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Cleveland, Ohio 44113

April 27, 2017

Tinkers Green HOA  
c/o Thomas Claflin, President  
1275 Creekledge Court  
Streetsboro, Ohio 44241

Re: Design Guidelines

Dear Mr. Claflin:

Enclosed, please find the original, fully executed and recorded Amendment to the Declaration and Covenants, Conditions, Restrictions and Reservation of Easements for Tinker's Green Subdivision. The Amendment was filed with the Portage County Recorder's Office on April 10, 2017, at Instrument No. 201705665. The Amendment became binding and effective on the date it was filed. Please keep the original Amendment in the Association's permanent file.

The entire Amendment document must be copied and delivered to every owner, including the other Board members. Please include with the Amendment document a cover letter advising owners the Amendment should be filed with their copy of the Declaration and Bylaws and that they must pass the documents on to any future buyer of their home.

Now that the Amendment has been recorded and delivered to the Association, our work on this matter is complete and I have closed our file accordingly.

Should you or any of the other Board members have any questions, please do not hesitate to telephone me.

Sincerely yours,



ALLISON M. WISNIEWSKI

AMW: sh

Enclosures

cc: All Board Members (via electronic mail only)

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**INDEXED**

AMENDMENT TO THE *x Kaman*  
AMENDMENT TO DECLARATION AND COVENANTS, CONDITIONS,  
RESTRICTIONS AND RESERVATION OF EASEMENTS  
FOR  
TINKER'S GREEN SUBDIVISION

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDMENT TO  
DECLARATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND  
RESERVATION OF EASEMENTS FOR TINKER'S GREEN SUBDIVISION  
RECORDED AT INSTRUMENT NO. 200905472 AND THE AMENDMENT TO  
DECLARATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND  
RESERVATION OF EASEMENTS FOR TINKER'S GREEN SUBDIVISION  
RECORDED AT INSTRUMENT NO. 200713243 OF THE PORTAGE COUNTY  
RECORDS. *23*

**AMENDMENT TO THE**  
**AMENDMENT TO DECLARATION AND COVENANTS, CONDITIONS,**  
**RESTRICTIONS AND RESERVATION OF EASEMENTS**  
**TINKER'S GREEN SUBDIVISION**

**WHEREAS**, the Original Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Tinker's Green Subdivision ("Original Declaration") and the Original Design Guidelines ("Original Design Guidelines"), attached as Exhibit B to the Original Declaration, were recorded at Portage County Records Instrument No. 200501621, and

**WHEREAS**, the Board of Directors amended and replaced the Original Design Guidelines, recorded with the Original Declaration, with a new set of Design Guidelines ("Amended Design Guidelines"), as recorded at Portage County Records Instrument No. 200713243, and

**WHEREAS**, the Amendment to Declaration and Covenants, Conditions, Restrictions and Reservation of Easements Tinker's Green Subdivision ("Amended Declaration") replaced the Original Declaration, and further replaced the Amended Design Guidelines with the Second Amended Design Guidelines ("Second Amended Design Guidelines"), as Exhibit "B" to the Amended Declaration, and were recorded at Portage County Records Instrument No. 200905472, and

**WHEREAS**, the Tinker's Green Homeowner's Association ("Association") is a corporation consisting of all Owners in Tinker's Green and, as such, is the representative of all Owners, and

**WHEREAS**, Amended Declaration Article IX, Section 9.2.1.2 authorizes the Board of Directors, on behalf of the Association, to amend the Design Guidelines without a vote of the Owners, and

**WHEREAS**, the proceedings necessary to amend the Second Amended Design Guidelines, as required by the Amended Declaration, have in all respects been complied with.

**NOW THEREFORE**, the Amended Declaration and Second Amended Design Guidelines are amended by the following:

DELETE THE SECOND AMENDED DESIGN GUIDELINES ATTACHED AS EXHIBIT "B" TO THE AMENDED DECLARATION. Said deletion to be taken from Exhibit "B" of the Amended Declaration, as recorded at Portage County Records, Instrument No. 200905472.

INSERT A NEW SET OF DESIGN GUIDELINES TO THE AMENDED DECLARATION. Said addition, to be added as Exhibit "B" to the Amended Declaration, as recorded at Portage County Records, Instrument No. 200905472, is attached to this document and supersedes and replaces any Design Guidelines previously recorded.

The Tinker's Green Homeowner's Association has caused the execution of this instrument this 2 day of April, 2017.

