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Berington Club Architectural Control Guidelines

(Revised 11/19/2013 /Revision A)

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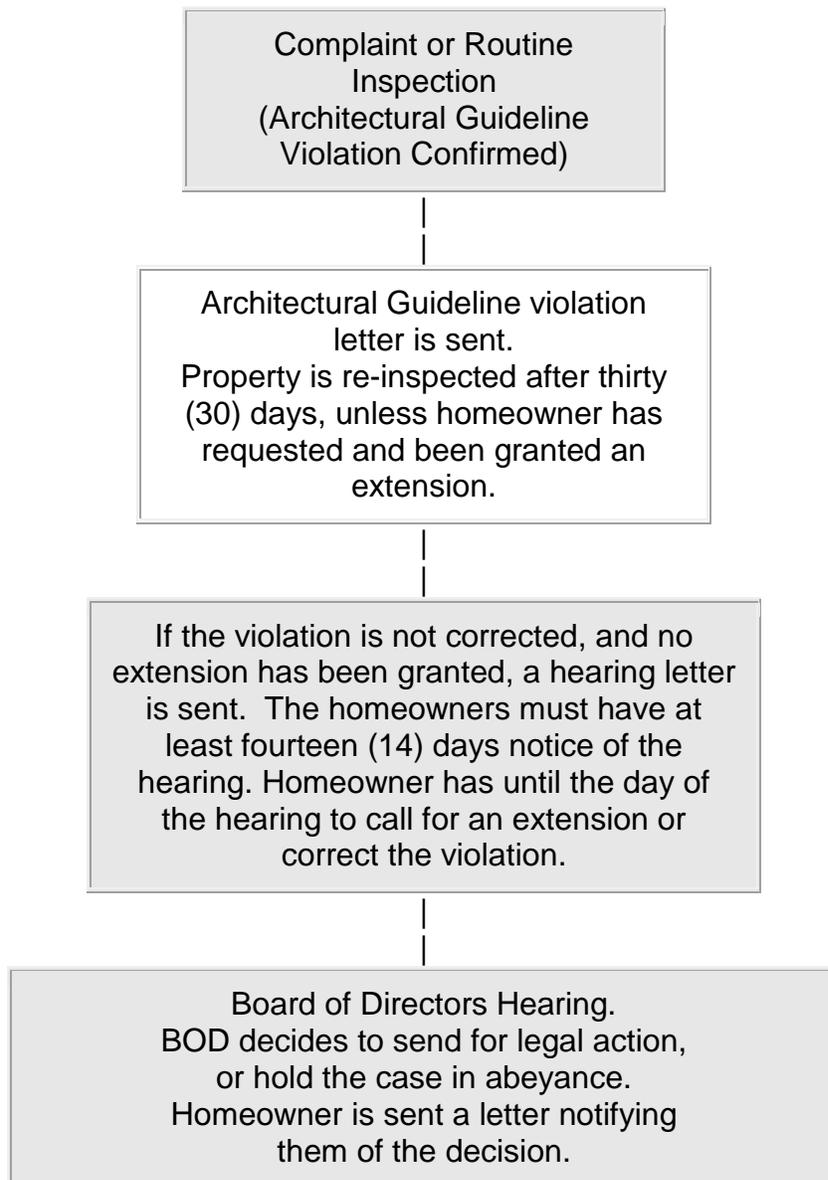
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ACC Violation Flow Chart



A) INTRODUCTION

1) Purpose

The Berington Club Architectural Standards are published to help residents and the Architectural Control Committee (ACC) maintain the architectural standards outlined in the Berington Club Covenants and Restrictions—the governing documents of the Berington Club Homeowner’s Association. The Architectural Standards serve to:

- Clarify design and planning principles for exterior improvements or modifications;
- Outline application requirements and the processing procedure;
- Establish uniform application review criteria; and
- Delineate enforcement procedures and options.
- They have been prepared with input from the community and the Architectural Control Committee and are approved by the Board of Directors. Compliance with these community standards is ensured through a review and monitoring process.

2) Protective Covenants

The Berington Club Declaration of Covenants and Restrictions (referred to as "Covenants") are part of the deed to every lot in Berington Club. The authority for maintaining the aesthetic balance and quality of design in Berington Club is found in the Covenants. They were established to maintain the community’s planned features and standards of design quality, thereby protecting values and the community’s overall environment.

Article IX, Section 1 of the Covenants states that all exterior alterations require ACC approval.

“Except for improvements constructed by the Developer, no building, fence, including chain link fences, wall or other structure shall be commenced, erected or maintained upon the Community, nor shall any exterior addition or change or alteration therein, including a change of the building exterior paint color, be made within the Community until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to the surrounding structures and topography by the Board, or by an architectural control committee composed of three (3) or more representatives appointed by the Board (“Committee”). In the event said Board or its designated Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specification have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. Nothing contained herein shall relieve the Owner from the responsibility of obtaining proper governmental approvals and permits.”

Any change or addition to the exterior appearance of a resident’s property, except as provided herein, must be approved by the ACC. This includes any change not mentioned in this Standards document (Non-Conforming Application).

3) Architectural Control Committee

The Architectural Control Committee is composed of a minimum of three (3) members, appointed by the Board of Directors. The Chairperson is a member of the Board of Directors and is appointed by the Board. The Chairperson appointment shall be reviewed annually.

B) PROCEDURES

1) Florida State Statute 689.26

Florida State Statute 689.26 requires that all sellers disclose the existence of a mandatory property owner's association and that the purchaser be provided a disclosure summary advising of the existence of the community's Covenants and Restrictions, Rules, Regulations, monetary assessments, consequences of failure to pay assessments, possible fees for use of common facilities, and information as to whether the covenants can be amended without the approval of the membership. The Contract Seller should be aware that the sale of the property is dependent upon the purchaser receiving and reviewing the disclosure documents.

2) Estoppel Certificate

Article V, Section 8 of the Covenants allows that an estoppel certificate may be issued, which provides information on the current status of assessment payments. It is the responsibility of the Contract Seller to request an estoppel certificate from the management office at least ten (10) days prior to the settlement date.

3) General Design Criteria

The ACC is charged with regulating the "... harmony of external design and location in relation to the surrounding structures and topography." The ACC specifically considers design compatibility, location and impact, scale, color and material, workmanship, and timing.

(a) Design Compatibility

The proposed modification must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, scale, use of color, materials, and design and construction detail.

(b) Location and Impact

The proposed improvement or modification must relate favorably to the landscape, the existing structure and the neighborhood. Disruption of the natural topography and/or changes in the rate or direction of storm water run-off must not adversely affect any property.

(c) Scale

The size and proportion of a proposed modification must be in appropriate relationship to adjacent structures and surroundings.

(d) Color and Impact

Continuity of design must be attained by the use of the same or compatible materials and colors as those used in the original construction throughout the community.

(e) Workmanship

The applicant must meet or exceed all Seminole County Code requirements and must secure all necessary permits. The ACC assumes (presumes) that quality workmanship will be furnished to produce completed work as specified, aesthetically acceptable, and require normally expected maintenance only. Should there be a question of workmanship, the applicant is responsible for necessary corrections. The ACC shall be the arbiter of workmanship, subject to final review by the Board of Directors on appeal.

(f) Timing

Timely completion of a project is necessary in order to minimize safety hazards and potential objectionable or nuisance situations. All applications must include estimated start and completion dates. The alteration authority granted by the approved application will be revoked automatically if the alteration requested has not been completed within one hundred eighty (180) days of the approval date of the application or completed by the alternate date specified by the ACC. **Any subsequent changes to an already approved modification must be approved by the ACC before proceeding.**

(g) Location

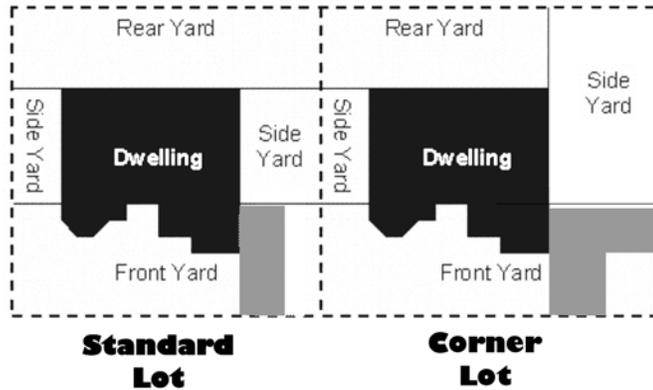
Throughout the following sections, guidelines refer to specific areas of each lot known as the front yard, rear yard, and side yard.

The front yard of a residence is defined as the area that extends from the street to a line defined by the most distant street-facing wall of the dwelling, across the entire width of the lot.

The rear yard of a residence is defined as the area that extends from the rear property line to a line defined by the most distant rear-facing wall of a dwelling, across the entire width of the lot. In the case of a corner lot where the side yard and the rear yards overlap, the side yard takes precedence.

The side yard of a residence is defined as the area within the residence's property boundaries that is neither in the front yard nor the rear yard.

*The diagram below illustrates these definitions for both a normal lot and a corner lot.



(h) Offensiveness

Several of the guidelines require that items displayed in the neighborhood not be of an offensive nature to any gender, religion, race, ethnic group, or age group. As this is a subjective matter, the final assessment of the offensiveness of any displayed item shall be up to the community's Board of Directors. The Board members shall consider the community's moral and ethical standards and diversity, and apply common sense in their assessment. In any instance, simply because a display is not consistent with another person's views, religion or taste, does not automatically make it offensive.

Evaluations by, and decisions of, the ACC are not based on individual opinion or taste. Judgment of each application is based on these general principles and the criteria outlined in the specific architectural guideline(s).

