

## INTRODUCTION – Del Tierra Architectural Guidelines

### 1.1 Welcome to Del Tierra.

Del Tierra is a community designed to respect the visual character of its site, alleviate environmental impact and maximize water and energy conservation principles, all to the extent feasible. In order to preserve and enhance these principles, these Design Guidelines are established to maintain certain standards by which the community may grow and develop.

The Design Guidelines have been prepared by Del Tierra HOA, pursuant to the Declaration of Covenants and Restrictions for Del Tierra, as amended from time-to-time ("Declaration") recorded in the Public Records of Manatee County, Florida. The Design Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in these Design Guidelines.

The Design Guidelines provide an overall framework to allow the community to develop and progress in an orderly manner, implementing planning concepts and philosophy and any requirements of regulatory agencies. The Design Guidelines include minimum standards for the design, size, location, style, structure, materials, color, mode of architecture, mode of landscaping and relevant criteria for the construction and modification of improvements of any type. They also establish a process for judicious review of proposed new developments and changes within the community.

For purposes of these Design Guidelines, the "Reviewing Body" refers to the Architectural Review Committee, as applicable.

### 1.2 Governmental Requirements.

It is the responsibility of the Owner to comply with all Governmental Requirements and obtain all necessary permits and approvals from the appropriate federal, state, county or municipal governmental agencies ("Governmental Agencies") before beginning approved work on a project. For example, Manatee County may require certain permits, depending on the proposed change, alteration, or addition. The Owner shall provide copies of any such required permits or approvals to the Reviewing Body if so requested.

To the extent that any Governmental Requirement requires a more restrictive standard than those found in these Design Guidelines or the Declaration, the Governmental Requirement shall prevail. To the extent that the Governmental Requirement is less restrictive than these Design Guidelines, or the Declaration, the Declaration and Design Guidelines shall prevail.

### 1.3 Required Approvals for Modification Activity.

The Owner is required to submit an application to the Reviewing Body and request review of plans for any Modification Activity prior to beginning the Modification Activity. Modification

Activity, includes, but is not limited to:

- Removing of any tree.
- Constructing improvements on a Lot.
- Modifying or adding to existing improvements (other than repainting an improvement in its original color).
- Installing a pool, spa or other water feature. All pools and spas must be placed in the back yard and the back yard must be surrounded by a fence following the fencing guidelines of this document.
- Constructing or installing fences, walls, decks, fireplaces, permanent outdoor barbecue, or other hardscape, such as walks, driveways, paving, brick, masonry, railroad ties, wood trim, concrete, rocks, flagstone or any inert material.
- Landscaping, irrigation, alteration of grades or drainage.
- Placing any object, ornament, monument, statue, sign, or similar accessory on a Lot that is visible from the street or by neighbors, including lighting, flags or lawn ornaments. These guidelines may identify permitted exceptions.

All applications shall be submitted to the Reviewing Body for written approval prior to work commencing on the Modification Activity. The fact that similar Modification Activity may exist or have been approved for another site does not automatically set a precedent for other Modification Activity. Beginning or completing the Modification Activity prior to receiving written approval by the Reviewing Body does not mean that the written approval requirement is waived. An Owner may be required to remove or correct any Modification Activity if not approved in writing.

#### 1.4 Fees.

Review fees may be collected with the submission of an application for any Modification Activity. Review fees may vary depending on the nature of the proposed Modification Activity, and, when deemed appropriate by the Reviewing Body, may include the cost of review of submitted plans by an architect or engineer approved by the Reviewing Body. The Reviewing Body may also require that the applicant deposit funds to cover the cost of periodic inspection during the work, to ensure proper cleanup of the work site during and after completion of the work, or to provide reasonable security that a condition of approval will be met.

If the Owner(s) does not submit an application or alters the plans after application and approval by the Reviewing Body, the Owner(s) may be assessed a no-permit fee and required to submit a new application and application fee. The new application is subject to approval.

There may also be a fee for an inspection after the work has been completed to confirm what was submitted was actually the work that was approved to be completed.

#### 1.5 Inspections.

The Reviewing Body shall appoint members or representatives to conduct inspections of Modification Activity in progress and completed work. These inspections may be conducted

after the approval of an application prior to the commencement of work and at completion of work in order to ensure the work is compliant with the approved application. The Reviewing

Body has no obligation to ensure that the work is done in compliance with approved plans or Government Requirements.

Within fourteen (14) days of completion of the work, photo's must be submitted to the Association management company to ensure what was approved is what was completed. The Association may charge a fee for an inspection to confirm what was submitted was actually the work completed.

#### 1.6 Conditions for Commencement of Work.

NO WORK SHALL COMMENCE ON ANY MODIFICATION ACTIVITY UNTIL AN APPLICATION FOR THE WORK HAS BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE REVIEWING BODY.

#### 1.7 Applying for Approvals from Government Agencies.

Unless otherwise expressly approved in writing by the Reviewing Body, **prior** to the submittal of a request for a permit or approval from any Government Agency, the Owner must obtain the approval of the Reviewing Body in writing for the Modification Activity for which the permit or approval will be requested. If the permit or approval from the Government Agency differs from the approval by the Reviewing Body, the Owner must re-submit the proposed change to the Reviewing Body. Unless required by applicable law, approval by a Government Agency shall not bind the Reviewing Body with respect to a permit or approval from the Government Agency, which differs from the approval by the Reviewing body.

