

Town Homes of Paradise Park Owners Association, Inc.
ARCHITECTURAL REVIEW POLICIES AND GUIDELINES

Notwithstanding anything herein to the contrary, in the event of a conflict between this document and any provision in the Association's Declaration, Articles of Incorporation and Bylaws (hereinafter collectively referred to as the "Governing Documents") or the Florida Statutes, the provisions herein shall be deemed to be modified to conform to the Governing Documents or Florida Statutes to the degree necessary to eliminate the conflict.

PURPOSE

The purpose of these policies and guidelines is to provide members with a description of the architectural review process and an idea of the items which are to be regulated to help enforce a community wide aesthetic standard.

DEFINED TERMS

"Association" - refers to **Town Homes of Paradise Park Owners Association, Inc.** and, to the extent applicable, shall include any committee or body appointed by the **Town Homes of Paradise Park Owners Association, Inc.** to make determinations regarding architectural control in the community.

"Preliminary Plans" - refers collectively to initial conceptual plans or descriptions which may be submitted to the Association for preliminary review and consideration prior to preparing and submitting Proposed Plans for Improvements.

"Proposed Plans" - refers collectively to the plans, specifications and descriptions showing the proposed type, height, width, shape, size, location, color, appearance, elevation (if applicable), materials and any and all other aspects of a proposed change or alteration which shall be submitted along with any standard application forms, as may be adopted from time to time by the Association, and must be approved prior to any Improvements being implemented on a lot.

STANDARDS

All construction, improvements, changes, modifications, alterations, additions or otherwise (hereinafter collectively referred to as "Improvements") to a lot shall be made in accordance with the specifications herein, with the Governing Documents, and with all applicable government codes, standards and regulations. Owners must obtain any and all permits from appropriate governmental authorities, as may be required. The general standard to which Improvements shall be held, unless otherwise specified in the Governing Documents or the Florida Statutes, is the prevalent standard of aesthetics, safety and/or design, as the case may be, which is evident in the overall community. Improvements shall not include and no Association approval shall be necessary for repairs or replacements of aspects of existing interior structures, on a lot when such repairs or replacements shall be an exact duplication of an aspect which was previously approved or originally installed in accordance with the requirements herein and with the Governing Documents. By way of example, the following item shall be considered Improvements and shall require Association approval:

- A. Replacing windows or doors with the exact same style of windows and doors having identical specifications (e.g., color, style, design, materials, dimensions, etc.) as the ones which were previously approved or originally installed in accordance with the requirements herein and with the Governing Documents.

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GENERAL

Any and all Improvements to a home or a lot are intended to be regulated under the terms hereof, even if not specifically so stated. In the event an Improvement is not specifically listed hereunder or delineated herein, Proposed Plans, as hereinafter defined, for such Improvements must still be submitted to the Association in accordance with the requirements herein and with the Governing Documents. Additionally, all Improvements which are similar in nature to any of those listed herein but which are not specifically so stated shall be deemed to be included herein and shall be regulated in the same manner as the expressly regulated item which most closely approximates the unspecified item. Moreover, despite the extent of the dissimilarity to any expressly regulated item, the new Improvement shall be regulated according to the terms hereof and shall not be implemented or maintained without the prior written approval of the Association in accordance with the requirements herein and with the Governing Documents. The minimum standard to which such Improvements shall be held is the prevalent standard of aesthetics, safety and design evident in the overall community.

All Improvements (including, but not limited to, existing structures and landscaping) on a lot shall be maintained, repaired and replaced in a manner which keeps them as consistent as possible with their original condition. Any Improvements which are not maintained, repaired and replaced to meet or exceed the overall safety, design and aesthetic standards of the community shall be considered a violation hereof and of the Governing Documents. The Association Board shall have the sole, unfettered discretion to determine when such violation exists.

Subject to all applicable laws and to the extent permitted by the Governing Documents:

- a. upon failure to maintain any improvements as aforesaid, the Association shall have the right to enter upon the lot and maintain, repair or replace such Improvements in order to correct the violation;
- b. such entry by the Association or its agents shall not constitute a trespass and by acceptance of a deed to a lot the owner shall be deemed to have expressly given the Association the continuing permission and authority to make such entries, correct such violations and allocate the cost for same as further provided herein; and
- c. the cost to correct a violation of this nature shall be charged to the owner of the lot and may, if unpaid, become a lien against such lot and be foreclosed upon in the same manner as assessments provided for in the Governing Documents.

