

Ponte Vedra by the Sea Homeowners' Association

Architectural Review Board

Policies and Procedures

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1835 North Third Street
Jacksonville Beach, Florida 32250

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The Architectural Review Board

The Architectural Review Board is established by the Covenants *"In order to preserve the beauty and aesthetic design of the Development and to promote the value of the Development"*(Article VI, §1). *"The Board of Directors shall establish the Architectural Review Board (the "ARB"), which shall consist of at least three (3) members who may or may not be members of the Board of Directors. Each ARB member shall be appointed for a one (1) year term commencing with the fiscal year of the Association and may be removed, with or without cause, by the Board of Directors at any time by written notice, with successors appointed to fill such vacancy for the remainder of the term of the former member"* (Article VI, §2)

Purview

"No construction, modification, alteration or other improvement of any nature whatsoever, except for interior alterations not affecting the external structure or appearance of any House, shall be undertaken on any Lot unless and until a plan of such construction or alteration shall have been approved in writing by the ARB. Modifications subject to ARB approval specifically include, but are not limited to, painting or other alteration of a House (including doors, windows and roof) installation of solar panels or other devices; construction of fountains, swimming pools, whirlpools or other pools; construction of privacy fences; additions of awnings, shutters, gates, flower boxes, shelves, statues or other outdoor ornamentation; installation of patterned or brightly colored internal window treatments; any alteration of the landscaping or topography of the Lot, including without limitation any cutting or removal of trees in excess of eight (8) inches in diameter at breast height, - planting or removal of plants; creation or alteration of lakes, marshes, hammocks, lagoons or similar features of the Property; and all other modification, alterations or improvements visible from Common Areas or other Lots" (Article VI, §3)

"The ARB is authorized to retain the services of consulting architects, landscape architects, urban designers, engineers, inspectors, contractors and attorneys in order to advise and assist the ARB in performing functions as set forth herein." (Article VI, §2)

"The ARB shall establish and collect a fee sufficient to cover the expense of reviewing plans and related data and to compensate any consulting architects, landscape architects urban designers, inspectors or attorneys retained in accordance with the terms hereof. The ARB or Board of Directors shall have the right to increase the amount of this fee from time to time." (Article VI, §4, ¶G)

A building permit application for work on a property in the Development must have ARB approval before it will be issued by Saint Johns County

Procedures

Meetings

"The ARB shall meet at least monthly at such places as may be designated by the Chairman of the ARB. A majority of the members shall constitute a quorum for the transaction of business, and the affirmative vote of the majority of those present in person or proxy shall constitute the action of the ARB on any matter before it." (Article VI, §2)

Because of the ARB role in the county building permit process, meetings are subject to the Florida Sunshine Law. A notice of a meeting must be posted and it must be open to the public.

Approval Process

"The plans to be submitted to the ARB for approval shall include:

- (i) two copies of the construction plans and specifications, including all proposed landscaping,*
- (ii) an elevation or rendering of all improvements,*
- (iii) a tree survey of the Lot which shows the proposed location of all improvements, and*
- (iv) such other items as the ARB may deem appropriate."* (Article VI, §4, ¶B)

"One copy of such plans, specifications and related data so submitted shall be retained in the records of the ARB, and the other copy shall be returned to the owner marked "Approved" or "Disapproved." (Article VI, §4, ¶C)

"Approval shall be granted or denied by the ARB based upon compliance with the provisions of this Declaration, the quality of workmanship and materials, harmony of external design with surrounding structures the effect of the improvements on the appearance from surrounding areas, and all other factors, including purely aesthetic considerations which, in the sole opinion of the ARB, will affect the desirability or suitability of the construction. The ARB shall have the sole discretion to determine whether plans and specifications submitted for approval are acceptable. In connection with approval rights and to prevent excessive drainage or surface water run-off, the ARB shall have the right to establish a maximum percentage of a Lot which may be covered by dwellings, buildings, structures or other improvements, which standards shall be promulgated on the basis of topography, percolation rate of the soil, soil types and conditions, vegetation cover and other environmental factors.

