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CERTIFICATE OF RECORDING THE DEVELOPMENT GUIDELINES OF DIAMOND SANDS

The undersigned Vice President and Director of Diamond Sands Homeowners Association, Inc. do hereby certify that the attached document is a true and accurate copy of the Development Guidelines for Diamond Sands.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its Vice President and Director and its corporate seal affixed this 3rd day of September 2020.

WITNESSES:

Print Name: Melissa Antenucci

Print Name: Jesse Doss

DIAMOND SANDS HOMEOWNERS ASSOCIATION, INC.

By: _____
ALBO ANTENUCCI, VP

WITNESSES:

Print Name: Melissa Antenucci

Print Name: JESSE DOSS

DIAMOND SANDS HOMEOWNERS ASSOCIATION, INC.

By: _____
LYNDA NEWMAN, DIRECTOR

STATE OF FLORIDA
COUNTY OF Martin

The foregoing instrument was subscribed, sworn, and acknowledged before me by means of [X] physical appearance or [ ] online notarization, by **Albo Antenucci, Vice President** of Diamond Sands Homeowners Association, Inc. who [ ] is personally known to me or who [X] has produced FLA Drivers Lic as identification this 3rd day of September 2020.

JESSE DOSS
Commission # GG 263069
Expires September 27, 2022
Bonded Thru Budget Notary Services

Notary Public, State of Florida

JESSE DOSS
Print Name

My Commission Expires: Sept. 27th, 2022

STATE OF FLORIDA
COUNTY OF Martin

The foregoing instrument was subscribed, sworn, and acknowledged before me by means of [X] physical appearance or [ ] online notarization, by **Lynda Newman, Director** of Diamond Sands Homeowners Association, Inc. who [ ] is personally known to me or who [X] has produced FLA Driver Lic as identification this 3rd day of September 2020.

JESSE DOSS
Commission # GG 263069
Expires September 27, 2022
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Notary Public, State of Florida

Jesse Doss
Print Name

My Commission Expires: Sept. 27th 2022

Diamond Sands

Residential Subdivision

Development Guidelines

DIAMOND SANDS

INTRODUCTION

Purpose of Development Guidelines

Great care has been taken in the planning and design of the Diamond Sands subdivision. The purpose of these Development Guidelines is to ensure continuation of these high standards through the development process. Thoughtfully conceived and well-executed design solutions for all elements of Diamond Sands must be achieved. The architectural and landscape concepts are to complement each other. These Development Guidelines encourage attention to detail and require that all functions, geometry, and materials complement one another with minimal shifts in variety. Hutchinson Island 45, Inc. ("Developer") intends that the following criteria and procedures will promote the highest level of aesthetic value, establish design compatibility and maintain and enhance economic value within Diamond Sands.

Development Guidelines

These guidelines apply to all Lot purchasers, Lot owners, builders, and contractors ("Owner/Builder"), approved by the Association for residential construction in Diamond Sands. A copy of these Development Guidelines will be distributed to, acknowledged, accepted and followed by Owner /Builders operating in Diamond Sands. The Architectural Review Committee ("ARC") shall be the DSNCC or DSARC as the case may be, as defined in the Declaration of Covenants, Conditions and Restrictions of Diamond Sands, to be recorded in the Public Records of St. Lucie County, Florida ("Declaration") and is the entity that will administer these Development Guidelines. The ARC, in its sole discretion, will have the right to approve, subject to specific and required modifications, or reject any or all final construction plans and all other submittals.

Each Owner /Builder shall observe, and comply with, these Development Guidelines which now or may hereafter be promulgated by the ARC and approved by the Diamond Sands Board of Directors ("Board") from time to time. The Development Guidelines shall be effective from the date of adoption; shall be specifically enforceable by injunction or otherwise; and shall have the effect of covenants as set forth herein verbatim. These Development Guidelines shall not require any Owner /Builder to alter the improvements previously constructed. The Board shall have the right to approve and amend the Development Guidelines, which approval, may be granted in its sole discretion.

General Plan

It is the intent of the Board and these Development Guidelines to create a general plan and scheme of development of the Diamond Sands. Accordingly, the ARC shall have the right to approve or disapprove all architectural, landscaping, and improvements within the Diamond Sands by Owner /Builder. The ARC shall have the right to evaluate all plans and specifications as to harmony of exterior design, landscaping, location of any proposed improvements, relationship to surrounding structures, topography and conformity with such other reasonable requirements as shall be adopted by ARC. The ARC may impose standards for construction and development which may be greater or more stringent than standards prescribed in applicable building, zoning, or other local governmental codes. Any additional standards or modification of existing standards shall require the consent of Board, which may be granted or denied in its sole discretion.

Architectural Review Committee

The ARC is the entity that will administer these Development Guidelines. The ARC is a permanent committee of the Association, established pursuant to the Declaration, and shall administer and perform the architectural and landscape review and control functions relating to Diamond Sands, including the functions of the DSNCC and DSARC. The ARC shall consist of a minimum of three (3) members who hold office when needed. One additional member may be a paid consultant, i.e. an architect, at ARC's option.

The Board shall have the right to change the number of members on the ARC, and to appoint, remove, and replace all members of the ARC. In the event of the failure, refusal, or inability to act of any of the members appointed by the Board, Board shall have the right to replace any member within thirty (30) days of such occurrence. If Board fails to replace that member, the remaining members of the ARC shall fill the vacancy by appointment.

Powers and Duties of the Architectural Review Committee

No improvements shall be constructed on a Lot; no exterior of a Dwelling Unit or improvement shall be repainted; no landscaping, sign, or improvements shall be erected, removed, planted, or maintained on a Lot; nor shall any material addition to or any change, replacement, or alteration of the improvements as originally constructed (visible from the exterior of the Dwelling Unit) be made until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, color scheme, and the location of same shall have been submitted to and approved in writing by the ARC. The ARC shall also have the right to retain and pay outside consultants in relation to the exercise of any of the ARC'S powers or duties hereunder. Building permits shall not be sought until after the Final Plans have been approved by the ARC.

Limiting Conditions

These Development Guidelines are not an offer to sell, purchase or list real estate, nor are they a warranty of any type. Such items shall be separately set forth in legally executed, written documents. These Development Guidelines are binding on all Owner/Builders of property within Diamond Sands, except for any improvements constructed or approved by the Developer. Remedies for failure to comply are outlined in these Development Guidelines and in all contracts for the purchase and sale of Lots ("Purchase Agreements").

PLAN REVIEW PROCESS AND TIMETABLE

The plan review process is instituted to maintain the highest level of aesthetic value within Diamond Sands. The Owner/Builder acknowledges and agrees that as a condition of a Purchase Agreement it will be subject to the Development Guidelines. In order to obtain the approval of the ARC, each Owner/Builder must submit an application to the ARC with respect to any proposed improvement or material change in an improvement, together with the required application(s) and required fees as established by the ARC. All fees, deposits and fines are subject to change without notice. Administrative review fees shall be charged for the review process. The fee for Preliminary Plan Review is $500.00. The fee for Final Plan Review is $500.00. If applicable, the fee for Revision Review is $500.00. The ARC will have regularly scheduled meetings at least once per month, and all plans should be submitted one week prior to the scheduled meeting date. Unscheduled meetings will require an additional fee of $500.00.

Owner/Builder must submit the Preliminary Plans and Final Plans and obtain final ARC approval. The applications shall include such information as may be required by the application form ("Request for Design Review") adopted by the ARC. The ARC will require submission of samples of building materials and colors proposed to be used.

PLAN REVIEW

Preliminary Plans: The Preliminary Plans shall include:

1. A site plan/survey;
2. Elevations of each side of the Dwelling Unit (4). The elevations must show the width, depth and height of the Dwelling Unit;
3. Floor plans with square footage; and
4. Exterior drawings.

In the event the information submitted to the ARC is, in the ARCs opinion, incomplete or insufficient in any manner, the ARC may request and require the submission of additional or supplemental information. Owner/Builder shall, within thirty (30) days thereafter, comply with the request.

Final Plans: At the time of the final review, Owner/Builder must submit two (2) sets of signed and sealed plans and specifications that will be a true extension of the approved Preliminary Plans ("Final Plan(s)"). One (1) approved set of the Final Plans will be returned to the Owner and one (1) set of the Final Plans will be retained by the ARC. The Final Plans must be prepared and stamped by a licensed Florida architect. The landscaping and irrigation plans must be prepared by a licensed landscape architect.

