

EDGEWATER OWNERS ASSOCIATION STANDARDS AND RESTRICTIONS

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EDGEWATER OWNERS ASSOCIATION STANDARDS AND RESTRICTIONS

1.0 PURPOSE

The purpose of this document is to describe the architectural standards and the use restrictions that have been established for the Edgewater community. The standards and restrictions have been put in place in order to provide a safe and pleasant atmosphere throughout the community and to protect the property values of the homeowners.

It is the intention of this document to explain and clarify the various regulations so that association members will better understand their responsibilities toward maintaining the excellence of the community. The rationale for the various regulations are provided in order to help members understand their obligations. In all cases, the object has been to maintain the quality of our neighborhood without placing undue burdens on individual members.

This document has been prepared and maintained by members of the Edgewater Owner's Association Architectural Review and Covenants Committees and approved by the Board of Directors. We wish to welcome new members of the Edgewater community and we hope this document will help them enjoy the community to the fullest.

2.0 BACKGROUND

The Declaration of Protective Covenants for Edgewater (DOC), to which we all agreed, established the Edgewater Owners Association (EOA) in order to provide for well planned development of the Edgewater community. It defined a Board of Directors (BOD) to manage association operations and provided for the maintenance of mutually beneficial architectural standards and use restrictions for the entire Edgewater community.

The DOC empowers the Board to provide for the administration, maintenance, preservation, use and enjoyment of the common grounds and facilities. The Board also has the responsibility for maintaining and enforcing architectural standards and use restrictions. The Architectural Review Committee assists the Board in maintaining excellent architectural standards, and the Covenants Committee aids the Board in the enforcement of the use restrictions.

The DOC broadly defines homeowner responsibilities in Section 2.0 of Article V, and in Article VI, Sections 1 - 29, which define a basic set of standards and restrictions. It also empowers the BOD with authority to interpret, expand and modify these standards and restrictions as the community grows and matures. For example, in most articles the Board is authorized to make exceptions and define details. In addition, in Article 13, Section 19, the declaration allows the Board, or its designees to "in the exercise of its reasonable discretion, permit deviations...". Also, the declaration in Article 13, Section 4.0 provides for amendments, and in Section 1 and 2, provides enforcement. This document describes a current set of standards and restrictions, which has evolved over the period since the start of the association.

3.0 REVISIONS

It is recognized that, as the community develops, the details of the architectural standards and use restrictions will change. Accordingly, this document may be revised from time to time as necessary to reflect the intentions of the Board and the needs of the association members. All changes must be approved by the Board.

When a change has been implemented, structures, etc. that were approved and constructed under earlier standards are "Grandfathered." However, replacement of that "Grandfathered" item will be subject to the current architectural standards. For example, when a "Grandfathered" unpainted wooden fence/deck is replaced, the replacement fence/deck must be painted or stained (current standard). Additionally, when a "Grandfathered" unpainted wooden fence/deck becomes weathered or unsightly, the fence/deck will have to be painted or stained (current standard).

The chairmen may appoint one or more members to serve as a subcommittee to help maintain the document and to recommend revisions which would better serve the needs of the Edgewater community.

4.0 EDGEWATER ARCHITECTURAL STANDARDS

The architectural standards are established for the Edgewater community in order to preserve the beauty of the neighborhoods and preserve the property values of the homeowners. The Board of Directors has the overall responsibility for maintaining architectural excellence.

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The Declaration of Covenants in Article VI provided an initial set of architectural standards and Section 10 empowered the Architectural Review Committee (ARC) with the responsibility and authority for defining and enforcing the architectural standards. All new construction and major modifications must be approved. The Architectural Review Committee is also charged with the responsibility for advising the Board on revisions to the standards and enforcement of violations.

The following discussions are intended to define and explain the current architectural standards for both new home construction and follow-on modifications.

4.1 NEW CONSTRUCTION STANDARDS

4.1.1 PLAN APPROVAL REQUIREMENTS

REVIEW PROCEDURE The Architectural Review Committee has the responsibility to review, with the authority to approve or disapprove, any exterior construction, addition, erection, or alteration to property other than the Common Property. No exterior construction, addition, erection, or alteration is permitted without the prior written permission of the ARC. The primary consideration for approval is aesthetics and the committee is the sole arbitrator of such plan approval. The two-fold objective of the review procedure is to ensure compliance with the specific standards discussed in Section 4.1.2, and to make sure the residence is harmonious in appearance with the surrounding architecture. Since aesthetic consideration is based on individual tastes, the committee incorporates the opinion of several people in a consensus judgment.

Each owner/builder must submit two sets of detailed plans and an application form (Appendix A). The form, which must be filled out completely, details many of the specifics addressed in Section 4.1.2. Failure to completely fill all blocks of the application form will delay approval.

When the application and plans are received, the Chairman of the Architectural Review Committee (ARC) will assign a review team consisting of three members of the committee. The review team will then independently review the plans and application. Each reviewer will then either:

- 1) Approve the plans unconditionally.
- 2) Approve the plans subject to specific conditions.
- 3) Disapprove the plans.

A rejection must state the reasons for rejection and where possible indicate some possible alternatives which could make it acceptable.

After the three reviews are completed, the ARC Chairman coordinates the results of the three, makes a decision, and informs the owner/builder. If all three reviewers approve the plans unconditionally, the decision is straightforward. However, if necessary, the Chairperson may discuss conditions with members individually or as a group in an attempt to arrive at a consensus. The Chairman will then convey the results to the owner/builder. When plans are rejected or conditionally accepted, the owner/builder is required to resubmit plans or supplemental statements indicating changes which are proposed to achieve acceptance. The ARC Chairman may approve or disapprove the changes or may opt to consult with the review team members. Partial approval (e.g., to start construction) with final approval withheld pending submission of additional data (e.g., exterior colors if they were not specified) or pending a change in plans. Notification of approval will be provided in writing (Appendix B).

