

PALENCIASM

A Story of Discovery, Exploration, and Settlement

**ARCHITECTURAL DESIGN GUIDELINES
INCLUDING
RULES & REGULATIONS FOR ASSOCIATION MEMBERS**

MARCH 2022

Version 3.0

VII. Rules and Regulations for Palencia Property Owners Association Members

A. Introduction

The following are the Rules and Regulations established for all members of the Palencia Property Owners Association of St Johns County, Inc. (the "Association") as approved by the PPOA Board of Directors. By purchasing a lot or residence in Palencia, every property owner automatically becomes a "Member" of the Property Owner's Association, and also becomes bound to follow the requirements which are set forth in Palencia's governing documents. Palencia's governing documents include: (1) **Declaration of Covenants and Restrictions for Palencia ("Master Covenants)**, (2) **Declaration of Covenants and Restrictions for Palencia Residential Lots**, (3) **Articles of Incorporation**, (4) **Bylaws**, and (5) **Architectural Design Guidelines**, which includes this section on the Rules and Regulations for residents of Palencia.

The Rules and Regulations which follow are meant to provide further clarity or provide a quick reference for many of the topics addressed in the above listed documents. Palencia property owners may reference or download these documents by going to www.palenciapoa.com and click on the "**Docs and Info.**" Icon at the top of the screen. Then click on either "**Governing Documents**" or "**Architectural Review**" depending on which document is being searched.

These Rules and Regulations are part of the Association's governing documents, and the terms used herein have the same definition and meaning as those set forth in the Association's "**Declaration of Covenants and Restrictions for Palencia**", unless herein provided to the contrary.

Any reference to provisions of the Governing Documents, laws, or ordinances are as of the date of the adoption of these Rules and Regulations, and shall be subject to amendment from time to time. Reference should be made to any such amended Governing Document, law or ordinance for applicable text at the time of application.

B. PPOA's Right to Maintain a Homeowner's Landscape and Exterior Hardscape Surfaces

The PPOA may arrange to provide maintenance upon any Lot or exterior building or other hardscape surface on a homeowner's property when deemed necessary by the Association's Board of Directors (or its Assigns) to preserve the beauty, quality or value of any or all portions of the subject property. Homeowners will be given a written notice, commonly referred to as a "Friendly Reminder" or "First Notice", identifying the specific issue on their Lot that needs maintenance and allowing the Homeowner fourteen days (14) to correct the issue. The property will be re-inspected after fourteen days (14) and if the issue has not been corrected, a "Second Notice" will be issued in writing allowing each affected owner to have an additional five days (5) to perform the required maintenance. If the Homeowner fails to correct the problem within five days (5), the PPOA reserves the right to arrange for the maintenance to be performed by a third party. The actual cost of performing the

maintenance under this provision will be assessed to the Lot owner. (Refer to the **Declaration of Covenants and Restrictions for Palencia Residential Lots, Article IV**, section **4.1 Exterior Maintenance**, section **4.2 Assessment of Costs**, and section **4.3 Access**).

C. Applying for ARB Approval and Penalty for not Applying

The Architectural Review Board (ARB) was created in order to preserve the natural beauty of Palencia, to maintain a pleasant and desirable environment, to establish and preserve a harmonious design for the community, and to protect and promote the value of property. (Refer to the **Architectural Design Guidelines (ADG), Article I. "Introduction"** and **Article II. "Architectural Review Board Procedures"** or go to www.palenciapoa.com "**Docs. And Info**", "**Architectural Review**" to learn more about how to obtain ARB approval for any project being planned for your Lot).

All ARB requests must be made in writing and submitted to the Palencia POA management team along with any applicable fees and supporting information needed by the ARB.

Any homeowner who makes alterations, additions, or improvements without first obtaining ARB approval, regardless of whether the alteration, addition, or improvement would ultimately be approved by the ARB, will be subject to a fine of \$100 per day up to \$1,000 in total, plus \$25 for the ARB application fee. The amount of the daily and aggregate fine amount may be increased by the Board of Directors or the Association membership, as applicable, without need for amendment of these Rules and Regulations. In these instances, Homeowners may be required to remove such alteration, addition, or improvement at Homeowner's sole cost and expense. If you are uncertain whether or not an ARB approval is required for your specific project, please contact the Palencia property management team for assistance.

