

EXHIBIT "D"

ARCHITECTURAL CRITERIA AND
REGULATIONS OF THE ARCHITECTURAL REVIEW BOARD

PALMER GLEN SUBDIVISION

PHASES I & II

PALMER GLEN SUBDIVISION

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PALMER GLEN SUBDIVISION

ARCHITECTURAL CRITERIA AND REGULATIONS OF THE ARCHITECTURAL REVIEW BOARD

I. PURPOSE

One of the most effective methods of assuring the protection of the master land concept, community lifestyle environment and individual property values is through the establishment of high Architectural Standards. In order to accomplish this objective, the Architectural Review Board (ARB) reviews Applications and Architectural Documents for all new construction and alterations, modifications, or changes to existing properties, including landscaping. Each application is evaluated on its own merits with reasonable flexibility for design function and creativity.

A. General Provisions:

The Architectural Standards are to assist homeowners, architects, landscape architects, and builders in their planning and design of single-family homes in Palmer Glen. There are several documents to be reviewed by the Homeowner and Architect to determine the specific covenants and restrictions for Palmer Glen. These include:

1. Declaration of Restrictions
2. Articles of Incorporation for the Association.
3. By-laws of the Association.

B. Authority

The authority for the ARB is set forth in the Declaration of Restrictions for Palmer Glen (the "Declaration"), and the By-laws of Palmer Glen Association, Inc. ("Bylaws") which encumber every lot or parcel. The ARB is responsible for carrying out its duties on behalf of all members of Palmer Glen Association, Inc. ("Association") for the benefit of the total community within Palmer Glen Subdivision Phases I & II as per plat or plats thereof to be recorded in the Public Records of Sarasota County, Florida ("Subdivision") comprised of 104 residential lots. These ARB Criteria and Regulations shall also apply with equal force to any additional lands or subdivisions added to the Declaration at a future date.

C. Responsibilities:

On behalf of the Association, the ARB is empowered to perform the following services:

1. To establish Architectural Standards and exterior design themes for the community.
2. To establish Architectural Review criteria and procedures for the protection of property values.
3. To review all Architectural Review Applications for compliance with Architectural Standards and the Declaration.
4. To assure compatible architectural designs with neighboring Lots.
5. To assure harmony of exterior design, location and finish elevation with regard to all structures and topography and general aesthetic consideration.
6. To require high standards of design, construction, workmanship and materials.
7. To establish fees for the review of Applications as may be required.
8. To assure that all properties are properly maintained.
9. To monitor violations of Architectural Review criteria and notify the Board of Directors of the Association for appropriate action.
10. To amend Architectural Review criteria and Architectural Standards as may be required from time to time.
11. To contact applicants whose plans and specifications have been disapproved, and to provide reasonable assistance and recommendations for adjustment to bring Applications into compliance with Architectural Standards and Covenants.
12. To maintain copies of Applications, Architectural documents, and related records.
13. To inform members of the Association regarding activities of the ARB and changes in criteria as they may occur.

D. Members:

1. So long as the Declarant owns any Lot or holds the mortgage on any Lot within the Subdivision, Declarant shall have the sole authority to appoint the person or persons who will constitute the ARB. Declarant, at its option, may assign the rights under this section to a purchaser of a substantial portion of the Subdivision or to a Property Owner's Association or may terminate this right of approval and control by recording the appropriate document in the Public Records.
2. Following Declarant control, the ARB shall consist of 1-5 members appointed as provided in the Declaration. In the event that the President of the Association fails to appoint an ARB or the persons nominated by the President of the Association fail to serve, the individuals serving as president, secretary and treasurer of the Association shall constitute the ARB.

E. Majority Vote:

A simple majority vote of the members of the ARB shall constitute a decision for approval or denial of an Application. In all cases, however, following Declarant control of the ARB, the Board of Directors of the Association shall have review powers of denied Applications.

F. Meetings:

The ARB shall meet as necessary to review Applications within 30 days following receipt of complete documentation. Meetings of the ARB shall not be open to the applicant except on the request of the ARB.

G. Fees:

The ARB shall establish reasonable fees, for the submittal of matters to ARB and to ensure compliance with the construction plans, as submitted to the ARB. The owner shall additionally be responsible for the cost of producing documents for review by the ARB.

