

The Magnolias of Ocala
Homeowners Association

**ARCHITECTURAL REVIEW BOARD
STANDARDS AND GUIDELINES**

HANDBOOK FOR
THE MAGNOLIAS OF OCALA HOMEOWNERS ASSOCIATION

VERSION 1.1

PURPOSE OF THE HANDBOOK

The purpose of this handbook is to familiarize The Magnolias of Ocala Homeowners Association homeowners with the objectives, scope and application of design standards and guidelines, which will be used to maintain the aesthetic appearance and environmental quality of the Magnolias of Ocala community.

The handbook provides specific design standards and guidelines that have been adopted by the Board of Directors of The Magnolias of Ocala HOA. It also explains the application and review process that must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots that are subject to approval by the Association. Homeowners are reminded that approval by the Architectural Review Board for a proposed change does not remove the need for the appropriate Marion County building permits or other documentation.

This handbook will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the Association's Architectural Review Board. All homeowners are encouraged to familiarize themselves with its contents and to retain the handbook for future use.

BASIS FOR AND OBJECTIVES OF PROTECTIVE COVENANTS

The legal documents for The Magnolias of Ocala HOA include the Declaration of Covenants and Restrictions. They impose use restrictions and specify the process for obtaining approval for changes, improvements or alterations to an owner's lot. Legally, these covenants are a part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, irrespective of whether or not these owners are familiar with such covenants.

The primary purpose of this document is to establish design guidelines for the entire community. The promulgation and enforcement of design guidelines is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community;
- Promote harmonious architectural and environmental design qualities and features;
- Promote and enhance the visual and aesthetic appearance of the community.

The enforcement of design standards not only enhances the physical appearance of a community but also protects and preserves property values. Homeowners, who reside in association communities that enforce design covenants are protected from actions of neighbors that can detract from the physical appearance of the community and, in some cases, diminish property values. In fact, surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home.

ROLE OF THE ARCHITECTURAL REVIEW BOARD

All homeowners are automatically members of The Magnolias of Ocala HOA. The Association is a not-for-profit corporation that owns and is responsible for the upkeep and maintenance of all common properties within the community.

The Association is also responsible for the administration and enforcement of all covenants and restrictions. The Declaration of Covenants and Restrictions for The Magnolias of Ocala HOA (Article 9) provides the scope and authority of the Architectural Review Board (ARB). The members of the ARB are appointed by the Board of Directors (BOD) of The Magnolias of Ocala HOA.

The Architectural Review Board consists of persons appointed by the Board of Directors. The BOD appoints members for a period of one (1) year following the Annual Meeting. At the BOD's option, it may extend the term of Architectural Review Board members for additional terms.

The Architectural Review Board is responsible for enforcing the Association's Design Guidelines for new home construction, exterior modifications to homes and improvements to lots as proposed by lot owners. The ARB will review and approve (or disapprove) applications submitted by lot owners for new home construction and exterior additions, alterations or modifications to a home or lot using Design Guidelines approved by the Association's Board of Directors.

As part of its responsibilities, the Architectural Review Board will make recommendations to the Board of Directors with respect to the modification of the Design Guidelines initially approved by the BOD. The BOD will also be responsible for reviewing possible violations of the Association's Design Guidelines.

ALTERATIONS REQUIRING REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW BOARD

Essentially changes, permanent or temporary, to the exterior appearance of a building or lot are subject to review and approval by the Architectural Review Board. The review process is not limited to major additions or alterations, such as adding a room, deck, or patio. It includes such minor items as changes in color and materials or landscape modifications. Approval is also required when an existing item is to be removed.

There are a number of exceptions to this otherwise inclusive review requirement.

- Exterior—building components may be repaired or replaced so long as there is no change in the type of material and color.
- Minor landscape improvements do not require Architectural Review Board approval. This includes foundation plantings, single specimen plants or small scale improvements which do not materially alter the appearance of the lot, involve a change in topography or grade and which are not of sufficient scale to constitute a natural structure.

If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the Architectural Review Board before proceeding with the improvement.

