

MARTIN'S GARDENS

HOMEOWNER'S ASSOCIATION, INC.

Supplemental Guidelines and Standards

Approved 4/12/2018; Revised February 13, 2019; August 25, 2022

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Animals

No animals, livestock or poultry of any kind shall be raised, bred, pastured or maintained on any lot, except household pets for the sole pleasure and purpose of the occupants, but not for any commercial use or purpose. Animals shall be maintained/quartered within the dwelling unit of each home. Birds shall be confined to cages. In no event shall more than three (3) pets be housed on any lot.

1. All pets are subject to the Hillsborough County Animal Ordinance and Leash Law. Pets shall be leashed and under control when outside. Pets are not permitted to roam unattended throughout the neighborhood.

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2. Pets are not permitted within retention or other natural areas, or on another Owner's property without their permission.
3. Animal noise and/or odors cannot interfere with the quiet enjoyment of residents.
4. Any pet feces shall be immediately removed by the individual in attendance and disposed of in their personal trash receptacle. Depositing pet feces in retention areas, storm drains or on other private or Community Property is prohibited. Animal Feces: Owners are responsible for cleaning up after pets at all times including but not limited to homeowner's own front yard. Dog feces shall be removed from the front yard immediately after your animal relieves itself.
5. Hillsborough County Animal Ordinance states that, "No companion animal shall be allowed to unreasonably annoy humans, to endanger the life or health of other animals or persons acting lawfully, or to substantially interfere with the rights of others thereby interfering with the reasonable use and enjoyment of property. It shall be prima facie evidence of nuisance if a companion animal:
 - a. consistently and/or constantly makes excessive noise;
 - b. causes damage to or destruction of another's property;
 - c. causes unsanitary, dangerous or offensive conditions, including the fouling of the air by offensive odor emanating from excessive excrement; or
 - d. creates a pest, parasite or scavenger control problem which is not effectively treated".

Hillsborough County Ordinances are enforced by Animal Control.

Reference Article VII, Section 4 in Declaration: Animals

Barbeques/Outdoor Kitchens/Smokers/Grills/Fire Pits/Outdoor Fireplaces

Permanently installed barbeques, outdoor kitchens, smokers, grills or fire pits or outdoor fireplaces require Architectural Committee approval prior to installation.

1. Barbeques/smokers/grills/fire pits are permitted to be stored on the back patio or back yard of a property.
2. If not screened from view of neighboring properties by a fence, they shall remain covered when not in use.
3. Built-in barbeques units/outdoor kitchens shall be located within the rear lanai area and designed as an integral part of the house. Their location shall be carefully planned to minimize smoke or odors affecting other properties.
4. Outdoor burning is prohibited except in an approved fire pit or outdoor fireplace.
5. Freestanding fire pits shall have wire screen mesh and be maintained in good working condition.
6. An Alteration Application must be submitted for construction of permanent structures.

Dog Homes and Invisible Fences

Dog Homes and Invisible Fences require Architectural Committee approval required prior to installation. (Article VII Section 4 prohibits dog runs/kennels)

1. All dog homes will be located in a fenced rear yard.

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2. The exterior colors and materials shall relate to the exterior of the house in which they are located or blend with the environment. The height of the dog house may not exceed the height of the fence. These are subject to the proper maintenance, care and appearance as with any structure.
3. Dog homes shall be a minimum of fifteen feet (15') from any neighboring property line.
4. The placement of dog homes shall also take into consideration safety concerns, noise minimization, the possibility of offensive odors, etc.
5. Dog runs and kennels are not permitted.
6. Invisible fencing wiring shall be buried no less than six inches (6") inside the lot line. No alterations of the yard grade shall be permitted with the installation of such system.
7. Regardless of the method of restraint used, including invisible fencing, pet owners are responsible for assuring that their pets do not run free. Pet owners are liable for any damage to persons or property caused by their pets.

Reference Article VII, Section 4 in Declaration: Animals (prohibits kennels)

Driveway and Sidewalk Maintenance

All hard flat concrete surfaces shall remain in good repair and maintained such that they are free of mold, mildew, dirt and stains. Driveways must remain free of litter, trash, newspapers, cigarette butts, etc.. Driveways that have shifted or lifted must be repaired or replaced. All repairs or replacements, unless permission is obtained from the ACC, must use the same material as was originally built (i.e. concrete).

