



Berkshire Park

**Version 3.0
Approved by
Architectural Review
Board on
June 20th, 2013
Any questions
regarding these
guidelines,
procedures or the
application process
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Lake Sawyer South HOA *Architectural Guidelines*

**Presented by:
The Architectural Review Board**



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Lake Sawyer South HOA Architectural Review Board Guidelines

Welcome to Lake Sawyer South Community Association. This document is intended as a guideline for homeowners who wish to improve their home, landscaping, fencing or other exterior features. These guidelines are designed to complement the Declaration of Covenants.

Purpose and Establishment of the ARB

The Declaration of Covenants have set forward that an Architectural Review Board (ARB) be put in place consisting of at least three members. These members create the guidelines contained herein and approve or deny applications brought before them. By these two documents any exterior change to a home or addition to a lot has to be approved before installation. Failure to do so can incur the additional cost to reverse the modification; please do the right thing and follow the proper procedure.

Application Process

Application Procedure

1. Please fill out the application as completely as possible. A copy can be found at the back of this manual. Applications can only be filled out and submitted by the property owner.
2. For improvements on the lot please include a copy of your lot survey and clearly mark where the modification is to take place.
3. Include color pictures of the product(s) you would like to use or website addresses where they can be found. Include paint chips or color specs for the products or paint you would like to use on the exterior of the home. Include architectural drawings as applicable.
4. Email the package to the Community Association Manager (contact information is on the front of this document) who will forward your application and support information to each committee member.

Review

The ARB endeavors to review all applications on a monthly basis which is generally the first Tuesday of the month. Incomplete applications can cause your application to be tabled until the next meeting costing time delays for your project. Applications submitted in less than 5 business days before a meeting can be tabled to allow the Board to review the property. The ARB encourages applicants to attend the meeting to provide answers or clarification should questions arise.

Types of Decisions

Upon receipt of properly completed Applications and the required Design Documents, the ARB will begin processing an Applicant's request and render one of four (4) decisions in writing to the homeowner by the Community Association Manager:

- 1. Approved as submitted** - Means that the project has been approved as submitted.
- 2. Approved with stipulations** - Applicant may proceed with the project provided they make the changes that were required by the ARB. Stipulations are binding.
- 3. Disapproved** - Project may not proceed. Desired modifications are not allowed in the community. Applicant may make revisions to the paperwork and resubmit.
- 4. Tabled for more information** - Application is on hold while the ARB obtains more information.

Appeals of an Architectural Review Board Decision

An appeal may be made to the ARB if it appears that proper procedures were not followed during the administration and review process. A denial based on the Declaration of Covenants or the Architectural Guidelines is not grounds for an appeal. To initiate the appeals procedure, the applicant must submit a written request for an appeal to the Community Association Manager within 30 days of the applicant receiving the ARB decision. Upon receipt of a request for appeal an appeal hearing will be scheduled. Appeal hearings are scheduled for a maximum of 15 minutes and follow a regularly scheduled ARB meeting. The applicant will have 15 minutes to present to the board after which the board will discuss and render a final decision.

Changes to Approved Applications

All modifications must be substantially completed in accordance with the approved application. Changes to Applications or Design Documents must receive prior written approval of the ARB, whether such changes are desired by the Applicant or required by the requisite building department, utility companies or governmental authorities with jurisdiction over such improvements.

Architectural Control

Inspections

Periodic inspections may be made (but shall not be required to be made) by a representative of the ARB during or after completion of the modifications to determine compliance with Applications, Design Documents and Architectural Guidelines. Lot Owners are required to provide reasonable access and cooperate fully with members of the ARB and its representatives.

Violations

Violations of the Declaration of Covenants, Architectural Guidelines or the Good Neighbor Guidelines can be reported to the Community Association Manager by phone or email.

Damage to Community Improvements and Property

Lot owners shall be solely responsible for the cost and repair or replacement of any improvements in Common Areas damaged or destroyed by Lot Owner or Lot Owner's agents, employees, contractors, subcontractors or suppliers. Lot Owners are responsible for the cost and expense for any repairs or replacement that may be required to restore improvements to their original condition within ten (10) days of the occurrence of any such damage. Affected improvements include, but are not limited to, damage to utilities, infrastructure, trees and other landscaping, drainage improvements and facilities, erosion control devices, vertical improvements, street lights, signage, rights-of-way, sidewalks, curbs and roadways. In the event the Lot Owner fails to complete necessary repairs within the ten (10) day period, the Association shall have the right, but not the obligation, to affect such repairs at the Lot Owner's cost and expense.

Enforcement of Standards

The Board of Directors of the Association shall have the right to enforce provisions and standards contained in the Declaration of Covenants and the Architectural Guidelines. In the event of a material violation, the Board may require a Lot Owner to make restitution to the Association for any loss resulting from any violation, they may impose reasonable fines, and/or exercise other remedies set forth in the Legal Documents.

Prohibited Architectural Styles

While diversity and creativity in residential designs are encouraged, certain architectural styles are not considered compatible with the regional architecture envisioned for Lake Sawyer. These include, but are not limited to, designs such as Pueblo, Log Homes, A-Frame, International, Meisian, High Tech, Art Moderne, Art Deco and Post Modern.

Easements

Drainage, utility, irrigation, maintenance, conservation or other types of easements may be located on portions of Lots within the community. Such easements may affect site work, the location of construction, and the installation of landscape material, patio decks, walkways, fences, walls and other improvements. Within these easements, no permanent improvements shall be placed or permitted to remain or alteration made to the drainage system without approval of the ARB and, as applicable, the Developer, the Association, public utility

companies servicing the Property, and governmental authorities with jurisdiction over such easements.

Removal and Restoration of Improvements in Easements

If any Lot Owner constructs any improvements or installs landscaping within easement areas, the Lot Owner shall remove at Lot Owner's expense the improvements or landscape items upon written request of the Developer, the Association, or the grantee of the easement. If the Owner fails to promptly remove improvements or landscaping, the Developer, the Association, or the grantee of the easement may enter on the Lot and remove the improvements or landscaping at the expense of the Owner, who shall reimburse the cost of removal within fifteen (15) days of demand. The party removing the improvements or landscaping shall not be liable for trespass, not responsible for any damage caused by the removal and shall not be required to restore any portion of the Lot damaged by the removal.

Jurisdictional Wetlands, Upland Buffers, Restricted Habitats and Conservation Areas

Lot Owners shall not alter, fill, dredge, place sod, excavate or perform similar activities on any portion of a Lot or adjacent areas which contain jurisdictional wetlands, upland buffers, restricted habitats or conservation areas without first obtaining approval of the ARB and subsequently securing authorization or exemption from the requirements of requisite governmental authorities.

