

Architectural & Use Guidelines
Pheasant Run Homeowners Association
Indianapolis, Indiana

Approved October 31, 2012

By the Board of Directors

NOTE: This revised version of the Architectural & Use Guidelines replaces and supersedes all previous editions, which should no longer be used.

1 GENERAL INFORMATION

1.1 INTRODUCTION

Pheasant Run (Sections 6B-9) is a planned community, which include 175 single-family homes and common areas owned by Pheasant Run Homeowners Association Inc. (PRHOA), a nonprofit corporation. All property owners, by law, are members of PRHOA. Similar to a business corporation, a board of directors elected by the members of the Association is responsible for the conducting the affairs of the Association based upon the Declaration of Covenants.

Each lot is owned privately, and the common areas are for the use of all members of the community. There are certain restrictions and guidelines for the use, improvement and alteration of the properties. By monitoring exterior design of improvements and by regulating the use of properties within the community, the Association is able to maintain a high standard of aesthetic quality, community identity, and functionality, which enhances property values.

The guidelines set forth in this document have been established by the Board of Directors for the purpose of informing all owners of the applicable regulations for use, alterations and improvements to properties within the Community.

Any pervious alterations that were approved that no long fit within these guidelines will be grandfathered in until the time they need to be repaired or replace. In this case an architectural request would need to be submitted to the board. If the house is sold the new homeowner needs to comply with the rules and the previous owner needs to inform the new owner of the items that were grandfathered in.

1.2 AUTHORITY FOR THIS DOCUMENT

Paragraph two of the PRHOA's Articles of Incorporation states that the specific purpose for which it was formed including "to provide for the management, regulation, and maintenance of certain improvements, and the common areas constructed within the [community]." Article III of PRHOA's Declaration of Covenants, Conditions and Restrictions contains certain architectural and use restrictions to be enforced by the Association. Furthermore the Board of Directors has inherent authority to make declarations and policies to carry out the purpose of the Association.

These guidelines may be modified with the approval of a majority of the Board of Directors.

1.3 GOVERNMENT RULES AND REGULATIONS

In addition to compliance with the rules and regulations of the Association, homeowners and residents are required to comply with all Marion County, state and federal laws, statues, rules, regulations, and ordinances. Any acknowledgment or approval by the Association of a homeowner's request is not intended to indicate that homeowners or residents have complied with local, state and federal law.

1.4 NO WAIVER and NO PRECEDENT

Similar to the provision stated in the community's Declaration, the failure to enforce any provision of this document shall in no event be deemed a waiver of the right to enforce it later. Also, a variance granted for one property shall not create a precedent for another.

1.5 SEVERABILITY

If any one provision of this document is determined to be invalid, it shall in no way affect any of the other provisions, which shall remain in full force and effect.

2 ENFORCEMENT

The Association may take such legal and appropriate actions, as the Board deems appropriate to seek compliance. In the event of a violation, including the failure to perform necessary exterior maintenance in a timely fashion, and upon written notice from the Association, the violation must then be promptly corrected. It shall be the responsibility of the Lot Owner to advise their tenants of the regulations. Ignorance of these regulations shall not preclude their enforcement. Violations may result in expense related to legal enforcement activities.

In addition to any other remedy available to the Association, the Association may perform necessary maintenance and assess the costs of said maintenance against the owner should they fail to maintain their lot

2.1 ENFORCEMENT AUTHORITY

Articles VIII Section 1 of PRHOA's Covenants provides that "In the event of a violation, or threatened violation, of any of the covenants, conditions and restrictions herein enumerated, [the Association] and all parties claiming under them shall have the right to enforce the covenants, conditions and restrictions contained herein, and pursue and all remedies, at law or in equity, available under applicable Indiana law, with or without proving any actual damages, including the right to secure injunctive relief or secure removal by due process of any structure not in compliance with the covenants, conditions and restrictions contained herein, and shall be entitled to recover reasonable attorneys' fees and the costs and expense incurred as a result thereof.

2.2 NON-LIABILITY

Pursuant to Article VIII Section 1 of PHROA's Covenants, the Association "shall not be liable for damages of any kind to any person of failing to enforce or carry out such covenants or restrictions."

2.3 INSPECTION

The community shall be inspected for violations of these guidelines at least bi-weekly. Such inspections shall occur from public property and shall not intrude upon privately owned property. Pictures of violations will be taken and kept for records and submit to board for approval of whether there is a true violation.

2.4 VIOLATION NOTICE

Within two business days, a notice of a violation will be sent by postal mail to the homeowner. Within the notice there will be:

- Date
- Specific violation
- Reference provision(s) violated
- What is needed to remedy the violation
- Deadline for compliance
- How they will be notified when the violation is resolved or not
- Pictures will be taken and kept on file, and a homeowner can request a copy.

2.5 REFERRAL FOR LEGAL ACTION

Board of Directors will set a standard time frame for re-inspection and after the second notice and if not rectified, the board must vote to send to legal for action.

3 ARCHITECTURAL REQUEST PROCESS

Changes to the outside of your home or lot require prior approval from the Association. A written application is required.

You must-

- a. Carefully plan your improvement or modification to conform to these guidelines.
- b. Complete an application form, including all requested information.
- c. Mail or deliver the completed application to the Association at least 30 calendar days prior to improvement, modification, or other alteration.
- d. Confirm receipt and promptly reply to any questions posed by the Board of Directors.

