

**c) Landscape Lighting:** Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flower beds, shrubs, and/or trees. Pole-mounted landscape and/or decorative lighting shall also be permitted with ARC approval so long as (I) the pole does not extend more than seven feet (7') above the ground, (II) the light fixture is not situated more than six feet (6') above the ground, and (III) the light is neither sodium vapor nor mercury vapor.

**d) Gas Lights:** Two (2) gas lights per lot shall be permitted with the ARC's approval; provided that the gas lighting color is white. The pole and lights shall not extend more than seven feet (7') above the ground.

**e) Annoyances:** All new lighting which is approved by the ARC shall be subject to a ninety (90) day trial period after installation to assure that the lighting is not objectionable to surrounding residents. If, at the end of the ninety (90) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ARC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ARC.

**4. Quality of Repairs and Improvements:** Repairs and improvements are required to be of equal or better quality than original construction and of the same type. While there is no specific requirement for the Owner to apply to the ARC for such in kind repairs, the quality of such work may come under the scope of the ARC's responsibilities if the repair is done in such a way as to detract from the appearance of the neighborhood.

**5. Painting:** The existing exterior color of the main body or trim of a house, garage, or other improvement on a lot shall not be changed without prior written approval of the ARC. No attempt will be made to control painting activities in cases where the Owner is repainting with the same color as originally used.

Applications to paint an area that has not been previously painted or to change the color, must include at least two (2) color samples or paint chips and a photograph of the brick color. If, in the opinion of the ARC, the new color is compatible with both the individual home and the neighborhood, the color change will be granted.

Colors approved for accents including trim, shutters, doors, windows and gutters of homes and garages will be limited. Accent colors may be earthtones, colors that blend with the brick, or are compatible with the neighborhood. Accent colors are not intended to "outline" the structure and any color that does so will not be approved.

**6. Emergency and Disaster Reaction:** Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than six (6) months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARC.

Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARC. All such installations must be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.

**7. Easement Encroachments:** It is not the responsibility of either the ARC or the Board to police encroachment into utility easement areas. If possible, the ARC will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility. However, the ARC will not be liable for any expense incurred by an Owner as a result of action by a utility if such encroachment occurs, even if the ARC approved the change or addition without comment.

**8. Basketball Goals and Hoops:** With the exception of detached garages where one goal may be mounted, basketball goals must be approved by the ARC. Basketball goals are not allowed to be pole mounted in the driveway. No goals may be mounted on the garage or house structure. Goals may be placed in rear (back) yards subject to setback and easement restrictions. Portable basketball goals will be allowed in the unfenced portion of the yard but must be stored out of sight when not in use.

To the greatest extent possible, basketball goals, posts, backboards, nets and hoops will be colors that are not offensive to the landscaping of the neighborhood. Bright fluorescent colors (particularly nets) will not be allowed. Goals must have a full, undamaged net at all times attached to the hoop or ring. All goals and poles must be kept in a near "like new" condition including the surface and rear of the backboard.

No basketball goal or use of basketball goal which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonably interfere with the quiet enjoyment of each homeowner or which shall degrade property values or distract from the aesthetic beauty of Legends Bay Homeowners Association, Inc. shall be permitted to remain on any lot. Legends Bay residents and their guest(s) are allowed to use goals on their property from 8:00 a.m. to 9:00 p.m. seven days a week.

**9. Construction Materials:** Certain building materials are considered unacceptable for exterior use in Kodiak Crossing Homeowners Association, Inc. Other materials may be used for specific applications only. General guidelines are as follows:

- a) **Brick:** Generally acceptable.
- b) **Aluminum:** Acceptable for rain gutters and window framing. All aluminum items, regardless of their application, must be painted a color compatible with the home on which it is installed. Aluminum and/or metal is an approved material for patio covers, as long as decorative in style, has the front and side trim and is harmonious with existing structure. Corrugated patterns prohibited.
- c) **Fiberglass:** Generally unacceptable for all applications.
- d) **Acrylic Sheet:** Generally unacceptable for all applications.

- e) **Plastic Siding:** Vinyl or plastic siding may be used to replace original wood or composition siding so long as it is made to look like wood siding (texture, form, quality and color will be the acceptance criteria). Most other uses of plastic are unacceptable.

**10. Holiday Decorations:** Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 30 days prior to the holiday and must be removed within fifteen (15) days after the holiday for which they are intended. The ARC reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.

**11. Fencing:** Use Restrictions relative to Fencing are covered in Article II, Section M1, page 4 of the DCC&R's. The following Guidelines supplement the Use Restrictions.

All perimeter fences shall be maintained in the color, location, and materials identical to the original fencing. Perimeter fencing may not be replaced or painted without ARC approval. Wood fencing must age, or turn gray, before it can be sealed. Wood perimeter fences may not be painted and cannot exceed (6) six feet and (6) six inches in height.

Brick or stone pillars may be constructed and used as fence posts. These must be of a material to match the exterior of the home and not exceed six (6) feet and (6) inches in height.

Tubular steel fencing must be approved by the ARC, be painted black and not exceed six (6) feet in height.

On corner lots, the fence must begin on the rear edge of the house or building line for the side of the home which is closest to the corner or on the building line. The finished or architectural side of a fence should always face the exterior or public side (street side).