D. Trash, Recycling Waste and Yard Waste

Trash and recycling waste should be placed at the curb in front of the homeowner's residence no sooner than the evening before pickup service, and the trash receptacles must be removed from the curb and stored/shielded from view (not visible from the street) no later than the evening of the pickup day. Trash cans should be stored inside the garage, behind the dwelling or a permitted fence, or behind shrubs that are tall enough to shield the trash cans from view from the street. Yard Waste (grass clippings, tree limbs and leaves) produced by the homeowner should be placed at the curb in front of the homeowner's residence as neatly as possible up to one week before service pickup and should not obstruct traffic flow or block access to any mailbox. Any tree limbs or branches placed at the curbside for pick-up must not exceed six feet (6') in length. Any remnants of yard waste remaining at the curb after pick-up shall be removed by the homeowner within 24 hours. Contractor produced yard waste shall be hauled away by the contractor and shall not be placed curbside for municipal pickup.

E. Yard Maintenance – Landscape (Lawns, Shrubs and Trees)

Yards (includes front, rear and both sides) shall be maintained in a neat, attractive and orderly manner, including proper irrigation and maintenance of grass, shrubs, plant beds, and trees. No artificial grass, plants or other artificial vegetation shall be placed upon the exterior portion of any Home or Lot. (Exception: Owners must submit a request for ARB approval before installing an artificial putting green which must be installed behind the home). Property owners wanting to significantly alter their original landscape plan must receive ARB approval before modifications are started. (Refer to **Declaration of Covenants and Restrictions for Residential Lots, Article V, section 5.16 Maintenance of Lots** and ADG Article **“V. Landscape Design”** (pages 32-37).)

1. Lawns: (turf/grass)

- a. Maintain lawns in a manicured state with regular cutting (recommend one mowing per week during growing season) and edging of grass along street curb, sidewalks, driveways and planting beds. Of the three types of turf grass approved for Palencia lawns, the University of Florida, Department of Environmental Sciences and Horticulture advises the following cutting height:

St. Augustine	2.5 to 4.0 inches
Bermuda	0.5 to 1.5 inches
Zoysia	2.0 to 2.5 inches

St. Augustine grass lawns within any lot should not be in excess of five inches (5”) in height, nor Zoysia grass lawns exceed four inches (4”) in height, while Bermuda grass lawns should not exceed three inches (3”) in height.

- b. During the growing season, lawns should be irrigated and fertilized as needed in order to maintain a thick and dark green colored turf. Dead or damaged sod should be replaced when necessary to insure a neat uniform appearance of the lawn. Weeds growing in the lawn should be removed or treated with an herbicide.
- c. Vacant lots that have been cleared by the developer of the natural underbrush and planted with grass require routine mowing of the entire grassed-in area and require edging along the street curb. Vacant lot owners are responsible for arranging or performing the mowing/edging of the lot on an as needed basis, but no less than 2 cuttings per month during the growing season.

2. Shrubs:

Shrubs on Homeowner's property should be kept neatly trimmed, irrigated and fertilized as needed. Shrubs next to sidewalks should be trimmed so that no branches extend beyond the nearest edge of the sidewalk so as not to interfere with pedestrian traffic. Dead and diseased shrubs should be replaced with healthy plants of a similar type as the originally approved shrub. It is not permissible to remove foundation shrubs without replacing them within thirty (30) days of their removal. Shrubs planted along a property boundary fence must be trimmed so as not to overhang onto adjacent property. Planting invasive non-native shrubs is not permitted in Palencia. Owners may, without having to obtain ARB approval, supplement their originally approved landscape plan with additional shrubs and/or flowers using in-ground plants or through the use of decorative planters, however, the number of plants in decorative planters placed in the front yard that can be seen from the street in front of the house should be limited to six (6) or less per homeowner Lot. If a plant in a decorative planter should die, the homeowner must either replace the dead plant with a healthy plant or remove the decorative planter so it is not visible from the street. No plants shall be permitted to remain unplanted in any plastic nursery pots on any Lot.

