

# ABERDEEN BEND HOMEOWNERS ASSOCIATION ARCHITECTURAL GUIDELINES

Revised February 2013

Aberdeen Bend Declaration of Covenants, Conditions and Restrictions states:

*Any and all exterior changes, additions, improvements or installations to any lot must receive written approval by the Architectural Control Committee prior to installation; including but not limited fences, decks, recreational equipment (including basketball goals), any structure, storage shed, clearing, excavation, grading, and other site work, exterior alteration or modification including the change of paint color; landscaping, removal of plants, trees, or shrubs. All such exterior modification shall be in strict compliance with the Architectural Guidelines, the Covenants, Conditions and Restrictions, and until the approval of the Architectural Control Committee has been granted.*

Aberdeen Bend Declaration of Covenants, Conditions and Restrictions Section 16 states:

*The Board shall have the right to promulgate and establish rules and regulations relating to the requirements for maintenance of the Lots and any other part of the community.*

The following guidelines are provided to assist homeowners in the understanding of the community's basic architectural requirements. These guidelines are not intended to cover every possible issue that may come before the Architectural Control Committee.

Architectural Approval is in addition to any permits required by the local government. These guidelines will serve for the life of the community but may be amended from time to time by the Architectural Control Committee and or the Board of Directors.

1. **RESIDENCE EXTERIOR** Any and all exterior changes must be approved by the Architectural Control Committee.
2. **LANDSCAPING** All Landscape improvements, installation, changes or removal must be approved by the Architectural Control Committee. Plants with large root systems, including but not limited to trees, shall be planted at least four (4) feet in from owner's property line to prevent encroaching on neighbor's property. Any damage done from new plantings is the homeowner's responsibility.
3. **FENCING** The Architectural Control Committee has the right to approve the design, materials and location of all fences prior to the installation thereof. The Architectural Control Committee reserves the right to inspect the fence at any time before, during or after construction to insure compliance with the approved fencing plan.

The Architectural Control Committee retains the sole and absolute right to dictate the use of a single fence design for installation along landscape easements and lots adjacent to the lakes.

**A. FENCING REQUIREMENTS**

- I. Only wrought iron style fences will be approved, provided such fences do not exceed 4 feet in height.
- II. No fencing will be allowed in the forward of the back setback lines of the house. With respect to corner lots, this includes the side yard facing the side street of the residence.
- III. The fencing of drainage, utility and landscape easements is subject to special review of the fence location. Any fencing or improvement placed in such easements is at the owner's risk and will not be replaced and or repaired due to work performed in easement.

**B. FENCING – APPROVED CONSTRUCTION TECHNIQUES** All fencing shall be constructed of quality materials and of a high quality professional installation; non compliance will result in modifications or professional reinstallation at the homeowner's expense.

All fencing shall be properly braced and all posts shall be placed into the ground with concrete or placed at such a depth so as to insure the fence will be secure and will not move.

All fence bracing or ribbing shall be on the inside of the fence unless otherwise approved by the Architectural Control Committee.

**C. FENCING – MAINTENANCE** All fences must be maintained and repaired in a reasonable fashion.

**D. FENCING – INVISIBLE** Requests for invisible fencing will be subject to the Architectural Control Committee's approval of the proposed fence location prior to installation. All controller boxes and other equipment shall be hidden from view. Invisible fences are subject to the same easement restriction.

**3. PETS AND LIVESTOCK** 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 not exceed a total of three (3) may be permitted on a Lot, provided that they are not kept, bred or maintained for any commercial purposes. All pets shall be confined to their respective lots or on a leash. The owners of such permitted pets shall confine them to their respective lots in such a manner so as to prevent such permitted pets from being a nuisance. Owners of dogs shall control them to avoid barking which will annoy or disturb other homeowners. All pets walked within community are to be leashed. It is the owner's responsibility to clean up after their pet within the community including lawns, common areas, street and sidewalks.

**4. DOG KENNELS AND HOUSES** Dog kennels/runs will be denied. The Architectural Control Committee maintains the right to approve or disapprove installation of dog houses. If approved, dog houses shall be placed in a location where they are not visible from the street or to surrounding homeowners. If approved all the materials, design and location of all dog houses must be approved in writing prior to construction thereof.

