

The Highlands Homeowners' Association, Inc.

Architectural Review Board

Planning Criteria

Approved by
The Highlands Homeowners' Association, Inc.
Board of Directors
July 15, 1998

This Architectural Review Board Planning Criteria document replaces
Highlands Homeowners' Association, Inc. Architectural Guidelines approved 10/91
including the addendum approved 12/20/95

Highlands Homeowners' Association ARB Planning Criteria

Architectural Review Board Planning Criteria

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Highlands Homeowners' Association

I. ARCHITECTURAL REVIEW BOARD FUNCTIONS

The Architectural Review Board (ARB) of the Highlands Homeowners' Association (HHOA) was established in 1973. Its duties are presented in the HOA Declaration of Covenants, Conditions, and Restrictions. The ARB shall function as follows:

A. Improvements

To approve all improvements of any kind or description to be erected, constructed, or maintained upon The Properties and to approve any exterior additions to or changes or alterations therein. No improvements of any kind or description whatsoever shall be erected, or thereof begun, or change made in the exterior design after original construction of any Lot or Living Unit in The Properties until the complete plans and specifications and a plot plan showing the location of the structure have been approved by the ARB. Three sets of plans and specifications showing the nature, time, shape, height, materials, exterior colors, and location of such proposed improvements must be furnished to the ARB and approved in writing by the ARB as to (1) quality of design, workmanship and materials, (2) the harmony of the external design, and (3) location in relation to surrounding structures, topography and finished grade elevations, prior to the commencement of any construction thereof. If found to be in compliance with the restrictions set forth herein and the criteria established by the ARB, and in the opinion of the ARB, consistent with planned development of The Properties and contiguous lands thereto, two sets of plans and specification shall be returned to the owner or builder marked "" Approved by the Architectural Review Board of the Highlands Homeowners' Association". Such approval shall not be effective for construction commenced more than six (6) months after the approval date. If no action is taken by the ARB within thirty (30) days after their delivery to the ARB, they shall be deemed approved on the thirtieth (30th) day following such delivery provided that such plans and specifications do not alter the land uses for such property contemplated on any existing PUD Plan and subject to the right of the Association to enjoin any construction that does not comport with the restrictions set forth herein.

B. Samples

To require to be submitted to it for approval any samples of building materials and exterior colors proposed or any other data or information necessary to reach its decision.

II. PURPOSE OF PLANNING CRITERIA AND CHARACTER DESIRED

A.

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Purpose of Planning Criteria

The purpose of these planning criteria is to provide visual control and protect the character and integrity of the Highlands community. The desired result is the maintenance of high property values and the provision of a pleasant livable environment for all residents through the approval of new construction, reconstruction, improvement, and landscaping on all lots.

Character Desired

The desired community character is comprised of the existing natural setting, development, and maintenance. The Highlands owes much of its character to the natural setting of forests, hills, and streams. These amenities should be preserved, consistent with the planned development of the project. All development within the project, including original construction and later alterations and additions, should respect and relate well to the natural setting by preserving native vegetation; by using colors and materials which blend well with this setting; and by avoiding stark or startling colors, materials, or designs.

Regarding maintenance, the character desired is simply one of general good housekeeping and well maintained properties, free of untidy clutter.

III. APPLICATION, PROCESSING, AND APPEAL

A. Application

1. No improvements of any kind, and no external alterations, re-roofing, painting or additions or changes shall be made until an application, including plans and specifications for such improvements, has been submitted to the ARB and approved by it in writing.
2. An application shall consist of three (3) complete sets of plans, specifications, plot plans and any other material including 6" x 6" color sample swatches and a roofing material sample required by the ARB to fully describe the proposed improvements.

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3. A sub-association's planning criteria may vary from the ARB's planning criteria. For further information, contact the Highlands office at 327-0640.

B. Approval

1. When the complete application is received, the ARB will approve or disapprove in writing, regarding its satisfaction of these planning criteria, and as to:
 - a. Quality of design, workmanship, and materials.
 - b. The harmony of the external design.
 - c. Setbacks, Location in relation to surrounding structures, topography, and finished grade elevations.