## 2 APPLICATION REQUIREMENTS

### 2.1 All Applications.

All applications shall include the following information and documentation:

#### 2.1.1 Owner Information.

Name of Owner, Lot number, street address, and contact information.

#### 2.1.2 Modification Information.

Appropriate information for the particular type of Modification Activity, as summarized below.

#### 2.1.3 Contractor Information.

Name, street address, and contact information of contractor doing the proposed work if known.

#### 2.1.4 Application Fees may be required.

## 2.2 Landscaping or Site Work Affecting Landscaping.

Such applications shall include:

### 2.2.1 Landscape Designers

Name of any landscape designer involved in preparing the landscaping plans, including street address and contact information, if any.

### 2.2.2 Landscape Plans.

Two copies of the landscape plans must be provided, including (unless otherwise expressly approved by the Reviewing Body):

- North arrow; scale of drawing; existing site features; existing trees (type and diameter at five feet above existing grade); significant shrubs; property lines; adjacent land uses; (examples: residential Lot, common area, lagoon, etc.); and location or edge of streets, walks, walls, fences, houses, service areas, decks, patios, walks and drives. Minimum scale of drawings to be 1 inch = 20 feet.
- Proposed changes to items listed above, including any additional hardscape that Owner desires to install, such as brick, masonry, wood edging, concrete, rocks or other inert materials; and existing plantings to be removed. (Proposed changes should be clearly identified by color, shading, or other contrasting technique). Color pictures, brochures, and color samples of products shall be submitted with application to assist the Modifications Committee in understanding the application.
- Existing site drainage, including drainage structures, direction and slope of flow and any proposed alterations to this drainage.
- Proposed plantings, with plant list and plant key for any abbreviations used, varieties, quantities, sizes and spacing. Locations of proposed trees, shrubs, ground covers, mulching and grassing (clearly labeled). Plant symbol to be to scale and show mature size (diameter) of the proposed plant with a circle. Indicate center of proposed plant with a "+" and the center of an existing plant with an "o".
- Plan for any irrigation system modifications (preferably on a separate drawing) to include location of automatic timer box and any rain sensor, and approximate location of valves, sprinkler heads, irrigation lines and sizes.

### 2.3 Changes or Additions to Structures.

Such applications shall include:

2.3.1 – There shall be no changes or additions allowed to the existing exterior structure of any home. Excluding screened lanai's with bronzed metal framing and dark mesh. Any solid roofing of these lanai's must be slightly sloped metal roofing and not shingled roofing.

### 2.4 Association Management Company Review of Selected Modifications.

The Reviewing Body may delegate authority to the Association Management Company to review and approve specific routine modifications for the convenience of Owners. If the approval decision is not clear-cut, the Association Management Company will forward the application to the Reviewing Body for decision.

## 2.5 Review Procedure and Notice of Pending Application.

Unless otherwise expressly approved by the Reviewing Body, the Reviewing Body shall review each application without a hearing and based solely on the information contained within the application. An Owner or another Owner affected by the proposed application may request a hearing, but the decision as to whether a hearing shall be granted and the form of such hearing shall be determined solely by the Reviewing Body. If the Modification Activity is, in the opinion of the Reviewing Body, likely to be controversial or a matter of substantial community interest, the Reviewing Body may require that a notice or sign in form approved by the Reviewing Body be placed on the property for a reasonable time to give notice of the pending application.

Reasonable efforts shall be made by the Reviewing Body to respond to an application within 60 (sixty) days\* of receipt of all required information. The decision of the Reviewing Body shall be final on all matters submitted to it.

*\* Sixty Days starts from the date the Reviewing Body acknowledges receipt of full and correct application and all required and necessary documentation to make a proper determination.*

## 2.6 Notice of Decision of Reviewing Body.

Upon completion of review by the Reviewing Body, one (1) set of plans shall be returned to the Owner accompanied by a letter indicating the Reviewing Body's decision. The action of the Reviewing Body shall be stated in the following manner:

### 2.6.1 "Approved."

The entire application submitted is approved in total. An Approved application is only good for 120 days after owner is notified. After 120 days the application is deemed denied and the application process must start over.

### 2.6.2 Approved as Noted

The application submitted is partially approved or approved with conditions. An Owner may only proceed with the work to be performed if it complies with all conditions set forth in the letter from the Reviewing Body, or on or in any document enclosed with the letter.

### 2.6.3 "Not Approved." (Denied)

The entire application submitted is not approved and no work shall commence.

## 2.7 Effect on Building Permit or Other Government Approval.

If the application for Modification Activity submitted by an Owner requires a building permit or other Government Approval, approval by the Reviewing Body is not a guarantee that such permit or other Government Approval will be approved by the appropriate Governmental Agency. If the appropriate Governmental Agency requires modification to the plans approved by the Reviewing Body, such modifications must also be approved by the

Reviewing Body in order for the Owner to proceed with the Modification Activity.

#### 2.9 Effect of Modifications on House Warranties.

Owners are responsible for verifying the effect of any proposed modifications against any existing warranties for nullification concerns.