3. Planting Beds and Mulch Material

Flower and garden beds visible from the street or adjacent neighbors must be kept in an orderly fashion. The use of mulch material such as pine straw or pine bark is strongly recommended both for aesthetic purposes and as a weed deterrent in planting beds. The use of other material such as river rock, stones, shredded cypress bark and dyed or colored mulch as a base in planting beds is permitted, provided the material is "earth tone" (greys and/or browns) in color. The use of shredded rubber as mulch material is strictly prohibited in Palencia.

4. Trees

Palencia is unique in that the original developer took extraordinary effort to plant and preserve trees on most building lots and common areas. Trees in Palencia provide several benefits including air filtration, climate moderation, they help reduce heating and cooling costs and increase property values when compared to communities without trees. In order to help maintain Palencia's uniqueness, both the PPOA and the ARB will focus on the preservation and maintenance of trees within the community.

- a. Any tree growing from the edge of the sidewalk closest to the home all the way through to the rear property line is considered a "Homeowner Tree" and its care is the responsibility of the homeowner. Any tree

limbs overhanging the sidewalk must be trimmed to a minimum of 8 feet above the sidewalk and to a minimum of 14 feet above the street surface should the tree limbs extend over the street. A “homeowner tree” that dies should be removed as soon as possible, but no later than 30 days upon being notified by the Palencia Property Manager. No “homeowner tree”, the trunk of which exceeds six (6) inches in diameter measured one foot above the base is permitted to be cut down, destroyed or removed from a property without obtaining ARB approval. The ARB will determine whether a removed “homeowner tree” will require a replacement tree to be installed.

- b. Any deciduous tree growing between the street curb and the edge of the sidewalk closest to the curb (within the MCCDD right of way) is considered a “street tree”. Street trees in Palencia have been installed according to a neighborhood engineering plan approved by St. Johns County. Unless there is a special arrangement enacted jointly by the PPOA and the MCCDD to perform a one-time trimming exception, the trimming of street trees in front of homeowner’s property is the responsibility of the homeowner. If a street tree dies, the homeowner shall be responsible for having the dead tree cut down and removed.
- c. If a street tree is healthy but is causing damage to a homeowner’s property (foundation or driveway), the homeowner may submit a tree removal request to the ARB along with a written opinion of an independent Certified Arborist that describes the “street tree” conditions and whether or not efforts to save the tree (select root removal, root barrier, or other actions) would be of any benefit. The ARB will consider the information submitted and will confer with the MCCDD and a designated engineer from St Johns County as to what the best course of action regarding the street tree should be.
- d. The decision as to whether a removed “street tree” will need to be replaced shall be based on the guidelines of the engineering plan with St. Johns County, and its cost will be the responsibility of the homeowner.
- e. Palm trees located in the front, rear or side yards should be trimmed as needed to remove dead fronds. The University of Florida Institute of Food and Agricultural Sciences recommends pruning of Palm Trees just once per year and only during the spring months, and further recommends that the fronds be removed only when they turn fully brown in color. Planting of Washingtonia Palm trees (*Washingtonia robusta*) in Palencia is no longer permitted due the high level of maintenance they require.

F. Sidewalks and Driveways

Sidewalk and driveway condition must be maintained by the homeowner with respect to cleanliness, e.g. swept clean of dirt and debris from trees, plants, or other materials or activities that obstruct sidewalk usage. Weeds or grass growing in expansion joints of driveways and sidewalks shall be removed as needed. Vehicles should not be parked in any such way that obstructs sidewalk usage. Vehicles parked in driveways may not block pedestrian's use of the sidewalks. St. Johns County ordinance no. 2015-30, section 6 provides that "no person shall park a vehicle or trailer on a sidewalk", and further provides that violators shall be issued a parking citation with applicable fine by the County Sheriff's Office. To file a complaint about a vehicle parked in such a way that it is blocking a pedestrian walkway, contact the St. Johns County Sheriff's Office (904) 824-8304. Stains caused by plant residue, mold/mildew, etc. must be removed by power washing as necessary to maintain clean, safe walking conditions. Iron/rust stains caused by well water residue must be chemically removed from sidewalks and driveways by the homeowner. Sidewalk structural damage such as major cracks or elevation changes caused by tree roots or settling must be reported to the Marshall Creek CDD for remediation. *(Refer to the ADG Article "III. Site Design" section "G. Vehicle Access and Driveways" (pages 17 & 18) for driveway specifications, and to section "H. Sidewalks" (page 18) for sidewalk specifications.)*

The storing of any building materials on a driveway, sidewalk or any part of a lot that is visible from the front street is not permitted unless the homeowner has received an ARB permit for an improvement project and that permit is still open (work not completed).

