

Architectural Guidelines

Bay Pointe Community Association

I. OVERVIEW

The Bay Pointe Community Association Board of Directors and the Architectural Control Committee (ACC) have established these Architectural Guidelines (Guidelines) in accordance with the authority granted to them by provisions of the Declaration of Covenants, Conditions and Restrictions (DCC&R's) and grants made by the Declarant. The Guidelines are established to assure uniform and fair interpretation of the DCC&R's. The Guidelines are intended to provide all lot owners in Bay Pointe Community Association information about the type, color and quality and grade of material which may be used in construction of various kinds of improvements, the size and location of such improvements, and the procedure followed by the Association for reviewing applications for proposed improvements.

These procedures and Guidelines may be amended by the Board of Directors from time to time as it deems necessary and appropriate. The Restrictions of Use in the DCC&R's may be revised only by a vote representing not less than 2/3 of the votes in the Bay Pointe Community Association.

II. ARCHITECTURAL CONTROL COMMITTEE

In accordance with Article IX of the By-Laws of the Bay Pointe Community Association and Article VI of the DCC&R's, the Board of Directors serves as the Architectural Control Committee (ACC) - The ACC has appointed an Architectural Review Committee (ARC) to assist in reviewing and evaluating applications for improvements to homes, structures, and properties (lots) within the Bay Pointe Subdivision in accordance with the DCC&R's and these Guidelines. The ARC may make recommendations to the ACC regarding changes to the Guidelines and recommend approval of variances.

Friendswood Development Company retains the exclusive right to review and approve or disapprove all plans and specifications for original construction within the Bay Pointe Subdivision.

III. ARCHITECTURAL REVIEW COMMITTEE

To adhere the purposes for which the ARC has been established, the following operating rules apply:

1. Composition: The ARC will be composed of five (5) members, each of whom is a current resident of Bay Pointe.

The ACC Member: This member, chosen by the Board, will be an individual who is a current member of the Bay Pointe ACC. This person will act as a liaison between the ACC and the ARC for routine matters. This member will be an alternate voting member of the ARC.

The Chair: This member will act as the head of the ARC. He or she will be appointed annually by the ACC and will be a voting member of the ARC.

ARC Members: Four (4) additional members who will be appointed by the ACC.

2. Terms of Office: Each member of the ARC will serve for a term of two (2) years and may serve a maximum of three (3) consecutive terms. Any individual who has served on the ARC (in any capacity) for the maximum allowable may serve again after a minimum period of twelve (12) months has elapsed since their last day of service. When a member is no longer able or willing to serve, or in the event of a completed term, a replacement member will be selected by the ACC to serve the unexpired term. Terms will commence in January and members' terms will be staggered.

3. Meetings: The ARC will meet at least monthly to review applications for improvement. At a minimum, three (3) members must be present to convene a meeting at which voting will occur. The ARC will announce its regular meeting schedule at its January meeting.

4. Attendance: Any voting member of the ARC who is absent from three (3) consecutive meetings without valid cause will be considered to have resigned and will be replaced in accordance with the established procedures. A letter advising the individual of this action will be sent by the Management Company at the direction of the ACC or the ARC Chair. Under certain circumstances, this attendance requirement may be waived by the ACC at the request of the ARC Chair.

5. Voting: The Chairperson and the four (4) ARC Members each have one (1) vote. If the application or action concerns a property owned or occupied by one of the members of the ARC, that person's voting rights will be temporarily suspended to avoid any conflict of interest. If there are not sufficient voting members in attendance, the ACC Member will have a vote. In all other situations, the ACC Member will not have voting rights.

6. Records: Copies of all applications, decisions, recommendations, appeals and meeting agenda will be kept by the Management Company. It is the responsibility of the Chair to forward all such material to the Management Company.

7. Removal: Any ARC Member may be removed from the ARC with or without cause, by a majority vote of the ACC. In the event of removal, a successor shall be selected by the ACC and shall serve for the unexpired term.

