

# Design Review Guidelines



***PLEASE NOTE: The Design Review Guidelines are not the exclusive basis for decisions of the New Construction Committee. Compliance with the Design Review Guidelines, including any Exhibit, does not guarantee the acceptance of any application.***

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December 23, 2021*

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# I

## *Introduction to Sand Creek*

Sand Creek is a residential Master Planned Community, the construction of which shall be limited to builders approved by the Developer.

The Design Guidelines that follow have been established pursuant to the Declaration of Covenants, Conditions and Restrictions for Sand Creek (the “Declaration”) to provide property owners, their architects, builders, landscape architects and contractors with the proper direction for the planning and construction of a residence in keeping with the Sand Creek Design Guidelines herein referred to as the Design Guidelines. The purpose of the Design Guidelines is to promote good design and innovation based on the following criteria:

1. Sand Creek is a Golf Course Community and home designs shall reflect the character of a golf course community and be respectful of and respond to the golf course in a way that enhances the course and its natural setting.
2. Individual site development/design shall respond to the existing conditions of the site.
3. Exterior material selection and use shall qualify as sustainable and responsive to the natural setting of the development.
4. Home designs shall be consistent with “Traditional” styles of Architecture while also allowing for creative interpretations of those styles.

The criteria are provided as a starting point for the owner/owner’s agent and Sand Creek to collaborate in creating a prestigious, harmonious, and truly beautiful environment in which to live. These Design Guidelines are binding upon all persons who at any time construct, reconstruct, refinish, alter or maintain any improvement upon property in Sand Creek.

The Design Guidelines are intended to be a supplement to the existing state of Indiana, Porter County and town of Chesterton ordinances governing the development of Sand Creek. The guidelines contain restrictions which are more stringent than correlating town of Chesterton, Porter County or State of Indiana regulations. Such restrictions shall take precedence over the lesser Town, County or State regulations. However, the Design Guidelines shall not be construed under any circumstances to permit the design or construction of any structure, and portion thereof, or any related facility which is not in conformance with any or all applicable codes, ordinances or regulations.

These guidelines have been established by the New Construction Committee and are subject to change from time to time. Administration and enforcement of these guidelines shall be done by the New Construction Committee or the Modification Committee as applicable. It shall be the responsibility of each property owner and his building team to obtain and review the most recently revised Design Guidelines.

## II

# *Design Review Committees*

Responsibility for administering the Design Guidelines and review of all applications for construction and modifications shall be handled by two committees. The New Construction Committee (“NCC”) shall oversee all original construction on any portion of the Sand Creek community. The Modification Committee (“MC”) will oversee all modifications, additions, and alterations to an existing structure. These committees have been established to (1) conduct a thorough review of designs for any and all construction and landscaping at Sand Creek, (2) assist the homesite owner (“owner”) and owner’s agent in building a residence in accordance with Design Guidelines, (3) enforce the Design Guidelines of the community, and (4) ultimately approve or disapprove each design. The NCC is composed of three members, each of whom is intricately involved in the development of Sand Creek. Additionally, a licensed architect and/or engineer may serve on or act as a consultant to the NCC. The Declaration empowers the NCC to review, revise, approve or disapprove any and all submissions, plans, drawings, and specifications of each and every proposed structure within Sand Creek.

The Design Guidelines provide a firm basis for plan review; however, the NCC will consider the merits of any design which, in the discretion of the NCC, proves beneficial to a specific site, adjacent areas, or the community as a whole.

The Committee does not seek to restrict expression of the homeowner’s individual taste and style. Rather, taking into consideration the following:

1. The natural characteristics of the site
2. The relationship to neighboring homes
3. The golf course
4. Community amenities

The NCC’s precept is to maintain the aesthetic harmony and architectural excellence of the overall community.

# III

## *Design Review Process*

Written approval must be obtained from the NCC prior to owner or owner's agent receiving a building permit from the town of Chesterton and the commencement of any clearing, grading or construction activity.

Written approval of as-built drawings must also be obtained from the NCC prior to owner or owner's agent receiving occupancy permit from the town of Chesterton. (The town of Chesterton will not release building or occupancy permit without NCC approval.)

The Design Review Process had been established to facilitate thorough review and timely response to all plans submitted to the NCC for approval. It is the responsibility of the owner and his building team to acquaint themselves with the Design Guidelines and the appropriate committees. Adherence to the procedures set forth in these Guidelines will expedite plan approval.

### *3.01 Preliminary Design Review*

The owner and/or owner's approved agent shall request a meeting with the NCC prior to submitting a plan for approval. The NCC will review preliminary design sketches to confirm the appropriateness of the design concept and that the Design Guidelines are understood and followed.

### *3.02 Submitting Plans for Approval*

The Design Review Process is structured so that review of each plan submittal will be completed in a timely manner. Adherence to plan submittal procedures is essential to receive a timely review. All plans must be submitted to the NCC through Renee Jeffries at 1st American Management Co., Inc. AMO. The procedures are as follows:

#### **A. Plan submittal for a building permit must include:**

1. Two (2) physical copies of the Application for Plan Approval.
2. Two (2) physical sets of building, site and landscape plans as hereinafter defined in section 3.03.
3. Owner or owner's agent shall also provide physical samples of exterior color and material selection as part of the plan submittal.
4. Electronic copies of all submitted materials, and high resolution pictures of all samples emailed to the NCC: c/o Renee Jeffries: [rjeffries@1stpropertymanagers.com](mailto:rjeffries@1stpropertymanagers.com)
5. A Design Review Processing Fee shall be deposited with the initial submittal of plans for each homesite. The Processing Fee shall be paid to the Sand Creek Homeowners Association.
6. A \$5,000 Security Deposit. Each contractor shall deposit Five Thousand Dollars (\$5,000.00) for new construction projects and One Thousand Dollars (\$1,000.00) for remodeling projects with the NCC (through 1st American Management Co., Inc. AMO) as

security for the performance by such contractor of all of the contractor's obligations under the Construction Rules, Design Guidelines, the materials submitted to the NCC as part of the Owner's Application and approved by the NCC, or any other rules and regulations enacted by the Board of Directors, NCC and/or the SCHOA.

