



# **ARCHITECTURAL GUIDELINES, STANDARDS & CRITERIA**

## **ARCHITECTURAL GUIDELINES, STANDARDS & CRITERIA**

Creekwood was developed with the intent that Homes harmonize with each other and present a pleasing and consistent style. The concept of a town home community is to have exterior uniformity in buildings and landscaping. The following guidelines and standards have been designed to provide homeowners an opportunity to create an individual character for their home without changing the conceptual design of the community.

### **Introduction**

The intent of the contents of this guide, as well as the existence of the Architectural Control Committee (ACC), is to provide the guidelines and design standards required for maintaining an aesthetically pleasing community. Adhering to these guidelines is beneficial for all involved in that they are meant to protect the investment of the homeowners, as well as portray a quality community of well-planned homes constructed with long lasting materials maintaining high construction standards.

In conjunction with the recorded Documents for Creekwood Townhome Association, these guidelines and design standards are binding on all parties having interest in any portion of Creekwood, and each homeowner is required to comply with the requirements as set forth. Any failure to comply with these requirements will be subject to remedies provided for in the recorded Documents.

The Architectural Guidelines, Standards & Criteria (Guidelines) provide an overall framework to allow the community to develop and progress in an orderly, cohesive and attractive manner, implementing planning concepts and philosophy which are required by regulatory agencies and desirable to residents. These Guidelines include minimum standards for the design, size, location, style, structure, materials, color, mode of architecture, mode of landscaping and relevant criteria for the construction or addition of improvements of any nature. They also establish a process for judicious review of proposed changes within the community.

These Guidelines have been adopted by the Board of Directors of the Creekwood Association pursuant to the Community Declaration. The Architectural Guidelines will be enforced by the Declarant during the Declarant Control Period as defined in the Declaration, and by the Architectural Control Committee established under Section 19 of the Declaration.

The architectural review process has been established to maintain the integrity of the architectural and design character of Creekwood. To this end, the Architectural Control Committee (ACC) will review all proposed additions, improvements or alterations on homes for conformity with the Architectural Guidelines. Section 19 of the Declaration sets forth provisions with respect to the review process, including possible delegation of certain review functions to a resident staffed Committee and the ultimate transfer of the review function to the Committee at the end of the Declarant Control Period. Until such transfer, any and all approval and denial rights rest with the Declarant and each such approval or denial will be in writing. In the event that certain reviewing functions are delegated to a resident staffed Committee, Declarant reserves the right during the Declarant Control Period to withhold approval even if granted by the Committee.

To the extent that any government ordinance, building code or regulation requires a more restrictive standard than that found in these Guidelines, the government standards shall prevail. To the extent that any government ordinance, building code or regulation is less restrictive than these Guidelines and any standards contained herein, or the Declaration, these Architectural Guidelines and the Declaration shall prevail.

Terms such as “good taste” and “sound design” are difficult to define and even more difficult to legislate. It is the intent of these Guidelines to encourage “good design” by showing examples of the desired result. Elements such as deed restrictions, appropriate attention to scale and/or proportion to the community should be considered with all requests.

Nothing contained in these Guidelines shall obligate any agency, governmental or otherwise, to approve plans submitted, nor shall the approval of the ACC be construed as meeting either the requirements of Manatee County or any governmental agency required for approval.

The ACC has the right to modify, revise, add, delete or make any changes to this manual by joint resolution with the Board of Directors.

### **Aspects and Objectives of Architectural Review**

The Architectural Control Committee evaluates all properly completed Alteration applications. Decisions made by the ACC are not based on subjective elements, but on the following criteria:

**Relation to the Natural Environment:** To prevent the unnecessary removal, destruction or blighting of the natural landscape or of the existing man-made environment.

**Conformance with Declaration and Architectural Guidelines:** All applications are reviewed to confirm the project is in conformance with the Declaration and approved Site Standards.

