

# MODIFICATION GUIDELINES

## COVINGTON PLACE HOA

### **1. APPLICABILITY OF MODIFICATION GUIDELINES**

Guidelines shall apply to any and all construction, improvement, or alteration of any structure. Grading, excavating, tree removal, landscaping or any other change to the grounds of a lot within Covington Place will also conform to the same standards. These are minimum allowable requirements and the Modification Committee (MC) may at their discretion impose additional criteria on any application.

Article VI, Section 6.1(b) of the Declaration of Maintenance and Land Use Provisions of Covington Place (the Documents), outlines the duties and authority of the MC. What follows is a copy of that section of the Documents.

(b) Modifications Committee. The Board of Directors may establish a Modifications Committee ("MC") to consist of at least three (3), but not more than nine (9), persons, all of whom shall be appointed by the Board of Directors. Members of the MC may include architects or similar professionals who are not Members of the Association. The MC, if established, shall have exclusive jurisdiction over modifications, additions, or alterations made on or to existing Units and open space, if any, appurtenant thereto. Until establishment of the MC, the NCC shall have jurisdiction over all improvements and modifications in accordance with this Section.

The MC shall promulgate detailed standards and procedures governing its areas of responsibility and practice ("Modification Guidelines"), consistent with those of the NCC. In the event of any conflict, the ruling of the NCC shall be controlling. The MC may delegate this authority to the appropriate Committee subsequently created so long as the MC has determined that such Committee has in force, review and enforcement practices, procedures, and appropriate standards substantially similar to the Modification Guidelines.

Plans and specifications showing the nature, kind, shape, color, size, materials, and location of such modifications, additions or alterations, shall be submitted to the MC for approval as to quality of workmanship and design and as to harmony of external design with existing structures, location in relation to surrounding structures, topography, and finish grade elevation. Nothing contained herein shall be construed to limit the right of an Owner to remodel the interior of his Unit, or to paint the interior of his Unit any color desired; provided, the modifications and alterations to the interior of screened porches, patios and similar portions of a Unit visible from outside the Unit shall be subject to approval hereunder. In the event that the MC fails to approve or to disapprove such plans or to request additional information reasonably required within forty-five (45) days after submission, the plans shall be deemed approved.

### **2. ARCHITECTURAL DESIGN**

All architectural designs must be "traditional" in style, emphasizing the use of authentic materials. Since no particular design is mandated each plan shall be considered on an individual basis. Specific emphasis will be placed on impact and harmony with surrounding homes and styles.

### **3. ACCESSORY STRUCTURES**

Dog houses or structures of similar kind or nature shall not be permitted on any part of a lot without approval of the MC. Dog houses and runs should be located so as not to be obtrusive. They should be painted to blend with their immediate surroundings or left to weather naturally. Landscaping will be required to soften the structures visually.

Clothes lines shall not be visible from any adjacent property.

Prefab chain link dog runs generally will not be approved unless screened by wood fencing or located in a heavily planted area and painted flat black.

Tool sheds are not permitted on any Lot.

### **4. DECKS**

Decks must be located at the rear of the house. The configuration, detail, and railing design of a deck should relate harmoniously with the architectural style of the house. Wood decks must be constructed with rot-resistant wood and in many cases, may be left to weather naturally. In some instances. The MC will require that the decks be stained to coordinate with the neighborhood design or to help integrate the deck with the house. If decks are stained. the color must relate to the colors of the house. A skirt board must be constructed and landscape planting should be provided to screen structural elements as well as soften the structure visually.

Decks have a significant impact on the appearance of a house and may also affect the privacy and right of enjoyment of adjacent residents. With this in mind the foregoing factors are carefully considered in the review of decks.

### **5. ELEVATIONS**

All elevation treatments shall follow the common architectural design of the residence as closely as possible. The elevation of each residence will be considered on a case by case basis to assure conformance to the surrounding residences. Elevation approval shall be given after the review of front, side, and rear elevations.

