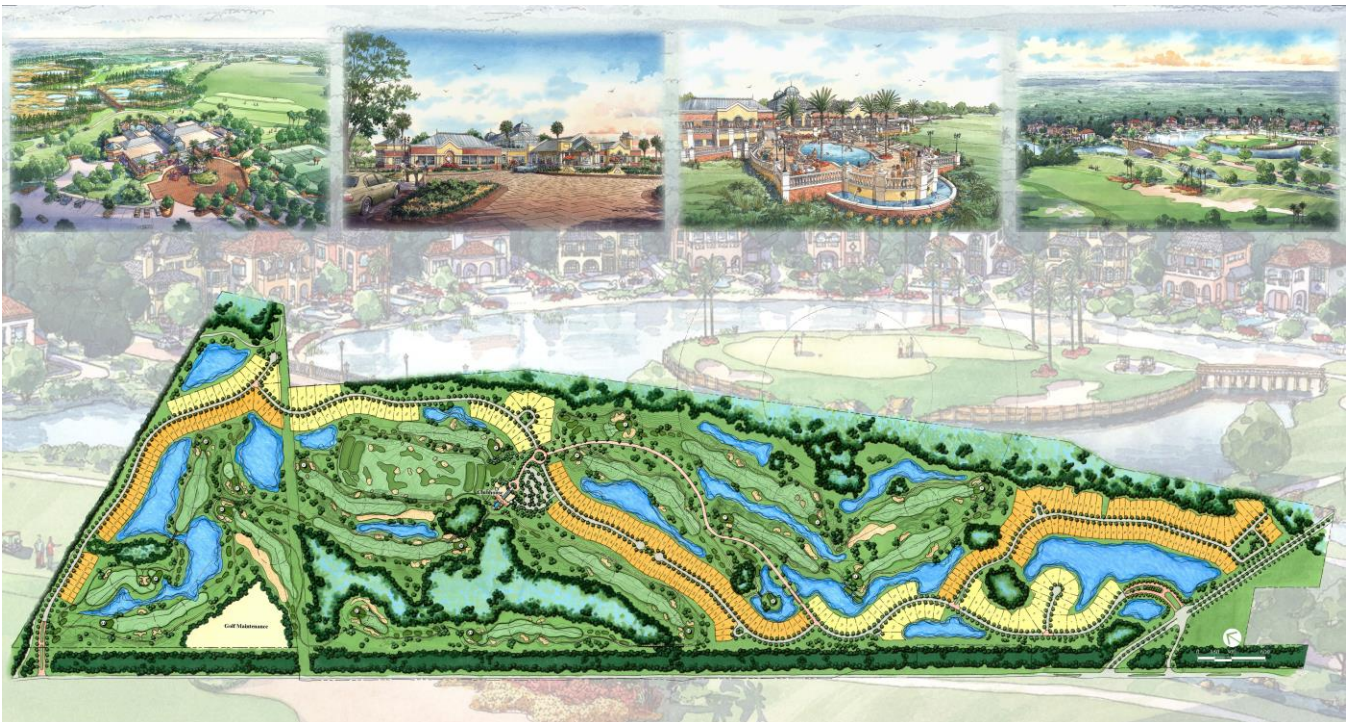




THE CONSERVATORY

DESIGN GUIDELINES, ~~RULES~~RULES, AND REGULATIONS

Effective ~~July 2022~~March 2021





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EXHIBITS

- "A" ACB Contact Information**
- "B" ACB Design Application Form**
- "C" Mailbox Information**
- "D" Residential Lot Information**
- "E" Landscape Materials List**
- ~~"F" Exterior Color Palette~~**
- "G" Builder Penalty Schedule**
- "H" Setback Interpretation Policy Illustration**



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I. DESIGN GUIDELINES OVERVIEW

The Conservatory Property Owners' Association, Inc LRA-Hammock Beach, LLC, its successors, assigns, managers, agents and designees (~~collectively, the "Declarant" or "Developer"~~) ~~has designed The Conservatory~~ (also hereinafter referred to as, the "**Development**"), located in the City of Palm Coast ("**City**"), Flagler County ("**County**"), Florida, as a private, luxury residential golf community with a "Spanish Renaissance" architectural and landscaping theme. Mediterranean and West Indies styles of architecture that complement the Spanish Renaissance theme of the community are also acceptable. All homes have direct frontage on lakes, open space, or golf courses. The centerpiece of the development is The Watson Course at the Conservatory that residents may enjoy as a Hammock Beach Club Full Golf member. Golf Club amenities include a Tom Watson signature golf course, member locker rooms and lounges, fitness center and swimming pool. The unique Clubhouse reflects the Developer's high regard for the quality of an owners' golfing experience and golf tradition, and the concept of "Spanish Renaissance" architecture designed for the 21st century.

The color palette for all exterior finishes and recommended building and landscaping materials was developed specifically for the Development to further guide designers in their interpretation of the "Spanish Renaissance" theme. Restriction of architectural character to one general style will still allow for a tremendous variety of design expression due to the diversity found within the "Spanish Renaissance" theme.

In order to maintain the integrity of this vision, the Architectural Control Board ("**ACB**") reviews all designs, plans and construction of all homes, improvements and landscaping within the Development. In furtherance of this review and the creation of a uniform standard for ACB review and approval, the Design Guidelines, Rules and Regulations ("**Design Guidelines**") have been created to provide property owners, architects, homebuilders and contractors with a set of parameters for the preparation of drawings and specifications. In the event any of these Guidelines conflict with the Initial Rules and Regulations, attached as Exhibit "D" to the Declaration of Covenants, Conditions and Restrictions for the Conservatory, recorded at Official Records Book 1220, Page 1290, Public Records of Flagler County, Florida, these Design Guidelines shall prevail. All other Rules and Regulations, not in conflict, will still be in effect.

II. ARCHITECTURAL CONTROL BOARD

The ACB is created under and granted the authority to approve or disapprove individual building and landscaping plans for the construction of a personal residence ("**Home**") or other improvements on platted lots within the Development ("**Home Lot**" or "**Construction Site**") pursuant to the Declaration of Covenants, Conditions, and Restrictions for The Conservatory and all exhibits thereto ("**CC&Rs**"), as amended from time to time.

The ACB may, in its sole discretion, delegate to the POA's Community Association Manager any of its rights, duties or authority to administer, apply or enforce the Design Guidelines, in whole or in part. The ACB is composed of a minimum of three members appointed in



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accordance with the CC&Rs. The ACB shall meet as is necessary, but no less frequently than every thirty (30) days, ~~from the date applications are received~~, to review ACB Design Applications, as described in Article III below. If no applications are being processed or homes under construction, the ACB is not required to meet at any specified frequency except as needed to perform its functions for the community. The operation, management and proceedings of the ACB shall be conducted in accordance with the CC&Rs and governing documents of the ACB.

The primary purpose of the ACB is to promote and ensure that all improvements to the Development are aesthetically compatible with other existing or planned improvements, natural amenities, the golf course and common areas within the Development. In reviewing each ACB Design Application for conformance with the Design Guidelines, the ACB may also consider, in its sole discretion, the quality of workmanship and design of improvements, harmony of external design with existing structures, location of improvements in relation to surrounding structures, topography, finish grade elevation, special characteristics of the Home Lot, among other considerations. Decisions may be based solely on subjective aesthetic considerations.

In furtherance of the ACB's purpose, the ACB has adopted the Design Guidelines to assist it in its review of ACB Design Applications, however, the Design Guidelines are not the exclusive basis for ACB decisions and compliance with the Design Guidelines, in whole or in part, does not guarantee approval of any ACB Design Application. The ACB shall have sole authority to amend the Design Guidelines from time to time, provided that such amendments shall be prospective only, unless otherwise required by applicable laws, codes or regulations. There shall be no limitation on the scope of amendments to the Design Guidelines except that no amendment shall require the modification or removal of any structure previously approved and upon which construction has commenced. Notwithstanding any provisions of these Design Guidelines to the contrary, the ACB reserves the right to approve or disapprove any ACB Design Application based upon its sole and absolute discretion. The Design Guidelines are binding upon each Owner, defined below, and each Home Lot, including, without limitation, any construction activities located thereon.

APPROVAL OF AN ACB DESIGN APPLICATION BY THE ACB PURSUANT TO THESE DESIGN GUIDELINES IS REQUIRED PRIOR TO EITHER THE APPLICATION FOR OR ISSUANCE OF A BUILDING PERMIT BY THE CITY OR THE COMMENCEMENT OF ANY CLEARING, GRADING, CONSTRUCTION OR LANDSCAPING WITHIN THE DEVELOPMENT.

THE OWNER/~~BUILDER~~ SUBMITTING AN ACB DESIGN APPLICATION SHALL BE SOLELY LIABLE FOR AND SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS AND INSPECTIONS REQUIRED BY STATE, COUNTY OR LOCAL GOVERNMENTAL AUTHORITY. OWNER AND BUILDER SHALL ENSURE THAT ALL IMPROVEMENTS COMPLY WITH ANY APPLICABLE CODES, RULES, REGULATIONS, ORDINANCES, AND LAWS. IN NO EVENT SHALL THE ~~DEVELOPER~~, MANAGER, POA OR ACB BE LIABLE FOR ANY INJURY, DAMAGES OR LOSS RESULTING FROM THE METHODS OR QUALITY OF CONSTRUCTION OF ANY HOME OR COMPLIANCE OF SUCH CONSTRUCTION



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OR HOME WITH ANY APPLICABLE CODES, RULES, REGULATIONS, ORDINANCES AND LAWS OF ANY GOVERNMENTAL AUTHORITY.

III. DESIGN AND CONSTRUCTION REVIEW PROCESS

A. ACB Design Application.

Each Builder, on behalf of an owner of a Home Lot in the Development ("**Owner**"), shall submit an ACB Design Application, as set forth herein ("**ACB Design Application**"), to the ACB requesting review of plans and specifications for any construction, remodeling or alteration to any Home Lot or Home located within the Development. For purposes of these Design Guidelines and the construction of improvements within the Development, the Builder shall be considered the Owner's agent for all purposes. As such, Owner shall be responsible for Builder's compliance with these Design Guidelines and shall be liable for any damages, costs or charges resulting from Builder's failure to so comply with respect to Owner's Home or Home Lot. In order to be properly and timely reviewed by the ACB, each ACB Design Application shall provide all required information, plans and specifications as set forth herein. Questions concerning the interpretation of the application process or any matter set forth in the Design Guidelines should be detailed in writing and submitted to the ACB. *Exhibit "A" lists the current ACB contact information.*

The ACB Design Application is comprised of a Preliminary Plan and Final Plan (each as further described in Section D below). Minimum ACB Design Application pre-submittal requirements follow:

1. Any construction designs, plans, drawings or specifications submitted to the ACB shall be prepared and certified by a Florida licensed architect ("**Architect**") and/or Florida licensed engineer ("**Engineer**"), as required. Truss plans must be prepared by a Florida licensed engineer;
2. The initial building and landscape construction of a Home on any Home Lot within the Development shall be performed by a Florida licensed contractor who is a participant in good standing, as determined in the ACB's sole discretion, in the Featured Builder Program of the Development ("**Featured Builder**" or "**Builder**"), provided Owner shall not be required to use a Featured Builder for construction of minor improvements subsequent to receipt of a certificate of occupancy for the Home;
3. Any landscaping designs, plans, or drawings shall be certified and subsequent construction or implementation thereof shall be performed by a Florida licensed landscape architect or ACB-approved qualified professional with demonstrable landscape design and related construction experience in developments similar to the Development ("**Landscape Architect**").

Failure to provide satisfactory evidence of compliance with the above minimum ACB Design Application pre-submittal requirements will result in the return of the Application



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prior to substantive review by the ACB. The Owner is ultimately responsible for ensuring that the requirements of the Design Guidelines and other applicable documents are met by any builder, including without limitation any Featured Builder, or sub-contractor hired by the Owner.

B. Design Review

1. Preliminary Plan Review

Builder may submit preliminary or conceptual drawings and specifications or other information (collectively, the "**Preliminary Plans**") to the ACB for review ("**Preliminary Plan Review**"). Preliminary Plan Review is provided for the convenience of Owners in order that they may receive preliminary approval of building and landscape plans prior to preparing and submitting detailed plans and specifications. Builder/Owner shall also submit a total review fee (for review of Preliminary Plans, Final Plans, any resubmittals, and any modifications), payable to the POA, in an amount to be determined by the POA's Board of Directors from time to time.

Preliminary Plans submittals for any new construction shall include, at a minimum, ~~one two (1)(2)~~ sets of the following:

- (a) ACB Design Application Form (Exhibit "B").
- (b) Survey of the Home Lot showing all applicable setbacks.
- (c) Preliminary site plan showing the approximate location and dimension of all improvements on the Home Lot and all applicable setbacks. This site plan should also show the location and dimensions of any improvements on adjacent Home Lots.
- (d) Preliminary Site Drainage Plan.
- (e) Preliminary Architectural Plans.
- (f) Swimming pool plan, if any.
- (g) Tree survey showing location of all existing trees to the waters edge measuring three inches or more in diameter at the base and indicating those trees proposed to be removed from the site.
- (h) Photographs of the site in its existing state taken from each corner of the lot, also showing any adjacent lots on each side and the lots directly across the street from the subject lot.



