

# **LAKE FISCHER ESTATES**

## **ARCHITECTURAL STANDARDS**

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## I. INTRODUCTION TO DESIGN REVIEW

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

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

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

D. Applicability of Architectural Review: These Architectural Guidelines shall be applicable to all property which is subject to the Covenant as supplemented in accordance with the Covenant. The provisions shall apply to residential Lots and Property, provided that certain additional provisions set forth in the Covenant shall be applicable to the Property notwithstanding any other provision herein to the contrary. Unless otherwise specifically stated in the Covenant or these Architectural Guidelines, all plans and materials for new construction or exterior modifications of improvements on a Lot or Property must be approved before any construction activity begins. Unless otherwise specifically stated in these Architectural Guidelines, no structure may be erected upon any Lot or Property, and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the appropriate Reviewer as described below. Where these Architectural Guidelines specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners are responsible for ensuring compliance with all standards and procedures within these Architectural Guidelines. Owners are also governed by the requirements and restrictions set forth in the Covenant, any applicable Supplemental Covenant, and any other applicable Architectural and landscape

guidelines. In particular, Owners should review and become familiar with the Use Restrictions applicable to Lake Fischer Estates enacted in the Covenant.

E. Review Structure: Architectural control and design review for Lake Fischer Estates is handled by either: (i) the Board or its designee; or (ii) the Architectural Review Board. The term “Reviewer,” as used in these Architectural Guidelines, shall refer to the appropriate reviewing entity.

1. Board: As set forth in Article IV of the Covenant, the Board has exclusive jurisdiction over all matters relating to Architecture during the Board Review Period. However, the Board has reserved the right to, and does hereby, delegate a portion of its jurisdiction to an Architectural Review Board (“ARB”) appointed by the Board as addressed in Section 4.2. Notwithstanding such delegation, during the Board Review Period the Board shall retain jurisdiction over all Lake Fischer Estates not delegated to the ARB, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may, but shall not be obligated to, promulgate additional design standards and review procedures as it deems appropriate.

In addition, the Board’s delegation to the ARB shall be subject to: (i) the right of Board to revoke such delegation at any time and reassume jurisdiction over the matters previously delegated; and (ii) the right of Board to veto ARB approval which require a variance to these Architectural Guidelines or precedent of construction, landscaping or improvement within Lake Fischer Estates.

2. Architectural Review Board: The ARB is hereby delegated jurisdiction over modifications to improved Lots and landscaping on improved Lots and Property in the Lake Fischer Estates, and such additional responsibilities delegated to it by the Board during the Board Review Period. During the Board Review Period, the ARB shall give the Board notice and its recommendation on any General Application which may require a variance to these Architectural Guidelines or established construction, landscaping, or improvement practices within Lake Fischer Estates. The Board shall make a decision on the General Application within 10 days of the notice from the ARB. Following the Board Review Period, the ARB shall assume all jurisdictions over all matters relating to Architecture and landscaping of the Properties as set forth in Article IV of the Covenant. Members of the ARB shall be appointed by the Board.

F. Application Fees: An Applicant must submit a General Application and a \$10.00 Application Fee prior to the commencement of the work described in the General Application. If an application is filed after the commencement of the work described in the General Application, the Applicant shall be subject to a late filing fee as established by the Board, payable to the Lake Fischer Estates Homeowners Association (“Association”). The payment of a late fee shall not be deemed approval to proceed or continue with the proposed improvement.

## II. DESIGN REVIEW PROCEDURES

A. Review of New Construction: Plans for initial new construction upon any Lot or Property must be reviewed and approved by the Board, requiring the submission of a General Application. Each Applicant shall submit a conceptual or preliminary site layout and floor plan, as well as any tree removal requests. Also, exterior finishes and color schemes, if available, and information concerning irrigation systems, drainage, lighting, landscaping, and other features shall be provided. Requirements for plans are further explained below in Section II.C below. Applicants may request an initial meeting with a representative of the Reviewer to address any questions about Lake Fischer Estates and the Architectural Guidelines.

Approved Builders of multiple Lots or Properties within a Lake Fischer Estates or a tract may submit plans and specifications for similar site plans, floor plans, and layouts on similarly situated Lots or Properties for pre-approval on an entire tract, in lieu of seeking approval as to each Lot or Properties owned; provided, however, the Board may require a review of pre-approved plans for their use on specific Lots or Properties. To be pre-approved the plans and specifications shall show the nature, kind, shape, color (if available at that time), size, materials and location of all proposed structures and improvements. Any changes made to pre-approved plans and specifications during the construction of improvements shall require approval of the Board.

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

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

1. Site Plan: Showing a clearing and grading scheme with proposed and existing land contours; grades and flow of the site drainage system; location of existing trees, including identification of every tree with a diameter of four inches or more measured at a height of three feet above grade and location and size of trees proposed for removal; the location or "footprint" of the proposed improvement, including setback lines, fences, retaining walls, driveways, curb-cuts, walkways, fences, pools, patios, landscaping, buildings, and other improvements. Minimum scale of 1"= 20'.

