

POINCIANA
DESIGN CONTROL BOARD CRITERIA

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Design Control Board Criteria

**DCB CRITERIA
RESIDENTIAL-COMMERCIAL**

Pursuant to the Poinciana Subdivision Declaration (the "Declaration"), the Association of Poinciana Villages, Inc. ("APV") hereby adopts the following procedures, which shall be known as the Design Board Criteria (the "Criteria") and shall apply to Villages One through Nine of the Poinciana Villages. In the event of any divergence of the Criteria or their application from the Declaration, the latter is the ruling document and shall control.

1. **Purpose.** The purpose of these Criteria is to acquaint home builders, contractors, developers and property owners with the standards and requirements which will be used by the Design Control Board ("**DCB**") to determine that a particular design will help maintain the natural and constructed characteristics of the Poinciana Villages. They also act as safeguards for the continued desirable development of the Poinciana Villages by assuring harmony of external design, function and location in relation to surrounding structures and topography.

2. **Definitions.** All initially capitalized terms not defined herein shall have the meanings assigned to such terms in the Declaration. In addition to the foregoing, the following terms shall have the meanings indicated below:

"Ancillary Structure" or **"ancillary structure"** shall mean any structure on a Lot in addition to a residential home such as open or screened porches, attached/detached garages, carports, gazebos, pergolas, green houses and sheds but shall not include roof overhangs less than two and one half feet (2 ½) feet or less.

"Applicants" shall mean any developer, Owner, contractor or any other person or entity applying for DCB approval, pursuant to these Criteria, of new construction and exterior/interior alterations to property located within the Poinciana Villages.

"APV Board" shall mean the APV's Board of Directors.

"Arterial Street" shall mean major thoroughway for travel inside and outside of the Poinciana Villages. Arterial Streets have a two hundred (200) foot to three hundred (300) foot right-of-way.

"Cluster Lot" shall mean each Lot forming part of a block of Lots designated in the applicable land use plan.

"Collector Street" shall mean a street which connects Continuing Local Streets (or connects neighborhood traffic for inter-neighborhood travel). Collector Streets have a one hundred fifty (150) foot right-of-way.

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“Continuing Local Street” shall mean street which connects Local Streets within a limited area (*i.e.*, neighborhood). Continuing Local Streets have an eighty (80) foot right-of-way.

“Conventional Lot” shall mean a rectangular, pie or reverse pie shaped Lot.

“Flag Lot” shall mean one of four lots grouped together and designated as a “Flag Lot” on the applicable land use plan.

“Front Flag Lot” shall mean the anterior Lots in a Flag Lot configuration, each such Front Flag Lot having at least one boundary line fronting a Local Street. Front Flag Lots are subject to “stem” easement giving ingress and egress to Rear Flag Lots in the same Flag Lot configuration.

“Local Street” shall mean an interior subdivision street which provides access to Lots (residential Lots front on Local Streets). Local streets have a forty (40) foot to sixty (60) foot right-of-way.

“Manager” shall mean the person designated by the APV Board as the manager of the APV or his or her appointee in such person’s absence.

“Parent Structure” shall mean the house or primary structure on a Lot.

“Rear Flag Lot” shall mean the posterior Lots in a Flag Lot configuration, each such Lot having no boundary lines fronting a Local Street. Rear Flag Lots are accessed through the “stem” driveway access running through the Front Flag Lots.

3. **Authority.** The Declaration as recorded in Osceola and Polk Counties contemplates the existence and authority of the APV and DCB.

4. **Appointment of the DCB.** The DCB shall consist of one (1) member per Village. The APV shall create the architectural designs and standards for all buildings constructed in the Poinciana Villages.

4.1 Any and all plans for construction of residential, commercial, industrial or institutional buildings within the Poinciana Villages shall be submitted to the DCB for its approval prior to application for a building permit to the appropriate County.

4.2 The members of the DCB shall be appointed and removed from time to time by the APV Board of Director member of each respective Village. If a DCB seat remains vacant for more than 45 days, an Owner may be appointed to that position in the following manner: Any member of the APV Board may nominate an Owner to fill the seat. A majority of the APV Board must approve such a nomination. The Owner who is chosen by this method is not required to own property in the respective Village. An Owner appointed by this method may serve until the APV Board member representing the respective Village appoints a replacement or the Owner is removed by the APV Board. Directors of the APV may serve as members of the DCB. The members of the DCB shall select a President of the DCB from its membership. The Secretary of the DCB will be responsible for notifying the appropriate Director of the APV when a vacancy exists within the APV Director’s Village. Normally, each Village will be represented on the DCB.

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4.3 Inherent in the selection of members of the DCB are the considerations of the candidates' observed experience in good citizenship; consideration of the rights of others; adherence to these Criteria; and compliance with the Declaration and Articles of Incorporation and By-Laws of the APV and those of the Village Association of which he or she is a member, including, but not limited to, the Declaration's requirement that Assessments be paid in a timely manner.

5. Meeting. The DCB will meet to consider requests received twice each month, on the first and third Wednesday of each month, or at any other time determined by the APV Board or the Manager of the APV. At least three (3) DCB members must be present at a meeting in person or electronically to form a quorum and take action.

6. Plan Review.

6.1 Generally. No construction of new improvements, alterations or additions to structures or landscape shall be commenced without the prior written approval of the DCB. No building, fence, driveway, patio, drainage, paved area, wall or any other structure shall be commenced, erected, or maintained upon the existing property; no additions to existing property or any exterior additions or alterations therein shall be made until the plans and specifications showing the nature, kind, shape, height, materials, square footage, location and landscaping of the same shall have been submitted to and approved in writing by the DCB. In addition, the DCB shall have the right to approve any alteration that changes the use of a structure (e.g., conversion of a space to a bedroom). One (1) copy of all plans and related data shall be retained by the APV for its records. In the event that the DCB fails to approve an application within thirty (30) days of its submittal, such application shall be deemed disapproved.

6.2 Application. Each application to the DCB must be accompanied by documentation sufficient to describe the project to the DCB which may include (depending on the complexity of the project): a complete set of engineered plans and specifications showing any proposed topographical changes, all exterior and structural details and the relationship of the proposed work to existing structures and to property lines and a complete survey, by a Florida Licensed Surveyor, denoting layout of home with all setbacks, driveway, slabs, sheds or accessory buildings, landscaping layout as well as a statement that the lot must be fully sodded. In the case of a proposed topographical or grade change, the application must also include the written agreement of the Applicant proposing such change in topography or grade, to indemnify and hold harmless the DCB, the APV, and Avatar, their agents, servants and/or employees from any claim or cause of action whatsoever, whether justifiable or not, and from any liability resulting or which might result from its approval of such topographical or grade change. Each application must also be accompanied by the name, address, telephone number and identity of the contact person. If the contact person or his or her name address or telephone number changes, the Applicant shall immediately notify the DCB in writing. All DCB applications must have complete information and related documents to be (i) hand carried to the APV Offices for submission to the Secretary of the DCB or representative for acceptance or (ii) mailed by Certified Mail Return Receipt Requested to the address stated in Section 6.6.1 herein (iii) faxed (iv) emailed or (v) on via internet through our interactive webpage www.apvcommunity.com. Applications will be processed within thirty (30) days.

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6.3 Additional Application Requirements. Institutional, commercial and multi-family development, civil engineering and drainage drawings shall be submitted to the DCB. In addition, a copy of all recorded plats must be delivered to the DCB.

6.4 Fees. Each application must be accompanied by required fees. The current fee schedule is available at the APV's offices. Fees may be adjusted from time to time by the Board of Directors at the Board's sole discretion.

6.4.1 Fees charged builders who begin construction without Design Control Board approval will be doubled in lots that are in violation.

