

# Phillips Landing Association Rules and Regulations of The Homeowner's Association and Architectural Review Committee

## HANDBOOK FOR HOMEOWNERS

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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 Committee (ARC) 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 Committee. 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**

A variety of specific requirements govern matters of conduct and property used in our neighborhood. The basis of these Rules and Regulations are the governing documents of the Association referred to as the Declaration of Covenants, Conditions and Restrictions (DCCRs) as originally recorded at Official Records Book 4986, Page 714, public records of Orange County, Florida and as subsequently amended. As a Deed Restricted Community, a copy of the DCCRs was provided to you when you purchased your home. If you did not receive a copy of the DCCRs you can download them from the community website. The Rules and Regulations that follow do not replace the DCCRs but are meant to further clarify, supplement, and extend the scope of the DCCR for the betterment of our community. Neither are intended to be an all-inclusive compilation of the DCCRs. Where possible, language from the DCCRs is noted in BOLD and the Section of the DCCRs is show in (parentheses). Please refer to the DCCRs for any legal definitions of the wording contained in these Rules and Regulations.

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:

- To provide uniform guidelines to be used by the ARC in reviewing applications.
- To assist homeowners in preparing an acceptable application to the ARC.
- To increase the homeowner's awareness and understanding of the DCCRs.
- To illustrate basic design principles which will aid homeowners in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.
- To promote and enhance the visual and aesthetic appearance of the community.
- To 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, Conditions, and Restrictions for the Homeowners Association provides the scope and authority of the Architectural Review Committee (ARC). The members of the ARC are appointed by the Board of Directors (BOD) of the Homeowners Association.

The Architectural Review Committee 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 ARC 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.

Please know that the ARC is comprised of your fellow residents. It is not their full time job to review applications immediately and respond immediately as might be expected from a business. The ARC members are not compensated financially.

As part of its responsibilities, the Architectural Review Committee 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.

### ***Purpose and Duties of the ARC***

- **The purposes, duties and functions of the ARC shall be to create, establish, maintain and preserve the Property in a pleasant, attractive and harmonious manner as to foster and promote a community of interest within the property and to ensure the highest construction standards, and architectural, landscaping and aesthetic qualities within the real property described or depicted in the Plan. (DCCR Standards and Submittal Manual)**

### ***Goals of the ARC***

- **To establish and maintain the architectural standards of Phillips Landing in a consistent and professional manner.**
- **To be consistent with the provision of the Covenants, Conditions and Restrictions of Phillips Landing.**
- **To assure harmony of external design, materials and location in relation to surrounding buildings and topography within the Property.**

- **To protect and conserve the value and desirability of the Property as a residential community.**

## **ALTERATIONS REQUIRING REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE**

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

An Architectural Review Application must be completed and approved in advance in writing prior to any work being performed.

Construction, modifications and improvements subject to approval by the ARC, as applicable, specifically include, but are not limited to, painting, or other alteration of the exterior appearance of a Residence including; installation of antennae, satellite dishes or receivers, solar panels or other devices; construction of docks, fountains, screened enclosures, swimming pools, whirlpools, or other pools; construction of privacy walls or other fences; addition of awnings, signs (whether located on the Lot or in windows of the Residence), gates, flower boxes, shelves, statues, or other outdoor ornamentation, patterned or brightly colored window coverings; alteration of the landscaping or topography of the Property, including, without limitation, any cutting or removal of trees, planting or removal of plants, and creation or alteration of lakes or similar features of the Property; and all other modifications, alterations, or improvements visible from any street or other Lots.

Each application is reviewed on an individual basis. **There are no "automatic" approvals.** For example, a homeowner who wishes to repaint their home the same color must still submit an application to confirm that the home will be painted the same color.

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 ARC BEFORE proceeding with the improvement.

DO NOT proceed with an alteration simply because you see that your neighbor did it, for the reason that sometimes homeowners make alterations without ARC approval, and as such will be subject to enforcement of their violation. If you follow your neighbor, you will also be subject to enforcement of your violation.

## **APPLICATION REVIEW PROCEDURES**

All applications for architectural changes, whether permanent or temporary, should be submitted to the Property Management Company. Application forms are required, and are available on line or by email from the Property Management Company. The application will be reviewed for completeness by the Property Management Company. If the application is complete, the application will be forwarded to the ARC so that the review process may begin.

Once the ARC has received a complete application (meaning all the required information for the application has been supplied, including responses to requests for clarifying or additional information), **written notification of approval or disapproval will be sent to the Applicant within thirty (30) days of receipt of such submission** (DCCR Article X, Section 10.4.E) The decision of the ARC will be sent by letter to the applicant's address, by the Property Management Company.

From the date of the written approval, the homeowner must start the project within 3 months, and the project must be completed within a 3 month time frame from the start of the project, unless the owner has obtained an extension in writing from the ARC.

## **ARC REVIEW CRITERIA**

The ARC evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are considered when evaluating the design proposal. This is done because what may be an acceptable design of an exterior in one instance may not be for another. Due to the proximity to each other, some designs may impact neighbors in a negative manner.

The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating such application and design.

### **Application of ARC Guidelines**

The Architectural Review Application will be reviewed for adherence to all the ARC Guidelines.

### **Design Compatibility**

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

### **Location and Impact on Neighbors**

The proposed alteration should establish, maintain, and preserve your property in an attractive and harmonious manner not only with your existing landscaping and structure, but with the landscaping and structures of your neighbors and the neighborhood.

When a proposed alteration has possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making an application to the ARC. It may be appropriate in some cases to submit neighbor comments along with the ARC application.

### **Workmanship**

Workmanship is another standard which is applied to all exterior alterations. The quality of work should be equal to or better than that of the current community standards. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.

### **Timing**

Projects which remain incomplete for 3 months or longer are usually objectionable and can be a nuisance and safety hazard for neighbors and the community.

## **WHAT TO INCLUDE IN AN APPLICATION TO THE ARC**

For some homeowners, the most difficult part of the application is adequately describing the request. The following items should be a part of every application:

#### **An ARC Application Form**

An ARC application form can be found at the back of this Homeowners Handbook. This Homeowners Handbook contains detailed instructions on the requirements of each type of project. A complete application should address every requirement listed for the project type. An incomplete application will cause delays in approval, since the application must be returned to the homeowner for missing information before it can be submitted for a decision. Much delay and frustration can be averted by making sure your application contains all required information before submitting it.

#### **Site Plan Indicating Location of Proposed Changes**

A site plan may be prepared by submitting a copy of the survey plat that is typically included with home settlement papers. Proposed changes should be indicated including dimensions and distances of project related changes and also from adjacent property and houses. The changes should be illustrated using mechanical drawings, manufacturer's literature and/or photographs.

#### **Material and Color**

Material details and colors must be clearly provided in the application. In addition to material names and color names and codes, photographs are a good way to convey this information.

#### **Pictures**

All applications should include pictures related to the area of the exterior of the house that the change request relates to. This will give the ARC greater clarity of the proposed change and therefore will increase the chances that all the information the ARC needs will be in the first application.

### **ARCHITECTURAL GUIDELINES FOR SPECIFIC PROJECTS**

The guidelines which follow address a broad range of exterior alterations for which homeowners frequently submit an application to the ARC. It would be impossible to address each specific design condition. As a result, these guidelines present the principal factors which should be considered when developing a design. More specifically, these guidelines, in most cases, define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative.

The individual merits of each application will always be considered by the ARC. The use of these guidelines should assist the homeowner in gaining timely ARC approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved.

NOTE: Some changes require county review and permits. It is the homeowner's responsibility to obtain all county approvals. Permits should be obtained prior to beginning any work in order to verify what procedures must be followed. County approval does not preclude the need for prior written ARC approval and vice versa.

### **ACCESSORY STRUCTURES**

**No tent, shack, garage, trailer, barn or other temporary or accessory building shall at any time be erected and used temporarily or permanently as a residence or for any other purpose, except as approved by the ARC, subject to the Deed Restrictions and Article I of the Declaration. (DCCR 11.22)**

### **AERIALS AND SATELLITE DISHES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

For those devices that are not covered by the FCC Telecommunications Act of 1996, the ARC shall have the right to impose restrictions as to size, location and screening of any of such devices. No exterior radio or television mast, tower, pole, wire, aerial, satellite receiving stations or dish, antenna or appurtenances thereto that exceed 1 meter shall be erected on any Lot. For those devices covered under the FCC Telecommunications Act of 1996, they are to be installed on the roof, not in the yard.

