

SIXTH ~~FIFTH~~ AMENDMENT TO THE
THIRD AMENDED AND RESTATED RULES AND REGULATIONS OF
INDIGO EAST NEIGHBORHOOD ASSOCIATION, INC.

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~~SIXTH/FIFTH~~ **AMENDMENT TO THE
THIRD AMENDED AND RESTATED RULES AND REGULATIONS OF
INDIGO EAST NEIGHBORHOOD ASSOCIATION, INC.**

These are the Rules and Regulations of Indigo East Neighborhood Association, Inc., a Florida corporation not for profit. These Rules and Regulations will be administered by Indigo East Neighborhood Association, Inc. and/or a management company duly appointed by it (jointly and severally referred to as the “Association”).

Except as otherwise specifically defined in these Rules and Regulations, capitalized terms used in these Rules and Regulations shall have the meanings assigned to those terms by the Declaration of Covenants, Conditions and Restrictions for Indigo East recorded May 27, 2004 in Official Records Book 3730, Pages 757 through 848, of the Public Records of Marion County, Florida.

These Rules and Regulations apply to all of Indigo East. Each Owner of each Residential Unit in Indigo East and his or her family members, tenants, invitees, successors and assigns, each resident of each Residential Unit in Indigo East, and each visitor to Indigo East, shall be bound by, and they shall abide by, the provisions of these Rules and Regulations and all other Governing Documents, as the same may be amended from time to time.

1. **Single Family Residential Use, Resident Photo IDs and Gate Access.** Each Residential Unit shall be used for single-family residency only. Single-family shall mean and refer to (a) a group of one or more persons each related to the other by blood, marriage, or legal adoption, provided that such group does not exceed more than two (2) adults per bedroom or a maximum of four (4) related people who maintain a common household in a Dwelling; or (b) a group of not more than two (2) persons not all so related together with up to one (1) person related by blood, marriage, or legal adoption to one of the other two (2), for a maximum of three (3) people who maintain a common household in a Dwelling. The number of individuals approved for occupancy by the Association for each Residential Unit will depend on the individual facts and circumstances of each application including, but not limited to, the age, number, and relationship of the proposed Occupants, and the size and configuration of the Residential Units. Photo ID cards and gate access controls will be issued only to residents who have been approved for occupancy in the community. Up to two (2) photo ID cards per household may be issued to residents who have been approved for occupancy in the community. Up to two (2) gate access controls per household may be issued to residents who have been approved for occupancy in the community and who are Gateway of Service holders. Photo ID cards are updated every five (5) years. Additional [annual](#) fees will apply for more than two (2) occupants [regardless of usage of facilities](#).

2. **Maintenance and Alterations.** Each Occupant shall keep and maintain the interior and exterior of his or her Residential Unit in good, presentable, clean and sanitary condition and repair, including but not limited to the fixtures in the Dwelling or Home, the Lot in which the Dwelling or Home is located and the lawn and landscaping on that Lot.

No alteration or modification of the exterior or structural components of any Residential Unit, of the landscaping or lawn irrigation (sprinkler) system on any Lot, nor any exterior painting of doors, driveways, or exterior areas of any Dwelling, Home or Lot, nor the installation, alteration or painting of any fence or wall, may occur or be made without the specific advance written approval of the Association or its designee. In considering any request for approval of a proposed alteration or modification, the Association or its designee will take into account the easement rights

of others in the access, ingress, egress, utility, drainage and other easements within the affected Lot or Common Areas of the Community. Under no circumstance shall a homeowner modification negatively impact or alter the grade or drainage flow of the yard. It is the Occupant's obligation to make application to the Association at its designated offices for any proposed alteration or modification prior to commencement of the work. If an Owner encloses any exterior area of the Dwelling or Home with a screen or other enclosure, or if the Owner encloses any portion of the Lot or Parcel with a fence or other enclosure, the enclosed area shall be considered thereafter as an interior portion of the Dwelling or Home that shall be the obligation of the Owner to maintain, repair and replace, at the Owner's sole cost and expense. The provisions of this rule are supplemented by the Community Standards attached hereto as Exhibit "B" and incorporated herein by this reference.

3. **Garbage and Trash.** Routine disposal of garbage and trash shall be accomplished only on the designated days for Indigo East. No garbage or trash receptacles may be placed outside the Residential Unit before 7:00 pm the night before the designated pick-up day(s) or left out past ~~7:00~~^{4:00} pm on the designated pick-up day(s). There shall be no disposal within Indigo East of any unusual or excessive garbage or trash generated from within any Residential Unit (including but not limited to clothing, household furnishings or construction debris) except in drop storage containers, construction debris containers or dumpsters approved by the Association and provided by the applicable Owner, resident or other party at no cost to the Association. No trash, rubbish, debris, garbage or other waste material or refuse shall be placed, stored or permitted to accumulate on any part of Indigo East except in covered or sealed sanitary containers. All such sanitary containers must be stored within each building, buried underground, or placed within an enclosure or concealed by means of a screening wall of material similar to and compatible with that of the building. These elements shall be integrated with the concept of the building plan, shall be designed so as not to attract attention, and shall be located in the most inconspicuous manner possible.

Appropriate compost containment storage bins, that will not attract rodents, are subject to the review and approval of the ARB. No open composting in piles is allowed.

4. **Animals.** No livestock, birds, poultry, reptiles or other animals of any kind shall be raised, bred or kept in the Community by any Occupant of any Residential Unit except for a reasonable number of dogs, cats, birds or other usual and customary household pets kept or maintained solely as domestic pets and not for any commercial purpose. For the purposes hereof, numbers in excess of two (2) of each such type of usual and customary household pet (other than aquarium-kept tropical fish) per Residential Unit shall be presumed unreasonable, but the Board shall have the authority in its sole and absolute discretion, and upon such terms and conditions as may be deemed appropriate by the Board, to grant permission for a larger number of animals in any Residential Unit. Animals brought into Indigo East must be well behaved. Any animal deemed too noisy, aggressive, offensive, threatening, disruptive or otherwise an actual or potential nuisance, as determined by the Association in its sole and absolute discretion, may be excluded from Indigo East by the Association. In addition, upon the written request of any Owner, the Board may conclusively determine, in its sole and absolute discretion, whether or not, for purposes of this section, a particular animal is a usual and customary household pet and/or whether or not a particular animal is too noisy, aggressive, offensive, threatening, disruptive or otherwise an actual or potential nuisance. The Board shall have the right to require the owner of any animal deemed by the Association to be too noisy, aggressive, offensive, threatening, disruptive or otherwise an actual or potential nuisance to remove such animal from Indigo East. While outside Residential

Units, all animals must be kept on a leash or other restraint-, [including back yards unless fenced](#), and must be accompanied at all times by the owner or custodian. Animal feces must be picked up immediately and disposed of properly by the owner or custodian of the animal. [No storage or disposal of animal feces in your yard, the common property or undeveloped property is allowed](#). Each Owner shall be liable to the Association for the cost of repair of any damage to the Neighborhood Common Property or Neighborhood Limited Common Property caused by any animal belonging to such Owner or to any occupant of such Owner's Residential Unit. All animal food shall be kept in proper storage containers, and stored in an interior location, so as not to attract wildlife. Any feeding, excluding approved bird feeders, intentional or otherwise, of any wildlife, including but not limited to coyotes, feral cats and migratory water fowl, is strictly prohibited. This includes feeder stations, broadcasting feed, or otherwise making readily available food (including salt licks) that would be attractive to these forms of wildlife.

5. **Offensive or Unlawful Activities**. No occupant nor their guests, shall do or permit to be done anything that interferes with the rights, comfort or convenience of other owners, residents, guests, or visitors. No improper, unsanitary, unsightly, offensive or unlawful use, condition or activity shall be permitted, conducted or maintained in the Community by any occupant or occupant's guests or visitors to Indigo East, and all applicable governmental laws and regulations shall be observed. No nuisances shall be allowed, nor use or practice, which is the source of an annoyance to occupants, or which interferes with the peaceful possession of any other occupant within the Community. No Owner, resident or visitor may use or play, or permit to be used or played anywhere in Indigo East any mechanical, electrical or other device (including but not limited to any musical instrument, stereo, amplifier, radio or television) between the hours of 11:30 p.m. and the following 7:00 a.m. in a manner that disturbs any other Owner, resident or visitor in Indigo East. The use, enjoyment and occupancy of Indigo East shall be carried out in such manner as not to cause or produce any of the following effects discernible outside buildings located thereon or affect the adjoining property or any portion or portions thereof: noise or sound that exceeds the levels permitted under the Marion County Noise Ordinance, as amended from time to time; offensive or abusive language, behavior or acts; smoke, noxious, toxic or corrosive fumes or gases; obnoxious odors; dust, dirt or fly ash; unusual fire or explosive hazards; or vibration. For the purposes of interpreting and implementing this section, the Board shall have exclusive and absolute authority to determine whether or not any existing or proposed activity or condition violates this section.

6. **Skateboarding, skating, rollerblading and similar activities**. Skateboarding, skating, rollerblading and similar activities are permitted only on the Residential Units and streets in Indigo East and shall not be permitted in any other Neighborhood Common Property or Neighborhood Limited Common Property in Indigo East.

7. **55 and Older Community**. Indigo East has been designated as housing for persons who are fifty-five (55) years of age or older. At least eighty percent (80%) of the Residential Units in Indigo East must be occupied by at least one person who is fifty-five (55) years of age or older. In order to ensure that Indigo East qualifies as housing for persons fifty five (55) years of age or older under the Federal Fair Housing Act (42 U.S.C. 3601, et seq.), satisfies the occupancy and age verification requirements of Rule 100.307 of the U.S. Department of Housing and Urban Development (24 C.F.R. 100.307), and complies with the requirements of the Florida Fair Housing Act (Chapter 760, Florida Statutes) and the rules and regulations of the Florida Commission on Human Relations, a survey of the residents of Indigo East will be conducted and updated by the Association as and to the extent required by applicable law. Each Owner and resident shall

cooperate with the Association in its efforts to comply with the requirements of the above-mentioned acts and rules and regulations, and with all other applicable laws. Such cooperation shall include (but shall not be limited to) providing to the Association, within 10 days after written request, such information (such as but not limited to identification of whether at least one occupant of the Residential Unit is fifty-five (55) years of age or older and the current age or date of birth of such person) and signed surveys, sworn affidavits, certifications and other reliable, legally sufficient documentation as may be required from time to time by the Association.

Declarant and the Association shall have the authority to make any additional capital improvements upon the Neighborhood Common Property and Neighborhood Limited Common Property necessary to provide facilities or services specifically designed to meet the requirements of the Fair Housing Act, as amended, and other applicable laws.

No child under the age of seventeen (17) years shall be allowed to reside in any Residential Unit in the Community. A child under the age of seventeen (17) may visit a Residential Unit overnight for up to thirty (30) days in any twelve (12) month period. An Owner or approved occupant who owns or occupies his or her own Residential Unit may permit one (1) minor only to reside in the Residential Unit with him or her, but only if the minor is at least seventeen (17) years of age and a member of that Owner's or occupant's family. The Association may request documentation from an Owner or occupant of a Residential Unit, including school records, to determine the age, residency, or other relevant information concerning a minor occupying or visiting a Residential Unit.

Notwithstanding the foregoing, in the event any modification to the Federal Act and the Florida Act which would make less restrictive the requirements for eligibility for the exemption for "housing for older persons" provided by both the Federal and Florida Acts, then, in such event, those less restrictive standards may, in the sole discretion of the Board, be adopted by the Board alone and shall supersede and replace the eighty percent (80%) occupancy standard described herein.

8. **Leasing and Sales of Residential Units.** Pursuant to the Governing Documents, no Residential Unit may be occupied, leased or sold without the prior written approval of the occupant, lessee or new owner by the Association. [Approval of lease renewals is required at the end of the approved lease term and approval of all non-owners is required every three years, regardless of the lease term.](#) Without limiting the generality of the foregoing, the Association shall have the right, in its sole and absolute discretion, to deny approval of any proposed occupancy, lease or sale if, following the taking of the proposed occupancy, making of the proposed lease or closing of the proposed sale, the Residential Unit will not be occupied by at least one (1) person who is fifty-five (55) years of age or older. However, no person shall be denied the right to purchase, lease or occupy a unit because of race, religion, sex, national origin, marital status, sexual orientation, [gender identity](#), or handicap.

As a condition precedent to consideration for approval, each prospective occupant, lessee and purchaser must inform the Association in writing whether the Residential Unit will be occupied by at least one (1) person who is fifty-five (55) years of age or older and each proposed occupant, lessee and new owner shall appear for an interview with a designated representative of the Association- [and submit to a background check to be arranged by the Association. New background checks for non-owners are required every three years.](#)

In no event may any Residential Unit be leased in a furnished condition for an initial term of less than six (6) months plus one (1) week, and no Residential Unit may be leased in an unfurnished condition for an initial term of less than one (1) year. Residential Units may be leased, licensed or occupied only in their entirety, except as described in the following paragraph, and no fraction or portion of a Residential Unit may be rented. Individual rooms of a Residential Unit may not be leased on any basis. Notwithstanding the foregoing, the father, mother, sibling or child of the occupant, lessee or purchaser may also reside in the Residential Unit provided that all other occupancy restrictions and requirements are met.

Occupancy of any Residential Unit owned by any corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust or other form of artificial entity shall be limited to any person who: (a) is fifty-five (55) years of age or older; (b) currently holds a title and senior management position with that artificial entity or currently owns (directly or indirectly) at least a ten percent (10%) beneficial interest in that artificial entity; (c) is an authorized signatory on the principal bank account of that artificial entity; AND (d) has had his or her name, title and senior management position or ten percent (10%) or more beneficial interest registered by the artificial entity with the Association, in writing, not less than forty-five (45) days prior to first occupancy of the Residential Unit by such person. Not more than four (4) persons meeting the foregoing criteria may be registered with the Association for occupancy of a Residential Unit at any one point in time. In addition, no single artificial entity, and no two or more artificial entities under direct or indirect common ownership or control, may own or control, whether directly or indirectly, more than three (3) Residential Units in Indigo East at the same time.

The Association may initiate and pursue (but shall not be obligated to initiate or pursue) any legal or equitable action or other lawful means to remove from any Residential Unit any person whose occupancy has not been approved in writing by the Association.

9. **Notices.** All official notices to the Owners from the Association must be approved by the president or vice president of the Association. No Member of the Association (other than the president or vice president of the Association) shall make or permit to be made, any written, typed, printed or electronically-transmitted notice of any kind, or post the same on any bulletin board, or mail or otherwise circulate, publish or broadcast the same to any other Association Member, which purports to be an official act or notice of the Association. Communications of a social nature or purpose sent to other Owners by any Owner, in his or her personal capacity, will not be deemed to be official notices from the Association, but they must bear the identity of the Owner making or uttering such communications and such Owner shall be fully responsible for the contents of such communication. Except as otherwise required or permitted by the Governing Documents or applicable law, all notices to the Owners shall be mailed to each Owner at the address on file for such purpose with the Association. All notices to the Association shall be sent to 8445 SW 80th Street, Ocala, Florida 34481 or such other address or addresses as may be designated from time to time by written notice from the Association to the Owners.