#### 2.10 Owner Responsibilities.

It is the responsibility of each Owner to comply with all requirements of these Design Guidelines in addition to the Declaration and any applicable Supplemental Declarations.

### 3 RESIDENTIAL DESIGN GUIDELINES

#### 3.1 Architectural Character.

The original home and plot styles are to be maintained except as approved by the Reviewing Body.

#### 3.2 Architectural Impact on Nearby Property.

Applications for additions to a structure on a Lot shall be reviewed for proximity to setback lines, impact on drainage and significant buffering foliage, and access for drainage and utilities. Where the Reviewing Body determines that there is a significant adverse impact, the application will be "not approved" or "approved as noted".

#### 3.3 Standards May Vary.

Design or exterior changes appropriate for property in one area may not be applicable to another area.

#### 3.4 Waiver of Standards.

The Reviewing Body shall have the right, in its sole discretion, to waive, in writing, specific standards as they apply to a particular application if the Reviewing Body determines, in its sole discretion, that such waiver is warranted as a result of special conditions or factors existing on a Lot and not commonly encountered in the Community and such waiver will not have a material adverse impact on these Design Guidelines and the Community. Any waiver shall be limited to the maximum extent feasible while responding to the special conditions or factors existing on a Lot.

#### 3.5 House Modifications.

##### 3.5.1 Architectural Design.

The architectural design of any and all alterations, repainting (except when repainting with same original color), and renovations to the exterior of an existing home shall conform to, or be compatible with, the design of the original home in style, detailing, materials, and color.



Any such addition, alteration, or renovation shall be made only after application to, and written approval by, the Reviewing Body.

Houses must be maintained structurally and also must be kept clean and free of any visible signs of dirt or mold. Homeowners have 14 days from time of notification of any issue to resolve the issue.

### 3.5.2 Allowed Materials.

Unless expressly approved by the Reviewing Body, all materials used in maintenance, repair, additions, and alterations shall match those used in the original construction of the Dwelling Unit as to color, composition, type, and method of attachment. When house, storm or hurricane windows are added or replaced with new materials, the description, trim color and glazing specifications on those materials shall be included with the application for addition or

replacement to ensure that the long term appearance will be compatible and will not degrade with long term exposure to the elements. The Reviewing Body may allow substitute materials.

### 3.5.3 Lot Drainage/Roof Drainage.

When any additions, alterations, or renovations are performed to an existing home, the established Lot drainage shall conform to the following requirements:

No Owner or Resident shall alter the drainage on any Lot to increase materially the drainage of storm water onto adjacent Lots, or the Common Areas, without the consent of the adjacent Lot Owner(s) and the Reviewing Body.

All new or altered roofs shall drain to the ground solely within the deeded Lot area. No roof shall drain directly onto a neighboring Lot or Common Area. Roof gutter downspouts shall be directed to splash blocks or other impervious surfaces, plastic flexible drain tubes, or to undersurface drainage lines within landscaping.

### 3.5.4 Covered Patios and Lanai's.

Homes with a covered patio may later enclose the patio with screening and door with screening approved by the Reviewing Body. Any renovation of a covered patio to a screened patio, or patio addition shall be made only after application to, and written approval by, the Reviewing Body. All patio frame work must be metal and bronze in color and dark screen material.

Uncovered patio's – All patio's must be approved by the Reviewing Body. All patio's whether there are covered or not must exist as a natural extension of the home structure on the Lot and are prohibited from free floating in the rear of the home Lot. No person shall permanently install and/or mount sporting equipment, such as a basketball hoop, or other sports or gaming equipment on any patio or on the rear of home structure.

### 3.5.5 Front Entryway/Porch

Modifications to the front entryway/porch which are visible from the street and are in compliance with Design Guidelines and are aesthetically in harmony with the individual and neighboring properties may be considered for approval. Applications for changes or additions shall meet but are not limited to the following minimum criteria

#### 3.5.5.1 Front Door.

Solid color shall be must be in compliance with approved house color palates. Material shall be suitable for front door installations. Storm doors and screens shall be of manmade material (no wood storm doors).

#### 3.5.5.2 Front Area

Part of the front entry/porch—may enclosed by screen (floor to ceiling) structure are subject to be approved by the Reviewing Body and the framework must be bronze in color and dark screen.

#### 3.5.5.3 Decorations.

Decorations attached to walls, on pedestals or suspended from the covered structure are acceptable if any decorative features are in harmony with the property frontal view. All decorations are subject to approval by the Reviewing Body.

#### 3.5.5.4 Decorative Outdoor Furniture.

Decorative furniture shall be in harmony with the frontal view in style and color. The maximum height of the furniture is 3 feet and the maximum width is 5 feet. Furniture may be placed in planting beds, or on the front porch but no closer than 15 feet to curb.

#### 3.5.5.5 Arbors/Archway/Trellises.

Not permitted in front yards. Arbors, archways and trellises are only permitted in the rear yards if it is not visible and completely concealed from view from the any adjacent streets and from adjoining or adjacent property owners. Furthermore, no arbor, trellis or other similar-type installations shall be installed without the Reviewing Body's prior written approval, which may be reasonably withheld. May only be made of dark metal or wood left in natural color.

