

# *Chateau Pointe*

## ***Chateau Pointe Homeowners Association Architectural Design Policy***

*Southaven, Mississippi*

# **Chateau Pointe Homeowners Association Architectural Design Policy Table of Contents**

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## 1. INTRODUCTION

The Architectural Design Policy includes procedures and guidelines to assist the Architectural Control Committee and owners through the architectural review process. It supports the architectural restrictions contemplated by the governing documents that bind each property owner. This process is essential to create and preserve a community that is attractive, livable and to protect property values.

## 2. ARCHITECTURAL CONTROL COMMITTEE

### a. Responsibilities.

In accordance with authority granted to the Board of Directors in the governing documents, an Architectural Control Committee shall be appointed whose primary duty shall be to supervise and control the external design, appearance, location and maintenance of all improvements on the property and all landscaping additions in accordance with the provisions of the governing documents and this Architectural Design Policy.

In carrying out its duties, the Architectural Control Committee shall review all submittals and apply the procedure, standards and design guidelines as set forth in this policy. The Committee shall keep records and shall maintain a plans file of all construction for a period of not less than two years.

### b. Policy

All owners and their contractors must comply with the standards and guidelines of the Architectural Design Policy. The Architectural Control Committee will review plans, materials, site plan, colors and/or landscaping plan to ensure compliance with the design requirements, policy and procedures of the Architectural Design Policy. No construction of any kind shall be commenced until plans and specifications have been submitted to and approved in writing by the Architectural Control Committee.

General land use requirements and building codes are established and compliance with them is a service of the city building department. The homeowners association assumes no responsibility for the structural integrity, safety features, mechanical operation or building code compliance of the proposed construction.

**c. Committee Discretion**

This policy does not cover every possible situation that may require Committee approval. As it applies, the Committee is authorized to exercise discretion in approving or disapproving a specific proposal. In some special cases, the Committee, with special approval from the Board of Directors, may approve a proposal that may conflict with a standard set forth in this manual. This approval does not constitute a precedent for future requests.

**3. PLAN SUBMITTAL PROCEDURES**

**a. Procedure**

All proposals for construction on any Lot must be submitted to the Committee with a completed Application at least 15 days prior to the start of the proposed action. A completed Application shall mean:

- (1) One copy of plans and specifications complying with the published checklists of the Committee;
- (2) One copy of landscaping plans demonstrating compliance with the Minimum Landscaping Standards; and,
- (3) One completed Application Form, signed construction agreements and checklists provided by the Committee.
- (4) The Committee shall have fifteen (15) days to review a submittal. After review, a copy of the submittal will be retained by the Committee for their files. A copy will be returned to the applicant marked with one of the following:

- "Approved" (project approved as submitted)
- "Approved as Noted" (subject to conditions noted)
- "Not approved" (reasons noted on drawings and forms)

An incomplete submittal will be returned to the applicant marked "Not Approved". It is the owner's responsibility to apply for and pay all fees for permits and inspections required by the governing authorities and codes.

**b. Standards**

All plans shall use;

(1) the applicable standards established by the governing documents for density, building type, set-back requirements, utilities and placement, and other exterior characteristics, and

(2) the design criteria of this Architectural Design Policy to preserve consistent external appearance, design and compatibility with existing structures.

All plans include sufficient detail to clearly define the proposed project. Plans for new home starts shall be designed by architects or professional building designers and shall include an Artists Rendering (two-point perspective) of the front view of the proposed Living Unit.

Approved projects must be commenced within three (3) months of committee approval. After three months, re-submittal and re-approval is required. All construction shall be completed in a timely and continuous manner. New home construction shall be completed within six months after issuance of a building permit. Failure to complete the work within the prescribed time will result in penalties as prescribed in the Schedule of Fines. The Committee may grant an extension due to extenuating circumstances brought to its attention.

**c. Appeal**

There is no automatic right of appeal of a decision by the Architectural Control Committee. An applicant may petition the Board for a review of the Committee's decision by submitting a written statement to the President of the Board, explaining the issue and the proposed solution. A majority of the Directors must agree that a review is appropriate and will notify the applicant within 30 days after the applicant's statement is received of the acceptance or denial of the petition, and any conditions. The Board may set procedural limitations for the review, including restricting the scope of the review to specific issues and limiting the time that the applicant may speak.

d. **Enforcement Process**

Violation of the Architectural Design Policy may be reported by any owner in writing to the Architectural Control Committee. Violations will generally be processed in the following manner but some circumstances may require a different action:

(1) A Committee representative will inspect the alleged violations.

