

**UNANIMOUS CONSENT TO ACTION  
BY THE BOARD OF DIRECTORS  
WATERVIEW COMMUNITY HOMEOWNERS ASSOCIATION, INC.**

c/o AAM, LLC  
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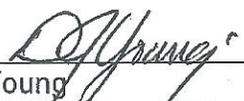
**DESIGN GUIDELINES**

The undersigned, constituting all of the members of the Board of Directors of Waterview Community Homeowners Association, Inc., a Florida nonprofit corporation, hereby take the following actions in writing and without a meeting, pursuant to the Waterview Community Homeowners Association, Inc. Bylaws Section 4.5, which actions shall have the same force and effect as if taken by the Board at a duly called meeting of the Board.

**RESOLVED** that the Board of Directors hereby adopts the attached Design Guidelines.

**IN WITNESS WHEREOF**, the undersigned have executed this consent as of this 6<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
Anthony S. Iorio  
President and Director, Board of Directors

  
\_\_\_\_\_  
Dan Young  
Vice President and Director, Board of Directors

  
\_\_\_\_\_  
Chris Davis  
Secretary/Treasurer and Director, Board of Directors



# WATERVIEW

AV HOMES

Waterview Community Association  
Design Guidelines

This document is the property of AV HOMES, the Declarant under the Covenants, Conditions and Restrictions for Waterview Community Owner's Association. It is not intended for distribution other than to provide information for Waterview homeowner considering modifications to their homes or Lots. It may only be changed or altered by the Declarant.

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# **1 INTRODUCTION**

## **1.1 Welcome to Waterview.**

Waterview is a community designed to respect the visual character of its site, minimize the Community's environmental impacts and maximize water and energy conservation principles, all to the extent feasible. In order to preserve and enhance these principles, these Design Guidelines have been established to maintain certain standards by which the community may grow and develop.

The Design Guidelines have been prepared by AV Homes, as the Declarant pursuant to the Declaration of Covenants, Conditions and Restrictions for Waterview, which may be amended from time-to-time. The Declaration is recorded in the Register of Deeds Office for Osceola County, Florida. The Design Guidelines may be changed and amended to better serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in these Design Guidelines.

The Design Guidelines provide an overall framework to allow the community to develop and progress in an orderly manner, implementing planning concepts and philosophy and any requirements of regulatory agencies. The Design Guidelines include minimum standards for the design, size, location, style, structure, materials, color, mode of architecture, mode of landscaping and relevant criteria for the construction and modification of improvements of any type. They also establish a process for judicious review of proposed new developments and changes within the community.

For purposes of these Design Guidelines, the "Reviewing Body" refers either to the Declarant, the Modifications Committee or the Architectural Review Committee, as applicable. (The Board of Directors of Waterview Owners Association, Inc., may establish a Modifications Committee.)

## **1.2 Governmental Requirements.**

It is the responsibility of the Owner to comply with all Governmental Requirements and obtain all necessary permits and approvals from the appropriate federal, state, county or municipal governmental agencies ("Governmental Agencies") before beginning approved work on a project. For example, Osceola County may require certain permits, depending on the proposed change, alteration, or addition. The Owner shall provide copies of any such required permits or approvals to the Reviewing Body if so requested.

To the extent that any Governmental Requirement requires a more restrictive standard than those found in these Design Guidelines or the Declaration, the Governmental Requirement shall prevail. To the extent that the Governmental Requirement is less restrictive than these Design Guidelines, or the Declaration, the Declaration and Design Guidelines shall prevail.

## **1.3 Required Approvals for Modification Activity.**

The Owner is required to submit an application to the Reviewing Body and request review of plans for any Modification Activity prior to beginning the Modification Activity. Modification Activity, includes but is not limited to:

- Removal of any tree.

- Construction improvements on a Lot.
- Modification or additions to existing improvements (other than repainting an improvement in its original color).
- Installing a fountain, pool, spa or other water feature.
- Constructing or installing fences, walls, decks, fireplaces, permanent outdoor structures, or other hardscape, such as walks, driveways, paving, brick, masonry, railroad ties, wood trim, concrete, rocks, flagstone or any inert material.
- Landscaping, irrigation, alteration of grades or drainage.
- Placing any object, ornament, monument, statue, sign, or similar accessory on a Lot that is visible from the street or by neighbors, including lighting, flags (other than those allowed by the Florida Statute 720) or lawn ornaments.

All applications shall be submitted to the Reviewing Body for approval prior to work commencing on the Modification Activity. The fact that similar Modification Activity may exist or have been approved for another site does not automatically set a precedent for other Modification Activity. Beginning or completing the Modification Activity prior to approval by the Reviewing Body does not mean that the approval requirement is waived. An Owner may be required to remove or correct any Modification Activity if not approved.

#### **1.4 Fees.**

Review fees will be collected with the submission of an application for any Modification Activity. Review fees may vary depending on the nature of the proposed Modification Activity, and, when deemed appropriate by the Reviewing Body, may include the cost of review of submitted plans by an architect or engineer approved by the Reviewing Body. The Reviewing Body may also require that the applicant deposit funds to cover the cost of periodic inspection during the work, to ensure proper cleanup of the work site during and after completion of the work, or to provide reasonable security that a condition of approval will be met. The amount of standard fees and deposits will be available in the Community Association office.

If the Owner(s) does not submit an application or alters the plans after application approval by the Reviewing Body, the Owner(s) will be sent a Cease and Desist and will be assessed a no-permit fine and required to submit a new application and application fee. The new application is subject to approval.

#### **1.5 Inspections.**

The Reviewing Body shall appoint an advisory board of members or representatives to conduct inspections of Modification Activity in progress and completed work. These inspections may be conducted after the approval of an application prior to the commencement of work and at completion of work in order to ensure the work complies with the approved application. The Reviewing Body has no obligation to ensure that the work is done in compliance with approved plans or Government Requirements.

#### **1.6 Conditions for Commencement of Work.**

NO WORK SHALL COMMENCE ON ANY MODIFICATION ACTIVITY UNTIL AN APPLICATION FOR THE WORK HAS BEEN SUBMITTED TO AND APPROVED BY THE REVIEWING BODY.

## **1.7 Applying for Approvals from Government Agencies.**

Unless otherwise expressly approved in writing by the Reviewing Body, **prior** to submittal of a request for a permit or approval from any Government Agency, the Owner must obtain the approval of the Reviewing Body for the Modification Activity for which the permit or approval will be requested. If the permit or approval from the Government Agency differs from the approval by the Reviewing Body, the Owner must re-submit the proposed change to the Reviewing Body. Unless required by applicable law, approval by a Government Agency shall not bind the Reviewing Body with respect to a permit or approval from the Government Agency which differs from the approval by the Reviewing Body.

## **2 APPLICATION REQUIREMENTS**

### **2.1 All Applications.**

All applications include:

- **Owner and Property Information.**

Name of Owner, Lot number, street address, and contact information.

- **Modification Information.**

Appropriate information for the particular type of Modification Activity, as summarized below.

- **Contractor Information.**

Name, street address, and contact information of contractor doing the proposed work, if known.

