

# BAY COLONY WEST HOMEOWNERS ASSOCIATION, INC

## RESIDENTIAL IMPROVEMENT GUIDELINES FOR HOMEOWNERS

WHEREAS, Bay Colony Expansion 369, Ltd, a Texas limited partnership ("Declarant") has set forth a Declaration for Covenants, Conditions and Restrictions for Bay Colony West Single Family Residential Areas ("the Declaration") for the Bay Colony Homeowners Association, Inc. ("the Association"), and

WHEREAS the Declaration imposes beneficial restrictions on all properties within the jurisdiction of the Association or which have been added to the Association by annexation. The Declaration and Annexations have been duly recorded in the Official Public Records of Real Property for Galveston County, Texas, and

WHEREAS, a system of architectural control is created by the Declaration and is vested in the Bay Colony West Architectural Review Committee (the "ARC") pursuant to Article VI, Section 2 of the Declaration, and said ARC has been appointed by Declarant or the Board of Directors in accordance with the provisions of the Article VI, Section 2 for the purpose of reviewing all new construction and any modifications or alterations to existing Lots or Residences,

NOW THEREFORE, these Residential Improvement Guidelines For Homeowners are hereby set forth to outline design goals, design criteria and the design review process for alterations or modifications to existing Residences to Bay Colony West PUD for such properties that have been brought under the jurisdiction of the Association.

### A. DEFINITIONS:

Terms used in this document have the following meanings:

Association	Bay Colony West Homeowners Association, Inc.
Board	Board of Directors of the Association
ARC	Bay Colony West Architectural Review Committee
Management Company	Professional Management Company contracted by the Association
Declaration	<u>Declaration of Covenants, Conditions and Restrictions for Bay Colony West Single Family Residential Areas</u> , recorded under Clerk's File 2004 058774 in the Official Records of Real Property in Galveston County, Texas
Supplementary Declarations	Supplementary Declarations that apply specifically other properties within Bay Colony West PUD that have been or will be annexed in to the Association and made subject to the Declaration
The Community	Areas of Bay Colony West PUD that have been brought under the jurisdiction of the Association
Declarant	Bay Colony Expansion 369, Ltd., a Texas Limited Partnership

Improvement Guidelines	These Residential Improvement Guidelines for Homeowners which set forth rules, standards and procedures established by the ARC pertaining to building, additions, or other improvements in the Community
Homeowner Improvements	Alterations or modifications on a lot or residence after initial construction of the homebuilder, pursuant to these Improvement Guidelines
Application	Application for approval for exterior changes, additions, or improvements. Forms and names vary by Management Company.

**B. PURPOSE OF GUIDELINES:**

These Improvement Guidelines and clarifications are established by the ARC with approval of the Board. They are intended to provide all homeowners information about the type, color, quality and grade of material which may be used in construction of various kinds of improvements; the size and location of such improvements; and the procedure followed by the ARC for reviewing Applications for proposed improvements.

They are intended to further insure consistency in decisions by the ARC and assist in expediting the decision process. The Guidelines are intended to augment the Declaration and not replace or override it. In cases where the Guidelines and the Declaration conflict, the Declaration shall govern. These Guidelines may be amended by addition, deletion, or alteration at any time via recommendation by the ARC with approval from the Board.

While the ARC will make every reasonable attempt to be fair and equitable, the ARC and the Board will not necessarily be bound by past decisions.

These Guidelines may be amended from time to time by majority vote of the Board of Directors of the Bay Colony West Homeowners Association, Inc., by numbered amendment, or reissued as revised guidelines. The Restrictions of Use in the Declaration may be revised only by a vote representing not less than two-thirds (2/3) of the votes in the Association.

**C. PURPOSE OF COMMITTEE:**

The purpose of the ARC is to review and evaluate Applications for improvements to homes, structures, and properties (lots) within the Community, in accordance with the Declaration and these Guidelines. The ARC also functions as a central architectural control for the Community, in order to enhance, insure and protect the attractiveness, beauty, and desirability of the community as a whole while, at the same time, permitting compatible distinctiveness of homes within the community. The ARC will also make recommendations to the Board regarding changes or clarifications to these Guidelines or the Declaration.

