

# Section 17: Architectural Control Committee (ACC)

## DEFINITIONS:

The terms "Construction Permit", "Building Permit", or "Permit" as used in this Chapter are defined as meaning a Pecan Plantation Owners Association (PPOA) Covenants and Restrictions and Rules & Regulations "Compliance Certificate" which grants permission to construct within the requirements set forth in those documents.

C&R(s) as used in this Chapter shall include Declarations of Restrictions, Covenants and Restrictions, Covenants and Liens.

## 17.1 ORGANIZATION

### 17.1.1 MEETINGS

The Architectural Control Committee (ACC) of Pecan Plantation shall meet on the first and third Thursday of each month unless otherwise specified. An agenda shall be prepared by the Management/Compliance staff in advance to list Construction Permit applications to be reviewed and to identify other matters that are to be considered by the ACC. A majority of ACC members is required to conduct official business.

### 17.1.2 AUTHORITY

#### PPOA BY-LAWS, Article Nine

Section 1: "Architectural Committee which shall have the authority as set out in the Declarations of Restrictions, Covenants and Liens record by the Developer with respect to review and approval of plans for construction of improvements on a lot." "The Committee shall have the power to make variations, alterations and changes as long as said variations, alterations and changes are not in conflict with the protective covenants of record affecting the Property as to any one or more of the lots, and provided the same is accomplished for the mutual benefit of the particular owner and of the surrounding building site owners".

### 17.1.3 APPROVAL

- A. Approval by the ACC and the issuance of construction permits are required prior to the start of any new home construction and for all significant property improvement projects as defined by the C&Rs. Fines may be assessed if construction work is started prior to a Construction Permit being approved by the ACC.
- B. When new C&Rs are filed or existing C&Rs are changed, it is the responsibility of the initiator to furnish the ACC and Pecan Plantation Owners Association, Inc., a copy of the new or changed C&Rs. No action will be taken on Construction Permits until new or changed C&Rs are on file with PPOA. On a limited basis, PPOA Compliance Officers are authorized to approve minor Construction Permits without ACC approval (e.g. single tree removal, change in existing fence material, flagpoles, etc.).

### 17.1.4 FEES

Fees for the following are established by the BOD and available at the ACC Office.

- A. "Construction Permit"
- B. "Miscellaneous Construction Permit"
- C. A site preparation permit is available to level a lot and remove brush/trees and install approved temporary culvert.
- D. Additional driveway tie-in's (over one).
- E. Regardless of any active permit or other permit being sought, swimming pools require a separate ninety (90)-day permit.
- F. In addition to a permit fee, a Road Maintenance Fee will be applied to all "Miscellaneous Construction Permits" requiring over 1,200 Sq/ft of total concrete.

## 17.2. PERMIT REQUIREMENTS

### 17.2.1 NEW CONSTRUCTION

In order to obtain a Construction Permit for a house, the property owner or authorized agent shall submit a permit application to the ACC through the ACC Office. Construction Permit applications must be submitted no later than 4:00 p.m. on the Friday prior to the meeting at which the application is to be considered by the ACC. Documents required to be placed on the agenda for consideration are as follows:

- A. A standard Construction Permit Application form signed by both the property owner and the contractor. The permit application packet may be obtained from the ACC/Compliance Office or by downloading it from the PPOA website.
- B. Evidence of property ownership, if not verifiable by the PPOA Business Office.
- C. Two (2) sets of plot plans: Must include all property lines, easements and building setback lines as indicated by the Registered Plot Survey, show the drawn-to-scale location of all existing and proposed structures (including roof overhangs and flatwork), and indicate both the location and screening of all outdoor equipment (A/C units, propane tanks, pool equipment, generators, etc) and proposed septic system location.
- D. Two (2) sets of construction plans: Must include Square Footage area of structure, total slab, and Living Area(s).
- E. Building materials list to be used for the roof and exterior veneer.
- F. Copy of a registered survey, prepared by a registered surveyor including finished floor elevation.
- G. Copy of soil test, if not on sewer, when conventional septic or underground aerobic system is used.
- H. Sub-Contractor list including business names & addresses, contact names & phone numbers. Subsequent changes to the Sub-Contractor list must be reported to ACC/Compliance Office.
- I. Driveway tie-in Agreement Form: Signed by the owner and builder for a new driveway construction.
- J. Copy of Johnson County Building Permit if construction is in Johnson County.
- K. Copy of County Floodplain Permit if any part of a residential living space addition is being constructed within the 100 year floodplain.
- L. Culvert Application.