- **Required Application Fees.**

### **2.2 Landscaping or Site Work Affecting Landscaping.**

Such applications shall include:

#### **2.2.1 Landscape Designer.**

Name of any landscape designer involved in preparing the landscaping plans, including street address and contact information, if any.

#### **2.2.2 Landscape Plans.**

Two copies of the landscape plans, including (unless otherwise expressly approved by the Reviewing Body):

- North arrow; scale of drawing; existing site features; existing trees (type and diameter at five feet above existing grade); significant shrubs; property lines; adjacent land uses; (examples: residential Lot, common area, lagoon, etc.); and location or edge of streets, walks, walls, fences, houses, service areas, decks, patios, walks and drives. Minimum scale of drawings to be 1 inch = 20 feet.

- Proposed changes to items listed above, including any additional hardscape that Owner desires to install, such as brick, masonry, wood edging, concrete, rocks or other inert materials; and existing plantings to be removed. (Proposed changes should be clearly identified by color, shading, or other contrasting technique). Color pictures, brochures, and color samples of products shall be submitted with application to assist the Modifications Committee in understanding the application.
- Existing site drainage, including drainage structures, direction and slope of flow and any proposed alterations to this drainage.
- Proposed plantings, with plant list and plant key for any abbreviations used, varieties, quantities, sizes and spacing. Locations of proposed trees, shrubs, ground covers, mulching and grassing (clearly labeled). Plant symbol to be to scale and show mature size (diameter) of the proposed plant with a circle. Indicate center of proposed plant with a “+” and the center of an existing plant with an “o”.
- Plan for any irrigation system modifications (preferably on a separate drawing) to include location of automatic timer box and any rain sensor, and approximate location of valves, sprinkler heads, irrigation lines and sizes.

### **2.3 Changes or Additions to Structures.**

Such applications shall include:

#### **2.3.1 Architect/Builder.**

Name of any architect or builder involved in preparing the proposed plans, including street address and contact information.

#### **2.3.2 Proposed Plans.**

Two copies of the proposed plans, including (unless otherwise expressly approved by the Reviewing Body):

- Site drawings showing North arrow; scale of drawing; existing site features; trees (type and diameter at five feet above existing grade); significant existing shrubs; property lines; adjacent land uses (examples: residential lot, common area, lagoon, etc.); and location or edge of streets, walks, walls, fences, houses, service areas, utility equipment, decks, patios, walks, and drives. Minimum scale of drawings to be 1 inch = 10 feet.
- Existing and proposed floor plan.
- Existing elevation (photograph acceptable) and elevation of any proposed exterior modification. (If Owner has a photograph of another house or a picture from a magazine or brochure such photo does not replace the requirement for plans and details of changes to Owner’s property.)
- Proposed material and color samples, including location of proposed use.
- If the change or addition affects the roof or roofline, a roof plan should also be submitted. A building section may be requested depending on the complexity of the change or addition.
- Minimum scale of floor plan, elevation, and sections shall be ¼ inch = 1 foot.

## **2.4 Property Management Review of Selected Modifications.**

The Reviewing Body may delegate authority to the Association Management Company to review and approve specific routine modifications for the convenience of Owners. If the approval decision is not clear-cut, the Association Management will forward the application to the Reviewing Body for decision.

## **2.5 Review Procedure and Notice of Pending Application.**

Unless otherwise expressly approved by the Reviewing Body, the Reviewing Body shall review each application without a hearing and based solely on the information contained within the application. An Owner or another Owner affected by the proposed application may request a hearing, but the decision as to whether a hearing shall be granted and the form of such hearing shall be determined solely by the Reviewing Body. If the Modification Activity is, in the opinion of the Reviewing Body, likely to be controversial or a matter of substantial community interest, the Reviewing Body may require that a notice or sign in form approved by the Reviewing Body be placed on the property for a reasonable time to give notice of the pending application.

Reasonable efforts shall be made by the Reviewing Body to respond to an application within 30 (thirty) days after receipt of all required information. The decision of the Reviewing Body shall be final on all matters submitted to it.

## **2.6 Notice of Decision of Reviewing Body.**

Upon completion of review by the Reviewing Body, one set of plans shall be returned to the Owner accompanied by a letter indicating the Reviewing Body's decision. The action of the Reviewing Body shall be stated in the following manner:

- **2.6.1 "Approved."**

The entire application submitted is approved in total.

- **2.6.2 "Approved as Noted."**

The application submitted is partially approved or approved with conditions. A Owner may only proceed with the work to be performed if it complies with all conditions set forth in the letter from the Reviewing Body, or on or in any document enclosed with the letter.

- **2.6.3 "Not Approved." (Denied)**

The entire application submitted is not approved and no work shall commence.

## **2.7 Effect on Building Permit or Other Government Approval.**

If the application for Modification Activity submitted by an Owner requires a building permit or other Government Approval, approval by the Reviewing Body is not a guarantee that such permit or other Government Approval will be approved by the appropriate Governmental Agency. If the appropriate Governmental Agency requires modification to the plans approved by the Reviewing Body, such modifications must also be approved by the Reviewing Body in order for the Owner to proceed with the Modification Activity.

## **2.9 Effect of Modifications on House Warranties.**

Owners are responsible for verifying the effect of any proposed modifications against any existing warranties for nullification concerns.

## **2.10 Owner Responsibilities.**

It is the responsibility of each Owner to comply with all requirements of these Design Guidelines in addition to the Declaration and any applicable Supplemental Declarations.

# **3 RESIDENTIAL DESIGN GUIDELINES**

## **3.1 Architectural Character.**

The Declarant has developed each area of Waterview and each model home with a different plot design style. These original home and plot styles are to be maintained except as approved by the Reviewing Body.

## **3.2 Architectural Impact on Nearby Property.**

Applications for additions to a structure shall be reviewed for proximity to setback lines, impact on drainage and significant buffering foliage, and access for drainage and utilities. Where the Reviewing Body determines that there is a significant adverse impact, the application will be “not approved” or “approved as noted”.

## **3.3 Standards May Vary.**

Design or exterior changes appropriate for property in one area may not be applicable to another area.

## **3.4 Waiver of Standards.**

The Reviewing Body shall have the right, in its sole discretion, to waive, in writing, specific standards as they apply to a particular application if the Reviewing Body determines, in its sole discretion, that such waiver is warranted as a result of special conditions or factors not commonly encountered and such waiver will not have a material adverse impact on these Design Guidelines and the community. Any waiver shall be limited to the maximum extent feasible while responding to the special conditions or factors.

## **3.5 House Modifications.**

- **Architectural Design.**

The architectural design of any and all additions, alterations, repainting, and renovations to the exterior of an existing home shall conform to, or be compatible with, the design of the original home in style, detailing, materials, and color. Any such addition, alteration, or renovation shall be made only after application to, and written approval by, the Reviewing Body.

- **Wall Height.**

All room additions and enclosures shall have a minimum interior wall height of 8 feet and should conform with the roof line of the existing structure. Exterior doors shall open

to a level structural landing if the step down or up to the resulting grade exceeds 8 inches in total.

- **Height of Building.**

The height of the roof-line of any addition to an existing home shall not be higher than the original roof-line.