(2) If the Committee determines that the alleged violation requires corrective action, two letters (second by registered mail) seven (7) or more days apart, will be sent to the violator by the Committee. The letters will clearly state the nature of the violation and the proposed corrective action to be taken.

(3) If no satisfactory response is received within fourteen (14) days of the second letter, the Committee will turn the matter over to the Board for further action as provided in the governing documents.

**4. DESIGN GUIDELINES.**

a. **General**

Living Units shall be of an attractive and high quality architectural design that is compatible in external appearance, design and quality with existing structures.

(1) **Design:** No two homes on the same street or in view of each other may have the same external view on the same street-front elevation.

b. **Construction Standards**

(1) **Common Property.** Owner, his contractor or any other person associated with construction of the house may not damage the surface of the Common Property during construction, or use any portion of the Common Property for storage or other activities relating to construction. Roadways and adjoining lots shall be kept clean and free of debris (and roadways free of mud) arising from construction activities on a Lot.

(2) **Construction Sites.** Owners, Contractors and others shall keep a clean construction site. free construction debris, lumber remnants and scrap materials shall be removed from the site after each phase of work such as foundations, floors, walls, roofs, etc. and in no case allow the accumulation of

more than one week's debris. In lieu of removal from the site, the Committee may authorize the use of a "Dumpster" if placed on the lot. Chemical toilets shall be placed on the construction lot, not in the street or on the sidewalk. Dogs, drugs, alcohol or loud radios are not permitted on the job site. Violators will be required to leave.

(3) **Noise Control**. Contractors, Owners and Others shall restrict all noise-producing construction activities to the following hours:

- Monday through Saturday, 7:00AM to 6:00PM.
- Sundays and Holidays, 9:00AM to 6:00PM.

(4) **Enforcement**. If, as a result of construction activities on a Lot, violations occur, then in addition to any other remedies permitted by the governing documents and law, the Association may correct the violation, charge the Owner of the Lot for the cleanup (payable on demand), and place a lien on the Lot to secure payment.

c. **Building Sites**

All structures shall be constructed within the following setback requirements:

- (1) **Street Front:** thirty (30) feet from property line.
- (2) **Side:** eight (8) feet from property line.
- (3) **Rear:** twenty (20) feet from property line.

d. **Building Size**

Design considerations for new houses shall include compatibility to the natural setting without dominating the surrounding homes. All homes shall be no higher than two (2) stories above finished grade level with a ridge line that is consistent with existing structures.

The minimum size for a house excluding garage, shall be as follows:

- (Section A & B) single family detached Living Units (two storey): 1,800 square feet;
- (Section C) single family detached Living Units (two story): 2,400 square feet.

e. **Drainage**

Roof gutters are required on all structures and must be properly drained according to building code. Any additions or alterations to property that can potentially result in changes to the property drainage flow must not negatively affect neighboring properties.

f. **Driveways**

Driveways shall be of concrete slab construction only. All other materials and special artistic effects including colors must be approved by the Committee. Circular driveways or other driveway configurations will be considered on a case by case basis.

g. **Exterior Colors.**

All exterior colors (including brick) must be approved by the Committee. Only colors in subdued or neutral tones will be considered for the body color. Bright or high intensity colors will not be permitted. Accent colors must be compatible with the field color. Repainting with the same color does not require Committee approval. If painting brick exterior, a picture of a painted brick may be submitted as example.

h. **Exterior Lighting**

Standard exterior lighting that is consistent with neighboring homes will not require Committee approval. Light from any exterior lighting must not shine into nor interfere with neighboring homes. Type and placement of any non-standard exterior lighting devices must be approved by the Committee. The main goal is to restrict glare and annoyance to adjacent property owners.

i. **Exterior Walls**

The front elevation of each dwelling shall have design features that are consistent with other homes. Approved front elevation wall materials are: brick or brick with rock accents/stone veneer. Side and rear elevations may contain siding material which must not exceed 30 percent of the side and rear walls. All side and rear materials shall be of materials that are complimentary to front elevations

j. **Fences and Walls**

The Committee must approve all fences and walls. The Committee will consider designs and materials on a case by case basis.