8. Compensation: No member shall receive compensation for any service rendered to the ARC.

IV. ARCHITECTURAL REVIEW PROCEDURES

Plans and specifications for improvements are to be approved in advance. No special consideration will be given in those instances when post-construction approval is requested.

1. General: An item can come before the Committee as follows:

- a) A property Owner (or his/her representative) shall submit any application for improvement to the Management Company.

- b) An unapproved improvement may come to the attention of the Board, ACC, ARC or the Management Company. The Management Company will send a letter to the Owner requesting an application be submitted. If no application is received within 30 days, the Management Company will report this to the ACC, which will take appropriate action.
- c) If the unapproved improvement appears to be a violation of the DCC&R's, the initial notification/request to the Owner will be a registered letter.

2. Applications: AR applications for approval to make any exterior changes, additions, or improvements must be submitted to the Management Company in writing by completing the application form currently in use by the ARC. The Management Company shall coordinate application processing on behalf of the ARC.

Plans and specifications for any exterior change, addition, or improvement should be attached to the application. For room additions and sunrooms, applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the improvement in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer, if applicable. Applications may be rejected for failure to provide any of these required items. The ARC reserves the right to require certified architectural and/or engineering drawings. All applications, additional information, or requests for appeal shall be mailed or delivered to the office of the Management Company, not to members of the ACC, ARC or Board of Directors.

The ARC reserves the right to request any additional information it deems necessary to properly evaluate any application. In the event that the ARC requests additional information, the application shall be considered incomplete until such information is submitted to the ARC and the sixty (60) day requirement for approval of the application, as described in the DCC&R's, shall not begin until such information is received. In the event that the ARC requests additional information and the information is not received within forty-five (45) days from the date of the request, the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ARC for its review.

3. ARC Decisions: ARC committee members shall consider each application for compliance with the DCC&R's and these Guidelines. The decision of a majority of members to approve or disapprove an application shall be considered the decision of the ARC.

ARC decisions shall be conveyed in writing by the Management Company to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application.

In accordance with the DCC&R's, any application that is not approved or disapproved within sixty (60) days of the date of its receipt shall be deemed to have been automatically approved provided, however, that (I) any such approval shall extend only to the architectural guidelines and not to any of the use restrictions set forth in the DCC&R's and (ii) in no event shall non-action be deemed to constitute approval of an application for any

change, addition, or improvement, or any other item that would violate the DCC&R's. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within forty-five (45) days of the date construction, installation, or erection is commenced.

4. Architectural Control Committee Appeals: In the event the ARC disapproves an application, the applicant may submit-Lit a written appeal to the Management Company for review by the ACC. The ACC shall review the appeal at its next meeting following the date upon which the request for appeal is received, and notify the applicant of the ACC's decision. All decisions of the ACC shall be final.

5. Status of Applications During Appeal: During the appeal period, the decision of the ARC on the original application shall remain in effect. Further, an appeal of a decision of the ARC shall not be considered a new application resulting in approval of the original application if a response to request for reconsideration is not submitted by the ARC or the Board of Directors within forty-five (45) days of the date of its receipt.

V. RESTRICTIONS OF USE

The following Restrictions of Use are excerpts from the DCC&R's and have been condensed. Homeowners should have received copies of the DCC&R's at closing. Additional copies are available, at cost, from the Management Company. The Restrictions of Use in the DCC&R's may be revised by the Association only by a vote representing not less than 2/3 of the votes in the Bay Pointe Community Association.

1. Single Family Residential Construction: Article IX, Section 1, page 11.
Subject to Sections 2 and 1 of this Article, each lot shall be used only for single family residence purposes.

2. Prohibition of Offensive or Commercial Uses: Article IX, Section 2, page 11.
No activity which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonably interfere with the quiet enjoyment of each Owner of such Owner's lot or which shall degrade property values or distract from the aesthetic beauty of the Property, shall be conducted thereon. No repair work, dismantling, or assembling of boats, motor vehicles or other machinery shall be done in any driveway or adjoining street. No part of the Property shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending, or other such nonresidential purposes.

