

GUIDELINES
FOR
EXTERIOR ALTERATION

ARCHITECTURAL REVIEW BOARD

Dear Owners and Residents,

The Bay Breeze Point Declaration of Covenants, Conditions, Restrictions and Easements requires homeowners to obtain the approval of the Architectural Review Board before undertaking improvements, alterations, change of paint colors, excavations or any other work that in any way alters the exterior appearance of any property within the Bay Breeze Point Homeowners' Association.

The enclosed guidelines have been written to help both the homeowner and the Architectural Review Board (ARB) carry out the obligations that we all assumed when we decided to live in the Bay Breeze Point community. The guidelines explain how the ARB functions and provide the homeowner with specific guidance concerning what alterations are acceptable and unacceptable in the community.

We, the Board of Directors, hope that all homeowners understand that the purpose of the covenants and the guidelines is to keep Bay Breeze Point a desirable community in which to live and to protect and enhance property values. We invite comments from the homeowners on ways in which these guidelines can be improved.

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President, BBP HOA

July 19, 2010

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**REQUIREMENT TO
OBTAIN APPROVAL
FOR EXTERIOR CHANGE**

Reference to the Bay Breeze Point Homeowners' Association Covenants:

Submission of Plans to Architectural Review Board (ARB). After transfer of title to any Lot or any other portion of the Property, no exterior addition, modification or alteration shall be made on or to such Lot or other portion of the Property or to the improvements located thereon, unless and until a written plan in such form and detail as the Architectural Review Board requires, has been submitted to and reviewed and approved by the Architectural Review Board, a reasonable fee may be charged and collected for processing each submission.

**APPLYING FOR APPROVAL OF
EXTERIOR ALTERATIONS**

1. Homeowner obtains ARB application from the HOA's Management Company's Association Manager (hereafter referred to as 'manager') or downloaded from the community's website.
2. Homeowner returns completed application to the Manager.
3. Manager logs in application and supporting documents, 30 day clock commences. If the request form is incomplete, the Manager should explain to the homeowner that it may be rejected because it lacks required or needed information. The homeowner will be advised that an answer to his application will be due thirty (30) days from the date of the receipt of the application. Manager forwards application to ARB

members and to the Board of Directors. ARB returns approved/disapproved applications to Manager who forwards application to BOD for concurrence/non-concurrence. Manager shall notify applicant of the application's status. Disapproved applications may be appealed to BOD. For step by step procedures, see EXTERIOR ALTERATION APPLICATION form posted on HOA web site.

4. The ARB will meet when needed; the Manager will provide all applications to the ARB prior to scheduled meetings.

5. All applications will be returned to the Manager for retention in the Association files. The homeowner will receive a copy of the approved or disapproved application form from the Manager.

**WHAT MAKES AN APPLICATION
COMPLETE**

An application is complete when it provides the ARB with enough information to completely analyze the alteration requested.

Besides providing all the required information on the application form, the homeowner will probably need to submit supporting documents. Some examples of supporting documents are as follows:

Description of Alteration: Required for all applications: can be detailed or simple statements, depending upon the complexity of the alteration and supporting information documents.

Description of Materials: Will allow the ARB to maintain uniformity within the area. Contractor's Proposal: Not required, but would provide the ARB with the maximum amount of information.

This list is not all inclusive, but shows some of the documents that the ARB may require to support the applications.

WHAT TO DO IF APPLICATION IS DISAPPROVED

If an application is disapproved, the homeowner has the right to appeal the decision to the Board of Directors. The homeowner should contact the Manager for the procedures to file an appeal. Before filing the appeal, the homeowner should first consider why the application was disapproved. If the owner is willing to accept changes recommended by the ARB (if any are made), the homeowner may submit an amended application using the previously submitted application as a supporting document, and indicating the changes that will be made to make the application acceptable. If information was missing from the application, the homeowner should resubmit the application with the required information. In any event, any applications resubmitted will start the thirty-day period again.

WHAT IF HOMEOWNER DOESN'T WAIT FOR APPROVAL

If a homeowner begins alterations without first obtaining written approval of his plans, he does so at his own risk, if he fails to submit an application or if the application is denied or modified, he will be responsible for the cost of removing or altering the exterior change plus the cost of litigation, if necessary. Homeowner will have 30 days to correct or remove unauthorized exterior changes.

COMPOSITION OF THE ARCHITECTURAL REVIEW BOARD

The Architectural Review Board (ARB) consists of three regular and two alternate members. A member is not required to be an architect or to have any other particular qualifications. In the absence or disability of any regular members, the remaining members may designate the alternate members to act as substitutes.

