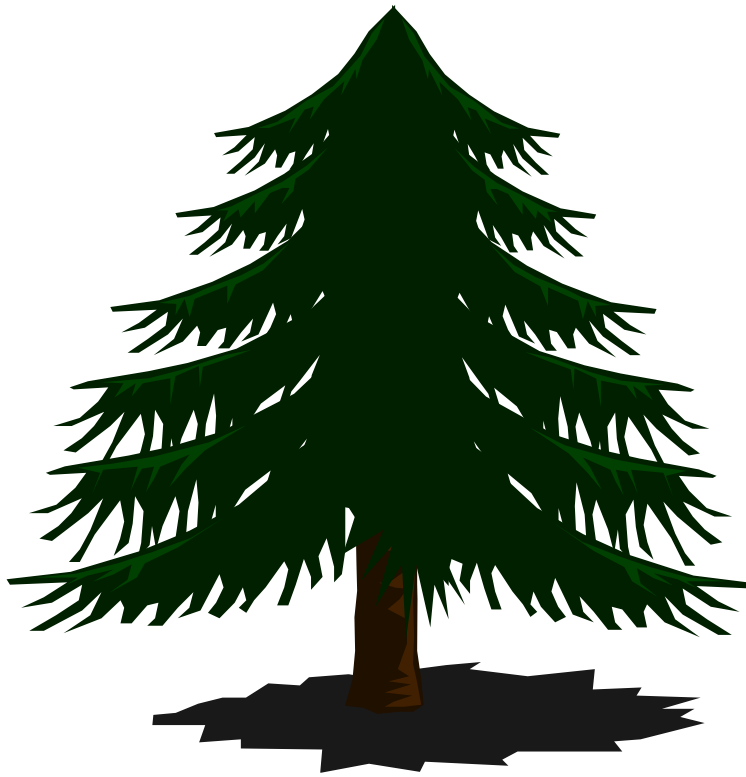


CYPRESS CREEK

Design Review Guidelines



February 2022

Cypress Creek Design Review Guidelines – February 2022

Revision Log

<u>Paragraph number</u>	<u>Title</u>	<u>Revision Date</u>
2.6.1	Costs of Review	December 2003
4.12.2	Construction Timetable	August 2004
4.13.2	Improvement Projects	August 2004
5.3.4	Roof Overhang	April 2004
5.4.2	Building Type and Dimension	October 2003
5.4.3	Setbacks	March 2003
5.5.4	Garages and carports	April 2004
5.6.1	Exterior equipment	October 2003
6.2.1	Landscape Plan –Foundation	August 2004
6.2.2	Tree Requirements	August 2004
6.2.3	Sodding	August 2004
6.2.4	Irrigation	August 2004
7.3.1	Maintenance of Property	August 2004
7.3.4	Maintenance of home	August 2004
8.0	Enforcement of Rules	November 2003
4.9.2	Boats, trailers, RV parking	February 2005
7.8.1	Fencing on lakefront lots	August 2005
8.2.1	Identification of Construction Violations	August 2005
8.3.1	Identification of Rules Violations	August 2005
8.4.1	Maximum fine per day – Initial Letter	August 2005
8.4.3.8	Hearing Procedures	August 2005
8.5	Maximum fine per day- Template	August 2005
8.6	Maximum fine per day – Notice of Hearing	August 2005
4.8.1	Fences	October 2005
3.1.1	SCPM Address Change	March 2006
8.5	SCPM Address Change	March 2006
8.6	SCPM Address Change	March 2006
2.1.4	ARC Meetings	April 2006
3.1.1	Review Package Submission	April 2006
4.12.2	Outbuilding Construction Timetable	April 2006
5.3.4	Roof Overhang Clarification	April 2006
7.2	Signs and Flags	April 2006
8.3.1	Walkthrough participants	June 2011
8.3.1	Sending Courtesy Letter	June 2011
8.4.4	Clarification of possible fines	June 2011
8.5	Courtesy Letter/Response Form Template	June 2011
8.8	CRC Minutes Clarification	June 2011
5.9.1	Driveway Finishes	April 2012
8.5	Change SCPM to Leland Management	March 2013
8.6	Change SCPM to Leland Management	March 2013
8.7	Change SCPM to Leland Management	March 2013
7.7	Parking on rights-of-way and streets	June 2013

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Revision Log (continued)

<u>Paragraph number</u>	<u>Title</u>	<u>Revision Date</u>
5.13	Long Term Storm Shutters	August 2014
5.4.3(b),(c)	Clarification – Corner Lot Setbacks	December, 2014
5.6.1	Exterior Equipment Screening	December, 2014
8.5	Clarification – Management Company	December, 2014
8.6	Clarification – Management Company	December, 2014
8.7	Clarification – Management Company	December, 2014
4.9	Temporary Parking – Boats and RVs	June, 2015
4.12.1	Clarification -Owner/Builder Restriction	June, 2015
3.6.6	Clarification -Owner/Builder Restriction	June, 2015
2.6.1	Costs of Review	October, 2016
4.8.1	Fences/Walls	October, 2016
5.5.2	Garage Screens	December, 2016
5.5.5	Storage Structures and Workshops	December, 2016
Appendix C	Clarification–Application for Home Improvement	December, 2016
Appendix C	Revision -Application for Home Improvement	April, 2018
4.9.2	Clarification – Storage of Commercial Vehicles	June, 2019
5.11	Clarification – Mailbox Style	June, 2019
7.7.2	Clarification – Parking of Vehicles	June, 2019
4.8	Clarification – Fencing Restrictions	October, 2019
Exhibit A	Clarification – Drawings consistent with 4.8	October, 2019
5.9	Clarifying Driveway Surfaces	July, 2020
5.7	Clarifying Solar Device Installation	July, 2020
6.2.2	Clarifying Definition of Shade Trees	July, 2020
7.2	Revising Requirements for Flags and Signs	October, 2020
5.5.1	<i>Clarifying Garage Door Dimensions</i>	<i>December 2021</i>
5.5.3	<i>Clarifying Garage Square Footage</i>	<i>December 2021</i>
5.5.4	<i>Clarifying Detached Garage Prohibition</i>	<i>December 2021</i>
5.5.5	<i>Storage Structure Materials & Breezeways</i>	<i>December 2021</i>
5.5.6	<i>Garage Use for RV Storage</i>	<i>December 2021</i>
4.8	<i>Fence Colors and Styles</i>	<i>December 2021</i>
Exhibit A	<i>Clarification-Drawings Consistent with 4.8</i>	<i>December 2021</i>
Appendix D	<i>Update to OBC Statement</i>	<i>December 2021</i>

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1.0 INTRODUCTION - An Overview of the Design Review Process at Cypress Creek

The purpose of these guidelines is to help maintain the high standards of development of Cypress Creek.

The following written criteria are intended to convey an overall design theme from which a more detailed design solution can be prepared. This document, together with the Declaration of Covenants and Restrictions, and the Architectural Review Committee (ARC) have been structured to assist owners, architects and contractors understand the unique character and theme of Cypress Creek and how to design a home which will be in harmony with this strong architectural setting.

2.0 Establishment of the Architectural Review Committee

2.1 Function and Establishment

2.1.1 The Architectural Review Committee (ARC) has been established to review the design, construction, and modification of homes within Cypress Creek and to ensure that post-construction home and yard maintenance adheres to the Covenants and Guidelines.

2.1.2 The ARC shall approve, in writing, the following:

- a. The removal of existing trees.
- b. New construction or the expansion or modification of existing improvements.

2.1.3 The ARC may recommend to the Board of Directors enforcement of the Covenants or Guideline rules in regard to ongoing home and yard maintenance.

2.1.4 No improvement at Cypress Creek shall commence nor shall any change or addition be made to any existing improvement until complete plans and specifications, in such form and detail as the ARC may deem necessary, shall have first been submitted to and approved in writing by the ARC.

2.1.5 All actions of the ARC shall be consistent with purpose and intent of these Guidelines. The ARC or its representative may, at any time, inspect any Improvement to determine whether construction, use, and or operation and maintenance of that improvement conforms to the plans and specifications approved by the ARC. The ARC will coordinate inspection of additions or modifications to existing homes with the owner.

2.1.6 Subject to the standards as set forth in the Declaration, the ARC may recommend to the Board of Directors variances from the provisions of these Guidelines when, in the opinion of the ARC, a variance is justified due to functional, aesthetic, unusual, and/or unforeseen circumstances. All recommended variances must be approved by the Board of Directors, and must be evidenced by a written instrument and attached to a copy of the plan(s) approved by the ARC. If a variance is granted, no violation of these Guidelines shall be deemed to have occurred.

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2.2 Membership

- 2.2.1 The ARC shall consist of no less than three (3) members and no more than five (5) members: The Chairman and up to four (4) other members.
- 2.2.2 The ARC also may include up to two (2) associate members, any or all of whom may be authorized to attend such meeting as the Chairman of the ARC shall specify, and to participate in any discussion at such Meetings, but not to vote on any matter.
- 2.2.3 The Board of Directors shall be the Appointing Authority and shall appoint all members (regular and associate) of the ARC, and shall have the right to remove any and all members from the ARC at any time. In the event one of the members of the ARC resigns or is no longer able to serve as a member, the Board shall appoint a new member of the ARC so that there will continue to be a minimum of three (3) members. The Appointing Authority may also appoint staff and consultants to the ARC including, but not limited to, architects, planners, engineers, attorneys, and other individuals whose knowledge or skills will assist the ARC in individuals whose knowledge or skills will assist the ARC in carrying out its functions.
- 2.2.4 Each Member of the ARC, regular, or associate, shall hold office from the date of his/her appointment until January 31 of the succeeding calendar year or until such time as he/she has resigned or has been removed or a successor has been appointed, whichever occurs sooner. As of January 31 of each year, the Appointing Authority shall review the composition of the membership of the ARC and shall either reappoint any or all of the members and/or shall appoint one or more new members.

2.3 Voting

- 2.3.1 Actions taken by the ARC shall require a majority of voting members present at the meeting. Voting need not occur at a meeting of the ARC but may take place through polling of members in writing or over the telephone or by other means of communication.

2.4 Meetings

- 2.4.1 The ARC shall meet on a regular basis to perform its duties. The ARC shall determine the time, place and frequency of ARC meetings. The chairman of the ARC shall provide for reasonable notice to each member of the ARC prior to any meeting, setting the place and time of said meeting. The time and place of ARC meetings shall be posted in a conspicuous place on the Cypress Creek property 48 hours in advance in order to notify interested homeowners.
- 2.4.2 Applicants have the right, upon request, to appear before the ARC at its meeting to explain and answer questions about their submittals. The ARC may request for an applicant to appear before the ARC at its meeting if the ARC determines that such an appearance is necessary. The ARC reserves the right to designate one or more of its members to take action or perform duties on its behalf.

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2.5 Reply and Communications

- 2.5.1 Within the time frame set forth for each step in the design review and approval process, the ARC shall respond to the submittal in writing in one of the following ways:
- a. Approved as submitted.
 - b. Approved with conditions.
 - c. Deferral of action pending receipt and review of additional information requested by the ARC.
 - d. Disapproval with explanations.

2.6 Costs of Review

- 2.6.1 The ARC may charge each Applicant a reasonable fee for the review of plans and specifications. The fee for initial home construction shall not exceed \$100. The fee for additions to existing homes shall not exceed \$50. Additionally, the ARC shall be reimbursed by the applicant for all reasonable and documented costs for professional review (if needed) of plan and specifications incurred by the ARC in the review process.
- 2.6.2 The ARC shall make a fee and payment schedule available to the applicant upon request.

2.7 Limitation of Liability

- 2.7.1 Neither the ARC, its members, or consultants shall be liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land affected by these guidelines by reason of mistake of judgment, negligence, or nonfeasance arising out of or in connection with the approval, nonfeasance arising out of or in connection with approval, disapproval, or failure to approve or disapprove any plans and specifications.
- 2.7.2 The construction of any improvement shall be the sole responsibility of the owner and any recommendation with respect to any plans and specifications or the means or method of construction made by the ARC or any member thereof shall not alter the Owner's responsibility for the safe and proper design and construction of any and all improvements nor shall it give rise to any claim by anyone against the ARC Board of Directors or any member thereof for any defect in design or construction of any improvement.
- 2.7.3 The ARC shall not be responsible for reviewing any plans or specifications from the standpoint of structural safety, engineering soundness, or conformance with building or other codes, nor shall the ARC's approval be deemed a verification of the structural safety, engineering soundness, or conformance of the Improvements to which said plans pertain to building or other codes.