When the owner/builder does not agree with the decision, the Architectural Review Committee Chairman may arrange appeal procedures involving the entire committee and/or the Board of Directors in an attempt to arrive at acceptable solutions. **However, in no case may construction begin without plan approval.**

TIME TABLE The Declaration of Covenants specifies that if plans are not approved or disapproved within 60 days, the construction may begin without approval. However, because of the importance of time in the construction process, the committee attempts to get an answer to the owner/builder within 5 working days from the time all plans, and correctly completed application forms, are received. When additional conditions are necessary, the time required to work out the details of compliance depends on the owner/builder as well as the committee. In all cases, since construction is delayed until approval, the committee is obliged to respond as quickly as practical. It should be remembered, however, that committee members are volunteers with many other obligations on their time, so that there are occasional delays in meeting our scheduled goals.

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4.1.2 CONSTRUCTION RESTRICTIONS

The architectural standards defined herein reflect the specific items initially addressed by the Declaration of Covenants Article VI, Sections 4, 11-14, 21-22, 24-29, amendments recorded on July 17, 1987, and the interpretations, modifications, and additions that have been defined by the Architectural Review Committee and approved by the Board of Directors since the incorporation of the owner association. These standards affect size and type of structure, roof slope and shingle materials, exterior siding materials and color, garages, and appendages such as porches and decks. They also affect building setbacks, lot dimensions, and landscaping requirements.

In general, the restrictions discussed herein are applicable to all of the single family residential subdivisions: Steeplechase West, Heritage Woods, Spinnaker Ridge, Lake Shore, Lost Tree Pointe, Remington Place, Dunhill, Morland Shores, FoxBend, and Compass Pointe. These subdivisions may have additional requirements. Where subdivision restrictions differ from those of Edgewater, the most stringent conditions normally apply. However, subdivisions developed as condominiums, townhomes, and patio homes on property zoned as multiple family, were exempt from the minimum frontage requirement and the prohibition of front entry garages. These exemptions apply to Steeplechase West, Morland Shores, Remington Place, and parts of Compass Pointe.

MINIMUM AREA All single story, single family residences within the Edgewater Community are required to have a minimum of 1,800 square feet of centrally heated living area, exclusive of garages, porches, attics and basements. In addition, all two story single family residences must have a minimum of 1,000 square feet on the first floor. Table 4.1-1 shows the minimum area and other restrictions applicable to individual subdivisions which, in some cases, are more stringent than those of Edgewater.

Table 4.1-1							
EDGEWATER OWNERS ASSOCIATION HOUSE PLAN APPROVAL GUIDELINES							
SUBDIVISION	GRD FLOOR MIN SQ FT 1 STORY	GRD FLOOR MIN SQ FT 2 STORY	MINIMUM SQ FT 2 STORY	MINIMUM FT FRONT	SETBACKS FT SIDE	FT REAR	MINIMUM ROOF PITCH
Heritage Woods	1200	1200	2000	40	15	45	
Spinnaker Ridge	1800		2000	40	15	45	
Dunhill	1800		2000	20/CUL-25	7	25	
Remington Place	1800	1000	1800	20	5		
Lost Tree Pointe	2400		2400	40	15	45	
Morland Shores	1800		1800	20	1"/12*	15	5
FoxBend	1800		1800	20	*5/6/14	25	
Compass Pointe	2000		2000	25	8	30***	
* One side 1"; opposite side 12" **Note: 5' for 1 story, 6' for 2 story, 14' sum of widths *** Corner lot common line setbacks are 25							

ROOFS The Architectural Review Committee has established a minimum roof pitch of 7/12 (rise to run ratio). The primary concern is aesthetics. These requirements have been relaxed where appearance is not compromised. Exceptions may include edges of porches and other areas that do not degrade the subdivision specific general architectural aesthetics in the opinion of the Architectural Review Committee.

Our standards require that roofing materials be dimensional shake or architectural grade shingles. Standard "three-tab" shingles are not allowed.

GARAGES The basic restrictions stated in the Declaration of Covenants require that all single family residences have an attached garage. Carports are not acceptable. A detached garage is acceptable if connected to the dwelling with a breezeway. Front entry garages are prohibited, except in Remington Place, Morland Shores, Steeplechase West, and parts of Compass Pointe which are exempt because lot sizes make a rear entry garage impractical. In addition, all garages must be capable of storing a minimum of two standard size automobiles.

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EXTERIORS The initial requirements defined in the Declaration of Covenants address exterior color requirements. In addition, the committee has established that the exterior of the residence must be predominantly brick; however, some subdivisions may allow Dryvit on the exterior. Brick and paint colors must be compatible with original colors of residences in the neighborhood.

Limited amounts of siding may be approved by the Architectural Review Committee. The percentages of siding must be within the limits set by individual subdivisions.

Natural wood siding (lap siding or clapboard) is acceptable and encouraged to the percentage allowed. It must be painted or covered with an opaque stain of color compatible with the brick and approved by the Architectural review Committee. Plywood siding is not permitted but plywood may be used for soffit areas.

High quality press board siding (sometimes generically referred to as “Masonite”, a trade name) is permitted provided quality of installation is such that “waviness” is not apparent and boards are repaired of all surface damage so as to present a homogeneous appearance. It must be painted a color compatible with the brick and approved by the Architectural Review Committee.

Aluminum or other metallic siding or trim, including soffit, fascia, and corner boards, may not be used in any application except for roof and chimney flashings, roof drip edges, rain gutters, and downspouts. Rain gutters and downspouts may either seamless aluminum or other metal with factory applied finish to match the rest of the wood house trim, or galvanized steel painted to match the house trim. An option is to paint downspouts to closely match brick colors in appropriate areas.

