

**WINDOVER FARMS OF MELBOURNE HOMEOWNERS ASSOCIATION, INC.**

4025 Windover Way  
Melbourne, FL. 32934  
(321) 259-2216

**NEW HOME CONSTRUCTION APPLICATION**

Date: \_\_\_\_\_ Lot Number \_\_\_\_\_ rev 10/03

"Spec" House Yes \_\_\_\_\_ No \_\_\_\_\_

**HOME OWNER** (If "Spec" house, leave blank. Complete Contractor section that follows.)

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip \_\_\_\_\_  
Phone Business (\_\_\_\_\_) \_\_\_\_\_ Home (\_\_\_\_\_) \_\_\_\_\_  
Fax (\_\_\_\_\_) \_\_\_\_\_

**CONTRACTOR**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip \_\_\_\_\_  
Phone Business (\_\_\_\_\_) \_\_\_\_\_ Home (\_\_\_\_\_) \_\_\_\_\_  
Fax (\_\_\_\_\_) \_\_\_\_\_

**Note: Contractor and property owner are expected to attend meeting unless prior arrangements have been made with the association office.**

**CONSTRUCTION PERMIT INSTRUCTIONS**

Note: The Windover Farms of Melbourne Homeowners Association, Inc. Architectural Review Committee is herein referred to as the "ARC". The Windover Farms of Melbourne Homeowners' Association Declaration of Covenants, Conditions, and Restrictions are herein referred to as "WFM Deed Restriction".

**1. Application Timetable**

**New Home Construction** including **Additions; Attached or detached buildings; Swimming Pools and Screened enclosures(separate application); Fence Construction (separate application) Garages; Potting Sheds; Gazebos or significant modifications to the property** - Applications for construction permits must be submitted to the Homeowners' Association Manager's Office located in the Pavilion not later than **10 days** before the ARC meeting. ARC meetings are generally held on the 2nd and 4th Tuesday at the Pavilion Office at **7:00 p.m.** (Meetings dates may be subject to change, please call the office to confirm date) Association Manager's Office Telephone: (321) 259-2216, Fax: (321) 259-0552, E-mail [windoverfarms@cfl.rr.com](mailto:windoverfarms@cfl.rr.com)

**2. FEES**

A. A fee for the ARC to review an application for a New Home Permit is \$2,500.00 **NOTE: FEE MUST BE PROVIDED BY CONTRACTOR.**

**\$2000.00 refundable upon satisfactory completion of construction.**

**CONSTRUCTION VIOLATIONS AND PENALTIES**

The following penalties will be assessed and withheld from the refundable portion of the building deposit

<u>Violation</u>	<u>Occurrence</u>	<u>Penalty</u>
Encroachment	1st Offense	\$700/Stop Work/Legal
Over-clearing	1st Offense/Stop Work	\$700/Stop Work/Legal
Barricading of Trees	1st Offense	\$100
	2nd Offense	\$200
	3rd Offense	\$300
No Temporary Culvert	1st Offense	\$100
	2nd Offense	\$200
	3rd Offense	\$300
Construction Debris/ Trash Not Contained or removed	Each Occurrence	\$100
Landscape Plan/ Not Followed	At Completion	\$700*
House/Roof Colors	At Completion	\$700*
A/C & Pool Equipment/ Not screened	At Completion	\$700*
Unpainted Metal Vents	At Completion	\$700*
Staining Mail Box Posts	At Completion	\$700*
Builders Sign Policy/ Not Observed	Each Offense	\$200
Construction Parking	1st Offense	\$100
	2nd Offense	\$200
	3rd Offense	\$300
Dogs/Loud Music	Each Occurrence	\$100

The items with an {\*} indicates the deposit will be held until completion of construction. If the violation has been corrected, 75% of the deposit will be refunded. In terms of the time frame that will be used for compliance and corrections, the ARC has agreed to a maximum of 5 days for remedies except in the case of changing house or roof colors. As with all the violations, penalties and schedules contained herein, the ARC reserves the right to change or amend any of the requirements as appropriate depending on the circumstances of each individual homeowner or builder. However, it is the intent of the ARC to follow these requirements to the maximum extent possible in order to maintain consistency and fairness to all Windover Farms of Melbourne property owners.

Lot Owner(s) \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_  
Date \_\_\_\_\_

Contractor \_\_\_\_\_

Date \_\_\_\_\_

## **Actions Required Prior to Submitting Application**

**Note:** This is a checklist for both the applicant and the ARC. Prior to submitting this application, the applicant shall **review** each item and **initial** same in the space provided to indicate compliance. Proof of these actions or the instruments involved must accompany this application. If **ALL** items **are not** completed, the application **will not** be considered and your application will be delayed.

