

DEERLAKE VILLAGE COMMUNITY ASSOCIATION
RULES & REGULATIONS – Part 1
ADDITIONAL USE RESTRICTIONS

INTRODUCTION

These Rules and Regulations contain use restrictions that apply to all property within Deerlake Village. They supplement the restrictions contained in *Article VI* of Deerlake Village Community Association Amended and Restated Declaration of Covenants of 2006. These Rules and Regulations have been adopted by the Board of Directors as authorized by Section 5.14(e) of the Bylaws.

Rules and Regulations – Part 1 includes some items copied from *Article VI* of the Declaration in order to be inclusive. Refer to both *Article VI* and these Rules and Regulations to learn all of the restrictions relating to property use.

These Rules and Regulations – Part 1 have been divided into three Articles. *Article I* addresses standards general in nature, which do not come under the jurisdiction of the Architectural Review Committee, (*Article II*), or the Landscape Review Committee, (*Article III*). Questions relating to structural changes to home sites or changes to landscaping should be directed to either the Architectural Review Committee or the Landscape Review Committee as appropriate. Nothing in these Rules & Regulations may override rules, which are contained in the Declaration. In case of contradiction, the rules, which are stated in the Declaration, will take precedence.

Modifications made to properties prior to adoption of these Rules and Regulations are given grandfather status if they met the rules in place at the time of modification. Such modifications need not be altered to comply with these revised rules.

Exceptions that may be allowed in the future by the Association are not to be considered as precedents. Homeowners are required to receive approval from the Architectural Review Committee or the Landscape Review Committee before undertaking any exterior change to their property. Architectural Modifications Standards and Landscape Modifications Standards prepared by the respective committee provide additional guidance on requirements. Failure to receive prior approval may result in fines and a requirement to restore the property to its original state.

ARTICLE I
GENERAL RULES AND REGULATIONS

1. ACCESSORY STRUCTURES. (from *Article VI Section 1* of the Declaration), “Accessory structures shall not be permitted except in accordance with the Rules and Regulations.” Accessory structures are permitted only where specifically allowed in Exhibit “A” of certain deeds. Accessory structures include items such as utility sheds, gazebos, carports, playhouses and temporary structures (see *Article VI Section 4* of the Declaration).

2. ANTENNAE, AERIALS, SATELLITE DISHES. (from *Article VI Section 10* of the Declaration), “All utilities, wires, cables, antennae and the like, of any kind (such as telephone, electrical, television, radio and citizens band radios) must be placed underground except as may be expressly permitted in the Rules and Regulations. No external wireless communication towers or antennae shall be permitted within Deerlake Village”, except for the following:

In accordance with federal law and FCC rulings, the installation of satellite dishes (used for television and internet signals) is permitted on residences provided that the device:

- (a) Is reasonably inconspicuous from the street unless reception is unacceptable otherwise
- (b) Is located where it does not present a safety hazard
- (c) Is no larger than 39.7 inches in diameter

Other outdoor aerials and antennae for such things as amateur radio (ham radio), citizens band radio (CB), and other transmitting/receiving structures are prohibited.

3. ARTIFICIAL VEGETATION. With the exception of door wreaths, artificial flowers and vegetation are not allowed.

4. BIRD FEEDERS, SQUIRREL FEEDERS, BIRD HOUSES AND BIRD BATHS. These are permitted but must be kept clean and in good condition. They should not be placed where debris might fall on neighboring lots.

5. BUSINESS OR COMMERCIAL USE OF PROPERTY. See *Article VI Section 3* of the Declaration for the complete rule on commercial use of property. Significant limitations apply to such use.

6. CAMPING. Overnight camping is not permitted in any part of Deerlake Village.

7. DRIVEWAYS. Driveways must be properly maintained and must not be used as storage areas for such things as garbage cans, sports equipment, barbeque grills, etc. (*See also Article III, Section 2.A herein*).

