

Lakes of Brooks Crossing Community Association

Above & Beyond Community Management, Inc

507 Airport North Office Park

Fort Wayne, IN 46825

P. 260-490-2226

F. 260-489-3473

abcmanagement.org

Architectural Control Guidelines

1. What are the Covenants and the Architectural Review Committee?

You should have received a copy of the Association's Bylaws and Restrictive Covenants (a.k.a. "the Covenants") at the time of the settlement on your property. They were created to protect the value of your investment in your home. We trust that you took time to read and understand them and that you refer to them from time to time to reinforce your memory of them.

Covenants assure the residents of certain minimum standards for land use, architectural design, and property maintenance throughout the neighborhood. They are provisions limiting the uses of the property and prohibiting certain uses. They "run with the land" as part of your deed of ownership.

Observance of the Covenants is entrusted to the Architectural Review Committee (ARC). The Lakes of Brooks Crossing Community Association's Board of Directors either sits on or appoints volunteer members to the Committee. These volunteers are residents of the Lakes of Brooks Crossing. (Any residents interested in serving on this Committee should contact a member of the Board of Directors or the property management office.) This practice assures that the control process is in the hands of your elected representatives and their appointees.

The Covenants provide that alterations or additions to your property must be approved by the Architectural Review Committee. The approval process and the standards to be applied by the ARC are detailed below. In addition, the Lakes of Brooks Crossing Homeowners Association employs a professional property manager who is available to assist you in the preparation of the Architectural Change Request and also to receive questions and complaints on architectural and maintenance matters.

2. What is the process for making changes to your property?

2.1 If necessary, apply for a building permit.

County building permits are required for certain alterations/improvements, such as decks, porches, additions, etc., to ensure construction is within building/safety codes. A discussion of permits and building codes is beyond the scope of this document; therefore, we advise homeowners to contact the Allen County Building Department at 449- 7131 **before finalizing plans and completing an** Architectural Change Request. This department can tell you if you need a permit, provide reference sheets of design requirements, and explain exactly what drawings and the number of them you will need to provide to obtain the permit(s).

ARC approval means that your proposed alteration/improvement meets the intent of the Covenants; ARC approval does not guarantee County acceptance of your design or that your proposal is within County building codes. Likewise, County approval does not guarantee the ARC's approval.

2.2 Resources for the planning and design process

The following resources are available to assist you in the planning, design and approval process:

- Lakes of Brooks Crossing Restrictive Covenants for Sections I, II or III (as applicable) for your location.
- The Architectural Control Guidelines
- The property manager

- Any member of the ARC

For improvements requiring permits, contact the Allen County Building Department – 260-449-7131.

2.3 Complete and submit an ACR to the Property Manager

Obtain an Architectural Change Request form (ACR) from the Lake of Brooks Crossing Architectural Control section at abcmanagement.org or from the property manager at 260-490-2226. Fill in the entire ACR and attach all information required by the instructions. (ACRs without all required information are automatically denied by the ARC, unless the applicant is present to discuss and clarify.) Return the completed ACR to the property manager.

2.4 Review by the ARC

Your Architectural Change Request (ACR) is normally reviewed within 72 hours following receipt. There are several possible outcomes:

- Your change request is approved.
- Your change request is approved if conditions specified by the ARC are met.
- Your change request is denied.
- Your change request is postponed, pending additional review.

The most likely reason for receiving a conditional approval is your ACR was not submitted prior to making changes controlled by the ARC. In such cases, the ARC may give one time exceptions, to the current owner, to some requirements set forth herein to minimize the impact of achieving compliance with intent of the ARG. Any exceptions given to current owner are not transferable to future owners.

The most likely reason for postponing action is because a proposed improvement is unusual or outside the architectural standards, requiring a variance to be granted. In these circumstances the ARC may determine it must visit the property prior to rendering a decision.

2.5 Report of the ARC's decision

The ARC will report its decision to the property manager, and the property manager will send the approved document to the property owner. Approval by the ARC does not imply appropriate permits have been obtained. All permits are the responsibility of homeowner.

3. Frequently Asked Questions

What if I disagree with the Architectural Review Committee?

