

PREPARED BY AND TO BE RETURNED TO:  
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## AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR HAWKES MEADOW

**THIS AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR HAWKES MEADOW** ("Amendment") is made as of the dated noted below by KB Home Jacksonville LLC, a Delaware limited liability company authorized to do business in Florida ("KB").

### WITNESSETH:

**WHEREAS**, the Declaration of Covenants and Restrictions for Hawkes Meadow was recorded on February 6, 2024, in Official Records Book 20942, Page 1310, public records of Duval County, Florida, as has been or may have been amended and supplemented from time to time (collectively, "Declaration"); and

**WHEREAS**, KB is the Declarant under the Declaration; and

**WHEREAS**, pursuant to Section 15.2.1 of the Declaration as existing on the date hereof, Declarant has the right to amend the Declaration without the approval or joinder of any other party at any time prior to the date of Transfer of Control; and

**WHEREAS**, Transfer of Control has not occurred as of the effective date hereof; and

**WHEREAS**, KB now desires to undertake certain amendments to the Declaration, as more particularly described hereinafter;

**NOW, THEREFORE**, KB, based upon its exercise of Declarant rights, hereby states as follows:

1. The foregoing recitals are true and correct and are deemed incorporated herein as if fully stated hereinafter.

2. The ARC Guidelines contained in Exhibit E to the Declaration ("Existing ARC Guidelines"), are hereby deleted in their entirety and are replaced and superseded with those certain ARC Guidelines contained in Exhibit E attached to and made a part of this Amendment ("Replacement ARC Guidelines"). Hereinafter, any and all references to the ARC Guidelines in the Declaration shall not be deemed to mean or refer to the Existing ARC Guidelines, but rather shall mean and refer to the Replacement ARC Guidelines.

3. Except as modified by this Amendment, the Declaration remains valid and in full force and effect. In the event of a conflict between the provisions of this Amendment and the provisions of the Declaration prior to the effective date hereof, the provisions of this Amendment shall control.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, KB has caused this Amendment to be executed by its authorized representative and affixed its corporate seal as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

WITNESSES:

KB Home Jacksonville LLC, a Delaware limited liability company authorized to do business in Florida

[Signature]  
Print Name: Jim Fiedler

By: [Signature]  
Todd Holder, Division President

Address: 10475 Fortune Parkway, Suite 100  
Jacksonville, FL 32256

[Signature]  
Print Name: JAMES C. SUMMERS

Address: 10475 Fortune Parkway, Suite 100  
Jacksonville, FL 32256

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 6<sup>th</sup> day of February, 2025, by Todd Holder, as Division President of KB Home Jacksonville LLC, a Delaware limited liability company authorized to do business in Florida. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

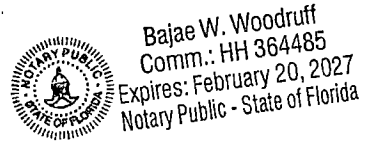
My Commission Expires:  
(AFFIX NOTARY SEAL)

[Signature]  
(Signature)

Name: Bajae W. Woodruff  
(Legibly Printed)

Notary Public, State of Florida

HH 364485  
(Commission Number, if any)



**Exhibit E**

**Replacement Architectural Control Committee Guidelines**

# Architectural Guidelines for *Hawkes Meadow*

These ARC Guidelines provide an overall framework for community standards, which may be amended as the community evolves. **The terms "ARC", "ARC Guidelines", "Association", "Board", "Common Properties", "Declarant", "Home", "Homeowner", "Governmental Entities" and "Lot"** used herein are as defined in Article 1 of the Declaration of Covenants and Restrictions for Hawkes Meadow, recorded in the public records of Duval County, Florida (the "**Declaration**"), as may be amended.

## **1 INTRODUCTION**

### **1.1 The Architectural Review Committee or "ARC".**

The ARC may consist of members of the Board (unless the Declaration prohibits) or may be a separate committee appointed by the Board to review applications submitted by a Homeowner in accordance with these ARC Guidelines, which include minimum standards for the design, size, location, style, structure, materials, color, mode of architecture, mode of landscaping and relevant criteria for the construction and modification of improvements of any type. The ARC may also recommend modifications to these ARC Guidelines to the Board for review and approval.

### **1.2 Governmental Approvals.**

It is the responsibility of the Homeowner to obtain all necessary permits and/or approvals from the appropriate Governmental Entities (the "Governmental Approvals") before beginning work on a project. If requested, the Homeowner shall provide copies of any such approvals to the ARC and/or the Board. To the extent that any Governmental Approvals require a more restrictive standard than those found in these ARC Guidelines or the Declaration, the Governmental Approvals shall control. To the extent that the Governmental Approvals are less restrictive than the Declaration and these ARC Guidelines, the Declaration and ARC Guidelines shall control.

### **1.3 Required Approvals for Modifications and/or Additions.**

The Homeowner is required to submit an application to the ARC and request review of plans for exterior modifications, exterior color changes, exterior landscape changes, additions to a Home and/or additions of a structure on the Lot, etc.(the "Modifications and/or Additions"). Some examples listed below, include, but are not limited to:

- Alterations to landscaping, irrigation, grades, or drainage. This includes both addition and removal of trees and shrubs.
- Constructing or installing fences or other hardscape accessories.
- Placement of any object, ornament, monument, statue, sign, or similar accessory on a Lot that is visible from the street or by surrounding Lots, including lighting, flags and/or lawn ornaments.
- Constructing improvements on a Lot;
- Modifying or adding to existing improvements (*other than repainting a Home in its original color*);
- Installing a pool, pool enclosure, spa and/or fountain; and

Please note that approval of similar Modifications and/or Additions on other Lots does not automatically set a precedent that the Modifications and/or Additions being applied for will be approved. Each application will be reviewed on an individual basis.

