

VillaRosa Master Association, Inc.

# Community Standards

Prepared by: VillaRosa Board of Directors and VillaRosa Architectural Control Committee

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## INTRODUCTION

This Community Standards Document includes procedures and standards to assist the VillaRosa Architectural Control Committee (ACC), the community Property Manager, and property owners and residents in understanding and complying with deed restrictions, requirements, and alteration applications.

The document supports, clarifies, and amplifies the Master Covenants and other governing documents that bind each property owner. Establishing and enforcing these standards are essential - to create and preserve a community that is attractive and livable; to approach enforcement with as much consistency as possible; and to protect and enhance property values.

Hard copies of the current revision of the document were mailed in Spring 2006 to each property owner of record with the Association. The full document revision will be available on the Association Web Site in Spring 2006 at [www.villarosahoa.org](http://www.villarosahoa.org).

Each property owner and resident is responsible for reading and understanding the contents of this document.

**As of June 1, 2006, with the official mailing of this revision, each property resident will be held responsible for compliance with its contents.**

If you have misplaced your hard copy and cannot access the document on-line, please contact Rampart Properties immediately for a replacement copy.

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## ARTICLE 1. ARCHITECTURAL CONTROL COMMITTEE (ACC)

### 1.01: Responsibilities.

In accordance with authority granted to the Board of Directors in the governing documents, the Board of Directors shall appoint and manage an ACC. The ACC directives shall be:

1. Recommend, supervise, and assist in control of the external design, appearance, location and maintenance of all improvements on the property; and all landscaping additions set forth in the Community Standards.
2. Establish and adjust community standards in accordance with the provisions of the governing documents and with community quality of life.

In carrying out its duties, the ACC shall direct the Property Manager in the review of all submittals and apply the procedure, standards and design standards as set forth in these standards. The Committee shall keep records and shall direct the Property Manager to maintain a file of all alteration application and activity for a period of not less than seven years.

### 1.02 Policy

All owners and their contractors must comply with these standards and with alteration application procedures and requirements prior to commencement of any work. The Property Manager and / or Committee will review plans, materials, site plan, colors and/or landscaping plan to ensure compliance with the design requirements, policy and procedures of these standards. No alteration requiring the approval process shall be commenced until plans and specifications have been submitted to and approved in writing by the Property Manager or the ACC. The Association assumes no responsibility for the structural integrity, safety features, mechanical operation or building code compliance of the proposed construction.

### 1.03 Committee Discretion

These standards do not cover every possible situation that may require ACC approval. The ACC is authorized to exercise discretion in approving or disapproving a specific proposal. In some special cases the Board of Directors may approve a

proposal that may conflict with a standard set forth in this manual. Any such approval does not constitute a precedent for future requests.

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## ARTICLE II PROPERTY ALTERATIONS -- MANAGEMENT PROCEDURES

### 2.01 Quick Reference Lists -- Common Issues

Two quick reference lists are included to highlight common issues that ALWAYS REQUIRE APPLICATION and common issues that ARE NEVER ALLOWED. These lists do not necessarily include every possible standard or alteration circumstance. Please refer to individual standards within this publication as well as master documents for additional detail. Reference is provided to Declaration of Covenants, Conditions, and Restrictions of VillaRosa, ARTICLE VII, Restrictions on Subdivision Lots.

#### 2.01 (a) Category I: Always Require Application and Approval

These property alterations require the completion of a formal alteration application approval process. The process includes a fully executed application to the Property Manager, approval from the Property Manager, and compliance with all approval conditions. **Work may not begin until an official written approval from the Property Manager or the ACC is received by the homeowner.**

- Fencing - new, added or replacement
- Pools - New or replacement
- Lanais / screen enclosures / Other Additions
- Plantings / Trees Over 8 Feet at Maturity
- All Exterior Painting - Whether Existing or Replacement Color
- Play Sets Over 4 Feet in Height
- Decks / patios / pads / sidewalks / Pavers
- Elevation changes
- Window replacement / changes
- Driveways: re-construction / resurfacing
- Gutters
- Roofing
- Front Yard Structural Landscape Features ( e.g., Fountains, hard curbing, walls)
- All changes to Parkway Sod (other than live Oaks)

#### 2.01 (b) Category II.

Certain alterations / conditions are not allowed within the Master Covenants and include, but are not limited to, those in this category. They are considered to be in violation, and subject to immediate action by the ACC.

- Sheds

- Clotheslines
- Antennas
- Satellite Dishes over 18 inches in diameter
- Front door coverings (e.g., screen doors or storm doors of any material,  
*Exception: See Section 3.22 for variance for Phantom-type screen doors.*)

## 2.02 Application Process

Application forms may be obtained from the Property Manager or from the community web site, and must be submitted to the Property Manager in 'complete' condition, including signatures and accompanying plans and specifications. It is the owner's responsibility to apply for and pay all fees for permits and inspections required by the governing authorities and codes.

**Work may not begin until an official written approval from the Property Manager or the ACC is received by the homeowner.**

The Property Manager and/or ACC shall have up to thirty days (30) to review a submittal. After review, the submittal will be retained by the Property Manager for their files. The Property Manager will forward a letter, indicating disposition as follows:

- 'Approved' (project approved as submitted). Note: If several options have been presented, the approved option must be noted on the approval.
- 'Approved as Noted' (subject to conditions noted)
- 'Not approved' (reasons noted on drawings and forms)
- 'Incomplete' (Application is returned for re-submission. Detail will be provided indicating missing items, e.g., 'specifications for improvement not provided with application or official lot survey not provided and improvement specified thereon

2.03 Standards. All plans shall use (1) the applicable standards established by the governing documents for density, building type, set-back requirements, utilities and placement, and other exterior characteristics, and, (2) the design criteria of these Community Standards to preserve consistent external appearance, design and compatibility with existing structures.

