

# Watercrest Community Wide Standards (CWS)

Updated and effective June 2024

## Introduction

The Watercrest Community Association, Inc. (“Association”) is a not-for-profit corporation, run by a Board of Directors elected by the homeowners. The *Community Wide Standards* document (CWS) is the homeowner’s/resident’s manual that provides guidelines for the standard of conduct, construction and exterior home changes, maintenance, and other general activity that may occur throughout the neighborhood. These standards are not intended to be all inclusive but address the most common issues and may be more specifically determined by the Board of Directors. These standards are enforceable, and fines and/or suspension of privileges may apply for noncompliance.

The Board of Directors sets community standards and has the authority to change the standards of conduct, maintenance, or other activity applicable to the subdivision and the owners. The CWS will be updated accordingly.

The Association has updated the CWS since the inception of the community and some items were approved at the beginning based on the standards in place at the time. Therefore, an item approved by the ARC in the past cannot be rescinded based on updated standard so long as approval specifically addresses any item in question in that approval. Example: if there is an approval for landscaping around a lanai, but no height specification is made in that approval, the approval means that landscaping must meet current height restriction for all other landscaping around a lanai.

One of the goals of the CWS is to maintain the ambiance of the Watercrest community consistent with the original community’s Florida/Spanish/Mediterranean design and consistent with original builder elevation. Other goals are to protect owner’s property values and minimize environmental impact. Watercrest is a deed restricted community. The restrictions are defined in the community’s documents, available on the Watercrest Property Management website, which should be read and retained as part of your permanent records. The CWS provides additional detail and explanation to the *Declaration of Restrictions*. The Declaration of Restrictions prevails in the case of omissions or contradictory statements in the CWS.

The organization of the CWS is alphabetical order by major topic. Where appropriate, the Declaration of Restrictions article citation is included in parenthesis after the topic header.

## References

There is a legal case that concerns Homeowner Associations entitled the Kaufman Case. The Kaufman language referred to in that court case concerns Section 720 of Florida Statutes that governs the operating requirements of all HOAs in Florida. The Kaufman language is a phrase that may or may not appear in an HOA Declaration of Restrictions. The **Kaufman language is “As Statute 720 may be amended from time to time.”** If Association Declarations contain that language, then every new law that is added or amended to 720 is incorporated into your Association Declaration. If an Association Declaration does not contain the Kaufman language, then further analysis is needed. The Watercrest Declaration of Restrictions does not contain the Kaufman language. The Court in Kaufman stated that **procedural laws** that are enacted

after the date of the recorded Declaration of an HOA, such as ours, that do not have Kaufman language, will be applied to that Declaration. **Procedural laws** are laws that establish how a right or obligation under the Declaration is to be performed, such as filing an arbitration complaint. However, 720 laws enacted after the date of our Declaration's recordation that are substantive, will not be applied to our Declaration. **Substantive laws** are laws that create, alter, or affect existing rights and obligations as set forth in the Declaration. Those newly enacted **substantive laws** will generally not apply to our **Declaration** unless the new law states that it will be applied retroactively.

Specific References in the Watercrest Declaration of Restrictions:

Article 5-Maintenance

Article 9-Restrictions

Article 10-Architectural Control

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## **Architectural Review Committee (ARC)**

The ARC is composed of not less than 1 and no more than 5 members appointed by and who serve at the pleasure of the Board of Directors. The ARC is the committee established and described under Article 10 of the *Declaration of Restrictions* for architectural control of Construction Work.

Any changes or improvements to the exterior of a homeowner's property that require prior written approval by the ARC must be submitted on an Architectural Review Committee application form. Forms for this purpose are available in electronic version on the Watercrest Property Management website, located at:

<https://www.mywatercrest.com/communityassociation/forms/>. Owners must submit completed forms to the email address on the form. Approvals are valid for six (6) months from the issued date, unless otherwise noted in this document or on the ARC approval. Extensions can be requested from the ARC in writing if construction is not commenced within six (6) months of the approval date, otherwise the approval shall be deemed revoked.

**“ARC approval”** means that a properly completed ARC application form has been reviewed by the ARC, and a written approval has been received by the homeowner. No changes requiring ARC approval can be started until full approval is granted in writing by the ARC and received by the homeowner.

The ARC meets regularly. Meeting times will be published by the committee.

Article 10.2 states that “ARC members need not be members of the association,” therefore anyone can be an ARC member. (That said, ARC members are appointed by the Board, therefore the Board can choose who they wish.)

Examples of changes requiring an application and approval include, but are not limited to:

- Extending a lanai
- Repainting the house exterior, trim, or doors
- Replacement of roof tiles
- Landscape changes
- Turf removal
- Driveway replacement
- Removing, replacing and/or relocating any trees
- Installation of stone or new mulch beds (except for refreshing existing mulch beds)
- Replacement of windows
- Hard wired exterior lighting
- Exterior window coverings and shutters
- Entry and garage door changes
- Solar collection system placement
- Installation of pools, or caged areas
- Installing a flag holder attached to your home or the location of a free standing flagpole
- Security Cameras
- Gutters and downspouts
- Decorative objects/potted plants
- Retractable screens on front door

If an item is not addressed in the CWS, an ARC application form must be submitted for review.

Examples of changes that do NOT require ARC approval include, but are not limited to:

- Exterior touch-up painting
- Re-surfacing of pools
- Rescreening an existing caged area
- Hose hangers near exterior water faucets - side and rear elevation only

**Note: There are specified parameters stated in the CWS for select items that do not require ARC approval. If a homeowner does not comply with the parameters, the Association has the right to require the removal of the item at the owner's expense.**

If you have questions regarding the ARC, please contact the Watercrest Property Management Company. ARC members may visit your property before approving, during, and/or after to inspect your project.

### **Amenity Center, Pool, and Fitness Center**

Hours of operation for the Amenity Center are 5:00 a.m. thru 10:00 p.m., the Pool is open sunrise to sunset and the Fitness Center is open 24 hours.

**A Lifeguard or supervision is never provided for the Watercrest Community Pool or Amenity Center. Swimming and the use of all facilities is at your own risk.**

**There is an AED (automated external defibrillator) located inside the Fitness Center.**

- Smoking anywhere within the Amenity Center, in any common areas, in the parking lot, and at the mailboxes is strictly prohibited.
- Guests must be accompanied by a resident while using the Amenity Center, pool, and Fitness Center.
- Pets are prohibited anywhere within the Amenity Center except for service animals.
- Loud noise or music, profanity, and abusive language is prohibited anywhere within the Amenity Center.
- Bikes, scooters, hoverboards, roller skates or similar items are prohibited anywhere in the Amenity Center.
- All persons believed to be under the influence of alcohol or drugs are prohibited within the Amenity Center.
- No glass containers or bottles are allowed in the Amenity Center, and in or around the pool – containers must be non-breakable.
- Residents and guests are responsible for cleaning up after themselves and disposing of trash in appropriate containers.
- Food may only be consumed in the covered portion of the Amenity Center.
- Call 911 for immediate emergency medical, fire or police assistance.  
*Be advised that the Amenity Center entrance is under video surveillance.*

### **Pool**

- Shower before entering.

- No food is allowed in the pool or on the pool wet deck.
- Swim diapers are required for those who need them.
- Do not use the pool if you are ill with diarrhea.
- Do not swallow the pool water; it is recirculated.
- Lower lounge chair backs and return all chairs to their original location.
- No diving, flipping, cannonballing, or belly flopping into the pool.
- Running on the pool wet deck is prohibited.
- Only single person rafts are permitted. Games or ball tossing are not permitted if it interferes with the use and enjoyment of others.
- The pool is designed to be used by no more than 44 persons at one time.
- Call 911 for immediate emergency medical, fire or police assistance.

### **Fitness Center**

- Use equipment at your own risk.
- Know your physical limitations.
- Wear proper gym attire while using the fitness center.
- Wet bathing suits and bare feet are prohibited in the fitness center.
- Wipe down equipment with towelettes from the dispensers after each use.
- Return equipment back to its original place.
- No food or beverage other than water in unbreakable containers is allowed in the fitness center.
- No horseplay in the fitness center.
- Turn off TVs, lights, and fans before leaving the fitness center.
- Notify the Property Management Company if any of the equipment is not working.
- Call 911 for immediate emergency medical, fire or police assistance.

**The HOA is not responsible for any injuries or accidents within any areas of the AmenityCenter. The Amenity Center will be closed during severe or dangerous weather conditions.**

### **Antennas – (Article 9.24)**

Antennas up to 1 meter in diameter and direct broadcast antennas in compliance with FCC Regulations and other Federal laws are permitted. ARC approval is required. All installations must be on the sides or rear of the home. The ARC may grant exceptions if unreasonable delay or cost is involved, or signal quality problems occur.

- No earth, roof, tree, yard, or any type of tower, pole or post mounting is allowed.
- Antennas for "ham" radio or other purposes are not permitted.
- Open braced antenna towers are not permitted.
- All antenna related wires or cables exposed more than 6 inches must be in an exterior rated raceway or conduit that is painted the same color as the wall it is fastened to.
- In no case shall any antenna/dish be larger than 3 feet in diameter, nor be visually obtrusive.

### **Awnings and Canopies**

Awnings and canopies are not permitted on the dwelling, except for retractable awnings installed within the caged area adjacent to the covered lanai. All colors shall be neutral and complementary to the home color and community theme. ARC approval is not required. In no case shall any accessory structure, tent like structure, or canopy be allowed outside any caged area.

### **Backflow Preventer**

Above ground backflow preventers and piping can be found in the front easement of some homes in Watercrest. The pipes can be damaged by lawn care maintenance machinery. Residents are responsible to repair the damage. Owners may pay for the pipes to be relocated underground by a licensed and insured contractor. An ARC application must be submitted and written approval provided prior to commencing any work. Homeowners can plant Florida friendly plants and or put in a mulch bed to provide a barrier between the pipes and the lawncare machinery. The plants/mulch should extend no more than three (3) feet from the pipes, with plants no taller than four (4) feet. There must be no interference with D.U.E drainage with certain applications. For underground backflow preventers, nothing may be placed on top to conceal and limit access. The foregoing improvements require ARC approval.

### **Bird Feeders**

One (1) bird feeder is allowed per home in the rear of the home in a mulched area. Should the feeder cause a problem with birds, other wildlife or attract rodents, the Association reserves the right to require the homeowner to remove the bird feeder.

### **Bird Nuisance**

Devices, such as artificial owls, designed to discourage bird roosting may be placed on the exterior of an Owner's caged area. An ARC approval is required. The device may be installed for a maximum of 2 months and then must be removed but may be reinstalled after reapproved from the ARC with evidence that the bird nuisance has returned.

