

**Bay Run Homeowners Association, Inc.**

**Architectural Review Board  
Guidelines**

**Effective July 7, 2003**

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## I. INTRODUCTION TO DESIGN REVIEW

A. Purpose of Guidelines: The Architectural Guidelines (for definitions, see Exhibit "C") provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These standards have been developed to assist in the planning, constructing, landscaping, and modifying of Lots within Bay Run. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, and lighting. In addition, the Architectural Guidelines establish a process for review of proposed modifications to Lots to ensure that all sites within Bay Run are developed and maintained with the consistency and quality that attracted you to this development.

B. Governmental Permits: To the extent that Orange County ordinances or any local government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the Declaration, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Architectural Guidelines (in that order) shall prevail.

C. Preparer: These initial Architectural Guidelines have been prepared by the Board of Directors. The Architectural Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in Section VII of these Architectural Guidelines.

D. Applicability of Architectural Review: These Architectural Guidelines shall be applicable to all property within Bay Run. It shall be the policy of the Board of Directors and/or the Architectural Review Board (ARB) to allow the owner greater latitude in modifications, landscaping, etc. in the owners rear yard. As long as no safety issues are involved Reviewer approval will be very limited. However violations of the declarations and/or these ARB guidelines will not be allowed, and owners who proceed with their projects in violation of these guidelines may be forced to remove or modify same at their own expense. Unless otherwise specifically stated in Article IV of the Declaration or these Architectural Guidelines, all plans and materials for front yard exterior modifications or improvements on a Lot must be approved before any construction activity begins. Where these Architectural Guidelines specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guidelines. Owners are responsible for ensuring compliance with all standards and procedures within these Architectural Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration, any applicable Supplemental Declaration, and any other applicable architectural and landscape guidelines. In particular, Owners should review and become familiar with the Use Restrictions applicable to Bay Run enacted in the Declaration.

E. Review Structure: Architectural control and design review for Bay Run is handled by either: (i) the Board of Directors; or (ii) the Architectural Review Board. The term "Reviewer," as used in these Architectural Guidelines, shall refer to the appropriate reviewing entity.

1. Board of Directors. As set forth in Article VII of the Declaration, the Board of Directors has exclusive jurisdiction over matters relating to architecture. However, the Board of Directors has reserved the right to, and does hereby,

delegate a portion of its jurisdiction to an Architectural Review Board ("ARB") appointed by the Board of Directors as addressed in Article VII Section 7.2 of the Declaration. Notwithstanding such delegation the Board of Directors shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may, but shall not be obligated to, promulgate additional design standards and review procedures as it deems appropriate. In addition, the Board of Directors delegation to the ARB shall be subject to: (i) the right of the Board of Directors to revoke such delegation at any time and reassume jurisdiction over the matters previously delegated; and (ii) the right of the Board of Directors to veto ARB approval which require a variance to these Architectural Guidelines or precedent of construction, landscaping or improvement within Bay Run.

2. Architectural Review Board. The ARB is hereby delegated jurisdiction over modifications to improved Lots and landscaping on improved lots in the Bay Run, and such additional responsibilities delegated to it by the Board of Directors. The ARB shall give the Board of Directors notice and its recommendation on any General Application, which may require a variance to these Architectural Guidelines or established construction, landscaping, or improvement practices within Bay Run. The Board of Directors shall make a decision on the General Application within 10 days of the notice from the ARB. The ARB shall assume all jurisdiction over all matters relating to architecture and landscaping of Bay Run as set forth in Article VII of the Declaration. Members of the ARB shall be appointed by the Board of Directors.

F. Review Fees: As long as an Applicant submits a General Application prior to the commencement of the work described in the General Application, the Reviewer shall not charge a fee for review of such General Application. If an application is filed after the commencement of the work described in the General Application, the Applicant shall be subject to a late filing fee as established by the Board of Directors, payable to the Bay Run Homeowners Association, Inc. The payment of a late fee shall not be deemed approval to proceed or continue with the proposed improvement.

## II. DESIGN REVIEW PROCEDURES

A. Review of Modifications: The review of modifications shall require the submission of a General Application to the Reviewer. Depending on the scope of the modification, the Reviewer may require the submission of all or some of the plans and specifications listed below in Section II.B. In the alternative, the Reviewer may require a less detailed description of the proposed modification. The review and approval of modifications shall take place within the same time periods as required for new construction.

B. Plans to be Reviewed: A Reviewer may require two sets of any of the following plans (scale 1/4" = 1'0" unless noted otherwise) for new construction and/or modification, in addition to the submission of a General Application.

