

## **LACABREAH COMMUNITY ASSOCIATION, INC.**

### **ACTIVITY AND ARCHITECTURAL POLICIES**

The following architectural and activity policies have been extracted from the dedication, protective restrictions, covenants, limitations, easements, approvals and bylaws appended to and made a part of the dedication and plat of LaCabreah, and its community association. They are subject to additions or changes by the Architectural Review Committee and the Board of Directors of LaCabreah Community Association, Inc.

These policies are meant to ensure the value and desirability of LaCabreah Community Association, Inc. and to protect the investment of the individual property owners.

Maintenance and compliance with the above Articles, Bylaws and Policies shall be the responsibility of individual property owners and be maintained/complied within a timely manner in order to enhance the appearance and value of LaCabreah Community Association, Inc.

### **GENERAL**

No building, fence, wall or other structure shall be commenced, erected or maintained on a lot, nor shall any exterior addition to, change or alteration to an existing structure be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the proposed activity have been submitted to and approved in writing as to the harmony of the external design and location in relation to surrounding structures and topography by the Architectural Review Committee of the Board of Directors of the Association.

An Architectural Review Request Form is available from members of the committee or from the Secretary of the Board of Directors. Requests must be submitted to the Chairperson of the Architectural Review Committee using the designated form and including any additional materials required for full description of a proposed project. Such materials may include:

1. Sketch of layout
2. Plot plan
3. Photos
4. Type of material to be used
5. Color of material

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6. Height, length, and width / dimensional configuration Product information ural Policies

You shall receive a formal reply to your written request within thirty (30) days of receipt of the request by the Chairperson. Failure of the Architectural Review committee to reply within thirty (30) days of receipt of the request form shall constitute approval of the submitted proposal. Questions regarding this process or the policies in this document should be directed to the Chairperson of the Architectural Review Committee 429 East Dupont Rd. PMB 162, Fort Wayne, IN 46825-2055.

## POLICIES

**1. FENCES:** Fences must be commercial-grade wooden, poly vinyl, **or aluminum** construction and may not exceed 6 feet high unless otherwise approved. Poly vinyl fences shall be of earth tone colors and must conform aesthetically to the home. The finish on wooden fences must be paint, stain or natural earth tone color and must conform aesthetically with the home. **The aluminum construction fences shall be of the “wrought iron” style, and painted black.** All fence posts must be either integral to the fence structure or face the interior of the fence; external posts are prohibited. Fencing cannot block the line of sight to the lake of any house on a lot contiguous to the lakes in the community. Closed picket style is not allowed. **The minimum spacing allowed between pickets will be 2 inches.** Convex style shadow box fencing, subject to the final approval of the Architectural Committee will be allowed on Lots 175 through 186 and Lots 193 through 195. Fencing cannot extend forward off the back line of a dwelling. All fencing must be maintained in a high state of repair. (Section 5.1 of Covenants)

**2. SWIMMING POOLS & HOT TUBS:** Only in-ground swimming pools are permitted and must be fully enclosed with approved safety cover or by a fence of approved construction with a height of not greater than six (6) feet (unless otherwise approved). Any exterior gate must contain a childproof lock. Cabanas are permitted inside the fence when used to house pump equipment for the in-ground pool. Design subject to approval by the Architectural Review Committee. Hot tubs located on the exterior of a home must be located within a deck or patio area and are subject to the approval of the Architectural Review Committee. All products must be kept in a high state of repair. (Section 5.1 of Covenants)

**3. PLAYGROUND SETS:** Permitted only in backyards. Maximum permitted height is twelve and a half (12 1/2) feet; maximum permitted length is twenty (20) feet. Playground sets must be of heavy, wooden construction, earth tone in color, and must be kept in a high state of repair. Tree houses are not permitted. Specific location must be submitted for approval to the Architectural Review Committee. (Section 5.1 of Covenants)

**4. STRUCTURES:** No unattached structure (shack, barn, garage, basement, tent, tool-shed, tree house, dog house, dog run, doll house, barn barrel, or other outside building or structure) shall be

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located or used on any lot at any time or used as a residence on either a temporary or permanent basis. (Section 6.8, 6.9 of Covenants)