**Design Compatibility:** Compatibility is defined as similarity in architectural style, quality of workmanship, and use of similar materials, colors and construction details.

**Location and Impact on Neighborhood:** The proposed alteration shall relate favorably to the landscape, the existing structure, the surrounding homes and the neighborhood as a whole.

**Materials:** Continuity is established by the use of the same materials and color palette as were used in the original construction.

**Workmanship:** The quality of work shall be equal to or better than the surrounding area.

**Validity of Concept:** The basic concept shall be sound and appropriate to its surroundings.

## **Non Liability for Approval of Plans**

The Declaration (CCR's) Section 19.19 contains a disclaimer which relieves the Declarant, the Community Association and the Architectural Control Committee of liability or responsibility for the approval of plans and the specifications contained in any request by an Owner. Prior to submitting plans or information for review you should read and understand this disclaimer. Certain additions, alterations and renovations may void any existing warranties.

## **Alteration Application**

### **General Information**

1. A homeowner wishing to make an exterior change or modification to their dwelling, or lot shall apply for and receive written approval for such change or modification prior to start of the project.
2. Application is made by completing the Alteration Application Form.
3. A separate Alteration Application shall be submitted for each exterior change or modification.
4. Applications are available from the management company and can be found in the Forms section of this book.
5. The completed request, together with all applicable information, is submitted to the management company.
6. An Alteration Application is not considered complete until accompanied by all of the information necessary for the ACC to make an informed decision.
7. Incomplete applications will be "Rejected" and shall not be considered until resubmitted with the necessary information.
8. The ACC has up to 45 days from the date a properly completed Alteration Application is received by them to take action. Failure of the ACC to respond within 45 days deems the Alteration Application Disapproved.

### **Supporting Documents/Materials**

1. Requests for any exterior modification of the home, must include:
  - a) copy of the stamped lot survey clearly depicting the location, size and measurements of the proposed change and the measurements to the lot boundary lines;
  - b) contractor drawings;
  - c) list of materials being used; and

- d) sample of materials being used if applicable.
2. Requests for exterior dwelling surfaces including painting, installation of pavers or tiles on screened enclosures, etc.:
    - a) copy of the stamped lot survey with a sketch of area(s) to be covered; and
    - b) sample of proposed material – paver, tile, paint chip.
  3. Requests for landscaping:
    - a) copy of the stamped lot survey with a sketch or drawing showing location of landscaping project; and
    - b) list of names or types of planting(s) together with approximate location of each, show existing major landscaping and indicate measurements from property lines when landscape beds, etc.

## **The Review Process**

### **General Information**

1. The design and construction review process is a 4-step procedure: Initial Review, Submission of Plans, Construction Commencement and Inspection.
2. Thorough and timely submission of information as well as adherence to the Guidelines set forth in the process will prevent delays and minimize frustration of all parties involved.
3. Questions concerning interpretation of any matter set forth in the Guidelines should be directed to the ACC.

### **Initial Review – Step 1**

1. It is required that a homeowner submit to the ACC an Alteration Application for the modification that is being requested, along with a set of plans if applicable.
2. Any and all Alteration Applications and submission of supporting documentation should be made by certified mail, return receipt requested. Facsimile or electronic submission with verification of transmittal will also be acceptable.
3. The information required for the review is as follows:
  - a) Alteration Application with a **detailed description** of the planned modification
  - b) Copy of final survey showing the surveyors stamp and the approximate location and dimensions of all improvements, including driveway,
  - c) Floor plans if applicable