Flags

The U.S. Flag, flown pursuant to proper flag etiquette, State of Florida Flags or POW/MIA flags are permitted and encouraged. Other flag types including U.S. Armed Forces flags (Army, Marines, Navy, Air Force, Coast Guard and Space Force), college flags and pro sport team flags are also permitted; no other flag types are permitted. Flag size may not exceed 4' x 6'.

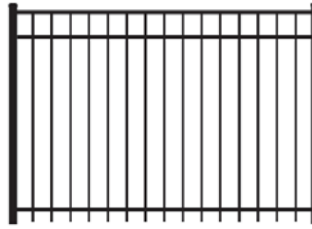
Fences

Fences require Architectural Committee approval required prior to installation. Fences may be constructed of 6' white PVC with flat caps or four feet (4') high black powder-coated aluminum as is already present in the community, permitted and/or installed by the developer. All fences shall be maintained for wear and tear and age as follows:

1. Any damaged or missing slats shall be replaced as soon as possible.
2. All fences shall be cleaned of visible mildew, stains, and other unsightly marks. Property Owners who choose to install fences are responsible for the maintenance on both sides of the fence, unless the adjacent property owner has utilized the fence to enclose the adjacent property, thereby accepting responsibility for maintenance of the enclosed side.
3. Fences that are leaning or crooked to the naked eye shall be repaired and straightened as soon as possible.
4. Fence that appear weathered/worn or permanently discolored shall be removed or replaced.

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Garages

No garages shall be enclosed or converted into a living area and shall at all times be used as a garage for car storage or storage of Owners personal property.

No screening is allowed temporarily or permanently on garage door openings.

Stand-alone garages and secondary garages accessible by side or rear yards are not permitted.

Replacement of garage doors shall meet current County codes at the time of replacement. If there is more than one (1) garage door, all shall be replaced at the same time. The new doors shall match or coordinate with the color of the garage door trim or body.

Garage doors shall be painted the same color as the body of the house. Design monograms and anything other than a solid door, with the exception of window panes in the top most panel of the door, are not permitted.

Holiday Decorations

Holiday displays in the front entryway and on the front door, along with traditional holiday lighting do not require approval from the ACC.

Holiday lights and decorations shall not create a nuisance to the adjacent residents or the community.

Holiday lights and decorations are allowed and may be put up 45 days in advance of the holiday and shall be removed no later than 3 weeks after the holiday. Brackets, clips and other holders for holiday lights that are installed on a house shall be removed at the time that the lights are removed.

No more than three (3) individual inflatable display items are permitted for any holiday.

Hurricane and Storm Shutters

Temporary Hurricane and/or temporary storm shutters are allowed including the accordion type, plywood and the corrugated aluminum type shutters. Temporary hurricane and storm shutters must be properly installed. Temporary hurricane and storm shutters can be installed after a storm warning is issued for the area and must be removed within fourteen (14) days after the storm warning is cancelled or dissipates. If more time is needed, homeowner should contact property management company.

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Landscaping

Mulches, such as pine bark nuggets, chips or pine straw, cypress nuggets or chips, and eucalyptus, will be allowed as long as they are of natural earth tones. The only acceptable dyed color for mulch will be red or black. Other approved mulches may include river rock, white marble, gray marble, and lava rock (gray or red), but only for use in existing bedding areas.

Mulch must be replaced at any time the area beneath the mulch becomes visible from the street. Replacing existing mulch with the above, approved material, does not require prior ACC approval.

Trees, bushes, shrubs, grass, and all other plant mater, must be kept free from disease, kept trimmed so as not to obstruct a motorists, residents, or pedestrian's view. This material may also not encroach upon a driveway, sidewalk, or walkway. Replacing existing plants in current bedding areas does not need prior ACC approval.

Visible landscaping borders shall be of solid concrete, decorative concrete block, or natural colored retention block. Any addition of landscape blocks, concrete curbing or other border materials requires architectural committee approval.

Branches or any other plant matter must also be kept from hanging low enough to impede a pedestrian's ability to clearly walk under the material, without stooping.

Shredded tires, or any other man-made material, or any other mulch, not noted above, is not allowed.

