

Jonathon Oaks Community Association Architectural Guidelines

INTENT

The Restrictive Covenants and Architectural Guidelines of the Jonathon Oaks Community Association were created and maintained for the protection and benefit of the residents of the addition as a whole. They are intended to protect property and aesthetic values and to ensure a quality of life. Many of the restrictions and guidelines listed herein are also listed in the Restrictive Covenants and have been included for reiteration and clarification.

OVERVIEW

No building, fence, wall or other structure shall be commenced, erected, or maintained upon any lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, material, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. An Architectural Form must be submitted before any additions, modifications or structures of any kind are implemented on a lot. The form should be submitted to the property management firm.

APPEALS

If a homeowner/member would like to appeal a decision by the Architectural Control Committee then there would be a meeting called with the homeowner (only the homeowner involved in the decision), the Architectural Control Committee and the Board of Directors. The outcome of that meeting assuming there would be some kind of vote would be final.

CHANGES

Changes to these guidelines may be updated at any time by a majority vote of the members of the Board and Architectural Control Committee. However, each member of the association voting class has the right and expectation to review and evaluate these guidelines. Any member may contact the Architectural Control Committee to request that the guidelines be altered. If such a suggested change to the guidelines is not agreed to by the Architectural Control Committee and the Board of Directors, that member must show and prove that not only is there a real advantage to the requested change but there are other members with the same interest. If the member fulfills those requirements the Board will conduct a "Vote to Change" by generating a document identifying the modification, additions or removal of such proposed changes including any potential ramifications in regards to property values as a result of the proposed change. The Board will include this document along with an "up/down" ballot in the next Association News Letter. If 51% or more of the voting members are in favor of such a modification the update shall be documented in these guidelines as the standard for current and future projects.

In the event that these guidelines are altered, either by the Architectural Control Committee, or by the voting class majority, the guidelines will be republished to reflect the latest version and all members of the association shall be made aware by receipt of a paper copy of the new version or by instruction on how to obtain an electronic version.

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GENERAL GUIDELINES

House Exteriors: No exterior changes or alterations to the house including patios and wooden decks can be made until plans, specs, and materials have been submitted to the Architectural Control Committee for approval. Alterations to the exterior should blend with the existing dwelling and any surrounding structures. This requirement would include but not be restricted to changing colors and materials for any repairs or updates. If the homeowner is making such repairs or updates with identical or similar to materials then they would not be required to submit a form for approval.

Exterior Maintenance Responsibility: The homeowner is responsible for maintaining the exterior aesthetics of the dwelling which would include but not be restricted to garage doors, entrance doors, windows, gutters, down spouts, exterior siding, trim, wood and paint. If the homeowner does not maintain the exterior of the dwelling in such a manner that will affect the harmony and values of the surrounding properties, the homeowner will be in violation of this requirement.

SIDEWALKS: The homeowner is responsible for maintaining the sidewalks adjoining his property and ensuring no safety hazards exist due to uneven slabs.

Roofs: If a homeowner is replacing the roof then an approval from the Architectural Control Committee is required. Metal roofs are permitted with the approval of the Architectural Control Committee. Metal roofs must be constructed with high grade materials with at least a (50) fifty year warranty. The entire roof of a dwelling must be covered with the same material (no partial metal roofs). The colors must blend with the harmony of the dwelling and any surrounding dwellings.

Yard Lights: All yard lights must be standard to the (5) five feet height.

Fire Wood: All fire wood must be neatly stacked in the back of the house. Fire wood is not permitted in the driveways or to be stacked in the front yard.

Fences: No chain-link fences are permitted. Fences are to be of wood, vinyl or wrought iron construction. All vinyl fences are to be constructed with high grade material that carries a lifetime warranty from the manufacturer. Split rail fences with vinyl coated mesh on the inside are permitted. Regardless of the material used, the maximum height may not exceed (6) six feet and may not be constructed forward of the front building line. All fence posts are to be facing the homeowner's house, meaning the inside of the fence rails. All fence construction, style, materials, etc., must be submitted in writing with the necessary sketches for approval in advance by the Architectural Control Committee. All fences shall be properly maintained including but not restricted to structure, staining and painting. If a fence is not properly maintained a homeowner will be required to repair, remove or replace the fence.

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Storage Sheds, Dog Houses, etc: No storage sheds of any size shape or material shall be permitted. This would include any structure attached or detached (outbuilding) to the dwelling and would also include but not restricted to dog houses, doll houses and tree houses.

Solar Panels: No solar panels attached or detached are permitted on any lot.

Clotheslines (Household Laundry): No clothesline or clothes poles, or any other free-standing, semi-permanent or permanent poles, rigs or devices, regardless of purpose, shall be constructed, erected or located or used on any Lot. Laundry pieces are not to be air dried outside the dwelling, including decks and patios.

Yard Furniture: All yard furniture would include but not be restricted to lawn chairs, rocking chairs, picnic tables and outside dining sets. No yard furniture is permitted in the front or side yards. The only exceptions are yard furniture on the front porch and ornamental yard furniture.

Tools, Equipment, Building Material and Outdoor Play Equipment: Only such items as playground equipment, grills and yard furniture to be kept outside. Storage of tools, ladders, tillers, mowers, bicycles or other items normally stored in a garage shall not be stored outside.

Flag Poles: Detached/free standing flag poles for displaying the flag of the United States of America are permitted with prior approval from the Architectural Control Committee.

Communication Equipment: No radio or television antenna with more than thirty (30) square feet of grid area or which attains a height in excess of six (6) feet above the highest point of the roof shall be attached to any dwelling/home. No free standing radio or television antenna shall be permitted. All satellite dish antennas must be located on the side or rear of the dwelling. No satellite dish is permitted on the front of the dwelling. If a satellite dish is to be installed on a pole or post then it must be in the back yard or side yard. If the satellite dish must be installed away from the dwelling for reception then it must be concealed with shrubbery and adequate landscaping.

