

# Mill Creek North Design Guidelines

**Adopted – January 31, 2018**

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These Design Guidelines are the property of Lennar Homes, LLC, the Developer under the Declaration of Covenants, Conditions, Restrictions and Easements and Mill Creek North HOA for the Mill Creek North community and are subject to change from time to time at the discretion of the Developer or HOA Board of Directors. It is not intended for distribution other than to provide information to Mill Creek North homeowners considering additions or modifications to the exterior of their homes, lots, hardscape or landscaping.

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## **SECTION I - INTRODUCTION**

- A. Welcome to Mill Creek North HOA.** Mill Creek North (the “**Community**”) is a community designed to respect the visual character of its site and strives to minimize its environmental impact while maximizing water and energy conservation principles, all to the extent feasible. In order to preserve and enhance these principles, these design guidelines (these “**Design Guidelines**”) were established to maintain certain standards by which the community may grow and develop.

These Design Guidelines has been prepared by Lennar Homes, LLC as the “**Developer**” pursuant to the Declaration of Covenants, Conditions, Restrictions and Easements for Mill Creek North, as amended from time-to-time, (“**Declaration**”) recorded with the Clerk of Court in Duval County, Florida. these Design Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in the Design Guidelines.

These Design Guidelines provides an overall framework to allow the community to develop and progress in an orderly manner by implementing planning concepts, philosophy, and requirements of regulatory agencies. These Design Guidelines includes 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. They also establish a process for judicious review of proposed new developments and changes within the community.

For purpose of these Design Guidelines, the “**Reviewing Body**” refers either to the Developer or the Architectural Review Board “**ARB**”, as applicable. (The Board of Directors of Mill Creek North Homeowners Association, Inc. may establish the ARB.)

- B. Governmental Requirements.** Any individual(s) or entity owning a Lot within Mill Creek North (“**Owner**”) has the responsibility of complying with all Governmental Requirements and obtaining all necessary permits and approvals from the appropriate federal, state, county, or municipal governmental agencies (“**Governmental Agency(ies)**”) before beginning Reviewing Body approved work on a project or enhancement. (For example, Duval County may require certain permits, depending on the proposed change, alteration, or addition. The Owner shall provide copies of any such required permits or approvals to the Reviewing Body if so requested.)

To the extent that any governmental requirement requires a more restrictive standard than those found in these Design Guidelines or the Declaration, the governmental requirement shall prevail. To the extent that the governmental requirement is less restrictive than these Design Guidelines or the Declaration, the Declaration and these Design Guidelines shall prevail.

- C. Required Approvals for Modification Activity.** The Owner is required to submit an application to the Reviewing Body and request the review of plans for any modification, addition, or improvement to the exterior of the home or upon the Lot (“**Modification Activity**”) prior to beginning the Modification Activity. Modification Activity, shall include, but is not limited to:
- The removal of any tree.
  - Constructing improvements on a Lot.

- Modifying or adding to existing improvements (other than repainting an improvement in its original color or replacing dead plant with the same or similar plant.).
- Installing a fountain, pool, spa, or other water feature.
- Constructing or installing fences, walls, decks, fireplaces, permanent outdoor barbecues, or other hardscape, such as walks, driveways, paving, brick, masonry, railroad ties, wood trim, concrete, rocks, flagstone, or any inert material.
- Landscaping, irrigation, alteration of grades, or drainage.
- Placing any object, ornament, monument, statue, sign, or similar accessory on a Lot that is visible from the street or by neighbors, including, but not limited to, lighting, flags, or lawn ornaments.

These Design Guidelines may identify permitted exceptions.

All applications shall be submitted to the Reviewing Body for approval prior to commencing work on the Modification Activity. The fact that similar Modification Activity may exist or has been approved for another site does not automatically set a precedent for similar Modification Activity. Beginning or completing the Modification Activity prior to approval by the Reviewing Body does not mean that the approval requirement is waived. An Owner may be required to remove or correct any Modification Activity if not approved.

**D. Variance Requests.** Builders and owners may request a variance to these Design Guidelines by submitting a Reviewing Body variance request form. Any variance request must include supporting documentation as to why an Owner believes that a variance should be granted on their specific lot. Any variance granted by the Reviewing Body shall be considered unique to that specific application and property and shall not set a precedent for future Reviewing Body decisions.

**E. Fees.** All applications shall be subject to the following application review fee (“**Application Review Fee**”) and completion deposit (“**Completion Deposit**”) schedule:

Total Price of Project(s)	Application Review Fee	Completion Deposit
\$0.00 – \$500.99	\$0.00	\$0.00
\$501.00 - \$2,999.99	\$0.00	\$250.00
\$3,000.00 – \$9,999.99	\$0.00	\$500.00
\$10,000 & up	\$0.00	\$1,000.00

The Application Review Fee and Completion Deposit (if applicable) shall be submitted with the application as two (2) separate checks and shall be made payable to **Mill Creek North Homeowners Association, Inc.** The Application Review Fee may be waived at the discretion of the Reviewing Body. The Completion Deposit will be returned upon the completion of the project as long as neighboring property and Community property were not damaged during the project and as long as the Owner’s Modification Activity is completed per the Reviewing Body approved plans. Owners or Owners’ contractors who damage neighboring or Community property or who do not comply with Reviewing Body approved plans are subject the loss of all, or a portion of, the Completion Deposit.

The Reviewing Body may require that Owner pay the submission and review costs associated with submission and review of plans by an architect or engineer. The Reviewing Body may also require that the Owner deposit

funds to cover the cost of periodic inspection during the work, to ensure proper cleanup of the work site during and after completion of the work, or to provide reasonable security that a condition of approval will be met. Finally, the Reviewing Body may require that Owner submit all quotes and/or proposals including pricing sheets as verification of the total project cost.

If the Owner does not submit an application or alters the plans after application has been approved by the Reviewing Body, the Owner may be subject to a fine via the process stated in the Declaration or applicable procedure adopted by the Board of Directors (“**Non-Submittal Fine**”) and be required to submit a new application and Application Review Fee. The new application will be subject to approval.

**F. Inspections.** The Reviewing Body may appoint members or representatives to conduct inspections of any Modification Activity in progress and completed work. These inspections may be conducted after the approval of an application prior to the commencement of work and at completion of work in order to ensure that the work complies with the approved application. However, the Reviewing Body has no obligation to ensure that the work is done in compliance with approved plans or government requirements.

**G. Conditions for Commencement of Work.** NO WORK SHALL COMMENCE ON ANY MODIFICATION ACTIVITY UNTIL AN APPLICATION FOR THE WORK HAS BEEN SUBMITTED TO, **AND APPROVED** BY, THE REVIEWING BODY.

**H. Applying for Approvals from Government Agencies.** Unless otherwise expressly approved in writing by the Reviewing Body, **prior** to submittal of a request for a permit or approval from any Government Agency, the Owner must obtain the approval of the Reviewing Body for the Modification Activity for which the permit or approval will be requested. If the permit or approval from the Government Agency differs from the approval of the Reviewing Body, the Owner must re-submit the proposed change to the Reviewing Body. Unless required by applicable law, approval by a Government Agency shall not bind the Reviewing Body with respect to a permit or approval from the Government Agency which differs from the approval by the Reviewing Body.

## **SECTION II - APPLICATION REQUIREMENTS**

**A. Applications.** All applications shall include the following:

1. **Owner information.** Name of owner(s) and owner(s) contact information.
2. **Lot Information.** Lot number, phase number, and street address
3. **Modification Activity Information.** Appropriate information for the particular type of Modification Activity, as summarized below.
4. **Contractor Information.** Name, street address, and contact information of contractor doing the proposed work.

**B. Landscaping or Site Work Affecting Landscaping.** Such applications shall include the following:

1. **Name of Landscape Designer.** Name of any landscape designer involved in preparing the landscaping plans, including the landscape designer’s street address and contact information.
2. **Landscape Plans.** One (1) hard copy or a Digital PDF copy of the landscape plans, including (unless otherwise expressly approved by the Reviewing Body):

- a. 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.
- b. Proposed changes to items listed above, including any additional hardscape that Owner desires to install, such as brick, masonry, wood edging, concrete, rocks or other inert materials; 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 Reviewing Body in understanding the application.
- c. Existing site drainage, including drainage structures, direction and slope of flow and any proposed alterations to this drainage.
- d. 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”.
- e. 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.

