



**SUNDANCE ASSOCIATION, INC. AMENDED
ARCHITECTURAL REVIEW COMMITTEE AND DEED
RESTRICTION RULES AND GUIDELINES
AMENDED MARCH 17, 2021**

I. MISSION STATEMENT

It is the goal of the Architectural Review Committee (“the Committee”) to represent the common interest of the homeowners in achieving and maintaining architectural compatibility and continuity, enhancing the overall quality and value of our neighborhood. The Committee strives to supervise compliance with the rules in a fair, reasonable and equitable manner, while maintaining the integrity, aesthetic quality and value of the community.

II. AMENDMENTS TO THE GUIDELINES

The Board of Directors (“the Board”) - with the Committee, if separate - will periodically conduct an evaluation to determine if the guidelines need to be amended. Amendments to these Guidelines shall be by majority vote of the Board of Directors.

III. APPLICATIONS

As stated in the Amended Declaration of Restrictions (“Restrictions”) for all five (5) units within our community, many changes to any lot require an application to be submitted to the Committee IN ADVANCE on the Architectural Application form, which is located on the Sundance web site at www.sundancefl.us. The form changes occasionally so the website version should be utilized for all applications. As stated in the Restrictions, the form must be accompanied by complete plans, specifications, and/or drawings to include any proposed exterior addition or modification to an existing building, fence, or other structure of any type; any new residence, building, fence or structure of any type; any change in exterior color of any structure as outlined below; any fences, solar panels, hot tubs and spas, patios or ground level decks, storage sheds; modifications to driveways; or swimming pools. The Committee shall review all applications to ensure such proposed changes comply with the Restrictions and the guidelines set forth in this handbook. Approval for a proposed exterior addition or modification not specifically addressed in the Restrictions or Guidelines shall not be unreasonably denied.

As stated in the Restrictions, certain applications must also be accompanied by an application fee as set by the Association’s Board of Directors. The amount of such fee may be found on the Association’s website. Unless the fee accompanies the application for a project which requires the fee, the fifteen (15) day review period will not begin to run.

All projects shall be completed in a timely manner. The failure to start a project within twelve (12) months of approval by the Committee and the failure to complete a project within six (6) months of commencement may require an additional application and possible

additional fee to the Committee for an extension of time to complete the project unless otherwise approved. Homeowners should notify Sundance Management if the project is expected to exceed the timeframes given above.

IV. APPLICATION REVIEW PROCESS

1. Project Liaison - Upon receipt of the application, all necessary supporting documentation, and the required fee, if any, the ARC or ASC, if one exists, shall assign a committee member to be the Project Liaison. The Project Liaison will communicate with the other committee members and the Owner regarding the Project until the Project's completion.
2. Review - The ASC/ARC will review the Project application and information. Within fifteen (15) days of receipt of the application, the Owner will be contacted with either an approval or denial, or a request for additional information. The application must be completed in full by the owner or their representative or it will be returned to be resubmitted and the 15-day window will start anew. If the Committee fails to approve, deny or take other action within the fifteen (15) day period, approval shall be automatic but shall not be deemed to be a waiver of any provision of the Restrictions. The rationale for denying a request shall be documented on the form. If a request is denied by the Committee, the applicant may resubmit a request after bringing the proposed project into compliance with the requirements of the Committee.
3. Site Visits – The Liaison or other committee member may conduct a pre-commencement site visit to ensure indicated measurements and other project specifications meet governing document guidelines. This visit is not required and is at the discretion of the ASC/ARC. If the ASC/ARC feel it necessary, the Liaison may schedule an in-progress site visit to ensure the project is proceeding as expected. Lastly, the Liaison will conduct a project completion visit to ensure the project matches the application and meets or exceeds governing document requirements.

V. ARCHITECTURAL GUIDELINES

NOTE: Plans for the construction of decks, patios, pools, sheds and all other structures must comply with all applicable Florida laws and building codes and appropriate building permits must be obtained before beginning any construction. Homeowners are responsible for understanding and complying with all relevant Florida law, building codes, rules and regulations. The Association assumes no liability for a resident's failure to conform to county or state requirements, regardless of whether the Association or Committee approves or disapproves an application.

The following list summarizes those design elements which the Architectural Review Committee (ARC) requires, recommends and/or encourages. A cross-reference to the appropriate Amended Deed Restriction ("ADR") is included when applicable.

