

**BCA ARCHITECTURAL DESIGN AND DEVELOPMENT GUIDELINES**  
**&**  
**APPLICATION AND REVIEW PROCEDURES**  
**FEBRUARY 3, 2017**

**BCA Board of Directors' Policy**

The Architectural Review Committee (ARC) is empowered with the authority and responsibility to implement the B-PARCS as it relates to matters under its jurisdiction, per the Governing Documents and Board Policies. In its decision-making involving individual Lots in Baytree, the ARC shall focus primarily on the totality of the Lot, in architectural-standards implementation. While the more quantifiable individual specifications contained in this Document have contributed to the beautiful Baytree we now enjoy, the ever-changing environmental factors, landscaping-management philosophies, and County and State Codes demand some flexibility in the execution of sound judgment on a case-by-case basis.

Baytree is a gated community of 461 single-family homes. All residences are carefully planned to maximize stunning views of fairways, lakes, landscapes and conservation areas. Baytree is home to a spectacular 18-hole Signature golf course, designed by Gary Player, which includes a clubhouse, pro shop, lounge and full practice facility. Underground utilities preserve scenic vistas.

This document defines homeowner property standards. They include the original Developer construction standards and guidelines, rules and regulations, and the current homeowner requirements essential to maintaining the overall aesthetics of the community. The BCA Board of Directors authorizes these standards by the authority vested in them by the governing documents as shown in Table 1. In the event of a conflict in practice, the governing documents shall prevail. Typical of all Florida residents, the Association and its Baytree residents must also abide by Federal Law, State Statutes, Brevard County Codes and the St. Johns River Water Management District (SJRWMD) rules. See Section 1.2 Definitions.

Table 1: BCA Governing Documents by Order of Precedence	
1.	Declarations
2.	Articles of Incorporation
3.	By-Laws
4.	B-PARCS
5.	Local Neighborhood Rules and Regulations

Homeowners by acceptance of their Special Warranty deed are obligated to abide by these standards and changes thereto as approved by the Board of Directors.

Compliance, monitoring and reporting functions are the responsibility of the Baytree Property Manager and the Architectural Review Committee (ARC). Maintenance and enforcement of these standards rest with the BCA.

The BCA Board of Directors has a fiduciary responsibility to ensure the uniform and equitable enforcement of the Baytree Covenants, Conditions and Use Restrictions (Art. XIII, Declaration). The Board has delegated oversight and compliance to the Baytree Property Manager and the ARC. These assignments may change at the discretion of the Board. Legal enforcement should it be necessary remains with the BCA Board.

Data subject to change, e.g., names, phone numbers or forms, are included as appendices. Updates to this document, including other relevant homeowner information will be maintained and posted on the community web site [www.baytreecommunity.org](http://www.baytreecommunity.org).

Your current BCA Directors, Neighborhood Voting Members, BCA Committee Membership, and Baytree Manager’s contact information may be found on the Baytree community website: [www.baytreeca.org](http://www.baytreeca.org)

Standards can at times seem individually restrictive, but when equitably enforced they protect the entire community. As Baytree homeowners and residents, we are bound to:

- Comply with the Baytree Declaration of Covenants and Restrictions;
- Comply with the St. Johns River Water Management District's rules;
- Comply with Brevard County codes and zoning ordinances;
- Ensure safety during hurricanes and severe storms;
- Protect all homeowner's property values;
- Maintain the Baytree Quality of life;
- Maintain community-wide aesthetics.

If you have any questions, need advice on an upcoming project, or are unsure if you are in compliance with any section of this document, please call the ARC Manager. Contact information is available at

[www.baytreeca.org](http://www.baytreeca.org)

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## General

### **Article XII of the BCA Declaration empowers the Board of Directors and the Architectural Committee (ARC), and states in part:**

- A. All property, which is now or may hereafter be subjected to this Declaration except for property owned by the Golf Course owner, its successors and/or assigns, and/or the CDD, is subject to architectural and site plan review. The BCA has the power to require the submission, review and approval of plans and specifications through the ARC for the type, height, width, shape, size, location, color, appearance, elevation (if applicable) and materials of any structure or other improvement on a Lot and to enforce standards for the external appearance of any structure or improvement located on a Lot. This review shall be in accordance with this Article, and such standards as may be promulgated by the BCA Board or the ARC Standards as set forth in documents entitled the B-PARCS. The BCA Board of Directors shall have the authority and standing, on behalf of the BCA, to enforce in courts of competent jurisdiction decisions of the committees established herein. No construction, which term shall include within its definition clearing, excavation, grading, and other site work, no exterior alteration or modification of existing improvements or landscape design, and no plantings of trees, plants or shrubs or removal of existing plants, trees, or shrubs shall take place except in strict compliance with this Article, and with the BPARCS, until the requirements below have been fully met, and until the approval of the appropriate committee has been obtained.
- B. The ARC shall prepare and promulgate design and development guidelines and application and review procedures. Copies shall be available from the ARC for review by Owners, Merchant Builders, and developers who seek to engage in development of or construction upon all or any portion of the Properties, and such parties shall conduct their operations in accordance therewith. The guidelines and procedures shall be those of the BCA, and the ARC shall have sole and full authority to prepare and to amend them subject to the BCA's Board approval. In the event that the ARC fails to approve or disapprove plans submitted to it, or to request additional information it may require, within forty-five (45) days after submission thereof, the plans shall be deemed approved.
- C. The ARC may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of this Declaration, or (c) stop the Committee from denying a variance in other circumstances. For purposes of this Section, the inability to obtain the issuance of any permit, or the terms of any financing shall not necessarily be considered a hardship warranting a variance.
- D. Any contractor, subcontractor, agent, employee or other invitee of an Owner who fails to comply with the terms and provisions of the B-PARCS guidelines and procedures promulgated by the ARC may be excluded by the BCA Board from the Properties without liability to any person, subject to the notice and hearing procedures contained in the By-Laws. The ARC is specifically empowered to make recommendations to the BCA's Board of Directors with regard to determining the propriety of any constructed improvement or removing any unapproved improvements. The BCA shall indemnify and hold harmless the ARC from all costs, expenses, and liabilities, including attorney's fees, incurred by virtue of any service by a member of the ARC as a member of the ARC. If any Owner fails to abide by the terms of this Article (12.4) or by the ARC Standards, the BCA may enter upon the Owner's Lot to correct the violation, including, but not limited to, removing unapproved improvements; provided,

however, except when entry is required due to an emergency situation, the BCA shall afford the Owner a minimum of seven (7) day's notice and an opportunity to cure the problem prior to entry. All costs incurred by the BCA shall be assessed against the Lot and the Owner thereof as a Special or Benefit Assessment.

- E. There is specifically reserved unto the ARC the right of inspection upon any Private Property for the purpose of determination by the ARC whether there exists any construction or any improvements which violate the terms of any approval by the ARC or the terms of which the Declaration or of any other covenant, conditions and restrictions to which its deed or other instrument of conveyance or Plat makes reference.
- F. The ARC is specifically empowered to recommend the enforcement of the provisions of this Declaration by any legal or equitable remedy, and shall recommend such enforcement to the BCA's Board of Directors in the event it becomes necessary to resort to litigation to determine the propriety of any constructed improvement, or to remove any unapproved improvements.
- G. Requests for ARC approval are required (but not limited to) enhancements, modifications and additions, i.e., alterations, to the following:
  - a. Home Exteriors to include color of house, trim and doors
  - b. Roofs
  - c. Fascia and Trim
  - d. Exterior Doors, including Garage Doors and Sliding Doors
  - e. Patios, Decks, Balconies, and Porches
  - f. Walls and Fences
  - g. Screened Porches and Pool Enclosures
  - h. Mechanical/Pool Equipment
  - i. Driveways and Walkways
  - j. New structures, pools,
  - k. Drainage - any change to existing topography or curbing additions
  - l. Landscaping - major removals and alterations
  - m. Exterior fixed-base generators
  - n. Playground equipment
  - o. Tree removal
- H. When hiring a contractor, it is required by Local Government Agencies-that the Homeowner obtain the full company name, proof of the license and the insurance information for the contracted company, along with a contact number, and submit that information with the Homeowners request to the ARC for consideration and approval of the request. This will protect the Homeowner in the case of damage to Baytree Property. This recommendation does not apply to Self-help Projects that are excluded from this requirement.
- I. Non-compliance with these Guidelines may be used as the basis for disapproval of plans. Architectural design is subject to review and approval of the ARC of the Association, which has the authority and discretion to grant or deny approval.

