

Caloosa Property Owners Association, Inc.
P.O. Box 32458
Palm Beach Gardens, FL 33420
Ph. (561) 627-0480 • Fax (561) 627-1247

PLEASE BE ADVISED THAT CERTAIN CALOOSA SPECIFICATIONS ARE MORE RESTRICTIVE THAN REQUIRED BY PALM BEACH COUNTY CODE. IT IS RECOMMENDED THAT APPLICANTS OBTAIN APPROVAL BY THE CALOOSA PROPERTY OWNERS ASSOCIATION BEFORE APPLYING FOR A COUNTY PERMIT SO THAT THE COUNTY PERMIT APPLICATION IS CONSISTENT WITH THE CALOOSA APPROVAL.

Dear Applicant:

Enclosed are the forms required by the Caloosa Property Owners Association for architectural approval. **ALL APPLICATION FORMS MUST BE FILLED OUT COMPLETELY AND SIGNED BY ALL OWNERS OF RECORD BEFORE THEY CAN BE PROCESSED.** Please note that the "Notice of Claim for Architectural Compliance" form **MUST BE NOTARIZED.** All applicable forms along with 2 sets of survey/site plans, elevation and floor plans, etc., must be turned in to the **ARCHITECTURAL COMMITTEE AT LEAST TWO (2) WEEKS PRIOR TO THE ARCHITECTURAL COMMITTEE MEETING.** No plans will be accepted for review the night of the meeting. The Committee meets the second Thursday of each month at 7:30 p.m. at the Pavilion. The Committee **REQUIRES** that the owner or representative of the owner attend the Architectural Committee meeting.

2 sets of Plot/Site plans **MUST** be included with application in order for the application to be considered for approval.

NO WORK MAY COMMENCE PRIOR TO RECEIVING WRITTEN APPROVAL FROM THE ASSOCIATION.

SCHEDULE OF FORMS AND FEES

APPLICATION FOR ARCHITECTURAL APPROVAL is required for the construction of a residence, pond/lake, accessory/out building, perimeter fence/wall, swimming pool, tennis court, site clearing and tree removal.

APPLICATION FEE AND CONSTRUCTION FEE MUST ACCOMPANY THE APPLICATION.

A **\$25.00 NON-REFUNDABLE APPLICATION FEE** is required with all applications to the Architectural Committee.

A **\$500.00 NON-REFUNDABLE CONSTRUCTION FEE** in addition to the **\$25.00 APPLICATION FEE** is required for the following:

- New house.
- Demolition of an existing house.
- Additions to existing house or construction of out-buildings or other ancillary structures 1,400 square feet or larger.
- Moving fill on or off property in excess of 10 loads. (fill may not be transported out of Caloosa)
- Driveway. (concrete or asphalt)

(Owner is responsible for the entire cost to repair any damages to the roads as a result of construction)

A **\$250.00 NON-REFUNDABLE CONSTRUCTION FEE** in addition to the **\$25.00 APPLICATION FEE** is required for the following structures if application is made separate from an application to construct a house:

- Additions to existing house or construction of out-buildings or other ancillary structures 300 to 1,399 square feet
- Pond or lake (no fill may be removed from property being excavated)
- Tennis Court
- Pool
- Lot clearing if not in conjunction with an application for a structure if heavy equipment is used. i.e. Tub Grinder, Backhoe, Dozer, Front End Loader, etc.

(Owner is responsible for the entire cost to repair any damages to the roads as a result of construction)

A **\$100.00 NON-REFUNDABLE CONSTRUCTION FEE** in addition to the **\$25.00 APPLICATION FEE** is required for the following structures if application is made separate from an application to construct a house:

- Additions to existing house or construction of out-buildings or other ancillary structures 299 square feet or smaller

(Owner is responsible for the entire cost to repair any damages to the roads as a result of construction)

A **\$25.00 NON-REFUNDABLE APPLICATION FEE** is the only fee required for Perimeter Fence applications.