**C. Changes or Additions to Structures.** Such applications shall include the following:

- 1. Name of Architect/Builder. Name of any architect or builder involved in preparing the proposed plans, including the architect or builder’s street address and contact information
- 2. Proposed Plans. One (1) hard copy or a Digital PDF copy of the proposed plans, including (unless otherwise expressly approved by the Reviewing Body):
  - a. Site drawings showing North arrow; scale of drawing; existing site features; trees (type and diameter at five feet above existing grade); significant existing 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, utility equipment, decks, patios, walks, and drives. Minimum scale of drawings to be 1 inch = 10 feet.
  - b. Existing and proposed floor plan.
  - c. Existing elevation (photograph acceptable) and elevation of any proposed exterior modification. (If Owner has a photograph of another house or a picture from a magazine or brochure such photo does not replace the requirement for plans and details of changes to Owner’s property.)
  - d. Proposed material and color samples, including location of proposed use. If owner intends to repaint all or a portion of their home in a different color than was it was originally painted, owner must submit actual paint swatches, as well as color photos of the homes on either side and directly across the street from them.
  - e. If the change or addition affects 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.
  - f. Minimum scale of floor plan, elevation, and sections shall be ¼ inch = 1 foot.

**D. Property Management Review of Selected Modifications.** The Reviewing Body may delegate authority to the property manager to review and approve specific routine modifications for the convenience of Owners. If

the approval decision is not clear-cut, the property manager will forward the application to the Reviewing Body for a decision.

**E. Review Procedure and Notice of Pending Application.** Unless otherwise expressly approved by the Reviewing Body, the Reviewing Body shall review each application based solely on the information contained within the application. If the Modification Activity is, in the opinion of the Reviewing Body, likely to be controversial or a matter of substantial community interest, the Reviewing Body may require that a notice or sign in a form approved by the Reviewing Body be placed on the property for a reasonable time to give notice of the pending application.

Reasonable efforts shall be made by the Reviewing Body to respond to an application within ten (10) business days of receipt of all required information. However, the Reviewing Body shall have up to thirty (30) days upon receipt of all required information to render a decision. Any requests shall be deemed disapproved if the Reviewing Body fails to issue a written approval or disapproval with thirty (30) days of the proper submission of all required documentation. Disapproval by the ARB may be appealed to the Board of Directors, and the determinations of the Board of Directors shall be dispositive.

**F. Notice of Reviewing Body Decision.** Upon completion of review by the Reviewing Body, one set of plans or a digital PDF packet shall be returned to the Owner accompanied by a letter or cover page indicating the Reviewing Body's decision. The action of the Reviewing Body shall be stated in one of the following ways:

1. *“Approved.”* The entire application submitted is approved in total.
2. *“Approved as Noted.”* The application submitted is partially approved or approved with conditions. An Owner may only proceed with the work to be performed if it complies with all conditions set forth in the letter from the Reviewing Body, or on or in any document enclosed with the approved packet
3. *“Not Approved” (Denied).* The entire application submitted is not approved and no work shall commence.

**G. Effect on Building Permit or Other Government Approval.** If the application for a Modification Activity submitted by an Owner requires a building permit or other governmental requirement, approval by the Reviewing Body is not a guarantee that such permit or other Government Requirement will be approved by the appropriate Governmental Agency. If the appropriate Governmental Agency requires modification to the plans approved by the Reviewing Body, such modifications must also be approved by the Reviewing Body in order for the Owner to proceed with the Modification Activity.

**H. Effect of Modifications on House Warranties.** Owners are responsible for verifying the effect of any proposed modifications against any existing warranties for nullification concerns.

**I. Owner Responsibilities.** It is the responsibility of each Owner to comply with all requirements of these Design Guidelines in addition to the Declaration and any applicable supplemental rules and regulations.

### **SECTION III – RESIDENTIAL ARCHITECTURAL CRITERIA**

**A. Architectural Character.** Original home styles are to be maintained except as approved by the Reviewing Body.

- B. Architectural Impact on Nearby Property.** 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 Reviewing Body determines that there is a significant adverse impact, the application will be “not approved” or “approved as noted”.
- C. Standards May Vary.** Design or exterior changes appropriate for property in one area may not be applicable to another area.
- D. Waiver of Standards.** The Reviewing Body shall have the right, in its sole discretion, to waive, in writing, specific standards as they apply to a particular application if the Reviewing Body determines, in its sole discretion, that such waiver is warranted as a result of special conditions or factors not commonly encountered and such waiver will not have a material adverse impact on these Design Guidelines and the community. Any waiver shall be limited to the maximum extent feasible while responding to the special conditions or factors. Such variances may only be granted when unique circumstances dictate and no variance shall (i) be effective unless in writing, (ii) be contrary to the restrictions set forth in the Declaration, or (iii) stop the Reviewing Body from denying a variance in other circumstances. The approval of an application shall not be construed as creating any obligation on the part of the ARB to approve applications involving similar designs for different Lots. The ARB may authorize variances from compliance with any of the architectural control.
- E. House Modifications.**
1. Approved Materials. Unless expressly approved by the Reviewing Body, all materials used in maintenance, repair, additions, and alterations shall match those used in the original construction of the dwelling unit as to color, composition, type, and method of attachment. When house, storm or hurricane windows are added or replaced with new materials, the description, trim color and glazing specifications on those materials shall be included with the application for addition or replacement to ensure that the long term appearance will be compatible and will not degrade with long term exposure to the elements. The Reviewing Body may allow substitute materials.
  2. Arbors/Archway/Trellises. Not permitted in front or side yards. The placement of arbors, archways, and trellises shall be at least twenty (20) feet from any neighbors Lot line, may not obstruct a neighboring Lot’s view of a natural landscape features including, but not limited to, a pond or common green space, and may only be placed in the rear yard. Application for size, materials, and placement shall be submitted to and approved by the Reviewing Body prior to installation.
  3. Architectural Design. The architectural design of any and all additions, alterations, repainting, and renovations to the exterior of an existing home shall conform to, or be compatible with, the design of the original home in style, detailing, materials, and color. Any such addition, alteration, or renovation shall be made only after application to, and written approval by, the Reviewing Body.
  4. Covered Patios. Homes with a covered patio may later enclose the patio with screening or a combination of windows, doors, and screening approved by the Reviewing Body. All screened structures must be constructed using dark bronze aluminum framing and black or charcoal screening. Any renovation of a covered patio to a screened patio (or a window/screen combination) or patio addition, extension, etc. shall be made only after application to, and written approval by, the Reviewing Body. Conversion to a conditioned living space may void warranties the Owner has from the Developer or original builder.

5. Decorations. Decorations attached to walls, on pedestals, or suspended from a covered structure are acceptable if the decorative features are in harmony with the property's frontal view. All decorations are subject to approval by the Reviewing Body.
6. Decorative Outdoor Furniture. Decorative furniture shall be in harmony with the frontal view in style and color. Furniture in the front of the home may only be placed on the front porch. All decorative furniture must be designated as outdoor furniture and shall be subject to approval by the Reviewing Body.
7. Exposed Rafters. Exposed rafter type covers shall match the house material and color when the patio is attached or has a common side with the home and shall be installed only after application to, and written approval by, the Reviewing Body.
8. Fence/Gates. Refer to Section IV(F) on page 15 of these Design Guidelines.
9. Flags. No flag or banner shall be exhibited, displayed, inscribed, painted or affixed in, or upon any part of the Community that is visible from the outside without prior written approval from the Reviewing Body (other than one (1) American flag per lot). Flags that will be approved by the Reviewing Body in the Community include (1) official flag of the State of Florida displayed in a respectful manner, and one (1) official flag, not larger than 4 ½ feet by 6 feet and displayed in a respectful manner, which represents the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or POW-MIA flag. All flags shall be maintained in good condition and should not be displayed on days when the weather is inclement. Proper lighting is required for nighttime display of the American Flag. However, flags or signs for sports teams may be displayed a day before, the day of, and a day after a sporting event (a maximum of three (3) days). Flags and signs for sports teams cannot exceed twelve (12) square feet.
10. Front Area and Courtyard. Front courtyards with fence structures are not permitted. No part of the front entry/porch/courtyard shall be enclosed by screen or full walled (floor to ceiling) structure.
11. Front Door. Solid color shall be compatible to house colors. Material shall be suitable for front door installations. Storm doors and screens shall be of manmade material (no wood storm doors).
12. Front Entryway and Porch. Modifications to the front entryway and porch which are visible from the street must be in compliance with these Design Guidelines and aesthetically in harmony with the individual and neighboring properties and shall be made only after application to, and written approval by, the Reviewing Body.
13. Gutters and Downspouts. The location, type, and color of all gutters, downspouts, splashguards, and gutter guards, shall be approved by the ARC prior to installation. All gutters, downspouts, and splashguards shall be constructed of either aluminum or copper. All gutters must be maintained in a neat and attractive condition similar to that of when they were first installed.
  - a. Gutters. All gutters shall be seamless, between 6" and 7" wide, and constructed of aluminum or copper. The color of all aluminum gutters shall match the color of any preexisting gutters installed by the builder, or if no gutters were installed by the builder, the fascia or they may be white.
  - b. Splash Guards. All splash guards shall match the color of the gutters.
  - c. Gutter Guards. All gutter guards shall match either the color of the shingles or the gutters.
  - d. Downspouts. All downspouts shall be seamless (*unless a break or angle in the downspout is required*) and constructed of aluminum or copper. The preferred dimensions for all downspouts is 3"x 4". The color of all aluminum downspouts shall match the color of any preexisting downspouts installed by the builder, or if no downspouts were installed by the builder, of the surface to which they are affixed or the surface to which they are adjacent (*color of dwelling unit or exterior trim*) or they may be white. Homes with copper gutters shall have copper downspouts. Owner should make every effort to prevent downspouts from being installed on the front of the dwelling unit. The preferred location for

