

EXHIBIT "B"

ARCHITECTURAL PLANNING CRITERIA

COPELAND'S LANDING

WHEREAS, the Declaration of Covenants and Restrictions for Copeland's Landing Subdivision, as recorded in Official Records Book \_\_\_\_\_, Pages \_\_\_\_\_ through \_\_\_\_\_, of the Public Records of Indian River County, Florida, provides that the subdivision form a committee known as the Architectural Review Committee (the ARC); and

WHEREAS, the above referenced Declaration of Covenants and Restrictions provides that the Board of Directors of the Copeland's Landing Homeowners Association, Inc., shall adopt and modify or amend from time to time the Architectural Planning Criteria for the Subdivision, which criteria are to be set forth in writing and made known to all Owners and all prospective Owners in Copeland's Landing.

NOW, THEREFORE, the Developer has appointed a committee to be known as the ARC and in accordance with the duties and obligations imposed upon said committee by the Declaration of Covenants and Restrictions for the Copeland's Landing Subdivision, the Board of Directors of the Association, upon recommendation of the ARC do hereby adopt the following Architectural Planning Criteria:

1. It is the plan of the Copeland's Landing Subdivision to develop Copeland's Landing into a highly restricted community of quality homes, aesthetically compatible with each other and with their natural surroundings. The ARC shall evaluate the proposed improvements with emphasis upon their harmonious incorporation into the community as a whole and with specific emphasis on external design, location of the improvement in relation to the surrounding structures and/or improvements, topography and conformity to the restrictive covenants imposed hereunder.

2. Building Type and Dimensions. No building shall be erected, altered, placed, or permitted to remain on any lot other than a detached single-family dwelling containing not less than two thousand (2,000) square feet and fifteen hundred (1,500) square feet on the ground floor in a two-story dwelling, exclusive of open or screen porches, terraces, and garages. Any dwelling erected shall not exceed more than thirty-five (35) feet in height from the highest point of elevation on said lot and having a private and enclosed garage for not less than two (2) cars.

Unless approved by the ARC as to the use, location, and architectural design, no garage, tool, or storage room may be constructed separate and apart from the residential dwelling, nor can any such structure(s) be constructed prior to construction of the main residential dwelling.

3. Procedure for Plan Submittal. The following two-step procedure shall be followed by the Owners in submitting the necessary documentation to the ARC. Step I is established for the purpose of minimizing misunderstandings and expense to the Owners.

Step I: (a) The owner shall submit tentative conceptual plans and specifications, prepared in a professional manner to the ARC for approval prior to finalizing plans and specifications as called for in Step II.

- (b) The owner shall submit a tree survey locating each tree of two (2) inches or greater in diameter located on the Lot.
- (c) The owner shall submit the elevation of the lot to determine the fill or removal requirements.

Step II: After receiving tentative conceptual approval by the ARC, final plans and specifications shall be submitted, including the following:

- (a) An accurately drawn and dimensional plot plan showing all building setbacks, easements, drives and walks.
- (b) Foundation plan, floor plan, exterior elevations of buildings as they will actually appear after all backfilling and landscaping is done from finished ground up.
- (c) Actual samples of all materials such as roofing, siding, brick, etc., as well as all exterior color schemes must be submitted for approval.
- (d) Landscape plan showing the location of all existing and proposed landscaping and sprinkler system layout, prepared in a professional manner.
- (e) All plans must be drawn in a professional manner on a one-quarter scale.

4. Builder and Construction Approval. All builders or contractors must be licensed and approved by the Developer and the ARC. Any construction done in Copeland's Landing by any builder or contractor even though the builder or contractor has been approved by the Developer and the ARC which is done in a poor and unworkmanlike manner may be stopped by the Developer and the ARC and further work on the job will cease until the work has been corrected to the satisfaction of the Developer and the ARC. Each owner or his assigns by purchasing property in Copeland's Landing hereby gives his permission to the Developer and the ARC or its representatives to inspect the work done on his property at such reasonable time and manner so as to assure conformity with these guidelines and restrictions. A clean and orderly job must be maintained at all times, both inside and outside the home. Construction must proceed on a timely and continuing basis without interruption.

5. Layout. No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARC. No change in the grade or topography of the lot shall be made without written approval of the ARC. The finish floor elevation of the house must be approved by the ARC. It is the purpose of this approval to assure that no trees are unnecessarily disturbed and that the home is placed on the lot in its most advantageous position.

6. Exterior Color Plan. The ARC shall have final approval of all exterior color plans and each owner must submit to the ARC a color plan showing the color of the roof, exterior walls, shutters, trims, etc. The ARC shall consider the extent to which the color plan is consistent with the homes in the surrounding areas and the extent to which the color plan conforms with the natural color scheme of and for Copeland's Landing.

