

TALLAVANA HOMEOWNERS' ASSOCIATION

SECTION 200

Policies of the Architectural Control Committee (ACC)

200. Architectural Control Committee Authority (ACC).

A. The Tallavana Homeowners' Association (THA) Board is authorized to promulgate policies in accordance with the Articles of Incorporation and the Laws of Florida. The following ACC Policies and Procedures do not supersede and are meant to be consistent with the THA Covenants. They are the THA Board's and ACC's interpretation of the THA Covenants pertaining to the ACC, with additional policies authorized by the Articles of Incorporation, providing the Covenant's specified conformity and harmony of the neighborhood. To the extent that any of these Policies, Rules and Regulations conflict with the Covenants, then the Covenants control.

B. The ACC is authorized to review exterior changes on a lot(s) affecting the property in accordance with the Association's Covenants, Rules, Regulations and Policies. The ACC has authority to approve exceptions to the Covenants and Policies. Substantial exceptions to the Covenants and Policies will be recorded with the deed.

C. If any portion of these Policies, Rules and Regulations are ever found to be invalid by any court or legal authority, such decision shall in no way affect the remaining Policies, Rules and Regulations hereunder.

D. No act or omission by the ACC or the THA Board shall be deemed a waiver of any of its rights under the Covenants, the Articles of Incorporation, the Bylaws, or these Policies, Rules and Regulations. To the extent that the ACC or the THA acts or fails to act in any given situation, such act or failure to act will not result in a waiver of its right to do so a later date, or in a subsequent similar situation.

E. The ACC functions as a seven (7)-member committee of the THA and the Board of Directors. The appointment of the ACC members is conducted in accordance with the THA policy adopted August 12, 2003. See Section 100.190.

205. Purpose.

The special qualities of the Lake Tallavana neighborhood are its preservation of the natural environment in which the community has been developed. Preserving this natural aesthetic environment is paramount to the community and defines the community standards as being compatible with the natural environment. Therefore, the purpose of the ACC is to maintain and preserve the special qualities of the Lake Tallavana community and in turn to protect owners' property values by ensuring that the construction and modifications meet our community standards. It is the responsibility of the ACC to notify the Board when the following policies have not been followed and make recommendations to achieve compliance.

210. Selling Owners Legal Responsibilities Regarding Governing Documents.

In accordance with Florida Statute Chapter 720, when covenants run with the land, a person who assumes ownership of a parcel of land also assumes ownership with the presumed knowledge of the covenants. Each new parcel owner is presumed to know and understand the content of the documents governing the homeowners' association and the community. It is the seller's

responsibility to supply copies of the governing documents to the buyer prior to the execution of a contract for sale. Prior to the sale of a parcel, prospective purchasers must be provided a disclosure summary of the right and obligation incident to ownership of a parcel in the community. Any contract for the sale of a lot or parcel must refer to or incorporate the required disclosure summary. The summary must state that membership in the homeowner association is mandatory and that recorded covenants govern the use and occupancy of the property. The disclosure must reveal the obligation to pay assessments, which, if unpaid, may result in a lien against the parcel and any fee or rental amounts required for use of common facilities. The summary must also disclose whether or not the recorded covenants may be amended without the approval of the association membership. The restrictions in the recorded covenants and the disclosure summary are clothed with a strong presumption of validity arising from the fact that each parcel owner purchases the parcel knowing of and accepting the restriction imposed. (1)
(See Appendix #3 for Disclosure Summary)

215. Definitions

For purposes of this policy the following definitions will apply. Where terms are not defined herein, the ordinary dictionary meaning of a word will prevail.