**5. SHEDS AND ACCESSORY STRUCTURES** Requests for sheds and accessory structures will be denied.

**6. ANTENNAS – TELEVISION, RADIO AND SATELLITE** In order to comply with the Federal Telecommunications Act of 1996, and the Federal Communications Commission rules governing Over-the-Air Reception Devised (OTARD), owners may only install satellite dishes that are one meter or less in diameter. One meter is equal to 39.37

inches, and “diameter” is the distance measured across the widest part of the dish. Only two (2) dishes may be installed on each lot, unless additional dishes are required to receive additional or unique transmissions that cannot be received by a previously installed dish. The Committee reserves the right to require written verification for the installation of additional dishes upon a lot.

The OTARD Rule allows Associations to designate a preferential order of placement for dishes in their community. To that end, the Committee desires that satellite dishes be permanently mounted in a location on the lot that is the least visible from the street directly in front of the lot, but which will not result in a substantial degradation of reception. This specific order of location priority is:

- A. in the rear of the lot;**
- B. on the side of the lot; and**
- C. the front of the home.**

Therefore, an owner must install a satellite dish in the rear portion of the lot if acceptable reception can be received from that location. If acceptable reception cannot be obtained in the rear portion of the lot, then the dish may be located along the side of the home if adequate reception can be received from that location. If adequate reception cannot be received from a location along the side of the home, then a dish may be located in the front of a home. However, if a dish is located in the front of a home, the Committee has the right to ask the owner to provide written proof from a reputable dish installation company or expert that the owners dish had to be placed in front of the home to prevent a substantial degradation of reception.

The owner must follow this preferential placement guideline when he installs a satellite dish on his property. If the Committee determines that the owner did not properly follow the preferred placement order when installing his satellite dish, the Committee has the right to require the owner to move his dish to another location that is less visible from the street, so long as the relocation of the dish does not substantially impact or degrade the reception of the device. For example, if an owner locates a dish on the front of his home, and the Committee determines that the owner could have installed his dish in a location on the rear or side of the home that would have still allowed adequate reception, then the Committee may require the owner to move the dish, at the owner's expense, to a less visible location.

In addition, the Committee has the right to require the owner to install landscaping, fencing or other screening around his dish to help hide it from direct view of the street, or to cover or paint the dish to make it blend in with its surroundings, so long as none of these changes or screenings Impair the reception of the device.

Other antennae, aerials or devises, towers or radio antennae that are not covered by the OTARD rule, such as dishes larger than one (1) meter in diameter and ham or amateur radio antennas are strictly prohibited on any lot within the community. The Committee reserves the right to adopt rules or make changes to the requirements of this provision as allowed by or required by any changes or amendments to the Federal Telecommunications Act of 1996.

7. **DECKS** The Architectural Control Committee prior to the commencement of construction must approve final configuration of the deck and any stain or color treatment.
  - A. The deck shall be constructed of treated lumber, cedar, or composite materials.
  - B. Railing on deck shall not exceed four feet in height.
  - C. Local building permit may be required.
  - D. All decking shall be constructed of quality materials and of a high quality professional installation.
  - E. All wood decks shall be treated with a wood preservation stain as needed to maintain a quality finish to the deck.
  
3. **PORCHES, SCREENED-IN PORCHES, ROOM AND GARAGE ADDITIONS** All detailed construction plans must be submitted and approved by the Architectural Committee prior

to the commencement of construction. Requests for screened-in porches, garage and room additions will be approved subject to the following guidelines.

- A. The additions shall be constructed of quality materials.
- B. The roofline shall follow the natural roofline of the home.
- C. The roof, siding and trim shall match the materials and colors of the primary residence.
- D. Local building permit may be required.

4. **POOLS**

- A. The Architectural Control Committee prohibits the installation of above ground pools.
- B. A detailed development plan must be provided to the Architectural Control Committee for its review and approval prior to the commencement of construction of any in ground pool.
- C. In ground pools must comply with all state and local government rules and regulations.
- D. No alteration to the existing grade of any lot may be done without the prior approval of the Architectural Control Committee. Any proposed grade changes must be shown on the proposed plans.
- E. Application for construction of an in ground pool will not be considered unless accompanied by an application for an acceptable fence design. The height shall conform to county or municipal regulations for such fencing.
- F. Requests for pool houses, storage sheds or mini-barns will be denied.

5. **BASKETBALL COURTS** Requests for the installation of basketball courts will be denied.

