

**ASSOCIATION
A DEED RESTRICTED COMMUNITY**

9904 Sheltering Spruce Street

Englewood Florida

Architectural Guidelines and Regulations

Prepared by the Architectural Review Committee

**Approved at the Board of Directors Meeting,
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Article 1. Architectural Review Committee Mission Statement

The charge to the Architectural Review Committee is to ensure the overall value of the community by preserving its architectural integrity, harmonious design, and aesthetic principles through careful consideration of the ‘Community-Wide Standards’ as set forth in the Declaration of Covenants, Conditions and Restrictions.

Article 2. Rule Making Authority

The authorization for the establishment of the Architectural Review Committee and the vested powers given to it are set forth under FL 720.3035, Declaration Article IV, Architectural Control in the Covenants of Keyway Place

Furthermore, it states: “No structure or thing shall be placed, erected or installed upon any Lot, and no improvements or other work (including, without limitation, staking, clearing, excavation, grading, and other site work, exterior alterations or additions, or planting or removal of landscaping) shall take place within the Community, except in compliance with this Article and the Architectural Guidelines.” Consequently, for any changes, an Architectural Review Committee Submittal Form must be submitted to and approved in writing by the ARC.

Any owner may remodel, paint, or redecorate the interior of any structure on his or her Lot without approval of the ARC. Synonyms for the word “Modification”: (the making of a limited change in something, [alteration](#), [change](#), [difference](#), [redoing](#), [refashioning](#), [remaking](#), [remodeling](#), [revamping](#), [review](#), [revise](#), [revision](#), [reworking](#), [variation](#))

In order to better understand the rules and guidelines, the ARC and the BOD created the Architectural Guidelines and Regulations approved by the BOD. These guidelines and regulations are to provide assistance to owners who wish to perform landscaping and architectural changes which are visible from the outside.

Article 3. Composition of the Architectural Review Committee

The Architectural Review Committee (hereinafter referred to as the ARC) shall consist of five members who are appointed by the Board of Directors. The ARC members shall serve up to Two(2) - Two-year terms and may be removed and replaced at the discretion of the Board of Directors.

Article 4. Procedures for Submitting a Form

Owners requesting landscape and/or exterior architectural changes shall use an Architectural Review Committee Submittal Form. This form is available from the management company of Keyway Place HOA. All applications must be submitted through the KWP Management Company.

IF RELEVANT TO THE ARC REQUEST, A Submittal Form must include on a minimum 8 1/2'' by 11'' sheet of paper either carefully printed or typed detailed description of the proposed change, addition, or installation. Furthermore, requests must be accompanied by a copy of an owner's Plot & Site Plan* (Survey) and, if possible, a photo showing the exact location of the project. Plans and specifications shall show, as applicable but not limited to, dimensions, structural design, exterior elevations, exterior materials and colors, landscaping, drainage, exterior lighting, irrigations, and other features of proposed construction or other activity as the ARC deems relevant.

** Note: Each owner received an 8 1/2 x 14 Plot & Site Plan as part of the closing documentation. A scale drawing may be substituted for the Plot & Site Plan in the event an owner cannot locate the original document.*

Owners who plan changes that require the approval of Sarasota County (or any other governmental agency) must have approval of the ARC prior to seeking governmental permits from the appropriate agency. County permits are acquired from the Permitting Section of the Sarasota County Planning Department. If the County permitting process requires changes from what was originally approved by the ARC, then the Owner shall seek ARC "re-approval".

All Submittal Forms must be signed and dated in order to be considered or they will be denied.

Two copies of All Submittal Forms are required for major changes and must be received by the ARC not later than seven (7) days prior to the scheduled ARC meeting to allow ARC members to review the Submittal and to visit the site, if necessary, prior to meeting deliberations. Submittal Forms received less than seven (7) days prior to the ARC meeting will be "held" for review and consideration at the next scheduled ARC meeting. The ARC shall promptly notify the owner of a "held" Submittal Form through the management company.

Article 5. Architectural Review Committee Meetings

As a general rule, the ARC meets at the pool to discuss applications as needed based on submitted requests. Meetings to vote on final decisions will be published at the mailbox and pool bulletin boards and sent by email at least 48 hours prior. Applicants expecting a decision must check the scheduled meeting day and time if they want to be present.

