

LAKE CHARLESTON

Lake Charleston Maintenance Association, Inc.

**A COMPENDIUM OF RULES AND REGULATIONS
AND DESIGN REVIEW BOARD (DRB) POLICIES
GOVERNING LAKE CHARLESTON
Revised Version February 19, 2020**

A QUICK GUIDE FROM YOUR BOARD OF DIRECTORS
“PROTECTION OF REAL ESTATE VALUES EQUALS QUALITY OF LIFE”

1. **Temporary Structures:** No Temporary structure of any kind will be allowed without the written consent of the DRB.
2. **Spinnaker Bay School Area Parking.** Within the sub-division of Spinnaker Bay, there is to be NO parking for the purpose of pick-ups or drop-offs at the neighboring schools. These vehicles are subject to ticket and/or tow.
3. **Erosion Control Methods:** Acceptable methods must be approved by the DRB. These include Hard Armor, Soft Armor, Geo Matting.
4. **Obstruction of View:** No fencing or plantings are allowed within the lakefront easement. Outside the lakefront easement shrubbery around fencing must be maintained to protect the direct view of the lake on either property owner's side and not exceed the height of the fence.
5. **Boats:** Must be registered, maximum of 17 feet in length, electric motors up to 3 hp.
6. **Bounce Houses: for special occasions** at the Rec Center must be removed at the conclusion of the event. **This will require signing a waiver of liability for any injuries to a person or property that may occur.**
7. **Windows.** No permanent barrier methods that would prevent ingress/egress from a home will be permitted to be installed. (i.e., bars on windows). This would not apply to hurricane shutter panels, as they are temporary in nature **and subject to DRB approval**. All interior window coverings must be aesthetically pleasing from the exterior of the residence and no bed sheets, towels, aluminum coverings, or torn blinds are acceptable.
8. **Painted sidewalks.** The painting of any sidewalk is NOT allowed.
9. *NO ABOVE GROUND SWIMMING POOLS ARE PERMITTED ON ANY LOTS.*
10. Owners shall maintain trees, shrubbery, grass, and all other landscaping along with all parking, pedestrian, recreational and other open areas on their lot including but not limited to tree branches and/or invasive roots from any common area trees that can cause damage to their property.
11. **Commercial Vehicles are to be defined as:** "Commercial motor vehicle" means any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight. A vehicle is considered a commercial motor vehicle if the use is for profit and corporation purposes. A vehicle is considered a commercial vehicle if it has lettering, racks, no rear windows, heavy-duty equipment or any other item visible to the general public for business purposes. (Revised 7/2017)
12. **Paint Color Selections/Color Schemes:** The DRB Committee will maintain a wide variety of color selections and color schemes for homeowners to choose from and update the selections from time to

time as needed. The only colors not allowed anywhere within Lake Charleston are of a “fluorescent” nature.

13. **Improvements:** Any improvement that exists on a property that falls below 50% disrepair may not be replaced or restored without DRB approval, this may include bringing said improvements into compliance with current policy.

14. Driveways may be extended by a maximum of 3 feet on one or both sides, and the full length with pavers matching the color of the driveway or the roof tile color. Must be built to Palm Beach Building Codes and permits must be obtained. Sidewalks must remain bare concrete.

15. For sub-divisions that require terracotta color roof tiles, with DRB approval clay or concrete barrel tiles may be used.

LAKE CHARLESTON MAINTENANCE ASSOCIATION

FENCE POLICY

Application

The following procedures must be followed before the installation of an approved fence may begin.

1). Approval must be obtained from the Design and Review Board (DRB). This is done by submission of the following:

- a) Application Form available from the Property Management Office and on the Web site at <http://lcmahoa.com>.
- b) A sketch on a lot survey showing in clear detail the following:
 - I) Location and height of the proposed fence.
 - II) Location and type of any required hedges (see Fence Location & Restrictions)
 - III) Location of any and all easements including landscape, utility, and lakefront easements (a lot survey will have these marked)
 - IV) Indicate on a survey the exact linear feet of fence and any proposed gates
 - V) If the proposed location of the fence will encroach into any utility easements, copies of approval will be required

2. Once approval has been obtained, a building permit must be obtained from the proper local government office.

3 Once approval and building permits have been obtained, construction may begin.

4. Application approval is considered valid for 120 days from the date approval is received by the homeowner. Construction must commence within this time frame, after which the approval is no longer valid and the application must be resubmitted for a new approval. Installation must be completed within 120 days from the commencement of construction. If more time is needed for completion, the application must be made to the DRB for an extension.

Approved Fence Types

A fence is defined as an enclosure or barrier, permanent or removable, taller than six inches and of any length, that effectively divides two pieces of land. Using this definition, all fences within Lake Charleston must be of the following types:

<u>Type</u>	<u>Color</u>	<u>Height</u>
Wood Shadow Box	White or natural	6 ft max
PVC/Composite Shadow Box	White or natural	6 ft max
PVC/Composite Tongue and Groove	White or natural	6 ft max
Aluminum (Straight rail)	White	4 – 5 ft max
Wrought Iron (straight-rail)	White	4 – 5 ft max
Presidential Shadowbox	White or Natural	6 ft. max
Horizontal	White or Natural	6 ft. max

(BOD approved December 11, 2019)

An Aluminum Straight-Rail Fence consists of a top and bottom rail with vertical bars. There may be more restrictive height restrictions defined elsewhere in this policy.

No other fence material including chain link, chicken wire, lattice (see exception below to conceal outdoor equipment), fabric, etc. may be used on a residential lot.

No homeowner may have more than two types of fence material on any single lot.

The only exception to the fencing requirements is that smaller, lattice type fencing material may be used to conceal outdoor equipment such as an air conditioning unit or pool pump – 4 ft maximum height.

Colors

In an effort to maintain a uniformed structure and organized look, the fence policy with regard to the color of the fence has been adopted as follows:

Clear coat sealer on natural wood shadowbox fences

Fences visible to the lake must be white

The color of shadowbox fences not on lakefront properties will be approved based on 2/3rds or greater of existing fence color within subdivisions.

