single family home construction must have a minimum 1,600 square feet of total livable finished floor space not including finished areas in basements and lower levels of a raised ranch, garages, enclosed porches or attics. Maximum height is thirty (30) feet from average grade to roof peak.

4. All exterior colors shall be within the earth-tone category, as defined by WLPOA. Color is defined as the range of colors on the Benjamin Moore and Sherwin Williams Earth Tone Color Charts. See the Earth Tone Color Chart on file in the WLPOA office. Final decision is based on the sole discretion of the WLPOA Architectural Committee. No more than forty percent (40%) of the entire structure may be done in brick or stucco. Color for shutters, trim, soffits or doors has its own section on the chart.

5. New dwelling must be placed on a continuous permanent foundation (poured concrete or load bearing, concrete block). **ABSOLUTELY NO PIERS.**

6. Clearance of trees is to be kept to a minimum and removal is limited. Trees are permitted to be removed for building construction septic tank installation or if a tree endangers the building or is deceased or rotten. Trees being removed are to be marked and require approval of WLPOA before removal begins and must be removed in an orderly fashion.

7. For the construction of a new home, driveway or the modification and location change or paving of existing driveways the contractor/owner must contact WLPOA to determine driveway requirements. When the property is identified to require the installation of a culvert, the contractor and owner has the responsibility to install a driveway culvert pipe at a minimum of twelve (12) inches as required by the amount to anticipated water flow. The size of the culvert pipe will be determined by the Winona Lakes Maintenance Supervisor. The culvert will be installed to specification on all properties located adjacent to Winona Lakes Roadways. Installation of a culvert pipe shall be at the proper depth and pitch to allow natural flow of any surface water without restriction of pounding whether by natural or man made drainage provision at time of installation. Any exception to this requirement shall be submitted and approved by WLPOA prior to the start of construction.

8. Central water and sewer hook ups must be back filled with new base and surface material. The old material must be removed from the property. An appointment must be made with the WLPOA office before work commences.

9. Property owner shall be responsible to insure adequate vehicle parking provision of no less than two (2) vehicles on property site-in addition to any garage or structure.

10. Garages - Maximum size is a 3 - car garage 30 x 24 feet (not to exceed 720 square feet).

11. Sheds - No more than one shed per lot and maximum size is 12 x 18 (not to exceed 216 square feet) can be stick built or wooden pre fab. Placement of sheds must be in the behind of the house when at all possible (not viewable from the road). Sheds must follow the same setback requirements as the house.

12. Fence - Post and rail fencing or similar style is the only fencing permissible in front of the house. Fencing must be installed 3 ft. inside property line. No hurricane fences. Four foot high picket fencing can be used in rear yards only. Rear yard - A back yard extends past the back corners of the house and extends to the back property line. The area to the sides of the house are not included in the rear yard. There must be more than three quarters (3/4) of an inch separation between all pickets. The fence has to be stained a natural wood color to maintain the natural look of the community. Chain link dog runs can be used in back yards only and cannot exceed dimension of eighteen (18) feet by (5) feet high by a depth of 6 feet.

13. Paved driveway - Must be pitched so water will not flow directly onto the road. Paved driveways fronting on dirt/gravel roads must end three (3) foot shoulder of modified stone. When owner is required to have a culvert, a minimum 12" culvert shall be placed at the end of three foot shoulder set eight (8) to ten (10) inches shall be under modified stone and extend one (1) foot on either side. Installer must contact WLPOA office prior to setting of a new culvert (where applicable).

14. No property owner may install/maintain an outside light that illuminates beyond the owner's property boundaries in a manner which may be deemed a nuisance/annoyance by adjoining/surrounding property owners.

15. Temporary Construction Signage - An identifying construction/contractor sign is limited to 2' x 3' (six square feet)

16. Owner Signs - Property owner may install/erect a name or identification sign on property not to exceed 4 square feet.

17. Authorized Signs - Security signs are permitted on the property for protection by an authorized alarm company.

18. No other signage either temporary or permanent is permitted to be installed/erected on property.

19. Design Modifications - Any and all exterior changes made after the original plan approval by WLPOA shall be submitted to the architectural committee for review and approval by the Board of Directors prior to actual structural alteration. A fifty (\$50.00) dollar fee shall accompany each change.