### **1.4 Conditions for Commencement of Work.**

**NO WORK SHALL COMMENCE ON ANY MODIFICATION AND/OR ADDITION UNTIL AN APPLICATION FOR THE WORK HAS BEEN SUBMITTED TO, AND APPROVED BY, THE ARC AND/OR THE BOARD.**

Further, commencement or completion of any Modifications and/or Additions prior to approval by the ARC does not mean that the approval requirement is waived. A Homeowner may be required to remove or correct any Modifications and/or Additions if not approved.

### **1.5 Inspections.**

The Board may request that members of the ARC conduct inspections of any Modifications and/or Additions. The Board may also choose to appoint a separate committee or individuals specifically to perform inspections and provide a report to the Board. These inspections may be conducted: i) after the

approval of an application; ii) prior to the commencement of work; iii) throughout the duration of the work; and iv) at completion of work in order to ensure the work complies with the approved application. Neither the ARC nor the Board has any obligation to ensure that the work is done in compliance with approved plans or Government Approvals. Pursuant to the Declaration, the officers, employees, or designated agents of the Association have right of entry onto each Lot.

### **1.6 Applying for Approvals from Governmental Entities.**

Unless otherwise expressly approved in writing by the ARC, **prior** to submittal of a request for a permit or approval from any Governmental Entities, a Homeowner must obtain the approval of the ARC for which the permit or approval will be requested. If the permit or approval from the Governmental Entities differs from the approval by the ARC, a Homeowner must re-submit the proposed change to the ARC. Unless required by applicable law, approval by a Governmental Entities shall not bind the ARC with respect to a permit or approval from the Governmental Entities which differs from the approval by the ARC.

## **2 APPLICATION REQUIREMENTS**

### **2.1 All Applications shall include the following:**

1. Name of Homeowner, Lot number, street address, and contact information.
2. Appropriate information for the Modifications and/or Additions, as summarized below.
3. A copy of the original, stamped plot plan (Lot survey) showing the location of the Modifications and/or Additions, and a description of the work to be performed.
4. Name and contact information and copy of the contractor(s), any drawings provided by contractor(s).
4. Required application fees.

### **2.2 Applications for Landscaping or Site Work Affecting Landscaping shall include the following:**

1. Name and contact information of any contractor(s) and/or landscape designer(s) involved in preparing the landscaping plans, including contact information, if any.
2. Two copies of the landscape plans, including (unless otherwise expressly approved by the ARC and/or the Board):
  - North arrow; scale of drawing; existing site features; existing trees (type and diameter at five feet above existing grade); significant shrubs; property lines; adjacent land uses; (examples: residential Lot, common area, lagoon, etc.); and location or edge of streets, walks, walls, fences, houses, service areas, decks, patios, walks, and drives. Minimum scale of drawings to be 1 inch = 20 feet.
  - Proposed changes to items listed above, including any additional hardscape that Homeowner desires to install and existing plantings to be removed. (*Proposed changes should be clearly identified by color, shading, or other contrasting technique*). Color pictures, brochures, and color samples of products shall be submitted with application to assist the ARC in understanding the application.
  - *Requests for tree removal shall include a diagram depicting the approximate location of all existing trees and their types, along with a list of trees to be removed and a reason for their removal.*
  - Existing site drainage, including drainage structures, direction and slope of flow and any proposed alterations to this drainage.
  - Proposed plantings, with plant list and plant key for any abbreviations used, varieties, quantities, sizes and spacing. Locations of proposed trees, shrubs, ground covers, mulching and grassing (clearly labeled). Plant symbol to be to scale and show mature size (diameter) of the proposed plant with a circle. Indicate center of proposed plant with a "+" and the center of an existing plant with an "o".

- Plan for any irrigation system modifications (preferably on a separate drawing) to include location of automatic timer box and any rain sensor, and approximate location of valves, sprinkler heads, irrigation lines and sizes.

### **2.3 Applications for Changes or Additions to Structures shall include the following:**

1. Name and contact information of any architect(s), builder(s) and/or contractor(s) involved in preparing the proposed plans.

2. Two copies of the proposed plans showing existing and proposed floor plan (unless otherwise expressly approved by the ARC):

- Site drawings showing North arrow; scale of drawing; existing site features; trees (type and diameter at five feet above existing grade); property lines; adjacent land uses (examples: residential lot, common area, pond, wetland, conservation, etc.); and location or edge of streets, walks, walls, fences, houses, service areas, utility equipment, decks, patios, walks, and drives. Minimum scale of drawings to be 1 inch = 10 feet.
- Existing elevation (photograph acceptable) and elevation of any proposed exterior modification (*photographs of another house or pictures from a magazine or brochure do not replace the requirement for plans and details of changes a Homeowner's property.*)
- Proposed material and color samples, including location of Modifications and/or Additions.
- If the Modifications and/or Additions affect the roof or roofline, a roof plan should also be submitted. A building section may be requested depending on the complexity of the change or addition.
- Minimum scale of floor plan, elevation, and sections shall be ¼ inch = 1 foot.

### **2.4 Property Management Review of Selected Modifications and/or Additions.**

The Board may delegate authority to a property management company to review and approve certain Modifications and/or Additions. However, if there are doubts concerning the approval of an application, the application will be forwarded to the ARC for review.

### **2.5 Review Procedure and Notice of Pending Application.**

The ARC shall review each application and render a decision based solely on the information contained in the application without the necessity of a formal meeting. Once a decision is rendered by the ARC, a Homeowner who applied for the Modifications and/or Additions, or another Homeowner who may be affected by a decision made by the ARC, may appeal to the Board, and any decision by the Board is final and binding.

The ARC shall use reasonable efforts to render a decision on an application as quickly as possible upon receipt of all required information. The standard the ARC will utilize is to render a decision within thirty (30) days of receipt of all required information. If the ARC believes that proposed Modifications and/or Additions are likely to be controversial or a matter of substantial community interest, the ARC and/or the Board may require that an approved notice or sign be placed on the property for a reasonable time to give notice of the pending application.

