

AMENDED FEBRUARY 1, 2015

CRITERIA

For the construction,
reconstruction
Or
modification of
residences in Suntree

Promulgated by the
Suntree Master Homeowners
Association
And
Administered by its
Architectural Review Committee

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SECTION ONE

Definitions

- 1.1 ARC. The Architectural Review Committee.
- 1.2 Board. The Board of Directors of the SMHA.
- 1.3 Criteria. The rules and procedures set forth herein for the construction of residences and additions thereto or the modification of their external appearance.
- 1.4 Declaration. The Declaration of Covenants, Conditions and Restrictions (CC&R's) of Suntree, as amended, which are recorded in the public records of Brevard County, Florida.
- 1.5 Maintenance. Suntree Homeowners are expected to comply with Article V Covenants for Maintenance of SMHA Declaration of Covenants, Conditions, and Restrictions of Suntree as Amended. Maintenance shall be considered as any upkeep of existing property: house, lawn, driveway for example. Maintenance tasks shall not require ARC approval. To qualify as a maintenance task, no change to configuration or color is allowed – for example – if a solid door is replaced and a like solid door painted the same color this would be classified as a maintenance task. (If a homeowner wishes to replace a solid door with one that has a window installed and/or painted a different color – this is a configuration change and ARC approval shall be required before this change can be made. Please see Exhibit A for additional tasks not requiring ARC approval.) Maintenance includes, but is not limited to, the following:
 - 1.5.1 Painting same color. Painting same color must be submitted for approval. A paint chip must be attached to the application. No fee required.
 - 1.5.2 Roof replacement of existing materials must be submitted, no fee required. Any change in materials, color or configuration must be submitted for approval. A fee is required.

- 1.6 SMHA. The Suntree Master Homeowners Association, Inc. a Florida not-for-profit corporation.
- 1.7 Suntree. The Suntree Planned Unit Development located in Brevard County, FL.

SECTION TWO

Introduction

- 2.1 Authority. The Criteria set forth herein has been promulgated by the SMHA pursuant to authority granted to it by Section VI of the Declaration. The Board may amend the Criteria from time to time in its sole discretion. The Criteria is subordinate to the Declaration.
- 2.2 Purpose. The purpose of the Criteria is to assure the residents of Suntree that the standards of design quality will always be maintained. This protects and enhances Suntree's overall environment. The residents benefit from the planning and design which is an important part of the development of Suntree. The ARC is empowered by the SMHA to provide design review and to establish policies, standards and guidelines which are subject to review and approval by the Board in accordance with the following objectives:
 - 2.2.1. To enhance the living quality and natural attributes of Suntree.
 - 2.2.2. To encourage high standards of design and quality construction.
 - 2.2.3. To work with members of the SMHA for the establishment of design criteria.
 - 2.2.4. To assure a harmonious relationship between the design of individual buildings and sites.
 - 2.2.5. To determine compliance of exterior design review applications with the Declaration and ARC Criteria.
 - 2.2.6. To promote consistent and harmonious, architectural motifs, exterior colors, materials and finishes.

- 2.3 ARC Responsibilities. The ARC is responsible to the Board for the discharge of the functions delegated to it.
- 2.4 Enforcement. The Board, through the ARC, has the power to enforce compliance with the Criteria.
- 2.4.1 The laws and ordinances of the State of Florida and Brevard County as well as the Rules and Regulations of their administrative agencies now or hereafter, are applicable
- 2.5 Disclaimer. The SMHA and ARC assume no liability for any plans submitted for approval. The applicants accept full responsibility for all aspects of the building plans including, but not limited to, the following:
- 2.5.1. Work of any contractor or subcontractor or their employees;
- 2.5.2. Compliance with all laws, codes and ordinances promulgated by any governmental agency with jurisdiction over the development and construction of residential buildings;
- 2.5.3. Determination of and compliance with restrictions, flood hazards, drainage and grading requirements and all surface and sub-surface soil conditions;
- 2.5.4. Determination of and compliance with structural, mechanical, electrical and any other technical aspects of proposed plans;
- 2.5.5. Compliance with all Covenants and Restrictions and ARC control policies, standards and guidelines in force at the time of approval; and
- 2.5.6. Accuracy of all stakeouts and surveys.

SECTION THREE

New Construction / Demolition Responsibilities and Procedures

- 3.1 New construction is considered but not limited to the following: Changing of the roofline or the footprint of the foundation. Exterior modification to include additions to the structure and /or adding a pool or spa.
- 3.2 Jurisdiction. ARC has the responsibility for reviewing and approving the design and location of new residential construction, including exterior modifications and any reconstruction or modification that requires a building or pool permit.
- 3.3 Application. An application will be considered only if all of the following is received by SMHA:
 - 3.3.1 Construction drawings shall be submitted; scale 1/4" = 1'- 0" drawn in a professional manner to accurately project the exact detail to be constructed. Plans with hand-markings will only be accepted when properly initialed and dated by the applicant. Plans marked "Reverse" will not be accepted. Homes and pools must be constructed in accordance with the drawings submitted to the ARC.
 - 3.3.2 Builder's Checklist for new home construction shall include applicant's signature, landscape plan, drainage plan, plot plan, color samples, roof samples, method of screening for A/C and pool equipment and mail box design, plus name, mailing address and phone number of owner.
 - 3.3.3 Appropriate application fee. (See Section Seven)
- 3.4 Final Builder Certification. When the County issues a Certificate of Occupancy (CO), the owner shall contact the ARC for an inspection to determine whether the builder:
 - 3.4.1 Has constructed the exterior elevation of the residence or the pool according to the plans approved by the ARC; and

3.4.2 That the construction is in compliance with ARC requirements including, but not limited to, the screening of outdoor containers and equipment from view and mail box design.

- 3.5 Deposit Refund. Upon a favorable inspection, a refund of the builder/owner's return deposit will be mailed to the applicant. In the event a builder/owner fails to contact the ARC for an inspection prior to occupancy of a home, the builder/owner's return deposit shall be retained by SMHA as liquidated damages.
- 3.6 Extra Inspections. In the event it shall be necessary for ARC to conduct more than (2) inspections in order to find the home in compliance with the requirements set forth herein, \$50.00 of the builder/owner's return deposit will be retained by the SMHA for each inspection in excess of two in order to compensate SMHA for the cost of such additional inspections.
- 3.7 Architects/Engineers/Landscapers. Applicants are encouraged to use professional architects, residential designers, engineers and landscape designers to produce designs consistent with the overall community concept.
- 3.8 Demolition Responsibilities and Procedures:

Conditions under which demolition (pertaining to tearing down) criteria apply as:

1. If a member intends to tear down an existing home, ARC approval is required for the demolition. If a member intends to build a new home after the demolition is completed he may submit a request for demolition and a separate request for new construction, or, prior to the demolition process commencing, he may submit a new construction request that includes required information on the demolition process.

2. If a member intends to tear down an existing home but has no immediate plans for rebuilding, an ARC approval for the demolition is required.

3. If a member intends to remodel the exterior structure of an existing home or make extensive repairs after suffering loss due to fire, windstorms, etc. involving roof replacement, exterior wall removal, etc., ARC approval is required. Members may request ARC approval for demolition as a part of his request for ARC approval for the remodel, repair.

Jurisdiction: The ARC has the responsibility for reviewing and approving any proposed Demolition Plan. All applicable county and state permits shall be required and any reconstruction will require the appropriate permits and shall meet all requirements outlined in the SMHA Covenants, Conditions and Restrictions and the ARC Criteria. The demolition project must be completed within 180 days from the approved date of the application.

Application: A demolition application will be considered only if all of the following is received by SMHA.

