

Architectural Review Request Form

Property Owner(s): _____

Property Address: _____

Telephone: Daytime # _____ Alternate # _____

CONTACT INFORMATION ABOVE AND THE BOX BELOW MUST BE FILLED OUT COMPLETELY.
FAILURE TO DO SO MAY RESULT IN REJECTION OR DELAY OF YOUR REQUEST.

Type of Change(s) Sought:	Application Checklist: MUST BE COMPLETED	
☐ Landscape (All Types)	☐ Roof	☐ Signed and Dated (Required)
☐ Hurricane Shutters	☐ Pool	☐ Survey w/ Sketch of work attached (Required)
☐ Fence	☐ Structural	☐ Contractor License attached (If used)
☐ Painting (Include paint codes)		☐ Contractor Insurance attached (If used)
☐ Other _____		☐ Copy of Contractors Contract attached (If used)

DESCRIPTION OF WORK TO BE COMPLETED

Describe the type of architectural change you are seeking approval, and specify any materials and/or colors involved.

- _____
- _____
- _____
- _____
- _____

ACKNOWLEDGEMENT OF APPLICANT

I understand that I must be the property owner to make application to the Association for an architectural Change. I understand that application does not guarantee approval and that any approval must be received, in writing, prior to making the alterations sought in this application. I understand that Architectural Approval is based upon the aesthetics of the proposed changes and does not certify the construction worthiness or structural integrity of the proposed change. I further understand that if I am digging that I, or my contractor, must contact the appropriate utilities prior to digging. I understand that I must follow all local building codes and setback requirements when making a change and that building permits may be required, and if required will be granted prior to starting approved work. I further understand that I may not deviate from the plans submitted and that any variation will require re-application. **DAYTIME CONTACT NUMBER MUST BE ON FORM.**

Signature of Property Owner: _____ Date: _____

Association Use Only

Date received by Association: _____	☐ APPROVED	☐ DENIED
Date sent to Committee/Board: _____	Approved by: _____	
Date Letter sent to Owner: _____	Date approved: _____	

The property owner is liable for the repair of any damage to common areas by vendors or contractors the owner may hire. All work completed must meet City and County Codes.

Banyan Trails Property Owner's Association, Inc.

Architectural Control Committee Guidelines

INTRODUCTION

As a Banyan Trails resident, you benefit from the planning and design that is an important part of our neighborhood.

The Architectural Control Committee (ACC) is comprised of Banyan Trails residents who volunteer their time in an effort to maintain the ambiance and value of your community.

The members of the ACC have developed this set of guidelines in an effort to inform residents about the functions of the Committee, as well as providing guidelines that have been adopted to maintain the standards of design and quality of our community.

As a community, it is vital that we do our best to adhere to the guidelines set forth in this document, and those set forth in the Property Owner Association (POA) documents you were provided when you purchased your home. If, for any reason, you do not have a copy of the POA documents, or would like additional copies, please contact the Association's management company.

If you have any questions about the information within this document, we invite you to attend the Committee's monthly meeting. Preceding these meetings, signs are posted around the community announcing the date and time.

Thank you for doing your part to maintain the ambiance and value of our neighborhood.

Please read this document very carefully.

INTRODUCTION TO THE ARCHITECTURAL CONTROL COMMITTEE

PURPOSE

The Declaration of Restrictions and Covenants (Declaration) of the Banyan Trails POA, Inc. (Association) assures each Owner that the quality of BANYAN TRAILS design will be maintained. The Association is responsible for administering these Covenants and providing administrative support to the Architectural Control Committee (ACC).

The ACC ensures that exterior alterations in Banyan Trails comply with the guidelines as shown in ARTICLE IX of the Declaration. ALL requests for exterior alterations MUST be submitted to the ACC for written approval BEFORE they may be undertaken.

The purpose of these guidelines is to inform the homeowners of the Design Requirements for Banyan Trails and the procedures to be followed when requesting an exterior modification to their property. Each application received by the ACC will be evaluated on its own merits with reasonable flexibility for architectural function and creativity.

AUTHORITY

The authority for the ACC is set forth in ARTICLE IX of the Declaration, which was received by all homeowners when they purchased their homes. The Declaration encumbers all of the homes within Banyan Trails.

The Declaration is a contract between the homeowners and the Association, wherein, per ARTICLE IX, Section 1, the homeowner agrees to refrain from making any modifications to the exterior of the homes and property without first receiving approval from the ACC.

The ACC is responsible to THE BOARD OF DIRECTORS of the Association. The Board is the ultimate authority for the Banyan Trails Property Association, Inc.

MEMBERS

The members of the ACC shall be selected by the Board of Directors and shall have the right, power, authority and obligation to select and remove members of the ACC.