By: Thomas R. Claflin  
THOMAS CLAFLIN, its President

By: Liz Billingsley  
LIZ BILLINGSLEY, its Secretary



STATE OF OHIO )  
COUNTY OF Portage ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Tinker's Green Homeowner's Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 4, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

2 I have set my hand and official seal in Streetsboro, Ohio, this  
day of april, 2017.

Stacy Matusik  
NOTARY PUBLIC

Place notary stamp/seal here:



STACY MATUSIK, NOTARY  
STATE OF OHIO  
MY COMMISSION EXPIRES: 10/23/17

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This instrument prepared by:  
KAMAN & CUSIMANO, LLC, Attorneys at Law  
50 Public Square, Suite 2000  
Cleveland, Ohio 44113  
(216) 696-0650  
ohiohoalaw.com

**TINKER'S GREEN HOMEOWNER'S ASSOCIATION  
DESIGN GUIDELINES IV  
March 3, 2017**

The following standards have been modified by the Board of Directors ("Board") from Design Guidelines III, dated April 2009, which were originally developed and promulgated by the developer of Tinker's Green Subdivision ("Declarant") in accordance with Article IX, Section 9.2.1.2 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements ("Declaration"), as recorded in the Portage County Records Instrument No. 200905472. The Design Guidelines IV ("Design Guidelines") are applicable to all new construction and all exterior modifications or improvements on Lots within the Property.

The Board, on behalf of Tinker's Green Homeowner's Association ("Association"), is permitted to promulgate, design, and develop guidelines governing construction and exterior modifications within the Property, which include application and review procedures to be followed when submitting an "Architectural Review Application" for approval to construct or alter any Lot improvements. The Board has sole and full authority to modify and to amend the Design Guidelines from time to time without the consent of any Owner, pursuant to Declaration Article IX, Section 9.2.1.2.

The Design Guidelines are to be interpreted so as to balance the right of the individual Owners and the right and duty of the Association to preserve, protect, and enhance the value of the Lots within the Tinker's Green Subdivision. For purposes of the Design Guidelines, "Front Yards" are defined as that portion of the Lot that is forward of the front elevation of the Dwelling Unit extended to each Lot line. "Rear Yards" are defined as that portion of the Lot that is behind the rear elevation of the Dwelling Unit extended to each Lot line. "Side Yards" are defined as that portion of the Lot that is between the front elevation and rear elevation of the Dwelling Unit, extended to each Lot line.

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## **I. INTRODUCTION**

### **A. Purpose**

The Design Guidelines are to maintain the integrity of the original community design and enhance the quality of life within Tinker's Green Subdivision by protecting the property values, health, and safety of all residents. The purpose of the Design Guidelines is to serve as a guide for decision-making for Tinker's Green Subdivision Owners and the architectural review applications. Decisions regarding all modifications or additions not expressly authorized by the Design Guidelines will be made on a case-by-case basis.

Prior to beginning any exterior modification or addition Owners must complete and submit an application form accompanied by the plans and specifications for architectural review. The Board must review, in a timely manner, all proposed exterior changes or modifications that require approval or are not expressly authorized.

Owners should submit the required application form as soon as they decide to make an exterior change that may require approval. In all cases, the application form should be submitted no later than 45 days prior to the scheduled start date because the Board has 30 days to act on an application. The Owner's architectural application is a requirement in addition to any other governmental approvals required by state or local building codes or ordinances. For example, plans for the construction of fences, decks, patios, sheds, and other structures must meet City of Streetsboro building codes, and appropriate building permits must be obtained before beginning any construction. All projects must be completed within the timeframe specified in the application.

The Design Guidelines are intended to supplement, not replace, the Declaration and Bylaws, as amended from time to time; therefore, if there should be an inadvertent discrepancy between what is expressed in the Design Guidelines and the Declaration and Bylaws, the Declaration and Bylaws will govern.

### **B. General Design Criteria**

The Board will specifically consider the general design criteria explained below when evaluating a proposed modification.

#### **1. Design Compatibility**

Design compatibility requires that the proposed modification be compatible with the architectural characteristics of the community design and neighborhood setting. For

example, the architectural style, quality of workmanship, scale, use of color, materials, design, and construction details must be similar to the original Dwelling Units.

**2. Location**

The proposed modification must not adversely affect the Property. Such problems may arise with disruptions of the natural topography or changes in the grade of the land causing changes in the direction of storm water run-off.

**3. Scale**

The size of the proposed modification must be proportionate to the adjacent structures and surroundings.

**4. Color**

Continuity of design using the same or compatible materials and colors as those in the original construction.

**5. Workmanship**

Proposed modifications must be completed as specified, be aesthetically acceptable, and require normally expected maintenance only. Should there be a question of workmanship, the applicant is responsible for any necessary corrections.

**6. Timing**

The proposed modification must be completed in a timely manner in order to minimize safety hazards and the possibility that continued construction may become a nuisance to your neighbors. All applications must include the estimated start and completion dates.