While permitted by law with restriction, homeowners are strongly encouraged to submit an application for approval to make sure the homeowner correctly understands what the law affords them and to make sure there is no violation of ARC standards.

### **CLOTHESLINE AND LAUNDRY**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Clotheslines are not permitted unless they are located in the rear yard of the property and only so long as the clothesline is screened from view from any street or from any adjacent or neighboring property.

### **CONSTRUCTION AND MAINTENANCE SERVICE HOURS**

**In consideration for not disturbing your neighbor's peace with noise, construction and servicing personnel are only allowed to provide services from:**

- **7am to 7pm Monday through Friday**
- **9am to 4pm Saturday**
- **Emergencies only on Sunday and nationally observed holidays**

### **DETACHED STRUCTURES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Any free-standing structure contemplated for property such as, but not limited to, a pavilion, gazebo, doghouse, playhouse, cabana, etc. must be submitted for prior written approval with the required drawings and information. Approval will be granted only upon the merit of the structure and desirability for the neighborhood. Homeowners are advised to consider the following factors:

- **Location: Items must be located in the rear yards and sufficiently distant from property line so as not to interfere with privacy of neighbors.**



- Scale and Style: The scale shall be compatible with the scale of the house as sited on the lot. Elevated structures more than one story are not permitted.
- Materials: Construction materials must be of smooth high-quality pressure treated lumber or comparable composite material.
- Screening: Screening in the form of landscaping may be required for neighbor's privacy.

## **DOCKS AND BOATHOUSES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

No dock or boathouse ("DOCK") shall be constructed on a lakefront Lot without prior written ARC approval. The Application must include detailed drawings and lot survey. Only one DOCK is permitted on any one lot. The DOCK scale shall be compatible with the scale of the house as sited on the lot. No floating docks are allowed, however a floating Jet Ski platform attached to a fixed dock is allowed. The roof shall be of the same material, style and color of the roof of the main house. The DOCK shall be a single level, and shall not exceed twelve (12) feet in height at the highest point of the DOCK roof as measured from the top of the deck. No railings shall be constructed on the roof. The top of the base platform of the DOCK ("the deck"), shall not be higher than two (2) feet above the standard water level of the lake involved, and shall be at the same or similar height to the surrounding docks. Considerations will be made for natural variations in the water level.

The DOCK material must be weather treated or composite material of a neutral color. The DOCK material may be left in a natural condition to weather or be treated with a neutral or wood color stain or sealer.

## **DOORS (FRONT ENTRANCE)**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Front doors shall be compatible with the house design. Material shall be solid wood or metal insulated type. Front door design may include glass.

## **DRIVEWAYS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Installing driveway pavers in your front yard is a major renovation. Many factors need to be taken into consideration. Very clear and detailed professional drawings including measurements must be included in your submission. If you are unable to do this yourself, find a professional or the contractor that you have hired to perform the work to provide you with detailed professional drawings of the work to be done. This is no different than when your home was first built. Professional drawings with measurements of your driveway were created before any pavers were laid.

A minimum of 30% of the front yard must be grass. We do not approve paving the majority of a front yard especially with no practical flow or application except for it to be an enormous parking lot. The percentage of

the front yard that is allowed to be paved is based on the relative size of the property, the size of the home on the property, and the location of the home on the property. We allow functional walkways and driveways.

If you are planning to remove any trees, you must explicitly get prior written approval to remove the tree. Please see the TREE REMOVAL section for details.

Driveways shall be installed flush to the ground. Only stone pavers are allowed. Driveway pavers cannot be painted or stained.

#### Matching pavers

If you are adding pavers to existing pavers, they must be an EXACT match, and often if the original pavers are old, you will have to replace all the pavers with new pavers so that they all match. This is especially important since painting and/or staining of pavers is not permitted. If the new pavers are not an exact match, the application will be denied. Your Application must explicitly state that you will be replacing all existing driveway and walkway pavers with new pavers.

It is very unlikely that 10 year old, sun beaten pavers can be matched with brand new versions of those same pavers. You would clearly notice the difference. Even if you try to seal the old ones, the difference is still stark. Also, whatever pavers you had installed 10 years ago, are probably no longer available for purchase. Additionally, even the same type, style, and color pavers from year to year can differ as the manufacture's manufacturing changes.

When Phillips Landing was developed, and someone purchased a lot, they could only choose from a list of 10 pre-approved builders. This was to ensure that high quality architecturally sound homes were built.

These were educated, experienced professionals that built homes and had pavers installed properly. The ARC exists to keep all modifications to the exterior of the homes consistent with the original quality of the homes. We do not want to see homes where you can clearly see that pavers were added on later. When a home was originally built, of course the builder would not install a mixture of old and new pavers - it would look bad, and would look like a re-model instead of a new product. Over time you would see all these changes to the exterior of homes that were just added to the home in an ad-hoc fashion, and the whole neighborhood would slowly but surely look like a hodge-podge of cobbled changes, losing the planned design of excellence in Phillips Landing.

You will need to supply the material, name, and color information along with a picture of the paver to be used. One consideration is that it does not conflict with roof color. You will also need to supply a picture of the front of the house showing the current driveway and roof.

Driveway borders must not have exposed concrete, or edge pavers made from concrete or similar material, the edges must be pavers. If a raised driveway border is desired, it must conform to the borders/edging restrictions set forth in the "LANDSCAPING" section. This border must be built on top of the driveway paver edge and cannot be on the other side of the sloped concrete retaining edge (Figure 6) that holds the pavers in place and can be covered with grass or mulch so that it is not exposed.

The concrete driveway apron must follow the standardized shape and size.

The paved driveway at the point where it meets the concrete apron needs to be the same width as the apron's inner width. To be clear, the driveway pavers can only touch the sidewalk within the confines of the concrete apron inner width. (See figure 3)

A standard driveway width is 12 feet wide. The maximum driveway width (for "Circular driveways") is 14 feet. (See figure 1)

There must be at least a 12 inch buffer between a walkway and an exterior wall of the house (See figure 4). This buffer area can be grass, rock, or a flower bed area.

There must be a minimum distance of 3 feet between the sidewalk and the driveway pavers in the area that is not the concrete apron. (See figure 1)

There must be a minimum distance of 3 feet between the house front walls and the driveway pavers. (See figure 1)

Driveway pavers must not extend wider than the width of the garage door opening with the exception of central driveways that are in between opposing garages. (See figure 3)

Your driveway plan must consider the setback lines on your property and proximity to your neighbor's driveway.

The function of a driveway is for cars to park on and to gain access to the garage. It is prohibited to permanently place items (for example pots or planters, chairs, tables, etc. ) on your driveway, and especially if they block car access to the garage.

For additional requirements related to driveway projects, please see "WALKWAYS" and "SIDEWALKS AND DRIVEWAY APRONS" sections.

## **EQUIPMENT VISIBILITY**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

**All oil, soft water tanks, well pumps, pool, heater, air conditioner compressors, wood piles or other ancillary or mechanical equipment, shall be suitably screened by landscaping and/or fencing so as not to be visible from any Lot or street. Use of window or wall unit air conditioners is prohibited. (DCCR 11.19.A.VI)**

## **EXTERIOR LIGHTING**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

The ARC 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 in advance and in writing and compatible in style and scale with the applicant's house. Exterior lighting elements are expected to be small in footprint and not draw attention to the lighting units. No exterior lighting will be directed outside of the applicant's property. Special care must be exercised so that motion sensing security

lights do not disruptively illuminate your neighbor's house. Proposed additional lighting will not be approved if it will result in an adverse visual impact to the adjoining neighbors due to location, wattage or other aspects.

## **FENCES, WALLS AND HEDGES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

**There shall be no fences permitted on a Lot within the Property unless they are approved by the ARC in advance and in writing.** The fence must be 4 or 5 foot high. Fence must enclose the sides and rear of a lot, not a small enclosed area (i.e., around a garden). The Fence must be on or near the property boundary line. The Fence must not extend past owner's property boundary line. The fence material must be aluminum and of the black square tube standard design of the fences used in Phillips Landing. There shall be no decorative fence post caps allowed such as balls, arrows, gothic, diamonds, etc. The fence must be black in color. Fences in the front yard are not permitted. For side yard fences, the fence must be set back at least 15 feet from the closest front exterior wall of the house (See figure 5). A picture of the fence indicating the style must be included with the submission. For corner lots, fence setback amount and location will be determined by the ARC as all corner lots and home placement on such lots are different. The primary aspect that will be evaluated is the distance of the fence from the concrete sidewalk and street while also considering the 15 foot set back. Rear yard fences along the lake shore are subject to different criteria including allowed lower height, glass material, and the construction shall not impair the visual sight lines of neighbors as to the adjacent body of water. (DCCR 11.11)

## **FLAGPOLES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Permanent, free standing flagpoles are discouraged in our high end community, however they are permitted (with restrictions) per FL Statute 720.304. Flagpole cannot obstruct sight lines at intersections or be installed in easement area.