### **2.6 Notice of Decision of the ARC.**

Upon completion of review by the ARC, one set of plans shall be returned accompanied by a letter indicating the ARC's decision in the manner of one of the following:

#### **2.6.1 "Approved."**

The entire application submitted is approved in its entirety.

**2.6.2 "Approved as Noted."**

The application submitted is partially approved or approved with conditions. A Homeowner may only proceed with the work to be performed if it complies with all conditions set forth in the letter from the ARC, or on or in any document enclosed with the letter.

**2.6.3 "Return to Homeowner - Incomplete Application."**

The entire application submitted is not approved to commence with any work as the application submitted does not contain all the documentation necessary for the ARC's review.

**2.6.4 "Not Approved (Denied)."**

The entire application submitted by the Homeowner is not approved to commence with any work. In such event, notice of the denial or rejection of the application shall be provided in accordance with the provisions of Section 9.8 of the Declaration of Covenants and Restrictions.

**2.7 Effect on Building Permit or Other Governmental Approvals.**

If a submitted application for Modifications and/or Additions requires a building permit or other approval from Governmental Entities, approval by the ARC is not a guarantee that such permit or other approval will be granted by Governmental Entities. Should Governmental Entities require any alteration to plans previously approved by the ARC, such alterations must also be resubmitted to, and approved by, the ARC in order for a Homeowner to proceed with the Modifications and/or Additions.

**2.8 Effect of Modifications on Warranties.**

Homeowners are responsible for verifying the effect of any proposed Modifications and/or Additions against any existing warranties on a Home. This may include attachment of a satellite dish or other fixtures to the roof of a Home.

**3 RESIDENTIAL GUIDELINES****3.1 Architectural Impact.**

Applications for additions to a structure shall be reviewed for proximity to setback lines, impact on drainage and significant buffering foliage, and access for drainage and utilities. Where the ARC determines that there is a significant adverse impact, the application will be "Not Approved" or "Approved as Noted".

**3.2 Variances.**

Should the ARC determine that special conditions or factors not commonly encountered apply to a particular application, it may recommend to the Board that a variance be granted. The Board, in its sole discretion, may waive in writing any specific standards as they apply to a particular application, provided said waiver shall not have a material adverse impact on these ARC Guidelines and the community.

**3.3 Modifications to Homes.**

The architectural design of Modifications and/or Additions to a Home shall conform to, or be compatible with, the design of the original Home in style, detailing, materials, and color. All Modifications and/or Additions require written approval by the ARC and must comply with setback requirements, which are attached hereto as **Exhibit "A"**, regardless of more lenient requirements of any Governmental Entities.

**3.3.1 Repainting.**

Repainting a Home with the same colors used on the exterior at the time of initial construction will not require approval by the ARC. Any change and/or variation from the color originally used on the exterior of the home at the time of initial construction, including the front door, will require approval by the ARC.

**3.3.2 Pools.**

All in-ground pools shall be contained within a screen enclosure, or otherwise enclosed in accordance with applicable law. All pool equipment shall be shielded from view. No above-ground pools or Roman spas are permitted, except those which are: i) integrated with construction of a Home; or ii) attached to a building; or decking around the building at the sole discretion of the ARC.

**3.3.3 Spas.**

Spas are permitted with prior approval of the ARC, subject to all Governmental Approvals and setback requirements.

**3.3.4 Screen Enclosures.**

Screen enclosures shall be integrated within the structure of a Home and are subject to all Governmental Approvals and setback requirements. The color of the screen enclosure shall be bronze, and the screen color shall be charcoal or a similar color, in a standard size mesh. Privacy screening is not permitted. No lanai may be enclosed by screening except for those located on the first floor of a Home; provided, however that any screened enclosure which encompasses a pool and deck area may serve to permissibly enclose lanai and balcony areas located above the first floor of a Home.

**3.3.5 Yard Furniture.**

Yard furniture (e.g., lawn chairs, lounges, gliders, tables, and umbrellas) shall only be placed in rear yards and shall be no closer than twenty feet (20') to the nearest property line unless placed on hardscape material adjacent to a Home.

**3.3.6 Swing Sets and Playground Equipment.**

Swing sets, playground equipment, trampolines and similar items shall only be placed in rear yards and shall be no closer than twenty feet (20') to the nearest property line unless placed on hardscape material adjacent to a Home.

**3.3.7 Basketball Goals.**

Only portable basketball goals are permitted and must be stored in the garage when not in use.

**3.3.8 Temporary Structures.**

No temporary structures, trailer, tent, shack, storage building, shed, stand-alone garage, barn or other outbuilding are permitted to be used on any portion of any Lot without prior written approval by, the ARC. Further, no temporary structure as outlined above may be used as a residence.

**3.3.9 Covered Patios.**

Homes with a covered patio may later enclose the patio with screening. Any renovation of a covered patio to a screened patio or patio addition, extension, etc. shall be made only after application to, and written approval by, the ARC.

**3.3.10 Front Doors and Entryways.**

Front doors shall be a solid color compatible to house colors. Storm doors must be approved by the ARC and all shall be of manmade material (no wood storm doors). No part of the front entry shall be enclosed by screen or walled with a floor to ceiling structure. Front courtyards with fence structures are not permitted. Any landscaping in and next to the front door and entryway shall be maintained in a neat appearance with no overgrowth onto roofs. Plantings may be suspended or placed on pedestals or placed in decorative containers not to exceed five (5) in number. When decorative and plant items that were previously approved

are to be changed to similar items and are in compliance with the ARC Guidelines, re-application is not required.

### **3.3.11 Hurricane Protective Systems (Hurricane Shutters).**

Hurricane Shutters shall be used as a protection system only in the event of an oncoming storm and are not to be confused with decorative shutters. The system may not deviate from the aesthetic look of the homes. The system may not be implemented within the time frames stated in the Declaration. Manufacturers' catalog(s) and the selected design (as applicable) shall be attached when applying to the ARC.