Flower Pots and Urns – The collective number of pots and urns shall not exceed ten (10) pieces. Flower pots and/or urns may be located in the front yard such that they are visible from the adjacent street or right-of-way. All pots and/or urns must be located within planting beds. No pot or urn may be larger than 36- inches in diameter or in excess of 42-inches high. Pots and urns must be decorative. Plastic nursery pots or growing pots are prohibited. Up to two (2) pots and/or urns may be placed on the front entry area; pots and urns are not permitted in driveways except when they are adjacent to the structure and located between the garage doors. No artificial plants or flowers are permitted in pots, urns or planting beds in the front or side yard of houses.

Decorative ponds – Decorative ponds are not permitted in any front or side yard. Rear yard ponds are permitted if approved by the Architectural Committee (AC). Ponds cannot exceed 36 square feet in area and property owner is responsible for compliance with all applicable safety requirements. Adjacent waterfalls may not exceed 48-inches in height. Ponds must be maintained such that they do not become a visual, noise, or odor nuisance.

Fountains – Fountains are permitted in front and rear yards and may not exceed 60-inches in height. If located in the front yard, fountains must be placed within ten (10) feet of the front of the house and be located within a plant bed. In rear yards, the fountains must be located out of any established set-back and easement. The color for all fountains must be a natural, earth tone color with a brown or gray base color.

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Lawn Ornaments and Yard Art – No more than a total of eight (8) pieces of lawn ornaments and lawn/yard art collectively may be placed in the front yard or be otherwise visible from the street fronting a property. Lawn ornaments or lawn/yard art may be no higher than 18-inches and must be located within the planting beds. This rule is not applicable to rear yards so long as the rear yard is not visible from the street. Ornaments or yard art bearing written messages or numbers are considered signs and must comply with the signage guidelines. Lawn ornaments cannot be located on top of decorative walls or curbing.

Landscape Lighting - Landscape lighting is permitted on lots. No more than two (2) lights may be used for any one tree and no more than ten (10) landscape lights can be used in front and side yards. Lights are limited to a maximum of 50-watts per unit with white or clear bulbs. They shall be installed no higher than 18 inches from the ground and aimed such that there is minimal light trespass to adjacent properties or rights-of-way. No light posts or lamps are permitted in the front yard.

Landscape Path Lighting - Path lighting shall be permitted in the front yard of houses and must be located within ten (10) feet of the structure. Path lighting is limited to no more than sixteen (16) low watt or solar landscape lights. No path lighting is permitted adjacent to sidewalks or driveways. All path lighting shall be down lighting no more than 18 inches in height from the ground; no up lighting is permitted.

Landscape Walls - Low landscape walls are permitted around planting beds and tree rings and require Architectural Committee (AC) approval prior to installation. If located in the front or side yards, landscape walls cannot exceed 30-inches in height and must be constructed of decorative paver block type materials. No landscape timber, concrete block or other type of wall material is permitted. Landscape walls must be a natural, earth tone color with a brown or gray base color.

Turf Grass - Strong, healthy St Augustine grass must be maintained on grassed portions of all lots. In the event of damage to the turf due to pests, drought, acts of God or any other cause, the dead turf must be removed and replaced with healthy sod within fifteen days (15-days) of notice. In the case of a severe freeze, sod replacement must be completed by the end of March. All dead turf must be replaced with the community's primary turf grass type, which is St. Augustine, unless otherwise approved by the AC.

Turf Grass Maintenance - Turf Grass shall be cut, at a minimum, weekly between the months of April and October and biweekly between the months of November and March. Landscape trimmings may not be blown down storm sewer inlets nor in the community's roadway. Landscape trimmings must be blown back into your yard or swept into a garbage bag or garbage can. Clumps of grass left over from lawn mowing that was not properly mulched or bagged shall be raked up and not left on top of yard.

Turf Trimming - Line Trimming (weed whacking) against houses, fences, landscape curbing and any other structures shall be completed with every yard mowing event.

Turf Edging - Edging along all hard surfaces abutting turf areas shall be completed with every yard mowing event.

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Weed Control - Weeds and grasses growing in the cracks of concrete, pavers, plant beds, etc. are prohibited.

Plant Beds - All flower beds, planting beds, shrub beds, tree rings and non-turf areas shall remain weed free at all times and be properly mulched in accordance with community guidelines. Under no circumstances will open unplanted mulch areas be acceptable. Landscape beds must be sufficiently planted with shrubs and ground cover so that the landscape bed is appropriately covered. No bare ground, sand, sea shells, or leaves are permitted for use or as a substitution for shrubs, ground cover, mulch or sod. Xeriscaping shall be approved, provided plantings, placement and ground cover meet Florida friendly water wise recommended applications.