7. Roofs. There shall be no exposed flat roofs or roof pitches less than five (5) feet in twelve (12) feet except porches, patios and flared eaves.

8. Block. There shall be no exposed block.

9. Roof Overhang. There shall be a minimum roof overhang of thirty-six (36) inches, unless approved by the ARC.

10. Exterior Flashing, Vents, etc. All exterior flashing and sheet metal work shall be of copper. No plumbing vents, exhaust fans, etc., are to protrude through the roof on the front side of the roof, and shall not be visible from the street. Solar collectors and other equipment shall also not be visible from the street.

11. Driveway and Walkway Dimensions and Construction. All dwellings shall have a paved driveway, type of surface to be approved by the ARC, of at least eighteen (18) feet in width at the entrance to the garage. All exterior walks must be of a composition compatible with the surrounding dwelling and porches and patios.

12. Signs. Owners shall not display or place any sign of any kind, except for signs displaying "For Rent," "For Sale," "Open House," or the owner's name, not to exceed one square foot each. The design of the sign shall be approved by the ARC.

13. Games and Play Structures. All basketball backboards and any other fixed games and play structures shall be located at the rear of the dwelling, or on the inside portion of corner lots within the setback lines. No platform, dog houses, pet enclosures, play houses, or structures of a similar kind or nature shall be constructed on any part of the lot located in front of the rear line of the residence constructed therein, and any such structures must have prior approval of the ARC. Additionally, said structures shall not be visible from the street.

14. Fences and Walls. The composition, location, and height of any fence or wall to be constructed on any lot shall be subject to the approval of the ARC. The ARC shall require the composition of any fence or wall to be consistent with the material used in the surrounding homes and other fences, if any.

15. Landscaping. A basic landscaping plan for each lot must be submitted and approved by the ARC. All lots are required to have installed a standard automatic underground sprinkler system. This sprinkler system shall be of sufficient size and capacity to irrigate all sodded or landscaped areas and must be maintained in good working order on all lots. The entire lot, together with that area between the street pavement and the right-of-way line, shall be sodded, irrigated, and maintained. Sodding and/or landscaped areas shall be required in the entire yard surrounding the dwelling. The sod shall be of the St. Augustine grass (or Floratam) with no other types permitted. A minimum amount of \$3,500.00 shall be spent on shrubbery, which shall not include sod or trees.

An exterior lighting plan providing ample entry and yard lighting for the safety and welfare of property owners must accompany each landscaping plan and be approved by the ARC.

Any lot which does not have a dwelling on it must be mowed periodically and kept in a neat condition at all times. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon any lot, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon; and in the event that any Owner shall fail or refuse to keep his lot free of weeds, underbrush or

refuse piles, or other unsightly growths or objects, then the Association may enter upon said lot and remove the same at the expense of the Owner, and such entry shall not be deemed a trespass.

All garbage or trash containers, pool equipment, sprinkler system equipment, etc., must be underground or placed in a walled in area so that they shall not be visible from the adjoining lots or from the street.

16. Swimming Pools and Tennis Courts. Any swimming pool or tennis court to be constructed on any lot shall be subject to the approval of the ARC. Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting and must be approved by the ARC. If one owner elects to purchase two adjoining lots and use one for recreation purposes, the lot used for recreation must be adequately screened by landscaping and/or walls or fences on both the front and side as required by the ARC. It shall be the intent of the ARC to screen any such use from the public view.

17. Garbage and Trash Containers. No lot shall be used or maintained as a dumping ground for rubbish, trash, or other waste. All trash, garbage, and other waste shall be kept in sanitary containers, and except during pick-up hours, if required to be placed at the curb, all containers shall be kept within an enclosure which the ARC shall require to be constructed with each dwelling. No owner or contractor shall be permitted to burn any type of trash or construction material on any lot at any time.

18. Removal of Trees. In reviewing the building plans, the ARC shall take into account the natural landscaping, such as the trees and shrubs, and encourage the Owner to incorporate them in his landscape plan. No trees of more than two (2) inches base diameter may be removed without approval of the ARC, which approval may be given when such removal is absolutely necessary for the construction of a dwelling or other improvements. Any palm trees that have to be moved for the construction of a dwelling must be replanted on the same lot and properly cared for to ensure their living. If the trees do not survive the transplanting, then they must be replaced by a tree of equal or greater size.

19. Window Air-Conditioning Units. No window or wall air-conditioning units shall be permitted.

20. Pumps, Motors, etc. All exterior pumps, motors, compressors, tanks or similar mechanical devices shall be properly screened from view by such means as shall be approved by the ARC.