### 17.2.2 CONSTRUCTION IMPROVEMENTS

To obtain a Construction Permit for property improvement after the house is in place, documents required for the permit application to be placed on the agenda for ACC consideration are as follows:

- A. A standard permit application form signed by both the property owner and the contractor. The permit application may be obtained from the ACC/Compliance Office.
- B. Two (2) sets of plot plans showing the dimensional location on the lot of all structures as they relate to all applicable property lines, building set-back lines, and easements shown on registered survey.
- C. Two (2) sets of dimensional drawings (including plans, elevations, and square footage) for any proposed addition of an outbuilding, residence expansion, pool, fence (including gates), flatwork, or other structure.
- D. List of Building Materials to be used for roofing and exterior veneer.
- E. Sub-Contractor list including business names & addresses, contact names & phone numbers. Subsequent changes to the Sub-Contractor list must be reported to ACC/Compliance Office.

### 17.2.3 APPLICATION PROCESSING

- A. Applications for Construction Permits will be handled by the Management/Compliance staff on the basis of the documents submitted. However, applicants are welcomed and encouraged to appear in person to explain unusual features or obtain information from the ACC.  
The Construction Permit Application is a signature form that contains a list of required supporting documentation, a brief overview of general construction site requirements, and a "Compliance Agreement" where applicant agrees to comply with all applicable governmental laws and building codes plus all PPOA rules, regulations, and restrictions during the course of construction. Therefore, no application will be approved or a Construction Permit issued until the application form has been signed by the applicant
- C. The ACC shall examine each permit application to determine if the application and accompanying documentation are completed and acceptable, and that the proposed construction project (new house or property improvement) meets requirements of the applicable Deed Restrictions and guidelines and/or limitations established by the Board of Directors (BOD). Based on its findings, the ACC will approve or reject each application submitted. If any application is rejected, the basis for

rejection will be stated. Approvals may be made without comment. The Management/Compliance Office shall notify the builder/owner about the ACC approval of plans or the nature of any rejection by phone, in writing or e-mail.

- D. The ACC shall use applicable Deed Restrictions and/or BOD guideline restrictions as the basis for determining approval or disapproval of each permit application. When a question arises concerning matters that are not clearly defined by the Deed Restrictions and/or prior BOD action, the Committee will use its best collective judgment to determine whether the permit application can be approved. Matters with possible serious consequences are referred to the BOD with the ACC's recommendation for approval or rejection.
- E. To indicate approval, all Construction Permits must be signed by no less than two (2) members of the ACC and shall be issued through the ACC/Compliance Office.
- F. From time to time, the ACC makes recommendations to the BOD for waivers of, or variances to, certain restrictions by majority vote. Such waivers or variations can be granted for the benefit of a specific property owner without penalty to other owners.
- G. The ACC approves or rejects submitted construction plans only as they relate to compliance with the C&Rs and PPOA Rules & Regulations. Compliance with applicable County, State, and Federal Codes and Laws will be the sole responsibility of the property owners and builders.

## **17.3 CONSTRUCTION REQUIREMENTS**

### **17.3.1 SINGLE FAMILY RESIDENCE**

Building specifications for each unit area C&Rs of PPOA includes a minimum requirement for square footage of residential living area and minimum percentage of exterior masonry or masonry veneer. The ACC defines "masonry" as being brick, stone, stucco or a combination thereof.

### **AIRCRAFT HANGERS**

The ACC will consider the following criteria for Aircraft Hangers

- A. Construction specifications and plans must be presented to the ACC for approval.
- B. Aircraft Hangars may be constructed on designated airstrip lots in conjunction with a house or as an addition on a lot where a house already exists. No hanger shall be constructed on any lot which does not also contain an approved residential structure.
- C. Hangars may be an integral part of the house or a separate structure. Separate hangars must be to the rear of the house unless the ACC and the BOD waive such requirements.
- D. Separate hangars must be constructed with an exterior masonry veneer percentage that is equal to or greater than C&R requirements for the residence. Veneer siding, other than masonry, may be of conventional materials painted to match the house.
- E. Aircraft hangars with garage-type doors facing a street are prohibited unless allowed by the C&Rs.