1. CONSTRUCTION AND/OR ADDITIONS TO EXISTING STRUCTURES AND DWELLINGS.

- a. Any repair, rebuilding or reconstruction due to casualty or other damage to any dwelling or structure, or any part or parts thereof, shall be substantially in accordance with the plans and specifications for such property and areas as originally constructed or with new plans and specifications approved by the ARC). All structures or dwellings shall be located and positioned on lots as approved by the ARC. No structure or dwelling shall be erected, altered, placed or permitted to remain on any lot other than one (1) detached, single family dwelling, except as permitted in these Guidelines or the Amended Declaration of Restrictions. (ADR: 1)
- b. Foundations: No foundation for a building or structure shall be placed, nor shall construction commence in any manner or respect, until all plans and specifications have been submitted and approved by the ARC. The Applicant shall locate such foundations to minimize the removal of existing trees and to place any improvements on the property in conformance with the Guidelines as set forth herein. (ADR: 8, 21, 23)
- c. The Living Area: The living area of each principal residence shall be in conformance with the following: (ADR: 1, 3, 8, 12, 21)
 - i. General: Each Architectural Design (exterior) shall be considered on an individual basis with specific emphasis on impact and harmony with surrounding residences and styles.
 - ii. Building and Structure Setbacks: As stated in the Amended Declaration of Restrictions ("Restrictions"), Building and Structure setbacks shall conform to the following:
 - 1.) All dwellings and/or structures pertaining thereto must be set back a minimum of 50 feet from the front lot line.
 - 2.) No structure or dwelling shall be erected nearer than 25 feet from a side lotline.
 - 3.) No structure or dwelling shall be erected nearer than 25 feet from a rear lot line. A swimming pool may not be located beyond the front plane of the dwelling.

2. EXTERIOR DESIGN

- a. General: The ARC does not seek to unduly restrict individual taste or preference. Rather, the goal is to emphasize architectural designs which enhance a harmonious blend between the man-made and natural

environment of the Sundance Association Units. (ADR: 21)

- b. Color: The ARC shall have final approval of all exterior colors. Each applicant shall submit to the ARC as part of the application, a color plan and color samples showing proposed changes in color of roof, exterior walls, trim, garage doors, and any other structures, additions, or modifications, excluding pedestrian entry doors. The ARC shall consider the extent to which the colors conform to the overall scheme of the Sundance Association Units. Exterior colors that, in the opinion of the ARC, are not harmonious or are inconsistent with the overall look of the Sundance Association Units and those of surrounding houses, shall not be permitted. (ADR: 21)
 - i. An ARC application shall not be required when repainting a dwelling or structure with the same color.
- c. Materials: Allowable exterior finishes shall include: (ADR: 21)
 - i. Masonry: Stone, brick, or split rock in a natural color approved by the ARC.
 - ii. Siding: Vinyl, wood, or fiber cement siding with a color approved by the ARC as set forth above.
 - iii. Stucco, with a color approved by the ARC as set forth above.
 - iv. Metal: For structures other than the dwelling, with a color approved by the ARC as set forth above.
- d. Fireplaces and Chimneys: Fireplaces and/or chimney additions shall be in accordance with existing building codes. A non-wood burning fireplace must have the propane tank buried or sufficiently screened from the street and adjacent property. If a chimney is necessary, the chimney must be made of material complementary to the exterior of the house. (ADR: 12, 15, 21)
- e. Roofs: Roofs are a critical architectural element in the design of any building or structure. With this in mind, the ARC will exercise its substantial latitude and discretion when reviewing all roof elements. (ADR: 21)

Recommended design considerations include the following:

- i. New and replacement roofs shall have a similar pitch to the preexisting roof, unless prior approval is obtained from the ARC, and shall meet all required building codes. The roof design shall be consistent with the main residence and give the appearance of unity of structure.

- ii. Roof colors shall be compatible with the exterior color scheme of the building or structure. The owner is responsible for the maintenance and cleaning of the roof.
- iii. The ARC shall review the placement of all solar panels not located on a roof prior to installation.

