

**AMENDMENT TO THE  
AMENDED AND RESTATED DECLARATION OF COVENANTS  
AND RESTRICTIONS**

**WINDWARD ESTATES**

Note: Additions indicated by underlining. Deletions indicated by ~~strike-through~~.

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Article I, Section 1.c. of the Amended and Restated Declaration of Covenants and Restrictions is amended to read as follows:

**ARTICLE I  
DEFINITIONS**

Section 1. The following words when used in this Declaration or any supplemental declaration (unless the context shall otherwise prohibit), shall have the following meanings.

(No change to a. - b.)

c. "Greenbelt Areas" shall mean and refer to the Drainage Retention Area off Conway Road designated as Tract A; the entranceway off Gatlin Avenue designated as Tract B and the Landscape Buffer Areas; Tract A shall be dedicated to and maintained by Orange County, Tract B, the Landscape Buffer Areas and the Wall constructed by the Developer on Tract A and along the rear of Lots 1 through 7 and 49 through 52 inclusive, shall be maintained by the Windward Estates Homeowner Association as shown on the plat of Windward Estates, Plat Book 20, Pages 1 and 2, Public Records of Orange County, Florida. See additional provisions related to Greenbelt Area in Article VI, Section 25.

(No change to d. – g.)

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Article V, Section 2 of the Amended and Restated Declaration of Covenants and Restrictions is amended to read as follows:

**Article V: ARCHITECTURAL REVIEW BOARD**

SECTION 2. Duties. The ARB shall have the following duties and powers:

(No change to a.)

b. To approve any such building plans and specifications and lot grading and landscaping plans, and the conclusion and opinion of the ARB shall be binding, if, in its opinion, ~~for any reason, including purely aesthetic reasons,~~ the ARB should determine that said improvement, alteration, addition, etc., is not consistent with this Declaration or the architectural guidelines adopted by the Board. Further, to the extent that this Declaration or the architectural guidelines do not specifically address a particular improvement, alteration, addition, or change, the ARB may deny the proposed improvement, alteration, addition, or change if inconsistent with an existing pattern or

~~defacto unified building scheme of the community or contiguous lands thereto the development plan formulated by the Board of Directors for the subject property or contiguous lands thereto. Any denial by the ARB entitles the Owner to presentation to the full Board for further consideration;~~

(No change to c. and d.)

e. The improvement, alteration, addition, or change approved by the ARB must be completed within 120 days after approval by the ARB. Failure to complete the work within the prescribed period of time may cause the approval to be rescinded and resubmission required. Extenuating circumstances must be brought to the attention of the ARB. Within 30 days of completion of approved improvement, alteration, addition, or change, the Owner must notify the ARB that the work is finished so that the Association's records can be accurately maintained.

f. The Board has the authority to adopt architectural guidelines to implement and clarify the requirements of the Declaration regarding architectural control. The architectural guidelines may not conflict with the Declaration and must be adopted in accordance with the procedures in Section 720.303(2)(c)2., Florida Statutes, which requires a minimum fourteen (14) days' notice of the Board meeting at which the architectural guidelines will be adopted by mail (or electronic mail if Owner has consented to electronic notice) and posting to the Owners.

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Article VI, Section 25 (NEW) of the Amended and Restated Declaration of Covenants and Restrictions is amended to read as follows:

## **ARTICLE VI RESTRICTIVE COVENANTS**

The subject Property shall be subject to the following restrictions, reservations, and conditions, which shall be binding upon each and every Owner who shall acquire hereafter a Lot or any portion of the subject property, and shall be binding upon their respective heirs, personal representatives, successors, and assigns, as follows:

(No change to Sections 1-24)

SECTION 25. Greenbelt Areas. Tract A is dedicated to and maintained by Orange County. Tract B, the Landscape Buffer Areas and the Wall along Gatlin Avenue constructed by the Developer on Tract A and along the rear of Lots 1 through 7 (Wheelhouse Court 4503, 4509, 4515, 4521, 4527, 4533 and 4359) and 49 through 52 (Yachtmans Court 4479, 4485, 4491, and 4497) inclusive, is maintained by the Association as shown on the plat of Windward Estates, Plat Book 20, Pages 1 and 2, Public Records of Orange County, Florida. There are a total of 11 homes that are located along the wall and as such, are impacted by the "landscape buffer" as described above.

a. Any plants, trees, improvements, or construction within the 5-foot landscape buffer area must be reviewed and approved in advance by the ARB and Board. Approval to plant or construct within the 5-foot buffer area, if granted, will be contingent on Owners' acceptance of responsibility for future damage to wall caused by plants, trees, or other

improvements. Attached as Exhibit "A" is a drawing to further clarify the location of the 5-foot buffer area and how it is measured in relation to the Wall.

b. Any tree planted within 15 feet of the Wall along Gatlin Avenue must be approved in advance by the ARB and Board. The purpose of this approval is to ensure that the root structure will not negatively impact the Wall. The ARB and Board may require, depending on the type of tree to be planted, that the Owner submit a statement from a licensed arborist that the tree roots in the chosen location will not negatively impact the Wall in the future. The 15-foot area is measured from the outside of the Wall in the same manner as the 5-foot buffer area shown on Exhibit "A".

