

# **Diamond Cove Homeowners Association Architectural Review Board Guidelines**

The Diamond Cove Homeowners Association, Inc., hereinafter referred to as the "Association", pursuant to the Declaration of Covenants, Conditions, and Restrictions for Diamond Cove, as recorded in Official Records Book 4720, at Page 2913 *et. seq.*, of the Public Records of Orange County, Florida, as same may be amended and/or amended and restated, hereinafter referred to as the "Declaration", hereby adopts the following Architectural Review Board Guidelines in order to carry out its functions and purposes as specified in the Diamond Cove Governing Documents, and the Owners and Members as such terms are defined in the Declaration, as well as their families, guests, invitees, licensees, and tenants shall be bound by and shall comply with each term, provision and condition hereof.

All definitions set forth in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Diamond Cove are incorporated by reference into the ARB Guidelines as if fully set forth therein. The Association Board of Directors has the sole authority to establish, and amend the ARB Guidelines document used by the ARB.

## Guideline No. 1 – Procedures

- 1.1 The application for any Alteration to a Lot must include the plans and specifications for such proposed Alteration including its nature, kind, shape, height, materials, locations, and color. An application with instructions can be obtained from the Association's property manager.
- 1.2 The ARB may request additional documentation and/or a written or oral explanation of any proposed Alteration.
- 1.3 All applications for approval of an Alteration shall be delivered to the Association's Property Manager, and the Property Manager shall forward the application to the ARB.
- 1.4 The ARB shall endeavor to act on any application for approval within approximately thirty (30) days of the date the application is received by the Property Manager. Failure of the ARB to meet the 30-day limit does not approve the application by default. A determination letter must be obtained from the ARB before an approval is valid and before the Alteration can be performed. All permitted Alterations must be completed within one year and failure to complete the permitted Alteration within a one (1) year time period shall be and be deemed a violation of the Declaration. No Alteration can commence after one (1) year has lapsed from the date of ARB approval for such Alteration without written renewal of such prior approval. An inspection of the Alteration may be performed

by the Association to ensure the Alteration was completed in accordance with the approval.

1.5 Authority to enforce these ARB Guidelines is vested in the Association and its Board as prescribed in the Declaration.

1.6 An Owner may appeal in writing to the Board any decision of the ARB within thirty (30) days of the date of the decision by the ARB. While it shall not be required, the Association hereby requests that the written decision of the ARB specify that the Owner shall have thirty (30) days from the date of the decision by the ARB within which to file an appeal to the Board.

1.7 An Owner who wishes to orally present an explanation of a proposed Alteration, in addition to the required submission of written plans and specifications, shall so notify the Association's property manager at the time such Owner submits the application. While not required, the Association hereby requests that the ARB provide such Owner with an opportunity to be heard prior to its making a decision on the subject application.

1.8 The ARB, as a condition of approval of a proposed Alteration, may require adequate assurances that any and all work contemplated by the application will be completed timely, properly, and in accordance with the approved plans and specifications. Such adequate assurances may also be for the purpose of securing payment for any damages or additional maintenance within the Property which may result from the Alteration. Such adequate assurances may specifically include, but not be limited to, a reasonable monetary deposit or other security.

## Guideline No. 2 - Fences

2.1 Fences and gates shall be constructed of wood in a two-sided shadow box construction style and painted on both sides in the egg-white color contained in the Association's color palette book. The fence will be constructed using pressure treated wood with four-inch (4") wide boards. The Owner shall timely and properly maintain both sides of the fence to a level acceptable to the Board.

2.2 Fences must fully enclose the area to be fenced. Except as otherwise provided herein, Fences must run along the entire rear lot line and along the side lot lines at least up to a point where the rear plane of the residence, if extended, would intersect the side lot lines (hereafter referred to as a "Boundary Fence"). Such fence must also connect to the house, with at least one gate. Fence enclosures may also be constructed to square off a residence's foot print, such that a fence can be attached to the residence and extended along its Horizontal planes to create a square or rectangular footprint for the residential structure.