**D. REVIEW PROCEDURES:**

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

1. An item can come before the ARC as follows

- a. A property Owner (or his/her representative) shall submit an Application for improvement to the Management Company.
- b. An unapproved improvement may come to the attention of the Board, ARC or the Management Company. The Management Company will send a letter to the Owner requesting an Application be submitted. If no Application is received within 30 days, the Management Company will report this to the Board, which will take appropriate action.
- c. If the unapproved improvement appears to be a violation of the Declaration, the initial notification/ request to the Owner will be a registered letter.

2. Applications for Approval:

All Applications to make any exterior changes, additions, or improvements must be submitted to the Management Company in writing by completing the Application form currently in use by the ARC (Exhibit "A" is a copy of a typical Application). The Management Company shall coordinate Application processing on behalf of the ARC.

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

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

3. ARC Decisions:

ARC members shall consider each Application for compliance with the Declaration and these Guidelines. The decision of a majority of members to approve or disapprove an Application shall be considered the decision of the ARC.

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

In accordance with the Declaration, any Application that is not approved or disapproved within sixty (60) days of the date of its receipt shall be deemed to have been automatically approved provided, however, that (i) any such approval shall extend only to the Improvement Guidelines and not to any of the use restrictions set forth in the Declaration; and (ii) in no event shall non-action be deemed to constitute approval of an Application for any change, addition, improvement, or any other item that would violate the Declaration. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within forty-five (45) days of the date construction, installation, or erection is commenced.

4. Board Appeals:

In the event the ARC disapproves an Application, the applicant may submit a written appeal to the Management Company for review by the Board. The Board shall review the appeal at its next meeting following the date upon which the request for appeal is received, and notify the applicant of the Board's decision. All decisions of the Board shall be final.

5. Status of Applications During Appeal:

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

## **E. ARCHITECTURAL STANDARDS AND RESTRICTIONS:**

### **1. General**

- a. **Precedents:** While the ARC will make every reasonable attempt to be fair and equitable, it will not necessarily be bound by past decisions. The ARC reserves the right to disapprove Applications for improvements that require a variance from the established Covenants if it believes that such changes are not in the best interest of the future of The Community, even if a precedent was set by an earlier decision of the ARC. From time to time, the ARC may make a decision that, in retrospect, is not in the best interests of the community. The ARC and the Board reserve the right to recognize such a situation and no longer permit its use as a precedent. The same right applies if the ARC makes an error in allowing a change or addition to these Guidelines.
- b. **Quality of Repairs and Improvements:** Repairs and improvements are required to be of equal or better quality than original construction and of the same type. While there is no specific requirement for the Owner to apply to the ARC for such in-kind repairs, the quality of such work may come under the scope of the ARC 's responsibilities if the repair is done in such a way as to detract from the appearance of the neighborhood.
- c. **Easement Encroachments:** It is not the responsibility of either the ARC or the Board to police encroachment into utility easement areas. If possible, the ARC will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility. However, the ARC will not be liable for any expense incurred by an Owner as a result of action by a utility company if such encroachment occurs, even if the ARC approved the change or addition without comment.

### **2. Building Materials and Roofing Materials:**

- a. **Brick, Stucco, Stone and Cultured Stone:** Brick, stucco, stone and cultured stone are the preferred building materials for siding the main residence or additions. The thickness, visible width, spacing and mortar of the brick, stone or cultured stone must be consistent with that of the original exterior and surrounding community. Each Application submitted to the ARC shall include a sample of the proposed material.
- b. **Exterior Siding:** When exterior siding is to be added or replaced on any existing structure or new improvement on the Lot, it must be of the same type, quality, size, and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time). Only fiber-cement (*JamesHardie "Hardiplank"®* or equivalent) shall be used as exterior siding, and must be approved by the ARC. The following additional guidelines apply to replacement or additional exterior siding:
  - (i) Minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);
  - (ii) Thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ARC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;
  - (iii) Color of all siding (including siding that is not painted) must comply with the Guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color. Siding with impregnated permanent color (*JamesHardie "ColorPlus"®* or similar) must be approved for color in the same manner as paint samples.
  - (iv) Must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ARC may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

c. Roofing Materials:

- (i). All roofing materials must have a minimum 25-year warranty and be equal in appearance and quality to the existing roofing. A sample of the proposed shingle to be placed on any existing roof, or any new improvement (Including outbuildings) must be attached to each application submitted to the ARC. Corrugated metal, corrugated aluminum, acrylics and such materials are not approvable for roofing.
- (ii) The ARC may maintain a chart depicting examples of the acceptable type, quality and color of roofing materials for homes and other improvements within the subdivision. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that the proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision.
- (iii) The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color.
- (iv) Felt for all composition roofs must have a weight of at least 30 lbs.

3. Painting:

- a. Approval. No exterior surface of any house, garage, or other structure or improvement on any lot shall be painted or repainted without prior approval of the ARC. This applies to existing, as well as new construction, and whether the proposed colors are the same or different from the existing colors. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each Application submitted to the ARC.
- b. Harmonious Colors. The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials. The ARC may maintain a chart depicting examples of the acceptable shades of earthtone colors (i.e. shades of beige, brown, gray and white). The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the community.
- c. Trim. Soffit, fascia board, window and door trim and rain gutters must also be an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.
- d. Accents. Shutters, window hoods, the side panels of doors and windows and the exterior surfaces of doors may be painted any acceptable earthtone color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust or dark blue. Window hoods may also be painted in a coppertone metallic based paint. Only one accent color is permitted per lot. Exterior doors may be stained a natural wood color or may be painted to match the other accents, trim, or main house color.

4. Decks:

All decks must be approved by the ARC with respect to location and the standard, type, color and quality of materials used in construction. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot. No deck shall be constructed more than eighteen inches (18") above the natural ground.

5. Patio Covers:

- a. The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that corrugated roofs for patio covers and aluminum patio covers shall not be permitted under any circumstances. If siding is used on patio covers, it must be of the same type, quality, and color as the siding on the main residence. Roofing materials on patio covers shall conform to the provisions relating to roofing materials set forth in the Declaration and these Guidelines. Louvered or trellis-style patio cover roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may be stained

or painted provided the color shall conform to the provisions relating to painting set forth in these Guidelines. Any patio cover, which is not attached to the house, shall be subject to the Guidelines set forth herein for gazebos.

- b. The location of a patio cover must not be visible from the street in front of the home. Further, it must not encroach on any utility or drainage easement, nor shall it violate the building setback lines applicable to the residential dwelling on any lot. Patio covers must not interfere with drainage or cause water to flow onto any adjacent lot.
- c. All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.
- d. Patio covers which are attached to the house shall be securely attached at a height not less than seven feet (7') nor more than twelve feet (12') from the ground. Patio covers which are attached to a detached garage or breezeway must be securely attached at a height below the eaves of each structure at a height of not less than seven feet (7') nor more than nine feet (9') from the ground. The top of the patio cover at its lowest point shall not be higher than eight feet (8') from the ground. The patio cover roof shall provide an attractive slope away from the house at an angle which does not exceed that of the roof on the house.
- e. The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing Guidelines set forth herein. Where the patio cover is gabled, the roof pitch should match the roof pitch of the portion of the home where the cover is attached. If the patio cover is not gabled, it should have a 3:12 slope. Flat or trellis-roofed patio covers will be considered on a case-by-case basis

#### 6. Patio Enclosures:

- a. A "patio enclosure" is any patio cover which has exterior walls and/or screens (other than "sun rooms" as defined in these Guidelines).
- b. All structural components of patio enclosures, including roofing materials, shall be subject to the Guidelines set forth herein for "patio covers". This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.
- c. The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the main dwelling on the lot, and in accordance with Paragraph E.2 above. No visible part of the enclosure may be made of metal other than screens, frames, and storm doors. Patio enclosure screens must be the same color as existing window screens on the main dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the main dwelling or the color of existing window frames.

#### 7. Sunrooms:

- a. A "sunroom" is any room with glass-enclosed walls or a glass ceiling. The ARC may reject any Application to construct a sunroom on a lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.
- b. Applications must be accompanied by a detailed scale drawing showing the three dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.