### **3.3.12 Flags.**

A Homeowner may: i) erect a freestanding flagpole no more than twenty feet (20') high as long it does not interfere with intersection sight lines, or is erected in an easement; ii) display an official U.S. flag no larger than 4.5' x 6', and may also display one official Florida state flag or a flag of US Army, Navy, Air Force, Marines, Coast Guard, Space Force, first responder (as defined in the Declaration), or POW-MIA flag in equal size or smaller than the U.S. flag. The flagpole and flag display are subject to building codes, zoning setbacks and other Governmental Approvals.

### **3.3.13 Shade Devices.**

Man-made screens and shade devices must appear as an integral part of the building elevation and shall be made of materials that complement the Home. Awnings or such other devices shall have a retractable feature, either mechanical or manual, for storage in inclement weather. Fixed awnings are not permitted. Shading devices shall not extend over 10 feet. In the event cleanliness or repair becomes a factor, the Homeowner will be given 7 business days to correct the condition. If conditions persist, the ARC will provide a report to the Board requesting removal or restoration of the awning or shading device.

### **3.3.14 Access Ramps.**

Access ramps are permitted with approval by the ARC if a resident or occupant of a Home has a medical necessity or disability requiring ingress and egress to a Home based on the following:

1. Along with the application, an affidavit from a physician attesting to the necessity or disability of the resident or occupant requiring the access ramp must be submitted. Certification under Section 320.0488, Florida Statutes, is sufficient to meet the affidavit requirement.
2. The access ramp must be reasonable in size for the intended use must blend in aesthetically as possible to a Home;
3. The ARC may make reasonable requests for design modification to maintain consistency with surrounding structures and surfaces; and

### **3.5.15 Lot Drainage/Roof Drainage.**

When Modifications and/or Additions or renovations are performed to an existing Home, the existing drainage on a Lot shall not be altered or increased so as to materially change the drainage of storm water onto adjacent Lots without consent of the Homeowner(s) of the affected Lot and the ARC.

All new or altered roofs shall drain to the ground solely within the deeded Lot area. No roof shall drain directly onto an adjacent Lot. Roof gutter downspouts shall be directed to splash blocks or other impervious surfaces, plastic flexible drain tubes, or to undersurface drainage lines within landscaping.

### **3.5.16 Installation, Display, and Storage of Items**

The ARC shall follow the requirements of Section 720.3045, Florida Statutes, with respect to approval of installation, display, and storage of items on the Lots.

## 4 LANDSCAPE AND HARDSCAPE GUIDELINES

### 4.1 Landscaping.

Landscaping must be consistent with the following minimum requirements. Homeowners are required to keep, maintain, and irrigate trees, shrubbery, grass and other landscape material on their Lot in neat and attractive condition. Landscape maintenance includes, but is not limited to, irrigation, fertilization, weeding, mowing, trimming, edging, spraying for insects and disease, and the timely replacement of any dead, damaged and/or diseased plantings or sod:

#### 4.1.1 Tree Removal and Replacement.

Existing trees measuring four inches (4") or more in diameter and three inches (3") or more above ground level shall not be removed without written approval by the ARC. Governmental Entities may have more stringent ordinances regarding tree removal and replacement in effect, which shall control in the event they conflict with requirements under the Declaration.

#### 4.1.2 Plantings.

A list of recommended plant materials is attached as **Exhibit "B"**. However, the planting of annuals plants in planting beds is acceptable without prior approval. No artificial plant or landscaping material is permitted on the exterior of a Home. The original shape of a planting bed may not be altered without prior written approval of the ARC.

#### 4.1.3 Inert Landscape Materials.

Approved inert landscape materials shall include bark, hardwood mulch, rock and/or stone of naturally pigmented color (i.e., as found in native form), rubber, and other materials as may be approved by the ARC from time to time. Lava rock may be considered for planting beds. Pine straw may be approved for reasonable use in bedding, around shrubs and trees, and along the exterior walls of the dwelling. Pine straw is not acceptable as a sod substitute. Determination of whether a material is acceptable for inclusion in any specific situation shall be made by the Board and shall be in writing.

#### 4.1.4 Irrigation Systems.

All landscaped plantings shall be maintained by a fully automatic underground watering system. When using sprinklers, care should be taken to avoid over spray on patios, sidewalks, streets, and driveways ("hardscape"), structures, windows, and adjacent properties.

### 4.2 Landscape Accessories.

The items listed in this section are considered landscape accessories *and require approval by the ARC.* Landscape accessories must be consistently cleaned and maintained by the Homeowner, so it stays in good repair and does not create a nuisance or a hazard to any adjacent Homeowner. Borders made of stone, concrete, or brick may be used to enhance the structure of the landscape. Plastic edging may be used to define plant beds. Pathway lighting may be installed to illuminate walkways, see section 4.2.6. The color of landscape accessories must compliment the home and overall aesthetic of the community.

#### 4.2.1 Gazebos and Pergolas.

Gazebos and pergolas are only permitted in the rear yard and shall be at least twenty feet (20') from any adjacent Lot line. They may not be utilized as housing for pets or for storage and may not be installed in any easements for access, drainage, utilities, landscape maintenance or other similar type easements on a Lot.

**4.2.2 Arbors.**

Arbors are only permitted in the rear yard and shall be at least twenty feet (20') from any adjacent Lot line. The maximum size of any arbor shall not exceed the height of eight feet (8'), the width of three feet (3'), and the depth of two feet (2') with the wider dimension parallel to the rear Lot line.

**4.2.3 Trellises.**

Trellises are only permitted in planting beds in the rear yard and shall be at least twenty feet (20') from any adjacent Lot line. The maximum size of any trellis shall not exceed the height eight feet (8'), the width of three feet (3'), and the depth of six inches (6") with the wider dimension parallel to the side or rear Lot line.

