

Kelly Pointe at Nocatee
Homeowner's
Architectural Criteria and Review Procedure
Manual
June 06, 2019 (Revised)

PURPOSE

The Declaration of Covenants and Restrictions for Kelly Pointe (the "Declaration") assures each Owner that the quality design of Kelly Pointe will be maintained in order to protect their property value and enhance the community's overall environment. The Association is responsible for administering these covenants. The Association ensures that exterior alterations in Kelly Pointe comply with these guidelines as authorized in Article V of the Declaration of Covenants, Conditions and Restrictions. All requests for exterior alterations must be submitted to Architectural Review Board and approval received before any changes may be undertaken.

The purpose of this manual is to inform homeowners of the design guidelines for the Association and the procedures to be followed when requesting an exterior modification to their home or yard. Non-compliance with these Guidelines will be used as the basis for disapproval of modification or construction plans, and may result in enforcement proceedings including, but not limited to, an injunction or the imposition of a fine or both.

These Criteria ("Guidelines") are supplemental to the Declaration of Covenants, Conditions and Restrictions for Kelly Pointe and may be modified as needed to add, clarify or change Guidelines for the betterment of Kelly Pointe.

The Association has the authority to grant individual variances from these guidelines for good reason. Any variances are unique to the property and do not

require similar variances for other Owners. Any variances granted are not permanent in nature, and will not necessarily be granted for future improvements, changes or replacements of improvements to the Owner's property.

OVERVIEW

In accordance with the Declaration of Covenants and Restrictions for Kelly Pointe, the following architectural criteria and review procedure has been established for the Kelly Pointe community. As stated in Article V of the Declaration:

No landscaping, improvements or structure of any kind, including without limitation, any painting of the exterior of any structure, any building, fence, wall, pool, spa, ornament and statue, flag pole, play structure, satellite dish, screen enclosure, sewer, drain, disposal system, landscape device or object, driveway or other improvement shall be commenced, executed, placed or maintained upon any lot or Building Site, or upon the Common area, nor shall any additions, change or alteration therein or thereof be made, unless and until the plans, specifications and location of the same have been submitted to, and approved in writing by the Association.

STANDARDS AND GUIDELINES

Exterior Color Plan

The paint color of the exterior of any building shall be consistent with the exterior paint colors and aesthetic style of the neighborhood. Any changes to an initial color of a structure must be pre-approved by the ARB, including roof, trim, shutters and front door. All residents who submit a request to change the color of the exterior of any building must also submit a sample of the proposed new color by submitting a wooden paint stir with the proposed color.

Roofs

Any changes to an original shingle color or style must be pre-approved by the ARB. Shingles must be the same or better quality than the original shingling.

Setbacks

Setbacks are subject to the Planned Unit Development (“PUD”) standards for Kelly Pointe filed with St. John’s County at OR Book 3269, Pg. 611, and may exceed those standards, but may not violate those standards. Setbacks for structures built or placed on Owners’ lots are measured from the outside foundation of the wall structures to the applicable property lines as follows:

Front	25 feet
Side	5 feet
Side of corner lots along streets	10 feet
Rear	10 feet

Building Setback for Conservation Areas

Lots that backup to Conservation Areas have a twenty-five (25) foot building setback in lieu of the typical rear yard setback. This building setback line is reflected on the recorded plats for Kelly Pointe.

Pool Setbacks

Setback for pools and associated decks (with or without a screen enclosure) is a minimum of five (5) feet from the property line. Setbacks for pool equipment and air conditioning units shall be in accordance with the approved PUD.

Swimming Pools

All pools shall be required to be enclosed by a Charcoal or Dark Bronze screen enclosure or approved fence meeting the applicable safety codes of St. Johns County. Above ground pools are prohibited.

Covered porches/Screened Enclosures

All covered porches (i.e. lanais) must be under truss support. No metal patio covers, roofs or metal screened-in rooms will be allowed. Screened enclosures cannot exceed 13 feet in height and the color for the screen must be Charcoal and Dark Bronze for the frame.

Fences

The composition, height and location of fences to be constructed on any Lot shall be subject to Association approval. Wire or chain link fences are prohibited.

Approved rear yard fencing for *Interior* Lots must be a white vinyl fence six (6) feet in height. For rear yard fencing along a preserve, the back fence must be aluminum or wrought iron fencing not to exceed four (4) feet in height. The side fencing must be a white vinyl fence six(6) feet in height, except, for any fences constructed after the passage of these Amended Guidelines on June 06, 2019, the last 10 feet closest to the preserve must be 4 feet in height with an appropriate transition between the 6 feet and 4 feet heights. Fencing along the street side of a corner lot must be located inside the side setback line for a corner lot and approximately 50% of the fence must be covered by approved landscaping, which must not extend more than three feet away from the fence.

Approved rear yard fencing for lots located along *Lakes* consist of aluminum or wrought iron fencing not to exceed four (4) feet in height. The fence style must be a decorative wrought iron look that will not obscure the view of the lake for adjacent homeowners. Submit fence type for approval.

Fencing must not be closer to the front of the house than the mid-point of the sidewall plane of the house. Fencing must not enclose utility meters.

Satellite Dishes

All satellite dishes must receive approval from the ARB prior to installation. Satellite dishes are required to be installed behind the Owner's residence and within 15 feet of the back permanent wall (not screen) of the home. Variations from the location of installation will be granted if the Owner can provide evidence to the ARB that installation satisfying these guidelines will cause the Owner unreasonable delay or prevention of use of the satellite dish, unreasonable increase in the cost for installation or use of the satellite dish, or precludes the Owner from receiving or transmitting an acceptable quality signal from satellite dish. Additional landscaping may be required to properly screen a satellite dish from the view of the adjacent neighbor.