3. GARAGES, DRIVEWAYS, WALKWAYS

- a. Garages: Garages and garage door colors must match or complement the exterior colors of the dwelling (refer to Section 2b). Garages may be side or front entry. (ADR: 21)
- b. Garage Materials: Garages must be constructed using the same materials as the dwelling unless approved by the ARC. Allowed materials: (ADR: 21)
 - i. Concrete block with stucco exterior.
 - ii. Siding: Vinyl, wood, or fiber cement siding with a color approved by the ARCs set forth above.
 - iii. Brick, or other masonry stone in a natural color approved by the ARC.
 - iv. Solid concrete.
- c. Pavement Requirements: Paved driveways and walkways are not required. However, paved driveways and walkways must be of stable and permanent construction. To prevent surface cracking, concrete driveways must have contraction and expansion joints. Extensions and additions to driveways will be considered for approval only after a visual survey by the ARC and discussion of the impact on adjoining properties is completed. Like or upgraded materials shall be used and property setback requirements shall be observed. (ADR: 8, 12)
- d. Pavement Types: The following pavement types are permitted with prior written approval by the ARC as to the design and colors required:
 - i. Concrete Paving Block, Stamped Concrete, High Tech Decorative Concrete,
Solid/plain Concrete
 - ii. Brick Pavers, Quarry Tile, Granite Pavers
 - iii. Asphalt
 - iv. Crushed Shell or Rock

4. EXTERIOR LIGHTING AND MAILBOXES

- a. Mailboxes: Mailboxes must be United States Postmaster approved mailboxes, installed with the house number clearly indicated on the

mailbox. (USPS Regulations.)

- i. The Lot Owner shall not install any flowers, landscaping or other improvements of any kind around or near the base of the mailbox that will obstruct the view of the mailbox or address. (ADR: 12, 18)
 - ii. The Lot Owner will remain responsible for maintaining the area surrounding the mailbox, including the mailbox itself. (ADR: 12, 18)
- b. Lighting: All lighting, including landscape lighting, should be installed to minimize spillover and glare to adjacent properties and the street. (ADR: 12)

5. SIGNS, ANTENNAS AND FLAGPOLES

- a. House address numbers: Address numbers shall be on the mailboxes maintained by the homeowner, or clearly displayed on the lot or residence to aid emergency vehicles. (USPS Regulations.)
- b. Satellite Dishes: Any satellite dish, television antenna, radio antennae or other type of antenna or receiving device shall be less than one meter in diameter or the minimum standard size to provide the Lot Owner with an acceptable signal and placed on the least visibly obtrusive location on the lot. The ARC may require any approved satellite dish or antenna be placed in a location not visible from the street so long as an equally acceptable signal may be achieved in such location. (ADR: 8, 12)
- c. Flags and Flagpoles: In accordance with the requirements of Florida law, allowable flags, including the flag of the United States, official flags of the State of Florida, and an official flag of the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag shall be permitted to be displayed. Other seasonal or sport team flags are permitted, provided such flags are tasteful and not of an offensive nature. Flags are not to exceed the maximum number or size permitted by State law. (See Florida Statute 720.304 (1), (2a), (2b) and (2c)) (ADR: 12, 21)

6. SWIMMING POOLS, SCREEN ENCLOSURES AND ACCESSORY STRUCTURES

- a. Swimming pools and spas: Swimming pools and spas shall be permitted behind the front plane of the dwelling, provided setback requirements are met. (ADR: 1, 21)

- b. Pool and spa equipment: All pool and spa equipment shall be placed on the side or rear of the dwelling. Equipment not located in the rear of the dwelling shall be screened or otherwise hidden from street view. (ADR: 12, 15)
- c. Outbuildings: All Outbuilding structures shall be placed behind the front plane of the dwelling.
 - i. Outbuilding structure colors must match or complement the exterior colors of the dwelling (refer to Section 2b).
 - ii. Maximum outbuilding size will be considered by the ASC/ARC on a case by case basis based on factors such as lot size, dwelling size, proposed placement, number of existing structures, proposed colors and materials. (ADR: 1, 2, 8, 12, 21)
 - iii. The ASC/ARC reserves the right to require fencing, landscaping, or other such visual barrier around outbuildings to maintain a pleasant aesthetic for surrounding lots.
- d. Outbuilding materials: Outbuildings must be constructed with the same material as the dwelling unless otherwise approved by the ARC. Allowed materials, with a color approved by the ARC as set forth above:
 - i. Concrete block with stucco exterior.
 - ii. Natural wood.
 - iii. Siding: Vinyl, wood, or fiber cement siding.
 - iv. Brick, or other masonry stone.
 - v. Solid concrete.
 - vi. Metal panels that meet or exceed county codes.
- e. Clotheslines: Clotheslines may be permitted if they are retractable or umbrella style but must be hidden from street view. (ADR: 12)
- f. Air conditioners, Propane Gas Tanks, Heat Pumps, Generators, and Water Softeners: All air conditioners, propane gas tanks, heat pumps, water softeners and other similar utilization devices must be placed on the side or rear of the dwelling. Equipment not located in the rear of the dwelling shall be screened or otherwise hidden from street view. (ADR: 12, 15)
- g. Pool Enclosures: Any new structures or changes to existing structures which increase the size or shape of the existing structure shall be submitted to the ARC for approval prior to construction. Rescreening and frame repairs do not require an application or