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- (i) If required by the ACB, in the ACB's sole discretion, a scale model of the proposed Home and improvements or rendering that illustrates and graphically depicts the proposed residence.
- (j) Such other information, data and drawings voluntarily submitted by the Builder or owner.
- (k) Exterior colors and materials.
- (l) Proposed location of all lighting.
- (m) Proposed location of all irrigation, downspouts and pop-up emitters.
- (n) Preliminary landscape plans.
- (o) Construction deposit.

The ACB shall complete its Preliminary Plan Review within forty- five (45) days after submittal of complete Preliminary Plans. The ACB shall indicate its approval, disapproval or recommendation as to the Preliminary Plans. The ACB's approval of Preliminary Plans shall not constitute Final Plan Approval (as defined below) or permit Owner's commencement of construction.

2. Final Plan Review

Final plans, including any ACB recommended required changes to the Preliminary Plan (the "Final Plans"), shall be submitted to the ACB for review and approval ("Final Plan Approval"). If all recommended required changes to the Preliminary Plans are not included on the Final Plans, the Final Plans will be rejected by the ACB. If Owner/Builder did not submit a preliminary review, then a total review fee (for review of Final Plans, any resubmittals, and any modifications), payable to the POA, in an amount to be determined by the POA's Board of Directors from time to time, shall be submitted with the Final Plans. The Final Plans shall be certified by an Architect and Engineer, as is necessary, and include one two (1) (2) printed sets, plus an electronic copy in PDF format, of the following:

- (a) Final Construction Documents. All engineering should be completed and the plans should have all the information required by the City Building Department.
- (b) Final Site Drainage and Grading Plan, including gutter and downspout design plans. The Final Site Drainage and Grading Plan shall be prepared and certified by an Architect, Engineer or Landscape Architect. Drainage plans shall provide for the retention of drainage created by the Home Lot's development both during and after completion of Home construction and prevent negative drainage



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impacts on adjacent Home Lots or other real property. The Final Site Drainage and Grading Plan shall, at a minimum, set forth the following:

- (i) Survey elevations of the four corners of the Home Lot and applicable setbacks;
 - (ii) Survey elevations of the road fronting the Home Lot and adjacent Home Lots;
 - (iii) Spot elevations at locations around the Home Lot and adjacent Home Lots;
 - (iv) Overland drainage flow patterns and swale locations with spot elevations;
 - (v) A cross-section from center line of the frontal street to the rear property boundary to demonstrate relation between finish floor elevation at the front, rear and sides of Lot;
 - (vi) Sub-surface drainage systems; and
 - (vii) Roof gutter downspout locations and flow patterns;.
- (c) Certified Survey and Site Plan shall, at a minimum, be certified by a Florida licensed land surveyor ("**Surveyor**"), in form satisfactory to the ACB, and set forth the following:
- (i) Legal description and street address;
 - (ii) All Home Lot boundaries, setbacks and easements;
 - (iii) Location and square footage of Home and other improvements on Home Lot, including without limitation any swimming pools, decks and front post lighting locations;
 - (iv) Utility (including service entry locations) and other mechanical equipment locations;
 - (v) Driveways, walks, sidewalks, cart paths, service courts, screening walls, fences and associated "hardscape";
 - (vi) Elevations, including without limitation existing Home Lot elevations, finish floor elevations for the Home and any Homes on adjacent Home Lots, spot elevations at each of the four corners of the Home Lot and the center line elevation of adjacent streets; and



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- (vii) Any Home Lot special features (including without limitation any lakes, ponds, marsh, existing trees, adjacent structures, golf course fairways and tennis courts).
 - (viii) Proposed location of all lighting.
 - (ix) Proposed location of all irrigation, downspouts and pop-up emitters.
 - (x) Exterior colors and materials.
 - (y) Final landscape plans.
- (d) Form Board Survey. Prior to pouring of concrete for any Home sub-structure or foundation, Builder shall provide a survey of the form boards for such sub-structure or foundation, certified by Surveyor, demonstrating that the sub-structure or foundation will result in an as-built condition in compliance with the Final Plans, as approved by the ACB. No concrete shall be placed at the Construction Site prior to ACB approval of the Form Board Survey.
- (e) Construction Deposit of up to a maximum of \$7,500 per Home made payable by the Builder/Owner to the Conservatory Property Owners' Association, Inc. and maintained by the POA in an escrow account for all such deposits related to the Development.

Within forty-five (45) days of submittal of the Final Plans to the ACB, the ACB will review the Final Plans, and if such plans are determined by the ACB to be complete and accurate, it will notify Builder of the ACB's (i) Final Plan Approval, (ii) denial with recommended changes, or (iii) Final Plan Approval subject to conditions. If Final Plan Approval is granted subject to conditions, the conditions shall be satisfied by Owner prior to submission of a building permit application to the City.

Upon Final Plan Approval of the Final Plans ("**Approved Final Plans**"), one two (1)(2) complete sets of the Approved Final Plans shall be retained by the ACB for its permanent records. Owner shall be required to provide evidence of Final Plan Approval to the City and obtain a City building permit prior to any construction activity within the Development.

Within one hundred twenty (120) of Final ACB Plan Approval, Owner/Builder must commence construction in accordance with such permit. If construction does not commence within the above mentioned time period; the approval of the ACB shall be deemed withdrawn and it shall be necessary for the Owner/Builder to resubmit the ACB Design Application including the application fee in accordance with these Design Guidelines. Within thirty (30) days of Final Plan Approval, Owner shall submit a complete building permit application to the



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~~City. Owner shall provide the ACB a copy of the approved building permit within two (2) days of Owner's receipt thereof from the City. Within thirty (30) days of the City's issuance of a building permit for the construction of a Home or other improvements, Owner shall commence construction in accordance with such permit. If construction does not commence within the above mentioned time period, the approval of the ACB shall be deemed withdrawn and it shall be necessary for the Owner to resubmit the ACB Design Application in accordance with these Design Guidelines, as in effect at the time of such re-submittal.~~

Construction of any Home ~~or improvements~~ shall be diligently pursued and completed solely in accordance with the Approved Final Plans within twelve (12) months after commencement of construction. Construction of any improvements (such as a Pool) shall be diligently pursued and completed solely in accordance with the Approved Final Plans within six (6) months after commencement of Construction, unless otherwise extended by the ACB. Completion of construction shall be considered to have occurred upon Owner's receipt of ACB Final Approval (as defined in Section 4 below) and a certificate of occupancy from the City (hereinafter "**Completion of Construction**").

The POA maintains a substantial interest in the prompt completion and occupancy of Homes in the Development. As a result, Owner's failure to promptly complete construction of a Home/Improvement causes significant damage to the POA and the Development. Consequently, if Completion of Construction does not occur as set forth in the above paragraph, ~~Builder~~ Owner shall pay to the POA liquidated damages in an amount equal to \$100 for each day Completion of Construction has not occurred beyond the required time period until Completion of Construction does occur. The damages that may result from ~~Builders~~ Owner's failure to timely complete construction are uncertain and difficult to ascertain, and the above-stated amount is a reasonable estimate of probable damages. Additionally, such incomplete construction may be subject to any enforcement action or other remedies available to the POA and ACB.

Any material deviation from or modification to the Approved Final Plans, whether voluntary or as required by a governmental entity, shall be submitted to the ACB for additional review and approval. The ACB reserves the right to periodically inspect the Construction Site from time to time in order to determine whether construction of the improvements is in compliance with the Design Guidelines and the Approved Final Plans. In the event the ACB determines that construction of the improvements is not in compliance with the Design Guidelines and Approved Final Plans, Owner may be required by the ACB to bring such construction or the improvements into compliance or to submit a new ACB Design Application, including without limitation the payment of any applicable fees and submittal of plans identifying modifications to the Approved Final Plans, for the review and approval or disapproval of the ACB. Failure to cause such compliance or obtain the ACB's additional approval of the modifications shall be considered a violation of the Design Guidelines and subject the Owner to any enforcement actions or remedies available to the ACB under the CC&Rs and Design Guidelines.



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3. Landscape Plans and Exterior Material Review and Approval.

Landscape plans ("**Landscape Plans**") shall be submitted to the ACB for review and approval ("**Landscape Plan Approval**") with the ACB Design Application as part of the Preliminary Plans, unless otherwise extended by the ACB. Landscape Plans shall be prepared and certified by a Landscape Planner and include the following:

- (a) Landscape Site Plan;
- (b) Plant List;
- (c) Tree Survey;
- (d) Hardscape Plan;
- (e) Final Drainage Plan;
- (f) Irrigation Plan;
- (g) Accent Lighting Plan;
- (h) Exterior Lighting Fixtures (with cut sheets); and
- (i) Samples or cut sheets for material showing actual colors and exterior color chart, including:
 - (j) Pavers;
 - (k) Roof tile;
 - (l) Exterior finish materials, colors, and stucco texture, as required under Section VI below; and
 - (m) Window and door selections.

Within forty-five (45) days of submittal of the Landscape Plans to the ACB, the ACB will review the Landscape Plans, and if such plans are determined by the ACB to be complete, it will notify Owner of the ACB's (i) Landscape Plan Approval of the Landscape Plans ("**Approved Landscape Plans**"), (ii) denial with recommended changes or (iii) Landscape Plan Approval subject to conditions. If Landscape Plan Approval is granted subject to conditions, the conditions shall be satisfied by Owner within ninety (90) days of notification by the ACB.

4. Final ACB Inspection.



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Upon substantial completion of construction, the ACB shall perform a final inspection of the Home and Home Lot to determine and verify that all matters related to the construction of the Home and development of the Home Lot have been completed based on the ACB's reasonable judgment and assessment, in accordance with the Approved Final Plans, Design Guidelines and Approved Landscape Plans ("ACB Final Approval"). The ACB shall perform a final inspection and grant or deny ACB Final Approval within thirty (30) days of the ACB's receipt of a written inspection request from the Builder/Owner.

ACB Final Approval is a condition precedent to Owner's request or application for the City's completion of a final inspection and issuance of a certificate of occupancy for a Home or other improvement. If the ACB finds such work was not done in substantial compliance with the approved plans, it shall notify the submitting party in writing of such noncompliance within such thirty (30) day period, specifying particulars of noncompliance, and shall require the submitting party to remedy such noncompliance. If Owner does not remedy any noncompliance with the Approved Final Plans, Approved Landscape Plans or Design Guidelines within fifteen (15) days of Owner's receipt of written notice of such denial, the ACB will notify the Board of Directors in writing of such failure. The Board of Directors shall then determine if there is noncompliance. If the Board of Directors finds the lot is not in compliance, the Owner shall have thirty (30) days from the ruling of the Board of Directors to remedy the noncompliance. In the event Owner shall fail to make such corrections as directed by the ACB within such time period, the ACB shall be entitled to pursue any available remedies, including removal of any nonconforming improvements or conditions.

Owner shall provide to the ACB a copy of the certificate of occupancy for the Home within two (2) days of Builder's receipt thereof from the City. Additionally, within two (2) days of Builder's receipt of the certificate of occupancy, Builder shall submit to the ACB (i) certification from the Architect of the Approved Final Plans that the completed work conforms in all respects with the Approved Final Plans and (ii) an as-built survey of the Home.

C. Construction Site Rules and Regulations

Builder and Owner shall each be responsible for their compliance, and the compliance of their employees, subcontractors, suppliers, affiliates, related parties and any other persons or parties hired or paid by Owner or Builder in connection with the construction or alteration of a Home within the Development, with the following rules and regulation pertaining to the Construction Site and the Development ("**Construction Site Rules and Regulations**"). These Construction Site Rules and Regulations may be modified by the ACB from time to time, in the ACB's sole discretion, upon two (2) days prior written notice to Builder. For: purposes of these Construction Site Rules and Regulations, Owner shall be



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responsible for the acts, omissions and violations of Builder, and the payment of any resulting ACB Costs, as defined in Section III(D) below.