downspouts shall be the sides and / or back of the dwelling unit. However, the ARC understands that this is not always feasible and will approve downspouts on the front of the home based on the recommendation from the gutter installation company.

- e. Splash Blocks. All splash blocks should be placed or screened in such a way as to not be visible from the road and should blend in with the landscaping or color of dwelling unit.
14. Height of Building. The height of the roof-line of any addition to an existing home shall not be higher than the original roof-line.
15. 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. If approved, mounting brackets but no tracks or other similar fixtures, may be permanently installed on the Residence. The system may not be implemented earlier than ninety-six (96) hours prior to a named storm's arrival or winds of 50 mph or more are predicted and must be removed and stored no later than ninety-six (96) hours after a storm. Manufacturers' catalog(s) and the selected design as applicable shall be attached when applying through the Reviewing Body.
16. Lot Drainage/Roof Drainage. As provided for in the Declaration, no person shall alter the drainage flow of the Surface Water or Storm Water Management System, including buffer areas or swales, without prior written approval of the St. Johns River Water Management District and the Reviewing Body. All new or altered roofs shall drain to the ground solely within the deeded Lot area. No roof shall drain directly onto a neighboring property. Roof gutter downspouts shall be directed to splash blocks or other impervious surfaces, plastic flexible drain tubes, or to undersurface drainage lines within landscaping.
17. Pergolas/Gazebos & Similar Structures. Pergolas, gazebos and similar structures are not permitted in front or side yards. The placement of pergola or gazebo structures shall be at least twenty (20) feet from any neighbors Lot line, may not obstruct a neighboring Lot's view of a natural landscape features including, but not limited to, a pond or common green space, and may only be placed in the rear yard. Application for size, materials, and placement shall be submitted to and approved by the Reviewing Body prior to installation.
18. Plantings. Landscaping plantings shall be subject to approval by the Reviewing Body. If approved, the plantings must be maintained to present a neat appearance with no overgrowth onto roofs. Plantings may be suspended or placed on pedestals or placed in decorative containers with applicable irrigation devices only after application to, and written approval by, the Reviewing Body. When decorative and plant items that were previously approved are to be changed to similar items and are in compliance with the Design Guidelines, re-application is not required.
19. Playground Structures & Equipment. Except as may be permitted by the Reviewing Body, all bicycles, tricycles, scooters, skateboards and other play equipment, wading pools, baby strollers and similar items shall be stored so that such items are not visible from any portion of the Common Area or any other Lot. **Except as approved by the Reviewing Body** (which approval may be withheld in the Reviewing Body's sole and absolute discretion), no basketball hoops, play houses, jungle gyms, or other play sets that may be visible from any portion of the Common Area or any other Lot may be installed on any Lot
20. Setback Lines. Setback lines for the Community are usually defined by the Developer or County and recorded on the applicable Lot plat or stated in the applicable Declaration for the purpose of protecting against overbuilding a property site and imposing improperly on neighboring properties. All additions to homes shall be built within the established setback lines for the Community, regardless of more lenient

requirements of any local Governmental Agency. The minimum setbacks are set forth in part in **Exhibit A**. If a Lot has more stringent setbacks than those in **Exhibit A**, more stringent setbacks shall apply.

21. ***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 any other shading devices shall only be applicable to windows and doorways and not ancillary equipment. Such devices shall be in harmony as to size, style, and color with the house and application to shaded opening. Fabric awnings or similar shading devices may be permitted on the rear of the home when the color, which must be solid, is muted and consistent with the color of the home, roof, shutters and community-wide standards and only upon approval by the Reviewing Body. The color of the exterior shading devices shall 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 ten (10) feet. In the event cleanliness or repair becomes a factor, the Owner will be given seven (7) days to correct the problem. If conditions persist, the Reviewing Body will seek corrective action from the Association for the removal or restoration of the awning or shading device.
22. ***Shutters and Window Boxes***. Upon approval by the Reviewing Body, shutters and/or window boxes may be installed. Shutter design and color and window box design and color shall be complimentary to the home design and overall aesthetic of the Community.
23. ***Slope of Roof***. No alterations or improvements shall be made which provide a roof slope of not less than three (3) feet vertical to twelve (12) feet horizontal. All screened areas shall have roof designs with a minimum pitch of three (3) feet vertical over a twelve (12) foot horizontal. Pitches can be broken to match the existing house roof, but no screened roof design shall appear as a flat pitched surface from any external elevation. Current dwelling designs will be considered.
24. ***Wall Height***. All room additions and enclosures shall have a minimum interior wall height from finished floor to the lowest ceiling of the existing structure. Exterior doors shall open to a level structural landing if the step down to resulting grade exceeds eight (8) inches.
25. ***Water Features***. The maximum depth of a water feature (i.e., Koi pond) is two (2) feet.
26. ***Yard Furniture***. Furniture and patio umbrellas are not permitted in front yards, including courtyards. Yard furniture (e.g., lawn chairs, lounges, gliders, tables, and umbrellas) in rear yards shall be placed no closer than twenty (20) feet to the nearest property line and must be placed on hardscape material adjacent to the house.

## **SECTION IV- LANDSCAPE AND HARDSCAPE GUIDELINES**

**A. Landscaping.** Each Owner within the Community shall be responsible for maintaining, repairing, and replacing all landscape and irrigation improvements originally installed by the Builder on the Lots as provided in the Declaration. Any additional landscaping approved by the Review Body and added by an Owner shall be included in the Owner's weekly landscape maintenance schedule.

**B. Landscaping for Lots.** Landscaping must be consistent with the following minimum requirements:

1. ***Commonly Used Plant Material***. Refer to **Exhibit C** for a list and description of recommended plant materials. Yards shall be completely sodded with an approved sod type. Lake lots must be completely sodded to the property line. Use of artificial flowers or trees anywhere outside the roofed area of the house is prohibited. Use of annual plants in planting beds is acceptable upon approval by the Reviewing Body.

2. Irrigation Systems. All developed home sites and 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.
3. Landscape and Lawn Maintenance. Owner maintenance of the lawn shall include planting, sodding, and maintaining of the landscaping, shrubbery, lawn, mowing of sod or turf, fertilization, weed and lawn pest control, weeding of landscape areas, keeping installed irrigation system functioning, and all related and/or affiliated activities as determined by the Association in its reasonable discretion.
4. Planting Beds. The planting beds that were provided by the Builder (or previously approved via the modifications process) may be planted, upon approval by the Reviewing Body, with any plants from the list of the commonly used plants found in **Exhibit C** or other Reviewing Body approved plants. Any plants other than those listed in **Exhibit C** will need to be approved by the Reviewing Body and then added to the list before an Owner may have them install in any planting beds.
5. Gardens. All gardens and their locations shall be submitted to the Reviewing Body and are subject to approval by the Reviewing Body. Owners shall take care to install gardens in the least visible location from the road or common area on a lot and the approval of a garden may come with requirements to screen said gardens from view of the road or common area. The Reviewing Body may also place limits on the size of gardens based on the size of the owner's lot. Owner will also be required to maintain the garden in a neat and attractive condition and if owner no longer wants or needs a garden, owner shall be required to remove garden and resod and irrigate the gardens location.
6. Fruit Trees. Lots may contain no more than two (2) fruit bearing trees at any one time. The location and type of fruit bearing tree shall be subject to Reviewing Body review and approval. All fruit bearing trees shall be located in the rear of the property. All fruit bearing trees must be maintained in good condition which shall include fertilizing, pruning, and harvesting of fruit as proscribed by the University of Florida's Institute of Food and Agricultural Sciences division as well as the consistent removal and disposal of fruit that has fallen from the fruit bearing trees.
7. Swales. Plants, flowers, shrubs, and trees shall not be planted in the swale so as to obstruct storm drainage along the side yards of the Lot.