8. FENCES. Fences are permitted in the Meadows only, where the originally constructed fence may not be altered. Only one type of fence may be used on any given lot. Lots with hedges between brick pillars are to be considered living fences. Should replacement of the hedge become necessary an evergreen hedge approved by the LRC must be installed.

(For the rule governing pet enclosures see Article III, Section 2.E herein).

9. FIREARMS/FIREWORKS. (from *Article VI Section 19* of the Declaration), "...the discharge of firearms or bows or arrows for any purpose shall be prohibited." No guns or devices for propelling any dangerous object may be used within the community except by authorized personnel in the line of duty.

Legal fireworks are permitted until 10 PM on the 4th of July holiday. On other occasions the Board of Directors must approve fireworks.

10. FLAGS AND BANNERS. Small decorative flags or banners may be displayed on porches or on bracket poles attached to the house. American flags (up to 3' X 5'), if flown, must be displayed in accordance with federal and state law.

11. GARAGE DOORS. For aesthetic and security considerations it is suggested that garage doors that are visible from the street be kept closed.

12. GARAGE SALES, MOVING AND ESTATE SALES. Community-wide garage sales are normally held biennially, as authorized by the Board of Directors, under the supervision of a garage sale committee. Individual garage sales at home sites are permitted only on the day of the community-wide garage sale.

A one-time moving or estate sale may be conducted on resident's property only, and requires prior approval of the Board. The sale may be conducted only on two consecutive days. No signs will be placed within Deerlake until the morning of the sale and will be removed promptly upon completion of the sale.

13. GUEST PRIVILEGES AND RESPONSIBILITIES. Houseguests of residents are welcome to use the amenities and are expected to observe the same rules as the residents. Brevard area guests must be accompanied by a resident when using any of the amenities.

14. HOLIDAY DECORATIONS. Temporary decorations for holidays are permitted on residents' houses, garages, porches and yard areas for the holiday season. Decorative holiday lighting must be turned off by midnight.

15. LAKE TRIBUTARIES. Homeowners may not disturb the streams that feed Deer Lake in any way. No water withdrawal or diversions of the tributaries or features in yards that use stream water are permitted. Pools,

ponds, installation of rock or artificial features, dams or structures in the streams are prohibited.

16. LANDSCAPE MAINTENANCE. (from *Article VI Section 7(b)* of the Declaration), “Each Owner shall keep the grass on the lot properly cut, shall keep the lot free from trash, and shall keep it otherwise neat and attractive in appearance.” Landscape shall be maintained in a slightly condition, keeping shrubs and trees properly trimmed. Landscape plantings that become unduly large and unsightly are to be pruned or replaced. Hedges, planted and mulched areas are to be kept trimmed, and neatly maintained.

17. LEASING OF PROPERTY. (from *Article VI Section 25* of the Declaration), “All leases or rentals shall have a minimum term of six months. At no time may a Lot Owner lease or rent a portion of the family dwelling unit unless the entire family dwelling unit is leased or rented. Every lessee or tenant shall in all respects be subject to the terms and conditions of this Declaration, the Bylaws, and the Rules and Regulations adopted hereunder. In the event of noncompliance by the tenant or his/her guests, all costs associated therewith, including fines and legal fees, will be assessed against the owner and the owner's property.”

As with owner occupied residences, leased residences may not be occupied by more than three persons who are not related to each other by blood or legal ties, who maintain a common household, without the written consent of the Board of Directors (see *Article II Section 22* of the Declaration).

The owner will be responsible for the following:

- (a) Providing tenant(s) and management company (if there is one) with copies of the Deerlake Village Community Association governing documents and all amendments and rules as they are adopted.
- (b) Providing the Board of Directors with name and address of the tenant(s), delegation of right to use common elements to the tenant (unless retained by owner) and duration of the lease.
- (c) Any infractions or non-compliance committed by the tenant.

18. LOT CONDITIONS AND ACTIVITIES. The exterior of homes, as well as yards, must be maintained in good condition. Owners must remove fallen trees, limbs, trash, or other unsightly objects as soon as possible. (See *Article VI Sections 7, 8 and 9* of the Declaration.)

