Hawthorne Community Association
Architectural Guidelines
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Contents

1. INTRODUCTION: 2
2. DEFINITIONS: 3
3. ARC APPROVAL: 4
4. THE ARC APPROVAL PROCESS: 4
5. THE ASSOCIATION AND THE ARC DO NOT ASSUME RESPONSIBILITY FOR THE FOLLOWING: 6
6. ITEMS NOT REQUIRING ARC NOTIFICATION AND/OR APPROVAL: 6
7. STRUCTURES: 7
8. LANAIS & ENCLOSURES: 7
9. FENCING: 7
10. AWNINGS: 7
11. GUTTERS AND DOWNSPOUTS: 8
12. WALLS AND STRUCTURES: 8
13. FLAGS AND FLAGPOLES: 8
14. COMPLETION OF CONSTRUCTION INSTALLATION & REPAIRS: 9
15. BURNING: 9
1 6 . GARAGES: 10
17. HURRICANE PROTECTION SHUTTERS: 10
18. LANDSCAPING: 10
19. MAILBOXES, LAMP POSTS: 12
20. OUTSIDE LIGHTING: 12
21. PATIO HEATERS: 12
22. SATELLITE DISHES: 13
23. SWIMMING POOLS & SOLAR PANELS: 13
24. WATERFRONT PROPERTY: 14
25. ROOFS, DRIVEWAYS AND HOMES: 14
26. MOLD AND ALGAE: 15
27. BUILDING EXTERIORS AND PAINT COLORS: 15
28. WINDOWS AND DOORS: 15
29. ENFORCEMENT: 15

HAWTHORNE COMMUNITY ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES

INTRODUCTION

1. INTRODUCTION:

Article 4, ARCHITECTURE AND LANDSCAPING ("amended and restated declaration of covenants, conditions and restrictions for Hawthorne") grants the Board of Directors of the Hawthorne Community Association, Inc. (hereinafter referred to as the "Association") and the Architectural Review Committee (the "ARC") authority to approve the erection and alteration of all buildings, structures or other improvements within the Hawthorne Community (the "Community"). Specifically, Article 4.1 of the Amended and Restated Declaration provides that, except for the initial construction, no structure or thing shall be placed, erected or installed upon any Parcel, and no improvements of any kind or other work (including, without limitation, staking, clearing, excavation, grading and other site work, exterior alterations or additions, or planting or removal of landscaping) shall take place within the Community, without the prior written approval of the ARC.

These Architectural Guidelines update, define and reconfirm the processes, requirements and authorities of the ARC as initially stated within Article 4 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Hawthorne. These Architectural Guidelines may be amended from time to time by the ARC and the Board of Directors.

These Architectural Guidelines have been created to help maintain the integrity, beauty and value of the Community through maintaining its uniform building scheme. It is not the intent of these Guidelines to judge what is beautiful or not beautiful, but to coordinate, encourage and maintain the uniform building and architectural scheme of the Community.

In reviewing each submission, the ARC may consider any factors it deems relevant, including, without limitation, harmony of the proposed design with surrounding structures and environment.

Decisions may be based on purely aesthetic considerations in order to maintain the uniform building and architectural scheme within Hawthorne. Each Owner acknowledges that aesthetic determinations are purely subjective and that opinions may vary as to the desirability and/or attractiveness of particular improvements. The ARC shall have the discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment and such determination are not subject to review, so long as they are made in good faith and in accordance with the required procedures. However, the decisions are subject to appeal as identified in Section 4 of this document.

It is the homeowner's responsible to comply with all applicable local, state and federal laws concerning all work done on their property. It is recommended that all contractors be licensed and insured. Homeowners are advised that they are responsible for any damage to any portion of the "Common Areas" of Hawthorne caused by a contractor/vendor or resulting from any work being done on their property. Homeowner's will coordinate with the Property Manager (PM) to ensure all damaged property is returned to its condition/state prior to the damage. The Property Manager, in coordination with the Board of Directors, will have the authority to approve or deny acceptance of any such repairs. Homeowners may appeal a decision to the Board of Directors.

Florida Statute (F.S.) 720.303; requires an association or any architectural, construction improvement, or other such similar committee of an association to apply and enforce Community standards reasonably and equitably.

F.S. 720.303, Architectural Control Covenants; Parcel Improvements; Rights and Privileges provides for the authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

Items installed within the Community meeting "grandfather" requirements effective as of the date of this document and moving forward may retain their installation. In Florida, the statute of limitations for breach of contract (such as violating your HOA covenants) is five years and is the time period within which the HOA could enforce the covenant per Section 95.11, Fla. Statute. (https://www.google.com/search?q=florida+grandfather+rights+on+hoa)

These Architectural Guidelines are effective upon approval by the Board.