- **Setback Lines.**

Setback lines for Waterview are usually defined by the Declarant and recorded on the applicable Lot plat or stated in the applicable Declaration for the purpose of protecting against overbuilding a property site and imposing improperly on neighboring properties. All additions to homes shall be built within the established setback lines for Waterview, regardless of more lenient requirements of any local Governmental Authority. The minimum setbacks are set forth in part in Exhibit A. If a Lot has more stringent setbacks than those in Exhibit A, more stringent setbacks shall apply.

- **Allowed Materials.**

Unless expressly approved by the Reviewing Body, all materials used in any maintenance, repair, addition, and alteration shall match those used in the original construction of the Dwelling Unit as to color, composition, type, and method of attachment. When house, storm or hurricane windows are added or replaced with new materials, the description, trim color and glazing specifications on those materials shall be included with the application for addition or replacement to ensure that the long term appearance will be compatible and will not degrade with long term exposure to the elements. The Reviewing Body may allow substitute materials.

- **Lot Drainage/Roof Drainage.**

When any additions, alterations, or renovations are performed to an existing home, the established Lot drainage shall not be altered without the express written consent of all properties which would be affected or determined by the Reviewing Body.

All new or altered roofs shall drain to the ground solely within the deeded Lot area. No roof shall drain directly onto a neighboring property. Roof gutter downspouts shall be directed to splash blocks or other impervious surfaces, plastic flexible drain tubes, or to undersurface drainage lines within the landscaping.

- **Slope of Roof.**

No alterations or improvements shall be made which provide a roof slope of not less than 3 feet vertical to 12 feet horizontal. All screened areas shall have roof designs with a minimum pitch of 3 feet vertical over a 12 foot horizontal. Pitches can be broken to match the existing house roof, but no screened roof design shall appear as a flat pitched surface from any external elevation. Current dwelling designs will be considered.

- **Covered Patios.**

Homes with a covered patio may later enclose the patio with screening or a combination of windows, doors, and screening approved by the Reviewing Body. Any renovation of a

covered patio to a screened patio (or a window/screen combination) or patio addition, extension, etc., shall be made only after application to, and written approval given by, the Reviewing Body. Conversion to a conditioned living space may void warranties the Owner has from the Declarant or original builder.

- **Exposed Rafters.**

Exposed rafter type covers approved by the Reviewing Body shall match the house material and color when the patio is attached or has a common side with the home.

- **Front Entryway/Porch and Front Courtyard Areas.**

Modifications to the front entryway/porch and front courtyard, which are visible from the street and are in compliance with Design Guidelines and are aesthetically in harmony with the individual and neighboring properties, may be considered for approval. Applications for changes or additions shall meet but are not limited to the following minimum criteria:

- **Front Door.**

Solid color shall be compatible to house colors, as determined by the Reviewing Body. Material shall be suitable for front door installations. Storm doors and screens shall not be made of wood.

- **Front Area and Courtyard.**

Front Courtyards with fence structures are not permitted. No part of the front entry/porch/courtyard shall be enclosed by a screen or a fully walled (floor to ceiling) structure.

Homes that have a rear entry garage may create a courtyard effect using fences as approved by the Reviewing Body. Fences are to be Black Aluminum/Wrought Iron style. The interior area of a courtyard may be landscaped and/or covered with approved hardscape material. Approved decorative outdoor furniture is permitted.

- **Decorations.**

Decorations attached to walls, on pedestals or suspended from the covered structure are acceptable if any decorative features are in harmony with the property frontal view. All decorations are subject to approval by the Reviewing Body.

- **Decorative Outdoor Furniture.**

Decorative furniture shall be in harmony with the frontal view in style and color. The maximum height of the furniture is 3 feet and the maximum width is 5 feet. Furniture may be placed in planting beds, courtyards or on the front porch but no closer than 15 feet to curb.

- **Arbors/Archway/Trellises.**

Not permitted in front yards.

- **Pergolas/Gazebos.**

Not permitted in front yards.

- **Fence/Gates.**

Refer to Paragraph 4.6, below.

- **Plantings.**

Landscaping in and next to the front entry/porch or courtyard area shall be maintained to present a neat appearance with no overgrowth onto roofs. Plantings may be suspended or placed on pedestals or placed in decorative containers with applicable irrigation devices. When decorative and plant items that were previously approved are to be changed to similar items and are in compliance with the Design Guidelines, re-application is not required.

- **Shutters and Window Boxes.**

Upon approval by the Reviewing Body, shutters and/or window boxes may be installed. Shutter design and color and window box design and color shall be complimentary to the home design and overall aesthetic of Waterview.

- **Hurricane Protective Systems (Hurricane Shutters).**

Hurricane Shutters shall be used as a protection system only in the event of an oncoming storm and are not to be confused with decorative shutters. The system may not be implemented earlier than 72 hours prior to a storm's arrival and must be removed and stored no later than 72 hours after a storm. The manufacturers' catalog(s) and the selected design as applicable shall be attached to the application when applying through the Reviewing Body.

- **Flags.**

No flag may be displayed on any Unit except as allowed per the Florida Statutes. All flags shall be maintained in good condition and should not be displayed on days when the weather is inclement.

- **Shade Devices.**

Man-made screens and shade devices must appear as an integral part of the building elevation and shall be made of materials that complement the Home. Awnings or any other shading devices shall only be applicable to windows and doorways and not ancillary equipment. Such devices shall be in harmony as to size, style, and color with the house and application to shaded opening. Fabric awnings or similar shading devices are permitted on the rear, side, and front of the home when the color, which must be solid, is muted and consistent with the color of the home, roof, shutters and community-wide standard and approved by the Reviewing Body. The color of the exterior shading devices shall complement the home. Awnings or such other devices shall have a retractable feature, either mechanical or manual, for storage in inclement weather. Fixed awnings are not permitted. Shading devices shall not extend over 10 feet. In the event cleanliness or repair becomes a factor, the Owner will be given 72 hours to correct the problem. If conditions persist, the Reviewing Body will seek corrective action from the Association for the removal or restoration of the awning or shading device.

- **Pergolas/Gazebos.**

The placement of pergola or gazebo structures shall be at least 20 feet from any neighbors Lot line and only in the rear yard. Application for size, materials, and placement shall be submitted to and approved by the Reviewing Body prior to installation.

- **Yard Furniture.**

Furniture is permitted in front yards only if it meets the standards for formal decorative furniture as determined by the Reviewing Body. Patio umbrellas are not permitted in front yards, including courtyards. Yard furniture (e.g., lawn chairs, lounges, gliders, tables, and umbrellas). in rear yards shall be placed no closer than 20 feet to the nearest property line unless placed on hardscape material adjacent to the house.

- **Water Features.**

The maximum depth of a water feature (i.e., Koi pond) is 2 feet.

## **4 LANDSCAPE AND HARDSCAPE GUIDELINES**

### **4.1 Landscaping for Lots.**

Landscaping must be consistent with the following minimum requirements:

- **Planting Beds**

The planting beds that were provided by the developer (or previously approved via the modifications process) may be planted without any approval with any plants from the list of the commonly used plants found in exhibit C. Any plants other than those need to be approved and then will be added to the list.

- **Commonly Used Plant Material.**

Refer to Exhibit C for a list and description of recommended plant materials. Use of artificial flowers or trees anywhere outside the roofed area of the house is prohibited. Use of annual plants in planting beds as described above is acceptable without prior approval.

