

MALLARD POND HOMEOWNERS ASSOCIATION

ARCHITECTURAL REVIEW BOARD STANDARDS AND GUIDELINES FOR DETACHED SINGLE FAMILY COMMUNITIES

HANDBOOK FOR HOMEOWNERS

**APPROVED BY THE BOARD OF DIRECTORS
BOARD MEETING
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PURPOSE OF THE HANDBOOK

The purpose of this handbook is to familiarize homeowners with the objectives, scope and application of design standards and guidelines, which will be used to maintain the aesthetic appearance and environmental quality of the community.

The handbook provides specific design standards and guidelines that have been adopted by the Board of Directors of the Homeowners Association. It also explains the application and review process that must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots that are subject to approval by the Association. Homeowners are reminded that approval by the Architectural Review Board for a proposed change does not remove the need for the appropriate building permits or other documentation. This handbook will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the Association's Architectural Review Board. All homeowners are encouraged to familiarize themselves with its contents and to retain the handbook for future use.

BASIS FOR AND OBJECTIVES OF PROTECTIVE COVENANTS

The legal documents for the Homeowners Association include the Declaration of Covenants and Restrictions. They impose use restrictions and specify the process for obtaining approval for changes, improvements or alterations to an owner's lot. Legally, these covenants are a part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, irrespective of whether or not these owners are familiar with such covenants.

The primary purpose of this document is to establish design guidelines for the entire community. The promulgation and enforcement of design guidelines is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community.
- Promote harmonious architectural and environmental design qualities and features.
- Promote and enhance the visual and aesthetic appearance of the community.
- Maintain a clean, neat, orderly appearance.

The enforcement of design standards not only enhances the physical appearance of a community but also protects and preserves property values. Homeowners, who reside in association communities that enforce design covenants are protected from actions of neighbors that can detract from the physical appearance of the community and, in some cases, diminish property values. In fact, surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home.

ROLE OF THE ARCHITECTURAL REVIEW BOARD

All homeowners are automatically members of the Homeowners Association. The Association is a not-for-profit corporation that owns and is responsible for the upkeep and maintenance of all common properties within the community.

The Association is also responsible for the administration and enforcement of all covenants and restrictions. The Declaration of Covenants and Restrictions for the Homeowners Association provides the scope and authority of the Architectural Review Board (ARB). The members of the ARB are appointed by the Board of Directors (BOD) of the Homeowners Association.

The Architectural Review Board is responsible for enforcing the Association's Design Guidelines for new home construction, exterior modifications to homes and improvements to lots as proposed by lot owners.

The ARB will review and approve (or disapprove) applications submitted by lot owners for new home construction and exterior additions, alterations or modifications to a home or lot using Design Guidelines approved by the Association's Board of Directors.

As part of its responsibilities, the Architectural Review Board will make recommendations to the Board of Directors with respect to the modification of the Design Guidelines initially approved by the BOD. The BOD will also be responsible for reviewing possible violations of the Association's Design Guidelines.

ALTERATIONS REQUIRING REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW BOARD

Any changes, permanent or temporary, to the exterior appearance of a building or lot are subject to review and approval by the Architectural Review Board. The review process is not limited to major additions or alterations, such as adding a room, deck, or patio. It includes such minor items as changes in color and materials. Approval is also required when an existing item is to be removed.

There are a number of exceptions to this otherwise inclusive review requirement.

1. Building exteriors may be repainted or re-stained provided that there is no color change from the original. Similarly, exterior-building components may be repaired or replaced so long as there is no change in the type of material and color.
2. Minor landscape improvements do not require Architectural Review Board approval. This includes foundation plantings, single specimen plants or small scale improvements which do not materially alter the appearance of the lot, involve a change in topography or grade and which are not of sufficient scale to constitute a natural structure.

If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the Architectural Review Board before proceeding with the improvement.

APPLICATION AND REVIEW PROCEDURES

Application and review procedures that will be used by the Architectural Review Board are detailed below.