### **6. EXTERIOR LIGHTING**

All exterior lighting must be approved by the MC prior to any installation. Proposed exterior lighting shall be detailed on an electrical plan and/or landscape plan identifying wattage, and aiming angle. Exterior lighting, which in the opinion of the MC would create a nuisance to adjoining property owners will not be permitted. The lighting fixture design must be compatible with the architectural design of the house and be appropriately located. The lights must be directed downward, diffused, shielded, or of low wattage. All exterior lighting shall be buffered from surrounding residences and shall not be directed to any streets or roadways. Colored lighting is prohibited.

## **7. EXTERIOR MATERIALS AND COLOR**

Exterior colors and textures that, in the opinion of the MC would be inharmonious shall not be permitted. The color of the roof and roof detail, exterior walls, doors, trims, soffit and fascia must be harmonious, as these are integral to the exterior scheme of the residence. Bright colors, with the exception of white, as the dominant color of the residence are prohibited.

The MC shall have final approval of all exterior color plans. Each Owner must submit a color plan and a materials sample board, (including stucco, fascia, soffit, decking, pavers, roof tile, and any building highlights, etc.), to the MC prior to any modification.

## **8. GARBAGE AND TRASH CONTAINERS**

All garbage and trash containers shall be placed within the garage or an enclosed or landscaped area as approved by the MC. Sanitary, capped containers will be required.

## **9. GUTTERS AND DOWNSPOUTS**

Gutters and downspouts shall be painted to match the color of the surface to which they are attached. Storm water must flow in a direction conforming to the approved drainage plan, as originally submitted by the developer to Sarasota County, so as not to affect adjacent property.

## **10. MAILBOXES AND HOUSE NUMBERS**

No mailbox, newspaper box or other receptacle of any kind for use in the delivery of mail, newspapers, magazines or similar material shall be of a type other than that which is approved by the MC. The location of the mailbox must be approved by the Committee

House numbers must be legible, simply designed in an appropriate and of "professional" quality. They should be placed to be read left to right with Arabic numerals. The material and color shall be compatible with the architectural style residence to which they will be attached. No house numbers shall be affixed to the exterior of the residence without prior approval of the MC.

## **11. MECHANICAL EQUIPMENT, ANTENNAS AND SATELLITE DISHES**

All privately owned electrical, electronic and mechanical equipment, including air conditioning compressors and condensers, swimming pool equipment, transformers and and sprinkler controls shall be properly landscaped so that they shall not be visible from the street or adjacent property and shall be located within the buildable lot area. No window or wall air conditioning or heating units shall be permitted. Antennas and dishes of any type are not permitted except those permitted by Federal law.

## **12. SCREENED PORCHES, ENCLOSURES AND PATIOS**

If pool areas are to be enclosed, screened cages are encouraged. The screened cage must not exceed a height above the ridgeline of the roof. No screening of the pool area may exceed a line extended and aligned with the side walls of the dwelling, unless approved by the MC. Pool screening shall not be visible from the street in front of the dwelling. All screen framing, doors, door frames, and structural members of enclosures shall be anodized or electrostatically painted a color in harmony with the exterior color and texture of the residence. Green colored screens are prohibited.

Patios must be located within a fully enclosed area, or at the rear of the building. Front and side yard locations will be allowed on an individual basis. Patios must be constructed with natural colored concrete, slate, flagstone, brick or wood, "cool deck", river gravel, poly pebble, or stamped concrete.

### **13. SIGNS AND FLAG POLES**

All signs, billboards, and advertising structures are prohibited on any lot except with the approval of the MC. The MC shall determine size, color, content and location of any sign. No sign shall be nailed or attached to a tree.

A flag pole for display of the American Flag only shall be permitted subject to MC approval of placement and design. No flag pole shall be used as an antenna.

### **14. SKYLIGHTS AND SOLAR COLLECTORS**

Skylights should have a low profile, preferably flat or slightly curved. They should be installed parallel with the roof ridge and edges. The skylight frame should be painted to match the color of the roof .

Solar collectors on pitched roofs must lie flat on the roof and be placed so that the edges are parallel with, and perpendicular to, the roof ridge and edges. No part of the installation may be visible above the ridge line. Support brackets, collector frames, and - exposed pipes should be painted the same as the roof color. Any pipes, wires and control devices should be concealed. Collectors located on the ground must be harmoniously integrated with the building or the topography. Effort shall be made to conceal collectors from any street or from any other residential property.