1. Site Plan. Showing a clearing and grading scheme with proposed and existing land contours; grades and flow of the site drainage system; location of existing trees, and location and size of trees proposed for removal; the driveways,

curbcuts, walkways, fences, pools, patios, landscaping, buildings, and other improvements. Minimum scale of 1" = 20'.

2. Floor Plan. Showing decks, patios, stoops, retaining walls related to the dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways.

3. Elevations. Front, rear and side exterior elevations showing Building materials and finishes, and indicating the maximum height of the dwelling. Roof Plan. Showing slopes, pitches, roofing materials, colors, and gables, unless reflected in the other plans.

4. Exterior Finishes. Showing the exterior color scheme and texture (including samples and color chips,), lighting scheme, and other details affecting the exterior appearance of the proposed improvements.

5. Landscaping Plan. Showing location size, species, quantity, and quality of all plant material, paving materials, light poles, mailboxes, protection of existing vegetation, use of plants, and other landscaping details. Applicants may use the checklist attached as Exhibit "B" when compiling the landscape plan.

6. Other. Such other information, data, and drawings as may be reasonably requested, including without limitation, irrigation systems, drainage, lighting, satellite dish placement, landscaping, screening, fences, and other features.

C. Review Criteria: Recommendations: Variances: While the Architectural Guidelines are intended to provide a framework for construction and modifications, the Architectural Guidelines are not all-inclusive. In its review process, the reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, location in relation to surrounding structures, topography, and finished grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no Reviewer shall grant approval for proposed construction that is inconsistent with the Architectural Guidelines, unless such Reviewer grants a variance. The Board of Directors and the ARB shall have the authority from time to time to adopt and revise lists of recommended landscape materials and hardscape materials such as the ones attached as Exhibit "B". The Board of Directors or ARB, whichever is authorized, may, in its sole discretion, provide that the lists of recommended materials constitute "approved materials" and that the installation of such materials requires no Reviewer approval. Alternatively, the authorized entity which establishes the list(s) may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Architectural Guidelines to acquire approval prior to installed. Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be required. The Reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing and signed by the committee chairperson with the support of a majority of the committee members.

D. Review Period: A written response shall be made to each General Application and plan submittal within 30 calendar days of submission of all materials required by the

Reviewer. One set of plans shall be returned to the Applicant, accompanied by the Reviewer's decision. The other set of plans shall be retained for the Reviewer's records. The Reviewer's decision shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.
2. "Approved As Noted" - The application is not approved as submitted, but the Reviewer's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. Note: The Reviewer may provide comments but is not required to do so. If the Reviewer fails to respond within thirty (30) days and receipt verification has been made approval shall be deemed granted. However, the Board shall have ten (10) days to veto a recommendation for a variance or change in precedent by the ARB. No construction or modification that is inconsistent with the Declaration or the Architectural Guidelines shall be deemed approved unless the Reviewer has granted a variance.

E. Appeal. Any applicant has a right to appeal to the Reviewer by resubmitting the information and documents however, such appeal shall be considered only if the Applicant has modified the proposed construction or has new information, which in the Reviewer's opinion warrants a reconsideration. If Applicant fails to appeal a decision of the Reviewer, the Reviewer's decision is final. In the case of a disapproval and resubmittal, the Reviewer shall have 30 days from the date of each resubmittal to approve or disapprove the resubmittal. The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification. Any Applicant may appeal a decision of the ARB to the Board of Directors. The Board of Directors may respond to the appeal, however, the Board of Directors failure to respond shall not be deemed to be approval.

F. Orange County Approval: The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Orange County or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

G. Implementation of Approved Plans: All work must conform to approved plans. If it is determined by the Reviewer that work completed or in progress on any Lot is not in compliance with these Architectural Guidelines or any approval issued by the Reviewer, the Reviewer shall, directly or through the Board of Directors notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Architectural Guidelines.

1. Time to Commence. If construction does not commence on a modification for which plans have been approved within one year (unless stated otherwise on application) of such approval, such approval shall be deemed

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withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the appropriate Reviewer for reconsideration.

2. Time to Complete. Once construction is commenced, it shall be diligently pursued to completion. Completion of all modifications shall take place within one year after commencement unless otherwise stated on the approved plans. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the Reviewer may approve or disapprove, in its sole discretion. If construction is not completed on a project within the period set forth above, or within any extension approved by the Reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Architectural Guidelines.

H. Changes After Approval. All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping, or signage, made after the approval of plans must be submitted to and approved in writing by the Reviewer prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner. If Orange County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Applicant must notify the Reviewer of such changes and receive approval from the Reviewer prior to implementing such changes.

I. Enforcement: In the event of any violation of these Architectural Guidelines, the Board of Directors may take any action set forth in the By Laws of the Bay Run Homeowner's Association, Inc. or the Declaration. The Board of Directors may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board of Directors shall be entitled to recover all costs incurred in enforcing compliance.