NOTE: The ACC approval is totally separate from compliance with the county codes and deals only with the aesthetic aspects of the alteration.

4) The Application Process

The ACC staff will review all applications for completeness and determine whether they are "conforming" or "non-conforming." The ACC Chairperson will forward a copy of all applications to the Board of Directors for review on a quarterly basis.

5) Conforming Application

A conforming application meets the following criteria:

- a. Includes all the information required and is signed and dated by the applicant.
- b. Has no registered complaint pertaining to it from an affected neighbor.

The ACC will review and approve or disapprove the application based on their assessment of conformity with the Architectural Guidelines. A copy of the application will be returned to the homeowner indicating approval or disapproval. (the exact word[ing] or language indicating approval or disapproval shall be reasonably accurate to deliver the intended message, but shall not be required to be specific to those two, or any other similar words).

6) Non-conforming Application

A non-conforming application meets one or more of the following criteria:

- a. Has been determined as non-conforming by the ACC Chairperson due to unique or questionable circumstances or when there appears to be questionable interpretation of the guidelines.
- b. Contains items not addressed by the guidelines.
- c. Has a registered complaint pertaining to it by an affected neighbor.
- d. Does not include sufficient information to allow processing.

The ACC will review and may approve or disapprove the application based on their assessment of the conformity with the Architectural Guidelines. A copy of the application will be returned to the homeowner indicating approval or disapproval, and if disapproved pursuant to subsection a-c, that the application was referred to the Board of Directors for their review before any possible appeal. In the event that a non-conforming application is disapproved, the applicant is encouraged to work with the ACC in an attempt to make the application conforming prior to any appeal. (the exact word[ing] or language indicating approval or disapproval shall be reasonably accurate to deliver the intended message, but shall not be required to be specific to those two, or any other similar words).

7) The ACC Application

A printable ACC application and additional forms are available from the management agent or from the community website (www.beringtonclub.com). The property owner must submit all applications to the ACC **through** the management agent.

8) General Requirements

All applications must be submitted by the property owner, include the property owner's name, property address, owner's address if different, phone numbers and description of the proposed modifications as required on the application form.

9) Description of Modification(s)

All required details, a description of materials, pictures, drawings, planting plans, elevations and color samples of the modification(s) shall be provided with the request.

10) The plat or site plan

A site plan, plat or reasonable facsimile is required. A site plan is a scaled drawing of the applicant's lot (site) detailing dimensions of the property, adjacent properties, if applicable, and all improvements including those covered by the application. Accurate contour lines may be required where drainage is a consideration. Complex applications may require larger scale blowups of the plat plan or County-approved development or site plans.

NOTE: Plat plans should not be used to determine property lines for installation of property-line fencing as the dwelling may not be located exactly as shown on the plat.

The Board of Directors is required to ensure compliance of all properties with the community's Architectural Guidelines. A site inspection by property management staff will be made before any violation letter is sent to the property owner. If the property is not owner occupied, a violation letter is sent to the owner and occupants.

11) Application Appeal Procedure

The Board of Directors possesses the power and duty to decide appeals to decisions of the ACC and decide cases of alleged infractions of the governing documents. To initiate the appeals procedure, the applicant and/or any other affected resident must give written notice to the Board of Directors within twenty (20) working days after the notice of violation is sent, or an application is disapproved by the ACC. The Board shall hear the applicant's argument for reversal or modification of the decision of the ACC at the next scheduled Board Meeting. The function of the appeal hearing is to review that decision in light of the following criteria:

- a. The Architectural Control Committee followed proper procedures in reviewing the application; and,
- b. The applicant (or other concerned and directly affected person(s) who indicated a desire to be heard) received a fair review; and,
- c. The decision rendered by the Architectural Control Committee had a rational basis and was not arbitrary in nature; and,
- d. The decision rendered by the ACC was consistent with the fiduciary responsibility of the Board.
- e. The decision of the Board of Directors shall be mailed to the applicant via certified mail within fourteen (14) days of the hearing regardless of whether they were present at the hearing.

12) The following enforcement procedures have been adopted by the Board of Directors

Upon confirmation of an architectural or maintenance violation(s), the owner will be notified by mail stating the nature of the violation(s). The property owner is given thirty (30) calendar days to resolve the violation(s). The Board of Directors under special circumstances may grant an extension. A second property inspection is made to determine if the violation(s) still exists. If the violation(s) still exists by the time of the Board of Directors meeting, the Board of Directors may refer the matter to legal counsel.

13) Amendments to the Architectural Guidelines

The ACC will conduct at least a biennial (every two years) evaluation of the Guidelines to determine if amendments are required. Amendment proceedings will involve discussions open to community members and review by the Board of Directors. All residents are encouraged to attend the meeting and may suggest amendments to the Guidelines. Recommendations for Architectural Guidelines revision will be forwarded to the Board of Directors for action.

C) GENERAL MODIFICATIONS AND MAINTENANCE STANDARDS

1) Improvements Within Open Space

Nothing, whether natural or artificial, may be installed on the Berington Club common open space nor installed on any lot in a manner so as to encroach upon the common open space, and no part of the common open space may be put to the exclusive use of fewer than all community members without the prior, expressed written consent of the Board of Directors. The Board will consider any request for exclusive use only in the

most extraordinary circumstances and will permit such use only when it is deemed to be in the best interest of the community as a whole.

2) Modifications to Open Space

All modifications to Berington Club open space, to include but not limited to bridges, boardwalks, major drainage, tree removal, structural repair and signage must be approved by the Board of Directors at a scheduled, publicly advertised meeting.

3) Application for modifications to Open Space shall be considered with regard to Design Compatibility, Scale, Color, Workmanship and Timing. Decisions with regard to location and use of Berington Club Open Space will be made by the Board of Directors.

4) Maintenance

(a) General Responsibility

The visual character and economic value of property in a neighborhood are affected by the quality of both buildings and grounds maintenance. Property ownership includes the responsibility for maintenance of all buildings and grounds. Failure to comply with this responsibility may be a violation of these Guidelines.

(b) Maintenance of Structures and Man-Made Items

Owners are responsible for properly maintaining the exterior of their dwelling, fences, and any other structures on their lots. Maintenance includes actions necessary to preserve the appearance of the property, prevent deterioration, and to repair or replace materials that have deteriorated. The following are examples of these conditions, which will be considered a violation of the Architectural Control Guidelines:

- i. Any surface with peeling, fading or chalking paint.
- ii. Siding or trim (including shutters, fascia, and flashing) which is severely faded, mismatched, broken, rotted, dirty, dented, or missing.
- iii. Mailboxes which are dented, need painting, have missing parts or damaged components or house numbers, or have support posts that are damaged or need painting.
- iv. Gutters or downspouts that are bent, sagging, missing, or dirty.
- v. Driveways, walkways, or porches that are broken or deteriorated.
- vi. Incomplete architectural alterations.
- vii. Inappropriate storage of building materials, lawn maintenance equipment, toys, or refuse.
- viii. Fencing which is broken, rotted, leaning, severely weathered or missing.

NOTE: This list is illustrative only.

(c) Maintenance of Natural Items & Yards

Lawns, planted areas, and natural areas require regular maintenance to protect and foster good growth without upsetting the ecological balance. Any of the

following conditions will be considered a violation of the Architectural Control Guidelines:

- a. Lawns in excess of eight (8) inches in height, lawn edges overgrowing manmade surfaces, and grass not trimmed around structures, planted areas and trees.
- b. Planted areas and/or grassy areas containing an excessive amount of, or overgrown with, weeds or plants/fallen leaves, or areas void of ground cover.
- c. Indiscriminate use of pesticides, fertilizers or herbicides.
- d. Accumulated trash or debris.
- e. Conditions which cause erosion or flooding.
- f. Dumping of organic debris (leaves, grass clippings, branches) in a non-approved compost area or pile on the lot or open space.
- g. Shrubs and trees obstructing walks, paths, streets or that have become overgrown (too large) for the space.
- h. Dead plants, support stakes, cages, screening, nets, protective and wire fencing in gardens after the growing season.

NOTE: This list is illustrative only.

(d) Trash Maintenance

For health and aesthetic reasons, trash shall be put out no earlier than the evening prior to the day of the scheduled pickup. Trash containers and recycling bins shall be stored out of street view at all times other than the evening before and the day of those scheduled pickup days. Loose trash and debris should be disposed of properly.

(e) Vehicle Regulations

Berlington Club has rules regulating the use and storage of vehicles on community owned streets and drives and upon private property that are delineated in Article XIII, Sections 10 and 11, of the Declaration of Covenants and Restrictions. The Board of Directors is charged with enforcing these regulations, which may call for the towing of offending vehicles or legal action against the property owner where applicable. For complete information on vehicle regulations, consult the Declaration of Covenants and Restrictions, or call the management office.

(f) Private Property

All vehicles parked outside on private property must be operable and display a valid state registration plate(s). Vehicles meeting the Community's definition for commercial vehicles, boats, trailers, recreational vehicles and inoperable vehicles must be parked according to the relevant covenant. No vehicle may be parked on a property's lawn, or any other non-paved surface not intended for the storage of vehicles. Major vehicle repair, disassembly or restoration is prohibited outside of a garage.

D) SPECIFIC MODIFICATION AND MAINTENANCE STANDARDS

1) Air Conditioners/Heat Pumps

An application for ACC approval is required for any unit added or relocated on a property or for a replacement unit placed in a different location than the originally installed unit.

(a) Design Guidelines

- i. Air conditioner compressors and heat pumps should be located in rear yards or side yards (but not forward of the front plane of the dwelling), and within five feet from the dwelling.
- ii. Air conditioner compressors and heat pumps should be maintained so they do not create a noise disturbance.
- iii. Additional compressors required to run commercial refrigeration or cooling units will not be permitted. Air conditioner compressors are intended to service the living area of a dwelling only.

