

CHAPTER THIRTEEN – Section 13.03

CONSTRUCTION AND PROPERTY MAINTENANCE REQUIREMENTS

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I. GENERAL

- A. Purpose: The purpose of this policy is to protect the environment of the community, to protect the lake from siltation, to integrate the development of a drainage system and other improvements in the infrastructure with lot development, and to enhance the community's ability to comply with environmental law regulations. [Ref: PM 13.02 I.C.]
- B. Authority: The LMOA and its agents have the authority to enter any lot where no house has been constructed and upon which no landscaping plan has been implemented in order to correct hazardous conditions that have not been corrected in a timely manner by the property owner. Such entry may be made for: mowing, removing, clearing, cutting or pruning underbrush, weeds or other unsightly growth and/or diseased or fallen trees which in the opinion of the ECC, detracts from the safety, health, esthetics and/or property values of the community.
 - 1. Such entry for purposes outlined above, shall not be deemed a trespass. The Association may also enter upon such lot to remove any trash which has collected on such lot without such entry and removal being deemed a trespass.
 - 2. These provisions shall not be construed as an obligation on the part of LMOA to mow, clear, cut or prune trees or bushes on any lot nor to provide garbage or trash removal services. The cost of carrying out the provisions of this section shall be assessed against the property owner. However no action under this paragraph will be taken without prior written notification to the property owner and written approval of the General Manager.
- C. Certificate of Occupancy: No residence shall be occupied prior to a Certificate of Occupancy being issued by the Fluvanna County Building Inspector.
- D. Building Setbacks and Easements: Separate building setback lines are established by the Fluvanna County Zoning Ordinance and the LMOA Statements of Subdivision for each section. The more restrictive shall apply. Location of structures within setback lines shall be subject to the approval of both the ECC and the Fluvanna County.

1. Neither LMOA nor Fluvanna County may grant variances to the setbacks established in the recorded Statement(s) of Subdivision at Lake Monticello.
2. Rights-of-way and easement areas reserved or dedicated to the LMOA or to public utility purposes shall be maintained by each lot owner. No structure, plantings or other material shall be placed in these rights-of-way or easement areas which might damage or interfere with the permitted uses.
3. Retaining walls attached to any structure shall not intrude into a setback area. The ECC may consider an application for intrusion of a free-standing retaining wall into the setback when the lay of the land does not allow construction of a home without such a structure. The necessity for a retaining wall must be demonstrated on elevation drawings provided by the surveyor and included with the new home construction application. The elevation drawing shall indicate any utility lines within the proposed retaining wall location. *[Ref:] Also See Section VI. C.]*
4. Corner Lots: The front of a corner lot shall be deemed to be the shorter of the two sides fronting on a street, and shall be used to determine the property address. The rear of the lot shall be the side opposite the front of the lot so determined. No line of sight obstructions shall be permitted on corner lots.

E. Connection to Public Utilities

1. All residences at Lake Monticello shall be connected to and use the central water and sewer service.
2. With the exception of those permanent installations of overhead utility lines existing as of September 23, 1993, all utility lines within the Lake Monticello community shall be installed underground.

II. PRE- LOT DEVELOPMENT REQUIREMENTS

This section specifies a set of requirements for site design, environmental controls and soil stabilization. The objectives are:

1. Appropriate siting of buildings and other lot improvements as well as the implementation of appropriate soil stabilization;
2. Open space and buffer areas consistent with good site design practices;
3. Drainage and erosion controls which protect the lakes and streams from pollution and siltation, protect the integrity of the infrastructure and adjacent properties, and prevent water runoff problems at lower storm water runoff elevations.

A. Lot Development Plan (LDP): Design standards for numbered lots are organized, administered and implemented through the Lot Development Plan process. Applicant submittal and ECC approval of a Lot Development Plan shall be required prior to initiation of any construction activity at Lake Monticello, and prior to any disturbance of land on any lot. The location of buildings, driveways and other proposed improvements shall be sensitive to major trees and vegetation. Natural drainage patterns on lots shall be given careful consideration by ECC when reviewing proposed dwelling sites and other improvements for approval.

1. A Lot Development Plan is a comprehensive document which graphically describes the attributes of a property prior to the start of construction or land disturbance activities, as well as all changes which will be undertaken during a proposed construction, renovation or landscaping project.