### III. ARCHITECTURAL AND IMPROVEMENT DESIGN STANDARDS

The following specific site criteria shall apply to all proposed or existing residential construction and modifications unless a variance is granted by a Reviewer.

A. Accessory Buildings: Accessory buildings shall meet the following criteria:

1. An attached accessory building must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence. Roofs may be peaked provided shingles are used.
2. A screen enclosure shall not extend beyond the side of the house.
3. Any utilities servicing accessory buildings shall be installed underground.
4. Accessory buildings not attached, shall not unreasonably obstruct any adjacent neighbor's views or open areas, and must be located in the rear yard and screened by a fence.

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B. Additions and Expansions: Reviewer approval is required for any addition to, or expansion of, a residence. Materials, color and style shall match the existing residence.

C. Air Conditioning Equipment: Through-wall units may be permitted on a case-by-case basis with Reviewer approval. Air Conditioner wall units may be approved with the following conditions:

1. Must be three (3) foot to the top of the unit from the ground.
2. Must shield wall unit 100% with shrubbery.
3. Must be painted the base color of the house. No window air conditioning units shall be allowed to be visible as viewed from the street.

D. Antennae and Communication Dishes: No erection or placement of satellite dishes and/or antennas, whether permanently or temporarily, shall take place except in strict compliance with the provisions of the Declaration and these Architectural Guidelines. Except that, (a) an antenna designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter; (b) an antenna designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or (c) an antenna that is designed to receive television broadcast signals; (collectively, "Permitted Antennas") shall be permitted on Units, subject to such reasonable requirements as to location and screening, consistent with applicable law, in order to minimize obtrusiveness as viewed from streets and adjacent property. Rooftop tripods are not permitted.

E. Architectural Standards: The exteriors of all buildings must be designed to be compatible with the natural site features of the Lot and to be in harmony with their surroundings.

1. Exterior Wall Treatments: The following are acceptable exterior wall treatments for vertical surfaces:

- a. Concrete block or clay brick in natural earth tones;
- b. Vertical, diagonal or horizontal siding painted, stained, or bleached; Natural stone;
- c. Painted stucco in natural earth tones; and \*Anodized or paint finish are required on all metal surfaces including windows, flashing, drips, and caps, preferably in earth tones or compatible colors to the surrounding surfaces.

2. Exterior Colors: Color selections for all exterior material shall be in natural or earth tones. No pastels or primary colors may be used except as approved by the Reviewer. Owners must submit color samples of all exterior surfaces to the Reviewer for review and approval prior to commencing construction or modifications including specifications and samples for window and metal finishes, roof material, trim, and exterior surfaces and accents.

3. Paint: Reviewer approval is required for all exterior painting. A 2 ft x 3 ft sample painted on the surface of the house, in the color and type of paint used

(i.e. flat, semi-gloss, etc.) is required for all paint applications. Review criteria may include, but shall not be limited to, the sheen of paint, the home's architecture, any existing stone or brick accents, roof color, and neighboring properties' colors. The main colors for all exterior building surfaces must complement the architectural theme of the house and the community standard of earth tones.

F. Awnings and Overhangs: The installation of awnings or overhangs requires Reviewer approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence. Metal awnings are prohibited in the front yard.

G. Birdbaths, Birdhouses, Birdfeeders, Squirrel feeders and similar devices: Reviewer approval is not required for the rear yard installation of any subject device that is six feet tall or less, including any pedestal. Placement in any front or side yard requires Reviewer approval.

H. Clotheslines: Outside clotheslines shall be prohibited for all purposes unless used on a portion of an Owner's property, which is fully screened from view from the street.

I. Compost: Compost containers shall not be immediately visible to adjacent properties, and Owner must control odors.

J. Decks, Balconies and Patios: Decks and balconies must be constructed of wood or other material similar to that of the residence and, if painted, must be painted a color similar to or generally acceptable as complementary to the residence in accordance with Section III.E.2 above. Decks and balconies must be installed as an integral part of the residence or patio area. Any such deck, balcony or patio must be located in the rear or side yard screened from view by a privacy fence so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Only front patios constructed during the original builders construction period are allowed. New front patios will not be approved by the Reviewer. Patios may be constructed of concrete, brick, pavers or similar materials as approved by the Reviewer and meeting all applicable Orange County Codes. Construction shall not occur over easements.

K. Dog-Houses and Kennels: Doghouses are permitted so long as the doghouse is not visible from the street. If the doghouse will be visible, Reviewer approval shall be required and screening, fencing or landscaping may be required. Animal kennels are prohibited. No animal structure shall provide shelter for more than 3 dogs over six months of age.

