

Introduction

Today, many planned communities are essentially self-governing as Condominium Associations or Homeowners Associations. State law provides minimum standards for each but the rules of a particular association may be stronger than the state statutes, if so written. A complete set of townhouse governing documents and rules & regulations can be obtained at the Townhouse Management Office.

Homeowners Associations exist for good reason. They allow for the proper maintenance of common areas and permit the enforcement of community appearance standards and rules of behavior for the common good. In communities where people live close to each other, sometimes a greater measure of respect for one's neighbor must be encouraged, in order to have peace and the quiet enjoyment of one's property. It is also desirable for planned communities consisting of town homes or other multiple dwelling units to have uniform exterior appearance standards, not only for greater harmony and beauty but also for the more practical reason that property values are stabilized or enhanced. Our home is one of the biggest investments we make and it is desirable to have increases in value over time. Control and consistency of exterior appearance aids greatly in achieving these goals, according to real estate experts.

When we purchase in a community with an association, we have the opportunity to elect a governing board that represents us as homeowners. We also agree to abide by the rules set by that board and written down in the governing documents of the association. At Kings Creek, there have always been committees created and authorized to assist the Board of Directors in governing the community. The Architectural Control Committee (ACC) is one of these. It receives and reviews applications for any kind of alteration or addition to the exterior appearance of a unit and makes recommendations to the KCTVA Board of Directors for approval or rejection of a homeowner's application. Many owners do not understand that the ACC exists to assist them, not to make life harder. The ACC guidelines serve to spell out the options available to homeowners within the overall standards and also can reflect provisions of the Dade County Building and Zoning codes which must be observed, in any case. It is to the homeowners' advantage to observe proper procedures by applying to the ACC prior to obtaining a permit for an exterior improvement. Making any alterations or additions without obtaining a permit may result in fines or other action by Miami-Dade County as well as by the KCTVA, including removal of the non-conforming alteration. Prior approval by the ACC is normally a requirement for obtaining a county permit, so please visit the Association office and obtain information and forms before proceeding.

The ACC meets once each month, normally on the second Monday at 7:30 p.m. sharp at the Clubhouse. Your application must be submitted to the office 10 working days prior to a scheduled meeting in order to allow for preparation of the

files and agenda. Applications will not be accepted during the meetings. All homeowners are invited to attend meetings whether on the agenda or not.

Frequently Asked Questions

What is the ACC? The Architectural Control Committee is one of two permanent advisory committees legally established in the Bylaws of KCVTA Inc. as well as the Declaration of Covenants and Restrictions for Kings Creek Village. The ACC operates by and under the governing authority of the KCTVA Board of Directors.

What do our Bylaws say with respect to the ACC? ARTICLE XVI: COMMUNITY ARCHITECTURAL CONTROL – “No construction, addition, awnings, windows, bars, screen enclosures, or any other change or alteration shall be made to the exterior of any lot without prior written approval of the Kings Creek Village Townhouse Association Architectural Control Committee. All decisions are subject to approval by the Kings Creek Village Townhouse Association Board and the Kings Creek Village Association Master Board.

What does the ACC do? The ACC recommends standards to the Kings Creek Village Townhouse Association Board of Directors and administers standards to regulate any and all alterations to the exterior, including finishes, architectural details, accessory items and structures at the Townhouse units and publishes guidelines for the information of homeowners.

Why is this necessary? The KCVTA Board of Directors has determined that an overall harmony and consistency of appearance within the community, while still allowing for forms of individual expression, is conducive to the maintenance of property values and the common good.

How can you do this, I own my home? Kings Creek Village Townhouses is a planned community subject to specific Deed Restrictions approved by the State and County that, in some cases, allow more stringent regulations than are found in the County Building and Zoning codes.

Why can't I paint my house any color I want? The monthly maintenance fee includes an allowance whereby the Association is responsible for the periodic repainting of the exterior of the units. This is called the paint program. A palette of colors is recommended by the ACC and approved by the KCVTA Board of Directors. The current paint program colors are uniform throughout the community. In a similar manner, the ACC provides a schedule of approved colors for such things as hurricane shutters, roof tiles and burglar bars.