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2.8 Relationship of Guidelines to Development Regulations

- 2.8.1 In all instances where design criteria established as a part of these guidelines is in conflict with local development regulations, the most rigorous standards shall apply. In no event, are the guidelines intended to relieve the applicant from compliance with all applicable Federal, State or County development regulations.

3.0 Application Procedure

The application and review process at Cypress Creek has been designed to follow an orderly process typically employed by architects and builders in preparing plans for construction. This was done to ensure maximum coordination with the applicant, thereby minimizing plan revisions and speeding up the review process. The steps in this review process are as follow:

STEP ONE: Schematic Design Review

STEP TWO: Construction Plan Review

The applicants' involvement in this process will help to ensure that all new construction meets the standards set for Cypress Creek thereby promoting enduring property values as our neighborhood develops.

3.1 Application Requirements

- 3.1.1 Submission, review and written approval are required before any site improvements are permitted. Plans and specifications are to be submitted to the ARC at the following address:

Cypress Creek Homeowners Association of Brevard, Inc.
Attention: Chairman, ARC
PO Box 40
Grant-Valkaria, FL 32949

Plans and specifications may also be submitted directly to the ARC at any regularly scheduled ARC meeting.

- 3.1.2 Submission shall consist of two (2) complete sets of prints, one of which shall be retained by the ARC for their files. Reviews of all submissions shall be completed within the time periods specified herein (from the time of receipt of such plans and specifications).

3.2 Review Considerations

- 3.2.1 Emphasis during Review will be given to the following:
- a. Building exteriors will be evaluated with respect to their compatibility of design, and materials as compared to the desired architectural styles to be used in Cypress Creek. The use of vinyl and aluminum siding shall be submitted for approval before the submittal of plans to the ARC. The use of vinyl and aluminum siding is discouraged, and approval will only be granted on a case by case basis.

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- b. The relationship of proposed structures with respect to existing vegetation and adjacent residences.
- c. Plans will be evaluated for excessive similarity or dissimilarity in relation to neighboring homes and those within the block.

3.3 Pre-Design Coordination

- 3.3.1 Owners and their architects or builders are encouraged to meet with the ARC early in the design and planning process, while plans are tentative and preliminary, in order to assure full understanding of the requirements of the guidelines and to inform the ARC of preliminary design and planning concepts.
- 3.3.2 It is recommended that when the owner has decided to move forward with his house building plans, they should contact the chairman of the ARC to obtain a "plans approval package". This package contains all of the forms required to initiate the approval process. Study these materials carefully and use them as your guide in developing architectural and landscape plans for your home. The chairman of the ARC can answer any questions you may have.

3.4 Schematic Design Submission

- 3.4.1 This shall consist of a schematic design package consisting of a site plan and building elevations. The schematic design plans should convey the applicants understanding of the guidelines. This submission shall address the following:
 - a. Preliminary clearing, grading and drainage plans.
 - b. Preliminary lot layout plan
 - (1) The location of all improvements and their relationship to setback requirements, and adjacent off-site structures.
 - (2) Curb cut and driveway plans.
 - (3) Exterior storage and equipment locations
 - c. Preliminary house floor plans on a scale of no less than $\frac{1}{4}" = 1'$, together with programmatic data regarding lot coverage, building heights(s), and total building square footage.
 - d. Preliminary Elevations including all screen enclosures.
 - e. A tree survey, locating all existing trees measuring four (4) inches or greater at four (4) foot height, including species.
- 3.4.2 Review of all schematic Design submissions shall be completed and returned, in writing, to the applicant within fourteen (14) days of receipt during normal conditions. Written approvals for schematic design submissions shall be valid for a period of six (6) months from the date of approval.

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3.5 Final Construction Plan Submission

- 3.5.1 Construction Plan submission is a review of the finalized construction or building plans. These plans are to be completed in accordance with the plans and review comments approved during the design development submission. The following plans specification checklist identifies items needed for construction plan review. This specification sheet is attached to the approved plans and becomes a part of that approved plan.
- 3.5.2 Review of all construction plan submittals shall be completed and returned, in writing, to the applicant within thirty (30) working days of receipt.
- 3.5.3 Written approvals for construction Plan submissions shall be valid for a period of one (1) year from the date of approval.

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CYPRESS CREEK PLANS SPECIFICATION CHECKLIST

(Attach to Construction Plan Submittal)

Date: _____

Block: _____ Lot: _____ Owner: _____ Builder: _____

Project Architect or Residential Designer: _____
(If Applicable)

	Yes	No	Remarks
1. PLAN REVIEW			
A. House Plans ¼" = 1.0'	_____	_____	_____
B. Site plan 1" = 10.0'	_____	_____	_____
C. Plot Plan			
1. Building "Set Back" Lines	_____	_____	_____
2. Easements	_____	_____	_____
3. Drives	_____	_____	_____
4. Walks	_____	_____	_____
5. Pool	_____	_____	_____
6. Patios	_____	_____	_____
7. Existing Grades	_____	_____	_____
8. Finish Grades	_____	_____	_____
D. Foundation Plan	_____	_____	_____
E. Floor Plans (2000 SF minimum) (Note: Screened Porches, patios, garages, excluded)	_____	_____	_____
F. Elevations	_____	_____	_____
G. Garage - Minimum 2 cars	_____	_____	_____
H. Ground Floor Elevations	_____	_____	_____
I. Truss Drawings	_____	_____	_____
2. Building Materials (Samples, if required by the ARC)			
A. Roofing	_____	_____	_____
B. Siding	_____	_____	_____
C. Brick, stone, etc.	_____	_____	_____

YES NO REMARKS

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D.	Exterior Paint samples (walls, doors, trim, shutters)	_____	_____	_____
3.	CONSTRUCTION TYPE			
	A. Concrete Block and Stucco	_____	_____	_____
	B. Concrete Block and Brick	_____	_____	_____
	C. Concrete Block and Siding	_____	_____	_____
	D. Frame and Stucco	_____	_____	_____
	E. Frame and Brick	_____	_____	_____
	F. Frame and Siding	_____	_____	_____
4.	Existing Tree Survey	_____	_____	_____
5.	Roof			
	A. Pitch - 5:12 to 6:12 Minimum	_____	_____	_____
	B. Overhang - 24" Minimum	_____	_____	_____
	C. Roof height	_____	_____	_____
6.	Driveway	_____	_____	_____
7.	Swimming pools	_____	_____	_____
8.	Sprinkler system	_____	_____	_____
9.	Landscaping / Sodding / Trees	_____	_____	_____
10.	Exterior Equipment	_____	_____	_____
11.	Fences (size & design)	_____	_____	_____
12.	Underground utility connections (location of meter)	_____	_____	_____
13.	Trash enclosure (location & design)	_____	_____	_____
14.	Antennas - Satellite Dishes	_____	_____	_____
15.	Outside lighting	_____	_____	_____
16.	(Post lamp / solar sensor)	_____	_____	_____

Construction must adhere to the Cypress Creek covenants and ARC planning criteria. The dwelling shall be harmonious in design, location, grade and color plan. Any inferior construction (in an unworkmanship-like manner) may be stopped by the ARC and further work on the job will cease until the work has been corrected to the satisfaction of ARC.

This specification sheet is attached to the proposed plans and becomes a part of that approved plan.

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3.6 Approvals and Inspections

- 3.6.1 **Additional Submittal Requirements:** In addition to the foregoing submittal requirements, the ARC may adopt, as part of the ARC Rules and Standards, additional submittal requirements which are consistent with the established design precepts of Cypress Creek.
- 3.6.2 **Modified Submittal Requirements:** The ARC may waive or excuse compliance from the submittal requirements if the ARC determines that some or all of the information or materials required by the ARC is not necessary or appropriate in specific situations.
- 3.6.3 The ARC may, due to unforeseen circumstances, notify the applicant in writing of the need to extend review deadlines for any or all steps of the review procedure.
- 3.6.4 **Approvals:** Any approval of plans, specifications or proposed construction given by the ARC shall be only for the purpose of permitting construction of proposed improvements within Cypress Creek. Such approval shall not constitute an approval, ratification or endorsement of the quality of architectural or engineering soundness of the proposed improvement and neither the ARC, its members or the Declarant shall have any liability in connection with or related to 'approved plans, specifications or improvements.
- 3.6.5 **Inspections:** A foundation Form Board Survey must be submitted to and approved by the ARC in writing prior to the pouring of the foundation for any structure.
- 3.6.6 **Builder Requirements:** A copy of all building permits must be on file with the ARC prior to the start of any construction including land clearing. A copy of the general, residential or building contractor's license and insurance certificate must be on file with the ARC prior to the start of any construction including land clearing.

3.7 Application Form

In addition to the items required for submission, the applicant shall fill out and include a copy of the Application Form as included in Appendix A.

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4.0 Site Development

4.1 Design Precept

- 4.1.1 Cypress Creek has been designed as a large lot development having a "country home", environment. Throughout the planning and designing phases of Cypress Creek, care has been taken to preserve existing features including canopy trees, nature and conservation preserves. To protect the natural features, areas designated as nature and conservation preserves have been established which will ensure that the residents of Cypress Creek will forever enjoy living among Florida's native habitat.
- 4.1.2 From the beginning, Cypress Creek has been planned as a neighborhood where families can build homes on estate sized lots which will provide a relaxed and secure lifestyle within a natural country setting. The design of individual homes within Cypress Creek should reflect this lifestyle with traditional architectural detailing. Front porches, inviting entryways, and native landscaping are all a part of the "Cypress Creek Look".

4.2 Topography

- 4.2.1 There shall be no change in the topography of the lot either for construction or landscaping without prior approval of the ARC. The construction of lakes or ponds on any lot is prohibited.

4.3 Ground Floor

- 4.3.1 The finished ground floor elevations of the house must not be higher than 12", above minimum floor elevation required by Brevard County and/or state Agencies unless approved by the ARC. Excess fill should be minimized where the disturbance to existing grade threatens existing trees.

4.4 Utility Connections

- 4.4.1 Building connections for all available utilities, shall run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

4.5 Swimming Pools

- 4.5.1 All swimming pools (with the exception of small, temporary, children's play pools) must be of in ground construction. No other pools will be allowed. Any swimming pool or tennis court to be constructed on any lot shall be designed so as to buffer the surrounding residences from the lighting and noise.
- 4.5.2 If one Owner elects to purchase two adjoining lots and use one for recreation purposes, the lot used for recreation must be adequately screened by landscaping and/or walls or fences on both the front and side as required by the ARC.

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4.6 Docks, Lakes, Boats

- 4.6.1 No docks are permitted on the lakes except at the recreational area. No motorized boats are permitted on the lakes (Tracts A, B, and C). All boaters on the lakes will comply with all Coast Guard rules and regulations including life preservers for each boater and passengers.

4.7 Outdoor Lighting

- 4.7.1 A Photocell Lamppost is to be located anywhere in Zone 1 or 2 (front of house). Light from fixtures shall not “spill over” onto neighboring properties.

4.8 Fences/walls

All fences shall be one of the approved designs listed below. Any use of fencing must be approved by the ARC. Specifications and dimensions for proposed fences will be submitted to the ARC for approval prior to any installation.