APPLICATION AND REVIEW PROCEDURES

Application and review procedures that will be used by the Architectural Review Board are detailed below.

Applications: All applications for proposed improvements must be submitted in writing using the application forms authorized by the Architectural Review Board. A copy of these forms is included as an exhibit to this handbook. Applications must be complete in order to commence the review process. Incomplete applications will not be accepted.

Unless notified to the contrary, homeowners should mail applications to the following address:

The Magnolias of Ocala Homeowners Association
c/o Leland Management
7750 SW 60th Avenue, Suite A, Ocala, FL 34476

Questions may be e-mailed to: mail@magnoliasofocala.com

Supporting Documentation: The application must include a complete and accurate description of the proposed improvement(s). To permit evaluation by the Architectural Review Board, supporting exhibits will frequently be required. Examples include: a site plan showing the location and dimensions of the proposed improvement; architectural drawings or plans, as applicable; landscape plan; material and for color samples, etc The design guidelines and application forms provide guidance with respect to the supporting documentation required for various types of improvements.

Time Frame for Completion of the Review: The Architectural Review Board is required to approve or disapprove any proposed improvement within thirty (30) days the receipt of a properly completed application. However, the thirty (30) day review period will only commence upon the receipt of a complete application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a design review application.

Notice of Approval/Disapproval: Homeowners who have submitted design review applications will be given written notice of the decision of the Architectural Review Board.

Contractors / Builders Requirements: Depending on the improvements the homeowners must include the following documents as part of the entire package. The builder / Contractor must be approved by the ARB Committee by completing the application form found on the website. They must read and agree to the Rules and Regulations and sign the Certificate of Compliance.

Submission document summary:

- Architectural Review Board Submission Form
- Builder / Contractor – Certificate of Compliance

ENFORCEMENT PROCEDURES

The Bylaws of the Association provides the authority for the Board of Directors to establish these Standards and Guidelines.

The following enforcement procedures will be used to ensure compliance.

- A violation may be observed and reported to the Board of Directors through the managing agent by a member of the Architectural Review Board or a homeowner. In the case of homeowners wishing to report a potential violation, a written notification should be transmitted to the managing agent.
- The alleged violation will be confirmed by a site visit by a member of the Board of Directors, a member of the Architectural Review Board or the managing agent.
- The Board, through the managing agent, will contact the resident in violation by letter advising them of the violation and requesting appropriate action to remedy the violation.
- If the violation is not abated within fifteen (15) days the date of mailing of the letter described above (or if progress is not being made to abate such violation in accordance with a plan agreed to by the resident in violation and the Board of Directors) the Board, through the managing agent, will send the resident in violation a certified letter informing the resident they have been fined as allowed by the Governing Documents and State Statutes and/or refer the matter to legal counsel for appropriate action to secure compliance with the Association's governing documents.
- The above procedures do not preclude the Board of Directors from taking accelerated measures in the case of a violation which constitutes an emergency situation; provided that the resident in violation has been properly notified by certified mailing and that the action is consistent with the provisions of the Association's governing documents. Likewise, the Board may establish shorter notification periods for the correction of violations of the Standards and Guidelines where the homeowner shall not be disadvantaged by a shorter notification period for compliance.

Article 9 Section 9.6 authorizes the Board of Directors to take the following actions for improvements completed without ARB approval: *Non- conforming Structures.* If there shall be a material deviation from the approved plans in the completed improvements, such improvements shall be in violation of this Article 9 to the same extent as if erected without prior approval of the ARB. The Association, ARB or any Owner may maintain an action at law or in equity for the removal or correction of the nonconforming structure and, if successful, shall recover from the Owner in violation all costs, expenses and fees incurred in the prosecution thereof

DESIGN GUIDELINES (Taken from Article 9 Section 9.3 of the Covenants and Restrictions)

Prior to the initiation of construction upon any Lot, which -shall include clearing or grading same, the Owner thereof shall first submit to the ARB at least two (2) complete set of plans and specifications for the proposed improvement which shall include, at minimum, site plans (which shall locate all improvements to the Lot including, but not limited to, driveways, pools, patios, and screened in areas), grading plans, landscape plans, floor plans depicting room sizes and layouts, exterior elevations (including the location of all satellite dishes, roof stacks, solar heating or electrical equipment, visible flashing), specifications of materials and exterior colors, and any other information deemed necessary by the ARB for the performance of its function. In addition the Owner shall submit the identity of the individual company intended to perform the work and a projected commencement and completion date. The ARB shall not be authorized to approve any plans or specifications unless the individual or company identified as performing the work is an Approved Builder.