21. Mailboxes. All mailboxes and paper boxes must be approved by the ARC and furnished by the Developer.

22. Utility Connections. Building connections for all utilities, including, but not limited to, water, electricity, telephone and cablevision shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

23. Fascia. All dwellings shall have exterior fascia boards of a minimum nominal eight (8) inches wide.

24. Siding. All exterior wood siding and trim shall be of cedar, redwood, cypress, or similar weather resistant specie.



25. Exterior Metal Flues. Exterior metal flues must be enclosed, using design and materials consistent with those of the dwelling.

26. Temporary Buildings. No tents, trailers, vans, shacks, tanks, or temporary or accessory building or structures shall be erected or permitted to remain on any lot without written consent of the ARC.

27. Antennas. No aerial or antenna, including dish type, shall be placed or erected upon any lot, or affixed in any manner to the exterior of any building unless such aerial, antenna or satellite dish has been approved by the ARC and is not visible from the street.

28. Motor Vehicles and Boats. No boats, heavy equipment, trucks, recreational vehicles, race cars, motorcycles or other motor vehicle shall be placed, parked, or stored upon any lot, except service or construction companies using trucks in the normal course of their business, nor shall any maintenance or repair be performed upon any boat or motor vehicle upon any lot or within any garage.

29. Artificial Vegetation. No artificial grass, plants, or other artificial vegetation shall be placed or maintained upon the exterior portion of any lot, unless approved by the ARC.

30. Automobile Storage Areas. No automobile garage shall be enclosed or converted to any other use. No carports shall be permitted. All garages must have doors that are to be maintained in a useful condition and that are operated by an electric door opener. Garage doors shall not face a street or arterial road except by special permission in writing from the ARC.

31. Clothes Drying Area. Clothes drying areas, if any, shall be located in the rear of the lot, and shall be totally screened by a wood fence from the view of traffic on the private roads and the neighbors on the adjoining lots.

32. Nuisances. Nothing shall be done or maintained on any lot which may be or become an annoyance or nuisance to the neighborhood. In the event of a dispute or question as to what may be or become a nuisance, such dispute or question shall be submitted to the Board of Directors of the Association, which shall render a decision in writing, which decision shall be dispositive of such dispute or question.

33. Pets. No animals, birds, or fowl shall be kept or maintained on any part of the property except dogs, cats, and pet birds, which must be kept thereon, in reasonable numbers, as pets for the pleasure and use of the occupants, but not for any commercial use or purpose. All pets must be kept under control at all times and must not become a nuisance by their sounds or other acts.

34. Boarding Up. There shall be no "boarding up" of houses while the homes are vacant for a long period of time. Design and materials for storm shutters must be approved by the ARC.

35. Topography. There shall be no change in the topography of the lot either for construction or landscaping without permission of the ARC.

36. Time Sharing. No time sharing, interval ownership, or other similar division of the fee simple ownership of any lot or any single family dwelling erected thereon shall be permitted. However, this provision shall not prevent the

leasing of any single family dwelling to a tenant for normal single family residential purposes.

37. Construction Times. All construction activity and all construction personnel must begin work no earlier than 7:30 A.M. and must cease and be off the property no later than 5:00 P.M. There shall be no construction activity on Sundays or any principal holidays. There shall be no truck deliveries of any kind made after 5:00 P.M. on any day.

38. Prewiring Required. All new dwellings must be prewired for security systems, telephone, cablevision, and intercom systems.

JOINDER AND CONSENT OF MORTGAGEE

The undersigned hereby certifies that it is the holder of a mortgage, lien or other encumbrance upon the property described herein by virtue of its mortgage, lien or other encumbrance which is recorded in Official Record Book 793 at Page 411 of the Public Records of Indian River County, Florida, and further that the undersigned does hereby join in and consent to the foregoing Declaration of Covenants and Restrictions for Copeland's Landing.

IN WITNESS WHEREOF, we, PAUL G. LUTHER and HELEN OLSON LUTHER, do hereunto set our hands this 22 day of November, 1989.

WITNESSES

Bruce [Signature]  
As to both  
Gayle M. Koschnick  
As to Both

MORTGAGEE

[Signature]  
PAUL G. LUTHER  
[Signature]  
HELEN OLSON LUTHER

STATE OF FLORIDA

COUNTY OF INDIAN RIVER

BEFORE ME personally appeared PAUL G. LUTHER and HELEN OLSON LUTHER, to me well known and known to me to be the persons described in and who executed the foregoing instrument, and acknowledged to and before me that they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid this 22 day of November, 1989.

Gayle M. Koschnick  
Notary Public, State of  
Florida at Large. My  
Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. FEB. 19, 1993  
BONDED THRU GENERAL INS. CO.