- J. The criteria presented in these Guidelines are not intended to take precedence over any rules, regulations, or requirements of any local or federal agency having jurisdiction over the development of this property. The approval of the ARC is in addition to, and does not relieve the Builder of, the responsibility of complying with the rules and regulations of any governmental agency.
- K. Board of Directors Policy directs that the ARC will recover from the Property Owner sufficient funds to defray all added expenses to the ARC attendant with the processing of an application, even in cases when there is normally no fee charged to initiate the application process.
- L. The BCA utilizes a Property Management Company for the Inspection and Enforcement of Homeowner compliance with the BCA's Use Restrictions, as promulgated in Article XIII of the Declaration, and the ARC Guidelines contained in this document. The Property Manager conducts inspections of the community as per contract. The Property Manager has been charged by the BCA Board-of-Directors to ensure compliance with Article XI of the BCA By-Laws, which promulgates the procedures dictated with Covenants enforcement.
- M. The Property Manager inspections will concentrate on non-compliance issues throughout the Community. The following are several key items that are included in these inspections:
- Homeowner Projects that are ongoing or that have been completed without ARC Approval.
  - Landscape Maintenance – Control of weeds in lawn beds, driveway expansion gaps and between pavers.
  - Lawn cuttings, shrub clippings, tree trimmings placed on the curb earlier than permitted.
  - Roofs - Control of mold, mildew and dirt.
  - Exterior structures - Removal of stains, rust, and mildew. (From irrigation system, etc.)
  - Driveways and sidewalks - Oil stains, dirt, and excessive mold.
  - Driveway Parking - Vehicles should normally be parked within the garage. If driveway parking is necessary, visitors and guests, vehicles must not overhang or block the public sidewalks.
  - Unapproved Trellis and Arbors or those that are not painted or covered with vegetation properly.
  - Fences that are unauthorized or those that do not have the required vegetation planted next to it.
  - Awnings, canopies, or shutters that have been installed to dwellings that are not approved by the ARC or violate the Use Restrictions.
  - Basketball Hoops – In a condition other than when ARC-approved or without a means to relocate during hurricanes.
  - Unauthorized signs.
  - Electrical boxes, gas meters, solar heating plumbing that have not been properly painted.
  - Missing Chimney Cowlings.
  - Unauthorized Mailbox structures.
  - Unauthorized Children's Play Structures or in a condition other than as approved by the ARC.



## Definitions

- A. As defined in Section 3.8 of the BCA Declaration, the "B-PARCS" are the policies, rules and regulations as adopted by the BCA Board of Directors, provided for in Section 3.8 of the Declaration. Additionally, Article XIII of the Declaration promulgates restrictions governing the use of individual Properties in Baytree. Such regulations and use restrictions shall be binding upon all Owners of Lots and occupants. The cumulative intent is to provide for the preservation and enhancement of the value, desirability and the attractiveness of the Properties throughout the Baytree Community.
- B. For ease of understanding, the term "alteration" in this document means a change in form, function, or appearance, including additions, from any item previously approved and accepted under the Baytree ARC Standards and Guidelines. Maintenance and repairs that do not change the original form, function, or appearance of an item, above, do not require ARC Approval. The term "unapproved improvements" includes any Major Addition or Major Alteration made without prior ARC approval.
- C. "Addition" shall mean a structural or site modification including a Pool Plan that takes place after the original construction which is significant enough to warrant the issuance of a building permit by a governmental authority. This requires a Construction deposit as specified on the Baytree ARC Fees document available at [www.baytreecommunity.org](http://www.baytreecommunity.org).
- D. "Modification" shall mean a structural or site modification, taking place after the original construction, which is significant enough to warrant the issuance of a building permit by a governmental authority. For ease of understanding, the term "modification" in this document means a change in form, function, or appearance, including additions, from any item previously approved and accepted under the Baytree ARC Standards and Guidelines. Modifications may require \$25.00 processing fee as specified on the Baytree ARC Fees document available at [www.baytreeca.org](http://www.baytreeca.org).
- E. "Enhancement" shall mean relatively insignificant structural or site modifications. Enhancements may require a \$25.00 processing fee as specified on the Baytree ARC Fees document available at [www.baytreeca.org](http://www.baytreeca.org).
- F. "Florida-friendly landscaping" means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of storm water runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance. (FL Statute 373.185 (1)(b)).
- G. "Appellant" shall mean a person or persons that petition to have a certain judgment reviewed by the BCA Board of Directors.
- H. "Approve or Approval or Approved" shall mean written or silent consent by the ARC or the BCA Board of Directors
- I. "Architectural Review Committee" (ARC) shall mean a Standing Committee, established by the BCA By-Laws, with membership approved by the BCA Board of Directors
- J. "Baytree Builder's Agreement" shall mean agreements between Builder and Baytree incorporated in a series of terms defining obligations and responsibilities while conducting business operations in Baytree. All new construction, modification or addition actions require a Baytree Builders Agreement.

- K. "Builder" shall mean an entity, which builds and sells homes in Baytree or acts as the Owner's agent for construction in Baytree.
- L. "Contractor" shall mean a state licensed person or persons that contracts to perform certain duties at a certain price. Note: A State License may not be required for all trades and these are exceptions to this requirement.
- M. "Covenants" shall mean the Declaration of Covenants, Conditions, Restrictions, and By-Laws for the BCA, filed in the Official Records Book of Brevard County, Florida as amended to date. The Covenants also establish the rights, duties, and authority of the Baytree Community Association, a Florida non-profit corporation with jurisdiction over the properties described in the Covenants.
- N. "Design Review Application" or "Application" shall mean the application form submitted to the ARC for all new home Alterations or Additions, which form shall serve as a transmittal record of the submission.
- O. "Final Inspection" shall mean the last inspection of an Addition or Alteration, which is performed by the ARC upon completion for compliance with approved design documents.
- P. "Lot" or "Lots" shall mean or refer to a portions of the Properties intended for use, or occupancy as a residence for a single family and shall, unless otherwise specified, include within its meaning (by way of illustration, but limitation) single family lots, detached villas, single family detached houses on one or more separately platted lots all as may be used, and defined as provided in the Declarations or as provided in Supplemental Declarations covering all or part of the Properties. The term shall include all portions of the lot owned as well as any structure thereon; provided however, title to any lot bounded by any street, lake, or conservation area or any other common property shall not extend upon such common property, title to such properties being vested as herein provided.
- Q. "Owners" shall mean and refer to the record titleholder, whether one (1) or more persons or entities, of the simple title to any Lot situated within or upon the Properties.
- R. Other Definition. All other definitions pertaining to the development and approval process within the Baytree Community are to be found in Article III, Declaration Document.
- S. "Baytree Properties" or "Property" shall mean and refer to the real property described on the plat of Baytree, Planned Unit Development inclusive of the Golf Course (except as otherwise provided in the Declarations) and Community Development District properties and together with Declaration by Supplemental Declaration(s) as authorized by a Notary Public of the State of Florida.
- T. In this Document the word "Committee" refers to the ARC.

## **1.0 APPEAL PROCESS**

Any decision of the ARC may be appealed to the BCA Board of Directors (BOD). The appeal must be filed in writing with the BCA Secretary or the licensed BCA Property Manager currently employed by the BCA within fourteen (14) days from the date of the written decision of the ARC. The appeal shall set forth the decision of the ARC, which is being appealed and shall succinctly set forth the grounds upon which the Appellant feels the ARC decision shall be overturned, attaching any relevant documents and references the Appellant feels the BOD should consider. Prior to the BOD hearing on the appeal, the ARC file shall be provided to the BOD. The BOD shall hear the appeal within thirty (30) days of the date of filing of the appeal. The hearing shall be open to all members of the Association, but only the ARC and the Appellant shall be entitled to present evidence and witnesses.

The BOD may either: uphold the ARC decision, overrule the ARC decision, or refer the matter back to the ARC for further consideration based upon instructions provided by the BOD. The BOD shall provide the Appellant and the ARC its decision in writing.

## **2.0 BCA ARCHITECTURAL DESIGN AND DEVELOPMENT GUIDELINES**

### **Homeowner Requirements**

#### **2.1 Accessory Structures**

All accessory structures, including, but not limited to, those items listed below shall be submitted for approval to the ARC. These Additions and/or Alterations must be approval by the Association prior to construction/installation.

#### **2.2 Trellis/Arbor**

- A. All Trellis/Arbors shall be approved by the ARC. A detailed Plan will be submitted to the ARC to show exact location and purpose.
- B. Materials and colors used for any trellis or arbor construction shall comply with materials and colors on the primary residence. The use of wood is encouraged.

#### **2.3 Fences**

- A. Fences are not permitted on any individual lot in Baytree except for non-corner lots that abut conservation area. No exceptions will be made for homes that are on the golf course, a lake, or that back up to other lots. Plans for fences must be submitted to the ARC for approval.
  - 1. Balustrade walls for decoration of gardens are permitted with ARC approval
  - 2. Stucco wall for hiding trash bins, pool equipment or as part of home exterior design are permitted with ARC approval.
- B. Fences can only be placed on rear of the property and must take into consideration drainage and Baytree CDD and Brevard County regulations.
- C. Fences must be of anodized aluminum and dark in color (black, brown, green) and must not exceed a height of five (5) feet.
- D. All fencing approved by the ARC shall be properly landscaped with plants and/or shrubbery.
- E. All previously approved fences by the ARC shall be maintained in accordance of current ARC standards. Any fences that need replacing must meet current guidelines.