**4.2.4 Lawn Ornaments, Sculptures, Statuaries and Similar Items.**

Approval from the ARC shall be required for the installation of ornaments, sculptures, statuaries, lawn decorations and similar items on a Lot, which may include, but not be limited to: bird feeders, statuettes, fountains, gazing balls, gnomes, planters, signs, garden flags and sports flags. The number of ornaments, sculptures, statuaries, lawn decorations and similar items allowed on a Lot may not exceed five (5) and the placement of these items is limited to the planting beds on the Lot.

**4.2.5 Holiday Decorations and Seasonal Lighting.**

Display of religious and/or holiday signs, symbols, and decorations (as normally displayed inside or outside of a Home) are permitted on a Lot. All such displays shall be removed within 5 days of the passing of such holiday. Seasonal holiday decorative lights may be displayed between Thanksgiving and January 10<sup>th</sup> only. The ARC may limit the number of inflatables permitted to be placed on any Lot.

**4.2.6 Lighting (non-seasonal)**

Landscape decorative lights and/or pathway lights are permitted with ARC approval. These types of lights are limited to twenty inches (20") in height. A sample of the lights and design or picture of their installation is required for ARC review. Accent lighting that is installed along the entire roof edge and perimeter must be "OFF" except during the holiday season. The track color must match the color of the home (soffit-eaves) and behind the trim with the lights sitting flush. The track must encase all wires and jumps are to be made through attics to prevent visible exterior wires. Down lighting (soft white or yellow) is permitted year-round with lumens being 700 and not exceed 1300 lumens.

**4.3 Plastic Sheeting.**

The use of solid plastic sheeting or polyethylene over ground cover areas will not be permitted. If landscape fabric is used, it must allow the free flow of water, air, and gases to and from the soil. Weed control fabrics may only be used with prior approval of the ARC. All weed control fabrics must be kept thoroughly covered with a 3 to 4-inch layer of approved mulch material.

**4.4 Hedges, Walls, and Fences.**

All hedges, shrubbery, walls, and/or fences must be approved by the ARC as to height, location, design, color and component materials. The bottom of any fence shall be raised to a height so as not to impede surface water drainage. If a fence is installed on a Lot that abuts Common Area(s) maintained by the Association, the Association will not be responsible for any damage to said fence as a result of its efforts to maintain the Common Area(s).

**4.4.1 Fence Materials and Colors –**

Side Yard: Vinyl – Almond/Tan  
 Aluminum – Black  
 Rear Yard: Vinyl – Almond/Tan  
 Aluminum – Black

**4.4.2 Styles of Fencing.**

Vinyl fencing must be privacy.

**4.4.3 Location of Fencing.**

Fences shall be placed no more than twenty feet (20') from the back corners of the Home.

If a fence is being installed on a lot abutting the perimeter wall maintained by the Association, a fence may extend to within one inch (1") of the wall and must terminate with a post. Additionally, one four foot (4') wide access gate must be installed at the front portion of the dwelling and two panels at the terminus of the fence must be removable in the event the Association needs to access the area for maintenance, repair, etc.

A fence located in an easement on a Lot may need to be removed by the Homeowner in the event the Association, Governmental Entities, or Declarant needs to access the easement for maintenance, repair, inspection, etc. Any cost associated with the removal and reinstallation of the fence shall be the Homeowners responsibility.

**4.4.4 Perimeter Fencing and Access Gates.**

Perimeter fencing shall be six feet (6') in height and shall include at least one access gate at least four feet (4') wide which should not open onto Common Properties maintained by the Association. If a Homeowner wishes to utilize aluminum fencing as a perimeter fence, said perimeter fence shall be four feet (4') in height. Partial yard fencing is prohibited.

**4.4.5 Fencing along Ponds and/or Lakes.**

Lots that abut ponds and/or lakes shall be required to have a combination of vinyl and aluminum fencing so as not to obstruct the view of adjacent Lots. Side yard vinyl fencing shall be six feet (6') in height and shall be placed no less than twenty feet (20') from the exterior front corners of the home. Transition from vinyl to aluminum fencing shall begin twelve feet (12') from the rear property line. The last vinyl panel will taper from 6' to 4' aluminum fence. Aluminum fencing is limited to four feet (4') in height and is located at the rear property pens. Additionally, one four foot (4') wide vinyl access gate must be installed which should not open onto Common Properties maintained by the Association. Partial yard fencing is prohibited.

**4.4.6 Fencing along Wetlands and/or Conservation or Preserve Areas.**

Lots that abut wetlands, conservation and/or preserve areas shall be required to have a combination of vinyl and aluminum fencing so as not to obstruct the view of adjacent Lots. Side yard vinyl fencing shall be six feet (6') in height and shall be placed no less than twenty feet (20') from the exterior front corners of the home. Transition from vinyl to aluminum fencing shall begin twelve feet (12') from the rear property line. The last vinyl panel will taper from 6' to 4' aluminum fence. Aluminum fencing is limited to four feet (4') in height and is located at the rear property pens. Additionally, one four foot (4') wide vinyl access gate must be installed which should not open onto Common Properties maintained by the Association. Partial yard fencing is prohibited.

**4.4.7 Invisible Fences.**

Invisible fences are permitted on side and rear yards only.

#### **4.4.8 Fencing within Easements.**

Applications for fences proposed to be located within easement areas will be reviewed on a case-by-case basis. This is due to: i) some easements may be required so the Association can access and maintain Common Properties; and ii) some easements are required for surface water drainage. For fences proposed to be located within drainage easements, the ARC may permit only four feet (4') tall aluminum fences to be installed to allow the proper flow of water. If fencing within an easement area is approved, it will be "Approved as Noted" as outlined in Section 2.6.2 above.

A fence located in an easement on a Lot may need to be removed by the Homeowner in the event the Association, Governmental Entities, or Declarant needs to access the easement for maintenance, repair, inspection, etc. Any cost associated with the removal and reinstallation of the fence shall be the Homeowners responsibility.

#### **4.4.9 Hedges.**

Plantings used for screening or landscaping along property lines shall be located or designed to not interfere with swale drainage, utility easements, or other similar impediments. No plant or other landscaping may be located within an easement. Plantings must be maintained by the Homeowner to be aesthetically pleasing. Any installed plantings along a fenced area may not exceed the height of the fence.