(b) Application Contents

- i. Site plan showing relationship of the unit to the applicant's house, property lines, landscaping and all existing site improvements.
- ii. Dimensions of the proposed unit.
- iii. Screening plans when unit is visible from the street.

(c) Air conditioners and heat pump installations which are not classified as "changes or modifications" and therefore do not require an ACC application must be

- i. Same size and appearance replacement units installed in the same location as the existing unit.

2) Air Conditioners & Heat Pumps (Window & Wall Units)

Window and wall mounted air conditioner units will not be approved. Portable interior units are available for use during times of mechanical failure or remodeling.

3) Attic Ventilators

An application for ACC approval is required for all attic ventilators. No turbine or ridge vent type ventilators will be approved.

(a) Design Guidelines

- i. All visible attic ventilators or related hardware shall be colored so that it closely matches the roof color.
- ii. No attic ventilator shall emit, or cause to be emitted, any noise detectable from outside the dwelling.
- iii. No attic ventilator shall emit, or cause to be emitted any fumes, dust, odor or other substance that can be detected from outside the dwelling.
- iv. No dwelling may be equipped with a number of or a size of ventilator(s) than that which are/is required to perform at a standard that is consistent with the remainder of the community.

(b) Application Contents

- i. Description of vent, location of vent and color of vent.

4) Awnings

An application for ACC approval is required for all awnings.

(a) Design Guidelines

- i. Awnings will only be located at the rear of a dwelling.
- ii. Awnings will be compatible with the architectural character of the house.
- iii. Materials should retain their shape and color and be weather resistant.
- iv. The color and style should be compatible with the color palette of the dwelling.
- v. Frames of permanently mounted awnings should not be visible. The casing or housing for a retractable awning should match the color of the house at the location where it is attached.

(b) Application Contents

- i. Site plan showing location of the awning, all existing site improvements and relationship to adjacent properties.
- ii. Dimensions, drawings and details, photographs, or manufacturer's product information of proposed awning.
- iii. Material and color of awning and frame.
- iv. Color of casing for a retractable awning.
- v. Color of the house where the awning will be attached.

5) Barbecue Pits (Permanent)

An application for ACC approval is required for permanent (i.e. built-in) BBQ Pits.

(a) Design Guidelines

- i. Permanent pits should be located at the rear elevation of the house.
- ii. The construction of any permanently installed barbecue pit shall be similar in nature to the finish and color of the dwelling, or the predominant architecture of any decking that it is mounted on.
- iii. Any propane or LPG gas tank must be of a type typical for portable gas grills and integrated into the grill design or an approved underground tank as defined in these guidelines.

(b) Application Contents

- i. Site plan showing the relation of the permanent pit to the house.
- ii. Picture and/or detailed drawing of permanent pit to include dimensions.
- iii. Description of materials and colors.
- iv. Colors of the house or deck where barbecue pit is to be installed.

6) Bird Houses, Baths, & Feeders

(And other similar use items)

An application for ACC approval is required for all birdhouses over one (1) cubic foot in dimension and not located in the rear yard, bird feeders and birdbaths that are not located out of sight in the rear yard.

(a) Design Guidelines

- i. No birdhouse, bird feeder, birdbath or similar device for feeding or watering wild animals shall be permitted if it draws animals that become a nuisance to the community.
- ii. No birdhouse, bird feeder, birdbath or similar device shall occupy more than nine square feet of lawn surface area as measured cylindrically around the outside dimensions from the grade to the top of the device.
- iii. Pole mounted bird feeders/houses cannot exceed seven (7) feet in height.
- iv. Tree mounted bird feeders/houses may be mounted at any height.
- v. The primary bird feeder/house, excluding mounting pole or bracket, may not exceed three (3) cubic feet.
- vi. Birdbaths may not exceed four (4) feet in height.

(b) Application Contents

- i. Site plan showing the location of the birdhouse, bird feeder or birdbath and mounting.
- ii. The dimensions of the birdhouse, feeder or birdbath.
- iii. Materials description and colors of the birdhouse, feeder, birdbath and poles or supports.

7) Chimneys & Caps, Flues, & Vents

An application for ACC approval is required for all chimneys, chimney caps, flues and vents.

(a) Design Guidelines

- i. Chimney style and size should be appropriate for the house.
- ii. Constructed chimney color and materials should be compatible with the house's existing colors and materials.
- iii. Metal chimneys, caps, flues or vents shall be of a color similar to the existing roof color.
- iv. No chimney, flue, vent or cap may rise higher than the minimum required by Seminole County Code.

(b) Application Contents

- i. Site plan showing the relation of chimney, metal flue or vent to the house, property line, adjacent neighbors and all existing site improvements.
- ii. Picture and/or detailed drawing of chimney, metal flue or vent including dimensions.
- iii. Color of the house and roof plus the style of the house.
- iv. Description of materials to be used and color.

8) Compost Containers

Compost piles or sites shall not be permitted.

9) Decks

An application for ACC approval is required for all decks.

(a) Design Guidelines

- i. Decks should be located in rear yards.
- ii. Wood deck colors should be natural, or similar to the existing dwelling color.
- iii. Decks shall not rise more than eighteen (18) inches from the grade at any point, unless otherwise approved by the ACC due to grade variation on the requesting party's site.
- iv. When deck plans include other exterior changes, such as porches, fencing, lights, plantings, etc., other appropriate sections of these guidelines should be consulted prior to application.
- v. All wood constructed decks must be painted, stained or sealed in order to resist the elements and to maintain a single color and texture throughout.
- vi. All decks shall be constructed according to the prevailing building codes in effect.
- vii. No deck shall occupy more than thirty percent (30%) of the rear yard, as measured from the rear edge of the dwelling to the rear lot line and from between both side lot lines.
- viii. Pavers used for decks / patios must be approved by the ACC.

(b) Application Contents

- i. Clear and accurate building plans showing the size and style details of railings and stairs, benches, etc.
- ii. Site plan showing the relationship of the deck to the house, lot, adjacent properties and all existing site improvements.
- iii. A description of materials to be used.
- iv. Color of the deck if not intended to be left natural wood color.
- v. Dimensions of railings, posts, stairs, steps, benches, trellises, privacy screens and other details as required to clearly describe the proposal. Include height of deck off the ground.
- vi. Details of changes to windows and doors, if applicable.
- vii. Details, type and location of deck lights and other permanent accessories.
- viii. Size, color and installation method for pavers.

10) Decorative Objects

An application for ACC approval is required for exterior decorative objects such as, but not limited to: wagon wheels, sculptures, fountains, garden pools, fish ponds, staturaries and items attached to the house, such as weather vanes. Fish ponds or other water features shall conform to any applicable county rules and/or guidelines in addition to the following community standards.

(a) Design Guidelines

1. Decorative objects must be no more than 4 feet in height and must not occupy more than nine square feet of ground space as measured from all outside edges, and from bottom to top, exclusive of arbors, fountains, gazebos, pergolas and trellises.
 - a. Decorative objects must be of a natural finish, such as stone, wood, marble, etc., or coated in a single earth tone color.

- b. Decorative objects should not be of a nature that is offensive to any race, religion, gender, ethnic group, or age group.
 - c. There may not be more than three (3) decorative objects on display on any site at any given time. Additional objects must be stored from view when not being displayed.
 - d. Fishponds shall be no larger thirty feet (30) in surface area, and no more than eighteen (18) inches deep at the deepest point.
 - e. Fishponds shall not contain vegetation that occupies more than seventy-five percent (75%) of the surface area of the water.
 - f. Fishponds shall be maintained in such a manner that they do not produce any insects, larvae, snakes, frogs, noxious odors or other situation that is offensive or harmful to other residents.
 - g. Fishponds shall be at least twelve (12) feet setback from the nearest lot line.
 - h. Fishponds shall be below grade, at the grade, or no more than eight (8) inches above the grade with the grade gradually raised to the edge of the fishpond.
 - i. No fishpond shall contain any fish, reptile, mammal or other living creature that is capable of inflicting injury to any person or animal.
 - j. Fountains may be of a natural stone color, or coated with an earth tone color.
 - k. Fountains shall maintain at least twelve (12) feet of setback from the nearest lot line.
 - l. Fountains shall not exceed six (6) feet in height, or occupy more than twelve square feet of ground space as measured from all outside edges, from bottom to top.
 - m. Fountains may not emit any noise, odor or mist that is offensive to other residents.
 - n. Fountains must be self-contained and recycle water, using no more additional water than is necessary to replenish that water which is lost to natural evaporation. No fountain may allow water to run from it to the ground or be drained away from the fountain.
 - o. No fountain should contain any statue, or symbol that is offensive to any race, religion, gender, ethnic group, or age group.
 - p. Decorative flags (defined as flags such as those celebrating a season or holidays that have a pole that is not taller than three feet and have a flag that is not larger than two square feet) may be displayed in a number not to exceed two at any specific time.
2. Arbors, gazebos, pergolas and trellises must be located in the rear yard of the property. They may not be situated on a freestanding concrete pad.
 3. Arbors, gazebos, pergolas and trellises must be open structures, and may not be used as storage units.
 4. Arbors, gazebos, pergolas and trellises must be maintained as submitted and approved, with no alterations unless approved by the ACC.
 5. Arbors, gazebos, pergolas and trellises may not be wired directly to a power outlet or breaker.