2. Floor Plan: Showing decks, patios, stoops, retaining walls related to the dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways.
3. Elevations: Front, rear and side exterior elevations showing building materials and finishes, and indicating the maximum height of the dwelling.
4. Roof: Plan Showing slopes, pitches, roofing materials, colors, and gables, unless reflected in the other plans.
5. Exterior Finishes: Showing the exterior color scheme and texture (including samples and color chips,), lighting scheme, and other details affecting the exterior appearance of the proposed improvements.
6. Landscaping Plan: Showing location size, species, quantity, and quality of all plant material, paving materials, light poles, mailboxes, protection of existing vegetation, use of plants, and other landscaping details.
7. Other: Such other information, data, and drawings as may be reasonably requested, including I without limitation, irrigation systems, drainage, lighting, satellite dish placement, landscaping, screening, fences, and other features.

D. Review Criteria Recommendations Variances: While the Architectural Guidelines are intended to provide a framework for construction and modifications, the Architectural Guidelines are not all-inclusive. In its review process, the Reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finished grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no Reviewer shall grant approval for proposed construction that is inconsistent with the Architectural Guidelines, unless such Reviewer grants a variance.

The Board, prior to the expiration or termination of the Board Review Period and the ARB, after the expiration or termination of the Board Review Period, shall have the authority from time to time to adopt and revise lists of recommended landscape materials and hardscape materials. The Board or ARB, whichever is authorized, may, in its sole discretion, provide that the lists of recommended materials constitute “approved materials” and that the installation of such materials requires no Reviewer approval. Alternatively, the authorized entity which establishes the list(s) may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Architectural Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations)

when deviations may be required. The Reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Covenant. No variance shall be effective unless in writing and signed by the committee chairperson with the support of a majority of the committee members.

E. Review Period: A written response shall be made to each General Application and plan submittal within 30 calendar days of submission of all materials required by the Reviewer. One set of plans shall be returned to the Applicant, accompanied by the Reviewer's decision. The other set of plans shall be retained for the Reviewer's records. The Reviewer's decision shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.
2. "Approved As Noted" - The application is not approved as submitted, but the Reviewer's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The Reviewer may provide comments but is not required to do so.

If the Reviewer fails to respond within thirty (30) days, the Applicant shall request a response by certified mail, return receipt requested, or, alternatively, by hand delivery to the Association office and receipt obtained, if the Reviewer fails to respond within this additional 30 day period, approval shall be deemed granted. However, the Board shall have ten (10) days to veto a recommendation for a variance or change in precedent by the ARB during the Board Review Period. No construction or modification that is inconsistent with the Covenant or the Architectural Guidelines shall be deemed approved unless the Reviewer has granted a variance.

Following a notice of disapproval, the Applicant or the Applicant's representative may request, upon ten days written notice submitted to the ARB, a meeting with the ARB to review the disapproved General Application and to discuss potential changes to said General Application that the ARB would recommend in order to gain approval.

F. Appeal: Any Applicant shall have the right to appeal a decision of the Reviewer by resubmitting the information, documents, and fees set forth above within 15 days of receiving a response; however, such appeal shall be considered only if the Applicant has modified the proposed construction or modification or has new information which would, in the Reviewer's opinion, warrant a reconsideration. If Applicant fails to appeal a decision of the Reviewer, the Reviewer's decision is final. In the case of a disapproval and re-submittal, the Reviewer shall have 15 days from the date of each re-submittal to approve or

disapprove any re-submittal. The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

During the Board Review Period, any Applicant may appeal a decision of the ARB to the Board by submitting the information, documents, and fees set forth above to the Board within 10 days of receipt of the ARB's response. The Board may respond to the appeal within 10 days of receipt of the materials set forth above; provided, however, Board's failure to respond shall not be deemed to be approval of a submission previously denied. Approval of an application previously denied may only be made in writing.

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

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

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

I. Changes After Approval: All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping, or signage, made after the approval of plans must be

submitted to and approved in writing by the Reviewer prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner.

If Orange County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Applicant must notify the Reviewer of such changes and receive approval from the Reviewer prior to implementing such changes.

J. Enforcement: In the event of any violation of these Architectural Guidelines, the Board may take any action set forth in the Bylaws of Lake Fischer Estates Homeowner Association or the Covenant, including the levy of a specific assessment pursuant to Section 8.5 of the Covenant. The Board or may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board shall be entitled to recover all costs incurred in enforcing compliance and/or impose a fine against the Lot or Property upon which such violation exists.

### **III. ARCHITECTURAL AND IMPROVEMENT DESIGN STANDARDS**

The following specific site criteria shall apply to all proposed or existing property within Lake Fischer Estates unless a variance is granted by a Reviewer.

