

# ***NEW HAVEN AT ABACOA***

## **ARCHITECTURAL GUIDELINES**

A Guide Published by the  
Board of Directors  
New Haven @ Abacoa Homeowners Association, Inc.

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All residents benefit from the planning and design that has been the basis of the development of New Haven at Abacoa. The intent of the Guidelines is to assure residents that community-wide standards of design and quality will be maintained, which protects property values and enhances New Haven's overall environment.

An essential element of Architectural Control is the recognition by all homeowners of the importance of maintaining the plan of development of New Haven approved by the Town of Jupiter. The predictability of the plan and the documents should be viewed as a benefit and not a burden to New Haven Owners.

## **INTRODUCTION TO THE ARCHITECTURAL CONTROL COMMITTEE**

### **PURPOSE:**

The Declaration of Covenants, Conditions and Restrictions herein referred to as the "Declaration" of New Haven at Abacoa assures each Owner that the quality of New Haven's design will be maintained. The New Haven Homeowners Association is herein referred to as the "Association". The Association Board of Directors is herein referred to as the "Board". The Board is responsible for administering the Declaration and providing administrative support to the Architectural Control Committee (ACC). The Abacoa Property Owners Assembly (POA) Declaration established the Community Plan for Abacoa and required adherence to "maintain consistent thematic harmony" (POA Article 1.3). The Town of Jupiter approved both the specific architectural design of all the homes and their landscape design (Resolution No. 57-96, Town of Jupiter).

The purpose of the Guidelines is to help inform the homeowners of the design requirements for New Haven and the procedures to be followed when requesting approval for any added exterior items to their property. The Guidelines serve as an adjunct to and clarification of the rules and regulations of the Declaration that pertain to the architectural design of New Haven. The Guidelines are intended to help implement the Declaration and provide explanatory guidance.

The ACC must ensure that any and all exterior additions or alterations or appurtenances to their dwelling or anywhere upon their property in New Haven comply with the intent of the approved New Haven design documents and the provisions in Articles 5,8,and 14 of the Declaration and this document. All applications for exterior items must be submitted to the ACC and its approval received before they may be undertaken.

### **AUTHORITY:**

The authority for the ACC is set forth in Article 12 of the Declaration of the Association. The Declaration encompasses all of the homes within New Haven at Abacoa. The Declaration is a contract between the homeowners and the Association, wherein each homeowner agrees to refrain from making any additions and/or alterations to the exterior of the home and property without first receiving approval from the ACC, which is

responsible to the Board. The Board, elected by the homeowners, represents New Haven at Abacoa.

**MEMBERS:**

The Architectural Control Committee consists of three (3) or more members. The ACC shall meet as necessary to review applications received and present their findings within thirty (30) days of receipt.

**RESPONSIBILITIES:**

On behalf of the Association, the ACC is empowered to “regulate the external appearance, use, and maintenance to the General Plan of Development, meet the approved Community-wide Standard to best preserve and enhance the values and maintain a harmonious relationship among structures and the natural vegetation”. (Article XII. 2) The ACC will enforce the Declaration for the purpose of:

1. Establishing guidelines with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of any structure, landscaping, attachments and/or appurtenances and all other matters that require approval by the ACC.
2. Governing the procedure for submission of plans and specifications; and
3. Governing the form and content of plans and specifications to be submitted to the ACC for approval or disapproval.

Each application received by the ACC will be evaluated on its own merits with reasonable flexibility for architectural function and creativity with consideration to the surrounding properties.

**LIMITATION OF RESPONSIBILITIES:**

The ACC assumes no liability with regard to the structural integrity of any requests. The ACC makes no representation as to its expertise regarding the structural adequacy, capacity, safety features of the proposed improvement or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ACC does not assume responsibility for the performance or quality of work of any contractor. (Article XII.3.C).