**C. Application Review Process**

All completed applications should be submitted to:

President@tinkersgreenhoa.com OR

Tinker's Green Homeowner's Association, c/o its President, P.O. Box 2061, Streetsboro, OH 44241

The application will then be forwarded to the Board for review. If the application is complete, the review process will begin. If not, the Owner will be contacted for additional information. The Board has 30 days from the date that the application was received by the Owner to review an application. Additional time is allotted if more information is needed from the Owner. The decision will be sent by email to the applicant's email address. If the Owner has any questions regarding his/her application, please contact the Board President.

#### **D. Appeal Procedure**

Any applicant receiving an adverse decision regarding a proposed modification may appeal that adverse decision to the Board. To initiate the appeals procedure, applicants must submit a written request for an appeal within 10 calendar days of the applicant receiving the decision. The appeal will be referred to the Board for review at the next regularly scheduled Board meeting. All appeals to the Board should be sent to the President's attention. The President will also be able to tell the applicant when the next Board meeting will be.

#### **E. Enforcement**

Compliance with the Declaration and the Design Guidelines is the responsibility of each Owner. When the Board receives a written complaint of a violation, the Owner is notified and may be requested to take corrective action within a reasonable amount of time.

### **II. DESIGN GUIDELINES**

**Dwelling Unit Placement and Yard Grading.** Dwelling Units must conform to existing grade and drainage patterns. Each Owner and/or Builder is required to endeavor to retain as much of the natural woods as is practical. In accordance with Declaration Article IX, Section 9.2.5 (Set Back, Minimum Elevation and Yard Requirements), all Dwelling Units must be located in accordance with the building set back lines, minimum basement elevation, and yard requirements as shown on the Record Plan and as set forth in the City of Streetsboro, Ohio Zoning Resolution. The Owner and Builder are responsible for compliance with these standards. Any deviations from such plan must be preapproved by the City and the Board.

There must be a minimum of two different Dwelling Units separating like models on the same side of the street. Optional items, such as full porches and pediment front foyers, may be used to establish the differences.

**Dwelling Type.** In accordance with Declaration Article IX, Section 9.2.2 (Dwelling Type), erecting, altering, placing, or permitting to remain on any Lot a building other than one single-family dwelling and a garage for at least two cars is prohibited. A single-family dwelling must meet the following requirements:

- a. A one story dwelling structure, the living area being the first floor space only, constructed with a basement and a space between the first floor ceiling and the roof of inadequate heights to permit its use as a dwelling place.

- b. A story and a half or “Cape Cod” dwelling structure, the living area of which is on two levels connected by a stairway and constructed with a basement. The upper level is constructed within the gable portion of the roof. Window penetrations are made by use of dormers.
- c. A two-story dwelling structure, the living area of which is on two levels connected by a stairway, constructed with a basement.

**Dwelling Unit Size.** Dwelling Units must be at least 1,400 square feet for a two-story dwelling. Square footage for other types of Dwelling Units (if permitted) will be determined by the Board upon plan review. The Board reserves the right to make minor variances if, in its sole opinion, the intent of the Declaration is maintained.

**Color Schemes.** All Dwelling Units must be in conformance with the original color scheme as promulgated by the Declarant unless otherwise approved by the Board. The following guidelines will be followed when determining color scheme with respect to location:

- a. In any group of five Dwelling Units on the same side of a street, at least three siding colors must be used. Use of the same color on two consecutive Dwelling Units is prohibited.
- b. On any cross-street intersection, at least two siding colors must be used.
- c. Dwelling Units directly across the street from one another must have different siding colors.

**Porches, Appendages, and Additions.** Porches, appendages, or additions to the Dwelling Unit are prohibited unless they are of a size, style, color, and type compatible with the original design specifications of the Property and match the Dwelling Unit material and coloring as closely as possible. Porches, appendages, or additions must be integrated into the design of the Dwelling Unit. Compatibility will be determined at the reasonable discretion of the Board. Pergolas, gazebos, and other structures require prior Board approval through the architectural review process.

**Roof.** The roof and gables of each Dwelling Unit must be no less than 6 to 12 pitch. Porch, patio, shed, and other structure roofs may be 3.5 to 12 pitch. All exterior shingles on a Lot, including any replacement shingles, must be uniform in color, design, and material. The acceptable shingle color is black, as originally found on the Dwelling Units and other Lot improvements. The design of such shingles may be different than the Declarant originally selected, so long as the Owner obtains prior written Board approval. Gutter and downspout

replacements must be white as originally found on the Property. "Ice dam" prevention and "roof and gutter ice melting" devices will not require prior Board approval through the architectural review process.

**Garages.** A minimum two car garage is required. Three car garages are permitted. Detached garages of any size are not permitted.

**Underground and Log Dwelling Units.** Underground or log Dwelling Units or other structures are prohibited.

**Solar Panels.** Solar panels are permitted. Solar panels cannot be placed on any Lot, regardless of location, until specifications and location have been approved by the Board in accordance with the Design Guidelines. Solar panels cannot be visible from the front of the Dwelling Unit.