**C. General Landscaping Criteria.** Basic planting requirements should, at a minimum, address the following areas:

1. Approvals. The Reviewing Body may reject any proposed plant it considers inappropriate.
2. Permitted Ground Cover. The ground surfaces of all Lots except that occupied by hardscape or structures shall be covered with a combination of landscaping, sodded grass lawn, planted ground cover, and approved mulch materials as listed in **Exhibit B**. The percentage of sodded grass lawn area installed in the original landscape plan for each lot shall remain the same unless otherwise approved by the Reviewing Body. If a living ground cover is proposed in place of the sodded lawn, approval shall be secured from the Reviewing Body prior to the commencement of work. For the purpose of these Design Guidelines, topsoil or decomposed granite shall not be considered inert material. No artificially colored or painted rock shall be permitted. Ground cover or inert material shall not be used to spell out names, nicknames, names of states, city athletic teams, slogans, states, emblems, geometric patterns, or any other communication. In order to prevent soil erosion and to maintain positive drainage, the original grades of the Lot shall be maintained during landscape and sod installation. For this reason, a minimum sod buffer equal to that of the original sod installation on the front curb and rear property line must be maintained as a drainage area. Pond or lake top of slope and banks are included in the sod buffer. The Lot Owner shall hold harmless the Developer,

Builder, the Association, and the Association's management company for any property damage, including damage to the house, caused by an alteration of the grades or changes in the drainage patterns in connection with the design, installation, or maintenance of Owner's landscaping done by Owner or hired landscape contractor.

3. Living Tree Removal. Living trees may not be removed without the prior approval of the Reviewing Body. Exceptions to this are trees that pose an imminent hazard to persons or property. Hazardous trees are those that are uprooted and leaning or have large limbs or branches that splintered or are otherwise damaged resulting in debris that may fall without warning. Owners removing hazardous trees without approval shall have written documentation and/or photographs of the hazard before removal. Trees approved for removal shall be cut at or ground down to grade level or the stump should be ground down. Any trees removed with or without approval from the Reviewing Body will be required to be replaced with a like kind and size tree.
4. Dead or Diseased Plantings. Dead or terminally diseased plantings shall be removed by the Association and all material resulting from removal of the diseased plantings should be disposed of properly. All material resulting from tree removal must be disposed of properly. Removed trees may be replaced by any tree that the Reviewing Body determines to be appropriate.
5. Natural Vegetation. Natural vegetation shall be maintained to its appearance at the time Owner takes possession of the home.
6. Restrictions on Paved Cover. Walkways may be expanded to a maximum of forty-eight (48) inches wide upon approval by the Reviewing Body and the expansion material shall be restricted to the existing walkway material. Other changes to walkways/driveways are limited to approved colors, patterns, texture, coatings and materials.

**D. Landscape Accessories.** Landscape accessories are considered any items placed in the Lot that have not already previously been discussed in these Design Guidelines. All landscape accessories require approval from the Reviewing Body. Placement and style of all landscape accessories shall be subject to approval on an individual basis consistent with the overall aesthetic scheme of the Community. No more than three (3) landscape accessories shall be approved on any Lot. No landscape accessory mounted on entryway columns or walls shall be in excess of eighteen (18) inches in height. Properties facing streets on two or more sides shall use landscaping to screen accessories. Applicants shall provide landscape plans that incorporate accessories to show how they are shrouded from the adjacent property owner's view.

1. Arbors. Arbor construction and installation shall be applied for and approved through the Reviewing Body and are considered a landscape accessory. The placement of arbor structures shall be at least twenty (20) feet from any neighbor's Lot line and only in the rear yard. The maximum size of any arbor shall not exceed the height of eight (8) feet, the width of three (3) feet, and the depth of two (2) feet with the wider dimension parallel to the rear Lot line. The arbor shall have approved vegetation, which will be required on the finished product. Application for size, materials, and placement shall be submitted and approved for prior to installation by the Reviewing Body. Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways.
2. Bird Houses/Feeders. Bat houses, butterfly houses, bird houses, and bird feeders shall be subject to review by the Reviewing Body, shall be designed and placed to be in harmony with the surrounding environment, and shall only be placed in the rear yard. Houses and feeders other than Martin houses shall not exceed six (6) feet above ground level. Martin houses shall not exceed two (2) levels and shall not exceed twenty (20) feet above ground level. No house or feeder shall constitute a hazard to neighboring properties or be a haven for pest animals.

3. *Fountains*. Fountains shall be limited in height to four (4) feet six (6) inches above the natural grade of the Lot. Any fountain shall be of natural material, color, and design, each of which is compatible with the overall architectural theme of the Community. Fountains shall be permitted in the front yard and rear yard of all residential homes. No more than one fountain shall be permitted in each yard. Fountains shall be subject to review by the Reviewing Body for style and placement.
4. *Ground Mounted Landscape Accessories*. Ground mounted landscape accessories may not be in excess of three (3) feet in height. Examples include, but are not limited to, low ground flags, statues, sculptures, bird baths, plant stands, potted plants, lawn ornaments, lighthouses, and other miniature structures.
5. *Holiday Decorative Accessories*. Temporary statues, artifacts, and other holiday decorative landscaping accessories are allowed within a reasonable period prior to, during, and after a holiday season; provided that all such items shall be removed fourteen (14) days after the holiday.
6. *Trellises*. Trellis construction and installation shall be applied for and approved through the Reviewing Body and are considered a landscape accessory. The placement trellises shall be in a planting bed and only in the rear or side yard. The maximum size of any trellis shall not exceed the height of eight (8) feet, the width of three (3) feet, and the depth of six (6) inches with the wider dimension parallel to the side or rear Lot line. The placement of a trellis in a side yard planting shall not be more than two (2) feet from the wall of the house. The trellis shall have approved vegetation, which will be required on the finished product. Application for size, materials, and placement shall be submitted and approved for prior to installation by the Reviewing Body. Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways.

**E. 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 Reviewing Body. All weed control fabrics must be kept thoroughly covered with a three (3) to four (4) inch layer of approved mulch material.

**F. Fencing.**

1. *Reviewing Body Approval* –Reviewing Body approval of the type, style, height, location, color and material of fencing must be obtained by all Owners **PRIOR** to beginning the installation of a fence inside the Community.
2. *Procedure for Submitting a Fence Request to the Reviewing Body* – All Owners shall be required to submit an application to the Reviewing Body. The application shall include:
  - a. A Site Plan showing all of the following:
    - i. Property boundaries,
    - ii. Lot number or address,
    - iii. All easements,
    - iv. All improvements on the lot
    - v. Proposed fence location,
    - vi. Proposed locations of all gates, and
    - vii. Location and style of any adjoining fences.
  - b. Fencing Spec Sheet showing:
    - i. Style/Type
    - ii. Material

- iii. Height
- iv. Color

*\*Failure to submit the above listed items may delay the approval of your fence application.*

3. **Fencing Guidelines.** Fences are permitted only on the rear and portions of the side yard of residential home sites in the Community as follows:
- a. The approved fencing style/type in the Community shall be limited to only 4' transparent two rail black aluminum ornamental fencing (mandatory for lake and preserve lots) and 6' tan vinyl privacy fencing (See **Exhibit D**). Puppy fence pickets or mesh may be permitted by the Reviewing Body where the 4' transparent two rail black aluminum ornamental fencing has been approved, but must be black so as to match the fence.
  - b. Electric, underground, or invisible pet containment fencing is permitted inside the Community, but must be submitted and approved by the Reviewing Body prior to installation. Any invisible fencing approved on a lot must be installed along the setback lines and may not extend any closer than ten (10) feet from the sidewalk (or curb if no sidewalk on that side of street) as measured from the inside edge (edge closest to the house).