2.04 Completion. Approved projects must be commenced within a maximum of three (3) months after ACC approval and be completed within a maximum of (6) months of such approval. Specific projects may be subject to shorter time periods, and such changes will be noted with approval detail. All construction shall be completed in a timely and continuous manner. After three months, re-submittal and re-approval is required. Failure to complete the work within the prescribed time may also result in penalties as prescribed in Article, Section 2.06 — Enforcement. The Property Manager and / or ACC may grant an extension due to extenuating circumstances brought to its attention.

2.05 Appeal. There is no automatic right of appeal of a decision by the ACC. An applicant may petition the Committee for a review of the Property Manager decision

by submitting a written statement to the ACC Chair, explaining the issue and the proposed solution. An applicant may petition the Board of Directors for a review of an ACC decision by submitting a written statement to the Board President, explaining the issue and the proposed solution. A majority of the ACC and /or Directors must agree that a review is appropriate. The Property Manager will notify the applicant within 30 days after the applicant's statement is received of the acceptance or denial of the petition, and any conditions. The ACC and / or Board may set procedural limitations for the review, including restricting the scope of the review to specific issues and limiting the time that the applicant may speak.

2.06 Enforcement. Property inspections and/or resident reports to the ACC or Property Manager that reveal a violation of standards will initiate corrective action by the Property Manager. The Property Manager will proceed with an enforcement process that may include notification documents, fining impositions, Mediation Committee hearings, and/or legal action. Please refer to Addendum B -- Enforcement Policies to this Community Standards document.

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### ARTICLE III. COMMUNITY STANDARDS -- DESIGN.

3.01 General. Living Units shall be of an attractive and high quality architectural design that is compatible in external appearance, design and quality with existing structures. 'Screened from public view' means using shrubs, trees or a pre-approved fence that will prevent the object from being seen from the street.

3.02 Drainage. Roof gutters and downspouts of 6' aluminum construction are permitted within the approved color scheme (white or to match fascia or the home). Downspouts shall not direct water onto common areas or neighboring property and must drain according to building code. Application is required.

3.03 Driveways. Any driveway material other than concrete slab construction (including artistic affects of content, style, sealant, or color) must be approved by the ACC. Circular driveways or other driveway configurations will be considered on a case-by-case basis. All driveways shall permit a full size (20ft.) car to be parked in the driveway and not interfere with sidewalk access. High quality, acrylic paint may be used to seal the driveway surface. Application is required.

3.04 Garages. Garage doors shall be of standard solid panel construction, which will conceal the contents of the garage. Garage doors shall be kept closed except when access or an activity requires them to be open. The structure shall relate to the dwelling in respect to character, material, and finish. Carports and unattached garages are not permitted. Garage doors may be screened for ventilation -- Application is required. However, the screening must be mounted on the inside of the garage door, be retractable and shall not be visible when the garage door is closed.

3.05 Fences and Walls. The ACC must approve all fences and walls. There are several approved designs and materials available upon request. Please refer to Article V — FENCING STANDARDS for specifics.

3.06 Porches, Decks and Patios. All porches, decks and patios shall have an appearance consistent with the dwelling and the community. Any porch, patio or deck shall comply with existing setback governances. Porches or decks constructed above ground must be finished to the ground with materials compatible with the deck or the dwelling and screened with landscaping. Patios shall be concrete slabs on grade. Front porches may not be enclosed with screening or any other type of material.

3.07 Awnings. The ACC must approve all awnings placed in an area visible from the street. Fabric type retractable awnings must be compatible with the house style and color, and will be considered on a case-by-case basis. Retractable awnings and window awnings on street-visible areas shall not have pole supports.

3.08 Solariums, Screened Enclosures, Gazebos, Other Additions. All such structures must be approved by the ACC and must be of a design that is compatible with the dwelling and community. Only professionally designed or pre-engineered structures will be considered. Design criteria considered include quality, location, function, shape, size, material, color, placement and visibility from adjacent properties. The structure shall relate to the dwelling in respect to character, material, and finish including roofline. Fully windowed enclosures must use windows compatible with the rest of the structure. Screened enclosures shall be constructed with white or bronze aluminum supports and smoke colored screen material. Enclosures shall not exceed house width and height.

3.09 Freestanding Tent Structures are allowed only on a temporary basis (7 days maximum) for special events.

3.10 Exterior Finish and Colors. All exteriors shall be of first quality standard stucco compound with a knockdown finish. This shall apply to any and all parts or attachments to any structure on any lot, including barrier walls. All exterior colors must comply with the community color scheme. All exterior painting required application and approval -- whether repainting in existing color or a replacement color. Only colors in subdued, earth, or neutral tones will be considered for the body color. Accent colors must be compatible with the field color. These standards apply to doors, garage doors, all trim and any and all parts or attachments to any structure on any lot. Sample compliant colors are available from the Property Manager.

3.11 Roofs. All roofing replacement requires ACC approval. Approved roofing materials are compound shingle, dimensional shingle or cement or clay tile. Other materials will be judged on their merit on a case-by-case basis and must be submitted for material, color, and texture approval. Roofing color and hue, materials and configurations shall be compatible with existing homes and communities.