2. The minimum requirements for a Lot Development Plan are as follows:
 - a. It shall be prepared by a land surveyor, engineer, architect, or landscape architect, registered and authorized to practice in the Commonwealth of Virginia. The checklist, design details and related calculations submitted with any LDP shall bear the seal and signature of the respective design professional(s).
 - b. It shall accurately depict grading, storm water and erosion control measures, and the location of all proposed structures and other improvements. Proposed grading shall be shown employing two foot contour intervals, including spot elevations to ensure adequate design and construction layout of all site improvements.
 - c. It shall be drawn to a scale of not greater than thirty feet to the inch employing the English system of measurement, and shall contain the following information:
 - i. Names, current addresses and telephone numbers of owner (applicant), surveyor and building contractor, and, if applicable, engineer, architect, or landscaping architect.
 - ii. Date of plan preparation.
 - iii. Lot number, section number and street address.
 - iv. The platted boundaries of the lot, including building(s) setback(s) and all utility and drainage easements and rights-of-way, consistent with the Zoning Ordinances of Fluvanna County and the LMOA Statements of Subdivision, and indicating bearings, distances and a North arrow.
 - v. The area of the lot and area of impervious coverage calculated in square feet.
 - vi. The location of the edge of pavement along the frontage and side streets, if applicable.
 - vii. For slope grades greater than fifteen percent, or where existing runoff channels are to be diverted, design calculations and construction specifications for storm water detention and infiltration structures.
 - viii. Driveway crowning and grading details, and culvert location and specifications including flared ends and riprap as required.
 - ix. Location of retaining walls, shore walls, and shoreline improvements.
 - x. Identification of all trees greater than four inches in diameter at one foot above ground level that are proposed for removal.
 - xi. Exterior elevations for all structures, existing and finish grade lines, and all decks, porches, steps, etc. connected to the structure.
 - xii. The existing flow of surface water run-off, the proposed paths for surface water run-off, erosion control methods to be used during the construction phase, and the final erosion and drainage control plan.
 - (a.) Special attention shall be given to road culverts, existing water run-off channels and streams. Any channel that is part of the normal flow pattern shall be highlighted and detailed.
 - (1.) Lot grading shall be established to avoid diversion and/or redirection of existing, natural drainage patterns in such a way that they will adversely impact adjoining lots and community streets. Grading shall provide positive drainage away from the structure at a minimum grade

of two percent across grassed or mulched surfaces and a minimum grade of one percent across impervious surfaces.

(b.) No drainage way shall be obstructed, removed, relocated and/or otherwise altered without documentation that an adequate alternative storm drainage solution can be achieved. Documentation shall include hydrologic analysis of the drainage way as well as hydraulic designs and construction specifications for the recommended improvements. The Rational formula shall be employed in design calculations.

(c.) The ECC may require installation of devices, systems or landscape features which will detain runoff from impervious surfaces, and/or prevent siltation transfer onto adjacent properties. These requirements may include, but shall not be limited to, dry creek beds, silt traps; French drains, holding basins, infiltration trenches and bio-retention areas.

xiii. Grading designs which minimize the velocity of runoff, and maximize the filtration of rainfall and runoff prior to storm drainage entering into the natural drainage system.

xiv. Spot elevations, clearly defining proposed contours, where slopes are greater than 15%. The plan shall provide spot grades to the nearest 0.5' at building corners, first floor elevations, terraces, stoops, walkways, storm water management and drainage structures. Finish grades of swales and overland drainage systems may be subject to verification.

xv. Verification of the stability of slopes in excess of thirty percent, where excavation is proposed. Such verification shall be made by a foundation or geotechnical consultant.

B. Limitations: No clearing, tree cutting, excavation, grading, fence, wall, building or other structure or improvement and/or external alteration shall be undertaken without prior written approval of the ECC. The lot may not be disturbed in any manner, except for limited cutting of underbrush to permit staking, until the plans have been approved by the ECC. All trees intended for removal outside of the footprint of the proposed structures and driveway shall be flagged for ECC approval consideration.

C. Erosion control measures shall be in place prior to any land surface being disturbed. ECC approved silt fences, sediment traps, straw bale barriers, diversion dikes, embankment stabilization, construction entrances, tree protection barriers, and other protective measures prescribed by the Virginia Erosion and Sediment Control Handbook shall be employed to contain erosion and sediment on-site during the construction period.

III. RULES APPLICABLE TO ALL CONSTRUCTION PROJECTS

A. Construction Hours: Contract construction hours at Lake Monticello are between 7:00 AM and 7:00 PM. Construction activity during other hours is prohibited. All contract construction work on Sunday, Christmas Day, New Years Day, Labor Day, Thanksgiving Day and the Fourth of July is prohibited. Exceptions may be made for emergency work.

B. Construction Site Sign: A sign board, not to exceed 576 square inches in area, shall be installed for display of the Fluvanna County Building Permit and the Environmental Control Committee's Certificate of Approval. The sign board shall display the lot and section number in block lettering large enough to be legible from the street. The sign board shall be installed prior to the beginning of construction and shall remain in place until the ECC final inspection has been conducted and a Certificate of Occupancy has been issued

by Fluvanna County. The sign shall be removed promptly upon completion of the work and the inspections.

C. Parking of Construction Vehicles

1. No trucks, trailers, or other non-automotive type of vehicles of any kind shall be parked upon the streets of the community or upon any unimproved lot except temporarily for the purpose of loading or unloading. The placement of the vehicle(s) shall not impede traffic or otherwise create a hazard.
2. Construction vehicles and equipment shall be permitted to be parked overnight on the lot where construction is in progress.

D. Temporary Sanitary Facility

1. LMOA sanitary facilities are not available for use by contractors or their employees.
2. An enclosed portable toilet shall be placed on each construction site as soon as it can be properly placed and shall remain until operational toilet facilities are available in the house under construction. The portable toilet shall be placed not less than twenty-five feet from the edge of the roadway with the door facing away from the street.

E. Unkempt and Unsightly Areas

1. Each construction site shall be maintained in such condition that it can not be deemed to be unclean, unsightly, unkempt, create a nuisance, a fire hazard, or decrease the value of surrounding properties of the neighborhood as a whole or in part. A waste container or an enclosed area shall be used to contain construction wastes and remnants during the construction period.
2. Neither burning nor burying of wood, construction materials or garbage shall be permitted at any time within the Lake Monticello community.