No plantings may be installed on the back or side of lots that abut ponds, lakes, wetlands, conservation or preserve areas, so as not to obstruct the view of adjacent Lots.

#### **4.5 Driveways and Walkways.**

All driveways shall be paved, poured concrete, or constructed with pavers, unless otherwise approved by the ARC. No driveway shall be painted, repainted, or otherwise artificially colored or re-colored without prior written approval of the ARC. Any expansions of driveways and walkways must receive prior written approval by the ARC and shall not extend beyond the walls of the garage.

All walkways must be paved or poured concrete, unless otherwise approved by the ARC.

#### **4.6 Exterior Equipment.**

Installation of exterior water softeners, water filters, trash or compost containers/piles, gardening storage areas and any hardscape enclosing areas are permitted with adequate screening. Pool equipment requires adequate screening with dense landscaping or four feet (4') vinyl fence in the approved fence color stated in these Guidelines.

##### **4.6.1 Satellite Dishes.**

Satellite dishes are permitted with ARC approval and should be located in a manner that minimizes visibility from the street so as to preserve the community wide standard without unreasonably decreasing signal reception. The Homeowner is encouraged to have reception readings taken by the installer or self for potential locations, which make the antennae least visible. The following are preferred locations:

- Rear of the house, below the ridgeline.
- Rear of the house, attached to the roof or the fascia.
- Side of the house, toward the rear, attached to the roof or fascia.
- Side of the house, toward the rear, attached below the eave.
- Ground mounted, rear yard, painted and screened with shrubs.
- Ground mounted, side yard, toward the rear yard, painted and screened with shrubs.

#### **4.6.2 Energy Conservation Devices (Solar).**

All solar panels and energy conservation equipment must be approved by the ARC. All solar heating apparatus must comply with: i) the HUD Intermediate Minimum Property Standards and ii) other applicable governmental regulations and ordinances. All solar collector panels and related hardware and equipment must be harmonious with the design of a Home. No solar panel, vents, or other roof-mounted mechanical equipment shall extend more than one foot (1') above the surface of a Home's roof and shall be painted consistent with the color scheme of the portion of the Home where they are installed.

#### **4.7 Signage.**

Posting of signs, billboards, or advertising of any kind, including those of realtors, contractors, subcontractors, and for sale are not permitted without ARC approval, and are not permitted on Common Properties. The Declarant is exempt from signage requirements.

##### **4.7.1 For Sale Signs.**

No "For Sale", realtor signs, or any signage indicating that a Home will be sold at a public or private auction without approval of the ARC. "For Sale" or realtor signage is prohibited so long as Declarant owns at least one Lot in the Community.

##### **4.7.2 For Lease or Rent.**

"For Rent," "For Lease," or like signage is prohibited. Signs for "Open House" may be placed on a Lot or Home, and the size and number of those signs shall be determined by the ARC. Open houses may only occur during normal daylight hours.

##### **4.7.3 Security System Signs.**

Residents shall be permitted to post a sign from a security/alarm company providing services to such Resident or the home. One single-sided small security/alarm sign may be placed in the front yard within ten feet (10') of any entrance to a Home. The sign shall be professionally prepared (no hand lettering) and shall not exceed two feet (2') in overall height from finished grade and/or 72 square inches in size (i.e., 8 inches by 9 inches) if placed in the ground.

## **5 ENFORCEMENT OF GUIDELINES**

In the event of a violation of these ARC Guidelines or any decision of the ARC and/or the Board, the Board may take any enforcement action authorized by the Declaration, the By-Laws, and all applicable state and local laws.

Any amendments or supplements to the ARC Guidelines shall only apply to Modifications and/or Additions commenced after the date of such amendment. Changes shall not require modification or removal of structures previously approved once the approved construction has commenced. However, changes to, or replacement of, previously approved projects SHALL comply with the Guidelines in effect at the time of the new modification application.

**ALTERATION APPLICATION**

OWNER'S NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

PHONE: (\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

**All applications requesting approval for any alteration which occurs outside the exterior walls of the building MUST BE ACCOMPANIED BY A COPY OF YOUR LOT SURVEY WITH THE ALTERATION DRAWN ON IT, SHOWING LOCATIONS, DISTANCES AND DIMENSIONS. INCLUDE A SKETCH INDICATING SIZES, HEIGHTS, MATERIALS, COLORS, TYPE OF CONSTRUCTION AND OTHER PERTINENT INFORMATION AS MAY BE NECESSARY. IF THIS INFORMATION IS NOT INCLUDED, YOUR APPLICATION WILL BE RETURNED TO YOU.**

*PLEASE DESCRIBE IN DETAIL THE TYPE OF PROPOSED ALTERATION, MATERIALS TO BE USED. IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL PAGES TO THIS APPLICATION.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If approval is granted, it is not to be construed to cover approval of any County or City Code Requirements. A building permit from the appropriate building department is needed on most property alterations and/or improvements. The Architectural Review Committee (the "ARC") shall have no liability or obligation to determine whether such improvement, alteration and/or addition comply with any applicable law, rule, regulation, code, or ordinance. It is the owner's responsibility to ensure compliance with any applicable law, rule, regulation, code, or ordinance.

As a condition precedent to granting approval of any request for a change, alteration or addition to an existing basic structure, the applicant, their heirs and assigns thereto, hereby assume sole responsibility for the repair, maintenance and/or replacement of any such change, alteration or addition. IT IS UNDERSTOOD AND AGREED, THAT THE ASSOCIATION IS NOT REQUIRED TO TAKE ANY ACTION TO REPAIR, MAINTAIN AND/OR REPLACE ANY SUCH APPROVED CHANGE, ALTERATION OR ADDITION, OR ANY STRUCTURE OR ANY OTHER PROPERTY. THE HOMEOWNER AND THEIR ASSIGNS ASSUMES ALL RESPONSIBILITIES FOR ANY CHANGE, ALTERATION OR ADDITION AND ITS FUTURE UPKEEP AND MAINTENANCE.