#### **2.4 Flags**

Banners and flags may be temporarily displayed on a single pole attached to the front facade of the house.

#### **2.5 Solar Water Heaters**

Solar panels should blend into the structure as much as possible. They shall lie flat on the roof and not be tilted up at a greater pitch than the roof unless design provisions are made to blend it into the structure. Any pipes down the side of the building will be painted to match the house color. Article 13.21.8, Declaration applies to all Energy Conservation Equipment.

## **2.6 Lighting**

Landscape up-lighting shall be subject to approval by the ARC. The up lighting may illuminate the front face of the home or significant landscape features. All exterior lighting is to be installed in such a manner as to not cause distraction, nuisance, or to be unsightly. It should convey a warm, inviting atmosphere and aid in providing nighttime security. Care is to be taken in placing and selecting fixtures. Spotlights are to be concealed from direct view and be directed to avoid light spill onto adjacent property.

## **2.7 Screened Enclosures and Porches**

Various designs, materials, sizes, and locations may be allowed by the ARC, depending upon the architectural style of the home. Pool cages and screens must be of a color, shape and material approved by the ARC.

## **2.8 Awnings Canopies, & Shutters**

Awnings and canopies shall not be allowed on home exterior except within a pool enclosure, and permanent shutters shall not be affixed to the exterior of dwellings without prior approval of the ARC. Bahamas type Shutters are not permitted in Baytree. Roller and accordion style shutters are considered permanent installation and must be approved by the ARC prior to installation. Other types of hurricane shutters may have permanently mounted hardware. Regardless of their materials, all permanently installed shutters or mounting hardware must match the color of the house or its trim and be approved by the ARC.

## **2.9 Swimming Pools**

Plans for in-ground pools must be submitted by the pool contractor for ARC approval. The application must include a landscape plan and drainage plan, show the location of pool equipment, and state the method to be used to conceal equipment. Anodized white or bronze aluminum frame screened enclosure and stainless steel hardware are encouraged. All pools must be screened; fences are not allowed. State and County statues and codes for safety must be met.

## **2.10 Play Equipment**

All basketball backboards, other fixed games, and play structures of a like kind or nature shall be approved by the ARC prior to installation, and must be maintained in the condition as when approved. Article 13.21.12, Declaration refers.

## **2.11 Hurricane Panels**

Roller and accordion style shutters are considered permanent installation and must be approved by the ARC prior to installation. Other types of hurricane shutters may have permanently mounted hardware. Regardless of their materials, all permanently installed shutters or mounting hardware must match the color of the house or its trim and be approved by the ARC.

## **2.12 Generators.**

- A. Both the County Building Department and the Gas Company must be notified in order to obtain permits for the installation and connection of the generator. Use of a Bonded, Insured, and Licensed Electrician is recommended.
- B. Approval is for Architectural acceptability based on Baytree Community Building Standards and Deed Restrictions. All applicable County Building and Zoning Ordinances supersede ARC approval. Please be advised that homeowners are responsible for obtaining any and all required Brevard County Permits and insuring that plans do not violate any applicable County Codes or Baytree ARC Guidelines and

Building Standards.

- C. Generators are to be built upon a cement slab and landscaped appropriately in order that it is completely screened from neighbors and street view.

### **2.13 Signs**

The size and design of all signs, house numbering, outside lamp posts and other such materials shall be approved by the ARC and shall display continuity and conformity throughout Baytree. Signs, flags, or other indicators that chemicals have been applied to landscaping are permitted for a period not to exceed the County Code. Article 13.21.1, Declaration, provides further instructions concerning signs. Home security company signs of reasonable size may be displayed within ten (10) feet of the home entrance.

Real estate “For Sale” signage may be erected on the homeowner’s lot when they conform to the following requirements:

Size: 24 inches wide by 18 inches high

Color: White to Cream background with green lettering. (Baytree Colors)

Number: One (1) sign per property

Placement: At the front of the residence and no closer than ten (10) feet from the street curbing

### **2.14 Window Air Conditioning**

No window air conditioning units shall be permitted; all air conditioning units will be integrated into a central air conditioning system.

### **2.15 Satellite Dishes**

- A. Preferred placement of satellite dishes and antennas should be anywhere that the satellite dish and antennas would not be seen from the front of the home and still achieve an acceptable signal. The size of the satellite dish must be no larger than 1 meter (39") or less and attached to the exterior wall, side or back, not to any separate poles.
- B. Satellite dishes shall not be installed on the front of a residence

### **2.16 Garage Doors**

- A. Garage doors shall be kept closed when not in use.
- B. All garages shall include garage doors (which shall be a minimum width of eight (8) feet for each automobile) and operated by automatic door openers.
- C. Garage doors shall be constructed of a material that is similar in appearance to the exterior materials of the buildings, and the color of the garage doors shall be compatible with the color of other exterior finishes of the building. Garage doors, automatic door openers and doors shall be maintained in a useful working order. No screens are permitted in place of garage doors.

### **2.17 Windows and Doors**

- A. Exterior window and door trim and similar decorations shall all be of the same color material, unless otherwise approved by the ARC, and shall be either of the same material as exterior walls or directly compatible.

- B. All windows, sliding glass doors, and patio doors shall be approved by the ARC. Security film is acceptable. Reflective glass is prohibited.

## **2.18 Landscape and Irrigation**

With the exception of bamboo, owners are encouraged to incorporate Florida-friendly landscaping in their Plan. However, when planting exceeds 25% of the landscaping, the ARC must approve the type, numbers and locations of all such plantings to ensure conformity with the B-PARCS.

## **2.19 Landscape Maintenance**

- A. All landscaped areas shall be properly maintained. Landscape maintenance shall include care of trees, shrubs, ground cover, annuals, turf grass, and irrigation systems. Turf areas should be regularly cut to maintain a consistent appearance of quality.
- B. All damaged plant material, including ground cover and sod, shall be removed following common nursery methods. Using this methodology insures the plant material's natural integrity and quality appearance.
- C. Dead trees and vegetation may be removed without ARC application and should be replaced with plantings from the Florida Friendly List. (see Appendix A)

## **2.20 New Landscape Considerations**

New and replanting considerations should ensure:

- A. Underground utility runs, including sewer lines, are not compromised. Call before you dig: 1-888-258-0808.
- B. That in the future when a canopy tree is mature, should it topple, that its root structure cannot destroy any adjacent utility runs.
- C. That there are reasonable planting distances between large growing trees: yours; your neighbor's; new; and existing.
- D. Plantings will not constrict utility and service easements.

## **2.21 Pool Drainage**

Homeowners may not drain their pool onto neighboring Lots nor the golf course at any time; nor may Homeowners drain their pool that the water eventually flows onto neighboring Lots or preserve.

## **2.22 Driveways**

- A. All home sites shall have a paved driveway of stable and permanent construction of at least 16 feet in width. Unless prior approval is obtained from the ARC, all driveways must be constructed of brick, concrete, or stone. When curbs are required to be broken from driveway entrances, the curb shall be repaved in such a way as to be acceptable to the ARC.
- B. All concrete driveways may have incorporated pavers, brick or other decorative treatment as approved by the ARC

## **2.23 Exterior colors must be approved by the ARC prior to being painted on the home.**

### **A. Pre-approved Colors**

1. ARC will provide a book with automatically approved exterior color for the homeowners to choose from. Book will be kept with the ARC manager and all VMs for easy access.
2. Homeowners can begin painting as soon as pre-approved colors have been submitted to the ARC on an appropriate ARC form.
3. \$25.00 processing fee will be waived for homeowners that choose pre-approved colors.

### **B. Custom Colors**

1. Custom colors and/or colors not found in the book of pre-approved colors can be submitted to ARC for approval after the homeowner paints samples of new colors on home for ARC to review.
  - a. Homeowners must notify ARC by email or written notice that they propose to change color and where ARC can find color samples on the home.
  - b. ARC drives by and notifies owner of approval or rejection of proposed colors.
  - c. Once approval is granted, homeowner can then submit application form either electronically or by hard copy with new color for ARC records. There is no need to transmit color swatches.
2. Custom colors approved by ARC will be added to the pre-approved book of colors.

- C. Painted or stained surfaces shall be well maintained. All aluminum windows and doors are to be anodized or otherwise pre-finished in a permanent color that matches exterior walls or is directly compatible.

## **2.24 Temporary Buildings**

No temporary building or structure shall be permitted on any home site.