3.12 Service Areas and Items. The following types of service areas must be approved by the ACC and shall be reasonably screened from public, street, and neighbor view: Doghouses, firewood storage, propane tanks, permanent generators, patio furniture, and water softeners.

Patio furniture shall be restricted to a front covered porch or rear of the lot out of view. Patio furniture shall not be placed or stored in driveways or front yards of homes.

Play, sports or other recreational equipment shall not be allowed to remain overnight within the front of any lot. Note the exception regarding basketball hoops under Section 3.21.

Permanently installed generators, water softeners, heating/cooling devices, and propane tanks require approval and approval will include requirements for buffering from view and impact. Note additional information under Sections 3.16 and 3.17.

**3.13 Play Equipment.** All play sets, swing sets or other playground equipment over 4 feet in height require ACC approval. The overall allowable height and dimensions of play sets shall be determined based on location, lot size and placement, visibility, and intrusion on neighbor lines of site. In no case shall a play set exceed twelve (12) feet in height. ACC approvals will include requirements for buffering the structure's visual impact to neighboring home sites and/or the street, with approved fencing or landscaping.

Applications for fencing buffers must be submitted prior to installation of the play set or fence. Fence buffers must meet current fencing standards.

Olay structures must be constructed of wood or recycled plastic. Aluminum or metal tubing is not permitted.

The use of primary colors, including slide and canopy, is not permitted. Structures shall be entirely 'earth toned', tan, olive or brown.

**3.14 Swimming Pools, Spas, Whirlpools, Hot Tubs.** Swimming pools must be below ground. Homeowner must fence or enclose the perimeter of the pool area to prevent access to such area. Please note Hillsborough County safety regulations. Pool service equipment water softeners, heating equipment, and propane tanks must be screened from public view and impact with landscaping or approved fencing. Freestanding hot tubs must be out of public view.

**3.15 Poles and Antennae.**

- Exterior poles and towers are not permitted.
- Freestanding flagpoles not to exceed roofline height may be permitted and may be subject to review by the ACC.
- Satellite dishes shall be mounted in a location that is not readily visible from public view. Ground installations shall be screened or disguised by trees, shrubs, rocks, or other means. Satellite dishes larger than 18 inches are not permitted.

**3.16 Heating and Air Conditioning Equipment.** Outdoor heating and air conditioning units require ACC approval. They shall be placed to minimize noise to adjacent dwellings and shall be screened from view.

3.17 Permanent Generators. Permanently installed electrical generators require ACC approval. They shall be placed to minimize noise to adjacent dwellings and shall be screened from view. Please note Hillsborough County safety and noise abatement regulations which can be found at the Hillsborough County website.

**3.18 Mailboxes.** Mailboxes shall conform to the most current standard, shall be kept clean and sound, and shall be of the currently approved Association design and colors. Current standards require mailboxes are to be white or beige aluminum, or acrylic with a flag. Replacement mailbox posts will consist of a 5'x 5' ft PVC post with a VillaRosa custom plaque. They must be purchased from the approved Association supplier, Creative Mailbox Designs, of Oldsmar, Florida (*Refer to Addendum A for additional detail*). Existing wooden mailbox structures shall be kept clean and painted in Association approved colors. See following paint color information:

Home Depot Formula: BEHR paint      Premium Plus Exterior Semi-Gloss  
Enamel      Ultra Pure White (5050)

Colorants:	OZ	48	96
D Thalo Green	0	4	0
AX Perm Yellow	0	38	0
I Brown Oxide	1	0	0

For roses, use Candy Red and Hunter Green

3.19 House Numbers. House numbers must be clearly readable from the street, but not so large as to be out of proportion to the structure, and compatibility to the overall design of the structure.

3.20 Exterior Lighting. Type and placement of exterior lighting devices are subject to review by the ACC. Lighting should be white in color. Freestanding decorative light posts of dark metal construction are permitted. Lighting installations must consider impact on adjacent property owners.

3.21 Basketball Structures. Portable basketball backboards shall be down out of view when not in regular use. Portable basketball goals shall not be stored at the end of the driveway, in the street or on the sidewalk in front of the home. All backboards will be maintained in like new condition. Any basketball equipment other than portable boards is subject to ACC approval. No basketball backboards shall be mounted in a permanent fashion on a garage, shed or other permanent structure.

3.22 Front Doors. Front doors may be of metal or solid wood and may contain clear glass portions that may be plain, frosted or etched. Front door coverings such as screen doors or storm doors (whether of metal or glass) are expressly prohibited with one exception.

Exception. 'Phantom' type screen doors require application and approval. These doors allow screening to be mounted on the side of the doors in a housing that covers a retractable screen. The housing must be painted to match the surrounding house trim and must be kept in good repair. The screen must be retracted whenever the main door is closed.

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## ARTICLE IV COMMUNITY STANDARDS - LANDSCAPE

All Lots shall be landscaped in a manner that is harmonious and compatible with the overall landscaping policy. All homeowners, whether in-occupancy or not, shall maintain their property by exercising accepted garden management practices necessary to promote a high quality, healthy, weed free environment for optimum plant growth and control.

### **4.1 Enforcement**

The Association may impose individual fines for each violation of the provisions of these standards. Fines may be imposed at \$50.00 per violation of each category. The categories are defined as (1) Lawns, (2) Trees, (3) Palms and Ornamentals, (4) Shrubs, (5) Plant and Flower Beds, (6) Irrigation, (7) Insect, Disease Control and Fertilization, (8) Yard Ornamentation and Accent Lighting, (9) Mulching and (10) Sidewalks.

