

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 to submit preliminary design sketches for approval. The NCC will review the preliminary 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 Committee at the Sand Creek Sales Center. The procedures are as follows:

- A. Plan submittal for a building permit must include:
 - 1. Two (2) copies of the Application for Plan Approval
 - 2. Three (3) sets of building, site and landscape plans as hereinafter defined in section 3.03.
 - 3. Owner or owner's agent shall provide physical samples of exterior color and material selection as part of the plan submittal.
 - 4. A Design Review Processing Fee shall be deposited with the initial submittal of plans for each homesite. The Processing Fee shall be paid to Lake Erie Land Company.

- 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" or "Approved As Submitted".
 - 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. 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. The NCC reserves the right to make inspections to verify compliance with the Design Review Guidelines. 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. SHEET THREE: FIRST FLOOR PLAN 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 1/4" = 1'0"
 - a. Indicate lower roof projections, roof overhangs, chimney locations and all interior spaces.
5. SHEET FIVE: ROOF PLAN 1/4" = 1'0"
 - a. Indicate all roof areas and corresponding slopes.
6. SHEETS SIX AND SEVEN: BUILDING ELEVATIONS 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 uppermost 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, owners 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 recognizes 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. 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.

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.

Amended February 9, 2004

- 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.

