

**RESTATED ARCHITECTURAL REVIEW BOARD  
PLANNING CRITERIA COVENANTS AND RESTRICTIONS**

**STONE ISLAND HOMEOWNER'S ASSOCIATION, INC.**

WHEREAS, the Declaration of Covenants, Conditions and Restriction of STONE ISLAND, RECORDED AT O. R. Book 2255, Page 983 of Public Records of Volusia County, Florida, as Amended, provided that a committee shall promulgate from time to time Residential Planning criteria for the properties, which Criteria are to be set forth in writing and made known to all owners and to all prospective owners at Stone Island; and

WHEREAS, the By-Laws of Stone Island Homeowners Association, Inc., as Amended grant the Board of Directors or its designee the power to promulgate Architectural Guidelines and Criteria, and

WHEREAS, the Board has decided to consolidate and restate its current Planning Criteria for ease of reference;

NOW, THEREFORE, the Board of Directors of Stone Island Homeowners Association, Inc. has appointed committee known as the Architectural Review Board (ARB), and in accordance with the duties and obligation imposed upon said committee by the Declaration of Covenants, Conditions and Restrictions of Stone Island, The ARB does hereby promulgate and the Board of Directors hereby adopts the following Residential Planning Criteria.

THE REVIEW PROCESS AND GENERAL INFORMATION

GENERAL

The design and construction review process is a three-step process: Concept Review, Final Review and Final Inspection of Improvements. Thorough and timely submission of information, as well as adherence to the design standard set forth in these restrictions, will prevent delays and minimize frustrations of all parties involved. Questions concerning the interpretation of any matter set forth in these restrictions should be directed to the ARB.

REVIEW FEE AND CONSTRUCTION BOND

When a Builder or Homeowner submits plans to the ARB for Conceptual Approval or Final Approval, the submission shall include the "Review Fee".

The Review Fees shall be as follows:

A. New Home Construction and/or Site Clearing. A non-refundable Capital Improvement Fee of one thousand dollars (\$1000) shall be submitted upon application for the construction of a New Home Construction or Site Clearing.

B. Major Alterations or Additions. No fee required. Submit any plans for any structural or site modification taking place after the original construction which is significant enough to warrant the issuance of a building permit by a governmental authority.

C. Minor Alterations or Additions. No fee required but plans should be submitted for review.

D. Changes to or Resubmittal of Plans. No fee for resubmittal of previously granted ARB Final Approval due to a change in the originally approved plan, or whenever a submittal previously denied by the ARB is resubmitted by a Builder or Homeowner for Final Approval.

A check for fees shall be made payable to Stone Island Homeowner's Association, Inc. and shall be delivered with the appropriate plans.

### NEW HOME/SITE CLEARING CONSTRUCTION BOND

On all New Home Construction, in the addition to the \$1000 Capital Improvement Fee, the builder or homeowner shall deliver to the ARB a construction bond or check in the amount of One Thousand Dollars (\$1000) to be held in escrow by the ARB until the dwelling is complete and the ARB has completed its final inspection. At that time, the ARB shall determine what damage, if any, has been caused during the construction period by the Builder, Homeowner and any and all Sub-contractors and has not been repaired prior to the final inspection. If necessary repairs are estimated to be less than \$1,000, then the Builder and/or Homeowner shall have the option of repairing at their own out of pocket expense or using the funds held in escrow.

If repairs are estimated to exceed the amount held in escrow, then the Builder and/or Homeowner shall be responsible for completion of said repairs prior to the Final Approval being issued. The escrow shall be returned upon completion of repairs to the satisfaction of the ARB.

The 1,000 bond may also be used to:

- A. Repair damage to any property caused by the Builder or Homeowner or their Sub-contractors, Suppliers and/or Representatives during construction.
- B. Recover legal fees or other costs incurred by the ARB in order to correct any construction or alteration not performed in substantial compliance with the plans receiving Final Approval.
- C. Pay fines or penalties imposed by the ARB for violations of any rules of conduct or regulations governing use of property within Stone Island.
- D. To facilitate proper drainage on Stone Island, pay for the work necessary to provide a swale in front of a newly constructed home, and a culvert under the driveway, if the Builder or Homeowner does not provide these items during construction.