6.5 Plan Review Process. The plan review process consists of three phases: Preliminary, Final and Administrative. Documents may be submitted either in separate phases or concurrently and approvals will be forthcoming in the same manner.

6.5.1 Preliminary Submission. Preliminary submission is required only for those plans for commercial projects, multi-family residential complexes and institutional and plans for development of sections of three or more single family residential complexes. The submission shall consist of a letter of application, a schematic site plan showing land use, density, drainage, traffic flow patterns, utility connections and the location of all structures on specific land sites.

6.5.2 Final Review Submission. Final review submission varies based on the improvement contemplated.

6.5.2.1 Multiple Buildings. For multiple building residential, institutional and commercial projects, preliminary review submission requires one set of drawings and documents showing:

6.5.2.1.1 The proposed title of the project, the names of the engineer, the architect, the developer, and the builder with License Number.

6.5.2.1.2 The Northpoint, scale and date.

6.5.2.1.3 The boundaries of the property, all existing easements and property lines, existing streets, buildings, water courses, waterways, lakes and other existing physical features in and/or adjoining the project. Show planned connection to the Master Drainage System.

6.5.2.1.4 The location, dimensions and character of construction of proposed streets, driveways, curb cuts, entrances and exits, outdoor lighting systems, storm drainage and sanitary facilities.

6.5.2.1.5 The location and dimensions of proposed Lots, setback lines and easements and proposed reservations for open spaces and other Common Areas.

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6.5.2.1.6 The location of all proposed buildings relative to Lot lines, other buildings and structures or major excavations, accessory and main.

6.5.2.1.7 Preliminary floor plans and elevations of all sides of the building(s) with proposed exterior finish and materials.

6.5.2.1.8 Landscaping drawings or schematics showing planned landscaping and identifying existing trees over six inches (6”) in trunk diameter.

6.5.2.1.9 The location, height and material of all fences, walls, screens, screen planting and landscaping.

6.5.2.1.10 The location, character, size, height and orientation of proposed signs with exterior finish proposed.

6.5.2.2 Multiple Buildings. The following details should be provided in or near the lower right hand corner of the site plan:

6.5.2.2.1 Residential: Total number of units.

6.5.2.2.2 Commercial: Total square footage of buildings.

6.5.2.2.3 Institutional: Total square footage of buildings.

6.5.2.2.4 Parcel size in acres.

6.5.2.2.5 Total number of parking spaces being provided.

6.5.2.2.6 Total number of loading spaces.

6.5.2.2.7 The amount and percentage of Lot area devoted to open space.

6.5.2.2.8 The amount and percentage of Lot area being built upon.

6.5.2.2.9 The amount and percentage of Lot area being surfaced for parking and circulation.

6.5.2.3 Single Building. For single building or house designs, for which the location or Lot sitting is not yet known, the preliminary review submission need only be the floor plans with elevations of all sides and with the proposed exterior finish described. The Surveyor’s Sketch of Survey showing building site, drives, overhangs and setbacks with total area is required prior to obtaining DCB approval for construction.

6.5.2.4 Construction Documents. Upon completion of construction documents, the Applicant shall also submit construction documents samples of exterior materials which cannot be adequately described and final recorded plat(s). Approval of construction

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drawings is part of all Final Reviews. Changes which affect the appearance of the grounds or building exterior shall be coordinated with the DCB before being finalized in the drawings. Section 9 of these Criteria contains minimum landscaping requirements.

6.5.2.5 Multifamily Dwelling (Duplex only). A single structure containing two (2) units, side by side, neither of which is an ancillary structure. Land must be zoned for a multifamily dwelling and once the structure is built it cannot be converted into a single family dwelling by changing the floor plans. Duplexes shall only be built on duplex lots specified in State of Florida Department of Community Affairs, Division of Local Resource Management's Binding Letter of Interpretation of Vested Rights Status File No. BLIVR-783-002 dated May 17, 1983, as described in the Land Use Maps promulgated based on that letter and any subsequent Binding Letter of Interpretation Modification. Although duplexes do not require a garage they must have a driveway per unit not to exceed existing driveway width requirements per Criteria section 9.1.1 to accommodate vehicle parking. Each unit must have its own exit directly to the public way. Construction of duplexes on a Lot not specified as multifamily dwelling on the APV Land Use Maps is prohibited.

6.5.2.6 Rehabilitation Facilities (i.e., Assisted Living Facilities Halfway Houses, Senior Centers, etc). A single structure that will blend with their scale and material selection into the portion of the Poinciana Villages that they serve. Each rehabilitation facility must be built on a zoned commercial tract within a residential neighborhood that meets all Federal, State and County requirements and must be submitted for review by the DCB according to paragraph 6.1 with its intent as a guideline.

6.5.3 Administrative Review. Certain items may be approved administratively (i.e., without a full meeting of the DCB) ("Administrative Review"). Items subject to administrative approval are identified by the DCB from time to time. Examples of items that may be approved administratively are repainting of a structure with an identical color previously approved by the DCB or approvals of fences, sheds and satellite dishes conforming to existing standards.

6.6 DCB Processing.

6.6.1 Plan Submission. Plans and documents should be submitted to:

Design Control Board
Association of Poinciana Villages, Inc.
401 Walnut Street
Poinciana, Florida 34759
(863) 427-0900

6.6.2 Approval.

6.6.2.1 Required Revisions. The DCB will notify the Applicant in writing of any revisions which must be made to plans or information which would gain approval of the DCB. In which event, the Applicant must resubmit the reviewed plans. Some approvals may be subject to conditions as stated in the approval letter.

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6.6.2.2 County and State Approvals. The Applicant is responsible for obtaining the necessary County, utility and other regulatory reviews and approvals required including, without limitation, all required building permits. Approval by the County, State or applicable utility does not waive the requirement for DCB approval.

6.6.2.3 No Warranty. Upon approval of any plans and specifications submitted, a copy of such plans and specifications shall be deposited with the DCB for its permanent record. Approval shall in no way imply that the structure contemplated to be built is safe or structurally sound. No deviation shall be permitted from the plans and specifications so approved, without further independent submission to and approval of such changes by the DCB.

6.6.2.4 No Waiver. The approval of the DCB for use on any Lot of any plans or specifications submitted for approval, shall not be deemed to be a waiver by the DCB of its' right to object to any of the features or elements embodied in such plans or specifications, if and when the same features or elements are embodied in any subsequent plans and specifications submitted for approval for use on other Lots.

6.6.2.5 Variances. The APV Board has the right to agree to variances from the provisions of these Criteria for reasons of practical difficulty or hardship which otherwise would be suffered by any applicant, without the consent of the Owner of any adjoining or adjacent home. Any variance shall be manifested by written agreement and shall not constitute a waiver of any restriction or provision of these Criteria as to any other home. The granting of a variance shall not nullify or otherwise affect the right to require strict compliance with the requirements set forth herein on any other occasion, and may only be granted by the APV Board, typically upon the recommendation of the DCB.

6.6.2.6 Rehabilitation Facilities (i.e., Assisted Living Facilities, Halfway Houses, Senior Centers etc.). A single structure that will blend with their scale and material selection into the portion of the Poinciana Villages that they serve. Each rehabilitation facility must be built on a zoned commercial tract within a residential neighborhood that meets all Federal, State and County requirements and must be submitted for review by the DCB according to paragraph 6.1 with its intent as a guideline.

6.6.3 Disapprovals. These Criteria will be applied equitably to all Applicants. The DCB's decision is based on the standards of these Criteria. Decisions by the DCB can vary in the areas of aesthetics, color and texture, site location depending on adjacent construction and other variable factors.

6.6.3.1 Grounds for Disapproval.

6.6.3.1.1 By way of example, and not of limitation, the DCB shall have the right to disapprove any plans and specifications submitted because of any of the following:

6.6.3.1.2 Failure to include information in such plans and specifications as may have been requested.

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6.6.3.1.3 Failure of such plans or specifications to comply with the Declaration.

