

**THE ENCLAVE AT PALM HARBOR
HOMEOWNERS ASSOCIATION, INC.**

COMMUNITY STANDARDS

Adopted

1/29/2019

Table of Contents

| | |
|--|----|
| <u>Definitions</u> | 5 |
| <u>1.01 Responsibilities</u> | 6 |
| <u>1.02 Policy</u> | 6 |
| <u>1.03 Committee Discretion</u> | 6 |
| <u>PROCEDURES FOR MANAGING PROPERTY ALTERATIONS</u> | 7 |
| <u>2.01 Alterations</u> | 7 |
| <u>2.02 Prohibited Items</u> | 7 |
| <u>2.03 Application Process</u> | 8 |
| <u>2.04 Completion</u> | 8 |
| <u>2.05 Appeal</u> | 8 |
| <u>2.06 Enforcement Process</u> | 8 |
| <u>HOME DESIGN AND MAINTENANCE</u> | 9 |
| <u>3.01 ARC General Standards</u> | 9 |
| <u>3.02 Animals/Pets</u> | 9 |
| <u>3.03 Artificial Vegetation</u> | 9 |
| <u>3.04 ATV' s/Dirt Bikes</u> | 9 |
| <u>3.05 Awnings</u> | 10 |
| <u>3.06 Basketball Hoops</u> | 10 |
| <u>3.07 Bird House</u> | 10 |
| <u>3.08 Clotheslines</u> | 10 |
| <u>3.09 Community Yard Sale Events</u> | 10 |
| <u>3.10 Curb Numbers</u> | 11 |
| <u>3.11 Drainage</u> | 11 |
| <u>3.12 Driveways</u> | 11 |
| <u>3.13 Equipment</u> | 11 |
| <u>3.14 Exterior Finish and Colors</u> | 11 |
| <u>3.15 Exterior Lighting</u> | 12 |
| <u>3.16 Fences and Walls</u> | 12 |
| <u>3.17 Fountains</u> | 12 |
| <u>3.18 Front Doors/Entryway</u> | 12 |
| <u>3.19 Fruit Trees</u> | 13 |
| <u>3.20 Garages and Garage Doors</u> | 13 |
| <u>3.21 Garbage Cans</u> | 13 |

3.22 Garden Hoses 13

3.23 Garden/Walkway Lighting 13

3.24 Generators 14

3.25 Glass Block 14

3.26 Grills 14

3.27 Heating and Air Conditioning Equipment 14

3.28 Holiday Decorations 14

3.29 House Numbers 14

3.30 Hurricane Shutters 15

3.31 Irrigation 15

3.32 Laundry 15

3.33 Nuisances 15

3.34 Painting and Cleaning 15

3.35 Patio and Lanai Area Furniture 15

3.36 Play Structures 16

3.37 Porches, Decks, Screen Enclosures and Patios 16

3.38 Potted Plant 16

3.39 Prohibited Vehicles 17

3.40 Rain Barrels 17

3.41 Rental of Home 17

3.42 Repairs 17

3.43 Required Repair 18

3.44 Roofs 18

3.45 Satellite Dishes 18

3.46 Security Lighting 18

3.47 Signs and Flags 19

3.48 Solar Heating Equipment 19

3.49 Soliciting 19

3.50 Sports Equipment 20

3.51 Swimming Pools, Spas, Whirlpools, and Hot Tubs 20

3.52 Substances and Fuel 20

3.53 Temporary Structures 20

| | |
|--|----|
| <u>3.54 Towing</u> | 21 |
| <u>3.55 Trailers</u> | 21 |
| <u>3.56 Trampolines</u> | 21 |
| <u>3.57 Trespassing</u> | 21 |
| <u>3.58 Vehicles and Parking</u> | 21 |
| <u>3.59 Visibility on Corners</u> | 21 |
| <u>3.60 Water Softeners/Conditioners</u> | 21 |
| <u>3.61 Watercraft</u> | 21 |
| <u>3.62 Window Treatments</u> | 22 |
| <u>3.63 Window or Wall Units</u> | 22 |
| <u>3.64 Yard Ornamentation</u> | 22 |
| <u>LANDSCAPING</u> | 23 |
| <u>4.01 Landscaping Maintenance</u> | 23 |
| <u>4.02 Landscape Edging</u> | 24 |
| <u>4.03 Bedding Coverings</u> | 24 |
| <u>4.04 Turf</u> | 24 |

**THE ENCLAVE AT PALM HARBOR
HOMEOWNERS ASSOCIATION, INC.**

COMMUNITY STANDARDS

This Community Standards Document is established to assist the Architectural Review Committee (ARC) and Owners with procedures and guidelines through consistent and high-quality design standards for the property alteration process. It supports and amplifies the Declaration of Restrictions and Covenants and other governing documents that bind each property Owner. It is provided to residents of The Enclave at Palm Harbor for their future reference. This document is not intended to address all possible situations, alterations, etc. Please contact the Enclave at Palm Harbor Management office with any questions.

It is the intention of the ARC to maintain a high standard of exterior architectural appearance throughout the Enclave at Palm Harbor Community. The following guidelines have been set up to protect the integrity of the community for both the developer's interests and the purchasers' investment therein. Your adherence to these guidelines will help preserve the quality of The Enclave at Palm Harbor.