F. Containment of Disturbed Earth

1. Gravel shall be placed upon the cut driveway or that portion of the lot used by delivery or other vehicles entering and leaving the property prior to the construction of any foundation.
2. Dirt, mud or other debris tracked onto the roadways or other common areas of the Association or onto other private property, whether from the construction site or from road shoulders in the vicinity of the construction site, shall be removed on a daily basis.
3. Erosion control methods shall be used for excavated materials which are stockpiled anywhere within Lake Monticello.

G. Completion of Construction - Time Requirement

1. The exterior of all houses and/or structures, including site clean-up, must be completed within six months of receipt of a dated ECC Certificate of Approval. Where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergencies, natural calamities, or other matters beyond their control, the property owner may request an extension of time from the ECC. The request must be in writing and must be received by the ECC at least ten calendar days prior to the end of the initial six month construction period.
2. If a project is not completed within the aforementioned six month period, and no request for extension has been filed, the unfinished house, building, or structure, or any uncompleted portion thereof may be deemed a nuisance. The LMOA at its sole

discretion may complete the structure or project at the expense of the owner, provided that nothing herein shall be deemed to limit or waive the right of LMOA to seek legal or equitable redress in a court of law or equity.

3. If construction has not begun prior to expiration of the allotted six month period, and no request for extension has been filed, the ECC Certificate of Approval shall become null and void.

H. Management and Control of Storm Water, Erosion and Sediment

1. All minimum erosion and sediment control standards as required by the Virginia Erosion and Sediment Control Handbook shall be met regardless of the amount of soil disturbance, the Lot Development Plan or the provisions of this policy.
 - a. All storm water management and erosion control measures required by this policy shall remain in place and be maintained by the property owner, unless revised plans have been approved by the ECC.
 - b. All temporary measures such as silt fences and straw barriers, shall remain in place and be maintained by the property owner until stabilization has been accomplished.
 - c. No owner of any property shall interfere with the natural drainage of another property owner's lot.
 - d. Steep slopes and highly eroded areas denuded by the construction process shall be immediately planted with durable ground covers which can be established quickly. Slope protective measures, such as grass matting, mulching, and/or erosion cloth with rip-rap, shall be employed where it is infeasible to otherwise establish vegetative ground cover.
2. All Lot Development Plan features and specifications shall be adhered to as approved, unless waived or altered by written agreement of The ECC.
3. Existing trees and vegetation shall be preserved and maintained during the construction process, unless approved for removal. Tree protection measures shall be employed where warranted (see Virginia Erosion and Sediment Control Handbook).
4. To accommodate post construction drainage, lot "ridges", berms, level spreaders and/or diversion dikes shall be employed, singly or in combination where appropriate, to divert overland drainage into and through natural swales and drainage ways.
5. Grading activities along lot frontages shall not interfere with roadside drainage.
6. Lot grading shall minimize total excavation (cut and fill) requirements across the lot. Excavation activities at the edges of lots shall not create any unnatural transitions with adjoining lots.
7. Existing natural channels and swales shall be stabilized if disturbed during the construction process.
8. Sediment which accumulates on site or which settles out into natural outfall areas during the construction process shall be mixed with topsoil, evenly distributed, and seeded or mulched prior to issuance of Notice of Completion.
9. Manmade and configured swales shall be stabilized, lined and planted in accordance with the standards and criteria of the Virginia Erosion and Sediment Control Handbook.

I. Site Considerations

1. Tree Removal: Removal of trees for construction purposes shall not be limited to those within the boundaries of the building/structure, walkways, driveways, parking areas, etc. Trees outside of these boundaries may be removed if their drip lines fall within these boundaries.
 - a. Live trees measuring four inches or more in diameter at one foot above ground level shall be removed from any lot or any community property without the written permission of the ECC. Trees to be removed must be flagged for the on-site inspection.
 - b. Dead trees, trees which are blighted, pose a safety problem, or are otherwise damaged to the point where their life expectancy is severely limited shall be removed.
2. Entrances, Driveways, and On-site Parking
 - a. Private entrances to lots shall be located to maximize sight distances and to minimize potential traffic safety problems. Entrances shall have adequate turning radii to ensure that vehicles can safely access the community street.
 - b. Where possible driveway slopes shall not exceed eight percent and driveway entrance landings shall be smoothly contoured into the intersecting community street at a transitional grade of four percent or less.
 - c. Private entrances, driveways, and parking areas shall be constructed of gravel, crushed stone, or other dustless surfaces. Concrete and other impervious surfaces shall be permitted only where ample runoff control is provided.
 - d. Ingress to and egress from all residential lots shall be over the private streets shown on the subdivision plats only. No driveway or other means of access shall be constructed from any lot to any public road.
 - e. Prior approval of paving driveways, parking areas, turnarounds, and walkways shall be obtained from the ECC.
 - f. Each residence shall have, within the confines of the lot, improved parking area for four vehicles.
3. Heating Fuel Tanks
 - a. Heating fuel tanks shall meet all Federal, State and County use, installation, storage and safety codes.
 - b. Liquefied petroleum gas (such as propane) tanks may be installed above ground on the side or rear yard and shall be screened from view from any lot, street, lake or the golf course. Tanks of more than 100 pound capacity shall be buried.
 - c. All other types of fuel storage tanks (gasoline, kerosene, diesel, etc.), whether intended for heating or not, are prohibited.
 - d. Heating fuel tanks shall be screened from public view. Materials complying with this requirement include, but are not limited to pressure treated wood designed for this use, and plastic lattice, painted or stained the same color as the foundation of the house.

