

**FISH HAWK TRAILS**  
**GENERAL RULES AND REGULATIONS**

**AND**

**ARCHITECTURAL CONTROL DESIGN STANDARDS**

**JULY 2, 2001**

**SET NOW IN FORCE UNTIL DRAFT APPROVED**

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## **SECTION ONE-Statement of the Board of Directors and the Declarant**

The Board of Directors of Fish Hawk Trails, by a majority vote, and Brandon Properties Partners, Ltd. (the Declarant) has hereby authorized the Architectural Control Committee to uphold and enforce both the General Rules and Regulations and the Architectural Control Design Standards of the Fish Hawk Trails community.

## **SECTION TWO-General Rules and Regulations**

### **COMMON AREAS**

No Lot Owner shall trespass or allow the trespass upon common areas within Fish Hawk Trails for the ingress or egress of vehicular traffic, construction equipment, or the like for the purpose of accessing their Lot without submitting the enclosed Consent for Ingress and Egress form to the ACC and receiving prior written approval of the Board of Directors.

All parks and common areas are for the use and enjoyment of all members of the Association and are maintained with homeowner assessment fees. Any damage caused to common areas by Lot Owners or guests will be charged to the Lot Owner.

### **MISCELLANEOUS NUISANCE BEHAVIOR**

Residents and visitors of Fish Hawk Trails are expected to exhibit personal behavior at all times which is acceptable for community standards. Unacceptable (nuisance) behavior is admittedly difficult to define, but generally is such that upsets other reasonable individuals to the point that complaints are lodged. Complaints are handled in the standard non-compliance process for such. Typical complaints center on extended and/or loud parties, excessive electronic noise, unattended barking dogs, etc.

### **LANDSCAPE MAINTENANCE (Article VI, Section 18-Maintenance)**

All landscape areas shall be properly maintained to community standards. Landscape maintenance shall include irrigation, fertilization, and pest control for the proper care and maintenance of grass areas, trees, shrubs, ground cover, perennials, annuals, or any other planting materials not listed. This shall include the necessary additions to maintain an adequate depth of bedding cover (i.e. pine bark, mulch, pine straw, lava rock) in all beds. Bare ground will be unacceptable.

Grass areas should be regularly cut, edged, and trimmed as well as irrigated within County and/or State regulations, to maintain a consistent and neat appearance of quality within the neighborhood.

Landscaping with natural Floridascape plant species, shrubs, grass, or mulch is recommended with minimum areas of sod. Bare ground will be unacceptable. The ACC may adopt standards for landscaping which include requirements for Floridascape plantings for water conservation.

### **CLEARING AND AESTHETICS (Article VI, Section 32)**

Any additional tree removal (except exempted trees as listed by the Hillsborough County Planning and Growth Management Dept.), clearing, excavating, filling, grading, grubbing, or alteration of any native plant communities shall only be done after obtaining the proper permit(s) as required by the Hillsborough County Planning and Growth Management Department, and submitting an Alteration Request Form to, and receiving written approval from the ACC.

After submission of an Alteration Request Form, the ACC may determine that due to the scope or complexity of the proposed Alteration Request, that proper permitting, as required the Hillsborough County Planning and Growth Management Department, must first be obtained and submitted to the ACC prior to the ACC approving any alteration of natural areas upon any Lot within Fish Hawk Trails.

### **DEFINITIONS:**

For the purpose of this document *Clearing* is defined as “The removal of trees, shrubs, and other vegetation from the existing ground surface.”

For the purpose of this document, *Grubbing* is defined as “The removal of understory vegetation, including the removal of any tree with a trunk diameter of less than 5” inches DBH by the use of mechanical equipment.”

For the purpose of this document, *DBH* is defined as a forestry and logging industry standard described as Diameter at Breast Height with the industry accepted standard being that of 4.5 feet above finished grade.

For the purpose of this document, *Native Plant Communities* are defined as “Naturally occurring stands of native plant associations exhibiting minimal signs of anthropogenic disturbance.”

Trees which have a diameter in excess of six inches measured two feet above ground level, and distinctive flora shall not be intentionally destroyed or removed, except with the prior written approval of the Hillsborough County Natural Resources Department. Any clearing on a lot in excess of that required for the dwelling footprint must be approved by the ACC and should be kept to a minimum.