An aggrieved party may appeal a decision of the ARC to the Board of Directors.

Is compromise possible?

While the process described above seems complex and rigid, it works because of the interest and cooperation of our residents and those who work on the ARC and the Board of Directors. At every step, efforts are made to reach compromises, where necessary, to ensure a speedy and satisfactory approval of your change request.

What if I don't wait for my change request to be approved?

If you begin alterations without first obtaining approval of your plans, you do so at your own risk. If you fail to submit an ACR, or if your ACR is turned down or modified, you may face the cost of removing the alteration and possible costs of litigation. The Covenants provide a means for placing these costs as a lien against your property. These circumstances may also arise if your property has been altered without approval before you purchased it. In such cases as those above, every effort will be made to work out a reasonable solution to the problem.

What is the process for Covenant enforcement?

Enforcement of the neighborhood covenants is the job of every resident, but the ARC and the Association's Board of Directors are ultimately responsible. When architectural complaints are brought to the attention of the ARC, they are investigated as promptly as possible. If a complaint is found to be valid, the property owner is contacted formally and asked to correct the problem. Our experience is that most problems are resolved at this stage. Should the property owner still fail to act after the expiration of the grace period, the ARC may refer the case to the Board which may vote to initiate action in court at the owner's expense. All costs at this stage are chargeable against the property owner as a lien on the property.

How closely must I adhere to the Architectural Standards?

The Restrictive Covenants give the ARC the responsibility to set rules and procedures for architectural control and the authority to interpret the Covenants and allow exceptions to their restrictions. The Architectural Control Guidelines should be understood as guides to be used by residents in preparing an Architectural Change Request (ACR). Based upon the policies and previous decisions of the ARC, they will tell you what is most likely to be approved in typical circumstances and also give you important information on how to prepare your change request.

Special circumstances regarding your property may allow the approval of a change request which might be denied at another location or the denial of one which might have been approved elsewhere. The fact that your plan has been approved for use at another location does not mean that it is automatically approved for your location.

The members of the ARC and the Board of Directors, in the final analysis, need your help and cooperation in every stage of the process.

What is a "structure"?

For purposes of the ARG, "Structure" is defined as any building or portion thereof, wall, fence, pool, shed, deck, swing set, pavement, driveway, or appurtenance to any of the aforementioned and similar structures.

In other words, ARC policies based on the Architectural Control Guidelines apply to all structures.

4. Specific Architectural Standards

Specific architectural standards controlled by the ARC are addressed in the following paragraphs.

Requirements related to changes to a dwelling are addressed in the section titled **Major Building Additions**.

Many changes made to a dwelling or a Lot Owner's property are subject to obtaining a permit from Allen County. An ARC approved ACR does not relieve the homeowners of their obligation to obtain any permits required by law.

4.1 Dwelling

No part of a garage can be converted into a year-round full time living space.

4.2 Fences

Overuse of fencing, especially privacy fencing, is ultimately unattractive, often not neighborly, and compromises the beauty of the neighborhood. We encourage the maintenance of as much open lawn space as possible. ARC's objective is a tasteful and orderly appearance.

All perimeter or barrier fencing designs must consider the following:

Fences must be aluminum, cast iron, appropriate PVC/vinyl, or commercial grade wood materials with a **maximum height not to exceed four feet**, except fences around in-ground pools required by the state of Indiana. Chain-link and other metal or wire fences are specifically prohibited.

The ARC will not approve construction or modification of any fence, which, in the ARC's sole opinion, would create a sight obstruction of any pond view or a safety hazard on any street.

Fence posts must either be integral with the fence or face the interior of the fence; external fence posts are prohibited.

Fences shall not extend forward of the back line of the home except for an extension needed to encompass a garage service door.

Fences must be maintained in a high state of repair.

Fences cannot be closer than two feet from the owner's property line at any point.

For properties bordering lakes, fences must be at least nine (9) feet away from the water's edge.

An ACR is required for ALL fences. The ACR must be approved, by the ARC prior to construction, and include the following:

- 1) A drawing of the lot showing the placement of the home and lines indicating where the fence is to be installed (including all dimensions).
- 2) Physical characteristics of the fence to include: style, building materials, height, and color.
- 3) Indication of where gates will be located. Gates should complement the fence material in style, color, and height.