**ARCHITECTURAL CONTROL COMMITTEE POLICIES:**

The aim of the ACC is to maintain the landscape and architectural themes of New Haven at Abacoa as approved by the Town of Jupiter so that there is harmony between neighboring residences. The ACC intends to be completely fair and objective in the review process. The past approval by any previous ACC of requests for changes submitted by one homeowner for one location or home design shall not estop the Association or to be deemed to have set a precedent by the Association from denying a change or variance for other homes and locations in New Haven. (Article XII .8)

**APPROVAL NECESSARY:**

No building, outbuilding, garage, fence, wall, retaining wall, landscaping, pool, spa, porch, or other structure, attachments/adornments/or appurtenances or improvement of any kind shall be erected, constructed, placed, altered, changed or modified on any

property unless the same shall have prior approval in writing by the ACC. The foregoing prior approval is intended to specifically apply to painting the exterior of a dwelling, the installation of a pool or spa or fence or screening or of any other maintenance, repair or modification which changes the exterior appearance of a dwelling or other improvements on a unit. (Article XII.7)

**TIME LIMITATIONS:**

In the event the ACC fails to respond to a request for approval within thirty (30) days of receipt of said request it shall be deemed to be granted, if submitted in writing to the ACC on the approved form, including all information necessary for consideration and review. The ACC shall have the right to request additional information, if in its opinion, the information submitted is incomplete or insufficient (which extends this 30-day window from date of notice). After the additional information is submitted to the ACC, it shall have 45 days to act or approval shall be deemed to have been granted.

After approval by the ACC, all improvements shall be completed within three (3) months from commencement of the improvement. Construction of swimming pools must commence within ninety (90) days of ACC approval and be completed within one hundred twenty (120) days of date of issuance of building permit. Projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and a safety hazard for neighbors and the community. Therefore a \$100 a day fine beyond 135 days up to a maximum of \$1,000 may be assessed by the Board of Directors for a continuing violation. The ACC may establish a more specific time for completion as a condition of its approval.

**INSPECTIONS:**

The ACC may make periodic inspections while work is in progress to determine compliance with the approved plans and specifications and provisions of the Declaration. The ACC or any such agent of the ACC shall not be deemed to have committed a trespass or other wrongful act by reason of such inspection.

**JOB SITE CONDITIONS:**

1. All job sites shall be kept in a neat and orderly condition, i.e. weeds must be trimmed to a height not to exceed 12 inches. All bushes and grass shall be kept in a neat and orderly appearance. No debris, garbage of any kind shall be visible from the street after construction hours. Note: For swimming pool construction soil is not considered debris. All debris shall be confined to the private property of the applicant regardless of the time of day.
2. Commercial construction hours are Monday through Friday, 7:00 a.m. to 7:00 p.m.
3. All construction operations must comply with local governmental ordinances.

**APPROVAL:**

Upon approval by the ACC, a copy of applicant's plans and specifications bearing such written approval, shall be returned to applicant. Approval of any application shall be final and the approval may not be thereafter reviewed or rescinded provided that there has

been compliance with all conditions of approval. Approval for past additions and/or alterations to the properties by the former ACC under the control of the Developer or work done without any application for approvals does not automatically assume the present ACC and Board approval of future applications for same modifications. Each application will be reviewed to assure the Guidelines are met and for the suitability of additions and/or alterations to the subject property, its size, location and effect on surrounding properties. If disapproved, a request can be resubmitted with appropriate changes made.

**DISAPPROVAL:**

In the event plans and specifications submitted to the ACC are disapproved as final, the party or parties making such submission may appeal in writing an application within thirty (30) days following the final decision of the ACC. The Board shall have forty-five (45) days following receipt of the request for appeal to render its written decision. The Board may reverse or modify the ACC decision by a majority vote of the Directors. The failure of the Board to render a decision within the forty-five (45) day period shall be deemed a decision in favor of the applicant.

**VIOLATIONS:**

If any addition, alteration or modification to the structure or landscape is made without the required prior written consent of the current ACC or the former ACC prior to the turnover by the Developer, it has been undertaken in violation of the Declaration. All unapproved alterations, attachments and/or modifications including landscape may be required to be removed unless ACC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any zoning or building ordinance or regulation of the Town of Jupiter unless proper approval is granted by that authority.

The Association is empowered to enforce its policies, as set forth in the Declaration and this Guide, by means specified in the Declaration, including an action in a court of law, to insure compliance. The Association also has the right to levy a fine and request full reimbursement of all costs incurred by the Association on modifications made without the written request and approval from the ACC. (Refer to Article XVII of New Haven of Abacoa Declaration of Covenants, Conditions and Restrictions)

**KEY ARCHITECTURAL GUIDELINES:**

The ACC evaluates all submissions based on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the location and characteristics of the individual site, house size and lot size. What may be an acceptable design on an edge lot may not be appropriate on an interior lot.

The following criteria are general in nature and apply to all of the dwellings in New Haven.

**Relation To Open Space**

Factors such as the addition or removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may

also adversely affect neighboring properties, open space common areas, preserve and easement areas.