In the event of any non-compliance, the NCC, in its sole discretion, may apply all or any part of such deposit to cure or otherwise remedy any such non-compliance; and each contractor shall promptly, upon demand, deposit such additional sum with the NCC as may be required to maintain the full amount of said deposit. The NCC may also apply all or any part of the deposit to attorneys' fees, court costs and other expenses incurred by the NCC or the SCHOA in connection with such non-compliance. All sums held by the NCC pursuant to this section shall be without interest and may be co-mingled by the NCC or 1<sup>ST</sup> American. Upon the contractor's completion of all work to be performed by the contractor on a Lot, provided that there is then no uncured or outstanding non-compliance, the NCC shall return the deposit or remaining balance thereof to the contractor.

- B. Plans shall be submitted to the NCC. Following their review, the NCC will retain two sets of plans, and one set of plans will be returned to owner or owner's agent.
- C. Plans Returned to the owner will be marked "Resubmit", "Approved As Noted", "Approved As Submitted", or "Not Approved."
  - 1. Plans marked "Resubmit" will be accompanied by a list of required modifications or a request for further information or materials. Owner must then resubmit plans in accordance with the procedures noted above.
  - 2. Plans will be marked "Approved as Noted" if modifications required are not substantial. The modification(s) required will be noted on the plans and must be made to the residence, but re-submittal of the plans is not necessary. Owner shall acknowledge and accept such modification(s) in writing. Owner may then proceed with the approval process as described in paragraph D below.
  - 3. Plans marked "Approved as Submitted" do not need any further modification or re-submittal.
  - 4. Plans marked "Not Approved" will need major modifications for further review.

*If Approved, Owner may proceed with the approval process as described in paragraph D below:*

- D. Upon Plan and Plat approval by the NCC, one set of plans stamped with the NCC's approval will be returned to the owner or owner's agent along with a statement of construction authorization which

must be provided to the town of Chesterton when submitting application for building permit. **Absolutely no construction activity may begin before authorization, as provided in Section 3.02(c).**

- E. Upon completion of all construction and development, owner or owner's agent must provide to the NCC an as-built Plat of Survey showing all site improvements including locations for sewer, water, gas, electric and phone lines. Scale of the plat should be 1" = 20' or larger.
- F. Owner or owner's agent must also receive from the NCC written approval for occupancy. **The NCC reserves the right to make inspections to verify compliance with the Design Review Guidelines. No occupancy permits will be issued from the town of Chesterton without written authorization from the NCC.** Owner agrees and acknowledges that the NCC is approving all plans based on aesthetic appearance only and makes no warranties or conditions of the structural integrity of said plans. All requirements set forth above do not relinquish owner from meeting all state, county and town ordinances.
- G. If construction activity has not started within 90 days, the Committee's approval will automatically expire.
- H. All homes must be completed including final landscaping and grading within 12 months of commencement of construction activity.
- I. Modifications to approved plans and/or material and color selection shall be made in accordance with the provisions of this Section 3.02.

### *3.03 Plan Submittal Requirements*

Plans should be submitted on 24" by 36" minimum sheet size, be in the order as stated below, and consist of the following information:

1. SHEET ONE: SITE PLAN 1" = 20' Minimum scale.
  - a. Plat of survey must be certified by a registered land surveyor. Scale must be 1" = 20' or larger.
  - b. Show existing elevations & proposed finish grades at each corner of building, all lot corners and at side yard.
  - c. Show proposed elevations of finished first floor, basement floor if walk out, garage floor at overhead door and top of foundation.
  - d. Show all proposed site improvements, structures, set back lines, driveway, sidewalk, deck, patio, retaining walls, air conditioning, and garbage enclosures.
  - e. Show extreme site conditions including terrain, trees, etc. Show number and size of trees to be removed if any.
  - f. Show direction of overland drainage flow, swales, retention areas and ditches.
  - g. Landscape plan must be submitted with the site plan. The landscape plan shall show the size, spacing, quality and quantity of plants drawn to scale and spaced to scale. A plant list is required designating the proposed landscape material. Refer to Article V for further details.
  - h. Show the size, designs, height, finish and location of retaining walls. Walls are encouraged to be concrete and faced with the same finish as the exterior wall material.
  - i. Show location of downspouts, including buried drain lines, and sump pump. Underground sump pump drainage must be shown on the as-built site plan.
2. SHEET TWO: FOUNDATION PLAN 1/4" = 1'0"
  - a. Walk-out basements should indicate windows, doors, patio areas, stoops, deck columns, retaining walls and all interior spaces.
  - b. All floor plans are to correspond with the site plan's orientation.



3. SHEET THREE: FIRST FLOOR PLAN  $\frac{1}{4}'' = 1'0''$ 
  - a. Indicate decks, patios, stoops, retaining walls, trash enclosures, air conditioning screening, front entry step sizes, materials and finishes, driveway areas and all other interior spaces.
4. SHEET FOUR: SECOND FLOOR PLAN  $\frac{1}{4}'' = 1'0''$ 
  - a. Indicate lower roof projections, roof overhangs, chimney locations and all interior spaces.
5. SHEET FIVE: ROOF PLAN  $\frac{1}{4}'' = 1'0''$ 
  - a. Indicate all roof areas and corresponding slopes.
6. SHEETS SIX AND SEVEN: BUILDING ELEVATIONS  $\frac{1}{4}'' = 1'0''$ 
  - a. Building elevations shall be drawn along with floor plans to match the site plan orientation.
  - b. Articulate “all” elevations with finishes, window types, trims, and fascia details. Show the proposed finish grades against elevations, garbage screens, air conditioning compressor location, screens, decks, rear stairs and the maximum height from the first floor to the upper-most roof peak (35’ maximum).
7. SHEET EIGHT: SPECIFICATIONS AND SCHEDULES  
Scale as required.
  - a. Final construction specifications may be included on drawings or in book form on 8-1/2” x 11” sheets.
  - b. Completed color and materials worksheet.

