



# Architectural Design Guidelines



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## I. INTRODUCTION

### Southern Coastal Vernacular Architectural Style

The Brady Point community has adopted the Southern Coastal Vernacular architectural style for use throughout the neighborhoods. Each parcel is to receive a custom designed home crafted to take advantage of the unique natural features of the specific lot.

Southern Coastal Vernacular is a style of architecture that developed as a response to the regional environment. The siting of the house was important and it was typically oriented to take advantage of prevailing breezes and shade from the harsh sun. High sloped roof forms with long overhangs often featured exposed rafter tails, helped to shed rainwater and provide shade for the walls of the house. High interior ceilings, when combined with tall double hung style windows, helped to draw the hot/humid air up and away from the home's occupants. Wide and tall porches protected the house from sun and rain while providing opportunities to enjoy a cool shaded space outdoors. Porches were typically off-grade wood framed construction supported by piers clad in brick or stucco.

Traditional materials and details that are used consistently on the home can create a visual language that ties the whole community together. Southern Coastal Vernacular homes were typically clad in wood like horizontal lap siding, board and batten siding, and shake siding (today many homes use cementitious siding that simulates traditional wood siding). Stucco cladding can be appropriate in limited areas when combined with other features – for example; a home with the first floor clad in stucco and a second floor clad in horizontal lap siding might be acceptable – however, a home that only has stucco detailing would not be appropriate.

The foundations of the homes would traditionally be off grade framed structures sitting upon piers made of brick or clad in stucco. Although an off-grade frame foundation is not required, a raised foundation that lifts the home out of the ground helps to define the character of the house and give it a presence on the site that is reminiscent of Southern Coastal Vernacular design. Windows and doors would traditionally receive trim that can be simple or intricate, and often shutters were provided to protect the openings from the sun and rain.

The Brady Point design guidelines encourage owners and designers to be creative and explore the many wonderful possibilities contained within the scope of the Southern Coastal Vernacular style.

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These guidelines are intended to assist Brady Point lot owners with the design and construction process that is outlined in the Covenants and Restrictions and detailed in the Design Guidelines. These Guidelines will be reviewed and amended by the Architectural Review Committee (ARC) as needed. The lot owners/contractors are obligated to obtain a copy of the updated guidelines. The most recently updated guidelines will be in effect at the time of application.

In order to create a set of plans that meets the Brady Point guidelines a State of Florida Licensed Architect familiar with the southern coastal vernacular, is required, unless otherwise approved by the Architectural Review Committee, to design a residence in Brady Point Preserve. The goal is to create a custom home design that suits the specific lot and the neighborhood.

Please note, that these are guidelines and are not meant to supersede the Covenants and Restrictions.

## II. SITE/LOT LAYOUT REQUIREMENTS

### A. Minimum Dwelling Area:

All Dwelling Units constructed on Lots must contain at least 2,900 square feet of enclosed living space (as defined in the Declaration). Notwithstanding, accessory structures, such as guest houses containing less than 2,900 square feet of enclosed living space may be permitted provided that the Lot Owner has obtained approval to construct or has constructed, a principal Dwelling Unit containing at least 2,900 square feet of enclosed living space and provided that all such accessory structures otherwise comply with the governing documents, including the requirement to obtain the approval of the Architectural Review Committee with respect to such accessory structures.

### B. Maximum Dwelling Area:

The maximum dwelling area (enclosed living space) for any residence is 10,000 square feet for a single lot. If two or more contiguous lots are combined for a single dwelling unit site then the maximum enclosed living area cannot exceed 20,000 square feet (Note: covered living areas means under roof whether screened, open or air conditioned).

### C. Building Restriction Lines:

(Note: each lot shall have one front and one rear setback):

#### **Unit One**

1. Lots 1-37
  - a. Front-75 feet (from road right of way)
  - b. Side-20 feet (from side lot lines)
  - c. Rear-5 feet (from Wetland Buffer line)
2. Lots 38-45 and 48
  - a. Front-50 feet (from road right of way)
  - b. Side-15 feet (from side lot lines)
  - c. Rear-30 feet (from top of Lake Bank)
3. Lots 46, 47 and 49-57
  - a. Front-50 feet (from road right of way)
  - b. Side-15 feet (from side lot lines)
  - c. Rear-40 feet (from rear lot line)

#### **Unit Two**

4. Lots 1-12
  - a. Front-50 feet (from road right of way)
  - b. Side-15 feet (from side lot lines)
  - c. Rear-30 feet (from top of Lake Bank)

5. Lots 13-19

- a. Front-50 feet (from road right of way)
- b. Side-15 feet (from side lot lines)
- c. Rear-5 feet (from wetland buffer line)

D. **Building Height:**

Building height cannot exceed 35 feet in height. Where there are three floors, the third floor must be incorporated into the roof form. Detached structures including garages, guest homes or other similar structures may not exceed two stories in height including any parking levels.

E. **Foundations:**

1. Piers or a stem wall foundation is required for all residential structures.
2. On-grade construction is not permitted.
3. Piers or stem wall shall be veneered with stucco, tabby stucco, or brick.
4. Foundation openings shall be covered with lattice or louver infill that has been designed to match the style of the house, The infill panels area required to be painted or stained to match the color scheme of the residence. Pre-fabricated lattice or louver panels are not allowed.

F. **Lot Fill:**

Lot fill is limited to the building area, driveway and parking area terraces or patios and similar site improvements and 10 feet outside of all such areas.

G. **Driveways:**

1. Driveways shall be a single driveway with a cleared width not to exceed 30 feet and a paved surface no wider than 12 feet. The driveway may widen slightly to accommodate curves and turn radius, but cannot exceed 15 feet in width. Driveway surfacing must be pavers, concrete, or brick or as approved by the ARC. A second driveway may be allowed where the depth of the lot or unique topographic or vegetative conditions justify such access.
2. Construction access is only allowed through the permanent driveway location, unless approved otherwise by the ARC.
3. Driveways must be at least five (5) feet from adjacent properties to allow for landscape buffering except where sufficient natural greenbelts exist.

H. **Driveway Culverts and Headwalls:**

1. Swale grades and the ability to transport stormwater runoff as designed must be maintained during and after construction. Most

lots will require a driveway culvert to maintain the proper storm water flow. Culverts are not practical for all driveways because of the depth of the swale. For those driveways, the pavement is required to conform to the design swale grades and cross slope.

2. The required culvert must be a Type 5 elliptical reinforced concrete pipe with concrete end walls or headwalls. The elliptical pipe must have a 12" rise and 18" span with a length of 24' (3-8' sections). Other pipe may be approved on a case-by-case basis provided it has equal or better performance. The pipe must have a min. cover of 8" with a 4" concrete driveway. The driveway shoulder must be grassed. The headwalls may either be pre-cast or cast-in-place. Details are attached as Appendix "H". The concrete headwalls must have a stucco finish on all exposed surfaces.
3. The proposed driveway grades, swale grades, culvert invert and top of wall elevations must be shown on the site plan or other document and submitted to the ARC for review and approval. The culvert grade must be designed to maintain proper water flow.
4. Brady Point Preserve Rights-of-way are private streets or roads maintained by the Brady Point Preserve Community Association. A Nassau County Driveway Permit is not required.

I. **Utilities:**

Utilities may be placed through all natural buffers with ditch width only as wide as necessary and hand dug where required. All destroyed or removed vegetation must be replaced. If gas (LP or Propane) is to be provided for the home/project, the tank must be buried. Above ground gas tanks greater than 20 pounds are not permitted.

J. **Mowing of Unimproved Lots:**

To provide pedestrian and visual access to Unimproved Lots for home planning and/or marketing purposes, Owners of Unimproved Lots may mow vegetation in accordance with this policy and the written approval(s) issued by the Architectural Review Committee (ARC). In connection therewith, the Board of Directors finds that mowing in accordance with this Section "J" is generally consistent with the Declaration and is consistent with the maintenance of a pleasant, attractive, and safe residential community.

1. **"Mowing" Defined**

As used herein, the terms "mow", "mowed" and "mowing" refer to the maintenance of unimproved lots by cutting of understory vegetation such as grasses, shrubs vines, small trees or saplings (young trees not over 4" in diameter at breast height) by hand implements such as

scythes, pruning shears and saws, loppers, string trimmers, sling blades, etc. or mechanical devices such as lawn mowers, brush mowers, and similar machines.

2. Application to and Approval by the Architectural Review Committee

Owners of Unimproved Lots must submit an application via bradypointpreserve.com, including the Mowing and Buffer Preservation Plan outlined in section 3 below, pay the prescribed application fee, and receive written approval from the ARC prior to the beginning of any mowing.

3. Mowing and Buffer Preservation Plan

No mowing is permitted prior to the ARC's written approval of a Mowing and Buffer Preservation Plan (MPP) that incorporates a scale drawing of the Lot showing the location of all Natural Buffers and setbacks. To facilitate the ARC's review, the Lot Owner must cause all Natural Buffers and setbacks to be flagged from the time of his/her application through the completion of the first mowing. The ARC will promptly review the Plan and may require reasonable adjustments in consideration of harmony of design, location in relation to surrounding structures, topography, and the condition and extent of existing vegetation.

4. Prerequisites for Mowing

No mowing may commence until the Lot Owner and the person who will have responsibility for the physical work has signed a copy of the ARC approved Mowing and Buffer Preservation Plan and same has been provided to the Association.

5. Protections of Required Buffers

Owners of Unimproved Lots may mow their Lots as provided in the Declaration in accordance with a Mowing and Buffer Preservation Plan approved by the ARC.

a. Within all required Natural Buffers areas, overgrown shrubs and unsightly understory material may be trimmed or removed as necessary to eliminate unattractive or aesthetically inconsistent vegetation including saplings and shrubs that may have grown or filled in along the edges of Common Roads.

b. Supplemental planting required by Section III.A.2. are not required until a home is constructed on the lot unless the lot is part of a combination of lots where a home is constructed.

6. If a Property Owner only wants to mow a path generally down the center of the lot not exceeding Ten (10) feet in width, the Application

Fee will be waived. The mowed path may meander to avoid trees and other landscape or topographic features provided it remains generally in the center avoiding all protected side natural buffers. However, the property Owner must complete all required steps and procedures as follows:

- a. Submit the Application to the ARC described in Paragraph J.2;
- b. Submit the Mowing and Buffer Preservation Plan described in J.3; and,
- c. Receive an ARC approved copy of the Mowing and Buffer Preservation Plan as described in paragraph J.4.

If any mowing is done before the ARC has approved the Mowing Buffer Preservation Plan or width of the mowed path exceeds ten (10) feet in width, the fee waiver may be revoked and full payment of the \$250 fee required by Section XI.A.2., upon notification from the Association, the full fee is due and payable within five (5) business days.

7. Limitations

Nothing in this section is to be construed to allow any activity whatsoever within the “Wetland Areas”, “Wetland Buffer Areas”, “Wetland Preserves”, “NALT Conservation Easements” and “SJRWMD Conservation Easements” described on the Recorded Plats of Brady Point Preserve other than such activity already permitted by the Declaration.

8. Remedies

In the event of a violation of the terms of this Section, the Association has the right, after providing a written notice of Violation and a 15-day opportunity to cure, to enter onto a Lot and restore vegetation to a condition approximating its condition prior to the violation of this Section. Under such circumstances, the Lot Owner will be deemed to have agreed to promptly reimburse the Association for the reasonable expenses incurred in so doing.

K. **Service Courts:**

Each residence must have one (1) or more services courts for garbage containers, recycling containers, HVAC equipment, and other mechanical equipment such as; well pumps, generators, pool equipment, wall mounted water heaters, and outside storage. The service courtyard must be enclosed by an opaque fence or wall designed and built to obscure the contents of the service court from the view of any adjacent dwelling unit, lot or common area.

L. **Portalets:**

Temporary Construction Portalets are a necessary component of any construction site; in Brady Point Preserve, they are required to be placed behind the natural buffer area. However, when it is not possible to place it behind the buffer, it is required to have a physical screen on 3 sides of the portalet to shield it from the predominant public views. The placement and/or screening of portalets is to help maintain the character of the community during construction.

