

Sunset Lakes Homeowners
Association, Inc.
Design, Review and Guidelines

Design Review Guidelines approved 9/1/23

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Article I. Introduction

The following specific criteria will apply to all proposed or existing property within Sunset Lakes Homeowners Association, Inc. that includes Sunset Lakes and Island Estates (Sunset Lakes – West).

Section 1.01 Authority

These Rules & Guidelines have been adopted by the Board pursuant to the Covenants & Restrictions, local ordinance and Florida State Statute Chapter 720.3035. Rules & Guidelines may be changed and amended to serve the needs of an evolving community subject to approval by a majority vote of the Board at a noticed meeting where the members are able to voice opinion on the Rules & Guidelines prior to the Board vote.

Section 1.02 Purpose of Rules & Guidelines

The Rules & Guidelines clarify requirements and restrictions outlined in the Declaration of Covenants and Restrictions (C&Rs) that govern our deed restricted community. They provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and harmonious manner. Over time, communities adjust to new Federal, State, Local requirements. Additional Rules & Guidelines are often needed to ensure that all Lots within Sunset Lakes Homeowners Association comply with these requirements to maintain the consistency and quality that attracted homeowners to this development and to maintain property values for the community.

The Rules & Guidelines have been developed to assist in the planning, constructing, landscaping, and modifying of Lots within Sunset Lakes and Island Estates. The standards set forth criteria for design, style, materials, colors, location of site improvements, landscaping, signage, and lighting. In addition, the Rules & Guidelines establish a process for review of proposed construction and modifications to the Lots.

There is an advantage to guidelines which provide definitive "do's and don'ts", with no reliance on subjective opinion. Such specificity provides clear guidance to homeowners as to whether or not contemplated improvements or activities will be permitted. To the extent possible, specificity has been incorporated in the Rules & Guidelines. However, total specificity is neither possible nor desirable. The appropriateness and acceptability of modifications, particularly those of a major nature, may depend on a number of circumstances and factors that must be documented and evaluated on a case-by-case basis. A modification that is appropriate for one residence, Lot size, or location may be inappropriate in another situation.

Section 1.03 Definitions

The Board of Directors is referenced in this document as "Board."

The Architectural Review Committee is referenced in this document as "ARC."

The Declaration of Covenants and Restrictions of Sunset Lakes, as amended, is referenced in this document as "C&Rs" for Sunset Lakes and Island Estates. Island Estates is part of the Sunset Lakes Homeowners Association. Except for specific items described in the C&Rs, Island Estates is subject to the same C&Rs and Rules & Guidelines as are those in Sunset Lakes.

Unless stated otherwise, all references to Sunset Lakes includes Island Estates.

Section 1.04 Government Permits

To the extent that State of Florida, Brevard County, or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Rules & Guidelines or the C&Rs, the government standards shall prevail. To the extent that any government standard is less restrictive, the C&Rs and Rules & Guidelines shall prevail, unless prohibited by applicable law.

Section 1.05 HOA Property

Sunset Lakes Homeowner Association property is all property in the community that is not shown as being individual homeowner property. Homeowner property is shown on the individual boundary or site survey for each Lot.

The list of HOA property (may not be inclusive, contact the Board with questions) includes:

- a) Front gates at both communities, all equipment and areas surrounding, including vegetation
- b) Back gate, equipment and area surrounding, including vegetation
- c) Parks including the roadway, grounds, trees, plants and all equipment within the parks; examples are tennis courts, playground equipment, gazebos, picnic table, sidewalks, driveways, parking area, and piers
- d) Lakes including the sidewalks, bridges and grounds surrounding the lakes behind houses
- e) All roads, including curbs, and road marking and signage
- f) All walking paths
- g) Sidewalks in front of homes are HOA property and kept clean by the homeowner
- h) Front right of way easements (grass area between sidewalk and road in front of homes are HOA property, with basic maintenance like cutting and trimming by homeowner)
- i) Driveway aprons area between the driveway on homeowner property and the road is HOA property and to be kept clean by the homeowner
- j) Drainage and irrigation ditches are owned by the HOA and managed with approval from St. John's River Water Management
- k) Mail box surrounding easement and concrete pad

If a homeowner makes an unauthorized change to HOA property, they will be required to revert the change in a timely manner at the homeowner's expense and may be subject to a fine. Only the HOA Board may approve changes to HOA property.

Section 1.06 Applicability of Architectural Review

These Rules & Guidelines shall be applicable to all properties that are subject to the C&Rs unless otherwise specifically stated in these Rules & Guidelines. All plans and materials for new construction or exterior modifications or improvements on a Lot must be approved before any construction or modification activity begins.

Owners are responsible for ensuring compliance with all standards and procedures within these Rules & Guidelines. Owners are also governed by the requirements and restrictions set forth in the C&Rs, as they may be amended and supplemented from time to time. In particular, homeowners should review and become familiar with all covenants, conditions and restrictions established by the C&Rs as well as these Rules & Guidelines. In the event of a conflict between these Rules & Guidelines and the C&Rs, the C&Rs shall change to will prevail.

Article II. Brevard County and ARC Approval

Section 2.01 Brevard County/ District Permitting Approval Requirements

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Brevard County or other governmental authorities. It is the responsibility of the applicant to obtain all necessary permits and approvals.

Section 2.02 Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ARC that work completed or in progress on any Lot or property is not in compliance with these Rules & Guidelines and the C&Rs or any approval issued by the ARC, the ARC shall, directly or through the Board, notify the homeowner and builder, if any, in writing of such noncompliance, specifying in reasonable detail the particulars of noncompliance, and shall require the homeowner and/or builder to remedy the same. If the homeowner and/or builder fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the C&Rs and these Rules & Guidelines, and the Association may take action against the homeowner as provided for in [Section 2.04](#).

Section 2.03 Changes after Approval

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping, or signage, made after the approval of plans must be submitted to and approved in writing by the ARC prior to implementation. Close cooperation and coordination between the applicant and the ARC will ensure that changes are approved in a timely manner.

If Brevard County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the ARC, the applicant must notify the ARC of such changes and receive approval from the ARC prior to implementing such changes.

Section 2.04 Enforcement

In the event of any violation of these Rules & Guidelines, the Association may take any action set forth in the Bylaws of the Association, the C&Rs, or Chapter 720, Florida Statutes, including, but not limited to, the commencement of litigation or the levy of a fine pursuant to the C&Rs. As appropriate, the Association may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Association shall be entitled to recover all attorney's fees and costs incurred in enforcement.

Article III. Design Review Procedures

Section 3.01 Application Procedures

Prior to submission of an application for new construction or modification, homeowners are strongly encouraged to review Section 7.3 of the C&Rs, as amended, as well as these Rules & Guidelines in their entirety.

The ARC must review and approve all construction plans prior to the commencement of any construction or modification on any Lot, requiring the submission of an ARC Application. All applications for proposed construction or modifications must be submitted in writing using the application form authorized by the ARC, and all applicable fees must be paid per [Section 3.02](#) of this document. A copy of the standard form is available on the SLHOA website. Applications must be complete in order to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies to be remedied in order to be considered for review.

WITH THE EXCEPTION OF MAKING REPAIRS OR CORRECTING COMPLIANCE VIOLATIONS, ALL APPLICATIONS SHALL BE SUBMITTED FOR APPROVAL PRIOR TO COMMENCING THE CONSTRUCTION OR MODIFICATION, OR THE LOT OWNER MAY BE SUBJECT TO A FINE AND/OR HAVING TO RETURN THE CONSTRUCTION OR MODIFICATION TO THE ORIGINAL CONDITION.

Applicants may request an initial meeting with a representative of the ARC to address questions regarding these guidelines.

A separate ARC application must be submitted for each type of project (e.g. pool, screen enclosure, fence, roof, gutters, etc.)