- **Irrigation Systems.**

All landscaped plantings shall be maintained by a fully automatic underground watering system. When using sprinklers, care should be taken to avoid over spray on patios, sidewalks, streets, and driveways ("hardscape"), structures, windows, and adjacent properties.

- **Landscape and Lawn Maintenance.**

Homeowner Maintenance of the Lawn shall include planting, sodding & maintaining of landscaping, shrubbery, lawn, mowing lawns, fertilization, weed & lawn pest control, weeding of landscape areas, keeping installed irrigation system functioning.

- **Wildlife**

The HOA is not responsible for any damages that arise from Wildlife on Property. Any repairs to Homeowner's lot due to Wildlife activity will be responsibility of the Homeowner.

- **Swales**

Plants, flowers, shrubs, and trees shall not be planted in the swale such as to obstruct storm drainage along the side yards of the Lot.

#### **4.2 General Landscaping Criteria.**

Basic planting requirements should, at a minimum, address the following areas:

- **Approvals.**

The reviewing body may reject any proposed plant it considers inappropriate.

- **Permitted Ground Cover.**

The ground surfaces of all Lots except that occupied by hardscape or structures shall be covered with a combination of landscaping, sodded grass lawn, planted ground cover, and approved mulch materials as listed in Exhibit B. The sodded grass lawn area shall not be less than 50% of the total ground surface area unless otherwise approved. If a living ground cover is proposed in place of the sodded lawn, approval shall be secured from the Reviewing Body prior to the commencement of work. For the purpose of these Design Guidelines, topsoil or decomposed granite shall not be considered inert material. No artificially colored or painted rock shall be permitted. Ground cover or inert material shall not be used to spell out names, nicknames, names of states, city athletic teams, slogans, states, emblems, geometric patterns, or any other communication.

In order to prevent soil erosion and to maintain positive drainage, the original grades of the Lot shall be maintained during landscape and sod installation. For this reason, a minimum sod buffer of 10 feet on the front curb and rear property line must be maintained as a drainage area. Lagoon top of slope and banks are included in the sod buffer. The Lot Owner shall hold harmless the Developer and Community Association for any property damage, including damage to the house, caused by an alteration of the grades or changes in the drainage patterns in connection with the design, installation, or maintenance of Owner's landscaping done by Owner or hired landscape contractor.

- **Dead or Diseased Plantings.**

Dead or terminally diseased plantings shall be promptly removed and all material resulting from the tree removal must be disposed of properly. Removed trees shall be replaced by a tree approved by the Reviewing Body unless otherwise authorized by the Reviewing Body.

- **Natural Vegetation.**

Natural vegetation shall be maintained to its appearance at the time Owner takes possession of the home.

- **Restrictions on Paved Cover.**

Walkways may be expanded to a maximum of 48 inches wide including any decorative trim or edging. Other changes to walkways/driveways are limited to approved colors, patterns, texture, coatings and materials.

#### **4.4 Landscape Accessories.**

Landscape accessories are any items placed in the Lot that have not already previously discussed in these guidelines. All landscape accessories require approval. Placement and style of all landscape accessories shall be subject to approval on an individual basis consistent with the overall aesthetic scheme of the Waterview. No more than 4 landscape accessories shall be approved on any Lot. No landscape accessory mounted on entryway columns or walls shall be in excess of 18 inches in height. Properties facing streets on two or more sides shall use landscaping to screen accessories. Applications shall provide landscape plans that incorporate accessories to show how they are shrouded from adjacent property owner views.

- **Arbors**

Arbor construction and installation shall be applied for and approved through the Reviewing Body and are considered a landscape accessory. The placement of arbor structures shall be at least 20 feet from any neighboring Lot line and only in the rear yard. The maximum size of any arbor shall not exceed the height of 8 feet, the width of 3 feet, and the depth of 2 feet with the wider dimension parallel to the rear Lot line. The arbor shall have approved vegetation, which will be required on the finished product. Application for size, materials, and placement shall be submitted and approved for prior to installation by the Reviewing Body. Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways.

- **Trellises**

Trellis construction and installation shall be applied for and approved through the Reviewing Body and is considered a landscape accessory. The placement of trellises shall be in a planting bed and only in the rear or side yard. The maximum size of any trellis shall not exceed the height of 8 feet, the width of 3 feet, and the depth of 6 inches with the wider dimension parallel to the side or rear Lot line. The placement of a trellis in a side yard planting shall not be more than 2 feet from the wall of the house. The trellis shall have approved vegetation, which will be required on the finished product. Application for size, materials, and placement shall be submitted and approved for prior to installation by the Reviewing Body. Vegetation shall be maintained to present a neat appearance with no overgrowth onto roofs or walkways, other than on the trellis itself.

- **Ground Mounted Landscape Accessories.**

Ground Mounted Landscape Accessories may not be in excess of 3 feet in height. Examples include, but are not limited to, low ground flags, statues, sculptures, bird baths, plant stands, potted plants, lawn ornaments, lighthouses, and other miniature structures.

- **Fountains**

Fountains shall be limited in height to 4 feet 6 inches above the natural grade of the Lot. Any fountain shall be compatible with the overall architectural theme of Waterview. Fountains shall be permitted in the front yard and rear yard of all residential homes. No more than one fountain shall be permitted in each yard. Fountains shall be subject to review for style and placement.

- **Bird Houses/Feeders.**

Bird houses/feeders shall be placed in the rear yard only. Bat houses, butterfly houses, bird houses, and bird feeders shall be designed and placed to be in harmony with the surrounding environment. Houses and feeders other than Martin houses shall not exceed 6 feet above ground level. Martin houses shall not exceed two levels and shall not exceed 20 feet above ground level. No house or feeder shall constitute a hazard to neighboring properties or be a haven for pest animals.

- **Holiday Decorative Accessories.**

Temporary statues, artifacts, and other holiday decorative landscaping accessories are allowed to be displayed 20 days prior and 14 days after any Nationally recognized and accepted holiday.

- **Landscaping Fabric**

The use of solid plastic sheeting or polyethylene over ground cover areas will not be permitted. If landscape fabric is used, it must allow the free flow of water, air, and gases to and from the soil. Weed control fabrics may only be used with prior approval of the Reviewing Body. All weed control fabrics must be kept thoroughly covered with a 3 to 4 inch layer of approved mulch material.

## **4.6 Fencing.**

### **4.6.1 Fence Guidelines.**

For all walls and fences, an Owner must submit for ARC approval an application with details including materials, size, shape and design of the fence, along with a depiction over the Plat or Plot Plan that shows the location of the fence in correlation to the home, driveway, easements, setbacks, and proposed landscaping. Most professional fence companies can provide these details for the Owner to submit.

Approval of any one ARC application by the Architectural Review Committee shall not be deemed evidence of the ARC's obligation to approve any future request.

The following guidelines will be considered in all ARC Board decisions. Please see Exhibit F for specific lot information.

- For any lot that is a Lakefront, Pond front, or back to a Common Area, only bronzed or black aluminum rail fences may be permitted with a maximum height not exceeding four feet (4') above grade. Fencing shall have 2" square posts with minimum 5/8" square

pickets. Spacing shall be governed by code requirements if applicable, and shall be installed a minimum of five feet (5') from the rear of the property line. Landscape screening is not required.