## **3.0 APPLICATION AND REVIEW PROCEDURES**

### **Design Approval Process**

#### **3.1 Requests for Review and Approval**

- A. The ARC shall be responsible for the review and approval of any proposed-construction and any proposed Additions, Modifications or Enhancements to the exterior of existing residential structures and/or Lots. In conducting their approval responsibilities, the ARC will determine whether the request of any applicant is consistent with the established Baytree Covenants and Guidelines.
- B. The Baytree Covenants have granted the ARC discretionary powers regarding the aesthetic impact of design, construction, and development including architectural style, colors, textures, materials, landscaping, overall impact on surrounding, and other aesthetic matters.
- C. It shall not be the intent of the ARC to impose uniform appearance within Baytree, nor to discourage creativity on behalf of Builders and Homeowners. The intent is to promote and assure that all improvements are aesthetically compatible with each other, incorporate a unique yet pleasing and discriminating character, and are constructed to reflect the quality and permanence of a "quality, planned community."
- D. All construction of a building or structural improvement, all landscaping (except as indicated in 2.3 and 2.4 A, B & C)) or other site improvement, and all Major Alteration or Addition to any existing structure or site. Major Alteration will not be made on any property until the plans and specifications, showing the proposed design, nature, kind, shape, size, color, materials, and location of same, shall have been submitted to, and approved by, the ARC.
- E. Builders and Homeowners are cautioned that the Covenants have granted the BCA Board of Directors discretionary powers regarding the remedy or removal of any unapproved improvement on a Lot within Baytree. Based on the findings and recommendation of the ARC, the BCA Board of Directors may take necessary action to remedy or remove the unapproved improvement and charge the cost of the work effort to the Builder or Homeowner.
- F. Builders or Homeowners requesting approval of construction, or an Alteration or Addition, shall submit sufficient exhibits to demonstrate compliance with standards and requirements of these Guidelines. Construction must commence within six (6) months from date of approval by the ARC or approval is void. If approval is granted subject to conditions, the conditions shall be satisfied within sixty (60) days of issuance or approval shall be void.

#### **3.2 New Construction Review Procedures**

- A. The Design Review Application (available from the Committee) shall be used as a transmittal record of the submission. Submittal for approval of any Addition or Major Modification Construction shall include, at a minimum, two (2) sets of the following, and shall be designed by a registered architect or person of similar competency:
  - 1. Site plan at a minimum scale of 1" = 20' showing:

- a. Clearing and grading scheme with proposed and existing land contours, grades and flow of the site drainage system;
  - b. Location and size of any trees having a diameter of three (3) inches or more proposed to be removed from the site;
  - c. The dimensions and locations of all buildings, access drives, parking, utilities (water, power, telephone, cable, etc.), street pavement location;
  - d. All other proposed improvements to the site.
2. Landscape Plans at a minimum scale of 1" = 10' showing:
    - a. The size, type, and location of existing and proposed tree location;
    - b. The location of all planting areas including existing plant materials incorporated into the plan;
    - c. The species and size of, all plants/trees at the time of planting; irrigation, and well location;
    - d. Statements indicating the area will be 100% irrigated and all plant material will meet or exceed FL No.1 standard.
  3. Plans at a minimum in scale of 1/4" = 1'0" for all floors, cross sections, and elevations including projections and wing walls (floor plans should also show total square feet of air conditioned living area).
  4. Plans, elevations, types of materials, and other information associated with any other site improvement or ornamentation, including exterior lighting, walls, fencing, screening, patios, decks, pools, porches, and signage.
  5. Samples and color chips of all exterior finishes and materials to be incorporated into the plans.
  6. Such other information, data and drawings as may be reasonably requested by the Committee.
- B. There shall be a construction deposit per the Baytree ARC Fees document due upon submittal of the Design Review Application, to be held in escrow by the BCA -until the construction is complete and the Committee performs its Final Inspection. The escrow shall be used to offset any costs incurred by the BCA or the Committee to:
1. Repair damage to any property caused by the Builder or Homeowner, or their subcontractors, suppliers, and representatives during construction.
  2. Recover legal fees and other costs incurred by the Committee in order to correct any construction or Alteration or Addition not performed in substantial compliance with the plans receiving Approval.
  3. Pay for any fines or penalties imposed by the BCA for violations of any rules of conduct or regulations governing use of property within Baytree.
  4. Pay the cost of any re-inspection of improvements occurring after the Final Inspection and one (1) follow-up re-inspection. The cost of each such re-inspection shall be \$50.00.

### **3.3 Addition or Major Modification Review Procedures**

- A. If, after the initial New Home Construction, a Builder or Homeowner desires Approval for an Alteration or Addition, sufficient information shall be submitted to the Committee to allow it to fully understand the proposed Alteration or Addition. Such information could be as simple as a letter with a material sample or picture, or as complex as the above-stated submittal, and is dependent upon the complexity of

the proposed Alteration or Addition.

- B. The Design Review Application (available at [www.baytreecommunity.org](http://www.baytreecommunity.org)) shall be used as the transmittal record of the submission.
  - 1. Construction deposits as specified on the Baytree ARC Fees document shall accompany the application.
  - 2. For changes to, or resubmission of, plans, there shall be no Review Fee required.
- C. The Committee may require a rough stakeout of the proposed Alteration or Addition prior to rendering its Approval.

### **3.4 New Construction - ARC Inspection**

- A. The ARC reserves the right to inspect any property at any time before, during, or after the completion of work for which Approval is required under these Guidelines including, but not limited to:
  - 1. Final Exterior Elevations: Specifications, materials, and colors.
  - 2. Roofs: Structure, pitch, materials, and product photos.
  - 3. Fascia and Trim: Section details, materials, colors.
  - 4. Exterior Doors and Garage Doors: Specifications, materials, product photos, and colors.
  - 5. Patios, Decks, Balconies, and Porches: Specifications, materials, and colors.
  - 6. Wall: Location or placement, design details, materials, and colors.
  - 7. Screened Porches and Pool Enclosures: Structure, materials, colors, and roofing materials.
  - 8. Mechanical Equipment: Location and screening
  - 9. Driveways: Materials, finish, and colors.
- B. The ARC will review the application and design documents no later than 45 days after submission and return one set of plans to the participating Builder with the appropriate comments. In the event the ARC fails to Approve or disapprove the plans or to request additional information reasonably required no later than 45 days, the plans shall be deemed Approved. Note: If No Comment/response after 45 days passes – it is considered “silent acceptance”.

### **3.5 Existing Construction: Alterations and/or Additions Review Procedures**

- A. The proposed design for any exterior Major Alteration and/or Addition to an existing home, completed Lot, or structure on a Lot shall be submitted to the ARC via the Design Review Application, and reviewed and approved by the ARC prior to construction.
- B. The applicant must submit the design, site plan and/or a description of the Major Alteration and/or Addition which clearly indicates the location, dimensions, configuration or design, materials, colors, and any required screening of the Major Alteration and/or Addition. Any item or landscape Addition placed on a unit, which is clearly visible to a street or other Lot is subject to these requirements.
- C. The Design Review Application will be sent to the ARC for review of its compliance with Covenants and Guidelines. The ARC will respond to the applicant with comments within 45 days. The ARC has been granted the right under the Covenants to charge a fee for review of Major Alteration and/or Addition requests.

- D. If the ARC fails to Approve or Disapprove the Design Review Application, or to request additional information reasonably required within forty five (45) days after the final submission, the Application shall be deemed Approved.
- E. The ARC reserves the right to inspect construction in progress for conformance with approved design documents.
- F. The homeowner may appeal the ARC decision following the process described on page 2, 1.0.

## **4.0 BUILDER'S REQUIREMENTS**

### **4.1 Agency Approvals**

The Builder or Alteration Contractor is responsible for obtaining all required public agency permits and/or approvals prior to commencing construction or alteration on any site within Baytree. All construction shall meet all applicable state and county building codes, rules, and regulations in effect at the time of construction.

### **4.2 Plan Approval Process**

All Builder plan approvals will follow the Guidelines as outlined in Sections 3.1 and 3.2

### **4.3 Site Maintenance during Construction**

#### **4.3.1 Preservation of Existing Vegetation**

- A. The Builder shall make every effort to preserve all existing vegetation on all surrounding property and on its own lots wherever possible. The intent is to preserve the natural integrity and character of the property surrounding the building site and to observe regulatory requirements. Disturbance of natural vegetation on a Lot may be subject to specific approval by Brevard County, Brevard County Environmental Protection Commission ("EPC"), Florida Water Management District ("FWMD"), St. John's Water Management District (SJWMD) and/or the Florida Department of Environmental Protection. Please contact Brevard County for a description of the application process.
- B. In general, changing grades, compacting of soil, disposing, or spilling chemicals (paint, gasoline cleaning fluids, etc.) within drip lines are detrimental to trees. Fencing the drip lines of trees and keeping debris from within the area will help protect existing trees.