6.6.3.1.4 Objection to the exterior design, appearance or materials of any proposed structure.

6.6.3.1.5 Incompatibility of any proposed structure or of the proposed structure's use to any existing structures.

6.6.3.1.6 Objection to a location of any proposed structure with reference to other Lots or structures in the vicinity.

6.6.3.1.7 Objection to the grading plans for any Lot.

6.6.3.1.8 Objection to the color scheme, finish proportions, style or architecture, height, bulk or appropriateness of any proposed structure.

6.6.3.1.9 Objection to parking areas proposed for any Lot on the grounds of incompatibility to proposed uses or insufficiency of the size of the parking area.

6.6.3.1.10 Any other matter which, in the judgment of the DCB, would render the proposed structure or uses inharmonious with the general plan of improvement of the property or with structure or uses located upon other Lots in the vicinity.

6.6.3.1.11 The APV Board may adopt and promulgate rules and regulations, to be enforced by the DCB, regarding the preservation of trees and other natural resources and wildlife upon the property. If it shall deem it appropriate, the DCB may mark certain trees regardless of size as not removable without authorization from the DCB.

6.6.3.1.12 New applications will not be accepted or considered by the DCB if there are any known infractions or non-compliance of these Criteria existing at any of the Applicant's previously approved sites or any failure to pay Assessments.

6.6.3.1.13 Applicant's failure to repair damage to adjacent property. All damaged areas must be returned to like or better than original condition. Following notification by the APV of the violation, Applicant must rectify violations within a reasonable period of time taking into account insurance payments or other factors deemed relevant by the DCB.

6.6.3.1.14 Failure to comply with any requirements in these Criteria.

6.6.3.1.15 Failure to comply with Declaration requirement for payment of Assessments. Assessments must be current prior to submission for DCB approval in all properties owned by the Applicant.

6.7 Appeals. All Administrative disapprovals by staff are subject to appeal and will be reviewed solely by the DCB. All disapprovals by the DCB are subject to reconsideration by the

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DCB. All requests for appeal and reconsideration must be upon the written request of the applicant which must provide a full explanation and detailed information substantiating the appeal or reconsideration. All such requests must be submitted to and received by DCB no later than seven (7) working days before the meeting at which it is to be considered. Appeals to the APV Board are not available with regard to case specific issues arising under these Criteria. The decision of the DCB are final. In the event the DCB determines that an amendment to these Criteria is appropriate, it may be so recommend to the APV Board. Appeals to the APV Board must meet the APV suspense cutoff date to the APV Board and have input from the DCB.

6.8 Repeated Violations. In cases of repeated violations of these Criteria by any Applicant, including his or her subcontractors, the DCB may require a cash payment of up to \$500 be deposited for each building request submitted. After a fifth (5th) infraction in any calendar year, the deposit will escalate to \$1,000 for each building request. The deposit will be returned upon satisfactory final inspection by the DCB after completion. Failure of the Applicant to rectify DCB violations within thirty (30) days after notification by the DCB may result in imposition of a fine payable from the cash bond for site in question. If the Applicant does not rectify the violation within thirty (30) days after notification from the DCB, the DCB will have the option to either request that fine(s) be imposed and/or use the cash payment funds to rectify the violation and/or pursue any and all legal rights in law or equity. A \$1,000 deposit will be required from all Applicants who begin construction without prior DCB approval, including upon a first offence.

OPTION:

The Applicant may establish a deposit account in the form of cash, bond, or letter of credit, in a sum acceptable to both parties (*i.e.*, \$5,000.00 or more), with the understanding that the Applicant is obliged to maintain a credit balance and increase the same to the maximum amount required within ten (10) days of a request to do so by the DCB.

7. Design, Criteria, Structures.

7.1 Establishment of Criteria. The following Criteria are established by the APV Board as recommendations for all residential, commercial and institutional structures, walls, fences, and improvements. It is the intent of these Criteria to provide a visual impression with as many natural surfaces, textures and colors as is possible and to prevent abrupt texture and color variations.

7.2 Elevations. All elevations for each structure should meet the applicable County requirements, as determined by the DCB.

7.3 Exterior Materials. The following exterior materials and colors are acceptable:

7.3.1 Concrete or clay brick finished or painted in subdued tones. The final color is subject to DCB approval.

7.3.2 Vertical or horizontal wood siding stained or treated for weathered look. Aluminum, vinyl or hardboard siding below eight feet (8') in height may be approved if the DCB finds this material compatible with its surroundings. If aluminum, vinyl or hardboard siding is

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used, it must be painted with subdued colors approved by the DCB. Any lumber used for the purpose of exterior siding, fascia or trim must be approved. Siding samples are required for aluminum, vinyl and hardboard.

7.3.3 Concrete block, when used, must be painted or stucco covered.

7.3.4 Stone or decorative block.

7.3.5 Roofing. Asphalt or fiberglass shingles, wood shake, slate, tile, shake, standing seam metal, cement and other materials may be considered by the DCB. The final color of roofing is subject to DCB approval. Ancillary structures attached to the house cannot have corrugated roofing panels. Roll/corrugated roofing material is not allowed on any residential or ancillary structure.

7.3.6 The final color of all stucco is subject to DCB approval. The color used and the location of the building so painted should blend with surrounding houses. The DCB may allow painted struck block on side and rear elevations.

7.3.7 Materials for exterior finishing other than those listed above must be submitted to the DCB for consideration. Samples should be provided. Any changes to approved Criteria must be approved by the APV Board.

7.4 Garages. All single family homes must have a garage. Carports are only permitted in Village Nine (Broadmoor). Minimum dimensions for a one (1) car garage are eight feet (8') wide by eighteen feet (18') long clear space. Minimum dimensions for a two (2) car garage are sixteen feet (16') wide by eighteen feet (18') long clear space. Openings of garages shall have garage doors. Interiors of garages of frame-structure houses shall be finished with dry wall. Homes with three (3) or more bedrooms, or two (2) or more bedrooms with a den, must have a two (2) car garage, except for Village Nine (Broadmoor). The DCB may permit deviations from this Section for homes built prior to January 1, 2002 that were constructed with DCB approval but do not conform to these garage requirements. Garages accommodating more than two (2) cars may be permitted with DCB approval. Notwithstanding any other provision hereof, a garage shall not be converted into a bedroom or into a room for any other type of use.

7.4.1 Detached Garages. Detached garages must be built on a cement slab and must match the materials and roofing of the main structure. Driveways to the detached garage must be compatible with the existing driveway/walkway. A detached garage may not be built on an otherwise vacant Lot unless the Lot is combined with a neighboring Lot containing a house. A detached garage may only be single story and utilized as a garage only. Detached garages may not exceed 350 square feet.

7.5 Screen Doors in Front of Garages. Screen doors are permitted in front of existing garage door based on the following conditions:

7.5.1 Screening must be framed in complimentary color and be placed on a tracking system.

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7.5.2 Garage area must be used for a garage only and not converted into an extra room of any style. This applies to both attached and detached garages.

7.5.3 With the exception of screen doors, no other enclosure of garages is permitted.

7.6 Storage Tanks. Storage tanks of any description must be placed below ground or screened from view. Any storage tank in excess of fifty (50) gallons must be placed below ground and must be placed no less than fifteen (15) feet from any adjacent property. Only one tank is allowed on each Lot. Multiple storage tanks are prohibited. The tank must be outside all the established easements.

