

Architectural Control Committee Rules, Regulations and Guidelines

This resolution is intended to comply with Florida Statute 720.3030 and provide for a “specific and detailed” guideline for all requests for improvements, alterations and modifications to a lot, unit or parcel. All disputes of any decision by the Architectural Control Committee (ACC) shall be ruled upon and governed by the contents of the Governing Documents of East Linden Estates first and foremost, and any applicable Hernando County Ordinance of Florida current building code as a specified reason for denial or approval of a requestor’s request for variance by the Board of Directors.

Following Article V of the Declaration (Declaration of Covenants, Conditions and Restrictions of East Linden Estates), each owner of any Lot or Unit by acceptance of a deed therefore, shall be deemed to covenant and agree that no building, fence, wall or other structure or improvement of any nature shall be commenced, erected, placed or maintained upon any property, nor shall any exterior addition to, change of, or alteration of any property, the Lots or the Units and the improvements located thereon be made, until such time as the plans and specifications have been submitted to, and approved in writing by the ACC.

Article 1 (Application to build a single family home)

A request for approval from this Committee to construct a single-family residence Unit (home on lot) shall be in the form designated by this committee and shall contain all information required therein. The application must be submitted at least 45 days prior to the intended commencement date, together with the following plans and information:

1. Living Area

The “living” area, defined as that area under heating and air conditioning, shall be conspicuously noted on the builder’s floor plan (see 5 below). All single family residential structures must contain at least 1800 square feet of “living area” under roof and the same shall constitute the minimum “living area” within any such structure erected or placed on any lot in the East Linden Estates subdivision. The garage, storage areas, exterior entry areas, atriums, enclosed gardens, porches, patios, lanai, pool, pool deck and pool enclosure are expressly excluded from the term “living area” as so defined.

2. Site Plan

The plan approved by a licensed professional land surveyor, for submittal to the county, shall be submitted with the application and shall show the exact location to scale on the lot of the proposed structure, the pool deck,

pool enclosure, sidewalk and driveway, the linear dimensions in feet thereof as well as the front, rear and side setbacks.

3. Pool Plan

In the event that the Owner and/or Agent intends to build a pool, pool deck and/or pool enclosure, during or subsequent to the completion of the construction of a single family residence, but the required site plan does not contain the aforementioned information, a separate such Plan shall be submitted no less than 45 days prior to any excavation thereto, and shall show the exact location to scale of the proposed pool, deck and/or enclosure on the Lot and the linear dimensions in feet of the same.

4. Tree Plan

All living trees larger than 3 inches in diameter, other than those standing within the area absolutely necessary to be cleared for the erection of a single family residence, must be encircled with fluorescent red tape and shall NOT be cut down, removed or damaged.

5. Floor Plan

A plan, prepared by a licensed professional draftsman or architect, shall be submitted with the application and shall show the room layout of each floor or story to scale of the "living area" (as defined above) of the proposed structure and linear dimensions in feet of every wall in every room in such "living area". The Plan shall also show to scale and enclosed garage capable of accommodating two automobiles.

6. Elevation Plan

A Plan, prepared by a licensed draftsman or architect, shall be submitted with the application and shall show to scale, as a minimum, the frontal design of the proposed structure. This plan shall show that the structure in question is no more than 2 1/2 stories in height from the finished ground floor elevation.

7. Excavation or Fill Plan

If the topography of the Lot is such that soil, sand or gravel is to be excavated or removed, and/or clean earth (fill) is to be delivered and spread in order to regrade the Lot, any portion thereof, so as to construct the proposed structure on level terrain, and additional marked up copy of the site plan shall be

provided containing the following information:

- a. The exact location, to scale, of the proposed excavation/fill area(s).
- b. The linear dimensions, in feet, of the boundaries of said area(s).
- c. Any changes in elevation above sea level of the leveled lot resulting from such excavation and/or fill activity.