**If a Lot Owner undertakes any unauthorized tree removal, clearing, excavating, filling, grading, grubbing, or alteration of any native plant communities, the ACC shall have no option available but to deliver a written “cease and desist” request to the Lot Owner.**

**Furthermore, the ACC shall have no alternative available but to forward the matter to the Hillsborough County Planning and Growth Management Department for review and possible fines if the Lot Owner is found in violation of the Hillsborough County Land Development Code.**

The ACC feels that this issue is critical in maintaining our current wooded and natural environments in our common areas as well as upon private lots within our community. If you are unsure of any point in this section, please contact the ACC for clarification. The ACC maintains Hillsborough County contact information and copies of the necessary forms.

## **RECREATIONAL AND CHILDREN’S PLAY EQUIPMENT**

Volleyball courts and/or nets, tennis courts, horseshoe pits, basketball goals and related equipment, children’s play structures and/or play houses, or any other sporting past-time equipment that will be in place exceeding 48 hours, must be approved for location and/or continuity with community and adjoining properties. If approved by the ACC, said equipment shall be kept in a safe, neat and clean appearance and operational condition as determined at the sole discretion of the ACC.

Consideration will be given to requests for play structures located at the rear of the dwelling or on the inside portion of corner lots, within the set back lines. No equipment or structure shall exceed twelve feet (12’) in height. Furthermore, no children’s play equipment of a temporary or portable nature shall be maintained in excess of 48 hours *in view from the street*, in the front yard, side yards, or driveway of any Lot. Examples include but are not limited to slides, swings, play-boxes, skateboard equipment, etc. If used in view from the street, they must be placed out of view when done using said equipment.

Consideration will be given to requests for outside portable basketball goals meeting the following guidelines:

1. Location: No further than midway from the house to the sidewalk.
2. Appearance: Pole must be dark in color with a single neutral or clear backboard with no writing or graphics and must be properly maintained.

### **SIGNS (Article VI, Section 11)**

No advertising signs or billboards shall be erected on any lot, or displayed to the public on any lot or house, except a professional sign one square foot in size or smaller (i.e.: Invisible fence, Security Company). A sign of not more than four square feet in area may be used to advertise the home and lot for sale. These signs shall not be of a brightly colored or neon colors and shall blend in and be harmonious with the immediate surroundings.

Each Lot shall erect or display no more than one sign to display, advertise, or communicate any one purpose with the exception of alarm company signs and invisible fence signs. These two excluded types of signs, if displayed in more than one location, may only be displayed at each point of entrance to the residence or pool area, or each fence gate.

No signs are permitted in common areas. Excluded from these rules and regulations are temporary nonrecurring directional signs or individual or community garage sale signs. Both excluded types may remain for a period not to exceed 48 hours.

### **GARBAGE CANS (Article VI, Section 14)**

All garbage, trash cans, and refuse containers shall be kept in the garage or in the rear yard, shielded to conceal them from view of neighboring lots and streets while standing at ground level, except on the days of collection. Trash for pickup may be out not more than 24 hours prior to pickup. Trash containers must be stored within 24 hours of pickup. The waste company requires a trash can that does not exceed 35 gallons, that has 2 handles, and locking lids.

Any shielding for trash cans and/or refuse containers must have prior approval of the ACC. The shielding materials required by the ACC for these applications are planting materials that are of sufficient height to immediately and effectively shield containers from view from neighboring homes and streets when standing at ground level. Planting materials may not be of a frost sensitive variety, and may not be of a deciduous variety.

**TRAILERS, TRUCKS, SCHOOL BUSES, BOATS, BOAT TRAILERS  
(Article VI, Section 21)**

No house trailers or mobile homes, school buses, trucks or commercial vehicles over (1) ton capacity, recreational vehicles, boats or boat trailers shall be kept, stored or parked over night on any street or on any lot, except within enclosed garages. No garage door in Fish Hawk Trails shall be more than ten (10) feet high. Notwithstanding the foregoing, passenger automobiles may be parked in driveways, if the number of vehicles owned by the owner exceeds the capacity of the garage, otherwise they shall be maintained in the garage.