Lake / Littoral Areas

Lot Owners shall not remove native vegetation (including cattails) that becomes established within the wet retention ponds abutting a Lot. Removal includes dredging, the application of herbicide, cutting and the introduction of grass carp.

Grading and Drainage

The installation of improvements on a Lot shall conform to the Surface Water and Stormwater Management System for the community. No changes are permitted which modify the flow or drainage of surface water, except as approved in writing by the ARB and the requisite governmental authorities. Drainage of individual Lots must be planned to provide positive drainage away from the structure without adversely affecting Conservation Areas, Common Areas or neighboring Lots.

Townhomes

The intention of the ARB is to maintain the original design, materials, style, color, application, dimension, form, fit and function of the building units in the entire townhome community. In order to maintain uniformity and neatness in the townhome area each application received for a townhome will be reviewed based on its compatibility with the architectural characteristics of the townhomes and neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

Signage

Signs advertising sub-contractors work, included but not limited to, landscaping, re-sodding, painting, fencing, pools, trim work, plumbing, electrical, drywall repair, cabinetry, etc. are not allowed on any lot or visible through a window of the home.

Additionally, for rent, for sale, for lease, etc. signs are not allowed on any property with the exception of the approved community standard. Only one sign will be allowed per lot. No signs of any style, type, etc. with the exception of the community signage shall be erected or placed upon any common property, easements, sidewalks, bike paths, entrance signs, etc.

House Exterior

Exterior Wall Finishes and Materials

The exterior wall finishes listed below are "permitted" or "not permitted", subject to overall design approval.

Permitted

- Stucco with a knock-down finish
- Stone [natural, manufactured or cast]
- Fiber or cement board siding

Not Permitted

- Aluminum siding
- Shingle siding
- Plywood or wood laminate siding
- Exposed concrete block
- Decorative concrete block
- Brick or brick veneer
- Vinyl siding

Repaints

Existing homes may be repainted the same color and paint finish (flat, satin, semi-gloss, gloss) without prior approval. If color changes are anticipated, Owners must select from the builders approved colors and schemes available from the Community Association Manager and have ARB approval. Color scheme choice cannot match those on neighboring homes. This provision applies to all exterior colors including, but not limited to, exterior walls, trim and accents.

Stone Colors

Stone for exterior walls, window and entry door trim or other use must be submitted for approval by the ARB. Stone colors must complement the overall color scheme of the home and will be evaluated by the ARB.

Windows

Frames

White or cream are "permitted" for aluminum window and glass sliding door frames.

Glass

Must be clear and free from frosting and accent designs including but not limited to stained glass or faux stained glass. Opaque materials may be used for bath areas. Glass block is not permitted on front elevations.

Window Coverings

All windows which are visible from the street or dwellings on other Lots shall have window coverings which have a white or off-white backing or blend with the exterior color of the dwelling. Blinds or interior shutters should be white or a color that compliments the exterior colors of the house. No reflective materials or paints are to be used. Paper, tin foil, bed sheets, tape, etc. may not be used.

Window Film

Film with highly reflective or mirrored properties are not allowed on any Structure. Light grey and light bronze tinting and film are permitted. All other tint colors must be approved by the ARB.

Shutters

Exterior Decorative shutters are permitted provided such details are consistent with the architectural theme and exterior colors of the Structure. Shutters must be fixed, and mounted to one or both sides of a window. Shutters must be made from polyvinyl or formed synthetics. Permanent shutters including, but not limited to, accordion, roll down or Bahamas shutters are not permitted.

Hurricane Shutters

Only temporary shutters are allowed utilizing removable corrugated panels of material approved by the ARB. Permanent shutters including, but not limited to, accordion, roll down or Bahamas shutters are not permitted. Verification of hurricane certification for shutters is the responsibility of the Applicant and not the ARB. Temporary hurricane panels must be stored inside a Structure and only installed upon issuance of a tropical storm or hurricane watch. Panels must be removed within five (5) days after a watch or warning is lifted.

Storm Doors

Storm doors are reviewed on a per case basis. Those that are allowed shall not have kick plates, any screen material and need to have clear glass on them with no striping, frosting, etching or colored designs. Frame color to be determined by the ARB dependent on the color scheme of the house.

Screen Doors

Retractable Screen doors are allowed provided that they closely match the front door color. Other types of screen doors are not accepted on the front of the home.

Fascias

Fascias shall be a minimum of 6" on all elevations. Wood or cement board are the approved materials.

Soffits

Soffits are to be made from aluminum coated in white.

Gutters and Downspouts

All gutters shall be aluminum or factory baked enamel over galvanized steel in the color of the fascia. Downspouts are to be aluminum or galvanized steel painted to match the color of the gutters or the color of the house.

Roofing

The elevation and top view of roofs and related details shall be shown on plans submitted for approval by the ARB.

Shingles

Shingles shall be dimensional style matching builder installed style and color. The approval of roof material types does not imply that all manufacturers and colors within a manufacturer's series are permitted. Cedar shakes and non-dimensional asphalt shingles are not permitted.

Skylights

Skylights may be installed on rear slopes only and not visible from the street or side yard of Corner Lots. Reflective glazing is not permitted.

Solar Collectors

The location and design details for solar collectors shall be submitted for Architectural Review. A solar collector shall not be installed on any Lot unless it is an integral and harmonious part of the architectural design of a roof structure. Solar collectors shall be located on a roof exposure shielded from view from the street, adjoining Lots and Common Areas to the maximum extent possible. Solar collectors shall be flush mounted and installed parallel to the plane of the roof. Under no circumstances may solar collectors extend above the ridgeline of a roof.

- **TOWNHOMES**

The location, type, and design of solar heating panels must be approved by the ARB.

The ARB can determine the specific location where the solar collectors may be installed on the roof within an orientation.

Homeowner is responsible for any roof repair/replacement costs by their or their contractor's installation of the solar panels. The Association may remove the solar panels to repair or replace the Townhome roofs. The cost of such removal is the responsibility of the homeowner who altered the roof area to install the solar collectors. Additionally, the Association is not responsible for replacing the solar panels after completing its roof work.

Homeowner is responsible for foregoing costs. Homeowner requesting will be asked to complete the Acknowledgement and Agreement Roof Repair Costs Form. This form along with the application must be submitted to the ARB for

further review. It is highly recommended that they attend the meeting to address any concerns and have any of their questions answered.

Porches

This section is intended for porches, under truss, that were part of the original structure design.

