

# **AVILA PROPERTY OWNERS' ASSOCIATION ARCHITECTURAL REVIEW PROCEDURES AND DESIGN GUIDELINES**

Revised September 2019

Applications for approval and all other material necessary for the Architectural Review Committee to approve submittals should be delivered or sent to:

Architectural Review Committee  
Avila Property Owners Association  
*16727 Valseca de Avila*  
*Tampa, Florida 33613*  
*813-949-9768*  
*Fax # 813-949-9765*  
*Web Site [www.avilaproperty.org](http://www.avilaproperty.org)*

Security Department  
813-961-3483

## I. OVERVIEW

Avila is a unique community of single-family homes, patio homes, cluster homes and villas set within natural terrain, lakes, wetlands and abundant native trees. These features, combined with the Avila Golf & Country Club featuring a Jack Nicklaus redesigned championship golf course and majestic clubhouse with tennis and swim facilities, make Avila one of the finest residential and recreational communities in the country.

Great care has been taken in the planning, design and construction phases to ensure aesthetic harmony within Avila. To this end it is of the utmost importance that this special character is further enhanced by housing and landscape designs which are creatively conceived, environmentally sensitive and architecturally correct.

## II. ARCHITECTURAL REVIEW COMMITTEE

Avila is subject to the provisions of the Declaration of Covenants, Restrictions and Assessments for Avila Subdivision, as recorded in the Public Records of Hillsborough County, Florida ("Declaration"). The Declaration provides that architectural control of Avila shall be maintained by the Architectural Review Committee.

The purpose of architectural control is to assure that the residences and any other improvements in Avila as a whole will preserve a uniformly high standard of construction that is attractive and harmonious. The power to regulate vested in the Architectural Review Committee includes the power to prohibit those buildings or improvements found to be a) inconsistent with the provisions of the Declaration or the aesthetic design or quality intended to be created and preserved thereby, or b) contrary to the best interests of the golf course, or c) detrimental to the value and desirability of Avila as a residential community with exclusive, unique, and desirable qualities.

The Declaration includes certain requirements and restrictions pertaining to building and landscape design in Avila, and also, together with the bylaws of the Avila Property Owners' Association, provides that the Architectural Review Committee shall develop and enforce such additional rules, regulations and requirements for building and landscape design and approval as it deems to be in the best interests of the community. **These Architectural Review Procedures and Design Guidelines are in addition to and supplemental to the requirements and restrictions set forth in the Declaration. For the convenience of homeowners, an Appendix (Appendix 1) is attached hereto which restates applicable sections of the Declaration.**

These Architectural Review Procedures and Design Guidelines have been established to provide property owners, architects and contractors with the procedures to be followed in order to seek the necessary review and approval of the Architectural Review Committee and a set of parameters for the preparation of their drawings and specifications. The Committee will use these Procedures and Guidelines for the purpose of reviewing projects, but may consider individually the merits of any project due to special site conditions. Any project reviewed for special consideration or variances must be shown to benefit the specific site, adjacent areas, or the community as a whole. Approval by the Committee shall not be construed to be the granting of a variance of government rule or ordinance. The Committee's goal is to maintain within the overall community pleasing aesthetic relationships of building to site and building to building, and not to restrict individual creativity or preferences.

**Prior to the commencement of construction activity of any type**, including new home construction and landscaping, and renovations, additions and other exterior alterations to existing buildings and landscaping, an application for approval of such work must be submitted by the property owner or owner's agent to the Architectural Review Committee. Included with the application shall be such documents and other information as outlined in these Architectural Review Procedures and Design Guidelines and/or as requested by the Committee.

**Approval by the Architectural Review Committee must be received prior to the start of any clearing, grading, construction or other work. Upon final approval, the property owner may begin work. .**

**It is the responsibility of the property owner and the property owner's contractors to submit complete and accurate plans and specifications for approval. Variances from these Design Guidelines or from prior submitted plans and specifications must be noted with each request for approval. Approvals given with respect to requests for approval of stated particular design features are limited to the stated design feature.**

**Notwithstanding the approval of plans and specifications by the Architectural Review Committee, the property owner and the property owner's contractors are responsible for compliance with the Declaration and other requirements listed herein, unless a variance from them has been expressly noted and expressly approved.**

During construction, the Architectural Review Committee or its agent will visit the site to ensure compliance with the approved plans and specifications, including any special conditions for approval set by the Committee.

The structural soundness, durability, quality of construction and safety of any structure

and the proper functioning of any of the components and equipment, as well as conformity to building codes, are beyond the scope of Architectural Review Committee review and/or inspections, and any such responsibility is disclaimed. Neither the architectural review process and/or inspections, nor approval of or comments in respect to plans and other information imply the assumption of any responsibility whatsoever in respect to those plans by either the Association, the Architectural Review Committee or the Developer of Avila.