Discarded brush and plant material may not be deposited on any common elements or on vacant lots. City of Brevard Ordinances prohibit placing yard waste or debris in the storm sewers.

Clotheslines, bedding, compost piles, and other unsightly objects should not be visible to others. Garbage containers, lawn equipment, cleaning apparatus, and other such items should not remain visible for an unreasonable length of time. It is recommended that garbage that might attract animals be placed in hard-sided containers and that garbage and recycle containers not be placed for pickup until 7PM the night before the scheduled pick up.

Objectionable noise such as loud music, excessive barking of dogs, and other disturbing activities are not permitted. Power equipment may not be used outdoors before 8 a.m. and after 8 p.m.

Except for grills and fireplaces, outdoor burning of any materials is prohibited. (See *Article VI Section 14* of the Declaration.) Any lot condition or activity that might present a fire or health hazard or a danger to others is prohibited.

19. MAILBOXES. Mailboxes must be of customary shape and size, conforming to U.S. Postal Service requirements. They may be discreetly decorated.

20. PETS. Only the usual household pets such as dogs, cats, etc. (maximum total of two that are taken outdoors) may be kept at any residence. Animals may not be kept or bred for commercial purposes. All pets must meet government requirements for licensing and inoculations.

Pets may not be permitted to run free. When not on its owner’s lot, each pet must be leashed and accompanied by a responsible person controlling that animal by leash. This person shall be responsible for picking up any excrement left by the animal and disposing of it in a sanitary manner. Pets should not be permitted to create a nuisance or to become a danger to others. In the event of violations the Board of Directors may exercise its authority under *Article VI Section 18* of the Declaration to remedy the situation. If found running loose, any pet may be turned over to the proper authorities.

(For the rule governing pet enclosures see *Article III, Section 2.E* herein).

21. **PLAY EQUIPMENT.** Play equipment such as swings, basketball hoops, etc. on private properties should not be placed in front yards.

22. **PORCHES.** Porches visible to others are not to be used as storage areas for yard tools, garbage cans, sports & play equipment, bicycles or other such items.

23. **SCENIC VIEW OBSTRUCTION.** New trees, tall shrubs and landscape structures may not be located where they may eventually obstruct a neighbor's scenic view.

24. **SIGHT DISTANCE AT INTERSECTIONS.** Safe sighting across street corners must be maintained. No plantings or structures will be permitted that create traffic or sighting problems.

25. **SIGNS.** The display of business, advertising or political signs and materials is not permitted on any property or within the clubhouse. Private use of the Association bulletin boards for advertising is not permitted. Only one standard sign that has been approved by the Board may be used to advertise the sale of a home, and that sign may be placed only on the lot of the home. (See *Article VI Section 15* of the Declaration.)

26. **SUBDIVISION OF LOTS.** Lots may not be subdivided or boundary lines changed without prior written approval of the DVCA Board of Directors, unless expressly permitted in the deed of the Lot. (See *Article VI Section 2* of the Declaration.)

27. **VEHICLES.** The term "vehicle" includes, but is not limited to, automobiles, motorcycles, mopeds, bicycles, golf carts, ATVs, dune buggies, farm equipment, motor homes, RVs, campers, boats, and trailers. No motorized vehicles of any type, except lawn mowers, are allowed to operate off the paved roads and surfaces within Deerlake Village. The Board in accord with Article VI, Section 26 of the Declaration, can grant exceptions. No improperly muffled vehicle may be operated within Deerlake Village.

For safety reasons, street parking is generally discouraged. Exceptions are allowed for:

(a) Trucks, commercial vehicles, or vehicles being utilized in connection with construction or repair of owner's property, provided the vehicles do not obstruct traffic.

(b) Vehicles of visitors that may be parked on the street temporarily.

