

## **Amended Residential Planning Criteria Adopted on February 7, 2013 by the Board of Directors of Sabal Point Property Owners Association, Inc.**

The Declaration of Covenants, Conditions and Restrictions for Sabal Point was originally recorded in Official Records Book 1444, Page 1416, public records, Seminole County, Florida ("Declaration"). This declaration provided for the formation of a committee to be known as the Architectural Review Committee (ARC). The recommendations of this committee may be modified or amended by the Board of Directors of Sabal Point Property Owners Association.

### **AIR CONDITIONING UNITS**

No window or through the wall air conditioning units will usually be permitted.

### **ARCHITECTURAL REVIEW**

No new construction or remodeling, including changes in exterior color, extensive landscaping or patios is to occur on any lot or exterior of any home without the prior approval of the Architectural Review Committee (ARC). The responsibility of architectural review is to ensure that the harmonious, high-quality image of the Sabal Point Property Owners Association is implemented and maintained. Any request for architectural review filed after the work is already started or completed is subject to a late filing fee as established by the Sabal Point Board of Directors and/or subject to removal. If you have any questions as to what needs architectural approval, either write via regular U.S. Mail or e-mail the Board of Directors via the Sabal Point Property Owners Association website once the website becomes available. All projects must be completed within reasonable time limits for approved project.

### **ARCHITECTURAL REVIEW COMMITTEE REPORTS**

The Architectural Review Committee's approval or disapproval as required in the foregoing Residential Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the Homeowner submitting same. In the event the Architectural Review Board fails to approve or disapprove plans and specifications within thirty (30) days of submission thereto, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related criteria shall be deemed to have been fully complied with.

### **ANIMALS**

No horses, cattle, swine, goats, poultry, fowl, or any other animals not commonly considered household pets shall be kept on the properties. Under no circumstances shall any commercial or business enterprise involving the use, care or treatment of animals be conducted on the properties. No breeding for commercial or business enterprises is allowed for any animals. All pets shall be kept on a leash that is continually under the control of the owner, or the person walking the pet, when not on the pet owner's lot or unit or on a designated area for such pets and no pet shall be allowed to roam unattended. All residents must clean up after their pets. 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 the properties.

**AWNINGS**

All awnings need approval of the Architectural Review Committee (ARC). Color and size must be compatible with home’s exterior colors and dimensions. Metal awnings are prohibited.

**BOATS**

No boats, jet skis, wave runners or other vehicles used for similar types of recreational purposes shall be parked or stored on any of the common properties or common areas or on any portion of a lot which is visible from any of the common properties or common areas or from any road or other lot within the property. The liability for the boat, its security and subsequent insurance is the responsibility of the boat owner. Parking of these vehicles in driveways or in the streets is not permitted.

Temporary parking for the purpose of loading and unloading boats will be allowed in the owner’s driveway. Parking will be allowed up to twenty-four (24) hours for the purpose of loading or unloading only.

**BUILDING REPAIR**

No building or structure shall be permitted to fall into a state of disrepair. The owner of every home or structure is responsible at all times for keeping the buildings in good condition, and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for the immediate commencement of repairs or reconstruction.

**BUILDING SETBACKS**

The County setback requirements will apply as minimum standards. However, the Architectural Review Board must give final approval on the placement of the home upon the home site. County setbacks are:

- Front.....25 Ft.
- Rear.....30 Ft.
- Side Yard (Interior).....10 Ft.
- Side Yard (Corner).....25 Ft.

**BUSINESS**

No trade or business will be conducted or carried on upon the Properties or in any building or other structure erected thereon, except that an Owner or occupant residing in a unit may conduct business activities within the Unit so long as: (a) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the unit; (b) the business activity conforms to all zoning requirements for the Properties; (c) the business activity does not involve persons coming onto the Properties who do not reside in the Properties or door-to-door solicitation of residents of the Properties; and (d) the business activity is consistent with the residential character of the Properties and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security of safety of other residents of the Properties, as may be determined in the sole discretion of the Board. The terms “business” and “trade”, as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family and

for which the provider receives a fee, compensation, or other form of consideration, regardless or whether: (i.) such activity is engaged in full or part time; (ii.) such activity is intended to or does generate a profit; or (iii.) a license is therefore required. Notwithstanding the above, the leasing of a Unit shall not be considered a trade or business within the meaning of this section.

### **CLOTHESLINES**

No clotheslines are permitted which are visible from the front of the house.

### **CONSERVATION AREA / ASSOCIATION PROPERTY**

If your property backs up to Association property, special care needs to be exercised. It is illegal to dump anything into, or disturb in any way the area beyond your lot line. This includes clearing, sodding, etc. No fences may extend into Association property.