The following items are required and must accompany the submittal of the Final Plans:

1. SITE PLAN/SURVEY

- Scale: 1" = 30' or greater
- Legal description
- Lot lines, setbacks and easements
- Existing street pavement, curbs, gutters, drainage inlets, manholes, bulkheads and/or upland retaining walls and all other utilities
- Existing and proposed grading and drainage (including roof and pool drainage)
- Proposed building footprint(s), patios, walls or fences, sidewalks, driveways, pools, decks, screen enclosures and trellises
- Label surface materials for driveways, patios, courts, etc.
- Calculations: Total area of Lot and areas as percentage of total for: buildings, pool and deck, other paved areas, total impervious and pervious areas

2. IRRIGATION PLAN - indicate location of water meter, controller, valves, main and lateral lines with sizes and sprinkler heads.

3. LANDSCAPE PLAN INCLUDING COST ESTIMATE - indicate location, botanical and common name, size, quantity and specifications in a legible manner of all proposed and existing plant material as outlined in landscape criteria including the cost estimate. The landscape plan must indicate property lines, setbacks, easements, adjacent site conditions, location of proposed structure showing windows and doors, proposed hardscape, utility elements, and existing and proposed vegetation. A plant list identifying scientific names, common names, height, spread, caliper (at time of planting), and any other pertinent specifications should accompany the landscape plan. The landscape plan shall indicate existing vegetation to be preserved, and demonstrate that native plant requirements by the St. Lucie County have been satisfied ("Landscape Plan"). The minimum material landscape cost for each home site within Diamond Sands is $35,000, not including the rehabilitation of dune preservation and not including irrigation of the Lot.

4. HARDSCAPE PLAN

5. FOUNDATION PLAN - show slabs for utilities, such as air conditioning equipment, pool equipment, generator, etc.

6. ROOF FRAMING PLAN - show pitch, valleys, hips, etc.

7. ELECTRICAL PLAN - show all interior and exterior fixtures and mechanical equipment locations including specifications.

8. MECHANICAL PLAN

9. STRUCTURAL PLAN

10. PILING PLAN

11. FLOOR PLAN — include balconies, decks, patios, atriums and table of gross area and air-conditioned area square footages.

12. EXTERIOR ELEVATIONS - include all exterior elevations with heights clearly indicated. Exterior elevations to show finished floor elevation above grade. Label all finishes of all materials on the elevations.

13. DOCK. DAVIT. LIFT. POOL AND/OR SCREEN ENCLOSURE PLANS - if applicable.

14. MATERIAL SPECIFICATIONS (One Set Only) - submit actual color samples (swatches), showing all exterior materials and finishes (roof tile, pavers, etc.) and exterior paint colors. The material specifications list shall include manufacturer name, and ID number of all exterior paint colors to the ARC. Owner/Builder shall also submit manufacturer name and color of all roofing materials and paving materials.

15. SURFACE WATER DRAINAGE PLAN – must show existing and proposed design grades and contours relating to the predetermined ground floor finish elevation.

16. SWIMMING POOL PLANS

REVISION REVIEW AND REMEDIES FOR NONCOMPLIANCE

Any revisions affecting the approved plans must be resubmitted for ARC approval. Failure to obtain approval of the ARC as set forth in these Guidelines for any and all initial construction plans and revisions to approved plans prior to the commencement of construction will be deemed a material breach of the Purchase Agreement and these Development Guidelines. In addition to - any other rights permitted by law or in equity or as set forth in the Declaration, Developer or ARC may proceed in court to obtain injunctive relief requiring any construction done without ARC approval to be halted, torn down and/or removed immediately. All costs and attorney's fees incurred by ARC or Developer in taking such action, including before commencing any litigation, during any litigation, and for all appellate efforts, will be the expense of the Owner/Builder and Developer may place a lien against the Lot to secure payment of these amounts.

TIMETABLE FOR REVIEW

Plan Review: Owner/Builder must obtain ARC approval of construction plans prior to application for any governmental permit. In the event the information submitted to ARC is, in the ARC'S opinion, incomplete or insufficient in any manner, the ARC may request and require the submission of additional or supplemental information. The Owner/Builder shall, within thirty (30) days thereafter, comply with the request.

Review Timetable: Within thirty (30) days of Owner/Builder's submittal of complete construction plans, ARC shall complete its review and Owner/Builder will be notified in writing that the plans have been approved, approved subject to specific and required modifications, or rejected. If the plans have been approved subject to specific and required modifications, or if such plans have been rejected, the written notification from ARC to Owner/Builder will describe in detail the nature of the modifications or the basis for the rejection and such description will be sufficient for Owner/Builder to make the necessary changes in the plans to receive ARC approval upon re-submittal. The ARC shall

have the right to refuse to approve any plans and specifications which are not suitable or desirable, in the ARC's sole discretion, for aesthetic or any other reasons or to impose qualifications and conditions thereon. The timetables for re-submittal review shall be the same as that of the initial submittal.

In approving or disapproving such plans and specifications, the ARC shall consider the suitability of the proposed improvements, the materials of which the improvements are to be built, the site upon which the improvements are proposed to be erected, the harmony thereof with the surrounding area and the effect thereof adjacent or neighboring property. In the event the ARC fails to respond within said thirty (30) day period, the plans and specifications shall be deemed disapproved by the ARC.

In the event that the ARC disapproves any plans and specifications, the applicant may request a rehearing by the ARC for additional review of the disapproved plans and specifications. The meeting shall take place no later than thirty (30) days after written request for such meeting is received by the ARC, unless applicant waives this time requirement in writing. The ARC shall make a final written decision no later than thirty (30) days after such meeting. In the event the ARC fails to provide such written decision within said thirty (30) days, the plans and specifications shall be deemed disapproved.

Failure to Respond and Consequences: If Owner/Builder fails to respond within thirty (30) days to the written notification from ARC of the approval of the plans subject to specific and required modifications or the rejection of the plans, or fails to comply with the requirements of the timetable for review, it will be deemed that Owner has elected not to revise and resubmit the plans or comply with the requirements.

Construction of all improvements shall be completed within the time period set forth in the application and approved by the ARC.

DISCLAIMER OF LIABILITY

Neither the ARC, Developer, nor any of their representatives, successors or assigns shall be liable for damages to any one submitting plans for approval, or to any Builder/Owner, Lot owner, builder, contractor, visitor or occupant of any of the property in Diamond Sands arising out of or in connection with the approval or disapproval of any plans or the failure to approve any plans. Any Owner/Builder making or causing to be made any proposed improvement or addition to any portion of the Property, Lot or Dwelling Unit agrees, and shall be deemed to have agreed for such Owner/Builder's heirs, personal representatives, successors and assigns, to hold the ARC, Developer, any of their representatives, successors or assigns and all other Owner/Builders harmless from any and all liability, damage to the Property, including costs and/or expenses, including attorneys' fees, arising from or in connection with the construction and installation of any proposed improvement. Owner/Builder shall be solely responsible for the maintenance, repair and insurance of any alteration, modification or change and for assuring that the proposed improvement meets with all applicable governmental approvals, rules and regulations.

No approval as provided herein shall be deemed to represent or imply that the proposed improvement, if constructed in accordance with the approved plans and specifications, will result in properly designed and constructed improvement or that it will meet all applicable building codes, governmental requirements or will be permitted.

Owner/Builder understands that ARC'S reservation of the right to approve or disprove any and all of the Preliminary Plans and the Final Plans is to preserve and protect property values in Diamond Sands in compliance with the

Declaration. Further, ARC'S approval does not address or constitute a guaranty of the engineering or technical merits of the Preliminary Plans or the Final Plans, nor does it certify compliance with applicable building codes, water management, environmental, or fire safety requirements or other governmental regulations, but is intended solely for ARC's and Developer's purposes.

If any improvement shall be constructed or altered without prior written approval, or in a manner which fails to conform with the approval granted, the Owner shall, upon demand of the Association or the ARC, cause such improvement to be removed, or restored until approval is obtained or in order to comply with the plans and specifications originally approved. The Owner shall be liable for the payment of all costs of removal or restoration, including all costs and attorneys' fees and paraprofessional fees at all levels including appeals, collections and bankruptcy, incurred by the Association or ARC. The costs shall be deemed an Individual Assessment and enforceable pursuant to the provisions of the Declaration. The ARC and/or the Association is specifically empowered to enforce the architectural and landscaping provisions of the Declaration and these Development Guidelines, by any legal or equitable remedy. Any change affecting the approved plans and specifications for new construction or existing construction must be resubmitted for ARC approval in the same manner as required for approval of original plans and specifications. The current Revision Review Fee is $500.00, which is subject to change without notice.