- For any interior lot, bronzed or black aluminum rail fences may be permitted with a maximum height not exceeding four feet (4') above grade. Fencing shall have 2" square posts with minimum 5/8" square pickets. Spacing shall be governed by code requirements if applicable. Owners may request the use of white PVC single panel fencing with a maximum height of six feet (6') above grade, grade and may interlock with existing fences to avoid a gap between fences on each side of the property. Rear easement restrictions must be maintained for common area maintenance and utility maintenance. Any deviations from property line placement must be included in the ARC application. Approval for such may include a stipulation that neighboring lot owners may be able to connect to deviating fences. Additional Landscaping may be required by the ARC at any time at the owner's expense.

- For any corner lot, bronzed or black aluminum rail fences may be permitted with a maximum height not exceeding four feet (4') above grade. Fencing shall have 2" square posts with minimum 5/8" square pickets. Spacing shall be governed by code requirements if applicable. Owners may request the use of white PVC single panel fencing with a maximum height of six feet (6') above grade and may interlock with existing fences to avoid a gap between fences on each side of the property. Rear easement restrictions must be maintained for common area maintenance and utility maintenance. A fence must take into consideration all setbacks. Landscaping shall be installed on the outside of the fence facing the roadway. Landscaping design must be included with the ARC application. See Exhibit C for approved plants.

#### Requirements and Considerations for all Lots:

- Perimeter fences may originate from the rear third of each side of the home, and extend to the property line where applicable. A fence must not interfere with access to the utility meters for the home. See Exhibit E for Definition diagram.
- At no time may a fence extend forward from the front corner of the home towards the roadway.
- No fence will be approved that impedes drainage on or adjacent to the Owner's Lot, or any Neighboring Lot.
- Fences and walls shall be maintained by the applicant in a "like new" condition at all times.

- No fence or wall shall be located within the "clear visibility triangle" which would impact traffic safety.
- All fencing must conform to all applicable codes.
- All gates must be equipped with spring-loaded, self-closing hinges and gravity latches.
- No chain link or wooden fencing will be permitted.

#### **4.6.2 Privacy Hedging/Plantings.**

Plantings used for screening or landscaping along property lines shall be located or designed to not interfere with swale drainage. No plant or other landscaping may be located on an easement. Plantings must be maintained by the Owner to be aesthetically pleasing to neighboring property owners. (plant overgrowth, weed and grass encroachment on neighboring properties shall be controlled).

THE MAXIMUM HEIGHT FOR PROPERTY LINE PLANTINGS SHALL BE, 5 feet 6 inches. These will not be maintained by the weekly landscape maintenance schedule and are the responsibility of the individual homeowner.

Privacy screening may not extend 5 feet further than the structure of the home.

#### **4.7 Ancillary Equipment.**

- **Window and Roof Mounted Equipment.**

Window and roof mounted equipment (including mechanical and air conditioning) shall not be allowed. Supplemental heating and cooling equipment may be installed in walls, and attic ventilation devices may be installed on the roof, with approval of the Reviewing Body, unless otherwise prohibited within these guidelines. A sound barrier may be required for added equipment.

- **Exterior Appliances.**

Installation of exterior water softeners, water filters, trash or compost containers/piles, gardening storage areas and any hardscape enclosing areas (other than pool/spa and filter equipment described in Paragraph 4.13) are permitted with adequate screening.

- **Interior Water Treatment.**

All interior water treatment systems shall be connected to the sewage system.

- **Antennas, Aerials, and Satellite Dishes.**

No antenna, aerial, satellite dish, or other device for the transmission or reception of television, or radio (including amateur or ham radio) signals of any kind will be allowed outside the Dwelling Unit, except for those antennas whose installation and use is protected under Federal Law. Antennas allowed by Federal Law will be mounted preferably on the rear wall or section of the roof.

- **Compliance.**

The antenna or other device complies with the maximum extent feasible with these Design Guidelines within the confines of applicable Federal regulations, i.e., without precluding reception of a quality signal, or unreasonably increasing the cost of the antenna or device.

- **Mechanical Equipment.**

Mechanical equipment or other service areas such as utility boxes shall be screened and allow for access to equipment for servicing.

- **Roof Top Decorations.**

Roof top decorations, cupolas and application of non-functional articles other than lighting, ventilating, and antennas mentioned above are prohibited. Any change to the rooftop design must be submitted in detail with the application.

- **Exterior Sound Emitting Devices.**

Any exterior sound emitting device (speakers, sound players, insect/animal repellents/chasers, chimes, etc.) shall not create an audible nuisance to the neighbors.

#### **4.8 Trash Containers.**

Trash shall be stored in a covered container, which shall be kept in the garage, except when such container is being made available for collection, and shall be subject to any restrictions in the Declaration or Rules and Regulations promulgated pursuant to the Declaration.

#### **4.9 Signs.**

- **Developer & Builder Signage**

Such signs as are presently authorized to be utilized by developers and builders until such time as the Lots are sold is allowed. Notwithstanding anything to the contrary herein, contractors may place permit boards on a Lot when required by the county code. Such signs must be removed within 3 days of a home receiving its Certificate of Occupancy. No contractor signs are allowed.

- **Owner Signage**

Owners shall not display or place any sign of any character, whatsoever, including “for rent”, “for sale” or brokerage signs on the Common Areas.

An Owner must submit a completed signage order form and fee to the Association for sign placement no later than thirty (30) days prior to the date which the Owner desires to have a “for sale/rent” sign placed on any Lot. All signs will be standard and uniform in size, color, quantity and quality for all Lots and subject to the Signage Guidelines attached hereto as Exhibit D.

- **Public View Signage.**

No other signs of any kind shall be displayed in the public view on any property within Waterview and all Owners of property subject to these Architectural Review Requirements do hereby grant to Association and the ARC, the right to enter upon their property for the purpose of removing any unauthorized signs.

- **Exemption.**

Notwithstanding the above, Declarant and its authorized designees shall be allowed to install any sign(s) necessary for purposes connected with the development of Waterview and/or as may be described in the Declaration.

#### **4.10 Other Prohibited Exterior Features.**

The following features shall be prohibited from use in Waterview:

- Clothes lines or clothes poles, visible from the street or neighboring properties
- Outdoor electronic pest control devices (bug zappers)
- Window A/C unit
- Above ground swimming pools
- Storage buildings, garages, or sheds
- Dog houses and other animal dwellings not identified in Paragraph 4.4.3
- Dog runs and other fencing or enclosures for pets
- Permanent sports equipment (Basketball Goals, Soccer Goals, etc.). Temporary sports equipment must be stored out of view.

Notwithstanding the above, Declarant shall be allowed to install, or authorized its designees to install, any structure(s) necessary for purposes connected with the development of Waterview.

#### **4.11 Lighting.**

The Owner is required to submit an application to the Reviewing Board for review for all exterior lighting modifications. No exterior lighting shall be permitted that constitutes a nuisance or hazard to any Owner or Resident.

