

# Lucaya Pointe Property Owners Association, Inc.

c/o AR Choice Management Inc.

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## Architectural Control Committee Guidelines

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### **GENERAL RULES AND INFORMATION**

- All applications must be submitted seven (7) days prior to the upcoming ACC meeting to be considered at the meeting.
- Work is to be done by a licensed and insured contractor (proof of insurance and a copy of contractor's license must be included with every application.)
- Owner is responsible for obtaining any required permits and copies of such permits must be included with this application.
- **Approval by the ACC is required prior to commencement of any modifications to the exterior of your property.**
- Community Common Areas are not to be blocked and must be kept clean at all times.
- Contractors must clean up debris daily and bring in a dumpster, if necessary. Should a dumpster be necessary, dates the dumpster will be onsite must be approved by the Board of Directors. Dumpsters shall not be placed in a manner that blocks the street(s) or landscaper access.

### **Annual Plantings**

1. ACC approval is not required for annual flowers in existing beds.
2. Fruits, herbs, and vegetables are permitted *in pots* out of view from the street and/or neighboring lots.
3. Maintenance of the plants, including watering, is the responsibility of the homeowner and the plants must be removed when they start to decline. Owners must keep their annual plantings free of weeds.
4. The HOA, contracted employees, or subcontractors will not be responsible for any damage to the plantings regardless of cause.

### **Basketball Hoops**

1. Per the governing documents, basketball hoops are prohibited.

### **Damage to Common Property**

1. Sidewalks and curbs are included in common property.
2. Any damage to Common Areas or Neighbors' property during construction must be reported to the Management Company immediately and resolved prior to project completion.

### **Driveways**

1. Driveways and sidewalks connecting the driveway to the front of the home shall be concrete pavers in a color and pattern consistent with existing pavers. Brick, stamped concrete, asphalt, gravel and loose stone are prohibited.
2. Driveways may be sealed to protect pavers without prior ACC approval if the sealant does not change the color and overall appearance of the pavers.

### **Flags, Signs, and Decorations- Policy may be Evaluated Annually**

1. All military, celebratory, decorative, festive, holiday and seasonal flags must be in good repair and mounted on a post on the home or hangers in the landscaping bed. Holiday and seasonal flags and decorations must be removed within 14 days after the holiday.
2. No political flags or signs are permitted to be displayed from any Lot.
3. The maximum size for any displayed flag is 2 feet by 2 feet.
4. American flags can be displayed at any time but must be kept in good repair and displayed in accordance with US flag protocol.
5. Professional sports team flags may be displayed on the day of the game only.
6. Signs or flags are not permitted in Common Areas of Lucaya Pointe under any circumstances.
7. A maximum of 3 decorations are permitted in the landscaping bed and near the front door. The maximum width of any decoration is 3 feet wide and 2 feet tall.

### **Fencing- Subject to ACC approval-application required.**

**Note from HOA Documents: Article 1, Definitions (k)- Each Lot consists of the land immediately under the Home located on the lot and the surrounding lands are Common Areas, subject however, to the easements specifically in favor of the Lot established by Article IV, section**

1. Only Invisible fences are permitted.

**Garden Hoses**-When not in use, garden hoses must be stored in the owner's garage or within a decorative container or hanger located on the side of the house. Decorative containers shall be stored as inconspicuously as possible and kept clean and free of mold.

**Gutters-Subject to ACC approval; certificate of insurance required even if paint color is the same. Application if there is a change in color.**

1. All gutter downspouts must direct water to flow toward the area that allows for maximum drainage and causes the least amount of impact to the Owner's and Neighbors' homes.
2. Downspouts shall be aimed in a manner which minimizes water pooling between homes.
3. Downspouts are to be painted to match the color of the home or the trim.

**Home Paint Color Changes- Subject to ACC approval; certificate of insurance required even if the paint color remains the same (submit through the portal and post certificate of insurance in front window of home); application is required if there is a change in paint color**

1. Front door and shutters- Homeowners may change the color of their front door and shutters. A sample of the color must be submitted to the ACC for approval prior to painting. Please note: Colors that vary significantly from the existing home colors may not be approved. Examples of this might include lime green, hot pink, etc. Also, consideration will be given to the color of the Neighbors' front doors and shutters to ensure diversity in the neighborhood.
2. House Colors- Homeowners may repaint the exterior of their homes in the original colors without ACC approval. Any change from the home's original exterior colors must be from the approved list of original house colors and must be approved by the ACC before any painting commences. House walls and garage doors must be painted the same color.
3. Trim Colors- Trim is the framing surrounding the house walls and openings. Homeowners may repaint the trim colors of their homes in the original colors without ACC approval. Any change from the original color must be from the approved list of original trim colors and must be approved by the ACC before any painting commences.