7.7 Storage Sheds. Storage sheds are allowed, however, only one (1) shed with a maximum dimension of two-hundred (200) square feet per unit and must be placed in the back yard of the property. Storage sheds may not encroach on any established setback including those in paragraph 8.1. Storage sheds shall be maintained to prevent them from becoming unsightly or deteriorated. Sheds must not be taller than ten (10) feet from floor to exterior peak of the roof and must not be attached to the house. Sheds must be installed on a concrete pad and/or secured as required by applicable building code or County ordinance. The color of a shed must complement the exterior color of the primary residence. The Cypress Woods Covenants prohibit sheds in Cypress Woods.

7.8 All and Window Air-Conditioners. No wall or window air-conditioners shall be permitted without screening by shrubbery or an appropriate material approved by the DCB. Wall and window units must not be installed more than four (4) feet above ground level. DCB approval is required prior to installation.

7.9 Wiring. Secondary underground distribution wiring from street to building is mandatory and shall be the responsibility of the individual/Owner builder when not otherwise defined by contract. Primary wiring along arterial streets may be of overhead design when deemed appropriate by the applicable power utility.

7.10 Height. Height limitation in single family residential dwellings shall be thirty feet (30'). Height limitations in multi-family residential shall be determined by the land use plans. Minimum roof pitch for all residential units is 4/12 except within Broadmoor.

7.11 Pools. In-ground swimming pools are permitted. Above-ground pools are allowed; however, the property must be fully enclosed on the sides and rear with a 6' solid privacy fence (PVC, concrete block or brick) sufficiently opaque and of such height so as to prevent the pool from being seen from the public side of the fence, APV Greenways and/or roadway: not to exceed current fence requirements. County requirements for fencing or screening pools must be complied with. Any decking around pools must not be visible outside the fence and must be approved by the DCB.

7.12 Dust and Erosion. Dust abatement and erosion control measures are the responsibility of the Applicant in all stages of construction.

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7.12.1 Builders must contain all debris during all stages of construction in an approved and covered container pursuant to Section 13.1 of the Poinciana Subdivision Declaration.

7.13 Parking. All new individual residents' plans shall include provisions for at least two off-street parking spaces per single family residence, excluding the garage.

7.14 House Numbering. All Applicants for the construction of new residential units will provide house numerals in accordance with local requirements. All residential units must display house numerals on the structure at all times that can be read from the street.

7.15 Chimneys. Chimneys on all homes shall NOT be of the exposed metal stovepipe type. Chimneys must be sided with materials consistent with the exterior of the home.

7.16 Access. When residential Lots have access from more than one (1) street, vehicular access must be from the minor street only.

7.17 Pricing. The Board of Directors approved the listing of pricing on any approved housing signage within Poinciana.

7.18 Foundation. Foundation for homes, except Broadmoor – Village 9, must be poured cement.

8. Setback Lines and Building Sitting. Because the establishment of standard flexible building setback lines for location of houses on Lots tends to force construction of houses both directly behind and directly to the side of other homes with detrimental effects on privacy, preservation of important trees, and other issues, variations in setbacks are encouraged. The structures will be located with regard to the topography of each individual Lot, taking into consideration, the location of large trees and similar considerations. The DCB shall have the right to disapprove housing plans on the basis of improper sitting. For further information respecting setbacks, please see **Exhibit 1** attached hereto and made a part hereof. To the extent that any plat requires larger setbacks than specified in **Exhibit 1**, then the setbacks in such plat shall control.

8.1 Ancillary Structures. All ancillary structures must be ten feet (10') away from the rear property line and seven and a half feet (7.5') from the side property line. Any attached roofed vertical structure must have a minimum of twenty feet (20') rear setbacks, seven and a half feet (7.5') side setback and twenty five feet (25') front setback, with the exception of pie shape corner lots, which have a ten feet (10') rear setback, seven and a half feet (7.5') side and twenty five feet (25') front setback. Free standing ancillary structures of any type are prohibited in Cypress Woods.

9. Design Criteria Landscaping. Landscape plans shall consist of the scale of no less than one inch (1") equals thirty feet (30') and will indicate plant materials, sprinkler systems, if any, and path and drive materials. Plans with different scales may be accepted for large-scale developments.

9.1 Exterior Elements. This Section 9.1 of these Criteria deals with the elements of landscaping and exterior elements.

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9.1.1 Driveways and Walkways. Driveways must be constructed of either concrete, asphalt, or brick pavers. Walkways on a Lot shall be of the same materials as the driveway on the Lot unless otherwise approved by the DCB. Any walkway adjacent to the residence dwelling must not exceed two (2) feet in width. Driveways may not exceed a total of 24' combined width. Driveways may be painted with an APV approved driveway color with DCB approval. Homes with three car garages may have a driveway not to exceed 27' in width. Circular or semicircular driveways are prohibited. Additions and modifications to existing driveways require DCB approval.

9.1.2 Vegetation. Care shall be taken to preserve any natural trees, shrubs or other desirable vegetation existing on property and Applicants are urged not to remove trees unnecessarily.

9.1.3 Minimum Landscaping. Upon completion of a building site or section development, unless the requirements are met with natural vegetation, all building areas shall have the following minimum landscaping provided by the builder/developer according to a site plan which has been previously approved by the DCB.

9.1.3.1 Lots must be fully sodded.

9.1.3.2 The DCB can change results for a similar high quality of landscaping such as Florida Friendly Landscape, formerly known as Xeriscape, which is also allowed per design approved on a case by case basis.

9.1.3.3 Shrubs and other ornamental plants in front of the house, with the exception of trees, may not be taller than 4 ft.

9.1.4 Multiple Family Screening. Multi-family dwelling property lines adjacent to other residential uses shall be adequately screened with landscaping or fencing.

9.2 Maintenance of Lawn and Landscaping. Lot Owners are responsible for maintaining the exterior appearance of their Lots, including, but not limited to, the driveways, walks, fences, ancillary structures, lawn and landscaping thereon, in a neat and attractive condition and good order and repair. Owners are required to undertake all maintenance, repairs and/or other actions to ensure their Lots, and all the driveways, walks, lawn, landscaping and other improvements thereon, persist in a neat and attractive condition and good order and repair. Lot Owners must provide the same maintenance to that portion of any adjacent Common Area or public right-of-way, lying between the Lot boundary and any street, or alley. The following guidelines are intended to supplement and be read in accordance with the other provisions of these Criteria.

9.2.1 Lawn and Landscaping. Among any other actions necessary to comply with these Criteria, Lot Owners are responsible for the following in connection with the lawn and landscaping on their Lots:

9.2.1.1 Maintaining the lawn and landscaping in the Lot in such a manner as to avoid the appearance, accumulation and/or existence of any plain, dead or bare areas of the lawn;

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9.2.1.2 Maintaining the lawn and landscaping in the Lot in such a manner as to avoid the appearance, accumulation and/or existence of any dead landscaping;

9.2.1.3 Maintaining the lawn and landscaping in the Lot in such a manner as to avoid the appearance, accumulation and/ or existence of any type of any type of debris and/ or plant debris;

9.2.1.4 Maintaining the lawn and landscaping on the Lot in such a manner as to avoid the appearance, accumulation and/or existence of noxious, uncultivated, or rank weeds, grasses, or undergrowth including plants and grass growing around or through fencing;

9.2.1.5 Seeding, over-seeding, sodding and/or re-sodding any dead or dying portions of the lawn or as otherwise necessary ensure compliance with these Criteria;

9.2.1.6 Watering the lawn and landscaping thereon, in compliance with any relevant watering guidelines imposed by any municipal, county, state or other governmental entity, as necessary to keep such lawn and landscaping in a green, healthy and living condition;

9.2.1.7 Mowing, edging, trimming, weeding and performing all other forms of lawn maintenance on a regular basis so that the lawn thereon persists in a well-maintained, green, healthy and living condition;

9.2.1.8 Trimming and performing all other forms of landscaping maintenance on a regular basis so that the landscaping persists in a well maintained, green, healthy and living condition; and

9.2.1.9 Causing the lawn and landscaping to be treated, as needed, with fertilizer, pesticides and any other chemicals or agents so that the lawn persists in a healthy, green and living condition, free of weeds and insects.

