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BK: 3254 PG: 1698, 11/15/2019 3:46 PM

This Instrument Prepared by and Return to:
Charles W. McKinnon, Esq.
McKinnon & Hamilton, PLLC
3055 Cardinal Drive, Suite 302
Vero Beach, FL 32963
Courthouse Box #79

**CERTIFICATE OF AMENDMENTS
TO THE
ARCHITECTURAL PLANNING CRITERIA
FOR
STONE BROOK FARM PROPERTY OWNERS' ASSOCIATION, INC.**

THE UNDERSIGNED, being the President and Secretary of **Stoney Brook Farm Property Owners' Association, Inc.**, a Florida not for profit corporation, hereby certify that at a duly called meeting of the Board of Directors of the corporation, held on the 15th day of October, 2019, in accordance with the requirements of Florida law, the Bylaws of Stoney Brook Farm Property Owners' Association, Inc. and the Declaration of Covenants and Restrictions for Stoney Brook Farm, as originally recorded in Official Record Book 1906, beginning at Page 1389, Public Records of Indian River County, Florida, the members of the Board of Directors unanimously voted to amend the Architectural Planning Criteria, recorded in Official Record Book 1906, Page 1401, Public Records of Indian River County, Florida and as thereafter amended, as hereinafter set out.

NOW THEREFORE, in consideration of the foregoing, the Architectural Planning Criteria shall be amended as follows:

I. Paragraph 2 of the above referenced Architectural Planning Criteria shall be renumbered 3 and amended to read as follows:

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

STEP I

- (a) The owner shall submit tentative conceptual plans and specifications, prepared in a professional manner to the ARC for approval prior to finalizing plans and specifications as called for in Step II.
- (b) The owner shall submit a tree survey locating each tree of two (2) inches or greater in diameter located on the Lot.
- (c) The owner shall submit elevation of the lot to determine the fill requirements or removal.

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

STEP II

- (a) An accurately drawn and dimensional plot plan showing all building setbacks, easements, drives and walks.
- (b) Foundation plan, floor plan, exterior elevations of buildings as they will actually appear after all backfilling and landscaping is done from finished ground up.
- (c) Actual samples of all material such as roofing, siding, brick, etc., as

well as all exterior color schemes must be submitted for approval.

(d) Landscape plan showing the location of all existing and proposed landscaping and sprinkler system layout, prepared in a professional manner.

(e) All plans must be drawn in a professional manner to a one-quarter inch scale.

The Board's decision on granting or denying Approved Builder status is final, and is not subject to appeal to any other governing body empowered by Stoney Brook Farm Property Owners' Association, Inc. or its governing documents.

II. Paragraph 3 of the above referenced Architectural Planning Criteria shall be renumbered 2 and amended to read as follows:

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

All homes and auxiliary buildings to be located in the Subdivision shall be constructed by an Approved Builder. To become an Approved Builder, a builder must complete and submit an Approved Builder application to the Board of Directors. If the Board votes to approve a builder, and after paying the Approved Builder Fee, the builder is allowed to construct homes in the subdivision.

To determine a builder's qualification to be granted Approved Builder status the Board shall consider the following:

- a. Builder's reputation for honesty.
- b. Builder's reputation for construction quality.
- c. Builder's perceived ability to construct homes consistent with desired standards for the Stoney Brook Farm subdivision.
- d. Builder's financial stability.
- e. Builder's reputation for compliance with deed restrictions.

The Approved Builder fee shall be \$5,000.00. This fee may be modified by the Board. The Approved Builder fee is payable to the Stoneybrook Farms Group, L.L.C.

Approved Builders With 7 Lots ("AB7"), defined as Builders who as of September 1, 2019 or later have owned or controlled seven (7) lots or more shall be exempt from the provisions of #3

below, and instead shall be deemed approved for building homes on its controlled sites under the following provisions:

- a. "AB7" may ask for and be granted up to eight (8) pre-approved conceptual plans, presented in a professional manner to the ARC, for the purpose of having approved options available for their potential home buyers. Such pre-approvals shall also include pre-approval for all the material items of roofing, siding, brick, pavers, color schemes, coach lights house numbers and other relevant fixtures once such materials are provided to the ARC and approved. Approvals by the ARC shall be timely and not unreasonably withheld.
- b. Landscape, irrigation and exterior lighting plans are not required, but such final systems shall conform to the existing APC, and if non-conforming, shall be subject to the enforcement provisions of XII in the Declaration of Restrictive Covenants.
- c. AB7 shall be granted the right to maintain a Model home and with it a sales office and open house setting, with additional parking at the option of the AB7 on the Model home designated Lot or adjacent Lot (if controlled by the AB7), but subject to conforming to the ARC rules prior to the Model home being sold to a third party home buyer.
- d. Commencing with the Certificate of Occupancy of the Model Home, and ending with the sale of the Model home or the discontinuance of the AB7 staffing the Model home, the association entrance gates shall be open during the operating hours of the Model home sales staff, and in no case before 10:00am or after 5:00 pm on Monday through Saturday, and outside of noon to 5:00 on Sunday.
- e. The above privileges afforded to the AB7 Lots are not assignable but shall remain in force with no provisions to rescind or amend, notwithstanding XI of the Declaration of Covenants and Restrictions, until the Approved Builder's last lot is sold.

III. Paragraph 3 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

9. Vents and Solar panels. Any plumbing vents or other protuberances through the roof shall be painted to blend into the roof color. Solar panels shall only be permitted if affixed to the roof.

