

*Lighthouse Harbour Subdivision*

# ACC Manual

Architectural Control Committee

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It is the intent of this manual to assure each Builder and Homeowner that Lighthouse Harbour Subdivision will be developed and constructed as a community of quality homes and buildings; that are of tasteful and aesthetically pleasing architectural design; that are constructed with long-lasting materials and high-construction standards; that are harmonious with surrounding structures and topography; and, that have landscaping and other site improvements consistent with the aesthetic quality of Lighthouse Harbour Subdivision as a whole.

The Master Declaration of Protective Covenants and Restrictions for Lighthouse Harbour Subdivision ("Master Covenants") have caused to be created an Architectural Control Committee, called the ("ACC") whose function is to review (and approve or disapprove) plans for any proposed construction or alteration within Lighthouse Harbour Subdivision. The Master Covenants have granted the ACC broad discretionary powers regarding the aesthetic impact of design, construction and development including architectural style, colors, textures, materials, landscaping, overall impact on surrounding property, and other aesthetic matters. It shall not be the intent of the ACC to impose a uniform appearance within Lighthouse Harbour Subdivision, nor to discourage creativity on behalf of Builders and Homeowners. Its intent is to promote and assure that all improvements are aesthetically compatible with each other; incorporate a unique yet pleasing and discriminating character; and, are constructed to reflect the quality and permanence of a world class community.

This Manual has been prepared by the ACC as a guideline for Builders and homeowners in *their* selection of concepts for construction within the development. This Manual does not include all building, use, and other deed restrictions associated with Lighthouse Harbour Subdivision and, accordingly, each Builder and Homeowner should familiarize himself with the provisions of the Master Covenants, Neighborhood Covenants, if any, and rules and regulations of the Lighthouse Harbour Homeowners Association, Inc. The inclusion of any recommendation in this Manual shall not preclude the ACC's right to disapprove any proposed matter for any reason.

Lot Owners. All lots must be maintained by the owners to a minimal standard. Lots should be free of unnecessary silt fences, dead wood and other debris. They should also be mowed or trimmed back approximately 15 feet from the road.

## THE REVIEW PROCESS AND GENERAL INFORMATION

General. The design and construction review process is a three step process: concept review, final review, and final inspection of improvements. Thorough and timely submission of information as well as adherence to the design standard set forth in this Manual will prevent delays and minimize frustration of all parties involved upon the receipt of plans and fees, the committee will guarantee a 30 day turnaround from its weekly scheduled meeting. Questions concerning the interpretation of any matter set forth in this Manual should be directed to the chairman of the ACC. The application form will be available online. ACC president to maintain location of the form.

Voting. A minimum of 5 people is required for a Quorum and majority rules. Issues on the agenda: Absentee vote must be cast in advance of the meeting. The vote should be sent to the ACC president.

Issues not on the agenda: Absentee votes may be cast within 24 hours of being informed. If attendance is required to make an intelligent decision, the absentee vote will not be allowed. The ACC president is the deciding person on whether to accept an absentee vote.

Review Fee and Construction Bond. When a Builder or Homeowner submits plans to the ACC for Conceptual Approval or Final Approval, the submission shall include the "Review Fee" and "Construction Bond" as described below. The "Application Form" (available from ACC) shall be used as a transmittal record of the Submission and ACC response as to the submission.

The Review Fees shall be as follows:

A New Home Construction - the original contemplated alteration of a homesite from its natural state into a residential dwelling: .A \$500 non-refundable application fee is required for final approval.

B. Major Alteration or Addition - a structural or site modification taking place after the original construction which is significant enough to warrant the issuance of a building permit by a governmental authority: Requires ACC approval, no fee.

C. Minor Alteration or Addition - structural or site modifications of a relatively insignificant matter: Requires ACC approval, no fee.

D. Changes to or resubmission of Plans -- whenever a submission for which the ACC previously granted Final Approval is resubmitted for Final Approval to the ACC due to change in the originally approved plan or whenever a submission whose approval was previously denied by the ACC is resubmitted by a Builder or Homeowner for Final Approval: Requires ACC approval, no fee.

On all New Home Construction, the Builder or Homeowner shall submit to the ACC a Construction Deposit of \$2,500 per unit to be held in escrow by the ACC until the improvements are complete and the ACC performs its Final Inspection. The deposit is to be refunded within 30 days after closing. The construction deposit shall be used to offset any costs incurred by the Master Association or the ACC in order to:

A. Repair damage to any property caused by the Builder or Homeowner or their subcontractors, suppliers and representatives during construction;

B. Recover legal fees and other costs incurred by the ACC in order to correct any construction or alteration not performed in substantial compliance with the plans receiving Final Approval; and

C. Pay for any fines or penalties imposed by the ACC or the Master Association for violations of any rules of conduct or regulations governing use of property within Lighthouse Harbour Subdivision.