- \_\_\_\_\_ A. Lot plan by licensed survey.
- \_\_\_\_\_ B. Tree survey by licensed surveyor showing all trees three (3) inches in diameter or greater.
- \_\_\_\_\_ C. Site plan by a licensed surveyor showing exact location of house, pool, equipment, septic system, etc.
- \_\_\_\_\_ D. Landscape plan by a professional landscape architect showing existing vegetation that will remain as well as what will be added by name, size, and quantity. For trees, diameter/caliper must be shown.
- \_\_\_\_\_ E. One (1) copy of final construction plans showing front, side, and rear elevations as well as sections. **Note:** These plans will be retained by the ARC.
- \_\_\_\_\_ F. Samples of exterior colors for paint, brick, siding, etc. Note: Color should not be the same as any of the surrounding existing homes.\*
- \_\_\_\_\_ G. Samples plus information on roof materials indicating type, weight, color, and manufacturer. ARC requires the use of architectural roof shingles with a minimum grade of 240 (no three-tab style). **Note: White and other very light colored roofs are NOT allowed** in Windover Farms of Melbourne. This includes several light shades of gray. Check with the Association Manager if you have questions.
- \_\_\_\_\_ H. Initials here indicate that barricades as prescribed by WFM Deed Restrictions have been installed around trees that are to be saved. (**see attach #1**)
- \_\_\_\_\_ I. Initials here indicated proof that all trees on the site which are to be saved during construction have been sprayed in accordance with WFM Deed Restrictions. **Submit copy of spray receipt**
- \_\_\_\_\_ K. Completed "Approved Builder Requirements" form.
- \_\_\_\_\_ L. Copies of County permits (Septic, Building, and Landscaping) **\*Prior to ARC approval for clearing**
  - \_\_\_\_\_ **1. COPY OF COUNTY DRAINAGE PLAN**
- \_\_\_\_\_ M. Pool plans.
- \_\_\_\_\_ N. I/We the applicant(s) have read and understand the WFM Deed Restrictions, the **SIGN POLICY** for Windover Farms of Melbourne, and the **COUNTY NOISE ORDINANCE** as it pertains to Construction activities.
- \_\_\_\_\_ O. Initials here indicate that all above described documents which are applicable and all the following questions have been answered. Items which are not applicable have been so noted.

**\* A minimum of 6" paint chips required for colors.**



**APPLICATION DETAILS** (Answer **ALL** questions or write in "**NA**" if the question does not apply to your situation.)

1. **SQUARE FOOTAGE** of living area [exclude garage, porch(es), and patio(s)]  
\_\_\_\_\_ square feet (Minimum requirement: 1800 square feet)

2. **GARAGE DOORS** face: Side \_\_\_\_\_ Front \_\_\_\_\_ Back \_\_\_\_\_

**Note:** The ARC will only approve garage doors facing the street (front) under very unusual circumstances. Any related conditions will be recorded with the deed.

3. **LANDSCAPE PLANS**

A. 1. Number of trees over three (3) inches in diameter to be removed \_\_\_\_\_

2. Reasons for removal \_\_\_\_\_

3. Number of replacement trees \_\_\_\_\_

**Note:** WFM Deed Restrictions require 25% replacement value for all Pine trees over three (3) inch diameter that are removed and 50% replacement for all hardwood trees over 3 inches. These replacement trees must be hardwoods and at least three (3) inches in diameter. ***If no trees are on the lot the ARC requires that a minimum of 3 hardwood trees be planted. Must be a minimum of 3 inch diameter.***

B. 1. Other vegetation to be removed \_\_\_\_\_

2. Reasons for removal \_\_\_\_\_

C. I will leave \_\_\_\_\_% of the lot natural as indicated by the accompanying plans. (Every effort must be made to locate the house on the lot to save as many trees and as much natural vegetation as is reasonable and possible. The ARC requires a minimum of 20%.)

**Note: All areas cleared must be sodded**

4. **SITE PLAN**

A. Front set back (in feet) \_\_\_\_\_ (Minimum of 40 feet)

**Note:** In addition to the minimum of 40 feet, the front setback must be within 10% of any existing adjoining home.

B. Left side (facing property) setback \_\_\_\_\_ (in feet)

C. Right side (facing property) setback \_\_\_\_\_ (in feet)

D. Back setback (in feet) \_\_\_\_\_ (Minimum of 40 feet)

E. Type of foundation: Monolithic slab \_\_\_\_\_ Stemwall \_\_\_\_\_

F. Planned finished floor elevation with respect to the crown of the road  
\_\_\_\_\_ (in inches)

**Note:** Finished floor elevation must not be more than 36 inches for a monolithic slab nor more than 44 inches for a stemwall and must be within 10% (plus or minus) of any adjoining home.

