

## **ARCHITECTURAL AND ACTIVITY POLICIES**

### **THE FALLS OF BEAVER CREEK COMMUNITY ASSOCIATION, Inc.**

Pursuant to the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended of the Plat and all Sections of The Falls of Beaver Creek (hereafter, the Covenants), the following Architectural and Activity Policies have been adopted The Falls of Beaver Creek Community Association, Inc. (hereafter, the Association or FOBC) by its Board of Directors and are meant to ensure the long-term value, appearance, and desirability of The Falls of Beaver Creek. These policies are binding on all homeowners, Lot owners, residents, and guests in the Falls of Beaver Creek. These policies are subject to changes or additions, from time to time, by the Architectural Control Committee (hereafter, the Committee) and the Board of Directors of the Association. The latest version of the guidelines supersedes any previous versions. Timely compliance with these policies is the responsibility of each homeowner, Lot owner, resident, and guest in The Falls of Beaver Creek.

**ENFORCEMENT:** The Association, the Developer, and any Owner (individually or collectively), shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, Architectural and Activity Policies, liens and charges now or subsequently imposed. Failure by the Association, the Developer, or any Owner to enforce any provisions shall in no event be deemed a waiver of the right to do so later. Where the language and provisions of the Architectural and Activity Policies differ from those of the recorded Covenants of The Falls of Beaver Creek, the more stringent language and provisions shall apply. The decision of the Board of Directors shall be final regarding interpretation of either the meaning or the intent of any of the language in these policies.

**INVALIDATION:** Invalidation of any language or provisions of these Architectural and Activity Policies by judgment or court order shall not affect any remaining language or provisions, and such remaining language and provisions shall remain in full force and effect. No invalidation of any language or provisions of these Architectural and Activity Policies shall affect any of the language or provisions of the recorded Covenants of The Falls of Beaver Creek.

**GENERAL** Pursuant to Section 5 of the Covenants, no building, fence, deck, wall, inground swimming pool, or any other structure, whether temporary or permanent, shall be commenced, erected, or maintained upon a Lot, nor shall any exterior addition, change, or alteration be made to a structure on a Lot until the plans and specifications showing the structure's nature, kind, shape, height, materials, and location are submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in The Falls of Beaver Creek.

An Architectural Control Application is available from the website, portal or from the property management company. Completed applications must be submitted to the property management company who will forward to the Committee for consideration. The application must include any additional information needed for a full description of the proposed project. Additional information may include, but is not limited to:

- a drawing or detailed sketch with dimensions including property lines and utility easements on a plot plan of the property

- material type(s) and color(s)
- proposed location(s)
- party(s) doing any required construction or installation and time frame required.

In the event that the Committee, or the Board of Directors of the Association, fails either to approve or to disapprove the design or location of a proposed structure or project as properly submitted on an Architectural Review Request Form (with any necessary supporting information) within thirty (30) days after receipt by the Committee, then approval of such project or structure will be deemed to have been given. A request for additional information either by the Committee or by the Board of Directors shall be considered disapproval, and the thirty (30) day time frame begins with receipt by the Committee of the additional information requested. This “default” approval provision only applies to permissible projects and-or structures. Prohibited projects and-or structures shall not be deemed approved as a result of any passage of time or lack of action by the Committee. Failure to start an approved project within six (6) months will require a resubmission of the application. The Committee reserves the right to request any project be staked by the homeowner or contractor and inspected by the Committee prior to considering any project for approval