**Chimneys.** All chimneys with metal flues must be enclosed within a chase that must match the Dwelling Unit exterior material and coloring as closely as possible. Any direct vent chimney and/or furnace flues, hot water heater, or any other flues must be vented only to the rear or side of the Dwelling Unit.

**Skylights.** Skylights cannot be placed on any portion of the Dwelling Unit, regardless of location, until specifications and location have been approved by the Board in accordance with these Design Guidelines. Skylights are permitted on a back roof facing the rear of a Lot. Other locations may be approved depending upon the design of the Dwelling Unit and the particulars of the Lot.

**Air Conditioning and Heat Pump Equipment.** Air conditioning and heat pump equipment must be located in Side Yards or Rear Yards. The Board may require, to the extent reasonably possible, such equipment be screened from view in a manner approved for each particular Lot. Replacement equipment will not require Board approval if such equipment is substantially similar to the originally installed air conditioning and heat pump equipment, including, but not limited to, size, location, and the addition of necessary screening materials. Window air conditioner units or window units of any kind are prohibited.

**Landscaping.** In accordance with Declaration Article IX, Section 9.2.6 (Front Yards and Driveways), Front Yards (to include tree lawn), Side Yards, and Rear Yards must be landscaped within 90 days after closing, weather permitting. Installation of landscaping and grass lawns is required around all Dwelling Units. Alternatives to grass lawns must be approved prior to installation by the Board. Landscaping that adversely impacts, interferes with, or damages the Common Elements, Lots, or any easement area is prohibited.

Water features as a part of Lot landscaping must not exceed 18 inches in depth and require prior Board approval. Live plant screening is considered landscaping and does not require Board approval through the Architectural Review Process. With the exception of corner Lots, edible plant gardens are considered landscaping, must be placed in the Rear Yard, and may include animal fencing/screening as needed; raised beds are not considered to be retaining walls.

**Driveway, Front, and Side Yard Storage.** In accordance with Declaration Article IX, Section 9.2.9 (Front Storage), a front porch cannot be used for the storage of any items except outdoor porch furniture. The Front Yards or driveways cannot be used for storage of any kind of items. Additionally, storage of hazardous waste, harmful matters, trash, litter, bulk materials, or building materials on any portion of the Lot is prohibited. This restriction does not apply to building materials or equipment stored on the Lot during construction.

Junk or derelict vehicles are prohibited on the Property. For purpose of this provision, a junk or derelict vehicle is defined as having a surface with 50% or more rust or is extensively damaged, including, but not limited to, any of the following: a broken window or windshield, missing wheels, tires, motor, transmission, or expired license plates.

Except for the night before and on days of trash collection, trash cans are prohibited from being stored in public view on the Lot. Trash cans may be stored in the Side Yard of the Dwelling Unit, so long as the trash cans are blocked by a fence that is white in color and four feet in height.

**Lot Maintenance.** In accordance with Declaration Article IX, Section 9.2.21 (Lot Maintenance), all Lots must be kept mowed and free of debris and clutter. During construction of a Dwelling Unit or any exterior Lot improvement, each Owner or Builder is responsible for keeping the streets, Common Elements, and adjacent and nearby Lots clean and free of debris. The Board has the right to assess the Owner for the cost of mowing or clean up in the event that the Owner or Builder fails to do so.

**Driveways.** In accordance with Declaration Article IX, Section 9.2.6 (Front Yards and Driveways), the construction or improvement of any driveway on a Lot will comply with the following:

- a. Specifications. All driveways must be paved with concrete or stamped concrete, asphalt, brick or paving brick, or paving stone. Gravel or dirt driveways are prohibited. Concrete, bricks, paving bricks, and paving stones should be either similar in color to the brick of the Dwelling Unit (if applicable), or should generally be tan, brown, gray, or earthen color. Additional driveway entrance structures or extension of curb cuts are prohibited.



b. **Location.** Driveways that extend past the front elevation of the garage are prohibited. All driveways may be expanded in width out up to two feet on each side to align with the inside of the garage floor. This driveway expansion may extend from the front of the garage to the sidewalk on or adjacent to the Lot. Properties designated as “A” Lots, as depicted on the Record Plan, may have driveways extended in length beyond the garage structure towards the Side Yard in the same direction as the Dwelling Unit plan up to 10 feet, but no closer than three feet back from the rear Lot line. Properties designated as “B” Lots are restricted due to utility easements, short driveways, and limited Side Yards. All driveway extensions beyond two feet require Board approval.

**Patios and Walkways.** All patios and walkways must be concrete or stamped concrete, brick or paving brick, or paving stone. Colors must accent the exterior features of the Dwelling Unit and should generally be red, brown, tan, gray, or earthen colors. Walkways from garage door to driveway, front door to driveway, or to Rear Yard are acceptable with prior Board approval.

