

# HOMEOWNERS ASSOCIATION

## ARCHITECTURAL CONTROL RULES & REGULATIONS

DESTINATION

### The Declaration of Covenants, Conditions & Restrictions for the (NEIGHBORHOOD) Homeowners Association.

*Any & all exterior changes, additions, improvements or installations to any lot must receive written approval by the Architectural Control Committee prior to installation; including but not limited fences, decks, recreational equipment (including basketball goals), any structure, storage shed, clearing, excavation, grading, & other site work, exterior alteration or modification including the change of paint color; landscaping, removal of plants, trees, or shrubs. All such exterior modification shall be in strict compliance with these Architectural Control Rules & Regulations ("guidelines"), the Declaration of Covenants, Conditions & Restrictions, & approved by the Architectural Control Committee prior to commencement.*

The following guidelines are provided to assist homeowners in the understanding of the community's basic architectural requirements. These guidelines are not intended to cover every possible issue that may come before the Architectural Control Committee.

Architectural Approval is in addition to any permits required by the local government. These guidelines will serve for the life of the community but may be amended from time to time by the Board of Directors.

**MAINTENANCE OF LOTS & IMPROVEMENTS:** It shall be the responsibility of each Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on their Lot. No waste shall be accumulated in any Dwelling or on any Lot. Each Owner shall:

- A. Mow the Lot at such times as may be reasonably required in order to keep the grass & other vegetation no longer than four inches & prevent the unsightly growth of weeds;
- B. Remove all debris or rubbish;
- C. Prevent the existence of any condition that reasonably tends to detract from or diminish the aesthetic appearance of the Property;
- D. Prevent debris & foreign material from entering drainage areas;
- E. Keep the exterior of all improvements in such a state of repair or maintenance as to avoid their becoming unsightly.
- F. Woodpiles must be screened.

**ANIMALS, PETS, & LIVESTOCK:**

- A. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, or any portion of any lot, except that of dogs, cats or other usual & common household pets not to exceed a total of three (3) may be permitted on a Lot, provided they are not kept, bred or maintained for any commercial purposes.
- B. All pets shall be confined to their respective lots or on a leash at all times. The owners of such permitted pets shall confine in such a manner to prevent such permitted pets from being a nuisance, including barking which may annoy or disturb other homeowners.

- C. Pet owners who do not observe these considerations will be required by the Board of Directors to remove pets from the community.
- D. It is the owner's responsibility to clean up after their pet within the community including lawns, common areas, street & sidewalks.
- E. Dog kennels are prohibited.

**NUISANCES:** No noxious, unlawful or otherwise offensive activity shall be carried out on any Lot, nor shall anything be done thereon which may be or may become a serious annoyance or nuisance to the neighborhood, including without limiting the generality of the foregoing, noise by the use of any musical instruments, radio, television, loudspeakers, or other equipment or machines, or loud persons. No Lot shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any portion of the Properties that will emit foul or obnoxious odors.

**OUTSIDE LIGHTING:** Except for seasonal Christmas decorative lights may be displayed between December 1<sup>st</sup> & January 15<sup>th</sup> only, all exterior lights must be approved. Generally, requests for installation of outside lighting will be approved subject to the following conditions:

- A. No more than double floodlights will be installed without specific approval from the Architectural Control Committee not to exceed 150 watts or 90 watts Halogen bulbs.
- B. Landscape lighting shall be low-voltage type lighting & must be directed down.
- C. "Up" directed lighting & fixtures must be specifically approved by the Committee.
- D. All exterior light (i.e. landscape, security, etc.) must fall within property limits. Lighting that is directed offsite shall be prohibited.
- E. All exterior lighting approved for installation must be maintained, light bulbs in operable condition to insure uniform illumination on each Lot.