### III. NATURAL BUFFERS

Natural Buffers are intended to ensure the preservation and conservation of greenbelt areas along all Common roads, between each lot and along all wetland preservations areas, open space areas and the water management system. Owner(s) of developed lots have a responsibility and obligation to maintain or create where necessary natural buffers along the front, sides, and rear of their developed lot.

1. Overgrown shrubs and unsightly understory plant material may be trimmed or removed from Natural Buffers as necessary to eliminate unattractive or aesthetically inconsistent vegetation including saplings and shrubs that may have grown or filled in along the edges of Common Roads.
2. Additional native species plant material must be added to the Natural Buffers to supplement the native plant materials ~~and~~ to create an effective screen and naturally appearing buffer or greenbelt.
3. **Tree Mitigation:** trees are an important community element that helps to define the character of Brady Point Preserve. Age, Storms, and Disease can all require that a tree be removed. The BPP ARC will review the removal of *any tree* in the community and consider whether the canopy that is to be lost should be mitigated for by a new tree to replace the tree that is removed. This will be managed on a case-by-case basis by the ARC.
4. **Natural Buffer Documentation:** prior to beginning construction, a set of photographs documenting the condition of the natural buffer areas around all sides of the property are required to be submitted to the ARC. These photos will be kept as a record to be reviewed against the condition of the natural buffer at the end of the project.

#### A. Natural Buffer Setbacks:

##### Unit One

1. Lots 1-37
  - a. Front Buffer-50 feet (from road right of way)
  - b. Side Buffer-10 feet (from side lot lines)
  - c. Rear Buffer-5 feet (from wetland buffer line)
2. Lots 38-45 and 48
  - a. Front Buffer-20 feet (from road right of way)
  - b. Side Buffer-5 feet (from side lot lines)
  - c. Rear Buffer-20 feet (from top of lake bank)
3. Lots 46, 47 and 49-57
  - a. Front Buffer -20 feet (from road right of way)
  - b. Side Buffer-5 feet (from side lot lines)
  - c. Rear Buffer- 20 feet (from rear lot line)

## **Unit Two**

### 4. Lots 1-12

- a. Front Buffer-20 feet (from road right of way)
- b. Side Buffer-5 feet (from side lot lines)
- c. Rear Buffer-5 feet (from top of lake bank)

### 5. Lots 13-19

- a. Front Buffer-20 feet (from road right of way)
- b. Side Buffer-5 feet (from side lot lines)
- c. Rear Buffer-20 feet (from wetland buffer line)

## **B. Natural Buffer Maintenance:**

Natural Buffers must be preserved in their natural condition except as outlined in the BPP Declaration, Article 5, Section 7(a) as amended.

## IV. ARCHITECTURE

### A. Front Porch:

In Brady Point Preserve, the Front Porch is a fundamental component to achieving a *Coastal Vernacular* look. It is the first element seen on a house, and it is typically the first part of a house that guests experience. Therefore, all of the components of a front porch that create the experience of a Brady Point home will be closely reviewed by the ARC.

a. The minimum *finished* front porch height above the adjacent *finished* grade is required to be no less than 24" high. This measurement is to be labeled and called out on the drawings in the following locations; (1) the Site Plan must provide spot elevations at the finished top of porch and at the adjacent finished grade, (2) the Foundation Plan must show the configuration and detailing of a front porch that meets the height requirement with appropriate height call-outs, (3) the Floor Plan must show all stairs and railings that are to be built, (4) the Elevations must show and label the height of the porch and accurately demonstrate the topography, (5) and Wall Sections must be provided that show how the porch is to be constructed.

b. Definitions: it is important to identify and define the terms being used:

1. 'Finished Grade': this is a measurement of the height of the grade after fill dirt has been installed and landscape material has been installed. (This is an important distinction as sod can be 3" to 4" thick and mulch can easily add the same amount – therefore it is important to consider the actual 'finished' height after all the elements have been installed.)

2. 'Finished Porch': this is a measurement of the height of the porch to the top of the walking surface (this could be wood decking, tile, pavers, or bricks as approved by the ARC during plan review).

c. Porch Detailing: the detailing of the front porch is an important element that exemplifies the Coastal Vernacular style. Ideally, the porch must be a wood front porch supported by masonry piers. The piers would traditionally be made of locally sourced brick, or be finished with smooth sand finished stucco or a coquina tabby finish. If a porch is not fully traditional, then it should mimic the traditional look by incorporating pier elements and concrete detailing to simulate a wood porch. The image of the front porch shown on the elevation drawings is

required to be supported by adequate wall section details that describe how the porch is to be built.

d. **Porch Surfacing:** the surface of a porch is an integral part of the overall detailing – a wood porch fits the traditional detailing and lends itself to the overall image. If a wood porch is not selected, then a porch finish that has an edge profile that can be discerned from a distance (like full-sized true brick, or a paver sized similar to a true brick) can be appropriate if detailed properly. A finish that provides a bull-nose edge can also be appropriate. A painted/sealed concrete surface, or a thin tile/paver porch surface does not have the edge profile of a Coastal Vernacular Porch and is not appropriate.

e. **Porch Size:** a minimum 6'-0" deep, covered front porch that is sized to meet the guideline parameters will create the scale and proportion of a porch that fits the Coastal Vernacular style. The minimum required 6'-0" porch depth must be consistent across the full width of the porch. The front porch width is required to be at least 30% of the width of front facing width of the house including the garage.

f. **Porch Steps:** must include detailing appropriate to the style of house and the character of the front porch. Plain, unarticulated concrete steps are not appropriate.

**B. Garages:**

Each Dwelling Unit is required to have a minimum of a two-car garage. Garages must be designed as side entry type garages. (see below for special requirements and rules for front facing garages) No garage door or garage door aperture is permitted to exceed ten feet in height measured from the threshold of the aperture (e.g., the surface of the driveway). Further, all garages for which the garage door or the garage door aperture exceeds eight feet in height (but which cannot exceed ten feet in height), measured from the threshold of the aperture, must be constructed as side-entry garages, meaning the garage door or garage door aperture must be perpendicular to the street.

**Garages, Front Facing:** Brady Point Preserve encourages new designs to incorporate *side entry garages* whenever feasible, however, some lots will only accommodate a front facing garage. In situations where a side entry garage cannot be used and a front facing garage is designed, the following mitigating elements are required to be incorporated into the detailing of the project:

- a. The driveway must be sufficiently curved so that a straight view of the garage from the street is not possible.
- b. The landscape plan must be designed to provide additional plantings to further obscure the view of the garage as seen from the street. This includes plantings along the path of the driveway as well as additional native species being added to the buffer area.
- c. The garage is required to be set back from the front façade of the house a minimum of 10’.
- d. Front Facing Garages are limited to (2) bays only accessed by individual garage doors. Double wide garage doors are not permitted on front facing garages.
- e. Additional architectural detailing is required to be added to the front face of the garage to mitigate and reduce the visual impact of the front facing garage. This can include a combination of the following elements; trellis elements over the garage door, extensions of the roof supported by brackets, large coach lights, and upgraded garage doors with hardware and windows.

**C. Maximum Lot Coverage:**

The maximum lot coverage is 30 percent of the lot.

**D. Roofs:**

1. Primary roofs are to be gable type or hip type designs with a minimum roof slope or pitch of 7/12.
2. Primary roofing materials are to be architectural grade fiberglass or composition shingles, cedar shingles or shakes, or similar material that creates a heavy butt cedar shake appearance. Flat ceramic or cement roof tiles similar to wood shingles may be allowed if appropriate. Standing Seam, 5v galvalume or aluminum roofing can be specified.
3. All roofing materials must be in earth tone colors, unless approved otherwise by the ARC.

**E. Building Wall System Finishes:**

1. In order to support the Southern Coastal vernacular style established for Brady Point homes the following wall system finishes are allowed:
  - a. Foundation Walls (stem walls), Piers and Chimneys:
    - i. Cement based stucco or tabby cement stucco and brick
  - b. Vertical walls: Traditional Coastal Vernacular siding was made of wood. New materials are now used that provide lower

maintenance life cycle costs and simulate the *look* of wood. In Brady Point Preserve, the intent is to present a more finished classic Vernacular Style, therefore 'smooth' finish siding is required. The use of rough-sawn, wood grain textures, or cedarmill finishes is not allowed as these represent a more 'rustic' style that is not appropriate for Brady Point Preserve. Types of siding that are appropriate:

- i. Lap or horizontal siding
  - ii. Board and Batten siding
  - iii. Vertical siding
  - iv. Shingle siding
  - v. Premium wood siding and trim elements are preferred, but quality composite materials including high density polymer molded products, synthetic composites, fiber-cement board and shingle products with a smooth finish will be reviewed on a case-by-case basis.
  - vi. Brick is appropriate as an exterior siding or foundation finish. True brick is preferred and some veneers may be appropriate, however, all brick must have a sample submitted for review by the ARC.
  - vii. Stucco is appropriate as an exterior siding or foundation finish. A true stucco with a smooth sand finish is preferred, however, other finishes may be appropriate but must have a sample submitted for review by the ARC.
- c. Soffit
- i. Wood, including exterior grade plywood, fiber cement board with or without vent holes or continuous aluminum ventilation strips are allowed and preferred.
- d. Fascia
- i. Wood with a minimum nominal dimension of eight (8) inches is generally appropriate except for open rafter tails.
  - ii. The fascia may be clad with vinyl coated aluminum. The approved product is Mastic Home Exterior Performance Metals 24" Trim coil (S241 coated one side, nominal .019 thickness).
  - iii. Fiber-cement board, AZEK™ or similar material.

2. Exposed cement block, cast stone products, artificially grained siding products, PVC siding, aluminum siding and exterior polystyrene sheet board (EIFS) are prohibited.
3. Other products may be considered by the ARC on a case-by-case basis.
4. Vinyl Soffit Panels, Vinyl Fence Panel, Vinyl Lattice and similar vinyl products are not allowed.

F. **Windows:**

Traditional Coastal Vernacular windows have a depth, thickness, and articulation that many modern windows lack. A true Double Hung window has many of the qualities displayed in traditional Coastal Vernacular windows because it is assembled to provide the functionality of two operable sashes. Single Hung windows lack the mechanisms inherent in the design of a Double Hung window and typically lack the characteristics of depth, thickness, and articulation that are part of the Coastal Vernacular Style. Homes in Brady Point Preserve are strongly encouraged to use Double Hung window units. Single Hung window units are not permitted. Other window types such as; Casement, Awning, Fixed Picture, and Gliding types may be permitted on a case-by-case basis if they are appropriate for the style and detailing of the house.

a. **Vinyl Windows:** For the same reasons outlined above, most vinyl windows lack the qualities of a traditional Coastal Vernacular window – the glass is typically flush with the exterior face of the sash giving the window unit a very ‘flat’ appearance. Vinyl windows are not appropriate for Brady Point Preserve. Vinyl *wrapped wood* or vinyl *wrapped metal* windows can achieve the depth and characteristics appropriate to Brady Point Preserve and will be considered for use on homes.

b. **Muntins:** are the ‘grills’ or ‘panes’ in windows. Traditionally muntins served the function of holding the small panels of glass in place to create a larger window. Today, their function is purely decorative and meant to evoke the style of the older construction methods for windows. If a window is to have muntins, they are required to be provided on the exterior of the window as a *minimum*. Windows that have muntins, but do not provide them on the exterior look flat and un-articulated and do not achieve the detailing required to meet the Coastal Vernacular style. Shutters:

c. **Shutters:** can be a great way to add detail and color to a house. In Brady Point Preserve, shutters must adhere to the following design criteria; the shutter is to be half (½) the width of the window/door that

it addresses. The Shutter is to be installed 'over' the side trim of the window/door as if it was a true operable shutter. The inclusion of shutter hinges and shutter-dogs is encouraged. The essential idea is that shutters are to be designed as if they are true operating shutters that would actually function like a real shutter, even if they are purely decorative.

