

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 Architectural Review Committee (ARC) and compliance with the requirements of this Handbook. The community associations are encouraged to support the ARC and Handbook compliance.

Property Owners should also refer to the Community Association's Rules and Regulations.

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A. Introduction and Authority

1. Eagle Creek Community Association is a Florida Homeowners' Association and operates under Florida law and its own governing documents. These establish the breadth and restrictions of the Community Association'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 Community Association 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 Community Association'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 Community Association, 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 Community Association Board.
5. This ARC Handbook shall be posted on the Community Association 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 the Community Association's current Master Covenants on the authority of the Community Association 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 Community Association Board:

1. Changes or additions to the exterior of any parcel, including roofing, gutters, storm shutters, screen doors, security bars, lanai enclosures (pool cages), 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:** Fences and other outdoor enclosures are not permitted, except at 105 Cypress View Drive and 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:

- a) All exterior lighting including landscape lighting should be white and minimal. Lighting must be located within the boundaries of the parcel, must not impose on adjacent parcels or parcels located across from the installation and must not impair the vision of motorists or pedestrians.
- b) Exterior light fixtures must only use warm “color temperature” light bulbs (less than 3000K).
- c) Focused accent lighting is allowed provided that the beam is limited in both intensity and height.
- d) New installations of high intensity flood lights are only allowed in the back of properties. They are not allowed where they face other properties located across fairways or waterways such as along or across from golf course holes number 3, 16 and 17 and east of Creek Bed Drive.
- e) Special holiday lighting is permitted to be displayed for a period not to exceed 30 days starting in the month of December.
- f) 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 Villas must sustain a consistency of exterior color including doors, windows, and trim.

7. Lawn Ornaments, Signs, Furniture and Personal Property, Flag Poles and Flowerpots:

- 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) No barbecue grills or other outdoor cooking equipment, patio or other furniture, bicycles, toys, or other personal property may be kept outside of a screened enclosure (pool cage) - or outside a lanai pad if a residence does not have a pool cage - unless approved by the ARC.
- 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. **Air Conditioning and Pool Equipment:** Air Conditioning equipment (condensing units, heat exchangers, etc.) and swimming pool equipment (heaters, filters, pumps, etc.) must be concealed from view from adjacent properties, the golf course and the street via shrubbery, plantings or minimum height structures that blend 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:**
- a) Exterior awnings and shutters must blend with the color scheme of the parcel.
 - b) Removable storm shutters may be installed prior to imminent storm threats and shall be removed in a timely manner after the threats have passed during the Naples hurricane season between June 1 and November 30.
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. It is not permissible to replace a concrete (or clay) tile roof or stone coated metal tile roof with asphalt shingles on any parcel. Parcels that currently have asphalt shingle roofs may replace with architectural style asphalt shingles or some form of tile such as clay tile, concrete tile (such as manufactured by Boral Roofing or Eagle Roofing) and stone-coated metal tile (such as manufactured by Gerard, Decra and Tilcor), at the discretion of the parcel owner. The ARC must approve the final selection as to style and color.

While homes with asphalt shingles may now be replaced with same, the Architectural Review Committee with the full backing of the Eagle Creek Community Association Board, strongly recommends that Owners continue to replace asphalt shingle roofs with some form of tile for their enhanced appearance and home value and to improve the aesthetic appeal of the community at large.

Bill Owen Jr., ECCA President – June 2019

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. Painting of roofs is not an acceptable method of repairing a roof.
14. **Window Treatments:** No owner shall install or maintain aluminium foil or other reflective material on any window or glass.
15. **Exterior 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.
 - f) Procedures for Compliance with Article D.15, Exterior Maintenance:
 - 1. Residents may (anonymously) advise the Property Manager, members of the ARC or members of the Community Associations of exterior maintenance items that are not in compliance.
 - 2. Members of the ARC and/or the Property Manager conduct periodic tours of the Community. If the Property Manager observes items of non-compliance without an ARC member present, the Property Manager shall review the item of non-compliance with the ARC.
 - 3. The Property Manager on behalf of the Community Association and the ARC issues letters to Property Owners stipulating a required date of correction of non-compliant items. The letters outline consequences of non-correction such as the Community Association engaging vendors to make corrections at the Property Owner's expense and/or assessing fines via the Community Association's Fining Committee.
 - 4. The Property Manager conducts follow-up inspections to verify that corrections are made within the stipulated time frames.
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. **Landscaping:** The ARC must review and approve all new landscaping excluding courtyards not in public view. In-kind landscape replacement projects such as replacing damaged or dead bushes need not be submitted for ARC review and approval. The ARC will consult with the Landscape Committee to evaluate landscape projects when required.
19. **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 Community Association'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.
20. **Acceptable Reasons for Tree and 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 based on assessment by a certified arborist.
 - 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.

