

**Declaration of
Covenants, Conditions and Restrictions Of
Silver Oaks Subdivision Phase II**

ARTICLE V. ARCHITECTURAL CONTROL.

No lot clearing can take place prior to Architectural Approval. No building, fence, wall, or other structure shall be commenced, erected or maintained upon the Properties, **nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board.** In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it approval will not be required and this Article will be deemed to have been fully complied with.

Section 1. Review Personnel. The Architectural Committee may employ experts or contract with individuals or companies as necessary to assist in the review process.

Section 2. Fees. The fee for architectural review is \$50.00 and the cost of the review personnel in section 1 above, if any. This fee may be waived by the developer, its successors and assigns, for a contractor who has bought directly from the developer and is building more than one home in Silver Oaks Phase II.

Section 3. Construction Subject to Review. All construction or modification, including lot clearing (except interior alterations not affecting the external structure or appearance of any structure) on any Lot or within the Common Area must be approved in advance by the Architectural Committee. **Modifications subject to review specifically include, but are not limited to,** painting or other alteration of structure (including doors, windows and trim); replacement of roof or other parts of structures other than with duplicates of the original material; **installation of** antennas, satellite dishes or receivers, **solar panels** or other devices; construction of sidewalks, fountains, swimming pools, whirlpools or other pools, construction of privacy walls or other fences or gates; addition of awnings, flower boxes, shelves, mailboxes, statures, or other outdoor ornamentation; detached buildings; window coverings; and individual wells or septic tanks and any material alteration of the landscaping or topography of the subdivision. The listing of a category does not imply such construction is permitted.

Section 4. Application. **The plans to be submitted for approval shall include (I) the construction plans and specifications, (II) elevations of all improvements, and (III) such other items as the Architectural Committee may require. No construction on any Lot shall be commenced and no Lot shall be modified except in accordance with such plan. Any modification to the approved plan must be reviewed and approved by separate application.**

Section 5. Limitation of Liability. Review and approval of any application pursuant to this Article is made on the basis of aesthetic considerations only and the Architectural Committee shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, the Board of Directors, any committee, or member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modification to any unit.

Section 6. Contractors. Persons or entities constructing a residential dwelling in the subdivision must be a Florida registered contractor and must be on the developers approved list of contractors. The Contractor's name and copy of licenses shall be submitted at the same time the plans and specifications are submitted to the association in accordance with Section 3 above.

(NOTE: In January 2020, the Board voted to reduce the review fee from \$50 to \$10; in May 2020 the Board voted to assess the \$10 fee for additions such as decks, fences, pergolas, etc., but not charge a fee for landscaping projects.)

Guidance from Lawyer in July 2019 Regarding Solar Panels

July 23, 2019 email question from the HOA: Is there new guidance in SF 720 on solar panels on homes? We have people who want to install on the front of the house.

LAWYER'S July 25, 2019 RESPONSE: The statute dealing with this issue is not in F.S. 720, but one does exist. It states:

F.S. §163.04 Energy devices based on renewable resources.—

(1) Notwithstanding any provision of this chapter or other provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources is expressly prohibited.

(2) **A deed restriction, covenant, declaration, or similar binding agreement may not prohibit or have the effect of prohibiting solar collectors,** clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restriction, covenant, declaration, or binding agreement. A property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right in any deed restriction, covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit. **Such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45° east or west of due south if such determination does not impair the effective operation of the solar collectors. ...”** (Emphasis added).

Per the HOA Lawyer: It is my opinion that the language of this statute operates to prevent the Association from banning solar panels, but (given the last sentence) the Association could require that the solar panels be installed on the roof so long as placement of the panels there does not “impair the effective operation of the solar collectors.”