

**Windsor Woods Association
Architectural Control Policy**



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This document is the Windsor Woods Community Association Architectural Control Policy. It contains information relating to:

- **Architectural Control Committee (ACC)**
- **Approval Process**
- **Architectural Standards**
- **Frequently Asked Questions**

Architectural Control Committee (ACC)

You should have received a copy of the Association's Covenants at the time of the settlement on your property. They were created to protect the value of your investment in your home. Covenants assure the residents of certain minimum standards for land use, architectural design, and property maintenance throughout the neighborhood. They "run with the land" as part of your deed of ownership.

Observance of the Covenants is entrusted to the Architectural Control Committee (ACC). The Windsor Woods Association's Board of Directors and members either sit on or appoints volunteer members to the Committee.

The Covenants provide that any change to the exterior appearance of your home must be approved by the Architectural Control Committee (ACC). The approval process and the standards to be applied by the ACC are detailed below.

Approval Process

Step 1 - Apply for a building permit, if necessary

Allen County Building Department
(260) 449-7131
www.allencounty.us

Fort Wayne Planning and Zoning
(260) 427-1129
www.cityoffortwayne.org

Building permits are required for certain alterations/improvements, such as decks, porches, additions, etc., to ensure construction is within building and safety codes. A discussion of permits and building codes is beyond the scope of this document; therefore, we advise homeowners to contact the Allen County Building Department before finalizing plans and completing an Architectural Control Application. The department can tell you if you need a permit, provide reference sheets of design requirements, and explain exactly what drawings and the number you will need to obtain the permit(s). ACC approval means that your proposed alteration/improvement meets the intent of the

Covenants; ACC approval does not guarantee County acceptance of your design or that your proposal is within County building codes. Likewise, County approval does not guarantee the ACC's approval.

Step 2 - Plan and Design the Project

Call Before You Dig - Property owners are strongly advised to engage one of the utility locating services to identify existing utility lines before initiating any digging to install new lines. (24 hours a day, 7 days a week Call 811 or 800-382-5544 to submit a Locate Request. Also available online at <http://indiana811.org/>).

The following sources are available to assist you in the design and approval process: Windsor Woods Covenants, Architectural Control Policy (this document), members of the ACC, and the Allen County Building Department.

Step 3 - Complete and submit an Architectural Plan

Provide your architectural plan to the Architectural Control Committee via the email address above. The plan should include all relevant aspects of your project including but not limited to: exterior material type, drawings indicating location/dimensions, photographs if possible, who will be doing the work (self, named contractor), estimate of schedule, and building permits obtained. Applications without all necessary information will be denied by the ACC, unless the applicant is present to discuss and clarify.

Step 4 - Review by the ACC

Your architectural plan is promptly reviewed by the ACC. This review will result in one of three outcomes:

1. Your application is approved.
2. Your application is denied.
3. Your application is postponed, pending additional review.

The most likely reason for postponing action is because a proposed improvement is unusual or outside the architectural standards, requiring a variance to be granted. In these circumstances the ACC may determine it must visit the property prior to rendering a decision.

Step 5 - Report of the ACC's decision

The ACC will report its decision to the property owner via a written response.

Architectural Standards

Fences

Overuse of fencing, especially privacy fencing, is ultimately unattractive, often not neighborly, and compromises the beauty of the neighborhood. We encourage the maintenance of as much open lawn space as possible. Our objective is a tasteful and orderly appearance.

No fence or wall which obstructs sightline at elevations between two (2) and six (6) feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections, unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

All perimeter or barrier fencing designs must consider the following:

Fences must be aluminum, cast iron, appropriate PVC/vinyl, or commercial grade wood materials. Chain-link and other metal or wire fences are specifically prohibited. The ACC will not approve construction or modification of any fence that, in the ACC's sole opinion, would create a sight obstruction of any pond view or a safety hazard on any street. Fence posts must either be integral with the fence or face the interior of the fence; external fence posts are prohibited. Fences shall not extend forward of the back line of the home except for an extension needed to encompass a garage service door. **Fences must be maintained in a high state of repair.**

A complete application is required for **ALL** fences. The application must include the following:

1. A drawing of the lot showing the placement of the home and lines indicating where the fence is to be installed (including all dimensions).
2. Physical characteristics of the fence to include: style, building materials, height, and color.
3. Indication of where gates will be located. Gates should complement the fence material in style, color, and height.
4. Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Awnings, Trellises, Pergolas, and Similar Structures

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.

For sun trellises, pergolas, and similar structures commercial grade wood is the preferred material.

A complete Architectural Control Application is required and must include locations, dimensions, style, color and description of material to be used, detailed drawings of awning(s) or trellis(es), or pergola(s), etc., and a description of method to support an attachment to the structure.

Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Communication and Solar Equipment

No radio or television antenna with more than ten (10) square feet of grid area, or 36 inches in diameter, or which attains a height in excess of six (6) feet about the highest point of the roof shall be attached to any dwelling house.

No more that 2 satellite dishes (not to exceed 24 inches) are permitted on each property. Every effort should be made to locate the satellite dish on the dwelling and out of view from the street. A dish or disk not in service, including the supports, shall be removed.

Solar equipment may be permitted. A complete application is required.

Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Dwelling Exterior

All buildings shall be constructed in a substantial and good workmanlike manner and of new materials. No roll siding, asbestos shingle siding, or siding containing asphalt or tar as one of its principal ingredients shall be used in the exterior construction of any building on any lots of said subdivision, and no roll roofing of any description or character shall be used on the roof of any dwelling house or attached garage on any of said lots.

Free-standing Poles

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, except that one flag pole for the sole purpose of displaying a flag may be erected subject to approval by the ACC.

Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Driveways

No application is required for replacement of an existing driveway unless the owner plans to change the materials, size, shape, or grade. An approved application is required for any new driveway construction, including expansion. The completed application must include:

1. Site plan with dimensions showing the relation to existing structures, trees, and property lines.
2. Proposed changes in grade (please note that care must be exercised in any drainage change).
3. Assurance that the configuration of the driveway will not allow a parked vehicle to extend into or overhang a public sidewalk or street.

4. Record the As-built location of any underground utilities associated with this project (electric for lighting, etc) and submit to ACC post-construction.

Please Note, Fort Wayne, New Haven and Allen County Access Standards Manual requires Residential Driveway to have minimum 12' width and maximum 20' width at roadway. Also a minimum 5' wide section of the drive within the right of way shall be sloped at a maximum 2% for the sidewalk crossing (existing and/or future). Please refer to Access Manual and Standard Details for most up to date specifications.

Gazebos

Gazebos must be open on all sides and no privacy screening of the structure will be permitted. Gazebos may not exceed one hundred forty-four (144) square feet in area. The floor may not exceed one (1) foot above the ground or deck floor, and the wall height may not exceed eight (8) feet. If a gazebo is constructed as part of a deck, the construction and finish should match the deck. Gazebos must be located to the rear of the home. Gazebos must be located at least ten (10) feet from adjacent property lines. A full application is required and must include:

1. A site plan showing the relationship of the gazebo to the adjacent homes and property lines.
2. A picture and/or detailed drawing of the gazebo, including dimensions.
3. A description of the material to be used.
4. A description of the color of gazebo and house.
5. Record the As-built location of any underground utilities associated with this project (electric, gas, water, etc) and submit to ACC post-construction.

Grills-Permanent

An application is required for permanent grills. Permanent grills should be placed behind the rear line of the house and should not be placed within (10) feet of the side and rear property lines. The application must include:

1. The dimension of the permanent grill.
2. A site plan showing the location of the permanent grill.
3. A description of the materials and colors to be used.
4. Record the As-built location of any underground utilities that provide service to the grill location (electric, gas, water, etc) and submit to ACC post-construction.

Lawn Ornaments and Embellishments

Non-seasonal permanent lawn ornaments and embellishments over three (3) feet in height must be submitted for approval.

All permanent lawn ornaments and embellishments three (3) feet in height and under must be in keeping with the architectural and aesthetic character of the neighborhood. This includes patio, porch, and outside step ornamentation.

Temporary decorations for holidays and special occasions do not require a formal application. They may be displayed for a period not to exceed **ten (10) weeks**. After that time, all temporary decorations shall be removed.

Lighting

The replacement of an existing light fixture, if accomplished with a reasonable match to the old fixture, does not require approval from the ACC. If a change in size, style, shape, color, or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, an application is required. Further, no exterior lighting may shine on adjacent properties or public spaces and should be aesthetically planned for each location. In addition, light fixtures must be in working order.

Flood lights and various types of high output lights fall under the category of security lighting. Exterior lighting of this type must be considered more carefully because of the impact on neighboring properties. Light fixtures of this type should be carefully aimed so that they illuminate only a specific area such as a doorway. Some high output light fixtures may have to be shielded in a manner similar to some streetlight installations to prevent unwanted or excessive intrusion of light from one property to another.

Permanent lighting and wiring requires a full application. Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Temporary lighting for decoration, holiday, and festival use does not require a formal application. Holiday lighting may be operative for a period not to exceed ten weeks. After the period of use, all temporary lighting and decorations shall be removed.

Bug lights must be portable and kept ten (10) feet from the property lines.

