

Palmira Lakes Homeowners Association, Inc.
Architectural Control Committee
Standards and Guidelines

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Authority

The Board shall have the power to make reasonable AC Standards and Guidelines to maintain the quality and design in the Palmira Lakes community and maintains the right from time to time, at its sole discretion, to amend or modify these Standards and Guidelines.

Interpretation

Based on the powers and duties given to the Board of Directors (the Board) through state law, the Articles of Incorporation, Covenants (CCR's), and Bylaws, the Board has the sole right to interpret the CCR's and Architectural Control (AC) Standards and Guidelines to make decisions pertaining to the Requests. These Rules and Regulations represent the Board's interpretation of the CCR'S and are not intended to supersede any specific right or obligations set forth in the CCR's.

In the event of a conflict between the CCR's and these AC Standards and Guidelines, the CCR's shall control. These AC Standards and Guidelines do not anticipate every question or issue and, therefore, are not intended to be inflexible. They are also subject to modification by the Board from time to time.

Unless otherwise provided in the CCR's or these AC Standards and Guidelines, all exterior additions, alterations, or improvements or any change to the exterior appearance of a Lot must have prior written approval of the ACC before any such changes are made.

Waiver, Liability, and Third-Party Benefit

Neither the Association, the Board, the ACC, nor the Property Manager waives any of their rights granted via the state law, CCR's, Bylaws, and Articles of Incorporation. Neither the Association, the Board, the ACC nor its agents, representatives shall be liable for failure to follow these Guidelines as herein defined.

These Guidelines confer no third-party benefit or right upon any entity, person or lot owner or builder.

Non-Liability of the Committee, Board, or HOA

Neither the ACC nor its respective members, Secretary, successors, assigns, agents, representatives, employees or attorneys shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Applicant by reason of mistake in judgment, negligence or non-feasance, arising out of any action of the ACC with respect to any submission, or for failure to follow these Standards or Guidelines. The role of the ACC is directed toward review and approval of site planning, appearance, architectural design and aesthetics. The ACC assumes no responsibility with regard to design or

construction, including, without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction, or technical suitability of materials.

Introduction

The purpose of this document is to provide general policy, review procedures, and design standards for Palmira Lakes Homeowners Association (“Palmira Lakes”) homeowners intending to make any changes to their property or to the exterior of their home in Palmira Lakes. These Standards and Guidelines are intended to serve as a reference for members of the Architectural Control Committee (ACC), the Board of Directors (the Board), and the Property Manager in reviewing projects submitted to them by homeowners.

The Board-approved Standards and Guidelines are designed to amplify and supplement the Palmira Lakes’ Amended and Restated Declaration of Covenants, Conditions and Protective Restrictions (Declaration), but are not a substitute for the Declaration. In the event of a conflict between the Declaration and ACC Guidelines, the Declaration controls.

These Standards and Guidelines have been prepared to guide the development of Palmira Lakes with the following objectives:

- ☐ To provide a framework for maintaining architectural and design quality.
- ☐ To illustrate design standards that will assist homeowners, the Committee, and the Property Manager in developing and implementing exterior alterations and improvements that are in harmony with the immediate neighborhood and community.
- ☐ To assist homeowners in preparing a completed application to the ACC for the required and necessary review by the Committee.

These Standards and Guidelines represent the Association's interpretation of the CCR'S and are not intended to supersede any specific right or obligations set forth in the CCR's. In the event of a conflict between the CCR's and these Standards and Guidelines, the CCR's shall control. These Standards and Guidelines do not anticipate every question or issue and, therefore, are not intended to be inflexible. They are also subject to modification by the Board from time to time.

These Standards and Guidelines are a supplement to the “CCR's” and Bylaws, Indiana Homeowners Association Act, and the Americans with Disabilities Act of 1990, and are intended as a reference to assist the homeowner in the planning of change(s) or addition(s) to the exterior appearance of homes and Lots within Palmira Lakes.

Enforcement

All Lots are subject to these Standards and Guidelines and all Owners must comply. Enforcement of these provisions ensures that standards of design quality will be maintained consistently throughout the community, which protects values and enhances the overall community environment.