1. Owner shall ensure that Builder cooperates with the ACB with respect to any privacy program initiated or maintained by the ACB with respect to the Development, including without limitation the provision of identification information for any employee, subcontractor or supplier of Builder, or any vehicles or equipment used by any employee, subcontractor or supplier of Builder.
2. Owner shall ensure that Builder shall not use or permit the use of any Home Lot adjacent to any Construction Site upon which Builder has commenced construction for any reason, unless Owner or Builder receives prior written permission from the Owner of such adjacent Home Lot to use the adjacent Home Lot and provides such written permission to the ACB. For purposes of this prohibition, "use" shall include without limitation any material storage, parking, access or any other trespass upon the adjacent Home Lot. Upon Completion of Construction, Owner shall ensure that Builder shall restore such adjacent Home Lot to the condition of such Home Lot prior to use by the Builder.
3. Owner shall ensure that Builder shall maintain the Construction Site in a safe, neat and orderly manner, clean of debris and waste materials upon the completion of any workday. Stockpiles of any unused materials shall be maintained at all times in a neat and orderly manner. Hardhats and proper safety gear shall be worn at all times by any persons on the Construction Site.
4. Owner shall ensure that Builder shall locate any dumpsters solely within the boundaries of the Construction Site, unless Owner or Builder receives prior written permission from the Owner of an adjacent Home Lot to use the adjacent Home Lot for an additional location and provides such written permission to the ACB. Owner shall ensure that Builder places a dumpster on site at the commencement of construction. The ACB may require proper screening of any dumpster. Any dumpsters shall be promptly emptied when full and shall not be overfilled by Builder. All trash removal shall be completed prior to 5:00 p.m. each Thursday in order to minimize the amount of trash located in any dumpster during the weekend. Owner and Builder shall not permit any trash or debris to be located outside of any dumpster. Owner shall ensure that Builder shall not use any dumpster of any other builders within the Development.
5. Owner shall ensure that Builder locates any portable toilets solely within the boundaries of the Construction Site, unless Owner or Builder receives prior written permission from the Owner of an adjacent Home Lot to use the adjacent Home Lot for an additional location and provides such written permission to the ACB. Portable toilets are to be reasonably screened from view, as determined in the ACB's sole discretion, and sanitarily maintained at all times. Portable toilet doors shall in no event face the front street adjacent to the Construction Site.



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6. Owner shall ensure that Builder shall locate any excavated or fill dirt solely within the boundaries of the Construction Site, unless Owner or Builder receives prior written permission from the Owner of an adjacent Home Lot to locate such fill dirt and provides such written permission to the ACB. Excavated dirt, or fill dirt, shall not be located on the Construction Site for any period longer than seventy-two (72) hours.
7. The burning of any materials within the Development is strictly prohibited.
8. Owner shall ensure that Builder properly installs and maintains silt fencing on all boundaries of the Construction Site and around all trees located within the Construction Site prior to commencement and at all times during construction of a Home. If the Owner or Builder receives prior written permission from the Owner of an adjacent Home Lot to use the adjacent Home Lot for an additional location and provides such written permission to the ACB the Builder is required to properly install and maintain silt fencing on the adjacent lot. Silt fencing must be made of a material designated or approved by the ACB. Owner shall ensure that Builder maintains only one access area to the Construction Site and closes such access with properly maintained silt fencing upon conclusion of any workday.
9. The consumption of alcohol, illegal drugs or other intoxicants on the Construction Site is strictly prohibited.
10. Owner shall ensure that Builder does not violate or permit the violation of the CC&Rs or Design Guidelines.
11. Owner and Builder shall prohibit and take reasonable measures to prevent any construction traffic of its employees, subcontractors or suppliers to enter the Development through any Development entrance other than those designated by the ACB. Builder, its employees, subcontractors and suppliers shall use only those routes and parking areas within the Development designated by the ACB as acceptable construction access routes and parking areas. ~~In no event shall Builder its employees, subcontractors or suppliers enter the Development through the main Development entrance.~~
12. Any work (including without limitation any deliveries, set-up or clean-up) by any construction personnel, subcontractors or suppliers within or adjacent to the Construction Site shall only be during the hours of 7:00 a.m. to 6:00 p.m. (Monday through Friday) and 9:00 a.m. to 4:00 p.m. (Saturday). No work shall be performed at any other times, including Sundays or Holidays, unless Builder obtains prior written authorization from the ACB. (Holidays – Memorial Day, New Years, Fourth of July, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day)
13. Owner shall ensure that Builder, its employees, subcontractors and suppliers shall not bring any children or animals to the Construction Site.



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14. Owner and Builder shall prohibit and take reasonable measures to prevent the playing of music or other sounds from non-construction activities which are audible on properties adjacent to the Construction Site.
15. Owner shall ensure that Builder, its employees, subcontractors and suppliers shall not engage in any non-construction activities at the Construction Site or within the Development.
16. Owner shall ensure that Builder, its employees, subcontractors and suppliers shall be prohibited from operating motorcycles within the Development, unless otherwise specifically approved in writing by the ACB, ~~and shall park any approved motorcycles in the construction trailer yard, as designated by the ACB.~~ Mopeds and scooters are ~~prohibited.~~ permitted.
17. Owner and Builder shall prohibit and take reasonable measures to prevent the use of any "rider" signs for subcontractors, architects, engineers or other construction trades on the Home Lots.
18. Builder shall maintain at all times any permit signs required by any City planning, zoning or building department, in a neat and orderly manner. At a minimum, such permit signs shall identify the Builder and the address of the Home Lot.
19. The Home Lots, excluding Model Home Lots during such period the Model Home Lot is being used as a Model Home, are for residential housing only and shall be used for no other purpose.
20. No business, occupation or profession may be conducted on a Home Lot or within a Home, except for the construction of improvements by Builder and any sales activities by the Developer.
21. Owner shall ensure that Builder shall not damage and shall take reasonable measures to avoid any damage to improvements within the Development, including without limitation any streets, sidewalks, gutters or other Developer improvements. Builder is responsible for all repairs.

D. Construction Deposit

In order to ensure compliance by Owner and Builder with the provisions of the Design Guidelines, including without limitation the Construction Site Rules and Regulations, Owner shall deposit with the POA an amount per Home Lot as determined by the POA's Board of Directors ~~up to a maximum of \$7,500.00~~ in immediately available funds as part of the ACB Design Application and Preliminary Plans submittal on any Home Lot in the Development to be applied by the ACB as hereinafter provided ("**Construction Deposit**").



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The Construction Deposit attributable to any Home Lot, less any costs, damages, or other amounts due the ACB pursuant to the CC&Rs or Design Guidelines, shall be released to the Builder/Owner upon Final Approval of the ACB or Board of Directors. The Construction Deposit shall be maintained in a non-interest bearing account. The POA's Board of Directors or ACB reserves the right to increase the amount of the Construction Deposit, on a case-by-case basis, for any Owner or Builder, who, in the reasonable determination of ACB, consistently damages any portion of the Development, incurs excessive damages, costs and charges under the Design Guidelines or frequently receives violation notices issued against Owner or Builder.

The ACB or POA's Board of Directors, in its reasonable discretion, shall determine and impose the Construction Deposit required, if any, with respect to the construction of improvements other than the initial Home Lot improvements by any Featured Builder or other contractor or builder.

The ACB may draw upon the Construction Deposit in accordance with Section III(E)(2) below. If any part of the Construction Deposit is withdrawn by the ACB, Builder shall, immediately upon demand, restore the Construction Deposit to its required balance; provide, such restoration of the Construction Deposit shall not limit or waive the ACB's rights to seek reimbursement for additional amounts incurred or due the ACB in excess of the Construction Deposit. Nothing in this Section is intended to limit any of the rights or remedies granted to the POA or ACB pursuant to the CC&Rs.

E. Violation of Design Guidelines.

In the event of any violation of the Design Guidelines, including without limitation specific violations of the Construction Site Rules and Regulations, the following procedures shall occur:

1. The ACB shall provide a written notice ("**Violation Notice**") to Owner and Builder describing: (a) the violation, (b) the location of the Violation, (c) the party responsible for such violation, if other than or in addition to Builder, (d) the required corrective action, and (e) either (i) the deadline for completion of such corrective action, or (ii) the amount of penalty required to be paid by Builder to the ACB for certain Builder violations as set forth on the Builder Penalty Schedule, attached hereto as Exhibit "G", as amended by the ACB from time to time in its sole discretion.
2. In the event Owner or Builder fails to perform any required corrective action or pay any penalty in accordance with the Violation Notice, the POA or ACB may take any of the following actions: (a) issue a second Violation Notice as described above; or (b) enter any Home Lot, perform the required corrective action as set forth in the Violation Notice and issue to Owner and/or Builder an invoice for the damages, costs and expenses incurred by the ACB ("**ACB Costs**") as a result of Builder's violation and failure to perform the required corrective action; and/or (c) issue and post, in a conspicuous manner, a Stop Work Order ("**Stop Work Order**") at the Construction



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Site, prohibiting Builder from conducting any further construction activity at the Construction Site until Builder has provided evidence of compliance with any Violation Notice to the ACB and received the ACB's written confirmation of such compliance. Builder or Owner shall immediately pay any invoice for ACB Costs upon receipt of such invoice; provided, however, the ACB may withdraw the ACB Costs, in whole or in part, from the Construction Deposit, without prior notice to Owner or Builder. For purposes of these Design Guidelines, ACB Costs shall equal any actual cost or expenses required to be paid or incurred, whether direct or indirect, by the ACB or the POA, including without limitation Manager's costs, expenses and overhead, and fees for any architects, engineers, or other consultants as a result of Owner or Builder's violation of the Design Guidelines or Construction Site Rules and Regulations; provided, however, in no event shall such ACB Costs be in an amount less than \$250.00.

3. For purposes of these Design Guidelines, the ACB's delivery of a notice or Stop Work Order to Builder's representative at the Construction Site or posting of the notice or Stop Work Order at the Construction Site permit sign shall constitute proper delivery of such notice or Stop Work Order. Notwithstanding any provisions of this Section E to the contrary, the ACB's schedule, notice or imposition of any penalties, or any determination regarding the validity thereof, shall in no event constitute a release or waiver of the ACB's right to collect ACB Costs pursuant to this Section E.

F. Appeal.

An Owner or Builder may request a hearing before a majority of the POA board of directors ("**POA Board**"), upon occurrence of the following: (i) ACB denial of an ACB Design Application, (ii) Final Plan Approval or Landscape Plan Approval is subject to conditions disputed by Builder or Owner, (iii) the ACB's issuance of a Violation Notice, the basis of which is disputed by Builder or Owner, or (iv) any unresolved dispute between or among the ACB, Builder and Owner. Such hearing shall be scheduled by the POA Board within thirty (30) days of the request for hearing.

At the hearing, Owner or Builder may present its claims, testimony and other evidence regarding the dispute and request a specific resolution of the dispute. The ACB shall then be entitled to present testimony or other evidence in defense against such claims. Either upon the conclusion of the hearing or within five (5) business days thereof, in the sole discretion of the POA Board, the POA Board shall render a decision on such matters and direct the required actions of the parties. The POA Board may request additional information from any party prior to rendering any decision. The decision of the POA Board shall be made in the POA Board's sole discretion and consideration of any information provided to the POA Board by the parties or independently obtained by the POA Board. The decision of the POA Board shall be final.



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IV. SITE IMPROVEMENTS STANDARDS

A. Site Placement

The proposed location of any Home or improvements within a Home Lot shall be in accordance with the Residential Lot Information, attached hereto as Exhibit "D", and shall consider, in part, the relation of such location to existing topography, landscape, trees and vegetation, other natural features and drainage, in order to significantly preserve the existing characteristics of the Home Lot and adjacent Home Lots. The Home located on any lake front and golf course Home Lots shall be placed as far from the front street as reasonably possible, so as to minimize the view of such Home from the front street.

1. Site placement for lot binding must be submitted and reviewed by the ACB. All building guidelines regarding size, setbacks etc will be determined by the ACB on a case by case bases. Lot binding is permitted with the approval of the ACB. When binding two (2) lots, approximately 1 ½ times the square footage will be required as a guideline, with final approval being retained by the ACB. The home must be centered approximately on the center of the lots, with final approval resting with the ACB.

B. Building Setbacks

The Hammock Beach Golf Club Planned Unit Development Agreement (PUD Agreement), recorded in the Official Records of Flagler County, book 1171 pages 821 - 845, provides certain design standards and improvement guidelines for construction within the Conservatory subdivision. PUD Agreement Section 8.a. identifies the setback distances/criteria for residential lots and provides for allowances within the setback areas. The subdivision plat of the Conservatory at Hammock Beach, recorded in Plat Book 34, Pages 78 - 101, graphically identifies the applicable setbacks for reach residential lot. Pursuant to PUD Agreement Section 8.a., nonliving area improvements may be located within the side yard setback areas.

The minimum building setback lines shall be measured from the front Home Lot property line (boundary of street right-of-way), the side Home Lot property line and the rear Home Lot property line, in accordance with the specifications set forth in the Residential Lot Information, attached hereto as Exhibit "D." It shall be the policy of the Conservatory Architectural Control Board to interpret the allowance of improvements within the side yard setback area as follows:

1. Unconditioned roofed areas of the home, such as the garage, may be located within the 3-foot setback area; however, such improvements are not allowed closer than 1' - 6" from the property line, and may not extend further than one-half the depth of the lot, as measured from the front property line. Roof overhangs for walls situated at the 1' - 6" setback and further than 40' from the front property line shall not extend closer than 0' - 6" to the property line in order to maintain a minimum of 6' - 0" clear separation between adjacent roof overhangs as shown on Exhibit H.



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2. Driveways, walk paths, housekeeping pads, and other non-roofed improvements may be located within the side yard setback areas; however, driveways shall not be located closer than 1'-10" from the property line.

The interpretation is graphically depicted on Exhibit H.