2.3 Fences are generally intended to be located such that they enclose the backyard of a Lot. As such, fences are prohibited from being located between the front lot line and a line which bisects the residence which is located six (6)

feet from its front plane. If a window is present at or in front of the six-foot limit, then the fence or gate may be moved forward up to six inches in front of the window.

2.4 No area of a Lot may be fenced forward of the provisions of this Guideline No. 2 (i.e. the front yard of any Lot may not be fenced).

2.5 No fence may exceed six feet in height above the ground.

2.6 No fence may be painted or repainted without the approval of the ARB.

2.7 No Boundary Fence shall be constructed on a lake-front or pond-front lot without the prior written approval of the ARB.

### Guideline No. 3 – Antennas, Aerials, Disc, Security Cameras and Floodlights, and Flagpoles

3.1 While outside antennas, antenna poles, antenna masts, satellite television reception devices, electronic devices, antenna towers or citizen band (CB) or amateur hand (ham) antennas are allowed, their placement is regulated by the provisions of the Declaration so as to minimize an unsightly view from other properties. To the extent possible and to the extent lawful, wiring must be concealed from external view (except as short a run as possible to enter the Improvement), run square to the Improvement, be properly secured to the Improvement and any exterior wire shall be painted to match the color of the portion of the Improvement where they are located. Federal law and the Declaration will guide the application of the rules concerning antennas.

3.2 Prior to installation, an Owner must obtain ARB approval for security cameras, motion detectors and flood lights that are to be located outside an Improvement. To the extent possible, such items shall be screened from view and positioned so as not to:

- (a) be obtrusive
- (b) photograph a neighbors property or structure, and
- (c) project light on to any neighboring Improvements.

To the extent possible and lawful, all wiring must be concealed and run square to the structure and be secured to the structure. Any camera, motion detector and corresponding light must be colored or painted the same color as the walls or trim of the Improvement.

3.3 In accordance with the Florida Statutes and the Declaration, a flagpole for display of the American flag shall be permitted only after receiving prior express written permission from the ARB, both as to its design, height, and location, to ensure it is displayed in a tasteful manner. Flagpoles will be limited to a maximum height of 20 feet tall and be positioned only in front or rear of the residence. Florida Statutes (Section 163.04 (2003)) provides additional guidance

regarding flagpoles. The United States flag must be displayed in good condition. No flagpoles shall be used as antennas.

#### Guideline No. 4 – Docks

- 4.1 In addition to ARB approval, all docks to be constructed must have all necessary permits issued by appropriate governmental authorities.
- 4.2 No owner shall be permitted to construct more than one (1) dock for use.
- 4.3 All walkways must be constructed perpendicular to the shoreline.
- 4.4 Where an applicant's Lot is adjacent to another Lot containing a dock, the applicant's dock cannot be erected closer to the adjoining Lot's existing dock than one-half (1/2) the distance from the middle of the rear lot line of the applicant's Lot to the existing dock. Notwithstanding anything to the contrary, no dock shall be located within 10 feet of a Lot's property line.
- 4.5 No dock may extend more than forty (40) feet into the lake from the normal high water line of the lake.
- 4.6 The total area of a dock cannot exceed one hundred and forty four (144) square feet, not counting the walkway. The walkway must be 4 feet wide and terminate at the plane of the docks' shoreward side.
- 4.7 No dock can exceed four (4) feet in height over the normal high water elevation.
- 4.8 All docks shall be of wood construction, or a synthetic wood product, and must be properly treated for weather proofing and water sealant with or without natural wood coloring. All docks may not be painted.
- 4.9 Sheds may not be located on a dock. No roof or other cover or enclosure shall be constructed over a dock.
- 4.10 Any lighting installed on docks and/or walkways must be limited to standard 12 volt, low voltage area "path" lighting systems. Low voltage floodlights and spotlights shall not be permitted.
- 4.11 The ARB recommends, but does not mandate, that all docks have a swimmer's safety bar and reflectors for visibility in low light conditions.