### **15. SWIMMING POOLS, SPAS/HOT TUBS, TENNIS COURTS AND PLAY EQUIPMENT**

Swimming pool design and construction details must be submitted for review and approval by the MC. Details pertaining to privacy or visual separation must be included in the submittal. All swimming pools must be in ground. Raised decks, spa areas, etc. shall not project more than two (2) feet above the finished grade. Pools shall not be permitted on the street side of the residence, nor shall any portion of a pool, decking or enclosure be permitted to extend outside the building set-back lines.

Mechanical equipment should be concealed and located so as not to have an adverse effect on the use of adjacent property.

Spas/hot tubs shall be located in the rear yard away from adjacent property so that their use, presence, and noise of the mechanical equipment do not adversely affect the use of the adjacent property. They should be an integral part of a deck, patio, or landscaping. Mechanical equipment, pipes, and wiring must be concealed. Spas/hot tubs must be - screened from adjacent property and all the understructure of spas/hot tubs set into above ground decks must be screened.

Tennis courts will not be permitted.

Play equipment, if approved by the MC, shall be placed in the rear half of the lot. Consideration will be given to lot size, equipment size, material, design, amount of visual screening and relationship to neighboring property. Equipment constructed from natural materials and left to weather naturally is recommended.

Tree houses are not permitted because of their visibility from neighboring property.

Playhouses, if approved, must be placed in rear yards within the setback lines of the lot and must be in scale with the size of the existing buildings. Generally, the playhouse must be constructed of natural materials and left to weather naturally or painted with the colors of the residence. Playhouses should be screened by natural vegetation or additional landscaping. Any and all play equipment must be approved by the MC prior to construction and installation.

## **16. FENCING**

Article IV Section 4.1(x) of the Documents govern with regard to the installation of fences. What follows is a copy of that section of the Documents.

(x) Walls and Fences. Except as otherwise permitted by the NCC or MC (as such terms are herein defined) the following provisions shall apply to all walls and fencing on the Property. All walls and fencing must be approved in accordance with Article VI and must conform to the parameters as follows:

Within the side building set-back lines, the location of all fences and walls must be approved by the NCC prior to installation. Decorative entry walls, entry gates, courtyard walls, and privacy walls surrounding and abutting pool decks are considered structures appurtenant to the residence and may be allowed within the building set-back.

Any and all wall and fences shall not exceed the height of six (6) feet exclusive of pillars or ornaments.

On ponds or lakes, fences shall not exceed a height of four feet, with adjacent side fences gradually rising to a permitted height of six feet at the rear line of the dwelling structure.

Additional guidelines that will be considered by the MC are as follows:

No fencing will be permitted forward of the front of the building.

Gates must match the fencing in design, height, and color.

Chain link fencing may be permitted, but only if it is completely and immediately screened so that it is not visible from the street. If it is to be visible from the side(s), it may be installed only if the neighbor(s) to whom it is to be visible consent(s) , in writing, to its installation.

Screening of chain link fencing may be by the use of a wood fence in front of the chain link, with appropriate plantings, or by heavy plantings that hides the fence immediately upon completion.

Fencing finished on only one side must be constructed with the finished side facing out. The top of all fences must be maintained level except as required by the Documents. If the ground slopes the fences must be stepped. If there is a horizontal trim piece at the bottom of the fence, it too must be maintained level. Vertical members must be plumb, and generally, the tops of the posts and boards must be in line. Wherever possible, fences should be located so that trees do not have to be removed.

Decorative entry walls, entry gates, courtyard walls, and privacy walls surrounding and abutting pool decks are considered structures appurtenant to the residence and may be allowed within the building setback. All walls may not exceed an average height of four (4) feet exclusive of pillars or ornaments and shall in no instance exceed six (6) feet in height measured from the first floor finished floor elevation. The walls shall be designed and constructed of material identical or compatible with the materials, colors, finishes, textures, and architectural style of the principal structure and shall be approved by the MC prior to construction.

Walls and fencing can be an intrusion on the character of Covington Place and may have both a visual and physical impact on adjoining property. Careful consideration must be given to walls and fencing concept and execution. Therefore, the location of all fences and walls must be approved by the MC prior installation.

