



# MADEIRA

AT ST. AUGUSTINE

**ARB RULES AND DESIGN GUIDELINES**

**Revised March 11, 2024**

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## **INTRODUCTION**

The following standards and criteria have been developed as architectural guidelines for Madeira at St. Augustine, a master planned residential community within the City of St. Augustine in St. Johns County, Florida. It is suggested that these guidelines be thoroughly reviewed, and plans be prepared accordingly, since plan review and approval will be based on its contents.

### **SECTION 1 - DEFINITIONS AND SCOPE**

#### **1.1. Definitions**

The following words when used in these Guidelines shall have the following meanings:

“**ARB**” shall mean and refer to the committee of the Master Association responsible for performing the architectural review and approval functions set forth in Article 8 of the Declaration and in the Design Guidelines.

“**Board**” or “**Board of Directors**” shall mean and refer to the duly constituted Board of Directors of the Master Association.

“**Community**” shall mean and refer to all properties now or hereafter made subject to the Declaration, excluding such property that is withdrawn in accordance with the procedures set forth in the Declaration.

“**Declaration**” shall mean and refer to the Declaration of Covenants, Conditions, Restrictions and Easements for Madeira at St. Augustine as recorded in the Public Records of St. Johns County, Florida at Book 3095, Page 900 and as may be amended from time to time.

“**Design Guidelines**” or “**Guidelines**” shall mean and refer to these ARB Rules and Design Guidelines for Madeira at St. Augustine promulgated by the Developer and revised by the ARB and / or the Board of Directors from time to time.

“**Developer**” shall mean and refer to Ponce Associates, LLC, a Florida limited liability company, its successors and its assigns.

“**Home**” or “**Unit**” shall mean and refer to any dwelling unit constructed on a Lot or any condominium unit in any building that may be erected on any portion of Madeira at St. Augustine, which land is designated by Developer by recorded instrument to be subject to this Declaration (and to the extent Developer is not the Owner thereof, then by Developer joined by the Owner thereof).

“**Improvements**” means any Home and all other horizontal or vertical alterations or improvements installed or constructed on any Lot.

“**Lot**” shall mean and refer to an individual parcel of land within Madeira at St. Augustine which is shown as an individual lot on the various site plans (or similar plans) adopted by the Developer from time to time and, after the conveyance thereof by Developer to an Owner other than the Developer, the lot legally described in the deed of such conveyance. A Lot refers to land that is to be used for residential purposes.

“**Master Association**” shall mean and refer to Madeira at St. Augustine Master Owners' Association, Inc.

“**Owner**” shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot situated upon or within Madeira at St. Augustine.

“**PUD**” shall mean and refer to the Planned Unit Development Ordinance adopted and approved by St. Johns County and the City of St. Augustine.

Capitalized terms not otherwise defined above or elsewhere in these Guidelines shall have the meanings provided such terms in the Declaration.

## **1.2. Restrictive Covenants**

Various covenants, conditions and restrictions have been established for Madeira at St. Augustine to enhance property values and foster an aesthetically pleasing, safe environment in which to live. By accepting a deed or other instrument of conveyance of property in Madeira at St. Augustine, property owners take title subject to provisions of the Declaration. Property owners are considered to have consented to this Declaration even though they never sign or otherwise consent in writing to the terms of the Declaration.

## **1.3. Architectural Review Rights and Intent**

Pursuant to Article 8.1 of the Declaration, the Master Association, through the ARB, shall have the right to exercise architectural control over all Improvements constructed, erected, or placed upon any part of the Madeira at St. Augustine, to assist in making it a community of high standards and aesthetic beauty. Such architectural control may include all architectural aspects of any such Improvement including, without limitation, size, height, site planning, setbacks, exterior design, materials, colors, open space, landscaping, water-scaping, aesthetic criteria, etc.

The Developer has the sole right to appoint the members of the ARB. The purpose of the ARB review procedure is to promote the aesthetic development of the Community and to assure compliance with these Guidelines, as revised from time to time. This review is not intended to be a condition to the issuance of a building permit by any governmental entity and the review undertaken by the ARB is not to be construed as any quasi-governmental action. Therefore, any ARB approval shall not be deemed a statement, representation or indication that such Improvement complies with any applicable law, regulation or ordinance.

The ARB shall not be bound by the specific criteria and guidelines adopted from time to time, but shall be free to add to, or amend, these guidelines. Nothing contained in these Guidelines, however, shall be construed to supersede, waive, void or amend any requirements of any applicable governmental zoning or building law, regulation or ordinance, all of which must be complied with by the Owner at such Owner’s sole cost and expense.

## **1.4. Enforcement**

In the event that any Improvement is made without first obtaining the approval of the ARB, or is not made in conformance with any approval given or deemed given by the ARB, the ARB has the right to injunctive relief to require the applicable Owner to stop, remove and/or alter any Improvement in a manner which complies with the requirements of the ARB, or the ARB may pursue any other remedy available to it. In connection with the enforcement provisions found in the Declaration, the ARB has the right to enter onto any Property and make any inspection necessary to determine that the provisions of this paragraph have been satisfied.

