

Architectural Review Committee
Guidelines, Rules and Regulations

of

Peridia Homeowners Association (PHOA)

Units 1, 3 & Wedge Court

County of Manatee

State of Florida

SUBJECT: Adoption of a policy regarding the Architectural Review Committee Guidelines, Rules and Regulations.

PURPOSE: To adopt a uniform procedure to be followed when enforcing Covenants and By-Laws to facilitate the efficient operation of the Association and to communicate, inform and share with the PHOA Homeowners these guidelines.

AUTHORITY: The Declaration of Covenants, Conditions, and Restrictions, Articles of Incorporation, and By-Laws of the PHOA and Florida Law.

EFFECTIVE DATE: March 28, 2016

RESOLUTION: The Peridia Homeowners Association Board of Directors hereby adopts the following guidelines, rules and regulations.

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INTRODUCTION

Peridia Home Owners Association (PHOA) is a covenant controlled single family community located within the Peridia Golf and Country Club community in the county of Manatee and the state of Florida. The development was established in 1987 as standalone homes fitting the "Florida" style of architecture and landscaping which is designed to:

Minimize the use of supplemental water

Be compatible with the climate of Manatee/Sarasota area.

Provide year around color where feasible

Use of native plants is encouraged.

ARCHITECTURAL REVIEW COMMITTEE VISION

The purpose of the Architectural Guidelines is to achieve an overall cohesiveness with the existing design of homes within the PHOA. While individual exterior decorations and alterations can provide visual distinctiveness and variety, the aesthetics of the PHOA community must be in harmony with its' surroundings. The Architectural Review Committee's (ARC) decisions are based on the Bylaws, Covenants and ARC Guidelines and shall be "consistent with the original architectural, structural, aesthetic and environmental concept and the original development of the Subdivision." (Covenants 9.02) But, also upon the belief that projects within our community should serve to enhance the Property and increase the value to all Homeowners.

OVERVIEW

The Architectural Review Committee (ARC) is appointed by the PHOA Board of Directors (Bylaws 6.06) for the purpose of carrying out the Architectural Review process. This committee shall consist of a minimum of 3 and not more than 7 members (Covenants 9.01). Terms of the ARC shall be 2 years, the terms shall be staggered (By-Laws 6.06). The ARC is an advisory committee to the Peridia Homeowner's Association's Board of Directors.

DUTIES

The Architectural Review Committee has 2 primary duties:

One being the "REVIEW" of Homeowner's requests to add, improve or maintain the outside of their homes and lots.

The other is to identify Homeowners who are in "VIOLATION" of the standards of our PHOA and notify them of the noncompliance, assure that the violation is corrected and follow up with additional measures if the homeowner continues to be in violation.

The ARC is mandated by the By-Laws of the Articles of Incorporation of Peridia Homeowners Association, Article 6 which in part says "Enforce the provisions of the Covenants, Articles and By-Laws by appropriate means and carry out the obligations of the Association hereunder" (Covenants 3.01 a). It's duties are set forth by the Declaration of Covenants, Conditions and Restrictions for Peridia Units 1, 3, and Wedge Court, Articles 9 and 10. To maintain the quality and standards of the community with respect to new construction, remodeling and additions to residences, landscaping, general appearance and use. Have the duty to

maintain architectural control over the Subdivision in accordance herewith. (Covenants 6.01 d)

"REVIEW"

WHEN IS ARC REVIEW NEEDED

Refer to the PHOA Covenants 9.03 and review "When Architectural Review Required."

Basically the homeowner who is planning to do repairs, modifications, construction, painting, plantings, landscaping, or most anything to the outside of their home or on their lot must request and get ARC approval before any changes are made.

NOTE: All architectural matters must be in harmony with and reflect the aesthetics of adjacent and neighboring properties. No Owner shall build, excavate, make improvements, landscape or in any way temporarily or permanently alter the exterior appearance of any element of the Property, nor permit any agent whatsoever to do so, without first receiving written approval from the ARC. Any Homeowner who makes, or allows to be made, any exterior change or improvement to the Property without prior approval of the ARC will be subject to a fine or other appropriate corrective action in accordance with the Covenants 9.04 (f) page 23 as well as By-Laws 6.02 and may be required to remove all unauthorized improvements and restore the property to its original state at the full expense of the Homeowner.

REQUEST FOR ARC REVIEW

A form titled "Request for Review of Proposed Changes for Existing Property" is provided by the ARC and available at the Clubhouse office or a member of the ARC.

Covenants 9.04 Procedure. "Whenever an Owner proposes any improvements or alterations for which Architectural Review is required, there shall be submitted to the ARC a written application for approval and at least one complete set of plans and specifications for the proposed construction and landscaping." Refer to Covenants 9.04 (a thru f) for additional clarification.