G. Mailboxes

Homeowners shall be responsible for routinely cleaning dirt and mildew from mailboxes and posts with a mild dish soap and water. Mailboxes must be installed and maintained so that the post is plumb and the box is level. Rust stains should be removed by applying a special rust stain removal product. Painting a mailbox any color other than the approved neighborhood color or applying a mailbox decorative cover is not permitted. (Exception: a holiday decorative cover is permitted during each approved holiday decorating period). Damaged mailboxes must be repaired or replaced with a mailbox that conforms to requirements (See **ADG – Appendix B** (Page 85) and the design illustrated in Exhibit III F (Page 56 and 57). For the "white" mailboxes, the PPOA has approved a mailbox constructed either of aluminum or PVC. Owners in need of a mailbox should contact the PPOA management office prior to ordering or installing a new mailbox to confirm that the type of mailbox meets the standard for their specific neighborhood and to get a list of current vendors.

H. Fences, Walls and Gates

Fences, walls and gates must compliment the architecture of the house or building they are associated with. Prior to installation, the ARB must approve any fence, site wall, or privacy screen to be constructed upon any portion of any property. (*Refer to the **ADG – Appendix H** for recommended fence details and installation applications for rear yards, front yards, and side yards*). When an existing fence has been approved and installed along a resident’s side property line, the adjoining neighbor shall not be permitted to install a back-to-back fence along the same property line. Once approved for installation by the ARB, any fence on any Lot must be maintained in its original upright position and must be kept free of dirt, mold and rust stains or re-painted in its original approved color if needed. The types and colors of fences approved for use in Palencia are as follows:

1. Picket Fences, white in color only, that are three (3) foot tall and constructed of wood, PVC or vinyl are permitted in front and side yards only for residences on the following streets in Palencia;
7 Doors Lane, South End Street, South Common Street, and North End Street.
2. Wrought Iron or Aluminum Fences, black in color only, that are four (4) or five (5) foot tall are permitted in most neighborhoods in Palencia. Refer to the **ADG – Appendix H-7 thru H-10** for examples of this type of fence, and **Appendix H-15 thru H-21** for examples of how this type of fence should be installed along the rear and side yards of a resident’s property.
3. Privacy Fencing made of PVC or vinyl that is white or beige in color and is five (5) or six (6) foot tall is permitted in certain neighborhoods of Palencia but is not permitted on side or rear yards of any lot if it blocks any homeowner’s view of a park, the golf course, a pond or waterway. (See **Appendix E.** of the **ADG** for list of Palencia neighborhoods where this type of fencing is generally permitted).
4. Wood fencing/screening that is white, beige, natural wood color, or painted the same color as the main body of the house may be permitted on a case-by-case basis. Structural screen walls or fences that block the view of garbage cans or other unsightly objects (generators, LP tanks, pool equipment, etc.) are encouraged and should coordinate in style and color with the exterior of the home.

I. Irrigation Systems and Wells

All areas on a lot not covered by structures, walkways, or driveways shall be maintained as a lawn or landscape area with an underground electrically controlled irrigation system. Although installing a well is optional for the homeowner, the installation of a “deep well” which goes below the layer of iron in the lithosphere (earth’s crust) is preferable. If the homeowner opts to install a “shallow well”, it is recommended that an oxidation/rust removal system be installed along with this option. The frequency of watering shall be as permitted by the St Johns River Water Management District and/or St Johns County watering regulations. Once installed, the

homeowner is required to maintain the system in good working order and is not required to submit an ARB application for routine adjustments and repairs to the system. Installing a new well or re-drilling an existing well does require ARB approval. Repairs to irrigation systems, well pumps and its related plumbing systems are considered maintenance issues and do not require ARB approval unless the repair requires access through a neighbor's property. Water spray from sprinklers shall not extend beyond any property line of the respective Lot. (*Refer to **ADG Article "V. Landscape Design"** section 6. "Irrigation" (page 36).*)