- A.** Addition: Adding an annex.
- B.** Buffer: The area 30 feet from front and rear lot lines and 10 feet from the side lot line. A 30-foot buffer from the property line may be required on any property adjacent to a roadway, shoreline or other common areas.
- C.** Carport: A roof projecting from the side of a structure or house, used as a shelter for a vehicle. A carport not attached to the side of the house is a detached carport. A detached carport is one having similar architectural characteristics as one projecting from the side of a structure that is used as a shelter for a vehicle or boat, or a prefabricated portable structure as defined herein.
- D.** Clear Cutting: The removal of all trees over one inch in diameter.
- E.** Community Standards: Compatible with the natural environment.
- F.** Deck: A platform connected to or near the house.
- G.** Deck Over Water: A platform extending from the land over a body of water.
- H.** Detached Structure: A structure not attached to the house.
- I.** Drain Field: A grid of wastewater filter pipes.
- J.** Driveway: A private drive connecting a house, garage or other structure with the street.
- K.** Emergency Repairs: A situation or occurrence of a serious nature, developing suddenly and unexpectedly, demanding immediate action and which, under non-emergency conditions, requires an ACC review.
- L.** Eyesore: Something offensive to look at; an enduring cause of vexation or disgust.
- M.** Garage: A structure or wing of a structure, as of a house, in which to park a vehicle(s).
- N.** Gazebo: A small open or screened structure affording an enjoyable view, not to be used as an overnight shelter, residence or storage.
- O.** Fence: A structure serving as an enclosure, barrier, or boundary.
- P.** Front Street: The street used by the homeowner as the property address.
- Q.** Front Yard: The part of a lot that is foremost and abuts a road beginning from the front elevation of the house forward to the street(s).
- R.** House: A structure serving as a dwelling and residence for one family.
- S.** Injunction: A court order enjoining or prohibiting a party from a specific course of action.
- T.** Natural Beauty Environment: The neighborhood's wild nature habitat not created by man pertaining to the sense of beauty.
- U.** Policy/Policies: In accordance with legal opinion, all references to "policy/policies" within is considered to be synonymous with the term "rule".
- V.** Repair: Restoring to sound condition and consistent with previously approved ACC plans.
- W.** Retaining Wall: A structure, with limited height, between the land and a body of water, intended to stop erosion of the land.

- X.** Permanent Shed: A small structure 120 square feet or larger, serving as storage. Such structures require a county building permit, tied down to withstand 110 miles an hour wind. This structure may be either freestanding or attached to a larger structure.
- Y.** Portable shed: A small structure less than 120 square feet that does not require a county building permit (electric and mechanical require an electric or mechanical permit).
- Z.** Prefabricated portable structure: A prefabricated, portable structure typically of metal products and/or fabric covers, commonly used as carport storage for vehicles or boats.
- AA.** Site Plan: A plat map of the property indicating the specific location(s) of structures, septic tank, drain field, driveways, or other items, including measurements and dimensions, to be a part of the ACC submittal, facilitating a clear understanding of the project's location on the lot.
- BB.** Structure: Something constructed, especially a building or part; to construct, give arrangement to a form.
- CC.** Submittal: Proposal for new structure(s) or changes to structure(s) resulting in changes to the exterior of the structure.
- DD.** Substantial Exceptions: Proposal for a new structure or structure changes that will not be within the parameters of the THA covenants and policies.
- EE.** Temporary Structures: Structures remaining on the property no longer than the building process (certificate of occupancy) or six months or during an ACC approved emergency repair.
- FF.** Underbrush: Small trees, less than one inch in diameter, shrubs, or similar plants growing beneath larger trees.

220. Policies of the Architectural Control Committee (ACC)

A. ACC Approval Requirements

- 1.** The ACC will accept project submittals, in accordance with the Submittal Process below, from the day after the monthly ACC meeting until 20 days later. All submittals from owners will be submitted in person to the ACC Chairperson or Co-chairperson or mailed to PO Box 1075, Havana, FL 32333.
- 2.** The ACC meetings will consist of a quorum (a majority of the seven members). Meetings are to be held monthly with meeting date, time and place to be posted on the community bulleting boards.
- 3.** Changes to ACC approved plans will be submitted to the ACC for review. ACC approved plans are valid for two years. The ACC must investigate projects that have begun but have received no action for more than three months. Projects not completed in accordance with the approved submittal will require changes to the project to adhere to the original submittal, or a new submittal to the ACC will be required for alterations to the original approved project submittal. Failure to comply with the ACC approval or failure of prompt submission of an approval request for the unapproved changes will be considered a violation. The project completion inspection will be preformed by an ACC member and the findings will be so noted, dated and signed by the inspector on the approved ACC Determination form and the ACC project sign is removed.
 - a.** The ACC will assure the submittals are qualified for review by:
 - i.** Confirming that the person(s) submitting plans for construction or modifications are the owners of the lot to be reviewed.
 - ii.** Confirming the Homeowners' Association assessments are satisfied.
 - iii.** Confirming any financial obligations to the Association are satisfied. The submittal will be placed in abeyance pending satisfaction of all financial obligations to the Association.
 - iv.** It is the responsibility of the owner to request a review or subsequent reviews via the chairperson, or other ACC member in the absence or unavailability of the chairperson, of the ACC.

