

Section 14 **Architectural**

SECTION 14.01 **BUILDING PERMIT PROCEDURE**

OBTAINING A BUILDING PERMIT

1. Refer to the latest rules and regulations book and follow the rules and standards set out pertaining to construction of improvements. This book may be obtained from the Painted Hills office, summer hours, Tuesday through Friday, 12 p.m. until 4 p.m. and Saturdays 9 a.m. to 1 p.m. The winter hours are Tuesday through Friday 12 p.m. until 4 p.m. and Saturdays by appointment.
2. Check with the Painted Hills water utility and the Painted Hills Association office to confirm that there are no unpaid fees or dues. We strongly recommend you have a home/septic laid out and approved before finalizing your purchase.
3. For new home construction, contact the Morgan County Board of Health, if you haven't already done so, to obtain your septic permit.

Finalize your house plans as per requirements of the Painted Hills Architectural Rules and Regulations handbook (2006 revision).

Contact a Registered Land Surveyor to provide the following: Survey & surveyor's report; all corners of property being developed staked with highly visible stakes; septic system and fingers staked, plus septic tank perimeter.

4. For all construction projects obtain and complete an application form from the Painted Hills office. This completed application, all copies of required paperwork and a check made out to Painted Hills Association for the appropriate amount as per Section 15.01B of the rules and regulations can then be submitted to the Architectural Chairman for approval and issuance of permit.

A. MEETINGS

Lot owners planning to build must meet with the Architectural Committee to discuss building plans.

Application packages are available at the clubhouse office.

B. PERMITS

New homes will require a \$2,000 deposit with \$1,500 being returned upon satisfactory final inspection. Any assessments for lack of erosion control, not meeting construction deadlines, etc., will be subtracted from the \$1,500 deposit. These assessments can be levied as per Section 12 of the Association Rules & Regulations. If a verbal warning is not heeded, a letter will be sent indicating the violation, assessment amount, and time allotted to remedy the concern. If this is unsuccessful, a second letter imposing the assessment will be sent. Room additions and garages will require a \$500 deposit with \$400 refunded upon satisfactory final inspection. Again, assessments to be imposed against deposit following the above policy for notification. Permits for mini-barns, docks, seawalls, and decks that are new are \$30. There is a \$20 permit fee for

fencing, drives and any other new construction. The committee reserves the right to require a deposit on any of the above constructions if deemed necessary.

All construction debris, trees, materials, etc., must be cleaned up before deposit is returned. Final grade and start of groundcover must be completed before deposit is returned. Permits are issued for a period of 6 months; one extension of 6 months can be applied for without penalty. If new construction is not completed within 12 months, a per month assessment in the amount of 10% of the deposit will be levied.

At the discretion of the Architectural Committee, after construction is completed, member has 3 months to come into compliance with clean up, final grade, start of groundcover, etc., before a monthly assessment is imposed.

C. PLAN COPIES

Three copies of the building plans, including **three** plot plans drawn by a registered land surveyor, will be required to obtain a permit. Additionally, **three** copies of your septic permit documentation, **three** copies of the permit application, and **one** copy of proof of property ownership are required.

Copies will be distributed: one copy to the Association, one copy to the Morgan County Planning Commission, one copy to be retained by the lot owner.

D. APPROVALS

Permission to build requires the approval of all sheets of drawings showing the proposed construction details. These must each be stamped, dated and signed by a designated representative of the architectural committee. Any dimensional or material changes made to the structure after final approval, including relocation of structures on lots, must be resubmitted for approval to the architectural committee. (This will not require a permit fee.) All materials needed for approval must be given to the Architectural Chairman or his representative no later than ten (10) days prior to the architectural meeting. This will allow ample time to contact the owner if the materials are not complete.

E. FILING

Approved prints must be presented to the Morgan County Planning Commission for a building permit within thirty calendar days.

SECTION 14.02 BUILDING REGULATIONS

A. REGULATIONS

All buildings or structures of any kind will require the architectural committee approval.