The “Board” shall have the power to enforce compliance with all covenants, conditions, protective restrictions contained herein, AC Standards and Guideline by all appropriate legal and equitable remedies, and an Owner determined by judicial action to have violated any covenant, condition, protective restriction contained herein, or Rules and

Regulations shall be liable to the Association for all fines, Assessments, damages and costs, including attorney fees.

Accuracy of Information

Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

Architectural Review Committee, Covenants Committees, and the Review Process

General

The ACC administers the design review process for all residential property that is subjected to the Declaration. The ACC consists of homeowner volunteer members as defined in the governing documents. The Owner is responsible for complying with the provisions of these Standards and Guidelines, initiating the reviews and obtaining the required approvals. Any clearing, grading, construction or improvements shall be reviewed and approved by the ACC prior to implementation. Such construction or improvements include any visible additions, alterations or modifications to the exterior of properties or homes within Palmira Lakes, whether permanent or temporary. There are no exemptions or automatic approvals, and each application will be reviewed on an individual basis. Applications must be complete in order to commence the review process.

Application Requirements

1. Completed Application to include signatures from all neighbors who may be affected by the change.
2. Detailed description of the alteration or improvement. This will include a complete listing and description of materials to be used and overall dimensions.
3. A copy of the property plat marked to show the location and dimensions of the proposed improvement drawn on the plat.
4. If fencing/screening is proposed, include drawings indicating dimensions, details, materials and proposed colors.
5. Material and color samples may be required on certain improvements.
6. A landscape plan as applicable.

An ACC Submission Form is included in this document, but an electronic version can be found on the Palmira Lakes website located at palmiralakes.com. If you have any questions or need assistance, please contact: Westward360 at 260-204-3351 or E-mail at kylen@westward360.com.

The ACC will review each application and accompanying information for completeness. Submissions that do not have the necessary information for review shall be deemed to be incomplete and will be returned to the Owner with a statement of deficiencies. Only completed submissions that are received in a timely manner will be scheduled for ACC review at their next meeting. The ACC will consider any and all exterior elements of a project's design. This includes but is not limited to size, organization, architectural style, detail, color, material, quality of workmanship, harmony of design and all other factors that, in the opinion of the ACC, affect the appearance and suitability of the project. What may be an acceptable design in one specific section may not be for another section.

The ACC is required to render a decision and respond in writing within 30 days after receipt of the fully completed application and other requested information, if any.

Basis For Overall Review Criteria

The ACC considers the following criteria in evaluating Applications:

1. **Validity of Concept:** The basic idea should be sound and appropriate to its surroundings.
2. **Design Compatibility:** The proposed improvements must be compatible with the architectural characteristics of the applicant's house, adjoining houses, the neighborhood setting or particular section of the community. Compatibility is defined to include but not limited to similarity in architectural style, similar use of materials, color, and construction details.
3. **Location and Impact on Neighbors:** The proposed alteration should relate favorably to the landscape, topography, the existing structure, neighboring structures and the neighborhood. Nothing can impede an Owner's sight line to any pond. No improvements to an Owner's property may extend into Common Area owned by Palmira Lakes.
4. **Scale:** The size should relate well to the adjacent structures and its surroundings.
5. **Color:** Parts of an addition that are similar in design to an existing house, such as roofs and trim should match in color and composition.
6. **Materials:** Continuity is established by use of the same or compatible materials used in the original house.

Approvals

The ACC's approval of any application is within its sole discretion. With prior approval from the Board, the ACC may enforce or modify in whole or in part, any or all of the Standards and Guidelines. No project shall commence prior to receipt of written approval by the ACC. A fee of \$50.00 will be charged for each project started or completed prior to receiving approval. Approval by the ACC does not relieve the Owner of the responsibility of obtaining all other necessary approvals and permits required by Allen County and other agencies having jurisdiction over the project or improvement. The Applicant should contact Allen County before beginning any work to verify what additional approvals or permits are required. Notification of the ACC's final approval constitutes an agreement by the Applicant not to deviate from the approved plan. Any revisions/modifications shall be resubmitted to the ACC for review. The ACC may, at its discretion during the design review process, suggest alternative design recommendations for consideration by the Owner. In such cases the project shall be re-submitted for the ACC's review. The ACC shall not have any responsibility regarding compliance of such suggested design recommendations with applicable governmental regulations and other requirements. The ACC may approve a project with conditions. In such cases, the Owner is required to comply with these conditions, with the failure to comply with conditions constituting a violation for the project.

