

**TREATY OAKS ASSOCIATION, INC.**

**ARCHITECTURAL REVIEW GUIDELINES**

**Revised**  
**4/2/18**

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## **Exhibits**

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**Treaty Oaks Association, Inc.**  
**Architectural Review Board**  
**Purpose & Guidelines**

The purpose of the Architectural Review Board (“ARB”), in accordance with Article VI of the Declaration of Covenants and Restrictions for Treaty Oaks Association, Inc. (“Declaration”), is to maintain and support the explicit and implied directions therein and to ensure the maturity of the property as a community of the highest quality in which all improvements are harmonious in architectural design and aesthetic appearance. To accomplish this, all exterior improvements/changes and new construction on lots subject to the Declaration must meet the requirements set out in the ARB Guidelines before being approved by the ARB. The ARB Guidelines have been created to provide property owners, lessors, architects, homebuilders and contractors with a set of parameters for the preparation of their projects, plans, drawings and specifications. It is the responsibility and obligation of the property owner to acquaint his or her building/design team with both the Declaration and ARB Guidelines as well as ensure compliance with all governmental regulations.

An application form must be completed by the property owner or their representative, and submitted for approval prior to any construction or external improvement/change.

An application that is submitted against a residential property that has outstanding annual assessments or fines levied by the Fining Committee for Declaration and/or ARB Guideline violations will not be reviewed until these outstanding assessments/fines have been reconciled.

If an owner makes improvements without prior ARB approval, they are subject to the reversal of the improvement/change and/or a fine pursuant to Article XIII of the Declaration.

## Architectural Control

### **Section 1 - Approval Required for all Improvements**

In order to ensure the development of the Property as a community of the highest quality in which all improvements are harmonious in architectural design and aesthetic appearance, Treaty Oaks Association, Inc. ("Association") has delegated the responsibility to approve/disapprove ARB applications for the properties within the Association to the ARB committee. In accordance with Association Declaration Article VI, Section 6.3(c), the Board reserves the right to review any decisions of the ARB. Owners whose applications have been disapproved may appeal to the Board in accordance with the same Article and Section of the Declaration. The ARB will provide a justification for applications that are not approved. The current ARB application form must be completed and submitted for all proposed external improvements/changes. No improvement may be made on any part of the property without the prior written consent of the ARB. Applicants receiving approval of proposed improvements may thereafter make minor changes to landscaping and vegetation (such a replacing dead plants/grass, planting annual flowers, and replacing mulch) without further approvals, so long as such changes are harmonious with the previously approved landscaping plans.

**If any external improvement/change is commenced prior to submission and is denied, the owner may have up to 30 days from date of written notification to correct the issue, and/or be subject to a fine.**

### **Section 2 - Submittal, Review of Plans, Deposits and Fees**

Prior to making any external improvements/changes or new construction, the applicant shall submit detailed plans and specifications set forth in Section 3 of this document (tabulated on application form). The ARB reserves the absolute right to refuse approval of any plans which in its opinion are not suitable or do not comply with the terms of this document. The ARB shall evaluate each application for its total effect upon the applicant's parcel and the overall property. This evaluation may involve matters of judgment and tastes that cannot be reduced to an objective list of measurable criteria. The approval of any improvement/change or new construction does not obligate the ARB to approve any future applications involving similar designs, aesthetic appearance or locations on a parcel for other proposed improvements or new construction.

Items to be reviewed by the ARB include, but are not limited to, any improvement or structure of any kind, including without limitation, any building, dwelling, fence, wall, sign, site paving, grading, sewer, drain, disposal system, decorative lighting schemes, painting or alteration of a dwelling (including doors, windows, roof), installation of solar panels or other devices, construction of fountains, swimming pools, screened enclosures, jacuzzis, construction of privacy fences, additions of awnings, shelters, gates, flower boxes, shelves and statues.

### **Section 3 - Plans and Specifications: Approval Process**

In connection with the review of any proposed improvement or new construction, and unless waived by the ARB, the applicant shall submit the following documents, prepared by duly licensed architects, engineers, landscape architects or similarly qualified professionals, accompanied by such additional information and materials, which in the opinion of the ARB, may be required for its review.

- A survey that includes but is not limited to all property lines, setbacks, easements, flood plain boundaries, conservation area boundaries, existing trees having a diameter of six (6) inches or more measured at a height four (4) feet above the ground, driveways, fences, and underground locations. Existing and proposed surface contours and elevations of portions of the property shall be in compliance with the drainage plan as set forth by the county.
- Scaled floor plans or plans denoting location and dimensions of improvement  
Elevation drawings showing all sides of any contemplated structure(s).
- Summary specification list of proposed materials and samples or photographs of external materials and colors, which cannot be adequately described.
- Landscaping plans showing location, size, quantity and species of plants, trees and other vegetation proposed for use. Show driveway, sidewalks, patios.
- Square Footage (first and second floors)
  - a. Air-conditioned space (living area)
  - b. Other
- The ARB may also require submission of samples of building materials proposed for use on any Lot, and may require three surveys to show the effect of the proposed improvements on existing tree cover, and such additional information as reasonably may be necessary for the ARB to completely evaluate the proposed structure or improvement.
- After reviewing an application which has been deemed complete (that is, a signed application form and all items required for review), the ARB has thirty (30) days from the submission date of a complete application in which to approve or disapprove the said application. The applicant will receive written and signed notification of the ARB's decision.