The foregoing will not be interpreted, construed, or applied to prevent the temporary nonrecurring parking of any vehicle, boat, or trailer for a period not to exceed 48 hours upon any lot. There shall be no major or extended repair or overhaul performed on any vehicle on any lot except within a garage.

All vehicles and trailers parked out of doors shall have current license plates. If any vehicle, boat, or trailer is in violation of this provision the Association shall have the immediate right to have the offending vehicle, boat, or trailer towed away at the expense of the owner thereof.

**PETS (Article VI, Section 9)**

A maximum of four dogs, cats or other small household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purposes. All pets must be kept on leashes or within secure fences when out of doors. If you have an invisible fence, signs that conform to Article 6, Section 11 must be posted stating as such, so passersby will be informed. Pets must not constitute a nuisance or cause an unsanitary condition. Pets will be deemed to constitute a nuisance if they create excessive or disturbing noises, whether by barking or otherwise, or if the pet has shown any violent or aggressive behavior or otherwise poses a danger to the health, safety, or welfare of any person or other animal.

**CLOTHESLINES (Article VI, Section 19)**

Clotheslines shall be permitted only in the rear yard and behind the dwelling structure and must have prior approval of the ACC.

### **GARAGES (Article VI, Section 28)**

When garages are not in use, garage doors shall be closed. Garages shall be used only for parking motor vehicles, hobbies, and storing household goods.

### **LAKES (Article VI, Section 16)**

Boats or any types of floatation devices are prohibited on all lakes and ponds within Fish Hawk Trails. The discharge of lawn clippings or pool water into ponds, lakes, or streams is prohibited.

### **ANTENNAES (Article VI, Section 19)**

No radio or television transmission or reception antennae, apparatus or tower shall be erected on the Property or any Lot or structure. Notwithstanding the above, Satellite dish antennae eighteen inches (18") in diameter or smaller may be installed. Satellite dishes must be approved in advance by the ACC.

### **FENCING [Article VI, Section 2-(B) Walls and Fences]**

All fences and walls shall be subject to the prior written approval of the ACC as to location, height, materials, finish, and shall comply with all governmental requirements. No fences erected by lot owners shall be permitted of any material other than black chain link, black metal picket or slat type. Fences shall be placed so that the posts or supports shall be placed on the inside of the fence, and the side without any posts or supports shall face out from the lot.

No fence will be less than 4 feet in height and none can exceed 5 feet in height. Any fence erected cannot extend beyond the driveway on the garage side and of an equal distance on the other side of the house. All fences must be within the property owner's lot lines on the sides and back.

Owners are expected to review Article 7, Easements, prior to erecting a fence upon any area designated as an easement. Owners are also expected to review item number 11 of the Design Standards section in this document for additional requirements. The above guidelines do not apply to screening used for the purpose of hiding utilities, air conditioning units, water softeners, garbage cans, etc., as required by Article 7, Section 14. All materials used for screening must have prior approval of the ACC.

## **EXTERIOR COLORS, DESIGN FEATURES AND ARCHITECTURAL STYLES (Article V, Section 2)**

Exterior surfaces shall generally be of materials that blend, and are compatible with the landscape and character of Fish Hawk Trails. External colors must be subdued to enhance the colors of the natural environment. Earth tones are recommended. Exterior color choice should not be the same as adjacent or adjoining homes. Repainting requires ACC approval only if you are changing any exterior colors.

## **OUTSIDE MECHANICAL EQUIPMENT/UTILITIES (Article VI, Section 14)**

All equipment (pool, utilities, wells, air conditioning units, water softeners, etc.) shall be shielded to conceal them from view of neighboring lots and streets when standing at ground level. Any shielding for utilities and exterior mechanical equipment must have prior approval of the ACC. See the Design Standard, number 10, for specifics in acceptable methods of shielding.

## **MAILBOXES (Article VI, Section 5)**

All mailboxes and mailbox posts shall have the same uniform design and colors as designated by the ACC. All mailboxes shall be matching in style, construction and colorings to the type originally supplied and installed.