#### **A. POLICIES INVOLVING ACTION BY OR APPROVAL FROM THE COMMITTEE**

**A.1. FENCES:** Fences must be commercial-grade wood, black powder coated metal, or vinyl PVC fence material with a maximum height of six (6) feet from ground level to the highest point on the fence for non-lake lots and a maximum height of four (4) feet from ground level to the highest point on the fence on lake lots. Chain link and other metal or wire fences are specifically prohibited except for black powder coated metal fences. The Architectural Control Committee will not approve construction of or modification to a fence that, in the Committee’s sole opinion, would create a sight obstruction of any lake or pond or any other sight obstruction and, therefore, safety hazard on any street. Please reference the Restrictive Covenants for your section for more information about fences on pond lots. Fences must conform aesthetically to the home and neighboring homes. Fences shall not extend forward of the back line of the home, and are therefore are limited to backyards, except for an extension needed to encompass a garage service door. Fences shall be maintained in a high state of repair with no loose or missing boards, poles, rails, posts, gates, or panels with no components rotting, rusting or deteriorated. Fences shall not be leaning from vertical plane and shall be perpendicular to the ground and have all working hardware properly adjusted and functioning. Wood fences must be finished with a clear or semi-transparent stain sealant in a natural wood color that prevents weathering, greying, and deterioration and shall be reapplied when it has significantly worn off and the fence has become a grey wood color. Fence posts must either be integral with the fence or face the interior of the fenced yard; external fence posts are prohibited. Fences must be at least twenty-four (24) inches inside the property lines or twenty-four (24) inches from common property to allow access for mowing and must not connect with neighboring fences or enter into easements.

Homeowner must provide a detailed drawing including property lines and easements with the application. Details of the fence construction include slat width and spacing, slat style and location of gates if applicable. If the application is approved, the fence post locations shall be marked with stakes

and the homeowner must request a final pre-inspection to assure that the planned installation is per the approved drawing. No installation work is to be started until the final inspection and the homeowner has written approval from the Architectural Control Committee. No installation work is to be performed that does NOT conform to the approved drawing submitted to the Architectural Control Committee. Fence company suggestions may be misleading and DO NOT REPRESENT THE FOBC guidelines.

Homeowner must request Indiana location services via telephone number 811 to locate and mark buried cables, gas lines and other utility wiring crossing the property. Properties located in the county or that have adjacent to lampposts owned by Falls of Beaver Creek must REQUEST and PAY for special Utility location services to mark location of the wiring. Utility location service for FOBC LAMPPOSTS is a special number NOT covered by the 811 Indiana state service underground utility location services and COSTS TWO-HUNDRED DOLLARS (as of summer 2016). Most projects require permits. Homeowner or their contractor must contact the Allen County Building Department and Allen County Building Department to obtain permits.

**A.2. SWIMMING POOLS and HOT TUBS:** Only in-ground swimming pools are permissible, subject to approval by the Committee and must be fully enclosed by a fence of approved construction which, generally, must be six (6) feet high. Any exterior gate to the fence enclosing a pool must have child-proof latches. Cabanas are permitted (subject to approval by the Committee) inside the fence when used to house pump and filtration equipment for an in-ground pool. Hot tubs located exterior to a home generally must be integral with an aesthetically appealing wooden deck and are subject to approval by the Committee. Children's type non-permanent pools will also be considered for approval. These pools must not be more than one (1) foot deep and not have a chlorination device.

**A.3. PLAYGROUND SETS:** Playground sets require Committee approval and are permitted only in backyards and at a location approved by the Committee. Playground sets must not be located on common ground or outside Lot boundaries. Playground sets must be of the permanent type and have a maximum length of twenty (20) feet. Playground sets must be of heavy, wood or plywood construction, and must be maintained in a high-state of repair. Although some plastic or metal accessory parts—a slide, for instance—may be approved, any playground equipment made either exclusively or primarily from plastic, vinyl, or metal material is prohibited for exterior use. Tree houses are prohibited.

**A.4. FREE-STANDING POLES:** No clotheslines or clothes poles, or any other freestanding, semi-permanent or permanent poles, rigs, or devices, regardless of purpose, shall be constructed, erected, located, or used on any Lot. However, one flag pole may be erected, subject to approval by the Committee, for the sole purpose of displaying the United States flag.

**A.5. BASKETBALL POSTS and GOALS:** Plans for permanently-installed basketball posts and goals are subject to review and approval by the Committee. Permanent basketball posts and goals must be free-standing (not attached to the house, garage, or roof), constructed of commercial-grade basketball post and backboard materials, and located no more than twenty (20) feet from the dwelling and no closer than thirty (30) feet from a neighboring dwelling. If located at the driveway, the backboard must be

perpendicular to the street. Portable basketball goals should be stored (preferably in the garage) when not in regular use and not be left in plain view from the street. Portable basketball pole placement shall be perpendicular to the driveway, the same as listed above for permanent posts. All basketball goals are prohibited from being placed on the sidewalk, in the street or any part of the Right-of Way.