*\*Please Note: This type of fencing shall be used only as a secondary measure for pet containment and does not preclude owner from the requirement that all pets be kept on a leash or contained inside a fully fenced yard. "Fully fenced" shall mean an area of containment created by a physical, visible and tangible barrier as approved by the Reviewing Body.*

- c. Due to the various types of lot locations in the Community, the Developer has set forth restrictions on certain lots within the Community (See **Exhibit E** for further clarification as to the type of fence that may be installed on each lot).
- d. All fences constructed on residential home sites must be constructed along the property boundary (See **Exhibits F**, for fence location criteria). All side yard fences must terminate no further than 1/2 of the way up the side of the home as measured from the rear of the dwelling unit.
  - a. **\*Specialty Lot Conditions:** *if your home is located on a corner lot, your lot shall be considered a Specialty Lot and the side yard fence facing the street must terminate no further than 1/3 of the way up the side of the home as measured from the rear of the dwelling unit and the Reviewing Body may require that the side yard fence have shrubs or other similar types of landscaping installed and maintained along the exterior of the fence facing the street to enhance the overall architectural appearance of the community.*
- e. All lots backing up to a lake or pond must install a gate on the rear property line in order to allow owner access to perform landscape maintenance up to the water's edge as required by the Declaration.
- f. Adjoining property owners shall share common side yard fences as parallel fences are not permitted in the Community. There may be exceptions to this rule where an access easement is shared by two Owners.
- g. Certain prominent locations within the Community require specialty conditions to achieve the overall theme of the Community. The fencing type and configuration allowed on these lots will be determined on a case by case basis and will take into account the current and future configuration of fencing on adjoining and abutting lots. The Reviewing Body or Developer shall also have the authority to require a landscape buffer or landscape screen be installed on the interior or exterior of the approved fence to aid in overall aesthetics and appearance of the Community.

**G. Privacy Hedging/Plantings.** Plantings used for screening or landscaping along property lines shall require prior approval by the Reviewing Body and shall be located or designed to not interfere with swale drainage. No plant or other landscaping may be located on an easement. **THE MAXIMUM HEIGHT FOR PROPERTY LINE PLANTINGS SHALL BE five (5) feet six (6) inches** and all plantings and hedges shall be maintained so as not to encroach onto neighboring property. Privacy screening may not extend five (5) feet further than the structure of the home.

**H. Ancillary Equipment.**

1. Antennas, Aerials, and Satellite Dishes. No antenna, aerial, satellite dish, or other device for the transmission or reception of television, or radio (including amateur or ham radios) signals of any kind will be allowed outside the dwelling unit, except those antennas whose installation and use is protected under Federal Law or regulations (generally, certain antennas under one meter in diameter) provided that an application for such an antenna or other device shall be submitted to the Reviewing Body and such application will only be approved if:
  - a. The antenna or other device is designed to assure the minimal visual intrusion possible (i.e., is located in a manner that minimizes visibility from the street and preserves the community wide standard); and,
  - b. The antenna or other device complies with the maximum extent feasible with these Design Guidelines within the confines of applicable Federal regulations, i.e., without precluding reception of a quality signal, or unreasonably increasing the cost of the antenna or device. The applicant shall provide reception readings taken by the installer or self for potential locations, which make the antennae least visible. The following are preferred locations (see **Exhibit H** for further clarification)
    - 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, and screened with shrubs.
    - Ground mounted, side yard, toward the rear yard, and screened with shrubs.
2. Exterior Appliances. Installation of exterior water softeners, AC units, generators, fuel tanks, water filters, trash or compost containers/piles, and any hardscape enclosed areas (other than pool/spa and filter equipment described in Paragraph 4.13) are permitted upon approval from the Reviewing Body and with adequate screening.
3. Exterior Sound Emitting Devices. Any exterior sound emitting devices (speakers, sound players, insect/animal repellent/chasers, chimes, etc.) shall not create an audible nuisance to the neighbors.
4. Interior Water Treatment. All interior water treatment systems shall be connected to the sewage system.
5. Mechanical Equipment. Mechanical equipment or other service areas such as utility boxes shall be screened and allow for access to equipment for servicing.
6. Roof Top Decorations. Roof top decorations, cupolas and application of non-functional articles other than lighting, ventilating, solar panels, and antennas mentioned above are prohibited. Any changes to the rooftop design must be submitted in detail with the application to the Reviewing Body.

7. Storage Pods, Dumpsters in a Bag, or Roll off Dumpsters. Storage pods, dumpsters in a bag, or roll off dumpster are not permitted to be stored on a Lot for more than fourteen (14) days without prior approval from the Board of Directors or Management company.
8. Window and Roof Mounted Equipment. Window and roof mounted equipment (including mechanical, air conditioning) shall not be allowed. Supplemental heating and cooling equipment may be installed in walls, and attic ventilation devices and solar panels may be installed on the roof with approval of the Reviewing Body. A sound barrier may be required for added equipment.

**I. Waste & Recycling Containers.** All trash, garbage, and recyclables shall be stored in covered containers, which shall be kept in the garage or completely screened from view of the street and neighboring homes using a privacy fence or privacy shrubs configured in an “L-shaped” pattern with the open end facing towards the rear of the property, except when they are being made available for collection. All trash, garbage, recycling, refuse shall be placed for pickup not earlier than the evening preceding pickup, and all containers for garbage, yard waste, and recycling shall be returned no later than the evening of pickup to their normal, hidden location. No outside burning of trash or garbage shall be permitted. No weeds, garbage, refuse, recycling or debris of any kind shall be placed or permitted to accumulate upon any portion of a Lot other than normal construction debris during the course of construction of a Residential Unit.

**J. Sheds.**

1. General Limitations. No sheds shall be approved on any lot or anywhere in the Community from the date of adoption of these Design Guidelines moving forward.

**K. Signage.**

1. General Limitations. Posting of Signs of any kind shall not be displayed on a Lot, house (inside or outside), vehicle, or common area except for those required by law. However, upon written approval from the Reviewing Body, an Owner may display one (1) “For Sale” sign in the front yard, either to the left or right side of the driveway, that adheres to the style and dimensions set forth in **Exhibit G**. Any such sign shall be removed within five (5) days from the date a binding agreement is entered into for the sale of the property or immediately upon the removal of the property from the market, whichever occurs first.
2. No Soliciting Signs. Residents shall be permitted to post "no soliciting" signs near or on the front door, or in the front yard near the entrance to a courtyard. Such "no soliciting" signs shall be professionally prepared (no hand lettering) and shall not exceed 1 foot in height above grade if placed in the ground. Any such sign shall not exceed a size of thirty-six (36) square inches (i.e., three (3) inches by twelve (12) inches) whether placed in the ground, on the front door or in a window near the front door.
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 where it is visible to persons approaching the house, and a sign may also be placed in the windows of the home. The sign shall be professionally prepared (no hand lettering) and shall not exceed two (2) feet in overall height from finished grade and/or seventy-two (72) square inches in size (i.e., eight (8) inches by nine (9) inches) if placed in the ground; or exceed sixteen (16) square inches in size (i.e., four (4) inches by four (4) inches) if placed in a window.
4. Exemption. Notwithstanding the above, Developer and its authorized designees shall be allowed to install any sign(s) necessary for purposes connected with the development of the Community and/or as may be described in the Declaration.

- L. Other Prohibited Exterior Features.** The following features shall be prohibited from use in the Community
- Clothes lines or clothes poles visible from the street. Only retractable clothes lines located on the rear of the home and screened by a fence may be permitted and all clotheslines must be able to be retracted and stored when not in use.
  - Outdoor electronic pest control devices (bug zappers)
  - Window A/C units
  - Above ground swimming pools
  - Dog houses and other animal dwellings.
  - Dog runs and other fencing or enclosures for pets
  - In-ground basketball hoops. (Free standing portable basketball hoops are permitted, but must be used only on driveways and not on the street and they must be stored in the garage when not in use. Owners are also required to maintain the basketball goal in a neat, attractive and working order. Association may ask Owner to remove rusted or broken basketball goals)

Notwithstanding the above, Developer shall be allowed to install, or authorized its designees to install, any structure(s) necessary for purposes connected with the development of the Community.

**M. Lighting.** The Owner is required to submit an application to the Reviewing Board for review for all exterior lighting modifications. No exterior lighting shall be permitted that constitutes a nuisance or hazard to any Owner or Resident.