Section 3.02 Plans to be reviewed

The ARC Application must include a complete and accurate description of the proposed construction or modification(s). In order to permit evaluation by the ARC, supporting exhibits will frequently be required. Examples include: sites plan, boundary survey, or plat survey showing the location and dimensions of the proposed modifications; architectural drawings or plans, as applicable; landscape plan; material and/or color samples, etc. The Rules & Guidelines and ARC Application form provide guidance with respect to the supporting documentation required for various types of modifications.

Required plans may include:

a) Plat or Boundary Survey

Showing the location of the proposed change, alteration, renovation or addition highlighted.

b) Site Plan

Showing a clearing and grading scheme with proposed and existing land contours; grades and flow of the site drainage system; location of existing trees, including identification of every tree with a diameter of four inches or more measured at a height of three feet above grade and location and size of trees proposed for removal; the location or "footprint" of the proposed improvement, including setback lines, fences, retaining walls, driveways, curb-cuts, walkways, fences, pools, patios, landscaping, buildings, and other improvements. Minimum scale of 1"= 20'.

c) Floor Plan

Showing decks, patios, stoops, retaining walls related to the dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms (new construction or major renovation), and connections to driveways and walkways.

d) Elevations

Front, rear and side exterior elevations showing building materials and finishes, and

indicating the maximum height of the dwelling.

e) Roof Plan

Showing slopes, pitches, roofing materials, colors, and gables, unless reflected in the other plans.

f) Exterior Finishes

Showing the exterior color scheme and texture (including texture samples or reference to approved colors), lighting scheme, and other details affecting the exterior appearance of the proposed improvements.

g) Landscaping Plan

How about this "Plan must show intended location of trees (and tree species), sprinkler systems, driveways, walkways, paths, fences, walls, and lamp posts. Colors, material, and type must be included as applicable. In appropriate cases, a comprehensive landscaping plan prepared by a landscape architect or other qualified landscape engineer may be required to be submitted to the ARC prior to the approval and commencement of any clearing, landscaping or construction."

h) Other

Such other information, data, and drawings as may be reasonably requested, including without limitation, irrigation systems, drainage, lighting, satellite dish placement, solar panel placement, landscaping, screening, fences, and other features.

Section 3.03 Recommendations

The ARC, with approval from the Board, has the authority from to adopt and revise lists of recommended landscape materials and hardscape materials. All proposed construction or modifications shall comply with the C&Rs and Rules & Guidelines in effect on the date the modification was approved.

Section 3.04 Review Period and Decisions of ARC

The ARC will respond, in writing, within thirty (30) days after submission of a fully completed ARC Application, including all required plans and specifications and other information noted. In the event the ARC fails to approve or disapprove such construction or modification within thirty (30) days after said plans and specifications have been submitted, the ARC Application will be deemed to have been denied.

The ARC's decision shall be rendered in one of the following ways:

(a) Approved As Submitted

The entire application as submitted is approved. A door hangar will be delivered with the approved ARC form. The door hangar must be displayed until your project is completed and then returned to the ARC.

(b) Approved With Conditions

The application is approved, if and only if the applicant adheres to the conditions stipulated by the ARC. The applicant must counter sign the conditions to indicate applicant's understanding of, and willingness to comply with, the stipulations noted.

(c) Denied

The entire application as submitted is rejected in total. The ARC will provide the reason the application was denied.

Section 3.05 Resubmissions to the ARC

Any applicant may resubmit a rejected ARC Application by resubmitting the information, documents, and fees, if applicable, set forth above within fifteen (15) business days of receiving a response of rejection; however, such resubmission shall be considered only if the applicant has modified the proposed construction or modification or has new information that would, in the ARC's opinion, warrant a reconsideration. The ARC is not obligated to hear a "reconsideration request" if they judge that, after reviewing the newly submitted information, their previous decision would not change. In the case of a disapproval and re-submittal, the ARC shall have thirty (30) days from the date of each re-submittal to approve or disapprove any re-submittal. However, a failure from the ARC to respond within thirty (30) days shall not be deemed as an approval of the previously denied application.

Approval of an application previously denied may only be made in writing.

Section 3.06 Time to Complete

Once construction is commenced, it shall be diligently pursued to completion. Completion of all modifications shall take place within thirty (30) days of the anticipated completion date specified on the approved ARC Application. The applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ARC may approve or disapprove, at its sole discretion. If construction is not completed on a project within the period set forth above, or within any extension approved by the ARC, the incomplete construction shall be deemed to be in violation of the C&Rs and these Rules & Guidelines.

Article IV. Design Review Criteria

Section 4.01 Rational

There is an advantage to design standards and guidelines which provide definitive "do's and don'ts" with no reliance on subjective opinion. Such specificity provides clear guidance to homeowners as to whether or not contemplated improvements will be permitted. To the extent possible, specificity has been incorporated in the design standards. However, total specificity is neither possible nor desirable. The appropriateness and acceptability of modifications, particularly those of a major nature, may depend on a number of circumstances and factors that must be documented and evaluated on a case-by-case basis. A modification that is appropriate for one residence, Lot size, or location may be inappropriate in another situation.

Section 4.02 Review Criteria

The criteria listed below provide the basis for both the development of design guidelines and the evaluation of individual design proposals by the ARC.

(a) Design Compatibility

The proposed construction or modification should be compatible with adjoining houses and the neighborhood setting and, for modifications, match the architectural characteristics of the applicant's house. Compatibility is defined as similarity in architectural style, quality of workmanship, and similar use of materials, color and construction details.

(b) Scale

The scale of any proposed construction should comply with the requirements outlined in the C&Rs and should relate to the location and size of the Lot, adjoining homes and surroundings, and in the case of a modification, the size of the applicant's home. This criteria applies to both structural and landscape construction and modifications.

(c) Impact on Neighborhood

The proposed construction or modification should relate favorably to the landscape, the applicant's home, adjacent homes and the neighborhood. Consideration will be given to both visual and functional impacts on neighbors. Visual impact refers to the aesthetic appearance of the proposed construction or modifications, which includes consideration of design quality, scale, location and architectural compatibility. Functional impact refers to such concerns as view, sunlight, ventilation and drainage. Examples of adverse functional impacts include structural additions that would cause a material loss of sunlight or ventilation to a neighboring dwelling, and an alteration in topography that would change natural or engineered drainage patterns to the detriment of a neighboring property.

(d) Color and Materials

Continuity or compatibility of color and finishing materials with the original construction and surrounding dwellings will be a specific consideration in evaluating appropriateness of proposed construction or modification. Specific exterior color and material requirements are provided for in [Section 5.05](#).

(e) Relationship to Environment

Proposed construction or modifications should not have a negative impact on the natural environment. The removal of trees or other vegetation, grading and other topographical alterations will be assessed for potential adverse impacts, such as material change in the rate and/or direction of storm water run-off and soil erosion.

Article V. Architectural and Improvement Design Standards

The following specific site criteria shall apply to all proposed or existing property within Sunset Lakes and Island Estates.

Section 5.01 Accessory Buildings (Island Estates Only)

Unattached accessory buildings are allowed in Island Estates ONLY in accordance with C&Rs Article VII, Section 7.3(b), as amended:

For Sunset Lakes West - Island Estates only, detached auxiliary buildings, including storage buildings and guest houses are permitted: provided however, all such structures must be of equal quality and similar in style to that of the primary residence.

Homeowners in Island Estates must submit an ARC request prior to placing a detached auxiliary building, storage building, or shed on their property.

Accessory buildings shall meet the following criteria:

a) Materials

Accessory building must be of equal quality and must be constructed of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence. Roofs may be peaked provided dimensional shingles, tiles or better are used. Current State of Florida Hurricane Standards must be met as well as any future changes must be applied to the structure.

b) Utilities

Any utilities servicing accessory buildings shall be installed underground. Propane tanks are not allowed for accessory buildings.

Section 5.02 Additions and Expansions

ARC approval is required for any addition to or expansion of a residence. Materials, color and style shall match the existing residence.