All mailboxes and mailbox posts shall be sufficiently maintained to prevent the accumulation of soil, dirt, and/or discoloration, whether due to unnatural or natural causes including but not limited to, oak tree tannins or staining, high iron content in the irrigation water, or string trimmer damage at the ground level or grass line. If in any event a mailbox and/or mailbox post shall be deemed unacceptable by the ACC and require the necessary cleaning, painting, repair and/or replacement, the costs to perform such shall be at the sole expense of the lot owner.

Furthermore, any vegetation planted around the base or growing upon the mailbox post itself, shall be maintained so as not to extend into the vertical plane that is beyond the residence side of the curb beyond the grass line. This vegetation shall also be maintained so as not to obscure the address number on the mailbox post. It is the intent of this guideline that shrubbery or plantings should not hang out into the curb or street area, possibly causing damage to vehicles attempting mail or parcel delivery, or obscure the address number as to possibly delay arrival of any emergency vehicle.

### **WINDOW AIR CONDITIONERS (Article VI, Section 20)**

No window air conditioner or heating units shall be installed without the written approval of the ACC.

### **SWIMMING POOLS (Article VI, Section 17)**

Swimming pools must be located to the rear of the main building, unless the ACC authorizes a different location, in writing. Swimming pools must conform to the setback and building requirements as shown on the plat for such structures, and as required by applicable law. Any and all swimming pool equipment shall be shielded from view from streets and neighboring properties when standing at ground level.

Any shielding for utilities and exterior mechanical equipment must have prior approval of the ACC. See the Design Standards section; item number 10 for specifics in acceptable methods of shielding. All options must be diligently investigated and exhausted to the satisfaction of the ACC, for any installation which would require the placement of equipment that would not allow for the first method of screening listed in Design Standards item number 10.

### **PROPANE TANKS (Article VI, Section 14)**

All propane tanks shall be underground.

### **OUTSIDE BUILDINGS (Article V, Section 3 & Article VI, Section 6) (and other storage)**

All storage sheds, garages, "Rubbermaid" type containers and/or structures, or any structure of a temporary or permanent nature must have prior written approval of the ACC. Any such structure submitted for approval shall not exceed the height of the primary residence upon the Lot.

### **SIDEWALKS (Article VI, Section 13)**

Each owner at his sole cost and expense shall maintain the sidewalk on their Lot. This maintenance shall include the replacement of any damaged or cracked sections, whether or not due to any unnatural or natural causes, including but not limited to the installation of a pool, or the use of any type of equipment upon such Lot. The requirement for replacement of such damaged or cracked sidewalks shall be at the sole discretion of the ACC.

Furthermore, the driveway and sidewalk surfaces of each lot owner shall be sufficiently maintained to prevent the accumulation of soil and/or dirt, or discoloration whether due to unnatural or natural causes including but not limited to oak tree tannins or a high iron content in the irrigation water.

### **SECTION THREE-Architectural Control Design Standards**

The ACC design standards included in this document dated July 2, 2001, Revision 23 supercede any previous edition and have been established for the purpose of strengthening our community. Any proposed structure and/or modification to a home or property shall be reviewed and approved by the ACC prior to the modification, installation, or construction.

It is the goal of the ACC that each residence in Fish Hawk Trails reflects the essence of upscale and natural living surroundings for which the community was conceived and developed. It is felt that only through discriminating design, quality workmanship and materials, and extra attention to details in landscaping can this essence be achieved. Article V Section 3 of the Declaration provides that no Structure shall be commenced, erected, or maintained on any lot, nor shall any exterior addition to or alteration thereof be made until the plans and specifications have been approved by the Architectural Control Committee. Please review Article 1 Section 24 for the definition of a "Structure". The Following Design Standards are published to serve as additional standards for the construction of a home as well as the maintenance of an existing home within Fish Hawk Trails.

To help understand the intent of the design standards we are including the following vision for Fish Hawk Trails.

#### **"A COMMITMENT TO OUR NATURAL ENVIRONMENT"**

In his famous book, Walden, author Henry David Thoreau wrote of the importance of people simplifying their lives and living in harmony with nature and the environment. Perhaps he had Fish Hawk Trails in mind. This is community the way it used to be; this is community the way it still is, in partnership with nature, yet minutes from Brandon and Tampa and all the necessities of family living.