C. Easements

No permanent structures shall be placed within the boundaries of any easement.

D. Drainage, Grading, Finished Floor Elevations

Home Lot drainage plans submitted to the ACB shall provide for proper site surface drainage, to prevent surface water interference with adjacent Home Lots and natural surface water flows. Paved areas shall be designed to allow surface water to drain naturally and not allow water to collect or stand. The ACB may require Builder to provide a cross-section showing elevations from the center line of the front street to the rear boundary line of the Home Lot.

Site plans shall show physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns. Spot elevations must be given for finish grades and decks at Home Lot and house/deck edges thirty (30) feet on center or at such other critical locations. If adjacent Home Lots are developed, the elevations shall be stated as developed. No landscaping shall restrict the conveyance of water.

The minimum floor elevations shall meet local, state and federal requirements at the time of City building permit application.

Additional drainage requirements are included in Section VI.L.

E. Driveways

Parking spaces, garages, curb cuts and the driveway to a garage shall be planned and executed in an attractive and functional manner, considering the location of existing trees, topography, streetscape and compatibility with surrounding improvements. No driveway shall connect to any arterial road unless, following design review, unusual site conditions require such connection.

Driveways must be concrete pavers with reinforced edges to prevent spreading. A matching integral colorant must be added to the concrete edging prior to placement. Staining or painting of pavers or edging after installation is prohibited. Unacceptable materials include asphalt and untreated concrete. Driveways shall be in accordance with Exhibit "D", unless otherwise approved by the ACB. When curbs and/or sidewalks are



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required to be broken for driveway entrances, the curb shall be repaired, and shall remain concrete to match the common area sidewalks. Driveway reflectors are not permitted.

The ACB may consider and permit sixteen-foot wide front-loaded driveways. Driveway width passed the first 20 feet may be at the discretion of the ACB. Driveways may not dominate the front elevation of the house.

F. Swimming Pools, Decks and Pool Enclosures

The Final Plans shall depict any swimming pool and deck improvements on the Home Lot, and shall include all design components including materials, finishes and colors, pool deck, fence, additional landscape, screen enclosures, pool equipment or any other requested element. Screened enclosures shall be constructed consistent with the architectural style of the Home. Screened enclosure shall be a full mansard style and both frames and screens ~~must shall~~ be bronze in color, unless otherwise specifically approved by the ACB. The preferred material for all pool decks is concrete pavers, travertine, or stone. Patterned concrete material with an approved deck coating may be considered by the ACB for screen-enclosed pool decks. Pool decks without a screen, and all walkways and door pads outside of the pool areas must be concrete pavers, travertine or stone. All pool super gutters are required to have a separate underground drain and pop up emitter. Super gutters may not be connected to the existing underground drainage. Pool overflow must be connected to underground drainage.

V. STREET FRONT IMPROVEMENTS

A. Streetscape

The ~~POA Developer~~ shall landscape the area between the roadway curbing and the right-of-way. The POA will own and maintain these improvements. During construction, special care shall be taken to minimize the disturbance to this area. The irrigation system must continue to operate during construction. At the time of the landscape construction of the Home Lot, this area shall be restored to its original condition.

B. Lighting

All exterior lighting shall be consistent with the character established in the Development and be limited to the minimum necessary for safety, identification, and decoration. Garage sStreet view lighting is required on all homes. Front load garage on either side of the garage. Side load garage on either side of the garage side facing the street. If required by the ACB, Home address numbers shall be lighted. Exterior lighting of Homes shall be limited to concealed fixtures with bulbs not visible from adjacent properties; provided, however, the ACB may require, in its sole discretion, a front yard post light continuously powered by photocell. Lighting will be designed in such a manner to prevent the spill of light onto adjacent properties. Flood lights are not permitted on the Home Lot. Recessed



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soffit-mounted lights are allowed on the Home if the light does not spill onto adjacent property.

Lighting of outdoor recreational facilities is discouraged and shall not be permitted, except specifically approved by the ACB; however, in-pool Lighting is allowed. Special site conditions may be considered by the ACB. The ACB or the POA's Board of Directors shall, in its discretion, determine whether any exterior lighting is excessive.

C. Signage

All signs are prohibited on a Home Lot, unless the Board of Directors provides written authorization to the ACB to approve certain signs. Notwithstanding such prohibition, Builder shall place one (1) sign on its Home Lot related to identification of the Home Lot. All homebuilder signs, on models or Homes under construction shall require approval of the ACB and shall use the ACB-approved prototype, including color, content, font, size, posting, etc., and shall be located in accordance with ACB guidance. Featured Builder and other permitted information that has been previously approved by the ACB in writing. Owner or Builder shall additionally install any other signage as required by the ACB or any applicable laws, rules or codes, as determined and approved by the ACB. Builder is responsible for the cost of installing, maintaining and replacing any signage and hereby authorizes the ACB to remove any signs installed without the ACB's prior approval, without notice.

D. Walkways

The purpose of walkways is to lead the pedestrian to the various entrances of the Home and accessory structures within the Home Lot. All walkways and door pads should be unobtrusive and match the driveway concrete pavers; however, ~~if~~ if pool deck material is different than driveway, the concrete pavers, travertine, or stone that match the pool deck pavers can be used for the rear of the house. Poured concrete is prohibited for walkways and door pads. Equipment and pool pads are exempt from the paver requirement and may be poured concrete.

E. Fences and Walls

~~Although landscape buffers are required encouraged~~ for visual screening, ~~of fences, screens and walls. The ACB at its discretion may be approved~~ landscape buffer changes by the ACB prior to installation, provided that:

- (a) The design is attractive and compatible with the overall character of the Home Lot and improvements, the adjacent Home Lots and the Development.
- (b) The design and location of such fence -or wall does not adversely affect the adjacent Home Lots.



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- (c) The fence or wall, as designed or built, is permitted by the City and other applicable governmental agencies.
- (d) The fence or wall materials and specifications are in conformance with the Development fence design specifications as determined by the ACB, in its sole discretion, from time to time. Fence color shall be bronze or black.
- (e) The fence is not placed in the area between the front of a Home and the Street, Drive, Road, or Roadway at the front of the Lot on which the Home is situated.
- (f) Generally, fencing along property lines should be inset and buffered with landscaping per ACB requirements.
- (g) The ACB will review and evaluate fence placement. It is important to note that maintenance of improvements within fenced areas and/or screened enclosures are the responsibility of the property owner, not the POA.
- (h) Electric fences for the control of pets may be permitted with specific ACB review and approval.

(i) Fencing may only be bronze and black in color. Maximum height is 5 feet.

F. Mail Boxes

All Homes are required to install the approved POA Mailbox prior to final inspection of the ACB. All mailboxes shall be the Superior Package from Whitehall Products as specified on Exhibit "C". All mailboxes shall be located at the street front of each Home Lot as prescribed by the United States Postal Service. As long as it is not in conflict with the requirements of the United States Postal Service, the mailbox shall be located twenty-four (24) inches from the street curb, six (6) feet from the driveway edge, and have a post depth of twenty-four (24) inches. All mailboxes shall be bronze, as permitted by the ACB.

Mailboxes shall not be lighted. The mailbox specifications, location, and style shall be submitted to the ACB for review with the Final Plans.

VI. GENERAL NEIGHBORHOOD BUILDING DESIGN GUIDELINES

A. Minimum Building Size

Homes, including without limitation swimming pools, decks and patios, shall be built in conformance with the permitted building allotments within the Development, as set forth on the Residential Lot Information, Exhibit "D" and below:

- 1 The minimum conditioned square footage under roof for type "A" lots shall be 2,250 SF.



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- 2 The minimum conditioned square footage under roof for type “B” lots shall be 2,750 SF.

B. Building Heights

The height of any Home shall be compatible with adjacent Homes. The maximum height of any improvement shall be forty (40') feet measured from the finished elevation to the ridge of the roof.

C. Temporary Improvements

No temporary building or structure shall be permitted on any Home Lot except that barricades, temporary power poles and the like may be permitted during the construction of a permanent improvement, and provided that the ACB shall have approved the design, appearance, and location of the same. All such temporary improvements shall be placed solely within the boundaries of the Home Lot and shall be removed no later than seven (7) days after the date of completion of the subject improvement and in no event longer than a period of six (6) months from commencement of construction unless otherwise approved in writing by the ACB.

D. Accessory Structures

No more than one (1) detached single-family residential dwelling shall be erected on a Home Lot. The ACB may approve accessory structures (such as gazebos, guest houses and servant's quarters) that are detached from a Home so long as they are not erected prior to construction of the Home and are not intended to be held for lease. Accessory structures must be located within the required setbacks and match the architectural details of the Home. Roofs and exterior walls must match the Home in both design and color. Accessory buildings shall not obstruct an adjacent Home Lot's view of any golf course, lake or open area and shall be sufficiently landscaped, as determined by the ACB in its sole discretion. Freestanding metal utility/storage sheds are not permitted.

E. Elevation Diversity / Elevations

Home elevations shall be approved by the ACB and shall not be duplicated within five houses of each other, on the same or both sides of the street. The Home architectural design, including rear elevations, shall be consistent with and as aesthetically appealing as the architectural design of the Home front elevations.

Rear elevation may not be a single roof plane.

Pool Enclosures may not be used as a rear elevation element.



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F. Facade Design

Variety of any Home massing and building form is encouraged in order to create different and interesting facades along the streetscape. Facades shall be properly scaled and proportioned. The architectural style of the Home shall be applied on all sides of the structure and shall include without limitation window trim, window subdivisions, attic ventilation louvers and eave details.

G. Exterior Materials

Recommended materials shall be stucco or similar products for a monolithic material. Brick and stone may be used as accents. Exterior finish materials shall be of highest quality, as determined by the ACB in its sole discretion. All materials proposed for exterior use shall be approved by the ACB prior to construction. Elastomeric paint is recommended. Vinyl or metal is not permitted. Beams supporting rooflines, cantilevered balconies and other decorative elements should preferably be made of redwood, cedar or cypress with rough-cut finish, but alternate materials, such as composites may be considered by the ACB for approval. Anodized or paint finish are required on all metal surfaces, including without limitation windows, flashing, drips and caps. Metal must consist of decorative wrought iron, copper or aluminum with black, dark bronze or copper Verdi-gris finish. Acceptable stone materials include coral rock, limestone and granite. Such stone should be rough, textured and laid with an irregular, imperfect bond.

H. Exterior Trim and Decoration

Any architectural appointments or trim details must be consistent with the architectural style of the structure. If architectural elements such as shutters or louvers are maintained solely for decorative purposes, such elements may be of aluminum or copolymer material. If stucco cladding is used, then trim details must be raised or profiled a minimum of 1.5" by the use of j-molds or expanded polystyrene (EPS foam). Two story homes may require additional detailing at the discretion of the ACB. Details such as shutters, louvers or any other elements may not be scored into the stucco. Soffits shall be made of wood, hardy board, Aluminum or approved composites; metal and vinyl soffits are prohibited. All front and rear windows require architectural detail or decorative element approved by the ACB. In the case of two-story homes additional decorative requirements may be imposed to remove the large blank wall view.

Trim banding must return five (5) feet on side elevations.

I. Exterior Colors

~~ACB shall provide to Builder the Exterior Color Palette as approved for the Development, set forth on Exhibit "F" attached hereto. Owners may submit substantially equivalent Sherwin-Williams' paint colors for ACB approval. All colors, regardless of their inclusion on the approved palette,~~ shall be submitted to the ACB for review and approval.



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Recommended colors consist of rich, deep, dark colors and tones. The ACB discourages the use of neutral colors such as whites, beiges, blues, pale yellows and light grays on the base of the homes. Prior to any application of stucco, paint or other finish to a Home, Builder shall submit for ACB Final review and approval, the following:

- (i) A four (4) foot by four (4) foot sample of desired stucco, base and trim paint colors be painted on the exterior of the structure, or alternatively on a mock up board, along with the desired form of antiquing or "faux";
- (ii) Roof, paver and any other decorative samples shall be submitted simultaneously with the color samples;
- (iii) Color photographs of the Construction Site taken from each corner of the Home Lot;
- (iv) Color photographs showing adjacent Home Lots and any Home Lots located directly across the fronting street;
- (v) A schedule of any paint or finish manufacturer's name, color name, color number/code, formula, applicable painting or finishing techniques for any stucco, paint, roofing, pavers and decorative precast, which schedule is identified by both street address and platted legal description.

J. Windows

Highest quality windows are required. Impact resistant glass is recommended but not required unless compliance with building code necessitates its use. Jalousie-type windows are not permitted. The use of window designs other than divided glass windows must be specifically approved by the ACB. Vinyl or aluminum clad wood windows are permitted, subject to color approval. Aluminum frames will be considered when bold mullions are specified between glass panels to closely simulate the character of wood framed windows. Contemporary windows of large glass and butt glazing are not allowed on front elevations but may be allowed on rear elevations with ACB approval. Window frame colors approved are white, black and bronze.