**G. Fences, Hedges and Walls:**

Fences, Hedges and walls may not be built or maintained on any portion of any lot except within the rear or interior side lot lines and not closer to the front of the lot than the rear line of the residence. Nor may they be closer to a side street than the line of the residence abutting that street when the residence is situated on a corner lot. No fence or hedge may be higher than 6 feet from the normal surface of the ground except for service court fences and/or walls attached to or adjacent to a structure. No fence, hedge or wall is permitted any closer than 25 feet landward of the ordinary high-water line.

Additional guidelines include:

- a. Materials -compatible with the architecture or house.
- b. Fencing is not allowed to define the property line.
- c. Fencing is limited to the rear of the property.
- d. Entry posts with gates are not permitted.
- e. Courtyard walls will be reviewed on a lot-by-lot basis. All courtyard walls must be within the setbacks and must be designed as an integral part of the house.
- f. Chain link and wire fences are prohibited.

**H. Construction Time:**

The exterior of all houses and other structures must be completed within sixteen (16) months.

**I. Pools:**

Pools are required to be designed as an integral part of the house. The pool deck is not allowed to extend beyond the side walls of the house. Pool decking must be a neutral color that blends in with the natural environment and be compatible with the colors of the house.

**J. Pool Enclosures:**

Pool Enclosures are required to be designed as an integral part of the architecture of the house. This must include the integration of walls,

columns, supporting beams, and roof elements in keeping with the detailing and style of the house. Wall Section Details showing how these elements are assembled must be provided to support the approved Elevations Images. Note: plain aluminum screened enclosures without the above listed architectural components are not permitted.

**K. Screen Enclosures:**

Screen enclosures are required to be designed as an integral part of the architecture of the house. This includes the integration of walls, columns, and roof elements appropriate to the architecture of the house.

**L. Mailboxes:**

Mailbox size, location, and design are standard. Mailbox specifications can be found as Appendix G.

**M. Utility Yards:**

a. All utility elements and garbage cans are to be kept within an enclosure that is screened from view with a built screen element that is in keeping with the detailing of the house.

b. Wall mounted tankless water heaters are considered to be a utility element and are to be screened from view. These are encouraged to be placed within the utility yard, however, if they are not, they are required to be independently screened.

c. Garbage Cans may be kept inside the Garage instead of a utility yard.

d. Where landscaping is meant to be an integral part of the utility yard screening strategy, the plant material must be installed at full size – small plants, that will require years to grow to the mature size intended to provide proper screening effect are not permitted. Note: plants cannot be the sole screening element for a utility yard/screen element.

**N. Other Yard Items:**

Built elements such as; pergola, trellis, arbor, gazebo, and playground equipment are to be reviewed by the ARC. These items require a review fee (see XI Fees and Deposits, Item 3).

**O. Street Paving Documentation:**

Prior to beginning construction, a set of photographs documenting the condition of both sides of the existing street paving along the length of the property are required to be submitted to the ARC. These photos will be kept as a record to be reviewed against the condition of the street at the end of the project. Failure to submit these photos prior to

construction beginning will result in the Lot Owner being responsible for all repairs required at the end of the project.

**P. Temporary Construction Power Poles:**

Remove temporary construction power poles when the project is completed.

## **V. LANDSCAPE REQUIREMENTS**

- A. The overall concept for the landscaping of Brady Point Preserve envisions the blending of the planted landscape with the natural landscape. The plans for the lot and landscaping should ideally evolve together so that the house blends with the natural landscape and the streetscape.
- B. The front of the house is required to be baffled from street view through the use of existing natural areas consisting of large canopy trees, under story trees, and good quality ground cover such as palmettos and wax myrtles. Where any of these do not exist, a design should be developed that adds these items to the natural areas so the house blends in with the surrounding natural environment and neighborhood.
- C. The landscape design concept is to focus on the surrounding natural environment, not the Architecture of the house.
- D. Landscape plans should be designed by a registered Landscape Architect or landscape designer.
- E. The plans should show the location of all trees, driveways, walkways, natural areas, buffers, patios, pools, fences, walls, and drainage. The design is to include plants along the foundation of the house with shrubs, patio trees, and ground cover.
- F. Massing of plants should be located outside of the foundation area of the house in the front of the yard. If a house faces two streets, both exposed sides should be equally landscaped.
- G. Pine straw or shredded pine bark mulch should be used in all beds and cleared areas that are not sodded. Stone or colored mulch is not permitted.
- H. A fully automatic, 100% coverage irrigation system is to be installed with rain sensor.
- I. All right of ways are to be sodded by using either St Augustine or Zoysia grass and irrigated. Right of Way (ROW) sodding (and landscaping) is to be designed so that it does not impede the flow of water in the ROW drainage ditches.

- J. Native and Xeriscape planting are encouraged. Residents are encouraged to use Florida friendly plant material. Invasive species of plants are prohibited.
  
- K. Once construction is completed, should a tree of over ten (10) inches in circumference need to be removed at any time, the two-step process is as follows:
  - 1) A letter from a certified arborist will be provided to the ARC to document the need for removal.
  
  - 2) Once the tree is removed, an ARC site inspection will address the need/possibility for remediation.

## **VI. OUTDOOR LIGHTING STANDARDS AND REQUIREMENTS**

Introduction- Outdoor lights are generally allowed for safety, security and for ornamental purposes provided that such lighting does not violate any recorded covenant, adopted rule, regulation or guideline and provided it is not noxious or offensive. Outdoor lighting that is or may become a nuisance or annoyance to any owner is specifically prohibited (BPP Declaration, Article 9, Section 2).

- A. Outdoor lighting attached to the building and switched from inside the building such as entry lights, lantern or carriage lights, wall lights, porch lights and security lights activated by motion detectors are generally allowed provided they are neither noxious nor offensive. Such lights are generally shown on the construction plans and approved as part of the construction.
- B. Landscape lighting whether illuminating landscape features or architectural features, walkway lighting and decorative post and/or bollard lights are generally allowed provided they are neither noxious nor offensive.
- C. All outdoor and landscape lighting not included on the original construction plans are required to be reviewed and approved by the Brady Point Preserve ARC prior to installation.
- D. Lighting is only permitted to be installed within the boundaries of the owner's deeded property. No decorative pole lights or other landscape lighting may be installed or maintained in the Brady Point Road Preserve Rights-of-Way except that "paver" lights and similar lighting devices embedded in the walkway or driveway and bollard lights with the lighting exclusively directed at the driveway or walkway surface is allowed.
- E. Driveway, walkway and similar application of lights generally installed in a parallel configuration are to be staggered to avoid a "runway" appearance.
- F. All lighting is to be directed or shielded such that it only illuminates the property of the owner on which the lighting is installed except as allowed in item "D" above.

- G. All outdoor lighting that automatically turns on at dark must also have an automatic clock to turn the lights off no later than midnight. Manually operated lights must be turned off no later than midnight except the operating time for any outdoor lighting may be extended during homeowner parties, gatherings and similar events. Step and walkway lighting may remain on provided the lighting is solely directed to the walkway surface.
  
- H. Seasonal lighting displays installed to celebrate religious and secular holidays may be installed without approval of the ARC and are generally allowed provided they are neither noxious nor offensive and their use is limited to a reasonable period of time either side of the holiday event. Seasonal lighting displays are to be turned off at midnight except the operation of same may be extended during homeowner parties, gathering and similar events.
  
- I. If such installed outdoor or landscape lighting is determined by the Brady Point Board of Directors to be noxious or offensive or to cause embarrassment, discomfort, annoyance or nuisance to an adjacent property owner, the owner of the such lights or lighting must shield the light source, reduce the intensity of the light, remove or otherwise mitigate the offensive nature of such light or lighting.

## VII. DOCKS

### A. Marsh Docks

#### 1. General

- a. No docks, moorings or pilings are to be erected on marshes without prior approval of the ARC and the appropriate local, state and federal agencies.
- b. Shoreline contours are not be changed without the written approval of the ARC and the appropriate local, State and Federal agencies.
- c. Docks and walkways are to be centered on the lot to the extent consistent with allowing riparian access.
- d. The Maximum area of the terminal platform is 160 S.F.
- e. Boathouses and/or overhead structures or raised viewing platforms are not permitted.

#### 2. Application Requirements

- a. Completed Application Form.
- b. Application and Review Fee of \$250.
- c. Plan View drawn to scale of proposed walkway and terminal platform. The area of the terminal platform (in sq. ft.) is required to be shown on the plan.
- d. Elevation View drawn to scale of boardwalk and terminal platform.
- e. Site Plan drawn to scale of lot, natural buffers, boardwalk and terminal platform (Site Plan and Plan View may be combined).
- f. Details for any boat lifts or similar equipment.
- g. Plan review procedures are substantially the same as *Section VII, Plan Review and Permit Procedures* except a single review is generally sufficient and neither a topographic and tree survey or landscape plan is required.

#### 3. Construction Procedures

- a. Construction procedures are substantially the same as *Section X, Construction Procedures* except in lieu of a County Building Permit, a State Permit and if applicable, a Federal Permit and NALT approval are required.

- b. At the Final Layout Inspection as required by Section X.A.3., the conceptual location of the walkway through the wooded wetland buffer may be adjusted to avoid protected trees.
4. Road impact fees and Construction Deposits are required the same as Section XI. A separate Road impact fee is not ~~be~~ required where there is an active Road impact fee made by the same person on the same property.

**B. Lake Docks (Water Management System)**

The Association has determined that docks may not be constructed to or over the lakes of the Water Management System.

The Association made this determination in order to preserve the natural appearance and scenic beauty of the lakes of Brady Point Preserve's Water Management System and to preserve the views across the lakes for Brady Point Preserve Owners including the Brady Point Preserve Owners adjacent to such lakes. Additionally, the prohibition of docks on these lakes will preserve unobstructed access to the Association's perpetual non-exclusive easement for ingress and egress to and over the Water Management System lakes and embankment as defined by the Amended and Restated Declaration.

**C. Dock Easements**

The Brady Point Preserve Community Association, Inc. holds fee simple title to a parcel of land between Lots 10- 25, Unit One and state marsh lands and tidal creeks.

The Association will grant the upland lot owner an easement to construct and maintain a boardwalk and terminal platform (dock) on meeting the requirements of the Association. See Appendix "I" for sample easement.

## VIII. PLAN REVIEW AND PERMIT PROCEDURES

In order to provide a systematic and uniform review of each proposed structure or improvement, the following permit and review procedure will be followed. It has evolved from experience with an eye forward, assuring quality, design, and construction with the least inconvenience to the property owners, their architects and contractors.

### A. Minimum Requirements for Preliminary Submittal:

1. Completed Application, filed on-line at [www.bradypointpreserve.com](http://www.bradypointpreserve.com), Architectural Review Menu. All documents/plans provided in a PDF format.
2. Deadline for submittal is Two (2) weeks prior to the scheduled ARC Meeting.
3. Application, Review and Permit Fee (See Section XI, Fees and Deposits, for schedule of fees and other detailed payment information).
4. Certified Topographic and Tree Survey prepared by a registered Florida surveyor.
  - a. The Topographic and Tree Survey is required to be prepared in accordance with the standards for as-built surveys except the survey must include the same topographic and tree information provided for the subject lots and all adjacent Rights-of-Way out to the center line of pavement.
  - b. The Survey is required to include a table with the number of located trees by diameter and species of tree with totals by species.
  - c. The Topographic Survey is required to include the bottom of swale grade at opposite the extended lot line for the subject lot and each adjacent lot. If the adjacent lot is developed, then the survey must also include the invert elevations of the adjacent driveway culvert(s). If an adjacent developed lot has no driveway culvert, then the survey must include the edge of driveway elevation opposite the swale on each side of the driveway. This requirement does not apply to lots 18 to 37, Unit One.
5. Preliminary site plan (1"=10' or larger) including the following information:
  - a. Property lines
  - b. Existing contour lines
  - c. Proposed contour lines (grading)

- d. Storm Water Management Concept
    - 1. Provide the existing swale grades in adjacent rights-of-way and any necessary regrading of the swales required to maintain the flow of storm water within the swale across the face of the lot and set the required culvert invert elevations of the driveway or driveway grade where the culvert is not feasible as determined by the ARC. Except this requirement does not apply to lots 18-37, Unit One.
    - 2. All lots are required to show adequate existing grades and/or required lot regrading to show post-development storm water from the development will flow across the lot to adjacent marshes, wooded wetland area or approved drainage structures. Where surface drainage is not practical, mechanical means such as a sump pump may be installed and maintained by the lot owner.
  - e. Location, diameter and species of all trees greater than 6" in diameter.
  - f. Building Setbacks and Buffers (See Sections II and III).
  - g. Location of structure, walks, driveways, patios, retaining walls, fences, exterior lighting and similar features.
6. Preliminary floor plans and all elevations (1/8" to 1' scale). The elevations may include shade and shadow as necessary to help illustrate the architectural character.

