

Woodhaven Estates Villas

ARC

Rules & Regulations

Total Revision of June 16, 2011

- **Rule 13(c) Revision of June 21, 2012**
- **ARC Standard 4(h), Rule 18 Revision of December 18, 2013**
- **ARC Standard 4(f) of November 18, 2015**
- **ARC Rule 18 Revision of May 8, 2017**
- **Exhibit A added notation for option to use automated form on our Website March 15, 2024**

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Woodhaven Estates Villas Architectural Review Committee

RECITALS

Definitions

1. "ARC" means the Architectural Review Committee created in Architectural Review and Standards, Item 1 of this Document.
2. Architectural Review means requirement contained in Article 10 of the Declaration of Neighborhood Covenants (Declaration) that the ARC review all improvements: development, alterations, landscaping, or restoration of any lot/villa. Where the context indicates, Architectural Review shall also mean the administrative process of Architectural Review.
3. Association means the Association of all lot/villa owners within Woodhaven Estates Villas Property Owners' Association, Inc. (POA)
4. Board means the Board of Directors of the Association. (BOD)
5. A Bylaw means the Bylaws of the Association.

Architectural Review and Standards

1. **Creation of ARC and Authority of ARC.** There is hereby created an Architectural Review Committee (ARC). The purpose of the Architectural Review Committee will be to govern any improvement, development, alteration, landscaping, or restoration made to any lot/villa within Woodhaven Estates Villas. The ARC recognizes that in order to maintain a high quality of development throughout the life of the property certain restrictions are required. As specified in Article 10.2 of the Declaration, the ARC shall consist of three to seven persons appointed by the Board of Directors to one-year terms. ARC members may serve more than one term.
2. **Persons and Work Subject to Architectural Review.** All persons proposing any improvement, development, alteration, landscaping change, or restoration to a lot/villa within Woodhaven Estates Villas shall be subject to the requirements of architectural review and obligated to obtain ARC approval prior to commencing any work or allowing any work to commence on a lot/villa.
3. **Architectural Standards Authorized.** The ARC may, from time to time, with the approval of the BOD, promulgate architectural standards for Woodhaven Estates Villas. Those standards may not be contrary to provisions of the Declaration and shall also be deemed to include any other mandatory architectural obligations, prohibitions, and guidelines adopted by the BOD, including those contained herein. The failure of the Association to have an adopted architectural review standard on any particular matter that is subject to architectural review shall not preclude the ARC from reviewing, approving or denying a proposed application on the following factors provided in Section 10.3 of the Declaration: 1) quality of workmanship and design, 2) harmony of external design with existing structures, 3) location in relation to surrounding structures, 4) topography, and 5) finish grade elevation.

4. **Application Procedure.** Whenever a person proposes any work for which architectural review is required, there shall be submitted to the ARC a written application for approval (See Exhibit A) and at least two complete sets of plans and specifications for the proposed work. Such plans and specifications shall include, as appropriate, the following:
 - (a) A site plan for the property showing the nature, location, shape and dimensions of all proposed work, including alterations; development, improvements, landscaping, or restoration as may be applicable. The site plan shall also show any existing improvements, development, or landscaping.
 - (b) Complete floor plans with elevations of all proposed structures, drawn to scale and reflecting thereof the number of square feet of living area and other areas.
 - (c) Engineering drawing specifications for all development in sufficient detail for the ARC to evaluate the proposed development, its schematic design, infrastructure, layout, and design features.
 - (d) Specifications of all material to be used, including description of type, color, and nature.
 - (e) Specification of all plants and other material proposed for landscaping.
 - (f) **NOTE:** Section 4(f) was revised and approved by the ARC and BOD on November 18, 2015. Samples of materials and proposed colors for external application must be submitted by each villa owner, to the ARC using an ARC form signed by each owner. Re-painting and re-shingling requires ARC approval before any work proceeds. Re-shingled roofs will be slate in color, dimensional minimum of 240 pounds, fungus resistant and constructed of either fiberglass or asphalt.
 - (g) Such other additional and supplementary information and materials as the ARC may reasonably require.
 - (h) Paired villas must have the same exterior color and roof. (Rev. 12-18-13)
5. **Waiver of Submission Items.** The ARC may waive formalities in the submission process, and may waive any one or more of the above requirements if it deems the application, description, plans or specifications provide information of reasonably sufficient detail for the ARC to review.
6. **ARC Review.** The ARC shall review and evaluate any application submitted to it and shall either approve or disapprove of the plans submitted. The ARC shall take such action within thirty (30) days after receipt of a completed application and any additional requested information required by the ARC. Should the ARC deny an application, it shall indicate, where reasonably possible, the reasons for the denial and any type of changes or conditions necessary for the applicant to receive approval. The applicant has the right to appeal an ARC denial to the BOD.