2. DEFINITIONS:

2.1 Architectural Control: The Association's right to require approval or disapproval from the ARC as to the installation or alteration of any building, structure, or other improvement; or any grading, excavation, landscaping, change of exterior color, or other work which in any way materially alters the exterior appearance of any Structure, Parcel, or Home identified within Article 4.2 of the Declaration.

2.2 Association: The Association is the Hawthorne Community Association, Inc.

2.3 Change: Any alteration, addition, modification, improvement, work, construction, project or undertaking of any nature involving the structures, yards, or any portion of the Community that is visible from the exterior of the premises from any vantage.

2.4 Codes: All applicable federal, state, county and local laws and ordinances affecting the Community.

2.5 ARC and Board: Hawthorne Community Association Architectural Review Committee (ARC) and Board of Directors (Board).

2.6 ARC Approval: A process wherein prior written approval from the ARC to perform any action for which approval is required.

2.7 Reviewer: The "Reviewer" is the Board, the Person or Persons assigned by the Board, or the ARC.

2.8 Additional Definitions: Additional definitions are identified within the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Hawthorne. All references to the ARC shall be applicable if a Reviewer other than the ARC has been appointed by the Board.

2.9 Landscape Enhancements: Landscape enhancements are defined as any project that does not include a like-for-like plant material replacement within an existing landscape bed.

2.10 Unified Building Scheme: Florida Statute Section 720.3035 Identifies the authority of an association to review and approve plans and specifications for the uniform architectural appearance of buildings, facilities and parcels within the Community.

3. ARC APPROVAL:

3.1 Other than those changes included in the "Items Not Requiring" section of these Guidelines, Owners are required to submit to the ARC complete plans and specifications for any other improvement proposed to be erected or altered, or any proposed grading, excavation, tree or other landscape material removal or installation, change of exterior color or other work which materially alters the exterior appearance of any living unit, structure, or building. Permissible paint color samples are available and can be requested from the Property Manager and may also be found on the Hawthorne Web site. All proposed changes to the landscaping or exterior on the house must provide measurements of the location in reference to the Parcel/House, easements, and property line are required as part of the ARC Application. Loose rocks within landscape beds are permitted except loose rocks cannot abut grass. When rocks are installed, there should be a minimum of approximately 6" of separation between the rocks and any abutting grass. This is necessary to minimize the risk of lawn maintenance equipment contacting loose rocks making them dangerous projectiles thereby placing people, animals and property at risk.

3.2 To assist in this review, an application form entitled Architectural Request Form ("Request Form") can be downloaded from the Association's website. This form furnishes the ARC with the basic information it needs to review, and also functions as a checklist so that all design aspects can be inspected upon completion. The application can be downloaded from the Associations Web site at: https://hawthornehoa.communitysite.com

3.3 Any questions in reference to these Guidelines should be submitted to the ARC. The ARC will make every effort to clarify the Guidelines and interpret the applicable requirements. The ARC may be contacted thru the Property Manager listed on the Associations Web site: https://hawthornehoa.communitysite.com

4. THE ARC APPROVAL PROCESS:

The ARC will generally meet on the first Wednesday of the Month, but may change the date as necessary, and otherwise at the call of the Chairperson, to carry out its duties and functions. The ARC will meet with similar formalities and notice requirements as required for Board meetings, unless otherwise permitted by law. Notice of meetings will be posted at least 48 hours in advance on the Community Center notice board and will normally be given by email blast to residents. Any Owner wishing to appear before the ARC may do so. These meetings will be open to all Owners. All requests requiring ARC approval must be submitted to the ARC as per the instructions contained within "Request for Architectural Review" form no later than seven (7) days prior to the next scheduled ARC meeting to ensure ample time for the ARC members to review all requests for accuracy and completeness. Requests received within (7) days of the next meeting may be deferred to the following or future meeting after it is determined that all minimum requirements have been met and ready for review by the ARC. ARC members and/or the PM, will make every attempt, when possible, to contact the applicant prior to the upcoming meeting to correct any deficiencies and/or obtain additional information. However, prior contact is not guaranteed. The ARC may, in its discretion, defer consideration of requests which are not complete, or which require further information.

A $500 deposit is required and must be included with the application for all major projects which include, but are not limited to, Roof Replacement, Window Replacement, Lanai Cage Replacement or Refurbishment, Paver projects, Pool installations, and all major landscape projects which involve enhancements as defined in section 2.9 of this document.

Records of all ARC submittal forms and supporting documents will be kept under Association control and maintained by the Property Manager. The following is a suggested set of steps Owners should take in preparing to submit an ARC application for consideration:

Step 1: Obtain as much documentation (i.e. drawing sketches, photos, promotional literature, samples, etc.) as practical that will assist the ARC in determining if your project meets the guidelines, rules and is consistent with the uniform building scheme of the Association for approval to prevent delays. The Owner, with or without the assistance of a professional, may be required to outline a plan or concept for the changes and obtain a written design plan for such changes.