### **4.2 Standards**

#### **4.2.1 Lawn Maintenance:**

- a. Lawns shall be cut on a regular schedule, which maintains the lawn in a neat and appropriate manner. No owner shall allow any grass or weed on his or her lot to attain a height in excess of four (4) inches over root mass. Minimum ACC standards require weekly mowing for the months of May through October and bi-weekly mowing for the months of November through April.
- b. Edging shall be performed on a regular schedule, in line with mowing requirements. Clean edging is required for all lawn areas meeting curbing, sidewalks, driveways, house, garage, plant beds, pool equipment, porch/lanai foundations, utility boxes, fences, etc.
- c. Lawns will be kept disease free without bare, dead, brown, or burned spots. Insect and disease damages will be treated and mitigated immediately upon identification. Widespread disease damage or un-repairable disease damage will be addressed by re-sodding or other ACC approved method, within a reasonable period, e.g., 60 days from first treatment. All other causes of bare, dead, brown, or burned spots on lawns will be addressed in a similar timely fashion.
- d. No weed growth is permitted in expansion joints, curbs, driveways, and sidewalks. No weed growth or excessive grass growth is permitted around trees, up against any structure, etc. No weed growth is permitted in any lawn and lawns must be treated to eliminate weeds as they appear.

- h. Lawns shall be fertilized regularly to promote a healthy appearance.

#### 4.2.2 Tree Maintenance

a. *Live and Laurel Oak trees are the only trees approved for right-of-way planting.* (The right-of-way is defined as the grassy area between the sidewalk and the street). Oaks in the right-of-way shall be pruned, not artificially shaped, to maintain a neat appearance. The trees shall be limbed to provide 7 feet of clearance for pedestrians and vehicles to pass under without hitting branches or leaves. They shall also be limbed to remove dead branches, when they become a hazard or when they become overgrown. Oaks should be thinned to mitigate strong wind and weather affects. Property owners are responsible for Oak maintenance, and must promptly replace them should they become diseased, damaged, uprooted, or die. The homeowner shall remove any stump for any Oak tree that has been uprooted or removed at the time of the tree removal. Replacement Oak trees will be the same species as the tree replaced and shall have a minimum trunk diameter of one & one half inches (1 1/2') measured at four feet six inches (4' 6") from the ground. *Any other species of tree that has been planted in the right-of-way shall be replaced with the specified Oak tree should it be removed or uprooted.*

b. Yard trees shall be pruned and maintained according to standard practices for the specific species and in accordance with standard neighborhood and common areas. The trees will be maintained at heights and widths compatible with the home and neighboring properties. Trees shall be properly fertilized to ensure good color and growth. Diseased, dead, uprooted or damaged trees shall be removed in accordance with standard practices. The homeowner shall remove any stump for any tree that has been uprooted or removed at the time of tree removal.

c. ACC application and approval is required for any tree with potential for growth to over 8 ft. high, or for any tree where potential infringement on neighboring or common property or view is possible.

#### 4.2.3 Palm Trees and Ornamental Palms

a. Palm trees shall be maintained to enhance the landscaping of the property and to present a neat appearance. Mature trees shall not be allowed to become so large as to overpower the yard landscape, overpower the yard, or block major portions of the home. Palm fronds shall be removed when they are dead and Palm seedpods shall be removed after they have opened and are unsightly and to preclude them from becoming a safety hazard during storms. Palms shall be fertilized to ensure good color, growth, and appearance or when yellowing of the fronds occur. Diseased, dead, uprooted or damaged trees shall be removed in accordance with standard practices. The homeowner shall remove any stump for any tree that has been uprooted or removed at the time of the tree removal. Care should be taken when selecting Palms for planting to ensure proper size upon maturity of trees and compatibility with the home site. Additional general tree requirements in 4.2.2 also apply.

b. Ornamental Palms shall be maintained in accordance with section 4.031. Care should be taken when selecting ornamental Palms to ensure compatibility with existing landscaping. *With the onslaught of Asian Scale Disease to South Florida , Sago Palms should not be added to any landscape. If they already exist on a property, they must be sprayed with a garden or tree oil soap to control the disease as needed. If diseased fronds are removed, they must be bagged in a sealed plastic lawn refuse*

*bag to prevent spreading of the disease to neighboring properties.* Additional general tree requirements in 4.2.2 also apply.

#### **4.2.4 Shrubs, Bushes, and Hedges**

a. Free standing shrubs, bushes and hedges shall be fertilized and pruned to maintain a neat appearance and in accordance with standard gardening practices for the specific species. Height and width of shrubs, bushes, and hedges will be compatible with the home and neighboring properties. Shrubs, bushes and hedges shall not be allowed to become overgrown causing major portions of the home to be blocked. No shrub, bush, or hedge shall be planted so as to create a living fence in violation of any other existing fence standards. Refer to Section V fencing detail.

b. When planted in front of windows, shrub height will not exceed the lower half of the window. At least 50 percent of a window must be visible. Shrubs should be planted to maintain twelve inches (12') between the shrub and any structure to provide access to the structure.

#### **4.2.5 Plantings and Flower Beds**

a. Beds shall be maintained in such a manner as to enhance the beauty of the home and neighborhood. Plantings shall be fertilized and maintained by trimming and pruning of plants to prevent overgrowth in accordance with the specific species and good gardening practices. Dead or damaged plants shall be promptly removed and disposed of.

b. All plant beds must be maintained to be weed-free.

c. Planting beds in the right-of-way require ACC approval. Right-of-way beds shall not exceed more than ten (10) percent of the area of the right-of-way. All plantings shall be maintained in accordance with section 4.2.4 and must be trimmed to maintain a maximum height of eighteen inches (18'). Further, plants shall not encroach on sidewalks, driveways, or streets.