1. A Demolition Drawing Plan shall be submitted in a professional manner to accurately project the exact detail of the proposed demolition. Hand-markings will only be accepted when properly initialed and dated by the applicant.

2. The checklist for razing a home and/or demolition shall include applicant's signature, drainage plan and a plot plan.

3. Appropriate application fee: (Refer to Section 7, 7.1.1, for New Construction fees) (Note: if a New Construction Plan is submitted simultaneously with a Demolition Plan, then only a onetime new construction fee will apply and the requirements contained in Section 3, New Construction, must be met.)

4. Deposit Refund: Upon a favorable inspection of the site, a partial refund of the deposit will be mailed to the applicant (See Section 7, 7.1.1). In the event a contractor fails to contact the ARC for an inspection prior to vacating the site, the deposit shall be retained by SMHA as liquidated damages. All site/lot problems shall be corrected prior to any refund.

5. Extra Inspections: In the event it shall be necessary for ARC to conduct more than (2) inspections in order to find the site in compliance with the requirements set forth herein, \$50.00 of the deposit will be retained by SMHA for each inspection in excess of two in order to compensate SMHA for the cost of each additional inspection.

- 3.9 Job Site Condition: Portable toilets and trash receptacles are required at all sites. If temporary roads, fencing, storage sheds, contractors trailers, ect, are required, approval shall first be obtained from the ARC. Location of such items must be indicated on the site plan. The job site shall be maintained in a neat and orderly manner during demolition. Debris must be removed weekly and street frontage shall be swept clear of sand, concrete and rubbish daily (whether caused by contractor, material suppliers or their employees) in order to limit dangerous debris in the roadway. Lots adjoining the sites shall not be used for storage of material without permission of the owner. No lot will be used for dumping of debris. It is the responsibility of the contractor, if any nearby vacant property is used with the owner's permission for temporary storage of materials or other uses, to see that all such material is removed upon completion of the project.
- 3.10 Filling / Excavation / Grading / Drainage: Demolition documents must include a drainage plan. Details shall be in accordance with master drainage plans for the community development. No clearing, filling, excavation or grading shall commence without approval of ARC. The applicant shall be responsible for grading and surface drainage so that surface run-off will not adversely affect adjoining properties, interfere with natural drainage flows, or collect in low areas, swales, driveways or paved parking areas.

The applicant shall be responsible for all means and methods of erosion control. If the lot is to remain vacant for an extended period of time, the owner of the property is responsible for maintaining the lot once the demolition is complete and/or until new construction commences.

- 3.11 Elevation Requirements for New Construction.
Finished floor elevation must be a Minimum of 12” above the crown of the road to ensure proper drainage. Contiguous homes must have the same elevations.
- 3.12 Non-Compliance: Any violations of these standards may subject the owner to a fine as provided in Section Eight of the ARC Criteria or any other means of enforcement as provided by these ARC Criteria, the Declaration, or other governing documents of the SMHA.

SECTION FOUR

Modification Responsibilities and Procedures

- 4.1 Jurisdiction. ARC shall be responsible for the approval of all modifications to the exterior of existing residences and grounds, including driveways.
- 4.2 Application. An application will be considered only if all of the following is received by SMHA:
 - 4.2.1 A letter of request or subcommittee request signed by the applicant (approved by applicant's sub-association, if any) including a construction drawing of the requested change, and plot plan.
 - 4.2.2 Color samples.
 - 4.2.3 Appropriate application fee.
- 4.3 No Submittal List. See Exhibit A for a list of exterior changes that do not require an application to the SMHA ARC for approval. However, sub-associations may require approval. Review your documents for additional information.

4.3.1 The job site shall be maintained in a neat and orderly manner during construction. Debris must be removed (weekly) and street frontage shall be swept clear of sand, concrete and rubbish daily, whether caused by contractor, material suppliers or their employees in order to limit dangerous debris in the roadway. Lots adjoining construction sites may not be used for storage of material without permission of the owner. No lot will be used for dumping of debris. It is the responsibility of the builder, if any nearby vacant property is used with the owner's permission for temporary storage of materials or other uses, to see that all such material is removed upon completion of construction.

SECTION FIVE

Provisions

5.1 Sub-Association Policy. The SMHA Architectural Review Committee will not evaluate a modification request submitted by an Association member citing a sub-association property unless that request has been considered by the sub-association and they have recommended approval. Signatures from two sub-association Officers are required. The recommendation of the sub-association will normally be respected. On the remote occasions where the Master ARC disagrees with the sub-association, every effort will be made in conference to resolve the disagreement. When the sub-association disapproves the application, the application will be returned to the applicant. The Master ARC will not overrule a sub-association. They may refer the matter to the Board of Directors if the differences cannot be resolved by conference. Upon final resolution of any conflict, the sub-association will be advised prior to the applicant.

Both parties can attend the next regularly scheduled ARC meeting to present their case. If there is no resolution, the parties may request to appear before the Board of Directors at their next regularly scheduled meeting. In order to comply with Federal law (47 U.S.C.151, 303) these provisions shall not apply to antennas covered under Section 15 of Article X of the Declaration. (See SMHA office for a copy of Federal Law 47 U.S.C. 151, 303)

- 5.2 Meetings/Approval Schedules. ARC normally meets twice a month. Under normal circumstances, the ARC will endeavor to review applications within two weeks of receipt.
- 5.3 Committee Review. Within 30 days of receipt by SMHA of a complete application for review, ARC will provide written notice to the applicant indicating the ARC's decision. If the application is not decided by the ARC in writing within 30 days after-submission, then the application shall be deemed approved.
- 5.4 Construction Review. ARC reserves the right to review construction periodically for compliance with approved plans. The applicant agrees to cooperate fully with members of the ARC and further agrees to obtain prior approval for any changes or deviations in approved design documents.
- 5.5 Decisions. Upon receipt of a properly completed application, ARC will review the applicant's plans and specifications and render one of the following types of decisions:
- 5.5.1 Approved (with or without comments);
 - 5.5.2 Approved (subject to limiting conditions);
 - 5.5.3 Disapproved pending receipt of requested submittals, or
 - 5.5.4 Disapproved (Rejected and ARC returns entire application)
- 5.6 Additional Review Fee. In the event applications are disapproved pending receipt of further information, applicants must resubmit with the requested information or make appropriate changes and resubmit for another review.
- 5.7 Notification of ARC Decision. Construction shall not begin until written approval is received by the applicant. Oral statements do not constitute approval. A copy of the notification letter will also be sent to the sub-association.
- 5.8 Approval Expiration. Applicants must complete construction within 1 year for new construction, or within 6 months for modification, from date of ARC approval. Failure to do so will automatically revoke approval without prior notice from ARC. Extensions may be granted by ARC if requested in writing.

- 5.9 Variances. Requests for variances to the Declaration or ARC Criteria will be submitted to the Board for approval or disapproval. ARC will make recommendations to the Board concerning the requests.
- 5.10 Construction Changes. All construction must be in accordance with approved plans. If prior to or during construction a change to the exterior of the building or approved plan is desired, such change shall be submitted in writing to ARC for approval before implementing the change.
- 5.11 Extensions. Time extensions may be granted under special circumstances by the ARC. Requests shall state in writing the construction history, causes for delay and new completion date.

SECTION SIX

Construction Standards

- 6.1 Scope. The standards contained in this Section are applicable throughout Suntime. Refer to sub-association Covenants Criteria & Restrictions for additional information.
- 6.1.1 Setbacks. A minimum of twenty-five (25) feet setback shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street. A minimum of twenty-five (25) feet set back shall be maintained between the walls of all structures and the perimeter of the plat. A minimum of five (5) feet set-back shall be maintained between walls of all structures and Common Areas. Rear Lot lines set-back dimensions shall be determined at the discretion of the ARC but not less than 20 feet. The Minimum distances between (side set-backs) structures shall be fifteen (15) feet for two stories or less. A minimum of 5 feet set-back shall be maintained between a pool enclosure and the property line.