While permitted by law with restriction, homeowners are strongly encouraged to submit an application for approval to make sure the homeowner correctly understands what the law affords them and to make sure there is no violation of ARC standards.

## **FLAGS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

A single, portable flag is permitted (with restrictions) per F.S. 720.304. Flags are to be mounted with a bracket. The bracket must project the appearance of a professional installation. The bracket shall be specifically designed to support and fly or hang flags. The bracket shall be attached to the home and fitted with a pole of proper length and diameter to support the flag being flown. All United States flags shall have lighting installed specifically to illuminate the flag from dusk to dawn, or the flag is to be removed during the times of darkness.

While permitted by law with restriction, homeowners are strongly encouraged to submit an application for approval to make sure the homeowner correctly understands what the law affords them and to make sure there is no violation of ARC standards.

## **GUTTERS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Gutters are allowed subject to prior written approval by the ARC. The application must include the locations, dimensions, color of the gutters in addition to a picture of the house showing the exterior wall and roof area where the gutters are to be installed.

## **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 ARC application shall be required. However, in the event the ARC determines the decorations and/or lighting are:

- 1) Excessive in number, size, brightness, or sound;
- 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, EXTERIOR**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Temporary or above ground hot tubs on the exterior of the property are not allowed. In-ground hot tubs in the backyard are permitted, and shall have security fencing installed in accordance with existing jurisdictional codes. They must be approved by the ARC in advance and in writing.

Application must include detailed drawing with dimensions, location of hot tub equipment and plans so that the hot tub equipment will not be visible from any lot or street.

## **HOUSEHOLD PETS AND LIVESTOCK**

**No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot or Residential Unit, except that dogs, cats, or other usual household pets may be kept; provided that they are not kept, bred, or maintained for any commercial purpose, they are, in the case of dogs, leashed when off the Owner's premises, and provided that if any of such permitted animals shall, in the sole and exclusive opinion of the Declarant or the Association, become dangerous or an annoyance or nuisance in the Village or nearby property or destructive of wildlife, they may not thereafter be kept in or on the Lot or Residential Unit. The Association may, from time to time, publish and impose reasonable regulations setting forth the type and number of animals that may be kept on Lots and Residential Units. (DCCR 11.7)**

## **IRRIGATION SYSTEMS**

Irrigation systems, if installed, must be kept in good working order to prevent dead or otherwise unsightly landscaping. Malfunctioning spray heads spraying into the street or onto a neighbor's lot must be repaired within 1 week of receipt of non-compliance notice. Owners must comply with the local watering restrictions.

## **LANDSCAPING**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

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

### **Grass:**

- The front and side yards are to be planted with St. Augustine or Zoysia grass. Front yards are not permitted to be all rock, mulch, stone, etc. For a small front yard where the majority of the front yard is taken up with a 12 foot wide driveway and only 3 feet between the sidewalk and the driveway and 3 feet between the driveway and the house, a minimum of 30% of the front yard must be grass. This percentage is based on the relative size of the property, the size of the home on the property, and the location of the home on the property. The larger the front yard is, the greater percentage of grass is required.
- Mulch, rock, stone and other non-living ground coverings are not to be used as a substitute for grass and/or plant material. Non-living ground covers are intended to enhance landscape areas and to help retain moisture for plantings. Excessive use of non-living ground coverings is prohibited. Synthetic mulch materials such as rubber and excessive use of rock or stone are not permitted since they are not a Florida friendly practice.
- Artificial turf is prohibited in the front and side yards. It may be approved in the backyard in limited amounts. Artificial plants are prohibited.

### **Plantings:**

- The area in front of the home shall be made up of plantings that allow the architecture of the front of the home to be shown. No excessive use of plantings that exceed 4 feet at maturity shall be used in the front of the home. The intent is to keep plants in proportion with the house and the space in the yard.
- Plants, shrubs, and flowers must be planted inside a landscape bed (they cannot be planted in grass).
- Freeze tender plants are discouraged. Queen Palms and Wax Myrtles are not allowed to be planted in the front areas of the homes, since they are not compatible with the caliber of landscaping used for the homes within Phillips Landing.

#### Mulch:

- Plant beds visible from the street shall be mulched.
- Material shall be of a single scheme and uniform type throughout the landscaping of the lot.
- Mulch areas shall be kept free of weeds

#### Borders/Edges:

- An application is required for the installation of all landscape timbers, borders, edging, retaining walls, or similar structures to be located in the front yards or areas visible to others in the community. The use of railroad ties is prohibited.
- Landscape borders shall be of one color, style, and material throughout the lot. Concrete material and formed concrete is prohibited as a landscape border.
- Landscape borders shall be clean and clearly delineated. This can be in the form of a clean cut, clearly defined grass edge. This can also be in the form of a metal band edge. Plastic edging is prohibited in the front yard, but allowed in the side and rear yards, and expected not to be thin, but to be of substantial thickness for longevity.
- Landscape border and edging materials are expected to have a finished upscale clean appearance. Smooth, consistent in size, larger stones may be used as a landscape border, but rocks may not be used.
- If pavers are to be used as landscape borders and edging they must be installed on top of a foundation to prevent their placement deterioration and cannot be oriented on their sides or ends. If placement deterioration is observed, the foundation will need to be repaired or the pavers will need to be removed in order to correct the look of disrepair.
- A landscape border can be a short retaining wall of pavers, so long as the retaining wall has a foundation to prevent the deterioration of the wall, and must be specifically approved in advance and in writing by the ARC.
- There must be at least a 12 inch buffer between the exterior wall of the house and pavers or grass (See figure 4). This buffer area can be rock, or a flower bed area.

#### Pots:

- Collections or groupings of pots are not allowed (“Collections of Pots”). One pot on opposite sides of the entrance of a 4 foot wide walkway is acceptable. A group of two or more pots on each side is not acceptable. A single pot on each side of a garage door opening (while not blocking the garage door) is allowed as long as it does not break the rule of collections of pots are not allowed. Pots that border garage doors are expected to be 1 foot or more in height. One pot on opposite sides of the Front door entrance is allowed.
- Pots cannot be placed in the grass. Subject to restrictions set forth, pots may be placed on edges of walkways, driveways, in plant beds, and in limited numbers.
- Small flower pots smaller than 12 inches tall are not permitted to be placed in the landscape beds or on the grass areas of the front or side yard of the lot. Small flower pots can be placed within the porch area by the front door entryway subject to the rule of collections of pots and shall not exceed more than four (4) pots, and shall be in-balance with the elements around them.
- In the front yard, larger pots that are 13 to 36 inches tall shall all be consistent in color, style, limited in number (4), part of a landscape design element, in-balance with the elements around them and shall be located in landscape beds. The color of the pots must be complementary to the house color. In each side yard all of the same requirements for front yard large pots apply - with the exception that on the side yard a maximum of 2 large pots are allowed.

No additional landscaping besides grass and mulch/ground covering around the base of the oak tree is allowed between the sidewalk and the back of the curb. The home owner is responsible for maintaining this area including lawn maintenance, weeding, edging, and mulching.

**For statue or ornament rules related to landscaping, please see the YARD ART / ORNAMENT section.**

Vegetable or herb gardens must be placed in the rear of the home and not visible from the street.

Rain barrels are not prohibited; but materials, design, placement and shrouding must be approved in advance and in writing by the ARC.

### **MAILBOXES AND ADDRESS PLATES**

**The size, locations, design, style and type of material for each mailbox and number of the residence shall be designated by** the Association. Mailbox maintenance is the responsibility of the homeowner. Mailboxes are to be kept upright (not tilting), clean, painted, and have numbers matching with original design. Any change to a mailbox, including replacement requires prior written ARC approval. (DCCR 11.3)

### **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:

- Dirty roof
- Peeling or fading paint
- Damaged, leaning, or dented mailboxes, garage doors
- Numbers missing from mailbox
- Fences and gates with leaning, broken, or deteriorating or missing parts
- Unkempt lawn and landscaping in need of mowing, pruning, edging, weeding or insect control or diseased, dying or dead grass, plants, bushes, or trees.
- Missing shutters, roof tiles, windowpanes, house numbers, etc.
- Storage of yard equipment, play items, and other clutter in any portion of the lot visible from the street or from an adjacent lot.
- Mold/Mildew on the home or any improvement on the lot, including but not limited to the walls, roof, fascia, gutters, sidewalks, driveways, fences, and garage doors.