Step 2*:* **Preliminary Review**: Anyone can request a preliminary review of their application including supporting documents prior to submission to the ARC. Such reviews can be helpful to avoid delays and reduce anxiety to the applicant. A meeting with Property Manager and/or a member of the ARC can be scheduled by contacting the Property Manager. When possible, the Property Manager may be able to resolve the applicants concerns over the phone on the initial contact.

Step 3: Final Review: All applications accepted for review and scheduled for review by the ARC at the upcoming ARC meeting are not guaranteed for approval and can be deferred. The ARC can defer or deny requests for several reasons including but not limited to, the need for additional information, clarification and any other reason deemed appropriate. When drawings and specifications are complete, they must be submitted to the ARC for final approval or disapproval no later than seven (7) days prior to the next scheduled ARC meeting. Owners must include all applicable full working drawings, renderings, site improvement plans, site boundary lines, site grading and landscape plans. No work may be started until approval is received from the ARC.

All changes must begin within six (6) months of the final ARC approval and shall be completed within twelve (12) months or a new ARC application is required. In cases of significant hurricane or damage from other events which may necessitate extended repair times, the applicant will be required to notify the ARC and Property Manager every six months of the status of the project and provide the anticipated start date at soon as one is available.

Florida Statute 720.303 requires an HOA to uniformly apply and enforce the architectural and construction improvement guidelines against all parcel owners authorized by the HOA governing documents.

Step 4: Denied ARC Requests:

a) If the ARC denies a parcel owner's application, it must provide written notice to the owner stating with specificity the rule or covenant the committee relied on when denying the request and the specific aspect of the proposed improvement that does not conform to such rule or covenant.

b) The letter from the PM will normally provide the Owner two (2) options:

1. Rectify the denial or conditional approval by complying with the reasons for denial set forth by the ARC.

2. Appeal the decision of the ARC in writing, to the Board of Directors within 30 days of notification of the decisions. The determination by the Board, upon review of such decision, shall be final.

5. THE ASSOCIATION AND THE ARC DO NOT ASSUME RESPONSIBILITY FOR THE FOLLOWING:

5.1 The structural adequacy, capacity or safety features of the proposed improvement or variance.

5.2 Soil erosion, un-compactable or unstable soil conditions that may have resulted from an owner's action or inaction.

5.3 Acquiring necessary permits from state and local authorities, and compliance with building codes, safety requirements, governmental laws, regulations, or ordinances.

5.4 Performance or quality of work of any contractor, or subcontractor.

5.5 Hazardous waste regulation compliance is a requirement and responsibility of the Owner.

5.6 Items not under the purview of the ARC or Board.

5.7 Damage to common property by the Owner or due to an Owner's contractor is the responsibility of the Owner to correct/repair.

6. ITEMS NOT REQUIRING ARC NOTIFICATION AND/OR APPROVAL:

6.1 Door hardware such as peepholes, kick plates and locks.

6.2 Commercially manufactured hose reels and/or hangers placed on the side of the house adjacent to the faucet.

6.3 Replacing or changing small bushes, perennials, and plants that occur within existing planting beds, which does not, according to the ARC, constitute a landscaping change, or require calling #811 to ensure utility lines are not affected, and whose plantings are consistent with the Association plantings and restrictions and approved by the ARC. Maintenance of any new plantings are the responsibility of the Owner and not the Association.

6.4 Low voltage (twenty-four (24) volts or less) lighting for landscaping.

6.5 General repairs to roofs, driveways, exterior facades when using materials matching those existing to put the exterior back to original construction or ARC approved appearance.

6.6 Holiday decorations are permitted and may be put up no sooner than thirty (30) days before the holiday, and removed within fifteen (15) days after the holiday. Decorations must not create a nuisance for the neighbors. Owners are responsible for the installation and removal of their decorations. If the decorations are not removed within 15 days, the owner may be noticed and seven (7) additional days will be granted, after which time the owner may be fined following the requirements set forth in the Fining/Suspension section found in the Policies and Procedures and consistent with F.S. 720.3045.

Any exceptions require ARC and/or Board of Directors approval. The Association may need to install decorations earlier and/or retain installed holiday decorations due to contractual requirements and costs for contractor to periodically install and/or remove the decorations in an effort to reduce expenditures of the Association for the enjoyment of the Community.

6.7 Security signage from a commercial security company is authorized but must be a single sign placed not more than ten (10) feet from the entrance to the house to maintain a uniform appearance within the Community.