Front Porches

Front yard porches may not be enclosed with screening, blinds or other materials. Porch railings were only intended for some models and should not be added if not part of the original design. Any surface change including but not limited to tiles, pavers or painting made to horizontal or vertical portions of the front porch floor or wall must have ARB approval. Modifications approved for the porch may not extend beyond the horizontal surface of the main porch. No surface change or painting shall be made to the porch wall, steps, risers, walkway or sidewalk. No carpet or ceramic tiles are allowed.

Rear Porches

Rear porches may be screened in with bronze aluminum frame and charcoal or black screen material. Porch surface may be modified with ARB approval of materials and color.

Driveway Materials and Finishes

Driveway materials and finishes must conform to Architectural Design Guidelines. In neighborhoods which permit the use of brick pavers, such materials may be installed from the garage to the back of the sidewalk. The sidewalk must remain concrete as installed originally as well as the portion between the sidewalk and the street. Driveways may not be painted, stained, sealed or resurfaced without the approval of the ARB. No family names, initials, numbers, crests, logos or similar items may be applied to or set in driveway surfaces during new construction or after completion of a home.

Garages

Garages must remain as their intended purpose and may not be enclosed or partitioned for living or office space. Garage doors may not be screened in by permanent, temporary or moving panels.

Satellite Dishes

One (1) satellite dish is permitted if it is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. Satellite dishes must be one meter or less in diameter or diagonal measurement. All efforts should be made to mount dishes where they are shielded from street view. Owners shall not permit satellite dishes to fall into disrepair or to become safety hazards.

One satellite dish is permitted if it is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. Satellite dishes must be one meter or less in diameter or diagonal measurement. All efforts should be made to mount dishes where they are shielded from street view, **such as the rear of the home.** Owners shall not permit satellite dishes to fall into disrepair or to become safety hazards.

Other Transmission or Reception Antennas

Unless otherwise permitted by government authorities with jurisdiction over transmission or reception equipment, no other antennas, masks, towers, poles, aerials, satellite dishes or similar appurtenances shall be erected, constructed or maintained on the exterior of any Structure or Lot.

House Numbers, Family Names and Related Symbols

One (1) set of house numbers shall be installed by Builders as part of original construction. **Up to 2 may be maintained** thereafter by Lot Owners. The size, color, design and location of house numbers may vary by neighborhood within the community. Except as provided by the ARB, no additional house numbers or family names, coat of arms, crests, insignias, medallions or similar items may be attached to any Structure or located in the open yard area of any Lot. **Size of second crest or set of house numbers, must choose only one, is limited to 8x14. Must submit to ARB for approval.**

Window Air-Conditioning Units

One piece air conditioning units that mount through windows or walls are not allowed.

Mailboxes

Mail boxes must remain consistent with the style present in the community. It is the owner's responsibility to maintain them and if painted must remain the original gloss black for the box, door and post, and red for the flag. No other emblems, symbols, designs etc may be displayed on them. No other receptacles, including but not limited to, newspapers or other printed material may be installed.

Lightning Protection

Lightning protection must be approved by the ARB. **Please provide contactor information. It is recommended that contractor is UL listed and LPI certified.**

Lighting

Overview

The intent of the standards in this section is to ensure that lighting is properly used to enhance the architectural detailing of a Structure during evening hours without overpowering the streetscape, producing excessive glare, or affecting adjoining Lots. Architectural lighting must be shown on floor plans submitted for Architectural Review. Any modifications or additions to exterior lighting must have ARB approval.

Owners of Lots adjacent to Conservation Tracts are responsible for ensuring that any outdoor lighting is directed toward the homes constructed thereon or toward other improvements, and away from designated habitats.

No exterior lighting will be permitted which, in the opinion of the ARB, would create a nuisance to adjoining Lots or excessive glare from the street. In the event lighting produces excessive glare or light spillage after installation, the Applicant will be required to correct the situation by reducing the wattage of lamps, adjusting shields, or taking other measures as directed by the ARB.

Light Spillage and Glare

Other than decorative fixtures attached to the entry or garage of a Structure, light sources should be hidden when possible so the light is seen, but not the lamp. Besides achieving the most natural look possible, hiding the light source avoids glare that results when lamps are in direct view. Glare can also be reduced by using several smaller lights rather than one larger one. The use of diffusers, shields and grills is also helpful.

Location of Lighting Fixtures

All architectural lighting must be attached to the Structure.

Illumination

The maximum level of illumination shall not exceed a low to medium level of illumination to achieve a soft look or warm glow.

Bulbs

All exterior lighting must be equipped with white, frosted or clear bulbs. Mercury vapor and high pressure sodium lights are not permitted.

Lenses

Glass panels or lenses and vinyl or plastic liners for lighting fixtures must be white, frosted or clear. No colored panels or lenses are permitted.

Entry Lights

Hanging fixtures, wall or ceiling mounted fixtures, and recessed high hats may be used for entry lighting. Low-wattage incandescent lights are best for decorative wall-mounted fixtures, while higher-wattage fixtures are recommended for overhead use.

Garage Lights

Decorative wall-mounted fixtures may be used to light garage door areas and may be mounted on the sides of garage doors. Lantern style lighting fixtures are permitted for the front entry, proximate to garage doors, and on porches and patio decks not located in side yards. Globe lights will not be permitted. Allowable finishes include copper, verde green, rust or black and other colors as may be approved by the ARB. White fixtures are not permitted.

Porch Lights

Modification to the builder supplied recessed lighting may include light/fan combos provided they complement the existing colors and house design.

Spot / Flood Lights

A maximum of two (2) wall or eave mounted spot lights, having a maximum of two (2) lights not exceeding 200 watts per fixture, are permitted only on the rear plane of a Structure, unless otherwise approved by the ARB. Fixtures must be mounted less than 12'-0" above grade and fitted with a shield to minimize light spillage. Lamps may not be directed at such an angle to cause excessive glare or light spillage which may affect adjoining Lots, as

determined by the ARB. Wall and eave mounted spot / flood lights are not permitted in front or side yard areas, unless otherwise approved by the ARB.

Holiday Decorations

Holiday lights and decorations may be displayed on a lot for up to 30 days prior to a publicly observed holiday or religious observance and up to 30 days thereafter without prior approval, subject to the right of the Association or the ARB to require removal of any such decorations which it deems to be:

- Excessive in number, size or brightness
- Causing a dangerous condition or nuisance to the neighborhood
- Drawing excess traffic

Decorations on townhomes may not extend past the front porch and no holes, hooks or hangers should be made or placed on the exterior of the structure for lights and other displays.

Pools, Spas, Screen Enclosures and Decks

Pools

Only in-ground pools are permitted with the exception of small baby pools less than 5' in diameter. Baby pools must be drained and stored inside a structure when not in use.