Article 2 (Construction Site)

All construction work shall take place only within the confines of the Lot or the Unit being improved. Access to the construction sites from adjacent lots is expressly forbidden, except upon written approval of the Owner(s) thereof and copy of said written permission to the ACC. All road spills must be cleaned up. Excess construction concrete shall be disposed of by the concrete contractor, outside the limits of East Linden Estates subdivision. Dumping of any construction materials onto adjacent lots, DRA's, roadways or common areas is hereby expressly forbidden.

Article 3 (Storage of Fill)

Clean earth/sand may be stored (subject to prior written approval by the ACC or Board of Directors) on the construction or landscaping site.

1. For the purpose of grading prior to the imminent erection or construction of a structure thereon.
2. For immediate improvement of the grounds for construction or aesthetic purposes.
3. For landscaping in progress.
4. For the repair to the structure due to sinkhole damage.

Article 4 (Construction Debris)

All construction debris must be contained within dumpster(s). The dumpster(s) shall be emptied immediately when full. Wire screen containers for construction debris are expressly forbidden.

Article 5 (Erosion/Pollution Prevention)

During construction the builder or contractor shall use mesh, sodding, barricades or other DEP approved barriers to prevent soil erosion onto any adjacent roadways or lots. Compliance with all aspects of NPDES regulations and county ordinances are mandatory.

Article 6 (Minimal Standards)

The minimal standards which shall be applied by the ACC when reviewing an application shall be those set forth in the Declaration of Covenant, Conditions and Restrictions of East Linden Estates, the guidelines set forth herein, and Amendments to the Declaration, the Rules and Regulations of the Board of Directors, and any/all applicable State and County Laws, ordinances or regulations, as well as aesthetic considerations necessary to achieve and maintain uniform, harmonious design in relation to location, structural and topographical conformation and color to surrounding Units. Amendments and revisions to these document and others, to further clarify their intent, may be promulgated from time to time, as the ACC and the Board of Directors deem necessary.

Article 7 (Location of Structure on Lot)

A single-family residence shall be constructed and located on a Lot so as to meet the following minimum setback requirements:

1. Front: 45 foot minimum setback from the front most edge of the structure to the front Lot line.
2. Sides: 25 foot minimum setback from the nearest part of each side

of

the structure (to include any pool or enclosed area) to it's

respective

Lot line. In the case of a corner Lot, the setback of the side of the

structure nearest the street shall be a minimum of 45 feet.

3. Rear: 25 foot minimum setback from the rearmost edge of the structure (including any pool or enclosure area) to the rear Lot line.

The foregoing, notwithstanding, upon timely submission by the Owner and/or contractor (deemed to be the Agent of the Owner), the ACC with the concurrence of the Board of Directors may establish less restrictive set back requirements for the Lot of such Owner, where, the lot size, home floor plan, topography, natural vegetation and trees, maximum view and breeze or other physical conditions warrant a variance from the above setback requirements.

Article 8 (Sidewalks)

This section replaces Section 8 of the approved 1992 ACC Rules. It is hereby directed as per Article V, Section 3 of the Declaration and Item 8 of the 1992 ACC Rules, all sidewalks shall be four (4) feet wide concrete, and be located two (2) feet from the front Lot line, and any other Lot line adjoining a street, in the County Right-of-Way. All sidewalks shall comply with all Hernando County construction standards and be aesthetically compatible with the character of the development.

Article 9 (Sodding)

Within 30 days after a certificate of occupancy has been issued for a single-family residence upon completion of construction, full sodding shall be installed from the front roadway to the rear of such structure, including any screened enclosure. Sodding, plugs or seeding shall be installed in the exterior portion of the Unit from the rear of such structure to the rear property line, except for such portions thereof which contain stands of trees or shrubs, bushes or other plantings.