The ARB is a HOA group and its members are appointed and may be removed by the Board of Directors. The term of appointment is for a period of three years and until the appointment of a successor. Any new member appointed to replace a member will serve that member's unexpired term.

The duties of the ARB are to consider and act upon applications for alterations, to establish guidelines and standards to be used in considering whether to approve or disapprove ARB plans, and to perform other duties imposed upon it by the Bay Breeze Point Board of Directors.

The ARB shall meet when necessary to perform its duties. The vote or written consent of any two regular members shall constitute the act of the ARB. The ARB shall keep and maintain a written record of all actions taken and these minutes shall be posted on HOA Web site. Members are not compensated for their services.

For additional information about the ARB, refer to the Declaration of Covenants, Reservations, and Easements of Bay Breeze Point and the BYLAWS of Bay Breeze HOA.

WHAT IS THE PROCESS FOR COVENANT ENFORCEMENT

Enforcement of the covenants is the responsibility of every resident. If an exterior modification is being made without approval or if there is a property maintenance problem, the resident should approach his neighbor concerning the problem. If compliance with covenants does not occur, then the resident should contact the Property Manager to report the violation. When architectural complaints are brought to the attention of the Manager, they are kept confidential and are reviewed as promptly as possible. If a complaint is found to be a violation, the property owner will be contacted and asked to correct the problem, either by removal, submission of an application, or repair in case of a maintenance problem. If correction is not made, legal action will be pursued at the homeowner's expense.

HOW CLOSELY MUST A HOMEOWNER ADHERE TO THE GUIDELINES IN THIS BOOK

Special circumstances regarding your property may allow the approval of an application that might be denied at another location, or the denial of one that might be approved elsewhere. The fact that a plan has been approved for use at another location does not mean that it is automatically approved for you.

MAJOR BUILDING ADDITIONS

A full application is required including drawings of the proposed addition and a copy

of the homeowner's physical survey.

1. Major building additions include, but are not limited to green houses, porches, and room additions.

2. In order to be aesthetically pleasing the design of major additions must be consistent with the existing shape, style and size of the dwelling in the following way:

a. Siding, roofing, and trim materials must be the same as, or compatible with, the existing materials of the dwelling in color and texture.

b. New windows and doors must be compatible with those of existing dwelling in style and color.

c. Roof eaves and fascias must be the same depth, style and approximate height as existing eaves and fascias. New roofs must be the same approximate slope as those existing on the dwelling. Building facades may be comprised of brick, stone, wood, synthetic plaster, vinyl siding, cement siding or aluminum siding.

3. The following conditions shall determine the acceptability of addition locations:

a. Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent residences or the public's use or enjoyment of open space. New windows, doors, or viewing areas from the addition should not infringe upon existing internal or external private areas of adjacent residences.

b. New additions should not create situations in which adjacent neighbors will have difficulty maintaining existing dwellings.

c. Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.

4. Breaking Ground: It is recommended that before any digging is initiated, the applicant call MISS UTILITY AT 1-800-552-7001 to mark existing locations of utility lines.

MAINTENANCE

Reference to the Bay Breeze Point Homeowners Association Covenants:

Quality and Frequency of Maintenance and Repairs. All maintenance, repair and replacement shall be of a quality and appearance consistent with the enhancement and preservation of the appearance and value of the property. The Association may establish reasonable schedules and regulations for maintenance, repair and replacement of exteriors, walkways, driveways, deck railings, decks, fences, lawns and plantings on the Property, which schedules and regulations shall take into account the useful life of any painting and exterior materials and the enhancement and preservation of the appearance and value of the Property.

ANTENNAS

Antennas, satellite dishes and like devices can have a sizable detrimental effect on a community's appearance.

Reference to the Bay Breeze Point Homeowners Association Covenants:

Antennas. Subject to rules as may from time to time be adopted by the Association,

exterior television, satellite dishes, or other antennae are prohibited, except as approved in writing by the ARB. In the event the Architectural Review Board approves the installation of a satellite dish, only "mini" satellite dishes not exceeding one meter will be allowed.

BOATS, TRAILERS, TRUCKS, RECREATIONAL VEHICLES, & VEHICLE REPAIRS

Outside storage or parking of commercial or recreational vehicles, camper bodies, boats and trailers are prohibited. No extensive work on any motor vehicles, boats, appliances or machines of any kind shall be permitted outdoors on any Lot. No oversized commercial, unlicensed, or disabled vehicles will be permitted.