Location

In ground pools may only be located in the rear yard and must not extend beyond the sides of the house.

Deck

Material can be either poured cement or decorative paver that compliments the house colors. Material and color must be approved by the ARB.

Protection

All pools must be enclosed by a screen enclosure with latches high enough to prevent children from entering or by a privacy fence that cannot be opened or climbed by small children.

Equipment

Pumps, heaters, filters, propane tanks and other accessories must not extend beyond three feet from the side of the house. All equipment must be screened with landscaping or within a backyard fence. Small fences are not allowed.

Solar Collectors

The location and design details for solar collectors shall be submitted for Architectural Review. A solar collector shall not be installed on any Lot unless it is an integral and harmonious part of the architectural design of a roof structure. Solar collectors shall be located on a roof exposure shielded from view from the street, adjoining Lots and Common Areas to the maximum extent possible. Solar collectors shall be flush mounted and installed

parallel to the plane of the roof. Under no circumstances may solar collectors extend above the ridgeline of a roof.

TOWNHOMES

The location, type, and design of solar heating panels must be approved by the ARB.

The ARB can determine the specific location where the solar collectors may be installed on the roof within an orientation.

Homeowner is responsible for any roof repair/replacement costs by their or their contractor's installation of the solar panels. The Association may remove the solar panels to repair or replace the Townhome roofs. The cost of such removal is the responsibility of the homeowner who altered the roof area to install the solar collectors. Additionally, the Association is not responsible for replacing the solar panels after completing its roof work.

Homeowner is responsible for foregoing costs. Homeowner requesting will be asked to complete the Acknowledgement and Agreement Roof Repair Costs Form. This form along with the application must be submitted to the ARB for further review. It is highly recommended that they attend the meeting to address any concerns and have any of their questions answered.

Portable Spas Location & Protection

Spas are permitted if located on the rear porch. Spas are permitted on an exterior deck if back yard is enclosed by fence which specs are outlined in the fences portion of the manual. Spas must be enclosed with screening or fence that protects children from entering without adult supervision. Fencing and screening guidelines can be found elsewhere in these guidelines. Compliance with **County permits**, building and safety codes are the responsibility of the Applicant and not the ARB.

Screen Enclosures

Subject to easements, setbacks and site drainage requirements, screen enclosures may be used to enclose the sides and overhead of an open patio or pool deck.

Location

Screen enclosures must fit behind the house and may not extend any closer to the side lot line than the exterior wall of the structure.

Roofs

Screen enclosures shall be attached to and integrated with the structure. No flat roofs are permitted on screen enclosures. The roof of screen enclosures may not be covered with corrugated fiberglass panels, canvas, vinyl, fabric, aluminum pan roof panels or similar materials.

Frames

Only bronze aluminum screen frames are permitted.

Screening

Black or charcoal screening is permitted.

Height

Screen enclosures may not be higher than the ridgeline of the roof on any 1-story home. For 2-story homes, the height of screen enclosures may not exceed 75 percent of the combined wall plate heights of the first and second story. Homes encompassing a combination of 1- and 2-story elements will be evaluated on a case-by-case basis by the ARB.

Water Softeners and Whole House Filters

Placement of these units must be approved by the ARB and they must be screened from view behind an ARB approved privacy fence or hedge. These units are not allowed in the front yard of single family dwellings. They are not allowed in the front or side of townhome properties.

Fencing

All fences must have the approval of the Architectural Review Board as to size, material, color, location, landscape buffer, etc. Written approval is required prior to beginning construction.

Standard

The standard for the community is 6' and 4' tall, white PVC tongue and groove style privacy fence. Panels are to be 6' in length of appropriate size set in concrete. Except for corner lots, privacy fences shall run along the side and rear property lines. No partial enclosures will be allowed (i.e. fences enclosing only the porch, swimming pool, spa, etc. will not be accepted. Again, **entire yard must be fully enclosed, no L shaped or other partial enclosures of any kind will be approved.**

Transitions

On lots having the 6' and 4' fence heights the taller shall transition to the shorter over a 5' span in a ramp like manner.

Gates

Fence gates may be no wider than 5 ½'.

Corner Lots

When the rear of the corner lot abuts the side of an adjacent lot a 20' x 25' site triangle is required by the county. This is found by measuring 20' from the sidewalk inward along the rear property line and placing a stake. Then measure along the inside of the sidewalk 25' from the rear property line and place a second stake. By putting a string on these two stakes you will have created a line that the fence must follow. With a notarized letter from the neighbor, the rear lot line requirement can be reduced from 20' to 10'. On all corner lots the side fence must be 4' from the sidewalk. Because of safety issues, all corner lots need to be coordinated closely with the ARB for placement to insure visibility for pedestrians and vehicles.

Setback

On both sides of house, the fence shall remain at least 15' behind the front of the house or garage. The front porch shall not be considered in this measurement.

Front yards

No fencing of any style, type or construction shall be allowed in the front yard.

If fences are approved within an easement of record, the Owner shall be responsible for the prompt removal and replacement of any such improvements and related landscaping as may be required for access by the Developer, Association, or easement grantee.

Landscaping For Single Family Dwellings

Landscape Design and Approval

Installation and removal of landscaping shall be subject to the prior approval of the ARB. No trees shall be removed, except for diseased or dead trees and trees needing to be removed to promote the growth of other landscaping, or for safety reasons, and such removal may be conditioned upon replacement of removed trees at the Lot Owner's expense as determined by the ARB. Florida Friendly Landscaping resource can be found at <http://fyn.ifas.ufl.edu/floridayards.org>

Landscaping of Easements

Area between sidewalk and curb to remain sod and may not be replaced with ground cover, mulch, stone, pavers, concrete, etc. No shrubs or hedges may be in this area. Owners of Lots shall be responsible, at the Lot Owner's expense, for the prompt removal and subsequent replacement of any landscape improvements within easements as may be required for access, installation and maintenance of utilities or other purposes. Plantings are not permitted in easements which will prevent maintenance of utilities or impede drainage. For the Pulte side of the development the magnolia or oak tree planted in this area not be removed from the street side easement unless to replace a dead tree with an exact match. For the Enclave side of the development one tree may be installed in the street side easement and must be a crepe myrtle or other approved tree. Corner lots will be considered on a case by case basis. For the trees described above a mulch ring not to exceed 3' in diameter may be installed. Flowers may be planted in the mulch ring but may not exceed 12" in height. No landscape edging or borders may be used in this area.