b. Prospective buyers may receive a non-binding approval from the ACC by submitting a written description of their project to the ACC.

c. Approvals or denials must be granted or denied within thirty (30) days after acceptance of the submission, in accordance with the Submittal Process below, of a written request to the ACC. The ACC will accept submittals from the day after the monthly meeting until 20 days later. Refer to “Submittal Process” – “Submission to the ACC” below. Owners will be notified of their submittal status within this time period. If submittal requirements are not met and the submittal needs to be placed in abeyance, the homeowner will be given an opportunity to agree to such status. A lack of such agreement will require a rejection of the submittal. A submittal will not be retained in abeyance for more than three months.

d. The following are new construction and structural modifications and examples of proposals that the ACC will review. This is not intended to be a complete list. Each property owner should consult their individual property covenants. Owners are responsible to obtain the required county permits. Owners should seek guidance from the ACC if in doubt regarding adherence to the THA Covenants, Rules, Regulations and Policies.

- i.** Roads
- ii.** Houses, including entire site plan
- iii.** Garages
- iv.** Carports – attached and detached
- v.** Sheds – Permanent and Portable
- vi.** Gazebos
- vii.** Additions
- viii.** Driveways
- ix.** Fences
- x.** Retaining walls
- xi.** Trees and vegetation
- xii.** Exterior Colors – Exterior brick, siding, trim, windows, doors and roofs
- xiii.** Deck over water
- xiv.** Decks
- xv.** Swimming pools and exterior spas and hot tubs
- xvi.** Septic tanks and drain fields
- xvii.** Temporary structures
- xviii.** Any modifications, major repairs and/or changes to all of the above.

e. Prior to the ACC granting a buffer-related exception, the ACC will consider opinions of all potentially affected neighbors.

B. Specific Requirements for Structures

1. Size Limitations

- a.** House: 1500 square feet minimum heated/cooled.
- b.** Shed: 160 square foot maximum
- c.** Garage/Carport: no more than 2 cars – may include a laundry room and tool shed or boat storage – 1000 square feet maximum
- d.** Gazebos: 144 square feet maximum
- e.** Detached Decks: 144 Square feet maximum
- f.** Fire Wood Storage Structure: 150 square foot maximum per lot

2. Structures

a. Houses, sheds, garage, carport and any other structure not included herein will be reviewed by the ACC. Architectural plans must be included in the submittal of a new house. Major structural changes to a house may require architectural plans to be included with the ACC submittal. The ACC has the authority to require architectural plans to be

included with or added to a submittal before it can be considered. To maintain the property values of the neighborhood, permanent structures should be architecturally complementary and color coordinated to the house.

3. Plans

a. Houses, sheds, garages, carport and gazebos will be submitted as plans suitable for committee review and include a site plan.

4. House plans must include:

- a.** Floor plan (with a minimum of 1500 square feet), see “size limitations”;
- b.** At least two elevations indicating the type of exterior material, trim and roof;
- c.** A site plan showing location of structure, septic tank, drain fields and driveway; trees 4 inches and over to be removed;
- d.** Exterior colors with color samples.

5. Buffers/Lot Lines

a. No houses, or other structures will be located within the “buffer” as defined in the covenants as the area 30 feet from front and rear lot lines and 10 feet from the side lot line. Also, a 30-foot buffer may be required adjacent to a roadway, shoreline or other common area. Due to the various house locations within a lot, corner lots, adjacent common areas, etc., the ACC will specify the front, back and side lot lines at the time of review of a site plan. This will determine the buffer requirements specified herein.

6. Lot Limit

a. A lot is limited to a single-family house and no more than one detached structure

7. Colors

a. Colors of all structures will coordinate and will be natural, neutral, muted shades. The ACC maintains a color standard that defines the acceptable range of colors.

8. Sheds

a. If a storage shed is approved as an exception to the Lake Tallavana Covenants and Policies, it may not be in the front yard. Any shed requiring a building permit is considered a permanent shed. A permanent shed will be architecturally complementary to the house. Portable sheds are not considered complementary and therefore must not be visible from any community road.

9. Prefabricated Structures

a. Prefabricated portable structures with metal roofs will be considered by the ACC only for carport storage of vehicles or cars, RVs and boats, but if seen from the front street will need to be complementary to the natural beauty of the lot and the house as determined by the ACC. Other “pole” type structures such as those constructed of metal poles and tarp material are considered a violation of this policy. Installation must comply with county building codes.