7. STRUCTURES:

7.1 All Structures shall conform to the requirements of the County and State Codes and the Governing Documents. Outdoor furniture (permanently installed or routinely left in place) or sitting areas outside of a lanai area are not allowed. No tent, trailer, shed or temporary Structure shall be permitted. Other landscape enhancements such as fountains and sculptures/garden art require ARC approval. Items should not exceed 36" in height, should be of natural finishes, should not dominate the landscape and be consistent with the uniform building scheme of the Community. Rarely will more than one such item be approved per property. Items not securely anchored to the ground will be required to be removed to safe storage in the event of a severe storm announcement or if the Owner is leaving for an extended period of time.

7.2 In an effort to maintain proper aesthetics throughout the Community, any attachments made to the exterior of the home require ARC approval. Decorative shutters are prohibited. Front screen doors must be the same color of the home or trim and require ARC approval. ARC approval is required to replace all exterior light fixtures (such as garage lights). The light fixtures shall not be longer than approximately twenty-five (25) inches measured from top to bottom. Only white light bulbs may be used in exterior lights. Flashing and/or gas lights are not allowed.

Only original-like garage doors, front entrance doors, and brick pavers are to be used as replacements. If modifications are desired, ARC approval is required.

Storage containers outside of the lanai and bird feeders are not permitted as they attract rodents.

Installations of new walkways at the sides, front or rear of the house are not allowed without prior approval of the ARC. Identification of boundary lines, and a detailed plot drawing showing proposed path, materials, size, and length are required as part of the ARC application. If used, pavers are to be consistent with the color tone and form of the existing pavers at the entrance and/or driveway area of the house.

8. LANAIS & ENCLOSURES:

Lanais may be enclosed, but permanent enclosures or changes to the existing house making a permanent room or change or permanent addition are not allowed. Lanai construction must conform to County Codes and be permitted by the County as well as ARC approval. All private pools must have pool cages, no fences. All pool cages are to be dark bronze in color as the Hawthorne standard. Landscaping must be installed around pool cages consistent with plantings within the Community. Shrubs and/or bushes are required to be planted around the lanai. Where the back of the house faces the preserve, owners do not need to plant bushes/plants in the back of the lanai area unless the owners desire Additionally, lanai/pool cages shall conform to the uniform building scheme of the cages within the Community.

9. FENCING:

No fence of any type, including invisible fencing, is permitted to be erected or installed on a Parcel.

10. AWNINGS:

All awnings are required to be of fabric or similar material, can only be installed inside the lanai, and must be capable of being retracted into an enclosure when not in use. No metallic awnings are permitted.

The fabric color and accessories such as the container holding the awning and any permanent attachments should match the exterior colors of the home as much as possible.

11. GUTTERS AND DOWNSPOUTS:

If the gutters and downspouts are part of a lanai, the color of the gutters and downspouts are to be bronze, the same as the lanai structure. All other gutters and downspouts are to match the house trim or house color as much as possible. Downspouts need to be installed in a manner to prevent erosion. Additionally, downspouts on the front of the house should be routed toward the road where the drain system will move the water to the ponds. Downspouts on the back of the house may also be routed to the front of the house toward the road where the drain system will move the water to the ponds without causing erosion.

12. WALLS AND STRUCTURES:

Privacy or decorative walls extending from the home are not allowed unless installed by the Developer. No additional structures are to be built adjoining the house, including 3rd car garages, storage areas, or rooms, etc. whether enclosed or not. Partially or completely enclosed structural areas surrounding Pool equipment, AC units, generators, etc. are not allowed.

13. FLAGS AND FLAGPOLES:

13.1 As stated within Florida Statute 720.304, Section 2(a) and (b). A homeowner may display flags permitted under this paragraph. The home owner may display in a respectful manner up to two of the following portable, removable flags, not larger than 4 1/2 feet by 6 feet:

1. The United States flag.
2. The official flag of the State of Florida.
3. A flag that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard.
4. A POW-MIA flag.
5. A first responder flag may incorporate the design of any other flag permitted under this paragraph to form a combined flag. For purposes of this subsection, the term “first responder flag” means a flag that recognizes and honors the service of any of the following:

a. Law enforcement officers as defined in s. 943.10(1).
b. Firefighters as defined in s. 112.191(1).
c. Paramedics or emergency medical technicians as those terms are defined in s. 112.1911(1).
d. Correctional officers as defined in s. 943.10(2).
e. 911 public safety telecommunications personnel as defined in s. 401.465(1).
f. Advanced practice registered nurses, licensed practical nurses, or registered nurses as those terms are defined in s. 464.003.
g. Persons participating in a statewide urban search and rescue program developed by the Division of Emergency Management under s. 252.35.
h. Federal law enforcement officers as defined in 18 U.S.C. s. 115(c)(1).

