



## **Design and Use Standards for Buckeye Fields Estates**

### ***Section 1: General Terms***

**1.1. Authority:** Pursuant to the Declaration of Easements and Protective Covenants for Buckeye Fields Estates as Recorded at \_\_\_\_\_ (the “Covenants”), in order to assure the continued maintenance and development of the Property as a residential community of high aesthetic quality, the Board does hereby adopt these Design and Use Standards for the improvement, maintenance, and alteration of and construction of all Structures subsequent to initial construction of a Dwelling Unit and related Structures, land use, architectural features, site planning, lighting, landscaping and signage.

**1.2. Definitions:** Unless otherwise defined herein, the words in these Design and Use Standards which begin with capital letters, other than words which would be normally capitalized, unless the context otherwise requires, shall have the meanings set forth in the Covenants.

**1.3. Covenants Shall Control:** In the event that these terms contradict any terms of the Covenants, the Covenants shall control.

**1.4. Permitting:** Homeowners are required to initiate any and all permit processes required for architectural improvements. Homeowners are required to follow any and all Federal, State, and County laws. Approval of any process by the HOA Board does not supercede the Homeowner’s responsibility to comply with requirements with lawmaking municipalities.

### ***Section 2: Dwelling Units, Garages, Outbuildings, and Other Structures***

**2.1. General Terms:** Lot Owners are responsible for maintaining the exterior of their Dwellings and any other Structures on their lots to ensure their Lot and any improvements thereon are in good repair and free from defect. Lot Owners shall ensure that the following conditions are not present on their Lot:

- Peeling and/or faded paint, dry rot and water damaged wood and exposed rust;
- House trim, shutters, front door and/or garage door painted with any unauthorized color and/or finish;
- Playground equipment which is either broken or in need of repainting/refurbishing;
- Fences or decks with either broken or missing parts, mold, or otherwise unsightly;

- Concrete porches and steps sealed with noncompliant clear or pigmented sealers;
- Fixtures with rust;
- Cracked siding or foundations;
- Dented, warped, scraped, broken, loose or missing siding, window screens, shutters or garage doors.

**2.3. Roofs:** Roofs shall have shingles or metal-look shingles (no corrugated metal roofing will be approved) and match the coloring of the home. Standard colors such as black, brown, and gray are recommended. Accent roofing may be metal with Board approval.

**2.4. Colors:** All colors of any dwelling unit or structure shall be approved by the Board prior to use. Neon, pastel, or non-customary colors shall be prohibited.

**2.5. Garage Doors:** Garages must have doors and the door design must be approved by the Board. The interior of all garages situated on any lot must be maintained in a neat and clean condition or the door kept shut. Garages shall be used only for the parking of vehicles and the storage of normal household supplies and materials and shall not be converted to living quarters without prior written approval of the Architectural Review Board and applicable Town and State zoning and code requirements.

**2.6. Doors:** Exterior Doors with exposure to the exterior must be replaced with a style and color consistent with the prevailing neighborhood architectural theme, and must be approved by the Board if changing from the existing color, shape, or design.

**2.7. Gutters & Downspouts:** Gutters and downspouts must be integrated into the architectural design in color, shape and location, and must be approved by the Board if changing in color or design. Further, gutters and downspouts must not adversely affect drainage on adjacent properties.

**2.8. Solar Energy Collection Devices:** Solar energy collections devices on a home is permitted with restrictions. Any proposals require submission and approval to the Board prior to construction.

### ***Section 3: Lighting***

**3.1. Landscape Lights:** Landscape lights smaller than 2 foot in height which do not emit a distracting light and do not otherwise shine on another's Lot are permitted. Lights must be kept in repair, but are not required for submittal for approval.

**3.2. Exterior Lights:** Other exterior lighting is permitted. Installation of exterior lighting such as floodlights, spot lights, light posts should take into consideration effect on neighboring properties and require submittal for approval. Submittal shall include type of lighting, max wattage, location relative to property lines, and ability to adjust direction.

**3.3. Seasonal/Holiday Decorations:** All holiday decorations may be installed and must be removed within thirty (30) days of the particular holiday or celebration. Consideration of

neighbors should be exercised when decorating/celebrating for any occasion. All state and local regulations must be followed (e.g. no fireworks). Colored lights on the rooflines of homes are considered seasonal/holiday and must be utilized in accordance with this regulation.