D. A Builder or Homeowner may also be liable for additional fees over and above the \$2,500, as required by the ACC.

Concept Approval. Any Builder or Homeowner may submit preliminary or conceptual drawings and specifications or other information to the ACC for Concept Approval prior to the preparation and submission of detail plans and specifications for Final Approval. A Concept Approval is not mandatory, but is provided for the convenience of Builders and Homeowners in order that they may accomplish a timely and thorough preparation and ultimately receive Final Approval of their construction, landscape or hardscape and plans and other submittals.

The ACC shall review the information and indicate its approval, disapproval or recommendation as to the plan. A Concept Approval given by the ACC shall not constitute approval for the commencement of construction, but only approval of the conceptual information being reviewed. Submittals for Concept Approval of any New Home Construction shall include a hard copy set of the following, plus an electronic set as well:

- A. Concept Site Plan showing the approximate location and dimensions of all improvements.
- B. Concept Floor Plan.
- C. Concept exterior elevations.
- D. Concept Landscape Plan.
- E. Such other information, data, and drafts which may be reasonably requested by the ACC.

Final Approval. - construction of a building or structural improvement; no landscaping or other site improvement; and no alteration or addition to any existing structure or site improvement shall be made on any property until the plans and specifications showing the proposed design, nature, kind, shape, size, color, materials, and location of same shall have been submitted to and shall have received Final Approval by the ACC. Builders or Homeowners requesting Final Approval of an improvement shall submit sufficient exhibits to demonstrate compliance with standards and requirements of this Review Manual. Construction must commence within six (6) months from date of Final Approval or Final Approval will be subject to review.

Submittals for Final Approval of any New Home Construction shall include at a minimum three (3) sets of the following:

- A. Site Plan at a minimum scale of 1" = 20' showing: a clearing and grading scheme with proposed and existing land contours, grades of the site drainage system; location and size of any trees posed to be removed from the site; and, the dimensions and locations of all buildings, access drives, parking, utilities (septic system, water, power, telephone, cable, etc.), street pavement location, and all other proposed improvements to the site.
- B. Landscape and Irrigation plans at a minimum scale of 1" = 20' showing: the size, type and location of existing and proposed tree locations; the location of all planting areas including existing plant materials incorporated into the plan; the species and size of all stock at the time of planting; and, an irrigation plan including the source of water supply. Tree selection should be consistent with the neighborhood.
- C. Plans at a minimum scale of 1/4" = 1'0" for all floors, cross sections and elevations including projections and wing walls (floor plans should also show total square feet of air conditioned living area).
- D. Plans, elevations, types of materials and other information associated with any other site improvement or ornamentation, including exterior lighting, walls, fencing and screening, patios, decks, pools, porches, and signage.
- E. Samples and color chips of all exterior finishes and materials to be incorporated into the plan.
- F. Such other information, data and drawings as may be reasonably requested by the ACC.
- G. The Review Fee and (for new Home Construction) the Construction Deposit.

It: after the initial New Home Construction, a Builder or Homeowner desires Final Approval for alteration or addition, sufficient information shall be submitted to the ACC to allow it to fully understand the proposed alteration or addition. Such information could be as simple as a letter with a material sample picture, or as complex as the above stated submittals.

The ACC may require a rough stakeout of the proposed New Home Construction or Major Alteration or Addition prior to rendering its Final Approval on any matter.

Inspection. The ACC shall have the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval is required under this manual. Upon completion of construction, a Builder or Homeowner shall give written notice to the board using the transmittal form provided by the ACC. Attached to the notice shall be a final survey and a copy of the certificate of occupancy for the newly constructed improvement. Upon "Final Inspection" of the improvements by the ACC and provided that such inspection determines that the improvements were constructed in substantial compliance with the plans and specifications submitted for Final Approval, the ACC shall return the Construction Deposit (less any amounts withheld for any reasons described previously).

Builders and Homeowners are forewarned that the Master Covenants have granted to the ACC discretionary powers regarding the removal of any non-qualifying improvement constructed within Lighthouse Harbour Subdivision. In this regard, if the ACC finds that any improvement was not performed or constructed in substantial compliance with the submittals receiving final approval, the

ACC may remove the non-complying improvement, and charge the action to the Builder or Homeowner.

