

THE ISLAND AT ABACOA

ARCHITECTURAL GUIDELINES

A Guide Published by the
Board of Directors
The Island @ 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 The Island @ Abacoa. The intent of this Guide is to assure residents that the standards of design and quality will be maintained, which protects property values and enhances The Island's overall environment.

An essential element of Architectural Control is the recognition by all homeowners of the importance of maintaining the general plan of development of the Community. This should be viewed as a benefit and not a burden to the Community.

INTRODUCTION TO THE ARCHITECTURAL CONTROL COMMITTEE

PURPOSE

The Declaration of Covenants, Conditions and Restrictions (Declaration) of The Island at Abacoa (The Island) assures each Owner that the quality of The Island's design will be maintained. The Homeowners Association Board of Directors is responsible for administering the Declaration and providing administrative support to the Architectural Control Committee (ACC).

The ACC must insure that exterior alterations on The Island comply with the provisions in ARTICLE XII of the Declaration and this document. ALL requests for exterior alterations MUST be submitted to the ACC and its approval received BEFORE they may be undertaken.

The purpose of this Guide is to inform the homeowners of the Design Requirements for the Island and the procedures to be followed when requesting an exterior modification to their property. Each application received by the ACC will be evaluated on its own merits with reasonable flexibility for architectural function and creativity.

AUTHORITY

The authority for the ACC is set forth in ARTICLE XII of the Declaration of the Association, received by all homeowners when they purchased their homes and acknowledged by each homeowner at that time. The Declaration encompasses all of the homes within The Island.

The Declaration is a contract between the homeowners and the Association, wherein each homeowner agrees to refrain from making any modifications to the exterior of the home and

property without first receiving approval from the ACC which is responsible to the Board of Directors of the Association. The Board, elected by the homeowners, represents The Island at Abacoa.

MEMBERS

The Architectural Control Committee consists of five (5) members. The ACC shall meet as necessary to review Applications received and present their findings within thirty (30) days of receipt. The Board of Directors and/or the President, have the right, power, authority and obligation to select members of the ACC.

RESPONSIBILITIES

On behalf of the Association, the ACC is empowered to adopt, promulgate, amend, revoke and enforce Design Requirements 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 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.

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 either the structural adequacy, capacity or 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.

ARCHITECTURAL CONTROL COMMITTEE POLICIES

The ACC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of The Island and to foster thoughtful design so that there is harmony between neighboring residences. The ACC intends to be completely fair and objective in the architectural review process. The approval of the ACC of plans or specifications submitted by one homeowner shall not be deemed to be a waiver by the ACC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent plans and specifications submitted for approval for use on other homes.

APPROVAL NECESSARY

No building, outbuilding, garage, fence, wall, retaining wall, landscaping, pool, spa, porch, or other structure or improvement of any kind shall be erected, constructed, placed, altered, changed, repaired or modified on any property unless the same shall be approved 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.

TIME LIMITATIONS

After approval by the ACC, all improvements shall be completed within twelve (12) months from commencement of the improvement. Construction of swimming pools must commence within sixty (60) days of ACC approval and be completed within seventy-five (75) days of date of issuance of building permit. A \$100 a day fine beyond 135 days may be assessed. Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and a safety hazard for neighbors and the Community. The ACC may establish a more specific time for completion as a condition of its approval.

In the event the ACC fails to respond to a request for approval within thirty (30) days of receipt of said request it will 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).

INSPECTIONS

Periodic inspections may be made by the ACC 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, as determined by the ACC.
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. If disapproved, a request can be resubmitted with appropriate changes made.

VIOLATIONS

If any alteration or modification is made without the required prior written consent of the ACC, the alteration has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed until ACC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any of the Covenants and Restrictions contained in the Declaration, or in violation of any zoning or building ordinance or regulation.

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 The Island 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 characteristics of the individual site and lot size, since what may be an acceptable design on a golf course lot may not be acceptable on an interior lot.

The following criteria are general in nature and apply to all of the dwellings on The Island.

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 Covenants

All applications are reviewed to confirm that the request is in conformance with all applicable Covenants and Restrictions affecting The Island.

Validity Of Concept

The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings.

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.

LANDSCAPING

All individual home sites have been fully landscaped at the time of construction of the dwelling in accordance with a master landscaping plan set forth by the Town of Jupiter.

Any changes (either additions or deletions) to this existing plan must be submitted to the ACC for approval **prior** to implementation.

Since the master plan represents both northern and old Florida style of flora, palm trees in any front yard will be discouraged.