#### 3.5.5.6 Pergolas

Not permitted in front yards. Pergolas are only permitted in the rear yards Furthermore, no pergolas or other similar- type installations shall be installed without the Reviewing Body's prior written approval, which may be reasonably withheld. May only be made of dark metal or wood left in natural color.

#### 3.5.5.7 Fence/Gates.

In addition to the restrictions enumerated in Article VIII Section 16 of the Declaration of Covenants, Conditions and Restrictions of Del Tierra, fencing can only be used to enclose the back yard not the front yard.

On a lakefront lots the white vinyl PVC fence on the front and sides must be six (6) feet high until the final one or two sections which must slope down to a final section or two which is a four (4) foot high section. The lakefront section must be four (4) foot black metal picket fence

On non-lakefront lots all four sides must be 6' white PVC fencing.

There must be at least one (1) five (5) foot entry gate to all back yards.

Natural hedges are NOT allowed on any property to be used instead of fencing.

Fences must be maintained structurally and also must be kept clean and free of any visible signs of dirt or mold. Homeowners have 14 days from time of notification of a fence issue to resolve the issue.

Any further modifications to this must be submitted and approved by the Reviewing Body.

#### 3.5.5.8 Plantings.

Landscaping in and next to the front entry/porch or courtyard area shall be maintained to present a neat appearance with no overgrowth onto roofs.

### 3.5.6 Shutters.

Upon approval by the Reviewing Body, shutters may be installed. Shutter design and color shall be in compliance with approved color palates of Del Tierra.

### 3.5.7 Hurricane Protective Systems (Hurricane Shutters).

Hurricane Shutters shall be used as a protection system only in the event of an oncoming storm and are not to be confused with decorative shutters. The system may not deviate from the aesthetic look of the homes. The system may not be implemented earlier than seven (7) business days prior to a storm's arrival and must be removed and stored no later than seven (7) business days after a storm. Manufacturers' catalog(s) and the selected design as applicable shall be attached when applying through the Reviewing Body.

### 3.5.8 Flags.

Flags may be displayed as provide in Chapter 720, the Florida Homeowners Association Act.

All flags shall be maintained in good condition and should not be displayed on days when the weather is inclement. Proper lighting is required for nighttime display of the American Flag.

### 3.5.9 Shade Devices.

Man-made screens and shade devices may only be used inside of a screened in lanai. These screens must be either black, dark brown or bronze in color.

### 3.5.10 Yard Furniture.

Furniture is permitted in front yards only if it meets the standards for formal decorative furniture as determined by the Reviewing Body. Patio umbrellas are not permitted in front yards.

## LANDSCAPE AND HARDSCAPE GUIDELINES

### 4.1 Landscaping by the Association.

The Association shall be responsible for maintaining the Area of Common Responsibility as provided in the Declaration. The Association shall also perform such additional maintenance as may be required under any Supplemental Declaration.

### 4.2 Landscaping for Lots.

Landscaping must be consistent with the following minimum requirements:

## LAWN MAINTENANCE

Lawn maintenance is a year-round requirement with some seasons requiring more attention than others. Regardless of the season, a neat appearance must be maintained. Weeds sprouting up in a lawn or, weeds that are allowed to dominate the make-up of the "lawn", must be eliminated by hand or by chemical means.

The landscaping must be maintained on every Lot. Weeding, mulching, edging, fertilization and insect control of the lawn and all plantings is also required. Raising the mower blade height, especially during the warmer months, is strongly encouraged to maintain a neat and healthy appearance of the mowed lawn and to avoid scalping. Lawns cannot be taller than 6 inches at any time also brown or dead turf must be repaired or replaced within 30 days.

If garden beds or planting areas are developed in a yard, they must be kept weeded and/or mulched to present a neat appearance from the street and neighbors' views.

No trees, regardless of size shall be removed from any portion of the community without prior written consent of the ARC unless the trees are diseased or dead and they must be replaced with a tree that is approved by the "Reviewing Body".

Trees and shrubs must be pruned and fertilized to maintain health and appearance.

### 4.2.1 Planting Beds

The planting beds that were provided by the developer (or previously approved via the modifications process) may be planted without any approval with any plants from the list of the commonly used plants found in Exhibit B. Any plants other than those need to be approved and then will be added to the list.

### 4.2.2 Commonly Used Plant Material.

Refer to Exhibit B for a list and description of recommended plant materials. Use of artificial flowers or trees anywhere outside the roofed area of the house is prohibited. Use of annual plants in planting beds as described above is acceptable without prior approval.

When using sprinklers, care should be taken to avoid over spray on patios, sidewalks, streets, and driveways ("hardscape"), structures, windows, and adjacent properties.

### 4.2.3 Swales.

Plants, flowers, shrubs, and trees shall not be planted in the swale such as to obstruct storm drainage along the side yards of the Lot.

## 4.3 General Landscaping Criteria.

Basic planting requirements should, at a minimum, address the following areas:

### 4.3.1 Approvals.

The reviewing body may reject any proposed plant it considers inappropriate.