Mulch - All plant beds, shrub beds, tree rings, and planting areas must be covered with a continuous mulch covering. Permitted mulch types are: Pine Bark Chips or Nuggets, Shredded Cypress Mulch, Landscape Rock, or Rubber Mulch. The color for all mulch types must be a neutral, earth tone brown or gray based color. Pine straw mulch is not permitted.

Shrubbery – All shrubs and other non-tree type plant material shall be trimmed to never exceed four (4) feet in height in the front of the house. Shrubs located under garage coach lights shall be trimmed to never exceed five (5) feet. Shrubs or other non-tree plant material may not exceed six (6) feet in height in the back yard and/or side of yard.

Plant Trimming - No trees, shrubs, or other plant material may infringe upon any sidewalks. Trees, shrubs and other plant material that infringe upon sidewalk must be at least eight feet (8-ft) above the sidewalk and fourteen feet (14- ft) above the roadway at all times. All plants shall be regularly trimmed to meet these guidelines.

Palm Tree Trimming - Dead, dying or unhealthy palm fronds shall be removed from palm trees.

Tree Removal – Diseased or damaged trees must be removed to prevent damage to properties and personal injury. Property owners must obtain necessary governmental approvals for all applicable tree removals. If not damaged or diseased, AC approval is required prior to removal. Replacement trees may be required in accordance with Hillsborough County codes; AC approval is required for the location of any replacement trees on the lot unless replacement is in the same location as previous tree.

Irrigation System Maintenance - Irrigation systems should be checked regularly in order to prevent wasting of water and to promote healthy landscape growth. Broken irrigation heads or malfunctioning zones must be repaired or replaced within 30-days of failure. Homeowners are required to follow all water restrictions as imposed by any governmental authorities.

Mailboxes and Posts

All mailboxes and posts must be in good condition, free of mildew or stains, broken or missing doors/posts, etc. All mailboxes and posts will remain uniform in appearance, style, and location throughout the community (i.e., black metal, with a black post, gold flag). For reference

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information, the original mailboxes were supplied by Creative Mail Box and Sign Design 813-818-7100.

No items shall be permanently mounted or hung from mailboxes or mailbox posts.

With architectural committee approval, flat bricks in a color to coordinate with the color of the house may be installed around the mailbox to prevent damage from lawn mowing equipment. Flat bricks shall be installed flush with the ground level (may not stick up over sod) and shall be installed in a square pattern of two on each side of the mailbox post. Plant material may not exceed 18-inches in height around mailboxes and mailbox posts.

Gas Tanks (Propane and/or Natural)

Preferable installation is to have gas tanks buried. Gas tanks installed above ground shall meet Hillsborough County building code requirements. Above ground tanks should be on the side of the house or in the back yard.

Nuisance

Owners should contact Hillsborough County Code Enforcement and Hillsborough County Sheriff's Office for assistance regarding disruptions.

Reference Article VII, Section 2 in Declaration: Nuisance

Outdoor Furniture

All lawn furniture shall be removed upon issuance of any storm warnings of a Tropical Storm Warning or higher. Only furniture specifically designed for use outdoors may be stored outdoors.

Outdoor Lighting

Any outdoor lighting installed on the front/back of the home will require Architectural Committee approval prior to installation. Garden solar lights installed along a walkway or in a garden/flower bed may be installed without prior approval, however the fixture must be in a natural color only, such as black, brown or bronze.

Pergolas/Tents/Canopies/Sun Shades/Awnings

Pergolas and similar free-standing structures require Architectural Committee approval prior to installation.

Tents/canopies may be erected and remain in place temporarily for periods of no longer than 72 hours.

Sun shades require Architectural Committee approval prior to installation. Such shades shall be retractable and be retracted when not in use. Sun shades may only be earth-toned (green or tan) in color.

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Unless preempted by Federal or State law or County Ordinance, no awnings of any type, style or material including but not limited to metal, canvas or wood will be permitted in the front yard, but may be allowed in the backyard with approval from the ACC.

Play Sets/Structures, Recreational Equipment and Toys

Play Sets/Structures requires Architectural Committee approval required prior to installation.