1. Applications. All applications for proposed improvements must be submitted in writing using the application forms authorized by the Architectural Review Board. A copy of these forms is included as an exhibit to this handbook. Applications must be complete in order to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies that must be remedied in order to be considered for review.
2. Supporting Documentation. The application must include a complete and accurate description of the proposed improvement(s). To permit evaluation by the Architectural Review Board, supporting exhibits will frequently be required. Examples include: a site plan showing the location and dimensions of the proposed improvement; architectural drawings or plans, as applicable; landscape plan; material and/or color samples, etc. The design guidelines and application forms provide guidance with respect to the supporting documentation required for various types of improvements.
3. Time Frame for Completion of the Review. The Architectural Review Board is required to approve or disapprove any proposed improvement within thirty (30) days after the receipt of a properly completed application. However, the thirty (30) day review period will only commence upon the receipt of a complete application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a design review application.
4. Notice of Approval/Disapproval. Homeowners who have submitted design review applications will be given written notice of the decision of the Architectural Review Board.

ENFORCEMENT PROCEDURES

The Declaration of Covenants for the Association provides the authority for the Board of Directors to establish these Standards and Guidelines.

The following enforcement procedures will be used to ensure compliance.

1. A violation may be observed and reported to the Board of Directors through the managing agent by a member of the Architectural Review Board or a homeowner. In the case of homeowners wishing to report a potential violation, a written notification should be transmitted to the managing agent.
2. The alleged violation will be confirmed by a site visit by a member of the Board of Directors, a member of the Architectural Review Board or the managing agent.
3. The Board, through the managing agent, will contact the resident in violation by letter advising them of the violation and requesting appropriate action to remedy the violation.
4. If the violation continues for thirty days after the first notification (or if no substantial progress is made in curing the violation, where such remedy would require more than thirty days) a second letter will be sent to the resident in violation. This letter will provide notice that the violation must be remedied within fifteen (15) days from the date of mailing of the letter or alternatively, that the resident in violation must submit to the Board of Directors a written plan, including timing, for the abatement of the violation within a reasonable period of time, where such violation cannot be cured within the fifteen (15) day period.
5. If the violation is not abated within fifteen (15) days from the date of mailing of the second letter described in number 4 above (or if progress is not being made to abate such violation in accordance with a plan agreed to by the resident in violation and the Board of Directors) the Board, through the managing agent, will send the resident in violation a certified letter informing the resident that they have seven (7) days to comply or the Board of Directors will refer the matter to legal counsel for appropriate action to secure compliance with the Association's governing documents.
6. The above procedures do not preclude the Board of Directors from taking accelerated measures in the case of a violation which constitutes an emergency situation; provided that the resident in violation has been properly notified by mailing and that the action is consistent with the provisions of the Association's governing documents. Likewise, the Board may establish shorter notification periods for the correction of violations of the Standards and Guidelines where the homeowner shall not be disadvantaged by a shorter notification period for compliance.

DESIGN GUIDELINES

The specific Design Guidelines detailed below have been adopted by the Board of Directors.

Please note: These guidelines will not cover every situation. If you wish to make a permanent or significant visual modification to your property that is NOT explicitly covered in these Design

Guidelines, you still must submit an application to the Architectural Review Board. Please follow the application procedures and note on your application that your request is a special circumstance.

ANTENNAS and SATELLITE DISHES

Exterior antennas are prohibited. Homeowners may install satellite dishes for the purpose of receiving audio and/or video programming and media reception. A dish antenna that is one meter or less in diameter (i.e. Direct Broadcast Satellite) may be approved. The satellite dish must be mounted to the outside of the house in the location that best minimizes its visibility from the street and from other homes. The dish should be mounted on the back of the house or otherwise placed to hide it from street view and should not extend above the crown of the roof. If reception cannot be obtained from these locations, the satellite dish should be located as unobtrusively as possible on the property. Masts higher than six (6) feet will not be permitted. Screening, such as shrubs, is required where possible. The Architectural Review Board must approve all satellite dish installations.

