

**WEST HAMPTON  
HOMEOWNERS' ASSOCIATION, INC.**

**ARCHITECTURAL CONTROL BOARD**

**Rules and Regulations**

**I. Purpose**

Pursuant to Section 2, Article VI of the Declaration of Covenants, Conditions, and Restrictions (“the Declaration”), this document promulgates rules and regulations considered necessary by the Association’s Board of Directors to carry out the provisions and intent of architectural controls, as well as new and modified construction in the West Hampton Community. To administer these rules and regulations, the Board of Directors has established an Architectural Control Board (ACB) to consist of three (3) persons, all of whom shall be appointed by, and shall serve at the discretion of, the Board of Directors. Members of the ACB may include architects or similar professionals who are not members of the Association. The ACB shall have exclusive jurisdiction over modifications, additions, or alterations made on or to existing homes or structures and any appurtenant thereto, including new or replacement construction. ACB decisions on all requests for any of the former will be considered final, except that a one-time appeal may be made to the Board of Directors to reconsider a decision made by the ACB.

In conducting its approval responsibilities, the ACB must determine whether the request of any applicant is consistent with the established Declaration of Covenants, Conditions, and Restrictions for West Hampton.

**II. Modifications**

Plans and specifications showing the nature, kind, color, size, materials and location of all modifications, additions or alterations shall be submitted to the ACB for approval as to quality or workmanship and design and as to harmony of external design with existing structures, location in relation to surrounding structures, topography and finish grade elevation. Subject only to the Board of Director’s appeal above, the ACB shall have sole discretion and authority to approve or disapprove such plans and specifications.

Nothing contained herein shall be construed to limit the right of a homeowner to remodel the interior of his/her home, or to paint the interior of his/her house any color desired; however, modifications or alterations to the interior of screened porches, patios and similar portions of a house visible from outside the house shall be subject to approval under these rules and regulations. In the event that the ACB fails to approve or disapprove a plan or to request additional information reasonably required within thirty (30) days after receipt of submission, the plans shall be deemed approved.

The following is a non-exhaustive list of examples of modifications that require architectural approval and is for purposes of illustration only:

- Fences
- Garages
- Porches
- Room Additions
- Driveways
- Roofs
- Doors
- Pools
- Screened Rooms
- Recreational Structures
- Gutters
- Pavers
- Exterior Painting
- Column Additions
- Landscaping
- Play Sets
- New Home Construction
- Cutting of vegetation on any conservation or preservation areas

### **III. Modification Review Procedures**

The proposed design for any exterior modification to an existing home, completed lot, or structure on a lot shall be reviewed and approved by the ACB **prior** to construction. The applicant must submit the design, site plan (on a site survey document) and a description of the improvement which clearly indicates the location, dimensions and configuration of the proposed alteration, to include a description of materials and samples of colors to be used. The design submission will also include any required screening of the improvement. Any item or landscape addition that does or will exceed a height of 6 feet in the future, which is clearly visible to a street or other lot, is subject to these submission requirements.

Modification applications must be completed in full and shall include the required documentation to be considered by the Committee. Partially completed forms or the lack of proper documentation required may result in unnecessary delays. The 30 day window for approval of a modification will not begin until the required documentation is complete. Applications can be obtained on the West Hampton HOA website at [www.WestHampton.com](http://www.WestHampton.com) or from the current property management company. Completed applications should be submitted to the property management firm, which will forward them to the ACB. Alteration Applications that are approved by the ACB are valid for 90 days from the date of ACB approval. If a homeowner does not begin the project prior to end of that 90 day period, ACB approval shall be considered withdrawn and a new application must be submitted. No changes can be made to an ACB-approved project without the submission of an additional alteration application.

The ACB reserves the right to inspect alterations in progress for conformance with approved Committee modifications. Applicants agree to cooperate fully with members of the ACB.

### **IV. Architectural Guidelines**

In accordance with Section 2 Article VI, of West Hampton's Declaration of Covenants, Conditions, and Restrictions, the ACB has set out the following homeowner guidelines.

## **Fencing**

All fences must conform to the fence details contained in Section 20 of Article VIII and Exhibits C through H in the West Hampton Covenants.

Chain link or vinyl clad chain link fences with metal posts are not permitted in this community.

No painting of any wood fences is allowed.

Fences are not allowed in front yards. All fences must adhere to height restrictions and setback requirements from property lines and dwellings, as noted in the Declaration of Covenants.