3. Minimum Square Footage: Article IX, Section 3, pages 11 and 12.
Specifies minimum square footage for the living area of the main residential structure on lots.

4. Building Materials: Article IX, Section 4, page 12.
The predominant exterior materials of the main residential structure and the garage, whether attached or detached, shall be masonry, stucco, stone or wood. No single family construction, private garage or any other structure located on the Property shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from any portion of the Property.

5. Location of Improvements: Article IX, Section 5, page 12.

No building shall be located on any lot nearer to the front line nor nearer to the side street line than the minimum building setback lines shown on the recorded plats. No building or other improvement on a lot shall be located nearer than five (5) feet to an interior lot line, except that a garage located sixty (60) feet or more from the front lot line may be a distance of three (3) feet from an interior lot line.

6. Deviations: Article IX, Section 6, page 12.

Allows Declarant to approve limited deviations from these use restrictions.

7. Composite Building Sites: Article IX, Section 7, page 12.

Allows one or more adjoining lots to be consolidated into one building site.

8. Utility Easements: Article IX, Section 8, page 12.

Easements for installation and maintenance of utilities are reserved as shown on the recorded plat, and no structure shall be erected on any of such easements. Neither Declarant nor any utility company using the easements shall be liable for any damage done by either of them or their assigns, their agents, employees or contractors to shrubbery, trees, flowers or improvements located on the land covered by such easements.

9. Electrical Distribution Service: Article IX, Section 9, pages 12 and 13.

This section goes into detail on the electrical easements on the lots and the ownership of various components of the electrical distribution system.

10. Audio and Video Communication Service: Article IX, Section 10, page 14.

This section provides the cable company with an easement from the utility easement to the residence.

11. Temporary Structures and Outbuildings: Article IX, Section 11, page 14.

No structures of a temporary character, nor any recreational vehicle, mobile home, trailer, basement, tent, shack, garage, barn, playhouse or other outbuilding shall be constructed, erected, altered, placed or permitted to remain on any lot at any time as a residence. Outbuildings or structures, whether temporary or permanent, used for accessory, playhouse, storage or other purposes shall be limited to eight feet in height and one hundred (100) square feet in area and must be approved by the ARC.

12. Animal Husbandry: Article IX, Section 12, page 14.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other common household pets (not to exceed two of each category) provided they are not kept, bred or maintained for commercial purposes. Notwithstanding the foregoing, no animals or fowl may be kept on the Property, which result in an annoyance or are obnoxious to residents in the vicinity. Animals are not permitted to roam the Property and must be controlled on a leash if they are not on a lot.

13. Walls, Fences and Hedges: Article IX, Section 13, page 14.

All walls, fences, planters and hedges shall be controlled strictly for compliance with the DCC&R's and architectural standards established by the Declarant or the ACC.

No wall, fence, planter or hedge in excess of two (2) in height shall be erected or maintained on a side lot line beyond a point located three (3) feet back from the front exterior wall of the main residential structure located on a lot. For the purpose of this provision the front wall of the main residential structure excludes bay or box windows, chimney structures or any other similar appendage.

No wall, fence, or hedge in excess of six (6) feet in height shall be erected or maintained on a side lot line from a point located three (3) feet back from the front exterior wall of the main residential structure, backward to the rear property line on a lot. No rear fence, wall or hedge shall be more than six (6) feet high.

On corner lots, fences shall not be erected or maintained closer to the side lot line than the side building line setback shown on the plat for Bay Pointe.

Perimeter fencing on all lots shall be maintained to a fence standard equivalent to original construction and all fencing must be consistent with the DCC&R's and architectural standards established by Declarant or the ACC.

Fences of wire or chain link construction are prohibited, and the design and materials of all fences shall be approved by the ACC prior to construction.