Section 5.03 Air Conditioning Equipment

ARC approval is required for the installation of exterior air conditioning equipment or evaporative coolers for new construction. No window or wall air conditioning units will be allowed. All air conditioning equipment will be shielded from view at ground level by appropriate landscaping or approved fencing.

Section 5.04 Antennae and Communication Dishes

No erection or placement of satellite dishes and/or antennas, whether permanently or temporarily, shall take place except as follows:

- a) An antenna designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter
- b) An antenna designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement
- c) An antenna that is designed to receive television broadcast signals shall be permitted, subject to such reasonable requirements as to location and screening, consistent with applicable law, in order to minimize obtrusiveness as viewed from

streets and adjacent property. Citizen Band (CB), HAM Radio antennas are not permitted over six (6) feet in height.

Section 5.05 Architectural Standards

The exteriors of all buildings must be designed to be compatible with the natural site features of the property and to be in harmony with their surroundings. The land forms, the natural contours, local climate, vegetation, and the views should dictate the building location, the building form, and the architectural style. The ARC may disapprove plans if in its judgment the massing (architectural style, roofline, exterior materials, colors or other features of the building) do not meet these standards.

Retaining walls, planter walls, and privacy walls should be used to break up the elevation of a building and help relate the structure to the ground. All exposed concrete block or poured concrete foundations and site retaining walls must be covered with an appropriate wall-facing material, which must be approved by the ARC.

a) Exterior Wall Treatments

The following are acceptable exterior wall treatments for vertical surfaces:

- (i) Natural stone
- (ii) Painted stucco in natural earth tone
- (iii) Anodized or paint finish are required on all metal surfaces including but not limited to windows, window screens, roof flashing, drips, caps, garage doors and screened pool enclosures preferably in earth tones or compatible colors to the surrounding surfaces.

b) Exterior Colors

In most cases, color selections for all exteriors shall be the original approved color or approved colors (which can be found on the SLHOA website). Colors will be submitted to the ARC for review and approval prior to commencing construction or painting, including specifications and samples for window and metal finishes, roof material, trim, and exterior surfaces and accents.

The SLHOA approved color palette is available on the SLHOA website under ARC.

Section 5.06 Awnings and Overhangs

The installation of overhangs or awnings are only permitted if they meet the architectural design of the house and are permanent. Retractable or aluminum shutters are not permitted. All codes and current wind mitigation requirements must be met. Cloth type may be used, if code and wind mitigated, but must be replaced when faded.

Section 5.07 Building Type

Except for accessory buildings allowed in Island Estates pursuant to the C&Rs and these Rules & Guidelines, no building shall be erected, altered, placed or permitted to remain on any Lot other than a residential home.

Section 5.08 Compost

A compost bin is defined as a contained, properly maintained area for decomposition of plant materials such as grass clippings, leaves, and small brush which is then used for mulching or soil conditioning. In an effort to support recycling efforts and conserve landfill space, the ARC will permit one compost bin per residential property, provided that the following conditions are met:

a) Location

The bin is to be located at the rear of the property no less than 10 feet from the rear

and side property lines for single-family homes unless the yard has privacy fencing.

b) Screening

The bin is to be shielded by landscape screening, subject to case-by-case application.

c) Dimensions

The maximum size of the bin is 4 feet wide, 4 feet long and 3 feet high.

d) Color

The color of the bin will be natural wood, black, dark gray or earth tones.

e) Use and Maintenance

The bin is used to compost only plant materials such as grass clippings, leaves, and small brush, and is turned regularly to prevent odors and aid decomposition. No household waste (kitchen scraps) or animal waste shall be composted in order to avoid odors, rodents, or health hazards.

Section 5.09 Decks, Balconies, and Patios

Owners shall secure the ARC's approval before installing decks or balconies. Decks and balconies must meet the following specifications:

a. Materials

Decks must be constructed of PVC, concrete, or composite material. All deck screws must be stainless steel or exterior rated deck screws.

b. Color

The finish to all wood surfaces except the deck boards on the horizontal floor of the deck and stairs shall be colors available in PVC or composite material.

Decks and balconies must be installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as not to materially obstruct or diminish the view of or create an unreasonable level of noise for adjacent property homeowners. Construction shall not occur over easements and must comply with the applicable Brevard County requirements.

All plans and designs for patios and enclosures must be submitted to the ARC for review prior to construction. A screen enclosure can extend beyond the side of the house provided there is at least a five (5) foot set back from the property line. The enclosure cannot be any closer to the front Lot line than a line parallel to the back of the home. However, placement shall be subject to ARC approval.

Section 5.10 Docks

No homeowner or occupant shall be permitted to erect a dock on or adjacent to common areas, rivers, or retention ponds.

Section 5.11 Dog Houses, Kennels, and Pets

No animals except household pets shall be kept on any Lot. Pets must be on leash and under control or crated at all times when not on homeowner's property within the community. Any animal declared "dangerous" under Florida or Brevard County Dangerous Dog Laws or other applicable laws or has a history of being aggressive must be housed on the homeowner's property and not permitted on Sunset Lakes common areas, sidewalks or streets. Residents shall not breed animals under any circumstances.

Prior to submission of an application for an exterior doghouse, homeowners are encouraged to review Article VI, Section 7.3 (b) and (e) of the C&Rs, as amended, in addition to these Rules &

Guidelines, in their entirety.

Doghouses must be compatible with the applicant's house in terms of color and material. Doghouses must be made of PVC, composite, or metal material and may not exceed sixteen (16) square feet of floor space and may not exceed four (4) feet in height at the highest point. They must be placed and firmly attached to the side or rear wall of the house and attached to the ground to ensure they do not become missile hazards in high winds. They should be located where visually unobtrusive to neighbors and the use of appropriate screening is encouraged, and may be required in some cases, in order to minimize any negative visual impacts. A maximum of one doghouse is allowed per Lot.

Animal kennels are prohibited. No animal structure shall provide shelter for more than two dogs over six months of age.

Doghouses must be pre-approved in writing by the Architectural Review Committee (ARC) including drawings with measurements, anchoring plans and location. The ARC may require on-site inspection of the completed structure. Dog homeowners must remove all dog waste from their Lot for health purposes. Dog homeowners must immediately clean up after their own dogs on any property outside of the homeowner's Lot.

Section 5.12 Exterior Lighting

ARC written approval is required to install or modify exterior lighting. Exterior lighting or illumination on any Lot shall be installed so as to avoid visible glare (direct or reflected) to any subdivision street, sidewalk, common area and other lots. No lighting feature shall be installed or remain that may be or has become an unreasonable annoyance or a nuisance to the residents of adjacent property. LED lights are preferred except bright white and output wattage should not exceed 75 equivalent watts for any light. Specialty lighting for Island Estates will be considered on a case-by-case basis.

Accent (landscaping) lighting fixtures must be black, dark green, brown or dark brown, or brushed nickel so they blend in with the background. The light fixtures may not exceed 18 "in height. Installation of coach lights or other fixtures that differ in color or style from those originally installed requires ARC approval.

Section 5.13 Freestanding Flagpoles and Flag Display

Homeowners may erect a freestanding flagpole (in ground) of no more than 20 feet high on their Lot. They may display in a respectful manner from that flagpole, 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, Space 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. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected. Freestanding flagpoles may not be erected in an easement area.

Flagpoles must be installed per the manufacturer's instruction and must be white, silver, or a neutral color. Halyards (if applicable) must be of a type that does not make noise under any wind condition. Halyards must be kept securely tied.

Any flag not removed from dusk to dawn requires illumination per the Federal Flag Code. Lighting shall be designed to illuminate the United States flag from sunset to sunrise and directed so as to minimize illumination of adjacent homeowners' structures. Lighting shall be focused on a circular area at the top of the pole to have a diameter of no more than 2.5 times the length of the flag.

Owners may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard, or a POW-MIA flag.

All other flags, pennants, streamers, and other flag like items may not be displayed from such poles. However, they may be displayed from removable poles no longer than six (6) feet in length intended for mounting to the house.

