

BUCKHEAD HOMEOWNERS ASSOCIATION OF TALLAHASSEE, INC.

A Corporation Not-for-Profit

REQUEST TO CONSTRUCT/ ALTER PROPERTY

This packet includes a “**Consent and Agreement for Covenants Compliance**” document which serves as your request to construct or alter a lot or property with the Buckhead Subdivision of Tallahassee, Florida. This includes a Checklist which outlines the required materials and information that will be necessary to file with Buckhead’s Architectural Control Committee (“ACC”) for review and approval prior to the commencement of any vegetation removal, site grading or construction. This packet also includes a copy of the Association’s published architectural standards and guidelines.

As stated in the Association’s Declaration of Covenants, Conditions and Restrictions (“Covenants”), the purpose of vesting the ACC with authority to approve or disapprove plans and specifications for all construction or alterations on Buckhead lots is to *maintain the value of all lots and to protect all owners against a diminution of value resulting from the construction of a residence or other structure incompatible with the proper development of the properties*. The Covenants vest the ACC with the authority to disapprove any plans or specifications which it believes to be contrary to this purpose and such disapproval is at the sole discretion of the ACC.

Please note that your request must be submitted in writing to the ACC. **Three copies** of all plan documents referenced on the Checklist are required. **All required sample materials** must accompany the submission of this request and required plans. Please submit your complete request package to **Shirley Kerns, Acting Chair, 4550 Timberloch, Tallahassee, FL 32309**. You may also submit your request package by hand-delivery, however we request that you contact Shirley by email at **shirley@penningtonlaw.com** to advise her of your intent to drop of a delivery. Lastly, please review these materials in their entirety and do not hesitate to contact Shirley should you have questions prior to completing and submitting your request. While it does not typically require 60 days, the Covenants afford the ACC up to 60 days to complete its review and render its decision. If a submission is incomplete upon initial review and, therefore, must be supplemented in order to render it complete, the ACC’s review time is suspended until the submission is deemed complete.

We look forward to reviewing your plans to add to the beauty and integrity of the properties in Buckhead !

The Board of Directors
Buckhead Homeowners Association of Tallahassee, Inc.

Consent and Agreement for Covenants Compliance

BUCKHEAD HOMEOWNERS ASSOCIATION OF TALLAHASSEE, INC.

A Corporation Not-for-Profit

REQUEST TO CONSTRUCT/ALTER PROPERTY

The undersigned requests approval to construct ___/alter___ the property located on Block ____, Lot ____, of the Buckhead Subdivision in Tallahassee, Florida and submits the following true and correct information and supporting documents and materials in support of the request:

1. Please provide a brief description of proposed construction/alternation. (a material change to a construction or design element that is/was subject to ACC approval originally is also subject to ACC approval.

2. Have you reviewed the Declaration of Covenants, Conditions and Restrictions (“Covenants”) and published architectural Guidelines (“Guidelines”) for Buckhead Subdivision and do you agree to comply with guidelines and covenants? ***(These are available on the Buckhead HOA’s website. Please do not submit this request unless you have done so and are able to affirmatively respond to this question.)***

3. Does the construction/alteration comply with the Covenants and Guidelines?

4. Name and address of person designing proposed construction/modification.

5. Name of Contractor _____

6. Name and Contact Information of Designated Representative of Contractor

Name _____ Email: _____

Cell # _____ Office # _____

Respectfully submitted this _____ day of _____, 20____.

Printed Name of Owner

Signature of Owner

Printed Name of Owner

Signature of Owner

****BOTH OWNERS MUST SIGN IF JOINTLY OWNED. IF OWNED BY AN ENTITY, MUST BE SIGNED BY AN OWNER, OFFICER OR DIRECTOR OR COMPARABLE POSITION WHO POSSESSES THE AUTHORITY TO BIND THE ENTITY IN LEGAL MATTERS.**

IMPORTANT NOTE: With this request and agreement, you are required to attach all items identified on the Documents and Materials Required to Be Submitted Checklist that is contained on pages 3 through 5 of this document.