### **NUISANCES AND TRESPASSING**

**No illegal, obnoxious or offensive activity shall be permitted or carried on any part of the Property, nor shall anything be permitted or done thereon which is or may become a nuisance or a source of embarrassment, discomfort or annoyance to the Village or Property. No trash, garbage, rubbish, debris, waste material, or other refuse shall be deposited or allowed to accumulate or remain on any part of the Property, nor upon any land or lands contiguous thereto. No fires for the burning of trash, leaves, clipping or other debris or refuse shall be permitted on any part of the Property. No bicycles, cars, trucks, vehicles, tricycles, scooters, wagons, carriages, shopping carts, chairs, benches, tables, toys or other such items shall be parked or permitted to stand for any period of time on the Common Area, except in areas designated for said purpose, if any. In the**



**event of any question as to what may be or may become a nuisance, such question shall be submitted to the Board for a decision in writing which decision shall be final. The Board shall have the authority to have any unauthorized person or vehicle arrested or removed from the Property. (DCCR 11.8)**

## **PAINT, EXTERIOR**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

A list of approved Sherwin Williams colors is available at the gate house. You can use other paint brands, but the color will need to match the approved Sherwin Williams color.

If you choose approved colors, then the approval process will likely be faster and the request will often be approved. If a house exterior base color and trim color are selected that are both approved colors, but are from wildly different color palettes, that is a situation where even though the individual colors are approved colors, they may not be approved when used together. If you choose a color that is not an approved color, then it can be submitted to the board to have it added as an approved color, but that can take around 4 or more weeks to get a decision.

- The Sherwin Williams color name and number must be on the application. Also required is a current picture of the front of the house showing the current color and the roof color. Application must include request for base, trim, garage door, front door, shutters (if any).
- The exterior base, trim, shutters, and garage doors may be FLAT, SATIN or SEMI-GLOSS. Gloss paint is not permitted.
- If the garage door has windows, all areas around the window shall be painted the same color as the garage door.
- All painting of a home must receive prior written approval from the ARC, even if it is the same as the existing home color in order to confirm the same color is being used.
- Two consecutive homes may not be painted the same or similar colors. This is to avoid the tract homes look where all the homes are the same or similar color.

## **PATIOS AT FRONT OF HOUSE**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

A "front patio" is defined as area of pavers located in the front yard that are not a functional part of the 4 foot wide walkway towards the front door or part of the front entrance area in front of the front doorway. Front Patios are only approved in limited situations where they are not visible from the street or neighbors Lot. This would need to be achieved with a hedge line of approximately 3 feet in height. Application must include relative location and dimensions of patio, pictures of sample pavers, picture showing context of the patio in relation to the front of the house, notice of compliance with visibility requirement.

## **PATIOS AT REAR OF HOUSE**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Extensions at the rear of the house must obtain prior written approval of the ARC and must comply with setbacks of the property. This information and all permits are the Homeowner's responsibility to obtain from the County.

- Patio extensions and enclosures may not extend past the width of the house.
- Patio extensions must have a minimum 5' clearance of rear fence line.
- Only pavers may be used, patios may not be constructed of wood.
- Patio extensions must be ground level, not raised. There shall be no room underneath the patio extension for storage, weeds or wildlife under the extension.

### **RECREATION AND PLAY STRUCTURES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

**No skateboard or bicycle ramp or similar structure shall be installed or maintained on any portion of any Lot or Residential Unit. All basketball backboards and any other fixed game (including but not limited to fixed swings) and play structures shall be located at the rear of the dwelling. Tree houses or platforms of a like kind or nature shall not be constructed on any part of the Lot or Residential Unit without the prior approval of the ARC. (DCCR 11.25)**

Semi-permanent play equipment that either constitutes a structure or is appurtenant to an existing structure must be located in the rear yard and sufficiently distant from property line so as not to interfere with privacy of neighbors. Screening in the form of landscaping may be required for neighbor's privacy. Examples include sandboxes, playhouses, swing sets, trampolines, etc.

Portable play equipment including basketball hoops, lacrosse or soccer nets may be temporarily moved into position on the front driveway while in active use. As soon as the portable play equipment is not actively in use, it must be immediately stored where it is not visible from the street or any other lot.

### **RESIDENTIAL USE**

**Subject to the terms of Section 11.26, the Lots and Residential Units and Residential Property shall be used for residential purposes only; and conducting any commercial, retail or wholesale business of any nature or the sale of services or skills therefrom shall be strictly prohibited. No structure shall be erected or permitted to remain on any Lot other than a single family residential dwelling and customary appurtenances thereto. No garage shall be used or converted to living quarters. No building or other improvements situate on any Lot shall be rented or leased separately from the rental or lease of the entire Lot and no part of any such building shall be used for the purpose of renting rooms therein or as a boarding house, hotel, motel, tourist or motor court or any other type of transient accommodation. (DCCR 11.1)**

### **ROOFS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

All roofs shall be of tile or slate. It is preferred that the joint cement is the same color as the tile of the roof, or a similar non-contrasting color. Any exceptions must be approved in advance and in writing by the ARC. The application of the joint cement must be applied as needed, but specifically not overstuffed to have it bulging out or lifting up tiles.

Since all roofs are of tile or slate, there is no need to paint such roofs. They are designed to last the lifetime of the house. The painting of roofs is strongly discouraged, but if the homeowner really wants to do it, these are the general requirements and conditions.

- 1) We do not recommend that clay tile roofs be painted, clay tiles are meant to last the lifetime of the house. We recommend they be properly cleaned by a professional roof cleaning company.
- 2) When you or we say "painted" in reference to a roof, what is actually meant is clay tile stain, not paint. There is specific stain meant to be used on clay tile roofs if they must be "painted", and you will **need to supply the details of the stain being used including the brand, the type of stain, and the warranty details** of the stain in your ARC application.
- 3) If your roof is painted with the incorrect type of paint, or is painted by amateurs that have not properly prepared your clay tile roof to be painted, your roof will chip, fade, and/or discolor. This will negatively impact the value of your home and the homes around it. Once you have elected to paint a clay tile roof, any chipping, fading, or discoloration will require you to repaint immediately and violations would be initiated if the issue is not corrected within a reasonable time frame.

**No projections of any type shall be placed or permitted to remain above any roof of the Residential Unit with the exception of one or more chimneys or vent stacks. (DCCR 11.19.A.III)**

## **SCREENED ENCLOSURES**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

No screened enclosure shall be permitted on the front or sides of the house. The screened enclosure must be attached to the house and may not extend past the width of the house. Only aluminum material screen enclosures are allowed. New or replacement screen enclosures can only be black in color. The application must include a drawing with dimensions indicating the size (including height) and placement of the new enclosure. Also required is a picture of the rear of your house where the lanai will be. If replacing an existing lanai screen, the application will need to include the dimension and locations of the existing enclosure and the new enclosure. Contractors providing estimates for screen enclosure construction often supply the home owner with a hastily drawn, difficult to read drawing. Make sure when submitting the application to the ARC that their diagram clearly includes dimensions, and references to the existing house, the old lanai and the new lanai so the ARC understands your project.

## **SIDEWALKS AND DRIVEWAY APRONS**

No changes shall be made to concrete sidewalks and concrete driveway aprons including but not limited to painting. Nothing may protrude over the sidewalk, including, but not limited to hedges, edging, or plant branches. Additionally vehicles may not be parked in a manner which results in any portion of the vehicle protruding over the sidewalk.

## **SIGNS**

**Except as otherwise permitted herein, no sign of any character shall be displayed or placed upon any Lot (or in any Residential Unit if the sign is visible from the street outside the Residential Unit), except "For Sale" signs, which may refer only to the particular Lot on which displayed, and which shall not exceed thirty-six inches (36") by twenty-four inches (24").** (DCCR 11.4) The Phillips Landing standardized "For Sale" sign is available through your realtor. Per F.S. Section 720.304(6), owners can also display a security sign within 10 feet of the entrance to the home.