Fence Location and Restrictions

The following restrictions must be followed for all fence locations:

Front of Property abutting neighbor's lot

1. The fence must attach to the house at least three (3) feet behind the front corner of the house where the fence is to be located except where there is no room due to fixed equipment and/or windows and must be setback minimum 3 ft on the front corner of the abutting house.
2. Posts for the fence must be placed facing the property – finished side out

Rear and Side of Property

Abutting Neighbor's Lot

1. The fence may be placed up to the fence owner's lot line. A fence may encroach into the overhang easement with DRB approval only.

Abutting Sidewalk

- a. A fence may not be installed in front of the property along the street or sidewalk
- b. It must be set back at least three feet in from the sidewalk.
- c. Posts for the fence must be placed on the inside of the property – finished side out
- d. An approved hedge must be planted along the entire length of the fence that abuts a sidewalk. Sod must be planted in the area between the hedge and sidewalk, not mulch or stone.
- e. The hedge must be at least 18 inches tall and no more than 42 inches wide when mature.

Abutting Street

If there is no sidewalk, then the fence must meet the following restrictions:

- a) A fence must be set back at least 10 feet from the street for locations inside or rear of the home.
- b) Posts for the fence must be placed on the inside of the property – finished side out.
- c) An approved hedge must be planted along the entire length of the fence that abuts a sidewalk or street. The hedge must be at least 18 inches tall and no more than 42 inches wide when mature.
- d) Sod must be planted in the area between the hedge and sidewalk or street, not mulch or stone.

Lakefront Property (last revised April 2018)

- a. All fences bordering on the lakes or lake view lot may only have white, aluminum, straight rail fence with a maximum height of 5 feet. The fence may not have any additional ornamentation on top of the rails.
- b. Any non-rail fence must terminate at the rear building corner.

- c. The one exception to enable privacy for the homeowner is a 12-foot section of shadow box fence on **zero lot line homes only**. This can be a maximum of 6-foot tall wood, PVC or composite wood and is attached to the corner of the main home that was part of the original home construction.
- d. Posts for the fence must be placed on the inside of the property – finished side out

Utility Easements

No fence may encroach on any utility easement without proper approval from the affected utility company. All approvals from utility companies must be submitted with the application to the DRB for approval. No fence may be built within the Zero-Lot* line maintenance easement.

Maintenance Easements

No fence may be placed within a designated maintenance easement as referenced in amended Article IV, Section 7 of the Declaration.

Fence Maintenance

- a. All fences that are to be painted white must be completed within 90 days of installation for curing purposes
- b. The homeowner is responsible for all maintenance of their fence and/or hedges on the homeowner's property.
- c. A fence must be maintained so that it is aesthetically pleasing including the maintenance of the exterior color.
- d. Fences may require periodic pressure washing or treatment to remove mold and mildew.
- e. The fence, including gates, must be kept in proper working order. This includes but not limited to leaning, missing boards, dry rot, or holes underneath the fence.
- f. Any hedges abutting a sidewalk must be maintained to keep the outside perimeter of the hedge at least 18 inches from the sidewalk.
- g. The homeowner is responsible for maintaining any and all landscaping outside the fence on their lot including irrigation. Lake Charleston Maintenance Association shall require the resident to install additional irrigation if necessary to ensure all grassed areas receive full coverage.

Approval Process

The DRB is responsible for timely approval or denial of all fence requests that meet LCMA fence standards. If approval, denial, or a response letter is not obtained within 30 days from receipt by the Property Manager's office, then approval is automatically granted. However, any fence approved in this manner must meet the restrictions outlined in this policy.

Existing Fences: Any fence that is rebuilt must conform to this policy. A fence is considered rebuilt when 25% or more of the fence has been replaced over time due to age. If a fence is damaged, such as in a storm, and the damage is less than 50% of the fence then it can be repaired. If, however, greater than 50% of a fence has been destroyed, the fence is considered destroyed and approval under the current fence policy must be obtained prior to replacement. Any new fence constructed, installed or rebuilt must conform to this policy.

Hedge and Tree Policy and Standards

The following guidelines must be followed when planting or removing trees, shrubs, hedges, grass, or any landscaping projects on your property with required DRB application approval.

Hedges

A hedge is defined as a grouping of 3 or more similar plants or shrubs, taller than 18 inches high, planted in a line, and spaced less than 3 feet apart.

- a. New plantings of ficus, of any type, are no longer permitted in Lake Charleston.
- b. Any plants named on the County's invasive plant list may not be planted.
- c. Hedges across the front of the property line is not allowed.
- d. Hedges in the front yard can be no higher than 4 feet high including but not limited to hedges planted in the front of the house along driveways, bordering a landscaping bed and property line.
- e. Hedges on the side and rear of the property can be no higher than 8 feet, beginning at a point 3 feet back from the front corner of the house.
- f. Hedge abutting sidewalks on the side or rear of lots must be at least 18 inches from the sidewalk maximum of 4 feet high.
- g. Hedges, as well as other plants, are not allowed to be planted in the 20' lakefront easement area, swale (the area between the sidewalk and street) or any HOA landscape easement areas.
- h. Hedges must be properly maintained so that when they have reached mature growth, (no portion or overgrowth) of the hedge will extend into the adjoining homeowner's property.
- i. Any existing ficus hedges must be routinely maintained and sprayed for a disease. This includes but not limited to white fly.

Trees, Shrubs, and Artificial Vegetation.

No tree or shrub with the trunks exceeding two (2) inches in diameter may be cut down, destroyed or removed without the DRB approval.

Trees

An application request for removal of a tree must be submitted to the DRB for approval. Guidelines for removal or planting are as follows:

- a. When requesting removal of a tree, the roots or the root ball must be completely removed or “ground” down below the ground surface.
- b. In the case of removing a tree, a survey or diagram is required to indicate how many mature trees will remain. A mature tree is considered to be one that will grow to a minimum of 12 feet or more.
- c. Palm Beach County has a minimum requirement of (3) three trees per lot. These trees can be located in the front or the rear of the property
- d. Planting of a tree will be restricted to the homeowner’s property only and may not encroach into any neighbor’s property, lakefront easements, utility easements, landscape easements or the swale area. No homeowner may plant trees in the easement or common areas.
- e. Planting a tree abutting a sidewalk and/or property line will require a setback of at least (7) seven feet. All trees must be trimmed to allow clearance over sidewalks of a minimum of 7 feet at all times. All trees must be trimmed so that no portion of the trees is touching a neighbor’s house or fence.
- f. Tree choices are the decision of the homeowner with exception of prohibited species.
- g. Palm Beach County has a no plant list referred to as the “Invasive Plant List”. Homeowners are restricted from planting any trees or plants on this list.

