

## EXHIBIT "C"

### INITIAL USE RESTRICTIONS

The following restrictions are covenants running with the land shall apply to all of the Community until such time as they are amended, modified, repealed, or limited pursuant to procedures of the Declaration.

1. General. The properties submitted to this Declaration shall be used only for residential, recreational, and related purposes consistent with this Declaration and any Supplemental Declaration. Such purposes may include, without limitation, an information center and/or a sales office for Declarant and/or any real estate broker retained by Declarant to assist in the sale of property described in Exhibit "A" or "B", offices for any property manager retained by the Association, business offices for Declarant and the Association, and public facilities.
2. Restricted Activities. The following activities are prohibited within the Community unless expressly authorized by, and then subject to such conditions as may be imposed by, Declarant or the Board of Directors.
  - A. Parking of any vehicles on streets, alleyways or thoroughfares, and parking of commercial vehicles or equipment, mobile homes, campers and similar recreational vehicles, golf carts, boats and other watercraft, trailers, stored vehicles, or inoperable vehicles in places other than enclosed garages, except temporarily during loading and unloading; however, construction, service, and delivery vehicles shall be exempt from this provision for such period of time as is reasonably necessary to provide service or to make a delivery to a Lot or the Common Area. For purposes of this provision, "commercial vehicles" shall be defined as any vehicle with commercial writing on their exteriors or vehicles primarily used, designed, or registered for a commercial purpose, and vehicles with advertising signage attached or displayed on such vehicle's exterior, but shall not include passenger cars with identifying decals or painted lettering not exceeding a total area of one square foot in size or official vehicles owned by governmental or quasigovernmental bodies including, without limitation, police and sheriff insignias. Garages are restricted to parking vehicles; and
  - B.

**THE ROADWAYS RUNNING BETWEEN THE BUILDINGS, SHALL BE OWNED BY THE ASSOCIATION. THERE SHALL BE NO PARKING PERMITTED ALONG SUCH ROADWAYS. The City and/or the Association may impose fines for any illegal parked vehicles. If any vehicles have to be towed and/or incur fines for illegal parking, such fines shall be solely responsible of the Unit Owner. Further, the Association may incur fines from the City if the Unit Owner does not rectify any parking problem and should this be the case, the Unit Owner shall be solely responsible for reimbursing the Association. The garages shall be used exclusively for garage use and shall not be permitted to be converted into living space. And**

- C. Raising, breeding, or keeping animals, livestock, or poultry of any kind, except that a reasonable number of dogs (except that no Pit Bulls are allowed), cats, or other household pets of the nature commonly sold in pet stores located within regional malls in urban areas may be permitted in a Lot (not to exceed a total of three (3) such pets); however, those pets

which roam free, or, in the sole discretion of the Board, make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to the occupants of other Lots shall be removed upon request of the Board. Dogs shall be kept on a leash or otherwise confined in a manner acceptable to the Board whenever outside the dwelling and the person walking the dog shall clean up after it. Pets shall be registered, licensed, and inoculated as required by law; and

- D. Any activity which emits foul or obnoxious odors outside the Lot creates an unreasonable level of noise or other conditions which tend, in the Board’s judgment, to unreasonably disturb the peace or threaten the safety of the occupants of other Lots (this paragraph shall not preclude normal and customary use of power tools, lawn mowers, and other yard maintenance equipment during reasonable hours); and
- E. Pursuit of hobbies or other activities which tend to cause an unclean, unhealthy, or untidy or noisy condition to exist outside of enclosed structures on the Lot; and
- F. Use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device as to be an unreasonable source of annoyance, as the Board may determine, to occupants of other Lots, except alarm devices used exclusively for security purposes; and
- G. Dumping grass clippings, leaves or other debris, petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch, stream, pond, preserve, or lake, or elsewhere within the Community, except that fertilizers may be applied to the landscaping on Lots provided care is taken to minimize runoff; and
- H. Accumulation of rubbish, trash, or garbage except between regular garbage pick ups, and then only in approved containers is as follows by city ordinance; and

<b>The following provisions shall apply:</b>
Garbage and household waste shall be free of all liquids and shall be containerized prior to being placed in a container for collection (a)
All solid waste containers shall be grouped together, and shall not be placed for collection from within carports, garages, or any other enclosures. (b)
Solid waste containers shall not be placed in the swale for collection earlier than 7:00 p.m. on the day prior to the scheduled collection day or later than 7:00 a.m. on the scheduled collection day, and all containers shall be removed from this area within 12 hours following collection. (c)
No vegetative waste larger than 4 inches or 10 centimeters in diameter or longer than 5 feet or 1.5 meters, or heavier than 50 pounds or 22.5 kilograms, shall be placed for collection by the city (d)