Public comments are invited at the beginning of the meeting and are limited to allow time for final evaluation of Applications. Speakers will be allowed up to three (3) minutes and must sign up and indicate their topic before the meeting.

When considering a Submittal Form, the ARC deliberations will be guided by:

- State and County laws;
- The Declaration of Covenants, Conditions and Restrictions for Keyway Places;
- Articles of Incorporation;
- The By-Laws;
- Initial Restrictions and Rules
- The Architectural Guidelines and Regulations

Should any case arise where these guidelines conflict with any applicable law, rule, or code by any enforcing agency having jurisdiction, the law, rule, or code shall prevail in that order over these guidelines.

Article 6. Air Conditioners, Awnings, Jalousies, Slatted Windows, Tubular Skylights

- Air conditioners - mounted in windows or in walls of homes in Keyway Place are NOT permitted, EXCEPT in emergency usage a window unit may be installed.
- Outdoor awnings outside the lanai, jalousies, and slatted windows - are NOT permitted.
- **Solar Collectors (Skylights) and vent requirements are described in Declaration Section 3.12.1.9**

Article 7. BARBEQUE Grills

Barbeque equipment and other related equipment (e.g. smokers, etc.) shall be kept in the lanai, or at an appropriate place at the rear or rear side of the dwelling, covered, and screened from street view by enclosing shrubbery. Small concrete slabs or stones, of the appropriate size for the footprint of the barbeque equipment, are permitted beneath the equipment.

Article 8. Exterior Decorative Objects

All exterior decorative objects, whether natural or man-made, require an approved Request for Architectural Approval Submittal Form prior to installation. Approval will be based on the following:

1. The ARC will evaluate all additional proposed exterior decorative objects solely in terms of design, execution and general esthetic appropriateness in order to make sure they harmonize with the Community Wide Standard and fit to the general look of neighbored properties.
2. The ARC, in evaluation of suitability, will consider the following criteria: location, color, design, intrusiveness, materials, relationship to the environment, safety, significance, size, scale, quantity and taste, as well as those items where by their nature are considered vulgar and obscene.
3. Garden statues and similar decorative items are not to exceed 4 feet in height and 2 feet in length. Garden flags should not be larger than 12.5" by 18".
4. Planted pots should not exceed 7 gallons in volume.
5. An artificial area of water, or a structure with water flowing through it, built into the ground, which is intended to enhance the landscape shall be small in scale and not exceed 15 inches in height and utilize a re-circulating water system from a concealed water storage tank. No koi ponds are allowed. Direct plumbing connections are not permitted. Installation in the owner's front landscape area providing that none of the original landscaping is displaced. This feature must be maintained by the home owner, and must be treated to remain clean, algae free, rodent free, and discourage a haven for mosquitos.
6. A self- contained stand-alone water feature (ie: water fall), designed to run independently with no water source, intended to enhance exterior area's making more interesting and attractive through their sound, design, and appearance shall be allowed provided they do not to exceed 50" tall, 30" deep, and 36" wide. This feature must be maintained by the home owner, and must be treated to remain clean, algae free, rodent free, and discourage a haven for mosquitos. It may NOT approach onto the sidewalk. It must be installed to the manufacturer's specifications and directions.
7. **Wall Art.....**

Keyway Place HOA will not be liable for any damage to decorative or other items by its vendors or employees. Owners and residents fully understand that they are placing those items at their own risk and will not be reimbursed if they are damaged for any reason.

Article 9. Front Entryway, Screen Doors, and Garage Enclosures

Front entryways and doors may be enclosed with screens and screen doors. The following conditions must be met:

1. Structural framing material must be brown or white aluminum consistent with the original building design.
2. Screen material must be black/charcoal in color consistent with the original building design.
3. An elevation of the enclosure screen door design must be included as part of the submittal.
4. If a building permit is required, fabrication must be installed by a qualified and licensed applicator whose business name and address are included in the application.

Garage Screens shall be limited to those with vertical open and close features to preserve architectural uniformity throughout the community. Horizontal screens are prohibited.

1. Screen fabric and frame must match the garage door and frame colors as closely as possible.
2. If a building permit is required, fabrication must be installed by a qualified and licensed applicator whose business name and address are included in the application.