**Retaining Walls and Flower Bed Edging.** All retaining walls and flower bed edging must be concrete or stamped concrete, brick or paving brick, paving stone (block), natural stone, wood, or metal. Colors must accent the exterior features of the Dwelling Unit and should generally be brown, tan, gray, or earthen colors. Retaining walls are defined as a structure that holds/retains soil at a level higher than the adjoining ground. Edging for plant beds does not retain soil at a higher level and will be considered landscaping. Edging does not require Board approval through the Architectural Review process.

**Decks.** Decks can be of wood, composite material, or white or almond vinyl. Stairs can be of substantially similar material as either the deck itself or the railings. Acceptability of spiral staircases, which fit the architectural design of the deck, is dependent on the style of the Dwelling Unit and the surrounding grading and terrain of the Lot, including, but not limited to, landscaping. Deck size should be compatible to the size of the Rear Yard and can not extend into the Side Yard of the Lot. Staircases may exit into the Side Yard.

**Railings.** All deck and balcony railings that are wood must be stained the same color as the deck or balcony. White, almond, and black, or brown metal or vinyl railings and balusters are acceptable.

**Fences.** Fences of any sort may not be erected unless the same is in accordance with the Design Guidelines and receives prior approval from the Board. The Board reserves the right to prohibit all fences or types of fences on certain Lots. Chain link fences are prohibited on all Lots. Invisible pet fences are permitted.

a. Specifications. Fences may be horizontal rail wood or vinyl spilt rail, or vertical balusters of wood, vinyl, or metal, or solid panels of wood or vinyl not to exceed six feet in height. Privacy fences must be wood board-on-board, vinyl composite material, or metal. Fencing colors include white, almond, black, and brown. All fencing will be reviewed upon an individual basis considering the visual impact on surrounding Lots. Fences must, whenever possible, be installed to “tie in” closely to any neighboring or adjoining fences to prevent an open space between fences. To achieve the permanent prevention of plant growth between the fences, the gap between neighboring or adjoining fences is limited to four inches or less. One of the neighboring or adjoining fences must have a ground clearance of at least two inches.

b. Location. Fences may be erected only in the Rear Yard. On corner lots, fences may not be placed within the setback on the street side. The Board reserves the right to restrict fencing in areas where its presence would adversely impact the Property.

**Doors and Windows.** All doors (front, rear, garage access, garage, and storm doors) must be in conformity with the original color scheme and design as promulgated by the Developer unless noted below or approved by the Board. Replacement windows are required to maintain the appearance of the original windows in the Dwelling Unit with a multi-paned double-hung or casement look, the multi-paned arched-top look, or the multi-paned look for smaller windows.

a. Front and rear doors may be replaced for added aesthetics and security. Replacement of front and rear doors must match the original door color, siding trim color, or shutter color of the Dwelling Unit. Front doors or rear doors with exterior security bars are prohibited.

b. Front and rear storm door colors must match the front door, siding trim, or shutter color on the Dwelling Unit. Garage access doors and garage access storm doors must match either the original garage access door color, siding trim, or shutter color on the Dwelling Unit. Storm doors with exterior security bars are prohibited.

c. Garage doors may only be replaced with the original color (white) scheme and require prior Board approval through the Architectural Review Process. Markings or decoration of any nature are not permitted on garage doors.

**Storage Boxes and Deck Boxes.** Storage and deck boxes are permitted on or under a deck and must not exceed the height of the deck railing (36-40 inches maximum). Storage and deck boxes must always be placed in the Rear Yard. If such a box is placed in the Rear Yard, it must not exceed eight feet in height, must be kept closed when not in use, will be located next to

the Dwelling Unit, and may not be placed within 10 feet of any Lot line unless the box is located on or under a deck. Approval or permission is not required from the Board for storage or deck boxes. Boxes that become broken, worn, or damaged must be repaired, replaced, or removed from the Lot in a timely manner.

**Pool Pump Buildings, Sheds, and Accessory Buildings.** In accordance with Declaration Article IX, Section 9.2.15 (Other Structures), structures of a temporary character, trailers, or shacks are not permitted on any Lot. Barns, storage sheds, pool pump buildings, or other outbuildings must have prior approval in accordance with the Design Guidelines. Construction trailers and/or storage sheds are permitted only during construction.

a. Specifications. Such structures must not exceed 120 square feet in floor area, not exceed 12 feet in height, and must be constructed with siding materials and shingles to match the Dwelling Unit or be constructed of vinyl/resin material. These vinyl/resin sheds do not require shingles. Siding color of structures must be similar to the color of the Dwelling Unit. Color compatibility will be at the reasonable discretion of the Board.

b. Location. Pool pump buildings, storage sheds, barns, and other outbuildings, whether attached or unattached, are permitted in the Rear Yard only. Structures must be located at least 12 feet from the side and rear Lot lines. Structures located within 12 feet of any Lot line are prohibited unless a variance by the City of Streetsboro is granted.