RESPONSIBILITIES

On behalf of the Association, the ACC is empowered to adopt, promulgate, amend, revoke, and endorse Design Requirements for the purpose of:

1. governing the form and content of plans and specifications to be submitted to the ACC for approval or disapproval;
2. governing the procedure for submission of plans and specification; and
3. establishing guidelines with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction location and size of any structure, landscaping and all other matters that require approval by the ACC.

LIMITATION OF RESPONSIBILITY

The ACC approval is based only on the aesthetic features of the approval modification. The ACC assumes no liability with regard to the structural integrity of any requests. The ACC makes no representation as to the expertise regarding either the structural adequacy, capacity or safety features of the proposed improvement or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ACC does not assume the responsibility for the performance or quality of work of any contractor.

ARCHITECTURAL CONTROL COMMITTEE POLICIES

The ACC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of Banyan Trails and to foster thoughtful and harmonious design between neighboring residences. The ACC intends to be completely fair and objective in the architectural review process and to maintain sensitivity to the individual aspects of design. The plans or specifications approved by the ACC shall not be deemed to be a waiver by the ACC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent plans and specifications submitted for approval for use on other Units.

APPROVAL NECESSARY

No structure or improvement of any kind shall be erected, constructed, placed or maintained on the properties, unless approved in writing by the Architectural Control Committee.

APPROVAL

Upon approval by the ACC, a formal letter of approval will be issued to the applicant. Approval of any application shall be final and the approval may not be thereafter reviewed or rescinded provided that there has been compliance to all conditions of approval. If the request for approval is disapproved by the ACC due to aspects of the request that can be remedied by the applicant the recommended changes can be made to the request and returned to the ACC for approval.

TIME LIMITATIONS

After approval by the ACC, all improvements shall be completed within ninety (90) days from the commencement of the improvement. Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and a safety hazard for neighbors and the Community. The ACC may establish a more specific time for completion as a condition of its approval.

In the event the ACC fails to approve or disapprove plans and specifications within forty-five (45) days after they have been submitted in writing to the ACC in acceptable form, including all information necessary for their consideration and review, approval by the ACC shall be deemed to have been granted. The ACC shall have the right to request additional information if the information submitted is incomplete or insufficient.

INSPECTIONS

Periodic inspections may be made by the ACC while construction is in progress to determine compliance with the approved plans, specifications, and provisions of the Declaration. The ACC or such agent of the ACC shall not be deemed to have committed a trespass or wrongful act by reason of such inspection.

JOB SITE CONDITIONS

1. All job sites shall be kept in a neat and orderly condition.
2. Construction hours are subject to rules and regulations as established by the ACC and/or The Association from time to time.
3. All construction operations must be preformed in accordance with local Governmental ordinances.

VIOLATIONS

If any alteration or modification is made without the required prior written consent of the ACC, the alteration has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed. In no event may any alteration or modification be allowed to remain in violation of any of the Covenants and Restriction contained in the Declaration, or in violation of any zoning or building ordinance or regulation.

The ACC is empowered to enforce its policies, as set forth in the Declaration and this Manual, by means specified in the Declaration, including an action in a court of law, to insure compliance. The Association also has the right to levy a fine on Owners for modifications made without the written request and approval of the ACC.

KEY ARCHITECTURAL GUIDELINES

The ACC evaluates each submission based on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the individual site and lot size, since what may be an acceptable design on an exterior in one instance may not be for another.

The following criterion is general in nature and applies to all of the dwelling units in Banyan Trails.

- **Relation to BANYAN TRAILS Open Space**
Factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may adversely affect Banyan Trails.
- **Conformance With Covenants**
All applications are reviewed to ensure that the request is in conformance with applicable Covenants and Restriction affecting Banyan Trails as recorded in the Records of Broward County.
- **Validity Of Concept**
The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings.
- **Design Compatibility**
The proposed alteration must be compatible with the architectural characteristics of the applicants' house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials color and construction details.
- **Location and Impact on Neighbors**
The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight and drainage. For example, fences or landscaping may obstruct views or access to neighboring properties; decks or larger additions may infringe on a neighbor's privacy.

- **Scale**
The size of the proposed alteration should relate well to the adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.
- **Color**
Color may be used to soften or intensify visual impact. Parts of an addition that are similar to the existing house such as roofs and trim should be matching in color. No approval or permission is required to repaint when utilizing the same paint and same color scheme.
- **Materials**
Continuity is established by use of the same or compatible materials were used in the original house.
- **Workmanship**
Workmanship is another standard which applies to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others.
- **Wetland/Preserve Areas**
Certain areas within and contiguous to Banyan Trails are designated as wetland and/or preserve areas for which the Association has the ultimate maintenance responsibility. Such areas are protected by various regulatory agencies, and as such may not be disturbed by residents and/or the Association.

