

FULLERTON PLACE HOMEOWNERS ASSOCIATION



HANDBOOK OF RULES AND REGULATIONS AND ARCHITECTURAL GUIDELINES

Revised July 2015

*******IMPORTANT*******

All proposed home modifications and property improvements must have specific prior approval from the Architecture Control Committee before any action can be taken.

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Introduction

Section 1.01 Intent of Handbook

This Handbook of Rules and Regulations and Architectural Guidelines (the "Handbook") is adopted pursuant of Article 9 of the Declaration of Covenant, Conditions, and Restrictions for Fullerton Place (the "Declaration") and is designed to provide an overall framework and comprehensive set of standards, procedures and rules for the development of the community in an orderly and cohesive manner.

Compliance with the standards, procedures and rules of this Handbook is required, but does not constitute the sole basis for review of applications for approval under Article 9 of the Declaration, nor does it guarantee any approval of any submission or application. Each submission presented to the Architectural Control Committee (the "ACC") will be approved or denied based on its own conditions. The committee has the expressed right to consider any and all factors it deems relevant. **Committee decisions may be based on purely aesthetic considerations.** Each owner and member of the Fullerton Place Homeowner Association acknowledges that determinations as to such matters are purely subjective and opinions may vary as to the desirability and/or attractiveness of the proposed addition or modification. Decisions are made on a case-by-case basis, and although a modification or addition may have been approved in one instance, there is no guarantee that it will be approved again.

This document is not intended to replace the Declaration of Covenants, Conditions, and Restrictions but rather to clarify and to simplify the process by which homeowners may customize and modify the exterior property associated with the home and home site. Additional conditions may apply to improvements and modifications of properties that are not found in this Handbook. Both the Declaration and this Handbook should be reviewed by the homeowner in order to determine whether an improvement or modification will be approved by the ACC.

Unless otherwise specifically exempted by the Declaration or this Handbook **all proposed modifications and additions to homes and lots within Fullerton Place require application to and prior approval of the ACC (see attached form).** Where this Handbook specifically permits an owner to proceed without prior approval, such permission shall only be effective so long as the owner complies with the requirements of the Declaration and/or Handbook.

ANY HOMEOWNER WHO INITIATES ALTERATIONS, ADDITIONS, IMPROVEMENTS OR REPAINTING WITHOUT PRIOR WRITTEN APPROVAL BY THE ARCHITECTURAL CONTROL COMMITTEE RISKS HAVING TO CORRECT OR REMOVE SAID ACTION AT HIS/HER OWN EXPENSE.

Article II. Maintenance

Section 2.01 Performed by the Association and Residents

- (a) The Association is responsible for the exclusive management and control of the common area. The association shall be responsible for the payment of all costs, charges and expenses incurred in connection with the operation, administration and management of the common area.
- (b) No resident shall cause any object to be fixed to the common property (including the planting of any plant material) or in any manner change the appearance of the common property.
- (c) The cost of repair or replacement of any improvement maintained by the Association, in cases where the repair or replacement is required because of an act of negligence or omission of any owner (including guests, family members and tenants of the owner), shall be the responsibility of the owner.
- (d) Residents are required to keep their property maintained in such a manner as to provide a neat and attractive appearance of a first-class residential neighborhood.
- (e) The Fullerton Place Homeowner's Association, at its sole discretion, reserves the right to temporarily maintain a homeowners property if said property is deemed by the Board to be unruly, not consistent with community standards for a neat and attractive appearance or presents a health hazard due to high grass, weeds or other negligent reasons. All fees associated with this action will be the responsibility of the homeowner to pay.

Article III. Improvements to Lots

Section 3.01 General Guidelines

- (a) ALL improvements to lots require specific prior approval by the Architectural Control Committee, and will be approved or disapproved based on compliance with the Declaration, this Handbook and/or the aesthetic discretion of the Committee.
- (b) All projects should be completed within thirty (30) days of start date, unless not feasible due to the magnitude of the project.
- (c) Any utility additions must be underground and adhere to applicable code for such utilities.
- (d) All applications must include a detailed description of the planned project and must contain the following information, as applicable:
 - * Size of structure
 - * Height
 - * Wall material
 - * Estimated length of construction
 - * Location
 - * Quantity
 - * Detailed drawing
 - * Utilities