J. Swimming Pool Supporting Equipment

Pool supporting equipment (heater, pump, filter, etc.) must be shielded from view so that it is not visible from the street or the adjacent neighbor. Shielding may be by a permitted fence, approved wall or shrub that is tall enough to shield the equipment from view. Pool drain hoses must not be directed at a neighbor's property and must be rolled up or folded and placed next to pool equipment when not in use. Pool screen enclosures require ARB approval. Replacing damaged or inoperable existing pool equipment or repairing damaged screen enclosures do not require ARB approval. (*Refer to **Article "III. Site Design"** section "**M. Other Structures**" and section "**N. Swimming Pools**" (pages 19 and 20).*)

K. Air Conditioning Equipment

Unless it is an emergency repair situation, any maintenance to exterior air handling/conditioning equipment must be performed during the hours permitted by St Johns County Ordinance 88-37. All exterior based air conditioning equipment must be shielded from view so that it is not visible from the street or the adjacent neighbor. Shielding may be by a permitted fence, approved wall or shrub that is tall enough to shield the equipment from view. Air conditioning units that are installed in a window opening are **not permitted** in Palencia. "Split System" or "Ductless" air conditioning units are permitted but do require ARB approval prior to installation. Repair or replacement of damaged or inoperable air conditioning equipment does not require ARB approval. (*Refer to **ADG article "VI. Construction Guidelines"** section "**N. Noise**" page 41).*)

L. Flags and Flagpoles

Installing a twenty foot (20') or shorter flagpole on homeowner property is permissible by Florida statute, as long as it is not located in an easement and is installed securely and does not pose a safety hazard. It is also permissible to install a six foot (6') diagonally mounted flagpole on a resident's home or a sturdy tree on the homeowner's property. Any homeowner may display one or two flags, not larger than 4 ½ feet by 6 feet, in a respectful manner, of the official flag of the United States of America or the official flag of the State of Florida. Other acceptable flags that are

permissible to display in Palencia are the official flag of the United States Army, Navy, Air Force, Marines, Coast Guard or a POW-MIA flag or the official flag of a specific College or University. The display of any other flags on homeowner property is not permissible with the exception of smaller (no larger than 14 inches by 20 inches) “garden flags”. Displaying two (2) or less garden flags on a homeowner’s lot does not require ARB approval. The Palencia Property Owners Association reserves the right to remove any flag or garden flag that, in its sole opinion, is vulgar, disrespectful, political or inappropriate for display in the community. (*Refer to “Florida Statutes Chapter 720, Section 304, Rights of Owners...display of flag”*).

M. Recreational Vehicles (Boats, Jet Skis, Campers and Trailers)

The guidelines approved for Palencia residents regarding the above listed vehicles are:

1. St. Johns County ordinance prohibits the use of recreational equipment to be used for living, sleeping or housekeeping purposes when parked or stored in a residential zone or any other area not approved for such use. In addition to any County imposed fines for disregarding this ordinance, the PPOA may impose fines to any resident allowing any recreational vehicle to be used for living, sleeping or housekeeping purposes on their property.
2. Although parking and storage of recreational vehicles/boats/campers and trailers is not permitted on any residential lot (except inside a garage), “temporary parking” for the express purpose of actively loading and unloading the vehicle(s) is permissible provided the vehicle must be fully situated on the resident’s driveway and must not block any public sidewalk.

(*Refer to “Declaration of Covenants and Restrictions for Residential Lots” article V, Section 5.6 “Motor Vehicles and Boats” and the 2010 “Third Amendment to the DC&Rs”*).

N. Signs/Signage

No sign of any kind shall be displayed on any Lot except as may be approved as to size and design and in accordance with criteria established by the Developer. (note: The Developer of Palencia assigned this responsibility to the PPOA Board of Directors effective August 20, 2020). Examples of approved real estate sale and rental signs are shown in the ADG, **Exhibit III-E** and **Exhibit III-E-a** (pages 54 and 55). Also refer to ADG Article “**III Site Design**”, section O. “**Signage**”. All signage must comply with all applicable requirements of the St. Johns County sign ordinance regulations and approved unified sign plan for Palencia.

1. Special occasion signs (announcing birthdays, anniversaries, graduations, etc.) may be displayed on a homeowners Lot and no ARB approval is required as

long as the special occasion sign is removed within five (5) continuous days from the date it is initially displayed.