Yard decorations must not:

- Exceed 108” in height;
- Include music/sound producing elements;

#### ***Section 4: Landscaping***

**4.1. Lawns:** All lawns shall be well maintained. It is the owners’ responsibility to maintain their property. This includes but not limited to lawns, mounds, drainage ditches and easements. Non-decorative grass shall not exceed 6” in length. HOA reserves the right to enter owners property to maintain lawns at the owners expense. See Section 11 for fee schedule.

**4.2. Retaining walls:** Retaining/decorative walls are permitted. All new structures shall be submitted for approval. Permitted: Stone, Decorative concrete retaining blocks. Not permitted: Wood

#### **4.3. Landscaping:**

- Planting beds shall be kept free of weeds, unwanted growth, dead plant material and debris.
- Mounds shall be maintained at all times. Any addition of mounds over 24” in height shall be submitted to the Board for approval. Mounds shall not be added in front of the dwelling units. Addition of mounds shall not effect water flow onto adjacent properties. Submittal shall include total height and length and location on property relative to property lines. Any existing mounds in common areas or landscape easements shall not be removed or altered without Board Approval.
- Trees/shrubs are permitted in the neighborhood. Trees shall not be planted within 5 feet of the property line. Planting trees does not require Board approval unless location is designated a landscape easement. Dead trees/shrubs shall be removed.
- Flowers (Annuals and Perennials) are permitted. Planting of flowers does not require Board approval.

**4.4. Vegetable Gardens:** Vegetable Gardens are permitted. Gardens must be behind the dwelling unit. Any fencing or retaining wall shall meet the requirements described in this document.

**4.5. Hardscaping:** Rock Groundcover is permitted. It does not require Board approval. However, it should be of an "earth tone" color and not of extreme bright colors. All rock areas shall be kept free of weeds, unwanted growth, dead plant material and debris. Boulders are accepted and do not require Board approval. They should look like those already existing in the natural surrounding area of the development.

**4.6 Temporary Markings/Poles:** Use of poles to identify property lines is permitted prior to installation of HOA approved fencing, or during any HOA approved construction requiring surveying. These stakes shall not be used as a permanent identifier of property lines. Any deviation requires Board Approval.

**4.7 Snow Markers/Poles:** In an effort to assist snowplows in identifying the edges of the roadways and keeping them out of the yards, homeowners can install snow markers every 50ft along the roadways and on each side of the entrance of driveways. Exception: Up to 3 markers can be placed at any intersection corner, to assist in identifying edges. This will benefit the community as damage caused by the plows is typically paid for by the homeowners. These stakes may be installed no earlier than December 1 and must be removed no later than March 15th.

### ***Section 5: Pools, Spas, and Ponds***

**5.1. Pools:** In-ground Pools are permitted and require Board approval. Pools and any ancillary components must not infringe upon any easement requirements. Pools must include security fencing as required by zoning and follow all local laws and follow the permitting process of Warren County. Plans submitted to the Board must include the following at a minimum:

- A plot plan identifying the location of the pool and all auxiliary mechanical equipment (including location relative to dwelling unit and property lines);
- Any patio, decking, slides, fencing, or any other entertainment features

Homeowners are encouraged to include as much detail as possible with respect to pool designs.

Furthermore:

- All pools must be maintained in good repair;
- No above-ground or partially above-ground pools will be approved. Decking/coping of the pool must be at grade level of the remaining property;
- Portable, modular wading pools used for small children less than 1' in height may be used during the spring/summer months.

**5.2. Hot Tub/Spas:** Hot Tub/Spas are permitted and require Board Approval. They shall be located to the rear of the dwelling unit. Colors of the hot tub, cover and any accessories shall be neutral earth tones. Hot Tubs shall be maintained in good repair.

**5.3. Ponds:** Ponds are permitted and require Board Approval. Plans shall be submitted to the Board, including location relative to dwelling unit and property lines. It should include location of all auxiliary structures & equipment as well.