CLOTHESLINES

Semi-permanent clothes lines or similar apparatus for the exterior drying of clothes are not permitted. Removable clotheslines erected during daylight hours and only in the rear yard or those screened from view behind a fence are acceptable.

DECKS, ARBORS, GAZEBOS and SCREENED ENCLOSURES

The Architectural Review Board must approve all decks, arbors, gazebos and/or screened enclosures.

Homeowners are advised to consider the following factors:

1. Location. Items must be located in rear yards.
2. Scale and Style. The scale shall be compatible with the scale of the house as sited on the lot. Decks, particularly if elevated, should be of a scale and style compatible with the home to which attached, adjacent homes and the environmental surroundings.
3. Materials. Construction materials for decks and gazebos must be of smooth high-quality pressure treated lumber or comparable composite material. Screened enclosures must be constructed using aluminum.
4. Color. Materials for decks and gazebos should be left in a natural condition to weather or treated with a neutral or wood color stain or sealer. Aluminum for screened enclosures must be white or bronze.
5. Under Deck Storage. Elevated decks may not utilize the under deck area for storage space. The Architectural Review Board, particularly in the case of high decks, may require the use of decorative screening, either wood or plant material, to minimize adverse visual impacts.

DRIVEWAYS

Architectural Review Board approval will be required for all driveway construction, extensions, modifications and additions to driveways. The primary considerations will be no adverse aesthetic or drainage impact on adjoining lots or common area.

Additions or modifications must be of the same materials as the existing driveway and shall not exceed the width of the garage. Driveways cannot be painted.

EXTERIOR LIGHTING

The Architectural Review Board shall be responsible for determining whether exterior lighting is an annoyance or unreasonably illuminates other owner's property. Proposed replacement or additional fixtures must be approved and compatible in style and scale with the applicant's house.

No exterior lighting will be directed outside of the applicant's property. Proposed additional lighting will not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage or other features.

Low-voltage or solar-powered landscape lighting, including low voltage floodlighting, is permitted along walkways, planting beds, or other landscaped areas, so long as all wiring is concealed from view, and light fixtures do not stand more than 18" above the ground. No more than 10 lights per lot are permitted without prior approval from the board. No lights are permitted in lawns.

EXTERIOR PAINTING

An application is not required to repaint or re-stain an object to match the original color. However, all exterior color changes must be approved. This requirement applies to exterior walls, doors, shutters, trim, roofing and other appurtenant structures. Refer to Exhibit A for approved exterior colors.

FENCES

General guidelines for the construction and Architectural Review Board approval of fences are provided below.

1. Fence Types and Material. All fences must be constructed PVC, aluminum, or wrought iron. No chain link, mesh, barbed wire or hog wire fences will be allowed. Wood of a high-quality pressure-treated pine (so long as it is maintained regularly by the homeowner) or of a comparable synthetic material are not

allowed unless approved by the Board of Directors as an approved fence type for the community. Fencing which is finished on one side only must be constructed with finished side facing out. All fence pickets must be installed on the outside of the posts. Gates must be constructed of the same height as the fence and be of the same material as the fence. Gate hardware shall be unobtrusive and rust resistant. Vertical members shall be plumb. Fences shall be left to weather naturally or coated with a clear sealant. Natural-wood tone stains or paint shall be considered on a case-by-case basis.

2. Fence Limitations. The height of the fence shall not exceed six (6) feet above ground level. Fences must be located in the rear yard of the lot and shall not extend beyond the front of the home. Fencing within a lot will be a consistent style and size (e.g. board-on-board or solid-board). An exception to consistent styles will be made when a different fence style has been erected by an adjoining neighbor or when considering unusual property configurations
3. Acceptable Fence Designs. Acceptable fence designs are solid board, board-on-board style, shadow box, picket, and Mount Vernon (scalloped on top).
4. Fencing along retention areas or lakes must not be solid and shall be a picket style. The height shall not exceed four feet for fencing installed directly adjacent to the lake or pond. Fences must taper in situations where different heights are required.