## **12. Miscellaneous:**

**a) Birdhouses:** Birdhouses shall be permitted subject to the prior approval of the ARC. No birdhouse shall be situated higher than ten feet (10') above the ground and no more than two (2) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot. Any birdhouse must be within the fenced area of the lot.

**b) Flags and Flag Poles:** Flag poles are subject to the prior approval of the ARC. Flag poles permanently installed in the ground are prohibited. A flag staff may be mounted on the house, garage or other improvement structure so long as the length of the staff does not exceed six (6) feet and the top-most part of the staff does not extend to a point higher than the highest point of the specific structure (tree, house, garage, etc.) on which it is mounted. Flags will be permitted provided they do not exceed one per house and 3'X5' in size.

**c) Weather Vanes:** Weather vanes shall not be permitted.

**d) Children's Play Structures:** For the purpose of these guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide, trampoline or swing set and shall be restricted to the fenced portion of the lot. The play structure shall not exceed ten feet (10') in height. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot. Top of tarp may not exceed ten (10) feet in height. Wind socks, or streamers attached to the play structure are not allowed.

**e) Awnings/Sun Screens/Solar Screens:** Awnings visible from a front or side street shall not be permitted. Awnings on the rear portion of a lot must be approved by the ARC. Sun screens and solar screens are generally approved but are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards. All sunscreens must be approved by the ARC.

**f) Burglar Bars:** The use of burglar bars on the exterior of any window or doors is prohibited.

**g) Storm Doors:** Storm doors are generally permitted on the front of a home provided they are a single soled clear or brown tinted glass pane with a simple wood or metal frame. The design and color are subject to review and approval by the Architectural Review Committee and shall be in keeping with the original door and home design.

**h) Storm Shutters:** Security and storm shutters are not allowed on the front exterior of the home. Storm shutters on the side or rear of the home must be the roll-up shutters designed to be fully retractable into a non-conspicuous receptacle. Such receptacle must be painted to match the trim of the house.

**i) Glass Block Windows:** Glass block windows are restricted to the side and rear of the house.

**j) Exterior Storm Blinds:** Roll up type only will be permitted, not vertical.

**k) Park Benches:** Park benches shall be permitted in common areas and on the island of those courts with a center landscaped island. The park benches shall be of a post supported design with replaceable wooden slats and the benches shall be installed in concrete. All homeowners on the court must sign a home improvement application at the time of installation of the bench. At the time of application a check for the cost of the bench and installation shall be included. If maintenance on a park bench is deemed excessive, it will be removed. Park benches shall not be approved in the front yard of homes.

**l) Driveway Widening:** Driveway widening shall not be permitted unless approved by Architectural Review Committee and meets minimum requirements.

**m) Window A/C Units --** Window A/C units shall not be permitted.

**13. Pools:** An application for the construction of a swimming pool, spa or jacuzzi, collectively referred to as "pool", must include a plot plan showing the proposed location of the pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also indicate the direction for construction access. No swimming pool shall be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above ground swimming pools are permitted. See Article II Section L page 4 of the

DCC&R's.

**14. Decks:** All decks outside the fenced portion of the lot must be approved by the ARC with respect to location and the standard, type, color and quality of materials used in construction. No deck shall impeded drainage on the lot to cause water to flow on an adjacent lot. No deck shall be constructed more than three feet (3') above the ground.

**15. Patio Cover:** Arbors, sun shades, patio coverings and similar structures must be approved by the ARC but are generally acceptable so long as they are either less than eight (8) feet in height or permanently attached to the home along one full side of the new structure.

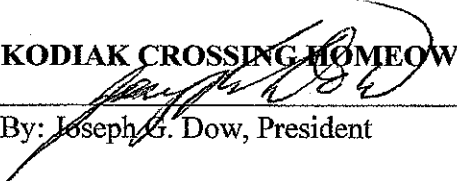
The standard, type, quality and color of materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of materials used in the construction of the main residence. Corrugated roofs shall not be permitted under any circumstances.

**16. Outbuildings: (must be approved by the ARC)**

- a) **Storage buildings:** Only one (1) outbuilding not exceeding one hundred (100) square feet and eight feet (8') in height from the ground shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence. No exterior portion of an outbuilding shall be made of metal. An outbuilding shall be located in the rear portion of the lot but may not be located on a utility easement. Outbuildings must also conform to the building front and side setback restrictions. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.
- b) **Gazebos:** For the purpose of these Guidelines, a gazebo shall be defined as a free-standing, open framed structure with or without lattice type walls, whose purpose shall not be for any type of storage. These typically are circular or octagonal shaped structures. All gazebos must have a permanent roof unless otherwise approved and not exceed (10) ten feet in height from the ground. Residence Louvered or trellis style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may age naturally, be stained or painted to match the residence. Gazebos must be located in the rear or side yard and a minimum of six feet (6') from all property lines.

**ADOPTED AND APPROVED ON THIS DAY** 12<sup>th</sup> ~~of June~~ OF June 2015.

**KODIAK CROSSING HOMEOWNERS ASSOCIATION, INC.**

  
By: Joseph G. Dow, President