**Conformance with the Declaration**

All applications are reviewed to confirm that the request is in conformance with all applicable parts of the Declaration

**Validity of Concept**

The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings. Not every modification will be appropriate to every property in New Haven.

**Design Compatibility**

The proposed alteration must be compatible with the architectural and characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of material, color and construction details.

**Location and Impact on Neighbors**

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight and drainage. For example, fences or landscaping may obstruct views, or access to neighboring properties; some additions may infringe on a neighbor's privacy.

**ADDITIONAL RESTRICTIONS**

“In addition the covenants, restrictions, and provisions contained in the Declaration “and the Rules and Regulations adopted by the Association as same may be amended from time to time, the property is also subject to the Abacoa Declaration of Covenants, Conditions, and Restrictions for the Abacoa Property Owners Assembly (POA).” (Article XIV)

**LANDSCAPING**

All individual homesites have been fully landscaped at the time of construction of the dwelling in accordance with an award winning master landscaping plan set forth for Abacoa and the landscape plans for New Haven approved by the Jupiter Planning & Zoning Commission on 2/3/97 and contained in Resolution 57-96 passed by the Town of Jupiter. The New Haven Master Landscape Plan stresses the use of natives. Natives grow well and most important use less water than non-natives do. Any changes (either additions or deletions) to this existing plan shall be submitted to the ACC for approval prior to implementation.

The attached approved New Haven Homesite Plant List is provided to help guide owners who desire diversity and creativity in their landscape to plan and apply for ACC approval of additional landscaping. The plant list has been developed from the Abacoa Master Plant List to exclude trees and shrubs that mature too large and/or tall for safe planting close to houses.

The required application form must depict the expected mature height and diameter of proposed planting to assure that it will not present a future hazard to nearby house

structures. Owners should also be careful that proposed new plantings do not interfere with the mature height and width of existing trees and shrubs, maintenance of the structure of the house and safety when the planting matures. The addition of palms closer to the street than 4 feet back of the perimeter line of the front of the house (excluding the porch area) or beyond the perimeter line of the rear of the property line easement. will not be approved. The tree canopy of the existing street trees will rapidly increase. Planting of other trees between the front of the dwelling and the sidewalk are not encouraged as they will eventually collide with the street tree canopy. When this occurs the interfering added tree will be required to be severely pruned or relocated or removed at the owner's expense. NOTE: Watering, pruning and fertilizer for additions in landscape trees and plants are the responsibility of the homeowner.

Medium to large palms or other trees that mature above 30 feet will not likely be permitted anywhere on homesites in New Haven due to the windstorm hazards and the potential adverse effect they will have on the limited space on home sites and that of their neighbors. Trees and plants on the Town of Jupiter Prohibited Species List (attached) will not be allowed anywhere within New Haven. Care must be maintained not to place planting in the zero-lot line easement that will grow onto the wall of the adjacent home or prevent the owner of the adjacent home from performing maintenance on his/or her wall and/or roof overhang. (Exhibit F of the Declaration).

Vines that will directly attach to houses or garages will not be approved. They will cause increased future maintenance of the painted surfaces. Some varieties will damage or invade the structure. The only vines from the New Haven Homesite Plant List that will be approved by the ACC for a house or garage are those that do not adhere to the building surface. Such vines will be approved if grown on removable trellis or held up with monofilament wire and kept regularly trimmed. If not trimmed, the homeowner will be notified and the trimming done by the landscape contractor and billed to the homeowner. Any vine that is growing on/or attached to a house or garage must be removed within 60 days at the owner's expense.

The remains of approved plant material installed by the property owner on the front and rear areas of the property that is killed from frost, freeze or draught must be removed by the owner within 30 days. Previously approved planting that has died may be replaced. This also applies to the side of homes that abut a side alley.

A minimum width of three (3) feet of mulched plantings along the inside of the fence separating the individual properties that are abutting the Preserve will be maintained by the property owner. Plantings along the inside of Preserve fence that are in the common area will be maintained by the Association. The original Preserve edge plantings are natives complementary with the Preserve vegetation. Any proposed addition to the Preserve edge planting must also be complementary to the Preserve vegetation. (Exhibit E of the Declaration).

All mechanical equipment (air conditioners, pool pumps, pool heaters, sprinkler pumps, LP gas bottles, satellite dishes and solar panels) must be screened from the street or alley with approved landscaping.