### **17.3.3 GARAGES**

- A. Garages shall be constructed as specifically permitted by the applicable C&Rs for the particular PPOA unit or addition involved.
- B. Every garage shall have the capacity to contain at least two (2) automobiles.
- C. No garage shall face any street or private way except for lots of 12,000 sq/ft or less in total area or where other specific C&R provisions permit.

### **17.3.4 OUTBUILDINGS**

- A. Outbuildings shall be constructed on a concrete pad, be of a design and construction style compatible with that of the residence, and shall not be of a size larger than 1/3 the square footage of the total heated/air conditioned living area of the residential structure.
- B. Portable or "pre-fabricated" outbuildings will not be allowed unless the ACC pre-approves plans for modification of the building to meet the outbuilding criteria stated herein.
- C. Outbuildings with garage-type doors shall not have those door openings facing any street to assure that contents of the outbuilding are not readily visible from the street; however, dual, swing-opening "carriage doors" may be permitted upon case-by-case consideration and approval by the ACC.
- D. Outbuilding location will be limited by C&R provisions for each particular PPOA addition or unit.

### **17.3.5 PLAYHOUSES AND PLAYGROUND EQUIPMENT**

- A. Playhouses and playground equipment, such as slides, swings, wading pools, and Jungle-gyms are portable structures that can be moved off site when they are no longer needed or when residence is sold, do not need a building permit.

- B. A playhouse is a structure which the single and only function is to provide a place for children to play and not for use as a storage building.
- C. Any other structure separate from the residence will be classified as an "outbuilding" and controlled by the existing deed restrictions that require the same materials and architecture as the residence.
- D. All such playground equipment or playhouses shall be located and maintained behind the residence.
- E. Tree houses of any type are prohibited.

#### **17.3.6 HORSE STABLES AND BARN**

There are two (2) major criteria for the construction of Horse Stables and Barns:

- A. The animal(s) must be protected from inclement weather conditions.
- B. The structure must be compatible in design, material, construction and color scheme with the main residential building:
  1. Structure must be constructed with an exterior masonry veneer percentage that is equal to or greater than C&R requirements for the residence structure.
  2. The roof may be pre-colored, interlocking panels of aluminum, plastic or fiberglass in lieu of same roofing as main residence or other material approved by the ACC.
  3. The structure can not be closer to the front of the lot than the rear most point of the main building.
  4. If a horse trailer is to be stored at the property it must be stored in an enclosed structure.

#### **17.3.7 TEMPORARY STRUCTURES**

Temporary Structures are defined as structures that are not permanently attached or affixed to an approved building. Examples are patio covers, awnings, pagodas, tents, etc. and constructed of material other than wood or masonry.

- A. Temporary Structures do not need a permit but are subject to the following:
  1. The Structure does not exceed 200 square feet.
  2. They are maintained for only sixty (60) days or less per year.

#### **17.3.8 OTHER STRUCTURES**

Porches, covered patios, and driveway shelters adjacent to, or at the end of, driveways are not permitted under C&R wording that strictly prohibits anything which may be used as a carport.

### **17.4 CONSTRUCTION REVISIONS**

During construction under a valid Construction Permit, changes or additions may be desired that will alter the original ACC approved construction plans.

- A. Changes/additions that require a Construction Revision Application and prior ACC approval:
  1. Changes or additions which increase the size (square footage) or height of the structure.
  2. Changes in the structure's original shape (footprint) or any entry points (including garage entry).
  3. Changes in the structure's location or positioning on the lot.
  4. Changes in approved exterior percentage of masonry veneer coverage.
  5. Changes in type of roofing material.
  6. Changes to existing flatwork area or location and/or additional flatwork in other areas.
  7. Addition of outbuilding, fence, or other detached structure.
  8. Changes in type of fencing material, fence height, or location.

### **17.5 LAPSE OF CONSTRUCTION PERMITS**

Construction Permit (Residence) allotted time is 6-9 months, as set forth in the Covenants & Restrictions.

Construction Permit (Other Than Residence) allotted time is 1-6 months as set forth on the application form and permit.

- A. All projects that have expired permits must cease any and all work upon expiration of said permit.
  1. Work may continue when an application for an extension has been approved.
  2. The ACC will grant a three (3) month extension upon approval of such application.

