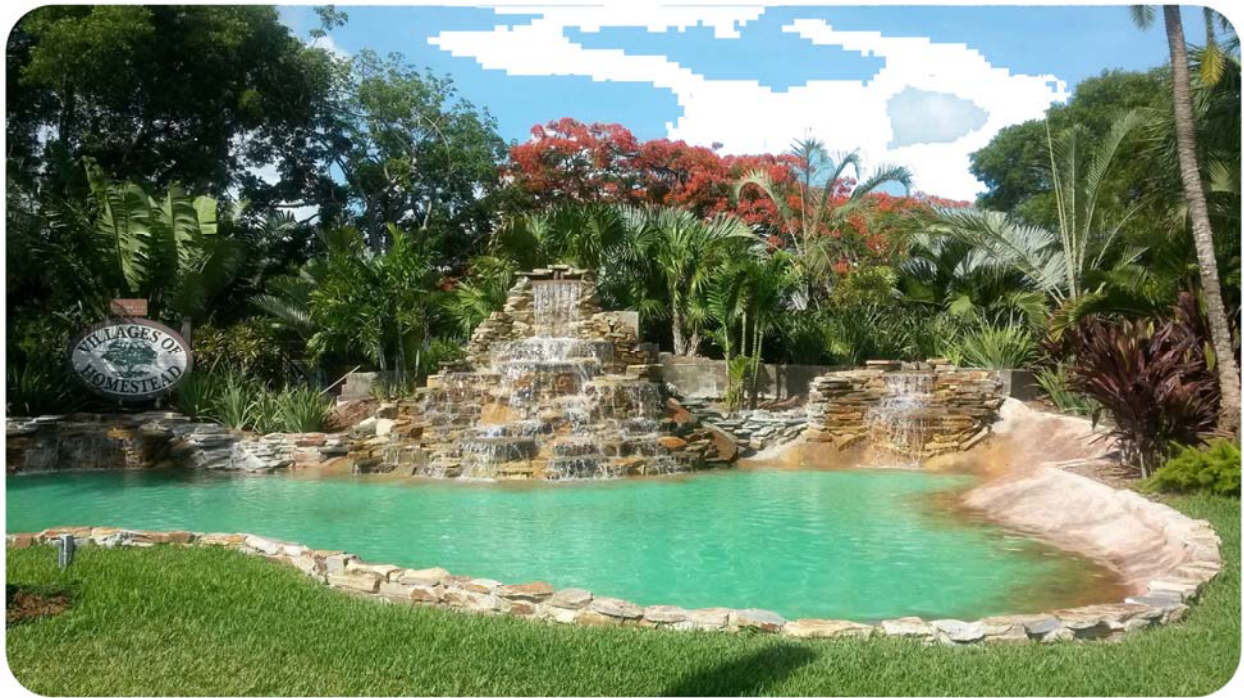


# VILLAGES OF HOMESTEAD



## Rules and Regulations

## INTRODUCTION

The Villages of Homestead was officially recorded as a 3,300 Planned Urban Development (P.U.D.) community in 1978. A P.U.D. is sometimes referred to as a "Planned Community". The Villages of Homestead has been carefully planned and constructed with the creation of a quality living environment in mind.

The Master Plan includes sites for single family homes, multi-family dwellings, to include condominiums, townhomes, and patio cluster homes in addition to land set aside for shopping centers, professional buildings, schools and parks. Together, these uses provided for a balanced community in which people live, work and play.

Audubon Village, with 560 units is made up of single family manor and estate homes, town and patio cluster homes, and is one of four separate areas all located within a 310 acre developed section of the Villages of Homestead. The other areas include San Remo, Lakeshore and Key's Landing. In 1989 Homestead Properties (the original Developer) turned over control of the 310 acre developed area to the residents. It is interesting to note that all of the streets in Audubon Village are named after birds.

The Villages of Homestead is regulated by a Declaration of Protective Covenants and Conditions, the Articles of Incorporation and the By-Laws. Audubon Village has an additional set of documents and if you live in Townhomes North or South there is a third set of documents that you are governed by. These documents are available for purchase at the Audubon Clubhouse for anyone wishing a copy.