A. Accessory Buildings: Owners shall secure Reviewer approval prior to construction of any attached accessory building or permanently installed playhouses. A detached garage is not considered an accessory building, and its construction shall require Reviewer approval on a case-by-case basis. Accessory buildings shall meet the following criteria:

1. An attached accessory building must be of the same color, material, and Architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence. Roofs may be peaked provided shingles are used. Aluminum roofs must be insulated and slightly sloped.
2. A screen enclosure can extend beyond the side of the house provided there is at least a five (5) foot set back from the property line.
3. Any utilities servicing accessory buildings shall be installed underground.
4. Accessory buildings shall be attached, shall not unreasonably obstruct any adjacent neighbor's views of any Private Amenities or open areas, and must be screened by a fence and/or vegetation.
5. No free-standing utility sheds or storage sheds are permitted.

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

C. Air Conditioning Equipment: Reviewer approval is required for the installation of air conditioning equipment or evaporative coolers. Through-wall units may be permitted on a case-by-case basis with Reviewer approval. Air Conditioner wall units may be approved with the following conditions: 1. Must be three (3) foot to the top of the unit from the ground. 2. Must shield wall unit 100% with shrubbery. 3. Must be painted the base color of the house. No window air conditioning units shall be allowed.

D. Antennae and Communication Dishes: All Units are to be pre-wired for cablevision in accordance with the standards established by the Reviewer.

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

E. Architectural Standards: The exteriors of all buildings must be designed to be compatible with the natural site features of the property and to be in harmony with their surroundings. The land forms, the natural contours, local climate, vegetation, and the views should dictate the building location, the building form, and the Architectural style. The Reviewer may disapprove plans if in its judgment the massing, Architectural style, roof-line, exterior materials, colors or other features of the building do not meet these standards.

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

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

2. Exterior Colors: Color selections for all exterior material shall be in natural or earth tones. No pastels or primary colors may be used except as approved by the Reviewer. Owners must submit for approval color samples of all exterior surfaces to the Reviewer for review and approval

prior to commencing construction, including specifications and samples for window and metal finishes, roof material, trim, and exterior surfaces and accents.

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

G. Birdbaths, Birdhouses, and Birdfeeders: Reviewer approval is not required for the rear yard installation of any birdbath that is three feet tall or less, including any pedestal. Placement in any front or side yard requires Reviewer approval.

No Reviewer approval is required for one rear yard installation of any birdhouse or birdfeeder. Such birdhouse or birdfeeder shall measure no more than one foot by two feet. Additional units or installation in the front or side yard requires Reviewer approval.

H. Clotheslines: Outside clotheslines shall be prohibited for all purposes unless used on a portion of an Owners property which is fully screened from view from the street and adjacent properties.

I. Compost: Reviewer approval is required for the installation of compost containers. Compost containers shall not be immediately visible to adjacent properties, and Owner must control odors.

J. Decks and Balconies: Owners shall secure Reviewer's approval before installing decks or balconies. Decks and balconies must be constructed of wood or other material similar to that of the residence and, if painted, must be painted a color similar to or generally acceptable as complementary to the residence in accordance with Section III.E.2 above. Decks and balconies must be installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must comply with the applicable Orange County requirements.

K. Docks: No Owner or occupant shall be permitted to erect a dock on or adjacent to Common Area water bodies. The Lake Fischer Estates Homeowners Association may erect a dock on Common Area water bodies Common Area water bodies if approved pursuant to Article IV.

L. Dog-Houses and Kennels: Dog houses are permitted without review so long as the dog house is not visible from the street or adjacent property. If the doghouse will be visible, Reviewer approval shall be required and screening, fencing or landscaping may be required.

Animal kennels are prohibited. No animal structure shall provide shelter for more than 3 dogs over six months of age.

M. Elevation: A height limit of thirty-five feet (35') for each Lot shall be the maximum height of each building and shall be measured from finished ground

floor to the highest projection of the roof or roof element. Vertical height coordination and compatibility of adjacent buildings with regard to building profiles will be considered an important design element by the Reviewer. The Owner may be required to provide additional drawings to the Reviewer demonstrating the compatibility of building profiles not only in frontal elevation but also from overlapping side elevations of structures on adjacent Lots.

N. Exterior Lighting: No lighting fixture shall be installed that may be or become an annoyance or a nuisance to the residents of adjacent property. Additionally, lights shall not be permitted along sidewalks if visible from the street. Accent (Landscaping) Lighting must be black, dark green or dark brown, so they blend in with the background. The light fixtures may not exceed 18 “in height.

O. Flags, Banners and Flagpoles: Yard-mounted flagpoles shall not be erected. Model Homes (“Spec Homes”) may not have flags or banners. No more than two (2) flags, on separate poles, may be attached to a house and no flags are allowed on the side on a house, except over the garage. Owners may attach flags of reasonable size, not exceeding 3’ by 5’, with mountings not to exceed eight (8) foot, attached to the house or garage. Flags shall be in good condition and shall not be torn or faded.