10. **Solicitation.** In order to promote a harmonious community and to minimize disturbing residents' quiet enjoyment of their homes, solicitation by vendors, service companies, or any Owners, residents, or visitors is prohibited without the prior, written consent of the Association. This includes solicitation on behalf of political campaigns, political candidates, voter awareness groups, petitions for governmental action, civic organizations, service clubs, school groups, charitable organizations, religious organizations, etc. Notwithstanding the foregoing,

nothing herein prohibits representatives of the Association from contacting Owners and residents in their homes. Also, no vehicle or other item may be placed or advertised for sale on the exterior of any Residential Unit or on any Neighborhood Common Property, Neighborhood Limited Common Property or CDD-owned property, including but not limited to any street in Indigo East, without the prior written consent of the Association and, in the case of the CDD-owned property, the applicable CDD. No estate sales, garage sales, yard sales, tag sales or similar activities may be held or conducted in Indigo East without the approval of the Association.

11. **Vehicles.** No unregistered motor vehicles, no motor vehicles with expired registration and no abandoned motor vehicles (whether or not currently registered) are permitted at any time in the Community. Any motor vehicle that remains unmoved for a period of fifteen (15) days or more may be treated by the Association as having been abandoned unless the owner thereof first notifies the Association in writing of the owner's intent to leave the vehicle unmoved for a longer period of time and the Association consents in writing to such longer period of time. At no time shall the Association grant permission for motor vehicles to remain unmoved for any period of time if such situation shall create a public safety concern. If a motor vehicle is determined to be unregistered, has an expired registration, is in the common area or at community amenities, is abandoned, or a safety concern, the Association ~~may shall~~ post notice on such motor vehicle and tow ~~after within~~ 24 hours at the owner's expense if not removed per Rule 13. Towing.

No commercial vehicles or containers of any kind (including but not limited to commercial trucks, vans, pickup trucks, or any vehicle retrofitted with commercial bins and/or racks, roof top carriers, flashing strobe lights, ~~or~~ lettering, advertising, trailers, drop storage containers, construction debris containers and dumpsters) and no recreational vehicles of any kind (including but not limited to RVs, campers, trailers and boats) may be parked overnight in Indigo East without the prior consent of the Association. The preceding sentence does not apply to any vehicles or containers brought into Indigo East incidental to any maintenance or repair activities undertaken by the Association. The Association may designate (but shall not be obligated to designate), in writing, approved areas for placement of such vehicles or containers in Indigo East. Also, by first obtaining a written permit from the Association, an Owner or resident of Indigo East may be allowed to park an RV/motor home in that Owner's or resident's driveway for a period not exceeding twenty-four (24) hours for the purpose of preparing (loading-unloading, cleanup, etc.) the RV or motorhome being outfitted prior to departure on a trip or upon returning from a trip.

Each Owner or resident who regularly drives or maintains a motor vehicle within the community must display a "vehicle identification" in the form prescribed by the Association. Such vehicle identification shall remain the property of the Association.

Each Owner shall provide for parking of vehicles off streets within Indigo East. Except as otherwise specifically designated by the Board or permitted by the Governing Documents, no parking on grassed areas shall be permitted in Indigo East. There shall be no outside storage or parking upon any portion of Indigo East of any mobile home, trailer (either with or without wheels), motor home, tractor, truck (other than personal-use pick-up trucks and sport-utility vehicles), commercial vehicles of any type (including, without limitation, cars or trucks with advertising signs or lettering), camper, motorized camper or trailer, boat or other water craft, boat trailer, motorcycle, motorized go-cart, or any other related forms of transportation devices, except if in an enclosed garage, adequately screened from view or otherwise permitted in writing by the Association. No Owners or other occupants of any portion of Indigo East shall repair or restore any vehicle of any kind upon or within Indigo East except: (a) within enclosed garages or

workshops, or (b) for emergency repairs, and then only to the extent necessary to enable the movement thereof to a proper repair facility.

Despite any reference on the plat of Indigo East Phase 1 to potential use of the “B” Tracts and the “L” Tracts for travel by low-speed vehicles, golf cars, golf carts and motorized disability access vehicles, all use of said vehicles within the “B” Tracts and the “L” Tracts shall be limited to the paths and passageways, if any, that are designated for that purpose from time to time by the Association.

No vehicle may be parked, in whole or in part, on any unpaved surface in Indigo East. No vehicles may be parked on the street overnight without the prior consent of the Association.

All private golf carts brought into Indigo East shall at all times comply with the Private Golf Cart Rules attached hereto as **Exhibit “A”** and incorporated herein by this reference.

12. **Vehicle Covers.** Motor vehicle covers designed to ~~match-fit~~ the make/model of the vehicle are allowed so long as such motor vehicle is currently registered. No tarps or other unfitted materials are allowed at any time.

13. **Towing.** The Association shall have the authority, but not the obligation, to have any vehicle that violates this rule removed from the Community, without compensation or notice to anyone except as may be required by applicable law, and to levy fines for non-compliance in accordance with the Declaration. ~~Vehicles with no vehicle identification will be towed within 24 hours after notice if concern for public safety, blocking, or parked at any amenities, common areas, storage facilities or RV locations. In addition, any motor vehicle will be noticed for 15 days before considering abandoned unless creating public safety concern, then after twenty-four (24) hours’ notice. The Association may tow any vehicle that is unregistered, has an expired registration or is abandoned, after proper notice. (For the purpose of this section, a vehicle may be treated as abandoned if it has been unremoved from a residential parking space or driveway for 15 days or more or if it is parked in any common area, on any street for 24 hours or more without the prior consent of the Association).~~

If such vehicle (unregistered, expired registration or abandoned) is parked in any common area, on any street within the community or at any community amenities, the association reserves the right to post a twenty-four (24) hour notice on the vehicle, after which time the vehicle may be towed at the owner’s expense. It will be the owner’s responsibility to provide proof of registration.

If such a vehicle is parked in a residential driveway or parking space for fifteen (15) days or more, excluding enclosed garages, and without written authorization from the Association, it will be posted for a fifteen (15) day notice, citing the violation(s). If the violation(s) is not cured within 15 days, the vehicle may be towed at the owner’s expense.

In the sole opinion of the Association, vehicles parked in such a location or manner that they present a serious threat to safety or property damage may be towed immediately at the owner’s expense.

13.14. **Loading and Unloading.** No loading or unloading of trucks, trailers, ~~drop-storage containers~~, construction debris containers, dumpsters, vans or similar vehicles or containers shall

be permitted in Indigo East during non-daylight hours or on Sundays or legal holidays without the prior written consent of the Association. [Drop storage containers, PODS, or other similar type units \(such as dumpsters for remodel\) may only be placed in the driveway, and for up to 72 hours. All other time frames and locations must be approved with prior written consent from the Association.](#) Anyone requesting such consent shall be required to apply to the Association, in writing, not less than forty-eight (48) hours prior to the date on which the loading or unloading is to occur. The application for consent must contain a statement showing reasonable cause for the consent to be granted and must also contain the names, residence addresses and driver's license numbers of all persons who will enter Indigo East for the purpose of loading or unloading any vehicle or container. Any person loading or unloading any vehicle or container in violation of this rule shall be considered to be trespassing in Indigo East.

14.15. Owner Audio and Video Recording at Association Meetings. Any Owner may make audio and/or video recordings of meetings of the Board of Directors, committee meetings, or Owner meetings, subject to the following restrictions:

(a) **Distractions Prohibited.** The only audio and video equipment and devices which Owners are authorized to utilize at any such meeting is equipment which does not produce distracting sound or light emissions.

(b) **Placement of Equipment.** Audio and video equipment shall be assembled and placed in position not less than sixty (60) minutes in advance of the commencement of the meeting.

(c) **Stationary Equipment.** Anyone videotaping or recording a meeting shall not be permitted to move about the meeting room in order to facilitate the recording.

(d) **Notice of Recording.** Advance written notice shall be given to the Board of Directors no less than twenty-four (24) hours prior to the Board meeting by any Owner desiring to utilize any audio or video equipment at the meeting.

15.16. Owner Inspection of the Official Association Records, Records Requests.

(a) **Inspection Requests.** All requests for inspection of the official records of the Association shall be in writing.

(b) **Notice of Inspection Request.** All requests for inspection of the records [or requests for copies of records](#) shall be delivered to the Association at the address specified by the Governing Documents either by personal delivery or by certified mail.

(c) **Date and Time of Inspection.** The inspection shall occur at a date and time acceptable to the Association, but, unless a later date is requested or agreed to by the Owner, not later than the tenth (10th) business day after the receipt by the Board or its designee of the written request for inspection. The Owner may suggest alternative dates and times for the requested inspection for consideration by the Association.

(d) **Records to be Inspected.** Each written request shall specifically outline the records which the Owner or the Owner's authorized representative requests to inspect [or obtain copies.](#)

(e) **Owner Information.** Each written request shall contain the name of the Owner who is making the request for inspection or copy, the address of that Owner's Residential Unit, and a telephone number where the person who is making the request may be reached during normal business hours. If a written request is made by an authorized representative (i.e., attorney, C.P.A., etc.), the request shall contain all of the above, plus the identity of the authorized representative. This will enable a representative of the Board of Directors to confirm the appointment for inspection of the records.

(f) **Hours of Inspection.** Appointments for inspection of the records of the Association must be made between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, except when these days fall on a legal holiday.

(g) **Limitations.** Inspection of the official records or for copies of Official Records of the Association shall be limited to no more than one (1) request the equivalent of one 8-hour business day per calendar month for each Residential Unit, as represented by the Owner or the Owner's authorized representative. Additionally, each period of inspection shall be no longer than two (2) hours in length.

(h) **Reproduction Costs.** An Owner may make or obtain copies of the records that are the subject of that Owner's inspection for a charge which is based on the Association's actual costs for reproducing and furnishing the requested records, including but not limited to associated handling expense.

16.17. Owner Participation at Owner Meetings.

(a) **Written Request.** All requests to speak at a meeting of the Owners shall be in writing and shall specify the agenda item or items to be addressed.

(b) **Notice of Participation Request.** All requests to speak at a meeting of the Owners must be received by the Association at the address specified by the Governing Documents not less than the greater of seventy-two (72) hours or three (3) business days prior to the applicable Owner meeting.

(c) **Topic of Participation.** Owners shall only be permitted to speak on specific agenda items, as reflected in the posted notice of the meeting of the Owners, and shall be limited to comments, opinions or questions. The Board of Directors will not participate in a debate with any Owner or Owner's representative.

(d) **Limitation on Participation.** An Owner who desires to speak on an agenda item may only address the particular agenda item one time during each meeting.

(e) **Length of Participation.** An Owner who desires to speak on an agenda item or items may speak for a cumulative maximum time of three (3) minutes during each meeting.

(f) **Board Discussion.** After all Owners who filed their written requests with the Association on or before the greater of seventy two (72) hours or three (3) business days prior to the meeting have had an opportunity to speak on the particular agenda item which was contained in the written request, the Board may discuss that item and said discussion shall be without interruption from the floor.

(g) **Recognition by Chairperson.** Participants must be recognized by the Chairperson before being permitted to speak.

(h) **Prohibited Activities.** Shouting, profanity or comments of a slanderous or derogatory nature, or otherwise disrupting the meeting, shall not be permitted. Participants engaging in this type of conduct are subject to any and all available legal remedies.

17.18. Owner Participation at Board of Directors and Committee Meetings.

(a) **Written Request.** All requests of Owners to speak at a Board of Directors or committee meeting shall be in writing and shall specify the agenda item or items to be addressed.

(b) **Notice of Participation Request.** All requests to speak at a Board of Directors or committee meeting shall be received by the Association at the address specified by the Governing Documents not less than the greater of twenty-four (24) hours or one (1) business day prior to the Board of Directors or committee meeting.

(c) **Topic of Participation.** Owners shall only be permitted to speak on specific agenda items, as reflected in the posted notice of the Board of Directors or committee meeting, and shall be limited to comments, opinions or questions. The Board of Directors or committee will not participate in a debate with any Owner or Owner's representative.

(d) **Limitation of Participation.** An Owner who desires to speak on an agenda item may only address the particular agenda item one time during each meeting.

(e) **Length of Participation.** An Owner who desires to speak on an agenda item or items may speak for a cumulative maximum time of three (3) minutes during each meeting.

(f) **Board or Committee Discussion.** After all Owners who filed their written requests with the Association on or before the greater of twenty-four (24) hours or one (1) business day prior to the meeting have had an opportunity to speak on the particular agenda item which was contained in the written request, the Board or committee may discuss that item and said discussion shall be without interruption from the floor.

(g) **Recognition by Chairperson.** Participants must be recognized by the Chairperson before being permitted to speak.

(h) **Prohibited Activities.** Shouting, profanity or comments of a slanderous or derogatory nature, or otherwise disrupting the meeting, shall not be permitted. Participants engaging in this type of conduct are subject to any and all available legal remedies.

18.19. Signs. Each Residential Unit may identify its Occupants by a name plate of a type and size approved by the Association or its designee and mounted in a place and manner so approved. No signs, advertising, or notices of any kind or type whatsoever, including but not limited to "Political" "Garage Sale", "Yard Sale", "For Rent" or "For Sale" signs as to any Residential Unit, vehicle or personal property, shall be permitted, posted or displayed in a manner so as to be visible from the exterior of any Dwelling or Home, on any Lot or parcel, or elsewhere in the Community without the prior written approval of the Association. Stickers or signage, not to exceed 2" by 6", advising of the following are permitted in the nearest lower corner of the

window near front and back entrance with the prior written approval of the Association: alarm company information, surveillance cameras in use, special needs such as oxygen in use.

19.20. Direct Broadcast Satellite Dish (DBS) and Antenna. Except to the extent required to be permitted by applicable laws, no exterior visible radio masts, towers, poles, aerials, DBS, Over-The-Air-Reception Device (OTARD) or other similar equipment shall be placed on the exterior of any Residential Unit, Lot, or Neighborhood Common Property without the prior written approval of the Indigo East ARB. Each Owner agrees that the location of such items must be first approved by the Indigo East ARB in order to address the structural safety of such items for the welfare of residents of Indigo East Community (including an evaluation of whether such item may pose a structural or fall hazard to adjoining Lots). The Indigo East ARB's approval of the installation of any such item or device shall not be construed as any opinion, representation, warranty or guarantee as to the structural safety or soundness of same, nor shall the Indigo East ARB's approval be deemed to provide any opinion, representation, warranty or guarantee with respect to potential hazards to health or safety caused by any such item or device. Installation, maintenance, and use of all antennas shall comply with the Architectural Review Board Planning Criteria adopted by the Board and shall be governed by the then current rules of the Federal Communications Commission (FCC) and **must comply with all requirements and permitting of the Florida Building Code and any and all applicable government bodies.** The Indigo East ARB, the Declarant, the Association, or any person acting on behalf of any of them, shall not be liable for any cost, injuries or damages incurred by any Owner or Builder or any other party whatsoever, due to any antenna, radio masts, towers, poles, aerials, DBS, or other similar equipment placed on any Home, Lot, or Neighborhood Common Property. The foregoing shall not have the effect of prohibiting or limiting Declarant, the Association, and their respective designated licensees, from installing antennas, masts, or other equipment for security, cable television, satellite receiving facilities, mobile radio, wireless networking, or other similar system within Indigo East Community.