- a) Only limited fencing and screening is permitted in Zone 3 on lots that adjoin or abut the Lakes (Tracts A, B, C). No hedges, row trees, or fencing are allowed to obstruct the lake view for neighboring lots that adjoin or abut the lake.
- b) Fencing is limited to back yards (Zone 3) only and fencing shall be one of the following approved types:
 - i. White *or cream* vinyl or natural wood post rail fences of not more than four (4) feet in height to the top rails are approved designs as per Exhibit A. Posts are to be of no more than one (1) additional foot in height above the rails.
 - ii. Black or green powder coated chain link or black metal picket fencing of not more than *five (5)* feet are allowed as per Exhibit A *along property lines that are adjacent to the buffer or natural preserve.*
 - iii. Wooden shadow box or vinyl (white or cream) style privacy fencing of six (6) feet or less in height shall only be used for surrounding/screening external equipment such as air conditioners, pump systems, etc. as per Exhibit A. Wooden shadow box or vinyl privacy fencing to enclose large areas of Zone 3 is prohibited.
 - iv. Wooden “stockade” style fencing is prohibited for any use.
 - v. Concrete walls no higher than 6’ can also be used to screen outside equipment. The wall must be the same construction and finish as the house.
- c) Where shadow box or vinyl privacy fencing is used, owners are required to provide some form of external landscaping along all visible lengths of the fence (except for gates) to buffer the effect of a “wall of fence”. The landscaping shall be installed on the outside of the fence. All plant material bordering said fence shall be at least one third the height of the fence when planted.
- d) Enclosing areas in Zone 3 for privacy shall be accomplished through the use of landscaping (e.g., large shrubs and trees).
- e) All fencing must be kept in good repair and condition or be removed.

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4.9 Games, Play Structures, Exterior Storage

- 4.9.1 No platform, dog houses, play houses or structures of a similar kind or nature shall be constructed on any part of the lot located in Zone 1 or 2.

4.9.2 Storage of Boats, Trailers, and Recreational Vehicles

Boats, boat trailers, all types of towable trailers and all types and styles of recreational vehicles, shall not be stored anywhere on residential properties where they may be seen from the street or by a neighbor, including across either lake, except as noted in 7.8.11d. No tractor trailer truck or commercial vehicle of any type shall be permitted to be parked overnight on any lot or street.

Boats, boat trailers, and all types of towable trailers shall be stored in a garage or in Zone 3 (rear yards) providing they are fully screened from view. Recreational vehicles of less than 31' in length may be stored according to DGR paragraph 5.5.6. Recreational vehicles larger than 31' cannot be stored in Cypress Creek.

4.9.3 Temporary Parking of Boats and Recreational Vehicles

RVs and boats may be parked temporarily in a resident's driveway (not on a lawn or on the street) for up to 48 hours for the sole purpose of loading, unloading or cleaning of the unit subject to required notice as stated below.

Required Notice:

Special Approval for Recreational Vehicle and Boat Temporary Parking Procedures

Send an email to: CCHOA.phase.one@gmail.com

The email must be sent PRIOR TO PARKING (no notice or after the fact notice will be considered a violation).

Include name, address, the type of vehicle to be parked, estimated arrival time and estimated departure time and the reason for overnight parking request. When the vehicle is removed, send another email, so indicating, so that the special approval can be closed out.

Any abuse of the above temporary parking accommodations for both recreational vehicles and boats and procedures will result in loss of these privileges and can include legal action.

4.10 Trash Containers

- 4.10.1 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 must be hidden from view by a structure, so that they shall not be visible from adjoining lots or the streets of the subdivision. No owner or contractor shall be permitted to burn any type of trash or construction material on any lot at any time. Bulky materials, trash containers, yard clippings, trash, garbage and other waste shall not be placed on the curb more than 24 hours before pickup. After pickup, empty containers shall be removed from curbside on the same day as pickup.

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4.11 Detached Structures

- 4.11.1 No tents, trailers, vans, shacks, or tanks shall be erected or permitted on any residential lot. Utility structures no larger than 24 sq. ft. in size and located right next to the house wall are permitted.
- 4.11.2 Detached and accessory structures, such as playhouses (maximum size of 3'L x 3'W x 4'H or 9 sq. ft.), are permitted if located within Zone 3 (rear yards) and screened from view.
- 4.11.3 Play structures including but not limited to swing sets, play ground equipment, trampolines, and dollhouses, shall be located in Zone 3. Such structures shall remain assembled in good working order. If equipment is not in working order, it shall be removed.

4.12 Builders/Contractors

4.12.1 Builder/Contractor Responsibility:

- a. Notwithstanding the provisions of Florida Law authorizing an owner/contractor permit, the Association will not recognize an owner/contractor permit, and the construction of any building on a lot in the subdivision shall be performed by a contractor licensed by the State of Florida as a general, building, or residential contractor who has obtained the appropriate permit from the governmental agency having jurisdiction over the construction activities. If the owner of the property in Cypress Creek is a licensed general, building or residential contractor, then the owner may perform the construction of a home or any building on his/her lot. Construction of pools and spas shall be performed by a contractor licensed by the State of Florida as a residential pool/spa contractor. If the owner of the property in Cypress Creek is a licensed residential pool/spa contractor, then the owner may perform the construction of a swimming pool on his/her lot. Any construction in Cypress Creek by any builder or contractor, which is done in a poor and unworkmanlike manner or if there is a violation of the approved plans may be stopped by the ARC and further work on the job will cease until the work has been corrected to the satisfaction of the ARC.
- b. Each owner or his assigns, by purchasing property in Cypress Creek, hereby gives his permission to the ARC or its representatives to inspect the work being done on his property at such reasonable time and manner so as to assure conformity with these guidelines and restrictions. A clean and orderly job must be maintained at all times both inside and outside the home. Construction must proceed on a timely basis.

4.12.2 Construction Timetable

- a. All work must be completed, in accordance with the plans and specifications approved by the ARC, within 18 months from the date of Construction Plan approval. For the main residence, once construction has begun, work must be completed within seven (7) months.
For any additional construction to the main residence (under 1,000 sq. ft.), once construction has begun, work must be completed within three (3) months.
For construction on detached workshops or any outbuildings, once construction has begun, work must be completed within three (3) months.

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For swimming pools, once construction has begun, work must be completed within three (3) months.

- b. The ARC may grant a written extension to the deadline stated herein, upon showing of good cause by the owner. Otherwise, the failure of the owner to meet the deadline set forth herein shall void the ARC approval. Thereafter, no further work shall be conducted on the property.
- c. In the event that the applicant does not adhere to the aforesaid schedule, he may resubmit a new application to the ARC for review and consideration. The ARC shall determine what stage of review is required of the reapplication (regarding schematic, or construction Plan approval).

4.12.3 Owner/Builder/Contractor Responsibilities During Construction

Owner/Builder/Contractors (OBC) shall adhere to the rules and regulations listed below. Both the Owner and Builder/Contractor shall sign the Owner/Builder/Contractor Responsibilities Statement (Appendix D).

It shall be the responsibility of the Owner/Builder/Contractor (OBC) to protect the Common Areas of the Association, as well as other property owners' property and their rights to quiet enjoyment of their property.

- a.) Work hours on all construction sites are restricted from 7:00 am to dusk, Monday through Sunday and holidays. There shall be no noisy work conducted on Sundays or holidays.
- b.) It will be the responsibility of the OBC to repair or replace any items damaged by their subcontractors during the building process within Cypress Creek subdivision. Examples of such items might be sprinklers having been run over by vehicle traffic, damaged grass (sod), sign post hit, damage to roads, road swales, etc.
- c.) Each OBC shall submit to the ARC their intended "Finished Floor Elevation" data prior to building the pad. Failure to do so could result in additional cost to break down finished pads. The purpose of the requirement is to avoid elevations inconsistent with the majority of existing homes.
- d.) It shall be the responsibility of the OBC to pick up the trash daily from the construction area and in the event articles of trash should blow over to abutting lots, pick these areas up as well in a timely manner. Each OBC shall supply a dumpster for scrap construction building material. Construction site is to be kept neat at all times.
- e.) All OBC's and their subs shall not exceed a speed limit of 30 MPH within Cypress Creek.
- f.) At no time shall any OBC or their subs commit any act that would challenge the "Use and Quiet Enjoyment" of a neighbor of their land or a dwelling. No loud radios shall be allowed. No water or electricity belonging to neighbors shall be used without the

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consent of the property owner or from the Association's common properties without permission.

- g.) In the event that a hurricane watch or hurricane warning is issued for an area including Grant, the OBC shall secure the construction site in order to avoid damage to neighboring properties or homes. This includes ensuring that all debris is collected and enclosed or disposed of, large pieces of construction materials must be tied down or secured and portable toilets must be secured or removed from the site. The OBC will be held responsible for damages caused by windblown debris or construction materials.
- h.) Where feasible, it is required that the OBC obtain temporary power to the construction site from FPL.

In the event that the OBC does not comply with the above requirements, that portion of the \$500.00 deposit that it takes to remedy the problem can be deducted from the deposit.

4.13 Improvement Projects

- 4.13.1 Improvement projects (i.e., any modification to the main residence or landscaping) approved by the ARC must be completed within sixty (60) days from inception. Improvement projects include, but are not limited to the construction of approved lawn structures (gazebos, trellises, arbors, landscape boulders, fountains, water gardens, children's play structures, and fences), and the addition of approved lawn statuary/ornaments (statues, figures, and sculptures).
- 4.13.2 Major re-modeling (e.g., adding a room or workshop) or construction approved by the ARC must be completed within three (3) months of when construction begins (see Section 4.12.2).

5.0 Architectural Design Standards

5.1 Design Precept

- 5.1.1 As discussed earlier, the estate homes at Cypress Creek are custom-designed residences, which have been designed to respond to the needs of its owners. Additionally, all homes should respond to topography or vegetation existing on site, and should blend into its architectural context.
- 5.1.2 A special emphasis is placed on maintaining a natural environment on lots adjoining or abutting the Lakes (Tracts A, B and C) and locating homes, structures, and landscaping on these lots in such a way that all homes on lots adjoining or abutting the Lakes can enjoy a clear, unobstructed view of them.
- 5.1.3 The ultimate goal is to:
 - a) Produce an atmosphere of continuity and harmony for residential architecture of Cypress Creek without impeding creativity; and,
 - b) Create a community that is unique, distinct, and admired by others in our area.

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5.2 Building Materials and Colors

- 5.2.1 The ARC shall give final approval of all exterior color plans and each owner must submit to the ARC a color plan showing the color of the roof, exterior walls, shutters, trim, etc. The ARC shall consider the extent to which the color plan is consistent with the homes in the surrounding area and the extent to which the color plan conforms to the color scheme of Cypress Creek.
- 5.2.2 There shall be no exposed concrete block. When concrete block is used, it shall be covered with wood siding or stucco. If stucco is used, it shall be of sufficient thickness to conceal the mortar lines between the blocks after it has dried. Stucco shall have a smooth finish and natural cementations stucco with integral color or acrylic paint finish.

5.3 Roofs

- 5.3.1 Roof Pitch: Main roof areas shall have slopes of 5:12 to 6:12 and 2:12 to 3:12 over porches.
- 5.3.2 **Flat Roofs:** Flat roofs covering an entire house or garage will not be permitted. Decks: Decks are permitted on the second story of a two story home, if accessible from the residence and equipped with an approved railing and are not visible from the front of the residence. Additionally, flat roofs will be permitted over patios or porches provided they are not visible from the front of the house.
- 5.3.3 **Roof Design:** Gables or simple hip roofs are permitted. Metal roofs are permitted, if approved by the ARC as to color, type and amount. Architectural style asphalt shingles or concrete tiles are acceptable roofing material permitted in Cypress Creek. When using multi-colored roofing systems, limit the color variations to no more than two colors, avoiding overly harsh or bright colors (such as bright blue).
- 5.3.4 Roof overhang: Roof overhang: There shall be a minimum roof overhang with "return" of twenty four (24) inches from the outermost surface of the outer wall or header of the house. The "return" is defined as the width of the soffit. Incorporate a minimum of 6" fascias to provide scale to roof edges unless otherwise approved by ARC

5.4 Building Massing

- 5.4.1 **Building Height:** The maximum height at the roof ridge, i.e., the highest point of the house excluding the chimney, shall be 35 feet above the crown of the road.
- 5.4.2 **Building Type and Dimension:** All Cypress Creek homes shall be limited to single family dwellings and shall meet the following minimum standards:
- a) A minimum of two thousand (2,000) square feet of livable floor area is required exclusive of screened porches, patios or garages.
 - b) A minimum of fifteen hundred (1,500) square feet of livable area on the ground floor.