4.3 Awnings, Trellises, Pergolas, and Similar Structures

Sun control structures must be compatible with the architectural character of the home in terms of style, color, and materials; they must be consistent with the visual scale of the home; and they must not adversely affect sunlight or natural ventilation of adjacent properties.

For sun trellises, pergolas, and similar structures commercial grade wood is the preferred material.

Awnings must be made of a straightforward design and should be executed in solid colors of canvas, vinyl, or commercial grade wood. Awnings with pipe frames should be painted to match the dominant color of the home. In addition, if an awning with pipe framing is removed, the frames must also be removed.

An approved Architectural Change Request is required, and it must include:

- 1) Location(s), dimensions, style, color and description of materials to be used,
- 2) Detailed drawings of awning(s) or trellis(es), or pergola(s), etc.
- 3) A description of the method used to support the attachment of the Awnings, Trellises, Pergolas, or Similar Structure.

4.4 Free Standing Poles

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.

One flagpole for the sole purpose of displaying a flag may be erected subject to approval of an ACR by the ARC.

Shepherd hooks use for hanging flowers; bird feeders, etc. are not considered to be free-standing poles.

An ACR must include:

- 1) Site plan showing the proposed location of the flagpole.
- 2) Diameter of the pole at the base and height.
- 3) Method of lighting proposed. See **Lighting** section for more ACR requirements.

4.5 Driveways

No change request is required for replacement of an existing driveway unless the owner plans to change the materials, size, shape, color or grade. An approved ACR is required for any new driveway construction, including expansion.

An ACR must include:

- 1) Site plan with dimensions showing the relation to existing structures, trees, and property lines.
- 2) Proposed changes in the materials, size, shape, color or grade (please note that care must be exercised in any drainage change).
- 3) Assurance that the configuration of the driveway will not allow a parked vehicle to extend into or overhang a public sidewalk or street.

4.6 Gazebos

Gazebos must be open on all sides, and no privacy screening of the structure will be permitted. Gazebos may not exceed one hundred forty-four (144) square feet in area. The floor may not exceed one (1) foot above the ground, when planned to be located separate from the dwelling, or deck floor; the wall height may not exceed eight (8) feet. If a gazebo is constructed as part of a deck, the construction and finish

should match the deck. Gazebos must be located to the rear of the home. Gazebos must be located at least ten (10) feet from adjacent property lines. Color and texture of the materials shall harmonize with the adjacent structures.

An approved ACR is required and must include:

- 1) A site plan showing the relationship of the gazebo to the adjacent homes and property lines.
- 2) A picture and/or detailed drawing of the gazebo, including dimensions.
- 3) A description of the material to be used.
- 4) A description of the color of gazebo and house.
- 5) If the gazebo is to be connected to permanent power a **Lighting** ACR is also required.

4.7 Grills – Permanent

An approved ACR is required for permanent grills.

Permanent grills should be placed behind the rear line of the house and should not be placed within (10) feet of the side and rear property lines. Color and materials shall harmonize with the adjacent structures.

An ACR must include:

- 1) The dimension of the permanent grill.
- 2) A site plan showing the location of the permanent grill.
- 3) A description of the materials and colors to be used.

4.8 Lawn Ornaments and Embellishments

An approved ACR is required for non-seasonal permanent lawn ornaments and embellishments over three (3) feet in height.

The maximum height above grade for ornaments and embellishments including mounting base is four (4) feet, the same as fences.

All permanent lawn ornaments and embellishments must be in keeping with the architectural and aesthetic character of the neighborhood. This includes patio, porch, and outside step ornamentation.

Temporary decorations for holidays and special occasions do not require a formal change request. They may be displayed for a period not to exceed ten (10) weeks. After that time, all temporary decorations shall be removed.

An ACR must include:

- 1) The number, type, color, height of each individual item.
- 2) A site plan showing the location of each item and their installed height (item plus base).
- 3) If any items are to be illuminated, a Lighting ACR is also required.