7. **Work in Conformity With Approval.** No work shall proceed except in strict compliance with the Declaration, any applicable adopted standard, and the specific ARC approval. Any work performed without ARC approval or that violates the Declaration, any applicable adopted standard or the approval granted by the ARC may be required to be removed by the Board of Directors. The ARC may recommend to the Board of Directors appropriate legal action, including actions at law or inequity, to enforce this provision, with attorney's fees being awarded to the prevailing party in such action.
8. **Work Not Subject to Review.** Routine maintenance or replacement does not typically require ARC approval. Owners are advised to seek approval of the ARC should there be any doubt as to whether ARC approval is required. If any unapproved work violates this Article, the owner may have to remove it pursuant to this Article.
9. **Procedural Rules Authorized.** The ARC may adopt reasonable rules and regulations for the conduct of its meetings and the implementation of the authority given as hereunder. No rules or regulations may be adopted by the ARC that are inconsistent with the rules and regulations adopted by the Board, the Bylaws, the Articles of Incorporation of the POA, or the Declaration. The POA shall indemnify and hold harmless the ARC and its members from all costs, expenses, and liabilities, including attorney's fees, incurred by virtue of service as a member of the ARC.
10. **Architectural Standards**
 - (a) All residences within shall have a minimum 1,200 square feet of air conditioned living area. The living area shall not include garage, lanai, porch, and similar utility or secondary use area. All villas shall have, at a minimum, a two-car garage. All villas shall have a 42-foot minimum total villa frontage. For purposes of this section, "total villa frontage" shall be defined as the width of the villa along its front elevation.
 - (b) All roof penetrations in a residence, including ventilation pipes and exhaust fans, shall be to the side or the rear of the roof and shall not front on the street designated as the primary entrance. Any and all roof penetrations for residences shall be painted the same color as the roof.
 - (c) Roof shingles shall be a dimensional minimum of 240 pounds. They must be designated fungus resistant by the manufacturer and the ARC shall review the color. Shingles shall be constructed of either fiberglass or asphalt.
 - (d) The ARC must review exterior colors.
11. **Variances.** The absolute right and discretion is hereby reserved by the ARC to grant variances from the obligations of any guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require. Such variances may only be granted, however, when unique circumstances dictate and no variance shall: a) be effective unless in writing, or b) stop the ARC from denying a variance in other circumstances. Any such variance, if granted, shall be strictly complied with by the applicant. The cost of granting and recording any variance shall be paid for by the person requesting said variance.

Rules and Regulations

All construction and development within Woodhaven Estates Villas shall be in accordance with all applicable federal, state, and local law, along with all governing documents of the subdivision issued by state agencies and Sarasota County, along with this Declaration and the Restrictions included herein.

1. **Residential Purposes Only.** No lot/villa within Woodhaven Estates Villas shall be used for other than residential purposes. Residential purposes shall be deemed to include those uses that are supportive of a residential subdivision or are ancillary thereto. No residence shall be occupied by more than one (1) family unit.
2. **Signs.** Pursuant to Section 7.7 of the Declaration, the following are Board approved signage that may be displayed in the public view on a Lot:
 - (a) One (1) For Sale or For Rent sign not larger than 26” by 36” on a wire frame or wooden post may be placed within 10’ of the existing external light post. An information box or tube may be attached.
 - (b) One (1) political sign per race not larger than 2’ by 2’ may be displayed on front lawns no more than 30 days prior to an election. Permitted political signage must be removed by the seventh day after the election.
 - (c) Address signs, nameplates, and security signs no larger than 14” by 14”.

All other signage will be in violation of this regulation.