- c. A sunroom may be added to the rear of the residence only. Applications for sunrooms on cul-de-sac lots and corner lots where the rear of the house faces a street or other community property will be considered on a case-by-case basis.
  - d. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
  - e. The floor of the sunroom must be of reinforced concrete slab construction with 3" minimum thickness. No other flooring material will be permitted.
  - f. Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum 3/16" thick if tempered glass or a minimum 1/4" thick if laminated glass. Maximum width of glass between support trusses will be 36" measured center-to-center.
  - g. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand 100 m.p.h. wind and 25 lbs. per square foot. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or "T" shaped trusses will not be allowed.
  - h. The roof of a sunroom must have a minimum pitch of 1" per 12" of projection. The sunroom may not project more than twenty feet (20') measured from the rear facing plane of the residence. The sunroom may not project beyond either side-facing plane of the residence. A sunroom may not encroach on any existing setbacks or easements.
  - i. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve feet (12') or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
  - j. If ceiling lighting is installed, it must be downward-directed, focused, low-wattage track lighting. Any electrical plug outlet installed within the trusses/glazing supports must be of the UL approved Ground Fault Interrupt (GFI) type.
  - k. Sunrooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed 36" x 36" in size and must be at least 36" in any direction away from adjoining opening panels.
  - l. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.
  - m. Window-coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed. The side of the window-covering facing the exterior must be of a neutral, earth-tone color, which must also blend with the exterior color of the home. If there is covering on any one window, then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval, at the discretion of the ARC.
8. Swimming Pools And Spas:
- a. The Application for the construction of a swimming pool or spa must include a plot plan showing the proposed location of the swimming pool or spa in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. If any trees are to be removed or relocated, this must also be noted. The Application shall also include a timetable for the construction.
  - b. No swimming pool or spa shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6') fence constructed of wood or of wrought iron as provided in these Guidelines or such a fence is proposed to be constructed in conjunction with the swimming pool.

- c. Swimming pools and spas must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate of the ARC. Under no circumstances shall water from a swimming pool or spa be permitted to drain onto the surface of the lot on which the swimming pool or spa is situated or onto any adjacent lot.
- d. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or removed from the premises and legally disposed off-site by the pool contractor.
- e. Electrical equipment for swimming pools must be in compliance with the latest version of the National Electrical Code to include the installation of a ground fault circuit interrupter. No swimming pools may be enclosed with screens. No swimming pool or spa shall be approved for construction on utility or drainage easements or in a manner that causes water to flow on an adjacent lot.
- f. The pool mechanical equipment may be placed within the side yard setback, but must be located within the fenced area of the home. The pool equipment may not be placed in such a way as to impede the three foot (3') wide side yard drainage easement.
- g. Above-ground swimming pools are not permitted.

9. Outbuildings:

*Specific Use Restrictions relative to Outbuildings are covered in Article VII, Section 22 of the Declaration. The following Guidelines supplement and clarify the Specific Use Restrictions*

- a. Only one (1) outbuilding not exceeding one hundred forty four (144) square feet and eight feet (8') in height shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence.
- b. Building materials, including siding and roofing must be consistent with these Guidelines. Metal or vinyl buildings (except as noted below) are not approvable.
- c. Outbuildings must conform to the building front and side setback restrictions set forth in the Declaration. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.
- d. The use of small, manufactured outbuildings of less than twenty (20) square feet and six feet (6') in height are approvable, provided they are not visible from any Public Exposure. An example of such buildings are those manufactured by *Rubbermaid®*.

10. Landscaping

*Specific Use Restrictions relative to Landscaping are covered in Article VII, Section 15 of the Declaration, and may be modified by Supplementary Declaration. The following Guidelines supplement and clarify the Specific Use Restrictions*

- a. In general, the addition or movement of trees, shrubs and other live items of landscaping is acceptable without a formal review by the ARC. Exceptions are landscaping that is, or will, act as a non-compliant fence, items that obstruct access to a vital community service (such as a fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition or any item that generates a complaint from a resident of the community. These Guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable.
- b. Removal of individual trees is discouraged unless the tree is diseased, dead, severely damaged or poses a hazard. Any front yard trees removed must be replaced with a minimum 30 gallon container grown tree. All Lots within the Community require a minimum of two front yard trees. It is the owners responsibility to maintain these trees. If a tree dies, it shall be replaced by the

property owner with the same species. Removal of multiple live trees, without suitable immediate replacements from any single property, is not approvable.