**CALOOSA PROPERTY OWNERS ASSOCIATION, INC.
APPLICATION FOR ARCHITECTURAL APPROVAL**

(Required by the Declaration Of Protective Covenants, Restrictions, Reservations, Servitudes And Easements, Affecting The Real Property of FOX TRAIL, INC. ("DECLARATION") Paragraph XIII.A]

SECTION #: _____ LOT #: _____ DATE: _____

OWNER(S): _____

MAILING ADDRESS: _____

HOME PHONE # _____ BUSINESS PHONE # _____ MOBILE PHONE # _____

* **DEFINITIONS:** Shall there be any doubt as to the meaning of any technical term, the definitions given by the Architectural and Building Trades Dictionary shall prevail. Reference to "Owner" shall include multiple owners; and if an agent of the Owner(s) signs this Application, the Owner(s) is/are so bound.

1. **WHO MUST APPLY:** Any Owner planning any improvement on any lot including but not limited to: house, accessory building, perimeter fence, wall or retaining wall, swimming pool, game courts, ponds or lakes, additions (including screen porches and carports), removal of vegetation; but not for the process of landscaping if it involves only the addition of plant material.

2. **REQUIRED DOCUMENTS:** (must be submitted in duplicate; each page must be signed by all Owners of Record).

- A. In all cases, a survey prepared by a Florida registered land surveyor. The survey must indicate all lot boundaries, all set back lines, all easements and location of all improvements being applied for with distances from said improvements to lot set-back lines. If a pond or lake is part of the Application, same must comply with Palm Beach County Ordinance 500.3 and "Caloosa Restrictions and Regulations for Pond/Lake Excavations" (Exhibit "B").
- B. In all cases, a properly detailed set of construction plans for the proposed improvements must be submitted.
- C. In all cases, a fully completed and notarized "Notice of Claim For Architectural Compliance" form (Exhibit "A") must be submitted.
- D. In case of pond/lake excavation, a completed "Caloosa Restrictions and Regulations for Pond/Lake Excavation" form (Exhibit "B") must be submitted.

I/WE, undersigned Owner(s), submit *DUPLICATE ORIGINALS* of the following:

- Survey/Site Plans • Elevation and Floor Plans • Landscape Plans
- Notice of Claim For Architectural Compliance (completed and notarized)

3. **REASON FOR SUBMITTING:** (complete description of improvements)

4. **LOCATION OF IMPROVEMENT:** (distance in feet from lot boundaries)

Front _____ Back _____ Side _____ Cul-de-sac _____

5. **SIZE:**

Floor square footage: _____ (measured by interior room dimensions; and not to include screened porch, garage, patio or similar areas); Height/story : _____; Total Land Area (for ponds or lakes) _____ square feet (or) _____ acres.

6. **STRUCTURES AND FENCES:**

Color _____ Design _____

Material _____

7. **EXPECTED COMMENCEMENT DATE:** _____ (must be within 90 days of the date of the Architectural Committee's approval); **EXPECTED COMPLETION DATE:** _____

(Note: must be complete within twelve (12) months of Architectural permitting or must resubmit to the architectural Committee for re-approval.

8. **ON SITE ACCESS:** The Owner hereby grants to the Architectural Committee and to the Board of Directors, free and open access to the construction site for the purpose of inspecting the work in progress and/or completed during normal business hours, pursuant to Paragraph XIII.F. of the DECLARATION.

9. **FULL COMPLIANCE:** The obligations assumed by the Owner hereunder shall be considered fulfilled when the Association records a Release of Claim for Architectural Compliance and/or signs the Notice of Completion form.