Article 10. Rain Gutter Regulations

Homeowners must prepare a Request for Architectural Approval Submittal Form for an original installation or additions to existing rain gutters.

1. Gutters, downspouts, and splashguards are constructed of aluminum. Gutters shall be seamless 5" or 6" material. Downspouts should be placed on grass in such way that will not interfere with the mowing procedure of the property.

Article 11. Hurricane Protection of Windows and Lanais

Florida has set standards for storm protection products, but some manufacturers don't undergo the specific testing to see if their systems measure up. Contractors installing hurricane shutters on homes must obtain a County Permit and must use products meeting state building codes. Owners also are **required** to obtain a County building permit **and submit it to the ARC prior to** installing approved products themselves

The ARC Architectural Guidelines and Regulations are predicated on the State laws that deal with the application of hurricane protection materials and approves applications of hurricane protections that meet or exceed the "Miami-Dade Specifications.

Permanent installation of shutters, clear plastic panels, bars, or other similar materials for security or hurricane protection purposes are not permitted.

Accepted Methods of Hurricane Protection

Applications for bolted panels, accordion shutters, rollup shutters, and fabric protections, meeting Miami-Dade specifications and harmonious with the designed appearance of the house, are permitted by the ARC.

Unacceptable Methods of Hurricane Prevention

1. Bermuda shutters and colonial shutters are hinged shutter protections, mounted at the sides or above windows. The ARC does not permit Bermuda or colonial shutters in view of their lack of conformity with the architectural design of KWP homes.

2. Film that is applied to windowpanes is marketed as a hurricane protection although it is not generally viewed as a protection from general hurricane damage (blow out). The film effectively prevents the formation of flying shards when windows are broken by wind or blown objects. **Extremely reflective silver films which have an exterior reflectivity of 58% or greater and are commonly referred to as “mirror” films are not permitted.**

Article 12. Landscaping, in General

The objective of the landscaping guideline is the maintenance of an orderly and a harmonious community. Therefore, absent ARC approval, changes by owners to the design of front yard landscaping as originally installed or as previously approved by the ARC are not permitted. Keyway Place complies with Sarasota County regulations governing the preservation of the original canopy trees planted by the Developer and specified the Exhibit I to the Declaration. Therefore, owners may not remove, replace, or relocate “street” or “canopy” trees, such as Live Oak trees, without ARC approval This is a Sarasota County law with penalties attendant on violations. In order to approve such work, a request must be in line with Sarasota County guidelines. See Article 14 below for more information on County regulated canopy trees.

Homeowners may plant additional trees, bushes, etc. on the side and back of their homes only. They must submit a Request for Architectural Approval Submittal Form before proceeding with any changes or additions. The Submittal should indicate the name, the number and the location of the plantings on a copy of the Plot & Site Plan. In fulfilling this responsibility, the ARC retains the right to deny certain plantings because they are inappropriate, unsightly, invasive, or create undesirable environmental conditions. For example, Banyan trees, ficus trees (rubber plants), fruit bearing trees and plants, and vegetables are not permitted outside of lanais.

Planting beds are defined as owner-created plots where original turf is removed and a place for planting is established. Owners are permitted latitude in

designing new planting beds. General guidelines with ARC approval include the following:

1. Absent ARC approval, changes by owners to the design of front yard landscaping as originally installed or as previously approved by the ARC are not permitted.
2. Owners are not permitted to connect to or modify the existing irrigation system by themselves. Only a licensed contractor, with ARC approval may do so.
3. Only Saint Augustine and Bahia type of grass is permitted in community lawns.
4. Mulch in front yard planting beds shall not differ from Association's chosen color without ARC approval. Any ARC approved alternate mulch choice requires the owner to purchase and maintain the alternate mulch to the Keyway standards.
5. The HOA is only responsible for general maintenance of the plantings in the front of each residence and the viburnum on the sides and around AC units, which includes trimming, disease prevention, removal of dead plants, weeds, etc.
6. Trees and planting beds should be of reasonable size and scaled in relation to the site. They must respect the rights of neighboring properties, community easements, and the needs of efficient mowing. Maximum height of selected trees shall not exceed the expected full growth height of surrounding trees.
7. No artificial plants are permitted in front yards

* See "Article 14, Canopy Trees" and "Article. 15. Vines Guidelines" for *further information*.