Note: Approval of plans and specifications by the ACC does not release the homebuilder or the homeowner from fully complying with all applicable codes and requirements. The ARB review process is strictly for compliance with Treaty Oaks design parameters as dictated in this document and Declaration of Covenants and Restrictions.

#### **Section 4 - Commencement and Completion of Construction**

The applicant shall commence construction within six (6) months after receiving approval as provided in Section 3 of this document, and thereafter shall proceed toward completion. For single-family dwelling units, the exterior of the structure and the landscaping shall be completed within twelve (12) months after commencement of construction. Failure to commence, proceed or complete construction as required by the ARB shall void the initial

approval. In this event, the Applicant shall immediately cease work on such improvements. Prior to re-commencing work, the Applicant shall re-submit an application for approval as provided in this Document.

The owner, their representative or their contractor shall be responsible for any damage caused by construction personnel and/or equipment to improvements within public and private right-of-ways, roads and any adjacent properties.

## **Section 5 - Architectural Planning Criteria**

In order to achieve the objectives stated in Section 1 of this document and to help applicants plan and design proposed improvements and new construction, the following standards are adopted as the Architectural Planning Criteria to be followed in the design process.

### **5.1 Single-Family Dwelling Units**

No single-family dwelling unit or other structure located on a lot shall exceed two (2) stories in height. The minimum square footage of heated and air-conditioned enclosed living space for residential dwellings is 1,800 square feet (not including garage or storage space).

#### **5.1.1. Exterior Finishes**

5.1.1.1. The following requirements apply to all exterior walls and all kinds of facade applications for all structures. All elements of all elevations shall complete a total and continuous design.

5.1.1.2. All materials must be in compliance with the Standard Building Code.

5.1.1.3. Exterior wall finishes will be consistent in color schemes, texture, compositions and character throughout Treaty Oaks. All exterior finishes will be subject to review and approval by the ARB. Exposed concrete block walls, walls with any other type of exposed modular concrete units, and walls with metal finishes are not permitted.

5.1.1.4. Vinyl siding on home front elevations in a lap siding pattern is only permitted for use on the gable area of gable end roofs, or Boston hip roofs, and specifically prohibited on all other areas of home elevations... Stone and Brick accents shall be allowed.

Stone and Brick accents shall be allowed and shall be wrapped around the side elevations a minimum of 24".

5.1.1.5. Wood, masonry cementitious board siding (lap siding) shall have 8" maximum exposure and a 3" minimum exposure and shall be painted or stained or

otherwise protected from the elements of nature. Trim boards shall be B grade lumber or synthetic. Siding is allowed to be either rough or smooth. Paint colors must be approved by the ARB.

5.1.1.6 When finish materials for the exterior of the structures require painting, the color selection shall be based on compatible colors throughout Treaty Oaks. Paint colors are subject to review and approval by the ARB.

5.1.1.7 Rear and side elevations should have an alternate trim color around windows, doors and on frieze boards. Trim on windows, doors and frieze boards on rear and side elevations shall be composed of a minimum 4" nominal width stucco banding or scored stucco trim patterns, wood or cementitious wood material. Rear and side elevations where brick masonry is utilized for the façade are not required to have alternate color around windows and doors: however, a brick pattern, such as, rowlock or soldier course, or other accent pattern shall be utilized.

5.1.1.8 Window frames can be deep bronze, white or cream. Vinyl, aluminum and wood products are allowable. Mullions or window mutins (must be true divided lite or simulated divided lite). Window proportionality is required. Transoms over doors with side lite are allowable. Soffits - white vinyl. Windows to have wood, synthetic, Styrofoam trim bands or shutters. Scoring of stucco (4) sides, headers and sills or at header only

## **5.1.2. Roof and Roofing**

5.1.2.1. Roof structures shall be out of conventional frames, or wood trusses. Minimum roof overhang shall be 12".

5.1.2.2. Finish materials for pitched roofs must be consistent throughout Treaty Oaks. Wood shakes, gravel or barrel tile roofs are not permitted. Other materials not specifically mentioned are subject to review and approval by the ACC. Shingles and metal roofing, or a combination of thereof (shingles and metal) are acceptable roof coverings. Shingles must be fiberglass or thirty (30) year asphalt architectural dimensional roofing shingles and fungus resistant (FRS). Metal roofing must be Galvalume finish with a standard 5V crimped pattern or a standing seam pattern. No roof on a home on any lot shall have the same color roof shingle as a home on any adjacent lot.