What all does the ACC regulate? Basically, all exterior changes that require a county permit also must be approved by the ACC as well as by the KCVTA Board of Directors prior to permit application. The procedures are spelled out in these guidelines. In addition, certain elements that do not require a county permit are also regulated, such as location of satellite dishes. The table of contents lists the most common things that require an ACC application. Items not listed still may be subject to review by the ACC.

How do I get ACC approval? You should read these guidelines and follow the instructions. All requests should be submitted to the Townhouse Manager. If you have questions not addressed in these guidelines, contact the Townhouse Manager or you may attend an ACC meeting and ask questions. The ACC is here to assist homeowners with required procedures. Remember, if in doubt, ask!

Why does my neighbor have a structure you won't approve for me? All applications are reviewed on an individual basis. Generally, these guidelines apply to all. In some cases, homeowners have ignored Association regulations and have illegally put up non-conforming structures. The KCVTA may or may not have action pending against such violations, but the presence of a non-conforming alteration does not set a precedent.

What if I don't bother with all this permit and approval stuff? The Miami-Dade County code provides for homeowners to be cited for violations. If a violation is not rectified, the homeowner can be fined until the alteration or addition is removed at owner's expense. The KCVTA has similar rules that it enforces with full force of law. The ACC cannot waive the requirement for county permit. Obtaining ACC approval and a permit is the responsibility of each homeowner or their licensed contractor.

How to Apply for ACC Approval

1. Obtain and read a copy of ACC Guidelines and Architectural Modification Request (AMR) form from the Townhouse Manager's Office prior to starting any projects and prior to application for Miami-Dade County permits. For most permits, the County requires a letter of approval from the Association. All plans, specifications and any work there under must conform to the requirements of the Miami-Dade County Department of Regulatory and Economic Resources (MDCDRER) or this Rule, whichever is more restrictive. In the event of a conflict between these Rules and the MDCDRER's, the more restrictive shall apply. It shall not be the obligation of The Architectural Committee to determine if plans, specifications or any work thereunder comply with any governmental law, ordinance or regulation, including but not limited to applicable laws

regarding building permits, building codes and standard or safety regulations. All applicants must comply with such laws, ordinances and regulations, in addition to the MDCDRER's and these Rules. The Architectural Committee shall have no responsibility to determine the structural adequacy of any plans submitted for approval.

2. Fill out the ACC AMR form taking note of the items required to be submitted with the form. There is a checklist on the application form. These include:
 - a. *Scaled drawings of proposed improvement (s), including plans, elevations and sections, as applicable. Some items only require standard details and specifications bearing a Dade County approval stamp.*
 - b. *Persons correcting an existing violation should provide before and after photographs.*
 - c. *Photographs of site conditions are also very helpful for the ACC to assess the nature of a proposed improvement.*
 - d. *Material, color and finish specifications or samples.*
 - e. *Verification of paid maintenance fee status (generally done by the Townhouse Manager's Office prior to preparing the ACC agenda).*
 - f. *Certain improvements to properties abutting the Canal, may require additional permits from S. Florida Water Management authority.*
3. AMR's from homeowners with past due maintenance fees will be deferred for review until fees are current.
4. Submit the application materials--in duplicate-- to the KCVTA Association office 10 working days prior to the ACC meeting. The KCVTA Manager shall review the AMR, and if the proposal is in full compliance, it will be forwarded to the ACC Committee for review at the next scheduled meeting. The applicant need not attend the meeting, but is welcome to do so.
5. The ACC may request additional information, plans, and details as it reasonably sees fit to adequately review the request for approval. Should the AMR be insufficient or incomplete in information, it will be returned for the information needed.
6. AMR's will be reviewed in a timely manner. The ACC has up to 45 calendar days, as of the AMR reception date, to respond.
7. A letter of approval or denial will be sent by the KCVTA office to the homeowner, following the KCVTA Board of Directors meeting at which the ACC decisions are reviewed.