In the rare instance that a homeowner or resident feels that special circumstances necessitate deviating from the requirements contained in these guidelines, a special one-time waiver request should be made to the Board of Directors. The special circumstances should be explained fully in the waiver application. The Board of Directors will then consider the special circumstances before reaching a decision to approve or deny the application. On a case by case basis the homeowner can seek a waiver or variance and obtain approval by board members of the provision of the covenants and guidelines.

3.1 TIME PERIOD

The Association will try to consider each application in a prompt manner and provide a decision to the homeowner as soon as practical. No later than 30 calendar days will a homeowner receive a letter of the Association's decision. The timeline for the Association should be the following:

- The ARC board member receives the ARC request and has 7 days to get to the rest of the Board for approval.
- The Board members have 7 days to either approve or deny the application
- Then the ARC board member will compile and send to the management company.
- The management company has 3 days to get the approval or denial letter to the homeowner.

3.2 REQUEST FORM & INFORMATION

The Architectural Request Form is available from the association website. Any incomplete paper will be returned to the homeowner to finish or add the missing documentation.

3.3 APPEAL

An applicant may appeal an adverse decision to the Board of Directors, which may sustain, reverse, or modify such decision. With a conditional denial, the Board of Directors will let the homeowner know what is needed in order to get approval.

4 ARCHITECTURAL GUIDELINES

Lot Owners shall at all times keep their lots, and the buildings and improvements thereon, in good order, condition, and repair. All maintenance, repair, or replacement must be completed as soon as reasonably possible. Appropriate maintenance shall include, but not be limited to, the following:

4.1 MAINTENANCE OF LOTS

- a. Lot owners shall maintain their lots at all times in a safe, clean, neat, and sanitary condition. Trash, garbage, yard debris or other waste shall be kept in appropriate covered refuse containers and be properly tied and/or bagged in accordance with the disposal companies' requirements. Refuse containers, recycling bins, and yard debris should be screened from view from the street at all times other than on trash pickup days.
- b. Mailboxes must be upright and in good condition.
- c. Broken furniture and appliances may not be stored outside the lot owner's house. Porches may not be used as storage areas.
- d. Playground equipment sheds, and antennae devices must be maintained and kept in good repair, and must be located solely on the lot owner's property.
- e. Firewood must be kept neatly stacked and located to minimize its view from the street.
- f. Fences and fence gates may not have broken supports, pickets or boards
- g. No cars, boats, campers, trailers, RVs or other vehicles may be parked on the lawn. For purpose of this regulation, "lawn" shall mean any part of the property that is covered with grass, other ground covering plants, flowers, or shrubs.
- h. Newspapers, whether subscribed to or not, and advertising fliers may not be left for more than two days in driveway, lawn or roadside. (If on vacation, make appropriate arrangements.)

4.2 MAINTENANCE OF LAWNS / SHRUBS/ PLANTED BEDS

- a. All lot owners are responsible for seeding, weeding, watering, and mowing of their lawns. All lawn areas and planted beds must be kept in a neat and orderly condition, and must be free from debris, excessive weeds, and dead plants, bushes, trees, and shrubs. Lawns must be mowed so that the grass length does not exceed six (6) inches in height.
- b. Bushes and hedges must be kept trimmed and must not interfere with public or common area sidewalks.

4.3 MAINTENANCE OF HOUSE EXTERIORS

- a. Exterior trim must be kept free of rotten wood and peeling paint.
- b. Roof must be maintained so that surface stone is intact. Roof repair or replacement must be performed when the roof has deteriorated to the point that inner layers of asphalt are visible from the street.
- c. House siding must be free from excessive mildew and mold. Repairs to siding must match in color and size. No missing siding is allowed.
- d. Exterior doors, including screen and storm doors, must be hung properly and maintained in good appearance with no chipping or peeling paint. Garage doors must be kept in good appearance and be free of any rotten wood.
- e. Broken or missing shutters must be repaired or replaced.
- f. Broken or missing glass panes in windows must be replaced.
- g. Broken or missing gutter must be repaired or replaced.
- h. Sagging or missing gutters must be repaired or replaced.
- i. Broken or missing exterior lighting fixtures must be repaired or replaced. Lampposts must be maintained in good appearance with no chipping or peeling paint.
- j. All exterior repairs must be completed in a timely fashion.
- k. Address numerals must be maintained.
- l. Driveways must be kept in good repair.
- m. Decks must be maintained with no missing or broken parts and must be re-stained when needed. See DECKS for more information.
- n. Basketball setups must be in compliance with Marion County guidelines and or ARC guidelines as applicable. See BASKETBALL SETUPS for more information.

GUIDELINES BY TOPIC (alphabetical order)

4.4 ADDITIONS, ALTERATIONS AND NEW CONSTRUCTION

Additions, alterations, and new construction external to the existing living unit(s) include, but are not limited to, rooms, garages, porticos, screened porches, gazebos, storage structures, and decks. See individual categories for additional information.

The following general standards and guidelines regulate construction on the properties and common areas of Pheasant Run. The ARC will have the authority to interpret these standards and guidelines and determine compliance therewith. Disputes by homeowners that cannot otherwise be resolved by the ARC may be referred to the PRHOA Board of Directors by a homeowner.