14. Antennae: Article IX, Section 14, page 15.

This section details approved locations for antennae. Further details are provided in each annexation document about which lots are prohibited from installation of antennae. Microwave or satellite antennas less than 20" in diameter are permissible if bracket mounted at the rear or side of the house behind the fence line at the lower point of (a) the eve of the structure or (b) a location from 5' above the ground to the eve of the structure in a position compatible with proper satellite alignment. In no case shall such antennae be mounted at the front of the house, above the eve, on the roof, fences or chimney structure above the eve.

15. Visual Screening: Article IX, Section 15, page 15.

All clotheslines, equipment, garbage cans, service yards, woodpiles, refuse containers, or storage piles and household projects such as equipment repair and construction projects shall be screened by adequate planting or fencing so as to conceal them from view of neighboring lots, streets, parks and public areas. All rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the lots and not allowed to accumulate thereon.

16. Visual Obstructions at the Intersections of Public Streets: Article IX, Section 16, page 15. Applies to location of improvements on corner lots.

17. Lot Maintenance: Article IX, Section 17, page 15.

All lots shall be kept at all times in a sanitary, healthful and attractive condition, and the Owner or occupant of all lots shall keep all weeds and grass thereon cut and neatly maintained and shall in no event use any lot for storage of material and equipment except for normal residential purposes or incident to construction of improvements thereon as herein permitted, or permit the accumulation of garbage, trash or rubbish of any kind thereon, and shall not burn any garbage, trash or rubbish.

18. Storage of Automobiles, Boats, Trailers, Other Vehicles and Equipment: Article IX, Section 18, pages 15 and 16. No automobiles, boats, trailers, campers, recreational vehicles, motorcycles, buses, inoperative vehicles of any kind, camp rigs off truck, or boat rigging shall be parked or stored permanently or semi-permanently on any public street right-of-way, front yard area or on driveways. Permanent or semi-permanent storage of such vehicles or items must be completely screened from public view either within the garage or behind a solid fence. For the purposes of these restrictions, the words "semi-permanent" shall be defined as remaining in the same location without movement for forty-eight (48) or more consecutive hours.

19. Signs, Advertisements and Billboards: Article IX, Section 19, page 16. No sign, advertisement, billboard or advertising structure of any kind shall be displayed to the public view on any portion of a lot except for one sign for each lot of not more than twenty-eight (28) inches by thirty-eight (38) inches solely advertising the lot for sale or rent. The Association shall have the right to remove any signs, advertisement or billboard or structure which is placed on said lot in violation of this section and in so doing shall not be subject to any liability for trespass or other tort in connection therewith or arising from such removal.

20. Removal of Soil and Trees: Article IX, Section 20, page 16. The digging of soil or the removal of soil from any lot is expressly prohibited except as necessary in conjunction with the landscaping of or construction on said lots. No trees shall be cut except to provide room for construction of improvements or to remove dead or unsightly trees and then only following the obtaining of written approval for such cutting by the ARC, given in their sole discretion.

21. Sidewalks: Article IX, Section 21, page 16. Details sidewalk requirements.

22. Roofing Materials: Article IX, Section 22, page 16. Roofing materials may include composition shingles having a minimum warranty period of 25 years. Composition shingle roofs shall be comparable in color to weathered wood shingles and comparable in surface textural appearance to wood shingles. Colors for slate, clay or concrete tile roofs shall be approved individually by the Declarant or its assignee. Any other type roofing material shall be permitted only at the sole discretion of the ARC or its assigns upon written request.

23. Enforcement: Article IX, Section 23, pages 16 and 17. In the event of default on the part of the Owner or occupant of any lot in observing any or all of the requirements herein set forth, such default continuing after ten (10) days' written notice thereof, the Association may, without liability to the Owner or occupant, in trespass or otherwise, enter upon said lot, cut, or cause to be cut, such weeds and grass, and remove or cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with these restrictions, so as to place said lot in a neat, attractive healthful and sanitary condition, and may charge the Owner or occupant of such lot for the cost of such work.