P. Gazebos & Greenhouses: Reviewer approval is required prior to the construction of any gazebo, greenhouse or solariums. Any gazebo, greenhouse or solarium must be an integral part of the landscape plan and must not obstruct any adjacent property owner’s view.

Q. Hot Tubs and Saunas: Reviewer approval is required prior to the construction of any hot tub, Jacuzzi, or spa and shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, Jacuzzi, or spa shall be located in the rear yard in such a way that it is not higher than 3 feet tall.

R. Latticework and Trellises: No latticework or a garden trellis may be installed without Reviewer approval.

S. Mailboxes: No mailbox, paper box, or other receptacles for such materials shall be maintained on a residential lot unless its size, type, location, and design have been approved by the Board.

T. Massing: Equal attention to detail and Architectural definition must be given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials, roof character, and window treatment. Retaining walls, planter walls, and privacy walls should be used to break up the elevation of a building and help relate the structure to the ground. All exposed concrete block or poured concrete foundations and site retaining walls must be covered with an appropriate wall-facing material, which must be approved by the Reviewer.

U. Paint: Owners may repaint the surfaces of their house in accordance with the originally approved color scheme of those surfaces without Reviewer approval. Reviewer approval is required for all changes in exterior painting. Color chips or samples are required for all paint applications. Color chips must indicate

the type of paint: Base color must be flat or satin finish. Trim color must be flat, satin finish or semi-gloss. Gloss Paint is not allowed. Review criteria may include, but shall not be limited to, the sheen of paint, the home's architecture, any existing stone or brick accents, roof color, and neighboring properties' colors. The main colors for all exterior building surfaces must complement the Architectural theme of the house.

V. Patios: All plans and designs for patios and enclosures must be submitted to the Reviewer for review prior to construction.

W. Playhouses: A playhouse shall be considered an accessory building if the footprint measures more than 24 square feet, is more than 6 feet high from peak to ground, or is constructed on a concrete slab or footing. Playhouses are allowed in rear yard only. Tree-houses are prohibited.

X. Pools: Reviewer approval is required for the construction or installation of pools. Pools shall be an integral part of the deck or patio area and/or the rear yard landscaping. A pool shall be located in the rear yard. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring Lots by an enclosure or fencing, such screening to be in accordance with these Architectural Guidelines and all applicable county regulations, and approved by the Reviewer.

Applications for pools are available from the Association office and shall be accompanied by a screen or fence plan and a plat of the property with the pool indicated thereon. Access to the site must be obtained by using the property of the Owner installing the pool. If access is needed across another Lot or common area, the Applicant shall obtain the written permission of the Owner prior to submitting the pool application. Applicants shall be required to assure that any planned re-grading of their lot, either major or minor, relating to the pool installation will not adversely affect the flow of runoff water.

Any swimming pool and the screening or fencing surrounding it that is to be constructed on any residential Lot shall be in compliance with all county regulations, and subject to the approval and requirements of the Reviewer, which shall include, but which shall not be limited to the following:

1. Above-ground swimming pools will not be allowed:
2. Materials, design and construction shall meet standards generally accepted by the industry and shall comply with applicable governmental regulations; and
3. The location shall be approved by the Reviewer.

All pool equipment, storage tanks, chemical feeders, heating equipment, and any other above-ground apparatus (except air-conditioning units) must be shielded by dense shrubbery so that such equipment or apparatus is not visible from the street. Pool heater vent stacks may extend above the enclosure. Pool equipment must be shielded within fifteen (15) days from the date of completion of the pool.

Exceptions to this are as follows:

1. Water softeners may be shielded by dense shrubbery as long as the shrubbery totally shields the equipment.

Y. Recreational Equipment: Recreational equipment, including fixed or portable Basketball poles, shall not be installed or utilized in the front and side yards of Lots or attached to houses or garages. Recreational equipment is allowed in rear yards and shall not exceed ten feet in height, except basketball backboards.

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

AA. Roof Accessories and Equipment: Reviewer approval is required for all rooftop equipment and accessories, unless specifically excepted in this Section. All rooftop equipment must match roofing colors or be of a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing gutters and downspouts must be painted to match, or be compatible with, the fascia and siding of the structure.

Reviewer approval is not required for skylights.

BB. Siding: Owners shall seek Reviewer approval before installing or replacing siding, due to the differences in texture.

CC. Signs: All signs are subject to review and approval of the Reviewer, which may establish specific criteria throughout the community. Permanent business, trade, or commercial signs are prohibited. Builders' signs must be submitted to the ARB for approval. A builder may have one sign and the sign needs to be behind a wall approved by the ARB.

One security sign is permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling. Security company signs are also permitted in the windows. Identification signs (numbers) for Lots are required. Numbers should be at least 3 "high, visible and legible from the street on which the house fronts. The color must contrast with the immediate background material. Security and identification signs shall not exceed 8" by 10" and the Reviewer may impose shape and color restrictions on security signs.