### **Car / Vehicle Covers**

No car or vehicle covers are permitted on vehicles parked in the driveway. Car/vehicle covers are only permitted for use inside of the garage unless the car needs to be temporarily parked outside of the garage for construction/maintenance work within the garage or on the garage floor. Temporary car covering outside of the garage must be approved by the Property Management Company based on the reason and length of time necessary to remain outside the garage. If not approved the homeowner will be cited for a violation.

### **Construction Activity - (Article 9.19)**

No construction activity is permitted within the Watercrest subdivision on Sundays or Legal Holidays. All construction activity within the Watercrest subdivision on Monday through Saturday is limited to the hours of 7:00 a.m. to 7:00 p.m. Owners are responsible for informing contractors of this restriction.

### **Decorative Objects (non Holiday)/Potted Plants**

Article 9.27: Artificial Vegetation and Exterior Decorations: No artificial grass, plants, or other artificial vegetation shall be placed or maintained on the exterior portion of any Lot unless approved in writing by the Architectural Committee. No exterior decorations, including without limitation sculptures, artwork, fountains, or similar items shall be placed or maintained on the exterior of any Lot or dwelling unless approved in writing by the Architectural Committee.

- All items must blend with the colors and overall aesthetic look of the community.
- Exterior decorative items must be constructed of metal, concrete, ceramic, clay, treated wood or glass. No shells are permitted.



- Benches are allowed only on installed pavers abutting or on the walkway approach to the front door, or in the covered entrance way and must be less than 38" tall, 60" wide, 24" deep.
- Bird baths and fountains, less than 30" round x 32" high or 30" wide x 30" long" x 32" high are allowed to be blended into the plant/mulch beds.
- Decorative birds native to Florida made of metal, ceramic, concrete, or glass up to 36" tall, 12" wide, and 24" deep, are allowed to be blended into plant/mulch beds.
- Vertically hanging garden banners/flags less than 15" wide on stands no higher than 30" tall from ground level are allowed to be blended into plant/mulch beds (sport flag limitations are listed within the flag and flagpole standard).
- Shepherd hooks made of metal no larger than ¾" in diameter supporting up to 2 potted live plants with combined overall dimensions (including planter and plants) of less than 24" in diameter by 60" tall from ground level are allowed to be blended into plant/mulch beds.
- Other decorative items less than 18" high, 12" wide, and 28" deep, may be blended into the original plant/mulch beds.
- Containers for potted plants must be no taller than 32" and no larger than 24" round, and plant growth must be maintained at no more than 5 feet from ground level.
- All potted plants must be live non-fruit, non-vegetable.
- All live plants must be in healthy condition or must be removed.
- Potted plants may be set at ground level on the pavers (i.e., on walkway from driveway to front door) or in the mulched area blending in with original landscape.
- No decorative items/potted plants can be placed on the sodded/grass areas.

**Note: If a homeowner does not comply with the above specified parameters, the Association has the right to require the removal of the item at the owner's expense.**

#### **Decorative Objects/Potted Plants (front yard)**

A maximum of 6 (for single family homes) or 4 (for villas) individual decorative items/potted plants are allowed to be placed at ground level within the original plant/mulch beds or on paved walkways in the front of the home.

#### **Decorative Objects/Potted Plants (side yard)**

Due to the limited area between homes, decorative items/potted plants are only allowed along the side yards of homes inside mulched areas. This includes single family homes on corner lots with a side facing the street. Villas with their main entry along the street perpendicular to the garage access street will be treated as a front yard (see above). Two potted plants in containers no higher than 32" and no larger than 24" in diameter may be set at ground level within the original mulched area. The vegetation growing in the pot cannot exceed 5ft from ground level.

#### **Decorative Objects/Potted Plants (back yard)**

Pond/Interior lots - to preserve the openness and natural view of the ponds, only potted plants are allowed within the mulch beds.

Non-pond lots - are subject to the same limitations for decorative items/potted plants as front yards.

There are no restrictions for items placed within the lanai or caged area.

### **The following Items are not allowed**

- Any item that may be considered promotional, commercial, political, or deemed inappropriate by the ARC.
- Any item that has or simulates motion, and/ or creates sounds, except for holiday decorations allowed during holiday period.
- Obtrusive noise and light restrictions apply to all covered entryway items.
- No artificial vegetation is permitted anywhere outside the dwelling except within the covered entryway, covered lanai or caged area. All live potted plants must be non-fruit, non-vegetable.
- Ornamental wind devices, kites, banners, chimes, etc., may not be hung on the exterior of the home or from any tree or other object in the yard. These items may be placed in any caged area.
- Roof ornaments are not permitted except during a holiday period.

The permissions above do not apply to landscape curbing or barriers, retaining walls or similar items, all of which may only be installed after ARC approval as provided elsewhere in the CWS or other governing documents.

**NOTE: All items added to the exterior of the home either by following the requirements listed in the standards or after an ARC approval will be the responsibility of the homeowner to secure during windy stormy weather. Ex. Potted plants, loose decorative stones, home decorations, flags, etc.**

### **Decorative Objects Affixed to the Home (reference Article 9.27)**

#### **Decorative and other objects affixed to Front Elevation**

The elevation of Villas with main entry along the street perpendicular to the garage access street will be treated as a front elevation.

No signs, decorations, or other items are allowed to be affixed to the exterior front elevation, defined as any front surface parallel or perpendicular to the street including walls, garage doors, windows, and screened enclosures, except for:

- Originally installed house numbers and garage lights.
- Name plates as allowed in Article 9.15 of the *Declaration of Restrictions*. Material must be made of non-rusting metal plate which shall not exceed 12" tall x 12" wide by up to ½" thick and must include the surname/last name of the resident. Plate shall be mounted in entry area or immediately outside entry area along the same wall that extends from the entryway.
- A small security system sticker may be affixed to the corner of the front window, or a small sign may be placed in the mulch bed.
- Non-offensive items may be placed on the walls within the entryway. Decorative name plates or wall art is suggested. No political, divisive or foul language items are permitted.
- Villa homes that have a builder installed niche located outside their entrance may fill this space with non-offensive, non-obtrusive decorations.
- Hurricane shutters (see "Hurricane Protection") only during designated storm periods.

The above items do not require ARC approval if the parameters are met.

ARC approval may be requested for a decorative item above the garage door the same or like other items installed by the builder above some garage doors. The ARC request must include a photo/picture of the item, dimensions, color, and material.

### **Decorative and other objects affixed to Side Elevations**

No items may be affixed to side elevation walls except for originally installed and resident added functioning air conditioning lines, provider cable lines/boxes, electrical lines, exterminator wall ports, hurricane shutters during severe weather warnings, pool equipment, security cameras, solar lights, satellite dishes, hose bibs and hoses/hangers (coiled neatly when not in use) and water softeners. Any equipment affixed, its accessories, wiring and pipe runs shall be installed and maintained in a neat orderly appearance. Some of these items may require ARC approval.

### **Decorative and other objects affixed to Rear Elevation**

No items may be affixed to rear elevation walls except for originally installed and resident added security cameras, hose bibs and hoses/hangers (coiled neatly when not in use), hurricane shutters during designated storm periods (see "Hurricane Protection"), and non-offensive items affixed to rear walls within a lanai or caged area. Some of these items may require ARC approval.

**PLEASE REMOVE ALL DECORATIVE OBJECTS AND POTTED PLANTS IF A HURRICANE WARNING HAS BEEN ISSUED.**

### **Decorative Landscape Rocks**

Rocks 1 to 3 feet in dimension may be permitted with ARC approval. Decorative rocks and rock structures are limited to 18 inches above nominal ground level and must be within the mulch bed. Color of any landscape rocks must be natural earth tones.

ARC approval is required for site plans requesting changes that include landscape rocks. Largescale replacement of turf with landscape rocks, and/or stone, mulch or any other materials is not permitted. See also "Mulch" for use of stones to replace mulch in landscape beds. See also "Irrigation and Watering".

### **Doors**

Replacement front doors must be of similar size, design, and shape. The design of the door and proposed colors require ARC approval unless they are the same exact size, design, and color as the original door.

All other entry doors and the garage door must be painted the same colors used by the builder's original color scheme. (see "Painting Your Home" for color guidance) The garage door and other exterior entry doors may be replaced with the exact design and color without ARC approval. ARC approval is required for replacement with other designs or colors.

See "Screen Doors and Enclosures" for information regarding front entrance enclosures and screening.

### **Drainage – (Article 9.5)**

No drainage easement, swale, lake, or pond may be obstructed, filled in or altered without the written approval of applicable government authorities and a submitted and approved ARC application. Pulling, cutting, mowing, treatment with herbicides or other removal of littoral zone (shoreline) vegetation is strictly prohibited unless otherwise authorized by the Sarasota County Resource Permitting Division.

No improvement, change, equipment, landscaping, vegetation, or vegetation roots shall affect watershed flow, drainage, or cause standing water on the lot, any lot adjacent to, or any other lot within the Watercrest Community.

### **Driveways**

Driveways must be replaced with dyed concrete pavers, consistent with the color, size, shape and theme of the community. Tile, slab concrete, or other materials are not permitted. Replacing a driveway requires ARC approval.

When replacing a driveway with pavers, the finished surface must be flush with adjacent sidewalk sections. An improper installation causes tripping hazards, and the owner is responsible and could be held liable for any injury caused by shoddy craftsmanship. Pavers may be sealed with clear natural, clear semi-gloss or clear gloss without ARC approval. Color stains are not permitted on pavers.

### **Easements**

Easements are noted on your home boundary survey. Some homes have special easements for pond maintenance access, or underground pipes. You may **NOT** plant in these areas. No landscaping is permitted other than contracted grass sod replacement, when required. You may not place any type of structure or make any other improvement in these designated easements. Doing so would likely slow, alter, or impede drainage within the easement.

### **Exterior Lighting**

Landscape lighting of any kind may only be placed within mulch beds and is not permitted anywhere within the sodded/grass area of any home. The Association and landscape maintenance contractor shall not be held liable or responsible for damages or repairs.

In no case shall any landscape, security, pathway, or solar lighting devices be pointed or angled in any direction other than up or towards the owner's main structure. Directional light fixtures, when partially directed away from the owner's main structure, will be in violation. The goal is to minimize light pollution yet accent your home – not your neighbors.

Owners may install non wired solar landscape lighting that is black, dark bronze or silver and no higher than 18 inches from the ground.