A Declaration of Protective Covenants and Conditions (the "Declaration") has been recorded to establish a uniform development plan for the Villages of Homestead.. This Declaration is subject to change and modification and prior to you relying upon, it you should make sure that you have reviewed a complete and current copy. Each owner buys his property subject to the current Declaration on record. In accordance with the current Declaration, the Architectural Control Committee has the responsibility of reviewing all building and remodeling plans to ensure they are architecturally consistent with the community master plan.

## COMMUNITY ORGANIZATION

Because the Villages of Homestead is a planned community and not merely a collection of subdivisions, an organization has been created to oversee the ongoing development of the community. Toward this end, every resident of the Villages of Homestead is a member of the Villages of Homestead Homeowners Association, Inc. (the "Master or Overall Association"), the entity responsible for the management of all common areas and related facilities, including architectural control, care of the lakes, lawn & landscape maintenance of common areas, and administration of the construction activities by owners in accordance with adopted architectural guidelines and standards.

The Board of Directors (the "Board") manages the affairs of the Master or Overall Association. Board elections are held each year at the annual meeting of the Master or Overall Association. The board has a wide range of powers including the ability to adopt rules and regulations governing the use of common areas. The Audubon Village and Townhomes North and South also have separate Boards of Directors.

The Architectural Control Committee, regulated by the Overall Association, is established to review all improvements within the Villages of Homestead, including new construction and modifications to existing properties. The

Architectural Control Committee has adopted architectural guidelines and standards to evaluate proposed construction activities.

#### COMMUNITY RULES AND REGULATIONS

The following community rules and regulations summarize some of the common provisions found in the Declaration as well as list additional rules established by the Board. These rules and regulations are meant to restrict and protect properties for the benefit of all residents of the Villages of Homestead. Cooperation on the part of all residents in following these rules and regulations will make living in the Villages of Homestead an enjoyable experience. The rules and regulations are to be read in conjunction with the Declaration and other Association documents.

VILLAGES OF HOMESTEAD HOMEOWNERS ASSOCIATION INC.

CERTIFICATE OF APPROVAL OF RULES AND REGULATIONS

The undersigned, being respectively the Board of Directors of VILLAGES OF HOMESTEAD HOMEOWNERS ASSOCIATION, INC. do hereby certify that at a meeting of the Board of Directors held on November 22, 1994, a quorum was present for the lawful conduct of business and a majority of the Board approved the VILLAGES OF HOMESTEAD HOMEOWNERS ASSOCIATION RULES AND REGULATIONS attached hereto. The Rules and Regulations are the Rules and Regulations contemplated by the Declaration of Protective Covenants and Conditions for Villages of Homestead as recorded in Official Records Book 10169 at page 1539 of the Public Records of Dade County, Florida. It is intended that these Rules and Regulations be incorporated by reference to said Declaration of Protective Covenants and Conditions. It is intended that such Rules are to be effective as of November 22, 1994.

VILLAGES OF HOMESTEAD HOMEOWNERS ASSOCIATION, INC.

BOARD OF DIRECTORS

\_\_\_\_ Barbara Huber, President \_\_\_\_\_

\_\_\_\_ Tony Scarlett, Treasurer \_\_\_\_\_

\_\_\_\_ Roger Gunderson, Vice President \_\_\_\_\_

\_\_\_\_ Arylne Flickinger, Board Member \_\_\_\_\_

\_\_\_\_ Ray Hewitt, Second Vice President \_\_\_\_\_

\_\_\_\_ John Allen, Board Member \_\_\_\_\_

\_\_\_\_ Sandy Alden, Secretary \_\_\_\_\_

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## A. GENERAL RULES AND REGULATIONS

1. **Applicability:** Every owner and occupant shall comply with these rules and regulations as set forth herein, any and all rules and regulations which from time to time may be adopted, and the provisions of the Declaration, Bylaws and Articles of Incorporation of the Overall Association, as amended from time to time. Failure of an owner or occupant to so comply shall be grounds for legal action which may include, without limitation, an action to recover sums due for damages, injunctive relief, or any combination thereof. The Overall Association as defined by the Villages of Homestead Declaration of Protective Covenants and Conditions shall have the right to suspend voting rights and the use of recreation facilities in the event of failure to so comply. In addition to all other remedies, in the sole discretion of the Board of Directors of the Overall Association, a fine or fines may be imposed upon an owner for failure of an owner, his tenants, family, guests invitees or employees to comply with any covenant, restriction, rule or regulation herein or in the Declaration, or Articles of Incorporation or By-Law, as provided in the Declaration.