Article 10 (Landscaping)

Within three (3) months after a certificate of occupancy has been issued for a single family residence upon completion of construction, the grounds on the front and sides of the structure shall be landscaped with trees, shrubs, bushes or other perennial plantings. A minimum of twenty (20) such plantings shall be required on the front of all structures having a slab width of sixty (60) feet or less. All other structures shall have a minimum of twenty-five (25) front plantings. A minimum of four (4) such plantings shall be required on the most twelve (12) feet of each side of the structure. For corner units, the side of the structure facing the

road shall meet the same minimum requirements as for the front of the structure.

Article 11 (Driveways and Walkways)

The only ACC option for walkways (defined as any internal sidewalk) or driveways is the use of stamped concrete in lieu of plain concrete or brick pavers. Concrete shall not be painted except for a natural concrete color, sealant or professionally applied textured coating per ACC color guidelines. Driveway and/or walkway construction using brick pavers may be approved only with prior written consent of the Hernando County Engineer and be appropriately permitted by the Hernando County Building Dept. any driveway paver application shall be accompanied by a permit issued by the Hernando County Office of the County Engineer, utilizing Hernando County Facility Design Guidelines and be properly permitted by the hernando County Building Dept and be in compliance with Article II, Section 4(B) 5(d) of the Hernando County Code. **DRIVEWAYS, WALKWAYS AND SIDEWALKS SHALL BE CLEANED ANNUALLY TO REMOVE STAINS AND MILDEW.**

Article 12 (Parking Restrictions)

Heavy trucks (over 7000lbs. GVW), service vehicles or commercial vehicles other than those temporarily present for construction, repair or maintenance to a Unit are forbidden on any Lot or Unit within the East Linden Estates subdivision after completion of said work. No such aforementioned vehicles shall be allowed to remain continuously for more than 12 hours on any Lot, Unit or publicly dedicated street.

Home trailers, Motor Homes, Recreational Vehicles, campers, boats, boat trailers, motorcycles or trailers of any kind are allowed only if stored or parked within an enclosed garage attached to single family residences and out of sight of the public and in no other location on any Lot, Unit or Common Area. Loading, unloading or cleaning of aforementioned vehicles is permitted upon written approval of the ACC for a period not to exceed twenty four (24) hours. No parking of any of the aforementioned vehicles within this paragraph is permitted on the right-of-way or on a street within East Linden Estates at any time.

Article 13 (Application for Improvement, Alteration, Modification or Change to any Lot or Unit)

An application for approval must be submitted to the ACC with respect to (a) the construction of any structure, included but not limited to a pool or fence, or (b) any exterior alteration, addition, modification or improvement to any Unit or other structure within a Lot. The term “improvement” includes painting or repainting a residence, structure, roof or any other change to the existing look and aesthetics of a Unit.

A letter to the ACC shall be used to make initial application. Once received by the ACC said requester shall be contacted by a member of the ACC and advised and/or be given all necessary forms, guidance or advice to meet the requirements herein. All applications must be submitted a minimum of 45 days prior to the intended commencement date.

Article 14 (Dividing Instrumentalities)

This section replaces section 11 of the February 10th 1992 Rules, regulations and Standards of the ACC. Any application for modification, construction, removal, replacement or addition to any dividing instrumentality as defined in the Declaration within east Linden Estates shall conform to Hernando County Code Section 8 (fence code) and Section 10 (landscaping). The following additional guidelines shall apply to the type of dividing instrumentality that is applicable. All applications for any instrumentality shall be accompanied by a signed and notarized ACC Addendum I.

No dividing instrumentality shall be constructed in a manner that impedes drainage flow. However, dividing instrumentalities may be constructed within utility easements. A dividing instrumentality owner is responsible for ensuring that access is available through utility easement when access is required. Also, removal of such dividing instrumentality, if required, is the responsibility of the property owner at the owner’s expense.