### CONCEPT APPROVAL

Any Builder or Homeowner may submit preliminary or conceptual drawings and specifications or other information to the ARB for Concept Approval prior to the preparation and submittal of detail plans and specifications for Final Approval. A Concept Approval is not mandatory, but is provided for the convenience of the Builders and Homeowners in order that they may accomplish a timely and thorough preparation and ultimately receive Final Approval of their construction, landscape, plans and other submittals.

The ARB shall review the information and indicate its approval, disapproval or recommendation to the Plan. A Concept Approval given by the ARB shall not constitute approval for the commencement of construction, but only approval of the conceptual information being reviewed. Submittals for Conceptual Approval of any new home construction shall include one (1) set of each of the following:

- A. Concept site plan showing the approximate location and dimensions of all improvements.
- B. Concept floor plan.
- C. Concept exterior elevation.
- D. Such other information, data and drawings a may be reasonably requested by the ARB.

### FINAL APPROVAL

No Building construction, alterations or additions to any existing structure shall be made on any property until the plans and specifications showing the proposed design, location of same and nature and color of materials shall have been submitted to and received final Approval by the ARB. Builders and Homeowners requesting Final Approval of an improvement shall submit sufficient exhibits to demonstrate compliance within the standards and requirements of the ARB. Construction must commence within six (6) month from date of Final Approval or Final Approval is void.

Submittals for Final Approval of any new home construction or of any major alteration or addition shall include the following:

- A. Site Plan. One (1) set of plans showing the flow of site drainage system. Location and size of any trees having a diameter of 6 inches or more proposed to be removed from the site.
- B. Floor Plan. One (1) set of plans at a minimum scale of  $\frac{1}{4}'' = 1'0''$  for all floors, cross-sections and elevations, including projects and wing walls. Floor plans should also show total square feet of air-conditioned living area.
- C. One (1) set of plans showing elevations, types of material and other information associated with any other site improvement or ornamentation, exterior lighting, walls, fencing and screening, patios, decks, pools, porches, and signage.
- D. Such other information, data and drawings as may be requested by the ARB.
- E. The \$1000 Capital Improvement Fee and \$1,000 New Construction Bond for New Home Construction.

### INSPECTION

The ARB shall have the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval is required under these restrictions. Upon "Final Inspection" of the improvements by the ARB, and provided that such inspection determines that the improvements were construction in substantial compliance with the plans and specifications submitted for Final Approval, the ARB shall return the Construction Bond less any amount withheld for reasons described previously.

### CONDUCT

All Builders and Homeowners shall be held responsible for the acts of their employees, subcontractors, suppliers and any other persons or parties involved in construction of alteration of a home site. In this regard, a Builder or Homeowner shall be responsible for the following:

- A. Ensuring that the construction site is kept clean and free of all debris and that stockpiles of unused materials are kept in a neat and orderly fashion.
- B. Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or wellbeing of personnel on the site or affect the quality of workmanship.
- C. Assuring that the aforementioned personnel do not commit any violations of the Rules and Regulations of Stone Island Homeowner's Association, Inc.
- D. Obeying all speed limits.

#### APPEAL

If an application for Final Approval has been denied; or, if an approval is subject to conditions which a Builder or Homeowner feels are harsh or unwarranted; or, if there are disputes to any other matter related to actions of the ARB, the Builder or Homeowner will be allowed to present his/her position on the matter and make requests or recommendations as to alternative actions.

After the hearing, the Board of Directors will review the information presented and notify the Builder or Homeowner of its final decision on the hearing. The decision of the Board of Directors regarding the matter shall be final.

#### GENERAL SUB-DIVISION STANDARDS

The home site may be used for residential housing purposes and for no other purposes. No business, occupation or profession may be conducted on a home site with the exception that a Homeowner (or his/her agent) may show any home site or dwelling unit for sale or lease.

A Developer or Contractor with written permission from the ARB may construct and operate model homes.

#### TEMPORARY STRUCTURES

Under emergency or exception circumstances, the ARB may give approval for temporary structures for up to 90 days. Type and location of the structure is of prime consideration.

