

January 2018

THE PRESERVE AT FAIRWAY OAKS HOMEOWNERS ASSOCIATION

Regulations, Architectural Design and Maintenance Standards

Regulations

The Preserve at Fairway Oaks (PFO) is a deed restricted community. Each homeowner, resident, and/or renter should have a copy of (1) the Declaration of Covenants, Conditions, and Restrictions (DCCR) including amendments, (2) the By Laws, (3) Resolutions, and (4) these Regulations, Architectural Design and Maintenance Standards (ADMS) applicable to the community. The PFO is a maintained community that provides certain services funded by monthly homeowner assessments based on the size of the home - exterior painting; roof maintenance, repairs, and replacement; lawn care services; cable television access; community swimming pools; trash collection; and common areas maintenance. **The PFO is Not a maintenance free community.** Owners have maintenance responsibilities to keep their homes and yards in satisfactory condition.

A Board of Directors (BOD) operate and manage the community for the Homeowners' Association (HOA) and are assisted by a property management company, legal counsel, standing and ad hoc committees, and contractors who deliver services.

In particular the property management company handles routine homeowner requests and problems through service calls including items covered by the DCCR's and the ADMS's. Additionally, the property management company handles general management and financial activities and provides vendor assistance for services necessary to properly maintain and enhance the community and its assets.

Owners and residents shall refrain from attempting to direct or supervise HOA hired vendors. Only the BOD or property management company have the authority to direct these vendors - individual owners do not have this authority. Service complaints are to be submitted to the property management company by phone call, email or letter.

The ADMS's enumerated herein are meant to emphasize several areas of particular interest as a convenient reference and in no way supercede the DCCR's, By Laws, and Resolutions covering the community - nor county, state or federal law. Article numbers from the DCCR's are noted under each of the topics covered below.

Sales, Rentals, and Leases (Article XIV)

Homeowners and buyers must submit a Sales Approval or Lease form to the management company for BOD approval with sufficient time prior to closing for review and action. Listing agents are contacted as soon as a "For Sale" sign is posted and informed of this requirement.

Upon closing it is the responsibility of the seller to provide the buyer with the DCCR's, By Laws, Resolutions and ADMS's and the community swimming pool key. All assessments owed by the seller must be paid in full by the day of closing. Estoppel requests from the buyer must be submitted to the property management company.

No owner of a subdivision dwelling may rent/lease that dwelling during the first year of their ownership of that dwelling. After one year of that ownership, the owner may rent/lease that dwelling upon approval by the BOD of a Rental Approval form and submission of a copy of the rental/lease agreement. This Rental Approval must be submitted at least thirty (30) days prior to the start of the rental. **No dwelling may be leased more than once in any eighteen (18) month period.**

Exterior Maintenance **(Articles I and VII)**

Painting

The HOA is responsible for the exterior painting of every home, pool cabanas, and perimeter walls every eight (8) years. As such, the homeowner may not paint or contract out the painting (except for minor touchups) of their home's exterior. If the homeowner desires to have the home painted before the next scheduled painting, they may request approval from the BOD by submission of an Architectural Review Application (ARA) to have the home painted at their expense using the color schemes currently in use by the PFO.

The paints, sealants, preparation, and application requirements must meet the specifications used by the HOA and the work must be done by a painting contractor licensed in Pasco County Florida. A painter and material supplier warranty is to be provided upon completion.

All walls and ceilings in screened lanais must be painted the house's wall color. Garage doors (vehicular and side entry) must be painted the wall color in addition to any mechanical and electrical elements attached to the walls. Trim elements (raised smooth stucco features, soffits, eaves, fascias and gutters) must be painted the trim color - downspouts must be painted the wall color. Two toning of entry doors is not allowed.

Roofs

The HOA is responsible for the maintenance, repair and replacement of roof shingles, felts, and flashing (as needed) on every home and community pool cabana due to normal wear (not damage from hurricanes, tornados, or other weather related events) **The HOA is not responsible for leaks due to home owner installed optional elements (skylights, solar collector systems, weather vanes, lightning protection systems, gutters, attic exhaust fans, and similar roof penetrating features).**

If a homeowner/resident becomes aware of a roof leak or other roof damage (even based on a home inspectors report), they should contact the property management company so that an inspector from the HOA's contracted roofing company can inspect the problem, develop a repair

plan and submit a cost estimate. The work will be scheduled in a timely manner upon the plan/cost acceptance by the BOD. If the leak is from homeowner installed optional elements listed above, the homeowner will receive a copy of the cost estimate to proceed with the repair at their cost. The homeowner may elect to use the HOA's contractor or any other one licensed to do this work in Pasco County Florida. Should a homeowner not contact the HOA about a leak and call in a contractor to make repairs on their own, the HOA will not reimburse the owner for costs incurred nor be responsible for the adequacy of the repairs or for the roof's watertight integrity in the location of the homeowner's contracted repairs. The HOA establishes the type, style and color of shingles and associated vents for all dwellings and pool cabanas.