9.2.2 Driveways. Walks. Patios. Paved Surfaces. Among any other actions necessary to comply with these Criteria, Lot Owners are responsible for maintaining the driveway(s), walk(s), patio(s) or paved surface(s) on their Lots by cleaning, pressure washing and/ or otherwise removing all stains, mold, mildew or other discolorations appearing thereon. Additionally, Lot Owners are required to repair, restore and/or replace all cracks, holes, grading deviations and/or other defects in the driveway(s), walk(s), patio(s) or paved surface(s) on their Lots.

10. Commercial and Institutional Buildings. It is the intent of these Criteria to exercise architectural control over commercial and institutional structures, so that these structures will blend with their scale and material selection into the portion of the Poinciana Villages that they serve. Each commercial and institutional area will be reviewed by the DCB on a separate basis with this intent as a guideline. All commercial buildings must be constructed in accordance with the applicable County code.

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11. Signage. Preliminary and Final Designs of all signage visible from the outside of the buildings must be submitted to the DCB for approval as to their structural and site compatibility. All signage must be in accordance to the Poinciana Signage Requirements attached hereto as **Exhibit 2.**

12. Building Alterations, Additions, Detached Structures and Maintenance. (See also Section 7 of these Criteria) Case history and approved listings of the building materials and colors approved by the DCB are available at the Office of the APV.

12.1 All Additions Require Approval. Any addition to an existing building, any exterior alteration, modification or change to an existing building, or any new detached structure must have the approval of the DCB before any work is undertaken. Examples of such projects include a deck, greenhouse, fireplace, fence, or added concrete surfaces.

12.1.1 The DCB shall review and process written approval or denial for all exterior changes to the property and/or house. An approval to the homeowner or contractor is valid for ninety (90) days with up to one (1) ninety (90) day extension for projects including fences, sheds, repaint, added concrete surfaces, in-ground pools, porches and such (additions, accessory structures, etc). A homeowner or contractor that has commenced or completed an exterior change to the property and/or house must submit a written request for review and timely provide the DCB with all the information necessary for the DCB to undertake such review. The DCB, at its discretion, has the ability to grant further extensions. Upon completion of the work, the property Owner must notify the Community Service Department for inspection.

12.1.2 The DCB shall review and process a written approval or denial for all exterior changes to the property and/or house. An approval for a builder is valid for one (1) year with up to one (1) ninety (90) day extension for projects to build a dwelling or units, and any major construction to the main structure. The DCB at their discretion has the ability to grant further extensions. Upon completion of the work, the property Owner must notify the Community Service Department for inspection.

12.2 No Temporary or Portable Structure. Any addition, exterior alteration, modification or change to any existing building shall not be portable or temporary and shall be compatible with the design character of the Parent Structure. Pole canopies are prohibited, party tents may be in place for not more than 72 hours. Any new detached structure shall be compatible with the Parent Structure. Dog kennels and dog runs are not allowed; however, dog pens are allowed. Dog pens shall only be constructed of chain link fencing material and must be accompanied by a dog house for protection from the elements. A chain link dog pen cannot have a roof and must have top rails. It must not exceed the 200 square feet dimension, cannot be taller than six (6) feet and must be placed in the rear of the property. Only one dog pen is allowed per Lot. No more than two (2) pets are allowed per household. All structures must stay away from the established Setback.

12.3 Awnings and Shutters. Awnings and shutters which are compatible with the Parent Structure may be considered on a case by case basis by the DCB. Awnings must be permanently attached to the main structure (i.e. sun setter awnings) and retractable awnings are preferred. Stripe-pattern awnings are not allowed. Hurricane shutters may be added to a structure upon

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approval by the DCB, but may only be closed during a hurricane watch or hurricane warning as issued by the National Hurricane Center and must be opened within 72 hours after the hurricane watch or warning has been lifted. Hurricane shutters may not remain closed, nor openings in the building covered with boards or other material, when there is no hurricane watch or warning in effect.

12.3.1 Gazebo. Wood Gazebos with tiled roof and decorative skirting are allowed; additionally, wrought iron and aluminum framed canvas topped gazebos are permitted, one gazebo per household and not to exceed a maximum dimension of two hundred (200) square feet per structure and a maximum height of ten (10) feet. All gazebos must be permanently installed on a poured 4" concrete foundation, placed in the rear of the property outside of the easements/setbacks upon obtaining written approval from the DCB. An owner of a Poinciana residential lot will be allowed maximum of 3 detached ancillary structures on their property. Ancillary structures are not allowed on otherwise vacant Lots. Wood gazebos must have tile or shingle roof.

12.3.2 Greenhouses: Greenhouses shall be of the commercially manufactured type, only of aluminum or galvanized steel frame, with flat polycarbonate panels, one (1) greenhouse not to exceed two hundred (200) square feet, a maximum height of ten (10) feet from floor to exterior roof peak with gabled or Dutch barn gabled polycarbonate roof. The greenhouse must be located in the rear of the property and out of all easements with written approval of the DCB. The greenhouse must also be anchored in concrete or strapped down, and may not be used for commercial enterprise or for storage purposes. The Greenhouse wall sections must remain clear with opaque paneling only allowed on the roof.

12.3.3 Pergola is a supporting structure, vertical posts with rafters across the top. These are open and flat, running at regular intervals horizontal across. They are supported by side rafters. Their sides being square or rectangular in shape, they have straight lines as the basis of their structure. Pergolas must be permanently installed in the rear of the property. All posts must be cemented in the ground or if set on a slab they must be mounted. Only one (1) per dwelling and not to exceed 200 square feet and must be maintained in perpetuity.

12.4 Exterior Materials. Only the exterior materials existing on the parent structure or compatible with the architectural design character of the Poinciana Villages will be approved.

12.5 Exterior Colors. Exterior color changes (repainting) must have written DCB approval prior to repaint application, whether or not the original house color is changed. DCB color scheme approvals will solely be represented in the Poinciana Residential Color Selection Book for review at the APV Community Service Office. Colors in the Poinciana Residential Paint Color Selection Book are interchangeable in combination as long as they do not conflict and as long as a wall color stays a wall color. Murals and similar images are prohibited on roofs, walls, fences and other exterior surfaces. Two-tone walls on the exterior of homes are not allowed. Notwithstanding anything herein these Criteria to the contrary, all requests for relief from the provisions of this section, whether denominated a request for a variance, or appeal, shall be limited to the DCB. Further review by the APV Board shall not be available.