1. Trees: Any trees to be used as dividing instrumentalities shall be of mature size (not less than 4 ft in height), be placed at least 3 feet from the rear or side property line as defined by a site survey, and shall be of a flowering specie (have leaves, blooms or both). Parcel owners are deemed responsible for any damage to adjacent parcels or plantings for failure to maintain their plantings. Additionally, trees may not extend further than the front corner of a structure when used as a dividing instrumentality.

2. **Hedges**: Any hedge to be utilized as a dividing instrumentality shall be placed not closer than 2 feet from the rear or side property line as defined by a site survey. Any hedge within a parcel shall not intrude upon a neighboring parcel in any manner if the neighbors so object. Additionally, hedges shall be maintained so as not to exceed 6 feet in height and may not extend further than the front corner of a structure when used in this manner.

a. Any hedge application shall include a signed ACC Addendum I by property owner stating that failure to maintain said hedge to applicable standards shall result in the Association contracting on behalf of the property owner to bring said hedge into compliance. any costs associated with said maintenance not paid by subject parcel owner(s) shall be reflected as a special assessment against the property and due and payable at the next assessment period. This acknowledgement shall not be waived for any application.

3. **Bushes or Other Plantings**: No application for these items is required. Said plantings shall be maintained by the parcel owner so as not to infringe upon adjacent parcels, nor common areas or easements. See **Article 10** for minimum number of plantings.

4. **Fences** as a dividing instrumentality shall conform to all Hernando County Building Codes, Ordinances and **Article V** of the Declaration. In addition, any fence shall not exceed 6 ft in height. Any application for a fence shall include drawings or diagrams and notes showing placement, height, material and type of installation.

5. **All applications for fences within East Linden Estates shall be accompanied by posting of an Owner Performance Bond of 10% of the total estimated cost of the project. Said Performance Bond to be used in the event parcel owners fail to comply with planting of construction materials.** All fence applications will receive a “conditional letter of approval” until such time as all conditions within the approval are met at which time the performance bond shall be released to the Lot or Unit owner with a letter of final approval. Additionally, all applications shall include proper Hernando County Permit(s) and may not be installed nor work commenced prior to written letter of conditional approval by the ACC or in the case of a variance, the Board of Directors.

a. Fences may be constructed of treated wood, vinyl, anodized aluminum or powder coated wrought iron. As per **Article V** of the Declaration no chain link, concrete block or other type of unspecified fence shall be permitted

within East Linden Estates. There shall be no fence approved that does not conform to Hernando County Code Article II, Division 14, Section 8-210.15(d) except that height is allowed to be no more than 6 ft.. All fence supports shall be installed on the inside of the fence facing the structure of the Unit on which it is erected.

b. Fences must meet current approved East Linden Estates Guidelines for placement of fences (see Appendix III).

i. Fences shall be maintained on a minimum of an annual basis to insure the integrity and appearance of said fence.

ii. Annual staining and/or preservative treatments for wooden fences are required in accordance with ACC guidelines for colors and materials.