10. **REMEDIES:** The Owner agrees that unfinished construction and construction which does not comply with the requirements of the Architectural Committee, are detrimental to the general image of the Community causing Irreparable damages which cannot be quantified with any degree of reasonable certainty. The Owners acknowledge(s) and agree(s) that the Association shall be entitled to obtain injunctive relief to require compliance with the requirement of the Architectural Committee and to require commencement and completion by the dates stated in Paragraph 7. above. In lieu of and/or concurrently with such injunctive relief, the Owner agree(s) that the Owner shall pay the Association the sum of \$100.00 per day as liquidated damages for each and every day that construction violates the DECLARATION, this Application and/or the guidelines of the Architectural Committee and/or conditions of the Architectural Committee's approval of this Application. The Owner understands that and grants to the Association the right to file a Claim of Lien and foreclose same as mortgages are foreclosed if the liquidated damages, together with applicable interest, costs and attorneys fees, are not paid within thirty (30) days after the Association mails notice to the Owner that same are due and owing; the aforesaid is pursuant to the DECLARATION.

11. **DISCLAIMER; EASEMENTS:** I/WE understand that, the Architectural Committee does not certify compliance with any Building, Zoning, Health, Safety or similar codes or standards and that approval must be separately obtained, if applicable, from all necessary agencies by Owner. Neither Caloosa Property Owners Association, Inc., its officers, directors, Architectural Committee nor Agents assume or shall have any liability for approval or disapproval or for injuries to person or property arising from construction or use of improvements or for loss to owners, economic or otherwise, arising from construction or use of said improvements. Any improvements, including fences, built within easements shall be required to be removed if requested by the Association or any Governmental Authority at any time in the future should the need arise.

12. **Owner Applicant further understands and agrees that:**

- a. There shall be NO BURYING OF VEGETATION on any property within Caloosa.
- b. Owner is responsible for the entire cost to repair any damages to the roads as a result of construction.

13. **FEES:** The Owner(s) hereby tender the sum of \$ _____ as fees in connection with this Application and recording of necessary notices and releases. Make checks payable to "CALOOSA PROPERTY OWNERS ASSOCIATION, INC.".

WITNESS	DATE	OWNER	DATE
WITNESS	DATE	OWNER	DATE

PLEASE PROVIDE CONTRACTOR INFORMATION

NAME OF CONTRACTOR: _____

MAILING ADDRESS: _____

CONTACT PERSON: _____ BUSINESS PHONE # _____

FOR COMMITTEE USE ONLY

Required Documents Reviewed By: _____

1. In compliance _____ Date _____

2. Non Compliance _____ Date _____

3. Non Compliance, returned to Owner _____ Date _____

Reason: _____

4. Action Taken:

Approval _____ Date _____

Approved with conditions (see comments below) _____ Date _____

Disapproval _____ Date _____

Architectural Committee

By: _____

Title: _____

5. Comments and/or Conditions:

Caloosa Architectural Application Specifications
(To be filed by applicant along with Architectural Application)

PLEASE BE ADVISED THAT CERTAIN CALOOSA SPECIFICATIONS ARE MORE RESTRICTIVE THAN REQUIRED BY PALM BEACH COUNTY CODE. IT IS RECOMMENDED THAT APPLICANTS OBTAIN APPROVAL BY THE CALOOSA PROPERTY OWNERS ASSOCIATION BEFORE APPLYING FOR A COUNTY PERMIT SO THAT THE COUNTY PERMIT APPLICATION IS CONSISTENT WITH THE CALOOSA APPROVAL.

Please be advised that the following is not all encompassing or the sole requirements of the Association. Applicant is governed by the Caloosa Declaration of Protective Covenants and Restrictions, Architectural Documents and Application Forms. Copies of these Documents may be obtained upon request from King's Management Services (561) 627-0480.

1) New Perimeter Fences:

Perimeter fencing must be farm style. Posts must be pressure treated or PVC, either round or square, and no more than 8 ft apart. The fencing field may be made up of the following materials: A) Three or four boards placed horizontally (boards may be pressure treated wood or PVC to match the posts). If horizontal boards are used, then vertical boards must be used to cover the wooden posts, B) 2x4 wire -aka no-climb or horse wire, C) Field wire.