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- c) The main residence on a Cypress Creek lot shall not contain any “efficiency suites”. Efficiency suites are defined as separate areas within the main residence that contain separate entrances/exits, living rooms, bedrooms/bath, and kitchen facilities.
- d) “In-law” suites are restricted to a “master bedroom” with a bath and sitting area. Any “outbuilding” (typically built for storage or for workshop) constructed on a Cypress Creek lot shall not be used as separate living quarters or “efficiency suite”.

5.4.3 Setbacks:

- a) A minimum of a sixty-foot front setback from the front property line is required (See Exhibit B). The front setbacks of new homes must be compatible with the front setbacks of existing home on the street or cul-de-sac.
- b) For corner lots, a minimum of sixty (60) foot front and side setback from the property line is required whether the front elevation of the house faces Cypress Creek Drive, faces a cul-de-sac, or faces the lot corner (see Exhibit B-2) .
- c) For any non-corner lots, a minimum of twenty (20) feet side setback for any structure from the side property line for any structure or part of a structure, including roof overhangs and equipment pads is required (see Exhibit B).
- d) A minimum of twenty-five (25) feet rear setback is required. For lakefront lots, the rear setback shall be sixty-five (65) feet and is measured from the top of the berm. For nature preserve lots, rear setbacks shall be twenty-five (25) feet and are measured from the top of the 6” berm.

5.5 Garages, Storage Structures, Workshops

- 5.5.1 An automobile garage shall not be converted to any other use. All garages shall have a minimum inside width of twenty-two (22) feet and a minimum inside depth of twenty (20) feet, and doors with a height of seven (7) feet, except a maximum of one (1) door may have a maximum height of ten (10) feet *and a maximum width of ten (10) feet.*
- 5.5.2 Garage doors shall be side door garages, except for corner lots. The garage doors shall not face the street. There shall be no exterior screens on garage doors. Screens must meet the following requirements:
 - a.) Attached in a way that no structure, no track or additions are attached or connected to the jambs or exterior face of the garage door opening;
 - b.) They are to be installed and operate entirely in the interior of the garage and completely invisible when garage door is closed;
 - c.) At no time should the screen and garage door work in conjunction with each other;
 - d.) Screening material may be charcoal, black or white in color; any additional colors must be approved by the ARC;
 - e.) Framing to be constructed of aluminum or similar material and can have a passage door for entry and exit contained in the overall framing of the screen.
- 5.5.3 An enclosed garage with opaque garage door must be provided for not less than two (2) or more than four (4) cars. *Minimum garage square footage shall be 400 ft² and not exceed 1056 ft².*

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5.5.4 No carports or detached garages are allowed.

5.5.5 Storage structures and workshops detached from the main residence are allowed, but must meet all the following requirements:

- a) Shall be at least 256 sq. ft. and no larger than 600 sq. ft. in size.
- b) Shall either be square or not exceed a length/width ratio of 1.5 to 1.0,
- c) Shall be one story.
- d) Shall be of the same *style and finish* as the main residence. *The structure may be frame, block or steel and must be finished to match the main residence. The structure must match the color and exterior finishes of the main residence.*
- e) Shall have doors that do not exceed eight (8) feet in height. No garage doors are permitted.
- f) Shall be installed on a poured concrete slab.
- g) Shall require engineered drawings and a Brevard County building permit.
- h) Shall have a perimeter foundation planting with shrubs and/or a hedge not less than 18 inches high when planted.
- i) Shall not have an outside wall height that exceeds the main residence elevation, measured from foundation to roof divided by the number of main residence floors.
- j) Shall have a roof pitch that is 6/12.
- k) Shall have a roof with an overhang that is 24 inches.
- l) *Shall not utilize a breezeway, trellis or similar structure to connect the detached structure to the main residence such that the detached structure is considered part of the main residence.*

5.5.6 ~~Garages constructed as part of the main residence (i.e. attached) and sized in order to store boats, boat trailers, trucks, and recreational vehicles are discouraged and proposed designs are subject to review by the ARC on a case by case basis.~~ Storage of recreational vehicles in excess of 31' is prohibited in Cypress Creek. Recreational vehicles measuring less than 31' in length that can be stored in garages or storage structures that meet the requirements of Section 5.5 are allowed.

5.6 Exterior Equipment

5.6.1 All exterior equipment (air conditioning units, pool pumps, etc.) must be concealed from view of the road and the adjoining properties. This can be accomplished by use of an enclosure that surrounds the equipment on four (4) sides (the wall of the house shall be counted as one side, and one side shall be gated for access). The enclosure shall be either fencing, as approved by the ARC, or a wall. The wall shall be constructed with the same as or complementary to the finish of the main residence (block and stucco, or brick). The fencing or wall shall be of sufficient height to screen tall equipment, but shall be a maximum of six (6) feet in height or up to the height of equipment being concealed. Landscaping shall be installed along the fencing or wall. Required plants and trees that die must be replaced within thirty (30) days. Fences that rot or are damaged must be replaced within sixty (60) days.

5.7 Solar Devices

5.7.1 Solar devices may be installed per Florida Statue 163.04 on south facing roof areas as needed to provide the best operational capability.

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5.7.2 Solar panels installed on the ground must be placed or erected upon a lot, or fixed in any manner to the exterior of any building so that they are located in Zone 3 and fully screened from the view of the street.

5.8 Antennas

5.8.1 Up to 24” satellite dishes may be fastened on the ground, to the roof or house in zone 3 only. No other communication antennas, (TV or otherwise) are permitted without the written approval of the ARC. No satellite dish antenna over 24” shall be placed or erected upon any lot, or fixed in any manner to the exterior of any building unless it is fully screened from view from the other lot owners and located on the ground in zone 3.

5.9 Driveways

5.9.1 Driveways, walkways and parking areas may be constructed of brick, interlocking pavers, natural concrete or other materials of choice provided they are approved by the ARC. Surfaces should be of one consistent material and design for their entire length - from the front edge of the home or garage to the street. Scoring or header boards should be used to break up the expanse of concrete. All concrete driveways, walkways and parking area colors other than natural concrete must be approved by the ARC in writing, prior to being applied. Where possible, driveways should avoid the use of culvert crossings at the lot line. Gravel and/or asphalt surfaces are not permitted. Painting of driveways and walkways is not permitted. The application of colored concrete coatings to driveways is permitted, but is restricted to the use of the approved colors or approved equivalent. As part of its review, the ARC will confirm that the product to be used is designed specifically for outdoor concrete finish applications. Decorative stamping or scoring is permitted, however when color is used in conjunction with decorative stamping or scoring it is restricted to the use of the approved colors or approved equivalent. All decorative driveway surface designs and colors must be approved by the ARC in writing, prior to being applied.

The following list of approved concrete coating colors are the only colors permitted to be used on driveways, walkways, and parking areas:

<i>Color name*</i>	<i>Distributor</i>	<i>Product Name</i>
PFC-27 Light Rattan	Home Depot	Behr Solid Color Concrete Stain
PFC-31 Traditional Tan	Home Depot	Behr Solid Color Concrete Stain
PFC-72 White Cloud	Home Depot	Behr Solid Color Concrete Stain
PFC-62 Pacific Fog	Home Depot	Behr Solid Color Concrete Stain
PFC-61 Foggy Morn	Home Depot	Behr Solid Color Concrete Stain
HC 133 Bombay	Sherwin Williams	H&C Concrete Stains and Sealers
HC 141 Cemented Deal	Sherwin Williams	H&C Concrete Stains and Sealers
HC 140 Gray Horizons	Sherwin Williams	H&C Concrete Stains and Sealers
HC 156 Hint of Gray	Sherwin Williams	H&C Concrete Stains and Sealers
HC 133 Bombay	Lowe's	H&C Concrete Stains and Sealers
HC 132 Gull Gray	Lowe's	H&C Concrete Stains and Sealers
HC 141 Cemented Deal	Lowe's	H&C Concrete Stains and Sealers
HC 156 Hint of Gray	Lowe's	H&C Concrete Stains and Sealers
HC 136 Aztec Sand	Lowe's	H&C Concrete Stains and Sealers

*Equivalent coating colors from other manufacturers may be submitted to the ARC for review

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The ARC will maintain color chips for the colors listed above and will make them available to homeowners upon request.

5.10 Chimneys

- 5.10.1 No exposed metal or prefabricated chimneys shall be permitted. Chimneys shall be clad in a material which is complimentary to the materials used in the residential exterior.

5.11 Mailbox

- 5.11.1 All mailboxes must adhere to the design documented in Exhibit C.
- 5.11.2 Mailboxes may be black or white in color.
- 5.11.3 The cedar, cypress or pressure treated wood mailbox stand may be painted to compliment the paint scheme of the home.

5.12 Culverts

- 5.12.1 Culverts are required by Brevard County see Exhibit D for the design of an approved culvert.

5.13 Storm Shutters

Subject to rules and regulations adopted by the board concerning Storm Shutters, the term “Storm Shutters” means any device, installation, equipment or appliance, affixed or attached in any manner to any portion of the residence, permanently or temporarily, so as to be visible from the exterior of the residence, which is used, either directly or indirectly, as its main purpose, or incidental to its main purpose, as protection against storm damage, water penetration by driven rain, wind damage or damage from physical objects or projectiles carried by wind or storm.

5.13.1 License and Permit Requirements

- a. All contractors, subcontractors and building trades installing storm shutters must be currently licensed as required by the State and County.
- b. Owner assumes all responsibility for procuring, buying and/or obtaining all necessary permits.

5.13.2 Maintenance responsibility

- a. Owner agrees to properly maintain the Storm Shutters. If Owner fails to maintain the Storm Shutters as required herein, after ten (10) days written notice from the Association to Owner, Association shall have the right, but not the obligation to perform any required maintenance or repair work as reasonably determined by the Association. The Owner hereby agrees to be personally responsible for all costs incurred and grants Association a lien right against the Owner’s property referred to herein in order to secure payment of any such sums. Said lien shall be foreclosable in the same fashion as liens granted to the Association in the Association documents for non-payment of Assessments.
- b. By installing Storm Shutters, Owner agrees to indemnify, defend and hold harmless the Association from any and all claims, actions, costs or expenses of any nature whatsoever,

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including but not limited to attorney's fees, arising out of or because of the construction, installation, replacement, repair and/or maintenance of the Storm Shutters. Owner, by installing Storm Shutters, agrees to be responsible for any damages to the property of any other property owner in the subdivision and the common property of the Association, which is caused as a result of the construction, installation, replacement, repair or maintenance of the Storm Shutters.

5.13.3 **Impending Storm Protection**

Storm shutters may be installed prior to and during National Weather Service declared hurricane watches or warnings for the area which includes, Grant-Valkaria. Any type of storm shutter is permissible during a declared hurricane watch or warning. Storm shutters installed to protect homes during a specific, announced hurricane watch or warning shall be removed within 7 days after the declared hurricane watch or warning has been cancelled by the National Weather Service unless there has been another intervening declared hurricane watch or warning.

5.13.4 **Long Term Storm Protection**

For those residents who leave their homes in Cypress Creek for extended periods of time, "long term" storm shutters may remain installed subject to all applicable requirements relating to Storm Shutters in the Design Review Guidelines (DRG). "Long term" is defined as a maximum of 6 months falling within the time period of April 1 to November 30. Plywood storm shutters are prohibited for "long term" use.

5.13.5 **Rules Relating to Storm Shutters.** The Board is authorized to adopt reasonable rules and regulations to supplement the installation of Storm Shutters. Such rules may consist of, but are not limited to aesthetics (including, but not limited to, color and style), maintenance requirements, Storm Shutter material and any other rule or regulation which is not in direct conflict with this section 5.13.

6.0 **Site Landscaping**

6.1 **Design Precept**

6.1.1 Due to the presence of native slash pine habitat throughout Cypress Creek and the reservation of native vegetation within preservation areas and the creek, the desired landscape theme is one which preserves as much of the existing vegetation as possible, while reinforcing this character with supplemental native plantings. The landscape criteria for each lot has been based upon three zones as defined below and illustrated in Exhibit B.

Zone 1 -

"The Street Yard": This is the first 45 feet of the lot as measured from the ROW line. Three trees are to be installed within this zone. see section 6.2.2.a.

Zone 2 –

"The Front Yard": This is the remaining portion of the front yard up to the face of the house and extending approximately 20 feet. beyond the front of the house.

