

**ARCHITECTURAL CONTROL**  
**GUIDELINES**  
**COPPER HILL ASSOCIATION**

**PURPOSE**

The Board of Directors has prepared the following guidelines to supplement the BECA 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 Copper Hill Association, and not to replace or override them. The Architectural Control Committee is empowered by Article V, Section 21 of the Covenants. Section V of the Covenants specifically states:

“ No building, outbuilding, garage, fence, wall, retaining wall, or other structure of any kind shall be erected, constructed, placed or maintained on the Properties, nor shall any dwelling or other improvements on each home, as originally constructed and provided by the Builder, be altered changed, repaired, or modified unless prior to the commencement of any work thereof, two complete plans and specifications therefore, including, as applicable, front, side, and rear elevations, and floor plans, and two plot plans indicating and fixing the exact location of such improvements, structures or such altered structure on the home with reference to the street and side lines thereof, shall have been first submitted in writing for approval and approved in writing by the Architectural Control Committee.”

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 (Oakmont Development), 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, 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 Control Form, found at the BECA website ([www.pmpfw.com](http://www.pmpfw.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 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 BECA 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. Seams must be kept free of weeds.
- 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.
- i) There must be no storage of clutter and/or debris in public view.
- j) Trash and recycling receptacles must be stored in the garage except on collection days, or must be screened by adequate planting or fencing so they are concealed from view of the street and neighboring lots. 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. HOME EXTERIOR

- a) All front elevations except soffits and gutters are recommended to be of a natural material (i.e. - wood, brick, stone, plank, etc.). The use of Hardi-plank, Cement Fiber Siding (plank or shingle), Brick Veneers, aluminum, steel or vinyl siding, polymer based siding or similar non-natural material may be considered on a limited basis to highlight or compliment the natural material on front elevations. The non-natural material must have the appearance of natural material and be of a substantial and long lasting nature. The non-natural material may be fiber-cement based, polymer based or other similar product as long as it gives the impression of natural material and is consistent with other dwellings in the neighborhood. When non-natural materials are used a complete listing of information must be submitted for evaluation. Products such as OSB, composite, plywood or masonite will not be permitted.
- b) If it becomes necessary to replace “hard material” (brick, stone, etc.) on the front view of a dwelling, it must be replaced by another “natural material”.
- c) Siding and trim materials must be the same as, or compatible with, the existing materials of the home in color and texture and be compatible in with other homes in the area.
- d) ACC approval must be obtained prior to changing the color and/or texture of any externally visible finishes including roofing, siding, trim, doors, and shutters. Color samples must be included with the Architectural Control Application.
- e) Repainting with a matching color does not require prior approval by the ACC.
- f) Proposed changes must be consistent and visually compatible with the neighborhood. Color selections from the original development’s color scheme are most likely to meet approval.

#### 4. ROOFS

- a) Roof eaves and fascia should be the same depth, style, and approximate slope as those of the existing home.
- b) Rolled roofing is not permitted.
- c) Newer-style metal roofing may be considered, on a case-by-case basis, and must be pre-approved by the Architectural Committee.

#### 5. BUILDING ADDITIONS

- a) New additions must not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining their existing home.
- b) Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent homes or the public's use or enjoyment of open spaces.
- c) The windows, doors, or viewing areas from additions should not infringe upon existing internal or external private areas of adjacent homes.
- d) Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
- e) New additions must not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining their existing home.
- f) Any addition must meet City/County setback requirements or easements.
- g) 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.

## 6. FENCES

- a) Chain-link fences **are not** permitted.
- b) Wood fences should be stained a natural wood color or allowed to weather naturally, with the exception of picket fences, which may be stained white.
- c) Fence posts must integrate either with fence or face interior of the fence. (External posts are prohibited.)
- d) Fencing shall be constructed of wood, PVC, vinyl, or metal (metal must be non-corrosive and not contain any iron).
- e) Gates should complement the fence in material, style, color, and height.
- f) Height and color will be approved on a case-by-case basis.
- g) Fences may not extend past the front line of the house, nor of houses on adjoining lots.
- h) Adjacent neighbors shall be permitted to tie-in to existing fences to preclude two (2) fences along a common property line when possible.