Per Florida Statute, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, a homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property as long as the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. The homeowner may further display in a respectful manner from that flagpole one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one other flag permitted within this section. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all location criteria contained in the governing documents.

https://www.flsenate.gov/Laws/Statutes/2023/0720.304

13.2 A homeowner may erect a freestanding flagpole no more than twenty (20) feet high on the homeowner's real property if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all setback and location criteria contained in the governing documents." Applications for freestanding poles, permitted by Florida Statute 720, must be submitted to the Architectural Review Committee for review and approval.

13.3 To maintain a uniform appearance within the Community, one sports flag, school flag or banner not larger than 18 inches by 24 inches may be placed within no more than ten feet (10') from the front of the house. Flags or banners are not to be displayed on the house or the mailbox without approval of the ARC.

14. COMPLETION OF CONSTRUCTION INSTALLATION & REPAIRS:

All changes must begin within six (6) months of the ARC approval. The construction of an addition to or the repair of the exterior of any Home shall be completed within twelve (12) months of ARC approval or a new ARC application must be submitted for ARC review. As stated within the ARC approval process in this document, in cases of significant hurricane or damage from other events which may necessitate extended repair times, the applicant will be required to notify the ARC and Property Manager every six months of the status of the project and provide the anticipated start date at soon as one is available.

15. BURNING:

15.1 No outdoor incinerators, kitchens or fire pits outside of the lanai are allowed.

15.2 Outdoor fireplaces, permanent barbecues, fire pits and grills shall not be built, installed or placed external to the house. If installed within the lanai, it must meet all applicable fire and safety codes.

15.3 Propane-fired fireplaces, within the confines of a deck or lanai, are allowed and must conform to all applicable Codes and have prior ARC approval prior to installation.

15.4 Outdoor fire pits are allowed only within the lanai cage as long as they are commercially manufactured. Also, fire pits shall be placed only on solid, impervious surface (cement, concrete or pavers) on an open lanai and the smoke must not disturb neighbors.

15.5 Smoke and odors must not constitute a nuisance to neighboring units and the Board of Directors & ARC have the authority to require the fire be extinguished and/or prohibit future use. Any special venting from outdoor or indoor grills or kitchens, stoves, etc. must be approved by the ARC so as to cause no issues/concerns with neighbors.

16. GARAGES:

No garage shall be permanently enclosed so as to make such garage unusable by an automobile and no portion of a garage originally intended for the parking of an automobile shall be converted into a living space and no garage opening shall have a screen covering the opening.

17. HURRICANE PROTECTION SHUTTERS:

Owners are solely responsible for the opening and closing of the installation and removal of hurricane protection shutters.

The time frames and regulations regarding deployment and removal of shutters is addressed in the Association Declaration and Rules and Regulations and available within the Associations Web Site.

Installation of new shutters on the house must first receive ARC approval and comply with local and state codes and permits. Colors of the shutters must blend it with the color of the house.

A drawing or layout of the house showing location and type (metal or fabric, and manual or motor driven, etc.) shall also be provided with the application to facilitate the ARC review.

18. LANDSCAPING:

18.1 Trees and Shrubs. The ARC must be informed in writing of in-kind replacement of trees and large shrubs that were developer planted or previously approved by the ARC, but the ARC must be informed in writing of the planned effort prior to replacement for information and record keeping. Additions of new planting beds, as well as new landscaping related to after-the-fact additions such as pools or lanais, as well as removal of trees and shrubs, require prior written approval of the ARC. Landscaping must be installed around pool cages consistent with plantings within the Community. Shrubs and/or bushes are required to be planted around the lanai. Where the back of the house faces the preserve, owners do not need to plant bushes/plants in the back of the lanai area unless the owners desire

Florida exotic and invasive species and high maintenance items such as fruit and citrus trees are not permitted except inside of lanais. Trees may not be planted in easement or buffer areas. Owners are responsible for the increased cost of maintenance, repair, and replacement of Owner-installed and ARC approved landscaping features. Should non-approved trees or plants be planted following the release of this ARC Guidance, they will be required to be removed at Owners expense. A listing of Prohibited Invasive Exotic Plants of Lee County is available on the Association's website: (http://www.hawthornehoa.com).

Per Florida Statute 163.045, a permit is not needed to remove a tree. A tree may be removed if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. The documentation must be attached to an ARC Application and be approved prior to removing the tree. A property owner is not required to replant a tree that is removed.

All trees taken out must also have the stump ground approximately 6" below grade level or removed. In the event the tree is not going to be replaced, the area must be sodded and approved color mulch or landscaping installed as needed. If an alternative to sod is desired, the plan must be submitted to the ARC for approval. If the tree is being replaced, it can be replaced with another hardwood tree that is on the approved list of hardwood trees provided by Hawthorne. If an alternative to a hardwood is desired, the plan must be submitted to the ARC for approval.