20.21. Clotheslines. Prior to the erection or installation of any clothesline on any Residential Unit, the Owner or occupant of that Residential Unit shall obtain from the Association written approval of the proposed location of the clothesline in order to permit the Association to minimize the negative aesthetic impact of such clothesline on adjacent properties and streets; provided, however, the Association shall not exercise its approval authority in any manner which has the effect of prohibiting clotheslines on any Residential Unit.

21.22. Hurricane Shutters. The Board of Directors shall, from time to time, establish hurricane shutter specifications that comply with the applicable building code, and establish permitted colors, styles, materials and installation standards for hurricane shutters. Subject to the provisions herein, the Association shall approve the installation or replacement of hurricane shutters conforming to the specifications adopted by the Board. The Board shall be entitled to amend the Specifications without notice for the purpose of remaining in compliance with all applicable building codes and manufacturer standards without notice to Owners.

Owners not present in their Residential Unit during hurricane season shall arrange to secure their Residential Unit (including outside patios) prior to a storm watch or warning and Owner shall be responsible for the Residential Unit after the storm, should damage occur. Owners shall contact the Association with the names of those individuals responsible for their Residential Unit.

Any damage to the building structure or interior of the Residential Unit resulting from either the installation of or the use of storm shutters shall be promptly repaired by the Owner. The Association shall have no obligation with respect to the installation of the shutters, and/or for the repair, replacement and/or upgrade of the shutters.

Specifications:

Type: Track mounted removable panel that fit within the masonry or frame opening and tracks that are permanently anchored into the precast lintel and filled masonry units flanking a window opening; or track mounted rollaway shutters permanently attached to the precast lintel and filled masonry units flanking a window opening. Any other material or storm shutter system shall require specific written approval by the Association.

Material: Galvanized metal, Lexan (clear), powder coated steel or aluminum.

Panel Color: White, clear, or galvanized finish. Color shall be factory applied.

Track Color: White, factory applied.

Attachment: Anchor bolts or other means of attachment shall be non-ferrous or stainless steel and in conformance with shutter manufacturer's specifications. In no case shall anchor strength be less than 2,400 lbs. pull out and 1,500 lbs. shear for concrete lintel or column, and not less than 1,220 lbs. shear when installed in a frame opening.

Shutter system shall be in conformance with the Metro Dade Standards PA202-94, PA201-94 and PA203-94. Installation shall be capable of withstanding sustained wind speeds in excess of 120 mph.

No wall penetration shall be made into hollow concrete block or at any location other than within the masonry or frame opening.

All wall penetrations shall be sealed at the time of installation with urethane caulking compound conforming to (specification) or other caulking compound approved by the Association. Track shall be caulked at all edges contacting masonry or frame opening with white caulking compound conforming to (specification).

Inspection: Owner shall submit a review and inspection fee as determined by the Board with each application for modification.

22.23. Transfer Approvals and Consents. Any approval or consent of the Association required to be obtained by these Rules and Regulations may be granted, denied or conditioned, or for cause withdrawn, by the Association in its sole and absolute discretion. In order to be effective, a transfer approval or consent of the Association must be written and signed by at least one (1) officer of the Association.

23.24. Enforcement. The Association shall be entitled to collect from any person or entity that violates these Rules and Regulations any and all expenses incurred by the Association in

enforcing these Rules and Regulations and in preventing, correcting or abating any such violation, including but not limited to reasonable attorney's fees and court costs. The Association may also seek the assistance of local law enforcement officials to prevent, correct or abate any violation of these Rules and Regulations or applicable laws, but it shall not be required to do so.

24.25. **Severability.** If any provision of these Rules and Regulations or the application thereof to any person or circumstance shall be invalid or unenforceable, the remainder of these Rules and Regulations and the application of such provision to all other persons and circumstances shall not be affected thereby and shall continue in full force and effect.

25.26. **Prior Rules Superseded.** These Amended and Restated Rules supersede and replace all prior rules and regulations promulgated by the Association.

26.27. **Exempt Entities and Properties.** Despite anything in these Rules and Regulations to the contrary, these Rules and Regulations do not apply to or bind Declarant, any Residential Unit or other property owned by Declarant, any CDD or any property owned by any CDD, or the Community Amenities Provider or any of the Community Amenity Property.

27.28. **Indigo East Planning Criteria.** The provisions of these Rules and Regulations are supplemented by the Indigo East Planning Criteria attached hereto as **Exhibit "B"** and incorporated herein by this reference.

DECLARANT APPROVAL

The undersigned hereby approves the foregoing Fifth Amendment to the Third Amended and Restated Rules and Regulations of Indigo East Neighborhood Association, Inc. in compliance with Section 7 of Article III of the Declaration of Covenants, Conditions and Restrictions for Indigo East recorded May 27, 2004 in Official Records Book 3730, Pages 757 through 848, of the Public Records of Marion County, Florida.

ON TOP OF THE WORLD COMMUNITIES, LLC.,
a Florida [limited liability](#) corporation

By: _____
Name: Kenneth D. Colen
Title: President

Date: _____, 20__

Includes amendments approved by the Board of Directors at a meeting held on ~~December 8, 2021~~ [March 19, 2021](#).

Exhibit "A"

Sixth ~~Fifth~~ Amendment to the
Third Amended and Restated Rules and Regulations
of
Indigo East Neighborhood Association, Inc.

PRIVATE GOLF CART RULES

1. Private golf carts are allowed in On Top of the World Communities, LLC. (the "Community") only if the owner(s) obtains and displays an appropriate, unaltered, current permit on the front driver side panel of the cart (see example below) from the Association and the golf cart and its use and operation comply with these Rules at all times. Golf cart permits are issued at the Resident ~~Customer~~ Services Department in Friendship Commons on a bi-annual or every two year basis. The use and operation of golf carts in the Community are also subject to Marion County Ordinance No. 05-27 and 17-34. Any use of a privately owned golf cart outside the Community is beyond the scope of these Rules and is the exclusive responsibility of the owner(s).



2. Permission to operate a privately-owned golf cart within the Community is a non-transferable and non-assignable personal privilege and is available only to occupants of the Community.
3. An identification number and decal will be issued for the cart when the application, release of liability, and proof of liability insurance are received and approved. The identification number and decal shall be placed on the front left side of the golf cart in clear view.
4. Those residents desiring a handicap sticker for the cart will be required to comply with Section 320.0848, *Florida Statutes*. You may refer to the following website for more information: <http://www.flhsmv.gov/dmv/forms/BTR/83039.pdf> or drop by the Customer ~~Resident~~ Services Department for a copy of the information. The sticker is only valid within the On Top of the World Communities property.

5. Golf carts may be operated from sunset to sunrise if equipped with, at a minimum, headlights, brake lights, turn signals, and a windshield. Otherwise, carts may only be operated from sunrise to sunset.
6. All privately owned golf carts must be in good working condition, include a rearview mirror and a reflector warning device in both the front and rear of the golf cart, in addition to any other safety equipment required by the Association or the Marion County ordinance.
7. Within the Community, all carts must stay on the designated cart paths, multi-modal paths, roadways where existing, and other areas designated for golf carts. Golf carts shall not be driven in private yards, between villas (unless operated in ingress and egress areas) or homes, on sidewalks, or on any golf course unless playing golf and are in compliance with the Golf Course Cart Use Policy. When not in use, golf carts shall be parked in designated parking areas and not on grass or sidewalks. Golf carts may not be operated on any county maintained roadway including SR 200, SW 80th Avenue and may only cross SW 80th Street and SW 80th Avenue, [SW 90th Street](#) and any future county-approved crossing at the designated golf cart crossing points.
8. Golf carts must be stored on owner's property, either in the driveway or garage unless another location is expressly approved by the ARB. Parking in yards and/or on the street is prohibited.
9. Residents with privately owned golf carts are required to ensure that their private golf carts are restricted to drivers who will operate the cart in a safe, prudent manner and in accordance with all governmental regulations. Each operator of a golf cart must be at least fifteen (15) years of age and be eligible to obtain a valid automobile driver's license.
10. Cart operators must obey all traffic signs and all driver rules outlined in the Florida Drivers Handbook. Please be courteous to pedestrians.
11. Operation of a golf cart is at the risk of the operator. Cart operators shall be held fully responsible for any and all damages that are caused by the use or misuse of the golf cart by the resident or their guests, and the resident or guest shall reimburse On Top of the World Communities, LLC, its affiliates, and the Association for any and all damages the Community may sustain by reason of use or misuse. As a condition to the issuance of a permit to operate a private golf cart in the Community, the owner(s) of the golf cart and all members of the household will be required to sign a release of liability form required by the Association.
12. Residents are responsible to provide proof annually that the operation of the golf cart is covered by a resident-owned liability insurance policy with policy limits in such amounts as may be acceptable to the Association (currently, \$100,000/\$300,000). Residents are responsible for confirming with their insurance agent/company that the liability insurance covers them for use other than to and from the golf course.
13. Privately-owned electric golf carts are allowed to be operated on the golf course, during the course of play, as long as the above-stated conditions are followed, and the On Top of the World Golf Cart Programs/Golf Course Cart Use Policy is adhered to. Absolutely no privately-owned gas carts are allowed on any golf course at On Top of the World Communities, LLC.

14. None of the Associations, On Top of the World Communities, LLC, Parkway Maintenance & Management [Marion](#), LLC., [SCA Marion Amenities, LLC](#), ~~[Sidney Colen & Associates, Ltd.](#)~~, On Top of the World Real Estate, Inc. or any of their respective directors, officers, members, partners, employees, agents or representatives shall be responsible or liable in any way to anyone in connection with the existence, operation or use in the Community of any privately owned golf cart. None of the publication or enforcement of these Rules or any inspection or permitting of any golf cart for operation and use in the Community shall be deemed or construed to create any warranty, representation or certification that the golf cart is free of any defect, that it is safe or suitable for operation or use in the Community or that it complies with any applicable law or code.
15. In addition to any other remedies the Association may have, including, but not limited to, the imposition of fines, any violation of these rules and regulations may result in the revocation of privately owned golf cart privileges.

Exhibit "B"

Sixth ~~Fifth~~ Amendment to the
Third Amended and Restated Rules and Regulations
of
Indigo East Neighborhood Association, Inc.

INDIGO EAST PLANNING CRITERIA

[Please see attached]

**INDIGO EAST
NEIGHBORHOOD
ASSOCIATION, INC.**

**ARCHITECTURAL
REVIEW BOARD
PLANNING CRITERIA**

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INDIGO EAST ARCHITECTURAL REVIEW BOARD PLANNING CRITERIA

It is the intent of these Planning Criteria to help assure that Indigo East will be a community of quality homes and buildings with tasteful and aesthetically pleasing architectural designs that are harmonious with surrounding structures and topography. These Planning Criteria promote the use of long-lasting materials and high standards of construction for buildings, landscaping and other improvements.

Pursuant to the Declaration of Covenants, Conditions and Restrictions for Indigo East (the “Neighborhood Declaration”), On Top of the World Communities, LLC. (the “Declarant”) has appointed the Board of Directors of the Neighborhood Association to serve also as the Indigo East Architectural Review Board (also referred to as the “Architectural Review Board”, the “Board” or the “Indigo East ARB”). It is the function of the Indigo East ARB to review and approve or disapprove plans for any proposed construction or alteration of any improvements within Indigo East. The Neighborhood Declaration has granted the Indigo East ARB broad discretionary powers regarding design, construction and development, including architectural style, colors, textures, materials, landscaping, overall impact on surrounding property, and other aesthetic matters. These Planning Criteria set forth the standards adopted by the Board to promote improvements that are aesthetically compatible with each other; to encourage simple elegance in architectural character; and to ensure that improvements are designed and constructed in a manner that reflects the quality and permanence of a premiere residential community.

These Planning Criteria have been adopted pursuant to Article X of the Neighborhood Declaration in order to provide guidelines for builders and homeowners for new construction and for additions or modifications to any existing exterior improvements or landscaping. These Planning Criteria do not include all building, use and other restrictions associated with Indigo East. Accordingly, builders and homeowners should familiarize themselves with the provisions of all of the governing documents of both Indigo East Neighborhood Association, Inc. and Circle Square Ranch Master Association, Inc., as well as applicable laws and building codes. Particular attention should be paid to Article X of the Neighborhood Declaration, entitled “Architectural, Landscape and Site Plan Control.”

The inclusion of any requirement in these Planning Criteria shall not preclude the Indigo East ARB’s right to disapprove any proposed matter for any reason, and any prior approval by the Indigo East ARB shall have no precedential value or effect. The Indigo East ARB reserves the right to make exceptions and grant variances. These Planning Criteria do not apply to any Community Amenity Property, any property owned by Declarant while such property is owned by Declarant, or any Residential Unit owned by a licensed homebuilder while such Residential Unit is held for the purpose of constructing improvements thereon for resale. All terms used in these Planning Criteria that are defined in the Neighborhood Declaration shall have the meanings provided by the Neighborhood Declaration.

Neither the submission of an Application for Approval of Request for Modification or any proposed plan to the Indigo East ARB, or the review of any such Application or plan by the Indigo East ARB, shall constitute an approval by the Indigo East ARB. No work shall begin before the written approval has been received from the Indigo East ARB. Approval by the Indigo East ARB does not constitute approval by any public permitting agency, nor does it ensure that the proposed improvements will comply with any other applicable codes or standards or that the improvements constructed in accordance with the approved plans will be safe or suitable for the intended use. Marion County requires building permits for homebuilding and structural modifications, which will necessitate compliance with local and state building codes. In addition, before digging,

Florida law requires all homeowners and/or contractors contact Sunshine 811 at 811 or 1-800-432-4770.

Appeal Process

In the event an Application for Approval of Request for Modification for any proposed construction or alteration of any improvement within Indigo East is denied, the following appeal process shall be followed:

1. Written letter addressed to the Board of Directors requesting a review of the original denial.
 - a. Appeal letter shall state reasons why applicant believes that the request is within the guidelines of the Indigo East Neighborhood Association's Governing Documents and these Planning Criteria.
 - b. Appeal letter shall provide all necessary information which applies to the Application for Approval of Request for Modification, including a copy of the Application form as submitted.
2. Appeal letter shall be delivered or mailed to On Top of the World Communities, LLC. [Resident Customer Services](#) office located at: 9850 SW 84th Court, Suite ~~5~~200, Ocala, FL 34481.
3. The Board has 30 days from receipt of the letter to respond to the appeal.

