

**CHRISTMAS LAKE VILLAGE**  
**Architectural Control and Building Rules**

**Approved 07/13/2017**

**Revised 07/13/2017**

Architectural control within Christmas Lake Village is administered by the Christmas Lake Properties Association Inc. and the By-Laws and Covenants & Restrictions of Christmas Lake Properties Association Inc.

The Covenants & Restrictions, section 10, Subdivisions 2-12 titled “Architectural Control” read as follows:

An Architectural Review Board consisting of not less than seven (7) or more Persons shall be appointed by the Board of Directors.

(a) Purpose. The Architectural Review Board shall regulate the external design, appearance, use, location and maintenance of the Development and of improvements thereon in such manner as to preserve and enhance values and to maintain a harmonious relationship among structures, improvements and the natural vegetation and topography.

(b) Conditions. No building, fence, wall or other structure shall be erected, placed or altered on any Lot until the construction plans and specifications, and a plan showing the location of the same, have been approved by the Architectural Review Board. In the event the Architectural Review Board fails to approve or disapprove such designs and location within thirty (30) days after said plans and specifications have been submitted by the Owner, approval will not be required and this Section will be deemed to have been fully complied with.

The plans and specifications submitted to the Architectural Review Board must include:

(i) the nature, kind, shape and size of the structure; (ii) the materials to be used and the exact location and placement of the structure; (iii) renderings of the front, rear and side elevations of the structure; (iv) proposed grading, landscaping and fencing, if any; (v) the approximate cost of the improvements; (vi) commencement and completion dates; and (vii) such other information as shall be reasonably requested by the Architectural Review Board.

**All federal, state, and local permits must be obtained prior to construction.**

The Architectural Review Board may approve or disapprove a plan based solely on the subjective aesthetic considerations and the harmony of external design of the proposed structure and other planned improvements in the Development in the sole and absolute discretion of the Architectural Review Board and under no circumstances will the Architectural Review Board or any of its members be responsible to the Owner submitting the plans or to any other Owner of a Lot for any direct, indirect or consequential damages that any such Owner may allege may have been caused in whole or in part by a decision of the Architectural Review Board. All Owners of Lots acknowledge that the decisions of the Architectural Review Board will be based upon subjective standards of appearance and aesthetics and that the opinions of the members of the Architectural Review Board must of necessity be subjective. All Owners of Lots release the Association and the Architectural Review Board from any claim or liability based upon decisions made by the Architectural Review Board in enforcing or failing to enforce the provisions of these restrictions.

The Association, or its designee, reserves the right to make on-site inspection of any or all structures during the construction period. If the construction standards as to size and material are at variance with the approved plans and specifications in any respect, the Association may, at its option, halt construction of the structure until the same meets the approved plans and specifications.

The Architectural Review Board (the Board) may require a review of any plans by a licensed architect at the expense of the Association member. If problems occur, the plans will be brought before the entire Board of Directors, serving as an Executive Committee, for the final decision.

It is the responsibility of the Board to determine from complete and final plans that home construction meets the minimum requirements as to living space, and set back lines as outlined in the Covenants & Restrictions of the appropriate subdivisions. In arriving at a decision as to harmony of design and compatibility, using the submitted plans, the Board considers the following:

- A. Basic design of the proposed home and exterior finish and appearance.
- B. Harmony of both design and exterior finish material with existing homes in the area.
- C. Location of the proposed residence on the lot and other matters that are deemed appropriate, in order to promote the general architectural control of the Village.

### **I. Construction Planning**

Property owners should assure themselves that the builder they select is experienced, insured, and reliable. If there are any questions regarding the builder's reliability, it is suggested that the owner insist that a performance bond be posted by the builder.

A construction noise ordinance is in effect in Christmas Lake Village. No contractors will be permitted in the Village before 7:00 AM local time from September through May. Resident complaints of disruptive construction noise prior to 7:00 AM may result in a withholding of funds from the contractor's building deposit. Contractors may begin work at 6:00 AM local time in June, July, and August. This restriction excludes emergency situations, for example plumbing leaks, electrical outages, and heating and air conditioning failures in existing structures. The Association member must notify the gate attendant of the emergency situation. If a noisy activity is absolutely necessary before 7:00 AM during months other than June, July, or August, permission may be given provided the contractor makes the request 24 hours prior to the day of the construction. A specific request must be made for each day, and must be approved by the CLV manager.

Property owners contemplating construction in the Village should, in planning their home, take into consideration the following guidelines and to advise their architect, designer and/or contractor.