ARC REVIEW AND RESPONSE TO REQUEST

Covenants 9.04....."The ARC shall review and evaluate all submissions and shall, within thirty (30) days after receipt of such application and all additional information required, either approve or disapprove, or approve in part and disapprove in part, the application."

For further explanation and review read all of Covenants 9.04.

Article 7.04 section (c) reads in part that if the Homeowner is aggrieved by the decision, they may appeal same to the Architectural Review Committee, whose decision shall be final. Failure to appeal within ten (10) days shall be deemed a waiver of objection to the decision.

It has also been a practice, without precedence, of the PHOA Board to consider hearing Homeowners arguments for requests that have been denied by ARC. It is, however, the ARC's duty to make the final decision.

**REFER TO THE FORM ON PAGES 17 AND 18
REQUEST for REVIEW of PROPOSED CHANGES for EXISTING
PROPERTY**

A form has been created by the Architectural Review Committee to assist Homeowners who are making changes to the outside of their homes or landscaping. This is a two (2) sided comprehensive form with one side to be filled out by the Homeowner and the other side by the ARC.

On the Homeowner's side of the form there needs to be filled in:

1. The date of the request
2. The contractor's name, if Homeowner plans to do the work then just fill in the word "SELF."
3. Fill in the contractor's Address, City, Telephone number and Florida License number when applicable.
4. You will need to fill in your name, address, a contact telephone number and, if you choose an email address.
5. Check the box that best describes the work that is to be performed. If you choose "Other" explain in the body of the form.

6. It is important that you supply an estimated start date so that the ARC can know with what priority to process your request. The estimated complete date is a helpful piece of information.

7. Describe in adequate detail what it is you are wanting to do or have done.

8. Provide a minimum of one (1) set of drawings, specifications, color samples, and any other supporting documentation that will assist the ARC in reviewing the request so that they can come to an informed decision.

9. The Homeowner must sign and date the Form and deliver it with all required paperwork to an ARC member, a PHOA Board member or drop it off at the clubhouse office in which case you must inform an ARC member that you have left a request at the clubhouse. You may also mail to PHOA ARC PO Box 20153 Bradenton, FL 34204 provided you advise an ARC member of the mailing.

On the ARC side of the request there will be filled in:

1. The date of the ARC decision.

2. One box for change requested will be checked indicating as follows:

a. FINAL APPROVAL. This means that your project as submitted is totally approved and provided the work is done per the request should require nothing additional.

b. APPROVED WITH CHANGES BELOW. This means that the ARC has reviewed your request and has some minor changes that, if you agree to, will be considered the final approval and provided the work is done per the request, with changes, should require nothing additional.

c. PARTIALLY APPROVED PENDING. This means that the ARC has reviewed the request and has determined that either more information is required or that changes need to be made and the form updated and be resubmitted to the ARC.

d. DENIED-SEE CAUSE. This means that the change requested is outside of, or specifically prohibited by, the PHOA documents and will not be approved.

If permits are required by the County of Manatee the ARC may request copies for their records as they are issued to the Homeowner or Contractor.

PLEASE NOTE: You must receive prior written approval from the ARC before any work is done. No Owner shall build, excavate, make improvements, landscape or in any way temporarily or permanently alter the exterior appearance of any element of the Property, nor permit any agent whatsoever to do so, without first receiving written approval from the ARC. Any Homeowner who makes, or allows to be made, any exterior change or improvement to the Property without prior approval of the ARC will be subject to a fine or other appropriate corrective action in accordance with the Covenants 9.04 (f) page 23 as well as By-Laws 6.02 and may be required to remove all unauthorized

improvements and restore the property to its original state at the full expense of the Homeowner.

It is in your, the Homeowner's, best interest not to sign any contracts, give any deposits or purchase any materials until you have the ARC's written approval.

"VIOLATIONS"

VIOLATIONS (SOURCES FOR REVIEW)

There is more than one source for initializing a notice of violation to a Homeowner.

1. A verbal complaint from a Homeowner
2. Observation by a member of the PHOA Board or the ARC.
3. A scheduled canvassing of the entire community by members of the ARC.

It is the intent of the ARC to only complete canvassing on a semi-annual basis and to rely more heavily on our neighbors as well as the ARC and Board to notify when a violation is spotted. This encourages a more consistent and timely remedy to violations.

VIOLATIONS (CAUSES FOR REVIEW)

The Declaration of Covenants article 7.02 titled Repair and Maintenance by Owner is a source for determining when and why a Homeowner is in violation. It reads in part: Each Owner shall be

responsible for the maintenance, repair and replacement of his Lot and all improvements thereto, including the landscaping and lawn thereof, The article further states that all be maintained in good condition and repair, and in an attractive condition..... The article goes on to say maintenance by the owner shall further include painting, repair, replacement and care of roofs, gutters, downspouts..... Refer to the Covenants for the complete article.