### **DRAINAGE**

No changes in elevation of property subject to these restrictions shall be made which will cause undue hardship to adjoining property.

### **DRIVEWAYS AND SIDEWALKS**

All driveways shall be maintained and kept in a neat and clean condition, free of refuse and debris.

The original design and widths of all walkways, sidewalks, driveways and aprons [sidewalk to street] may not be altered and must remain poured concrete or decorative pavers. No substitutes are allowed. No lawn or landscaped area may be paved or concreted for the purpose of vehicular parking.

Driveway and sidewalk stains from algae, mildew, or oil will be reviewed on a case by case basis. Excessive stains will be required to be removed.

### **EASEMENT PLANTINGS**

The Architectural Review Committee must approve all plantings. Potted plants are not permitted. Trees planted must match the general landscape package of Sabal Point.

### **ENFORCEMENT OF RESIDENTIAL PLANNING CRITERIA**

The following is the current procedure for sending violations to homeowners regarding violations of the Residential Planning Criteria:

- 1) The first letter to the homeowner will give notice of the violation. The Property will be rechecked in no less than fourteen (14) days.
- 2) If the Property is not in compliance or has not responded with a plan to bring the property into compliance, a second letter will be sent giving fourteen (14) days to correct the condition or provide<sup>3</sup> a written plan and timeline for bringing the property into compliance.
- 3) If the condition is not corrected within the specified or agreed upon time frame, the Board reserves the option to assess a fine, not to exceed \$100 per day, in accordance with Section 720.305 of the Florida Statutes or initiate a petition for arbitration as outlined in Chapter

720.311 of the Florida Statutes. In either option, if the Association prevails, the Homeowner will be liable for any attorney fees incurred, in accordance with Florida Statutes.

### **EXTERIOR COLORS**

Colors of materials used in any home must be compatible with other homes built or planned for the same area. As a general rule, earth tones are encouraged.

### **FENCES AND WALLS**

Decorator fences, screening walls, etc., must be approved by the Architectural Review Committee and must be of material consistent with those used on the dwelling itself. Plans for screening garage areas and outside equipment must be included on the working drawings submitted for approval. No chain link or metal fences shall be allowed.

### **FLAGS**

The ARC has approved the following guidelines for flags for homeowners:

1. No more than two (2) flagpoles (one flag per pole) may be attached to a house.
2. Flags, which are offensive in nature, shall not be permitted. "Offensive" includes, but is not limited to the following categories of words, expressions or depiction's:
  - a. Profanity or curse words.
  - b. Vulgar or obscene expressions, graphics or depictions.
  - c. Language that uses insulting terms to refer to a race, sex, orientation, nationality, religion, or handicap.
3. Flags mounted on the main structure of the house or garage shall be maximum of 3' x 5' in size.
4. Flags must be in good condition and not torn or faded.

### **GAME AND PLAY STRUCTURES**

No platform, dog house, play house shall be constructed on any lot without prior approval of the Architectural Review Committee.

### **GARAGE CONVERSIONS**

No garage shall be converted into habitable living space within the Properties.

### **GARBAGE AND TRASH DISPOSAL**

Trash and garbage must be kept in sanitary containers and, except on the day designated for trash or garbage pickup if required by the pickup service to be placed at the street curb, the containers must be kept within an enclosure that the ARC may require. No burning of trash or garbage or any other waste material is permitted.

### **HEDGES**

1. Hedges that run parallel to the front of the house must remain under 18 inches in height if adjacent to the sidewalk.
2. Hedges that run perpendicular to the front of the house must remain under six (6) feet in height.

3. Hedges may not grow to impede sidewalk traffic or interfere with line of sight.
4. If trees planted in the yard are less than ten (10) feet apart ARC approval is required. Pruning or removal can be required if the trees grow together and look like a hedge or fence or impede sight lines.
5. Shrubs that are planted as hedges are subject to removal or modification if they do not meet guidelines.
6. No hedge may directly abut or be within four (4) feet of the sidewalk in front of any property.

## **HOLIDAY DECORATIONS**

Holiday decorations may only be displayed from October 15th to January 15th.

## **LANDSCAPING**

### **Extensive Landscaping Renovations**

Extensive landscaping changes, whether done professionally or by the homeowner, requires ARC approval.

Extensive landscaping shall include the removal or replacement of 25% or more of the existing landscaping in the front or side yard.

### **Ornamentation**

The utilization of non-living objects as ornaments in the front or side yard requires approval by the ARC.

Failure to submit plans for ornaments in the front or side yard to the ARC for approval may result in the ornaments being disapproved if they are judged to be incompatible with the design of the style and design of the Neighborhood.