- **Landscape/Walkways.**

Illumination of landscaping (36 inches high or less), as well as for walks and driveways shall be accomplished with low wattage fixtures, ground mounted. Decorative low voltage/solar light fixtures for low-level landscape and path lighting are permitted. Fixtures shall be installed and maintained in a vertical position. A maximum quantity of 12 low-voltage or solar lights may be installed in front yards. A maximum quantity of 12 low-voltage or solar lights may be installed in rear and side yards (combined).

- **Large Bushes/Trees.**

Illumination of large bushes and trees shall be accomplished with standard or low voltage (flood or spot) light fixtures, ground mounted and aimed vertically upward.

- **Spotlights/Floodlights.**

Exterior spotlight and floodlight fixtures shall be either non motion or motion detector fixtures. Exterior spotlight and floodlight fixtures location(s), other than the original construction of the dwelling location(s), require approval of the Reviewing Board.

- **Holiday Lighting.**

Holiday lighting and decorations will be permitted so long as the lights and decorations are unobtrusive, are installed only during the appropriate season, are displayed no more than 20 days prior to the Nationally recognized and accepted holidays, and are removed within 14 days after the holiday.

- **Lampposts.**

Lampposts (measured to the top of lighting fixture) shall not exceed 80 inches in height. A lamppost may have no more than two globes. Globes shall not create a lighting nuisance to surrounding properties. A lamppost is not considered a landscape accessory.

- **Fence/Building Mounted.**

Exterior fence or building mounted light fixtures, including motion detector, spotlights and floodlights shall conform to the architecture of the house and be subject to approval of the Reviewing Body. Any enclosure of a light fixture shall be designed to conceal the lamp (bulb) and to direct the light downward.

- **Landscape Requirements.**

Junction boxes shall be placed below grade to minimize day-time visibility of the hardware.

#### **4.12 Mailboxes.**

Community “Gang” Mailboxes will be used within Waterview. The Homeowners Association will be responsible for the Maintenance of the Common Area and exterior structure of the Mailboxes. The homeowner will be responsible for damages to the individual mailbox including the rekeying of the mailbox when needed.

#### **4.13 Pools, Spas, and Water Features.**

Above-ground spas and hot tubs are permitted in the rear yard, and only if surrounded by a screen enclosure or sun room, and must be approved by the Reviewing Board.

For approval of an in-ground pool, in-ground spa, or any water feature excavation, the Owner shall submit all plans to the Reviewing Body for approval prior to commencing excavation. In most cases, it may be necessary to obtain approval from the appropriate Governing Authority. It will be necessary for a licensed and insured contractor to evaluate feasibility and manage the installation of pools and spas. Any pool, spa, or water feature incorporating any drainage feature shall not adversely affect the neighboring property or drain into any protected body of water.

A fence or screen structure shall be constructed around in-ground pools and in-ground spas in accordance with the provisions of these Guidelines. Pool/spa mechanical

equipment shall be positioned adjacent to the house and obscured from view with shrubs or other landscape features.

The excavation site shall be well maintained for safety purposes. Attention shall be given to the grading and drainage to prevent erosion.

#### **4.14 Outdoor Kitchens.**

Outdoor kitchens and built-in barbeques shall be placed in the rear yard only, adjacent to the house or patio and shall not extend laterally past the side wall of the house. The exterior surround shall match the color and finish of the house walls. Homeowners installing cooking equipment under a patio roof or inside a screen or glass enclosure should consider requirements for exhaust ventilation. Installation of roof mounted equipment is not permitted in accordance with Section 4.7. All such structures must be approved by the ARB.

### **5 REVIEWING BODY SUBCOMMITTEES.**

The Reviewing Body shall be the Declarant until such time as they appoint another party.

The Reviewing Body may, as it deems necessary, establish and abolish subcommittees of the Reviewing Body relating to the performance of specific duties to assist the Reviewing Body. Any authorized agent of the Reviewing Body, or of any Subcommittee established by the Reviewing Body, shall be authorized to perform the plan review and inspection of Lots required pursuant to these Design Guidelines. The operations and procedures of a Reviewing Body Subcommittee shall be established by the Reviewing Body upon its formation.

The Reviewing Body Chairman shall appoint all members of a Reviewing Body Subcommittee. At least one Reviewing Body member shall be a member of the Reviewing Body Subcommittee. That member shall act as Chairman of the subcommittee. Appointees to the Reviewing Body Subcommittee need not be architects, owners, lessees, or residents and do not need to possess any special qualifications of any type except such as the Reviewing Body may, in its discretion, require. The Chairman will have authority to dismiss or replace Subcommittee members.

### **6 ENFORCEMENT OF GUIDELINES AND REVIEWING BODY ACTIONS.**

In the event of a violation of these Design Guidelines or any decision of a Reviewing Body, the Declarant or the Board may take any enforcement action authorized by the By-Laws or the Declaration.

Any changes or amendments to the Design Guidelines shall only apply to construction and modifications commenced after the date of such amendment. Changes shall not require modification or removal of structures previously approved once the approved construction has commenced. However, changes to, or replacement of, previously approved projects shall comply with the Guidelines in effect at the time of the new modification application.

### **7 AMENDMENTS TO DESIGN GUIDELINES.**

Declarant may amend, modify, or supplement the Design Guidelines at any time as long as it owns any portion of the Properties or has the right to annex additional property in

accordance with the Declaration. Thereafter, the Reviewing Body, or if the Reviewing Body is not established, the Board of Directors shall have the authority to amend or change the Design Guidelines. Any amendments, modification or supplements shall apply to construction and modification commenced after the date of such amendment only and shall not require modification or removal of Modification Activity previously approved once the approved construction or modification has commenced.

**8 DECLARANT IMPROVEMENTS.**

As part of the planning and development of Waterview has prepared a development plan and provided certain architectural designs, color palettes, landscaping design packages, parks, park preserves (open space), streets, model home packages, a sales pavilion, and a recreation center. Market conditions, styles, marketing strategies, or other factors may cause Declarant to change the type of models, size of homes, location of future amenities or streets, color palette of homes, landscaping styles or plant materials, construction methods or materials, or the landscaping on the common area.

**9 AUTHORIZATION BY DECLARANT.**

Waterview Community Owners Association

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Dated: \_\_\_\_\_ Dated: \_\_\_\_\_

## **10 EXHIBIT A - BUILDING SETBACKS**

The building setbacks described below are applicable to Waterview and recognized by the Reviewing Body. Notwithstanding any other provision of law, all building setbacks shall meet these requirements, except for such buildings which are built by Declarant pursuant to approvals obtained from Osceola County, as applicable.

Front Yard:	15 feet minimum
Side Yard:	5 feet minimum
Rear Yard:	20 feet minimum
Rear Yard adjacent to freshwater wetland:	20 feet minimum

## **11 EXHIBIT B - APPROVED INERT MATERIALS**

Approved inert landscape materials shall include: natural colored bark, hardwood mulch, rock and/or stone of naturally pigmented color (i.e., as found in native form), rubber, and other materials as may be approved by the Reviewing Body from time to time. Pine straw may be approved for reasonable use in bedding, around shrubs and trees, and along the exterior walls of the dwelling. Pine straw is not acceptable as a sod substitute. Determination of whether a material is acceptable for inclusion in any specific situation shall be made by the Reviewing Body and shall be in writing.