2. **Use of Employees:** Employees of the Overall Association are not to be employed by owners or occupants for personal reasons. The Board of Directors shall be the only entity responsible for directing and supervising employees of the Association.

3. **Common Area Obstructions:** The common areas and facilities shall not be obstructed nor used for any purpose other than the purposes intended therefor; nor shall any carts, bicycles, carriages, chairs, tables or other similar objects be stored therein, unless provided by the Association. Encroachments upon the common areas by adjoining owners will be corrected by the owner at the owner's expense. Owners shall not permit anything to be swept, thrown or in any manner, discarded onto the adjacent common area.

4. **Children Restrictions:** Children will be the direct responsibility of their parents or legal guardian, including full supervision of them while within the common areas of the Villages of Homestead.

5. **Sight Distance at Intersections:** No obstruction to visibility at street intersections or common area intersections shall be permitted. Foliage that obstructs the passage of pedestrians shall be in violation of this paragraph.

6. **Oil and Mining Operations:** No oil drilling, oil development operations, oil refining, quarrying or mining of any kind shall be permitted upon or within the Properties, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon or within the Properties. No derrick or other structure designated for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any portion of the Properties subject to these restrictions.

7. **Sewage Disposal:** No individual sewage disposal system shall be permitted on any lot, provided that a central sewage disposal system serving the property is available for immediate and continuing use.

8. **Water Supply:** No individual water supply shall be permitted on any lot except for use in air conditioners, swimming pools, or sprinkler systems, provided that a central water supply system is available for immediate and continuing use.

## B. BEHAVIORAL RULES AND REGULATIONS

1. **Owner Responsibility for Guests:** Owners shall be directly responsible for the actions or occurrences associated with an invitee, guest, renter or any other person who is upon the Property by the request or permission of the owner. Owners may be fined as a result of such actions or occurrences.
2. **Nuisances:** No noxious, offensive, or unlawful activity shall be carried on upon the Properties or common areas, nor shall anything be done thereon which may be or may become an annoyance or nuisance to other owners.
3. **Storage:** All personal property must be stored in or upon an owner's property or, if available, in approved and designated storage areas provided for such purposes.
4. **Electronic Interference:** No electronic equipment may be permitted in or on any dwelling unit or lot which interferes with the television or radio reception of another dwelling unit.
5. **Hurricane Notice:** Any owner who plans to be absent during the hurricane season must prepare his dwelling unit and lot prior to his departure by designating a responsible firm or individual to care for his dwelling unit or lot should the dwelling unit suffer hurricane damage.
6. **Damage to Common Property:** Any activity carried on by owners lessees, tenants, residents or their guests which might cause damage to any property, including buildings and/or landscaping on any common area shall be prohibited. Payment for any damage caused by lessees, renters, or guests will be the responsibility of the owner.
7. **Posting Legal Notices:** Any and all legal notices shall first be approved by the Association and then posted in designated areas only.
8. **Smoking:** Smoking in enclosed common area or facilities is prohibited except in areas designated for such purpose and signed appropriately.
9. **Pets, Livestock and Poultry:** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats and other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose or in excessive numbers, all permissible household pets have been duly licensed in compliance with all applicable governmental regulations, and they do not become an annoyance or nuisance to any neighbor. All such household pets shall not be permitted or allowed to stray, run, be go, or in any other manner be at large in or upon any public street, sidewalk, Common Area, or on private property of others without the implied or express consent of the owner of such private property. No dogs or other pets shall be permitted to have excretions on any Common Area. Any pet found in violation of these rules and regulations shall be removed promptly by the owner with adequate notice. For purposes hereof, "household pets" shall mean dogs, cats, domestic birds and fish.



10. **Commercial Trucks, Recreational Vehicles, Trailers and Boats:** No trucks or commercial vehicles, home trailers, motor homes, campers, boats, boat trailers, or recreational vehicles or trailers of every other description shall be permitted to be parked or stored at any place on any lot within the subdivision, except in a garage or carport, or except during periods of approved construction on said lot. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles, such as for pickup, delivery and other commercial services or for the loading and unloading of boats. Any boat parked or stored on any lot must be parked in an enclosed garage.