When Shimberg Cross and TECO designed this community, their vision was of families with a strong respect for the environment and a commitment to nature. They wanted it to be a peaceful environment where you'd enjoy friendly neighbors, community spirit, and a sense of trust. As families they wanted us to be able to relax.... stroll, jog, hike or bike from our new homes past a panorama of ever changing scenery made up of ferns and wild flowers, stately oaks, and pines. And perhaps while strolling the five miles of gently winding nature trails we might get a glimpse of the many protected species that live in the hundreds of protected acres, that have been permanently kept in their natural state.

We hope the above VISION helps us all understand and benefit from living in one of the most special communities in Florida.

## **REVIEW COMMITTEE**

In order to establish and maintain consistent and compatible harmony within the Fish Hawk Trails community vision, the Architectural Control committee, (ACC) has been created.

The volunteer for the Chair position should be willing to make a minimum one-year voluntary commitment to this position to help insure consistency and continuity.

All members shall remain as active members unless there are three consecutive absences from regularly scheduled meetings. With the absence of the third meeting, the offending said member shall relinquish all privileges and duties of the ACC.

While it is not the intent of this committee to restrict individual taste or preference, the ACC is responsible for the review and approval of any proposed alteration, addition, or improvement to the exterior of any residential structure and/or property located in the Fish Hawk Trails community.

The ACC is responsible for monitoring and enforcing these design standards herein, and also those as shown in the Declaration of Covenants, Conditions, Restrictions, Easements, and any and all Amendments of the Fish Hawk Trails Deed Restrictions.

Once approved by the Declarant and the Board of Directors, the Design Standards herein become a part of the documents governing Fish Hawk Trails and shall be in full force and effect as is allowed for in the Declaration of Covenants, Conditions, Restrictions, Easements, and any and all Amendments of the Fish Hawk Trails Deed Restrictions Article V, Sections 1-6.

## **COMMITTEE REVIEW PROCESS**

As specified in the Deed Restrictions Article 4 Section 3, any proposed structure and/or modification to a home or property shall be reviewed and approved by the ACC prior to the modification, installation, or construction by submitting the enclosed Alteration Request form. Please plan appropriately for adequate submission and review time. The ACC will meet on the last Tuesday of each month. At this meeting, we will review all requests submitted and received by us prior to this time.

The ACC will review the application and any additional information that it may request within 45 days after submission, and respond in writing to the homeowner with the appropriate comments. If a response is not received within 45 days, the application is deemed not approved.

If a homeowner is given approval for a modification, the ACC reserves the right to inspect the construction in progress for conformance with the approved design documents and the applicants agree to cooperate fully with the members of the ACC.

The ACC shall have the sole discretion and authority to approve or disapprove such plans and specifications.

If the Lot Owner elects to appeal the Committee's decision, they must supply written notice of such intention to the Board of Directors within 14 days from the postmark date on the envelope containing the Committees written notification of disapproval.

This letter of intent must state the Lot Owner's beliefs, any mitigating factors the Lot Owner feels the ACC may not have been aware of, and copies of any supporting documents, if any, as to why the Board of Directors should amend or reverse the original determination of the ACC.

The Board of Directors shall schedule a hearing on the Lot Owners appeal within 30 days of receipt of this letter of intent to appeal. The Board of Directors shall make every attempt to schedule this hearing at a mutually agreeable time to all parties concerned. Written notification of the Boards final determination shall be provided within 14 days from the date of hearing. The final determination of the Board of Directors in the appeal process shall be final and binding upon all parties.

All new construction homes *and* existing homes wishing to submit plans or make exterior changes, modifications, or alterations after the date of this document dated July 1, 2001, Revision 23, shall comply with the following minimum design standards.

Those homes that do not meet this exemption criterion and are currently under construction after the date of adoption shall be required to adhere to these Design Standards.

1. Each home and all structures shall comply with the Declaration of Covenants, Conditions, Restrictions and Easements, Guidelines and Design Standards of Fish Hawk Trails.
2. The Fish Hawk Trails ACC shall require each Lot Owner proposing a new construction home to submit two (2) copies each of a site plan, building plan, exterior color selections, pool plan, fence plan, and landscaping plan for each home proposed; even if the model, style, or features of a home and/or landscaping has been previously submitted and approved for construction on a different Lot.