- a. All additions, alterations, new structures and improvements constructed upon any property or common area within Pheasant Run must conform in all respects to the ARC approval, as well as meeting all County approved site plans, construction plans, building permits and other federal, state and local construction and development standards and requirements
- b. The architectural design, character, form, scale, and proportion of all additions, alterations, structures, and improvements will be harmonious with the design and character of the existing house, adjacent houses and structures.
- c. The location of any structure will not impair the views or amount of sunlight and natural ventilation to adjacent properties.
- d. Roofs must be architecturally compatible with the roof on the applicant's house and shingles must be compatible with the main dwelling.
- e. New windows and doors will match the type used in the applicant's house and will be located in manner which will relate well to the location of exterior openings in the existing house.
- f. If changes in grade or other conditions, which affect drainage, are anticipated, they must be indicated. Every homeowner has the right to take any measures necessary to protect his property from surface water so long as that privilege is not exercised wantonly, unnecessarily, or carelessly and does not injure substantially property of others. A homeowner cannot collect surface water into an artificial channel or precipitate it in greatly increased or unnatural quantities on to another lot or into the common areas. This restriction applies even if no more water is collected than would have flowed upon that lot or common area in a different condition. If water is diverted and substantial harm ensues, the originating homeowner must act to end the harm. All homeowners are responsible for their drainage and need proper permits so no to cause harm to their neighbors.
- g. Construction materials must be stored to minimize adverse views from neighboring properties. Excess materials should be removed immediately after construction is completed. No debris will be allowed to accumulate during construction.

4.5 ADDRESS NUMBERS

Address numbers must be affixed to mailboxes in accordance with mailbox provision. See Mailboxes.

4.6 AIR CONDITIONERS

Individual window air conditioning units may only be installed in windows on the side plane or rear plane of the house. They may not be installed in windows on the front plane of the house or in windows that are located between the front door and the street (pipestem).

The front of the house is defined as the elevation of the house where the front door is located and any part of the house that is situated between the front door and the street (or pipestem) on which the property's driveway abuts.

Air conditioning units may not be installed in garage doors or garage door windows, regardless of location.

4.7 ANIMALS

See Doghouse, Dog Runs and Pets... Must comply with all Marion County Ordinances.

4.8 ANTENNAS/SATELLITE DISHES

VHF, UHF, and HD regular TV antennas must be located on the rear roof of the rear of the dwelling (except those mounted on a rear side or chimney) and are to be maintained in good appearance, including in such a manner that unsightly hanging cables and unsightly wiring is minimized. Satellite dish antennas designed to receive direct broadcast satellite service with a maximum diameter of forty (40) inches are permitted and may be placed on the rear roof or the rear of the dwelling. Alternate locations may be approved by the ARC on a case-by-case basis. The device must be black, silver-gray, or painted in a color designed to blend in with the background. Satellite dishes larger than forty (40) inches in diameter are prohibited.

If reception of an acceptable signal requires installation of the satellite antenna forward of the front plane of the dwelling, an application is required. The application must contain:

- Property plat/site plan showing the proposed location of the dish.
- Sketch, photograph, or manufacture's product information of the proposed dish
- A document from the installer stating why a location rearward of the front plane of the dwelling will not suffice.
- A description of those measures the homeowner will take to blend the dish into its surroundings while maintaining an acceptable signal.

The Association has no obligation whatsoever to maintain common areas or any other property in order to provide or maintain unobstructed line of sight for satellite signals. Homeowners will not be permitted to cut, prune, or otherwise clear trees, shrubs, or other vegetation from common areas in order to provide or maintain unobstructed line of sight for satellite signals, nor are the lot owners allowed to clear their own property if in violation of County guidelines.

4.9 ATTIC VENTILATORS

Attic ventilators and turbines are permitted. They must be free from rust and in state of good repair. If mounted on the gable end, they must be painted to match the siding or trim. Painted attic ventilators and turbines must be maintained. Ventilators and turbines shall be mounted on the least visible side of the main roof ridge to minimize their visibility from the street.

No application is needed when these requirements are met.

4.10 AWNINGS

Exterior window awnings are not permitted. Other exterior awnings, such as deck or siding door awnings will be permitted if compatible with the architectural design and quality of the home, or

where sufficiently screened from the street view and/or of adjoining neighbors due to the proposed location of installation.

Awnings must meet the following criteria:

- a. They must have colors that are compatible with the siding color of the house.
- b. They must be consistent with the visual scale of the house to which attached.
- c. Pipe frames or structural supports for canvas awning (or similar material) must be compatible with the color of the awnings.
- d. Awnings are not permitted on the front or side of the house.
- e. Awning must be maintained in good condition.

An application for an awning must contain the following:

- Property plat/site plan showing location of awning(s).
- Sketch photograph or manufacturer's product information of proposed awning. This includes dimensions, construction details showing how the awning is attached to the house, materials and color.

4.11 BARBECUE GRILLS AND STANDS

All permanently installed barbecue grills and stands must be located in the back yard. Grills and stands must be maintained in good condition.

Permanent grills require an AR C application.

No application is needed for portable grills.

4.12 BASKETBALL SETUPS

Temporary basketball goals must be in compliance with Marion County ordinance at all times. Permanent require and ARC application. Backboards shall be affixed to permanent, semi-permanent, or temporary freestanding poles (i.e. portable type setups) with the following stipulations:

- a. Pole must be located a minimum of 10 feet from a side or rear lot line.
- b. Temporary/portable basketball setups must be located entirely on the homeowner's property at all times, following the guidelines established under (a) above.
- c. The backboard rim, pole, and net must be maintained in good condition at all times, with no evidence of peeling paint or rust.
- d. Chain nets are prohibited.
- e. Backboards may not be affixed to the house.