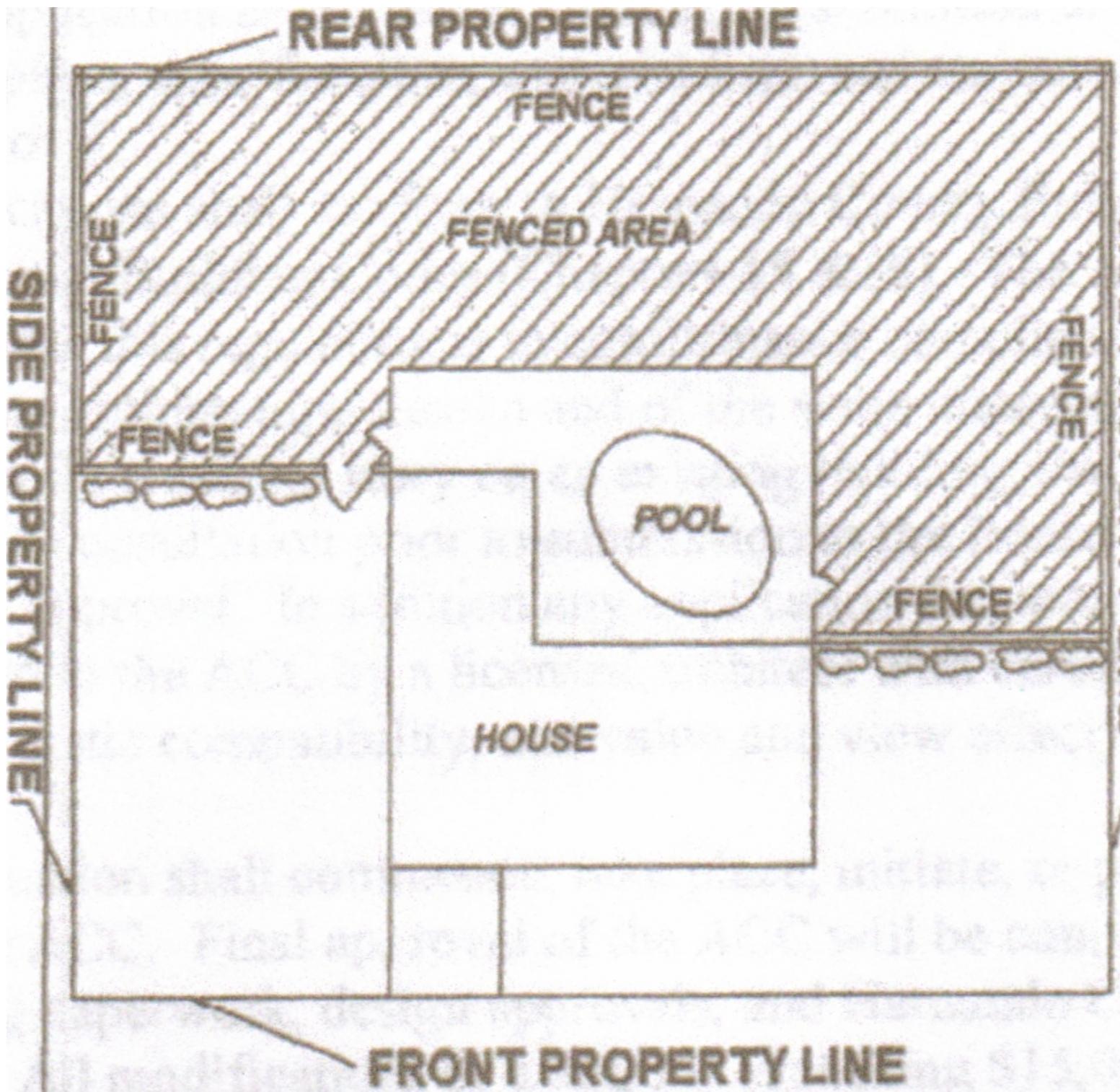
iii. Any part of a fence used as a dividing instrumentality facing the front of any parcel (corner lots would require plantings to be done on all sides facing a street) or any common area of the

Association

shall be planted with living hedges or bushes that will cover a minimum of 50% of the height for the entire length of the fence upon installation.

iv. Non-privacy fences shall be exempt from iii above.

v. Any application for a wooden fence shall be accompanied by a signed and notarized ACC Addendum I.



Article 15 (Roofing and Roof Materials)

Roofs may be of asphalt shingles, clay or concrete tile, or metal roof shingles as approved by the ACC (see Appendix II). Any application for roof repair or replacement must meet all applicable Hernando County standards. All applications for roof work shall be accompanied by copies of the complete plans, specifications and the design and actual construction methods used. Additionally, ALL roof work under this Regulation (exceeding 12 s. ft.) shall be accomplished by a Florida roofing contractor, licensed and bonded in accordance with Florida law. Complete roof replacement, or upgrade, shall be approved by the ACC for color, material (with a sample or catalog listing including picture of the actual roofing material to be used), and compliance with all ACC building standards prior to submission to Hernando County for permitting, and be reviewed for final approval upon proper permitting and the posting of a 10% performance bond by the contractor or owner. A copy of the manufacturer's maintenance recommendations for said roof shall be included.