**B. Minimum Requirements for Final Submittal:**

For the Final Submittal both an electronic copy submitted via the Association's Website and a hard copy submitted to Amelia Island Management of the Final plans and specifications are required as follows:

- 1. Submitted on-line at [www.bradypointpreserve.com](http://www.bradypointpreserve.com) in a PDF format as follows:
  - a. Deadline for submittal is Two (2) weeks prior to the scheduled ARC Meeting.
  - b. Revised Application, if necessary.
  - c. Final Site plan with the same information as preliminary site plan except with revisions as necessary and in complete form (original drawings are to be 1/8" or 1" to 10' scale). See APPENDIX A- PLAN SUBMITTAL CHECKLIST for detailed description of the Final Site Plan Requirements.
  - d. Complete construction documents including all revisions as required by ARC.
  - e. Final Landscape Plan as described by APPENDIX B, LANDSCAPE PLAN CHECKLIST. (Any changes to the approved Landscape Plan must be

submitted to the ARC for approval forty-five (45) days in advance of the installation of plant materials).

- f. Cut sheets of all exterior light fixtures with the location of said fixtures shown on the Final Construction Documents.

2. Submit in hard copy form to Amelia Island Management as follows:

- a. One (1) hard copy of Final Plans and specifications including Final Site Plan, Final Construction Documents, and Final Landscape Plan.
- b. Final Plans are to be submitted in 1/2 scale format and printed on 11" x 17" or 12" x 18" paper as appropriate.
- c. DEADLINE is one (1) week prior to the scheduled ARC Meeting.

#### C. Concept Plan:

A "Concept Plan" format may be used as an alternate to the Preliminary Submittal in which case an abbreviated architectural plan set is required consisting of site plan, floor plan and front elevation. All other preliminary plan requirements remain the same. All documents/plans must be in a pdf format.

#### D. Additions and Renovations:

Application packages for renovations and additions are the same except as follows:

1. Partial plans illustrating only modified areas are acceptable
2. The scale of the plans will be determined by the size of the addition, i.e., 1/4" scale plans are acceptable for small additions.
3. Certified tree and topographic survey may be omitted where the addition has minimum impact. However, impacted trees are to be documented and noted accordingly.

#### E. Maintenance and Repair:

1. Maintenance and repair of your property, home, and accessory features such as driveway, parking, circulation areas, sidewalks, terraces, patios, pools, pool equipment, services courts, mechanical equipment, fences, garden or retaining walls, lawns, decks, docks, or similar features may be repaired, repainted, or replaced **without** ARC Review or Approval provided the maintenance, repair, painting, or replacement occupies the same physical space and there is no increase in size or change as to the style or color.
2. Any Repair that changes the size, style, or color of the home or accessory areas requires ARC Review and Approval.

## IX. GENERAL NOTES

- A. ARC meets the first Wednesday of each month as required.
- B. DEADLINE for all submittals is 12:00 noon, Two (2) weeks prior to the established meeting date.
- C. Submittals for review are to be provided to the ARC via the Association's Website, [www.bradypointpreserve.com](http://www.bradypointpreserve.com)
- D. The Application Form is a modified Word file that is completed on-line and submitted via the Association's Website.
- E. Plans and specifications are attached to the Application Form in a pdf format and submitted on-line via the Association's Website.
- F. Any submissions of document via the website MUST include a completed Application Form. All blanks with an "asterisk" must be completed. Inserting "NA" or other qualifying word or phrase into a field with an asterisk will allow the submit function to work.
- G. Checks, hard copies of documents and specifications and other materials requiring physical delivery may be provide to Amelia Island Management, 5440 First Coast Highway, Amelia Island, Florida, 32034. Their phone number is (904) 277-5122.
- H. The ARC will review complete submittals.
  - 1. Incomplete submittals may **not** be reviewed and **may be** returned to the Applicant with instructions as to the missing or incomplete materials or information required.
  - 2. Complete submittals will be reviewed and will be either:
    - a. Approved,
    - b. Approved with conditions, or
    - c. Disapproved. If disapproved, the specific deficiencies or problems in the application and /or design will be identified and a revised design may be submitted for review at a subsequent ARC Meeting.
  - 3. Following a Preliminary or Conceptual Plan Review, the ARC may request a "trial stakeout" (See Section X, Construction Procedures for detail instructions for a Stakeout Inspection) of the building and driveway to verify tree locations and/or evaluate other building impacts.

4. The Final Landscape Plan must be submitted with the final plans. Any changes to the approved Landscape Plan must be submitted to the ARC, as required above, forty-five (45 days) in advance of the installation of plant materials.
5. Following approval of the Final submission by the ARC, the ARC will recommend approval of the Final Plans and Specification to the Brady Point Preserve Community Association Board of Directors.
6. The Board will consider approval of the Final Plans and Specifications at the next Board Meeting following the ARC recommendation of approval. The approval letter of the Board of Directors is to be the BPPCA Building Permit.

**7. The ARC will post the Final Plans on the private side of the Brady Point Preserve website, [www.bradypointpreserve.com](http://www.bradypointpreserve.com)**

8. Following the final approval date, the project must begin within a one-year period. If no action is taken within a year, the BPP ARC requires a follow up review to ensure that all current guidelines are still being met. No fee will be assessed for this review if submitted within three (3) years from the approval date. Any plans which extend beyond the three (3) year timeframe are considered to be a new submission and must begin the ARC review process in its entirety, including all current applicable fees.

## **X. CONSTRUCTION PROCEDURES**

- A.** Prior to the start of any construction activities including clearing or the removal of trees, the following procedures and requirements are mandatory:
1. Complete the ARC review process and receive the Final Approval Letter by the Brady Point Preserve Community Association Board of Directors.
  2. Erect and maintain road shoulder barricades (Ref. Section X. C. of these BPP Design Guidelines).
  3. The contractor is required to stakeout the proposed improvement as noted below and schedule a stake out inspection with the ARC.
    - a. Each building corner is to be staked and connected with a continuous string line.
    - b. The proposed driveway is to be staked and connected with a continuous string line.
    - c. All trees to be removed are to be marked with colored flagging tape (orange preferred).
    - d. The ARC may require the installation of Tree Protection barriers around specific trees and/or erosion control fencing along the Marsh Edge Buffer and/or along the top of the bank of the lakes, when needed to protect marsh buffers or lakes from construction impacts. If required, the erosion fencing must be installed and approved by the ARC prior to start of any construction activity including clearing.
  4. Pay to the Brady Point Preserve Community Association, Inc c/o Amelia Island Management (5440 First Coast Highway, Fernandina Beach Florida 32034) the road impact fee and the construction deposit.
  5. Provide a copy of the Nassau County Building Permit and Building Permit Fee receipt.
  6. The contractor is required to obtain from the Association Property Manager:
    - a. A construction gate code. This code will limit the days and hours of work consistent with the days and hours of work pursuant to Section X.B.13.
    - b. Pick-up an Association provided rules sign and post on lot for the benefit of the subcontractors and suppliers.
    - c. Return the rules sign to the Property Manager prior to the final inspection by the ARC.
    - d. Obtain a receipt for the sign returned sign from the property manager and provide the receipt to ARC Inspection team at the final inspection.

7. Obtain ARC Building Permit Letter documenting that the above procedures and requirements have been completed and construction, including tree removal, is authorized to proceed in accordance with the specific approval conditions.
- B.** Upon issuance of ARC Building Permit Letter, the contractor is authorized to commence construction including clearing and tree removal as specifically permitted.
1. Prior to the removal and clearing debris from the site, the contractor will need to install a temporary culvert pipe. The temporary culvert pipe is required to be either a 12" round corrugated galvanized steel pipe, 12" diameter poly-vinyl chloride (PVC) pipe or other material as approved by the ARC. The temporary culvert pipe is to be a minimum of 18 to 20 feet in length to reduce the likelihood large delivery vehicles running off the edge of the temporary culvert pipe. An alternative to the temporary culvert would be for the contractor to install the permanent elliptical 12" x 18" reinforced concrete pipe (RPC).
  2. No construction signs or permits are to be nailed on trees and all signs shall be approved by the ARC.
  3. Job sites must be kept clean and orderly.
  4. The utilization of dumpsters and temporary toilet facilities are required. Toilets and dumpsters are to be placed on the job prior to any foundation work. All dumpsters placed in the ROW (Right-of-Way) must be covered after hours.
  5. There will be periodic inspections by a representative of the ARC to ensure the contractor is following approved plans and specifications.
  6. The contractor is required to obtain a water connection and install a hose bibb prior to the installation of block work. Additionally, the contractor must install a temporary potable line (flexible hose line or temporary PVC line) to extend the point of water use on the lot and beyond the front natural buffer. From this location the water may be used for construction activities including the cleaning of tools and equipment.
  7. Provide samples of exterior colors and materials for inspection at the job site prior to installation or use. The paint or stain colors may be applied to an area of the building.
  8. Provide a revised final landscape plan that addresses supplemental landscaping that may be needed to complete or fill-in bare areas in the natural buffers or repair buffer areas disturbed by construction activities. The revised landscape plan is due at least 45 days in advance of planned landscape installation.
  9. Once a newly constructed home has a certificate of occupancy (CO) and there are still outstanding ARC compliance items, the non-compliance items should be resolved within Sixty (60) days of the CO, unless the property owner can justify in writing to the Architectural Review Committee (ARC) why an extension is

needed with an estimated completion date. The ARC will review the request and will either approve or deny the extension.

10. Upon completion of all planned construction including landscape, it is the responsibility of the Contractor to:
  - a. Provide an as-built survey of the property Improvement prepared by a Florida Registered Surveyor showing building(s); driveway(s); hardscape area(s); building setbacks and natural buffers from recorded Association Documents including front, sides, and rear; finished floor elevation of habitable areas; bottom of swale grades, driveway culvert elevations or driveway grades at swale if applicable (except swale related grades do not apply to Lots 18-37, Unit One); and, existing lot grades or regraded lot areas needed to show that post-development storm water can flow across the lot to adjacent marshes, wooded wetlands or approved drainage structures. Where a mechanical system such as sump pump system is employed, the survey must include the location of the sump, changed lot grades surrounding the sump and outfall location of the sump pump.
  - b. Request in writing a final compliance inspection from the ARC.
11. Pursuant to the process set forth in the BPP Declaration Article 4, Section 6, the Association will have fifteen days hereafter to inspect such improvements. If the improvements are substantially in compliance with the approved plans, a refund of the performance deposit will be recommended to the Board of Directors at their next meeting. If the improvements were not completed substantially in compliance with the approved plans, the Applicant will be notified in writing of the specifics of the non-compliance within the fifteen (15) day period. Such notification will require the Applicant to remedy the non-compliance.
12. Further compliance action is required to be in accordance with the requirements of the Brady Point Preserve Declaration.
13. Work Hours

Contractors and their Subcontractors are approved to work Monday through Saturday, from 7 AM to 6PM. **No work is permitted Sundays and on the following Holidays:**

- **New Year's Day**
- **Memorial Day (Mon)**
- **Independence Day**
- **Labor Day (Mon)**
- **Thanksgiving Day (Thu)**
- **Christmas Day**