**FENCING REQUIREMENTS:**

- A. Fences are generally approved, provided such privacy fences are 6 feet in height & contain board type materials to block all views such as white vinyl or wood. 4-foot fences are to be black faux wrought iron or black wrought iron fences. **Any type of chain link or split rail fencing will be denied.**
- B. Fence gates must be 5-feet in width.
- C. Corner lots:
  - A. Corner lots are considered as having two front yards. Generally, fences on corner lots will not extend beyond the side building setback line or front building setback lines.
  - B. Perimeter fences must be in line with fences on adjacent lots & tie to adjacent fences.
- D. Pond lots:
  - A. Any fence adjacent to a pond shall not exceed 48 inches in height to avoid obstructing pond views & is limited to black wrought iron only.
  - B. **Stockade fences are prohibited.**
- E. Fences installed in any easements are subject to special review of the fence location. Fences approved & installed in easement is at the owner's risk & will not be replaced &/or repaired

due to necessary work performed in an easement. A waiver is required as acknowledgment of this risk to the homeowner.

- F. Approval for fence installation may require permit from the city or county. It is up to the homeowner to understand their local jurisdiction rules & regulations.
- G. Fences are to start & finish at back corners of the dwelling unit, any exception must be approved by the HOA. All fences will start & finish at the rear of the furthest outside sidewall. Special consideration may be made at the service door to the garage. Fencing can extend up to the outside corner of a garage protrusion that is a minimum of 6 feet (6-foot garage extension, 3-car front load garage) if applicable.
- H. Adjoining fences are allowed if they grant permission for any neighbor to adjoin that fence.
- I. All fence & wall heights are measured from grade level.
- J. For approval of fencing, the following must be submitted to the Committee:
  - A. Plot plan with dimensions, placement of structure, & location of gates.
  - B. Photograph or brochure picture with clarification of style.
  - C. Color.
  - D. Vendor & installer of fence.

**FENCING — CONSTRUCTION & MAINTENANCE:**

- A. All fencing shall be constructed of quality materials & of a high-quality professional installation, non-compliance will result in modifications or professional reinstallation at the homeowner's expense.
- B. All fencing shall be properly braced, & all posts shall be placed into the ground with concrete at such a depth to ensure the fence will be secure & will not move.
- C. All fence bracing or ribbing shall be on the inside of the fence unless otherwise approved by the Architectural Control Committee.
- D. All fences must be maintained & repaired in a reasonable fashion.
- E. Any warped fence boards shall be replaced as needed.
- F. All wood fences shall be stained & treated with a quality wood preservation at least every three years to maintain the appearance of the fence.
- G. All fencing belongs to the homeowner on which lot the fence is located. The HOA will only maintain fences in which there is a platted common area for said fence.

**FENCING — INVISIBLE:** Requests for invisible fencing will be subject to the Architectural Control Committee's approval of the proposed fence location prior to installation.

- A. All controller boxes & other equipment shall be hidden from view.
- B. Invisible fences are subject to the same easement restriction.
- C. Invisible fence must be installed no less than 5 feet within the lot lines.

**SIGHT DISTANCE AT INTERSECTIONS:**

- A. All property located as street intersections shall be landscaped to permit safe sight across the street corners.
- B. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

**FLAGPOLES:**

- A. Flag poles 15 or 20 foot in height may be approved based on requested placement location.
- B. Must be placed within 10' of the structure of the home.
- C. US Flags only.

**PLAY EQUIPMENT:** Play equipment is prohibited in Destination series sections.

**EASEMENTS:** Any improvement, installation, addition or change in a drainage, sewer, utility & landscape or access easement must be approved by the Committee & is at the owner's risk & will not be replaced or repaired due to necessary work in easement.

**DECKS:**

- A. The Architectural Control Committee must approve prior to the commencement of construction the deck design, materials & any stain or color treatment.
- B. The deck shall be constructed of treated lumber, cedar, Trex or comparable composite material.
- C. Railing on deck shall not exceed four feet (4') in height.
- D. Local building permit may be required.
- E. Decks shall be constructed of quality materials & professional quality installation.

**PORCHES, SCREENED IN PORCHES, ROOM, & GARAGE ADDITIONS:** Detailed construction plans must be submitted & approved by the Architectural Committee prior to the commencement of construction. Requests for screened-in porches, garage & room additions will be approved subject to the following guidelines.

