

ARCHITECTURAL CONTROL GUIDELINES

ROTHMAN POINTE HOMEOWNERS ASSOCIATION

Adopted by the RPHA Board of Directors on April 17, 2017

PURPOSE

The RPHA Board of Directors has prepared the following guidelines to supplement the RPHA Bylaws and Covenants, with regard to the outside appearance of homes and lots in our community.

The Board intends these guidelines to form the basis of a fair policy of architectural control for our community, which:

- is fully compliant with the regulations contained in the Covenants;
- establishes and maintains basic standards;
- preserves the right of the individual homeowner to reasonable, unrestricted use of the homeowner's property;
- preserves the basic aesthetic standards, which are both explicit and implicit in the architectural design and the builder's rendition; and
- prevents construction of additional structures that are out of harmony with the community.

BASIS

The Board intends these guidelines to augment the Covenants and Bylaws of the Rothman Pointe Homeowners Association, and not to replace or override them. The Architectural Control Committee is empowered by Article III, Section 22 of the Covenants. Section III of the Covenants specifically states:

“ No erection of building, or exterior additions or alterations to any building situated upon any Lot, no erection, or changes in fences, Lot grades, hedges, walls and other structures shall be commenced, erected or maintained, until (i) a preliminary sketch showing the basic

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plan and general specifications of same shall have been submitted to and approved by Declarant, provided, however, that the provisions of this Section 22 shall not apply to buildings, structures or additions and alterations commenced, erected or maintained by Declarant. A copy of the approved plans and drawings shall be furnished by Owner to Declarant and retained by Declarant. In the event the Declarant or its designated representatives fail to approve or disapprove such improvements or other matters within thirty (30) days after the said plans and specifications have been submitted to it, or in any event if no suit to enjoin the erection, addition, alteration or change has been commenced prior to the completion thereof, approval will not be required and the Article will be deemed to have been duly complied with. Declarant nor its designated representatives shall be entitled to compensation for or liable for damages, claims or causes of action arising out of services performed pursuant to this Article.

The Board recognizes the regulations contained in the Covenants and Bylaws to be inflexible and may be changed only with an approval of at least 75% of homeowners in the community. However, the guidelines listed in this document are relatively flexible. The Board, for example, may change particular guidelines due to the introduction of new construction materials and methods, or as a result of a survey of homeowners.

PRECEDENTS

While the Architectural Control Committee (ACC) will make every reasonable attempt to be fair and equitable, the ACC and the Board will not necessarily be bound by past decisions of the developer, prior ACCs, or prior Boards. The ACC reserves the right to disapprove applications for improvement that require a variance from the established Covenants if it believes that such changes are not in the best interest of the future of the Community.

OBTAINING ACC APPROVAL

A homeowner should obtain ACC approval for any substantial modification to the outside of their home or lot before the modification may be made. If the homeowner has completed such a modification without ACC approval, the Board may require the homeowner to alter or remove the modification, at the homeowner's expense, in order to be in compliance with the Covenants,

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Bylaws, and Architectural Control Guidelines. The homeowner is also responsible for obtaining all necessary permits and approvals required by governmental entities.

A homeowner should obtain ACC approval for a substantial modification to their home or lot according to the following steps:

1. The homeowner should first discuss the proposed modification with immediate neighbors before seeking ACC approval. If the homeowner and neighbors disagree about the proposed modification, the homeowner should consult the ACC about their neighbor's concerns prior to seeking formal approval.
2. The homeowner should complete an Architectural Approval Form, found at the RPHA website (www.rothmanpointehoa.com) at least three weeks before work is to start on the modification. The form may be submitted to an ACC member via the website, e-mail, or by paper copy through postal or other delivery methods.
3. Work on the modification should be started within six months of written ACC approval of the request or may be required to be resubmitted. Work should be substantially completed within 12 months of commencement.
4. If the ACC does not approve a request, the ACC will send to the homeowner a written rationale for the rejection. The homeowner may resubmit the request with additional information, or submit a new request with changes to the previously submitted modification.

EXCEPTIONS

Exceptions to these guidelines and/or the Deed Restrictions will be made in exceptional and unusual cases to accommodate federal, state and local laws. For example, a non-conforming structure may be permitted for the special needs of a handicapped resident.

