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⋮ **SMOKEY ROW ESTATES**
HOMEOWNER'S ASSOCIATION

ARCHITECTURAL GUIDELINES

January 22, 2021

INTRODUCTION

This document has been created to summarize the architectural guidelines for the Smokey Row Estates subdivision. It is intended to assist the Design Review Panel, further referred to as the Architectural Review Committee (A.R.C.) in determining the acceptability of a proposed exterior modification or improvement in accordance with the Smokey Row Declaration of Codes, Covenants, and Restrictions, which states:

CC&R Article 3 - Land Use Classifications

3.2 All Improvements constructed or effected within the Project shall be of new construction approved in advance and in writing by the Design Review Panel ("Panel"), and no other buildings or structures shall be removed from another location and installed on the Project site (except for temporary construction and sales trailers approved by the Panel). No Improvement that would in any way alter the exterior appearance (including but without limitation, the exterior color scheme) of any property, Lot or Improvement within the Project, may be initiated or performed without the prior written approval of the Panel.

CC&R Article 1 - Definitions

"Improvement" means: (a) any Residential Unit, building, fence or wall, (b) any swimming pool, tennis court, basketball court, road, driveway, parking area or satellite dish. (c) any Landscaping, devegetation, excavation, grading, or planting, (d) any statuary, fountain, artistic work, craft work, figurine, ornamentation or embellishment of any type or kind (whether or not affixed to a structure or permanently attached to a Lot), and (e) any other structure of any kind or nature, all within the Project Property.

IMPROVEMENT GUIDELINES

BASKETBALL GOALS

All permanently installed Basketball goals require approval from the A.R.C. Backboards must be of a translucent material such as Lexan and attached to a black pole or similar type of post. All posts must be installed in concrete. Temporary backboards shall be stored out of view from the street and neighboring properties when not in use.

DRAINAGE PIPES

Any drainage pipe, such as gutter extensions or sump pump discharge lines, which extend more than 60 inches (5 feet) from the home must be buried. Drainage pipe discharge must not cause erosion or a preventable flooding problem for adjacent property, and pop up diverters are encouraged.

PLAYGROUND EQUIPMENT

No playground equipment or tree houses shall be installed on any Lot without prior approval of the A.R.C. Restrictions on height, design, location, color, material, and maintenance requirements may be imposed. Trampolines are allowed, provided they are either kept out of view from the street, or receive approval from the A.R.C. as to location and screening requirements.

FENCES

Fencing on any lot within the Smokey Row community shall be limited to smooth top, black colored steel, iron, aluminum, or similar “metal look” fencing, with a height of no more than 48 inches. An example of the acceptable fencing can be found on the association website. Chain link and privacy fences are prohibited. Fencing may be placed around the perimeter of the rear yard, extending no farther forward than the forward most rear facing wall of the home. Fencing and landscaping on corner lots must not obstruct street views. Fencing may not be placed within a drainage or utility easement without a signed easement waiver, and if such waiver is granted, the owner assumes all liability for damage, removal, or replacement should access to those easements be required. Any fencing adjoining a neighbor's existing fence must be of similar material style and align wherever feasible. On lots directly adjacent to a pond, no fence will be allowed within twenty (20) feet of the water line. Special exceptions for height and material type may be considered around swimming pools and other hazards. Invisible electronic fences designed to restrict the movement of animals are expressly permitted.

POOLS

No above ground swimming pools shall be allowed; provided, nothing herein shall preclude installation and use of hot tubs, spas, Jacuzzis, or similar apparatus, with prior approval of the Committee. Permanent backyard pools will be approved by the Committee only after careful consideration of the potential effect of such a pool in neighboring properties. An application for the construction of swimming pools will not be considered unless the application is accompanied by an application for acceptable fence or other safety protection and landscape design approval. In-ground pools must comply with all State, County and/or other local safety statues/ordinances.