Property setbacks, easements and other ordinances must be adhered to and complied with in accordance with Pinellas County Government Ordinances. ARC approval does not waive the responsibility of owners to obtain a permit if necessary, for all proposed improvements.

DEFINITIONS

- "ARC" shall mean the Architectural Review Committee.
- "Board" shall mean the Board of Directors of The Enclave at Palm Harbor.
- "Declaration" shall mean The Declaration of Restrictions and Covenants for The Enclave at Palm Harbor.
- "Association" (as defined in the Declaration) shall mean The Enclave at Palm Harbor Homeowners Association, Inc., its successors and assigns.
- "CCR" shall mean Covenants, Conditions and Regulations

ARTICLE 1

ARCHITECTURAL REVIEW COMMITTEE

1.01 Responsibilities

In accordance with authority granted to the ARC in the Declaration, specifically paragraph 19.1, the ARC shall be appointed and “shall administer and perform the architectural and landscape review and control functions relating to The Enclave at Palm Harbor”. In carrying out its duties, the ARC shall review all submittals to assure procedures and standards conform to design guidelines as set forth in these Community Standards and in the Declaration. The Committee shall keep records and shall maintain a file of all alteration application and activity for a period of not less than seven years.

1.02 Policy

All Owners and their contractors must comply with alteration application guidelines and requirements prior to commencement of any work. The ARC will review plans, materials, site plan, colors and/or landscaping plans to ensure compliance with design requirements, policy and procedures of these standards. No alteration requiring the approval process shall be commenced until plans and specifications have been submitted to and approved in writing by the ARC. If said alterations are performed without ARC approval, the Association reserves the right to restore the property to its prior condition directly payable by the homeowner. The Association assumes no responsibility for the structural integrity, safety features, mechanical operation, and permitting or building code compliance of the proposed construction to a lot or a home.

1.03 Committee Discretion

These standards do not cover every possible situation that may require ARC approval. As it applies, the ARC is not authorized to exercise discretion in approving or disapproving a specific proposal as per state statute FS 720. In some special cases Board approval may be needed for a proposal that may conflict with a standard set forth in this document. Board approval does not constitute a precedent for future requests.

ARTICLE 2

PROCEDURES FOR MANAGING PROPERTY ALTERATIONS

2.01 Alterations

Any exterior property alteration (to the home or the lot) requires the completion of an “Application to Architectural Review Committee” form that must be approved by the ARC. A copy of a blank application form is included in this booklet.

Examples of alterations include, but are not limited to:

- Awnings
- Brick pavers: location and color
- Changes to the exterior color of the home (painting)
- Exterior decoration applied above garage doors and fronts of homes
- Recreational or sporting equipment
- Fences
- Flag poles and antennas
- Front door: style and/or color
- Gutters: style, color
- Items in flowerbed besides plants
- Lanais, sunrooms and gazebos
- Lighting: placement and size
- Landscaping (refer to Article 4)
- Pools, spas, hot tubs, whirlpools
- Porches, decks and patios
- Roofing
- Screen Enclosures
- Home additions and exterior renovations

2.02 Prohibited Items

Certain alterations/conditions are not allowed within the Declaration without the written approval of the Board as submitted by the ARC. These include, but are not limited to those listed below. They are considered to be in VIOLATION and subject to immediate action by the ARC through the Violation Procedures as amended from time to time.

- Window Air Conditioning Units
- Temporary or permanent utility or storage shed, storage building and tent
- Window security bars

2.03 Application Process

Listed here is an abbreviated description of the application process. ARC will only process completed applications, including signatures and accompanying plans and specifications, lot plots, colors, pictures, drawings, etc. Applications must contain all the information necessary for the ARC to make an informed decision or it will be denied.

Within forty-five (45) days after receipt by the ARC, the ARC will act on the submission. After review, the original submittal will be retained by the ARC for their files. The ARC will give one of the following responses to each application received:

- “Approved” (project approved as submitted)
- “Conditional Approval” (subject to conditions noted)
- “Denied” (reasons noted in the meeting minutes)

2.04 Completion

Approved projects must be completed within the time period set forth in the application and approved by the ARC. After that time, the ARC’s approval of the application will expire. A new ARC application must be submitted and approved before any further work can begin. The Board or the ARC retains the right, but not the obligation, to extend timeframes for applicant to complete the proposed and approved work. A member of the property management team will verify the work has been done in compliance with the ARC’s approval.

2.05 Appeal

In the event the ARC denies any plans, the applicant may request a rehearing by the ARC. If the ARC again denies the applicant’s request, the applicant may appeal to the HOA Board. The Board’s decision is final. Please refer to the Declaration for further timeframes.

2.06 Enforcement Process

Any owner through accepted communication to the Property Manager may report violation(s) of any Community Standard or Declaration condition. The policy of the HOA is to have management do property inspections. If Management determines that the alleged violation requires corrective action, Management will then proceed with the approved enforcement process, through the Violation Procedures and policy as established by the Board of Directors.