20. Carport - May be attached/detached. Maximum size 240 sq. ft. Maximum height 14 feet. Roofline when possible and color to match existing house. Floor can be gravel and construction will be stick built of wood with proper footings. If it is attached to an existing building three (3) sides must be open. If it is built between two (2) existing buildings two (2) sides must be open. If it is detached four (4) sides must be open. Lattice is permissible to close three (3) sides only. Carport must meet all setbacks.

II CONSTRUCTION REGULATION AND RESTRICTIONS

1. All property owners and building contractors must be aware and alert to all rules and regulations of all governmental bodies: Federal, State County and Township and be willing to accept full responsibilities for complying with these rules and regulations.

2. Building Contractor working hours:

Monday - Friday 7:00 AM to 6:00 PM

Saturday - 8:00 AM to 4:00 PM

No work permitted on Sunday or legal holidays.

(See Construction and Site schedule #11)

3. All contractors and subcontractors performing work in Winona Lakes must carry adequate insurance liability (\$1,000,000.00) minimum. Accident coverage for all vehicles and equipment operating on the roadways of Winona Lakes. An Insurance Certificate evidencing such current coverage shall be filed with WLPOA prior to the issuance of compliances. The insurance must include workman's compensation for all general contractors and subcontractors.

4. Storage of materials and or machinery on the properties of Winona Lakes other than active work site is prohibited.

5. No residential type trailers are permitted.

6. Modular homes cannot be brought on the property of Winona Lakes until the day they are to be set. There is no storage units or trailers on Winona Lakes roads. The office must be notified twenty-four hours prior to delivery of modular homes, as not to impede traffic flow or safety. (See Construction & Site Fine Schedule #5) NOTE: Narrow metal bridge to Sections 2, 12, 13, 14.

7. It is the responsibility of the contractor to post all required permits prior to excavation, lot clearing and construction. (See Construction and Site Fine Schedule #1 & #9)
8. An inspection of the site will be made by WLPOA after site is marked and all trees are marked according to Winona Lakes guidelines. A roadside photo will be taken by WLPOA to record tree locations. The contractor shall notify the office when the site is ready for inspection.
9. It is the responsibility of the contractor to monitor his employees or subcontractors with regards to their obeying speed limit rules and and regulations of WLPOA.
10. All heavy equipment (track vehicles) will be transported by trailer when on Winona Lakes roads (See Construction and Site Fine Schedule).
11. During construction activities the site shall be cleaned up on a daily basis by the building contractor.
12. It is the sole responsibility of the building contractor to restore earth, grass, road earthway, and the owner's property line.
13. There will be no burning of construction material or construction renovation debris. All materials and debris must be hauled away from property and dump location must be specified on the building compliance.
14. It is the responsibility of the contractor to prevent any disturbance, diversion, blockage or stoppage of any natural or man-made drainage, flow of water spring stream of surface water flow, unless all plans for such disturbance have been submitted in advance and approved by Winona Lakes and all appropriate governmental agencies.

15. It is the responsibility of the building contractor not to create, install or develop drainage provisions that will affect another property beyond that which he has contracted for. Any and all internal water or drainage problem is the sole responsibility of the building contractor and property owner.

**WINONA LAKES
CONSTRUCTION & SITE FINE SCHEDULE**

1. Any contractor not posting required permits on site prior to commencement of the work specified or to any kind of construction without a permit during any phase of construction, is subject to a fine \$25.00 (twenty five dollars) per day.
2. Any contractor clearing and excavating land before a compliance is granted is subject to a fine of \$150.00 (one hundred fifty dollars) plus a one month waiting period for a compliance.
3. Any contractor/home owner who does any type of construction work/painting on a building/home without a required compliance is subject to a fine of \$250.00 (two hundred fifty dollars) per day.
4. Any contractor responsible for running track machines on any private road of Winona Lakes is subject to a fine of \$500.00 (five hundred dollars) and forfeit of escrow deposit.
5. Any contractor who parks heavy equipment, trailers and all construction vehicles on Winona Lakes private roads overnight is subject to a fine of \$500.00 (five hundred dollars) plus forfeit of escrow deposit.
6. Any contractor who burns any construction material or debris within Winona Lakes is subject to a fine of \$500.00 (five hundred dollars) per occurrence.
7. Heavy equipment (Gross Vehicle Weight at 20,000 pounds or above) is banned as posted by WLPOA. Any contractor with heavy equipment on Winona Lakes roads is subject to a fine of \$1,000.00 (one thousand dollars) per occurrence. (The exception to this is garbage and fuel delivery trucks).
8. Any construction continuing prior to approval being granted by contractor to the written request of an extension is subject to a fine of \$250.00 (two hundred fifty dollars) per day.
9. Any construction with an expired compliance by a contractor is subject to a fine of \$250.00 (two hundred fifty dollars) per day.
10. Any contractor who makes any deviation for approved plan will result in an immediate work stoppage and is subject to a fine of \$500.00 (five hundred dollars) unless modifications are approved by WLPOA.