- B. Owner(s) of any project with an expiring permit must apply for an extension at least five (5) working days prior to the expiration of the current permit. Application for an extension must be accompanied by the following:
  - 1. A check for twenty percent (20%) of the original application fee.
  - 2. A daily fee times the number of working days past the grace period.
  - 3. A completion schedule showing what work needs to be completed.
  - 4. All changes to the original plans must be approved by the ACC.
- C. If the first extension expires and the building project is still not completed, then all criteria as set forth in above sections A & B will apply, except as follows:
  - 1. The second extension application fee will be 1½ times the original permit fee.
  - 2. A time limit of sixty (60) working days will be given for the second extension.
- D. There will be no more extensions allowed after the second renewal has expired.
  - 1. In place of an extension, a daily (working day) fine will be charged. The daily fine will be 1/10 of the building permit fee and will continue being assessed until the structure meets the ACC "finished house" guidelines.
  - 2. Until this daily (working day) fine is paid, no occupancy may take place. Said daily fine will be charged until completion is approved by the ACC or by the PPOA Code Enforcement Officer.
- E. A hardship waiver may be requested in the event of a natural disaster or an act of God. Time constraints and/or fines may be waived if approved by the ACC.

## 17.6 FINISHED HOUSE GUIDELINES

The Finished House Guidelines are as follows:

- A. Exterior:
  - 1. All siding, roofing, brick and painting is complete.
  - 2. All driveways, sidewalks and other flatwork are complete.
  - 3. Outside AC Units are not required to be set, but must be installed and screened before occupancy.
- B. Interior:
  - 1. Walls are textured and ready for paint or wallpaper.
  - 2. Cabinetry is set.
  - 3. Electrical is complete and ready for fixtures.
  - 4. Plumbing is complete with tubs & showers set (commodes/toilets & faucets can be added later).
  - 5. Floor is ready for finishing.
- C. Lot:
  - 1. Sewer or Septic tie-ins are complete.
  - 2. Lot is cleaned and graded.

## 17.7 FENCES

### 17.7.1 FENCE HEIGHTS (General)

The following fence heights and permitted construction materials generally apply to most C&Rs developed prior to 2007 with some exclusions specified by individual C&Rs.

- A. Lots not adjacent to golf course:
  - 1. Height: All fences not adjacent to the golf course are limited in height to no more than six (6) feet measured from the inside (including post height) to the ground.
  - 2. Construction Material: Fencing material shall consist only of pipe, wood (where permitted by C&Rs), decorative iron, chain-link (where permitted), vinyl, brick, rock or materials approved by the ACC.
- B. Lots adjacent to golf course:
  - 1. Height: All fences adjacent to any golf course are limited to no more than four (4) feet in height including side fences extending from the golf course to the rear of a house or the neighboring house (whichever is furthest from the golf course). The four (4) foot limit does not apply from the rear of the house forward.
  - 2. Construction Material: Fencing material shall consist only of pipe, wood (where permitted by C&R), decorative iron, chain-link (where permitted by C&R), vinyl, brick, rock, masonry

or other materials approved by ACC, so long as the material used and fence structure do not obstruct the view of the golf course. Fence shall contain an operable gate or other type of opening to allow an easy and unobstructed access from the golf course into the yard. Wrought iron is required in the Villas.

#### **17.7.2 FENCE CONSTRUCTION REQUIREMENTS (General)**

The following fence construction requirements generally apply to PPOA units and additions developed prior to 2007 with some exclusions specified by individual C&Rs. Later PPOA additions may have more restrictive fence requirements. C&Rs for any unit or addition will dictate all fence specifics.

- A. Fences cannot be constructed closer to any PPOA street or roadway than the front building setback line. Fences constructed on a corner lot may not extend beyond the respective building set-back line of either street. Fences may be maintained without a building permit; however, if the construction material, type of fence, or height is to be changed, a new building permit will be required to ensure compatibility within the PPOA fence requirements.
- B. Wood fences (where permitted) must be constructed with smooth side facing out. Wood straight line fences (for screening purposes not intended to enclose) shall be built with smooth side out on each side or "shadow box" construction (alternating pickets on each side with posts covered).
- C. Barbed wire will not be acceptable. Wire mesh, welded-wire (cow-pen / hog wire), or similar type wire fence will not be allowed except in rear areas of certain additions where it is permitted by the C&Rs as an augmentation to an existing fence for horse containment or agricultural protection.
- D. Any fence not in compliance with these Fence Construction Requirements must be brought into compliance when replaced.

#### **17.7.3 HORSE FENCES**

On lots where horses are allowed and the fence is constructed of pipe, vinyl rail, or other approved materials, other types of containment-fencing material (welded wire, cow-pen wire, etc.) will be allowed on the inside of main fencing subject to prior approval by the ACC.