IMPROVEMENTS

Preliminary Plans may be submitted to the Association for any Improvements if an owner would like to obtain a preliminary, non-binding opinion regarding an Improvement. Any response that an owner receives with regard to Preliminary Plans shall not be considered an approval of an Improvement in any way. Submitting Preliminary Plans and obtaining a preliminary opinion with respect to such Preliminary Plans is merely for the purpose of assisting the owner to attempt to prepare Proposed Plans which will be more likely to be approved by the Association.

Proposed Plans must be submitted to and approved by the Association in their entirety prior to implementation of any aspect of an Improvement. Proposed Plans for an Improvement will not be

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considered complete and the Association will not be required to review Proposed Plans nor approve or disapprove them until all required and applicable aspects describing the Improvement are properly detailed and all application forms required by the Association are completed.

1. Decks, patios, porches. Installation of or change to a porch, patio, deck or similar structure (or any portion thereof) shall be considered an Improvement. Any porch, patio, deck or any similar structure shall be set back to be in line with the exterior wall of the building and to be within the side width of the lot.

2. Screen and glass enclosures. Installation of or change to any screen or glass enclosure (or any portion thereof) shall be considered an Improvement.

3. Driveways, pavers, walkways, paths, impermeable surfaces. Installation of or any change to driveways, paths, walkways, impermeable surfaces and similar items (or any portion thereof) shall be considered an Improvement. All driveways must be constructed of permanent, stable materials and may not be constructed of dirt, gravel or other loose materials. Notwithstanding anything herein to the contrary, coating or sealing of driveways, paths, walkways or other impermeable surfaces shall not be considered an Improvement, to the extent it does not alter or change the color, pattern or appearance of such structures from what was previously approved or originally installed. Coating or sealing of driveways, decks, patios, walkways, paths, impermeable surfaces, etc., shall be considered an Improvement when same alters or changes the color, pattern or appearance of such structures from what was previously approved or originally installed.

4. Landscaping. Any change to or addition of landscaping which alters the general or overall appearance or topography of a lot shall be considered an Improvement. This includes, but is not limited to, planting or removing trees, creating new flower or garden beds, installing any type of ground covering, sodding, planting or removing hedges and planting or removing large plants or shrubs. All ground areas in garden or flower beds which are not sodded on a Lot must be covered with mulch. All plants, shrubs, flowers, hedges, trees, etc., planted on a lot must be of a type and variety that can grow harmoniously with the natural surrounding flora and fauna in the Florida outdoor environment. Planting of trees, hedges and plants which when mature generally exceed 5 feet in height shall always be considered an Improvement, no matter where such items are planted. Re-mulching or planting new, small flowers or non-invasive plants in existing, previously approved or originally installed garden or flower beds shall not be considered an Improvement.

5. Exteriors, paint colors. Responsibility of Association.

6. Roofs. Roof replacement and roof installation on an owner addition, even if only to a portion thereof, shall be considered an Improvement. Flat roofs shall be covered with commercial grade covering only. Gutters and downspouts must be compatible with and blend with the architectural design of the roof. The unit owner is responsible to ensure the gutters and downspouts are clear of debris and free flowing. Any damage incurred to the building due to improper maintenance of the gutters will be the sole responsibility of the unit owner.

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7. Skylights. Installation of or changes to a skylight (or a portion thereof) shall be considered an Improvement and shall be regulated as such to the extent permitted/required by law.

8. Extensions, additions to unit. The addition of a room to a unit or the extension of an existing room, porch or patio shall be considered an Improvement, regardless of the square footage of the addition or extension. All additions which expand the air conditioned square footage of a home or which are under a uniform, contiguous or attached roof shall match the existing home exactly, in color, style, appearance and exterior surface material and texture. Any such addition or extension of a home shall, extend no further than current building footprint.

9. Windows, doors. Installing exterior doors or windows which vary in any way from those previously approved or originally installed shall be considered an Improvement. The maintenance and appearance of exterior doors or windows shall be the responsibility of the individual homeowner.

10. Permanent flagpoles, flags, or similar displays. Installation of or changes to permanent flagpoles and/or permanent flags shall be considered an Improvement and shall be regulated to the extent permitted by law. Consequently, this section shall not apply to the display of portable, removable flags specifically permitted by law.

11. Outdoor lawn and garden decor. Installation of or changes to lawn and garden decor including, but not limited to, fountains, statues, birdbaths, feeders, birdhouses and other decorative outdoor items (or any portion thereof) (hereinafter collectively referred to as "Lawn Decor Items") shall be considered an Improvement. No owner shall be permitted to have one or more Lawn Decor Items or a menagerie thereof which distract visually from the overall appearance of the lot or home. Bird feeders and feeding feral animals is prohibited.

