

Fontainebleau Homeowners Association

ARCHITECTURAL RULES AND REGULATIONS

The guidelines and rules and regulations stated below have been adopted by the Board and are intended to both reiterate and supplement the Declaration of Covenants, Conditions and Restrictions of the Association.

ANTENNAS AND SATELLITE DISHES: The following external antennas are permitted in Fontainebleau for the purpose of receiving Video programming.

Types of antennas covered:

- 1) A “dish A” antenna that is one meter (39”) or less in diameter. (Direct Broadcast Satellite)
- 2) TVBS – Television Broadcast Stations.
- 3) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming service via MMDS.

Safety Restrictions: The Governance requires that all owners comply with all safety restrictions as outlined by Federal, State and Local requirements to include, but not limited to, fire, electrical and FCC codes.

All antennas must be installed as required by the manufacturer and must be properly grounded.

ATTIC VENTILATORS AND EXHAUST DUCTS: Attic ventilators, turbines and exhaust ducts are permitted and shall be the color of the house siding or trim (if mounted on a gable end). Ventilators and turbines shall be mounted on the least visible side of the ridgeline in an effort to minimize their impact on other homes. Ventilators and exhaust ducts meeting the requirements cited above do not require approval by the Committee.

AWNINGS: Retractable awnings must match and/or complement the color and style of the home and be a size that is appropriately proportional to the home.

No fixed awnings will be permitted. Awnings may only be used in the back of the home, never the front or the sides of the home. Awnings must be kept in good repair at all times with no rips or tears. Mechanical failures that prevent complete retraction will be in violation. All awning additions must be approved in advance by the Committee.

BUSINESS OR TRADE: No business, trade, or profession of any kind or nature shall be carried on or practiced in any residential structure without the expressed written consent of the Board. This is especially true of any business or trade that requires the delivery of Inventory/Parts/Equipment via delivery trucks such as FEDEX, UPS, etc. These trucks bring heavy vehicle traffic into the neighborhood that normally would not happen. A letter may be sent to the Board of Directors via the Management Company asking for their written consent.

CHIMNEYS AND METAL FLUES: Chimneys and metal flues must either be masonry, stainless steel, painted black or enclosed in the same finish material as the exterior of the home to which they are attached. Chimneys and flue ducts meeting the requirements cited above do not require approval by the Committee.

CLOTHESLINES: Clotheslines or similar apparatus for the exterior drying of clothes are prohibited.

DECKS AND GAZEBOS: All proposed decks and gazebos must be approved in advance by the Committee. Homeowners are encouraged to consider the following variables for a proposed deck and/or gazebo:

Location: A deck and/or gazebo should be located in the rear yard. Specific locations will be evaluated on their individual merit.

Scale: The scale of all decks and gazebos shall be compatible with the scale of the house as cited on the property. Decks, particularly elevated decks, shall be on a scale and style that are compatible with the home to which they are attached, adjacent homes and the environmental surroundings, and up to, but no more than, 50% of the remaining property. When submitting the request for modification form, it is imperative that you specify if it is to be an upper level or ground level deck.

Color: Decks and gazebos must be made from wood or wood like materials (e.g., Trex decking) and may be left to age and weather naturally. Decks and gazebos that are painted or stained shall generally match the trim or dominant color of the applicant's house. Natural wood colored stains will be considered.

Storage Under Decks: The use of decorative screening or landscaping to minimize any adverse visual impact on neighboring homes from storage under an elevated deck shall be required.

DOG HOUSES AND DOG RUNS: Dog houses are only permitted in homes with a fence in the backyard. Dog houses shall be located where they are visually unobtrusive to neighboring homes. The use of appropriate screening may be required by the Committee in order to minimize any negative visual impact.

Dog runs are prohibited.

DOORS AND WINDOWS: Storm doors shall be full view (no solid panels) with clear, uncolored glass, and may contain a single support bar or self storing storm door. Doors shall be white, beige, the color of the trim, or the same color as the entry door behind them.

Storm and screen windows must be painted white or match the trim of the house. No plastic covering will be permitted on the outside of doors or windows. Installation of windows with a different style other than what already exists or is provided by the builder requires advance approval by the Committee.