**An ARC application and a lighting plan must be submitted and approved for changes or additions to exterior lighting of any kind.** Lamp post style lights are not permitted. Only clear or white light emitting bulbs with no color filters or lenses may be used (except during holidays). All lights, including landscape lighting and security lighting, must not be visually obtrusive or directed outside the boundaries of your property.

A maximum of 10 hardwired or solar lights are allowed in the front of the house and 10 are allowed in the back of the house.

Maximum light level output for coach style lights located on the fronts of the garages is 850 Lumens. Maximum light level output for hardwired landscape lighting is dependent on the type of lighting, where it will be placed, how it will be used (such as up lighting a tree). The ARC application must specify the type of bulb used in low voltage lighting and must have a lighting diagram. The use of flood lights will be restricted.

Coach style lights must be maintained on the garage where originally installed during original home construction. All exterior lighting fixtures attached to the front of the house or to the front of the garage must have the same finish and style and must be appropriately scaled to the size of the house. Under no circumstance shall any lighting deviate from the theme or intent of the builder's plan for the community.

The standard for hard wired landscape lighting is as follows:

- Small trees (up to 1 story)—80-120 lumens
- Medium trees (up to 2 stories)—140-180 lumens
- Large trees (up to 3 stories)—230-270 lumens
- XL trees (up to 4 stories)—350-850 lumens

### **Feeding Wildlife**

Section 372.667(1), Florida Statutes, specifically prohibits feeding American alligators and crocodiles. Section 68A-4.001(6), Florida Administrative Code, specifically prohibits feeding Sandhill Cranes. Do not feed or disturb these or any other types of wildlife.

### **Fences / Walls / Hedges - (Article 9.8)**

To preserve the open character of the Watercrest subdivision and minimize visual and physical impacts on adjoining properties, hedges and other landscaping to provide privacy are encouraged in place of fences and walls. All fences, walls and/or hedges must have a minimum of 12 inches of coco brown mulch 3 inches thick on both sides for maintenance, edging, and control of weeds and grass. Other appropriate materials may be considered for the interior side of the fence, wall, hedge.

Privacy walls and decorative fences attached to a dwelling as an integral part of the design scheme of the architectural exterior elevation of the dwelling may be permitted with ARC approval.

All fence, wall/hedge and/or screening installations require ARC approval.

### **Fence, Wall, Hedge Definitions**

- **Decorative yard fences** - Must be constructed from posts and rails made of aluminum with a dark oil rubbed bronze or satin black finish. The main purpose is to enhance the appearance of the property – not for privacy or blocking the view. Spindles should be no more than  $\frac{3}{4}$  inch in diameter with spacing at least  $3\frac{3}{4}$  inches. U.S. building codes mandate that spindles have no more than a 4-inch gap between them. This relatively tight amount of spacing still allows for visibility between spindles, but also stands as a safety measure to prevent small children from becoming stuck between spindles or from slipping through the balusters. Decorative fences must be 4 feet or less in height. Specifications may be determined by location.
- **Wall** – An installed wall becomes part of the home's exterior structure and must be constructed of materials used for the original home. Walls are to be seamlessly connected to the home with identical colors and texture. Walls must have footings for any material used. Specifications will be determined by the requested location.
- **Hedge** - Is a line of closely spaced Florida friendly shrubs, planted and trained to form and provide limited privacy. Hedge plants must remain clipped, formed, and maintained regularly to retain status as ARC approved. Specifications will be determined by the requested location.

- **Privacy Wall** - Is a wall completely under truss in the lanai area. Specifications will be determined by the requested location.
- **Mechanical equipment screening** - is any partition fence, screening wall, or hedge, as defined, when used to screen outdoor mechanical equipment (including but not limited to air conditioning equipment, water softeners, pool pumps, pool filters and pool heaters) from neighboring homes. Specifications will be determined by the requested location.
- **Mechanical equipment pads** are slabs or bases designed to support the weight of outdoor equipment placed on them. Specifications will be determined by the requested location.
- **Partition Fence** – 2-4 panels of mostly solid fence less than 5 feet tall utilized to screen mechanical equipment only. Specifications and color may be determined by location.
- **Screening Wall** - A block and stucco wall less than 5 feet tall, abutting the home on footings used to screen mechanical equipment as described in the general wall definition.
- **Front Yard** - Area from the front walls of home extending to inside the sidewalk.
- **Back Yard** - Area from the back wall of the home to the rear lot line (i.e., edge of common area buffer, see your plot survey)
- **Side Yard** - Areas directly between homes running to rear and front lot lines. When the Side Yard is not between homes but parallel and adjacent to a road, it will have the same restrictions of a Front Yard.
- **Under Truss Lanai** – The main lanai under the home’s original truss in the rear of the home.
- **Pond Lot** - Any Watercrest Community lot that has any part of their property line abutting a pond's common area.
- **D.U.E.** - Drainage Utility Easement. Found on the lot's Drainage Plan and Boundary Survey and applies to both side yard lot lines.

### Fence, Wall, Hedge Standards

#### Back Yard

**Pond/Interior lots** - Decorative fences, privacy walls or hedge requests require ARC approval. Under no circumstances will the pond view be compromised or even partially blocked as a result of any installation.

- **Decorative Fences** shall be no more than 4 feet tall and extend no more than 15 feet beyond the back wall of the home and in no case encompass an area wider than the rear wall of the home. All decorative fences must be in line with the side walls of the home. To soften the appearance, decorative fences must be mulched 12” out from both sides of the fence and as a minimum landscaped on the exterior side of the fence (outer side of enclosed area) with Florida friendly plant material and design replicating the theme of the community and as stipulated in the ARC approval. *(See the All-Areas section below for additional fence restrictions.)*
- **Freestanding Hedges** not surrounding home, lanai, decorative fence, or cage must be no more than 4 feet high and extend no more than 10 feet from the rear wall of home.
- **Hedges required to shield/soften caged lanais** are to be located and maintained within a mulched bed up to 36 inches wide directly adjacent to the cage and are to be maintained at a height of no more than 5 feet from the floor of the caged area. Only Florida friendly approved plant types well known to tolerate long term maintenance at or less than the above specified dimensions shall be allowed. Hedges along walls of home should be maintained at a maximum of 4 feet.

- **Privacy Wall** in the Under Truss Lanai is allowed. It must be placed under original truss as a physical structure of the home. It must be part of the home's structure including identical structural design, color, texture, and appearance of the home, including footings. Dimensions are not restricted under truss. The attachment points of all walls to home must be flush and visibly seamless.

In order to preserve the open character of the Subdivision and minimize visual and physical impacts on adjoining properties, hedges and other landscaping to provide privacy are encouraged over fences and walls. The location and height of all fences, walls, and hedges shall be subject to approval by the Architectural Committee prior to construction and installation. In no event shall any wall or fence exceed an average height of six feet.

**Non-Pond/Exterior Lots** - The same restrictions as Pond lots apply to Non-Pond Lots, with the exception that open Decorative Fencing has no 15' beyond the back of the home restriction but must be at least 6' from the rear lot line. No plants are required along the exterior perimeter of the fence. (See the All-Areas section below for additional fence restrictions)

**All Villa Lots** - Due to the smaller size of villa lots and the close proximity of units, all decorative fence, privacy wall or hedge requests for villas will be considered on an individual basis. Villa specifications may be determined by the attributes of the location and in some cases may not be feasible for approval.

#### Side Yard

- **A drainage utility easement (D.U.E.)** is normally located in the side yard area. The D.U.E. is shown on the lot's drainage plan and boundary survey. The D.U.E. between homes are commonly 2.5 feet on each lot but must be verified before commencing construction or landscaping. D.U.E. must remain open to allow adequate drainage as designed by the engineer and to allow access for maintenance and repair of the drainage area. Hedges along walls of home should be maintained at a maximum of 4 feet.

#### Outdoor mechanicals screening

- Outdoor mechanicals screening is required by the declaration, although some locations have swale restrictions where screening may be limited or is not possible (only as determined by ARC).
- All air conditioning equipment, water softeners, pool pumps, pool filters and pool heaters shall have a concrete pad or similar fiber reinforced composite pad material and shall be anchored in accordance with the Sarasota Building Code. Pads shall be 3 ½ inches thick and must be 2" above finish grade. Equipment Pads must be no wider than 36 inches and must be placed as not to extend more than 3 feet from the home. All equipment and pads must allow for the 2.5 feet D.U.E. (Drainage Utility Easement) on "each" side of the lot line.
- This applies to the rear wall of the home if mechanicals must be located on rear wall.
- Adequate equipment ventilation is the responsibility of the homeowner. Other than Equipment Screening, no other Partition Fence or Screening Wall is allowed in the Side Yard.
- Hedges used for Equipment Screening shall be no taller than necessary to hide its equipment from normal viewing angles.
- All equipment screening must be included in the ARC application with the request for the equipment requiring screening.

### **Front Yard**

No Fences or Walls are allowed in the front yard. Hedges that were part of the original builder landscape design are permitted.

### **All Areas**

- Any lot that has a fence, wall or hedge installed may be subject to an increase in the Monthly/Quarterly HOA dues at the sole discretion of the Board of Directors for extra time and labor required to maintain the landscaping in and around the fences, walls, and hedges. Alternatively, the landscape contractor may charge the Owner directly for this additional maintenance service.
- All Decorative Fences, Privacy Walls and Hedge dimensions, style, and material will be determined by each individual ARC application.
- Any costs required to change or modify the irrigation system are the sole responsibility of the homeowner and must be performed by the approved/current Watercrest Association irrigation contractor.
- The owner will be responsible for correcting any changes to grading or drainage caused by any work done on their property.
- A D.U.E. (Drainage Utility Easement) is a restricted area of all lots. The D.U.E. is shown on the lot's Drainage Plan and Boundary Survey. The D.U.E. must be checked before commencing construction or landscaping. The D.U.E. must remain open to allow adequate drainage as designed by the engineer and to allow access for maintenance and repair of the drainage area.
- Any Decorative Fence that creates a barrier to landscape maintenance must have a 5-foot-wide gate or opening properly located to allow access for maintenance and shall remain unlocked. Fines may be issued if landscapers are unable to access the area.
- All Fences, Walls, Hedges must have a minimum of 12 inches of cocoa brown mulch, applied 3 inches thick to enhance the appearance and provide clearance on both sides of the fence, wall or hedge for maintenance, edging and control of weeds. Other materials such as pavers will be considered for the interior edging only.
- All Fences and Walls may require additional landscaping determined by their location.
- All Hedge plant materials must be on an approved hedge special material list with a layout design matching builder landscape plans as stipulated in the ARC approval.

### **Fertilizer**

Fertilization will be performed by the landscaping company contracted by the Association. Fertilizers are not to be applied by homeowners.