Play sets/structures shall be constructed of pressure treated wood or PVC/plastic. Wood shall be treated with clear protective coating only.

Play sets/structures shall stand a maximum height of twelve feet (12'), including canopies.

Play sets/structures shall have accessories (i.e. ladders, roofs, etc.) that are dark green in color only

Play sets/structures shall be placed a minimum of fifteen (15') feet from any property line.

Play sets/structures shall only be permitted to be installed behind a fence, screened from view from the street.

Play sets/structures shall be maintained in good repair and kept clean of accumulations of dirt, mold and algae. Repair or removal will be required of any units found to be in a state of disrepair.

Tree houses are not permitted.

All exterior play and recreational equipment, including swing sets, jungle gyms, soccer goals, trampolines, or the like shall be located within the rear yard of the property and shall be screened from public view. Basketball goals may be located in the front of the house as detailed within this document. Acceptable screening includes landscaping and fences.

Trampolines will only be permitted within fenced yards due to possible legal liability.

All play and recreational equipment is to be placed at least fifteen feet (15') in from the property line.

All equipment shall be maintained on a regular basis by the homeowner. Equipment may NOT be used on the sidewalks or on streets within the community.

All portable play and recreational equipment/goals, including toys, shall be removed from public view when not in use. All portable play and recreational equipment shall be removed upon issuance of any storm warnings of Tropical Storm Warning or higher. Owners shall take all recommended actions to secure non-portable equipment in storm events to ensure that said equipment does not cause bodily injury or damage to others property.

The ACC requires that all applicants for basketball equipment and trampolines obtain signatures from neighbors to the side and rear of their lot stating that they have no objections to the installation of the play equipment.

1. Play Sets/Structures:

- a. Play Sets/Structures requires Architectural Committee approval required prior to installation.
- b. Play sets/structures includes but is not limited to, gym or swing sets, slides, playsets and playhouse, tetherball poles, etc.

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- c. A picture and the dimensions of the play structure must be submitted with the Alteration Application.
- d. The overall height of play structures may not exceed twelve (12) feet in height. However, the height may be reduced by the Architectural Committee based on the lot size and impact on neighboring lots. This will be determined by a site visit.
- e. Applications for play structures must include a survey showing its intended placement. The structure's visual impact to neighboring lots and/or the street shall be buffered as much as possible with approved fencing and/or landscaping. It is preferred that canopies and "roofs" be of earth toned colors – tan, brown, olive or forest green.
- f. Play structures shall be securely anchored and installed in a manner so that strong or tropical force winds or higher will not carry it to other properties causing damage or bodily injury.
- g. Play structures shall be kept in good condition at all times including repair, painting or staining and the replacement of any canvas. If the play structure will be buffered by landscape the plant material shall be 80% opaque, start at a height of thirty-six (36) inches from the ground and may not exceed seventy-two (72) inches of overall height at maturity and then shall be maintained at a height of 72 inches at all times. The landscape buffer installation may not alter the drainage of the lot.
- h. The proposed plant material and location of landscape buffer must be submitted with the Alteration Application prior to installation.

2. Non-Permanent Play Houses and Other Toys:

- a. Plastic play houses and other toys shall be confined to the back yard and screened from public view either by fencing or landscape as defined above.
- b. No more than two (2) of these types of toys shall be permitted to remain out for extended period of time.
- c. All other toys and play materials shall be removed at the end of each day.
- d. All play non-permanent, unanchored play houses and toys shall be removed and secured inside in the event that storm warnings of tropical storm strength winds or higher are posted.

3. Basketball Hoops:

- a. Portable basketball hoops may be located in front of the dwelling at the upper portion of the driveway (no more than half way from the garage door down to the public sidewalk) only while in use. In use is interpreted as a person in the household regularly uses the basketball hoop at least on a monthly basis. If not in monthly use, hoop must be stored in a garage or out of sight.
- b. Portable basketball goals are not permitted to be placed on a public sidewalk or in any manner wherein use of said basketball goal would interfere with pedestrian traffic or vehicular traffic.
- c. Usage of all portable basketball goals must be concluded daily by no later than 9:00pm.
- d. Professional counter weights must be used at all times on portable basketball goals. Materials such as, but not limited to, bricks, concrete blocks, vehicle tires/rims, etc. cannot be used as counter weights for portable basketball goals.