#### **4.2.6 Irrigation**

a. Lawns and other landscaping shall be watered as needed, and as permitted by ordinance, to maintain growth and a healthy condition. Irrigation may be by automatic sprinkler systems or manual/hand watering methods. If manual methods are used, the watering equipment must be removed immediately after watering is complete. The lack of an automatic sprinkler system is not sufficient grounds for non-watering.

b. Automatic sprinklers shall be maintained to promote proper watering of the area to be watered and aimed in such a manner to avoid sidewalks and hindering pedestrian traffic. Sprinkler systems shall be adjusted or expanded as required to ensure sufficient grass and landscaped areas after landscape changes or lot improvements.

#### **4.2.7 Insect, Disease Control, and Fertilization**

a. Each owner shall maintain lawns, trees, plantings and all landscaping with recommended agents to prevent and control insects, fungus and diseases.

- b. Lawns, trees, plantings and all landscaping shall be fertilized on a regular basis consistent with recommended standard gardening practices to promote growth and a healthy appearance.

#### **4.2.8 Yard Ornamentation and Accent Lighting**

- a. Excessive yard ornamentation, visible from the street, is not permitted. Any visible ornamentation may be subject to review and requests for removal from the ACC. Quality of yard ornamentation must be consistent with the community. Decisions regarding quality and excess are at the discretion of the ACC.
- b. Seasonal holiday decorations are exempt from item a. above, but should be removed within two weeks after the holiday season end.
- c. Fountains, gazebos, and their location require ACC approval.
- d. Ornamentation shall not be allowed in any right-of-way.
- e. Landscape lighting is permitted if it is not excessive and the lighting enhances the beauty of the home. Lamps shall be aimed in a manner that they not interfere with neighboring properties and traffic. Landscape lighting will not be allowed in the right-of-way.

#### **4.2.9 Mulching**

- a. All beds must be mulched and replenished as needed to maintain plants in a healthy manner consistent with standard gardening practices.
- b. Mulch shall consist of shredded natural tree products or stone. Shredded rubber or other shredded man made materials shall not be permitted in plant beds.

#### **4.2.10 Sidewalks**

- a. Homeowners shall maintain and repair the sidewalk to ensure it remains clean, safe, and structurally sound.

#### **4.2.11 Easement or Property Hard Bedding Edging and Curbing.**

- a. Hard surface edging or curbing includes block, brick, or poured concrete.
- b. Poured concrete requires ACC approval and must be in neutral or earth tones. White is not allowed. Sample colors can be found at the following website: [www.curbinusa.com/concrete-curbing-colors.htm](http://www.curbinusa.com/concrete-curbing-colors.htm)
- c. No hard surface curbing or edging of any kind is allowed in the right-of-way.

## ARTICLE V COMMUNITY STANDARDS -- FENCING

### 5.1 Master Declaration of Covenants References

- Article VI, Section 1: Authority
- Article VI, Section 2: Procedure
- Article VI, Section 5: Standards
- Article VI, Section 6: Time Limit to Build
- Article VI, Section 7: Standard Village Criteria
- Amplifies Article VI of the Master Declaration of Covenants, Conditions and Restrictions
- Amplifies Article VII fencing references and First Amendment to the Declaration on Covenants, Conditions and Restrictions of Villa Rosa Phase I reference to Article VII, Section 13(f)
- Amplifies Article VII fencing references to the Declaration on Covenants, Conditions and Restrictions of Villa Rosa Phase II Article VII
- Does not affect the Declaration of Covenants, Conditions and Restrictions of the Traditions at VillaRosa

### 5.2 Application and Approval

The set of specifications provided in this section is to be considered ONLY AS A GUIDELINE for fences. The ACC, prior to any installation, must approve all fences in writing, even if it meets these specifications.

Application for approval of a fence installation requires a survey or plot plan showing the owner's property and adjoining properties with all permanent structures (including existing fences) located on them. The survey must show the location of proposed fences, fence height(s), all transition points of fences, gate locations, distances from property lines, existing or proposed grades, all easements, drainage or utility structures, and a detailed list of specifications for all fences materials.

Fencing approvals require a photo or drawing of the proposed fence style.

Fencing is unique in its great potential to alter line-of-sight, ventilation and restrict access. Therefore, when considering fence installation, residents are encouraged to consult with neighboring property owners. In many instances, adjoining Lot owners may agree on a mutual fence style and share costs as well as maintain aesthetic integrity between the homes.

Lot owners submitting fence alteration applications are encouraged to notify owners with adjoining lot lines. Signature lines are included on the application to confirm such notification. **Important Note: *When considering the installation of a fence, please plan to construct the improvement in such a way as to provide a continuous appearance from any neighboring fence or gate.***

These requirements for fencing are to provide for consistent and appealing fences in the community. Other fences may be considered by the ACC, at its discretion. Any inconsistencies or conflicts in these standards will be settled at the ACC's sole discretion or at

the Owners request to exercise their right to an appearance as per the Master Declaration of Covenants, Conditions, and Restrictions, Article VII, Section 1.

### **5.3 Component Specifications:**

#### **5.3.1 General Issues**

All fences will have vertical slats of a size and construction as specified herein.

No basket weave, lattice, rail, or chain link construction will be approved.

Slats must be of consistent height so that the appearance of any fence across the entire construction is a level top in each section. (The exception to this guideline is at transition points as required by standards or where approved by the ACC or management company.)