L. Elevation: A height limit of thirty-five feet (35') for each Lot shall be the maximum height of each building and shall be measured from finished ground floor to the highest projection of the roof or roof element.

M. Exterior Lighting: No lighting fixture shall be installed that may be or become an annoyance or a nuisance to the residents of adjacent property. Accent (Landscaping) Lighting must be black, dark green or dark brown, so they blend in with the background. Accent (landscape) light fixtures may not exceed 18 "in height.

N. Flags, Banners and Flagpoles: Yard-mounted flagpoles shall not be erected. No more than two (2) flags, on separate poles, may be attached to a house and no flags are allowed on the side on a house, except over the garage. Owners may attach flags of

reasonable size, not exceeding 3' by 5', with mountings not to exceed eight (8) foot, attached to the house or garage. Flags shall be in good condition and shall not be torn or faded.

O. Gazebos & Greenhouses: Any gazebo, greenhouse or solarium must be an integral part of the landscape plan, must not obstruct any adjacent property owner's view and are permitted in the rear yard only.

P. Hot Tubs and Saunas: A hot tub, Jacuzzi, or spa shall be located in the rear or side yard. Additionally it should be part of a deck, patio area or pool area. No hot tubs, Jacuzzi, or spa may be visible from the street.

Q. Latticework and Trellises: Latticework or a garden trellis, which is a part of the landscaping and compatible with the exterior of a structure, may be installed.

R. Mailboxes: No mailbox, paper box, or other receptacles for such materials shall be altered unless its size, type, location, and design have been approved by the Reviewer. If U.S. mail service or newspaper delivery agree to make deliveries to wall receptacles attached to residences, Owners may replace all previously approved receptacles with wall receptacles attached to residences.

S. Massing: Equal attention to detail and architectural definition must be given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials, roof character, and window treatment. Retaining walls, planter walls, and privacy walls should be used to break up the elevation of a building and help relate the structure to the ground. All exposed concrete block or poured concrete foundations and site retaining walls must be covered with an appropriate wall-facing material except where insect barriers are required for home owner insurance requirements e.g. stucco removal from home foundation area to expose termite tunnels).

T. Septic Tanks: Use of septic tanks is permitted however they should be maintained in peak operating condition. Septic fields, which become saturated and prone to surface discharge versus below ground level percolating will not be permitted for health reasons. Septic tanks and fields under repair must be roped off to prevent children and animals from falling into open pits. All septic tank related work should be performed as expeditiously as possible for obvious health and safety reasons. Septic tank and field repair, should be performed by a licensed contractor under Orange County permit.

U. Playhouses/Tree Houses: A playhouse shall be considered an accessory building, when the footprint measures more than 24 square feet, is more than 6 feet high from peak to ground, or is constructed on a concrete slab or footing. Playhouses are allowed in the rear yard only. Tree houses are allowed in the rear yard only. Adjacent neighbors must be in favor of the tree house or they will not be allowed.

V. Pools: Pools shall be an integral part of the deck and/or rear yard landscaping. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring Lots by an enclosure, wall, or fencing, such screening to be in accordance with these Architectural Guidelines and all applicable county regulations. Access to the site must be obtained by using the property of the Owner installing the pool. If access is needed across another Lot or common area, the Applicant shall obtain the written permission of the owner prior to submitting the pool application. Applicants shall be required to assure that any planned

regrading of their lot, either major or minor, relating to the pool installation will not adversely affect the flow of runoff water. Any swimming pool and the screening or fencing surrounding it that is to be constructed on any residential Lot shall be in compliance with all county regulations. Materials, design and construction shall meet standards generally accepted by the industry and shall comply with applicable governmental regulations. The location shall be in the rear yard and shall not cross any easements. All pool equipment, storage tanks, chemical feeders, heating equipment, and any other above-ground apparatus must be shielded by fencing so that such equipment or apparatus is not visible from the street. (See Enclosure Specifications). Pool heater vent stacks may extend above the enclosure. Pool equipment must be shielded within fifteen (15) days from the date of completion of the pool. Pools shall not be allowed to go unmaintained. Proper levels of water and chemicals to maintain said water in swimming condition shall be the rule. Any variance from this standard shall require the consent of the ARB and the Board of Directors. Failure to maintain an enclosure around the pool area shall be referred to the Orange County for immediate correction.

W. Recreational Equipment, Fixed or Portable: Basketball poles and backboards may be installed in the front or rear yards. Front yard location may include directly attaching the backboard to the house or garage. Other recreational equipment such as badminton, volleyball, horseshoes, etc. should be in the rear yard only.

