

## Exhibit "D"

# ARCHITECTURAL GUIDELINES AND RULES for SIENA OAKS HOMEOWNERS ASSOCIATION, INC.

*[Merged through February 19, 2010]*

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**SIENA OAKS HOMEOWNERS ASSOCIATION, INC.  
ARCHITECTURAL  
GUIDELINES AND RULES**

*(merged through February 19, 2010)*

The Board of Directors have adopted the enclosed Guidelines which shall form the basis of the Architectural Control Committee's (ACC) decisions when homeowners seek to add to, alter or improve the exteriors of the homes and the Lots, including landscaping, in "Siena Oaks Homeowners Association". The Architectural Control Committee shall either accept or deny the requested alteration or improvement of the homeowner.

The Board recognizes that some homeowners and residents might be reluctant to seek Architectural Committee approval when making an alteration or improvement to their property. However, it is required that all homeowners shall comply with the application process and seek Architectural Control Committee approval before commencing any exterior alteration or improvement. It is a violation of the Declaration for anyone to bypass the approval process.

**I. DEFINITIONS**

- 1.1 "COMMITTEE" means the Architectural Control Committee.
- 1.2 "SIENA OAKS HOMEOWNERS ASSOCIATION" means all lots Units (also referred to as "Lots" in the Declaration), Common Area and other property under the Declaration for Siena Oaks which comprise the entire community.
- 1.3 "ESTATES" means the Estate Homes.
- 1.4 "PATIO HOMES" shall mean the zero lot line homes situated within Siena Oaks Homeowners Association.

**II. PAINTING OF EXTERIORS OF THE UNITS**

**2.1 PATIO HOMES**

- A. No deviation from the original color scheme is permitted unless a deviation is approved by the COMMITTEE.
- B. All trim must be white or the same color as the exterior color of the home or a different tone or shade of the exterior color of the home as approved by the COMMITTEE in its discretion.
- C. No two homes next to each other (that are side by side) shall be of the same or substantially similar exterior color as determined by the COMMITTEE.

**2.2 ESTATES**

- A. Prohibited exterior colors, including trim, are primary colors (provided the Committee may, in its discretion, approve certain shades or tones of primary colors) and black. Soft pastels and earth tones are encouraged.

**EXHIBIT "D"**

- B. No two homes next to each other (that are side by side) may have a sharp contrast with each other nor shall be of the same or substantially similar exterior color. The Committee may, in its discretion, determine whether the colors of adjacent homes violate the provisions of this paragraph.
- C. All trim must be white or the same color as the exterior color of the home or a different tone or shade of the exterior color of the home as approved by the COMMITTEE in its discretion.

### 2.3 DIFFERENT APPROVED COLORS FOR ESTATES AND PATIO HOMES

The Committee may, in its discretion, establish or approve different exterior colors for the Estates and Patio Homes, and the approval of any color(s) for one type of home shall not be deemed the approval of such color(s) for the other type of homes.

## III. FENCES

### 3.1 "SIENA OAKS HOMEOWNERS ASSOCIATION"

- A. Only three types of fences are permitted: (to be applied to both Estate and Patio homes)
  - (1) Wood Fences: Shadow-wood (shadow box) type made of natural wood (not painted). Wood fences shall be a height of six (6) feet (not less or more).
  - (2) Metal Fences: Metal fences may only be installed along lakes and canals in the rear of a lot. All metal fences shall be of aluminum materials, white in color, open metal picket style, with a six inch slat separation as prevalent in "Siena Oaks Homeowners Association". The ACC COMMITTEE may approve slat separations of less than six inches if there exists safety concerns for small children. Metal fences shall be a height of four (4) feet.
  - (3) White Vinyl Fences: White vinyl fences shall be of a shadow box type or style (as determined and approved by the ACC COMMITTEE) and six (6) feet in height (not less or more).
- B. No fence shall be located in the front portion of any Lot. No fence shall be located closer than 10 feet (measured going toward the rear Lot line) from the front of the leading edge of the dwelling or house slab located on such lot.
- C. Fences along the lake:
  - (1) Only fences of the metal type under 3.1.A.2 above shall be allowed along any lake. All such fences must be constructed on the lake maintenance easement line located farthest from the lakeshore, but not within such easement area.
- D. As to any home which is adjacent to a lake: No wood or white vinyl fence in a rear yard shall be permitted except for such approved fences installed along the side Lot lines which do not face a bordering sidewalk or street, but in no event extending beyond the maintenance easement line located farthest from the lake.
- E. When a fence is replaced, it shall be replaced with the type of fence permitted for such location, pursuant to this Section 3.1.