4.13 BUSINESS

Businesses are not permitted in our neighborhood. Business activity may not be conducted on the lots.

4.14 CLOTHESLINES

Clotheslines or similar apparatus for the exterior drying of clothes are permitted in the backyard only.

4.15 COMPOST

Compost piles must be maintained and located so as not to be offensive to neighbors.

- a. Compost containers may be prefabricated. They may also be made from wire mesh (hardware cloth) if reasonably shielded from view by neighbors. They should be located near the rear of the property.
- b. Compost containers must be at least three and no more than five feet wide, deep, and high.
- c. Compost materials may include lawn and garden clippings, leaves, and certain kitchen waste (raw vegetable and fruit scraps, coffee grounds, tea bags, etc.).
- d. Compost materials not allowed include cooked kitchen waste, meat, fish, animal feces, cat litter.

Compost bins meeting these requirements do require an application and proof that neighbors have been informed.

Refer to <http://eartheasy.com> for additional information on acceptable composting practices.

4.16 DAWN TO DUSK YARD LIGHT

A dusk to dawn light must be installed in the front yard of each lot. It must maintain the appearance of other dusk to dawn lights. Usage of dawn to dawn light is up to the individual homeowner.

4.17 DECKS

Decks must be located in rear and/or side yards and must comply with all Marion County requirements. Wood decks may be left to age naturally or may be stained with transparent, semi-transparent, or opaque stain. Stain colors for decks must be a natural wood color or a color that is in harmony with the house and the neighborhood.

Wood decks must be used with treated lumber.

Wing walls for decks may be used for creating privacy if consistent with the architectural style and design of the applicant's house. The use of privacy screening that does not exceed 8 feet in height from the floor of the deck may be considered when lattice, board on board, or an open style of screening is proposed. Non-lot line fencing/screening must be at least 6 feet away from property lines. Evergreen plants may be required to screen the fencing.

4.18 DECORATIVE OBJECTS

Portable lawn furniture must be arranged in an orderly fashion and, unless located on a deck or patio behind the dwelling unit, stored from view when not in use.

Lawn furniture that will remain indefinitely in the front yard must be approved by the ARC.

All seasonal displays may not be erected more than 14 days before a specific holiday and must be removed within 14 days after the holiday. General winter seasonal displays may not be displaced earlier than Nov 25th and must be removed no later than Feb 1st.

All exterior decorative objects must be maintained in good appearance.

4.19 DOGHOUSES, DOG RUNS and PETS

Doghouses must be of a color similar to the applicant's house, in which case it may be painted an earth tone color. It shall be located in the rear of the house and where visually unobtrusive to neighbors. Doghouses may not exceed 20 square feet and 4 feet in height. Doghouses may not be used as or converted into storage sheds.

Dog runs are permitted as long as they are in compliance with Marion County ordinance and be unobtrusive to neighbors. Dog runs are defined as a setup where dogs are attached to a stationary object by a lead and allowed to roam free in an unattended manner. Allowing dogs to run freely in a fenced-in yard is not prohibited.

No domestic livestock or wild animal shall be kept or maintained on any lot; however, any common household pet may be kept or maintained provided that they are not kept, bred, or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding lots or the neighborhood and are subject to state and county ordinances and regulations.

4.20 DRAINAGE

Homeowner is responsible for maintain proper drainage on their lots and may not modify natural drainage on their lot, unless they get permit and HOA approval.

4.21 DRIVEWAYS

Extensions and additions to driveways will only be considered through a thorough investigation of the impact on adjoining properties is completed. Driveway additions and extension must be constructed using the same material and same appearance as the existing driveway. Must be set back two feet from the property line and parallel properties must be 4 feet from each other.

However, all work must be completed in a timely manner.

4.22 EXTERIOR COLOR

The acceptable siding, trim and accent colors must be in harmony with the other colors already in the neighborhood and meet the standard procedures.

No black, pink, purple, neon, oranges, anything above mid-tones. Neutral and pastel colors are permitted. All colors must be approved by the association. Only authorized shades of blue and yellow are extremely light shades and need approval from ARC.

The same color scheme does not require an application.

4.23 FENCES

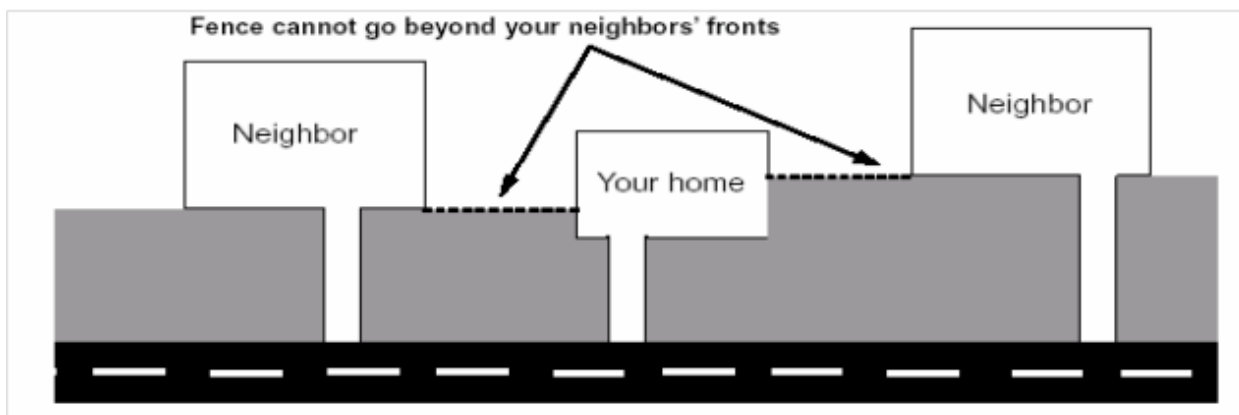
Besides separating property, fences can provide security for your home, pet control, visual privacy, or architecturally define a space. In achieving any of these goals, fences have both a visual and physical impact on the boundaries on our homes and common land. It is not only important how your fence fits on your property, but how it looks in relation to your adjacent neighbors, the street, and the entire community. For this reason, the board suggests that you talk to your neighbors before you build your fence. If they have already constructed a fence, it probably will look better if your fence has a similar design. Wood fences are required to be stained as this will protect the wood and help keep the neighborhood looking nice.