### **Firearms and Weapons**

Discharging of firearms and weapons of any kind or type is strictly prohibited anywhere within the Watercrest community. This includes, but is not limited to firearms, pistols, long guns, pellet guns, bow and arrow, slingshots, blowguns, and air guns. For a complete list, refer to Florida Statute 790.00.

### **Fire Hydrants**

In accordance with the Florida Fire Prevention Code clearances are required around all fire hydrants. Homeowners are not permitted to landscape around or block fire hydrants.



### **Fire Pits**

Wood burning fire pits and chimneys and ovens are not permitted. Only propane fire pits and pizza ovens are permitted and may only be used within a caged lanai. Fire pits of any type are not permitted outside the lanai caged area. At no time in a lanai shall any open flame be allowed to be burning greater than 18 inches in height or 24 inches in diameter. Obtrusive lighting, noise and nuisance restrictions will apply in all cases.

### **Fireworks**

Use of fireworks is strictly prohibited inside the boundaries of Watercrest, including on individual owner's private property.

### **Fishing - Common Area Ponds - (Article 3.10B)**

Fishing, boating, and swimming in the ponds is not permitted due to the dangers created by wildlife in the ponds.

### **Flags and Flagpoles - (Article 9.15)**

Homeowners may install one angled flagstaff holder on the front of the home on the garage wall without ARC approval. The angled flagstaff holder must be mounted between 68" and 84" above the ground. Flags that may be flown at any time are the United States flag, the official flag of the State of Florida, POW/MIA flag, first responder flag, or the official flag of any of the Armed Forces of the United States. Maximum flag size is 3 feet by 5 feet and made of cloth, nylon, or similar material.

For a one-week period before and after a national holiday, residents may fly from the flag staff holder tasteful flags and banners with national or religious holiday themes.

On the day of a school or professional sporting event owners may fly from their flagstaff holder tasteful flags as related to the event.

ARC application and a site plan or drawing showing the proposed location is required in order to show that the flagpole is not in an easement and does not interfere with traffic sight lines.

In accordance with Florida Statute 720.304(2)b, "Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. The homeowner may further display in a respectful manner from that flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all setback and locational criteria contained in the governing documents." If the flagpole is lighted at night, the light must be directed on the flag and not be a nuisance or an annoyance to the neighbors.

### **Front Porches**

Within Watercrest, a front porch typically extends from the front of a house under the cover of the basic roof structure of the house. There are few houses within Watercrest that have such features. By its nature it is visible to the street, the neighbors, and anyone passing by.

- Decor and any objects for the front porch area must be consistent with the decor of the dwelling and the neighborhood
- No fixture, decorations, furnishings, or similar objects may be attached to the outside wall of the house within the front porch area
- No railing, wall or other barrier may be constructed in the front porch, nor may it be screened in
- With ARC approval, a flush-mounted light fixture or flush mount ceiling fan of minimal physical and visual prominence may be attached to the ceiling of the front porch
- Furniture must be placed on the concrete or paver floor of the porch
- Outdoor furniture and benches as appropriate are permitted
- Driveways and entry walkways are not considered front porch area
- Swing sets and suspended gliders are not permitted
- No portable grills can be stored or used on a front porch

### **Garage Use (Article 9.3)**

Conversion of a garage to a living area or any other use is expressly prohibited. Garage doors should remain closed unless the garage is in active use. All garage doors must be maintained in useful working condition and be operated by electric garage door openers.

### **Generators**

Owners may install an exterior permanent emergency generator. ARC approval is required. The unit must be self-contained within a manufactured sound-deadening enclosure and be installed on the side or rear of the home. It must be screened from view by landscaping or other allowed screening materials (see fences, walls and hedges) from the front, sides and rear of the home.

Portable or permanently installed generators shall only be operated during power outages and up to the required minutes of unit testing per week as specified by the generator's manufacturer. Generators must be placed and operated in accordance with state, county, and local ordinances. (See Tanks, Fuel also)

### **Golf Carts and Other vehicles**

The Association is following Florida Statute 316.212 for operation of golf carts within the community. Under Florida Statute 320.01 a golf cart is defined as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding 20 miles per hour.

- The registered owner shall be held responsible for all loss, damage, injury, claim, or other liability resulting from the use of the golf cart within the Community. Owner must insure their golf cart.
- Golf carts must have brakes, reliable steering apparatus, safe tires, a rearview mirror and red reflectorized warning devices on both the front and rear of the cart.
- A golf cart may be operated only between the hours of sunrise and sunset unless the golf cart is equipped with adequate headlights and brake lights.
- Golf carts may not be operated by any person under the age of fourteen (14).
- Golf cart drivers must obey all "rules of the road" as per Florida Statute 316.

- Golf carts shall not be driven in a reckless or careless manner.
- Golf carts must be driven only on the roadways, close to the right-hand shoulder or curb.
- Driving on the sidewalks, grassy areas, trails, or unpaved areas is prohibited.
- All occupants of the golf cart must be properly seated while the golf cart is in motion.
- The number of occupants in the golf cart shall not exceed the manufacturer's specifications.
- Golf carts must be stored within the garage and are prohibited from being stored in the driveway or on the sides or rear of a home.

### **Other Vehicles**

Motorized scooters and miniature motorcycles are not allowed on the streets or sidewalks within Watercrest Community. (Florida Statute 316.2128). They may only be used in the owner's driveway.

Off road vehicles, such as, but not limited to, ATV's (All-Terrain Vehicles), Go Carts, ROV's (Remotely Operated Vehicles) or OHM'S (Off Highway Motorcycle - motocross bikes, trail bikes, etc.) are prohibited from use anywhere within the Community. They must be stored in the garage.

Except for golf carts, vehicles must be registered and street legal (meeting all legal requirements for use on public streets/roads in Florida) to be driven within the Watercrest community.

### **Gutters**

An ARC approval is needed for gutter installation. The following stipulations must be followed:

- The gutters must be installed by an insured contractor.
- The color of the gutters must be dark bronze (commonly called "musket brown"), to match soffits/trim and window frame color. The gutters must be free of any decorative design.
- 6" seamless aluminum gutters with hangtite hangers spaced 3 feet on center, must be installed. Screws with neoprene washers and gutter wedges are to be used, where applicable.
- Corners are to be hand-mitered with aluminum rivets and sealed with Geocel 2320 seam sealer.
- 3" x 4" downspouts, extended away from the home, must be installed. Hidden clips will be fastened to walls with hurricane anchors. Stainless steel screws will be used for downspout installation.
- Downspouts can terminate on splash blocks.
- Water flow must be directed to the nearest swale, or to another place on the owner's property, such that it does not flow onto a neighbor's lot, or cause puddling, flow excessive to the design of the swale, or erosion.
- Downspouts may never extend onto the lawn/sod. (See Subsurface Drains)
- The improvements shall not alter the existing drainage flows of the adjoining lots and will be in compliance with the engineering and drainage plans for the community.
- The owner must repair any damage to the Watercrest common areas and/or adjoining homeowners' properties caused by or during the work, at his/her own sole expense.
- All gutter installation work is at the sole cost of the owner.

- All trash and debris resulting from gutter installation is required to be cleaned up promptly and disposed of responsibly.
- Gutter installation must be completed within 6 months of commencement date.

### **Holiday Decorations**

Exterior decorations, including removable special lighting or modifications to installed lighting such as colored light bulbs used to celebrate a holiday or specific event may be exhibited one week prior to and must be removed not more than one week following the holiday or event. Winter holiday decorations may be exhibited between November 15 and January 15. Nuisance lighting and noise restrictions apply. Religious holiday decor is as defined by the Major Religions in the world. See “Flags and Flagpoles” for religious, holiday, school, and sports flags.

### **Home Maintenance/Use - (Article 5.9)**

All structures including but not limited to roof, stucco walls, doors, windows, driveway sidewalks, secondary sidewalks, lanais, and pools are to be maintained by homeowners in a safe and attractive condition. Owners must provide regular cleaning of sidewalks, walkways, driveways, gutters and downspouts, and building exteriors so that they are kept level, free from visible stains, mildew, mold, debris and plant growth. This includes but is not limited to:

- Keeping driveways free of oil and stains. Oil changes are permitted in your garage only.
- Scheduling exterior painting when needed (suggested every 5-7 years from completion of building of house or from the last time it was painted), including caulking around doors and windows.
- Routine cleaning of roofs via soft power washing or vegetation safe chemicals.
- Ensuring each home is for single family, non-commercial use.
- Individual garage sales, estate sales and car washes for fees or fundraising are not permitted.
- Outdoor drying of clothes is not permitted.
- Private wells or pumps are not permitted.
- All equipment, its accessories, wiring and pipe runs shall be installed and maintained in an orderly pleasing appearance.

Villa paint maintenance will be performed based on condition and useful life of materials as determined by the Board of Directors.

### **House Numbers**

House numbers are to be maintained by the owner. Exact replacement does not require ARC approval. They must be the same in style, scale, and location to those installed by the builder. Brass, other shiny materials and decorative or script numbers are prohibited. Landscape growth must be trimmed to allow clear view of the numbers from the street.

### **Hurricane Protection**

Extended placement of externally mounted windstorm protection is specifically prohibited. Only hurricane shutters that were provided with the home by the builder, removable polycarbonate (Lexan©) panels that are partially transparent, installed hurricane resistant windows or a minimal visual impact ROLLING SYSTEM (accordion or roll down), may be used for windstorm protection. Any shutter installation or replacement requires ARC approval. Colors must match home and/or trim colors. Permanently mounted hurricane shutters must comply with Florida

state and local insurance standards. A hurricane binder is available on the Watercrest website under Documents.

Externally mounted windstorm protection devices may be installed to provide protection only when:

- There has been an announcement by the state government that a state of emergency exists including the Venice area
- The Venice area has been included in the National Weather Service's (NWS) five-day "cone of uncertainty" for a tropical storm
- A hurricane watch or warning has been issued by the NWS for the Venice area.

Hurricane devices described in this section must be removed or retracted no later than seven days after the latter of the date when the NWS hurricane watch or warning is withdrawn or when Venice is no longer within the NWS five-day "cone of uncertainty" for any future storm.

### **HVAC and Pool Equipment**

Article 9.12 "All outdoor equipment on a Lot, including without limitation, all pool equipment, heating, ventilating, and air conditioning equipment, shall be screened with landscape plantings, low fencing, or low walls pursuant to a plan approved by the Architectural Committee. All plants used for such screening must be a minimum of five gallon plants at the time of installation."