4.9 Lighting

Replacement of an existing yard light, or other external light fixture, if accomplished with a fixture that is a reasonable match to the old fixture does not require approval from the ARC.

Low voltage landscape lighting around walks, driveways or a structure that is part of the dwelling does not require an ACR.

An approved ACR is required for any new permanent lighting and wiring.

An ACR is required if a change in a fixture is desired, or if additional light fixtures are to be installed on existing or new structures. Further, no exterior lighting may shine on adjacent properties or public spaces and should be aesthetically planned for each location.

Exterior lighting of this type must be considered more carefully because of the impact on neighboring properties. Light fixtures of this type should be carefully aimed so that they illuminate only a specific area such as a flag, doorway, walkway, deck, pool area, driveway, etc. Some high output light fixtures may have to be shielded in a manner similar to some streetlight installations to prevent unwanted or excessive intrusion of light from one property to another.

Temporary lighting for decoration, holiday, and festival use does not require a formal change request. Holiday lighting may be operative for a period not to exceed ten weeks. After the period of use, all temporary lighting and decorations shall be removed.

Bug lights must be portable and kept ten (10) feet from the property lines.

Property owners are strongly advised to engage one of the utility locating services to identify existing utility lines **before initiating any digging to install new lines**. Overhead lines are prohibited.

An ACR must include:

- 1) The type and purpose of each lighting fixture.
- 2) Number, size, style, shape, color, and positioning of each light.
- 3) Area(s) to be illuminated. Indicate if shielding is required to prevent unwanted or excessive intrusion of light onto another property.
- 4) Method of routing power to new lights.

4.10 Major Building Additions

Major building additions include but are not limited to porches and rooms. The design of major additions must be consistent with the existing shape, style, and size of the home in the following ways:

- Siding, roofing, and trim materials must be the same as, or compatible with, the existing materials of the home in color and texture.
- 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.
- Roof eaves and fasciae should be the same depth, style, and approximate slope as those of the existing home.

The following conditions shall determine the approval of new addition locations:

- New additions must not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining their existing home.
- Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent homes or the public's use or enjoyment of open spaces.
- The windows, doors, or viewing areas from planned additions should not infringe upon existing internal or external private areas of adjacent homes.
- Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
- Any addition must meet county setback requirements.

An ACR must include:

- 1) Site plan showing relationship of new and existing construction to property lines and adjacent homes. Size and location of trees in affected areas on the site should also be included.
- 2) Drawings, to scale, of the new construction, including a plan view and elevation views of each new exterior wall area. These should show dimensions and locations of such features as doors, windows, roof lines, trim, and new exterior lighting fixtures.
- 3) Description, including: type of siding materials, roof materials, trim materials, including their colors.

4.11 Patios, Deck, and Walkways

This guideline refers to any new or expanded patios, decks, and walkways, or to any material changes in existing patios, decks, and walkways. All new materials should be neutral in color, such as natural concrete, stone, clay brick, or treated wood.

Decks and patios may be constructed of treated wood, masonry, stone, and concrete, providing that the color and texture of the materials harmonize with the adjacent structures. Decks must be stained or painted to complement the home. All hardware must be rust resistant or corrosion resistant.

Decks and patios must be located to the rear of the home.

The height of the deck or patio must be limited to the finished floor line single-story home or the second story finished floor line two-story home.

An ACR is not required if a patio, deck, or walkway replaces an existing structure with identical material similar in color and textures. However, an ACR is required for all other patios, decks, and walkways.

Changes to the contour of the land by adding patio's, benches, islands, decks, walkways, etc. that would change how the property was designed for surface water flow/discharge are not allowed.

The following conditions shall determine the approval of new patios, decks, and walkways:

- The plan shall not disturb existing contours. Terracing to follow existing land contours should be limited to small increments or railings should be provided.
- The structure shall be located to provide reasonable visual and acoustical privacy for both applicants and their neighbors and utilize screening or plantings to this end.