Following approval of any plans and specifications by the ARB, representatives of the ARB shall have the right during reasonable hours to enter upon and inspect any Lot and House, or other improvements, with respect to its construction as underway to determine whether or not the plans and specifications therefore have been approved and are being complied with. In the event the ARB shall determine that such plans and specifications have not been approved or are not being complied with, the ARB in the name of the Association, or any Owner, shall be entitled to enjoin further construction and to require the removal or correction of any work in place which does not comply with approved plans and specifications." (Article VI, §4, ¶D)

“Approval or disapproval of applications shall be given to the applicant in writing by the ARB in accordance with its procedures. In the event that the approval or disapproval is not forthcoming within forty-five (45) days after complete submittal has been made to the ARB, unless an extension is agreed to by the applicant, the application shall be deemed approved and the construction of the improvements applied for may be commenced, provided that all such construction is in accordance with the submitted plans, and provided further that such plans conform in all respects to the other terms and provisions of this Declaration.” (Article VI, §4, ¶E)

Following Approval

“After approval by the ARB, the proposed improvements must be substantially commenced within six (6) months, or approval must once again be obtained from the ARB as provided herein. Once commenced, the construction must proceed diligently. The exterior of any House and the accompanying landscaping shall be completed within nine (9) months from commencement unless the ARB allows an extension of time.” (Article VI, §4, ¶F)

Appeals

“Any Owner may appeal an adverse decision of the ARB to the Board of Directors, who may reverse or modify the decision of the ARB by the unanimous vote of the Directors.” (Article VI, §5)

Requirements of Covenants

Article VI. Architectural Control

Section 4

- (a) The exterior of all Houses constructed on the Property shall be of brick or stucco construction. All roofs shall use thirty year shingles unless otherwise approved by the ARB.

Article VII. Use of Property

Section 1.

- (a) Nothing shall be erected, constructed, planted or otherwise place on a parcel in such position so as to create a hazard upon or block the vision of motorists upon any of the Common Roads. No modification, alteration or improvement shall interfere with those easements or other rights set forth in this Declaration or on any recorded plat of all or any portion of the Property.
- (b) No House or other structures shall be constructed on a Lot which has a height exceeding 35 feet above the elevation of the finished surface of the first floor of such dwelling. All Houses constructed on Lots shall have a minimum of 1800 square feet of heated and air conditioned living space.
- (c) Each House shall be located on the Lot in the following manner:
 - (i) not nearer than 20 feet (20') from the front Lot line;
 - (ii) not nearer than 10 feet (10') from the rear Lot line;
 - (iii) not nearer than 5 feet (5') or the minimum set-back permitted by law, whichever greater, to any side lot line.
 - (iv) All corner Lots shall be deemed to have two front lot lines, one side line and a rear Lot line. The rear Lot line shall be the Lot line located behind the rear of the House.
- (d) All garbage receptacles, fuel tanks, gas and electric meters, air conditioning equipment, and materials, supplies and equipment which are stored outside must be placed or stored in such a way to conceal them from view from Common Roads and adjacent properties. Any such visual barrier may consist of either fencing or landscaping and planting which is approved by the ARB in accordance with the terms of this Article.
- (n) No **obstruction of visibility of street intersections** shall be permitted. The ARB shall have the right to adopt additional restrictions concerning the height and type of treed and shrubs within any of the Lots.
- (q) No **exterior radio or television antenna, satellite dish or other receiver** or transmitting device or any similar exterior