### *3.04 Modification to Existing Homesites*

Approval for any exterior modification to an existing home or lot shall be required. Modifications include improvements such as additions, changes to color, landscaping, or the addition of new windows or other improvements such as an outdoor patio, fence or wall. Submittal requirements to the MC will be limited to graphic and written material or actual materials or color samples necessary to demonstrate the proposed change. Prior to beginning the design of any modifications to an existing home, owner shall contact the MC to outline a review process and submittal requirements for the proposed modification.

# IV

## *Design Requirements*

### *4.01 The Design Style of the Residence*

The basic concept of Sand Creek is for each home design to conserve and enhance the natural beauty of each individual site and the aesthetic harmony of the community as described in the Design Guidelines.

Avant-garde or highly contemporary styles are strongly discouraged and may be rejected by the NCC in its sole discretion. The NCC shall make every attempt to satisfy the uniqueness of the structure as long as it does not destroy the harmony of the community.

The Design Guidelines are intended to neither promote nor discourage any one particular design style, but to promote the following:

- A. Appropriateness of Design Style: **The NCC shall have the sole and absolute discretion to determine whether the proposed design meets the intent of the Design Guidelines.** Design styles which may be appropriate in other geographic areas of the United States or abroad may be deemed inappropriate for Sand Creek.
- B. Authenticity of Design: Each plan will be reviewed with the purpose of determining if the design is reasonably faithful to its intended style. Items to be considered will include the siting of the house on the site, exterior elevations, detailing and use of color and materials.
- C. Compatibility with the Site: **The proposed design style must be compatible with the natural topographic features of the homesite.** Design styles which would require excessive disturbance to the natural topographic features of the homesite, or which would excessively dominate the site or adjacent homes and homesites, will not be permitted. Further considerations of the NCC shall include, but are not limited to the following:
  - 1. Do the building materials contribute to a harmonious, balanced and proportional exterior appearance?
  - 2. Are the colors appropriate and consistent with the natural surroundings?
  - 3. Is there a consistent scale used throughout the design of the residence?
  - 4. Is each element designed in proportion to other elements and to the overall scale of the structure?
  - 5. Is the home consistent within its architectural style?
  - 6. Are the specific features and details of the architectural style well developed and carefully detailed?
  - 7. Is the home in harmony and compatible with surrounding structures and natural amenities as described in the Design Guidelines?
- D. Structured Wiring: The developer will be responsible for the installation of structured wiring for telephone, cable TV and computers to a specified number of locations within the home. This standard installation will provide a basic infrastructure for their services and assure the home is readied for technological changes as they occur without the need to rewire the house.

#### *4.02 The Siting of the Residence Upon the Homesite*

The siting of a house is a critical and important design decision. The site plan developed for each homeowner should not only reflect functional needs, but must also be sensitive to the site's unique characteristics and inherent design opportunities. The location of a home on a homesite will be affected by and shall take into consideration the following factors:

- A. Building Setback Lines
- B. Existing Topographic Features
- C. Existing Vegetation and Landscape Features
- D. Existing Wetlands, Water and Drainage
- E. Utility Easements
- F. Proposed Design Style of the Home
- G. Location of Adjacent Homes
- H. Views from Adjacent Homes, the Golf Course, Common Areas, and streets within Sand Creek

The NCC shall consider each site independently, but shall give extensive consideration to, among other things, the individual impact of each plan upon adjacent homesites, view corridors and the appearance from the golf course. Care must be taken to locate each structure, whenever possible, so as not to infringe upon view corridors, adjacent structures and homesites, and natural amenities of the area.

The open vistas within the community and the golf course mean that most residences will be seen from the many different angles and views. It is therefore important that the three-dimensional character of each home be carefully studied.

Site surveys and topographical information are the responsibility of the owner or owner's agent. The owner or owner's agent must use a registered surveyor to obtain this information, and must plot significant trees and site conditions.

The NCC shall have the right and authority to require the modification of proposed home placement based on any or all of the above criteria, or as the NCC reasonably determines.

#### *4.03 Ownership and Construction Upon Multiple Homesites*

Nothing in these guidelines shall be construed to prohibit multiple homesite ownership. However, the development of more than one homesite as a single parcel for a single dwelling will be carefully reviewed by the NCC. The Design Guidelines are applicable to any such development and construction, however, all factors involved in construction of a single dwelling on multiple homesites are subject to the approval of the NCC.

The plans must consider the homesite's natural amenities, including existing vegetation, environmentally sensitive areas and drainage channels, as well as location to the golf course. Existing grades shall be maintained in their original condition, if possible. All elevation plans will be closely reviewed by the NCC.

#### *4.04 Grading and Drainage of the Homesite*

Drainage considerations for individual homesites play an important part in the overall ecological balance of the community. Water runoff for each individual building site must be handled by sloping all areas so that run-off can be directed into the natural drainage areas or to the storm drainage facilities.

Recommendations or requirements by the NCC regarding grading and drainage will be based upon individual homesite locations, terrain, soil condition, drainage, cuts and fills, and any other condition the NCC feels will impact upon the site grading design. Although the NCC will review the drainage plans, the owner and his builder are fully responsible for water runoff and drainage control at the homesite. In addition, the owner and builder recognize and acknowledge responsibility to grade the homesite in accordance with the final engineering grading plan approved by the town of Chesterton, and further recognize that the town of Chesterton shall not be obligated to issue occupancy permits for homes erected on a homesite unless the final engineering grading plan has been complied with.

#### *4.05 Easements*

Landscaping and the building of driveways within easement areas may be permitted subject to the approval of the NCC. Any cost associated with the removal, repair and/or replacement of such features at any time in the future is the responsibility of the owner. The erection of any permanent structure within an easement area shall not be permitted.