X. Roofing: Roof pitches and overhangs shall be designed for compatibility with adjacent roof profiles in front, side, and rear elevation, and may vary as dictated by architectural design. Reviewer approval is required for a roof-material change. If replacement shingles do not match the existing shingles, the entire area visible from the street or adjacent properties must be replaced. Roofs shall be maintained free from mildew. Any roof which has 25 % or more area discolored on any surface (or plane) by mildew shall be a violation and subject to enforcement.

Y. Roof Accessories and Equipment: Reviewer approval is required for all rooftop equipment and accessories visible from the street unless specifically excepted in this Section. All rooftop equipment must match roofing colors or be of a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing gutters and downspouts must be painted to match, or be compatible with, the fascia and siding of the structure. Reviewer approval is not required for skylights.

Z. Siding: Owners may not change siding style or color without Reviewer approval.

AA. Signs:

1. Permanent business, trade, or commercial signs are prohibited. No signs are allowed in the front entrance or in the medians.

2. Garage sale signs may be placed at the retention wall area of the subdivision main entrance from Lake Underhill Drive on Friday, Saturday and Sundays only.

3. Temporary business signs are allowed during the work phase however must be removed upon completion.

4. One security sign is permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling.

Security company signs are also permitted in the windows. Each shall not exceed 8" by 10".

5. Identification signs (numbers) for Lots are required. Numbers should be at least 3 "high, visible and legible from the street on which the house fronts. The color must contrast with the immediate background material. Security and identification signs shall not exceed 8" by 10".

6. One temporary sign per Lot that advertises property for sale or lease, not to exceed five feet in height and 24" in width, may be installed on a Lot without the Reviewer's approval however the reviewer may impose color restrictions. Signs shall not be located between the sidewalk and the curb. For Sale signs are not allowed in the windows.

7. One sign on a fence or gate for "Beware of Dog" is permitted up to 8 "by 10."

8. One Open House/Directional sign at the retention pond area of the main entrance is allowed on Friday, Saturday and Sunday only. It must be placed at the retention pond area between the road and the wall. Signs cannot have any logos or company information on them except the small Realtor logo. It must be generic and say "Open House". All such signs must be removed by sunset of Sunday.

9. Special event signs such as a party, birthday, etc. are allowed only on the property of the event location and one directional sign may be posted at the retention pond area. Each must be removed promptly after the event occurrence.

10. Political signs are authorized. One sign per lot is permitted. Signs should be grouped together versus spread out all over the lot. No political signs is allowed to be displayed from windows, walls or otherwise a part of the house. Political signs are not allowed in the Common Areas.

11. No other signs are allowed in Bay Run.

BB. Solar Equipment: Solar equipment shall not be installed without the approval of the Reviewer. Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the building architecture. This shall generally mean that the panels shall be roof mounted so that the top surface is flush with the roof surface, with all appurtenances recessed into the structure's attic. Solar panels should be located on the rear or side roof of a home whenever possible. Any equipment placement in question will be decided by the Reviewer. If the solar panel must be placed on the front of the house, the homeowner will be required to submit a certified survey of the roof, depicting the exact location where the solar panels are to be installed. All solar panels must be approved by the Reviewer.

CC. Statues: Reviewer approval is required for all statues in the front or side yards that are visible from the street.

DD. Temporary Structures: Temporary structures, other than those used during the modification of a residence including without limitation, shacks, trailers, vans, tanks, or tents are prohibited. Reviewer approval is required for tents other than camping tents that are used for occasional overnight sleeping by children, and/or weekend type celebrations. The latter shall not be left standing for longer than 72 hours.

EE. Trash Containers: Trash containers shall be stored in garages or side yards behind the front building line and shall be screened from the street and adjacent property by a fence, wall, or landscaping, in accordance with these Architectural Guidelines. Trash containers with secured lids may be placed out for pick-up the evening before and removed by sunset the evening following pick-up. Containers shall not be permitted to remain out between pick-ups regardless of holidays or other reasons.

FF. Utilities: Pipes, wires, utility meters, and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Any utilities or utility equipment not installed below ground or within an enclosed structure requires Reviewer approval. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

GG. Water Conditioners: Water conditioners or softeners may be installed without approval provided that such are totally screened from view. Fences, enclosures and shrubs are types of acceptable screening.