## **Exterior Materials and Painting**

Exterior colors must be approved by the ACB. Colors should be earth-tones or natural appearing soft colors with light or dark accent trim, as approved by the ACB. The concept is to achieve a neighborhood that blends with the surroundings of nature. In general, wall colors should be light in tone with contrasting darker or lighter trim colors. Wall colors which are darker than the trim color should not exceed a medium dark tone. Bright or stark contrast (such as black or dark blue) trim colors are prohibited. Such colors may be used on doors, as approved by the ACB.

When submitting an Alteration Application for exterior painting, homeowners must include color samples. Repainting a home the same color as the original also requires approval of the ACB and the submission of color samples. This is because colors used by the builder may no longer be available or exactly the same, even if it is the same brand paint.

Wood, vinyl, masonite or composite material siding on gables and walls is not allowed in this community. A stucco exterior is the only material that has been determined to be appropriate and architecturally compatible with the community.

## **Swimming Pools**

Swimming pools are to be in-ground only and require prior ACB approval. All swimming pools must adhere to setback requirements. Swimming pool accessories, such as ladders, slides, and waterfalls must not be over 6-feet in height.

## **Air-Conditioning, Mechanical Equipment and Outside Storage Containers**

All exterior air-conditioning, pool or spa filtration, mechanical equipment and outside storage containers must be located in a side or rear yard and must be screened from neighbors or public view by stucco or brick wall, fencing (in accordance with Covenants) or landscaping which is mature enough at planting to provide a substantial screening effect. Outside storage containers may not exceed 6 feet x 4 feet in width and depth respectively and 4 feet in height and should be of natural wood or plastic. Placement of containers must conform to Hillsborough County restrictions on

property line distances. Screening walls should be painted the same color as the exterior walls of the home. Equipment areas should be set back at least ten feet from the front corners of the house.

### **Screened Enclosures and Porches**

Various designs and sizes may be allowed by the ACB depending upon the size and architectural style of the home. No screened enclosure may be constructed on any lot except as approved by the ACB and after all necessary approvals and permits have been obtained from all governmental agencies. No screened enclosure may be constructed in any designated building setback area on any lot. All screened enclosures must have white, dark brown or bronze frames with charcoal screen.

### **Driveways**

Only standard poured-in-place solid concrete material will be used to construct driveways in the West Hampton Community. Asphalt, shell, mulch, stone, and any other types of pavement are not allowed. Painting of driveways and sidewalks is not allowed.

### **Decks**

The use of natural wood for deck construction is required. This includes redwood, cypress, and pressure-treated pine, but does not include any material such as plastics or fiberglass, which may have the visual characteristics of wood. Decks may be permitted within the wetland setback areas on a homeowner's property with prior Hillsborough County approval; however, this does not guarantee ACB approval. Construction within a wetland area is normally considered a violation by permitting agencies. It constitutes an impact on the wetland and is discouraged by the ACB.

### **Lighting**

Exterior up lighting of homes may be used to wash the front face of the home or significant landscape features. All exterior lighting is to be installed in such a manner as to not cause distraction, nuisance, or to be unsightly. It should convey a warm, inviting atmosphere and aid in providing night time security. Care is to be taken in selecting and placing fixtures. Spotlights should be concealed from direct view whenever possible and directed to avoid light spill onto adjacent property.

### **Trellis/Arbor**

Materials and colors used for any trellis or arbor construction shall comply with materials and colors on the primary residence. The use of wood or plastic is required. Trellis or lattice fencing, used to screen equipment or structures shall be constructed of wood or plastic and match the color of the exterior walls of the home.

### **Solar Water Heaters**

Exposed pipes extending up the sides of the home shall be painted the same color as the walls. Roof pipes shall be painted the same color as the roof.

## **Satellite Dishes and Antennae**

Preferred placement of satellite dishes and antennas would be anywhere that the satellite dish or antennae would not be visible from any street and still achieve an acceptable signal. However, the intent is not to unreasonably increase the cost of or delay installation. The overall height of any antenna is not to exceed 12 feet above the roof line and no satellite or communications dish may be larger than 36 inches in diameter.

## **Landscaping**

The purpose of landscaping guidelines is to ensure the aesthetic integrity of the community as a whole and to protect the rights and property of individual homeowners. The addition and placement of some types of vegetation on a property, beyond that originally provided by the Builder, may affect neighboring properties and Association Common Areas. Therefore, the ACB requires that all landscaping projects and plantings of vegetation that are six feet in height or will grow to that height be submitted to the ACB for prior approval. The ACB will review such proposed projects and plantings to ensure that any vegetation that exceeds six feet in height will not excessively interfere with neighboring properties' views of Common Areas, ponds, and conservation lands.

Individual homeowners will not plant anything on Association Common Areas, to include the St. Petersburg City Water Easement that is located in the West Hampton Community. Only the Association, through its Board of Directors, may approve landscaping changes to the Common Areas.