- F. Metal (Aluminum) fences, in addition to the criteria referred to in 3.1.A.2 above, all aluminum fences shall be of white finish and four feet in height (not less or more).
- G. Party Fences. Party fences, as defined in Article VII of the Declaration, may be either wood or white vinyl, as determined by the joint owners thereof and approved by the ACC COMMITTEE. The maintenance and replacement of party fences shall be in accordance with Article VII of the Declaration and these Architectural Guidelines and Rules.

#### IV. DRIVEWAYS

- 4.1 PATIO HOMES. No deviation from the original color and style is permitted, except a terra-cotta color drive is permitted when the roof of the home is terra cotta. An owner may apply a clear sealant to a driveway if desired. If the original color of the driveway is in question, the homeowner shall contact the management or Board of Siena Oaks Homeowners Association for the correct color of the driveway.
- 4.2 ESTATES. Deviations in style shall be permitted with COMMITTEE approval in its discretion. Deviations from color shall be permitted provided that the color blends harmoniously with the home as determined by the COMMITTEE in its discretion. Color change must be approved by the COMMITTEE in its discretion.

#### V. MAILBOXES AND STANCHIONS

- 5.1 "SIENA OAKS HOMEOWNERS ASSOCIATION". Deviations shall be permitted only if the deviation is made in the entire community, and only if all of the mailboxes and stanchions are uniform in the community. The maintenance, repair and replacement of mailboxes shall be the responsibility of the Unit Owner.

#### VI. LIGHTING FIXTURES

- 6.1 "SIENA OAKS HOMEOWNERS ASSOCIATION". Any light fixture may be replaced with the same or substantially similar fixture with the approval from the COMMITTEE. Any change of an exterior light fixture shall also require the prior approval of the COMMITTEE, which may be granted or denied at the COMMITTEE's discretion. Notwithstanding the foregoing, no change or alteration shall be made to the post light or street lamp located on any lot or unit unless the change and alteration is made in the entire Siena Oaks Homeowners Association as approved by the Committee or the Board of Directors.

#### VII. SCREEN ENCLOSURES

- 7.1 PATIO HOMES. All screen enclosures shall meet the following standards:
  - A. The frame must be of white color.
  - B. The screen must be charcoal in color.
  - C. The roof must be of mansard style or of the style of the existing screen enclosure originally constructed on the lot.
  - D. No screen enclosure shall be permitted on the side of the home. The only screen enclosure permitted in the front of the home shall be the screening-in of the portico.

- E. Any screened enclosure along a lake or canal must have 100 percent foundation plantings on the exterior of and along the enclosure which shall be a minimum height of twelve (12) inches above the foundation and spaced such that the plantings form a dense appearance along the entire perimeter of the enclosure (not including in front of any door of the enclosure).
- F. Type of plants allowed for screening are: Cocoplum (Chrysobalanus icaco), Viburnum (Viburnum suspensum), Dwarf Schefflera, Nora Grant Ixora (Nora Grant), Hibiscus, Surinam Cherry, Liriope, or as approved by the COMMITTEE.