G. **Power lines**

1. Will power lines be buried? Yes \_\_\_\_; No \_\_\_\_

**Note:** The ARC will only approve buried power lines. Exceptions may be made to this policy under **very unusual** circumstances. Buried lines should be located within 10 feet of any 3" (or greater) diameter trees. Specific justification for the inability to bury power lines must be provided. Any related conditions will be recorded with the deed.

2. If not buried, why not? \_\_\_\_\_

3. Where will lines be located? \_\_\_\_\_

H. **Driveway Note: All lots adjacent to the road must have concrete driveways.**

1. Where will it be located? \_\_\_\_\_

2. Material (Check all material which apply) (Colored or painted driveways are not permitted)

Concrete: \_\_\_\_\_; Other \_\_\_\_\_ (describe)

3. Culverts are required per WFM Deed Restrictions.

I. Sidewalk(s) and Walkway(s)

1. Where will it (they) be located? Please be specific.

2. Material (Check all material which apply)

Concrete \_\_\_\_\_; Brick \_\_\_\_\_ Other (please specify) \_\_\_\_\_

If material other than concrete or brick is to be used, indicate the material

Wood Bark \_\_\_\_\_; Pine Needles \_\_\_\_\_; Other (Describe)

5. Exterior walls - material and color

A. Exterior wall material \_\_\_\_\_

Note: Must be stucco, brick, wood, vinyl siding, or stone. No "false" materials or scored/struck stucco to simulate brick or stone permitted.

B. Exterior colors ( Please be specific and attach color samples)

**Note:** Color **should not** be the same as any of the surrounding existing homes.

1. Walls \_\_\_\_\_

2. Trim \_\_\_\_\_

3. Front Door \_\_\_\_\_

4. Fascia \_\_\_\_\_

5. Window Frames \_\_\_\_\_

6. Shutters \_\_\_\_\_

7. Garage door(s) \_\_\_\_\_

6. Roof - material and color:

A. Type \_\_\_\_\_ Manufacturer \_\_\_\_\_

B. Material \_\_\_\_\_

Weight \_\_\_\_\_ (Architectural shingle with minimum grade of 240 required)

C. Style \_\_\_\_\_

D. Color \_\_\_\_\_ (White or light shades not permitted)

E. Type of roof vent \_\_\_\_\_ ("Wind turbine" type not allowed)

Note: All bright metal on roof must be painted to match roof. Minimum acceptable roof slope for the primary roof is **6/12**

7. Other additional structures or installations ( Please be specific about location, materials and colors.)

**Note:** All outside buildings must be of the same materials and architectural design as the house, must not exceed the height of the house, and must be shown on the site plan. Provide plans meeting the same specifications as the house plans.

A. Swimming pool, sauna, etc.? Yes: \_\_\_\_\_; No: \_\_\_\_\_; Size: \_\_\_\_\_ **Note: a separate pool application is required if the pool contractor is not a subcontractor under the builder**

Swimming pool has screen enclosure? Yes: \_\_\_\_\_; No: \_\_\_\_\_

Swimming pool has fence enclosure? Yes: \_\_\_\_\_; No: \_\_\_\_\_

**Note:** Pool must be either screened or fenced.

Swimming pool enclosure color \_\_\_\_\_

**Note:** Pool equipment must be screened from view. It must not be able to be seen from the street or from a neighbor's yard. Please indicate one of the following screening choices:

Fence painted to match house color \_\_\_\_\_ Stucco wall painted to match house color \_\_\_\_\_

B. Workshop? Yes: \_\_\_\_\_; No: \_\_\_\_\_

**Note:** Workshops must be constructed of the same material and in the same architectural style as the main dwelling.

C. Fence? Yes: \_\_\_\_\_; No: \_\_\_\_\_ (Please check the WFM Deed Restrictions. Only certain styles of fencing are permitted in Windover Farms. For more specific information concerning these styles contact the office.) **A separate fence application is required.**

D. Lamp Posts? Yes: \_\_\_\_\_; No: \_\_\_\_\_

**Note:** Lamp posts are not permitted near the street. they must not encroach into the property easements. Only round (up to four [4] inches in diameter) post are approved as free-standing lamp posts.

