

EAGLE CREEK COMMUNITY ASSOCIATION

Architectural Review Committee Handbook

All changes to the exterior of properties in the Estate Homes and Villas require prior approval from the ARC and compliance with the requirements of this Handbook. The community associations are encouraged to support the ARC and Handbook compliance.

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A. Introduction and Authority

1. Eagle Creek Community Association (ECCA) is a Florida Homeowners' Association and operates under Florida law and its own governing documents. These establish the breadth and restrictions of the ECCA's responsibilities and authority. This Handbook shall apply to members of the Estate Homes and Villas, and not to condominium owners.
2. As described in Article 8, Architectural Control, of the Master Covenants, the ECCA has the authority to establish and enforce standards for the external appearance of individually-owned "parcels", a term from the Florida Homeowners' Association Act that includes land, homes, buildings, structures and other "improvements" to land within the community. The ECCA has the authority to publish its standards and appoint an Architectural Review Committee (ARC) to administer and enforce them. This Handbook is a statement of the ECCA's current appearance standards and the process for securing approval of prospective exterior changes to parcels from the ARC, as well as the process for appealing ARC decisions.
3. Note that the ARC does not have authority over the units or common areas of the condominiums or the common areas of the ECCA, the Estate Homes and the Villa Homes Association. The common areas include streets, street lighting, sidewalks, preserves, entry columns and other areas within the HOAs that are not owned by any individual members. Authority over common areas rests with those entities.
4. This ARC Handbook and all revisions of it must be approved by the ECCA Board.
5. This ARC Handbook shall be posted on the ECCA website and be available to all community members.
6. Any provision of this Handbook that is contrary to Collier County Building Code or any requirements set by the State of Florida or the Federal Government shall be void and unenforceable.
7. Appendix A. is a further discussion of the statutory authority and reference to ECCA's Master Covenants on the authority of ECCA and the ARC. Appendix B. is a copy of the form for parcel owners to request permission to make changes to their properties. Appendix C. is a set of rules for independent contractors working on parcels within the communities and Appendix D. outlines the specifications upon which the entire community was approved by Collier County and must be maintained.

B. ARC Mission Statement

The mission of the ARC is to fairly and uniformly evaluate all requests from owners for changes to the exterior appearance of their parcels. In responding to these requests and applying the directives of this Handbook the ARC's paramount considerations are the preservation of the character of the community, maintaining the value of owners' properties and observing precedents.

C. General Requirements

The following proposed changes should be submitted to the ARC and initiated only following approval by ARC or, in the case of an appeal, the ECCA Board:

1. Changes or additions to the exterior of any parcel, including roofing, gutters, storm shutters, screen doors, security bars, lanai enclosures, exterior lighting or other exterior alterations.
2. Construction or modification of any building, garage, pool, decking, paving, fencing, retaining wall, patio, screened enclosure, exterior lighting, walkway or other structure.
3. Changes or additions to landscaping and grounds including trees.
4. Exterior painting of any structure in the Estate Homes or Villa communities.
5. Any other modifications, maintenance or repair which changes the external appearance of a building on a parcel.

D. Guidelines & Standards

Decisions of the ARC shall be governed by the following guidelines and standards:

1. **Additions & Structural Changes:** Additions to parcels must maintain the architectural elements of the original structure including number of stories, roof, windows, paint color, and lighting. The addition must not violate the requirements of the original Eagle Creek Planned Unit Development approved by Collier County and must not infringe on neighboring units. No external structural additions or alterations may be made without the approval of the ARC. Interior work done to the structure that is not visible from the exterior does not require ARC approval.
2. **Sheds:** No outbuildings, lean-tos, tents, shacks, garages, mobile homes, trailers, sheds, RVs or temporary buildings of any kind may be constructed or used as a residence.
3. **Fences:** New fences and other outdoor enclosures are not permitted, except at 105 Cypress View Drive 115 Cypress View Drive.