Appeal Process

Within ten business days after notice of an ACC denial decision has been mailed, the Owner may file a written request that the ACC reconsider such decision. Any such request for reconsideration shall include a statement of the basis for such request and technical design information supporting such request. The ACC may require additional information in connection with any request for reconsideration. The Owner's written request for reconsideration may include a request to personally address the

ACC at its next scheduled meeting. All reconsiderations will be reviewed on a case-by-case basis, and the granting of a request for reconsideration, with respect to one project, does not imply or guarantee that a similar request will be granted with respect to any other project. Each case will be reviewed on its own merits and considering the overall objectives of these Standards and Guidelines. Any action, ruling or decision of the ACC may be appealed to the Board by any party directly affected by the decision. To initiate an appeal, a party must submit the request to the ACC Administrator, to include a written request for an appeal to the Board, within 10 days of the date of an ACC decision providing grounds for the appeal. The decision of the Board is final.

Variance Request

The Board in its sole discretion may, but shall not be required to, authorize variances from compliance with any Standards and Guidelines or for nonconforming Improvements when circumstances such as topography, natural obstructions, aesthetic or environmental considerations, architectural merit, or other reasonable considerations warrant such a variance. Such variances shall be granted only if and when the Board determines that some or all of the foregoing circumstances warrant a variance. No applicant shall have any right to demand or obtain a variance. No variance may (i) be effective unless in writing, (ii) be contrary to the Amended and Restated Declaration of Covenants, Conditions and Protective Restrictions, or (iii) be inconsistent with the goals or objectives of the Association. In no event shall any variances estop the Board from denying a variance in other circumstances.

Process to Request a Variance

- 1. Review the Association Governing Documents**
 - a. Familiarize yourself with the specific guideline you wish to challenge
 - b. Read and understand the variance policy above.
- 2. Prepare your case**
 - a. Outline clear, valid reasons for your request, showing how the variance will not negatively impact the community.
 - b. Gather supporting documents such as architectural plans, site layouts, or neighborhood comparables.
 - c. Speak with nearby residents who might be affected and consider collecting letters of support.
- 3. Draft a Written Request (e-mail or deliver in person)**
 - a. Write a formal request letter to the Board detailing your request for a variance.
 - b. Attach any documents, photos, diagrams, or letters of support to reinforce your request.
 - c. The written request must be received no later than Thursday prior to the next Board meeting.
- 4. Attend the Board Meeting**
 - a. Be prepared to explain your request at a Board meeting and answer questions from Board members.
 - b. Be open to modifications if the Board suggests alternative solutions.
 - c. The Board will always review these requests, but approval of a variance request is never guaranteed.

After Approval

The project shall be completed as approved. Any changes from the original plan shall be approved prior to the start of the project. If the Owner desires to make any changes to the approved plan, the Owner shall contact the ACC for guidance.

Inspection and Compliance

Upon completion of any project, Staff will inspect the property to confirm that the project is in compliance with the approved plans. Annually, the ACC and/or the Board will inspect Palmira Lakes properties for compliance with these Standards and Guidelines.

Violations

In the event of a covenant violation, the ACC and/or the Board shall seek to obtain compliance through communications, letters, and personal contact with the Owner. If these efforts fail, the Association shall inform the Owner of the violation in writing by certified mail, giving the Owner reasonable time in which to correct the violation. If the violation is not corrected to the satisfaction of the ACC, the matter shall be turned over to the Board, which shall then determine the appropriate course of action. Actions may include, as appropriate and at the Board's discretion, any or all of the following:

- (a) Issuing a cease-and-desist notice requiring the Owner to correct the violation or to restore the affected area to its original condition.
- (b) Assessing violation charges.
- (c) Taking any other legal action.

Standards and Guidelines

Antennae, Communication Equipment, Satellite Disk or Dish. Unless otherwise approved in writing by the ACC, no free-standing radio and television antennae, satellite dishes or disks, or supporting structure may rise more than six (6) feet above the highest point of the roof of any building. Such radio or television antennae, satellite dishes or disks, or supporting structures shall be attached to the main dwelling. No towers will be permitted.