#### **17.7.4 SWIMMING POOL FENCE/WALL REQUIREMENTS**

For purposes of these Rules & Regulations, "swimming pool" shall mean all permanent structures or excavations which contain or may contain a body of water over twenty-four (24) inches in depth, and which are used for recreational bathing or swimming purposes, excluding spas and hot tubs.

- A. In addition to meeting all PPOA Rules and Regulations for fences with regard to height restrictions and materials, all Swimming Pool fences constructed after approval of this Document shall comply with all Federal, State, and International Residential Code requirements for design and construction.
- B. No pool shall be filled with water until a fence meeting these requirements has been erected.

#### **17.7.5 EXISTING SWIMMING POOL BARRIERS/FENCES**

Any residence in Pecan Plantation currently having a pool fence that was constructed prior to approval of this document shall be considered as "accepted" provided that the residence remains under the same ownership. Upon the sale or other transfer of ownership, and prior to occupancy of the new owner, the pool barrier/fence shall be brought up to the standards referenced in Swimming Pool Fence/Wall Requirements in this Document.

#### **17.7.6 LOTS ADJOINING NUTCRACKER GOLF CLUB**

All lots that adjoin the Nutcracker Golf Course agreed to:

- A. For open patios, swimming pools, hot tubs or other low profile (4 foot maximum height) structures the following will apply:
  1. The rear building setback line is waived.
  2. The easement will remain in effect and no portion of the pool may be constructed within the set back line.
  3. Such amenities must comply with the Rules and Regulations in this document and the C&Rs concerning quality and nature of construction materials.
  4. Any amenities or improvements must not restrict the view of adjoining property owners to the golf course.

## **17.8 OUTDOOR EQUIPMENT LOCATION AND SCREENING**

### **17.8.1 OUTDOOR EQUIPMENT LOCATION**

A/C condensing units or heat pump exchange units (termed "cooling towers" in older C&Rs), emergency power generators, LPG storage tanks, swimming pool filtration/pump units, and all other types of mechanical or non-mechanical outdoor home or outbuilding supportive equipment must be located beside or behind the residence structure or outbuilding being served (never in front) and screened in the manner prescribed in General Screening Criteria in this document.

### **17.8.2 STORAGE TANK LOCATION**

In addition to meeting the above described location requirements, permitted storage tanks must be installed according to distance and any other particular requirements mandated by applicable State and Federal laws.

- A. Propane or other LPG tanks are permitted in all PPOA units for home use and may be of either the above-ground type or buried type.
- B. All above-ground LPG tanks must be mounted on a concrete pad and shall be installed at the Federal-mandated distance from any structure according to capacity and type of storage tank.
- C. Storage tanks for liquid fuel (gasoline, diesel, etc.) are generally prohibited except in those few PPOA units where they are allowed by the Covenants and Restrictions. All such tanks shall be installed and located as prescribed by C&Rs and pertinent State and Federal laws.

### **17.8.3 GENERAL SCREENING CRITERIA**

The Covenants & Restrictions for all PPOA units mandate that all above-ground equipment (of any type) must be screened to the satisfaction of the dedicator/developer and the Association (PPOA) prior to occupancy.

- A. The type of approved/required screening material and method of screening varies with the particular type of equipment and the age of the residence or outbuilding. All screening shall be constructed in an acceptably attractive manner and must aesthetically blend with the adjacent structure, landscaping, and general neighborhood surroundings.
- B. In the following sections, two terms will be used to describe required screening media:
  1. Legacy Screening Media – Any approved media which has always been acceptable as meeting general screening requirements when no particulars are otherwise stated.
  2. Mandated Screening Media – Any particular type of material that is solely mandated for a particular application by a BOD approved requirement after a specified date.
- C. Shrubbery meeting the following criteria:
  1. No time is allotted for growth; shrubbery must initially meet all height and density requirements.
  2. Shrubbery must be of the type that does not lose its leaves or screening density during winter months, and must not be an attractive food source for deer or other browsing wildlife.
  3. Shrubbery shall be planted in-ground (not potted) and be cared for and/or replaced as needed to maintain its required screening capacity.
- D. Screen shall generally be required to extend in length and height to match or exceed the equipment's length and height. For very tall pool filters or propane tanks a reasonably small portion may extend above the screen.

