

**MILL CREEK HOMEOWNERS ASSOCIATION  
ARCHITECTURAL REVIEW COMMITTEE  
GUIDELINES  
FOR**

**MILL CREEK SUBDIVISION  
CLEVELAND, OHIO**

## **MILL CREEK HOMEOWNERS ASSOCIATION**

### **Architectural Review Committee**

Mill Creek Homeowners,

In a planned community such as Mill Creek, it is important to maintain a harmonious, quality development as the community matures. Control for maintaining the quality of design is through the Mill Creek Declaration of Covenants and Restrictions. The Covenants and Restrictions are binding to all homeowners and should be fully understood.

Exterior changes must be approved by the Architectural Review Committee (ARC) as required by the Declaration of Covenants and Restrictions, which is signed by every homeowner upon purchase of his/her residence. The ARC ensures that fences, sheds, patios, decks, and other types of exterior changes are consistent in quality and style with the rest of the community and do not detract from the appearance of adjacent residences. The fact that each homeowner is subject to these Covenants and Restrictions will assure all homeowners that the standards of design quality will be maintained, enhancing the community's overall appearance and **protecting property values**.

The ARC is responsible for reviewing all applications for exterior changes, and rendering a decision or modification to the applicant in writing. If an application is denied, the applicant may appeal to the Board of Trustees. The Board of Trustees may reverse or modify the ARC's decision.

We request that you make copies of the application form attached with this package before you submit your requests for architectural approval. No request for a change can be considered unless accompanied by the application form and appropriate exhibits. Applications also may be obtained through the management company.

Please send your application requests to Reserve Realty Management. Reserve Realty will then forward your request to the ARC.

Reserve Realty Management  
480 West Aurora Road  
Sagamore Hills, OH 44067  
Attn: Nancy-Anne Wargo

Phone 1.330.467.0828  
Fax 1.330.467.6845

Please remember that you **must** obtain approval in writing from the Architectural Review Committee before the start of any exterior change. The ARC is allowed up to 45 days to act upon an application. Therefore, we recommend that you do not commit labor or materials until you have received written approval. The Covenant and Restrictions serve as a positive tool to assist you in the full and free use of your property in a manner that is consistent with the aesthetic and harmonious development of the Mill Creek community.

In partnership with the community, the ARC is committed to safeguarding the overall appearance, desirability and architectural style of our neighborhood.

# MILL CREEK HOMEOWNERS ASSOCIATION

## Architectural Review Committee Guidelines

### I. INTRODUCTION

#### A. PURPOSE

The Architectural Review Committee (ARC) Guidelines for Mill Creek maintain the integrity of the original community design and enhance the quality of life within Mill Creek by protecting the property values, health, and safety of all residents. The purpose of the ARC Guidelines is to serve as a guide for decision-making for Mill Creek homeowners and the Architectural Review Committee. Decisions regarding all modifications or additions not expressly authorized by the ARC Guidelines will be made on a case-by-case basis.

Prior to beginning any exterior modification or addition, homeowners must complete and submit an application form accompanied by the plans and specifications to the Mill Creek Architectural Review Committee. The ARC must review, in a timely manner, all proposed exterior changes or modifications that require approval or are not expressly authorized.

Homeowners should submit the required application form as soon as they decide to make an exterior change that may require approval. In all cases, the application form should be submitted no later than 45 days **prior** to the scheduled start date, because the ARC has 45 days to act on an application. The Mill Creek architectural application is in addition to any state or local building approvals required by Cleveland building codes or ordinances. For example, plans for the construction of fences, decks, patios, sheds, and other structures must meet City of Cleveland building codes, and appropriate building permits must be obtained before beginning any construction. All projects must be completed in a timely manner.

#### B. GENERAL DESIGN CRITERIA

The Mill Creek ARC specifically considers the general design criteria explained below when evaluating a proposed modification.

##### 1. Design Compatibility

Design Compatibility requires that the proposed modification be compatible with the architectural characteristics of the community design and neighborhood setting. For example, the architectural style, quality of workmanship, scale, use of color, materials, design and construction details must be similar to the original homes.