ARC approval.(ADR: 21)

h. Patios and Decks: (ADR: 8, 21)

i. Patios and decks require prior approval by the ARC and must be constructed with materials which complement the existing structure and represent a logical extension or component of the architectural design.

ii. All decks shall be built with materials similar to those used in the principal residence. All wood posts, beams, joists and other structural elements of decks should be pressure treated to deter insect and rot infestation. All wood finish decking shall be painted or stained with colors to match or complement the principal residence as approved by the ARC.

i. Outdoor Kitchens: Outdoor kitchens, defined as a cooking area, sink, and refrigeration area, whether attached or detached, must adhere to required setbacks. Outdoor kitchens shall be installed at the rear of the dwelling unless expressly authorized by the ARC. This section does not include stand-alone barbecue grills. (ADR: 8, 12, 15, 21)

7. FENCES (ADR: 8, 16, 18, 21)

a. The location, size, type, color, and design of all proposed fences shall be approved by the ARC prior to installation.

b. All fences shall be installed with the posts on the inside of the lot installing the fence. Barbed wire fences are prohibited.

c. All fencing and landscape buffers shall be maintained in a good condition by the owner.

d. Fence specifications:

i. Six (6) feet maximum overall height along the rear lot line and on the sides up to fifty (50) feet from the front lot line. Four (4) feet maximum height along the front lot line, and on the sides beginning at front lot line for fifty (50) feet behind the front lot line. (County Regulations.)

e. Fencing material shall be iron, aluminum, PVC, chain link, vinyl, pressure-treated wood or wire mesh with wood posts. No solid concrete walls or barbed wire fences are permitted. Fence materials on an individual Lot must be consistent in front of the front plane of the house.

8. LANDSCAPE DESIGN STANDARDS

- a. Plantings or landscaping placed within fifteen (15) feet of a side or rear lot line must have ARC approval prior to installation to ensure no planting will be hazardous to equines or other animals in surrounding lots. Plantings not within 15 feet of a side or rear lot line do not require ARC approval. (ADR: 12, 21, 23)
- b. The lot Owner shall not install any landscaping in access easements, drainage canals, swales or the street-side of any swale except within the 3-feet surrounding the Owner's mailbox post. (ADR: 18)
- c. Statues, Sculptures, Birdbaths and Fountains: Any statue, sculpture, birdbath or fountain not conforming to the following restrictions requires the approval of the ARC. This section shall not apply to temporary holiday decorations. (ADR: 8,12,17,21)
 - i. Under 36" in height: do not require ARC approval and are not limited in number. None of these items may be political in nature.
 - ii. Over 36" up to 60" in height: do not require ARC approval and are limited in number to four (4) in the front and side yards. None of these items may be religious or political in nature.
 - iii. Over 60" requires ARC approval. None of these items may be religious or political in nature.

9. LANDSCAPE and LAWN MAINTAINANCE REQUIREMENTS (ADR: 12, 18, 21)

- a. All landscaping on individual properties, including any easements, shall be maintained by the property owner. All landscaped areas shall be kept well-maintained and free of trash and other unsightly materials.
- b. Lawns shall be kept neat, regularly mowed, and free of trash and other unsightly materials.
- c. Swales: Swales** shall be kept free of trash and regularly mowed when dry so as not to impede proper water flow. Canopy-like vegetation overgrowing swales shall be trimmed to a minimum vertical height clearance of five (5) feet above swales and above the adjoining street. No landscaping or planting other than grass shall be permitted on the road-side

of the swale except as provided in Section 8.b. of these Guidelines. **As defined by S. FL Water Management Department: A swale is a linear retention system. It is either a constructed or natural area shaped to allow water to be quickly absorbed into the ground or to allow the water to flow to other water bodies. As in a shallow ditch, a swale promotes water absorption through soils. Swales hold water during and immediately after a storm, but they are generally dry." See http://www.swfwmd.state.fl.us/publications/files/stormwater_systems.pdf for more.)

