



WATERVIEW PROPERTY OWNERS' ASSOCIATION, INC.

ENVIRONMENTAL CONTROL GUIDELINES

(Including Architectural Review)

**Applies to all Waterview Applications submitted after
March 1, 2023**

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1. AUTHORIZATIONS

1.1 Requirements from the revitalized Declaration of Covenants, Conditions and Restrictions for Waterview Property Owners' Association, Inc. (Dated 1/31/2022) and referred to as Deed Restrictions in this document.

*1.1.1 **Article VI Environmental Control Committee Section 2. Review by Committee.** The Environmental Control Committee (ECC) will review all proposed construction, modifications or alterations, and shall be guided by the following standards, and those contained in Article IX.*

*1.1.2 **Article VI Environmental Control Committee, Environmental Control Guidelines Section 5,** The Board of Directors may adopt written guidelines (referred to as the ECC Guidelines) for the approval of any construction, building, landscaping. Maintenance, etc. The ECC Guidelines may be amended by majority vote of the Board of Directors. The ECC Guidelines may be amended from time to time, are deemed to be and constitute an integral part of this Declaration, as it set forth herein in their entirety. *The ECC Guidelines are not required to be recorded in the Public Records of Charlotte County, Florida to be enforceable.* The membership, rules of procedures and duties of the ECC shall be prescribed by and from time to time, changed or modified by the Board of Directors.*

2. LOT LOCATIONS (SECTION 94)

THE BELOW PORT CHARLOTTE SECTION AS DESCRIBED IN CHARLOTTE COUNTY, FLORIDA PUBLIC RECORDS ARE ALSO KNOWN AS WATERVIEW PROPERTY ASSOCIATION IN WHICH THESE ENVIRONMENTAL CONTROL GUIDELINES, RESTRICTIONS AND CONDITIONS APPLY.

SECTION 94 - Port Charlotte Subdivision, Ninety-Four Plat Book 9, Pages 3-A through 3-Y, 1st Replat Book 15, Pages 48-E through 48-R, Public Records of Charlotte County, Florida.

3. FEES

WATERVIEW PROPERTIES FEES: Any Submission to the Environmental Control Committee received after March 1, 2023 will be assessed the following fees:

Waterview Property Owner Fees:

Waterview Application Description:	Fee **
New Residential Homes Fee	\$300
Additions to existing home altering square footage of a structure	\$150
Garages and Accessory Buildings	\$150
Fences or Walls	\$100
Driveways or Parking Pads	\$0
Stucco or painting residence and/or accessory structures Color samples must be supplied with ECC Application for review	\$0
Yearly Waterview Property Owners Association Dues	\$60
Non-Exclusive License Agreement	\$350
Request for Use Waterview Greenbelt	\$100

All Fee's must accompany all Applications & Forms made Payable Waterview POA.

4. GENERAL INFORMATION

- 4.1. Residential guidelines, restrictions and conditions are provided by the Environmental Control Committee (ECC) and approved by the Waterview Property Owners Association Inc. Board of Directors (Board), to orient property owners, builders and general contractors to the correct procedures, requirements and specifications for new construction or any modification to existing residential structures within Waterview.
- 4.2. These guidelines, restrictions and conditions *may change from time to time*. Please check to ensure you have the most current issue of Environmental Control Committee (ECC). These regulations are adopted pursuant to the authority provided by the Declaration of Restrictions, Reservations, Easements and Covenants of Waterview, Port Charlotte, FL recorded Book 4922 PGS 1514 on 01/31/2022. Wherever these rules and regulations exceed in scope those established by the State of Florida or the County of Charlotte, the stricter rules and regulations shall apply.
- 4.3. *Any variance approved by Charlotte County must also be approved by the Environmental Control Committee (ECC)*. The variance must be requested in writing prior to construction and submitted to the Environmental Control Committee (ECC). All variance requests will be reviewed by the ECC and may or may not be approved. *An approval from Charlotte County does not constitute an approval for the Environmental Control Committee (ECC)*.
- 4.4. The ECC will approve or deny all ECC applications. Should the ECC recommend denial, the applicant may appeal the decision to the Board. The appeal may be in writing or presented orally to the Board. The applicant must notify the Waterview POA Board in writing of the intent to appeal. If the appeal is received within 10 days of the next regularly scheduled Board meeting, the appeal will be heard at that Board meeting. If the appeal is received in less than 10 days of the next regularly scheduled Board meeting, the appeal will be heard at the following Board meeting. These deadlines are necessary so that appeals can be included on the Agenda of the Board meeting.
- 4.5. Accessory structures and sheds over 100 square feet including both temporary and permanent on adjoining lots require a restrictive covenant prohibiting the sale of the adjoining lot with the shed/accessory structure except in connection with the sale of the lot with the primary residence. The covenant is in addition to Charlotte County requirements. The covenant is a legal means of prohibiting separation of the two lots until the Waterview POA agrees to void the covenant or the shed/accessory structure is removed. The covenant is not a “kill and combine” action taken by Charlotte County to combine adjoining lots in order to affect property tax. The covenant must be filed with Charlotte County. The copy of the covenant provided to the Waterview POA must bear a recording