5.1.2.3. All homes on lots that adjoin any Surface Water Management Tracts must include a three sided rear porch, or the rear elevation roof lines must include gable roofs, Boston Hip roofs, or dormers. .

5.1.2.4. Roof top mechanical equipment must be so located to reduce or eliminate its visibility from street, sidewalk of adjacent properties.

5.1.2.5. Gutters and down spouts may be exposed only if painted properly to match the color of fascia, wall or column.

**5.1.2.6.** All exposed roof vents, valleys, flashings, eave drip, and pipes extending through the roof shall be painted the same color as the roof.

**5.1.2.7.** Minimum roof pitches in Treaty Oaks shall be 6:12. Lower roof pitches will be considered by the ARB on an individual basis for minor components of the main roof (i.e., dormers, porches, bay windows, etc., if compatible with a particular style.)

**5.1.2.8.** Fiberglass architectural grade 25/30 year roof shingles  
Roof slopes are to be pre-dominantly 5/12 pitch or greater, 4/12 roof pitch is acceptable as non-dominant  
Eave drip to be white, cream, black or brown. Galvanized metal, copper or tin accents. Gutters to be minimum 6"

**5.1.2.9.** Full metal roofs or a combination of metal and architectural dimensional shingles are allowable.

## **5.2 Lots – Sizes and Setback Lines**

Lot sizes and setback lines shall be in accordance with the Treaty Oaks PUD Zoning requirements and City/County ordinances.

The ARB reserves the right to adopt additional or amend lot types and requirements.

**5.2.1** When siting homes on lots, same or similar elevations will not be allowable on two adjoining lots.

## **5.3 Garages**

All homes shall have a minimum of two (2) car garages, with a side entry where feasible. No metal or fiberglass covered carports will be permitted throughout this subdivision.

Raised panel steel garage door, accessory windows. Garages must be finished with drywall and painted.

## **5.4 Detached Structures and Objects**

No detached building or other structure, including garages, tool or storage sheds, tents, trailers, tanks, or any temporary or accessory buildings or structures shall be erected or permitted to remain on any Lot without the prior written consent of the Developer, the ARB or the Board, as applicable.

Pens, yards and houses for pets; hothouses; greenhouses; clothes washing and drying

equipment; laundry rooms; playground equipment; pool houses; equipment houses; garbage/trash cans and receptacles; above ground exterior air conditioning, heating and other mechanical equipment, shall be obscured or screened or designed in a manner that limits their visibility from adjoining portions of the property.

Propane tanks, satellite dishes and pool equipment shall require that a fence type barrier, or landscaping, be installed around the object; and all plants at installation must meet the height of the tank.

Propane tanks shall be permitted only if they are completely buried or totally enclosed with opaque/dense materials to the height of the tank. Evergreen shrubbery and other plant material shall be considered an acceptable material if it completely screens the tank and when installed must meet the height of the tank. Any propane tank exceeding 120 gallons shall be buried.

A detailed plan/picture must be submitted with the ARB application.

#### **5.4.1. Pergolas**

Pergolas are allowed to be erected in the rear of a residential property subject to prior written approval by the ARB and must conform to the following guidelines:

- Must be of sound construction and a permanent installation.
- ARB Applications must include detailed construction/installation drawings.
- Professional installation recommended.
- Appearance of pergola is softened with landscaping. Detailed landscaping plan to be included with ARB Application.

Each application will be reviewed by the ARB on an individual basis with respect to design, placement, materials used, etc. to ensure it does not interfere with the general architectural design and aesthetic appearance of the neighborhood.

#### **5.5 Temporary Movable Structures**

No sheds, exterior storage structures, above ground swimming pools, boats (trailered or untrailered), trailers, mobile homes, tents, unattached gazebos or other temporary or movable building or structure of any kind shall be erected or permitted to remain on any portion of the property external to the home.

#### **5.6 Playground Equipment**

All lots will be required to screen play structures from view of streets, adjacent and surrounding properties, with either fencing or vegetation at the discretion of the ARB. Prior to installation, a detailed plan/picture including height, materials, color must be submitted to the ARB for approval.

Playground equipment colors must be of natural tones, i.e., brown, beige, tan, green and medium to dark blue. Bright colors are not allowed (e.g. yellow or red).

Above ground pools are not allowed.

All trampolines must be screened by a 6' fence meeting the requirements set forth herein.

All playground and recreational structures shall be located at the rear of the dwelling or on the inside portion of a corner lot. None shall be constructed, except basketball backboards and structures, at the front of the dwelling and are not to be attached to any home. Photos are required for all permanent in-ground basketball structures; and the backboards must be clear acrylic.

All structures shall be designed and screened or otherwise sheltered to the extent possible from the view of the street.