REQUEST TO CONSTRUCT/MODIFY PROPERTY
Documents and Materials Required To Be Submitted
CHECKLIST

Instructions: Identify, by marking the applicable box, each item that is being enclosed with this submission. If you believe that an item is not applicable to your particular request, please be sure to specifically mark it as "N/A" and provide a detailed written explanation for each such item. If the Architectural Control Committee does not agree with your classification as "not applicable", you will be notified of this in writing or a request for additional documentation will be made.

All plans below must be prepared by an architect, engineer, draftsman or other appropriate professional.

A. SITE & GRADING PLAN: showing:

- north arrow
- accurate lot lines with dimensions, metes and bounds
- all buildings, drives, parking areas, sidewalks and all other improvements
 - driveways may not be nearer than one foot to an interior lot line
- the location and identification of all trees and vegetation to be removed or destroyed including a tree protection and removal plan
 - This plan should be accompanied by a narrative with sufficient detail and graphic depiction so as to provide a clear description regarding the manner in which trees that are to remain will be protected as well as the manner and timing of removal of trees from the site.
- setbacks minimums:
 - 40 feet from front lot line – Phase III
 - 45 feet from rear lot line – Phase III
 - 20 feet from side lot line – Phase III

 - 50 feet from front lot line – Phases I and II
 - 60 feet from rear lot line – Phases I and II
 - 20 feet from any side-interior lot line – Phases I and II
 - 35 feet from any side street line – Phases I and II
- easements, rights-of-way contiguous to any lot
- building footprint with overall dimensions and distance between proposed structures and property lines
- landscape areas, hardscape areas, pools
- fences or walls with dimensions, materials and design
 - fences and walls may not exceed 6 feet in height
 - fences and walls may not be located nearer than two inches to a lot line.
- location of all exterior equipment including, but not limited to,
 - electrical meter,
 - air conditioning condenser, including proposed method of screening from view of street(s) and all adjacent lots (*may be located on rear or side)
 - trash and recycle containers, including proposed method of screening from view of street(s) and all adjacent lots, if they will not maintained within a closed garage

- propane tank, (if any, not including portable grills)
- pool equipment, (if any)

B. BUILDING PLANS - ¼" scale showing:

- Minimum square footage as follows:
 - 2,500 square feet in Phase III; or 2,250 in Phases I or II, exclusive of open porches patios, terraces, storage areas and garages
 - At least 1,200 square feet is required on the first floor for a dwelling of more than one story, exclusive of patios, terraces, and other areas not under the common roof, but inclusive of open porches, storage areas and garages under the common roof.
 - Dwellings may not have more than two and one-half stories, excluding basements.
- all floor plans
- front, side and rear elevations showing all exterior openings
- roof plan, with pitch of roof of **6/12** or greater.
- Porches, Lanais, or other similar spaces including any proposed enclosures of same

C. EXTERIOR FINISH TIMELINE AND SCHEDULE showing material, style and color for all surfaces, together with representative samples* of same

- brick
- stone
- hardee board
- stucco
- roofing
- paint
- Other (please specify) _____
- Acknowledgement that exterior of residence and any detached building must be completed within nine (9) months from the date construction, (inclusive of lot clearing), has begun. This requirement is not, and may not, be contingent upon the occurrence of a sale; or receipt or availability of funds resulting therefrom.

**all samples must be provided in accurate color*

D. PRELIMINARY LANDSCAPE PLAN – minimum 1/8" scale showing:

- landscaped areas including species (if decided)
- hardscape areas
- fences
- outdoor lighting (if any)

E. FINAL* LANDSCAPE PLAN in 1/16" or 1" to 30' scale showing:

- north arrow
- plant schedule indexed to plan showing location, quantity, species, and planting size of material
- all trees with 6" or greater caliper and protection zone including trees that encroach
- decorative/landscape outdoor lighting, (if any)
- landscape water features (if any)
- accurate lot lines with dimensions
- location of all items referenced in the SITE & GRADING PLAN above.

The Final Landscape Plan may be submitted for approval after construction commences. However, it must be approved and fully implemented prior to occupancy. An extension of up to 30 days to implement may be granted if it is recommended, in writing, by a certified arborist, landscape designer or other similar credentialed professional that opines that such would be in the best interest of the survival of the plant material to be installed. **See approved Guidelines and Standards below.*

F. MAILBOX DESIGN AND MATERIALS showing:

- Exterior design and style
- Exterior material
- Color

**any samples provided must be provided in accurate color*

Documentation relating to design, color and finish of the proposed mail box may be submitted for approval after construction commences. However, it must be approved and fully implemented prior to occupancy.