DRIVEWAYS: Driveway extensions or additions must be approved in advance by the Committee. Extensions and additions to driveways will be considered for approval only after a thorough investigation of the impact on adjoining properties is completed. Like materials shall be used. Upgraded materials (brick, stone, pavers) will be considered.

EXTERIOR AIR CONDITIONERS: Individual air conditioning units extending from window are prohibited. The addition or relocation of exterior air conditioning or heating units must be approved in advance by the Committee.

EXTERIOR APPEARANCE/MAINTENANCE GUIDELINES: Property ownership includes the responsibility for the maintenance of all structures and grounds, which are a part of the Lot. This includes, but is not limited to, items such as mowing grass, removal of trash and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood and, in some cases, safety.

- 1) Residents are responsible for maintaining the exterior of their dwellings, structures and grounds.
- 2) All lawn areas shall be kept neat and mowed and shall not be permitted to grow beyond a height of six (6) inches. Dead plants and trees shall be promptly removed, and lawns shall be free of dead or bare areas in order to prevent soil erosion. Shrubbery shall be kept trimmed to maintain a neat appearance. Trees and shrubbery shall be maintained so they will not obstruct sight lines for vehicular traffic.

The Fontainebleau Home Owner's Association wants to encourage its members to enhance their properties with appropriate landscaping. Not only does this increase the value of individual homes, it reflects nicely on the neighborhood and, in turn, increases the values of neighboring homes.

It is essential that all landscaping be initially planted to ensure that future growth will remain within the confines of the individual homeowner's property lines. Invasive plants such as bamboo and ivy can intrude into neighbor's yards as well as into common areas.

Any homeowner of a property that has invasive plants will be responsible for maintaining those plants and ensuring that they don't spread beyond his/her property lines. Should the plants spread onto neighbor's yards and/or onto common ground, the owner of the property where the plants originate will be responsible for all costs associated with removing them from neighbors' property and/or common ground.

- 3) Peeling or excessive fading of exterior paint will be cited as an architectural violation, as will severely dented or unattached siding, gutters, or shutters. Exterior items that are broken, deteriorating, or missing parts are also subject to a violation citation.
- 4) No storage of bicycles, trash or trash cans, barbecue grills, snow shovels, tires, work tools, boxes, building supplies, etc. in the front yard or side yard (if unfenced) is permitted. Homes with yards facing a public road, if unfenced, shall shelter stored items.

EXTERIOR LIGHTING: Any replacement of exterior lighting or additional fixtures must be compatible with the applicant's home. No application is required if the proposed lighting falls within these guidelines. However, the addition of a lamppost does require advance approval by the Committee.

No exterior lighting shall be directed outside the applicant's property. Proposed additional lighting shall not be approved if it will result in adverse visual impact on adjoining neighbors due to the location, wattage or other features.

Decorative holiday seasonal lighting, e.g., Christmas lighting, may only be installed during the holiday season and at the holiday season's conclusion, must be removed.

EXTERIOR PAINTING: An application is required in order to repaint or re-stain a home or exterior improvement, even when matching the home's original color. All exterior color must be approved in advance by the Committee. This requirement applies to siding, doors, shutters, trim, roofing and other appurtenant structures. The Body of the house must be light-medium earth tones. Homes can not be painted the same color as the house on either side of it.

FENCES: All fences must be approved in advance by the Committee. Fences will be reviewed on a case by case basis. Consideration will be given to lot size, type of dwelling, location, materials, and neighboring fences when reviewing applications. Stockade fences, lattice work, chain link and other galvanized material fencing are prohibited, only natural color wood shall be used and the unfinished side of the fence (showing the posts and other supporting members) shall be facing the interior of the Lot on which the fence is erected. Fence height will generally be restricted to a maximum of four feet.

Fences are required for all properties with pools or hot tubs.

A fence should generally begin at the rear corner of the home. It cannot start forward of the rear corner except for approved locations by the Committee based on building structure.

Temporary fencing of string, tape or other similar materials shall not be used for more than two weeks, unless approval was received in advance by the committee.

Gates must match the fencing in design, material, height, and natural color. If the ground slopes, the fence shall be parallel to the ground. No part of the fence may be installed on common ground, which is the property of the Association.