- c. Irrigation systems must have a back-flow prevention device where attached to the potable water system. Irrigation systems must be placed entirely within the lot and not encroach upon any community open area or neighboring lot. Care must be taken to prevent overspray onto neighboring lot. Location of any improvement within an easement or street right-of-way is at the owner's risk and subject to removal.
- d. Landscape timbers or railroad ties are not permissible within the portion of the yard visible from any street. The use of rock, stone, colored concrete, *Windsor Stone*<sup>®</sup> or brick as edging or retaining walls for planting beds is permissible, however the location and color of the edging is subject to ARC approval. No edging or retaining walls may exceed eighteen inches (18") in height, unless in the case of replacing the retaining wall from the original construction.

11. Wood Fencing:

*Specific Use Restrictions relative to Walls and Fencing are covered in Article VII, Section 24 of the Declaration and may be modified by Supplementary Declaration. The following Guidelines supplement and clarify the Specific Use Restrictions*

a. Location:

- (i) Fences may not be erected forward of a line five feet (5') from the from the front exterior corners of the main residential structure located on a Lot.
- (ii) On corner lots in all sections subsequent to the original Declaration, side yard fences must be set back from the side property line halfway ( $\frac{1}{2}$ ) between the side building line setback shown on the plat and as dictated by the Declaration for this area.

b. Construction:

- (i) Pickets must be cedar to match original construction. All pickets must be 1" x 6" nominal. In cases where the original fence material is capped, any replacement fence must also be capped. Structural materials (rails and posts) may be either cedar or pressure treated pine.
- (ii) Wooden fences facing the front street, along any side street, rear street property line or common area, lake, pipeline easement, greenbelt or other community proportion shall be constructed with all pickets on the outside so that no posts or rails are visible from the street.
- (iii) All other wooden fences must be constructed in the manner described above or must be constructed in panels (each of which is 6 to 8 feet in length) erected in a "good neighbor" fashion so that posts and rails are exposed only on alternate panels when viewed from either side of the fence.

c. Gates: All gates shall be constructed with the same materials as the fence. The hinges and latches used on the gate should be of the same style and quality of those used throughout the subdivision. The ARC shall consider driveway gates on homes with detached garages on a case by case basis. The ARC may approve single or double gates on the side street of corner lots on a case by case basis.

d. Color: No portion of a wood fence on a lot which is visible from any street may be painted or stained. Portions of a fence which are not visible from any street may be stained in acceptable earthtone colors of brown, beige or gray. The ARC may maintain a chart depicting examples of earthtone colors and shades of earthtone colors for stains on wood fences. Each stain color sample submitted by a homeowner shall be compared to the colors and shades of colors set forth on the fence stain color chart to assure that each approved stain is harmonious with the color scheme established for the subdivision.

e. Height: Fences are generally limited to six feet (6') in height, unless special considerations warrant taller fences which must be approved by the ARC.

12. Exterior Lighting:

The addition of exterior lighting, including ground-level lighting, stand-alone lamp posts and lighting mounted on a home or approved structure must be compatible with the general tone and design of the neighborhood and be located inconspicuously. In all cases, lighting fixtures must adhere to the "eight (8) foot maximum height" rule. Residents are encouraged to consult with affected neighbors prior to installing or changing exterior lighting. Wattage of exterior light should be kept to a minimum because excessive wattage can create a nuisance to neighbors.