****BOTH OWNERS MUST SIGN BELOW IF THE SUBJECT LOT IS JOINTLY OWNED. IF OWNED BY AN ENTITY, THIS MUST BE SIGNED BY AN OWNER, OFFICER OR DIRECTOR OR COMPARABLE POSITION WHO POSSESSES THE AUTHORITY TO BIND THE ENTITY IN LEGAL MATTERS.**

Your signature(s) represent that you have read and completed this Checklist, and that you have either provided each required element or you have provided a narrative explanation of any item that you believe to not be applicable to your construction request. Your signature(s) also confirm that you understand and will comply with the requirement to furnish a Final Landscape plan and will implement such plan as approved by the ACC prior to occupancy or pursuant to any applicable extension granted by the ACC. Your signature(s) also confirm that you understand and will construct, or cause to be constructed or installed, a mailbox as approved by the ACC, prior to occupancy. Your signature(s) also confirm that you understand that the exterior of all residences or must be completed within nine months after commencement of construction.

Buckhead Lot _____ Block _____		
_____ Printed Name of Owner	_____ Signature of Owner	_____ Date
_____ Printed Owner's Name	_____ Signature of Owner	_____ Date
<p>I/we understand that any resulting approval relating to this request requires that the contractor designated by you in your submission, sign an acknowledgment and agreement to comply with the Covenants and published guidelines of the Association. I/we further understand that I/we am/are responsible for any damage resulting from the construction/modification or violations of the Covenants and published guidelines; and that in the event that you fail to comply with the Covenants and/or the conditions of this approval, that the Association may enforce such consistent with the Covenants and the prevailing party shall be entitled to recover attorney's fees and costs incurred in such enforcement.</p>		

GUIDELINES AND STANDARDS

The following are guidelines and standards authorized by the Declaration of Covenants, Conditions and Restrictions for Buckhead Subdivision and which govern architectural design and construction/alterations in Buckhead.

1. Harmony of exterior design with the existing or proposed construction/improvements to the lots and the overall properties

Architectural design and exterior materials that are the same or of a substantially similar nature or style as that which is already present or under construction on the five nearest lots, are not permitted. For purposes of this evaluation, the “nearest lots” are considered to be those that are contiguous to the lot that is the subject of this submission. “Nearest lots” also include those that are located across the street from the lot that is the subject of this submission where the front door entrance can be readily seen from the subject lot.

2. Character and quality of exterior construction/alterations

Character and quality of exterior construction/alterations will be assessed based up a review and evaluation of the distinguishing features, attributes and characteristics of the proposed dwelling structure. Proposals which are not consistent or in architectural harmony with existing structures in Buckhead will be not be permitted.

3. General quality in comparison with the existing construction/alterations

The general quality of construction materials of the proposed construction will be evaluated relative to existing structures in Buckhead. Proposals that are not of the same or substantially similar quality will not be permitted.

4. Location in relation to surrounding construction/alterations

Applicable setbacks are required:

- 40 feet from front lot line – Phase III
- 45 feet from rear lot line – Phase III
- 20 feet from side lot line – Phase III

- 50 feet from front lot line – Phases I and II
- 60 feet from rear lot line – Phases I and II
- 20 feet from any side-interior lot line – Phases I and II
- 35 feet from any side street line – Phases I and II

5. Location and changes in relation to topography

Any documented physical or natural features of the subject land that prevents or significantly inhibits construction will be taken into consideration when reviewing a proposal.

6. Aesthetic considerations

Colors of proposed exterior material that are the same or substantially similar to that which is already present or under construction on the five nearest lots, as described in #1 above, will not be permitted.

7. Landscape Plan

All new construction landscaping shall have, at a minimum, the following:

Foundation Plantings:

- Ten – 5-gallon plantings for each 20 foot by 4 foot linear run to include the entire front elevation of the residence, including the garage.
- Three - 45-gallon trees in front of residence.

The ACC may approve a plan that provides for alternative quantities and size plantings if, in its judgment, the final plan yields substantially comparable treatment of the subject landscape. The ACC may also consider the size and location of existing trees or other vegetation that will remain following completion of construction.