- A. The additions shall be constructed of quality materials.
- B. The roofline shall follow the natural roofline of the home.
- C. Roof shingles, siding & trim shall match the materials & colors of the primary residence.
- D. Local building permit may be required.

**NO SHEDS, STORAGE BARNs, OUTBUILDING, POOL HOUSES, OR OTHER SUCH STRUCTURES.**  
**SHEDS, STORAGE BARNs, OUTBUILDING, POOL HOUSES, & ACCESSORY STRUCTURES ARE PROHIBITED.**

**RETAINING WALLS:**

- A. Any proposed retaining wall must be materially (i.e. stone, brick, etc.) & architecturally compatible with the exterior finishes of the residence & shall be approved by the Architectural Control Committee prior to installation.
- B. Retaining walls, which divert ground water onto adjoining properties or which otherwise substantially change the existing drainage pattern, will not be approved.

**VEHICLE PARKING:**

- A. Vehicles shall be parked only in the garages or driveways. Parking on the community streets is allowed only by non-resident social guests.
- B. No recreational vehicle, motor home, camper, boat, commercial vehicle, trailer, truck which exceeds ¾ ton weight load, trailer, boat shall be stored overnight or longer on any lot in open public view on community streets.
- C. Stored, inoperable or unlicensed vehicles shall be permitted only in enclosed garages.

**UNLICENSED MOTORIZED VEHICLES:** Motor scooter, minibikes, ATV &/or any other unlicensed motorized vehicles are prohibited in the community, common areas & streets.

**IN-GROUND POOLS, HOT TUBS, JACUZZIS, & SPAS:**

- A. Above ground pools are prohibited.
- B. Hot Tubs, Jacuzzis & Spas may be allowed at the board's discretion provided they are screened from the community.
- C. Wading pools under 24 inches in height are permitted providing wading pool is not visible from the street & are not permitted to stay out overnight.
- D. A detailed design plan must be provided to the Committee for its review & approval prior to the commencement of any in ground pool construction.
- E. In-ground pools must comply with state & local government laws & regulations.
- F. No alteration to the existing grade of any lot may be done without the prior approval of the Architectural Control Committee. Any proposed grade changes must be shown on the proposed plans.
- G. In-ground pool applications will not be considered unless accompanied by an application for an acceptable fence design & minimum height of 6 feet. Fence will not required if pool has automatic cover.
- H. Committee may require added landscaping to screen pool from adjacent neighbors.
- I. Requests for pool houses, storage sheds or mini barns will be **denied**.
- J. The design & installation are expected to be professional in appearance & to be maintained in reasonable condition.

**LANDSCAPING:**

- A. All landscaping plans are subject to Committee approval in accordance with the guidelines & procedures.
- B. The Committee may, in its discretion, modify such plans to promote the integrity & aesthetic appearances of Property.
- C. No tree(s) shall be removed or planted without approval by the Committee.
- D. No Owner shall be allowed to plant trees, landscape or do any gardening in any of the Common Areas, except with express permission from the Committee.
- E. Vegetable gardens may be approved by the Committee provided:
  - 1. Planted in raised bed constructed of landscape timbers or cedar not to exceed 12 inches in height.
  - 2. Located so as not to be visible from street.
  - 3. Maintained with the same requirements as a landscape bed.

**FIREARMS:** The discharge of firearms within the Properties is prohibited. The term "firearms" includes bows & arrows, slingshots "B-B" guns, pellet guns, & other firearms of all types, regardless of size. Firearms enforcement is under the restriction & governance of the local authorities. Notwithstanding anything to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.

**FIREWORKS:** The discharge of fireworks within the community is prohibited except for dates in which they are permitted by the local municipality. Fireworks restriction is under the governance of the local authorities. Notwithstanding anything to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.

**MAILBOXES:**

- A. Each Owner shall maintain their mailbox in good condition.
- B. As necessary the Owner shall replace their mailbox with the same type, size, color & lettering/numbering as the original installation unless a change in design & color is approved by the Committee.