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 [required maximum](#) number of ~~desirable~~ trees and other ~~natural~~ features [required by the community standards](#) will be preserved and that there shall be no disruption of site drainage on adjoining lots or parcels. The ARB will review the proposed location of all improvements on the site prior to lot clearing. (All improvements must be shown on the Site Plan with measurements drawn to scale). [Building additions, swimming pool installations, patios and other construction modifications shall be placed on the building pad that is outlined in the Major Site Plan for the property on which the improvement is being constructed. Pools which extend beyond the existing building pad shall require a site drainage certification from a Civil Engineer licensed to practice in the State of Florida. Also reference "Pools" on page 7 of the Standards. The property owner shall complete all of the required maintenance and repair work as denoted by the Engineer.](#)

Setbacks

"Setback Line" is defined in the Planned Unit Development for Indigo East (the PUD). The minimum setbacks for Indigo East shall be as follows:

- Front Yard – twenty feet (20') from the front property line.
- Rear Yard – twenty feet (20') from the rear property line; ten feet (10') for swimming pools, screened enclosures, get wet pools, hot tubs, patios and porches.
- Side Yard – five feet (5') from the side property line; fifteen feet (15') abutting any side street.

All setbacks will be measured from the adjacent property line to the nearest point of the dwelling unit.

All setbacks must adhere to the On Top of the World PUD Master Plan and Indigo East and any variances approved by the ARB must also be approved by Marion County prior to commencing any work.

Zero lot line dwellings shall maintain a minimum setback between structures of ten feet (10').

Drainage, Grading, Finished Floor Elevation

Lots have been graded consistent with the approved Site Development Plan. Special attention shall be given to proper site drainage so that site runoff will not interfere with surrounding home sites and natural drainage flows. Paved areas shall be designed to allow site runoff to drain naturally and not to allow water to collect or stand.

Site plans shall show physical improvements or elements of the landscape or terrain, which control or determine the location or flow of site runoff and drainage patterns. No improvements shall be made that will [negatively](#) affect the site grade or drainage [to surrounding homesites. without prior approval of the ARB. Any improvements require prior approval of the ARB.](#) Please refer to the **ARB Sample Modification Form.**

Driveways/Walkways

Parking spaces, garages, curb cuts, walkways and the driveway to a garage shall be planned and executed in an attractive and functional manner and shall consider the location of existing trees, topography, streetscape and compatibility with surrounding improvements. NO driveway shall connect to any internal collector road unless allowed under the Master Site Plan.

All home sites shall have a driveway of stable and permanent construction of at least twelve feet (12') in width. Unless prior approval is obtained from the ARB, all driveways must be constructed of brick, concrete, stone, or similar material. When curbs are required to be broken for driveway entrances, the curb shall be repaired in an orderly fashion in such a way that is acceptable to the ARB.

Painting of driveways and/or walkways requires a modification. Color must be selected from approved Paint Palette and complement the home and the neighborhood.

Street Front Improvements

All landscaping and irrigation shall conform to the **Landscape and Irrigation Standards attached herein.** The builder or owner shall install and maintain landscaping and irrigation within the portion of the road right-of-way between the home site and the edge of pavement. This area of landscaping shall be defined by extending the side lot lines to the street. The ARB shall review the landscape and site plan to check that tree spacing and landscaping is consistent with neighboring home sites and they are within the street right-of-way. Please see Landscaping and Open Space Standards for more information.

Sod replacement shall match the pre-existing sod material unless otherwise approved by the ARB. The sodded area of the home site shall be provided with an automatic underground irrigation system. [Irrigated systems are inspected by BLCCDD at the time of completion. Changes to the irrigation system must be in compliance with the BLCCDD Uniform Service Policy.](#)

Upon development of the home site, the homeowner shall be responsible for maintaining the sod and landscaping in an acceptable manner to the edge of pavement, including planting and irrigation within the road right-of-way.

Games, Play Structures, Outdoor Cooking Appliances, Portable Furniture

All basketball backboards and any other fixed games and plays structures are subject to approval by the ARB and shall be located at the side or rear of the building not visible from the street. All outdoor cooking appliances, such as grills, smokers, fire pits and chimeneas, to name a few, as well as portable outdoor furniture, while not in use, needs to be stored out of view of the street.

Swimming Pool

Any swimming pool to be constructed upon any home site will be subject to review of the ARB prior to submittal to any County permitting authority. The design submittal must include all design components including parcel boundary set-backs lines, materials, finishes and colors for the pool, pool deck, fence, screen enclosure, additional landscape bed with uniform hedge and approved mulch material and must meet state and county regulations for child safety. All pools must be enclosed by a screened enclosure surrounded by approved landscape plantings, form a uniform hedge appearance within one (1) year of planting; and thereafter be maintained at not less than twenty-four inches (24") nor greater than forty-eight inches (48") in height. Additional privacy fencing may be approved to surround/border the screened enclosure. Above ground pools are prohibited. No changes to final grade that will impede the drainage to property or adjacent properties will be allowed.

Hot Tubs

Any Hot tubs or portable spas to be constructed or installed upon any homesite will be subject to review of the ARB, and installed at any home site must be in conformance with Florida Statutes and Marion County ordinances for child safety. County permits will be the responsibility of the homeowner to obtain. The hot tub/portable spa must be installed within a screened enclosure, fenced enclosure or have a safety cover that complies with ASTM F1346-91. All hot tubs (enclosed or not) must be surrounded by approved landscape plantings in a minimum three (3) foot landscape bed, form a uniform hedge appearance within one (1) year of planting; and thereafter be maintained at not less than twenty-four inches (24") nor greater than forty-eight inches (48") in height.

Lighting

All exterior lighting shall be consistent with the character established and be limited to the minimum necessary for safety, identification and decoration. Please refer to the **Indigo East Site Lighting Criteria** attached herein. Exterior lighting of buildings shall be limited to concealed fixtures with bulbs not visible off the building home site. No floodlights will be permitted in Indigo East. No lighting of outdoor recreational facilities is permitted other than swimming pools, unless site conditions warrant and are subject to the review of special consideration by the ARB.

Fences and Walls

In general, fences or walls are not encouraged within Indigo East. All walls, if permitted, shall be of the same material and design as the adjacent building. When the ARB determines that a fence or wall is deemed to be unnecessary or unsightly and detracting from the visual value of common areas, a landscape screen (buffer hedge) in lieu of a fence or wall shall be required. No fence or wall over four feet (4') in height, measured from the natural grade, shall be permitted. All fences, approved by the ARB, shall be comprised of green chain link or white vinyl material. No fences consisting of lattice materials shall be permitted. Fences shall not extend beyond the side borders of the home nor forward of the rear building base line, so as to be hidden from the street. All fences shall remain at least three feet (3') from the back property line and shall be hidden from view by landscape bed with uniform hedge and approved mulch material or approved buffer plants that equal the height of the fence. The lots that abut a perimeter fence may extend the fencing to the back property line but shall not extend the fence beyond the side borders of the home. Plants

must be on the **Approved Buffer Plant Palette**, and planted at time of fence installation, and must be installed no more than four feet (4') from fence in an approved landscape bed with approved mulch material. Said plants shall be at least two feet (2') in height at installation; attain a height of three feet (3') and form a uniform hedge appearance within one (1) year of planting. Thereafter, all buffer hedges shall be maintained at not less than thirty-six inches (36") nor greater than forty-eight inches (48") in height. Fences should not enclose or define property lines of individual homes. Invisible fences shall follow set back rules for sides and backs of lots and not enclose or define property lines of individual homes. Invisible fences shall not extend forward beyond the back corners of the home. Invisible fences installed on zero lot line home sites must be at least five feet (5') off the side property line.

The ARB has the right to deny fence and/or wall applications that detract or impair the view of other home sites that sit on premium lots; such as golf course, preserves, drainage retention areas ("DRAs"), etc. as measured by a forty-five degree (45°) angle from the center point of the back of the neighbors' adjacent dwellings. Please refer to **Example of Line of Sight Rules for Fence and Wall**.

Buffer and Privacy Hedges

Hedges shall be maintained, if backing up to any roadway, at a height not to exceed twelve feet (12'), and on rear property line at a height not to exceed eight feet (8') with a setback of five feet (5'). Buffer hedges on side property lines may not extend past the furthest point of rear wall of the home and shall be maintained not higher than eight feet (8') with a setback of five feet (5'). All other buffer hedges must be maintained at four feet (4') in height. Hedges that block premium lot views may be denied. Hedges may not negatively impact drainage nor interfere with utilities.

Mail Boxes

All mail boxes and stands shall be of a design approved by the ARB, shall include no more than the surname and house number of the resident and shall be located at the street front of each home site as prescribed by the United States Postal Service. The builder shall provide and install the mailbox by developer specifications. The mailbox specifications approved for Indigo East are for all aluminum, white, heavy-duty rural United States Postal Service approved. Please refer to www.otowinfo.com, Indigo East/Community Standards/Mailboxes for link to **Mailboxes.com - Product**.

Lawn Furnishings, Ornaments and Accessories

Birdbaths, bird houses, bird feeders, frog ponds, lawn sculptures, plant pots, rocks, rock gardens, [garden/yard banners/signs](#), hanging [live plants](#), [shepherd's hooks](#), wind chimes and other types of lawn furnishings, ornaments and accessories on any home site [shall comply with the community rules, regulations and standards, and](#) requires prior approval of the ARB. In general artificial plants and lattice are not permitted. Designs and styles shall be aesthetically pleasing and shall recognizably complement, or acceptably contrast with, the immediate surroundings. All lawn furnishings, ornaments and accessories shall be secured or removed as necessary when threats of severe weather are forecasted. Lawn furnishings, ornaments and accessories that have been approved by the ARB may be installed only in conformity with the following criteria:

- a. **Lawn Furnishings:** Only one (1) large item over eighteen inches (18") in height and two (2) small items under eighteen inches (18") in height are permitted to be installed in front yards (oversized statues or other similar items are not one-size-fits-all and may be

disapproved). A single shepherd's hook counts as a large item with a limit of four (4) hooks each and one (1) item per hook. Each bird house, bird bath, bird feeder and large rock combination shall count as one (1) large item (with the exception that rocks included in the original landscape shall be exempt from this provision). A one story bird house eighteen inches (18") in height or smaller, single bird bath, and single bird feeder may be installed in the front or back yard as long as no other ornaments or pots are added.

- b. **Rocks:** Only one (1) large rock not to exceed thirty-six inches (36") in height or diameter and two (2) small rocks not to exceed eighteen inches (18") in height or diameter are permitted to be installed in front yards as long as placed within a designated landscape bed (oversized rocks may be disapproved).
- c. **Pots:** Groupings up to three (3) small or one (1) large and two (2) small matching, decorative ceramic, stone, or fiberglass flower or plant pots containing live plants from the Approved Plant Palette or other approved plants may be approved within landscape beds. Small pots are defined as not more than a sixteen inch (16") circumference at the top of pot and large pots are defined as not more than a thirty inch (30") circumference at the top of the pot. Additional flower or plant pots may be approved if buried within the landscape beds. Flower and plant pots are not allowed on walkways, on lawns or driveways and may not be attached to the exteriors of any dwelling units. One decorative pot may be approved on each side of the garage door opening and each will count toward the total pots allowed. Pots that become damaged or unsightly must be removed.
- d. Back yards fall under the same standards. Applications for approvals to place lawn furnishings, ornaments and accessories within side yards must be properly sized and in proportion for the location, and will be considered on a case-by-case basis.
- e. **Hanging Plants:** Up to three (3) ~~wind chimes,~~ hanging pots containing live plants, or any combination ~~thereof~~ two (2) live plants and one (1) wind chime, may be added to the porch area. One (1) hanging plant, attached to a tree, in an approved manner that does not result in damage to the tree, may be permitted. Wind chimes considered to be a nuisance, may be required to be removed.
- f. No lawn furnishings, ornaments or accessories may be placed in any common area.
- g. Outdoor furniture (designated for outdoors) properly sized and in proportion for the location may be approved. Barbeque grills may not be stored or utilized on the front porch of dwelling.
- h. **Trellises.** Trellises and Arbors not to exceed forty eight (48") inches in width, twenty four (24") inches in depth, and eighty four (84") inches in height are allowed in front and back yards and shall not be attached to the structure. Larger trellis and Arbors in proportion for the location may be considered in back yards. One (1) trellis may be installed in a landscaped bed in the front yard and one (1) trellis in a landscaped bed in the back yard. Trellises in side yards will be considered on a case by case basis. No fence panels or lattice panels may be used as a trellis. One (1) trellis is considered one (1) large item.

Flags

No flag may be displayed on any lot or dwelling except as follows:

- a. One (1) portable, removable official United States flag, or official flag of the State of Florida, not larger than 4-1/2 feet by 6 feet, and additionally one (1) portable, removable official flag ~~of the State of Florida or~~ which represents the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag, may be displayed at any time.
- b. With ARB approval, one (1) seasonal flag may be displayed during the applicable season only.
- c. With ARB approval, one (1) sports flag may be displayed on game day only.

- d. Flags must be displayed either on a flagpole that meets the requirements set forth below or is otherwise acceptable to the ARB, or on a mounting bracket and flag staff or mast affixed to the dwelling which have been approved by the ARB as to specifications and location.
- e. Any flag displayed together with the United States flag shall ~~not be larger~~ be equal in size or smaller than the United States Flag, and displayed lower ~~higher~~ than the United States flag.
- f. All flags shall be displayed in a respectful and tasteful manner.
- g. No other flags may be displayed without ARB approval.

Flagpoles

With ARB approval, one (1) freestanding flagpole may be erected on each lot for the display of permitted flags. Each flagpole shall meet the following criteria:

- a. flagpole shall be metal;
- b. flagpole shall be no more than twenty feet (20') high;
- c. flagpole shall be straight and vertical;
- d. flagpole shall not obstruct any sightline at any intersection;
- e. flagpole shall not be erected within or upon any easement;
- f. flagpole must be able to withstand wind speeds of at least one hundred ~~thirty~~ thirty miles per hour (~~130~~ 110 mph); and
- g. the Owner shall have called Sunshine State One Call (1-800-432-4770) and had them mark the locations of all underground utility lines prior to installation of the flagpole.

Exterior Art

Exterior Art must be approved by the ARB prior to installation. Generally, Exterior Art is only permitted inside foyer areas of the front entrance and areas not visible from the street. The acceptable standard shall include dimensional wall art, appropriate for the space. The Association reserves the right to deny installation of exterior art in its sole opinion.

GENERAL BUILDING CONSTRUCTION STANDARDS

Indigo East will be developed with a variety of Architectural Styles; the architect should be sensitive of existing structures and the adjacent environment. Designs shall recognizably complement or acceptably contrast with its immediate surroundings. Restraint and Durability in design and material selection shall form the basis for acceptance by the ARB.

Minimum Building Size

All dwelling units within Indigo East shall have designs with a minimum of 950 SF of air-conditioned space.

Exterior Materials

Finish colors shall be applied consistently to all sides of the exterior of buildings. Recommended materials shall be stucco or similar cementitious products of neutral colors such as whites to beige and light grays. Brick and stone may be used as accents. Simulated brick or stone shall be permitted.

Finish materials shall be applied consistently to all sides of the exteriors of the buildings. Recommended materials shall be stucco and stone or similar simulated products. Wood and brick shall be allowed in limited areas only. Metal or vinyl siding is prohibited. Sample materials may be requested by the ARB for review.