HH. Windows, Shutters and Doors: Windows should be clear glass or a tinted glass, bronze, gray, or smoke colors. Window film must be 20% visible light reflected or less and non-reflective. Reviewer approval is not required for wooden exterior shutters so long as the shutters are of a material similar to and of a color and design generally accepted as complementary to the exterior of the house. No hurricane or storm shutters shall be installed unless approved by the Reviewer. Approved hurricane shutters and/or temporary protective covering shall be allowed only after a storm warning has been issued by the U.S. Weather Service. Approved permanent hurricane shutters must be opened and temporary protective coverings removed within 48 hours after the "all clear" is announced. Reviewer approval is not required for the addition of screen doors or other type doors to a home if the material matches or is similar to existing doors on the house and if the color is generally accepted as complementary to that of existing doors on the house. No "burglar bars," steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any front windows or doors of any dwelling. All window coverings must be maintained in a good state of repair. Window coverings must be manufactured vertical or horizontal blinds, drapes, curtains, fans or shades that fit the dimensions of the window and properly mounted. No drawings, pictures, lettering, signs, sheets etc. may be attached or visible in any part of the window other than house security signs. Small garage door windows do not need to be covered, but if they are, the coverings must be maintained in a good state of repair.

#### IV. LANDSCAPING AND SITE STANDARDS

A. Landscape Standards. Landscaping is an essential element of design at Bay Run. Preservation of existing vegetation in addition to the introduction of plants native to the Orlando area must be considered in establishing the landscape design.

1. Landscaping: If the landscaping plan indicates that more than 50 % of the front yard will be lawn, and the remaining landscaping conforms to minimum landscaping standards listed below, Applicant need not seek approval of the plan. If, however, the plan indicates that 50 % or more of the front yard is to be landscaped, or the landscaping varies from the typical approved plan, Applicant must submit his plan to the Reviewer for approval.

2. Approved and Prohibited Landscape Materials: A list of recommended and prohibited landscape materials that may be used within the development is attached as Exhibit "B" which may be updated and revised from time to time.

3. Plant Quality Standards: Acceptable plant quality standards shall apply to landscape plants used in conformance with this Section. All trees and shrubs shall be Florida No. 1 or better as defined in "Grades and Standards for Nursery Plants," Part I and Part II, State Of Florida, Department of Agriculture, in the most current edition. Sod shall be free of weeds, diseases, fungus, and vermin.

4. Maintenance: All landscaped areas (to the paved public right of way) shall be maintained in live, healthy and growing condition, properly watered and trimmed. Any planting of grass, shrubs or trees which become dead or badly damaged shall be replaced with similar sound, healthy plant materials. A dead, declining, or dying tree in front yards, if replaced, shall be replaced with a tree that is approximately the same height as the original, or minimum height of eight (8) feet, whichever is less. Each residential Lot shall maintain one shade tree.

B. Drainage: Drainage of the Lot must conform to all Orange County requirements. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Builder prior to (or in some cases, immediately following) conveyance of title from Builder to the individual homeowner. Owners may make minor drainage modifications to their Lots provided that they do not alter the established drainage pattern. Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation and other structures. Water should not pond on walkways, sidewalks, or driveways into the street. The Reviewer may require a report from an engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

C. Easement Plantings: All plantings in an easement area (the area between the sidewalk and the curb) that have been previously approved shall be subject to the following conditions:

1. Annuals and ground cover planted in the easement area shall be less than 18 inches in height.
2. Only single-trunk trees shall be allowed in the easement area.
3. Palm trees must have a five (5) foot clear trunk before the fronds start and be the type that will reach a height of at least 12 feet.
4. Plant hangers will not be allowed in the easements.
5. Poured curbing will not be allowed in the easements.

D. Fences, Walls, and Enclosures: In order to provide privacy and maintain a uniform appearance of quality throughout the development subject structures should be constructed per the following guidelines:

1. Height, Materials, and Types: Fences, walls, and enclosures shall not exceed six (6) feet in height on front, side, and rear yard areas. Acceptable

materials are wood, block and stucco, stone, brick, or landscape plants, PVC or vinyl or a combination of these. Colors and patterns shall be compatible with the housing design and harmonious with the streetscape. Fencing specifications are attached and particular types of fencing must be used in certain areas. All exceptions will require reviewer approval.

2. Construction: Fences shall be constructed in accordance with the specifications attached as exhibits. The exterior side of all fences shall have a finished appearance as viewed from the street. Owners may set fence posts adjacent to a neighboring property's fence post without permission. Tying into a neighbor's fence shall require the Owner's permission.

3. Maintenance: Any fences, walls, or screens shall be well repaired and maintained consistent with the Community-Wide Standard. In the event a fence, or wall, or screen is damaged or destroyed, the Owner or responsible party shall repair or recondition the same at their expense.

a. If a fence is located totally on one lot, that lot owner will be held responsible to maintain both sides of the fence. A landowner cannot enter the adjoining lot owner's property without permission for the purpose of maintaining the fence.

b. Painting of fences is not required. However if any portion is painted than the entire fence viewed from the street must be painted in the color of the house or a complimentary shade thereof. Fences abutting neighbors yards may be painted different colors on each side to compliment each others specific house color.