The Association or ARC shall have the power to grant variances from any requirements set forth in this Declaration or from the Development Guidelines, in its sole and absolute discretion, provided that the variance sought is reasonable and results from a hardship upon the applicant or when circumstances such as topography, natural obstructions, hardships, aesthetics or environmental conditions require. The granting of a variance shall not nullify or otherwise affect the right to require strict compliance with the requirements set forth herein or in the Development Guidelines on any other occasion.

PERMITS

The Owner/Builder are solely responsible to obtain all required building and other permits from all governmental authorities having jurisdiction. Subdivision of any Lot within Diamond Sands is prohibited.

ARCHITECTURAL DESIGN CRITERIA

The design of a home within Diamond Sands shall reflect a consistent theme, style or image. Eclectic design is discouraged. The final design shall be well refined and carefully detailed. The floor plans and elevation designs shall work in unison to achieve consistency in scale, balance in proportion and harmony within the total improvement and the subdivision. The placement of the Dwelling Unit shall be such that outdoor accessory uses are not constrained and that the streetscape and waterway views are enhanced, and that adjacent Dwelling Units are not adversely impacted.

Predominant Architectural Elements

Diamond Sands is intended to be a synthesis of many architectural styles common to the southern United States coastal regions and the Caribbean. These styles are expressed in the architectural elements - fences, walls, porches, towers, roofs, windows, and gardens - as well as in the appropriate use of building materials.

Porches Porches, verandahs, colonnades, loggias, and lanais are expected in Diamond Sands and shall be designed with architectural detailing to match that of the Dwelling Unit. The ARC may, in its sole discretion, approve or disapprove the use of such new materials that may be developed at a future time. They are a gentle transition between the completely private life within and the public life of the street or the beach. Porches are not limited to just the front and rear, side porches, particularly when incorporated with a courtyard or terrace, are encouraged.

Towers Towers may be used, when appropriate for the style, as small studios, additional bedrooms, lofts or as open observation spaces. Views can be magnificent in Diamond Sands; however, architectural designs must be aware of the neighboring properties when constructing towers.

Roofs Roof designs may be of varying pitches from the most minimum (flat) pitches to those of a steeper natured allowing for the sue of dormers or habitable attic spaces. Mansard roofs are also acceptable in certain designs and where appropriate for the overall massing of the structure. Attention must be given to the use of the roof contours and materials with each architectural style.

Windows Windows contribute significantly to the overall character of the house. Window types must harmoniously work with the other architectural elements, however, walls facing the ocean and river will be given a more liberal interpretation of architectural style to better take advantage of spectacular sea views. Windows may be casement, single-hung, double hung or fixed. They must be constructed of wood, wood with metal or plastic cladding, or aluminum. All glazed openings are to be tested and approved for use as "impact protection". Shutters must be architecturally real and "operable" but are not permitted for "impact protection". "Impact protection" shutters are not permitted. Glass block is not permitted.

Exterior Materials Buildings situated near the ocean must be constructed with concerns for how the exterior materials will age. Materials used in Diamond Sands must be chosen with thought in mind. In addition, their use as it pertains to the architectural style will also be considered, therefore, natural materials such as exterior wood, fiber cement sidings, cementitious coatings, brick, and stone are encouraged for wall finishes. Roofs are to be constructed using cement tile or clay tile. All metal flashings are trims, as well as,' guttering systems, are to be copper.

Gardens and Courtyards An interregnal part of the lifestyle envisioned for Diamond Sands of is the use of the outdoor environment. Designs are encouraged to take advantage of sea views, sea breezes and native landscaping by constructing various connected, or disconnected, gardens and courtyards. These elements may be placed in any, or all, orientations. The use of fences and/or walls for character and privacy are to be introduced but used sparingly. Use of fences and privacy walls will require ARC approval and additional review. The placement of balconies and second floor porches will most definitely be dictated by sea views, therefore, the garden and courtyard areas should also be kept in mind as a viable alternative when inserting these elements. Pools areas and patios shall also be treated in a similar manner as the gardens, and courtyards when addressing walls and fences, patio materials and landscaping. All privacy walls, and fences must be approved by the ARC, and in its sole discretion may approve or disapprove these items.

Architectural Styles

Architectural stylistic integrity is encouraged at all times. A stylistic summary of predominant styles desired in Diamond Sands follows:

Bermuda style homes, a local variation of the Colonial Revival style, usually have steeply pitched (6 in 12) roofs with flat cement tile. The facade is often symmetrical, with columns and pilasters, pediments and other classical detailing. Windows usually represent no more than 20% of the surface and are often divided. Casement or double- hung windows are more typical than awning windows, and are constructed of wood; clad wooden windows are also used. Arched windows are usually semi-circular and are used sparingly. French doors are generally selected in lieu of sliding glass doors. Balcony balustrades are usually simple, cement and no overly ornate or metal with varying patterns created by picket placement. Colonial or Bahamas shutters frequently appear in this style, but are for decorative purposes only. Columns and windows are rarely seen as two-story elements.'

British West Indies style can be traced back to the 16th century in St. Augustine and 18thcentury in Charleston as well as elements drawn from small English settlements throughout the Caribbean where the climate is most similar to this area of Florida. Historically the Spanish built one-story masonry homes with high walls along their narrow streets. In the 1700's the British settled in the area and added wooden second stories with ample roof overhangs and tall shuttered windows as a shield from the subtropical sun. The modern interpretation of this style used the masonry, stucco or stone first floor concept with the appearance of an added second floor. Horizontal siding is many times used to 'make that transition but can also be sued for subtle accents with a lighter colored stucco wall as the predominant material. In either case, there is a distinct separation from the first floor to the second. Overhangs are large with brackets, corbels or exposed rafter tails. Roofs are mostly flat cement tile or metal.

Coastal Classic. The term "Coastal Classic Style home" has the following key characteristics and is a combination of the Bermuda and British West Indies style described above.

- Two to three stories high
- Symmetrical facade
- Graceful proportions
- Deep veranda supported by stately columns, brackets, corbels or exposed rafter tails.
- Pedimented portico
- Balanced display of tall windows with shutters
- 1st & 2nd floors reflect masonry, stucco or stone
- 2nd or 3rd floors reflect horizontal siding with a lighter or slightly darker colored stucco wall than the lower level.

General Criteria

Lots Subdivision of any Lot within Diamond Sands is prohibited unless approved in writing by ARC and permitted by government agencies.

Minimum Dwelling Unit Size No residential Dwelling Unit shall contain less than 4,000 square feet of air-conditioned enclosed living area on the total of the 2nd and 3rd floor living space. Atriums, screened-in patios, courtyards, garages and other similar type spaces shall not be taken into account in calculating the minimum air-conditioned enclosed living area square footage as required herein.

Width The width of the Dwelling Unit may be no less than 75% of the total width of the lot at the front setback building line, which is perpendicular between side lot lines. An example is a lot size being 75' wide, with 15' side setbacks, leaving 60' maximum buildable width. The minimum width of the Dwelling Unit is no less than 56.25'' and a maximum of 60'.

Height No Dwelling Unit may exceed ~~35'~~ in overall height and may not exceed three (3) stories in accordance with any government authority who has jurisdiction over Diamond Sands.

Use All Lots are restricted to use for a single-family detached residence, designed for and occupied by one family. Buildings accessory to the use of a Dwelling Unit ("Structures") may be erected provided that they are not used as living quarters unless specifically designed and approved as guesthouses.

Architectural Review No Dwelling Unit or Structure shall be commenced, erected, improved or altered, nor shall any grading, clearing, excavation, tree removal or change or exterior color or other work which in any way alters the exterior appearance of any Structure or Dwelling Unit be commenced without approval as set forth in accordance with these Development Guidelines and receives written approval from the ARC. Variances from procedures or guidelines may be granted as set forth in the Declaration or when circumstances such as topography, natural obstructions, hardship, aesthetics, or environmental conditions require. Building permits shall not be sought until after final review approval has been secured. All Dwelling Units and Structures must be designed by a Licensed Professional Architect qualified to perform services in Florida. The ARC strongly recommends using already approved architects that have previously built within Diamond Sands to ensure that the architectural and landscape plans compliment the community and the overall design of Diamond Sands. Architects that have not previously built within Diamond Sands are subject to ARC review and approval and require submission of the items listed in Attachment B.