The United States flag must be flown in compliance with the Federal Flag Code (United States Code Title 36, Chapter 10) and any failure to comply with the Federal Flag Code will be considered a violation of these Rules & Guidelines and may be subject to HOA violation enforcement.

Section 5.14 Garbage, Yard Waste, and Trash Containers

For the safety of residents and to prevent damage to sodded areas, obstruction of the storm water system flow, or obstruction to traffic in the street or sidewalks, yard waste shall not be stored for any period of time on sidewalks, streets, or in storm water drainage gutters. For trimmings awaiting regular weekly pickup, the apron of the driveway or the area between the sidewalk and curb may be used for yard waste awaiting regular pickup. For trees and larger trimmings, the apron, and if necessary due to quantity of material, the grassy part of the easement shall also be used. The homeowner is responsible to call Waste Management immediately for pickup as soon as possible. Per County requirements contracted tree removal must include the contractor remove the tree debris immediately.

USE OF THE CONCRETE AREA COVERING THE STORM WATER DRAIN SHALL NOT BE USED FOR LARGE TREE TRIMMINGS FOR CLAW TRUCK PICKUP. THE CLAW CAN AND HAS DAMAGED THE CONCRETE REQUIRING HOA FUNDS TO REPAIR.

Yard waste produced by a professional company hired by the homeowner must be completely removed from the site immediately after the time of the trimming per Brevard County Ordinance. Each resident is responsible for removing any yard waste litter from the street and drainage gutters remaining after pickup by the waste contractor.

Trash containers with secured lids may be placed out for pick-up after 6:00 PM the evening before, or as otherwise dictated by Brevard County, and removed by 8:00 PM the day of pick-up. Containers shall not be permitted to remain out between pick-ups regardless of holidays or other reasons.

Garbage containers shall be kept in a clean and sanitary condition and shall be so placed or screened as not to be visible from any road or adjacent property within sight distance of the Lot at any time except during refuse collection. All containers must be relocated if they produce an odor that is bothersome to others in the community, or provide an unwanted habitat for nuisance animals.

No outside burning of wood, leaves, trash, garbage or household refuse is permitted.

No Lot shall be used or maintained as a dumping ground for rubbish, trash or other waste

Section 5.15 Gazebos & Greenhouses

The construction of any gazebo, greenhouse, or solarium is not permitted.

Section 5.16 Holiday Decorations

Any homeowner may display holiday decorations for generally recognized holidays so long as they are removed within:

- a) One week after the passing of the holiday; or,
- b) The end of the month in which the holiday falls, with the exception of Halloween and December holiday season decorations, which shall be removed by the 15th of the following month. No other type of decoration shall be permitted.

Holiday decorations may not be installed or displayed for more than 45 days prior to the generally recognized holiday. Any exception must have the approval of the Board.

Section 5.17 Hot Tubs and Spas

ARC approval is required prior to the construction of any exterior hot tub, Jacuzzi, or spa, and shall be an integral part of the deck or patio area and/or the rear yard landscaping. A

hot tub, Jacuzzi, or spa shall be located in the rear yard in such a way that it is not higher than five (5) feet tall for hybrid pre-built to code or (3) feet for concrete or per code. All fuel tanks, along with other necessary mechanical equipment, will be shielded from view at ground level by mature landscaping or decorative fences. All installations must comply with the Florida State and or Brevard County water safety requirements.

Section 5.18 Hurricane Shutters, Windows, and Doors

Homeowners are encouraged to purchase hurricane shutters that meet Florida Storm Shutter requirements before the hurricane season begins (June through October). An informative guide to hurricane shutters can be found [here](#) on FEMA's website.

Hurricane shutters must meet be approved in writing by the ARC. Consideration shall be made regarding the color and style of hurricane shutters or decorative shutters, so as to complement the home.

All decorative shutters must be constructed of wood, metal, or composite material and must be painted to match the existing approved trim colors. The shape of the shutters must be such to match the shape and contour of the window they are place next to. The size of the shutter must match the height of the window opening and the width of the shutter must be no greater than ½ the width of the window opening. Shutters comprised of slats are not authorized.

Installation of permanent hurricane shutters (accordion type) or decorative shutters require written approval by the ARC and are required by Brevard County to be installed by a [licensed Storm Shutter contractor](#). A Brevard County permit is also required. Temporary hurricane shutters shall be allowed only after a storm warning has been issued by the U.S. Weather Service.

Homeowners must notify the Board and the property manager by email or letter if they intend to leave their shutters up while away during the hurricane season and must include time of departure and expected time of return along with a phone number in case the Board or management company needs to contact the homeowner while they are away from their residence.

If an evacuation was not ordered by the State of Florida or Brevard County, hurricane shutters or temporary protective coverings shall be opened or removed within one week of the storm event.

If an evacuation was ordered by the State of Florida or Brevard County, permanent hurricane shutters must be opened and temporary protective coverings removed within one week after the "all clear" is announced.

Windows should be clear glass or a tinted glass of bronze, gray, or smoke colors. Window film must get ARC approval. Homeowners must submit sample of film with specifications. Window film must be 20% visible light reflected or less and non-reflective.

Replacement, modification or addition of exterior windows, doors, screen doors, storm doors and trim shall be subject to ARC approval. No "burglar" bars, steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling without ARC approval.

All window coverings must be maintained in a good state of repair. Window coverings must be manufactured vertical or horizontal blinds, drapes, curtains, fans or shades that fit the dimensions of the window and properly mounted. No drawings, pictures, lettering, flags, signs, etc. may be attached or visible in any part of the window other than house security signs. Small garage door windows do not need to be covered, but if they are, the coverings must be maintained in a good state of repair. Seasonal decorations are permitted in windows without approval but must be removed after the season is over, in accordance with Section 5.16.

Section 5.19 Latticework, Arbor, Pergolas and Trellises

Permanent latticework, pergolas, arbors or a garden trellis may not be installed in the front or side yards. Back yard structures must have ARC approval and must meet hurricane resistant guidelines. Small temporary garden or flower trellis are allowed but must be secured during a hurricane warning.

Section 5.20 Paint

Owners may repaint the surfaces of their house in accordance with ARC approval and in accordance with [Section 5.05\(b\)](#) of these Rules & Guidelines. ARC approval is required for all exterior painting except for touch up or repairs. Approved colors can be found on the SLHOA website under ARC. Color must indicate the type of paint: Main house color must be satin or semi-gloss finish. Trim color must be satin or semi-gloss. Review criteria may include, but not be limited to, the sheen of paint, the home's architecture, any existing stone or brick accents, and roof color. The main colors for all exterior building surfaces must complement the architectural theme of the house. Painting of the gutters and soffits is allowed and must be complimentary colors to the body of the home color. Gutters and metal soffits must be properly prepared and painted with a marine or metal grade paint per the manufacturer's instructions. Downspouts may be painted to match the adjacent color on the walls. All colors must adhere to the established color palette on the SLHOA website and is based on tone due to the differences in paint quality and viewable shades. ARC forms must have the equivalent Sherwin Williams number even if another paint manufacturer is being used. The tone must be a close shade of the SW number specified.

All flashing on the sides and bottom of the fascia as well as the gutters must be kept clean from mold and stains. If they require painting, they should be properly prepared (removal of loose paint, sanding, cleaning with acetone) and painted with a marine primer and top coat.

Driveways, walkways and patios may be painted using only solid color satin sheen that resists hot tires. Types include 1 part epoxy self-priming paint, solvent based sealer, and driveway enamel. Approved colors are on the SLHOA website.

Sidewalks and driveway aprons are not to be painted.

Section 5.21 Parking

The parking of vehicles shall be restricted to driveways and garages. No vehicle shall be parked on any lawn, yard, or other area not intended for vehicular use for an extended period of time. Recreational vehicles and trailers shall be parked only in a garage. Boats may be parked to the side of a residence provided that a privacy fence is erected with the approval of the ARC and the boat is not visible from the street. Boats, RVs and trailers can be parked at the resident's home for not more than 72 hours for the purpose of cleaning, loading and unloading. The homeowner must request approval from the SLHOA board for periods beyond 72 hours via an email to board@slhoa.info.