In addition:

6. **Arbors** may be constructed of metal, vinyl or wood. They must not exceed 9 feet in height, 6 feet in width and 3 feet in depth. An arbor may be freestanding, but must be positioned over a pathway or to replace a portion of a fence.
7. **Gazebos** are of the round or octagonal variety and may be constructed of vinyl or wood. They are limited to a diameter of 10 feet with a total footprint of no more than 100 square feet. Gazebos may be no more than 9 feet high. They should be shingled with wood or asphalt.
8. **Pergolas** may be constructed of wood or vinyl. They must be no more than 9 feet in height, 8 feet in width and 15 feet in length.
9. **Trellises** may be constructed of metal, vinyl or wood and must be no more than 9 feet in height, 4 feet in width and 15 feet in length. The trellis must be attached to the house or located within 12 inches of the house.

(b) Application Contents

- i. Site plan showing location and the relation of the object to the applicant's house and property lines.
- ii. Drawing showing existing and proposed landscaping and location of decorative object(s).
- iii. Picture and/or detailed drawing of objects(s) including dimensions.
- iv. Color and material of objects.

11) Entry Doors

(See garage doors and storm/screen doors/security doors under separate headings).
An application for ACC approval is required for the replacement of entry doors.

(a) Design Guidelines

- i. Front entry doors shall not be solid, unadorned "blanks".
- ii. The color shall be consistent with the approved color palette, or in case of wood, an approved stain.
- iii. Front entry doors shall be similar in design to those offered from the builder, unless approved by the ACC.
- iv. Replacing glass panels or panes that occupy more than half of the door constitutes changing the door.
- v. Fiberglass wood grained doors that are factory or owner stained to a natural wood color do not have to match the shutter color of the house palette.

(b) Application Contents

- i. Picture or drawing of the proposed door.
- ii. Color of the proposed door, trim and house.
- iii. Location of the door.

(c) Entry doors which do not qualify as "additions" or "modifications" and therefore do not require an ACC application must be:

- i. Replacement units exactly the same design and color as the existing unit.

12) Edging

An application for ACC approval is required for all man-made or natural landscaping edging materials (e.g., concrete, plastic, wood or metal edging) that is more than six (6) inches high as measured from the grade or for any edging material that is not originally designed for the sole purpose of landscape edging.

(a) Design Guidelines

- i. Man-made materials will be colored, coated or painted in an earth tone, black or dark green color. Natural materials will be natural tone, earth tone, black or dark green.
- ii. All materials will be of adequate weight or securely embedded in the ground so they do not blow about in severe weather.
- iii. No edging material may exceed eighteen (18) inches in height.
- iv. No wire mesh edging shall be permitted.
- v. No edging material shall encroach upon common property or sidewalks.
- vi. All edging material must be originally designed for such use. Household items, scrap material, or any other material not originally designed to be used as landscape edging will not be permitted.

(b) Application Contents

- i. Site plan showing location of all edging.
- ii. Description of edging materials.

13) Fences

An application for ACC approval is required for all fencing. Fencing should be appropriate for its intended purpose. Other alternatives may achieve the desired objective of a fence. The use of plant materials alone can be an alternative, or planting schemes can be integrated with all fencing to soften visual impact. If a fence is the chosen method of screening your property, it is highly recommended that existing irrigation systems be adjusted to reduce the harmful impact on the fence. Interior fencing for decoration around a patio, dog containment / run area, or pool should be consistent with the intended purpose. Decorative aluminum fencing should be black, bronze, or white to match an existing screen enclosure or the perimeter fence color. Dog run areas may not exceed 50% of the rear yard area and may not extend beyond the outside boundaries of the house in the rear yard.

(a) Design Guidelines

- i. All perimeter fencing should be constructed of white PVC containing titanium dioxide (for weather resiliency) with a twenty (20) year warranty. Wood, chain link, chicken wire, barbed wire or similarly constructed fencing will not be approved. EXCEPTION: A lot which backs up to an outer boundary of the subdivision, may use decorative aluminum fencing for the rear section only. This includes wrought iron look or picket design that does not exceed 6 feet in height or less than 4 feet in height.
- ii. PVC fences must be constructed entirely of PVC boards, posts and rails.
- iii. Fencing should be of board-on-board, stockade, or shadow box design, with either a domed or flat top edge.

- iv. Vertical board width must be four (4) or six (6) inches.
- v. Gates should be compatible with fencing in design, material, height and color. Gate hardware should be unobtrusive and rust resistant.
- vi. Wire mesh screening (rectangular 2" x 2" or 2" x 4") used to increase pet security will be considered. The wire mesh shall be attached on the inside of the fence, shall not extend higher than eighteen (18) inches from the grade and will be painted the same color as the fence. The wire mesh should be securely attached to the fence so that it does not allow sagging or bending. The wire mesh shall not be visible from outside the fenced area.
- vii. Front-facing fences must be set back at least ten feet from front-facing wall on the dwelling at the corner where the fence is placed. Side and rear fences shall run along the property line, with little or no space between any adjoining fences.
- viii. The top of the fence should be aligned with the contour of the land. The bottom of the fence should be no more than approximately two inches above grade at any point.
- ix. Fencing material will not be fastened to natural objects such as trees, bushes or rocks. Fencing should be installed around the object, with the fence never being installed off the applicant's property.
10. The minimum and maximum height for flat top, edged fences is six (6) feet; domed top edged fences may be six and three quarter (6.75) feet high at the peak of the dome. Measurement shall be from the grade to the highest edge of the horizontal fence material. Vertical members should be plumb and generally not extend beyond the uppermost horizontal portion of the fence (not including ornamental post tops). **Exception:** The fence height shall be 6 feet. However, there may be exceptions in instances where the homeowner does not have a house located directly behind the homeowner and the rear of the home abuts a buffer. In such an instance, the homeowner shall have the option to apply for the rear fence only to be 4 feet in height rather than 6 feet. The remaining side fences and fence in the front of the home shall remain 6 feet in height with no exceptions.
11. Ornamental post tops may not exceed six (6) inches in height, beyond the uppermost edge of the support pole, and must be of the same color as the fence.
12. Once more than fifty percent (50%) of a fence installed before the adoption of these guidelines is removed or replaced due to age/deterioration, any replacement fencing and remaining existing fences on that lot must then adhere to these guidelines.
13. All homeowners with existing fences are encouraged to paint their fences white in order to regain harmony throughout the community.

(b) Application Contents

- i. Site plan that shows the relationship of the fence to adjacent property, open spaces, property lines and all existing site improvements. Applications must show exact relationship with property lines.
- ii. Fence style and material.
- iii. Dimensions.
- iv. Landscaping plans to complement and/or screen the fence.
- v. Details of any wire mesh screening.

- vi. Fence color.

14) Flagpoles

An application for ACC approval is required for all permanent flagpoles. It is recommended that flagpoles be used to display only national flags, state flags, holiday flags or memorial/symbolic flags not of an offensive nature, and in a fashion that shows respect to the flag being displayed. Permanent is defined as anchored into the ground or onto a building and not designed to be easily removed or anchored to the dwelling, whether removable or not.

(a) Design Guidelines

- i. All flagpoles shall be constructed of metal, composite or a similar substantial material, other than wood, that is impervious to the weather; and colored either brushed or polished aluminum, bronze or white.
- ii. No flagpole shall rise higher than twenty-four (24) feet, or in any case, not higher than the highest peak of the dwellings roof.
- iii. No flagpole shall be closer to the street than the rear edge of the walkway that runs from the front door to the driveway. Absent this walkway, the flagpole may not be closer to the street than six (6) feet from the closest front wall of the dwelling to the street.
- iv. Permanent flagpoles shall be installed or mounted so that they will withstand inclement weather without suffering damage.
- v. No flagpole shall display a flag or other object that is offensive to any race, religion, gender, ethnic group, or age group.
- vi. No flagpole shall display more than two flags at a single time.
- vii. No more than one (1) flagpole shall be permitted on a site at a single time, whether permanent, removable or temporary.
- viii. Decorative flags are not required to adhere to this section, however they are defined and regulated within "Decorative Objects."

(b) Application Contents

- i. Site plan showing location of the flagpole.
- ii. Detailed drawings or picture to include all dimensions, lighting, footing and mounting details.
- iii. Description of materials and colors.

15) Fountains and Fish Ponds

(See Decorative Objects under separate heading.)

16) Garage Doors

An application for ACC approval is required for the replacement of all garage doors.

(a) Design Guideline

- i. Garage doors should be consistent with the architectural style of the dwelling and the surrounding homes.
- ii. Garage doors shall be of metal construction; wood garage doors will not be approved.

- iii. Garage doors shall meet the required wind load rating per the prevailing building codes.
- iv. Garage doors shall be of the same color as the fascia and soffit on the dwelling or the primary body color of the dwelling.

(b) Application Contents

- i. Picture of, or manufacturer's sales material for, the proposed garage door.
- ii. Color and material of the garage door.

(c) Garage doors which do not qualify as an "addition" or "modification" and therefore do not require an ACC application must meet the following criteria:

- i. Replacement of the same size, style and color of the existing garage door.

17) Ground Cover

An application for ACC approval is required when more than twenty-five percent (25%) of the existing grass area of the lot is being replaced with natural ground cover (e.g., ivy, myrtle, stone, shredded hard wood mulch, or a combination of natural and man-made materials).

(a) Design Guidelines

- i. Synthetic or carpet-like materials (e.g., Astro turf, indoor-outdoor carpet, rubber mulch) will not be approved.
- ii. Ground cover may not be permitted to harbor rodents, reptiles, insects or any other nuisance animals or pests.
- iii. Ground cover may not exceed an average height of eight (8) inches.
- iv. In no case shall ground cover occupy more than fifty percent (50%) of the actual open area of the site.
- v. Ground cover shall not consist solely of non-living plant material. Stone or mulch ground cover shall incorporate an approved type of vegetation.

(b) Application Contents

- i. A plat of the property showing the location of the ground cover.
- ii. Detailed description of the materials to be used.

18) Gutters

An application for ACC approval is required for all gutters and downspouts installed on a dwelling.