4.23.1 FENCES BUILT BEFORE OCTOBER 2012

Some fences built before the effect date of these guidelines that are not in compliance with these guidelines, the Board has grandfathered until: the fence needs to be replaced due to wear and tear and age or the homeowner desires a new fence. All new or replacement fences must conform to the current requirements in these guidelines.

4.23.2 WHERE FENCES ARE ALLOWED

All fences must comply with Marion County ordinance. Fencing is essentially restricted to the rear yard. In any case, no fencing is allowed to extend into your adjacent neighbors' front yard.



4.23.3 RESTRICTIONS ON CORNER LOTS

Must comply with Marion County ordinance on corner lots.

4.23.4 ACCEPTABLE FENCE TYPES

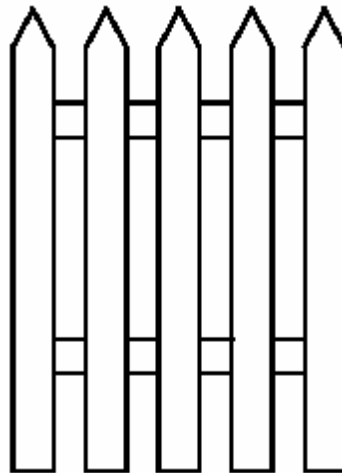
All fences must be made of natural wood, vinyl, which is made to look like natural wood, or chain link metal. Fence must material and appearance must be compliance with Marion County fence ordinance. Fences cannot obstruct the view at an intersection. The following descriptions are shown here only as examples and variations will be considered by the architectural review committee:

Hedge

Any hedge that encloses the entire rear yard made from evergreen plants or trees.

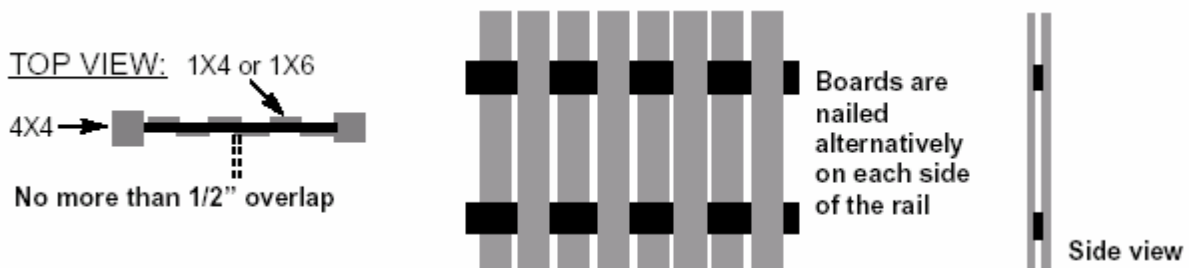
Picket

There is an inexhaustible variety of picket designs and combinations available. There are hundreds of patterns for picket tops, ranging from simple, squared ends for a plain look, to the intricate scroll-sawed patterns. Use this only as a guide: A picket fence is essentially built from 1X4 pickets spaced 2.5 inches apart or 1X6 pickets spaced 3.5 inches apart with 4X4 posts, 2X4 top, and bottom rails.



Picket, board-on-board

This fence gives a fully closed fence surface for privacy, but allows gentle breezes to pass through the fence.



Lattice

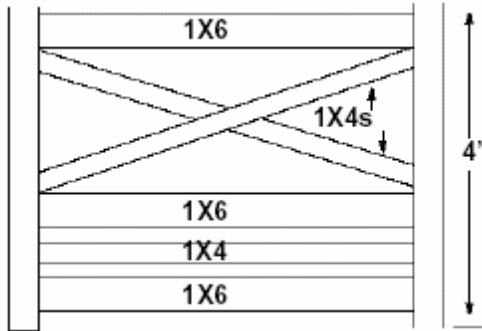
No permitted. Lattice work is permitted within the design of different fence style.

Split rail

This fence usually consists of two or three rails supported by notched posts set eight feet apart.