IV. REQUIREMENTS FOR STRUCTURES AT LAKE MONTICELLO

A. General

1. The application for any improvement planned for any property shall be accompanied by specifications as to size, shape, materials, and colors. The ECC will not approve a dock, deck, and garage, storage building, etc. that appears only on the application form and not on the construction plans or site plan. All Lot Development Plan requirements shall be met for all structures erected within the Lake Monticello community.
2. Any structure not meeting one of the definitions put forth in this section [*Ref: PM 13.03 IV*] shall not be permitted.

B. Destruction by Calamity

Any structure destroyed in whole or in part by fire, windstorm or for any other cause shall be rebuilt and all debris removed and the lot restored with reasonable promptness. In no event shall such debris remain longer than six months. If not removed within six months by the property owner, it may be removed by the Association at the property owner's expense. Extensions may be granted by the ECC when extenuating circumstances exist.

C. Primary Structures

A primary structure shall be defined as a detached single-family residential dwelling unit situated on a numbered and platted Lake Monticello lot.

1. Dwellings shall be in harmony with the general surroundings within the community at large. In particular, dwellings shall be of a color, roof treatment, architectural character, type and mix of materials, and building orientation which is compatible with the lot on which it is to be located and adjacent structures. Building should be sited in such a way as to minimize visual impacts from adjoining lots.
2. The placement of residential dwellings on a lot shall respect and conserve existing mature trees, geophysical forms, and natural drainage patterns.
3. When conducting a review of the proposed structure, the ECC relies heavily on the site plan, the exterior elevations, and the floor plans to the extent that they show the number of finished square feet devoted to living area.
 - a. Drawings of the exterior elevations shall show the front, rear and each side of all structures; existing and finish grade lines; roof pitch; and all decks, each drawn to scale.
 - b. Floor plans for the foundation and/or basement and each floor of living space shall show: complete and accurate dimensions; the intended uses for each area of living space; the total finished living space; and all decks, porches, steps, chimneys, heat pumps, etc. The floor plans shall be consistent with the elevation drawings.
4. Alterations made to "stock plans" must be to scale, neatly inked in, initialed and dated by the property owner and consistent throughout. All unused "options" or deleted walls, windows, doors, etc., shall be neatly crossed out or otherwise removed from the stock plans.
5. Any changes to building exteriors after ECC approval has been obtained shall be resubmitted for approval.

D. Accessory Structures

An accessory structure shall be defined as a permanent outbuilding, located on the same lot as a primary structure, for which the use is customarily incidental to the primary use of the

property. The ECC will consider requests from property owners of improved lots for construction of storage buildings, play houses, free-standing carports or garages, etc. which meet this definition of an accessory structure.

1. The exterior materials of accessory structures shall be of the same colors, roofing materials and siding materials used on the exterior of the primary structure.
2. Accessory structures must be located within the building setback lines established by the recorded covenants and restrictions and the Fluvanna County Zoning Ordinance. Only docks, shore walls, water pumps and fences may be located outside of the building setback lines established by the recorded covenants and restrictions. However, no such item shall violate any provision of the Fluvanna County Zoning Ordinance nor shall such item be placed in a right-of-way or easement where it could interfere with the permitted uses for that right-of-way or easement.
3. Each property shall be limited to one storage building.

E. Temporary Structures

A Temporary Structure shall be defined as any structure erected or placed on a lot for the storage of equipment and/or materials during construction of an ECC-approved project.

1. No temporary structure shall, at any time, be used as a residence or be permitted to remain on the lot after completion of construction.
2. The size, shape, color, exterior materials, location and other elements of design visible from the streets, common properties or other lots of the community must be approved in advance by the ECC.
3. Temporary structures not meeting the strict definition and requirements of this policy section shall not be permitted.

F. Common Use Structures

Common Use Structures shall be defined as non-residential structures situated or erected on LMOA common property for use by the Association in administering its affairs, or for the enjoyment of its members.

1. The requirements for common use properties shall be the same as those for Primary Structures [Ref: IV.-C, above].

G. Marina Point Condominiums

Marina Point Condominiums shall be defined as attached single-family dwelling units erected on Marina Point property, in conformance with the recorded covenants and restrictions for that property.

1. All Marina Point Condominium structures shall be of the same color and basic architectural design, which shall also be in harmony with the rest of the community.
2. Except for the provisions of this section [Ref: PM13.03 4G], all requirements for Primary Structures shall be met.

V. EXTERIOR APPEARANCE OF STRUCTURES

A. Colors

1. The exterior colors of all structures shall conform to the acceptable Color Range Charts available in the ECC office.

2. Color samples of at least 6" x 6" for all exterior surfaces shall be included with the Application.

B. Flashing and Chimneys

1. Metal flues which do not exit through the roof shall be enclosed with materials matching the house exterior.
2. Exposed metal flues which penetrate the roof must be boxed-in or painted either flat black or a color that matches the color of the roof material. The metal cap on the top of the chimney need not be painted.
3. Except for true copper sheet goods, bright metal (unpainted) flashing is not permitted.