One set of plans and documents submitted shall be retained for our records, and one set of plans and documents shall be identified to indicate approval or disapproval and returned.

Each Builder shall submit for our records a complete color wheel or booklet of color chips from the paint manufacturer for reference when reviewing exterior color selections.

3. The Fish Hawk Trails ACC shall require all new construction homes to submit a complete landscaping plan including the front, both sides and the rear of the home no later than 60 days prior to the issuance of Certificate of Occupancy.
4. The Fish Hawk Trails ACC shall require all new construction homes to have landscaping completed within 30 days of issuance of a Certificate of Occupancy.
5. This landscaping plan is not limited to, but must include the following:
  1. The placement of the home on the lot showing all property boundaries
  2. The location of any exterior mechanical equipment
  3. Any proposed, or existing hard surface or paved areas, such as driveways, brick pavers, walks and pool decking
  4. Specimen types, sizes, and quantities of proposed planting materials
  5. Types of proposed bedding cover indicating location of such, and colors if applicable
  6. Locations of grassed areas and type of grass to be installed
  7. Any ponds
  8. Any fountains
  9. Any lawn or yard ornamentation
  10. Any flagpoles and subsequent lighting
  11. Any statuaries
  12. Any decorative stones, rocks, or boulders
  13. Any irrigation wells and associated equipment
  14. Any proposed exterior accent or landscape lighting
  15. All pre-existing trees on the lot exceeding 5" in caliper DBH
  16. Any solar panels
  17. Any other exterior landscaping feature not listed above

The Lot Owner may draw this plan, but it should be professional in nature, and drawn in a manner resembling that of other professionally drawn landscape plans.

6. If not pre-existing on the Lot at time of landscaping installation, the front landscaping shall include but not be limited to at least 3 trees with a minimum 4" caliper DBH, or one of the following alternatives:
  - (i) Two 4" caliper DBH trees and 2 ornamental tree specimens that are 6-8' in height x 5-6' in spread minimum.
  - (ii) One 4" caliper DBH tree and 4 ornamental trees that are 6-8' in height x 5-6' in spread minimum.

- (iii) Pine trees may be installed in lieu of 4" caliper trees at a rate of:  
3 pine trees that are 12-14' in height x 4-6' spread with a minimum  
2" caliper DBH for each 4" caliper tree,

OR

2 pine tree that are 16-18' in height x 8' spread with a minimum  
3" caliper DBH for each 4" caliper tree.

- (iv) Palm trees may installed in lieu of 4" caliper trees at a rate of:  
3 palm trees that are (10-12') in height, measured when planted in the  
ground, for each 4" caliper tree

OR

3 palm trees that have a clear trunk of at least 6' in height when  
measured planted in the ground for each 4" caliper tree.

- 7. Shrubbery, ground cover, and natural Floridascape areas in the front of the house, not including any sod areas, shall equal a minimum square footage area equal to 16 times the front width of the house, including any wing walls or extensions.

The shrubbery portion shall make up approximately 50 percent of the area required for shrubbery and ground cover with the following design standards adhered to:

- (i) All shrubbery shall be a minimum of 1-gallon containers when planted.
- (ii) All shrubbery along the foundation or placed in rows for the purpose of shielding shall be planted at a spacing not to exceed 3' centers.
- (iii) Ground cover shall be a minimum of 1-gallon containers when planted.
- (iv) All shrub and planting beds shall receive and maintain an adequate bedding cover (i.e. pine bark, mulch, lava rock, pine straw, etc.), as approved by the ACC. Bare ground will be unacceptable.
- (v) All planted areas shall receive 100 percent automatic irrigation coverage.

8. The “streetscape” area of any Lot shall be fully irrigated and sodded with a St. Augustine type of sod. For the purpose of this document “Streetscape” shall be defined as “the area of the Lot, between the street and the sidewalk, along the entire frontage of any Lot within Fish Hawk Trails.” If requested, the ACC shall make a special consideration for the installation of seashore paspalum sod in the above areas of the property, but the approval of such is at the sole discretion of the ACC and shall be determined on a case by case basis.
  