Aboveground Storage Tanks

No aboveground storage tanks shall be permitted on any part of the subdivision. All propane tanks and bottled gas for household and or pool purposes (excluding barbeque grill tanks) must be installed underground. No inflammable, combustible or explosive fuel, fluid, chemical, hazardous waste, or substance shall be kept on any part of the subdivision except those which are required for normal construction use.

Accessory Structures

Accessory structures are permitted pending ARC approval.

Building Finishes

Finishes **permitted:**

- Painted stucco
- Natural stone or keystone
- Imitation Stone

Finishes **not permitted:**

- Wood siding
- Unfinished concrete block
- Plastics
- Shingle siding
- Reflective or mirrored glass
- Raw aluminum
- Hardboard or particle board
- All other simulated products will be reviewed on a case by case basis
- Glass Block

Drainage

Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. No person other than Developer, ARC or any applicable governmental agency may obstruct or re-channel the drainage flows of drainage gutters, swales or storm sewers. Surface water management, including, but not limited to, storm water storage and water quality treatment, shall conform to the requirements of the South Florida Water Management District and meet with the approval of Developer. No drainage, including, but not limited to, side yard swales, roof, patio, deck or pool drains, shall be allowed to sheet flow over or discharge directly through bulkheads or retaining walls without receiving water quality treatment. Exfiltration trenches or ABS plastic "sock" drains are recommended to achieve water quality treatment where deemed necessary. Drains may outlet or "bubble-up" into the rear drainage swale providing that the water level does not exceed the swale's capacity. Drainage run-off horn a Lot may not be discharged onto an adjoining Lot, the waterway or any other property.

Driveways, Front Walkways and Rear Patios

The driveway materials shall be unified with the front walkway by repeating the material color and texture in its entirety. Driveways shall be constructed in such a manner so that the flare of the driveway at the adjoining street curb, gutter or pavement does not extend beyond straight-line projection of the side property line of the Lot served by the driveway. In no event shall the driveway surface be less than seven and one-half (7-1/2) feet from the side Lot line.

Materials **permitted:**

- Concrete paver blocks
- Set stone or old brick
- Chattahoochee Stone
- Any other desired material must be presented to the ARC by actual sample for review

Materials **not permitted:**

- Plain concrete
- Asphalt
- Mulch
- Gravel

Elevations

Use of the following features is strongly recommended:

- Verandas/Balconies
- Roof top decks and towers
- Balustrades
- Arches and Columns
- Bay or Bow Windows and Rooms
- Corbels, Keystones, Quoins
- Transoms and Sidelights
- Metal Gates and Railings
- Low Walls and Potted Plant Material
- Exposed rafter tails and brackets

Window openings shall be articulated through the use of shutters, projecting lintels, substantial sills or surrounds such as pre-cast stone, faux stone or stucco banding.

Awnings, decorative shutters and permanent hurricane shutters are permitted only when designed as an integral part of the building elevation and approved by the ARC.

Varied Lines and Scale The mass and scale of all buildings shall be visually appealing through the use of Architectural detailing, windows, patio walls, balconies and varied roof lines.

Colors Exterior colors should reflect a British West Indies, or Bermuda style, emphasizing matte finish earth and neutral tones. Bright colors are not permitted. All exterior colors, including original and future color changes proposed by Owner/Builder, must be approved in accordance with the ARC. Owner/Builder may be required to paint a color sample on the residence before written approval is granted.

Roofs Roofs shall have a maximum pitch of 7:12 unless otherwise specifically approved to maintain compatibility with the style of the Structures.

Materials **permitted:**

- Flat or 'S' color impregnated concrete tile
- Barrel clay tile
- Slate
- Aluminum metal roofs, in conjunction with classic British west indies and coastal classic home styles.

Materials **not permitted:**

- Asphalt shingles
- Roll roofing
- Aluminum shingles
- Wood shingles or shakes
- Insulated Aluminum Patio Roofs

Impervious roofs over patios shall be designed with Architectural detailing to match that of the principal building and are subject to the review and approval of the ARC.

If some other new, attractive material for roofing surfaces is discovered or invented, the ARC may, in its sole discretion, approve or disapprove the use of such new materials. Flat roofs shall generally not be permitted unless they enhance the design of the Structure, or are for small portions of the roof only, or will not be visible from outside of the Lot.

Exterior Attachments

No awnings, canopies, shutters and similar additions shall be attached or affixed to the exterior of any Dwelling Unit or Structure without approval by the ARC

Clotheslines are not permitted. The hanging of laundry, clothing, rugs or any other articles on railings, fences, hedges, or walls is prohibited.

Decorative objects such as weather vanes, sculptures, birdbaths, fountains and the like shall not be placed or installed in Diamond Sands without approval by the ARC.

Outside antennas, satellite receptor dishes or devices or any other type of electronic device utilized or designed to be utilized for the transmission or reception of electronic or other type of signal shall be allowed with approval by the ARC as to its location, size, and color. No ham radios or radio transmission equipment shall be operated in Diamond Sands without the prior written consent of Diamond Sands Homeowners' Association ("Association"), which consent shall not be unreasonably withheld, and provided that such transmission does not cause interference with the reception of operation of other electrical equipment in Diamond Sands.

Exterior Lights

No exterior lighting fixtures or decorations shall be placed in or about Diamond Sands, unless approved by the ARC. Exception to this is Turtle Lighting as required by Florida Coastal Requirements.

Landscape accent lighting (up lights and down lights) is recommended instead of floodlights, and must be directed so as not to adversely affect adjacent properties. No colored lenses or bulbs shall be permitted.

Garages, Carports, and Storage Areas

No garage shall be erected which is separated from the Dwelling Unit unless enclosed within a courtyard or otherwise attached or integrated into the design of the Dwelling Unit. Each Dwelling Unit shall have a garage that shall accommodate no less than two automobiles. All garage doors must be equipped with operating, functioning automatic door openers and closers. All garage parking shall be underneath each residence.

Carports shall not be permitted within Diamond Sands unless specifically incorporated into the design of the Dwelling Unit and so approved or disapproved in the ARC's sole discretion.

No unenclosed storage area shall be permitted. No enclosed storage area shall be erected which is separated from the Dwelling Unit unless incorporated into the design of the Dwelling Unit and so approved or disapproved in the ARC's sole discretion.

.**Mailboxes**

Mailboxes shall complement the Architectural style, materials and colors of the dwelling structure. Details must be approved by the ARC.

Roof Vents and Chimneys

All roof mounted vents or stacks shall be painted to match the color of the roof. All chimney stacks shall be the same color as the body of the house. All chimneys shall be capped with either a tile or copper roof and accented with stucco and ceramic banding. Each shall be consistent with the style of the structure.

Screen Enclosures

Screen enclosures shall be permitted on a Dwelling Unit with the approval of the ARC. The vertical elements of the screen enclosure must be columns, pillars, posts, pilasters or other such architectural structures, which complement the architectural style of the home. The roof or horizontal framing elements must be of the same design and material of the home. Two (2) story screen enclosures shall not be permitted. Dark bronze, black, or white screens and frames will be permitted.

Screened enclosures shall not be allowed in the front yard between the house and the street.

Security Systems

In an effort to enhance the privacy of Diamond Sands, each Owner/Builder must install, at Owner/Builder's expense, an electronic security system designed so that it is capable of being monitored by a remote central station. It shall be the Owner/Builder's responsibility to maintain the system in full operational condition. NEITHER ARC NOR THE ASSOCIATION SHALL BE LIABLE FOR ANY HARM, DAMAGE OR LOSS ARISING FROM THE OPERATION OF THE SYSTEM OR ITS FAILURE TO OPERATE. ANY WARRANTY OR LIABILITY FOR THE SYSTEM'S DESIGN, INSTALLATION, OPERATION, OR MONITORING SHALL BE BETWEEN THE OWNER/BUILDER

AND THE CONTRACTOR(S) FOR THE SYSTEM. NO GUARANTEE OF ITS EFFECTIVENESS IS MADE BY ANY PARTY. Additionally, the Developer or the Association, may, but shall not be obligated to, implement, maintain or subsidize certain other security equipment or activities within die Neighborhood.