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Additionally, a foundation planting is required along all building elevations within this zone.

Zone 3 –

“The Rear Yard”: A foundation planting is required along all building elevations within this zone, except areas that abut pools and patios. As discussed earlier, all structures within Zone 3 are to be screened from view.

6.2 Landscape Development Standards (General)

Landscaping and irrigation plan must be submitted with final construction plan.

6.2.1 The Landscape Plan:

- a.) A description of the planting materials must be on the plan. The plan must show tree positions, tree measurement (height, spread and caliper).
- b.) Proposed lawn structures, statuary and ornaments shall be included in the initial landscape plan submitted to the ARC for approval. Any future addition of lawn structures, statuary and ornaments must be submitted to the ARC for approval.
- c.) Lawn structures are defined to include gazebos, trellises, arbors, landscape boulders, fountains, water gardens, children’s play structures, and fences.
- d.) Lawn statuary and ornaments are defined to include statues, figures, and sculptures.
- e.) Lawn statuary/ornaments shall be kept to a minimum of 0 items in Zone 1 and 2 items in Zone 2 with a three (3) foot maximum height. Lawn statuary/ornaments are permitted in Zone 3 provided they are completely screened from view of street.
- f.) Lawn statuary and ornaments placed within 10 feet of home entrance way in Zone 2 does not have to be approved by the ARC as long as it measures less than 3 feet in height and is limited to 2 items.
- g.) **Foundation** – The entire perimeter of the foundation of a dwelling must be landscaped with shrubs and/or a hedge not less than 1½ feet high when planted. In Zone 3 those areas that abut porch or pools are exempt.
- h.) **Typical Plantings** - Landscaping material should be selected from native, indigenous species.
- i.) **Landscaping Restrictions** - In order to promote the Cypress Creek design precept of a natural Florida environment, the materials used in shrubbery or flower beds shall be natural materials such as mulch, pine needles and rocks. Location and design of above ground water gardens must be approved by the ARC.

6.2.2 Trees: Tree Requirements

- a) Each lot shall have:

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- 1) Shade Trees
- 2) Examples of shade trees for Florida landscapes are:
 - a) Live Oak
 - b) Laurel Oak
 - c) Southern Magnolia
 - d) Bald Cypress
 - e) Slash Pine
 - f) Florida Elm
 - g) Red Maple
 - h) Sweetgum
 - i) Sycamore
- 3) A minimum of three (3) shade trees within Zone 1.
- 4) Required shade trees shall have a minimum of 4" inches caliper at four (4) foot height.
- 5) Two story homes shall landscape large expanses of wall with large trees at least 12' feet in height when planted.
- 6) Any lots having existing shade trees shall receive credit toward the previously mentioned requirements provided the builder does not remove or destroy same. The owner shall site his home on the lot in order to maximize the preservation of existing trees.
- 7) If the required landscaping (trees, shrubs, sodding) dies, then the dead landscaping shall be replaced within thirty (30) days.

b) Tree Removal

- 1) Trees larger than six (6) inches in diameter (DBH) shall not be cut or removed without the approval of the ARC.
- 2) No cutting or clearing of any trees or shrubs shall be permitted on any lot prior to the approval of plans for that lot by the ARC.

6.2.3 **Sodding:** All front yards (Zone 1 and 2) shall be fully sodded with either St. Augustine or Bahia sod, not a combination of both, beginning at the end of the pavement. Where homes are constructed with excessive front yard setbacks, natural areas of the site may be preserved which will not require sodding or irrigation. These areas, if proposed, should be indicated on the landscape plan and approved by the ARC. Zone 3 must be fully sodded. The Right of Way and the 20' drainage easement along Zone 3 of a corner lot shall be sodded.

All cleared and/or disturbed areas of a lot, with the exception of mulched, landscaped beds, shall be fully sodded with St. Augustine or Bahia grasses.

6.2.4 **Irrigation:** All lots are required to have an automatic, electric underground sprinkler system of sufficient size and capacity to irrigate all sodded or landscaped areas, and must be maintained in good working order at all times. Withdrawing lake water for irrigation purposes is prohibited.

Irrigation of both St. Augustine and Bahia grasses is required.

Front swale areas and rights of way of all developed lots shall be irrigated. If the grass within these areas becomes unsightly, it shall be replaced with new sod or re-seeded.

6.2.5 **Occupancy:** All landscaping must be completed, with a satisfactory final approval by the ARC prior to the occupancy of the residence.

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7.0 Other

7.1 Contractor Rules

- 7.1.1 All Contractors are subject to rules and regulations as promulgated by the Board of Directors.

7.2 Signs and Flags

7.2.1 Signs

- (a) There may be 1 sign posted on a lot during the time period that a lot, a home or improvements to a home are under construction, during the time a lot or a home is marketed for sale, or during the time a home is marketed for rent.
- (b) One sign may be posted on the property during the time the homeowner is conducting a garage sale. Garage sales may be conducted for no longer than 2 days.
- (c) An additional sign may be posted on the property if the home is subject to a monitored home security service.
- (d) Temporary signs to indicate lawn treatment applications should be less than half a square foot and only be displayed for 1 day as required for chemical applications.
- (e) No other signs are permitted on any vacant or improved lot.

Each sign as defined above shall not exceed six (6) square feet in size and be professionally painted.

7.2.2 Flags

CCHOA will adhere to the Florida Statute 720.304 (2) which provides for flags as follows:

- i. Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement.
 - ii. The homeowner may further display in a respectful manner from that flagpole or attached to the house or post, one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag.
 - iii. Proper etiquette is also required to be followed such as replacing tattered flags as needed and always displaying the US Flag above other flags.
- (a) No other flags are permitted.
- (b) The use of small decorative banners is permitted without ARC approval provided they do not exceed 2' x 3' in size and only one banner is permitted per home. These decorative banners must also be kept in good condition and replaced as needed.

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- (c) The use of “feather” flags and other attention drawing devices (e.g., blimps and balloons) is prohibited.

7.3 Maintenance of Property

- 7.3.1 All developed lots must be mowed and edged regularly and kept in neat condition at all times. All cleared and sodded areas need to be maintained. On developed lots, all publicly exposed, natural grassy flatlands shall be mowed regularly.
- 7.3.2 No weeds, underbrush or other unsightly growth shall be permitted to grow or remain upon any lot and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.
- 7.3.3 In the event that any owner shall fail or refuse to keep his lot free of weeds, underbrush or refuse piles or other unsightly growth or objects, the Association may enter upon said lot and remove the debris and such entry shall not be deemed a trespass. Any costs incurred in correcting a maintenance deficiency will be at the owner's expense; and if unpaid, will become a lien on the property.
- 7.3.4 All main residences, driveways, walkways, fences, and outbuildings in Cypress Creek shall be maintained to remain neat and attractive.

7.4 Final Approval Conditions

- 7.4.1 Before the deposit shall be refunded the owner or contractor shall furnish to the ARC a copy of the certificate of occupancy.
- 7.4.2 If there is damage by contractors to front entrance, berms, swales, and adjacent lots, the deposit of \$500 will not be returned until the damage is repaired. The deposit is to be paid by the lot owner not the contractor.
- 7.4.3 Roadside blacktop damage along the frontage of the site that has been caused by vehicles, etc. involved in the construction is to be properly repaired. Only professional repair is permissible. Patching is not acceptable. Contact RNR Properties, Ltd or CCHOA prior to repairing the road.
- 7.4.4 Landscaping, irrigation, and sodding plans must be adhered to as submitted. Landscaping, and sodding must be completed before occupancy.
- 7.4.5 A deposit of Five Hundred Dollars (\$500) shall be paid to the ARC prior to the initiation of construction. Upon issuance of a certificate of occupancy (C.O.) and completion of construction in accordance with approved plans and specifications, the applicant shall notify the ARC to request a letter of compliance and to receive a refund of the deposit.

7.5 The Cypress Creek Nature and Conservation Preserves

- 7.5.1 Purchasers of single family lots which are platted with nature preserves enjoy the unique opportunity to live adjacent to a protected nature conservation preserves. It is the obligation of the homeowner to understand and comply with the restrictions which apply

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to these areas. Within designated nature and conservation preserves, there shall be no temporary or permanent alterations of vegetation, or planting within these areas. There shall be no vehicular or pedestrian traffic allowed within preserve areas at any time. All existing vegetative and animal life shall remain undisturbed in perpetuity. Any violation of these restrictions shall be considered a violation of law and of the Cypress Creek Declaration of Covenants and Restrictions.

7.6 Drainage and Maintenance Easements

- 7.6.1 Purchases of single family lots which are platted with drainage and maintenance easements are required to understand and comply with the restrictions which apply to these easements.
- 7.6.2 Designated drainage and maintenance easements are dedicated to the Cypress Creek Homeowners Association of Brevard, Inc. No structures or other alteration whatsoever are permitted within any such easement without written approval by the ARC, Brevard County, or applicable jurisdictional agencies.

7.7 Parking

- 7.7.1 Only temporary parking is permitted on the swales, or rights-of-way or streets. Absolutely no overnight parking on the swales, or rights-of-way or streets is permitted.
- 7.7.2 All vehicles shall be parked overnight in garages, or on driveways, and concrete pads directly abutting driveways. Overnight parking of vehicles on any other areas of lots is prohibited.

7.8 Restrictions on Lake Front Lots

- 7.8.1 In accordance with the design precepts defined in 4.1, special restrictions are placed on lakefront lots (i.e., Lots abutting Tracts A, B and C) in order to preserve the natural look of the lakes as much as possible.
 - a) Locating a detached building on a lot after a home has been constructed can result in there not being enough room on the lot or in an unplanned, and unattractive setting on the lot. Therefore, it is highly encouraged that the location of a detached building be included in the initial plot plan for the main residence submitted with the ARC Review Package. In this manner, even if the detached building may not be constructed at the same time as the main residence, but at a future time, a well designed and a planned setting on the lot will be assured. A request to build a detached building after the main residence has been built, will be highly scrutinized by the ARC.
 - b) For those lots that adjoin or abut the lakes, the rear wall of detached buildings on lakefront lots shall be located no further back than the rear wall of the main residence.
 - c) Approval of detached buildings on lakefront lots shall be contingent upon sufficient landscaping being installed such that detached buildings are screened from the view of the

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lots across the lake and adjoining lots to the maximum extent possible.

- d) Small boats (canoes, paddle boats, small sailboats, etc.) may be stored on the lake shore provided they are kept clean and neat in appearance. Storage of boats on trailers and RV's in Zone 3 of lakefront lots is prohibited.
- e) The use of fencing on lake front lots shall be restricted to the screening from view of exterior equipment. Totally enclosing the back yard or large areas of lakefront lots is prohibited. All fencing to be used on lake front lots must be approved in writing by the ARC.
- f) Satellite dishes no larger than 24" are permitted on lakefront lots, but they must be fastened on the ground, to the roof or house no further back than the center line along the length of the house. Other requests shall be considered on a case by case basis.
- g) Lawn ornaments and structures in Zone 3 of lakefront lots are discouraged and their type and location will be highly scrutinized by the ARC.
- h) No alteration will be made to the existing lake bank (Tracts A, B or C) without prior written approval of the ARC and if required approval from the jurisdictional government agency.

7.9 Home Appearance

7.9.1 No temporary window coverings will be permitted.

- a) If windows are to be covered, appropriate window coverings are to be used (e.g., drapes, mini-blinds, vertical blinds, shutters). Use of blankets, sheets, tin foil, etc. to cover windows (whether temporarily or permanently) is prohibited.

8.0 Enforcement of Rules

Article XIII of the CCHOA Covenants provides the Board of Directors with the authority to enforce rules and regulations and allows the Board to impose fines when rules and regulations are violated. Paragraph 13.2 states that the Board must follow a specific procedure when imposing fines. These procedures are in accordance with Florida Statute 720.305. The following paragraphs describe, clarify and expand the procedures for CCHOA rule enforcement.

8.1 Establishment of Compliance Review Committee (CRC)

The Board of Directors shall appoint a Compliance Review Committee (CRC) to serve as the panel during violations Hearings (8.4.3). The CRC shall consist of an odd number of at least 3 and not more than 5 members of the CCHOA. The members of the Compliance Review Committee (CRC) cannot be officers, directors, or employees of the CCHOA, nor can they be family members of any officer, director or employee of the CCHOA.