In all such cases, the owner will be granted the variance on a temporary basis for only that period during which the exceptional or unusual case exists. In addition, the Association will file a document in the deed records of the County that recognizes that there is a deed restriction violation on the property that has been granted a temporary variance. The document will make it clear that when the exceptional or unusual case no longer exists, the temporary variance will no

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longer be in effect.

Exceptions will not be made for reasons of economic convenience or hardship, to accommodate recreation activities or for reasons of individual taste, appearance or beautification.

ENFORCEMENT

The ACC may enforce compliance with these guidelines using one or more of the following actions: warning letters, property liens, suspension of RPHA voting rights, and small claims court proceedings.

GUIDELINES

1) UTILITY EASEMENTS

- a) Utility easements must be free and clear of any vehicles, structures, landscaping, and equipment that may impede the use of the easements by a utility. The ACC may advise homeowners of possible encroachment and recommend that the owner seek approval or waiver from the appropriate utility. The ACC will not be liable for any expense incurred by homeowners due to action by a utility, if such encroachment occurs.

2) GENERAL MAINTENANCE

- a) All painted surfaces must be clean, smooth, mildew-free, and without bare areas or peeling paint.
- b) All rotted and/or damaged wood must be replaced. Damaged brickwork must be repaired.
- c) Gutters must be kept in good repair and without missing pieces, large dents, sags, rust, or hanging parts.
- d) Roofs must be maintained in good repair with no missing or curling shingles.
- e) Fences and gates must be kept in good repair. This includes, but is not limited

to rotten wood, broken boards, obvious lean of the fence structure, or peeling sealant if a wood preserving sealant had been applied.

- f) Garage doors must be undamaged and in good repair.
- g) Sidewalks, driveways and curbs must be clean and undamaged.
- h) Lawns must be kept mowed and edged, including the portion between the sidewalk and the curb; flower beds must be kept neat and free of weeds; shrubs and trees must be kept trimmed. Must be installed within one year of occupancy.
- i) There must be no storage of clutter and/or debris in public view.
- j) Trash and recycling receptacles must be stored in sanitary containers and not visible from the front of any residence. The construction of a fence in the front yard to screen trash is prohibited.
- k) House numbers must be easily readable from the street.
- l) Yard and gardening tools and implements such as lawnmowers, wheel barrels, etc. should not be stored outside of the house (front or back), such that they are viewable by other residents.

3) FENCES

- a) All fences shall be of wood or vinyl construction. No aluminum or steel is allowed. All lake lots must have split rail or picket-type fences. Said split-rail fences on lake lots shall be limited to three (3) rails and not exceed four (4) feet in height. Picket-type fences shall not exceed four (4) feet in height. The location of any proposed fence on any Lake lot or any other lot shall be approved by the Architectural Control Committee pursuant to terms and conditions set forth in Article III, Section 22. All fences constructed on a corner lot shall not extend into or encroach upon the space between said building line and the street on the street side of said corner lot. In addition to the foregoing, all fences shall meet all applicable requirements of the Allen County Zoning Ordinance.

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- b) Wood fences should be painted or stained a natural wood color to conform with the natural aesthetics of the home. Picket fences may be stained an approved color.
- c) Woven or welded wire fencing is permitted for attachment to the inside of a wood fence, but chain link fencing is not permitted.
- d) Fences may not extend past the front line of the house, nor of houses on adjoining lots.
- e) Fence height and style should not vary significantly from one lot to another.
- f) Fencing over culverts or drainage channels may follow the contour of the ground, subject to ACC approval.

4) PAINTING

- a) Exterior house paint colors are subject to ACC approval if painting other than the original color.

5) INSTALLATION OF TREES

- a) Installations of trees is not permitted at locations where the trees, once mature, may adversely impact traffic or pedestrian safety, structurally damage a house, interfere with a utility, or severely block viewing of a pond by other residents.

6) RADIO AND TELEVISION STRUCTURES AND ANTENNAS

- a) The ACC will recognize every resident's right to install such structures necessary for satisfactory signal reception as permitted by governmental regulations and/or statutes.

7) SIGNS

- a) Garage sale signs on the homeowner's lot are permitted before and during the sale.
- b) The ACC may require removal of various other types of temporary signs, especially if brought to the attention of the ACC by neighboring residents.