### **17.8.4 STORAGE TANK AND POOL EQUIPMENT SCREENING**

- A. Propane tanks or other tanks used for liquid or gas storage are to be buried or screened so they are not noticeable from any private way (which is defined as being the nearest street running in front of, on either side of, and behind the residence).
- B. Pool filtration tanks and pump equipment shall be screened under the same parameters as above ground storage tanks.
- C. Any "Legacy" screening material may be used for storage tank or pool equipment screening.
- D. When the previously described screening criteria requires a four-sided screen, a small opening or gate may be left in a side or rear wall of the screen (never in front) to allow for service entry.

### **17.8.5 AIR CONDITIONING AND HEAT PUMP SCREENING**

All new homes must have "Mandatory" screening of all outdoor A/C condensing units and Heat Pump exchange units (termed as "cooling towers" by the C&Rs) which consists only of masonry that matches that of the house. The combination of house wall(s) and screen wall(s) shall be of sufficient number and placement so the equipment is not visible from any point along the lot's property line(s) directly adjacent to any street or roadway.

### **17.8.6 OTHER MECHANICAL EQUIPMENT SCREENING**

All other mechanical or supportive equipment shall be screened to match the exterior of the house or other screening approved by the ACC.

### **17.8.7 EXISTING EQUIPMENT SCREENING**

Any residence in Pecan Plantation which was constructed prior to 2/3/05 that currently has unscreened or improperly screened A/C or Heat Pump equipment will be considered as "accepted" in compliance as long as the residence remains under the same ownership (this does not include storage tanks or pool equipment which must all be currently screened). However, upon future sale or other transfer of present ownership, bringing screens up to the current requirements will become mandatory within a period not to exceed 30 days after said transfer of ownership. Exceptions are as follows:

- A. Equipment associated with homes or outbuildings constructed prior to 2/3/05 may be screened using any approved "Legacy" material.
- B. Regardless of ownership or date of construction, all newly constructed home additions, hangers, or outbuildings shall have any related outdoor supportive equipment screened to current requirements.

## **17.9 DRIVEWAYS AND PARKING AREAS**

- A. All newly constructed driveways, access extensions, and additional parking areas on any private lot shall be fully paved using concrete, brick, asphalt or stone/resin mix.
- B. Any residence currently having an existing unpaved driveway, access extension, or expanded parking area will be "accepted" as long as that residence remains under current ownership. However, upon sale or other transfer of ownership, compulsory paving of those mentioned unpaved areas must be completed prior to closing

## **17.10 LANDSCAPING**

Landscaping does not require a Construction Permit or prior ACC approval; however, any questions regarding landscaping criteria or limitations should be addressed to the PPOA Compliance Officer prior to beginning any work on a project. General landscaping definitions and limitations include:

- A. Installation or modification of residential yard lawn including grading, filling and terracing.
- B. Installation of underground lawn sprinkler system. No sprinkler plumbing is permitted to extend into utility easements, roadside drainage ditch, or past any property line.
- C. Flower gardens and larger agricultural areas (where permitted by C&Rs).
- D. Decorative garden perimeters and driveway or walkway borders of wood, ornamental metal, stone, brick, concrete, or outdoor vinyl which do not exceed two (2) feet in height above the ground.
- E. Planting of trees or shrubbery. With the exception of typical lawn grass, no trees, shrubs, or other large plantings are permitted in a utility easement, drainage easement, or past any property line running parallel to a road.
- F. Roadside drainage ditches may be lined with rock, stone masonry, or concrete to improve appearance and drainage flow, but any such improvement must have prior approval of the PPOA General Manager or his authorized assignee.
- G. Retaining walls may be constructed for residential lot leveling or erosion/drainage control on any lot.
  1. Walls may be constructed of stone or brick masonry, concrete, or timbers.
  2. Downhill or backside of wall may be of any height necessary, but front side of wall may not extend higher than two (2) feet above the finished ground level of lot or yard being retained.

3. If retaining wall is desired to extend higher than two (2) feet above the finished level of yard being retained, it must meet C&R fence height and location requirements and will require an ACC approved Construction Permit prior to construction.
4. Retaining walls may be allowed to aid in channeling drainage water into, or along, a platted drainage easement, but are prohibited from being used to block a drainage easement or to divert runoff water away from a platted drainage easement and/or onto adjacent property.

