

ARCHITECTURAL REVIEW BOARD
Guidelines and Requirements
Amended Version, April 2011

I. Purposes, Responsibilities and Functions

A. The purpose of the Board is to regulate the external design, appearance, use and maintenance of the Tract and the Living Units located therein and to preserve the aesthetic qualities and ecological integrity thereof.

B. No improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work that in any way alters the exterior of any Living Unit, Multifamily Structure or other building, structure or improvement, or the condition of any unimproved Lot, the Community Area or any other common area located within the community may be done without the prior approval of the board, except as otherwise provided in the Declaration of Covenants and Restrictions. No building, fence, wall, Living Unit or other structure may be commenced, erected, maintained, improved, altered, made or done without such prior approval.

C. The Board is authorized to adopt general rules to implement the purposes for which it was established, to interpret the protective covenants set forth in the Declaration of Covenants and Restrictions and any Supplementary Declaration, and to enforce the covenants, rules, regulations, restrictions and guidelines set forth in such declarations or adopted by the Board.

D. The Board has adopted rules of procedure for the conduct of its proceedings and established procedures for the processing of requests by Owners for permission to undertake work that requires prior approval of the Board. The Board will consider requests only if they are made in accordance with the Rules of Procedure adopted by the Board.

II. Specific Community Requirements

A. House /Tract – General Required Maintenance

1. Owner shall keep all Lots owned by him and all improvements therein or thereon, in good order and repair and free of debris including but not limited to the seeding, watering and mowing of all lawns the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management as determined by the Architectural Review Board. In the event an Owner of any Lot in the Tract shall fail to maintain the premises and the improvements situated thereon, as provided herein, the Corporation, after notice to the Owner as provided by the By-Laws and approval by two-thirds (2/3) vote of the Board of Directors, shall have the right to enter upon said Lot to correct drainage and to repair, maintain and restore the Lot and the exterior of the buildings and any other improvements erected thereon. All costs related to such correction repair or restoration shall become a Special Assessment upon such Lot.

(Reiteration of Covenants & Restrictions Section 15 'Use of Tract' Item B.)

B. Alterations and Additions to Building; Detached Structures

1. Any addition to an existing building, any exterior alteration, modification or change to an existing building or any new detached structure or improvement must be approved by the board before any work is undertaken. Examples of such projects include a deck, storage shed, fireplace, tennis court, swimming pool, etc.

2. Any addition, exterior alteration, modification or change to an existing building shall be compatible with the design character of the original building. Any new detached structure must be compatible with the parent structure.

C. Awnings

1. Awnings are not felt to enhance the aesthetic qualities of the Community and, therefore, will be approved only if desired by an overwhelming majority of Owners.

D. Materials and Color

1. Only the exterior materials existing on the parent structure or compatible with the architectural design of the community will be approved.

2. Exterior color changes will be approved only if the proposed color is in harmony with the other existing Living Units in the Community or if the color is similar to the colors originally employed in the Community.

E. Fences and Screens

1. Any fence, wall or screen must have the approval of the board before installation is undertaken.

2. No fence, wall or screen will be approved if its installation will obstruct sight lines for vehicular traffic.

3. No chain link fence or other wire fences will be permitted. All 4' – 6' fences must be cedar or treated lumber, shadow box design or panel. Solid enclosures are not allowed. Invisible fence systems are preferred for pet control.

4. No owner may remove, alter, paint or stain a fence, wall or screen without the prior approval of the Board, and each owner shall maintain any fence, wall or screen in good condition as originally installed or constructed.

5. The maximum fence height is 6 feet (6') tall. This fence must not protrude beyond rear setback of house.

6. Landscaping should be every four feet (4') around outside of fence with either hard scape (shrubbery) or soft scape (flowers).

F. Landscaping

1. No live trees with a diameter in excess of 3” may be cut anywhere in the Community without prior approval of the Board.
2. No live trees or shrubbery may be cut, or other vegetation cleared on slopes greater than 15% without prior approval of the Board.
3. No resident may plant trees, landscape or do any gardening in the Community Area or any other common area except with the prior approval of the Board.
4. Without the prior approval of the Board, no hedge or shrub planting higher than 18 inches will be permitted between the front building set back line of a Lot and the front property line except where such planting is part of the house landscaping and the prime root therefore is within four feet of the Living Unit.
5. Owners of Lots shall not permit the growth of weeds and volunteer trees and bushes upon their Lots and shall keep their lots reasonably clear from such unsightly growth at all times.