An ACR must include:

- 1) A site plan with dimensions showing new and existing walkways, decks, or patios in relation to existing homes, trees, and lot boundaries.
- 2) An ACR describing a planting plan to screen the base of the deck (see Planting and Trees).
- 3) A list and description of materials to be used, including color samples of paints and stains.
- 4) A project plan showing elevations and dimensions.
- 5) Description of proposed lawn contour changes, screening, rails, benches, etc.
- 6) If new exterior lighting is planned, a Lighting ACR is also required.

4.12 Plantings and Trees

An ACR is not required for foundation plantings, fewer than four trees, or single plantings.

An approved ACR is required for hedges. A hedge is defined as a row of bushes or low trees planted closely together to form a boundary. Use of hedges, especially to create privacy fencing, is often not neighborly, and compromises the beauty of the neighborhood, especially when they are located in front of a dwelling. We encourage the maintenance of as much open lawn space as possible. ARC's objective is a tasteful and orderly appearance.

An approved ACR is required if either landscaping or the planting of trees and/or shrubs might block pond views or cause traffic hazards.

In addition, no landscaping design may commence that would cause water run-off to flood a neighboring lot. Only grass such as fescues and bluegrass may be planted between sidewalks and streets.

Vegetable gardens are allowed for growing personal produce. They should be adjacent to the home at the rear and encompass a maximum of sixty-four feet in size and at least two (2) feet from the property lines. Plantings for vegetable gardens should grow no higher than 4 feet.

An ACR must include:

- 1) A site plan showing the planned location of each planting with respect to sidewalks and neighbors property lines.
- 2) The number and type of each planting.

4.13 Fires, Fire Pits and Firewood

Fires. No outdoor fires for the purpose of burning leaves, grass, or other forms of trash shall be permitted to burn upon any street, roadway, or lot in The Lakes of Brooks Crossing. No outside incinerators shall be kept or allowed on any Lot.

Fire Pits and Chimineas. Permanent fire pits require an approved ACR until January 1, 2016 after which time they will no longer be permitted.

An ACR must include:

- 1) A site plan showing the planned fire pit location, the area surrounding the pit and the walkway to it with respect to sidewalks and neighbors property lines.
- 2) An approved ACR for Patios, Decks and Walkways is also required.

Free-standing metal fire pits and clay Chimineas do not require an approved ACR.

The ARC strongly encourages residents to be aware of and adhere to the Allen County Open Burning Rules and Regulations available at <http://www.allencounty.us/home/42-news-summaries/2289-allen-county-residentsreminded-about-open-burning-rules-regulations>

Firewood. Burning of wood in fire pits and Chimineas is restricted to natural wood or charcoal. Burning of treated, varnished, or painted wood and particle board is forbidden due to toxic and odorous fumes. Firewood should be kept at the back of the house or otherwise not visible from the street.

4.14 Private Pools and Hot Tubs

Pursuant to the Covenants of the Association, no standalone above-ground pools or hot tubs are permitted. All in-ground pools or hot tubs require an approved ACR in advance of installation. As well as affecting views, pools and hot tubs may create safety, noise and lighting problems. Any exterior gate to the fence enclosing a pool must have child-proof latches.

Hot tubs located exterior to a home must be integral with an aesthetically appealing deck or patio compliant with paragraph 4.11, attached or adjoining to the home. Hot tubs located exterior to a home must be hidden from street view using approved fencing or barrier compliant with paragraph 4.2.

A county permit is also required for an in-ground pool and in-ground pools must be in compliance with all Allen County zoning ordinances and Indiana law.

The following conditions shall determine the approval of private pools and hot tubs:

- The proposal shall provide privacy screening after installation of the pool or hot tub such that it is not visible from any street.
- The size of the hot tub or pool shall be within the size of the maximum area of enclosure planned for privacy screening.
- Fences used for privacy screening shall be of an approved type. See Fences 4.2 for details.
- The proposal shall consider the impact of required privacy screening on open space and must be carefully positioned to adjacent property.
- The proposal shall provide for safety within the pool or hot tub areas.
- The location of the hot tub or pool shall be chosen to minimize the impact of increased noise levels on adjacent properties.

An ACR must include:

- 1) A site plan showing the location and dimensions of the pool or hot tub, other related equipment, fences, plantings and privacy screening, etc., in relation to the applicant's home, property lines, and adjacent homes.