**5. VEHICLES:** No boat, boat trailer, recreational vehicle, motor home, trailer, truck, camper, or any other wheeled vehicle shall be permitted to be parked ungaraged on any lot for periods in excess of forty-eight (48) consecutive hours, or for a period which, in the aggregate, is in excess of eight (8) calendar days per calendar year. A “truck” is defined for this purpose as one rated one-ton or greater. (Section 6.8 of Covenants)

**6. SIGNS:** No sign of any kind shall be displayed to the public view on any lot except either: One professionally-made sign of not more than one (1) square foot; or, One sign of not more than five (5) square feet advertising the property for sale or rent; or, one sign of not more than five (5) square feet used by a builder to advertise the property during the construction and sales period, unless otherwise approved by the Architectural Review Committee. (Section 6.11 of Covenants)

**7. COMMUNICATION EQUIPMENT:** No radio or television antenna with more than twenty-four (24) square feet of grid area or that attains a height of excess of six (6) feet above the highest point of the roof of a residence shall be attached to a residence on a lot. No freestanding radio or television antenna shall be permitted on a lot. No solar panels attached, detached, or freestanding are permitted on a lot. No television satellite receiving disc or dish in excess of twenty (20) inches in diameter shall be permitted on any lot, provided however that the installation and location thereof must be approved by the Committee under Section V. Equipment cannot be visible from the front of the primary street of the residence. (Section 6.12 of Covenants)

**8. DWELLING EXTERIOR:** No exterior additions, changes or alterations to any dwelling shall be made until approval of plans, materials and location has been obtained from the Architectural Review Committee. Fireplace wood may not be stored on a driveway or in view of the front of the home. No roll siding, asbestos siding or siding containing asphalt or tar as one of its principal ingredients shall be used in the exterior construction of any building on any lot. No roll roofing shall be used on the roof of any dwelling or attached garage. **Metal roofing will be permitted in the shake or stamped shingle styles only. An architecture request will be required for any metal roof installation, and approval from the architecture board will be required.**

**Solar panels are permitted, as long as they are installed on the non-street facing side of the roof, or are shingle style. Either option will require an architecture request and approval, and will be at the discretion of the architecture board. No detached or freestanding solar panels are permitted.** It is the responsibility of every homeowner and a benefit to our community to ensure that every property is kept well maintained. (Section 6, 6.16 of Covenants)

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**9. OCCUPANCY OF A NEW DWELLING:** Within sixty (60) days of occupancy of a new dwelling (weather permitting), the yard shall be seeded or sodded and landscaped in order to prevent soil erosion. (Section 6 of Covenants)

**10. VACANT DWELLING:** When no one occupies a dwelling for an extended period of time, the owner(s) is still responsible for maintaining the lawn and landscaping in a neat, clean fashion with the grass mowed until the dwelling is sold. Grass must be mown on a regular basis and maintained of a height not to exceed six (6) inches. (Section 6 of Covenants)

**11. VACANT LOTS/NEW DWELLING CONSTRUCTION:** Any undeveloped lot not under construction must be maintained and kept free of weeds and debris. Bare areas are to be seeded with grass to control soil erosion and weeds. Grass must be mown on a regular basis and maintained at a height not to exceed six (6) inches. Construction materials must not be allowed to blow about the lot and onto the street and other lots. Construction materials must be placed in secure trash bins on a daily basis. (Section 6 of Covenants)

**12. BASKETBALL POSTS AND FREESTANDING FLAGPOLES:** Plans for all basketball posts/goals are subject to review of the Architectural Review Committee. Basketball posts/goals must be freestanding, constructed of commercial grade materials, and located no more than twenty (20) feet from the dwelling. If located at the driveway, the backboard of the post/goal shall be set perpendicular to the street. Portable Basketball Units are not permitted. Plans for freestanding flag poles must be submitted to the Architectural Review Committee for approval. Flagpoles may only fly the Flag of the United States of America. All Posts, Poles and components must be kept in a high state of repair. (Section 6.10 of Covenants)

**13. TRASH DISPOSAL:** The Association has contracted to provide trash pickup and recycling for community residents. No grass clippings shall be left on the street at any time after mowing the grass. Trash, garbage and other waste shall not be kept in the yard for more than twenty-four hours except in closed, sanitary containers or closed plastic bags. After the garbage disposal company has emptied sanitary containers, return them to their proper place by the end of the pickup day. Trash bins must be stored out of view of the street and of other residents or returned to the garage for storage. No incinerators (external or internal) shall be kept or allowed on any lot. Composting piles/containers are not permitted. (Section 6.15 of Covenants)