4. Enclosures: Enclosures shall be constructed from materials similar in style to fences, walls and or home siding. Enclosures shall be painted the same color as the base color of the house. Enclosure height should be kept to a minimum. Shrubbery is also an effective and approved way to provide cover where necessary.

E. Gardens: Gardens shall be allowed in rear yards only.

F. Grading: Owners shall not grade their property so as to interfere with the established drainage pattern over any property except as approved in writing by the Reviewer and the Orange County. Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades.

G. Hedges: Hedges or continual row of shrubs greater than 48" in height shall not be permitted in the front yard.

H. Paving or Painting Driveways: Owner shall secure Reviewer's approval prior to paving or painting with any material, including concrete, asphalt, brick, flagstone, stepping stones, and pre-cast patterned or exposed aggregate concrete pavers, and for any purpose, including walks, driveways, or patio areas. Owners shall secure Reviewer approval before extending or expanding any driveway. The Reviewer shall not approve such extensions or expansions for Owner's intended purpose of providing front yard parking or vehicle storage. Driveways shall be maintained and kept stain-free in

accordance with the Community-Wide Standard. Stains will be reviewed on a case-by-case basis, and the Reviewer shall require excessive stains to be removed.

I. Retaining Walls: Such walls shall be properly anchored to withstand overturning forces. Stone walls shall be made thicker at the bottom than at the top to achieve stability. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Walls shall not be located so as to alter the existing drainage patterns.

J. Underground Installations: Owners shall seek approval for any proposed underground installation, except for installation of underground sprinkler systems.

K. Views: Views from the roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation. All front and side building setback areas must be landscaped if visible from the street.

L. Water Systems: Installation of individual water supply, except for irrigation systems, is prohibited without Reviewer approval and unless the system is designed, located, constructed, and equipped in accordance with requirements, standards, and recommendations or any applicable water and sanitation district or other governmental authorities having jurisdiction. Owners may install irrigation systems, above ground or underground, without Reviewer approval so long as the Owner installing such system obtains any permits required by Orange County or other governmental authorities. Irrigation systems connected to the Orange County water system should have separate county meters. Landscaped areas of each Lot and the roadway boulevard shall be irrigated by an automatic irrigation system wherever possible. Any other water system may be installed without the Reviewer's approval so long as the water system is completely contained within the dwelling and causes no architectural change to the exterior of the dwelling.

M. Yard Orientation and Retaining Walls: Yard orientation is as follows:

1. Front: The front yard is defined as the area between the sidewalk or curb and the front of the main dwelling.

2. Side: The side yard is the open space between the main dwelling and the Lot's property line. Six-foot high privacy fences constructed in accordance with these Architectural Guidelines may be constructed. Such fences must be set back a minimum of 3 feet from the front yard.

3. Rear: The rear yard is the portion of the Lot between the rear property line and the back of the main dwelling.

## V. CONSTRUCTION/MODIFICATION GUIDELINES

A. Inspections: The Reviewer may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans, these Architectural Guidelines, and the Community-Wide Standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Orange County and other organizations having jurisdiction. Job sites not in compliance with the Declaration, these Architectural Guidelines, approved plans will be issued a Notice of Violation and a

punch list of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punch list items have been corrected.

B. Vegetation and Property Protection and Barricading: Prior to any construction or clearing activities, the Applicant shall take measures to protect vegetation and other peoples property including common areas, right of ways and Greenbelt areas. The type and materials of barricades may be reviewed by the Reviewer. In addition, the following actions are prohibited:

1. Dumping backfill into an area containing protected vegetation ("protected area").
2. Excavating soil from a protected area.
3. Falling trees into a protected area.
4. Parking in or driving through protected areas.
5. Stacking or storing supplies or equipment in protected areas.
6. Changing site grading to causing drainage into a protected area.
7. Locating temporary construction buildings in a protected area.
8. Disposing of toxic materials into a protected area.

C. Construction Damages: Any damage to vegetation, anothers property or Common Area facilities caused by the Applicant, its contractors, sub-contractors, agents, or employees must be corrected immediately to the satisfaction of the Reviewer and the owner of the damaged property. If the damage is not corrected the Association may repair such damage and assess the costs of repair to the Applicant.

D. Conduct: The Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in Bay Run. Loud music, profanity, and other behavior, which is unbecoming of a quality operation, will not be tolerated. Employees violating this policy may be asked to leave the premises.

E. Site Cleanliness: All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

## **VI. NON-LIABILITY FOR APPROVAL OF PLANS**

Article VII Section 7.5 of the Declaration contains a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an owner. PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, YOU SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF YOU DO NOT UNDERSTAND IT, PLEASE ASK A REPRESENTATIVE OF THE BOARD OF DIRECTORS OR THE ARB TO EXPLAIN IT TO YOU.