If two adjacent homeowners build fences on their Lots, with one or both fences built inside their property line which would result in an alley being created between the two fences, the last owner constructing the fence will be responsible for installing a false front on the fence to close the alley.

FIREWOOD: Firewood shall be kept neatly stacked and shall be located to the rear of the home and in such a manner as to avoid any adverse visual impact on neighboring homes. Screening may be required in certain cases.

FLAGS/FLAGPOLES: Only one Flag may be displayed at a time. The installation of permanent, free-standing flagpoles must be approved in advance by the Committee. Any permanent, free-standing flagpole must be installed and maintained in a vertical position. The height, color and location of the flagpole must be consistent with the size of the property and scale and design qualities of the home. A temporary flagpole staff does not exceed six feet in length and is attached at an incline to the wall or entrance area of the home does not require approval by the Committee. Flags must not impede the sidewalks, right of ways, line of sight or public areas.

GREENHOUSES: The installation of greenhouses is prohibited.

GRILLS: All barbecue grills must be placed in the rear yard of the home away from adjacent property lines. Permanent grills require approval.

HAZARDOUS WASTE DISPOSAL: The dumping or disposal of oil, grease, or any other chemical, residual substance or particles from holding tanks of any type is not permitted on the property. Disposal must also conform to environmental regulations.

HOT TUBS AND SPAS: Installation of exterior hot tubs and spas must be approved in advance by the Committee. Exterior hot tubs and spas must be located in the rear yard adjacent to the home. The incorporation of hot tubs as a feature of decks and patios is permitted. The exterior finish of an elevated hot

tub or spa shall blend with the exterior finish of the home, deck or patio to which it is attached or most closely related. All hot tubs and spas require an application.

LANDSCAPING: All new major landscaping must be approved in advance by the Committee. The new landscaping must be compatible with the neighboring homes. The replacement of like kind and size plant material is permitted without approval. Major landscaping is defined as any planting or change in ground cover which would include fifty (50) percent or more of the front of your Lot or if the specific landscape modification is listed below. Landscaping is also defined as any addition of permanent decorative objects to the front yard, either man-made or natural, which are not part of the original construction design. Decorative objects will be reviewed on an individual basis, based upon the potential negative visual impact on the surrounding area. Holiday seasonal objects (such as Christmas wreaths) are not included in this category. However, holiday seasonal objects must be removed at the conclusion of the holiday season.

No live trees with a diameter in excess of six (6) inches, measured 24 inches above the ground, or marked "no cut", may be removed without the prior approval of the Committee. If a tree is removed for any reason, a replacement tree must be replanted within six months of removal.

No trimming or removal of trees or flora from Association property is permitted without prior approval from the Board of Directors.

PATIOS: All patio construction or additions must be approved in advance by the Committee. Patios should generally be located in rear yards. Any adverse drainage requirements, which might result from the construction of a patio shall be considered and remedied.

RAIN BARRELS: Fontainebleau HOA supports environmental conservation efforts that are beneficial to the planet and don't detract from the health, safety and appearance of the community. One such effort is water conservation in the form of rain barrels. Rain barrels are allowed by the Association under the following conditions:

- 1) The maximum number of rain barrels allowed per home is 2.
- 2) All rain barrels must be located in the back yard or in the side yard behind the peak of the home's roof line. No rain barrels are allowed in the front yard.
- 3) All rain barrels must match the color of the home's siding or trim in order for them to be as inconspicuous as possible.
- 4) Each barrel may be no wider than 24" and no taller than 44" with a capacity of no more than 60 gallons.
- 5) All rain barrels must be capped with fiberglass screens that allow water in but prevent mosquitoes from getting into the barrel to lay their eggs.
- 6) All rain barrels must be maintained:
 - a. for appearance
 - b. to prevent mosquitoes
 - c. for safety of children
 - d. for runoff that could damage neighbors' yards

RAISED GARDEN BEDS: Raised Garden beds are to under 4-foot-tall in overall height.