- structure or apparatus may be erected or maintained on any Lot unless adequately screened from view as determined by the ARB.
- (r) **Air conditioning units** shall be shielded and hidden so that they are not readily visible from the Common Areas or adjacent Lots. **No window air conditioning units** shall be installed in any House.
 - (s) No **structure of a temporary character, trailer, tent, shack, barn, shed** or other **outbuilding** shall be permitted on any Lot at any time, other than:
 - (i) Cabanas appurtenant to a swimming pool, detached garages and gazebos as approved by the ARB;
 - (ii) Temporary structures installed by Developer during the initial construction period;
 - (iii) Temporary structures on any Lot during the period of actual construction on that Lot. Such structure shall be reasonably neat in appearance, no larger than eight feet (8') by ten feet (10') and shall be placed on the Lot no further forward than the main residential building; and Tents or other temporary structures for use during social functions.
 - (t) No **septic tanks or individual wells** shall be permitted on any Lot within the Property other than wells for heat transfer systems of heating and air conditioning units, to the extent such wells are permitted by law and the ARB. No Owner shall obstruct or make any modification or alteration of any irrigation system without the prior approval of the ARB.
 - (u) No **visible fuel or gas storage tanks** may be affixed on any Lot. Notwithstanding this, an owner may keep and maintain a small gas tank for gas barbecues and fireplaces in an area of his Lot as specifically approved by the ARB.
 - (y) On all Lots, no healthy **trees** larger than twelve inches (12") in diameter at a height of four feet (4') above ground level may be removed outside of the building zone of ten feet (10') from the House without the approval of the ARB.
 - (z) All **mailboxes** and **name signs** for such mailboxes must be approved by the ARB.
 - (bb) No fences shall be erected without approval by the ARB. The ARB shall have the right to approve the material used and the location of all such fences, however, no chainlink fences or other metal fences of any kind shall be permitted.
 - (ee) No **construction activity**, other than work to be performed on the inside of a House which is closed in, nor delivery of construction materials, shall be permitted between the hours of 7:00 p.m. and 7:00 a.m. of the following day.

ARB Guidelines

Fences

The minimum standards for the fences are:

Privacy Fences

- Privacy Fences shall be between 6' – 8' tall.
- Panels will be constructed of cypress or pressure treated pine.
- Construction will comply with the normal shadow box design as depicted below in diagram B. The wood will be kept in natural color with the use of stain or bleach.
- Paint is not permitted.
- A corner post visible from the street in front and for corner lots the front and rear corner post visible from the front and side street will be a masonry post. The outer surface of the post will match the exterior of the house. The post will be twelve inches (12") by twelve inches (12") and will be approximately four (4") inches higher than the top of the fence panel.
- See diagram A.

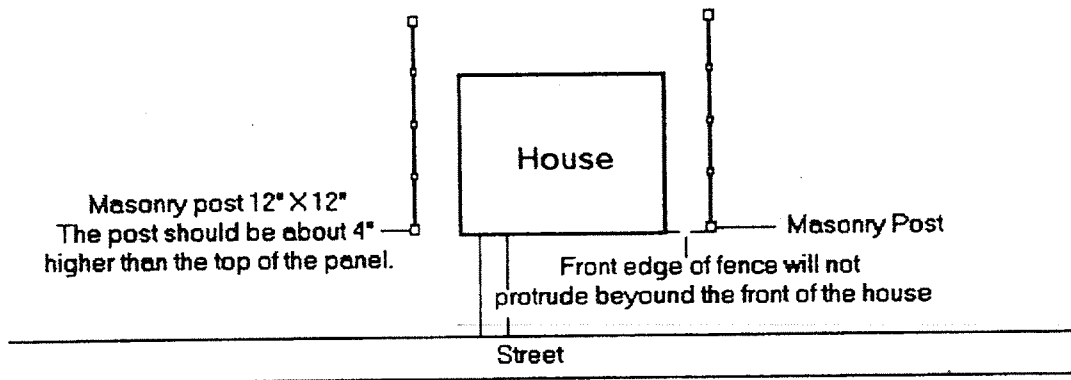


Diagram A

Decorative Fences

- Decorative Fences shall be between 4' – 6' tall.
- Panels will be constructed of aluminum or vinyl and be either black or white.
- Examples of acceptable styles are show in diagram B.