C. Foundations

1. Foundation walls shall not be exposed for more than 2' at the corner of the house that has the highest ground elevation, unless the foundation wall is part of a design feature such as in a split-foyer house.
2. All exposed concrete/cinder block, poured concrete walls, chimneys, etc. shall be covered with a material of earth tone color. This decorative facing material shall completely hide block and mortar joints. Decorative block and poured foundations with a brick pattern need not have the mortar lines covered if the blocks and joints are done in a neat and consistent manner. Voids in poured foundations shall be filled.
3. Open spaces under houses, decks, porches, etc. shall be screened from view, unless those spaces are finished for use as patios. Houses on open engineered foundations shall likewise be screened from view. Acceptable screening materials shall include, but not be limited to, plastic or pressure treated wood lattice painted or stained the same color as the house or its foundation.

D. Roofing Materials

1. Acceptable roofing materials include asphalt or fiber-glass shingles, shakes, or slate.
2. Low- or non-reflecting metal roofing material may be approved, provided that such material is manufactured with a permanent weatherproof coating warranted for a life of twenty years or more.
3. Copper flashing or sheet copper, or material which simulates aged copper, may be approved for special applications, such as over bay or bow windows where the expanse of metal is minimal.
4. Rolled roofing, shiny metal roofing, galvanized steel or corrugated fiberglass shall not be approved as a roofing material.

- E. Siding Materials: Acceptable siding materials include stone, brick, log, or manufactured siding which gives the genuine appearance of wood and which compliments the style and special design features of the building. ECC may, at its option, require an actual sample of the siding material in order to determine its acceptability.

F. Solar Panels

1. Solar panels or arrays exceeding a total of 384 square inches are permitted on the roof tops only, provided that no portion of installation protrudes more than six inches above the roof surface. Elevated solar panels or ground mounted installations shall not be permitted.

2. When roof mounted solar panels require piping the piping shall be enclosed or painted so that it is in harmony with the color of the structure to which they are attached.

VI. SPECIAL CONSTRUCTION/IMPROVEMENTS

A. Boat Docks, Piers and Ramps – Main Lake and Tufton Lake

1. Boat landings, docks, piers and mooring posts shall be constructed in accordance with plans and specifications approved in writing by the ECC. Docks, piers or mooring posts shall not be constructed to extend beyond a distance of eight feet from the shoreline at full pool, or closer than ten feet from either side lot line. Exceptions for shallow water conditions or limited water frontage may be granted by the ECC.
 - a. Finger docks shall be built perpendicular to the shoreline and shall be no more than 4' wide.
 - b. The excavation for, and construction of, boat slips may be considered by the ECC. The main criteria for approval or disapproval will be the materials used, the width and length of the slip, appearance from the lake, safety, the effect on traffic upon the lake and the effect on adjoining properties. Boat slips shall not extend into the fifteen foot easement for placement of utility lines.
2. Boat houses or covered boat docks shall not be permitted.
3. Boat lifts shall subject to the same approval criteria as docks, piers and mooring posts. The lifts must be installed according to the manufacturers' instructions, a copy of which must be submitted with the application for installation of the boat lift.
4. The construction of boat ramps on residential lots or at Marina Point Condominiums shall not be permitted.

B. Shore Walls – Main Lake and Tufton Lake

1. Shore walls shall be constructed only in accordance with the plans and specifications approved in writing by the ECC. Examples of acceptable methods for shore wall construction are available in the ECC office. Shore walls shall not be constructed beyond the waterfront property line; however, if the existing shoreline at full pool (a nominal 315 feet above sea level) is beyond the property line, the shore wall may be constructed at the existing shoreline in the interest of preventing further erosion of soil into the lake. If the existing shoreline at full pool is inside the water-front property line, the shore wall shall be constructed at the existing shoreline.
2. No lot or parcel shall be increased in size by filling the waters on which it abuts.
3. Railroad ties or any other form of creosote lumber may not be used for construction.

C. Retaining Walls [Ref: also see I-D. 3.]

1. Retaining walls shall be constructed of pressure treated wood, concrete block, decorative block or poured concrete finished to match the foundation of the primary building.
2. Where a retaining wall exceeds three feet at its greatest height, it must be “stepped down” in accordance with the lay of the land to minimize impact on neighboring properties.
3. The use of any creosote treated timber, including railroad ties, is not permitted.
4. Retaining walls 36 inches or more in height may require landscaping.

- D. Swimming Pools
1. No swimming pools shall be constructed without prior ECC approval.
 2. Above ground swimming pools are not permitted, with the exception of kiddie wading pools eighteen inches or less in height.
 3. Fencing around the swimming pool shall be in accordance with the Fluvanna County ordinances and [Ref:] Section VII. B of this policy (Enclosure Fencing).
 4. Pool equipment shall be screened from view.
- E. Sidewalks and Paths may be constructed of gravel, brick, concrete and/or other suitable materials. Where impervious materials are utilized, measures shall be taken to provide adequate runoff control.
- F. Mailboxes/Newspaper Tubes: Mailboxes with space for newspapers are provided and installed by LMOA. Maintenance of the box is the responsibility of the property owner. All mailboxes must remain black, and no other colors or decorations are allowed. All replacement mailboxes shall be purchased through the LMOA. Newspaper tubes are prohibited.
- G. Garbage Containers: Containers for trash and recycling shall be stored in appropriately screened or inconspicuous locations. It is the responsibility of each resident to return the container to its storage area by the end of the assigned collection day.
- H. Outdoor Lighting
1. No watch lights installed on poles shall be permitted on private property. Yard lights or post lamps may be installed providing they do not exceed six feet in height and are properly shaded so they do not shine on the roadway creating a driving hazard, and do not create a nuisance.
 2. Flashing, glaring, or revolving lights shall not be permitted.
 3. Flashing emergency porch lights designed to aid response by emergency vehicles are permitted.
- I. Flagpoles shall not exceed 20 feet in height at the highest point.
- J. Television/Radio and Satellite Dish Antennas: Television antennas and microwave Satellite Dish Antennas (SDAs) may be installed on the owner's property without ECC approval. It is strongly recommended that the antenna be placed in the least conspicuous location.