**Awnings.** In accordance with Declaration Article IX, Section 9.2.12 (Awnings), metal or hard plastic awnings for windows, doors, decks or patios are prohibited.

a. Specifications. Awning installation is subject to prior Board approval of size, color, location, material, and manner of installation for the particular Lot in question. Awnings cannot extend past the rear elevation of the Dwelling Unit. All awnings must match the color of the shutters, doors, or be a complimentary color to the Dwelling Unit.

b. Location. Awnings must be located in the Rear Yard or on the rear of the Dwelling Unit in such a manner so as not to be visible from the street directly in front of the Dwelling Unit.

**Exterior Carpeting.** In accordance with Declaration Article IX, Section 9.2.13 (Exterior Carpeting), exterior carpeting is prohibited if it is visible from any neighboring Lot or from the street.

**Mailboxes.** In accordance with Declaration Article IX, Section 9.2.19 (Mailboxes, Lampposts), all mailboxes must be of an approved design, style, and color as determined by the

Board. All mailboxes must be constructed of wood, plastic, vinyl, or steel. The mailbox post, if used, must be four inch-by-four inch treated wood. The wood requires a vinyl product covering the post and must match the color of the mailbox. Mailbox structures may also use brick and/or stone, incorporating a wood, plastic, vinyl, or steel mailbox. All mailboxes must be located in the same position and location as the Lot's original mailbox. All Lots that contain multiple mailboxes must ensure that mailboxes are identical in height of opening and set back from the curb. Any decoration or planting must not obstruct entry, use, or visibility of the mailbox number. Mailboxes that are damaged, rusty, or out of alignment must be repaired or replaced. Mailboxes that are replaced by a white, plastic design to match the original mailbox do not require submission of an Architectural Review Application.

Mailbox numbers must be legible and one and a half to two inches in height. Numbers should be clearly labeled on the outside of the mailbox and visible to an oncoming U.S. Mail vehicle. If possible, the house number should also appear on the inside of the mailbox door.

**House Numbers.** House numbers must be placed on all mailboxes and on all Dwelling Units as originally placed on Dwelling Units throughout the Property by the Declarant/Builder.

**Exterior Lighting.** In accordance with Declaration Article IX, Section 9.2.19 (Mailboxes, Lampposts), all lampposts must be of an approved design, style, and color as determined by the Board.

- a. Specifications. All Lots can have one exterior light post, which must be of an approved design, style, location, and color as determined by the Board. Plans showing sufficient detail as to size, height, color, wattage, and type of bulb to be used in the exterior lighting must be submitted to the Board prior to installation. Any lighting that differs from the original construction or exceeds 18 inches in height requires an application and prior Board approval. Landscape lighting does not require prior Board approval.

All exterior lighting located in the Front Yard of the Dwelling Unit must be uniform in style. Exterior lighting with finishes in brass, antique brass, Verde, and wrought iron are acceptable.

All exterior and landscape lighting must be directed in such a manner so as not to intrude into neighboring Lots and Dwelling Units. Security lighting must be located in the Rear Yard, with wattage that does not exceed 150 watts. The Board has the right to ask the Owner to move landscape lights in the event that use creates an unreasonable disturbance.

b. Location. Lampposts must be located in the Front Yard and in conformance with the original scheme as promulgated by the Developer. Landscape lighting can be located throughout the Lot.

**Flag Poles.** Plans showing sufficient detail as to size, height, and exact placement must be submitted to the Board prior to installation. One standard-sized flag pole, not to exceed 20 feet in height, is permitted on a Lot. One standard-sized flag, not to exceed 3-feet-by-5-feet is permitted to be displayed on a flag pole.

The location of a flag pole must not interfere with the use of any sidewalks or obstruct the view of any driveways for motorists or pedestrians. The installation of a free-standing flag pole in the Common Elements or within an easement area is prohibited.

**Holiday Lighting.** All Lots may utilize holiday lighting during permitted periods.

a. Location. Holiday lighting may be placed on any Dwelling Unit, outbuilding, or landscaping on a Lot, or may be freestanding on a Lot, as long as it is secured, rated for outdoor use, and maintained appropriately.

b. Use. Holiday lighting must be displayed according to the following schedule: November 15 – January 31<sup>st</sup>. All other holiday lighting may be erected 14 calendar days prior and must be removed within 14 calendar days following the holiday.