#### **4.3.2 Sediment Control**

- A. Sediment control barriers are to be properly installed at all locations so as not to disturb or influence the neighboring Lots, surrounding property, lakes, ponds, golf course, common areas, wetlands and natural areas in any negative way. These barriers are to be effective enough as to not allow for the runoff of on-site sediment from the building site to flow to all perimeter properties, Sediment control barriers shall also be used when adjacent to a home where the yard is sodded. The Builder must satisfy all regulatory requirements for sediment control, particularly adjacent to wetlands and conservation areas.
- B. The Builder should take any necessary steps to prevent the erosion and deposit of sediment from construction site(s) into streets and storm sewers during the construction period. If the existing sod barrier is disturbed, the Builder is expected to use alternate methods to contain erosion. It is the Builder's responsibility to promptly clean and restore any erosion, which occurs.

#### **4.3.3 Refuse Management**

- A. Baytree Builder Agreements require the Builder to control trash and discard materials during construction. Trash should be removed from a building site as soon as possible and on a regular basis. The Builder must use a refuse structure for storage of trash and discarded materials.
- B. No construction on any Lot shall occur without the presence of a dumpster for the purpose of collecting all trash and debris generated by construction at the building site. The dumpster shall be

emptied on a sufficiently-regular basis so as to ensure the dumpster does not overflow. Dumpsters and contents must be secured when Hurricanes are approaching the area.

- C. It is the Builder's responsibility to control and/or clean up trash, which results from Builder's, activity and which accumulates on Lots and streets adjacent to construction sites.
- D. Builders/Contractors are required to keep their job sites neat and clean. Trash and discarded material will be removed regularly. There will be no stock piling or dumping on adjacent Lots or on streets.
- E. Trash not removed will be removed by the BCA and billed to the responsible Contractor or subcontractor, or the job will be shutdown until a Lot is brought up to standards. All debris shall be picked up from the Lot and any adjacent Lots, and placed into the dumpster each day prior to leaving the site. Contractors shall not allow any debris, rubbish, cans, or bottles to be discarded, blown off the Lot, or exit in the area except in the dumpster located within the Lot. No garbage may remain on a construction site or be placed in a dumpster.

#### 4.3.4 Preparation Hurricane

On announcement of a storm warning, Builders shall take all necessary steps to safely secure constructions sites. Builders shall remove or replace any building materials that could become flying projectiles during hurricanes.

#### 4.3.5 Signage

- A. No signs are permitted on Baytree property except for those noted within this paragraph and paragraph 2.1.13.
- B. Builder's and other contractor information signs are permitted on each Lot and may contain the address of the Lot to assist in the delivery of materials and a phone number to the central sales office or superintendent's office. All Builders/Contractors signage shall be reviewed and approved by the ARC prior to installation.
- C. The size and design of all signs, house numbering, outside lampposts, and other such materials shall be approved by the ARC and shall display continuity and conformity throughout Baytree.
- D. Signs not so approved may be removed at Builder's/Contractor's expense.

#### 4.3.6 Construction Parking

- A. All construction parking is to be located in such a way as to consolidate all vehicles associated with the site's construction. The parking configuration shall not inhibit normal vehicular circulation, pedestrian circulation, or building/site construction.
- B. It is absolutely essential that all emergency vehicles, mail delivery vehicles, and residents have unlimited access to occupied dwellings during the construction process. The Builder is ultimately responsible for maintenance of this parking area both during construction and prior to final grading, sodding, landscaping, etc.
- C. The established speed limit within Baytree is 20 and 25 miles per hour, as posted, for all traffic including, construction vehicles, including light trucks and automobiles.

#### 4.3.7 Damage to Existing Properties

- A. All damage to existing properties associated with site construction shall be the responsibility of the Builder. Resident complaints are to be courteously addressed and resolved as quickly as possible, but not longer than 14 days.

- B. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, trees, walls, etc., may be repaired by the Baytree Community Development District (CDD) and such costs billed to the responsible Contractor.

#### **4.4 Contractor/Subcontractor/Home Owners Requirements**

##### **4.4.1 Radios, tape players, etc.**

Must be operated at a reasonable volume so as not to be a disturbance to residents and others, including golf patrons. The Brevard County Codes also apply.

##### **4.4.2 Hours of Operation**

- A. In accordance with Article IV, Section 46-131.2, residential construction in Brevard County is only allowed between 7 A.M. and 8 P.M. There will be NO construction performed on Sundays.
- B. Employees of Builders, Contractors, and subcontractors who are not residents are expected to leave Baytree as soon as their work responsibilities are completed.

##### **4.4.3 Alcohol and Illegal Drugs**

Possession or consumption of alcoholic beverages or narcotics by contractor personnel on Baytree property is prohibited at all times. Violators will be permanently denied access to Baytree.

##### **4.4.4 Utilities**

- A. All water and electrical utilities are to be the responsibility of the Builder. The practice of using adjacent homeowners' utilities is prohibited unless the Builder/Contractor/subcontractor has obtained the express permission of the Homeowner.
- B. Builders/Contractors/subcontractors will use only the utilities provided on the immediate site on which they are working.

#### **4.5 Lot Elements**

##### **4.5.1 Grading and Drainage**

- A. The neighborhood grading plan for each section is submitted to each Builder. It is the Builder's responsibility to strictly adhere to drainage requirements including maintaining direction of street flow, maintenance of swales, maintenance of pond elevations, and required slab heights.
- B. Special attention shall be given to proper site surface drainage, so that surface waters will not interfere with surrounding home sites and natural drainage flows. Paved areas shall be designed to allow surface water to drain naturally and not to allow water to collect or stand. All buildings shall have a finished floor elevation not greater than 18" above crown of the adjacent roadway. Lots with a natural elevation greater than 18" above the crown of the adjacent road may be constructed at natural grade. Fill shall not be deposited or removed without ARC permission.
- C. If a Builder's grading of the Lot causes drainage problems on any adjoining Lot, the Builder, at Builder's cost, shall correct the problem and repair any damage created.

##### **4.5.2 Sidewalks**

All public sidewalks must be designed and constructed in accordance with Brevard County standards, proper slopes, widths, etc., adhering to the relevant public requirements.

4.5.3 Building Setback Requirements - Typical Interior Lot

A. See the following table for specific neighborhood setback and home square footage requirements.

Minimum Square Footage and Lot Setbacks						
Baytree Neighborhood	Min. Sq. Ft. Under A/C	Building Setbacks in Feet				
		Front	Rear	Side(3)	Side (corner)	Golf Course
Arundel (4)	2,500	20	20	7.5	17.5	10
Balmoral (4)	2,500	20	20	7.5	17.5	10
Chatsworth (4)	2,500	20	20	7.5	17.5	10
Hamlet	2,000	30	20	7.5	17.5	10
Kingswood	1,800	30	20	7.5	17.5	10
Saddleworth	2,500	30	20	7.5	17.5	10
Turnberry	1,700	25	20	5.0	15.0	10
Windsor (1)(2)	1,800	30	20	7.5	17.5	10

- (1) Lots with frontage on Baytree Dr. shall have a tile roof and a minimum front setback of 50 feet. Lots that back up to Hole #7 shall be allowed a minimum front setback of 25 feet.
- (2) Setbacks to the Golf Course are 5 feet on the East side of Sandhurst Drive.
- (3) Each lot flanking a street culvert shall maintain a minimum 10-foot side easement.
- (4) 2,800 square foot minimum under a/c is required for two story homes.

- B. The direction in which any dwelling unit’s front elevation shall face on a home site shall be approved by the ARC. All buildings and other improvements shall be placed as approved by the ARC. The existing topography and landscape shall be disturbed as little as possible, such that the maximum number of desirable trees and other natural features will be preserved.
- C. Ten feet will be maintained between the golf course and all structures including, but not limited to, pools, patios, screen enclosures, and accessory structures.
- D. The ARC may grant an exception for minimum setbacks in a case where a home site would be rendered un-buildable due to its size, shape, or topography, and to save existing trees. The ARC may, at its sole discretion, impose more stringent setback requirements as to the location and positioning of any building.

**4.6 Housing**

4.6.1 Exterior Materials

A. Certain materials and finishes and combinations thereof are more appropriate than others. Materials



not listed or new building materials, as they are developed or become available, will be given consideration by the ARC, provided their use harmonizes with the community appearance. For requests to change the house or trim color from the previously approved one, a swatch of the new color is required. The following materials are appropriate:

1. Exterior - rough hardware-hot-dipped, galvanized aluminum or stainless steel.
  2. Stucco - texture and finish will be considered on individual merit.
  3. Masonry - tile, bricks, concrete, and decorative concrete blocks (in limited application).
  4. Metals – factory-finished in durable anodized aluminum or baked-on enamel colors, or wrought iron.
- B. Finish building materials shall be applied consistently to all sides of the exterior buildings. Recommended materials shall be brick, stone, stucco, wood (not plywood or similar material), or other approved neutral material. No simulated brick or stone shall be permitted.
- C. Fascia, gutters, and downspouts shall blend in and be directly compatible with the architectural detail of the exterior walls.