#### *4.06 Height and Size Restrictions*

The NCC shall carefully review plans to ensure that the height, size and/or coverage ratio of the residence is suitable to the individual homesite and the overall community. **All homes shall have a minimum of 2,600 square footage of living space, excluding attics, patios, porches, garage, breezeway, basements and other similar improvements.** Restrictions may be imposed by the NCC on homesites when necessary to protect the overall balance and scale of the community as well as to prevent a house from dominating or failing to support the overall scale of its site.

Due to the smaller size lots in the Highlands neighborhood, the NCC *may* grant an exemption to the square footage requirements listed in the Design Guidelines. However, any exemption will be determined on a case-by-case basis during the NCC's project review. If an exemption is granted, please be advised that each smaller-footprint plan must still maintain the aesthetic harmony and architectural excellence of the overall community. Additionally, each plan will still be held to the same high-quality standards and subject to the same architectural review process as other submissions.

#### *4.07 Exterior Design Materials*

- A. Proportional Use of Materials: The same materials, or combination thereof, used in substantially the same proportion (except to the extent windows and doors require otherwise), shall be utilized on the front, sides and rear exterior of each home and accessory buildings constructed on a homesite, to ensure the appearance of the front, sides, and rear thereof are substantially similar.

1. Golf Course Frontage: Golf course facades shall be treated the same as a front elevation on a major street.
2. Non-Golf Course Frontage: Non-golf course facades shall be treated as described in section A above.

B. Types of Materials

1. Exterior surfaces must be of materials which harmonize with the Design Guidelines of the community. The use of hewn wood, cementous wood, full depth brick, cut stone, cultured stone, Exterior Insulated Finish Systems (EIFS, e.g. Dryvit) or stucco is highly encouraged.
2. Specifically prohibited are metal siding and soffits, vertical siding, vinyls and plastics, reflective materials and other materials whose appearance, in the sole judgment of the NCC, does not meet the intent of the Design Guidelines.

#### *4.08 Use of Materials*

A. Masonry/Stone/Stucco

1. All exposed concrete or block foundation walls shall be either landscaped or be faced with brick, cut stone, cultured stone, Exterior Insulated Finish Systems (EIFS, e.g. Dryvit) or stucco cement parge coat shall not be approved.
2. Wood, brick, stone, EIFS and stucco chimneys shall be detailed consistent with the Architectural Styling of the house and shall be terminated at the top in a way which defines the top edge as finished and capped.

B. Roofing

1. Minimum pitch for all gable roofs shall be 6/12. There shall be no flat roofs except over covered porches.
2. Dutch Colonial roofs must be properly framed. The furring out of an exterior wall to simulate a Dutch Colonial roof shall not be approved.
3. No exposed metal chimneys shall be permitted.

C. Antennas and Satellite Dishes

1. Television or radio antennas or towers of any kind shall not be permitted on the exterior of any dwelling or structure within Sand Creek. "Miniature" satellite dishes may be permitted at the sole discretion of the NCC. Any permitted satellite dish must be properly screened from the view of surrounding homesites and the golf course, if applicable. Placement and screening of the satellite dish must be approved by the NCC.

#### D. Swimming Pools

1. Swimming pools should be designed with adequate buffers to minimize impact on adjacent lots and must be located within setbacks. When fencing around a swimming pool is required, the area fenced shall be no larger than necessary to adequately define the pool area.

#### E. Fencing

1. The installation of fences in Sand Creek is generally discouraged, and in certain locations fences are not permitted. Specific guidelines on fences vary depending upon the location of the lot. The following summarizes design guidelines for fences:
  - a. Lots Adjacent to the Golf Course – with the exception of fences to provide privacy around patios or pool areas only, no fences shall be constructed on lots adjacent to the golf course.
  - b. Lots Contiguous with Major Streets – Fences may be constructed up to the rear and side property lines on lots that are immediately adjacent to major roadways. Such fences shall be located within the rear yard only.
  - c. Cluster Homes, Patio Homes, and Town Homes – Fences are not permitted within common areas of condominium or town home projects, and in no instances may fences arbitrarily follow property lines.
  - d. Fences may be approved to provide privacy around patios or pool areas only. In such cases, the location of fences shall be no greater than necessary to define the patio or pool area.

### *4.09 Site Planning*

- A. Driveways: There is no limitation as to how many driveways a lot may have or its maximum or minimum widths. No driveway on any corner homesite shall enter the adjoining street at a point closer than seventy-five feet (75') to the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The driveway shall be cut stone or gravel placed thereon prior to any development or improvement on a homesite to the extent necessary to avoid the transmittal of mud from construction traffic to roads. As soon as practicable following substantial completion of construction on a homesite, the driveway shall be finished and paved with brick or concrete. Each driveway, whether brick or concrete shall be reasonably maintained at periodic intervals for both appearance purposes and to minimize mud onto roads. Colors of brick and/or concrete must be approved by the NCC. Each homesite shall have a minimum of one (1) driveway entrance.
- B. Mailboxes: The NCC will control the selection and construction of all mailboxes within Sand Creek. Community standard mailboxes are the only style approved for use within Sand Creek.

It is the responsibility of the owner or the owner's agent to assure compliance with this guideline. All mailboxes shall be purchased from the NCC.

C. Post Light: Every improved site shall have an exterior post light operated by automatic dusk to dawn sensor. Community standard fixtures are the only style approved for use within Sand Creek. It is the responsibility of the owner or the owner's agent to assure compliance with this guideline. All post lights shall be purchased through the NCC. Fixture type and location shall be submitted to the NCC for review.

D. Building Projections: All projections from a home including, but not limited to, chimney caps, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall be visually integrated into the overall design and generally match the color of the surface from which they project, unless otherwise approved by the NCC.

#### *4.10 Design Duplication*

Design duplication within neighborhoods will be reviewed by the NCC on a homesite-by-homesite basis. The NCC in its sole discretion may determine that the contemplated design is too similar to an existing structure and can reject the plan on that basis alone.