ARTICLE 3

HOME DESIGN AND MAINTENANCE

3.01 ARC General Standards

No Material alterations, addition or modification to a Lot or Home, or material change in appearance thereof, shall be made without the prior written approval thereof being first had and obtained from the ARC as required by this Declaration.

3.02 Animals/Pets

No animals of any kind shall be raised, bred or kept within The Enclave at Palm Harbor for commercial purposes. Dog breeds or partial breeds that include pit bulls or other breeds deemed to be dangerous by the Board in its sole discretion are prohibited. Notwithstanding the foregoing, pets may be kept or harbored in a home only so long as such pet or animals do not constitute a nuisance. A determination by the Board that an animal or pet kept or harbored in a home is a nuisance shall be conclusive and binding on all parties. All pets shall be walked on a leash. No pet shall be permitted outside a home unless such pet is kept on a leash or within an enclosed portion of the yard of a Lot or dog park. No pet or animal shall be "tied out" on the exterior of the home or in the common areas, or left unattended in a yard or on a balcony, porch or patio. No dog runs, dog pens or dog houses are permitted on any Lot. When notice of removal of any pet is given by the Board, the pet shall be removed within forty-eight (48) hours of giving of the notice. All Pets shall defecate only in the "pet walking" areas within The Enclave at Palm Harbor designated for such purpose, if any, or on the Owner's Lot. The person walking the pet or the Owner shall clean up all matter created by the pet during the walk. Each owner shall be responsible for the activities of their pet. The Association intends to enforce all pet related violations but will not be held liable for owners that choose to ignore attempts to get into compliance.

3.03 Artificial Vegetation

Except as otherwise permitted by Florida law, no artificial grass, plants or other artificial vegetation, or rocks or other landscape devices, shall be placed or maintained upon the exterior portion of any lot, unless approved by the ARC.

3.04 ATV's/Dirt Bikes

All-terrain vehicles and dirt bikes are not permitted to be driven anywhere in The Enclave at Palm Harbor. They must be stored in the garage and put on a trailer to be taken out of the neighborhood.

3.05 Awnings

With prior ARC approval, awnings are permitted on the rear of the home over the Lanai and must be neutral in color and match the exterior color of the home.

3.06 Basketball Hoops

The only allowable residential basketball goal is a portable goal, which must be stored in the garage after each use.

3.07 Bird House

One birdhouse and/or bird feeder will be permitted on a revocable and conditional annual basis. If the house or feeder is not maintained or otherwise becomes offensive, the Architectural Review Committee (ARC) has the authority to rescind approval at any time and to require removal of the house or feeder. Birdhouse or feeder may be placed in the rear yard only and may be ground supported or suspended/mounted in a tree. The proposed location shall be at least 5 feet from the property line. If the home site is a corner lot, house or feeder may be located in the side yard common with the street right of way, not closer than 16 feet to the street pavement adjacent to the side yard and not closer than 40 feet to the street pavement adjacent to the front yard. House or feeder may not be suspended from a "street tree" on a corner lot. Ground supported or tree suspended/mounted birdhouses or feeders may not be higher than 6 feet from the ground to the top of the house or feeder. The Committee will consider the size and appearance of the birdhouse or bird feeder as appropriate to the location on a one by one basis, but in no case shall the total of width plus height plus depth of a birdhouse exceed 50 inches, with maximum dimension of 18 inches, any one side or shall the total of width plus height plus depth of a bird feeder exceed 30 inches, with maximum dimension of 18 inches, any one side. If a ground supported birdhouse or bird feeder is not located in an existing planting bed, then the homeowner shall provide and maintain a mulched area at least 2 feet in diameter at the base of the support.

3.08 Clotheslines

Clotheslines may be installed in the rear of a Lot so long as not visible from the street; provided, that, any such clothes line shall be removed when it is not in use as a clothes line.

3.09 Community Yard Sale Events

No personal events are permitted. The Community may at its discretion hold two (2) or more events each year. Property Management will coordinate these events with volunteers. Signage will be placed on common areas. No signage will be placed on individual property.

3.10 Curb Numbers

The Enclave at Palm Harbor does not permit painted numbers on curbs.

3.11 Drainage

Roof gutters and downspouts of 6-inch aluminum construction are permitted within the approved color scheme as long as approved by submitting an application to the ARC. (See Community Color Book). Downspouts shall not direct water onto common areas or neighboring property and must drain according to approved drainage plan.

3.12 Driveways

All driveways must be constructed from an approved material type (i.e. pavers, concrete, etc.). Any owner changing the appearance of a driveway to pavers or complete replacement must submit an application to the ARC for summary approval. No surface applications to driveways shall be permitted without the prior written approval of the ARC as to material, color and pattern. Such applications shall not extend beyond the front Lot line or include the sidewalk. Driveways need to remain free of grease, oil or other stains. Weeds growing through driveway pavers need to be eliminated. Driveways need to be kept free of debris. Driveway reflectors are not permitted.

Any change in size or shape of the driveway must be approved by the ARC. Extensions on either side of driveway may not exceed a combined total of four (4) feet. Only pavers are permitted to line either side of driveway.