Grass/Sod

It shall remain the responsibility of each homeowner to maintain the vegetation and lawn of their lot, as well as, the adjacent area between the sidewalk and street referred to as Neighborhood Association common areas.

- a. Irrigation must be provided and fully cover all areas of the lawn. All sprinkler heads not in beds must be at ground level.
- b. Grass must be natural and consist of a drought variety such as St. Augustine, Bahia, and Centipede grass.
- c. All lawns must be periodically treated with fertilizer and weed killer.
- d. In the case where a lawn has been destroyed by disease, the homeowner upon notice must replace the lawn within 30 days
- e. It is recommended that during the growing season all lawns should be mowed once a week.
- f. No artificial grass, plants or other artificial vegetation, are allowed in areas visible to the street or public view.
- g. Lots must contain 50% or more sod abutting sidewalk and/or driveway.

LAKE CHARLESTON MAINTENANCE ASSOCIATION ALUMINUM PATIO ADDITIONS ADDENDUM

Subdivision Restrictions: Patio Additions with aluminum roofs are not permitted in Lake Charleston subdivisions, except where a builder has previously built these structures as part of the original construction of the house (i.e., only Misty Cay and The Islands). Tracts A, AA & G.

New Patio Additions

All new aluminum enclosed patio additions must be approved by the DRB in writing and must follow the construction restrictions listed below.

- a) The patio addition roof must have a minimum pitch to allow drainage.
- b) All roofs must match style and color as existing on the house.
- c) No solid aluminum panels are allowed at the roof peak or sides of the structure.
- d) A "Kick Plate" no more than 18 inches high may be installed along the base of the structure.

Screen Enclosures

1. All screen enclosures must be in the back of the house with the exception of those homes that have a front door, entranceway enclosure.
2. The color of the roof and supporting beams must be white, black or bronze.

Mailboxes

Mailbox that is need of replacement must conform to DRB policy as approved by the Board of Directors. Acceptable colors are white, black, bronze.

Residential Garbage

All trash and recycling receptacles shall be maintained in a sanitary condition and shall be shielded from view of adjacent properties and streets. Garbage cans, trash containers, recycling bins and/or containers shall not be placed for pick-up earlier than 6:00 pm of the day preceding the pick-up and must be returned to the Home on the day of the pick-up.

Yard Waste/Tree Trimmings shall not be placed for pickup more than 72hrs preceding the scheduled pick-up day.

Garage Doors (last revised March 2018)

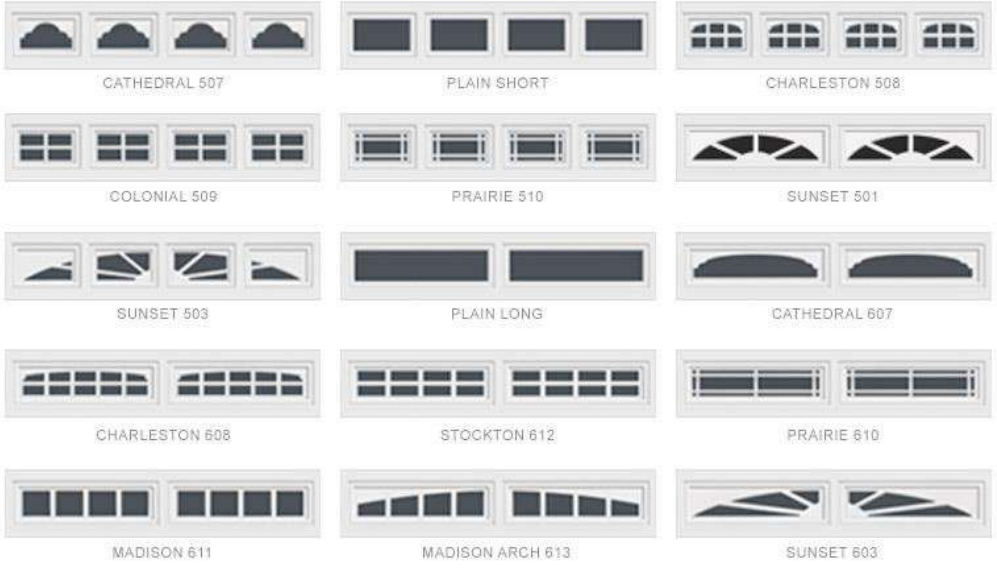
Garage doors requirements are as follows:

1. Replaced with a steel, metal door closely matching the original door.
2. It shall be the choice of the homeowner to either have all solid panels or windows only in the top row.
3. The style of the door must be short **or long** panel only.
4. No hardware such as exterior hinges or large handles may be added to the door, only a small metal handle located at the base of the door and of same matching color.
5. All doors must be permitted and meet the current Palm Beach County codes.
6. Wood doors are not permitted at this time, however, faux wood-stained doors in the colors of Dark Walnut and Mahogany (PROFESSIONALLY STAINED)



7. **Garage door colors in the sub-divisions of the Islands, The Reef, Misty Cay, and Spinnaker Bay CANNOT be modified.**

Garage Door Window Options





Street Facing Windows

All windows facing the street must be white “Colonial Grid Type”, “Brittany Grid Type”, or “No Grids/Standard”. Last revision March 2018

The replacement of glass block windows with opaque windows are allowed by use of fenestration, which is the connection of the physical structure through natural light.

Gutters: Must be white or match fascia/trim and the downspouts should be white or body color.