SUMMARY OF PROCEDURES

HOW TO MAKE APPLICATION TO THE ARCHITECTURAL CONTROL COMMITTEE

Application for exterior changes may be obtained from the offices of the management company. Completed applications should be returned to the management office and will be forwarded to the ACC for review at its next scheduled meeting. The Committee meets on the first Thursday of each month at 7:00 P.M.

SITE PLAN

A site plan or property survey **MUST** be included with the application showing the location of the existing structures and boundaries. Proposed changes or additions **MUST** be indicated including dimensions and distances from the home and adjacent property.

MATERIAL AND COLOR

Samples of the materials and colors to be used and an indication of existing colors and materials should be provided, or clearly specified within the application. In most cases, a statement that the proposed wall, for example, is to be painted to match the existing house trim or house color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips should be submitted for clarity.

DRAWINGS AND PHOTOGRAPHS

A graphic description of the request should be provided. This may be in the form of the manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal.

PERMITS

After receiving approval from the ACC, a permit may be required from the City of Coconut Creek. The applicant must determine whether this requirement applies to the requested modification.

ARCHITECTURAL STANDARDS, CRITERIA AND DESIGN REQUIREMENTS

SUPPLEMENT TO THE DECLARATION OF RESTRICTIONS AND COVENANTS

NOTE: The following approved standards are not specifically outlined in the Banyan Trails POA, Inc Declaration

1. WINDOWS, DOORS, SCREEN ENCLOSURES AND PATIOS

- a. Bright finished or bright placed (other than white) metal exterior doors, windows, window screen, louvers, exterior trim or structural members shall not be permitted. The use of white anodized aluminum to match the original trim is required.
- b. All screening must be charcoal and screen enclosures shall be constructed in white anodized aluminum.
- c. Only bronze or charcoal non-reflective tint will be considered. The use of reflective tinting or mirror finishes is prohibited.
- d. All screen enclosures must have a screened roof. Approved roof types are hip, gable, or mansard.
- e. Security bars, windows and doors are prohibited.

2. SOLAR PANELS

- f. Solar water heater panels shall be reviewed on an individual basis, and if approved by the ACC must be installed so as to present the least obtrusive view.

3. EXTERIOR MATERIAL AND COLORS

- a. Exterior artificial, simulated or imitation materials, such as stone or brick, may be considered if deemed in harmony with the surrounding architectural design.
- b. The use of the following items is appropriate.
 - **Stucco** – similar in finishing and color as originally constructed
 - **Metals** – factory finished in durable anodized aluminum in white.
- c. Exterior colors that, in the opinion of the ACC would be inharmonious, discordant and/or incongruous to the Banyan Trails Community shall not be permitted
- d. Roof colors shall be an integral part of the exterior color scheme of the building.
- e. No change in color or existing roofing material shall be permitted without the approval of the ACC. Wood shake, asphalt, cement or fiberglass shingles shall not be permitted.
- f. Roof shapes, styles, design and materials shall match the existing roof. Flat roofs are not permitted. All roof pitches shall be a minimum of 5:12 ratio.

4. GARAGES, DRIVEWAYS, WALKWAYS AND EXTERIOR LIGHTING

- a. No curb side parking may be created by extending any portion of the street pavement or curbing.
- b. All proposed exterior lighting shall be detailed in a request for architectural modification. No exterior lighting shall be permitted which, in the opinion of the ACC, would create a nuisance to the adjoining property owners.

- c. Driveways and walkways shall be constructed of hard impervious material such as concrete or brick pavers. No asphalt drives or walkways will be permitted.
- d. Driveway must be brick pavers and may not be widened.
- e. Any proposed walkway must be approved by the ACC prior to installation. This includes concrete walkways, stepping stones or brick pavers.

5. HURRICANE PANELS, AWNINGS AND SHUTTERS

- a. Bahama shutters and metal fold down awnings do not meet the standards of the community with respect to conformity and harmony of external design and shall not be permitted or affixed to the exterior of any residence. Accordion shutters are permissible with the approval of the ACC and must match the exterior walls or trim of the home.
- b. Canvas awnings may be permitted with the approval of the ACC. Design color and fabric will be approved by the ACC to follow the conformity of the community.
- c. Temporary metal panels may be used or installed only to protect structures during periods of severe weather conditions. Temporary panels may not be stored on the exterior of the residence and are to be used for a period of time no longer than two weeks.
- d. All panels or shutters must meet Miami-Dade wind resistance standards.

