

# **MORGAN CREEK COMMUNITY ASSOCIATION, INC.**

## **ARCHITECTURAL and ACTIVITY POLICIES**

As per the Covenant Restrictions and By Laws of Morgan Creek Community Association, these policies are binding on all homeowners, lot owner, residents, renters and guest in Morgan Creek. These policies are subject to changes or addition from time to time by the Architectural Control Committee (hereafter, the Committee) and the Board of Directors of the Association. Timely Compliance with these policies is the responsibility of each homeowner, lot owner, resident, renter and guests in Morgan Creek.

### **ENFORCEMENT**

The Association, the Developer and any Owner (individually or collectively), shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, Architectural and Activity Policies, liens and charges now or subsequently imposed. Failure by the Association, the Developer, or an Owner to enforce any provisions shall in no event be deemed a waiver of the right to do so later. Where the language and provisions of the Architectural and Activity Policies differ from those of the recorded Covenants of Morgan Creek, the more-stringent language and provisions will apply. The decision of the Board of Directors shall be final regarding interpretation of either the meaning or the intent of any of the language in these policies.

### **INVALIDATION**

Invalidation of any language or provisions of these Architectural and Activity Policies by judgement or court order shall not affect any remaining language or provisions, and such remaining language and provisions shall remain in full force and effect. No invalidation of any language or provisions of these Architectural and Activity Policies shall affect any of the language or provisions of the recorded Covenants of Morgan Creek.

### **GENERAL**

Pursuant to Sections 5 of the Covenants, no building, fence, deck, wall, in-ground swimming pool, or any other structure, whether temporary or permanent, shall be commenced, erected or maintained upon a Lot, nor shall any exterior addition, change or alteration be made to structure on a Lot until the plan and specifications showing the structure's nature, kind, shape, height, materials, and location are submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surround structures and topography in Morgan Creek. An Architectural Review Request Form is available from the management company's web site. Completed Architectural Review Request Form must be submitted to the management company, including any additional

information needed for a full description of the proposed project. Additional information may include but not limited to:

1. A drawing or detailed sketch with dimensions with the easement
2. Material type/s and color/s
3. Proposed location/s
4. Party/ies doing any required construction or installation and time frame required.

In the event that the Committee, or the Board of Directors of the Association, fails either to approve or to disapprove the design or location of the proposed structure or project as properly submitted on an architectural Review Request form (with any necessary supporting information) with thirty (30) day after receipt by the chair of the Committee then approval of such project or structure will be deemed to have been given. A request for additional information either by the Committee or by the Board of Directors shall be considered disapproval, and the 30day time frame begins with receipt by the chair of the Committee of the additional information requested. This “default” approval provision only applies to permissible projects and or structures. Prohibited projects and/or structures shall not be deemed approved as a result of any passage of time or lack of action by either the Committee or the Board.

### **POLICIES INVOLVING ACTION BY OR APPROVAL FROM THE COMMITTEE**

1. **FENCES:** Fences must be commercial grade wood, or natural tone wood-grain or white vinyl. Fences are not to exceed 6 feet in height on any lot that is not located on a pond and to exceed 4 feet on any lot located on a pond. Chain-link and other metal or wire fences are specifically prohibited. The committee will not approve construction of or modification of any fence that, in the Committee’s sole opinion, would create a sight obstruction of any lake, pond or would create a sight obstruction and a safety hazard on any street. Fence finish must conform aesthetically both with the home and to the neighboring homes. Fence post must either be integral with the fence or face the interior of the fence; external fence post is prohibited. Fences shall not extend forward from the back line of the home, I.e. fences are limited to back yards only. Fences must be maintained in high state or repair. Fences must not be constructed in easements.
2. **SWIMMING POOLS and HOT TUBS:** Only in-ground pools are permissible (no above ground pool higher than 18” is permitted) and subject to approval by the Committee and must be fully enclosed by a fence of approved construction, which generally must be six (6) feet high. Any exterior gate to the fence enclosing a pool must have childproof latches. Hot Tubs located exterior to a home and must be placed on top of a concrete slab, with the approval by the Committee.
3. **PLAYGROUND SETS:** Playground sets always require Committee approval and are permitted only in the backyard and at a location approved by the Committee. Playground sets must not be located on common ground or outside the Lot boundaries. Maximum height permitted is 14 feet, while the maximum length permitted is 20 feet. Playground sets must be of heavy wood

construction, earth tone in color and must be maintained in a high state of repair. Although some plastic or metal accessory parts, such as a slide may be plastic, vinyl or metal material is prohibited for exterior use.