# V

## Landscaping Standards and Design Criteria

### 5.01 Purpose of Landscape Planting and Policy

To ensure that the overall beauty of the community is preserved and enhanced, the NCC shall have the authority to approve or disapprove any landscape plans. In addition, the Country Club has the authority to approve landscape plans for homesites adjacent to the golf course.

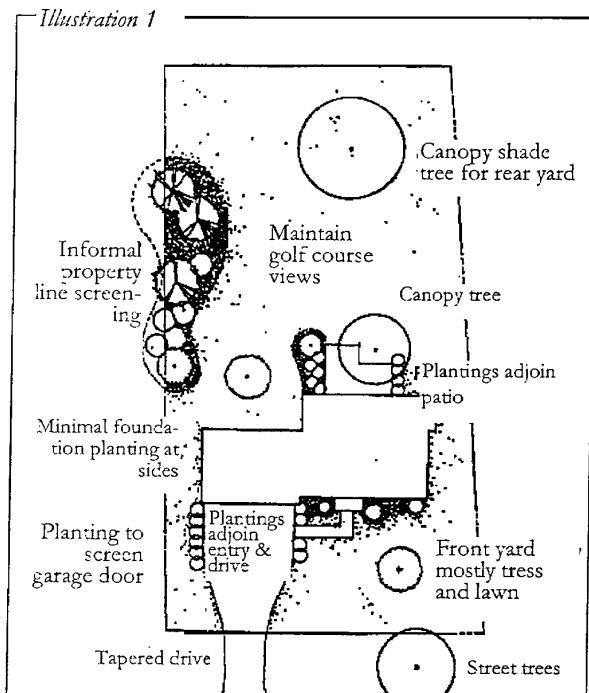
The guidelines provide for the review of the homesite landscape plan to ensure a harmonious neighborhood streetscape and to protect the aesthetic quality of the overall community. It is the intent of this section to provide for the needs and desires of the Owner in a manner which is harmonious with the adjoining neighbors.

It is the objective of Sand Creek to reinforce the natural rural character of the site. The landscape should emphasize native plant materials and blend with the surrounding countryside.

Ornamental planting which provides additional variety, color and interest should be confined to the front door and rear yard areas.

Front yard plantings should be sympathetic to the overall neighborhood streetscape in form, texture and simplicity of design.

Plantings should be designed to provide privacy for the homeowner and the neighbors. Plantings along common property lines between houses to provide additional privacy are encouraged.



Plantings which screen driveways, garage doors, service courts, blank walls and outdoor patios and pools are encouraged. Illustration 1, depicts a typical homesite planting plan.

The rear yard plantings shall be designed so that they do not obscure a neighbor's view of the golf course or its associated water features.

### 5.02 Submittal and Review Process

The Owner or Owner's Agent must submit landscape plans, specifications, and samples in accordance with the submittal requirements contained in the Guidelines. Partial or incomplete submittals will not be processed.

### 5.03 Grading

Proposed grading shall:

1. Aesthetically and functionally enhance the proposed structures and plantings;
2. Transition well with existing topography, roads and adjacent lots;
3. Preserve existing healthy trees wherever possible, and;
4. Provide positive drainage without concentrating water across property line or causing erosion.

### 5.04 Existing Conditions

Where wetlands occur on residential homesites, the removal of existing plant material, except dead plants, may be restricted by federal and state regulations and will not be permitted without prior governmental and/or approval of the NCC.

Planting within wetlands may be restricted by federal and state regulations and is limited to native wetland species and will not be permitted without prior governmental and/or approval of the NCC.

In order to limit the likelihood of soil erosion, steep slopes (areas of land steeper than 15% or one foot in seven) may not be regarded without prior approval of the NCC.

### 5.05 Tree Preservation

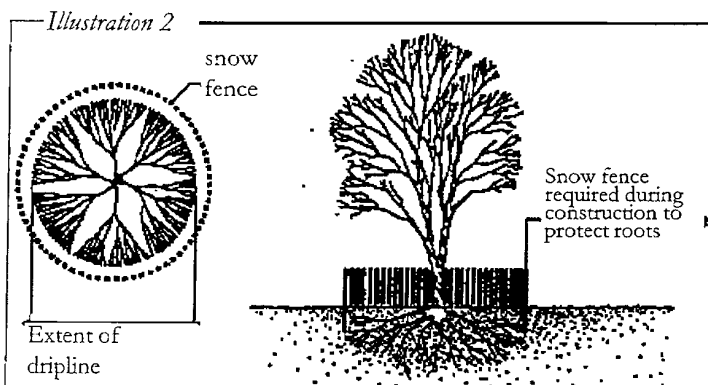
No trees having a trunk in excess of 4" in diameter measured at a point 2 feet above the ground shall be removed from the property without prior approval of the NCC unless the removal is in connection with the construction of an approved single-family dwelling house, accessory building or recreational facility. This prohibition shall not apply to dead, decayed and/or trees which post a personal hazard.

Care shall be taken to protect the root system of all existing trees to be preserved during construction. The existing grade should be maintained from the trunk to the drip line of the tree. Small retaining walls may be used

to create tree wells or ear walls around the drip line of a tree to be protected. See Illustration 2.

No construction vehicles or materials shall be driven, parked, stored or stock-piled within the drip line of existing trees to be preserved.

Any variance or deviation from these guidelines shall be reviewed and approved by the NCC prior to commencing any construction or site-clearing activities.



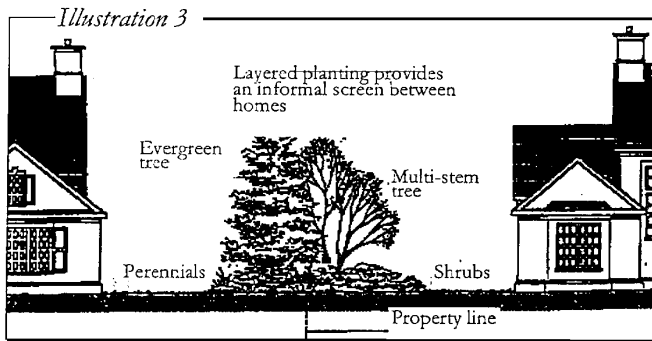
### 5.06 Screening / Buffer Planting

Accessory structures, decorative objects, play structures, decks, patios, and water features, not screened from the view of adjacent homesites or streets by screening walls or fences, shall be screened with scrub and tree masses.

