

CALOOSA TRACE SWING SET POLICY 2022

First Option:

Caloosa Trace Swing Set Policy

The Caloosa Trace Declaration of Covenants, Restrictions and Easements, Article VII, Section 5, *Other Structures* reads as follows: “Without the prior written consent of the Association, no buildings, structures, pens, yards and houses for pets, above-ground storage, clothes racks and lines, washing and drying equipment, laundry rooms, tools and workshops, garbage and trash cans, detached garages, hothouses, greenhouses, guest houses, bathhouses, summerhouses, outdoor fireplaces, barbeque pits, or any other structure or objects of any unsightly nature or appearance may be constructed or permitted to remain upon a Lot. ”

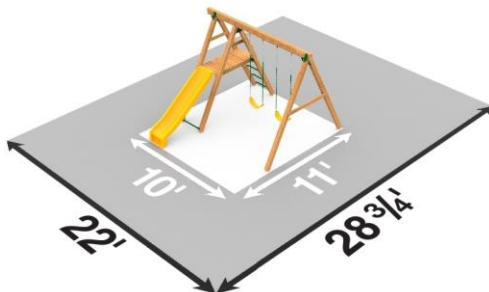
A swing set is a “structure” and shall not be permitted.

Second Option:

Caloosa Trace Swing Set Policy

If a residence would like to purchase a swing set for their property, it must follow the below regulations, otherwise, it will not be approved by the Caloosa Trace HOA Board.

- Location: Behind the home, in the backyard (not side yard)
- Material: Wooden
- Dimensions: No larger than 10 feet by 11 feet. (see image below)



Air Conditioner and Trash Can Screening Policy

The Board of Directors has approved this policy to be used when approving the screening of all A/C unit and trash and recycle receptacles in Caloosa Trace. This policy will be followed when enforcing the following Article and sections of the Caloosa Trace Declaration of Covenants and Easements

Approved: _____

ARTICLE VII USE RESTRICTIONS AND EASEMENTS

5. Other Structures. Without the prier written consent of the Association, no buildings, structures, pens, yards and houses for pets, above-ground storage, clothes racks and lines, washing and drying equipment, laundry rooms, tools and workshops, garbage and trash cans, detached garages, hothouses, greenhouses, guest houses, bathhouses, summerhouses, outdoor fireplaces, barbeque pits, or any other structure or objects of any unsightly nature or appearance may be constructed or permitted to remain upon a Lot. **Air conditioning units may be installed at the side of the residence provided the noise from same will not disturb their neighbors. Each such unit must be adequately and ornamentally screened.**
12. No Offensive Activities. No illegal, noxious or offensive activity shall be permitted or carried on upon any part of the Development Property, nor shall anything be permitted or done thereon which is or may become a nuisance to the neighborhood. Developer and the Association shall have the unrestricted and absolute right to deny ingress to any person who, in their sole opinion, may create or participate in a disturbance or a nuisance on any of the Development Property. **No trash, garbage, rubbish, debris, waste materials or other refuse shall be deposited or allowed to accumulate or remain on any part of any Lot.** No fires for burning trash, leaves, clippings, or other debris or refuse shall be permitted to be on any part of any Lot or road rights-of-way. No commercial uses, including home occupations, shall be *allowed* without the approval of the Association. No mechanical repairs of any wheeled vehicle shall be permitted on any Lot
14. Trash. Burning of trash, rubbish, garbage, leaves, or other materials in the open, by an incinerator or otherwise, is prohibited. **All garbage and trash must be stored in closed containers and be hidden from any adjacent Lot or roadway.**

A/C Screening: unit must be adequately and ornamentally screened

1. No screening fence or hedge of any type can be installed without approval of the Board of Directors. Each request for approval must include the following:
 - a. Drawing of the proposed installation showing all measurements from structures, property lines and easements and adjoining homes.
 - b. Picture or sample of materials including height
 - c. Project start and end dates
2. A/C units should be screened with landscaping plants or white vinyl fence or white vinyl lattice.
 - a. Landscaping will provide maximum air flow around the A/C unit and the board recommends Viburnum or Eugenia for their camouflage properties.
 - b. White vinyl fence or white vinyl lattice may also be used for screening materials. Fencing or lattice may not extend more than 48 inches from the house, should not extend more than 10 feet along the side of the home and may not be over 6 feet in height.

- c. Homeowners are required to maintain landscaping and/or screening including power washing, repairs and replacement when needed.

Trash and Recycle Receptacles and trash accumulation: all garbage, trash and recycle must be stored in closed containers and hidden from any adjacent lot or roadway.