#### Guideline No. 5 – Exterior Structures

- 5.1 Sheds and storage buildings are prohibited on any Lot without the prior express written approval of the ARB. The only sheds that will be considered for

approval are those which are prefabricated, and which will be invisible from view from any street. An Owner may request the ARB to provide a list and description of the types of sheds and locations that are generally permitted.

5.2 No exterior structures may be constructed or placed on any drainage or utility easement.

5.3 No storage boxes, children's play structures, basketball hoops and poles (fixed or portable), trampolines or sand sports courts, or structures of a temporary character, including, but not limited to, open and closed trailers (habitable or not), tents, shacks, sheds, barns, or out-buildings shall be placed or erected on any Lot at any time without the express written permission of the ARB.

5.4 No enclosures (specifically including, but not limited to, screen enclosures) may be constructed without ARB approval.

5.5 Game and Play Structures. The locations, color, materials and design of all basketball goals and any other fixed game and play structures shall be subject to the prior express written approval of the ARB. Provided that such basketball goals and fixed game and play structures have been approved by the ARB, all basketball goals and any other fixed games and play structures shall be properly and timely maintained by each respective owner in a condition acceptable to the ARB and the Board. Basketball goals are prohibited in any location which interferes or may interfere with traffic or sidewalk areas within the Property, which determination shall be in the sole unfettered discretion of the ARB or Board. When not in use, portable basketball goals shall be removed from view from the street.

5.6 Tree houses or elevated platforms of a like character, nature, or purpose, and their locations, color, materials and design shall be subject to the prior express written approval of the ARB. They shall not be constructed on any part of the Lot which lies between the edge of the street in front of the Lot and a line extended from the rear plane of the residence to the side Lot lines. For the purposes of this provision, the term "residence" shall be deemed not to include screened enclosures or other attachments not included in the primary living structure. All structures shall be maintained by each respective Owner in a condition acceptable to the ARB and the Board.

#### Guideline No. 6 – Painting of Residence, Trim, Fence or Any Structures

6.1 Any painting, repainting, including repainting the same color(s) as currently existing on a residence, other structure and/or an Improvement on any Lot, or changes to the colors of the residence walls, trim, doors, roof shingles or tiles, or any other structure or Improvement on any Lot, shall require the prior express written approval by the ARB through the formal ARB application process. In the event any residence, structure, or Improvement is painted in violation of this provision, the Owner of the Lot shall repaint the residence,

structure or Improvement, or non-conforming portion thereof, to exactly match the required and approved color.

6.1.1 Samples of all proposed colors shall be submitted with the ARB application for review and approval by the ARB. Only earth tones that are consistent with the initial design of the neighborhood and match the colors contained in the approved Diamond Cove color palette book (hereinafter referred to as the "palette book"), may be approved, and only if the colors to be used on various portions of a residence (e.g. trim, doors, walls, etc.) match the approved colors for such items in the said palette book. The Diamond Cove house color palette book will contain house colors approved by the HOA Board of Directors, and may be amended only by the Board of Directors. Color matching must be performed by a person in the business of painting or selling paint who shall be using a colorimeter or similar computer-controlled matching device to match the new paint with the approved color contained in the palette book to assure that the paint color to be used is blended exactly to match the approved color in the palette book. In the event the final dried paint color deviates, at all, from the approved color depicted in the palette book, the Owner shall repaint the non-conforming (i.e. non-matching) portion of the residence, improvement or structure to completely, properly, and exactly match the approved color as depicted in the palette book.

6.1.2 Primary or Fluorescent colors will not be permitted.

6.1.3 All paint should be of a quality and type intended for exterior use and shall be limited to flat finish only. Semi-gloss or gloss finish paints will not be permitted.

6.2 No painting of driveways or sidewalks will be permitted.

6.3 Only colors fully and uniformly covering the exterior walls are permitted on the exterior walls of the residence. Only one color shall be allowed for the exterior walls, and only one color shall be allowed for the exterior trim of the residence. All surface types which were painted as of their installation on the exterior of the residence must be completely painted and with a paint color corresponding to those already used, or proposed to be used, on the exterior of the residence. Murals or any other type of artistic design will not be permitted.