**House Numbers**

Per the governing documents, house numbers shall not be changed to a different material, type, or style.

**Hurricane/Wind Protection Screens- Subject to ACC approval; application required.**

1. The design, material and color must be included in the Architectural Request for approval.
2. Approved colors include tan, beige, white, and black.

**Interior Patio Blinds and Shades- Subject to ACC approval; application required.**

1. The design, material and color must be included in the Architectural Request for approval.

2. Approved interior patio blinds and shades colors include tan, beige, black/gold combination, gray, white, and black.

**Landscape Lighting or Additional Lighting- Only permanent installations are subject to ACC approval.**

1. Non-permanent or portable landscape lighting or additional lighting is permitted without ACC approval. Permanent installations require ACC approval and an application submission.
2. Owners will be responsible for the upkeep of landscape lighting and replacement of bulbs.
3. No landscape lighting shall be a nuisance to neighbors. Lights should be intentionally focused away from neighbors' structures to minimize light intrusion.
4. Landscape lighting is permitted only in the landscaping beds—not in the grass.

**Landscape Modifications- Subject to ACC approval; **application is required.****

Landscape modifications are defined as any modifications to the original landscape installed at the time of purchase of the home from the Developer. The use of artificial plant material is prohibited unless inside a screened enclosure.

**Note: Per Declaration, Article VII, section 17. Waterfront Property. “No landscaping other than that initially installed or approved by the Declarant, fences, structures, or other improvements (regardless of whether or not the same are permanently attached to the land or to other improvements) shall be placed within any lake maintenance or similar easement around lakes or other bodies of water.”**

**Note: Per Declaration Article VII, Section 23. Protection and Preservation of Trees; Impact on Future Improvements. “All persons are hereby advised and bound by the fact that many or all of the trees, tree wells, retaining walls, raised walks, root barriers or other protective measures and improvements in the community are not to be removed, altered, trimmed, or harmed in any way by any Owner or Member’s Permittee (or where not permitted by the law, the Association.) Further, any trees located on Common Areas or which were in place on a Lot prior to the construction of the Home thereon shall not be removed or substantially trimmed (e.g., no ‘hat racking’), or any of the aforesaid protected improvements removed, altered or harmed in any way, without the prior approval of the Board of Directors. “**

1. Modifications are limited to property within the owner’s set back lines (Setbacks vary from 3 feet to 10 feet and are shown on Owners’ Lot surveys.)
2. Requests must include the type of plant material and the proposed location of the plant material depicted on Lot survey. If changes are significant in nature, the ACC may request a landscape drawing by an approved professional landscape company.
3. The addition of the plant material, labor, as well as any relation or additional irrigation equipment will be at the Owner/applicant’s expense.

4. The replacement, if necessary, for any reason, of the additional plant material will be at the owner's expense.
5. Privacy hedges are permitted along perimeter Lucaya Pointe Property fencing. The height of the hedges may exceed fence height to provide screening from nearby community structures, e.g. condos, apartments, etc. Plantings that are approved include Fishtail Palms, Clusia, Podocarpus, or Arboricola (Green or Variegated). Plantings shall not block landscape maintenance equipment access to the area.
6. Hedges are permitted along pool screens. Clusia, Arboricola (Green or Variegated), and Podocarpus are ACC approved materials.
7. Edging material is subject to ACC review and approval as part of any landscape review.
8. No existing trees may be removed without approval from the HOA Board of Directors.
9. Landscaping shall be kept trimmed so as not to cause damage to screen enclosures. The Association will not be responsible for damage to screen enclosures caused by landscaping modifications.

**Lighting-Exterior Coach (garage) lights can be changed from the original style; Subject to ACC approval; application is required.**

1. Lights must be similar size to the existing Coach light fixtures.
2. Material and style must be consistent with existing Coach light fixtures.
3. ACC approval and discretion is required prior to change.

