

# Bay Tree Homeowners Association ARC Design Guidelines & Procedures



Approved Date:	21 Aug 2019
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## Update History

### 05 June 2019

Paragraph	Change
4	<i>Revised</i> - Once approved by the Bay Tree HOA Board of Directors (hereinafter BOD) <b>and filed in the public records of St. Lucie County as per FS 720.306(1)(e)</b> , these DG&P supersede all prior Design Guidelines. Violations of previous formal and informal guidelines, relating to the ARC’s goals, that exist prior to the BOD acceptance <b>and filing</b> of these DG&P will be treated as a variance under the Covenants Section 9.6.
6	<i>Revised</i> - These DG&P explain the design and development standards and criteria established for Bay Tree as they apply to all residences. Items have been grouped into several categories and do not necessarily follow the order of the Covenants. In case of any conflict between the covenants and this document, the Covenants prevail. Furthermore, any conflict between the Covenants and State/Federal statutes, the statutes prevail. The order of precedence is: US Constitution, Florida Constitution, Florida Statutes, County Regulations, Bay Tree Bylaws, Bay Tree Covenants, and DG&P. <b>Some improvements may be subject to the rules and regulations of St Lucie County and may require building permits. The ARC only rules on the aesthetics of any improvement and not its validity or legality.</b> All approval must be written and signed by the majority of the ARC or BOD.
8	<i>Revised</i> - In the event a homeowner seeks approval for items not explicitly addressed by these guidelines, the request will be evaluated against ensuring uniformity of design, aesthetic and complimentary colors, landscape, and construction with the future goals of our Bay Tree community. In order to expedite approval, requests should conform to Bay Tree’s “Mediterranean Style” theme based on our Hanson Hacienda roofing and matching color scheme. <b>Proposed improvements must be compatible with the architectural characteristics of the applicant’s house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, use of like or similar building and landscape materials, colors, and construction details. Approval is at the sole discretion of the majority of the ARC members. Homeowners that complete a change without prior written approval from the ARC will be required to submit an application for approval after the fact. If the application is denied, then it will be the homeowner’s responsibility to bring the property into immediate compliance at the homeowner’s expense.</b>
9	<i>Added</i> - If a home requires emergency repairs such as leaking roof, hurricane damage, or other unplanned maintenance issues that, if not fixed immediately, will cause further damage to the home, the ARC approval for in-kind replacements of the same color, materials, and style is waived for this repair. All other improvements and repairs shall continue to follow the Design

- Guidelines. Before commencing the repair, a homeowner shall submit a complete ARC application with the words "EMERGENCY REPAIR" in the description.
- 15 *Revised* - The ARC will provide the latest version of the Architecture Review Application form, the applicable DG&P, and answer questions about the approval procedures. The fully executed application packet must be formally submitted and received by the **ARC Secretary** before review may commence. Any submissions missing required information will be noted and the review process does not commence until this is provided.
- 16 *Revised* - The submission date is the later of the date the complete application is received by the ARC Secretary or the date the ARC **members** determine all information is complete. If the ARC requests additional information in writing, the date the ARC receives, reviews, and determines the application is complete is the start of the 30-day review period. The specific process is fully documented in Covenants Section 9.8.
- 17 *Revised* - The **ARC Secretary** will **mark** the application with the date the application is received. Any additional information as the ARC may reasonably require must be provided to the ARC at their written request.
- 21 *Revised* - Language to indicate **ALL** approved applications are valid for 6 months.
- 27 *Added* **A motion to immediately adjourn the ARC meeting.**
- 33 *Added* - **Federal** to the list of laws.
- 40 *Added* - Firewood, building materials, or any permanent, or long-term storage is not permitted above any easement. All objects including landscaping may not touch your neighbor's home.
- 41 *Revised* - ~~Homeowners (and contractors) conducting home maintenance activities have the right of way (easement) to cross their neighboring property in order to accomplish the maintenance of the home.~~ **In accordance with the notes on the Planned Unit Development (PUD) Certification on file, all lots in Bay Tree have binding easements for utility, maintenance, and roof overhang. Covenants Article 4.2(i) give authorized persons the right to use this easement whether the owner is present or not if there is an emergency. Covenants Article 10 explains all rights regarding to easements. If a homeowner wishes to install landscaping including foliage, mulch, pavers, or any other semi-permanent construction on this easement, they do so with the understanding it may be destroyed by the person(s) conducting maintenance (dominant tenement) on the easement and the homeowner (subservient tenement) is responsible for the costs of replacement. No permanent construction is allowed on these easements.** The homeowner and/or contractor conducting maintenance (dominant tenement) assumes all liability if an accident occurs on the neighbor's (servient tenement) property. **Notice to the affected homeowner for non-emergency subsurface access shall be provided at least 72 hours in advance. Good neighbors will let each other know in advance when access is needed.**
- 43 *Revised* - Exterior building materials must remain consistent with existing materials used within Bay Tree. Stucco will be the primary exterior finish and shall appear on all elevations **with the exception of an extruded aluminum lanai.**
- 45 *Revised* - Repairs, replacing like-for-like using colors and materials listed in the current Design Guidelines, including repainting, replacements, and normal routine maintenance that does not alter the look and feel of the home does not require written ARC approval. Before commencing the repair, a homeowner shall submit a complete ARC application with the words "ROUTINE MAINTENANCE" in the description.
- 50 *Revised* - Hurricane shutters that are left deployed between severe weather events must be **factory white** or ~~reasonably~~ match the base color of the home.
- 51 *Revise* - Acceptable hurricane shutters include accordion, roll down, and corrugated. **Hurricane shutters must be factory white** or match the base color of the home, or **must be** installed/removed within one week of when granted access to the home by local law enforcement at the end of the severe weather activity.
- 52 *Added* - Awnings and shade sails may be considered if they meet the following criteria: They shall be of a plain design without decorative features, such as scallops, fringes, etc. Colors,

matching the color scheme of the house, shall be used. They shall be consistent with the visual scale of the house to which attached. Pipe frames or structural supports for canvas awning (or similar material) shall be factory white or match the color of the house. Only retractable awnings or shade sails that can be stowed or removed for severe weather are permitted. Awning may not extend to within 2 feet of your neighbor's house. Awnings shall not be applied to the front side of the house facing the street or between the front door and the street.

