

# Calabay Parc at Tower Lake Home Owners Association Architecture Review Committee

## 1. Introduction

- a. The Calabay Parc at Tower Lake Home Owner Association (HOA) Architecture Review Committee (ARC), as established under the Calabay Parc at Tower Lake HOA founding documents section VII, consists of 3 or more persons designated and appointed by the Board of Directors. The committee works for the board and makes recommendations to the board. It is not an entity in itself. Committee members can be board officers, directors, or members of the community. The ARC is bound by the HOA covenants and bylaws. The purpose of the ARC is to regulate the appearance of the community and assure harmony of external design while protecting the value and desirability of the community. The ARC does not have the power to make new rules. All decisions of the ARC must be approved by the Board of Directors. Detailed descriptions of this committee can be found in Article VII of the community HOA governing documents.
- b. The ARC is responsible for reviewing and approving all outdoor modification with respect to appearance and building design. This includes but is not limited to landscaping, sculptures, plantings, lawns, roofs, exterior painting, driveway painting or resurfacing, and any other changes to the exterior of a homeowner's property.

## 2. Architecture Change Request Submission

- a. When a homeowner wishes to make a change on their exterior property, they must make a request to the ARC for approval. The homeowner makes this request by completing and submitting an Architectural Review Request form. The form is located on the HOA community website, or can be obtained by contacting the HOA Management company.
- b. The completed ARC request form can be submitted by email, fax, or USPS mail to the community HOA management.
- c. The ARC members will review each request for harmony, design, and conformity with the HOA governing and design documents. Simple requests can be turned around within a week. More complex requests will be reviewed within no more than 30 days (by law). Upon review, the ARC may request additional information. The review period will begin once the request has all the information needed to make a decision.
- d. **Note:** Having a permit from the town does not remove the requirement for an ARC approval. The acquisition of permits with city/county is the sole responsibility of the homeowner and not the HOA.
- e. The homeowner will receive notification from the HOA Board of Directors of the approval or denial of the request, per their communication preference on file with the HOA management.

## 3. Appeals Process for Denied Applications

- a. If your application is denied, and is not in direct violation of the restrictions of the HOA governing documents, you may appeal the decision to the Board of Directors.
- b. Please submit the appeals form that was included with your denied application and submit reasons why you would like the application to be reconsidered.
- c. Once in receipt of the appeals form, the Board will schedule the review at their next Board Meeting in which you will be welcome to attend for the appeal to be reviewed.

## 4. Construction Requirements

- a. Work hours: To minimize noise, traffic, and other disruption to community residents, the following rules must be followed by any contractors or other workers.
  - i. Construction to take place only Monday to Saturday 7:30 am to 7:00 pm or dark (whichever comes first), and Sunday and Holidays 8:30 am to 6:00 pm.
  - ii. Site noise should be kept to an acceptable level and workers should conduct themselves as professionals at all times. Cat calls and rude remarks are reason for expulsion from the property. Harassing guests and owners is unacceptable at all times.
- b. The contractor or homeowner is responsible for all subcontractors and any damage they incur.
- c. No pets or children are allowed on site while building is in progress.

- d. Sites must be kept picked up, all dumpsters must have covers, and no trash or dumpsters shall impede traffic or be stored on community property without prior permission from the board.
- e. All survey, utility, and irrigation lines shall be marked prior to breaking ground.
- f. If required, a silt fence for erosion must be provided, and any and all other Department of Environmental Protection requirements must be met.
- g. Construction materials, trailers, and site boxes must be contained within the lot. If the builder owns more than one lot, they may use the other lot for storage and parking. Once construction is completed then the spare lot must be either returned to a grass lot or improved. Any lot in disrepair or posing a hazard will be fined.
- h. At no time will a contractor drive on or use other lots without written permission from the lot owner.
- i. All damages to HOA property and other homeowner lots are the responsibility of the contractor or homeowner.
- j. All ground work must not pose flooding or damage to an adjoining property.
- k. Any road blockage or lane closures need prior approval and notice to facilitate traffic.
- l. All traffic control will be done to Florida Department of Transportation standards and by trained traffic control.