**DRIVEWAY EXTENSIONS:**

- A. The City or County shall be responsible for approval of driveway extensions.

**LEASING OR RENTING:** Any Owner who leases a Dwelling Unit shall lease the entire Dwelling Unit & shall have a written lease, for a period of at least six months, which shall provide that the lease is subject to the provisions of this Declaration & any failure of the lessee to comply with the terms of this Declaration shall be a default under the lease. Such owners shall provide the Association with the names of renter & upon demand from the Association will provide a copy of such Lease.

**STREET SIGNS:** The City or County shall be responsible for the placement, replacement, care & maintenance of all street signs & markers located in the Community. These signs are subject to approval by local municipality & jurisdictions. Decorative signage maintenance may be the responsibility of the HOA.

**BUSINESS USE:** Without the prior consent of the Board, no trade or business may be conducted in or from any lot, except that an Owner or occupant of a Lot may conduct business activities within the Unit so long as:

- A. The business activity conforms to all zoning requirements for the Properties.
- B. The existence or operation of the business activity is not apparent or to detectable by sight, sound or smell from outside the unit.
- C. The business activity does not involve persons coming onto the Properties who do not reside in the Properties or door-to-door solicitation of residents of the Properties.
- D. The business activity is consistent with the residential character of the Properties & does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Properties, as may be determined in the sole discretion of the Board.
- E. The terms "business" & "trade", as used in this provision, shall be construed to have their ordinary, generally accepted meanings, & shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family & for which the provider receives a fee, compensation or other form of consideration, regardless of whether:
- F. Notwithstanding the above, the leasing of a Lot shall not be considered a trade or business within the meaning of this section.

- G. Childcare Services. No pre-school, babysitting business or such childcare services for more than six (6) children shall be allowed to operate upon any lot. The Homeowner should make consideration for this service not to be a nuisance to adjacent neighbors.
- H. This section shall not apply to any activity conducted by the Declarant, or a builder approved by the Declarant with respect to its development & sate of the Properties or its use of any Lots which such entity owns within the Properties.

**SIGNS:** All signage is subject to local & state regulations.

- A. All signs except one standard size framed real estate "for sale" signs on an individual lot are prohibited,
- B. Signs advertising property for rent, for goods, services or home occupations are strictly specifically prohibited.
- C. One political sign per candidate or legislation is permitted provided timing & size limitations are followed.
- D. The Declarant & its builders reserve certain sign rights as outlined in the Declaration of Covenants, Conditions & Restrictions

**SIDEWALKS:** The Lot owner is responsible for sidewalk maintenance. In the event any Owner or parties with whom Owner contracts for work on the Owner's Lot, causes damage to a sidewalk or street curb such Owner shall be responsible for repairing said damage.

**CONSTRUCTION, EARTH—MOVING, EXCAVATION:** No construction, significant earth-moving, or excavating work of any nature may be conducted on any Lot without first having any development plans approved by the architectural control committee.

**PROHIBITION OF USED STRUCTURES:** All structures built or placed on any Lot shall be constructed with substantially all new materials, & no used structures shall be relocated or placed on any such Lot.

**PRIVATE WATER SYSTEMS:** Private water systems will not be allowed.

**ELECTIC BUG KILLERS:** Electric bug killers, “zappers”, & other similar devices shall not be installed at a location which will result in the operation thereof becoming a nuisance or annoyance to other Owners & shall only be operated when outside activities require the use, therefore not continuously.

**STORM DOORS:** If storm doors are installed, they must be painted to match the exterior of the home. No unfinished aluminum storm doors will be allowed.

**AIR COOLING UNITS:** Air cooling units or other like utilities that are outside of the residential structure must be located at the side or rear of the home & except as may be permitted by the Committee. No window air conditioning units may be installed on any Lot.

**ENERGY CONSERVATION EQUIPMENT:** No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any Lot unless it is

an integral & harmonious part of the architectural design of a structure, as determined in the sole discretion of the Committee.