stamp indicating the covenant has been recorded in the official records of Charlotte County.

4.6 **Easements:** The easements shown on the plat for this development are hereby preserved as perpetual easements for utility installations and maintenance and the other purposes reflected on the plat and in the Declaration.

4.7 The ECC and/or Waterview POA Board are not responsible for the workmanship, quality or conformity with contractual specifications of any construction. This is a matter between the owner and contractor.

4.8 The purpose and function of the ECC is to:

4.8.1. Maintain the uniform plan of the development and construction throughout the Waterview POA through application of consistent architectural standards.

4.8.2. **Review, approve and control the design of any and all Dwellings, buildings or improvements to be constructed or installed upon lots within Waterview.** No improvement shall be commenced, constructed, erected, made, placed, installed or maintained upon any of the Properties, except in compliance and conformance with and pursuant to plans and specifications therefore which shall first have been submitted to the ECC, reviewed and approved by the Environmental Control Committee, and approved in writing by the ECC.

5. WATERVIEW GREENBELT INFORMATION

5.1 The Waterview Greenbelt Property is owned by the Waterview Property Owners Association.

5.2 The Waterview Greenbelt Property is defined as Tract G1, G2, or G3 as shown on your Property Lot Survey.

5.3 The Waterview Greenbelt Property is strictly regulated by the rules and regulations of the Florida Authorities including but not limited to Florida Department of Environmental Protection (FDEP), Army Corps of Engineers, South Florida Water Management and Charlotte County.

5.4 To use the Waterview Greenbelt Property, you must submit a 'Request to Use Waterview Greenbelt Form' along with the assessment fee to the Waterview ECC. This information can be found on WaterviewPOA.com under Forms & Documents.

5.5 A Non-Exclusive License Agreement may be required for the use of the Waterview Greenbelt. This will be determined based on the outcome of the Request form in 5.4 above.

5.6 The Non-Exclusive License Agreement is an agreement between the owner of the property adjacent to the Waterview Greenbelt (Tract G1, G2 or G3) as described above in 5.2 and the Waterview Property Owners Association. This agreement provides limited use rights to the Waterview Greenbelt property. Further details are encompassed within the License Agreement.

6. APPLICATION

6.1 The builder, general contractor or owner is responsible for submitting to the ECC a complete set of building or improvement plans and a survey or site plan which together must (i) accurately depict and represent building location and the proposed structure or improvement and (ii) meet acceptable architectural and design standards. All plans shall be professionally drawn with sufficient and explicit details to be adequate for the entire construction process. Plans for fences may be hand drawn by the contractor or owner. All setbacks must be shown.

6.2 Without limiting the foregoing, all applications must include the following:

6.2.1 Current ECC Residential Application fully completed and signed by builder/contractor and owner.

6.2.2 ECC Fee, which is non-refundable.

6.2.3 Certified Boundary Survey and complete set of Architectural Site Plan: A professionally prepared survey of the property must be submitted showing placement of the structure and/or improvement. Property lines, front setbacks, rear setbacks, side setbacks, easements, utilities and driveways must be shown.

6.2.4 One complete set of building plans to scale and specifications as submitted to Charlotte County. Floor plans of all levels required. Plans must be a minimum of 22 x 34 (ANSI D).

6.2.5 All plans must denote driveway cuts and all outfalls.

6.2.6 Foundation Plan

6.2.7 Elevations of all sides including specific roof pitches, roof materials, overhangs and exterior finishes. Detail and building sections showing at least one (1) general building section detailing wall construction.