Mailboxes

All mailboxes, posts and number panels on the post are provided by the HOA. When an owner/resident identifies damage to the mailbox, post, or number panel, the property management company should be contacted so that repairs or a replacement can be scheduled. Damaged flags should be replaced by the owner. Damaged number panels on the posts will be replaced by the HOA.

Exterior Elements

Homeowners are responsible for the repair/replacement of (1) windows, (2) doors for house, garage, and lanai, (3) screens for windows, lanais, and garage, and (4) exterior lighting fixtures.

Paved Areas

The HOA is not responsible for the maintenance, repair and replacement of any sidewalks, driveways, driveway aprons, curbs, and patios on the Lots. Individual owners are responsible for all paved surfaces on their individual Lots out to the street curb. During scheduled HOA exterior house painting, unpainted sidewalks, driveways and aprons will be pressure washed by the painting contractor. **The HOA does not clean painted driveways.**

Lawns and Landscaping

(Articles I and VI)

The HOA only maintains the shrubs and bushes that were originally installed by the developer at the front of the house around to the air conditioning unit. The owners/residents are responsible for maintaining, fertilizing, pruning and maintenance of all other landscape elements including trees anywhere else on the Lot. Replacement of any landscaping elements on the Lot including those items installed by the developer are the owners/residents responsibility and cost.

The HOA is responsible for landscape care services including cutting, trimming, fertilizing, weed and pest control of lawns, shrubs and trees (up to 10 feet tall) installed by the developer immediately around the front of the home. The owner/resident is responsible for the maintenance of any trees left by the developer which are not part of the original landscape package maintained by the HOA, nor those above 10 feet tall.

Homeowners/residents shall not contract for lawn care services independently including wet and dry material applications to lawns and shrubs.

Owners/residents wishing to plant additional landscaping elements including trees/palms, and decorative curbing must first submit an ARA to the property management company for BOD action before proceeding. The Architectural Review Committee will review the request and check the proposal on site at the Lot. The committee will provide a recommendation to the BOD for final approval or disapproval. **The BOD adopted a resolution dated September 18, 2013, regarding landscape plantings in the HOA 5-foot easement along the community's perimeter wall and fence. No additional plantings beyond those identified in the resolution are allowed and owners are to maintain those in place or the BOD may take action to trim or remove these plantings at the owners cost.**

Irrigation **(Article I)**

The HOA is responsible for maintenance of irrigation systems in the Lots and at the pool lots and the common area mound between Halberg and Haas Drives. When an owner/resident becomes aware of an issue with the lawn sprinklers and/or irrigation system that may need maintenance or repair, the property management company should be contacted to set up a service call so the work can be scheduled. The HOA is only responsible for sprinkler and piping repairs, not the timers and controls inside the garage.

Maintaining a healthy lawn requires that the irrigation system be utilized in compliance with existing county and water district regulations. Owners/residents are urged to operate their irrigation systems on the county established "watering day", which is based on the final number in the home's address, to insure that their lawn receives adequate water coverage. Inadequate watering will cause damage to the lawn and the owner/resident is solely responsible for its replacement, not the HOA.

Owners/residents should follow any watering directions (on yard signs or notes left at the front door) provided by the lawn care company at the time chemicals are applied to the lawn.

The installation of additional sprinkler heads, irrigation zones, irrigation piping, and the replacement of timers is the responsibility of the owner/resident.

Pools **(Article VI)**

Owners/residents and guests shall abide with all the rules posted at each pool.

Use of the pool facilities is limited to owners/residents and their guests who exhibit a behavior consistent with the intended purposes for which the facility has been constructed and furnished, and to persons of an age where the dangers of pool use, including drowning, can be understood and appreciated. Individuals who do not evidence appropriate behavior must be accompanied and supervised by an adult. Children under twelve (12) years of age must be accompanied by a

responsible adult when using the pool facility. Owners/residents shall be responsible to notify their guests of this rule and for ensuring their compliance.

Do not open the locked gates for persons without a key. The pools are for the PFO's owners/residents and their guests only.

Owners/residents are asked to help keep the pools and cabanas as clean as possible. User-generated trash especially from food and beverages must be placed in the trash can or taken home. Soiled diapers should not be left in the restroom or pool deck trash cans but need to be taken home for disposal.

When leaving the pool area, please make sure the restroom lights and water are off, the doors are shut and locked, and the entry gate is shut to avoid an unattended child from wandering into the pool area and from unauthorized use.