## **5. New Construction Standards**

- a. Plans must meet document standards and obtain ARC and Board of Directors approval. Plans must meet all standards for short term rental, as well as all state and local codes and ordinances.
- b. Minimum setbacks must be maintained to meet city requirements, and to enable the future expansion for a pool enclosure:
  - i. Side entry garage side is 15 feet from front of property.
  - ii. Front entry garage side is 20 feet from front of property.
  - iii. Side is 5 feet from lot boundary.
  - iv. Rear is 15 feet from lot boundary.
  - v. Pools and enclosures 10 feet from rear of property.
- c. Minimum house size requirement is 1,400 square feet.
- d. Minimum garage size requirement is 400 square feet.
- e. All new homes will be of concrete block construction.
- f. All decks, porches, and patios must be concrete and professionally installed to Florida building codes and standards.
- g. House exterior, shutters, front door, and door lite colors need to be from the approved list.
- h. Front doors will have a door lite and transom window unless there is a porch present.
- i. House trim, window trim, transom window trim, and garage doors will be white.
- j. Window trim and shutters colors must be from the approved list.
- k. Screen enclosures must have bronze screen supports and dark gray screen.
- l. House address numbers must be on the front of the house in black ordinal number (0 - 9).
- m. Mail boxes must be installed and must be consistent with the community's existing boxes.
- n. Landscaping including sod must be under warranty by the homeowner or contractor until inspected and accepted by the HOA landscaper company. This is to ensure the lawn's look and integrity. Once accepted, it becomes the responsibility of the landscaper unless the owner is negligent in care and watering.
- o. Irrigation must be connected to a separate meter, and must be HOA supported system (Hunter 4 value) with a rain sensor for water conservation. This also must be inspected and accepted by the landscaper in place.

## **6. Changes to Existing Buildings and Lots**

- a. Any building addition must comply with the Southwest Florida Water Management District (SWFWMD) plan in place. Any additional footprint will require permits and inspections by the engineer at the owner's expense.
- b. In addition, all changes to existing buildings and lots must have prior ARC approval.
- c. Until 2016, the community was a pool exclusive community. Every home had a pool, screened enclosure, and lanai. Beginning in 2016, new construction homes did not have pools. However, no permanent structure should block the ability to install a pool. If a homeowner without a pool would like to install a patio that is 12 foot by 12 foot or larger (144 sq. ft), the patio will require a screen enclosure similar to a pool screen enclosure.
- d. Foam window treatments and all trim must be white.
- e. Garage doors must be white.

- f. Temporary tents and gazebos may be put up on a short-term basis, but must be removed before the lawn is to be cut.
- g. Window A/C units can never be in a front window and are only for emergency use. Once full power is restored, they must be removed.
- h. Water purifiers (with or without power) are allowed, but must have an ARC approval prior to installation.
- i. Any and all equipment and ornaments should be removed prior to a hurricane or be affixed to a hurricane rating of Cat 3 or better.
- j. Any rear porch that is 12x12 or larger must be made of concrete with a screened enclosure.
- k. Stone/brick veneers are allowed as long as they are from the Approved Veneer List and they are used as an accent only and does not cover more than 1/3 of any exterior walls of the home.
- l. Items that are not acceptable include, but are not limited, to:
  - i. Removing foam window treatments or trim.
  - ii. Walls, fences, or barriers due to hardship for the landscapers.
  - iii. Sheds
  - iv. Gazebos
  - v. Playscapes, swings, or gym sets free standing on lawns
  - vi. Above ground pools of any kind
  - vii. Above ground Jacuzzi style hot tubs
  - viii. Trampolines
  - ix. Permanent water features or ponds
  - x. Light poles or posts

## **7. Roofs**

- a. All changes to roofs, including new shingles or solar panels, require prior ARC approval.
- b. Asphalt shingled roofs must be done in "earth tone" colors. An approved color list is available.
- c. Clay roofs are allowed with red tiles only.
- d. Solar panels are allowed to be installed on the roof.
- e. Items that are not acceptable include, but are not limited, to:
  - i. Slate shingles
  - ii. Metal roofing material

## **8. Screen doors**

- a. Must be full view, clear doors. Allowed colors are white, black, or bronze. Addition of screen door requires prior ARC approval.