2. Political and/or campaign signs are strictly prohibited and may not be displayed on any Lot or common area nor displayed in any window or garage of a home/building where it can be seen from the street.
3. Signs put on a Lot by a Homeowner or Landscaper for the purpose of warning residents that chemicals have been applied to a lawn or shrubs shall be permitted for a maximum period of five (5) continuous days after which they must be removed by the homeowner.
4. Contractor, Subcontractor, Supplier and Service provider signs may be displayed on a homeowner's property for a maximum period of five (5) continuous days from the date the sign is originally displayed.

*(Refer to **Declaration of Covenants and Restrictions for Palencia Residential Lots, Article V, section 5.13 "Signs"**).*

O. Moving Pods and Dumpsters

Should a homeowner require the use of a Moving Pod or Dumpster ("portable container"), or if they intend to use a rental truck or moving van as a temporary storage unit for more than a twenty-four period, they will be required to obtain a Permit Card from the Palencia Property Manager (at no cost) which should then be displayed by the homeowner in a window visible from the street. The Permit Card shall remain on display until the portable container is removed from the property. The portable container provider must be instructed to place the Moving Pod or Dumpster entirely upon the resident's driveway, and must not obstruct any street, sidewalk or other public area. Unless otherwise specified, the Permit Card for a Moving Pod shall expire ten (10) days after its issue date while the Permit Card for a Dumpster shall expire on a specific date as agreed upon by the Applicant and Palencia's Property Manager.

P. Storage Buildings/Sheds

The **Declaration of Covenants and Restrictions for Palencia Lots, Article V, section 5.3 "No Detached Buildings"** requires prior written consent of the Developer before any storage building or shed can be erected on any Lot. (note: The Developer of Palencia assigned this written permission responsibility to the PPOA Board of Directors effective August 20, 2020). Further, the ADG, Article III. **"Site Design"**, section N, **"Other Structures"** (page 19) requires that any shed or free-standing storage structure must have ARB approval prior to installation. In general, these types of structures are not permitted in Palencia, but approval may be granted only if the following conditions are met:

1. The dimensions of the structure must not exceed 10 feet in height nor 12 feet in length or width.

2. The structure must be placed on a concrete or paver pad and attached to the pad so that it complies with state and local government building regulations and hurricane wind regulations.
3. The structure must be erected directly behind the home so that it is not visible from the street, and should be similar in color, design and materials as the home. Landscape plantings and/or a screening fence will also be required in order to block the view of the structure from adjoining properties.

Q. Animals/Pets

No animal, livestock or poultry of any kind shall be raised, kept, bred or pastured within the residential area of Palencia, except that a reasonable number of household pets such as dogs and cats may be kept in the dwelling. St. Johns County code limits the number of household pets to five (5) or less per household. Pets shall be kept under control by each Owner, shall not roam unattended, and must be leashed when outside the boundaries of the Owner's Lot. Pet owners are responsible for cleaning up their pet's waste on their own property, on other homeowner's property and on all common areas in the community. When an owner has over five (5) household pets or whenever animals/pets become dangerous or become a nuisance to other Homeowners or destructive of wildlife or property it should be reported to the St. Johns County Department of Animal Control (904) 209-0746. (Refer to ***Declaration of Covenants and Restrictions for Residential Lots, Article V, section 5.15 "Animals"***.)

R. Replacing, Repainting and Maintaining Windows, Exterior Doors, Garage Doors, Awnings, Soffit, Fascia and Gutters

The replacement of any window, exterior front or side door, garage door, window awning, soffit, fascia or gutters originally approved by the ARB with similar or like material and color or repainting with similar paint color does not require ARB approval. If material type, size or color is not similar to the original approved plan, then an application to the ARB for approval will be required. If in doubt about the degree of similarity, contact the PPOA Property Manager for guidance. If a home does not have gutters currently installed, then an ARB application and approval must be obtained. Double and triple glazed windows whose seals have been broken causing the window to "fog-up" must be replaced. Any broken or cracked glass in any window or door must be replaced in a timely manner. Any damaged window may temporarily be covered in plywood to provide interim security to the homeowner, but the plywood must not remain in place for a period of more than sixty (60) days. All exterior doors, garage doors, awnings, soffit, fascia, and gutters must be kept clean and free of mold and mildew. Exterior doors, garage doors and awnings must be properly maintained and free of dents, damage, etc. (Refer to ADG, Article IV. ***"Architectural Design" section C. "Residential Building Requirements"***, subsections 9,10, 11 and 16 (***"Windows and Door Treatments"***, ***"Window***

Ornamentation”, “Garage Doors” and “Exterior Soffit, Fascia and Gutters” pages 27, 28 and 30)).