IMPROVEMENT GUIDELINES

ACCESSORY STRUCTURES / OUTDOOR STRUCTURES

Accessory/Outdoor Structures, expressly referring to any enclosed shed, outbuilding, playhouse, workshop, or poolhouse, may be constructed on any homeowner's lot with prior approval of the ARC. This approval includes, but is not limited to, approval as to size, shape, material, foundation, appearance, and location. Additionally, construction of an Accessory/Outdoor Structure must strictly adhere to the following processes and guidelines:

- In addition to the ARC Change Request Form, Accessory/Outdoor Structures require a site survey by the ARC (or a member thereof) to review placement *prior* to the start of construction. Placement of the structure should be in the most discreet location possible as to best shield it from street view. ***The ARC must sign off on the site survey before construction may begin.***
- Accessory/Outdoor Structures must not exceed 1.5% of lot size, with a ridge not to exceed 15'. The roof pitch must match that of the main house.
- Construction of an Accessory/Outdoor Structure requires a solid, level foundation made of an approved aggregate material designed to prevent sinking and shifting. ***The ARC must sign off on the foundation prior to the continuation of construction.***
- Accessory/Outdoor Structures must be constructed with the same siding materials, roofing materials, colors, and aesthetic & design elements to those of the main home. Barn-style structures, and any made primarily of metal and/or synthetic materials are strictly prohibited.
- Any exterior lighting added to an Accessory/Outdoor Structure (floodlights, motion detectors, etc.) must take into consideration adjacent neighbors. This includes those backyards which are clearly visible from across the pond and/or from the street.
- Any utility service must be carried underground (CC&R 3.11) and must follow local county codes.
- **Only ONE Accessory/Outdoor Structure will be permitted on any homeowner's lot.** For example, a homeowner may have a children's playhouse OR a shed, but not both.
- Use of an Accessory/Outdoor Structure for human or animal habitation is strictly prohibited.
- Additional Accessory/Outdoor Structures requiring ARC approval include, but are not limited to, outdoor kitchens, awnings, screen rooms, gazebos, pergolas, sun rooms, covered porches, covered decks, pool screens, and canopies. Party tents or similar temporary structures may be erected for special events, provided they are removed within 48 hours.

Failure to adhere to the aforementioned processes and guidelines will result in construction being stopped and correction and/or removal of the violation at the homeowner's expense. Any subsequent legal fees or court costs will be the responsibility of the homeowner in accordance with the CC&Rs.

GENERAL GUIDELINES

APPLICATION REQUIREMENTS

Construction plans, material type, colors, drawings, or a photograph of a similar project/improvement along with a plot plan indicating the location and dimensions of the proposed improvement must be included with any architectural change or improvement request. Requests will be returned without approval if a plot plan is not included.

APPROVALS ARE NOT PERMITS

Approvals by the A.R.C. shall be in addition to, not in lieu of, any approvals or permits required by any government agency. The A.R.C. may require copies of permits when required by law.

EASEMENT WAIVERS

No fences, playsets, structures, landscaping, or any other improvements may be constructed within drainage or utility easements without a signed easement waiver and approval from the A.R.C. The property owner assumes all responsibility for removing, replacing, or repairing these improvements should access to the easement be required.

LAWN MAINTENANCE

Lawns shall be maintained with minimal weeds and an average grass height of six inches (6") or less.

MAINTENANCE OF IMPROVEMENTS

It shall be understood that approvals or variances for any changes or improvements that may be granted will include the restriction that those improvements be maintained in like-new condition, both structurally and in appearance.

TIMELY COMPLETION

Improvements approved by the A.R.C. shall be initiated and completed as soon as reasonably practicable and within the time prescribed by the A.R.C.

CC&R GUIDELINES

The following section contains short summaries of some of the rules and restrictions detailed in the "Smokey Row Declaration of Codes, Covenants, and Restrictions", further referred to as "CC&R". Not all of the rules from the CC&R are reflected here, nor are they stated in their entirety. Refer to the CC&R for the full text of these restrictions.