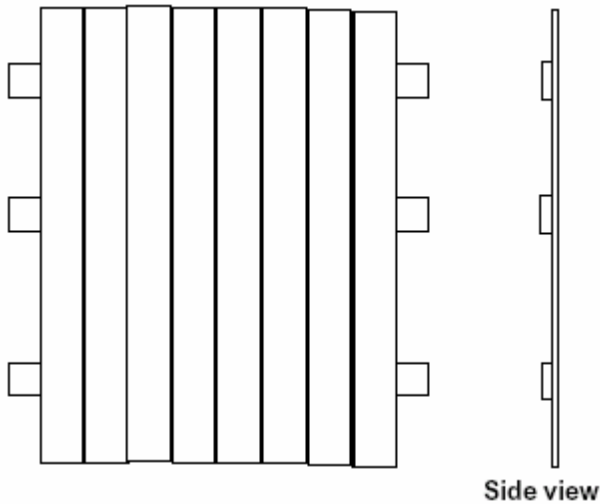
Post and board

The following image shows the most common post and board fence:



Stockade fence

This high wood fence gives security and privacy. There are dozens of styles and designs. Basic board fencing is often a series of 1x6 and 1x8 boards nailed side-by-side over a common post and rail fence frame. Pointed tips are not permitted. Dog ears are allowed.



Chain link fencing

Must be free from rust and other wise in good condition, and must be a coated fence.

Metal fences

Maybe approved on a case-by-case basis.

4.24 FIREWOOD

Firewood shall be kept neatly stacked and shall be located to the rear of the residence and in such a manner as to avoid adverse visual impacts for adjoining properties. Firewood shall be stacked in piles which do not exceed eight feet in length, four feet in width, and four feet in height for both aesthetic and safety considerations.

Other than a limited quantity of firewood intended for immediate use, firewood shall not be stacked on patios or decks. Firewood may not be stacked in common areas. Tarps used to cover firewood shall be earth tone in color. No application is required if homeowner adheres to stated guidelines.

4.25 FLAGPOLES

An application is required for permanent or freestanding flagpoles. Permanent flagpoles must be installed and maintained in a vertical position and shall not exceed fifteen (15) feet in height. Only one permanent, freestanding flagpole per lot is allowed. Nothing may be attached to the flagpole except a flag. Color and location must be appropriate for the size of the lot and the background. Only one free stand or staff affixed to the house.

Flagpole staffs, which do not exceed six feet in length and are, attached to the wall or pillar of the house do not require approval.

4.26 GARAGES, See section on ADDITIONS, ALTERATIONS AND NEW CONSTRUCTION**4.27 GARDENS, See section on ROCK & STONE, section on VEGETABLE GARDENS, and section on LANDSCAPING****4.28 GAZEBOS, See section on ADDITIONS, ALTERATIONS AND NEW CONSTRUCTION****4.29 GREENHOUSES**

A greenhouse is permitted if attached to the house or incorporated within a deck structure. A greenhouse is also permitted as a separate structure, provided it is the only separate structure on the lot. In other words, a freestanding greenhouse and a separate garden shed are not permitted. A greenhouse must meet the following criteria to be approved:

A greenhouse must meet all the size requirements as a shed.

4.30 GUTTERS AND DOWNSPOUTS

Replacement or additional gutters and downspouts must match the design of the original gutters and downspouts. Color must match house trim or siding or be white.

Discharge from downspouts must not adversely affect drainage on adjacent properties.

Missing, hanging, broken, or otherwise unsightly gutters and downspouts should be repaired within 30 days.

No application is required for replacement of existing gutters and downspouts or for the addition of downspouts from the corner of a roof. Application is required for installation of additional gutters and downspouts or change of color or type of existing gutters and downspouts. Also, see section on EXTERIOR COLOR CHANGES

4.31 HOT TUBS/SPAS

An exterior hot tub or spa must be located behind the house. Must be on a patio or deck. Must be out of public view and must comply with Marion County ordinances.

4.32 LANDSCAPING

All landscaping shall demonstrate sensitivity to the interests of adjacent property owners to enjoy light and open views. Landscaping may not obstruct sight lines for vehicular traffic.

Landscaping must not hide fire hydrants, impede storm sewers, or adversely affect drainage on neighboring properties or utility lines. Trees and bushes may be planted so they will not overhang property lines and curbs in the foreseeable future. Trees, bushes or shrubs that may overhang sidewalks should be planted far enough from the sidewalk that they can be properly and attractively pruned to preserve sidewalk clearance. An application is required for all trees and bushes, so that they would grow into one or more neighbors' properties.

Call Indiana 811 (811 or 800-382-5544) before digging. Additional information is available at <http://www.call811.com/default.aspx>.

There must be at least one tree planted in the front yard.

See section on **EXTERIOR DECORATIVE OBJECTS** for landscape plans that include exterior objects. See section on **ROCK & STONE FEATURES** for landscape plans that include stone or rock features. See section on **SIDEWALKS AND PATHWAYS** for landscape plans that include sidewalks or walkways. See section on **WALLS (Landscaping)** for landscape plans that include landscape walls.

Landscape designs of such a scale or type as to be inconsistent with the existing design features of the house, adjacent houses, and the Community are subject to ARC approval. Examples include the substantial or total removal of turf and replacement with another material, such as mulch or gravel.

All yards and landscape beds must be neatly maintained, including removal of all weeds, dead growth, and unused stakes. An application is not required for landscaping that meets the requirements stated above.

4.33 MAILBOXES

All mailboxes must be upright and maintained in a good condition and meet federal guidelines. Mailboxes and mailbox post must be consistent with original style and design. All mailboxes and post must be purchased through the association and will be consistent with original style and design. To order contact the property manager.