## **SOLAR PANELS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Per Florida law (F.S. 163.04), solar panels or solar collectors cannot be prohibited; however, the Association may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that such determination does not impair the effective operation of the solar collectors. The ARC is not required by law to approve solar panels located on the North West, North, or North East surfaces of the roof. Solar panels can only be on the roof and must lay flat. They cannot be on the ground, in the yard, etc. If possible please refrain from installing the panels on the sides of the roof that face the street. The ARC will be reviewing the application looking at the panel grouping shapes and number of different groupings of panels there are. Ultimately the ARC is looking for a design that is still aesthetically pleasing and does not have solar panels on every roof surface. Solar Panels visible from the street must be grouped in square or rectangle configurations. It is important to set expectations that it most likely will not be possible to use solar panels to generate enough power to reduce your electric bill to zero, unless solar panels are placed on all roof surfaces which will not be approved.

While permitted by law with restriction, homeowners are strongly encouraged to submit an application for approval to make sure the homeowner correctly understands what the law affords them and to make sure there is no violation of ARC standards.

## **STORM SHUTTERS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

No hurricane shutters or similar protective covering for the windows and glass doors of a residence on a lot may be installed without prior written ARC 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 30 mph or more are predicted and no sooner than 2 weeks before the predicted approach of the storm and if practicable, should be removed and stored within 96 hours after the winds have subsided. Permanently affixed rollup style hurricane shutters are permitted in the rear of the house, but must remain open per the same requirements as described above.

Application must include pictures showing the location of the windows where the shutters will be installed, details on type and style, and dimensions of the hurricane shutters and permanent mounting brackets.

## STORAGE SHEDS

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

A small non-permanent storage shed is permissible. The storage shed must be located in the backyard and not visible from any street or from any adjacent or neighboring property. Only one shed is allowed. The maximum allowed shed size is 4'x4'x7' (WxLxH). Exact location in backyard must be approved in advance and in writing by the ARC.

## STORM, SCREEN, SECURITY DOORS

Storm doors, screen doors, and security doors are not allowed in the front of the house.

## SWIMMING POOLS

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

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 in advance and in writing by the ARC. All swimming pools shall have security fencing or screen enclosures installed in accordance with existing jurisdictional codes. Screen enclosures must have prior written ARC approval. Pool construction shall be in accordance with applicable governing agency codes. Application must include detailed drawing with location, dimensions, screen enclosure (if applicable) location and dimensions, location of pool equipment and plans so that the pool equipment will not be visible from any lot or street.

## TREE REMOVAL

**There shall be no removal of trees or clearing of a Lot until such time as the ARC has approved in writing a general landscape plan for the Lot that designates specifically those existing trees to be retained and preserved on the Lot.** (DCCR 11.21)

**On each side of the front yard near the side lot lines, and near the front of the house, use a Live Oak or a large evergreen shade tree (i.e., Magnolia, Holly, etc.) to aid in the buffering of adjacent houses and to assist in revegetating the property with a Live Oak type canopy.** (DCCR Standards and Submittal Manual, 33)

Application must include a picture of the tree with the context of the location on the property.

## TRASH CONTAINERS

**All trash, garbage or other refuse shall be maintained in a container, in a location not visible from the front property line, and shall be placed for pickup not earlier than the evening preceding pickup, and any and all containers for such trash, garage or refuse shall be returned no later than the evening of the pickup to their normal location.** Enclosures for storing trash cans on the side of the home is not permitted. (DCCR 11.23)

## **TRASH – LANDSCAPING**

All landscaping clippings, trimmings, etc. **shall be maintained in a location not visible from the front property line, and shall be placed for pickup not earlier than the evening preceding pickup.** (DCCR 11.23) Enclosures for storing trash or yard debris on the side of the home is not permitted.

**No trash, garbage, rubbish, debris, waste material, or other refuse shall be deposited or allowed to accumulate or remain on any part of the Property, nor upon any land or lands contiguous thereto.** (DCCR 11.8 & 11.23)

## **VEHICULAR PARKING**

**No vehicle shall be parked on any part of the Property, except on paved streets and paved driveways. No vehicles may park on paved streets overnight or on sidewalks located within any part of the Property. No commercial vehicles shall be parked on the Property, except those present on business. The Association shall have the right to determine if a vehicle is a “commercial” vehicle and whether or not it is within the Property “on business” and said determination shall be final. No motorcycles, trailers, boats, boat trailers, campers, trucks, mobile homes, or motorized recreational vehicles may be parked on the Property unless parked inside the garages and completely concealed from public view. No inoperative automobiles, trucks, trailers or other types of vehicles shall be allowed to remain either on or adjacent to any Lot for a period in excess of forty-eight (48) hours, unless parked inside garages and concealed from public view.** (DCCR 11.2)

A “commercial vehicle” includes but is not limited to: (1) a vehicle not designed and used primarily for carrying live human passengers, or (2) a vehicle bearing visible advertising, or (3) a vehicle used for hire, or (4) a vehicle visibly modified to carry business equipment, supplies or tools of trade.

## **WALKWAYS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Walkways shall be installed flush to the ground. Only stone pavers are allowed, no concrete, no asphalt. Walkways may not be painted or stained. The maximum width for a walkway is 4 feet. Walkway edges must not have exposed concrete, or edge pavers made from concrete or similar material, the edges must be pavers. If a raised walkway border is desired, it must conform to the borders/edging restrictions set forth in the “LANDSCAPING” section. This border must be built on top of the walkway paver edge and cannot be on the other side of the sloped concrete retaining edge that holds the pavers in place and can be covered with grass or mulch so that it is not exposed.

Walkway pavers can only lead to and touch the sidewalk in a perpendicular manner, not a parallel manner. For example, you cannot have pavers running parallel to and touching the sidewalk. The area where a paver walkway joins the concrete sidewalk cannot be a paved pad area, but rather only a transition of the 4 foot wide (maximum) walkway to the concrete sidewalk (See figure 2). Walkways parallel to an exterior house wall must be a minimum of 12 inches away from the exterior wall (See figure 4). This buffer area can be rock, or a flower bed area.

## **WEEDS, TRASH AND GARBAGE**

The Owner of each Lot and Residential Unit shall, at his or her own expense, keep such Lot and Residential Unit, including any easement areas located on such Lot and Residential Unit, free of weeds, tall grass, undergrown, dead trees, dangerous and/or dead tree limbs, weens, trash and rubbish, and any other unsightly objects and shall keep such Lot and Residential Unit at all times in a neat and attractive condition. In the event the Owner fails to comply with this section then, after giving the Owner ten (10) days written notice, the Association shall have the right, but not the obligation, to go upon such Lot or Residential Unit and to cut and remove tall grass, undergrowth and weeds, and to remove rubbish and any unsightly or undesirable things and objects from the Lot or Residential Unit, and to do any other things and perform and furnish any labor necessary or desirable in its judgment to maintain the property in a neat and attractive condition, all at the expense of the Owner of such Lot or Residential Unit, which expense shall constitute an Individual Assessment against the Lot or Residential Unit. Such entry by the Association upon any Lot or Residential Unit shall not be deemed a trespass. (DCCR 11.13)

## **WINDOW AIR CONDITIONERS**

No window or wall air conditioning units are permitted.

## **WINDOW COVERINGS**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

No reflective window coverings or treatments shall be permitted on any Residence. The ARC, at its discretion, may control or prohibit window coverings and treatments that are not neutral.

## **YARD ORNAMENT**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

Upon prior written ARC approval, homeowner may have one fountain, one statue, and up to three yard ornaments in their front yard. While it is difficult to provide precise criteria for what the association deems as an acceptable size, the allowed size of a fountain is based on the relative size of the house and front yard. Statue and sculpture dimensions can be no larger than 2 feet tall by 2 feet wide. Yard ornament dimensions can be no larger than 1 foot by 1 foot wide. Fountains, statues, sculptures must be of stone or concrete material and also be natural in color, defined as off-white, beige, or grey. Yard ornaments may be colored, subject to approval. Fountains, statues, sculptures, and yard ornaments may only be located in a landscape bed and must be kept clean and free of mildew.

## **APPEAL PROCESS**

If an ARC application is denied, the homeowner is free to submit a new application with alterations or inclusion of new information required by the ARC to re-consider the application. If such resubmissions are exhausted and the ARC still disapproves the requested changes, an appeals process is available to the home owner.