### **III. COMPLIANCE REQUIREMENTS; PENALTIES FOR NONCOMPLIANCE**

Please note that, pursuant to Florida Statutes Section 720.305, property owners must comply with the Declaration and all other governing documents of the Association. Accordingly, all work performed following approval by the Architectural Review Committee must be in compliance with:

A. The plans, specifications, drawings and other materials and representations provided to the Architectural Review Committee as part of the property owner submittal for approval;

B. Any conditions and requirements imposed by the Architectural Review Committee upon project approval;

C. These Architectural Review Procedures and Guidelines;

D. The Declaration of Covenants, Restrictions and Assessments for Avila Subdivision and Rules and Regulations governing lots in Avila; and

E. Federal, state, local and other governing laws and ordinances.

In the event of the failure of the property owner to comply with submitted materials as approved, the Declaration, these Architectural Review Procedures and Guidelines, and any conditions and requirements for approval, etc., as described above, the Association may take any and all legal action to enforce its rights, including the imposition of fines and suspension of the use of common areas and facilities within Avila pursuant to Florida Statutes Section 720.305.

### **IV. DESIGN REVIEW PROCEDURES FOR NEW HOMES AND RELATED LANDSCAPING.**

The following steps apply to the construction of new homes and related landscaping. In the case of remodeling, renovations, additions and landscape revisions and changes and/or additions to previously approved plans, the Architectural Review Committee will determine whether the following review process may be abbreviated, depending upon

the scope of the proposed work. Also, see Articles V and VI below for particular design review procedures applicable to such projects.

Please note that any deviation from these procedures could cause unnecessary delays or additional costs if approvals are not obtained prior to the commencement of work.

### **A. Pre-Application Research: Applicable Requirements, Restrictions and Laws**

It is the responsibility of the home site owner to review and comply with and to acquaint his or her building team with the requirements and restrictions for building and landscape design in Avila set forth in (i) the Declaration and (ii) these Procedures and Guidelines.

Hillsborough County has jurisdiction over the Avila community and should be contacted at the beginning of the planning process to ensure compliance with County requirements.

Compliance with all federal, state and local laws and regulations is the obligation of the homeowner.

### **B. Preliminary Design Review Meeting**

This meeting can be arranged at the option of the owner and can be especially helpful to owners, architects, and / or builders who do not have experience building in Avila. Reviewed would be items pertaining to the design concept, setbacks, adjoining homes, existing trees, procedures, etc. Please contact the Architectural Review Committee at 813-949-9768 ext. 23 to arrange a meeting.

### **C. Preliminary Approval**

Submit the following documents with two (2) copies, together with an Architectural Review Committee Application For Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto):

1. Preliminary floor plan drawn to a 1/4 " scale indicating room sizes and intended uses.
2. Proposed elevation of all sides of the proposed structure, together with roof pitches, heights of structures, chimneys, etc.
3. Preliminary site plan, indicating location of structure (s), swimming pool, walls, driveways, guest parking, enclosures, docks, decks, play systems etc. Scale to be a minimum of 20' = 1".
4. The proposed timeline for the project, including start and completion dates.

5. **Access Plan:** The proposed means of access to the work area must be submitted for Architectural Review Committee approval. Disturbance to neighbors, road blockage and impairment of common areas, including walls, are to be avoided.

The Architectural Review Committee will provide its written response to requests for preliminary approval within 30 days following receipt.

#### **D. Final Approval**

Submit two (2) copies of the following documents, together with an Architectural Review Committee Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto):

1. Final floor plans at 1/4" = 1' with Site Plan and two (2) full sets of construction drawings.
2. Specifications.
3. Color chart of all exterior colors on structures(s), wall, etc. Final color approval will be pending a 4x4 ft. sample on exterior of home.
4. If the Committee deems the elevation to be unusual in design, it may require a colored rendering or scaled model of the structure.
5. Final site plan (must be at a minimum 20' = 1") indicating exact location of all structures, walls, driveways, auxiliary buildings, a/c compressors, swimming pool and its equipment; together with detailed specifications if not provided elsewhere.
6. Mailbox: Construction, design, size, materials and placement specified.
7. The timeline for the project, including start and completion dates.

The Architectural Review Committee will provide its written response to requests for final approval within 30 days following receipt.

#### **E. Landscape Approval**

Submit two (2) copies of landscape plans containing the following items; together with an Architectural Review Committee Application for Approval of Landscape Plans (see form attached as **Appendix 3** hereto):

1. A scaled landscape drawing at a minimum scale of 20' = 1" .

2. Lot dimensions, and square footage.
3. Location of lot corners.
4. Location of improvements (house, pool, decks, driveways, walls, pumps, air-conditioning units, etc.
5. Location, size and type of existing trees.
6. Location, size and type of proposed trees.
7. Location, size and type of proposed plant material.
8. Boundaries of sod.
9. Irrigation zones designed for the site and proposed plant material.
10. Landscape lighting plan.
11. The timeline for the project, including start and completion dates.

The Architectural Review Committee will provide its written response to requests for landscape approval within 30 days following receipt.