Landscaping must be provided along the outside of all walls and fences that occur within the buildable setback line to soften the visual impact of the wall and/or fence.

All electrical and mechanical equipment and other utilitarian devices must be fenced, walled or screened. They may not extend into setback unless approved by the MC

#### **17. WINDOWS, DOORS, AWNINGS, AND SHUTTERS**

Unfinished aluminum, bright finished or bright plated metal on exterior doors, windows, frames, screens, louvers, exterior trim or structural members shall not be permitted. Metal frames shall be either anodized or electrostatically painted, and must be harmonious with the exterior color and texture of the residence. Wood frames must be painted, sealed or stained.

Screen doors should not detract from, or alter the appearance of the entryway. The screen door should be painted to match the color of the door it fronts, or, in some situations, painted to match the color of substantial door trim. Screens are prohibited on the front entry doors.

The use of reflective tinting or mirror finishes on windows is prohibited. Jalousie windows and doors shall not be permitted.

Awnings, canopies, and shutters shall not be permitted or affixed to the exterior of the residence without prior approval of the MC. Awnings must have a straightforward design and be consistent with the architectural style and scale of the residence to which they will be attached. The color of the fabric must be compatible with the existing building colors, and any exposed frames must be painted to match the trim or the dominant color of the building. If the awning is removed, any and all exposed frames supporting the awning must be removed as well. Metal, vinyl or other plastic fabric shade material will not be permitted. Shutters that are functional and operational will be allowed on a case by case basis. Shutters should be properly proportioned and sized to match the windows or doors and shall be installed in pairs. The color should be coordinated with that of the house. MC approval will depend upon whether the style of the house is appropriate for shutters.

## 18. NOTIFICATION

Modifications can have major impact on the surrounding area. To ensure that there are no "surprises", those houses on either side of the house being modified are to be notified of the proposed modification. The "notice" is to be set certified mail, return receipt, and the return receipts are to accompany the request for modification. A suggested form letter is as follows:

Dear Neighbor:

This is to advise you that I am planning to apply to the Covington Place Modifications Committee for approval to make the modifications in the attached application.

You have the right to comment by mail, with regard to this application, directly to the Modifications Committee or to appear at the Modification Committee meeting.

Very truly yours,

As an alternative to sending certified letters, the applicant may choose to have his neighbor sign and date a duplicate copy of the letter. The duplicate letters with the appropriate signatures are to accompany the request for modification.

Either certified receipts, duplicate signed letters, or a combination of both is acceptable.

Depending on the impact of the application on the surrounding area, the MC may require that additional homeowners be notified before the MC considers the application. The MC will consider comments from all sources but are not bound by them.

## 19. INSPECTIONS AND BONDING

All projects approved by the Modifications Committee shall be inspected prior to the start of the project and upon the completion of the project, by a member of the Modifications Committee. If possible, photos shall be taken to document the "before" condition especially with regard to common areas (sidewalks, streets, and gutters). The homeowner is responsible to restore any damage to common areas to the "before" condition. The Modifications Committee shall have the option to impose a cash bond of up to \$1000 as insurance that any damages will be rectified. Said bond shall be returned upon the satisfactory completion of the project including cleanup. Any dispute regarding the return of the bond shall be determined based on the Dispute Resolution procedure in place for Covington Place. Based on the determination of the Dispute Resolution procedure the Association may use all or part of the bond to rectify the deficiency and may charge the homeowner for any amount in excess of the bond. Failure to pay the excess will become a lien on the property.

## 20. BASKETBALL HOOPS

In an effort to create a degree of uniformity regarding the installation of basketball hoops the following guidelines are to be utilized:

1. Installation of all basketball hoops will require MC approval.
2. There are a few houses where the driveway is not configured in accordance with the diagram below and those applications will be reviewed based on the individual configuration of the driveway.
3. Basketball hoops may be portable or may be permanently installed. Portable basketball hoops may be permanently left in the approved location.
4. The only acceptable location for a "stored" basketball hoop is one that is completely out of sight .
5. There will be no basketball playing in the street.