- 53 *Added* - Lights shall not create a nuisance for other homes. Garage lights should be installed identically on both sides of the garage and must substantially match the original fixtures installed by the builder in style, design, size and color. The size of the lights will be no more than 9 inches wide by 25 inches in height from top to bottom finial. The glass section of the fixture will be no more than 8 inches wide by 10 inches high. The maximum wattage for a single light fixture may not exceed 120 watts. Candelabra bulbs may all be facing either upward or downward. Front porch light must substantially match garage lights. Post lights must substantially match garage lights. Light sources must be a "white" light or incandescent light. High-pressure sodium (yellow-orange) lights are prohibited. Spotlights or floodlights generally create glare and high intensity light "spill-over" and are not permitted to be used continuously after 11 pm. All rear yard security lighting should be provided with wall-mounted decorative fixtures (with or without motion detectors). Exterior lighting (flood lighting, motion sensors, entrance lighting, etc.) shall not be directed outside the applicant's property. Applications for exterior lighting should include wattage, height of light fixture above ground, and a complete description of the light fixture and its proposed location on the property.
- 54 *Added* -No decorations may include continuous sounds. Holiday decorations may not be installed indefinitely.
- 55 *Added* - Address numbers must be affixed above the garage door and must conform to Bay Tree size and color.
- 56 *Added* - Doors including screen doors must have prior ARC approval. Screen door frames must be white or match the color of the house or trim. Security window bars are not permitted.
- 58 *Removed* - ~~There shall be no flat roofs.~~
- 58 *Revised* - The primary roof of the home must match Hanson Hacienda, Morocco barrel cement tile. **Since this is no longer in production, the ARC has approved three replacement options that closely match the original roof.**
- 62 *Revised* - Gutters, fascia, and soffits are to be factory white or match the body color of the home. Gutter guards, when employed, are to match the color of the gutter so they blend into the roofline. All items must be the same color.
- 65 *Added* - All landscape plantings placed in the front of the home are subject to ARC review and approval with the following exceptions: the removal of plantings located within the lot limits, the planting of annuals within approved/existing landscaped areas of the lot, and the "in-kind" replacement of existing plantings, provided that they are consistent with the current Design Guidelines. Large areas of landscape plantings that either significantly block the view of the home and/or impact access by the HOA's landscape contractors will not be permitted. Invasive plants listed at <https://www.fleppc.org/list/list.htm> will not be permitted.
- 67 *Revised* - Trim all plants/shrubs so they do not unreasonably impose on other's property. Falling fruits, nuts, leaves, and fronds that might become a nuisance to your neighbor must be remedied. **All mature plants between homes shall not exceed the height of the lowest gutter and root balls must be small enough to prevent damage to the closest foundation. All vegetation must be trimmed so it does not touch your neighbor's house.**
- 73 *Added* - An arbor/trellis is a decorative bar supported by vertical shafts used to support vines or hanging plants. It shall not exceed 8 feet in height from the ground and shall not be enclosed to create a solid barrier. The color must be black, natural, or match the house color. All arbors/trellis between 4 and 8 feet high must be approved by the ARC before installation. Arbor/trellis less than 4 feet do not require ARC approval and those greater than 8' are not

- permitted. No arbor may be installed between the front door and the street. An Arbor/Trellis must be removable in the event of severe weather. Pergolas are not allowed. All decoration must be self-supporting and sturdy.
- 74 *Added* - All exterior decorative objects exceeding 36 inches in height and/or 18 inches in width, depth, or diameter, including natural and man-made objects require ARC review and approval. This review shall be based upon their size, color, appropriateness with the surrounding area, and their visual impact on adjoining lots and common space. Exterior decorative objects that exceed the size requirements and are subject to ARC review. These include, but are not limited to, bird baths, driftwood, fire pits, globes, landscape poles, outdoor kitchens, oversized flower pots, planters, plaques, religious items, sculptures, statues, stumps, and small pools/ponds. Decorative objects may not touch the adjacent home and/or lot.. No decorative object may be attached to the side of your house adjoining your neighbor's lot or the side facing the street
- 75 *Added* - Flags are permitted as allowed by FS 720.304.2. A homeowner may display one portable, removable United States flag or official flag of the State of Florida, and one portable, removable official flag, in a respectful manner, not larger than 41/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, a POW-MIA flag, or a current US state flag. No home may display more than two flags at a time.
- 76 *Added* – Landscape lighting located along a walkway or among shrubbery will be considered so long as it does not detract from or overwhelm the overall lighting appearance of the home and property and is not a nuisance to your neighbors. Landscape Lighting that complies with the approved Design Guidelines does not require ARC approval.
- 77 *Added* - Mulch, rocks, bricks, timber and similar materials may be used minimally as design elements but should not dominate the landscape design. Monolithic paving or covering front or side yards or portions thereof with gravel, stones, pebbles as the principle design element will not be permitted. Mulch color and style must match the mulch color applied by the Bay Tree HOA to the common areas. Mulch, rocks, bricks, timber, and similar materials that comply with the approved Design Guidelines does not require ARC approval.
- 79 *Added* - The use of interior furniture, particularly overstuffed furniture, on patios, decks, porches and in yards is prohibited. Furniture left outdoors must be kept in good repair. Outdoor furniture must be of a scale and style which does not detract from the appearance of the area. Use of outdoor or lawn furniture meeting this standard does not require ARC approval.
- 98 *Added* - Only retractable clotheslines are permitted and must be installed between the front door and the rear of the lot. Clothes may not be left out overnight. Clotheslines shall not be a safety hazard or a nuisance.
- 105 *Added* - External doghouses or other pet structures are not permitted.
- 106 *Added* - Each lot may have up to two plastic, manufactured storage sheds that can be locked to prevent animal access. Each bin may be up to 3' x 4' x 6' and must reasonably match the color of the wall closest to its exterior location. Bins must be moved indoors or properly secured during severe weather events and when the homeowner/tenant has vacated and sealed their home. These bins may only be placed between the front door and the back of the lanai and must not obstruct the right-of-way.
- 110 *Added* - Each house may use only one house color and one trim color. Gutters, fascia, soffits, windows, screen doors, and shutters may be factory white or match the house color as long as they are all the same color. No home shall have more than three (3) colors.
- 113 *Removed* – doors.
- 131 *Revised* - The HOA may assess a fine up to \$100 per violation. The fine may be imposed for each day the violation continues. The total fine for a specific violation is capped by law at \$1,000 per violation **plus cost to bring into compliance and potential civil costs at the HOA discretion.**
- Forms *Revised* - Replaced Evening telephone number with **Email** of Applicant and **added type.**
- Forms *Added* – Lot planning template

**11 January 2018**

Paragraph	Change
28	<i>Remove</i> - Before construction commences, the contractor shall provide to the ARC a current copy of their service license.
104	<i>Insert</i> – Roof tiles approved that match Hansen Hacienda Morocco

**27 November 2017**

Paragraph	Change
27	Insert - FL Statute 720.306(10) allows public meetings to be recorded. This should be expected for all public meetings.
30	The homeowner is responsible for ensuring each contractor is in compliance with all Florida statutes for licensing and insurance.
52	The primary roof of the home must match Hanson Hacienda Morocco barrel cement tile.
66	Before you or your contractor digs, call Sunshine Utilities (800) 432-4770 to have your utilities marked. If necessary, contact the irrigation company to mark the irrigation wiring. I also added this to the Approval form.
92	Proposed changes shall be submitted to the ARC. If approved, the proposed change, with approval, shall be submitted to the Board of Directors for final approval.
103	Replacement tile roof shall match Hanson Hacienda Morocco barrel cement tile. Added Morocco swatch
113	Added swatches
Approval #1	Before you or your contractor digs, call Sunshine Utilities (800) 432-4770 to have your utilities marked. If necessary, contact the irrigation company to mark the irrigation wiring.
Approval #8	The homeowner is responsible for ensuring each contractor is in compliance with all Florida statutes for licensing and insurance.

**02 August 2017**

Original Design Guidelines Approved by the Board of Directors.