Exterior materials are expected to be durable and capable of maintaining acceptable appearance for the conditions that exist at Indigo East. All materials proposed for exterior use shall be approved by the ARB prior to construction.

Fenestration, Enclosures, Exterior Trim and Decoration

Exterior window and door trim and similar decorations shall be of same, complementing or contrasting color and material. Compatibility shall be considered by the ARB in accepting proposed trim and decoration alterations. The preferred material for trim and decorations are synthetic materials capable of maintaining original appearance for its exposure. All material proposed for exterior trim and decoration shall be approved prior to construction.

Windows and doors shall be glazed with missile resistant laminated glass. Shutter systems shall require prior approval and shall be concealed from view when not in use or as approved by the ARB. Please refer to Rule 21. Hurricane Shutters for detailed specifications. The Storm/Hurricane Shutter Systems and list of **Shutters/Contractors** may be obtained from [Resident Customer Services](#) located at Friendship Commons or viewed at www.otowinfo.com. Aluminum awnings and jalousie-type windows are prohibited. Use of reflective glass shall be limited. Garage door openings shall be designated with proper door units; screened garage door units will be permitted [with ARB approval](#).

Absolutely no screened enclosures shall be allowed on the fronts of homes. Screen enclosures shall meet Florida Building Code and comply with Marion County regulations for permitting and site setbacks. [All sections of screen enclosures shall be constructed of screening material with a three \(3\) foot wide landscaped barrier. Fitted outdoor acrylic or polyester fabric may be used on the roof section as a weather barrier. The fabric must be replaced when fraying, or wear and tear occurs. No lattice fencing or other items that do not fit with the character of the community are allowed inside the screened area.](#)

No enclosures or alterations of any kind, which in any way change the appearance of fronts of homes, will be allowed.

Gutters and Down Spouts

Gutters and down spouts shall be compatible with— [the architecture and colors of the housesurrounding wall surfaces](#). Aluminum and pre-finished vinyl are preferred materials for gutters and down spouts. [Gutters are required to be installed with underground downspout extensions to an open area not directed to common swales.](#) -Application for Modification for gutters must ~~indicate the location of the downspouts~~ [meet the following guidelines:-](#)

- a) [A drawing is required to indicate gutter and downspout installation locations as well as location of the underground downspout extensions.](#)
- b) [Underground gutters and extensions, must be located in such a manner as to not adversely affect drainage onto neighboring properties. Downspout extensions must be buried, and directed to an open space with an approved diffuser attached, to allow for proper drainage. It is not recommended to terminate the downspout extension between homes.](#)
- c) [Site plan or plat must be included indicating the end of water flow and including the distance from the property line.](#)

Drainage from gutters shall not affect adjacent lots or homes by creating washout or other erosion. The ARB reserves the right to require repair of erosion from gutter runoff in swales, common swales and adjacent properties and may require the removal of gutters in non-essential areas (sides of home and non-entry ways) in order to resolve erosion [or drainage](#) problems: [which is a](#)

[homeowner responsibility. Leaf guards installed underneath the roofing shingle. Rain sensor must be relocated to operate properly.](#)

Exterior Colors

The color palette for Indigo East shall be subdued earth tones and pastels. Please refer to the **Approved Paint Palette** available at the [Resident Customer Services](#) Department located at Friendship Commons. Any changes in the exterior colors made in future re-paintings shall be regarded as a “minor alteration or addition,” subject to approval by the ARB. Samples and/or color chips of all exterior colors are required with final submittal. Paints shall resist chalking and fading for a 10-year cycle. The ARB may require repainting of materials that fail to maintain acceptable appearance.

Building Heights

Heights of buildings shall be compatible with adjacent buildings. The maximum height shall be thirty-five feet (35’) from outer edge of roadway curbing, and not more than two stories, unless a variance is granted by the ARB.

Roofs

Flat roofs shall not be permitted on the main portion of the structure provided; however, the ARB shall have discretion to approve such roofs on the main body of a building if typical to that type of design. No built-up roofs shall be permitted, except on approved flat surfaces. The composition of all pitched roofs is high quality architectural grade shingles or cement tiles approved by the ARB. Please refer to the [House Color Palettes/Shingle colors](#), available at the [Customer Resident Services](#) Department located at Friendship Commons.

No metal roof extensions shall be allowed on the fronts of homes.

Chimneys

Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone or stucco. If the fireplace is a metal (self-insulated) type with a metal spark arrester at the top of the chimney, this arrester must have a cowl or surround of a material approved in advance in writing by the ARB and be a color approved by the ARB. Please refer to the ARB **Sample Modification Form attached herein.**

Garages

All residential dwellings shall include a garage adequate to house at least two (2) but not more than four (4) large size [American](#) automobiles.

All garages shall be constructed of the same exterior materials and colors as the main structure. All garage doors (except service doors) shall be a minimum width of nine feet (9’) for each automobile and operated by automatic door openers. Wherever possible, garage doors or service doors shall be located so they do not face the street. Garage doors should always be located where they are least visible to persons approaching the residence. When garage doors face the side home site line, screening from view by landscaping is required. Garage doors shall be constructed of a material that is similar in appearance to the exterior materials of the buildings, and the color of the garage doors shall be compatible with the color of other exterior finishes of the building. Garage doors, automatic door openers and service doors shall be maintained in a useful working condition and shall be kept closed when not in use.

-No garage shall be converted to other usage without the substitution of another garage. Carports shall not be permitted. [Garage door screens require prior approval from the ARB.](#)

Water Conserving Bathroom Fixtures

Water closets shall be water conserving (low volume) models and all faucets and showers shall have flow restrictors.

Energy Efficiency

All homes shall meet or exceed Florida's Energy Efficiency Code for Building Construction. All plans and specifications submitted for final approval shall include evidence of compliance with this provision.

Appurtenances

All exterior mechanical equipment, including but not limited to, transformers, vents, air conditioning compressors, pool pumps, generators and generator cover assembly, water softeners, ~~meters~~, etc., shall be concealed from view by approved placement or by plantings from the Approved Buffer Plant Palette. Appurtenances should not be readily visible from the street and consideration of neighboring homes and their respective window views must be given. Window air conditioner units are prohibited. All generators, if approved, shall only be tested between the hours of 10:00 AM and 4:00 PM and shall not exceed a fifteen (15) minute run-time duration within the testing period. In addition, generators shall only be operated during power outages. Water softeners are prohibited from discharging into the Community's sewer system. Propane tanks, if approved, shall be installed in accordance with Florida Building Codes and National Fire Protection Association Standards and must be screened from view by a fence and buffer plants as defined in Fences and Walls, or buried. Owner is responsible for all maintenance and removal of equipment when discontinued.

Roof or Wall Attachments or Penetrations

ARB approval must be obtained for the installation or placement of any solar panel, solar tube, solar fan, skylight, weathervane or other roof or wall attachment or penetration. Improvement of a dwelling by installing photovoltaic devices (e.g., solar panels) is generally encouraged. However, in order to protect the community and its residents from unsafe or unsightly installations, the ARB requires that detailed specifications be submitted along with the Application for Approval of Request for Modification. These specifications include, but are not necessarily limited to:

- a. Detailed plans, engineering and specifications for installation, including the location, number, type and composition of the systems or devices to be attached.
- b. The ARB prefers that roof and wall attachments and penetrations not be visible from the street. The ARB reserves the right to restrict the location of any installation within the limits of Florida applicable law.
- c. The ARB requires that a product brochure for roof or wall mounting equipment and all components be provided with the Application for Approval of Request for Modification.
- d. All roof and wall attachments and penetrations must comply with Florida Building Code (as amended from time to time) wind load design applicable for that product. Owner will submit the applicable rule with the modification application.

The homeowner is responsible for ensuring that all county permits have been obtained by the contractor. The dwelling owner shall cause each approved roof or wall attachment or penetration to be inspected at least once each year and to be continuously maintained, repaired, repainted and otherwise cared for so as to ensure that the attachment or penetration and any mounting materials remain intact and in good condition and that they do not become weather-beaten or unsightly.

Accessory Uses

Accessory uses are defined as any use incidental and subordinate to the principal use of the structure and located on the same lot. Accessory uses may include screened enclosures, porch extensions, garden buildings, ~~generator and cover assembly, water softener,~~ or any structure not built as an original component of the home. Accessory uses shall require the prior approval of the ARB. ~~All generators, if approved, shall only be tested between the hours of 10:00 AM and 4:00 PM and shall not exceed a fifteen (15) minute run time duration within the testing period. In addition, generators shall only be operated during power outages. Additionally, all accessories, for example, but not limited to, generators and water softeners, shall be hidden from plain view by approved plantings. Water softeners are prohibited from discharging into the Community's sewer system.~~

Direct Broadcast Satellite Dish (DBS), Over-the-Air-Reception Device (OTARD) and Antenna

The placement of the antennas, aerials and similar equipment, including DBS and OTARDs are to be placed, screened or landscaped so as to be hidden from view. Such antenna, OTARDs or DBS may not be placed in any position where it can create a safety hazard to a structure. Please refer to **Standards for Antenna Installation**, attached herein, for details on installation and required applications to the ARB.

Hurricane Shutters

Hurricane shutters, supporters and hardware are subject to review and approval of the ARB. Any supports or hardware that remains as a permanent element shall be finished to match the adjacent architectural element (i.e.: stucco, window frame, trim band, etc.). Hurricane shutters are to be closed/secured 48 hours before the storm, and are to be taken down (or opened) 24 hours after the official watch has been lifted. At all other times, hurricane shutters shall not be in use. Please also refer to Rule 21. Hurricane Shutters for detailed specifications.

Insurance

All contractors performing modifications to a home site or structure must provide proof of an acceptable amount of general liability and automobile insurance before Application for Modification will be reviewed by the ARB.

LANDSCAPING AND OPEN SPACES STANDARDS

General

Any home site, which has been altered from its natural state, shall be landscaped according to plans approved by the ARB. 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 as approved by the ARB shall be complete at the time of submittal of the Builder's Construction Completion transmittal to the ARB. Homeowner shall be responsible for calling in any and all utility locates at Sunshine 811 at 811 or 1-800-432-4770.

The objective of the landscaping plan should be to provide landscaping around each home, which is consistent with the high standards of the Indigo East Neighborhood. In order to complete a landscaping plan, you will need to locate your site plan. Please refer to the **Typical Site Plan**, attached for your reference.

Landscaping Plan

A landscaping plan for each home site must be designed, submitted and approved by the ARB. The landscape plan must provide accurate documentation of home owner(s) intent, what the home owner will be removing and planting, for ARB review. Existing trees intended for removal should be shown and may not be removed without the prior approval of the ARB. The landscape plan shall indicate all plant types by common names, sizes, height, spread, caliper, and plant spacing. Under no circumstance shall a homeowner modification negatively impact or alter the grade or drainage flow of the yard or maintenance of that Lot. The landscape plan shall also provide a scale of measure to assist the ARB in its evaluation. The ground surfaces of all lots except that occupied by hardscape or structure shall be covered with a combination of landscaping, i.e., sodded grass lawn, planted ground cover and approved mulch material. The landscaping plan shall be in compliance with Bay Laurel Center Community Development District's (BLCCDD) Uniform Service Policy. Please refer to www.BLCCDD.com and click on Public Records, then the Uniform Service Policy, Sections 49.2 and 49.3, Residential Irrigation Additional Requirements.

Trees

In order that the streetscape of the home site may be preserved, no living tree having a diameter of 2 ½ inches or more measured 6" from grade shall be destroyed or removed from the property unless approved by the ARB in connection with its approval of the plans and specifications for the construction of improvements on the property. The builder shall take special care during construction not to injure or destroy trees or tree root systems including use of protective barriers to keep equipment away from trees. Each home shall have at least one (1) canopy tree not less than 2-2 ½" of caliper 6" from grade as measured by Florida Grades and Standards for Nursery Plants, 2015, unless the original home site did not include a canopy tree. Trees appearing on the approved list maintained by the ARB shall be approved for installation. Trees shall be planted at least five feet (5') off property line. Please refer to **Approved Plant Palette, attached herein.**

Sod

Sod may be removed and replaced with an approved sod or ground cover or with weed mat and ~~three inches (3") or more of~~ gravel as long as 50% of the pervious surface (green space) remains in sod or landscape bed. When removing sod and replacing with rock, mulch or gravel, property lines shall be defined with a continuous cementitious-poured in place curbing, steel edging, reinforced plastic edging or an interlocking stacked block concrete material not to exceed twelve eighteen inches (12 18") in height along the same horizontal plane to maintain the rock, mulch or gravel in place. The irrigable sod area shall not exceed the original plan design. -The ARB reserves

the right to approve or deny any application or material not in accordance with the standards herein. Please refer to **Approved Plant Palette, attached herein** for approved grasses.

Florida Water Star Certified Homes: Homes designed and certified to meet the criteria of the Southwest Florida Water Management District, Florida Water Star Program (FWS), as amended, shall not be altered as to the ratio of high and low volume irrigation. Homeowners wishing to reduce turf areas as permitted within the Association standards may do so but shall not exceed 50% of the impervious area with rock or mulch. Landscape bed changes may be made as long as the square footage of the landscape bed is not reduced below 50% of the total pervious area of the lot. The Association reserves the right to enforce FWS and Bay Laurel Center Community Development District (BLCCDD) standards, and may require recertification for changes impacting the design of the landscape and irrigation system. All cost incurred for re-inspection shall be the responsibility of the owner.

Artificial Turf

The use of artificial turf is not encouraged by the Association, but the Association may permit the installation of artificial turf, not to exceed Marion County standards for impermeable surfaces or the community's storm water management plan. Artificial turf applications shall not extend beyond the rear walls of the home and shall include sufficient information for the ARB to make a determination, such as but not limited to: area of installation, square footage of proposed area demonstration of compliance with Marion County Florida standards and the community's storm water management plan, design use intention for turf area, manufacturers maintenance requirements, manufacturers installation requirements, maintenance plan for designed intent (especially dog runs), sample of artificial turf, as well as signed agreement to maintain the turf for wear and tear and odors. Any artificial turf areas in disrepair or otherwise not compliant with this section must be removed and replaced with approved turf or can be landscaped with Association approval.

Mulch and Bed Edge

All planting areas within each home site shall be covered and maintained with ~~three inches (3") or more of~~ pine needle, pine bark, cypress, gravel, or other suitable mulch. Not more than 50% of the pervious surface (green space—planting and sodded areas) may be mulch, rock or gravel. Bed edge shall be constructed as a continuous edge on the same horizontal plane. Use of a cementitious-poured in place curbing, steel edging, reinforced plastic edging or an interlocking stacked block concrete material not to exceed ~~eighteen-thirty six inches (4836")~~ in height is recommended for bed edging purposes. ~~and Edging used to define property lines shall not exceed twelve inches (12") in height is required~~ when defining property lines. All edging materials are subject to approval by the ARB.