Outdoor Shade Structures

Updated 6/13/18





****Roof tiles must match what is existing on house****



****Roof tiles must match what is existing on house****

OUTDOOR SHADE STRUCTURES

1.0 Definitions

Awning: A roof-like shelter of canvas or other material on framing extending over a doorway, window, patio, deck, or other feature, attached to the main structure.

Pergola: An outdoor structure consisting of structural columns supporting a roofing grid of beams and rafters, which may be left open or covered to create a sheltered area from the elements. Pergolas may be free-standing or attached to a structure.

Gazebo: An outdoor structure similar in structure to a pergola, but always with a closed roof and often with a raised floor. Gazebos are also free-standing or attached to a structure.

Chickee Hut: An outdoor structure similar in structure to a pergola, but with construction materials and techniques exclusive and specific to the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.

2.0 General Requirements

Anchorage: Shade structure shall be permanent. No temporary structures are permitted.

Footprint: Structure shall not exceed 300 square feet and shall meet the pervious requirements of the municipality, exclusive of any easements.

Elevation: Height shall not exceed ten (10) feet for free-standing structures and twelve (12) feet for structures attached to the residence.

Materials: Metals must be white, black, or bronze rust-proofed materials; lumber must be weather-proofed and stained natural or painted white, dark brown, or the body/trim color of the residence. Awning requirements are specified under a separate rule.

Roof Style: Roofs shall be open, trellis style with optional weather resistant cover materials; solid, permanent roof to match exactly with existing residence roof; or as prescribed by the appropriate authority regarding chickee huts. Not applicable to awnings.

Wall Style: No solid walls are permitted for any shade structures unless required by code for zero-lot line properties. Code-required walls must meet the LCMA fence

requirements or be of a construction to match the existing residence (i.e. stucco-clad masonry wall).

Floor Style: Base floors may be natural grass, concrete, matching deck, or brick pavers only.

Landscaping: Landscaping may be required depending on location and lot geometry to obscure improvements from the municipal line of sight.

3.0 Regulatory Requirements

Setbacks: Shade structure improvements must not be visible from the street and/or property frontage and be a minimum six (6) feet from the property lines, comply with all municipal building setback requirements, or whichever is stricter. Municipal setback requirements must be verified with the current Florida Building Code and the Palm Beach County Code of Ordinances.

Easements: No structure of any kind is permitted to be constructed on any easement.

Utilities: Construction may not be conducted over any utilities. Contact 811 for location markers to ensure compliance with this requirement.

Permitting: All work, unless specifically exempt, must be permitted through Palm Beach County in accordance with the current Florida Building Code. All work must be engineered to meet the currently required hurricane protection requirements.

LCMA: All work must be authorized by the Lake Charleston Maintenance Association in accordance with these rules and regulations, with the applicable DRB approval.

4.0 Special Considerations for Lakefront Lots

Setbacks: Shade structure improvements must be a minimum of thirty (30) feet from the lakefront property line.

5.0 Special Considerations for Non-Conforming, Straddle, or Irregular Lots

All General and Regulatory Requirements shall be enforced, except where geometrical irregularities or challenges require consideration for the proposed improvement. All requests for consideration shall be reviewed and determined by the LCMA Board of Directors.

6.0 Special Considerations for Chickee Huts

Chickees that are constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida are exempt from permitting requirements, so long as no electric, plumbing or non-wood features are proposed. Any utilities or appurtenances outside of the specific exemption criteria will require compliance with all Regulatory Requirements above.

Thatched roof designs approved for Tiki or Chickee Huts **ONLY**: (Last Revised April 11, 2018)

The material used must be traditional natural dry vegetation such as straw, water reed, sedge, rushes, heather, or palm fronds. All ends must be neatly and evenly trimmed and in accordance with Miccosukee or Seminole Tribe of Florida (copy of tribal member identification card must be provided). The structure must meet the following criteria in addition to the Outdoor Shade Structure Requirements:



Homeowners must choose one of the thatched roof designs below:



1 - SETBACKS

- (a) comply with all existing building setback requirements
- (b) comply with 2017 FBC and PBC Code of Ordinances setback requirements for the structure
- (c) comply with lakefront 30-foot setback requirement from the property line

2 - EASEMENT

- (a) no encroachment into any easement

3 - UTILITIES

- (a) no construction over any utilities - contact 811 for location markers

4 - VISIBILITY

- (a) must be obscured by opaque fence or landscaping from the front elevation
- (b) must be obscured by opaque fence or landscaping from side elevations