- A. No more than one course of 8" concrete block, 8" of poured foundation, or 8" of

- split face block may be exposed above the finish grade in an unfinished condition in any subdivision.
- B. Foundation exposure greater than above shall be veneered with brick, stone, or finished with the same material as the main structure. Alternate veneers may be approved on an individual basis.
  - C. Bi-level or split foyer homes in which the stairway is divided into two runs, thereby utilizing a portion of the area below finish grade as a living area (not a one story with basement) should be considered to be a two story home and meet the same living requirement, except that a minimum of 60% of the total required living area should be above all finish grades. All areas taken as living area at the time the plans are approved should be finished at the time and in accordance with approved plans
  - D. Floor areas in finished spaces with sloping ceilings, such as A frames, attics and lofts, should have the square footage of those living areas computed on the basis of only that area which has a minimum of four feet, six inches (4'6") of clearance (headroom) between the finished floor and finished ceiling or overhead structure.
  - E. Homes fronting the lake, golf course, park areas, or a street should have appropriate treatment for both exposures and neither should give the appearance of being a minor elevation. Rear and side elevations designed for rear and side lot lines, abutting other lots, are considered minor elevations.
  - F. Air conditioning equipment and utility meters will not be installed on the street, lake, or golf course elevation of a residence. If for any reason this is not feasible, a variance from the Board of Directors must be obtained.
  - G. All garages, storage buildings, etc. shall be constructed of material compatible to the residence in regard to appearance as well as construction. Refer to regulations on accessory buildings.
  - H. Any watercraft and dock combination may not protrude into the water a distance greater than twenty feet (20') from the shoreline at normal pool level (i.e. a "T" shaped deck projects 12' from pool level into the lake, and an 8' wide pontoon boat is tied to the end of the dock to make a total of 20 feet). Watercraft and dock combinations west of lot #22 in the first subdivision, and west of lot #41 in the 10th subdivision, will be restricted to a maximum of fifteen feet (15') from the shoreline at normal pool level. Maximum projection on Lakes Holly and Noel is 12 feet. For Christmas Lake pool elevation is 434.43 feet. For Lake Noel this elevation is 470 feet, and for Lake Holly this elevation is 485 feet. Completely covered docks are not permitted. However, canopy type tops will be considered by the Board, and if approved, will be permitted.
  - I. Porches and patios should be of a design compatible to the residence and all set-backs lines as stated in the property covenants shall be adhered to.
  - J. No residence shall incorporate any aluminum siding in its exterior elevations Vinyl siding will be permitted, provided that the specific siding to be used has

been certified by the Vinyl Siding Institute ([www.vinylsiding.org](http://www.vinylsiding.org)) to meet ASTM

standards and that it have a minimum thickness of .044". A sample of both siding and its color must be submitted with building plans.

- K. All residences must be connected to the Town's central sewer system. Exterior, house, and surface drainage are not to be connected to the city sewer system.
- L. Lot owners will be responsible for seeing that their building contractor is familiar with all the covenant restrictions and building regulations before construction begins. All damage to roads, utilities, and/or natural drainage will be repaired by the contractor and/or lot owner. In the event that the Property Owners Association must correct such situations, repair costs will be deducted from the deposit. In the event the deposit is depleted, the contractor and/or lot owner will be billed for any additional expenses incurred. The road at the construction site must be cleaned of mud, dirt, gravel, and stone at the end of each day. If the road is not cleaned, the Property Association will clean and hose off the dirt, charging the contractor and/or lot owner for both labor and water.
- M. Access will be made available to the Architectural Review Board and the Manager for the on-site exterior inspection for the release of the building deposit.
- N. The Properties Owners Association shall retain the right to refuse access to contractors who have seriously violated the rules and regulations during prior projects within the Village.
- O. All new, or replacement fences must be approved by the Architectural Review Board. Chain link fences are prohibited
  - Wood fence guidelines
    - Wood shall be cedar
    - Posts shall be buried 30" below grade in accordance with manufacturers specifications
    - Post spacing shall be no more than 8'
    - Fence finished height shall be no taller than 6'
    - Horizontal rails shall be a minimum of 2" x 4"
    - Fences over 4' in height require three horizontal rails
    - All fastening hardware shall be stainless steel screws or stainless steel ring shank nails
    - Gate hardware should also be corrosion resistant
    - It is homeowners responsibility to have underground utilities located in advance
    - Vertical planks/pickets shall have a minimum thickness of 5/8" actual
    - Wood fencing requires homeowner to follow manufactures recommendations on maintenance
- P. All swimming pools must conform to federal, state and local safety codes. All pools, ponds, and hot tubs exceeding 8 feet in diameter, or 64 square feet and 2 or more feet above or below grade, must be approved by the Architectural Review Board. Chain link fence is prohibited.

- Q. All driveways and parking pads must be of a hard surface (bituminous, concrete, or other all-weather, dust-proof surfacing) within 2 years of start of construction
- R. Prior to renovation or exterior changes all existing deficiencies must be brought into compliance. Any renovations or changes to exterior look of house will be required to comply to all rules and regulations as outlined.