11. **Garbage and Trash Disposal:** No garbage, refuse, trash, or rubbish shall be deposited on any lot except in a suitable receptacle. All areas for the deposit, storage, or collection of garbage or trash shall be substantially shielded or screened from neighboring property or Common Areas; provided, however, that garden trash and rubbish that is required to be placed at a point approved by the Architectural Control Committee in order to be collected, may be placed and kept at such designated point, and need not be in any container, for periods not exceeding twenty-four (24) hours; provided, further, that the requirements from time to time of the City of Homestead for disposal or collection shall be complied with by all owners and occupants.

12. **Drainage:** No changes in elevation of the property shall be made that will cause undue hardship to adjoining property in connection with surface water drainage.

13. **Inoperative Vehicles:** No vehicle which cannot operate on its own power, or is not legally tagged shall remain on the property for more than twenty-four (24) hours, and no repairs of such vehicle shall be made thereon, unless parked in an enclosed garage.

14. **Parking of Vehicles:** Vehicles may only be parked on established driveway areas, in a duly assigned parking space or guest parking space. There shall be no parking allowed on any common area.

15. **Vehicle Towing:** Vehicles which are in violation of these rules and regulations shall be subject to being towed by the Association as provided in the Declaration, subject to applicable laws and ordinances.

16. **Off Road Vehicles:** No motorized vehicles of any type are allowed on the "Common Area Trails". Such trails are to be used exclusively for walking, jogging and biking.

17. **Watercraft:** No motorized watercraft of any type are allowed on the "Common Area Lakes".

18. **Care and Appearance of Premises:** The structures and grounds on each lot shall be maintained in a neat and attractive manner. Upon the owner's failure to do so, the Architectural Control Committee may, at its option, after giving the owner ten (10) days written notice sent to his last known address, have the grass, weeds, and vegetation cut when and as often as the same is necessary in its judgment and have dead trees, shrubs and plants removed from any lot and re-sod any lot. In the event dead trees or shrubs are removed as provided, new trees and shrubs of the same type or similar will be added to maintain the character of the community.

Upon the owner's failure to maintain the exterior of any structure in good repair and appearance, the Architectural Control Committee may, at its option, after giving the owner thirty (30) days written notice sent to his last known address, make repairs and improve the appearance in a reasonable and workmanlike manner. The owner of such lot shall reimburse the Architectural Control Committee for the cost of any work as above required, and to secure such reimbursement, the party or parties incurring such expenses shall have a lien upon such lot enforceable as provided.

19. **Exterior Lighting:** No owner shall be permitted to install any exterior lighting which would, in any way disturb or annoy other residents (applying reasonable standards). The plans and specifications showing the location are subject to the review and approval of the Architectural Control Committee.

20. **Tree Removal:** No living tree shall be cut down or removed from the Properties other than those standing within an area to be excavated for the erection of a building thereon without the consent in writing of the Architectural Control Committee. During the period of construction any existing tree shall be protected so as to prevent any damage and, subject to the above exception, if any tree is cut down, removed, or damaged without the prior written consent of the Architectural Control Committee, the Owner responsible for the destruction of the tree will forthwith replace the tree under the supervision of and to the satisfaction of the Architectural Control Committee.

21. **Waste Material:** No building waste or other material of any kind, including grass clippings, shall be dumped or stored on the Properties except clean earth for the purpose of grading in connection with the erection of a building thereon or for the immediate improvement of the grounds.

### **C. STRUCTURAL RULES AND REGULATIONS**

1. **Land Use and Building Types:** No lot shall be used except for residential purposes. No building shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one conventional single-family dwelling. There shall be no commercial use including, but not limited to, any profession, trade, employment, service, manufacturing or business of any description upon any building or lot, except in specific areas designated for such purpose.

2. **Easements:** Easements for installation and maintenance of utilities and for installation and maintenance of drainage facilities are reserved as shown on the recorded plats of the Properties. Within these easements, no structure, planting or other material shall be placed or permitted to remain that will interfere with or prevent the maintenance of utilities.. The area of each lot covered by an easement and all improvements in the area shall be maintained continuously by the owner of the lot, except as provided herein to the contrary and except for installation for which a public authority or utility company is responsible. The City of Homestead, Florida, Florida Power & Light Company, American Telephone and Telegraph Company, City Gas Company of Florida and Developer and their successors and assigns, shall have a perpetual easement for the installation and maintenance, all underground, of water lines, sanitary sewers, storm drains, and electric and telephone lines, cables and conduits, under and through the utility easement as shown on the plats. Any damage caused to pavements, driveways, drainage structures, sidewalks, turf areas or other structures in the installation and maintenance of utilities shall be promptly restored and repaired by the utility whose installation or maintenance caused the damage. All utilities within the Properties whether

in street rights of ways or utility easements shall be installed and maintained underground, unless approval for above ground installation is received from the Architectural Control Committee, and such approval is not inconsistent with applicable ordinances.