S. Repairing, Replacing and Maintaining Roofs/Chimneys

Damaged Roofs and Chimneys must be repaired in a timely manner using the same material and color as the homes originally approved roofing and chimney material. These “emergency” type repairs do not require ARB approval. Replacing the roofing or chimney material with a different type of material or changing to a different color does require ARB approval. Roofs and Chimneys that have been exposed to the typical St. Augustine weather will likely accumulate a build-up of unsightly mold and/or mildew over the years and will require either a chemical application or power washing from time to time in order to maintain a clean and attractive appearance.

T. Solar Panels

The installation of solar panels does require ARB approval, but such approval shall not be unreasonably withheld. If the ARB application includes the planned installation of any solar panels on the front slope of the homeowner’s roof, the ARB will require that the solar panel installer will need to provide a written statement that the front roof slope is the only practical option for the system to be located. The installer’s written statement should also include the total electrical production goal of the proposed system and the projected electrical output using just the rear and side slopes of the roof, and the projected electrical output gained by including the front slope of the roof. The Association may determine where the solar collectors may be installed, as long as the installation is within the area required for its effective operation (preference is to install the panels on the rear or side slope of the roof). Maintenance and repair to an already ARB-approved solar collector system shall not require any further ARB approvals. *(Refer to ADG, Article IV. “Architectural Design”, section C. “Residential Building Requirements”, subsection 13. “Skylights and Solar Collectors” and “Florida Statute, Section 163.04 “Solar Rights”).*

U. Antenna and Satellite Dishes

Antennas must be under 1 meter (39.4 inches) in length designed to receive wireless cable or local television broadcasts or satellite dishes not exceeding one meter (39.4 inches) in diameter. The installation of an antenna or a satellite dish requires ARB approval, but such approval shall not be unreasonably withheld. The ARB may specify where the antenna or satellite should be installed (preference is to install the receiver on the rear or side slope of the roof) as long as an acceptable signal is available in the specified position and the cost to the owner is not unreasonably higher in the specified location. *(Refer to ADG, Article IV. “Architectural Design”, section C. “Residential Building Requirements”, subsection 20. “Antenna and Satellite Dishes” (page 31) and the Federal Communication Commission*

“Telecommunications Act” also known as the “Over-the Air Reception Devices Rule”).

V. Nuisances, Loud Noises and Offensive Activity

Nothing shall be done or maintained on any Lot which may be or become an annoyance or nuisance to any party. The playing of any excessively loud music shall be considered noxious and offensive behavior constituting a nuisance. No noxious or offensive activity will be permitted on any residential Lot or dwelling unit, and all valid laws, ordinances and regulations of governmental agencies having jurisdiction thereof shall be complied with. Complaints regarding loud noises and offensive activities should be reported to the St Johns County Sheriff’s Department (904) 209-0734. (Refer to ***Declaration of Covenants and Restrictions for Palencia Residential Lots, Article V. section 5.7 “Nuisances”*** and ADG, ***Article VI. “Construction Guidelines” subsection N. “Noise”*** and ***St Johns County Ordinance 88-37*** pertaining to certain loud noises in residential areas). Any violation of applicable ordinances shall be treated as a violation of this rule and subject to fine and enforcement procedures.

W. Residential Use

All Palencia Lots may be used for residential dwellings only, unless permission has been granted under the Planned Unit Development (PUD) Ordinance number 98-64 and 98-220 as enacted by the Board of County Commissioners of St. Johns County. Other than those permitted under the PUD, there shall be no commercial uses permitted on any Lot or in a dwelling without the express written consent of the PPOA. (Refer to ***Declaration of Covenants and Restrictions for Palencia Residential Lots, Article V. section 5.1 “Residential Use”***).