### C. Additional Construction Procedures

1. Contractors are not permitted to use any other part of the Property, including Common Area, Association Property, or other Owner's Lots, other than the Owner's Lot for whom the Contractor is performing services (the Lot and Owner for whom the Contractor is performing services is defined herein as the "Subject Lot"), for any purpose incident to the services being performed for any Owner, including but not limited to: equipment staging, material storage, parking, or otherwise. Notwithstanding, Contractors may use other Owner's Lots for any such purposes as may be expressly agreed upon by such other Lot Owner.
2. Contractors are allowed to park on the pavement on one side of the street. No shoulder parking or parking in a manner that blocks the residential, commercial, or emergency vehicles is allowed.
3. Parking is not allowed within any Natural Buffers.
4. The Contractor or Owner of the Subject Lot is required to stake off the front road shoulder of the Lots adjacent to the Subject Lot to prevent parking of vehicles and other use. In addition, the Contractor or Owner of the Subject Lot is required to stake off the road shoulder on the opposite side of the street of the Subject Lot. The area to be staked off on the opposite side of the street is required to be of a length (measured parallel to the road) equivalent to the area required to be staked off on the front road shoulder of the lot adjacent to the Subject Lot.
5. Road barrier stakes must be located approximately one (1) foot off the edge of the pavement into the Lot interior. The road barrier stakes for construction should be 2 inch in diameter square stakes with a height of 28 inches - 32 inches and painted the Brady Point standard color (SW 6165 – "Connected Gray" Exterior Flat Latex. Stakes should be placed at a maximum of 15' intervals with yellow flag tape and NO roping.
6. The Contractor may stabilize the shoulder as needed for approved construction access.
7. At the end of construction, the Contractor or Owner of the Subject Lot are to remove any stone and gravel stabilization and replace it with top soil, then grade the top soil in accord with the Subdivisions grading plan (the original contractor plans are available electronically).
8. The entire ROW in front of the Subject Lot is to be sodded per the approved Landscape Plan.
9. The Contractor or Owner of the Subject Lot are required to protect the edge of the pavement with lime rock or other soft material where appropriate. The Board and ARC have the authority to determine whether protection of the pavement is

appropriate in any particular instance. All damage to the asphalt edge is to be repaired by the Contractor or Owner of the Subject Lot using the following protocol:

- a. The damaged area is to be saw cut in a rectangular fashion into the good asphalt. The Contractor or Owner of the Subject Lot is to remove and dispose of the waste asphalt in a location outside of the Property and in accordance with law. Linear patches along the edge of pavement are to have a minimum dimension of 1-foot x 1-foot.
  - b. If the lime rock base is damaged, it is to be repaired or replaced such that the base has minimum depth of 8" of lime rock base compacted to 98% density. The lime rock is to extend beyond the asphalt, typically 6" or match the existing.
  - c. Replace asphalt with S-III asphalt compacted to 100% density.
  - d. Match existing asphalt thickness.
10. Additional construction procedures may, on an individual basis, be impose or modified by the Board of Directors or the ARC because of a Lot's natural character of other unique circumstances which may apply.

## XI. FEES AND DEPOSITS

### A. Application, Review and Permit Fees:

1. New construction or additions and renovations greater than 1,000 square feet: Five Thousand Dollars and No Cents (\$5,000.00). This fee covers ARC meetings, site visit to approve house stakeout, necessary in progress inspections, inspections/approvals for tree removal, and the final inspection at the completion of construction including the landscape installation.
2. Additions, renovations less than 1,000 square feet, landscaping/tree removal and Mowing of Unimproved lot: Two hundred and fifty dollars and No Cents (\$250.00).
3. Other exterior built elements such as; pergola, trellis, arbor, gazebo, and playground equipment: Two hundred and fifty dollars and No Cents (\$250.00).
4. If the Property Owner(s) chooses to mow a path generally down the center of the lot avoiding trees and major vegetative clusters, the \$250.00 Fee can be waived, however, all other requirements for Lot Mowing must be adhered to (see Section II, Item J: Mowing Lots).
5. **Tree Removal:** requires a review fee of Two Hundred Fifty dollars and No Cents (\$250.00). If the removal Request is accompanied by a letter from a State of Florida Certified Arborist identifying the (1) tree or trees, (2) their condition or conditions, and (3) recommend action or actions, the Tree Removal Fee can be waived.
6. **Construction of Docks and Swimming Pools:** The review fee for a dock, swimming pool, exercise pool, or inground spa that is not included in a new home review, is Two Hundred Fifty Dollars and No Cents (\$250.00). For swimming pools and related pool elements, the review fee is the same with or without an enclosure.
7. These fees are non- refundable and must be paid prior to Review of Plans.
8. If any Property Owner(s) or their representative commences construction or any work on any lot requiring ARC Review and Approval without obtaining said Approval to commence construction, the ARC may recommend the maximum penalty for violating ARC guidelines to the Board of Directors for consideration by the Association's Fines Committee.

### B. Impact Fee:

9. Two thousand, Dollars and No Cents (\$2,000.00).
10. This Impact Fee is non- refundable.

C. Construction Deposit:

11. The Construction Deposit is one percent (1%) of the estimated construction cost as shown on the Nassau County Building Permit or \$1,000.00, whichever is greater. If the project doesn't require a Nassau County building permit, then the estimated construction cost is based on the agreement between the homeowner and the contractor for the subject project.
12. This Construction Deposit is fully refundable upon completion of the project, provided the home is completed substantially in compliance with the approved plans.
13. All Claims against the Deposit must be made in accordance with Brady Point Declaration Article 4, Section 6.

## **APPENDICES**

- A.** Home Plan Submittal Checklist
- B.** Landscape Plan Checklist
- C.** Tree Protection Detail
- D.** Pool and /or Screen Enclosure Checklist
- E.** Master Application, Review and Construction Checklist
- F.** Lot Layout Field Approval Form
- G.** Mailbox Designs Sketch
- H.** Culverts and Headwalls
- I.** Sample Riparian Easement

APPENDIX A  
HOME PLAN SUBMITTAL CHECKLIST

Submission Date \_\_\_\_\_ Review Date \_\_\_\_\_  
Property Address \_\_\_\_\_ Lot \_\_\_\_\_ Unit \_\_\_\_\_

Listed below in checklist form for your convenience are informational requirements needed for the ARC to evaluate the Preliminary Plans for compliance with the Brady Point Preserve Guidelines and Standards.

**I. Minimum Requirements for Preliminary Submittal:**

- A. Completed Application filed on-Line at [www.bradypointpreserve.com](http://www.bradypointpreserve.com)
  - Completed Application
  
- B. Pay Application Review Fee to Amelia Island Management.
  - Application Review Fee
  
- C. Certified Topo and Tree Survey by a Registered Land Surveyor or Engineer.
  - Topographic and Tree Survey
  
- D. Preliminary Site Plan (1" = 10' or larger) with the following information:
  - Property Lines
  - Building Restriction and Natural Buffer lines
  - Existing Topographic Contour Lines
  - Proposed Topographic Contour Lines (grading)
  - Storm Water Management Concept
  - Location, diameter and species of all trees greater than 6 inches
  - Location of structure, walks, drives, patio, decks or terraces, retaining walls, fences, exterior lighting and similar features
  
- E. Preliminary Floor Plans and All Elevations (1/8" to 1 '). The elevations may include shade and shadow to help illustrate the architectural character.
  - All Floor Plans
  - All Elevations

## II. Minimum Requirements for Final Submittal:

**A.** Revised Application (If needed)

- Revised Application

**B.** Final Site Plan with same information as Preliminary Site Plan except with updates, corrections and all dimensions and details as needed.

- Updated Final Site Plan  
 Driveway and swale grades  
 Culvert invert and top of headwall grades

**C.** Complete Construction Documents with dimensioned elevations, floor plans and section(s) and/or detail(s) depicting materials, geometry and techniques of proposed construction and electrical plan addressing exterior lighting.

- All dimensioned elevations  
 All dimensioned floor Plans  
 Roof Plan  
 Dimensioned building/wall sections and/or construction details  
 Exterior lighting plan (Includes cut sheet for all exterior fixtures with the location shown on Final Constructions Documents and site located fixtures shown on Final Site Plan or Final Landscape Plan)

**D.** Final Landscape Plan (See Appendix B)

- Final Landscape Plan

**E.** Color and material samples for exterior finishes and colors as applicable including but not limited to the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Foundations            | <input type="checkbox"/> Windows                           |
| <input type="checkbox"/> Roofs                  | <input type="checkbox"/> Doors                             |
| <input type="checkbox"/> Fascia                 | <input type="checkbox"/> Garage Doors                      |
| <input type="checkbox"/> Soffits                | <input type="checkbox"/> Walkways/Driveways/Terraces, etc. |
| <input type="checkbox"/> Solar Collectors       | <input type="checkbox"/> Shutters                          |
| <input type="checkbox"/> Walls                  | <input type="checkbox"/> Exterior Lighting Fixtures        |
| <input type="checkbox"/> Rails/Columns          | <input type="checkbox"/> Other Exterior Finishes/Colors    |
| <input type="checkbox"/> Porch Floors/ Ceilings |  |

### III. Plan Submittal Standards:

- A. Deadline for Submittals is two (2) weeks prior to scheduled ARC Meeting.
- B. All Plans and documents are submitted pdf document, on-line via the Association's website, [www.bradypointpreserve.com](http://www.bradypointpreserve.com) except as noted below:
  - 1. Application Fee paid by check or money order payable to BPPCA, Inc. C/O Amelia Island Management.
  - 2. Road Impact Fee and Performance Deposit paid by Check or Money Order payable to BPPCA, Inc. C/O Amelia Island Management.
  - 3. Certified Copy of Tree and Topographic Survey provided to ARC C/O Amelia Island Management.
  - 4. One (1) hard copy of Final Construction Plans and Specifications including Final Site and Landscape Plans. Final Construction Plans are required to be submitted in a ½ scale format and printed on 11"x 17" or 12"x 18" paper as appropriate provide to ARC C/O Amelia Island Management.
  - 5. Checks, hard copies of Plans specifications and other documents requiring physical or mail delivery are provided C/O Amelia Island Management. The physical, postal and package delivery address is **5440 First Coast Highway, Amelia Island, Florida 32034**. The Phone number is (904) 277-5122.

## APPENDIX B

### LANDSCAPE PLAN CHECKLIST

Submission Date \_\_\_\_\_ Review Date \_\_\_\_\_

Property Address \_\_\_\_\_ Lot \_\_\_\_\_ Unit \_\_\_\_\_

Listed below in checklist form for your convenience are informational requirements needed for the ARC to evaluate the Landscape Plans for compliance with the Brady Point Preserve Guidelines and Standards.

#### I. Plan Requirements:

- In order to create a set of landscape plans that meets the Brady Point guidelines, a State of Florida Licensed Landscape Architect is required, unless otherwise approved by the Architectural Review Committee.
- Landscape plan is to include; a north arrow, a drawing scale call-out, and a title block. The title block is required to show the lot number, unit number, date, builder, and landscape architect or qualified landscape professional.
- Landscape plan is to include pertinent existing and proposed property features including property lines, easements, Natural Buffers (front, side, and rear), streets or pavement edges, driveways, sidewalks, steps, decks, terraces, pools, service yard for mechanical equipment and pool equipment (if applicable), retaining walls, and areas being filled or excavated.
- Landscape plan is required to show the location of all trees exceeding 6 inches in diameter. All trees are required to be clearly labeled which are to remain and which are to be removed. Trees to be removed are to be designated with a bold "X".
- Landscape plan is required to show the location of all proposed bed lines with individual shrubs and ground cover masses shown. All plants are to be labeled with species, size, and quantity.
- Landscape plan is required to show the proposed drainage pattern or storm water management concept shown.

#### II. Required Attachment:

- A plant list is required to be attached to landscape plan that shows the quantity, common name, botanical name, size, and spacing of all plant material. Sizes may be in height, width, and/or caliper as applicable.