6.2.8 Exterior wall, accent, trim, soffit and window frame color samples. Each manufacturer sample must be labeled ('exterior wall', 'accent', 'trim', etc.). Samples must be physically attached to application.

- 6.2.9 Roofing material Manufacturers color sample. Samples must be physically attached to application.
- 6.2.10 Any Charlotte County variance request and supporting documentation (if applicable).
- 6.2.11 Pictures of properties adjacent right and left to the proposed dwelling.
- 6.3 Incomplete submittals will be denied and held pending receipt of needed information. When information is received, the application will be considered at the next regularly scheduled ECC Meeting. *Incomplete applications will only be held for 6 months. After 6 months, a completely new application package must be submitted for review.*
- 6.4 If any structural change that affects square footage or architectural design of the structure is made after ECC approval is received, a new set of plans must be submitted for review and approval. These same requirements are applicable to submission of a change/addition to homes under construction or a change/addition to an existing home request.

7. GENERAL CONSTRUCTION REQUIREMENTS

- 7.1 A copy of the ECC approved application must be prominently posted in the same manner as the Charlotte County permits inside the job board.
- 7.2 **Time Schedule:** Construction activities must begin within one (1) year of the issuance of the ECC approval. Failure to begin work within this time frame shall cause the approval to expire. Thereupon, all fees will be forfeited and a resubmission will be required.
- 7.3 **Construction Activity:** During all construction activity, the lot shall be cleaned of trash and miscellaneous building debris on a regular basis. *A commercial waste container (dumpster) and a chemical toilet must be on the building site before construction activity begins and must remain until construction activity is complete. The dumpster must be emptied when full. The dumpster and toilet are not allowed to be placed on private property adjoining the property where construction is taking place and not be placed within the County right-of-way in front of the property.*
- 7.4 There will be NO washing-out of ready-mix concrete trucks on roads, ditches, road right-of-way's, adjoining lots, or any lot or waterway within Waterview. Any washout necessary must be performed ON the lot where the construction is being done.

8. DESIGN GUIDELINES

- 8.1 **CODE REFERENCES:** When reference is made to any code, it shall refer to the edition of the code that is currently adopted by the Charlotte County building code ordinance.
- 8.2 Mobile, metal buildings**, steel containers, manufactured, modular, prefabricated, factory built, monolithic, dome, log cabins, A-Frame, and other similar types of dwelling units are **PROHIBITED** and shall not be constructed, erected, maintained or brought onto any lot for any purpose.
- 8.3 **ALL RESIDENTIAL LOTS:** No building or structure shall be constructed or erected on any residential lot other than a detached single-family dwelling not to exceed thirty-eight feet in height and with an attached *minimum two car enclosed garage (min 480sqft)*** comprised of the same building materials. Primary residence must be constructed prior to other structures on the property.
- 8.4 **MULTI-FAMILY DWELLINGS:** Multi-Family units shall *not* be constructed in Waterview. Waterview is not zoned for duplex or multi-family units.**
- 8.5 **MINIMUM SQUARE FOOTAGE:** No building may be erected on any residential lot having a living area of less than *two thousand (2000)** air-conditioned square feet with a minimum of a two-car attached (min 480sqft)** enclosed garage*. The garage shall not be considered or converted into a living area.
- 8.6 **MAXIMUM BUILDING HEIGHT:** No building may exceed thirty-eight (38) feet in height. The height of the building is the vertical distance measured from the lowest minimum habitable floor elevation or finished grade, whichever is lower, for which a building permit may be issued to the highest point of the roof structure, excluding chimney height.
- 8.7 **MINIMUM HOUSE WIDTH:** Each home, including its attached enclosed garage, must have a fifty-five (55) foot minimum overall structure width. Such overall width is measured from outside wall to outside wall. The use of any wing wall or bump out shall not be used in determining the fifty-five (55) foot width.
- 8.8 **CONSTRUCTION MATERIALS:** Any building or improvements hereafter constructed shall be masonry, concrete block, concrete filled Styrofoam, steel, Styrofoam panels, or wood construction. All buildings must have stucco, wood, brick, or fiber cement lap siding (e.g. HardiePlank).** New exterior finishes approved by the Charlotte County Building Code will be considered.