REQUIRED EXHIBITS AND SUPPORTING DOCUMENTATION

The supporting exhibits or supporting documentation listed below must accompany this design review application, as applicable for the proposed change. An application submitted without all required submissions would be considered incomplete. In such case, the Architectural Review Board's thirty (30) day review period will not commence until all required submissions have been provided. In general, an applicant should provide all documents and exhibits required by Marion County.

- Paint or Stain Colors - A sample and model number of the color(s) to be used must be provided, both for repainting or re-staining existing improvements and for structural additions, together with a list of existing paint colors on the house or appurtenant structures which will remain unchanged.
- Finish Materials - A description and/or sample of all finish materials to be used for the exterior surface of proposed improvements must be provided.
- Recorded Plat - A picture representation drawn on a copy of the recorded plat, drawn to scale, showing the location and dimensions of the proposed improvement, including orientation with respect to the property lines and owners home. Additionally, location of adjacent dwelling units must be provided for walls, storage sheds, fences and major landscape changes (which require approval) and structural additions to the home.
- Architectural Drawings and Landscaping Plans - Detailed architectural drawings or plans must be provided for decks (top view and side view with dimensions), storage sheds, and structural additions to the home and major landscape improvements which would change the topography of the lot or landscape plan originally provided by the builder.
- Photographs - The inclusion of photographs is appropriate for exterior lighting fixtures, decorative objects and similar cosmetic additions to the unit or lot.
- Other Exhibits - Other exhibits may be required in order to permit adequate evaluation of the proposed change. Homeowners are advised to seek guidance from the Architectural Review Board or Managing Agent prior to the submission of an application.

TREE REMOVAL

No tree may be removed without the approval of the Architectural Review Board. An ARB form and an Application for Tree Removal must be submitted to the Architectural Review Board or Management Company.

LANDSCAPING

All major landscape installations and modifications must be approved in advance by the Architectural Review Board. This includes both the installation and removal of trees, shrubs, and bushes.

In general, a design review application is not required for minor landscape improvements with the following exceptions:

- A proposed improvement which is of such a scale or type as to be inconsistent with the existing design features of the home, adjacent houses and the surrounding area will require approval. Examples include the installation of multiple trees and plant beds that did not exist when the house was originally built.

MAINTENANCE

Residents are responsible for maintaining the exterior appearance of their house, landscape and other improvements on their lots in good order and repair. While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions that would be considered a violation:

- Peeling paint on houses, storage sheds or other structures
- Damaged or dented mailboxes
- Fences with leaning, broken, deteriorating or missing parts
- Recreation equipment or playhouses with broken doors or in need of painting or other repairs
- Decks with missing or broken railing or parts
- Unkempt lawn and landscaping in need of mowing and pruning, or diseased, dying or dead plants
- Missing shutters, shingles, windowpanes or storm window parts, house numbers, bricks, siding, etc
- Storage of play items, yard equipment and other clutter in or rear yards
- Mold & mildew on exterior walls, fascia, sidewalks, driveways, roofs and garage doors.

The exteriors of all structures, including, without limitation, walls, doors, windows, roofs and porticos, shall be kept in good maintenance and repair. No structure shall be permitted to stand with its exterior in an unfinished condition for longer than twelve (12) months after the commencement of construction. In the event of fire, windstorm, extreme weather or other damage, the exterior of a structure shall not be permitted to remain in a damaged condition for longer than three (3) months, unless expressly accepted by the Board in writing.

If not properly maintained and/or is deemed as a safety hazard, the ARB or Board of Directors may make necessary repairs and bill the homeowner.