(1) **Fences:** shall be constructed principally of wood, ornamental iron or aluminum. Other materials such as chain link and vinyl will not be allowed. The maximum height of any fence shall be six (6) feet above ground level and may not extend beyond the front line of the living unit. Metal fences shall be painted black or other dark colors to blend with landscaping and the neighborhood. The Committee must approve all color selections for all types of fences.

(2) **Walls:** shall be of brick or stone masonry. Masonry pillars may be used but shall not exceed six (6) feet in height. The maximum height of any wall shall be three (3) feet. Walls used in conjunction with a landscaping plan, may extend beyond the front line of the dwelling but may not extend into a street or sidewalk right-of-way..

All fences or walls shall be a “good neighbor” type and when adjoined on adjacent lots, every attempt shall be made to match or blend designs.

(3) **Retaining walls:** constructed along rear or side property lines shall include cast-in-place concrete and block masonry landscaping units. The 3-foot height limitation may be waived if site conditions require a higher wall. Wood retaining walls are not permitted

k. **Garages**

Each single family detached Living Unit shall include a garage designed to enclose a minimum of two (2) vehicles and shall not have more than three (3) separate garage doors. Garage doors shall be kept consistent with neighboring homes and must conceal the contents of the garage. The structure shall relate to the dwelling in respect to character, material, and finish.

While most lots are of a size or dimension that would not permit construction of carports or unattached garages while meeting lot setback requirements, on the few lots of size and dimension that are capable of accommodating a carport or unattached garage while still meeting lot setback requirements, such structures may be considered but must be approved by the Committee and the HOA Board. Any such structure considered must relate to the dwelling in respect to character, material, and finish.

**1. Heating and Air Conditioning Equipment**

Outdoor air conditioning units shall be placed to minimize noise to adjacent dwellings and shall be placed in a location that is not conspicuous in view from the street. Use of solar heating systems is acceptable provided the panels or collectors are integrated into the structure with regard to the overall appearance and design but must be approved by the committee.

**m. House Numbers**

House Plans must show a location and style for house numbers. The house numbers must be clearly readable from the street, but not so large as to be out of proportion to the structure, and compatibility to the overall design of the structure and neighboring homes.

**n. Impervious Surfaces**

Not more than seventy percent (70%) of any Lot shall be covered with an impervious material (structures, decks, patios, pools, walkways, driveways, and other permanent materials).

**o. Mail boxes and Newspaper Receptacles**

Mailboxes and newspaper receptacles shall conform to the current standard. All replacements shall be of the same design and color as existing. Security-type (lockable) mail boxes must be approved by the Committee and the U.S. Postal Service.

**p. Poles and Antennae**

(1) **Exterior poles and towers for radio or television** antennae are not permitted.

(2) **Flag Poles** are permitted subject to review by the committee. Flags must be maintained in good condition.

(3) **Satellite Dishes.** To the extent that is possible, all satellite dishes shall be mounted in a location that is not readily visible from public view. Ground installations shall be screened or disguised by trees, shrubs, rocks, or other means. Satellite dishes larger than one (1) meter are not permitted.

q. **Porches, Decks and Patios**

All porches, decks and patios shall have an appearance consistent with the dwelling. Porches or decks, which are constructed above ground must be finished to the ground with materials compatible with the deck or the dwelling and screened with landscaping. Screened porches must be of a professional design and of material and design that is consistent with the existing structure. Patios constructed of pavers, stone or any materials other than concrete slabs on grade may be approved by the Committee provided the materials compliment the features and design of the specific home.

r. **Porch, Deck and Patio Covers**

All covers must be of a design complementary to the dwelling and approved by the committee. Aluminum or metal patio and porch covers will not be permitted.

(1) **New Home.** All permanent Porch, Patio or Deck covers with solid roofing must be constructed of the same materials and the same roof pitch as the Living Unit.

(2) **Add-Ons.** Wherever structurally and functionally possible, all covers shall meet the same requirements as New Home Starts. Where not structurally or functionally possible, add-on covers shall be professionally designed with soffit and fascia that conceal the slope and roof material from a ground level vantage point.

(3) **Awnings.** The Committee must approve all awnings. Fabric type awnings must be compatible with the living unit and will be considered on a case by case basis. Retractable awnings and window awnings shall not have pole supports.

(4) **Sunrooms and Solariums.** All such structures must be approved by the Architectural Review Committee and must be of a design that is compatible with the dwelling. Only professionally designed or pre-engineered structures will be considered. Design criteria considered includes location, function, shape, size, material, color, placement and visibility from adjacent properties.