Garage doors facing adjacent homesites shall be screened with shrubs and trees.

Driveways and entry courts should have a massing of plant material to screen automobiles from the street and adjacent properties.

Large blank or long site walls shall have grouped plantings to reduce their visual impact from off the property.



Informal layered screening, as shown in Illustration 3, is encouraged, where space allows an effectively designed planting.

### 5.07 Special Siting Provisions

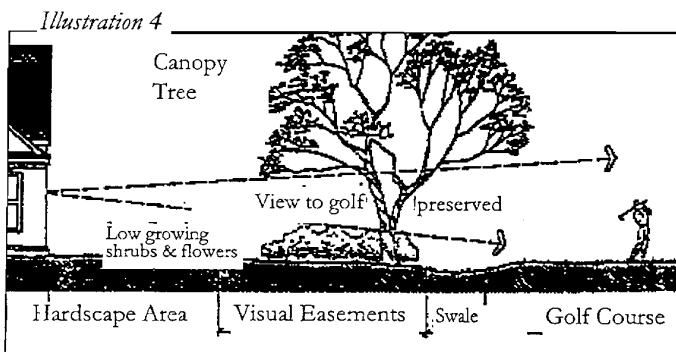
Rear yard improvements which block a neighbor's view of the golf course are not permitted. Plantings which affect a neighbor's view, other than groundcover, are not permitted, except the following will be allowed:

1. Plants with an ultimate height of three feet (3') or less (i.e., annuals, perennials, herbs, rock garden plants, low growing and prostrate shrubs,); and
2. Two (2) canopy trees (ultimate height fifty feet (50') or more), pruned of side branches to a minimum of ten feet (10') above grade at ultimate height.

Illustration 4 shows how planting protects golf views from neighboring homes.

### 5.08 Submittal and Review Process

#### A. Generally



Generally simple plantings with a limited variety of plant species should be used to create a well integrated neighborhood landscape. Layers of plant materials are encouraged. Plants of different heights shall be planted together with lower plants in front of the taller plants.

Plant material foliage and flower color shall be chosen to compliment the homesite. A recommended Plant Palette is provided herein for guidance in selecting plants which will perform well within the climate and soil condition found at Sand Creek.

***A complete landscape plan shall be approved by the NCC prior to construction.***

**B. Minimum Planting Requirements**

The minimum single family planting requirements are itemized in the following chart.

<u>Quantity</u>	<u>Plant Type<sup>1</sup></u>	<u>Size<sup>2</sup></u>	<u>Condition</u>
1	Canopy Tree-Deciduous	3-3 ½"	Balled & Burlapped caliper
1	Flowering Tree-Deciduous	6-8 ft. ht	Balled & Burlapped
	OR		
	Multistem Tree-Deciduous	8-10 ft. ht.	Balled & Burlapped
2	Evergreen Tree	8-10 ft. ht.	Balled & Burlapped
18	Deciduous Shrub	18-24 in. ht.	Balled & Burlapped or Container
12	Evergreen Shrub	15-18 in. ht.	Balled & Burlapped or Container
60	Groundcover Shrub	6-12 in. ht.	Container

*1 Examples of each type of plant are contained herein.*  
*2 Minimum size at installation*

***5.09 Plant Palette***

The following are recommended plants for this location and soil type.

**A. Canopy Trees — Deciduous**

Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Quercus rubra	Red Oak
Tilia spp.	Lindens
Celtis occidentalis	Hackberry
Koelreuteria paniculata	Golden raintree
Ostrya virginiana	Ironwood
Carya ovata	Shagbark Hickory

**B. Multistem Trees — Deciduous**

Acer ginnala	Hedge Maple
Betula nigra	River Birch (Also single stemmed)
Cercidiphyllum japonicum	Katsura Tree
Magnolia virginiana	Sweetbay magnolia

C. Flowering Trees — Deciduous

<i>Cornus kousa</i>	Kousa Dogwood
<i>Crataegus viridis</i>	Winter King Hawthorn Wing King
<i>Crataegus monogyna</i>	Glastonbury Hawthorn 'Biflora'
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Prunus subhirtella</i>	Higan Cherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Prunus serrulata</i>	Japanese Flowering Cherry
<i>Helesia carolina</i>	Carolina Silverbell

D. Evergreen Trees

<i>Ilex opaca</i>	American Holly (shelter locations)
<i>Pinus bungeana</i>	Lace-bark Pine
<i>Tsuga Canadensis</i>	Canadian hemlock
<i>Picea abies</i>	Norway Spruce
<i>Pinus thunbergiana</i>	Japanese Black Pine

E. Deciduous Shrubs

<i>Clethra alnifolia</i>	Summersweet
<i>Cornus</i> spp.	Shrub Dogwoods
<i>Euonymus alatus</i>	Winged Euonymus
<i>Fothergilla</i> spp.	Fothergillas
<i>Hamamelis</i> spp.	Witchhazels
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea (Sheltered locations)
<i>Viburnum</i> spp.	Norway Spruce
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Ligustrum</i> spp.	Privet

F. Evergreen Shrubs

<i>Berberis thunbergii</i>	Japanese Barberry
<i>Juniperus</i> spp.	Junipers
<i>Viburnum x burkwoodii</i>	Mohawk Viburnum 'Mohawk'

G. Groundcovers

<i>Vinca minor</i>	Periwinkle
<i>Pachysandra terminalis</i>	Japanese Spurge
<i>Hedera helix</i>	English Ivy

### *5.10 Prohibited Plantings*

A. The NCC shall not approve plants which:

1. Are weak wooded;
2. Are prone to disease and insect infestation;
3. Spread too aggressively unless otherwise contained;
4. Lack sufficient aesthetic characteristics to justify there use; or
5. Produce excessive amounts of trash and/or litter.