4. **Driveways:** All driveways must be maintained in their current form, format and color, e.g. stamped, colored concrete for The Carriage Walk and The Keep of the Villas and plain concrete for other homes within the Villas and either pavers or stamped colored concrete for the Estate Homes. Minor changes of stamped or paver driveway color can be considered but must blend with surroundings.
5. **Exterior Lighting and House Numbers:** All exterior lighting should be white and minimal. Focused accent lighting will be approved provided that the beam is limited in both intensity and height, is located entirely within the boundary of the parcel, does not impose on adjacent parcels, and does not impair the vision of motorists or pedestrians. Special holiday lighting is permitted to be displayed for a period not to exceed 30 days. All parcels should have permanent house numbers clearly visible from the street.
6. **Exterior Painting:** Exterior painting must be of a uniform nature in the original color or a color approved by the ARC or, in the case of appeal, by the Board. Door, window and trim colors must be complementary. Conjoined parcels of the Villa must sustain a consistency of exterior color including doors, windows, and trim.
7. **Lawn Ornaments, Signs, Lawn Furniture, Flag Poles and Flower Pots:**
 - a) Lawn ornaments and statues must be minimal, discreet, unobtrusive and artistic in nature. They must be in good repair and located in areas that are not mowed. They must not interfere with irrigation and grounds maintenance activities.
 - b) Permitted signs placed on lawns may only state the parcel owner's name and street number. "No Trespassing" or political or ideological support signs are not permitted.
 - c) "For Sale" signs are not permitted at any time. However, "Open House" signs, provided by the ECCA, are permitted on days when the parcel is open to prospective buyers.
 - d) Lawn furniture is not permitted in front or side yards.
 - e) Permanently installed flag poles must be approved.
 - f) Ornamental flowerpots are permitted, provided that they blend into the landscape and are located in areas that do not interfere with lawn maintenance. The maximum number of such pots per parcel is six. Pots should be properly secured during windstorms as a safety precaution.
8. **Pool Equipment:** Swimming pool equipment (heaters, filters, pumps, etc.) must be suitably concealed from view from the golf course and walk-by perspective via shrubbery, plantings or minimum height structure that blends in with the surroundings.
9. **Lanai Screen Panels:** All lanai screen panels must be uniform in color and maintained in good condition with all panels securely in place without tears. Care should be taken when replacing individual panels to assure that screen panels remain uniform in color.

10. **Awnings and Shutters:** Exterior awnings and shutters must blend with the color scheme of the parcel.
11. **Solar panels:** Are permitted provided such installation shall be in accordance with the following:
 - a) No panels or associated elements shall be in view when viewed from the street.
 - b) Solar panels and their frames and piping must be of a single color.
 - c) Panels must be roof mounted, coplanar with the roof and as unobtrusive as possible.
 - d) All elements (including piping) shall blend with the existing structure as to color, location, and configuration.
12. **Roof Replacements:** Parcel owners may replace their existing roofs with material of the same kind and quality as currently exists. Approved materials include asphalt shingles only on parcels that currently have asphalt shingle roofs. Other approved materials are clay tile, concrete tile (such as manufactured by Boral Roofing or Eagle Roofing) and stone-coated metal tile (such as manufactured by Gerard and Dacra), at the discretion of the parcel owner. The ARC must however approve the final selection as to style and color.
13. **Roof Repairs:** Damaged roofs must be repaired in a timely fashion. Repairs must be accomplished in a manner that is virtually indistinguishable from the unrepaired portion of the roof. Complete roof replacement is required if repairs do not meet this criterion.
14. **Window Treatments:** No owner shall install or maintain aluminium foil or other reflective material on any window or glass.
15. **External Maintenance:**
 - a) Roof must be maintained free of mold and mildew.
 - b) Driveways and walkways must be maintained free of mold and mildew and in good repair.
 - c) Overgrown, damaged or dead landscaping plants and shrubs must be remedied.
 - d) Garage doors must be closed when not in use.
 - e) Sample of paint colors applied on the exterior walls, for the purpose of choosing a desired color, must not remain in place for more than one week without prior approval.
16. **Outdoor Equipment:** Communication antennas, dishes, lighting rods, weather stations, etc. must be located as unobtrusively as possible consistent with transmitter contact antennas.