9. The front yard, and both side yards extending to the rear edge of the home on each respective side of the home, on the Lot, shall be fully irrigated by an automatic type irrigation system. A St. Augustine type of sod shall be used for any grass areas in the above-described front or side yards of the Lot. If requested, the ACC shall make a special consideration for the installation of seashore paspalum sod in the above areas of the property, but the approval of such is at the sole discretion of the ACC and shall be determined on a case by case basis.

Acceptable alternatives for the rear yard of the Lot shall be; natural vegetative ground cover (either pre-existing or installed), Bahia sod, St. Augustine sod (requires the installation of automatic irrigation), seashore paspalum sod, professional hydroseeding, or mulch maintained at an adequate depth. In no case shall bare ground be approved or acceptable.

10. All exterior mechanical equipment including but not limited to, air conditioning equipment, pool and/or spa equipment, water softeners, irrigation wells and any associated equipment, etc shall be shielded from view from any streets or neighboring Lots when standing at ground level.

The shielding materials acceptable to the ACC for these applications are listed in the order of acceptance, and any deviation from the first application must have prior approval of the ACC.

- (i) Planting materials that are not of a frost sensitive variety, and are not of a deciduous variety. After installation, planting materials shall be not less than 16” in height and spaced not more than 3’ on center. Subsequent future growth of shrubs shall not be regularly trimmed or maintained at a height less than that of the equipment being shielded.
  
- (ii) Potted plants or potted shrubs placed in the front and/or side of the mechanical equipment. After placement overall height shall not be less than 16” and spaced not more than 3.5’ on center. Subsequent future growth of plants or shrubs shall not be regularly trimmed or maintained at a height less than that of the equipment being shielded.

- (iii) Installation of a brick, stone, or stucco architectural wing wall in a design and color to match or compliment that of the original structure. All designs, specifications, and colors must have prior approval of the ACC.
- (iv) Installation of plastic lattice material in the front and/or side of the mechanical equipment, not to exceed the height of the mechanical equipment by more than six (6") inches, *with* creeping vines or jasmine plants installed so as to cover the lattice with growth. Color of lattice shall have prior ACC approval and lattice shall be installed in a professional manner.
- (v) Installation of plastic lattice material in the front and/or side of the mechanical equipment, not to exceed the height of the mechanical equipment by more than six (6") inches, *with no* creeping vines or jasmine plants installed. Color of lattice shall have prior ACC approval and lattice shall be installed in a professional manner.

Lattice type screening and trellis type screening, of any materials, will only be approved under exceptional circumstances, of which the Lot Owner must adequately demonstrate acceptable proof of hardship otherwise.

11. All fences must have prior written approval of the ACC. The ACC will consider and attempt to balance the privacy of the Lot Owner requesting the fence, while preserving the views of neighboring Lots.

Any fence erected shall not have more than one (1) opening or gate that exceeds four feet (4') in width. Any such opening, gate, or set of gates that exceeds four feet (4') in width to accommodate mowing equipment, etc. shall not exceed eight feet (8') in width and must be installed on the driveway side of the residence.

All fencing, excluding gate areas, that faces any street area shall be required to have landscaping installed in front of the fencing to shield it from view. Corner Lots shall be required to install landscaping in front of the fencing on both the front and any side facing a street.

Plant materials shall be installed within 45 days from completion of fencing installation. Plant materials are to be a minimum of 16" in height after installation, and installed at a maximum spacing of 3' on center. Plant materials are not to be of a frost sensitive variety or of a deciduous variety.

Special consideration by the Lot Owner should be given to the placement of fencing adjacent to or along side of, concrete surfaces or property lines as it relates to the required installation of planting materials on the *outside* of the fence.

Special consideration by the ACC may be given for any request for the installation of creeping vines or jasmine type plants, but the acceptance of such is at the sole discretion of the ACC and will be determined on a case by case basis.