**A.6. ANTENNAS and COMMUNICATION EQUIPMENT:** No radio or television antenna with more than twenty-four (24) square feet of grid area, or one that attains a height in excess of six (6) feet above any point of the roof of a residence, shall be attached to a residence on a Lot. Free-standing radio or television antennas are prohibited. A satellite receiving disk or dish not larger than 24" x 34" shall be permitted on any home. A satellite dish or disc may be attached to a home, or installed on a free standing pole in a manner and location as approved by the Committee. Solar panels (attached, detached, or free-standing) are prohibited.

**A.7. DWELLING EXTERIOR:** Within sixty (60) days of original occupancy of a new dwelling, the exterior of the dwelling shall be finished, including, but not limited to: siding, masonry, driveway, concrete flatwork, sidewalks (if needed), and required deck(s). Exterior additions, changes, or alterations to any dwelling shall not be commenced, erected, or maintained until plans and specifications showing the nature, kind, shape, height, materials, and location are properly submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in The Falls of Beaver Creek. Front elevations must be of brick, masonry, or wood. No roll siding, asbestos siding, or siding containing asphalt or tar as one of its principal ingredients may be used in the exterior construction of any structure on any Lot, and no roll roofing of any description or character may be used on the roof of any structure on any Lot. Roofing materials are limited to fiberglass or asphalt composite shingles. Fireplace wood must not be stored on a driveway or in plain view from the front of the home. It is both to the benefit of the community and the responsibility of every homeowner and resident to ensure that every property and dwelling is well-maintained.

**A.8. BEAUTIFICATION:** The Committee encourages both landscaping and the planting of trees and shrubs beyond the minimum of (12). In the event that either landscaping or the planting of trees and shrubs might block lake views or cause traffic hazards, the Committee's approval will be required.

**A.9. LIGHTING:** No lighting attached to a dwelling shall be located above the roof eave line. External lighting attached to a dwelling or located on any Lot shall not utilize mercury-vapor, sodium halide or similar high intensity industrial type lighting mechanisms. Ornamental yard lighting not more than six (6) feet in height serviced by underground wires or cables are permitted; however, any additional lighting requires approval by the Committee. Flood lights mounted on poles, and any other similar designs, are prohibited.

## **B. POLICIES NOT DIRECTLY INVOLVING THE COMMITTEE**

**B.1. NUISANCE:** No noxious or offensive activity shall be carried out on any Lot, nor shall anything be done which either may be or may become an annoyance or nuisance to any resident(s) or guest(s) in The Falls of Beaver Creek. Noxious or offensive activities include: loud music, repetitive dog barking,

obtrusive lighting, and any other disruptive activities which are or may be inconsiderate of neighbors. The use of common ground must include respect for families whose homes adjoin such ground. For example, access to ponds should be via common ground or walkways as opposed to along backyards of neighbors.

**B.2. STRUCTURES:** No structure of a temporary character, trailer, boat trailer, camper or camping trailer, recreational vehicle, motor home, basement, tent, shack, garage, barn, tool shed, dog house, dog run, burn barrel, or any other outbuilding or structure, shall be constructed, erected, located, or used on any Lot for any purpose (including use as a residence), either temporarily or permanently. Basements, however, may be constructed in conjunction with an approved single family residence on a Lot.

**B.3. OUTSIDE STORAGE:** No boat, boat trailer, recreational vehicle, motor home, camper, camping trailer, truck, or any other wheeled vehicle, shall be permitted to be parked ungaraged on any Lot, or any street, for periods in excess of forty-eight (48) hours or for a period which, in the aggregate, exceeds eight (8) calendar days 7 per calendar year. The term “truck” as used in this section means every motor vehicle designed, used, or maintained primarily for the transportation of property and rated one-ton or greater. It is strongly recommended—both for the sake of safety and for neighborhood appearance—that all motor vehicles be garaged when not in use. Lawn and garden tools and equipment are to be stored inside when not in use.

