

## INTERPRETATIONS

In accordance with General Provisions article 8.3, the Board of Directors is providing the following interpretations for the Covenants, Conditions, and Restrictions for the Fairway Estates Homeowners Association. These interpretations are subject to change and will be updated on the website.

Many of the CCRs are written based on City or County Codes. This list is not all inclusive of the CCRs nor does it contain interpretations on all CCRs or all portions of CCRs. This list is based on feedback from HOA members to provide interpretations and general information for new and longstanding homeowners on specific provisions in the CCRs. The interpretations are meant to provide clarifying information regarding the specific provisions of the CCRs. The CCR number is based on the master CCR established for Division 9. These interpretations may not cover, and are not intended to replace, other specific CCRs established per division.

### **3.1 Land Use and Building Type:**

Notwithstanding the foregoing, except on lots on which zero lot line residences are constructed, the Committee may, in its discretion, after request by an Owner, allow Owner to place any Detached Structure which the Committee determines to be architecturally and aesthetically compatible with the Residence on the lot.

Interpretation:

Detached structures must be architecturally and aesthetically compatible with the Residence in terms of design and color; and must be approved by the Committee per article 3.23. It is the owner's responsibility to validate all setback requirements.

### **3.2 Architectural Control:**

No *improvement* which will be visible above the ground or which will ultimately affect the visibility of any above ground improvement shall be built, erected, placed or materially altered on the Property, including without limitation, change of exterior colors, or materials unless and until the building or other plans, specifications, and plot plan have been reviewed in advance by the Committee and the same have been approved by the Committee. The Committee may, in its reasonable discretion, approve or disapprove such improvements and the location thereof based upon all relevant factor, including without limitation: design and style, mass and form, value, topography, setback requirements, views, exterior color and materials of such improvements, physical or aesthetic conformity to surrounding terrain and other improvements on the Property. Said requirements as to the approval of the architectural design shall apply only to the exterior appearance of the improvements. This declaration is not intended to serve as authority for the Committee to control the interior layout or design of buildings except to the extent incidentally necessitated by use and size requirements.

Interpretation:

The addition of any structure or aesthetic changes to an existing structure must be approved by the Committee prior to commencement. Carports or metal sided structures will not be approved.

Trampolines, temporary inflatable structures (bounce house), and temporary above-ground swimming pools are exempt from approval provided they are maintained in good condition and remain behind the front line of the Residence or a fence. Placement of trampolines or pools below grade, whether in part or in whole, requires approval and should follow the guidelines of article 3.21.

\*Front line of a residence is defined as a parallel line with the street measured from the front corners of the house.

### **3.8 Signs:**

No sign of any kind shall be displayed to the public view on any Lot except for signs used by a builder or its assigns to advertise the Property during the construction and sales period, one sign of not more than five (5) square feet advertising the property for sale or rent. No builder signs shall remain on the property after the Residence is first occupied.

Clarification:

This article is applicable to ALL types of signs. In accordance with Article 3.3 (Maintenance: Owners Obligation), the sign (an object as defined under "Improvements") must be removed within 15 days of formal notice of non-compliance, or it will be removed by the HOA.

### **3.10 Animals:**

No animals, birds, fowl, poultry, livestock or reptiles of any kind may be kept, bred, or maintained in any Lot or in or upon any Common Areas, except a reasonable number of commonly accepted household pets in accordance with Association Rules. No animal shall be kept, bred or raised within the Project for commercial purposes. In no event shall any domestic pet be allowed to run free away from its Owner's Lot without a leash, make an unreasonable amount of noise or create a nuisance. No Outside dog runs shall be permitted on any lot. An Owner shall be liable for any and all damage to property and injury to persons and other animals caused by his or her household pets. Each Owner shall be responsible for cleaning up any pet or animal feces deposited by a pet or animal owned or in the possession or control of any Owner or Member.

Interpretation:

- The first sentence of this section of the CCRs is specific to keeping animals outside of the confines of the residence (on the Lot). Although the City allows chickens, they are not allowed per CCRs.
- Pets should be kept on a leash when not on the Owner's property. As the City of Idaho Falls has ordinances regarding pets, all pet related complaints (e.g. loose pets, barking) should be provided to Animal Control.
- Owners are responsible for cleaning up after their pets. Owners are responsible for damage caused by their pets which includes damage from urine or feces. Be respectful to your neighbors and clean up after your pets.