No trees shall be removed from West Hampton properties, except for diseased or dead trees, trees requiring removal to promote the growth of other trees or for safety reasons. For environmental reasons, the removal/replanting of any trees must be approved first by the ACB and subsequently by the County EPC. In the event of an intentional or unintentional violation of this stipulation, the violator may be required by the ACB to replace the removed tree with one or more comparable trees of such size and number, and in such locations, as the Committee may determine necessary to mitigate the damage.

No artificial vegetation shall be permitted on any lot.

## **Conservation and Preservation areas**

Homeowners must have HOA approval **before** cutting, trimming, or removing **any** vegetation (this includes so-called nuisance plants) from areas of their property that are designated as Upland Preservation Areas (UPA) or Wetland Conservation Areas (WCA). Permits are also required to cut or remove vegetation in these areas from the proper County and State authorities, i.e. Hillsborough County EPA. The County will not even consider a request until the homeowner first secures HOA approval. To request HOA approval, homeowners should submit an Alteration Application through the property management company to the ACB. Upon ACB approval, the homeowner may seek a permit from the County to cut back, trim, or remove nuisance plants on the homeowner's property only.

## **Garden Ornaments**

Garden ornaments are not acceptable on any lot, provided, however, garden ornaments may be used in backyards if they can not be seen from any street.

## **Fountains and Sculptures**

Fountains and sculpture must conform to the following restrictions;

- Only one fountain or sculpture may be placed on the property at the front of the house and one additional fountain or sculpture placed at the rear of the house.
- Fountains and sculptures may not exceed 48 inches in height above grade and 36 inches in width.
- Fountains and sculptures must be earth tone in color and constructed of concrete, stone, plaster, granite, bronze, aluminum, or copper. No other colors or materials are allowed. Fountains and sculptures shall not be obscene or offensive, and they shall be in keeping with the standards of the community.
- Fountains and sculptures shall conform to home's existing architectural style and landscaping design.
- Fountains must be maintained, cleaned, and in working order.
- Lighting for fountains and sculptures must conform to the guidelines for lighting above.

## **Children's Play Structures**

Play structures (swings, slides, horizontal bars, etc.) shall be of wood construction. No platform shall be higher than five feet from the original grade at rest. No part of the structure shall be higher than eleven feet from the original lot grade. The platform may not exceed 6x6 feet or 36 sq. ft. area and the support beams may not exceed twelve feet in length. All play structures, including trampolines, moon bounces, and the like, shall be a minimum of three feet from any rear lot or side lot line and placed at the rear of the home. Every effort should be made to ensure that the structure is placed so that it is not visible from the public street, and to ensure the privacy of all lot owners. All play structures require prior ACB approval regarding placement, color and construction.

## **Skate Board Ramps**

Due to the danger involved, parents are encouraged not to allow their children to use skate board ramps on the community's streets. While the sidewalks are a safer environment to use such home-made devices, residents should remember that these can present a danger to pedestrians and small children riding bicycles and require supervised use. Under no circumstances will any skate boards be left on community streets or sidewalks overnight or not when in direct use.

## **Basketball Goals**

The only allowable residential basketball goals are portable and removable goals. These must be stored out of public view overnight or when not in direct use.

### **Barbeque Pits**

Barbeque pits of brick and/or stucco must match the exterior of the house. Proper screening and placement will be required as part of the review by the ACB.

### **Clotheslines**

No clotheslines shall be erected or installed on the exterior portion of any lot in the community.

### **Signs**

No signs, except as noted below, shall be displayed to public view in any part of the West Hampton Community without prior approval of the ACB. No signs will be placed at the gate entrance to West Hampton without the approval of the Association's Board of Directors.

A homeowner selling his/her home through a realty firm may have one, standard, single dwelling for-sale sign from that firm erected in the front yard only. A homeowner privately selling his/her home may place one, commercially made for-sale sign also in the front yard only.

### **Wetlands and Water Bodies**

No docks, piers, or other structures shall be constructed on or over any body of water within the West Hampton Community, except as may be constructed by the Homeowners' Association.

### **On-Site Fuel Storage**

Without prior written approval of the Board of Directors, no on-site storage of gasoline, heating or other fuels shall be permitted on any part of any property, except that up to five gallons of fuel may be stored properly by each homeowner for emergency purposes and operation of lawn mowers and similar tools or equipment.

### **Visibility at Intersections**

All property located at street intersections shall be landscaped so as to permit safe visibility across the street corners. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

### **V. New Construction.**

This section delineates the requirements for both new and replacement construction of properties in the West Hampton Community. New construction is defined as a residence built on a lot for the first time. Replacement construction is the rebuilding of a residence that may have been so severely damaged by an act of nature or other accident, so as to require a substantially new structure. In either case, the new construction requires the prior approval of the ACB.