Basketball Goals: No basketball goals of permanent or temporary structure may be less than (15) fifteen feet from the street which would include cud-de-sacs. All goals must be in the vertical (upright) position at all times if they are visible from the front of the dwelling (curb view) which would include any side yards. Basketball goals attached to the house or garage shall not be permitted. Basketball goals are to be properly maintained and free of rust.

Playground Equipment: Playground equipment is permitted in the backyard only. Playground equipment includes but is not restricted to swing sets, trampolines, soccer goals and hockey goals. All permanent playground equipment such as but not restricted to swing sets must be approved before it is installed. All equipment must be properly

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maintained which would include but not restricted to the structure and any painting or staining. No metal swing sets are allowed. The grass must be adequately trimmed around and beneath the equipment.

Boats, Trailers and RVs: 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, or for a period of which in the aggregate is in excess of eight (8) days per calendar year. A "truck" is defined for this purpose as one which is rated one-ton or more and that is designed, used, or maintained primarily for the transportation of property.

Street Parking: Cars are allowed to be parked on the streets in the Subdivision for a period of 24 hours only. After such time, they must be moved. (Title VII, Chapter 72)

Trash Cans and Garbage: Residents should have their garbage out at the designated collection site (alley or curb) by 5 a.m. on the day of collection. Curbside collection of garbage can be set out no sooner than noon the day prior to collection and containers must be removed from street view no later than noon the day after collection. Due to route changes, collection times will vary. Any extra refuse must be in a 33 gallon garbage can, plastic bag or bundled. Please be sure extra cans, bags, or bundles do not exceed 60 pounds. (Title V, Chapter 50)

Common Areas: All decisions related to the common area which would include but not restricted to maintenance of the grounds, property and structures will be handled by the association Board of Directors. No permanent or temporary structures or alterations of the common areas are permitted without the explicit approval of the Board of Directors. This would include but not restricted to gardens, trees, flower beds and playground equipment.

Recreational Vehicles: No motorized recreational vehicles of any kind which would include but not restricted to snowmobiles, motorcycles, three wheelers and four wheelers are permitted in the common areas or the sidewalks at any time.

Noxious or Offensive Activity: No noxious, offensive or illegal activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. The outside burning of leaves or other yard waste, rubbish, or any other matter shall be considered noxious, offensive or illegal activity for purposes of this provision.

Swimming Pools: In addition to the following City Zoning Code for Family Swimming Pools the association will enforce the following additional requirements. In-ground swimming pools are permitted and must meet **ALL** of the City Zoning Code for Family Swimming Pools. Cabanas are permitted inside the fence when used to house the pump equipment only. **ALL** plans for the pool, the fence, the cabana along with any required permits specified by the zoning code must be submitted in writing and

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approved prior to construction by the Architectural Control Committee. The fence around an in-ground pool must have a six (6) foot height. Temporary above ground pools are permitted from May 1st to October 1st. No above ground may be constructed with a metal frame. All pools must be properly maintained and free of algae or mildew. All weeds and grass must be properly trimmed and maintained around the pool. If a pool cover is used then it must match the color and recommended size for the pool in use. (Title V, Chapter 156).

CITY CODE REGARDING SWIMMING POOLS

156.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

POOL. Any constructed pool or portable private pool used for swimming, wading or bathing, over 24 inches in depth of water or with a top water surface area exceeding 250 square feet, and which is used or intended to be used as a pool in connection with a family dwelling unit and is available only to the family of the householder and his private guests.

156.02 APPLICATION OF PROVISIONS.

(A) All portable pools of less than 24 inches in depth of water or less than 250 square feet of top water surface area shall be exempt from the requirements of this chapter; provided, that a responsible person shall be in attendance when the pool is in use. At all other times the pool shall be empty of water or adequately protected to prevent accidental entry.

(B) Pools existing as of May 10, 1961, shall comply with 156.02(A), 156.03, 156.07, 156.09 through 156.11, 156.25.

156.03 PERMITS REQUIRED; PLAN AND SPECIFICATIONS TO ACCOMPANY APPLICATION.

No person shall construct or install a pool without having first applied for and secured all necessary permits therefore from the Building Commissioner and Board of Public Works on such forms as may be prescribed by them. Such application shall be accompanied by plans and specifications in duplicate and in sufficient detail showing the following:

(A) Pool dimensions, depths, volume in gallons and the distance of the pool from all lot lines, pool fencing, existing and proposed structures including septic tanks and their fields, if any.

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(B) Pool construction, including details of materials to be used, water supply, type and size of filter system, pump details and capacity, drainage, waste disposal facilities and pool piping layout.

(C) Written approval of the Board of Public Works with regard to sewer and water taps.

(D) Pool fencing, lighting layout and estimated cost. The Building Commissioner, after finding that the application, plans and specifications comply with the provisions hereof and all other requirements of this Code, shall issue the necessary permits for the construction or installation of such pool.

156.04 COMPLIANCE WITH ZONING CODE REQUIRED.

No pool shall be constructed or installed unless it complied with all the requirements as applied to all accessory uses as set forth in Chapter 157, Zoning Code.

156.05 FENCES REQUIRED; GATES OR DOORS TO BE SELF-LATCHING.

(A) Every pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates; and if a picket, board or other like fence is erected or maintained, the distance between members thereof shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure.

(B) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed and locked at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

CITY CODE

Fort Wayne City Code may be found at www.cityoffortwayne.org/city-code.html or <http://amlegal.com/library/in/fortwayne.shtml>

Approved by Jonathon Oaks Community Association Board of Directors May 15, 2012.