## **SECTION 2 - PROCESSING**

### **2.1. Plans Submittal Requirements**

Prior to any construction, the homebuilder or homeowner will submit comprehensive construction plans and specifications (the “Plans”) to the ARB. The homebuilder shall make one (1) submittal for each model to be sold. The Plans shall include but not be limited to the items listed below:

#### **A. Architectural construction plans:**

1. Site plan (survey): Indicating the proposed location of the house with all property lines, easements, setbacks and restriction lines, drives, walks, roof plan, pools, fences, walls, patios, etc.
2. Square footage (first and second floors):
  - a. Air-conditioned space (living area)
  - b. Other
3. Floor plans at 1/8” or 1/4” scale with dimensions.
4. Elevations with finish notations at 1/8” or 1/4” scale with dimensions:
  - a. Showing all exterior materials noting colors and textures.
  - b. Note type, size and material of all openings.
  - c. Roof pitch, type and quality of roof covering material.
  - d. Doors, windows, fences, mechanical equipment.
5. Typical wall section.

#### **B. Landscape Plans:**

Landscape plans shall not be at a scale smaller than 1’=20’-0. All trees, shrubs, screen material, berms, paving patterns, ground cover areas and any other elements necessary to convey the design intent shall be shown. Plans submitted for approval shall have botanical and common names, heights, spreads and quantities of all plant material. Plant distances, in the case of hedge material and ground covers, and spot elevation where earth work is part of the design intent, will also be required.

#### **C. Specifications:**

Provide information on type and quality of all exterior materials.

### **2.2. ARB Review Procedure**

All Owners of any Lot in Madeira at St. Augustine shall prepare and submit the Plans in accordance with the aforementioned requirements to the ARB for review. A blanket approval may be obtained for prototype models. An individual submittal will be required for each custom home plan or modifications to prototype plans.

Within thirty (30) days after submission by Owner, the ARB will review the Plans and notify Owner in writing of approval or disapproval of the Plans. The ARB will release the Plans back to the Owner after full plan review and approval by the ARB. Owner is responsible for submitting the Plans to the appropriate governmental authority for review and approval.

If the ARB disapproves any plans submitted by Owner, ARB shall so notify Owner in writing stating the specific reason or reasons for denying approval, whereupon Owner shall revise the Plans accordingly and resubmit same, at which time such resubmission will be treated as an original submission. The homebuilder or homeowner may start construction upon written approval of the construction plans by the ARB and receipt of all required permits from municipal or other authorities having jurisdiction over the project. Home construction should progress to completion in a timely manner so as not to create a detrimental effect to the community.

If deviations from approved final plans become apparent during or after construction, without having been previously approved, the Owner must remove the deviation at Owner's sole cost and expense at the discretion of the ARB. No new ARB approvals will be granted while there are any outstanding deviations or violations.

Note: The ARB's approval of the Plans shall not be construed to supersede, waive, void or amend any requirements of any applicable governmental zoning or building law, regulation or ordinance, all of which must be complied with at Owner's sole cost and expense.

### **SECTION 3 - SITE REQUIREMENTS AND RESTRICTIONS**

#### **3.1. Site Conditions**

All Lots in Madeira at St. Augustine shall have curb and gutter at the front and side of the Lots. This paving and drainage design shall not be altered in any way. Homebuilders and homeowners shall refer to site development drawings for any information about these areas.

#### **3.2. Tree Preservation**

Homebuilders and Owners will endeavor to preserve existing trees and comply with the Code of the City of St. Augustine, the City of St. Augustine Tree Ordinance and the PUD documents. No tree shall be removed from any Lot without the consent of the HOA/Developer and under no circumstances prior to the Owner being ready to commence construction.

#### **3.3. Setback Requirements**

Setback requirements (as measured from property lines<sup>1</sup> to exterior walls) vary by phase as follows:

- A. Phase 1 Lot setback requirements:
  - A. Front – 15 feet
  - B. Side – 7.5 feet for Lots 55, 65, 75 and 80 feet in width
  - C. Side – 10 feet for Lots 85, 90 and 100 feet in width<sup>2</sup>
  - D. Rear – 10 feet

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<sup>1</sup> Setbacks are not measured from roof eaves. The City measures from the foundation.

<sup>2</sup> Side lot setback may be reduced to 5 feet to preserve trees provided total of the two adjacent side setbacks equals or exceeds 20 feet.