G. Mailboxes

1. Only mailboxes including community mailboxes, and newspaper tubes that meet the design standards of the Board shall be permitted, except for mail depositories that are the property of the United States Postal Service. All mailboxes installed at the street to service Lots in the Community shall be installed on posts approved as to type, size and location by the Board.
2. It is the responsibility of the homeowner to periodically check their mailbox, and if in need of maintenance, proper care should be applied. (i.e. replace, paint, repair any decorative housing).

H. Antennas

1. Exterior television antennas and satellite receivers or down links will not be permitted on any Lot.
2. Any Person wishing to install an antenna for amateur radio activities exclusively shall submit plans for the same to the Board. The plans must show affidavits from all Owners within 200 feet of the proposed antenna stating that they have no objections thereto and the plans must include information on the proposed location, height, and configuration of the proposed antenna.

I. Vehicles

1. All motor vehicles are to be maintained in proper operating condition so as not to be a nuisance by noise or exhaust emissions. All motor vehicles, except those necessary for property maintenance, shall be driven only upon paved streets and parking lots.
2. All vehicles should be parked in the garage or in the driveway areas. Homeowners should not regularly park their vehicles on the street.
3. Boats, campers, trailers of any kind, buses, mobile homes, trucks (other than pick up trucks and vans) or other unconventional vehicles of any description shall be permitted, parked or stored only at such locations as shall first be approved by the Board of Directors of the Corporation or the Board of Managers of an association of Owners organized pursuant to a Supplementary Declaration.
4. Boats, campers, trailers of any kind, busses, mobile homes, trucks (other than pick-up trucks and vans) or other unconventional vehicles allowed as set forth in paragraph b above are permitted to be parked or stored in areas designated "Marina Parking." Vehicles permitted to be parked or stored in designated areas must display a Hillindale Homeowner's Association, Inc. parking permit which may be renewed at the discretion of the Board of Directors or its designee on a yearly basis. Vehicles permitted to be parked or stored in said areas must be well maintained, in good condition, in proper working order, and boats must be properly stored (including snugly tarped) in a manner in keeping with the aesthetics of the community.
5. Noncompliance with any of these conditions may result in rescission of a parking permit, failure to qualify for renewal of a parking permit, removal of the non-complying vehicle, trailer, etc. at the expense of the owner including placing a lien on the Owners property, or other appropriate penalties as allowed by law.

J. Signs

1. No signs of any type shall be displayed to public view on any Lot or common area without the prior written consent of the board, except customary name and address signs, and lawn signs of not more than four (4) square feet in size advertising a Lot for sale or rent. Where a specific activity will require a number of signs, request for review for all such signs may be submitted to the Board in one Petition.
2. All political signs must be removed within 48 hours after election. No political signs allowed on common ground areas.

K. Miscellaneous

1. Exterior lighting shall not be directed in such a manner as to create annoyance to neighbors.

2. Rubbish, garbage and other waste must be kept in sanitary containers. Such containers shall not be permitted to remain conspicuous except on days of collection, except such permanent containers as may be located throughout the Community for general use or for defined Living Units. All containers shall be kept clean and sanitary.
3. Generally recognized house pets may, in reasonable numbers, be kept and maintained at a Living Unit if such pets are not kept or maintained for commercial purposes. All pets must be kept under control by their owners when outside the owner's Living Unit and must not become a nuisance to other residents.
4. No clothes lines or other clothes drying apparatus shall be permitted in public view on any Lot.
5. Nothing shall be hung or displayed on the outside of the windows, patios or balconies or placed on the outside walls of Living Units without the prior approval of the Board.
6. Any gas or oil storage tanks used in connection with a Lot shall either be buried or located in the garage or Living Unit such that they are completely concealed from public view.

III. County Building and Work Permits.

- A. Approval of any project by the Architectural Review board does not waive the necessity of obtaining permits required by any governmental authority.
- B. Obtaining a permit from any governmental authority does not waive the need for approval from the Architectural Review Board.
- C. The Architectural Review board will not knowingly approve a project that is in violation of the building or zoning codes or any other regulations imposed by governmental agencies.

IV. Definitions

- A. As used in these Guidelines, unless the context clearly requires otherwise, the following terms shall mean the following:
- B. "Board" means the Architectural Review Board.
- C. "Community" means Hillindale Commons
- D. "Petition" means any petition, application or other submission, including a Lot Development Plan, filed with the Board, whether upon a form prescribe by the Board or otherwise.
- E. Any undefined term used in these Guidelines shall, if the contexts so permits have the meaning set forth in Paragraph 1 of the Declaration of Covenants and Restrictions of Hillindale Commons recorded in the Office of the Recorder of Ripley County, Indiana as Instrument Number 83-2594.