7.2 ESTATES. All screen enclosures shall meet the following standards:

- A. The frame must be of white color.
- B. The screen must be charcoal in color.
- C. The roof must be of either mansard, hip or gabled style.
- D. Any screened enclosure along a lake or canal, must have 100 percent foundation plantings on the exterior of and along the enclosure which shall be a minimum height of twelve (12) inches above the foundation and spaced such that the plantings form a dense appearance along the entire perimeter of the enclosure (not including in front of any door of the enclosure).
- E. All screened enclosures shall be located on the rear of the home, except for the following: As to a corner Lot, an enclosure may be constructed on the side of the home, provided that the screened enclosure does not protrude beyond the front leading edge of the dwelling or house slab.
- F. Type of plants allowed for screening are: Cocoplum (Chrysobalanus icaco), Viburnum (Viburnum suspensum), Dwarf Schefflera, Nora Grant Ixora (Nora Grant), Hibiscus, Surinam Cherry, Liriope, or as approved by the COMMITTEE.

VIII. LANDSCAPING

8.1 "SIENA OAKS HOMEOWNERS ASSOCIATION:

A. The replacement of landscaping with the same plant species (for instance, sod with sod or bush or tree with same bush or tree) does not require the approval of the COMMITTEE. However, any replacement of landscaping with different plant species or the addition of landscaping which did not exist before requires the prior approval of the COMMITTEE. Notwithstanding the foregoing, no tree with a trunk measuring four inches (4") or more in diameter may be removed unless replaced with a tree having a trunk of at least four inches (4") or more in diameter, provided, however, that this shall not preclude the removal of a diseased or dying tree, or a tree which is a threat to any home or structure. No tree shall be "hatracked" or trimmed in violation of applicable codes and ordinances. Removal of all or a substantial amount of plants (as determined by the COMMITTEE in its discretion) from in front of the home and replacing it with sod or some other type of ground cover is not permitted. Annuals and perennials are permitted without approval of the COMMITTEE.

B. The following types of plants are prohibited, as provided in the Palm Beach Gardens Code, Section 98-71, revised:

- |     |                            |                |      |
|-----|----------------------------|----------------|------|
| (1) | Ficus Acacia surculiformis | Earleaf acacia | Tree |
| (2) | Melaleuca Albixia Lebbeck  | Woman's tongue | Tree |

(3)	<del>Banyan</del> Ardisia solonacea	Shoebuttan ardisia	Shrub
(4)	<del>Eucalyptus</del> Bischofia javanica	Bischofia; bishop-wood	Tree
(5)	Casuarian spp.	Australian pine	Tree
(6)	Colubrian asiatica	Leather leaf	Vine
(7)	Cupaniopsis anacardioides	Carrotwood	Tree
(8)	Dioscorea bulbifera	Air potato	Vine
(9)	Ficus Altissima	Lofty fig	Tree
(10)	Ficus bengalensis	Banyan	Tree
(11)	Hibiscus tiliaceus	Mahoe	Tree
(12)	Jasminum dichotomum	Jasmine	Shrub
(13)	Lygodium microphyllum	Small-leaf climbing	Fern
(14)	Melaleuca quinquenervia	Melaleuca; cajeput	Tree
(15)	Mimosa pigra	Cat's claw	Shrub
(16)	Rhodomyrtus tomentosus	Downy rose myrtle	Shrub
(17)	Sapium sebiferum	Chinese tallow tree	Tree
(18)	Schimum terebinthifolius	Brazilian pepper tree	Tree
(19)	Syzugium cuminii	Java plum	Tree
(20)	Thespesia populnea	Cork tree	Tree
(21)	Unknown	Norfork Pine	Tree

IX. AWNINGS

9.1 "SIENA OAKS HOMEOWNERS ASSOCIATION" no awnings are permitted except as follows:

Awnings are permitted when approved in advance by the COMMITTEE. Awnings shall be on the rear of the house, and must be designed to compliment the architecture of the house as to form, color, and style as determined by the COMMITTEE in its discretion.