- E. Side yard on street side of Corner Lots – one half the front setback or equal to the applicable side setback, whichever is greater<sup>3</sup>
- B. Phase 2A Units I & II setback requirements:
  - A. Front – 15 feet
  - B. Side – 5 feet
  - C. Rear – 10 feet
- C. Phase 1C Units I & II setback requirements:
  - A. Front – 15 feet
  - B. Side – 5 feet
  - C. Rear – 10 feet

### **3.4. Height Restrictions**

No single-family detached residence shall exceed 35 feet in height when measured from the base flood elevation to the highest point of the roof exclusive of ornamentation surmounting roof such as chimneys, weathervanes, antennas and cupolas.

### **3.5. Parking**

No parking will be permitted in areas where the subdivision's drainage flow may be interrupted. Any additional driveway for parking purposes not shown and approved as part of the original plan submittal is subject to review and approval.

### **3.6. Zoning**

Existing zoning requirements will be considered as per the City of St. Augustine and/or the St. Johns County Zoning Ordinance unless otherwise specified in the PUD documents as well as the approved zoning district for Madeira.

## **SECTION 4 - STRUCTURES**

### **4.1. Introduction**

The following design guidelines pertain to specific structural items which add individual character to the overall impression of the house and provide constant design continuity for all the buildings within Madeira at St. Augustine. All homes in Madeira shall be erected of wood or steel frame construction or concrete block (CBS). All block and framing must be covered.

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<sup>3</sup> Additional landscaping may be required on corner lots.

**4.2. Minimum Dwelling Size**

The minimum square footage of heated and air conditioned space within the dwellings shall be as follows:

- 50-foot Lots with a 40-foot front building restriction line 1,400 SF
- 55-foot Lots with a 40-foot front building restriction line 1,600 SF
- 60-foot Lots with a 45-foot front building restriction line 1,700 SF
- 65-foot Lots with a 50-foot front building restriction line 1,800 SF
- 75-foot Lots with a 60-foot front building restriction line 2,000 SF
- 80-foot Lots with a 65-foot front building restriction line 2,100 SF
- 85-foot Lots with a 65-foot front building restriction line 2,300 SF
- 90-foot Lots with a 70-foot front building restriction line 2,900 SF
- 100-foot Lots with an 80-foot front building restriction line 3,000 SF

The minimum required square footage for dwellings and the setback requirements on land which is subsequently subjected hereto may set forth lesser or greater requirements for heated and air-conditioned space within dwellings. Any deviations must be submitted for approval and may be considered on a case-by-case basis.

**4.3. Impervious Lot Coverage**

Impervious surface calculations must be included in all submissions. Designs will not be approved if the amount of impervious area covered by the house, decks, walkways, driveways, service courts/equipment pads and all other improvements exceeds the maximum lot coverage ratio as noted below:

- Phase 1 - Shall have a maximum lot coverage ratio by building not to exceed 35%.
- Phase 2A Unit I & II, Phase 1C Unit I & II shall have a maximum lot coverage ratio not to exceed 50%.

**4.4. Roofs**

Roof forms must be designed to provide the same character on all elevations and this character shall be carried out through the pitch, material, color and other features.

- A. Structure: Roof structures shall be of conventional frame construction or pre-manufactured wood trusses.
- B. Style: The roof styles envisioned in Madeira are gabled and hip with parapets on limited applications. Homebuilders should be aware that the same type of roof style may not be repeated on consecutive lots with the same floor plan design, on any one side of the street. Mansard, Gambrel and Dutch Hip roof styles are not allowed. A Conical type of roof may be considered by the ARB, depending on its application. Split roof design that are constructed with varying slopes shall be allowed upon ARB approval.

- C. Pitch: Minimum roof pitches in Madeira shall be 6/12 for primary roof elements. For secondary roof elements, the minimum roof pitch can either be reduced or increased, dependent upon the architectural style represented. Secondary roof elements may be used in porches, terraces, dormers or other architectural applications.
- D. Materials: Finish materials for pitched roofs must be consistent throughout the individual neighborhoods of the different housing products at Madeira. The following requirements apply to specific Lots:
  - a. All 55-foot lots require concrete tile - flat or barrel.
  - b. All Phase 1C Lots located on Pantano Drive shall have flat or barrel concrete tile or standing seam metal.
- E. All other Lots may have flat or barrel cement tile or architectural type fiberglass shingles (dimensional shingles) with minimum 35-year warranty. Metal roof systems must be approved by the ARB with the original plan submittal. Copper may be used only on roof features like cupolas, dormers, bay windows, etc. Not allowed are wood shakes, flat shingles or gravel roofs. Other materials not specifically mentioned are subject to review and approval by the ARB.
- F. Metal accents are allowed, all color and material must be approved by the ARB. Varying or similar materials are allowed in a split roof design.