3. **Statues.** Lawn and garden ornamentation must be in good taste and must be first approved by the ARC.
4. **Noxious Activities.** No noxious or offensive activity shall be carried upon or within any lot or building, nor shall anything be done or placed on any lot or building which may be or become a nuisance, or cause unreasonable embarrassment, disturbance or annoyance to any lot/villa owner, tenant or guest, or that unreasonably interferes with the enjoyment of any lot, villa, or any common property.
5. **Temporary Structures.** No structure of a temporary character shall be placed or constructed on any lot.
6. **Lot Maintenance.** Weeds, rubbish, debris, and other unsightly materials or objects of any kind shall be regularly removed from the lots and shall not be allowed to accumulate thereon. During the initial development or redevelopment of any lot, and any repair or maintenance on the lot thereafter, the lot/villa owner shall keep the lot clean of all construction rubbish to the satisfaction of the ARC. Lots shall not be used for storage of building materials not intended for the construction work being performed on the particular Lot. During any construction, all debris must be maintained on the lot where the construction is in progress. All construction debris must be removed regularly during the progress of construction, and, in all cases, all debris must be removed from the lot prior to issuance of a Certificate of Occupancy. Failure to comply will result in a Notice to be delivered to the address for the lot/villa owner as shown by the most recent public records. All notices shall either be personally delivered or sent by U.S.

Mail, certified, return receipt requested.

7. **Trash.** Trash containers, lawn trimmings, and trash stored for pick-up shall comply with collection service rules of the applicable governmental authorities and providers of such services. Trash containers shall be maintained in a sanitary condition and stored out of sight (screened from view from road and neighboring lots) except within 12 hours before or after scheduled trash pick-up.
8. **Utilities.** All utility service, including but not limited to water, sewer, electrical, gas, telephone, and cable television, shall be located underground except for junction boxes, transformers, and similar devices serving a large portion of the subdivision and which the utility requires to have above ground. No overhead or aboveground wires or cables shall be permitted upon any lots within Woodhaven Estates Villas.
9. **Fences.**
 - (a) No fencing is allowed within the interior part of the Community, except for invisible fencing to contain pets.
 - (b) In lieu of a fence, a vegetation barrier on the same exterior lots may be installed, but will be subject to the criteria developed by the ARC (plant types and spacing of the plants).
 - (c) A concrete block/stucco fence five to seven feet high will be allowed subject to ARC approval for exterior lots whose backyards are adjacent to the perimeter swales. The concrete block/stucco fence must be painted to ARC specifications. The concrete block/stucco fence must extend at least the length of one backside, (north, south, east, or west) of the contiguous exterior lots. If such a fence is constructed, and at a future date another side wanted to construct a fence, it must match the existing fence.
 - (d) It is permissible for interior lots to have a vegetation screen or buffer between villas, but will be subject to ARC approval.
10. **Miscellaneous Visual Restrictions.** All outdoor burning is prohibited except for an enclosed charcoal or gas barbecue grill or manufactured fire pit. All garbage and trash containers, air conditioning equipment, irrigation pumps, or swimming pool pumps and related apparatuses shall be completely blocked from view from the street and adjacent lots. All above ground tanks, including, but not limited to, liquefied gas tanks, are prohibited, except for tanks associated with self-contained gas barbecue grills. All materials and their design used for concealing the items permitted by this paragraph shall be subject to architectural review by the ARC. Basketball goals shall not be allowed anywhere within the community.
11. **Outdoor Lights.** No mercury vapor or similar large lights shall be allowed within the subdivision or installed on any structure except for City of North Port installed street or security lights.
12. **Flags.** ARC review is required for installation of all in-ground flagpoles. Display of flags shall be permitted as defined by 720.304, Florida Statutes.

13. **Hurricane/Storm Shutters.** Residents are encouraged to use hurricane shutters to protect all openings to residences during hurricane season.

In addition to hurricane shutters, all residents are reminded and encouraged to remove all outside objects, like bird feeders, bird baths, lawn furniture, landscaping objects not secured, etc., to prevent them from becoming missiles and causing damage during hurricane force winds.