Lightly tinted glass is permitted. Foil or reflective material is not allowed. Drapery lines of a neutral color are required to provide a consistent exterior appearance. Roof overhangs and shutters are permitted sun screening devices upon approval of design materials and colors.

Window trim can not touch crown banding. Separation is required and body color of home is required to be seen between all window banding and crown banding.

K. Doors and Gates



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Doors constructed of wood and encased by stone surrounds are encouraged at the front of the Home. Doorways shall be recessed and provide the appearance of thick walls. Ornamental iron or aluminum gates used as part of the entry sequence are encouraged. Screened areas located near the front of the Home or at the front door are prohibited. Any door screens must be approved by the ACB prior to installation. The covered entry must have a significant architectural feature to make the entrance a prominent element of the front elevation unless it is behind a courtyard with a roofed gate feature.

L. Gutters

The stormwater management system for an improved lot must include:

- 1 gutters on all elevations of the home, and
- 2 an underground conveyance system within the side yard setback areas extending to the front and rear property lines with self-activated pop-up emitters for discharge located five (5) ft from the front and rear of the house. Emitters located to the sides of the house are not permitted. The conveyance system and emitters shall be designed to minimize erosion and excessive runoff velocity at the discharge points. Additional protection may be required to prevent damage during storm events.

Gutters are required as part of the roof fascia and eave system. Corrugated "goosened" connections should be concealed from street and golf course views. Decorative metallic half-round gutters, downspouts and their connection may be exposed to view from street and golf course views, subject to ACB review and approval. Chain downspout leaders are not allowed. Gutter emitters may discharge in the right-of-way. Downspouts must be the same color as the body/trim of the home unless otherwise specifically approved by the ACB. Gutters and downspouts should be designed to minimize their visibility from the street and golf course.

M. Shutters and Awnings

Decorative window shutters shall be approved by the ACB, and shall conform to the exterior trim, materials and color provisions of these Design Guidelines, in addition to any other window shutter guidelines established by the ACB, in its sole discretion, from time to time. No foam or stucco shutters are allowed. Powder coated aluminum or vinyl shutters are permitted. Shutters must appear operational and must match the style of the home. Window shutters must be sized to match window openings and mounted to appear operational. The ACB ARB shall, from time to time, establish hurricane shutter specifications which comply with the applicable building code, and establish permitted colors, styles, and materials for hurricane shutters. Subject to Article VIII of the Declaration, any hurricane shutters must be approved by the ACB prior to installation on the exterior windows of a Home Builder and if approved shall be limited to track, accordion or roll-down style shutters. Limited use of canvas awnings is permitted with ACB approval. Awnings on the front elevation are prohibited.



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N. Drapes, Curtains and Shutters

As viewed from the exterior, any drape, curtain, shutter or any other similar element shall be a compatible neutral color (white or beige) and shall be a style in line with the exterior of the building.

O. Roofs, Roof Materials and Roof Appurtenances

The preferred and encouraged composition of all pitched roofs shall be high profile Spanish 'S' barrel tile, clay or concrete. The composition of all pitched roofs must be tile, clay, or concrete. Flat tile, clay, or concrete roofs may be permitted provided the home achieve the required architectural theme of the community; however, flat roofs shall not be permitted on the main portion of the structure. Shingle roofing is not permitted. All tiles shall be antiqued, blended, or multi-toned no more than three colors in a multi-toned tile. Roof tiles must have integral color; painted or surface coated tile is prohibited. Blends shall be of equal color mix, without highly contrasted colors. No built-up roofs shall be permitted, except on approved flat surfaces.

All gable and hip roofs shall have a minimum roof slope of five to twelve (5/12), unless otherwise approved by the ACB.

Roofing with less than a five to twelve (5/12) slope may be approved by the ACB only in minor areas (not to exceed 15% of roofing area) with primary acceptability in use as a connection to more dominant themes of the roofing mass. All connecting roofs (for example garage to main structure or freestanding garage) shall be constructed with material compatible with the main structure.

All roof accessories such as vent stacks and roof vents shall be either painted to match the roof color, or accentuated. Wherever possible, vents shall be located away from the entry elevations. All exposed flashing shall be copper or powder coated aluminum. Raw aluminum or galvanized flashing is not allowed. Flashing and gutters and their connections shall be coordinated with respect to material, color, coatings, and style.

The use of solar energy producing devices (active and/or passive) on the roof of a Home are subject to the ACB approval as to location. All solar devices shall be incorporated into the form of the roof, mounted flush with the roof if possible, and become an integral part of the roof structure. The ACB must approve all locations and types, taking into consideration the characteristics of the proposed device(s).

P. Exterior Mechanical Equipment

All exterior mechanical equipment and plumbing, including without limitation transformers, vents, air conditioning compressors, pool pumps, meters and condenser units, shall be concealed from view by walls of the same material, finish, character, and



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color as the Home ~~or~~ and by an opaque landscaping screen. Screen walls must be capped around three (3) sides, complementing (in size, scale, and detail, the decorative architectural elements of the Home. Condenser units may not be placed in the front yards or rear yards unless properly screened from view from adjacent streets or properties. All exterior mechanical equipment must be located twenty (20) feet from the front and rear of the home. building setbacks. Pool equipment walls may be placed closer than 20 feet from the rear building setback with ACB approval. All pool equipment and piping must be placed inside the equipment wall. Placement and screening of exterior mechanical equipment shall be considered and must be specifically approved by the ACB. The location of exterior mechanical equipment carries considerable importance to the streetscape and harmony between adjacent residences. Mechanical equipment should be located as far from the front and rear elevations as possible and should not obstruct site drainage. Placement of mechanical equipment closer than 20 feet from the front or rear of home setback requires specific justification which shall be reviewed by the ACB to determine acceptance or denial of the recommended siting distance.

Above ground electrical transformers and other equipment, including without limitation exterior utility panels, disconnects, pool equipment, conduits and meters, may be permitted if properly screened and approved by the ACB. All such utility equipment shall be located together for a minimum effect and visual screening from neighboring views. Utility connections shall be placed on the same side of the Home as other mechanical equipment.

Q. Utility Connections

All electrical routing from the outside meter must be installed underneath the slab into the panel in the garage. Any outside lines going into the roof is prohibited. No lines, wires or other devices for communications purposes, including telephone, television, data and radio signals, or for transmission of electric current or energy shall be constructed or placed on any Home Lot unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvements. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings.

Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements. All utilities will abide by and comply with all applicable ordinances, policies, and specifications of all agencies governing such services.

If required for wastewater service within the Development, each Home Lot shall be equipped with a wastewater pumping unit that will be owned and maintained by the utility company. The pumping unit, including tank, pump and control panel, will be provided to the Owner upon payment of the required connection fee to Developer or the utility company. Installation of the pumping unit shall be the sole responsibility of Owner and Builder and shall be performed at Owner's sole cost by a Florida licensed plumbing



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contractor. The pumping unit may be located inside the Home, directly adjacent to the exterior of the Home or buried in the Home Lot. Any Final Plans submitted by Builder shall provide evidence of and clearly depict installation and location of required connections and related equipment.

R. Antennas, Solar Devices and Satellite Dishes

No television, radio, satellite, or other antenna or satellite system may be installed on the Common Areas by any person other than the POA. Certain television, satellite, or other antenna systems may be erected or installed on Lots/Dwellings subject to compliance with the following requirements:

Permitted antennas include (collectively hereinafter referred to as “antennas”):

- Direct broadcast satellite dishes (DBS) that are less than one meter in diameter.
- Multi-channel, multi-point distribution service devices (MMDS) that are less than one meter in diameter or diagonal measurement. Such devices may be mounted on “masts” to reach the height needed to establish line of sight contact with the transmitter provided no mast may be higher than twelve feet above the roof line of a residence without prior written approval of the ACB.
- Television broadcast antennas for local stations, which may be any reasonable size, which may be secured to a mast located no higher than twelve feet above the roof line. Any mast located higher than twelve feet above the roof line must be approved in writing by the ACB.

To the extent feasible, all antennas must be placed in locations that are not visible from any street and in a location to minimize annoyance or inconvenience to other residents of the community if this placement would still permit reception of an acceptable quality signal.

All antennas shall be painted to blend into the background against which it is mounted for so long as the paint will not interfere with an acceptable quality signal. If the antenna is not mounted on a building, it must be made the color of the exterior walls of the residence on that lot. All antennas shall be screened from view from neighboring properties, and pedestrian and vehicular access areas, with landscaping plants commonly used in or about the community at a height of at least 48 inches. Taller antennas shall be screened to their full height if reasonably practicable and if the screening would not impair the reception of an acceptable quality signal.

To safeguard the safety of the Owners, occupants of the residence in which the antenna is located, neighboring property owners, and other owners and members in the



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Community, it shall be the obligation of the Owner to comply with all applicable local, state and federal safety requirements, including but not limited to obtaining a permit for the installation of the antenna, if any, hiring licensed contractors with sufficient expertise and adequate insurance to protect their work, installing the antennas away from power lines and other potentially dangerous areas, installing and using the antenna in accordance with safety recommendations and requirements of the antenna manufacturer, and in accordance with the customs and standards for the antenna industry, including compliance with electrical code requirements to properly ground the antenna, and installation requirements to properly secure the antenna. Antennas shall be properly secured and installed so as to cause no damage to the building, such as compromise of its water-proof integrity. An Owner shall indemnify and hold harmless the ACB, the POA, and all other owners, for any damage that an antenna causes to the property or to persons or other property.

S. Chimneys

Any exposed portions of a chimney outside of the Home shall be constructed solely of brick, stone or stucco. If the fireplace is a metal (self-insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have a cowling or surround of a material and color approved by the ACB. No unpainted aluminum may be left exposed on the exterior of the Home.

Chimney dimensions shall be compatible in scale to the Home; however, the minimum size shall be two (2) feet, six (6) inches by four (4) feet, six (6) inches.

T. Garages

Garages shall be designed and constructed in accordance with these Design Guidelines and any specific garage design specifications adopted by the ACB from time to time, in the ACB's sole discretion. All residential dwellings shall include a garage adequate to house at least two (2), but not more than four (4), large-sized automobiles. Frontload garages can only have two (2) garages. Sideload garages may have three (3) garages All garages shall be constructed of the same exterior materials and colors as the main structure. Vinyl doors are not permitted. Garage door finish and material, and garage exterior lighting (which may be recessed soffit lighting) shall be in keeping with the architectural theme of the community and the Home. Garage doors and the main structure front doors should be of consistent design, material and color, unless otherwise approved by the ACB. Garage doors facing the front street shall be of unique design, finish and material, as specifically submitted to and approved by the ACB. No garage shall be used for any purpose which prevents the daily usage of the garage for the primary purpose of parking at least two (2) operating automobiles. No carports shall be permitted.

1. Courtyard entries are preferred.



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2. If the garage is front loaded, the doors must be separated, each having a dimension no more than 9 feet wide, and each door must be offset in a different plane by at least 2' with a corresponding roof offset.
3. If a front-loaded garage extends forward from the front entry by more than 16 feet, a courtyard/arcade element ~~should~~ must be incorporated into the design having a combination of walls, railings, columns, entrance opening or gate, and preferably a roofed structure to promote the entry. This hardscape element shall extend to the forward-most face of the garage and preferably extend slightly more street-ward than the plane of the garage.
4. The ACB may approve sixteen-foot wide front-loaded garage doors if the design demonstrates (a) cladding and treatment of the garage door, (b) incorporates additional architectural features, and (c) includes careful and compelling roof design, which outstanding features collectively articulate the garage door, opening, and trim such that they relate to other exterior details of the Residence, do not dominate the front elevation, nor diminish street appeal of the home and community values.
5. Garages shall include areas dedicated for vehicular parking no less than 400 square feet (200 square feet per vehicle) with a minimum width of 10 feet per vehicle and minimum depth of 20 feet per vehicle. Dedicated vehicular parking areas shall not include space appropriation for other home elements such as HVAC systems, hot water heaters, or other equipment and appliances.
6. Courtyard entry garages may be increased in size for Type B Lots, provided a minimum driveway width of twenty-five (25) feet is maintained along the entire frontage of the garage entry(ies), and the garage width (garage frontage from street perspective), is not greater than the frontage of the remainder of the home .
7. Garage doors are allowed to have small windows as long as they are on the top row of the garage door.
- 6-8. Vinyl Garage doors are prohibited

U. Greenhouses

Greenhouses shall not be permitted, unless approved by the ACB. Such ACB review and approval or denial shall consider, in part, the impact of the greenhouse on adjacent Home Lots and the Development and whether the improvement maintains the common roof line of the Home.

V. Games and Play Structures

The installation and design of any fixed games and play structures are subject to approval by the ACB. Such structures shall be located at the side or rear of the Home Lot and shall not be visible from the front street or in a manner that detracts from views from neighboring Home Lots. The preferred location of such structures is within the Home Lot prescribed building envelope. All basketball backboards are prohibited.



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W. Porte Cocheres

Porte cocheres are permitted, however, permanent parking underneath is not permitted. The structure must match the style and materials of the main residence.