(a) Design Guidelines

- i. All gutters shall be constructed of white colored aluminum.
- ii. All downspouts shall be constructed of aluminum and colored either white, or the color of the dwelling where the downspout is attached.
- iii. Downspouts shall not be piped, diverted or otherwise constructed or modified to force drainage onto another site. The community's topography was designed to drain in a specific fashion and should be allowed to do so.

- iv. Guttering and downspouts shall be of a size appropriate for its intended purpose. Other residences within the community shall be used as a standard in comparisons.

(b) Application Contents:

- 1. Diagram of dwelling indicating where guttering and downspouts will be installed.
- 2. Materials list indicating color and material of guttering and downspouts.

19) Hedges

An application for ACC approval is required for all hedges that are expected to grow to more than six feet in height or develop other features that in effect will become structures or fences with the intent to cover or conceal.

(a) Design Guidelines

- i. Hedges shall not be allowed to grow more than eight (8) feet in height, and four (4) feet in depth.

(b) Application Contents

- i. Site plan that shows the relationship of the hedge to adjacent property, open spaces, property lines and all existing site improvements. Applications must show exact relationship with property lines.
- ii. Plant materials that will be used.
- iii. Height of the proposed hedge.

(c) Hedges which do not qualify as an “addition” or “modification” and therefore do not require an ACC application must meet the following criteria:

- i. Hedges that will replace an existing hedge with a similar type plant and in the same location.

20) Holiday Decorations

(a) Holiday decorations do not require an ACC application but will be held to the following standards:

- i. Decorations for a holiday may be displayed thirty (30) days prior to the holiday and remain on display for thirty (30) days after the holiday.
- ii. Holiday decorations should be confined to the owner's property.
- iii. Holiday decorations should not be offensive to any race, religion, ethnic group, gender or age group [see section B-3(h)].
- iv. Holiday decorations shall be properly secured to prevent them from blowing about the community in severe weather.

21) House Numbers

An application for ACC approval is required for all house numbers. Seminole County Code requires every structure to display an accurate numerical identifier.

(a) Design Guideline

- i. Decal numbers are not permitted on houses.
- ii. No house number(s) shall be larger than ten (10) inches in height or width.
- iii. Numbers must be legible and visible from the street.
- iv. Numbers written as text (e.g., Roman Numerals or cursive writing) will not be approved.
- v. House numbers shall be colored either black or the darkest or lightest color already in use on the dwelling, whichever is in contrast to the surface where the numbers are being placed.

(b) Application Contents

- i. Picture or elevation drawing showing mounting location.
- ii. Picture or detailed drawing of house numbers including dimensions.
- iii. Color of house and house numbers.
- iv. Description of materials.

(c) House numbers which do not qualify as an “addition” or “modification” and therefore do not require an ACC application must meet the following criteria:

- i. House numbers that replace existing numbers with numbers of the same size, color and style.

22) Landscaping

(See Decorative Objects, Edging, Fences, Gardens, Ground Cover, Hedges, Lighting, Recreation & Play Equipment, Tree Removal, Trellises, and Walkways/Pathways under separate headings for further guidance).

Landscaping that replaces more than twenty-five (25) percent of the existing grass area or, that which includes walls, gardens, pools etc. require ACC approval.

(a) Design Guidelines

- i. In cases of landscaping involving alteration of the existing grade, the applicant must include a description of drainage patterns. The applicant is responsible for drainage results. Drainage changes having a negative impact on adjacent property is subject to corrective action at the applicant's expense.
- ii. Walls or plateaus shall be considered “edging” and meet the prescribed design guidelines.
- iii. Trees shall not be planted in areas that will result in encroachment onto other sites with normal growth.
- iv. Vegetation growth shall not be allowed to “overtake” a dwelling, such as ivy covering more than fifteen (15) percent of a dwelling, or shrubs that grow more than half as high as a wall they are adjacent to. Incidental/discontinuous ornamental topiaries may be allowed to grow to a higher level.
- v. Vegetation that is removed must be replaced with approved landscaping or turf within thirty (30) days; no area may be left as bare soil.

(b) Application Contents

- i. A plat of the property showing the location of the landscaping.
- ii. Detailed landscaping plan showing plant materials, man-made structures and walls, if applicable.

- iii. Construction details of all man-made items.
- iv. List materials and colors of the man-made items.

(c) Landscaping which does not qualify as an “addition” or “modification” and therefore does not require an ACC application must meet the following criteria:

- i. Similar replacements or changes made to existing foundation plantings.

23) Lighting

An application for ACC approval is required for all exterior and security lighting additions and changes.

(a) Design Guidelines

- i. Exterior and security lighting should be directed so that light intensity creates minimum impact outside the applicant’s property.
- ii. Ground level lights must be unobtrusive in design, not exceed eighteen (18) inches in height, and have no exposed wires.
- iii. All lights must be mounted on the dwelling or a screen enclosure. No light may be mounted on a freestanding pole or a pole attached to the dwelling or screen enclosure.

(b) Application Contents

- i. Site plan showing the location of the lighting as it relates to applicant's house and property lines.
- ii. Picture or elevation of house showing mounting location of proposed lights.
- iii. Picture and/or detailed drawing of each type and style of light fixtures and mountings including all dimensions and finishes.
- iv. Type and wattage of bulb(s) to be used in each light fixture and direction of light pattern.

(c) Lighting which does not qualify as an “addition” or “modification” and therefore does not require an ACC application must meet the following criteria:

- i. Replacement coach lights at entry and garage that are the same as the original lighting.

24) Mailboxes

All mailboxes must be of the same style and construction as those originally installed by the builder: Krylon 52001 (Gloss) Hunter Green Indoor/Outdoor Enamel Spray Paint. This is a darker green than the original color, but will last significantly longer. The next time your mailbox needs painting, this is the color you must change to. This paint is available at most hardware stores in spray cans.

(a) Creative Mailboxes style #P71ME (green). The vendor may be reached at (407) 568-7373, www.creativemailboxdesigns.com.

(b) Mailbox must contain house numbers on the sides and "BC" logo on the door, white lettering using font "Shelley Volante Script", size "2 inches". Mailbox must

be working order... model #71ME components including a working flag, working door with handle, decorative brackets, and round post cap.

NOTE: If this vendor is no longer in business, or the product is no longer available, contact the management agent so the Board can determine a replacement model. Do not install a different style without approval.

25) Major Alterations

An application for ACC approval is required for all major exterior alterations. Documentation included with that application should be a duplicate of the documents to be submitted to Seminole County for a building permit. Major alterations include, but are not limited to, construction of driveways, garages, porches, rooms, fireplaces, or other additions or modifications that alter the existing structure, either by subtraction and/or addition. Any exterior change that substantially alters the configuration of the residence is considered a major alteration. For further assistance in preparing the application, please see specific topics listed separately.

(a) Design Guidelines

- i. Design, materials and colors of an addition to, or extension of, existing construction should be the same architectural design as the original construction.
- ii. The construction site should be kept in a workmanlike manner throughout the construction period.
- iii. Excess materials should be removed immediately after the completion of the project.
- iv. The design should be of a scale that is compatible with the applicant's house and lot size, and not encroach upon the county specified setbacks.
- v. Pitched roofs on major alterations should match as closely as possible to the existing slope of the roof on the applicant's house.
- vi. The design should anticipate and incorporate plans to minimize changes in grade that will adversely affect drainage. The design should not adversely affect adjoining properties due to changes in grade.
- vii. doors and other major alterations should be located to balance the existing structure.
- viii. No structure may be altered to be closer to the right-of-way than the existing dwelling when built.

(b) Application Contents

- i. Site plan showing the relation of the proposed alteration to the applicant's house and property lines.
- ii. Front, side and rear elevation drawings showing the proposed addition on the house.
- iii. Detailed drawings and plans including all exterior dimensions.
- iv. Color and description of materials of existing and proposed roofing. (Roofing must be shingles.)
- v. The style and pitch of the roof.
- vi. Siding color of the existing and proposed addition.
- vii. Color and location of existing and proposed gutters and downspouts.
- viii. Location, style and color of existing windows, shutters and doors.

- ix. Color of existing and proposed trim.
- x. Color, style and location of existing and proposed lighting.
- xi. Details on screening.
- xii. Landscaping details.

26) Painting (Exterior)

An application for ACC approval is required for all exterior color changes. The original approved palette combinations are available from the management office. Approved palette combinations as depicted in the palette book must be used.

(a) Design Guidelines

- i. All dwellings will be painted one of the palette color combinations approved by the Board of Directors.
- ii. All dwellings shall be painted using a satin or flat paint.
- iii. The same or similar palette will not be approved on adjacent lots. Adjacent lots are typically defined as lots that abut side-by-side or directly across the street. Corner lots that abut at the rear of the lot are also considered adjacent.
- iv. The ACC may deny request for the use of a palette if the palette is deemed to have been used in a specific area of the community to the degree that it has become the predominant palette, therefore diminishing the uniqueness of the palette and having a negative impact on the architectural harmony of the community.

(b) Application Contents

- 1. Description of all existing exterior colors of house.
- 2. Palette number of desired exterior colors of house. Include base, trim, door and shutter colors.
- 3. Description of paint or stain properties (e.g., latex or oil paint —flat or satin finish).

(c) Painting which does not qualify as an “addition” or “modification” and therefore does not require an ACC application must meet the following criteria:

- i. Repainting to match existing color combination and paint properties.

27) Patios

An application for ACC approval is required for all patios. Patios with roofs over them are porches and shall be subject to the design considerations in the section titled: Porches.

(a) Design Guidelines

- i. Patios shall be located in rear yards.
- ii. Patio flooring should be constructed of concrete, stone pavers or concrete coated with a substance similar to pool decking, such as CoolDeck™, etc. The color of any patio stone pavers or covering substance shall be similar to the base color of the dwelling or earth tone.