Prohibited Landscape Materials

No invasive plants or trees are allowed. Plants not permitted include but are not limited to:

Common Names

Arbor Vitae
Australian Pine
Brazilian Pepper
Bamboo
Chinaberry
Chinese Tallow
Eucalyptus Species
French Mulberry

Jacaranda
Mimosa
Peltophorum
Punk Trees

Botanical Names

Thuja Orientalis
Casuarina Spp.
Schinus Spp.
Meloia Acedarach
Sapium Sebiferum
Eucalyotus Species
Morus Alba
Jacaranda Mimosifolia
Albiza Spp.
Peltophorum Pierocarpum
Melaleuca Spp.

Landscaping Bed Coverage

All beds must be maintained with at least 70% vegetation coverage at maturity and does not include tree or shrub canopies, or weeds. Dead vegetation must be removed and replaced promptly.

Removal of Existing Trees

To the extent reasonably practical, the clearing of mature trees on Lots shall be limited to areas required to accommodate the Structure and its normal and customary accessories, open yard areas and those limited areas required to permit utility services and driveways. The removal of trees shall also be subject to the requirements of the County. **In accordance with Orange County Sec. 15-304- tree must be replaced.** Section Sec. 15-283 on the website below provides a recommended list of replacement trees.

http://library.municode.com/HTML/10182/level4/PTIIORCOCO_CH15ENCO_ARTVIIIIRP_RRE_DIV1GE.html

Trees to Be Preserved

Care shall be taken to protect the root system of trees to be preserved. Protective tree fences shall be installed for mature trees as requested by the ARB. The existing grade for such trees shall be maintained from the trunk to the drip line until retaining walls, tree wells or aerators are installed as may be required by the ARB.

Planters and Decorative Walls

Planters and decorative walls may be permitted in rear yard on a limited basis for landscape purposes and to define walks or outdoor spaces. They must remain 5'-0" from the side Lot line and be no taller than 30".

Borders

Landscape borders or curbing are to be no higher than 8" and shall be made of cementitious materials designed for that use. Plastic, wood and other like materials are not allowed. The

material must be uniform in color throughout the lot. Color is to be natural or earth tone colors that complement the color of the house. Curbing should remain at least one foot from sidewalk due to a safety concern. This one foot space shall be sodded to match the rest of the yard.

Annuals and Perennials

Annuals and perennials do not need ARB approval provided that they remain in the original flower bed footprint. Plantings must not be invasive in nature and must be properly maintained.

Containers and Flowerpots

Planted pots and containers that are visible from the street should be limited in number, consistent in design and style and used to accentuate or enhance an entrance or a porch. Pots and containers must not be more than 24" in height and no more than 24" at their widest point and may not be placed on the lawn. Pots and containers may only be used for live plantings and not used for decorative purposes. They must be removed to safe storage in the event of an impending storm or if the owner is leaving for an extended period of time. **Color must be of neutral, earth tones or colors that complement the home's paint scheme. No more than 25% containers and flowerpots on the porch are allowed.**

Trees and Shrubs

Any additional plantings in existing beds, or additions of entire planting beds, as well as new landscaping related to after-the-fact additions such as pools or lanai, require prior written approval of the ARB.

Vegetable Gardens

Vegetable gardening is prohibited in the front or side yard. Vegetable gardens in the rear yard must be kept in a neat manner and pest controlled. ARB may require screening of gardens.

Decorative Embellishments

If visible from the street, decorative enhancements that are in the yard or attached to the house such as birdfeeders, benches, sculptures, trellises, "garden art", etc., all require prior written permission from the ARB. In general, most items should not exceed 18" in height, should be of natural (not painted) finishes, and should not dominate the landscape, but should blend in with the overall texture and theme of the architectural concept. Rarely will more than one such item be approved per lot. Lattice work or trellises are not allowed in front or side yards. They may be used in rear yards upon approval of size and placement by the ARB. Fountains and water features must not exceed 18" in height and require ARB approval for size and placement.

Mulch

All landscape beds shall be top-dressed with 3" of Grade "A" cedar, eucalyptus or pine bark mulch. Cypress mulch is not recommended. Natural river rock may be used in place of bark mulch. **Minimum of one foot of sod must remain between mulch bed and sidewalk for safety reasons.** White or other colored stones and **rubber mulch** are not permitted.

Landscape Rocks/Boulders

The use of landscape rocks as a design element for modifications is not permitted without the approval of the ARB. Any such materials must be used in moderation and must be shown on plans submitted for Architectural Review. **Minimum of one foot of sod must remain between flower bed and sidewalk for safety reasons. Shells are not permitted.**

Sod

Approved sods are St. Augustine or Zoysia for all lots in the community no others are allowed. All portions of road right-of-ways and the Lot shall be sodded, except for conservation areas which are required to remain natural. After initial installation, sodded areas may not be removed or replaced with mulch, stone, rock, gravel, crushed brick or similar materials without written approval of the ARB. **Minimum of one foot of sod must remain between flower bed and sidewalk for safety reasons.**

Utility Equipment

All utility company boxes and transformers are set within road right-of-ways or easements. Grading around these items must ensure positive drainage. Upon maturity, the shrubs used to screen utility equipment shall be the type and size necessary to screen the full height of any such equipment.

Service Yard Areas

Air-conditioning compressors, pool pumps and related equipment in service yards areas must be screened by a 6' tall tongue and groove white pvc fence or landscape material.

Sight Distances at Intersections

No fence, wall, hedge, or plantings shall be placed, permitted or maintained inside the sight triangle for corner lots or lots that abut pedestrian trails. No trees shall be permitted unless the foliage line is maintained at a 6' or higher to prevent obstruction of sight triangles. Sight triangles are defined by measuring 20' down the two property lines that are adjacent to the two sidewalks on a corner lot or side walk and property line shared with public areas. The third side of the triangle is found by connecting the two 20' markers described above. In the case that the rear of a corner lot abuts the side of another lot the sight triangle will apply to the rear of the corner lot.

Roadside Obstacles

No concrete cylinders, pyramids, half-rounds or similar items or devices may be placed along roadways or within right-of-ways in front of a Lot.

Artificial Vegetation

No artificial grass, plants or vegetation are permitted on the exterior of a Lot or Structure.

Irrigation

Lot Owners must use county provided reclaimed water for irrigation systems. The use of wells and retention ponds are not permitted to use for irrigation.

Landscape Lighting

The intent of the standards in this section is to ensure that lighting is properly used to enhance the landscape design of a Structure during evening hours without overpowering the streetscape, producing excessive glare, or affecting adjoining Lots.

Location of Lighting Fixtures

All lighting is subject to approval by the ARB. Application must include a lot map showing light locations and desired product applications. No lighting may be within 5' of side lot lines.