- a. Changes to Existing Lighting: Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture is comparable to the wattage of the existing fixture.
- b. Security Lighting: Security lighting shall be mounted behind the back plane of the home and below the eaves of the home. No pole mounted lights will be permitted. Mercury vapor/sodium vapor lights, which are considered incompatible with the neighborhood, are not permitted.
- c. Landscape Lighting: Landscape lighting is permitted as long as the lighting fixtures are located in flower beds, shrubs, and similar landscaping. Tree mounted landscape lighting will be permitted as long as the fixture is not mounted higher than eight (8) feet above ground level. Mercury vapor/sodium vapor lights are not permitted as landscaping lighting.
- d. Gas Lighting: Two (2) gas lights per lot shall be permitted with the ARC 's approval. The gas lighting color must be white light.
- e. Annoyances: All new lighting which is approved by the ARC shall be subject to a 90 day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The 90 day period will commence on the date of installation. If, at the end of the 90 day period, the ARC determines that the lighting is unreasonably offensive or an annoyance to surrounding neighbors, the lighting will be required to be modified or be removed in accordance with the ARC's decision.

13. Garages, Driveways and sidewalks:

*Specific Use Restrictions relative to Garages, Driveways and Sidewalks are covered in Article VII, Section 4 of the Declaration, and may be modified by Supplementary Declaration. The following Guidelines supplement and clarify the Specific Use Restrictions*

- a. Garages:
  - (i) All residents of Bay Colony West shall have attached or detached garages for not less than two vehicles. No alteration or modification of a garage shall be permitted that would preclude the parking of two vehicles within the garage.
  - (ii). The conversion of a garage to a family room, or similar modification, is not permitted, even if the appearance of a garage is maintained from the street (i.e. the garage doors are still intact)
  - (iii) Side-entry garages (from the side street of the corner lot) are not permitted.
- b. Driveways:
  - (i) Replacement driveways must be to the same quality, line, grade and location as the original driveway for the residence.
  - (ii) The maximum driveway width for homes with attached garages is seventeen feet (17') at the front property line. The maximum driveway width for homes with detached garages is twelve feet (12') at the front property line, extending to the building line.
  - (iii) Side-entry driveways (from the side street of the corner lot) is not permitted.

c. Sidewalks:

- (i) Replacement sidewalks must be to the same quality, line, grade and location as the original sidewalks for the residence.
- (ii) Additional sidewalks are subject to ARC approval.

d. Materials:

Driveways and sidewalks may be paved with concrete or other masonry materials which relate to the architecture of the residence. The masonry material must be compatible, not only with the home, but with any other walkways or terraces on the lot. Materials such as textured concrete, stamped concrete, colored concrete, interlocking pavers, brick border pavers, and cut stone shall be permitted with the ARC 's approval.

14. Basketball Goals & Hoops:

- a. Type and Quality: Basketball goals must be mounted on a rigid steel or aluminum pole. Goals on the garage or home structure are not permitted . The backboard material must be fiberglass or safety glass. The color must be clear (safety glass), gray or white with the exception of the white, black, orange or red manufacturer's outline markings. The rim should be of heavy gauge steel and white, black or orange in color. The net must be maintained in good condition as determined by the ARC. The pole must have a manufacturer's weather resistant finish or be painted black or white.
- b. Location: Basketball goals must be installed in rear (back) yards subject to setback and easement restrictions.
- c. Restrictions: A pole-mounted goal must not be within ten (10') feet of an adjacent lot owner's amenities (air conditioning unit, shrubbery, gas meter, driveway, etc.) unless properly protected (i.e., by fence or shrubbery). No pole-mounted goals will be allowed along the neighbor's adjoining side of a driveway if a neighbor's first story house window(s) are exposed. Goals installed near a lot boundary line must include with the Application a letter stating that the owner will remove the goal if requested by the Board.
- d. Revocation: The Board may revoke its approval and require removal of any basketball goal which it reasonably determines to be a nuisance to the neighbors.
- e. Portable Basketball Goals: Portable basketball goals must be stored out of view from any street in the subdivision when not in use, and are not approvable for permanent installation. Portable basketball goals may not be utilized within any common area or public right of way (including greenbelts, sidewalks, streets, or cul-de-sacs).

15. Play Structures:

*Specific Use Restrictions relative to Playground Equipment are covered in Article VII, Section 21 of the Declaration. The following Guidelines clarify the Use Restrictions.*

- a. For the purpose of these Guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide, or swing set and shall be restricted to the fenced portion of the lot.
- b. The play structure shall not exceed twelve feet (12') in height, including the awning and shall not be located closer than ten feet (10') to any property line. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot.
- c. Multi-color tarps, windsocks, or streamers attached to the play structure are not allowed.