**3. Architectural Control:** No building, wall or other structure or improvement of any nature shall be erected, placed or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure have been approved in writing by the Architectural Control Committee. Each building, wall or other structure or improvement of any nature shall be erected, placed or altered upon the premises only in accordance with the plans and specifications and plot plan so approved. Refusal of approval of plans, specifications, and plot plan, or any of them may be based on any ground, including but not limited to purely aesthetic grounds and/or energy conservation, which in the sole and uncontrolled discretion of said Architectural Control Committee is deemed sufficient. Any change in the finished ground elevation shall be deemed an alteration requiring approval. The Architectural Control Committee shall have the power to promulgate such rules and regulations as it deems necessary to carry out the provisions and intent of this paragraph. The Architectural Control Committee shall act on submissions to it within forty-five (45) days after receipt of the same, or else the request shall be deemed approved.

**a. Fences:** No fence, wall or other enclosure shall be erected in the front yard or side yard 3'0" set back areas, except any that are originally installed by Developer's designee, and except any approved by the Architectural Control Committee as above provided. If approved, the fence, wall, or other enclosure shall be maintained by the property owner for the protection of the adjacent property. No chain link fences shall be permitted on the dwelling unit property.

**i. Regarding Manor/Estate Homes:** Fences must be of wood construction in either the shadow box, board on board, picket or stockade style with the finished side always facing out. Alternate fencing styles will be subject to review and approval of the Architectural Control Committee. Wood fencing can be left unpainted or if painting/staining is desired, the color must match that of the existing house trim. Fencing cannot exceed 6'0" in height and is allowed in the rear and side yards only. The fence and/or gates must be set back a minimum of 3'0" from the front building line of the house and from the sidewalk. The plating of fast growing shrubbery, at least 3'0" in height and no less than 2'0" apart, will be required in front (facing the street) or any side yard fencing and along the entire back property line if the lot backs onto a common park area.

**ii. Regarding Cluster Homes:** Rear yard fencing must be of wood construction not to exceed 6'0" in height. Wood fencing must be painted to match that of the existing house trim color. Wood picket fences, 3'0" in height are allowed in the front yard, up to the front building line of the garage. The fence must always have the finished side facing out.

**iii. Regarding Townhomes:** All fencing must be pressure treated wood left unpainted, and cannot exceed 6'0" in height with the finished side always facing out. Fencing is allowed in either the front or rear yards. On lakefront units, any desired rear yard fencing beyond the side wing masonry wall is limited to a 4'0" height and can only extend outward (beyond the outer face of the wing walls) a maximum of 12'0".

**b. Screen Enclosures:** Screen enclosures may be constructed in rear or side yards, front entryways, porches and second floor balconies. The screening must be charcoal in color and all metal support

members, kickplates and doors must be anodized bronze, black or white in color. Three (3) different roof systems have been approved for use. The outer exposed fact of the roof pans and inverted beams must be anodized bronze, black or white in color. If white is desired, it must be screened over if facing a two-story neighboring structure. When built up wood and gravel systems are used, the steel or wood posts must be painted bronze, black or the color of the house trim. The fascia board, beams and metal gravel stop must be painted to match the house trim color.

c. **Gutters and Downspouts:** All gutters and downspouts must match the color of the house trim.

d. **Architectural Control Committee Approval:** Architectural Control Committee is charged with the responsibility of reviewing all applications submitted by owners who wish to make changes or improvement to either their house or lot. In addition, to those listed in this section, the following is a list of some improvements that are subject to the review and approval of the Architectural Control Committee:

i. **Ornamental Iron Security Grills:** Exterior grills are allowed at the front entry way or stoop, and must be of the same color as the house walls or house trim. The design is subject to the review and approval of the Architectural Control Committee.

ii. **Permanently Mounted Hurricane Shutters and Support Members:** Any commercially sold type that meets the City of Homestead and Dade County standards, is acceptable. The shutters and support members must be of the same color as the house walls or house trim. The type and style is subject to the review and approval of the Architectural Control Committee.