- I. On-site storage of gasoline, heating, or other fuels, except that a reasonable amount of fuel may be stored on each Lot for emergency purposes and for the operation of lawn mowers, pool, spa and hot tub heaters, and similar tools or equipment, and the Association shall be permitted to store fuel for operation of maintenance vehicles, generators, and similar

equipment. This provision shall not apply to any underground fuel tank authorized pursuant to Article IV; and

J. Any yard sale, garage sale, moving sale, rummage sale, or similar activity, except on such dates as the Board may designate for such activities to be conducted on a community-wide basis; and

K. Operation of motorized vehicles other than mowing equipment on pathways or trails maintained by the Association; and

L. Any construction, erection, placement, or modification of any structure or thing, permanently or temporarily, on the outside portions of the Lot, whether such portion is improved or unimproved, except in strict compliance with the provisions of Article IV of the Declaration. This shall include, without limitation, all signs, fences, basketball hoops, swing sets and similar sports and play equipment; children's play houses; clothes hanging devices; garbage cans; woodpiles; swimming pools, spas, and hot tubs; air conditioners; tanks; solar energy devices; docks, piers and similar structures; and landscaping, hedges, walls, mailboxes, dog runs, animal pens, or fences of any kind; satellite dishes and antennas, except that;

1. an antenna

a. designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter; or

b. designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or

c. designed to receive television broadcast signals;

(“**Permitted Antenna**”) shall be permitted in rear yards of Lots or, if necessary to receive an acceptable quality signal, in side yards, in that order of preference; provided, unless prohibited by applicable law, any installation in the front yard of a Lot shall be subject to review and approval pursuant to Article IV of the Declaration, which review shall be completed within seven days of receipt of the application for review. The Reviewer of the Architectural Guidelines may impose requirements as to location and the manner of installation and screening in order to minimize obtrusiveness as viewed from streets and adjacent property, so long as such requirements are not inconsistent with applicable law. Declarant and/or the Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna, cable, or other communication system for the benefit of all or a portion of the Community, should any master system or systems be utilized by the Association and require such exterior apparatus; and

2. a reasonable number of holiday and religious lights and decorations may be displayed on a Lot for up to 30 days prior to a publicly observed holiday or religious observance and up to 30 days thereafter without prior approval, subject to the right of

the Association or Declarant to require removal of any such decorations which it deems to (A) to be excessive in number, size, or brightness, relative to other Lots in the area; (B) draw excessive attention to traffic; (C) unreasonably interfere with the use and enjoyment of neighboring properties; or (D) cause a dangerous condition to exist. The Association shall have the right, upon 30 days prior written notice, to enter upon any Lot and summarily remove exterior lights or decorations displayed in violation of this provision. The Association, and the individuals removing the lights and decorations, shall not be liable to the Owner for trespass, conversion, or damages of any kind except intentional misdeeds and gross negligence; and

3. one United States flag exceeding 36" x 60" in size may be mounted on the exterior facade of the dwelling at a location approved pursuant to Article IV of the Declaration;

M. Any activity which generates a level of noise audible to occupants of other Lots while inside their dwellings (including, without limitation, lawn maintenance, recreational activities, games, parties, music, and other activities conducted outdoors or on porches or decks) between the hours of 11:00 p.m. and 8:00 a.m., except that during construction of dwellings on the Lots, Declarant and builders may commence construction activities within the Community at 7:00 a.m.; and

4. Prohibited Conditions: The following shall be prohibited in the community:

A. Conversion of any carport or garage to finished space for use as an apartment or other integral part of the living area on any Lot, garages shall be used exclusively for garage use and shall not be permitted to be converted into living space; and

B. No sign, display, poster, advertisement, notice or other lettering shall be exhibited, displayed, inscribed, painted or affixed to a Lot or Home or any element of the Common Area without the prior written approval of the Board.

C. **PODS/MOVING TRUCKS HAVE TO BE APPROVED**, no overnight POD parking unless approved for designated areas and within the size limit. Please contact management company for approval instructions.

I acknowledge that I have read, understood and will abide by the Rules and Restrictions of Fairfield Gardens HOA.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date