## **17.11 SINGLE LOT ASSESSMENT**

Owner(s) of two (2) contiguous lots may request a single lot assessment for the two lots. All such requests require BOD approval and completion of applicable ACC forms. The ACC will recommend BOD approval if owner(s) meet the following:

- A. House has a minimum of 3,000 sq. ft. of air-conditioned and heated floor space.
- B. House is "reasonably centered" on the two lots.
- C. House is occupied.
- D. Owner(s) completes re-platting of the lots with the County.

The ACC will also consider single lot assessment requests based on unusual circumstances (problems related to septic systems, unbuildable adjacent lot, etc.) and will make recommendations to the BOD concerning disposition of each request.

## **17.12 ACC VIOLATIONS AND FINE SCHEDULE**

### **17.12.1 NOTIFICATION AND FINE ASSESSMENT**

- A. Determination of violations, issuance of warnings, and assessment of fines will be performed only by a PPOA Compliance Officer or other authorized Staff acting as an assignee of the General Manager.
- B. Fines for some violations may be issued without warning.
- C. Violation warnings or notifications may be given on-site, by telephone, standard mail, email, or fax.
- D. Fines may be assessed by on-site delivery, same day fax, or certified mail.
- E. When any major C&R or Rules & Regulations violation is noted, a Compliance Officer (or any assignee of the General Manager) may immediately order a full or partial halt to construction on the site until a satisfactory compliance program is developed and agreed upon by all parties concerned.

### **17.12.2 ACC FINE SCHEDULE**

All fines listed are MINIMUM amounts. Additional fines may be levied or penalties may be assessed by the Board of Directors.

- A. Fines of \$5,000 per occurrence:
  1. Encroachment of building setback lines (C&R Violation) – After notification, fine will be assessed if immediate removal of the encroaching portion of structure or fence is not started and continued to completion. A reasonable compliance period will be given according to the extent and nature of the encroachment.
- B. Fines of \$2,500 per occurrence:
  1. Construction of new residence not in accordance with the ACC approved plans – After notification, fine will be assessed if:
    - (a) All necessary corrections or additions (including screening and driveway requirements), are not in agreement with ACC approved plans, or
    - (b) All work not immediately halted on any deviation from approved plans until a "Construction Revision Application" is submitted to, and approved by, the ACC.
  2. Beginning a new residence construction without obtaining a PPOA Construction Permit or continuing work with an expired permit.
  3. Revisions to any Construction Permit without obtaining approval of the ACC.
- C. Fines of \$500 per occurrence:
  1. Beginning other construction (except new residence) without obtaining a PPOA Construction Permit or continuing work with an expired permit.
  2. Site preparation without obtaining a PPOA Construction Permit
  3. Alteration of drainage ditch easement without prior approval of the General Manager or his assignee.

- D. Fine Schedule of \$100 per Day (includes 1<sup>st</sup> day of violation thru day of full compliance):  
Daily fine schedules are based upon a 7 day week for all listed violations except those committed by outside commercial contractors who are not allowed entry on Sundays (6 day week).
1. No Construction Permit posted. Fine may begin immediately.
  2. No Trash Bin or Chemical Toilet on major construction site. Fine may begin immediately.
  3. Failure to install/maintain culvert or blocking roadside drainage ditch. Fine will begin 3 days after notice is given.
  4. Littered construction site. Fine begins 2 days after cleanup notice is given.
  5. Overflowing Trash Bin. Fine begins 2 days after notice is given to empty trash.
  6. Damage to other property. Contractor or member must immediately work out a reasonable and timely schedule for damage repair with the property owner. Fine will begin when:
    - (a) Person responsible for causing the damage fails to work out a schedule of repairs within 5 days after being notified of such (by the property owner or PPOA staff), or
    - (b) Repairs are not fully completed within the agreed time frame.
  7. Use of adjacent property without prior written permission from owner. Fine may begin immediately. Written owner permission must be submitted to PPOA Compliance Officer before using any adjacent property as site access.
  8. Storage of equipment, vehicles, materials, etc. on any vacant lot (C&R Violation). Fine will begin 5 days after notice to remove is given.
  9. Open storage of building materials on any lot with no active Construction Permit. Fine will begin 5 days after notice to remove is given.
  10. Residing anywhere other than approved living area of a permanent residence structure (C&R Violation). Fine will begin 5 days after notice to vacate is given.
- E. Fine Schedule of \$10 per Day (includes 1<sup>st</sup> day of violation thru day of full compliance):
1. Failure to submit complete sub-contractor list. Fine begins 20 days after approval of Construction Permit.