X. SHUTTERS

10.1 Hurricane Protection in "SIENA OAKS HOMEOWNERS ASSOCIATION".

A. Hurricane shutters are permitted, but are limited to the following types:

- (1) Aluminum accordion type, white in color.
- (2) Aluminum roll up type, white in color, which rolls up to and into a box.
- (3) Hurricane panels are permitted but attached hardware must be the color of the house or white. Hurricane panels may be constructed from the following material:

- a. Aluminum
- b. Galvanized steel
- c. Clear (Polycarbonate type)
- d. Plywood (must be removed within ninety-six (96) hours after a storm or hurricane)

10.2 Any other hurricane shutter is not permitted.

10.3 Hurricane shutters may only be placed in a closed position upon the issuance of a tropical storm or hurricane watch or warning for the area in which Siena Oaks Homeowners Association is located, and such shutters must be opened or removed within ninety-six (96) hours after the storm, or the watch or warning has been lifted.

10.4 PATIO AND ESTATE HOMES. No decorative type shutters will be allowed without approval of the COMMITTEE in its discretion. Shutters which may serve the dual purpose of being decorative and providing hurricane or storm protection may only be installed with the prior approval of the COMMITTEE which approval may be granted or denied at the COMMITTEE's sole discretion. The COMMITTEE, in its discretion, shall determine which shutters may serve the dual purpose of being decorative and providing hurricane or storm protection.

## XI. WINDOWS

### 11.1 "SIENA OAKS HOMEOWNERS ASSOCIATION:

- A. No reflective material may be placed on any window.
- B. No awning windows are permitted.
- C. No jalousie windows are permitted.
- D. Windows may be tinted, provided that the color is limited to smoked throughout, or bronze throughout, the home.

## XII. DOORS

### 12.1 "SIENA OAKS HOMEOWNERS ASSOCIATION"

- A. No deviations in color or style of garage or entry doors, from that originally installed by the Developer, shall be permitted without prior approval of the COMMITTEE in its discretion.
  - (1) Solid panel garage doors that meet South Florida Building codes for hurricane protection are permitted provided that the style of the garage door matches the original style and color installed by the developer, but are not required to have windows in the top panel.
- B. Screen doors and screen enclosures shall be permitted, provided the following criteria are met:
  - (1) the frame shall be of white rectangular aluminum tubing.
  - (2) The screen shall be charcoal in color.
  - (3) Any style screen door is permitted so long as it is or has previously been approved by the COMMITTEE.

### XIII. ROOM/OTHER ADDITIONS AND STRUCTURES

#### 13.1 "SIENA OAKS HOMEOWNERS ASSOCIATION:

- A. Any room or other addition or structure must be architecturally designed to compliment the architecture of the home as it relates to forms, materials and roof lines. No room or other addition or structure shall be permitted which requires a variance from standard zoning regulations.
- B. Metal roofs are prohibited.
- C. Free standing structures, meaning structures which are not attached to the home, are prohibited.
- D. Game and play structures may only be constructed in the rear yard with prior approval of the COMMITTEE and shall not exceed six (6) feet in height. No unit owner, lessee, guest or any other occupant, invitee or licensee shall at any time, keep, place, maintain or store any personal property of any type on, upon or within any portion of the common area, including, without limitation, recreation or play equipment, furniture, building materials or any refuse or trash except that trash receptacles may be placed at curbside no sooner than the evening before and removed no later than the evening of the scheduled pickup. (Article XI, Section 1. of the Declaration of Restrictions for Siena Oaks – "Garbage and Trash.")

### XIV. SOLAR PANEL/DEVICES

#### 14.1 "SIENA OAKS HOMEOWNERS ASSOCIATION" Solar panels/devices are permitted provided they meet the following criteria:

- A. Subject to applicable law, no solar panel or device shall be visible from any street whether or nor within SIENA OAKS HOMEOWNERS ASSOCIATION or from across any lake or canal.
- B. No exposed pipe materials shall be permitted.