Plant Materials

Plant materials shall equal or exceed the standards for Florida No. 1, as given in “Grades and Standards for Nursery Plants” Part I and Part II State of Florida Department of Agriculture, and any amendments thereto. The landscape plan shall include all plant types by common name, sizes, height, spread, caliper, quantity and plant spacing. Perennial plants may not dominate more than 25% of the total square footage of the landscaped bed areas and must be supported by woody ornamental ~~or evergreen~~ plantings. All plant materials are subject to the review and approval of the ARB. Use of non-indigenous plants is discouraged. Use of native, drought-tolerant species is strongly encouraged. Please refer to the **Approved Plant Palette, attached herein.**

Irrigation

All sod, ground covers and landscaped areas ~~shall be originally~~ provided with an automatic underground irrigation system shall not be altered unless improving efficiency. Irrigation must be provided to the back of the curb of the adjacent street. All home sites must use the irrigation water source(s) as provided for such use, including re-use sources. Irrigated systems are installed and inspected by BLCCDD at the time of completion. Changes to the irrigation system must be in compliance with the BLCCDD Uniform Service Policy. Home owner cannot install additional irrigation unless in compliance with BLCCDD’s Uniform Service Policy. Please refer to www.BLCCDD.com and click on Public Records, then the Uniform Service Policy, Sections 49.2 and 49.3, Residential Irrigation Additional Requirements.

Fertilizers and Pesticides

Only slow-release fertilizers and pesticides approved by the U. S. Environmental Protection Agency and the Florida Department of Environmental Regulation shall be used and applied in accordance with the label instructions.

FOR LINK TO MARION COUNTY BOARD COUNTY COMMISSIONERS (MCBCC) FERTILIZER ORDINANCE 08-35 see below:

<http://www.districtgov.org/images/whatsnew/MCBCC%20Fertilizer%20Ord%2008-35%20FINAL%20SIGNED.pdf>

FEES FOR MINOR/MAJOR REVIEWS

The intent of the ARB is to promote and assure that all improvements are aesthetically compatible with each other; promote simple elegance in architectural character; and that dwellings are constructed to reflect the quality and permanence of a premiere residential community. In that regard, the ARB is responsible for ensuring certain improvements are done in accordance with the approved Application for Modification.

The following list of improvements will be inspected upon their completion by ARB representatives at the fee listed:

Minor Review Inspections (\$35 fee applies*)**

- Hurricane Shutters
- Fences
- Walls
- Chimneys
- Appurtenances and Wall or Roof Attachments or Penetrations
- Accessory Uses: screen enclosures, porch extensions, shutters, gutters, water softeners, generators or other non-structural changes
- Antennas: DBS, OTARDs and antennas
- Landscape Modifications: changes to approved landscape design (Note: No approval or inspection fee is required to install any plant from the Approved Plant Palette in conformity with the previously approved landscape design.)
- [Hot Tubs](#)

Major Review Inspections (\$150 fee applies*)**

- Swimming Pools (includes screened enclosure)
- Wading Pools
- Permanent structural additions attached to the home, excluding screened lanais, screened enclosures.

* Fees are subject to change without notice. The ARB reserves the right to include fees for such other modifications as may be required from time to time. Please check with [Customer Resident Services](#) for an updated listing.

** Residents are responsible for delivering the inspection fee at the time Application for Modification form is submitted to the [Resident Customer Services](#) Department.

On Top of the World Communities Landscaping and Irrigation Standards

Welcome to On Top of the World Communities. Our mission is to provide premier services to the people who seek to “Find Their Place in the World.”

Here at On Top of the World Communities we strive to be stewards of the environment around us therefore we do things a little different. Let us take a minute of your time to explain our reasoning and methods of our conservation efforts.

Protecting our water resource is a number one priority. We work with the Florida Yards and Neighborhoods program (“FYN”). This program is sponsored by the Institute of Food and Agricultural Sciences and the Florida Division of Agriculture to promote water-wise landscapes. On Top of the World Communities, LLC. strives to educate our residents in this regard. The following suggestions are from the FYN Handbook:

- Install the right plant in the right Place:
 - o Light Conditions – install a plant that can handle direct sunlight, shade or filtered sunlight.
 - o Soil Conditions – picking plant material that like to be in moist soil conditions or dry soil conditions.
 - o Cold/Heat Hardiness – choosing plant material that can withstand the climatic zone that we live in.
 - o Water requirements – installing plant material that can handle the drought situations and flourish with the rainfall we receive and minimal irrigation.
- Water and Irrigation Efficiency:
 - o Let the landscape tell you when it needs water
 - o Irrigation controller usage – each home is equipped with an Irrigation Controller and Rain Sensor, let them do their job.
 - o Watering your lawn - early morning irrigation minimizes evaporation and waste.
- Irrigation Amount - lawns only need about one-half to three-quarters of an inch of water at a time. To measure this use empty tuna cans and run the zones for 15 minutes to see your water usage.
- **Do not water between the hours of 10:00 a.m. and 4:00 p.m.; this is a statewide watering restriction. Please refer to watering restrictions at www.otowinfo.com.**

We strive to be leaders in conservation of water usage. We do this by trying to reduce the amount of surface runoff and evaporation when irrigating our neighborhoods and roadway landscaping. As residents of the community we ask that you help us by doing your part in conserving a precious natural resource.

(Visit <http://www.marioncountyfl.org/departments-agencies/departments-a-n/extension-service/lawn-and-garden/florida-yards-and-neighborhoods> you can learn more about Florida Yards and Neighborhoods and Florida Friendly Landscaping.)

The landscaping installed at homes in Indigo East is designed to be Florida Yards and Neighborhoods friendly. Turf areas are historically known to be the largest water users in the landscape. Plant beds are landscaped with plant material that can handle some water stress. This is especially important during the spring and summer months when water use restrictions really have an effect on the landscape. Also, these landscapes are designed to help the homeowners save money on water usage. When the plants are fully established the homeowners can reduce watering times resulting in money savings and the conservation of a precious resource.

Here are the types of heads we use in residential landscaping including the suggested run times.

Irrigation Manufacturer	Application	Type of Head	Precipitation Rate	Run Time
<i>Hunter</i>	<i>Turf</i>	<i>PS Series Heads</i>	<i>1.4" - 1.7" per hour</i>	<i>10-20 min</i>
<i>Hunter</i>	<i>Turf</i>	<i>SRS Series Heads</i>	<i>1.5" per hour</i>	<i>10-20 min</i>
<i>Hunter</i>	<i>Turf</i>	<i>Pro Spray Series</i>	<i>1.5" per hour</i>	<i>10-20 min</i>
<i>Hunter</i>	<i>Turf</i>	<i>Institutional Spray</i>	<i>1.5" per hour</i>	<i>10-20 min</i>
<i>Rainbird</i>	<i>Turf</i>	<i>1800 Series</i>	<i>1.6" per hour</i>	<i>10-20- min</i>
<i>Rainbird</i>	<i>Turf</i>	<i>Uni-Spray</i>	<i>1.6" per hour</i>	<i>10-20 min</i>
<i>Rainbird</i>	<i>Shrubs</i>	<i>Xeri-Bug Emitter</i>	<i>0.5 - 2.0 GPH</i>	<i>30 min - 1 hr.</i>
<i>Rainbird</i>	<i>Shrubs</i>	<i>Xeri-Bubblers</i>	<i>0 - 35 GPH</i>	<i>20-45 min</i>
<i>Rainbird</i>	<i>Shrubs</i>	<i>Xeri-Spray</i>	<i>0 - 31 GPH</i>	<i>20-45 min</i>
<i>Rainbird</i>	<i>Shrubs</i>	<i>Xeri-Spray 360</i>	<i>0 - 24 GPH</i>	<i>20-45 min</i>
<i>Hunter</i>	<i>Turf</i>	<i>PGP</i>	<i>.12" - 1.1" per hour</i>	<i>30 min-1 hr.</i>
<i>Hunter</i>	<i>Turf</i>	<i>MP Rotator</i>	<i>.45" per hour</i>	<i>90 min</i>

**On Top Of the World Communities, LLC.
Approved Plant Palette**

Shrubs for Subtropical climates

* Native plant

S= Sun, PS=Part Shade
FS=Full Shade

Botanical Name

Common Name

<i>Abelia x grandiflora</i>	Glossy Abelia, S, PS
* <i>Callicarpa americana</i>	American Beautyberry, S
* <i>Illicium floridanum</i>	Anise, Florida Anise, S, FS
* <i>Illicium parviflorum</i>	Anise, Ocala Anise, S, PS
* <i>Rhododendron austrinum</i>	Florida Flame Azalea, FS
* <i>Rhododendron canescens</i>	Florida Pinxter Azalea, FS
<i>Nandina domestica</i>	Heavenly Bamboo, S, FS
<i>Berberis thunbergii</i>	Japanese Barberry, S
<i>Callistemon rigidus</i>	Bottlebrush, S
<i>Buxus microphylla</i>	Boxwood, S
<i>Ligustrum sinense</i>	Chinese Privet, S, PS
<i>Buddliea davidii</i>	Butterfly Bush, S
<i>Camellia japonica</i>	Camellia, PS, FS
<i>Camellia sasanqua</i>	Sasanqua Camellia, PS, FS
<i>Cana spp.</i>	Cana Lilly, S, PS
<i>Gardenia spp.</i>	Gardenia, S, PS
<i>Ilex cornuta</i>	Chinese Holly, S
<i>Cleyera japonica</i>	Cleyera, S, PS
<i>Cycas revoluta</i>	Sago Palm, S
<i>Elaeagnus pungens</i>	Elaeagnus, Silver Thorn, S, PS
<i>Pyracantha coccinea</i>	Firethorn, Pyracantha, S
<i>Rhododendron simsii</i>	Formosa Azalea, PS, FS
<i>Mahonia bealei</i>	Leatherleaf Mahonia, PS, FS
<i>Mahonia fortunei</i>	Fortune's Mahonia, PS, FS
<i>Ligustrum japonicum</i>	Wax Leaf Ligustrum, S, PS
<i>Cortaderia selloana</i>	Pampas Grass, S
<i>Acca sellowiana</i>	Pineapple Guava, S, PS
<i>Rapheolepis indica</i>	Indian Hawthorn, S
<i>Hibiscus spp.</i>	Hibiscus, S
<i>Ilex crenata</i>	Japanese Holly, S, PS
<i>Ilex rotunda</i>	Rotunda Holly, S, PS
* <i>Ilex vomitoria</i>	Yaupon Holly, S, PS
<i>Ilex 'Nellie R. Stevens'</i>	Nellie R. Stevens Holly, S
<i>Hydrangea macrophylla</i>	Hydrangea, PS, FS
* <i>Hydrangea quercifolia</i>	Oak Leaf Hydrangea, S, PS
<i>Jasmine mesnyi</i>	Primrose Jasmine, S, PS
<i>Rhododendron x obtusum</i>	Indica Azaleas, PS, FS
<i>Serenoa repens</i>	Saw Palmetto, S, PS
<i>Rhapidophyllum histerix</i>	Needle Palm, PS, FS
<i>Nerium oleander</i>	Oleander, S
<i>Osmanthus fragrans</i>	Tea Olive, Sweet Olive, S, PS

<u><i>Podocarpus macrophyllus</i></u>	Podocarpus, S, PS
<u><i>Myrica cerifera</i></u>	Wax Myrtle, S, PS
<u><i>Viburnum suspensum</i></u>	Sandankwa Viburnum, S, PS
<u><i>Viburnum odortissimum</i></u>	Sweet Viburnum, S, PS
<u>*<i>Viburnum obovatum</i></u>	Walter's Viburnum, S, PS
<u><i>Loropetalum chinense</i></u>	Chinese Fringe Bush, S
<u><i>Pittosporum tobira</i></u>	Pittosporum, S
<u><i>Philodendron bipinnatifidum</i></u>	Philodendron Selloum, PS, FS
<u><i>Plumbago auriculata</i></u>	<u>Blue Plumbago, S, PS</u>
<u><i>Sabal minor</i></u>	<u>Dwarf Palmetto, S, PS</u>
<u><i>Loropetalum chinensis</i></u>	<u>Loropetalum PS, FS</u>
<u><i>Podocarpus macrophylla</i></u>	<u>Podocarpus, S, PS, FS</u>

Groundcovers for Subtropical climates

*** Native plant**

<u><i>Allamanda violacea</i></u>	Pink Allamanda, S, PS
<u><i>Dietes irodiodes</i></u>	African Iris, S, PS
<u><i>Dietes bicolor</i></u>	Yellow African Iris, S, PS
<u><i>Agapanthus praecox</i></u>	Agapanthus, S, PS, FS
<u><i>Hedera canariensis</i></u>	Algerian Ivy, PS, FS
<u>*<i>Zamia floridana</i></u>	Coontie Palm, S, PS
<u><i>Acuba japonica</i></u>	Acuba, FS
<u><i>Gelsemium sempervirens</i></u>	Carolina Jessamine, S, PS
<u><i>Aspidistra elatior</i></u>	Cast Iron Plant, PS, FS
<u><i>Trachelospermum jasminoides</i></u>	Confederate Jasmine, S, PS
<u><i>Trachelospermum asiaticum</i></u>	Asian Jasmine, S, PS
<u><i>Lonicera sempervirens</i></u>	Coral Honeysuckle, S, PS
<u><i>Hemerocalis spp.</i></u>	Daylily, S
<u><i>Hedera Helix</i></u>	English Ivy, PS, FS
<u><i>Cupheahys sopifolia</i></u>	Mexican Heather, S, PS
<u>*<i>Spartina bakeri</i></u>	Sand Cordgrass, S
<u><i>Papalum quadrifarium</i></u>	Evergreen Paspalum, S
<u><i>Thubaghia violacea</i></u>	Society garlic, S, PS
<u><i>Lonicera japonica</i></u>	Japanese Honeysuckle, S, PS
<u>*<i>Rhododerdron canescens</i></u>	Wild Honeysuckle, S, PS
<u><i>Juniperus chinensis</i></u>	Chinese Juniper, S
<u><i>Juniperus conferta</i></u>	Shore Juniper, S
<u><i>Juniperus horizontalis</i></u>	Creeping Juniper, S
<u><i>Lantana spp.</i></u>	Lantana, S
<u><i>Liriope spp.</i></u>	Liriope, S, PS, FS
<u><i>Ophiopogon japonicus</i></u>	Aztec Grass, S, PS, FS
<u>*<i>Muhlenbergia capalaris</i></u>	Muhly Grass, S
<u>*<i>Eragrostis spp.</i></u>	Love Grass, S

Buffer Planting Recommended Plant Palette

Buffer Planting Specifications:

Landscape Buffer requirements: Landscape plants must be maintained at least thirty-six to no more than forty-eight inches (36" - 48") in height to provide one hundred percent (100%) coverage of

| buffered area. Plant material will be planted ~~in a “double staggered row”~~ spaced thirty-six to forty-eight inches o.c. (36”- 48” on center) with a recommended plant. Quantities and sizes of plants will vary on buffer length.