iii. **Lakefront Beaches:** Any desired alterations to the ground, i.e. adding sand, digging flat basins, etc. must conform with the criteria established by the City of Homestead Ordinance. The plans and specifications describing the project are subject to the review and approval of the Architectural Control Committee.

iv. **Docks on Waterfront Lots:** Docks, where allowed, must be constructed of decay resistant wood such as pressure treated pine or cypress. The structure cannot be higher than the elevation of the filter berm and no support pilings or posts can protrude beyond the outside edges of the dock. The plans and specifications describing the project are subject to the review and approval of the Architectural Control Committee.

v. **Water Softener Equipment, Pool and Sprinkler Housing:** Equipment of this type can only be installed in the side or rear yard and must be screened so that it cannot be seen from the street by either fencing or shrubbery. The plans showing the location and screening are subject to the review and approval of the Architectural Control Committee.

vi. **Window/wall AC Units:** Installation plans are subject to the review and approval of the Architectural Control Committee.

vii. **Contractor Signage:** Only one (1) sign is allowed on a lot, the size of which is not to exceed 576 square inches (24" x 24"). The design and color is unregulated. A Contractor sign may only be displayed during the time period a contractor is actively performing work on the property. All applications for contractor signs are subject to the review and approval of the Architectural Control Committee.

viii. **For Sale/For Rent Signs:** Only one (1) sign is allowed on a lot, the size of which is not to exceed 144 square inches (12" x 12"). The sign can be posted in the yard or in a window, or on the exterior of the house. The sign must be removed no later than ten (10) days after the sale or rental of the unit. There are to be no additional hangers added to the original 144 square inch sign.

ix. Grass, Trees and Shrubs: Grass areas may be re-sodded with Floratam, St. Augustine or Centipede without written approval of the Architectural Control Committee. The enhancement of a lot with an alternate type of grass or with additional trees or shrubs is subject to approval. The plans and specifications showing the location and type of plant materials are subject to the review and approval of the Architectural Control Committee.

x. Walkways: Plans and specifications showing the location of new or modified walkways are subject to the review and approval of the Architectural Control Committee.

xi. Concrete Patio Slabs: Plans and specifications showing the location of new or modified patio slabs are subject to the review and approval of the Architectural Control Committee.

xii. Wood Decks: Wood decks can be built in the front, on the side or in the rear with the appropriate approval. Plans and specifications showing the design and location of new or modified wood decks are subject to the review and approval of the Architectural Control Committee.

xiii. Wood Trellis: Wood trellis' can be built in the front, on the side or in the rear and can either be screened or left open with appropriate approval. Plans and specifications showing the design and location are subject to the review and approval of the Architectural Control Committee.

xiv. Room Additions: Must comply with all City of Homestead and Miami-Dade County building regulations. Plans and specifications showing the design and location are subject to the review and approval of the Architectural Control Committee.

xv. Repainting or Restaining: All exterior painting or staining requires approval even in the event the same color scheme is continued. A painting plan containing a sample of the paint color is subject to the review and approval of the Architectural Control Committee.

xvi. Driveways: Plans and specifications showing the proposed modifications to a driveway are subject to the review and approval of the Architectural Control Committee.

e. **Film on Windows:** Any commercially sold reflective film is acceptable. Aluminum foil or newsprint is not acceptable.

f. **Temporary Structures:** No structures of a temporary character, basement, tent, shack, garage, barn, or other outbuilding shall be used on the Property at any time as a residence, workshop, office, or storage room, either temporarily or permanently. No gas tank, gas container or gas cylinder shall be permitted to be placed on or above the outside of any structures built on the property and all gas tanks, gas containers, or gas cylinders shall be installed underground in every instance where gas is used, except for one (1) gas cylinder (not to exceed 20 lbs capacity) connected to a barbecue for cooking.

g. **Air Conditioner and Reflective Materials:** No air conditioning units may be mounted through windows unless to location, method of installation, appearance and desirability per se has been approved by the Architectural Control Committee. It is the intention of this provision to authorize the Board in its sole discretion to approve or disapprove any such air conditioning unit on purely aesthetic grounds or any other grounds or for the reason that there should be no such unit in such location. No building shall have any aluminum or other metal foil placed in any window or glass door or any reflective substance placed on any glass.

h. **Exterior Antennas:** No television, radio, satellite or other antennas exterior to the building shall be permitted on any lot or improvement location but this provision shall not apply to underground installations.