### **5.7 Screen Room Enclosures and Florida Sun Rooms**

All drawings must include dimensions, transition detail between existing house and new structure, and roof material.

Screen enclosures surrounding pools are to be white, black or bronze. Screen enclosures surrounding patios and rear porches are to be white, black or bronze.

For a sloped roof, if the pitch is 1:12 or steeper, the roof must be shingled to match the existing roof. A sample shingle is to be supplied or a current picture of the existing home to show the roof color.

The plans must also include door locations, and if using a kick plate, the height of the kick plate must be submitted. If a kick plate is to be installed, and there is not a privacy fence in the yard, then landscaping is required to screen the kick plate from view of the adjoining neighbors, roadways, waterways and golf course.

A landscaping plan must be submitted depicting the type, size and location of the plants or trees to be used to screen the kick plate from view.

A sample of the frame and screen material to be used must be part of the submittal.

Window or wall mounted air conditioning units of any kind are not permitted on any part of the structure.

### **5.8 In-Ground Swimming Pools**

A detailed submittal including current survey showing location of pool and pool equipment must be submitted. Included in the submittal shall be the color for the deck including a sample of the material to be used.

Pool equipment must be screened with landscaping, a screen enclosure or a permanent wall, from view from the adjacent properties and roadways; and the location must be shown.

A plan for construction access is to be included and if access is on property other than your own, an approval letter from that property owner is required.

No pool shall encroach upon an easement of any type.

## **5.9 Hot Tubs**

All hot tubs must be submitted, regardless of exterior location. The submittal should include the dimensions of the hot tub, with pictures and/or brochure.

The submittal must also have a landscaping plan to screen the tub from view of adjacent properties and roadways.

## **5.10 Antennas/Satellite Dishes**

No more than two (2) satellite dishes may be installed on any one property. Any exterior antenna, satellite dish or similar structure to be located within the property shall be subject to the prior approval of the ARB.

The following guidelines are design and location restrictions for ALL types of satellite dishes as approved by the Telecommunications Act of 1996 which directs Federal Communication Commission (FCC) to create regulations, which would disallow restrictive covenants on satellite dishes under one (1) meter in diameter only. These guidelines may be revised in the future.

Satellite dishes under one (1) meter in diameter will be allowed and must comply with the following Treaty Oaks Association guidelines regarding installation, maintenance and placement of any exterior antenna, satellite dish or similar structure.

- Satellite dish size and color must be submitted to the ARB for approval.
- Satellite dish location must be approved by the ARB.
- Some additional landscaping will be required if located on the ground. The landscaping must meet the height of the dish when installed.
- Painting of the satellite dish/structure may be required if allowed by the manufacturer.
- If not submitted to the ARB, the satellite dish may require relocation to be paid for by the owner, and may be subject to a fine.
- Satellite dish masts will be allowed, and must be screened from view of adjoining neighbors with landscaping that meets the height of the dish when installed.
- Satellite dishes shall not be installed at the front of the dwelling
- Attach a copy of the site plan with the satellite dish location marked.

## **5.11 Driveway Painting, Staining, Extensions and Location**

Driveway painting and/or staining is NOT permitted; however, variances can be requested

for particular circumstances.

Decorative driveways are encouraged. Concrete or pavers shall be used in the construction of all driveways and parking areas. Asphalt shall not be used on any driveways.

All surface coatings for new or existing installations require ARB approval. The coatings most likely to be approved are those in earth tone colors, especially gray, browns and tans. The color shall relate to the colors on the dwelling.

When submitting this type of application, include a photo of existing home and a picture or sample of the proposed installation.

**5.11.1** Minimum 3' wide concrete walks from front entry to driveway, concrete driveway, concrete patio per plan. Paver driveways, patios and walkways in lieu of concrete.

#### **5.11.2 Driveway Extensions**

All driveway extensions or additions must be approved by the ARB.

#### **5.11.3 Driveway Easements**

Driveways shall not be constructed upon drainage easements or within three (3) feet of a property line.

### **5.12 Grading**

No portion of the property shall be graded and no changes in elevation of any portion of the property shall be made which would adversely affect any adjacent property.

Site grading should attempt to enhance the existing topography, protect the existing vegetation and provide positive drainage. Landscape mounding shall be implemented with smooth transitions resulting in subtle forms to enhance the existing conditions. Landscape mounding shall not be lumpy and abrupt, lots shall be graded to fully accommodate drainage requirements.

Where existing vegetation will be saved, the grades shall be maintained with positive drainage from the trunk to the drip line of the vegetation

All clearing and grading reviews shall be subject to the jurisdiction of the ARB and shall be considered individually for each lot. Recommendations or demands shall be based upon individual home site locations, vegetation, terrain, soil conditions, drainage, cuts and fills, and whatever other conditions the ARB feels impact upon the site design. The ARB reviews grading and drainage plans for aesthetics only. All technical reviews of grading and drainage plans are the responsibility of the local government.