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The CRC shall call for a Hearing when notified by the Board that a violation has occurred and has not been abated within the required time frame. Notices for CRC Hearings shall be posted at least 48 hours in advance in a conspicuous place within the Cypress Creek community.

The CRC shall elect a Chairman and Secretary. The Chairman shall call meetings and chair the Hearings. The Secretary shall take minutes and keep all records.

8.2 Construction Violations

Construction violations shall be defined as non-compliance with any CCHOA Covenant and Design Review Guideline (DRG) requirements that deal with construction of any and all structures on Cypress Creek lots. Construction violations shall also include non-compliance with ARC-approved drawings, specifications, timelines, and agreements.

8.2.1 Identification of Construction Violations

At least 2 members of the ARC will periodically inspect all the construction sites in the community. Violations will be identified to the ARC at the weekly meeting where the violations will be discussed and voted on. The ARC will identify violations to the Management. The Management Company will generate the “Initial Letter” described in DRG 8.4.1 for each violation identified during the inspections. These letters will be generated within 5 working days of the ARC meeting.

8.3 Rule Violations

Rule Violations shall be defined as non-compliance with any CCHOA Covenant and Design Review Guideline (DRG) requirement that occurs on existing homes, home sites, landscaping and improvements.

8.3.1 Identification of Rule Violations

The Management Company and 1 member of the Board or the Management Company and 1 member of the Board and 1 member of the ARC will conduct periodic “walkthroughs” of the community. Violations will be identified at this time. The Management Company will generate the “Courtesy Letter” described in DRG 8.4.1 for each residence with a violation identified during the walkthroughs. These letters will be generated within 5 working days of the walkthrough. The Board shall review the status of the “Courtesy Letter” responses at the regular monthly Board meetings. For Owners who are unresponsive or are not following the corrective measures stated in their response, the Board may direct the Management Company to generate the “Initial Letter” described in DRG 8.4.1.

8.4 Rule Enforcement Procedures

8.4.1 Courtesy Letter and Initial Letter

The Courtesy Letter shall be sent when a rule violation is identified as described in paragraph 8.3.1 above. The following shall be performed:

- a) A letter is written to the property owner asking them to correct the condition(s).

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- b) Letter has to state the alleged violations(s). Multiple violations at the same residence should be on separate letters.
- c) Letter has to request the Owner respond in writing (with the included response form) within fourteen days indicating the actions taken, or planned to be taken, to correct the violation.

The Initial Letter shall be sent when either a construction or rule violation is identified as described in paragraphs 8.2.1 or 8.3.1 above. The following shall be performed:

- a) A letter is written to the property Owner asking them to cease and desist an alleged violation (sent via certified and regular mail).
- b) Letter has to state the alleged violation. A separate letter is written for each violation if more than one has been identified.
- c) Letter has to state the action required to abate the violation.
- d) Letter has to say that the Owner has 14 days during which the violation may be resolved without a fine.
- e) Letter has to state that unless the violation is resolved within 14 days of the receipt of the letter, there will be a hearing held to determine if a fine is to be imposed. Date of tentative hearing will be included.
- f) Letter will state that if the violation is not abated, the fine may be up to \$100.00 per day.
- g) If resolved within 14 days, problem solved, the procedure ends.

8.4.2 Notice of Hearing

A Hearing is held if after 14 days from the receipt of the Initial Letter described in 8.4.1, the violation has not been resolved by the Owner. If this occurs, the following shall be performed:

- a) If the violation is not resolved within 14 days, then the Management Company will send Owner a notice of Hearing to be held by the Compliance Review Committee (CRC) to determine whether the fine should be imposed.
- b) Notice of Hearing has to state the alleged violation(s).
- c) Notice of Hearing has to state the time and place of the hearing (not less than 14 days from the giving of notice)
- d) Notice of Hearing has to invite the violator to attend the hearing and produce any statement, evidence and witnesses on his behalf.

8.4.3 Hearing Procedures

1. The ARC (during construction) and/or the Management Company “walkthrough” team (post-construction) will notify the Board of Directors and the Compliance Review Committee (CRC) of violations that have not been corrected by the 14 day period. The Hearing date will be finalized by the Compliance Review Committee (CRC).
2. The Hearing is held by the Compliance Review Committee (CRC) who is appointed by the Board. A majority vote by the Compliance Review Committee (CRC) makes the determination to fine or not.
3. The mandatory attendees at the Hearing shall be the Compliance Review Committee (CRC), a member of the Board of Directors who acts as representative of the Board, and a member of the ARC. The violator and any witnesses for his behalf may attend if the violator desires to do so.

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4. At the Hearing, a representative of the Board presents the Board's case regarding the violation and the violator is afforded a reasonable opportunity to be heard.
5. A copy of the Proof of Notice of Hearing, and the invitation to the violator to be heard have to be placed in the minutes of the meeting. Date and manner of delivery stated in the minutes is proof of delivery.
6. The Notice of Hearing requirement is deemed satisfied if the violator appears at the hearing.
7. The minutes of the Hearing are to contain a written statement of the results of the hearing and the fine imposed, if any. A template for the minutes of the Hearing is described in 8.7.
8. A summary of the CRC Hearing procedures shall be as follows:
 - a) CRC Hearing is called to order.
 - b) A quorum is established.
 - c) The alleged violation(s) is (are) read.
 - d) Date and manner of delivery of Notice of Hearing is stated.
 - e) All persons who will be giving testimony are sworn in.
 - f) The Board Representative states why the Board believes that the Owner is in violation.
 - g) The Owner is invited to present his testimony and documents.
 - h) The CRC may, at its discretion, call for a recess in order to perform a physical inspection.
 - i) The CRC asks the Board if any further testimony is desired.
 - j) The CRC then goes into conference to discuss and vote on the alleged violation and proposed fine.
 - k) The CRC Chairperson announces the decision.
 - l) Hearing is adjourned

8.4.4 Fines

The Board of Directors has the power to impose reasonable fines which may constitute a lien upon the Lot owned by violator. Once the Compliance Review Committee (CRC) has determined that a fine should be imposed, the Board shall enforce its payment. The Board of Directors is authorized to bring any action in any court on behalf of the Association and all Owners to abate any nuisance or otherwise enforce the Covenants, DRG, and rules and regulations.

The fine that shall be imposed for any construction violation shall be up to \$100.00 per violation, per day to a maximum of \$1,000.00 while the violation(s) exists.

The fine that shall be imposed for any rules violation shall be up to \$100.00 per violation, per day to a maximum of \$1,000.00 while the violation(s) exists.

When the fine accumulates to \$1000.00, legal action shall be taken and all associated legal fees will be recovered from the violator.

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8.5 Courtesy Letter Template

Cypress Creek HOA
c/o Current Management Company
Management Company Address
Management Company Address

Management Company Phone: _____ **Management Company Fax:** _____

Request for Information and Compliance

DATE

Mr. and Mrs. Homeowner
1234 Cypress Creek Drive
Grant, Florida 32949

Inspection date: _____
Witnessed by: Board member

Re: 1234 Cypress Creek Drive

Dear Homeowners,

This letter is being sent to you as a courtesy notice and request for further information. It has come to the attention of the Board of Directors that certain conditions may exist on your property that violate the Governing Documents of the Association. Specifically, the Board has been informed that:

(Specific violation is described along with references to the applicable Covenants and/or DRG paragraphs that have been violated).

The Board hereby respectfully requests that you correct the condition(s) or provide the Board with information, in writing, within 14 days regarding your plans, and/or ongoing efforts to correct the condition(s). If you do not feel that you are in violation of the above cited provisions and this letter has been sent in error, please provide written explanation on the attached response form. Please note, owners are responsible for their tenants if applicable.

Please remember that this letter is being sent as a courtesy notice and request for further information. We appreciate your cooperation in resolving this matter. If you have any questions, please do not hesitate to contact us at the number or address above.

Sincerely,

Cypress Creek HOA
Board of Directors

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Cypress Creek HOA
c/o Current Management Company
Management Company Address
Management Company Address

Management Company Phone: _____ **Management Company Fax:** _____

Homeowner Response Form

Date:_____

Please use this form to indicate what action you have taken, or action you anticipate to take, to be in compliance with your governing documents. Please complete this Homeowner Response Form and deliver, mail or fax to Cypress Creek HOA at the above address within the number of days noted in the attached letter.

[illegible]

Cypress Creek
Lot Owner Name: (print) _____

Address: _____

Lot number: _____

Signature: _____

Date:_____

The Homeowner response form must be signed by the legal owner of the property.
A telephone call is not considered a proper response to this notice.

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8.6 Initial Letter Template

The content of the Initial Letter shall adhere to the following template:

CCHOA Board of Directors
c/o Current Management Company
Current Management Company Address

DATE

Mr. and Mrs. Homeowner
1234 Cypress Creek Drive
Grant, Florida 32949

Certified Mail Item # _____
Regular Mail

Dear Mr. and Mrs. Homeowner

It has been noted that _____

_____.

Please note that this is in violation of CCHOA Covenant paragraph _____
and/or CCHOA Design Review Guidelines paragraph _____.

This letter is to ask that you cease and desist or correct the above non-compliant action or issue within 14 days from the date of this letter to avoid further action. The action required to abate the above violation is as follows:

_____.

In accordance with CCHOA Covenants Article XIII, Enforcement of Rules, if the above violation is not abated within 14 days from the date of this letter, the Compliance Review Committee will be asked to hold a Hearing to vote on the imposition of a fine. The tentative date of the Hearing, if required, will be (28 days after date of this letter) _____.

If imposed, the fine will be up to \$100.00 per day for the duration of time that the violation remains unabated.

Please attend to this matter as soon as possible.

If you have any questions, please contact me at 321-XXX-XXXX.

Sincerely,

XXXXX

Current Management Company

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8.7 Notice of Hearing Letter Template

The content of the Notice of Hearing Letter shall adhere to the following template:

Notice of Hearing

CCHOA Board of Directors
c/o Current Management Company
Current Management Company Address

DATE

Mr. and Mrs. Homeowner
1234 Cypress Creek Drive
Grant, Florida 32949

Certified Mail Item # _____
Regular Mail

Ref: Initial Violation Letter dated: _____

Dear Mr. and Mrs. Homeowner

In the initial violation letter referenced above, you were notified that you were in violation of CCHOA Covenant paragraph _____ and/or CCHOA Design Review Guidelines paragraph _____.

That letter asked you to cease and desist the above non-compliant action within 14 days from the date of this letter to avoid further action. That letter also described the actions required to abate the violation.

As of the date of this letter, the 14 days allotted for abatement have passed and the violation continues. Therefore, in accordance with CCHOA Covenants Article XIII, Enforcement of Rules, the Compliance Review Committee will hold a Hearing to vote on the imposition of a fine regarding this matter. The date of the Hearing will be (at least 14 days from date of this letter) to be held at _____ at _____ o'clock. If imposed, the fine will be up to \$100.00 per day for the duration of time that the violation remains unabated.

You are invited to attend the Hearing to provide any statements, evidence and witnesses on your behalf.

If you have any questions, please contact me at 321-XXX-XXXX.

XXXXX
Current Management Company

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8.8 CRC Hearing Minutes Template

The content of the CRC Hearing Minutes shall adhere to the following template:

CCHOA CRC Hearing Minutes

Call to Order: The CRC Hearing was called to order on _____ at _____ p.m.

Quorum established: The following committee members, constituting a quorum, were present:
_____, _____, and _____.

Alleged violation: The Board alleges that the owner of _____ is in violation of the Covenants or DRG due to: _____. An Initial Letter was sent to the Owner at _____ on _____ via _____.

Proof of Notice: The Notice of Hearing Letter was sent by the Board to the Owner at _____ on _____ via _____.

Summary of Proceedings: All persons who would be giving testimony were sworn in.

_____, the Board representative, advised the CRC that the Board believes that the property owner is in violation of the Covenants or DRG, due to _____.

Following the Board representative's comments, the property owner was invited to present his/her testimony. The property owner asserted in his/her defense that _____. The property owner provided the following documents to the CRC: _____.