10. Sheds prior to January 06, 2006:

a. Any shed in place, other than those in the front yard, permanent or portable whether approved or not approved by the ACC or the Board prior to the date of this policy, January 06, 2006, will be considered grandfathered in but may not be moved, replaced, repaired or improved upon or added to, except for the general maintenance, without the approval of the ACC. The provision for grandfathering does not include any shed for which the lot owner has been notified of any noncompliance issue prior to January 06, 2006. This policy excludes any shed, permanent or portable, that has been placed in the front yard of any residence that has not had written approval for the structure and its location from the ACC or the Board. Any such shed will need to be removed and relocated in accordance with the shed policy location.

b. Expenses caused by the removal or relocation of the shed may be reimbursed or partially reimbursed as a gesture of goodwill to the lot owner at the sole discretion of the Board.

c. In the alternative, the lot owner will apply to the ACC to retain the structure on the property in an approved location.

11. Gazebos

a. Gazebos are not considered a “detached structure” regarding the quantity structure limitations stated above.

b. Gazebos are not to be used as a short or long-term residence, a storage unit or camping shelter.

c. Gazebos cannot be located in the buffer.

d. A gazebo’s location, structure, size and color will be submitted to the ACC for consideration of compatibility to the house and the neighborhood.

12. Driveways

a. Driveway construction or alteration of a driveway will be reviewed by the ACC. This review requires a site plan. Where a driveway crosses a drainage ditch on the right of way, a culvert of 18” inside diameter will be installed. The culvert will be covered with at least one foot of dirt. The installation of the culvert will match the flow line of the ditch. In certain areas of the Lake Tallavana neighborhood, storm water runoff or road configuration may require a larger diameter culvert or an engineered swale and ditch. The ACC will make this determination, in consultation with the THA road committee members and notify the homeowner.

b. Driveways, including circular driveways, will have only one (1) ingress from the street. An exception maybe granted for special cases such as traffic safety or persons with disabilities.

c. Driveways will be no more that 20 feet wide. Trees and vegetation may be removed no more than 20 feet wide maximum for the construction of a single driveway.

13. Fences

A fence’s location, type and color will be submitted to the ACC for consideration of compatibility to the house and the neighborhood. Owners are encouraged to not locate fences within the buffers, allowing free movement of wildlife through the neighborhood. Fences are not considered a “detached structure” regarding the quantity structure limitations state above.

14. Retaining Walls

a. No wall of any kind is to be built on the Lake Tallavana shoreline without first applying for and receiving an appropriate permit from the Florida Department of Environmental Protection (DEP).

b. Upon receiving DEP permit, the member will submit the approved plans to the ACC to determine compliance with the neighborhood’s natural beauty standards. These standards are as follows:

i. The wall color will be reviewed by the ACC

ii. The desired effect to be achieved by the materials used is to have natural appearing walls.

iii. Treated wood (current federal and state approved), riprap bags and stone masonry are acceptable materials. Creosote materials or concrete block and poured concrete walls are not acceptable materials.

c. Property owners do not own the lake bottom and are prohibited from erecting any structure, including artificial fish habitats, beyond the property owners’ property marker unless it is approved by the ACC. Common fish feeders are excluded from this policy requirement.

d. Retaining walls are not considered a “detached structure” regarding the quantity structure limitations stated above.

15. Trees and Vegetation

a. The intent of the ACC is to preserve the natural beauty of the neighborhood and the healthy wildlife ecology. Therefore, all trees proposed for removal that are 4 inches or larger, measured four feet from the ground up, will be submitted to the ACC for approval. The submittal will include the common species name of each tree proposed to be removed indicated on the lot’s site plan. Federal law prohibits the killing of endangered trees. See listing at <http://www.fws.gov/northflorida/Species-Accounts/SpeciesInfo.htm> (Examples: Ashes Magnolia, Pyramid Magnolia, Northern Prickley Ash). Scrub oak and black jack oak (Quercus [Q.] lavis also known as “turkey oak”, Q. Marilandica; “scrub oak” – Q. Lyrata or Q. minima or Q. Geminata or Q. Chapmanii or Q. Rolfsii or Q. Myrtifolia or Q. Laedis) may be removed, only in the buffer (in accordance with the covenant), after review by the ACC to confirm these species. Justification for the removal of damaged or diseased trees (threatening the sustainability of the tree) 4 inches or over will require a report of the tree(s) viability from a licensed arborist to be included with the submittal. This requirement may be exempted if the damage or disease is deemed to be extremely obvious by at least three members of the ACC, and so noted and signed by the members on the ACC Determination Form.