#### **4.5. Features and Accessories**

- A. Cupolas: Cupolas with fixed panes or louvers may be used in houses at Madeira. This cupola shall be hip, square or hexagonal. Sizes will vary according to the size of roof and shall be reviewed by the ARB.
- B. Dormers: Gable and hip dormers are allowed on roofs. Other types may be considered but are subject to review and approval by the ARB.
- C. Chimneys: All Chimney stacks shall be the same color as the base of the chimney structure and when located at an exterior wall it shall extend to grade and shall be supported by foundation. The material shall be stucco on CBS, stone, brick or incombustible lap siding. Chimney caps may incorporate stone, metal or clay.
- D. Solar Panels: Shall be allowed, the panel locations must be on the rear or and sides of the roof. Panels located on the front of the homes is prohibited.
- E. Vents and Pipes: These types of roof accessories extending through the roof shall be painted to match the color of the roof.
- F. Valleys and Flashings: These types of roof accessories attached to the roof shall be painted to match the color of the roof.
- G. Downspouts and Gutters: These types of accessories attached to eaves and walls shall be painted to match the color or the surface that they are attached to or the color of the trim of the house
- H. Equipment: Roof top mechanical equipment must be located so as to minimize visibility from the street, sidewalk or adjacent property.

- I. Storm Protection Systems: All storm protection systems must be reviewed and approved by the ARB prior to installation as outlined in Section 7.5 below.
- J. Location: HVAC equipment, irrigation and pool pumps located at ground level shall be shielded by a masonry wall or an approved equivalent along with landscaping.

#### **4.6. Exterior Walls and Siding**

All exterior structural walls shall be constructed of concrete masonry units (“CMU”), wood or steel framing systems at a minimum ten-foot (10’) plate height on the main level unless a variance has been previously approved and pursuant to the Florida Building Code. The following requirements apply to all exterior walls and all kinds of façade applications for all structures. All elements of all elevations shall complete a total and continuous design. All materials must be in compliance with the Standard Building Code. All exteriors may vary in color scheme, texture, composition and character throughout Madeira. All exterior finishes will be subject to review and approval by the ARB. Exposed concrete block walls are not permitted nor walls with any other type of exposed modular concrete units. No metal finishes will be allowed. The following finishes are allowed:

- Stucco
- Stone (accents only)
- Wood or Smooth Fiber Cementitious Horizontal Lap Siding/Board & Batton
- Brick (Painted)

All wood or exterior siding will be finished, painted, stained or otherwise protected from the elements of nature. The houses in Madeira shall either have all stucco or stucco and siding or stone and siding in their exterior walls. If lap siding is to be incorporated in the rear elevation of a house, then the side elevations must incorporate the same lap siding.

When using stucco and siding, the stucco shall wrap around 24” minimum to the side elevations when finishing to the corners. When using stone, the stone shall wrap around 24” minimum to the side elevations when finishing to the corners.

#### **4.7. Exterior Wall/Trim Colors**

Homebuilders may offer color schemes previously approved by the ARB. Color selection for exterior finishes that require painting shall be based on compatible colors throughout Madeira. Color samples shall be color coordinated with the elevation and show the proposed paint/color scheme.

All color samples and schemes shall be submitted to the ARB for review and approval. Pre-selected color schemes for prototype models may receive blanket approvals.

#### **4.8. Windows**

- All window frame materials shall be anodized aluminum, vinyl or painted wood in standard colors. Painted wood, fiberglass or decorative stucco shutters may be used provided that the width of the shutters is no more the ½ the width of the window.
- All exterior windows shall meet applicable Florida Building Code standards.

**4.9. Garages and Driveways**

- All Lots shall have at a minimum a two (2) car garage. No covered carports are allowed.
- Garage door minimum heights eight feet (8'). Maximum height ten feet (10').
- Concrete paver driveways are a standard in the community. Colors and style must be submitted and approved by the ARB as part of original plan submittal.

**4.10. Doors**

- A. All doors shall be compatible with the design and color of the home.
- B. Entrance Doors: These doors shall be made of either solid wood, fiberglass or insulated metal. Glass inserts may be included.
- C. Garage Doors: These shall be compatible with the design and color of the home and may include glass panes.
- D. Screen Doors: Only disappearing, retractable screen doors are allowed on the entrance door of the home. Screen doors on the rear of the home shall be compatible with the design and color of the home. Screen doors installed in conjunction with screened enclosures must be compatible with the enclosure.
- E. Storm Doors: If a storm door is used at the front entry, it must be approved in advance. This single standard applies to front entrance doors to ensure visual harmony and compatibility throughout Madeira, and thus preserve the aesthetic appearance of the community. Compliant doors include Anderson 2000, 3000, and 4000 series available at Home Depot and Manning Building Supply.
  - a. Type/Design: Rigid frame (commonly aluminum) of uniform width no greater than 4 inches having a single section, full view design.
  - b. Size: Width and height to match existing entrance door openings.
  - c. Color: Matching or close approximation to trim color, house color, or door color.
  - d. Hardware: Visible storm door hardware is limited to handle and lock in a color matching the main entrance door hardware (e.g., nickel, bronze, or brass). If the option of a door sweep is selected, the sweep should match the storm door color or the hardware color of the handle and lock. Door closer(s) should be located on the inside of the storm door (between the main entrance door and the storm door) so they are not visible from the outside or street.