## **VII. CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES**

These Architectural Guidelines may be amended as follows:

- A. These guidelines may be amended only upon the affirmative vote of two-thirds of the members of the ARB, and a majority consent of the Board.

*B. Such amendments shall be promptly distributed to the members of the association.*

*C. All amendments shall become effective upon completion of vote per paragraph A. of this section. Such amendments shall not be retroactive so as to apply to previous work or approved work in progress.*

*D. In no way shall any amendment to these Architectural Guidelines change, alter or modify any provision of the Declaration or any Supplemental Declaration.*

*These Architectural Guidelines have been prepared by Property First, Inc. for use at Bay Run and hereby adopted on this day of 7<sup>th</sup> day of July, 2003.*

## TABLE OF EXHIBITS

### EXHIBIT "A"

ALL OWNERS ARE TO FOLLOW THESE SPECIFICATIONS WHEN INSTALLING FENCES

STYLE: 6-FOOT HIGH Shadow Box, BOARD ON BOARD, TREATED PINE, VINYL OR PVC

PICKETS: COLORED VINYL (NO WHITE) OR PVC. CYPRESS, CEDAR OR TREATED PINE

HORIZONTAL VINYL, PVC OR PRESSURE TREATED PINE SUPPORTS (3)

POSTS: VINYL, PVC OR PRESSURE TREATED PINE

FENCE LOCATION: MUST TIE INTO THE HOUSE AT LEAST 3 FEET BACK FROM THE FRONT OF THE HOUSE.

GATES: OF THE SAME MATERIAL AS THE FENCE. MAY USE GALVANIZED STEEL FRAMES FOR LARGE GATES.

## EXHIBIT "B"

### Landscape Materials List

#### RECOMMENDED SHADE TREE

- Quercus Virginiana - Live Oak
- Quercus Laurefolia - Laurel Oak
- Koelreuteria Formosana - Golden Raintree
- Ulmus Parvifolia - Weeping Elm
- Cinnamomum Camphora - Camphor Tree

#### RECOMMENDED STREET TREES

- Red Maple - Sweet Gum - Southern Magnolia
- Shumard Oak - Live Oak - Laurel Oak

#### RECOMMENDED GRASS SOD

- St. Augustine—Bermuda—Argentine Bahia

#### PROHIBITED TREES AND SHRUBS

- Casuarina Glaura - Australian Pine
- Grevillea Robusta - Silk Oak
- Melaleuca Quinquenervia - Punk Tree
- Eucalyptus Spp - Gum Tree
- Thuja Occidentalis - Arborvitae
- Shinus Terebinthifolius - Brazilian Pepper Tree

#### RECOMMENDED SCREEN TREES AND SHRUBS

- Ligustrum Japonica - Japanese Privet
- Lagerstroemia Indica - Crepe Myrtle
- Myrica Cerifera - Wax Myrtle
- Viburnum Suspensum - Sandankwa
- Photina Glabra - Red Leafed Photina
- Pittosporum Tobira — Green Pittosporum
- Nerium Oleander
- Azaleas

Palm trees may be planted in the Orange County public right of way, provided, that they are single trunk and are a type, which will reach a height of at least 12 feet.

## EXHIBIT "C"

### Defined Terms

The capitalized terms used in these Architectural Guidelines are generally defined in Article I of the Declaration. For convenience, some of these definitions and other terms used herein are summarized below.

1. "Applicant": A Person submitting a request for architectural review to the appropriate Reviewer.
2. "Architectural Guidelines": These Architectural Guidelines and Community Standards for the Bay Run Homeowners Association, Inc. adopted by the membership as provided in the Declaration.
3. "Architectural Review Board": (ARB) A Board appointed committee delegated architectural review duties and responsibilities.
4. "Board": The Board of Directors for Bay Run Homeowners Association, Inc., as defined in the Declaration.
5. "Builder": A Person engaged in constructing improvements to Units.
6. "Common Area": Property owned by the Association for the common use and benefit of the Association membership as more specifically defined in the Declaration.
7. "Declaration": The Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Bay Run, filed on, and recorded in \_\_\_\_\_ of Orange County, Florida.
8. "General Application": A proposal for any initial construction, modification or landscaping requiring the approval of a Reviewer, and containing such information as these Architectural Guidelines and the Reviewer may require.
9. "Lot(s)": This term will have the same meaning as, and be interchangeable with, the term Units as defined in the Declaration.
10. "Owner(s)": Record title holders to a Lot within Bay Run as defined in the Declaration.