All security systems shall meet these minimum security specifications:

- The master control panel shall have a minimum of eight zones and shall be capable of DUAL, NOT SPLIT reporting. A communication dialer through the local phone company and a wireless communication dialer as a backup dialer must be included in the system.

- All systems must be "home run" wired to individual openings, (NO LOOPING) and electrical wire numbers utilized to identify each drop. A schematic must be supplied for each unit PRIOR to activation before any code number will be issued.

- A twelve-volt strobe indicator light shall oe installed under eaves, preferably under the garage front comer. One interior siren is mandatory.

- RJ31X telephone jack and interface cord supplied with each system to deliver signal and to aid disconnection in case of runaway alarm.

- The installation company shall telephone security system upon activation, to receive a code number. Emergency information MUST BE READY to deliver BEFORE any code number is issued. The installation company is responsible for programming communication and testing to guardhouse and central station, thereby assuring the resident that the entire system functions properly before signing off.

- Telephone run from master panel to telephone company interface MUST be a home run/dedicated line.

- ALL wiring and devices to be U.L. rated for alarm application specifically. National Electric Code requires alarm panels to be earth grounded.

- A twelve-volt photoelectric smoke detector fire circuit shall be integrated into the alarm system. The fire circuit WILL NOT be installed by the electrician.

- All download/installer master codes will retain factory default values.

Setbacks

No Dwelling Unit, pool or Structure shall be erected or constructed on any Lot within the following minimum building setback areas:

- All lots shall have a **minimum front setback of 20' (feet) for any portion of a building, measured from the eastern curb line of the Association roadway.**

- All lots shall have a **minimum side setback** from the side property line of seven and one-half (7-1/2) feet.

- The **minimum rear setback** for all Lots shall be the rear setback required by all applicable governmental authorities including the Department of Environmental Protection with respect to the Coastal Construction Control Line (CCCL).

Signs

No signs, freestanding or otherwise installed, shall be erected or displayed in or on any Lot, Dwelling Unit or Structure unless expressly approved by the ARC, which approval may restrict the size, color, lettering, placement and duration of such signs. Notwithstanding the foregoing, signs used or erected by Developer, construction plan boxes, entry and directional signs, and signs required for legal proceedings shall be permitted.

Storm Shutters

The use Storm Shutters is not permitted. Impact windows and doors (including sliders) are approved.

Structured Wiring

Distribution Panel To be centrally located within the house, typically in a closet or the garage. All wires are to be home run to this point. This provides connection of TV's, telephones, and computer network devices while allowing for future upgrades.

- 14"w x 24"h minimum enclosure.
- Must be a nationally recognized product, readily available through nationwide distributors.
- Must have dedicated 120v 15amp AC outlet, inside or directly below panel.
- Must have 2" electrical conduit, 12" minimum bend radius, maximum of three (3) 90 degree elbows, unoccupied, with pull suing, running into attic for future cables.
- Must provide modular cross-connection for all Category 5 cables. This can be done with modular connectors or patch panels. This allows for selection of telephone or computer use by plugging Category 5 cable into corresponding modules.
- Must be U.L. approved.
- Pre-approved products include: IBM Home Network, Monster Central, US Tec LAN II, Channel Vision. Use of any other products must be approved by builder, and must meet all other specifications. All components incorporated into system must be as specified by approved manufacturer. (No Substitutions).

Wiring There are four types of cables used in these systems: RG-6 Quad (coax) is used for all cable TV, cable modem and satellite wiring. RG-59 (coax) is used for all internal video and security camera wiring. Category 5 is used for all telephone, control and computer network wiring. Four (4) conductor, 16-gauge speaker wire.

- All cables will be home run to the distribution panel.
- Cables may not be routed through same holes as electrical wires.
- All cables to be neatly routed and bundled.

- 5" minimum bend radius on all cables.
- 6" separation from all electrical devices.
- No direct contact with water pipes.
- No direct contact with A/C ducts or devices.
- No direct contact with sharp objects.
- All fire proofing to be included, as per code required.
- 18" coils at outlets.
- 60" coils at distribution panel.
- All cable must be tagged and tested.
- All coax cable to be 90% braid minimum. Rated @ 1 Ghz minimum, U.L. approved.
- Category 5 to be rated at 100 Mhz minimum, U.L. approved.
- Speaker wire will be 16-gauge minimum, U.L. approved.

Outlets Color and texture of outlet plates, modules, blanks and screws must match electrical trim. Electrical trim shall be Leviton white, unless otherwise noted. Outlets must use snap-in modules, which can be reconfigured. All outlets are to be single-gang at electrical outlet height, unless otherwise noted.

- Telephone: All telephone outlets will have one Category 5 cable. All telephone connections will be made by terminating one Category 5 cable onto two (2) 6-pin modular jacks (RJ-45). These jacks will be positioned one above the other. Lines 1 and 2 (blue and orange) will be trimmed on the top jack, using 568A configuration. Lines 3 and 4 (green and brown) will be trimmed to the lower jack in the same manner.

- Television: All TV outlets will have two RG-6 Quad cables and one Category 5 cable. All RG-6 connections will be made with two-piece snap and seal connectors. The top jack will be for cable TV, the middle jack will be wired as denoted above for lines 1 and 2, the bottom jack will be for satellite. Snap in modules for coax connections will contain an F-81 connector rated @ 2 Ghz minimum, U.L. approved.

- Multi-Media: All Multi-Media outlets will have two RG-6 Quad cables and two Category 5 cables. All RG-6 connections will be made with two-piece snap and seal connectors. Snap in modules for coax connections will contain an F-81 connector rated @ 2 Ghz minimum, U.L. approved. The top left jack will be RG- 6 Quad for cable TV, the top right jack will be RG-6 Quad for cable modem, the bottom left jack will be Category 5 as denoted above for fines 1 and 2 for telephone, fax or modem, the bottom right jack will be Category 5 using 568A configuration for LAN.

- Additional

  - One Category 5 cable will be run to alarm panel (unterminated),
  - One Category 5 cable will be run to each thermostat (unterminated),
  - One Category 5 cable will be run to the doorbell button location (unterminated).

Audio All speaker and control cables will be home run to the main equipment location. All speaker wires will be run from the main equipment location to the volume control/keypad location to the speaker locations. All volume

control/keypad locations will have a Category 5 wire run to the main equipment location for keypad audio control.

- One RG-6 Quad from main equipment location to attic scuttle area for FM antenna.
- One Category 5 from main equipment location to distribution panel for telephone.
- Two, RG-6 Quad from main equipment location to distribution panel for modulation.

Swimming Pools. Spas and Hot Tubs

The design, location, and elevation of all swimming pools, spas and hot tubs must be approved by the ARC in accordance with the Development Guidelines. Aboveground pools and aboveground spas are not permitted unless they are integrated into the design of the Dwelling Unit and specifically approved. Direct drainage of water from swimming pools, spas or hot tubs onto any adjacent Lot, Common Area or the waterway shall not be permitted.

Trash Removal and Storage

All Lots must provide for garbage, trash and refuse removal. Trash containers are to be placed at the curbside no earlier than the evening before pick up and retrieved no later than the day of pick up. Fully enclosed storage facilities for garbage and trash containers shall be required for each Dwelling Unit and shall be integrated into the design of the Dwelling Unit.

Utility Details

No mechanical equipment is to be placed on roofs. Solar panels are permitted with location approved by ARC. No solar collectors or devices shall be allowed without approval in accordance with Diamond Sands ARC, provided the requirements of Section 163.04(2), Florida Statutes, or any other applicable laws are met. Any such collector or device shall be located so as not to be readily visible from surrounding streets or Lots and shall be compatible in color and design with the Dwelling Unit to which they are attached.

Window or wall mounted air conditioner units are not permitted.

All Dwelling Unit are to be pre-wired for cable TV, telephone, computer lines and a hard wire security and fire alarm system.

Adequate buffering and screening from the street and adjacent properties as determined by the ARC is required for the following:

- Air conditioner units
- Utility boxes and meters
- Pool pumps and heaters
- Irrigation pumps and backflow prevention devices
- Underground gas tanks for pool heaters
- Trash containers
- Low-pressure sewer pump system and appurtenances

Walls. Fences. Gates and Archways

Walls, fences, gates and archways shall be designed as an extension of the architectural mass and shall be detailed to unify the entire site design. The creative use of walls, fences, gates and archways when designed to create a series of entrances and levels to provide for variety in the scale of exterior space and elevation treatment is encouraged.
No privacy wall or solid fence may be used on the rear property line or on the side property line in the front or rear setback areas to avoid disrupting views. No wall or fence shall be constructed on a Lot with a height of more than six (6) feet above the existing ground level of adjoining property.