- 6.2 Exterior Design. Architectural motif and exterior elevations will be reviewed for aesthetic appearance in terms of the overall dwelling unit and its general relationship to other dwelling units based on location, size and quality within the community. Approval of exterior design will be based on architectural theme and will consider mass and scale; materials, textures, colors and finishes, continuity between primary design elements and secondary surface treatments; placement of windows, doors and openings; and vertical and horizontal lines. Designs which vary extremely from the immediate surroundings or the intent of the development shall not be permitted.
- 6.3 Exterior Materials. The selection of exterior materials shall be harmonious with the architectural motif of each dwelling unit and the community development as a whole. Depending on particular applications, the following materials have been approved by the ARC: Other materials may be evaluated on a case by case basis.
- 6.3.1 Wood: (cypress/cedar/redwood), board and batten; lap siding; cedar shakes (roofs); tongue and groove siding.
- 6.3.2 Stucco: approval subject to application, texture and use of other primary or decorative treatments.
- 6.3.3 Masonry: natural stone, brick and cultured stone; concrete block with approved surface treatment.
- 6.3.4 Windows: wood, vinyl or aluminum frame anodized, E.S.P. or baked-on enamel.
- 6.3.5 Fiber cement siding and or hardi board must be painted.
- 6.3.6 Vinyl siding - May be used with the following specifications:
- a. Must be horizontal panels with woodgrain finish.
 - b. Must have a nominal thickness of not less than .042".
 - c. Must have a simulated board width of not less than 4 1/2".
 - d. Siding must have an interlocking edge lap.
 - e. Coextruded or laminated PVC sidings are not acceptable.
- 6.4 Garage Doors. Garage door material and design shall be compatible with exterior design of house. Replacement doors should meet hurricane load requirement.

- 6.4.1 Garage Door Screens. Garage door screens are permitted provided the framing shall be white or bronze finish or painted to match existing color of house. Garage door screens do not constitute a substitute or replacement for regular garage doors
- 6.5 Unapproved Exterior Materials. The following exterior materials are not approved for construction: metal siding; plywood, clap board, concrete block (except as a subsurface wall); T-111 siding, fiberglass or asphalt siding; logs imitation or otherwise except for landscaping purposes.
- 6.6 Exterior Colors. Exterior colors shall be in harmony with existing dwellings. A sample of the paint color must be submitted to the ARC for approval.
- 6.7 Roofing Materials/Roof Structures. Approved roofing materials include cedar shingles, cedar-shake shingles, slate, tile, asphalt shingles, fiberglass shingles, rolled shingles and stone coated steel or metal shingles. Other materials will be considered on a case by case basis. The minimum roof pitch shall be 5" in 12" for gable, shed and hip roofs. Flat roofs and tar and gravel surfaces are not recommended but may be permitted. Galvanized insulated aluminum may be used over porches and finished with facias to blend with the architectural design of the house.
- 6.8 Utilities/Service Areas/Accessory Facilities.
- 6.8.1 Clothes Lines. 2002 FLORIDA STATUTE #163.4 (2)
No clothing or other household fabrics shall be hung in the open on any Lot or Unit unless from an umbrella or retractable clothesline which is screened from view when in use and promptly removed when not in use. (See SMHA office for Florida Statute #163.4 (2))
- 6.8.2 Auxiliary air conditioners. No window air conditioners shall be allowed. Air conditioning units may be mounted through the wall of room additions where it is not feasible to tie into an existing air conditioning system with the following requirements:
- 6.8.2.1 Must be mounted no higher than 6 inches off the floor slab with total height not to exceed 24 inches above the floor with no visible duct work.

6.8.2.2 Must be screened from view with shrubbery hedge or approved fencing. If an air conditioner can be viewed/seen from a street it is not sufficiently screened from view. This does not require that air conditioners be screened from view by an adjacent neighbor.

6.8.2.3 Water-to-air air conditioning units are not permitted.

6.8.3 Outdoor containers and equipment. All garbage containers, air conditioner compressors, well pumps, water softeners, oil/gas tanks and pool and spa pump equipment shall be located on side or rear yards unless side or rear location is not practical. If any such equipment is placed in front of a house, it must be concealed with a structure or wall to match the material and color of the house. All equipment and containers shall be screened from view. Appropriate screening materials are: wood, vinyl or lattice fencing, stucco or brick walls or shrubbery plants.

6.8.3.1 Temporary / Portable Storage Containers. In the event, a homeowner requires temporary storage due to construction the following rules must be adhered to:

1. An ARC application must be filled out stating the reason for the container.
2. The ARC application fee (25.00) will be charged if exterior modification is the reason for the container. If the reason for the container is interior modification then no ARC application will be required.
3. A refundable deposit of \$50.00 is required for the Temporary/ Portable Storage Container. The fee is refunded upon removal of container and returned permit.
4. The permit must be prominently displayed on the container.
5. All Temporary / Portable Storage Containers must be stored in the driveway.
6. The container should be as close to the house as possible and be in good condition.
7. The container permit can be approved for 30 days, by the General Manager.
8. If the homeowner requires the container for more than 30 days a request must be submitted to ARC for review by the committee.

6.8.3.2 Installation of Permanent Generators. All permanent generators shall be approved upon the following conditions:

1. The generator shall be installed only on either the side or the rear of the house.
2. The generator shall be installed on a concrete, or stone or similar material type of pad.
3. The generator shall be screened from view by a wall or fence.
4. The generator shall only be used in emergency situations such as power outages, except the generator may be used periodically in accordance with the manufactures recommendation for proper operation and maintenance between the hours of 10:00 a.m. and 2:00 p.m. only.

6.8.3.3 Propane Tanks. Propane tanks (permanently installed) shall be underground. Any exposed fixture shall be screened from view from the street.

6.8.4 Utility services. The applicant shall be responsible for all utility services from the point of utility company connections underground to the applicant's building. All utilities shall be underground except temporary electrical service for projects under construction. All meters, transformers and other utility service equipment or gear shall be concealed by screening, but not closer to the equipment than the utility easement allows for proper access and maintenance. If shrubs are used around pad mounted FPL transformer facilities, a clearance of six feet is recommended in front of the transformer, and three feet on the three other sides to assure proper access.

6.8.5 Antennas. RESOLUTION NO. 1002.01 (11-8-02)

1. The Suntime Master Homeowners Association, Inc. shall comply with the Regulations of Title 47 of the Code of Federal Regulations relating to the powers of the Association to regulate or control antennas, satellite dishes and other equipment used to receive satellite television signals.

2. To the extent that the Declaration of Restrictions of the Suntree Master Homeowners Association, Inc. is in conflict with Title 47 of the Code of Federal Regulations, it is the intention and stated policy of the Association to abide by the provisions of Title 47 of the Code of Federal Regulations.

3. The Declaration of Restrictions of the Suntree Master Homeowners Association, Inc. shall be fully enforced to the extent that do not conflict with Title 47 of the of Federal Regulations.

4. Should Title 47 of the Code of Federal Regulations be amended it is the intention and stated policy of the Suntree Master Homeowners Association, Inc. to comply with the Code of Federal Regulations including any amendment thereto occurring subsequent to the date of this Resolution. (See SMHA office for a copy of Resolution No. 1002.01 (11-8-02))

6.9 Landscaping. Landscaping is defined as being an enhancement of the land, especially around buildings, by altering the contours, planting trees, shrubs, and/or flowers and creating borders around landscape beds with pavers, bricks, or concrete curbing. ARC approval is not required.