11. Any building contractor not abiding by construction work hours is subject to a fine of \$100.00 (one hundred dollars) per occurrence.
12. Contractors who do not notify WLPOA Administration Office prior to delivery of modular home, or when building a foundation and footings are dug, is subject to a fine of \$500.00 (five hundred dollars) and may also be subject to a stop work order.
13. All builder/contractor advertisement signs must be removed upon completion and before escrow money is released is subject to a fine of \$25.00 (twenty five dollars) per day.
14. The property owner/contractor who removes any trees outside the original approved site plan designation without written approval is subject to a fine of \$250.00 (two hundred fifty dollars) and owner will be required to plant two (2) 3" caliper trees for each tree removed.
15. The owner who contracts or has installed any work which requires a compliance for a residential home, detached garage, open or screen deck or porch, paving a driveway without a required culvert, siding/exterior color, exterior alterations of building is subject to a \$500.00 (five hundred dollar) fine and removal of such work, if necessary, if such work does not conform to approved guidelines of WLPOA.

NOTE: All fines levied against the property for breach of construction regulations and restrictions are the responsibility of the property owner if not paid by the contractor. Fines to be deducted from contractors escrow deposit. Fines which exceed escrow deposit will be the owners responsibility.

WINONA LAKES ESCROW AND FEE SCHEDULE

1. All documents as specified for obtaining a WLPOA building compliance must be submitted to the Architectural Committee for review and recommendation. The Architectural Committee meets on the Wednesday of each month preceding the third Saturday WLPOA Board Meeting to review compliances. All applications must be approved by the WLPOA Board of Directors.

NOTE: A property owner who requires the Architectural Committee to meet outside of their regular scheduled meeting for an emergency compliance recommendation, must make the request in writing to WLPOA and only when a majority of the committee members approve such a request may an emergency meeting be scheduled. All recommendations are not final until the Board of Directors approves the application and the property owner understands that the changes can be made to the initial issuance of an emergency compliance.

2. Upon receipt of the completed application the following fees must be paid. Individual checks are required for compliance fee and escrow deposit. Each check is payable to WLPOA.

3. WLPOA compliance and appropriate township permits, if applicable, must be posted before the start of construction/renovation.

A. NEW CONSTRUCTION

1. New Residential Home \$1,500.00 (one thousand five hundred dollars)
Breakdown: \$1,000.00 (one thousand dollars) non-refundable building compliance fee and \$500.00 (five hundred dollars) refundable escrow.
Escrow must be the contractors check.

2. . New Garages/Carport \$250.00 (two hundred fifty dollars)
Breakdown: \$150.00(one hundred fifty dollars) non-refundable compliance fee and \$100.00(one hundred dollars) refundable escrow. Adding a garage to existing dwelling or expanding existing garage: up to 3-car garage allowed. 720 sq. feet cannot exceed size of the house. Escrow must be the contractors check.

B. ENLARGEMENTS AND ADDITIONS

1. Additions to Residential Space \$550.00 (five hundred fifty dollars)-(living space)
Breakdown: \$300.00 (two hundred fifty dollars) non-refundable compliance fee and \$250.00 (two hundred fifty dollars) refundable escrow. Escrow must be the contractors check.

2. Opened or Screened porch Deck or Gazebo \$250.00 (two hundred fifty dollars) Breakdown: \$100.00(one hundred dollars) non-refundable compliance fee and (one hundred fifty dollars) refundable escrow. A screened porch is either an existing deck that is screened
-or- a new structure attached to a house. A deck is building a new deck or expanding an existing deck. If construction is to include windows, then WLPOA fee will be \$250.00 (two hundred fifty dollars), \$125.00 (one hundred twenty five dollars) refundable. Escrow must be the contractors check.

