

Sunset Lakes Home Owners Association, Inc.
Rules & Guidelines

Approved

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Article I. INTRODUCTION TO RULES & GUIDELINES for SUNSET LAKES HOMEOWNERS ASSOCIATION

The following specific site criteria shall apply to all proposed or existing property within Sunset Lakes Homeowners Association, Inc.

Section 1.01 Purpose of Guidelines

Rules & Guidelines clarify requirements and restrictions outlined by the C&Rs that define our deed restricted community. Over time, communities adjust to new Federal, State, Local requirements. Additional Rues & Guidelines are often needed to ensure that all Lots within Sunset Lakes Homeowners Association are enhanced and maintained with the consistency and quality that attracted Owners to this development and to maintain property values for the community.

Section 1.02 Definitions

The Board of Directors is referenced in this document as “Board.” The Declaration of Covenants, Conditions and Restrictions of Sunset Lakes, as amended, is referenced in this document as “the C&Rs.” Sunset Lakes West – Island Estates is part of the Sunset Lakes Homeowners Association. Except for specific items described in the C&Rs, Island Estates Lots are subject to the same C&Rs and Rules & Guidelines as are those in Sunset Lakes Lots.

Section 1.03 Governmental Permits

To the extent that State of Florida, Brevard County, or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Rules & Guidelines or the C&Rs, the government standards shall prevail. To the extent that any government standard is less restrictive, the C&Rs and Guidelines shall prevail, unless prohibited by applicable law.

Section 1.04 Preparer

These Rules & Guidelines have been prepared and adopted by the Board of Directors of Sunset Lakes Homeowners Association Inc., pursuant to the C&Rs, Local Ordinance and Florida State Chapter 720.3035. Rules & Guidelines may be changed and amended to serve the needs of an evolving community subject to approval by a majority vote of the Board at a noticed meeting where the members are able to voice opinion on the Rules & Guidelines prior to the Board vote.

Section 1.05 Applicability of Architectural Review

These Rules & Guidelines shall be applicable to all Association Owners’ properties that are subject to the C&Rs unless otherwise specifically stated. All plans and materials for new construction or exterior modifications or improvements on a Lot must be approved by the Architectural Review Committee (ARC) before any construction or modification activity begins. Unless otherwise specifically stated in these Rules, no structure may be erected upon any Lot, and no

improvements (including staking, clearing, excavation, grading and other site work, including exterior alteration of existing improvements), shall take place upon any Lot without receiving the prior written approval of the ARC and in accordance with the C&Rs and Guidelines of the Association.

All Owners are governed by the requirements and restrictions set forth in the C&Rs, as they may be amended and supplemented from time to time. In the event of a conflict between these Rules & Guidelines and the C&Rs, the C&Rs shall prevail. All proposed construction or modifications on any Lot shall comply with the C&Rs and Guidelines in effect on the date the modification was approved.

Article II. BREVARD COUNTY APPROVAL

Section 2.01 Brevard County / District Permitting Approved Requirements

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of the Brevard County or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals. A copy of all issued permits required by all county, district and governmental processes must be included with the final plans to the ARC for review, prior to commencing work.

Section 2.02 Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ARC that work completed or in progress on any Lot or Property is not in compliance with these Design Review Rules & Guidelines and the C&Rs or any approval issued by the ARC, the ARC 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 C&Rs and these Guidelines, and the Association may act against the Owner as provided for in the Bylaws of the Association, the C&Rs and those stated herein.

Section 2.03 Changes after Approval

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

Section 2.04 Enforcement

In the event of any violation of these Rules & Guidelines, the Association may take any action set forth in the Bylaws of the Association, the C&Rs, or Chapter 720, Florida Statutes, including, but not limited to, the commencement of litigation or the levy of a fine pursuant to the C&Rs. As appropriate, the Association may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Association shall be entitled to recover all attorney's fees and costs incurred in enforcement.

Section 2.05 Rational

There is an advantage to guidelines which provide definitive "do's and don'ts", with no reliance on subjective opinion. Such specificity provides clear guidance to homeowners as to whether or not contemplated improvements or activities

will be permitted. To the extent possible, specificity has been incorporated in the Guidelines. However, total specificity is neither possible nor desirable. The appropriateness and acceptability of particular modifications, particularly those of a major nature, may depend on a number of circumstances and factors that must be documented and evaluated on a case-by-case basis. A modification that is appropriate for one residence, lot size or location may be inappropriate in another situation.

ARTICLE III. RULES & GUIDELINES AND CLARIFICATIONS

The following specific site criteria shall apply to all proposed or existing property within Sunset Lakes HOA.

Section 3.01 Dog Houses

Prior to submission of an application for an exterior doghouse, homeowners are encouraged to review Article VII, 7.3 (b) and (e) of the C&Rs, as amended, in addition to these rules & guidelines, in their entirety.