#### ACCESSORY STRUCTURES

The ARB must approve accessory structures to a residential dwelling such as sheds, gazebos, boat docks or bulkheads. However, in no case may these be substituted for the garage requirement contained in these guidelines. Accessory structures should be permanent in construction and fit harmoniously with the residential building. If the accessory structure is to be located within 100 feet of any neighboring residence, approval of the neighbor should be obtained prior to submission for approval and will be taken into consideration during the review process. Accessory structures may not be used for habitation under any circumstances.

#### STORAGE TANKS

No storage tanks, including but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas shall be permitted outside a building except as approved by the ARB and not visible from the road.

## SITE IMPROVEMENT STANDARDS

### SITE PLACEMENT

All buildings and other improvements shall be placed as approved by the ARB. The existing topography and landscape shall be disturbed as little as possible, such that the maximum number of desirable trees and other natural features will be preserved.

### BUILDING SETBACKS

Minimum building setback lines (including eaves and overhangs) shall be thirty (30) feet to the front home site line (street line), ten (10) feet from the side, and twenty (20) feet from the rear home site line.

Where a home site fronts on more than one street (such as a corner lot), the minimum front setback shall apply to the frontage on all streets. The direction in which any dwelling unit's front elevation shall face on a home site shall be approved by the ARB.

The ARB may grant an exception for the above minimum setbacks in a case where a home site would be rendered unbuildable due to its size, shape or topography, and to save existing trees. The ARB may, at its sole discretion, impose more stringent setback requirements as to the location and positioning of any building.

### DRIVEWAYS

All driveways must be constructed of concrete, asphalt or brick pavers. All driveways shall be constructed over culverts, and no driveway shall be permitted to interfere with the drainage of the roadside swales. All culvert elevations will be set by the ARB and such elevations will be confirmed in writing by the ARB prior to commencements of the driveway project.

### DRAINAGE AND GRADING

No drainage ditches, cuts, swales, streams, impoundments, ponds, or lakes, no mounds, dams or hills and/or other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns may be created, destroyed, altered or modified, without the prior written consent of the ARB, whether on private property or common area.

Special attention shall be given to proper site surface drainage, so that surface waters will not interfere with surrounding home sites and natural drainage flow. All buildings shall have a minimum floor finish elevation which shall comply with state or local building codes.

### SWIMMING POOLS AND TENNIS COURTS

Any swimming pool or tennis court to be constructed upon any home site shall be subject to prior review by the ARB.

### SIGNS

No signs whatsoever (including, but not limited to commercial, political, and similar signs) shall be erected or maintained on the home site, except such signs as may be required by law, and such signs may be approved the ARB.

### EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plot. No planting or structure shall be permitted that will interfere with the maintenance of utilities or which will change the direction of or retard water flow.

#### FENCES AND WALLS

Composition, location and height of any fences or walls to be constructed on any lot shall be subject to the prior approval of the ARB. Chain link fences and other wire based fences will not be allowed. Plastic clad chain link of a dark color may be approved in certain locations not visible from the road.

#### MAIL BOXES

No mail box or paper box or other receptacle of any kind or use in the delivery of mail or newspapers or similar material shall be erected on any building lot unless and until the size, location, design and type of material for said boxes or receptacles shall have been approved by the ARB. If and when the United States Postal Service and/or the newspapers involved shall indicate the willingness to make delivery to a wall receptacle attached to the residence, each property owner, at the request of the ARB, shall replace the boxes or receptacles previously employed for such purposes with a wall receptacle attached to the residence.

#### LAWN FURNISHINGS

No bird baths, ponds, flag poles, lawn sculptures, artificial plants, bird houses, rock gardens, or similar types of accessories and lawn furnishings are permitted on any home site without prior approval from the ARB.

#### CLOTHESLINE

All clotheslines shall be placed at the rear of, and within the area encompassed by a rearward extension of the side lines of the house.

#### DREDGING OF CANALS

Dredging of any canals or lots on Stone Island is not permitted without proper state and local permits and written consent from the ARB.

