

**Kelly Pointe at Nocatee**  
**Homeowner's**  
**Architectural Criteria and Review Procedure**  
**Manual**  
**February 2, 2022 (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, 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 trim, shutters and doors. 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 colors by submitting wooden paint stirrers for each 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 screen enclosures must be constructed with dark bronze framing and charcoal screening. Premanufactured Florida sunrooms are prohibited.

### **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 black aluminum fencing not to exceed four (4) feet in height. The side fencing must be a white vinyl fence six (6) feet in height.

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 black aluminum fencing not to exceed four (4) feet in height. The fence style can be a decorative 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.

All requests for a fence must be submitted to ARB for approval

### **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**

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 may be parked or stored in the driveway. Commercial vehicles shall not be parked within the Property within public view on a regular basis

### **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 the same tree that died. The trees caliper must be 4” or greater.

### **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 be 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, statues 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.

Maximum 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 and AC units shall be properly screened from view by landscape material.

**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.

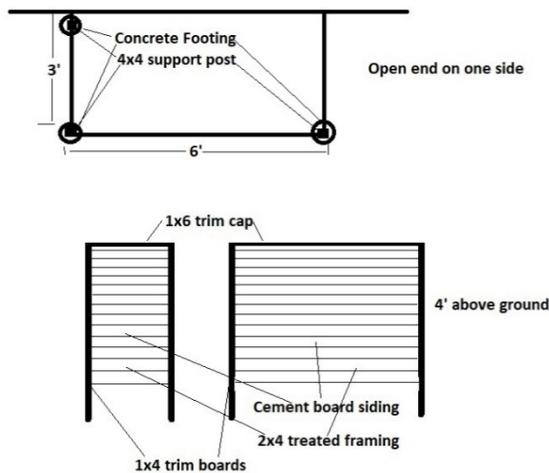
**Basketball Goals**

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.

A free-standing trash enclosure meeting these guidelines can be installed along the side of your home. This must not be closer than 15' from the front line of your home. It must be painted to match the color finish of your home.



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## 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 online form from the portal at KP's website or print the online form and submit this with the additional items below. Include a full written description of your project.**
- 2. Provide a copy of your full survey, showing the location of the area you are proposing to do your project. Fences should be indicated with x's in the locations they will be installed. Additions, lanais and landscaping should be indicated with lines and dimensions of distance from property lines. Highlighting is helpful! (Does not apply to the painting of your home)**
- 3. Provide us with any and all design drawings that pertain to your submittal, along with any pictures, samples, and colors. Pictures of the existing area are very helpful as well. If adding a pool or addition of any type, we require an elevation plan as well.**
- 4. If submitting for a home color change, please provide us with a paint stick for each of the colors you are proposing to use. Please indicate location of the color, on each stick. (Body of home, Trim, Doors) They can be dropped off at the ARC chairperson's home.**
- 5. Also provide a copy of any contract you have for your project and when applicable, a copy of the permit received for the work to be completed. This is important for us, to make sure the work is being completed in accordance with all applicable building codes.**

<http://kellypointehoa.info/association-documents/>

Kelly Pointe Architectural Review Board c/o BCM Services, Inc.

920 3<sup>rd</sup> 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.