

Architectural Guidelines

WHEREAS, the “Declaration of Covenants, Conditions and Restrictions, Magnolia Park at Bayside Lakes Subdivision” as recorded with the Clerk Of Courts, Brevard County, Florida (hereinafter referred to as the “Declaration”) states the requirements associated with home ownership in Magnolia Park at the Bayside Lakes subdivision; and,

WHEREAS, this Declaration includes architectural and aesthetic requirements; and,

WHEREAS, the Architectural Control Review Committee (hereinafter referred to as the “ARC”) is established to oversee and manage applications associated with architectural and aesthetic requirements,

NOW THEREFORE, the following are the architectural guidelines for Magnolia Park at Bayside Lakes. These guidelines are in addition to the Declaration. These guidelines will be used by the ARC as the basis for approval or denial of applications submitted by home owners for building structures and site changes in Magnolia Park. Home owners can also appeal a ruling of the ARC to the Magnolia Park at Bayside Lakes Board of Directors. These guidelines are also written to further define what alterations or additions to a lot or house will require an application and approval before such alterations or additions are made.

If any specific guideline contained in this Architectural Guidelines is found to not be legal per Florida or US National regulations, such specific guideline will be considered as not required but will not effect the remaining guidelines which will remain in effect.

For purposes of these guidelines, the home owner in the case of residential houses that are rented is ultimately responsible for meeting these guidelines.

- 1. Site Plans – Applications for landscaping (including landscaping curbing), pool, fence, screened enclosure and standby generator are to be submitted with two sets of site plans detailing where the items being requested are to be located and, where required, elevations.**
- 2. Trees and Landscape – The landscaping requirements as specified in Article II, Section 5 of the Declaration as required to be planted on each home owner lot during home construction are also to be maintained by each homeowner. This requirement of the Declaration applies whether trees, plantings and shrubs are removed or become dead. The replacement of a dead tree with the same tree or replacement of flowers and shrubs in existing landscaped beds will not require an application. Dead trees that are required per the Declaration must be replaced with a like tree meeting the Declaration requirements. Landscaping changes such as the addition of a new flower bed or the addition of a new tree will require an application to be submitted to**

the ARC for approval. The addition of new flower bed(s) and/or tree(s) will be reviewed by ARC with approval dependant on site location including impact on adjoining properties.

The following trees which are on the St. John's Waterway Management DO NOT PLANT list are not to be planted:

- **Brazilian Pepper Tree**
- **China Berry**
- **Australian Pine**
- **Kudzo**
- **Seaside Majo (Portia Tree)**
- **Malaleuca (Punk Tree)**
- **Fig (Strangler Fig)**

The addition of a permanent edging (i.e., poured concrete, masonry blocks, etc.) to a landscaped bed is also subject to approval. The application is to include the materials proposed to be used, the finished color of such materials and the location of the permanent edging on the site plan. In general natural colors or colors that blend with the mulch and the house will be approved.

- 3. Paint Colors – Any residence that is to be re-painted on the exterior using colors that are different from the current colors of the residence or any change in the texture of the exterior must submit an application to the ARC for approval including samples of such colors and/or textures.**
- 4. Roof Colors and Design – A single color roof is to be used on each individual building structure and the roof design (material, pitch, etc.) shall be as defined in the Declaration. Any residence that is to be re-shingled with a different roof shingle color and/or material than is currently installed on the house must submit an application to the ARC for approval including samples of such colors and/or materials.**
- 5. Fences and Walls – Fences and other property line borders such as shrubs must be installed according to the Declaration with no exceptions which can include fencing to protect HVAC and other units installed outside the house. The Declaration defines the height, permissible location on the site and, in the case of fences, color, material and type of fence (semi-private). Fencing can be installed around an outside HVAC unit, emergency generator unit, etc. but must also meet the requirements according to the Declaration with the exception of needing to meet the requirement for using a semi-private with 7/8" gaps between pickets. Such fencing must be hidden from street view either by a perimeter fence on the property or by landscaping shrubs.**
- 6. Screened Enclosures – Screened enclosures must be installed according to the Declaration. The application is to also include the color of the enclosure framework for review to insure consistency with the Magnolia Park color scheme. Screening of the front entry way area will not be permitted. Owners**

will be permitted to install screen doors on front entry doors to residences upon application to the ARC with a description of the screen door materials and color(s). Screened garage doors with retractable screens either top mounted on the exterior of the garage door or mounted inside the garage door which in either case are not visible from the outside when not in use will be permitted upon an application to the ARC with a description of the screen door materials and, if mounted outside on top of the garage door, the colors. Outside mounted sliding garage screen doors will not be permitted.

7. **Mailboxes** – A fixed design was originally established for the mailboxes ~~to be~~ used in Magnolia Park but is not available if needed to replace a defective mailbox. A temporary mailbox may be installed on a lot as a replacement following damage to the existing mailbox but is to be replaced with a permanent mailbox within 90 days. Due to there being a very limited number of the original mailboxes with the fixed design for Magnolia Park, a second mailbox design was approved for use. Subsequently, the ARC together with the Magnolia Park Bayside Lakes Board of Directors established another alternative mailbox for use in Magnolia Park that is more cost effective for use to replace a defective mailbox.
8. **Fountains and Statues** – The addition of a fountain or statute that is not inside a screened enclosure or a fenced back yard must be submitted for approval to the ARC. The submission is to include the location and a picture or detailed description of the fountain or statute and the size of the proposed item.
9. **Yard and Seasonal Decorations** - Yard decorations are permitted as follows:
 - All yard decorations put in place for other than seasonal decorations shall be no more than 4 feet above the grade level.
 - No additional regulations or further guidelines are imposed on yard decorations within fenced in back yards or screened in patios.
 - Yard decorations for other than seasonal decorations on a lot other than inside fenced in back yards or screened in patios must be located within landscaped areas for plants, shrubs and trees or on the front porch. The yard décor shall not create a cluttered appearance.