18.2 Annuals and Perennials. Annuals and perennials are permitted to be planted within existing beds without prior permission. The primary requirement for these types of plants is that they be promptly removed at the end of their useful flowering or growth period or when the homeowner leaves for the season. The landscape company is not responsible for any plants that grow out beyond the edge of the planting beds. Owners are responsible for any increased cost in the maintenance, repair or replacement of Owner-installed plantings.

18.3 Planters and Raised Beds. Permanent planters and raised beds shall not be constructed outside of lanais.

18.4 Trellises. With prior ARC approval, vines may be grown on trellises on the Owner's property.

18.5 Water Drainage. No planting may be placed within swales designed for water drainage or any easement. No Improvements (including, but not limited to, driveways, pools, and landscaping) and no sod, topsoil, muck, trees or shrubbery shall be removed from Hawthorne and no change in the condition of the soil or the level of the land of any of the Hawthorne area shall be made which would result in any permanent change in the flow or drainage of storm water within Hawthorne without prior written consent of the Board, the ARC, and all applicable governmental authorities.

18.6 Lake Views. Landscaping may not block the neighboring Structure's view of the lakes and must follow the landscaping requirements addressed herein.

18.7 Lake Lots. No boat house, dock, building, landing, mooring pile, pier or ramps for boats or aircraft shall be erected on or adjoining a Lake Lot. No Lake Lot shall be increased in size by filling in the water on which it abuts. No boat canal or other waterways shall be dug or excavated into a Lake Lot, and no slope of abutting lakefronts shall be altered in any manner whatsoever.

18.8 Fountains. Decorative fountains may be installed in the yards of homes within the Single-Family Homeowners section of the Community with prior approval of the ARC. The request shall include a picture of the fountain, size and drawing of the site indicating the location of the fountain. Fountains and/or water features must be placed not more than ten (10) feet from the house and not exceed four feet in height. Items not securely anchored to the ground are to be removed to safe storage in the event of an impending severe storm or if the Owner is leaving for an extended period of time.

18.9 Stone, Gravel and Pavers. Unless approved by the ARC, stone, gravel, pavers or other materials may not be used as a substitute for grass in a lawn and cannot be used to extend the boundaries of walkways, driveways or existing platforms without prior ARC approval. ARC approval is required for any limited use of rocks/stones/gravel materials in controlling storm water runoff or as a minor landscape enhancement. Stones, pavers, or other border items proposed to be placed adjacent to the sidewalk; aside of the house; and entrance to the house or garage must first be approved by the ARC. Loose rocks within landscape beds are permitted except, loose rocks cannot abut grass. When rocks are installed, there should be a minimum of approximately 6" of separation between the rocks and any abutting grass. This is necessary to minimize the risk of lawn maintenance equipment contacting lose rocks making them dangerous projectiles thereby placing people, animals and property at risk.

18.10 Mulch. Mulch color and type are determined by the Board of Directors and needs to remain as periodically identified by the Board or PM. Additional mulch may be added by the Owner (at Owner's expense) but must be consistent with the color and type identified by the Board and ARC. Installations that do not meet the current community standard will not be approved and the Owner is responsible to remove and replace with approved mulch.

18.11 Gas Tanks. All large gas tanks used for a full house back-up generator, pool heating gas stoves, etc. must be buried and installed in accordance with City code and must be approved by the ARC prior to submission of the request to the City or for contract. No gas tanks are permitted above ground outside of the lanai.

18.12 Grills, Stoves, Refrigerators/Freezers, Appliances and Outdoor Kitchens. No grills, stoves, refrigerators/freezers, appliances or outdoor kitchens shall be installed outside of the lanai. No grill shall be left outside the house exterior, except within the lanai.

18.13 Driveways. Driveways are the responsibility of the Owner from the garage/door to the street to maintain and be uniform throughout the Community.

18.14 Addition of Landscaping; Alteration of Drainage, Etc. If an Owner receives approval to install additional landscaping to their Parcel, the Owner is responsible for increased costs in the maintenance of the additional landscaping and the landscape maintenance company will bill the Owner directly for the additional maintenance and the Owner is responsible for payment of the increased maintenance directly to the landscape maintenance company. The installation of additional landscaping shall not result in any permanent change in the flow or drainage of storm water within Hawthorne without prior written consent of the ARC and the Association.

19. MAILBOXES, LAMP POSTS:

Mailboxes, and their supporting structures are to be uniform in style, appearance location, and are subject to regulation by the ARC. Mailboxes are the responsibility of the Owner to maintain in good condition and uniform as stated above. Mailbox units supporting the condominiums are the maintenance responsibility of the Condominium Association. Any modifications, except the house numbers, must be approved by the ARC.