- a. Mailboxes shall be constructed from metal and painted black.
- b. White numerals
- c. Post shall be constructed of wood.
- d. Tan or beige
- e. Diamond tip and a diagonal support bar

4.34 PATIOS

All patios require approval. Patios shall be located in rear yards. Side patios may be approved on a case-by-case basis. Only flagstone, brick, concrete, pea gravel embedded in stone dust or similar construction material shall be used. The scale, location, and design shall be compatible with the lot, house, and surroundings. Wing walls for patios may be used for creating privacy if consistent with the architectural style and design of the applicant's house. Finish materials and colors must match those on the house.

Any adverse drainage, which might result from the construction of a patio, shall be corrected by the homeowner.

4.35 RECREATION AND PLAY EQUIPMENT

Permanent or semi-permanent play equipment, which either constitutes a structure or is appurtenant to an existing structure, requires approval. Examples include basketball setups (see Section on BASKETBALL SETUPS), sandboxes, playhouses, swing-sets, play-sets, trampolines, etc. Except basketball setups, such play equipment must be located directly behind the house. Exceptions may be considered on a case-by-case basis if screened with evergreen plantings.

The following factors will govern approval of permanent or semi-permanent equipment:

- a. Location. Equipment must be located in the back yard.
- b. Scale and Design. Structures and equipment must be compatible with the lot size. The design and any visual screening are additional considerations in evaluations

and may be required when there might be an adverse visual impact. Dimensions and photographs or sketches of play sets must be included in an application.

- c. **Color and Materials.** While wood left in natural color to weather is encouraged, the wood may be stained with a semi-transparent or solid stain that must be the color of naturally occurring wood (oak color, redwood color, etc.) Metal play equipment must be repainted as needed to prevent rust. Tarps and/or canopies may be solid in color or can be 3 (three) primary color striped (red, yellow, blue).
- d. **Playhouses.** Playhouses must not exceed 25 square feet and not more than 6 feet in height. Playhouses must not be used as or converted into storage sheds.

All play equipment must be maintained in good condition. **Also, see Section on Basketball Setups.**

4.36 ROOFS

No application is required to replace roofing with same (approved) color and materials. Roof must be of black, charcoal or tan color and shingle style. Application is required for change in roof color or type. See Section on EXTERIOR COLOR CHANGES.

4.37 SATELLITE DISHES, See section on ANTENNAS/ SATELLITE DISHES

4.38 SCREENED PORCHES

Roofing materials on porch must match materials on main house. Screen porches should be behind the house. Side porches may be approved on a case-by-case basis. They must have a railing, and lattice from porch to ground on all sides. They must also have architectural detailing to match the house (i.e., facial boards and dental molding). Porches must be harmonious in color with the house siding or trim, providing the house is not in violation of these guidelines. See section on ADDITIONS, ALTERATIONS AND NEW CONSTRUCTION.

4.39 SIDING AND SHUTTERS

Missing, hanging, broken, or otherwise unsightly siding and shutters must be repaired/replaced as promptly as possible, but no longer than 30 days. No application is needed for replacement of siding or shutters that match existing compliant colors/materials. Application is required for changing siding and/or shutter color. See section on EXTERIOR COLOR CHANGES.

4.40 SIGNS

Signs meeting the following conditions do not require an application. Signs not listed below are not permitted.

5.42.1 Identification Signs

The owner or occupant of any home may place one sign on the premises with the name and profession of the occupant, but no such sign may be larger than six inches by twelve inches.

1. Real Estate Signs

Only one sign advertising a property for sale or for rent may be displayed. Such signs must meet applicable County restrictions with respect to size, content, and removal. These signs may not exceed eight square feet in size and may not be more than six feet in length. The signs may be placed only in the front yard of available properties. Signs and signposts are to be maintained in vertical alignment and without any unsightly, broken, or loose hanging face boards. Real estate signs shall be removed within seven days after a sale or rental contract has been finalized.

2. Security Signs

Security signs (alarm systems) shall not exceed two square feet in size. Two security signs are permitted per lot.

3. Political Signs

Occupants may post one sign per candidate per lot, no larger than eight square feet, no more than six feet in length, for no more than 90 days before an election. The sign(s) must be placed near to the center of the property's front yard so that it is clear which neighbor supports the candidate. The signs must be removed within 72 hours after the election.

4. Garage Sale Signs

Signs used to promote a garage sale may be posted beginning the day before the sale and must be removed by the day after the sale.

5. PRHOA Community Signs

Signs owned by the Pheasant Run Homeowner's Association may be placed in public view when authorized by the PRHOA Board of Directors.

6. Contractors Construction Signs

Signs may be posted by contractors only on lots where work is being performed by the contractor beginning when the work commences and ending at the completion of the work. Such signs may be no larger than eight square feet and no more than six feet in length.

4.41 SOLAR COLLECTORS

Solar collectors or panels may be installed only on the roof facing away from public view of the home and must be maintained in a state of good repair. An application is needed.

4.42 STORAGE SHEDS/ OUTBUILDINGS

No temporary building is permitted on any lot. Certain types of permanent storage sheds are permitted as described in this sections.

One storage shed is permitted on a single-family lot. A shed may not exceed 120 square feet of floor space and may be no taller than 20 feet. Design of the shed should be in harmony with the architecture of the community.

4.43 STORM/SCREEN DOORS AND WINDOWS

Storm doors, screen doors, or combination storm/screen doors must be plain in design, and their framing must match the entryway trim color. Windows and window screens must also be plain in design, and their framing must match the window trim color. If the trim color cannot be matched, white is acceptable. Storm windows will be considered only by application. Storm doors and windows/screens meeting the above requirements need no application for approval.