**4.11. Screened Enclosures**

All screened enclosures, to the extent approved, must be in harmony with the external design and location in relation to surrounding structures and shall be a maximum of one story in height unless the building architecture requires a two-story enclosure. Screen enclosures may not extend beyond the sidewalls of the Home and may not encroach into any easements. All screened enclosures shall be landscaped to soften their appearance and must be of black, bronze or charcoal colored framing. All screening landscaping must be maintained in perpetuity by the current and by all future Owners of the property.

**4.12. Awnings**

Subject to prior review and approval by the ARB, awnings which appropriately accent the architecture of the home may be permitted.

**4.13. Detached Structures**

Any free standing structure proposed for a Lot such as, but not limited to, a pavilion, gazebo, platform, playhouse, storage room, cabana, etc. must be submitted to the ARB for approval with the requisite drawings and other information. Approval may be granted based upon the appearance of the structure, visibility from street, sidewalk or adjacent properties and compatibility with the neighborhood.

**4.14. Fencing and Garden Walls**

Prior to installation or replacement, all fencing must be approved by the ARB. The style of fencing allowed will depend on the purpose (as noted in Section 4.14.2. below) and such other factors that the ARB may consider.

**4.14.1. Fence Styles**

The standard fence style allowed in Madeira at St. Augustine is a four foot (4') in-height, black aluminum picket fence ("Standard Fencing"). Certain Lots may be approved for six foot (6') in-height, solid vinyl tongue and groove fencing with tan color ("Opaque Fencing"). See Section 4.14.3.

**4.14.2. Fencing Purposes**

Fencing is allowed for specific purposes as follows:

Enclosure Fence: The purpose of an enclosure fence is to define property lines or enclose the Lot area without obscuring views. Standard Fencing may be installed on the rear and side property lines. For Lots backing to a lake, the fencing will stop at the lake maintenance easement.

Privacy Fence: The purpose of a privacy fence is to create visual privacy and / or security for the Lot. Opaque Fencing is allowed for such purpose on designated Lots and may be installed as approved by the ARB.

**4.14.3. Fencing by Phase / Designated Lots**

The standard fence style allowed in Madeira at St. Augustine is a four foot (4') in-height, black aluminum picket fence ("Standard Fencing"). Certain Lots may be approved for six foot (6') in-height, solid vinyl tongue and groove fencing with tan color ("Opaque Fencing") as noted below:

A. Phase 1:

1. All lake lots shall have Standard Fencing.
2. Back-to-back and perimeter lots shall be allowed to have Opaque Fencing.

B. Phase 2A Unit I:

1. All lake & Robinson Creek preserve lots shall have Standard Fencing
2. All perimeter/preserved Lots (50 through 70, 71, 72, 76, 77, 86, 87, & 93) are allowed to have Opaque Fencing.

C. Phase 2A Unit II:

1. All lake & Robinson Creek preserve lots shall have Standard Fencing
2. All perimeter/preserved Lots (30 through 42, 101, 102, 110, 111, 122 & 123) are allowed to have Opaque Fencing.
3. Lots 30 through 42 are allowed to have Opaque Fencing unless garden walls are installed by the Developer

D. Phase 1C Units I & II:

1. All lake lots and preserve lots shall have Standard Fencing
2. Back-to-back Lots (30 through 32, 43 through 45 and 64 through 66) are allowed to have Opaque Fencing along the rear property line.

E. Phase 3:

1. All lake lots and preserve lots shall have Standard Fencing.
2. Back-to-back lots (109 through 117) are allowed to Opaque Fencing.
3. Perimeter lots (93 through 103) are allowed to have Opaque Fencing along the rear property line.

F. Phase 2C Units I & II:

1. All lake lots and preserve lots shall have Standard Fencing.
2. Back-to-back Lots (217 through 226) are allowed to have Opaque Fencing.

**4.14.4. Corner Lots**

Fencing along the street side property line of corner lots shall be set back five feet (5'). This strip of land shall be planted with a hedge of 3-gallon shrubs, 24" minimum height at planting time and spaced at a maximum 24" on center. Holly trees, Crape Myrtles or equivalent shall be placed at the corners (beginning and the end of each run) as well space equally for approx. every 15'. The ground shall incorporate mulch around the plants and a strip of groundcover adjacent to the rights of ways or sidewalk.

**4.14.1. Prohibited Fence Types and Locations**

- A. Use of chain link or wood fencing is prohibited.
- B. No fencing shall be constructed in the front yard or closer than eight feet (8') from the front wall plane of the porch, house or garage. Fencing sections with gates may be installed.
- C. No fencing shall be allowed to cross over or into "public easements" without the authorization of the ARB and any applicable governmental entity, including the City of St. Augustine and the Madeira CDD.