### ***Section 6: Decks and Patios***

Decks and patios are permitted and require Board approval prior to installation. Deck and patio plans shall be submitted with dimensions, color, and location relative to the dwelling unit and property lines specified. All structures, permanent in nature, should be specified (ex. Stoves, Fire pits, etc.). Decks include wood or composite materials attached, adjacent, or freestanding relative to the dwelling unit. Patio materials include concrete (poured and/or stamped), pavers, stone, tile, brick, pebbles, rock or pea gravel. In general, decks and patios should be in the rear of the home and comprise of earth tones. Landscaping around decks and patios should follow the Landscaping section in this document.

Evaluation criteria for decks include, but are not limited to:

- Materials and colors must be complementary to the building;
- Reasonably conforms and harmonizes with surroundings;
- Structures that are attached to or made a part of the residential structure shall be designed in such a way as to appear to be a part of the original structure and not “tacked onto” the residence.
- Does not unreasonably obstruct or diminish the view of adjacent property owners;
- Placed in such a location as to minimize potential noise impact for adjacent property owners;
- Located within property setbacks and does not obstruct easements;
- Complies with applicable city building codes.

Maintenance criteria for decks include, but are not limited to:

- Decks will be maintained in the same fashion as primary structures;
- Property owners will keep additions or expansions free of faded or peeling paint and will re-stain or re-paint decks and balconies as needed;
- Worn or damaged deck or balcony planking, posts, railings, stairs and accessories will be repaired or replaced as needed;

Decks, including under-deck areas, will not be used for storage.

Maintenance: Standard maintenance of decking does not require Board approval, as long as maintenance does not change the original color, layout, or material of the existing decking.

### ***Section 7: Driveways and Walkways***

Driveways and Walkways are permitted and require Board approval prior to installation. Driveway and walkway plans shall be submitted with dimensions, color, and location relative to the dwelling unit and property lines specified. Approved material for driveways and walkways include concrete (poured and/or stamped), asphalt, brick, paving stone or similar material. In general, Driveways and walkways should be black, gray, or of earth or natural tones. The sloping of the hard surface shall consider water run-off and not compromise drainage of water.

Maintenance: Standard maintenance does not require Board approval. Unsightly cracks or deterioration shall be remedied.

### ***Section 8: Fences***

All fences (including security fences for pools) must be approved by the Board before installation. Pictures of the plot plan where the fence will be located shall be submitted to facilitate review by the Board. The following fencing conditions will not be approved under any circumstances:

- Front yard fences;
- Privacy/solid fences;
- “Natural fences” – e.g. treelines, shrubbery, etc. – that would restrict the open view of the community;
- Fencing built from vinyl or composite materials;
- Chain-link fencing.

All approved fences/materials shall meet the following criteria:

#### **Lot Line Fences:**

- **Wood Fences:** All lot line fences shall be "open" three or four wooden rail fences which shall not exceed 60” in height measured from grade to the top of the highest feature. The horizontal rails shall be equally spaced between the ground and the top of the uppermost rail.
  - Coated wire mesh (with a grid of 2 [two] inches by 3 ½ [three and one-half] inches approximately) which is installed internally and generally not visible from adjoining properties may be used in conjunction with the wooden rail lot line fences in order to enclose the lot for pets and small children.
  - Fences must be painted, treated with a clear preservative, stained and /or left to weather naturally. Natural wood products may be stained with a clear preservative, stained or painted white or off-white to match the existing trim of the home or stained with a natural wood color which has been approved by the Board. Color/stain samples must be submitted for Board review and approval.
- **Metal Fences:** All metal fences must be constructed from aluminum or wrought iron. The fencing must consist of vertical rails. These should meet “open” standards, meaning have vertical rails shall have approximately 4” in spacing . Colors of metal fences should be black, white, or brown. Variances in construction (from horizontal rails) will be considered on a case-by-case basis.

Maintenance: Standard maintenance of fencing does not require Board approval, as long as maintenance does not change the original color, layout, or material of the existing fence.

### ***Section 9: Flags***

Ornamental flags, school flags and official country or official state flags may be employed to compliment homes within the community. Other flags that, in the opinion of the Board, are obtrusive or offensive shall not be installed.