Brazilian Pepper trees are extremely invasive and shall not be planted in Suntree. Owners of lake front property are required to maintain their property to the water's edge. The goal of landscaping is to present a neat and well maintained appearance. See Section 62-4340 of Brevard County Code for landscaping requirements.

6.10 Irrigation Systems. Well pumps that are installed on the exterior of the residence must be screened from view from the street. Pumping irrigation water from SMHA lakes is allowed as a courtesy, provided such pumping systems are installed and properly maintained at the owner's expense.

6.11 Awnings. Awnings must serve a functional use rather than decorative. Fabric must be standard 100% acrylic "Sunbrella" type material with a minimum five-year life warranty. Other materials may be evaluated on a case by case basis. The applicant must submit a picture of window(s) where the awning will be installed and the color must be compatible with the color of the house body, trim or roof.

6.11.1 Canopies. Free-standing canopies may be installed adjacent to community pools only. As a minimum, the canopy must be made of polyethylene material; (no less than 12 mil) or 100% acrylic "Sunbrella" type material with a five-year life warranty. Other materials may be evaluated on a case by case basis. The color must match the color of the pool house, its trim or roof. The frame must be of a material able to withstand applicable wind load code and must be attached to a concrete slab.

6.12 Docks. No dock may be constructed without a signed licensing agreement and site plan approval from the SMHA. Lights on docks shall be low profile, 8 watts maximum, white lights, shielded or hooded lamp no higher than 26 inches above the dock floor level. The maximum number of lights will be six. Dock will not extend more than 10' into the water from the mean high water mark. Submit licensing agreement along with approval request to ARC. See Exhibit C for approved plan.

6.13 Fencing, Walls, and Hedging.

6.13.1 All fences must have written ARC approval before installation.

6.13.2 Walls, Fences, Hedges and Landscaping: No wall, fence or hedge or landscaping similar thereto shall be erected on the Suntree PUD which shall unreasonably restrict or block the view of an adjoining lake or golf course. For this purpose, the above shall be maintained at a height not greater than six (6) feet and no wall or fence or hedge or landscaping shall be erected or placed within the front set-back lines of any Lot, unless said wall or fence, or hedge or landscaping shall be ornamental and shall not in any manner impair the general scheme of said property. No wall, or fence, shall be constructed on any Lot until after the height, type and design and location thereof shall have been approved in writing by the Suntree Master Homeowners Association. No walls, fences, hedges or landscaping similar thereto are permitted to extend beyond the main structure of any residential dwelling, which abuts a lake or golf course in the direction of, adjacent or parallel to, said lake or golf course; however, for safety purposes, written waivers may be approved by the Association for lake-front lots.

6.13.2.1 Privacy Fence. A privacy fence is one that is designed to provide the owner screening from his neighbors' view into windows or other openings where privacy is desired.

6.13.2.2 Ornamental Fence. An ornamental fence is one of open design that does not completely block the view (normally a metal type fence). See Exhibit D

6.13.2.3 Screening a pool with a fence.

Pools within Suntree must meet state safety requirements such as those outline in Florida Statute 515.29 (Residential swimming pool barrier requirements). Most pools meet this requirement using a bird cage. Homeowners are authorized the use of ornamental fencing around a pool if it meets the definition of paragraph 6.13.2.2 above, does not exceed 6' in height and is installed on the pool deck or abutting the pool deck. A sample of the proposed fencing must be submitted with ARC request.

6.13.2.4 Hedges. When a series of plants or bushes are planted or grow in such a manner that they form a solid expansion wider (longer) than seven feet in length they will collectively be considered a hedge and will be maintained at six feet in height. Noise suppressing hedges on common areas are the exception.

6.13.3 Wooden fences must be compatible with a design as shown in Exhibit D. All wooden fences must be of a color compatible to the house. ARC approval of colors to be used for fences will depend on neighborhood and house colors. All fencing material must meet ARC quality standards as specified in Exhibit D.

6.13.4 Chain link fences or wire fences are not permitted on residential lots except to enclose tennis courts or sub-association pools. Tennis court fences will not exceed 12 feet in height. Tennis court landscaping is required to soften the impact of the fence.

6.13.5 Fences are to be maintained in good condition by the property owner. See Exhibit D.

6.13.6 Masonry walls with stucco finish and brick walls are allowed.

- 6.14 Flags in Residential Areas. A maximum of two flags may be displayed at each residence in Suntree. Permitted flags are the United States National Flag, any flag of any department of the U.S. Government, including a flag of the military services, any flag of a nation admitted to the United Nations, and any flag of any state or territory of the U.S.A. If one of the flags displayed is the national flag of the U.S.A., it shall be flown in accordance with its flag protocol. The foregoing does not apply to flags commemorating special events of limited duration which shall be removed at the conclusion of the event. A permanent vertical flagpole with a maximum height of 25 feet is allowed. Maximum flag height is 25% height of flagpole. A permanent or temporary sloping flagpole with a maximum length of 6 feet may be affixed to the mailbox post or house.
- 6.15 Driveways. Acceptable materials and design include: concrete, stamped concrete, pavers, engraved patterns for existing concrete and concrete custom blended color coatings, stains and paints. All colors must be approved.
- 6.16 Mailboxes. Refer to Exhibit E for samples of mailboxes. The owner is responsible to ensure that the mailbox is installed in accordance with postal regulations. House numbers may be displayed on the mailbox. The numbers should be a minimum of 2" high and clearly visible. Mailboxes should be of a type that will be in harmony with the existing homes and neighborhood. Gimmick mailboxes such as golf balls, manatees, dolphins, etc., are not allowed. Additional attachments that are not an integral part of the mailbox are not permitted.
- 6.16.1 Custom built paved, stucco or brick enclosed mailboxes shall be installed in ordinance with Exhibit E. Color should be compatible with the house color.
- 6.17 House Numbers. House numbers are required in a prominent place clearly visible from the street. The numbers shall be a minimum of 2" high.

6.18 Playground Equipment. Installation of large playground equipment such as trampolines, Jungle Jim's or similar equipment must be submitted to the ARC for approval. Show on a drawing the location, configuration, and color and height of the equipment. All playground equipment must be placed on the rear of lot behind a line extended from the rear wall of the existing residence (see Exhibit F). Exceptions can be made if the lot configuration is such that it is geographically impossible to place the equipment behind the rear lot line on the house. Exception maybe granted by the ARC. Playground equipment must be maintained in good order and not exceed the maximum height of 12'. Natural wood need not be painted. See Section 6.18.2 for Basketball Systems. Skateboard ramps are considered playground equipment and when not in use should be stored in a garage.

6.18.1 Tree Houses. Tree houses are not permitted.

6.18.2 Permanent Basketball Systems. Installation of Basketball systems must be submitted to the ARC for approval. The location, configuration and color must be shown on a drawing. Portable or in-ground systems are allowed. All Basketball systems must be maintained in good order. For approved design, see Exhibit B. Specifications:

1. Backboard:
 - a. Materials – No wooden material allowed. Similar or equivalent materials to acrylic, polycarbonate, steel, aluminum, plastic, polyethylene, graphite, glass, resin material recommended.
 - b. Color – Recommended colors are white, gray, blue or clear.
2. Pole:
 - a. Material – No wooden material allowed, heavy aluminum or steel pipe recommended.
 - b. Color – painted black, dark brown, white or gray.
3. Must be installed not more than ½ way between the house and the road (as close to the house as possible is preferred).