## Overview

1. Section 9 of the Declaration of Covenants and Restrictions (hereinafter Covenants) for the Bay Tree Subdivision, authorizes the Board of Directors to appoint an Architectural Review Committee (hereinafter ARC) to interpret and enforce those Covenants which regulate the use of all lots within the Bay Tree community.
2. **Covenants Section 9.3 defines the overall goal to ensure uniformity of design, aesthetic and complimentary colors, landscape, and construction. The ARC shall provide for systematic and uniform review of all proposed improvements and construction of any time or nature whatsoever within Bay Tree.** The consistent and effective enforcement of the covenants will enhance the appearance of our neighborhood and preserve property values. Your compliance with the Covenants and Design Guidelines helps to achieve these goals and continues to promote the neighborly atmosphere of Bay Tree.
3. To achieve this purpose, this **Design Guidelines and Procedures (hereinafter DG&P) document** shall be applied by the ARC in a consistent and common sense manner (a) in recognition that every residential lot has distinctive features and each home has unique attributes to its Property Owner and (b) to preserve “the natural Bay Tree look” and property values whether engaged in the approval of new construction, additions, alterations and/or renovations to any existing structure and the maintenance of residential lots and homes.
4. Once approved by the Bay Tree HOA Board of Directors (hereinafter BOD) and filed in the public records of St. Lucie County as per FS 720.306(1)(e), these DG&P supersede all prior Design Guidelines. Violations of previous formal and informal guidelines, relating to the ARC’s goals, that exist prior to the BOD acceptance and filing of these DG&P will be treated as a variance under the Covenants Section 9.6.

## Authority

5. FL Statute 720.3035 states the authority of an association or ARC shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants. The ARC derives authority from Covenants Section 9.
6. These DG&P explain the design and development standards and criteria established for Bay Tree as they apply to all residences. Items have been grouped into several categories and do not necessarily follow the order of the Covenants. In case of any conflict between the covenants and this document, the Covenants prevail. Furthermore, any conflict between the Covenants and State/Federal statutes, the statutes prevail. The order of precedence is: US Constitution, Florida Constitution, Florida Statutes, County Regulations, Bay Tree Bylaws, Bay Tree Covenants, and DG&P. Some improvements may be subject to the rules and regulations of St Lucie County and may require building permits. The ARC only rules on the aesthetics of any improvement and not its validity or legality. All approvals must be written and signed by the majority of the ARC or BOD.
7. In accordance with the Covenants, Section 9, the Bay Tree HOA has empowered the ARC to monitor and enforce adherence to the covenants. Past noncompliance in no way restricts future enforcement. **All additions, changes or modifications to the exterior of your home, fences, major landscaping, buildings, and any other permanent structure undertaken after the approval date of these DG&P must have prior approval by the ARC before beginning work.**

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8. In the event a homeowner seeks approval for items not explicitly addressed by these guidelines, the request will be evaluated against ensuring uniformity of design, aesthetic and complimentary colors, landscape, and construction with the future goals of our Bay Tree community. In order to expedite approval, requests should conform to Bay Tree's "Mediterranean Style" theme based on our Hanson Hacienda roofing and matching color scheme. Proposed improvements must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, use of like or similar building and landscape materials, colors, and construction details. Approval is at the sole discretion of the majority of the ARC members. Homeowners that complete a change without prior written approval from the ARC will be required to submit an application for approval after the fact. If the application is denied, then it will be the homeowner's responsibility to bring the property into immediate compliance at the homeowner's expense.
9. If a home requires emergency repairs such as leaking roof, hurricane damage, or other unplanned maintenance issues that, if not fixed immediately, will cause further damage to the home, the ARC approval for in-kind replacements of the same color, materials, and style is waived for this repair. All other improvements and repairs shall continue to follow the Design Guidelines. Before commencing the repair, a homeowner shall submit a complete ARC application with the words "EMERGENCY REPAIR" in the description.

#### Amendment

10. These DG&P may be amended at any time by majority vote of the Bay Tree HOA Board of Directors. Any action by a Property Owner shall be subject to the approved DG&P in effect at the time of their application is determined to be complete and accepted by the ARC as per procedures herein.

#### Property Owner Responsibilities

11. Before beginning a construction, exterior improvement, or landscaping project, Property Owners are urged to become familiar with the provisions of the Covenants and the DG&P. Building work permits issued by St Lucie County are required for most significant projects affecting the exterior of a home, external property (i.e., landscape, driveway, pools, decks, etc.), and adjacent common grounds. ARC members are available to assist Property Owners and Contractors in fully understanding the DG&P and the necessary documentation prior to beginning a project.

#### Violations

12. Homeowners who wish to address a violation shall submit a signed Architecture Complaint Form to the property management company. The complaint will be sent to the BOD and investigated by the ARC. If there is a violation, the ARC will work with the homeowner to get it resolved. The details of the complaint and the outcome will become part of the HOA's official records.  
*No neighbor is authorized to unilaterally enforce any provisions of these guidelines.*

## Procedures

### Pre-submission discussions with the ARC

13. Applicants may request a meeting with the ARC to discuss any proposed improvement. This meeting is to obtain information regarding the rules and regulations herein provided for, along with the Covenants Section 9.8. Prior to the commencement of any work on any lot, an applicant must submit a complete application to the ARC and receive written approval from the ARC or BOD.
14. All ARC meetings will be posted at least three days in advance and are open to all Bay Tree members to attend. These meetings may be held in the clubhouse. Any discussions held outside the published ARC meetings are unofficial, cannot be referenced, and no ARC approval may be assumed.

### Application for ARC Approval

15. The ARC will provide the latest version of the Architecture Review Application form, the applicable DG&P, and answer questions about the approval procedures. The fully executed application packet must be formally submitted and received by the ARC Secretary before review may commence. Any submissions missing required information will be noted and the review process does not commence until this is provided.
16. The ARC Secretary will mark the application with the date the application is received. Any additional information as the ARC may reasonably require must be provided to the ARC at their written request.
17. The submission date may be the later of the date the **complete application** is received by the ARC Secretary or the date the ARC members determine all information is complete. If the ARC requests additional information in writing, the date the ARC receives, reviews, and determines the application is complete is the start of the 30-day review period. The specific process is fully documented in Covenants Section 9.8.

### Approval Process

18. The ARC will review the Application prior to and/or during their scheduled monthly meeting. The homeowner is encouraged to attend this meeting to provide additional details or clarity if needed. The meeting will be cancelled if a quorum of the ARC members cannot attend and/or the meeting decorum becomes unreasonable. The ARC may approve or deny the application at this meeting or schedule a follow-up meeting if necessary. The ARC has up to thirty (30) calendar days to provide a written response from the day the Application packet is received. If the ARC fails to provide a written response within thirty (30) days, the application is automatically approved as submitted. If the ARC requests additional information via a written response within the 30 day period, the thirty (30) day approval period begins when the requested material is received and determined to be sufficient.

### Disapproval

19. In accordance with the Covenants, Section 9.9, the homeowner may not commence work on the project if the application is denied. The applicant may request a formal meeting with the ARC to review plans and specifications as submitted along with the ARC instructions for compliance. This meeting must take place within thirty (30) calendar days after written request is received. The ARC may consider new or clarified information and provide a final written declaration no later than thirty

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(30) calendar days after this meeting. If the ARC fails to provide a response within thirty (30) calendar days, the application is automatically approved as submitted.

20. Upon a second disapproval by the ARC, the Applicant may request a formal meeting before the Bay Tree Board of Directors, which shall take place no later than thirty (30) calendar days subsequent to the receipt by the Board of Directors of the written notice of the request for such meeting (unless applicant waives this time requirement in writing). The Board of Directors shall make a final decision no later than thirty (30) calendar days after such meeting; and, in the event the Board of Directors fails to provide such written decision, such plans and specifications shall be deemed approved. The decision of the Board of Directors shall be final and binding upon the applicant, his heirs, and assigns.