### **3.14 Parking, boats, campers and other vehicles:**

No vehicle used by a resident shall be parked overnight on the street. No boats, trailers, tractors, recreational vehicles (including but not necessarily limited to campers, motor homes, automobile campers or similar vehicles or equipment), dilapidated, unrepaired or unsightly vehicles or similar equipment or trucks, vans or buses shall regularly be parked or stored on any portion of the Property (including streets and driveways) unless enclosed by a structure or screened from view in a manner approved in writing by the Committee.

Interpretation:

Owner's vehicles including boats, campers, trailers, etc. shall not be parked overnight on the street except as necessary for loading or unloading. Trailers, including campers and boats, shall be parked behind the front line of the Residence and be shielded by a fence to the maximum extent practicable.

### **3.17 Unsightly Articles**

No clothing or household fabrics shall be hung, dried or aired in such a way as to be visible from any other Lot or any common area. No building materials, lumber, grass, shrub or tree clippings, plant waste, compost piles, metals, or scrap or other similar materials or any other unsightly articles shall be kept, stored or allowed to accumulate on any portion of the property. No basketball standards or other sports apparatus shall be mounted or maintained on the residence or in the front of the front line of the Residence.

Interpretation and Variance for basketball standards:

Permanent (in-ground) and temporary basketball hoops and other sports apparatus may be kept in front of the residence with an approved Variance per article 6.8, provided they are maintained in good condition. At no time shall any apparatus be allowed to be kept on the street or sidewalk, or area between the two. Permanent apparatus are viewed as improvements and should be submitted to the Committee for review per Article 3.2.

### **3.19 Fences and Walls, Hedges and Screen:**

No fences, walls or non-living screens shall be constructed on any lot without written approval first having been obtained from the Design Review Committee. Perimeter fences shall only be of a design promoting open vistas between Lots. Privacy fences enclosing a backyard patio or other such area close to the Residence may be approved. No fence, hedge, wall, landscaping or screen of any kind shall be erected so as to constitute a traffic hazard, particularly near corners and street intersections. The Committee may establish guidelines as to acceptable fence types and materials.

#### **Guidelines:**

Fences shall be made of vinyl material of either a white or beige color. 6-foot tall solid (Privacy) fences may be erected along a Lot property except where the property line is adjacent to a common area, open space, or Sage Lakes Golf Course.

- Fences along the golf course: The fence should be of a four (4) foot tall picket-and-scallop design (see Fence Picture 1 below). The four (4) foot height should extend inward from the Lot line for no less than eighteen (18) feet but may be made of solid fencing (see Fence Picture 2 below).
- Fences along common area between North Point Drive and Tapitio Drive: The fence should be a height of four (4) feet. The four (4) foot height should extend inward from the Lot line for no less than eighteen (18) feet but may be made of solid fencing (see Fence Picture 3 below).
- Fences along Pevero Common Area: Follow direction for privacy fences (see Fence Picture 4 below).
- Fences along county or private property which is not included in future development: Fence style is at owner's discretion; however, fences along HOA property lines must meet above guidelines.

Any Deviations from the above guidelines requires approval from the Design Review Committee (DRC). Current homeowners with fences that do not meet the established guidelines should contact the DRC to obtain a variance.



Fence Picture 1



Fence Picture 2



Fence Picture 3



Fence Picture 4

### **3.21 Landscaping and landscaping plan:**

Written landscaping plans shall be submitted to and approved by the Design Review Committee prior to commencement of installation of landscaping. Landscaping of that portion of the Lot in front of the Residence shall be commenced within four (4) months and completed within six (6) months after substantial completion of the Residence except as prohibited by weather conditions... As part of the landscaping, an automatic sprinkler system shall be installed.

#### **Additional Guidance and Interpretation:**

Installation of the sprinkler system, grass, and other landscaping (trees, shrubs, flower beds) should be aesthetically compatible with neighboring Lots. If a Lot does not contain a privacy fence, the landscaping of the entire Lot shall be completed within twelve (12 months).

### **3.23 Detached Structures:**

No ***Detached Structure*** shall be constructed or located on any Lot, unless the Design Review Committee, upon request by the Owner allows such construction or location after determining the Detached Structure is architecturally and aesthetically compatible with the Residence on the Lot and will otherwise be compatible with other improvements within the Property.

#### **Interpretation:**

This provision is applicable to detached structures such as sheds, freestanding pergolas, shops, garages, and other free-standing structures not attached to the Residence. Sheds, garages, shops, and like structures (regardless of size) shall be compatible in architectural design and color of the Residence.