Vinyl siding or trim may be used only under the following conditions:

- High quality vinyl-clad windows and door units with factory-applied coatings (e.g., Andersen, Pella, etc.) are permitted.
 1. Vinyl soffits are permitted if completely trimmed by appropriately painted wood moldings.
 2. Vinyl rain gutters and downspouts are not allowed.
- Vinyl siding is permitted up to the siding percentage limit providing the following material and installation quality requirements are met.
 1. The siding is constructed of high quality materials that meet or exceed the quality specification of the Wolverine Restoration series.
 2. The minimum material thickness is 0.044 inches. (Typical spec. 0.046 +/- 0.002)
 3. The installation must be such that “waviness” is not apparent and meets all of the installation standards recommended by the manufacturer.
 4. The siding must be backed with foam (or equivalent) material sculptured to fit the backside profile of the siding so that there may be no momentary indentation from the flexibility of the material. Only the backing approved by the siding manufacturer may be used. (For Wolverine Restoration series the only approved backing product is “Thermowall” manufactured by Progressive Foam Products.)
 5. The installation must utilize all accessories recommended by the manufacturer, including, but not limited to:
 - Inside corner posts.
 - Utility trim.
 - F-receivers.
 6. The siding panels must either be continuous throughout the entire length (No butt joints or overlaps) or, when overlaps are necessary, they must be staggered so that the vertical joints of any two adjacent horizontal panels are separated by at least three feet.
 7. The siding must be of a color compatible with the brick and approved by the Architectural Review Committee.

OUTBUILDINGS AND OTHER STRUCTURES No exterior construction, alteration, addition, or erection of any nature whatsoever shall be commenced or placed upon any part of the Community unless and until detailed plans and specifications showing at least the nature, kind, shape, height, materials, colors, and location of the change on the site plan shall have been submitted in writing to and approved by the Architectural Review Committee. The Architectural Review Committee shall be the sole arbiter of such plans and may withhold approval for any reason,

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including purely aesthetic considerations, and shall be entitled to stop any construction in violation of these restrictions or have it removed.

In general, to get approval an external structure must be in a rear privacy area or not highly visible. Aesthetically pleasing in-ground swimming pools are generally approved provided they meet all local codes including fencing requirements. Above-ground pools have not been approved. Gazebos, arbors, playhouses, hot tubs, martin houses, and dog pens have been approved on a case-by-case basis. Swing-sets, basketball goals, and other recreational equipment have been approved when located on the side or in rear areas that are not highly visible. Temporary use of portable basketball goals in front areas is permitted provided the goals are moved to the back of the house when not in use.

FENCE CONSTRUCTION No fence or fencing type barrier shall be placed, erected or allowed without plans being approved by the Architectural Review Committee (ARC). The rear yard of a residence may be enclosed with professionally constructed wrought iron or wood fence. The use of wrought iron and shrubbery is encouraged as the most attractive approach to privacy areas. Cedar, redwood, cypress and pressure treated pine are acceptable wood types. All wire fences, including chain link, are prohibited. Wood members which warp and split (typical for one inch board) must be maintained and replaced as needed.

Several attractive wood fence designs are acceptable. Board on board (or solid board) style is acceptable only with an installed minimum gap of one-half (1/2) inch between boards. Fences with wider gaps between boards are preferred, but if maximum privacy is desired, a "shadow box" should be used. Unfinished wood fences are not acceptable. All fences must be painted or stained within six months of erection, and painted or stained as frequently as necessary to maintain attractive appearance. The "weathered look" has been considered to be unsightly. Paint or stain must be of a color harmonious with trim colors used on the residence and in the neighborhood and approved by the Architectural Review Committee. Earth tones and muted wood tones are the most desirable. Sealers or other clear finishes, which preserve the look of the natural pinewood or treated pinewood, are not acceptable. A clear finish on cedar or redwood which preserves the natural color is allowed. Fences previously grandfathered must be cleaned, repaired and finished to be brought up to standards.

Unless specifically approved by the ARC, fence heights are limited to a maximum of six (6) feet relative to the natural contour of the terrain. Privacy fences on lakeside property are not allowed on the side which borders the lake. Retaining walls and decorative fences of high quality materials (brick, wrought iron) may be permitted if determined by the Architectural Review Committee to be compatible with the surrounding architecture.

EXTERIOR LIGHTING The initial standards in our Declaration of Covenants prohibit exterior lighting except for a single decorative post light and seasonal lighting at Christmas. The intent is to protect residents from annoying lights from nearby properties.

Our current standards permit and encourage ground lighting which illuminates the building or landscaping. The lighting should be soft and subtle, using clear or white lights. In addition, the lighting must be aesthetically pleasing and compatible with the landscaping plan.

Garish or non-aesthetic lighting is prohibited. Functional lighting for security and safety is acceptable only when used for brief periods. Extended use of house-mounted elevated floodlights is an inconsiderate disturbance to neighbors and is prohibited.

BUILDING SITE REQUIREMENTS The Edgewater Declaration of Covenants require that all lots for single family detached residences, except those on cul-de-sacs, have a minimum street frontage of 100 feet. Lots on cul-de-sacs shall have a minimum of 100 feet of frontage at the front building setback. Exemptions have been made for subdivisions developed as single family residences on property that is zoned for multiple family dwellings. The exemption includes Remington Place, Morland Shores, FoxBend and Steeplechase West. The building setbacks which are shown in Table 4.1-1 are established by subdivisions. Also, all property located at street intersections is required to be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge or shrub planting is permitted where it would create a traffic or sight problem.

LANDSCAPING AND DRAINAGE Each residence must be well landscaped with shrubbery and lawn areas. All new construction applications shall include complete landscaping and drainage plans submitted for approval by the ARC. Utility terminals (electric power, telephone, gas, and TV cable) should be screened by shrubbery plantings, brick enclosures, or other approved aesthetically pleasing methods which do not significantly restrict air flow. Certain subdivisions have minimum financial expenditures required for shrubbery and grass.

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BUILDERS RESPONSIBILITIES The prime contractor is responsible for maintaining the job site during the preparation and construction period, and up until the time of closing a sale. This includes the safety and cleanliness of the job site, and the requirement to minimize disturbances and distractions to nearby residents.

