

## ARCHITECTURAL REVIEW BOARD

### Guidelines and Requirements

*Amended Version, June 2016*

#### I. Purpose, Responsibilities and Functions

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

B. No improvements, alterations, change of colors, excavations, changes in grade or other structural, sub-structure, or landscaping work that in any way substantially modifies the exterior of any living unit, multifamily structure or other building, added structure or improvement, lake based structure(s), or the condition of any unimproved lot, the Community Area or any other common area located within the community may be commenced without the prior approval of the ARB, except as otherwise provided in the Declaration of Covenants and Restrictions. No building, fence, wall, living unit, boat dock, or other structure may be commenced, erected, improved, altered, or constructed without the ARB's prior approval.

C. The ARB 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 ARB.

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

#### II. Specific Community Requirements

##### A. House /Tract – General Required Maintenance

1. Owner shall keep all owned lots, 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 ARB. 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 Hillindale Homeowner's Association Board of Directors, shall have the right to enter upon said lot to correct damage and to repair, maintain and restore the lot and the exterior of the buildings and any other improvements erected

thereon to the approved state. All costs related to such corrective 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; Boat Docks

1. Any addition to an existing building, any exterior alteration, modification or change to an existing building or any new detached structure, including boat docks, or improvement must be approved by the ARB before any work is undertaken.
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. Fixed awnings do not enhance the aesthetic qualities of the Community and, therefore, will be approved only if desired by an overwhelming majority of owners. Retractable awnings are acceptable as long as it is compliant with section B (Alterations and Additions to Building: Detached Structures, section 2).

#### D. Materials and Color

1. Only materials 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 existing living unit and other living units in the Community.

#### E. Fences and Screens

1. Any fence, wall or screen must have the approval of the ARB 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 fences must be cedar, treated lumber or vinyl and must be in harmony with the other existing living units in the Community. Invisible fence systems are acceptable for pet control.
4. No owner shall remove, alter, paint or stain a fence, wall or screen without the prior approval of the ARB, and each owner shall maintain any fence, wall or screen in good condition as originally approved and installed or constructed.
5. Property owners are required to first verify their property lines prior to construction and installation of any fence, wall, or screen, including invisible pet fence systems ensuring that such structures and or installations do not encroach adjoining properties.

## 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 ARB.
2. No live trees or shrubbery may be cut, or other vegetation cleared on slopes greater than 15% without prior approval of the ARB.
3. No resident may plant trees, landscape, install gardening, or invisible fence systems in the Community Area or any other common area except with the prior approval of the ARB.
4. Without the prior approval of the ARB, 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 maintain the landscaping and lawns of their lots at all times.

## G. Mailboxes

1. Only mailboxes including community mailboxes, and newspaper tubs that meet the design standards of the ARB 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 ARB.
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 large (greater than 3 feet in diameter) satellite receivers 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 ARB. The plans must include information on the proposed location, height, and configuration of the proposed antenna. Amateur radio activities are restricted to the homeowner. Any interference or radio signal bleed into other residents will revoke antenna approval.

## I. Vehicles

1. All vehicles should be parked in the garage or on the homeowner's driveway areas to prevent safety hazards, and to enhance the look and appeal of our neighborhood.
2. Boats, campers, trailers of any kind, buses, mobile homes, commercial vehicles, or other trucks, (other than personal pick-up trucks) or other unconventional vehicles of any description shall not be permitted to be parked or stored in driveways, on Lots, common ground or any other areas not approved by the ARB.
3. Boats, campers, trailers of any kind, buses, mobile homes, trucks or other unconventional vehicles allowed as set forth in paragraph "2" 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 Hillindale Homeowner's Association Board of Directors or its designee on a yearly basis. Vehicles permitted to be parked or stored in said areas must be currently registered and licensed, well maintained, in good condition, in proper working order, and boats must be properly stored (including properly secured and tarped) in a manner in keeping with the aesthetics of the community.
4. Noncompliance with any of these conditions will result in rescission and invalidation 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 homeowner's 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 ARB, except customary name and address signs, political signs, and lawn signs advertising a Lot for sale or rent of not more than four (4) square feet in size. Where a specific activity will require a number of signs, request for review for all such signs may be submitted to the ARB in one petition.
2. All political signs must be installed no more than two weeks prior to election and removed within 48 hours after election. No political signs are 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 must be kept clean and sanitary.

3. Generally recognized house pets may, in reasonable numbers, be kept and maintained at a living unit; such pets must not be 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 homeowners.

4. No clothes lines or other clothes drying apparatus shall be permitted in public view on any Lot.

5. Nothing can be hung or displayed on the outside of the windows, patios, or balconies, or placed on the exterior walls of living units without the prior approval of the ARB.

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 and in compliance with local, county, state, and federal law.

### 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 local, county, state or governmental agencies.

B. Obtaining a permit from any local, county, state or governmental authority does not waive the need for approval from the ARB.

C. The ARB will not knowingly approve a project that is in violation of the building or zoning codes or any other regulations imposed by local, county, state, or governmental agencies.

### IV. Appeal

A. Home / Lot owners may appeal the ARB decision to the President of the Homeowners Association for review of the full Hillindale Homeowners Association Board of Directors. The ARB decision may be overturned and the application approved by two-thirds (2/3) vote of the Hillindale Homeowner's Association Board of Directors.

### V. Definitions

A. As used in these Guidelines, unless the context clearly requires otherwise, the following terms shall mean the following:

B. "ARB" 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 ARB, whether upon a form prescribed by the ARB or otherwise.

E. Any undefined term used in these Guidelines shall, if the context 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.