IV. Paragraph 11 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

11. Signs. No signs placed by Lot Owners or persons other than the Association, window displays or advertising, exceeding six (6) square inches in area, on the main door to each home and on each mailbox, with the Lot number in a form approved by the association, will be maintained or permitted on any part of the Common Areas or any Lot.

Notwithstanding any of the above, licensed Real Estate Agents or Brokers with current listings within the community may post a single sign at the entrance, not to exceed 18 inches by 24 inches, which includes the address of the listed property along with the Real Estate Agent's or Broker's name. Further, approved Builders may place a sign on the property measuring no more than 48" x 48", once the county has issued a construction permit. Such signs must be removed upon the issuance of a Certificate of Occupancy, with the sole exception being a Model home, to which such signage may remain until the Model home is discontinued. Approved Builders with seven or more Lots under their control may post a single sign at the entrance, not to exceed 8 feet by 4 feet, subject to the prior written approval of the Board of Directors, which approval shall not to be unreasonably denied.

V. Paragraph 12 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

12. Games and Play Structures. All basketball backboards and any other fixed games and play structures shall be located at the rear of the dwelling, or on the inside portion of corner lots within the setback lines. Except that no playground, play equipment, basketball goals etc. shall be located on any lot that is adjacent to a stormwater tract. Portable games and play structures are not allowed to be in the street and must remain on the Lot Owners' property. No platform, dog houses, pet enclosures, play houses or structures of a similar kind or nature shall be constructed on any part of the lot located in front of the rear line of the residence constructed thereon, and any such structures must have prior approval of the ARC.

VI. Paragraph 16 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

16. Garbage, Recycling and Trash Containment. No lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage, recycling and other waste shall be kept in sanitary containers, and except during pick-up hours if required to be placed at the curb, all such containers shall be kept within the garage or within a designed concealment area for that purpose, approved by the ARC, which must limit completely the visibility of the containers from the street or an adjoining Lot. No owner or contractor shall be permitted to burn any type of trash or construction material on any Lot at any time.

VII. Paragraph 26 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

26. Antennas. Radio and television antennas are permitted, but are limited in height to no higher than the highest point of the home roof line. Such installations must be located behind the home's rear wall line, and between the home's side wall lines. TV satellite dishes are permitted but must be installed on either side walls or rear walls, behind the front wall line of the residence.

VIII. Paragraph 27 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

27. Motor Vehicles and Boats. Vehicles, Boats, Trucks and RV: Residents passenger vehicles, sedans and SUV's can be stored in the garage and on residence driveways, but cannot block sidewalk access. No other vehicle or equipment (including but not limited to any vehicles with company names or logos, trailers, boats, race cars, motorcycles, heavy equipment, trucks in excess of 1-ton and recreational vehicles) may be parked, maintained, repaired or stored on the Lot or driveways. In no case shall dumping of petroleum products, pesticides or hazardous materials into the gutters, streets, sidewalks or lakes or ponds be allowed.

Approved Builders shall be permitted to operate commercial vehicles including trucks and trailers for the purpose of constructing or maintaining Lots or homes, but in no case blocking sidewalk access. Overnight parking of such trucks and onsite maintenance of such permitted builder vehicles is prohibited, however builders are permitted to leave a single construction trailer or site maintenance equipment overnight from Monday to Saturday while constructing the home. Additionally, approved builders may utilize construction dumpsters and port-o-lets during the entire period of construction.

IX. Paragraph 30 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

30. Clothes Drying Area. Any hanging cloths for drying shall be located in the rear of the lot, concealed from neighbors' view, as well as not visible from the street view of the adjacent Lots.

X. Paragraph 31 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

31. Boarding Up. Design and materials for storm shutters must be approved by the ARC. Houses may not be "boarded up" and windows may not be covered by storm shutters unless a hurricane warning has been issued for Martin, St. Lucie, Indian River or Brevard Counties in Florida. Within seven (7) days of the hurricane warning or watch upon Indian River County, Florida, being lifted, whichever is later, window protections must be removed or opened. Permanent boarding of any kind is prohibited in Stoney Brook Farm.

XI. Paragraph 33 of the above referenced Architectural Planning Criteria shall be amended to read as follows:

33. Construction. Deliveries of construction material and construction personnel may not begin earlier than 7:00 am and must cease and construction personnel be off the property no later than 6:00pm. There shall be no construction activity on Sundays or New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas Day.

IN WITNESS WHEREOF, the undersigned President and Secretary of have executed this Certificate of Amendments to Architectural Planning Criteria this 29th day of October, 2019.

*Certificate of Amendments to
Architectural Planning Criteria of
Stoney Brook Farm Property Owners' Association, Inc.*

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STONEY BROOK FARM PROPERTY OWNERS' ASSOCIATION, INC.

By: Walter T. Jenkins
President

ATTEST:
By: Grady Welch
Secretary (SEAL)

**STATE OF FLORIDA
COUNTY OF INDIAN RIVER**

I HEREBY CERTIFY that before me, a Notary Public, personally appeared Walter T. Jenkins and Grady Welch, the President and Secretary of Stoney Brook Farm Property Owners' Association, Inc., a Florida corporation, to me known to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same for the purposes therein set forth for and on behalf of said corporation.

WITNESS my hand and official seal in the state and county last aforesaid this 27th day of October, 2019.

Joy Hernandez
Name: Joy Hernandez
Notary Public, State of Florida
(Affix Seal)