Equipment may be screened by concrete blocks and stucco wall and/or landscape plantings to hide sight and minimize sound of the equipment from front, side, and rear of the home. The required screening should ensure that the equipment is not visible from the street view of the home. All swale, setbacks, and drainage, utility and easement restrictions must be adhered to. Outdoor mechanicals screening is required by the declaration, although given the space between some homes, there may be locations with swale restrictions where screening may be limited or is not possible (only as determined by ARC).

### **Irrigation and Watering – (Article 5.6 & Article 9.13)**

The automated irrigation system on each lot shall be connected to and utilize the central irrigation system in accordance with the operation of the automated irrigation system. Each lot/zone is controlled by the Association. In no event shall any automated irrigation system within the Watercrest subdivision utilize the Sarasota County potable water supply.

Any modifications to the irrigation/drip system requires ARC approval and all work must be performed by the landscaping/irrigation company contracted by the Association.

### **Lanai • Extended - (Article 9.9)**

Lanai cage (area extended beyond original home trusses) must be constructed of dark bronze aluminum structural materials and black open mesh screening. All Lanai/ pool cages shall be of mansard style, and no flat roof or A-frame cages shall be permitted. No reflective or opaque materials may be used to substitute for screening or be attached to the cage. Adding a new or modifying an existing lanai/pool cage requires ARC approval. Rescreening an existing lanai does not require ARC approval. All Lanai cages must include perimeter landscaping located within a mulch bed that abuts the exterior of cage walls as specified in ARC approval. Swale and easement restrictions apply. Paver pads (3 feet x 3 feet) are also required at all lanai screen door openings. Swale and easement restrictions apply.

## **Landscape**

All homes were landscaped with Sarasota County approved plans prior to occupancy. ARC approval is not required when replacing dead or diseased trees or plants with the exact same material. For replacement of dead trees and plants/bushes submit a request to ArtisTree on the Watercrest website.

The following guidelines apply:

- Changing the original landscape footprint of the home which means any changes to the location, outline or size of the planting beds including the types of landscape plantings requires ARC approval. Official survey and drawings to scale of the landscape plan are required. Once landscape improvements are installed and have met requirements of Article 9.12 the Association will be responsible for maintenance. (Article 5.6)
- All landscaping must meet current height restrictions, other than the landscaping at the amenity center and other common areas, which serve a different purpose.
- Substantially changing the types and sizes of plantings within existing plant beds requires ARC approval.
- Fruit bearing trees/plants are not permitted.
- Landscape shall not be installed to impede vehicular sight lines.
- Planting beds may contain landscape rocks and other natural ornamentation as approved by the ARC. See "Decorative Landscape Rocks".
- Owners are not allowed to plant vegetation, including trees, or use mulch in easement areas on their lots including the 2.5 ft D.U.E. between homes.
- The selection, density and location of plantings shall be suitable to achieve an aesthetically pleasing appearance consistent with the Community as a whole.
- Soft stemmed flower plantings are permitted and may be planted within any original mulch bed without ARC approval. All soft stemmed flowers added must be aesthetically pleasing in appearance and consistent with the Community as a whole.
- Mulched areas may not be converted for any other use than for plant materials (trees, shrubs or grass).

PLEASE NOTE: Owners who install their own plant material assume all liability for damage and repairs to irrigation lines and sod on their own and neighbor's properties and in common areas. The plant material must be maintained by the owner in healthy condition or removed from the property. Owner must allow access to utility boxes/pipes by licensed personnel, and no claim for damages can be made if plant material is damaged by them or by lawn care workers.

## **Landscape Curbing and Barriers**

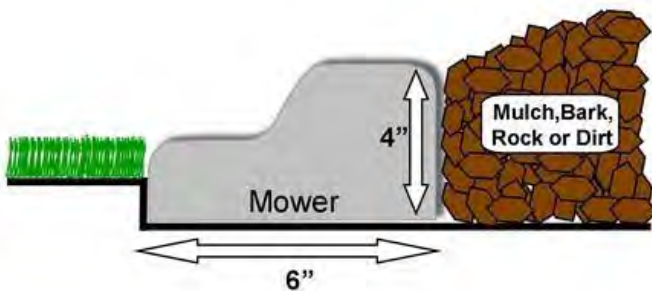
All installations of landscape barriers or curbing of any type, whether permanent or temporary, require ARC approval. The Association may require unapproved installations be removed at the homeowner's cost.

- No curbing or other landscape barriers shall be placed outside any mulched area.
- Application must include a survey to scale showing the location of installation, color, and size. Colors must be earth tones (tans, browns, beige, or terra cotta) and size cannot exceed 4 inches above ground level and 6 inches in width.
- Scalloped top concrete edgings are prohibited.
- No decorative walls regardless of height may be constructed as a landscape barrier or be installed anywhere on the lot except as otherwise permitted.
- Roots blocking swales must be removed by the Owner and the swale drainage flow restored.

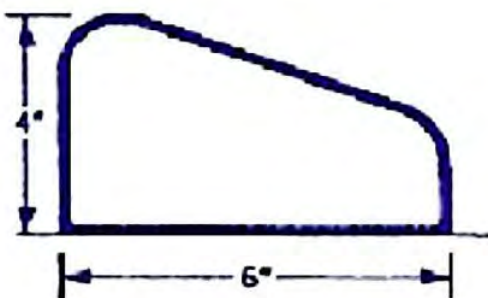
Landscape borders between mulched beds and the sodded grass must be one of the two types shown below. These come in poured concrete, installed at your home by professional contractors with concrete molds. There may also be recycled rubber that resembles concrete curbing that can be purchased in sections. The style called “Mower’s Edge” is preferred, as it is the easiest ongoing lawn maintenance. However, the “Angle Edge” style may also be approved.

Black or brown plastic or metal non-scalloped edging may only be used to separate mulch in a bed from small stones used as an accent border, to prevent mulch from washing onto driveways and walkways. If an accent border of small stones is used at the edge of a driveway, an ARC approved border must be installed between the stones and the sod, due to safety issues and property damage during lawn cutting. It may not be used as a border around any bed, specifically alongside sod, due to increased maintenance and equipment damage issues.

Preferred Mower’s Edge Landscape Curbing 4” Tall & 6” Wide



Acceptable Angle (or slant style) Edge Landscape Curbing 4” Tall & 6” Wide



### **Landscape Material**

Landscape material shall be consistent with the theme of the community and be “Florida ‘Friendly” as required by FL Statute 720.3075. Florida Friendly Landscape 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 stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning

and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance. (FL Statute 373.185) We rely on our Landscape contractor to meet Florida Friendly Landscape guidelines.

Refer to the University of Florida IFAS Extension (<https://ffl.ifas.ufl.edu/plants/> for Zone 10a) for plants that are non-invasive, cold/frost tolerant and shall not interfere with lot drainage or easement. (see “Landscape Material” below for more details) Any installation of plant material beyond exact replacement of current plant/tree material should conform to Sarasota County requirements. Decorative grasses such as Muhly Grass can be used as landscape material around backflow preventer pipes and electric boxes. There must be no risk of interference with D.U.E drainage with these applications. No plant species classified as exotic by the State of Florida or Sarasota County shall be planted or maintained on any lot.

The following are currently recommended plant materials for new or replacement landscaping requests. Other Florida friendly plant materials will be considered during the ARC approval process keeping in mind the right plant/tree for the right place.

**Shrubs/plants (front and rear):**

Hibiscus (bush type)	Juniper Parsons	Cocoplum
Ixora Nora Grant	Ixora Petite Red	Wax Jasmine
Arboricola Variegated	Flax Lily	Foxtail Fern
Gold Mound Duranta	Society Garlic	Bougainvillea
Liriope Evergreen	Croton Mammey	Croton Petra
Bird of Paradise Orange variety – white is too large	Aztec Grass (Varigated Liriope)	Fakahatchee Grass
Green Island Ficus	Hawaiian Ti Red Sister	Indian Hawthorne
Ficus Winter	Schefflera Trinette	Muhly Grass

**Hedges planted along the sides of homes, pool cages and extended lanai:**

Cocoplum Calusia/pitch apple	Hibiscus	Podocarpus
Sweet Viburnum	Ixora Nora Grant	Schefflera Trinette

**Trees (front):**

Sabal Palm Eagleston Holly	Pygmy Date Palm Foxtail Palm	Queen Palm Christmas Palm
East Palatka Holly Dwarf Palmetto	Desert Cassia Southern Magnolia	Jatropha Tree



**Trees (rear):**

Green Buttonwood Eagleston Holly	Silver Buttonwood Southern Magnolia	Cat Palm	East Palatka Holly
Foxtail Palm Christmas Palm	Pygmy Date Palm	Lady Palm	Arenga Palm
Desert Cassia Dwarf Palmetto	Jatropha Tree		

Areca palm trees are no longer allowed due to rapid growth and extreme height. The Cat palm is a preferred alternative. If Arecas were planted around a cage or home, Arecas must meet current height restrictions. Palms may cause damage to cages - the owner is liable for any damage caused by palms.

In order to preserve the open character of the subdivision and minimize visual and physical impacts on adjoining properties, hedges and other landscaping to provide privacy are encouraged over fences and walls. The location and height of all fences, walls, and hedges shall be subject to approval by the Architectural Committee prior to construction and installation. In no event shall any wall or fence exceed an average height of six feet.

In front mulch beds, there is a 10' easement between the sidewalk and each home, where hardwoods were unadvisedly planted by the builder, risking root interference with underground utilities and irrigation lines. For this reason, ARC will not approve any replacement hardwoods in this public easement. Small palms may be approved, but each application will be decided on its own merits, depending on the type of tree requested and the space available for it to grow to maturity. Often, a shrub or annuals make a wiser replacement choice, as many gardens were overplanted by the builder.

**Trees (side of home):** No trees are allowed on the side of homes as roots may disrupt D.U.E drainage swales and foundations, and invasive insects and rats may enter attics.

**Turf:** The only approved turf for Owner's lots is St. Augustine, or its variants, Floratam and Captiva.

**Mulch:** Cocoa Brown non floating mulch.

**Landscape Maintenance - (Article 5.6)**

The landscaping and lawn care for each Lot and the common areas within the Watercrest subdivision is managed and maintained by the Association.

Discharging, blowing, or throwing grass clippings or any other landscape debris into the ponds, preserves, and/or storm drains is strictly prohibited. Grass clippings, landscape debris, fertilizers and pesticides are major contributors to algae growth and pollution in our ponds.

**Mailboxes - (Article 9.11)**

The Watercrest subdivision has centralized mailboxes located by the Amenity Center for the entire community. Mailboxes or receptacles for newspapers, magazines, periodicals, or similar materials are prohibited from being installed on any lot.

