

## EXHIBIT D

## TO DECLARATION OF COVENANTS

## ARCHITECTURAL PLANNING CRITERIA

WHEREAS, the Declaration of Covenants and Restrictions for Bent Creek, being recorded simultaneously herewith in the Public Records of Palm Beach County, Florida, provides that Arvida/JMB Partners (the "Developer"), a Delaware corporation, shall form a committee known as the Architectural Review Board (the "ARB"); and

WHEREAS, the above-referenced Declaration of Covenants and Restrictions for Bent Creek provides that the Board of Directors of Bent Creek Property Owners' Association, Inc. (the "Association") on recommendation of said Committee shall adopt and modify or amend from time to time Architectural Planning Criteria for Bent Creek which criteria is to be set forth in writing and made known to all Owners and all prospective owners in Bent Creek.

NOW, THEREFORE, the Developer has appointed a committee to be known as the ARB, and in accordance with the duties and obligations imposed upon said Committee by the Declaration of Covenants and Restrictions for Bent Creek, the Board of Directors of the Association, upon recommendation of the ARB, does hereby adopt the following Architectural Planning Criteria:

1. BUILDING TYPE. No building shall be erected, altered, placed or permitted to remain on any Lot, other than one (1) detached single family residence substantially in the same design, material and character as the original building constructed on the Lot by the Developer. No garage, tool or storage room may be constructed separate and apart from the residential dwelling.

2. LAYOUT. No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARB.

3. EXTERIOR COLOR PLAN. The ARB shall have final approval of all exterior color plans and each owner must submit to the ARB prior to initial construction and development upon any Lot a color Plan showing the color of the roof, exterior walls, shutters, trims, etc. The ARB shall consider the extent to which the color plan is consistent with the homes in the surrounding areas and the extent to which the color plan conforms with the natural color scheme of and for Bent Creek. Earthtones are recommended.

4. ROOFS. Roof shall be of the same material, design and character as the original roofs on buildings constructed on the Lot by the Developer.

5. CARPORTS. No carports will be permitted.

6. DWELLING QUALITY. The ARB shall have final approval of all exterior building materials. Exposed concrete block shall not be permitted on the exterior of any building or detached structure unless prior approval is obtained from the ARB. The ARB shall discourage the use of imitation materials for facades and encourage the use of front materials such as brick, four inch (4") or five inch (5") block, stone, wood and stucco, or a combination of the foregoing.

7. SIGNS. No sign of any kind shall be displayed to the Public view on any Lot except the following:

A. Developer may place signs advertising the Property for sale on any portion of the Property owned by the Developer or the Association as long as the Developer owns one (1) Lot.

B. Homeowners shall not display or place any sign of any character including "for rent" or "for sale" signs except that a sign displaying the word "open", "for rent" or "for sale" with a phone number, not to exceed one (1) square feet, may be displayed from within a window in the improvement built on a Lot.

The size and design of all signs shall be subject to approval by the ARB.

8. GAMES AND PLAY STRUCTURES. No basketball backboards, tennis courts or play structures shall be located on the Lots.

9. FENCES AND WALLS. Fences are discouraged, and when a barrier is desired, landscaping is suggested as a substitute. The composition, location and height of any fence or wall to be constructed on any Lot shall be subject to the approval of the ARB. The ARB shall require the composition of any fencer wall to be consistent with the material used in the surrounding homes and other fences, if any. Fences will not be permitted on Lot lines unless originally installed by the Developer. Pool fencing must be accomplished directly adjacent to pool decking unless otherwise approved by the ARB. On all Lots adjacent to golf course property, fences of any nature shall be discouraged.

10. LANDSCAPING. A landscaping plan and specifications, prepared by a Florida registered architect, for each Lot must be submitted to and approved by the ARB prior to any change in the landscaping originally installed by the Developer. The landscape plan must be at one-eighth (1/8) scale and must show the following:

- A. Lot property lines
- B. Lot sidewalks and street pavement edge
- C. Any and all easements
- D. All exterior walls with all window and door openings
- E. All site paving, pools, planters and construct landscape features
- F. All existing and proposed vegetation
- G. A plant list showing quantity, scientific name common name, size/description, per unit cost and t cost for each plant.

11. SWIMMING POOLS. Any swimming pool to be constructed on any Lot shall be subject to the requirements of the ARB, which include, but are not limited to the following:

- A. Composition to be of material thoroughly tested and accepted by the industry for such construction;

B. The outside edge of any pool wall may not be closer than four feet (4') to a line extended and aligned with the side walls of the dwelling;

C. No screening of pool area may stand beyond a line extended and aligned with the side walls of the dwelling unless approved by the ARB;

D. Pool screening may not be visible from the street in front of the dwelling; and

E. Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting.

12. GARBAGE AND TRASH CONTAINERS. No Lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage and other waste shall be kept in sanitary containers within the improvements on a Lot, except during pickup, if required, such items may be placed at the curb. All Lots shall be maintained during construction in a neat and nuisance-free condition.

13. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any Lot at any time as a residence either temporarily or permanently, except that the Lot may be used as a sales office during the development of the Property or other development by Developer in the same area.

14. REMOVAL OF TREES. No trees of two inches (2") in diameter at one foot (1') above natural grade shall be cut or removed without approval of the ARB, which approval may be given when such removal is necessary for the construction of a dwelling or other improvement.

15. WINDOW AIR CONDITIONING UNITS. No window or wall air conditioning units shall be permitted.

16. MAILBOXES. No mailbox or paperbox or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected on any Lot other than that approved by the Developer. If and when the United States mail service or the newspaper or newspapers involved shall indicate a willingness to make delivery to wall receptacles attached to dwellings, each property Owner, on the request of the ARB, shall replace the boxes or receptacle previously employed for such purpose or purposes with wall receptacles attached to dwellings.

17. SIGHT DISTANCE AT INTERSECTION. No fence, wall, hedge, or shrub planting which obstructs sight lines and elevations between two feet (2') and six feet (6') above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at Points twenty-five feet (25') from the intersection of the street lines, or in case of a rounded property corner, from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines.

18. UTILITY CONNECTIONS. Building connections for all utilities, including, but not limited to water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

19. SETBACKS. A minimum of a \_\_\_\_\_ foot (\_\_\_') front setback must be adhered to in the construction of all improvements. The rear setback must be a minimum of \_\_\_\_\_ feet (\_\_\_'). Minimum side yard setbacks will be \_\_\_\_\_ feet (\_\_\_').

20. ARB REPORTS. The ARB's approval or disapproval as required in the foregoing Architectural Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the Lot owner submitting same, together with a copy of the approved plans and specifications signed by the Lot owner and the contract purchaser of the Lot, if any. In the event the ARB fails to approve or disapprove plans and specifications within thirty (30) days of submission thereto, or in any event, if a suit to enjoin the construction has not been commenced prior to the completion thereof, approval will not be required and the related criteria shall be deemed to have been fully complied with.

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