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12.6 **Maintenance.** Lot Owners are responsible for maintaining all homes' exteriors and ancillary structures on their Lots in a neat and attractive condition and good order and repair and shall not permit their homes' exteriors and ancillary structures to deteriorate or become unsightly. Owners are required to undertake all maintenance, repairs and/or other actions to ensure their Lots, and their homes' exterior, ancillary structures and other improvements thereon, persist in a neat and attractive condition and good order and repair to maintain harmony and blend with the other existing homes in the immediate vicinity (i.e., paint peeling, torn screens and broken windows). Lot Owners must provide the same maintenance to that portion of any adjacent Common Area or public right-of-way, lying between the Lot boundary and any street, or alley. The following guidelines are intended to supplement and be read in accordance with the other provisions of these Criteria. Among any other actions necessary to comply with these Criteria, Lot Owners are responsible for the following in connection with the homes' exteriors and ancillary structures on their Lots:

12.6.1 Repair, restore and replace all missing, broken and/or deteriorating stucco, siding, bricks, stones or other materials on the exterior of the home or ancillary structures on the Lot;

12.6.2 Repair, restore and replace all missing, broken, inoperable and/ or deteriorating doors, windows and shutters, of any type, and related apertures including broken blinds and torn or tattered window coverings visible from the street. Cardboard, aluminum foil and silvered material are not permitted as window coverings. Plywood is prohibited in windows and door openings. Decals and widow stickers are not permitted unless approved by the DCB;

12.6.3 Pressure wash, clean and otherwise remove all stains, mold, mildew or other discolorations appearing on the exterior of the home or ancillary structures, including, but not limited to, those appearing on the doors, walls, roof(s), soffits and fascia;

12.6.4 Paint and/or re-paint the home, fence or ancillary structures on the Lot when needed {i.e. peeling paint, fading, spotting};

12.6.5 Repair, restore and replace all missing, broken and/or deteriorating roof(s), shingles or other components of the roof(s) and ensure that such roof(s) are consistent in appearance;

12.6.6 Repair, restore and replace all missing, broken, inoperable and/ or deteriorating components of any ancillary structure on the Lot;

12.6.7 Repair, restore and replace all missing, broken, inoperable and/ or deteriorating mailboxes or similar improvements on the Lot. Numbers are required on all individual mailboxes and must be legible;

12.6.8 Repair, restore and replace all missing, broken, inoperable and/or deteriorating decks and/or components of decks.

12.6.9 Repair, restore maintain fences including pressure wash, stain and trimming of vegetation/grass from both the yard and public view sides of the fence.

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12.7 Fencing.

12.7.1 Residential Fencing Generally. Any residential fence or screen must have the approval of the DCB before installation is undertaken. No fencing is permitted in the front of a home. Low ornamental landscaping such as border stones in front of the home is permitted. The maximum height of any fence for a house is six feet (6') and cannot be placed beyond the front elevation, excluding fences for tennis courts and including swimming pool enclosures. Rear Flag Lots fencing will be reviewed on a case by case basis by the DCB. Empty lots may not be fenced unless fenced in conjunction with a neighboring Lot containing a house. Garden fences require DCB approval.

12.7.2 Commercial and Institutional Fencing. Commercial and institutional fencing will be considered by the DCB on a case-by-case basis.

12.7.3 Vehicular Traffic Sight Lines. No fence or screen will be approved if its installation will obstruct sight lines for vehicular traffic. Road rights-of-way will be maintained as green areas.

12.7.4 Types of Fencing. Only wrought iron, block, brick, vinyl PVC, vinyl coated chain type with top rail or chain link fencing with top rail and aluminum slotted picket will be approved if the design is in general conformity with the architectural design of the Poinciana Villages. Solid metal panel/privacy fence material is prohibited. "Lattice" can be only used as a decorative feature along the top of a solid privacy fence sufficiently opaque, built in and framed from a manufacturing company. Any lattice shall be included in and not exceed the total allowable height of the fence. The use of mesh, wire, or plastic as fencing materials is prohibited. The use of mesh as screening material is prohibited. No wall or fence shall be erected or placed within the front setback lines of any Lot. Block walls shall be stuccoed, painted and regularly maintained. Fence panels and posts must be of the same material. Chain link fences are not permitted in Cypress Woods.

12.7.4.1 Any remaining wood fences must be maintained and kept in good repair. Wood fences may be painted white, natural-wood stain or have a weather wood look. Painting/staining wood fence with any color not specified above is not permitted. In the event that an existing wood fence becomes damaged, wears or reaches the end of its life so as to require replacement, the fence must be replaced using materials allowed in paragraph 12.7.4 of this criteria.

12.7.5 Fence colors. PVC fences may be white, beige or natural-wood color. Wrought-iron/aluminum or standard/vinyl coated chain link fence may be black or bronze. Uncoated chain link fence may be bare metal. Plastic weaves on chain-link fences may only be white, cream or brown and require DCB approval prior to installation of the weave. Fences must be kept clean and in good repair.

12.8 Antennas.

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12.8.1 Exterior antennas are permitted but those of the larger C-B or HAM rig type are discouraged. If an antenna is erected by an individual resident, it should be located as inconspicuously as possible and must be in conformance with the Federal Communications Commission (FCC) Regulations.

12.8.2 In order to make sure that satellite dishes and antennas are placed in a location that will not endanger the health, safety and welfare of the Poinciana Villages residents, written consent of the DCB is required for approval to install satellite receiving antennas or related type equipment. Satellite dishes up to 1 meter (39 inches) in diameter and ground mount masts up to 12 feet maximum vertical position will be approved administratively. The proposed location shall not endanger the health, safety or welfare of the Poinciana Villages residents.

12.9 Exterior Lighting. In addition to builder installed garage carriage lights and porch lights, residents may add up to a maximum of four (4) mounted exterior lights for ornamental and/or security purposes. Additionally, the lighting of screened porches, screen pool enclosures, gazebos and pergolas is permitted. Acceptable lighting for screen porches, screen pool enclosures, gazebos and pergolas are permanently mounted fixtures, bulb style strand lights and rope lights (maximum of four strands/ropes per structure). Use of Christmas style string/strand lights for this purpose is prohibited. Temporary post strung strand lights for hosting of an outdoor event is permitted for a period of not more than 72 hours. All exterior lighting must be installed in such a manner so they are not obtrusive nor present a nuisance to neighboring residents.

12.9.1 Exterior holiday ornaments and lighting may be in place from November 15 through January 10. Landscape lighting shall be installed flush with the lawn at a height not to exceed twelve (12) inches. Lamp-post lights must be constructed from metal, may not exceed seven feet six inches (7' 6") in height and must be properly anchored. No more than two (2) lamp posts per home.

12.10 Portable or Temporary Structures. Portable or temporary structures are not permitted. However, the following are permitted:

12.10.1 Outdoor clothes dryers of the carousel/umbrella or T-type. Outdoor drying lines should be screened with shrubbery and placed to the rear of the Lot.

12.10.2 Child play equipment (*i.e.*, swings, slides, jungle gyms). Such equipment should be prefabricated and erected to the rear of the house as inconspicuously as possible. Equipment combining a storage shed with play equipment is prohibited.

12.10.3 Basketball hoops are allowed only in one of three locations: 1) attached to the house above the garage door; 2) to the rear of the house or; 3) a temporary or permanent basketball hoop adjacent to the driveway located between the side of the driveway and the side-lot line of the property closest to the driveway. All basketball hoops must have DCB approval. Only one basketball hoop per Lot will be approved. Basketball hoops must not encroach upon any county easement.

12.10.4 Projection Screens. Projection screens are not allowed outside of dwelling.

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12.10.5 Generators. Permanently installed generators must be screened from view by shrubbery or with a structure approved by the DCB.

12.10.6 Solar panels are permitted. The preferred location is roof mount, however ground mounted solar arrays are permitted. Ground mounted solar arrays must be located at the rear of the house and enclosed by a six (6) foot privacy fence.

12.10.7 Any ornamental structure in front of the house such as a fountain, wishing well or benches must not be taller than 4 feet.

12.10.8 PODs are permitted for a maximum of 30 days and must be placed on the driveway. Only one POD per Lot is allowed.

12.10.9 A Construction Dumpster may be used during home repairs or renovation but must be preapproved by the DCB. Only one dumpster is allowed. It must be placed on the driveway and may remain on the Lot for a maximum of 7 days.

12.11 Model Center. Model Center ONLY Criteria:

12.11.1 All model center layouts to be approved by the applicable County and the DCB.

12.11.2 Driveways may be omitted until residential occupancy occurs providing adequate alternative parking is provided.

12.11.3 Sidewalk for model pedestrian access may be constructed.

12.11.4 Ornamental fences to a maximum of three feet (3') high may be installed in the rear of models.

12.11.5 Additional landscaping, irrigation and accent lighting may be included.

12.11.6 Signage for Model Centers shall be as follows:

12.11.6.1 One six foot (6') by four foot (4') identification sign may be utilized for each model center plus one small descriptive sign for each model and customary welcome flags, etc.