## **Mulch**

Mulching for each Lot and the common areas within the Watercrest subdivision is managed and maintained by the Association.

Should a homeowner choose to apply/ freshen up their mulch beds in between regular applications, non-floating cocoa brown used by the landscape company throughout the Watercrest subdivision must be used. Restricting sprinkler heads from rising due to too much mulch, or damages to sprinkler heads is the responsibility of the owner who agrees to bear all cost of repairs.

## **Noise**

Operation of equipment or conduct of activities normal to residential communities shall be limited to between the hours of 7:00 AM and 7:00 PM. Examples include (but are not limited to) operation of equipment for lawn care, soil cultivation, maintenance of trees, hedges, and gardens; tree trimming and limb chipping and other normal community operations as well as the operation of domestic power tools, saws, compressors, etc. Owners are responsible for informing their own vendors and agents of the restrictions on work hours.

## **Nuisances - (Article 9.23)**

No person shall create any public or private nuisance, or engage in any obnoxious, illegal, or offensive activity within the Watercrest subdivision. By way of illustration and not as a limitation, no owner shall place, keep or use any substance, material or thing that emits foul or noxious odors or that is unsightly, un-kept or unsanitary, causes unreasonable noise or other conditions that disturb, in the opinion of the Board, the reasonable peace, quiet, safety or comfort of the occupants of adjacent lots.

## **Outdoor Furniture**

Outdoor furniture is only permitted at the rear of the home on the Lanai or paver patio extension and at the front of the home if the home has a front porch feature (see Front Porches). Outdoor furniture is **not** permitted on driveways or grass areas.

## **Outdoor Kitchens**

Outdoor kitchens within the lanai do not require ARC approval. Outdoor kitchens outside of the lanai/caged area are not permitted. Outdoor kitchens in the lanai must comply with any Nuisance restrictions associated with grilling odors or excessive smoke. (Article 9.23)

## **Outdoor Patios and Decks – (Article 9.10)**

Free standing Patios, decks and similar structures that are not abutting the home's rear lanai area are not permitted. With ARC approval, patios abutting the rear of the home, secondary sidewalks, steppingstones up to 2' x 2', and outdoor grill storage pads may be permitted. See "Outdoor Portable Grills" and "Sidewalks".

## **Outdoor Portable Grills (storage and use) – (Article 9.23)**

Outdoor portable grills must be stored in the lanai (or garage), preferably in the "under truss" area of the lanai. Portable grills may be visible from the street only when in use (e.g., on driveway). Grills must be returned to storage the same day of use - at no time shall a portable grill remain outside overnight. Nuisance violations may apply to odors associated with outdoor cooking or excessive smoke whether it is a built-in kitchen or portable grill. All associated fuel tanks must be stored out of sight on the lanai. **IT IS RECOMMENDED BY OSHA THAT**

## **PROPANE TANKS BE STORED OUTDOORS OR IN A WELL VENTILATED AREA AND NOT IN A GARAGE.**

With ARC approval, owners may construct one grilling pad using pavers or concrete steppingstones. This grilling pad may only extend 24" beyond the combined footprint dimensions of the portable grill. It must abut the rear facing wall of the home or lanai cage and be a minimum of 10 feet from either corner of the side wall or lanai cage. The grill must be stored in the lanai when not in use. Only one grilling pad is permitted per Lot, and it may only be used for grilling.

### **Outside Storage - (Article 9.3)**

No outside structures such as sheds, tree houses, boxes, or storage containers are permitted. Outside storage boxes and cabinets are permitted inside under truss. Compost bins, rain barrels and cisterns are not permitted.

### **Painting the Exterior of Home**

Owners must maintain the house and trim colors in a generally reasonable manner and repaint the home when paint deterioration is evident. The suggested time for this is every 5-7 years. Painting of the house exterior, its trim, window frames, doors and any other surfaces requires ARC approval. Owners must provide manufacturer color names, numbers and paint sample in their ARC application.

The Association and ARC committee maintain a complete list of all paint colors (manufacturer, name, and number) originally used by the builder on the exterior and interior of each home and villa within the Watercrest Community. This information may also be obtained from SherwinWilliams located at 1170 US Highway 42 Bypass, Venice, Florida 34292, Phone 941-484-0468

### **Color Guidelines**

- Houses and Villas must be painted the same colors used by the builder's original color scheme.
- You may switch your exterior color to another approved color if that color is not used by another resident (another rooftop for villas) on either side of your home. On an exception basis the ARC will consider similar color palates not included on the original list. ARC approval is required.
- Glow-in-the-Dark paint and pigmentation are not permitted on any home exterior, driveway, sidewalk, or any exterior decorative accessory.
- Trim around doors, windows, and on bands must comply with the builder's original colors scheme.
- The trim color must be compatible with the house color and the roof color(s). The use of multiple trim colors is not permitted.
- Murals, motifs, vines, and any other painted decorative elements are not permitted on outside walls and trim. They are permitted under original truss.
- Garage doors and entry doors of the home (except inside the pool/lanai cage) must be painted using the builder's original color scheme.
- Shutters and other window and door trim shall be painted using the builder's original color scheme.
- Multiple paint colors on shutters or other windows and door trim are not allowed.

- Specifically, but not exclusively, bright colors or tones, pastels, metallic colors, reds, pinks, oranges, blacks, and dark shades of all colors are not permitted on the body or on the trim of a house.
- Exterior home walls inside lanai cage/patio area (under original truss) may be painted a different solid color from the rest of the body of the house in keeping with other requirements in this section. ARC approval is required.
- Paint used for exterior walls and trim shall have a flat, satin, eggshell or low-luster finish.
- Paint and roof tile color samples must be submitted with the ARC application **which must be approved in writing prior to the start of work**
- The ARC may require the Owner to paint a sample area on the house or elsewhere to view the color(s) on a more realistic basis.
- The ARC shall require the Owner to repaint any surface for which the color standards have not been met and required prior ARC approval has not been obtained.

### **Parking Policy - (Article 9.14) Boats and Vehicles**

No resident vehicle shall be parked in the Subdivision except on a paved driveway or inside a garage. No Restricted Vehicle (See definition under Restricted Vehicle) (excluding vehicles of persons temporarily in the subdivision to provide business services to an Owner, Developer, or the Association) shall be parked in the subdivision unless inside a garage. No maintenance work other than washing (in driveway only) shall be performed on any vehicle unless such maintenance work is performed inside a garage. The restrictions on vehicles contained in Article 9.14 shall not apply to vehicles or trailers utilized by builders in connection with any Construction Work. A vehicle may be parked outside of a paved driveway or garage on a temporary basis not to exceed three consecutive hours one time per week.

### **Vehicle Parking**

Resident vehicles may only be parked on a paved driveway (not blocking or impeding the use of the sidewalk) or inside garages. Resident vehicles are not permitted to be parked elsewhere on a lot or within the subdivision streets, except as permitted by this policy or the Declaration of Restrictions. Resident vehicles are to be garaged to the greatest extent possible, in order to enhance community appearance. Guest vehicles may park temporarily (up to 3 hours) on the street if there is no room in the host driveway.

Due to safety considerations, vehicles shall only park on subdivision streets for brief periods of time, not to exceed 3 consecutive hours one time per week, must face the same direction of traffic flow, and must not interfere with traffic flow at any time. Vehicles shall not park blocking access to driveways or sidewalks, or on a round-about or adjacent to medians.

No recreational vehicles (boats, campers, trailers, RVs, etc.) are permitted to park overnight anywhere in the subdivision, unless in a garage. Recreational Vehicles may temporarily (up to 3 hours) park in the street for active loading or unloading. Active loading is defined as being present with the vehicle and available to move the vehicle to accommodate emergencies or neighbors. Vehicles in disrepair, not in operable condition, without current registration, or bearing no valid license plates shall be garaged. No commercial vehicle of any kind shall be parked overnight in the community (unless in a garage), nor shall such vehicles be parked in the community during the day, except for construction or business vehicles, which shall only be parked on a temporary basis for providing services to a resident or the Association. No parking is allowed on any landscaped areas at any time.

No resident overnight parking is permitted on Watercrest subdivision streets at any time, unless prior written approval is granted through the Property Management Company. Approval for parking in the street will be on an exception basis including but not limited to work on driveway pavers and garage floors, guests due to death in family, etc. Approvals will not exceed 72 hours.

Parking within the Amenity Center parking lot is solely for residents and their guests while utilizing the Amenity Center. Overnight parking within the Amenity Center parking lot is strictly prohibited without prior written approval from the Property Management Company. Two spaces at the Amenity Center parking lot will be available for overnight parking from 10:00 pm - 6:00 a.m. after request/approval from the Property Management Company. Requests will be on a first come first serve basis and will be limited to 3 consecutive nights for each owner, 1 time per year. Residents must use their own lot parking spaces (2 on driveway and 1 or 2 in garage for 2 car and 3 car garage homes) to be eligible for overnight parking at the Amenity Center. If others have not requested use of the Amenity Center spaces, owners who have had an approved request earlier in the year will be considered for use of a space a second time but in no way will ongoing daily routine parking of a vehicle be allowed at the Amenity Center. Due to significant demand on amenity facilities, these 2 spaces may not be available during holiday periods.

Driving a vehicle over sidewalks is strictly prohibited. Any damage to sidewalks caused by a homeowner, guest/visitor or vendor hired by a homeowner will be repaired at the homeowner's expense.

The pull off area near the mailboxes on Hilltop Drive is reserved for mail pick up only. No parking is permitted in this area except for mail pick up unless prior written approval is received from the Property Management Company.

Vehicles parked in violation of this policy are subject to being towed at the Owner's expense pursuant to the posted signage. (See **Towing Procedure**)

#### **Pets and Animals - (Article 9.16)**

Any owner may keep up to three animals customarily regarded as a household pet on his/her lot. No horses, cattle, swine, goats, poultry, or other animal or fowl not customarily regarded as a household pet shall be kept on any lot. Whenever they are outside the Owner's home, household pets must always be confined on a leash held by a responsible person. A pet owner wishing to be neighbor friendly, commonly practices having their pets relieve themselves in the community common area known as the Verge (area between street and sidewalk). Owners shall be responsible for removing their pet's waste from all common grounds and all Lots including their own Lot. Failure to remove waste shall be grounds for a fine as determined by the Board of Directors. Exotic, poisonous or otherwise potentially harmful animals are not permitted; only cats and dogs are allowed outside the home.