A dumpster is required to be on-site and used once framing has begun. Daily clean-up of the job site is expected, and debris (including casual items such as bottles, sandwich wrappings, etc.) should be properly disposed of. The prime contractor is responsible for the actions of his subcontractors. Construction workers should minimize disruption to the residents, including appropriate vehicle parking, loud voices, radios, etc. They are not allowed to trespass (such as using driveways and lawns as convenient pathways). The prime contractor must provide portable toilet facilities for the duration of the construction period. These facilities shall be properly maintained and promptly removed upon completion of the residence.

Construction vehicles and other equipment are not allowed to remain at the job site or vacant lots for more than five days prior to or after use. Private vehicles and other vehicles must not cause a traffic hazard by double parking on the street, and are not permitted to block driveways and mailboxes.

EXTERIOR EQUIPMENT ON STRUCTURE Exterior radio, television, or other antennas are not allowed. Window air conditioners and protruding exhaust fans are prohibited. No solar energy collector panels or attendant hardware or other energy conservation equipment are allowed. Exceptions to these requirements may be allowed only if the Architectural Review Committee determines that they are an integral and harmonious part of the structure.

One satellite receiving dish per household may be allowed if application is made to and accepted by the Architectural Review Committee of the Edgewater Owners Association (EOA). Installation must be performed in strict accordance to the following specifications:

- Said satellite dish shall not exceed twenty (20") inches in diameter.
- Said satellite dish or any attachments thereto shall not have a mounted height that exceeds four (4') feet above ground level in the area where the dish is mounted.
- Said satellite dish must be located in a rear area of the residence and must be screened from public view by an approved fence, brick wall, or evergreen shrubbery of sufficient size to hide the dish.

Application must be made to and accepted by the Architectural Review Committee of the EOA prior to installation of any satellite dish. The Architectural Review Committee will review each individual application on its own merit and reserves the right to approve or disapprove any application solely on the basis of aesthetics or any of the specifications stated above.

This covenant does not give, indicate or state approval, either expressed or implied, of any other type of exterior antenna or satellite dish.

EXTERIOR EQUIPMENT ON GROUNDS Exterior equipment, such as air conditioner condensers and utility terminals, are required to be located in a rear area or to be screened by suitably colored brick enclosures or evergreen shrubbery. Overhead utility wires are prohibited throughout the Edgewater neighborhood.

Each single family detached residence requires a mailbox enclosure of brick or other quality construction, aesthetically compatible with the surrounding neighborhood. The enclosure must house a standard rural mailbox, and may contain an optional newspaper slot.

ENVIRONMENTAL IMPACT The Declaration of Covenants defines specific restrictions on the removal of trees. Specific exceptions are allowed for trees which are diseased or which present a safety hazard. The ARC has recognized that excavation required for home building requires the destruction of some healthy trees. In order to increase consciousness of the environmental impact and minimize unnecessary destruction of healthy trees, our application requires the builder to describe the trees to be saved during construction. In general, trees smaller than 4 inches in diameter and trees clustered together crowding out more healthy trees may be removed in the process.

4.2 ADDITIONS, MODIFICATIONS AND REPAIRS

In order to maintain the beauty and value of Edgewater homes, the architectural standards must be maintained on a continual basis as well as during initial construction. The ARC (and the BOD), therefore, requires approval of any modifications or repairs which could impact the harmony of the surrounding neighborhood.

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In general, the standards for additions, modifications and repairs are similar to those of initial construction. A plan approval procedure is addressed in Section 4.2.1. In order to encourage ongoing maintenance and repair, we discuss repairs and maintenance which do not require approval in Section 4.2.2. Finally, in Section 4.2.3, we address specific standards applicable to the most common additions, modifications and repairs.

4.2.1 PLAN APPROVAL REQUIREMENTS

The review procedure for additions, modifications and major repairs is similar to that of new construction. Again, the two-fold objective is to ensure compliance with the architectural standards described in Sections 4.1.3 and 4.2.3, and to ensure that the proposed change is compatible with the surrounding residences.

The owner must submit an application (Appendix C) for any major changes. The application form for improvements, shown in Appendix A, is less detailed than that for original construction. Unless detailed structural changes are required, word descriptions and sketches may be submitted in lieu of detailed blueprints.

Again, the normal procedure is to assign a three-member review team. However, the Chairman may alter that procedure if the requested improvement is straightforward and is not judged to adversely affect the surrounding residences. In those cases the Chairman may either review, or assign one member to review, the request in order to approve or disapprove the change.

4.2.2 IMPROVEMENTS NOT REQUIRING APPROVAL

In order to encourage ongoing maintenance of homeowner properties, the ARC has attempted to avoid the need for approval for improvements which do not alter the original appearance or impact the harmony of surrounding houses. This category includes, but is not limited to, the following:

- Painting in original colors. (Note that any color changes considered gaudy or loud could be an objectionable violation.)
- Replacement of damaged roof shingles in original pattern.
- Shrubbery or other landscaping item replacement consistent with original plans.
- Replacement or repair of downspout and eaves, without changing drainage patterns.
- Trimming of trees and hedges. In most cases, such improvements do not require large expenditures of time or money. However, since mistakes are less costly to prevent than correct, residents are encouraged to contact the committee if there is any doubt of the acceptability of the improvement.

4.2.3 STANDARDS FOR HOME IMPROVEMENT

In general, the requirements specified in Section 4.1.2 for construction are applicable for improvements. This section contains discussions of additional requirements more specific to improvements which tend to occur after construction is complete. In general, the committee is most concerned with items that are highly visible from the front, but some restrictions are also applicable to rear areas.

FENCE CONSTRUCTION Any fences to be constructed after the residence construction has been completed must be approved by the Architectural Review Committee prior to construction. The fence construction and finishing requirements are described in Section 4.1.2.