1. Fence/Building Mounted. Exterior fence or building mounted light fixtures, including motion detector, spotlights and floodlights shall conform to the architecture of the house and shall be subject to approval of the Reviewing Body. Any enclosure of a light fixture shall be designed to conceal the lamp (bulb) and to direct the light downward.
2. Holiday Lighting. Holiday lighting and decorations will be permitted so long as the lights and decorations are unobtrusive, are installed only during the appropriate season, and are removed within fourteen (14) days after the holiday.
3. Lampposts. Lampposts (measured to the top of lighting fixture) shall not exceed eighty (80) inches in height, may have no more than two globes, and shall be subject to approval by the Reviewing Body. Globes shall not create a lighting nuisance to surrounding properties. A lamppost is not considered a landscape accessory.
4. Landscape Requirements. Junction boxes shall be placed below grade to minimize day-time visibility of the hardware.
5. Landscape/Walkways. Illumination of landscaping (thirty-six (36) inches high or less), as well as for walks and driveways shall be accomplished with low wattage fixtures, ground mounted. Decorative low voltage/solar light fixtures for low-level landscape and path lighting are permitted. Fixtures shall be installed and maintained in a vertical position. A maximum quantity of twelve (12) low-voltage or solar lights may be installed in front yards. A maximum quantity of twelve (12) low-voltage or solar lights may be installed in rear and side yards (combined).
6. Large Bushes/Trees. Illumination of large bushes and trees is subject to the Reviewing Body's approval and shall be accomplished with standard or low voltage (flood or spot) light fixtures, ground mounted and aimed vertically upward.
7. Spotlights/Floodlights. Exterior spotlight and floodlight fixtures shall be either non-motion or motion detector fixtures. Exterior spotlight and floodlight fixtures location(s), other than the original construction of the dwelling location(s), require approval of the Reviewing Body

- N. Mailboxes.** The Developer shall provide cluster mailboxes in a predetermined location. The color, size, appearance, and location of the mailboxes installed by Developer shall be preserved and shall not be altered, except that lettering with the name of the Owner may be affixed to the inside of the mailbox without obtaining approval from the Reviewing Body. Costs for replacement and/or maintenance of mailbox clusters shall be shared by the Owners. All mailbox replacements are subject to approval from the Reviewing Body.
- O. Pools, Spas, and Water Features.** Above-ground spas and hot tubs are permitted upon written approval by the Reviewing Body in the rear yard and only if surrounded by a screen enclosure or sun room. All screened structures must be constructed using dark bronze aluminum framing and black or charcoal screening. For approval of in-ground pool, in-ground spa, or water feature excavation, the Owner shall submit all plans to the Reviewing Body for approval prior to commencing excavation. In most cases, it may be necessary to obtain approval from the appropriate Governing Agency. It will be necessary for a licensed and insured contractor to evaluate feasibility and manage the installation of pools and spas. A fence or screen structure shall be constructed around in-ground pools and in-ground spas in accordance with the provisions of these Design Guidelines. **Any Lot that backs up to a body of water shall be required to screen their pool and pool deck with a dark bronze aluminum screen enclosure and charcoal screening in order to screen the pool and pool area from adjoining neighbors.** Pool/spa mechanical equipment shall be positioned adjacent to the house and obscured from view with shrubs or other landscape features. The excavation site shall be well maintained for safety purposes. Attention shall be given to the grading and drainage to prevent erosion.
- P. Outdoor Kitchens.** Outdoor kitchens and built-in barbeques shall be subject to written approval by the Reviewing Body and upon approval may be placed in the rear yard only, adjacent to the house or patio and shall not extend laterally past the side wall of the house. The exterior surround shall match the color and finish of the house walls. Homeowners installing cooking equipment under a patio roof or inside a screen or glass enclosure should consider requirements for exhaust ventilation. Installation of roof mounted equipment is not permitted in accordance with Section IV(H)(8) of these Design Guidelines.

## **SECTION V - REVIEW SUBCOMMITTEES**

The Reviewing Body shall be the Developer until such time as they appoint another party. The Reviewing Body may, as it deems necessary, establish and abolish subcommittees of the Reviewing Body relating to the performance of specific duties to assist the Reviewing Body. Any authorized agent of the Reviewing Body, or of any Subcommittee established by the Reviewing Body, shall be authorized to perform the plan review and inspection of Lots required pursuant to these Design Guidelines. The operations and procedures of a Reviewing Body Subcommittee shall be established by the Reviewing Body upon its formation. The Reviewing Body Chairman shall appoint all members of a Reviewing Body Subcommittee. At least one Reviewing Body member shall be a member of the Reviewing Body Subcommittee. That member shall act as Chairman of the subcommittee. Appointees to the Reviewing Body Subcommittee need not be architects, owners, lessees, or residents and do not need to possess any special qualifications of any type except such as the Reviewing Body may, in its discretion, require. The Chairman will have authority to dismiss or replace Subcommittee members.

## **SECTION VI - ENFORCEMENT OF GUIDELINES AND REVIEWING BODY ACTIONS**

In the event of a violation of these Design Guidelines or any decision of a Reviewing Body, the Developer or the Board may take any enforcement action authorized by the By-Laws or the Declaration. Any changes or amendments

to these Design Guidelines shall only apply to construction and modifications 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 architectural criteria in effect at the time of the new modification application.

## **SECTION VII - AMENDMENTS TO ARCHITECTURAL CRITERIA**

Developer may amend, modify, or supplement these Design Guidelines at any time as long as it owns any portion of the Community or has the right to annex additional property in accordance with the Declaration. Thereafter, the Reviewing Body, or if the Reviewing Body is not established, the Board of Directors shall have the authority to amend or change these Design Guidelines. Any amendments, modification or supplements shall apply to construction and modification commenced after the date of such amendment only and shall not require modification or removal of Modification Activity previously approved once the approved construction or modification has commenced.

## **SECTION VIII - DEVELOPER IMPROVEMENTS.**

As part of the planning and development of the Community, Developer has prepared a development plan and provided certain architectural designs, color palettes, landscaping design packages, parks, park preserves (open space), streets, and model home packages. Market conditions, styles, marketing strategies, or other factors may cause Developer to change the type of models, size of homes, color palette of homes, landscaping styles or plant materials, construction methods or materials, or the landscaping on the common area.

**EXHIBIT A: BUILDING SETBACKS**

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

- Front Yard:** 20 feet minimum
- Side Yard:** 5 feet minimum
- Rear Yard:** 10 feet minimum

## **EXHIBIT B: APPROVED INERT & DRIVEWAY MATERIALS**

**INERT MATERIALS:** Approved inert landscape materials shall include: bark, hardwood mulch, rock and/or stone of naturally pigmented or dark color (i.e., as found in native form), and other materials as may be approved by the Reviewing Body from time to time. 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 Reviewing Body and shall be in writing.

**DRIVEWAY MATERIALS:** Driveways and sidewalks to be poured concrete or concrete pavers. No asphalt shall be permitted. Painting of driveways and sidewalks is shall not be permitted.

## **EXHIBIT C: COMMONLY USED PLANT MATERIALS**

### **Canopy Trees:**

Live Oak  
Sweetbay Magnolia  
Drake Elm  
Sweet Bay  
River Birch  
Dahoon Holly

### **Palms:**

Cabbage Palm  
Sylvester Palm

### **Buffer Trees (full to ground):**

Little Gem Magnolia  
Eagleston Holly  
East Palatka Holly

### **Flowering Trees:**

Magnolia ssp.  
Crape Myrtle  
Redbud  
Dogwood

### **Accent Trees:**

Red Maple  
Crape Myrtle  
Ligustrum (Patio Tree form)  
Little Gem Magnolia  
Nellie Stevens Holly  
East Palatka Holly

### **Specimens/Palms**

European Fan Palm  
Chinese Fan Palm  
Windmill Palm

### **Plant Bed Material (Earth Tone)**

Mulch  
Pine Straw  
Pine Bark

### **Shrubs**

Wax Myrtle  
Gallberry (Ilex glabra)  
Azalea sp.  
Florida Anise  
Gardenia  
Schillings Holly  
Ligustrum (shrub form)  
Indian Hawthorne  
Podocarpus  
Muhley Grass  
Spartina  
Fakahatchee Grass  
African Iris  
Lily of the Nile  
Burford Holly  
Lorapetulum  
Viburnum suspensum  
Indian Hawthorn  
Liriope

### **Groundcovers**

Mexican Heather  
Lantana  
Dwarf Asian Jasmine  
Confederate Jasmine  
Shore Juniper  
Mondo Grass

### **Ground Covers/Grasses/Accents**

Shore Juniper  
Sand Cordgrass  
Liriope sp.  
Daylily  
Dwarf/Asiatic Jasmine  
Mondo Grass