Botanical Name	Common Name
<i>*Native plant</i>	
<u><i>Cleyera japonica</i></u>	Cleyera, S, PS
<u><i>Elaeagnus pungens</i></u>	Elaeagnus, Silver Thorn, S, PS
<u><i>Ligustrum sinense</i></u>	Chinese Privet, S PS
<u><i>Ligustrum japonicum</i></u>	Wax Leaf Ligustrum, S, PS
<u><i>*Illicium floridanum</i></u>	Anise, Florida Anise, PS, FS
<u><i>*Illicium parviflorum</i></u>	Anise, Ocala Anise, S, PS
<u><i>Myrica cerifera</i></u>	Wax Myrtle, S, PS
<u><i>Nerium oleander</i></u>	Oleander, S
<u><i>Viburnum suspensum</i></u>	Sandankwa viburnum, S, PS
<u><i>Viburnum odortissimum</i></u>	Sweet Viburnum, S, PS
<u><i>Loropetalum chinensis</i></u>	<u>Loropetalum PS, FS</u>
<u><i>Podocarpus macrophylla</i></u>	<u>Podocarpus, S, PS, FS</u>

Recommended Canopy Tree

Botanical Name	Common Name
<u><i>*Acer rubrum</i></u>	Red Maple
<u><i>*Acer saccharinum</i></u>	Silver Maple
<u><i>*Quercus virginiana</i></u>	Live Oak
<u><i>*Quercus shumardii</i></u>	Shumard Oak
<u><i>Quercus lyrata</i></u>	Overcup Oak
<u><i>Quercus nuttallii</i></u>	Nuttall Oak
<u><i>*Magnolia grandiflora</i></u>	Southern Magnolia
<u><i>*Betula nigra</i></u>	River Birch

Recommended Understory Tree and Palm Palette

****Native plant***

Botanical Name	Common Name
<u><i>*Cercis canadensis</i></u>	Red Bud
<u><i>*Cornus florida</i></u>	Dogwood
<u><i>Ligustrum japonica</i></u>	Tree Form Ligustrum
<u><i>Lagerstromia indica</i></u>	Crape Myrtle
<u><i>*Pinus elliottii</i></u>	Slash Pine
<u><i>*Pinus palustris</i></u>	Longleaf Pine
<u><i>*Pinus taeda</i></u>	Loblolly Pine
<u><i>*Pinus clausa</i></u>	Sand Pine
<u><i>*Sabal palmetto</i></u>	Sabal Palm
<u><i>Phoenix canariensis</i></u>	Canary Island Date Palm
<u><i>Livistona chinensis</i></u>	Chinese Fan Palm
<u><i>Chamerops humulis</i></u>	European Fan Palm
<u><i>Butia capitata</i></u>	Pindo Palm
<u><i>Syagrus romanzoffianum</i></u>	Queen Palm
<u><i>Washingtonia robusta</i></u>	Washingtonia Palm
<u><i>Trachycarpus fortunei</i></u>	Windmill Palm
<u><i>Salix babylonica</i></u>	Weeping Willow

*Ilex attenuata 'East Palatka'

Ilex attenuata 'Savannah'

Ilex cassine

*Taxodium distichum

Gordonia lasianthus

East Palatka Holly

Savannah Holly

Dahoon Holly

Bald Cypress

Loblolly Bay

Recommended Sod Palette

Stenotaphrum secundatum ~~Classie~~

Paspalum notatum 'Argentine'

Zoysia japonica ~~Empire~~

~~Classie~~ St. Augustine

Argentine Bahia Grass

~~Empire~~ Zoysia Grass

Water Conservation Systems

All installations and alterations of water conservation systems require the approval of both the Bay Laurel Center Community Development District and the ARB. Rain barrels, cisterns, or other capture systems with an approved Application of Approval of Request for Modification and meeting the following criteria may be installed:

- a. storage system material shall be rubberized, fiberglass, clay, or other material approved by the ARB;
- b. storage system capacity may not exceed fifty-five (55) gallons per collection up to a maximum of two (2);
- c. storage system shall be gravity fed type and have fitting lid to prevent contamination and insect vector attraction;
- d. storage system pedestal height may not exceed twelve inches (12”) and shall be poured in place or precast single platform;
- e. storage system shall be screened by four foot (4’) high white PVC fence or wall of approved style rendering the installation invisible from any side yard or street view;
- f. storage system plant buffer shall be selected from the Approved Plant Palette for buffer plants and installed at two feet (2’) on center intervals to provide buffer from street view, and all buffer plantings shall be maintained by the Owner in perpetuity;
- g. down gutter that feeds the storage system shall match the dwelling gutter system color;
- h. storage system may not be installed on the front of the dwelling;
- i. no backflow or cross-connection to any other system or equipment is allowed;
- j. no pump or other device may be used to pressurize the collected rain water storage system and be connected into the existing irrigation system of the dwelling; and
- k. storage system location may not interfere with the maintenance of the dwelling or any neighboring dwelling or lot.

Any other conservation system will be reviewed based on the degree to which it conforms to the above water conservation systems criteria and based on the technological, safety, health, and public welfare aspects of the proposed installation.

Indigo East Site Lighting Standards

Outdoor Lighting

- Outdoor lighting shall be achieved by using the lowest wattage of lamp possible to provide the amount of light needed according to standards provided by the Illuminating Engineering Society of North America (IESNA)
- Lighting shall be installed in a manner to prevent direct glare onto adjacent properties.
- Light spillage onto adjacent properties may not exceed 0.5 foot candles for residential.

Exterior Post Lamps

- The Homeowner is responsible for maintaining the photo sensor and light on the exterior post lamp to ensure they are in good working order.
- All post lamps, when replaced, must be of consistent color and style as the original install.
- In neighborhoods where post lamps are installed in lieu of street lamps, the post lamps shall remain illuminated dusk to dawn.

Landscape Lighting Specifications:

- All landscape lighting shall be “low voltage” incandescent lighting and shall be approved by the ARB of the Association prior to installation.
- Low voltage light fixtures for landscape path lighting will be allowed, tree up-lighting shall be allowed, but only in a manner that is not obtrusive to others.
- Landscape lighting near roads will be shielded in a manner to ensure safety of vehicles and pedestrians and shall not be obtrusive or a nuisance to others.
- Lighting may be mounted to the dwelling, and shall conform to the original architecture of the house. The homeowner shall receive Association permission before changing the exterior condition of the home.
- Holiday lighting and decorations shall be permitted so long as the lights and decorations do not constitute a nuisance. Colored bulbs in low voltage light fixtures and building mounted fixtures shall not be allowed. Rope and tube lighting only allowed during the holiday season. Lights and decorations are to be added no earlier than the second weekend in November and must be removed by January 16.
- Decorations for other holidays such as, but not limited to, St. Patrick’s Day, Independence Day, Halloween and Thanksgiving, may be displayed on each lot or dwelling beginning not earlier than fourteen (14) calendar days before the holiday and shall be removed within seven (7) calendar days after the holiday. They must be displayed in a tasteful manner and shall not be excessive relative to the general level of lighting and decoration in the community, or constitute a nuisance to the neighbors, or create an obstruction to maintenance. It is the owner’s responsibility to ensure that the decorations are displayed safely and do not constitute a safety hazard for the neighbors or maintenance personnel.

- All lighting equipment, junction boxes and other components vital to the lighting system shall be concealed from curbside view. Shrubs shall be used to conceal landscape lighting fixtures and hardware, including junction boxes and timers.
- Solar lights are discouraged and must be removed when they are no longer operational.

Indigo East Standards for DBS, Over-the-Air-Reception and Antenna Installations

DBS, Over-the-Air-Reception and Antenna installations are permitted on property within the exclusive use or control of the Owner only after written approval by the ARB which is based on these standards and which address structural safety and aesthetics. Owner must abide by and comply with all requirements and permitting of the Florida Building Code and any and all applicable government bodies.

Safety is a key concern of the Association in general and as related to antenna installation. Any antenna installation must comply with all requirements and permitting of the Florida Building Code, any and all applicable government bodies, and manufacturer's specifications. It is the Owner's responsibility to ensure that all such requirements and regulations are observed, and that documentation of compliance is provided to the ARB upon request.

It is the obligation of the owner to seek ARB approval via an Application for Approval of Request for Modification pursuant to the Declaration of Covenants, Conditions and Restrictions for Indigo East (hereinafter called "Declaration"). All applications for such approval must clearly show that the installation shall not violate any of the provisions of the Declaration, Association Rules, or any local, state, or federal body with applicable jurisdiction. Approval will be withheld or rescinded if the Association or ARB, in its sole discretion, determines the Owner failed to comply or provide documentation of compliance with any or all applicable requirements.

Indemnification:

1. Owner(s) agrees to indemnify and hold harmless On Top of the World Communities, LLC., Indigo East Neighborhood Association, Inc. (Association) and Parkway Maintenance & Management Marion LLC. (Management Company) for any damage which may result to the installation in the normal course of maintenance work by the Management Company or any of its designated representatives.
2. Owner(s) agree to indemnify and hold harmless, On Top of the World Communities, LLC., Indigo East Neighborhood Association, Inc. (Association), Parkway Maintenance & Management Marion LLC. (Management Company) and any and all related entities, for any liability whatsoever from damage resulting to surrounding dwellings resulting from any installation. No approval shall be given until the Owner(s) has/have executed an indemnity agreement pursuant to this paragraph.

Definitions:

Antenna – a device or part of a device used to receive and / or transmit radio frequency signals. For the purpose of this document: mounted on the exterior or grounds of a property. (Height references include Mast.)

Mast – a pole or tower used principally to support an antenna.

Direct Broadcast Satellite Dish Antenna (DBS) – is one meter or less in diameter that is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.

Over-the-Air-Reception Devices (OTARD) – FCC definition and related regulations of antennas for reception of terrestrial and satellite broadcasts and antennas that receive and transmit fixed wireless signals.

Rear Base Building Wall – the back wall of any dwelling, excluding any appurtenances attached to the dwelling either as a part of the original construction, or as an addition, including covered concrete patios, screen rooms, or sun rooms.

Antenna Installation and Location Standards:

1. The Owner must demonstrate to the satisfaction of the Association or its designee, that any antenna including mounting hardware, brackets, and masts, complies with all requirements and permitting of the Florida Building Code, any and all applicable government bodies, and manufacturer's specifications. This information must be provided as an attachment to the Application form.
2. Antenna Mast must be installed with a concrete base and owner shall show proof of Marion County Building Permit for antenna mast installation.
3. Antennas may attach to the building or fascia and shall not extend higher than 20 feet as measured from the natural grade.
4. Antenna/Mast shall not be attached directly to the roof.
5. Antennas may be ground mounted behind rear base building wall and shall be self-supporting, requiring no guy wires to remain stable and shall not extend higher than 20' in height as measured from the natural grade.
6. Antenna must be installed not more than 10 feet forward from the rear base building wall and not more than five (5) feet from the side wall of home unless written approval is granted by the ARB.
7. Ground mounted antennas must be installed within five feet (5') of the building.
8. Antenna location must comply with the Antenna Installation Locate Guide.
9. Antennas may not encroach on neighboring property or Neighborhood Common Property.
10. Consideration of neighboring homes and their respective window views must be given and cannot be an impediment to the view of a neighboring home.

Direct Broadcast Satellite (DBS) and Location and Installation Standards

1. The owner must demonstrate to the satisfaction of the Association or its designee, that any antenna including mounting hardware, brackets, and masts, complies with all requirements and permitting of the Florida Building Code, any and all applicable government bodies, and manufacturer's specifications. This information must be provided as an attachment to the Application form.
2. DBS must be installed behind the HV AC unit, unless written approval is granted by the ARB.

3. DBS may be anchored in the ground on a single pole mount.
4. DBS shall not be attached directly to the roof.
5. DBS installation may be attached to the fascia or building and shall not extend to a height greater than three (3) feet above the roof fascia and may not extend forward more than ten (10) feet from the rear base wall of the home unless written approval is granted by the ARB.
6. DBS location must comply with the DBS Installation Locate Guide and be screened from street view. If the signal cannot be obtained at preferred location, the ARB will work with the DBS vendor on an agreed upon location that may require additional screening from view with buffer plantings.
7. DBS unit may not encroach on neighboring property.
8. Consideration of neighboring homes and their respective window views must be given and cannot be an impediment to the view of a neighboring home.

The following items should be considered by the owner in planning an antenna, OTARD or DBS installation.

1. Building installation must take great care to protect the structural integrity of the home. Owner is exclusively and completely responsible for any and all damage, both cosmetic and structural done to the home due to building installation. The House warranty may be voided if antenna installation or attachment is deemed to be responsible for any damage or system failure.

These mandatory minimum standards shall run with the land and with all ownership interests in Indigo East and shall be binding upon all Owners and Occupants, and their heirs, successors, and assigns.

Indemnity Agreement for DBS, Antenna, Mast and/or OTARD Installation

The undersigned, having requested approval of the Indigo East Neighborhood Association, Inc. for the privilege of installing a DBS, Antenna, Mast and/or OTARD pursuant to the Standards for DBS, Over-the-Air-Reception and Antenna Installations, further agree(s) that it shall indemnify and hold harmless On Top of the World Communities, LLC., Indigo East Neighborhood Association, Inc. (Association), Parkway Maintenance & Management Marion, LLC. (Management Company) and any and all of its agents and employees from any loss or damage as a result of the installation and or maintenance or operation of any DBS, Antenna Mast and/or OTARD installation. This indemnification agreement shall obligate the owner(s) to reimburse the Association or Management Company or any of its agents and employees for all costs and expenses including attorney’s fees, which may be expended with regard to any claim regarding said DBS, Antenna, Mast and/or OTARD installation or operation or maintenance.