All fences are required to follow the contour of the lot on which they are installed. All installations shall meet minimum manufacturer and County Building Code specifications in addition to specifications included herein.

Only the fence materials, constructions, and designs specified herein, will be permitted.

Management and/or the ACC, at their discretion, may require changes or replacement for any unsightly or decayed fencing material or conditions.

#### **5.3.2 Wood Fencing**

##### **5.3.2.a. Material and Color**

Slats shall be 1' x 4' domestic pressure treated #2 pine, .25 retention, with dog-eared tops.

Rails shall be 2' x 4' pressure treated pine, .25 retention. Posts shall be 4' x 4' domestic pressure treated pine, .40 retention.

All nails or staples shall be galvanized to resist rust.

Gate hardware shall be black painted.

All material is to be left 'natural' (i.e., preserved to its original tone and unpainted, or naturally silvered or weathered) and will be maintained in new or good condition with any better side facing out.

##### **5.3.2.b. Construction**

*Standard side and rear wood fences* may not exceed 6' in height and will be of Shadow Box construction only; no Board-on-Board or Stockade wood fences will be allowed. The maximum gap between boards will be 2-1/4 inches. Design shall include three (3) rails on all 6' high fences.

*Rear property lines fences* on lake lots and conservation lots are limited to 4' in height. Rear property line fences on lake lots and conservation lots may also

be of spaced picket design, with pickets placed on the outside of the fence, and maximum spacing between pickets of 2-1/4'. Design shall include two (2) rails on all 4' high fences.

*Posts and stringers* may not be visible from the street and/or neighboring lots. All posts and stringers must be facing the interior of the rear yard of the home.

*All posts* must be set at a minimum of 34' into the ground and be spaced not less than 8' 0' on center.

*Gates* must be constructed of a design (shadowbox or picket as applicable) matching the fence in which it is integrated, and should be reinforced to prevent sagging.

### **5.3.3 Solid Vinyl Fencing**

#### 5.3.3.a. Material and Color

*Vinyl materials* will be pure vinyl and not vinyl-clad wood or co-extruded material.

*Color* of vinyl fencing will be white.

*Gate hardware* must be black painted.

#### 5.3.3.b. Construction

*Standard side and rear wood fences* may not exceed 6' in height and will be of Shadow Box construction only; no Board-on-Board or Stockade wood fences will be allowed. The maximum gap between boards will be 2-1/4 inches. Design shall include three (3) rails on all 6' high fences.

*Rear property lines fences* on lake lots and conservation lots are limited to 4' in height. Rear property line fences on lake lots and conservation lots may also be of spaced picket design, with pickets placed on the outside of the fence, and maximum spacing between pickets of 2-1/4'. Design shall include two (2) rails on all 4' high fences. Fences at 4' 0' high shall have posts set a minimum of 22' into the ground or meet manufacturer specifications.

*Posts and stringers* may not be visible from the street and/or neighboring lots. All posts and stringers must be facing the interior of the rear yard of the home.

*All posts* must be set at a minimum of 34' into the ground and be spaced not less than 8' 0' on center.

*Gates* must be constructed of a design (shadowbox or picket as applicable) matching the fence in which it is integrated, and should be reinforced to prevent sagging.

*Sample of compliant vinyl fencing:* 'The Melbourne ' as manufactured by Country Estate Fence. Owner may install any brand of white vinyl fencing as long as it meets all specifications and approved styles.

#### **5.3.4 Black Aluminum or Wrought Iron Fencing ( Augusta Ridge and Faberge Only)**

##### 5.3.4.a. Material and Color

*Material* must be extruded aluminum or polyester coated Galvalume treated or equivalent steel (wrought iron), meeting current manufacturer's standards.

*Gates and gate hardware* must be of the same material and color.

*Top rail* is required. No finials will be exposed.

##### 5.3.4.b. Construction

Non-gate posts must be a minimum of 2' square with a wall thickness of .060.

Gate posts must be a minimum of 4' square with a wall thickness of .125'.

Picket and post spacing may vary with manufacturer design and specifications.

#### 5.4 Placement Specifications

- a. Front Setback: Shall be a minimum of 35' from the front property line or 10' behind the closest point of the house to the street, whichever is further.
- b. Easements: Approved fences may **NOT** be installed in drainage, utility and conservation easements. As provided for in Article VII, Section 11 of the Master CC&Rs.
- c. Lake Lots : On side yards of lake lots, fences must begin to transition from 6' high down to 4' height at a minimum of 30' from the Lake rear property corners. *A greater setback may be required if views to the lake by adjoining homeowners are blocked.* The transition for 6' high to 4' high will take place in an 8' section of fence. From that point, the fence will continue at 4' high in the approved design.
- d. Conservation Lots: These lots will have the same requirements as lake lots, with the exception that the rear yard fence must be set on the conservation easement line or to the house side of that line.
- e. Rear Property
- f. Rear Property Adjacent to Boulevard ('Boulevard Fronting') Lots (Adjacent to Primary Access Roads): Lots adjacent to primary access roads, including but not limited to Boulevard of the Roses, Reflections Boulevard, Ginger Snap Court, and Wind Dancer Street, must begin to transition rear property line from 6' high to 3' high at a minimum of 30' from the rear property corners. A

*greater setback may be required if determined by the ACC.* The Transition for 6' high to 3' high will take place in an 8' section of fence. From that point, the fence will continue at 3' high in the approved design along the entire rear property line. (Amendment to Article VII Section 13 Master CC&Rs).