If YES, please provide specific location and type. \_\_\_\_\_

E. Other (Please describe) \_\_\_\_\_)

F. Exterior air conditioning equipment

1. Where is it located? \_\_\_\_\_

2. How will it be screened? \_\_\_\_\_

**Note:** Equipment must be screened from view. It must not be able to be seen from the street or from a neighbor's yard. **Equipment must be screened with a stucco wall or a fence painted to match the house color.**

H. Irrigation pump

1. Where located? \_\_\_\_\_

2. How will it be screened? \_\_\_\_\_

**Note:** Equipment must be screened from view. It must not be able to be seen from the street or from a neighbor's yard. **Equipment must be screened with a stucco wall or fence painted to match the house color.**

I. Other installations (Please describe \_\_\_\_\_)

1. Where located? \_\_\_\_\_

2. How will it be screened? \_\_\_\_\_

**Note:** Equipment must be screened from view. It must not be able to be seen from the street or from a neighbor's yard.

## 8. LOT CLEARING

Lot clearing cannot commence until your complete application package has been reviewed and approved by the **ARC and the ARC permit posted**. Any variation from the approved plan must be submitted to and approved by the **ARC** before these changes can be initiated. **ANY DEVIATION FROM THIS PROCEDURE IS CONSIDERED A VIOLATION OF THE WFM DEED RESTRICTION. SEE PAGE 2 FOR CONSTRUCTION VIOLATION RULES.**

## 9. ON-GOING CONSTRUCTION

As construction progresses, periodic inspections will be made by members of the ARC to assure compliance with the approved plans, with WFM Deed Restrictions, and other approved policies of Windover Farms of Melbourne. Under **NO** circumstances can any exterior changes be made without the prior approval of the ARC. This includes changes in exterior siding materials, roofing materials or color, house colors or styling, landscaping, or any other exterior feature. Note: Non-compliance can result in construction delays and fines.

10. I/We understand that a final inspection will be required to ensure the property is in complete compliance with the approved construction application and the WFM Deed Restrictions. This inspection will take place prior to the return of the refundable portion of the construction deposit. Upon completion of the inspection and correction of any compliance issues, the Association Manager will send us a letter stating that our property is in compliance. My/Our initials here signify my/our agreement with this procedure \_\_\_\_\_.

11. I/We agree that for this application to remain valid, construction must commence within three (3) months of the ARC approval date listed on this application and be completed within **nine (9) months** of the start date of construction on my property (start date being defined as the date lot clearing is begun.) Any extensions must be submitted to the ARC and should include an anticipated completion date. My/Our initials here signify my/our agreement with this condition. \_\_\_\_\_

12. I/We the owner(s) of Lot Number \_\_\_\_\_ have received a copy of the WFM Deed Restrictions and acknowledge having read and understood all requirements. I/We further agree to protect all trees and "natural areas: as shown on this application. If, for any reason, trees or natural areas designated for preservation are destroyed, I/we agree to replace same (as specified in the WFM Deed Restrictions) and provide a bond to the Windover Farms of Melbourne Homeowners Association, Inc. as a guarantee.

I/We agree that construction will be completed as per submitted plans. I/We also agree that the ARC shall be the final interpreter of the WFM Deed Restrictions and this application. **Final inspection must be performed by the 90<sup>th</sup> day after receipt of the certificate of occupancy.** My/Our initials here signify my/our willingness to abide by these statements. \_\_\_\_\_

This application is complete and accurate to the best of my/our knowledge.

**(TO BE CONSIDERED, THIS APPLICATION MUST BE SIGNED BY THE LOT OWNER AND THE CONTRACTOR)**

Lot Owner(s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

Contractor \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**THIS PAGE FOR USE BY ARC ONLY**

Application approved \_\_\_\_\_ Date \_\_\_\_\_  
ARC Chair

Stipulation(s) which apply:

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_

Application not approved \_\_\_\_\_ Date \_\_\_\_\_  
ARC Chair

Reasons denied:

- A. \_\_\_\_\_  
\_\_\_\_\_
- B. \_\_\_\_\_  
\_\_\_\_\_
- C. \_\_\_\_\_  
\_\_\_\_\_

WINDOVER FARMS OF MELBOURNE  
APPROVED BUILDER REQUIREMENTS

This form is to be attached to and returned with the Application for Construction approval.