Accepted this _____ day of _____, _____

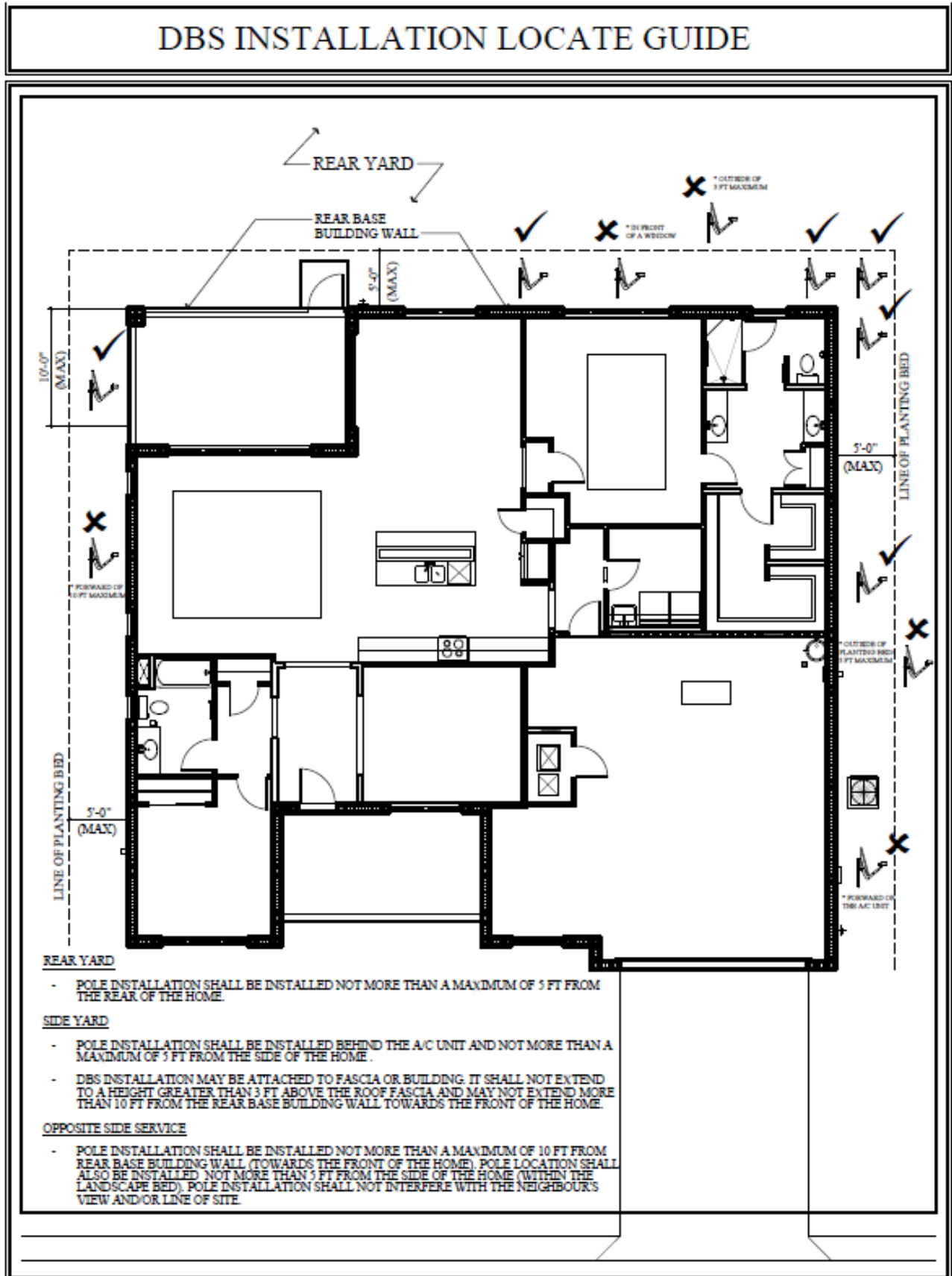
Owner:

Owner:

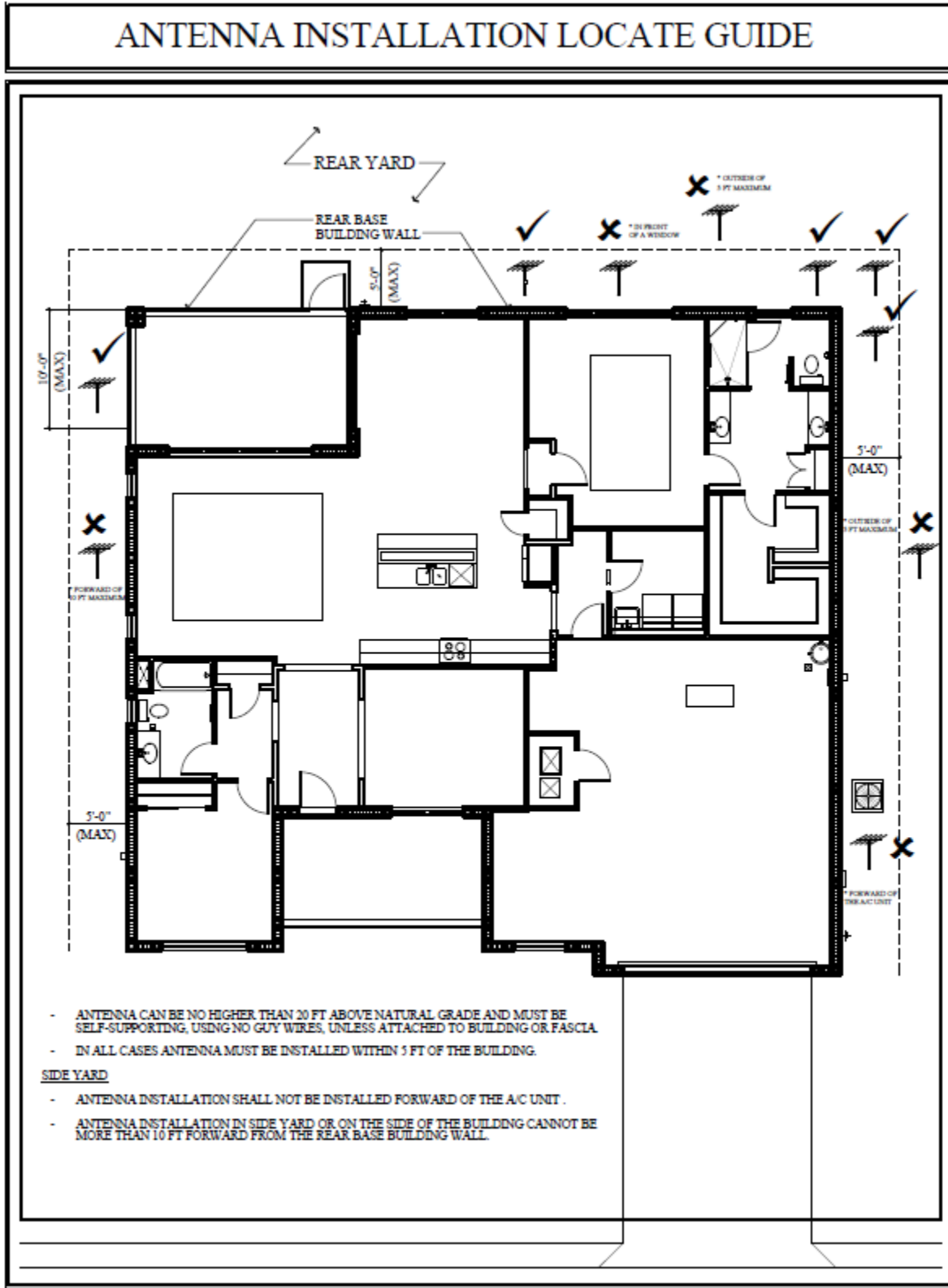
Address:

Ocala, FL 34476

DBS INSTALLATION LOCATE GUIDE



ANTENNA INSTALLATION LOCATE GUIDE



Example of Line of Sight Rules including but not limited to ~~for~~ Fencing, Landscaping, Structures and Walls

PLOT PLAN for: ON TOP OF THE WORLD COMM. INC. & ZONING SITE PLAN NO. _____
 DESCRIPTION: LOT ## _____
SUBDIVISION _____
 RECORDED IN PLAT BOOK # _____ PAGE(S) # - # _____ PUBLIC RECORDS OF MARION COUNTY, FLORIDA

OFFICE USE ONLY

P.A. NO. _____ SEC _____ TWP _____ RGE _____ ZONING MAP _____
 PLAT BK _____ PGE _____ ZONING CLASS. _____ TAZ _____
 ESOZ _____ FLOOD ZONE _____ MAP NO. ELEV. _____ NOTES: _____
 MINIMUM SETBACKS: FRONT _____ REAR _____ SIDE _____ SIDE _____

 JCH CONSULTING GROUP, INC. LAND DEVELOPMENT • SURVEYING & MAPPING PLANNING • ENVIRONMENTAL • GIS 1122 NW 24TH STREET, SUITE 100, OCALA, FLORIDA 34479 PHONE: (352) 486-4462 FAX: (352) 272-8888 www.jchgroup.com CERTIFICATE OF AUTHORIZATION - L.S. 9871	APPROVED DATE:	JOB #	16402	
	DENIED DATE:	DWG #	16402392	
		REVISION	DATE	BOOK

ANY CHANGES TO SITE PLAN MUST BE APPROVED BY THE ZONING DEPARTMENT.

SKETCHY 11/28/17

Drawing Name: Z:\Projects\16402\Fence EXHIBIT\DWG\16402.dwg FENCE 30 SCALE: 1/8" = 1'-0" 11/28/17 JCH

Instructions for Completing Modification Form

This form is provided as a “**sample**” only. Please visit our [Customer-Resident Services](#) Department where a [Customer-Resident Services](#) representative will input all the necessary information into the form for you. Please be sure to attach a sketch of any modifications you plan to make to the exterior of the home (whether structural or landscaping). We suggest using a copy of your home site plan for preparing your sketch. Additionally, provide the name of the contractor performing the work along with proof of liability insurance coverage.

Application for Approval of Request for Modification

Alteration/ Modification to Dwelling

****Sketch or Drawing Must Be Attached****

****SAMPLE****

The undersigned hereby applies to the Architectural Review Board of Indigo East Neighborhood Association, Inc. ("Association") for approval to make only those specific modifications/alterations or landscaping changes as specified in the attached drawings and as summarized above. The undersigned represents and covenants that the said modification/alteration or landscaping changes will be exactly as set forth herein; with no changes or modifications other than as approved should this application be granted; and further, the undersigned acknowledges, ratifies and confirms that this application, if granted shall be solely based on the plans and drawings submitted herewith. No amendment nor change of any kind shall be permitted nor shall be acceptable without the express written approval of the Association.

APPROVAL FOR THE MODIFICATION SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS ALL OF WHICH MUST BE MET WITHOUT EXCEPTION UNLESS WRITTEN PERMISSION FROM THE ASSOCIATION HAS BEEN OTHERWISE GRANTED:

1. Motorized Vehicles shall not be permitted or allowed off of any of the paved surfaces, unless prior written approval is obtained from the Association, which approval may be denied or arbitrarily withheld.
2. All contractors, sub-contractors or sub-sub contractors and any of their individual agents or employees shall be the sole responsibility of Applicant and shall be, for all purposes considered only the employee or the independent contractor of Applicant. Any loss or damage resulting from the actions of a contractor or sub-contractor, or sub-sub contractor be it damage resulting to the subsequent modifications to the building structure, building exterior, landscaping, or irrigation, and whether such loss or damage results from either the actions of the contractor sub-contractor or sub-sub-contractor or from the existence of the modification/alteration itself, shall be the sole and absolute financial obligation of the dwelling owner.
3. In the event damages shall occur as a result of the modification/alteration, the Association and Parkway Maintenance & Management [Marion, LLC-Cc](#), ("The Management Company") shall each have the right to take legal action, including but not limited to the seeking of injunctive relief to require the removal of the modification/alteration. Such action, at the discretion of the Association, may be brought against the dwelling owner and/or a lessee of the dwelling owner and/or the person or persons in occupancy of the dwelling, jointly and severally in order to recover for any recovery and all the expenses that may be incurred by the Association or the Management Company as a result of damages resulting from the alteration/modifications, including, but not limited to the reimbursement of all legal fees and court costs expanded on behalf of the Association, through any appellate proceedings and regardless of the findings of the court. This provision for attorneys' fees and costs shall include both an action for injunctive relief of for damages.
4. Landscaping shall be approved by the Association prior to installation. All additions or changes to the existing landscape plantings or hardscape, such as curbs, decorative walls or other hardscape that inhibit routine maintenance shall be the responsibility of and shall be maintained by the dwelling owner. Maintenance includes, but is not limited to mowing, edging, pruning, weeding, and replacement or removal.
5. The Association and the Management Company shall not be responsible for roof repairs and maintenance where any portion of the modification/alteration is affixed to the existing building, or when the existing roof structure has been altered in any respect.
6. The Association and the Management Company shall not be responsible for roof repairs and maintenance where any portion of the modification/alteration is affixed to the existing building, or when the existing roof structure has been altered in any respect. Under no circumstances shall employees of the Association or the Management Company enter into or upon any area enclosed by the Applicant, even though, prior thereto, the Association was obligated to provide maintenance services. This includes but is not limited to the enclosure of a porch or lanai—it being a condition of the approval of this application, that the dwelling owner or his/her/their successors in interest including but not limited to any subsequent purchasers of the property shall be required to perform all maintenance within the interior of any dwelling that has been modified or altered in any way from the original structure.
7. All work must be completed in accordance with the approved plans and site plan attached and made a part hereof.
8. Approval of the requested alteration, modification or landscaping change shall not constitute approval of any further alteration, modification or landscaping and the approval of this or any other application shall not constitute any precedence for any other approval for any additional modification/alteration even if to portions of any modification/alteration that might be approved in accordance with this application. Further, approval of this application shall not release the applicant nor the dwelling owner any occupant, lessee or any subsequent purchaser from all of the requirements to maintain and repair the building structure as well as the improvements which may be authorized as a result of the approval of this application. Applicant and dwelling owner and any successor in interest, including a subsequent purchaser, shall be and shall remain totally responsible for any damage done by any worker or contractor or sub-contractor or sub-subcontractor who has been employed by applicant or dwelling owner, occupant or lessee to perform or to complete the said modification/alteration.

89. The dwelling owner(s) or any occupant(s) or lessee or subsequent purchaser shall be responsible for assuring to the Association that the contractor subcontractor or sub-subcontractor secures all necessary Marion County Building Permits and that the modification/alteration meets all zoning requirements including but not limited to building setback requirements.

10.9. Prior to excavating or digging, the dwelling owner(s) shall be responsible for and shall be obligated to have all underground utilities, including but not limited to, irrigation mains, electrical, cable, sewer and water lines, located. The dwelling owner(s) or occupant(s) or successor(s) in interest including a subsequent purchaser shall be responsible to make all necessary repairs to any such items. Provided further, that at the sole and absolute discretion of the Association or the Management Company, the said Association or Management Company may determine to make such repairs and thereafter send an invoice to the dwelling owner(s) or any successor(s) in interest. The costs of any such repairs shall become a lien on the property if not paid within ten (10) days of notice from the Association or Management Company to pay the amounts due and owing for such repairs. Should the costs of such repairs become a lien on the property, the Association or the Management Company may record a Claim of Lien in the Public Records of Marion County, Florida and thereafter shall be entitled to foreclose said lien in the same manner as any Claim of Lien may be foreclosed pursuant to the construction lien provisions of Chapter 713 Florida Statutes, with the right of the Association or Management Company to seek attorney's fees and costs through all appellate proceedings.

~~10.~~The undersigned further agrees that he/she/they shall indemnify and hold harmless the Association, the Management Company, and their respective officers, agents and employees from any loss or damage resulting to or from alteration, modification or landscaping changes involved in this application, including any loss or damage occasioned by or from any other resident of the community who may object to the approval of this application and to the work to be performed. The indemnification and hold harmless provisions herein shall survive the completion of any work approved and authorized pursuant hereto, and further, shall obligate the undersigned to reimburse the Association and the Management Company for all costs, expenses and attorney's fees which may be expended with regard to any claim arising out of said alteration, modification or landscaping change.

Authorized signatures from both the landscape and building representatives are required. The approved boxes must be check on both the landscape and building sections to constitute modification approval for work to commence.

Dwelling Owner _____ Phone: _____
Address _____ Date: _____
Signed By _____

For Office Use:

Approved Date: _____
 Denied
 Building Authorized Signature _____

Print Name: _____

If denied, explain reason _____

Approved Date: _____
 Denied
 Landscape Authorized Signature _____

Print Name: _____

If denied, explain reason _____