6.4 Once painting of a residence, structure or Improvement is commenced, the painting of the residence, structure or Improvement as approved must be completed within 14 days.

## Guideline No. 7 – Porches and Room Additions

7.1 All construction and installation of porches and room additions must have the prior express written approval of the ARB. The ARB may apply certain restrictions as to the location, size, height, design and materials.

7.2 All roofs of any porches and additions must be pitched with at least a 3/12 pitch and be covered by the same shingle or tile as used on the rest of the residence or Improvement.

7.3 All walls and/or pillars must have a stucco finish, and all windows must be made of glass.

All such Alterations must match the color and design of the house or Improvement and not appear to be an addition.

#### Guideline No. 8 – Wall or Window Air Conditioning Units

8.1 Wall and window air conditioning units are prohibited.

#### Guideline No. 9 – Lawn Art

9.1 The placement of any objects within any Lot outside of any residence for a period of time exceeding twenty-four (24) consecutive hours shall require the prior express written approval of the ARB.

#### Guideline No. 10 – Vegetation

10.1 All Hedges require ARB approval.

10.2 Hedges must be planted a minimum of three (3) feet from all Lot lines. The Owner shall maintain, trim, and cut of both sides of the hedge.

10.3 A hedge on a lakefront property shall not extend any further than the most lake-ward wall of the residence or to the extent such Lot has an approved pool enclosure (e.g. screened patio), then the most lake-ward portion thereof. No vegetation other than sod can be planted in the drainage easements. No vegetation can be planted that obstructs or may obstruct the view of Lake Crowell, or any conservation area, or conservation easement from the rear of any other Owner's residence.

10.4 No hedge or vegetation can be placed that blocks the view of the swale and berm (e.g. valley and ridge) of any drainage easement, conservation area or conservation easement from the rear of any other Owner's residence.

10.5 Without prior express written ARB approval, hazardous vegetation types, including, but not limited to, cactus, agave and other hazardous or poisonous plants shall not be planted such that when mature, any portion of said plant would be within five (5) feet of any pedestrian areas, specifically including, but not limited to, sidewalks, roads or streets.

10.6 The addition to and/or removal of a tree from a Lot or easements which has a diameter greater than six (6) inches at the trunk requires the prior express written approval of the ARB. Trees planted in the street easement if removed must be replaced with an approved tree of a size and dimension acceptable to the ARB. All tree stumps remaining from the removal of any tree must be ground level to and flush with the Lot's grade within two days after the removal of the tree.

#### Guideline No. 11 – Pools

11.1 Owners must obtain prior express written ARB approval before installing pools, pumping systems, heating systems and screen enclosures.

11.2 Solar collectors or solar heaters and their support structures may only be installed on a roof of a residence and prior to their installation, the Owner must obtain the express written approval of the ARB. Solar collectors or solar heaters and their support structures shall have an orientation, which shall be to the south or within 45 degrees east or west of due south, as determined by the ARB, provided such orientation and placement of the solar collector/ solar heater does not impair its effective operation. Additionally, all piping, pipes and ancillary supporting materials for the solar collector or solar heater shall be painted to match the color of the portion of the residence where they are located and shall run square to the house. Florida State law and the Declaration also provides additional guidance regarding solar equipment.

#### Guideline No. 12 – Signs

12.1 No signs, freestanding or otherwise, shall be erected or displayed to the public view on or within any Lot, vehicle, or residence without the prior express written permission of the ARB, with the exception of the following:

- a) "For Sale" or "For Rent" sign of not greater than five (5) square feet in size, hung from a minimum five foot tall wooden cantilever post and being of the standard preprinted type commonly used by realtors, which may only be located in the front yard of the Lot, and which must be removed within forty-eight (48) hours after the closing of the sale of the Lot or execution of the lease agreement;
- b) Preprinted standard political signs of not greater than five (5) square feet supporting candidates for election, which may only be located in the front yard of the Lot, and which must be removed within forty-eight (48) hours after the election is concluded.

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June 17, 2004