A wall, fence or enclosure shall only be constructed of materials and with a design and color as approved in accordance with Diamond Sands ARC. No chain link fencing shall be allowed except for ARC approved tennis courts. All court fencing must have black vinyl coating, windscreens and adequate landscaping. Wood fences will not be allowed unless specifically approved for good cause and with adequate landscape screening.

Wall/fence materials **permitted:**

- Pre-finished aluminum picket
- Wrought iron

Fence colors **permitted:**

- Black
- Bronze
- Verde Green
- White
- Other special colors approved by ARC

Window Frames and Tinting

Mill (raw) aluminum is not permitted as a window frame material.

Window tinting, as a method of energy conservation is permitted, provided that the type, color, and method of tinting is approved in accordance with Diamond Sands ARC. Reflective or foil windows coverings are prohibited.

Window frame colors **permitted:**

- Black
- Dark Green
- Dark Stain (on wood)
- White
- Other special colors approved by ARC

Builder Approval Requirements

All new Builders are subject to review and approval by the ARC. Builders are required to submit the items delineated on Attachment (C) prior to the ARC receiving the preliminary plans for review and approval of the Builder, his/her subcontractors and vendors within Diamond Sands. The documentation required by Attachment C will be used to evaluate the stability and insolvency of the Builder. Builders who have built within Diamond Sands prior to January 2017 are not required to obtain approval. A listing of approved builders can be obtained from the ARC or management. Owners, and their related businesses, corporations, and entities, cannot operate or serve as the Builder unless they are a licensed general contractor in the State of Florida and can comply with all other rules, requirements, regulations, and standards of the Association and federal, state, and local laws.

Contractors, Subcontractors, Suppliers, and Vendors

All contractors, subcontractors, material suppliers, vendors, and their employees must complete a criminal background check through Safe Communities Vendor ID Program ("Safe Communities"). Safe Communities will conduct the background check and provide a "Safe Communities Vendor ID" once approved. Contractors, subcontractors, material suppliers, vendors and their employees must agree to the background check and submit the appropriate information and fees to allow the background check to be completed.

ARCHITECTURAL DESIGN CRITERIA

The landscape and irrigation plan for a Lot in Diamond Sands shall be submitted to the ARC for review and approval in accordance with the Development Guidelines. Such landscape plan shall be prepared by a Florida Licensed Landscape Architect, who shall utilize a plant palette and theme harmonious with the landscape palette approved for Diamond Sands. The design must provide enrichment for both the short-term and the long-term appearance of Diamond Sands. The plan should indicate property lines, setbacks, easements, adjacent site conditions, location of proposed structure showing windows and doors, proposed hardscape, utility elements, existing and proposed vegetation. A plant list identifying scientific names, common names, height, spread, caliper (at time of planting), and any other pertinent specifications should accompany the plan. A preliminary cost estimate shall also be submitted with the plans which demonstrates a minimum $35,000 value for landscape materials, excluding irrigation and sod.

It is the ARC'S intent that the existing native vegetation be retained to the maximum extent possible. Clearing shall be done selectively, retaining wherever possible the native vegetation. The landscape plan shall indicate existing vegetation intended for removal and retention. The ARC reserves the right to require changes for individual Lots should special conditions or situations exist.

Design Review Process

Steps included:

- If native vegetation exists on the Lot, a survey must be submitted to the ARC which has been prepared by a professional land surveyor locating existing trees four (4) inches in diameter at breast height (DBH) or greater and significant shrub masses.
- An on-site review with ARC of existing vegetation may be required prior to any clearing.
- Review and written approval of final landscape plan and irrigation plan.
- Installation of protective fencing around native and Developer installed vegetation during construction.
- Transplanting of suitable trees removed from construction areas as determined by ARC.
- Final inspection and sign off following construction and prior to Certificate of Occupancy ("C.O.").

Revision to Plans

Any revision, change or variation from the approved landscape and irrigation plan shall require written approval by the ARC in accordance with the Development Guidelines. Any additional landscaping to be installed or removed after occupancy will require written ARC approval of the modification prior to installation or removal.

Maintenance

The Owner/Builder shall be responsible for maintaining and keeping in good and living condition all landscaping, trees, shrubs, lawns and ground cover on a Lot, the cost of which shall be borne by the Owner/Builder. In addition, the Owner/Builder of a Lot shall be responsible for maintaining and keeping in good working order the landscape irrigation

system installed in or on the Owner/Builder's Lot. Irrigation systems shall be maintained in such a manner so as to cause no stains on homes, walls, structures or paved areas. The Association may require a rust-free irrigation system. If the Owner/Builder fails to maintain the landscaping, trees, shrubs, lawn and groundcover, in a manner consistent with the quality and standards of Diamond Sands as an upscale, executive style community, in the ARC'S reasonable discretion, such failure shall be deemed a violation of the Declaration and the Association shall have the right to perform such maintenance at the Owner's/Builder's sole cost and expense which shall be levied and collected pursuant to the terms of the Declaration.

Planting Requirements

Specifications: All plant materials shall be Florida #1 or better as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry-Latest Edition.

Trees and Palms: A minimum of six (6) canopy trees or specimen palms as defined in the Recommended Landscape Palette herein are required per Lot, three (3) of which must be located in the rear of the Lot. Minimum height requirements for the canopy trees or specimen palms are 18-20' to the trunk of the tree. Trees with invasive root systems shall not be planted unless a root barrier system acceptable to the ARC is provided. Ultimate size of canopy trees should be considered when located near structures, utilities and other plant materials. Single-trunk palms should be clustered in groups of odd numbers and located within planting beds versus open lawn. Tree and palm locations should complement the architectural lines of the structure. Flowering and accent trees are encouraged and should complement the structure in both shape and color. In addition, a minimum of three (3) ornamental or flowering trees shall be provided on the Lot. Said ornamental trees shall be strategically placed to accentuate the Architecture and pedestrian areas of the home.

Shrubs and Ground Covers: Shrub materials should be planted to provide a layered appearance with larger shrubs in the background stepping down to ground covers in the foreground. A - limited palette of complementary plants is encouraged over a larger variety, and should form a continuous mass visually versus isolated plantings. Flowering and native shrub species are encouraged. Ground covers shall be spaced to provide 100% coverage within twelve (12) months of planting. Hedges and / or buffer planting beyond the rear building setback line shall not interrupt the waterway views from adjacent Lots. All landscape planting within the rear-building setback is subject to ARC approval for type and height.

Grass: All grass areas shall be sodded with St. Augustine Floritam, Bermuda or Zoysia Grass. Bahia grass is not permitted. The amount of grass areas shall not exceed 50% of total site landscape area.

Mulch: All planting beds shall receive a minimum three (3) inch layer of shredded cypress or melaleuca mulch. White rock, sand, pebbles, wood chips or similar materials are not permitted except in limited quantities associated with planting beds and should be noted on plans as such.

Berms: Landscape berms shall have gentle, smooth slopes (maximum 4:1) with a natural appearance.

The Owner/Builder shall be required to verify the location of all utilities and any damage thereto shall be the responsibility of the Owner/Builder.

All vegetation selected and approved must be viable due to the coastal/ocean environment.

The following plant materials shall be expressly prohibited from all Lots:

Bischofia Javanica	Bischofia
Casuarina equisetifolia	Australian Pine
Cupaniopsis anacardioides	Carrotwood
Melaleuca quinquenervia	Melaleuca
Schefflera actinophylla	Schefflera
Schinus terebinthifolius	Brazilian Pepper

CONSTRUCTION CRITERIA

The following provisions govern construction activities after written approval from the ARC has been obtained. A copy of these guidelines is to be distributed to, acknowledged, accepted and followed by all builders, subcontractors and materialmen operating in Diamond Sands. The ARC may establish additional rules governing construction activity with Diamond Sands. All construction activities shall also comply with the Development Guidelines.

Pre-Construction

Prior to starting new construction, the Owner/Builder will notify the Association to schedule an on-site meeting to discuss construction parking, dumpster location and the location of the underground utilities, retaining wall tiebacks and other relevant information. Owner/Builder must use a line locating service for underground utilities prior to trenching or digging on the site. Any questions or other construction site issues should be directed to the Association's representative.