2. When approved, two (2) sets of plans and specifications may be returned to the applicant marked "Approved" and giving the date of approval.

C. Appeal

1. A decision of the ARB may be appealed by the applicant, in writing, to the Board of Directors of the Association.
2. The Board will consider the appeal, and may affirm the action of the ARB or make such other determination as it deems appropriate under the circumstances.

IV. ENFORCEMENT

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; failure by the Association or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter; and in enforcing any of these covenants or restrictions the Association shall be entitled to recover its costs, expenses and charges including reasonable attorneys' fees.

V. ARCHITECTURE

A sub-association's planning criteria may vary from the ARB's planning criteria. For further information, contact the Highlands office at 327-0640.

A. Style

1. All building plans and elevations are to be reviewed by the Highlands Architectural Review Board (ARB).

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2. Architectural style shall harmonize with the natural setting of the Highlands and the surrounding homes.

B. Materials

1. All exterior materials are to be reviewed and approved by the ARB before use.
2. The number and variety of exterior materials should be so limited that the design is perceived as a unified whole rather than a busy display of materials.
3. Where concrete block is used, all block must be stuccoed on all exterior walls.

C. Colors

All exterior colors changes, other than the original approved colors, are to be reviewed and approved by the ARB before application. Colors should relate well to the natural setting of the Highlands. Stark and startling colors should be avoided. Color choice must be submitted to the ARB prior to purchase or application. The ARB has the right to reject any color it deems not to be in keeping with the natural setting of the Highlands.

1. Main house colors are to be light to medium shades. No bright or stark colors are allowed.
2. Accent and trim house colors are to be complementary to the main color of the house and should be used to accent desirable features of the house.
3. Garage door colors should be the same as the main house color or a similar compatible color.
4. Roof colors are to be complementary to the house colors.
5. Fences installed and maintained by the Highlands Homeowners' Association will be stained by the Association on the outside with the standard Highlands' fence stain color, which is Benjamin Moore's Moor-o-matic HC-104. Where concrete columns exist or are to be installed between fencing sections, the standard paint color is Benjamin Moore's Moor-o-matic HC-985.

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C. Colors (Continued)

6. All fencing facing streets and common areas must be stained on the outside by the homeowner, with the approved Highlands standard fence color (see under item 5). Colors for fencing not visible from roads and common areas, including the backs of fences installed by the Highlands Homeowners' Association, are the choice of the homeowner but should be compatible with the main color of the house and should not clash with any abutting fencing. NO bright, dark, or white colors are allowed.

D. Roofing Materials

All changes of roofing materials and color other than the original are to be reviewed and approved by the ARB prior to installation. Roofing materials are to be compatible with roofs in the neighborhood.

E. Roof Vents and Turbines

1. All roof vents and turbines are to be painted to match the color of the roof.
2. All electrical and wind operated vent turbines are to be located on the rear slope of the roof. All other roof vents are to be located on the rear slope if possible.

F. Fencing by The Highlands Homeowners' Association

Certain fences viewed from primary roads will be installed and maintained by the Highlands Homeowners' Association. Two types of fences may be used. For properties abutting Sheoah Boulevard, Sheoah Circle, Shepard Road and North Third Street, a combination of wood fence with stucco columns may be used. See Figure 1 at end of these guidelines. For certain other fences viewed from these roads, wood fences will be used. The locations for these fences are illustrated on Figure 2, the Common Area Fencing Key Plan (to be provided at a future date). The fence plan may be adjusted from time to time by the ARB.

G. Fencing by Homeowners

All plans for fencing are to be reviewed and approved by the ARB before construction.

1. Fences installed by property owners abutting common areas except the golf course are optional. If desired, they are to be (6) foot high solid wood fences. The fence is to be uniform in design for the length of the owner's property. Fencing is to be constructed of four (4) inch or six (6) inch wide boards. Fence rails must be on the inside exposing the plain fence boards to the outside, The design may be dogear-clipped, stockade, board on board or shadow box. Materials are to be cedar, cypress or pressure

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treated pine, grade D or better. Refer to the section entitled Colors in this document for information about fence colors.