3.13 Equipment

Equipment (i.e. lawn care, car care, work equipment, etc.) is not permitted to be stored in the front of home or sides of home. Any equipment must be stored behind the home or in the garage, where it is not visible from any street.

3.14 Exterior Finish and Colors

Changes to exterior of home require ARC approval. All exterior colors must comply with the approved Board of Directors Community Color Book. Accent colors, not exceeding two (2) per structure, not including front door color, will be allowed. Any change of the existing color to one of the approved community color selections requires the owner to submit an application to the ARC for summary approval stating color selections. Owners wanting to repaint with existing surface colors must also submit an application to the ARC for summary approval. Stacked stone or rock alterations to a home must be chosen from the approved Community Color Book. An owner must submit an application to the ARC for summary approval stating selection. Stone or rock alterations shall be used for accents only to the home. The exterior of Homes shall be repainted within forty-five (45) days of notice by the ARC.

3.15 Exterior Lighting

Changes to exterior lighting of home require ARC approval. Coach Lights must be the same or very similar to the lights already installed. Lights must be bronze, silver, pewter, black or white in color with clear glass. Light fixtures must be proportionate to home. Lights must be mounted to home, left and right of garage door. Minimum height from ground to the bottom of fixture is 6 feet, maximum. Bulbs may be clear or frosted. Yellow or any other color bulbs are not approved except during the winter holiday season.

3.16 Fences and Walls

No walls or fences shall be erected without prior written review and approval of the ARC. No wooden or chain link fences are permitted. All fencing shall be tan PVC privacy or black aluminum. Lots 14-19 shall have 6' black aluminum fencing. All other lots shall have 6' tan PVC privacy fencing. From the front of the home to the back of the home, fences shall commence 10' from the front façade or from the back corner of the home. Fences shall not be installed flush to the ground so that drainage will be blocked in any way. The installation of fences within a drainage easement area may not be approved by the ARC. In the event a fence is installed within a drainage easement area, with prior written ARC approval, the Owner is solely responsible for fence repair or replacement if the drainage easement area needs to be accessed for repairs. Please refer to the Declaration for further restrictions.

3.17 Fountains

No fountains may be placed in the front of the house. Fountains are permitted in the rear of a Lot but shall not exceed 4' in height.

3.18 Front Doors/Entryway

Changes to front doors (door style or paint color) require ARC approval. Front doors may contain glass portions that may be plain, frosted or etched. Maximum of two decorative items are permitted within the alcove or porch. Items not wall mounted are not to exceed 3 feet in height. Only one item may be wall mounted. Item must be maintained in the covered entry and not extend into the walkway. Two (2) vine trellis not exceeding 6' in height, and (1) vine arbor not exceeding 8' in height are permitted with ARC approval. Trellis and/or arbor material must be either metal or PVC. Trellis and/or arbor must be used in combination with living plant material. Owner must maintain such item and trim as necessary per 4.02.

3.19 Fruit Trees

No fruit bearing trees are permitted.

3.20 Garages and Garage Doors

Carports, unattached garages and the screening of garage doors are not allowed in The Enclave at Palm Harbor. All sections of garage doors, except the upper most section, which may contain windows, shall be of standard solid panel construction, which will conceal the contents of the garage. Garage doors shall be kept closed except when access or an activity requires them to be open.

3.21 Garbage Cans

Trash collection and disposal procedures established by Association shall be observed. No outside burning of trash or garbage is permitted. No garbage cans, supplies or other similar articles shall be maintained on any Lot so as to be visible from outside the Home or Lot. Each Owner shall be responsible for properly depositing his or her garbage and trash in garbage cans and trash containers sufficient for pick-up by the appropriate collection agencies in accordance with the requirements of any such agency. All such trash receptacles shall be maintained in a sanitary condition and shall be shielded from the view of adjacent properties and streets. Garbage cans and trash containers shall not be placed outside the Home for pick-up earlier than 7:00 p.m. on the day preceding the pick-up and shall return all containers to their concealed location no later 10:00 p.m. the pick-up day. Trash container lids should be secured to avoid animals, odor, and windblown garbage from affecting adjoining homes. Each resident is responsible for picking up litter on their property and preventing windblown debris from originating from their property.

3.22 Garden Hoses

Garden hose hangers or hose reels should be placed on the side of the home wherever possible and concealed from the street. Hoses must be fully retracted and hung neatly when not in use. Hangers, hose reels and hoses must be neutral in color.

3.23 Garden/Walkway Lighting

Any lighting requires approval from ARC. Low voltage garden lights are permitted on the home site but only on a conditional basis. Approval may be rescinded if installation is not maintained. Lights may be placed no closer than eight inches to the edge of the bed. Lights shall not exceed twelve (12) inches in height, with white bulbs of 4, 7 or 11 watts. Lights shall be installed in a manner consistent with the purpose intended, shall not reflect into adjacent homes, and shall be maintained at all times by Homeowner.

3.24 Generators

Permanently installed external propane generators may be allowed. All specifications including size, type, location, appropriate screening, etc., must be approved in writing by the ARC. Local, county & state applicable permits and approvals will be required. Such generators would only be allowed to be used during periods of electric power outages.