##### 2. Location

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

##### 3. Scale

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

##### 4. Color

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

**5. Workmanship**

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

**6. Timing**

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

**C. APPLICATION REVIEW PROCESS**

All completed applications should be submitted to:

Reserve Realty Management  
480 West Aurora Road  
Sagamore Hills, OH 44067  
Attn: Nancy-Anne Wargo

Phone 1.330.467.0828 Fax 1.330.467.6845

The application will then be forwarded to the ARC for review. If the application is complete, the review process will begin. If not, the homeowner will be contacted for additional information. The ARC has 45 days from the date that the application was received by Reserve Realty Management to review an application. Additional time is allotted if more information is needed from the homeowner. The decision will be sent by letter to the applicant’s address by Reserve Realty Management. If the homeowner has any questions regarding his/her application please contact Reserve Realty Management.

**D. APPEAL PROCEDURE**

Any applicant receiving an adverse decision regarding a proposed modification may appeal that adverse decision to the Mill Creek Board of Trustees. To initiate the appeals procedure, applicants must submit a written request for an appeal within 10 days of the applicant receiving the decision. The appeal will be referred to the Board of Trustees for review at the next regularly scheduled meeting of the Board of Trustees. All appeals to the board should be sent to Reserve Realty Management c/o Nancy-Anne Wargo. Ms. Wargo will also be able to tell the applicant when the next Board of Trustees meeting will be.

**E. ENFORCEMENT**

Compliance with the Declaration of Covenants and Restrictions and the ARC Guidelines is the responsibility of each homeowner. When violations are noted, either by complaint or inspection, the homeowner is notified and requested to take corrective action within a reasonable amount of time. If compliance is not met, a Due Process Hearing is held to determine the proper enforcement action to be taken, which may involve charges being assessed against the homeowner.

## II. MODIFICATIONS THAT REQUIRE AN APPLICATION OR ARE NOT PERMITTED

### A. Air Conditioners and Heat Pumps

- Any unit relocated or one that differs significantly in size requires an application.
- Window air conditioner units or window units of any kind will not be permitted.

### B. Antennas, Satellite Dishes, HAM Radio, and Television Disks

- Installation of wiring, antennae, satellite dish or any other device to be attached to the exterior of any building requires an application.
- Items must be positioned so that they cannot be seen from the front of the house except when such locations prevent adequate signal reception—in which case prior notification is required.
- Satellite dishes must be mounted so that the dish antenna does not extend above the highest point of the roof and television antennas must be mounted no higher than eight (8) feet above the highest point of the roof.
- Satellite dishes must be of a dark color to minimize their visual impact on the home and surrounding property (or the color of the house if that color will best disguises the satellite dish).
- All wiring must be tightly secured to the home in areas where it runs along the exterior of the home. Efforts should be made to run wiring along the trim, under the siding, or behind the downspout to minimize its visual impact on the home and surrounding property.

### C. Attic Ventilators

All attic ventilators **require** an application.

### D. Awnings

All awnings **require** an application and awning colors should match the color of the shutters, doors, and/or be a complimentary color to the house. Awnings must be removed from the house during the winter season (November 1 through April 30).

### E. Clotheslines

Clotheslines are **not** permitted.

### F. Decks and Patios

All decks and patios **require** an application.

- Request for approval must include a site plan and specifications that meet the city of Cleveland building codes. Receiving a city building permit is the responsibility of the homeowner, however, the city will require the homeowner to get Mill Creek ARC approval first.
- Upper and lower decks should match existing decks in overall appearance.
- Decks should not extend farther than twelve (12) feet from the side wall of the Courtyard homes.
- Privacy screening may not exceed six (6) feet in height and must be constructed of pressure treated wood to match the deck.
- Elevated decks have an under deck area which can have a negative visual impact on adjoining neighbors, particularly when used as an informal storage space. The use of decorative screening or landscaping to minimize adverse, visual impacts is encouraged and may be required by the ARC.

The application must include a site plan with dimensions of the deck and photos or drawings of what the deck will look like including the color of paint or stain of the wood.

## **G. Doghouses**

Doghouses are **not** permitted.