- d) Exterior elevations (all sides) if applicable
  - e) Conceptual landscape plan if modification involves changes to the current landscape
  - f) Any other information, data, photos and drawings as may be reasonably requested by the ACC.
4. The ACC shall review the information and indicate its approval, disapproval, or recommendations for change to the plan.
5. The ACC will review the accompanying documents within 45 days and return one set of plans to the Owner accompanied by a letter indicating the ACC's decision which shall be rendered in one (1) of the following three (3) forms:
- a) **“Approved with Conditions”** – the document submitted is partially approved. The Owner may proceed with the work to be performed as modified, but must comply with any and all notations on the submittal, including the existing Architectural Guidelines.
  - b) **“Disapproved”** – the entire document submitted is not approved and no work may commence.
  - c) **“Rejected”** In some cases, additional information may be required in order to make an informed decision. Incomplete applications will be stamped “Rejected” and shall not be considered until resubmitted with all of the necessary information.
- 6. Any Alteration Application not approved within 45 days shall be deemed to be Disapproved.**
7. No construction or structural improvement, no alteration or addition to any existing structure or site improvement shall be made on any property until the plans and specifications showing the proposed design, nature, type, shape, size, color, materials and location of same shall have been submitted to and shall have received final approval by the ACC.
8. It is the ACC's goal to approve all requests in an expedient fashion.
9. For the purpose of a rapid response it is required that each form is limited to one request. The more detail provided with the submittal, the quicker a response may be expected.
10. In the case of an incomplete application or the request by the ACC for more information, the applicant will have 15 days to comply with the request. Failure to comply within the 15 days will result in the need for a new application to be submitted.

## **Submission of Plans to the Building Department – Step 2**

1. Following the approval of Step 1, the Owner may submit their plans to the Building Department or the required agencies that have jurisdiction for the required permits that may be needed for the modification project. Changes required by the said agencies must be re-approved by the ACC.

### **2. Manatee County Permits**

a) Manatee County requires permits for many types of work done, both inside and outside your house. For further information contact Manatee County at (941) 349 – 3047.

b) Approval for installation by the ACC of any project does not negate the homeowner's responsibility to comply with all terms and conditions of any municipal permit or existing codes required for the project, which the owner is responsible for obtaining.

c) In addition, permits are required to remove certain types and sizes of trees. A copy of the Manatee County tree permit is available at

<http://www.mymanatee.org/home/government/departments/natural-resources/environmental-protection/forestry-program/tree-removal-permit.html>

## **Construction Commencement – Step 3**

1. Upon completion of Step 2, a copy of the building permit must be submitted to the ACC prior to the Owner beginning construction.

2. If the requested change does not require a building permit, all materials utilized in the improvement must be approved by the ACC before commencement.

3. Any modification to the original application for any reason must also be re-approved.

4. Property owner & his/her contractor are responsible for obtaining and complying with all building permits, building codes and setbacks.

5. Access to Common Areas:

a) All exterior changes and modifications shall be completed in a manner so that they do not materially damage the common areas of the Association or individual Homesites. Nor shall they in any way impair the integrity of the improvements on the property subject to maintenance by the Association.

b) No homeowner shall permit their contractor to access or otherwise cross the common areas, or another person's Homesite without receiving written permission in advance from the Board, an officer or the Community Manager. In the case of accessing another person's Homesite, written permission shall be obtained from the Owner.

c) Any contractor or installer, other than the record Titleholder of the Lot shall provide the Association with an insurance certificate listing the Association as a named insured prior to commencing work. Insurance shall meet the following minimum limits: Contractor's General Liability including completed operations: statutory minimum amount. Worker's Compensation: statutory minimum amounts. The Board may also establish these amounts.

d) Homeowners are responsible for any damages to the common areas and other Association property. Homeowner is responsible for restoring, re-grading, repairing and replacing any damaged grass or plants on this or any adjoining Homesites, caused by this construction.

e) Owners are responsible for all cleanup of any improvement project. All debris, sod, soil, construction trash etc. shall be removed from the lot and hauled to the proper waste sites within seven (7) days of the completion of the project.

f) All homeowners shall be held responsible for the acts of their employees, subcontractors and any other persons or parties involved in construction or alteration of the Homesite. The responsibilities include but are not limited to the following:

(1) Ensuring that the construction site, community properties and roadways are kept clean and free of all debris and waste materials, and that stockpiles of unused materials are kept in a neat and orderly fashion.