5 - REGULATORY

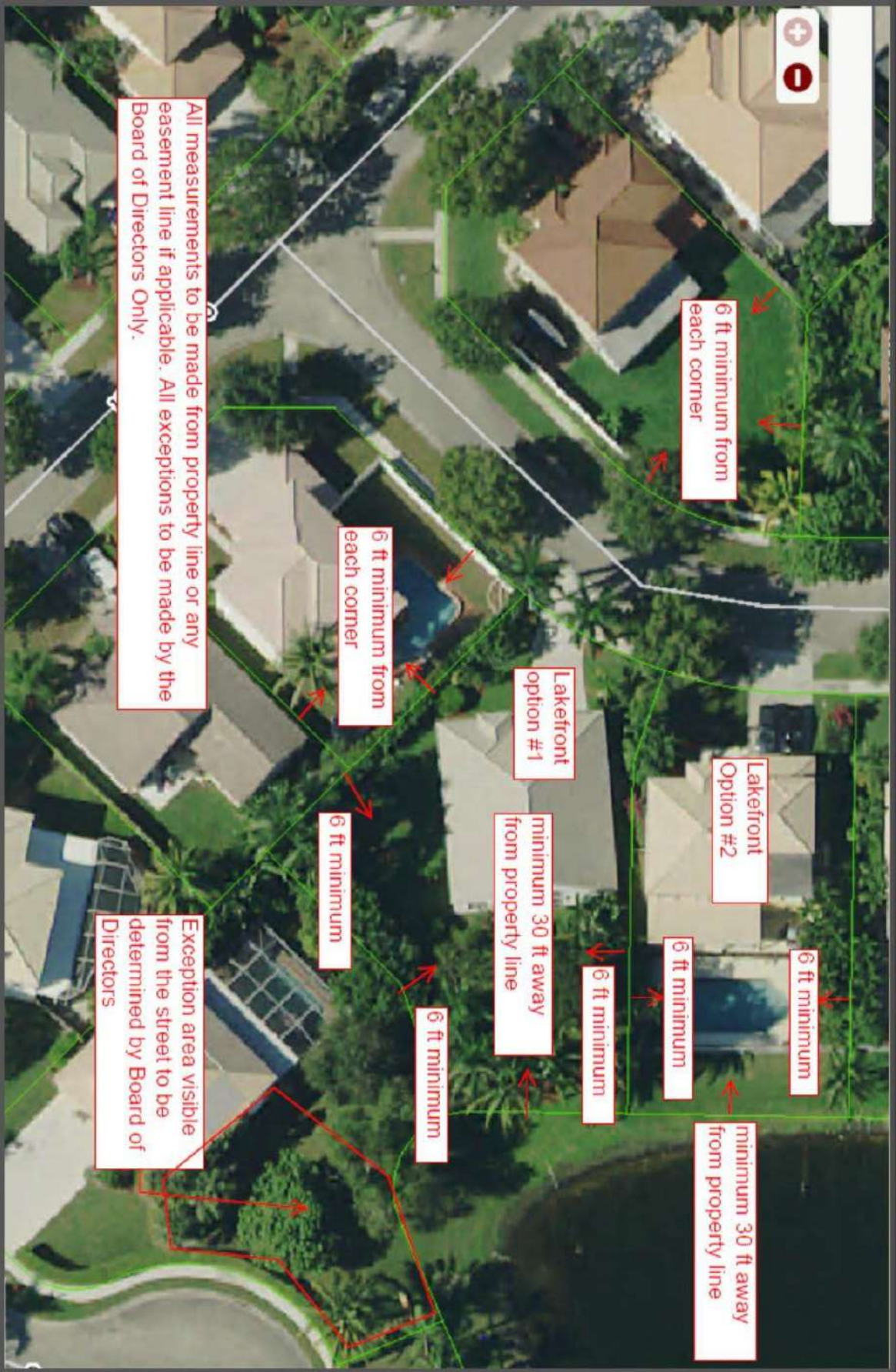
- (a) must be permitted by Palm Beach County, or
- (b) must be constructed to meet permitting exemption
- (c) must meet hurricane protection requirements
- (d) must meet LCMA rules and guidelines for construction and materials
- (e) must have LCMA DRB approval

Wall Exterior Covering: This shall remain Stucco material (as existing) ONLY. No other façade (unless approved by the Board) will be accepted.

Hurricane Shutters (Last revision October 11, 2017)

Hurricane Shutters can be Accordion, Corrugated Panels, or roll-down type shutters. Accordion Hurricane Shutters can only be white, tan or beige. Roll-down shutters are to match approved colors.

Unapproved hurricane protection must be removed within 2 weeks after a named storm.



6 ft minimum from each corner

6 ft minimum from each corner

Lakefront option #1

Lakefront Option #2

minimum 30 ft away from property line

6 ft minimum

6 ft minimum

6 ft minimum

6 ft minimum

minimum 30 ft away from property line

6 ft minimum

All measurements to be made from property line or any easement line if applicable. All exceptions to be made by the Board of Directors Only.

Exception area visible from the street to be determined by Board of Directors

Article VII
Excerpts from Declaration of Covenants and Restrictions
MAINTENANCE OF UNITS AND LOTS

Section 1. Exteriors of Units and Buildings. Each Owner shall maintain or cause to be maintained all structures (including all Units and Buildings) located on his Lot in a neat, orderly and attractive manner and consistent with the general appearance of The Properties. The minimum (though not sole) standard for the foregoing shall be consistent with the general appearance of the developed portions of The Properties and, as to Residential Units, the portion thereof in which the Unit is located [taking into account, however, normal weathering and fading of exterior finishes, but not to the point of unsightliness, in the judgment of Developer or the DRB (as hereinafter defined)]. Each Owner shall re-paint, re-stain, or refinish, as appropriate, the exterior portions of his Unit or Building (with the same colors and materials as initially used or approved by Developer and/or the DRB) as often as is necessary to comply with the foregoing standards.

Section 2. Lots. Each Owner shall maintain the trees, shrubbery, grass and other landscaping, and all parking, pedestrian, recreational and other open areas, on his Lot in a neat, orderly and attractive manner and consistent with the general appearance of the developed portions of The Properties and, as to Residential Units, the portion thereof in which the Unit is located. The minimum (though not sole) standard for the foregoing shall be the general appearance of The Properties (and the applicable portion thereof as aforesaid) as initially landscaped (such standard being subject to being automatically raised by virtue of the natural and orderly growth and maturation of applicable landscaping, as properly trimmed and maintained).

Section 3. Remedies for Any Noncompliance. In the event of the failure of an Owner to maintain or cause to be maintained, his Unit, Building or Lot in accordance with this Article, the Association or applicable Neighborhood Association (whichever at the time has the power or duty to enforce this Article pursuant to Article XI hereof) shall have the right (but not the obligation), upon five (5) days' prior written notice to the Owner at the address last appearing in the records of the Association, to enter upon the Owner's Lot and perform such work as is necessary to bring the Lot or Unit, as applicable, into compliance with the standards set forth in this Article. Such work may include, but shall not necessarily be limited to, the cutting/trimming of grass, trees and shrubs; the removal (by spraying or otherwise) of weeds and other vegetation; the re-sodding or replanting of grass, trees or shrubs, the repainting or re-staining of exterior surfaces of a Unit; the repair of walls, fences, roofs, doors, windows and other portions of a Unit or other structures on a Lot; and such other remedial work as is judged necessary by the applicable entity. The remedies provided for herein shall be cumulative with all other remedies available under this Declaration or other applicable Covenant or Deed Restrictions (including, without limitation, the imposition of fines or special assessments or the filing of legal or equitable actions).