#### 4.3.2 Permitted Ground Cover.

The ground surfaces of all Lots except that occupied by hardscape or structures shall be covered with a combination of landscaping, sodded grass lawn, planted ground cover, and approved mulch materials as listed in Exhibit B. The sodded grass lawn area shall not be less than 50% of the total ground surface area unless otherwise approved. If a living ground cover is proposed in place of the sodded lawn, approval shall be secured from the Reviewing Body prior to the commencement of work. For the purpose of these Design Guidelines, topsoil or decomposed granite shall not be considered inert material. No artificially colored or painted rock shall be permitted without approval of the Reviewing Body. Ground cover or inert material shall not be used to spell out names, nicknames, names of states, city athletic teams, slogans, states, emblems, geometric patterns, or any other communication.

In order to prevent soil erosion and to maintain positive drainage, the original grades of the Lot shall be maintained during landscape and sod installation. The Lot Owner shall hold harmless the Community Association for any property damage, including damage to the house, caused by an alteration of the grades or changes in the drainage patterns in connection with the design, installation, or maintenance of Owner's landscaping done by Owner or hired landscape contractor.

#### 4.3.3 Dead or Diseased Plantings.

Dead or terminally diseased plantings shall be promptly removed and all material resulting from the tree removal must be disposed of properly. Removed trees shall be replaced by a tree approved by the Reviewing Body unless otherwise authorized by the Reviewing Body.

#### 4.3.4 Natural Vegetation.

Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways

#### 4.3.5 Restrictions on Paved Cover.

##### 4.3.5.1 Walkways/Driveways.

No changes to the walkways/driveways including the colors, patterns, texture, coatings, materials or size can be done without the advanced approval of the reviewing body. Driveways can be widened by either concrete or pavers no further than the width of the garage and must be equal on both sides. The widening of the driveways must stop at the sidewalk and not extend to the apron. Concrete driveways cannot be painted or replaced with pavers.

Walkways and front patios can also be paved but must be paved with the same approved pavers as the widen driveways.

Sidewalks and patios must be maintained structurally and also must be kept clean and free of any visible signs of dirt or mold. Homeowners have 14 days from time of notification of any issue to resolve the issue.

#### 4.4 Landscape Accessories.

Landscape accessories are any items placed in the Lot that have not already previously discussed in these guidelines. All landscape accessories require approval. Placement and style of all landscape accessories shall be subject to approval on an individual basis consistent with the overall aesthetic scheme of The Del Tierra. No more than two (2) landscape accessories shall be approved on any Lot. No landscape accessory mounted on entryway columns or walls shall be in excess of 18 inches in height. Properties facing streets on two or more sides shall use landscaping to screen accessories. Applicants shall provide landscape plans that incorporate accessories to show how they are shrouded from adjacent property owner views.

##### 4.4.1 Arbors

Arbor construction and installation shall be applied for and approved through the Reviewing Body and are considered a landscape accessory. The placement of arbor structures shall be at least 20 feet from any neighbor's Lot line and only in the rear yard. Arbors are only permitted in the rear yards if they are not visible and completely concealed from view from the any adjacent streets and from adjoining or adjacent property owners. Furthermore, no arbors or other similar-type installations shall be installed without the Reviewing Body's prior written approval, which may be reasonably withheld. Application to the Reviewing Body for



such arbor or other similar type installation shall include the size, materials, and placement on the lot, if said application does not include at a minimum this information, said application shall be denied until required information is provided to the Reviewing Body. The maximum size of any arbor shall not exceed the height of 8 feet, the width of 3 feet, and the depth of 2 feet with the wider dimension parallel to the rear Lot line. The arbor shall have approved vegetation, which will be required on the finished product. Application for size, materials, and placement shall be submitted and approved for prior to installation by the Reviewing Body. Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways.

#### 4.4.2 Trellises

Trellis construction and installation shall be applied for and approved through the Reviewing Body and are considered a landscaping accessory. The maximum size of any trellis shall not exceed the height of 8 feet, the width of 3 feet, and the depth of 6 inches with the wider dimension parallel to the side or rear Lot line. The placement of a trellis must be in the back yard and planting shall not be more than 2 feet from the wall of the house. The trellis shall have approved vegetation, which will be required on the finished product. Application for size, materials, and placement shall be submitted and approved for prior to installation by the Reviewing Body. Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways.

#### 4.4.3 Ground Mounted Landscape Accessories.

Ground Mounted Landscape Accessories may not be in excess of 3 feet in height. Examples include, but are not limited to, low ground flags, statues, sculptures, bird baths, plant stands, potted plants, lawn ornaments, lighthouses, and other miniature structures.

#### 4.4.4 Fountains

Fountains shall be limited in height to four (4) feet, six (6) inches above the natural grade of the Lot. Any fountain shall be of natural material, color, and design, each of which is compatible with the overall architectural theme of Del Tierra. Fountains shall be permitted in the front yard and rear yard of all residential homes. No more than one fountain shall be permitted in each yard. Fountains shall be subject to review for style and placement.

#### 4.4.5 Bird Houses/Feeders.

Bird houses/feeders shall be placed in rear yard only. Butterfly houses, bird houses, and bird feeders shall be designed and placed to be in harmony with the surrounding environment. Houses and feeders shall not exceed 4 feet above ground level. No house or feeder shall constitute a hazard to neighboring properties or be a haven for pest animals.

#### 4.4.6 Holiday Decorative Accessories.

Temporary statues, artifacts, and other holiday decorative landscaping accessories are allowed

30 days prior to, during, and after a holiday season; provided that all such items shall be removed 21 days after the holiday.