**4.14.2. Garden Walls & Other Fencing Notes**

All proposed fencing and garden walls shall be shown on the plans.

Fencing and garden walls shall be sited and designed to unify with the architecture of the house. Use of these elements to enclose space and provide for variety in the scale of the interior space is encouraged.

**4.15. Air Conditioners**

All exterior air conditioner compressors shall be enclosed on two sides by a minimum 42” high matching CMU wall, as well a landscape hedge. The service opening shall not face the street. No window or wall air conditioning units will be permitted.

**4.16. Fireplaces and Chimneys**

It is preferred that chimney tops be designed such that the flue will be covered from the elements. A detail of the chimney top should be shown. If the flue is exposed, the chimney design and covering must be of a size and material that is architecturally acceptable. Fully exposed spark arrestors will not be permitted.

**4.17. Swimming Pools, Hot Tubs, Spas, and/or Jacuzzis**

All pool, hot tub, spa, and/or jacuzzi installations shall be subject to ARB review and approval. Only concrete pools are permitted. Above ground pools, vinyl, fiberglass, and metal pools are prohibited.

All inground pools, etc. shall not extend further than 4 feet inside the sidewalls of the dwelling. No pool, etc. will be approved without a compliant fence or screened enclosure which includes appropriate landscape screening.

Pools not contained within a screened enclosure must be fenced. All pool fences must include perimeter landscaping, located on the exterior of the fence, in order to provide natural screening from neighboring properties. All screening landscaping must be maintained in perpetuity by current and by all future Owners of the property. All fences shall be maintained to provide the protection of restricted and secure access to the pool area.

Pool equipment located adjacent to the house shall be enclosed on two sides by a 42” high matching wall or landscape hedge. The service opening shall not face the street. On lake lots, the service opening shall be landscaped pursuant to the landscape requirements.

Applicants must comply with all relevant governmental requirements. In particular, pools located in the following phases shall be required to follow the FDEP institutional control - pool protocol installation guidelines.

- Phase 2A Units I & II
- Phase 1C Units I & II
- Phase 2C Units I & II

**4.18. Recreational Structures**

Any platform, doghouse, tennis court, playhouse or structure of a similar kind or nature (each a “Recreational Structure”) must have approval of the ARB prior to construction or installation. All Recreational Structures (excluding basketball backboards) shall be located at the rear of the dwelling, or on the inside portion of a corner lot within the setback lines and shall be constructed so as to not adversely affect the adjacent lots or the use thereof. The ARB shall review the height of such structures and their other attributes to assure the privacy of neighboring homeowners.

**4.19. Basketball Backboards**

No basketball backboards may be temporarily or permanently installed adjacent to the street or on any cul-de-sac. All permanently affixed basketball backboards / hoops must have prior approval of the ARB.

**4.20. Cable TV and Telephone Communication**

Each Home constructed at Madeira is required to be pre-wired for cable TV and telephone service. This shall be the homebuilder's responsibility. The company to provide these services shall be selected by the Developer, its successors and assignees, at its own discretion.

**4.21. Satellite Dishes & Antennas**

Only small satellite dishes, not exceeding 24 inches (24") in diameter, are allowed in Madeira. The location of the same must be in an inconspicuous place shielded from view from the street and adjoining properties to the maximum extent possible. The type of dish and location will be reviewed by the ARB.

Television antennas may not be visible from the exterior of a house, the street or adjoining properties, provided a quality signal can be received from inside a house. If it can be demonstrated that a quality signal is not achievable from inside a house, one (1) television antenna is allowed in an inconspicuous location.

Other types of antennas are not allowed without the prior written approval of the ARB.

**4.22. Mailboxes**

All single-family dwellings built on Phase 1 of Madeira are required to have a standard mailbox and pedestal as designated by the ARB. Homebuilders shall bear the cost of the mailbox and the installation of the same. Such mailbox structure shall be installed at the front of the Lot, at the edge of the road pavement between the driveway and lot line closest to the driveway, as seen from the street. The bottom of the mailbox shall be at 36" above grade.

Phases 2A Units I & II, Phase 1C Units I & II, Phase 2C and Phase 3 shall adhere to the U.S. Post Office directive requiring all Units to be serviced by cluster box units.

**4.23. Repainting / Remodeling**

No ARB approval shall be required to repaint the exterior of an Improvement in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications. Any Owner may remodel, paint, or redecorate the interior of his or her Unit without approval. However, modifications to the interior of screened enclosures, patios, and similar structures that are visible from outside the Unit shall be subject to ARB approval.

## **SECTION 5 - LANDSCAPING**

**5.1. Landscape Intent**

Landscape design should be integrated into the home design. The use and preservation of native and naturalized landscape materials is strongly encouraged. Planting plans should strive to have a strong impact at the time of installation. New planting compositions should employ simple plant massing and a limited palette of plant types in order to build unity and cohesiveness in the design.