Section 3.02 Fences

- (a) **Only black metal or white vinyl picket fencing with a maximum height of five feet (5') will be approved in all villages of Fullerton Place.** ONLY this type of fencing will be allowed.
- (b) The spacing between the pickets of all perimeter fencing shall not be less than one and one-half (1 ½") inches and all such pickets shall be installed on the exterior.
- (c) A single-fence is permitted between adjacent lots sharing a common property line. All fencing must be installed within three (3") inches of shared property lines to permit future fence connectivity of adjoining property owners.
- (d) Chain link, split rail, wood/vinyl privacy or any other type of metal fencing in any form is strictly prohibited (including dog pens / runs of any material).
- (e) Fences are not permitted in the front yard and must tie into the home at the furthest back rear corners of the dwelling. Under no circumstances may an applicant erect a fence outside of the property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- (f) Fences on corner lots must be installed parallel to the street and cannot extend past the side street setback line.
- (g) No perimeter fence shall be erected on any berm of dirt which was placed on the side or rear lot line.
- (h) Screen fencing around a patio, deck, in-ground pool or sanitary containers not to exceed six (6') may be erect AFTER receiving approval by the ACC.

Section 3.03 Accessory Structures

- (a) Utility buildings, storage sheds, children playhouses or any other type of accessory structures MUST be submitted for and approved by the ACC PRIOR to their placement on any lot in Fullerton Place.
- (b) Accessory structures at Fullerton Place MUST utilize the same colors and materials used on the home in an effort to maximize a uniform look throughout the community. Example: if the primary residence is constructed with six (6") inch tan horizontal lap siding and a black dimensional shingle, any accessory structure located on the lot MUST also utilize the same materials and color scheme.
- (c) All accessory structures shall be located directly behind the residence as viewed from a point on a line of sight along the side of the house perpendicular to the street right-of-way.
- (d) No accessory structure shall exceed one hundred (100) square feet in size.

Section 3.04 Play and Exercise Equipment

- (a) All swing sets, trampolines, backyard play structures, soccer nets and similar equipment require a homeowner to submit an architectural request prior to their installation.
- (b) All play and exercise equipment must be located within the building setback lines, not visible from street view and must be maintained in good condition.
- (c) Wooden, stained (natural color) swing sets and plastic play structures are permitted. No metal swing sets will be approved.

Section 3.05 Basketball Goals

- (a) Permanent basketball goals are permitted, with the requirements that the hoop be mounted into the ground with a 20 ft. setback from the curb. Additionally, the backboard must be parallel to the street so as to not encourage street play. Goals may not be attached to the house in any way.
- (b) Portable basketball goals may be approved by the ACC so long as they do not encourage play in the street. Goals must be positioned in such a way as to contain all play on homeowner's driveway.
- (c) When not in use portable basketball goals must be stored in the garage or out of view of the street.
- (d) Light attachments are not permitted on any portable basketball goals nor is excessive lighting allowed that would encourage basketball play during nighttime hours in Fullerton Place.

Section 3.06 Landscaping Modifications and Requirements

- (a) Lawns: Only Bermuda grass shall be installed in Fullerton Place.
- (b) Plant Materials: ANY significant changes or additions from builder installed plant materials require architectural approval. Exceptions are annuals in existing plant beds, which may be planted without approval. Any landscape material which dies on a residential lot shall be promptly removed and replaced.
- (c) Plant Beds: additional plant beds or expansions of existing plant beds may be approved but require architectural approval.
- (d) Mulch: ONLY pine needles, natural colored wood mulch or natural-colored engineered rubber mulch are allowed in plant beds. **All types of colored rocks (including white) and gravel, etc. are prohibited.**
- (e) Edging / Borders: edging and/or borders around plant beds may be approved, but require architectural approval.
- (f) Vegetable Gardens: vegetable gardens are prohibited in front and side yards. Small gardens may be approved in rear yards, but require architectural approval and cannot be visible from the street.

Section 3.07 Doghouses, Dog Pens and Dog Runs

- (a) One doghouse per lot may be approved by the ACC provided that it is located in the rear yard of a residence and not visible from the street.
- (b) Dog pens and/or runs are not permitted anywhere on the property.
- (c) in advance of their installation.

Section 3.08 Swimming Pools

- (a) In-ground swimming pools may be approved, but require the installation of an approved perimeter fence enclosing the entire rear yard.
- (b) Above-ground pools defined as any pool that requires, for its normal course of operation, inflation, a ladder, steps, a water filtration system, a pump or any combination of these items are prohibited in Fullerton Place.**

Section 3.09 Signage

- (a) Only the following types of signs are permitted on any lot:
 - (i) One temporary sign advertising the home for sale or rent, provided the sign has a maximum face area of five (5) square feet on each side and, if freestanding, stands no more than four feet (4') off of the ground.
 - (ii) One security service sign located in the front yard and one located in the rear yard, provided the signs have a maximum face area of two (2) square feet.
 - (iii) Notification signage as may be required by legal proceedings or a governmental entity (such as a building permit).
 - (iv) No more than two (2) political signs may be displayed on any lot at any one time, unless the applicable municipality allows more than two.