So, the Homeowner who does not maintain their home and/or landscaping per the By-Laws, Covenants and ARC Guidelines is in "violation" and subject to the process of being advised of a violation and is required to abate that violation in accordance with the PHOA documents.

The process of and steps that can take place as a result of a violation are covered next.

STEPS OF NOTIFICATION OF A VIOLATION AND TIMING

1. Once a violation is identified, a member or members will physically confirm that there is a violation and put in motion the process of sending the violating Homeowner a notice of violation. This notice will provide in enough detail the specific violation so that the Homeowner is able to take action to abate. This written warning would be considered the ***First Written Warning*** and the Homeowner would be given 20 days (Covenants 7.04 (b)) to either correct or submit a plan to correct including a completion date and is approved by the ARC. You can also refer to the process of appeal covered earlier in this document. This letter will include

the warning that "Failure to take proper action on this notification within the timeframe allowed will result in further action up to daily fines until the violation is abated."

2. If one of the remedies in 1. above has not been initiated within the 20 day allowance there will be an ARC inspection and review and a **Second Written Warning** will be mailed or hand delivered. This letter will give the Homeowner an additional 10 days to respond. This letter will carry the warning that "Failure to respond to this letter and to take the required action as noted in this letter within the 10 day window will result in further action and could result in the levying of daily fines for each day the violation remains unabated."

3. If the violation remains unabated after the first two (2) steps the ARC will review the case to determine and confirm that there is a violation and that it remains unabated. Depending on these findings the ARC will request that the violation be added to a Board meeting agenda. Although not required the ARC will attempt to advise the homeowner of the meeting.

4. The Architectural Review Committee will advise the PHOA Board of the unabated violation and the Board will review the ARC determination of a violation and on confirmation will proceed to the Final Warning stage.

A **Final Warning** to the Homeowner to include a fine (By-Laws 6.02) which in part says: The Board of Directors shall enforce by legal means, provision of the PHOA documents..... In the event that the Board determines that any lot owner is in violation.....shall notify the lot owner of the nature of the violation. If said violation is not cured.....the Board may levy

a fine of a sum not exceeding \$25.00 per offense.....Each day during which the violation continues shall be deemed a separate offense.

It is at this point in the guidelines the violations and procedures are passed to the PHOA Board.

It is the intent that these guidelines provide a complete circle of what happens as long as a violation remains unabated.

It is also the intent that any State of Florida statutes would take precedence over our PHOA docs.

It should be further noted by the Owner in violation that "Such fines shall be assessed as a special assessment against the lot owner and shall constitute a lien upon the lot and may be foreclosed by the Association in the same manner as any other lien....."(By-Laws 6.02)

FINAL WARNING AND FINING PROCEDURE (AT BOARD LEVEL)

This procedure is in compliance with the Florida State Statute 720 Homeowners Associations with particular attention to 720.305 and 720.3035. You can access the complete statute at http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0720/0720.html or use your favorite search engine. It is also supported within the PHOA docs.

1. After the ARC has presented the unabated violation to the PHOA Board it will collect as much information as is needed to make a decision on whether or not to proceed to the final warning stage. This will include if a fine will be levied and the amount of the fine for each day of a continuing violation.

2. When a decision to fine and an amount is decided on, a fine may not be imposed without at least 14 days notice to the person sought to be fined and an opportunity for a hearing before a committee (Fines Committee) Statute 720.305 (2) (b)

A. The Fines Committee was established by the PHOA Board in 2015.

a. This is a committee of at least 3 members appointed by the board who are not officers, directors, or the spouse, parent, child, brother, or sister of an officer or director.

b. The role of the committee is limited to determining whether to confirm or reject the fine levied by the board. This is determined by a majority vote of the Fine Committee.

c. If the Fine Committee, by majority vote, does not approve a proposed fine, it may not be imposed.

3. If the Fine Committee confirms the fine levied by the Board, the Board must provide written notice of such fine by mail or hand delivery to the property owner.

HOMEOWNER'S RIGHT OF APPEAL

Any Homeowner aggrieved by the decision of the Association under this Section may, after receipt of notice announcing the intention of the Association.....can appeal same to the Architectural Review Committee, whose decision shall be final. Covenants 7.04 (c)

This is interpreted to be the same for Requests that have be wholly or partially denied as well as notices of violation.

It has also been a practice, without precedence, of the PHOA Board to consider hearing Homeowners arguments for requests that have been denied by ARC. It is, however, the ARC's duty to make the final decision.