Air Conditioners. Only Central Air Conditioning units are allowed. Temporary window air conditioners or similar appliances that protrude from an outside wall are prohibited.

Awnings. No permanent fixed-position awnings or any other like projections may be attached to the exterior of any home. Retractable awnings (such as Sun Setter) are allowed.

Basketball Hoops and Backboards. No permanent hoops and backboards are allowed. Temporary hoops and backboards are allowed.

(a) **Materials:** Commercial grade.

(b) **Location:** No more than twenty (20) feet from the home. No basketball hoop and backboard shall be erected next to the curb on any road right-of-way, nor should any portable hoop be placed in the street.

Clotheslines or Similar Structures. No clotheslines, clothes poles, or any other free-standing, semi-permanent poles, rigs or devices, regardless of purpose, shall be constructed, erected, located, or used on any Lot.

Driveways and Walkways. ACC approval is NOT required for the replacement of an existing driveway or walkway. ACC approval is required for any plans to change the materials, size, shape, grade, or addition of new areas including expansion. Not all properties lend themselves to the addition of extra parking space, and the request to add parking space may be denied by the ACC for purely aesthetic reasons. Sidewalks must be five (5) feet in width.

(a) **Materials:** Concrete. No epoxy-type coatings shall be applied to any driveway or public sidewalk.

(b) **Measurements:** Driveways shall be no less than sixteen (16) feet in width. Sidewalks shall be five (5) feet in width.

Exterior Dwelling. ACC approval is not required for exterior painting as long as it is repainted with a matching color. ACC approval must be obtained prior to changing the color and/or texture of any externally visible finishes including, but not limited to, roofing, siding, trim, doors, windows and shutters. Proposed changes must be consistent and visually compatible with the neighborhood.

Exterior Lighting. The replacement of an existing light fixture, if accomplished with a reasonable match to the old fixtures, as well as temporary holiday lighting, does not require ACC approval. If a change in size, style, shape, color, or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, ACC approval is required.

- (a) **Placement:** No exterior lighting may shine directly on adjacent properties, and it should be aesthetically planned for each location. Floodlights and various types of high-output lights fall under the category of security lighting and must be directed in a manner that does not adversely impact neighboring houses.

Exterior ADA Ramps. Exterior ramps are permitted to be installed for wheelchair access under the Americans with Disabilities Act of 1990. Only individuals who are covered under the Act may have exterior ramps installed.

- (a) **Composition/Materials:** Commercial-grade wood or wood substitute or other high-quality materials.
- (b) **Color:** Must match the existing home's exterior.
- (c) **Location:** Front and/or back entrances to the home.

Fences and Patio Privacy Screening. The plans, specifications and locations for any fencing to be constructed on any Lot shall be submitted to the ACC for approval prior to construction. In addition to approval from the ACC, any fencing shall also meet the requirements of the pertinent provisions of the Allen County Zoning Ordinance.

Fences.

- (a) **Style:** All fences must be a split-rail or picket-type fence, except any fence constructed on any Pond Lot must be a picket-type fence. No privacy type or shadow box fencing of any kind shall be allowed, except for Lots backing up to Hamilton or Bass Roads.
- (b) **Dimensions:**
- I. No permanent fence shall exceed nor be shorter than four (4) feet in height.
 - II. There shall be a minimum of four (4) inch centers with a 3.5-inch gap. Center to center with 3.75-inch gap.
- (c) **Materials/Color:** No chain-link type fencing of any material shall be allowed.
- I. Vinyl: White.
 - II. Wood: Complements the Owner's home.
 - III. Ornamental Aluminum: Bronze or black.
- (d) **Setbacks/Easements:**
- I. All fences constructed on a corner Lot shall not exceed into or encroach upon the space between said building line and the street on the street side of said corner Lot.
 - II. No Owner shall construct any fence to contain said Owner's entire Lot. Fencing shall be installed with a minimum two (2) foot setback from the interior Lot line and not to extend past the home's front outermost edge of each side of the structure.
- (e) **Maintenance:** Natural wood fences require staining every 6 months to 2 years to prevent weathering, depending on the environment and stain type.