- i. Vacant lot owners will be notified by courtesy letter when swales require maintenance and before a violation occurs. When possible, local contractor and/or volunteer help will be suggested.

10. STORMS AND / OR PROTECTION FROM NATURAL DISASTERS (ADR: 12)

The homeowner(s) is encouraged and permitted by the ARC to protect the dwelling from the threat of impending weather conditions including, but not limited to, hurricanes, tropical storms, and/or cyclones.

- a. No temporary storm shutters or protection may be installed or otherwise utilized for protection of a home until such time as a hurricane, tropical storm, or tornado watch or warning, as determined by the United States Weather Bureau, has been issued for Hillsborough, Pinellas, or Manatee counties. Further, all temporary storm shutters and protection must be removed no more than two weeks after the departure of a storm system except under the following circumstances:
 - i. An additional approaching severe weather system requires that the shutters remain closed; and/or
 - ii. Devastation to the home or immediate surrounding area prevents the homeowner from returning to and occupying the dwelling.
 - iii. When an owner makes previous arrangements with a member of the ARC or BOD due to extended travel or other definitive absences.

11. GUTTERS AND DOWNSPOUTS (ADR: 21)

- a. The colors of gutters and downspouts must match or complement the exterior color of the dwelling.

12. PORTABLE STORAGE (ADR: 1, 4, 5, 8, 12, 21)

- a. Portable storage units, including shipping-type containers, may be placed on the lot for the purposes of moving in or out of the residence, temporarily transferring items to/from the home, or for temporary construction projects at the residence, under the following conditions:
 - i. Portable on demand storage units may be kept on a lot

for no more than fourteen (14) consecutive days.

- ii. Written approval from the ARC is required should the homeowner wish to exceed the maximum fourteen (14) day period.
- iii. Not more than two (2) portable storage units may be placed on a lot at anyone time.

13. VEHICLES and WATERCRAFT (ADR: 4, 12, 13)

- a. No stripped, offensive, wrecked, junked, inoperable, or dismantled vehicles, trailers, or watercraft, or portions thereof, shall be parked, stored or located upon any lot at any time, except in a garage or other closable structure on the owner's lot or at the rear of the dwelling concealed from street view.
- b. Operational campers, recreational vehicles, 4-wheelers, boats, trailers, and other pleasure craft shall be parked behind the front plane of the dwelling.

VI. AUTHORITY AND DISCOVERY (ADR: 21, 24, 26)

- 1. **AUTHORITY:** The Committee and any Sub-Committee is authorized by the Sundance Association Board of Directors to achieve its stated mission in compliance with the Sundance Association, Inc. Amended Declaration of Restrictions, Articles of Incorporation, Bylaws and applicable Florida Statutes. The Board has the authority to replace members of and fill vacancies among any Architectural Committee according to the Amended Declaration of Restrictions.
- 2. **DISCOVERY:** It is the responsibility of the Board, and any appointed Sub-Committee, to be apprised of any additions and modifications occurring within the Sundance Subdivisions requiring compliance with the Association's rules and bylaws, declared restrictions, and local laws. The means by which the Committee or Sub-Committee may gather information are: (1) periodic walk through inspections of the property for which an application has been submitted or violation has been reported; (2) resident observations and complaints; (3) governmental and quasi-governmental agencies; and (4) the CAM.

VII. SEVERABILITY

If any provision of these Guidelines is declared or deemed invalid, unenforceable or unlawful by any court of competent jurisdiction, such provision shall be deemed automatically modified to conform to the requirements for validity as declared at the time, and as so modified, shall be deemed a provision of these Guidelines as

though originally included herein. If the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted and withdrawn from these Guidelines as though the provision had never been included herein. In either event, the remaining provisions of this Agreement shall remain in full force and effect.

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