1. Trash and Recycle containers that are stored outside must be screened from view of the roadway and any adjacent lot. Trash and Recycle containers must be screened using landscaping or white vinyl fencing materials the same as specified for A/C units.
2. No trash, garbage, rubbish, debris, waste materials or other refuse shall be deposited or allowed to accumulate or remain on any part of any Lot.
3. Trash must not be placed out more than 24 hours before scheduled pick up time. Empty cans must be removed within 48 hours after pick up. (Lee County regulations)
4. Landscape trimmings or clippings may be placed at the road edge no more than 5 days prior to pick up. Trimmings or clippings that are bagged or in receptacles may not be placed out more than 24 hours before scheduled pick up time.

POLICY FOR DOCUMENT REVIEW REQUESTS

Any homeowner may submit a request to review any or all of the HOA documents. The only documents that may be excluded are outlined in items 1-7 below.

1. Homeowner must submit a written request to review HOA official records. This request must be mailed to us in a certified letter with return receipt requested.
2. The homeowner request should include a list of the specific documents they wish to review along with the start and end date of the records they are requesting.
3. All documents are provided electronically on a disk or USB drive. The disk or USB drive will be returned to the homeowner using certified mail and return receipt requested.
4. The secretary or other person appointed by the board will have 10 business days to collect the requested records, record them on the appropriate media and mail them to the requesting homeowner. The post mark date must be within 10 business days of the request date.
5. The homeowner can claim damages of \$50 per day for each day after the 10 business days has been reached.
6. Copies of all request paperwork (from the homeowner and the board), mail receipts and other related documents must be kept in the HOA records for 7 years.

Following is the section from Florida Statute 720 regarding record inspection:

(5) INSPECTION AND COPYING OF RECORDS.—The official records shall be maintained within the state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or, at the option of the association, by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained,

it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

(a) The failure of an association to provide access to the records within 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association willfully failed to comply with this subsection.

(b) A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are to be \$50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.

(c) The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this paragraph, the following records are not accessible to members or parcel owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including, but not limited to,

a record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association or management company employee or budgetary or financial records that indicate the compensation paid to an association or management company employee.

4. Medical records of parcel owners or community residents.

5. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address.

Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

6. Any electronic security measure that is used by the association to safeguard data, including passwords.

7. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

(d) The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current parcel owner or member for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed \$150 plus the reasonable cost of photocopying and any attorney fees incurred by the association in connection with the response.

FENCE AND HEDGE POLICY

The Board of Directors has adapted the following policy to be followed when approving all fences or hedges in Caloosa Trace

Approved March 20, 2019

1. No fence or hedge of any type can be installed without approval of the Board of Directors. Each request for approval must include the following:
 - a. Drawing of the proposed installation showing all measurements from structures, property lines and easements and adjoining homes.
 - b. Picture or sample of materials including height
 - c. Copy of property survey
2. Privacy fences must be installed under permit by Lee County.
3. All fencing materials must be white vinyl PVC/plastic, maintenance free
4. Fencing or hedges shall not exceed six feet in height
5. Fencing may encompass the backyard of home only, up to but not extending beyond the back corners of the structure of the home
6. Fencing must have at least one gate for access
7. Fences need to be washed from time to time to maintain appearance.
8. Fencing and hedges must maintain original installation integrity, or be repaired or replaced if damaged at any time after installation.
9. Fencing may be placed around A/C equipment, trash cans or other items similar in nature.

DRIVEWAY EXTENSION POLICY

The Board of Directors has adapted the following policy to be followed when approving all driveway extensions in Caloosa Trace. For the purposes of this policy, we define a driveway extension as materials added to the existing driveway to widen it.

Approved: November 14, 2018

1. No driveway extension of any type can be installed without approval of the Board of Directors. No work on any extension can commence until written approval is given by the Board of Directors. Each request for approval must include the following:
 - a. Drawing of the proposed installation showing all measurements from structures, property lines and easements and adjoining homes.
 - b. Picture or sample of materials
 - c. Project start and end dates
2. Driveway extensions may not extend beyond the width of the garage. This includes all materials used to secure the pavers or other extension materials.
3. No **permanent** extension materials such as concrete or asphalt can extend over the 6' front property easements without the approval of Lee County and/or the local utilities. Homeowners should be aware that any materials use to extend the driveways beyond the six (6) foot easements can be removed by any utility company and replacement will be at the homeowner's expense.
4. By giving approval for the driveway extension, Caloosa Trace Board of Directors assumes no responsibility for any damage to or encroachment upon adjoining properties or easements.
5. The Board of Directors reserves the right of final inspection.
6. All approvals expire 6 months from the original approval date. If the work has not been completed within 6 months, the homeowner must stop all work and submit a new request.