Doghouses must be compatible with the applicant's house in terms of color and material. Doghouses may not exceed sixteen (16) square feet of floor space and may not exceed four (4) feet in height at the highest point. They must be placed against the side wall or rear wall of the house and firmly attached to the side wall or rear wall of the house and attached to the ground to ensure they do not become missiles in high winds.

Doghouses must not be visible from streets, neighboring residences or common areas. Electric wiring, gas or plumbing to a dog house is not permitted. A maximum of one (1) dog house is allowed per Lot. Metal dog houses and animal kennels are not permitted. No dogs or other household pets may be kenneled on any Lot.

All dog houses must be preapproved in writing by the Architectural Review Committee (ARC) including drawings with measurements, anchoring plans and location. The ARC may require on-site inspection of the completed structure. All dog Owners must remove all dog waste from the Owners' Lot for health purposes. All dog Owners must clean up after their own dogs on any property outside of the Owner's Lot.

Section 3.02 Drainage

Drainage of all Lots must conform to all applicable St John's River Water Management District permit requirements as well as county and municipal requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any Lot or common property. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Builder prior to conveyance of title from Builder to the original individual homeowner. Owners may make minor drainage modifications to their Lots provided that they do not alter the established drainage pattern connecting the common or other properties inside or outside the development.

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, including those of adjacent neighbors. Water should not pond on walkways, sidewalks, or driveways into the street. The Association 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 so that no drainage is diverted to another Lot or common property.

Owners shall not grade their property so as to interfere with the established drainage pattern over any property. The elevation of the Lot shall not be changed so as to materially affect the surface grade of the surrounding Lots or obstruct the drainage on any Lot in any manner. Owners shall work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades. No Lot or parcel shall be increased in size by filling-in the waters, drainage easements or common areas on which it abuts with yard waste, soil or any other material or structure.

Section 3.03 Easement Plantings or Structures

Due to root disruption of the sidewalks, gutters, streets and stormwater system in Sunset Lakes, all plantings in easement areas (e.g., the areas between the sidewalk and the curb; from the sidewalk to the Owner's front or side or rear property line and abutting any drainage easement must be approved in writing by the ARC. Those that have been previously planted in those areas shall be subject to the following conditions: (i) Only trees less than fifteen (15) feet in height at maturity may be considered to remain (palms are excepted) (ii) No plantings may be closer than twenty-five (25) feet apart, (iii) No shrubs may be higher than three (3) feet. Removal of plantings or structures that are not in compliance with these Guidelines shall be the responsibility of the Owner of the property abutting the planting and sidewalk or street. If the Association removes them, the Owner may be responsible for the cost of removal, which may be added to the Assessments for that property.

Section 3.04 Exterior Lighting

ARC written approval is required to install or modify exterior lighting. Exterior lighting or illumination on any Lot shall be installed so as to avoid visible glare (direct or reflected) to any subdivision street, sidewalk, common area and other Lots. No lighting feature shall be installed or remain that may be or has become an unreasonable annoyance or a nuisance to the residents of adjacent property.

Section 3.05 Fences

All fences shall be made of wood, white PVC, composite materials with simulated wood tone finish or black wrought iron. Black or dark green vinyl clad chain link may be permitted in back yards only. Plain galvanized chain link fences are not permitted on any Lot. The last eight (8) foot section of any side Lot fence abutting a detention pond shall taper in height from its maximum height to four (4) feet at the end post which closes to the rear property line and along the rear property line may be a picket type fence and may include an access gate from the Lot to the detention or conservation area. All fences shall be installed with the smooth side out and all fence posts shall be installed facing the interior portion of the Lot.

Notwithstanding the foregoing, all fences and hedge lines must be approved in writing by the ARC prior to construction. The ARC may require that the height, composition, and color of any fence be consistent with the fences around the surrounding residences. The ARC may establish the style, height, composition and color of a new or replacement "perimeter" fence.

Section 3.06 Paint

Owners may repaint the surfaces of their house in accordance with ARC approval and in accordance with these Rules & Guidelines. ARC approval in writing is required for all 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. Painting of the soffits is prohibited. Downspouts may be painted to match the adjacent color on the walls. All colors must adhere to the established color palette provided by the ARC.

Section 3.07 Pets

No animals except household pets shall be kept in any Lot. Pets must be on leash and under control or crated at all times when off owner's property within the community. Any animal declared "dangerous" under Florida/Brevard County Dangerous Dog Laws or other applicable laws or has a history of being aggressive must be housed on the owner's property and not permitted on Sunset Lakes common areas, sidewalks or streets. Owners are required to clean up after their pet if it relieves itself in any area other than their own yard.

Section 3.08 Roofing

Roof pitches and overhangs shall be designed for compatibility with adjacent roof profiles in front, side, and rear elevation, and color may vary as dictated by architectural design. Acceptable roof materials are dimensional shingles, tile, or metal. ARC approval in writing is required for a roof-material or color change. If replacement shingles/sections/color do not match the existing shingles/sections/color, the entire area visible from the street or adjacent properties must be replaced. Roofs shall be maintained free from mildew. Any roof which has 10 % or more area discolored on any surface (or plane) by mildew shall be a violation and subject to enforcement.