Three-quarter (3/4) ton and smaller pickup trucks will not be considered "trucks" for the purpose of this regulation. However, neither combustibles nor unsightly materials nor any other nuisance materials may be stored in the truck bed.

Units with garages need not apply for variances for boats, trailers, RV's or repairs provided the vehicle or repair is contained entirely within the garage, i.e., the garage door must close completely.

FENCES

Fences can easily create an unattractive patchwork appearance. Therefore, any modification to an existing fence, as well as any addition to the fencing, requires an application to the ARB. All fences or enclosures must be approved by the ARB as to location, material and design. (1) On all lots other than corner

lots, no fence shall be installed in front of the rear lines of any house, and those fences in locations where erection is permissible shall not be more than six feet in height. (2) On all corner lots, no fence shall be installed in front of any rear line of any house nor shall any fence be installed closer to the side street line than the side line of the house. No fence sections shall exceed six feet in height. (3) **No barbed wire or chain link fences shall be permitted** and all fences must be approved by the ARB. Plans showing the design and proposed location of any fence the owner wishes to place on any lot shall be submitted to and approved by the ARB prior to the start of construction. All fences shall be constructed with the smooth side facing out.

Every application for fencing must be accompanied by the appropriate physical survey.

Modifying builder fencing, which requires prior approval, included, but is not limited to, removing slats, sealing or staining fences, increasing or reducing fence height, and installing additional fencing to enlarge the enclosed area? When enlarging existing fenced areas, new fencing must be identical to original fencing.

The finished side must face out on all exposed sides and all fencing must be completed within ninety (90) days of approval.

Finally, repairs to original or ARB approved fencing do not require an application. However, damaged fencing should be repaired within thirty (30) days of damage occurrence, and repairs must duplicate the original or approved fencing.

LIGHTING

No exterior lighting shall be directed outside the boundaries of Lot and all exterior lighting shall be subject to such other rules as adopted by the Association from time to time.

PAINTING AND STAINING EXTERIOR

In accordance with the Covenants and to ensure a continued attractive neighborhood appearance, exteriors of all living units and of accompanying strictures must be kept neatly and adequately painted and/or stained.

If a unit or other structure is to be repainted or restained with the original builder color, no application is needed. Any other alterations (painting or staining) require an application be presented to the Architectural Review Board for approval.

RE-SIDING AND RESTYLING

The covenants require all structures to be properly maintained. In addition to keeping siding adequately painted or stained, siding itself must be kept in good repair.

Whether siding is to be wholly or partially replaced, no application is necessary so long as replacement siding is identical to the original siding with respect to not only material but also dimension. If replacement siding will be a type other than the original, an application is required.

SIGNS

No signs of any type shall be displayed to public view on any Lot without the prior written consent of the Architectural Review Board, except the following: (1) one sign of not more than ten (10) square feet advertising the property for sale or rent; (2) signs used by the builder or developer to advertise the property during the construction or sale period; (3) customary name and address signs meeting established Architectural Review Board.

BOD Resolution #31609 approved the posting of political signage as follows:

"Political signs in support of major elections are approved, provided the following restrictions are complied with: 1) political sign can be erected within thirty (30) days of the posted election date; 2) political sign must be removed within the three (3) day period following the posted election date; 3) each Bay Breeze Point Lot owner is restricted to a maximum of two (2) political signs totaling less than ten square feet in size, i.e., if two political signs are erected, the combined size of both signs must be less than ten square feet; and 4) all political signs must be approved/endorsed by the candidate. If signage outside of the above restrictions is desired, approval must be sought via the established ARB application process."

SHED AND TOOL STORAGE

A shed or other storage structure requires an application. The application would include a detailed plan specifying the proposed

structures lot placement, its dimensions, its roofline, its color and the materials to be used. A sketch of the completed structure is also necessary. ARB application should indicate that adjacent neighbors have been informed.

SMOKESTACKS AND CHIMNEYS

Whenever an additional chimney or smokestack is to be built, an application must be filed with the ARB.

SWIMMING POOLS, HOT TUBS AND SPAS

If a pool is contemplated, an application must be filed. The ARB will consider these applications on a case-by-case basis looking primarily at the potential effects of the proposed pool on neighboring and adjacent properties. In particular, the ARB will examine planned excavation, drainage and, if the pool will be visible from neighboring property, surrounding landscaping. All pools must comply with City codes. Hot tubs and spas require an application.

OTHER ALTERATIONS

When a guideline is not available for the project you are proposing, an application should be filed providing complete information.