

VENETIAN BAY HOMEOWNERS ASSOCIATION, INC.
424 Luna Bella Lane Suite 121-A
New Smyrna Beach, Florida 32168

**DESIGN REVIEW COMMITTEE (DRC)
RULES AND REQUIREMENTS**

Revised August 18, 2020

The following Rules and Regulations are subject to change depending on conditions, available materials and other such criteria that require consideration by the Design Review Committee (DRC). Initial submittal by the Homebuilder shall include:

- a) Plot Plan (Include Lot Number and Address)
- b) Floor Plan and Elevations (All four sides)
- c) Landscape, Irrigation and Exterior Lighting Plan
- d) Colors (From approved palette)
- e) Roofing Materials shall be decided prior to DRC submittal

The floor plans, elevations and landscape plans for all models must be provided to receive final DRC approval. Email submittals are encouraged.

Vacant Lots sold to someone other than a developer approved builders, must submit all necessary paperwork as all builders and residents are required to submit. Commencement of the construction of a new home must take place within one year of purchase (the "Commencement Date"). The purchase date shall mean the date affixed to the Buyer's Deed. The Commencement Date may be extended by an additional 12 (twelve) months, provided the owner receives a waiver in writing from the DRC. The completion of the home must be within 8 (eight) months of the issuance of building permits by the City of New Smyrna Beach. Completion shall be as evidenced by the Certificate of Occupancy (CO) which is also issued by the City of New Smyrna Beach. In addition to all other remedies provided by the Association's Declaration of Covenants & Restrictions, Articles and Bylaws and the Laws of the State of Florida, with respect to the Association's authority to impose a monetary fine against a violator's lot; the Association shall be authorized to levy a fine against a Lot and Owner in violation of this policy in an amount not to exceed \$1,000 per month if construction of an approved dwelling unit has not been timely commenced and said fine shall be deemed reasonable for this policy.

Submittals by homeowners or their subcontractors must include a copy of the survey with the improvements shown. The color, style and, dimensions of the improvement either on the survey, or on a separate page with the information must be submitted. The name and address of the applicant must be

provided. In most cases, after approval by the DRC, a permit must be issued by the City of New Smyrna Beach.

1. Roofs

- a) Roofs must be cohesive with the surrounding homes within that neighborhood/sub-association (i.e. Barrel tile, shingle, etc.)

2. Fences

- a) Approved fence materials shall be:
 - 1. White vinyl, white PVC, white wrought iron, or black wrought iron as outlined below.
- b) Perimeter fences must be installed either on the property line or 3 (three) feet inside of the property line.
 - 1. Fencing may not extend beyond the front plane of the house to the street.
- c) Fences shall be allowed on all lots or part of a pool enclosure.
- d) Solid fences may be up to 4-5 (four to five) feet solid with an additional 1-2 (one to two) foot lattice but shall not exceed a total of 6 (six) feet in total height.
- e) Solid privacy fences up to 6 (six) feet in height are only allowed from the front plane of the primary structure to the rear plane of the primary structure.
- f) No fence shall be constructed as to interfere with the drainage pattern in the area or to obstruct the view from waterfront properties.

3. Pools and Spas/Hot Tubs

- a) No above ground pools shall be allowed.
- b) In ground pools and hot tubs shall be installed as permitted by the City of New Smyrna Beach. Trim tile colors may not be of a reflective or florescent nature.
- c) Stand-alone Hot Tubs are permitted in the rear of the property and must be shielded from view from neighboring properties.

4. Sidewalks and Driveways

- a) Driveways may be concrete or brick pavers.
- b) Driveways may NOT be painted.
- c) Sidewalks will be as allowed by the City of New Smyrna Beach; either concrete or brick pavers.
- d) If pavers are used, the color must blend with or complement the color palette approved for the specific builder/neighborhood.

5. Screen Enclosures/Sunrooms (Solariums)

- a) Framing for screen enclosures must be white or bronze.
- b) Screen materials must be charcoal or black.
- c) Screen enclosures may be no closer than 5 (five) feet to the rear property line.
- d) No solid materials shall be used above 4 (four) feet in height.
- e) Metal roofs shall not be allowed.
- f) Materials that are of similar color as the screen or translucent may be used as roofs.