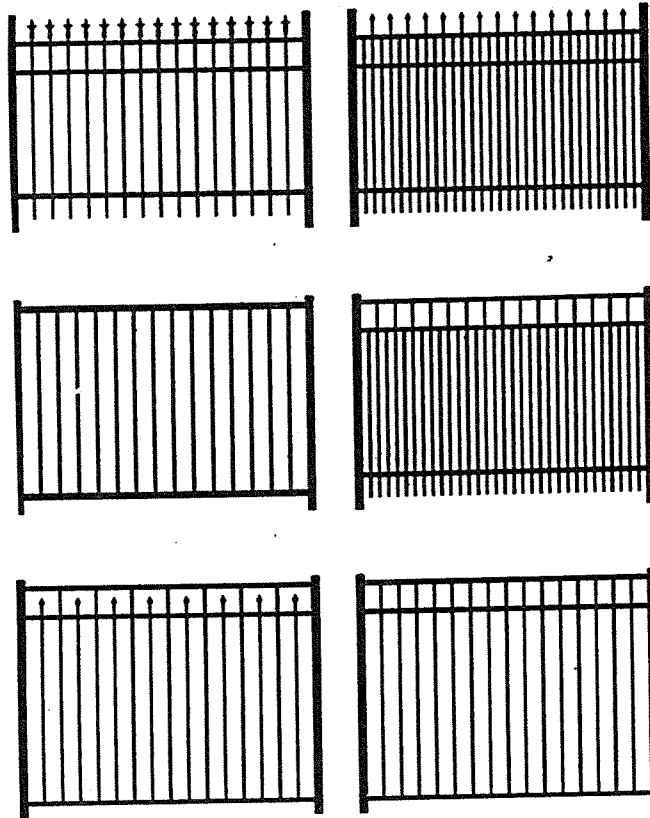
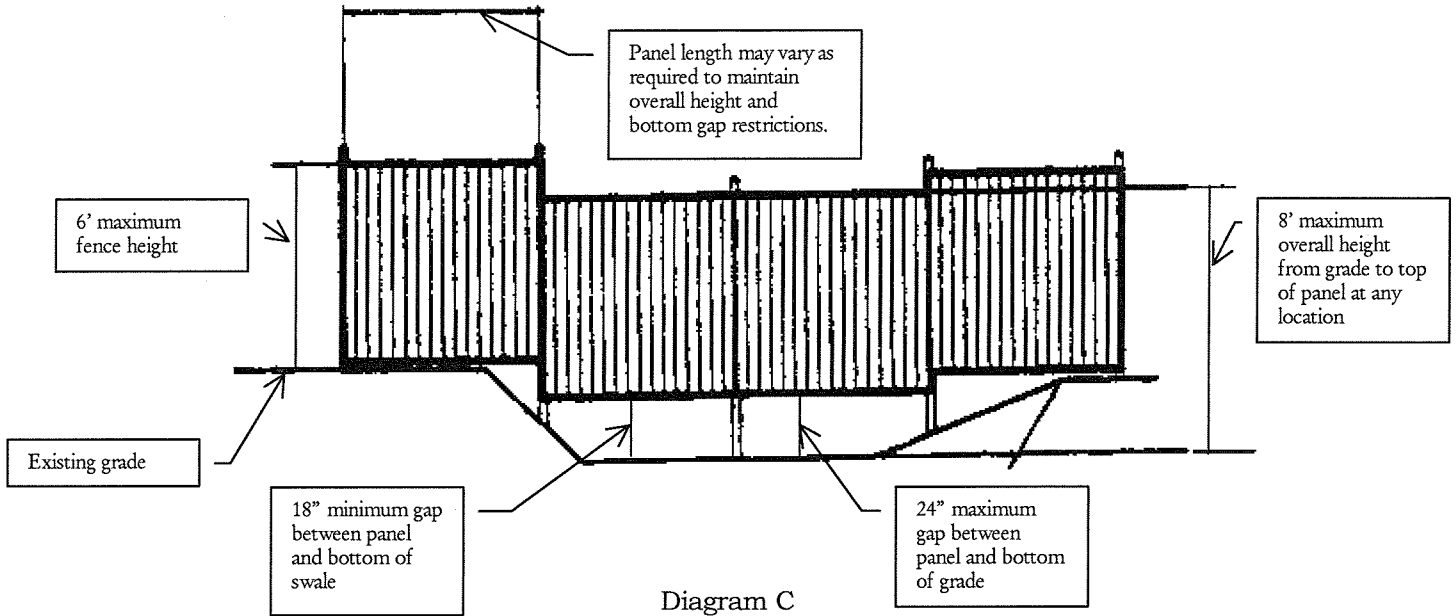