One temporary sign per Lot that advertises property for sale or lease, not to exceed five feet in height and 24" in width, may be installed on a Lot without the Reviewer's approval. Signs shall not be located between the sidewalk and the curb. No sign shall be placed on the Common Area without Reviewer approval. For Sale signs and Political signs are not allowed in the windows. The installation or relocation of all other signs requires Reviewer approval. One sign on a fence or gate for "Beware of Dog" is permitted up to 8 "by 10."

Each lot in Lake Fischer Estates is allowed to have one Open House sign at each entrance on Saturday and Sunday only. It must be placed between the sidewalk and the wall at the entrance to the Lake Fischer Estates. Signs cannot have any logos or company information on them except the small Realtor logo. It must be generic and say "Open House." No signs are allowed in the medians. No other signs are allowed on the main boulevards and parkways in Lake Fischer Estates. This prohibition includes garage sale, moving, etc., with the exception of temporary special event signs that have been expressly approved by the ARB.

DD. Solar Equipment: Solar equipment shall not be installed without the approval of the Reviewer. Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the building Architecture. This shall generally mean that the panels shall be roof mounted so that the top surface is flush with the roof surface, with all appurtenances recessed into the structure's attic. Solar panels should be located on the rear or side roof of a home whenever possible. Any equipment placement in question will be decided by the Reviewer.

All panels must be installed with 45 degrees east or west of due south and be flush mounted and whenever possible, be located on the rear and side roofs of houses. If the solar panel must be placed on the front of the house, the homeowner will be required to submit a certified survey of the roof, depicting the exact location where the solar panels are to be installed and that the panels will be installed due south and 45 degrees east and west of due south. All solar panels must be approved by the Reviewer.

EE. Statues: Reviewer approval is required for all statues in the front or side yards. Reviewer approval is not required for the rear-yard installation of any statue, which, including any pedestal, stands no more than six feet tall.

FF. Temporary Structures: Temporary structures, other than those used during the initial construction of a residence or model homes and sales facilities, including without limitation, shacks, trailers, vans, tanks, or tents are prohibited. Reviewer approval is required for tents other than camping tents that are used for occasional overnight sleeping by children and are left standing for no longer than 72 hours.

GG. Trash Containers: Trash containers shall be stored in garages. Trash containers with secured lids may be placed out for pick-up after sundown the evening before and removed by sunset the morning after pick-up. Containers shall not be permitted to remain out between pick ups regardless of holidays or other reasons.

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

II. Water Conditioners: Water conditioners or softeners may be installed without approval provided that such are totally screened from street view with shrubbery.

JJ. Windows and Doors: Windows should be clear glass or a tinted glass of bronze, gray, or smoke colors. Window film must get Reviewer approval. Homeowner must submit sample of film with specifications. Window film must be 20% visible light reflected or less and non-reflective.

No hurricane or storm shutters shall be installed unless such has been approved by the Reviewer. The two front hurricane shutters shall be white with ivory panels showing when the shutters are closed. All other shutters will be ivory with ivory panels showing when closed. Approved hurricane shutters and/or temporary protective covering shall be allowed only after a storm warning has been issued by the U.S. Weather Service. Approved permanent hurricane shutters must be opened and temporary protective coverings removed within 48 hours after the “all clear” is announced.

Reviewer approval is not required for the addition of screen doors or other type doors to a home if the material matches or is similar to existing doors on the house and if the color is generally accepted as complementary to that of existing doors on the house. No “burglar bars,” steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling without ARB approval.

All window coverings must be maintained in a good state of repair. Window coverings must be manufactured vertical or horizontal blinds, drapes, curtains, fans or shades that fit the dimensions of the window and properly mounted. No drawings, pictures, lettering, flags, signs, etc. may be attached or visible in any part of the window other than house security signs. Small garage door windows do not need to be covered, but if they are, the coverings must be maintained in a good state of repair.

#### **IV. LANDSCAPING AND SITE STANDARDS**

Landscaping is an essential element of design at Lake Fischer Estates. Preservation of existing vegetation in addition to the introduction of plants native to the Orlando area must be considered in establishing the landscape design.

A. Landscaping: The Applicant shall develop a landscaping plan and install and maintain landscaping on such Lot (subject to such extensions granted by the Reviewer due to weather conditions). If the landscaping plan indicates that more than 50 % of the front yard will be lawn, and the remaining landscaping conforms to minimum landscaping standards listed below, Applicant need not seek approval of the plan. If, however, the plan indicates that 50 % or more of the front yard is to be landscaped, or the landscaping varies from the typical approved plan, Applicant must submit his plan to the Reviewer for approval. Plans including water improvements, such as ponds and waterfalls, require Reviewer approval.