Garages

Garage doors must be closed when not in operation. Garages may not be converted to living space.

Mailboxes

Only approved mailboxes and posts may be used.

Motor Vehicles, Trailers, and Boats

No boats, utility trailers, recreation vehicles or other motor vehicles except properly tagged and registered automobiles and SUV's may be parked or stored in the driveway. Golf carts must be stored within garages when not in use. Commercial vehicles shall not be parked within the Property within public view on a regular basis

Approved rear yard fencing for lots located along *Lakes* consist of aluminum or wrought iron fencing not to exceed four (4) feet in height. The fence style should be decorative wrought iron look. Landscaping along the fence will be limited to four (4) feet in height as to not obstruct the view of the lake for adjacent homeowners and will be reviewed by ARB for approval.

All requests for a fence must be submitted to ARB for approval. For residents on the *Lakes*, each request will be reviewed by the ARB and will take in consideration the potential obstruction of the view of the lake.

Residential Signs

Residential signs include signs such as “For Sale”, “For Rent” and “Open House” signs placed on homesites by residents or their real estate agents. These signs must comply with the attached uniform signage criteria generally known as the “**Nocatee Sign Standard**”. The sign shall not exceed 9” x 12” in size and must be professionally painted in a uniform tan color with green letters. At no time must any sign be placed in a window. The use of “Bandit” real estate signs is prohibited. All other signs are prohibited without specific written approval from the Association. Political signs no larger than 3 feet x 4 feet may be installed on a homesite no earlier than 10 days prior to the election. Each homesite is limited to one political sign at a time and such signs must be removed the day after the election.

Street Trees

Street trees installed in accordance with the community’s approved construction plans are located within the right-of-way. Each homeowner is responsible for the care and maintenance of the tree. Should the tree die, the *homeowner* is fully responsible for replacing the tree with a tree approved by the ARB.

Landscape and Maintenance

The installation of any trees, ponds, pergolas, fire pits, pavers, new beds, or other material changes to the Owners’ landscaping anywhere in the yard, must be pre-approved by the ARB.

Each homeowner must properly maintain all landscape beds and sodded yard from the back of curb at the street, to the sides of the property line, and to the back property line or water's edge if the lot is adjacent to a stormwater pond. All dead, dying, or infested (i.e. cinch bugs) plant material and/or sod must adequately treated or replaced by the Owner. All trimmings must be blown back into the yard and not onto the sidewalks, right of ways, or street.

No landscape plant materials may obstruct areas of pedestrian or vehicular access. No landscape materials shall encroach upon any conservation easement, wetlands area, or other restricted area at any time.

St. Johns County, Florida tree and landscape ordinances shall be used to determine any additional planting that may be required.

All plans for use of added or changed landscaping materials, including grasses, trees, shrubs, plants, fountains, statutes or other outdoor ornamentation, waterscapes, and landscape lighting must be submitted to the ARB for approval, and approval will be given at the discretion of the ARB.

Maxinium front yard landscape coverage consisting of trees, shrubs and flower beds shall be fifty (50) percent.

Landscaping along the fence line for homes located on the *Lakes* will be limited to four (4) feet in height as to not obstruct the view of the lake for adjacent homeowners and will be reviewed by ARB for approval.

All requests for landscaping must be submitted to ARB for approval. For residents on the *Lakes*, each request will be reviewed by the ARB and will take in consideration the potential obstruction of the view of the lake.

Irrigation

All landscape beds and sod must be irrigated with a fully automatic irrigation system. Reuse irrigation water supplied by JEA shall be the sole source of irrigation water. Individual wells are prohibited.

Outside Mechanical Equipment

Outside mechanical equipment such as LP tanks, water softeners, pool pumps and heaters shall be properly screened from view by landscape material and/or vinyl fence section.

Play Structures

Play structures, either permanent or temporary are prohibited in front yards. Play structures in the back yard will be reviewed for height and color. Any such proposed structure must be submitted for approval prior to installation.

Basketball Goals

Permanent basketball goals mounted along the side of the driveway are allowed however they must be at least twenty (20) feet from the edge of the asphalt road. Portable basketball goals are also allowed, but when not in use, they must be relocated at least (20) feet from the edge of the asphalt road and must remain in an upright position if visible from the road. All basketball goals must be maintained in a neat condition and removed or replaced when weathered. Utilities must be properly located prior to digging as electric, phone, cable, gas and other utilizes are located in the front yard of each homesite. Call 811 to request a utility locate of all underground lines.

Trash Receptacles/Garbage Cans

Trash receptacles must be placed curbside no earlier than dusk the day prior to the collection day and the emptied receptacles must be removed prior to the dusk of the collection day. Trash receptacles must be hidden from view at all other times.

Seasonal Holiday Decorative Lights

Seasonal decorative lights may only be displayed between October through the third weekend in January.

Kelly Pointe at Nocatee

Plan Review Procedure

Please provide the following information for approval;

1. Complete the attached submittal form.
2. Applicable site plan, photograph or product specifications
3. Color samples (paint stir with paint sample on it)
4. Written description of desired improvements:

Kelly Pointe Architectural Review Board
c/o BCM Services, Inc.
920 3rd Street, Suite B
Neptune Beach, FL 32266
904-242-0666
904-242-0670 FAX
e-mail: arc@bcmervices.net

Please allow ten business days for a response. Approval or denial of the request will be made in writing.

Kelly Pointe at Nocatee
Architectural Review
Homeowner's Submittal Form

Date: _____

Homeowner: _____

Lot No. _____ **Street Address** _____

Requested Approval:

Approval Date: _____ **By:** _____