#### 4.6.2 Roof Structure

- A. The composition of all pitched roofs is recommended to be slate, concrete, tile, or other composition approved by the ARC. Asphalt shingles shall be a minimum of 30-year dimensional/architectural shingles. All pitched roofs must have at least 6/12 slope.
- B. Roofs in the Chatsworth, Arundel, Balmoral, South Point, Saddleworth, Turnberry, and Hamlet subdivisions are to be of slate, concrete, or tile composition only. Lots in the Windsor subdivision that share a common boundary with Baytree Drive or lots on Baytree Drive shall also have roofs composed of slate, concrete, or tile.
- C. Flashing shall be aluminum and shall match the color of the roof.

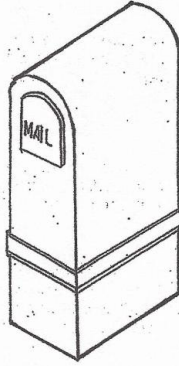
#### 4.6.3 Air-Conditioning and Mechanical Equipment

All exterior air-conditioning, pool or spa filtration, and other mechanical equipment, including generators must be located in a side or rear yard and must be screened from neighbors or public view by stucco or brick walls, or landscaping which is mature enough at planting to provide a substantial screening effect. Screening walls should be painted the same color as the exterior walls of the home. Equipment areas should be set back at least ten feet from the front corners of the house. Stucco screening walls should be painted the same color and textured as the exterior walls of the home.

#### 4.6.4 Mailboxes

All homes constructed in Phase II of Baytree shall have individual mailboxes and shall be constructed according to the specifications below:

- A. Custom built (stucco or brick enclosed) mailboxes must be installed flush with the curb and not encroaching on the setback line to a neighbor's Lot.
- B. Bottom of mailbox should be 38 1/2" from the ground.
- C. House numbers should be 2" to 4" high mounted on the flag side of the structure or on both sides.
- D. Color of mailbox to match color of house.



#### 4.6.5 Cable Television

- A. All Home Construction shall incorporate and meet the following minimum cable television construction requirements. No antenna for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used or maintained outside of the building without the express written consent of the ARC.
- B. Pre-wire Requirements: The Builder must provide or be responsible for:
  1. Conduit meeting code and Cable Service Provider requirements, installed from each outlet or point-of-service to an external interface location to be determined by Cable Service Provider. Minimum conduit size will be  $\frac{3}{4}$ " with pull-string installed. At their external termination, all conduits will be identified as to their internal termination, i. e., living room, family room, etc.
  2. 110-volt external electrical service available on a dedicated circuit adjacent to the external interface location, which must be within three feet of the power company meter.
  3. The installation of a minimum of two opposing outlets in each master bedroom, living room, family room, or great room and one outlet in all other bedrooms, kitchens, dens, or other rooms compatible with television viewing.
  4. Compliance with all applicable code requirements and any corrective action necessary to achieve compliance.
  5. Finish-work including the installation of wall plates and other cavity closures.
- C. The following materials and other materials necessary to accomplish the goals and meet the requirements of this section, including, but not limited to:
  1. Conduit and clamps for attachment;
  2. Electrical boxes;
  3. Mud rings;
  4. Wall plates and other cavity closures;
  5. GFI electrical outlet, wire and circuit breaker.
- D. Cable Service Providers will only provide or be responsible for the installation and maintenance of wire, connectors, and other hardware necessary for the transmission and delivery of cable television service.

#### 4.6.6 Chimneys

Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone, stucco, or wood. If the fireplace is metal (self-insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have cawling or surround of a material approved in writing by the ARC.

#### 4.6.7 Landscape

##### 4.6.7.1 Design Guidelines

- A. It is the purpose of this section to establish certain requirements and regulations that shall insure a minimum standard for functional and aesthetic landscape treatment for Baytree. This proposed treatment of the landscape is composed of living and non-living elements which, when properly and effectively combined, will greatly enhance the total man-made and natural environment.
- B. It is also recognized that among many benefits, landscape elements can effectively provide shade and cooling control and modulate views. At the same time landscaping can contribute to air purification, oxygen regeneration, noise absorption, glare reduction, wind and heat abatement, and reduction of water run-off. Additionally, Florida-friendly planting enhances water conservation.
- C. In summary, the landscape treatment will achieve three highly desirable attributes in community development: the implementation of a high level of community aesthetics, the preservation of the best characteristics of the natural environment and water-conservation management.

##### 4.6.7.2 Landscape Plan Requirements

- A. Landscape drawings must be at an appropriate scale. Minimum size shall be 1" = 10' or submitted in a scaled notional basis with a legend to explain the scale.
- B. Lot size must be noted.
- C. Plant material proposed for use shall be listed according to quantity, common name, size, quality and spacing.
- D. Plant beds must be clearly labeled with plant quantity signified at each individual grouping.
- E. All existing tree locations and type shall be shown. Trees that will be removed must be noted.
- F. It must be noted on the plan that an automatic irrigation system providing 100% coverage will be provided. It must also be noted, all plant material will meet or exceed FL No.1 Standard as specified in "Grades and Standards for Nursery Plants," State Plant Board of Florida, as outlined in Chapter 62, Article XIII, Division 2, Section 62-4341 of the Brevard County Natural Resources Regulations.

##### 4.6.7.3 Recommended plant material/palette:

- A. The plants listed in Appendix A are permitted for use in landscaping. Exceptions to this list must be approved in writing by the ARC.
- B. Some general recommendations for effective landscaping include:
  - 1. Consider the ultimate size of each plant and its mature scale, cold hardiness, and plan for proper maintenance;

2. Plant beds must include plant material. Areas of mulch without plant material shall not qualify as landscape beds and are not approved.

C. All plants shall be Florida # 1 or better. An automatic Irrigation system with 100% coverage is required on all lots.

#### 4.6.7.4 Prohibited Plant List

A. The following plant species are specifically prohibited in Baytree:

1. Malaleuca Quinquenervia (punk tree or cajeput tree)
2. Schinus Terebinthefolius (Brazilian pepper tree)
3. Paspalum (Bahia grass) except where used by a Developer or golf course to stabilize lake banks. Note: Residents may not use Bahia Grass – only St. Augustine or in a rare case Bahama Grass
4. Ficus
5. Australian Pine
6. Bamboo
7. Additional prohibited species as identified in the Brevard County Code; **Chapter 62, ART. XIII, DIV. 2 - LANDSCAPING, LAND CLEARING & TREE PROTECTION.**

B. Synthetic plant material - No synthetic or artificial plant material in the form of trees, shrubs, vines, flowers, ground covers, or lawns shall be used toward fulfilling the minimum landscape requirements

#### 4.6.7.5 Mulch

- A. Use of decorative rock, organic mulch and non-plant mulch is acceptable.
- B. Mulch should not be mounded around trees to prevent damaging the tree bark, and to prevent insect infestation.
- C. Mulch around Oak trees should be minimized or avoided as it causes roots to grow closer to the surface, which can result in damage to sidewalks and driveways.

#### 4.6.7.6 Landscape Material & Practices

A. Plants -

Plant material used for landscaping in conformance with the provisions of this section shall equal or exceed the standards for Florida No. I as stated in the latest edition of Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee.

B. Hedges –

Hedges shall be maintained no higher than eight (8) feet – except where drivers or pedestrians line-of-sight is impeded resulting in a hazardous situation – then hedges or plantings may not be higher than three (3) feet.

C. Trees -

1. Dead or diseased trees must be removed as soon as possible. Removal of a dead or diseased tree does not require ARC approval.
2. The replacement of the tree(s) must be in accordance with Brevard County regulations to ensure compliance with the minimum required Florida Native species and type of tree within 30 days.
3. Trees that interfere with or create an obstruction of streetlights, stop signs or traffic must be pruned to eliminate any obstruction.
4. Trees overhanging the road must be pruned to a height of 12 feet from the ground.
5. Trees and shrubs overhanging the sidewalk shall not impede bikers and/or walkers.

D. Minimum Landscape Requirements:

The following landscape materials shall be installed on each single-family Lot. The Lot shall contain the following recommended square footage of landscaped beds:

1. The Lot shall contain at least the following square footage of landscaped beds. Stone and mulch, by themselves, are not included in the required square footage of landscaping beds:

Turnberry	600 sq. ft.
Kingswood	950 sq. ft.
Windsor (along Baytree Dr.)	1450 sq. ft.
Windsor	1150 sq. ft.
The Hamlet	1150 sq. ft.
Saddleworth	1350 sq. ft.
Chatsworth	1450 sq. ft.
Balmoral / Southpointe	1450 sq. ft.
Arundel	1450 sq. ft.
2. Each site shall contain the following minimum number, mix and size of trees/shrubs (Reference Brevard Municipal Code Chapter 62, Article XIII, Division 2, Section 62-4331).
3. Should a threat to a structure on the Lot or on a neighboring Lot cause the need to remove a tree, ARC approval must be obtained.
4. No replacement hardwood trees shall be planted within eight (8) feet of the CDD sidewalks.
5. The front yard should have at least two canopy hardwood trees unless there is insufficient space. Trees can be chosen from the list of Florida Native hardwoods.
6. The immediate area around each house shall be provided with shrubs and/or hedges sufficient in size and quantity to provide an effective foundation planting and screening of services.
7. All areas of the Lot not landscaped in planting beds shall be sodded with St. Augustine (Floritan).
8. All landscaped and sodded areas shall be automatically irrigated by a deep well.