Builders may submit typical landscaping plans to the Reviewer for pre-approval of a tract Lake Fischer Estates. Once pre-approved, it shall be necessary for a Builder to submit individual plans only in the event of deviation from pre-approved plans. A Builder's application for Architectural review is available at the Association office. Applicant shall use its best efforts to protect trees which are not approved for removal from damage during grading and construction on the lot.

1. Minimum Landscaping: Landscaping standards are stated in the Covenant.
2. Approved and Prohibited Landscape Materials: A list of approved and prohibited landscape materials that may be used within the development is attached as Exhibit "C" which may be updated and revised from time to time. Applicants intending to use a material not included on such list must receive Reviewer approval before using such material.
3. Plant Quality Standards: Acceptable plant quality standards shall apply to landscape plants used in conformance with this Section. All trees and shrubs shall be **Florida No. 1 or better as defined in "Grades and Standards for Nursery Plants," Part I and Part 11, State of Florida, Department of Agriculture, in the most current edition. Sod shall be free of weeds, diseases, fungus, and vermin.**
4. Maintenance: All landscaped areas (to the paved public right of way) shall be maintained in live, healthy and growing condition, properly watered and trimmed. Any planting of grass, shrubs or trees which becomes dead or badly damaged shall be replaced with similar sound, healthy plant materials.

A dead, declining, or dying tree in front yards shall be replaced with a tree that is approximately the same height, or minimum height of eight (8) feet, whichever is less.

Any Owner within Lake Fischer Estates who has maintenance responsibilities for the property adjacent to the public right of way or body of water shall maintain the landscaping to the edge of the pavement or water's edge regardless of the property boundaries shown on the plat. The following standards shall apply:

- a) Common Area Lakes and pond banks which lie adjacent to public roads are available for use to all Members of the Association. Lakes and pond banks maintained by the Lake Fischer Estates Homeowners Association are available only to residents of that Lake Fischer Estates.
- b) The Association maintains the Common Area turf around Association owned retention ponds which have St. Augustine grass and sprinkler systems. Plant beds and lawns shall be kept free of weeds by the Owner and maintained in a neat manner.

5. Ornamentation: The use of non-living objects as ornaments in any component of a Lot's landscaping requires Reviewer approval.

B. Drainage: Drainage of the Lot must conform to all Orange County requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Builder prior to (or in some cases, immediately following) conveyance of title from Builder to the individual homeowner. Owners may make minor drainage modifications to their Lots provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation and other structures. Water should not pond on walkways, sidewalks, or driveways into the street. The Reviewer may require a report from an engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

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

- Annuals and ground cover planted in the easement area shall be less than 18" in height.
- Only single-trunk trees shall be allowed to be planted in the easement area. Palm trees must have a five (5) foot clear trunk before the fronds start and be the type that will reach a height of at least 12 feet. These trees are to be planted no closer than twenty-five (25) feet apart. A variance must be obtained from the Architectural Review Board for trees planted closer than 25 feet apart.
- Plant hangers will not be allowed in the easements.
- Poured curbing will not be allowed in the easements.

D. Fences, Walls, and Enclosures: In order to provide privacy and maintain a uniform appearance of quality throughout the development, it is required that all residential housing abutting arterial and collector streets, be either screened with landscaping, earth berming, fencing, or walls.

1. Height; Materials; Types: Fences, walls, and screens shall not exceed six (6) feet in height on front, side, and rear yard areas. **Acceptable materials are PVC, block and stucco, stone, brick, or landscape plants, or a combination of these as approved by the Reviewer.** Colors and patterns shall be compatible with the housing design and harmonious with the streetscape. Fencing specifications are attached and particular types of fencing must be used in certain areas.

2. Property Adjacent to Lake: When a rear property line is adjacent to a lake or park area, the requirement for a standard property line wall or fence is waived. On ponds, fencing can go to the property line and on lakes fencing must be twenty (20) feet back from the property line. The rear property line may be defined by a combination of earth berming and/or landscaping, which berming and/or landscaping must be on the Owner's property and be maintained by the Owner. The earth berming shall be done according to the approved grading plan and side slopes shall not be steeper than 4: 1. The landscaping recommended along the property line shall be in the form of either screen trees or shrubs. A list of approved screen trees and shrubs is incorporated in Exhibit "C."
3. Construction: Fences shall be constructed in accordance with the specifications attached as exhibits. The exterior side of all fences shall have a finished appearance and should be finished on both sides. Owners may set fence posts adjacent to a neighboring property's fence post without permission. Tying into a neighbor's fence shall require the Owner's permission.
4. Maintenance: Any fences, walls, or screens, whether constructed by the Owner or a Builder, shall be well repaired and maintained consistent with the Community-Wide Standard. In the event a fence, or wall, or screen is damaged or destroyed, the Owner or responsible party shall repair or recondition the same at their expense.
  - a) Ownership — If a developer-mandated, builder-installed fence is on the lot line of adjoining lots, it is the common property of adjoining landowners, and the property interest of each landowner is identical.
  - b) Maintenance — In a case where the developer-mandated, builder- installed fence is on the lot line, the landowners have maintenance responsibility for their side of the fence and will be held responsible to maintain their side of the fence in accordance with the Community-Wide Standards.
  - c) If a fence is located totally on one lot, that lot owner will be held responsible to maintain both sides of the fence. A landowner cannot enter the adjoining lot owner's property without permission for the purpose of maintaining the fence.
5. Enclosures: Enclosures shall be painted the same color as the base color of the house. All pools and pool equipment shall be enclosed unless such were approved prior to January 31, 1992, in which case landscaping screening is acceptable as long as it shields 100% of the equipment. If landscaping and shrubbery fail to screen 100%, and the situation is not corrected after notice, the Owner shall lose the grandfathered status and shall be required to comply with the Enclosure Specifications.