6. LANDSCAPING

- a. Landscaping alterations must first be submitted to the ACC prior to installation. Proposed landscaping must be shown on a lot survey which includes the house and all existing concrete surfaces and landscaping.
- b. Removal of existing landscaping or alteration of footprint must be approved by the ACC.
- c. Replacement with similar landscape material does NOT require the approval of the ACC, i.e. annuals, shrubs and ground cover.
- d. All landscaping installed must be maintained to the standards as set forth by the Association. Landscaping material such as annuals that are placed in the swale area must be maintained at a height not to exceed 36 inches.
- e. Trees must not be less than 25 feet from the lake or not less than 5 feet from the lake maintenance easement.
- f. No landscaping may be placed within any lake maintenance easement, water management tract or utility easement and must not affect surface water run off.
- g. Trees located in the swales areas (grass area between sidewalk and street) are to be maintained by homeowner, which includes tree trimming and fertilization.

7. FENCES

- a. Only 4 or 5 foot white aluminum rail fences are permitted on the side and rear of lake front lots.
- b. Dry lots may use the 4 or 5 foot white aluminum rail or a 6 foot wood shadow box fence on the rear and side of a home.

- c. Fences must be placed inside property lines and not encroach on any lake maintenance easement, water management tract or utility easement and must not affect the surface water run off.
- d. Chain link fences are prohibited.

8. BASKETBALLS HOOPS

- a. Basketball hoops shall not interfere with pedestrian or vehicular traffic and must be stored when not in use.

9. SWIMMING POOLS

- a. Proposed pools, decking, screen enclosures and landscaping plans with a survey must be submitted to the ACC for review.
- b. Above ground swimming pools shall not be permitted. Swimming pools shall not be permitted on the street side of the residence.
- c. No decking, screening or landscaping may be installed on any portion of the lake maintenance easement.
- d. All pool equipment and heaters must be screened from the view with landscaping bushes/hedges from adjacent properties and roadways.
- e. Spas or hot tubs will be permitted only when their placement does not interfere with neighboring homes and will not create a nuisance.
- f. All swimming pools, spas and hot tubs that are permitted must also conform to the requirements of the City of Coconut Creek.
- g. The swimming pool and other improvements must not adversely affect the surface water run off of the adjacent properties.

10. AIR CONDITIONERS, GARBAGE AND TRASH CONTAINERS

- a. Window and/or wall A/C units shall not be permitted.
- b. All garbage and trash containers shall be housed in garage during non pick-up days. ACC may approve hedged area so as not to be seen from the street or adjacent properties. Open storage of refuse is prohibited. All outside storage containers must have a secured lid.

11. ANTENNAS, FLAGPOLES, SIGNS AND MAILBOXES

- a. No exterior television or radio masts, tower, poles antennas or aerials may be erected. Satellite dishes shall be permitted with the approval of the ACC to the placement of dish on property.
- b. A flagpole for the proper display of the American flag only shall be permitted, subject to ACC approval. Pole in wall mount bracket must not exceed six (6) feet in length and the flag may be larger than 3ft by 5ft. The flag must be replaced when it is torn, tattered or faded.
- c. No signs of any type shall be erected or displayed on any unit structure or lot without the written consent of the ACC. The ACC shall determine form, size, color, content, location and time of placement of any sign.
- d. Mailboxes have been designed and installed for the community by the Developer. No modification is permitted.

12. ACCESSORY STRUCTURES, PLAY EQUIPMENT AND DECORATIVE OBJECTS

- a. No structure of a temporary character shall be permitted or used on a unit owner's property at any time without the approval of the ACC.
- b. All play equipment shall be placed to the rear of the property and only with approval of the ACC. Location on the lot and screening requirements may be a condition of ACC approval.
- c. No decorative objects exceeding 2 feet (24 inches) such as sculpture or birdbaths, fountains and the like shall be placed or installed on the street side of any lot without ACC approval.
- d. No clothes lines or similar structures shall be permitted on any portion of a unit owner's property.
- e. No religious décor allowed visible from the street side of any lot.
- f. During the holiday season, all holiday décor must be removed from home and landscape areas no later Jan 31st.

13. GUTTER AND DOWNSPOUTS

- a. Gutters and downspouts must match the exterior walls or trim of the home and be as inconspicuous as possible. Run-offs must not adversely affect the drainage on adjacent properties.

14. PERMANENT BARBECUES

- a. Permanent barbecues must be approved by the ACC but should not be a dominant feature on the landscape and should be located so they will blend as much as possible with the surrounding area. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background or screening is available.

15. MAJOR EXTERIOR ALTERATIONS

- a. The design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent properties.
- b. The location of major alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.
- c. Roof pitch should match the type of the home.
- d. New windows and doors should match the type used in the applicants house and should be located in the manner, which will relate well with the location of the exterior openings in the existing house.
- e. If changes in grade or other conditions that will affect drainage are anticipated, they must be indicated. Generally approval will be denied if adjoining properties are adversely affected by changes in the drainage of the surface water run off.
- f. Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be immediately removed after completion of construction.

THIS DOCUMENT MAY BE REVISED FROM TIME TO TIME AS NECESSARY