## **9. Lighting**

- a. Hanging lights in exterior foyer must be secured for wind. Wire or fishing line can be used to secure.
- b. All exterior lighting fixtures must be black, white, or metallic (bronze, antique bronze, brass, antique brass, or stainless). Addition or modification of light fixtures requires prior ARC approval.
- c. Wall mounted lights should be roughly 18" by 12" and be the same color as other exterior fixtures. Addition or modification of wall mounted fixtures requires prior ARC approval.
- d. All outdoor accent or pathway lighting must be recessed below ground or in the landscape beds so as not to interfere with landscapers.
- e. All fixtures must be kept in good working order with clear lenses and white light bulbs.
- f. Flood lights must adhere to the below criteria:
  - Lighting fixture be located and constructed so they do not create a nuisance or hazard.
  - No fixture to be installed more than maximum height of 10 feet above the adjacent walking surface and below the roof line.
  - The lighting footprint must project downward and cannot project beyond the property boundaries.
  - If lights are to be used on the sides or rear of the structure, motion detection must be used.
  - Automated light duration setting cannot exceed 5 minutes and the sensitivity to movement must be properly adjusted so as to not create an annoyance.
  - Lights are to be turned off when not in use.

- Only use lighting sources with correlated color temperature (CCT) no higher than 3000K. Most lighting products provide this information on the package labels.
- **Note:** Colored bulbs are allowed during the holidays as part of holiday décor.

## 10. Driveways

- All new driveways or changes to existing driveways require prior ARC approval.
- New driveways must be done in un-tinted, unstamped concrete (no pavers or patio stone).
- Driveways can be restored with a single tone concrete (gray) paint from the ARC color chart.
- Driveways cannot have patterns or stripes.
- Driveways can be flo-coat resurfaced using un-tinted unstamped concrete.
- Any tile installed on walkways must be the same look and color of concrete and same gray in color with no designs
- Extension Guidelines:
  - The extension cannot exceed the exterior perimeter of the garage on a front facing garage,
  - The extension cannot extend past the outside of the house and the front of the garage on side entry facing garage.
  - The extension will be made of hardened concrete, smoothed and finished to match the existing driveway.
  - The extension will be tied/reinforces with rebar to the existing driveway.
  - The extension will itself contain reinforced rebar for structure and stability.

## 11. Paint

- Painting the exterior of homes, trim accents, garage door, front door, or other items exterior to the house requires prior ARC approval, even if with the color is to match the pre-existing color of the feature.
- All colors must be from the community-approved color chart.
- All fascia must be white.
- Front doors may be painted white or black as an added option to approved color schemes.

## 12. Gutters

- Addition of or changes to gutters requires prior ARC approval.
- Gutters and downspouts attached to the house must be white.
- Gutters and downspouts attached to the pool cage must be bronze.

## 13. Emergency Equipment

- All permanent generators with a whole house switch must have prior ARC approval and a city installation permit, to be obtained by the homeowner.

**Note:** Generators can be quite controversial and dangerous to fellow homeowners if not placed properly. Noise levels can be very loud and disturbing if the units are old and mufflers are out of repair.

- All hurricane shutters must have prior ARC approval.
  - Hurricane shutters must be of the removable type and not permanently installed. Accordion, roll down, and fold-up type shutters are not permitted. Hurricane shutters must be high impact colonial or removable and must be white.