12.11.6.2 The only signs allowed are identification and directional. Only model's name, price, number of rooms, phone number and name of builder are allowed as model signs.

12.11.7 Temporary pedestrian entry doors may be affixed to the front and/or side of the garage together with decorative awnings.

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12.11.8 A letter of agreement and a \$5,000 Irrevocable Letter of Credit, CD or similar device will be deposited with the APV per each home in the model center that does not comply with these Criteria to insure that all model center residences will conform to these Criteria prior to residential occupancy. Such security deposit will be released upon satisfaction that the model home has been brought in compliance with residential requirements. If the requirement is not satisfied, the APV Board will have the option to either draw upon such security to bring the home(s) in question into compliance with these Criteria upon occupancy for residential purposes and/or request that fines be imposed and/or pursue any and all legal rights in law or equity.

13. Building Permits and Codes.

13.1 Approval of any project by the DCB does not waive the necessity of obtaining the required County building permits. Obtaining a County permit does not waive the need for DCB review. The letter of approval from the DCB may facilitate obtaining the required County building permit.

13.2 The DCB will not knowingly approve a project which is in violation of the applicable County Building or Zoning Codes.

14. Enforcement. Enforcement of this Criteria shall be in accordance with the Declaration and as set forth in this Criteria.

15. DCB.

15.1 Right to Inspect. The DCB, its agents and members specifically reserve the right of entry and inspection upon any portion of the Poinciana Villages for the purpose of determining whether there exists any violation of the terms of any approval or the terms of the Declaration or the Criteria set forth herein. Without limiting the foregoing, the DCB shall have the right to make as many inspections as DCB deems necessary, without prior notice to the owner or builder and at the sole discretion of the DCB during the construction of any structure or improvement to ensure that such structure or improvement is being constructed in accordance with the plans previously submitted to and approved by the DCB. Neither the DCB nor any member or agent thereof shall be deemed to have committed a trespass or other wrongful act by reason of such entry and inspection.

15.1.1 Inspection Criteria. Inspections of a property undergoing construction or repair shall include, but are not limited to: sod and landscape, impact on surrounding lots, streets and common areas (debris on, or damage to, neighboring areas).

15.2 New Standards and Policies. The APV Board may, from time to time, adopt new standards and policies and/or modifications to these Criteria. The DCB may suggest to the APV Board, from time to time, amendments and/or modifications to these Criteria. Upon adoption by the APV Board, such standards and regulations shall govern the performance or conduct of Owners, contractors and their respective employees within the Poinciana Villages, for the purpose of ensuring compliance with the regulations set forth in the Declaration. Each Owner and contractor shall comply with such standards and regulations and cause its respective employees to also comply with same. Such standards and regulations shall also govern the form and content of

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plans to be submitted for approval including, without limitation, exterior lighting and planting of trees and may issue statements of policy with respect to approval or disapproval of the architectural styles or details. Such rules and regulations may be amended or revoked at any time.

15.3 Change Orders. The DCB shall, without incurring any liability, have the right to prepare change orders and order minor changes while the approved work is in progress.

16. Liability.

16.1 No Responsibility. Neither the DCB nor any of its members shall be responsible for:

16.1.1 Construction, means, methods, techniques, sequences or procedures of the safety precautions.

16.1.2 The Owner's failure to carry out the work in accordance with contract documents.

16.1.3 The acts of omissions of the contractors, subcontractors or any of their agents or employees performing any of the work.

16.2 Held Harmless. Avatar, the APV, and the DCB, and their agents, servants, employees or other designees, shall be held harmless from any and all claims, damages, losses, and expenses including, without limitation, attorney fees and paraprofessional fees at trial and upon appeal arising out of their actions or decisions.

16.3 Owner Responsibility. Each Owner is responsible for insuring compliance with all terms and conditions of the Criteria set forth herein by all of its employees and contractors. In the event of any violation of any such terms or conditions by any employee or contractor, or, in the opinion of the DCB, the continued refusal of any employee or contractor to comply with such terms and conditions, after five (5) days notice and right to cure, the DCB shall have, in addition to the other rights hereunder, the right to prohibit the violating employee or contractor from performing any further services in the Poinciana Villages. Each Owner is responsible for restoring any Common Areas damaged or destroyed by work activities of such Owner's contractor(s).

17. Severability. Invalidation or removal of any of these rules or regulations by judgment, decree, court order, statute, ordinance, or amendment by the DCB, shall in no wise affect any of the other provisions which shall remain in full force and effect.

18. Broadmoor, Village Nine.

18.1 General. Broadmoor, or Village Nine, is a mobile home park off of Poinciana Boulevard, just south of U.S. Highway 17-92. Broadmoor is a Village. It has a separate Association (the "**Broadmoor Association**") with its own Board of Directors which shall administer, implement and enforce the provisions of this section 18. In addition to the other provisions of these Criteria, this Section is applicable to Broadmoor ONLY and encompasses the

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provisions of the Declaration of Use Restrictions for Broadmoor at Poinciana. Notwithstanding any of the other provisions of these Criteria, in the event this Section 17 shall conflict with any other Section of these Criteria, this Section 18 shall control as to Broadmoor ONLY.

18.2 Requirements. Any mobile home installation upon any Lot within Broadmoor shall be in accordance with the standards and requirements of the DCB with the exception of Lots owned by Avatar. On Lots owned by it, Avatar shall have the right to approve the manner of installation and type of any mobile home. All such installation must meet the Building Code of Osceola County as well as other regulatory requirements in effect.

18.2.1 Minimum Installation and Placement. All such mobile homes shall be placed and installed at the Owner’s expense and shall meet the following minimum installation and placement requirements and be approved by the DCB or Avatar, as applicable. Those residents, who become residents in Broadmoor after the effective date of these Criteria, shall not be required to have and maintain carports. Therefore, the following carport regulations shall only apply to those residents who currently have and maintain carports and to future residents who opt to have carports.

- 18.2.1.1 An aluminum fabricated carport roof including posts and fascia and wood structures;
- 18.2.1.2 A concrete patio slab covered by an aluminum fabricated roof including posts and fascia;
- 18.2.1.3 A concrete carport slab;
- 18.2.1.4 One driveway extending from carport, slab to curb including flair at curb;
- 18.2.1.5 Shingle, metal and/or rubber roofs shall be installed on all mobile home units;
- 18.2.1.6 No singlewide mobile homes shall be permitted;
- 18.2.1.7 Skirting material sufficient to enclose entire base of home;
- 18.2.1.8 Water, sewer and electricity connected from mains to home;
- 18.2.1.9 Landscaping with appropriate plants, grass, shrubs and/or trees;
- 18.2.1.10 Mobile home completely set up on piers, leveled, and running gear and tongue removed;
- 18.2.1.11 Mobile home tied down and inspected; and
- 18.2.1.12 Preliminary and final surveys by a Registered Surveyor.

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18.2.1.13 Complete survey, by a Florida Licensed Surveyor, denoting layout of home with all setbacks, driveway, slabs, sheds or accessory buildings, landscaping layout, as well as a statement that the lot must be fully sodded.

18.2.2 Setbacks. In addition, all such placement and installation shall allow for the setbacks provided in **Exhibit 1** attached hereto, except for air-conditioners, walkways and steps where no vertical supports are used.