17. **Security Cameras:** Owners may install security cameras with prior ARC approval. The unit's exterior elements must be minimally observable and have a limited in field of view to assure the neighbors' right to privacy.
18. **Tree and Other Plant Removal:** The removal of any individual plant or group of similar plants with a ground level diameter of two inches or more requires prior approval of the ARC. In order to sustain the attractive vegetation that is unique to Eagle Creek, the ECCA's policy is to require that trees that are removed be replaced in kind unless special circumstances dictate a different approach. Parcel owners should specify in the Exterior Change Request (ECR) form the size and type of replacement for the removed item(s) and indicate if they take exception to replacing the items.
19. **Acceptable Reasons for Plant Removal:**
 - a) Trees or other plants causing damage to structures such as buildings, driveways or walkways.
 - b) Trees or other plants damaging or interfering with water, sewer, electrical or other utilities.
 - c) Trees or other plants presenting a safety hazard.
 - d) Trees that are diseased or substantially damaged.
 - e) Dead trees or other dead plants,

Note that the accumulation of pine needles, leaves or acorn debris is not an acceptable reason for replacement.

20. **Mulch:** Mulch is provided as part of a community-wide initiative. Single colored mulch is selected by the ECCA and is provided for all parcels and common areas. Parcel owners may apply a reasonable amount of additional mulch; however, it should be of the same color as that supplied by the ECCA.
21. **Villa Requirements:** Each Villa grouping (Carriage Walk, The Keep and Cypress View Drive Villas) community must maintain a common architectural appearance, including paint color, driveways, outdoor lighting, garage doors and the color and design of roof tile. Conjoined Villa buildings (duplexes, triplexes and fourplexes) must appear unified to the street. Gutters and downspouts are not allowed on the front (street side) of the gable-roofed garages on Cypress View Drive.

E. Operating Procedures

1. **Initial Submission:** A parcel owner proposing an exterior change must complete and submit to the Property Manager a completed Exterior Change Request (ECR) form supplemented by additional information including plans and specifications of material and equipment to be installed. The ARC may request further information. If the parcel owner plans to use independent contractors to perform any portion or all of

the proposed change, the contractors and the scope of their work must be identified. (See Appendix B. Exterior Change Request form and Appendix C. Notice to Contractors)

2. **ARC Decisions:** Exterior Change Requests (ECRs) submitted to the ARC that are fully compliant with the ARC Handbook requirements generally will be approved and the ARC will promptly notify the parcel owner via the Property Manager.
3. **Time Frame for ARC Decisions:** ARC decisions will be rendered within thirty (30) days of receipt by the ARC of the ECR and any additional information. The ARC may request additional plan information and delay approval pending the submission of additional information. Should the ARC not render an opinion within thirty (30) days of receipt of the ECR and all requested information the parcel owner's proposed change will be deemed to be approved.
4. **Appeal of ARC Decisions:** Parcel owners may appeal ARC decisions to the ECCA Board. The procedure for an appeal is as follows:
 - a) Within ten (10) days of receipt of the written ECR decision the applicant should submit a written request for an appeal hearing to the Property Manager. The written request must include a copy of the Exterior Change Request form, the full response of the ARC, the applicant's basis for the appeal and the specific approval being sought.
 - b) The Property Manager will notify the ARC of the appeal hearing request and will schedule a hearing at the next Community Association Board meeting that affords the ARC at least ten (10) calendar days to prepare their briefing material.
 - c) The ARC shall initiate the appeal hearing by presenting the reason(s) for their decision in both a verbal and written form.
 - d) The applicant will then have the opportunity to present the reasons for their appeal as well as the specific approval they seek.
 - e) Upon hearing both sides of the question, the ECCA Board shall proceed to vote to either sustain the ARC position, grant the parcel owner's request, or approve an alternative for consideration. If the ECCA Board fails to reach a decision within thirty (30) days of the date of the hearing, the decision of the ARC shall govern.
 - f) The Exterior Change Request (ECR) form will be amended to document the ECCA Board's decision and the parcel owner will be obliged to act in accordance with the final ruling.
5. **Open Meeting Requirements:** Florida statutes require ARC meetings be open to the community membership. This imposes a significant impediment of the ARC's ability to render timely responses, particularly in the off-season when some committee members may not be in Florida. The ARC shall adhere to the following procedure:
 - a) ECRs submitted to the ARC that are fully compliant with the ARC Handbook generally will be approved and the applicant notified of the approval.