- iii. No patio shall be larger than twenty-five (25) percent of the available area of the rear yard, as measured from the rear most point of the dwelling to the rear lot line and from between the two side lot lines.
- iv. Patios must be attached to a rear-facing wall of the dwelling, and not “free standing” pads.

(b) Application Contents

- i. Site plan showing the dimensions and location of the patio as it relates to the applicant's house, other yard features and property lines.
- ii. Description of materials, color, grading and drainage changes.

(c) Pads which do not qualify as an “addition” or “modification” and therefore does not require an ACC application must meet all of the following criteria:

- i. Stoops at a rear doorway entrance to the dwelling that are less than thirty-two (32) square feet in surface area, adjoining the rear of the dwelling, and left bare uncoated or covered concrete.

28) Porches

An application for ACC approval is required for all porches, including those that are within a screen enclosure. Porches that have enclosed walls (including partial walls that are over eighteen (18) inches high, or solid screening materials, such as vinyl, shall be considered “rooms” and therefore must be submitted under “Major Alterations.”

(a) Design Guidelines

- i. Porch roofs may be constructed of wood and shingles that match the existing color, style and pitch of the existing roof of the dwelling.
- ii. Porch roofs may be constructed of aluminum that is colored white, bronze or the same color as the primary body color of the dwelling.
- iii. Porch screening framing shall be colored either white or bronze, and if used in conjunction with an aluminum roof, the two must be the same color.
- iv. Aluminum porch roofs that are installed within a screen enclosure shall be of the same color as the screen enclosure framing or the same color as the primary body color of the dwelling.
- v. Porches shall be either “open air” or screened with typical black or white insect screening.
- vi. Kick plates may not be higher than eighteen (18) inches at any point, and must match in color with the remaining building materials (e.g., White aluminum roof would dictate white aluminum kick plates and doors).
- vii. All porches must be attached to the dwelling on a rear-facing wall. No porch will be approved for installation to a side or front-facing wall.

(b) Application Contents

- i. Site plan showing the relation of the proposed alteration to the applicant's house and property line.
- ii. Front, side and rear elevation drawings showing the proposed addition on the house.
- iii. Detailed drawings and plans including all exterior dimensions.
- iv. Color and description of materials of existing and proposed roofing.

- v. The style and pitch of the roof.
- vi. Color and location of existing and proposed gutters and downspouts.
- vii. Color of existing and proposed trim.
- viii. Color, style and location of existing and proposed lighting.
- ix. Details on screening.
- x. Landscaping details.

29) Porch Swings and Benches (Non-Recreational Type)

An application for ACC approval is required for all porch swings and decorative benches to be placed at the front of a dwelling.

(a) Design Guidelines

- i. No swing or bench shall be placed closer to the right of way than the front plane of the dwelling.

(b) Application Contents

- 1. Picture of bench or porch swing and lot diagram of proposed location.

30) Recreation and Play Equipment

An application for ACC approval is required for all recreation and play equipment/structures and all basketball goals.

(a) Design Guidelines

- i. Recreation and play equipment shall be placed in rear or side yards only. Location in front yards is prohibited.
- ii. All play structures must be located behind approved screening material (with the exception of portable basketball goals).
- iii. Play structures shall be primarily constructed of wood.
- iv. Wood equipment must be maintained in a painted, stained or water-sealed condition. Painted, sealed or stained wood must be natural, redwood or an earth tone color. Redwood shall not be allowed to "gray." Metal hardware must be primarily one primary color with minimal accenting.
- v. No play structure may be taller than twelve (12) feet in height to its tallest point.
- vi. Any canvas or similar material tarp or awning must be primary colors, with no patterns except stripes.
- vii. No play structure may occupy more than three hundred fifty (350) square feet of surface area, when measured around all of its outermost points.
- viii. No play structure may be closer than ten (10) feet to any lot line, so that it does not invade any other person's privacy.
- ix. Basketball goals will only be of the portable and freestanding type that are not mounted to a structure or anchored in the ground, and must be maintained in good working condition. Torn nets, broken backboards, bent support materials and peeling or flaking paint shall be repaired immediately.
- x. Basketball goals shall be stored when not in actual use at the furthest edge of the driveway from the roadway, or stored out of view in a garage or horizontally behind a privacy fence.

- xi. Small play structures of a size that can be readily moved by an average adult must be stored from view between uses unless they are located behind an approved fence.

(b) Application Contents

- i. Site plan showing the size of the equipment and its location as it relates to the applicant's house, adjacent houses, fences, property lines.
- ii. Drawings and photographs or product literature showing the dimensions and style of the proposed play equipment.
- iii. Description of materials to be used.
- iv. Color of play equipment. State whether the equipment will be natural and sealed or will be painted or stained. If equipment is to be painted, a color chip should be submitted with the application.

(c) Recreational and Play Equipment which do not qualify as an “addition” or “modification” and therefore do not require an ACC application must meet the following criteria:

- i. Portable and freestanding basketball goals that are of manufactured quality, constructed of man-made materials such as metal and plastic and not homemade, that will be stored when not in actual use at the furthest edge of the driveway from the roadway or in a garage, or horizontally behind a privacy fence.
- ii. Small play structures of a size that can be readily moved by an average adult that is stored from view between uses or is located behind an approved fence.

31) Rock or Garden Walls

An application for ACC approval is required for all rock or garden walls.

(a) Design Guidelines

- i. No rock or garden wall shall exceed thirty-six inches in height.
- ii. All rock or garden walls consisting of manufactured materials shall be constructed of materials that are of an earth tone color that closely resembles the primary color of the dwelling.
- iii. All rock or garden walls consisting of natural stone or rock shall be the natural color of the rock or stone, and not painted, stained or otherwise coated to alter its color.
- iv. All rock or garden walls shall be engineered so they do not create a hazard by the wall falling or collapsing. By approval, the ACC is not certifying the design of the wall, but simply insuring that safety was taken into consideration by the homeowner when designing the wall.

(b) Application Contents

- i. Drawing or diagram of wall, with relationships to property lines, structures, grade and existing landscaping.
- ii. Description of materials to be used in construction of the wall.

32) Roofing

An application for ACC approval is required for all changes in the color or style of roofing.

(a) Design Guidelines

- i. All roofing must be of the original color and style installed by the builder. In the event that the original material is no longer available, the Board, upon request, shall determine a new standard for the community. The original color and style installed is: **Certainteed™ Landmark / Landmark Pro** 30-year **or Lifetime** architectural shingle, “Weathered Wood”. A qualified alternate is Owens Corning “Driftwood” Duration Premium **Lifetime** Shingles.

(b) Application Contents

- i. Color or style of the proposed roofing materials.
- ii. Corrugated, tile, fiberglass or metal materials will not be approved.

(c) Roofing which does not qualify as an “addition” or “modification” and therefore does not require an ACC application must meet the following criteria:

- i. Replacement shingles to match existing shingles **as stated in (a) i above.**

33) Direct Broadcast Satellite (DBS) Dish Antennas, Multipoint, Multi-channel Distribution Point (MMDS), and Television Broadcast Station (TVBS) Antennas

An application for ACC approval is required for all DBS satellite dish antennas exceeding one (1) meter in diameter before installation, herein referred to as “Large satellite dish antennas.” An application for ACC approval is required for all DBS satellite dish antennas smaller than one (1) meter in diameter, herein referred to as “small satellite dish antennas,” MMDS antennas and TVBS broadcast antennas before or within thirty days of installation, when installed according to the following design guidelines.

(a) Design Guidelines

- i. Satellite dishes larger than one (1) meter shall not be permitted.
- ii. Small satellite dish antennas, less than one (1) meter in diameter may be installed on the rear or side of the dwelling, but in no case closer than ten (10) feet to the front plane of the dwelling, except when such a location prevents adequate signal reception as documented by a qualified technician.
- iii. MMDS and broadcast television antennas will be positioned so they cannot be seen from the front of the home, except when such a location prevents adequate signal reception as documented by a qualified technician.
- iv. MMDS and broadcast television antennas will be mounted no higher than twelve (12) feet above the roofline. Installations greater than twelve (12) feet above the roofline will require prior approval of the ACC and documentation of need by a qualified technician.
- v. All wiring will be installed in compliance with prevailing code, and tightly secured to the home in areas where it runs along the exterior of the home. Efforts should be made to run wiring along trim or under siding to minimize the visual impact.
- vi. No dwelling may have more than two (2) satellite dish antennae and one broadcast or MMDS antenna mounted to it at any given time, for a total of three (3) antennae.

(b) Application Contents

- i. Plat of the property showing the location of the MMDS or TVBS broadcast television antenna and the relation to the applicant's house and existing site improvements.
- ii. Picture and/or drawings of the MMDS and/or TVBS broadcast television antennas, including dimensions and mounting details.

34) External Security Devices and Alarms

(See Storm, Screen, Security Doors and Windows under separate headings)

An application for ACC approval is required for all visible external security devices and alarms devices.

(a) Design Guidelines

- i. No security device shall be permitted to emit any continuous noise or strobe light other than when the security device has legitimately been triggered or alerted.
- ii. Security horns, sirens or strobe lights shall be hidden from view if at all possible. A qualified security technician shall document any need for an exception. If an exception is granted, the device(s) shall be colored the same color as the fascia and soffit where it is mounted.
- iii. Visible horns, sirens or strobe lights shall be smaller than one (1) cubic foot in size.

(b) Application Contents

- i. Location of security device.
- ii. Color and size of security device.

35) Shutters (Decorative)

An application for ACC approval is required for changes made to existing shutters.