VI. ARCHITECTURAL GUIDELINES

The following Guidelines were established by the ARC and the ACC with approval of the Board. They are intended to further insure consistency in decisions and assist in

expediting the decision process. The Guidelines are intended to augment the Bay Pointe DCC&R's and not replace or override them. They are based on the Bay Pointe Builder Guidelines and the result of decisions made by the ARC in response to specific requests from Bay Pointe residents. All are based on the specific rules established by the appropriate governing documents. These Guidelines may be amended by addition, deletion or alteration at any time the ACC deems appropriate.

1. Landscaping: In general, the addition or movement of trees, shrubs and other live items of landscaping is acceptable without a formal review by the ARC. Exceptions are landscaping that is, or will act as, a non-compliant fence, items that obstruct access to a vital community service (such as fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition or any item that generates a complaint from a resident of the community. These Guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable. Removal of individual trees is discouraged unless the tree is diseased, dead, severely damaged or poses a hazard. Removal of multiple live trees, without suitable immediate replacements, other than for safety reasons, from any single property will not be approved.

Street trees shall be located and maintained in the front right-of-way of a home and side right-of way on corner lots. This right-of-way area is defined as the green space between the curb and the sidewalk. If a tree dies, it shall be replaced with the same species, a minimum fifteen- (15) gallon size container grown specimen. Additional trees planted in the front yard shall not be planted nearer than ten feet (10') to the line of street trees.

a) Landscape Edging. The following materials may be approved landscape edging: wood timbers, interlocking bricks, house bricks, (provided no holes are visible), or stone. Black professional plastic edging or green professional metal edging is acceptable when buried to such a level that no more than one (1) inch of the edging appears above the ground level. A homeowner is responsible for maintaining any landscape edging that is installed. If the landscape edging is deteriorating, then the homeowner will be asked to repair or remove the landscape edging.

2. Exterior Lighting:

a) Changes to Existing Lighting - Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture does not exceed the wattage of the existing fixture or 150 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (i) the incandescent bulb is a clear glass type, and (ii) the lighting color is white.

b) Security Lighting -. Security lighting shall be permitted with the ARC's approval so long as the total wattage for all security lights does not exceed 300 watts. All security lighting shall be mounted on the back plane of the house. No pole-mounted security lights (including sodium vapor and mercury vapor) shall be permitted. No security light fixture shall be allowed above the eaves of the house or garage. Exceptions to mounting security lighting behind the back plane

of the house and/or allowing security lighting above the eaves of the house or garage may be granted by the ARC if the design and location of the house and/or garage on a lot warrant an exception. No more than one (1) mercury vapor light of not more than 150 watts shall be permitted on any lot unless a cul-de-sac or corner lot. Sodium vapor lights are permissible provided that each sodium vapor light does not exceed 70 watts.

c) Landscape Lighting: Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flowerbeds, shrubs, and/or trees. A homeowner may install a maximum of fifteen (15) low voltage landscape lights (150 watts max) within the flowerbeds, shrubs and/or tree wells. Lights may not exceed one (1) foot in height. Wires, transformers, and other electrical equipment may not be visible at any time.

d) Gas Lights: Two (2) gas lights per lot shall be permitted with the ARC's approval; provided that the gas lighting color is white.

e) Annoyances: All new lighting which is approved by the ARC shall be subject to a ninety (90) day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The ninety (90) day period shall commence on the date of the ARC's written approval of the lighting. If, at the end of the ninety (90) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ARC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ARC.

3. Precedents: The ACC and ARC will make every reasonable attempt to be fair and equitable, but will not necessarily be bound by past decisions. The ACC reserves the right to disapprove applications for improvements that require a variance from the established Guidelines if it believes that such changes are not in the best interest of the future of Bay Pointe, even if a precedent was set by a prior decision.

From time to time, the ARC and/or the ACC will make a decision that, in retrospect, is not in the best interests of the community. The ARC and the ACC reserve the right to recognize such a situation, document it in the minutes of a meeting and no longer permit its use as a precedent. The same right applies if the ACC makes an error in allowing a change or addition to these Guidelines.