The phones at the pool cabanas are intended for emergency use only. Please do not use these phones for personal calls.

To ensure that pool keys do not fall into the hands of non-residents, pool keys are not to be transferred to any non-owner/non-resident and are not to be duplicated. Pool keys are only to be transferred to the new owner at the time of sale closing. The pools are for the enjoyment of PFO owners/residents and their guests.

The use of the pools and cabanas will be suspended for owners whose monthly assessments are in arrears until the accounts are paid in full.

Parking **(Article VI)**

Overnight street parking in the PFO and blocking sidewalks with parked vehicles are prohibited by Pasco County code and vehicles could be subject to ticketing.

The parking lots at the pools are intended only for owners/residents and their guests while actively using the pools. They are not meant for overflow parking or overnight parking. The vehicles that are found to be parked illegally can be towed at the vehicle owner's expense.

No outbuilding, tent, shack, shed, carport, trailer, boat, recreational vehicle, portable on demand storage unit, material hopper, trash dumpster, or temporary structure are permitted on any subdivision Lot or Common Area. A recreational vehicle may be kept on the driveway of a residential dwelling for up to twenty-four (24) consecutive hours for loading or unloading, provided that the recreational vehicle has been outside the subdivision for at least forty-eight (48) hours prior to the period of loading or unloading.

Miscellaneous **(Article VI)**

Pets

As a courtesy to homeowners, residents, neighbors, and guests, pets are to be walked on a leash and not running free. Owners are expected to clean up after their pets. Pets are not allowed in retention areas, and should not be left outdoors, in screened lanais, or garages to bark and in other ways disturbs residents. **The BOD adopted a resolution dated July 19, 2017, regarding nuisance animals as defined by Pasco County Code of Ordinances. Any such nuisance violation by an owner's pet will be subject to review by the BOD.**

Water Retention Areas

These are common areas of the HOA and are subject to certification by the water district authority. They are not to be used for waste disposal, pet exercise, or as recreation areas.

Businesses

No business may be conducted from any subdivision dwelling where its associated vehicles, equipment, and/or signs are visible from the street or adjacent dwellings.

Signs

No signs advertising a business shall be installed on lots, on dwellings, in common areas, or on vehicles. Signs such as address, security services, and signs advertising a dwelling for sale or rent are allowed. No signs for sale or rent of the home may exceed six (6) square feet in size.

Trash Containers

Containers are to be stored in the garage and not on the driveway or in the yard between trash collection days.

Casualty Losses

Owners that experience casualty losses to their dwelling from storms, natural causes, and mechanical/electrical problems should consult the DCCR's Sections VII, VIII, and IX, for important information regarding repair and rebuilding of their dwelling, including time frames.

Governing Documents

Additional copies of the By Laws, DCCR's, ADMS, and Resolutions may be obtained from the property management company for a fee.

Architectural Design and Maintenance Standards **(Article VI and VII)**

The BOD has appointed an Architectural Review Committee (ARC) whose function is to make recommendations to the BOD with respect to maintaining the uniformity and integrity of the community. Any owner desiring to make an alteration or addition to the exterior of the dwelling or yard, including landscaping, must first submit a request to the property management company using an Architectural Request Application (ARA). The ARC receives the ARA and after reviewing the application and visiting the Lot will submit a recommendation to the BOD for

final action. The BOD will approve or disapprove the ARA. The owner will be notified of the BOD's decision.

However, in the event the BOD fails to approve or disapprove the ARA within forty-five (45) days of receipt of the request, approval shall be deemed to have been given.

It is the owner's responsibility to insure that all exterior dwelling alterations/additions are done in compliance with Pasco County and state codes and that all necessary building permits are obtained. For certain alterations and additions the BOD will provide tentative approval and will require a copy of the approved building permit prior to giving final approval. Only contractors licensed to do work in Pasco County are allowed to do exterior dwelling alterations/additions.

THE FOLLOWING ALTERATIONS/ADDITIONS REQUIRE BOD APPROVAL PRIOR TO BEING INITIATED:

In Ground Swimming Pools - No in ground swimming pool shall encroach on any HOA or governmental easement. At least six (6) feet of clearance around its perimeter for lawnmower access is required. No new in ground swimming pool shall be installed on any Lot bordering on any HOA retention area basin. **A Pasco County building permit must be submitted to the BOD before any new pool work is started.**

Exterior Alterations - Any exterior alteration to an existing dwelling, any alterations to screened lanais, and/or paved patios. The construction of a new screened cage and paved patio area. **A Pasco County building permit must be submitted to the BOD before any work on any new screened cage is started.**

Painted Driveways and Walks - Driveway, entry walk, and garage side entry access walks must be painted using brown/beige/earthtone color schemes. No painting of paved surfaces will be approved other than those color schemes.