Documentation and Contact Information

Owner/Builder must deliver to the ARC copies of all construction and building permits and the contract with the builder before final approval is provided by the ARC. The ARC may issue preliminary, conditional approval before the permits and contract are provided. Owner/Builder shall provide the ARC with a list with names, addresses, telephone numbers, and identity of contact persons of all contractors, subcontractors, materialmen, and suppliers (collectively, the "Contractor") and changes to the list as they occur relating to construction. Each Contractor and any person associated therewith shall utilize those roadways and entrances into Diamond Sands as are designated by the ARC for construction activities. The ARC shall have the right to refuse entrance to persons and parties whose names are not registered with the ARC.

Supervision

A supervisor or project manager from the Builder must be at the property supervising, monitoring, and overseeing the work at all times when work is being performed.

Performance/Conduct

The ARC may, from time to time, adopt standards governing the performance or conduct of Owner/Builder and any person associated therewith within Diamond Sands. Each Owner/Builder and any person associated therewith shall comply with such standards and cause its respective employees to also comply with same. The ARC may also promulgate requirements to be inserted in all contracts relating to construction within Diamond Sands and each Owner shall include the same therein.

Construction Inspections

During construction, the ARC has the right, but not the obligation, to make periodic inspections. These inspections may include, but are not limited to, the following:

- Stemwall or Slab Survey A survey shall be submitted to the ARC or Developer for approval prior to forming and constructing walls.
- Pre-Stucco/Finish Inspection An exterior inspection to review compliance with approved plans.
- Pre-Planting Inspection An inspection of the site conditions. All road rock, debris, (paint, stucco, oils, tiles, concrete, wood, trash, etc.) shall be removed from all planting and pervious areas. All dumpster and trash containers shall be removed from the site. The Owner/Builder shall insure that the soil is suitable for planting. All finished soil grades shall be two (2) inches below adjacent paving.
- Final Inspection A final inspection of each Lot and improvement will be made by the ARC or its representatives to verify compliance with the ARC approved plans and specifications. All corrections noted must be completed prior to application for C.O.
- Construction Deposit Return Owner/Builder must submit to ARC upon receipt of the C.O. a final as-built survey, final as-built plans and a copy of the C.O. Upon determination that the improvements strictly comply with ARC approved plans and approval by Developer and ARC, the construction deposit balance will be returned.
- ComplianceThe Developer or ARC is empowered by the Development Guidelines to enforce compliance with the ARC approved plans and specifications, including stop work orders, fines, or actions in a court of law.

Construction Deposit

A construction deposit of $25,000.00 will be made payable to the Association and held by the Association. The construction deposit shall be used to repair damage of any kind or to remove any debris or garbage caused by the construction activity of Owner/Builder. A verbal or written courtesy notice may first be given to the Owner/Builder. If no correction is made within five (5) working days, the Association may repair the damage or correct the violation. The cost of repairing the damage or correcting the violation shall be garnered out of the construction deposit. The Association may also impose a fine in the amount of $100.00 per day for each day of the continuing violation up to a maximum of $1,000.00 for each violation. The fines will be garnered out of the construction deposit. Any unused construction deposit funds will be refunded to the Owner/Builder at time of the issuance of the C.O.

Access

Construction access will be available only from 7·00 a.m. to 5:00 p.m., Monday through Saturday. The Association may change these hours at any time. No construction activity is permitted on Sundays or holidays. Please instruct everyone associated with your company not to arrive prior to the starting time.

Building Elevation

The minimum building elevation of the lowest habitable finished floor for a Dwelling Unit has been set at 19.86' NGVD

or greater as indicated on the Construction Plans. Any deviation from this minimum building elevation shall be reviewed and approved by the ARC. Site conditions, including drainage, road grades and adjacent lot grades shall be considered. Foundations with stem walls that would otherwise be visible will be required to be screened by backfilling, landscaping, or other approved screening.

Clean Construction Sites

Construction sites must be maintained in neat orderly fashion, and be policed and cleaned daily for dirt in the street, gutter or sidewalk. Litter is to be picked up immediately as it tends to blow throughout the area if unattended. The Owner/Builder will be responsible to clean and or replace damaged or stained pavers, asphalt, concrete or other improvements at the discretion of Developer. Erosion due to inclement weather must be addressed immediately to keep the waterway clean and the storm water system in workable condition and to avoid any inconvenience to existing residents. If an objectionable amount of debris attributed to a construction activity is found, and the Owner/Builder fails to rectify the situation at that time, the Association reserves the right to correct the situation and charge reasonable rates for any work done in addition to imposing the fines mentioned above.

Construction Fencing

Owners / Builders are required to install a construction fence at a minimum of 2' high around any Lot under construction. Owners / Builders are also required to install a safety fence at a minimum of 42" high around any open holes that will not be filled after that days work and around any existing trees or vegetation to be preserved. The purpose for this temporary fencing is to clearly identify any dangerous areas and to protect the specimen trees. It will be the Owners / Builders responsibility to protect the vegetation selected for preservation. To avoid potential damage to trees, no parking or operating equipment within the drip line is allowed. Fencing should be properly staked in intervals not to exceed fifteen (15) feet and securely fastened with a backing strip. The safety fencing is to be installed on a minimum of four (4) by four (4) inch posts. The fencing must extend beyond the outside spread of any tree branches to reasonably ensure successful protection. Excavation in and around any protected trees must be done by hand to avoid damage to the roots. If any length of the construction fencing is removed or is damaged, it is to be replaced by the end of the day. The fencing may be removed when beginning the final exterior landscaping.

Construction Trailers

No construction trailers (office, sales, or storage) are permitted unless expressly approved in writing by Developer or ARC.

Inspection

There is specifically reserved to the Board, the ARC, and to any agent or member of either of them, the right of entry and inspection upon any portion of the Community and Lot for the purpose of determination whether there exists any violation of the terms of any approval or the terms of the Declaration or these Development Guidelines.

Damage

If during any construction activity on a Lot, or at any time, any of the subdivision improvements or Common Areas are damaged or destroyed by Owner/Builder, its contractors, subcontractors, sub-subcontractors, laborers, materialmen and other involved in the construction, including without limitation, any asphalt, pavers, curbs, manholes, street lights, street lamps and poles, sidewalks, landscaping, landscape walls, irrigation, street signs, sewer system and appurtenances, davits, docks, lifts, upland retaining walls or bulkheads located thereon, the Owner/Builder of such Lot shall be liable for all costs incurred in repairing or replacing such improvement or Common Area. Further, if during any construction activity on a Lot, or at any time, any of the mangroves are damaged or destroyed by Owner/Builder, its contractors or subcontractors, sub-subcontractors, laborers, materialmen and other involved in the construction, Owner/Builder of such Lot shall be liable for all fines, penalties professional fees and all costs incurred in repairing, replacing or mitigating for the mangroves. Any of the above referenced costs thereof shall be assessed against the Owner/Builder as a Special Assessment, the lien for which may be foreclosed in the same manner as is provided for in the enforcement of the Association assessment liens as set forth in the Development Guidelines. The ARC reserves the right to collect from Owners / Builders a security deposit against any such damages which - might occur during the construction of a Dwelling Unit.

Drainage

Surface water runoff on Lots must be controlled and maintained so as not to cause any ponding, erosion or unfavorable impact on adjacent Common Areas, Lots or the waterway. Lots are required to drain toward the drainage system facilities provided by Developer and are required to meet all conditions of all applicable permits. No drainage is to run directly onto another Lot and the waterway.

Dumpster

A twenty (20) cubic yard dumpster must be positioned on the Lot at the time a slab is poured. The dumpster is not to be overfilled and is to be emptied without delay when full. Any spillage must be placed in the new dumpster immediately. All refuse and debris shall be removed or deposited in the dumpster on a daily basis. No refuse or debris shall be deposited or permitted to be deposited on the Owner's Lot, other than in the dumpster, in any waterbody, Common Area, or other Lots. If a Owner/Builder shall fail in any regard to comply with the requirements of this Section, the ARC may require that the Owner/Builder to post security with the Association in such form and amount deemed appropriate by the ARC in its sole discretion.