### **Maintenance of Landscaped Areas**

All landscaped areas (to the paved public right of way) shall be maintained in live, healthy and growing condition, properly watered and trimmed. Any planting of grass, shrubs or trees, which become dead or badly damaged, shall be replaced with similar, sound, healthy plant materials.

Dead trees in front and side yards must be replaced with a tree that is approximately the same height as the original or minimum height of 8', whichever is less.

### **Weeds and Underbrush**

No weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon the Properties and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon. In the event an Owner shall fail or refuse to keep his Property free of weeds, underbrush, sight obstruction, refuse piles or other unsightly growths or objects, then the Association may enter upon said property and remove the same at the expense of the Owner, and such entry shall not be deemed a trespass; except, however, that the Owner shall be given fourteen (14) days prior written notice of such action.

## **LAWNS**

All lawns and landscape shall be maintained on a regular basis to preserve neat and attractive appearance and such maintenance shall include regular treatment for insect and weed control. All landscaping shall be regularly weeded and mulched and maintained. Minimum maintenance requirements include watering, mowing, edging, pruning and replacement of dead or dying plants, removal of weeds and noxious grasses and removal of trash.

Grass at edges may not extend more than 2" over the paved edge. Grass shall be kept neatly trimmed around all stationary objects. Grass must not exceed 6" in height. Edging around sidewalks and driveways must be maintained.

If a lawn is 25% or more weeds, bare ground, or dying grass, it must be restored so that such areas are less than 25%. Once the Association has sent a notice to a homeowner to restore their lawn, restoration must be done within sixty (60) days from the date of the letter.

### **LIGHTING**

No exterior lighting fixtures shall be installed on any residential unit without adequate and proper shielding of fixtures. No lighting fixture shall be installed that is or may become an annoyance or a nuisance to the residents of adjacent residential units.

### **PAINT**

Residents will be required to paint and restore the exterior of the house on a regular basis to prevent fading or wash away, mildewing, chipping or cracking. ARC approval will be required to complete painting if there is a readily apparent change in the color.

### **POLLUTANTS**

No owner shall discharge or allow to be discharged any pollutant, hazardous waste or toxic materials and in the event of such discharge shall be liable for all cleanup and cost incurred in connection therewith.

### **RECREATION EQUIPMENT**

Recreation equipment must be stored away when not in active use, and overnight.

Basketball play structures, both fixed and portable; portable and fixed skateboard ramps; and all other fixed game and play structures shall be located at the rear of the dwelling so as not be visible from the street, except as provided otherwise herein. No platform, dog house, play house shall be constructed on any lot without prior approval of the Architectural Review Committee. The following additional conditions and exceptions with regard to basketball play structures shall apply:

- 1) All basketball play structures shall be located adjacent to and in conjunction with the paved driveway connecting the garage with the street. If a house has a side entrance garage, the basketball play structure shall be located behind the front line of the dwelling structure.
- 2) The distance from the edge of the street (adjacent to the driveway) to the center of the basketball play structure shall be at least one-half the length of the total driveway. The total driveway shall mean the distance from the garage entrance to the edge of the street.

- 3) All basketball play structures shall be free standing and not attached to any dwelling or garage structure.
- 4) Fixed and portable basketball play structures, if visible from the street, must comply with the following additional conditions:
  - a. They must be installed on poles designed and manufactured solely as basketball play structures, and must be made of metal, fiberglass/Plexiglas, or a combination of these materials.
  - b. They must be maintained in good condition and reasonably equivalent to the condition of other, visible basketball play structures on lots within the property. The Architectural Review committee shall determine whether these maintenance standards have been met.
- 5) All basketball play shall be limited to the hours between 9:00 A.M. and 9:00 P.M.

Portable basketball play structures when not in use shall be stored in a manner consistent with the provisions of items 1 through 5.

### **REMOVAL OF TREES**

The Architectural Review Committee shall take into account all existing natural landscaping such as trees, shrubs, palmetto, etc., and encourage the incorporation of as much of this material in the landscaping plan as possible. No trees of four inches in diameter at one foot above natural grade shall be cut or removed without prior approval of the Architectural Review Committee.

### **RENTAL RESTRICTIONS**

The renting of houses for less than twelve (12) months is prohibited.

Rentals may only be to one single family. Rental to multiple, non-family individuals is not permitted.

### **SHUTTERS**

No hurricane shutters shall be installed unless approved by the ARC. Approved hurricane shutters and/or temporary protective covering shall be deployed only after a hurricane, tropical storm, or tornado warning has been issued by the U.S. Weather Service. Approved permanent hurricane shutters must be opened and protective covering removed within forty-eight (48) hours after the hurricane, tropical storm, or tornado warning has ended.