12. Signs. Installation of or changes to a sign (or any portion thereof) shall be considered an Improvement and shall be regulated subject to all applicable laws. To the extent permitted by law, the only signs which shall be permitted are "For Sale" signs which are of a reasonable size, professional looking and unobtrusive and signs of a reasonable size from a security services contractor

13. Exterior lighting Installation of or changes to exterior lighting (or any portion thereof) shall be considered an Improvement. No exterior lighting may be so bright or directed at such an angle that it interferes with another owner's use and enjoyment of his home or lot in any way. By way of example, exterior lighting shall not be directed so that it directly shines into the interior of any other home within the community. Exterior lighting shall be installed for safety and decorative purposes only.

- Unit owners are responsible for the lighting fixture between the garage and the front door and for the light fixtures at the back of the unit. They are to be maintained in working order and without exposed wiring.

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14. Mailboxes. Installation of or changes to a mailbox shall be considered an Improvement.

15. Hurricane Shutter. Installation of or changes to hurricane shutters shall be considered an Improvement. “Hurricane Shutter” shall mean any device, installation, equipment, or appliance, whether permanently or temporarily affixed or attached in any manner to any portion of the exterior of the building or any portion of the building so as to be visible from the exterior of the building, used, either directly or indirectly, as its main purpose or incidental to its main purpose, as protection against storm damage, water penetration by driven rain or rising water, wind damage or damage from physical objects or projectiles carried by wind or storm.

- a. **Approval.** The owner shall obtain written approval from the Association following the Process outlined below. Any person desiring a Hurricane Shutter shall submit a written request to the Board not less than thirty (30) days prior to the proposed commencement of installation. The written request shall contain (1) the name and address of the unit owner desiring the Hurricane Shutter, (2) the unit number to which the Hurricane Shutter will be installed, (3) the name, address, and telephone number of the proposed contractor who will install the Hurricane Shutter (together with the same information for any proposed subcontractors), (4) the proposed location for installation of the Hurricane Shutter, (5) the proposed type, style, brand, color, material and name and address of the manufacturer of the Hurricane Shutter, and (6) the proposed manner of installation of the Hurricane Shutter.
- b. **Style.** The acceptable styles of hurricane shutters are:
 - Rolling shutters, such as Rollex or Roll-a-Way;
 - Accordion shutters;
 - Clear polycarbonate panels; or
 - Corrugated metal panels.
- c. **Color.** White shutters are preferred. The shutter frames must be painted to match the wall on which they are installed. Please contact the Association for details.
 - If the shutters will be left in place for a prolonged period of time, for example when the owner is out of town or for the duration of the hurricane season, they must be white. If the shutters are not white, they can be deployed short term (as described below), or they can be painted white for long-term deployment.
- d. **Length of Time.** Window coverings that do not meet the Style criteria (see above) may only be put in place when a NOAA Named Storm is approaching our area and within 300 miles radius, and the coverings may only remain in place for 14 days after the storm has passed. This applies to each occurrence of a NOAA Named Storm during the hurricane season.
- e. **Maintenance.** The maintenance and appearance of hurricane shutters shall be the responsibility of the individual homeowner. The owner of the unit to which the Hurricane Shutter is installed shall be liable for any and all damage to the common elements, Association property or the property of other owners arising out of or concerning the construction, installation or maintenance of the Hurricane Shutter.

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- f. **Removal of Shutters.** Unit owner agrees to be responsible for all costs of removal and reinstallation of the Hurricane Shutters, or any portion thereof, if necessary, to allow the Association to fulfill its maintenance, repair and replacement duties of common elements. Owner further agrees that in the event that noncompliant hurricane shutters are removed, such hurricane shutters shall not be reinstalled.

16. Solar panels, clotheslines, energy saving devices. Installation of or changes to solar panels, clotheslines and other energy saving devices (or a portion thereof) shall be considered an Improvement and shall be regulated to the extent permitted by law. Installation of or changes to such items is expressly permitted provided they are installed and maintained in accordance with Florida Law and further provided the location where such items are placed and approved by the Association . However, the Association shall only regulate and approve where such items can be placed.

17. Security Cameras. Installation of a home security system which includes exterior cameras, is considered an architectural alteration and therefore requires written approval from the Board of Directors. The Board has the authority to permit or deny owners' requests to install cameras in areas which include on the roof, soffits, fascia, window/door trim, and other exterior surfaces of the building including the exterior side of the door(s).