- b) ECRs that are rejected for non-compliance or are conditionally approved may be referred to the ECCA Board for review and disposition.
6. **Monitoring of Approved Projects:** Approved projects may be monitored for conformity with the ARC or ECCA approved plan and compliance with the requirements on activities of independent contractors as indicated in this Handbook. Any unauthorized variations must be corrected. Failure to do so may result in a “stop work” directive from the ECCA Board and other legal remedies as may be prescribed by the ECCA Governing Documents.
 7. **Permits:** Homeowners and their contractors are responsible for obtaining governmental permits where applicable.
 8. **Timely Completion of Projects:** Projects must be completed in a timely fashion as provided on the ECR form. The ARC reserves the right to reject requests that, in its judgement, are excessive in duration or, in cases involving damage repair, are not initiated in a timely fashion. With the approval of the ECCA, special exceptions may be granted for time extensions to make repairs necessitated by unusual conditions such as severe weather events.

APPENDIX A: Authority of ECCA and the ARC

1. Eagle Creek Community Association, Inc. (ECCA) is a Florida Homeowners' Association authorized by Florida State Chapter 720, The Homeowners Associations Act. Paragraph 720.3035 of the Act permits an association or a committee of the association to "review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or enforce standards for the external appearance of any structure or improvement located on a parcel" only to the extent that authority is "specifically stated or reasonably inferred as to location, size, type, or appearance in the covenants or other published guidelines and standards authorized by the declaration of covenants."
2. ECCA's Master Covenants provide at Section 8. Architectural Control that the ECCA shall have the authority as permitted by statute to establish rules and regulations as to the qualification of contractors. In the event of conflict between this Handbook and the Master Covenants, the provisions of the Master Covenants shall govern.
3. The authority of the ECCA is restricted to parcels. A "parcel" is defined in the Act. The statute specifies, among other requirements, that a parcel be a subdivision of real property that can be separately bought and sold, and the parcel owner must be a member of the Association and obligated to pay assessments to the Association.
4. The ECCA's Master Covenants authorize the Board to appoint an Architectural Review Committee (ARC).
5. This Handbook establishes ECCA's guidelines and standards, the ARC enforcement and approval process and parcel owner's right to a review by the Board of the ECCA (Board) of ARC decisions.
6. The Master Covenants provide that no exterior improvement to a parcel of any kind, including dwellings, windows, painting, shutters, doors, pools, fences walls and paving may be altered or modified unless prior to the commencement of any work that the parcel owner submit to the ARC information regarding the change sufficient to allow the ARC to evaluate the change with respect to our guidelines and standards. The authority of the ARC includes the power to approve and disapprove the colors and resurfacing of exterior dwellings and other improvements to the parcel.
7. Section 8.3 of the Master Covenants provides that decisions of the ARC are to be based upon "aesthetics, harmony, balance and compatibility of the proposed improvements with the then existing structures within the Community." Further, the Section provides that such approval will be based upon whether the "improvements will be aesthetically pleasing, consistent with the architecture of the buildings in the Association and similar to other improvements previously allowed."