6. **BASKETBALL GOALS** Requests for the installation of basketball goals will be approved, subject to the following:

- A. Only basketball goals constructed with clear Plexiglas backboards will be approved for installation.
- B. No backboard shall be attached to the primary residence.
- C. Generally, goals will be approved if they are located adjacent to driveways.
- D. All posts must be installed in concrete.
- E. The Architectural Control Committee shall have the right to approve the final location of the goal and backboard prior to installation.

7. **LAWN ORNAMENTS** All permanent or temporary lawn ornaments and other items added to the lot beyond the primary residence are subject to the approval of the Architectural Control Committee. No lawn ornament shall be installed without Architectural Approval whether permanent or non-permanent. No lawn ornaments will be approved that is visible from the street. All such approved items must be maintained in good repair by the homeowner.

8. **LOT MAINTENANCE** A homeowner shall not permit the growth of weeds and volunteer trees and bushes on their lot and shall keep their lot reasonably clear from such unsightly growth at all times.

- A. Mow the lot at such times as may be reasonably required in order to keep the grass no longer than 4 inches and prevent the unsightly growth of vegetation and noxious weeds;
- B. Remove all debris or rubbish;
- C. Prevent the existence of any other condition that reasonably tends to detract from or diminish the aesthetic appearance of the Real Estate;
- D. Where applicable, prevent debris and foreign material from entering drainage areas;

- E. Keep the exterior of all improvements in such a state of repair or maintenance as to avoid their becoming unsightly;
  - F. If a homeowner fails to comply with this restriction, the Homeowners Association shall cause the grass and or weeds to be cut and the lot cleared of such growth at the expense of the homeowner.
9. **MAILBOXES** Each Owner shall maintain their mailbox in good condition. As necessary the Owner shall replace the mailbox with the same type, color, and numbering as the original installation. Mailbox posts must be stained an approved color. The three approved stain colors for the mailbox posts include Rosewood, Cedar, and Natural. These are by either Zar or Cabot and are available at Home Depot and Lowe's. You may also stain it black like the surrounding communities. Similar colors MAY be approved at the Committee's sole discretion.
10. **SIGNAGE** All signage is subject to local and state regulations. The Declarant and its builders reserve certain sign rights as outlined in the Declaration of Covenants, Conditions and Restrictions. All signage other than generally acceptable for sale sign on the individual lot is subject to the approval of the Architectural Control Committee.

**PROHIBITED SIGNAGE**

- A. Signs advertising goods, services or home occupations.
  - B. Pennant, banner and portable signage not approved by the Architectural Control Committee.
  - C. No signage shall be located as to restrict or obstructs traffic visibility.
  - D. No signage will be allowed within the right-of-way of a dedicated public street or common area.
  - E. The Declarant and its builders shall be exempt from this requirement.
11. **PLAY EQUIPMENT / SWING SETS / TRAMPOLINES** The Architectural Control Committee has the right to approve all requests for play structures prior to their installation. Requests for playground structures will be approved subject to the following guidelines:
- A. The structure shall be constructed of quality materials.
  - B. Request for the installation of non-commercial metal structures will be denied.
  - C. The playground structure shall not exceed fifteen feet (15') in height.
  - D. Trampolines must receive written architectural approval from the committee before installation.
12. **FLAG POLES** Flag poles 15 or 20 foot in height may be approved based on requested placement location. US Flags only.
13. **GARBAGE CANS, TANKS, WOOD PILES ETC** All garbage cans, mechanical equipment, wood piles, and other similar items on Lots shall be located or screened so as to be concealed from view of neighboring Lots, streets, and property located adjacent to the Lot. All rubbish, trash, and garbage shall be stored in appropriate containers. Trash containers shall not be set out at the curb more than 22 hours prior to the designated trash pick up date. All garbage containers must be removed from the Common Areas within 12 hours of trash pick up. Trash shall not be allowed to accumulate on any lot. No Owner shall burn or permit burning out-of-doors of garbage or other refuse.
14. **CLOTHES LINES ARE NOT PERMITTED**
15. **OUTSIDE LIGHTING** Except for seasonal Christmas decorative lights, which may be displayed between December 1 and January 15 only, all exterior lights must be

approved. Generally, requests for installation of outside lighting will be approved subject to the following conditions being met:

- A. No more than double floodlights will be approved without specific approval from the Architectural Control Committee not to exceed 150 watt or 90 watt Halogen bulbs.
  - B. Landscape lighting shall be low-voltage type lighting and must be directed down. "Up" directed lighting and fixtures must be specifically approved by the Architectural Control Committee. A total landscape lighting design must be presented and approved by the Architectural Control Committee.
  - C. All exterior light (i.e. landscape, security, etc.) must fall within property limits. Lighting that is directed offsite shall be prohibited.
  - D. Owners are responsible for maintaining all exterior lighting by replacing burnt out light bulbs and ensuring light fixtures are in good working order.
16. **HOLIDAY DECORATIONS** All Holiday decorations must be removed from display on any Lot no more than thirty (30) days past the intended holiday.
17. **RETAINING WALLS** Any proposed retaining wall must be materially (i.e. stone, brick, etc.) and architecturally compatible with the exterior finishes of the residence and shall be approved by the Architectural Control Committee prior to installation. Retaining walls, which divert ground water onto adjoining properties or which otherwise substantially change the existing drainage pattern, will not be approved.
18. **AIR COOLING UNITS** Air cooling units or other like utilities that are outside of the residential structure must be located at the side or rear of the home and except as may be permitted by the Committee. No window air conditioning units may be installed on any Lot.
19. **FIREARMS** The discharge of firearms within the Properties is prohibited. The term "firearms" includes bows and arrows, slingshots "B-B" guns, pellet guns, and other firearms of all types, regardless of size. Notwithstanding anything to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.
20. **VEHICLE PARKING** No recreational vehicle, motor home, truck which exceeds  $\frac{3}{4}$  ton weight load, trailer, boat, or disabled vehicle may be parked or stored overnight or longer on any lot in open public view or on community streets.
21. **UNLICENSED MOTORIZED VEHICLES** Motor scooter, mini bikes, ATV and/or any other unlicensed motorized vehicles are prohibited in the community, common areas and streets.
22. **NUISANCES** No portion of the Properties shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any portion of the Properties that will emit foul or obnoxious odors.
23. **BUSINESS USE** Without the prior consent of the Board, no trade or business may be conducted in or from any Lot, except that an Owner or occupant of a Lot may conduct business activities within the Unit so long as:
- A. The existence or operation of the business activity is not apparent to detectable by sight, sound or smell from outside the unit;
  - B. The business activity conforms to all zoning requirements for the Properties;
  - C. The business activity does not involve persons coming onto the Properties who do not reside in the Properties or door-to-door solicitation of residents of the Properties.

- D. The business activity is consistent with the residential character of the Properties and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Properties, as may be determined in the sole discretion of the Board.
- E. The terms “business” and “trade”, as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether:
  - Such activity is engaged in full or part-time
  - Such activity is intended to or does generate a profit; or a license is required therefore.
  - Notwithstanding the above, the leasing of a Lot shall not be considered a trade or business within the meaning of this section. This section shall not apply to any activity conducted by the Declarant or a builder approved by the Declarant with respect to its development and sale of the Properties or its use of any Lots which such entity owns within the Properties.

**24. NON-COMPLIANCE AND VIOLATION LETTER PROCESS**

- A. Once a violation is addressed by regular mail from the HOA board to the homeowner, 15 days is given to become compliant or make arrangements with the board to become compliant.
- B. At the end of those 15 days, a second letter will be sent via regular mail and 15 more days are granted to become compliant or make arrangements with the board to become compliant. Notice of Administration Fee will be included in second letter.
- C. At the end of those 15 days, a third letter will be sent via certified mail and a \$30.00 administration fee will be applied to the homeowner's HOA account.
- D. This will continue every 15 days with an additional \$30.00 administration fee that will be applied to the homeowners HOA account until the violation is rectified.
- E. After a reasonable amount of time and non-compliance continues the matter will be pursued with legal action.
- F. Once the homeowner becomes compliant, with any recurrence of the same violation, the process will resume where it had left off for that violation.

**SCHEDULE FOR APPROVAL**

The Architectural Control Committee will render a decision generally within 30 days of receipt of a complete submittal of the request for approval. The request shall be on the attached Request for Architectural Change Form. Approval must be received prior to commencement of installation.

Forms should be submitted to and requested from:

**ABERDEEN BEND HOA**  
**11711 North College Avenue, Suite 100**  
**Carmel, IN 46032**  
**Email: [tcross@cas-indiana.com](mailto:tcross@cas-indiana.com) or [jfreeman@cas-indiana.com](mailto:jfreeman@cas-indiana.com)**