G. Fencing by Homeowners (Continued)

2. Installation of any solid type of fencing along property lines abutting any areas of the golf course is prohibited.
3. Installation of natural wood split rail fencing along a homeowner's back and side yard property lines abutting certain areas of the golf course, along nature trails and natural areas is subject to ARB approval.
4. No metal or chain-link fencing is allowed.
5. Fences must be maintained and in good repair by the property owner at all times.

H. Air Conditioning Units

Air conditioning units are to be screened from view of the public by planting and/or fencing.

I. Screening

1. All framing for pool enclosures and porches can be black, white, bronze, or gray. All screening for pool enclosures and porches can be black, bronze, or gray. Aluminum color framing and screening is prohibited. Framing and screening colors should be compatible with the main house color. Construction of new pool enclosures or porches, or changes to framing and screening colors other than the original approved colors, must be reviewed and approved by the ARB.
2. Any type of garage door screening, vertical roll-up, or sliding panels installation is subject to ARB approval (see above for color guidelines).

J. Irrigation Wells

All plans for wells shall be submitted to the ARB for review and approval.

K. Play Structures and Sports Equipment

All plans for play structures and sports equipment (e.g., basketball hoops, goals, etc.) shall be submitted to the ARB for review and approval. Location of play structures and sports equipment must not interfere with the rights of the adjacent property. When necessary, portable sports equipment (e.g., basketball hoops, goals, etc.) should be removed from the street after each use and stored from view of adjacent properties and the street. All play structures and sports equipment

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must be maintained in a good state of repair.

L. Antennas and Satellite Dishes

No radio or television or other aerial, antenna, tower or transmitting or receiving aerial or support thereof shall be erected except those devices which may be erected under eaves or entirely within the enclosed portion of the individual dwelling unit or garage. Satellite dishes, up to one meter in diameter, may be approved in locations hidden by public view by building or other features. Submit a proposed location for the satellite dish for approval to the ARB.

M. Temporary Buildings and Storage Sheds

No tent, shack, trailer, house trailer, garage, or other outbuilding shall be permitted on any lot. Storage sheds must be attached to the dwelling, be constructed of the same materials as the dwelling, and must be reviewed and approved by the ARB.

N. Mailboxes and Street Numbers

To provide an overall attractive appearance, the standardized curbside delivery mailbox, painted black or a color compatible with the colors of the house, is required. Custom designed mailboxes are to be compatible with the materials and colors of the house and must be approved by the ARB. Street numbers placed on mailboxes and houses should be a simple, legible design. Numbers placed on houses should be at least four (4) inches high and not exceed eight (8) inches high.

O. Flagpoles

Flags and supports must be reviewed and approved by the ARB.

P. Clotheslines

No clothes, sheets, blankets, or other articles shall be permitted to be displayed except in an enclosed yard or a closed garage.

Q. Exterior Lighting Fixtures.

No lighting fixture shall be installed that may become an annoyance or a nuisance to any residents of adjacent properties. Outdoor lighting is to be positioned so that light does not shine into the windows or doors of neighbors houses or onto adjacent properties. When security lighting is desired for a large area, multiple lighting fixtures with lights less than 150 watts each should be used to light paving, landscaping and house features. Higher wattage lights are discouraged. Large commercial "street light" or "building flood" type lights are prohibited.

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R. Signs

Except as otherwise permitted by the ARB, no sign of any character shall be displayed upon any lot except one "For Rent" or "For Sale" sign. Signs should be a standard size, no greater than 2' x 2' in area.

S. Refuse and Recyclable Material

No trash, garbage, rubbish, debris, waste, or recyclable material shall be deposited or allowed to accumulate or remain on any lot. No fires for burning trash, leaves, clippings or other debris or refuse shall be permitted. All trash containers must be tied and closed at all times. All trash containers or recycling bins must be kept within a utility yard or other enclosure. However, trash containers or recycling bins may be placed at street side for removal of refuse or recyclable material up to eight (8) hours prior to announced pick-up time. Trash containers or recycling bins must be returned to utility yard or enclosure within eight (8) hours after announced pick-up time.