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- e. Portable basketball goals must be stored inside the garage or otherwise sufficiently secured during any period in which a severe weather warning has been issued for the local area in conjunction with a named tropical storm or hurricane.
- f. Portable basketball goals must be maintained in good condition and repair, both aesthetically and functionally.
- g. Goals shall be portable and have standard white, gray or clear backboards. Goals may be filled with water, sand or other manufacturer recommended materials OR may be anchored with sand bags covered in black plastic or other suitable black material to match the color of the base of the goal. Concrete blocks, tires and the like may not be used to anchor the set. All equipment shall be maintained on a regular basis by the homeowner. Equipment may NOT be used on the sidewalks or on streets within the community.

Reference Article VII, Section 6 of the Declaration: Appurtenances

Rain Barrels and Cisterns

Rain barrels and cisterns may not exceed 55-gallons in size and must be screened from view with a fence or landscaping.

Rental Agreements

Within five (5) business days of leasing a lot, Members must notify the Association that their home has been leased. Members shall remain responsible for the tenant's compliance with rules, regulations, and all other obligations contained in the Association's governing documents.

Sheds, Outbuildings, and Storage Containers

Sheds, car canopies, and the like are not permitted.

One (1) "Rubbermaid" type or equal storage unit that does not exceed four feet (4') in height, four feet (4') in width, and eight feet (8') in length may be located in the back yard behind a fence. If the back yard is not fenced, the unit shall be placed against the rear wall of the house to present the most inconspicuous appearance possible as viewed from other properties and not visible from the street.

Storage Areas

The driveway and other parts of the lot visible from the roads or adjacent lots shall not be used as storage areas. Items such as, but not limited to, landscape materials, trash, building materials, auto parts, tools, equipment, recreational equipment not currently in use, recycle bins, trash cans, boxes, lawn or outdoor furniture not currently in use, bicycles, toys, cages, buckets/pails, etc. must be stored out of sight. Garden hoses must be rolled up and stored next to the spigot when not in use.

Structures

All parts of all structures including, but not limited to, walls, columns, piers, soffit, fascia, doors (entry and garage), window frames, gutters, roofs, fences, pool enclosures, gazebos, etc. shall remain free of dirt, mold, mildew, stains, graffiti, flaking stucco or paint, rot, termite damage, etc.

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Structure Painting

All parts of all structures shall have a proper coating (paint or stain) adhered to the structure at all times. Once coating has excessive chalking, cracking, or wearing through, or allow the excessive growth of mold or mildew, it is necessary to repaint. All repainting must be done in accordance with the Martin's Garden HOA's current paint policy.

Portable Storage/Moving Containers/Dumpster

Owners are responsible for notifying the association prior to placing such units on any property.

Portable storage/moving containers (commonly known as P.O.D.S.) or dumpsters (for renovation purposes) or any similar units designed for the temporary storage or transportation of a resident's personal household goods shall be located in the residents own driveway. Such units may not be located on the streets, any Common Areas or Community Property or in designated fire or traffic lanes and may not block public sidewalks or obstruct the access of other residents.

Such units shall remain on any property for no more than 21 consecutive days. Use of such containers for commercial or home business storage or for a period in excess of 21 days is expressly prohibited. These containers shall not be used for long-term storage on-site. If longer-term storage is needed, off-site storage must be secured. Under special circumstances, the Association may permit time extensions and schedule variations, provided that such permission is requested ahead of time.

After proper notification is given to the owner, the Association has the right to enter a property and have the container removed if the owner has failed to comply with these standards. All related costs to enforce these standards including administrative charges and out-of-pocket expenses for the Association plus any attorney fees will be assessed against the homeowner and a lien immediately placed against the property which will remain until paid in full together with all administrative, out-of-pocket and attorney's costs.

Vehicles - Inoperable Vehicles / Vehicle Covers

No unlicensed, inoperable, wrecked, or unsightly vehicles may be stored in view. Additionally, vehicle covers, tarps or other vehicle coverings are not permitted.

Reference Article VII, Section 7 in Declaration: Inoperable Vehicles/Vehicle Covers

Vehicles must never be parked on any lawn, turf or landscaped areas and shall not block or obstruct passage of any sidewalk on a regular basis.

Window Air-Conditioning Units

Window Air-Conditioning units are not permitted.