#### 4.5 Plastic Sheeting.

The use of solid plastic sheeting or polyethylene over ground cover areas will not be permitted. If landscape fabric is used, it must allow the free flow of water, air, and gases to and from the soil. Weed control fabrics may only be used with prior approval of the Reviewing Body. All weed control fabrics must be kept thoroughly covered with a 3 to 4 inch layer of approved mulch material.

#### 4.6 Ancillary Equipment.

##### 4.6.1 Window and Roof Mounted Equipment.

Window and roof mounted equipment (including mechanical, air conditioning) shall not be allowed. Supplemental heating and cooling equipment may be installed in walls, and attic ventilation devices may be installed on the roof, with approval of the Reviewing Body. A sound barrier may be required for added equipment.

##### 4.6.2 Exterior Appliances.

Installation of exterior water softeners, water filters, trash, and any hardscape enclosing areas (other than pool/spa and filter equipment described in Paragraph 4.13) are permitted with adequate screening which shall be either approved shrubs or white PVC fencing which blocks the view from the street

##### 4.6.3 Interior Water Treatment.

All interior water treatment systems shall be connected to the sewage system.

##### 4.6.4 Antennas, Aerials, and Satellite Dishes.

No antenna, aerial, satellite dish, or other device for the transmission or reception of television, or radio (including amateur or ham radios) signals of any kind will be allowed outside the Dwelling Unit, except those antennas whose installation and use is protected under Federal law or regulations (generally, certain antennas under one meter in diameter) provided that an application for such an antenna or other device shall be submitted to the Reviewing Body and such application will only be approved if:

###### 4.6.4.1 Visual Impact.

The antenna or other device is designed to assure the minimal visual intrusion possible (i.e., is located in a manner that minimizes visibility from the street and preserves the community wide standard); and

#### 4.6.4.2 Compliance.

The antenna or other device complies with the maximum extent feasible with these Design Guidelines within the confines of applicable Federal regulations, i.e., without precluding reception of a quality signal, or unreasonably increasing the cost of the antenna or device. The applicant shall provide reception readings taken by the installer or self for potential locations, which make the antennae least visible. The following are preferred locations:

- Rear of the house, below the ridgeline.
- Rear of the house, attached to the roof or the fascia.
- Side of the house, toward the rear, attached to the roof or fascia.
- Side of the house, toward the rear, attached below the eave.
- Ground mounted, rear yard, painted and screened with shrubs.
- Ground mounted, side yard, toward the rear yard, painted and screened with shrubs.

#### 4.6.5 Roof Top Decorations.

Roof top decorations, cupolas and application of non-functional articles other than lighting, ventilating, and antennas mentioned above are prohibited. Any changes to the rooftop design must be submitted in detail with the application.

#### 4.6.6 Exterior Sound Emitting Devices.

Any exterior sound emitting devices (speakers, sound players, insect/animal repellents/chasers, chimes, etc.) shall not create an audible nuisance to the neighbors.

#### 4.7 Trash Containers.

Trash shall be stored in covered containers, which shall be kept in the garage, except when they are being made available for collection, and shall be subject to any restrictions in the Declaration or Rules and Regulations promulgated pursuant to the Declaration.

#### 4.8 Signage.

##### 4.8.1 General Limitations.

Posting of Signs of any kind, except those required by law, such as posters, circulars, billboards, or other commercial signage shall not be displayed on a Lot, house (inside or outside), vehicle, or common area. Homes may display one For Sale sign in the yard while the house is on the market, they may also display 1 open house sign on the day of the open house. '

##### No Soliciting Signs

Residents shall be permitted to post "no soliciting" signs near or on the front door, Such "no soliciting" signs shall be professionally prepared (no hand lettering) Any such sign shall not exceed a size of 36 square inches (i.e., 3 inches by 12 inches) on the front door or in a window

near the front door.

#### 4.8.2 Security System Signs.

Residents shall be permitted to post a sign from a security/alarm company providing services to such Resident or the home. One single-sided small security/alarm sign may be placed in the front yard where it is visible to persons approaching the house, and a sign may also be placed in the windows of the home. The sign shall be professionally prepared (no hand lettering) and shall not exceed 2 feet in overall height from finished grade and/or 72 square inches in size (i.e., 8 inches by 9 inches) if placed in the ground; or exceed 16 square inches in size (i.e., 4 inches by 4 inches) if placed in a window. The sign shall be located within the setback criteria set forth in Exhibit A for such homes.

#### 4.8.3 Exemption.

Notwithstanding the above, Del Tierra HOA and its authorized designees shall be allowed to install any sign(s) necessary for purposes connected with the development of Del Tierra and/or as may be described in the Declaration.

#### 4.9 Other Prohibited Exterior Features.

The following features shall be prohibited from use in Del Tierra:

- Clothes lines or clothes poles that are visible from the street or neighbors
- Window A/C unit
- Above ground swimming pools (Wading pools for children may be used on your deck or in your backyard as long as they are not visible from the street and must not be left outside overnight)
- Storage buildings, garages, or sheds
- Dog houses and other animal dwellings not identified in Paragraph 4.4.5
- Dog runs and other fencing or enclosures for pets

4.9.1 Lighting - The Owner is required to submit an application to the Reviewing Board for review for all exterior lighting modifications. No exterior lighting shall be permitted that constitutes a nuisance or hazard to any Owner or Resident.