SUMMARY OF VIOLATION NOTIFICATION AND WARNINGS

1. The homeowner is advised of a violation by the Architectural Review Committee and given 30 days to comply. This is the first written warning.
2. If at the end of 30 days the violation is not abated a second written warning is issued advising of attention needed to remedy the violation and given 10 days to do so.
3. If at the end of the 10 day period the violation remains the ARC will request that this be put on the agenda of the next PHOA Board Meeting.
4. At the meeting the ARC will present the violation to the Board with a recommendation that additional action is required by the Board that would include a fine.
5. The Board reviews that information and considers if a fine and how much is in order.
6. If the Board determines the action of a further warning including a fine is appropriate they will notify the Fines Committee.

7. The Fines Committee will schedule a meeting to review. This will take place not sooner than 14 days after they have advised the property owner of the meeting.
8. The meeting will be held, with or without the property owner, and a determination by majority to either confirm or reject the fine will be made by the Fine Committee.
9. The Fine Committee will advise the PHOA Board of their decision. If the decision is to reject the fine the matter is dropped. If the fine is confirmed the PHOA will proceed with the notification and fining process.

LIMITATION OF RESPONSIBILITY (DISCLAIMER)

The ARC and the PHOA assume no responsibility for the compliance of the drawings with any applicable building code, any restrictions of the property deed, any easements on the property, or with any other laws, ordinances, codes or regulations having jurisdiction over the construction. No ARC approval shall be construed as an approval of soil bearing capacity or structural integrity of the proposed construction. All permits are the responsibility of the contractor or owner requesting the review. The approval granted by the ARC is solely for agreement with the standards set forth in this document and for insuring that all construction undertaken in the development is visually compatible with the existing residences and conforms to the general appearance of the area defined by the Peridia Homeowner's Association.

REQUEST for REVIEW
of
CHANGES for EXISTING PROPERTIES

PERIDIA HOMEOWNERS ASSOCIATION
UNITS ONE, THREE AND WEDGE COURT

Homeowner to fill out this side of form

Date: _____

Contractors Name: _____

Owners Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Florida License No.: _____

Change(s) Requested

Please include all back-up documentation, drawings, samples, colors etc with this request.

- New Roof Exterior Painting Landscaping Awnings Deck Screen Enclosure Lanai
- Exterior Alteration Driveway Other

Please provide in enough detail what you are requesting:

PERIDIA HOMEOWNERS LIMITATION OF ASSOCIATION'S RESPONSIBILITY

The Architectural Review Committee (ARC) and Peridia Homeowners Association (PHA) assume no responsibility for the compliance of the drawing with and applicable building code, and restrictions of the property deed, and any easements on the property or any other laws, ordinances, codes or regulations having jurisdiction over the construction. No approval shall be construed as an approval of soil bearing capacity or structural integrity of the proposed construction. All permits are the responsibility of the contractor or the owner requesting the review. The approval granted by the PHA is solely from agreement with the standards set forth in this document, and for insuring that all construction undertaken in the development is visually compatible the existing residences, and conforms to the general appearance of the area defined by the Peridia Homeowners Association.

The undersigned acknowledges by his/her signature that he/she has read and understands the standards for New Construction, Remodeling, and additions to Residences as adopted May 15, 1991 in the Declaration of Covenants, Conditions and Restrictions for Peridia, Units 1, 3 and Wedge Court, and the conditions imposed by the Request for Review form, and agrees to comply to all rules, conditions and standards in the performance of his/her work within the jurisdiction of Peridia Homeowners Association.

PERIDIA HOMEOWNERS' ASSOCIATION

ARCHITECTURAL REVIEW COMMITTEE

REVIEW APPLICATION REPORT

The ARC Committee Fills Out This Side of Form

Date: _____

Review No. _____

Owner(s) Name _____

Phone No. _____

THE REFERENCED PROJECT HAS BEEN REVIEWED BY THE ARC AND THE FOLLOWING ACTION IS RECOMMENDED:

- FINAL APPROVAL
- APPROVED WITH CHANGES NOTED BELOW
- PARTIALLY APPROVED PENDING
- DENIED – SEE CAUSE

COMMENTS:

The ARC and the PHA assume no responsibility for the compliance of the drawings with any applicable building code, any restrictions of the property deed, any easements on the property, or with any other laws, ordinances, codes or regulations having jurisdiction over the construction. No approval shall be construed as an approval of soil bearing capacity or structural integrity of the proposed construction. All permits are the responsibility of the owner or contractor requesting this review. The approval granted by the PHA is solely for agreement with the STANDARDS set forth in this document and for insuring that all construction undertaken in the community is visually compatible with the existing residences, and **conforms to the general appearance of the area defined by the Peridia Homeowners' Association.**

ARC Members Signatures Date