3. Exterior Alterations \$100.00 (one hundred dollars) Breakdown: \$50.00 (fifty dollars) non-refundable compliance fee and \$50.00 (fifty dollars) refundable escrow. To include any face changes which do not affect living space.

4. Siding/Exterior Property owners changing the exterior color of their homes or other structures on their property must select a color within the earth-tone category as defined in section VII Design Requirements -#4. Property owners with existing structures that do not presently meet the earth-tone color definition are required to meet the requirements when the structures are repainted or altered. At this time the property owner must submit a color chip to the Architectural Committee for approval. No compliance fee is required but owners not abiding by the regulations are subject to a fine. (See Construction & Fine Schedule #15).

C. SITE IMPROVEMENTS

1. Fence* \$100.00 (one hundred dollars) Breakdown: \$75.00 (seventy five dollars) non-refundable compliance fee and (twenty five dollars) escrow. Owner is responsible for staking property line and fence location. See VII Design Requirements-#12.

2. Dog Run/Above* \$25.00 (twenty five dollars) non-refundable compliance fee for dog run. \$25.00 refundable escrow for both dog or inground pool run and pool. Owner is responsible for staking the size of the run or pool on property. \$75.00 (seventy five dollars) compliance fee for pool. See Design Requirement #12.

3. Driveway* \$275.00 (two hundred seventy five dollars) Breakdown: Modification \$125.00 (one hundred twenty five dollars) non-refundable compliance fee and \$150.00 (one hundred fifty dollars) refundable escrow. See VII Design Requirement #13.

4. Paving of * \$25.00 (twenty five dollars) non-refundable compliance Existing fee. Owners must check with WLPOA to determine if Driveway driveway requires a culvert prior to paving. An existing driveway that is paved without installing a required culvert the owner is subject to a \$500.00 (five hundred dollar) fine. See VII Design Requirement #13.

5. Shed* \$100.00(one-hundred dollars) Breakdown: \$50.00 (fifty dollars) non-refundable compliance fee and \$50.00 (fifty dollars) refundable escrow. Size: one per lot 216 sq. ft., stick built or wooden prefab See VII Design Requirements #11.

6. Deck* Open Deck: \$250.00 (two-hundred fifty dollars) Breakdown: \$100.00 (one-hundred dollars) non-refundable compliance fee and \$150.00 (one-hundred fifty dollars) refundable escrow.

7. Pool Fencing If an insurance company requires a fence for a pool it would have to be:
- A) Four (4) foot picket-rear yard
 - B) Post and rail
- Or-
- apply for a variance for chain link for the perimeter of the pool and equivalent surface area as to allow for a patio. SEE number 1 above for fees and design requirements.

NOTE:

1. Upon completion, a written request must be made to WLPOA for the release of escrow deposit. Builder/Contractor signs must be removed prior to inspection and the release of the escrow monies. (See Construction and Site Fine Schedule #13).
2. Items with (*) may be approved directly by the Maintenance Supervisor for a building compliance. Any variances from the regulations on their applications must be reviewed and approved by the Architectural Committee and the Board of Directors.

WINONA LAKES NEW BUILDING COMPLIANCE APPLICATION

The Following documents are included for review by the Architectural Committee:
(Please check all items provided)

- _____ 1. One set of detailed plans along with a survey by a licensed survey of the site.
- _____ 2. One set of detailed specifications.
- _____ 3. Site plan (drawn to scale) indicating location of home, garage, driveway, decks, septic and well by an architect, engineer, or surveyor.
- _____ 4. Copy of Township building permit.
- _____ 5. A soil and erosion plan (if land exceeds 35 degree slope).
- _____ 6. Compliance fee in the amount of \$ _____.

OWNERS NAME: _____ Section _____ Lot _____
ADDRESS _____ Phone: Home _____
_____ Work _____

I/WE, the owner (s) have received, read, and agree to the WLPOA requirements as stipulated in this application.

OWNER: _____ OWNER: _____

I/WE, the undersigned building contractor, have received, read, and agree to the WLPOA requirements as stipulated in this application.

Contracting Company: _____

Supervisor: _____

Address: _____

Signature: _____

**NOTE: CONTRACTOR IS TO SUBMIT SEPERATE ESCROW CHECK
BEFORE CONSTRUCTION COMPLIANCE CAN BE ISSUED**