Article 14. Canopy Trees

Under the Sarasota County Code Canopy Trees are required in Sarasota County subdivisions and are subject the County regulation. The original canopy trees in KWP are Live Oaks. In many cases the County has agreed Live Oaks were much too large for the lots they were planted in. Many of these oaks could be removed and replaced by the Sarasota approved list of canopy trees.

Submittal Forms for any tree planting must be accompanied by a Plot & Site Plan indicating location. A tree description must be included and should

indicate the kind and size of the mature tree which initially can't be less than 30 gallons.

See Appendix B for list of approved canopy trees

Article 15. Vines Guidelines

Spreading Vines that adhere to walls and creep without control are NOT permitted.

Hanging basket vines (ivies, etc.) may grow down from small pots (12" or less in width) that are secured to walls along entranceways at a height of approximately five (5) feet.

1. Trellises with vines are permitted at the home entrance on the approach sidewalls, and along the side or rear walls of the home.
2. Trellises in high winds can be a threat to persons and property. Therefore, trellises require safe and secure anchoring and mounting that prevents them from being blown about. The permitted anchoring is to secure the trellises in the earth and to securely mount them to a wall with brackets that maintain the trellis a minimum distance of three inches from the wall. The trellis must be removed from the wall for painting.
 1. The height of trellises is limited to six (6) feet. The number of vines and trellises is limited to one per wall.
 2. Owners are responsible for well-trimmed pruning of vines and maintenance of trellises so they continually present an attractive presence to the community.
 3. Arch-structures that permit walking through are not permitted.
 4. A completed Submittal Form must also include the common and scientific names of all vines for which approval is requested. Some of the commonly approved and denied vines are listed below. This is not a complete listing but is included only as a guideline.

See Appendix C for list of approved and not approved vines

Article 16. Lanais, Lanai Extensions and Enclosures

Lanais and Lanai Extensions

Most homes in Keyway Place come with lanais built on the foundation slab and under the home roof and are enclosed by an aluminum structure that supports the screen material.

Owners wishing to extend their lanais are required to obtain ARC preliminary approval first and then necessary County permitting. (See Article 4 above). Then, owners are required to submit the County permit with all appropriate documents (i.e. contractor's construction plan, a copy of the Plot & Site Plan, a specification of the materials, and the contractor's name and address) for final ARC approval.

Since Lanai enclosures interior walls are generally "visible from the outside of the structure" and thus subject to approval under Article 5 of the Declaration the interior walls of enclosed lanais should be either white or the same color as the exterior walls of the unit.

Turning one's lanai into a storage space is prohibited.

Enclosures

Only that part of the lanai under the roof structure may be enclosed.

The ARC only permits the use of glass, acrylic, composite, or polycarbonate materials for purposes of enclosing the lanai. A sliding or outward swinging hinged door of identical material is required in order to maintain a second means of egress. Maintenance of these panel materials is the responsibility of the owner.

Enclosure of the front entryway with glass, acrylic, or polycarbonate material is not permitted.

Article 17. Exterior Lighting

House Lighting

Visible light fixtures that are part of the original house exterior may not be altered. Replacement of existing lighting must be in the style and scale of the original lighting fixtures. Submittals for replacement must include the fixture location, number, style, fixture color and lamp color (clear or white) and wattage. Due to the strong winds that are experienced in Florida, fixtures suspended from chains or other devices that can blow about are only allowed as follows; A single hanging light fixture may be installed at the front entryway of any home with the height set to avoid conflict with the front door swing. In

addition, the chain length shall be limited to ensure that the arc of swing is clear of the door, transom glazing, side walls and, if installed, entry screening.

Wall wash lighting of exterior walls is prohibited.

Landscape Lighting

Lighting that improves footing, navigation or security (path lighting) may be approved, but with condition. Recommended path light fixtures include low voltage, ground-mounted styles that may be wholly or partially concealed by plantings. Electric bulbs used in path fixtures located in front and at the side of the house must be either clear or white. Colored bulbs are not allowed. All wires must be installed at least one-foot underground

Lighting that illuminates plants in planting beds, for example, low lights on palm trees, is permitted when aimed away from the view of neighbors or passersby.