(2) Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or well-being of other personnel on the site.

(3) Any contractor or installer, other than the record titleholder of the Lot, shall provide the Association with an insurance certificate listing the Association as a name insured prior to commencing work. Insurance shall meet the following minimum limits: Contractor's General Liability (including completed operations): statutory minimum amount. Worker's Compensation: statutory minimum amount. In the absence of statutory minimum amounts, these amounts may be established by the Board.

#### **Final Inspection – Step 4**

1. The ACC shall have the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval has been granted.

2. Upon completion of the improvement the Owner shall give notice to the ACC. At this time it will be reviewed for compliance with these Guidelines and the approved Alteration Application.

3. Owner shall make certain any damage to streets, curbs, drainage inlets, sidewalks, street signs, walls, community signage, landscaping, irrigation, etc. is repaired or the damage will be repaired by the Association and such costs will be charged to the Owner.

4. Application approvals are valid for a period of six (6) months and a new Alteration Application must be submitted after that time has elapsed if the approved project has not commenced.

### **Express Approval**

The following items may be approved outside of the Committee meeting unless the Owner receives a notice of disapproval within ten (10) days after submitting the Alteration Application with all applicable documentation:

- Re-surface existing driveways and sidewalks in the identical color/material previously approved by the ACC.
- Replace existing screening with identical screening materials previously approved by the ACC.
- Replace existing exterior doors and garage doors with identical style exterior doors previously approved by the ACC.

All references in the paragraph to “identical” shall mean that such item shall be replaced with an item that is identical in all respects to the existing item (*i.e.*, the identical style, texture, size, color, type, etc.).

### **Change or Modifications Made Without Approval**

Owners making changes in advance of receiving approval from the ACC will receive a letter from the Community Manager. Owner will have fifteen (15) days from receipt of the letter to submit a completed Alteration Application or remove the change. The Alteration Application is not considered complete unless it is accompanied by the applicable processing fees, materials list, final survey and all those required supporting documents listed on Pages 24 and 25.

Failure to comply with this request could result in monetary fines and legal action. All costs associated with gaining compliance shall be charged to the Owner’s account.

### **Reconstruction**

In the event that a residential structure or any part thereof is destroyed by casualty or natural disaster, the Owner must notify the ACC and commence reconstruction within 30 days of receipt of insurance proceeds. The ACC will make

every effort to accommodate the Owner in the application process in order to repair or rebuild in a timely manner.

## **Sale of Property**

Owners who offer their house for sale shall first advise the Community Manager and bring their house and property into full compliance with all provisions and requirements of the latest edition and revisions of these Guidelines. The Community Manager will issue a certificate of compliance. Non-compliance with this provision must be disclosed on the estoppel letter, which could result in a lower sales price or delay of closing.

## **Administrative Fees and Compensation**

As a means of defraying its expense, the ACC may institute and require a reasonable filing fee to accompany the submission of plans and specifications. No additional fee shall be required for re-submissions. If special architectural or other professional review is required of any particular improvement, the applicant shall also be responsible for reimbursing the ACC for the cost of such review.

## **Appeals Process**

In the event that the ACC disapproves any plans and specifications, the applicant may request a rehearing by the ACC for additional review of the disapproved plans and specifications. The meeting shall take place no later than 45 days after written request for such meeting is received by the ACC, unless applicant waives this time requirement in writing. The ACC shall make a final written decision no later than 45 days after such meeting. In the event the ACC fails to provide such written decision within 45 days, the plans and specifications shall be deemed disapproved.

Upon final disapproval by the ACC, the applicant may appeal the decision of the ACC to the Creekwood Board of Directors within 45 days of the ACC's written review and disapproval. Review by the Board shall take place no later than 45 days after receipt of the applicant's request for review. The Board shall make a final decision no later than 45 days after such meeting. In the event the Board fails to provide such written decision within 45 days after such meeting, such plans and specifications shall be deemed disapproved. If the Board fails to hold such a meeting within 45 days after receipt of the request for such meeting, then the plans and specifications shall be deemed approved. The decision of the ACC, or if appealed, the Board, shall be final and binding.