- 8.9 **REPLACEMENT BUILDINGS:** Any building with a minimum square feet of living area less than two thousand (2000) air-conditioned square feet that was in existence on March 1, 2023, the date that the Environmental Control Committee went into effect, shall be allowed to remain (grand fathered) until 50% or more of the existing building is destroyed, removed, or replaced or there is construction to change the existing square footage. At that time the building will be required to be in compliance with this provision.
- 8.10 **REPEATING DESIGNS:** *No home may be built that is substantially structurally or aesthetically identical to any adjacent home on a contiguous lot.* The Environmental Control Committee shall have the sole and exclusive discretion to determine if a home is substantially structurally or aesthetically identical to an adjacent home and its determination shall be final and binding. Substantially identical adjacent house designs, regardless of opposite garage orientation, will not be approved.
- 8.11 **SETBACKS:** All structures must conform to current Charlotte County building codes.
- 8.12 **ROOFING:** Roofing materials on all structures shall be asphalt shingles, tile or metal. Roofing color and material samples must be approved by the ECC. New material (s) that are approved by Charlotte County Building Code will be considered. All residential roofs shall be constructed with a 5/12 (22.5 degrees) pitch or greater. This shall include separate garages.
- 8.13 **ROOFING OVERHANGS:** The minimum main roof overhang is twelve (12) inches with six (6) inch fascia board. Gable or high front entrance hip ends may be less than twelve (12) inches, reviewed case-by-case. These requirements shall include separate garages.
- 8.14 **GARAGES:** An attached fully enclosed garage must be attached in such a manner that there is a minimum of five (5) lineal feet of common wall between the interior of the garage and the interior of the living space of the house. A breezeway will not be considered as an attached garage. All garages shall be constructed with a *minimum of four hundred (480)*** square feet. Roofing materials and building materials and colors must be identical to the main structure.
- 8.15 **DRIVEWAYS:** All driveways, from the street to the garage, must be constructed of poured concrete, masonry based materials, brick or pavers. The entire driveway and other approach or parking areas must be constructed with the same material as the driveway.

9. DESIGN ELEMENTS AFFECTING STREETScape

- 9.1 The design of houses/structures shall be varied along a street to create variety and interest. A significant alternation of the placement, massing, and composition of each adjacent house front façade shall be accomplished by a combination of the following means:
- 9.2 Each house design shall be significantly different from the adjacent ones through variation of building height, mass, shape and roof form, and the physical and functional relationship of the frontage to the street.
- 9.3 Design rooflines with changes in ridgeline direction and configuration to ensure variation in the rooflines between adjacent structures.
- 9.4 Front elevation (and side elevations facing street on corner lots) shall be detailed to achieve variety along the street scene. In addition, each front elevation shall incorporate two (2) or more of the following techniques:
- 9.4.1 Provide enhanced style appropriate details on the front elevation such as: columns, raised quoins, raised decorative bands, and roof and exterior walls offsets.
- 9.4.2 Vary the wall plane by providing projections of elements such as building/room masses, windows porches, and similar architectural features.
- 9.5 **Front Entry:** All houses must have a covered main entry (not including main roof overhang). This requirement is for a distinct roof that defines the entryway to the house. The roofed entry can be either recessed, extended beyond the front wall of the house, or a combination of both. The covered entry is to be supported by walls, columns and/or piers. The entry roof must be of hip roof or gable end design with the roof of the entry covered with the same material as the house.
- 9.5.1 Covered entry shall be a *minimum of forty (40)*** square feet.
- 9.5.2 The front door entry shall be a *minimum width of six (6)** feet*. (i.e. 3 (three) foot front door with two side lights or two 3 (three) foot doors / double doors).
- 9.5.3 The exterior entry ceiling height shall be a minimum of nine (9) feet.
- 9.6 **Front Elevation Windows:** A minimum of two (2) windows required for the front elevation of the home.