### XV. ROOF VENTILATORS

#### 15.1 Unless otherwise provided by law, no wind driven or electronic roof ventilator which is at all visible from the exterior of the home, shall be permitted. If such devices must be allowed by law, the style and appearance of the same must be approved by the COMMITTEE to the extent the COMMITTEE is allowed to regulate the same under applicable law.

- A. Gable end ventilators are allowed provided the construction of the ventilator shall match in size and shape the ventilators as prevalent in "Siena Oaks Homeowners Association" or those existing on the home, with the approval of the COMMITTEE.

### XVI. EQUIPMENT

#### 16.1 "SIENA OAKS HOMEOWNERS ASSOCIATION" All pool pumps, water softeners, water conditioners, air conditioners, air conditioning or other equipment, shall be located as approved by the COMMITTEE and fully landscaped from view with landscaping which is mature at the time of planting.

## XVII. POOL INSTALLATIONS

### 17.1 "SIENA OAKS HOMEOWNERS ASSOCIATION"

#### A. Pools.

- (1) Above-ground pools are prohibited.
- (2) No pool and pool decking shall be constructed which requires a variance from standard zoning regulations.

#### B. Spas.

- (1) Spas shall be permitted only in the rear of the property.
- (2) No spa and decking shall be constructed which requires a variance from standard zoning regulations.

17.2 The following information must be submitted to the COMMITTEE for approval at least four (4) weeks prior to the construction of a pool on a homeowners property (and no construction shall commence until all material has been submitted and approved by the COMMITTEE):

- A. The written agreement of the Unit owner to be financially responsible for any damage that the pool contractor may cause to the Siena Oaks Homeowners Association property. The form of such agreement may be stipulated by the Board of Directors of the Association.
- B. A completely filled out pool application (see appendix A), which will include the starting and completion date of the construction.
- C. Copy of contract with pool contractor, including Certificate of Insurance of said Contractor. Such insurance must meet the minimum requirements established by the Board of Directors from time to time concerning types and amounts of coverage.
- D. Certified Survey showing the location of the pool and pool equipment on the property.
- E. Stamped copy of City building Permit (including inspector's name).
- F. Landscape plans, showing the type and location of the plants that will be used to screen the pool equipment from view and the location of such equipment.
- G. Permit must be posted in the front of the home during the time of construction.
- H. Temporary fencing on side of house must be provided during construction.
- I. Size, depth and location of pool must conform to the plans approved by the COMMITTEE and permitted by the City of Palm Beach Gardens (PBG). No deviations are permitted without the approval of the COMMITTEE and the City of PBG.
- J. Lot Owners shall obtain a bond of not less than \$10,000.00 protecting the Association from damage to any Association property and the Lot Owner shall execute an agreement provided by the Board of Directors indemnifying and holding the Association and its

officers, directors and members harmless from any injury, damage, claim, expense or loss related to the installation of the pool.

#### XVIII. SATELLITE DISH

18.1 A satellite dish is permitted provided that it conforms to the following conditions and is approved by the COMMITTEE.

- A. Can be no larger than one (1) meter in diameter.
- B. Must be located on the home in an inconspicuous location, such that the satellite dish is not visible when the home is viewed from the street or from across any lake or canal as determined by the COMMITTEE. When the dish cannot be located in an inconspicuous location in order to receive an acceptable signal, the COMMITTEE will require landscaping or screening to cover or mask the dish.

#### XIX. ROOFING STYLE/MATERIAL

19.1 No deviations in color or style of roofing from that originally installed by the Developer shall be permitted.

#### XX. GENERAL

20.1 Regardless of whether any alteration or improvement to the exteriors of the homes and Lots is specifically referred to in these Guidelines, in every instance the alteration or improvement requires the prior written approval from the COMMITTEE.

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