12. Consideration will be given for a request for the installation of a flagpole meeting the following guidelines:

1. Any Lot shall not have more than one flagpole.
2. Flagpole may display not more than two flags at any one time.
3. Flagpole may not be located in the Streetscape area of the property.
4. Flagpole must be within the setback requirements of the property.
5. Flagpole may not be any further than midway from the house to the sidewalk.
6. Flagpole may not exceed sixteen feet (16') in height.
7. Flagpole shall be of a uniform color of either white or black.
8. Flagpole shall be properly maintained and kept in proper working order.
9. Flagpole shall be electrically grounded in accordance with any local, state or federal requirements.
10. Any flag(s) displayed other than the American Flag shall have prior approval of the ACC.
11. Flags of an offensive or controversial nature, as determined at the sole discretion of the ACC, shall not be approved.
12. Flags of an advertising nature shall not be approved.
13. Any lighting installed for such, shall be directed away from any vehicular or pedestrian traffic in front of the property either on the roadway or sidewalk, and shall not constitute a nuisance for any neighboring properties.

13. Discretion should be used during selection of exterior colors. If, in the opinion of the ACC, discretion has not been used, the submitted color selections will be disapproved.

THE ABOVE LIST OF RESTRICTIONS, GUIDELINES, AND DESIGN STANDARDS ARE NOT ALL-INCLUSIVE, BUT CONTAINS THE MORE COMMONLY ASKED QUESTIONS. PLEASE REFER TO THE DEED RESTRICTIONS AND ANY AMENDMENTS OR CONTACT THE PROPERTY MANAGER FOR ANY UNANSWERED QUESTIONS.

## **SECTION FOUR-Non-Compliance Notification**

Having been assigned to do so by the Board of Directors and the Declarant, the ACC shall be charged with monitoring and enforcing both the Rules and Regulations and the Architectural Control Design Standards governing Fish Hawk Trails.

Except for non-compliance issues that deal with a safety or security risk, those that are of a more urgent nature (i.e.: loud music, unrestrained pets, parking violations, etc.), or where otherwise specified in the Deed Restrictions, the ACC shall issue non-compliance notices to those Lot Owners that are not in compliance with the documents governing Fish Hawk Trails in the following manner:

1. First notice: The first notice will be mailed to the Lot Owner indicating the non-compliance issue listing the appropriate Article, Section, or Paragraph of the Deed Restrictions, Guidelines or Design Standards. As specified in our Deed Restrictions the Lot Owner must either have corrected the issue or have taken steps toward correcting the issue within 30 days of first notice. If correction will not be completed within this 30-day period, Lot Owner shall notify the ACC.
2. Second Notice: A second notice will be mailed to the Lot Owner if the original non-compliance issue has not been corrected or the Lot Owner has not notified the ACC within the 30 days as required. This notice shall request that the original non-compliance issue be brought into compliance with 14 days from the date of the second notice. If correction will not be completed within this 14-day period, Lot Owner shall notify the ACC.
3. Third Notice: After two notices have been sent by the ACC and the allowed time for correction has expired, in accordance with Article 8, Section 1 of the Deed Restrictions, the matter shall be forwarded to the Board of Directors and a third notice shall be sent by the Board stating:
  - (i) the specific non-compliance issue
  - (ii) the specific corrective measures to be taken
  - (iii) the specified timeframe for initiated or completed corrections
  - (iv) an explanation of the appeal process
  - (v) the process by which the Association will pursue the matter if the Lot Owner has not initiated correction or completed correction within the specified corrective measures or timeframes

4. After three previous request attempts have failed to correct the non-compliance situation, the Board of Directors may elect to pursue other options to achieve compliance as set forth in the Deed Restrictions, including but not limited to the suspension of certain resident privileges including cable television and the suspension of the resident bar code.

The persons named below, having affixed their signatures and having the authority to do so, do hereby agree that this set of Guidelines and Design Standards, dated July 2, 2001, Revision 23, are approved by us and have been adopted for the purpose of governing Architectural Control matters within the Fish Hawk Trails community.

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Glen Cross  
President, Shimberg Cross Company  
General Partner, Brandon Properties Partners, Ltd.

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Larry McLendon  
President, Fish Hawk Trails Homeowners Association

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Terry Hargrove  
Vice-President, Fish Hawk Trails Homeowners Association

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Don Sumner  
Treasurer, Fish Hawk Trails Homeowners Association