Style and Finish of Lighting Fixtures

Small matte finish fixtures in black, brown or green fixtures may be used. The design of which is to blend in or disappear into the landscape. Ground lights, ground-level spot lights and well lights may be used on a limited basis. Post lamps are not permitted.

Illumination

The maximum level of illumination shall not exceed a low to medium level of illumination to achieve a soft look or warm white glow.

Lenses

Glass panels or lenses and vinyl or plastic liners for lighting fixtures must be white, frosted or clear. No colored panels or lenses are permitted.

Path Lights

Path lights, not exceeding 12" in height above grade, may be used on a limited basis to light walkways. Pagoda style lights must have diffusers with extended shields to reduce glare from the street.

Conservation

Owners of Lots adjacent to Conservation Tracts are responsible for ensuring that any outdoor lighting is directed toward the homes constructed thereon or toward other improvements, and away from designated habitats.

Nuisance Lighting

No exterior lighting will be permitted which, in the opinion of the ARB, would create a nuisance to adjoining Lots or excessive glare from the street. In the event lighting produces excessive glare or light spillage after installation, the Applicant will be required to correct the situation by reducing the wattage of lamps, adjusting shields, or taking other measures as directed by the ARB Administrator.

Landscaping For Townhomes

Landscaping for townhomes may not be altered by the lot owner. Landscape lights, pathway lights, edgers, pots, planters, lawn ornaments or other decorative embellishments are not allowed off of the front porch. Containers and flowerpots may not in any way impede the landscaping company from completing landscape maintenance on the property.

Flags, Poles, Firewood and Sheds

Freestanding Flagpoles

Free standing flagpoles may be no more than 20' in height and may not be erected within or on any easement. The pole must have on display One American Flag not larger than 4-1/2' by 6' and may additionally display one additional flag the same size or smaller that may be: the State of Florida, United States Army, Navy, Air Force, Marines, Coast Guard or POW /MIA. No other flags may be displayed. Flag must be of a durable material able to handle the elements or lowered during inclement weather. If flown after dusk it flag must be illuminated in a manner as to not intrude upon neighboring lots. Flags must be kept in good condition or replaced.

Temporary Poles

Flagpoles mounted to houses are limited to one 5' pole per house displaying one flag or banner. American flags can be displayed without with same restriction as above. Sports or college team flags may be displayed on game weekends only. No commercial, special interest groups or religious flags may be displayed.

Firewood

Firewood must be stacked and stored within landscaped or walled service yard areas.

Sheds and Detached Structures

Freestanding structures including but not limited to tool sheds, green houses, detached garages, pool houses, gazebos and detached enclosed living spaces are not allowed on any lot. Pergolas will be evaluated on a case by case basis.

Recreation Equipment

General

This section covers many types of play equipment, including but not limited to swing sets, playhouses, play complexes, basketball goals, soccer goals, skateboard ramps, bike jumps, trampolines and tree houses. All structures must be located in the rear yard and be at least 10' from side and rear lot lines. The ARB may require screening of play equipment by either landscaping or privacy fence.

Swing Sets

Swing sets may be made of wood and left natural or stained a medium to dark earth tone color to blend with the landscaping. Other materials will be considered, provided the color is acceptable.

Playhouses

Playhouses are limited to 36 square feet in area and a maximum height of 5' above grade. The exterior of play houses shall be stained or painted a medium to dark earth tone color to blend with the landscaping. No electrical or plumbing connections are permitted to service playhouses.

Play Complexes

Play complexes may not exceed 100 square feet in area or more than 12' in height above grade. The exterior of play houses shall be stained or painted a medium to dark earth tone color to blend with the landscaping. Canopies must be dark green in color.

Tree Houses

Tree houses are not permitted anywhere within the community.

Trampolines

Other than portable trampolines which are moved from view when not in use, trampolines intended to remain outside will be evaluated on a case-by case basis by the ARB. **If trampoline is left outside permanently without approval, a fence may be required for safety reasons or responsibility acknowledgment form completed.**

Skateboard Ramps

Permanent skateboard ramps are not permitted on any Lot within the community. Temporary units must be stored in garage when not in use. Units may not at any time block the sidewalk, bike path or streets in the community.

Basketball Goals, Soccer Goals and Volleyball Nets

All basketball goals, soccer goals and volleyball nets must remain portable and stored behind fence or inside a garage when not in use. No permanent mountings as a stand- alone or on a structure will be allowed, only temporary structures. Equipment and play area may not be on sidewalks, **bike paths** or streets in the community. Equipment by bike path is a strictly prohibited. Time of play is Sunday-Thursday 8am-8pm and Friday-Saturday 8am-10pm. No additional lighting, other than the residential standard lighting installed by the builder, will be allowed on the driveway.

Responsibilities of Applicants and Lot Owners

The ARB assumes no liability for any aspect of the modifications to completed homes, including, without limitation, the following obligations which are the sole responsibility of the Applicant or Lot Owner:

- Selection of licensed and insured builders and subcontractors.
- Quality of workmanship or materials provided by any builder or subcontractor.
- Compliance with ordinances, disability provisions, environmental regulations, building codes, safety requirements and product approvals.
- Suitability of surface and subsurface soil conditions, including radon.
- Water runoff and drainage control during construction or after completion of improvements.
- Accuracy of elevation grades, stakeouts, surveys and lot grading plans.
- Permits or approvals as may be required by the requisite building department and any governmental authorities with jurisdiction over the Lot or Property.
- Completeness or adequacy of Design Documents submitted by an Applicant.
- Determination of structural, mechanical, electrical or fire/safety adequacy as well as code compliance or other technical aspects of proposed designs and construction materials/methods, which are the sole responsibility of Applicants and architects, engineers and contractors working on behalf of Applicants.
- Compliance with the Architectural Review Manual, the Declaration or any other covenants, restrictions and easements burdening a Lot or the Property.

Limiting Conditions

The following limiting conditions shall apply to activities of the ARB and provisions of the Architectural Review Guidelines:

- The standards contained in the Architectural Guidelines set forth minimum requirements. If the Architectural Guidelines imposes a greater restriction than is imposed and required by zoning regulations, building codes or the requirements of governmental authorities with jurisdiction over a Lot or the Property, the standards in the Architectural Guidelines shall control. In the event zoning regulations, building codes or the requirements of governmental authorities require greater restrictions than are imposed by the Architectural Guidelines, the more stringent provisions shall control. If a conflict results between the Declaration and the Architectural Guidelines, the provisions of the Declaration shall control anything to the contrary.
- Approval of Applications or Design Documents by the ARB shall not be construed as meeting the requirements of applicable zoning and building codes or the requirements of governmental authorities with jurisdiction over the Property or any Lot located therein.
- Approval of Applications or Design Documents by the ARB shall not impose any responsibility on the ARB for the safety, design, engineering or construction of improvements. The scope of any review and approval by the ARB shall be limited solely to whether the plans meet certain requirements and standards relating to aesthetics, and the harmony and compatibility of the proposed improvements on Applicant's Lot with other improvements to be constructed within the community.
- The Architectural Guidelines are subject to change by the Architectural Review Board without prior notice. Applicants should contact the Community Association Manager to ascertain what changes, if any, may affect proposed plans for the modifications to existing homes prior to undertaking preliminary or final designs.

