

# Reasons for Amending the Deeds of Dedication And Restrictive Covenants For Lancaster Park & Lancaster Park II

Approved by Lancaster Park Homeowner's Association, Inc., Board Of Directors, September 20, 2005

**Current Section III, Article I (LP & LP II), House Numbers:** All house address numbers shall be cast concrete and shall be mortared to the front exterior of the house.

**Amended Section III, Article I (LP & LP II), House Numbers:** All house address numbers shall be cast concrete, *ceramic, or cast aluminum or brass*. *House numbers shall be either mortared or mounted to the front exterior of the house.*

**Reasons for Amendment:** Many existing homes do not comply with the existing restrictive covenant. Most of the homeowners were not aware of what type of house number was required, nor were they given a choice when their home was built. Installing cast concrete house numbers to be compliant with existing restrictive covenants can be very expensive. This change provides additional and more cost effective means of covenant compliance while maintaining requirements consistent with construction and property values in our neighborhood

**Current Section III, Article K (LP & LP II), Outbuildings:** Outbuildings are prohibited.

**Amended Section III, Article K (LP & LP II), Outbuildings:** *Outbuildings shall be allowed, if approved by the Architectural Committee as provided for in these restrictive covenants. Outbuilding is defined as a structure, either freestanding or attached to a house, to be used for storage. Any building so approved shall be maintained in good repair. Total outbuilding storage area shall not exceed 100 square feet, nor shall any single outbuilding area exceed 64 square feet. Building height shall not exceed 7' 6" except as approved by the Architectural Committee. Outbuildings shall be constructed of composite materials, masonry, or wood. Site constructed outbuildings shall be finished to be compatible with house design and color. No metal buildings shall be allowed. No buildings previously used or previously erected shall be moved onto any lot. Outbuildings shall be in side or back yards and not be visible from the center of the street at the center point at the front of the house.*

**Reasons for Amendment:** Many homes have 2 car garages and residents would be required to park their cars in their driveways in order to adequately store all lawn and garden equipment, and/or recreational equipment, out of sight inside their garage. Also, storage of hazardous or flammable materials outside of the garage, which is attached to the home, is desirable from a safety perspective. This change provides residents adequate options to address these storage space and safety concerns while maintaining requirements consistent with construction and property values in our neighborhood.

**Current Section III, Article L (LP & LP II), Swimming Pools:** Above ground swimming pools are prohibited.

**Amended Section III, Article L (LP & LP II), Swimming Pools:** Above ground swimming pools are prohibited. *Children's wading pools, not to exceed 8 feet in diameter and 12 inches in depth, will be allowed in backyards between May 1 and October 1.*

**Reasons for Amendment:** This is a reasonable provision to allow our families the full and best use of children's recreational implements while still maintaining property values in the neighborhood.

**Current Section III, Article M (LP & LP II), Fencing:** Interior fencing or walls shall not extend beyond the building lines of the lot and, if a residence is built behind the front building line of a lot, no fence may extend beyond that point nearest the street at each end corner of the residence, provided however, on corner lots fencing may extend to within 12 1/2 feet of the street right-of-way forming a side yard boundary of the lot. Fences shall be of wood, brick, stucco or stone. Chain link, barbed wire, meshed and other metal fencing are prohibited. No fence shall exceed 6 feet in height.

**Amended Section III, Article M (LP & LP II), Fencing:** Interior fencing or walls shall not extend beyond the building lines of the lot and, if a residence is built behind the front building line of a lot, no fence may extend beyond that point nearest the street at each corner of the residence, provided however, on corner lots fencing may extend to within 12 1/2 feet of the street right-of-way forming a side yard boundary of the lot. Fences shall be of wood, brick, stucco, *vinyl, wrought iron, composite,* or stone. Chain link, barbed wire, meshed, and other metal fencing are prohibited. No fence shall exceed *eight (8)* feet in height. *Fences must be kept in good repair.*

**Reasons for Amendment:** Current construction materials and methods offer greater flexibility in fencing, while maintaining requirements consistent with construction and property values in our neighborhood, than were allowed in the original restrictive covenants.

**Current Section III, Article V (LP) / Article U (LPII), Animals:** No animals, livestock or poultry of any kind may be maintained, bred, sold or kept except that two dogs, two cats or other household pets may be kept provided that they are not used for commercial purposes.

**Amended Section III, Article V (LP) / Article U (LPII), Animals:** No animals, livestock, or poultry of any kind may be maintained, bred, sold, or kept, except up to a total of *four (4) household pets including dogs and/or cats*.

**Reasons for Amendment:** The current restrictive covenants are more restrictive than Broken Arrow city code and adaptation to allow residents to enjoy the full benefits of city code, in regard to typical domestic outdoor animals (dogs and cats) were deemed appropriate.

**Current Section III, Article X (LP) / Article W (LPII), Signage:** No sign of any kind shall be displayed to the public view on any lot except one sign of not more than 6 square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sales period.

**Amended Section III, Article X (LP) / Article W (LPII), Signage:** No sign of any kind shall be displayed to the public view on any lot except one sign of not more than 6 square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sales period; *and/or a security sign. School spirit; holiday signs or displays; and political campaign signs may be placed in yards no more than thirty days prior to an event and must be removed within one week after the event.*

**Reasons for Amendment:** While the restrictive covenants serve to protect our property values, they should not be so restrictive as to impede the family atmosphere of the neighborhood. For that reason, the proposed change is recommended to specifically clarify the allowance of signs and yard decorations to encourage school and community spirit, and guidelines for their use. Security signs are a deterrent to crime such as home break-ins.

## **Reasons For Amending the Certificate of Incorporation For Lancaster Park Homeowners' Association, Inc.**

**Approved by Lancaster Park Homeowner's Association, Inc., Board Of Directors, September 13, 2005**

**Certificate of Incorporation Current ARTICLE VIII, Bylaws:** The Board of Directors shall have the power to adopt, amend or repeal the bylaws of the Association; provided, however, nothing herein shall divest the membership of the residual power to adopt, amend or repeal said bylaws.

**Certificate of Incorporation Proposed Amended ARTICLE VIII, Bylaws:** *The bylaws of this Association may be amended at a regular or special meeting of the membership by a vote of a majority of a quorum of members present in person or by proxy.*

**Reasons for Amendment:** In September 2005, the Board of Directors amended the Bylaws to require that future amendments to the Bylaws be approved by a vote of a majority of a quorum of members at a regular or special meeting, thus giving more power to the Members. In the past the Board of Directors made unilateral changes to the Bylaws without the knowledge or input of the Members. Article VIII of the Certificate of Incorporation under the heading Bylaws currently reads, "...nothing herein shall divest the membership of the residual power to adopt, amend, or repeal said bylaws;" however, no provisions are made for implementation of the process to prevent divesting "the membership of the residual power." The Bylaws, Article XIV, Section 2 states that "In the case of any conflict between the Certificate of Incorporation and Bylaws, the Certificate will control."

This amendment will make the Certificate of Incorporation coincide with the Bylaws and will give more control to the Membership and prevent future unilateral changes to the Bylaws by the Board of Directors. It provides a process by which the Bylaws may be amended only with approval of the Membership.

**Note:** Changes in the Amended Articles are shown in *italics*.