#### **F. Approval for Commencement of Work**

1. Homeowners must obtain preliminary and final approval for all work before construction begins. The commencement of work without final approval may result in the assessment of fines, and the contractor will be ordered to “Stop Construction” and their respective subcontractors will not be allowed to enter the premises of Avila.
2. In addition to receiving preliminary and final approval for work pursuant hereto, homeowners must advise their contractors to obtain a copy of the General Rules for all Avila Contractors & Service Personnel and make appropriate arrangements with the Avila Security Department prior to the commencement of work, as described in Article XIV hereof.

#### **V. DESIGN REVIEW PROCEDURES FOR REMODELING, RENOVATIONS, ADDITIONS AND LANDSCAPE REVISIONS**

Items that require submittals include, but are not limited to, pools, pool enclosures, play systems, different roofing system, exterior house color or material, fencing, gates, landscaping additions and revisions (other than the replacement of like material due to failure), landscaping decorations, sculpture, fountains, driveway resurfacing, , flag poles



and exterior lighting. Interior revisions not affecting the exterior elevation of the residence or number of bedrooms do not require a submittal.

#### **A. Plans**

Submit two (2) copies of plans and specifications, indicating the design intent for all exterior remodeling, renovations, additions and landscape renovations, together with an Architectural Review Committee Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto) or an Architectural Review Committee Application for Approval of Landscape Plans (see form attached as **Appendix 3** hereto), as appropriate. A timeline indicating a start and end date for construction is also required when submitting plans.

#### **B. 5th Bedroom**

If any remodeling includes the addition of a 5<sup>th</sup> bedroom, or a room that could be converted to a 5<sup>th</sup> bedroom in the future, a minimum of a 4-car garage is required.

#### **C. Access Plan**

The proposed means of access to the work area must be submitted for Architectural Review Committee approval. Disturbance to neighbors, road blockage and impairment of common areas, including walls, are to be avoided.

#### **D. Other Steps**

The Committee will determine whether the review process will include other steps as listed above in Article IV, or may be abbreviated, depending upon the scope of the remodeling, renovations, additions or landscape revisions contemplated by the property owner.

### **VI. DESIGN REVIEW PROCEDURES FOR CHANGES AND/OR ADDITIONS TO PREVIOUSLY APPROVED PLANS**

Changes and/additions to approved plans, either before, during or after construction, must be submitted to the Architectural Review Committee for prior approval.

#### **A. Plans**

Submit two (2) copies of the appropriate drawings and revised plans and specifications, together with an Architectural Review Committee Application For Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto) or an Architectural Review Committee Application for Approval of

Landscape Plans (see form attached as **Appendix 3** hereto), as appropriate.

#### **B. Other Steps**

The Committee will determine whether the review process will include other steps as listed above in Article IV, or may be abbreviated, depending upon the scope of the changes contemplated by the property owner.

### **VII. DESIGN REVIEW PROCEDURES FOR HOUSE REMOVAL BY DEMOLITION**

#### **A. Demolition Plan**

Submit two (2) copies of a plan for demolition and related site work, together with an Architectural Review Committee Application for Approval of Demolition Plan (see form attached as **Appendix 4** hereto).

#### **B. Timeline**

Submit the timeline for demolition and related site work, including start and completion dates.

#### **C. Landscaping and Maintenance of Vacant Lot**

If a lot is made vacant due to demolition, it must be cleared and maintained in accordance with Avila standards and plans to install sod and other landscaping and irrigation must be submitted. The plans must be in keeping with neighboring lots. Requirements are determined using the site to site, building to building review process (see appendix 4). Existing Vacant Lots: Must be mowed and kept free of debris.

#### **D. Intended Use of Lot**

The intended use of the lot should be described.

### **VIII. DESIGN REVIEW APPEAL PROCESS**

In the event any property owner disagrees with any decision by the Architectural Review Committee with respect to an Application for Approval, the following appeal process is provided:

#### **A. Notice of Appeal**

The property owner should provide the Executive Director with a written notice of appeal (email is acceptable), briefly describing the decisions of the Architectural Review

Committee that the property owner would like to be reconsidered.

**B. Meeting with Architectural Review Committee**

Upon receipt of the notice of appeal, the Executive Director will forward the notice to the Architectural Review Committee and will schedule a meeting of the Committee and the property owner to attempt to resolve the issues in question.

**C. Notice of Decision**

Following such appeal meeting with the Architectural Review Committee, the property owner will receive a written notice of the decision of the Committee.

**D. Appeal to Executive Committee**

If the property owner is not satisfied with the decision of the Architectural Review Committee following appeal, he or she may file a written notice of appeal to the Association's Executive Committee with the Executive Director.

**E. Meeting with the Executive Committee**

The Executive Director will then schedule a meeting of the Executive Committee and the property owner to discuss the open issues.

**F. Final Decision**

The Executive Committee will then send a written notice to the property owner with its decision, which will be final.

**IX. Application Fees**

The following fees must accompany the Architectural Review submission.