EXTERIOR EQUIPMENT ON STRUCTURE The standards for exterior protrusion are the same as those under construction standards of Section 4.1.2. Specifically, antennas, energy conservation items, window air conditioners, and protruding exhaust fans are among the items that may not be added unless the Architectural Review Committee determines that they do not impact the surrounding architecture.

EXTERIOR COLORS Any exterior painting in colors which differ from the original approved plans require approval from the Architectural Review Committee. Gaudy or flashy reflective paints are not allowed. In addition, colors which are not themselves considered gaudy may be unacceptable in the context of surrounding residences.

TREE REMOVAL As stated in Section 4.1.1, trees must often be destroyed during construction. No trees may be removed after construction without the express consent of the Board or its designee, except for (a) diseased or dead trees; (b) trees needing to be removed to promote growth of other trees; or (c) trees needing to be removed for safety reasons.

EXTERIOR LIGHTING The requirements for exterior lighting modifications are the same as those specified for new construction in Section 4.1.2.

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SEAWALL INSTALLATION/REPAIR The use of traditional large, white, limestone rocks is not permitted. Decorative mountain stones or river rock is acceptable. Due to environmental concerns, the use of "Creosote" treated lumber such as railroad ties are not allowed. Pressure treated lumber is safe and recommended.

OTHER ITEMS It is not possible to mention all possible home improvements that may be considered. In order to maintain neighborhood harmony and avoid the difficulty and expense of correcting unacceptable alterations, we encourage homeowners to contact the Architectural Review Committee during the planning of a project. The committee is anxious to work out solutions which satisfy you and the architectural integrity of the surrounding residences.

5.0 EDGEWATER USE RESTRICTIONS

The Edgewater Residential Use Restrictions are in place to ensure that all privately owned properties are used in a manner which will enhance the enjoyment of all members of the community. The use restrictions currently in place are derived from the Declaration of Covenants which defines a set of basic restrictions, and charges the Board of Directors with the responsibility for interpreting, modifying and revising these restrictions as the community grows and matures. The Covenants Committee is charged with the responsibility for enforcing the restrictions and making recommendations regarding modifications and additions to the restrictions.

In the following sections the current restrictions, which have evolved since association formation, are explained. Where possible, rationale is provided for the restrictions as well as background into how they relate to the Declaration of Covenants and how they have evolved since the association began. The use restrictions will be discussed in three categories:

1. Requirements for residential use.
2. Requirements for maintenance and repair.
3. Restrictions on interactive use.

5.1 RESIDENTIAL USE RESTRICTIONS

This category is established to make sure that the single-family residences be used and maintained only as originally intended for the enjoyment of the resident owner and family. To provide this protection we prohibit or restrict other uses such as the joint use by people not of the immediate family, the use of a residence for business, and the leasing of residences as an investment. The Declaration of Covenants addresses these issues in Sections 2, 5, 6 and 16 of Article VI and Article VII.

RESIDENTIAL USE All residences within Edgewater community are to be used exclusively as single-family homes. A "Mother-in-Law" apartment, which is a portion of the residence intended for use by dependent parents or other close family members who require special care, is permitted, but in no case may separate families occupy the same residence on a permanent basis.

BUSINESSES The Edgewater use restrictions shall be in addition to local zoning laws which govern the operation of businesses. In general, no business or business activity may be carried out in or upon any residence or property. However, the Board or Covenants Committee may grant permission for businesses or businesslike activities which:

- Can be conducted in an entirely enclosed manner.
- Do not impact the residential character of the neighborhood.
- Are not obvious to passersby.
- Do not create disturbances or increase traffic or parking congestion beyond ordinary visitation expected at a residence.

In no case may signs be used to advertise or identify the residence as a place of business, nor may equipment and supplies be delivered or stored in a manner which detracts from neighborhood appearance. The activity must not generate noise or visual disturbances to surrounding residences. Such businesses may be operated only with written approval of the Covenants Committee or the Board of Directors. The application must describe the type of business and procedures for avoiding disturbance or disruption of the neighborhood.

Some of the businesses or business activities which may be approved (if all conditions are met) include, but are not limited to :

- Teaching of art or piano lessons.
- Operation of a home office for business conducted elsewhere.

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-Operation of a part-time office for a church or charity.

SHORT-TERM BUSINESSES Garage sales may be permitted in the Edgewater community only under strictly observed conditions. In general, all the rules of allowed businesses apply, but some temporary relaxation of traffic and parking disturbances are acceptable. To minimize disruption the following restrictions apply:

- *Garage sales may be held only on Saturday between the hours of 7 a.m. and 2 p.m.
- *One small sign may be temporarily used at the driveway entrance. No signs may be posted elsewhere in Edgewater. (Advertised directions must be complete enough to steer customers without signs.)
- *The goods displayed must be within the garage and rear part of the driveway. Residents of Steeplechase West may display garage sale items in front of their homes during Edgewater sanctioned garage sales.
- *All material displays and signs must be removed immediately after the sale period.
- *The garage sale sponsor must register sale at the Edgewater office not later than Wednesday of the week of the sale.
- *No resident or group of residents may sponsor more than 2 garage sales in any one year. (Professional garage sale sponsors are prohibited.)
- *No garage sales may be sponsored by non-residents of Edgewater.

In addition to specific restrictions, the sponsor should minimize the disturbance to the neighboring residents, such as traffic blockages and blocking driveways. The association does conduct specific one-day community-wide garage sales. When these events occur, the above rules will apply in addition to restrictions defined for those special events.

LEASING AND RENTING The single-family residences within Edgewater are not intended as rental investments or commercial property. It is recognized, however, that a homeowner may at times find it expedient to lease the residence. All leases shall have a minimum term of six (6) months. All leases shall require, without limitation, that the tenant acknowledges receipt of a copy of the Declaration, By-Laws, use restrictions, and rules and regulations of the Association. The lease shall also obligate the tenant to comply with the foregoing and shall provide that, in the event of noncompliance, the Board, in addition to any other remedies available to it, may evict the tenant on behalf of the Owner and specifically assess all costs associated therewith against the Owner and the Owner's property.