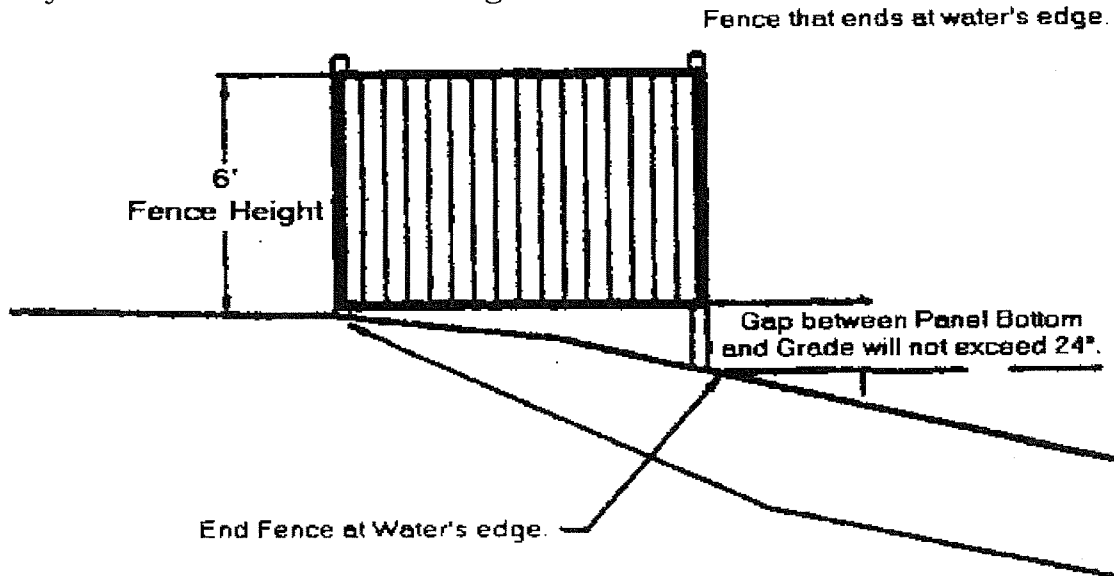
Diagram B

- Panels will not exceed eight feet (8') in length.
- No portion of a section/panel will exceed a height of eight feet (8') from grade.

- If the lay of the ground is such that a part of a section/panel will exceed the height of eight feet (8') level, the panel and the swale bottom will be twenty-four inches (24"). See diagram C.
- If there is a swale, the minimum distance between the bottom of the panel and the swale bottom will be eighteen inches (18") and the maximum distance between the bottom of the panel and the swale bottom will be twenty-four inches (24"). See diagram C.



- Fences will not be built into or over lakes, ponds or other year round bodies of water. Construction will stop at the water's edge as determined by normal water level. See diagram D.



Flagpoles

Flagpoles must be in good condition and set firmly in the ground, and not exceed the maximum height of the home. All flagpoles installed after January 31, 2000 must be approved by the ARB prior to installation.