E. Brevard County Tree Requirements

Lot Size	Minimum Number of Trees*
.15 acre or less	3 on the lot
.15 - .25	4 on the lot
Over .25 acre	5 on the lot

\*No more than 25% of the required trees may be palms as per county code.

F. Workmanship:

1. Replacement of any dead material must be accomplished within thirty (30) days.
2. All trees with root systems which are likely to cause damage to adjacent properties, public roadways or underground utility lines shall not be planted so as to damage such public works or private properties.
3. All lawn and tree contractors are required by Brevard County ordinance Section 94-49 to remove yard trash generated from their operations.

4.6.7.7 Irrigation

- A. All landscaped areas shall be provided with a permanent, underground automatic-irrigation system. The System shall be capable of providing 100% head-to-head coverage and adequate precipitation for all plant material.
- B. Where isolated raised planters are used, hose bibs or quick couplers may be installed so as to permit watering by a standard garden hose.
- C. All irrigation wells will be ‘deep’ wells. Use of retention areas or lakes as an irrigation source is prohibited.
- D. Pop-up risers shall be used in landscaped areas next to driveways and streets, keeping rigid risers away to prevent damage from traffic.
- E. Sprinklers should not spray on roadway, sidewalks or neighboring walks, driveways, or patios.
- F. Homeowners must comply with the St. Johns River Water Management District landscape watering restrictions. The full guidance may be seen on their website at: <http://www.sjrwmd.com/wateringrestrictions/>

Time of year	Homes with <u>odd</u> numbered or no addresses	Homes with <u>even</u> numbered addresses	Nonresidential properties
<b>Daylight saving time</b> <b>Eastern Standard Time</b>	Wednesday/Saturday Saturday	Thursday/Sunday Sunday	Tuesday/Friday Tuesday
<ul style="list-style-type: none"> <li>• Daylight saving time: Second Sunday in March until the first Sunday in November</li> <li>• Eastern Standard Time: First Sunday in November until the second Sunday in March</li> <li>• An odd numbered address is one that ends in 1, 3, 5, 7 or 9.</li> <li>• An even numbered address is one that ends in 0, 2, 4, 6 or 8.</li> <li>• Water only when needed and not between 10 a.m. and 4 p.m.</li> <li>• Water for no more than one hour per zone.</li> <li>• Restrictions apply to private wells and pumps, ground or surface water and water from public and private utilities.</li> <li>• Some exceptions apply.</li> </ul>			

## APPENDIX A

### Appendix A: Recommended Plants for Brevard County \*

For species not listed herein, contact the Brevard County Agricultural Extension Office or Natural Resources Mgt. Office

#### LEGEND

L=LOW, M=MEDIUM, H=HIGH, P=POOR, F=FAIR, G=GOOD, FS=FULL SUN, PS=PARTIAL SUN, SH=SHADE, B=BARRIER AND MI, S=SOUTH, C=CENTRAL, N=NORTH

**NOTE: To determine expected mature canopy size for the requirements of Section 62-3639(1)(g), the midpoint of the Expected Mature Canopy Diameter ranges given in the source publications was used.**

Species Scientific Name	Common Name	Location	Watering Needs	Salt Tolerance	Wind Resistance	Light Range (listed in order of preference)	Expected Mature Canopy Diameter (feet)	25% of the Expected Mature Canopy Area (pi r <sup>2</sup> )	Expected Mature Height (feet)	Comments
<b>LARGE TREES</b>										
<i>Acer rubrum</i>	red maple	B,S,C,N	M	L	P	PS,FS	30	123	68	deciduous
<i>Carpinus carolinia</i>	American hornbeam	C,N	M	L		SH,PS	25	123	25	deciduous
<i>Carya glabra</i>	pignut hickory	S,C,N	L	L	P	FS	65	830	75	deciduous
<i>Carya tomentosa</i>	mockernut hickory	C,N	L	L	P	PS,FS	35	241	60	deciduous
<i>Catalpa bignonioides</i>	southern catalpa	C,N	L	L		PS,FS	40	314	50	deciduous
<i>Celtis laevigata</i>	hackberry, sugarberry	S,C,N	L	L	P	PS,FS	55	594	60	deciduous
<i>Cupressocyparis x leylandii</i>	Leyland cypress	S,C,N	M	M		FS	20	79	45	evergreen
<i>Diospyros virginiana</i>	American persimmon	B,S,C,N	M	L		FS,PS	28	154	50	deciduous
<i>Gordonia lasianthus</i>	loblolly-bay	S,C,N	H	L		PS,FS	13	33	48	evergreen
<i>Guapira discolor</i>	blolly	B,S	L	H		FS	30	177	40	evergreen

**APPENDIX A**

Species Scientific Name	Common Name	Location	Watering Needs	Salt Tolerance	Wind Resistance	Light Range (listed in order of preference)	Expected Mature Canopy Diameter (feet)	25% of the Expected Mature Canopy Area (pi r <sup>2</sup> )	Expected Mature Height (feet)	Comments
<i>Ilex opaca</i>	American holly	C,N	L	M	G	PS,FS	20	79	43	evergreen
<i>Juniperus virginiana</i>	Eastern red cedar	S,C,N	L	H	P	FS	25	123	38	evergreen
<i>Liquidambar styraciflua</i>	sweetgum	C,N	L	L		PS,FS	43	363	68	deciduous
<i>Liriodendron tulipifera</i>	yellow poplar	C,N	H	L	P	FS	30	177	100	deciduous
<i>Magnolia grandiflora</i>	southern magnolia	B,S,C,N	M	M	G	PS,FS	35	241	70	evergreen
<i>Magnolia virginiana</i>	sweet bay	S,C,N	H	M		FS,PS	20	79	45	evergreen
<i>Nyssa sylvatica</i>	black tupelo	N	M	L	G	PS,FS	30	177	70	deciduous
<i>Persea borbonia</i>	red bay	B,S,C,N	L	H	P	PS,FS	40	314	40	evergreen
<i>Pinus elliotii</i>	slash pine	B,S,C,N	L	M	F	FS	43	363	60	evergreen
<i>Pinus glabra</i>	spruce pine	C,N	M	L	G	FS	33	214	45	evergreen
<i>Pinus palustris</i>	long-leaf pine	S,C,N	L	L	F	FS	35	241	70	evergreen
<i>Pinus serotina</i>	pond pine	S,C,N	H	L	F	FS	23	104	45	evergreen
<i>Pinus taeda</i>	loblolly pine	S,C,N	L	L		FS	25	123	100	evergreen
<i>Piscidis piscipula</i>	Jamaican dogwood	B,S	L	H		PS,FS	25	123	45	deciduous
<i>Platanus occidentalis</i>	sycamore	S,C,N	L	M	G	FS	60	707	83	deciduous
<i>Prunus caroliniana</i>	cherry laurel	S,C,N	M	M	P	PS,FS	20	79	28	evergreen, poisonous
<i>Quercus hemisphaerica</i>	laurel oak	S,C,N	L	L		FS,PS	35	241	50	semi-evergreen
<i>Quercus laurifolia</i>	laurel oak	S,C,N	L	L	P	FS	40	314	65	evergreen
<i>Quercus nigra</i>	water oak	S,C,N	M	L	P	FS	65	830	55	evergreen
<i>Quercus virginiana</i>	live oak	B,S,C,N	L	H	G <sup>2</sup>	FS	90	1590	70	evergreen
<i>Salix babylonica</i>	weeping willow	S,C,N	H	L	P	FS	58	661	58	deciduous
<i>Sideroxylon foetidissimum</i>	mastic, false mastic	B	L	M		PS,FS	40	314	65	evergreen