- (a) Clear hurricane shutters are exempt from regulation.
 - (b) Plywood shutters may be in place from one week prior to a predicted hurricane, which shows our area in the cone of probability and must be removed from all windows one week after an all clear has been declared by Emergency Management.
 - (c) Metal shutters (of all types) may be installed no earlier than April 1 but must be removed from all windows and doors by December 31, provided that street facing shutters are painted the same color as the adjoining house surfaces. (Note: Corner lots have two street facing sides). Shutters on other windows need not be painted. Residents who opt not to paint street facing shutters will comply with the one-week rule stated above.
 - (d) New shutters purchased after the effective date of this regulation constructed of materials not mentioned in this regulation are subject to the one-week rule as stated above for street facing openings. If a resident would like to apply for an exception they must submit an ARC Request with a sample of the material if their intent is to leave shutters installed for the duration of the hurricane season.
 - (e) Hardship exceptions to these regulations may be requested by submitting a detailed letter to the Board of Directors stating the reason for exception (i.e. health, affordability, timing, etc.). The Board of Directors may grant individual exceptions after considering the facts. The Board of Directors, subject to the limitations of applicable laws, agrees to protect the confidentiality of all Hardship Exceptions received.
14. **Miscellaneous.** Trellis screening may be used between paired villas. The ARC, in accordance with the procedures established herein, may recommend pool shelters, gazebos, and similar architectural features after review. Corner lots shall be deemed to have two front yards. The front yard shall face the street upon which the corner lot is located.

15. **Landscaping.** All landscaping as approved by the ARC must be in place by the time the Certificate of Occupancy has been issued for the initial residence on a lot. All major changes to landscaping after initial approval shall require further approval by the ARC. Replacement of existing and approved landscaping and landscaping materials which are substantially identical to those being replaced shall not require approval by the ARC. Should the replacement landscaping be substantially different than the replaced landscaping, then the BOD may take enforcement action as established herein.

16. **Yards and Lawns.** That portion of each lot, including the unpaved portion of any adjoining public or private street or utility right-of-way or easement, and which is not covered by dwellings, patios, walkways or other improvements approved by the ARC shall be sodded with matched grass or landscaping plantings at the time of the original construction or improvements unless expressly provided otherwise by the ARC. All required landscaping plantings, shall be mulched to a minimum depth of two inches. The lawns shall be maintained in good condition and replaced as may be necessary. In no event shall gravel or stone yards be permitted except as may be specifically permitted by the ARC. Nothing contained herein shall prohibit the use of gravel or wood shavings or bark for decorative landscaping purposes of an otherwise sodded yard. All landscaping, driveway, and walkway design, location, materials and colorings shall be subject to ARC approval. Approved landscaping shall be installed and completed by the date of the issuance of the Certificate of Occupancy by Sarasota County for the principal buildings upon the lot. All driveways, walks and parking areas, as approved by the ARC, shall be built at the time of original construction or other approved improvements and completed prior to the issuance of a Certificate of Occupancy for the lot.

17. **Mailboxes.** No mailbox receptacle of any kind for use for delivery of mail, newspapers, magazines, or similar materials shall be erected on any lot that does not conform to any of the selections adopted by the Association as to design, size, type of material and location.

Each lot/villa owner shall be responsible for repairing and/or replacing damaged mailboxes.

(Revised 12-18-2013 & 5-8-2017)

18. **Driveway Resurfacing.** Property owners have the option of resurfacing their driveways with the selection of a color approved by the ARC. It must be a **Silicone Acrylic Concrete Sealer.**

The color approved is as follows:

Hint of Grey (HC156)

Bombay (HC133)

Gull Gray (HC132)

Caribbean Cream (added 5-18-2017)

Other colors may be approved at the discretion of the ARC.

These colors are available at Sherwin-Williams, if the color are obtained from another source they must match the approved Sherwin-Williams color that they are emulating.

Owners who wish to add textures, designs, pavers, etc., to their driveways must first be in agreement with the owners of the adjacent Villa, as both must agree to color, texture, and materials.

Paired Villas must resurface both driveways at the same time using the identical materials.

All property owners must submit a completed ARC application form with the selected colors and materials attached.

Submitted applications MUST have approval from the ARC PRIOR to commencing any requested work.

Please Note:

Preparation is essential to successfully coloring your driveway.

Driveway must be cleaned. Pressure washing suggested.

Use of cleaning agents suggested by the manufacturer of the coloring product that you are using would be a wise choice.

For best results consider having the process done professionally. You will typically get a warranty of some sort.