- i) If there is no tie-in the distance between fences it should be part of the submission. Distance should be great enough to allow adequate space for mowing and maintenance. A minimum of 36 inches is suggested.
- j) Pet-proof fencing may be placed on the interior of the primary fence as long as there is an attempt to minimize visual appearance.
- k) Fencing over culverts or drainage channels may be at the same elevation as the adjacent fencing instead of following the contour of the ground, subject to ACC approval.
- l) "Stair-step" instead of "contour-following" fencing on a hill may be permitted on a case-by-case basis, but a stair-step fence must extend all the way to the ground along the entire length of the fence.

## **7. PAINTING**

- a) Exterior house paint colors should generally conform to the original color scheme of the house and of other houses in the neighborhood. All color and/or texture changes to the exterior walls, trim, shutters and doors of a house, especially when using a primary colored or black paint, are subject to ACC approval.
- b) Color samples must be included with the Architectural Control Application.

## **8. 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, or interfere with a utility.

## **9. RADIO AND TELEVISION STRUCTURES AND ANTENNAS**

- a) No freestanding equipment is permitted.
- b) Satellite television antennas should be no more than 24 inches in diameter and should be mounted on the house, preferably at a location that is not easily viewable from the street.
- c) No radio or television antennae with more than thirty square feet (30) of grid area or more than six (6) feet above the highest point of the roof shall be attached to a home.
- d) UHF television antennas should be mounted inside the attic of the house rather than on the roof.

- e) 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.
- f) Dishes/disks not in service, including the supports, shall be removed.

## 10. 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.

## 11. DECKS, PERGOLAS, AND SIMILAR STRUCTURES

- 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) For sun trellises, pergolas, and similar structures commercial grade wood is preferred.

## 12. WINDOWS & DOORS

- a) Windows and doors must be compatible with those of the existing home in style and color. These should also be located on walls that are the same height as those of the existing home and trimmed in a similar manner.
- b) Garage and entry doors may be changed from their original style and color, subject to ACC approval.
- c) Storm doors and windows made of single pane glass are permitted. Framing color should match the color of the exterior house trim or wall.
- d) Glass block windows are allowed only on the sides or rear of a house.

## 13. FREE-STANDING STRUCTURES

- a) Sun control structures must be compatible with the architectural character of the home in terms of style, color, and materials; they must be consistent with the visual scale of the home; and they must not adversely affect sunlight or natural ventilation of adjacent properties.
- b) 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.



- c) Awnings must be traditional in design, canvas or vinyl. If an awning with pipe framing is removed, the frames must also be removed.
- d) Any awnings, pergolas or similar structure must be attached to the house. **No free standing structures such as gazebos are acceptable under the covenant regarding no free standing outbuildings or structures.**
- e) Location, dimension, style, color, description of material to be used, detailed drawings of awning(s) or trellises, or pergola(s), etc., and a description of method to support an attachment to a structure must be included in the Architectural Control Application.
- f) Game and play structures may only be constructed in the back yard and must be properly secured and maintained. Swing sets, trampolines, and other play or sports structures should be located in a portion of the back yard, that is not prominently viewable from the street.
- g) Trampolines must be securely staked or weighted to the ground to withstand high winds, and should be marked or labeled with the resident's name and address, to assist in retrieval of the trampoline if blown into another area.

#### **14. 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.)
- c) No boat, boat trailer, recreational vehicle, motor home, truck, camper or any other wheeled vehicle, other than passenger automobiles. shall be permitted to be parked un-garaged on any Lot in the Subdivision for a continuous period in excess of 48 hours.

#### **15. 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.

## **16. 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.

## **17. BASKETBALL GOALS**

- a) Basketball hoops and backboards must be constructed of commercial grade materials, maintained in good condition and located no more than twenty (20) feet from the home.
- b) Portable basketball goals should be stored (preferably in the garage) when not in regular use and not left in plain view from the street.
- c) No basketball hoop and backboard shall be erected next to the curb on any road right of way nor should any portable hoop be placed in the street

## **18. FLAG STAFFS AND FREE-STANDING 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.
- b) One permanent free-standing flag pole for the sole purpose of displaying the American flag may be erected subject to approval by the Architectural Control Committee. Flagpoles must have a permanent base. The maximum height for a flagpole shall be twenty-five (25) feet.
- c) No clotheslines, clothes poles, or any other free-standing, semi-permanent poles, rigs, or devices, regardless of purpose, shall be constructed, erected, located, or used on any lot.
- d) Removable (temporary) clothes lines are permitted but must be removed when clothes drying is completed

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