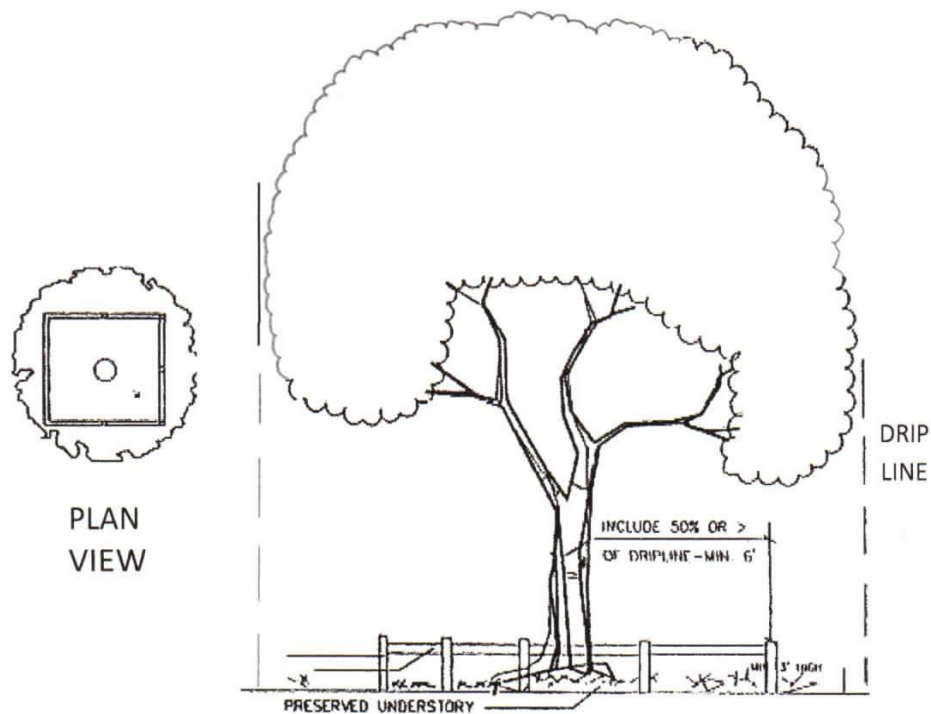
### **III. Landscape Design Standards:**

- Driveways and garages are screened from street with trees and shrubs.
- Pools and decks are buffered or screened from view of adjacent homes.
- All natural areas to be preserved must be shown on the Landscape plan.
- Right-of-way planting cannot impede, hinder or obstruct the function of the storm water swales.
- Final landscape plan must be delivered electronically to AIM at the same time as construction plans and these plans are to be part of the final submittal.

## APPENDIX C

# TREE PROTECTION DETAIL

NOT TO SCALE



### Notes to Contractor:

1. Barrier placed around tree shall include 50% of Dripline area.
2. 2"x4" Posts, 8' O.C. with 2"x 4" railings or wire mesh fencing.
3. Required tree protection barricades must remain intact throughout construction. Encroachment into or failure to maintain tree barricades will result in enforcement action.
4. No filling, excavation, tree removal, construction, clearing or machinery will be permitted within the natural buffers except as permitted due to its significant ecological and landscape values.

## APPENDIX D

# POOL AND/OR SCREEN ENCLOSURE CHECKLIST

Submission Date \_\_\_\_\_ Review Date \_\_\_\_\_

Property Address \_\_\_\_\_ Lot \_\_\_\_\_ Unit \_\_\_\_\_

Listed below in checklist form for your convenience are the informational requirements needed for the ARC to evaluate the Pool Plans for compliance with the Brady Point Preserve Guidelines and Standards.

**I. Site Plan** drawn to scale including the following elements:

- Property lines, Setback lines, buffers and any trees to be removed.
- House, Pool and/or screen enclosure.
- Other elements related the pool and / or screen enclosure such as walkways, terraces, patio, pool equipment including pumps, heaters, above grade tanks and other facilities.

**II. Pool Plan** drawn to scale showing location and configuration of the following elements:

- Pool and Pool Deck dimensions.
- Location and shape of all structural and decorative columns of the screen enclosure.
- Sufficient detail of the home and porch, veranda terrace, patio, etc., to indicate connections to pool and /or screen enclosure.

**III. Elevations Plans** drawn to scale (**For Screen Enclosure**) including at least one (1) rear elevation and one (1) side elevation. If the sides of the enclosure are different, then please provide and elevation drawing for each side. These elevation plans are to include the following information:

- Structural and decorative columns, girders, beams, headers, rafters and /or purlins.
- Sufficient detail of the home to indicate massing and scale.
- Surrounding grades within 10 feet of the house and pool impacted by construction.

**IV. Roof Plan** drawn to scale (**For screen enclosure**).

- Roof Plan

**V. Section(s) and detail(s)** drawn to scale (**For Screen Enclosure**) as needed to depict materials and techniques required in constructing and installing decorative columns and beams or other features not part of a standard aluminum screen enclosure.

- Sections and Details

**VI. Notations** may be used on all plans as needed to indicate materials, textures, finishes and colors for the pool, pool deck, water line tile, decorative tile or finishes, structural elements of the screen enclosure (columns, girders, beams, rafters, joists, purlins, etc.) and decorative elements of the screen enclosure such as decorative columns and beams, screening, floor materials and all other finishes. A **Schedule of Materials Finishes and Colors** may be used in place of plan notations or in addition to the plan notations.

- Notations or Schedule of Finishes and Colors

Where an element of the pool or screen enclosure is intended to match an existing design, material, pattern, finish, texture or color of your existing home located on the property in question, a notation of “match existing” may be used in lieu of more detailed information. “Match existing” is not to be used to refer to homes or other structures not located on the subject property.

**VII. Landscape Plan** drawn to scale with landscaping required to buffer and screen the pool, screen enclosure or associated equipment from adjacent homes or public areas. Simple landscaping treatments may be provided on Site or Pool Plan as appropriate.

Landscape Plan (See Appendix B).

**VIII. Finish Samples** for waterline tiles, pavers or other concrete finishes.

Finish Samples

**IX. Pools and Screen Enclosure Design Standards**

- A. Pools and screen enclosures are required to be designed as integral part of the house.
- B. The Pool deck is not permitted to extend beyond the side walls of the house.
- C. Pool decking is to be a neutral color that blends with the natural environment.
- D. A screen enclosure creates a three-dimensional extension of the residential structure. Therefore, it’s important to design the screen enclosure to repeat or complement the architectural character of the home. This requires blending the forms, details and materials of the screen enclosure with the forms, details and materials of the home. Significant components of the home architecture such as foundation elements, walls, roof forms, details and other architectural elements can be used to visually integrate the screen enclosure with the residential structure. Too often screen enclosures are just mansard roofed structures visually and physically tacked to the rear of a home. The Brady Point Preserve ARC seeks to have homes and screen enclosures appear as if it was designed as a single, unified structure.

**X. Plan Review and Permit Procedures for Pool and /or Screen Enclosure**

Plan Review and Permit procedures for Pools and / or Screen Enclosures are generally addressed in the same manner as set forth in the Brady Point Design Guidelines. To the extent possible, new homeowners that may want to build a pool are encouraged to incorporate the design of a pool and screen enclosure into the design and approval process for their home. This will reduce your time and expense. The pool and screen enclosure can be a future phase that is already approved.

**APPENDIX E**

**MASTER APPLICATION, REVIEW AND CONSTRUCTION CHECKLIST**

<b>Lot Number:</b>		<b>Subdivision Unit:</b>		<b>Lot Owner(s):</b>		<b>Project Type: New Home</b>	
<b>Architect:</b>				<b>Contractor:</b>			
<b>TASK NUMBER</b>	<b>REQUIRED TASKS (unless waived)</b>	<b>DATE TASK COMPLETED</b>	<b>DATE TASK WAIVED</b>	<b>COMMENTS AND DOCUMENTATION</b>			
	<b>ARC Application for Review and Construction</b>						
<b>1</b>	Complete Application filed on-line at <a href="http://www.bradypointpreserve.com">www.bradypointpreserve.com</a>						
<b>2</b>	Application, Review and Permit Fee paid to Amelia Island Management (AIM), 5440 First Coast Hwy.						
	<b>Conceptual Review (Optional)</b>						
<b>3</b>	Elevations						
<b>4</b>	Landscape Concept Plan						
<b>5</b>	ARC Review and Response to Conceptual Review Submittal						
	<b>Preliminary Review Submittal</b>						
<b>6</b>	Tree and Topographic Survey						
<b>7</b>	Preliminary Site Plan						
<b>8</b>	Preliminary Floor Plans and Elevations						
<b>9</b>	ARC Review and Response to Preliminary Review Submittal						

TASK NUMBER	REQUIRED TASKS (unless waived)	DATE TASK COMPLETED	DATE TASK WAIVED	COMMENTS AND DOCUMENTATION
	<b>Final Review Submittal</b>			
10	Revised Application (If necessary)			
11	Final Site Plan Submitted			
12	Final Floor Plan and Elevations Submitted			
13	Final Landscape Plan Submitted			
14	Samples of Exterior Colors and Materials Submitted			
15	ARC Review and approval of Final Review Submittal			
16	BOD Final Approval Letter			
	<b>Construction Process</b>			
17	1/2 size hard copy of all final plans 11" x 17" or 12" x 18" (as appropriate) provided by Contractor			
18	Stake-out Inspection by ARC Member			
19	Approval of Tree Protection Barriers & Erosion Fencing as may be required			
20	Installation of Construction Access Apron by Contractor			
21	Copy of Nassau County Building Permit Provided to ARC			
22	Payment of BPP <b>Impact Fee</b> to AIM			
23	Payment of BPP <b>Performance Bond</b> to AIM			
24	Road Way Photographs by AIM			
25	ARC Building Permit Letter Provided to Applicant			
26	Monthly Compliance Inspections			
27	Revised Landscape Submittal (If required)			
28	Final As-Built Survey showing drainage			

TASK NUMBER	REQUIRED TASKS (unless waived)	DATE TASK COMPLETED	DATE TASK WAIVED	COMMENTS AND DOCUMENTATION
	<b>FINAL INSPECTIONS/BOND REFUND</b>			
29	Applicant Requests Final Inspections			
	<i>Association has 15 days to Find Construction Substantially complete or identify specific remedies in writing</i>			
30	Final ARC Compliance Inspection			
31	Final ARC Landscape and Buffer Compliance Inspection			
32	Final Road Edge Inspection by AIM			
33	ARC Recommendation to refund <b>Performance Bond</b>			
34	Board of Directors Authorization to refund <b>Performance Bonds</b>			
35	<b>Performance Bonds</b> Refunded			



## APPENDIX G

# SIGNAGE AND MAILBOXES

### **THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS CONDITIONS**

### **RESTRICTIONS AND EASEMENTS FOR BRADY POINT PRESERVE as amended** prohibit the

erection of and maintenance of commercial signs on any lot without the written approval of the Architectural Review Committee except as may be required by legal proceedings. This prohibition includes security such as "Westec", "For Rent and For Sale" signs, contractor, subcontractor and supplier signs at construction sites and similar informational and advertising signs. The following single family residential signs are specifically approved:

- Residential Construction Sign as described below and illustrated on page G-3.
- Residential Mailbox Assemblies as described below and illustrated on pages G-4 and G-5.