When the board makes these decisions, they will balance the owners' desire for increased security against the damage to the common elements that may be caused by the installation and maintenance of the camera.

Taking into account the following:

- Homeowners have a reasonable expectation of privacy in their community.
- Ensure the cameras are never pointed into windows, or other areas that are considered private.
- Only the HOA is permitted to install a camera in the common areas, or in a place that will record the common area.

CERTAIN PROHIBITED IMPROVEMENTS AND ITEMS

1. No single "window type" air conditioning units may be installed.
2. No garbage or refuse containers may be left in plain view from any street or shared walkway, except twelve (12) hours prior to and twelve (12) hours after the scheduled pick up and removal of trash therein.
3. No storage tanks besides those normally kept for private, residential use (e.g., for barbecue grills, etc.) shall be permitted to be kept on a lot.
4. To the extent permitted by law, no dark or reflective tinting shall be permitted on the windows of any home.
5. Kiddie pools and other portable play or recreation equipment shall not be permitted to be left in view from the street or any shared walkway when not currently in use. Kiddie pools and other portable play or recreation equipment shall be moved and stored within the owner's home or garage when not in real-time use so as not to be an obstruction to grounds keeping/mowing or to destroy the vegetation below or around it.

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6. To the extent permitted by law, excessive Lawn Decor Items and/or holiday decorations shall not be permitted.
7. No temporary building or structure shall be permitted on any lot except for the limited purpose of construction as may be reasonably necessary in the sole, unfettered discretion of the Association. Moreover, such temporary building or structure shall only be permitted provided it is approved by the Association and even then the temporary building is not to exceed 60 consecutive days only for so long as such construction is actively being conducted and diligently being proceeded on the lot

PROCESS

Except as otherwise provided, once a complete set of Proposed Plans is received by the Association from an owner for an Improvement, which includes all necessary applications, the Association shall have thirty (30) days from receipt of such Proposed Plans to mail or hand deliver a response to the owner, in writing, which approves or disapproves, in whole or in part, the Proposed Plans for such Improvement. The intent of the Board is to respond as quickly as possible.

If a response indicating approval or disapproval, in whole or in part, of Proposed Plans is not either mailed or hand delivered to the owner from the Association within the thirty (30) days delineated above, the owner's Proposed Plans shall be deemed to be approved, unless there is a specific reason for delay which is communicated by the Association to the owner in writing within said thirty (30) time frame.

Submission of Preliminary Plans or incomplete plans in any form shall not commence the time allotted for the review period by the Association (i.e., the applicable 30 day review period for Proposed Plans shall not commence upon submission of Preliminary Plans or submission of incomplete plans). Preliminary Plans which do not cover all the required, applicable aspects (e.g., plans, specifications and descriptions showing the proposed type, height, width, shape, size, location, color, appearance, elevation (if applicable) and materials of a proposed change or alteration) or which are not accompanied by all required application forms shall be considered incomplete until such time as all necessary aspects have been received by the Association. The Association shall inform the owner, in writing, within 7 days of receipt of Proposed Plans if submission is incomplete. Upon submission of complete Proposed Plans the 30 day review period shall restart.

In addition, the Association, in its sole, unfettered discretion, may require the owner to provide evidence that the proper permits or other necessary documentation have been obtained from the applicable governmental authority.

Should an owner commence, erect or maintain any Improvement required to be submitted for approval according to the terms hereof without first submitting Proposed Plans and obtaining the written approval of the Association (hereinafter referred to as an "Unauthorized Improvement"), then the Association shall be entitled to seek and obtain an injunction to prohibit the completion of the work as well as the removal of the Unauthorized Improvement or any portion thereof. The Association may consider Proposed Plans which are submitted for an Unauthorized Improvement subsequent to its implementation. However, nothing herein shall be construed to require the Association to do so. Should the Association decide at any time to expressly disapprove an Unauthorized Improvement and/or the

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Proposed Plans therefor, in whole or in part, the owner must immediately cease work on and/or remove any and all disapproved aspects of the Unauthorized Improvement at the direction of the Association and at the owner's sole expense. Alternatively, if an owner wants the Association to consider allowing such owner the right to retain any portion of the Unauthorized Improvement, then such owner agrees that the Association shall have the right in its sole, unfettered discretion to require the owner to modify the Unauthorized Improvement at the owner's sole expense, as specifically directed by the Association, and submit Proposed Plans for the Association's approval which conform to and properly reflect the Unauthorized Improvement with such modifications as may be required by the Association.