**APPENDIX A**

Species Scientific Name	Common Name	Location	Watering Needs	Salt Tolerance	Wind Resistance	Light Range (listed in order of preference)	Expected Mature Canopy Diameter (feet)	25% of the Expected Mature Canopy Area ( $\pi r^2$ )	Expected Mature Height (feet)	Comments
<i>Simarouba glauca</i>	paradise tree, bitterwood	B	L	M		PS,FS	30	177	50	evergreen
<i>Taxodium ascendens</i>	pond cypress	S,C,N	L	M	G	PS,FS	25	123	63	deciduous
<i>Taxodium distichum</i>	bald cypress	S,C,N	L	M	G	PS,FS	28	154	88	deciduous
<i>Ulmus alata</i>	Winged elm	B,S,C,N	L	L		FS,PS	35	241	58	deciduous
<i>Ulmus americana var. floridana</i>	Florida elm	S,C,N	M	L	P	PS,FS	55	594	70	semi-evergreen
<i>Ulmus parviflora</i>	Chinese elm	C,N	L	L		PS,FS	43	363	45	semi-deciduous
<b>MEDIUM TREES</b>								0		
<i>Avicennia germinans</i>	black mangrove	B,S,C	H	H		FS	20	79	25	evergreen
<i>Bursera simaruba</i>	gumbo-limbo	B,S,C	L	H	G	PS,FS	43	363	38	semi-deciduous
<i>Carya floridana</i>	scrub hickory	S,C,N	L	L	P	FS	18	64	35	deciduous
<i>Carya floridana</i>	scrub hickory	B,S,C,N	L	L	P	FS	15	44	25	deciduous
<i>Cercis canadensis</i>	eastern redbud	N	L	L		PS,FS	20	79	25	deciduous
<i>Citharexylum spinosum</i>	fiddlewood	B,S	L	M		PS,FS	18	64	25	evergreen
<i>Coccoloba diversifolia</i>	pigeon plum	B,S	L	H	G	SH,FS	33	214	38	evergreen
<i>Coccoloba uvifera</i>	seagrape	B,S,C	L	H	G	PS,FS	25	123	28	evergreen
<i>Conocarpus erectus</i>	buttonwood	B,S,C	L	H		FS	25	123	38	evergreen
<i>Cordia sebestena</i>	geiger tree	B,S	L	H		PS,FS	23	104	28	evergreen
<i>Cornus florida</i>	dogwood	N	H	L	F	PS,FS	13	33	25	deciduous
<i>Crataegus flava</i>	summer haw	S,C,N	L	L		PS,FS	38	284	25	deciduous
<i>Eriobotrya japonica</i>	loquat	S,C,N	L	M		FS	33	214	25	evergreen
<i>Fraxinus caroliniana</i>	pop ash	S,C,N	H	L	P	FS	38	284	35	deciduous
<i>Ilex cassine</i>	dahoon holly	S,C,N	L	M	G	PS,FS	19	71	33	evergreen

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<i>Ilex x attenuata</i>	East Palatka holly	B,S,C,N	M	M	G	PS,FS	13	33	38	evergreen
<i>Jacaranda mimosifolia</i>	Jacaranda	S,C,N	L	L	P	FS	53	552	33	deciduous
<i>Laguncularia racemosa</i>	white mangrove	B,S,C	H	H		FS	28	154	33	evergreen
<i>Magnolia grandiflora</i>	Little Gem variety southern magnolia	B,S,C,N	M	M		FS,PS	13	33	23	evergreen
<i>Morus rubra</i>	red mulberry	S,C,N	M	M		FS	30	177	60	deciduous
<i>Persea palustris</i>	swamp bay	S,C,N	M	H		PS,FS	38	284	38	evergreen
<i>Quercus geminata</i>	sand live oak	B,S,C,N	L	H		PS,FS	55	594	33	evergreen
<i>Quercus incana</i>	bluejack oak	C,N	L	L		FS	28	154	33	deciduous
<i>Quercus laevis</i>	turkey oak	S,C,N	L	M	P	FS	28	154	35	deciduous
<i>Quercus myrtifolia</i>	myrtle oak	S,C,N	L			FS	25	123	25	evergreen
<i>Sapindus saponaria</i>	soapberry	B,S,C,N	L	H		PS,FS	15	44	25	semi-deciduous
<i>Zanthoxylum clava-herculis</i>	Hercules-club	B,S,C,N	L	H		PS,FS	18	64	28	deciduous
<i>Chrysophyllum oliviforme</i>	satinleaf	B,S	L	M		FS	20	79	23	evergreen
<i>Ocotea coriacea</i>	lancewood	B,S,C	L	L		PS,SH	25	123	20	evergreen
<i>Rhizophora mangle</i>	red mangrove	B,S,C	H	H		FS	20	79	20	deciduous
<b>SMALL TREES &lt; 25 feet height</b>								0		
<i>Acacia farnesiana</i>	sweet acacia	B,S,C,N	L	H	P	FS	20	79	20	evergreen
<i>Aesculus pavia</i>	red buckeye	S,C,N	M	L		PS	18	64	18	deciduous, seeds poisonous
<i>Amyris elemifera</i>	torchwood	B,S	L	H		PS,FS		0	18	evergreen

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<i>Annona glabra</i>	pond-apple, custard-apple	S	H	M		FS	15	44	16	semi-deciduous
<i>Ardisia escallonioides</i>	marlberry, marbleberry	B,S	M	L		PS,SH	8	13	16	evergreen, poisonous
<i>Bumelia tenax</i>	tough bumelia	B,S,C,N	H	H		FS	15	44	23	evergreen
<i>Callistemon citrinus</i>	lemon bottlebrush	B,S,C,N	M	M		FS	13	33	13	evergreen
<i>Chionanthus virginicus</i>	fringe tree	C,N	H	L		FS,PS,SH	13	33	16	deciduous
<i>Cordia boissieri</i>	wild olive	S,C,N	L	L		FS	13	33	18	evergreen
<i>Cornus foemina</i>	swamp dogwood	S,C,N	H	L		FS,PS,SH	13	33	18	deciduous
<i>Cyrilla racemiflora</i>	titi	C,N	H	L		FS,PS	18	64	23	semi-evergreen
<i>Dodonaea viscosa</i>	varnish leaf	B,S,C,N	L	H		PS,FS	11	24	13	evergreen
<i>Ilex vomitoria</i>	yaupon holly	B,S,C,N	L	H		PS,FS	18	64	20	evergreen
<i>Jatropha integerrima</i>	peregrina	S	L	M		FS	13	33	13	evergreen, poisonous
<i>Krugiodendron ferreum</i>	black ironwood, leadwood	B,S	L	M		PS,FS	15	44	20	evergreen
<i>Lagerstroemia spp.</i>	crepe myrtle	S,C,N	L	M	F	FS	20	79	20	deciduous
<i>Lyonia ferruginea</i>	rusty lyonia	S,C,N	H	L		FS	5	5	14	evergreen
<i>Myrcianthes fragrans</i>	Simpson's stopper	B,S,C	L	H		FS,PS	18	64	25	evergreen
<i>Myrica cerifera</i>	wax myrtle	B,S,C,N	H	H	F	PS,FS	23	104	20	evergreen
<i>Osmanthus americanus</i>	wild olive	S,C,N	L	L		PS,FS	13	33	20	evergreen
<i>Parkinsonia aculeata</i>	Jerusalem thorn	B,S,C,N	L	H		FS	23	104	18	deciduous
<i>Platycladus orientalis</i>	arborvitae	S,C,N	L	L		PS	13	33	18	evergreen
<i>Plumeria rubra</i>	frangipani	S	L	M		PS,FS	23	104	23	deciduous

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<i>Prunus augustifolia</i>	Chickasaw plum	S,C,N	L	H		PS,FS	18	64	16	deciduous
<i>Prunus umbellata</i>	flatwoods plum	S,C,N	M	L		PS,FS	15	44	20	deciduous
<i>Quercus chapmanii</i>	Chapman's oak	B,S,C,N	M	M		FS	10	20	20	briefly deciduous
<i>Vaccinium arboreum</i>	sparkleberry	S,C,N	M	L		PS, SH	13	33	16	deciduous
<i>Viburnum odoratissimum</i>	sweet viburnum	S,C,N	M	L		FS,PS,SH	20	79	28	evergreen
<i>Zanthoxylum fagara</i>	wild-lime	B,S,C,N	L	H		PS,FS	20	79	20	evergreen
<b>PALMS</b>										
<i>Acoelorrhaphe wrightii</i>	Everglades paurotis palm	S,C	H	M	G	FS,PS	13	33	20	evergreen
<i>Butia capitata</i>	Pindo palm	B,S,C,N	M	M		PS,FS			15	evergreen
<i>Livistona australis</i>	Australian fan palm	S,C,N	M			FS			60	evergreen
<i>Phoenix canariensis</i>	Canary Island date palm	B,S,C,N	L	M		FS			45	evergreen
<i>Rhapidophyllum hystrix</i>	needle palm	B,S,C,N	H	L	G	SH	6	7	6	evergreen
<i>Rhapis excelsa</i>	broad leaf lady palm	S,C,N	M	M		SH, PS			9	evergreen
<i>Sabal etonia</i>	Florida scrub palmetto	S,C,N	L	H	G	FS,PS	5	5	5	evergreen
<i>Sabal minor</i>	dwarf palmetto	S,C,N	L	M	G	FS,PS	5	5	5	evergreen
<i>Sabal palmetto</i>	cabbage palm	B,S,C,N	L	H	G	FS,PS	13	33	38	evergreen
<i>Serenoa repens</i>	saw palmetto	B,S,C,N	H	H	G	FS,PS	6	7	12	evergreen