Request for ARC Review Policy 2018

BoD = Board of Directors PM = Property Manager

1. **All** changes to the exterior of any property in Caloosa Trace must be approved by the BoD. Homeowners must submit a Request for ARC Review to the board or PM. In all cases, both PM and the BoD should be notified each time a request is received and copies of the request should be distributed to both groups.
2. Homeowners may submit a Request for ARC Review by US Mail (certified or 1st class), personal delivery to PM or a BoD member, or by a request at a scheduled BoD meeting. The Board can elect to accept requests submitted from the floor at a BoD meeting. They have the option to review the request and make a decision at the time of the meeting or postpone review until a later date. The date and method of receipt must be noted on the request form by the person receiving the request and any accompanying materials.
3. PM will send a letter and/or email to the homeowner stating that the request has been received and a decision will be reached within 30 calendar days.
4. Minor exterior paint or roofing changes that do not have a significant color change or have an acceptable color changes can be approved by PM. Any construction or structural change to the house, driveway, patio or lanai areas or that involve fencing requires BoD approval. If PM elects to review a request, they must forward the request and their decision to all BoD members. Within 2 business days, any of the board members can request that PM turn the request back to the BoD for their review. PM will forward appropriate documentation and materials to the BoD. The board will then make their decision on the request within 5 calendar days. If the BoD does not agree on action to be taken, the President or a majority of the BoD can request an emergency meeting to discuss the request or can elect to postpone a decision until the next scheduled BoD meeting. Once a decision on the request has been made, the information will be sent to PM so they may do notification.
5. Within 30 calendar days, PM will notify the homeowner of the decision via regular US Mail and also by email if requested by the applicant.
6. All requests that are submitted and/or reviewed by the PM or BoD will be presented at the next scheduled BoD meeting and note of the request and status will be entered into the minutes of the meeting.

Caloosa Trace VIOLATION and Fining Policy

Revised 11.16.2022

BoD = Board of Directors PM = Property Manager

Policy to be followed when reporting violations and issuing violation notices

1. One or more PM or BoD members may observe a violation and requests a courtesy violation notice for a specific address. If a homeowner reports a violation, PM or a BoD member needs to monitor the violation and determine if it is a valid violation and a notice is warranted.
2. If more than one violation is reported at the same address, each violation will receive a separate notice.
3. PM will keep record of violations including nature of violation, date noted, address, and will communicate with board.

COURTESY VIOLATION NOTICE

4. PM will send a **Courtesy Notice** listing the specific violation and section from the Restrictive Deeds or Bylaws that pertains to the violation. The notice will describe the violation and advise the homeowner that they must correct the violation by a specific date or they will receive a **Final Violation** notice. This notice will direct the homeowner to contact PM or the BoD if they question the violation or have extenuating circumstances why they cannot correct the violation within the specified time. The notice will remain in effect for 12 months from the date of the letter. The **Courtesy Notice** is sent out Certified Mail. If the property is a rental, an informational notice is also sent to the renter using regular mail. All **Courtesy Notices** and **Final Violation** notices should have pictures of the violation attached. An entry is made into the violation log by the PM.
5. PM or the BoD will monitor each violation after the date given in the **Courtesy Notice** has passed. If it is not permanently corrected, PM will issue a **Final Violation**.

FINAL VIOLATION NOTICE

6. **Final Violation Notice** is sent whenever a violation is not corrected by the date given on the **Courtesy Notice**. This notice will list the specific violation, the section from the Restrictive Deeds or Bylaws that pertains to each violation and specify a date not less than 14 calendar days from the mail date for the violation to be corrected.
7. Final notices are sent certified US Mail/ return receipt requested. An informational notice with a copy of the **Final Violation Notice** is also sent to any tenants at the address using regular US mail.

FINING

8. The notice will advise the homeowner that they have an uncorrected violation and if it is not corrected within 14 calendar days, a fine may be levied by the board for

each day of continuing violation, with single notice and opportunity for hearing, except the fine may not exceed \$100 in the aggregate. A fine of less than \$100 may not become a lien against a parcel.

9. Homeowners have 14 days to request a review of fines by the fining committee.
10. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the non-prevailing party as determined by the court.
11. Recurring violations that have previously been cited and corrected at the same address with same owner within 12 months do not need to start the process over. If the homeowner previously corrected a violation after a **COURTESY NOTICE** or a **FINAL VIOLATION NOTICE**, and has the same violation again within 12 months, a fine may be levied by the board for each day of continuing violation, with single notice and opportunity for hearing, except the fine may not exceed \$100 in the aggregate. A fine of less than \$100 may not become a lien against a parcel. Homeowners have 14 days to request a review of fines by the fining committee. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the non-prevailing party as determined by the court
12. Fining notices are sent certified US Mail/ return receipt requested. An informational notice with a copy of the **Final Violation Notice** is also sent to any tenants at the address using regular US mail.