10. DESIGN ELEMENTS

- 10.1 **UTILITY SERVICE:** All new construction will require underground service from the pole to the structure (house, etc.) All service lines crossing streets must be underground to a hand hole or direct to the house. No feeder poles on the opposite side of the street will be allowed. If the existing power service uses underground facilities then new services must be underground as well. Aerial drops to the residence are prohibited. New services being installed to existing structures, ie: Cable TV, Telephone, Internet must be run underground from the pole to the structure.
- 10.2 **CULVERTS AND/OR OUTFALL PIPES:** All new construction will require the use of elliptical reinforced concrete pipe (RCP) culverts meeting Charlotte County requirements for storm water drainage under driveways and any and all outfall pipes required.
- 10.3 **EXTERIOR COLORS:** Including Repaints. All exterior colors and exterior accent colors must be approved by the ECC. Bright, florescent colors or severely contrasting exterior colors will not be approved. Samples must be included with ECC application.
- 10.4 **FENCES:** All fences need to be permitted and approved by Charlotte County and require ECC approval. Any fencing installed must be made using materials such as wood, metal, vinyl or black or green vinyl coated chain link. Nothing in the above guideline shall be construed to prohibit safety fencing surrounding a pool as required by the County or State.
- 10.4.1 *No fencing shall be installed within the front setback requirements nor shall any fencing be installed forward of the front of the house.*
- 10.4.2 *Fences that extend between a structure and a waterway are restricted to not more than four feet in height, and must be of a "see through" design so as to not block neighboring views of the waterway.*
- 10.5 **WALLS:** All walls must be permitted and approved by Charlotte County and require ECC approval. Walls shall be constructed of concrete or block with stucco finish, and be the same paint color as the body of the adjoining structure, and may not exceed five (5) feet in height.
- 10.6 **SWIMMING POOLS:** Only in-ground pools are allowed except portable wading pools with 300 gallons or less capacity will be allowed above ground.

10.7 **PROPANE TANKS:** Propane tanks of 25 GALLONS CAPACITY OR GREATER must be installed underground. All above ground tanks must be less than 25 Gallons and shall be screened from view from street, rear and or side view lots by a fence, wall or landscaping. Landscape screening shall be sufficient to screen tank immediately. All propane tank installations require review by the ECC, approval by the ECC and a Charlotte County permit.

11. ACCESSORY STRUCTURES

11.1 All accessory structures to include storage sheds, must be permitted by Charlotte County and meet the current applicable governmental building regulations, and require ECC approval. Any utilities servicing accessory structures shall be installed underground.

11.2 **Flag poles** must be in accordance with applicable Federal, State and Charlotte County criteria.

12. MISCELLANEOUS

12.1 Any ECC review resulting in approval shall be for a single use only and will not be considered as precedent setting or otherwise binding upon the ECC in future reviews.

12.2 Any and all ECC Applications and Forms (i.e. Non-Exclusive License Agreement, Request to use the Greenbelt Form, Residential applications for homes, fence, etc.) will *not* be reviewed if there are any outstanding yearly dues, fines or non-compliance violations with Waterview POA by/from the applicant. All violations must be resolved and closed, dues and/or fines paid prior to any review by the ECC.

12.3 The review and approval, or disapproval, of all plans and specifications submitted for any proposed new construction shall not be deemed approval or certification of the proposed construction for structural safety or conformance with building or other County, State or Federal codes.

12.4 The Board, including members of the Environmental Control Committee (ECC), shall not be liable to any Owner or any other person or entity for any loss, damage, or injury arising out of or in any way connected with the performance or nonperformance of the duties hereunder or the approval or disapproval of any plans or specifications.

12.5 The Board or ECC, with proper identification, reserves the right, but not the obligation, to inspect construction as it proceeds. The purpose of any inspection would be to determine that construction is in compliance with the approved plans, specifications and the Deed Restrictions. Should any inspection show that

the construction is not in compliance as approved, the Board or ECC can issue a stop work order. Any said inspection shall not be deemed trespass.

- 12.6 The Board of Directors or ECC has the right to require correction or removal of any improvement if the Board of Directors or ECC determines in its sole and absolute discretion that the as-built improvements do not comply with the approved application and association guidelines/restrictions.
- 12.7 These Guidelines are offered for guidance with respect to the anticipated exercise the discretion of the ECC and the Board as provided for and permitted under the Declaration. Nothing herein shall modify or in any way limit the exercise of the discretion of the ECC and the Board on a case-by-case basis as is provided for and permitted under the Declaration and Florida law. These Guidelines are subject to further amendment, revision and modification from time to time and shall in no instance be binding upon the ECC or the Board in the exercise of its discretion as provided for under the terms of the Declaration.