Section 3.10 Mailboxes, Delivery Receptacles and Identification Markers

- (a) Only builder approved mailboxes are allowed (the same style and material as provided at original construction).
- (b) The ACC shall have the right to approve the location, color, size, design, lettering and all other particulars of receptacles for the receipt of mail, newspapers or similarly-delivered materials.
- (c) The ACC shall also have the right to require that all signage relative to the sale and/or leasing of a property be uniform in nature.

Article IV. Improvements to Structures

Section 4.01 General Guidelines

- (a) ALL improvements to structures require specific prior approval by the Architectural Control Committee, and will be approved or disapproved

based on compliance with the Declaration, this Handbook and / or the aesthetic discretion of the ACC.

- (b) All projects should be completed within thirty (30) days of start date, unless not feasible due to the magnitude of the project.
- (c) Any utility additions must be underground and adhere to applicable code for such utilities.
- (d) All applications must include a detailed description of the planned project and must contain the following information, as applicable:
Please submit one application per project.
 - * Size of structure
 - * Height
 - * Wall material
 - * Location
 - * Utilities (water, electric)
 - * Estimated length of construction
 - * Roof design
 - * Roof material
 - * Exterior finish
 - * Quantity
 - * Detailed drawing

Section 4.02 Additions

- (a) Must adhere to all applicable building codes.
- (b) Exterior surfaces must match those on existing structure.

Section 4.03 Decks and Patios

- (a) Must adhere to all applicable building codes.
- (b) Decks and patios cannot extend into a side yard beyond the side plane of the home.
- (c) Decks must be waterproofed, sealed or stained a natural wood color.
- (d) Ground-level patios must be constructed of concrete, stone or brick pavers.

Section 4.04 Satellite Dishes

- (a) Maximum allowable size for a satellite dish is thirty (30") inches.
- (b) Approved dishes must be mounted to the house in a position not visible from the street (unless approved by the Committee due to reception issues as detailed in Article 9, Section 19 of the Declaration).
- (c) If installation is required in a location other than the above-reference location, include a statement from the installer with the architectural request form. The association reserves the right to obtain a second opinion from a licensed installer and may require the homeowner to move dish location or include a landscape screening plan at their expense based on results from the licensed installer.
- (d) No other types of television or radio pole, antenna, aerial or tower may be constructed, installed, erected or maintained on any lot in Fullerton Place.

Section 4.05 Exterior Colors

- (a) All exterior changes including, but not limited to, painting, staining, addition of storm doors and shutter replacement require approval from

the Architectural Control Committee. All proposed exterior changes must conform to the original scheme designed by the builder.

- (b) Shutters and doors must compliment the exterior color scheme and maintain the original colors intended by the builder.

Section 4.06 Storm Doors and Screen Doors

- (a) Storm doors require approval prior to installation.
- (b) Doors must contain a full length observation window with the option of an interchangeable drop in screen to allow for ventilation. The color choice and hardware must compliment the colors on the exterior of the home. See attached Exhibit B for an approvable sample.

Permanent/free standing screen doors of any kind are not permitted within the community, except as outlined in 3.11(b) above

Article V. Aesthetics

Section 5.01 Flags

- (a) One (1) flag up to three feet by five feet (3'X5') in size attached to a flagpole mounted to the home may be approved. The pole may not exceed four inches (4") in diameter and sixty inches (60") in length.
- (b) Only official flags of the United States, State or seasonal decorative flags may be displayed. Flags which display trademarks or advertising, battle flags and similar flags which, in the Board's sole judgment, are intended to, or tend to, incite, antagonize or make political statements (other than a statement of citizenship of the residence of the dwelling) shall NOT be displayed.
- (c) Approved flags shall be maintained in good condition and shall not be displayed if mildewed, tattered or faded beyond recognition.

Section 5.02 Window Treatments

- (a) Only typical window treatments such as blinds, draperies, shades and plantation shutters are allowed and do not require architectural approval.
- (b) Window air conditioning units or fans are not allowed.

Section 5.03 Exterior Holiday Decorations

- (a) Holiday decorative lighting and seasonal decorations shall be allowed from Thanksgiving to January 15th of the following year, provided, however that the Board may adopt regulations limiting the type, intensity and number of decorative lights and decorations so allowed. Other seasonal decorations are approved two weeks prior to the event until two weeks after the event.

Section 5.04 Trash Removal

- (a) Garbage cans and recycle bins must be stored in one of the following locations (stated in order of preference):
 - (i) Inside your garage
 - (ii) Behind your house (screened from street view by your house). If placed behind the house as described above, owner must submit and receive approval from the ACC a landscape screening plan that conceals the containers from the view of neighboring lots.
- (b) No refuse containers (of any type) may be stored in the front or along the side of your house.
- (c) No garbage can or recycle bin should be placed at the curb any earlier than the night before collection and should be removed by midnight the day of collection.