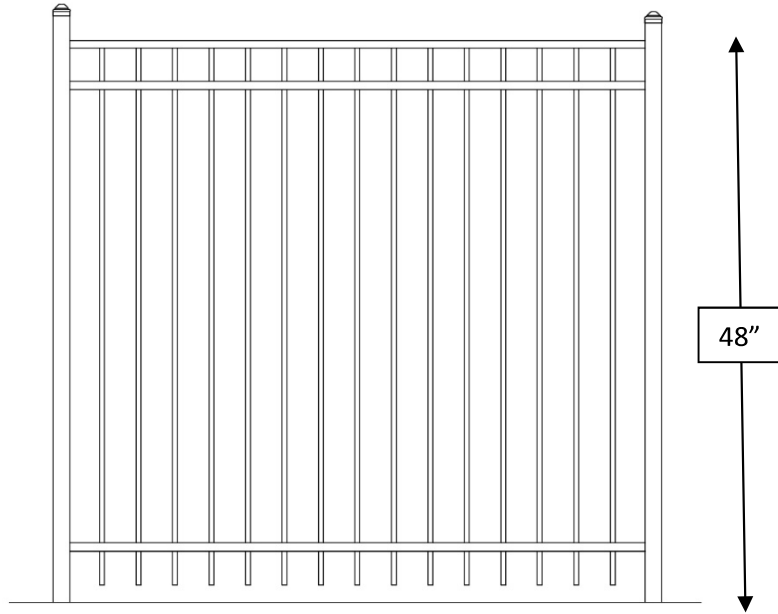
### **Turfgrass/Sod**

St Augustine Grass 'Floritam'  
Zoysia

**NOTE:** *This list is to be used a recommendation and is not an all-inclusive list. However, all plants (even plants listed on this list) must be approved by the ARC prior to planting.*

**EXHIBIT D: FENCE SPECIFICATIONS**

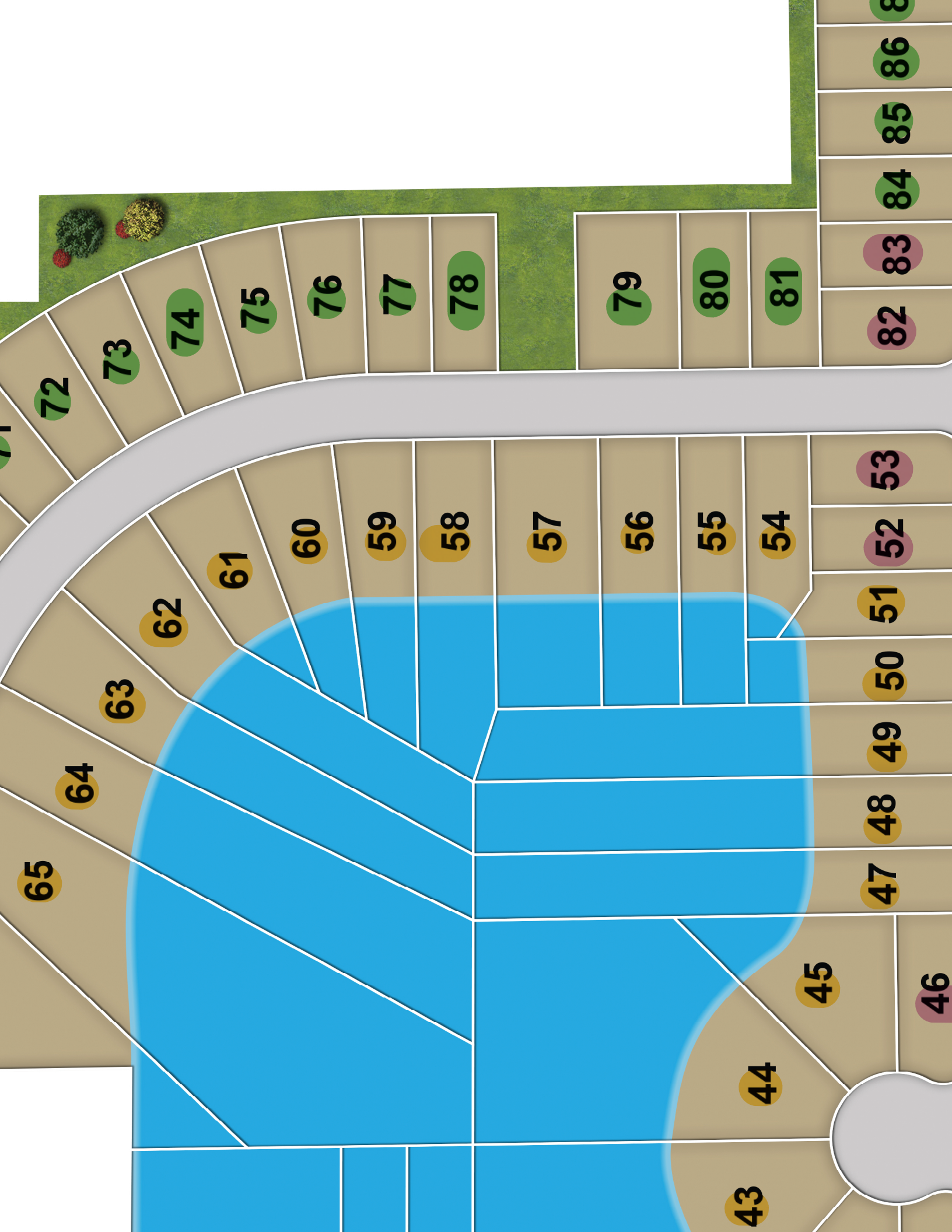
Black Aluminum Picket Fence



Tan Vinyl Privacy Fencing



**EXHIBIT E: APPROVED FENCE STYLE PER LOT**



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82

84

86

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51

52

83

85

87

43

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48

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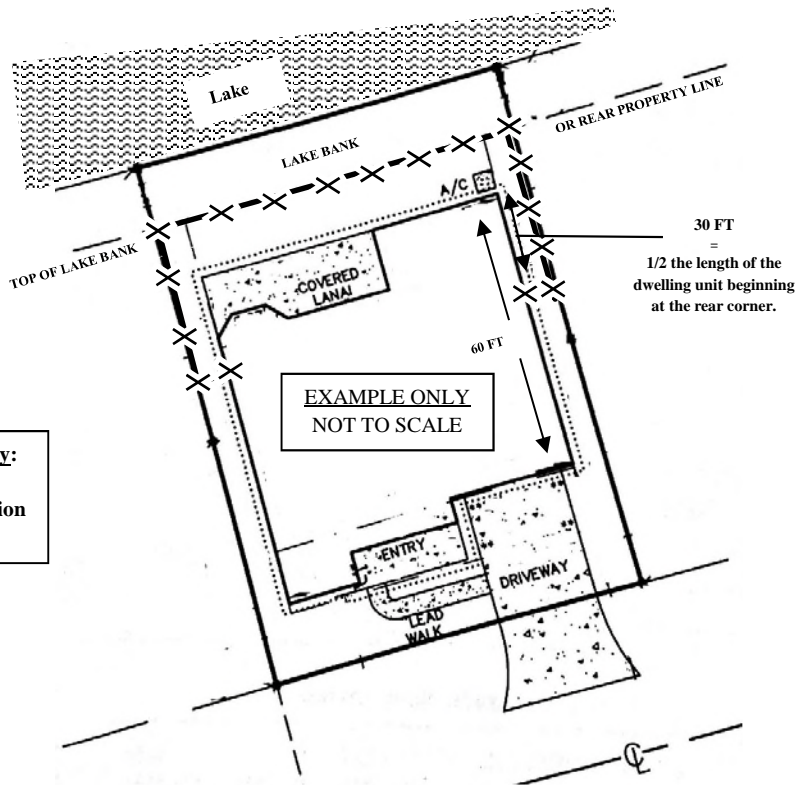
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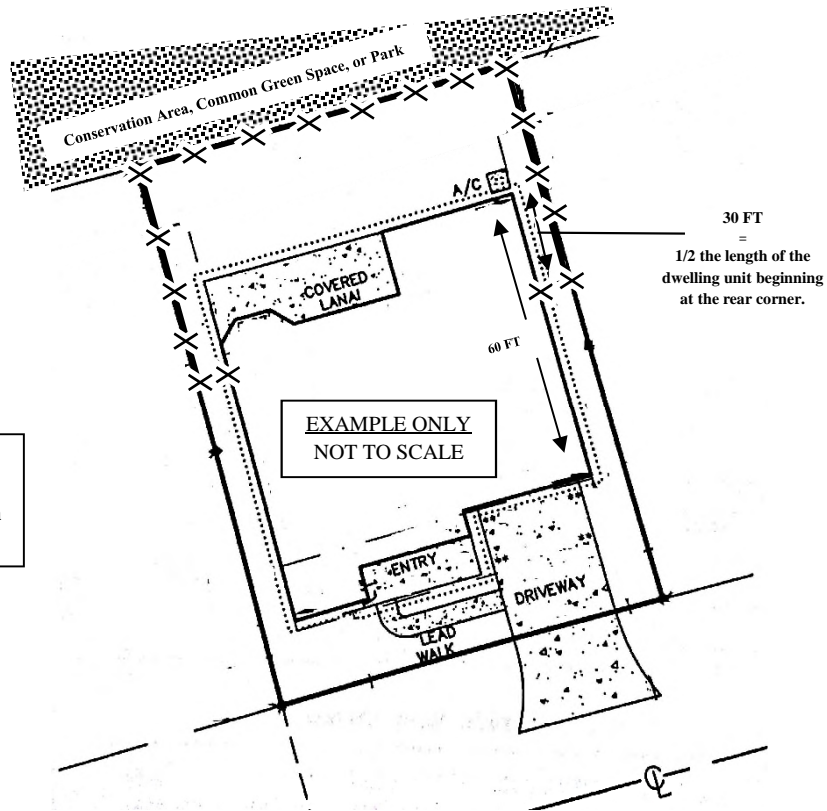
82