**A. New House Construction, including Landscaping**

\$750

**B. Remodeling, Renovations, and Additions with Plans**

\$750

**C. Remodeling, Renovations, and Additions without Plans**

\$150

#### **D. Existing Landscape Revisions**

\$100

#### **E. Demolition Fee**

\$250 plus road fee of \$250 for a total of \$500

#### **F. Plan Revisions**

\$50

### **X. DESIGN GUIDELINES**

It is the intent of these guidelines not to dictate specific architectural styles that must be used within the community, but rather to give property owners, their architects or designers a set of guidelines that will make the entire community a more attractive place to live. These guidelines were created to encourage a community of individually outstanding architectural statements, that when viewed together produce a pleasant environment. Architectural designs should be customized for each home site to maximize the natural features that exist. Traditional styles are preferred, but contemporary styling is also acceptable when it is consistent with traditional features such as roof-lines and materials.

Terms such as “sound design” and “good taste” are difficult to describe and even more difficult to legislate. Good architectural design should incorporate architectural elements that have withstood the test of time.

The following elements are to be encouraged: intelligent selection of details related to a well-designed floor plan, sensitive interpretation of styles within constraints of budget and site; consistency of site planning, landscaping, architecture and logical use of materials. Each architect should strive to design a home that has integrity, continuity, and a sense of proportion. . The home should be compatible with surrounding structures and have well-executed details that are consistent with the architectural style.

The following elements are to be avoided: harsh contrasts of colors and/or materials; illogical or inappropriate combinations of scale; poorly executed details and extreme interpretations of the components of each style.

#### **A. Building Setbacks**

Minimum Setbacks from property line:

1. Single Family - Front 50', side 15', garage side 31'. The rear set back is dependent

on the specific site. All setback requirements may petition to be increased or decreased due to unique site characteristics that dictate such a change to preserve the aesthetic integrity of the particular site, the golf course or the community as a whole.

Corner Lots- Front 50, side 40'. The front entrance must be defined on the site plan.

2. Unit 12 (Crenshaw Lake) - Minimum front yard setback of 40'. Side 15', garage side 31' and the rear set back is dependent on the specific site. All setback requirements may petition to be increased or decreased due to unique site characteristics that dictate such a change to preserve the aesthetic integrity of the particular site, the golf course or the community as a whole

3. Unit 11 - Minimum front yard setback of 10' from property line and a minimum driveway length of 20' from the back of curb, side 5' feet except that west side of Lot 1 and east side of Lot 12 is zero (0) feet from the property line, rear: 25'. Side yard at garage is a minimum 31'. Maximum Height of 42' feet and an additional 4' for accent features on top of the 42' height restriction. Refer to section L. of these guidelines for additional Height and Size Restrictions.

4. Patio Homes and Villas - Various setbacks depending on site and product.

All setback requirements may petition to be increased or decreased due to unique site characteristics that dictate such a change to preserve the aesthetic integrity of the particular site, the golf course or the community as a whole.

## **B. Easements**

The installation of trees or shrubs and the building of walls, fences, or other construction may not occur within the utility easement because of the need to access telephone lines, cable, electrical lines, water and other utilities. The utility easement runs from the curb 12' into the property.

Golf Course Easements - No improvements may be placed in the Golf Course easement without prior approval of the Architectural Review Committee and Avila Golf & Country Club.

## **C. Mailboxes**

Mailboxes must be approved prior to construction. They should be constructed of materials similar to the home and should be no larger than the following dimensions: 24" wide, 24" deep, 5 ft. high overall. When submitting a mailbox for approval it is necessary to indicate on the site plan the placement of the mailbox.

Certain sections of Avila have unique mailbox specifications consult the Architectural Review Committee.

#### **D. Walls, Fences and Columns**

Walls, fences and columns should be considered as an extension of the architecture of the residence. They should serve to make a transition between the mass of the architecture and the natural forms of the site. All walls, fences and columns should be designed to be compatible with the total surrounding environment and should not block natural views. Walls, fences and columns should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements.

All walls, fences and columns must be approved by the Committee prior to their installation. It is recommended that walls and fences be made of solid masonry and/or decorative metal. Columns every 20 ft. on center and a minimum size of 16"X16" is required. Wood fencing or chain link will not be permitted. Maximum height for walls, fences and columns is 6 ft. Any request for height variance will be reviewed on a case-by-case basis and no variances may occur without the prior approval of the Committee. It shall be the sole responsibility of the requesting property owner to determine if any variance approval is also required by government rules or ordinances.

Retaining walls, which attach to the residence, should utilize the same materials with which the wall comes in contact.

#### **E. Play Systems**

Any play system including but not limited to, basketball systems, swings, slides, monkey bars or similar playground equipment, must be submitted and approved prior to installation.

The tallest element of any play system should not exceed 12' above the ground. The setbacks from all property lines shall be 1' for each foot of height measured from the highest element. The horizontal dimension from the property line is measured to the closest element of the play system to the property line (s).

The play system must incorporate dark and muted colors. No flags or pennants are permitted.

Landscaping must be installed to shield the play system from view of neighboring properties and the street.

Basketball goals, backboards, poles and supporting structures, including portable

basketball systems, should be placed in a location that is least visible from the street and neighboring property. The final determination for placement shall rest solely with the Architectural Review Committee.