##### 4.9.1 Landscape/Walkways.

Illumination of landscaping (36 inches high or less), as well as for walks and driveways shall be accomplished with low wattage fixtures, ground mounted. Decorative low voltage/solar light fixtures for low-level landscape and path lighting are permitted. Fixtures shall be installed and maintained in a vertical position. A maximum quantity of 12 low-voltage or solar lights may be installed in front yards. A maximum quantity of 12 low-voltage or solar lights may be installed in rear and side yards (combined).

##### 4.9.2 Large Bushes/Trees.

Illumination of large bushes and trees may be accomplished with standard or low voltage (flood or spot) light fixtures, ground mounted and aimed vertically upward.

#### 4.9.3 Spotlights/Floodlights.

Exterior spotlight and floodlight fixtures shall be either non motion or motion detector fixtures. Exterior spotlight and floodlight fixtures location(s), other than the original construction of the dwelling location(s), require approval of the Reviewing Board.

#### 4.9.4 Holiday Lighting.

Holiday lighting and decorations will be permitted so long as the lights and decorations are unobtrusive, are installed only during the appropriate season, and are removed within 14 days after the holiday.

#### 4.9.5 Fence/Building Mounted.

Exterior fence or building mounted light fixtures, including motion detector, spotlights and floodlights shall conform to the architecture of the house and be subject to approval of the Reviewing Body. Any enclosure of a light fixture shall be designed to conceal the lamp (bulb) and to direct the light downward.

#### 4.9.6 Landscape Requirements.

Junction boxes shall be placed below grade to minimize day-time visibility of the hardware

#### 4.10 Pools, Spas, and Water Features.

Above-ground spas and hot tubs are permitted in the rear yard, the Owner shall submit all plans to the Reviewing Body for approval prior to installing.

For approval of in-ground pool, in-ground spa, or water feature excavation, the Owner shall submit all plans to the Reviewing Body for approval prior to commencing excavation. In most cases, it may be necessary to obtain approval from the appropriate Governing Authority. It will be necessary for a licensed and insured contractor to evaluate feasibility and manage the installation of pools and spas.

Pool/spa mechanical equipment shall be positioned adjacent to the house and obscured from view with shrubs or other landscape preclude features.

The excavation site shall be well maintained for safety purposes. Attention shall be given to the grading and drainage to prevent erosion.

#### 4.11 Outdoor Kitchens.

Outdoor kitchens and built-in barbeques shall be placed in the rear yard only, adjacent to the house or patio and shall not extend laterally past the side wall of the house. The exterior

surround shall match the color and finish of the house walls. Homeowners installing cooking equipment under a patio roof or inside a screen or glass enclosure should consider requirements for exhaust ventilation. Installation of roof mounted equipment is not permitted

#### 4.12 Backup Generators

Homeowners are allowed to install backup generators for their home, but the generators and their power source must be professional installed by licensed and insured contractors plus the installation must be approved by the Reviewing committee.

The generator must be positioned on the side or in the rear of the home and must be hidden from view from the street with solid white vinyl fencing. The power source (Propane) for the backup generators must be in a buried tank (not to exceed 500 gallons) in the back of the homeowner's property and the position of the tank must meet or exceed all county, state and federal guidelines.

The position of the tank must not impact or alter the drainage on any Lot to increase materially the drainage of storm water onto adjacent Lots, or the Common Areas, without the written consent of the adjacent Lot Owner(s) and the Reviewing Body. It must also not be placed in any easement areas on the property.

### 5 ENFORCEMENT OF GUIDELINES AND REVIEWING BODY ACTIONS.

In the event of a violation of these Design Guidelines or any decision of a Reviewing Body, the Board may take any enforcement action authorized by the By-Laws or the Declaration.

Any changes or amendments to the Design Guidelines shall only apply to construction and modifications commenced after the date of such amendment. Changes shall not require modification or removal of structures previously approved once the approved construction has commenced. However, changes to, or replacement of, previously approved projects SHALL comply with the Guidelines in effect at the time of the new modification application.

### 6 AMENDMENTS TO DESIGN GUIDELINES.

The Board of Directors shall have the authority to amend or change the Design Guidelines. Any amendments, modification or supplements shall apply to construction and modification commenced after the date of such amendment only and shall not require modification or removal of Modification Activity previously approved once the approved construction or modification has commenced.

### 11 EXHIBIT A -APPROVED INERT MATERIALS

Approved inert landscape materials shall include: bark, hardwood mulch, rock and/or stone of naturally pigmented color (i.e., as found in native form), rubber, and other materials as may be approved by the Reviewing Body from time to time. Determination of whether a

material is acceptable for inclusion in any specific situation shall be made by the Reviewing Body and shall be in writing.