4. **FREESTANDING POLES:** No clotheslines or clothes poles, or any other freestanding, semi-permanent or permanent poles, rigs, or devices, regardless of purpose, shall be constructed, erected, located, or used on any Lot. However, one flagpole may be constructed, erected, subject to approval by the Committee, for the sole purpose of displaying the United States flag.
5. **BASKETBALL POSTS AND GOALS:** Plans for permanently installed basketball posts and goals are subject to review and approval by the Committee. Basketball posts and goals must be freestanding (not attached to the house, garage, or roof), constructed of commercial grade materials, and located no more than 20 feet from the dwelling. If located at the driveway, the backboard must be perpendicular to the street. Portable basketball goals are not allowed.
6. **ANTENNAS and COMMUNICATIONS EQUIPMENT:** No radio or television antenna with more than 24 square feet of grid area, or one that contains a height in excess of 6 feet above the highest point of the roof of a residence, shall be attached to a residence on a Lot. Solar panels must be attached, low lying, black and approved by the Committee. Detached and free-standing solar panels are prohibited. No satellite receiving disk or dish in excess of one meter in diameter shall be permitted on any home. However, one satellite dish or disk of less than one meter in diameter may be attached to a home in a manner and position approved by the Committee.
7. **DWELLING EXTERIOR:** Within 60 days of original occupancy of a new dwelling the exterior of the dwelling shall be finished, including but not limited to siding, masonry, driveway, concrete flatwork, sidewalks, (if needed) and required deck/s weather permitting. Exterior additions, changes, or alterations to any dwelling shall not be commenced, erected or maintained until plans and specifications showing the nature, kind, shape, height, materials, and location are properly submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in Morgan Creek. Prior to installing any fire pit, or BBQ pit, approval must be obtained from the Architectural Committee. Prior to installing new roofing, approval must be submitted with the shingle roofing material and approved by the Architectural Committee. Metal roofing must be consistent with the current color of Morgan Creek, and approved by the Architectural Committee.
8. **BEAUTIFICATION:** The Committee encourages both landscaping and the planting of trees and shrubs beyond the minimum. In the event that either landscaping or the planting trees and shrubs might block lake and pond views or causes traffic hazards, the Committee's approval will be required.
9. **LIGHTING:** No lighting attached to a dwelling shall be located above the roof eaves line. External lighting attached to a dwelling or located on any Lot shall not utilize mercury-vapor or similar lighting mechanisms. Street lighting or ornamental yard lighting serviced by underground wires or cables are permitted; however, unusual or extensive lighting designs require approval by the Committee. Flood lighting not attached to a dwelling shall not extend 7

feet in height. Holiday lights and decorations must be removed no later than 30 days following the holiday.

### **POLICIES NOT DIRECTLY INVOLVING THE COMMITTEE**

- 1 **NUISANCE:** No noxious or offensive activity shall be carried out on any Lot, nor shall anything be done which either may or may become an annoyance or nuisance to any resident/s or guest/s in Morgan Creek. Noxious or offensive activities include: loud noise, repetitive dog barking, obtrusive lighting, and any other disruptive activities, which are or may be inconsiderate of neighbors. The other use of common ground must include respect for others whose home adjoins such ground. For example, access to ponds should be via common ground or walkway as opposed to along backyards of neighbors.
- 2 **STRUCTURES:** No structure of a temporary character, trailer, boat trailer, camper, or camping trailer, recreational vehicle, motor home, basement, tent, shack garage, barn, tool shed, dog house, dog run, burn barrel, or any other outbuilding or structure, shall be constructed, erected, located, or used on a Lot for any purpose (including use as a residence,), either temporarily or permanently. Basements, however, may be constructed in conjunction with an approval single-family residence on a Lot.
- 3 **OUTSIDE STORAGE:** No boat, boat trailer, recreational vehicle, motor home, camper, camping trailer, truck, or any other wheeled vehicle, shall be permitted to be parked ungaraged on any Lot or any street, for periods in excess of 48 hours or for a period which, in the aggregate, exceeds the calendar days per calendar year. The term “truck” as used in this section means every motor vehicle designed, used, or maintained primarily for the transportation of property and related one-ton or greater. It is STRONGLY RECOMMENDED both for the sake of safety and for neighborhood appearance, that all motor vehicles be garaged when not in use. Lawn and garden tools and equipment are to be stored inside when not in use. Fireplace wood must not be stacked on the drive and must be placed neatly at the rear of the home. Garbage containers must not be stored at the front of the home or visible from the street.
- 4 **SIGNS:** Individual garage sale signs posted at the association entry must be approved by the Architectural Committee 1 week prior to its posting. A sign for the annual neighborhood garage sale will be posted during the days of the sale. Individual signs may be posted on private lots for the duration of the garage sale, but must be removed each evening. Open House signs may be posted on the Thursday preceding the open house and must be removed by Sunday evening. Service providers signs may be posted in individual yards receiving service. Sign size must conform with sizes noted below and must be removed upon completion of service. No sign of any kind shall be displayed to the public view on a lot except on professional sign (for example; state that the dwelling is protected ADT) of not more than 1 square foot, or one sign not more