- g) Sunrooms/Solariums are not permitted.
- h) Screen doors are not permitted on garages.

6. LP Gas Tanks & Generators

- a) In-ground LP tanks are permitted if State and Local codes are met.
- b) Above-ground LP tanks are permitted if they are unable to be buried, and only if fully screened from all angles with either landscaping or approved fencing materials at the time of installation.
- c) Whole-home generators must be shielded from view from all angles. Equipment must be shielded with either solid fencing or landscape materials.

7. Awnings & Hurricane Shutters

- a) Hurricane Shutters for protective purposes are permitted.
- b) Accordion Shutters are permitted.
- c) Hurricane Shutters may only be closed during periods of imminent threat of a tropical storm or hurricane. Shutters must be removed within 14 (fourteen) days of a passing storm.
- d) Decorative Awnings are permitted on the rear of the property only.
- e) Decorative Shutters (plantation or otherwise) are permitted.
 - i. Colors must be within approved color palette.
 - ii. Style must be harmonious within the neighborhood.

8. Outbuildings; Accessory Structures; Flag Poles

- a) Outbuildings or Accessory Structures closer than 10 (ten) feet to the rear and side property lines shall not have any solid walls or materials above 4 (four) feet in height.
- b) Outbuildings or Accessory Structures, such as cabanas or storage buildings must be constructed with the same materials and in the same style as the primary residence on the lot. Per Section 2.3 of the Declaration, *“Non-Permitted Structures and Vehicles. No vehicles and no structure of a temporary nature or character, including, but not limited to, boats, trailers, house trailers, mobile homes, campers, recreational vehicles, tents, shacks, sheds, barns or similar structures or vehicles shall be used or permitted to remain on any Lot.”*
- c) Flags: Only flags as allowed (size and type) under Florida Statute 720.304 are permitted. House-mounted flag poles with standard size American Flags do not require DRC approval. Permanent free-standing flag poles are permitted, but require DRC approval. SMALL (under 3' & ½' in diameter), temporary (easily removable), decorative (seasonal or holiday), flags and poles may be placed in gardens or close to the home without review.

9. A/C and Pool Equipment; Solar Panels

- a) A/C units and pool equipment shall be screened from view using fencing and/or landscape materials.
- b) Window A/C units are not permitted.
- c) Solar heating panels are allowed, but placement is restricted to the sides and rear of the homes.

10. Paint and Exterior Colors

- a) Exterior colors shall be color matched from the 2018 Sherwin Williams deck (Barcode 6508-93712 CS 09/18).
 - a. Approved colors are found on the following pages within the above-mentioned color deck: 140-141, 191-250, 251-253 (trim/accent only), 254-274, 282-294.
 - b. The approved color deck is available in the HOA office, at the local Sherwin Williams store in New Smyrna Beach, and online at <https://www.sherwin-williams.com/homeowners/color/find-and-explore-colors/hoa>.
- b) All homeowners and builders throughout all neighborhoods must choose colors from the approved palette and obtain DRC approval.
 - a. Builder approved themes are also available to homeowners upon request. Samples are located in the HOA office.
- c) Exterior paint colors shall remain harmonious and follow the general theme within each sub-division (Coastal, Tuscan, Neutral, etc.).