## **H. Doors and Windows (including Garage Overhead Doors)**

The following **requires** an application:

- Doors and windows that differ in style from those originally installed.
- Storm windows.
- Plastic window and door coverings are not permitted.

An application is **not** required for:

- Replacement of doors and windows that match the color and style of the existing doors and windows.
- Storm and screen doors that are full view and are made of metal or vinyl and are free of any grille work.
- Storm and screen doors that match the color of the front door or the paint trim color of the house.

## **I. Exterior Lighting**

Lighting styles should be uniform in the front of the house. Lighting with finishes in brass, antique brass, Verde, and wrought iron are the preferred styles. Security lighting in the rear of the property is acceptable if it does not interfere with another homeowner and does not exceed 150 watts. No colored lighting will be allowed.

The following **requires** an application:

- Lighting that differs from the original construction.
- Security lighting on the front or side of the house.
- Low voltage lighting that exceeds 18 inches in height.

An application is **not** required for:

- Installation of low voltage lighting that does not exceed 18 inches in height, and more than two (2) feet apart, with all wiring out of view.

The application should include a detailed picture and site plan discussing the location, size, wattage, color, and style for the proposed modification

## **J. Exterior Objects**

- Front lawn ornaments, except for temporary holiday decorations, require an application.
- Door knockers, security viewers, temporary seasonal decorations, and brass kick plates do not require an application.

## **K. Exterior Painting and Siding**

- Exterior color changes different from the original **require** an application.
- Repainting trim and porches with the existing color does not require an application.

## **L. Fences and Gates**

All fences **require** an application. The application should include a property site plan identifying the dimensions and placement of the fence along with the fence style and a picture of the fence to be installed. All fences do require city permits in which the homeowner is responsible for obtaining. **The ARC approval is needed by the city before they will give a permit.**

- Each fence will be approved on a case-by-case basis, taking into consideration its location, as to not aesthetically effect the neighboring properties.
- Front fencing may not exceed a maximum height of four (4) feet.
- Setback location for front yard fencing placed between two homes shall be determined by the distance of the house farthest from the street curb.
- Side yard fencing on end and/or corner lots shall not exceed a maximum height of four (4) feet.

- Side yard fencing (from the front wall to the rear wall of the house) for Creekside homes may not exceed a height of four (4) feet.
- Back yard fencing (beginning at the rear of the house) for Creekside homes may not exceed a height of six (6) feet.
- Rear line (alley) fencing shall set back a minimum of ten (10) feet from the street curb or at the rear corner of the garage, whichever is greater, and not exceed a maximum height of six (6) feet.
- Only white vinyl fencing will be approved. (No chain link or split rail will be approved.)

**M. Home Accessibility Ramps (ADA Accommodations)**

Any installation of a ramp for purpose of accessibility must meet ADA 1988 regulations and does **require** an application.

**N. House Numbers**

House numbers within Mill Creek are regulated and posted for security and public safety as well as for aesthetic appearances and community standards. Therefore, all homeowners are **required** to have posted house numbers.

- All house numbers shall be in the style in which the builder provided.

**O. Landscaping**

- An application is required if more than 25% of the open space will be ground cover such as stone, mulch, ivy, plantings or anything other than turf.

The application should include a site plan and a detailed description of the materials and/or methods to be used. Plant materials will be reviewed with an emphasis on their overall mature size to ensure that they are consistent with the scale of the neighboring properties.

- Any trees or shrubs to be installed on the property shall not effect an adjacent lot, such as trees or shrubs that are planted too closely to a neighbor's house.
- Changes to the existing grade of the property is not permitted.
- Natural color stone, as a ground cover, will not exceed 25% of the ground cover on the front property.
- Wood, concrete and stone borders that exceed twelve (12) inches in height are not permitted.

**P. Mailboxes**

All mailboxes must be replaced with the existing style and color.

**Q. Patios**

All patios **require** an application. (see Decks and Patios for details)  
 Patios must not create a drainage problem for the adjacent properties.