- 2) Detailed drawings and plans of the pool or hot tub, deck areas, walkways, fences, etc., and pertinent information concerning water supply system, drainage, and water disposal system.
- 3) If pool lighting is planned, a Lighting ACR is also required.

4.15 Satellite Antennae

Free standing satellite dishes do not require an ACR. However, they shall be located to provide optimum performance and as near the dwelling as practical, and to the side or rear of the dwelling when possible. They must be hidden from view, as much as possible, by plantings that do not interfere with their performance.

4.16 Solar Equipment

Solar equipment may be permitted. A complete ACR must be submitted and approved by the ARC.

Solar panels must not restrict views from neighboring homes or Common areas. Solar panels must not detract from the aesthetic appearance of the dwelling where they are installed or that of neighboring properties.

An ACR must include:

- 1) A plan with dimensions showing the mounting structure and location for each solar panel.
- 2) Total area in square feet of all panels.
- 3) Routing of external wiring associated with each panel.
- 4) Color of panels

4.17 Dwelling Exterior

Exterior additions, changes, or alterations to any home shall not be commenced, erected, or maintained until an ACR has been submitted to and approved by the ARC in writing.

Front elevations must be brick, masonry, or wood. No roll siding, asbestos siding, siding containing asphalt or tar as one of its principal ingredients may be used in the exterior construction of any structure on any lot. No roll roofing of any description or character may be used on the roof of any structure on any lot.

An ACR must include:

- 1) Plans and specifications showing the nature, kind, shape, height, materials, and location with respect to the current dwelling.
- 2) Material to be used for front elevations.
- 3) Sufficient information to allow the arc to assess the structure's harmony of external design and location in relation to surrounding structures and topography in the LOBC community.

4.18 Swing Sets, Sandboxes, and Playhouses

Swing Sets and Playhouses require an ACR form approved by the ARC.

Swing Sets, Playhouses and Sandboxes are permitted only in backyards and at a location approved by the ARC. They must not be located in a Common area or outside lot boundaries. A minimum of five (5) feet inside the lot boundary must be maintained in placing the structure. Swing Sets and Playhouses must be of heavy, wood construction, earth tone in color, and maintained in a high state of repair. Some plastic or metal accessory parts—a slide for example, may be approved as well.

Sandboxes do not require the ARC's approval as long as they do not exceed twenty (20) square feet and one (1) foot in height. They must meet the location criteria stated above for playground sets.

An ACR must include:

- 1) Color and materials used to build the Swing Set and/or Playhouse.
- 2) A site plan with dimensions showing the location of the play equipment relative to applicant's home, property lines, and neighboring houses.
- 3) A picture or sketch of the equipment showing dimensions.

4.19 Basketball hoop and Backboard – Portable and Permanent

Permanently installed basketball posts and goals require an ACR approved by the ARC. Basketball posts and goals must be free-standing and not attached to the home, garage or roof. The backboard must be perpendicular to the street and at least halfway up the driveway in placement.

Portable basketball goals should be stored (preferably in the garage) or out of plain view of the street. No basketball hoops or backboards shall be erected next to the curb or in the street.

An ACR must include:

- 1) The location of the pole with respect to the driveway and street.
- 2) The planned orientation of the backboard.
- 3) The construction materials used must be corrosion or rust resistant.
- 4) The color of the pole and backboard.
- 5) If external lighting is planned a Lighting ACR is also required.

4.20 Vehicles: Commercial and Residential

Residential streets in Lakes of Brooks Crossing are governed by and maintained by Allen County. Commercial vehicles including semis, flat beds, buses, tow trucks, and similar vehicles are allowed for delivery, pickup, and construction purposes.

If traffic or on-street parking becomes an issue, concerned residents should register a complaint with the Allen County Police or Sherriff's office.

Parking of recreational vehicles including all towed vehicles and/or towed carriers, regardless of size, such as boats, boat trailers, cargo trailers, and all other types of trailers shall not be parked on driveways for more than five (5) consecutive days and not more than ten (10) days per month. The parking of commercial and recreational vehicles in a common area is prohibited.