### **5.13 Drainage**

Drainage considerations for individual sites play an important role of the overall ecological balance of the site. Water runoff for each individual home site or commercial site shall be

handled by adequately sloping of all areas so that runoff can be directed to the storm drainage facilities.

Site drainage shall be detailed on the drainage plan.

All flows shall be directed into drainage swales, area drains, or street curb and gutter. Although the ARB shall review drainage plans, the homeowner is fully responsible for water runoff and drainage control of his home site. An engineering firm shall be consulted by the applicant and its recommendations followed concerning the use of swales and underground drainage.

Lot grading shall not exceed more than one and one-half (1.5%) percent slope at any point along the centerline of a drainage swale on the lot and no more than two (2%) percent on any other portion of the lot. Run-off should be directed per the engineered drawings, all drainage shall be directed away from dwelling units at a minimum of two (2%) percent or as directed by the engineer of record.

Sidewalks shall have a minimum cross slope of two (2%) percent.

Landscape swales shall have one and one half (1.5%) percent slope. Swales shall not hold water longer than 72 hours.

Approval of site plans does not relieve the owner, engineer or contractor of liability for any damage to their property or adjacent properties.

#### **5.14 Trash Containers**

All garbage and trash shall be stored in closed containers hidden from view from any portion of the property. It is suggested that all containers (trash and recycle containers) be kept in the garage until pick-up day.

No containers, debris, or bulk material may be stored in the front of the yard or the garage door. All containers must be hidden from view from the street and all adjoining neighbors.

Backyard and curbside trash removal and recycling programs have been pre-arranged by the community and the sanitation department. Property owners shall comply with such arrangements, rules and regulations.

#### **5.15 Air Conditioners and Fans**

No window fans, window air conditioner units or similar type that penetrates or protrudes from the exterior of the structure, shall be installed in any structure located on the property.

Ceiling fans specifically designed for "outdoor use" may be installed on front and/or back porches/lanais. Application submittals must provide color, size and location, and include a picture showing ceiling color where the fan will be installed.

### **5.15.1. Exterior Air Conditioning (A/C) Compressors**

All air conditioner compressors shall be screened from view from the street by a fence, wall or shrubbery; and said barrier must meet the height of the A/C unit.

### **5.15.2. Relocation of Outdoor Air Conditioning (A/C) Unit**

The relocation of any outdoor A/C unit must be approved by the ARB. A site plan depicting the new location must be submitted to the ARB; and the concrete slab location must be shown. Additional information will be required for the use or disposal of the old concrete slab.

### **5.15.3. Air Conditioning (AC) Units Located on Corner Lots**

All air conditioner compressors located on corner lots require that the ARB approve landscaping around the unit to soften the view from the street. All plant material must meet the height of the A/C unit at installation.

## **5.16 Landscaping, Borders, Ornaments, Irrigation**

All landscaping changes, including decorative concrete borders and rubber mulching, are to be approved by the ARB with the exception of annual flower changes. This does not include replacing existing mulch with mulch or small stones.

A strong emphasis is placed on landscaping in the architectural review process. Quality landscaping is important to both the appearance of each individual home and the overall continuity of the community.

It is the intent of the ARB to maintain the landscape integrity throughout the community. To ensure that the overall beauty of the community is preserved and enhanced, the ARB has the authority to approve or disapprove landscape plans for individual residences.

The determining factor of good landscape design shall always be the architecture and location of the residence. The ARB shall take into account the various relationships between the home, the site, adjacent homes, views, prevailing breeze, and amenities in making decisions regarding specific landscape plans.

Fundamental to the design criteria is the need for landscaping to harmonize with the native vegetation and natural beauty of the community and also appropriately blend with any adjacent landscapes whether common area or private home site. Owners shall be encouraged by the ARB to use landscape material indigenous to the existing area. (Florida Statutes 373.185 and 720.3075(4) are germane.)

Upon selection of plant materials, please provide complete plant nomenclature for

identification of these proposed materials. The sizes, in standard nursery "range of size" description (i.e. gallon, two gallon, etc.), shall be given as well as the plant quantities and locations.

All lots are required to have a minimum of fifty (50%) percent of the total number of inches shown on the Neighborhood Site Plans as stipulated in the approved engineering plans provided by England, Thims and Miller. At least one No. 1 Florida Grade live oak tree with a minimum of 4.5" diameter at breast height and 12'-16' overall height must be planted at the center of the lot ten feet from the builder placed sidewalk.

Only St Augustine (Floritam) sod will be allowable.

#### **5.16.1. Wood and Rubber Mulch**

The approved colors for rubber mulch are Cypress Brown, Pine Bark and Rustic Red. The colors for wood mulch are brown, gold, red, and light brown. Pine straw is allowed.