VII. FENCING AND ANIMAL CONTROL BARRIERS

- A. General
1. Definition: A fence shall be defined as any upright, self supporting barrier for the purpose of enclosure, decoration or boundary marking or used to contain domestic animals. Animal control barriers shall be defined as barriers intended to redirect animals and prevent animals from causing damage to home gardens and landscaping, acting as a physical barrier to keep animals out of an area.

2. Materials

Fences may be constructed of wood, shrubbery, vinyl, poly netting, or other materials approved in advance by the ECC. Finished sides of fences shall face LMOA streets and adjacent properties.

Materials limitations include:

- a. Fences shall not be constructed solely of posts and welded or woven wire. Woven wire fencing material consists of smooth horizontal (line) wires held apart by vertical (stay) wires. Welded wire fencing material consists of horizontal and vertical wires welded at their intersections. Poultry wire or chicken wire are not allowed for fencing materials,
- b. Chain link fencing shall be utilized only for dog kennels, which shall not exceed one hundred square feet in area or eight feet in height. These dog kennels shall be screened from neighbor view by latticework or shrubbery.
- c. Solid fence surfaces with less than one inch of separation between slats are not permitted except as specifically provided for in [Ref:] Section VII. E. of this policy.
- d. Living fences consisting of hedges, shrubs, or trees planted to define the boundaries of a property are permitted.
- e. "Invisible fencing" may be utilized to contain pets within a lot. Above ground flags or wire used in conjunction with installation of invisible fencing shall be removed within six weeks after the installation is completed.
- f. Neither electric nor barbed wire fences or for use in animal control barriers are permitted.

B. Enclosure Fencing

Enclosure fencing shall be constructed to fully restrict movement into or out of an area, and shall meet the following criteria:

1. It shall not be installed closer to any Lake Monticello street, lake, pond, or golf course than the wall(s) of the house closest to that street, lake, pond or golf course.
2. It shall not exceed five feet in height except as specifically provided for in [Ref:] Section VII. C, D & E. of this policy.
3. It may be supplemented with welded or woven wire applied against the interior surface of the fence (side away from the street or adjoining property).

C. Decorative Fencing

When the purpose and design of a fence is part of a landscaping plan or is to mark the property lines or corners, the fencing shall be referred to as "Decorative Fencing" and must meet the following criteria:

1. Installation
 - a. It may be installed along the entire length of the property lines not bordering a Lake Monticello street, lake, pond or golf course.
 - b. No decorative fencing shall be installed on greater than thirty five percent (35%) of any property line which adjoins Lake Monticello common property (street, lake, pond, golf course, etc.)

2. Fabricated decorative fences shall not exceed three feet in height.
3. Living fences shall have no height limitation.
4. Not less than fifty percent of the face area of a fabricated decorative fence shall be open.

D. Animal Control Barriers

1. Animal control barriers may be placed on any location on the property where needed to exclude animals.
2. Animal control barriers may be placed directly on the plants to be protected; may encircle individual plants or groups of plants and are generally temporary to protect the plants during early growth or fruit production.
3. Permanent installations of animal control barriers may encircle a larger area to protect gardens or landscaping as provided below.
4. Permanent animal control barriers shall meet the following requirements:
 - a. Animal control barriers shall be installed consistent with recommended guidelines published by LMOA. Amendments to the guidelines shall require Board approval.
 - b. Animal control barriers shall be constructed of inconspicuous material specifically designed for the purpose.
 - c. Animal control barriers shall not be used on any unimproved property unless that property is contiguous to the owner's improved property and the property is owned by the same owner.
 - d. Animal control barriers may be up to 7 feet in height.
5. Animal control barriers shall not present an unsightly appearance.

E. Fencing Adjacent to Public Highways or Commercial Business Properties

General: The following policy shall apply along the full length of those property lines which abut public roads, which shall be defined as any roads or highways with assigned route numbers; and those property lines which are immediately adjacent to properties zoned for commercial or business use:

1. There shall be no restrictions on the height of live evergreen trees or shrubbery planted on the owner's property when used as living fencing. Plantings may be supplemented with fences as described below.
2. Fabricated fences shall meet the following criteria:
 - a. Fences shall not be constructed within the road right-of-way, but shall be totally within the owner's property line.
 - b. Materials shall be wood or simulated wood, stained or maintained to fall within a narrow range of natural colors, for which ECC shall maintain actual samples.
 - c. Solid Fences shall meet the following criteria:
 - i. Style shall consist of vertical boards no less than two inches or greater than six inches in width, and spaced no greater than one inch apart;
 - ii. Height shall be a consistent six feet above ground level, measured at each post;

- iii. Posts, rails and other support members shall be on the home side (interior) of the fence.
- d. Fences which are not solid shall meet the following criteria:
 - i. Style shall consist of three horizontal boards no greater than six inches in width, spaced equidistantly;
 - ii. Height shall be a consistent thirty-six inches above ground level, measured at each post;
 - iii. Posts and other support members shall be on the interior side of the fence;
 - iv. Fences may be supplemented with welded or woven wire material, which shall be applied to the inside (owner's side) of the fence.