3.25 Glass Block

The use of glass blocks on an existing home or the use of glass block in an addition to an existing home is not allowed within The Enclave at Palm Harbor.

3.26 Grills

Grills must be covered and stored behind the home on patio when not in use. No cooking shall be permitted nor shall any goods or beverages be consumed on the Common Areas, except in areas designated for those purposes by Association. The Board shall have the right to prohibit or restrict the use of grills or barbecue facilities throughout The Enclave at Palm Harbor.

3.27 Heating and Air Conditioning Equipment

Outdoor air conditioning units shall be placed to minimize noise to adjacent dwellings and shall be screened from view with shrubs and/or approved fencing. Refer to paragraph 3.17 for fencing approval.

3.28 Holiday Decorations

Fall decorations may be displayed no earlier than October 1 and must be removed no later than November 5th. Winter/Holiday decorations may be displayed one week prior to Thanksgiving and must be removed no later than January 15th of the following year. Care should be taken when deciding on placement of yard decorations, noting that large snow globes or inflatables may cause dead spots in lawns. All lighting, lighting accessories, extension cords and light clips and decorations shall be totally removed by January 15th. Any lighting that creates a nuisance may be required to be removed (e.g., unacceptable spillover to adjacent Home).

3.29 House Numbers

All house numbers must be clearly readable from the street, but not so large as to be out of proportion to the structure, and compatibility to the overall design of the structure. Numbers should be between 3 – 4 inches in height. All missing house numbers must be replaced by the homeowner within 14-day notice from the Management Company.

3.30 Hurricane Shutters

Any hurricane shutters or other protective devices visible from outside a Home shall be of a type as approved in writing by the ARC. Panel, accordion and roll-up style hurricane shutters may not be left closed during hurricane season (nor at any other time). Any such approved hurricane shutters may be installed or closed up to forty-eight (48) hours prior to the expected arrival of a hurricane and must be removed or opened within seventy-two (72) hours after the end of a hurricane watch or warning or as the Board may determine otherwise. Except as the Board may otherwise decide, shutters may not be closed at any time other than a storm event. Any approval by the ARC shall not be deemed an endorsement of the effectiveness of hurricane shutters.

3.31 Irrigation

Due to water quality, irrigation systems may cause staining on Homes, other structures or paved areas. It is each Owner's responsibility to treat and remove any such staining.

3.32 Laundry

Subject to the provisions of Section 163.04 of the Florida Statutes, to the extent applicable, no rugs, mops, or laundry of any kind, or any other similar type article, shall be shaken, hung or exposed so as to be visible outside the Home or Lot.

3.33 Nuisances

No obnoxious, unpleasant, unsightly or offensive activities shall be carried on, nor may anything be done, which can be reasonably construed to constitute a nuisance, public or private in nature. Any questions with regard to the interpretation of this section shall be decided by the BOD, whose decisions shall be final.

3.34 Painting and Cleaning

Roofs and/or exterior surfaces and/or pavement, including but not limited to sidewalks, driveways, or lanais shall be pressure cleaned within thirty (30) days' notice by the ARC. Homes shall be repainted within forty-five (45) days of notice by the ARC.

3.35 Patio and Lanai Area Furniture

Patio or Lanai furniture located in the front of the home requires ARC approval. The only acceptable furniture for patios, lanais and front porch areas is neutral outdoor furniture. Indoor furniture or full-size household appliances of any type shall not be placed or stored in front yards, back patios, gardens or flowerbeds of homes. No furniture of any type is allowed on driveways.

3.36 Play Structures

The overall height of play sets may not exceed twelve (12) feet in height. Play structures must be crafted in wood or recycled plastic. **Aluminum or metal tubing is prohibited.** A picture and dimensions of the play sets must be submitted with the architectural application prior to approval. All play sets must be maintained. Canopies must be of earth-toned colors (i.e. tan, green, olive or brown). Applications for play structures must include a site plan clearly showing its intended placement. The structure's visual impact to neighboring home sites and/or the street must be buffered as much as possible with approved fencing or landscaping. Fence applications must be submitted in advance of installation of the fence and only current approved styles are permitted.

If the play structure will be buffered by landscape, the plant material must start at a height of thirty-six (36) inches from the ground and may not exceed seventy-two (72) inches of overall height at maturity. The landscape buffer must be maintained at a height of 72 inches at all times. The landscape buffer installation may not alter the drainage of the home site. The proposed plant material and location of landscape buffer must be submitted to the committee via application prior to installation.

3.37 Porches, Decks, Screen Enclosures and Patios

All such structures must be submitted to the ARC for its approval. All structures shall have an appearance consistent with the dwelling and the community. Any porch, patio, screen enclosures or deck shall comply with existing setback governance. Porches, screen enclosures or decks, which are constructed above ground must be finished to the ground with materials compatible with the deck or the dwelling, free of mold, mildew, weeds and may be screened with landscaping.

Screened in front porch areas are not permitted.

Screen doors are not permitted.