6.19 Pools and Spa. Swimming Pools, Spas and Screened Enclosures are designated as an accessory use in all residential zoning classifications pursuant to Brevard County Code Section 62-2123 and separate set back requirements apply to them. ARC may approve such pool or spa provided, however that they shall not encroach into any drainage, utility or other easements located on the lot lines. Contractor plans for in ground pools or spas must be submitted by the homeowner for ARC review. The application must include the location of equipment and method to be used to conceal equipment.

Above ground swimming pools are not permitted.

6.19.1 Patios. Patios are defined as being a pad/slab to be used as an outdoor living area. Construction materials consist of, but not limited to, pavers, concrete, brick, composite planks, plastic planks, aluminum, wood(natural or pressure treated), stone, slate stepping stones, or concrete stepping stones. The building of a patio requires ARC approval. Concrete patios abutting the foundation of a house are considered New Construction. Paver built and other non-concrete patios abutting the foundation of a house are considered Modifications. Patios built on private property but not abutting the foundation of a house are considered Modifications.

6.20 Hurricane Panels: Hurricane panels are classified into two categories, permanent installations and temporary installations.

6.20.1 Permanent installations will require an ARC application to be submitted to the SMHA ARC for approval since these installations change the exterior appearance of the home. These include, but are not limited to, roll down shutters, accordion shutters, Bahama shutters, fasteners that protrude out of the structure, etc. All pieces that are permanently affixed to the structure must be approved prior to installation and color should be compatible to the house.

6.20.2 Temporary protection, such as plywood or unpainted metal panels that do not have a permanent fixed structure to the house do not require an ARC application, since these panels are usually put up with temporary fasteners at the onset of a “storm watch” for Brevard County and removed after the storm has passed.

6.20.3 How long can the panels remain up?

6.20.3.1 Permanent installations, such as those outlined in 6.20.1, may be closed to protect the structure for the duration of the hurricane season (June 1st to November 30th) when the residence is unoccupied. Permanent structures that remain closed when a building is occupied such that they preclude egress from the building during an emergency are unsafe and potentially in violation of Brevard county ordinances. Transparent or translucent panels (and metal panels that have been painted to match the color of the house) may also be installed for the duration of the hurricane season.

6.20.3.2 Temporary installations, such as plywood or unpainted metal panels, may only be installed at the onset of a “storm watch” for Brevard County and shall be removed within 14 days after the storm has passed.

Temporary installations may also be installed during the homeowner’s absence (such as a vacation during hurricane season) for a period not to exceed 14 days when approved by the SMHA business office. Contact 242-8960 for approval.

6.21 Screens. Charcoal or black screening is approved for use on windows, doors, and screened enclosures. Other color may be permitted on a case by case basis.

6.22 Signs. Only the following types of non-governmental signs are permitted in Suntree.

6.22.1 For Sale and For Rent Signs

1. Restricted to the Standard Suntree Design set forth in subsection (j).
 - A. Size: 18" x 24"
 - B. Color: Burgundy (PMS 188C) with white letters and trim.
 - C. Post: Black metal no higher than 34" from top of sign to ground.
 - D. Material: 6 mil white PVC cut to shape.
 - E. With Suntree logo.
 - F. No riders allowed above or below signs.
2. No more than one sign per property.
 - A. Signs shall be placed in front, side or rear of the house, but not on the lake side.
 - B. Sign, one or two sided, shall be placed parallel or perpendicular to the house and not less than 5' from the edge of the roadway or sidewalk, whichever is further; and may have an optional information tube attached to the bottom of the sign, either clear plastic or the same colors as the approved sign.
 - C. Sign shall be placed on actual property for sale or rent.

6.22.2 Neighborhood and Sub-Association Signs.

1. Permanent neighborhood identification signs.
2. Consolidated common for sale or for rent signs on Sub-Association common property.

6.22.3 Open House and Garage Sale Signs and Flags

1. Step-in type only, no posts.
2. Only one sign and one flag per house or lot.
3. One additional sign may be placed at the nearest intersection with a primary road within Suntree Street system (e.g. Pinehurst Ave. and St. Andrews Blvd.; Inverness Ave and Interlachen Road; Forest Lake Ave. and Spyglass Hill Rd.)

4. Open House flag may not exceed 3' x 5' in size.
5. Open House sign and Garage Sale sign may not exceed 18" x 24".
6. May be displayed only during actual hours of open house or garage sale.

6.22.4 Developer Signs

1. May be displayed at new subdivisions while properties are for sale by the Developer.
2. Shall not exceed 3' x 6' for one to two builders or 4' x 8' for three or more builders listed on each sign.
3. May be displayed on two wood posts not to exceed 8' in height from ground to top of sign.
4. Location and installation of sign must be submitted to the Architectural Review Committee New Construction, for approval.

6.22.5 General Contractor and Sub-Contractor Signs.

1. A general contractor may have one sign per lot not to exceed 24" x 24".
2. Sub-contractor signs are not allowed.
3. Signs may be posted while work is in process and shall be removed when the work is completed.

6.22.6 Security Signs

1. Maximum size - 6" x 12"
2. Maximum height - 18" above the ground.
3. May be affixed to a window or placed in the yard by the house.
4. Only two signs allowed per property.
5. Beware of Dog signs shall be permitted only on gateways to doors to enclosed areas in which dogs are allowed to roam. The sign shall not exceed 3" x 12" rectangular size.

6.22.7 Informational Signs. Temporary informational signs may be posted from time to time with prior approval of the Board of Directors.

6.22.8 No sign may be:

1. Attached to the exterior of any building, wall or fence, except as noted in Section (f). (aka 6.18.6)
2. Attached to any tree, government sign or utility structure.
3. Displayed in any window except Security Signs.

6.22.9 Applicability. These restrictions shall also apply to applicable County rights-of-way within the Suntree PUD and be effective September 1, 1996.

6.22.10 Standard Suntree Design. The sketch below illustrates the Standard Suntree Design. Further information is available at the office of the Association.



- 6.23 Solar Panels. Solar panels should blend into the structure as much as possible. They shall lie flat on the roof and not be tilted up at a greater pitch than the roof unless design provisions are made to blend it into the structure. Any pipes down the side of the building will be painted to match the house color.
- 6.24 Attached and Unattached Structures. All storage buildings, utility sheds, greenhouses and other similar structures not made an integral part of the architectural design of the main structure are prohibited. Notwithstanding anything to the contrary, a pergola, gazebo, or cabana may be installed on a Lot, only if that Owner complies with each of the following provisions:

1. Proposed plans for the pergola, gazebo, or cabana, including an architectural sketch or picture, proposed location on the Lot, proposed materials to be used in construction and placement, and proposed finish materials, including landscaping and colors must be submitted to the ARC.

2. Proposed construction, installation, or placement specifications must demonstrate that the pergola, gazebo, or cabana is rated, anchored, and/or otherwise certified to structurally withstand the windload of a Category 1 hurricane, as rated on the Saffir-Simpson Hurricane Wind Scale. However, nothing in this provision shall create a duty of the ARC or SMHA to certify, inspect, or otherwise ensure that such structure shall be built or is built to structurally withstand a Category 1 hurricane.

3. The ARC must approve the construction, installation, or placement of the pergola, gazebo, or cabana at a properly noticed ARC meeting.

6.25 Window Treatment. No aluminum foil is permitted in windows. Solar film may be installed if non-metallic in appearance. The color of the window treatment must be compatible to the house

6.26 Seawall. A wall designed to prevent erosion of a shoreline. All seawall requests (applications) must be submitted with an engineering report prepared by a Professional Engineer (PE) registered in the State of Florida, certifying that erosion does exist and providing an acceptable recommendation to correct the problem. Seawalls within the Suntree Planned Unit Development (PUD) must be professionally designed using concrete, pressure treated wood, plastics, galvanized metal, or a combination of these materials. Loose boulders or rocks dumped at the waters edge will not be approved.