X. Exterior Painting of House and Trim

1. For new construction, the ARB shall review all paint colors proposed for the exterior façade including the main body of the house, any exterior trim or accents including window, doors, shutters, and garage doors. The ARB will make observations of the existing paint colors of the homes surrounding the proposed new construction with the goal of providing contrast or difference from neighboring home colors while still harmonizing with the neighborhood.
2. For re-painting of an existing home, homeowners are required to obtain ARB approval for any or all exterior color changes on any exterior facade that differ from the homes existing approved color scheme. The ARB will use the same guidelines as stated above to assure some color contrast occurs with neighboring homes.
3. If the homeowner is repainting the house in the same color, or a close similarity, as the previously ARB approved color(s), then no ARB approval is required. If in

doubt about the degree of color similarity, contact the PPOA Property Manager for guidance.

4. Any damage or discoloration to any exterior façade including stains, mold build-up, chips, cracks and/or paint fading should be cleaned, repaired and/or repainted to maintain the home's original attractive appearance.

(Refer to ADG, Article IV. "Architectural Design", section C. "Residential Building Requirements", subsection 8. "Exterior Color Scheme").

Y. Lawn Ornaments, Fountains, Bird Baths/ Bird Houses and Seasonal Decorations

1. Lawn ornaments, sculptures, topiaries, and fountains (and their associated lighting) that are placed on the homeowner's Lot and are located within five (5) feet of the exterior façade of the home are permitted and an ARB approval will not be required so long as the object is kept clean and well maintained.
2. The Palencia Property Owners Association reserves the right to remove any lawn ornament or sculpture or topiary that, in its sole opinion, is vulgar, disrespectful, political, displayed beyond the permissible time period listed in section **Y. 4** below, or inappropriate for display in the community.
3. Any lawn ornament or sculpture placed more than five (5) feet from the front façade of a house that can be seen from the street and is larger than twelve (12) inches tall or twelve (12) inches wide, or if there are more than three (3) ornaments/sculptures being displayed in the front yard of a Lot, must receive written permission from the Property Manager prior to being displayed.
4. Seasonal/Holiday decorations do not require prior ARB approval before being displayed on a Lot. All such Seasonal/Holiday decorations must be removed from display within one week following the actual date of the Holiday, except that decorations for Halloween and the December Holiday Season through New Year's Day may be displayed for up to forty-five (45) days each and must be removed from display within fifteen (15) days following the actual date of the Holiday. Use of seasonal/holiday decorations in any manner other than typical, standard use, as determined by the Board of Directors, is prohibited.

Z. Yard Play Structures, Play Equipment and Basketball Goals

Yard Play Structures (swing sets, playhouses, trampolines, tree swings, soccer goals, slides/trains, monkey bars, other playground equipment, etc.) will be

permitted without obtaining ARB approval, provided the following conditions are met:

1. The yard play structure must be placed in the rear yard and not be visible from the street in front of the house. If needed, additional shrubs should be planted in order to screen the structure from the view of your neighbors.
2. The yard play structures must be maintained in good working order and kept clean with no mold or rust on any part of the structure or play equipment.
3. If the above conditions cannot be met, the homeowner may request an exception by completing an ARB application and include the reason(s) that the conditions listed above cannot be adhered to. The ARB will evaluate these types of applications on a case-by-case basis.

Refer to **ADG Article III. "Site Design" section M. "Other Structures"**)

1. **Basketball goals** (Post, Backboard, Rim and Net) that attach to a roof, any part of a garage or exterior wall of the house are not permitted in Palencia. Both Portable and Permanent Basketball goals must be kept clean and free from mold, rust and stains.

AA. Cooperation with MCCDD and Palencia Golf Course Management

Although neither the **Marshall Creek Community Development District** nor the **Palencia Golf Course** is a member of the Palencia Property Owners Association, the PPOA recognizes the importance of both entities in maintaining the beauty, uniqueness, and value of property for all residents in our community. The PPOA will cooperate with both entities whenever appropriate to ensure that property owners in Palencia respect all property boundary lines, and do not alter or remove vegetation from MCCDD or Palencia Golf Course property, including the maintenance of a buffer zone where specified. Cooperation shall include providing the name and address of any homeowner who trespasses and removes vegetation without the permission of the owning entity.