Shrub material is required for screening in fronts and around HVAC Equipment, back to back lots must have rear yard shrubs and minimum of one tree (Live Oak, Magnolia, Ligustrum, Red Maple). Fully automatic irrigation system. Planting beds to receive 4" of pine bark mulch. Drought resistant native-plant materials are encouraged.

#### **5.16.2. Concrete Borders and Decorative Landscape Borders**

All colors for concrete borders and decorative landscape borders must be approved by the ARB.

Block shall receive a finish troweled stucco coat or synthetic finish, shell tabby finish shall be allowed, smooth foam band trims shall be allowed.

#### **5.16.3. Decorative Lawn Ornaments**

Decorative lawn ornaments are not allowed without ARB approval. Plans for lawn ornaments shall be submitted to the ARB for approval prior to installation. This shall be done when the landscape plan is submitted, although subsequent submittals are acceptable.

The location of the lawn ornaments are at the discretion of the ARB.

Lawn ornaments such as bird feeders, birdbaths, sundials, fountains, decorative benches & chairs in most cases may be approved if the material is in keeping with the style and materials of the house, and appears to be a natural extension of the house architecture. The ARB retains the right to deny such ornaments.

Plastic or brightly colored ornaments or ornaments with moving parts that are visible from the street, adjacent homes, walkways, sidewalks, or across lakes are not allowed. Ceramic statues, glass balls, or other similar reflective ornaments shall not be allowed unless they are

screened from view from adjacent properties.

Lawn ornaments shall not be allowed between the sidewalk and the street.

Lawn ornaments shall not be permitted within ten (10) feet of the rear property line for home sites that are on the lakes or where the rear yard is visible from road.

The ARB has the right to limit the number of lawn ornaments.

All ornaments shall blend with the house and be in keeping with the style and materials of house, with suitable landscape shrubs involved in the setting.

Consideration shall be given to the number and size of lawn ornaments.

#### **5.16.4. Artificial Vegetation**

No artificial grass, plants, flowers or other artificial vegetation or sculptural landscape décor shall be placed on the exterior portion of any lot.

#### **5.16.5. Wells & Irrigation**

Each Owner's property shall be required to be equipped with an individual underground irrigation system. The system must provide full coverage of the lot landscaped and sodded areas, including the easement along the road and the road right of way.

Irrigation wells are allowed and irrigation systems may be connected to a well constructed on the Lot or the potable water system with a proper backflow preventer installed.

The system shall be fully automatic with pop up heads in the sod and low growing groundcover areas.

Irrigation equipment must be screened from view with landscaping and/or fencing. Owner must submit county approval with ARB request. Owners shall remove any staining on their property that may occur as a result of using water from a well to irrigate their property.

#### **5.16.6. Vegetable Gardens**

Vegetable gardens located in the rear yards are allowable on each lot up to 200 square feet, but must be screened from view.

#### **5.1.7. Decorative Arbors**

Decorative arbors may be approved as an alternative to a gate when a hedge is desired to be used in lieu of a fence to achieve a level of privacy in conjunction with an overall landscaping plan. Residents desiring to include this option in their landscaping plan are required to submit an application to the ARB. Each application will be reviewed by the ARB on an individual basis with respect to design, placement, materials used, etc. to ensure it does not interfere with the general architectural design and aesthetic appearance of the

community.

### **5.17 Exterior Lighting, Fountains, Statues and Lawn Ornaments**

Any and all exterior lighting, fountains, statues and lawn ornaments must be submitted to the ARB for approval.

No lighting shall be permitted which alters the residential character of the Subdivision.

#### **5.17.1 Exterior Lighting**

Additional exterior lighting or a design change that is attached to the dwelling must be approved by the ARB, and cannot shine into a neighbor's yard or the roadway. Replacements that match the existing lighting do not require ARB approval.

Exterior lighting wall mounted lamps, recessed lights and down lights. Ground low voltage lighting. Lights shall be placed to avoid excessive intrusion on adjacent property owner.

#### **5.17.2 Yard Lighting**

All landscape lighting must be approved by the ARB before installation, and cannot affect the neighbor's yard or roadways. Rope lighting is not an approved lighting. Lighting is to be low-key and when used, should be used on accent entrances and special features. Overall high levels of light are not desired. Intensity should be no greater than required for pedestrian safety, other than on accent landscape. The scale of this lighting should be at pedestrian level. Exterior lighting must be shielded from adjacent properties. Colored lighting is discouraged and shall be subject to ARB approval.

#### **5.17.3 Fountains, Statues, Lawn Ornaments**

All fountains, statues and lawn ornaments must be approved by the ARB before installation. Any existing fountains, statues or lawn ornaments will be considered before approval of additional amounts of the same. Photos of the exterior of the dwelling must be submitted showing the location of any existing fountains, statues or lawn ornaments and the location must be shown for additional fountains, statues and lawn ornaments.