18.2.3 Fencing. Fencing will not be permitted on the perimeter of any Lot where drainage canals or swales exist. Where fencing is permitted, it shall consist only of chain link and must be four feet (4') high (no more and no less). Vinyl coated chain link fence may be black, green or bronze. Uncoated chain link fence may be bare metal. Plastic weaves on chain-link fences may only be white, green, cream or brown and require DCB approval prior to installation of the weave. Fences must be kept clean and in good repair.

18.2.4 One Home Per Lot. No more than one mobile home shall be placed in each Lot, with the exception of two or three mobile homes which are joined to form a single dwelling.

18.2.5 Minimum Size. No mobile home installed within Broadmoor shall be less than thirty-four feet (34') in length, including hitch, and twenty feet (20') in width.

18.2.6 Sanitary Facilities. Any mobile home placed on any Lot or Lots must have complete sanitary facilities including a lavatory, wash basin, tub or shower, and kitchen sink and must be connected to sewage outlets and the water supply in conformity with Osceola County Health Requirements.

18.2.7 Used Homes. No used mobile home shall be permitted to be installed without the prior written approval of the DCB; provided, however Declarant may install the same if Declarant owns the Lot. The DCB's written approval of used mobile homes shall be based on, but not limited to, the condition of the used mobile home as "As New".

18.3 Single Family Restriction. All Lots within Broadmoor shall be used for single family residential use only.

18.4 Avatar. With regard to Lots owned by it, Avatar has the right to specify and approve of the quality of workmanship and materials as well as the style and design of mobile homes located on its Lots in order to insure uniformity and harmony of external design and construction. In addition, Avatar has the right to specify minimum square footage requirements of mobile homes on its Lots as well as to approve of any additions thereto subject only to the requirement that the square footage not be less than the minimum requirements set forth in Section 18.2.5.

18.5 Waterbodies. No dock, wharf, landing, boat house, boat or other structure extending into or over the lake, canal, waterway or drainage easement within Broadmoor shall be permitted.

DESIGN CONTROL BOARD CRITERIA

18.6 Septic Tanks and Wells. No septic tank shall be constructed within Broadmoor. A well may be constructed for irrigation purposes only.

18.7 Signs and Advertisements. Unless installed by Avatar, no signs or advertisements shall be displayed in or about Broadmoor of rights-of-way except with the expressed written permission and approval of the DCB and in accordance with specifications designated by DCB.

18.8 A Construction Dumpster may be used during home repairs or renovation but must be preapproved by the DCB. Only one dumpster is allowed. It must be placed on the driveway and may remain on the Lot for the duration of construction.

19. Hold Harmless. Developer, APV and its Board of Directors, officers, members and agents (the "**APV Representatives**") and the DCB and its members and agents (the "**DCB Representatives**") or any other person acting on behalf of any of them, shall not be liable for any cost or damages incurred by any applicant or any other party whatsoever, due to any mistakes in judgment, negligence, or any action of Developer, APV Representatives or DCB Representatives in connection with the approval or disapproval of plans and specifications. Each Owner agrees, individually and on behalf of its heirs, successors and assigns by acquiring title to a home, that it shall not bring any action or suit against Developer, APV Representatives or DCB Representatives in order to recover any damages caused by the action of Developer, APV Representatives or DCB Representatives in connection with the provisions of this Section. Developer, APV Representatives and DCB Representatives shall not be responsible for any defects in plans or specifications or the failure of same to comply with applicable laws or code nor any defects in any improvements constructed thereto. Each applicant submitting plans and specifications for approval shall be solely responsible for the sufficiency thereof and for the quality of construction performed thereto.

20. Amendments to Criteria. Any modifications or amendments to these Criteria shall be consistent with the provisions of the Declaration, and shall not be effective until approved by the APV Board. Notice of any modification or amendment to these Criteria, including a verbatim copy of such modification or amendment, shall be posted within the Poinciana Villages, provided, however, the posting of such modification or amendment shall not constitute a condition precedent to the effectiveness or validity of such modification or amendment.

DESIGN CONTROL BOARD CRITERIA

SETBACK AND OTHER RESTRICTIONS

BUILDING RESTRICTIONS - VILLAGES ONE THROUGH NINE

TYPE OF LOT	MINIMUM LOT SIZE ¹	MINIMUM LIVABLE INTERIOR FLOOR AREA ²	FRONT SETBACK ³	REAR SETBACK ³	INTERIOR SIDE SETBACK ³	SETBACKS FROM MINOR GREENWAY ³	OTHER SIDE SETBACKS ⁴	SETBACKS FOR ANCILLARY STRUCTURES ⁵	GARAGE REQUIREMENTS AND RESTRICTIONS ⁶
Conventional (unless located in a Cluster designated area)	6,001	1,000	25	20	7.5	N/A	15 (Polk) 20 (Osceola)	Rear of Lot only; same as Dwelling Unit	Must be built in rear half of Lot, unless attached to house
Rear Flag	6,001	800	25	20	7.5	N/A	15 (Polk) 20 (Osceola)	Rear of Lot only; same as Dwelling Unit	Must be built in rear of half of Lot, unless attached to house
Front Flag	6,001	800	25	20	7.5, however, the interior yard setback to a Flag Lot stem may be 2.5 feet if a vehicle storage structure is part of the residence closest to such stem	N/A	15 (Polk) 20 (Osceola)	Rear of Lot only; same as Dwelling Unit	Must be built in rear of half of Lot, unless attached to house
Cluster	6,000	700	25	5	7.5	N/A	15 (Polk) 20 (Osceola)	Rear of Lot only; same as Dwelling Unit	Must be built in rear of half of Lot, unless attached to house

DESIGN CONTROL BOARD CRITERIA

TYPE OF LOT	MINIMUM LOT SIZE'	MINIMUM LIVABLE INTERIOR FLOOR AREA'	FRONT SETBACK'	REAR SETBACK'	INTERIOR SIDE SETBACK'	SETBACKS FROM MINOR GREENWAY'	OTHER SIDE SETBACKS'	SETBACKS FOR ANCILLARY STRUCTURES'	GARAGE REQUIREMENTS AND RESTRICTIONS'
Two-Family Duplex Standard Lot	7,500	1,400 (700 per residence)	25	20	7.5	N/A	15 (Polk) 20 (Osceola)	Rear of Lot only; same as Dwelling Unit	Must be built in rear of half of Lot, unless attached to house
Two-Family Duplex Cluster Lot	6,000	1,200 (600 per residence)	25	5	7.5	N/A	15 (Polk) 20 (Osceola)	Rear of Lot only; same as Dwelling Unit	Must be built in rear of half of Lot, unless attached to house
Multi-Family Dwelling Units	As per applicable County Ordinance	450	As per applicable County Ordinance	As per applicable County Ordinance	As per applicable County Ordinance	N/A	As per applicable County Ordinance	Rear of Lot only; same as Dwelling Unit	Parking spaces as per applicable County Code and Regulations
Commercial	As per applicable County Ordinance	N/A	As per applicable County Ordinance	As per applicable County Ordinance	As per applicable County Ordinance	As per applicable County Ordinance	As per applicable County Ordinance	As per applicable County Ordinance	As per applicable County Ordinance
Village Nine (Broadmoor) Corner Lot	6,001	680	25	20	7.5	N/A	15	Same as for Dwelling Unit	A carport with an aluminum fabricated carport roof
Village Nine (Broadmoor) Interior Lot	6,001	680	25	20	7.5	N/A	N/A	Same as for Dwelling Unit	A carport with an aluminum fabricated carport roof

NOTES

1. Measured in square feet.
2. Measured in square feet, and exclusive of carport, breezeways, garages, utility rooms, open patios and porches.
3. Measured in feet.
4. Measured in feet, and adjacent to local street or collector street (e.g., corner Lots).
5. When Lot abuts greenway on more than one line.
6. And parking for Multi-Family and Commercial.
7. Setbacks in Cypress Woods for ancillary structures may vary.