Section 4. Costs of Remedial Work; Surcharges. In the event that the Association, or an applicable Neighborhood Association, performs any remedial work on a Unit, Building or Lot pursuant to this Article or any other applicable Covenants or Deed Restrictions, the costs and expenses thereof shall be deemed a special assessment under Article VI of this Declaration and may be immediately imposed by the Board of Directors of the Association or its designer. In order to discourage Owners from

abandoning certain duties hereunder for the purpose of forcing one of the aforesaid entities to assume same, and additionally, to reimburse same for administrative expenses incurred, the applicable entity may impose a surcharge of not more than thirty five percent (35%) of the cost of the applicable remedial work, such surface to be a part of the aforesaid special assessment. No bids need be obtained for any of the work performed pursuant to this Article and the person(s) or company performing such work may be selected by the applicable enforcing entity in its sole discretion.

Section 5. The right of Entry. There is hereby created an easement in favor of the Association and/or the applicable Neighborhood Association, as appropriate, and their applicable designees, over each Lot for the purpose of entering onto the Lot in the performance of the work herein described, provided that the notice requirements of this Article are complied with and any such entry is during reasonable hours.

Section 6. Neighborhood Associations. All of the requirements, obligations, and remedies set forth in this Article shall apply to all Neighborhood Associations and their common areas/ elements and all improvements thereto. Accordingly, as applied to a Neighborhood Association, the term Owner as used in this Article shall be deemed to include the Neighborhood Association (even if it does not hold legal title to its common areas/elements) and the term Lot and Unit shall be deemed to include a Neighborhood Association's common areas/elements and all improvements thereto. Any costs of remedial work or surcharge thereon applicable to a Neighborhood Association shall be paid directly by the Neighborhood Association, failing which the Association may, in addition to all other available legal and equitable remedies, withhold the amount of same from amounts collected on behalf of the Neighborhood Association and the Association is hereby granted a lien on such amounts for such purpose.

ARTICLE VIII

CERTAIN RESTRICTIONS, RULES, AND REGULATIONS

Section 1. Applicability. The provisions of this Article VIII shall be applicable to all of The Properties and the use thereof, provided, however, Developer and its affiliates and those persons designated as a "Lake Charleston Developer" by Developer shall be exempt from certain of the provisions of this Article.

If requested by any interested party, Developer shall give a written statement as to whether any particular person or property and for what period of time such exemption applies. The party receiving such statement shall be entitled to rely thereon and such statement shall be binding on Developer, the Association, all NAs, and all other relevant persons and entities.

Section 2. Land Use and Building Type. No Residential Lot shall be used except for residential purposes. No building constructed on a Residential Lot shall be used except for residential purposes, except for such ancillary or other commercial uses as applicable zoning codes and other laws and ordinances may permit to be made of portions of otherwise residential buildings. However, without limiting the generality of Section 1 above, temporary uses by Developer, its affiliates and Lake Charleston developers for model homes, sales displays, parking lots, sales offices and other offices, or any one or any combination of such uses, shall be permitted until the permanent cessation of such uses takes place. No changes may be made in buildings erected or approved by the Developer (except if such

changes are made by the Developer) without the consent of Developer, the DRB or its neighborhood association counterpart, as appropriate and as provided herein.

Section 3. Easements. Easements for installation and maintenance of utilities are reserved as shown on the recorded plats covering The Properties and as provided herein. The area of each Lot covered by an easement and all improvements in the area shall be maintained continuously by the Owner of the Lot, except as provided herein to the contrary and except for installations for which a public authority or utility company is responsible. The appropriate water and sewer authority, electric utility company, telephone company, the Association, the applicable Neighborhood Association and Developer and its affiliates, and their respective successors and assigns, shall have a perpetual easement for the installation and maintenance, all underground, of water lines, sanitary sewers, storm drains, and electric, telephone and cables and conduits, under and through the utility easements as shown on the plats.

Section 4. Nuisances. No noxious, offensive or unlawful activity shall be carried on upon The Properties, nor shall anything be done thereon which may be or may become an annoyance or nuisance to other Owners. ALL PERSONS ARE REFERRED TO ARTICLE XII, SECTION 11 HEREOF WITH RESPECT TO CERTAIN ACTIVITIES OF Developer.

Section 5. Temporary Structures. No structure of a temporary character, or trailer, mobile home or recreational vehicle, shall be permitted on any Lots within The Properties at any time or used at any time as a residence, either temporarily or permanently, except by the Developer and its affiliates during construction.

Section 6. Signs. No sign of any kind shall be displayed to the public view on any Residential Lot, except one sign designating the name of a security company protecting the premises, except only one sign of not more than one (1) square foot used to indicate the name of the resident or one sign of not more than five (5) four(4) square feet advertising the property for sale or for rent (in locations and in accordance with applicable design standard, except that the sign must be commercially lettered and not higher than four (4) feet measured to the top of the sign and post) or any sign used by a builder to advertise the company during the construction and sales period. No sign of any kind shall be permitted to be placed inside a Residential Unit or on the outside walls of such Unit or on any fences on The Properties, nor (except as otherwise provided below) on the Common Areas, nor on dedicated areas, nor on entryways or any vehicles within the Properties, except such as are placed by the Developer or its affiliates. Residents may post one open house sign per Lot on the Common Area on Sundays only and may post one garage sale sign per Lot on the Common Area on Saturdays and Sundays only, but no sign may be posted at Lake Charleston's main entrance at Jog Road. Without limiting the generality of Article XI hereof, in the event that similar requirements of a Neighborhood Association are more restrictive than those set forth herein, such more restrictive requirements shall supersede and control.

The foregoing restrictions or signs shall not apply to signs on Commercial Lots to the extent signs are originally permitted by Developer or the DRB to be erected thereon, such permission being subject to later modifications to permit additional or different signage.

Section 7. Oil and Mining Operation. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in The Properties, nor on dedicated areas, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in The Properties. No derrick or

other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any portion of the land subject to these restrictions.