than 5 square feet advertising a lot or home for sale or rent or signs used by a builder to advertise a lot during the construction and sale period.

- 5 **ANIMALS:** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. All approved pets must be controlled in accordance with the Allen County ordinances, including leash laws. Pet owners MUST clean up (“poop scoop”) any feces deposited on common ground, neighbors’ yards, or easements. In the interest of both sanitation and appearance, pet owners MUST regularly remove feces from yards. Feeding wild animals is discouraged.
- 6 **DUMPING and TRASH DISPOSAL:** No lot shall be used as a dumping ground for rubbish, scrap, concrete, or the like. Trash, garbage, and other waste, shall not be kept in the yard or at the street in excess of 24 hours and must be in closed sanitary containers. Closed plastic bags may be used after sanitary containers are full. Trash must not be allowed to blow onto streets, other Lots, common ground or into any lakes and ponds. Grass clippings must not be left on the street at any time. Incinerators (external or internal) are prohibited as are composting piles and containers. Each resident is responsible for payment directly to the waste-disposal company. Solid waste disposal costs are not included in the Association dues. Garbage containers must not be stored in front of the home.
- 7 **YARDS and LANDSCAPNG:** Within 60 days of original occupancy of a new dwelling (weather permitting), landscaping must be completed, and the yard shall be either seeded, or sodded. Yards must be free from weeds, trash, and other debris. Grass must be mown on a regular basis. Respect your neighbors by limiting the number and types of yard ornaments.
- 8 **VACANT LOTS and DWELLINGS:** Except for construction periods, all yards, home exteriors, and vacant Lots must be neat, clean, and be free from weeds, trash, and other debris. Bare areas must be seeded to control weeds and erosion. Grass must b mown on a regular basis and maintained at a height not to exceed 6 inches for lots with homes and no higher than 12 inches for vacant lots. During construction, all materials, scrap, and trash must be contained and not be allowed to blow into any street, other Lots, common ground, or into any lakes, and ponds.
- 9 **TRAFFIC:** No motorized vehicles (mopeds, scooters, motorcycles, minibikes, go-carts, motorized three-wheelers, ATVs, golf carts or the like) are permitted either on common ground or easements in Morgan Creek. The use of streets by any motorized vehicles must comply with Indiana state law and Allen County ordinances. Motor vehicle drivers and or operators must observe all posted speed limits within Morgan Creek. Snowmobiling is prohibited in Morgan Creek.
- 10 **HOUSEHOLD LAUNDRY:** Laundry wash items are not permitted to be aired or dried outside the home. No clothesline or either a temporary or permanent designed may be erected or maintained on any Lot.
- 11 **MISCELLANEOUS:** Mailbox stands and mailboxes are maintained by Morgan Creek. Neighborhood Association and mailboxes must conform with the Architectural Guidelines as to size, style and color.

### **ADDITIONAL INFORMATION**

For more information concerning Architectural Control subjects, or any submittal for approval of your project, please contact the chairperson of the Architectural Control Committee, or the management company. You will receive an application on which to submit your written request to turn into the Architectural Control Committee, and you will receive a response to your written application in writing within 30 days of submittal date.

Revised 7/8/21