

**CYPRESS GATES
PROPERTY OWNERS ASSOCIATION
ARCHITECTURAL REVIEW GUIDELINE**

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**Cypress Gates Property Owners Association
Architectural Review Committee Guidelines
October 16,2023**

1. **MEMBERS:** The members of the Architectural Review Committee (ARC) are elected each year by the residents according to Article V of the Declaration of Protective Covenants for Cypress Gates Property Owners Association.
2. **PURPOSE:** The purpose of the ARC is to ensure that any changes made to a residence are in keeping with the original architectural design theme for the subdivision. An architectural and landscape plan was submitted to the ARC and approved before construction of each home started, and the design elements using earth-tone colors and native plants and shrubs were carefully crafted to provide a harmonious and uniform appearance for each home incorporating as much of a natural appearance as possible.
3. **GUIDELINES:** Over time, residents may wish to make architectural and/or landscaping changes to their homes, so the ARC has developed the following guidelines to help you understand which changes require pre-approval and what information should be provided so that we can ensure that the changes are in keeping with the original architectural design theme for the subdivision and to protect your property values.

If you have any questions or if you have a matter that is not addressed below, please contact the ARC Committee before proceeding. If we all work together, we can ensure that our community remains attractive and well maintained.

4. **BUILDING PERMITS:** The ARC committee will determine if a building permit is required. When approval is received from the ARC committee it is contingent upon providing a copy of the building permit from the City of Foley.
5. **INFORMATION REQUIRED:** All requests must include the following information:
 - a. Property Owners Names and contact information.
 - b. Address and Lot Number. Drawing showing location of planned project. Most residents receive a plat drawing at the time of closing which shows all setbacks and easements. Please use a copy of this drawing or something similar so that the ARC can see the location of your planned project.
 - c. Dimensions of planned project. Materials and colors to be used.
 - d. Information on contractors, license, insurance, city ordinance and permits required.

6. **APPLICATION FOR APPROVAL:** An application for approval must be submitted to and reviewed by the Architectural Committee prior to the installation or erection of any **oversized** exterior decorative objects, natural or manmade.

Oversized decorative objects are defined as any object exceeding 36 inches in height and 14 inches in either width or depth and includes, but is not limited to, such items as sculptures, fountains, driftwood, pottery. Oversized decorative objects will be considered based on their size, color, scale, location, compatibility and environmental design qualities and their visual impact of adjoining lots.

The Architectural Review Committee has total authority to permit or deny requests based on various factors including but not limited to location, obstruction of view of other lot owners, easements, setbacks, materials, and size:

- a. Among items that should be excluded are anything highly personalized, valuable, and potentially offensive.
 - b. Non-Compliance – Decorative items that don't comply with this policy may be placed in the back yards. Please note that large items and potentially offensive items placed in the back yard will be subject to policy if they are visible to the neighbors or the community in general.
 - c. Garden flags shall not be considered signs for the purpose of sign regulation. Small garden decorations/ornaments do not require ARC approval, but we request that these blend with the natural components of the landscape. We suggest items that are found in nature such as birds, turtles, rabbits, etc.
 - d. For anything larger such as a birdbath, weathervane, large vase, or ornamental item, please check with the ARC Committee before proceeding. We are very agreeable as long as the item provides a harmonious appearance with the neighborhood.
7. **SUBMISSION:** Please submit your Application for Approval via e-mail to: cypressgatesarc@gmail.com.
 8. **TIMELINE:** Per the Covenants, the ARC will reply within 14 days, but it is normally sooner than that timeframe.
 9. **Items not Requiring ARC Approval:**

These items do not require pre-approval by the approval by the **ARC but can be required to be removed if not within guidelines:**

- a. Gutters – provided the **color is the same** as the house aluminum fascia/soffit – all other colors should be presented to the ARC for approval.

- b. Storm Doors – provided the color blends with the overall color scheme of the residence.
- c. Items that are being replaced due to wear (shingles, windows, doors, etc.) that are of **substantially the same color** and material as that being replaced. (Refer to Cypress Gates POA Covenants, Article III for additional information.)
- d. Small flowers, plants, or shrubs
- e. Trees with expected growth of less than 15-20 feet in height at maturity
- f. Lawn ornaments or decorations less than 18 inches in height or diameter that meet the recommendations identified below under “Landscaping”

Any architectural/landscaping changes not listed above must be pre-approved by the ARC before starting.

10. Items Requiring ARC Approval

Any deviations from ARC approved requests may result in a lien of property

- a. Any structural modification
- b. Fences
- c. Retaining Walls
- d. Driveways
- e. Garbage Can Enclosures
- f. Large Tree Plantings
- g. Landscaping – see details in Landscaping section below
- h. Decks
- i. Patios
- j. Porch additions or enclosures
- k. Shutters/Hurricane Shutters
- l. Exterior Painting
- m. Detached Buildings
- n. Flagpoles
- o. Dog houses

11. LANDSCAPING

- a. Per the protective covenants of Cypress Gates – Article V Architectural Control, Item 3 – Landscape – “Plans for all landscaping shall be provided to the ARC for all portions of the Lot. Lot Owners are encouraged to maintain their landscape in as much of a natural environment as practicable....”
- b. Landscaping includes grass, trees, shrubs, mulch, stone, rock, or any type of decorative item that is placed in your yard which is in the public view. The

natural plants, flowers and shrubs should be the focal point of your landscaping. When considering making changes to your landscape, please take into consideration the public view and the view of your neighbors. If your home abuts the pond, the Lot Owner must maintain the landscaping to no more than 4 feet in height to avoid blocking the view for your neighbors.