TIMESHARING No form of timesharing ownership is permitted in the Edgewater Community.

5.2 MAINTENANCE AND UPKEEP RESPONSIBILITIES

This type of rule is applied to help keep neighborhoods pleasant and inoffensive. It includes the requirement to maintain lawns and gardens and remove unsightly objects from the view of the neighborhood. It prohibits nuisance activities which could unnecessarily disturb other residents. The specific rules for this type of offense are addressed in the Declaration of Covenants Article V, Section 2 and Article VI, Sections 2, 3, 8, 9, 15 and 23.

GENERAL MAINTENANCE RESPONSIBILITIES Each property owner is required to maintain all property in a safe and attractive manner consistent with the community wide standards. This includes painting, lawn care, repair of building and driveway, and prompt removal of trash.

The following paragraphs discuss some of the major specific items of concern, but the homeowners responsibility extends to any other activities which could impact the appearance of the residence and the surrounding neighborhood.

LAWN ESTABLISHMENT AND MAINTENANCE Well established and maintained lawns, shrubbery, and flower garden areas are essential to neighborhood appearance and property values. Residents are required to establish and maintain their lawns. Lawns must be mowed regularly, the frequency depending upon the species of grass and the season. In addition, maintenance should include regular edging along curbs and driveways, removal and control of weeds, and timely fertilization and watering. Flowers and shrubbery should be kept free of grass and weeds.

Vacant lots are required to be kept free of weeds and brush which create unpleasant or unsafe conditions for neighboring residents. Lots which are clear and sufficiently level must be mowed entirely so that weeds do not exceed 8 inches in height. Lots which are rocky, uneven, and tree covered must be cleared and mowed to the extent of covering the utility easement, or at least 10 feet from the property line of an adjacent completed residence.

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No planting of trees or shrubs in the grass areas between the street and sidewalk on Edgewater Drive or Spinnaker Ridge Drive is permitted. Planting of small flowerbeds adjacent to existing mail boxes on Spinnaker Ridge is permitted. Shrubs or obstructions within the resident's property shall not overhang or protrude in to a ten foot setback from the curb on Edgewater and Spinnaker Ridge Drives.

EXTERIOR STORAGE AND USAGE In order to maintain an attractive and pleasant neighborhood, each resident must ensure that equipment and supplies are stored in a neat, safe area that is not highly visible to passersby or neighbors. The following specific items are examples of the exterior storage requirements:

- *Clotheslines are allowed only in a completely screened rear area.
- *Garbage cans, stacks of limbs or other debris, and bags of lawn clippings must be stored in the rear area except for the day of pickup. **Placement of these items (for pickup) on Edgewater Drive is prohibited.**
- *Equipment such as lawnmowers and garden hoses must be stored only in an area screened from the front view.
- *Repair and landscaping materials such as lumber, bricks, and peat moss must not be stacked in areas visible from the front, except during a reasonable period of time prior to and after use.
- *Woodpiles must be stacked neatly in areas behind an imaginary line extending outward from each side of the front of the house. It must be located at least six (6) inches from buildings and stacked on a concrete area, or in racks to keep it from contacting the ground. Such woodpiles can not be located within twenty five (25) feet of a property or easement line unless it is concealed from view of the adjacent neighboring property with an EOA approved screen fencing or shrubbery.
- *Storage of equipment used for recreation such as picnic tables, portable BBQ's and bicycles must be in a privacy-screened area.

EXTERIOR DECORATIONS AND DISPLAYS In order to maintain a harmonious neighborhood appearance, we require a primarily natural landscaping decor. In general, artificial flowers, artificial animals, bird baths and other sculptures are prohibited in areas visible from the front. Free standing flag poles are not permitted. U.S. flags may be flown from a standard attached to the residence, but other types of flags and banners are prohibited except for temporary use on special occasions such as holidays. For example, Christmas Santas or illuminating candles at Halloween are acceptable at those seasons.

Exterior sculpture and decorations may be approved for use in rear areas screened from front view. Exceptions may also be permitted in cases where items are part of a tasteful special theme such as a Japanese Garden.

EXTERIOR FINISHES All residences and improvements must be repainted as necessary to maintain the appearance of the neighborhood in a color used in the original construction of residences within the community. Untreated wood on a residence is not allowed; all wood exteriors must be painted or stained. Porches, decks and fences must be stained or painted as necessary to avoid deterioration. Painting or staining in the original color shades requires no approvals but color changes must be approved by the Architectural Review Committee. Sealers or other clear finishes which preserve the natural color of the wood are not acceptable except on cedar and redwood.

SIGNS The erection of signs on residential property can detract seriously from the beauty of the neighborhood. Sign restrictions were included in the original Declaration of Covenants. The conditions of the restrictions were expanded and clarified by the Board of Directors. The current sign policies are as follows:

- *No real estate signs or builder/developer signs of any kind are permitted at the Edgewater entryway, nor along Edgewater Drive.
- *One real estate "For Sale" or "For Rent" sign is allowed per residence at the front of the lot. The sign must not exceed 7 square feet in area. It must be mounted on posts no larger than 4 inches by 4 inches, and must not extend more than seven feet above the ground. These restrictions apply to builder lots as well as resident homeowners.
- *Temporary additional real estate signs are allowed for developers and homeowners "open house" displays under the following conditions. One generic "Open-House" direction sign is permitted at subdivision entranceway (but not at Edgewater entrance). An additional directional sign is permitted at the corner of the house being opened and on the lot of the open house itself. All temporary signs must be removed immediately after the open-house event.
- *Political signs are strictly prohibited throughout Edgewater.
- *Signs advertising businesses, such as roofing or fence companies, are prohibited.

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*"Beware of dog" or other "warning" signs are prohibited. The ARC may make exceptions if such signs are not visible from the street.