No vehicle of any type shall be parked within five (5) feet of the side or rear Lot lines unless a privacy fence is erected on the Lot line.

No commercial vehicles over ½ ton are allowed overnight parking.

Temporary overnight parking for vehicles over ½ ton (e.g. rental moving vans) may be parked in the main parking lot provided [Board](#) approval is granted. Otherwise, vehicles unauthorized vehicles parked in the main park may be towed at owner's expense.

Note: Law enforcement vehicles are not commercial vehicles. Per F.S. 718.129

Portable on demand (POD) and portable moving containers will be parked on the homeowner's driveway, not blocking the sidewalk, for no longer than seven (7) calendar days. Requests for parking a POD or portable moving container and any extensions must be approved by the Board.

Section 5.22 Recreational Equipment and Playhouses

No basketball hoops or backboards shall be attached to any residence. Any portable or

mechanical device that enables a homeowner to engage in basketball (e.g., a pole mounted with a backboard and hoop that can be moved and temporarily anchored) must be laid down or stored in the homeowner's house or garage during expected high winds so as not to cause damage to other neighbor's property. All devices must be in good condition not requiring any repair (including nets). In-ground units must be submitted for ARC approval and must be installed per manufacturer's instruction."

Other secured recreational equipment (tetherball, volley ball, golf/batting cages, etc.) shall not be attached to any residence and will be removed from the front yard when not in use.

Removable recreational equipment shall be well maintained and deemed attractive. Permanent recreational equipment must be must be approved by the ARC.

All plans and designs for playhouses must be submitted to the ARC for review prior to construction. A playhouse shall be no more than 20 square feet, is no more than five (5) feet high from peak to ground. It is recommended that playhouses be secured to a concrete or hurricane rated pad. Otherwise, during a hurricane, the playhouse needs to be secured so as not to become a missile hazard due to high winds, and should be constructed on a hurricane rated pad. Playhouses are allowed in rear yard only, as long as they are not visible from the street. Tree houses are prohibited.

Playhouses may be commercially available plastic units. Playhouses are not permitted to have any utility services installed in or on the structure. Playhouses may not be used as housing for animals.

Section 5.23 Roofing

Roof pitches and overhangs shall be designed for compatibility with adjacent roof profiles in front, side, and rear elevation, and color may vary as dictated by architectural design. Acceptable roof materials are dimensional shingles, tile, or metal. ARC approval in writing is required for a roof-material or color change. If replacement shingles/sections/color do not match the existing shingles/sections/color, the entire area visible from the street or adjacent properties must be replaced.

Roofs shall be maintained free from mildew. Any roof which has 10 % or more area discolored on any surface (or plane) by mildew shall be a violation and subject to enforcement.

Approved roof color tones can be found on the Sunset Lakes web site under ARC. These are tones and may not be exact representations due to manufacturer differences.

Section 5.24 Roof Accessories and Equipment

ARC approval is required for all rooftop equipment and accessories, unless specifically noted in this Section.

Requests to install gutters must be approved by the ARC prior to installation. The gutters and soffits must be complimentary colors to the body of the home color. The ARC will approve colored gutters based on how well they complement the roof and house colors.

Exposed flashing on the roof surface must be painted to match or an approved compatible color with the roof surface. The only exception is valley flashing which may be left as unfinished metal or painted in a manner consistent with the existing exposed roof flashing.

All flashing on the sides and bottom of the fascia as well as gutters must be maintained with the original color. Downspouts must be the same color as the gutters or painted to match the existing color of the house.

Section 5.25 Sheds

Sheds

a) Large sheds are considered storage buildings and detached storage buildings are not

permitted in Sunset Lakes per C&Rs Article VII, Section 7.3 (b):

Detached Auxiliary Buildings, including storage buildings, are not permitted; provided, however, nothing herein shall be deemed to prohibit an exterior dog house.

- b) Small vertical sheds are permissible if they meet the following requirements:
 - i. Vertical dimensions cannot exceed 6 feet in height, 6 feet in width, or 3 feet in depth.
 - ii. Vertical sheds must be secured to the rear or side of the home using proper fasteners. Cable or wire rope used with ground anchors is recommended. Angle (L) brackets are not sufficient to ensure adequate securing of the shed during hurricanes.
 - iii. Sheds will not be seen from the road.

Section 5.26 Siding

Owners shall obtain ARC approval before installing or replacing siding, due to the differences in colors and textures.

Section 5.27 Signs

In accordance with C&Rs Article VII, Section 7.3(h), all signs, billboards and advertising structures of any kind are prohibited, except building and subcontractor signs during construction periods that are approved by the developer (Board), and signs to advertise the property for sale during any sales period. No sign may be nailed or attached to trees. For sale signs shall not exceed four (4) square feet or be taller than thirty-six (36) inches.

The following applies:

- a) One homeowner security sign (not to exceed 10" by 10") is permitted in the front yard located adjacent to the driveway and in close proximity to the front entrance of the main dwelling. The ARC may impose shape and color restrictions on security signs.
- b) One sign up to 8" by 10" on a fence or gate stating "Beware of Dog" is permitted.
- c) Small directional yard signs not to exceed 18 inches by 24 inches may be used during the First Saturday Community Garage Sales for Sunset Lakes and must be removed by 3 pm.
- d) No signs are allowed to be affixed to any trees, traffic or street signs or postal boxes.
- e) A Permit Box (used for construction permits) is permitted on the property no more than one (1) workday before the work commences and one (1) work day after the final inspection is complete. Only one permit box is permitted on a Lot.
- f) All other signs are not allowed.

Address numbers shall be 3" to 5" high and visible and legible from the street on which the house fronts. The color must contrast with the immediate background material.

No signs are allowed in common areas except those placed by the Association. Signs posted by homeowners in these areas may be removed by the Association at the homeowner's expense. This also includes displaying any type of vehicle, property, or device for sale at the front entrance, rear exit or within the community. Signs for the first Saturday of the month Community garage sale are permitted at the entrance but must be removed by 3 pm when the sale is over and the gates are closed.

Section 5.28 Solar Equipment

Solar equipment shall not be installed without the approval of the ARC. Any solar panels and related equipment shall be designed and constructed to appear as an integrated part of the building architecture. This shall generally mean that the panels shall be roof mounted. Solar panels should be located on the rear or side roof of a home when practical (see Florida Statute 163.04). Any equipment placement in question will be decided by the ARC.

Section 5.29 Swimming Pools

ARC approval is required for the construction or installation of swimming pools. Pools shall be an integral part of the deck or patio area and/or the rear yard landscaping. A pool shall be located in the rear yard. All fuel tanks and mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street, public spaces, and neighboring Lot by an enclosure, wall, fencing, or mature landscaping such screening to be in accordance with these Rules & Guidelines and all applicable county regulations, and approved by the ARC.

Access to the site must be obtained by using the property of the homeowner installing the pool. If access is needed across another Lot or common area, the applicant shall obtain the written permission of the homeowner prior to submitting the pool application. Applicants shall be required to assure that any planned re-grading of their Lot, either major or minor, relating to the pool installation will not adversely affect the flow of runoff water as published in the original property survey.

Any swimming pool and the screening or fencing surrounding it that is to be constructed on any residential Lot shall be in compliance with all governmental regulations, and subject to the approval and requirements of the ARC, which shall include, but not be limited to the following:

- a) Above-ground swimming pools are not permitted
- b) Materials design and construction shall meet standards generally accepted by the industry and shall comply with applicable governmental regulations
- c) The location shall be approved by the ARC

All pool equipment, storage tanks, chemical feeders, heating equipment, and any other above ground apparatus must be shielded by screening or dense shrubbery so that such equipment or apparatus is not visible from the street. Pool heater vent stacks may extend above the enclosure. Pool equipment must be shielded within fifteen (15) business days from the date of completion of the pool.