## II. Prior To Construction

Prior to initiation of any construction or modification to existing structures, property owners will acquire town building permit if required and provide a copy of complete and final plans for submission to the Architectural Review Board for approval. The complete and final plans will include:

- A. Site Plan
  - Indicating subdivision name, lot number, and E-911 address.
  - Dimension of the lot lines.
  - Location of the building on the lot.
  - Indicating location of the driveway, patio and other like improvements.
  - Show sanitary sewer tap elevation.
  - Show all utility lines on drawing.
- B. Basement and/or foundation plan
- C. Floor plan(s).
- D. All exterior elevations. Indicate types of all exposed exterior finish materials.
- E. Typical wall section or similar detail(s) indicating the basic structural system.
- F. A drainage plan, **developed by an accredited engineering firm**, must be submitted including culverts, swales (including elevation), ditches, silt fence location, and parking areas. Any drainage toward the front (street side) of the lot will require a swale across the full width of the front of the lot, a minimum of three (3) feet from the road bed and a minimum of twelve (12) inches deep. This swale should be complimented with a culvert to allow entrance (driveways) to the property. **The Association will not be held liable for runoff damage.**
- G. A survey of the lot(s).

## III. On Site Construction Rules and Regulations

- A. No construction of any kind, including excavation, may be started without a

Building Permit, and no Building Permit may be issued without a survey by a licensed Surveyor being provided prior to issue. Said lot lines shall be staked at the corners of the lot. The Building Permit will be signed by the Manager, or in his absence, by the President of the Board of Directors.

- B. All construction shall be subject to the State of Indiana building codes, with local building codes having jurisdiction.
- C. Trees, stumps, and brush accumulated as a result of clearing a lot for construction will be removed from the property. No debris of any kind is to be pushed or piled onto street right-of-ways, or adjoining lots. *Burning will not be permitted.*
- D. Material of any kind shall not be stored on the roadways at any time.
- E. Material may not be stored on any adjoining lot, or vacant lot in the Village, unless owned by the person storing same for immediate use in construction. Persons wishing to store materials on property owned by another must get written permission to do so, and furnish the Association with a copy of such permission.
- F. Adjoining lots will not be used for the delivery of material or the removal of debris unless the owner of such lot and the Properties Association have given written approval for such use. A copy of such approval from the lot owner will be furnished to the Association.
- G. Culverts are required to gain entrance to the property and said culverts are on common property. They are to be of sufficient size to handle all head water, but in no case smaller than twelve (12) inches in diameter. **The size of the culvert will be determined by the engineered drainage design.** Culverts are to be constructed of pre-cast concrete, galvanized steel pipe, aluminum pipe, or N-12 plastic pipe and must be of sufficient strength to handle normal traffic loads.
- H. **Any private drainage culvert that is to be attached to an existing Association culvert and running across private property must be approved by the Architectural Review Board prior to installation. The private culvert will be required to be at least the size of the Association culvert and must be attached to the existing culvert by a concrete or plastic drop box, with a grated top.**
- I. Property owners are requested to contact the Town of Santa Claus for water and sewer service. Builders must obtain an Improvement Location Permit from the Town of Santa Claus prior to starting construction, including digging for basements and footers.
- J. Netting and/or bales of straw will be strategically placed to prevent the erosion of soil onto adjacent property, road beds, common property, or into a lake.

- K. The construction site must be maintained in a clean, neat, and orderly condition at all times. If it is deemed necessary, the Association may require the contractor to maintain a dumpster on-site in order to dispose of trash in a timely manner.
- L. All road cuts must be backfilled with flowable fill only, up to two inches below the existing road surface. The Association or the contractor will arrange for 2" of asphalt to complete the fill. When the Association makes these arrangements, the cost of the asphalt will be deducted from the contractor's deposit.
- M. Parking of construction equipment on any Christmas Lake Village common property may be subject to a \$25 a night fee per piece of equipment.
- N. Contractors needing to dump excess dirt or any type of environmentally safe waste material must first obtain CLV permission. A visual inspection of all loads must be accomplished prior to dumping. A dumping fee of \$50 per load may be assessed at the discretion of the Property Manager. **Unauthorized dumping will result in a \$1000 fine and result in contractor expulsion from Christmas Lake Village.**

#### **IV. Finish Grading**

- A. All dwellings where foundations are at or above the frontage street level will require a swale across the full width of the front (street side) of the lot a minimum of three (3) feet in from the road bed and a minimum of twelve (12) inches deep. This swale should be complimented with a culvert to allow entrance (driveways) to the property.
- B. Foundation Drainage: Lots shall be graded so as to drain surface water away from foundation walls. The grade away from the foundation walls shall fall a minimum of 6 inches within the first ten feet. EXCEPTION: Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be provided to ensure drainage away from the structure.
- C. Sod may be required in order to maintain proper drainage in swales and ditches.