No chain link, barbed wire, welded wire, or wooden stockade style fences allowed. One strand of barbed wire may be strung on inside, top of fence.

All fences must be kept in good repair so as not to become an eyesore. Broken or rotten boards or posts, broken wire, etc. must be repaired or replaced to original specifications.

All fences must be set back a minimum of fifteen (15) feet from the road and must follow the contour of any paved road edge. If a hedge will be planted in front of the fence, then the fence must be set back a minimum of 18' feet.

Maximum height of front fence is four (4) feet. Side, back and interior fencing may be five (5) feet in height.

Gates must be set back a minimum of twenty five (25) feet from the road and must swing in.

Sufficient distance is required for maintenance equipment and recreation along a canal. A minimum of twenty five (25) feet from high water level is required but in no case shall a fence encroach upon an easement line. Common sense should be used when placing a fence so no power pole or guy wire will obstruct maintenance equipment after fence is erected. Perimeter fence locations will be inspected by the Architectural Committee prior to approval.

Sufficient distance is required for maintenance equipment, life safety vehicles and appropriate recreation between lots. A minimum of 20' from side property line is required.

2) Fence Replacement:

If you replace an existing fence along a canal it must be set back a minimum of twenty five (25) feet from the seasonal high water level. If your survey indicates that your easement line is greater than twenty five (25) feet from the high water level then the fence must be constructed on the easement line and shall not encroach into the easement.

3) Ponds:

Set back for all ponds (measured to top of bank) shall be a minimum of 50 feet from any road edge, a minimum of 50 feet from any canal high water line and a minimum of 45 feet from any side lot line.

The volume of fill to be removed from the pond must be calculated by a professional engineer and submitted with the application with an indication as to the disposition or use of the fill.

Fill removed from a pond may be used on the lot it was dug from and shall not be removed from Caloosa.

4) Filling in existing ponds:

Only clean debris may be used to fill in an existing pond. "Clean debris" is defined as any solid waste which is virtually inert, which is not a pollution threat to groundwater or surface waters, is not a fire hazard and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes items like soil, rock, concrete, brick, glass and ceramics. An 18" minimum top layer of fill dirt or top soil must be spread over entire filled area. This is to adequately cover any hard fill used such as concrete, etc.

5) Hauling of Fill: (Amended July 19, 2007)

No dirt/fill may be removed from any lot and transported out of Caloosa.

All deliveries of fill, dirt and sand shall be limited to a maximum of 16 yards of dry material per load. The owner shall be required to inform their contractor of this regulation prior to any deliveries.

The property owner having fill brought into the parcel will be responsible in the event of any damage to the roads and or swales.

6) Square Footage:

Single story homes must consist of a minimum of 2,000 square feet of living area. In computing area, credit shall not be given for screened porches, garages, patios or similar areas and all measurements shall be interior room dimensions.

Two story homes must consist of a minimum of 2,600 square feet of living area. In computing area, credit shall not be given for screened porches, garages, patios or similar areas and all measurements shall be interior room dimensions.

7) Vegetation Permit:

A copy of the County "Vegetation Permit" must be posted on site before clearing can be done. The Caloosa POA requires compliance with county regulations requiring removal of nuisance vegetation: i.e. Brazilian Pepper, Melaleuca, Australian Pine, etc., concurrent with construction.

8) Ingress and Egress:

There must be only one ingress and egress point on the property for all construction vehicles and a road apron must be supplied to protect the edges of the road from construction material vehicles.

9) Culverts:

Driveway culverts should be added if the swale is lower than the road edge, subject to Architectural Committee approval. Roadway swales must be dressed and seeded upon completion.

10) Structures Other Than House:

Any such structure (barn, shed, work-shop, gazebo, out building or other similar structure) shall be set back a minimum of 100 feet from the edge of any road facing property, a minimum of 50 feet from the high water level of any canal and a minimum of 45 feet from any side property line.