Policies and procedures

In addition to the above provisions, the following policies and procedures apply to modifications:

- Modifications must be approved by the ARB prior to the commencement of work. Improvements shown on a Modifications Review Application shall comply with the then current provisions and standards contained in the Architectural Guidelines.
- Modifications must be consistent with the architectural style, materials and finishes of the existing home, and compatible with other homes in the neighborhood. Views from the street, adjoining properties, and Common Areas will be taken into consideration with regard to the approval of modifications.
- At the option of the ARB, comments on proposed modifications may be solicited from other Lot Owners. The ARB may, but is not obligated to, take into consideration the comments of others before rendering a decision on a Modifications Review Application.
- Lot Owners are solely responsible for selecting licensed and insured building and trade contractors to perform modifications.
- Appropriate permits (if applicable) must be secured from requisite governmental authorities prior to the commencement of modifications.
- The ARB, via the Association Management, may issue a **stop work order** in the event modifications are commenced without approval of the ARB or in violation of modifications as approved by the ARB. Building and trade contractors will not be permitted access to the community for the purpose of performing additional work on a Lot for which a stop work order has been issued.
- In the event modifications are performed without approval, the Association may require, at the expense of the Applicant or Lot Owner, the following: (a) the timely removal of such modifications and the restoration of existing improvements, or (b) the timely completion of remedial work to bring such modifications into compliance with the Architectural Guidelines.
- All modifications must be completed within the time limit agreed to on the Modifications Review Application, unless an extension of time is approved by the ARB.
- Upon completion of modifications, the ARB may conduct (but shall not be obligated to conduct) a final inspection to determine if all improvements, including landscaping, have been completed in accordance with the Modifications Review Application and Design Documents. Applicants are obligated to take remedial action as may be required by the Association to bring violations into compliance.

Appendix A - ARB Application

Link to Application: <http://lakesawyersouth.files.wordpress.com/2013/04/arb-new-application-04-01-13.pdf>

LAKE SAWYER SOUTH ARCHITECTURAL REVIEW BOARD APPLICATION

This application must be completed and submitted by the Homeowner to the Community Association Manager and reviewed by the Architectural Review Board (ARB) for approval **BEFORE ANY WORK MAY COMMENCE**. Applications must be received at least five (5) business days prior to a scheduled ARB meeting or it will be tabled for the next meeting. Meetings are conducted on the first Tuesday of each month at 6:30pm at Windermere Prep School. Homeowners are encouraged to attend scheduled meetings to discuss their applications and answer any questions the ARB may have.

Applicant's Name:

Date:

Property Address:

Phone Number:

Email Address:

APPLICATION FOR: Exterior Paint Fencing Landscaping Recreational Equipment
 Swimming Pool Screen Enclosure Other _____

Please provide a description of what changes will be made. Applications must include a lot survey, site plans, diagrams, color chips, material specifications, sample products, photographs and any other information that will adequately describe the finished product. All landscaping requests must include the size, number and type of plants to be approved, as well as noted location on lot.

ATTACHMENTS THAT MUST SUBMITTED BY HOMEOWNER:

- Written description of project
- Lot survey showing location of addition, installation or modification
- Specifications (i.e. copies of plans indication dimensions, materials, colors, etc.)
- Paint chips/color samples
- Photographs, Brochures, and/or Diagrams

FAILURE TO PROVIDE A COMPLETE APPLICATION WILL DELAY THE APPROVAL PROCESS.

NOTE: It is the property owner's responsibility to ensure that all requests conform to applicable zoning and building regulations and that approved projects are properly permitted in accordance with all city, state and municipal requirements. By signing below, you state that you have read the Architectural Guidelines and Declaration of Covenants in their entirety and understand your responsibilities not only to the community but also to the local and state government entities.

Signature of Applicant

Date

THIS SECTION TO BE COMPLETED BY ARCHITECTURAL REVIEW BOARD

REQUEST RECEIVED:

DATE APPROVED:

DATE DENIED:

ARB SIGNATURE:

COMMENTS: _____

Appendix B - Florida Friendly Landscape Alterations

Whether you are new or an experienced gardener, you will want to enjoy the experience of establishing a Florida Friendly environment in your landscape. So to begin please access these web sites below to see what is waiting for you!

Florida Friendly Landscape will ensure you enjoy the benefits of beautifying your yard, and saving natural resources and money. Florida Friendly landscape is, basic micro-irrigation techniques, environmentally safe pest control and plant disease management, maintenance and control of storm water run-off, water saving (money saving) tips, useful web site references, choices for landscape mulches, Florida native/adaptive plants and groundcovers for use in the home landscape, reference list and identification of Invasive plants (what NOT to put in the landscape) and how to attract the wonderful Florida wildlife into your yard!

Florida homeowners have many reasons to consider converting their existing residential landscape to a Florida-Friendly Landscape. Most importantly, a Florida-Friendly yard is an environmentally sound yard that conserves and protects Florida's waterways, soil, wildlife, and energy. Using the right plants in the right place can filter harmful storm water runoff, improve the landscape's soil, provide wildlife habitat, and create shade for energy efficiency in the home. Landscaping also adds beauty and creates pleasant outdoor living spaces to increase the value of residential property.

Increased use of strict irrigation ordinances in Florida is another reason many homeowners in the Sunshine State are choosing to use plants that are more appropriate for a Florida landscape. Florida-Friendly plants -- which include both native plants and adapted, non-native plants -- survive with little maintenance and thrive in the climate and soils of the state's varied regions. Use of these low-maintenance plants in residential landscapes reduces the need for water, fertilizer, and pesticides and also reduces the energy required for landscape maintenance, and SAVES YOU MONEY \$\$\$\$\$.

Creating a Florida-Friendly yard is not difficult, and such yards do not conform to any particular style. Instead, a Florida-Friendly yard is a type of landscape that is adaptable to many styles, and includes plant choices and design that follow the "right-plant/rightplace" principle, which entails locating plants in those areas of the landscape, that best meet the plants' requirements for growth.