The planting of annuals in front, side or rear yards does not require ACC approval. Care and watering of such planting however, are the responsibility of the homeowner. Homeowners should be cautious in selecting annuals as many take considerable amounts of water.

Artificial vegetation is not permitted on the exterior of any portion of properties. Manufactured objects such as sculpture, fountains, flag holders, flags (other than the American flag), and similar items displayed in view of the street must be approved by the ACC. (Article V.2.Q)

## **IRRIGATION**

All lots have underground fully automatic sprinkler systems to irrigate each lot as a supplement to nature's supply of rainwater. Owner's guide sets forth all details of irrigation systems and controls, which are under the direction of the Loxahatchee River District, also known as ENCON. Note: that ENCON controls and monitors the flow of irrigation quality (IQ) water for landscape irrigation to all of Abacoa. IQ water cannot be used for anything other than irrigation. Any change to the existing irrigation piping by homeowners is absolutely disallowed.

Adding or deleting landscaping may also affect the installed irrigation system by causing death or lack of growth from insufficient watering. Bristol Management should be contacted if existing sprinkler heads are not working or require vertical extensions when planting height blocks their coverage function.

Individual homeowners are responsible for coordinating the capping of the irrigation system for any subsurface work proposed with a licensed irrigation contractor. The Association requires homeowners use its irrigation contractor. Additionally, the Association Management Company will request a refundable deposit for the installation of any improvement that requires subsurface digging. The deposit and additional review fee may vary depending on the type of improvement and is listed with the improvement.

## **FENCES**

A privacy fence may not exceed six (6) feet in height and cannot be erected closer than four (4) feet back of the perimeter line of the front of the house (excluding the porch area) or beyond the perimeter line of the rear of the property line easement. See attached diagram for the types of fences approved for New Haven at Abacoa. If the fence can be seen from a street or abuts a side or rear alley, landscaping on the street or alley side of the fence will be required. An application for any fence installation must include the type of landscaping to be planted. Shrubs of a minimum of two (2) feet in height spaced three (3) feet apart on center at the time of planting or approved vines will satisfy this requirement. Again, it is the homeowner's responsibility to contact the Association's irrigation contractor to ensure the fence installation will not impact the irrigation system.

Breakaway panels for fences installed within the adjacent zero line maintenance easement are not required as long as there is gate access to the public street or rear alley by the adjacent property owner for maintenance to their common wall or roof. The homeowner is responsible to maintain the added landscape and keep the fence in good repair and cleaned.

1. Must have ACC approval.
2. Process Fee- \$25.00
3. Deposit Fee- \$500.00

## **SPA/POOL CONSTRUCTION**

When building a swimming pool, it will be the owner's responsibility and cost to contact the Association's irrigation contractor to perform the necessary work to ensure that the irrigation system is capped off properly and that no main lines have been disturbed. It will be necessary for the owners to co-ordinate with their pool contractors and notify the current irrigation maintenance contractor one week in advance to set up an appointment to have the necessary work performed.

1. Setbacks- per Town codes and ordinances and never in the zero line or street easements.
2. Must have ACC approval.
3. Process fee- \$ 25.00
4. Deposit fee- \$500.00

## **DECKS AND PAVERS**

1. Setbacks – per the Town codes and ordinances.
2. Must have ACC approval.
3. Process fee - \$25.00

## **SCREEN ENCLOSURES**

1. Must be constructed of all white aluminum and charcoal screening.
2. Setbacks- Not allowed in street or zero line easements and in accordance with Town codes and ordinances. The setback from the front wall of the home for side yard enclosures is the same as for side yard fences.
3. Must have ACC approval.
4. Process fee- \$25.00

## **PLAYGROUND EQUIPMENT**

1. May only be installed in rear or side yard on alley homes and in the rear yard of front loaded homes.
2. To reduce their visibility from the street view, playground equipment must be screened with landscaping or fencing. If landscaping alone is chosen, then, for the street view, shrubs three feet tall spaced no more than three feet apart shall be used. Street view is defined as the view seen from the street looking towards the front of the residence along the two side property lines.
3. All other proposals must have ACC approval. No fee required.

## **MOBILE BASKETBALL HOOPS**

1. Not permitted in front of home when not in use unless they are kept 4 feet behind the horizontal plane of the front door or behind the plane of the garage door for alley homes. They must be kept clean and in good repair.
2. ACC approval required. No fee required.