I agree not to begin the proposed alteration or any other property improvements requiring approval from the ARC until the ARC notifies me in writing of its decision. I understand that all approvals automatically incorporate the conditions set forth in ARC Guidelines as currently adopted by the Board of Directors. I understand that the ARC **may take at least thirty (30) days from receipt of a complete application**, to process, review and render a decision on this Alteration Application. **If any change is made that has not been approved, the Association has the right to require me to remove the improvement from my property.**

DATE: \_\_\_\_\_ OWNER'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_ OWNER'S SIGNATURE: \_\_\_\_\_

\*\*\*\*\*  
Signature of adjacent owners if you are installing: a trampoline, basketball equipment, swing set, playground equipment, or other alteration requiring notification and acknowledgement by adjacent owners.

\_\_\_\_\_

Left side

Right side

\_\_\_\_\_

\_\_\_\_\_

Rear

Rear

\_\_\_\_\_

\_\_\_\_\_

Rear

\_\_\_\_\_

\*\*\*\*\*

**ACTION TAKEN BY THE ASSOCIATION:**

DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_

APPROVED WITH CONDITIONS: \_\_\_\_\_ - Please see attached conditions.

NOT APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature for the Architectural Review Committee

\*\*\*\*\*

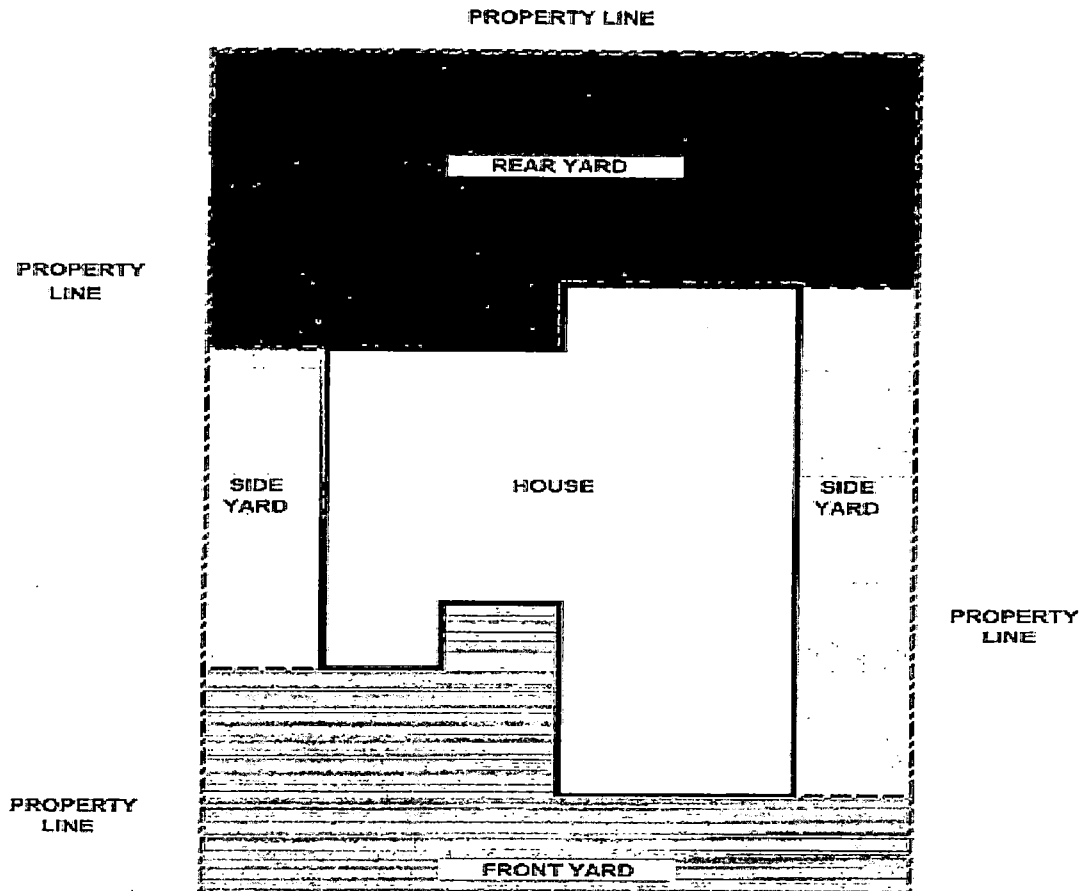
**NOTE: Application approvals are valid for a period of six (6) months and a new Alteration Application must be submitted after that time has elapsed if the approved project has not commenced.**

**Return Completed Application to: The HOA management firm for your community**

### EXHIBIT A - BUILDING SETBACKS

The building setbacks described below are recognized by the ARC. Notwithstanding any other provision of law, all building setbacks shall meet these requirements, except for such buildings which are built by Declarant pursuant to approvals obtained from Duval County, as applicable.

Front Yard: 20' feet minimum  
Side Yard: 5' feet minimum  
Rear Yard: 15' feet minimum



## EXHIBIT B – COMMONLY USED PLANT MATERIALS

D = Deciduous E = Evergreen

### Large Trees

- D-Florida Maple (*Acer floridanum*)
- D-Red Maple (*Acer rubrum*)
- E-Southern Magnolia (*Magnolia grandiflora*)
- D-Chinese Pistache (*Pistacia chinensis*)
- D-Sycamore (*Platanus occidentalis*)
- D-Swamp Chestnut Oak (*Quercus michauxii*)
- D-Willow Oak (*Quercus phellos*)
- E-Live Oak (*Quercus virginiana*)
- D-Bald Cypress (*Taxodium distichum*)