Owners may create berms, slopes, and swales for the purpose of defining space and screening undesirable views, noise, and high winds. Grassed slopes or berms are suggested not to exceed three feet of horizontal distance to one foot of rise or vertical height (3: 1 slope) in order to permit greater ease of mowing and general maintenance.

E. Gardens: Gardens shall be allowed in rear yards only, unless otherwise approved on a case-by-case basis by the Reviewer. Garden stakes and fencing for garden type plants in side yards shall require approval from the Reviewer.

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

G. Hedges: Hedges or continual row of shrubs greater than 18” in height shall not be permitted in the front yard if adjacent to the sidewalk. Reviewer approval is required for side or rear yard. Properties on the lake are not to have hedges over four feet high within the area between the property line and twenty feet inside the property line.

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

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

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

J. Sewage Disposal Systems: Cesspools, septic tanks, or other non-central systems, other than recycling systems, are prohibited. Owners who wish to install any other type of sewer system shall seek the Reviewer’s approval.

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

L. Views: Views from the roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation. All front, side, and rear building setback areas must be landscaped.

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

Wells, except those drilled by the Board for the purpose of providing water service to Lake Fischer Estates, are prohibited.

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

1. Front: The front yard is defined as the area between the sidewalk or curb and the front of the main dwelling.
2. Side: The side yard is the open space between the main dwelling and the Lot's property line. Six foot high privacy fences constructed in accordance with these Architectural Guidelines may be constructed. Such fences must be set back a minimum of 3 feet from the front yard.
3. Rear: The rear yard is the portion of the Lot between the rear property line and the back of the main dwelling.

## V. CONSTRUCTION GUIDELINES

A. Inspections: The Applicant shall schedule and coordinate a review of all construction activities with the Reviewer to verify compliance with the approved plans and specifications. The Reviewer may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans, these Architectural Guidelines, and the Community-Wide Standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Orange County and other organizations having jurisdiction.

Job sites not in compliance with the Covenant, these Architectural Guidelines, or approved plans will be issued a Notice of Violation and a punch list of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punch list items have been corrected.

B. Vegetation Protection and Barricading: Prior to any construction or clearing activities, the Applicant shall take measures to protect vegetation. The type and materials of barricades may be reviewed by the Reviewer. In addition, the following actions are prohibited:

- Dumping backfill into an area containing protected vegetation (“protected area”),
- Excavating soil from a protected area,
- Falling trees into a protected area,
- Parking in or driving through protected areas,
- Stacking or storing supplies or equipment in protected areas
- Changing site grading to causing drainage into a protected area
- Locating temporary construction buildings in a protected area, or
- Disposing of toxic materials into a protected area.

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

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

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

## **VI. ADDITIONAL DESIGN REVIEW PROCEDURES AND LANDSCAPING AND SITE STANDARDS FOR PROPERTY**

A. Additional Architectural Review Procedures: In addition to the plans that an Applicant must submit in accordance with Section II.C., the Reviewer may require that an Applicant who submits plans for new construction or modifications to Property submit the following plans:

1. Signage Plan: Showing details of proposed signage.
2. Exterior Lighting Plans: Showing details of proposed lighting, including location of all fixtures, the manufacturer, model, and wattage of each fixture, and cut sheets.

B. Initial Landscaping: Preservation of existing vegetation in addition to the introduction of plants native to the Orlando area must be considered in establishing the landscape design. Within 90 days of completion of the Property, or within any extended period as may be provided in writing by the Reviewer, the Applicant shall develop a landscaping plan for which the Applicant must seek approval and install and maintain landscaping in accordance with an approved plan on such Property (subject to such extensions granted by the Reviewer due to weather conditions).