Any proposed original construction shall be reviewed and approved by the ACB by submitting plans and any additional information described in these rules and regulations. No homes will be built without written evidence of ACB approval. The ACB shall have sole discretion to approve or disapprove such plans and specifications.

The Board of Directors of the Association may determine that certain application fees may also be required to supplement the approval process. For example, in accordance with these rules and regulations, the Board of Directors has determined that a reasonable fee may be charged to cover the cost of review of Builders' plans by a consulting architect.

## **VI. Application Procedures for New Construction.**

The applicant should submit to the ACB two sets of home design plans which show floor plans, elevations on all sides, roof plan, and foundation plan. The plans should identify general exterior materials, the maximum dimensions of front, rear and sides of the home, and square footage of the structure, including that portion which is air-conditioned area. Plans must include the front elevation. A survey plot plan should show the location of the outer limits of the foundation and the dimensions of proposed minimum setbacks for each lot boundary. The survey should also indicate the required drainage pattern of the lot. Other improvements visible to a public street or another lot, such as landscaping, pool and fencing should be submitted if known. Although the remaining proposed exterior items may be submitted at a later time prior to completion of the improvements, no design application or approval is deemed complete until all the required elements are submitted and reviewed by the ACB.

The ACB reserves the right to request and review the following:

- Final Exterior Elevations. Specifications, materials, colors.
- Roofs. Structure, pitch, materials, product photos.
- Fascia and Trim. Section details, materials, colors.
- Exterior Doors and Garage Doors. Specifications, materials, colors.
- Patios, Decks, Balconies, and Porches. Specifications, materials, colors.
- Fences/Walls. Design details, materials, colors.
- Screened Porches and Pool or Deck Enclosures. Structure, materials, colors, roof materials.
- Mechanical Equipment. Location, screening details.
- Driveways. Materials, finish.

The ACB will review the application and design documents within 30 days after submission and return one set of plans to the participating Builder with the appropriate comments. In the event the



ACB fails to approve or disapprove the plans or to request additional information reasonably required within the 30 days, the plans shall be deemed approved.

## **VII. New Construction Guidelines**

The following will be adhered to for all new construction in West Hampton. ACB approval of all new building plans will follow these guidelines.

Exterior elevations shall be complementary in architectural design and materials, and compatible with neighboring structures.

Builders are responsible for obtaining all required public agency permits and/or approvals prior to commencing construction on any site within West Hampton Community. All construction shall satisfy all applicable building codes, rules and regulations in effect at the time of construction.

The minimum width of a residence in the West Hampton Community will be 54 feet.

Each Builder is responsible for constructing sidewalks within the street right-of-way in front of (and, on corner lots, to the side of) the lot from property line to property line. All sidewalks must be designed and constructed in accordance with Hillsborough County standards and must be solid-poured concrete.

Driveways must be constructed of standard poured-in concrete materials. Driveways and sidewalks may not be painted.

Every effort shall be made by a Builder to preserve and protect all existing trees and newly planted trees on the building site. Where possible, the Builder is responsible for constructing retaining walls, construction barriers, or similar appropriate efforts in order to ensure the survivability of trees and other major vegetation on the building site.

The following procedures are considered appropriate to ensure the survival and good health of existing trees:

- Protective fences or barricades shall be placed around the drip line of trees to prevent storage of machinery, equipment or parking of cars which can cause soil compaction and mechanical damage.
- Excessive pedestrian traffic should not occur within drip line of trees.
- To the fullest extent possible, soil shall not be excavated, spread, soiled or otherwise disposed of within the drip line of trees.
- Trash fires are not permitted on building site.

The Builder is to make every effort to preserve all existing vegetation on all surrounding property. The intent is to preserve the natural integrity and character of the property surrounding the building site, respect the rights of neighbors, and to observe regulatory requirements. Disturbance of natural vegetation on a lot may be subject to specific approval by the Hillsborough County Natural Resources and Landscape Department, Hillsborough County Environmental Protection Commission

(EPC), Southwest Florida Water Management District (SWFWMD) and/or the Florida Department of Environmental Protection.

The Builder must use a refuse structure for storage of trash and discarded materials. These structures are to be constructed in such a manner as to have the ability to be emptied from one side of the structure. Materials for these structures should be wood and wire fence. It is the Builder's responsibility to control and/or clean up all trash which results from the Builder's activities and which accumulates on a lot and street adjacent to a construction site.

Any signs a Builder desires to place on a site under construction in West Hampton must have the prior approval of the ACB.

Approved by the Board of Directors

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Secretary

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Date