**In the event of a disapproval of plans and specifications, the builder or Owner may appeal in writing to the Board no later than fifteen (15) days after notice of disapproval. The Board shall have thirty (30) days to rule on the appeal. If the Board fails to meet or fails to act on any appeal, said failure to meet or act shall be deemed to be approval of the ARC action. Subject to the DCCR Article I, the decision of the Board shall be final. (DCCR 10.7)**

## **ENFORCEMENT PROCEDURES**

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 Property Management Company by a member of the Architectural Review Committee or a homeowner. In the case of homeowners wishing to report a potential violation, a written notification (by e-mail or regular mail) should be transmitted to the Property Management Company.
2. The alleged violation will be confirmed by a site visit by a member of the Board of Directors, a member of the ARC, or the Property Management Company.
3. First violation notice: The Board, through the Property Management Company, will contact the resident in violation by letter advising them of the violation and requesting appropriate action to remedy the violation within 30 days.
4. Second violation notice: 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 violation letter will be sent to the resident in violation. This letter will provide notice that the violation must be remedied within fourteen (14) 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 fourteen (14) day period.
5. Third violation notice: If the violation is not corrected within fourteen (14) days from the date of mailing of the second violation letter described in number 4 above (or if progress is not being made to correct such violation in accordance with a plan agreed to by the resident in violation and the Board of Directors) the Board, through the Property Management Company, will send the resident in violation a third and final violation letter by certified mail 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. **The Homeowner will be responsible for the attorney's fees. (DCCR 10.8)**
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.

**Should any Owner fail to comply with the requirements after written notice as provided herein, the ARC and the Board (or any one or more of them), their successors or assigns, shall have the right to take any legal action it desires including without limitation to enter upon the Lot, make such corrections or modifications as are necessary or remove anything in violation of the provisions hereof, and charge the cost thereof to the Owner.**



**Should the ARC and the Board (or any one or more of them), their successors or assigns, be required or elect to enforce the provisions hereof by legal action, the reasonable attorney's fees and costs incurred, whether or not judicial proceedings are involved, including the attorneys' fees and costs on appeal of such judicial proceedings, shall be collectible from the Owner.**

**The ARC and the Board, and the past, present and future agents, representatives, officers, directors or employees of all of the foregoing, including their successors and assigns, shall not be liable to the Owner for any damages or injury to the property or person of the Owner, incurred pursuant to actions taken by the ARC, the Board, and the past, present and future agents, representatives, officers, directors or employees of all of the foregoing, including their successors and assigns. (DCCR 10.8)**

## **LANDSCAPING - (Adopted July 2022 via duly noticed board meeting)**

When submitting an application, every requirement listed below needs to be addressed in your application - if not it will be rejected as an incomplete application.

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

### Grass:

- The front and side yards are to be planted with St. Augustine or Zoysia grass. Front yards are not permitted to be all rock, mulch, stone, etc. For a small front yard where the majority of the front yard is taken up with a 12 foot wide driveway and only 3 feet between the sidewalk and the driveway and 3 feet between the driveway and the house, a minimum of 30% of the front yard must be grass. This percentage is based on the relative size of the property, the size of the home on the property, and the location of the home on the property. The larger the front yard is, the greater percentage of grass is required.
- Artificial turf is prohibited in the front and side yards. It may be approved in the backyard in limited amounts. Artificial plants are prohibited.
- Mulch, rock, stone and other non-living ground coverings are not to be used as a substitute for grass and/or plant material.

### Plantings:

- The area in front of the home shall be made up of plantings that allow the architecture of the front of the home to be shown. No excessive use of plantings that exceed 4 feet at maturity shall be used in the front of the home. The intent is to keep plants in proportion with the house and the space in the yard.
- Plants, shrubs, and flowers must be planted inside a landscape bed (they cannot be planted in grass).
- Freeze tender plants are discouraged. Queen Palms and Wax Myrtles are not allowed to be planted in the front areas of the homes, since they are not compatible with the caliber of landscaping used for the homes within Phillips Landing.

### Mulch:

- Plant beds visible from the street shall be mulched.
- Material shall be of a single scheme and uniform type throughout the landscaping of the lot.
- Mulch areas shall be kept free of weeds.
- Shredded cypress bark, pine bark, redwood nuggets or other natural hardwood chips shall be used. Such wood mulch materials keep surrounding soil cooler, improve moisture retention, and improve the soil PH balance.
- Mulch should be placed in a thickness of 3-4 inches and not touching the trunks of trees or the stems of landscape plants. Several inches of clearance around tree trunks and plant stems are required (otherwise a mulch volcano is created which keeps the trunk or stem moist and suffocates cells due to water saturation). Mulch settles after initial application and should be maintained at a depth of 2-3 inches.

## Stone:

- Stone mulch including river rock, gravel, crushed brick, lava rock, shredded rubber or similar mulch materials are highly discouraged within Phillips Landing. Stone mulch is PROHIBITED around the bases of trees and plantings. Exceptions: Stone mulch may be used, subject to approval of the ARC, as follows:
- Stone materials (two inches (2") diameter or less) at downspouts, rainwater leaders, or planting beds of *limited area*, for the purpose of mitigating an erosion condition may be installed, if approved by the ARC.
- Narrow beds of gravel or stone mulch materials may be used adjacent to the foundation walls of a home, as a deterrent to insects including termites, if recommended by pest control service. Use of stone mulch in such instances is limited to the area behind foundation plantings.
- Stone mulch materials may be used as part of specific landscape edging feature that is part of an integrated landscape design for the property.
- The color of stone mulch material must be in earth tones and blend with the landscape. White gravel, shells, and other similar light-colored materials are prohibited.
- Stone mulch or gravel materials are not to be used in areas adjacent to hardscape areas, including walkways, driveways, community sidewalks nor around street trees.

Property Owners should note that stone mulch materials are not favored for reasons as follow:

- Soil, leaf and lawn debris tend to settle into the stones, allowing compaction of the material. This has the effect of reducing air and water circulation, promoting mold and weed growth and inhibiting growth of featured landscape plants.
- If stone or similar mulch material is used adjacent to hardscape areas, the stones tend to migrate onto hard surfaces, such as the community sidewalks.
- Stones can become projectiles when struck by lawn maintenance equipment, creating a hazard.
- The use of stone mulch is not a Florida-friendly practice as it traps the heat and causes rapid loss of moisture from the soil, which stresses plants and trees and requires more irrigation.

## Artificial Turf:

- Artificial turf is PROHIBITED in the front and side yards. It may be approved by the ARC in the backyard in limited circumstances. Artificial plants are prohibited.

ADDENDUM (adopted June 2021 at a duly noticed meeting)

## FENCES, WALLS & HEDGES

No walls or hedge lines shall be erected on residential property unless approved in writing by the ARC.

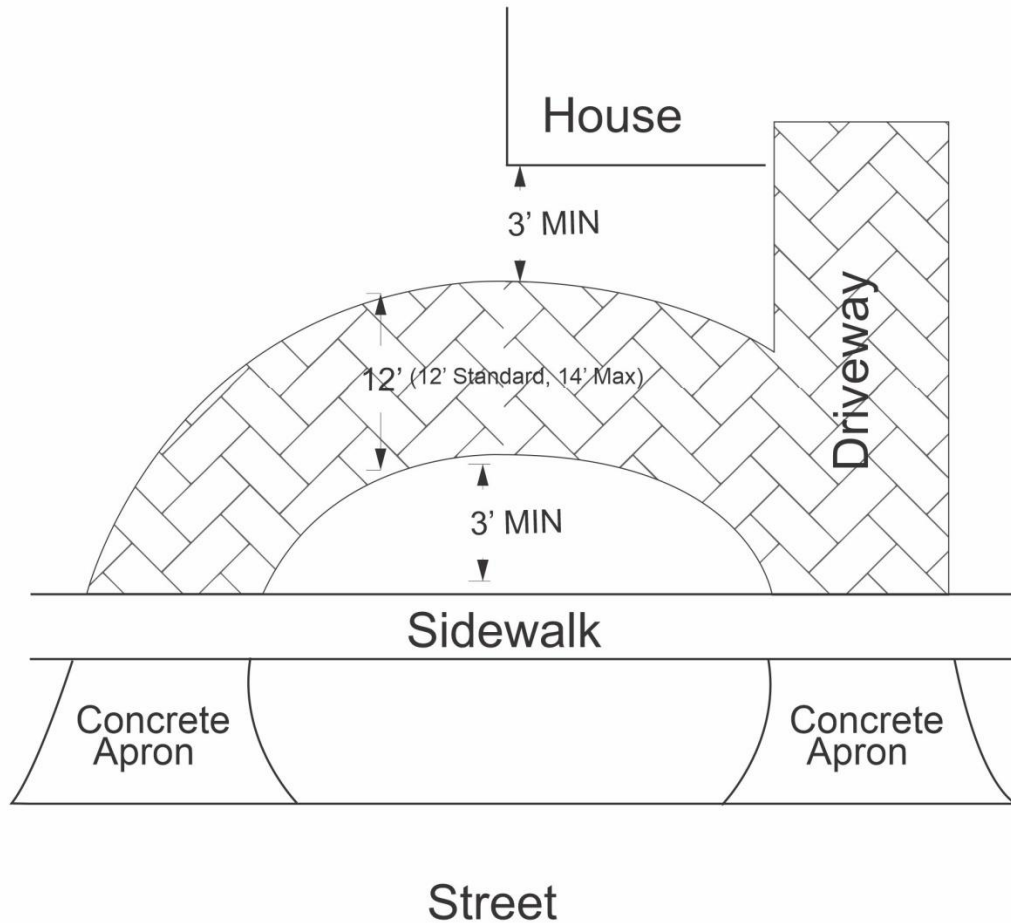
Walls are discouraged except as visual enhancements to landscaping and will be limited to areas requiring privacy or safety, or landscape enhancement (i.e., swimming pools, garden courtyards) or for concealment of services areas (trash containers, mechanical equipment, etc.). Wall height may not exceed 5 feet (5').