8) DECKS AND SCREENED PORCHES

- a) Decks must be constructed of wood or wood/polymer material. Wood must be stained or treated with a color complimentary to the house colors, subject to ACC approval.
- b) Screened porches must be made of the same materials and finished in the same manner as the house, and must stylistically match the architectural design of the house, subject to ACC approval.

9) WINDOWS & DOORS

- a) Garage and entry doors may be changed from their original style and color, subject to ACC approval.
- b) Storm doors and windows made of single pane glass are permitted. Framing color should match the color of the exterior house trim or wall.

10) FREE-STANDING STRUCTURES

- a) Wooden shade and/or garden structures such as gazebos, sun shelters, cabanas, pergolas, and arbors are permitted if they are not used for storage, subject to ACC approval. They must be stained, treated, or painted to compliment the house.
- b) Game and play structures may only be constructed in the back yard and must be properly secured and maintained. Swing sets shall be constructed of wood or vinyl in earth tone colors and kept in a high state of repair. Play or sports structures should be located in a portion of the back yard, if practical, that is not prominently viewable from the street. The structure may not exceed fifteen feet in height and twenty feet wide.

11) MOTOR VEHICLES, TRAILERS, BOATS

- a) A homeowner may repair, restore, or maintain a motor vehicle inside their garage, but not on their driveway or yard if the work cannot be completed within a few days.
- b) Long term parking of any motor vehicle on a street in the community is not permitted. Periodic movement of the vehicle is not effective for the purpose of circumventing this

provision. (See Allen County ordinances.)

12) YARD ORNAMENTS, FURNITURE, FIXTURES

- a) Homeowners are permitted to have yard ornaments, fixtures, and furniture anywhere on their lot, but may be advised by the ACC to remove or relocate particular items due to objections by neighbors.

13) EXTERIOR LIGHTING

- a) Exterior lighting must be compatible with the general tone and design of the neighborhood.
- b) High intensity lighting is not permitted.
- c) Flood and area lighting must be positioned and/or shielded in a manner to illuminate only the homeowner's lot, unless the homeowner of an adjoining lot agrees for the lighting to also illuminate a portion of their lot. In any case, the lighting may not cause an objectionable glare on a neighbor's house or lot, as determined by the ACC.
- d) Only white or yellow exterior lighting is permitted, with the exception of Christmas lighting.

14) BASKETBALL GOALS

- a) Basketball goals must be mounted on a vertical, metal pole and not affixed to a house or structure, or a portable fixture and must be maintained in an upright position.
- b) Goals must be commercially manufactured and maintained in good condition.
- c) Basketball goals erected in the front of the house must be adjacent to the driveway, not

closer to the street than one-half the distance between the house and the beginning of the sidewalk, and at least three feet from interior lot lines.

15) FLAG STAFFS AND POLES

- a) A flag staff may be mounted on a house, garage, or other structure, but the length of the staff may not exceed six feet and the staff may not extend higher than the structure on which it is mounted. Flags must remain in good condition, non-tattered.
- b) A flag pole may be permanently and not exceed the shorter of the height of the home or twenty feet when installed on a homeowner's lot, if approved by the ACC.

16) SWIMMING POOLS

- a) No pool, spa, or decking that requires a variance from standard zoning regulations may be constructed. Above ground pools are not permitted, as stated in the Covenants.
- b) Pools and spas are permitted only in the rear of the lot.
- c) The following information must be submitted to the ACC for approval at least four weeks prior to the construction of a pool on a homeowner's property. Construction may not begin until the homeowner has submitted this information, and the ACC has approved the installation.
 - (i) The written agreement of the homeowner to be financially responsible for any damage that the pool contractor may cause to their property.
 - (ii) Copy of contract with pool contractor, including certificate of Insurance, starting, and finishing dates.
 - (iii) Certified Survey showing location of the pool and pool equipment.
 - (iv) Landscape plans, showing the location of plants that will be used to screen the pool equipment from view.
- d) Temporary fencing around the work site must be provided during construction.

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- e) As with all property improvements, the homeowner is solely responsible for easements, property encroachments, spoils disposal, and drainage issues.
- f) Architectural Control Forms must show property and easement lines along with an outline of the new pool.

PONDS

- a) Boating, swimming and ice skating is not allowed on the community ponds.

MAILBOXES

- a) Mailboxes will be purchased and maintained by the Association in order to keep a consistent look throughout the community as part of the common area dues.