Pre-manufactured sheds must conform to the following conditions:

- The Committee shall have sole discretion on the location of sheds on the property.
- The color of the shed must match the existing house.
- The shed must be securely anchored according to Palm Beach County code.
- The shed must be shielded from view with landscape material planted directly around the shed. Hedges planted around the perimeter of the property do not satisfy this requirement. Landscape material shall consist of 7 gallon plants that are a minimum of four (4) feet in height, two (2) feet in width and shall be planted a distance of two (2) feet on center apart from each other. Plant material

shall not consist of any species that are on the County's prohibited plant list. Plants shall be maintained at or above minimum size to provide a continuous visual buffer.

11) Berms:

A Berm is any deposit, build-up, construction or piling of soil above normal grade level extending along any perimeter, which intent and perceived purpose is to provide, but not to be limited to, some degree of containment, privacy, an/or protection. Should any question arise as to what constitutes a Berm, the Architectural Committee shall prevail and have final authority.

Berms shall not exceed four (4) feet in height above crown of road and are to be fully stabilized by whatever means and process is deemed adequate by the Architectural Committee. In any case, minimum stabilization shall mean evidence of full seeding of entire Berm, resulting in a full stand of grass. NO fencing may be constructed on berm.

Berms shall be completed and fully stabilized with full stand of grass within twelve (12) months from approval.

The undersigned has read, understands and agrees to abide by all the stipulations herein:

Section _____, Lot _____

Applicant Signature

Date

Caloosa Property Owners Association, Inc.
P.O. Box 32458
Palm Beach Gardens, FL 33420
(561) 627-0480

Explanation letter for the
"Notice of claim for architectural compliance"

Dear Property Owner:

When a Residence, Pond/Lake, Fence, Accessory Out-Building or any other structure that requires Palm Beach County approval, is being undertaken and approved on a lot, a "Notice of Claim for Architectural Compliance" form is submitted by the Owner to the Association. This form is in turn recorded and registered at the Palm Beach County Courthouse and remains on the County records until removed by the Association.

It is the responsibility of the Property Owner to inform the Association whenever construction has been fully completed and complied with according to the Architectural Application in order for the Architectural Committee to investigate and concur and remove the recorded form from the Court records. Failure to do so will impede the title of the subject property.

In addition, if it is determined that the project is in non-compliance for any reason and the Owner fails to rectify the situation, a "Notice of Architectural Non-Compliance" will be recorded at the County Courthouse which would further impede the title.

The preceding information is supplied in order to avoid any misunderstanding and to insure that the Property Owner is aware of his/her obligations.

The Association

Exhibit "A"

Caloosa Property Owners Association, Inc.

NOTICE OF CLAIM FOR ARCHITECTURAL COMPLIANCE

WHEREAS, the undersigned _____ (hereinafter individually/collectively referred to as "OWNER") owns property governed by the Declaration of Protective Covenants, Restrictions, Reservations, Servitude's and Easements, Affecting the Real Property of Fox Trail, Inc. as recorded in official Record Book 2729, Page 746, Public Records of Palm Beach County, Florida, and the CALOOSA PROPERTY OWNERS ASSOCIATION, INC. (hereinafter referred to as "ASSOCIATION"); said property described as follows:

Lot _____ Section _____ Caloosa (a rural subdivision), According to the Plat thereof on File in the Office of the Clerk of the circuit Court of Palm Beach County, Florida.

WHEREAS, OWNER seeks approval of the Architectural Committee of the ASSOCIATION (hereinafter referred to as the "COMMITTEE") with respect to the construction of improvements on said property.

WHEREAS, said approval must be rendered by the COMMITTEE and is subject to full compliance by OWNER with the terms and conditions imposed by the COMMITTEE for approval hereunder;

KNOW ALL MEN BY THESE PRESENTS:

That the COMMITTEE has not inspected the property for the purpose of determining compliance with the terms and conditions of approval.

BE IT FURTHER KNOWN that until a Release of Notice Of Claim For Architectural Compliance (releasing this Notice) is recorded amongst the Public Records of Palm Beach County, Florida by the ASSOCIATION, compliance has not been determined and must not be presumed to exist.