b. Buffer tree removal: If trees are proposed for removal in the buffer zones, the owner will submit a site plan indicating the location of the trees and their common species name and the reason for the removal of the trees over one inch in diameter in the 30 foot front and rear buffers and the 10 foot side buffers. This buffer zone submittal may be included in the entire lot submittal required above, if applicable. The proposed removal of any tree within the buffer will be reviewed for approval by the ACC to include the confirmation of the species types and sizes to be removed as allowed by the covenants as stated:

- i. Only underbrush may be removed in the buffer except as specified herein.
- ii. Dogwood, redbud and magnolias under **one inch in diameter** and all scrub oak and black jack oak (Quercus [Q.] lavis also known as “turkey oak”, Q. Marilandica; “scrub oak” – Q. Lyrata or Q. minima or Q. Geminata or Q. Chapmanii or Q. Rolfsii or Q. Myrtifolia or Q. Laedis) may be removed within the buffer.
- iii. Trees and vegetation may be removed no more than 20 feet wide maximum for the construction of a single driveway.

(See Appendix #2 for complete list of vegetation)

c. Tree and vegetation clearing in preparation for construction will include the required erosion control as specified by state and county laws and rules.

d. Property owners are **encouraged** to consult with the ACC prior to removing any living trees in excess of one inch in diameter to avoid conflicts with these policies.

16. Deck over water

- a. No more than one deck over water per residence will be permitted.
- b. No part of the deck over water shall be nearer than ten (10) feet to side lot lines.
- c. At the time of construction a deck over water may not extend more than twelve (12) feet from the property owner’s lot line over the common lake body.
- d. The maximum width of a deck over water will not exceed 12 feet.
- e. The maximum square footage of the deck over water constructed will not exceed 168 square feet excluding any walkway to the deck itself.
- f. There will not be a roofed structure on the deck.

- g.** No creosote materials will be used. Only treated lumber that currently meets state and federal approval is acceptable. Owners are encouraged to use composite materials or other ACC approved materials.
- h.** A deck over water is not considered a “detached structure” regarding the quantity structure limitations stated above.

17. Decks

- a.** Plans for decks and any accompanying structures, including walkways, must be approved prior to the start of construction. This includes any applicable paint colors.
- b.** Detached decks may not exceed two feet in elevation.
- c.** Detached decks are not considered a “detached structure” regarding the quantity structure limitations stated above.

18. Swimming Pools

- a.** Swimming pools are not considered a “detached structure” regarding the quantity structure limitations stated above.
- b.** Swimming pools will not exceed 650 square feet and will be constructed in accordance with the following Board Policy adopted October 21, 2004.
- c.** In-ground or partially in-ground swimming pools will be fenced according to the Laws of Florida and Gadsden County.
- d.** Swimming pools are prohibited from being constructed in the buffer zones.
- e.** Swimming pools will not be placed in the front yard.
- f.** Above-ground swimming pools will be encircled with shrubbery (bushes), maintained, with expected growth height equal to the top of the pool sides within three years, and/or ACC approved fencing and decking around the pool sides in order to conceal the sides of the pool. Fencing will be required in accordance with Florida and Gadsden County laws, if applicable.
- g.** If an above-ground pool is partially in-ground, the Laws of Florida and Gadsden County apply with respect to fencing. The exposed part of the poolside will be concealed with shrubbery (bushes), in accordance with the above requirement.

19. Septic Tanks and Drain Fields

The location of septic tanks and drain fields will be reviewed by the ACC prior to construction. A site plan is required for this review. The homeowner will be responsible for obtaining appropriate permits from the local government.

- a.** No septic tank or drain field will be located closer than 100 feet to the high water mark of Lake Tallavana.
- b.** The septic permit copy will be submitted to the ACC.

20. Fire Wood Storage Structure

A fire wood storage structure as specified herein is not considered a “detached structure” regarding the quantity structure limitations stated above. This structure will be open sides, used only for the storage of firewood, constructed in a manner to complement the property and not detract from the property’s natural beauty. These structures, if more than 10 square feet total per lot will be reviewed by the ACC for compatibility with the home and the neighborhood. This structure may not be in the front yard and may not exceed 150 square feet total per lot.