Hurricane Shutters - Hurricane protection devices (permanently installed metal shutter systems) for windows, doors and other openings. These systems are only to be deployed when severe weather (tropical storm/hurricane) is predicted or expected in the area. The permanently installed shutter systems shall be opened within forty eight (48) hours after the severe weather has passed or forty eight (48) hours after the resident is permitted by local and/or state government authorities to return home, whichever is the latest.

Temporary protection materials (not permanently attached to the house) for windows, doors and other openings do not require approval prior to installation or deployment. Plywood or other wood materials, corrugated metal panels, fabric sheets, etc., are temporary devices and shall be removed within forty eight (48) hours after the severe weather has passed or forty eight (48) hours after the resident is permitted by local and/or state government authorities to return home, whichever is the latest.

New Planting Beds/Trees- The installation of new landscape beds, palms and trees including edging, shall provide a six (6) foot clearance between and around the new beds and trees and any other barrier including the house and perimeter walls/fence to accommodate lawn service equipment access.

Water Softner Systems - Any water softening system equipment that is installed on the exterior of the dwelling shall be concealed from view, however fencing is not allowed.

Solar Panels, Solar Tubes, Skylights, Lightning Protection and Attic Exhaust Fans - Solar panels for heating water and generating electricity, solar tubes, skylights, lightning protection and attic exhaust fans are allowed. However, the owners/residents are solely responsible for the maintenance and repairs of these features. The owners/residents also assume total responsibility for any repairs and replacement to the roof system when leaks occur in the areas under and surrounding these features. The installation of these features shall be deemed a waiver of the HOA's responsibility for roof leaks and repairs under and surrounding them. When the HOA has the roof replaced, the owner is responsible to have these items removed prior to the roof replacement and their reinstallation at their cost. **The responsibility for roof leaks associated with these items at any time either before or after installation of the new roof is the sole responsibility of the owner.**

PURSUANT TO THE DCCR RESTRICTIONS, THE FOLLOWING ALTERATIONS/ADDITIONS ARE NOT PERMITTED:

Driveways extending beyond the width of the garage.

In ground swimming pools on a Lot bordering any HOA retention area.

Artificial turf or putting greens.

Fences, including buried electric pet control systems, and hedges to simulate a fence.

Mailboxes other than those provided by the HOA.

Paver bricks for driveways and entry walks.

Bahama-style hurricane shutters.

Glass block units to enclose lanais and patios.

Window air conditioning units that can be seen from another dwelling or any street.

THE FOLLOWING ALTERATIONS AND ADDITIONS DO NOT REQUIRE PRIOR BOD APPROVAL BUT A WRITTEN NOTICE OF SUCH A CHANGE SHALL BE SENT TO THE BOD PRIOR TO INSTALLATION:

Replacement windows and/or sliding glass doors however the color shall dark brown/bronze.

Replacement front entry doors. While there is no design requirement, the owner/resident must have the new doors and sidelights, if applicable, painted to match either the dwelling's wall or trim color. Two tone painted doors are not allowed.

Replacement coach, garage and entry lights. The lights can be any design style chosen by the owner/resident but the color shall be brass, bronze, black, white or earth tones.

Removal of existing trees, palms, and shubbery. The removal of any trees, palms and shrubs is the owner's choice. However, the tree/palm stumps, unless inside of a planting bed, need to be ground down below the yard surface to preclude damage to lawn equipment or injury to workers.

Placement of statues and decorative elements must be in existing planting beds.

Screen and/or storm doors, and garage vehicle entry screened panels providing they are in the dark brown/bronze/beige color tones. However, homes with the white colored walls may have white colored screened garage panels.

Installing framing members and screens to create a lanai that does not extend beyond the dwelling's walls. The framing members must be dark brown/bronze colored.

Rescreening of existing lanais and pool cages.

Gutters and downspouts with the colors to match the existing dwelling colors as closely as possible - trim color for the gutters and wall color for the downspouts. They will be painted the appropriate color during the next scheduled HOA painting. **Any roof leaks and repairs associated with inadequately maintained gutters is the sole responsibility of the owner and not the HOA.**

Electric generators are only permitted for use during local power outages. They must be operated in compliance with existing county code noise ordinances.

Satellite dishes must be installed on the dwelling's walls or on a ground pole mount. Dishes are not allowed on the roof since the HOA is responsible for roof maintenance, repairs and replacement. Any damage to the dwelling for the dish installation is the sole responsibility of the owner/resident.

Flagpoles are permitted for display of the American flag and for such other flags as may be provided by Florida or Federal law, provided that they are displayed in accordance with applicable laws.