### **Construction Signs:**

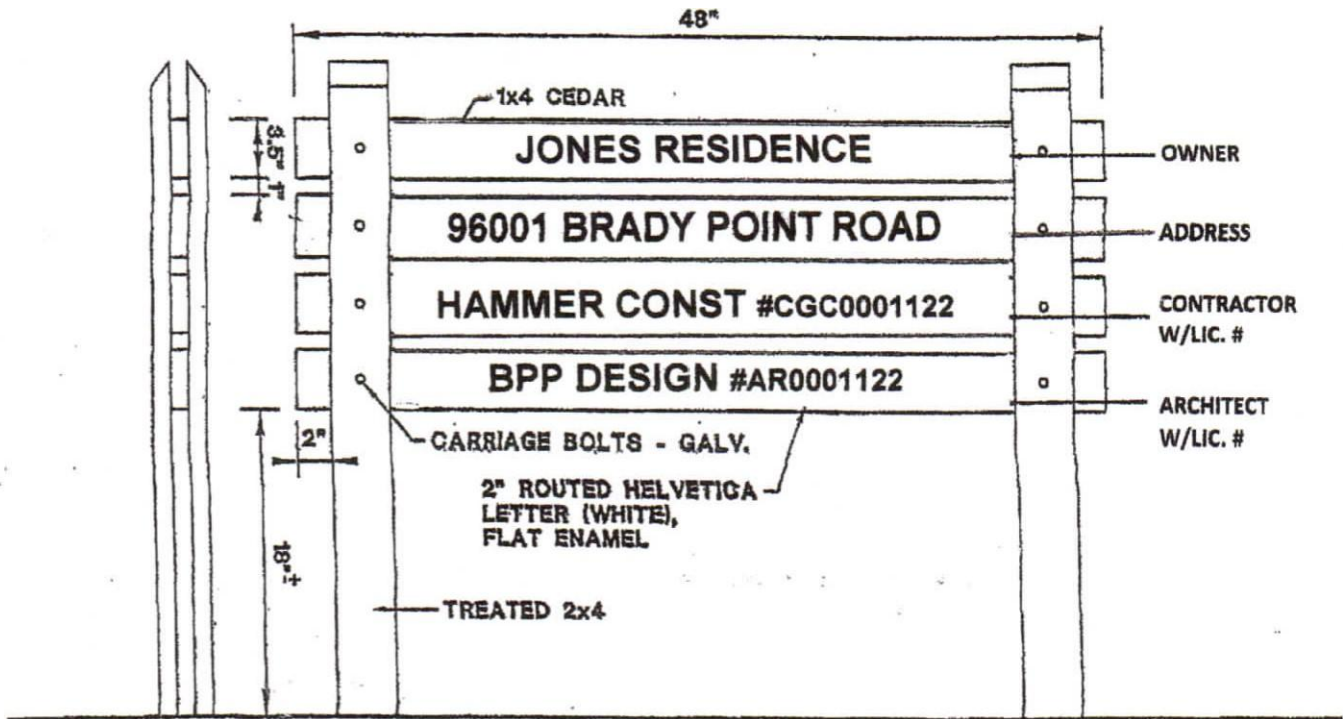
1. Materials- Sign vertical uprights are 2"x 4" pressure treated (P.T.) southern yellow pine (SYP) and the horizontal sign plates are 1"x 4" cedar.
2. Lettering- Two (2") inch routed Helvetica letters and numbers. The insides of all routed letters and numbers are painted flat white enamel.
3. Finish- All wood members (uprights and horizontal sign boards) are stained "Sign Brown". This custom color is only available at Amelia Island Paint and Hardware, 516 Ash Street, Fernandina Beach, Florida 32034. Solid body stain using Pittsburgh REZ No. 77417.
4. Sign Boards-
  - Board One (Top).....Owner's Name
  - Board Two..... Street (Job) Address
  - Board Three.....Contractor's Name and License/Registration Number
  - Board Four (Bottom).....Architect's Name and License/Registration Number

## Mailboxes and Mailbox Assemblies:

In order to provide an upgraded look to mailbox assemblies, three (3) different but related designs are allowed. You may select one of the three designs that most closely compliment the style of your home. The specific design details are shown by the design sketches on page G-4. Page G-5 provides a template for the scroll bracket and ogee decorative cuts for the alternate "b". **The template is drawn to scale but not the scale needed to mark and cut the scroll bracket and ogee ends for the side panels. In order to use the included templated, the page will need to be enlarged using with the graphic scale provided on the sketch drawing.**

1. **Assembly**- Select design "a", "b" or "c" constructed in accordance with the following specifications and design details provided on pages G-3 and B-4.
2. **Mailbox**- Black # 2 Rural
3. **Street Address**- Nassau County assigned Street Number routed on both sides of the side panels located in accordance with the design sketch on page G-3.
4. **Letter Style**- Two (2) inch Helvetica. The insides of the routed numbers are painted flat white enamels.
5. **Assembly Materials**- Assembly is constructed of pressure treated (P.T.) ground contact southern yellow pine (SYP). Azek (PVC) smooth faced trim boards, cedar or redwood may be used as appropriate.
6. **Finish**- All members of mailbox assembly except the mailbox must be primed, caulked and painted. The paint is SW 6165 (Connected Gray), Exterior Flat Latex. Paint instead of stain was selected to protect the mitered corners and cover both pressure treated SYP, PVC or other woods used in the construction of the assembly.
7. **Name Option**- The Owner has the option of placing their last name on the mailbox door in white, one (1) inch cut vinyl letters (Helvetica Style).
8. **Installation**- Mailbox Assembly must be installed such that the front bottom edge of the mailbox is 3' 6" (42 inches) above the edge of the road payment and eight (8) inches off the edge of road pavement.

# BRADY POINT PRESERVE CONSTRUCTION SIGN

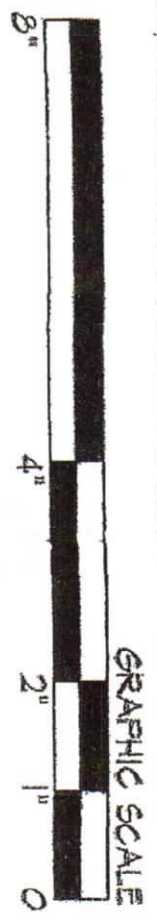
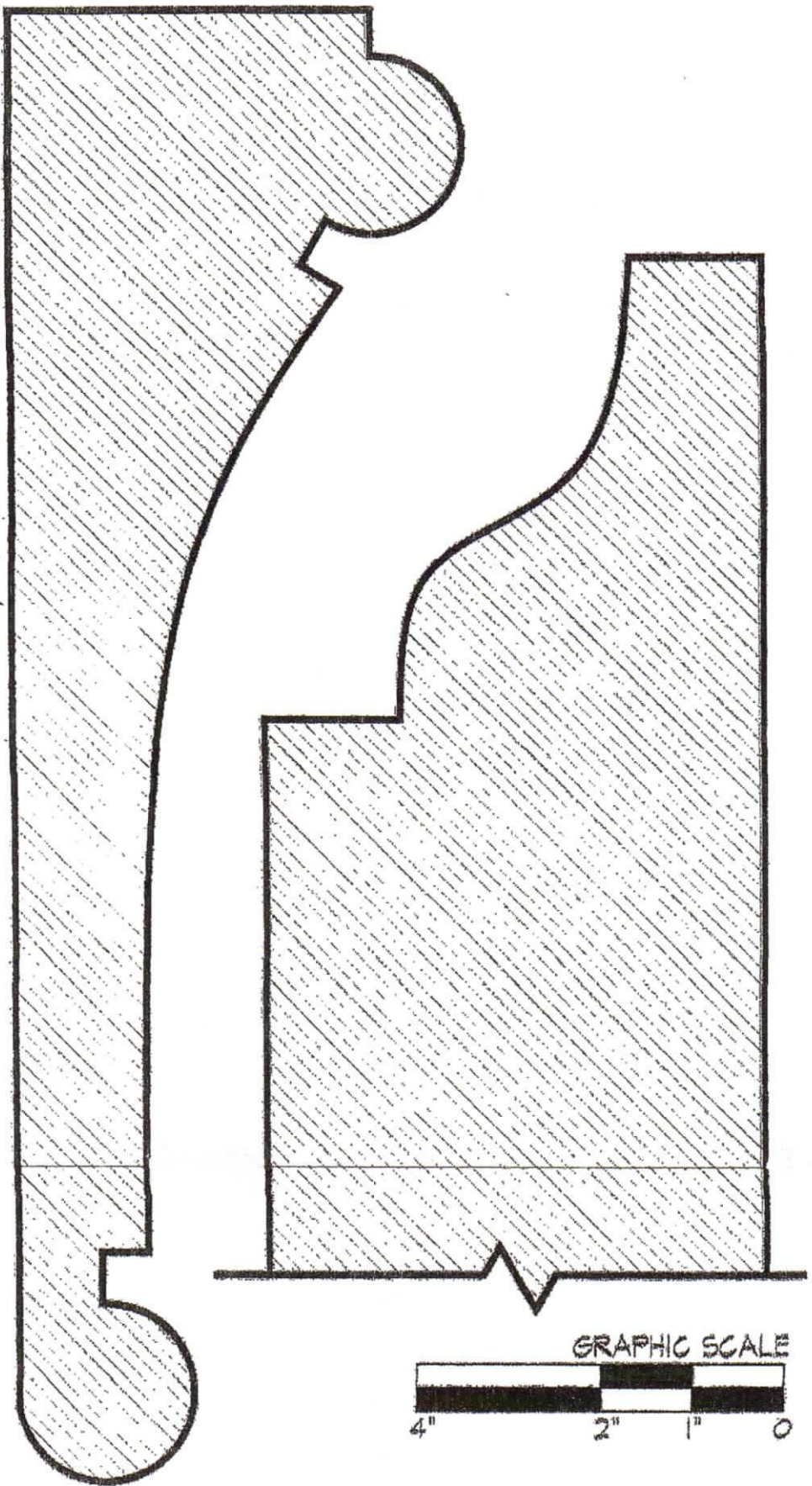




TYP  
A-12

MAILBOX STANDARD "B" BRACKET &  
DECORATIVE CUT TEMPLATES

SCALE: 1"=1'-0"