T. Driveways, Parking Pads, and Carports

1. Driveway paving is to be of concrete with no color added. Other types of paving including colored concrete, stamped concrete, concrete pavers and bricks may be approved at the discretion of the ARB.
2. Use of rock or mulch for additional parking is not permitted.
3. Except for condominium units, no carports shall be constructed or permitted.

U. Lawn Ornaments

All lawn ornaments (e.g., pink flamingos, artificial flowers, urns, cherubs, etc.) must be reviewed and approved by the ARB.

V. Tree Removal and Landscaping

1. All trees larger than six (6) inches caliper are to be preserved unless they directly interfere with building construction. No trees larger than six inches caliper may be removed without prior permission from the City of Winter Springs Forestry Department. An arbor permit is required for living and dead tree removal.
2. Vegetable gardens are not permitted in front yards or any side yard where visible from a street or common area.

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3. Plant beds, shrubs, trees, and lawns must be maintained in a well kept appearance at all times.

W. Above Ground Swimming Pools

Above ground swimming pools may be installed in back yards as long as side and rear property lines have a standard six (6) foot stockade type fence erected to shield the pool and any attachments from view. Refer to the section entitled Colors and the section entitled Fencing by Homeowners in this document for additional information. Any above ground swimming pool and fence installation is subject to ARB approval.