**Recreational Equipment.** Recreational equipment is not permitted to be constructed or installed on any Lot, regardless of location, until the specifications and location have been approved in accordance with these Design Guidelines.

a. Specifications. Recreational equipment must be of wood construction with natural coloring or may be painted or stained brown or gray, or they can be “Step 2”–vinyl type structures. Recreational equipment may include colored pieces of equipment, such as a slide or swing set seats, so long as all such equipment is the same or coordinated colors. Any recreational equipment that includes a solid roof must be shingled in the same color as the Dwelling Unit. Tarp-like roofs must be similar to other colors on the recreational equipment. Trampolines are considered recreational equipment.

b. Location. Recreational equipment must be located in the Rear Yard and not located within five feet of any Side Yard or five feet from the rear property line. Recreational structures may be placed closer if the Rear Yard of the Lot contains a six foot solid wall fence.

**Swimming Pools, Spas, and Hot Tubs.** In accordance with Declaration Article IX, Section 9.2.16 (Pools & Spas), in-ground swimming and above-ground swimming pools, hot tubs, and spas are permitted in the Rear Yard only. All hot tubs and spas must be either incorporated into a deck with enclosed sides, resting on a deck or patio with the manufacturer provided side enclosures, or in-ground integrated with a patio. All hot tubs and spas must be screened with a privacy fence.

- a. Portable wading pools ( $\leq 1.5$  feet water depth) are permitted and do not require privacy fencing. Any portable wading pool must be put away or covered and blocked from foot traffic after use.
- b. All other swimming pools (including both above-ground and in-ground), spas, and hot tubs require privacy fencing and a permit from the City. All swimming pools ( $\geq 1.5$  feet water depth) must be approved by the Board as to style and location. With the exception of above-ground pools addressed below, pools with a depth of more than 1.5 feet of water must be completely surrounded by a fence or wall not less than four feet in height (on both sides). Such fence or wall must be constructed so as to have vertical balusters (rails) with no horizontal openings, holes, or gaps larger than three inches, or horizontal balusters (rails) with no vertical openings, holes, or gaps larger than three inches, except doors or gates, which must be equipped with suitable locking devices to prevent unauthorized intrusion.
- c. Pools with a depth of more than 1.5 feet of water are permitted only in the Rear Yard and must be located at least 12 feet from rear and side property line and at least 15 feet from the Dwelling Unit.
- d. Use is limited to reasonable hours. Use will not be permitted after 11:00 p.m., or earlier than 6:00 a.m. The Board has the right to set different hours in the event that use creates a repeated and unreasonable disturbance.
- e. In addition to the specifications outlined above in Subsections (b) and (c), swimming pools with depth greater than 1.5 feet of water, hot tubs, and spas must meet the following guidelines:
  1. Owner(s) must obtain a City permit for a fence (if needed) and must obtain a City permit to install a swimming pool, hot tub, or spa (if needed).
  2. Owner(s) must submit an Architectural Design Application to the Board for the swimming pool, hot tub, or spa with a copy of the City permit for approval prior to installation.



3. Any Owner installing an in-ground or above-ground swimming pool, hot tub, or spa should contact their insurance agent to verify that they have sufficient general liability insurance coverage.
4. Coloring of the visible exterior siding of the swimming pool, hot tub, or spa must be white, gray, tan, or earthen colors.
5. Portions of the Lot surrounding the swimming pool will be maintained to keep a trimmed appearance at all times and will be inspected in response to an Owner complaint.
6. All above-ground swimming pools must be enclosed within a six foot fence, with a locking device, which surrounds the entire Rear Yard. Should an Owner have an existing fence that is less than six feet in height or does not surround the entire Rear Yard, which was constructed prior to the modification of this Design Guideline and is also documented as being approved by the Board, that Owner will not be required to replace the existing fence for the purpose of obtaining Board approval for an above-ground pool on their Lot.
7. When draining the swimming pool, hot tub, or spa, it must go to a storm sewer after it is dechlorinated for 48 consecutive hours using a pump and hose connecting to the street or closest yard storm drain.
8. Draining of a swimming pool, hot tub, or spa water onto another Lot or Common Element area is prohibited.
9. Any lighting for equipment must be directed away from any neighboring Dwelling Unit, patio, or deck areas so as not to disturb neighboring Owners.
10. The Owner(s) are responsible for guest conduct.

**Recreational Areas.** Recreational areas may not be placed on any Lot until its specifications and location have been approved by the Board. Portable equipment and facilities, which are put away after use, do not require approval. Lots are permitted to have one permanent basketball goal installed in the Rear Yard or in the front of the Dwelling Unit, near the garage, and towards the Side Yard that is in the same direction as the Dwelling Unit plan (right or left). All other permanent recreational areas are only permitted in the Rear Yard, which include, but are not limited to, a tennis court, a horseshoe pit, a bocce ball court, a sand or regular volleyball court, or a badminton court.