## **F. Exterior Lighting**

Exterior pool and landscape lighting must not infringe upon adjacent neighbors. Exterior lighting should be indicated on the final plans and must be approved by the Architectural Review Committee prior to installation. The Architectural Review Committee reserves the right to review exterior lighting to assure compliance with these guidelines.

## **G. Tennis Courts**

Tennis courts will be allowed only on lots determined in the sole opinion of the Architectural Review Committee to be of sufficient size and suitability.

Tennis courts must be located so that they will not infringe upon view corridors. Courts must be screened from any adjacent home site and windscreens should be kept to moderate height.

A plot plan showing the tennis court location and size shall be provided the Committee showing any and all proposed grading and screening. Design and color of fencing materials should blend naturally into the surrounding area and plant materials should be added to soften the visual impact. Surface colors should be restricted to colors such as soft red and green and not be highly reflective. Night lighting of tennis courts is permitted if the light does not intrude on adjacent property. Lights on tennis courts must be turned off by 10:30 p.m. Tennis courts will be permitted only when they can be constructed so they do not constitute an intrusion upon the adjoining residents. The Architectural Review Committee requires tennis courts to be set back a minimum of 10' from the side property line and the rear setback will be established on a case-by-case basis.

## **H. Pools, Therapy Pools, Spas**

The location of swimming pools, therapy pools and spas (including hot tubs) should address the relationships between indoor and outdoor features, setbacks, sun and other site-specific features.

The size, shape and siting of swimming pools must be carefully considered to achieve compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house and other structures

in the placement, mass and detail. Pool enclosures are not allowed within the building setback areas. No encroachment is permitted into a golf course easement. Screen pool enclosures must have columns made of the same material to the home (i.e. stone, brick, stucco, etc.). Aluminum tracks may be attached to columns. All aluminum must be either bronze or white. Aluminum or sheet metal panels are not allowed.

#### **I. Screened Enclosure**

If a pool is planned or installed, the design of the pool & screen enclosure must be submitted for review. The design of the screened pool enclosures must include columns that are compatible with the design of the house, placed at the corners of the enclosure and not more than 20 ft on center. The columns must reach the roofline of the pool enclosure. . You must provide elevation drawings of all elements including size of beams with this submittal to confirm the design intent.

Please note: If no screened enclosure is planned, county ordinance requires that the pool be secured within a fenced or walled area. Any such fence or wall must not only meet the requirements of county ordinance, but must also be approved in advance by the ARC.

#### **J. Solar Energy**

Solar collectors must be aesthetically integrated into the design forms when exposed to view or they must be hidden from view. Solar collector panels should be carefully designed to relate to the architectural mass by which they are attached. Panels should be racked at the same pitch as the roof and detailed to be as unobtrusive as possible. The Committee will discourage or reject any collector of any size, shape, or color that is insensitively designed or located. All solar equipment must be screened from adjacent views in some fashion acceptable by the Architectural Review Committee.

#### **K. Exterior Objects, Furniture, Materials, Etc.**

No objects, furniture, materials, or other elements, may be placed, erected, stored, or allowed to remain on any part of a lot exterior to the dwelling or appurtenances in Avila Subdivision if visible from the street or neighboring property, without the prior approval of the Architectural Review Committee.

#### **L. Height and Size Restrictions**

The height and size of any proposed structure must be compatible with surrounding homes. Hillsborough County has specific height and lot coverage requirements which should be confirmed during your pre-application research.



## **M. Garages & Unit 11 Parking**

Only side-loading garages will be permitted for single-family homes in Avila. Front - loading and two car garages are restricted to villa, cluster homes and patio home sites. Home sites located on corner lots must have rear-loading or side-loading garages, which face the interior of an adjoining lot, not the street.

All Unit 11 residences shall have enclosed parking for at least two (2) cars and a designated area for one (1) golf cart. For Unit 11 residences with 4 or more bedrooms, or rooms that can be converted to a 4th bedroom, shall have enclosed parking for at least three (3) cars and a designated area for one (1) golf cart garage.

At the time of initial home construction in Unit 11, developer will install six off-site parking spaces available for guest parking. After the initial six homes are built in Unit 11 (starting with the ARC Application for Approval of Final Design for the seventh home), for each residence that proposes enclosed parking for only two (2) cars and a designated area for one (1) golf cart, the ARC will evaluate whether the then in place off-site spaces are adequate, or if additional off-site parking is needed (up to a maximum of twelve spaces - the initial six plus up to six more). Adequacy of the off-site parking shall be based on the then existing number of APOA parking exemptions in Unit 11. If the number of parking exemptions the APOA has granted for the homes constructed in Unit 11 is more than or equal to the then existing number of off-site spaces, a condition of approval of the final design may be that one new off-site parking space is constructed prior to occupancy of the residence. If the number of parking exemptions the APOA has granted for the homes constructed in Unit 11 is less than then existing number of off-site spaces, no additional off-site parking needs to be constructed prior to occupancy of the residence. This parking provision requiring the construction of additional off-site parking spaces shall only apply to the initial construction of a residence on a lot or lots in Unit 11 and shall expire after the initial construction on all lots of Unit 11