21. **Mulch:** Mulch is provided as part of a community-wide initiative. Single colored mulch is selected by the Community Association 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 Community Association.
22. **Villa Requirements:**
- a) Each Villa grouping (Carriage Walk, The Keep and Cypress View Drive Villas) must maintain a common architectural appearance, including paint color, driveways, outdoor lighting, house numbers, garage doors and the color and design of roof tile, which must be concrete tile to match existing (no exceptions).
 - b) Conjoined Villa buildings (duplexes, triplexes and fourplexes) must appear unified to the street.
 - c) Sculptures and other decorative ground or wall ornaments may not be located so they are visible from the street.

- d) Gutters and downspouts are not allowed on the front (street side) of the gable-roofed garages on Cypress View Drive.
- e) Pool cage finishes and structures at conjoined villas must appear identical in shape, color and overall dimensions.

Although not a requirement, ideally owners would replace their pool cages at the same time using the same pool cage design and utilizing the same contractor in order to present a unified look to the golf course.

- f) Pool cages at conjoined villas sharing a common, stucco- or tile-clad masonry wall must share one common pool cage screen wall. It is the responsibility of the owners on each side of a common wall to collaborate during the construction of new pool cages or replacement of existing pool cages by requiring that the pool cage contractor (or contractors in case the villa owners do not use the same company) design and engineer the structures with one common screen wall separating the two pool cages. Owners who fail to adhere to this requirement are required to correct deviations at their (or their contractor's) expense.

E. Operating Procedures

1. **Initial Submission of an Exterior Change Request:** A parcel owner proposing an exterior change must complete and submit to the Property Manager an 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). The ECR can be submitted electronically by using the link at www.eaglecreek.today or by using the ECR form published in Appendix B of this Handbook also available at www.eaglecreek.today.
2. **Failure to Submit an Exterior Change Request:** Starting exterior changes without first submitting an Exterior Change Request (ECR) and receiving approval of the ECR results in a fine to be assessed by the Community Association's Fining Committee. The Community Association requires removal of work installed in non-compliance with the stipulations of the ARC Handbook. Costs associated with removal of non-compliant work and restoration to original condition are the responsibility of the homeowner.
3. **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.
4. **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.

5. **Appeal of ARC Decisions:** Parcel owners may appeal ARC decisions to the Community Association 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 Community Association 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 Community Association 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 Community Association Board's decision and the parcel owner will be obliged to act in accordance with the final ruling.
6. **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 Community Association Board for review and disposition.
7. **Monitoring of Approved Projects:** Approved projects may be monitored for conformity with the ARC or Community Association 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 Community Association Board and other

legal remedies as may be prescribed by the Community Association Governing Documents.

8. **Permits:** Homeowners and their contractors are responsible for obtaining governmental permits where applicable.
9. **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 Community Association, special exceptions may be granted for time extensions to make repairs necessitated by unusual conditions such as severe weather events.

APPENDIX A: Authority of the Community Association and the ARC

1. Eagle Creek Community Association, Inc. 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. The Community Association's Master Covenants provide at Section 8. Architectural Control that the Community Association 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 Community Association 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 Community Association's Master Covenants authorize the Board to appoint an Architectural Review Committee (ARC).
5. This Handbook establishes the Community Association's guidelines and standards, the ARC enforcement and approval process and parcel owner's right to a review by the Board of the Community Association (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 (ECR)

This ECR form is to be completed by the owner for any exterior changes, alterations, or construction on any homeowner’s lot. The ECR can be submitted electronically via the link at www.eaglecreek.today. 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 construction dumpsters, pool cages, swimming pools, spas, awnings, shutters, new construction, alterations, changes of exterior color, roof replacement, driveway coatings, house numbers, exterior lighting, tree removal, new landscaping or any other change in the exterior of your property. Please see the ARC Handbook for full requirements.

LOCATION OF PROPOSED PROJECT

Name _____ email: _____

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:

Eagle Creek Property Management

746 Eagle Creek Drive #103

Naples, FL 34113

Or email to PMassistant@eaglecreekcc.org

ARC DECISION: Approve _____ Deny _____

Comments _____

ARC CHAIR _____ Date _____

This section reserved for Owner appeal of ARC decision only

BOARD OF DIRECTORS APPEAL DECISION Approve _____ Deny _____ Date _____

APPENDIX C: 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. Contractors may not use the community's garbage dumpsters for disposal of construction waste. Contractors who violate this policy and the owners for whom they work will be fined.
5. Dumpsters and construction equipment must be located entirely on the owner's property. Placement of dumpsters must be approved in advance via submittal of an Exterior Change Request (ECR). Dumpsters must be removed within 2 weeks after being placed. (Contractors may install a new dumpster for a 2-week duration more than once during a project). Construction equipment must be removed promptly when no longer required to perform work on site.
6. 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.
7. Contractors must restore any damage caused by contractor's activities to the conditions that existed prior to starting work (e.g., damaged turf, landscaping, concrete curb and gutter, etc.) by restoring to match adjacent, undamaged conditions.
8. All chemicals must be stored in a secure location.
9. All work must be in compliance with county, state and federal regulations and permits must be obtained where required.
10. 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).
11. The maximum speed limit in Eagle Creek is 25 miles per hour (25 MPH).

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.