II. SITE DEVELOPMENT STANDARDS

A. Preservation of Existing Vegetation:

1. It is the intent of the ARB to have each property owner preserve any non-exotic existing trees that are two inches (2") and greater in diameter, that are located five feet (5') and beyond from the edge of the proposed foundation and driveway. Buildings should be sited to preserve the largest trees on Lots.
2. No site clearing shall take place in any form before a site plan, accompanied by an existing tree survey, is provided to and approved by the ARB.

B. Erosion Control:

1. Every attempt should be made to preserve existing trees, shrubs and ground covers during construction activities to minimize site disturbance resulting in bare soil conditions. Remove no more vegetation than necessary. (See Section B, Existing Vegetation, for limitations on removal of vegetation.)
2. Temporary swales and other sediment control methods must be installed to reduce run-off and control erosion during construction.

C. General Construction Requirements:

1. The builder and the Lot owner are responsible for knowing the locations and types of all utilities and must protect existing utilities during construction.
2. The builder shall minimize construction debris and trash upon the Lot by designating storage areas and frequent removal schedules, or providing on-site containers.
3. All on-site Port-a-Johns should be located a reasonable distance back from the right-of-way line, with the access door facing the opposite direction from the street, where reasonably possible.
4. All required driveway sub-surface material placed prior to construction shall be used by construction and delivery vehicles.
5. Any construction activity or related parking shall not block traffic flow along the street.
6. Any spillage of concrete, dirt or other construction material or debris onto the paved private community street shall be removed from the surface during the same day.
7. Any damage to private streets or common areas during the course of construction on any Lot shall be repaired to original conditions by the Lot owner.

D. Inspection by the ARB

1. Periodic inspections may be made by the ARB while construction is in progress to determine compliance with the approved architectural documents. The ARB is empowered to enforce its policy as set forth in these Standards, by an action, including an action in a Court of Law, to ensure compliance. All projects approved by the ARB shall be inspected prior to the start of the project and upon the completion of the project, by a member of the ARB. If possible, photos shall be taken to document the "before" condition especially with regard to common areas (sidewalks, streets, and gutters). The homeowner is responsible to restore any damage to common areas to the "before" condition. The ARB may have the option to impose a cash bond in an amount determined by the ARB to be sufficient to insure that any damages will be rectified. Said bond shall be returned upon the satisfactory completion of the project including cleanup. Any dispute regarding the return of the bond shall be determined by the ARB. Based on the determination of the ARB the Association may use all or part of the bond to rectify the deficiency and may charge the homeowner for any amount in excess of the bond. Failure to pay the excess will become a lien on the property.
2. One set of current construction plans must be kept on the job site during working hours.

E. Setbacks:

All building setbacks shall be as specified on the Plat of the Subdivision and in the Code of Sarasota County.

F. Sidewalks:

1. Sarasota County requires that the Subdivision contain a four-foot wide sidewalk on one side of each street within the front-yard utility easement of the Designated Lots (defined below).
2. Prior to the construction of the first house within the Subdivision, the Declarant shall designate those lots requiring the installation of a sidewalk ("Designated Lot").
3. The Owner of a Designated Lot shall complete the sidewalk prior to, or simultaneously with, the installation of the driveway on the Designated Lot. All sidewalks shall be aligned with existing adjacent sidewalks, if any, or constructed to align with future adjacent sidewalk, and shall be constructed in accordance Sarasota County and ARB standards.
4. Any sidewalks required to be installed within the Common Areas or Properties to be owned by the Association shall be completed by the Declarant.

III. ARCHITECTURAL STANDARDS

A. **Specific Architectural Standards;**

1. All structures shall comply in strict accordance with the requirements of Sarasota County.
2. No dwelling shall have an air-conditioned square footage of less than 1,800 square feet of air conditioned space, exclusive of screened areas, open porches, terraces, patios, and garages.
3. All dwellings shall have a minimum of a two-car garage with automatic garage door openers. No garage shall be converted to other use unless a replacement is constructed in accordance with applicable regulations
4. Modifications can have major impact on the surrounding area. To ensure that there are no “surprises”, those houses on either side of the house being modified are to be notified of the proposed modification. The “notice” is to be sent certified mail, return receipt, and the return receipts are to accompany the request for modification. A suggested form letter is as follows:

Dear Neighbor:

This is to advise you that I am planning to apply to the Palmer Glen Architectural Review Board (ARB) for approval to make the modifications in the attached application.

You have the right to comment by mail, with regard to this application, directly to the ARB or to appear at the ARB meeting.

Very truly yours,

As an alternative to sending certified letters, the applicant may choose to have his neighbor sign and date a duplicate copy of the letter. The duplicate letters with the appropriate signatures are to accompany the request for modification.

Either certified receipts, duplicate signed letters, or a combination of both is acceptable.

Depending on the impact of the application on the surrounding area, the ARB may require that additional homeowners be notified before the ARB considers the application. The ARB will consider comments from all sources but are not bound by them.

B. Exterior Materials & Colors:

1. **Exterior material(s)** of all structures shall be limited to cementitious finish, wood, brick, decorative textured concrete block, stone, or seamless vinyl siding. No simulated or artificial materials shall be allowed. No aluminum siding nor mill finished aluminum windows, doors, or pool structures shall be permitted. Exterior colors and textures that, in the opinion of the ARB would be inharmonious shall not be permitted. The color of the roof and roof detail, exterior walls, doors, trims, soffit and fascia must be harmonious, as these are integral to the exterior scheme of the residence. Bright colors, with the exception of white, as the dominant color of the residence are prohibited. The ARB shall have final approval of all exterior color plans. Each Owner must submit a color plan and a materials sample board, (including stucco, fascia, soffit, decking, pavers, roof tile, and any building highlights, etc.), to the ARB prior to any modification.
2. **Roofs** - Minimum roof slope shall be 6:12. The composition of all roofs shall be cement or clay tile, wood shake or shingle, slate, metal standing seam, asphalt, fiberglass, or composition material shingles. However, asphalt, fiberglass or composition shingles shall have a minimum guaranteed life of 25 years, be in dimensional form and contain a fungus retardant. No built-up roofing or single-ply membrane roofing shall be permitted, except for small transitional areas as specifically approved by Architectural Review Board.
3. **Driveways** shall be exposed aggregate concrete, cement or tile pavers, or stamped/colored concrete, all as approved by ARB. Sidewalks within the front yard utility easement shall be poured reinforced concrete. Any proposed decorative treatment of driveways shall be incorporated into the improvement plans.
4. **Accessory structures**, storage sheds, pool cabanas, and similar structures shall be constructed of the same materials and colors, and be of the same general architectural style as the dwelling and structurally linked to the dwelling.
5. **Decks** – Decks must be located at the rear of the house. The configuration, detail, and railing design of a deck should relate harmoniously with the architectural style of the house. Wood decks must be constructed with rot-resistant wood and in many cases, may be left to weather naturally. In some instances the ARB will require that the decks be stained to coordinate with the neighborhood design or to help integrate the deck with the house. If decks are stained, the color must relate to the colors of the house.

A skirt board must be constructed and landscape planting should be provided to screen structural elements as well as soften the structure visually.

Decks have a significant impact on the appearance of a house and may also affect the privacy and right of enjoyment of adjacent residents. With this in mind the foregoing factors are carefully considered in the review of decks.

C. Swimming pools, spas/hot tubs, and play equipment -

1. **Swimming pool design** and construction details must be submitted for review and approval by the ARB. Details pertaining to privacy or visual separation must be included in the submittal. All swimming pools must be in ground. Raised decks, spa areas, etc. shall not project more than two (2) feet above the finished grade. Pools shall not be permitted on the street side of the residence.
2. **Spas/hot tubs** shall be located in the rear yard away from adjacent property so that their use, presence, and noise of the mechanical equipment do not adversely affect the use of the adjacent property. They should be an integral part of a deck, patio, or landscaping. Mechanical equipment, pipes, and wiring must be concealed. Spas/hot tubs must be screened from adjacent property and all the understructure of spas/hot tubs set into above ground decks must be screened.
3. **Tennis courts** will not be permitted.
4. **Play equipment** if approved by the ARB, shall be placed in the rear half of the lot. Consideration will be given to lot size, equipment size, material, design, amount of visual screening and relationship to neighboring property. Equipment constructed from natural materials and left to weather naturally is recommended.
5. **Tree houses** are not permitted because of their visibility from neighboring property.
6. **Playhouses**, if approved, must be placed in rear yards within the setback lines of the lot and must be in scale with the size of the existing buildings. Generally, the playhouse must be constructed of natural materials and left to weather naturally or painted with the colors of the residence. Playhouses should be screened by natural vegetation or additional landscaping. Any and all play equipment must be approved by the ARB prior to construction and installation.
7. **Basketball backboards** and similar play equipment must be located so that they are not visible from the street. Portable play equipment is permitted and must be stored completely out of sight (i.e. in the garage) every evening.

D. Windows, doors, awnings, and shutters

1. **Frames** - unfinished aluminum, bright finished or bright plated metal on exterior doors, windows, frames, screens, louvers, exterior trim or structural members shall not be permitted. Metal frames shall be either anodized or electrostatically painted, and must be harmonious with the exterior color and texture of the residence. Wood frames must be painted, sealed or stained.
2. **Screen doors** should not detract from, or alter the appearance of the entryway. The screen door should be painted to match the color of the door it fronts, or, in some situations, painted to match the color of substantial door trim. Screens are prohibited on the front entry doors.
3. **Reflective mirror finishes** on windows is prohibited. Jalousie windows and doors shall not be permitted.
4. **Hurricane shutters**, regardless of the material, are permitted and are to be removed within 48 hours after the threat of a hurricane has passed.
5. **Awnings, canopies, and shutters** shall not be permitted or affixed to the exterior of the residence without prior approval of the ARB. Awnings must have a straightforward design and be consistent with the architectural style and scale of the residence to which they will be attached. The color of the fabric must be compatible with the existing building colors, and any exposed frames must be painted to match the trim or the dominant color of the building. If the awning is removed, any and all exposed frames supporting the awning must be removed as well. Metal, vinyl or other plastic fabric shade material will not be permitted. Shutters that are functional and operational will be allowed on a case by case basis. Shutters should be properly proportioned and sized to match the windows or doors and shall be installed in pairs. The color should be coordinated with that of the house. ARB approval will depend upon whether the style of the house is appropriate for shutters.

E. Maintenance:

1. Refer to Declaration for provisions regarding maintenance responsibilities and maintenance assessments by the Association.
2. No trash, rubbish, grass clippings, or other refuse shall be kept on any property except in sanitary containers concealed from public view.
3. Each owner shall be responsible for the maintenance of his Lot, including the landscaping, lawn and sidewalks. Each owner shall be responsible for routine mowing and lawn care of any drainage or swale located upon his Lot and shall maintain such lawn or landscaping as may exist in the portion of the street right-of-way adjacent to his Lot between the front line of the Lot and the edge of the curb or paving of the street and to the rear lot line or normal waterline of any lake abutting a Lot. Landscape maintenance shall include but not be limited to the seeding, sodding, mowing and edging of all lawn areas; the pruning and cutting of all trees and shrubbery; the weed removal from all planting beds; and the fertilizing and watering of all plant materials and lawn. All landscape maintenance shall be executed in a manner and with such frequency as is consistent with good property management.

Each owner shall maintain such Lot and improvements at his sole expense. If any Lot becomes unattractive in appearance due to negligence or plant material has become detrimental to adjoining property Owners, the Community Association shall have the right to remedy the condition in question, at the expense of the Owner. In the event this occurs, the Owner of the Lot involved will receive fifteen (15) days notice of the proposed action to be taken, thus allowing time for rectification. The Community Association shall further have the right, upon like notice and conditions, to care for vacant or unimproved property that has become undesirable in appearance, all at the expense of the Owner. All expenses must be paid to the Community Association upon demand. If payment is not received within ten (10) days a lien upon the property will become effective.

Maintenance by the Owner shall further include painting, repair and building surfaces, screening and caging, walks and other exterior improvements. All such maintenance and repairs shall conform to such maintenance standards as established by the Association.

IV. ACCESSORY STANDARDS

A. Mailboxes & House Numbers

All residences are required to include a standard mailbox fixture as designated by the Declarant, to be located per U.S. Post Office requirements. No mailbox, newspaper box or other receptacle of any kind for use in the delivery of mail, newspapers, magazines or similar material shall be of a type other than that which is approved by the ARB. The location of the mailbox must be approved by the Committee

House numbers must be legible, simply designed in an appropriate and of "professional" quality and shall only be affixed to the house. The material and color shall be compatible with the architectural style residence to which they will be attached. The style of the house numbers can not be changed without the approval of the ARB.