(5) **Pergolas and Gazebos** Only professionally designed or pre-engineered structures will be permitted and structures will only be permitted if structure is contained in a fenced back yard.

(6) **Free-Standing Tent Structures** are allowed only on a temporary basis (7 days maximum) for special events.

s. **Roofs**

Roofing materials and configurations shall be of materials and designs comparable to existing homes.

t. **Security Bars**

Security bars on windows will not be permitted.

u. **Service Areas**

The following types of service areas shall be approved by the Committee and shall be reasonably screened from public view: Dog runs, outdoor kitchens, and storage buildings. Storage buildings must be constructed of same materials as the house.

v. **Swimming pools**

Only in ground pools will be allowed. Above ground pools are prohibited. No Exceptions will be considered to this policy. (This does not apply to a child's pool intended for temporary use)

w. **Trampolines**

Trampolines must be placed in back yards only and may only be permitted when a property owner has a fenced back yard.

x. **Playground and Sports Equipment (Basketball Backboards, etc.)**

Portable style basketball goals must be stored away from public view when not in use. Permanently mounted basketball backboards may be approved by the committee on a case by case basis and shall be screened from public view. The location and screening of permanent basketball backstops are subject to approval by the Committee. Playing basketball shall be limited to daylight hours only and in no case before 8:00 AM or after 9:00 PM.

## 5. LANDSCAPING POLICY

### a. Landscaping Design

All Lots shall be landscaped in a manner that is harmonious and compatible with the overall landscaping policy.

### b. Landscaping Maintenance

Each Owner shall maintain the landscaping and yard area in an attractive appearance and free from insects and diseases. Each Owner shall provide for the timely replacement of lost plants, bark dust or ground cover, and trimming and pruning of plants to prevent an overgrown look.

Lawns must be maintained to a standard compatible with the neighboring homes and kept free of weeds.

### c. Vacant Lots

Weeds and grass shall be kept mowed and not allowed to grow to a height of more than six (6) inches. All vacant Lots and Lots with partially constructed improvements shall be kept clean of construction materials, equipment, and other debris such as grass and shrub clippings, which would be unsightly or prevent or hinder mowing.

### d. Yard Ornamentation

All signs, billboards, or advertising structures of any kind are prohibited except for two (2) professional signs of not more than (10) square feet to advertise a lot for sale, during a sales period and except for signs, billboards, or advertising structures erected by or on behalf of developer, during the development and sales period of the developers property and un sold lots.

No sign is permitted to be nailed or attached to trees. All signs must be approved by the Architectural Review Committee and/DeSoto County if required.

## 6. MINIMUM LANDSCAPING REQUIREMENTS (New Construction)

### a. Lots with Houses

All front, rear and side yard areas shall be planted with any of the following: trees and shrubs, ground cover and lawn areas. Each landscaping plan shall contain an adequate

number of plantings to create a mature effect at the time of initial installation.

At a minimum each yard shall include:

- (1) Six 5 gallon plants.
- (2) Six 1 gallon plants.
- (3) Ground cover and annual flowers in any flower beds.
- (4) Yard must be fully sodded.
- (5) One tree

All Lots shall be landscaped in compliance with these requirements within 30 days after completion of the house, unless a written waiver is granted by the Committee.

## **7. PLAN SUBMITTAL PROCEDURES**

### **a. Procedure**

Construction and landscape plans shall be submitted to the Committee for approval. Landscape plans for new home construction must accompany the house construction plans. Plans shall include a site plan showing property lines, above ground structures, planting areas, location, and description of plantings. Requests for approval of walls, fencing, or storage sheds, shall include design drawings or photos to assure quality construction and compliance with other requirements of this Manual.

## **8. REVISION OF ARCHITECTURAL MANUAL**

### **a. Revisions**

The Board may, from time to time, amend, modify or revise provisions of the Architectural Design Policy, including the procedures for submitting, reviewing and approval of the Architectural Control Committee. No such amendment, modification, or revision shall be binding upon the owners until notice has been given to the owners by the Board, and no such amendment, modification or revisions shall affect structures, improvements, or landscaping approved prior to the enactment of such amendment, modification or revision.

**9. APPLICATION AND SUBMITTAL FORMS (Forms are attached)**

- a. Architectural Review Application
- b. New Construction and Alteration to Existing Structures
- c. Acknowledgement of Receipt of Architectural Design Policy

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