8. The owner or contractor then takes the Association letter of approval form to the county Building and Zoning department to apply for a permit, as applicable.
9. All permits shall be provided to the KCVTA Manager prior to commencing work. Any modification to the approved AMR requires ACC approval prior to commencing work.
10. Jobsite work hours are 8:00 AM – 6:00 PM.
11. Upon completion of approved modification, the homeowner will provide the final approval from the Miami-Dade Building and Zoning Department to the KCVTA Manager.

The following ACC rules have been adopted by the KCVTA Board of Directors as of July 2015.

GENERAL ARCHITECTURAL GUIDELINES

The following are general guidelines, which The Architectural Control Committee will follow in approving or not approving your plans. The KCVTA Board of Directors reserves the right to amend them from time to time.

1.0 Additions / Enclosed Space

No structural additions are permitted.

1.2 Screened Enclosures

Screen enclosures consisting of extruded aluminum structural members and fiberglass screening are allowed. Consult the Miami Dade County Department of Regulatory and Economic Resources for zoning code guidelines. These additions are limited to the rear patio only.

- a. Framing color must be bronze.
- b. Tops and sides must be regular bronze screen only.
- c. Screen enclosures on the second floor are not permitted.
- d. Homeowner's applications must include blueprints of the work to be done. This should show sketch of design, dimensions and shape of enclosure. Pre-approved designs and styles will be on file in the KCVTA Office during normal business hours.
- e. Unit owners must provide a sample of the materials to be used.
- f. All Miami-Dade County codes must be met and appropriate permits obtained.

1.3 Pergolas

Field-built wood pergolas, including code compliant footings for posts, where applicable, are allowed in the rear patio only. Plans must be submitted and the ACC will review pergola designs to ensure architectural consistency. Colors and finishes must conform to the paint program.

2.0 Roof Replacement / Roof Related Items

2.1 Roof replacement involves serious issues of safety, insurance and home values. Only licensed and insured roofing contractors are permitted to be hired to replace roofs. All roof replacements require a Miami-Dade County permit and inspections. Upon completion of a new roof, all exposed flashings, fittings, drip strips, etc. must be painted to match the unit trim color or the adjacent stucco wall color, as applicable.

- a. Original tile or brush stroke tile that is identical in size and shape as the original is permitted. Consult with the KCVTA Manager's office.
- b. Tin is not permitted.
- c. Flat areas allowed to be coated with fiberglass or like substance or commercial grade paper with reflective coating as opposed to tar and gravel.
- d. Roof overhangs may be constructed of carbon fiberboard, stucco, or wood.

2.2 All pre-existing soffit vents shall be maintained after any roof replacement. **Gas vent stacks** shall be installed according to county code. The presence of different heights on existing gas stacks reflects code changes. **Turbine or passive roof vents must** be located in the roof center area.

2.3 Satellite dish antennas are permitted and shall be located on the firewall (parapet wall) midway front and back above the roofline. When the homeowner cancels satellite TV service, it is the homeowner's responsibility to remove the dish antenna, brackets and cables. Firewall surfaces must be restored.

2.4 Antennas: Owners are not permitted to install an outdoor metal tubular antenna. Each townhome block is provided with a master antenna, amplifier, cabling, which is maintained by the KCVTA. Tampering with the system is prohibited.

2.5 Skylights will be reviewed on a case by case basis. Skylights shall not be visible from the street or sidewalk. Designs should be low profile type, compatible with the design of the unit and of weather resistant materials. Installation must be by licensed roofer or carpenter experienced in this work.

2.6 Solar energy or water heating units will be reviewed on a case by case basis, to be located on roof surfaces only.

2.7 Gutters and Downspouts: Gutters and downspouts are encouraged. Seamless aluminum type is preferred and should be professionally installed. The

components shall be painted to match the adjacent wood fascia / trim or the stucco, as applicable, so as to blend in with the units. Downspouts should have **splash blocks** installed or other measures to carry runoff away or cause it to percolate into the ground without flooding of property or common areas.

3.0 Clotheslines: In compliance with federal regulations, clotheslines are allowed in the rear patios only and located below the fence line so as to be invisible from outside the property.