Section 3.09 Shutters

Hurricane shutters shall be approved in writing by the ARC. Temporary protective coverings over windows and doors shall be allowed only after a storm warning has been issued by the U.S. Weather Service unless specifically approved by the Board for other purposes. Installation of permanent hurricane or decorative shutters shall be approved in writing by the ARC. Hurricane shutters or temporary protective coverings shall be opened or removed within one week of the storm event. Consideration shall be made regarding the color and style of hurricane shutters or decorative shutters, so as to compliment the home. No other bars or metal obstructions shall be allowed installed on windows.

Section 3.10 Sidewalks

Sidewalks shall not be blocked in Sunset Lakes or Island Estates. Owners may use the apron of their driveway to park an extra vehicle horizontally, but sidewalks must be kept unobstructed for pedestrians.

Section 3.11 Signs

Except as specifically provided below, no signage of any kind other than the numeric address of the Lot shall be displayed to the public view on any Lot or improvements thereon.

Temporary signs are limited in Permit Boxes. A Permit Box is permitted on the property no more than 1 work day before the work commences and 1 work day after the final inspection is complete. Only one permit box is permitted on a Lot. No signs are allowed on any entrance/exit gates, trees or common areas except those placed by the Association. Signs posted in these areas may be removed by the association at the Owner's expense. This also includes displaying any type of vehicle, property or device for sale at the front entrance, rear exit or within the community.

Exceptions: One owner security sign is permitted in the front yard located adjacent to the driveway and in close proximity to the front entrance of the main dwelling. Security company signs no more than ten (10) inches by ten (10) inches are also permitted in windows. Small directional yard signs during the First Saturday Community Garage Sales for Sunset Lakes that are removed at the end of the allotted garage sale time are permitted.

Identification signs (address numbers) for Lots are required. Address 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 ARC may impose shape and color restrictions on security signs. One sign up to 8" by 10" on a fence or gate stating "Beware of Dog" is permitted.

For Sale signs for a property are permitted limited to one four (4) square feet in size and no greater than three (3) feet in height in the front yard of the subject property only. These must be removed after closing. No signs are allowed to be affixed to any trees, traffic or street signs or postal boxes.

Section 3.12 Yard Waste

For the safety of residents and to prevent damage to sodded areas, obstruction of the stormwater system flow of stormwater or obstruction to traffic in the street or sidewalks, yard waste shall not be stored for any period of time on easements, sidewalks, streets, or in storm water drainage gutters. For Owner produced smaller trimmings the apron of the driveway may be used for yard waste awaiting regular pickup. For larger trimmings, the apron shall also be used and the Owner is responsible to call Waste Management for pickup as soon as possible.

For yard waste produced by a professional company hired by the Owner, all yard waste must be completely removed from the site immediately after the time of the trimming per Brevard County Ordinance. Each resident is responsible for removing any yard waste litter from the community streets and gutters after pickup of their yard waste by Waste Management services.

Article IV. MODIFICATIONS TO GUIDELINES

From time to time, and pursuant to Florida Statute 720.3035, the Board may adopt modifications and/or amendments to these Rules & Guidelines. In order to become effective, any proposed modification or amendment to the Rules & Guidelines must be adopted by a majority of the members of the Board of Directors at a meeting duly called and noticed and at which a quorum of the Board of Directors is present and voting. Such amendments shall not be retroactive so as to apply to previous approved work or approved work in progress. In no way shall any amendment to these Guidelines remove or reduce in substance any provision of the C&Rs, as amended.

Article V. NON-LIABILITY FOR APPROVAL OF PLANS OR CONSTRUCTION

THE OWNER SUBMITTING AN ARC APPLICATION SHALL BE SOLELY LIABLE FOR AND SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS AND INSPECTIONS REQUIRED BY STATE, COUNTY OR LOCAL GOVERNMENTAL AUTHORITY. THE OWNER AND THEIR CONTRACTOR(S) SHALL ENSURE THAT ALL IMPROVEMENTS COMPLY WITH ANY APPLICABLE CODES, RULES, REGULATIONS, ORDINANCES AND LAWS. IN NO EVENT SHALL THE ASSOCIATION, ARC MEMBERS, OR BOARD MEMBERS BE LIABLE FOR ANY INJURY, DAMAGES OR LOSS RESULTING FROM THE DESIGN, METHODS OR QUALITY OF CONSTRUCTION OR MODIFICATION OF ANY HOME OR LOT OR COMPLIANCE OF SUCH CONSTRUCTION, MODIFICATION OR HOME WITH ANY APPLICABLE CODES, RULES, REGULATIONS, ORDINANCES AND LAWS OF ANY GOVERNMENTAL AUTHORITY.