Patio Privacy Screening. Only screens intended to provide a visual barrier for privacy for owners and their guests or for sun protection on backyard patios (attached to the house) are allowed. Patio Privacy Screens are defined as outdoor curtains, retractable screens, decorative metal or lattice panels, potted tall plants like bamboo, and trellises.

- (a) **Dimensions:** Permanent screens shall have a maximum width of the patio and a maximum height of 6 feet, and all screens shall be of uniform height.

- (b) Materials:** Durable materials include powder-coated aluminum (rust-resistant), cedar wood (requires staining), galvanized steel, and resin.
- (c) Color:** must match the existing home's exterior color palette and architectural style and the aesthetics of the community.
- (d) Stability:** If using a free-standing screen, it must have a sturdy base or planter box that can be filled with weight to withstand wind.
- (e) Maintenance:** Natural wood screens require staining every 6 months to 2 years to prevent weathering, depending on the environment and stain type.

Flagpoles. Only one permanent free-standing flagpole for the sole purpose of displaying the American flag may be erected.

- (a) Composition/Materials:** Metal with a permanent base.
- (b) Height:** The maximum height for a flagpole shall be twenty-five (25) feet.
- (c) Location:** In backyards in a location that does not adversely impact neighbors' homes or property use and shall not be placed in any front yard of any Lot.

Hot Tubs. Hot tubs, may be installed, erected or maintained on any Lot. Hot tubs must be aesthetically appealing and in good repair.

- (a) Composition/Materials:** Acrylic, rotomolded plastic, fiberglass, and wood.
- (b) Location:** They should be installed with some type of privacy screening along the back wall of the dwelling and not be visible from any street.

Landscaping and Lawn. Major landscaping changes must be approved by the ACC. Examples include, but are not limited to, any change to the slope of the land that would affect drainage or floodplain, planting of trees, planting of hedges, plantings that could potentially block pond views or cause a traffic hazard, etc.

- (a)** All owners shall landscape, or caused to be landscaped, their Lot, at a minimum, in a manner so as to maintain and remain consistent with the aesthetic integrity of the landscaping contained on the Properties, as defined by the ACC. Initial landscaping shall be installed no later than one (1) year following occupancy by the owner.
- (b)** ACC approval **is NOT required** for foundation plantings, trees, or single plantings so long as they do not block neighbor's views of ponds or create a safety hazard.
- (c)** ACC approval **is required** for hedges (a row of bushes or low trees planted closely together to form a boundary).
- (d)** In addition, no landscaping design may be undertaken that would cause water run-off to flood a neighboring Lot or harm the Palmira Lakes Stormwater Detention System.

Initial Landscaping Timeframe. All Owners, as soon as reasonably possible upon completion of construction of their house, shall properly grass seed or sod their yard in a condition consistent with the aesthetic integrity of the yards contained on other Lots and the Properties, as defined by the Association. Said landscaping shall be completed, or caused to be completed, by each Owner within one (1) year after the date of said Owner's certificate of occupancy, as issued by the Allen County Building Department, authorizing the Owner's occupancy of the house.

Major Building Additions. Major building additions include, but are not limited to, porches and rooms. Such additions must be designed in a manner consistent with the existing home's shape, style, and size, as set forth below:

- (a) Siding, roofing, and trim materials must be the same as, or compatible with, the existing home's materials, color, and texture.
- (b) Windows and doors must be compatible with those of the existing home in style and color. These should also be located on walls that are the same height as those of the existing home and trimmed in a similar manner.
- (c) Roof eaves and facias should be the same depth, style, and approximate slope as those of the existing home.
- (d) New additions must not adversely impact a neighbor's ability to add to, modify, or maintain their existing home.
- (e) Additions should not significantly impair the view, amount of sunlight, or ventilation enjoyed by adjacent homes or the public's use or enjoyment of Common Areas.
- (f) Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
- (g) Any addition must meet county setback requirements and all other regulatory obligations.

Outdoor Wood-burning Fireplaces Or Firepits.