Owner's vehicles should be parked in the garage except for temporary loading or unloading, and one additional (two additional in the mountain lots) vehicle beyond the garage capacity may be parked in owner's driveway, except as noted in the paragraph below. (See *Article VI Section 11* of the Declaration.) All new home construction must include a garage.

Vehicles such as motor homes, recreational vehicles, campers and trailers may not be parked at private residences where they are visible from any street or adjacent property, except temporarily for loading and unloading. Overnight visitors in recreational vehicles may obtain a permit from the Board of Directors to park temporarily in the paved common element behind the picnic area; such vehicles may not be occupied overnight.

Non-operational vehicles will not be parked or stored outside of a garage in any circumstance.

Except for emergencies, the repair of vehicles is prohibited outside the owner's garage.

No vehicles displaying advertising or For Sale signs may be parked within sight of any public street, common elements, or any adjacent lot.

28. **WILDLIFE.** The killing or trapping of wild animals and birds by individuals is prohibited. However, destructive animals such as rats and groundhogs may be trapped and removed. The waterfowl at the lake should not be fed.

29. **YARD ORNAMENTATION.** Landscape yard ornamentation should be in keeping with the natural environment, the forest, mountain and meadow surroundings of Deerlake Village. Yard decor should be in harmonious scale with the size of the yard and plantings.

30. **DEED RESTRICTIONS.** Additional restrictions may be contained in individual property deeds.

ARTICLE II
ARCHITECTURAL DESIGN / EXTERIOR MODIFICATIONS

Section 1. ARCHITECTURE AND CONSTRUCTION OF NEW HOMES

The architectural plans for new homes, site preparations and landscaping are to be coordinated with the Architectural Review Committee (ARC) prior to construction. It is strongly recommended that property owners meet with the ARC before the design process begins. The design approvals, guidelines, specifications, necessary forms, etc. are issued in a separate booklet, New Construction Packet for use by new owners and contractors. ARC oversight ends when the Construction bond is returned to the owner.

Section 2. EXTERIOR MODIFICATIONS TO EXISTING HOMES

Additions and/or alterations to existing structures must be in harmony with the scale, color scheme and architectural style of the surrounding neighborhood. All completed request forms for additions and/or alterations must be reviewed and approved by the Architectural Review Committee (ARC). This includes such things as (but not limited to) room additions, garage enlargement, changing color of house, adding trim or shutters, etc., as well as the modifications listed below. The impact of a proposed extension or exterior modification upon neighboring properties will be a consideration in granting approval. Re-painting or re-roofing does not require approval from the ARC if the color and materials are the same as the original.

- a. **AIR CONDITIONERS.** Window air conditioning units may not be installed in any residential unit without prior approval.
- b. **AWNINGS, PATIO ROOFS, OVERHANGS.** Extensions such as awnings, patio roofs and overhangs are not generally acceptable if visible to others. Exceptions must be approved.
- c. **DECK OR PORCH SCREENING OR ENCLOSING.** Screening or enclosing of decks or porches must be approved. Screening should be of dark color and must be rustproof. Enclosures of clear plastic sheeting are not permitted if visible from the street.

ARTICLE III
LANDSCAPE DESIGN / MODIFICATION

Section 1. LANDSCAPING OF NEW HOMES. The landscaping plan for a new home should be part of the building plan submitted to the Architectural Review Committee before construction begins. For specific landscaping Rules and Regulations for new properties see the Architectural Review Committee's New Construction Packet.

Section 2. LANDSCAPING OF EXISTING HOMES. Plants and trees should be chosen with their maximum growth habit in mind so that they do not block views for neighbors, interfere with road visibility from driveways or grow too close to the house.

Prior to making any significant landscape modifications, residents must submit a completed landscape modification request form to the Landscape Review Committee (LRC) for approval. Significant landscape modifications may include (but are not limited to) tree planting, removal or trimming (other than normal pruning), changes to grade affecting drainage, landscape structures of any kind, such as arbors, trellises, railings, steps, walkways, gazebos, stone walls or retaining walls. Replacing or adding normal shrubbery does not require committee approval.