SECTION SEVEN

FEES

7.1 Fees. The following fees are established for homeowners. Faith-related organizations within Suntree must submit appropriate ARC requests but are not required to pay fees. Homeowners' Associations within Suntree must submit appropriate ARC request but are not required to pay fees for changes to common areas such as entryway signs, community pools, privacy walls, and community meeting houses. Homeowners' Associations within Suntree requesting changes to individual residences (roofs, painting, etc) must pay appropriate fees. Commercial properties within Suntree, to include Suntree Country Club, must pay fees for ARC changes.

7.1.1 New Construction:

Deposit	\$500.00
Return deposit	\$350.00
Net cost to builder	\$150.00

7.1.2 Demolition:

Deposit	\$300.00
Return deposit	\$200.00
Net cost to builder	\$100.00

7.1.3 Major Reconstruction/Pool:

Deposit	\$300.00
Return deposit	\$200.00
Net cost to Builder/Owner	\$100.00

7.1.4 Multi-family/Zero Lot Line Project Fee.

Deposit	\$1000.00
Return deposit when project is complete	\$ 550.00
Net Cost to Builder	\$ 450.00
Model fee (per model)	\$ 100.00
Inspection fee (per unit) no refund	\$25.00
Inspection fee due at start of construction for each unit.	

7.1.5 Modification Fees. Fees apply to all ARC projects except as noted above.

Application fee	\$25.00
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Homeowners' Associations requesting approval for changes to individual residences (painting, roofing for example) must pay the \$25.00 application fee for each residence involved up to a maximum of \$100.00 per request.

7.1.6 Maintenance Fees. Maintenance, as defined in Section 1.5, does not require a fee.

7.1.7 Security Bond. A \$500.00 security bond is required if construction requires crossing common or county property. The bond will be refunded upon satisfaction of the completed project.

SECTION EIGHT

Penalties for Violation of the Criteria

8.1 In addition to all other remedies, as may be proved by the SMHA's governing documents, and to the maximum extent lawful, in the sole discretion of the Appeals Committee to be established by the Board of Directors in accordance with the requirements of Florida Statutes 720.305(2), (2010), a fine or fines, or suspension of rights to use certain Common Areas of the SMHA (or both), may be imposed upon an Owner, tenant, guest or invitee. Such fine or suspension may be imposed for failure to comply with any covenant, restriction, rule or regulation set forth herein or in any of the Association's governing documents, including for failure to receive prior approval of the ARC for any work which is governed by these ARC Criteria provided the following procedures are adhered to:

A. Notice: The Board of Directors of the SMHA or the Appeals Committee shall notify the Owner, tenant, guest and/or invitee of the alleged infraction or infractions and provide such individual or entity at least (14) days notice of the intent to fine or suspend use rights to certain Common Areas. Included in the notice shall be the date, place and time of a hearing before the Appeals Committee at which time the party sought to be fined or issued a suspension may present evidence and reasons why a fine(s) or suspension(s) should not be imposed.

B. Hearing: The alleged non-compliance shall be presented to the Appeals Committee at a hearing at which time the party sought to be fined or issued a suspension for the alleged violation shall have an opportunity to present defenses and reasons why a fine(s) or suspension(s) should not be imposed. A written decision of the Appeals Committee shall be submitted to the party responsible for the alleged violation not later than twenty-one (21) days after the meeting of the Appeals Committee. The party sought to be fined or issued a suspension shall have a right to be represented by counsel and to cross-examine witnesses.

C. Fines and/or Revocation of Certain Privileges: The Appeals Committee may impose a reasonable fine not to exceed \$100.00 per violation, or, in the case of a violation which exists for more than one (1) day (hereinafter a “continuing violation”), may impose a reasonable fine on the basis of each day of said continuing violation not to exceed \$2,500.00 in the aggregate, against any Owner, tenant, guest and/or invitee. Additionally, or alternatively, the Appeals Committee may suspend the rights of any Owner, or Owner’s tenants, guests or invitees, or both, the use Common Areas and facilities, to the extent allowed by law.

D. Payment of Fines: Fines shall be paid not later than fifteen (15) days after notice of the imposition or assessment of the penalties.

E. Collection of Fines: To the extent allowed by law, fines shall be a charge and continuing lien against the subject lot and shall be treated as an assessment, including the right of foreclosure, all as subject to the provisions for the collection of assessments set forth in the SMHA’s governing documents.

F. Application of proceeds: All monies received from fines shall be allocated as directed by the Board of Directors.

8.2 Upon approval of the Board of Directors, a lawsuit may be filed against the violator to convert any fine into a Judgment.

- 8.3 Occupancy Prior to Final Approval. In the event that an owner has received “conditional approval for occupancy of a residence” from the County prior to the final inspection and approval by the ARC, the owner may occupy the residence provided that he /she deposits \$1000.00 with SMHA to assure the completion of all external construction items in accordance with the date set by the County’s conditional approval. Owner’s deposit will be refunded upon completion of these items as scheduled and approval by ARC. Owner shall forfeit deposit if schedule of completion has not been met.

EXHIBIT A

Section 4.3 - Page 8

NO SUBMITTAL REQUIRED

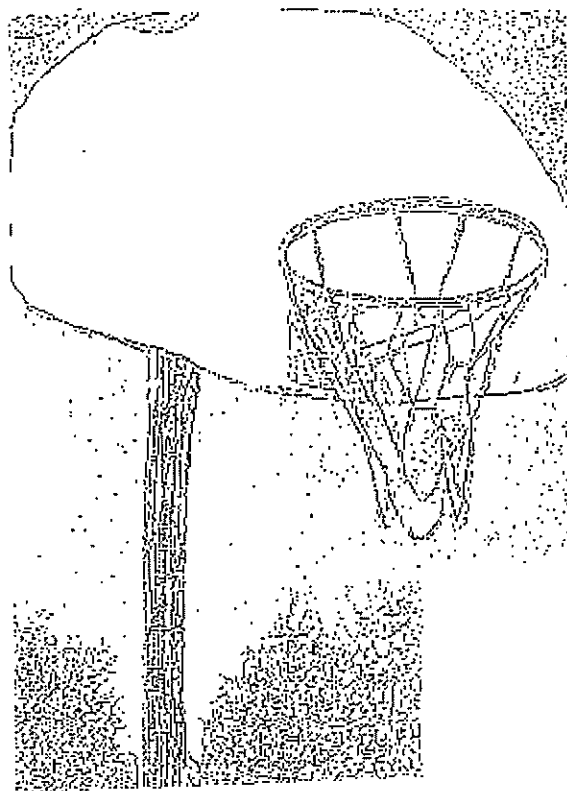
Any item of basic maintenance that does not change the appearance of the property does not require an ARC request be submitted. Additionally, the following changes do not require ARC request/approval.

1. Gutters / down spouts
2. Flowers
3. Foliage / bushes (hedges must be submitted)
4. Planting of new trees
5. Exterior lighting (carriage, security or landscaping lights)
6. Lawn furniture / lawn ornaments
7. Basketball goals (non-permanent) do not require ARC approval but must comply with paragraph 4. Of Exhibit B.
8. Curbing (bordering materials generally used in landscaping)
9. Tiling existing screened porch, patio or covered entranceways
10. Direct replacement or repair of damaged items with same materials.
11. Non reflective solar film on the interior of windows

EXHIBIT B
Section 6.18.2 – Page 20
Permanent Basketball Systems

Approved specification of standard equipment for installation of single support outdoor Basketball backstop.

Homeowner must submit plans to ARC prior to installation showing location and type of materials used.