#### BUILDING CONSTRUCTION STANDARDS

##### MINIMUM BUILDING SIZE

All lots (waterfront and interior). The minimum of square feet of air conditioned living area required for a main residential dwelling structure is 2,000 square feet, and a total of 3,000 square feet under roof. The calculation to arrive at the required square footage shall not include the area under the eaves.

##### EXTERIOR MATERIALS

Finish building materials shall be applied to all sides of the exteriors of buildings. Materials shall be brick, stone, stucco, wood (not plywood or similar material), or other approved material. No exposed concrete block shall be permitted. Exposed block is defined as concrete block that does not have a textured and/or architectural finish. Concrete block that has been painted is considered exposed block. The ARB shall have final approval of all exterior building material.

### EXTERIOR COLORS

Finish colors shall be applied consistently to all sides of the exterior buildings. Color selections shall be harmonious with each other and with natural materials, and shall be compatible with colors of the natural surroundings and other adjacent property. All exterior wood must be painted or stained.

### BUILDING HEIGHTS

Heights of buildings shall be compatible with other homes within Stone Island Homeowner's Association, Inc. (Units 3, 4, 5 & 6). Home construction cannot exceed two stories in height.

### ROOFS

Flat roofs shall not be permitted on the main portion of the structure; provided, however, that the ARB shall have discretion to approve such roofs on the main body of a building if modern or contemporary in design.

The composition of all pitched roofs shall be cedar shake, slate, concrete, tile and asphalt shingle (provided such shingle is a minimum of 235 lbs. per 100 ft. of roof). All pitched roofs must have at least 6/12 slope on the main body of the building.

### CHIMNEY

Any exposed portion of a chimney outside of the building shall be constructed of or surrounded by brick, stone stucco or wood. The ARB may grant variances.

### GARAGE

All homes will have a (minimum) two (2) car attached garage with a side-entry only. Garage doors will be maintained in a usable condition.

The ARB May grant a variance and approve a front-entry garage if a home-site would be rendered unbuildable due to its size, shape or topography and to save existing trees, or if a side-entry garage would infringe upon any said property designated as a wetlands as determined by the Volusia County Environmental Management.

### WINDOW AIR-CONDITIONING UNITS

No window air-conditioning units shall be permitted where visible from any adjoining property.

## LANDSCAPING AND OPEN SPACE STANDARDS

### GENERAL

Any home site which shall have been altered from its natural state, shall be landscaped. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material.

Landscaping shall be installed no later than thirty (30) days following completion of any building.

### SOD

Sod and/or landscaped areas will be required on front and side yards. Sod, sprigging and/or landscaped areas will be required in the rear yards. On corner lots, sod and/or landscaped areas will be required on all sides. Appropriate shrub planting must be completed before the time of Final Inspection.

### TREES

In reviewing the building plans, the ARB shall take into account the natural landscaping such as trees, shrubs and palmettos and encourage the Builder to incorporate them into the landscaping plan. No trees of six (6) inches in diameter at four (4) feet above natural grade may be cut or removed without approval of the ARB. Approval may be given only when such removal is necessary for the construction of a home.

### GARBAGE AND TRASH DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage and other waste material shall be kept in sanitary containers.

THE ARCHITECTURAL REVIEW BOARD (ARB) shall have the authority, as hereinabove expressed, from time to time to include within its promulgated residential planning criteria other restrictions regarding such matters as prohibitions against window air conditioning units, "For Sale" signs, mailboxes, temporary structured nuisances, garbage disposal, vehicles in repair, removal or trees, gutters, easements, games and play structures, swimming pools, sight distance at intersections, and such other restrictions shall be governed in accordance with the criteria hereinabove set forth for residential planning criteria promulgated by the ARB. However, once the ARB promulgates certain restrictions, they shall become as binding, and shall be given the same force and effect as the restrictions set forth herein until the ARB modifies, changes, or promulgates new restrictions set forth by the ARB. Any deviations must have the prior approval of the ARB.

### DEMOLITION OF STRUCTURES

#### REMOVAL

Demolition of any structure or part of a structure of permanent nature including homes, garages and storage buildings with concrete slabs is not allowed without approval of the ARB.