Section 8. Pets, Livestock, and Poultry. No animals, reptiles, wildlife, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except no more than two (2) household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose (except as to permitted pet shops, kennels and/or stables being operated as Commercial Units), and provided that they do not become a nuisance or annoyance to any neighbor by reason of barking or otherwise. No dogs or other pets shall be permitted to have excretions on any Common Areas, except areas designated by the Association, and Owners shall be responsible for clean-up any such improper excretions. For purposes hereof, "household pets" shall mean dogs, cats and other animals expressly permitted by the Association, if any. Pets shall also be subject to all applicable rules and regulations. Nothing contained herein shall prohibit the keeping of fish or domestic (household type) birds, as long as the latter are kept indoors and do not become a source of annoyance to neighbors.

Section 9. Visibility at Intersections. No obstruction to visibility at street intersections or Common Area intersections shall be permitted.

Section 10. Commercial Trucks, Trailers, Campers, and Boats. Parking within Lake Charleston shall be restricted to garages and the parking apron appurtenant to each unit and in no other place unless specifically designated for parking on any Plat or by the Development Review Board. Only four-wheel passenger automobiles or passenger vans (with full-seating capacity and side windows installed) shall be placed or parked within Lake Charleston in public view, including, but not limited to the parking apron appurtenant to each Unit. No trailers or habitable motor vehicles of any nature, motorcycles, service vehicles, commercial vehicles, non-passenger vehicles, trucks or commercial "pick-ups", equipment, implements or accessories shall be kept, stored, or parked overnight on any part of the Properties or any Lot unless the same is fully enclosed within the garage located on such Lot and/or said vehicles and accessories are screened from view by a screening structure or fencing approved by the Development Review Board and said vehicles and accessories are in operable condition. No maintenance or repair shall be performed upon any boat or motor vehicle upon any of the Properties except within a building which is totally removed from public view. No boats, on or off trailers, may be parked on any part of the Properties except within an enclosed garage. No vehicles, including service vehicles, shall be permitted to park on streets overnight. The prohibition of parking certain vehicles shall not apply to temporary parking of trucks and commercial vehicles, such as for pick-up, delivery or other commercial services,

nor shall same apply to the Developer, its contractors, subcontractors and employees during periods of construction of Units. In addition to the foregoing parking and vehicular restrictions, each Owner shall be subject to reasonable parking and vehicular restrictions as may be adopted from time to time by the Neighborhood Association, if any, governing their particular Unit.

Subject to applicable laws and ordinances, any vehicle parked in violation of these or other restrictions contained herein or in the rules and regulations now or hereafter adopted may be towed by the

Association at the sole expense of the Owner of such vehicle if such vehicle remains in violation for a period of 24 hours from the time a notice of violation is placed on the vehicle. The Association shall not be liable to the

Owner of the such vehicle for trespass, conversion or otherwise, nor guilty of any criminal act, by reason of such towing and once the notice is posted, neither its removal, nor failure of the Owner to receive it for any other reason, shall be grounds for relief of any kind. For purposes of this paragraph, "vehicle" shall also mean campers, mobile homes, and trailers. An affidavit of the person posting the aforesaid notice stating that it was property posted shall be conclusive evidence of proper posting.

Except for landscaping equipment/vehicles performing landscaping services for the Association and except for any vehicle on a Lot which is totally screened from view as permitted by this Section 10, no vehicle shall park on any grass areas within Lake Charleston. Reference to the term "commercial vehicle" shall mean any motor vehicle which has an outward appearance of being used in connection with a business, such as the vehicle displays work equipment to view and/or is commercially lettered or contains a commercial or business logo. The actual use of the vehicle shall not be considered; only its outward appearance shall be. ***The term "overnight" shall mean any time whatsoever between the hours of 1:00 a.m. and 6:00 a.m. inclusive.***

Section 11. Garbage and Trash Disposal. No garbage refuse, trash or rubbish shall be deposited except as permitted by the Association. The requirements from time to time of the applicable governmental authority, trash collection company or the Association (which may, but shall not be required to, provide solid waste removal services) for disposal or collection of waste shall be complied with. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. All solid waste containers shall comply with applicable Neighborhood Association restrictions and the standards adopted by the Association (or the DRB) for such containers (the latter to control over the former in the event of a conflict).

Section 12. No Drying. No clothing, laundry or wash shall be aired or dried on any portion of The Properties except on a portion of Lot which is completely screened from the view of all persons other than those on the Lot itself.

Section 13. Lakefront Property and Lakes. As to all portions of The Properties which have boundary contiguous to any lake or another body of water, the following additional restrictions and requirements and shall be applicable:

- (a) No boathouse, dock, wharf or other structure of any kind shall be erected, placed, altered or maintained on the shores of the lake unless erected by the Developer or its affiliates, subject to any and all governmental approvals and permits that may be required.
- (b) No motorized boat shall be launched from the shore of any lake or water body, except an Owner's Lot.
- (c) No motorized boat, no boat trailer or vehicular parking or use of lake slope or shore areas shall be permitted, except that a boat with an electric motor with a maximum of three (3) horsepower shall be permitted.
- (d) No solid or liquid waste, litter or other materials may be discharged into/onto or thrown into/onto any lake or another body of water or the banks thereof.
- (e) Each applicable Owner shall maintain his Lot and/or any property of the Association lying between his Lot and the line of the water in the adjacent lake or another water body, as such line may change from time to time by virtue of changes in water levels. In order to provide for uniform water and waterbody vegetation

control, no Neighborhood Association or Owner shall undertake the performance of the same without the Association's approval.

No motorized boat shall be operated on any lake or waterbody except by the Association or its designee for maintenance purposes.

Section 14. Unit Air Conditioners and Reflective Materials. No air conditioning units may be mounted through windows or walls. No building shall have any aluminum foil placed in any window or glass door or any aluminum foil placed in any window or glass door or any reflective substance or other materials (except standard window treatments) placed on any glass, except such as may be approved by the DRB or its equivalent for energy conservation purposes.

Section 15. Exterior Antennas, etc. No exterior antennas, satellite dishes or similar equipment shall be permitted on any Residential Lot or improvement thereon, except as follows:

A. No antenna or satellite dish shall be permitted except as is mandated by the (Federal) Telecommunications Act of 1966 (the "Act"), as implemented by Administrative Rules adopted by the Federal Communication Commission ("FCC") as amended from time to time. At the time of this amendment, the minimum satellite dish installation guaranteed by the Act is one which is one meter in diameter or less. To the extent permitted by the Administrative Rules, the Association may require that the installation is screened from view from a street, lake or Common Area, as well as real property outside of the community. Placement of the installation on a Residential Lot shall be limited to the rear of the Owner's Lot, and the DRB may dictate the actual location within that area to the extent that the dictated location does not impair reception of an acceptable signal.