No outdoor light source shall be located more than 12 feet above ground level. All outdoor light sources in excess of 1,500 lumens shall be installed so that the direct rays are confined to the lot upon which the source is located. No outdoor light source shall exceed 4,500 lumens. All outdoor light sources located within 25 feet of each other shall be deemed to be one light source for the purposes of this paragraph. A light source shall be deemed to be outdoors unless it is located within a completely enclosed building. The provisions of the second sentence of this paragraph shall not apply to street lighting installed by Developer or the Association.

Major Building Additions

Major building additions include but are not limited to porches and rooms. The design of major additions must be consistent with the existing shape, style, and size of the home in the following ways:

Siding, roofing, and trim materials must be the same as, or compatible with, the existing materials of the home in color and texture.

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.

Roof eaves and fascia should be the same depth, style, and approximate slope as those of the existing home.

The following conditions shall determine the approval of new addition locations:

New additions must not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining their existing home.

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.

The windows, doors, or viewing areas from additions should not infringe upon existing internal or external private areas of adjacent homes.

Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.

Any addition must meet county setback requirements.

Applications must include:

1. Site plan showing relationship of new and existing construction to property lines and adjacent homes. Size and location of trees in affected areas on the site should also be included.
2. Drawings, to scale, of the new construction, including a plan view and elevation views of each new exterior wall area. These should show dimensions and locations of such features as doors, windows, roof lines, trim, and new exterior lighting fixtures.
3. Description of materials, including type of siding materials, roof materials, trim materials, and their colors.
4. Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Patios, Decks, and Walkways

This guideline refers to any new or expanded patios, decks, and walkways, or to any material changes in existing patios, decks, and walkways. All new materials should be of a simple material and neutral in color, such as natural concrete, stone, or clay brick, and treated wood.

Decks and patios may be constructed of treated wood, masonry, stone, and concrete, providing that the color and texture of the materials harmonize with the adjacent structures. Decks must be stained or painted to complement the home. All hardware must be galvanized.

Decks and patios must be located to the rear of the home.

The height of the deck or patio must be limited to the finished floor line single-story home or the second story finished floor line two-story home.

An application is not required if a patio, deck, or walkway replaces an existing structure with identical material similar in color and textures. However, an application is required for all other patios, decks, and walkways.

The following conditions shall determine the approval of new patios, decks, and walkways:

The plan shall not disturb existing contours. Terracing to follow existing land contours should be limited to small increments or railings should be provided.

The structure shall be located to provide reasonable visual and acoustical privacy for both applicants and their neighbors and utilize screening or plantings to this end.

Applications must include:

1. A site plan with dimensions showing new and existing walkways, decks, or patios in relation to existing homes, trees, and lot boundaries; and, further, a planting plan to screen the base of the deck.
2. A list and description of materials to be used, including color sample of paints and stains.
3. A project plan showing elevations and dimensions.
4. Description of proposed lawn contour changes, plantings, screening, rails, benches, new exterior lighting, etc.
5. Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Plantings and Trees

Applications are not required for foundation plantings, trees, or single plantings. However, a complete application is required for hedges. A hedge is defined as a row of bushes or low trees planted closely together to form a boundary. In the event that either landscaping or the planting of trees and shrubs might block pond views or cause traffic hazards, the ACC's approval will be required. In addition, no landscaping design may be commenced that would cause water run-off to flood a neighboring lot.

No hedge or shrub planting which obstructs sightline at elevations between two (2) and six (6) feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections, unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

Private Pools

No above-ground pool shall be erected or maintained on any lot which exceeds eighteen (18) inches in height above ground level. All in-ground pool must be approved in advance by ACC. As well as affecting views, pools and hot tubs may create safety, noise and lighting problems. Any exterior gate to the fence enclosing a pool

must have child-proof latches. Hot tubs located exterior to a home must be integral with an aesthetically appealing deck and not be visible from any street.

A complete application must be filed for in-ground pools and hot tubs. A county permit is also required for an in-ground pool and in-ground pools must be in compliance with all Allen County zoning ordinances.

The following conditions shall determine the approval of private pools and hot tubs:

The proposal shall provide for privacy screening upon completion of the pool or hot tub.

The size of the hot tub or pool shall be within the size of the maximum area of enclosure permitted for privacy screening.

Fences shall be of an approved type.

The proposal shall consider the impact of required privacy screening on open space and must be carefully related to adjacent property.

The proposal shall provide for safety within the pool or hot tub areas and control of the impact of increased noise levels on adjacent properties.