1. I/We the undersigned hereby agree to comply with the Declaration of Covenants, Conditions, and Restrictions of Windover Farms of Melbourne.
2. I/We agree that no work shall commence until the following documents are posted on the proper lot:
  - a. Windover Farms of Melbourne ARC Permit.
  - b. Land Clearing Permit.
  - c. Building Permit
3. I/We agree to submit copy of the finished floor elevation survey to the ARC prior to any framing and/or block work.
4. I/We agree that all existing trees that are to be saved must be properly barricaded and remain barricaded from prior to LAND CLEARING through FINAL GRADING and LANDSCAPING.
5. I/We understand that access through adjacent properties is expressly prohibited without prior written permission from the property owner(s). If such access is needed, I/we agree to filing this written permission with the ARC prior to accessing the property.
6. I/We agree to maintain any and all construction trash by a proper enclosure and to have this trash remove from the property on a regular basis. Example: Every 10 days.
7. I/We agree that in the event it becomes necessary to fill in a swale for access to a lot, a temporary culvert will be placed in a manner as to allow for proper drainage.
8. I/We understand that construction equipment, machinery, and/or vehicle overnight parking in the front right of way is prohibited.
9. In an effort to ensure the property rights and safety of the residents of Windover Farms of Melbourne, I/We agree to the following:
  - a. No dogs allowed.
  - b. No loud music.
  - c. Observance of the posted limit of 25 MPH, 20 MPH on Shady Run Road.
  - d. The use of the amenity areas is prohibited unless supervised by a resident.
10. As the Contractor, I/We assume all responsibility and liability for any and all actions of my/our subcontractors and suppliers.

AND FINALLY. I/WE UNDERSTAND THAT VIOLATION OF THESE RESTRICTIONS WILL RESULT IN THE STOPPING OF MY/OUR CONSTRUCTION BY THE ARC UNTIL THE MATTER IS CLEARED UP.

FURTHER, I/WE AGREE THAT CONTINUING VIOLATIONS WILL RESULT IN THE TERMINATION OF MY/OUR "APPROVED BUILDER STATUS".

CONTRACTOR NAME (PLEASE PRINT) \_\_\_\_\_

CONTRACTOR SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

EXHIBIT B. ARCHITECTURAL PLANNING CRITERIA, Paragraph 9. SIGNS, is hereby amended by adding the following subparagraph D:

"D. Any sign not conforming to the above sign restrictions can be **removed by the ARC**, after giving the Owner three (3) days' verbal notice. Each Owner or Owner's assigns, by purchasing property in WINDOVER FARMS OF MELBOURNE, hereby gives permission to the ARC, or its representative, to obtain access to Owner's property to remove non-conforming signs at a reasonable time and manner so as to assure conformity with there guidelines and restrictions."

EXHIBIT B. ARCHITECTURAL PLANNING CRITERIA, Paragraph 1S, is hereby amended by adding the following additional paragraphs:

"To insure the preservation of trees not to be removed during construction, all lot Owners shall comply with the following requirements before receiving final approval from the ARC to start clearing and construction. The ARC may adjust those requirements depending upon current government regulations and new effective methods:

A. Spray trees with an approved pesticide. Provide ARC with written confirmation by a company in business and licensed for such work, attached to application.

B. Install barricades around each tree or tree group. Barricades shall be located at the 'Drip Line.' Barricades will be constructed of 2" x 2" posts 6' on center with a 1" x 4" top rail no lower than 4' above ground level. Sixty (60) days after clearing of lot, all trees to be preserved will be resprayed according to subparagraph A above.

C. Upon installation of barricades, all preserved trees shall be fertilized by an approved method and the ARC provided with written documentation by a company in business and licensed for such work, attached to application.

The Owner or Owner's agents shell not conduct any construction activities within the barricaded area which will endanger the tree(s). Any tree on Owner's property which dies, either directly or indirectly, as a result of any construction activities carried on by Owner or Owner's agents, shall be considered 'destroyed,' and subject to the penalty imposed in ARCHITECTURAL CONTROL SECTION 5, even if the death of the tree(s) occurs as long as six (6) months after the completion of construction.

The above requirements shall apply to trees on neighboring properties, or rights of way, if the 'Drip Line' extends over the property line.

In situations where trees are significantly beyond the construction area on the lot, the ARC may waive the spraying, barricades and fertilizing, but not relieve the Owner or Owner's agents of penalties for trees which die directly or indirectly due to construction, even if the death of the tree(s) occurs as long as ne year after completion of construction.

Owners who have trees next to or in a 'to be filled' area, shall construct a 'Tree Well' around such trees. The well will be of sufficient size to protect and preserve. A barricade as described in subparagraph B above shall be installed."