Section 16. Chain Link Fences. No chain link fences shall be permitted on any Lot or portion thereof, unless installed by Developer or its affiliates during construction periods or as otherwise approved by Developer.

Section 17. Renewable Resource Devices. Nothing in this Declaration shall be deemed to prohibit the installation of energy devices based on renewable resources (e.g., solar collector panels); provided, however, that same shall be installed only in accordance with the reasonable standards adopted from time to time by the DRB or its Neighborhood Association counterpart, whichever then has jurisdiction over such matters. Such standards shall be reasonably calculated to maintain the aesthetic integrity of The Properties without making the cost of the aforesaid devices prohibitively expensive.

Section 18. Trees, Shrubs and Artificial Vegetation. No tree or shrub, the trunk of which exceeds two (2) inches in diameter, may be cut down, destroyed or removed from a Lot or Neighborhood Association common areas/elements without the prior, express written consent of the DRB. No artificial grass, plants or other artificial vegetation, or sculptural landscape décor, shall be placed or maintained upon the exterior portion of any Lot without the aforesaid DRB consent.

Section 19. Irrigation. Irrigation from lakes and other water bodies within The Properties or by walls shall be required unless prohibited by deed restriction, easement or governmental (including drainage or community development district) regulations; provided, however, that (i) no irrigation device shall be visible above or from the surface of the applicable water body, (ii) any party using such irrigation shall be financially and

otherwise responsible (and may be specially assessed) for any negative impact on water quality, water level or vegetation control caused by such irrigation use, (iii) if required by the Association or the DRB (or its Neighborhood Association counterpart, if applicable), the applicable irrigation equipment shall contain iron or other filtration devices or components, (iv) all wells shall be equipped with appropriate filters or de-ionization or other features in order to prevent the discoloration of surfaces with which the water comes into contact and (v) all irrigation shall comply with any irrigation plan for Lake Charleston or any appropriate portion thereof.

Section 20. Exterior Lighting. All exterior lighting shall be subject to prior approval by the DRB.

Section 21. Games and Play Structures. On single family Lots, except as otherwise provided in this Section 21, all play structures including tennis courts, (except basketball posts backboards) shall be located at the rear of the Lot, or on the inside portion of corner Lots within the setback lines. No platform, doghouse, tennis court, playhouse or structure of a similar kind or nature (except basketball backboards) shall be constructed on any part of a Lot located in front of the rear line of any Residential Unit(s) constructed on the Lot, and any such structure must have the prior approval of the DRB. Notwithstanding the foregoing to the contrary, a basketball post and backboard may be erected on any portion of the Lot, containing a Residential Unit, which shall be located so as not to cause a nuisance to adjacent Owners of Lots and shall be subject to the prior approval of the DRB. Portable/movable games and equipment (such as street hockey equipment and skateboard ramps) must be stored out of sight when not in use.

Section 22. Fences and Walls. The composition, location, color, and height of any fence or wall to be constructed on any Lot is subject to the approval of the DRB. The DRB shall, among other things, require that the composition of any fence or wall be consistent with the material used in the surrounding buildings and other fences if any.

Section 23. Mailboxes. No mailbox, paper box or another receptacle of any kind for use in the delivery of mail, newspapers, magazines or similar material shall be erected on any Lot without the approval of the DRB as to style and location. If and when the United States Postal Service or the newspaper or newspapers involved shall indicate a willingness to make a delivery to wall receptacles attached to Residential Units, each Owner, on the request of the DRB, shall replace the boxes or receptacles previously employed for such purpose or purposes with wall receptacles attached to dwellings.

Section 24. Utility Connections. Permanent building connections for all utilities installed after the date hereof, including, but not limited to, water, electricity, telephone, and television, shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority. The foregoing shall not apply, however, to transmission lines, transformers and other equipment installed by public utility companies.

Section 25. Construction Scheduling. No outdoor construction of development activity of any kind (other than minor do-it-yourself repairs) will be permitted within the Property on Sundays or legal holidays without the express prior written consent of the Association or the DRB.

Section 26. Off-Street Motor Vehicles. No motorized vehicle may be operated off of paved roadways and drives except as specifically approved in writing by the Association for the purpose of maintenance,

construction or similar purposes and except as operated by the Association or its contractors, subcontractors or designees.

Section 27. Storage and Meter Areas. All storage areas of any kind upon any Lot, and all meter and similar areas located upon the Lot, shall be completely screened from view from the exterior of the Lot.

Section 28. Pets and Animals. Notwithstanding Section 8 hereof, the Association shall have the right from time to time to adopt or amend with respect to any neighborhood or area within The Properties restrictions (including those of Section 8), rules and regulations governing the type, number and size of pets or other animals that may be kept within that neighborhood; and rules and regulations governing pets may vary between areas of the Property to the extent that the Board of Directors deems appropriate.

Section 29. Neighborhood Associations. All of the restrictions, requirements, and obligations set forth in this Article shall apply to all Neighborhood Associations the common areas/elements (and all improvements thereto) and their uses of all or any portions of Lake Charleston. Accordingly, as applied to Neighborhood Association, the term Owner as used in this Article shall be deemed to include the Neighborhood Association (even if it does not hold legal title to its common areas/elements), the terms Lot and Unit shall be deemed to include a Neighborhood Association's common areas/elements (and all improvements thereto) and references to activities or practices of Owners shall be deemed to include activities or practices of the Neighborhood Association (regardless of where same occur).

Section 30. Additional Use Restrictions. The Board of Directors of the Association may adopt such additional use restrictions, rules or regulations, applicable to all or any portion or portions of the Property and to waive or modify application of the foregoing use restrictions with respect to any Lots(s) or Unit(s), as the Board, in its sole discretion deems appropriate.