Hazardous Waste/Toxic Materials

No inflammable, combustible or explosive fuel, fluid, chemical, hazardous waste, or substance shall be kept on any part of Diamond Sands except those which are required for normal construction use. All such materials must be kept in compliance with all applicable federal, state and local statutes, regulations and ordinances, and shall not be deposited, in any manner on, in or within the Lots, Common Areas, and waterbodies. If an Owner/Builder shall fail in any regard to comply with the requirements of this Section, the ARC may require that the Owner/Builder to post security with the Association in such form and amount deemed appropriate by the ARC in its sole discretion.

Nuisances

A number of Dwelling Units may be occupied. To respect homeowner privacy, do not allow your construction workers, subcontractors or materialmen to play loud music, wander around completed homes or bring alcoholic beverages into the subdivision. Please use your good judgment in order to maintain good relations with these residents.

Parking

Parking for Owners / Builders, subcontractors and materialmen is limited to the designated construction parking areas unless otherwise approved by the Association. This request is made to reduce the damage to the streets, sidewalks and driveways due to oil drips, mechanical equipment, trucks, cranes and vehicles. Parking is not allowed in the area in front of the home site because that will damage the sprinkler system. At no time should anyone park in front of completed homes or on both sides of the street in a manner which blocks traffic. Parking is prohibited in the drainage areas, preserve areas, conservation areas, easements, swales, and such areas in Diamond Sands shall be kept clear of vehicles, construction materials and debris at all times.

Pets, Friends or Relatives

Owners / Builders, subcontractors and materialmen cannot bring pets, friends, children or relatives into the development at any time.

Portable Toilets

A portable toilet is required on each Lot during construction and it must be positioned in such a way that it is least offensive to Diamond Sands residents, guests and customers. The cleaning -truck should not be scheduled to clean out the portable toilet before 8:00 a.m. This will minimize the disturbance to the homeowners during the pumping cycle of the cleaning process.

Private Roads

No Lot or any part thereof, shall be opened, dedicated or used as a street, road or thoroughfare, without obtaining the prior written consent of the Developer.

Signs

No names, signs or job numbers shall be erected or displayed in or on any Lot or Dwelling Unit under construction unless expressly approved by the ARC, which approval may restrict the size, color, lettering, placement and duration of such signs. Notwithstanding the foregoing, signs used or erected by Developer, construction plan boxes (white only), entry and directional signs, and signs required for legal proceedings shall be permitted.

Storage of Equipment. Supplies and Materials

Lots or Common Area cannot be utilized as temporary storage facility for earth moving equipment, trailers, vans or other equipment or materials which have no planned immediate use. Materials and supplies delivered to the Lot must be limited to the Dwelling Unit under construction. Adjacent Lots and Dwelling Units are not to be disturbed or utilized for material storage. Construction materials are to be temporarily stored on-site in an orderly manner that will not interfere with pedestrian or roadway traffic.

Completion of Construction

When the physical construction of any improvement starts, said construction shall be performed on a diligent and continuous basis. The work shall be completed within a reasonable time. If for any reason a structure is not completed within the timeframes for construction, as determined by Board or the ARC, then the Board or the ARC may, after ten (10) days' notice to the Owner of the Lot, enter the Lot and take such steps as are necessary to correct any undesirable condition. The Owner of the Lot shall be liable for all costs incurred in such action and the total costs thereof will be a lien on the Lot, which lien may be foreclosed in the same manner as is provided for the enforcement of Association assessment liens as set forth in the Declaration.

Certificate of Compliance

Prior to the occupancy of any improvement constructed or erected on any Lot, the Owner thereof shall obtain a Certificate of Compliance from the ARC, certifying that the Owner has complied with the requirements set forth herein. The ARC may, from time to time, delegate to a member or members of the ARC, the responsibility for issuing the Certificate of Compliance.

Responsibility

Each Owner is responsible for compliance with all terms and conditions of these Development Guidelines by the Builder and all of its employees. The Owner/Builder is responsible for the acts of all subcontractors, sub-subcontractors, laborers, materialmen and others involved in the construction of improvements. Any infractions of these Guidelines by any such subcontractor, sub-subcontractor, laborer, materialmen or others will be deemed to have been made by the Owner/Builder. In the event of any violation of any such terms or conditions by any Contractor and/or any person associated therewith, in the opinion of the ARC, the continued refusal of any Builder, subcontractor, sub-subcontractor, laborer, materialmen, or and/or any person associated therewith to comply with such terms and conditions, after five (5) days' notice and right to cure, the ARC shall have, in addition to the other rights hereunder, the right to prohibit the violator and/or any person associated therewith from performing any further services in Diamond Sands.

Enforcement

In the event that any Owner/Builder and any person associated therewith fails to comply with the provisions contained herein, the Declaration, or other rules and regulations promulgated by the ARC, the Association and/or ARC may, in addition to all other remedies contained herein, record a Certificate of Non-Compliance against the Lot and/or Dwelling Unit slating that the improvements on the Lot and/or Dwelling Unit fail to meet the requirements of the Declaration and/or the Development Guidelines and that the Dwelling Unit is subject to further enforcement remedies. In the event that it becomes necessary to resort to litigation to determine the propriety of any constructed improvement or to cause the removal of any unapproved improvement, the Board, Association and/or ARC shall be entitled to recover court costs, expenses and attorneys' fees and paraprofessional fees at all levels, including appeals, collections and bankruptcy, in connection therewith.

DIAMOND SANDS REQUEST FOR DESIGN REVIEW

Attachment A

-PLEASE PRINT-

APPLICANT NAME: _____

ADDRESS: _____

PHONE: **FAX:** _____

DATE: _____

LOT: _____

Submitting the following for approval:

Construction Plans and Specifications, including:

( ) Site Plan/Survey
( ) Irrigation Plan
( ) Landscape Plan
( ) Hardscape Plan
( ) Foundation Plan
( ) Piling Plan
( ) Roof Framing Plan
( ) Electrical
( ) Floor Plans
( ) Exterior Elevations
( ) Pool and/or Screen Enclosure Plans
( ) Materials Specifications

Existing Elevations:

Adjacent Crown of Road _____
Curb Low/High Points _____
Drainage/grade at property lines _____

Proposed Home Elevations (Grade):

Lowest finished floor level _____
Garage slab _____
Patio level(s) _____

Proposed Square Footage:

First Floor Air Conditioned _____
Second Floor Air Conditioned _____
Garage(s) _____
Lanai, Roofed _____
Entry, Roofed _____
Balconies, Roofed _____
Total Under Roof _____

Height/Roof Pitch:

Height of Home: _____
Roof Pitch: _____

Materials	Color/Specifications
Banding/Trim	_____
Columns	_____
Door/Front	_____
Doors/Garage	_____
Driveway	_____
Fascia	_____
Lighting	_____
Pool	_____
Pool Patio/Deck	_____
Railings	_____
Roofing Tile	_____
Screen Frame	_____
Shutters	_____
Soffit	_____
Exterior Wall Base	_____
Window Frames	_____
Window Glass	_____

Proposed Locations) and Shielding (by wall/fence or landscaping):

A/C Equipment _____
Swimming Pool Equipment _____
Lawn Irrigation Equipment _____
Trash Containers _____

Other Information:

DIAMOND SANDS ARCHITECT'S GUIDELINES

Attachment B

- All Dwelling Units and Structures must be designed by a Licensed Professional Architect qualified to perform services in the State of Florida.

- The ARC strongly recommends using licensed residential and landscape architects who have already prepared and provided architectural and landscaping plans for existing Dwelling Units in Diamond Sands. This will help ensure that the architectural and landscape plans being proposed by Owner/Builder compliment the community and the overall design of the Diamond Sands development.

- Architects that have not previously designed homes within Diamond Sands will be subject to ARC review and approval and require submission of the following items:

    1. Company profile and overview;

    2. A portfolio of homes of similar size and style that were designed and/or built in a coastal location preferably Florida, but within the Southeast coast of the United States; and

    3. A copy of their current State of Florida Architect's license.

DIAMOND SANDS BUILDER APPROVAL

Attachment C

- Name & Address of Builder
- Resume of Builder and/or Company Brochure
- Proof of Builder's Liability Insurance
- Proof of Builder's Worker's Compensation Insurance
- Copy of Builder's General Contractor's License
- History of any Builder or Company Litigation (if any)
- Builder's/Company's financial statements, including past full year and current year to date balance sheet and profit and loss statements.
- References including contact information from at least three (3) former clients whose homes were constructed by Builder which are similar in size and style to homes already constructed and/or described in the Development Guidelines of Diamond Sands.