Recreational areas are not intended to be used to give lessons in exchange for pay, to instruct, train, practice, or exercise team members, either in or out of season.

a. Specifications. In general, any commercially available equipment will be acceptable. Homemade equipment will not be acceptable. Equipment should be painted in subdued colors so as to blend in with the surroundings as much as possible. All equipment must be maintained. Any equipment that becomes broken, worn or damaged, must be repaired, replaced, or removed in a timely manner. Any lighting for equipment must be directed away from any neighboring Dwelling Unit, patio, or deck areas to avoid causing a disturbance to neighboring Lots.

b. Location. Equipment that is attached to any Dwelling Unit, outbuilding, or garage is prohibited. Any portable equipment may be located on driveways for the period of its current use. Any portable equipment must be put away after use. Any portable equipment used in the street or left out overnight will be considered in violation of these guidelines.

c. Use. Use is limited to reasonable hours depending upon seasons. Use will not be permitted after 10:00 p.m., or earlier than 9:00 a.m. The Owner is responsible for guest conduct.

**Radio and Television Antennas.** These guidelines are to be interpreted so as to balance the right of the individual Owners to receive acceptable quality broadcast signals in accordance with the Federal Communications Commission's rules and regulations with the right and duty of the Association to preserve, protect, and enhance the value of the Lots within the Property. The Design Guidelines will be construed so as to not be in conflict with current Federal Communications Commission's rules and regulations. Installation of any satellite dish or antenna in the Common Elements is prohibited. Any Owner contemplating the installation of a satellite dish or antenna elsewhere on the Property must obtain and comply with the Association's Satellite Dish Rules and Regulations and must submit a drawing to the Board indicating the proposed location, height, and screening materials to be used. A copy of the Satellite Dish Rules and Regulations may be obtained from the Board.

A. Acceptable Satellite Dishes. One direct broadcast satellite and one multipoint distribution service one meter (approximately 39 inches) in diameter or less, and one antenna designed to receive television broadcast signals, per Lot, are permitted. Additional dishes or antennae may not be installed unless the Owner establishes a specific need for such dishes or antennae reasonably acceptable to the Board. Dishes and antennae will be no larger nor installed any higher than is absolutely necessary for reception of an acceptable quality signal.

- B. Permitted Locations. Preferably, a satellite dish or antenna will be located in the Rear Yard or Side Yard or on the rear of the Dwelling Unit in such a manner so as not to be visible from the street and to reduce negative visual impact upon the surrounding Lots. Installation of satellite dishes and antennas must not create a line of sight problem for drivers in the vicinity.
- C. Other Requirements. The Board may require that the satellite dish or antenna be screened so as to reduce the visual impact. Any such requirements must be reasonable.
- D. Continued Maintenance. Each Owner must maintain the satellite dish or antenna in a reasonable manner so as not to become unsightly. Each Owner must remove the satellite dish or antenna upon cessation of its use.

**Water Discharge.** Storm water must be disposed in accordance with the drainage plan for the Property and City regulations. Sump drain and downspouts must discharge to the rear of the Lot or the sump drain line provided. Curb cuts and/or discharge to the street or right-of-way or curb are prohibited. Owners are prohibited from changing the Declarant established, City approved water drainage without written approval by the City Engineer or other appropriate governmental authority. Owners are further prohibited from causing water to drain onto another Lot, or changing or damaging in any way, another Lot or Common Element space.

**Right to Require Exterior Maintenance.** The Board may require the repair or replacement of exterior components or features of the Dwelling Unit or Lot that is damaged, non-working, or unsightly. Such features or components include, but are not limited to: mailboxes, lighting, HVAC, decks, railings, fences, retaining walls, edging, patios, porches, sidewalks, driveways, windows, doors, satellite dishes, flag poles, recreational equipment, pools, spas, hot tubs, awnings, sheds, storage containers, etc.

**Discretion.** Any discretion to be exercised in the review of plans will be that of the Board.

**Approval, Rejection, Modification, and Variances.** The Board will deny/reject any Architectural Review Application, modification to an existing Architectural Review Application, or any request for a variance to the Design Guidelines if the Owner has unpaid assessments of any kind.

The Board also reserves the right to submit and approve Architectural Review Applications for exterior improvements or modifications if those changes were from a previous Owner or are for an unoccupied Dwelling Unit.

When submitting an Architectural Review Application, the Owner must consider existing conditions on the Property, including the Protected Property or areas of designated wetlands.

The Board may grant variances from these guidelines if such variance will not be of substantial detriment to adjacent Lots and will not materially impair these guidelines and the overall best interest of the Property. Variances cannot impede upon City of Streetsboro Codes.

**Right to Modify Guidelines.** The Board reserves the right to modify these guidelines, provided however, that no such modification will be made that will materially and adversely affects the overall character of the Property as a first class development.

**Violations or Failure to Comply.** Any Owner that fails to comply with any portion of these Design Guidelines will be subject to an enforcement assessment.