## **5.2. Landscape Requirements**

All landscaping will be in accordance with the requirements of the City of St. Augustine Landscaping and Tree Ordinance. Nothing outlined herein shall be construed to be less than or reduce the requirements of the City. Driveways shall have concrete pavers and sidewalks shall be constructed of four inch (4") poured concrete. Patterns or alternate paving surfaces may be used if they are in keeping with the materials of the structure. These materials must be submitted and are subject to review and approval. However, asphalt (driveway) pavement shall not be permitted. Front and side elevations and rear elevations on Lots which front a lake shall incorporate the minimum hedge, shrub and tree requirements. Side yards on street side of corner lots must have sufficient landscaping to have a similar aesthetic to the front street view. Any plant material which dies or becomes unsightly after installation will be replaced by approved plants of same or similar size and type upon written notification by the ARB.

## **5.3. Plant Material**

Plant material shall be Florida No. 1 grade or better. Yards shall be completely sodded with St. Augustine / Floratam sod, Bermuda, Zosia or Paspalum. All lake banks shall be stripped and grassed to the normal engineered water levels (maintained by Madeira at St. Augustine owner). Shrubs and hedges shall be a minimum three-gallon plant, be of a minimum height of twenty-four inches (24") immediately after planting provided any screen hedge grows so that it closes all gaps within the first year.

Synthetic plants are not permitted. Trees shall be a minimum height of ten feet (10') when planted. Trunk caliper shall be minimum diameter of three inches (3"). Species whose root systems are known to cause damage to improvements such as roadways, foundations, driveways, and the like, shall not be used within fifteen feet of those improvements. Trees with invasive root systems, however, can be used in large open yards far from any improvements. All trees placed in the right of way shall have root barriers placed between the tree and roadway.

Landscape mulch material: Pine straw, pine bark, dark brown, red or black mulch or earth tone (tan) or white stones. Trees, shrubs, ivy or landscaping rocks are to be kept within Madeira at St. Augustine lot lines and may not encroach onto common areas, walkways, or easements.

## **5.4. Irrigation**

The entire yard for all Lots shall be 100% irrigated. The irrigation system shall be automatically controlled by a time clock. Irrigation wells may be allowed provided they are properly permitted by the St. Johns County Health Department, St. Johns River Water Management and Florida Department of Environmental Protection. Note: Wells are prohibited in all deed restricted areas.

## **5.5. Recommended Landscape Material**

Each Lot shall contain a minimum of one tree for every ten feet of lot width. In the case of Lots with less than the minimum requirement, sufficient trees shall be provided by the homebuilders to meet this requirement. The number of shrubs will be determined by the extent of the exterior elevations on front and both side yards. The lineal dimension of the elevation, excluding garages, divided by eighteen inches (18") (maximum distance between plants) will yield the number of shrubs. These shrubs may be planted in clusters or in a hedge-like fashion.

The selection of plant material should be given careful consideration. Attention should be given to year-round appearance, maintenance requirements and cold resistance. Plant material has many variables, accordingly, all plans must be reviewed and approved by the ARB to ensure that satisfactory plants have been selected for each location.

The following criteria should be considered when selecting plants for use within Madeira at St. Augustine:

- A. Native species and evergreens.
- B. Relatively resistant to insects and diseases.
- C. Cold hardy material.
- D. Adaptability to existing soil conditions.
- E. Long life expectancy.

#### **5.6. Landscape Lighting**

Lighting is to be low key and may be used to accent entrances and special features. Overall high levels of light are not desired. Intensity should be no greater than required for pedestrian safety, other than to accent landscape. The scale of this lighting should be at pedestrian level. Exterior lighting must be shielded from adjacent properties.

## **SECTION 6 - MAINTENANCE**

### **6.1. Maintenance During Construction**

Storm drain protection is required for all improvements adjacent to storm structures.

During construction, all debris shall be placed in a single location on the lot of the construction site only. The debris shall be contained by some type of container to assist in keeping the debris from being scattered.

After construction, no debris or trash of any kind shall remain on any Lot, or on sidewalks or streets contiguous thereto. No excess building material, storage shed or trash shall remain on such a lot, sidewalk or street. It is the duty of the homebuilder or his agent, or the homeowner, to remove or cause to be removed any and all of the above debris within 72 hours of notification by the ARB. Failure to comply may cause removal of the debris by action of the ARB and all related costs will be charged to the homebuilder or the Owner.

**6.2. Other Maintenance Guidelines**

No weeds or underbrush or other unsightly vegetation shall be permitted to grow or remain on any lot within Madeira at St. Augustine and no refuse pile or unsightly object shall be allowed to be placed or remain anywhere on such Lots. The Owner shall maintain the exterior of his Lot, building and improvements on his Lot in good and workmanlike manner and shall present a neat and clean appearance upon the Lot. In the event that any Owner fails or refuses to keep his Lot free of weeds, overgrown grass, underbrush, refuse piles, debris or other unsightly growths or objects or to keep the Single Family Dwelling, building or improvements on his Lot, including mailboxes in a good and workmanlike manner or in a neat and clean appearance, the ARB, Board of Directors of the Association or its designees may enter upon the Lot and perform any necessary maintenance at the expense of the Owner and such entry shall not be deemed a trespass.