#### **Play Equipment – (Article 9.38)**

Any fixed games and play structures shall be located at the rear of the dwelling and requires ARC approval. No platform, doghouse, playhouse, or other similar structure shall be constructed or installed on any portion of a lot located in the front of the rear line of the dwelling. Basketball backboards are specifically prohibited. All portable play equipment and toys, such as bicycles, water sports equipment, etc. must be stored in the garage out of view of the street and neighbors when not in use.

### **Pond Buffer Zones – (Article 5.4)**

The Association shall operate and maintain the stormwater management system (including supplemental littoral zone planting, maintenance or littoral zone vegetation, removal of exotic and nuisance species from littoral zones and wetlands migration areas, and periodic dredging and silt removal from stormwater retention areas) in compliance with all applicable regulations of Sarasota County, SWFWMD, and other governmental authorities.

The Association shall provide all stormwater, hydroperiod, wetland migration, littoral zone planting, water quality reporting, and wetland planted buffer monitoring data collection and reporting required by Sarasota County, SWFWMD, or other governmental authorities.

No portion of the stormwater management system shall be materially altered without the prior written authorization of the Sarasota County Engineer or his authorized designee.

*Refer to the Watercrest Declaration of Restrictions, Article 3.10 and Article 5.4 for further information.*

### **Pools and Spas - (Article 9.9)**

All swimming pools shall be designed and constructed so that the deck and surrounding patio or walkway, if any, is at ground level. The ARC may approve minor variances where existing conditions prohibit construction of a swimming pool at ground level, but in no case shall the ARC allow the construction of a swimming pool which would customarily be regarded as an “above ground” swimming pool. All pool areas shall be enclosed, and all swimming pools shall be designed, located, and constructed in accordance with all applicable governmental laws, rules, regulations, and standards. Screened cages around pool areas are required; however, no screening of pool areas shall extend beyond a line extended from, and aligned with, the side walls of the dwelling unless specifically approved by the ARC. All pool screen cages shall be mansard style, and no flat roof or A-frame cages shall be permitted. Cages must be at least 6 feet from the rear lot line. **(Article 9.10)**

All installations of pools, and cages require prior ARC approval before construction commences. All related equipment (pumps, filters, heaters, and water treatment systems) screening via block, fence, hedge, etc. and all landscape changes must be included in the ARC request for the pool. The ARC application must include the following:

- Contractor business license and certificate of liability insurance.
- Pool design plan with dimensions to scale and color samples.
- Site plan survey with proposed pool and cage dimensions and pool equipment placement and screening to scale.
- Landscape plan for around the pool cage.

The homeowner is responsible for contacting the Association landscape contractor to cap all irrigation lines prior to the start of work and to re-install the irrigation equipment at the completion of work. This is at the homeowner’s expense.

The homeowner is responsible to notify abutting neighbor(s) before work commences that a pool is being installed and the contractor will be accessing the work site via the land between the homes. The homeowner should provide the neighbor(s) with assurances that any damage

caused by the construction process will be fully repaired on a timely basis once the project is completed.

All pool pumps, pool filters and pool heaters shall have a concrete pad or similar fiber reinforced composite pad material and shall be anchored. Pads shall be 3 ½ inches thick and 2" above finished grade. Equipment Pads must be no wider than 36 inches and must be placed as not to extend more than 3 feet from the home. All equipment and pads must allow for the 2.5 feet D.U.E. (Drainage Utility Easement) on each side of the lot line. (See HVAC and Pool Equipment regarding screening around equipment.)

Subsequent changes to the size or orientation of an existing pool, pool deck, or caged area require prior written ARC approval. Modifications of the cage structure require prior written approval from the ARC.

Maintenance activities, including but not limited to repainting, resurfacing, or other treatment of the pool; resurfacing of the pool deck including a change of materials; re-tiling or replacing pool coping; partial or complete replacement of cage screening fabric; replacement or additions of pool equipment located inside the pool cage, do not require ARC approval. See the "**Lanai**" section for cage screening restrictions.

Vendors hired for the purpose of maintenance on pools, pool equipment, or water quality shall perform all work on the pool owner's lot, and not use any adjacent lot for a workspace. The pool owner is responsible for any hired pool vender's damage to adjacent property including streets and sidewalks.

Free standing spas may be above ground and must be in a screened lanai and have an ARC approval.

#### **Pool Water Emptying:**

Pool water must be aged before pumping from the pool. Chlorine and salts in the pool water are destructive to wetland and pond environments that terminate at the ends of our street drainage systems. Shutting off chlorination to the pool and allowing it to age in the sunlight for a period of 10 days accomplishes aging. This should be explained to the pool contractor at the time of initial work scheduling.

#### **Private Property**

The single-family home and villa parcel of land extends from the sidewalk to the rear lot line. The front of the home can be accessed by the public sidewalk. Watercrest residents should not wander/trespass into other residents' backyards unless permission has been obtained from the owner. Wandering into the backyards can disturb pets and interfere in the privacy of our community homeowners.

#### **Rentals and Leases - (Article 9.31)**

Nothing less than an entire home unit shall be rented or leased. A home unit must be rented or leased for a period of six months or more and cannot be rented or leased more than twice a year. During the time a home is rented, leased, or occupied by others, the homeowner shall not have the right to use the common property, exclusive common area, Amenity Center, or the association property, except as a guest of another homeowner or lessee, or as the owner of another Watercrest property. No subleasing or assignment of lease rights by the lessee is

allowed. No short term vacation rentals (less than 6 months) are allowed (ex: Vrbo, Airbnb, Private Party Rentals, etc.).

A Rental/Lease Application on the Property Management Company website at <https://www.mywatercrest.com/community-association/forms/> must be submitted to and approved by the Watercrest Property Management Company prior to renting/leasing of the property. A non-refundable processing fee (identified on the form) payable to the Watercrest Property Management Company must be included with each intent to rent/lease application. A fully executed copy of the lease agreement between the owner and the lessee must be submitted to the Watercrest Property Management Company.

### **Violations/Fines**

Should the homeowner rent/lease property within the Watercrest subdivision without a submitted and approved rental/lease application and processing fee, the homeowner will be subject to fines as determined by Section 720.305, Florida Statutes until the application and approval process is completed.

The homeowner is responsible to provide a copy of the *Watercrest Declaration of Restrictions, Community Wide Standards, and Code of Conduct* to lessee and the lease between the owner and lessee shall contain language that the lessee is responsible for abiding by the Declaration of Restrictions and all rules, regulations, and community wide standards.

### **Residential Use – (Article 9.1)**

Except as provided in the *Declaration of Restrictions*, the lots may be used for residential purposes and no other purpose. No business or commercial building may be erected on any Lot, and no business, occupation, profession, religious or charitable enterprise may be conducted on any part thereof, except that:

- (a) an Owner may conduct a home occupation as defined in the Sarasota County Zoning Regulations, as amended - (Sarasota County Code, Unified Development Code, Chapter 124, Section 73(c)(5)) See Sarasota County Zoning Regulation Highlights below on his/her Lot, if the home occupation is permitted by Sarasota County without special permit approval or other special authorization; does not involve any outdoor activity other than ingress and egress; is not accompanied by the display of any exterior sign; and complies with all other provisions of the *Watercrest Declaration of Restrictions*
- (b) an Owner and his agents may show his Lot and improvements thereon for sale or lease; and
- (c) business activities necessary for the construction of a dwelling or other improvement on an Owner's Lot after ARC approval is received by Owner.

### **Sarasota County Municipal Code Zoning Highlights regarding Home Business**

From "A Citizens Guide to Sarasota County Codes"

- The use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.
- There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such business.
- No storage or warehousing of business material, supplies or equipment is allowed in any accessory structure, garage or outside of the dwelling unit.



- No home occupation or home-based business shall be permitted in an open porch area, garage or any accessory structure not suited or intended for occupancy as living quarters.
- No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference.
- No display of products shall be visible from the street.
- A home occupation or home-based business shall be subject to all applicable county occupational license and other business taxes.

The intent of a home occupation is to allow very limited activities in a residential dwelling, provided such activities do not impact or detract from the residential character of the area. No evidence of the home occupation shall be visible. Customers and employees shall be prohibited from coming to the residence to conduct business.

### **Restricted Vehicle - (Article 1.41)**

"Restricted Vehicle" means any truck; mobile home, motor home, camper, or other vehicle designed to provide temporary living quarters and having facilities for sleeping galley, and head; trailer; boat; watercraft; aircraft; racing car; bus; motorcycle; commercial vehicle; or any vehicle not in operable condition. As used herein "commercial vehicle" shall include, without limitation, any vehicle bearing signage identifying a business name or logo. In addition, any oversized vehicle unable to fit in the garage combined with obvious intent to be a mobile business or shop will be considered a restricted vehicle.

Commercial vehicles shall only be parked in the community on a temporary basis while providing services to an owner or the Association and cannot be parked outside overnight. Residents may park a commercial vehicle in their respective garages.

Moving trucks, trailers and pods may be temporarily parked in the driveway provided the Property Management Company is notified and approves the approximate dates and time frame for temporarily remaining on the property. (See **Temporary Storage Containers**)

### **Roofs/Roof Maintenance**

Barrel-vaulted concrete roof tiles must be used.

- All HVAC, plumbing and other roof vents must be painted a color that matches the roof tile color or the predominant color of the roof tile.
- No ornaments may be placed on the roof.
- Replacing a roof requires ARC approval. Sample roof tile colors must be submitted with the ARC application.
- Roofs, roof gutters, and building exteriors must be kept free from visible stains, mildew, mold, debris, and plant growth.
- Painting of roofs is not permitted.

### **Screen Doors and Enclosures**

Owners may install screened enclosures at the front entry with ARC approval. Screened enclosures on originally built front porches are not allowed. Front storm doors may be installed with ARC approval.

- The door and enclosure color must be dark bronze.
- Screening must be open mesh black.
- Opaque panels are not allowed.

Retractable screen doors are allowed and do require ARC approval. The housing must approximate/match the color of the house trim or the front door.

Garage screen doors are NOT permitted.

### **Security Cameras**

Home security cameras are allowed outdoors only when installed and maintained according to federal, state, and local ordinances/codes. Small solar power panels that are part of security cameras will be allowed. Exterior cameras are permitted but must not infringe upon neighbors' privacy. *All cameras must be directed on one's own home/lot.* Exterior audible alarm devices such as sirens, bells, etc. are not permitted. ARC approval is required.

### **Shutters (Decorative)**

Decorative shutters other than those installed by the builder are not permitted. Requests for installation of shutter types or styles already installed by the builder may be permitted. ARC approval is required.

Replacement or repainting of existing shutters with the exact same style and paint color does not need ARC approval. (See Hurricane Protection for additional options for protective shutters)

### **Sidewalks**

ARC approval is required for secondary sidewalks and changes to the primary entry walkway or driveway.