### **SIGNS**

No signs of any kind shall be displayed to public view on any lot except for the following:

- 1) "For Sale" or "For Rent" signs are not to exceed five square feet in size.
- 2) Yard sale or Garage Sale signs may be displayed for twenty-four (24) hours prior to the start sale and must be removed immediately after the sale has ended.

### **SOLICITATION**

Sabal Point is a NO Soliciting community.

### **SWIMMING POOLS AND TENNIS COURTS**

Any swimming pool, tennis court or recreational area must be approved by the Architectural Review Committee and meet the following minimum criteria:

- 1) Composition to be of material thoroughly tested and accepted by the industry for such construction
- 2) No screening of a pool as a recreational area may extend beyond a line extended and aligned with the side walls of the dwelling unless specifically approved by the Architectural Review Committee.
- 3) Pool screening may not be visible from the street in front of the dwelling.
- 4) Any lighting of a pool or recreational area shall be designed so as to buffer and protect the surrounding residences from any direct effect of the lighting.

### **VEHICLE PARKING**

Overnight parking or storage of commercial vehicles is prohibited. No unregistered or inoperable motor vehicle or trailer of any kind may be disassembled, serviced or repaired on the Properties in such a manner as to be visible from any point on adjacent property or the street.

No vehicle, whether a “Prohibited Vehicle” or otherwise, shall be parked on any lawn, aprons [sidewalk to street], Common Properties, Common Areas, or other portion of the Properties which is not specifically designed and intended for the parking of vehicles. No vehicle may be parked within four (4) feet of a residential mailbox.

### **VEGETABLE GARDENS**

The general rule is that vegetable gardens will be allowed in rear yards only. Rear yards consist of a yard not visible from the street. Vegetable garden stakes and fencing for vegetable garden-type plants in the side yard will be treated on a case-by-case basis by the ARC.

### **VEHICLES-PROHIBITED**

No “Prohibited Vehicle” shall be parked or stored on any of the Common Properties or Common Areas or stored on any of the Common Properties or Common Area or on any portion of a lot which is visible from any of the Common Properties or Common Areas or from any road or other lot within the Property. For purposes of this section, a “Prohibited Vehicle” is:

- (1) Any vehicle longer than twenty (21) feet or higher than eight (8) feet.
- (2) Any commercial vehicle, i.e., one not designed and used for normal personal/family transportation.  
Any vehicle bearing commercial lettering, graphics, or other Commercial insignia, except if such lettering is completely covered with magnetic material (or other type coverings intended for outdoor use). The material must be the same color as the vehicle.
- (3) Recreational vehicles (RV), including campers, mobile and motor homes, all-terrain vehicles and dune buggies.
- (4) Trailers of any type.
- (5) Boats
- (6) Derelict vehicles, including vehicles with no current license plate (tag has expired) or vehicles incapable of self-propulsion.

For purposes of the Section, a “Prohibited Vehicle” shall not be deemed to be (even if generally described above) any commercial or public service vehicle present in the Properties while performing services for or on behalf of owners or residents of Sabal Point.



All motorized vehicles, including ATV's, motorcycles, go-carts, and similar vehicles are prohibited from entering onto any common area and walkways.

Recreational Vehicles, Boats, & Trailers – Temporary parking for the purpose of loading and unloading recreational vehicles, boats & trailers will be allowed in owner's driveway. Parking will be allowed up to twenty-four (24) hours for the purpose of loading or unloading.

### **WINDOW COVERINGS**

All interior window coverings must be maintained in a good state of repair. Interior window coverings must be manufactured vertical or horizontal blinds, curtains, shutters, or shades that fit the dimensions of the window and properly mounted. No drawings, pictures, lettering, flags, signs, etc., may be attached or visible in any part of the window other than house security signs. Small garage door windows do not need to be covered, but if they are, the coverings must be maintained in a good state of repair. If the garage door has a section of window panels, the area around the windows must be painted the same color as the garage door. If the Homeowner wishes to paint the window panels a different color from the rest of the garage door, this must be stated on the ARC application or a separate application must be submitted for approval.

## **REVISION HISTORY**

### **CHANGES MADE MARCH 2013**

#### **Clotheslines**

- Clarified clothesline restriction to not be visible from the front yard in order to comply with FL statutes.

#### **Enforcement of Residential Planning Criteria**

- Amended to follow Florida Statute 720.305 and 720.311 processes

#### **Flagpoles**

- Simplified language and changed the title to Flags

#### **Lawns**

- Removed specific reference to St. Augustine grass and cleaned up paragraph

#### **Vehicle Parking**

- Removed reference to "roads" in parking restrictions