### Approved Applications

21. All approved application are valid for six (6) months from the date it is approved. If the project does not commence within this period, it must be resubmitted.
22. Once a project is completed, the homeowner agrees to expedite the cleanup process. No construction debris and/or unfinished work may persist for more than five (5) calendar days. If there are extenuating circumstances, it is the homeowner's responsibility to notify the ARC.

### Indemnification of ARC Actions

23. As per the Covenants Section 9.13, Neither the directors or officers of the Association, the members of the ARC, nor any person acting on behalf of any of them, shall be liable for any costs or damages incurred by any Owner within Bay Tree, due to any mistakes in judgment, negligence or any action of the ARC in connection with the approval or disapproval of plans and specifications. Each party submitting plans and specifications for approval shall be solely responsible for the sufficiency thereof and for the quality of construction performed pursuant thereto.

### ARC Meetings

24. Florida statute 720.303.2(a) requires all ARC meetings are conducted in the same manner as Board of Director meetings. The Bay Tree Bylaws Article 7 requires meetings to follow Parliamentary Procedures based on the latest edition of Roberts Rules of Order.
25. Homeowners are encouraged to attend all ARC meetings. When a vote is considered, there will be an open forum whereby each homeowner may speak for up to three (3) minutes on the current topic. At all other times during the ARC meeting, the homeowner shall quietly prepare for their turn to speak.
26. If a topic is not on the current agenda, a homeowner may request additional topics are added to the next meeting's agenda.
27. The Bay Tree Bylaws, Article 7 states Robert's Rules of Order (latest edition) will govern the conduct of meetings. In the event a meeting cannot be accomplished through parliamentary procedures, the ARC chair may ask for a motion to impose a penalty on a member with the discipline issue. Some, but not all, possible motions may include:
- \* A motion that the member must apologize.
  - \* A motion that the member must leave the hall during the remainder of the meeting.
  - \* A motion to immediately adjourn the ARC meeting.
28. FL Statute 720.306(10) allows public meetings to be recorded. This should be expected for all public meetings.

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### Contractors

29. Florida Statute 489 requires contractors working for compensation to be licensed and insured in Florida. Activities not requiring a license are found at [www.myfloridalicense.com](http://www.myfloridalicense.com).
30. Florida Statute 440 requires Employers conducting work in the State of Florida to provide worker's compensation insurance for their employees. Furthermore, all professional contractors and service providers are required by law to carry liability insurance to cover their activities.
31. Proof of general liability insurance, auto liability, and workers compensation coverage including limits, is required for all contractors. The homeowner is responsible for ensuring each contractor follows all Florida statutes for licensing and insurance.
32. The homeowner is responsible for obtaining and displaying all required permits.
33. All improvements shall comply with applicable federal, state, and local laws and regulations.
34. Potentially noisy work shall be done between 7:30 am and 7:30 pm.

### Lot Usage

35. No open carports are permitted.
36. Each dwelling shall have an attached garage.
37. Any exterior swimming pool/hot tub shall be permanent, in-ground, and screened from view from rights-of-way.
38. No mailboxes are permitted on any lot. Mailboxes are established and maintained by the HOA as a common expense.
39. No rubbish, debris, or other nuisance, is allowed to accumulate anywhere on your lot.
40. Firewood, building materials, or any permanent, or long-term storage is not permitted above any easement. All objects including landscaping may not touch your neighbor's home.
41. In accordance with the notes on the Planned Unit Development (PUD) Certification on file, All lots in Bay Tree have binding easements for utility, maintenance, and roof overhang. Covenants Article 4.2(i) give authorized persons the right to use this easement whether the owner is present or not if there is an emergency. Covenants Article 10 explains all rights regarding to easements. If a homeowner wishes to install landscaping including foliage, mulch, pavers, or any other semi-permanent construction on this easement, they do so with the understanding it may be destroyed by the person(s) conducting maintenance (dominant tenement) on the easement and the homeowner (servient tenement) is responsible for the costs of replacement. No permanent construction is allowed on these easements. The homeowner and/or contractor conducting maintenance (dominant tenement) assumes all liability if an accident occurs on the neighbor's (servient tenement) property. Notice to the affected homeowner for non-emergency access shall be provided at least 72 hours in advance.
42. When cleaning, painting, or other maintenance occurs, it is the homeowner's responsibility to ensure no damage is done to neighboring property and said property, if damaged, is returned to the condition before commencement of the activity.

### Home Exterior

43. Exterior building materials must remain consistent with existing materials used within Bay Tree. Stucco will be the primary exterior finish and shall appear on all elevations with the exception of an extruded aluminum lanai.

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44. Replacement screen porches and lanai enclosures must be submitted to the ARC for approval. Construction that goes beyond exact replacement shall follow the guidelines for materials, colors, and roof selections.
45. Repairs, replacing like-for-like using colors and materials listed in the current Design Guidelines, including repainting, replacements, and normal routine maintenance that does not alter the look and feel of the home does not require written ARC approval. Before commencing the repair, a homeowner shall submit a complete ARC application with the words "ROUTINE MAINTENANCE" in the description.
46. Exterior appearance of homes must be maintained to ensure uniformity in appearance, maintenance, and the ambiance of the community.
47. Homeowners may not obstruct common areas.
48. All awnings, hurricane barriers, and other similar devices attached to dwellings must be compatible in both design and color with the existing Bay Tree structures and ARC approved color schemes.
49. All awnings, hurricane barriers, windows, and other similar devices shall not unreasonably encroach upon a neighbor's property.
50. Hurricane shutters that are left deployed between severe weather events must be factory white or match the base color of the home.
51. Acceptable hurricane shutters include accordion, roll down, and corrugated. Hurricane shutters must be factory white or match the base color of the home or must be installed/removed within one week of when granted access to the home by local law enforcement at the end of the severe weather activity.
52. Awnings and shade sails may be considered if they meet the following criteria:  
They shall be of a plain design without decorative features, such as scallops, fringes, etc.  
Colors, matching with the color scheme of the house, shall be used. They shall be consistent with the visual scale of the house to which attached. Pipe frames or structural supports for canvas awning (or similar material) shall be factory white or match the color of the house. Only retractable awnings or shade sails that can be stowed or removed for severe weather are permitted. Awning may not extend to within 2 feet of your neighbor's house. Awnings shall not be applied to the front side of the house facing the street or between the front door and the street.
53. Lights shall not create a nuisance for other homes. Garage lights should be installed identically on both sides of the garage and must substantially match the original fixtures installed by the builder in style, design, size and color. The size of the lights will be no more than 9 inches wide by 25 inches in height from top to bottom finial. The glass section of the fixture will be no more than 8 inches wide by 10 inches high. The maximum wattage for a single light fixture may not exceed 120 watts. Candelabra bulbs may all be facing either upward or downward. Front porch light must substantially match garage lights. Post lights must substantially match garage lights. Light sources must be a "white" light or incandescent light. High-pressure sodium (yellow-orange) lights are prohibited. Spotlights or floodlights generally create glare and high intensity light "spill-over" and are not permitted to be used continuously after 11 pm. All rear yard security lighting should be provided with wall-mounted decorative fixtures (with or without motion detectors). Exterior lighting (flood lighting, motion sensors, entrance lighting, etc.) shall not be directed outside the applicant's property. Applications for exterior lighting should include wattage, height of light fixture above ground, and a complete description of the light fixture and its proposed location on the property.