- g. Subdivision Wall (External Boundary) Lots: On side yards of lots adjacent to the external boundary of the platted VillaRosa subdivision, fences may butt into the solid wall only if an easement for the wall does not exist. If a maintenance easement for the wall does exist fences shall not encroach upon the easement. All fence tops must finish below the wall cap on the wall and must not be visible from the street. On the side yard lines, where the open rail fencing is located in the subdivision exterior boundary, the fence may butt into the solid wall no less than 1'. The fence must run on a straight line from that point a minimum of 20' towards the front property line. At that point, the fence may turn towards the side property line and then continue down the side property line.

Any fence visible from the street through the open rail section must be landscaped with appropriate materials to soften the fence appearance. In addition, irrigation must be installed in this area to adequately water all landscaping. Also, an access gate must be placed in an inconspicuous place to allow the homeowner to maintain this area. Please note that fence requests should show all landscape and irrigation for this area.

- h. Irrigation systems on the lot shall be reconfigured to provide 100% coverage of all grass and landscape beds/trees after completion of the fence.

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## ARTICLE VI COMMUNITY STANDARDS -- MISCELLANEOUS

**6.1 Property and Community Signage.** No signage of any kind (yard sale, car for sale, political, supplier) is permitted on personal or common area property, unless an exception has been specifically made by the ACC or Board. Current standing exceptions are: 1) ONE professional 'For Sale' sign; and 2) Association signage as required for communication purposes. Signs placed on the association's private property for Community Events shall be approved by the Board of Directors and ACC prior to installation.

**6.2 Community Yard Sale Events.** No personal events are permitted. The Community will hold two (2) events each year (spring and fall). These events will be coordinated by volunteers, who will initiate advertising and arrange for signage. Signage will be placed on common areas. No signage will be placed on individual property.

### **6.3 Vehicles and Parking**

#### **6.3.a. Non-Commercial Vehicles.**

- ..... Vehicles shall be parked on paved surfaces only within the Community.
- ..... Stopping is not allowed on grassy areas.
- ..... Parking is not allowed on the sidewalks.
- ..... Driveway parking may not block any portion of a sidewalk to pedestrian traffic.
- ..... Long term, regular, or overnight street parking is not permitted.
- ..... Short-term street parking on streets must be in the correct direction (toward the normal flow of traffic) and within 12 'of the curb.
- ..... Parking on streets in *non-gated areas* is discouraged to provide for increased safety of children and to limit vehicle obstructions on the roads in the community.
- ..... Parking on the street in *private gated areas* for extended periods of time or in a reoccurring manner is not permitted. *Vehicle(s) are subject to towing.*
- ..... Please refer to Master Covenants for additional conditions regarding utility vehicles, sport vehicles, campers, etc.
- ..... Speed limits are posted on community roadways and the community will arrange for policing of those roadways. Speeding violations may be subject to Association non-compliance action in addition to any fines imposed by governmental policing agencies.

**6.3.b. Commercial Vehicles.**

A commercial vehicle as defined herein as:

A vehicle with no side windows, AND/OR

A vehicle outfitted with a commercial roof rack or construction rack, AND/OR

A vehicles with commercial markings or any exterior equipment normally used for commercial purposes, AND/OR

A trailer of any kind, AND/OR

A vehicle associated with either a commercial or a non-profit organization.

A vehicle of a gross weight consistent with commercial standards.

- ..... No regular or overnight parking or housing of commercial vehicles is allowed, as per Master Covenants. Official government vehicles are considered an exception to this restriction.

- ..... Exceptions to the above: official vehicles of municipal or state government.

#### **6.4 Pets.**

- ..... Numbers of pets per household are limited. Refer to Master Declarations.
- ..... Owners, guests, visitors are expected to remain in control of their pets at all times.
- ..... *Cats and dogs are forbidden from unfettered roaming* in VillaRosa, and should not be let loose in common areas or on streets.
- ..... Immediate clean up / removal is required for any pet waste.
- ..... Violations may be subject to non-compliance action by the Association or Hillsborough County Animal Control.
- ..... Any pet constituting a nuisance due to excessive noise, illegal roaming, biting, etc., may be subject to removal by Hillsborough County Animal Control.

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### ARTICLE VII CONSTRUCTION STANDARDS

**7.01 Common Property.** Owner, his contractor or any other person associated with construction of the house may not damage the surface of the Common Property during construction, or use any portion of the Common Property for storage or other activities relating to construction. Roadways and adjoining lots shall be kept clean and free of debris (and roadways free of mud) arising from construction activities on a lot.

**7.02 Construction Sites.** Owners, Contractors and others shall keep a clean construction site. All construction debris, lumber remnants and scrap materials shall be removed from the site after each phase of work such as foundations, floors, walls, roofs, etc. and in no case allow the accumulation of more than one week's debris. In lieu of removal from the site the use of a 'Dumpster' placed on the lot is permitted. Chemical toilets shall be placed on the construction lot, not in the street or on the sidewalk. Dogs, drugs, alcohol or loud radios are not permitted on the job site. Violators will be required to leave.

**7.03 Noise Control.** Contractors, Owners and Others shall restrict all noise-producing construction activities to the following hours:

- Monday through Saturday, 7:00AM to 5:00PM .
- Sundays and Holidays, 9:00AM to 5:00PM .

**7.04 Enforcement.** If, as a result of construction activities on a Lot, violations of this Article occur, then in addition to any other remedies permitted by the governing documents and law, the Association may correct the violation, charge the Owner of the Lot for the cleanup (payable on demand), and place a lien on the Lot to secure payment.