### Small Trees

- D-Japanese Maple (*Acer palmatum*)
- D-River Birch (*Betula nigra*)
- D-Redbud (*Cercis canadensis*)
- E-Leyland Cypress (*x Cupressocyparis leylandii*)
- E-Nelli R. Stevens Holly (*Ilex aquifolium x cornuta* 'Nellie R. Stevens')
- E-East Palatka Holly (*Ilex x attenuata* 'East Palatka')
- E-Foster Holly (*Ilex x attenuata* 'Fosteri')
- E-Savannah Holly (*Ilex x attenuata* 'Savannah')
- E-Weeping Yaupon Holly (*Ilex vomitoria* 'pendula')
- D-Goldenrain Tree (*Koelreuteria paniculata*)
- D-Crape Myrtle (*Lagerstroemia indica* - Varieties 'Cherokee', 'Muskogee', 'Natchez, and 'Tuscarora')
- E-Tree Form Wax Leaf Privet (*Ligustrum lucidum*)
- E-Little Gem Magnolia (*Magnolia grandiflora* 'Little Gem')
- D-Saucer Magnolia (*Magnolia soulangiana*)
- E-Sweet Bay Magnolia (*Magnolia virginiana*)
- D-Calloway Crabapple (*Malus pruniflora* 'Calloway')
- E-Tree Form Wax Myrtle (*Myrica cerifera*)
- E-Spruce Pine (*Pinus glabra*)
- E-Loblolly Pine (*Pinus taeda*)
- D-Japanese Flowering Cherry (*Prunus serrulata* 'Kwanzan')
- D-Yoshino Cherry (*Prunus yedoensis*)
- D-Aristocrat Pear (*Pyrus calleryana* 'Aristocrat')
- E-Palmetto (*Sabal palmetto*)
- E-Windmill Palm (*Trachycarpus fortunei*)

**Large or Accent Shrubs (5-7 Gallon)** Shrubs indicated with an 'SH' require shade.

- E-Anise (*Illicium anisatum*)
- E-Azalea SH (*Azalea indica* - Varieties 'Formosa', 'George L. Tabor', 'G.G. Gerbing', 'Judge soloman', 'President Clay', 'Red Formosa', and 'Southern Charm') Semi
- E-Butterfly Bush (*Buddleia davidii*)
- E-Bottlebrush (*Callistemon citrinus*)
- E-Camellia SH (*Camellia sasanqua*)
- E-Chinese Fringe (*Loropetalum chinense*, cultivars; Hines Prupole leafe, Burgandy, Blush)
- E-Pampas Grass (*Cortaderia selloana*)

E-Sago Palm (*Cycas revoluta*)  
 E-Gardenia (*Gardenia jasminoides*)  
 E-Burford Holly (*Ilex cornuta* 'Burfordii')  
 E-Wax Leaf Privet (*Ligustrum lucidum*)  
 E-Banana Shrub (*Michello Figo*)  
 D-Variiegated Maiden Grass (*Miscanthus sinensis* 'variegata')  
 E-Waxmyrtle (*Myrica Cerifera*)  
 E-Nandina (*Nandina domestica*)  
 E-Oleander (*Nerium oleander*)  
 E-Tea Olive (*Osmanthus fragrans*)  
 E-Fortune's Tea Olive (*Osmanthus fortunei*)  
 E-Firehorn (*Pyracantha koidzumi*)  
 E-Pittosporum (*Pittosporum tobira*)  
 E-Podocarpus Yew (*Podocarpus macrophyllus maki*)  
 D-Purple Fountain Grass (*Pennisetum setaceum* 'Rubrum')  
 E-Sweet Viburnum (*Viburnum odoratissium*)  
 E-Laurustinus (*Viburnum tinus*)

**Medium Shrubs (3-5 Gallon)** Shrubs indicated with an 'SH' require shade.

E-Abelia (*Abelia grandiflora*)  
 D-Barberry (*Berberis thunbergii* 'Rose Glow' or 'Crimson Pygmy')  
 E-Boxwood (*Buxus microphylla*)  
 E-Dwarf Bottlebrush (*Callistemon citrinus* 'Little John')  
 E-Dwarf Burford Holly (*Ilex cornuta* 'Burfordii nana')  
 E-Carissa Holly (*Ilex cornuta* 'Carissa')  
 E-Dwarf Yaupon Holly (*Ilex vomitoria* 'Nana' or 'Schellings')  
 E-Florida Jasmine (*Jasminum floridum*) Semi  
 E-Primrose Jasmine (*Jasminum mesnyi*)  
 E-Dwarf India Hawthorn (*Raphiolepis indica*)  
 E-Yucca (*Yucca filamentosa*)  
 E-Sanankwa Viburnum (*Viburnum Suspensum*)

**Low Shrubs or Groundcovers (1 Gallon)** - Space 1 to 6 feet apart and 2 feet minimum from buildings. Shrubs indicated with an 'SH' require shade. Shrubs indicated with a 'V' are vines to be used with support.

E-Hollyfern SH (*Cyrtomium falcatum*)  
 E-African Iris (*Dietes vegeta*)  
 E-Dwarf Gardenia (*Gardenia jasminoides* 'radicans')  
 E-Carolina Jessamine V (*Gelsemium sempervirens*)  
 E-Daylily (*Hemerocallis hybrida*)  
 D-Lantana (*Lantana camara*)  
 E-Big Blue Liriope (*Liriope muscari* 'Big Blue')  
 E-Trumpet Honeysuckle V (*Lonicera sempervirens*)  
 E-Blue Pacific Juniper (*Juniperous conferta* 'Blue Pacific')  
 E-Parson's Juniper (*Juniperous davurica* 'Expansa')  
 E-Blue Rug Juniper (*Juniperous horizontalis* 'Wiltonii')  
 E-Dwarf Japanese Garden Juniper (*Juniperous procumbens* 'Nana')  
 E-Dwarf Nandin\* (*Nandina domestica* 'Harbor Dwarf' or 'Firepower')  
 E-Banks Rose V (*Rosa bankiae*)  
 E-Confederate Jasmine V (*Trachelospermum jasminoides*)