Article VI. Parking

Section 6.01 Parking of Personal, Non-Commercial Vehicles

- (a) The ONLY approved parking locations for resident passenger vehicles or pick-up trucks shall be on an owner's driveway or in an owner's garage. **If an owner has more than two cars the owner MUST utilize the garage to store or park the additional vehicle(s) that are registered to occupants residing in the home. In no case shall a resident or occupant of the home be allowed to park or store a vehicle on the street.**
- (b) Personal vehicles parked in driveways may not extend into the sidewalk area.

Section 6.02 Parking of Commercial and Recreational Vehicles

- (a) A "commercial vehicle" as defined by the Declaration shall mean any vehicle having a carrying capacity and/size designation greater than or equal to three-fourths (3/4) of a ton; any vehicle other than a law enforcement vehicle bearing a company name or logo; any vehicle with ladders on top or in truck bed; and any "box" van or truck. Additionally, the Board reserves the right to further define a vehicle as "commercial" if said vehicle is used primarily for commercial purposes other than commuting to and from the workplace.
- (b) No boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle shall be parked, stored or left on any part of the common open space within Fullerton Place; in any driveway except for a temporary twenty-four (24) period no more frequently than once per calendar month, on any other part of a lot at any time, unless the vehicle is fully enclosed within the garage located on the lot and with the garage door primarily closed.

Article VII. Material Storage

Section 7.01 Visible Storage

- (a) Storage of materials of any kind, including construction material, that are visible from the street or neighboring yards is not allowed.
- (b) Weeds, vegetation, rubbish, debris, garbage or waste materials are not allowed to be accumulated on any lot in Fullerton Place.

Section 7.02 Children's Toy Storage

- (a) Toys must be stored out of sight when not in use.

Article VIII. Pets

Section 8.01 Owner Responsibility

Generally, all pets should be kept under their owner's control at all times and in compliance with applicable leash laws.

- (a) Pets must be on a leash and restrained whenever they are outside of a fence-in area of the community.
- (b) The Board of Directors of the Association has the unfettered and exclusive right at any time to exclude, or have removed from the property certain animals and/or particular breeds of an animal that in its sole discretion it finds to be an unreasonable annoyance, inconvenience, a menace or threat, nuisance or creates an unsanitary condition within the community after a Notice of Opportunity for Hearing.
- (c) Owners are responsible for cleaning up any mess that a pet creates in Common Areas, or on any private property within Fullerton Place.
- (d) Owners are responsible for their animal's actions and are solely liable for any provable damages.
- (e) Each home is limited to three (3) pets.
- (f) Animals creating a nuisance to residents shall not be tolerated – including noise issues (excessive barking, growling, howling, etc.). Should a nuisance become persistent please contact Animal Control for their assistance.
- (g) Homeowners are not permitted to allow domestic cats to roam free within the community.
- (h) Homeowners are responsible for their animal's actions and are liable for any provable damages. This includes private property, sidewalks, streets, lawns, and common areas.
- (i) Animals creating a nuisance to neighborhood residents will not be tolerated — including noise issues. Should an issue arise, homeowners must discuss the situation with the animal's owner prior to calling Animal Control.
- (j) Animals may not be kept or bred for any commercial purposes.
- (k) Livestock or poultry of any kind shall not be raised, bred or kept on the properties in Fullerton Place.
- (l) Dogs may not be kept outside overnight. Dog houses, pens, and runs are not permitted anywhere on the property. Homeowners are not permitted to “stake”, house, or tie up dogs on their property or anywhere in the community.
- (m) Exotic animals are strictly prohibited.

Article IX. Disturbances / Nuisances

In matters that become a problem between neighbors in Fullerton Place, the Board may act upon some, under the general powers conferred by the Declaration. In the rare event that a resident causes unreasonable noise or other disturbances that cannot be resolved by speaking with the neighbor, the appropriate public law enforcement agency should be contacted. (For

disturbances related to pets of residents, please see Article VIII, subsection 8.01 (f) of this document.)

Article X. Safety

Section 10.01 Fire

- (a) Residents should use extreme caution when using grills on wood decks or in close proximity to structures or flammable landscape materials such as pine bark mulch or pine needles.
- (b) Smoke detectors should be located on each level of every home near sleeping areas and should be tested twice yearly.
- (c) The local fire department may be contacted for more tips on fire safety.

Section 10.02 Children

- (a) Please observe speed limits and be alert for children playing that may dart into your path. **Keep Fullerton Place safe for everyone.**

Section 10.03 Theft / Burglary

- (a) Please report any suspicious activity in the community to the police department.