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54. No decorations may include continuous sounds. Holiday decorations may not be installed indefinitely.
55. Address numbers must be affixed above the garage door and must conform to Bay Tree size and color.
56. Doors including screen doors must have prior ARC approval. Screen door frames must be white or match the color of the house or trim. Security window bars are not permitted.

### Roof and Roof Design

57. All roofing shall be approved, in advance, by the ARC.
58. The primary roof of the home must match Hanson Hacienda, Morocco barrel cement tile. Since this is no longer in production, the ARC has approved three replacement options that closely match the original roof.
59. Tile colors must be consistent with the existing, approved roofs in Bay Tree.
60. Tile roofs shall be periodically cleaned to ensure uniformity in appearance, maintenance, and the ambiance of the community. Spillover to neighboring property shall be properly cleaned.
61. Secondary roof – such as Lanai or porch roofs -- may be constructed of tile, aluminum, concrete, or tin. A non-tile roof must be painted white or match the body color of the home.
62. Gutters, fascia, and soffits are to be factory white or match the body color of the home. Gutter guards, when employed, are to match the color of the gutter so they blend into the roofline. All items must be the same color.

### Landscaping and Ornaments

63. The Bay Tree HOA is responsible for mowing of lawns and maintenance of sprinkler systems. The HOA and authorized agents shall have the right, at reasonable times and hours, to enter upon any lot of any living unit without prior notice to perform exterior maintenance and landscaping.
64. Owner, residents, and tenants of each unit shall cooperate in all respects to facilitate the HOA obligation to repair and maintain the exterior condition of lot, lawn, irrigation, and landscaping.
65. All landscape plantings placed in the front of the home are subject to ARC review and approval with the following exceptions: the removal of plantings located within the lot limits, the planting of annuals within approved/existing landscaped areas of the lot, and the “in-kind” replacement of existing plantings, provided that they are consistent with the current Design Guidelines. Large areas of landscape plantings that either significantly block the view of the home and/or impact access by the HOA’s landscape contractors will not be permitted. Invasive plants listed at <https://www.fleppc.org/list/list.htm> will not be permitted.
66. Plants and shrubbery should be native Florida or Florida-friendly plants. FS 373.185(1) (b) “Florida-friendly landscaping” means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of storm water runoff, and waterfront protection.
67. Trim all plants/shrubs so they do not unreasonably impose on other’s property. Falling fruits, nuts, leaves, and fronds that might become a nuisance to your neighbor must be remedied. All mature plants between homes shall not exceed the height of the lowest gutter and root balls must be small

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enough to prevent damage to the closest foundation. All vegetation must be trimmed so it does not touch your neighbor's house.

68. Florida Protected Trees and shrubbery (e.g. Mangroves) shall be protected and may not be trimmed, cut, or otherwise impacted without BOD Approval.
69. Landscaping projects shall be completed promptly. No debris or unfinished work may persist for more than five (5) days. If there are extenuating circumstances, it is the homeowner's responsibility to notify the ARC.
70. Landscape items must be maintained. Dilapidated items shall be promptly removed or repaired.
71. If the homeowner makes changes to their landscape that damages the irrigation system, it is the homeowner's responsibility to have this repaired in a timely manner.
72. Before you or your contractor digs, call Sunshine Utilities (800) 432-4770 to have your utilities marked. If necessary, contact the irrigation company to mark the irrigation wiring.
73. An arbor/trellis is a decorative bar supported by vertical shafts used to support vines or hanging plants. It shall not exceed 8 feet in height from the ground and shall not be enclosed to create a solid barrier. The color must be black, natural, or match the house color. All arbors/trellis between 4 and 8 feet high must be approved by the ARC before installation. Arbor/trellis less than 4 feet do not require ARC approval and those greater than 8' are not permitted. No arbor may be installed between the front door and the street. An Arbor/Trellis must be removable in the event of severe weather. Pergolas are not allowed. All decoration must be self-supporting and sturdy.
74. All exterior decorative objects exceeding 36 inches in height and/or 18 inches in width, depth, or diameter, including natural and man-made objects require ARC review and approval. This review shall be based upon their size, color, appropriateness with the surrounding area, and their visual impact on adjoining lots and common space. Exterior decorative objects that exceed the size requirements and are subject to ARC review. These include, but are not limited to, bird baths, driftwood, fire pits, globes, landscape poles, outdoor kitchens, oversized flowerpots, planters, plaques, religious items, sculptures, statues, stumps, and small pools/ponds. Decorative objects may not touch the adjacent home and/or lot. No decorative object may be attached to the side of your house adjoining your neighbor's lot or the side facing the street.
75. Flags are permitted as allowed by FS 720.304.2. A homeowner may display one portable, removable United States flag or official flag of the State of Florida, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, a POW-MIA flag, or a current US State flag. No home may display more than two flags at a time.
76. Landscape lighting located along a walkway or among shrubbery will be considered so long as it does not detract from or overwhelm the overall lighting appearance of the home and property and is not a nuisance to your neighbors. Landscape lighting that complies with the approved Design Guidelines does not require ARC approval.
77. Mulch, rocks, bricks, timber and similar materials may be used minimally as design elements but should not dominate the landscape design. Monolithic paving or covering front or side yards or portions thereof with gravel, stones, pebbles as the principle design element will not be permitted.
78. Mulch color and style must match the mulch color applied by the Bay Tree HOA to the common areas. Mulch, rocks, bricks, timber, and similar materials that comply with the approved Design Guidelines does not require ARC approval.



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79. The use of interior furniture, particularly overstuffed furniture, on patios, decks, porches and in yards is prohibited. Furniture left outdoors must be kept in good repair. Outdoor furniture must be of a scale and style which does not detract from the appearance of the area. Use of outdoor or lawn furniture meeting this standard does not require ARC approval.

### Driveways and Sidewalks

80. All driveways, sidewalks, and parking lots shall have hard, impervious, dustless surfaces constructed of concrete, pavers, or other approved materials. All changes must be approved by the ARC.
81. If changes are made, the owner will install access conduits at strategic locations in the driveway and/or sidewalk to facilitate future electrical, sprinkler, or other utilities as necessary.
82. It is the homeowner's responsibility to ensure utility mark outs are completed prior to construction.
83. Homeowners shall ensure driveways and sidewalks shall remain clean and free of oil, dirt, peeling finish, and other stains and nuisances.
84. If a neighbor or utility company needs access to underground utilities, it is the homeowner's responsibility to remove and replace this portion of the driveway and/or sidewalk. Unless this is an emergency, the neighbor or utility requiring access shall provide a minimum fourteen (14) days' notice to the homeowner. This notice is to be provided in writing via the property management company.

### Fences and Walls

85. All temporary or permanent fence and wall construction must have prior approval by the ARC.
86. Retaining walls must be made of brick or natural stone.
87. Among the criteria considered in fence approval are height, material and street, neighbor view. As a matter of precedent, fences are approved only when the most attractive side of a fence (if the sides are different) faces the street and your neighbors.
88. Fences shall not block common areas, or right of way.
89. Fences and solid hedges may not extend more than ten feet beyond the garage toward the street.
90. Chain link fencing may not be used.

### Utility and Antennas

91. All utilities including electrical, telephone, cable television, etc. shall be installed underground.
92. All utility installation shall be installed according to the applicable building codes in effect at the time of installation.
93. No visible, permanent antennas shall be permitted.
94. Satellite dishes must be reviewed for location. Dish receivers should not exceed one (1) meter in diameter or diagonal measurement. The criteria for location approval is reception ability and screening from view. The device should not be seen from normal external viewing areas of the house, street, or neighbor's views. If placed on the ground, proper landscape screening is required.
95. Antenna wires shall not be visible or shall be concealed within the structure of the house or buried under ground.