X. Screening

Subject to the prior review and approval of the ACB, only screening constructed in a manner consistent with the architectural style of the Home may be used to enclose covered porches.

Y. Porches, Decks, Verandahs and Balconies

To promote indoor/outdoor transitions, the creative use of wide verandas on the rear of Homes is strongly encouraged.

Handrails and columns should be either stone, painted aluminum or wrought iron (with proper rust inhibitors), and designed to be architecturally compatible with the Home.

Z. Refuse and Storage Areas

Garbage and refuse shall be placed in containers approved by the ACB and shall be capped and contained in such a manner that they are inaccessible to animals. The containers shall be concealed within buildings, by means of a screening wall of material similar to and compatible with that of the building or by sufficient landscaping to provide a permanent screen from view of adjacent Home Lots or other property.

AA. Energy Efficiency

All Homes shall meet or exceed Florida's Energy Efficiency Code for Building Construction. All plans and specifications submitted for final approval shall include evidence of compliance with this provision.

BB. Wells

Homes shall be connected to the City potable water system. INDIVIDUAL WELLS ON DEVELOPMENT PROPERTY ARE PROHIBITED.

CC. Window Air Conditioning Units

Window air conditioning units shall not be permitted.

DD. Propane Tanks



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Propane and natural gas tanks are permitted and shall be underground. Above ground tanks are not allowed.

EE. Generators

The permanent installation of any generator within the Development is subject to the review and prior written approval of the ACB.

VII. GENERAL NEIGHBORHOOD LANDSCAPE GUIDELINES

It is the purpose of this section to establish regulations for minimum aesthetic landscape standards within the Development. The ACB may, in its sole discretion, require additional landscaping on corner lots, sites with unusual site conditions or properties that may significantly impact the golf course.

The Development is an upscale Spanish Renaissance themed community. This concept should be reflected in the landscape, which should complement and enhance the architectural style while maintaining a natural, Florida character. Ideally, residential landscapes should provide a backdrop of native plantings with Mediterranean accents, while incorporating Xeriscape principles to facilitate water conservation. It is the desire of the ACB that the landscape reflect the same level of permanence, quality and elegance as the architecture. Designs should exude old world charm, where skillfully arranged plantings complement garden elements that include central fountains, patios, outdoor courtyards, arches, potted plants, grotto work, frescoes, gates and statuary. The design should be orderly and symmetrical, but casual, incorporating a backdrop of native plantings with distinctly Spanish and Mediterranean accents.

Dating back to the late 15th century, Spanish Renaissance architecture was greatly influenced by southern Italian and Arabic styles mixed with Gothic traditions. The resulting style featured columns, lintels, domes, decorated facades and arches, emphasizing order, symmetry, proportion and simple elegance. The garden was an important element of the architectural style of the period. Carefully adorned with potted shrubs, herbs and flowers as decoration, these outdoor spaces were characterized by beautiful and intricate patterns of stone, colorful tile work and overhanging trees. Terracotta and mosaic planters were typically filled with lemon trees, a single flowering shrub such as hydrangea or old world rose, or fragrant herbs such as lavender, mint, or basil. Bright colored flowering vines including bougainvillea or sweet-smelling vines like jasmine could be found in pots and rambling along garden walls, trellises and gates. Old stone pathways were also commonplace, winding through gardens of low-lying groundcovers, potted plants and flowers, and well-trimmed shrubs.

Environmental sensitivity is a goal of The Conservatory. Existing vegetation should be retained where possible and excessive use of fertilizer, pesticides and water-intensive species is discouraged. "Water-wise" principles must be incorporated into all landscape planning.



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The Landscape Architect shall examine the existing side yard landscapes of previously developed adjacent Home Lots and the proposed landscape design shall be coordinated with such existing landscape. The buffering of views between neighboring homes and from the golf course, street or any adjoining open space corridors shall be addressed in any landscape plans submitted to the ACB. Open views into windows, patios and pool areas from beyond the Home Lot boundaries shall be avoided. The Owner is strongly encouraged to separate all outdoor living areas from adjoining Home Lots or open space corridors by establishing a vegetative screen with a height minimum of five feet with appropriate plant materials that will achieve 75% opacity within one year after installation.

When a Home is located adjacent to the golf course, a lake or improved common or public area, a continuous separation buffer shall be installed by Owner using all native material. This buffer shall include trees, low shrubs and ground cover to separate residential grasses from golf course or other grasses.

The elevations of Homes shall have sufficient landscaping to screen all blank walls and large roof sections. All screening walls or fences shall have associated landscape planting in the form of continuous shrubs or vines.

A. Design Standards and Process

1. Objectives

(a) *Design Methodology Objectives*

- (i) Complement the architectural style of the home with plant material arranged in a way that is harmonious and complimentary of the building form. Accent lines, balance building masses, frame significant features, and break up vast blank walls. Smooth the transition from building to ground with plantings. Interrupt repetition with occasional surprise and variety.
- (ii) Layer plants to create diversity and scale. Seasonal color is encouraged using flowering shrubs and trees as well as perennials.
- (iii) Homes elevations shall have sufficient landscaping to soften and screen, where applicable, blank walls and large roof sections. All fences and walls used for screening purposes shall have associated landscape plantings in the form of continuous shrubs and vines and provide 60% (sixty percent) coverage.
- (iv) Foundation plantings are required along the entire perimeter of the home. Sod is not allowed directly adjacent to the home structure for maintenance reasons, protection of exterior home structures and finishes, and irrigation moisture issues.



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- (v) All fences and walls should have landscape planting adjacent to them. Sod is discouraged to minimize stains and damage from grass trimming/weed eaters.
- (vi) Designs shall take into consideration the lot type. Certain lots will require, and should receive, slightly different landscape treatments, and are assigned minimum builder allowances for landscaping, irrigation and turf of \$12,500 and \$15,000 respectively.

(b) *Water Conservation Principles*

- (i) Water conservation is strongly encouraged. Listed below are a few “water-wise” principles that are effective and important in designing the landscape.
- (ii) Create Practical Turf Areas: Limit the size of lawn areas and in low-use areas, consider drought-tolerant plant beds, groundcovers, walkways or other alternatives that require little or no water.
- (iii) Utilize hydro-zoning when designing the landscape and irrigation. Group plantings with similar water requirements and utilize sub-surface drip pipe systems to irrigate tree, shrub and groundcover beds.
- (iv) Use xeric plants for hot, dry south and west facing areas. Use plants that like more moisture along the north and east facing areas. Do not mix plants with high and low watering needs in the same planting area.
- (v) Soil Amendments: Add organic matter mixed with the native soil at the time of planting in all plant beds. This helps the soil hold extra moisture.
- (vi) Mulch Use: By covering the soil’s surface with a layer of mulch, valuable soil moisture is retained. Mulching also helps capture rainwater by allowing hard rains to soak into the soil instead of running off into the street and drainage areas.
- (viii) Individual lots should be landscaped to create a cohesive flowing relationship between adjacent lots using turf or groundcover masses.

2. Site Analysis and Evaluation of Existing Conditions and Adjacent Homes

The specific approach to siting and landscaping the home will depend on the property location; whether it is a waterfront home or a home near a common area amenity, a sound landscape program should be prepared. A list of opportunities and constraints should be developed for each lot and should address:



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- (a) Neighboring plant material;
- (b) Drainage patterns on or near the lot;
- (c) Neighboring houses, drives, streets, etc.;
- (d) Views in all directions to and from the lot; and
- (e) Doors, windows, balconies, and porches on the home.

B. Grading and Drainage

- (a) The community was designed and permitted under a master drainage plan, which system was constructed and subsequently placed into operation. The master drainage plan incorporates general drainage patterns within the community, including drainage patterns within, over, on, and around each residential property. The landscape designer must confirm the drainage scheme proposed for the lot conforms, and is consistent, with the permitted master drainage plan prior to commencing with a detailed drainage plan.
- (b) All grading should respect the natural topography and consist of smooth contours without sharp angles or abrupt grade changes. Excessive cut and fill, and “engineered” slope banks should be avoided, and generally will not be approved. Lots should be graded and contoured to provide positive drainage away from all structures, prevent standing water, control and direct runoff, and avoid erosion and other nuisance conditions. Drainage shall be directed to the nearest available swales, culverts, and approved drainage systems. Shallow swales and low berms may be used where necessary to control drainage, except between lots and in areas where such control would be inappropriate or aesthetically inconsistent. No grading shall encroach upon existing vegetation or the drip line of trees to be preserved. No heavy equipment or storage of materials/fill will be permitted in this area.
- (c) Site configuration and conditions may require roof rain leaders and air conditioner drains piping interconnect with perimeter underdrainage systems to convey runoff to the property line or other appropriate point of discharge. Underdrains, if incorporated, shall be consistent of a minimum 6 inch diameter PVC or ADS pipe running the length of the side property line and terminating with pop-up emitters at each property point. Open-ended downspouts and splash blocks are not allowed without the express written permission of the ACB, which conditional acceptance, if so granted, shall require special conditions.

C. Lot Types

“Type A” Lots:



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- (a) Lots 28-126, 141-193, 222-265 and 296-333 are classified as Type “A”.
- (b) “Type A” lots are more intimate and are given special landscape consideration to create a unique character. Streetscapes for “Type A” lots have been designed to create a unified appearance, as expressed in the following guidelines:
 - i. Where possible, plant additional palm trees to create clusters.
 - ii. Landscaping shall be placed on the building corners to accent the architecture, prevent “alley views” and buffer utility area(s). These materials shall be staggered with the adjacent property owner’s planting to maintain access.
 - iii. A utility service area shall be established on one side of the home. The ground surfaces of this area shall be gravel, although individual shrubs or plants in the utility area are acceptable as long as they do not interfere with the drainage or service equipment. The utility area shall be located approximately 20’ from the front and rear building lines.
 - iv. The minimum builder allowance for landscaping, irrigation and turf shall be \$12,500.

“Type B” Lots

- (a) Lots 1-27, 127-140, 194-221, 266-295 and 334-340 are classified as “Type B”.
- (b) Streetscapes for “Type B” lots have been designed to create a unified appearance, as expressed in the following guidelines:
 - i. Where possible, plant additional palm trees to create clusters.
 - ii. Landscaping shall be placed on the building corners to accent the architecture, prevent “alley views” and buffer the utility area(s). These materials shall be staggered with the adjacent property owner’s planting to maintain access.
 - iii. Rear yards in the “Type B” lots are to contain a minimum of two tree credits (two palms are equivalent to one tree) to filter the view of the architecture and provide a buffer for the rear of the home.
 - iv. Shrub masses of hedges and vines should be used to visually soften pool fences. Groundcover or grass is required in front of fire hydrants so not to impede visibility for fire personnel.
 - v. The minimum builder allowance for landscaping, irrigation and turf shall be \$15,000.



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Common Requirements for Lot Types A and B

- (a) All irrigation systems will be designed using “water-wise” guidelines in accordance with St. Johns River Water Management District requirements.
- (b) All landscaping for a Home Lot shall be completed prior to application for a Certificate of Occupancy for the respective home.

D. Lot Landscape Zones

Each homeowner’s individual preferences reflect their personality and lifestyle. As each individual home becomes part of the growing community, attention must be paid to the integrity of the community. Landscape guidelines identify and characterize five distinct zones to ensure that individual home landscaping designs fit within the overall design concept, while allowing homeowners to express individual taste and aesthetic preferences. (Refer to Exhibit E. Zone Requirements Table).

- (a) Zone One – Streetscape: The Streetscape zone, which includes the front yard, is the width of lot adjacent to the roadway and up to the Arrival Court. On small lots, this zone and arrival court may be one and the same. The composition and quality of planting, walls, mailboxes, and architectural elements along the street is one of the most significant visual elements in the community. The completion of a successful Streetscape depends on the proper adherence to the guidelines for this area.
 - (i) Front yards should be coordinated with adjacent landscapes on both sides of the property. Plantings should meander along the property lines within the property to create a sense of cohesiveness. This area should blend with front yards of adjacent homes to give the appearance of a continuous Spanish Renaissance landscape, not a property line defined lot.
 - (ii) Utilize a mix of palms, hardwoods and/or flowering understory trees that convey an upscale Spanish Renaissance landscape.
 - (iii) Attempt to minimize the use of a wide variety of plants in the front yard. Larger masses of fewer plant species are preferred over gardens with many individual specimens of different varieties. Generally, the total number of varieties in the front yard should be limited to 8 species.
 - (iv) The ACB encourages accompanying understory planting with street trees. The understory planting shall be species included on the approved plant list and should not impede drainage or block visions from driveways or intersections.
 - (v) Additional tree and shrub plantings in the Streetscape shall be in keeping with the character of the neighboring lot and overall community. This is an opportunity to



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create privacy within the homeowner's property yet fit into the overall community concept.

- (vi) Newly planted trees shall be maintained in perpetuity by the property owners and replaced within thirty days after determined not suitable or dead.

(b) Zone Two – Arrival Court:

The Arrival Court zone is the portion of the lot adjacent to the front yard and home, generally dominated by the paved driveway and front entry pathways.