20. OUTSIDE LIGHTING:

Except as may have been initially installed by Developer, no spotlights, floodlights, or other outdoor high intensity lighting (greater than twenty-four (24) volts) shall be placed or utilized upon any Parcel which in any way will allow light to be reflected on any other Parcel or the improvements thereon without the written authorization of the ARC. Low intensity lighting (twenty-four (24) volts or less) which does not unreasonably disturb the Owners or other occupants of the Community are allowed. String lights, spotlights, and other lighting are not allowed on the exterior of the house except for the ARC approved garage lights, lighting devices originally provided by the Developer, string lights within the lanai, and holiday decorations. Any exceptions require ARC approval prior to installation.

21. PATIO HEATERS:

Patio heaters shall comply with all County and State Codes.

22. SATELLITE DISHES:

No television, radio, satellite, or other antenna or satellite system may be installed on the Common Areas by any person other than the Association, except as provided herein. Certain television, satellite, or other antenna systems may be erected or installed on Parcels/Dwellings subject to compliance with the following requirements:

Permitted antennas include (collectively hereinafter referred to as "antennas"):

• Direct broadcast satellite dishes (DBS) that are less than one meter in diameter.

• Multi-channel, multi-point distribution service devices (MMDS) that are less than one meter in diameter or diagonal measurement. Such devices may be mounted on "masts" to reach the height needed to establish line of sight contact with the transmitter provided no mast may be higher than twelve feet above the roof line of a residence without prior written approval of the Association.

• Television broadcast antennas for local stations, which may be any reasonable size, which may be secured to a mast located no higher than twelve feet above the roof line. Any mast located higher than twelve feet above the roof line must be approved in writing by the Association.

22.1 Location of Antennas. To the extent feasible, all antennas must be placed in locations that are not visible from any street and in a location to minimize annoyance or inconvenience to other Residents of the Community if this placement would still permit reception of an acceptable quality signal.

22.2 Color and Screening of Antennas. All antennas shall be painted to blend into the background against which it is mounted for so long as the paint will not interfere with an acceptable quality signal. If the antenna is not mounted on a building, it must be made the color of the exterior walls of the residence on that Parcel so long as the paint will not interfere with acceptable signal quality. All antennas shall be screened from view from neighboring properties, and pedestrian and vehicular access areas, with landscaping plants commonly used in or about the Community at a height of at least 48 inches. Taller antennas shall be screened to their full height if reasonably practicable and if the screening would not impair the reception of an acceptable quality signal.

22.3 Safety Requirements. To safeguard the safety of the Owners, and occupants of the residence in which the antenna is located, neighboring property Owners, in the Community, it shall be the obligation of the Owner to comply with all applicable local, state and federal safety requirements, including but not limited to obtaining a permit for the installation of the antenna, if any, hiring contractors with sufficient expertise and adequate insurance to protect their work, installing the antennas away from power lines and other potentially dangerous areas, installing and using the antenna in accordance with safety recommendations and requirements of the antenna manufacturer, and in accordance with the customs and standards for the antenna industry, including compliance with electrical code requirements to properly ground the antenna, and installation requirements to properly secure the antenna. Antennas shall be properly secured and installed so as to cause no damage to the building, such as compromise of its water-proof integrity. An Owner shall indemnify and hold harmless the Association, and all other Owners, for any damage that an antenna causes to the property or to persons or other property.

23. SWIMMING POOLS & SOLAR PANELS:

23.1 Above ground pools are not permitted. In-ground pools, spas, and lanais are to be located at the rear of the home, not exceeding the width of the home. All lanai cages are to be bronze-colored structures

with black screening enclosing the pool/spa/deck area. The construction of the pool, spa, or deck may not change the grade of the existing landscape. Shrubs and/or bushes are required to be planted around the lanai. Where the back of the house faces the preserve, owners do not need to plant bushes/plants in the back of the lanai area unless the owners desire, Shrubs and bushes planted around pool/spa equipment must be capable of growing to a height equal to the top of pool/spa equipment and maintained at a height equal to the equipment height and all plantings must be capable to grow to a reasonable density to hide the pool/spa equipment from public view. All plantings are to be consistent with the uniform building scheme of the Community and serve to mitigate noise and minimize erosion.