RECREATIONAL AND PLAY EQUIPMENT: Recreational and play equipment shall be unobtrusive to

neighbors and shall comply with the following regulations:

- 1) All equipment over 4' tall must be approved by the Committee in advance.
- 2) The equipment shall be located in the rear yard.
- 3) The equipment must be a minimum of 10 feet from any fence.
- 4) The equipment shall be compatible with the Lot size. Screening may be required to minimize any visual impact on the neighboring homes.
- 5) Equipment constructed of wood and left in a natural condition to weather is encouraged.
- 6) Equipment must be properly maintained.
- 7) Basketball backboards require approval in advance by the Committee and the **application must have the signed acknowledgement from all adjacent property owners.** The applicant must agree in writing to restrict playing times to those specified by the HOA.

Furthermore, basketball backboards must be set a minimum of 15 feet from the property line and 12 feet from side property lines.

SECURITY BARS: The installation of security bars on any exterior portion of the home is prohibited. Security bars may be installed on the interior portion of a home. Security bars installed inside the home must never be visible from the street and adjoining homes

SIDEWALKS AND PATHWAYS: Any proposed modification in this area requires the advance approval by the Committee. Stone, brick, concrete or similar durable construction material shall be used for sidewalks and pathways. The scale, location and design shall be compatible with the Lot, home and surroundings.

The grass strip between the sidewalk and street is not the property of the Lot owner. However, each Lot owner is encouraged to maintain this area to the same extent that you would maintain your own property.

SIGNS: A temporary (not illuminated) sign, not to exceed five (5) square feet in area, advertising a home for sale may be displayed on a lot. Real estate directional signs may be placed on the common area between 9:00 p.m. Friday and 9:00 p.m. Sunday. Any directional signs placed on the common area in violation of the above stated time period may be removed and disposed of by the Association.

No signs, advertisements or messages other than for purposes of identification shall be displayed on the Lot which offer or imply commercial or professional products or services, or which may constitute any other kind of business solicitation in or from any residence or residential property without written approval of the Board.

Security signs shall not exceed 64 square inches and no more than one may be located on a Lot. Approval by the Committee is not required.

STORAGE SHEDS: All storage sheds are prohibited.

STORM DOORS AND WINDOWS: See "Doors and Windows."

SWIMMING POOLS: Installation of swimming pools requires advance approval of the Committee and the County. Only in-ground swimming pools will be approved. A pool must be located in the rear yard. Pool filtration equipment shall be shielded from adjacent properties through the use of mature shrubbery, fencing, or lattice screening of appropriate size and scale. Homeowners building pools should be cognizant of the "noise factor" of people playing in their pool and how it affects their neighbors' use of their back yards. All

pools must be enclosed with a six foot fence.

TRASH REMOVAL: All trash must be placed in a covered container inside of the home until trash collection days, at which time the covered container may be placed on the curb for removal. Oversized items that will not fit into a covered container are exempt from the container requirement and may be placed on the curb for removal along side your covered container. Branches will not be picked up if over 4' long and all branches must be bundled together or placed in trash container for the trash removal company to pick them up.

VEGETABLE GARDENS: Vegetable and fruit gardens must be located in the rear of the property and cannot be greater in size that one-fourth the size of the overall rear property. Homeowners may be required to provide natural or man- made screening to minimize the negative impact to adjacent homeowners.

Gardens shall not adversely impact or damage neighboring properties in terms of weed growth, unsightliness, adverse drainage, etc. All dead plants and other supporting garden-related items (such as cages, stakes, etc.) must be promptly removed when the garden ceases to be productive for the season.

VEHICLE RULES- No motor vehicles (other than a private passenger type pickup trucks, other light duty private vehicles), watercraft, boat trailers, motor homes, trailers or other similar items shall be parked overnight on the streets of Lot or on any portion of the common areas.

No unlicensed or licensed vehicles, including but not limited to motorized bicycles, mini-bikes, go-carts, etc., shall be operated on any common area. Vehicles cannot be parked on common areas. All vehicles shall display current licenses and other required registration and safety inspection permits and decals and shall be maintained in proper operating condition so as not to be a hazard or nuisance due to noise, exhaust emissions or fluid leakage.

Commercially owned vehicles- Commercial Vehicles are prohibited from parking anywhere in the development residential streets except in an owner's private garage. Commercial vehicles shall not be deemed to include pickup trucks and other light duty vehicles with commercial markings and any vehicle operated by a public agency.