### **5.18 Flags and Flag Poles**

A United States flag may be displayed in either of the following methods:

- When displayed on a vertical flagpole, it must be done in accordance with Florida Statute 720.304. Briefly; a homeowner may display one portable, removable United States flag or official flag of the State of Florida, and one portable, removable official flag which represents one of the Armed Services or the POW-MIA flag, not larger than 4-1/2 feet by 6 feet. A homeowner may erect a freestanding flagpole no more than 20 feet high and cannot be erected within or upon an easement.

- When mounted on the exterior of a residential home, the flag must be displayed on a pole no longer than four (4) feet in length.

Location of any vertical flagpole or mounted pole is subject to review and approval by the ARB.

If the United States flag is lit in the evening, the light must neither shine into the adjoining neighbors' windows, affect their vision or site line, nor should it affect traffic and the driver's sight lines.

If choosing a decorative flag, it must be mounted on the exterior of a residential home and must be displayed on a pole no longer than four (4) feet in length. If the flag is lit in the evening, the light must neither shine into the adjoining neighbors' windows, affect their vision or site line, nor should it affect traffic and the driver's sight lines.

No more than one (1) United States flag and one (1) decorative flag, for a total of two (2) shall be displayed on a single property.

### **5.19 Fences, Hedges and Walls**

All fence requests, excluding invisible animal barriers, must be submitted to and approved by the ARB.

Back to Back Lots:

- Six (6') foot white, tongue and groove, solid vinyl or four (4') foot black, smooth top, two or three rail (no finials or spikes), aluminum fence may be installed adjacent to side property lines and adjacent to rear property lines, and may be extended a distance no less than ten (10') feet from the front of the home on the lot.

Back to Back Corner Lots:

- Six (6') foot white, tongue and groove, solid vinyl or four (4') foot black smooth top two or three rail (no finials or spikes), aluminum fence may be installed adjacent to side property lines and adjacent to rear property lines; however, on the side property line that runs parallel to the right of way, fencing must terminate at the leading rear corner of the home and must be installed a minimum of twenty (20') feet from the back of the right of way along this same side, and, on the opposite side lot line, fence may be extended a distance no less than ten (10') feet from the front of the home on the lot .

Lake Front Lots:

- Six (6') foot white, tongue and groove, solid vinyl or four (4') foot, black smooth top two rail or three rail (no finials or spikes), aluminum fence may be

installed adjacent to side property lines, and may be extended a distance no less than ten (10') feet from the front of the home on the lot; however, in either case, the portion of fence adjoining the lake bank must be constructed of four foot height, smooth top two rail, black aluminum fencing material. A transition from six (6') feet height to four (4') feet height over a horizontal distance of approximately six (6') feet must be incorporated into any vinyl fence panel that adjoins a metal fence.

Conservation Area Front Lots:

- Six (6') feet white, tongue and groove, solid vinyl or four (4') foot black smooth top two rail or three rail (no finials or spikes), aluminum fence may be installed adjacent to side property lines and adjacent to rear property lines, and may be extended a distance no less than fifteen feet from the front of the home on the lot.

Chain link fence is prohibited.

Adjacent hedge material is encouraged for privacy. Painting of fences is not allowed.

No above-ground fencing shall be installed at any point less than ten feet from the front Building Restriction Line (Set-Back Line) on any lot. No invisible animal barriers shall extend beyond the perimeter of the resident's property lines as depicted on their respective plat (each of the lots includes a number of varying easements that are not technically part of the resident's property. These invisible animal barriers are not to intrude into these areas).

No fencing shall extend outside the limits of the property, such as onto the lake bank tracts or easements, or into wetland or preservation areas and conservation areas.

If a fence exists along a side or rear property line of an adjoining lot, no other fence will be allowed along the same property line (i.e. fences may not be constructed back to back).

With respect to enclosures fences on lots adjacent to a lake or retention pond, a gate will be required so that owners may fulfill their responsibility to maintain the lake slope down to the water's edge.

Regarding enclosure fences on lots adjacent to a preservation/wetland area, the side of the fence abutting this area should be erected to the limit of the preservation or the owner's property line, whichever is closer to the home. A gate is not to be included if the fencing directly abuts the preservation/wetland area as these areas are not be accessed by residents.

If space limitations result due to existing conditions of grade or plant materials, retaining walls may be employed to facilitate grade changes or to protect existing trees, etc.

Retaining walls shall be constructed of materials which are compatible or match with those of the primary building. Allowable construction: masonry block, poured wall, brick, or modular concrete units.

## **5.20 Home Offices**

In the event the ARB determines, in its sole discretion, that a home-based business, which otherwise complies with all applicable federal, state and local regulations, may present a nuisance, the ARB may require mitigation by the owner to minimize such nuisance, including without limitation, additional fencing or hedges, as a condition of its approval.