23.2 For pools installed by Owners, review of the plans and approval by the ARC is required prior to starting the installation. Any increase cost of restoration and repair of landscaping, or damage or erosion of the pond banks caused or damage to common property, as well as the restoration and repair of the grade and irrigation system is the responsibility of the property Owner and is subject to inspection and approval by the ARC. Solar pool/spa heating systems must be installed on the roof and must be placed so that the panels are not installed on the front/street side of the house. Any installation requires inspection and approval by the ARC. Owners are responsible for irrigation both before and after construction, arrangements must be made to turn off irrigation for just his or her Parcel. Any irrigation that affects multiple Parcels will require temporary routing of irrigation at Owners expense. For pool installations, screening may be required to mitigate dust from extending into adjacent areas. Additionally, owners should coordinate the installation with their neighbors as the installation may require access thru adjacent lots for personnel and construction equipment.

23.3 Solar panels used to generate electricity or heating shall not be installed on the front/street side of the house, except as may be allowed by Florida Statutes. Any installation requires prior ARC approval and inspection of the completed installation.

24. WATERFRONT PROPERTY:

24.1 No landscaping (other than that initially installed by the Developer), fences, Structures or other improvements (regardless of whether or not same are permanently attached to the land or to other improvements) shall be placed within any lake maintenance or similar easements or common property around lakes or other bodies of water.

24.2 No Structure of any kind shall be erected, placed, altered or maintained on the shores of the lake unless erected by the Association.

25. ROOFS, DRIVEWAYS AND HOMES:

25.1 All roof covering shall be tile. Missing or broken roof tiles must be promptly replaced with identical tiles if available. Roofs must be maintained in a clean and fresh appearance. Changes to existing roof and driveway type must be approved by the ARC.

25.2 Driveways, and Roofs, walkways and house exteriors must be maintained in a clean appearance and removal of stains, dirt, excess mold and mildew by the Owner is required. Exceptions can be made where an Owner can demonstrate and periodically update proof of a pending insurance claim for damage. Replacement or addition of pavers must be with identical pavers to maintain standard appearance and be approved by the ARC prior to installation.

26. MOLD AND ALGAE:

Accumulation of mold or algae on Homes, roofs, structures, and driveways must be cleaned and maintained by the Owner. Exceptions can be made where an Owner can demonstrate and periodically update proof of a pending insurance claim for damage. Sidewalks in Hawthorne are considered Common Property and therefore will be maintained by the Association. This does not preclude an Owner from cleaning his or her sidewalk at more frequent intervals if needed.

27. BUILDING EXTERIORS AND PAINT COLORS:

27.1 Exterior finishes must be stucco. The Owner is responsible for the upkeep of the homes' exterior including, but not limited to, repainting and refinishing and cleaning as necessary to maintain good appearance consistent within the Community. ARC approval must be received prior to painting for both new and original colors. All paint colors for the exterior must be a color approved by the ARC and the Board of Directors.

27.2 The Property Manager maintains a copy of ARC/Board approved color schemes as these may be modified over time. Owners who wish to repaint the original color or change the exterior color scheme must submit a completed ARC Request Form, indicating the proposed color combination to be used (i.e., trim, body). ARC approval is required for painting or repainting any portion of the house exterior. Permissible colors are also listed within the Hawthorne web site.

28. WINDOWS AND DOORS:

28.1 No opaque film or adhesive material visible from the outside of the home can be applied to windows, glass panes in doors, or glass doors, including tinting material, unless approved by the ARC.

28.2 Decorative glass in front doors is allowed with ARC approval. Decorative security gates are not allowed except as may be approved by the ARC.

28.3 Window treatments shall consist of drapery, blinds, shutters, decorative panels, or other tasteful window covering, and no newspaper, aluminum foil, sheets, or other temporary window treatments are permitted, except for the initial period of occupancy by a new Owner/Tenant. The ARC may approve in writing a variance to this section for periodic cleaning and repair of approved window treatments. Windows on the street side(s) shall have natural, not bright-colored, appearing window treatments as viewed from outside of the home.

28.4 Installation of all windows, including impact windows and replacement windows, shall not alter the appearance of the house and requires ARC approval prior to installation. Window frames shall be white. When replacing windows on the street-facing side of the house, all replacement windows shall be of the same style and type to maintain a consistent appearance. The presence or absence of grids (mullions) is permitted, however, all replacement windows on the street facing side must match one another.

28.5 Door replacements, including French Doors, sliding glass doors and/or door inserts and screen doors requires the submission of an ARC application for approval prior to replacement and installation.

29. ENFORCEMENT:

Any decisions of the ARC may be legally enforced by the Association. Follow-up visits may be made to ensure that the work complies with that which was approved by the ARC. Failure by the

Owner or occupant to follow the approved ARC request will normally result in a letter being forwarded to the Owner informing them of the situation and actions necessary to bring the work into accordance with these Guidelines, although the Association has the right to pursue other remedies, including fines, and legal action.

Amended language approved for purpose of clarification to section 28.4 on July 21, 2026 Board of Directors Meeting.