Low Landscape Walls are subject to the approval of the ARC and are typically not to exceed eighteen inches (18") in height). An overall landscape plan is to be submitted, showing the wall location, layout and dimensions including a picture sample of the proposed materials and color. Only stone or concrete decorative materials are permitted; wood is not allowed.

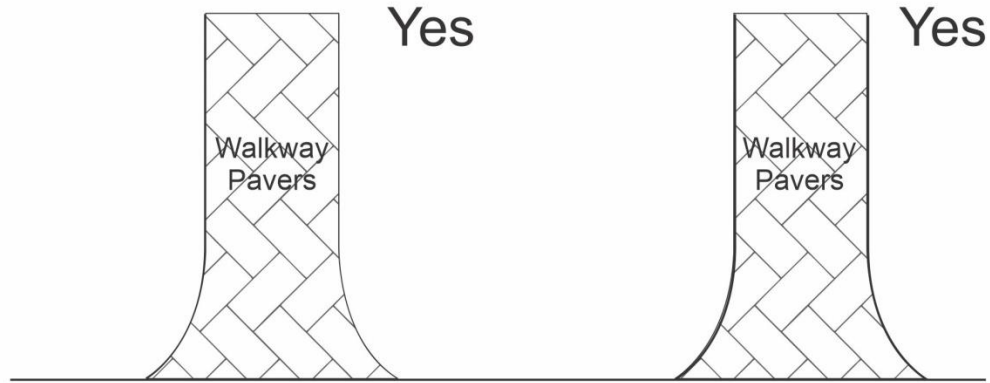
In the absence of a fence, hedges should be planted no closer than five feet (5') to the side and rear property lines, unless otherwise approved by the ARC. The hedge lines shall be planted at a sufficient distance from the property line so as to allow personnel to maintain and trim the hedge without encroaching on the adjacent property. Hedge lines should have a minimum height of two feet (2'). When placed along property lines, hedges typically should not be permitted to exceed five feet (5') in height, and no more than approximately two to three feet (2' – 3') in thickness.

Hedge lines shall be maintained so as to avoid growth of the plants that would overhang a property line. Variations from the location and dimensional requirements, such as would apply for privacy at a swimming pool or other yard areas, are permitted, subject to the prior written approval of the ARC. Privacy hedges must be maintained and may not exceed ten feet (10').

# FIGURE 1

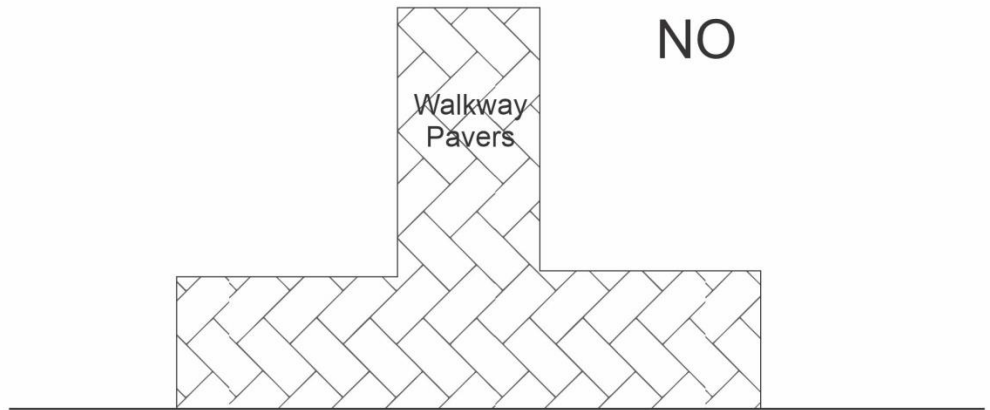


# FIGURE 2



Sidewalk

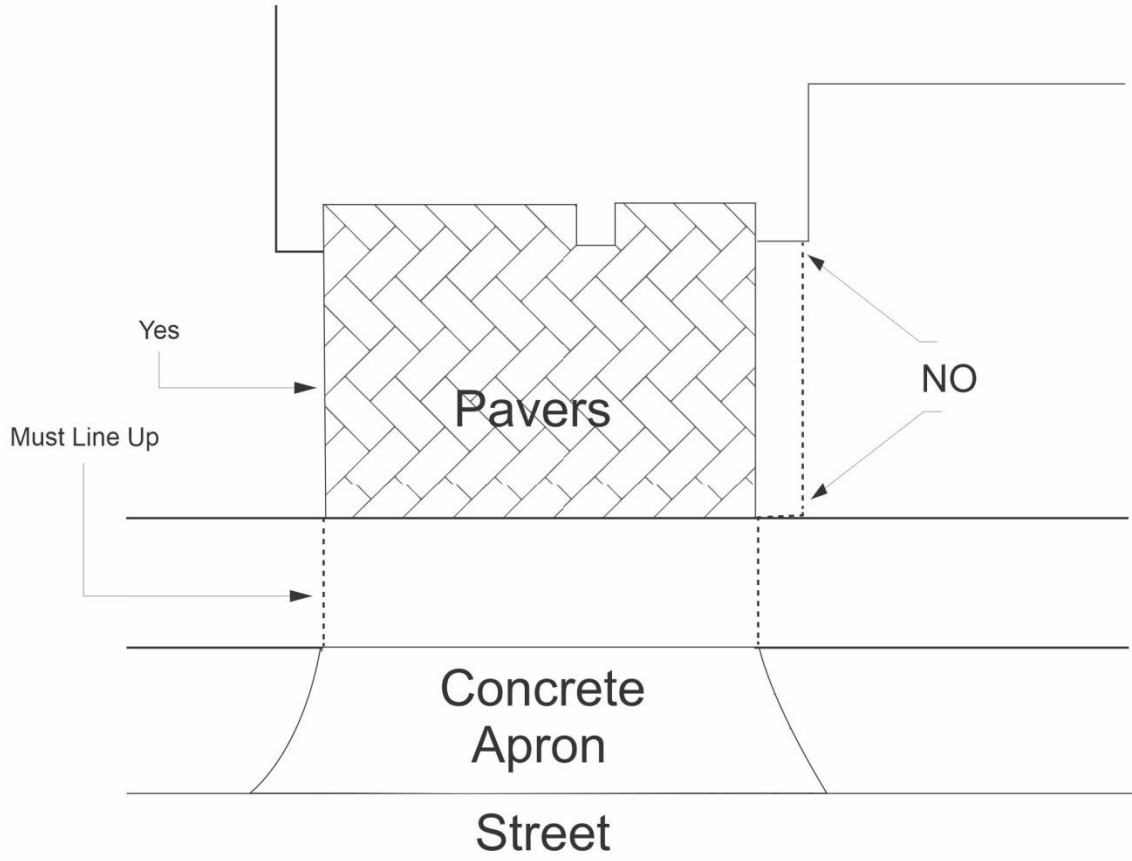
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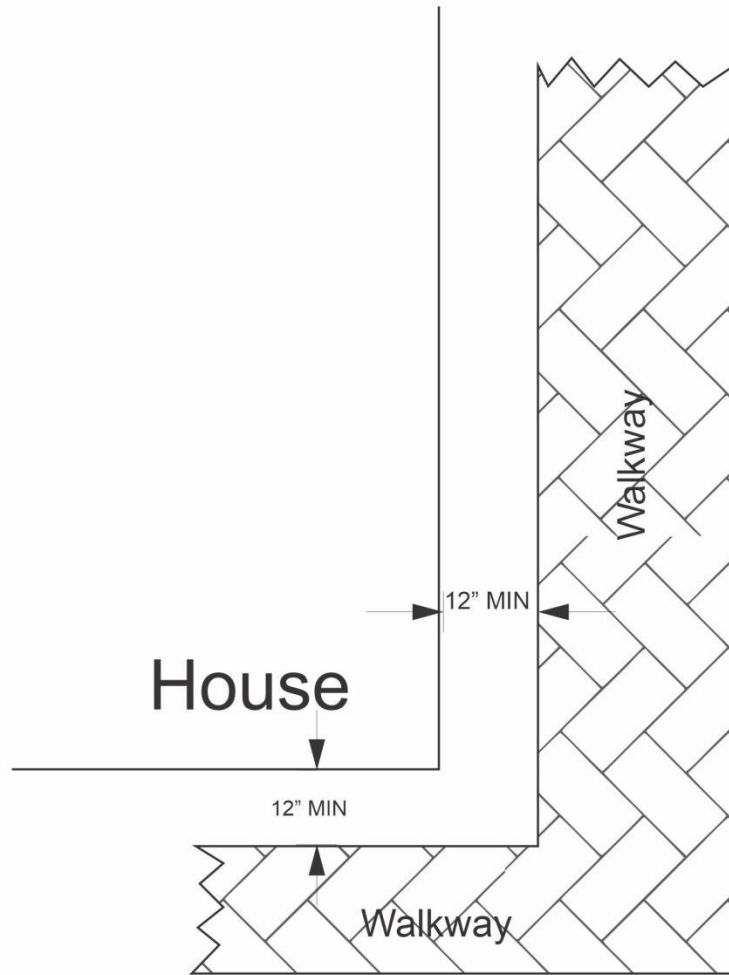
Sidewalk