**Mini-split Air Conditioners-Subject to ACC approval; application is required.**

1. Mini-split air-conditioners may be installed in garages with ACC approval.

**Playground Equipment**

1. Non-permanent playground equipment may be placed on the rear lawn of the home from 9:00 am until dusk. It must be stored in owner's residence or garage when not in use.
2. Trampolines are not permitted.

**Moving into or from Lucaya Pointe**

1. POD-like storage units are permitted for up to five (5) days for loading/unloading.
2. Board approval is required if storage units are needed for more than five (5) days.
3. In case of hurricane or other major storm damage to homes, approval by the ACC may be waived. If this is the case, an email will be sent by Management Company to all homeowners.

**Retractable Awnings/Screens-Subject to ACC approval; application is required.**

1. Retractable awnings and screens may only be installed within the interior of the Patio/Screen enclosure.
2. Color must be like color of house and/or trim.
3. Aluminum or metal awnings of any kind are not permitted.
4. Awnings must be maintained, kept free of mold, and must not look worn or in disrepair.

## **Roof Tiles**

Roof tiles must conform to the existing styles and colors and materials used within Lucaya Pointe. Metal, metal resembling barrel or flat tile, shingle, and shake roofs are prohibited. Any roof that is repaired or replaced will incorporate materials that are the same in color and makeup as that of the original.

**Satellite Dishes**- Satellite dishes (other than those permitted by Florida statute) and other exterior antennae and aerials are not permitted.

## **Screen Enclosures (Replacements or Extensions)- Subject to ACC approval; application is required.**

Screen enclosures are defined as an enclosure extending outward from the perimeter of the home surrounding a pool or an extended patio, wherein modification is made after the closing of a home and is not part of the sale of the home from the Developer. (Requires the submission of a lot survey.)

1. The location and the size of the enclosure will be determined based on a review of the lot survey with principal consideration given to setback lines and location of neighboring structures.
2. Aluminum shall be bronze.
3. Screens will be charcoal, bronze, or black in color, or alternatively, a product such as Ultravue Screen, a seemingly invisible screen will also be allowed.
4. The roof of the screen must be mansard style. No flat roofs or slanted roofs will be approved.
5. Screen doors shall be plain in nature but may be coated with “Florida Glass” screen for privacy.
6. Covered roofs will not be considered unless the proposed roof is constructed in a manner to appear to be an integral part of the existing home and the proposed roof shall match existing roof.
7. Three Season/Florida Room conversions of lanai using screens and vinyl windows are not permitted.

## **Solar Panels- Subject to ACC approval; application is required.**

1. Solar panels should not be installed on the front roof of the home.
2. Panels should be designed for side and/or rear roof installations, however, in all cases Florida statute 163.04 applies.

## **Surveillance Cameras- ACC Notification is required.**

1. Surveillance cameras are permitted in Lucaya Pointe.
2. Owners are required to submit an Architectural Modification Request to the ACC which will document the location of the cameras.
3. Placement of cameras will not impose on neighbor privacy.

**Walkways, Paver Patios, Rocks, or Steppingstones- Subject to ACC approval; application is required.**

1. Review will include potential drainage issues, closeness to property lines, etc.
2. Materials should be consistent with existing materials in the community.
3. A landscape border is required to contain loose stones. The Association's landscaping company shall not be held responsible for loose stones that are picked up and become airborne by lawn maintenance equipment.

**Whole House Generators- Subject to ACC approval; application is required.**

**Note: Please refer to Declaration of Covenants, Article VII, Section 28 for full generator restrictions.**

1. Whole house generators are defined as permanently mounted generators with natural gas fuel source.
2. The proposed location of the generator must be provided on a Lot survey and submitted with the Architectural Modification request form. Please refer to the Approved Generator Plan to see where generators are permitted.
3. Generators must be installed on a level concrete slab foundation.
4. Generators are to be screened from view from the front of the applicable Lot by plants that are a minimum of three (3) inches higher, at the time of planting, than the top of the generator, as installed. ACC submissions should include a proposed landscaping plan for screening the generator.
5. Generator test cycle times shall be between 11:00 a.m. – 4:00 p.m. on weekdays only.