**Requires Approval:** Flag poles no taller than 22' to display the United States Flag may be installed in the yard with HOA approval as part of a comprehensive landscape plan. All displays of U.S. flags should follow the codes set forth in Title IV of the United States Code. No more than two flags may be displayed on a flag pole in the yard. The flag displayed on a flag pole in the yard may be no larger than 5' x 8'. Flag poles and accompanying hardware must be made of materials and installed in a manner conducive to the high winds we experience in the area. Rope and attached metal clips should be properly secured to ensure no noise is created from contact with the pole. Flag poles should be surrounded by proper landscaping and not be stand-alone.

**Approval Not Required:** Non-offensive commemorative or decorative banners, or the flag of (i) the United States, (ii) official State flags, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States may be displayed from a flagpole, no longer than 6 (six) feet, attached to the side of the building at an angle.

### ***Section 10: Miscellaneous***

**10.1. Mailboxes:** New and replacement mailboxes should be of the standard black variety prevalent throughout the neighborhood with the newspaper slot underneath the mailbox. The mailbox is made of metal/aluminum/plastic materials while all other components are of wood construction. Any exception requires Board approval.

**10.2. Antennas/Satellites:** Antennas and Satellite Dishes do not require approval of the Board subject to the guidelines below:

- Size - Satellite dishes that are larger than 24" diameter are prohibited.
- Location - Devices are not to be installed in the front of the lot or on the front facade of a residence. If they must be installed at roof level, then they shall be situated on the rear side of the roof ridgeline, so as to have no, or minimal visibility from the front of the home.
- Screening - the devices should be located in the side or rear yard, and be appropriately screened.
- Removal – Units and all associated wiring that are no longer in service and/or are not functioning shall be removed.

**10.3. Signs:** No permanent sign shall be permitted on any Lot or building on the Property. An Owner of a Dwelling Unit is permitted to place and maintain a standard “For Sale” or “For Rent” sign on his Lot; provided, however it is of a typical size within the industry. An Owner must obtain the prior written consent of the Board in the event said Owner desires to maintain a “For Sale” or “For Rent” sign which is not of a typical size within the industry, or desires to maintain other displays or advertising, unless otherwise provided for under the rules and regulations, if any. This sign restriction shall not apply to signs used by Declarant, Exclusive Builder or their assigns, while Declarant is selling Lots in the subdivision, or to traffic, street names, Common Elements or subdivision identification signs. No signs will be permitted that display vulgar language, discrimination, or malicious intent. Support or event signs (Political, Fairs, Fundraisers, Try-outs, etc.) may be displayed up to 30 days prior to the event and no more than 7 days after the event. No more than 3 signs may be on display at any given time within the same Lot.

**10.4. Air Conditioning units:** No through the wall air conditioning units of any kind shall be permitted in a Dwelling Unit. Any units other than central HVAC units for Outbuildings, such as detached garages and tool sheds, must be submitted with an appropriate design plan to the HOA Board for case-by-case consideration.

**10.5. Sporting Equipment:** Moveable pieces of sporting equipment shall be placed in the rear of yards beyond the back corners of the dwelling unit. This equipment may be placed temporarily in the side and front yards for no more than 24 consecutive hours.

### *Section 11 Notices and Fees*

**11.1 Warnings:** Any homeowner in violation will be given notice by the Board with required actions and associated timing.

After the initial notice, repetitive violations maybe resolved and fined without additional notice. (As example, after the first warning for grass maintenance, the Board is not required to send additional notices to the homeowner if the grass is again found to be in violation of the covenant)

**11.2 Fine/Fee Schedule:** Per the Covenant the Board can establish a fee/fine schedule. The fees shall apply after the first warning is provided to the homeowner.

- Late HOA Annual Dues: \$20/month
- Grass Violation: Cost + \$25 processing fee
- RV/Trailer Parking: \$25/wk
- All other violations of the Covenant or Design and Use may be assessed fines not to exceed \$25/violation.

After initial notice, any legal fees required to resolve the situation will be billable to the homeowner. In addition, a \$50 processing fee will be assessed.



## *Appendix A: Change Control*

V0. Original version

V1. October 3, 2022

1. Per HOA Board meeting updated section 2.8 per new legislation requirements.
2. Added Appendix A: Change Control