Screen enclosures in the rear of the Lot shall be constructed with bronze/black colored aluminum supports and smoke/charcoal colored screen material. Enclosures shall not exceed the width and height of the home nor extend beyond the dwelling's existing roofline. No porches, decks, screen enclosures or patios will be allowed to have aluminum, metal, plastic or fiberglass roofs where the roof pitch is equal to or greater than 3/12 unless it will be covered by composite asphalt/fiberglass, multi-tab or dimensional shingles. Any future roof replacement costs, on approved ARC additions, shall be the responsibility of the Homeowner.

3.38 Potted Plant

Decorative potted plants are limited to three (3) within the driveway area of the property and a total of five (5) for the entire front portion of the property. Any potted plant must be maintained in good repair. A decorative potted plant is defined as; a plant that has been placed with soil in a decorative flowerpot, that is made of clay, ceramic, or plastic and is kept for display and decoration.

3.39 Prohibited Vehicles

No commercial vehicle, limousine, recreational vehicle, all-terrain vehicle, boat, trailer, including without limitation, boat trailers, house trailers, and trailers of every other type, kind or description, or camper, may be kept within The Enclave at Palm Harbor except in the garage of a Home. The term "commercial vehicle" shall not be deemed to include law enforcement vehicles or recreational or utility vehicles (i.e., Broncos, Blazers, Explorers, Navigators, etc.) or clean "non-working" vehicles such as pick-up trucks, vans, or cars if they are used by the Owner on a daily basis for normal transportation; provided, however, vehicles with ladders, racks, and hooks attached to such vehicles shall be "commercial vehicles" prohibited by this Section. No vehicles displaying commercial advertising shall be parked within the public view. No vehicles bearing a "for sale" sign shall be parked within the public view anywhere within The Enclave at Palm Harbor. For any Owner who drives an automobile issued by the County or other governmental entity (i.e., police cars), such automobile shall not be deemed to be a commercial vehicle and may be parked in the garage or driveway of the Lot. No vehicle shall be used as a domicile or residence either temporarily or permanently. No all-terrain vehicles (ATVs), golf carts, scooters or mini motorcycles are permitted at any time on any paved surfaces forming a part of the Common Areas. Additionally, no ATV or mini motorcycle may be parked or stored within The Enclave at Palm Harbor, including any Lot, except in the garage of a Home. Notwithstanding any other provision in this Declaration to the contrary, the foregoing restrictions shall not apply to construction vehicles utilized in connection with construction, improvement, installation, or repair by Declarant, or its agents.

3.40 Rain Barrels

Rain barrels require ARC approval before installation. Rain barrels need to be stored behind the home, not visible from any street. Rain barrels must be neutral or earth-toned in color.

3.41 Rental of Home

Refer to 12.24 of Declaration

3.42 Repairs

Vehicles, which cannot operate on their own power, shall not remain in The Enclave at Palm Harbor for more than twelve (12) hours, except in the garage of a Home. No repair or maintenance, except emergency repair, of vehicles shall be made within The Enclave at Palm Harbor, except in the garage of a Home. No vehicles shall be stored on blocks. No tarpaulin covers on vehicles shall be permitted anywhere within the public view.

3.43 Required Repair

In the event that a Home or other improvement is damaged or destroyed by casualty loss or other loss, then the Owner thereof shall commence to rebuild or repair the damaged Home or improvement in accordance with Section 14.2 and 14.3 of the Declaration. As to any such reconstruction of a destroyed Home or improvements, the same shall only be replaced as approved by the ACC. Notwithstanding anything to the contrary herein, to the extent that insurance coverage obtained and maintained by the Association covers such casualty destruction, the Owner of such damaged or destroyed Home shall not perform any activities that would negate such coverage or impair the availability of such coverage.

3.44 Roofs

All changes to the roofing of your home will require prior approval from the ARC.

3.45 Satellite Dishes

No exterior visible antennae, radio masts, towers, poles, aerials, satellite dishes, or other similar equipment shall be placed on any Home or Lot without the prior written approval thereof being first had and obtained from the ARC as required by this Declaration. The ARC may require, among other things, that all such improvements be screened so that they are not visible from adjacent Homes, or from the Common Areas. Each Owner agrees that the location of such items must be first approved by the ARC in order to address the safety and welfare of the residents of The Enclave at Palm Harbor. No Owner shall operate any equipment or device, which will interfere with the radio or television reception of others. All antennas not covered by the Federal Communications Commission ("FCC") rules are prohibited. Installation, maintenance, and use of all antennas shall comply with restrictions adopted by the Board and shall be governed by the then current rules of the FCC.

3.46 Security Lighting

Security lights mounted on the home are permitted under the following conditions: Homeowner shall obtain and pay for all permits if required by local authority having jurisdiction. Security lights shall be of the simple lamp holder type and not a decorative luminary. Mount holder to the metal soffit under the eave or rake on the roof. Wall mounting not permitted. Maximum of two lamps per holder in any one location. Maximum of four locations on home. Maximum wattage per lamp shall be 150 incandescent. Lamps shall be aimed so as not to illuminate neighbor's homes. Lights shall be turned on by means of a motion detector or other security breach detector. Security Lights may not be left on throughout the night. Homeowner will have to remove if lighting becomes a nuisance to neighboring properties.