AND FURTHER that upon recording of a Release of Notice of Claim For Architectural Compliance (releasing this Notice), compliance with the terms and conditions imposed by the COMMITTEE for its approval of the construction or Improvements, shall be deemed to have been met.

This notice shall be subordinate to any recorded mortgage regardless of when mortgage is recorded.

TRANSFEREES, GRANTEES, SUCCESSORS AND ASSIGNS SHOULD REQUIRE OWNER TO OBTAIN RELEASE OF THIS DOCUMENT PRIOR TO ACQUIRING TITLE INTEREST IN THIS PROPERTY. FAILURE TO DO SO MAY RESULT IN SUBSTANTIAL EXPENSE TO SUCH TRANSFEREE, GRANTEE, SUCCESSOR OR ASSIGN.

IN WITNESS WHEREOF, the **OWNER** hereunto affixes its hand and seal this _____ day of _____, 200 ____.

WITNESSES:

OWNER:

PRINT OR TYPE NAME(S)

SIGNATURE OF OWNER

SIGNATURE OF OWNER

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 200____,

by _____, who is/are personally known to me or who have produced

_____ as identification.

NOTARY PUBLIC, State of Florida

IN WITNESS WHEREOF, the **ASSOCIATION** hereunto affixes its hand and seal this _____ day of _____, 200 ____.

WITNESSES:

CALOOSA PROPERTY OWNERS ASSOCIATION, INC.

SIGNATURE

PRINT OR TYPE NAME(S)

TITLE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 200 ____ ,
by _____, who is personally known to me and who is known to be an authorized
representative of the Caloosa Property Owners Association, Inc.

NOTARY PUBLIC, State of Florida

Caloosa Property Owners Association, Inc.

P.O. Box 32458

Palm Beach Gardens, FL 33420

Ph (561) 627-0480 • Fax (561) 627-1247

Contractor Information Sheet

Please present this form to your contractor prior to construction.

- 1) No construction shall begin without a Palm Beach County permit and written approval from the Caloosa Architectural Committee.
- 2) A Palm Beach County vegetation removal permit must be displayed in a conspicuous place before beginning to clear.
- 3) All cleared vegetation (i.e. trees, palmetto's & underbrush) must be promptly removed.
- 4) Only one construction entrance is permitted on a lot during construction. All construction traffic must enter and exit from this one location.
- 5) A raised dirt apron must be placed along the edge of the road at the entrance to protect the edge of the road from damage during construction.
- 6) Only one General Contractor sign may be displayed on a lot during construction and may not exceed six (6) square feet in size. (3' x 2')
- 7) Construction dumpsters must be covered with a tarp to prevent trash from blowing out into the community. Any trash that does blow out must be immediately picked up.

Caloosa Property Owners Association, Inc.
P.O. Box 32458
Palm Beach Gardens, FL 33420
Ph (561) 627-0480 • Fax (561) 627-1247

Notice of Architectural Completion

To be completed by owner upon completion of construction and submitted to the Association.

Owners Name (s) _____

Address: _____

Section _____ Lot _____ Phone # _____

This is to notify the Caloosa Architectural Committee that construction consisting of:

House _____ Out-building _____

Pond _____ Pool _____

Fence/Wall _____ Clearing/Tree removal _____

Other (specify) _____

has been completed and I/We certify that all provisions of the Architectural Application Forms and Caloosa Covenants and Restrictions have been complied with.

I/We further understand that the Architectural Committee will inform us, in writing, of its agreement of compliance or of any non-compliance that requires further action.

So stated this _____ day of _____ 200____.

Owner

Owner

ASSOCIATION USE ONLY

The undersigned representative of the Caloosa P.O.A. Inc. has inspected the improvements and does hereby attest that the above referenced construction has been completed in accordance with the approved application.

Date Inspected

Architectural Committee

Comments:

