

EXHIBIT "A"

ARCHITECTURAL REVIEW BOARD PLANNING CRITERIA

1. Building Type and Location. No Building shall be erected, altered, placed, or permitted to remain on any Lot other than one detached single family dwelling not to exceed thirty-five (35) feet in height, with a minimum of two thousand (2,000) square feet of heatable living area, exclusive of open porches and garages, a private and closed garage for not less than two (2) nor more than four (4) cars, and storage room or tool room attached to the ground floor of such garage. Unless approved by the ARB as to use, location and architectural design, no garage, greenhouse, tool or storage room, or any other structure may be constructed separate and apart from the Living Unit, nor can any structure be constructed prior to the the Living Unit. Approval for the location of any Living Unit on a Lot must be obtained from the ARB prior to the laying of a foundation for the Living Unit. In approving such Living Unit location, the ARB will consider a location of a Living Unit on the Lot which disturbs the least number of trees and position the Living Unit on the Lot to its greatest aesthetic advantage.

The exterior color scheme for each Living Unit must be submitted to and approved by the ARB prior to commencement of construction, such scheme to include the color of the roof, exterior walls, shutters, trim, etc.

2. Roofs. Flat roofs shall not be permitted unless approved by the ARB. Such areas where flat roofs may be permitted are Florida rooms, porches and patios. There shall be no flat roofs on the entire main body of a Living Unit. The ARB shall have discretion to approve such roofs on part of the main body of a Living Unit, particularly if modern or contemporary in design. No built up roofs shall be permitted, except on approved flat surfaces.

The composition of all pitched roofs shall be cedar shake shingle, slate or concrete construction, tile or other composition approved by the ARB. All pitched roofs must have at least 6/12 slope, unless otherwise approved by the ARB.

3. Garages. In addition to the requirements stated in paragraph one, all garages must have a minimum width of twenty-two (22) feet for a two car garage; thirty-three (33) feet for a three car garage; or forty-four (44) feet for a four car garage, measured from inside walls of garage. All garages must have either a single overhead door with a minimum door width of sixteen (16) feet for a two car garage or two (2) sixteen (16) foot doors for a four car garage, or two (2), three (3), or four (4) individual overhead doors, each a minimum of eight (8) feet in width, and a service door, if feasible, with said service door facing to either the side or the rear of the Lot. The garages facing the side yard shall be screened from view from the street by landscaping. Garage doors on all Lots or that face either towards a street or the side of a Lot must be constructed entirely of natural wood. Except for corner Lots, garage doors that face the rear of a Lot must be constructed of natural wood, fiberglass, plastic or press wood material. All garage doors shall be equipped with electrical or other self-powered automatic garage door opening devices. On all Lots the garage shall face the side or rear of the lot unless otherwise approved in writing by the ARB. No carports will be permitted.

4. Driveway Construction. All Living Units shall have a paved driveway of stable and permanent construction of at least sixteen (16) feet in width at the entrance to the garage. Unless

prior approval is obtained from the ARB, all driveways must be constructed of brick, concrete or asphalt. When curbs are required to be broken for driveway entrances, the curb shall be repaired in a neat and orderly fashion and in such a way to be acceptable to the ARB.

5. Dwelling Quality and Color. The ARB shall have final approval of all exterior building materials. Eight inch struck joint concrete block shall not be permitted on the exterior of any Living Unit or detached structure. The ARB shall discourage the use of imitation brick or stone for front or side material and encourage the use of front or side materials such as brick, stone, wood and stucco, or a combination of the foregoing on all elevations. If the exterior of the Living Unit is to be stucco, the stucco must be painted after the stucco has been applied. Paint and coloring agent may not be integrated with the stucco and applied. All exterior wood on a Living Unit must be painted or stained with a color or stain approved by the ARB.

6. Signs. No sign of any kind shall be displayed to the public view on any Lot unless approved by the ARB, and then only for the purposes of advertising the house and Lot for sale during and after the construction of the house. After the sale of the house by the builder who constructed it, no "for sale" signs of any kind shall be displayed to the public view on any Lot for whatever purpose, including the resale of the Lot by the then Owner, without ARB approval.

7. Games and Play Structure. All basketball backboards and any other fixed games and play structures shall be located at the side or rear of the Living Unit not visible from the street, or on the inside portion of the corner Lots within the set back lines. Treehouse or platforms of a like kind or nature shall not be constructed on any part of the Lot located in front of the rear line of the Living Unit.

8. Fences and Walls. Composition, location and height of any fence or wall to be constructed on any Lot shall be subject to the approval of the ARB. Chain link fences will not be permitted. The "finished" side of any such fence or wall improved or constructed shall face to the outside of the Lot, so as to be visible as viewed from the property surrounding the Lot upon which same is constructed.

9. Landscaping. A basic landscaping plan for each Living Unit must be designed by a qualified Landscape Architect registered by the State of Florida and must be submitted to and approved by the ARB. Existing trees to be removed should be shown and may not be removed without the prior approval of the ARB. The ARB will require each Living Unit to be extensively landscaped. As a guideline for the required landscaping plan to be submitted to and approved by the ARB, the plan must show landscape improvements costing of Seven Thousand Five Hundred Dollars (\$7,500.00) or five percent (5%) of the total construction cost of the Living Unit constructed on the Lot, whichever amount shall be greater. The required expenditure shall not include the cost of sod or any automatic irrigation system, but may include a credit for the reasonable value of any trees existing on the Lot.

(a) Each Living Unit shall have at least seven (7) shade/citrus trees per Lot, the type to be planted shall be subject to the approval of the ARB and must have ten (10) to twelve (12) foot of height and six (6) to eight (8) foot of spread.

13970 PG3204

(b) Palms, subject to the approval of the ARB, can be substituted for shade trees. However three (3) palms will be required to receive credit for one (1) shade tree.

(c) Large shade trees shall not be planted in locations that would immediately or in the future create a nuisance, seriously shade a pool or screen the view of an adjoining Lot.

(d) The plant material shall not include Ear Tree (*Enterolium Cyclocarpum*), Australian Pine (*Casuarina Equisetifolia*) or Brazilian Pepper (*Schinus Terebinthifolius*).

(e) Irrigation must be provided to the edge of the public right-of-way.

(f) At least one Live Oak Tree (*Quercus Virginiana*), ten (10) to twelve (12) feet of height and six (6) to eight (8) feet of spread, single trunk two (2) inch caliper must be planted on each Lot on South Bay Drive. The location of this tree must be approved by the ARB and, generally, it should be planted within two (2) or three (3) feet of the right-of-way of South Bay Drive.

(g) The Owner of each Lot which is contiguous with any of the Tracts upon which are located sidewalks, shall be required to sod the area between the rear or side property line of the Lot and the sidewalk, to the side (or rear) yard line as extended to such sidewalk. The Owner of the Lot will be required to include such sodded area within its irrigation system and to maintain such area as if it were a part of the Owner's backyard.

10. Swimming Pools and Tennis Courts. Any swimming pool or tennis court to be constructed in any Lot shall be subject to requirements of the ARB, which include, but are not limited to the following:

(a) Composition to be of material thoroughly tested and accepted by the industry for such construction.

(b) The location and construction of any tennis or badminton court must be approved by the ARB.

(c) The outside edge of any pool wall must be at least four (4) feet inside a line which is the extension of the side wall of the Living Unit.

(d) Screening of pools is discouraged but if allowed by the ARB, no screen of the pool area may stand beyond a line extended and aligned with the side walls of the dwelling unit unless approved by the ARB. No pool screening may be higher than twelve (12) feet. Screens must be charcoal or white in color. Materials must be approved by the ARB.

(e) Pool screening may not be visible from the street in front of the dwelling unit.

(f) No overhead electrical wire shall cross the pool. All pool lights other than the underwater lights must be at least four (4) feet from the edge of the pool.

(g) If the backyard surrounding a pool is not fenced, the pool itself must be enclosed by a fence not less than five (5) feet high. Any entrance gate to the backyard or the pool must be constructed with a self-closing latch placed at least forty (40) inches above the ground.

11. Garbage and Trash Disposal. No Lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage and other waste shall be kept in sanitary containers and, except during pickup, if required to be placed at the curb, all containers shall be kept within an enclosure which the ARB shall require to be constructed with each Living Unit. The enclosure shall be located out of sight from the front or side streets and from the adjacent Lot. There shall be no burning of trash or any other waste material.

12. Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any Lot at any time as a residence either temporarily or permanently.

13. Clotheslines. No clotheslines shall be placed on any Lot at any time.

14. Removal of Trees. In reviewing the building plans, the ARB shall take into account the natural landscaping such as trees, shrubs, palmettos, and encourage the builder to incorporate them in his landscaping plan. No trees can be cut or removed without approval of the ARB, which approval may be given when such removal is necessary for the construction or landscaping of a Living Unit. If any tree(s) is (are) removed without the approval of the ARB, the ARB shall have the right to require the Owner, or Builder, to replace, at the expense of the Owner, or Builder, the removed tree(s) with comparable tree(s) approved by the ARB. If the Owner, or Builder, refuses, upon ten (10) days' written notice, the ARB may replace such removed tree(s) and charge the expense thereof to the Owner, or Builder. The ARB may record a lien against the Lot to secure payment of the cost of replacing the tree(s), including administrative costs, legal fees and costs, and costs of architects and/or landscaping architects.

15. Window Air-Conditioning Unit. No window air conditioning units shall be permitted.

16. Sod. Except for the area reserved for the road, the driveways, the walkways, the shrubbery and other garden type plans, all Lots shall be sodded from the back side of the curb of the street that runs in front and/or side of the dwelling unit constructed thereon to the rear Lot line. No bahia or similar grass may be used on any Lot. Improved varieties of St. Augustine or Bermuda grass, zoysia or centipede are acceptable.

All lands forming portions of a public right-of-way between the boundary of a Lot and the pavement installed within the right-of-way shall be sodded by the adjacent and abutting Lot Owner. Also, the Owners of each Lot which is contiguous with any of the Tracts upon which are located sidewalks, shall be required to sod the area between the rear or side property line of the Lot and the sidewalk to the side (or rear) yard line as extended to such sidewalk. The Owner of the Lot will be required to include such sodded area described in this Paragraph within its irrigation system and to maintain such area as if it were a part of the Owner's backyard or side yard. Failure of the Owner to so maintain such area will subject the Owner to the provisions of Article IX, Section 9, "Enforcement of Planning Criteria."

17. Commercial Communication Equipment Prohibited. Use of any communication equipment on any Lot or in any Living Unit including, but not limited to, CB radios, antennas, ham radios, etc., for private or commercial purposes of any kind shall be prohibited.

18. Exterior Antennas. No exterior radio, television or electronic antenna or aerial may be erected or maintained on any Lot; provided, however, that the ARB may grant temporary permission to erect and maintain television antennas to the Owners which cannot be served by existing cable television facilities because of the present unavailability of such facilities and which do not have sufficient space between the roof of such Living Unit and the ceiling immediately below such roof, to install an indoor antenna. Such temporary outdoor antenna must be removed at such time as cable television facilities are available to serve such Living Unit.

19. Exterior Light Fixtures. No exterior lighting fixtures shall be installed on any Lot, without ARB approval. No lighting fixture shall be installed that may be or become an annoyance or a nuisance to the residents of adjacent Living Units.

20. Setback. The Living Unit setback for Lots on Lake Tibet Butler is 100 feet in depth from the lake. Building pads for all habitable structures within the influence of Lake Tibet Butler shall be constructed at a minimum elevation of 104 feet. No fill is to be placed lakeward below the 101 foot elevation of those areas abutting the lake. Lots adjacent to Lake Tibet Butler shall be improved so that no more than a minimum of 20% of the shoreline vegetation shall be removed. No shoreline alterations shall be permitted.

21. Vehicles and Repairs. The parking of any unsightly vehicles as determined from time to time by the ARB or commercial vehicles, which description shall include, but not be limited to trucks, truck-tractors, semi-trailers and commercial trailers, as well as the parking of any travel or recreation trailers, including self-propelled or those towed, as well as any mobile homes, at any time on driveways or otherwise on any Lot or on the public streets of the Subject Property, is prohibited except for loading or unloading purposes or when parked entirely within a garage permitted to be built under the provisions of these restrictions. Although boats and/or boats and boat trailers may not be parked at any time on driveways or otherwise on any Lot or on the public streets of the Subject Property, they may be stored within the garage or behind a screened wall of a minimum height of six (6) feet, which storage and screen, however, must be located no closer to the front Lot line than a line paralleling the front building wall of the Living Unit. There shall be no repair, except emergency repair, performed on any motor vehicle on or adjacent to any Lot in the Subject Property. It is acknowledged and agreed by all Owners that by purchasing said Lot that a violation of any of the provisions of this paragraph shall impose irreparable harm to the other Owners. Said Owners further agree that a reasonable assessment of such damages would be Fifty and No/100 Dollars (\$50.00) for each day that such violation occurs after notification by a duly elected representative of the Association. Said Owners further agree that said Association is the appropriate party to enforce this paragraph and to whom said damages shall accrue, which damages shall then be used for the benefit of all Lot Owners.

22. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat, or as hereinbefore granted by the Developer and at this time a part of the Public Records of Orange County, Florida. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of low or drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements, or which are or might be prohibited by the public authority to whom said easement is given.

The easement area of each Lot and all improvements in it shall be maintained continuously by the Owner of the Lot, except for those improvements for which a public authority or utility company is responsible.

23. Air-Conditioning Units, Pool Equipment, Irrigation Pumps, etc. No air-conditioning units, either central or wall units, pool equipment, irrigations pumps, pool heaters, or other mechanical equipment shall be placed on the front of any Living Unit. If such equipment is placed to the side or rear of any such Living Unit but is still visible to or from any public street, bikeway, or adjacent Living Unit, it shall be permissible to so locate such equipment if the same is screened with a permanent type of building material and cannot be seen from any street, bikeway, or adjacent Living Unit, from any angle.

24. Chimneys. Any exposed portion of a chimney outside of the Living Unit shall be constructed solely of brick, stone, stucco or wood. If the fireplace is a metal (self insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have a cowling or surround made of a material approved in advance in writing by the ARB.

25. Mailboxes. No mailbox or paperbox or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected on any Lot unless and until the size, location, design and type of material for said boxes or receptacles shall have been approved by the ARB. If and when the United States Mail service or the newspaper or newspapers involved shall indicate a willingness to make delivery to wall receptacles attached to the Living Unit, each Owner, on the request of the ARB, shall replace the boxes or receptacles previously employed for such purpose or purposes with wall receptacles attached to the Living Unit.

26. Windows. All windows in Living Units must be either wood or aluminum with the color of the finish being either bronze or white. No steel or aluminum awning or casement windows shall be permitted. No mirrored glass finish shall be permitted in windows.

27. Sight Distance at Intersections. No fence, wall, hedge or shrub planting which obstructs sight lines and elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner from the intersection of the Lot lines extended. The same sight-line limitations shall apply on any Lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-line.

28. Utility Connections. All house connections for all utilities including, but not limited to, water, sewerage, electricity, gas, telephone and televisions shall be run underground from the proper connecting points to the dwelling structure in such manner to be acceptable to the governing utility authority.

29. Must have Dock for Boats. Owners of a lakefront Lot must keep their power boats at a dock, the location and design of which must be approved by the ARB. No power boat may be pulled upon the lakeshore overnight. An Owner may store no more than a canoe or small non-power boat or sailboat on the lakeshore so long

as such storage does not detract from the overall aesthetics of the lakeshore area.

30. Trade or Business or Obnoxious Activities. No trade or business or obnoxious business or offensive activity shall be carried on upon any Lot or Living Unit nor shall anything be done thereon which may be or may become an annoyance to the neighborhood.

31. Storage of Construction Materials. No lumber, brick, stone, cinder block, concrete or any other building materials, scaffolding, mechanical devices or any other thing used for building purposes shall be stored on any Lot except for purposes of construction on such Lot and shall not be stored on such Lots for longer than that length of time reasonably necessary for the construction in which same is to be used.

32. Invalidation of Individual Criteria. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

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RECORDED & RECORD VERIFIED

Thomas H. Locke
County Comptroller, Orange Co., FL