Any grass or vegetation compromised or destroyed during pool installation must be replaced with healthy grass or vegetation, identical in all material respects as the previous grass and/or vegetation (unless otherwise approved by the ARC) within fifteen (15) business days from the date of completion of the pool.

Section 5.30 Temporary Structures

No mobile homes, trailers, shacks, tents or other structure of a temporary nature (except adequate sanitary toilet facilities for workers during construction) will be erected or permitted to remain on any Lot prior to the start of construction of a permanent residence. However, builders of improvements on the Lot may use a construction trailer.

ARC approval for tents is required other than camping tents (backyard only), which are used for occasional overnight sleeping by children and are left standing for no longer than 48 hours.

Article VI. Landscaping and Site Standards

Landscaping is an essential element of design at Sunset Lakes. Preservation of existing vegetation in addition to the introduction of plants native to the Central Florida area must be considered in establishing the landscape design.

Section 6.01 Clothes lines

Clothes lines are permitted in the rear yard of the property no further forward than the rear wall of the dwelling. Stationary (permanent) installations must adhere to hurricane standards set forth by the State of Florida. Any clothesline that does not adhere to State of Florida hurricane standards must be stored in an enclosed area when not in use.

Section 6.02 Curbing and Mulch

Permanent curbing requires approval by the ARC. All curbing shall be of a color, dimension, and style to complement the surrounding landscape and building features.

Approved mulches, organic and inorganic, are limited to; wood bark or fibers greater than ½" but less than 4", natural rock or stone greater than ½" but less than 3", rubberized/synthetic or white course sand (in framed perimeter in back yard only). Materials not approved include but not limited to grass clippings, or materials that float under light to moderate rain.

All mulches must be maintained and have a natural look that complements the property and have uniform coloration in earth tones consistent with the community. Homeowners are encouraged to follow the [Florida Friendly Landscape program guidance on using mulch](#).

Section 6.03 Drainage

Drainage of the Lot must conform to all applicable water management district, county and municipal requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any Lot or other property except as approved in writing by the ARC. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the builder prior to (or in some cases, immediately following) conveyance of title from builder to the original individual homeowner. Owners may make minor drainage modifications to their Lot provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation and other structures, including those of adjacent neighbors. Irrigation water should not pond on walkways, sidewalks, or driveways. Changes to the original landscape plans shall conform to established drainage patterns for the Lot. Installation of fences, or adding, removing or relocating dirt may cause a drainage pattern change and requires ARC approval. ARC may require a report from an engineer, at homeowner's expense, as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption but not to flood neighboring houses.

Owners shall not grade their property so as to interfere with the established drainage pattern over any property, the elevation of the Lot shall not be changed so as to materially affect the surface grade of the surrounding lots or obstruct the drainage on any Lot in any manner. Owners shall work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades. No Lot or parcel shall be increased in size by filling-in the waters, drainage easements or common areas on which it abuts with yard waste, soil or any other material or structure.

Section 6.04 Driveways, Walkways, Sidewalks, and Aprons

Homeowners shall obtain ARC approval prior to paving any walkway, driveway, or front patio areas on their Lot.

Sidewalks and driveway aprons are HOA property. Sidewalks will not be replaced or modified by the homeowner. Driveway aprons are HOA property and will not be replaced or modified by the homeowner unless the homeowner requests and receives approval from the ARC to widen the apron per this section. The homeowner is responsible to maintain the cleanliness of the sidewalk and apron that will require occasional pressure washing to remove mildew and stains.

Driveway (area between the house and the sidewalk) additions must be approved by the ARC. The addition must match the existing driveway of concrete or pavers and shall have a minimum five (5) foot setback from the side property line and not in a drainage easement. Side driveway extensions (to the rear of the front face of the house) are not permitted.

Driveways can only be concrete or pavers and approved extensions must match existing driveway material, concrete or pavers, must meet ADA standards. Driveway extensions are limited to a single 10 foot extension with the edge 5 feet from the property line or drainage easement. Any incursions into drainage easements will be immediately denied. Driveways and extensions must be maintained without chemical stains including oil, mold, and at minimum maintaining natural or approved color on the property.

Apron extensions must be approved by ARC. If approved, the current apron needs to be removed and re-poured to include the additional width of new apron. Construction of the new apron must be gravel or stone base with six (6) inches of 3000 psi 8" galvanized mesh with appropriate expansion joints when coming in contact with concrete sidewalks, curbs and existing concrete structures. The apron cannot be wider than the driveway at the sidewalk and cannot extend past five (5) feet from the side property line as measured from the point where the apron touches the curb. The apron must have the same three (3) foot flair toward the curb as was originally poured. The apron is defined as the area from the curb to the where the driveway begins.

Sidewalks and aprons are not to be stained or painted. ARC approval is required prior to staining or painting the driveway. Application of any coating other than a clear sealer must be per the color pallet at SLHOA site under ARC. Solid color 1 step epoxy or Sherwin Williams equivalent should be used. ([See Paint Section 5.20](#)).

All replacement driveways and walkways shall be of the same size, shape, dimension, and grade (or better grade) of material as the original unless otherwise approved by the ARC. Owners shall secure ARC approval before extending or expanding any driveway or walkway. The ARC shall not approve such extensions or expansions for homeowner's intended purpose of providing side yard parking or vehicle storage. No motor vehicles of any kind shall be parked on walkways.

Sidewalks shall not be blocked in Sunset Lakes or Island Estates. Owners may use the apron of their driveway to park an extra vehicle horizontally, but sidewalks must be kept unobstructed for pedestrians.

Homeowners shall maintain driveways, sidewalks, and aprons free of weeds, stains, mildew, and mold.

Section 6.05 Easement Plantings

Homeowners must obtain approval from the ARC prior to removal or replacement of any tree and will be required to plant a replacement hurricane resistant tree for trees removed in the easement.

Due to root disruption of the sidewalks, gutters, streets and the storm water system in Sunset Lakes, all plantings of shrubs and trees in easement areas (e.g., the areas between the sidewalk and the curb; from the sidewalk to the homeowner's front or side or rear property line) and abutting any drainage easement, must be approved in writing by the ARC.

Homeowners are responsible to keep trees trimmed in the easement to maintain fourteen (14) foot vertical clearance over the street for buses, garbage trucks, and fire trucks. The Association will pay for and remove builder planted oak trees whose roots are causing damage to the sidewalk, apron, or road curbing.

Homeowners may only plant the following palms or trees in the easement:

- a) Foxtail Palm or Solitaire Palm
- b) Single Trunk - Crape Myrtle, Dura Heat River Birch, Bridal Tree

Trees must be at least five (5) tall when planted. Trees will be planted no closer than fifteen (15) feet apart. A variance must be obtained from the ARC to plant trees closer than fifteen (15) feet apart.

Annuals and ground cover planted in the easement are limited to two each, three foot by two foot area beds. Plantings shall be less than 8" in height at maturity including the flower.