FLAGS AND FLAGPOLES

Permanent, freestanding flagpoles are prohibited. Temporary flagpole staffs that do not extend higher than the roof of the house and are attached to the dwelling unit do not require approval by the Architectural Review Board.

The following flags shall not require ARB approval, provided no more than two (2) are displayed on pole as described in this section:

U.S. flag (not to exceed 54" x 72" in size)

State of Florida flag (not to exceed 54" x 72")

Official flags of the U.S. Armed Forces-U.S. Army, Navy, Air Force, Marines or Coast Guard (not to exceed 54" x 72" in size)

No other flags are permitted nor will be approved by the ARB.

HOLIDAY DECORATIONS AND LIGHTING

Homeowners may display a reasonable number of holiday decorations and lighting, beginning no more than 30 days prior to a publicly observed holiday or religious observance and remaining up for no more than 20 days thereafter. No ARB application shall be required. However, in the event the ARB determines the decorations and/or lighting are:

1. Excessive in number, size or brightness;
2. Draw excessive traffic;
3. Unreasonably interfere with the use and enjoyment of the Common Area and/or adjacent lots; or
4. Cause a dangerous condition to exist, the Homeowner must remove the decorations or lighting within 48 hours after receiving written Notice from the Association.

HOT TUBS/SPAS - Semi Permanent

Exterior hot tubs or spas must be located in the rear yard adjacent to the dwelling unit. The incorporation of hot tubs as an architectural feature of decks and/or patios is encouraged. The exterior finish of an elevated hot tub should blend with the exterior finish of the home, deck or patio to which attached or most closely related. All hot tubs and spas must have a hard cover when not in use or incorporate other safety measures. Installation of exterior hot tubs or spas requires approval of the Architectural Review Board.

IRRIGATION SYSTEMS

Irrigation systems, if provided, must be kept in good working order to prevent dead or otherwise unsightly landscaping.

LANDSCAPING

All major landscape installations or changes must be approved in advance by the Architectural Review Board. Examples include the installation of multiple trees and plant beds that did not exist when the house was originally built.

The front and side yards are to be planted with St. Augustine grass or plant beds. Front yards are not permitted to be all rock, mulch, stone, etc.

No additional landscaping is allowed between the sidewalk and back of curb. The homeowner is responsible for maintaining this area.

Pots must be earth tone in color and shall be of a consistent style where they are allowed. No flower pots shall be located in landscape beds or in grass areas.

One statue or ornament equal to or less than 24 inches in height shall be allowed upon approval by the ARB in a landscape bed in the front yard of the home.

Borders/Edgers

- An application is required for the installation of all landscape timbers, borders, edging or similar structures to be located in front yards or areas visible to others in the community. The use of railroad ties is prohibited.
- In most cases the board will only approve landscape timbers that are constructed up to two courses high or a maximum of 8" which ever is less. The border/edgers must follow the established landscape pattern.
- Landscape borders shall be of one color and one style throughout the lot.

MAILBOXES

Any change to a mailbox requires the board's approval.

MULCH

Plant beds and trees visible from the street will be mulched with pine bark, cypress mulch or colored stone chips. Stone chips are only permitted when used in conjunction with a rigid permanent landscape edging. Material shall be of a single color scheme and type throughout the landscaping for the lot.

PATIOS

All patio construction requires Architectural Review Board approval. Patios must be located in the rear yard behind the house. A durable construction material such as stone, brick, pavers, flagstone, concrete or similar material should be used. Any adverse drainage requirements that might result from the construction of a patio should be considered and remedied. The use of a partially porous patio surface or the installation of mulch beds adjacent to the patio is ways to eliminate drainage concerns.

REAL ESTATE SIGNS

Only one post sign advertising a property for sale or rent may be displayed on a lot. Such signs must not exceed one (1) discreet, professionally prepared "For Sale" sign of not more than three (3) square feet. Sign may only be placed in the front yard of the home.

RECREATION AND PLAY EQUIPMENT

1. Play Equipment. Semi-permanent play equipment that either constitutes a structure or is appurtenant to an existing structure must be located in the rear yard. Examples include sandboxes, playhouses, swing sets, trampolines, etc.

