

ISSUE #1

MARKUP #1 ->

Requests for shutters that are white, beige or bronze can be submitted via the Fast Track process.

Any other request may use the Standard Process and a Request Form and appropriate documentation must be submitted.

2. Unallowable Methods of Hurricane Prevention

- a. Permanent installation of shutters, clear plastic panels, bars, or other similar materials for security or hurricane protection purposes are not permitted.
- b. Bermuda shutters and colonial shutters are hinged shutter protections, mounted at the sides or above windows. The ARC does not permit Bermuda or colonial shutters in view of their lack of conformity with the architectural design of KWP homes.
- c. Film that is applied to windowpanes is marketed as a hurricane protection although it is not generally viewed as a protection from general hurricane damage (blow out). The film effectively prevents the formation of flying shards when windows are broken by wind or blown objects. Extremely reflective silver films which have an exterior reflectivity of 58% or greater and are commonly referred to as “mirror” films are not permitted.

Article 12. Landscaping

The objective of the landscaping guideline is the maintenance of an orderly and a harmonious community. Owners must comply with the Florida-Friendly Landscaping™ Plant Guide which can be found on KWP’s website, as an app for your phone or at the University of Florida’s Extension Service’s website.

- a. ARC approval **is not** required to plant annuals, perennial plants and small shrubs in the original or previously-approved expanded mulched areas of their property. Only plants that are included in the most recently published Florida Friendly Landscaping Guide will be allowed in these areas.
- a. Changes by owners to the layout or footprint of any landscaping is not permitted without ARC approval. Homeowners should use the Standard Process to submit a request for such changes.
- b. Owners may not remove, replace, or relocate trees, including those within the mulch area, without ARC approval. This protects homeowners from violating Sarasota County laws that protect some trees and plants. Removal of those trees and plants be subject to a County-imposed fine. For ARC approval, a request for such work must be in line with Sarasota County guidelines. Using the Standard Process, owners should submit a signed Request Form with required documentation including a copy of written approval from Sarasota County. An email from the County would be acceptable.
- c. Homeowners may plant additional trees, bushes, etc. Before proceeding with any changes or additions, owners follow the Standard Process and submit an ARC Request Form (see Covenant 12- 1-a). The form should indicate the name, number and location of the plantings

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 9): Clause prohibits or authorizes arbitrary denial of hurricane shutters, impact glass, or storm panels conforming to the Florida Building Code in conflict with HB 1203 / HB 1021 / HB 1029.

Statutory / Legal Reference: Fla. Stat. § 720.3035(6) (HB 293 / HB 1203)

Statutory Comparison: Under Fla. Stat. § 720.3035(6) (HB 293 / HB 1203), both homeowners' associations and condominium associations must adopt hurricane protection specifications (which may govern style and color) and are expressly prohibited from denying an application for the installation, enhancement, or replacement of hurricane protection - including permanent storm shutters, impact-resistant glass, code-compliant storm panels, reinforced exterior doors, and metal/storm-hardened roofs - that conform to the adopted specifications and the Florida Building Code.

CURRENT WORDING IN DOCUMENT:

Unallowable Methods of Hurricane Prevention a. Permanent installation of shutters, clear plastic panels, bars, or other similar materials for security or hurricane protection purposes are not permitted. b.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.3035(6) (HB 293 / HB 1203), the Board/ARC shall adopt hurricane protection specifications and shall not prohibit or deny any owner application to install, enhance, or replace hurricane shutters, impact-resistant glass, storm panels, exterior doors, or roofing systems that meet or exceed the Florida Building Code and conform to the Association's adopted hurricane protection specifications.