Specifications:

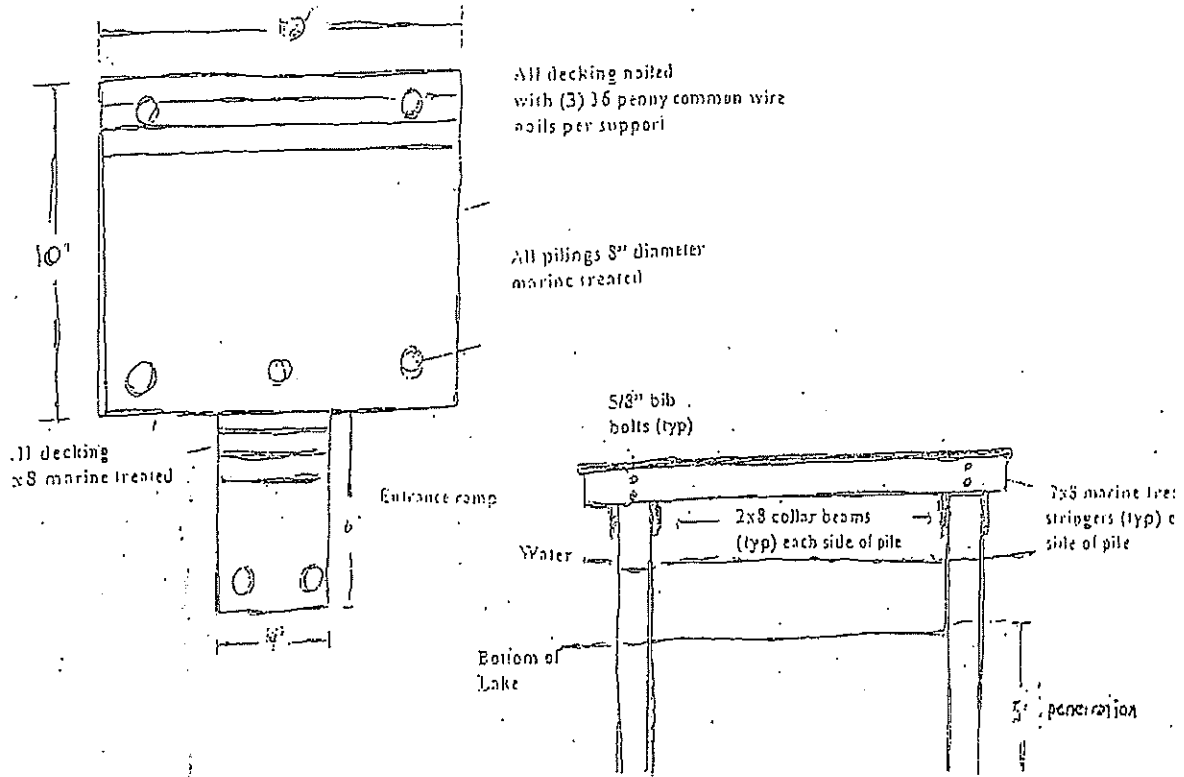
1. Backboard:
 - a. Materials – No wooden material allowed. Similar or equivalent materials to acrylic, polycarbonate, steel, aluminum, plastic, polyethylene, graphite, glass, resin material recommended.
 - b. Color – Recommended colors are white, gray, blue or clear.

2. Pole:
 - a. Material – No wooden material allowed, heavy aluminum or steel pipe recommended.
 - b. Color – painted black, dark brown, white or gray.

3. Net:
 - a. Material – cloth or nylon
 - b. Color - White

4. Must be installed not more than $\frac{1}{2}$ way between the house and the road (as close to the house as possible is preferred). All fittings should have a corrosive finish and must be maintained in good condition.

EXHIBIT C
Section 6.12 – Page 17
Docks



Notes:

1. All hardware hot dipped galvanized steel or stainless steel.
2. Docks not to extend more than 10' into the water from the mean high water mark.
3. Docks shall be constructed in accordance with The Florida Building Code, latest edition. Specific sections shall include, but are not limited to, 1600 – Structural Design and 2300 – Wood Construction.
4. Specified wood sizes are nominal not actual. Design specifications (NDS) for wood construction, latest edition.

5. Wood members shall be Southern Pine Stress Grade no. 1 – typical. Wood members shall be generally free of waness, skips, knobs, knots, splits, or other latent defects
6. Refer to paragraph 6.7.10 for additional information.
7. Owner/Builder shall use extreme care to avoid damage to existing structures. Foundations or other nearby facilities during construction. It's the responsibility of the Owner/Builder to familiarize himself/herself with existing conditions prior to construction.
8. If Owner/Builder discover existing conditions which may jeopardize the integrity of the dock structure or cause an unsafe condition, he /she shall notify SMHA for consultation prior to proceeding with the work.

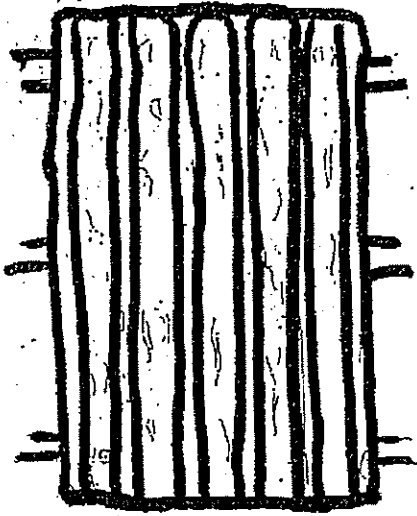
EXHIBIT D
Section 6.13 – Page 17, 18
Fences

Standards for Fencing

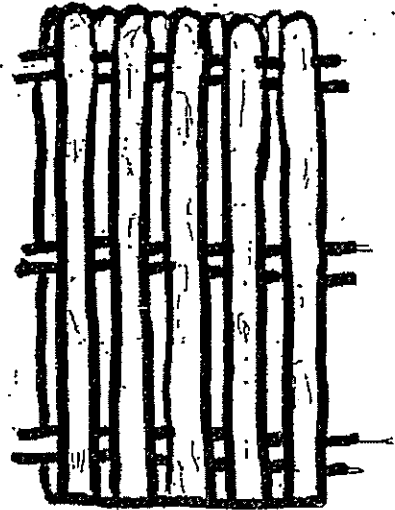
1. Construction; All Wood fencing must be shadow box or board on board in style. Decorative additions to fence styles shown will be considered on a case-by-case basis. Wooden lattice fencing is approved for the purpose of screening small areas such as utilities, air conditioners, and pool equipment.
2. Height: No fence shall be higher than six feet.
3. Maintenance: All fences must be maintained both physically and cosmetically to the same standard as the house.
4. Acceptable Finishes: All fences shall have a finish compatible with the house color.