225. Submittal Process

A. Submittal Requirements

Any new structure or structure changes submittals will include the following applicable details (house/carport/shed/gazebo). Items that may have been inadvertently omitted from this list does not eliminate the requirement for their inclusion in the submittal if specified in the policy or the covenants.

- 1.** A written narrative explaining the details of the proposed structure or change, including the lot number, address, owners’ phone number(s).

2. Plat map/site plan showing location of structure when applicable.
3. Blue prints or drawings for new and major house structure changes with any required building code engineered certifications or plans.
4. Exterior primary building materials specified.
5. Exterior material's color(s), paint, stain or composite material colors specified with samples.
6. Roofing material and color samples(s).
7. Trim color with sample color(s) chart.
8. Sketch, examples and/or pictures to clarify any unusual configuration or design feature.
9. For portable structures, a manufacturer's catalog with pictures and specifications will be acceptable for 3 through 8.

B. Septic Tanks and Drain Fields

New or major changes to septic tank and drain field will include the following:

1. A written narrative explaining the details of the proposed structure or change, including the lot number, address, owners' phone number(s).
2. Plat map/site plan showing location of tank and field lines.
3. A copy of the county permit issued for the construction or change.
4. Sketch, examples and/or pictures to clarify any unusual configuration or design feature.
5. Tree removal requires a written explanation of the number of trees and or underbrush to be removed and whether they are located within the buffer. An ACC inspection will be required before the tree submittal can be considered. (See "Trees & Vegetation")
6. See also "Septic Tanks and Drain Fields" above.

C. Tree removal requirements

1. Lot number, address, and owners' phone number(s).
2. A written explanation of the trees, quantity, approximate size and/or underbrush to be removed and whether they are located within the buffer. A site plan indicating the approximate location of each tree to be removed. An ACC inspection will be required before the tree submittal can be considered.
3. See also "Trees and Vegetation" above.

D. Swimming pools and surrounding deck(s) requirements

1. Lot number, address, and owners' phone number(s).
2. A written explanation, a picture (if available) or a drawing of the proposed pool, materials and colors to be used in the construction.
3. Site plan for the location on the lot, type of materials to conceal the pool if required, fencing material, design and color, and any available material sample.
4. See also "Swimming Pools" above.
5. See also "Tree Removal Requirements" and "Trees and Vegetation" above, if applicable.

E. Driveway plan requirements

1. Lot number, address, and owners' phone number(s).
2. A site plan locating the driveway
3. A written explanation including descriptions of materials to be used in the construction, colors (if applicable), dimensions of the driveway, and number of trees in the specified area(s) that will need to be removed.
4. An ACC inspection to determine if there are any drainage issues or drainage impact to THA roads will be required before driveway plans are considered.
5. See also "Driveway Requirements" and "Trees and Vegetations" above.

F. Exterior color/trim changes or color additions requirements

1. Lot number, address, and owners' phone number(s).
2. A written explanation of what is to be changed, a description of the structure effected by the color change, a description of the separate areas (primary, trim, highlight, shutters,

columns, etc.) the color name(s) or number(s) and paint chip/sample(s) from the color manufacturer.

3. Trim additions or changes require a written explanation, color samples, material samples, if applicable.

G. Temporary structures such as temporary storage containers requirements

1. Lot number, address, and owners' phone number(s).

2. A written explanation of the need, the type of structure, the expected period of time the structure will be on the property, and the location on the site (may require a site map).

H. Fire wood storage structures requirements

1. Fire wood storage structures 10 square feet or less, total for the lot, are not reviewed by the ACC.

2. Lot number, address, and owners' phone number(s).

3. A drawing of the structure and the materials to be used.

4. The color and type, such as roofing, of the materials to be used in the construction.

I. Submission to the ACC

1. The monthly ACC meeting is the first Tuesday (except holidays, then Wednesday) in each month. The ACC will accept submittals from the day after the monthly meeting until 20 days later, to allow time for pre-inspections by the ACC. Later submittals may not be considered until the following monthly meeting. If this is the case, the submitter will be notified in writing the date the submittal will be accepted as received for consideration.