11. Landscape, Irrigation and Lighting Plan Required

- a) Landscape materials shall be installed and maintained in general conformance with the approved plan. Minimum requirements for materials are 2 (two) trees, 2 (two) under-story trees and 20 (twenty) shrubs.
- b) Irrigation shall provide 100% coverage to the landscaped and sodded areas, and not over-spray on impervious surfaces or neighboring properties.
- c) Landscape and sodded areas shall be maintained in a neat and healthy manner.
- d) Landscape lighting must be approved by the DRC and shall be positioned in such a manner as not to be offensive to adjacent properties.
- e) Lawns on waterfront lots shall be maintained by the adjacent lot owner to the waterline.
- f) Trees installed between the sidewalk and the street (right of way) must be installed as per the PUD agreement with the City of New Smyrna Beach (22.2.2). NOTE: Several PUDs exist within the Venetian Bay community.
 - a. Any removal or installation must be approved by Venetian Bay's DRC Committee, as well as a permit obtained from the City of New Smyrna Beach.
- g) Maintenance of the trees, including right-of-way trees not located within a Common Area, are the responsibility of the homeowners.
- h) Sod shall be St. Augustine in all sub-divisions, except for Portofino Estates, which shall be Bermuda grass.
- i) Shrubs or other landscaping shall not be installed whereby it blocks the view of the pond and/or fountain from an adjacent lot owner or future lot owner.
- j) Landscape/Exterior Lighting shall not be intrusive, point towards neighboring homes, or inhibit the view of street traffic.

12. Children's Recreational Equipment

- a) Portable Basketball Backboards are permitted. They may be used in the front yard driveway. They should be stored in the side yard when not in use and secured or removed during events of severe weather.
- b) Children’s Recreational equipment (swing-sets, trampolines, etc.) is permitted in rear yards only. The equipment should be positioned behind the rear of the home to screen it from the street.
- c) Equipment placed in rear yards, backing up to Airport Road or other streets, requires landscaping or fencing to hide the equipment from view of the street and secured or removed during events of severe weather.
- d) On waterfront lots, Children’s Recreational Equipment should not be visible from the opposite bank.

13. Mail and Newspaper Receptacles

- a) Only approved USPS cluster style mailboxes are permitted.
- b) Individual newspaper receptacles are not permitted.

14. Miscellaneous Other Rules

- a) There shall be no hunting or fishing anywhere within the Venetian Bay community. As such, no building of tree stands, or hunting blinds are allowed. Demolition of structures will be at the expense of the violator and may be subject to fines and other penalties.

15. Single Family Residential Sign Standards

- a) The purpose of standards for signs within the Venetian Bay community is to ensure the community maintains its neighborhood character. To this end, it is important that sales activities within the community do not interfere with the homeowner’s enjoyment of Venetian Bay’s natural beauty. Sign Standards shall be enforced by the Venetian Bay Design Review Committee. All signs shall be in conformance with the designated Venetian Bay colors, size and design as follows:
 - i. Colors: Beige background with dark brown Venetian Bay logo. Dark brown lettering.
 - ii. Size/Design: Signs shall not exceed 18” by 24”, shall be vertically orientated with a rounded top and the Venetian Bay Logo. (Example shown above)
 - iii. Mounting/Placement: The sign shall be mounted on a dark brown matching post. The sign shall be installed so the top is a maximum of 42” from grade.

16. Site or Lot Signage Standards

- a) Only one sign is allowed for each individual lot indicating that it is for sale, rent, or lease. A sign rider not exceeding 3” by 18” may be attached to the bottom of this sign. Please find specs and sample design below.
- b) Signs up to sixteen (16) Square Feet are allowed in front of homes being used as a sales center, identifying it as a sales center and including hours of operation.
- c) The sign shall be installed so the top is a maximum of 42” from grade.
- d) New neighborhoods under development can be identified by a sign not exceeding 4’ by 8’, which sign shall be removed upon the earlier of (a) installation of a permanent neighborhood entrance

sign, or (b) within 90 days of completion of the first home in the new neighborhood. These signs shall be installed so that the top of the sign is no more than 6’feet above grade. ALL ENTRANCE SIGNAGE IS SUBJECT TO PRIOR APPROVAL OF THE DESIGN REVIEW COMMITTEE.

- e) No vendor, subcontractor or financial institution signage is allowed at any time. Builders should inform all suppliers and subcontractors of this restriction and ensure that no signs are placed on their constructions site. Unauthorized signage will be removed and discarded without notice.

The approved sign is shown below:



[Sample Sign]

Content of Signs:

For Sale-For Rent-or Available

Real Estate Company or By Owner

Telephone Number

Additional Information