Any buildings with clay or concrete tile roofing shall be maintained in accordance with the manufacturer's recommendations and shall be pressure washed at least biannually and sealed in accordance with manufacturer's minimum recommendations.

Article 16 (Building Modification and Additions)

In adhering to Article V of the Declaration, the ACC shall control the scope, design and type of modification or addition to any structure within East Linden Estates. An application for any type of modification or addition to any building within East Linden Estates shall, before application to Hernando County, be submitted to the ACC along with all designs, drawings, plans, specifications, material lists and statement of intended use for initial conditional approval.

Any such application shall conform to Hernando County Building Code and the current Florida Residential Building Codes (Chapters 15 & 16). The ACC shall also ensure that any application under this regulation is in conformance compliance with the existing building and of the same architectural design and of the same materials and colors.

Any application for a second story on an existing building shall be brought before

the ACC for review and consultation prior to submission to the Board of Directors for review and conditional approval. In addition, any application for vertical additions shall be required to be presented to the ACC by a licensed architect with certifications as to the structural integrity, aesthetic compatibility and value and view effect on the surrounding parcels.

No construction shall commence, take place, initiate or permit without formal written approval of the ACC. Final approval of the ACC will be contingent on presentation of all proper permitting paperwork, design approvals and Hernando County Building Department approval. All modifications or additions exceeding \$15,000.00 in total cost shall require a Contractor's Performance Bond of 10% not to exceed \$1500.00

Article 17 (Color Control)

Article V of the Declaration states that the ACC shall have authority to ensure aesthetic beauty of the development is maintained. As such, the ACC shall develop and the Board of Directors approve by formal resolution, a color palate for structures (see Appendix IV), that ensures aesthetic beauty is maintained within the development. Such color palate shall include colors from at least four different manufacturers, and not contain any colors that could be construed as "fringe" colors, i.e.: purples, dark colors, vibrant hues or anything that may be construed to lessen surrounding property values. Any disagreement between the applicant and the ACC as to compatibility of the color requested shall be brought before the Board of Directors for review and formal vote as to approval or rejection.

All paints to be approved shall be of a quality to maintain their appearance and integrity for four years, or have a four year contractor guarantee.

Article 18 (Architectural Control Committee)

This regulation covers any items not previously covered and refers submissions to Article V of the Declaration for reference. Anything not hereby covered within this document of Article V shall be developed by the ACC as needed, approved by formal resolution by the Board of Directors, and added to this document as an Amendment. This document conforms to Florida Statute 720.3035 and

hereby upon approval is designated as the formal specific guideline for all architectural questions, submissions and approvals. Approval of this document hereby re-establishes dedicated formal and permanent guidelines and allows for enforcement of such guidelines in accordance with Florida Statutes 720, and Florida Administrative Code for Homeowners Associations.

All provisions of the Declaration and these Regulations, Rules and Guidelines shall hereto be adhered to by all owners or residents of East Linden Estates. Violations of these provisions shall be enforced in accordance with applicable Florida Law and administrative procedures.

The Chairperson of the ACC is hereby designated as the person responsible for the keeping of all records as required under F.S. 720.303 and shall provide to the Secretary of the Association copies of all meeting minutes, approval or disapproval letters and other correspondence on a monthly basis.

Be it hereto established that in accordance with the Governing Documents of East Linden Estates Article V and Florida Statute 720.3035 the following Architectural Control Guidelines, Rules and Regulations are hereby established by Resolution 2010/01 and approved by the following vote:

Noted this 14th day of April 2010 in Regular Session of the Board of Directors of East Linden Estates.

Attest: _____ By: _____
Joan L. Roberts, Secretary Johanna Garcia, President

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