## 14. Landscaping

- All new or changed plantings in the ground must have prior ARC approval, even for plants on the approved list. Plants in pots do not require approval. Fruit Trees and Vegetable Gardens are not allowed at any time.
- All plantings not approved may be removed without notice.
- The acceptable tree and shrub guides: 36" in the front of homes, 4 feet on the side of homes and 6 feet in the backyard by pool.
- Landscape beds are the landscaper's responsibility for maintenance. The landscapers are provided with the design documents and given responsibility to do trimming as part of the contract.
- When planning changes to landscape plans, it is suggested that homeowners choose from the community-approved plant catalog, which is on the community website or can be requested from the HOA management company. Any plants that are not on the approved plant list can still be requested for approval. Plants that are not approved and annuals can be planted in removable pots and not in the ground.
- Mulch:

- i. All mulch installed will then become the responsibility of the homeowner to maintain to keep clean, full, and done each year within the 1<sup>st</sup> quarter.
- ii. Bark mulch is the community standard mulch used and maintained by the homeowners. Owners can approve for HOA landscape vendor to install mulch annually with a signed Individual Assessment Notice.
- iii. ***Please review the approved mulch and mulch border list for options when submitting your application.***
  - Homeowners can choose to use landscape rock or other approved mulches with prior ARC approval. This must be contained within a lawn edging.
  - Homeowners can choose to use other wood mulch with prior ARC approval.
  - Homeowners can choose to use wood tone rubber mulch with prior ARC approval. However, it must be contained within a lawn edging and will become the homeowner's responsibility to maintain.
- g. Architectural statuary is allowed, but any statuary over 18" tall must be approved by the ARC. Decorations are allowed, and anything larger than a 12" square must get ARC approval. Small garden flags are allowed at one per household and must be contained within the landscape bed. Placing them in front of plants maintained by the landscaper is at the owner's risk.
- h. Front yard flag stones, driveway extensions, and large architectural features all require ARC approval.
- i. Most existing homes have arched features either over windows or doors. Any change requires prior ARC approval.
- j. All exterior equipment – AC units, generators, and water purifiers – must be hidden from view of the road by fence panel, hedge, plants, or foliage. They must comply with all town and state codes that exist. AC repair companies recommend that plantings should have 18" clearance from the unit and with base no closer than 24".
- k. Outside lawn furniture and equipment cannot obstruct landscapers.

## 15. Flag Poles

- a. If present, flag poles must be 20 feet tall unless attached to house.
- b. All flag pole lighting must be wired and recessed underground and installed with proper permits.
- c. Flag poles must be contained within the landscape beds.
- d. All flag poles must comply with Florida Statute 720.304(2), as follows:
  - i. (2)(a) Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.
  - ii. (2)(b) Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, if 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, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. 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 setback and locational criteria contained in the governing documents.

## 16. Miscellaneous items

- a. Any window treatments that are visible from the street should be neutral in color.

## **17. Insurance**

- a. All equipment and contractors must be current on their insurance and licensing.
- b. Liability insurance for the site and contractors must be current and filed with the management company. (The intent is to be sure the company is properly insured and we cannot be named in a suit if someone is hurt on common property, be it employee or homeowner and guests.

## **18. Parking**

- a. Street parking must be in the direction of traffic.
- b. Street parking will be on the side of the street opposite the mailboxes.
- c. No parking is allowed on grass areas. Parking on grass damages the grass and sprinkler heads.
- d. Parking may not block driveways.
- e. Parking in driveway may not block the use of the sidewalks or extend into the street.
- f. No parking without permission in anyone else's driveway.
- g. All construction traffic should come through the main gate.
- h. All homes should have enough parking for one car per bedroom. This parking includes garage space and driveway space behind sidewalk.
- i. Overnight parking of trailers, campers, boats, or large trucks within the community is not allowed.
- j. Failure to abide by parking rules may result in towing at the owner's expense.