B. Mechanical Equipment and Exterior Lighting

- 1. Mechanical equipment**, including, but not limited to, power meters, trash cans, HVAC units, and pool/spa equipment, should be screened from streets and adjacent Lots by a natural screening or wall. Screening may be stucco, decorative textured concrete block, stone or shrubbery at the discretion of the ARB. HVAC units, pool mechanical, or other noise making equipment shall be located away from the bedrooms of adjacent property owners whenever possible.
- 2. Window A/C** -No window or wall air-conditioning units shall be permitted in any building without permission of the ARB. Compressor and fan units for central air-conditioning systems which are located outside of a building shall be walled, fenced, or landscaped so as to be hidden from view.
- 3. Antennae** - No antennae, aerials, or satellite dishes shall be placed on any Lot or affixed to the exterior of any building, nor shall such objects protrude beyond the exterior of any building except as permitted under Federal law.
- 4. Solar panels** not readily visible from the street will be considered and, to the extent possible, should be installed in an aesthetically unobtrusive manner. Solar panels must lay flush on the roof and may not be angled off from the roof. Solar equipment use shall be specially requested through the ARB and will be reviewed on its own merits.

5. Exterior lighting should be incorporated into the overall landscaping and building architecture and be designed to minimize the casting of light into other Lots. All exterior lighting must be approved by the ARB prior to any installation. Each Dwelling shall include wiring for two (2) "coach lights" adjacent to street-facing garage doors and wiring for a post-light between the front yard setback and the facade of Dwelling with the location of the post-light depicted on the drawings submitted for ARB approval.

Proposed exterior lighting shall be detailed on an electrical plan and/or landscape plan identifying wattage, and aiming angle. Exterior lighting, which in the opinion of the ARB would create a nuisance to adjoining property owners will not be permitted. The lighting fixture design must be compatible with the architectural design of the house and be appropriately located. The lights must be directed downward, diffused, shielded, or of low wattage. All exterior lighting shall be buffered from surrounding residences and shall not be directed to any streets or roadways. Colored lighting must be approved by the ARB.

C. Accessory Structures, Decorative Objects, Athletic Play Structures and Signs:

1. All elements such as play houses, tool sheds, dog houses, storage areas, greenhouses, trellis or roofed shade structures, lattice structures, barbecue units, decorative and ornamental yard figures, athletic netting, swing sets, slides, and any other accessory structure, or decorative objects, are subject to ARB approval and shall not be located in the setbacks and shall be located so as not to be visibly obtrusive from streets and adjacent Lots. Additional landscaping shall be used to help screen its view from streets and adjacent Lots.
2. No signs shall be allowed on the property at any time except, as provided in the Declaration and signs required by law or government regulation shall be permitted only to the minimum extent required by subject law or regulation.

All property "For Sale" signs shall meet the requirements set forth in Exhibit 1 appended to the end of these Architectural Criteria.

A flag pole for display of the American Flag only shall be permitted subject to ARB approval of placement and design. No flag pole shall be used as an antenna.

3. Clothes lines shall not be visible from any adjacent property.

D. Fences and Patio Walls;

- 1. Fences** - All fences must be approved by the ARB and must be white PVC. The maximum height limit for fences or patio walls is six feet (6') except as provided for later in this paragraph. Approved fences and patio walls shall be constructed so that there is a "finish side" facing the street or adjacent property and in no event shall any fencing or patio wall be located in front of or attached directly to the front facade of any home. The ARB shall determine in its discretion the appropriate set back from the front facade for any approved fencing or patio wall which is attached to the side of any home. With respect to Lots adjacent to any lake or retention area, fencing may not be closer than twenty feet (20') from the Lot boundary adjacent to said lake and the fencing along said setback line may not exceed forty-eight inches (48") in height. Gates must match the fencing in design, height, and color and shall not exceed five (5) foot in total width, whether it be a single or double gate.

The top of all fences must be maintained level except as required by the Documents. If the ground slopes the fences must be stepped. If there is a horizontal trim piece at the bottom of the fence, it too must be maintained level. Vertical members must be plumb, and generally, the tops of the posts and boards must be in line. Wherever possible, fences should be located so that trees do not have to be removed.

- 2.** Prefab chain link fences generally will not be approved unless screened by white PVC fence or if located in a heavily planted area and painted flat black. The design, materials, and colors shall be complementary to those of the building.
- 3.** All pools not enclosed by screen cage must be fenced with design & materials approved by the ARB. If pool areas are to be enclosed, screened cages are encouraged. The screened cage must not exceed a height above the ridgeline of the roof. No screening of the pool area may exceed a line extended and aligned with the side walls of the dwelling, unless approved by the ARB. All screen framing, doors, door frames, and structural members of enclosures shall be anodized or electrostatically painted a color in harmony with the exterior color and texture of the residence. Green colored screens are prohibited. All design materials and colors with regard to pools and patio decks shall be compatible with the residence constructed upon the Lot and must be submitted for approval to the ARB.

4. Patios must be located within a fully enclosed area, or at the rear of the building. Front and side yard locations will be allowed on an individual basis. Patios must be constructed with natural colored concrete, slate, flagstone, brick or wood, "cool deck", river gravel, poly pebble, or stamped concrete.

V. SITE AND LANDSCAPE DESIGN STANDARDS

A. Plant Material Quality And Quantity:

1. **Intent** - This section will provide basic standards for plant material quality and quantity for each Lot. All plant material shall be of high quality and free from diseases or insects at the time of installation.
2. **Trees** - Proposed trees shall either blend well with the existing trees, or should complement them with an interesting or distinguished character.
3. **Shrubs and Hedges** - Proposed shrubs shall blend well with existing and recently planted shrubs in the neighborhood and shall be of an initial size to accurately portray the design intent of the approved drawings.
4. **Ground covers** - Ground covers shall complement shrub and tree plantings within each Lot.
5. **Sod** - All areas not left in a natural state, and all non shrub and groundcover planting areas, shall be sodded with St Augustine type sod or either the Empire or Emerald variety of Zoysia grass. Sod shall extend from the back of the street paving to all Lot lines. Seeding and/or sprigging are not permitted. Pebbles, sand, rock, plastic sheeting, and similar materials shall not be considered an acceptable alternative to grass, or ground cover.
6. **Mulch** - All shrub and groundcover areas shall be mulched with a two inch (2") minimum layer of shredded bark, bark nugget or pine straw mulch or light weight rock. Light weight rock shall in no event exceed thirty percent (30%) of the mulched area on any Lot.

B. Landscape Grading and Drainage

1. **Existing Grades** - Existing grades shall be maintained from the trunk to dripline of existing trees. No mounding shall be done which would result in trapped water around existing vegetation, nor cutting that exposes or damages the root system.

2. **Drainage, Gutters & Downspouts** - All landscape areas shall have positive drainage consistent with the drainage plan for the Subdivision. Gutters and downspouts shall be white, bronze, or painted to match the color of the surface to which they are attached. Storm water must flow in a direction conforming to the approved drainage plan, as originally submitted by the developer to Sarasota County, so as not to affect adjacent property.

C. Irrigation:

1. Intent

- a. Improvements on each Lot shall include an automated watering system.
- b. All landscape areas shall have one hundred percent (100%) coverage including that area between sidewalk, the street curb and front Lot line.

2. Design and Materials

- a. System shall be designed to minimize overspray onto adjacent Lots and paved surfaces and conserve water in an efficient manner.
- b. Irrigation heads in turf areas should be either impact drive, ball drive, gear drive, or spray type pop ups.
- c. The irrigation system shall be operated in an automatic mode by time clock, electric or hydraulic valves.
- d. Sprinkler heads with widely different precipitation rates are not to be mixed on the same zone.
- e. Wells must be approved by the ARB.

EXHIBIT 1



Sign Specifications

Size 10" x 24"

Lettering – Dark Green

Background – 1 shot Ivory

Post Specifications

Post – 2" x 4" x 60"

Color – 1 shot Ivory

A customized sign to these specifications can be purchased from:

Artisan Signs

6111 B Clark Center Rd.

Sarasota, FL 34238

Phone 923-7005

Fax 923-5551

EXHIBIT 1