4. Quality of Repairs: Repairs are required to be of equal or better quality than original construction and of the same type. While there is no specific requirement for the Owner to apply to the ARC for such in kind repairs, the quality of such work may come under the scope of the ARC's responsibilities if the repair is done in such a way as to detract from the appearance of the neighborhood.

5. Painting: The existing exterior color of the main body or trim of a house, garage, or other improvement on a lot shall not be changed without prior written approval of the ARC. No attempt will be made to control painting activities in cases where the Owner is repainting with the same color as originally used.

Applications to paint an area that has not been previously painted or to change the color must include at least two (2) color samples or paint chips and a photograph of the brick color. If, in the opinion of the ARC, the new color is compatible with both the individual home and the neighborhood, the color change will be granted.

Colors approved for accents including trim, shutters, doors, windows, storm doors and gutters of homes and garages will be limited. Accent colors may be earth tones, colors that blend with the brick, or are compatible with the neighborhood. Accent colors are not intended to "outline" the structure and any color that does so will not be approved.

With prior approval from the ARC color palettes for front entry doors are

- 1) stained
- 2) exterior color of the house
- 3) exterior shutter color (if applicable)
- 4) black or hunter green if compatible with trim color.

6. Emergency and Disaster Reaction: Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than 6 months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARC.

Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARC. All such installations must be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.

7. Easement Encroachments: It is not the responsibility of either the ARC or the ACC to police encroachment into utility easement areas. If possible, the ARC will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility. However, the ARC will not be liable for any expense incurred by an Owner as a result of action by a utility if such encroachment occurs, even if the ARC approved the change or addition without comment.

8. Basketball Goals & Hoops: Basketball goals mounted on the structure or on permanent poles in the front yard of homes shall not be allowed. Goals may be placed in rear (back) yards subject to setback and easement restrictions. Portable basketball goals will not be allowed in the unfenced portion of the yard.

To the greatest extent possible, basketball goals, posts, backboards, nets and hoops will be colors that are not offensive to the landscaping of the neighborhood. Bright, florescent, colors (particularly nets) will not be allowed.

9. Construction Materials: Certain building materials are considered unacceptable for exterior use in Bay Pointe. Other materials may be used for specific applications only. General guidelines are as follows:

- a) Brick: Generally acceptable.

b) Aluminum: Acceptable for rain gutters and window framing. All aluminum items, regardless of their application, must be painted a color compatible with the home on which it is installed. Corrugated metal and aluminum is unacceptable for roofing materials.

c) Fiberglass: Generally unacceptable for all applications.

d) Acrylic Sheet: Generally unacceptable for all applications.

e) Plastic Siding: Vinyl or plastic siding may be used to replace original wood or composition siding so long as it is made to look like wood siding (texture, form quality, and color will be the acceptance criteria). Most other uses of plastic are unacceptable.

10. Holiday Decorations: Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 30 days prior to the holiday and must be removed within 15 days after the holiday for which they are intended. The ARC reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.

11. Fencing: Use Restrictions relative to Fencing are covered in Article IX, Section 13, page 14 of the DCC&R's. The following Guidelines supplement the Use Restrictions.

All fences shall be maintained in the color, location, and materials identical to the original fencing. Fencing may not be replaced or painted without ARC approval. Wood fencing must age, or turn gray, before it can be sealed. **Wood fences may not be painted.**

Brick or stone pillars may be constructed and used as fence posts. These must be of a material to match the exterior of the home and not exceed 8 feet in height.

Tubular steel fencing must be approved by the ARC, be painted black and not exceed six (6) feet in height.