C. Drainage: Drainage of the Property must conform to all Orange County requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. Owners may make minor drainage modifications to their Property provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of any structures located upon the Property, and shall prevent water from flowing under or ponding near or against the structure foundation. Water should flow fully over walkways, sidewalks, or driveways into the street. The Reviewer may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

D. Driveways; Parking Lots; Paving: Owners shall secure Reviewer approval before extending or expanding any driveway or parking lot. Owners shall secure Reviewer's approval prior to paving with any paving material and for any purpose. The structural integrity of the paving design, minimizing of clearing limits, and aesthetics are important factors to be considered in design of the project access ways. Property is encouraged to have only one entrance. All internal access ways must be owned and maintained by the Owner or by the Association. The Owner or Builder should review county requirements and comply with such requirements.

It is important that flexibility be provided in the design of parking lots to allow shifting of spaces to preserve vegetation, based on actual field conditions encountered during construction. Parking spaces should be designed to avoid long rows of spaces without an island of vegetation. Paving widths of access ways should be kept to a minimum, so as to preserve as much natural vegetation as possible. Consideration should also be given to the design of curbing to preserve natural vegetation and provide a pleasing appearance.

E. Exterior Lighting: Light sources must be approved by the Reviewer and must be concealed, where possible, and all light shall be in shades of white. Colored lights are prohibited. No spillover of light can occur on neighboring properties, and lighting must be shielded to prevent glare. Wall washes can be achieved through mounting on a soffit, a wall, or the ground. Tree uprights should be concealed underground or in shrub masses.

Garden lights or walkway bollards should direct the light downward with a concealed spotlight. No mill finish aluminum housing will be allowed for landscape lighting.

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

G. Signage: Signage and the graphics, colors, sizes, and location of signs must be approved by the Reviewer. Signs must be professionally lettered, must conform to the appropriate local ordinances, and shall be constructed and installed in accordance with approved guidelines. Property Owners are responsible for obtaining all necessary permits and paying all required fees.

Generally, one temporary freestanding sign along public roadways will be permitted to identify each Property, prior to permanent signage installation. Additional signs may be permitted by the Reviewer for large sites that have more than one orientation and for other unusual circumstances.

Temporary real estate signage advertising available tenant space for lease or rent shall be allowed if approved by the Reviewer. No real estate signage will be permitted to remain on a Property for which the building located thereon is fully leased or occupied.

No sign shall be located within 10 feet of any lot line without the written approval of the Reviewer. Property Owners may not erect signs outside the boundaries of their Property without the written approval of the Reviewer and the owner of the property on which the sign is located.

The following are not permitted:

- Banners or streamers
- Sidewalk or curb signs (sandwich or “A” type)
- Portable displays or mobile signs
- Roof mounted signs
- Revolving or rotating signs
- Flashing signs
- Iridescent or day-glow painted signs
- Exposed neon, fluorescent or incandescent illumination
- Search lights
- Sub-contractor signs

Under special circumstances, the above may be permitted by the Reviewer for a specified use and for a designated, limited period of time.

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

I. Views: Views from the roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation. All front, side, and rear building setback areas must be landscaped.

J. Water Systems: Installation of individual water supply or water softener systems, except for irrigation systems, is prohibited without Reviewer approval and unless the system is designed, located, constructed, and equipped in accordance with requirements, standards, and recommendations of any applicable water and sanitation district or other governmental authorities having jurisdiction. Owners may install irrigation systems, above ground or underground, without Reviewer's approval so long as the Owner installing such system shall obtain any permits required by Orange County or other governmental authorities. Any other water system may be installed without the Reviewer's approval so long as the water system is completely contained within the structure located upon the Property and causes no Architectural change to the exterior of the structure.

Wells, except those drilled by the Board for the purpose of providing water service to Lake Fischer Estates, are prohibited.

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

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

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

These Architectural Guidelines may be amended as follows:

1. So long as Board owns any portion of the Properties or has the authority to expand the Properties pursuant to Section 9.1 of the Covenant, Board may, in its sole discretion, amend these Architectural Guidelines as they apply to the Properties, notwithstanding any delegation of reviewing authority to the ARB, unless the Board also delegates the power to amend to the ARB. Amendments shall be prospective only and shall not require modifications to existing structures or improvements unless modification to existing structures or improvement is requested by the Owner.

2. When Board no longer owns any portion of the Properties or no longer has the authority to expand the Properties pursuant to **Section 9.1** of the Covenant or has delegated its right to amend these Architectural Guidelines. These Architectural Guidelines as they apply to the Properties may be amended only

upon the affirmative vote of two-thirds of the members of the ARB and the consent of the Board.

3. Such amendment shall be promptly posted in a prominent place within the Property.

4. All amendments shall become effective upon adoption by the Board, so long as Board has the authority to amend these Architectural Guidelines or, if the Board no longer has such authority, upon adoption by the ARB and consent of the Board. Such amendments shall not be retroactive so as to apply to previous work or approved work in progress.

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

These Architectural Guidelines have been prepared by Lake Fischer Estates Board of Directors, for use by Lake Fischer Estates are hereby adopted on this day of \_\_\_\_\_, 2002

BOARD: LAKE FISCHER ESTATES

By:

President