HOUSE NUMBER CURB MARKINGS Edgewater homeowners may designate their house number on the curb at their residence. Homeowners are not required to gain architectural approval prior to applying the house numbers on the curb, but must adhere to the following criteria:

- Color: Only black numbers on a white background are allowed. Background area must not exceed six (6) inches in height or twelve (12) inches in length. Black borders included within those dimensions are permitted. Numbers must be block style numerals and can not exceed four inches in height.
- Location: House number designations shall be placed on the curb of the official street address.
- Limitations: Only one curb marking designation per residence is allowed, and only the number of the home is allowed.

DISTURBING USES Our use restrictions require homeowners to prevent the development of any unclean, unhealthy or unkept conditions. A residence cannot be used to store items which are untidy or which detract from the surrounding houses. Similarly, no activity is permitted and no materials kept that will emit foul or obnoxious odors or contamination of the environment. Activities which involve disturbing noises - horns, sirens, whistles - are also prohibited except as security devices. These prohibitions apply whether the activities are hobbies or other motivations.

In addition, our restrictions are intended to prevent any condition that will be offensive or disturbing to neighbors. This includes, but is not limited to:

- *Loud operation of automobiles, motorcycles, or other vehicles.
- *Loud music, whether electronic or live.
- *Barking dogs.
- *Spotlights/floodlights operated for extended periods or shining onto neighbors property.
- *Electronic interference to radio/television, for example ham or CB radios.

5.3 INTERACTIVE USAGE RESTRICTION

This category of regulation applies to activities of residents which are not necessarily improper, but which can have a negative interaction on neighboring residents if not prohibited or controlled. This category includes the regulation of vehicle use, animals and pets, and other activities of potential disruption to a neighborhood area.

VEHICLE USE AND PARKING The restrictions on vehicle use are intended to protect the residents from disturbance from loud or unsafe use of powered vehicles, and to avoid visual distraction that can result from parking or storing vehicles in highly visible portions of the neighborhood.

The Declaration of Covenants established initial parking restrictions, some addressing automobiles and other regularly used vehicles, and others relating to specific vehicle types such as recreational vehicles and motorcycles. The intention, in all cases, is to avoid the cluttered appearance of large numbers of vehicles located in the street or highly visible parts of driveways. For this reason, the restrictions have been refined and expanded to be more explicit as defined below.

Homeowner vehicles may not be regularly parked in the streets. The Declaration of Covenants requires that all vehicles be parked in an "acceptable" parking area. It further defines parking area as garage space. However, since many residents have more vehicles than garage spaces, it has been necessary to expand the definition of parking area to include rearward parts of the driveway. Vehicles will be considered in violation of parking restrictions whenever one of the following conditions occur:

- *A vehicle is parked in one spot unmoved for 5 or more days.
- *A vehicle is parked in the street overnight repeatedly for 5 or more days.
- *A vehicle is parked in the street overnight for 3 or more days per week for more than 3 weeks.
- *A vehicle is parked on Edgewater Drive.
- *An unlicensed or inoperative vehicle is parked in the street or a highly visible area for more than 5 days.

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Recreational vehicles or towed vehicles of any kind may not be regularly parked in the street or in any portion of a residence which is visible from the front. Recreational vehicles include boat trailers, campers, trailers and self powered campers.

Recreational vehicles and towed vehicles (campers, boat trailers, etc.) may not be stored in the Edgewater community except in a garage or completely screened area. (Since privacy fences are limited to a height of 6 feet, vehicles of greater height would not be completely screened.)

In order to permit recreational vehicle owners to prepare for trips, such vehicles are allowed to be parked in the community for up to 48 hours prior to and after a trip using that vehicle.

Short-term guests of Edgewater residents may park vehicles on the streets providing the vehicle is not located where it could obscure the view, obstruct traffic, or block the entranceway of a residence. Guests who remain more than 1 week are required to arrange for vehicle parking in approved off-street areas. Guests with RV's may park in the street for no more than 5 days. Such temporarily street-parked RV's may not be used for overnight camping or for sleeping quarters during the visit.

Smaller powered vehicles such as motorcycles, mini bikes, all-terrain vehicles, powered scooters, go-carts, or golf carts may not be operated on sidewalks, recreational pathways, or lawns of private or association properties. Exceptions are made for powered wheelchairs or scooters designed for the disabled and the EOA security/maintenance vehicle.

All vehicles operated in the Edgewater community must be operated in a safe and considerate manner in compliance with all local speed limits and other traffic laws. Operation in a noisy manner or without a muffler is strictly prohibited.

GUNS AND WEAPONS The intent of the Declaration of Covenants is to protect against the hazards of weapon discharge whether accidental, careless, or intentional. Current regulations, based on the Declaration restrictions of Article VI, Section 17, prohibit the discharge of any firearm including handguns, rifles, shotguns, or automatic weapons. In addition, such firearms may not be carried openly within the community, unless carried within a gun case or broken down in a manner which would not allow discharge. The association restrictions do not prohibit the safe storage, within the residence, of weapons which are permitted by state and local laws.

In addition, regulations restrict the use and open carrying of BB guns, pellet guns, bows and arrows, or any kind of homemade weapon within the community. The use of fireworks is also prohibited. Exceptions may be made by the Board of Directors for Independence Day celebrations or other special occasions, providing such fireworks are not prohibited by local ordinances. Such exceptions must be requested in writing, which states the specific time and place for the activity.

DISRUPTION OF DRAINAGE Under normal conditions, the grading and landscaping at the time of construction provides adequate drainage that would prevent standing water in the property and adjoining properties. Any alteration which modifies that drainage is prohibited. If standing water or other drainage problems occur, corrections may be made only with permission of the Architectural Review Committee. Such permission requires consideration of the impact on any of the nearby properties, and may require permission from local regulatory authorities.