IMPROVEMENT APPLICATIONS

No Improvement that would in any way alter the exterior appearance of any property may be performed without the prior written approval of the A.R.C. This includes exterior color schemes, fencing, walls, mounds, landscaping, structures, play sets, fire pits, decks, patios, basketball goals, or any other improvement visible from streets or neighboring property. (CC&R 3.2)

VARIANCES

The A.R.C. may, at its discretion, grant variances from these restrictions if it determines that the activity or improvement permitted under the variance will not have any substantial adverse effect on Owners and Occupants and is consistent with the high quality of life and design standards intended for Residents of the community. *(CC&R 3.21)*

APPROVALS NOT WAIVERS

The A.R.C.'s approval of any application for Improvement shall not be deemed a waiver of the A.R.C.'s right to withhold approval of any similar application submitted for approval by the same or any other Owner or Person. *(CC&R 3.2.4)*

LIABILITY FOR CONSTRUCTION

The design and construction of any Improvement shall be the sole responsibility of the Owner, and no approval recommendation, or condition made by the A.R.C. shall alter the Owner's responsibility for the safe and proper design and construction of said Improvement. *(CC&R 5.15.7)*

CHANGES TO APPROVED PLANS

Any change or deviation from the plans and specifications approved by the A.R.C. must be first approved in writing by the Panel before implementation. *(CC&R 3.2.6)*

MAINTENANCE OF LANDSCAPING

Each Owner of a Lot shall properly maintain and keep neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material, all Landscaping located on the Owner's Lot and within any easement between the owner's lot and the public street. Proper maintenance of landscaping shall include removal and replacement of dead landscaping. *(CC&R 3.5)*

NO OUTDOOR LAUNDRY

No outside clothes lines or other facilities or equipment for drying or airing clothes may be placed or erected on any Lots unless approved by the Design review Panel and not Visible from Neighboring Property. *(CC&R 3.4)*

REPAIR OF BUILDING

No Residential Unit or other Improvement on any Lot or other property, shall be permitted to fall into disrepair, and all Residential Units and other Improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished. *(CC&R 3.8)*

TRASH CONTAINERS AND COLLECTION

No garbage, trash, or containers for such may be stored in a location Visible from Neighboring Property, except to make the same available for collection, and then only for the shortest time reasonably necessary to effect such collection. *(CC&R 3.10)*

RESIDENTIAL USE AND TRADES OR BUSINESSES

A home based trade or business shall not utilize large vehicles not customary within the neighborhood. The trade or business shall be conducted only inside the home or garage, and the volume of vehicular or pedestrian traffic or parking must not be in excess of what is customary within the neighborhood. The business must not involve door to door solicitation of other residents of the community. (CC&R 3.15)

ANIMALS

No pet shall be permitted to make an unreasonable amount of noise or create a nuisance. No structure for the care, housing or confinement of any pet shall be Visible from Neighboring Property. All pets shall be leashed when not on or within the securely enclosed or fenced lot. All pet waste shall be promptly and properly disposed of by the pet's owner. (CC&R 3.16)

PARKING

All Vehicles must be parked or repaired only within a fully-enclosed garage. If the number of vehicles owned by the occupants exceeds the garage capacity, vehicles in excess of that capacity may be parked on the paved driveway for that Lot, but none may be parked curbside or on non-paved portions of the Lot. Vehicles of guests or visitors may be parked outside on a driveway. Service, repair or delivery vehicles may be parked on or adjacent to a Lot, but only for the period reasonably required to effect the needed service, repair or delivery. Except as expressly provided above, no vehicle may be parked on the street. (CC&R 3.20)

GARAGES

The interior of all garages shall have finished walls and ceilings, and shall be maintained in a neat, clean condition. Garages shall be used only for parking vehicles and storage, and shall not be used or converted for living or recreational activities. (CC&R 3.24)

ANTENNAS, POLES, DISHES

No television, radio, short-wave, microwave, satellite, flag or other antenna, pole, tower, or dish may be installed on any lot unless fully and acceptably screened or concealed. The means of screening or concealment shall be subject to regulation and prior approval of the A.R.C (CC&R 3.30)

PROVISIONS SEVERABLE

Any determination by any court of competent jurisdiction that any provision of this document or any Project Document is invalid or unenforceable for any reason, shall not affect the validity or enforceability of any of the other provisions hereof. (CC&R 9.4.2)

CONTACT INFORMATION

Modification/improvement requests can be submitted via email to ARC@smokeyrowstates.org or by mail to

**Smokey Row H.O.A.
PO Box 263
Bargersville, IN 46106**

If you need further assistance, please call 317-886-0242 or send email to HOA@smokeyrowstates.org or smokeyrowhoa@gmail.com