- Owners must provide regular maintenance for entryways, driveways, and the paver walkway leading from the driveway to the front door.
- Owners are responsible for any damages to sidewalks or driveways caused by contractor(s) hired to perform work on or around their home/villa.
- Secondary sidewalks intersecting with the driveway must be of the same material as the driveway (e.g., pavers; see "Driveways").

### **Signs - (Article 9.15B)**

All signs are prohibited except for the following:

- Merchant Builder signs used for lot identification, information, and sales purposes.
- Small home security identification signs.
- Temporary signs for community garage sales on the day of the event.
- One standard real estate sign is permitted in front of a home when being sold not to exceed 4 square feet in total. Nothing may be attached to the sign (ex: balloons, windmills/spinners, or other attention getting devices). No information boxes are allowed.
- Street and traffic signs.
- Other community signs as determined necessary by the HOA board.
- Contractor boxes required by Sarasota County during construction projects.

No signs of any type are permitted at the Venice entrance or the Jacaranda entrance. One Open House/directional sign is allowed on the grass on Crestview Blvd between the hours of 10am to 5pm for the day of the showing. One directional sign is allowed on the grass at the amenity center and as required to direct to home. These signs may not be larger than 4 sq ft, nor may they have any attachments. No additional signs are allowed on the seller's property on the day of showing. Gates may not be left open to accommodate potential buyers except for scheduled open houses from 1pm to 4pm on weekends as coordinated with the Watercrest

Gate Committee. The realtor is responsible for making arrangements with their clients in order to be admitted to Watercrest. Signs must be removed by 5pm, including the directional signs. After the house is sold, the sign along with the "sold" sign must be removed after one week.

Residents must inform contractors that their promotional signs are prohibited. Owners must remove signs if contractors install them. Signs are not permitted in windows of homes or villas or in vehicle windows (except as may be required by Sherriff for home monitoring or Association for vehicle identification).

Community garage sale signs are allowed only on the day of the event.

**Note:** Homeowner is required to inform the Association in writing of the intent to sell prior to listing a home and placement of "For Sale" sign. Intent to sell must be communicated in writing to the Watercrest Property Management Company.

### **Solar Systems – (Article 9.22)**

Solar collectors or solar panels are considered renewable energy devices under Florida Statutes and must be permitted by the HOA. However, the HOA has the right to regulate where they are placed. They must be on the rear of the dwelling, level with the roof, not visible from any adjacent street. The placement of the solar equipment requires ARC approval. (Subject to Florida Statute Section 163.04)

### **Speed Limit**

For the safety of all in the community, a speed limit of 15 miles per hour has been established for all streets within Watercrest. Please observe the speed limit and all traffic signs posted.

### **Stone Beds**

Stone beds replacing mulch beds are not recommended as they absorb heat and can damage plants and trees. Some installations may be allowed with ARC approval. Stones 1.5 inches or less in diameter and neutral in color may be approved around flower beds or as accent in the landscaped area, or where washout is a problem. In no event shall more than 20% of the yard on a lot be covered with stones. If approved, the owner must provide a signed statement releasing the HOA and the landscape contractor from any liability due to damage from rocks being dislodged during maintenance activities.

### **Subsurface Drains**

No new drains or changes to existing drains are allowed without ARC approval. Applications will only be considered for approval with appropriate governmental and engineering authorization and input (See Article 9.5 of the Declaration of Restriction for more details on drainage).

### **Tanks (Fuel)**

The Association, including all its governing personnel, are not responsible for resident storage practices, damage, injury, or hardship related to the storage or use of any quantity or amount of any fuel in any form or type. Portable 20-gallon propane tanks typically used for outdoor grills should be stored outside in the Lanai. These tanks should **not** be stored in the garage. IT IS RECOMMENDED THAT PROPANE TANKS BE STORED OUTDOORS OR IN A WELL VENTILATED AREA AND NOT IN A GARAGE.

Only permanent underground propane tanks for emergency generating systems are allowed with ARC approval, permitted through the county, and installed by a licensed and insured contractor. When approved, the homeowner must submit a signed release statement holding the HOA free from any liability associated with any potential hazard or damage caused by the installation of these fuel tanks.

### **Temporary Storage Containers**

Use of temporary containers for shipping, moving, storage, (pods, UHaul, etc.) or construction debris (dumpsters and/or “bagsters”) requires notification to the Property Management Company. The Property Management Company will approve an initial period for the container. The Owner may re-apply with reason for one-week extensions as necessary.

- Containers must be on owner's driveway and not on streets or sidewalks or sodded areas.
- Container vendor must take necessary steps to minimize damage to road, sidewalk, landscaping, turf and driveways including but not limited to placing board material under container rollers or feet.
- Owners are responsible for any damage caused by installation or removal of containers to curbs, streets, sidewalks, turf, verge trees, street signs, lampposts, utility boxes, or any other Association property not listed.
- No garbage, yard waste, or hazardous materials are permitted inside any temporary container.
- Maximum construction debris container size is 20 cubic yards. (20 feet x 8 feet x 3.5 feet).
- All construction debris outside resident's home must be placed in the container by the end of each day. No construction debris may be stored on the lot.

### **Towing Procedure**

If a resident or resident's guest violates the parking policy, the Association will provide a written notice from Property Management Company and placed on vehicle via certified mail to the resident (with photographic evidence) requesting the resident to comply with the parking policy. The resident will have 3-days to correct the violation from the date of the written notice. All new residents (defined as moving into the community within 30 days) may request a 14-day grace period to provide them sufficient time to rearrange their property to park within their garage or driveway.

If the resident continues to violate the parking policy after the 3-day notice period from the date of the first written notice a second written notice will be issued from Property Management Company and placed on vehicle. The resident will have 3-days to correct the violation from the date of the second written notice. If the resident continues to violate the parking policy after the 3-day notice period from the date of the second written notice, the vehicle will be towed at the owner's expense. If it is unclear which residence the vehicle is associated with, the Property Management Company will request the vehicle be towed to the following lot at the owner's expense, as stated on the signs posted at the community's entrance and Amenity Center parking lot:

Talon Towing  
5085 Pan American Blvd., North Port, FL 34287  
941-870-9001

Recurring violations of this parking policy will result in the vehicle being towed without prior written notice to owner or resident, at the owner's expense. A fine of \$50 per incident may be levied and privileges suspended consistent with Section 720.305, Florida Statutes.

No unauthorized parking is permitted at the Amenity Center. If an unauthorized vehicle is parked at the Amenity Center or if a vehicle parked in the community is obstructing traffic flow, it may be towed without notice to the owner at the owner's expense.

### **Trash - (Article 9.17)**

Owners shall keep all garbage, trash, and other refuse in sanitary containers with secure lids. Containers shall not be placed in front of a dwelling except on the morning scheduled for refuse collection. Containers shall be removed promptly, along with any debris, after collection. Trash cans, recycling and refuse containers are not permitted to be kept in front or along the sides of any home or villa - trash containers must be stored in the garage.

The ARC may require the use of standard containers for collection of garbage, trash, or other refuse. Notwithstanding the foregoing, an approved builder is permitted to place a dumpster on a lot in connection with Construction Work.

### **Trees - (Article 9.29)**

Sarasota County may require a tree permit for removal or relocation of any trees based on current law. (See the Property Management Company website to download a permit form to use).

- Owners may only remove, add, or replace trees on their property with ARC approval.
- Fruit trees are not permitted due to rodent attraction and citrus greening disease.
- Trees cannot be planted in any easement or swale and cannot block or hamper the designed flow rate of swales between homes.
- Roots affecting swales must be removed by the Owner and the swale drainage flow restored.

### **Trellises**

Owners may install trellises within 2 feet of the home, not in any easement area. ARC approval is required. The application must include the following information:

- Type of trellis including dimensions.
- Material to be used.
- Paint color sample with color manufacturer, name, and number.

No more than 2 trellises shall be in the front of the home. Each trellis must not exceed 4 square feet in area, 4 feet or less in height, 1 foot or less in width, and must be separated from any other trellis or arbor by at least 4 feet. A trellis may not have solid panels. Only natural plants and vines planted in the ground and kept well-trimmed may be planted around or attached to the trellis. No hanging baskets, pots or other decorative objects are permitted on the trellis. No climbing vines that attach themselves to the home or villa are permitted.

### **Turf Replacement**

The only approved turf for owner's lots is St. Augustine or its variants, Floratam and Captiva. Other grass types are not permitted. Turf replacement with artificial substitutes or painted concrete is NOT permitted. ARC approval is required for ALL projects that remove turf, no matter what the nature of the project is.

### **Verge**

The verge is the area between the sidewalk and the street. It is part of the common grounds. This area is to be turf only; no additional landscaping or decorations are permitted. The Association reserves the right to plant trees in the verge at any future time following the rules provided by the governing documents.

### **Water Softeners**

Water softeners should have a CONCRETE PAD OR SIMILAR FIBER REINFORCED COMPOSITE PAD MATERIAL AND MUST BE ANCHORED. Pads shall be 3 ½ inches thick and 2" above finish grade. Equipment Pads must be no wider than 36 inches and must be placed as not to extend more than 3 feet from the home. All equipment and pads must allow for the 2.5 feet D.U.E. (Drainage Utility Easement) on each side of the lot line. Check with your contractor to ensure whether recessing the unit into the ground is your best option.

All types of storage tanks or containers must be located or placed within areas which are screened from the view of other Owners by landscaping shrubs, wood fencing (excluding lattice) or block walls, in such a fashion so that only one side is open for access. Outdoor mechanicals screening is required by the declaration, although some locations have swale restrictions where screening may be limited or is not possible (only as determined by ARC).

The storage tank or container must be located on the side or back of the home.

The improvements shall not alter the existing drainage flows of the adjoining lots and will be in compliance with the engineering and drainage plans for the community. Owner agrees to repair any damage to the Watercrest common areas and/or adjoining homeowner's property caused by or during the work.

The Owner will also make sure that no damage has been done to any of his home's irrigation lines and if so, will be repaired by the Owner at his own cost.

### **Windows**

ARC approval is required prior to replacement of windows if the size, shape or color is going to be changed. No ARC approval is required to replace windows with the same style, size and color as originally installed by the builder.

### **Yard and Garage Sales - (Article 9.32)**

To restrict and control access to Watercrest, private yard, garage, or tag sales are prohibited. Watercrest may host bi-annual community wide garage sales that all residents may participate. An estate sale may be approved on an individual basis by the Property Management Company. The request must include the date, time, and company in charge of the sale. No home may be offered for sale by means of an auction conducted within the subdivision.