ANIMALS AND PETS The association has imposed restrictions which allow members to enjoy the benefits of pet ownership without causing disturbance to others, or deterioration of the neighborhood character. Our regulations specifically prohibit:

- *The raising of livestock of any kind.
- *The breeding of dogs, cats or other animals, whether or not intended for profit.
- *The ownership of wild animals which are either potentially dangerous or a possible hazard to environmental balance.

The following additional regulations are intended to ensure responsible ownership of dogs and cats. All dogs must be under control at all times when outside of the pet owners' residence. The normal means of control are to be on leash or within an adequately fenced confine. (Chain-link or any wire fences are not allowed.) All dogs must be under control with a leash when being walked within the community. Dogs which are potentially dangerous, especially to small children, are of special concern. Special precautions are needed to ensure children won't inadvertently enter the area where dogs are kept. The practice of chaining a dog outside unattended is discouraged since children, unaware of the danger, may approach the animal. Unleashed, small, unaggressive dogs may be

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considered under control when outside on the residence property if the owner is present. Under no circumstances may any dog be allowed to roam free at any time of day.

Dogs of any size which are specially trained to aid a blind, hearing-impaired, or physically handicapped person are exempted from those restrictions which could impair this function. Some display of this special training is necessary. All pet owners are required to ensure that the pet does not become a nuisance to other residents. When walking a dog, the pet owner should clean-up after their the pet. Keeping the dog on a leash and cleaning up after it is required by law in the City of Madison. Pet owners are further required to restrain their animal so that they do not become a nuisance in terms of disturbing noise or damage to property. One or more barking dogs can become very disturbing after a period of time, especially at night. Cats, while often allowed to roam, must not be allowed to damage lawns or other plants. Cats must not be allowed to create noise disturbance.

RECREATIONAL FACILITIES Edgewater recreational facilities (tennis courts, swimming pools, lake) are reserved for the use of Association members and their guests. Membership cards are the means for security personnel to verify that people are authorized to use these facilities. These cards, available at the community clubhouse, should be carried when Edgewater facilities are used.

LADY ANNE LAKE Fishing is permitted for EOA members as long as a license is obtained from the appropriate governmental authority. Swimming is permitted, although not recommended. Ice skating and water skiing are prohibited. Except as approved by the Board of Directors, boats with internal combustion engines and boats longer than seventeen (17) feet are not permitted. Boat use after dark is prohibited. Boats using the lake be registered with the sticker Edgewater Owners Association. Stickers are available free of charge at the clubhouse.

6.0 ENFORCEMENT

6.1 Authority

The Declaration of Covenants of the Edgewater Owners Association, in place since October 17, 1986, has provided the Owners Association with adequate power for enforcement of Architectural Standards and Use Restrictions defined herein. These powers are described in Article XIII, Section 1.0, and referred to or implied throughout preceding articles.

The enforcement of Architectural Standards is established in Article VI, Section 10. The Association is empowered to stop construction work on any project that has not received written approval from the Architectural Review Committee. In addition, the authority to impose fines and injunctive relief is defined in Article XIII, Section 1.0.

The enforcement of the Homeowner's Maintenance responsibilities is established in Article V, Section 2.0

The enforcement of the Homeowner's Use Restrictions is established in Article XIII. The association is provided (Section 1.0) the power to impose fines and to enforce fines with liens and injunctive relief. Secondly, the association has the power of "self-help", (Section 2.0), in which the association may enter onto such property to correct the violation and to charge the property owner with the costs for such operations.

Two important additional factors are established in Article XIII. Section 1.0 states that a failure to enforce any provision shall not be deemed a waiver of the right to do so thereafter. Section 19 states that the Board of Directors, or its designee, may, in the exercise of its reasonable discretion, permit deviation from use restrictions and design guidelines.

6.2 Due Process

In practice, the Association, as represented by the Board of Directors and its committees, should apply the enforcement powers cautiously. The directors and committee members are anxious to enhance everyone's enjoyment of the community, rather than create unnecessary hardships for any of the individual members. As a result, the following is the approved method for dealing with violations of the covenants:

1. After an Architectural Standards violation or a Use Restriction violation is reported, a member of the Architectural Review Committee or Covenants Committee, respectively, will verify that the violation exists and report to the appropriate Committee Chairman.
2. If the Chairman concurs, he/she will send a **first notice** to the offending party notifying them of the violation and seeking an appropriate response or voluntary compliance within 10 days.

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3. If no response/corrective action is taken within 10 days, the Chairman will send a **second notice** asking for a response or voluntary compliance and providing notification of the fine that will otherwise be imposed within 10 days.

4. If no response/corrective action is received, then the Chairman will send a **third notice** to the offending party stating that the fine is in effect and stating what additional daily fines will be imposed in 10 days if the violation is not taken care of and the fine paid.

5. The board may elect to use the "self- help" option as specified in the covenants and to bill the violator for those costs in addition to the fines.

6. The final step, if fines and costs aren't paid, is to place a lien on the property of the violator.

For violations that are often repeated such as lack of proper lawn maintenance, putting trash out too early, etc., the Chairman shall provide notice with the second letter of notification with regard to a given offense, that any future violation of the same offense within the current year will result in an immediate fine”:

6.3 Standard Fines

The Board has established the following standard fines to be imposed for common covenants violations:

1. Architectural maintenance violation: \$100 plus \$5/day
2. Homeowner’s Use Restriction violation: \$50 plus \$5/day

The Board may impose or set other fines as needed.

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Appendices:

- A - Application for New Construction
 - B - Approval for New Construction
 - C - Application for Architectural Improvements
-

Prepared and approved on November 4, 1996 by:
Earl Finley, Chairman Sam Liberatore, Chairman
Architectural Review Committee Covenants Committee

1997-2000 Revisions incorporated and approved by EOA Board of Directors on December 4, 2000:

Charles Ross, Chairman Sam Liberatore, Chairman
Architectural Review Committee Covenants Committee

Earl Finley Date
President, Board of Directors