**B.4. SIGNS:** No sign of any kind shall be displayed to the public view on a Lot except one professional sign (for example, stating that the dwelling is protected by ADT) of not more than one square foot, or one sign of not more than five square feet advertising a Lot or home for sale or rent, or signs used by a builder to advertise a Lot during the construction and sales period. No signs may be erected upon common areas or easements except by the Association.

**B.5. ANIMALS:** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats, or other domestic household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. All approved pets must be controlled in accordance with Allen County ordinances, including leash laws. Pet owners must clean up (“poop scoop”) any feces deposited on common ground, neighbors’ yards, sidewalks, streets or easements. In the interest of both sanitation and appearance, pet owners must regularly remove feces from yards. Feeding wild animals is strongly discouraged and may be illegal

**B.6. DUMPING and TRASH DISPOSAL:** No Lot shall be used as a dumping ground for rubbish, scrap, concrete, or the like. Trash, garbage, and other waste, shall not be kept in the yard or at the street in excess of twenty-four (24) hours and must be in closed sanitary containers—closed plastic bags may be used after sanitary containers are full. Trash must not be allowed to blow onto streets, other Lots, common ground, or into any lakes. After disposal-company pickup, sanitary and recycling containers and must be returned either to the garage (preferred) or to an appropriate location out of plain view from the street. Grass clippings must not be left on the street at any time. Incinerators (external or internal) are prohibited as are composting piles and containers

**B.7. YARDS and LANDSCAPING:** Within sixty (60) days of original occupancy of a new dwelling (weather permitting), the yard shall be either seeded or sodded, and landscaping consisting of a minimum of twelve (12) well-developed shrubs shall be completed. Yards must be free from weeds, trash, and other debris. Grass must be mown on a regular basis and maintained at a height not to exceed six (6) inches.

**B.8. VACANT LOTS and DWELLINGS:** Except for construction periods, all yards, home exteriors, and vacant Lots must be neat, clean, and be free from weeds, trash, and other debris. Bare areas must be seeded to control weeds and erosion. Grass must be mown on a regular basis and maintained at a height not to exceed six (6) inches. During construction, all materials, scrap, and trash must be contained and not be allowed to blow onto any street, other Lots, common ground, or into any lakes.

**B.9. TRAFFIC:** No motorized vehicles (mopeds, scooters, motorcycles, minibikes, gocarts, golf carts, motorized three-wheelers, ATVs, or the like) are permitted either on common ground or easements in The Falls of Beaver Creek. The use of streets by any motorized vehicles must comply with Indiana state law and Allen County ordinances. Motor vehicle drivers and-or operators must observe all posted speed limits within The Falls of Beaver Creek. Snowmobiling is prohibited in The Falls of Beaver Creek.

**B.10. HOUSEHOLD LAUNDRY:** Laundry wash items are not permitted to be aired or dried outside a home. No clotheslines or clothes trees of either a temporary or permanent design may be erected or maintained on any Lot.

#### **END OF DOCUMENT**

Revision Approval Date: March 5, 1998 Board of Directors Meeting

Revision Approval Date: May 7, 1998 Board of Directors Meeting changed to allow trampolines

Revision Approval Date: September 19, 2003 Board of Directors "Special Meeting"

Revision Approval Date: May 27, 2004 BOD "B-4" Signage wording change disallowing signs in commons areas.

Revision Approval Date: July 29, 2004 Board Meeting revised A6 wording relative to approved satellite dish systems.

Revision Approval Date: November 11, 2004 Board Meeting revised A6 wording to remove restriction of only one dish in order to remain consistent with FCC rules that disallow any HOA placing restrictions that inhibit a home owner receiving a signal, i.e. one satellite service now offering a 2nd dish for local channels.

Revision Approval Date: June 27, 2007 Board Meeting revised A5 wording to clarify commercial grade basketball posts and backboards.

Revision Approval Date: July 13, 2017 Board Meeting revised approval period from 30 to 45 days. Revised spacing, materials, upkeep, materials A1. Revised spacing and location A5. Revised approved materials in A7. Revised approved material A9.

Revision Approval Date: March 24, 2020- Board revised approval period from 45 to 30 days

NOTE: This March 24, 2020 issuance of the FOBC HOA Architectural and Activities Policies of the Falls of Beaver Community Association Inc., supersedes any previously dated copies of this document.