Additions

- will be constructed using like material of the major part of the house
- will have a roofline that blends into the main part of the house
- Any addition that has a knee wall visible from the street or adjacent property must be landscaped to conceal the knee wall.

Water Features

A water feature is defined as any installation on property in which water is held, circulated or otherwise utilized. A water feature may be pond, waterfall or combination of both. A swimming pool is not considered a water feature for the purpose of this guideline.

- No water feature may exceed eighteen inches (18") in depth, more than sixty-eight inches (68") in width and greater than ninety-two inches (92") in length.
- All in-ground installations may not have an elevation greater than six inches (6") above the grade of the lot before installation.
- No waterfall structure may be higher than three feet (36") above the grade of the lot before installation.
- All water features must have a circulating pump with enough capacity to meet the requirements of the installation. The completed Architectural Request Form must include the gallons per hour (gph) of the pump.
- In the event the water feature becomes inoperable, irreparable, or abandoned the owner of record must remove the feature and restore the lot, original ground cover and grade to the original condition before installation.
- The description of all water features must include the finished pond size (length, width and depth), capacity, perimeter, surface area and pump size stated in gallons per hour. A sample of the color of liner and/or stones must be included with the request.

Outside Lighting

Light poles, sidewalk lighting, flowerbed lighting, etc. installed after January 31, 2000 will require ARB approval.

Items not normally requiring ARB Approval

The following items will not require specific ARB approval, unless it is determined that a homeowner is violating the intent of the guidelines, or there are specific complaints to the Homeowners.

Basketball Goals

No permanent basketball goals will be approved. Basketball goals will be located on the interior side of the driveway, and located such that play will be confined to the owner's property excluding common areas such as streets. Goals and nets must be kept in good repair. Play must not cause a nuisance.

Birdbaths

Birdbaths must be unpainted or subdued color, or natural stone color. Size is not to exceed three feet in height or 24 inches in diameter.

Bird Feeders and Bird Houses

Bird feeders and bird feeders must be limited to no more than one visible from the front of a home. Size not to exceed 12" X 12" X 12", and it must blend with existing landscaping.

Chairs and Tables

Decorative (wood benches, wrought iron or cement) tables, chairs and benches are allowed. No temporary (for example, plastic) chairs or tables will be in view from the street in front of the home.

Decorations

Any decoration on the exterior of the home must be in good repair and good taste. Holiday decorations must be removed from the exterior of the house within a timely manner after the holiday.

Dog Houses and Lawn Sheds

These are considered temporary structure and are not allowed.

Electronic Pet Fences

Electric pet fences (fence that is buried) will be at least five (5) feet from any property line and do not require an application.

Exterior Mounted Plaques or Name Plates

A limit of two name Exterior Mounted Plaques or Plates must be in good condition and not offensive.

Flags

Flags must be in good condition (not frayed nor faded) and limited to one flag visible from the front of the home. No business advertising flags are allowed.

Landscaping

Landscaping must blend with the landscaping of the neighborhood and kept in good repair. Annuals must be in good taste and blend with existing landscaping.

Lawn Hammocks

Hammocks must be located in the rear of the home and not visible from the street. Hammocks visible from adjacent homeowner and common sites must be in good repair.

Lawn Play Equipment

Lawn play equipment must not be visible from the street. No equipment will be erected or used that will increase the rate of insurance for any other lot, or will result in cancellation of insurance for the lot or any other lot. Play on this equipment will not create a nuisance

Statues

Statues must be unpainted or subdued color or natural stone color. Size will not exceed three feet in height and/or have a base no larger than twelve inches (12") by twelve inches (12 ") or twelve inches (12 ") in diameter. They will be limited to two, which are visible from the street in front or the street to the side of the home for a corner lot.

Windmill/Pinwheels

These items will not be visible from the street.

Window Treatments

Brightly colored or patterned internal window treatments will be in good taste and in harmony with the neighborhood.