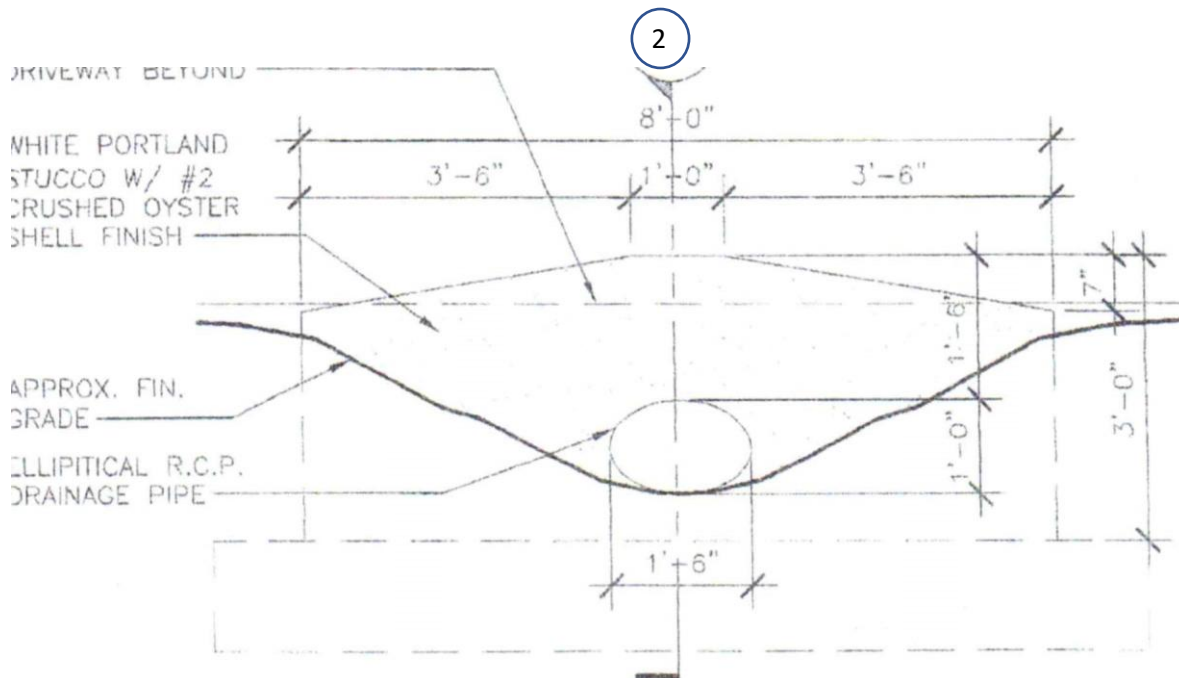
## APPENDIX H

# CULVERTS AND HEADWALLS

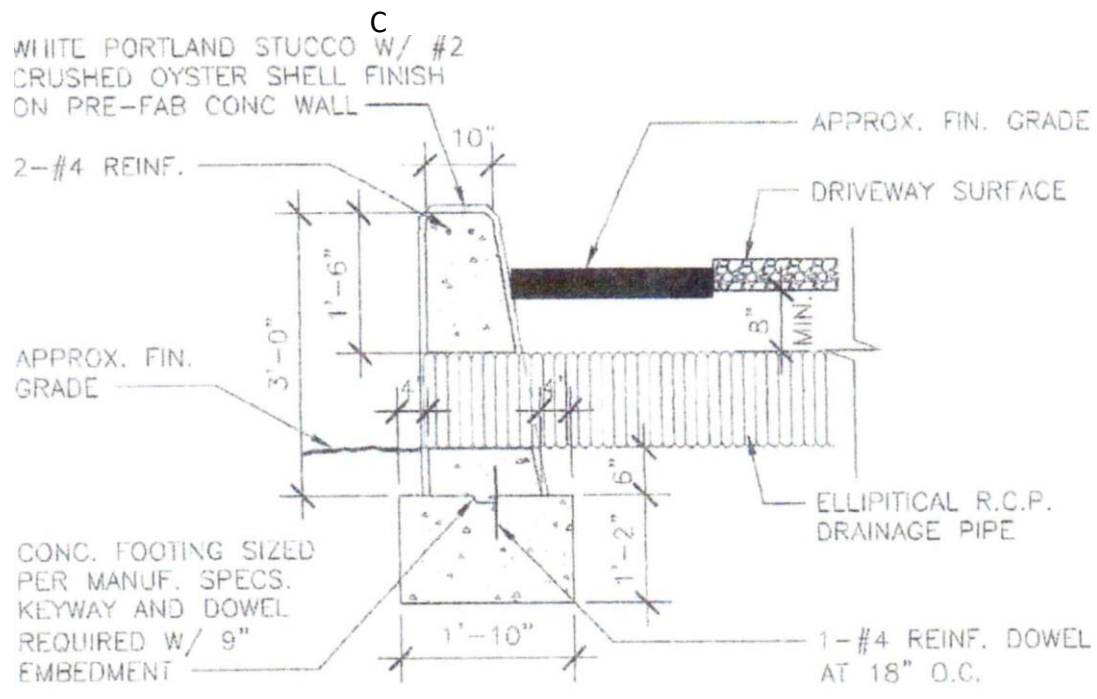
Attached are typical culvert and headwall elevations and sections for two approved options, Pre-cast and Cast In-Place.

PRE-CAST OPTION- Page H-2

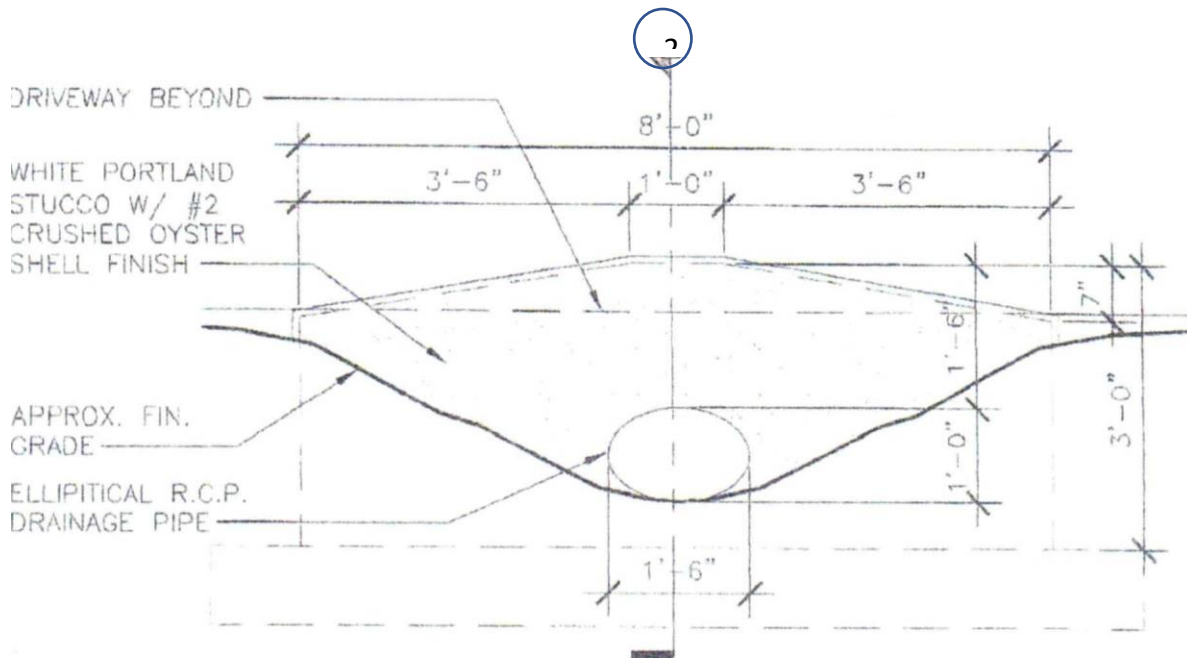
CAST-IN- PLACE OPTION- Page H-3



**1** TYP. CULVERT HEADWALL ELEV. PRE-CAST WALL  
 SCALE: 1/2"=1'-0"



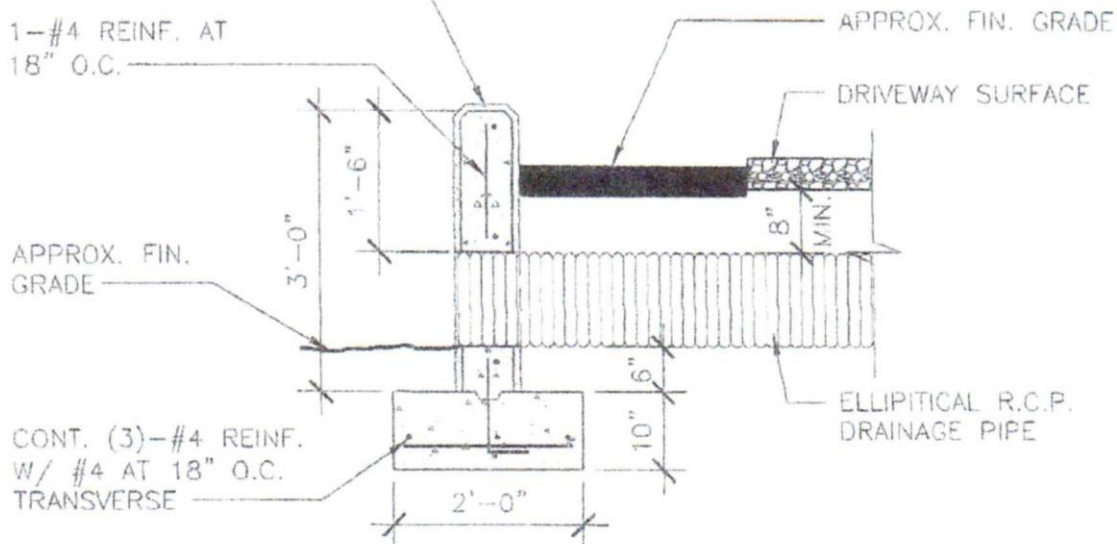
**2** TYP. CULVERT HEADWALL SECT. PRE-CAST WALL  
 SCALE: 1/2"=1'-0"



**1** TYP. CULVERT HEADWALL ELEV.  
 SCALE: 1/2"=1'-0" CAST-IN PLACE

HEADWALL CONSTRUCTION:  
 WHITE PORTLAND STUCCO  
 W/ #2 CRUSHED OYSTER  
 SHELL FINISH ON CAST-IN  
 PLACE CONC WALL

1-#4 REINF. AT  
 18" O.C.



**2** TYP. CULVERT HEADWALL SECT.  
 SCALE: 1/2"=1'-0" CAST-IN PLACE

## APPENDIX I

### SAMPLE RIPARIAN EASEMENT

Prepared By Return To:  
[Name of Natural Person]  
[Address]

#### **EASEMENT FOR RIPARIAN ACCESS**

THIS EASEMENT FOR RIPARIAN ACCESS is given this day of \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Brady Point Preserve Community Association. Inc. ("Grantor") whose address is C/O Amelia Island Management, 5440 First Coast Highway, Amelia Island. Florida 32034 to \_\_\_\_\_ ("Grantee") whose address is \_\_\_\_\_

#### **WITNESSETH:**

**WHEREAS**, Grantor owns in fee simple the certain property in Nassau County, Florida, more particularly described in Exhibit "A" ("Easement Parcel") and

**WHEREAS**, Grantee owns in fee simple lot \_\_\_\_\_ of Brady Point Preserve, Unit One, according to the Plat thereof in Plat Book 7, Pages 76-89, of the public records ("Grantee Parcel") and

**WHEREAS**, Grantor wishes to grant unto Grantee and Grantee wishes to obtain from Grantor, certain rights over and across the Easement Parcel to enable Grantee to construct and maintain a boardwalk or docking facility, or both, extending from Grantee's Parcel on and across the Easement Parcel together with an easement for riparian access to Elwood Branch as provided below.

**NOW, THEREFORE**. Grantor does hereby convey unto Grantee an easement for riparian access for the construction and maintenance of a boardwalk or docking facility, or both, over and across the Easement Parcel. together with an easement for riparian access to Elwood Branch. in accordance with the following:

1. **Grant of Easement**. Grantor conveys to Grantee a perpetual, non-exclusive easement for riparian access to Elwood Branch including the right to construct a boardwalk or dock, or both, in conformance with applicable law, within the area described in Exhibit "B" attached hereto ("Easement Area"). The foregoing grant of easement includes the nonexclusive right in favor of Grantee to the exercise, use, and enjoyment of Grantor's riparian rights associated with the Easement Parcel.

2. **Conditions Applicable to Easement**. This easement is designed to create and maintain in Grantee a sufficient upland interest in a portion of the shoreline of the Easement Parcel to establish a riparian rights area that is extensive enough to contain and accommodate a boardwalk or docking facility and associated water-dependent activities. Grantee acknowledges and agrees that no boardwalk, docking facility, or other improvement will be placed or maintained on the Easement Parcel or Easement Area, nor will any boardwalk, docking facility. or other improvement be altered unless the proposed boardwalk, docking facility, or other improvement, or alteration of any of the foregoing, has been approved in writing by Grantor as to harmony of design, location in relation to surrounding structures, topography, and other requirements of Grantor.

3. **Indemnification.** Grantor shall not be liable to Grantee or any other person for any injury or damage to any person (including death) or property occurring on or near the Easement Area, Easement Parcel, any boardwalk, docking facility, or other improvement that may be constructed on or near the Easement Area, irrespective of the cause and Grantee hereby agrees to indemnify, defend, and hold harmless Grantor, its agents and assigns, from and against any and all liability, claims, damages, costs, and attorneys' fees for injury to persons (including death) and damage to property occurring on or near the Easement Area, Easement Parcel, any boardwalk, docking facility or other improvement that may be constructed on or near the Easement Area.

4. **Covenants Running with the land.** This easement and corresponding conditions are required to run with the Grantee Parcel and be binding upon the Grantors, Grantees, their heirs, successors and assigns and remain effective forever.

IN WITNESS WHEREOF, Grantors have executed this instrument on the day and year first above written.

Signed, sealed, and delivered in the presence of:

**GRANTOR**  
**BRADY POINT PRESERVE COMMUNITY ASSOCIATION, INC.**

\_\_\_\_\_  
 Witness Signature

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Witness Signature

\_\_\_\_\_  
 Printed

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Its

STATE OF FLORIDA  
 COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ by \_\_\_\_\_ as \_\_\_\_\_ of Brady Point Preserve Community Association, Inc. who is personally known to me or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
 (Signature of Notary Public - State of Florida)  
 (Print, Type, or Stamp Commissioned Name of Notary Public)

**Exhibit "A"**

**LEGAL DESCRIPTION FOR BPP MARSHLANDS PARCEL**

All of that part of Government Lot 2, Section 48, Township 2 North Range 28 East lying and being West of creek, together with all of the Government Lot 3, Section 48, Township 2 North Range 28 East, Nassau County, Florida.

And

From the Section corner of Section 37, Section 49, Section 48, Township 2 North, Range 28 East, thence South 290 feet along East side of Section 48, to a point of beginning. thence West 1575 feet to a creek, then following the run of the creek, south, then Eastward, to the corner of Section 48, Section 49, thence North to point of beginning, Known as Government Lot 3, Section 48, also known, as Parcel 3, Section 48, Township 2 North, Range 28 East.

**Exhibit "B"**

**GRANTEE EASEMENT AREA**

**(To be provided by Grantee)**