- a. **DRIVEWAYS.** Any changes in material or configuration of driveways must be approved.
- b. **EXTERIOR LIGHTING.** Any changes or additions to exterior lighting (e.g. doorways, garages, floodlights, porches, yards, walkways) must be approved. The impact of the lighting on neighbors should be considered. Landscape lights should be shielded and of low intensity.

c. FLAGPOLES. Freestanding flagpoles must be approved.

d. PATIOS. Extensions or construction of patios must be reviewed and approved. Consideration will be given to the use of the same or compatible materials and to how such extension or construction might affect neighboring properties.

e. PET ENCLOSURES. Pet enclosure fences, with or without dog houses, are permitted on Mountain lots only, but require approval. The enclosures must not be visible any time of the year from any street or neighboring lot(s).

f. POOLS, HOT TUBS, SPAS. No aboveground pool may be installed on any lot. Installation of an exterior hot tub or spa must be approved and may not be located where it is visible to others at any time of the year.

g. TREE REMOVAL OR PRUNING.

Normal pruning and shaping is permitted without committee approval as long as it does not materially affect the look or health of the tree.

Prior written approval is required from LRC when considering:

- (1) Topping a tree (which means severely cutting back the top, especially the central leader branch);
- (2) Removing a tree with a trunk of three inches or larger in diameter, measured four feet up from the ground;
- (3) Clear cutting or thinning out trees.

(To begin the approval process submit the form entitled “Request to Modify Exterior Construction/Landscaping/Other” available on our website www.deerlakevillage.org or from an LRC member.)

In exercising its discretion the Committee will give due consideration to the following issues:

- (1) Safety concerns
- (2) Health of the tree
- (3) Desire of the owners to restore a limited scenic view as it existed when they purchased the home.
- (4) Willingness of the owners to plant a replacement if appropriate
- (5) Trees that are too close to or that endanger the dwelling.

(Please also note from *Article VI Section 6* of the Declaration that “No living tree or shrubs which form a hedge along a community sidewalk may be removed without the written approval of the LRC in accordance with the Rules and Regulations.”)

SUPPLEMENTARY INFORMATION

THE COMMON ELEMENTS

The COMMON ELEMENTS include all property and structures, which are owned and maintained by the Association for the common use and enjoyment of the members. In Deerlake Village the common elements currently include the clubhouse and gazebo, picnic grounds, lake, walking trails, pool, Meadows Park, the Conservation Easement and other protected green spaces. These are available for use by members of the Association. **Residents must accompany guests who live locally when using the common elements; houseguests may use amenities without the resident present. All guests must be informed of and must observe the rules for all elements.**

Any recreational equipment or recreational facility furnished by the Association, regardless of its location, is used at the risk of the user. The Association may not be held liable for any damage or injury related to use of the equipment or facility; nor is the Association to be held liable for any theft of personal property from any of the common elements.

The Covenants, By-Laws and Rules and Regulations of Deerlake Village Community Association apply to use of the common elements. Additional specific rules for others are posted as indicated below:

CLUBHOUSE and COMMON ELEMENTS Rules are posted on the bulletin board inside the clubhouse kitchen.

POOL Rules and hours of availability are posted at the pool. Anyone under the age of 16 must be accompanied by an adult at all times.

PARK AREAS The park areas are for use by all Association members. Equipment for games is stored in the Picnic Grove locker. (Locked by the same combination as the clubhouse and pool.)

LAKE AND DOCKS Rules concerning use of the lake and registration of watercraft are posted at the clubhouse dock and by the canoe livery.

CONSERVATION EASEMENT The conservation easement is to remain in its present wooded state in perpetuity. It contains several walking/hiking trails that are for use by all Association members. Rules are posted on the lake bulletin boards located at the clubhouse dock, the canoe livery, and on the bulletin board by the spillway.

THESE RULES & REGULATIONS – Part 1 adopted and approved by the Board of Directors this 16th day of August 2011