As a minimum a three-bay garage plus storage is required for single-family homes. If the residence contains four bedrooms, a 4-car garage is *encouraged*. For residences with 5 or more bedrooms, or rooms that can be converted to a 5th bedroom, a 4-car garage is required. Avila restrictions prohibit the use of garages for storage of boats, recreational vehicles, equipment, etc. if such use will result in any car and/or vehicles being parked outside. For example: A homeowner with three cars and a four-car garage could use one stall for the parking of a boat. See Declaration restrictions for further information. For side loading garages the Architectural Standards require adequate screening using either landscaping, a wall, fencing or a combination of these. A minimum 28' back-up distance is required for garage turnaround area with a 3' buffer

for a combined total of 31' to the property line. Guest or visitor parking *for 2* automobiles on the owners' property must be provided. Guest parking area must be screened from view of neighboring properties and the street.

**A wall that is a minimum of 3' high is required between the property line and driveway area, or a 3' wide landscape buffer.**

## **N. Drainage**

1. Home sites - Drainage considerations for individual sites play an important part of the overall ecological balance of the site. Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or to storm drainage facilities.

Site drainage should be detailed on the grading plan. All street flow should be channeled into swale, retention and ditch areas. Avila recommends that the finished floor elevation of the house and any outbuildings be at least 28" above the crown of the road and in no event lower than 54.5 feet elevation above sea level. Additionally, sometimes, minimum elevations should be met in order to comply with regulations of the Federal Flood Insurance Program and Hillsborough County Regulation. More information can be obtained by consulting an engineer of your choice. The Architectural Review Committee will not review drainage plans and the home site owner is fully responsible for water runoff and drainage control of his respective home site.

2. Driveway Curb Cuts - In order to maintain effective street drainage and street gutter systems, existing street gutters must stay intact when curb cuts are made for driveways. To accomplish this, a concrete saw must be used to cut the curb portion away from its gutter allowing the gutter to stay intact. The curb must be reformed to fit the elevation of the driveway and not impede the flow of the gutter. Future maintenance and the integrity of new curbing and curb material shall be responsibility of the homeowner.

3. Drainage Pipe Curb Cuts – To accomplish this, aa concrete saw must be used to cut the existing curb. The pipe shall not interfere with the existing street gutter and must be flush with the face of the curb. Once the pipe is fitted, concrete must be installed to fit the profile of the curb. Future maintenance and the integrity of new curbing and curb material shall be responsibility of the homeowner.

## **O. Materials and Details**

1. Exterior walls - May be of a variety of materials; however, materials incorporated into the front elevation should be carried all the way around the house. For example, a home with brick on the front must also have brick on the sides and rear. No stucco brick is allowed. If brick is to be used, a sample wall (3' tall x 4' long) must be constructed and approved on site prior to ordering and/or installing any brick.

2. Roofing - Appropriate roofing materials include cedar shakes, cedar shingles, cement and clay tile, aluminum shake, slate, and standing seamed copper. Heavy weight composition shingles may be approved if they are a minimum 40 year shingle with significant dimensional texture.

3. Siding - Wood siding is allowed provided it is a quality wood or hardy board. The following will not be allowed: Aluminum, Masonite, or composition board

4. Windows - Should be constructed of vinyl or aluminum-clad wood. Aluminum windows may be approved, but must be white or bronze. Under no circumstances are silver colored aluminum windows allowed. Any reflective type glass must be submitted and approved. As a minimum on unadorned stucco walls provide a 1" deep by 4" wide stucco trim on all sides of the window openings.

5. Frieze bands - Are required on all elevations of all elements of the residence, at those points where roof overhangs intersect with the top of walls. The dimensions of the frieze bands should be no less than 1" deep by 8 "high.

6. Flue pipes - Are required to be encased with a material similar to the house. Any metal top must be painted.

7. All electric meters, pumps, air conditioning units, generators, sanitary receptacles, tanks, wood piles and any other ancillary equipment shall be suitably screened so as not to be visible from the street or any neighboring or nearby property. The location, manufacturer and model of air conditioners, generators and other sound-producing equipment shall minimize noise impacting neighboring property owners. The proposed method of screening, and the location and type of unit shall be submitted to the Architectural Committee for review, and the Committee shall have the authority to require any modification deemed in their opinion to be in the best interest of the Association. The Architectural Review Committee shall have the right to review the noise level of equipment following installation.

8. Roof protrusion and exterior metal - Plumbing stacks, roof vents and skylights should be kept off the front roof elevations as much as possible. Any metal (except copper) used on the exterior must be painted.

9. Walks and driveways - May be constructed out of concrete, brick and/or pavers. Asphalt is not allowed. A Minimum 1½ inch PVC pipe capped and marked at both ends beneath driveway for future utility use is required. It is suggested a second PVC pipe be installed for future uses

## **P. Outdoor Mosquito Misting Systems**

The installation and operation of outdoor mosquito misting systems must be in compliance with state and local law. Pursuant to Florida statutes Section 487.031(13), it is unlawful for any person to apply any pesticide directly to, or in any manner cause any pesticide to drift onto, any person or area not intended to receive the pesticide; therefore, the location and operation of such systems must not result in the migration of pesticide onto neighboring properties.