For homes with detached garages, where a covered breezeway connects the house to the garage, a fence structure may be installed that meets any of the following criteria:

a) A standard wood fence and gate combination may be constructed no greater than six (6) feet in height. This may be topped with a wooden lattice from the top of the fence to a height not to exceed the lowest edge of the roof covering the walkway.

b) A wooden lattice fence and gate combination may be constructed from ground level to a height not to exceed the lowest edge of the roof covering the walkway.

c) A wrought iron fence and gate combination may be installed from ground level to a height not to exceed the lowest edge of the roof covering the walkway.

Any of the above improvements should follow a direct path from the house to the garage, must be as close as practical to the sidewalk that connects the two structures and be anchored to both the house and the garage or to posts that are in close proximity to the house and garage.

12. Miscellaneous:

a) Birdhouses and Birdfeeders. Birdhouses and/or birdfeeders shall be permitted subject to the prior approval of the ARC. No birdhouse and/or birdfeeder shall be situated higher than ten feet (10') above the ground and no more than two (2) birdhouses and/or birdfeeders shall be permitted on a lot. The materials and color used in the construction of each birdhouse and/or birdfeeder must be harmonious with the home and other improvements on the lot. Any birdhouse and/or birdfeeder must be within the fenced area of the lot.

b) Flag Poles. Flag poles (those not mounted on a house) shall be permitted subject to the prior approval of the ARC. No flagpoles exceeding twelve (12) feet in height and permanently installed in the ground are allowed. A flag staff may be mounted on the house, garage, tree or other improvement structure so long as the length of the staff does not exceed six (6) feet and the top-most part of the staff does not extend to a point higher than the highest point of the specific structure (tree, house, garage, etc.) on which it is mounted. No more than one (1) flagpole or staff may be installed on a lot.

c) Weather Vanes. Weather vanes shall be permitted subject to the prior approval of the ARC. Weather vanes shall be black metal, stationary, and are mounted on either outbuildings or gazebos only. Although most weather vanes have a standard staff, unusual height may be cause for rejection.

d) Children's Play Structures. Use Restrictions relative to the height and size of children's play structures are detailed in Article IX, Section 11, page 14 of the DCC&R's. The following Guidelines are meant to supplement the Use Restrictions. For the purpose of these guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide, or swing set and shall be restricted to the fenced portion of the lot. The play structure shall not exceed eight feet (8') in height and shall not be located closer than six feet (6') to any property line. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot. Tarps, wind socks, or streamers attached to the play structure are not allowed.

e) Lawn Ornamentation. Bird baths, bug lights, lawn art, wind operated figures, sculptures, artistic ornaments, etc. will be prohibited from placement in public view.

f) Planters, Urns, Flower Boxes and Hanging Baskets. All planters, urns, and flower boxes are only permitted on the front porch and/or entrance walkway. Hanging baskets are permitted on the front porch only. A homeowner will be limited to three containers and a five-gallon maximum capacity of each container on the entrance walkway. Plastic containers are prohibited on the entrance walkway.

13. Pools: An application for the construction of a swimming pool, spa or Jacuzzi, collectively referred to as "pool", must include a plot plan showing the proposed location of the pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also indicate the direction for construction

access. No swimming pool shall be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above ground swimming pools are not permitted.

14. Decks: All decks must be approved by the ARC with respect to location and the standard, type, color and quality of materials used in construction. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot. No deck shall be constructed more than three feet (3') above the ground.

15. Patio Covers: Arbors, sun shades, patio coverings and similar structures must be approved by the ARC and must be either less than eight (8) feet in height or permanently attached to and supported by the home along one full side of the new structure. Permanently attached shingled or open-air covers may not exceed the height of the fascia board of the home. The standard type, quality and color of materials used in construction of the patio cover must be harmonious with the standard type, quality, and color of materials used in the construction of the main residence. Natural materials which age to gray color such as treated southern yellow pine or redwood may be stained or left unfinished if the final color is compatible with that of the main residence. Corrugated roofs shall not be permitted under any circumstances. Structures over 500 square feet in coverage must be attached to and supported by the main residence in any case. No structures in excess of 25% of the main residence footprint square footage will be allowed.