**R. Recreational Equipment**

All recreational equipment will **require** an application.  
 Examples of recreational equipment include sandboxes, playhouses, swing sets, etc. Such equipment must be placed in rear yards and within the homeowner's lot. The equipment must be compatible with the lot size. The design and any individual screening are additional considerations in evaluating whether or not there will be an additional adverse impact.

**S. Retaining Walls**

All retaining walls **require** an application.

**T. Roofs**

All roof replacements will **require** an application.  
 -All replacement roofs shall match original roof.

**U. Sheds**

Sheds are **not** permitted.

## **V. Shutters, Gutters, and Downspouts**

The following **requires** an application:

- Permanently removing shutters.
- Introducing a size, style or color that differs from the existing items.
- Color changes (see Exterior Painting and Siding)

An application is **not** required for:

-Replacement shutters, gutters, and downspouts that are of the same general appearance and the same color as those originally installed by the builder.

The application should include pictures of the proposed changes with the style, dimensions, and material to be reviewed.

## **W. Skylights**

An application is **required** for all skylights except the following:

- Skylights that are located in the rear of the Creekside Homes. (These are the homes that are along the boundaries of the development, with a front loading garage.)
- Skylights for the Creekside Homes that are two (2) feet by four (4) feet or smaller in size.

The application should include a picture of the proposed change with the dimensions and placement of the skylight to be installed.

## **X. Spas and Hot Tubs**

All spas and hot tubs **require** an application.

- All spas and hot tubs must be enclosed within a fenced yard (minimum 4 feet) and have a cover when not in use. The homeowner must provide additional insurance for the spa or hot tub.

The application should include a site drawing showing the dimensions of the spa or hot tub, exterior finish, color of the cover, and any decking or screening.

## **Y. Storage Of Items In Front And Side Yards**

No items may be stored in front or side yards.

## **Z. Trash and Recycling Storage**

Trash and recycling should be stored inside the homes until the morning of or the night before the scheduled curb pick up from the city. If trashcans are kept outside they must be out of view from any street or alley.

## **AA. Trellises and Arbors**

All freestanding trellises and arbors that are more than 18 inches away from the dwelling and more than five (5) feet in height **require** an application.

An application is **not** required for:

- Trellises and arbors that measure less than five (5) feet in height and three (3) feet in width.
- Trellises and arbors that are of a color conducive to the existing background of their location.
- Trellises and arbors made of wood, vinyl, or wrought iron.

## **AB. Utilities**

Any utility lines need to be ran underground and any cable lines, phone lines, etc. need to be tightly secured to the house. No approval is needed to run utility lines, although, homeowners must contact the utility companies before they plan on digging to find out where the underground utility lines are.

### **III. MAINTENANCE OF PROPERTY**

Lawns, planting beds, mulch, and natural areas require regular maintenance to protect the property values and safety of all residents and guests. Conditions including but not limited to the following will be considered a violation of Mill Creek's Declaration of Covenants and Restrictions:

- Lawns in excess of (5) inches in height and untrimmed grass around planting beds, trees, fences, and homes.
- Planting beds or lawn areas that contain an excessive amount of overgrowth with weeds, dead plants, and fallen leaves.
- Areas that are eroded or flooded and conditions that cause erosion or flooding.
- Shrubs, trees and other plant material that have become overgrown and obstruct walkways and sidewalks.
- Any dead plant material, unused support stakes and old beetle bags.

### **IV. MAINTENANCE OF DWELLING**

Members of the Mill Creek Homeowner's Association are responsible for maintaining the exterior of their dwellings and any other structures (i.e. fences, decks, patios, etc.). On their lots, conditions including but not limited to the following will be considered a violation of the Mill Creek Homeowner's Association's Declaration of Covenants and Restrictions:

- Peeling, fading or chalking paint on the exterior of the house.
- Dented, bent, sagging, missing, or unattached siding or gutters.
- Broken items or items with missing parts (i.e. exterior lighting, railings, house numbers, screens, etc.)
- Deteriorated materials, structural items, walkways, or driveways.
- Incomplete architectural alterations or modifications.

### **V. GARAGES**

Garages are to be used for vehicle parking only and not for storage or living uses.