B. The following plant materials are prohibited:

Norway Maple

Box Elder

Tree of Heaven

Black Walnut (except to replace and existing Black Walnut tree in a natural area)

Black Cherry

Cottonwood

Silver Maple

Catalpa spp.

Mulberry spp.

Black Locust (and all thorned honey locusts)

Horse chestnut (toxic)

Yucca spp.

Ginkgo (Female)

### *5.11 Lawns*

- A. Grasses must be submitted for approval. If golf course lot, grass also must be approved by Country Club. (Bent, Blue and Rye mix are approved.)
- B. Seed at rates equal to or greater than those recommended by University of Maryland.
- C. The NCC will be the final authority on method of planting. Depending on lot location and the time of year, sodding, seeding, or hydro-seeding shall be approved by the NCC.

### *5.12 Irrigation*

All homesites shall have a full-coverage irrigation system. This time controlled automatic system shall operate different watering zones in order to meet the varying needs for planting beds and lawns.

The system shall be designed and controlled so that over spray will not fall on adjoining homesites, streets, or the golf course.

All above ground pumps and other irrigation equipment shall be screened from view.

The system shall be designed to use public water only. No wells, stream or pond diversions are permitted.

### *5.13 Time Requirements*

The proposed planting that is approved with the initial house plans shall be installed within the following time periods: if the occupancy permit is dated on or between June 1<sup>st</sup> and October 31<sup>st</sup>, the planting must be completed by the following May 15<sup>th</sup>; if the occupancy permit is dated on or between November 1<sup>st</sup> and May 31<sup>st</sup>, the planting must be completed by the following October 15<sup>th</sup>.

### *5.14 Landscape Maintenance*

#### A. Maintenance of Lots and Improvements:

Each homesite owner shall at all times maintain the homesite and any improvements situated thereon in such a manner as to prevent the homesite or improvements from becoming unsightly at the sole discretion of the NCC. Specifically, each such Owner shall:

1. Mow such portion of the homesite at such times as may be reasonably required;
2. Remove all debris or rubbish;
3. Prevent the existence of any other condition that reasonably tends to detract from or diminish the aesthetic appearance of the Community; and
4. Maintain the exterior of all improvements in such a state of repair and maintenance as to avoid their becoming unsightly.

#### B. Vegetation:

A homeowner shall not permit the growth of weeds and volunteer trees or bushes within its homesite, and shall keep the homesite reasonably clear from such unsightly growth at all times. Failure to comply with this restriction shall authorize the NCC to weed and clear the homesite of such growth at the reasonable expense of the Owner thereof and the NCC shall be authorized to place a lien against such homesite for such reasonable expense.

#### C. Landscape:

The landscape of a homesite shall at all times meet the minimum sizes, quantity and quality which were originally installed. If plant material is damaged by freeze, storm, accident or other natural event, or if plants die due to lack of maintenance, the homeowner will have sixty (60) days to replace the plant(s) with material that meets the original specifications.

#### D. Use of Fertilizers and Herbicides:

1. Due to the unique relationship between single family lots and the golf course, fertilizers and herbicides are restricted to those approved by the NCC and the Country Club.

### *5.15 Vacant Homesites*

Vacant homesites must be maintained and kept clear of dead material, including standing dead trees or shrubs. Dead branches on a standing tree, fallen branches and unsightly undergrowth must be promptly removed.

However, removal of any dead trees must be approved by the NCC prior to such removal.

Maintenance of a lawn will not be required prior to construction, however, existing grass and lawn areas must be trimmed or cut to a height of 3” or less and must be cleared of all weeds and unsightly vegetation. Vegetation on a vacant homesite must not restrict or impede views from/to the road, golf course or adjacent homesites.

If the height of existing grass and lawn areas exceeds 3” and/or is not kept clear of dead material or unsightly undergrowth, the Sand Creek Homeowners’ Association shall perform the maintenance necessary to restore the homesite to an acceptable condition and such expense shall be a specific assessment levied against the homesite and all lien provision provided for in the Declaration shall be in effect.



# VI

## *Construction Rules and Regulations*

### *Construction Rules and Regulations*

It shall be the responsibility of the builder to comply with all construction regulations contained herein. If any builder or contractor is found deficient in the performance of any of these construction requirements, the Committee reserves the right to take any corrective action necessary, including the right to deny any contractor access to the community.

#### *6.01 Community Access / Construction Entrance*

Access to Sand Creek shall be allowed only through the South Entrance.

Only bona fide workers are allowed on the property. Spouses may drive workers to the site and pick them up, but must not remain on the property unless they are actual employees of the subcontractor. No children will be permitted on the property.

Contractor personnel will not be permitted to bring pets on the property.

#### *6.02 Speed Limit*

The established speed limit within the community is 20 miles per hour for construction vehicles, including light trucks and autos. This speed limit will be **strictly enforced** and must be obeyed. **Violators will be subject to a \$100 fine per incident and/or denied access to the community.**

Only rubber-tired vehicles are allowed on the roads; “tracked” equipment will not be permitted to run on the roads.

#### *6.03 Access to the Homesite / Contractor Parking*

Individual homesites shall be accessed only via the roadways and only during permitted construction hours. No other access will be permitted. **If construction is performed outside of permitted construction hours, the Builder shall be subject to a \$100 fine per occurrence.**

Access onto the homesite from the roadway shall be restricted to the driveway curb cut. The curb cut and sidewalk cut, if necessary, shall be located by the surveyor, then cut and the access leveled with gravel fill prior to any vehicular traffic being permitted on the homesite.

The driveways of homes under construction and any area available for parking are to be kept stoned for access by supplies and parking for contractor’s vehicles. All vehicles shall be parked within the homesite boundaries whenever possible.

If the homesite driveway is occupied, parking on one side of the road will be allowed. Street parking will be limited to the north and east sides of the road. Street parking will only be allowed when parking on the homesite is impossible. Cars or trucks parked on the street when there is ample parking space on the site will not be allowed, and the vehicle owner or contractor shall be subject to a fine and/or denied access to the community.