- (a) **Composition/Materials:** Outdoor fire features generally use **metals** (stainless steel, cast iron, copper) for portable, modern fire pits, and **masonry** (natural stone, brick, concrete) or **stucco veneer** for permanent fire pits and fireplaces. Masonry options require a high-heat inner lining (fire brick or vermiculite).
- (b) **Fuel Type:** Gas-powered fire pits (propane, natural gas, or gel) and wood-burning fire pits.
- (c) **Location:** Wood fire pits must be placed a certain distance away from buildings, fences, and property lines, usually at least 10 feet. The container at least 15 feet from any structures, trees, or other objects that may catch fire.
- (d) **Wind Guard:** A tempered wind guard with a minimum height is typically required. Fire pits must have windshields/wind guards (usually at least 6 inches high) High Winds: High winds can increase the risk of fire spreading and can also cause sparks or embers to be carried away from the fire pit.

Overhead Wiring. No permanent overhead wiring of any type shall be permitted.

Patios and Decks. ACC approval is not required if a patio, deck, replaces an existing structure with identical material similar in color and textures. ACC approval is required for new or expanded patios and decks.

- (a) **Composition/Materials:** Patios and decks must be made of treated wood or wood substitute, masonry, stone, vinyl, composites, and concrete, provided that the material's color and texture harmonize with adjacent structures.
- (b) **Color:** Decks must be stained or painted to complement the house. All hardware must be galvanized.
- (c) **Height:** Decks and patio height must be even with the finished floor line.
- (d) **Location:** Decks and patios must be located to the rear of the house.
- (e) **Other:** They should not disturb existing land contours, with any terracing limited to small increments.

Pergolas or Similar Structures. Sun control structures must be compatible with the architectural character of the home in terms of style and with the visual scale of the home and must not adversely affect direct sunlight or natural ventilation enjoyed by adjacent properties. Outdoor umbrellas, whether permanent or temporary, must be

collapsed when not in use. Pergolas are intended to maintain an inviting, proportional, and comfortable space for outdoor dining or lounging. Only pergolas erected on patios attached to or close to the home are permitted. Backyard gazebos are not permitted.

Location: Pergolas must be located in backyards in a location that does not adversely impact a neighbor's home or property use and shall not be placed in any front yard of any Lot. Structures should be located to provide reasonable visual and acoustical privacy for both applicants and their neighbors and utilize screening or plantings as needed to this end.

- (a) **Style:** Attached or Freestanding structures must be visually compatible with the architectural style of the home and community.
- (b) **Dimensions:** Typically feature a footprint of 10' x 10' to 12' x 16', with standard heights between 8 and 10 feet.
- (c) **Composition/Materials:** Pergolas must be made of commercial-grade wood or wood substitute or other high-quality materials. Common materials include cedar wood for natural decay resistance and structural strength (often featuring 5.5" x 5.5" posts) or aluminum for lightweight durability with retractable fabric canopies.
 - i. **Wood:** Cedar offers a traditional look with high decay resistance.
 - ii. **Aluminum:** Often in gray, featuring a simple, modern design with retractable, UV-resistant fabric or louvered roofs.
 - iii. **Vinyl/Fiberglass:** Commonly used in pre-manufactured kits, providing low-maintenance alternatives.
- (d) **Roofing:** A solid roof of either metal or roofing material that is compatible with the existing home's roof color.
- (f) **Colors:** Should complement the existing home and the aesthetics of the neighborhood.
- (g) **Anchoring:** Must be secured to concrete patios with durable steel anchor plates or concrete footers (sometimes 48 inches deep).

Play Structures and Equipment. Nonpermanent playground structures and equipment include, but is not limited to, swing sets, slides, jungle gyms, monkey bars, forts, playhouses, trampolines and sandboxes. Sandboxes do not require ACC approval as long as they do not exceed twenty (20) square feet and two (2) feet in height. They must meet the location criteria stated below.

- (a) **Location:** The location of the equipment shall be placed in the backyards of the Lot not to extend forward of the back line of the home and shall not be placed in any front yard of any Lot and in a location that does not adversely impact neighbor's home or property use and shall not be placed in any front yard of any Lot.
- (b) **Composition/Materials:** Playsets must be of heavy wood or other sturdy materials and maintained in a high state of repair.
- (c) **Color:** Playsets must be earth-toned in color.