2. Submit the above information in person to the Chairperson or the Co-chairperson of the ACC or mail it to the Association P.O. Box 1075, Havana, FL 32333. The ACC member receiving the submittal will sign and enter a "received" date at the time of receipt. The 30 day required review period does not begin until the next scheduled ACC meeting when the ACC chairperson or the Co-chairperson signs, dates and notes on the submittal as "received and adequate for consideration." Property owners will be notified, in writing, within one week of the monthly meeting if their submittals were not complete or were not received in the time allotted to be considered and the status and/or expected date of receipt and consideration.

3. Pre-inspections of the proposed project are required to be conducted by the ACC before the submittal review. The completed submittal will be reviewed by the ACC and the approval or rejection and the inspection date and participants will be documented on the ACC Determination Form. This form will be delivered or mailed to the property owner during the week following the meeting, unless the submittal is placed in abeyance. The property owner will be asked to sign the agreement of adherence to the approved specifications. Upon agreement, the approval is finalized and the property owner may begin the approved project.

4. An ACC approved project sign may be located at the front of the property to indicate the proper process has been completed and approval was received for the project.

5. When an approved project is finalized, a post inspection will be performed by an ACC member and the sign will be removed. Projects not completed in accordance with the approved submittal will require changes to the project to adhere to the original submittal or a new submittal to the ACC will be required for alterations to the original submittal.

230. Approval Agreement

A. The execution of the ACC's formal notification of an approved project will include the homeowner's signature (at least one) agreeing to the following.

1. Complete the project as approved by the ACC

2. Allow periodic inspection of the project by the ACC and or the Board

3. Allow the ACC's post inspection of the project

- 4. Make modifications to comply with ACC requirements as specified in the approval documentation.
- B. Signage of approved projects will be designated on the common front street of the property.
- C. ACC will document, on the ACC Determination Form, recommended exceptions from this policy.
- D. Justification for rejected plans will be explained in writing on the ACC Determination Form.
- E. The executed form will be filed with the Corporate Secretary.

235. Appeal Process

- A. If the property owner would like to appeal the ACC’s decision, the following process is recommended.
 - 1. Submit a written explanation of why the owner disagrees with the ACC’s decision to the President of the THA Board one week before the monthly Board Meeting which is normally held the second Tuesday of each month.
 - 2. Attach the ACC’s Determination Form and a copy of the complete submittal (may be obtained from the ACC) with the written explanation submitted to the THA Board President.
 - 3. The Board members will review the request for appeal to determine what, if any, action should be taken.
 - 4. The Board may instruct the ACC to determine alternative solutions and report to the Board.
 - 5. The Board’s final determination will be communicated to the ACC and the property owner in writing within 10 days of the Board meeting in which a final determination is made.
 - 6. If a resolution cannot be achieved, an injunction may be sought causing a formal mediation, which may be initiated by either the THA Board or the property owner. If mediation fails to meet a resolution, a formal court hearing may be initiated by either the THA Board or the property owner.

236. Noncompliance with Approved or Rejected Plan

Any homeowner who does not complete a project in accordance with an approved plan or has not submitted plans for consideration or has constructed a rejected plan will be notified in writing by the ACC on behalf of the THA Board. Such notification will state the remedy required to correct or remove the unauthorized project. The ACC may recommend further legal action to the THA Board if the homeowner does not comply with the ACC notification letter.

240. Board and ACC Member Restrictions

The Board and ACC members having a personal interest or a relative involved in an ACC submittal or appeal will recuse themselves from the decision process. Such members may be present and answer questions.

250. Neighborhood’s Natural Beauty

- A. The ACC is authorized to take actions to encourage the beauty of the natural environment of the neighborhood. The ACC may take actions within the law, covenants, regulations and policies to eliminate practices that obstruct the beauty of the neighborhood’s natural environment such as but not limited to the following.
 - 1. The storage of unlicensed vehicles and trailers, discarded appliances, waste containers and other items that are normally required to be stored out of sight.
 - 2. Failure to properly maintain the homeowner’s property to the extent such failures devalue neighborhood properties.

*Reference: County Code Ordinance 70-71 through 70-78
 (<http://www.clerk.co.gadsden.fl.us/Ordinances/13425.htm>)*

3. No trailer, mobile homes, travel trailers, or motor coaches shall be permitted to remain upon any lot other than temporarily unless placed or maintained within an enclosed garage or carport.

4. Eyesore/distractions to the neighborhood, brought to the attention of the ACC will be dealt with on an individual basis. These would include but not be limited to abandoned vehicles, deteriorating sheds, abandoned appliances, garbage or other items generally considered trash.

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