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# FIGURE 3



# FIGURE 4





# FIGURE 5

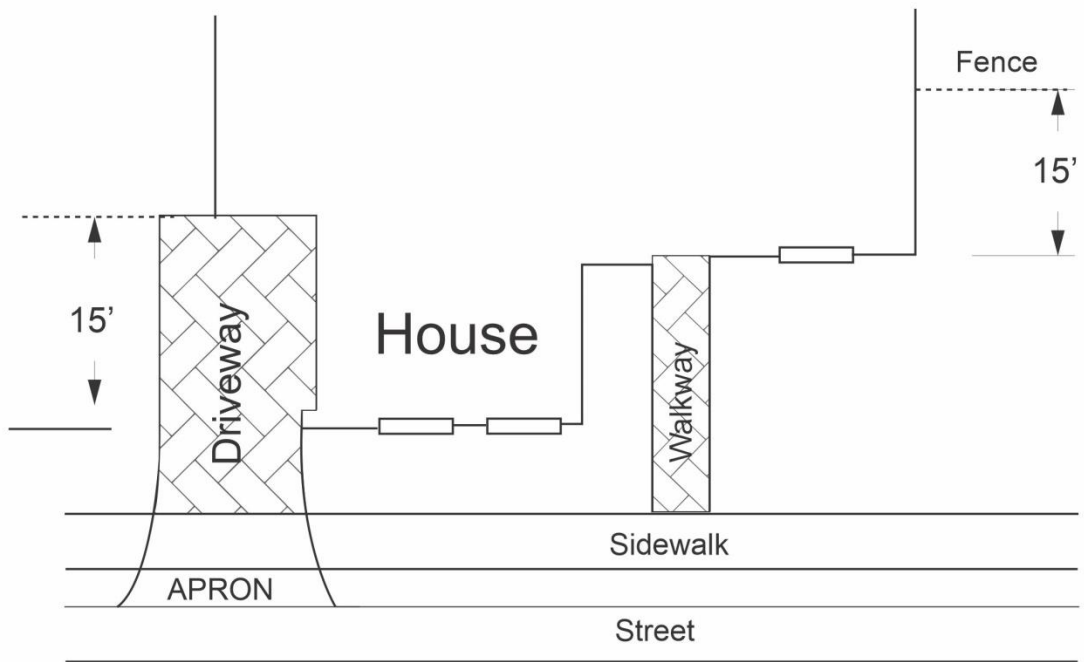


FIGURE 6



**ARCHITECTURAL REVIEW APPLICATION**

Complete and return this form to the address or email below.

PHILLIPS LANDING MASTER COMMUNITY ASSOCIATION INC.

c/o Artemis Lifestyles

1631 E Vine Street Suite 300, Kissimmee, FL 34744

Phone: 407-705-2190 Email Manager Sandy Etheredge: setheredge@artemislifestyles.com

PROPERTY ADDRESS: \_\_\_\_\_

**PROPERTY**

**OWNER:** \_\_\_\_\_

MAILING ADDRESS (IF DIFFERENT THAN PROPERTY): \_\_\_\_\_

**PRIMARY CONTACT**

NAME & RELATION TO PROPERTY OWNER: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

In accordance with the Declaration of Covenants, Conditions and Restrictions (DCCRs) and the Association’s rules and regulations, installation must conform to this approval and the Association’s guidelines. I hereby request your consent to make the following changes, alterations, renovations and/or additions to my property.

[ ] EXTERIOR PAINT: BASE \_\_\_\_\_ TRIM \_\_\_\_\_ GARAGE/DOORS \_\_\_\_\_

**SEE HOMEOWNER HANDBOOK FOR PAINT COLOR APPROVAL REQUIREMENTS**

- ( ) Fence                      ( ) Driveway pavers      ( ) Screen enclosure      ( ) Patio
- ( ) Swimming Pool      ( ) Landscaping              ( ) Lawn Replacement      ( ) Other \_\_\_\_\_

Description:

\_\_\_\_\_

Refer to the Homeowners Handbook for details on **what information is required** for each type of Application, **make sure that every requirement is addressed in your application - if not it will be rejected as an incomplete application.**

Attach one (1) copy of the property survey for exterior projects (if applicable) such as driveway, walkway, landscaping, that shows the locations of the proposed change, alteration, renovation or addition.

**NOTE: APPLICATIONS SUBMITTED WITHOUT COMPLETE COPIES OF THE SURVEY, DRAWING, OR OTHER REQUIRED INFORMATION WILL BE CONSIDERED INCOMPLETE. IF AN APPLICATION IS INCOMPLETE, IT WILL NOT BE PROCESSED AND WILL BE RETURNED TO YOU.**

I HEREBY UNDERSTAND AND AGREE TO THE FOLLOWING CONDITIONS.

1. No work will begin until written approval is received from the Association. Once you have received approval, **the project must be started within 3 months and it must be completed within 3 months.** If not completed within 3 months of the start of the project, then you must apply for an extension.
2. All work will be done expeditiously once commenced in accordance with the approval of the ARC, and will be done in a professional manner by a licensed contractor or myself.
3. All work will be performed in a timely manner that will minimize interference and inconvenience to other residents.
4. I assume all liability and will be responsible for any and all damages to other lots and/or common area, which may result from performance of this work.
5. I will be responsible for the conduct of all persons, agents, contractors, subcontractors and employees who are connected with this work.
6. **I am responsible for complying with all applicable federal, state and local laws, codes, regulations and requirements in connection with this work. I will obtain any necessary governmental permits and approval for the work.**
7. Upon receipt of completed application, Artemis Lifestyles will forward the ARC Application to the Association. A decision by the Association may take up to **30 days**. I will be notified in writing when the application is either approved or denied.

Signature of Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

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**FOR USE BY ARCHITECTURAL REVIEW COMMITTEE**

DATE HOA RECEIVED \_\_\_\_\_ DATE TO ARC \_\_\_\_\_ DATE RETURNED TO HOMEOWNER \_\_\_\_\_

**THE ARC'S DECISION ON THE PLANS SUBMITTED IS AS FOLLOWS:**

APPROVED - *MUST CONFORM WITH ASSOCIATION'S COVENANTS & RESTRICTIONS*

APPROVED WITH THE FOLLOWING CONDITION \_\_\_\_\_

PLANS INCOMPLETE: *INFORMATION REQUESTED* \_\_\_\_\_

REJECTED. *REASON* \_\_\_\_\_

*PLEASE RESUBMIT PLANS TO THE ARC FOR RECONSIDERATION. THANK YOU FOR YOUR COOPERATION.*

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

PHILLIPS LANDING MASTER COMMUNITY ASSOCIATION INC.  
ARCHITECTURAL REVIEW COMMITTEE