Only approved builders are permitted to build in the Painted Hills subdivision. "Approved Builder" is one who agrees to build by the rules, regulations, standards, restrictions and covenants of the Painted Hills subdivision and has been approved by the Architectural Committee.

Any remodeling that adds bedroom space will require submitting plans to the committee to establish that the septic system is in compliance.

Change of builder/drawings requires re-approval by the Architectural Committee. Any member using a builder who has had a previous stop-work tag must deposit a \$500 refundable fee with the treasurer before a permit with said builder will be allowed.

Trees may be removed within the home building site. Architectural Committee approval is needed for removal of trees that have a diameter of 6 inches or greater.

Brush, trees, and stumps may not be disposed of in surrounding ravines. No trees, stumps, or debris may be disposed of at the barn without the approval of the Association general manager.

B. GEOTHERMAL SYSTEMS/LAKE LOOP INSTALLATIONS

Installation of geothermal systems in new construction or in existing dwellings must have approval of the Architectural Committee. The Architectural Committee's intent is not to prevent use of these systems but to oversee proper installation due to the following concerns:

1. Some areas of the lake are not suitable for installation.
2. Hazards to people using the lake.
3. Fluctuation in lake levels either through natural causes or manual lowering of the lake.

C. PLOT PLANS

Plot plans (**3 in number**) must be drawn to a scale of not more than 20 feet per inch, they must be stamped by a licensed surveyor and show the following:

1. Size and shape of the lot as taken from the Morgan County Recorder's records lot number and dimensions.
2. Building line restrictions, including septic field. No component of the septic system will be permitted in the easement area.
3. House outline with roof protrusions and all projections including porches, fireplace chimneys, and patios shown in relation to each property line.
4. Elevations of the property corners and contour lines must be shown.
5. Location of all septic fingers and all utility services.
6. The location and sizes of boathouses, piers, and all utility buildings.
7. Location of the culvert at the road for the driveway. Reference should be made of the elevation from the top of the culvert to the middle of the road at both ends of the culvert. Culvert must be a minimum of 12 inches. Need for culverts will be determined by the Architectural Committee.
8. No projection of any building can extend nearer than 25 feet from any road right-of-way, nor closer than 10 feet from the side or 20 feet from the rear of any property line. (Road right-of-way extends to lot property line.) No projection may be within 50 feet from the normal waterline of any lake. All conditions must comply with the zoning regulations of Morgan County, Indiana, and the Painted Hills subdivision.
9. Show parking areas. (Minimum 1000 square feet)

D. PLANS

House and other building plans must be drawn to a scale of not less than 1/4" per foot and will show the following:

Overall size of the house and square feet of living area. Finished areas with ceilings taking the slope of the roof that do not have 48 inches of headroom will not be included as part of the living area.

1. Room division with doors and windows.
2. Type of construction.
3. Roof lines with type of roofing.
4. Fireplace chimney and porch projections.
5. General house specifications in writing (including siding type and color).
6. Cross-section showing foundations, walls and roof with suitable notes on construction materials and water runoff.

Plans not meeting these requirements may be rejected!

E. CONSTRUCTION

Construction must be started within 90 days after securing the Morgan County building permit. Basements and foundations must be completed within three weeks and permanent sub- flooring completed within the next three weeks.

The exteriors of all buildings will be completed within six months from the date that construction commences.

At such time that this schedule cannot be followed, a written schedule must be submitted to the Architectural Committee.