## **SITE IMPROVEMENT STANDARDS**

NOTE: These Architectural Guidelines are supplemental Guidelines for the recorded Declaration for Creekwood. Additional requirements may be contained in the recorded documents. Applicants are encouraged to review the Covenants in addition to these Guidelines prior to submitting an Alteration Application.

### **Additions**

1. Additions to the footprint of a building will not be permitted.

### **Air Conditioners**

1. No air conditioners shall be mounted through a window, door or hung on a wall.
2. Replacement exterior air conditioner components shall be installed in the original equipment's location.

### **Antennae**

1. All outside antennas, antenna poles, antenna masts, electronic devices, satellite dish antennas or antenna towers are subject to the approval of the ACC. Installation shall be in accordance with the 1996 and 1998 amendments to the Federal Telecommunications Act.
2. The ACC requires that all such items be screened from view and that the installation of the antenna comply with all applicable safety restrictions, including any restrictions as to location and height of antenna as imposed by applicable fire codes, electrical codes, zoning codes, and building codes.
3. All satellite dishes must be no more than thirty-six inches (36") in diameter.
4. Placement of the dish shall be as inconspicuous as possible and preferably not visible from the street.
5. All antennae and satellite dishes should be either ground mounted or mounted on the rear wall or sidewall of the house, below the roof line and no lower than 8 feet from the ground.
6. Satellite dishes that are ground mounted shall be installed at no greater distance than four (4) feet from the house and preferably in a screened area. If not located in a screened area, the mounting post shall be camouflaged with landscaping materials to lessen the visual impact of the dish.
7. It is respectfully requested that satellite dishes NOT be placed on top of roofs or the front of the home or Lot. Should you feel that your roof is the ONLY location that will give you proper reception, please contact the management company immediately and provide a copy of the proposed location and letter from installer stating why this is the necessary location

for installation. Owners are discouraged from mounting satellite dishes on top of roofs since this is a maintenance responsibility of the Association. *NOTE: Installation of a satellite dish on the roof may void builder's warranties and limit the Association's responsibilities for maintenance and repair. Owners may also be held responsible for any damages sustained by other Owners within in the building as a result of the installation.*

8. Wires must be securely attached to the dwelling and painted to match where attached. Any masts used to match the dish must be painted to match the surface it is mounted on.

9. Owners shall not permit their antennae and satellite dishes to fall into disrepair or to become a safety hazard, and shall be responsible for their maintenance, repair and replacement, and the correction of any safety hazard.

10. If antennae or satellite dishes become detached, Owners shall remove or repair such detachment within seventy-two (72) hours of the detachment. If the detachment threatens safety, the Association may remove the antennae or satellite dish at the expense of the owner, without prior notice.

11. Any damage caused to a Home by the installation of such equipment by an adjacent Owner shall be repaired at the sole cost of the Owner installing such equipment.

### **Architectural Character**

1. The architectural design of any and all alterations and renovations to the exterior of any existing house shall strictly conform to the design of the original house in style, detailing, materials and color.

2. All materials used in maintenance, repair and alterations shall match those used by the Declarant or Builder as to color, composition, type, and method of attachment. The ACC may allow substitute materials if they deem these materials to be compatible with the theme of the community.

3. No alterations or renovations shall be permitted if it is determined to have a material adverse impact on neighboring properties and/or the community.

4. When any alterations or renovations are performed to an existing house, the established lot drainage shall not be altered. Any Owner or occupant who changes the existing grading or drainage shall be liable for all costs and expenses of repairing such changes, or any costs, liabilities, damages or causes of action arising out of such changes.

### **Awnings**

1. No awnings (metal, fabric, wood, plastic or other materials) shall be permitted.