Section 6.06 Fences, Walls, and Enclosures

In order to provide privacy and maintain a uniform appearance of quality throughout the Community, the following applies:

- a) Height; Materials; Types; Construction
- b) Fences and walls shall not be less than or exceed six (6) feet in height on front, side, and rear yard areas. Acceptable materials are wood, white poly vinyl chloride (PVC), earth tone composite, or black wrought Iron. Black or dark green vinyl clad chain link may be permitted in back yards only. Particular types of fencing must be used in certain areas. The exterior side of all fences shall have a finished appearance. In addition to black or dark green vinyl clad chain link, water facing properties may have white or tan PVC picket style fences of four (4) feet in height across their back yard.
- c) Owners whose rear property abuts a public road may be approved to install a concrete block wall, solid stain Sandstone HC157 with brown cap that shall be six (6) feet in height to provide road noise abatement.
- d) No front yard fences shall be permitted. Fences shall not be permitted any closer to the front Lot line than a line parallel to the front of the dwelling, however fencing may be closer to the front of the dwelling if needed to screen equipment or under other circumstances, subject to approval by the ARC. Owners may set fence posts adjacent to a neighboring property's fence post without permission. Tying into a neighbor's fence shall require the homeowner's written permission.
- e) The composition, location and height of any fence or wall to be constructed on any Lot shall be subject to approval by the ARC.
- f) Any fences, walls, or screens, whether constructed by the homeowner or a builder, shall be well repaired and maintained consistent with the original approved construction
- g) In the event a fence, wall, or screen is damaged or destroyed, the homeowner or responsible party shall promptly repair or recondition the same at their expense, i.e., within thirty (30) days unless the ARC or Board authorizes a longer period.
- h) If a developer-mandated, builder-installed fence is on the Lot line of adjoining lots, it is the common property of adjoining land homeowners, and the property interest of each land homeowner is identical.
- i) In a case where the developer-mandated, builder-installed fence is on the Lot line, homeowners have maintenance responsibility for their side of the fence and will be held responsible to maintain their side of the fence in a manner consistent with the original approved construction thereof.
- j) If a fence is located totally on one Lot, that Lot homeowner will be held responsible to maintain both sides of the fence. A homeowner cannot enter the adjoining Lot homeowner's property for the purpose of maintaining the fence without permission from the adjoining Lot homeowner.

Section 6.07 Grading

Owners shall not grade their property so as to interfere with the established drainage

pattern over any property except as approved in writing by the ARC. The elevation of the Lot shall not be changed so as to materially affect the surface grade of the surrounding Lot, or obstruct the drainage in any manner. Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades.

No Lot or parcel shall be increased in size by filling-in the waters on which it abuts. Refer to Section 6.03.

Section 6.08 Hedges

ARC approval is required for hedges in front, side, or rear yard. Hedges are not allowed along sidewalks on the front street side of the home and must remain three feet minimum from sidewalks on the side. Properties on the pond or lake are not to have hedges over four feet high within the area between the property line and twenty feet inside the property line.

Section 6.09 Irrigation Systems

Owners may install irrigation systems underground without the ARC's approval so long as the homeowner installing such system obtains any permits required by Brevard County or other governmental authorities. Landscaped areas of each Lot shall be irrigated by an automatic irrigation system. No individual water supply system or well shall be permitted on any Lot.

Section 6.10 Landscaping

The applicant shall develop a landscaping plan and install and maintain landscaping on such Lot (subject to such extensions granted by the ARC due to weather conditions). If the landscaping plan indicates that more than 80% of the front yard will be lawn, and the remaining landscaping conforms to minimum landscaping standards listed below, applicant need not seek approval of the plan. If, however, the plan indicates that 20% or more of the front yard is to be landscaped, or the landscaping varies from the typical approved plan, applicant must submit his plan to the ARC for approval. Plans including water improvements, such as ponds and waterfalls (unless part of a water feature in a pool), require ARC approval.

a) Plant Quality Standards

Acceptable plant quality standards shall apply to landscape plants used in conformance with this section. All plants shall be Florida No. 1 grade or better when purchased. Sod shall be free of weeds, diseases, fungus, and vermin. Invasive plant species are not allowed and often illegal under Florida law. A list of invasive species can be found at Florida Exotic Pest Plant Council fleppc.org.

b) Maintenance

All landscaped areas on any Lot (including in easements) shall be maintained in live, healthy and growing condition, properly watered and trimmed to maintain the aesthetic value of their property and the neighborhood. All fallen fruit, leaves, seeds, pods, fronds or other plant debris must be promptly removed. Any planting of grass, shrubs or trees which becomes dead or badly damaged shall be replaced per paragraph b) above. Yard lawns must be planted with any type of St. Augustine grass. Island Estates may plant any type of St. Augustine grass or Bahia grass in accordance with C&Rs Article VII, Section 7.1(f) as amended. Dead or dying grass must be replaced by installation of sod; provided, however, that grass plugs may be installed in lieu of sod in rear yards enclosed by fences and front, side and unenclosed rear yards only so long as the plugs are used solely to fill in gaps or holes in the turf that are smaller in size than a standard-size square or rectangle of sod.

No extensive weeds, refuse piles, unsightly lawn growths or objects will be permitted to remain on any Lot. Use of vegetation, weed and grass killers (herbicides) should be

limited to waterway approved products per the Federal Insecticide, Fungicide and Rodenticide Act, commonly referred to as FIFRA.

A dead, declining, or dying tree in front yards shall be replaced with a tree that is approximately the same height, or minimum height of five (5) feet, whichever is less. Hurricane resistant, non-root invasive trees must be used. Homeowners must obtain approval from the ARC prior to any tree removal.

Common area lakes and pond banks that lie adjacent to public roads are available for use to all members of the Association. Lakes and pond banks maintained by the Association are available only to residents of Sunset Lakes or Island Estates. The Association maintains the common area turf around Association owned retention ponds.

Plant beds and lawns shall be kept free of weeds by the homeowner and maintained in a neat manner. In the event that any homeowner shall fail or refuse to keep Lot free of weeds, underbrush, refuse piles, or other unsightly growths or objects, or maintain landscaped areas, sidewalks, or other areas described above, then the homeowner will be subject to the possibility of being fined for non-compliance. In addition, and in accordance with C&Rs Article 5, Section 5.1, the Association may enter upon said Lot and remove or maintain the same at the expense of the homeowner, and such entry shall not be deemed a trespass.

Any landscaping requires ARC approval and must adhere to:

- i. Front yard - up to 20% of plantable area not including driveway, sidewalks, or easements.
- ii. Side yards - Unless fully fenced (no see through slats), up to 3 feet from the house
- iii. Back yards - unless fully fenced and not on a lake - up to 50% of homeowner's property.

c) Ornamentation

The use of non-living objects as ornaments in any component of a Lot's landscaping requires ARC approval. Non-Living ornaments will be no larger than 12 inches high, 12 inches long, and 12 inches wide.

d) Statues and Fountains

Statues and fountains are not permitted in the front or side yards. ARC approval is required for the rear-yard installation of any statue or fountain including any pedestal.

e) Birdbaths, Birdhouses, and Birdfeeders

Birdbaths, birdhouses, and birdfeeders are not permitted in the front or side yards.

Section 6.11 Vegetable Gardens

Vegetable gardens are allowed in rear yards only. Vegetable gardens must be well kept and reasonable size. Use of a size greater than 25% of the back yard for this purpose is prohibited.

Section 6.12 Sewage Disposal Systems

Public sewers are the only sewage disposal system allowed.

Section 6.13 Underground Installations

Homeowners shall obtain approval for any proposed underground installation, except for installation of underground sprinkler systems. Any digging requiring a gas powered machine is required to have utilities marked (call 811) prior to job start.

Section 6.14 Water Conditioners

Water conditioners or softeners installed inside the main residence do not require ARC approval. Any exterior units must be approved by the ARC and be covered from view of the street.

Article VII. Construction Guidelines

Section 7.01 Conduct of Contractors

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in Sunset Lakes or Island Estates. Loud music, speeding, profanity, criminal actions, and other behavior that is unbecoming of a quality operation will not be tolerated. Contractors or their employees violating this policy may be asked to leave the premises and may be denied access to Sunset Lakes.

The homeowner is responsible to ensure the contractor conforms to the requirements stated in the Sunset Lakes C&Rs, Rules & Guidelines, and the approved ARC application (if any).

Contractors must be properly licensed and insured for the type of work they are performing. Click here for the [Brevard County Licensed Contractor Search](#).

Contractors may only access the property through the front gate of Sunset Lakes or Island Estates.