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## ARTICLE VIII POLICY MANAGEMENT

**8.01. Revisions.** The ACC or Board may, from time to time, amend, modify or revise provisions of the Community Standards, including the procedures for submitting, reviewing and approval of the ACC. No such amendment, modification, or revision shall be binding upon the owners until notice has been given to the owners by the Board, and no such amendment, modification or revisions shall affect structures, improvements, or landscaping approved prior to the enactment of such amendment, modification or revision.

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## ARTICLE IX ENFORCEMENT AND FINING POLICIES & PROCEDURES

### Deed Restriction & Architectural Violations

9.1 Establishment of Enforcement Procedures. Pursuant to the authority vested in the Board of Directors of VillaRosa Master Association by the Declaration of Covenants, Conditions & Restrictions (CC&R's), the following procedures have been established for enforcement.

'Let it be resolved by the Board of Directors of VillaRosa Master Association that this Enforcement Policy relates to Owner Violations of the Master Association Covenants, Conditions & Restrictions (CC&R's), Architectural Standards, and community rules and regulations as may from time to time be promulgated by the Board of Directors. This Policy is unanimously approved on April 15, 2002 at a duly noticed Board of Directors Meeting of VillaRosa Master Association, Inc.'

9.2 Fining and Mediation Committee. The Association may impose fines against any member, tenant, guest, or invitee for violation of the provisions of Declarations or Standards. Such fines shall not exceed \$50.00 per violation instance.

Fines will be imposed during a Mediation Committee review, fourteen (14) days after Owner's receipt of a Second Notice of non-compliance (see procedures below). The Mediation Committee shall be comprised of three members appointed by the Board of Directors who are not related to officers,

directors, or employees of the Association. The Committee will meet as needed to review violations and fines.

9.3 Owner Response to Non-Compliance Notices. While Master documents offer no automatic right to appeal or hearing, BOD approval currently provides:

- a. Owner may request, in writing to the Property Manager, a hearing with the ACC at its next regular meeting.
- b. Owner may request (via the Property Manager) to be present at a Mediation Committee fine levying meeting.
- c. Owner may request, after ACC or Mediation Committee hearing, in writing to the Property Manager, agenda time at a Board of Director's (BOD) meeting. The BOD may, or may not, grant such request, dependant on hearing outcomes or other matter specifics.

#### 9.4 Established Procedures for Enforcement

First Notice. Property Management will send a First Notice to the Owner, making the owner aware of an alleged violation of the CC & R's, architectural standards, or rules and regulations of the Association.

Owner is required to respond to any request for compliance within the timeframe indicated on the First Notice - OR- contact Management by telephone or in writing within the same timeframe regarding the conditions or timeframe of the issue – OR- request a hearing by the ACC on the issue at its next meeting.

Second Notice. If the Owner does not comply with the First Notice request OR make contact within the required timeframe, Property Management will send a Second Notice to the Owner, indicating the default condition that exists.

The Second Notice will advise of the ACC's intention to levy a fine against the Owner because of the non-compliance and non-contact. Such fine may be approved and levied by the Fining Mediation Committee, fourteen (14) days after Owner's receipt of a Second Notice of non-compliance.

During this 14-day period, the Owner has the opportunity to bring the violation into compliance and advise Management that it has been accomplished. The Owner can also make a request in writing to be heard at the Mediation Committee meeting as to why such fine should not be levied on the fifteenth (15<sup>th</sup>) day after receipt of the Second Notice.

Third Notice. If the Owner chooses not to respond in action or communication with the two previous notices for compliance AND/OR has not requested a hearing in front of the MEDIATION COMMITTEE during the

fourteen (14) days, Management will issue a Third Notice via Certified Return Receipt Mail.

The Third Notice will confirm the levy of the fine and demand payment of the fine within ten days of the Third Notice. The Third Notice will also demand compliance with the Association's allegations of violation, as well as notify of its intention to take legal action within 30 days.

Legal Action. Within 30 days of a Third Notice, the Board of Directors will be advised of the non-compliant status. The Board of Directors will review the issue at its next regular meeting, to consider remanding the matter over to the Association's attorney for legal action against the Owner.

If legal action commences, the Owner in violation shall be responsible for all attorney fees, costs, and fines. The Association will use all legal remedies available to collect those dollars, including, but not limited to, property liens and foreclosures.

#### 9.5 Master Declaration of Covenants Reference.

*Article VII General Provisions, Section 1 Enforcement.*

*'The Association, or any Owner, has the right to enforce, by appropriate proceeding all restrictions, conditions, covenants, easements, reservations, rules, regulations, liens and charges now or hereafter imposed by, or pursuant to, the provisions of this Declaration. If any Owner of the Association is the prevailing party in any litigation involving this Declaration, then that party also has the right to recover all costs and expenses incurred, including reasonable attorneys' fees for all trial and appellate proceedings, if any. If the Association employs an attorney to enforce the provisions of this Declaration against any Owner, regardless of whether suit is brought, the costs and expenses of such enforcement, including reasonable attorneys' fees, may be assessed against such Owner's Lot as provided in Article V, section 4. Failure by the Association or any Owner to enforce any provisions contained in this Declaration does not constitute a waiver of the right to do so at any time, except as provided in Article VII, Section 2 above. Declarant also has the right to enforce all provisions of this Declaration relating to the use, maintenance, and preservation of the Properties; and, if Declarant is the prevailing party in any litigation involving this Declaration, to recover all of the Declarant's costs and expenses incurred, including reasonable attorneys' fees'.*

VillaRosa Master Association Inc.