1. No structure may be erected on any lot prior to the erection of a dwelling house except boat docks and/or boathouses on waterfront lots after receiving written permission from the Architectural Committee
2. No accessory basement, temporary building or boathouse can be used or occupied as living quarters.
3. No house trailers, campers, tents or other temporary structures can be erected, moved onto, or placed upon said premises before or after a dwelling has been erected, except in those areas which may be designated for such use.
4. No structure shall be constructed on said lots unless built of solid, permanent, new materials or as approved by the Architectural Committee.
5. Silt fence will be installed on any lot(s) before any filling or excavation begins (entrenched six inches). The silt fencing will surround any soil disturbance. The fencing will be placed on property lines except at roadsides and lake sides. On roadsides of lots, the silt fencing must be placed 15 feet or more from the pavement. On the lake side of lots, silt fencing will be set 50 feet away from the lake at normal pool. Any deviation from these distances must be discussed with the Architectural Committee Chairman or his representative. Layout of the silt fencing will be added to the plot plan drawings at application. Failure to maintain the silt fencing will be a stop-work violation. The silt fence will remain in place until grass and/or groundcover has matured (1st mowing) and removal has been approved by the Architectural Committee. No work, excavation, or filling will be allowed outside the silt fence unless authorized, in writing, by the Architectural Committee.
6. New home construction on waterfront properties must also include a permanent shoreline Erosion prevention plan to be completed before final inspection is done.
7. The ditches along the roadside of lot(s) may, as part of new construction, be required to

be excavated for better drainage. (This may be required by Architectural Committee at final grading. Filling of ditches is prohibited.)

8. Drives will not be installed from Painted Hills' roadways except where approved by the Architectural Committee. Under no circumstances will any drive extend from Painted Hills roadways to any adjoining property not in the Painted Hills subdivision.

F. MODEL HOMES

No owner of any numbered lot in the subdivision may build or permit the building thereon of any dwelling house that is to be used as a model or exhibit.

G. STOP-WORK TAGS

Stop-work tags will be placed on any construction found to be in violation of building rules or restrictions. All contractors and building material suppliers will be required to honor this tag. This tag may be removed **only** by the Architectural Chairman or his representative.

There is a minimum \$100 assessment for violation and/or removal of a stop-work order. Stop-work tags issued for “**No Permit Issued**” will carry an automatic \$100 assessment. **Additional assessments may be added by the Board.**

SECTION 14.03 GENERAL

A. GENERAL ARCHITECTURE

Architecture must be in harmony with the environment and surrounding homes. Good quality building materials and good building methods are to be used in all construction.

No underground, modular, manufactured, prefabricated, double-wide or mobile homes are permitted.

Open pier foundation type construction will not be permitted. All structural building material below grade must be concrete or masonry. Footings shall extend below the normal frost line (32” minimum). Footings are required beneath all garage entries. Three changes in roof line, either by elevation or direction are required.

B. MINIMUM LIVING AREA

Minimum living area is the least amount of square feet allowed for a home in the Painted Hills subdivision. All houses must have a minimum of 1500 square feet of living area.

1. Multi-story houses must be 1200 square feet on the ground level and equal no less than 1500 square feet total finished living area.
2. The 1200 square feet on the ground level requirement may be reduced to 1000 square feet on two-story houses exceeding 2000 square feet total living area. (This does not include a ranch with a walkout basement.)
3. All dwellings must have no less than a two (2) car garage and must provide ample off street parking. A minimum of 1000 square feet will be required, including driveways, and must be gravel, blacktop, or concrete.

C. STORAGE TANKS

Every tank for storage of residential heating fuels such as fuel oil or propane must be above

ground and screened from view by a privacy fence. Privacy fences must extend above the tank and completely surround it. Fences must be self-supporting and a minimum of two (2) feet from the tank to access all sides of the tank. A gate constructed of the same material must be a minimum of 36" inches wide. This must be completed within 30 days after the tank is set.

D. PAINTING

Architecture must be in harmony with the environment and surrounding homes. No unpainted exteriors will be permitted without permission from the Architectural Committee. Paint colors will be approved by the Architectural Committee for new construction.

E. FENCING

Fencing may be approved for placing within the property line of a residence. Yards may not be enclosed entirely by fences. Decorative fences which do not exceed three (3) feet in height may be approved for lot line definition or decorative accents. Open wood fences, split rail, or other fencing may contain such wire as is necessary to contain pets. For approval, a fence must be aesthetically pleasing and also must be agreeable to adjacent residents. Before submitting a plan for fencing, please contact adjacent residents and have the plans signed by each.