The following is a guide for rear yard plant materials subject to ACC approval. **NOTE:** Watering for these changes are the responsibility of the homeowner.

Category I - Native Vegetation:

Shade Slash Pine, Live Oak, Laurel Oak, Red Maple, Mahogany

Trees:

Ornamental Yellow Tabebuia, Wax Myrtle, Dahoon Hooly, Sweet Bay, Magnolia

Trees:

Palms: Sabal Palm, Paurotis Palm, Key Thatch Palm, Needle Palm

Shrubs: Wax Myrtle, Cocoplum, Stopper, Florida Zamia, Saw Palmetto, Boston Fern, Myrsine, Fire Blush, Illex Schellings

Citrus: Orange, Lime, Grapefruit, Lemons, Tangelo, Tangerines, Kumquat

Category II - Non-Native Vegetation:

Shade Trees: Bottlebrush Weeping, Black Olive, Drake Elm, Yellow Poinciana, Eugenia Hookerii

Ornamental Ligustrum, Tabebuia, Rigid Bottlebrush, Hibiscus, Fern Tree, Dwarf

Trees: Magnolia, Cassia, Tibochina, Cateleya Guava, Heliconia, Crepe Myrtle

Palms: Chinese Fan Palm, European Fan Palm, Pygmy Date Palm, Queen Palm, Lady Palm, Washingtonia Palm, Windmill Palm, Latainia Palm, Roebellini, Adonidia

Shrubs: Crepe Myrtle, Viburnum Awabuki, Silverthorn, Azela, Variegated and Green Pittosporum, Raphiolepis, Chaulkus, Podocarpus, Thryallis, Ixora, Jasmine

Accent Plants: Crinum Lily, Bird of Paradise, Zamia, Philodendron Selloum, Gardenia, King Sago, Queen Sago

Ground Jasmine Minima, Liriope Evergreen Giant, Juniper (various species),

Covers: Day Lilies, Pentas, Lantana, Holly Fern

ADDITIONAL INFORMATION:

Height of rear property trees shall not be excessive, as determined by ACC. The required application form must show the projected future height limit which must comply with the Island's present vista policy.

Rear plant material killed from frost, freeze or draught must be replaced within 3 months.

All mechanical equipment (air conditioners, pool pumps, pool heaters, sprinkler pumps, LP gas bottles) must be fully screened with landscaping

The planting of annuals in front or rear yards does **not** require ACC approval. Care and watering are the responsibility of the homeowner.

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 master plan by causing death or lack of growth from insufficient watering.

FENCING CRITERIA

A six foot high privacy fence cannot be erected beyond the perimeter line of the front of the house (excluding the porch area) or beyond the perimeter line of the rear of the house or garage, whichever extends furthest. For houses that back onto the golf course, any fence built beyond the rear of the house must be of the four foot high picket fence design. See diagram for the types of fences approved for the Island of Abacoa. An application for a privacy fence installation must include a landscaping plan to include the type of landscaping material to be planted. At a minimum, a hedge planted to be maintained at a minimum height of 24" and a maximum of 36" shall be required. All purposed landscaping is required to be approved by the ACC and a separate application will be necessary.

The types of fences, as represented below, are recommended for use along the sides and rears of the homes at the Island of Abacoa, in accordance with the Fencing Criteria provided herein, currently found of page eight (8). Fences can either contain open pickets and posts made of vinyl or aluminum spaced every 2 or 3½ inches or a five foot high vinyl privacy panel with lattice treatment extending one foot above the fence. A six foot height restriction for privacy fencing and a four foot **ONLY** height requirement for picket fencing shall be permitted. There shall be no waivers or modifications to the height, color or fencing criteria without the BOD consent.





POOL CONSTRUCTION

When building a swimming pool, it will be the owner's responsibility and cost to contact the Island @ Abacoa's irrigation company 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 Treasure Coast irrigation, 561/687-4535 one week in advance to set up an appointment to have the necessary work performed.

SUMMARY OF PROCEDURES

HOW TO MAKE APPLICATION TO THE ARCHITECTURAL CONTROL COMMITTEE

Applications may be obtained from the offices of the Homeowners Association located at Bristol Management, Inc., 1930 Commerce Lane, Suite #1, Jupiter, FL 33458, c/o Pamela McLendon. 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.

SITE PLAN

A site or property survey should 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

Written comments from neighbors and other residents concerning proposed changes may be furnished to the ACC. 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 Guide.

ABACOA PROPERTY OWNERS ASSEMBLY

Referred to as the Community Architect, in its sole discretion, can approve and/or reject applications that have been approved by the ACC.