VIII. LANDSCAPING

General

Low maintenance ground covers (e.g. blue rug juniper, periwinkle) should be used rather than high maintenance plantings that require nutrients in the form of fertilizer or other nutrient sources (e.g. compost). Grasses for slope stabilization should be low maintenance species. Landscape designs are encouraged to incorporate measures which will prevent or minimize the possibility of nutrients being introduced into lakes or streams.

- A. Where drainage ways or stream tributaries located on a lot accept overland runoff from the developed lot, grass and/or hardy ground covers shall be planted to ensure that runoff is filtered before entering the stream tributary. Mulching, matting or biodegradable materials shall be employed to stabilize seeded areas.
- B. All drainage ways shall be stabilized to provide permanent erosion and sediment control protection employing measures such as vegetative cover on slopes and adequate lining of channels to reduce erosion potential.
- C. Lot owners shall not place structures, plantings, or other materials in the road right-of-way which obstruct or interfere with natural drainage or the management of storm water.

IX. PROPERTY MAINTENANCE

A. Unkempt and Unsightly Areas

- 1. Each property shall be maintained in such condition that it can not be deemed to be unclean, unsightly, unkempt, create a nuisance, a fire hazard, or decrease the value of surrounding properties of the neighborhood as a whole or in part. This shall include the proper maintenance of grassed and mulched areas and the removal of fallen or dead trees, excessive leaves, and brush.
- 2. Littering: No trash, ashes, garbage, or other items shall be thrown, dumped, stored or accumulated on any property within the Lake Monticello community.

B. Drainage, Erosion and Sediment Control

- 1. No owner of any property shall interfere with the natural drainage of another property owner's lot.
- 2. Lot owners are prohibited from placing structures, plantings, or other materials in the road right-of-way which obstruct or interfere with natural drainage or the management of storm water.

3. All measures for the management and control of storm water, erosion and sediment, as required by *[Ref:]* Section II-H of this policy, shall remain in place and be maintained by the property owner, unless revised plans have been approved by the ECC.
4. All temporary measures such as silt fences and straw barriers, shall remain in place and be maintained by the property owner until all disturbed soil is stabilized.
5. Where existing on-lot drainage ways and/or streams are obstructed by debris, erosion, sediment, or other materials, these shall be removed and the drainage way or stream shall be restored to a stable condition and maintained by the lot owner.

C. Recreational Equipment

1. Portable recreational equipment shall be stored out of sight when not in use.
2. Swing sets, jungle sets, trampolines, and like recreational equipment shall be located at the side of or back of the house when lot configuration permits.

D. Trees

1. No live trees measuring four inches or more in diameter at one foot above ground level shall be removed from any lot or any community property without the written permission of the ECC. Trees to be removed must be flagged for the on-site inspection.
2. The ECC shall be notified prior to the removal of dead trees.
3. When trees are cut their stumps shall be removed or cut flush with the ground.
4. Firewood stored on an owner's property shall be neatly stacked in fireplace lengths of thirty inches or less, and shall be limited to two cords per lot. A cord is defined as 128 cubic feet of stacked firewood.

X. DREDGING (Change of Lake Basin)

A. General

No dredging of any lake or cove shall be undertaken without prior approval of the ECC.

B. Restrictions

1. No tracked vehicles shall be permitted on the LMOA roadways at any time or for any reason.
2. No dredging will be allowed in the vicinity of the "gas transmission line" under the lake.
3. Dredging shall not extend into the fifteen foot easement for placement of utility lines.

C. Application Requirements

1. Property owner applications for approval of dredging will be considered on an individual lot-by-lot basis. Application for construction of a shore wall or dock shall be submitted separately from the home construction application when dredging is involved.
2. Applications will be considered by the ECC when accompanied by the required fee, deposit and the following documentation:
 - a. Copies of all approvals or permits required by the Corps of Army Engineers and other Federal, Virginia or County agencies;
 - b. Certification that all utility companies have been notified, and approvals obtained;

- c. Certification that notification to dredge has been made to and received by adjacent and other potentially affected shoreline owners. The application shall include all comments received, and a certified statement specifying non-respondents. The notification to adjacent and other potentially affected shoreline owners shall include as a minimum:
 - i. A requested response, postmarked within ten days from the date of receipt of the notification;
 - ii. A summary description of the dredging application;
 - iii. A telephone number where additional information regarding the proposed dredging application can be obtained.
3. The dredging application shall include a detailed plan, including the following information:
 - a. A drawing showing the finished grade of the lake bottom after dredging. For a bottom contour steeper than a slope of 1:3 a bulkhead or rip rap is required.
 - b. Erosion control measures (shore wall, rip rap, etc.) during and after the dredging process.
 - c. All trees to be removed, both in the area to be dredged and to obtain access to the area to be dredged. All such trees shall also be adequately marked on the property for inspection by members of the ECC.
 - d. Deposition of Spoils: The amounts of materials to be removed in the dredging process, as well as the location for deposition of such materials. Proper disposal of such materials whether on the owner's property or elsewhere, shall be the sole responsibility of the property owner.
 - e. Transportation of Spoils: The method of transporting the silt, soil, and other materials removed by the dredging procedure, including measures to be taken to assure that such materials will not be leaked or spilled on LMOA roadways.
 - i. Any damage to roads or other common property attributable to the dredging operation shall be the responsibility of the applicant/property owner, who shall be given an opportunity to affect repairs at his/her own expense within a reasonable period of time, and to the satisfaction of the Association. If such damage is not satisfactorily repaired within a reasonable period of time, the Association shall have the option of affecting the repairs and charging the cost thereof to the property owner.
 - ii. When dredged materials are to be deposited on the applicant's property, before and after drawings with two feet contour line intervals shall be provided, including projected water "run-off" areas. Erosion shall be controlled until soil has been landscaped or otherwise stabilized in accordance with *[Ref:]* Section II of this Policy [Site Improvements].
4. A licensed land surveyor shall place and string irons and stakes to identify the property line prior to consideration of any dredging application by the ECC. The owner shall provide a certified plat of the lot to be dredged, showing the exact location of all underground utilities. "Off-set" stakes, and flags identifying utilities, shall be set an appropriate distance from the lot line to remain undisturbed throughout the dredging process.