### Solar Water Heaters and Clotheslines

96. Florida Statute 163.04 allows the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. While this is allowed, we must strive to be considerate of the aesthetics of Bay Tree (see below).

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97. Piping, fasteners, and frames to solar panels must be painted to match the adjacent exterior structure color (e.g. roof, wall, and trim). These shall be concealed from view by neighboring lots and right of ways when feasible.
98. Only retractable clotheslines are permitted and must be installed between the front door and the rear of the lot. Clothes may not be left out overnight. Clotheslines shall not be a safety hazard or a nuisance.

### Signs and Advertising

99. No signs or advertising devices of any character shall be permitted on or about any lot without the approval of the ARC.
100. Open-house signs are permitted for the duration of the open-house. These must be temporary in nature and removed after the event.

### Garbage, Trash, and Vegetation

101. All garbage and trash containers must be placed in an enclosed area so that they will not be visible to surrounding properties.
102. Garbage, trash, and vegetation shall be placed at roadside for pick-up only on regularly scheduled pick-up days.
103. Major appliances, interior/patio furniture, and bathroom fixtures may not be used for landscaping. When disposing of these items, they may be placed on the curb no more than 12 hours prior to pick up.

### Accessory or Temporary Buildings.

104. In accordance with the Covenants Section 8.11, no tents, accessory, temporary buildings, or structures shall be permitted on any lot unless approved by the ARC.
105. External doghouses or other pet structures are not permitted.
106. Each lot may have up to two plastic, manufactured storage sheds that can be locked to prevent animal access. Each bin may be up to 3' x 4' x 6' and must reasonably match the color of the wall closest to its exterior location. Bins must be moved indoors or properly secured during severe weather events and when the homeowner/tenant has vacated and sealed their home. These bins may only be placed between the front door and the back of the lanai and must not obstruct the right-of-way.

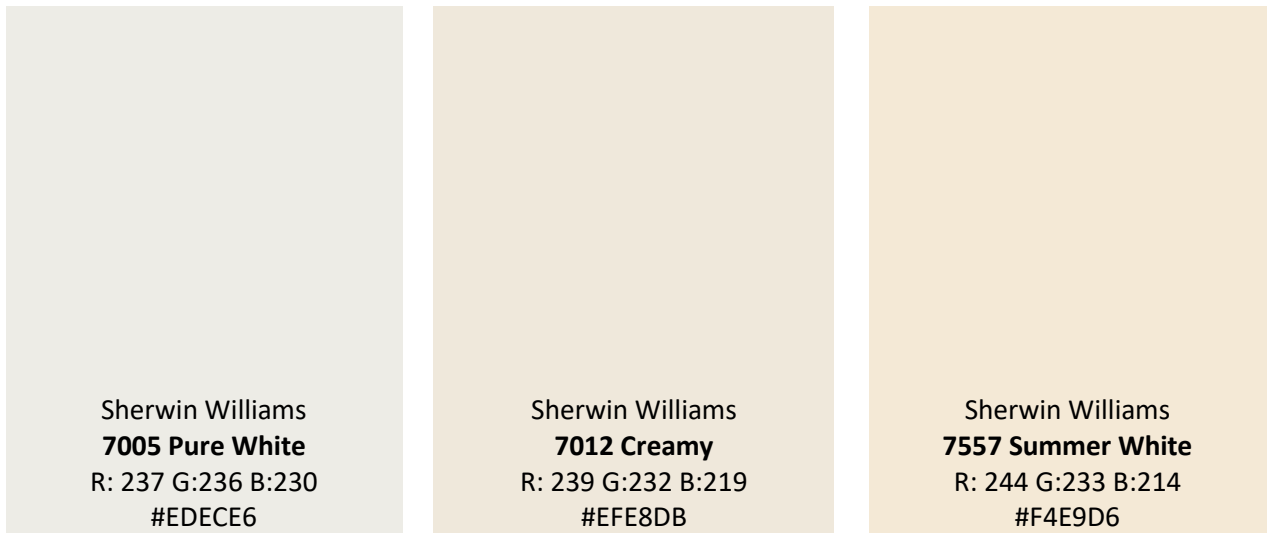
### Common Area Changes

107. As per Covenants Section 10.8, No Owner shall be permitted to plant additional vegetation in common areas without approval of the BOD and ARC, nor shall any owner be allowed to irrigate into common areas. Proposed changes shall be submitted to the ARC. If approved, the proposed change, with approval, shall be submitted to the Board of Directors for final approval.

## Colors and Building Materials

### House Exterior Colors

108. In order to maintain the quality of the subdivision, and to assure uniformity in the appearance, maintenance, and ambiance of the community, all exterior colors blend with the surrounding “Mediterranean” environment and not contrast with it. The ARC provides the following approved colors for the exterior of your home. Some named colors listed in prior guidelines are no longer available so the ARC will review the RGB (Red, Green, & Blue) color mixture for conformity.
109. Each house may use only one house color and one trim color. Gutters, fascia, soffits, windows, screen doors, and shutters may be factory white or match the house color as long as they are all the same color. No home may have more than three colors.
110. House exterior paint must be Satin Exterior Acrylic.
111. Approved house colors are:

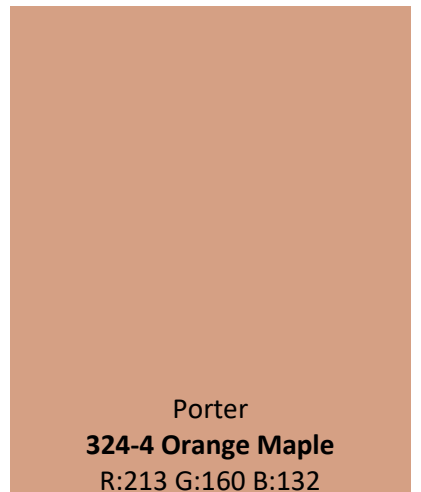
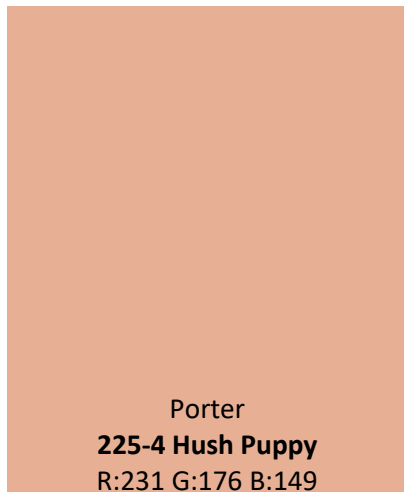
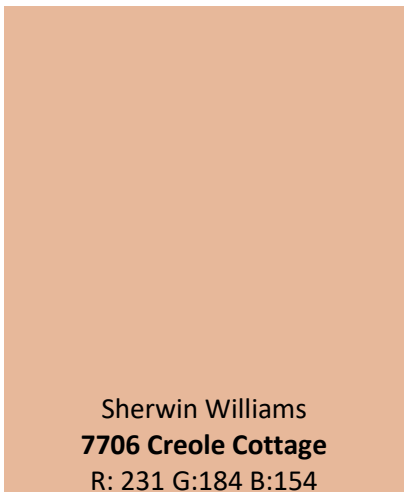
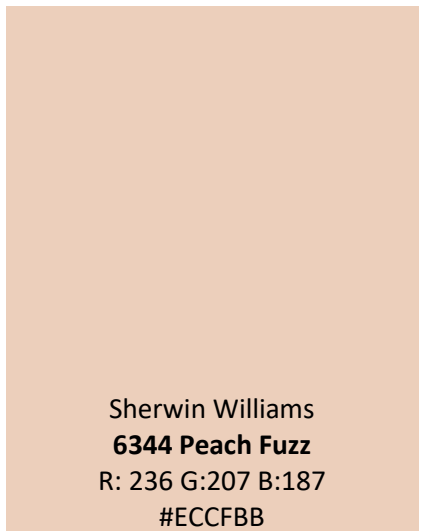
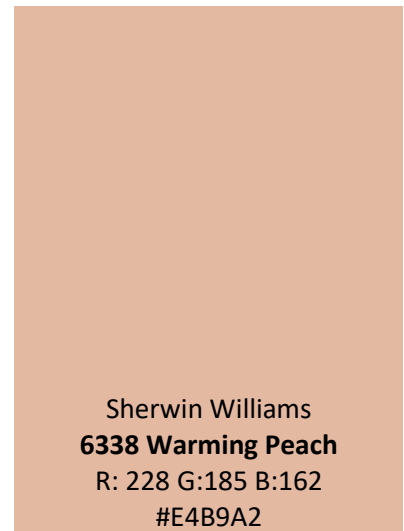
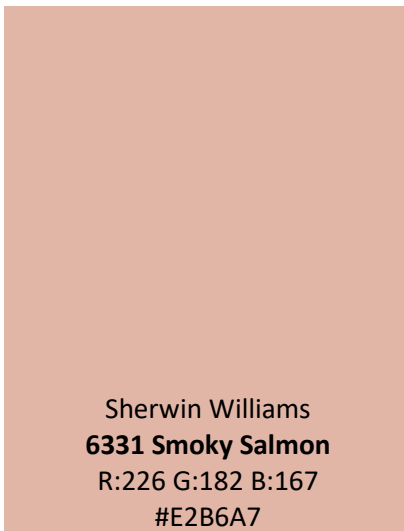
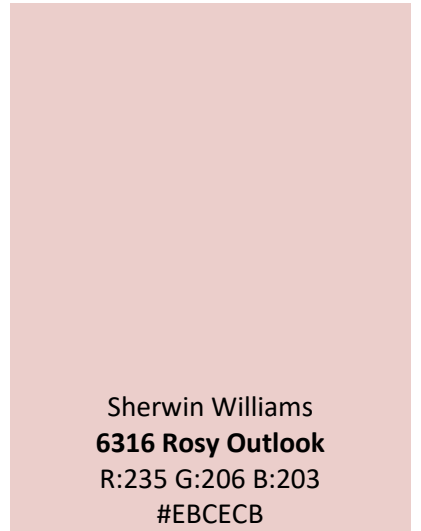
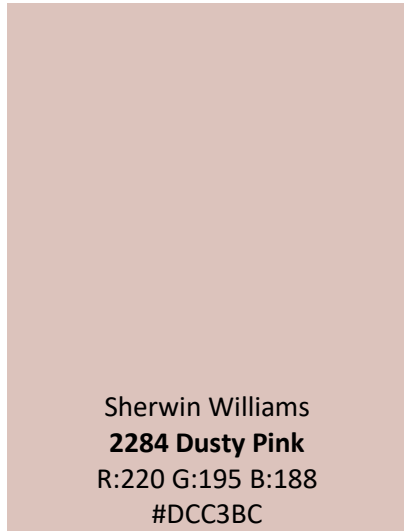
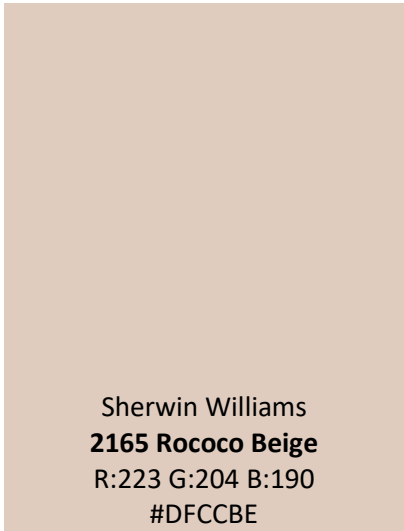


*Other paint brands that match the approved RGB colors may be permitted with ARC approval. The color swatch showing the RGB formula must be included in the application.*

### House Trim (Accent) Colors

112. Windows and trim colors should be compatible with the overall color scheme of the house. If window shutters or hurricane panels are being considered, they must appear functional and fitted with operable hardware. Window glazing film or coating shall not reflect more than 50% of the ambient external light.
113. Trim includes molding, door frames, garage doors, and other non-flat areas of the home.
114. House exterior trim paint must be Satin Exterior Acrylic.
115. The ARC provides the following approved trim colors for the exterior trim of your home.

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#E7B89A

#E7B095

#D5A084



Behr  
**8405 Rosetta**

R:202 G:149 B:155  
#CA959B



Behr  
**UL120-16 Pink Ginger**

R:204 G:164 B:152  
#CCA498

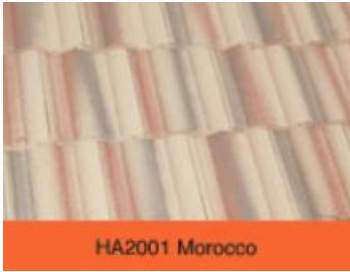
*Other paint brands that match the approved RGB colors may be permitted with ARC approval. The color swatch must be included in the application identifying the RGB mixture and color name. Contact your painter for swatches matching the name/code.*

### Lanai and Windows

116. Lanai and Window frames must be factory white.
117. Screens must be charcoal color.
118. Lanai roofs must be factory white or match the house body color

### Tiled Roof

119. Replacement tile roof shall match the original Hanson Hacienda Morocco barrel cement tile.



Since this is no longer available, the ARC has approved the use of one of the following choices:

Company	Profile	Color
Boral	Villa 900	South Beach
Entegra	Estate	Malibu Sand
Eagle	Malibu	Calico

### Fences

120. Fence color shall match the fence color at the pool and front gate.

### Driveways, Sidewalks, and Parking Lots

#### Pavers

121. Paver size must be 6 x 9 inches.

122. Pavers shall be selected from the following tricolor blends offered by US Paverscape or comparable blends from other sources.



**Bentcreek**



**Brookline**



**Lustre I**



**Crimson Blend**



**Mirasol**



**Windy City**

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**Virginia**



**Carribean**



**Harvest Blend**

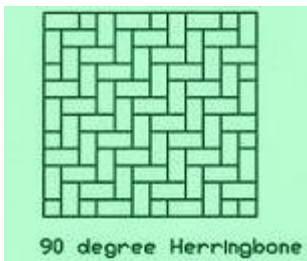
123. Paver values shall be less than 5 on a scale of 1 to 10.



124. Pavers must be installed in a 45 degree or 90 degree herringbone pattern with a solid border as seen from the street.