## **BASKETBALL HOOPS ATTACHED TO HOME OR GARAGE**

1. Not permitted.

## **AWNINGS**

1. Requires ACC approval if seen from the street or side alley abutting the side of the house. Solid colors used will be the same color as the house or house trim or a stripe of both the house and/ or trim or shutter color.
2. Process fee- \$25.00

## **SATELLITE DISHES AND ANTENNAS**

Satellite dishes (one meter or less in diameter) and antennas or any other apparatus for the transmission of television, radio or other signals of any kind may be installed on home site properties. The Association encourages satellite dishes and antennas be installed free standing apart from the home or garage structure and are required to be screened from street view. A satellite dish or any other antennas that are attached to the house or garage wall shall void the warranty on the exterior wall finish the maintenance of which shall thereby become the responsibility of the homeowner to repair.

1. Requires ACC approval.
2. Review Fee - \$25.00.

## **ALL OTHER ALTERATIONS TO THE EXTERIOR ELEVATIONS**

1. Requires ACC approval.
2. Review Fee - \$25.00

## **WINDOWS AND FRONT PORCHES**

“All draperies, curtains, shades, or other window coverings installed in a Unit, and which are visible from the exterior of a Unit shall have white backing, unless otherwise approved by the ACC. Front porches are intended for seating, gathering, and conversation, and are not to be used for storage of equipment, bicycles, toys, or similar personal property. The types of personal property permitted to be left on a front porch are outdoor furniture, overhead fans, and potted live plants. No front porch shall be enclosed in any manner, including, without limitation, with screening, windows, or walls.” (Declaration Article 5.2.M). All other items must be approved by the ACC.

## **HOLIDAY DECORATIONS**

Holiday specific decorations on porches and the front of house and yard are allowed. Decorations for specific holidays may be installed 25 days before the holiday and must be removed no later than 10 days after the holiday. Holiday decorations are not allowed on or over the sidewalk and parking strip.

## **LIGHTING**

“Except for seasonal holiday decorative lights, which may be displayed between December 1 and January 10 only, all additional exterior lights must be approved by the ACC.”. (Article 5.2.P)

## **PRESSURE WASHING OR CLEANING**

Pressure cleaning or washing of the exterior of a home requires care so as not to damage the finish. To prevent damage to the painted surface’s pressure cleaning equipment must be kept at a maximum 2500 psi. Cleaners should contain 1 part bleach to 3 parts water and mixed thoroughly. Let solution remain on surface 15-20 minutes and then thoroughly rinse with potable water. If dirt remains, wash with non-sudsing detergent (i.e. Soilax) Rinse thoroughly with potable water and allow to dry.

## **PAINT OR STAIN FOR NATURAL CONCRETE**

Natural concrete sidewalk pavement within the confines of the home site boundary other than the porches and patios constructed and painted by the builder or approved by the ACC may not be stained or painted.

## **COMMON PROPERTY**

Under no circumstances shall any homeowner receive approval to any proposal that permits encroachment upon the common property of the Association.

# **SUMMARY OF PROCEDURES**

## **HOW TO MAKE APPLICATION TO THE ARCHITECTURAL CONTROL COMMITTEE**

Applications may be obtained from the offices of Bristol Management, Inc., 1930 Commerce Lane, Jupiter, Florida, 33458, c/o Beth Goin. Completed applications should be hand delivered or sent to said office, which will then forward them to the ACC for review at its next scheduled meeting. An application form is attached.

## **SITE PLAN**

A copy of the site or property survey must be included with the application showing the location of existing structures and the boundaries of the Property. Proposed changes or additions should be indicated including dimensions and distances from the home and adjacent properties. Landscaping changes should be indicated as well.

## **DRAWINGS AND PHOTOGRAPHS**

A graphic description of the request should be provided. This may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal.

## **PERMITS**

After receiving approval from the ACC, the applicant may also be required to obtain a permit from The Town of Jupiter or other governmental authorities. The Applicant must determine whether this requirement applies to the requested modification.

## **THIRD PARTY COMMENTS**

Applications for proposed alterations to a home or garage that will change any part of the exterior elevations will include written comments from neighbors. These comments will be considered during the review process. The ACC will make its decisions based on standards set forth in the Declaration and further described in this Guideline.

## **THE COMMUNITY ARCHITECT**

The Abacoa Property Owners Assembly ((POA) has appointed a Community Architect, who can, at his sole discretion, approve and/or reject applications that have been approved by the New Haven ACC. POA Article II.2.2 (b).