Applications must include:

1. A site plan showing the location and dimensions of the pool or hot tub, other related equipment, fences, etc., in relation to the applicant's home, property lines, and adjacent homes.
2. Detailed drawings and plans of the pool or hot tub, deck areas, lighting arrangements, walkways, fences, etc., and pertinent information concerning water supply system, drainage, and water disposal system.
3. A planting plan for privacy.
4. Record the As-built location of any underground utilities associated with project and submit to ACC post-construction.

Signs

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one foot square, one sign of not more than five square feet, advertising the property for sale or rent.

Swing Sets, Sandboxes, and Play Houses

Playground sets require the ACC's approval and are permitted only in backyards and at a location approved by the Committee. Playground sets must not be located on common ground or outside lot boundaries. A minimum of five (5) feet inside the lot boundary must be maintained in placing the structure. Playground sets must be of heavy, wood construction, earth tone in color, and maintained in a high state of repair. Some plastic or metal accessory parts—a slide for example—may be approved as well.

A complete application is required and must include:

1. Color and materials.
2. A site plan with dimensions showing the location of the play equipment relative to applicant's home, property lines, and neighboring houses.
3. A picture or sketch of the equipment showing dimensions.

Sandboxes do not require the ACC's approval as long as they do not exceed twenty (20) square feet and one (1) foot in height. They must meet the location criteria stated above for playground sets.

Vehicles: Commercial and Residential

No boat, motor home, camping or other trailer, or other equipment or machinery of any kind shall be allowed on any lot unless stored inside the garage attached to the home dwelling. No truck other than a light pickup or panel type shall be in plain view on the premises.

Commercial or recreational vehicles are permitted in Windsor Woods on a temporary basis.

Commercial vehicles include semis, flat beds, buses, tow trucks, and similar vehicles. Such vehicles are allowed only for delivery, pickup, and construction purposes.

Recreational vehicles include all towed vehicles and/or towed colliers, regardless of size, such as boats, boat trailers, cargo trailers, and all other types of trailers. None of these shall be parked on driveways for more than forty-eight (48) hours at a time and not more than a total of six (6) days per month, and none of these shall be parked on the streets for more than twenty-four (24) hours. Further, these limits are not to be combined.

The parking of commercial and recreational vehicles in a common area is prohibited.

The maximum gross vehicle weight allowed for a commercial or recreational vehicle belonging to a property owner or property owner's guest is 36,000 pounds.

Frequently Asked Questions

What if I disagree with the Architectural Control Committee?

An aggrieved party may appeal a decision of the ACC to the Board of Directors.

Is compromise possible?

While the process described above seems complex and rigid, it works because of the interest and cooperation of our residents and those who work on the ACC and the Board of Directors. At every step, efforts are made to reach compromises, where necessary, to ensure a speedy and satisfactory approval of your application.

What if I don't wait for my application to be approved?

If you begin alterations without first obtaining approval of your plans, you do so at your own risk. If you fail to submit an application, or if your application is turned down or modified, you may face the cost of removing the alteration and possible costs of litigation. The Covenants provide a means for placing these costs as a lien against your property. These circumstances may also arise if your property has been altered without approval before you purchased it. In such cases as those above, every effort will be made to work out a reasonable solution to the problem.

What is the process for Covenant enforcement?

Enforcement of the neighborhood covenants is the job of every resident, but the routines are carried out by the ACC and the Association's Board of Directors. When architectural complaints are brought to the attention of the ACC, they are investigated as promptly as possible. If a complaint is found to be valid, the property owner is contacted formally and asked to correct the problem. Our experience is that most problems are resolved at this stage. **Should the property owner still fail to act after the expiration of the grace period, the ACC may refer the case to the Board which may vote to initiate action in court at the owner's expense. All costs at this stage are chargeable against the property owner as a lien on the property.**

How closely must I adhere to the Architectural Standards?

The Covenants give the ACC the responsibility to set rules and procedures for architectural control and the authority to interpret the Covenants and allow exceptions to their restrictions. The architectural standards should be understood as guides to be used by residents in preparing an application for exterior alteration. Based upon the policies and previous decisions of the ACC, they will tell you what is most likely to be approved in typical circumstances and also give you important information on how to prepare your application.

What is a "structure"?

"Structure" shall be defined as any building or portion thereof, wall, fence, pool, shed, deck, swing set, pavement, or driveway to any of the aforementioned and similar structures.

In other words, the architectural control policy applies to all structures. Specifically, no structure, modification, or addition to a structure shall be erected or externally improved on a lot until the plans and specifications, including elevation, material, color and texture, and site plan showing the location of all proposed improvements, with grading modifications, if any, are filed with and approved in writing by the ACC.

Specific standards are found in this Policy. For example, no alterations, additions, or improvements shall be made to any garage which would defeat the purpose for which it was intended. And, all proposed swing sets, decks, and protruding structures must be located behind the dwelling.