## **XI. LANDSCAPE GUIDELINES**

### **A. General**

Landscape plans should include shrubs and planting beds commensurate with the size of the lot and home. All planting beds except annuals must be mulched and all landscape areas not planted must be sodded. PLEASE NOTE: red or other colors of mulch are not approved products for Avila Subdivision. Hedges should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements. Hedges must be a minimum of 7 gallons on new construction landscape.

### **B. Irrigation**

An automatic zoned underground irrigation system with 100% coverage of all landscaped and sodded areas is mandatory. Irrigation systems must be zoned appropriately for the proposed landscaping. Reclaimed water is available and recommended for irrigation purposes.

### **C. Tree Removal**

Tree removal of any existing trees is subject to Hillsborough County guidelines and procedures and ARC approval.

### **D. Minimum Tree Requirements**

Minimum tree requirements also apply for landscape renovations.

1. One tree per 2800 sq. feet of gross lot area including house is required as the minimum tree requirement including current trees.

2. If residence is located on a corner lot, additional trees and landscaping may be required at the discretion of the Architectural Committee. Any additional trees so required will be selected from the seventy-five percent category.

3. If residence is a two-story and the first floor covers less than 20 percent of lot area, the Committee will require two additional trees and these will be selected from the seventy-five percent category.

4. Seventy five percent of the required trees (Caliber is measured at 5' above ground.) must be selected from the following tree list

TYPE	Minimum CALIBER	Minimum HEIGHT	Minimum SPREAD
Hollies	3"	12'	6'
Magnolia Grandiflora	3"	10'	6'
Camphor	3"	12'	6'
Oaks (Quercus spp.) (Spp. Live Oak, Laurel Oak, Shumard)	3"	14'	8'
Drake Elm (Vimus spp.)	3"	12'	6'
Maple(Acer supp.) (Spp. Red Maple, Silver Maple)	3"	12'	6'
Sycamore	3"	12'	8'
Red Cedar (Cedrus Deodrus)	3"	10'	

Canary Island Date Palm (Phoenix Canariensis)	(with 8' clear trunk)
<u>Senagal date Palm</u> (Phoenix Reclinata)	(With multiple trunks of 12-14-16')
<u>Paurotis Wrightii</u> ( <u>Paurotis Palm</u> )	(With multiple trunks of 10-12-14')
<u>Washington Palm</u> (Washington Robosta)	(With a clear trunk of 10')
<u>Chinese Fan Palm</u> (Livistonia Chinenis)	(With a clear trunk of 10')

5. The other twenty five percent of required trees may be chosen from the following list and must be a minimum of caliber and height indicated: Caliber is measured at 5' above ground.

TYPE	Minimum CALIBER	Minimum HEIGHT	Minimum SPREAD
Ligustrum (Ligustrum Lucidum)	2"	5'	8'
Pittosporum Tobira	3"	8'	6'
Podocarpus (Podocarpus Maki)	3'	5'	6'
Viburnum (Viburnum Odorotissima)	2"	10'	6'
Dogwood (Cornus Florida)	2"	10'	6'

Crepe Myrtle (Laegerstromia Indica)	3"	10'	6'
Jerusalem Thorn (Parkinsonia)	3"	10'	8'
Orchid Tree (Bauhenia)	3"	10'	8'
Citrus (Citrus spp.)	3"	10'	8'
Golden Rain Tree (Koelreuteria)	3"	10'	6'
Weeping Willow (Salix Babylonica)	2"	10'	6'
Cabbage Palm (Sabal Palm)	(with a clear trunk of 10')		

6. Coco Plumosa palms may be proposed as a supplemental tree but will not be considered as credit toward the 75% of - 25% requirement.

7. Trees & Plants that are not allowed. Prohibited trees and plants include but not necessarily limited to:

Wax Myrtle  
Brazilian Peppers  
Punk Trees  
Cherry Laurels

## 8. CREDITS FOR LARGER TREES

It is the purpose of the Committee to encourage larger tree plantings: therefore, the following credits may be considered:

- a. A 4" caliber tree may be given a credit for two (2), 3" caliber trees.
- b. A 6" caliber tree may be given a credit for three (3), 3" trees.
- c. An 8" caliber trees may be given a credit for four (4), 5" caliber trees.

## **XII. UNIT 11 DESIGN AND LANDSCAPING GUIDELINES**

**The design and landscape guidelines of this Section XII shall apply only to those lots located within Avila Unit 11.**

### **A. Size of Residence**

Residences shall be a villa design and no Residence erected on any Unit 11 Lot shall exceed six thousand (6,000) square feet of air conditioned space excluding the garage. This provision shall also apply to any Unit 11 Lot that has been combined with an adjacent Unit 11 Lot or Lots or with portions of adjacent Lots in order to create a home site large than one Lot as permitted by Section 5.5 "Parcelizing" of the Declaration.