3.47 Signs and Flags

No sign, flag, banner, advertisement, notice or other lettering shall be exhibited, displayed, inscribed, painted or affixed in, or upon any part of The Enclave at Palm Harbor, including without limitation, any Home or Lot, that is visible from the outside; provided, however, any Owner may display in a respectful manner one (1) portable, removable United States flag or official flag of the State of Florida and one (1) portable, removable official flag of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag. Any such permitted flags may not exceed four and one-half feet (4 1/2') by six feet (6').

Each Owner may erect one (1) freestanding flagpole that is no more than twenty feet (20') high on any portion of such Owner's Lot if the flag pole does not obstruct sightlines at intersections and is not erected within or upon any easement. The flag pole may not be installed any closer than ten feet (10') from the back of curb, or within ten feet (10') of any Lot line. Any Owner may further display from the flagpole, one (1) official United States flag, not larger than four and one-half feet (4 1/2') by six feet (6') and may additionally display one (1) official flag of the State of Florida or the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. Any flag pole installed in accordance with this Section is subject to all building codes, zoning setbacks, and applicable governmental regulations, including without limitation noise and lighting ordinances in the County or municipality in which the flag pole is erected and all setback and location criteria contained in this Declaration.

Declarant is exempt from this Section; provided, further, the Declarant specifically reserves the right, for itself and its agents, employees, nominees and assigns the right, privilege and easement to construct, place and maintain upon any property within The Enclave at Palm Harbor such signs as it deems appropriate in connection with the development, improvement, construction, marketing and sale of any of the Lots. The prohibitions on signs displayed on or within vehicles contained above in this Section shall not apply to commercial vehicles such as for construction use or providing pick-up and delivery services and other commercial services.

3.48 Solar Heating Equipment

The addition of any solar heating equipment must be reviewed and approved by the ARC.

3.49 Soliciting

The Enclave at Palm Harbor has a "No Soliciting" policy. No handbills or flyers are permitted to be passed out in The Enclave at Palm Harbor. If you encounter solicitors, please report them to the Management Company.

3.50 Sports Equipment

No recreational, playground or sports equipment shall be installed or placed within or about any portion of The Enclave at Palm Harbor without prior written consent of the ARC. No basketball backboards, skateboard ramps, or play structures will be permitted without the prior written approval by the ARC. Portable basketball hoops are permitted but must be stowed away out view after use. Tree platforms of a similar nature shall not be constructed on any part of a Lot.

3.51 Swimming Pools, Spas, Whirlpools, and Hot Tubs

No aboveground pools shall be permitted. All in-ground pools, hot tubs, spas and appurtenances installed shall require the prior written approval of the ARC. The design must incorporate, at a minimum, the following: (I) the composition of the material must be thoroughly tested and accepted by the industry for such construction; (ii) any swimming pool constructed on any Lot shall have an elevation at the top of the pool of not over two feet (2') above the natural grade unless approved by the ARC; (iii) pool cages must be of a design, color and material approved by the ARC; and (IV) pool cages shall in no event be higher than the roof line of the Home. Pool cages shall not extend beyond the sides of the Home without express approval by the ARC. All pools shall be adequately maintained and chlorinated (or cleaned with similar treatment). Unless installed by Declarant, no diving boards, slides, or platforms shall be permitted without ACC approval. Under no circumstances may chlorinated water be discharged onto other Owners' lawns, the community streets, or into any water bodies within The Enclave at Palm Harbor or adjoining properties.

3.52 Substances and Fuel

No flammable, combustible or explosive fuel, fluid, chemical, hazardous waste, or substance shall be kept on any portion of The Enclave at Palm Harbor or within any Home or Lot, except those which are required for normal household use. All propane tanks and bottled gas for household and/or pool purposes (excluding barbecue grill tanks) must be installed underground or in a manner to be screened from view by landscaping or other materials approved by the ARC.

3.53 Temporary and Permanent Storage Structures

No temporary or permanent utility or storage shed, storage building, tent or structure or improvement shall be permitted.

3.54 Towing

Subject to applicable laws and ordinances, any vehicle parked in violation of these and other restrictions contained in the Declaration or Community Standards may be towed by the Association at the sole expense of the owner of such vehicle if such vehicle remains in violation for a period of twenty-four (24) hours from the time a notice of violation is placed on the vehicle or if such a vehicle was cited for such violation within the preceding fourteen (14) day period. Please refer to Declaration for further restrictions.

3.55 Trailers

Trailers (flat bed, horse, motorcycle, boat, RVs, etc.) are not permitted in public view in The Enclave at Palm Harbor. Trailers must be stored in garages and garages must remain closed.

3.56 Trampolines

Trampolines require ARC approval. They must be located in the rear of a home and must not be visible from any street.

3.57 Trespassing

Each home in The Enclave at Palm Harbor is privately owned. Trespassing through side yards or backyards is not permitted. For safety reasons, parents are encouraged to keep their children out of neighboring yards. Homeowners reserve the right to notify authorities.