**HEATING PLANT:** Every Dwelling Unit must contain a heating plant installed in compliance with the applicable codes & capable of providing adequate heat for year-round human habitation of the Dwelling Unit.

**ANTENNAS — TELEVISION RADIO, SATELLITE & SOLAR PANELS:** In order to comply with the Federal Telecommunications Act of 1996, & the Federal Communications Commission rules governing Over-the-Air Reception Devised (OTARD), owners may only install satellite dishes that are one meter or less in diameter. One meter is equal to 39.37 inches, & "diameter" is the distance measured across the widest part of the dish. Only two (2) dishes may be installed on each lot, unless additional dishes are required to receive additional or unique transmissions that cannot be received by a previously installed dish. The Committee reserves the right to require written verification for the installation of additional dishes upon a lot.

The OTARD Rule allows Associations to designate a preferential order of placement for dishes in their community. To that end, the Committee desires that satellite dishes be permanently mounted in a location on the lot that is the least visible from the street directly in front of the lot, but which will not result in a substantial degradation of reception. This specific order of location priority is:

- A. **in the rear of the lot;**
- B. **on the side of the lot; &**
- C. **the front of the home.**

Therefore, an owner must install a satellite dish in the rear portion of the lot if acceptable reception can be received from that location. If acceptable reception cannot be obtained in the rear portion of the lot, then the dish may be located along the side of the home if adequate reception can be received from that location. If adequate reception cannot be received from a location along the side of the home, then a dish may be located in the front of a home. However, if a dish is located in the front of a home, the Committee has the right to ask the owner to provide written proof from a reputable dish installation company or expert that the owners dish had to be placed in front of the home to prevent a substantial degradation of reception.

The owner must follow this preferential placement guideline when he installs a satellite dish on his property. If the Committee determines that the owner did not properly follow the preferred placement order when installing his satellite dish, the Committee has the right to require the owner to move his dish to another location that is less visible from the street, so long as the relocation of the dish does not substantially impact or degrade the reception of the devise. For example, if an owner locates a dish on the front of his home, & the Committee determines that the owner could have installed his dish in a location on the rear or side of the home that would have still allowed adequate reception, then the Committee may require the owner to move the dish, at the owner's expense, to a less visible location.

In addition, the Committee has the right to require the owner to install landscaping, fencing or other screening around his dish to help hide it from direct view of the street, or to cover or paint the dish to make it blend in with its surroundings, so long as none of these changes or screenings impair the reception of the device.

Other antennae, aerials or devices, towers or radio antennae that are not covered by the OTARD rule, such as dishes larger than one (1) meter in diameter & ham or amateur radio antennas are strictly prohibited on any lot within the community. The Committee reserves the right to adopt rules or make changes to the requirements of this provision as allowed by or required by any changes or amendments to the Federal Telecommunications Act of 1996.

Solar panels must be of nice quality & ONLY placed on the backside of the home.

#### **SCHEDULE FOR APPROVAL**

- A. The request shall be on the Request for Architectural Change Form. Approval must be received prior to commencement of installation.
- B. The Architectural Control Committee will render a decision generally within 60 days of receipt of a complete submittal of the request for approval.
- C. In the event that the Committee fails to provide written notice of approval or to request additional information within 60 days after submission of all required or requested information, the plans shall be deemed & presumed DENIED.

#### **COMMON AREA:**

- A. No person shall draw water or other materials from water retention ponds or add water, except for storm water drainage approved by the DECLARANT/ARBOR or by the Committee, or other materials, whether by dumping or otherwise, to the lakes & other water retention ponds without the prior approval of the Board as to quality & quantity of materials.
- B. There shall be no docks on the retention ponds nor boating, swimming, or wading. Fishing may be permitted for owners within the community from Common Areas.
- C. The Common Areas shall be used & enjoyed only for the purposes for which it is designed & intended & shall be used subject to the Declaration of Covenants & Restrictions.

**Forms for Architectural Approval are available from:**

EXHIBIT A