#### DEFINITION OF REMOVAL

Demolition shall include the removal of all materials not generic to the initial state of the property before any structures were in place. This includes complete removal of supporting structures such as sidewalks, pilings and driveways. If a residential structure is removed, all other structures on that property shall also be removed.

#### REMEDIATION

The land under the demolished structure must be returned to its natural state as a woodland or grassland. Under no circumstances shall there be any unnatural earthen structures remaining.

#### EXCEPTIONS

If the intention of the property owner is to replace the structure to be demolished, an application for a new structure should accompany the request for demolition. In this case, slabs and supporting structures such as sidewalks, pilings and driveways may be incorporated into the plans. This also applies to situations where partial demolition of a structure is requested. The maximum time between removal and commencement of new construction shall be 90 days.

## PARKING RESTRICTIONS IN COMMON AREAS

### COMMON AREAS

Commons areas are defined by those areas owned by the Stone Island Homeowners Association, Inc. (SIHOA). This includes land alongside Association owned roads and the Volusia County owned road.

### RESTRICTIONS

These commons areas are defined as no parking zones.

### EXCEPTIONS

1. Temporary parking associated with events of less than 8 hours held by either the Stone Island Homeowners Association, Inc. or by homeowners within its boundaries.
2. Temporary parking associated with active construction or remodeling of a residence or ancillary building that has been approved by the Stone Island Homeowners Association, Inc. Architectural Review Board (ARB).
3. Temporary parking associated with landscaping contractors under contract with either the Stone Island Homeowners Association, Inc. or homeowners its boundaries.
4. Temporary parking associated with work being done by Stone Island Homeowners Association, Inc. employees or volunteers.
5. An emergency situation as determined by the Stone Island Homeowners Association Board of Directors.

### ENFORCEMENT

Enforcement will be done in two stages:

1. Notification of the offence by placement of a notice of violation under the windshield wiper or other obvious location on the vehicle. This can only be done by a member of the Board of Directors of the Stone Island Homeowners Association, Inc. or the Chairman of the ARB after consultation with the Association's president.
2. Towing away of the vehicle to a secure compound after notification of violation has been placed two times on that vehicle. The vehicle owner will be notified of this action and the location of the vehicle. The owner is responsible for all fees associated with this action.

### MISCELLANEOUS

Invalidation of any part of the foregoing Planning Criteria Covenants and Restriction by judgment or court order shall in no way affect any other provision hereof, all of which remain in full force and effect.


**RESTATED ARCHITECTURAL REVIEW BOARD**  
**PLANNING CRITERIA COVENANTS AND RESTRICTIONS**

**STONE ISLAND HOMEOWNER'S ASSOCIATION, INC.**

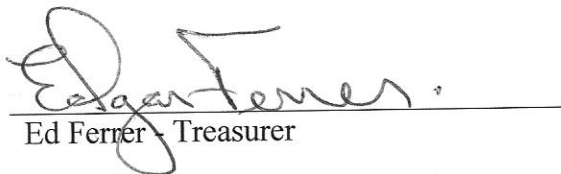
The following (9) pages were adopted at a duly-called meeting of the Board of Directors of Stone Island Homeowner's Association, Inc.

The Restated Architectural Review Board Planning criteria Covenants and Restrictions attached hereto became effective as of the date of recording and replace any and all Restated Architectural Review Board Planning Criteria Covenants and Restrictions previously written.

Signed, sealed and delivered in the presence of witnesses:

  
Bill Nanstiel - President

  
Richard Bean - Secretary

  
Ed Ferrer - Treasurer


**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

**(CORPORATE SEAL)**

BEFORE ME, the undersigned authority personally appeared Bill Nanstiel, to me personally known to be the President of the Architectural Review Board of STONE ISLAND HOMEOWNER'S ASSOCIATION, INC., and did not take an oath and he acknowledged before me that he freely and voluntarily executed the same as such officer, under authority vested in him by said Corporation.

WITNESS my hand and official Seal in the State this 9-28-12

Notary Public, State of Florida at Large

Printed Name:   
SUSAN A TOMLIN