APPENDIX B: Exterior Change Request Form

EAGLE CREEK COMMUNITY ASSOCIATION

EXTERIOR CHANGE REQUEST

This form is to be completed by the owner for exterior changes, alterations, or construction on any homeowner’s lot. The Master Covenants for Eagle Creek state that approval by the Association, acting through the ARC, must be obtained before any work can begin. Examples of projects requiring pre-approval are: swimming pools, spas, awnings, shutters, new construction, alterations, changes of exterior color, roof replacement, driveway coatings, major landscaping or any change in the exterior of your property. See the ARC Handbook for full requirements.

LOCATION OF PROPOSED PROJECT

Name _____

Address _____

Phone _____ Date _____

DESCRIPTION OF PROPOSED PROJECT

Commencement Date _____ Completion date _____

TO ACCOMPANY THIS FORM:

- A. Blueprints for new construction and/or additions
- B. Plot plan of lot showing location of proposed addition
- C. If screen enclosure is proposed the height and color should be noted on the plan.
- D. If re-roofing, include material and color sample.
- E. If re-painting, provide sample colors with overall and trim colors indicated.

RETURN COMPLETED FORM TO:

American Property Management Services, LLC
8825 Tamiami Trail E.
Naples, FL 34113
Or mail to eaglecreek@americanpms.net, or fax to 239-774-0112

ARC DECISION: Approve _____ Deny _____ date _____

Comments _____

ARC CHAIRMAN _____

DATE _____

This section reserved for Owner appeal of ARC decision only

BOARD OF DIRECTORS APPEAL DECISION Approve _____ Deny _____ Date _____

APPENDIX C: Notice to Contractors

NOTICE TO CONTRACTORS

1. Work is permitted within the Eagle Creek Community as follows:

Monday through Saturday: 7:00 AM to 6:00 PM

Sunday and Holidays: No work permitted

Exceptions may be granted for unusual circumstances or emergencies with the approval of the Property Manager who will notify access control.

2. Parking of contractor vehicles must be on one side of the road only and in such a manner as to not obstruct normal traffic as well as emergency vehicles.
3. Loud noise, voice or audio equipment, is not permitted at any time.
4. Dumpsters and construction equipment must be located entirely on the owner's property and must be removed promptly when not required.
5. All work sites must be left neat, orderly and clean at the end of each day. All leftover food and food packaging must be removed each day.
6. All chemicals must be stored in a secure location.
7. All work must be in compliance with county, state and federal regulations and permits must be obtained where required.
8. Work, once started, must continue with sufficient manpower so as to conclude within the time period approved via the "Building and Exterior Change Request" form approved by the ARC for the project. Any exceptions require prior ARC approval. Work shall not begin until all necessary materials are available for use (e.g. removing existing roof before replacement tiles are available).

APPENDIX D: Authorization to Build

1. Authorization to build the Eagle Creek community was originally granted by Collier County as a Planned Unit Development, or PUD. The PUD filing with the County contains descriptions of and standards for the entire community including street layouts, golf course, clubhouse, fitness center, maintenance facility, utilities, waste management facilities, gate house, perimeter fence and residence structures. We are required to maintain the elements of this approved PUD filing.
2. Approved residential units include 1) single family dwellings (Estate Homes), 2) cluster homes and townhouses (Villas, The Keep and The Carriage Walk) and 3) low-rise multi-dwelling units (Condominiums).
3. Categories 1) and 2) are to have a minimum lot size of 6,000 square feet at least 55 feet in width, a minimum floor area of 1,000 square feet, and minimum clearances of twenty feet in the front and rear, and 10 feet on one side and zero feet on the other.
4. The third category, condominiums, was originally permitted to have only three stories of residential units, but a subsequent variance permits four residential stories. Detached garages are permitted only for this classification.