During the construction on a Lot or other improvement, each Owner will be required to maintain his Lot in clean condition, providing for trash and rubbish receptacles and disposal. Construction debris will not be permitted to remain on any Lot.

**SECTION 7 - SIGNAGE**

All signage installed at Madeira at St. Augustine by homebuilders or homeowners shall comply with the City of St. Augustine sign ordinance, specifying locations, colors, structural details, sizes, etc. In addition, the following ARB guidelines apply to signage:

**7.1. Directional Signage**

Non-advertising vehicular and /or pedestrian directional signage will be designed and initially installed by the Developer. These shall be designed of a specific size of sign area and a maximum height above grade.

**7.2. Homebuilder Signage**

Homebuilders will be allowed signs to display the name of their company and the availability of the homesite. One (1) sign is allowed in each Lot and it shall conform to the design, size, height, color and post details specified by the Developer. Homebuilders shall be responsible for the cost and installation of homebuilder signs.

**7.3. Real Estate Signage**

Homeowners will be allowed signs to display “For Sale” or “For Rent” and “Yard Sale” signs. One (1) sign will be allowed on the front yard of a Lot which is available for re-sale or rent. The maximum size of the sign shall be two (2) square feet.

**7.4. Street Address Signage**

Street address signs must have raised numbering, mounted on a black plate and a minimum of five inches (5”) in height.

**7.5. Other Signage**

Except for the types of signs previously mentioned in this section or otherwise approved by the ARB on a case by case basis, no other signs, flags (other than one American Flag per Lot), banners or advertising of any kind may be placed on or about any Lot, attached to or part of any Home, located in or about windows visible from the street or adjoining Lots, located within road right-of ways or common areas, or placed on or about any of the properties within Madeira.

**SECTION 8 - MISCELLANEOUS GUIDELINES**

**8.1. Hurricane and Storm Protection**

All permanent storm protection systems must be reviewed and approved by the ARB prior to installation. Builders may include storm protection as part of their offerings provided the design is included with each model plan and specifications submitted for approval. Owners of existing homes shall submit their request to the ARB and include detailed plans, specifications and/or materials proposed. Any proposed storm protection will be evaluated to assure harmony of the external appearance of the home to protect and conserve the value and desirability of Madeira at St. Augustine as a residential community.

Storm protection products may be selected from the following list:

- Impact Glass
- Bahamian Shutters
- Aluminum Panels
- Fabric Panels (Fabric-Shield™ Storm Panels in white or Astro-Guard™ Panels in beige)

Any other style storm protection product, such as roll down or accordion structures, are discouraged, but may be submitted for consideration.

After a named tropical depression, storm or hurricane has been identified by the US National Weather Service (“NWS”) as being a potential threat to the northeast Florida-Georgia Atlantic Coast (defined as the coastline between Jupiter, Florida and Savannah, Georgia), a homeowner may install coverings over exterior openings of the home. If the homeowner does not have permanent or integrated storm protection for their home, temporary protection such as plywood panels may be used.

If an owner is going to be on vacation for fourteen (14) days or less during the Atlantic hurricane season (defined as June 1 through November 30), hurricane protection coverings may be installed before they leave. If the vacation is longer than fourteen (14) days, the owner must make arrangements with someone else to install these coverings at the appropriate time.

All protective coverings shall be removed within seven (7) days after the NWS declares the named event is no longer a threat to St. John’s County. It is the owner’s responsibility to make arrangements for the removal of the installed protection if they are away when the threat alert has been rescinded.

**8.2. Artificial Vegetation**

No artificial grass, plants or other artificial vegetation or sculptural landscape décor shall be placed or maintained upon the exterior portion of any Lot, unless approved by the ARB.

**8.3. Sales and Construction Activities**

Notwithstanding any other provisions hereof, the Developer, its agents, successors, assigns and designees may maintain such facilities and undertake such activities as may reasonably be required to sell Lots and to construct improvements thereon.

**8.4. Damage to Common Area or Other Property**

The Owner shall be responsible for any damage to the common areas, including but not limited to roadway, curbing, parking areas, sidewalk and infrastructure elements, or other property due to construction activities. Any resulting damage must be expeditiously repaired by the Owner. The Owner shall remain liable for the cost of the repair(s).

**8.5. Waivers**

Waivers of these Guidelines may be granted in unique situations or upon proof of a hardship, but will not serve as a precedent for future decisions. All such waiver requests shall be reviewed on a case-by-case basis, decided in the sole discretion of the ARB and may be subject to further review by municipal, state or federal governing entities.