Pools. No above-ground pool, except for hot tubs, and similar structures, shall be installed, erected, or maintained on any Lot. The installation, erection, or maintenance of any in-ground pool on any "Lot" shall be subject to the provisions of Article IX governing the ACC and shall be prohibited on, in, or about any Lot within the community lacking the soil conditions suitable for such installation, erection, or maintenance of an in-ground pool thereon.

- (a) **Location:** In-ground pool shall be located on any Lot nearer than a distance of six (6) feet from the rear or side property line of said Lot. and shall be located

only in the backyard. In-ground pool corners and offsets from the property lines and other such points shall be staked by an Indiana-registered surveyor to indicate the location of the pool on the Lot. In addition to the foregoing, all in-ground pools shall meet all the applicable requirements of the Allen County Zoning Ordinance.

(b) Composition/Materials: Gunite/concrete, vinyl liner, fiberglass, stainless steel, acrylic, and polymer.

(c) Other: Pools must have safety features like fences or safety covers. All in-ground pools shall meet all the applicable requirements of the Allen County Zoning Ordinance.

- a. The HOA follows the Allen County Zoning Ordinance, which sets the rules for pool safety. In general, if a pool doesn't have a safety cover, then a fence is required to prevent unauthorized access. The fence typically needs to meet specific height and gate requirements.
- b. To be sure a pool setup is compliant, the homeowner/builder check the exact wording in the zoning ordinance and make sure it meets both county and HOA rules. In our pool install the builder asked for the HOA Covenants and was aware of the Allen County Zoning Ordinance.

Solar Panels. Solar equipment may be permitted per state law. Solar panels may be permitted with the approval of the ACC. However, solar panels must generally be located on the back of the structure, not visible from the street, unless otherwise approved by the ACC.

(a) Design: The design of solar panels must maintain a consistent and harmonious appearance across the entire neighborhood.

(b) Placement: Solar panels may be installed on the roof as long as they are not visible from the front of the house. They may not be installed in the yard.

(c) Safety and Maintenance: Solar Panels must have regular inspections, comply with all building codes, and be professionally installed by a licensed provider.

Storage Sheds and Trash Container Enclosures. No storage sheds, outbuildings, or other similar structures shall be allowed on any Lot, except for buildings required to house mechanical equipment servicing in-ground pools, or an approved trash container enclosure that matches the neighborhood's look. Any such building permitted hereunder shall comply with all applicable requirements of the Allen County Zoning Ordinance.

Trash Container Enclosures shall be:

(a) Color: Complements the Owner's home.

(b) Materials: Wood, wood alternative (like Trex), and/or PVC. No small sheds or Rubbermaid/resin prefab units are permitted.

(c) Dimensions: Cannot exceed 84"W x 48"H x 40"D. Covering on at least two sides.

(d) Placement: Trash enclosures MUST be installed along the side or behind the Owner's house and cannot extend past the front of the Owner's house.

Temporary Structures. No temporary structures of any kind shall be erected or placed on any Lot and in no instance shall more than one dwelling or residence be erected or placed on any Lot as the same is shown on the Plat.

- (a) Any garage erected more than one hundred twenty (120) days prior to the connection of the main dwelling or residence shall be considered temporary structures.
- (b) In no event shall any residential dwelling upon any Lot be occupied until it has been fully completed in accordance with plans approved by the ACC.]
- (c) No trailer, basement, tent, shack, or garage erected or placed on any Lot shall at any time be used as a residence temporarily or permanently, nor shall any structure or a temporary character be used as a-residence.

Yard Lights. The yard lights' purpose is to provide safety illumination for sidewalks. Nothing in these Rules shall be construed to prohibit street lighting or ornamental yard lighting serviced by underground wires or cables.

- (a) Each dwelling will cause a yard light or other illuminating device to be installed in the front yard fifteen (15) feet (plus or minus one (1) foot) from the street curb.
- (b) Such yard light or illuminating device will be of such design and construction as shall be approved by the ACC, said Committee shall also have the authority to approve a change in the location of said yard light or illuminating device.
- (c) The Owner will supply at their expense said lights (150-200 lumens) and equip them with solar cells.

APPENDIX A

Copy of ACC Request Form