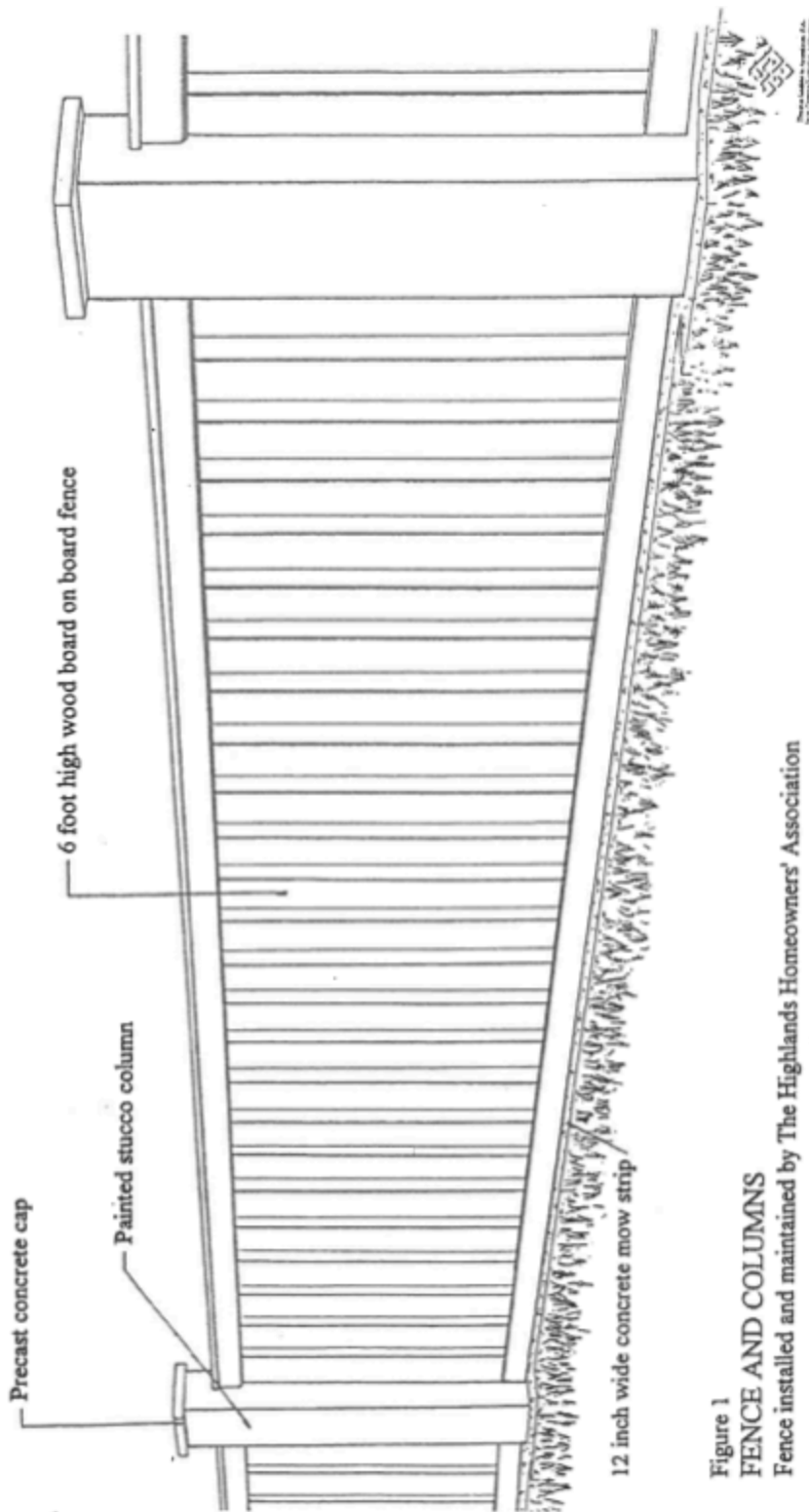


Figure 1
FENCE AND COLUMNS
Fence installed and maintained by The Highlands Homeowners' Association

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Exhibit "B"

Amendments to Highlands Homeowners' Association, INC. BY-LAWS

1. Article V, Section 5.1 of the Highlands Homeowners' Association, Inc., By-Laws fs hereby amended to read as follows:

Section 5.1 Number and Qualification. ~~(As amended 12/14/84)~~ The affairs of this Corporation shall be managed by a Board of Directors who shall be elected as hereinafter provided by the Members qualified to vote thereon as hereinafter provided. The number of directors of this Corporation shall be ~~Seven (7)~~ five (5). The number of directors may he changed from time to time by the Baard: however, the number shall always be an odd humber, and the number of directors shall never be less than three (3) nor more than seven (7).

2. Article V, Section 5.2 of the Highlands Homeowners' Association, Inc., By-Laws is hereby amended to read as follows:

Section 5.2 Election and Term of Office, ~~(As amended 12/14/84)~~ The term of office for each Director is two (2) years except as indicated herein. ~~At the annual meeting in 1984, seven Directors will be elected. Of those elected, the four members having the highest number of votes shall serve for a term of two (2) years, and the remaining three shall serve for a term of one (1) year. At the annual meeting in 1985, three Directors shall be elected in the manner described, four in one year and three in the next year.~~ It is the intention of these By-Laws that a staggered Directorate be maintained, To maintain a staggered Directorate, the Board may hold Seats in future elections open for one 1) or two (2) year terms. when necessary Or appropriate, In any election where candidates are elected for different terms, those candidates receiving the higher number of votes shall be elected to the lengthier term, In the event that there is no election, such as in a case where there are fewer pre- qualified candidates than open seats, the Directors who are seated shall agree amongst themselves which shall serve the two-year terms and which shall serve the one-year terms. This decision shall be recorded in the minutes of a duly noticed Board Meeting. In the event the Directors cannot agree on which among them shall serve the lengthier and shorter terms. the Board shall hold a "run-off* election, wherein these receiving the most votes will he elected to a lengthier term.

Additions in bold underline: deletions in strikethrough

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3. Article XI, Section 11.1 of the Highlands Homeowners' Association, Inc., By-Laws is hereby amended to read as follows:

Section 11.1 Amendments by ~~Members~~ the Board of Directors. The power to alter, amend or repeal these By-Laws or to adopt new by-laws shall be vested in the Board of Directors and such action may be taken at any ~~annual meeting or any special~~ Board meeting by the vote of a majority of the Directors at any such meeting at which a quorum is present.

4. Article XI, Section 11.2 of the Highlands Homeowners' Association, Inc., By-Laws is hereby deleted in its entirety:

~~Section 11.2 Delegation of Powers. The power to alter, amend, or repeal these By-Laws or to adopt new by laws may, by appropriate resolution, be delegated by the members of this corporation to the Board of Directors at any annual meeting or at any special meeting provided notice of such proposed action is included in the notice of such special meeting.~~