Lighting that illuminates either neighboring common areas or neighboring property is not permitted.

Proposed lighting shall not be approved if it has an adverse visual impact on any other property, due to location, color or wattage.

Temporary lightings or industrial lightings that are not solely landscape lightings designed for this specific purpose are not allowed.

Because the effects of proposed lighting may be difficult to assess prior to installation, the ARC reserves the right to require correction of lighting after installation that is found to cause an adverse impact or raise a safety concern.

Article 18. Maintenance of Property

Owners are responsible for general maintenance of their lots. This responsibility includes, but is not limited to, keeping buildings and structures in good condition and repair, removing all debris, pet excrement, and unsightly materials from the grounds.

The Keyway Place HOA contracts with a landscaping maintenance company for the care of all lawns and plantings in the areas of initially installed landscaping, as shown on each lot's recorded site plan. Owners are responsible for year-round maintenance of all added plantings in the side or back (trees, shrubs, and planted beds of flowers or grasses). This includes watering, weeding, pruning, fertilizing, mulching, disease prevention, treatment of diseased plantings, and removal of dead plants.

Article 19. Painting

Individual owners in Keyway Place may paint their home after receiving an approved ARC Submittal Form. They will be required to comply with the Painting Specification as stated for all residences. Homes may be painted their original color or to one of the selections of the color pallet. Each pallet must be considered inclusive as trim colors from the pallet must be used with only that base home color. If a homeowner wants to deviate from any trim/door colors on any pallet, they may request a “variance” from the ARC to modify a shade for trim or request a different door color. These maybe considered by the ARC committee provided that they are in compliance with Article 4.3, which states: **“In passing upon plans and specifications, the ARC may take into consideration such factors as it deems appropriate, including, without limitation, the suitability and desirability of the proposed construction and of the materials of which the same are purposed to be built, the Lot upon which they are proposed to be installed, the quality of the proposed workmanship and materials, the harmony of external design with the surrounding Community, and the effect and appearance of such construction as viewed from neighboring Lots and Common Properties”**. See Appendix A for color pallet

Article 20. Pavers, Tile, Curbing and Front Doors

Pavers/Tiles:

Pavers or Tiles are permitted from the front entrance to the driveway. The original sidewalk may be removed and pavers or simulated concrete pavers may be installed. Tiles that are NOT skid and slip resistance are not permitted for safety concerns. A small paving area may be installed at the rear of the lanai to accommodate an outward swinging door. Lanai doorway pads may not project more than six inches beyond the width of the door swing or exceed 36 inches in total. Width of the pad is subject to ARC approval.

Pavers or cast-in-place concrete around the exterior perimeter of the lanai is permitted when equal to or less than 36 inches in width. Color of the thresholds to match the roof or painted to match the lanai. See Appendix A for color pallet.

Changes to the walkways or driveways are not allowed without ARC approval, except for regular maintenance such as grinding or replacement of broken concrete. All driveways and walkways must be repaired and maintained by the owner.

Front door “glass” inserts:

Replacement of the front door with a glass insert door will be approved as long as the door color will remain the same. ARC approval is required prior of making such change.

Article 21. Pools and Spas

Pools and Spas are allowed.

Only in-ground swimming pools are approved. Pools must be located in the rear of the property and be enclosed by a pool cage or lanai extension. A County permit is required for all pool installations. Submittals for pools must include a copy of the Plot & Site Plan showing the placement of the pool, the plumbing, and the lanai specifications. The Submittal Form must show the location of the outside pool equipment and how it will be screened from view by landscaping.

The pool cage (lanai) framing must be constructed of brown or white aluminum with black or charcoal screening material consistent with the house and area standards and shall not extend beyond the width of the rear of the dwelling or into any easement areas. ARC written design approval is required prior to starting any pool work.

Article 22. Generators for Home Power

Power generators must be maintained for safety and prevention of excess noise. If gasoline is used to power them, attention must be given to safe fuel storage in an approved container. Please refer to Fire Department and County Regulations.