#### **V. Accessory Buildings**

Any/all accessory buildings, (a subordinate structure, the use of which is incidental to the dominant use of the principle building or land), must be submitted for approval by the Architectural Review Board.

**Size-** The maximum square footage is to be 168 square feet, with a maximum length in



any direction of 16 feet. Maximum height is 10’ at the peak and requires a minimum roof pitch of 4/12. Square footage is to be inclusive of any porch, patio, or lean-to attached to the accessory building. It is limited to one building per household. A building permit is required for buildings larger than 10’ x12’ (120 square feet).

**Exterior Material-** Roofing and siding (or paint) of accessory building must be in harmony with roofing and siding of residence.

**Location-** Placement on the lot within building guidelines: “No closer than 10 feet of rear lot line, and no closer than 5 feet of side lot line.” Placement is further restricted to a 55 foot setback from the property line on all street frontage. The Architectural Review Board reserves the right to approve the location of the building.

**Design-** See “Construction Planning”, paragraph G, page 2. No metal buildings accepted. No molded or RTA (ready to assemble) vinyl or rubber accessory buildings will be allowed. Tool or toy bins will be allowed provided they are located in the rear of the residence and are shielded by landscaping, fencing/lattice compatible with the residence.

**Landscaping-** Shrubs and/or trees as necessary to reduce visibility of accessory building. Landscaping plan is to accompany building plans. Such landscaping is to be completed within six months.

**Maintenance-** Buildings must be maintained and not be permitted to deteriorate.

**Dog Pens/Runs**

- a. Must comply to Accessory Building location requirements
- b. Pens are not to exceed 120 square feet and side walls are not to exceed 6’ in height.
- c. Runs are to be attached to the pen, if applicable, and not to exceed 16’ in length inclusive of pen. Walls should not exceed 6’ in height.

**VI. Deposits, Fees, & Disclaimer**

A two thousand, five hundred dollar (\$2500.00) building deposit will be required on a new residence. Twenty five per cent (25%) of the building deposit will be retained by the Property Owners Association for improvements in the Village. If in nine months, the exterior of the house is completed, the site finish graded and seeded, and no other claims have been made against the deposit, ½ of the remaining deposit will be returned to the contractor/owner, the remainder upon completion of driveway:

Dwelling Size (sq. ft.)	Amount Retained	Amount Returned
Up to & including 2000	\$830.00	\$1670.00
2001 through 3000	\$930.00	\$1570.00

3001 and over	\$1130.00	\$1370.00
---------------	-----------	-----------

Basements with any sort of doorway exit will be calculated into the total square footage of the residence. The deposit amount, and the amount retained are subject to annual review by the Board of Directors.

Additions of any usable square footage to existing structures (for example, room additions, garages, storage buildings, etc., .) will be evaluated by the Architectural Review Board, and a deposit of One dollar (\$1.00) per square foot, not to exceed Twenty Five Hundred dollars (\$2500.00) will be required. If architectural approval is required, an additional fee of Fifty dollars (\$50.00) currently will be required. Of the deposit, Seventy Five per cent (75%) will be refunded upon satisfactory completion of the project.

Any delay in completion extending beyond the nine (9) month allocation will result in the following penalties being assessed against the building deposit:

10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> month- \$300.00/month

If construction is not completed within twelve (12) months, this penalty will be increased to \$600.00/month and the contractor/owner will be required to post a \$30,000.00 bond guaranteeing that construction will be completed within another six (6) months. If construction is not completed within eighteen (18) months of the starting date, the proceeds of the bond will be used to clear the property and return it to its pre-construction condition, and recover any costs related to that action. The starting date for any dwelling construction is the date that the Building Permit is signed and given to the contractor/owner.

**Building without a CLV permit will result in an immediate \$200.00 penalty and cease order. The penalty will accumulate at the rate of \$200.00 per day if the construction continues after receipt of a written notification by the CLV manager or Board President of the lack of proper CLV building permit being filed.**

**The CLV review does not indicate a thorough review of all dimensions, utility placement, plot survey details, material proposed, or the accuracy of the information submitted; nor shall review by CLV be construed as relieving the (Contractor, Owner) from any responsibility for errors or deviation from the requirements of CLV building restrictions.**

I have read and understand the above deposit and penalty regulations and the disclaimer.

Signed \_\_\_\_\_

Starting Date\_\_\_\_\_

Building Site\_\_\_\_\_

Property Manager\_\_\_\_\_Date\_\_\_\_\_