F. OTHER STRUCTURES

Detached garages and/or mini-barns approved for construction will be built of a like material and architecture of the house. Mini-barns must be clad in an exterior grade siding as closely resembling the existing house architecture as possible. No metal structures are allowed.

REJECTION

The Architectural Committee must justify any rejected application or stop-work order.

SECTION 14.04 DISPOSAL SYSTEMS

SEPTIC SYSTEMS

No outside toilets will be allowed. Septic systems must be of the approved type and conform to the State Board of Health Standards or to the standards set by the **Water Pollution Control Organization** delegated by the State to propagate such regulations.

1. The finger system will not be within 50 feet of the normal water level of the lake or within 50 feet of any flowing drainage system entering the lake within the subdivision and may not extend into any easement. No waste will be permitted to enter any lake. Any remodeling within an existing structure that adds bedroom space to the structure will require the submission of a plan to the architectural committee which can establish that the septic system is in compliance with the codes of the Indiana State Board of Health.
2. All buildings having plumbing facilities will be required to connect to a central waste or sewer systems upon availability of same.

SECTION 14.05 LAKE FRONT AND SHORELINE

A. SHORELINES

Lake shorelines cannot be changed either by fill or excavation without approval. Borings must be taken on 10 foot centers at least two (2) feet deeper than the deepest excavation to insure that no sandbars are being opened to the lake waters.

B. SEAWALLS

Sea walls may extend along the entire lake frontage at the high water line. Footings of concrete when installed must extend below the frost line.

C. DOCKS

All docks must be approved by the Architectural Committee. Floating docks will not be constructed of barrels or other materials subject to corrosion. All flotation materials will be firmly attached to the dock with corrosion resistant materials. The length of a dock into the lake will be determined by the Architectural Committee as they relate to safety and traffic conditions of boating. Docks closer than 10 feet to the property line projection, or extending more than 12 feet into the lake or wider than 25 feet will require adjoining property owners' approval.

SECTION 14.06 VARIANCES

Restrictions covered in the Property Owners Association Rules and Regulations shall apply unless a variance is secured. Permission for all variances shall be secured from the Architectural Committee before starting construction.

A written application must be filed with the Architectural Committee at least 20 days before its regular meeting requesting the variance with a plot plan and other drawings showing the deviations.

1. The Architectural Committee will inspect the lot to determine the effect of the variance.
2. Adjoining lot owners will be notified by the Association in writing of the variance request. Such notice will be sent by certified mail to the latest address shown in the Association records no later than 10 days before the meeting of the Architectural Committee in which the variance is to be considered. Adjoining lot owners must respond to the request before the meeting; if no response is received, it will be considered as no objection to the variance. Consent from a neighbor does not give the requestor the right to build; only the Association can grant a variance approval.
3. Any cost incurred will be paid by the owner requesting the variance.
4. If the decision is not in agreement with the applicant or other property owners, the matter may be brought before the Board of Directors at their next regular meeting. As per Covenant in Article VII-Section 7.01.1, these meetings are normally held the third Monday of each month at 7:30 p.m.

SECTION 14.07 INSPECTIONS

INSPECTIONS OF CONSTRUCTION

1. All inspections must be done by a designated member of the Architectural Committee.
2. Owners are responsible to call the Architectural Committee Chairman or his representative for any inspection when required.
3. All inspections will be made no later than 24 hours after owner has called.
4. Some inspections may be partial because of the nature of the construction.
5. All projects must have a final or completion inspection. The owner and inspector must agree that no further work is needed or will be done. At that time the owner will receive a statement showing that the work has been satisfactorily completed.

You may contact the Architectural Committee Chairman if you have questions concerning these rules and regulations. The phone number is located in your Painted Hills phone directory.

NOTE: All of the above rules and regulations have been initiated to protect the property owners' investments and to make Painted Hills a beautiful and modern place in which to live. It is important for all as residents or lot owners to help preserve and protect the area.