- D. ECC Decision: The ECC shall have the right to withhold their decision on the dredging application in order to provide, when requested, an adjacent or potentially affected shoreline owner adequate time to review the complete dredging application.
- E. Mitigation of Nuisance: During the dredging process, the property owner shall take immediate steps to mitigate, to the satisfaction of the Association, any odor problem for which a formal complaint is received.
- F. Completion: The lot owner shall submit a Notice of Completion to the ECC when all work has been completed. Upon satisfactory compliance with all requirements, the deposit will be refunded. If the dredging operation is not completed within a reasonable period of time, the Association may complete the dredging operation, including completion of the shore wall or rip rap, at the property owner's expense.

XI. Maintenance Dredging using a Commercial Contractor (removing sediment down to the basin)

A General

No maintenance dredging of any lake or cove shall be undertaken without prior approval of the ECC except that property owners may clear leaves and loose debris from the shoreline and waters adjoining their property by hand without prior approval.

B. Restrictions

- 1. No tracked vehicles shall be permitted on the LMOA roadways at any time or for any reason.
- 2. No maintenance dredging will be allowed in the vicinity of the "gas transmission line" under the lake.
- 3. Maintenance dredging shall not extend into the fifteen foot easement for placement of utility lines.

C. Application Requirements

- 1. Property owner applications for approval of maintenance dredging will be considered on an individual lot-by-lot basis.
- 2. Applications will be considered by the ECC when accompanied by the required fee, deposit and the following documentation:
 - a. Copies of all approvals or permits required by the Corps of Army Engineers and other Federal, Virginia or County agencies;
 - b. Certification that all utility companies have been notified, and approvals obtained.
- 3. The maintenance dredging application shall include a detailed plan, including the following information:
 - a. Deposition of Spoils: The amounts of materials to be removed in the maintenance dredging process, as well as the location for deposition of such materials. Proper disposal of such materials whether on the owner's property or elsewhere, shall be the sole responsibility of the property owner.
 - b. Transportation of Spoils: The method of transporting the silt, soil, and other materials removed by the maintenance dredging procedure, including measures to

be taken to assure that such materials will not be leaked or spilled on LMOA roadways.

- i. Any damage to roads or other common property attributable to the maintenance dredging operation shall be the responsibility of the applicant/property owner, who shall be given an opportunity to affect repairs at his/her own expense within a reasonable period of time, and to the satisfaction of the Association. If such damage is not satisfactorily repaired within a reasonable period of time, the Association shall have the option of affecting the repairs and charging the cost thereof to the property owner.
- ii. When maintenance dredged materials are to be deposited on the applicant's property, before and after drawings with two feet contour line intervals shall be provided, including projected water "run-off" areas. Erosion shall be controlled until soil has been landscaped or otherwise stabilized in accordance with [Ref:] Section II of this Policy [Site Improvements].

- D. Mitigation of Nuisance: During the maintenance dredging process, the property owner shall take immediate steps to mitigate, to the satisfaction of the Association, any odor problem for which a formal complaint is received.
- E. Completion: The lot owner shall submit a Notice of Completion to the ECC when all work has been completed. Upon satisfactory compliance with all requirements, the deposit will be refunded. If the maintenance dredging operation is not completed within a reasonable period of time, the Association may complete the maintenance dredging operation, including completion of the shore wall or rip rap, at the property owner's expense.

XII. Maintenance Dredging using the LMOA Maintenance Dredging Program (removing sediment down to the basin)

A. General

No maintenance dredging of any lake or cove shall be undertaken without prior approval of the ECC except that property owners may clear leaves and loose debris from the shoreline and waters adjoining their property by hand without prior approval.

B. Restrictions

1. No maintenance dredging will be allowed in the vicinity of the "gas transmission line" under the lake.
2. Maintenance dredging shall not extend into the fifteen foot easement for placement of utility lines.

C. Application Requirements

1. Property owner applications for approval of maintenance dredging will be considered on an individual lot-by-lot basis.
2. Applications for maintenance dredging will be considered by the ECC when accompanied by the following documentation:
 - a. Certification that all utility companies have been notified and approvals attained.
 - b. Signed LMOA Hold Harmless Agreement.
 - c. The application fee and payment of not less than fifty percent of LMOA fees for maintenance dredging shall be paid before services are rendered.

- D. Completion: If full payment was not made at time of application, the balance for maintenance dredging services shall be made within ten days of the Notice of Completion approval date.