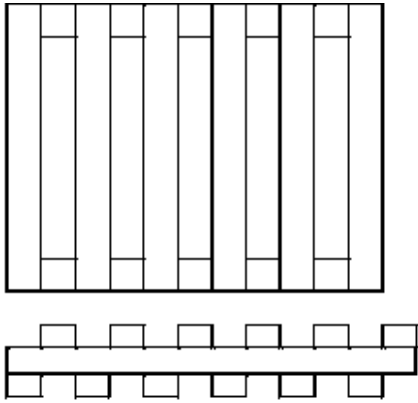
The CRC then asked the Board representative whether any further testimony was desired, regarding the matters presented by the property owner. The Board representative stated that _____.

The CRC then announced that it was concluding its deliberations and the CRC went into conference to discuss and vote on the alleged violation, and the proposed fine, if any.

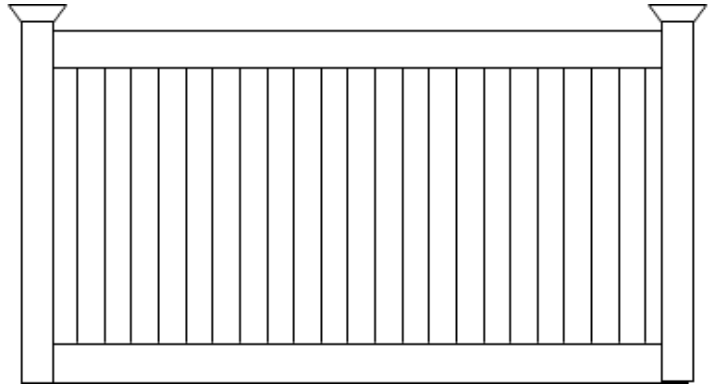
Conclusion: When the CRC's deliberations were completed, the CRC Chairperson announced that the CRC had reached a decision. The CRC Chairperson announced that the CRC finds that the property owner did/did not violate the Covenants or DRG as alleged. A fine in the amount of _____ (up to \$100.00 for construction or rules violations) per violation per day of violation, subject to a cap of \$1000.00, was determined by the CRC to be required.

Adjournment: The CRC Chairperson adjourned the Hearing at _____ p.m.

Exhibit A Approved Fence Styles
For Equipment Screening Only
Options A and A1



A-Wooden Shadow Box Fencing

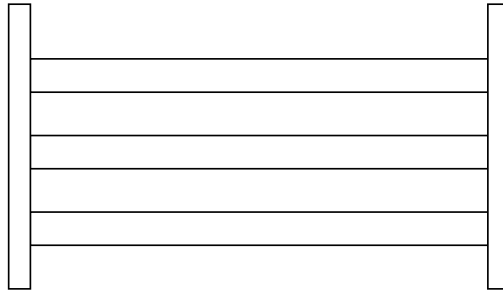


A1-Vinyl Privacy Fencing (white or cream)

For Enclosing Areas in Zone 3

Option B

White or cream vinyl or natural wood Post and Rail (2- 4 rails are acceptable)



Option C

Chain link fences may be used, providing they are of a black or green finish, vinyl coated, and a maximum height of 5 feet.

Option D

Metal picket fences may be used, providing they are of a black finish, and maximum a height of 4 feet.

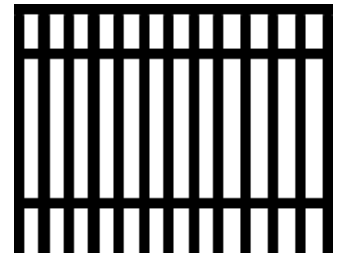
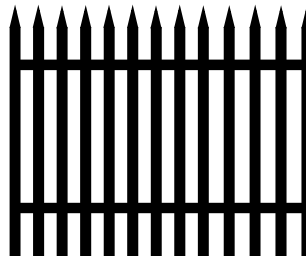
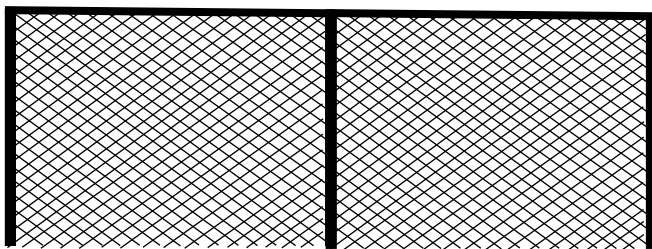
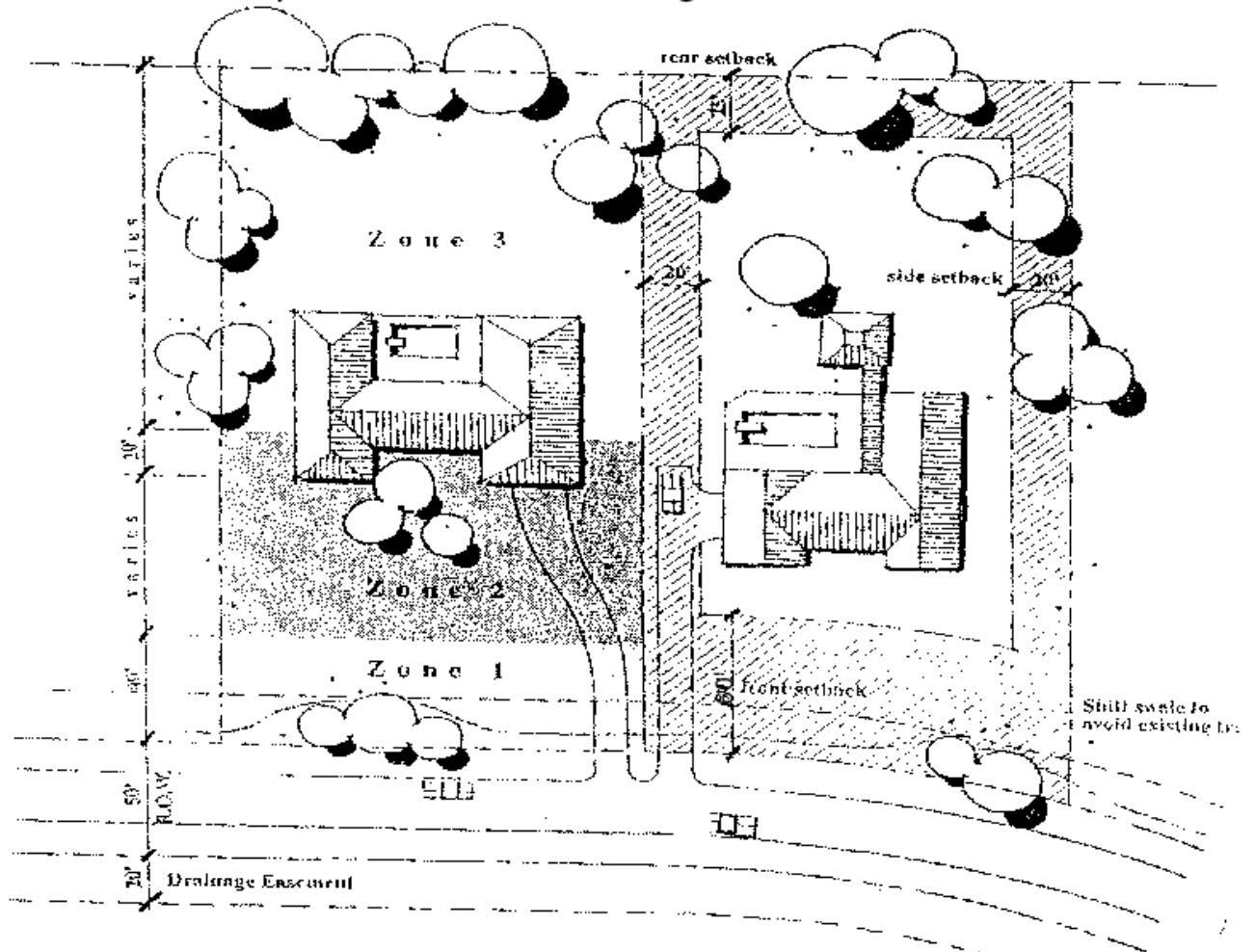


Exhibit B Landscape Zones and Building Setbacks

Exhibit B

Landscape Zones and Building Setbacks



Zone 1: Street Yard
Zone 2: Front Yard
Zone 3: Rear Yard

- a) A minimum of a sixty-foot front setback from the front property line is required (See Exhibit B). The front setbacks of new homes must be compatible with the front setbacks of existing home on the street or cul-de-sac.
- b) For corner lots, a minimum of sixty (60) foot front setback from the property line is required whether the front elevation of the house faces Cypress Creek Drive, faces a cul-de-sac, or faces the lot corner (see Exhibit B-2).
- c) A minimum of twenty (20) feet side setback for any structure from the side property line for any structure or part of a structure, including roof overhangs and equipment pads is required (see Exhibit B).
- d) A minimum of twenty-five (25) feet rear setback is required. For lakefront lots, the rear setback shall be sixty-five (65) feet and is measured from the top of the berm. For nature preserve lots, rear setbacks shall be twenty-five (25) feet and are measured from the top of the 6" berm.

Exhibit B-2 Front Setbacks for Corner Lots

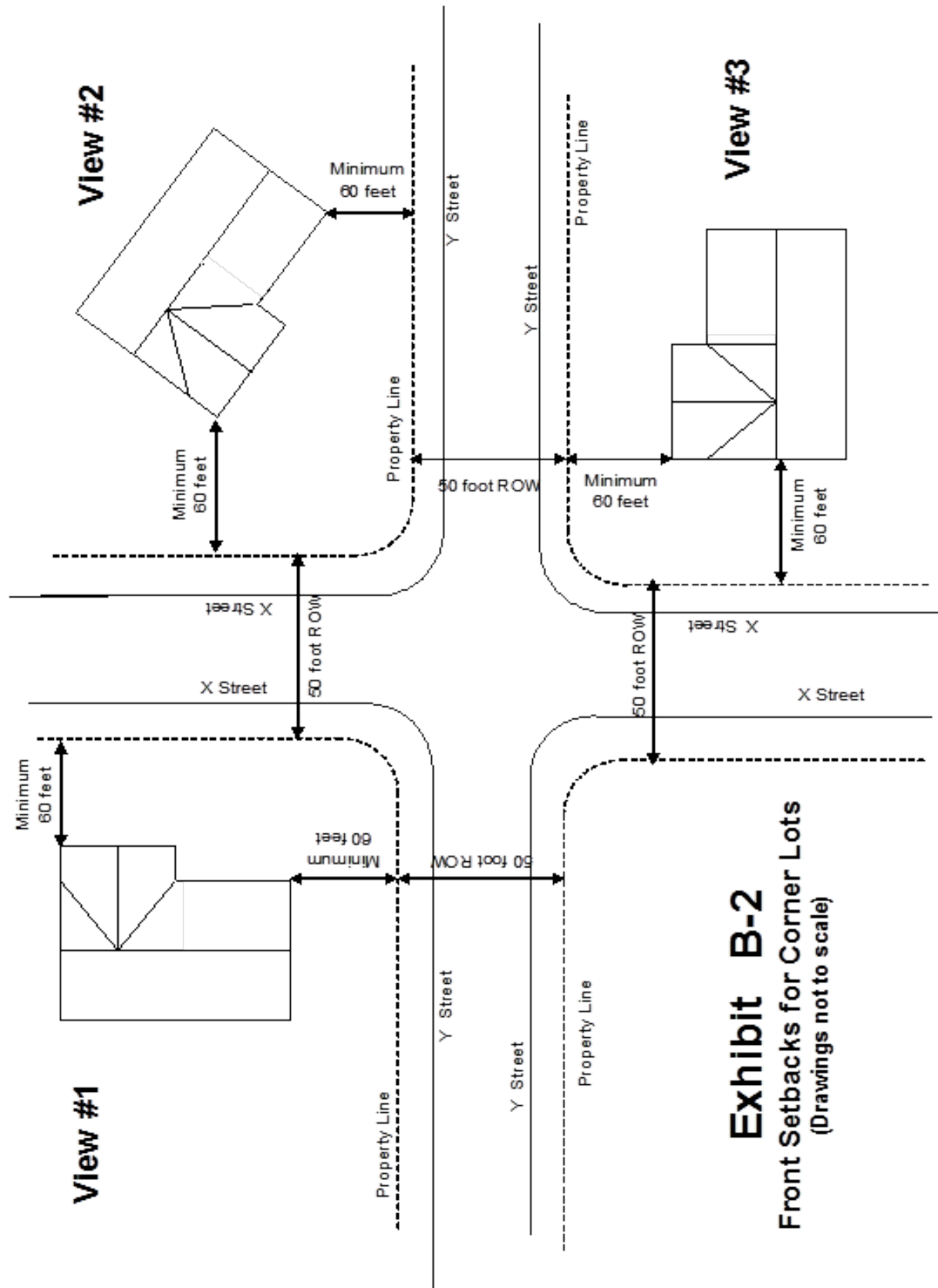
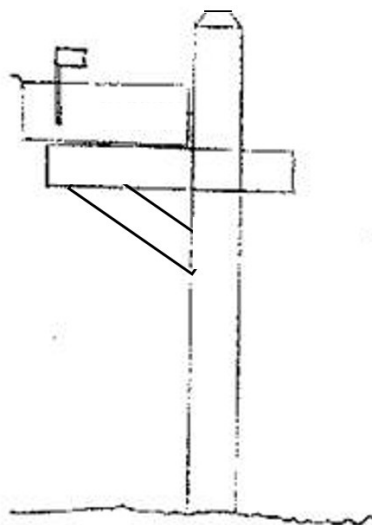