4.0 Exterior Paint: Exterior painting must be in the same universal colors throughout the Townhouse Community as approved by the KCVTA Board of Directors. This includes: Fences & gates (interior and exterior), walls, common walls, fascia, roof tiles, gutters, railings, burglar bars.

5.0 Windows: Replacement windows must be architecturally compatible with the unit designs. In current practice, windows may be awning or sliding single pane type. Replacement windows must fit into the same openings as the originals. Dimensional changes will not be approved. The frames for the new windows must match the mill finish of the other window frames on the same façade and must be white in color. Windows in each unit façade must all be consistent in design. Each application is reviewed on an individual basis, in advance of commencing any work. All new windows must meet Miami-Dade County code. Low-E and grey tone window tinting is permitted. Tinted films that create a mirror effect are not permitted. Mullions are not allowed. Frosted glass for bathroom windows is permitted. *Metal foil, cardboard, plywood and similar materials may not be used to black out windows that are visible from common areas. Tape applied to window glass in advance of storms must be removed promptly after the storm or storm threat has passed.*

5.1 Burglar Bars: Burglar bars are not permitted.

6.0 Hurricane Shutters: Approvable shutter types that are permanently affixed to units include accordion type, panel type. Removable panel type and plywood shutters are also allowed, but must be stored away out of sight when not in use. Fixed channels used for panel shutters must be painted to blend in with the walls. The ACC will review any new shutter styles that may be approved by Miami-Dade County in the future, on a case by case basis. All shutter applications must indicate the color and include manufacturer's details bearing a Miami-Dade County approval certification. Approved colors include white, ivory, and beige. Note: black and bronze are **not** approved colors. **Note:** *Accordion shutters must normally be left open when occupants are in residence, unless a storm is threatening. Exception: residents who will be absent for an extended period and wish to secure their windows must notify the KCVTA office, which maintains a register for this purpose. Upon return, shutters must be opened.*

7.0 Awnings and Other Fabric Structures:

- a. Awnings are not permitted.
- b. Other fabric structures: Tent-like “gazebos“, consisting of fabric and screen over a metal frame sold at box stores, *do not require a county permit but do require ACC approval*. Colors must conform to the painting palette and must be properly maintained. Visible structures left uncovered or in disrepair must be removed or repaired. Canvas umbrellas are allowed.

All fabric coverings must be removed when a storm threatens, in accordance with county ordinance.

8.0 Doors: The ACC regards front entry doors as another opportunity for individual expression. Doors must meet Miami-Dade county codes. While solid flush doors and panel type doors finished in a paint program color are approved, other styles, including natural or stained wood or simulated wood are approvable but must be properly maintained. **Sliding glass doors on the first floor** may be replaced by hinged doors with single or multiple glass only. Second floor sliding or hinged glass doors must be single glass panel only. Frame for the new doors must match the window frame mill finish on the same façade. **Screen doors** are permitted on the exterior side of front entry doors but must be of an architecturally compatible color and finish. End unit side doors may be single obscure glass frame with white mill finish. Obscure glass panel must be full length single frame (no decorative mullions). End unit side doors may not be paneled or be decorated. Replacement doors must fit into the same openings as the originals. Dimensional changes will not be approved.

9.0 Storage Sheds: No storage sheds outside of private residence fences are allowed.

10.0 Exposed utilities: washers and dryers are not allowed in any courtyard, front or back.

11.0 Patios and courtyards.

- a. Patios with appropriate screening landscaping are allowed on canal units (units open to the canal) without rear fences. Plans for modifications must be submitted in advance of commencing work.
- b. Decks are allowed. Decks with appropriate screening and landscaping are allowed on canal units only. Plans and /or modifications require an ACC approval.
- c. Hot tubs and Spas are allowed, inside rear courtyards, subject to code compliant plumbing and drainage.

12.0 Fences: Fences are one of the most prominent accessory structures within the community. Accordingly, uniformity of appearance adds to curb appeal. The approved standard for fences in Kings Creek is a 6 (six) ft. high wood fence constructed to comply with code. Dog-eared corners are not permitted.