2. Basketball Backboards. Basketball Backboards must be approved by the ARB. Backboards may not be affixed to the home. Clear Plexiglas backboards are encouraged. At all times, the backboard, hoop and net must be maintained appropriately. Poles are painted a solid earth tone or black. No court markings shall be painted, drawn or otherwise affixed to the driveway playing surface.

SIDEWALKS AND PATHWAYS

Sidewalks and pathways require Architectural Review Board approval. They should be installed flush to the ground. Only stone, brick, concrete or similar durable construction material should be used. The scale, location, design and color should be compatible with the lot, home and surroundings. Sidewalks may not be painted.

SOLAR PANELS

Solar panels and solar collectors are permitted and require Architectural Review Board approval.

STORM SHUTTERS

No Hurricane shutters or similar protective covering for the windows and glass doors of a residence on a Lot may be installed without ARB approval. If approved, mounting brackets must be discrete and may be permanently installed on the home; however, shutters may only be affixed to the house when winds of 50 mph or more are predicted; no sooner than 48 hours of predicted approach of the storm and must be removed and stored within 72 hours after winds have subsided.

SWIMMING POOLS

Temporary or above ground pools are not allowed. Only in-ground swimming pools are permitted. Pools must be located in the rear of the property. They must be approved by the Architectural Review Board.

All permanent swimming pools shall have security fencing or screen enclosures installed in accordance with existing jurisdictional codes. Screen enclosures must have ARB approval.

Pool construction shall be in accordance with applicable governing agency codes.

TRASH CONTAINERS

All trash containers must be stored out of view of the street on non-collection days.

TREE REMOVAL

Living trees may not be removed without the prior approval of the Architectural Review Board. Exceptions to this are trees that pose an imminent hazard to persons or property. Further defined, hazardous trees are those that are uprooted and leaning or have large limbs or branches that are splintered or otherwise damaged resulting in debris that may fall without warning. (Homeowners removing hazard trees without approval shall have written documentation and/or photographs of the hazard before removal). Trees approved for removal shall be cut at or ground down to grade level (on grade) or the stump should be ground down.

MAINTENANCE

Residents are responsible for maintaining the exterior appearance of their house, landscape and other improvements on their lots in good order and repair. While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions that would be considered a violation:

- Peeling paint on houses
- Damaged or dented mailboxes, garage doors
- Fences and gates with leaning, broken, deteriorating or missing parts
- Recreation equipment or playhouses with broken doors or in need of painting or other repairs
- Decks with missing or broken railing or parts

- Unkept lawn and landscaping in need of mowing and pruning, edging, weeding or insect control or diseased, dying or dead plants.
- Missing shutters, shingles, windowpanes or storm window parts, house numbers, bricks, siding, etc.
- Storage of play items, yard equipment and other clutter in front or rear yards
- Mold/mildew on exterior walls, fascia, sidewalks, driveways and garage doors.

The exteriors of all structures, including, without limitation, walls, doors, windows, roofs and porticos, shall be kept in good maintenance and repair. No structure shall be permitted to stand with its exterior in an unfinished condition for longer than twelve (12) months after the commencement of construction. In the event of fire, windstorm, extreme weather or other damage, the exterior of a structure shall not be permitted to remain in a damaged condition for longer than three (3) months, unless expressly accepted by the Board in writing. If not properly maintained and/or is deemed as a safety hazard, the ARB or Board of Directors may make necessary repairs and bill the homeowner.

GRANDFATHER CLAUSE

Any change made to a homeowner's property, which has been approved by the Association and is properly documented prior to the adoption of the above guidelines, need not be modified in accordance with the guidelines specified herein. Also, any improvements made by the original builder are automatically grandfathered. These modifications will be considered acceptable under this clause.

EXHIBIT A

HOMEOWNERS ASSOCIATION DESIGN REVIEW APPLICATION

EXHIBIT B

APPROVED EXTERIOR PAINT COLORS