**14. TRAFFIC:** No motorized vehicles (mopeds, scooters, mini-bikes, go-carts, motorized three-wheelers, ATV's, etc.) are permitted on the Association's common ground. Motorized vehicle use of streets must be in compliance with Allen County ordinances and Indiana state law. Motor vehicle operators/drivers must observe any posted speed limits within the subdivision. No snowmobiling is permitted on any common area, lot or any other area of the subdivision. (Section 2 of Covenants)

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**15. HOUSEHOLD LAUNDRY:** Laundry wash items are not permitted to be aired or dried outside the house. No clothesline of either temporary or permanent design shall be erected or maintained on any lot. (Section 6.10 of Covenants)

**16. ANIMALS:** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose. Any permitted animals must either be on a leash or controlled in accordance with Allen County Leash Ordinances. Animal droppings on personal property or common grounds must be cleaned up immediately and disposed of properly by the animal owner. The feeding of wild animals is discouraged. (Section 6.14 of Covenants)

**17. ACTIVITIES AND NUISANCES:** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done which may become or may be an annoyance or nuisance to the neighborhood. This includes loud music, repetitive dog barking, obtrusive lighting, and other disruptive activities that are inconsiderate of your neighbors. (Section 6.7 of Covenants)

**18. EASEMENTS:** No owner of any lot shall erect or grant to any person, firm or corporation, the right, license or privilege to erect, use or permit the use of overhead wires, poles or overhead facilities of any kind for electrical, telephone or television service (except distribution facilities entering or leaving the subdivision). Street lighting or ornamental yard lighting serviced by underground wires or cables is permitted. Service drainage easements and common areas used for drainage purposes shall be constructed to achieve this intention and maintained in unobstructed condition. (Section 6.5, 6.5.1, 6.6 of Covenants)

**19. GEOLOGICAL ACTIVITY:** No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot. No derrick or other structure designed for the use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot. No individual water supply system or individual sewage disposal system shall be installed, maintained or used on any lot. (Section 6.13 of Covenants)

**20. LIGHTING:** No lighting attached to a dwelling shall be located above the roofline. External lighting attached to a dwelling or located on a lot shall not utilize mercury vapor or similar lighting mechanisms. External lighting not attached to a dwelling shall not exceed seven (7) feet in height. Exterior lighting shall not be intrusive or infringe upon the privacy of other residents. (Section 6, 6.7 of Covenants)

**21. BEAUTIFICATION:** As a beautification project in our community, the Architectural Review Committee encourages the planting of trees and shrubs on lots. In the event that the planting of trees or shrubs might block the view of adjacent lots, the placement of said trees or shrubs shall be subject to the approval of the Architectural Review Committee. (Section 5 of Covenants)

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**22. LANDSCAPING:** All dwellings shall have the minimum amount of Twelve (12) mature scrubs with the required amount of well developed trees per the original purchase agreement. (Section 5 of Covenants)

**23. YARD ACCESSORIES/EQUIPMENT:** Trampolines, above ground pools, and portable basketball units are not permitted. The Architectural Review Committee reserves the right to approve or reject all yard items, equipment, or landscape accessories. All installations will be subject to inspection for compliance of the submitted specifications. All properties must meet Allen County Codes and Regulations. (Section 5 of Covenants)

**24. EROSION CONTROL GUIDELINES:** River rock (no rip rap) with or without a combination of large boulders may be used. The total of 4 1/2 feet of rock (minimum) 3 feet from water to the edge of rock and 18 inches of rock into the water. It is required for homeowners to keep weeds in control. The Association suggests that residents have a geo-toxic fabric placed under the rock. Only a certain type of weed killer can be used, in order not to pollute the ponds and kill the pond life. Options such as seawalls, concrete or corrugated pylons or plantings are subject to architectural review. No sand is permitted since it clogs the fountain pumps. No rock smaller than the #2 river rock, which has currently been placed around the ponds, will be accepted. All erosion control plans must be submitted to the board for review. (Section 5 of Covenants)