13.0 Gates / Solid walls / Mail boxes, etc.

- a. Gates in rear fenced yards follow the fence construction and appearance. Front and rear gates must be made of wood or paintable composite material, like the adjacent fence.
- b. Mail boxes are provided by the KCVTA.
- c. Street Numbers Numerals are provided by the KCVTA.

14.0 Exterior Walls, Fascia and Soffits:

- a. Shall be in the color scheme available in the KCVTA office.
- b. Walls shall be stucco finish.
- c. Wood siding and fascia may be cement board, Hardee board of the same design pattern as the existing wood areas or stucco finish like T-111.

15.0 Exterior Lighting and Decorative lighting consisting of owner-provided fixtures that must be approved by the ACC.

- a. Each unit is required to have an approved light fixture which should be turned on at dusk and off at dawn; installed on the outside wall/fence to the left of the gate (facing from street side).
- b. High voltage mercury vapor or "barnyard" lighting fixtures are not permitted.
- c. Outdoor and landscape lighting that produces an intrusive glare to neighboring properties is not permitted.
- d. Security lights installed outside the fence area must follow pre-approved designs available at the Townhouse Manager's Office. Such light may be located on the fence or wall or within the landscaping area outside the fence or wall and be equipped with a motion detector.

16.0 Driveways:

- a. Must consist of concrete only.
- b. Extensions or additions to the original driveways are not permitted.
- c. Car ports and/or awnings are not permitted.

17.0 Air Conditioners:

- a. Window and through the wall air conditioners are not permitted.
- b. All compressors and condensers must be below the fence lines.
- c. Air conditioning plumbing must not be exposed.

18.0 Miscellaneous

- a. Decorative fabric flags, banners, pennants and wind socks flying from wall mounted staffs. These should be tasteful expressions of individuality. Flying of the U.S. national flag, especially on holiday and memorial days is encouraged. Wind chimes, bird houses, and feeders are other items that may be visible within yards. All are allowed. Holiday lighting and decorations are encouraged. These should be installed for safe operation

- and must be removed within 2 weeks following the holiday. No ACC application is required for these items but timely removal is essential.
- b. Fires: No interior or exterior open fires are permitted. Barbecue fires contained within receptacles designed for such purposes are permitted within home patios and courtyards only. Chimeneas are allowed in patio and courtyards only.
 - c. Signs: No signs, advertising or notices of any kind or type whatsoever, except for "For Rent" or "For Sale" signs, shall be permitted or displayed on the exterior of any unit, nor shall the same be posted or displayed in such a manner as to be visible from the exterior of any unit, without written approval of the Association. One 40 sq. in. "For Sale" or "For Rent" sign may be affixed to the driveway entrance gate of any townhouse.

ARCHITECTURAL CONTROL COMMITTEE MEETINGS

The Architectural Control Committee shall meet as necessary to properly perform its duties. The Committee shall elect a Chairperson, who shall serve for a term of one year. The Chairperson shall conduct the meetings and keep records of the Committee meetings

Notice of meetings shall be posted 48 hours in advance. Meetings shall be held not more than forty five (45) days after receipt of a plan submitted for approval.

The Committee may keep records of the meetings, copies of its rules, guidelines and procedures, plan approvals and/or rejections, and copies of correspondence to homeowners and others. All official records will be maintained by the KCVTA Manager for review by the KCVTA and KCVTA Committees.

In reviewing plans, the ACC may, but is not obligated to, have the plans reviewed by and consider the opinions of professional consultants and others including those who are not members of the KCVTA, conduct open hearings and consider evidence and comments from all relevant sources, and make a personal inspection of the property involved without the presence of other members of the Architectural Control Committee or the owner of the property. No funds shall be expended on professional consultants without the express approval of the KCVTA.

Any member of the Architectural Control Committee, or any consultant retained by the Architectural Control Committee who has an ownership or financial interest in the property for which an application is being processed, or is legally related to the applicant, must disqualify himself or herself from participating in the architectural review process of that application.