(a) Design Guidelines

- i. All shutter designs shall be the same as, or closely resemble one of the designs originally installed by the builder in any of the three phases.
- ii. All shutters shall follow the color palette chosen for the overall color of the dwelling.
3. All shutters should be constructed of a cement type coating over foam.

(b) Application Contents

- i. A picture or sketch of the house showing the existing shutters, or lack thereof.
- ii. A picture or sketch of the house showing the proposed shutter style, or lack thereof.
- iii. Dimensions of the shutters.
- iv. Color chip of the proposed shutters.

One source for the shutters is:

J&M Plastering Company, 6001 Anno Avenue, Orlando, FL 32809-5031 (407) 851-4858. However, residents are encouraged to use any vendor who can install shutters that meet stated requirements. An application for ACC

approval is required for changes made to existing siding, soffit or fascia.

36) Siding, Fascia and Soffit

An application for ACC approval is required for changes made to existing siding, soffit or fascia.

(a) Design Guidelines

- i. Elevation (siding) finish or texture shall be of the style and material originally installed by the builder.
- ii. Fascia and soffit shall be white aluminum.

(b) Application Contents

- i. A picture or sketch of the proposed siding style (when applicable).
- ii. Color chip and material list of the proposed siding or fascia.

37) Skylights

An application for ACC approval is required for the addition of skylights in homes, garages and porches.

(a) Design Guidelines

- i. If the skylight has exposed flashing or trim, the flashing or trim shall match the color of the roof where it is mounted.
- ii. The skylight material shall blend with the color of the roofing material. No skylight shall be constructed of reflective material.
- iii. Skylights shall only be mounted on the rear or side portion of a roof. Under no circumstances will a skylight be mounted where it faces a roadway (this shall include corner lots).

(b) Application Contents

- i. A plan of the structure showing the location of the skylight.
- ii. The dimensions of the skylight.
- iii. The style and color of the skylight.

38) Spas and Hot Tubs

ACC approval is required for all spas and hot tubs other than those that are located within a covered porch area or screen enclosure at the rear of a residence.

(a) Design Guidelines

- i. All spas shall be located at the rear of the dwelling, under a porch or within two (2) feet of the rear of the dwelling. Related equipment may be located on the side of the dwelling.
- ii. All spas and related equipment shall be screened from view with approved material if not under a porch.

(b) Application Contents

- i. A plat of the property showing the location of the spa or hot tub.
- ii. The dimensions of the spa or hot tub.

- iii. Picture or description of the spa or hot tub, documentation indicating Underwriters Laboratory rating.
- iv. Details of decking or screening.
- v. If the mechanical unit is not self-contained, describe the screening in detail.

NOTE: Caution should be taken in draining the spa or hot tub so that it does not adversely impact other's property.

39) Solar Collectors

An application for ACC approval is required for all solar collectors.

(a) Design Guidelines

- i. Units will be mounted flush or within six (6) inches of the roof, on the rear or side slope of the roof.
- ii. Unit frames, hardware, and piping should be treated to match or nearly match roof color (black is the suggested color).
- iii. Elevated collector units will be considered only for rear roof slopes.
- iv. No unit will occupy more than eighty (80) percent of the rear or side facing roof surface.

(b) Application Contents

- i. Site plan showing orientation and relationship of solar collectors to the roof and roof line.
- ii. Detailed drawing or picture of the elevation of the house from which the solar collector can be viewed including the proposed location of the panels.
- iii. Picture and/or detailed drawings of solar collector(s) and associated mounting hardware including dimensions.
- iv. Description of materials and color.

40) Storm, Screen and Security Doors and Shutters

An application for ACC approval is required for all storm, security and screen doors.

(a) Design Guidelines (Storm/Screen Doors)

- i. Storm or Screen Doors should be painted to be the same color as the entry doors behind them.
- ii. Consideration will be given to doors that are the same color as architectural trim, siding, and windows, depending upon the design of the particular door and its relationship to the design of the house and adjacent houses.
- iii. Scallops, scrolls or imitation gate hinges are not compatible with most house designs and in general will not be approved.
- iv. Storm or Screen Doors will not be approved for installation in garage door entryways.
- v. Storm doors for the main entry way must be approved by the ACC. The only acceptable style is full view glass in the same color as the current doors. Anderson 4000 series full view doors meet the requirements in all variations.
- vi. Standalone screen doors will not be approved, however Anderson 4000 series doors in variations which include replaceable screen inserts are acceptable.

(b) Design Guidelines (Security Doors/Shutters)

- i. Design should consist of primarily straight vertical and horizontal members with minimal ornamentation or scrollwork.
- ii. Security Doors must be stored when not in use in a housing and the storage housings shall be painted to match the color of the dwelling where it is mounted in order to minimize the visual impact.
- iii. Security/Storm Shutters must be stored when not in use in a housing and the storage housings shall be painted to match the color of the dwelling where it is mounted in order to minimize the visual impact.

(c) Application Contents

- i. Drawing and/or photograph of proposed Storm/Screen/Security Doors or Shutters.
- ii. Description of materials.
- iii. Color of the Storm/Screen/Security Doors or Shutters and the existing entry door or windows, and color of trim and house.
- iv. Location of where Storm/Screen/Security Doors or Shutters will be installed.

41) Swimming Pools

An application is required for all permanent swimming pools.

(a) Design Guidelines

- i. All swimming pools should be located at the rear of the dwelling, and permanent pools shall be enclosed by a fence or screen enclosure in accordance with Seminole County Code.
- ii. All appropriate permits to install a permanent pool shall be obtained as required by Seminole County Code.
- iii. Pump and filter equipment shall be screened from view from off the site.
- iv. Pumps and other noise emitting equipment shall be located at the rear of the dwelling so that it does not create a noise disturbance for other residents.
- v. Fences, patios, decks and lighting associated with a Swimming Pool should comply with the appropriate sections in these guidelines.
- vi. No pool and decked area shall be located outside the area defined as "rear yard" in Section B,3,g.
- vii. Pools and decked areas that are not attached to the dwelling shall not be permitted to be enclosed with screening. If an unattached pool is to be screened at a later date, the screening must extend to and be connected to the dwelling.
- viii. Full screen enclosures for pools shall consist of black colored screening and bronze or white aluminum framing.
- ix. Screen enclosures shall incorporate door locks or other devices to prevent children from entering the pool area as required by Seminole County Code.
- x. All pools shall be maintained in a fashion so they do not become a nuisance due to odors or insect production.
- xi. All permanent pools shall be of the "in ground" type. Above ground pools will not be approved.

- xii. Temporary pools are defined as those which are designed to be emptied and stored between uses, or that are designed to hold less than 500 (five hundred) gallons of water.
- xiii. Temporary pools shall be stored from view between uses.

(b) Application Contents:

- i. Site plan showing the size of the equipment and its location as it relates to the applicant's house, property lines and all existing site improvements.
- ii. Detailed drawings and plans of pool, deck area, lighting, walkways, fences, etc. and pertinent information concerning water supply system, drainage and water disposal system.
- iii. Description of all materials, colors and finishes to be used.
- iv. Information required for fencing and other improvements (e.g., patios, decks, lighting and screen enclosures as required by the appropriate sections of these guidelines).

42) Tree Removal

Trees constitute a major landscaping feature in Berington Club. Residents should consult with the County to ensure compliance with County ordinances or Conservation easement rules prior to any tree cutting.

(a) The ACC will approve removing live trees if:

- i. The tree's existence endangers people or property.
- ii. The tree is so overgrown that it is too large for the space it occupies and pruning will not alleviate the problem.

(b) Design Guidelines

- i. An application for ACC approval is required to remove any live, ornamental tree with a trunk more than five (5) inches in diameter when measured twelve (12) inches above grade. The tree must be removed to grade. Any tree over five (5) inches in diameter as measured twelve (12) inches from above grade that is removed without approval, may be required to be replaced with a similar size replanting at the owner's expense.

(c) Application Contents

- i. Reason for removal.
- ii. The site plan showing property lines and the location of tree(s) to be removed and all trees within twenty-five (25) feet of removal site. The trees on site should be identified by flagging.
- iii. Detailed restoration plan for the area.

43) Walkway and Driveway Coatings (Front Yard)

No sidewalk or driveway may be coated, painted or stained without prior ACC approval.

(a) Design Guidelines

- i. The only coating permitted is Behr™ Catalina 819 or its equivalent color and mixture from another manufacturer.

- ii. Coating will only be allowed when normal maintenance fails to provide an aesthetically pleasing appearance and the only other remaining option is replacement of the concrete.
- iii. No coating will have etching, stamping, inserts or patterns applied.

(b) Application Contents

- i. Color and mixture of coating with color chip if not Behr™ Catalina 819.
- ii. Reason for coating.
- iii. Photographs of existing walkway or driveway.

44) Walkways and Pathways (Rear and Side Yard)

An application for ACC approval is required for all side and rear yard walkways and pathways.

(a) Design Guidelines

- i. Materials should have natural weathering qualities, as do brick, slate, stone and concrete.
- ii. All materials shall be earth tone in color.
- iii. Color of pavers, if selected, should be compatible with that used in existing walks, if applicable.
- iv. Changes in grade, or other conditions which may affect proper drainage, must be addressed. Approval will be denied if adjoining properties are adversely affected by changes in drainage.
- v. Walkways and pathways may only be installed in rear or side yards.

(b) Application Contents

- i. Site plan showing the size and location of the walkways and their relation to the applicant's house, property lines, adjacent properties, and all existing site improvements.
- ii. Description of materials, color, grading and drainage changes.

45) Windows

(See Storm, Screen, Security Doors and Windows under separate heading)

An application for ACC approval is required for all windows.