Contractor Information and Security

- a) Homeowners are required to complete the Contractor Information Form (available on the SLHOA website) for all contractors that require a permit or license (e.g. roof, fence, etc.) for the work to be accomplished. The homeowner will submit this form to the property manager prior to work commencement. This does not apply to emergency service calls or small handyman projects where the homeowner is in direct contact with and is responsible for vendor access into the community remotely.
- b) Homeowners are required to complete the Contractor Information Form (available on the SLHOA website) for all contractors that require a permit or license (e.g. roof, landscaping, fence, etc.) for the work to be accomplished. The homeowner will submit this form to the property manager prior to work commencement. This does not apply to emergency service calls or small handyman projects where the homeowner is in direct contact and is responsible for vendor access into the community remotely.

Section 7.02 Construction Damages

Any damage to any common property caused by the homeowner, its contractors, sub-contractors, agents, or employees during construction or modification of the homeowner's Lot must be corrected immediately to the satisfaction of the Association. If the damage is not fully corrected, and after reasonable notice and opportunity to cure to the homeowner, the Association may undertake to repair such damage and assess the actual costs of that repair to the homeowner. Any such expense incurred by the Association shall be part of the Assessments to which the homeowner's Lot is subject and shall be due and payable in the same manner as annual Assessments, as provided for in the C&Rs. Vehicle and equipment access over HOA property must have written approval from the Board prior to commencement.

Section 7.03 Inspections

The ARC may perform periodic inspections to ensure that work is being performed in conformance with approved plans and specifications and these Rules & Guidelines. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Brevard County and other organizations having jurisdiction.

Job sites not in compliance with the C&Rs, these Rules & Guidelines, or approved plans will be issued a Notice of Violation and a list of items needed to bring the construction and/or job site into compliance.

Further construction is prohibited until such items have been corrected.

Section 7.04 Site Cleanliness

All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

Section 7.05 Vegetation Protection and Barricading

Prior to any construction or clearing activities, the applicant shall take measures to protect vegetation. Any construction areas bordering or draining to a pond, lake, or wetland shall provide proper barricades and other measures to prevent any contamination. The type and materials of barricades may be reviewed by the ARC. In addition, the following actions are prohibited:

- a) Dumping backfill into an area containing protected vegetation ("protected area")
- b) Excavating soil from a protected area
- c) Falling trees into a protected area
- d) Parking in or driving through protected areas
- e) Stacking or storing supplies or equipment in protected areas
- f) Changing site grading to causing drainage into a protected area
- g) Locating temporary construction buildings in a protected area
- h) Disposing of toxic materials into a protected area.

Article VIII. Non-Liability for Approval of Plans or Construction

THE OWNER SUBMITTING AN ARC APPLICATION SHALL BE SOLELY LIABLE FOR AND SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS AND INSPECTIONS REQUIRED BY STATE, COUNTY OR LOCAL GOVERNMENTAL AUTHORITY. THE OWNER AND THEIR CONTRACTOR(S) SHALL ENSURE THAT ALL IMPROVEMENTS COMPLY WITH ANY APPLICABLE CODES, RULES, REGULATIONS, ORDINANCES AND LAWS. IN NO EVENT SHALL THE ASSOCIATION, ARC MEMBERS, OR BOARD MEMBERS BE LIABLE FOR ANY INJURY, DAMAGES OR LOSS RESULTING FROM THE DESIGN, METHODS OR QUALITY OF CONSTRUCTION OR MODIFICATION OF ANY HOME OR LOT OR COMPLIANCE OF SUCH CONSTRUCTION, MODIFICATION OR HOME WITH ANY APPLICABLE CODES, RULES, REGULATIONS, ORDINANCES AND LAWS OF ANY GOVERNMENTAL AUTHORITY.

Article IX. Architectural Review Committee

Section 9.01. ARC Membership, Election, and Terms

- a) In accordance with Article VII, Section 7.7 of the C&Rs, the Architectural Review Committee shall be comprised of three (3) regular members and two (2) alternate members. A vote of two (2) is necessary to carry any decisions of the ARC, with the exception of major construction which would require a vote of three (3). The Alternate members shall fill any vacancies that might occur.
- b) Both regular and alternate members of the ARC shall be elected in accordance with Article VII, Section 7.7 of the C&Rs. Whenever possible and practical, it is desired that one of the committee members be an architect, general contractor, or other person with professional expertise in building, landscaping, or architectural design, or exterior design.
- c) Each ARC member shall be elected by a majority vote of the membership. Elections shall be held annually at the same time as the election of the Association's Board of Directors. Any vacancy on the ARC that is created, either by the resignation of an ARC member or alternate or the lack of an eligible candidate(s) at an election, may be filled by the Board of Directors from among the membership or at a special membership meeting, provided, however, that an Alternate member shall fill any vacancies that might occur. In the event that two alternate ARC members desire to fill a vacancy, then the Board of Directors shall select the alternate that is to become a regular member. Any regular member or alternate of the ARC that is appointed by the Board shall serve until the next scheduled annual election of ARC members by the membership.

Under no circumstances shall an ARC member approve or have any influence over other ARC members regarding their own ARC application request. The ARC will notify the Board of any ARC member requests for ARC approval.

Section 9.02 ARC Meetings

The ARC shall meet when called by the Chairman as necessary, to carry out its duties and functions. The ARC meetings shall follow the same formalities and notice requirements as meeting of the Association's Board of Directors, as provided for in the Association's Bylaws and in compliance with Section 720.303, Florida Statutes, unless otherwise permitted by law.

Members have the right to attend all meetings of the ARC. The right to attend such meetings includes the right to speak at such meetings with reference to all designated items. The ARC may adopt written reasonable rules expanding the right of members to speak and governing the frequency, duration, and other manner of member statements, which rules must be consistent with this paragraph and Section 720.303(2) (b), Florida Statutes, and may include a sign-up sheet for members wishing to speak. Notwithstanding any other law, meetings between the ARC and the Association's attorney to discuss proposed or pending litigation are not required to be open to the members other than Directors.

A majority of the members of the ARC present in person at any duly called meeting shall constitute a quorum. All questions shall be decided by the vote of two (2) of the three (3) voting members of the ARC. Where a question involves proposed changes to a Lot or Living Unit owned by a member of the ARC, that member shall be disqualified from participation in the proceedings, and his/her place shall be taken by one of the alternate members of the ARC. If a proposed change is not approved, the reasons for disapproval shall be stated in writing. Minutes of all meetings of the ARC shall be kept in a business-like manner, and shall be part of the Association's Official Records.

Article XI. Collections

Annual HOA assessments are due January 1st and July 1st each year. Homeowners may pay the entire year by January 1st or pay half of the annual assessment by January 1st and the remaining assessment by July 1st. Homeowners will receive an assessment invoice in December and June each year. It is imperative for assessments to be paid on time to help with operating expenses.

The following timeline applies:

<u>January 1st</u>	Annual assessment due (or ½ of the Annual Assessment)
<u>January 16th</u>	Assessment is late. Homeowner will be charged a \$25 late fee and 1.5 percent (18 percent per annum) interest fee
<u>February 16th</u>	Homeowner accounts with late assessments of \$300 or more will be turned over to the attorney for collections that may result in hundreds of dollars in collections fees that will be assessed to the homeowner's account
<u>July 1st</u>	Second half of annual assessment due
<u>July 16th</u>	Assessment is late. Homeowner will be charged a \$25 late fee and 1.5 percent (18 percent per annum) interest fee
<u>August 16th</u>	Homeowner accounts with late assessments of \$300 or more will be turned over to the attorney for collections that may result in hundreds of dollars in collections fees that will be assessed to the homeowner's account

Article XII. Changes to the Rules & Guidelines

From time to time, and pursuant to Florida Statute 720.3035, the Board may make changes to these Rules & Guidelines. A draft copy of the Rules & Guidelines containing any proposed changes will be made available to the members in hardcopy or via the SLHOA website for review prior to a noticed meeting where members will have the opportunity to voice their concerns prior to the BOD voting to approve or disapprove of the changes. Such changes shall not be retroactive so as to apply to previously approved work or approved work in progress. In no way shall any changes to these Rules & Guidelines remove or reduce in substance any provision of the C&Rs, as amended.