Seasonal decorations are permitted to be placed on lots as follows:

- No application is required for such decorations to be placed on a lot.
 - A seasonal decoration can not be put up more than 4 weeks prior to the date of the associated seasonal holiday and must be removed no later than 2 weeks following the date of the associated seasonal holiday.
10. **Hurricane Shutters** – The follow hurricane shutters are permitted:
 - Accordion and roll-down hurricane shutters that are permanently mounted to the house structure and are in a color that blends in with the house color provided that any permanent hurricane shutters to be

mounted on the front of the house do not distract from the architectural appearance of the house structure

- **Temporary hurricane shutters that are either of clear plastic/lucite or natural galvanized steel.**
- **Houses that do not have hurricane shutters will be permitted to install plywood coverings but per the same regulations as noted below in regard to removal following the end of a hurricane threat to the area.**

Temporary hurricane shutters can be installed on the house when there is an eminent hurricane based on a warning issued by the weather bureau that could potentially involve the Magnolia Park area. The hurricane shutters are to be removed within two weeks following the end of the hurricane warning.

Similarly accordion or roll-down hurricane shutters can be closed when there is an eminent hurricane based on a warning issued by the weather bureau that could potentially involve the Magnolia Park area. If these shutters are closed due to such an eminent hurricane, the shutters are to be opened within two weeks following the end of the hurricane warning. Additionally, such hurricane shutters can be closed during evening and night hours for security purposes but must be re-opened the morning of the following day if used for this purpose.

Hurricane shutters can be installed or closed due to the occupants being away from the house for a short period of time during the hurricane season but for no longer than 30 days or per city ordinance if such ordinance specifies a shorter period.

- 11. Drainage & Elevations – The grading of each lot for purposes of elevations and drainage are set at the time of house construction per both legal and aesthetic requirements. Such elevations and drainage are not to be modified with the exception of raised landscape beds for flowers, plants and trees.**
- 12. Post Lights – A single post light separate from and in addition to any lights are that are integrated into the entry way house structure is permitted via an approved application.**
- 13. Swimming Pools – Permanent swimming pools may be installed on a lot as specified in the Declaration. Applications need to include the layout on the plot plan and the architectural drawings proposed for the pool to be constructed.**

Temporary children's wading pools are considered to be the same as non-permanent Games and Play Apparatus and subject to the same regulations as specified in the Declaration for such items.

- 14. Play Equipment – Games and play equipment must comply with the Declaration. Also, any such equipment that is permanently installed must be maintained in good appearance.**

- 15. Gutters – Aluminum gutters and downspouts in white or in a color matching the house colors shall be permitted to be installed on the house structure. Specifications and/or colors for other gutter and down spout installations are to be submitted with the request for approval.**
- 16. Back-up Generators – Permanently installed back-up emergency generators are permitted if powered by natural gas or by gasoline through a self contained gas tank, mounted on a concrete slab, placed no further forward than 20 feet behind the front building line of the residence with landscape and PVC fence screening so as to make the same not visible from the street (including side street in the case of a corner lot). Under no circumstance shall permanent fuel or bottled gas tanks be installed on residential lots for purposes of powering emergency generators or other engines as stated in the Declaration.**
- 17. Flag Poles – An application is to be submitted for the addition of a permanently installed flag pole to a property. The application is to include the location, height, materials and type of flag which will be considered by the ARC in the approval process. The flag pole must be no higher than 20 feet. In general, the only flag that will be approved is the US flag. A US flag is to be displayed in accordance with the appropriate US etiquette guidelines.**
- 18. Balusters – An application is to be submitted for any addition of balusters to the front entry way porch. The application is to include the size, colors and materials of the proposed balusters. In general, balusters that are of a material (or material appearance) and color consistent with the house colors will be permitted.**
- 19. Satellite Dishes – An application is to be submitted for any addition of a small aperture satellite dish. The application should include the location of the dish on the building structure including the set-back from the front of the house. Similar to fences, hedges, etc., the requirement is for the satellite disk to be at least 15 feet back from the front of the building structure.**
- 20. Sheds – The addition of sheds or other detached building structures, whether permanent or temporary, are not allowed on any building lot.**
- 21. Graffiti or equivalent – Graffiti markings such as chalk marks and writings are not to be made on the sidewalks, roadways and/or driveways.**
- 22. Driveways – An application is to be submitted for any change to a residential driveway from the street to the garage of the residence. Any change or expansion of such a driveway is limited as follows:**
 - not to be wider than the equivalent of the width of three car lanes**
 - can not use any driveway materials other than pavers and paver patterns consistent with existing driveways**

- can not extend beyond the street side front edge of the garage for houses with garages facing the street
- residences with side entrance garages can not extend their driveways beyond the garage area
- any expansion of driveway must start no closer to the street than the point on the far side of the sidewalk from the street

23. Other Improvements – To be addressed as required and added to these guidelines