16. Sun rooms: All sun rooms must be approved by the ARC and meet the following criteria:

- Proposed blueprints showing structure and existing structure
- Glazing must be bronze tint with bronze aluminum framing
- Lexan and acrylic glass are not permitted
- Window or thru unit air conditioning units are prohibited
- Cannot exceed one story in height.

17. Outbuildings

a) General. Use Restriction relative to Outbuildings is covered in Article IX, Section 11, page 14 of the DCC&R's. The following Guidelines supplement the Use Restrictions.

Only one (1) outbuilding not exceeding one-hundred (100) square feet and eight feet (8') in height shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence. For the purpose of these guide lines, gazebos, arbors and landscape structures are not considered "outbuildings." No exterior portion of an outbuilding shall be made of metal. An outbuilding shall be located in the rear portion of the lot, but may not be located on a utility easement. Outbuildings must also conform to the building front and side setback restrictions. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.

b) Gazebos. For the purpose of these Guidelines, a gazebo shall be defined as a freestanding, open-framed structure with or without lattice-type walls, whose purpose shall not be for any type of storage. These typically are circular or octagonal shaped structures. All gazebos must have a permanent roof. The

quality and color of the roofing shall match that of the main residence. Louvered or trellis-style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may age naturally, be stained or painted to match the residence. Gazebos must be located in the rear or side yard and a minimum of six feet (6') from all property lines. The eve height of gazebos may not exceed 8' above grade and the maximum roof height including finials and other applied decorations may not exceed 11 feet.

18. Lawn/Patio Furniture: Lawn and/or patio furniture is not permitted in front yards or driveways. Benches or swings on the front porch may be permitted with prior approval from the ARC. Plastic materials are prohibited.

19. Solar Screens, Awnings and Sun Screens: Solar screens are permitted with prior approval from the ARC. A homeowner must keep the solar screens compatible with the existing aesthetics of the home to be considered for approval. The frame finish must be bronze, white or aluminum to match the existing window frame. Screens may be either black or dark gray. All windows on an elevation must be screened to be considered for approval except the transom and sidelights located at the front door. Awnings visible from a front or side street shall not be permitted. Awnings on the rear portion of a lot must be approved by the ARC.

20. Burglar Bars: The use of burglar bars on the exterior of any window or doors is prohibited.

21. Antennas and Satellite Dishes: As a result of the passage of the Federal Telecommunications Act, the Federal Communications Commission (the FCC) adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite dishes, television antennas, and multi-point distribution service dishes (dishes or antennas), and the following guidelines are adopted to comply with federal law and rules.

Installation Rules

- a. Size and Type
 1. Direct broadcast satellite dishes and multi-point distribution service dishes that are one meter or less in diameter may be installed. Dishes larger than one meter in diameter are prohibited.
 2. Antennas designed to receive television broadcast signals may be installed.
 3. Installation of transmission antennas is prohibited.
 4. All antennas not covered by the FCC rule are prohibited.
- b. Location
 1. If acceptable quality signals may be received by placing television antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, the outdoor installation may be prohibited.
 2. As long as an acceptable signal can be received, dishes and antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible without causing unreasonable delay or unreasonably increasing cost. Preferred locations include the backyard of

the home, the rear eaves of the home under eight feet, and the interior side fascia of the garages.

c. Installation

1. Owners are responsible for all cost associated with the dish or antenna, including but not limited to costs to do the following:
 - A. Place of replace, repair, maintain, and move or remove them;
 - B. Repair damages to other lots and any other property damaged by dish and antenna installation, maintenance or use;
 - C. Pay medical expenses incurred by persons injured by dish or antenna maintenance, or use;
 - D. Reimburse residents or the Association for damages caused by installation, maintenance, or use.
2. Dishes and antennas must be secured so that they do not jeopardize the soundness or safety of any other owners structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

d. Maintenance

1. Owners shall not permit their dishes or antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for dish or antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior surface of dishes or antennas deteriorates.

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