Portable Generators:

Portable generators purchased to maintain power for lighting and refrigeration are permitted during emergencies only. Operation of a portable generator must be completely outside of the building envelope.

Generators may be kept in use until community power is restored.

Homeowners should note that portable generators that rely on an extension cord connection to an appliance must pass through a doorway or window, which compromises the home security. Any electrical panel modified to accept a direct portable generator plug-in must be done per Sarasota County permit by a licensed electrician.

Permanent Generators: **Are not allowed**

Article 23. Roofing

All owners must present a Submittal Form to the ARC for roof work before major non-emergency maintenance or replacement commences. Such submittals must describe the material, style, and color of the work and include the contractor's name and address.

County approval of roof replacement is required. If the County permitting process requires changes from what was originally approved by the ARC, then the owner shall seek ARC "re-approval". Roofing material, style, and color must match the original installation as nearly as possible. Refer to Appendix A color pallet

Article 24.

Reserved

Article 25. Solar Energy and Tankless Water Heaters

Solar Energy

Owners seeking to use solar energy devices are limited to roof placements and must receive an approved Submittal Form before installation.

The ARC will affirm locations for mounting solar energy devices on the roof within an orientation to the South or within 45 degrees east or west of due south provided that such determination does not impair the effective operation of the solar collectors. The ARC may impose requirements on shape, location, and extent of the solar panels that may nominally influence the system's operating efficiency or installation cost.

In general, the ARC prefers locations that minimize the visibility of the installation while accomplishing the objective of the owner

Article 26.

Reserved

Article 27. Bird Feeders and Bird Baths

Bird feeders are not prohibited in the Declaration, therefore the ARC must approve bird feeder applications if the following conditions are met, as determined solely by the ARC.

Some of our visiting bird species are protected under State, County and Federal regulations. These regulations do not permit feeding or molesting wild life. Doing so attracts nuisance and undesirable wild life species such as rats,

raccoons, etc. Feeding must be intended primarily for song birds (other than water fowl) is allowed with ARC approval. The sole purpose of the following restrictions is to ensure that none of our owners have to endure any aggravations caused by nuisance animals attracted to the bird feed.

The following conditions shall apply to all bird feeders for the ARC to approve them.

1. A maximum of two (2) feeders and one nectar feeder are allowed per residence
2. Bird Feeders must be squirrel proof and be designed to minimize bird feed from reaching the ground so as to not attract ground feeding animals
3. Feeders shall be placed a minimum of five (5) feet and a maximum of 8 feet above the ground and either hung in a tree on the owner's lot or mounted on a pole with a baffle in a mulched bed area on the owner's lot.
4. Placing bird seed on the ground or feeding other wildlife is not allowed.
5. Bird feeders must be maintained in a neat and orderly fashion, including but not limited to, periodic removal of excess or fallen seed and/or repairs necessary to lawn or bed area below the feeder. If maintenance does not occur owners will be required to remove the feeder.
6. Owners understand that the HOA may require temporary or permanent removal of feeders if it becomes a nuisance issue with other wildlife (Rats, bears etc.) No bird feeder shall be grandfathered to remain on a lot if the conditions listed in 1 through 5 are not complied with.

Bird Baths are allowed only with ARC approval.

Article 28. Garage Heat Control

Ventilation panels in the door, replacement of glass lights within the door panels, roof vents and installation of louvered exhaust ports in the garage wall are NOT allowed.

Air Conditioning Systems:

Portable AC Units - A portable AC unit may be installed within the garage interior provided it is directly connected to the exterior via a 4 or 5-inch wall mounted, rigid heat dissipation dryer vent along with a ½-inch PVC condensation drain pipe. Flex ducting is not allowed. The owner must submit a Request for Architectural Approval with requisite attachments detailing the location, vertically and horizontally, of each penetration. Penetrations must be fully concealed with landscape shrubbery.

Permanent AC Units – **ARE NOT ALLOWED**

Article 29. Garage “Coach” Lights

Any changes to the garage coach lights require ARC approval.

Article 30. Irrigation Modifications

Due to irrigation pump limitations, no resident is allowed to add additional sprinkler heads or misters without approval from the ARC

Article 31 Fences, Walls and Hedges

Fences, Walls and Hedges are only allowed with ARC approval.