The granting of the ARB's approval, with or without mitigation, is in no way intended to serve as a guarantee that the home-based business is exempt from the requirements of the Declaration document regarding nuisance.

## **5.21 Signs, Billboards, Banners**

No sign of any kind shall be displayed to the public view on any Lot except as may be approved as to size and design and in accordance with criteria established by the Association; provided however, directional signage to be used during the construction of homes within the Property shall be solely subject to the approval of the Developer.

No signs, advertisements or notices of any kind may be placed on any portion of the property, including, without limitation, any lot or common area, unless express prior written approval of its size, design, color, content and location has been obtained from the ARB, except for "For Sale," "For Rent" and "Open House" signs. "For Sale," "For Rent" and "Open House" signs must comply with the standards established by ARB and Declaration documents as well as state and county laws, statutes and regulations. Owners may display a sign of reasonable size provided by a contractor for security services, and the sign must be located within 10 feet of any entrance to the owner's home.

No sign shall be placed on a tree trunk, mailbox or in the window of a dwelling at any time.

### **5.21.1 Builder Model Signage**

Builder model homes are permitted to have one (1) sign, no larger than 4' x 6' or 24 square feet in size, along with a standard bandit sign (18" x 24") on property. Special occasions which may call for an extra sign, for example, 'The Parade of Homes', for a determined amount of time, must receive approval from the ARB. Builder homes, which are 'For Sale,' may have only one (1) standard bandit sign (18" x 24") on property at any given time.

### **5.21.2 Real Estate Signs**

"For Sale", "For Rent", "Open House" or "Moving Sale" signs shall all conform to the following guidelines. Posts, metal powder coat black 4 ½' with 10 ½" x 13 ½" frame for sign panel. Optional: frame extension of 4" x 13 ½" for sign rider. Sign panel, 10 ½" x 13 ½" background color to be pantone 458 Dark Blue and lettering to be pantone 481 Sand.

Exhibit B depicts the only sign post and flyer holder authorized for all real estate signs with the exception of the “Yard Sale sign. See Attachment 2

### **5.21.3 Real Estate Sign Rules**

All signs shall be placed on owner’s property only, including, but not limited to, “Moving Sales” or “Garage Sales” or “Yard Sales” signs. “Open House” signs are authorized on Saturdays & Sundays only. Signs cannot be placed before 10:00 a.m. and not after 5:30 p.m.

### **5.22 Hurricane Shutters, Window Shutters and Front Storm Doors**

Hurricane shutters are acceptable upon review and approval of the ARB with the following operational criteria:

Hurricane shutters are to be closed or installed no earlier than the official hurricane warning and are to be opened or taken down no later than seventy-two (72) hours after the official watch has been lifted.

Standard window shutters are an acceptable addition to a home’s exterior with the stipulation that there be ample space between adjacent windows to install the shutters and have enough space remaining to highlight the home’s elevation.

A storm door may be added to a home’s front entrance upon ARB approval and when in compliance with the following guidelines:

Doors with kick panels are allowed, but the kick panel shall not extend higher than the lowest edge of a front door’s glass insert, if applicable.

Front doors shall be metal, wood or fiberglass. French single lite or multi-lite doors are allowed. Sliding glass doors with wood, vinyl and aluminum. Shutters with correct proportionality.

Color shall be consistent with the overall look of the home’s exterior.

### **5.23 Solar Energy**

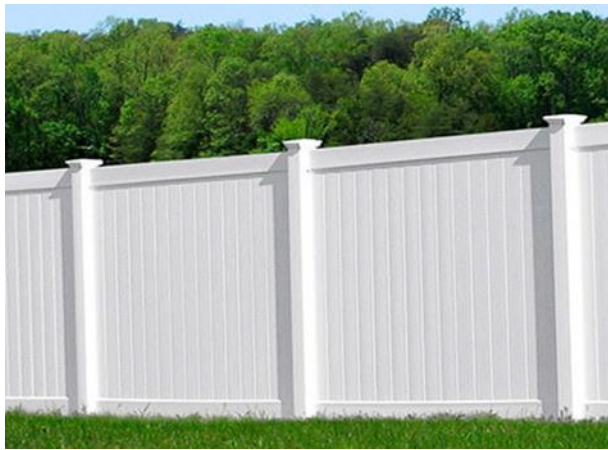
Solar energy collectors, although allowed by Florida Statutes, shall be submitted to the ARB for review. It is the desire of the community to encourage homeowners to make every effort possible to aesthetically integrate the panels into the design forms and architectural mass of the home especially when exposed to the view of adjoining neighbors and roadways.

The owner must submit a survey of the property and sketch of the dwelling showing the location of the solar energy collectors.

Solar energy screening for the windows of the house must be submitted to the ARB for approval as it is an exterior improvement to the property.

EXHIBIT A  
Product Samples

Samples of Approved Black Aluminum and White Vinyl Fence Types



# Real Estate Signs



Attachment (2)