Note: The above information includes excerpts taken from the Adopting a Florida-Friendly Landscape guide referenced in this document.

Reference and Educational Information

<http://floridayards.org/index.php>

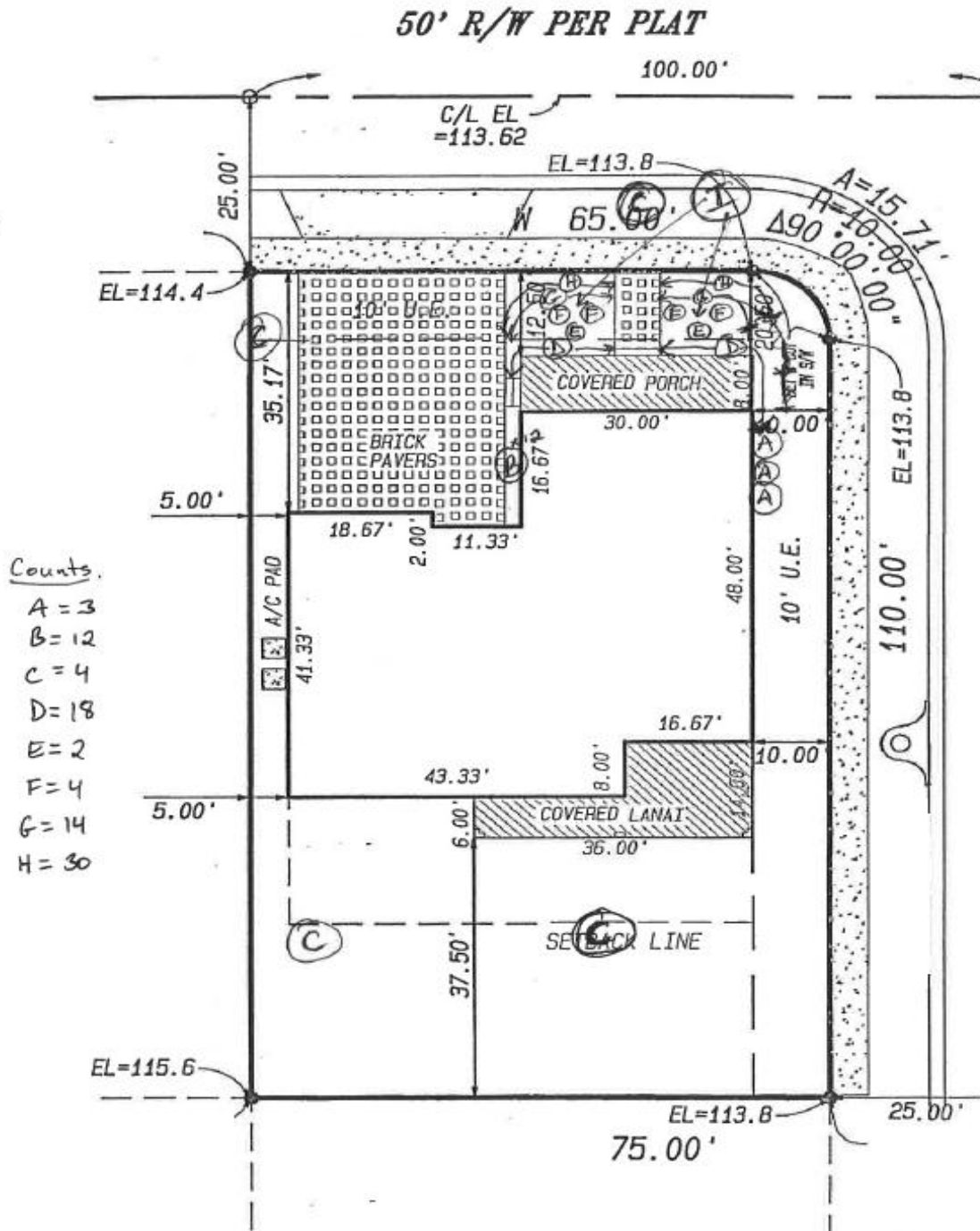
Florida-Friendly Landscaping

<http://edis.ifas.ufl.edu/ep396>

For specific planning steps, including sample landscape diagrams to be submitted with your ARB Application, please refer to the Adopting a Florida-Friendly Landscape Guide.

<http://edis.ifas.ufl.edu/EP079>, <http://floridayards.org/> and <http://edis.ifas.ufl.edu/ep396>

Appendix C- Example of Landscaping Survey



SURVEY NOTES:

- SETBACK REQUIREMENTS AS TAKEN FROM ENGINEERING PLANS SUPPLIED FROM BOWYER -SINGLETON & ASSOCIATES (SHEET 5 OF 69) AND DATED NOVEMBER 2004 ARE AS FOLLOWS:

FRONT
 PORCH=10'
 HOUSE=20'

CERTIFIED TO AND FOR
 THE EXCLUSIVE BENEFIT OF

Appendix D- Example of Landscaping Legend

LANDSCAPE LEGEND								
LANDSCAPE DIAGRAM LOCATION	PLANTS, SHRUBS, VINES, GROUND COVER AND TREES (Common Name and Botanical Name)	Sun requirements			Water Requirements			Tree Height
		Full	Partial	Shade	Wet	Moist	Drought	
A								
B								
C								
D								
E								
F								
G								
H								
I								
J								
K								
L								
M								
N								
O								
	LIST VARIETY OF GRASS AND MULCH	GRASS TYPE-SEED, PLUGS OR SOD						
P								
Q								
R								
LIST NON LIVING MATERIALS: STEPPING STONES, PATH ROCK, CURBING, BED EDGING, FOUNTAINS, ETC...								
S								
T								

This application is required if:

You are creating new landscape configurations:

- a) New Beds
- b) Expanding existing beds
- c) Replacing lawn with different kind of grass (turf)
- d) Replacing lawn with non-lawn plant material that provides the same function as grass (living plants).
- e) Adding non-living materials to your landscape

Please list plants, shrubs, trees, mulch type, stone, etc., to be used in alteration. Submit drawing - include existing landscape beds and/or turf and proposed changes to beds and turf. Also include proposed irrigation changes. (See Sample Plan) Also attach a plot plan or survey.

The Florida Friendly Guide to Plant Selection and Landscape Design is a great resource to use. It includes pictures of the plants. Find the plant on the website below. List the name and page number.

[http://fyn.ifas.ufl.edu/pdf/FYN_Plant Selection Guide_v090110.pdf](http://fyn.ifas.ufl.edu/pdf/FYN_Plant_Selection_Guide_v090110.pdf)