Approved inert driveway, sidewalk, and porch paving, covering and coating materials shall include: concrete, brick, textured painting covering, natural pebble stone/epoxy coating, other previously installed surfaces, and other materials that may be found to be acceptable.

## 12 EXHIBIT C - COMMONLY USED PLANT MATERIALS

D = Deciduous E = Evergreen

### Large Trees

- D-Florida Maple (*Acer floridanum*)
- D-Red Maple (*Acer rubrum*)
- E-Southern Magnolia (*Magnolia grandiflora*)
- D-Chinese Pistache (*Pistacia chinensis*)
- D-Sycamore (*Platanus occidentalis*)
- D-Swamp Chestnut Oak (*Quercus michauxii*)
- D-Willow Oak (*Quercus phellos*)
- E-Live Oak (*Quercus virginiana*)
- D-Bald Cypress (*Taxodium distichum*)

### Small Trees

- D-Japanese Maple (*Acer palmatum*)
- D-River Birch (*Betula nigra*)
- D-Redbud (*Cercis canadensis*)
- E-Leyland Cypress (x *Cupressocyparis leylandii*)
- E-Nelli R. Stevens Holly (*Ilex aquifolium* x *cornuta* 'Nellie R. Stevens')
- E-East Palatka Holly (*Ilex* x *attenuata* 'East Palatka')
- E-Foster Holly (*Ilex* x *attenuata* 'Fosteri')
- E-Savannah Holly (*Ilex* x *attenuata* 'Savannah')
- E-Weeping Yaupon Holly (*Ilex vomitoria* 'pendula')
- D-Goldenrain Tree (*Koelreuteria paniculata*)
- D-Crape Myrtle (*Lagerstroemia indica* - Varieties 'Cherokee', 'Muskogee', 'Natchez, and 'Tuscarora')
- E-Tree Form Wax Leaf Privet (*Ligustrum lucidum*)
- E-Little Gem Magnolia (*Magnolia grandiflora* 'Little Gem')
- D-Saucer Magnolia (*Magnolia soulangiana*)
- E-Sweet Bay Magnolia (*Magnolia virginiana*)
- D-Calloway Crabapple (*Malus pruniflora* 'Calloway')
- E-Tree Form Wax Myrtle (*Myrica cerifera*)
- E-Spruce Pine (*Pinus glabra*)
- E-Loblolly Pine (*Pinus taeda*)
- D-Japanese Flowering Cherry (*Prunus serrulata* 'Kwanzan')
- D-Yoshino Cherry (*Prunus yedoensis*)
- D-Aristocrat Pear (*Pyrus calleryana* 'Aristocrat')
- E-Palmetto (*Sabal palmetto*)
- E-Windmill Palm (*Trachycarpus fortunei*)

**Large or Accent Shrubs (5-7 Gallon)** Shrubs indicated with an 'SH' require shade.

- E-Anise (*Illicium anisatum*)
- E-Azalea SH (*Azalea indica* - Varieties 'Formosa', 'George L. Tabor', 'G.G. Gerbing', 'Judge soloman', 'President Clay', 'Red Formosa', and 'Southern Charm')
- Semi E-Butterfly Bush (*Buddleia davidii*)

E-Bottlebrush (*Callistemon citrinus*)  
E-Camellia SH (*Camellia sasanqua*)  
E-Chinese Fringe (*Loropetalum chinense*, cultivars; Hines Prupole leafe, Burgandy, Blush)  
E-Pampas Grass (*Cortaderia selloana*)  
E-Sago Palm (*Cycas revoluta*)  
E-Gardenia (*Gardenia jasminoides*)  
E-Burford Holly (*Ilex cornuta* 'Burfordii')  
E-Wax Leaf Privet (*Ligustrum lucidum*)  
E-Banana Shrub (*Michello Figo*)  
D-Variiegated Maiden Grass (*Miscanthus sinensis* 'variegata')  
E-Waxmyrtle (*Myrica Cerifera*)  
E-Nandina (*Nandina domestica*)  
E-Oleander (*Nerium oleander*)  
E-Tea Olive (*Osmanthus fragrans*)  
E-Fortune's Tea Olive (*Osmanthus fortunei*)  
E-Firehorn (*Pyracantha koidzumi*)  
E-Pittosporum (*Pittosporum tobira*)  
E-Podocarpus Yew (*Podocarpus macrophyllus maki*)  
D-Purple Fountain Grass (*Pennisetum setaceum* 'Rubrum')  
E-Sweet Viburnum (*Viburnum odoratissium*)  
E-Laurustinus (*Viburnum tinus*)

**Medium Shrubs (3-5 Gallon)** Shrubs indicated with an 'SH' require shade.

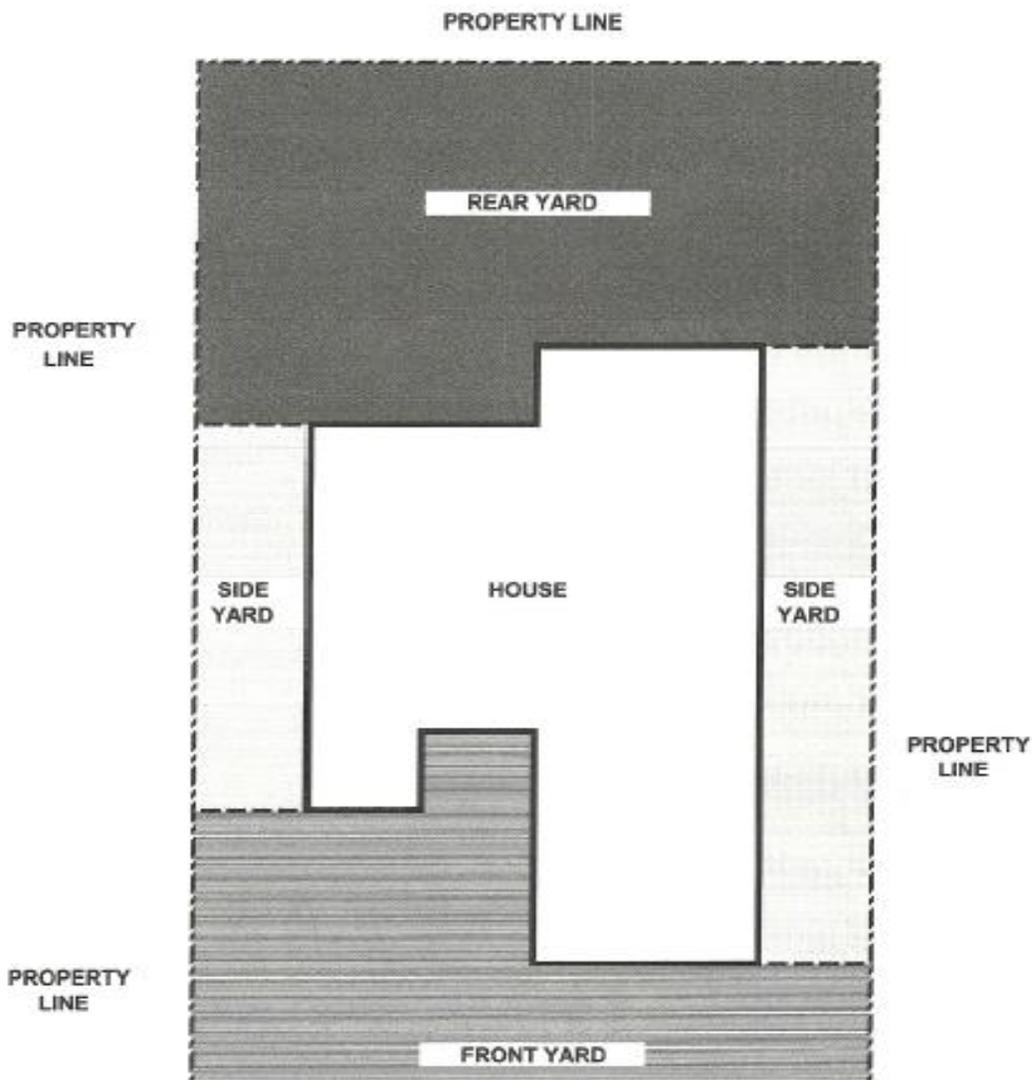
E-Abelia (*Abelia grandiflora*)  
D-Barberry (*Berberis thunbergii* 'Rose Glow' or 'Crimson Pygmy')  
E-Boxwood (*Buxus microphylla*)  
E-Dwarf Bottlebrush (*Callistemon citrinus* 'Little John')  
E-Dwarf Burford Holly (*Ilex cornuta* 'Burfordii nana')  
E-Carissa Holly (*Ilex cornuta* 'Carissa')  
E-Dwarf Yaupon Holly (*Ilex vomitoria* 'Nana' or 'Schellings')  
E-Florida Jasmine (*Jasminum floridum*) Semi  
E-Primrose Jasmine (*Jasminum mesnyi*)  
E-Dwarf India Hawthorn (*Raphiolepis indica*)  
E-Yucca (*Yucca filamentosa*)  
E-Sanankwa Viburnum (*Viburnum Suspensum*)