Application for any other style of door/window must contain the following:

- Photograph or image of the door/window.
- Framing color if not shown in the photograph/image
- Existing siding, trim and front door colors of house

4.44 SWIMMING POOLS

All pools must follow Marion County ordinance. ARC request must be submitted for in ground pools and must be 4 feet from the property line. Any pool that requires a filter is considered an above ground pool.

Permanent or large scale pools are prohibited. Seasonal or temporary pools, pools erected from May 1st to October 1st, are authorized as long as they are erected by the homeowner and not be larger than 18'x48".

4.45 TREE REMOVAL

Residents are advised to consult with Marion County for compliance with the county ordinances on tree cutting. If any tree is removed, the stump should also be removed unless it is hidden by other plantings or is a functional element of the landscaping. Removal of a stump means removal to below ground level, so that there is no evidence of the past presence of a tree. It is the responsibility of the property owner to remove any tree that has been uprooted or otherwise creates a hazard.

No trees, shrubs or other vegetation on common areas are to be cut, pruned, or removed by homeowners. However, shrubs that have grown into the property may be pruned back to the property line. An owner may also kill noxious plants, such as poison ivy, that have grown into the property, even if the effect may extend into the common area. In all other situations, such as a dead or leaning tree, the owner must request the Board of Directors to address the concern.

4.46 WALLS

Walls and similar features require application and approval, and will be considered on a case-by-case basis.

Walls must meet the following criteria:

- a. Walls must be made of stone, brick, stucco material, wood, or a combination thereof.
- b. Walls must not exceed 4 feet in height.
- c. They must not cause adverse drainage conditions for adjacent properties. Applicant must correct any drainage problems that do arise within 60 days.
- d. Brick walls must be harmonious with the brick used on house (if any).

4.47 DEFINITIONS

Cornice: The molded and projecting horizontal member that crowns an architectural composition.

Dental Molding: One of a series of small projecting rectangular blocks forming a molding especially under a cornice.

Dog runs: a) A setup where dogs are attached to a stationary object by a lead and allowed to roam the lot in an unattended manner; or b) A kennel-like structure specifically built to allow a dog to roam freely within the confines of such structure. (This is not to be confused with a fenced in yard, where a dog could be allowed to roam freely as long as there's no way for it to exit the yard..)

Fascia Molding: A horizontal piece (as a board) covering the joint between the top of a wall and the projecting eaves.

Front of house: The plane of the house on which the front, or main, door is located. This is generally the plane of the house that faces the street (or pipestem) on which the house is located.

Rear of house: The plane of the house that is opposite the front of the house. This is generally the plane of the house that faces the backyard.

Sides of house: The planes of the house that are neither the front nor the rear of the house.

Lattice: A framework or structure of crossed wood strips.

Lawn: Any part of a property that is covered with grass, other ground cover plantings, flowers, or shrubs.

Mullion: A slender vertical member that forms a division between units of a window, door, or screen or is used decoratively.

5 USE GUIDELINES

5.1 PARKING- VEHICLES AND EQUIPMENT

All cars and other allowed vehicles must be parked in driveways, garages, or appropriate and safe street parking. Parking is not permitted on non-paved areas (whether homeowners' lots or common property). No junk vehicle, motorcycles, commercial vehicle, trailer truck, camper, camp truck, house trailer, boat or the like, shall be kept upon the properties (except in enclosed garages).

Notify the HOA in advance of a onetime event if parking needs in excess of what is permitted.

No commercial vehicle or construction equipment, whether owned by the lot owner, resident, guest, or any other person shall be permitted to remain on or be parked on any lot, Association common area, or common driveway overnight. Commercial vehicles are defined as:

- a. Any vehicle that is included in the Marion County Code (Section 621-118), as amended. Commercial vehicle includes:
 - i. Any solid waste collection vehicle, tractor truck or tractor, truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer;
 - ii. Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
 - iii. Any trailer or semitrailer used for transporting landscaping or lawn-equipment whether or not such trailer or semitrailer is attached to another vehicle; or
 - iv. Any vehicle licensed by the State for use as a common or contract carrier or as a limousine; or
- b. Any vehicle used for commercial purposes that exceeds seven feet in height, nine feet in width or 18 feet in length.

5.2 PROHIBITED ACTIVITIES

No noxious or offensive activity shall be carried on any lot. The covenants prohibit noxious or offensive activity and anything that will be considered an annoyance. The board will view this on a case by case basis and will attempt to use reasonable judgment.

5.3 REPAIRS

Major repairs to motor vehicles are not permitted on any lot, common area, or on any public or private street located within Pheasant Run, with the exception of inside a homeowner's garage, unless a bona fide emergency.

5.4 TRASH

Trash and recycling containers shall not be placed at street for pickup prior to 5:00 p.m. the day before the scheduled pickup (Thursday). Trashcans and recycling bins shall be collected promptly after trash pick-up (the same day as trash pick-up) and stored out of view from the street at all other times. Trashcans may not be stored on Association property.

Owners/residents are responsible for picking up litter on their property and debris on common ground that originated from their property. Plastic trash bags containing food and related refuse must be placed in a secure container.

Owners/residents are responsible for making arrangements for timely pickup/disposal of large items of materials not in a trash container. Timely means within two days of being placed at the curb. Burning of trash or refuse is not permitted. Dumping on common ground is not permitted.