45 degree herringbone



90 degree Herringbone



45 degree Herringbone with  
Solid Border

125. Future paving and repairs, new colors and design shall, within reason, match existing colors and designs.

126. Driveways shall be no more than nineteen (19) feet wide.

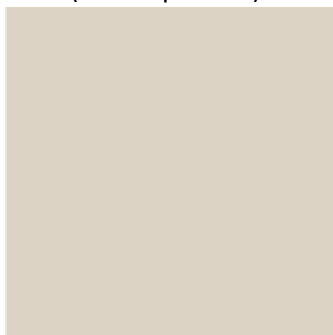
**Concrete Stains**

127. Driveways and sidewalks may be stained white or left natural concrete color. Prior to staining, driveways and sidewalks must have all dirt, oil, and/or prior finish stains removed.

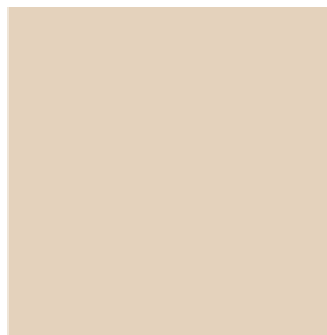
128. All exterior concrete must be stained uniformly.

129. Acceptable Stains include:

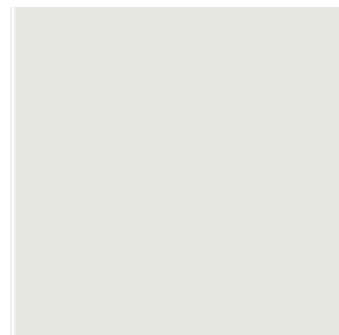
- Behr (or comparable)



811/PFC-72 White Cloud



836 New White/PFC-21 Grain



197 White/PFC-66 Ice White

## Non-Compliance with ARC Guidelines

130. Fines are assessed in accordance with FL Statute 720.305.
131. The HOA may assess a fine up to \$100 per violation. The fine may be imposed for each day the violation continues. The total fine for a specific violation is capped by law at \$1,000 per violation plus cost to bring into compliance and potential civil costs at the HOA discretion.

### Periodic review

132. An ARC member, Director, or property management company representative will periodically inspect homes in the neighborhood for compliance. Any home deemed out of compliance with these criteria will be promptly notified in writing.

### Remedy

133. Once a notice of fine is given to the homeowner or resident, the homeowner or resident has fourteen (14) calendar days to request an appeal. **A request for appeal shall be sent by certified mail, return receipt requested to the property management company c/o Bay Tree ARC.**
134. If the ARC does not receive a request for appeal within fourteen (14) calendar days, the fine becomes imposed. At this point, the fine becomes due and payable to the HOA. The HOA may use all lawful means to collect the fines.
135. If the fine is appealed, an "Appeal Committee" appointed by the Bay Tree Board of Directors makes a decision. Their options are: 1) Confirm the fine. 2) Reject the fine, or 3) delay the decision if a valid reason is provided. The decision of this committee is final.



# Architectural Change Application

Bay Tree HOA - Architecture Review Committee (ARC)

100 Pepper Lane, Jensen Beach, FL 34957

Name of Applicant/Homeowner	Address of Unit
Address of Applicant	Date of Application
Telephone Number of Applicant	Email of Applicant

### DESCRIPTION OF ADDITION OR MODIFICATION

Submit one (1) copy of this form for each proposed addition or modification accompanied where appropriate by floor plans, exterior elevations (all views), and site plan/property survey showing applicable setbacks, dimensions from property lines to proposed landscape, structures, etc. Include photographs, proposed colors, patterns, materials, and all additional information necessary for the ARC to make an informed decision. Submit this packet via the management company.

**The application review period begins when all required information is provided.**

**Select:**            Approval                            Routine Maintenance                            Emergency Repair

Describe the proposed additions or modifications

### APPLICANT ACKNOWLEDGEMENT

I acknowledge that I have read and understand this Application and the published Design Guidelines. **I understand that submission of the application does not guarantee approval and that any approval must be received in writing, prior to making the alterations sought in this application.** I understand the approval or denial is based on adherence to requirements and aesthetics of the proposed change, but does not certify the construction worthiness, structural integrity, or state and local approval of the proposed change. I understand that if I am digging, I or my contractor must contact the appropriate utilities prior to digging. I understand it is the owner's responsibility to follow all state and local building codes and setback requirements when making a change and that a building permit may be required. I understand that I may not deviate from the approved plans and variations will require a resubmission. (See conditions of approval on page 2)

Signature of Applicant	Date
------------------------	------

# Architectural Change Application

## CONDITIONS OF APPROVAL AND ACKNOWLEDGEMENTS

**Initial** the following to confirm your understanding

- \_\_\_\_\_ 1. Before you or your contractor digs, call Sunshine Utilities (800) 432-4770 to have your utilities marked. If necessary, contact the irrigation company to mark the irrigation wiring.
- \_\_\_\_\_ 2. All required permits must be obtained and properly displayed by the homeowner prior to work commencing.
- \_\_\_\_\_ 3. All colors are in accordance with the approved Design Guidelines. Color swatches are included in the Application.
- \_\_\_\_\_ 4. Homeowner is responsible for coordinating and costs for the capping of irrigation systems for any subsurface work proposed with the association's irrigation contractor. The homeowner must coordinate in advance with the irrigation contractor to have this work performed.
- \_\_\_\_\_ 5. Homeowner is responsible for maintaining, watering, pruning, trimming, and fertilizing all landscape materials approved by the ARC including the removal and installation of the material. No landscape materials may encroach on neighboring properties or common areas from inception to mature growth.
- \_\_\_\_\_ 6. Solar Panels. Piping, fasteners, and frames to solar panels must be painted to match the adjacent exterior structure color (e.g. roof, wall, or trim). It shall be concealed from view by neighboring lots and right of ways.
- \_\_\_\_\_ 7. Fences, Walls, & Hedges. No chain link fences are permitted. The composition, location, and height of any fence, wall, or hedge to be constructed shall be marked on the property survey. The mature height of any proposed landscape hedge must be disclosed.
- \_\_\_\_\_ 8. The homeowner is responsible for ensuring each contractor is in compliance with all Florida statutes for licensing and insurance.
- \_\_\_\_\_ 9. All potentially noisy work will be done between 7:30 am and 7:30 pm.
- \_\_\_\_\_ 10. If approved, this application is valid for six (6) months from the first date below.

\*\*\*\*\* **ARC USE ONLY** \*\*\*\*\*

Additional Comments/Conditions:

Reasons for Rejection/Steps to Approval:

	[ ]	[ ]	
ARC Signature	Approved	Declined	Date
	[ ]	[ ]	
ARC Signature	Approved	Declined	Date
	[ ]	[ ]	
ARC Signature	Approved	Declined	Date
	[ ]	[ ]	
ARC Signature	Approved	Declined	Date

# Architectural Complaint Form

Bay Tree HOA - Architecture Review Committee (ARC)

100 Pepper Lane, Jensen Beach, FL 34957

The Bay Tree ARC/Board of Directors has determined complaints shall be submitted in writing via the management company. This will become part of the BOD Official Documentation

## COMPLAINANT INFORMATION (HOMEOWNER FILING THE COMPLAINT)

Name of Complainant	Address of Complainant
Email of Complainant	Date of Complaint
Telephone Number of Complainant	Email of Complainant

## VIOLATION INFORMATION

Homeowner Name	Address
Date of Violation	

Violation: The nature of the alleged violation and a description of the factual basis of the complaint. – Who, what, when, where. Attach photos or supporting information.

Citation: State the specific Covenant, Design Guideline, or other published regulation that is violated.

\_\_\_\_\_  
Signature of Complainant (required)

# Architectural Complaint Form

Add Additional details (if needed)

# Lot Planning Template