### **B. Enhanced Landscape Area**

Lots 1 and 2 of Unit 11 contain enhanced landscaping installed in the locations as depicted on the landscape plan attached hereto as Appendix 6. This enhanced landscaping area is not Common Area and shall be maintained by the Unit 11 Lot 1 and Unit 11 Lot 2 Owners. Any revision the overall landscape plan on Lots 1 and 2 of Unit 11 shall be at a quantity and quality level that is at least as good as installed with the initial development that is described on Appendix 6.

### **C. Driveway Alignment**

The approximate driveway alignment on Lots 1 and 2 cannot be significantly altered from that shown on Appendix 6.

**D. Setbacks and Height-** See Section X(A) and Section X(L), above.

### **E. Architectural Style**

The villas constructed on the Unit 11 Lots shall be in the Spanish mission style that generally incorporates features such as a multi-curved roof parapets, thick masonry walls covered in smooth stucco siding, large square pillars, twisted columns, breezy arcades leading to patios and interior courtyards, heavily carved or paneled doors set in elaborately carved portals, round or quatrefoil window, terracotta accents, wooden or dark colored window frames, and tile roofs in a shade of red. Examples of structures containing elements of Spanish mission style are found in Appendix 7. Villas shall not be required to have any set number of the aforementioned elements of Spanish mission



style and the examples in Appendix 7 shall only be used as a guide by the Architectural Review Committee to help define the style rather than act as a strict template for the design of residences in Unit 11.

The Architectural Review Committee acknowledges that as to initial construction of the residences in Avila Unit 11, SICO, Inc., also has the contractual right to review the architectural design of the residence and approve or deny the plans prior to the Unit 11 Lot owners' submission of the plans to the Architectural Review Committee. If the Architectural Review Committee has any question as to whether initial construction of the residences embodies the Spanish Mission style theme the Architectural Review Committee will consult with SICO to resolve any questions.

Front-loading garages are permitted if hardships can be shown in accordance with Section 5.26 of the Declaration entitled "Hardship Waiver". Any lot that is 78 feet or less as measured across the front property line shall be presumed to have a hardship allowing for a front loading garage. Additional garage design as per Section X(M), above.

All Mailboxes in Unit 11 will be a uniform design, which will be submitted to the Architectural Review Committee for approval. Once approved, the design shall be attached as an Appendix hereto.

## **F. Pools**

Pools should be located in interior courtyards or on the side of each residence, unless approved by Avila Golf & Country Club. No pool or any part thereof may be located and constructed closer to the Golf Course than any portion of the Residence, unless approved by the Avila Golf & Country Club.

## **XIII. APPROVAL EXPIRATION**

### **A. Failure to Commence Work in a Timely Manner – All Construction including Remodel**

The Architectural Review Committee will retain final drawings for a minimum period of one hundred eighty (180) days subsequent to approval. If work has not started or a continuance not received by the owner or owner's agent within the above time period, the approval will then automatically expire. A timeline indicating a start and end date for construction is also required when submitting final plans.

### **B. Failure to Continue and Complete work in a Timely Manner**

All work must be continuous and performed within timelines as submitted and approved

in the Architectural Review Committee Application. Failure to do so may result in fines, penalties and the pursuit of such legal remedies as are available to the Association.

#### **XIV. EMERGENCIES**

In the event of an emergency requiring remedial activity (such as fallen trees or roof failure) covered by these Procedures and Guidelines, the property owner or contractor should contact Avila Security at 813-961-3483 immediately to notify the Association of the nature of the emergency and what action is being undertaken. In instances where there is danger to property or persons, immediate steps should be undertaken taken so prevent further damage or loss. An after the fact submittal appropriate to the circumstances is required to be filed as soon as possible.

#### **XV. ADDITIONAL REQUIREMENTS FOR CONTRACTORS**

##### **A. General Rules for all Avila Contractors & Service Personnel**

Prior to the start of construction and before approval expiration, it is required that the prime contractor obtain a copy of the General Rules for all Avila Contractors & Service Personnel from the Avila Property Owners' Association Office, a copy of which is attached as **Appendix 5** hereto.

The General Rules for all Avila Contractors & Service Personnel apply to all contractors and service providers and their employees and agents while on the premises of Avila. Violations of any rule(s) may result in penalties, including fines and suspension from the property, thereby making it no longer possible to work in Avila Subdivision.

##### **B. Meeting with Security**

A meeting must be scheduled with the Avila Security Chief to discuss the time line for the project, dumpster placement, portable sanitation, parking restrictions and other General Rules and Guidelines prior to the commencement. The Security Chief may be reached at 813-961-3483.

Attachments:

Appendix 1 Additional Design Guidelines Pursuant to Article V and Article VI of the Declaration

Appendix 2 Architectural Review Committee Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions

Appendix 3 Architectural Review Committee Application for Approval of Landscape Plans

Appendix 4 Architectural Review Committee Application for Approval of Demolition Plan

Appendix 5 General Rules for all Avila Contractors & Service Personnel

Appendix 6 Enhanced Landscape Areas - Lot 1 and Lot 2 Unit 11

Appendix 7 Examples of houses containing elements of Spanish Mission Style for use in evaluating an Architectural Review Committee Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions for Unit 11