- (i) Arrival Court zones should provide trees to afford cooling and shade for the dry, harsh hardscape areas of the motor courts. The plant palette may include palm trees, pots and containers.
- (ii) Layering of plant material adjacent to the home will not only reinforce the architecture of the home but also visually blend the house with the landscape. Flowering trees, shrubs, and groundcovers help provide a variety of bed heights, seasonal color, and textures.

(c) Zone Three – Side Yard:

The Side Yard zone is the portion of the lot adjacent to the home structure extending to the side property line between the front and rear building lines. Of primary consideration shall be the provision of access to the rear yard, screening of mechanical equipment, provision for drainage, acknowledgement of potentially deeply shaded and moisture prone conditions, and requisite appropriate choices in plant material.

- (i) Side yards should be coordinated with adjacent homes, when present, to provide screening to the private backyards, privacy for side-facing windows, and transition between homes. These areas are ideal for narrow columnar trees and palms.
- (ii) Lawn areas in the side yards are strongly discouraged and should be provided only when there is adequate sun exposure and clearance for lawn equipment. Where space is limited, low shrubs or groundcover are recommended, in concert with approved paving materials for pathways.
- (iii) This area should also be coordinated with adjacent home's landscaping. Blank walls and window heights should be accounted for with appropriate landscaping. Long, uninterrupted single rows of plants should be avoided.
- (iv) Drainage swales must be acknowledged and should be unobstructed with plantings of trees and shrubs.



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- (v) Connection to drainage structures should be provided where necessary, especially at air conditioner drains and roof rain leaders.
- (vi) Side yard plantings must not obstruct access to the rear of the home/lot for maintenance and service purposes.
- (vii) Refer to item 3.O for Service Yard/Equipment Enclosure Requirements.

d) Zone Four – Private Backyard:

The Private Backyard zone is the portion of the landscape that is directly adjacent to the home extending out to the side and rear property lines. Since the backyard represents the most private outdoor space for each home, the character and quality of this zone is an opportunity for individual lot owner expression.

- (i) Canopy shade trees, specimen trees, understory flowering trees, shrubs and ground cover beds should be the predominant plant materials in the rear yards.
- (ii) Layering of plant material adjacent to the home will not only reinforce the architecture of the home but also visually blend the house with the landscape. Flowering trees, shrubs, and groundcovers help provide a variety of bed heights, seasonal color, and textures.
- (iii) Open views into neighboring windows and private areas are discouraged. The homeowner is encouraged to separate all outdoor living areas from each other by establishing a vegetative screen with a height minimum of five feet (5') with appropriate plant materials that will achieve a permanent 75% (seventy-five percent) opacity within one year from installation.
- (iv) All courtyards or pool areas shall be designed with plant material that has minimal leaf drop and is cold weather tolerant/hardy. Plants with notable leaf drop, such as bougainvillea and ruellia, shall be placed a minimum of 15' away from pool water surfaces to minimize drop into pools.
- (v) Grass is not allowed to be placed adjacent to any pool deck area. Utilize groundcovers that do not require mowing.
- (vi) All pool area plant beds shall be stabilized or mulched with stone or mulch, ~~and not natural mulches and wood chips~~.
- (vii) Approved rear yard fences and/or walls should be softened with the use of landscape plantings 60% (sixty percent) of coverage. Fences must be



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constructed ~~on the lot line or~~ at least 3 feet off the line to allow for maintenance between homeowner lots.

(viii) Water intensive lawn areas should be minimized, especially in areas where space is limited. Instead, groundcover masses should be planted.

(e) Zone Five – Open Space Corridor

(i) Open space corridors are greatly affected by rear yard landscape plantings. Views across and along these corridors are impacted by the planting scheme for each lot located adjacent to these open space corridors. Plantings in this zone will create a harmonious backdrop for the lakes, golf courses, upland buffers and wetlands throughout the community.

(ii) All trees and shrubs shall have the characteristics of those described in the Conceptual Landscape Plan, the Individual Neighbor Sections, and shall utilize the recommended plant list. Trees and shrubs shall be planted in perpetuity and replaced within thirty days after determined not suitable or dead.

(iii) No existing trees shall be removed from the rear yard without prior written consent of the ACB. It may be necessary for trees to be relocated or replaced.

E. Special Condition Lots:

Certain residential lots have potential to create significant influence or impact on the community and require particular attention necessitating additional landscape improvements.

(1) Corner Lots.

Landscape shall be appropriately designed at all areas exposed to streets or other common or commercial views. Pool screen enclosures are discouraged. All private areas of the home should be screened from view with walls, fences, and/or appropriate landscaping. If warranted, the ACB may require more trees based on the nature and character of the side yard.

(2) Golf, Natural Wetland Lots, and Common Area Improvement Lots.

Lots located adjacent to the golf course, natural areas including wetlands, and improved common areas play an important part in the overall community design and synergy of the landscape. The individual home site landscaping shall harmonize and complement the landscape of adjacent amenity areas while preserving and enhancing the views to/from each property. Landscaping should soften the architecture and



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screen the private areas of the home from the amenities, yet allow desirable views from the home to the amenities.

(3) Waterfront Lots.

Lots located adjacent to water features, including master drainage system lakes, must insure congruity of landscape elements with the lake bank. Zoysia sod shall be installed from the top of the water bank to the water's edge, or the property line of the lot, as applicable. Grading plans must consider the existing slope of the lake bank and whether any changes to the slope are proposed or required.

F. Landscaping Beyond Property Lines.

- (a) No landscaping or site work shall be performed or installed outside of the lot property limits, including POA property, open space, and other adjacent property, without Association and/or ACB approval.
- (b) A written request must be made to the POA/ACB for work outside of the lot property lines. If permission is granted, the property owner shall be responsible for all costs incurred, including maintenance costs. Furthermore, any permission to improve areas outside of the lot shall not grant any ownership or interest in such property. The POA/ACB reserves the right to remove and/or modify this landscape for any reason without obligation of replacement or payment.

G. Landscape Materials

All plant material shall be Florida #1 or better as defined by the latest edition of Grades and Standards for the Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee, FL. Environmental sensitivity is a goal of the Development. Existing vegetation should be retained where possible and excessive use of fertilizer, pesticides and water-intensive species is discouraged. Owner and Landscape Architect shall utilize only the plants and materials enumerated on the Landscape Materials List, attached hereto as Exhibit "E". To prevent infestation and damage to native plants in the Development, Owner shall remove from the Home Lot any species specifically identified for such removal on the Landscape Materials List.

(a) Trees and Palms

- i) No more than ten percent (10%) of the tree credit may be palm trees (~~three two~~ palms equals one tree). Tree and palm locations must be coordinated with street tree locations. Street trees must be shown on the landscape plan.
- (ii) A minimum of fifty percent of trees and palms shall be cold hardy species.
- (iii) All canopy trees counted as tree credits shall be a minimum of 4" Caliper.



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- (iv) Trees or palms planted in sod shall have mulch rings to protect them from maintenance equipment and string trimmers. All canopy trees counted as tree credits shall be a minimum of 3.5" Caliper.
- v) No existing trees shall be removed from the rear yard of a Home Lot without prior written consent of the ACB. The ACB may, in its sole discretion, require that such trees be relocated or replaced.
- (vi) Newly planted trees shall be maintained in perpetuity by Owner and replaced within thirty (30) days after the ACB's determination of unsuitability or death.

(b) Shrubs and Groundcover

- (i) A minimum of twenty five percent of shrub and groundcover plantings must be native to Florida.
- (ii) A minimum of fifty percent of the shrubs and groundcover must be cold hardy species.
- (iii) Annual planting shall not exceed five percent (5%) of the total footage of groundcover planting. Annual plantings will be installed by the POA on a quarterly basis.

(c) Grass

- (i) All grass area shall be installed with sod and approved by the ACB prior to installation. Six (6) inches of topsoil must be installed to the entire lot prior to installation of sod. The ACB must inspect the topsoil installation prior to sod being installed. If sod is installed prior to the topsoil inspection the removal of all sod will be required. The specified grass for the Development shall be Empire Zoysia.
- (ii) Lawn in the Streetscape area shall be Empire Zoysia and shall be installed and irrigated to the street pavement payment edge.
- (iii) ~~No Artificial turf is prohibited. may be used.~~

(d) Mulch

All planting beds shall have a three-inch layer of ACB permitted mulch which is brown pine bark mulch. Dyed mulch (red mulch or other) or synthetic materials are prohibited. Wood and stone mulches are allowed subject to ACB approval of color, consistency, and size of mulch proposed.

(e) Artificial Materials



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No synthetic or artificial plant material shall be used.

(f) Foundation Planting

Facade building foundations shall be entirely planted with shrubs or groundcover.

(g) Side Yard Planting

Side yard plantings must not obstruct access to the rear of the Home Lot or proper drainage.

(h) Earthwork

Berms must present a natural, free flowing appearance and not be higher than 2 feet. Angular berms or planters created with timbers are prohibited. Berms must not create surface drainage problems.

(i) Topiaries

Pruning trees or shrubs into odd irregular shapes is prohibited except for hedges and individual potted pieces. All pruning shall be done in accordance with Natural Arborist's Standards. No topping or hat racking of trees is allowed.

H. Maintenance

The POA will provide at Owner's sole expense for all ongoing horticultural maintenance and care, as required by the provisions of the Declaration.

I. Irrigation

All landscape areas shall be provided with an automatic underground irrigation system. Irrigation must be provided to the back of the curb of the adjacent street and to the rear lot line of the Home Lot and to waters edge. This includes landscaping in courtyards or fenced areas. ~~The use of a rain switch is required.~~ All Home Lots must use the irrigation water source provided by the POA. Each Home Lot will have an automatic irrigation system that is controlled by the POA. The irrigation system will adequately provide water to the entire Home Lot, including the common area between the side walk (when applicable) and street curb in front of each Home Lot. However, the POA will not provide irrigation for potted plants at the residence or plant beds in a paved area.

1. Irrigation System Design Components

(a) Irrigation Design Plan:



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- (i) It shall be to scale minimum 1"=20 feet indicating point of connection, main lines, zone valves with gpm, a specification list for irrigation components. All components are to be Rainbird or Hunter equipment. MP rotators are prohibited.
 - (ii) It shall show perimeter of lot property line; dedicated drainage and utility easements; adjacent land forms and uses, golf course, designated wetlands, swales, paths; adjacent streets, drives and sidewalks; and all existing trees, plantings, fences or walls adjacent to the lot.
 - (iii) It shall show the footprint of principal residence including doors, porches, stoops, and columns; walks, terraces, pool decks, pools, spas and fountains; and onsite driveways, walls, fences and tree well retaining walls.
 - (iv) It shall show all ground mounted air handlers, heat pumps, pool equipment; and garbage enclosures and screen walls for utilities.
 - (v) The designer should "screen back" all plant material with delineation between trees, turf, shrub and ground covers to be irrigated such that the information is subordinate to the irrigation system improvements, but legible and discernable.
 - (vi) It shall include an irrigation legend with symbols, descriptions, manufacturers, and model numbers for all irrigation equipment to be installed.
- (b) The point of connection (POC) for each home lot is a 1.5" water tap capable of 20 GPM coming from the community water main. Each home is allocated (4) separate zones with flows not to exceed 18 GPM. They will be wired to the existing two-wire system located at each lot next to the (POC), and controlled through the master controllers. Please contact the POA landscape contractor to arrange the installation of the two-wire components and the addition of the lot to the system schedule. Contact the POA Management Company for the current fee. *Individual home irrigation controllers are not allowed. Decoders are to be provided to the POA's landscape contractor at final irrigation inspection.*
- (c) Each zone should be designed to cover similar plant material without mixing sprinklers with different application rates. Do not mix rotors and conventional sprays on the same zone. ~~Rotary nozzles on spray bodies, such as MP rotators, will be permitted on properly nozzled rotor zones.~~
- (d) Head spacing should be head to head with 100% (one hundred percent) overlap (head to head coverage).



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- (e) When sizing lateral pipe, see flow limits or velocities from the manufacturer's flow charts & pipe diagrams.
 - (f) Place heads to minimize over-spray onto paved surfaces, structures or walls.
 - (g) Mainline and lateral pipes should have a minimum of 12" cover or buried 12" under surface.
 - (h) All areas where pipe passes under concrete or other hard surfaces should be sleeved using Schedule 40 PVC at 18" deep.
 - (i) When utilizing drip, proper filtration and pressure regulation is required at 40 PSI or less at the valve location.
 - (j) Components to be installed in accordance with manufacturers guidelines.
 - (k) The irrigation design should take into account the location of equipment relative to the landscape maintenance. Heads, emitters, pipes and sleeves should be located to minimize interference with traditional landscape maintenance practices.
2. Irrigation Specifications
- (a) Use six (6) inch pop-up spray heads in turf areas. 12" pop-up sprays in ground cover areas, driplines for all shrub beds. All 7-gallon materials will be double wrapped, 15 to 30 gallon will get one bubbler and any tree larger than 30 gallon gets two bubblers, one on each side of the tree. All spray head bodies must be pressure compensating and have a check valve capable of holding back a minimum of 10' of elevation head. Spray head bodies shall be pressure regulated with check valve. (4" Pop-up spray bodies will not be permitted.)
 - (b) Low volume drip tubing may be used if placed on its own irrigation control valve. The control valve for the drip zone should have a pressure regulator and filter installed in a 12" valve box. Secure drip line tubing with 6" metal soil staples.
 - (c) Valves to be placed in a 12" or greater lavender rectangular valve box.
 - (d) Use Class 200 lavender PVC pipe for all main and lateral irrigation lines. Use Schedule 40 PVC pipe for sleeving.
 - (e) A flexible swing joint of swing pipe and spiral barbs or flexible PVC pipe with a solvent weld street ell will be required between the lateral pipe and the irrigation head. Do not make any hard pipe connections between laterals and irrigation heads.