## 12 EXHIBIT B - COMMONLY USED PLANT MATERIALS

### **Large Trees**

- Bottlebrush 'Red Cluster'
- Bottlebrush 'Weeping'
- Red Maple
- Southern Magnolia
- Bald Cypress
- Black Olive 'Shady Lady'
- Slash Pine
- Cedar 'Brodie'
- Cedar 'Red'

### **Small Trees**

- Japanese Maple
- Cassie 'Desert'
- Holly 'Egelston Std'
- Holly 'Nellie R Stevens'
- Holly 'Weeping Youpon'
- Gardenia Std
- Golden Dew Drop Std
- Hibiscus Std
- Jatropha Std
- Ligustrum Green Multi Stem
- Magnolia 'Little Gem'
- Poinciana 'Dwarf'
- Bougainvilla Std
- Crape Myrtle
- Wax Myrtle
- Japanese Flowering Cherry

### **Large Palm Trees**

- Alexander
- Bismarck 'Silver'
- Foxtail
- Queen
- Areca
- Buccaneer
- Fishtail
- Pindo
- Ribbon
- Spindle
- Sylvester
- Royal
- Sabal
- Coconut

#### **Small Palm Trees**

- Cardboard
- Bottle
- Cat
- Coontie
- European Fan
- Lady
- Ponytail
- Pygmy Date
- Sago

#### **Large or Accent Shrubs**

- Agave 'Blu & Variegated'
- Allamanda
- Bird of Paradise
- Bottlebrush 'Red Cluster'
- Bougainvillea
- Buttonwood 'Silver & Green'
- Cana Lily



- Cocoplum
- Cypress Italian
- Dracaena
- Japanese Blueberry
- Firebush
- Gardenia
- Heliconia
- Hibiscus
- Ixora 'Nora Grant'
- Jasmine 'Confederate'
- Jasmine 'Star'
- Jasmine 'Pinwheel'
- Jasmine 'Downy'
- Jatrophia
- Ligustrum 'Green or Jack Frost'
- Philodendron 'Selloum'
- Plumbago
- Viburnum 'Suspensum'
- Podocarpus
- Schefflera Arboricola 'Green & Variegated'
- Ti Plant
- Clusia
- Copperleaf
- Crinum Lily 'Green or Red'
- Croton
- Song of India

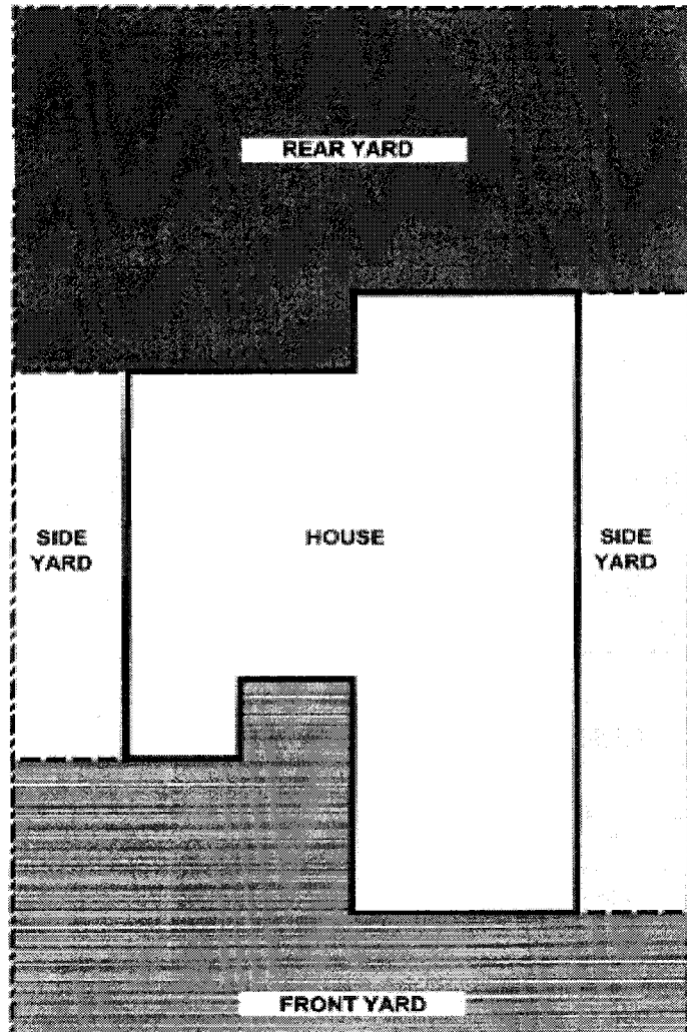
#### **Small Shrubs and Groundcover**

- Agapanthus
- Allamanda 'Dwarf'
- Blue Daze
- Boxwood Japanese
- Bulbine

- Clusia 'Dwarf'
- Crown of Thorns 'Dwarf'
- Foxtail Fern
- Green Island Ficus
- Society Garlic
- Firebush 'Dwarf'
- Ginger
- Lirope 'Super Blue or Aztec'
- Mexican Heather
- Indian Hawthorn
- Ixora 'Dwarf or Maui'
- Jasmine 'Minimia'
- Juniper
- Flax Lily
- Lantana
- Milkweed
- Oleander 'Petite Pink'
- Oyster Plant
- Philodendron 'Xanadu'
- Mexican Petunia 'Dwarf'
- Snow Bush
- Texas Sage
- Tibouchinia 'Dwarf'
- Viburnum 'Walters Travis'

13 EXHIBIT D- DEFINITION OF FRONT, REAR & SIDE YARD  
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