**Low Shrubs or Groundcovers (1 Gallon)** - Space 1 to 6 feet apart; and 2 feet minimum from buildings. Shrubs indicated with an 'SH' require shade. Shrubs indicated with a 'V' are vines to be used with support.

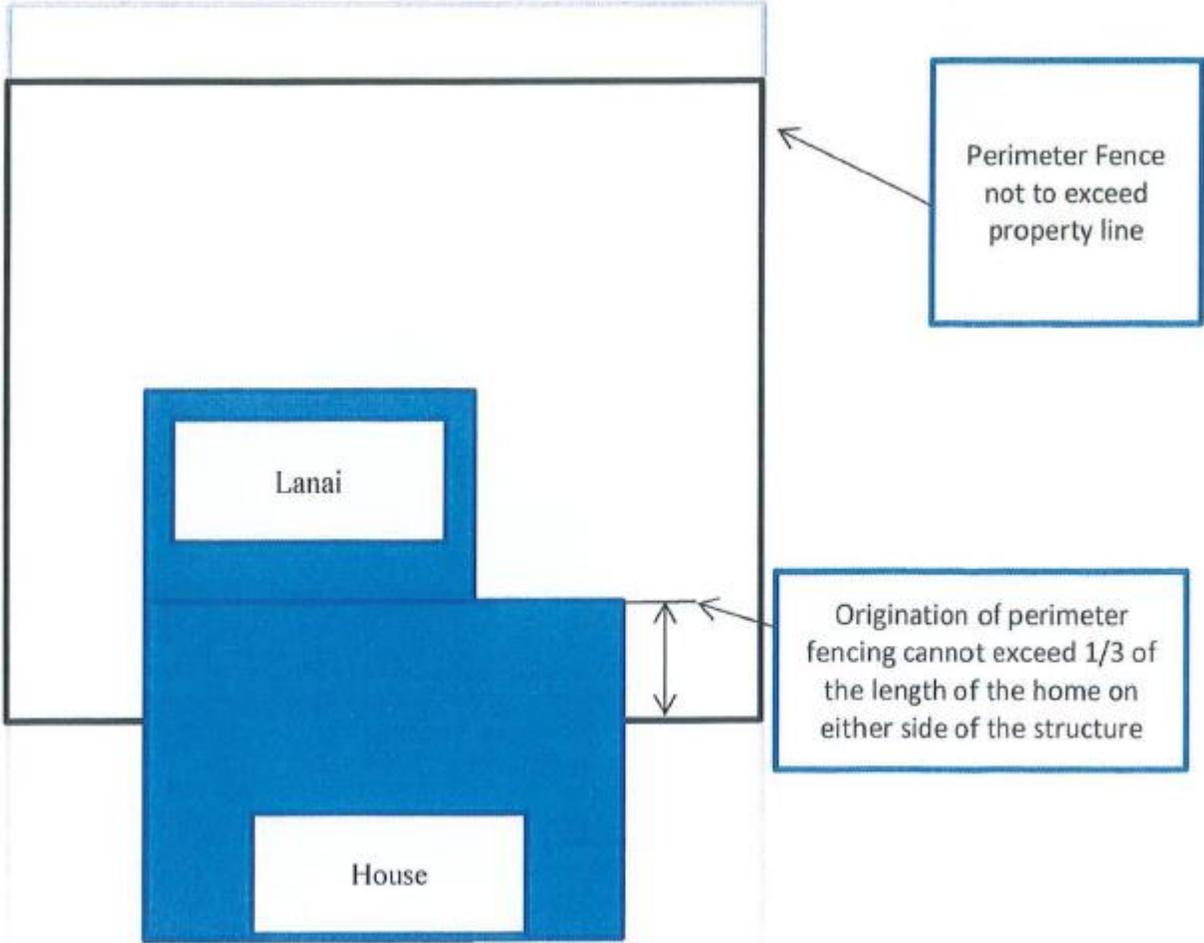
E-Hollyfern SH (*Cyrtomium falcatum*)  
E-African Iris (*Dietes vegeta*)  
E-Dwarf Gardenia (*Gardenia jasminoides* 'radicans')  
E-Carolina Jessamine V (*Gelsemium sempervirens*)  
E-Daylily (*Hemerocallis hybrida*)  
D-Lantana (*Lantana camara*)  
E-Big Blue Liriope (*Liriope muscari* 'Big Blue')

- E-Trumpet Honeysuckle V (*Lonicera sempervirens*)
- E-Blue Pacific Juniper (*Juniperous conferta* 'Blue Pacific')
- E-Parson's Juniper (*Juniperous davurica* 'Expansa')
- E-Blue Rug Juniper (*Juniperous horizontalis* 'Wiltonii')
- E-Dwarf Japanese Garden Juniper (*Juniperous procumbens* 'Nana')
- E-Dwarf Nandin\* (*Nandina domestica* 'Harbor Dwarf' or 'Firepower')
- E-Banks Rose V (*Rosa bankiae*)
- E-Confederate Jasmine V (*Trachelospermum jasminoides*)
- E-Lily of the Nile (*Agapanthus*)

### 13 EXHIBIT D – DEFINITION OF FRONT, REAR & SIDE YARD



**14 EXHIBIT E - DEFINITION OF PERIMETER FENCING ORIGINATION**



# 15 EXHIBIT F - PROPERTY FENCING PLAN