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- (f) All mainline and lateral piping to have 12" of cover. Assure that pipe sizes at the point of connection to the water source are properly sized to match the source line.
 - (g) No irrigation, pipe or heads will be installed less than 12" from the foundations and 4" from concrete driveways or walkways.
3. Irrigation Plan Requirements and Process
- (a) Irrigation plans shall be submitted to the ACB for review and approval concurrent with the landscape plans, unless otherwise extended by the ACB. All Irrigation Plans shall be in accordance with the Irrigation Design Standards and the Irrigation Details as set forth above.
 - (b) The ACB requires that a commercial or residential Certified Irrigation Designer (CID) by the Irrigation POA, or a Florida Licensed Irrigation Contractor, or a Florida Registered Landscape Architect complete the irrigation plans. The certification, license, or registration must be current and in good standing with the issuing agency or organization at the time of design and submittal.
 - (c) Irrigation plans shall be coordinated with the home builder's architectural and landscape plans, and relative to the built site conditions at each home lot.
 - (d) After final irrigation plan approval, the Builder/Owner must submit a set of irrigation plans to the local government Building Department as part of the permitting process for irrigation system construction and inspection required by the local government.

J. Garden Features, Ornaments, and Planted Pottery

The installation and location of any fountains, statues and other exterior artistic or display features of any Home are subject to the prior written approval of the ACB. In general, such features shall be located in secluded areas of the Home Lot in close proximity to the Home. The ACB in its sole discretion has the right to limit the quantity and size if any of these site elements are not in keeping with the style and materials of the house or are disruptive in any way. These types of site elements must be approved prior to installation and placement. Refer to the construction details under the requirements checklist for information required to determine approval. Permanent planted pottery shall be irrigated preferably with drip irrigation from the lot irrigation system.

K. Exterior Landscape Lighting

- 1. Landscape lighting shall be designed and installed to illuminate the lot landscape and building architecture and shall be indirect with no exposed light elements.



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2. All site lighting shall be used to enhance the overall design of the home in an aesthetic manner. All fixtures should be compatible with the architecture, finishes and color should be black, bronze, or dark green and as inconspicuous as possible.
3. Low voltage lighting is recommended.
4. All lighting sources shall be of a 'white light' such as incandescent, natural gas, or metal halide. Prohibited sources include mercury vapor, high-pressure sodium and/or colored, flashing or neon lights.
5. Bare light bulbs are prohibited.
6. All lighting shall be located as close to grade as possible to prevent excessive light spillage or glare upon neighboring properties and shall be confined to the homeowner's lot. The use of glare shields is encouraged.
7. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that lights do not cause dangerous safety issues by blinding oncoming traffic.
8. Exterior landscape lighting shall meet all applicable codes and must be approved prior to installation.
9. Electrical cables shall be buried a minimum of 12", or shall be protected with conduit, where crossing under turf edges to prevent damage by turf maintenance equipment.

L. Service Yard/Equipment Enclosures (Outside Equipment, Refuse and Storage)

All exterior mechanical equipment, including (without limitation) transformers, air conditioning pumps, condenser units, pool pumps/heaters/filters, water treatment systems, meters and other visually unattractive elements such as storage or trash and recycling containers, may not be placed in the front yards, corner lot side yards, or rear yards within view from all adjacent home sites, streets, open space or community amenities (lakes, parks). To the greatest degree possible, all service/utility equipment shall be located together for minimum effect and visual screening. These elements must be concealed from view, preferably by walls or fencing complemented with landscaping to provide a permanent screen and/or by means of a screening wall of material similar to and compatible with that of the home. Plant material used to screen equipment shall be sufficient in size (height and spread) and spacing to obscure 100% (one hundred



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percent) of the equipment at the time of planting from any view all year around. This standard implies that deciduous material is not acceptable, instead evergreen material should be selected for this purpose. Examples of evergreen material are *Viburnum suspensum*, *Podocarpus macrophyllus*, *Ilex cornuta* 'Dwarf Burford', and *Feijoa sellowiana*.

M. Ancillary and Free-Standing Structures

Structures, such as arbors, cabanas, pergolas, and gazebos located in the Private Backyard Zone (Zone 4) of the lot must be reviewed by the ACB prior to being permitted (detailed drawings must be submitted to the ACB for approval prior to the installation of any structure). Structures should complement architectural vernacular, enhance the look and function of the landscape, provide shade and outdoor enjoyment, and should not obstruct views from adjacent lots to community amenities.

VIII. Landscape Application Process and Submittal Requirements

A. Designer and Contractor/Installer Requirements

1. Designers

(a) Registered Landscape Architect

The ACB highly recommends a Licensed Landscape Architect design, prepare and certify site plans, landscape planting plans, landscape construction documents, and site details for proposed residences in the community. Use of Licensed Landscape Architect provides a high level of assurance that the level of competency and aesthetic appropriateness required to meet and maintain the integrity of the community's vision will be achieved.

(b) Other Landscape Professionals

- i. If a lot owner or builder desires to utilize a landscape professional not registered as a landscape architect for the design, permitting, and administration of construction of the landscape and irrigation systems for the lot, the property owner must submit information to the ACB for consideration of the proposed designer/professional. The information shall include key individuals, experience, references, and other information that demonstrate the qualifications of the proposed professional.
- ii. The ACB shall have sole discretion whether a non-licensed designer is approved.

2. Landscape Contractors and Installers



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The lot owner and builder shall exercise best professional judgment in the selection and engagement of landscape and irrigation contractor(s).

B. Conceptual Design Plan

1. The Conceptual Design Plan shall, at a minimum, address the following:
 - a) Site analysis and evaluation of existing conditions and adjacent properties;
 - b) Grading and drainage;
 - c) Views from adjacent properties;
 - d) Relationship of landscape elements to architectural features and style of home;
 - e) Relationship of landscape elements to adjacent landscapes, including existing offsite natural landscape, if applicable;
 - f) Pedestrian, vehicular and service traffic on the site;
 - g) Landscaped and irrigated zones of the lot;
 - h) Hardscape plan;
 - i) "Water-wise" principles;
 - j) Vegetation spacing and size (at installation and maturity);
 - k) Shading and exposure to sunlight (at installation, maturity, and build out of adjacent properties);
 - l) Irrigation and drainage details, including location and sizing of pop-up emitters, and
 - m) Special conditions, opportunities, or constraints.

2. The Conceptual Design Plan submittal shall include three (3) hard copies and one electronic copy in pdf format.

C. Final Design Plan



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The Final Design Plan shall be consistent with the ACB comments, recommendations, and requirements of the provided to the Applicant regarding the Conceptual Design Plan. Landscape plans shall be submitted to the ACB for review and approval concurrently with building plans, unless otherwise extended by the ACB. Landscape Plan submittals shall include three (3) hard copies and one electronic copy of the required information in pdf format. All Landscape Plans shall be in accordance with the Landscape Design Standards as set forth herein.

1. Plan Requirement Checklist

The Final Design Plan shall include, depict, characterize, and/or identify the following:

- a) **General Information:*
 - i. Drawing scale minimum 1/8"=1'0" or 1"=10' all plans to be drawn to scale;
 - ii. Acceptable sheet sizes: 18" x 24", 24" x 36" and 36" x 48";
 - iii. Name, address, phone number of the Builder and the Landscape Architect;
 - iv. Lot number, street address and adjacent street name(s);and
 - v. North arrow.
- b) **Lot and Perimeter Information:*
 - i. Perimeter lot/property line;
 - ii. Building setbacks;
 - iii. Dedicated drainage and utility easements;
 - iv. Adjacent lakes, designated wetlands, marshes, coastal critical lines, retaining walls, bulkheads and/or other adjacent amenities such as leisure paths, parks, etc.;
 - v. Adjacent streets and sidewalks; and
 - vi. Existing adjacent homes/structures, driveways, trees, shrubs, groundcovers, sod and fences and/or walls up to the adjacent side easements on both sides of the proposed lot.
- c) **Building and Structures Information:*



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- i. Footprint of principal residence including ground floor windows, doors, porches/lanais, stoops, columns, and other features accurately drawn; and
 - ii. Footprint of attached and detached ancillary structures.
- d) *Proposed Grading and Drainage Plan:*
- i. Finished floor of the principal residence and all attached and detached ancillary structures;
 - ii. Roof and gutter plan, including gutter location, runoff direction, downspout locations, and connectivity to the community master drainage improvements and operations;
 - iii. Existing spot grades at discrete locations and along the perimeter of the lot;
 - iv. Drainage details, including location and sizing of pop-up emitters, and
 - v. Swales and yard drains.
- Note: Careful grading and adherence to the community master drainage plan are required to eliminate standing water, minimize erosion, and minimize effects of stormwater runoff on the landscape and general site, including adjacent properties. Open-ended downspouts blocks are not allowed.*
- e) **Site Elements / Hardscape Plan:*
- i. Walks, door pads, terraces and pool decks;
 - ii. Pools, spas and other water features;
 - iii. Vehicular driveways, and auto courts;
 - iv. Walls and/or fences and tree wells;
 - v. Other vertical hardscape elements; and
 - vi. Miscellaneous amenity elements, garden features and permanent site furnishings, which may affect the use of the site.
- f) **Utility Elements:*
- i. Ground-mounted utilities such as air handlers, heat pumps, pool equipment, generators, satellite devices, and other service utilities;



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- ii. Wall-mounted meters, panel boxes, etc.;
 - iii. Garbage storage areas; and
 - iv. Screen walls or fences for utilities.
- g) *Planting Plan:*
- i. All plant material using a plant callout and quantity for each plant type keyed to a separate plant schedule;
 - ii. Plant schedule, which includes: scientific and common name, minimum plant height and spread at time of installation, minimum tree caliper at time of installation, container size, plant spacing, plant quantities, mulch type and depth, and any necessary remarks, which may be required to clarify any technical or design needs (refer to Exhibit #4 – Sample Plant Schedule); and
- h) *Irrigation Plan:*
- i. Refer to the Irrigation Requirements above.
 - ii. Plans to include all irrigation details and component locations,
- i) *Site Lighting Plan:*
- i. Site lighting fixtures keyed to the site lighting schedule; and
 - ii. Lighting schedule to include fixture type, light source, wattage, finish, and color.
- j) *Construction Details / Elevations / Color Cut sheets of site elements:*
- i. Pedestrian and vehicular pavement showing type, layout pattern, thickness, color, and manufacturer;
 - ii. Fences and/or walls, showing material, height, colors, and cut sheet (if applicable);
 - iii. Ancillary structures;
 - iv. Garden Features / Pots and Urns / Ornaments / Fountains; and
 - v. Site lighting fixtures.



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- k) **Architectural Reference Materials:*
 - i. Copy of the architectural first floor plan and building elevations for reference purposes (11" X 17" or other ACB accepted format); and
 - ii. Roof plan including gutter location, runoff direction, downspout locations, and discharge solution(s).

Note: Items denoted with an asterisk () are required for Conceptual Design Plan and Final Design Plan submittals.*

D. Final Landscape and Irrigation Inspection

1. The ACB shall perform a final inspection of Home Lot landscaping and irrigation to determine and verify that all landscape and irrigation-related matters have been completed according to the Approved Landscape Plans and Approved Irrigation Plans ("ACB Final Approval").
2. ACB Final Approval is a condition precedent to Owner's request or application for the City's completion of a final inspection and issuance of a certificate of occupancy for a Home or other improvement. If the ACB finds such work was not done in substantial compliance with the approved plans, it shall notify the submitting party in writing of such noncompliance within such thirty (30) day period, specifying particulars of noncompliance, and shall require the submitting party to remedy such noncompliance. If Owner does not remedy any noncompliance with the Approved Final Plans, Approved Landscape Plans or Design Guidelines within fifteen (15) days of Owner's receipt of written notice of such denial, the ACB will notify the Board of Directors in writing of such failure. The Board of Directors shall then determine if there is noncompliance. If the Board of Directors finds the lot is not in compliance, the Owner shall have thirty (30) days from the ruling of the Board of Directors to remedy the noncompliance. In the event Owner shall fail to make such corrections as directed by the ACB within such time period, the ACB shall be entitled to pursue any available remedies, including removal of any nonconforming improvements or conditions.