(a) Design Guidelines

- i. Windows frames must be the same color and style as originally installed on the dwelling.
- ii. If mullions are added with a replacement window, mullions must be added to all windows on the respective elevation of the dwelling.
- iii. Windows must have clear glass, with the exception of windows that are located in bathing areas.

(b) Application Contents

- i. Drawing of where windows to be changed are located.
- ii. Design of windows.
- iii. Color of frames.
- iv. Use of room where windows will be installed, if frosted or otherwise opaque.

(c) Windows which do not qualify as an “addition” or “modification” and therefore do not require an ACC application must meet the following criteria:

- i. Replacement windows that are the same style and color of the existing windows.

46) Window Tinting/Sun-screening

An application for ACC approval is required for all window tinting on dwellings.

(a) Design Guidelines

- i. Tinting or sun-screening shall have a total solar reflectance of visible light of not more than twenty-five percent (25%) as measured on the non-film side, and a light transmittance of at least twenty-eight percent (28%) in the visible light range.
- ii. Mirrored or silver tinting will not be allowed.
- iii. Tinting may have color that closely matches the primary house color.
- iv. All window tinting must be properly maintained and not permitted to peel, bubble, ripple or otherwise develop an undesirable appearance.

(b) Application Contents

- i. Sample of tinting material with description of solar reflectance and light transmittance.

47) Paver Driveways and Walkways

A resident may have pavers located on the driveway and front walkway of the home.

(a) Design Guidelines

1. Driveways

Should the resident elect to have pavers on the driveway, the cement driveway must be removed and replaced with pavers of at least 2" thickness or a thickness deemed sufficient to withstand the weight of motor vehicles to drive and park upon the newly installed paver driveway. Pavers shall be sealed after installation. The grade at the junction between driveway and abutting walkway shall be even. The concrete sidewalk and apron to street must remain. Pavers may not be used in this area.

2. Walkways

Should a resident elect to install pavers on the established walkways, the pavers may be of a minimum of 1" inch thickness to lay over the established cement walkway. Contrary to the driveway, the resident is not required to remove the cement of the walkway prior to the installation of the pavers. The grade at the junction between driveway and abutting walkway shall be even.

Paver colors should be consistent with the look of the neighborhood. No symbols, pictures, or emblems may be visible on the paver areas. Driveway and walkway pavers should match.

(b) Application Contents

1. Application should include drawings to depict location of pavers to be installed. A sample of the pavers should be included with the application.

48) Playhouses

Playhouses are intended to be recreational pieces for juveniles. Any Playhouse that is approved and installed is not intended to be used for household storage, temporary housing or any other non-recreational use. Once the need for a Playhouse no longer exists, it is expected that the Playhouse would be removed and not converted into an alternate use piece.

(a) Design Guidelines

1. Maximum height of 6.5 feet (external)
2. Cannot occupy more than 100 square feet (external dimensions)
3. Appearance must be maintained as submitted and approved with no alterations unless approved by the ACC.
4. Playhouse may not be wired directly to a power outlet or breaker
5. Playhouse may only have one door no wider than 32".
6. No window AC units allowed
7. Playhouse may not be hard piped for running water
8. If not located behind an approved fence, the playhouse must incorporate an approved plan for landscaping to shield/compliment the placement of the playhouse.
9. Roof to be shingled with asphalt or wood.

(b) Application Contents

1. Site plan that shows the relationship of the playhouse to the site. Applications must show exact relationship with property lines.
2. Playhouse style and material.
3. Dimensions
4. Landscaping plans to complement and/or screen the playhouse.

49) Exterior Storage Boxes:

a. Design Guidelines

- i. Storage box shall not exceed 5 feet in height, and shall not occupy more than 36 square feet
- ii. Storage box must not be visible from any common property.
- iii. Storage box must not be visible from another lot at street level.
- iv. Storage box must be made of plastic, PVC or wood and colored to match the fence and/or house that it is adjacent to.
- v. Storage box must be behind an approved fence.
- vi. Appearance must be maintained as submitted/approved with no alterations unless approved by the ACC.
- vii. Storage box may not be wired direct to a power outlet or breaker.
- viii. Storage box may not be hard piped for running water.
- ix. No window AC units allowed.

b. Application Contents

- i. Site plan that shows the relationship of the exterior storage box to adjacent property, open spaces, property lines and all existing site improvements. Applications must show exact relationship with property lines.
- ii. Exterior storage box style and material.
- iii. Dimensions.
- iv. Landscaping plans to complement and/or screen the exterior storage box.

50) Storage of Boats

a) Design Guidelines

1. Boats may not be longer than 24 feet as per governing documents.
2. Boats must be stored behind an approved fence, shielding them from view from any common property or another lot at street level as per governing documents.
3. Boats, trailers and any accessories combined may not exceed 8 feet in height.
4. No more than a single boat and trailer combination may be stored on a lot at a single time.

(b) Application Contents

1. Application for parking of a boat that is not in violation of governing documents and/or ACC Guidelines is not necessary.

51) Propane Gas Tanks and Underground Liquid Natural Gas

(a) Design Guidelines

1. Tank may not be larger than 250 gallons
2. Tank must be completely buried in ground and not visible above ground, with the exception of the filling valves or valve access cover.
3. Tank must be located under side or rear yard.

(b) Application Contents

1. Site plan that shows the relationship of the tank to adjacent property, open spaces, property lines and all existing site improvements. Applications must show exact relationship with property lines.

INDEX OF REVISIONS

3/1/2005 -- As a matter of maintenance for clerical accuracy

Added to Section D, Item 24: Updated the contact information for Creative Mailbox Designs -- changed telephone number and added website address.

3/1/2005 -- By resolution of the Board of Directors

Added to section D, Item 26 a, subparagraphs 3 and 4: Limiting the use of the same palette on adjacent lots, and/or when a palette becomes the predominant palette in a specific area of the community.

12/7/2006 -- By resolution of the Board of Directors

Amended section D, Item 5 a, subparagraph 4: To include approved underground LNG and propane gas tanks as a source of fuel for barbeque pits.

12/7/2006 -- By resolution of the Board of Directors

Amended section D, Item 10 a, subparagraph 1: To exclude Decorative Fountains, and subparagraph 13 indicate an increase in the area that may be occupied by a Decorative fountain to twelve (12) square feet.

12/7/2006 -- By resolution of the Board of Directors

Amended section D, Item 11 a, subparagraph 2 : To include wood stain as an approvable color for entry doors, and subparagraph 4 to indicate that replacement entry doors shall be similar in design to the original line of doors offered by the builder unless approved by the Architectural Control Committee.

12/7/2006 -- By resolution of the Board of Directors

Amended section D, Item 13 a, subparagraph 1: To restrict all new fences to be constructed of white PVC, and no longer permit wood fences. Various supporting verbiage has also been changed or deleted in order to support the revision in subparagraph 1.

12/7/2006 -- By resolution of the Board of Directors

Added to section D, Item 47: For future guidelines on installing paver driveways and front walkways.

12/7/2006 -- By resolution of the Board of Directors

Added to section D, Item 48: Allowing for the use of recreational playhouses for juveniles.

12/7/2006 -- By resolution of the Board of Directors

Added to section D, Item 49: Allowing for the use of exterior storage boxes.

12/7/2006 -- By resolution of the Board of Directors

Added to section D, Item 50: Adding restrictions, to those already existing under the governing documents, to the parking of boats within the community.

12/7/2006 -- By resolution of the Board of Directors

Amended section D, Item 51: Allowing for the use of underground LNG and propane tanks.

04/6/2009 -- By resolution of the Board of Directors

Added to Item 10, Numbers 2-8: New language regarding arbors, gazebos, pergolas and trellises.

04/6/2009 -- By resolution of the Board of Directors

Amended Item 13, Number 10: Minimum fence height language.

04/6/2009 -- By resolution of the Board of Directors

Added to Item 25: New language regarding documentation to be submitted for major alterations.

04/6/2009 -- By resolution of the Board of Directors

Amended Item 25, b, 4: Additional application requirement.

04/6/2009 -- By resolution of the Board of Directors

Amended Item 26: Minor wording change related to exterior painting.

04/6/2009 -- By resolution of the Board of Directors

Added to Item 26, b: Palette number requirement to application.

04/6/2009 -- By resolution of the Board of Directors

Added to Item 35, b: Source for shutters.

04/6/2009 -- By resolution of the Board of Directors

Added to Item 35 a, 3: Shutter composition language

04/6/2009 -- By resolution of the Board of Directors

Added to Item 47: New language about Pavers, Driveways and Walkways

08/3/2012 -- By resolution of the Board of Directors

Amended Item 5 a, 1: one foot restriction on BBQ location deleted.

11/19/2013 -- By resolution of the Board of Directors

Added to item 9 a, viii: New language to allow pavers
Added to item 9 b, viii: New submission requirements

11/19/2013 -- By resolution of the Board of Directors

Added item 11 a, v: Allows exception for fiberglass doors if wood grain

11/19/2013 -- By resolution of the Board of Directors

Added to item 13: Description of interior fencing requirements
Added to item 13 a, i: Clarification of perimeter fencing and exception for certain lots

11/19/2013 – By Resolution of the Board of Directors

Added to Item 24: Changed Mailbox paint color and type for improved life

Added Item 24 b,: Clarification mailbox working order items

11/19/2013 – By Resolution of the Board of Directors

Added 40 a, iv: Precludes installation of storm door at garage entry area

Added 40 a, v: Description of approved main entryway door style and restrictions

Added 40 a, vi: Precludes installation of standalone screen doors

09/16/2014 – By resolution of the Board of Directors

Added 32(a) i and (b) i: clarification on approved roofing shingles and colors

09/16/2014 – By Resolution of the Board of Directors

Added 26 (a) 3: clarification of definition of adjacent lots for color approval

Added 26 (a) 3: added similar to comparison component