Vehicles shall not be permitted to park overnight. Construction equipment may be left on site while needed, but must be kept on the homesite.

#### *6.04 Delivery and Storage of Materials*

Delivery of supplies and equipment shall be limited to normal hours of operation.

Supplies and equipment shall be unloaded promptly and in an orderly fashion. Delivery vehicles shall exit the homesite and the community immediately after delivery. The delivered equipment or materials shall immediately be stored in an orderly manner within the homesite boundaries.

The storage of materials and supplies shall be confined within the homesite boundaries of the specific homesite. Such materials and supplies are to be maintained in a neat and orderly manner and, whenever possible, located in the rear of the residence. Such stored materials shall not under any circumstances be permitted to obstruct the flow or drainage patterns of the homesite or any adjacent homesites.

#### *6.05 Homesite Maintenance*

The builder shall be required to keep the entire homesite clean at all times. The builder is required to provide a dumpster at the homesite, which shall be located as far away from occupied homesites as possible. All debris and refuse shall be deposited into the dumpster. Debris is not to be allowed to accumulate on the homesite or neighboring homesites. The dumpster shall not be allowed to fill to the point of overflowing.

The burning of construction debris or of removed landscape material is prohibited.

Silt fences shall be installed and maintained on all property lines to prevent debris from blowing into adjacent properties and to minimize erosion and flow of silt to adjacent property, golf course and street. Care should be taken to minimize excessive drainage onto the roadway, adjacent lots or golf course, including sump pump discharge and natural drainage.

Debris materials which drift or are windblown onto the roadway or adjacent homesites shall be collected by the builder and removed from the homesite. Builder shall be responsible for any damage or cleanup required.

Materials which may spill or fall from vehicles (whether they be delivery, equipment of construction personnel vehicles) on any roadway within Sand Creek shall immediately be removed and the road cleaned.

The washing or cleaning of concrete delivery trucks shall be confined to within the homesite boundaries. Such activities shall not be permitted on any roadway and not on any other homesite within Sand Creek.

Construction workers are prohibited from eating meals anywhere within Sand Creek except on the homesite at which they are employed. All food debris must be deposited into the dumpster.

Any cleanup work which is necessitated by the builder's failure or refusal to maintain the homesite and / or roadways clean, shall be performed by Sand Creek personnel at the builder's expense. The Builder shall be billed for the cost of such services at the rate of three times the actual cost incurred.

All earth removed from excavations must be placed from excavations must be placed where designated on the grading plan. All excess excavation spoils and debris not removed by the Builder will be removed by Sand Creek personnel. The builder shall be billed for the cost of such services at the rate of three times the actual cost incurred.

### 6.06 Insurance

All builders shall provide and maintain the following insurance policies at all times while performing any work in Sand Creek.

Workmen's Compensation Insurance	Statutory limits
Comprehensive General Liability	\$2,000,000
Owner's and Builder's Protective Liability	*Based on contract price
Automobile Liability Insurance	\$1,000,000

All builders are required to submit current copies of these coverages to the New Construction Committee.

Contractor and all subcontractors shall be responsible for any and all injuries or damage to any persons or property, including loss of human life arising directly or indirectly from or in connection with work performed or to be performed under this agreement, and shall hold the developer harmless of any and all loss or damage from such injuries, damage or death.

Contractor and all subcontractors further agrees to maintain such insurance as will fully protect developer from any and all claims under any Worker's Compensation Act, Employer Liability Laws, and from any and all other claims of whatsoever kind and nature for the damage to property or for personal or bodily injury including death, made by anyone whomsoever, which may arise from the operation carried on under this agreement, either by the developer, owner, contractor or subcontractor or by anyone directly or indirectly or indirectly engaged or employed by either of them.

The amount of these policies may be amended by the Committee from time to time.

### *6.07 Restrooms*

All builders shall provide and maintain portable toilets on the jobsite and they shall be located as far away from any occupied homesite as possible.

### *6.08 Special Requirement for Sand Creek:*

#### *Phase III & Beyond*

Wiring — All homes built should comply with the ANSI/EIA/TIA-570-A: Residential Telecommunications Cabling Standard. All cables are to be run in a star topology (home run to a central distribution box from each wall jack) minimizing transmission performance loss. Using a star topology allows the homeowner to easily make changes to the service distribution without pulling additional cabling. An electrical outlet should be placed near the distribution point, with the appropriate surge protection to protect sensitive electronic devices. The distribution box shall be located inside the home, and the owner of the residence shall own the distribution box. The cable length between the distribution box and any outlet shall not exceed 90 meters (295 ft.)

THE FOLLOWING WIRING IS REQUIRED:

(2) Cat 5 and (2) Rg-6 coaxial cable for the rooms listed below.

Kitchen  
Family Room/Great Room  
Home Office/Den/Study  
Multimedia Room  
Master Bathroom

(1) Cat 5 and (1) RG-6 coaxial cable outlet for the rooms listed below.

Each Bedroom  
Utility Room  
Dining Room

Mailboxes — Owner or Owner's Agent shall purchase mailboxes from B Sign Group. Reach out to the Property Manager, Renee Jeffries, at [rjeffries@1stpropertymanagers.com](mailto:rjeffries@1stpropertymanagers.com) to receive the mailbox form. Mailbox will be installed in accordance with post office regulations by Sand Creek after driveway is completed.

Lamp Posts — Owner or Owner's Agent shall purchase lamp posts from Ellis Electric.

Concrete Driveways — All driveways shall be natural concrete. Any driveways other than natural concrete must be approved by the NCC.

### *6.09 Subcontractors And Their Conduct*

Contractors are responsible for their subcontractors and making them aware of these rules and regulations. Each builder must keep a current list of subs on file at the Sand Creek Office.

### *6.10 Excess Noise*

All contractors, subcontractors and their employees making loud noise or using offensive language shall be denied access to the community.