84

## EXHIBIT F: APPROVED FENCE LOCATIONS

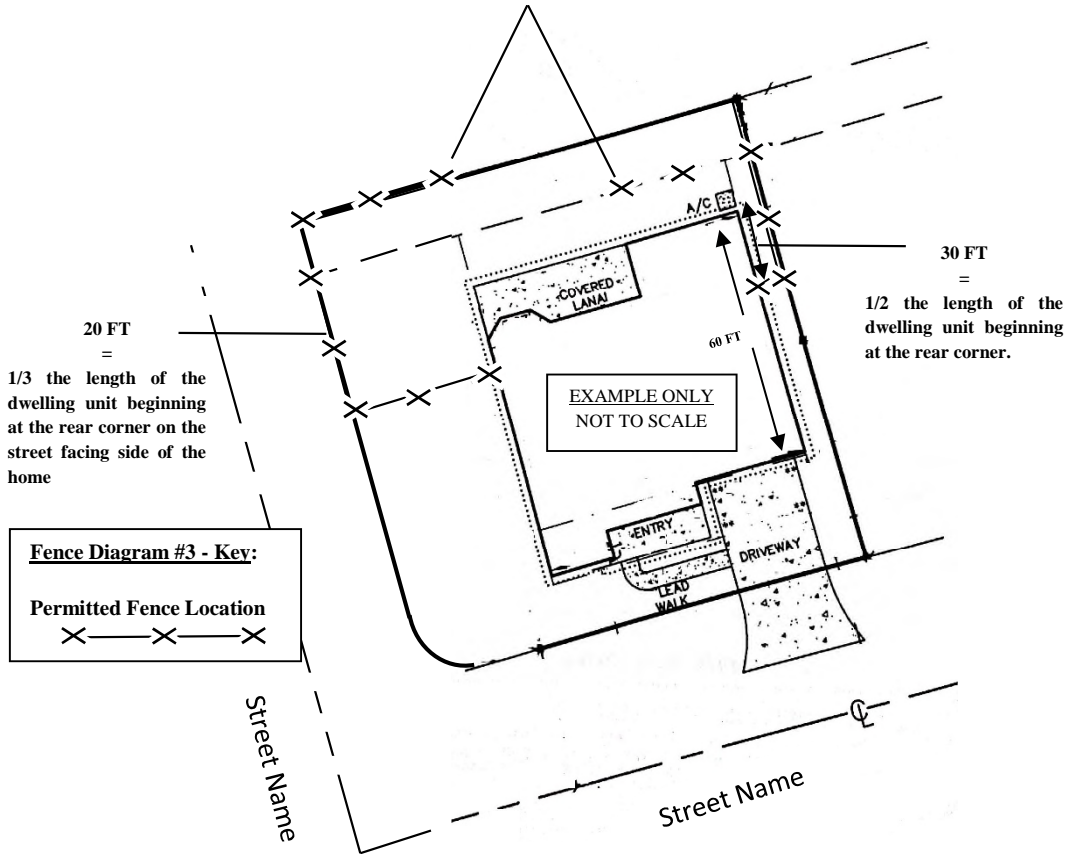


**Fence Diagram #1 - Key:**  
 Permitted Fence Location  
 -X-X-X-X-



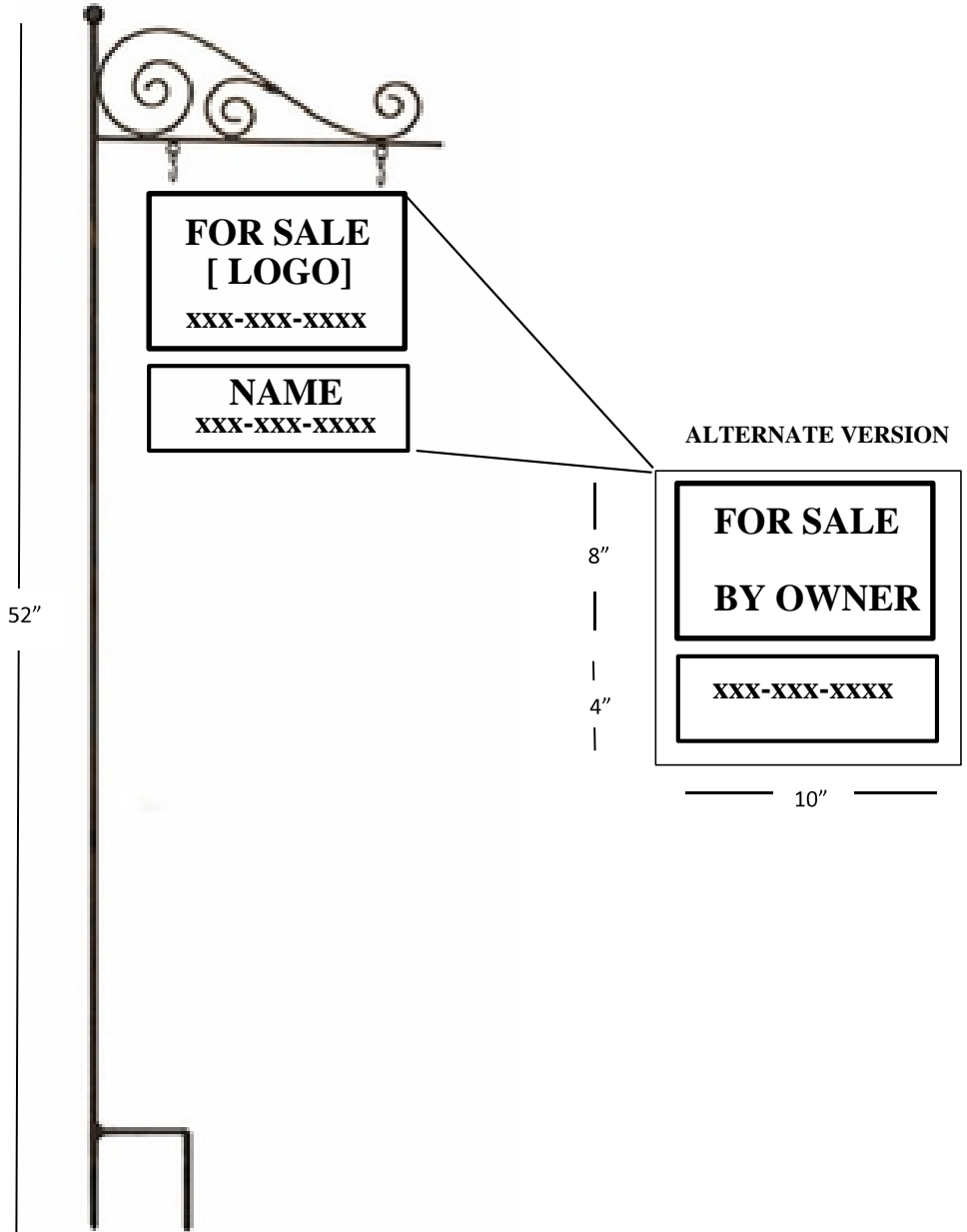
**Fence Diagram #2 - Key:**  
 Permitted Fence Location  
 -X-X-X-X-

Whether Lots rear boundary borders upon a lake, conservation area, or green space will determine the location of your fence. See Fence Diagrams 1 & 2 above for further clarification.



**EXHIBIT G: "FOR SALE" SIGN STYLE AND DIMENSIONS**

**Black Iron Sign Holder and White  
Sign with Black Lettering**



**EXHIBIT H: ACCEPTABLE SATELLITE DISH LOCATIONS**