- c. Non-invasive plantings such as flowers and shrubs do not require ARC approval. Provided they do not interfere with a neighbor’s view of the pond, street, or park are planted no less than five (5) feet from the adjoining property lines.
- d. Small trees that will grow to a height of less than 15-20 feet at maturity do not require ARC approval. Provided they do not interfere with a neighbor’s view of the pond, street, or park are planted no less than five (5) feet from the adjoining property lines.
- e. Borders - Rock or paving borders should blend with colors of the house.

12. YARD ART:

Yard art is defined as items that are manmade, or some natural items not in native settings or/and form; as opposed to landscaping materials such as rock, living plants, shrubs, trees, and flowers. This policy includes items placed in front and side yards, sidewalks, driveways and mounted on gates, walls, and housing structures.

Yard art should be a preferred Coastal Theme. The objects should complement homes rather than outshine them. A limited number of decorative items should be used. In most cases, six (6) items will be the maximum. (Refer to Cypress Gates POA Covenants, Article III for additional information.)

- a. **PROHIBITED:** The following is a partial list of prohibited lawn ornaments:

Artificial Flowers	Bowling Balls	Cannons
Gargoyles	Gnome	Oriental Lanterns
Pagodas	Shadow People	Skulls
Train sets		

13. FLAGS:

- a. **Garden flags** shall not be considered signs for the purpose of sign regulation. A small garden flag may be displayed and may include words such as “Welcome”, “Merry Christmas” and does not require approval but other wording may be considered a sign. The Board has indicated that they will allow small garden flags with seasonal or holiday salutations. Please check with the ARC before displaying.

- b. **UNITED STATES/MILITARY/ENFORCEMENT FLAGS:** The ARC has approved such flags as long as the codes that belong to each flag is followed. Flags should not exceed three (3) feet in height or five (5) feet in length.
 - c. **SPORTS FLAGS:** We know everyone loves to support their favorite sports teams. In addition to the aforementioned garden flags, the Board has indicated they will not object to additional team emblems **on game day only**, provided they do not exceed 20" in height or circumference. One sports flag can be flown on game day and must be removed promptly after game day.
14. **COMPANY VEHICLE SIGNS:** Residents that drive a company vehicle with advertising on the sides may park the vehicle in the driveway.
15. **FENCES:** Fencing must be black decorative aluminum no more than 4' tall. Lake lots must use all black decorative aluminum fencing. All Lots backing to woods may be granted approval of a 6' wooden fence on backside of lot. Side fencing on all lots must be black decorative aluminum. Fences must be at least 10 feet from front corner of house. No fences shall be located on the front portions of any Lot.
16. **GARBAGE CANS:** Garbage cans kept outside must be hidden from view. The ARC Committee permits trash can enclosures to be used on the outside of your home and must be approved by the committee. Trash can enclosures must be no more than 4' wide diagonal from the house by 6' in length parallel of the house and 4' in height, and are recommended to be constructed of treated wood or lattice, although other types of enclosures may be considered. Wood may be stained or left to weather. If stained, should match house trim. Lattice should also match house trim or blend with home colors. Brick may be used if approved. Color must match the home's brick and must be installed by brick mason on a concrete footer or concrete pad.
17. **OUTDOOR LIGHTING:** Outdoor lighting around walkways and gardens are permitted provided they do not exceed 200 lumens per light.
18. **HOLIDAY DECORATIONS:** The American flag can be displayed at any time without restriction – please keep flags to a reasonable size. Appropriate decorations may be placed in your yard for any federal holiday. We ask that you keep size to a minimum. Christmas decorations are not restricted but please be considerate of your neighbors when choosing the size and type of decorations.
19. **PORTABLE FIRE PITS AND CHIMAERAS.** Portable fire pits and chimaeras must be natural gas or propane and are permitted in the back yard. These items must be maintained a safe distance from the house and must be placed on fire-resistant surfaces like concrete, brick or stone and kept away from other combustible materials.

20. **VARIANCE:** The ARC may issue a member a variance from compliance with one or more of the Associations architectural standards and be limited to unique and extraordinary circumstances that exist such as those involving topography, natural obstructions, hardship and not in conflict with governing documents. **Should the requested variance be approved, it is for the requesting individual only and should not be construed that it has been approved for all Lot Owners.**

21. **PROCEDURES FOR DISAPPROVED VARIANCE:** Request in writing a meeting with the Board of Directors with facts and reason why variance should be allowed.

These guidelines are not meant to be all inclusive. Any items not specifically exempted must be submitted to the ARC for approval before construction. When in doubt contact the ARC committee. If there are differences between the ARC Guidelines and the POA Covenants, the covenants will prevail.

Attached is a copy of the request form that must be used for requests/concerns.

This document is current as of April 29, 2023.

**Cypress Gates POA
Architectural Change Request Form**

Request Date: _____

Name: _____ Property Address: _____

Phone: _____ Email Address: _____

Estimated Start Date: _____ Proposed Completion Date: _____

Description of Proposed Alteration, Change, or Replacement:

Proposed Materials: Color: _____ Style: _____

Type: _____ Dimensions: _____

Permit Required: _____ Yes _____ No Permit Number: _____

Location: (attach drawing showing on lot plat or detailed description as applicable)

Additional Information: (list or attach any other relevant information)

Certification:

I understand approval of the above changes by the Cypress Gates Property Owners Association Architectural Committee does not relieve me of the responsibility for obtaining any and all necessary Building Permits, Variances, and observing all local zoning ordinances. If approved, I agree to make the changes under the terms and conditions specified in the letter of approval. All changes will be on my property or property lines. If any portion of the Association's property is disturbed or damaged by my contractor, agent, or myself, I agree to restore the Association's property to its original condition at my expense.

Applicant Signature: _____ Date: _____

Email completed form to: cypressgatesarc@gmail.com