16. Antennae and Satellite Dishes:

*Specific Use Restrictions relative to Antennae and Satellite Dishes are covered in Article VII, Section 5 of the Declaration. The following Guidelines supplement the Use Restrictions.*

- a. Direct Broadcast Satellite (DBS) Dishes (e.g. "Direct TV," "Dish Network" ) for digital TV or satellite internet, are permissible for roof mount or direct mount on the side of homes within Bay Colony West, subject to the following installation guidelines:
  - (i) Dishes cannot exceed thirty-nine inches (39") in diameter or width.
  - (ii) The location must be approved by the ARC. Preferable mounting locations are on the back of the home below the roof peak, so as to not be readily visible from the street. However, approval will not be unreasonably withheld by the ARC.
  - (iii) The dish must be kept in good repair, and removed if no longer in use.
- b. Satellite dish antennas greater than thirty-nine inches (39") in diameter, as well as outside antenna for amateur radio operation, microwave transmission or reception, and short/long wave transmission or reception are prohibited.

17. Signs:

*Specific Use Restrictions relative to Signs are covered in Article VII, Section 23 of the Declaration. The following Guidelines supplement the Use Restrictions.*

- a. Home Security Signs. No signs shall be permitted on any lot except for a limited number of small, inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system. Each sign shall be from a professional security company and should not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard and one (1) shall be allowed within the rear, fenced in portion of the lot. Each sign may be mounted on a stake or a wall of the house or garage. If stake mounted, the top of the sign shall not exceed two feet (2') from the ground level when installed and must be no further than three feet (3') away from the house or garage. Signs must be of an acceptable color which is harmonious with the surrounding structure and landscaping.
- b. Other Types:
  - (i) Open house. One (1) temporary open house sign is allowed in front of the residence on the day of open house only. Size: no more than six square feet (6') overall.
  - (ii) School Organization. One (1) temporary school activity sign is allowed in the planting beds of a residence not farther than three feet (3') from the outside wall of the house, unless otherwise noted and approved by the ARC. Maximum Size Allowed: 42" in height and 18" in width.
  - (iii) Yard of the Month. One (1) yard of the month sign supplied by the Association is allowed in the planting bed of the residence not farther than three feet (3') from outside wall of house.

18. Miscellaneous:

- a. Birdhouses. Birdhouses shall be permitted only in the back yard, subject to the prior approval of the ARC. No birdhouse shall be situated higher than eight feet (8') above the ground and no more than two (2) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot. Any birdhouse must be within the fenced area of the lot.
- b. Flag poles. A flag staff may be mounted on the home so long as the length of the staff does not exceed six feet (6') and the top-most part of the staff does not extend to a point higher than the highest point of the home.
- c. Rain Gutters. Rain gutters may be plastic or aluminum items, and must be painted a color compatible with the home on which they are installed. Application should be made showing the extent of guttering and location of downspouts.
- d. Awnings. Awnings visible from the front street or side street shall not be permitted. Awnings on the rear portion of a lot must be approved by the ARC.

- e. Solar Screens.
- (i) All solar screens must be approved by the ARC.
  - (ii) Solar screens are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards.
  - (iii) **Solar screens may be permitted in the front of the home if they are constructed with window-lites that match the window-lites of the windows being covered**, so as to not distract from the architectural harmony of the home. If solar screens are installed on the front of the home, all windows on the front must have solar screens.
  - (iv) Solar screens without window-lites are permissible only on the sides and rear of homes only.
- f. Emergency and Disaster Reaction: Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than 6 months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARC.
- Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARC. All such installations must be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.
- g. Burglar Bars. The use of burglar bars on the exterior of any window or doors is prohibited. In the event burglar bars are installed they shall be located inside of the window and not visible from public view.
- h. Holiday Decorations: Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 45 days prior to the holiday and must be removed within 30 days after the holiday for which they are intended. The ARC reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.

APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS AND ARCHITECTURAL REVIEW COMMITTEE  
FOR BAY COLONY WEST HOMEOWNERS ASSOCIATION ON MAY \_\_\_\_\_, 2008.