Acceptable Wood Fencing

BOARD ON BOARD
STYLE

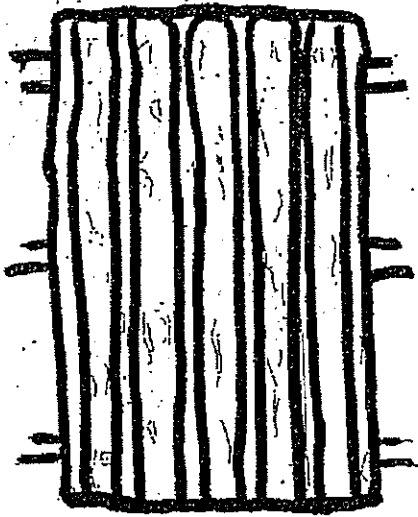


SHADOW BOX
STYLE



Acceptable Wood Fencing

BOARD ON BOARD
STYLE



SHADOW BOX
STYLE

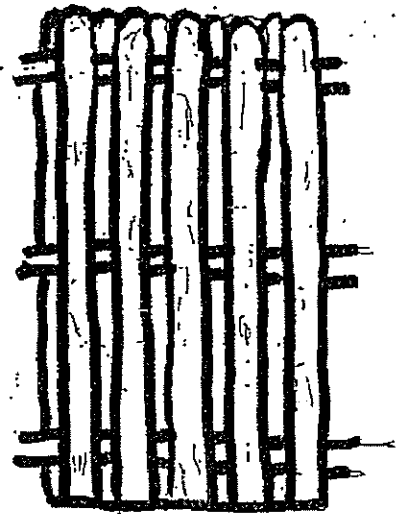
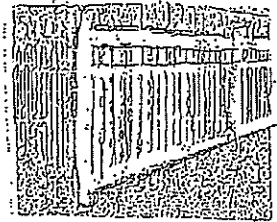
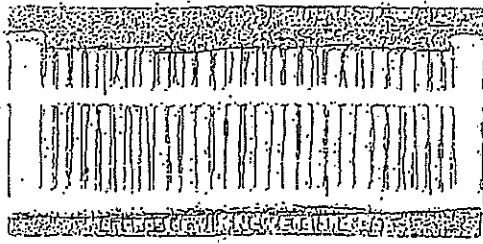
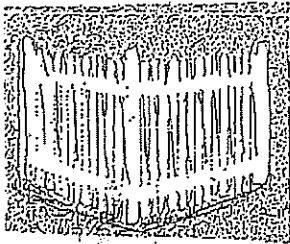
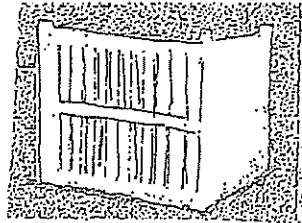
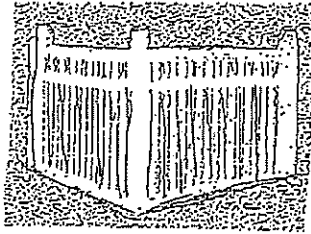
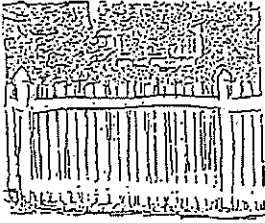


EXHIBIT D – (cont'd)
Vinyl Fencing Examples



Wrought Iron and Aluminum Fencing Examples

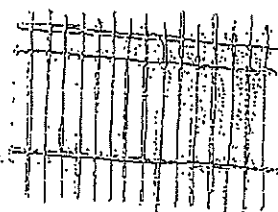
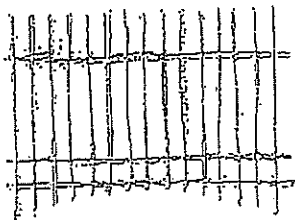
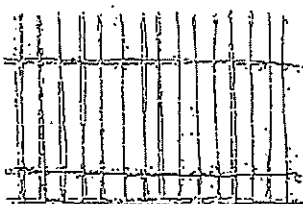
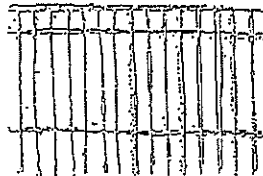
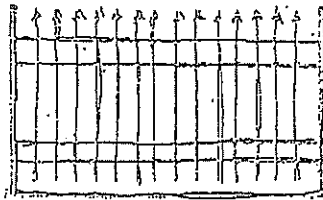
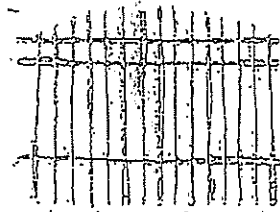


EXHIBIT E
Section 6.16 – Page 19
Mailboxes

Mailbox Placement (US Postal Guidelines)

1. Post to be 12” back from curb or edge of road.
2. Bottom of mailbox should be 38 ½” from the ground.
3. House numbers should be 2” high on flag side of mailbox.
4. Install the box on the side of your driveway where you will not put out your trash cans on trash pick-up day.
5. Customer built (stucco or brick enclosed) mailboxes must be installed flush with the curb.

These are some of the approved existing mailboxes

The homeowner will be responsible to ensure that the mailbox placement is in compliance with the U.S Postal Guidelines.

Molded Vinyl, Wrought Iron and Aluminum Mailbox

Molded Vinyl

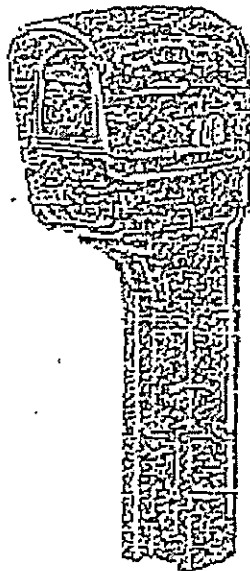
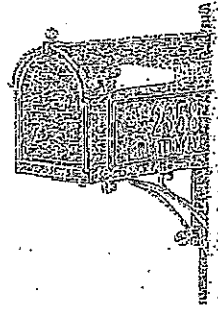
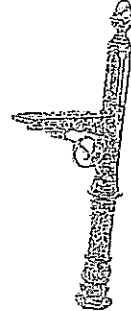


EXHIBIT E – (continued)
Mailboxes

Ornate Cast-Iron and Aluminum



Mailbox posts



Custom built (stucco or brick enclosed) Mailboxes

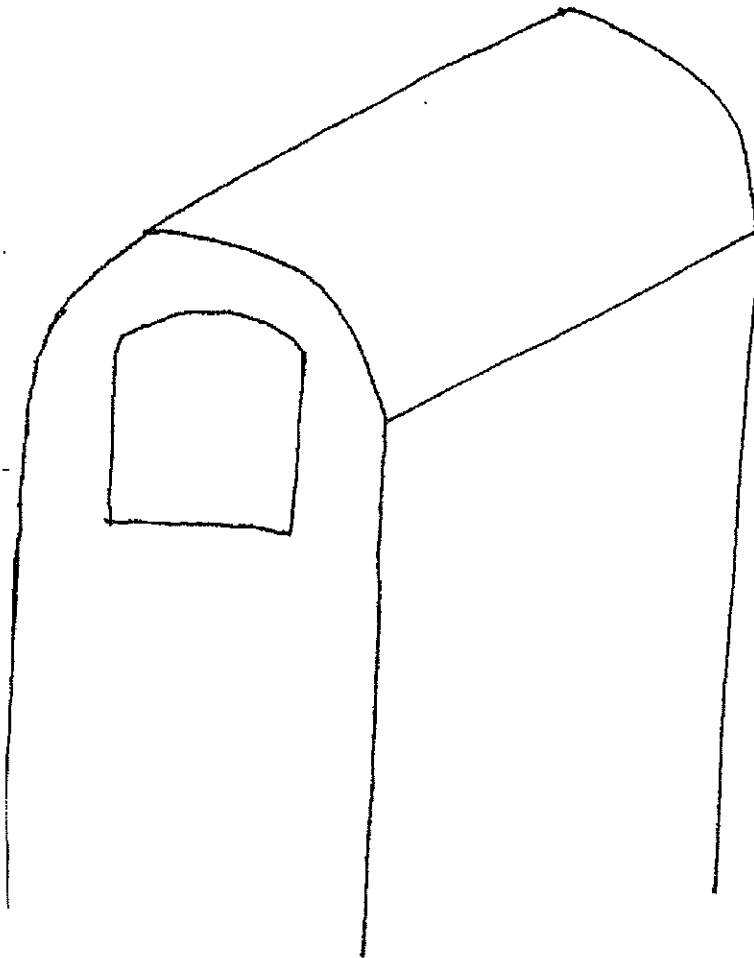


EXHIBIT F
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Playground Equipment