Exhibit C Approved Mailbox Design



**Posts must be 4" x 4" standard cedar, cypress or pressure treated wood.
Mailboxes must be wooden, metal or vinyl and may be black or white in color.**

Exhibit D Culverts

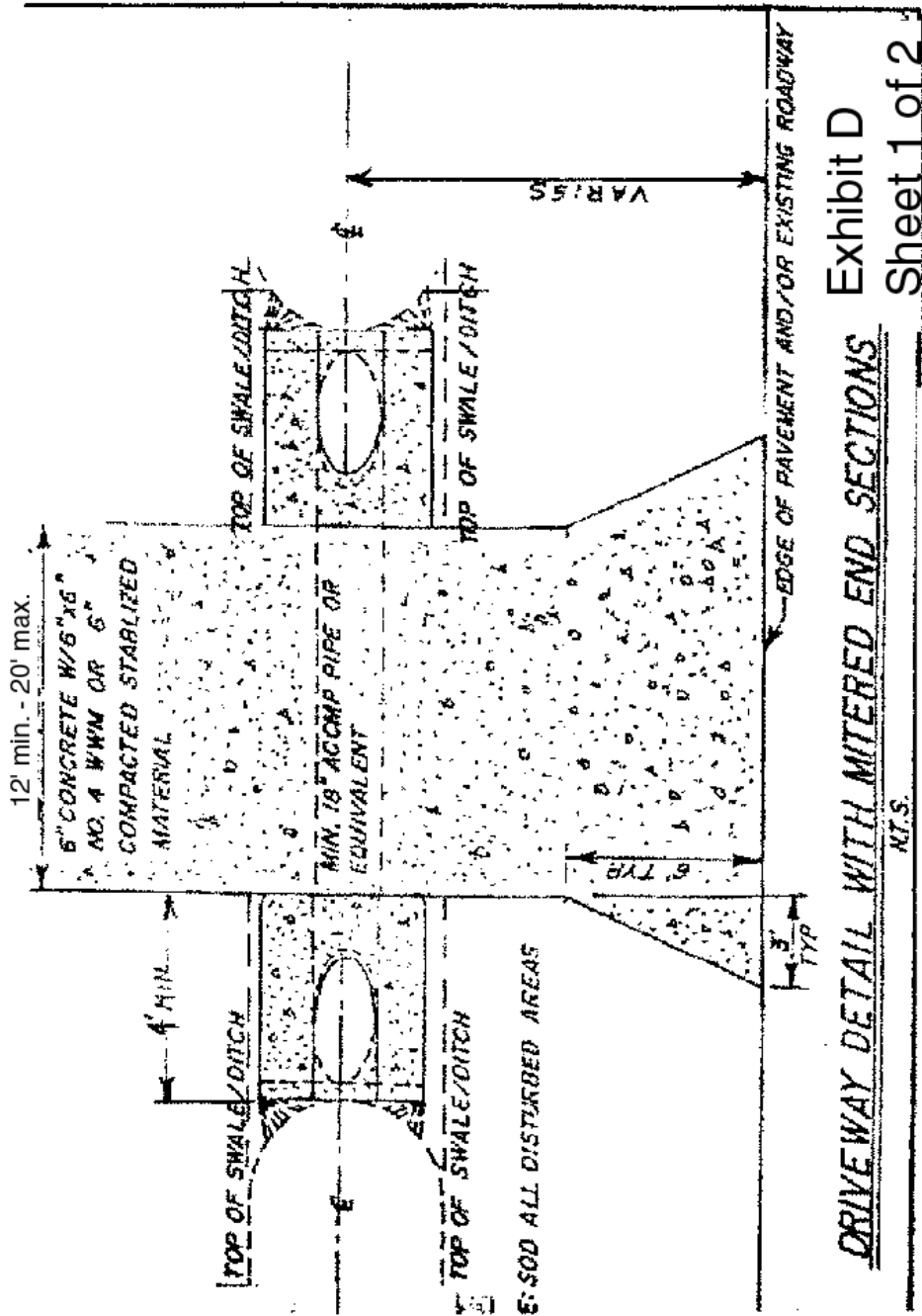


Exhibit D

Sheet 1 of 2

DRIVEWAY DETAIL WITH MITERED END SECTIONS

Cypress Creek
Driveway / Culvert



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Appendix A – ARC Application Form

Cypress Creek Homeowners Association of Brevard, Inc.

Application Form

Architectural Control Committee
Application for Review

LOT: _____ DATE: _____

OWNER(S): _____ Name _____

Address _____

Telephone work: _____ Home: _____

ARCHITECT/PLANNER _____ Name _____

Address _____

Telephone _____

BUILDER/CONTRACTOR _____ Name _____

Address _____

Telephone _____

Requesting the following review:

Schematic Design Plans _____

Construction Plans _____

REMARK's: _____

Submitted by: _____ Title _____

Date: _____

ACTION BY COMMITTEE:

_____ APPROVAL
_____ INCOMPLETE, SEE BELOW

_____ DISAPPROVAL
_____ APPROVAL SUBJECT TO
CONDITIONS (SEE ATTACHED)

BY _____ TITLE _____

Date _____

Page _____ of _____

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Appendix B – Plans Approval Appeal Procedure

Cypress Creek Homeowners Association of Brevard, Inc.

Plans Approval Appeal Procedure

If the applicant is not satisfied with the final decision as rendered by the Architectural Review committee, then the applicant may within 60 days of the decision, appeal to the Board of Directors of the Cypress creek Homeowners Association, Inc.

- A. The appeal application shall be filed in writing with the secretary of the Cypress Creek Homeowners Association, Inc.
- B. The applicant should delineate in writing the reasons for appealing the Architectural Review Committee decision with emphasis on specific hardship that may be incurred as a result of that decision. Hardship does not include financial considerations. The board will schedule the appeal a maximum of 45 days after notification of the appeal.
- C. Appeals will be heard at a monthly directors meeting unless at the discretion of the directors, it is necessary to postpone the applicant's appeal. A postponement will only result because of extreme and/or unusual circumstances as determined by the directors.
- D. At the special written request of an applicant, the president of the Cypress Creek Homeowners Association, Inc. may, at his discretion, call a special meeting, of the Board of Directors (a quorum is necessary) to consider the appeal of the applicant.
- E. The directors of the Cypress Creek Homeowners Association, Inc. will render its final decision within thirty (30) days of the hearing.
- F. There is no further appeal beyond this body.

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Appendix C – Application for Home Improvement/Repair

To: Cypress Creek Architectural Review Committee

Date: _____

From: _____ Lot: _____

Address: _____

Type of Improvement/Repair:

* Requires a refundable \$500 deposit

House Re-Paint: _____ Add or modify Fence: _____ Add Swimming Pool: _____*

Add Screen Enclosure: _____ Required Landscape Changes: _____ Driveway Re-Surface:
_____*

Replace Roof: _____* Add detached Building: _____* Addition to
Residence: _____*

Explanation of Above: _____

Estimated Start Date: _____ Estimated Completion Date: _____

Note: This work requested by this application must conform to the architectural criteria set forth in the CCHOA Declaration of Covenants, Conditions, and Restrictions; and with the Cypress Creek Design Review Guidelines. Samples of color, material, or renderings and dimensional drawings (height, width, length, elevation, setbacks) must be submitted when applicable.

Owner Signature

Date

Cypress Creek Design Review Guidelines – February 2022

Appendix D – OBC Responsibilities Statement

Owner/Builder/Contractor responsibilities Statement

To: All Owners/Builders/Contractors (OBC) Building in Cypress Creek

From: Architectural Review Committee (ARC), Cypress Creek Board of Directors

Subject: Responsibilities of OBC

It shall be the responsibility of the Owner/Builder/Contractor (OBC) to protect the Common Areas of the Association, as well as other property owners' property and their rights to quiet enjoyment of their property. Please read and SIGN below and submit with your package to the ARC.

- 1) Work hours on all construction sites are restricted from 7:00 am to dusk, Monday through Sunday and holidays. There shall be no noisy work conducted on Sundays or holidays.
- 2) It will be the responsibility of the OBC to repair or replace any items damaged by their subcontractors during the building process within Cypress Creek subdivision. Examples of such items might be sprinklers having been run over by vehicle traffic, damaged grass (sod), sign post hit, damage to roads, road swales, etc.
- 3) Each OBC shall submit to the ARC their intended "Finished Floor Elevation" data prior to building the pad. Failure to do so could result in additional cost to break down finished pads. The purpose of the requirement is to avoid elevations inconsistent with the majority of existing homes.
- 4) It shall be the responsibility of the OBC to pick up trash daily from the construction area and in the event articles of trash should blow over to abutting lots, pick these areas up as well in a timely manner.
- 5) Each OBC shall supply a dumpster for scrap construction building material and supply garbage cans for sub-contractors (coffee cups, food wrappings, bottles, etc.). Construction site is to be kept neat at all times.
- 6) All OBCs and their subs shall not exceed a speed limit of 25 MPH within Cypress Creek.
- 7) At no time shall any OBC or their subs commit any act that would challenge the "Use and Quiet Enjoyment" of a neighbor of their land or a dwelling. No loud radios shall be allowed. No water or electricity belonging to neighbors shall be used without the consent of the property owner or from the Association's common properties without permission.
- 8) In the event that a hurricane watch or hurricane warning is issued for an area including Grant, the OBC shall secure the construction site in order to avoid damage to neighboring

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properties or homes. This includes ensuring that all debris is collected and enclosed or disposed of, large pieces of construction materials must be tied down or secured and portable toilets must be secured or removed from the site. The OBC will be held responsible for damages caused by windblown debris or construction materials.

- 9) Where feasible, it is required that the OBC obtain temporary power to the construction site from FPL.

In the event that the OBC does not comply with the above requirements that portion of the \$500.00 deposit that it takes to remedy the problem can be deducted from the deposit.

By signing this Responsibilities Statement, OBC agrees to hold Cypress Creek Homeowners Association of Brevard, Inc., and its, officers directors and other members harmless from all losses, claims, damages, actions, injuries (both to property and persons, including death) judgments, suits, fines, penalties, demands or expenses caused by the OBC or any agent of the OBC, including negligence of the OBC or agent of the OBC as a result of or in connection with any construction activity performed by the OBC.

The OBC assumes all liability for and will reimburse Cypress Creek Homeowners Association of Brevard, Inc., for the reasonable cost of damages, including legal fees incurred, to community property including but not limited to common areas, fire standpipes, lakes, and roads that may result from the OBC's participation or any agent of the OBC's participation in or arising out of any construction activity performed by the OBC.

_____ Owner, Lot: _____ Date: _____

_____ Builder Date: _____