3.58 Vehicles and Parking

All vehicles must be properly licensed with tags clearly displayed. Owners' automobiles shall be parked in the garage or driveway and shall not block the sidewalk. No vehicles of any nature shall be parked on any portion of The Enclave at Palm Harbor or a Lot except on the surfaced parking area thereof. Vehicles shall not park on the paved surfaces comprising the Common Area. To the extent The Enclave at Palm Harbor has any guest parking, Owners are prohibited from parking in such guest parking spaces. No vehicles used in business for the purpose of transporting goods, equipment and the like, shall be parked in The Enclave at Palm Harbor except during the period of a delivery. Campers and boats must be parked inside garages.

3.59 Visibility on Corners

Notwithstanding anything to the contrary in these restrictions, no obstruction to visibility at street intersections shall be permitted and such visibility clearances shall be maintained as required by the Board and governmental agencies. No vehicles, objects, fences, walls, hedges, shrubs or other planting shall be placed or permitted on a corner Lot where such obstruction would create a traffic problem.

3.60 Water Softeners/Conditioners

Water softeners are permitted outside homes but must be screened from view using landscaping or approved fencing.

3.61 Watercraft

Boats, jet skis, canoes, kayaks and water equipment are to be stored only in garages.

3.62 Window Treatments

Window treatments shall consist of drapery, blinds, decorative panels, or other window covering, and no newspaper, aluminum foil, sheets or other temporary window treatments are permitted, except for periods not exceeding one (1) week after an Owner or tenant first moves into a Home or when permanent window treatments are being cleaned or repaired. No security bars shall be placed on the windows of any Home without prior written approval of the ARC. No awnings, canopies or shutters shall be affixed to the exterior of a Home without the prior written approval of the ARC. No reflective tinting or mirror finishes on windows shall be permitted unless approved by the ARC. Window treatments facing the street shall be of a neutral color, such as white, off-white or wood tones.

3.63 Window or Wall Units

No window or wall air conditioning unit may be installed in any window or wall of a Home.

3.64 Yard Ornamentation

Maximum of two (2) yard ornaments less than 36" in height are permitted per yard and must have ARC approval prior to installation. A picture or detailed description of the item must be submitted with the request, along with the proposed location for the structure which shall be located only in a landscaping bed and must blend in with the home. The materials and color used shall be generally subdued and in harmony with the natural surroundings of the home, lot and community. No bright colors, unusual materials offensive or obscene items will be approved. Yard ornaments may be denied for any reason without explanation. Unauthorized yard ornaments will be removed with 24-hour notice.

ARTICLE 4 LANDSCAPING

4.01 Landscaping Maintenance

Changes to landscape require ARC approval. All Lots shall be landscaped in a manner that is harmonious, compatible and consistent with the overall landscaping and general appearance of the community. Each Owner shall maintain the landscaping and yard area in an attractive appearance and free from insects and diseases. Landscape maintenance shall include care of trees, shrubs, ground cover, annuals, turf grass and irrigation systems. Turf areas should be regularly cut to maintain consistent appearance of quality. All damaged plant material, including ground cover and sod, shall be removed.

Each Owner shall provide for the timely replacement of lost plants, sod or grass, bark or ground cover, and trimming and pruning of plants to prevent an overgrown look. No weeds, underbrush, refuse or other unsightly growth or objects shall be permitted to be grown or remain upon any Home.

Any tree, shrub and flowers planted within original landscape areas (minor landscaping) are permitted without written approval by the ARC, if maintained in an attractive manner. Residents planting annuals do so with the understanding that they are responsible for upkeep and maintenance including removal of annuals when they die. Invasive plants (Brazilian pepper, melaleuca, etc.) are not permitted.

Plants and shrubs must be trimmed to a maximum of 36". Hedges may be permitted to grow up to 6' but must be maintained.

Plans to add ANY tree(s), ANY shrub(s), or ANY vegetation first requires the approval from the ARC. Plans to relocate any tree must be submitted to the ARC for approval. Each yard must contain the county mandated tree allocation. See Approved County Tree list for trees that are Trees of Special Significance. Any hardwood/protected tree must have prior written approval from the county before submitting for ARC approval.

4.02 Landscape Edging

All landscape edging must be approved by the ARC prior to installation. Approved edging is:

- 1.) Professional installed concrete curbing. Colors and patterns must be submitted for approval.
- 2.) Stacked brick, block or rock edging, colors, brick sizes and patterns must be submitted for approval.
- 3.) Properly installed black rubber tube-type edging must be properly installed in ground and may not rise. Improperly installed rubber edging will result in a violation letter.

The following materials are not permitted as in landscape edging: any type of plastic, wooden or wire fencing. All edging types/style and color must be consistent across all visible areas of property. (I.E. mixed styles and/or colors are not permitted)

4.03 Bedding Coverings

All landscaped plants should be planted with the appropriate topsoil and fertilizer mixtures. No bare ground is acceptable. All shrubs, ground cover and tree beds shall have a 3" minimum layer of mulch.

ONLY the following types of cover are permitted as landscape bed coverings: cypress mulch, pine bark mulch, cedar mulch and pine straw. Earth toned river rock, rubber mulch, and wood mulch in other colors must be approved by the ARC prior to installation.

Inorganic material such as river rock shall be earth tone in color and approved by the ARC.

4.04 Turf

Artificial turf will not be approved in The Enclave at Palm Harbor.