Conduct. All Builders and Homeowners shall be held responsible for the acts of their employees, subcontractors, suppliers and other persons or parties involved in construction or alteration of a homesite. In this regard, a Builder or homeowner shall be responsible for the following:

- A. Ensuring that the construction site is kept clean and free of debris and waste materials, and that stock piles of unused materials are kept in a neat and orderly fashion.
- B. Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or well-being of other personnel on the site or affect the quality of workmanship.
- C. Assuring that the aforementioned are properly insured.
- D. Assuring that the aforementioned do not commit any violation of the rules and regulations of Lighthouse Harbour Homeowners Association, Inc.
- E. Construction hours are as follows:
  - 1. Monday through Friday from 7:00 to 8:00
  - 2. Saturday from 7:00 to 7:00.
  - 3. No work on Sundays or Holidays
  - 4. Homeowners personally working are not held to these hourly restrictions
- F. Heavy equipment with metal tracks must be off loaded onto the lot, not the street. The ACC president will address any issues where this is considered not possible.

If an application for Concept Approval or Final Approval has been denied; or if an approval is subject to conditions which a Builder or Homeowner feels are harsh or unwarranted; or if there are disputes to any other matter related to actions of the ACC, the Builder or Homeowner may request a hearing before the full committee of the ACC. At the hearing, the Builder or

homeowner will be allowed to present its position on the matter and make requests or recommendations as to an alternative action. After the hearing the ACC will review the information presented and notify the Builder or homeowner of their final decision on the hearing. The decision of the ACC regarding the matter shall be final.

#### GENERAL SUBMISSION STANDARDS

Residential Use. The primary purpose of the homesites is for residential housing. Any business conducted within the residence should not be readily apparent. Items that would make it readily apparent include, but are not limited to business signs, excessive foot traffic, cars parked on the street, excessive noise, odors or a large number of business deliveries. .

Temporary Improvements. No temporary building or structure shall be permitted on any homesite except that trailers, temporary buildings, barricades and the like may be permitted during the construction of a permanent improvement, and provided that the ACC shall have approved the design, appearance, and location of the same. They shall be removed not later than fourteen (14) days after the date of completion of the building(s) for which the temporary structure was intended, and shall be permitted for no longer than a period of six (6) months unless an extension of time is granted by the ACC.

Accessory Structures. No more than one (1) detached single family residential dwelling shall be erected on a homesite. The ACC may approve accessory structures (such as garages, gazebos, guest houses, servants' quarters, and the like) that are detached from a main residential dwelling so long as they are not erected prior to construction of the main residential dwelling and are not intended to be held for lease.

Utility Service. No lines, wires or other devices for communications purposes, including telephone, television, data and radio signals, or for transmission of electric current or energy, shall be constructed or placed on any homesite unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvement. Above ground electrical transformers and other equipment may be permitted if properly screened and approved by the ACC. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

Refuse and Storage Areas. Garbage and refuse shall be placed in containers and shall be capped and contained in such a manner that they are inaccessible to animals. The containers shall be concealed within buildings; be concealed by means of a screening wall of material similar to and compatible with that of the building; or, concealed by sufficient landscaping to provide a permanent screen from view of surrounding property. These elements shall be integrated with the building plan, be designed so as not to attract attention, and shall be located in as reasonably inconspicuous manner as is possible.

Storage Tanks. No storage tanks, including but not limited to those used for storage of water, gasoline, oil, other liquid or any gas, shall be permitted outside a building except as approved by the ACC.

## SITE IMPROVEMENT STANDARDS

Site Placement. All buildings and other improvements shall be placed as approved by the ACC. The existing topography and landscape shall be disturbed as little as possible, such that the maximum number of desirable trees and other natural features will be preserved.

Building Setbacks. Minimum building setback lines (including eaves and overhangs) shall be as follows:

As required by municipality and as shown on subdivision plat and as supplemented as

Front Building Line: 35 feet

Rear Property Line: 35 feet

Side Property Line: 10 feet

Corp Line: 0 feet

County silt basin: 0 feet (Silt basin are the large concrete storage tanks located between some homesites.

Where a homesite fronts on more than one street (such as corner homesite), the minimum front setback shall apply to the frontage on all such streets. The direction in which any dwelling unit's front elevation shall face on a homesite shall be approved by the ACC.

The ACC may grant an exception for the above minimum setbacks in a case where a homesite would be rendered unbuildable due to its size, shape or topography, and to save existing trees.

The ACC may, at its sole discretion, impose more stringent setback requirements as to the location and positioning of any building.

Driveways. Parking spaces, garages, curb cuts, and the driveway to a garage shall be planned and executed in an attractive and functional manner and shall consider the location of existing trees, topography, streetscape and compatibility with surrounding improvements.

All homesites shall have a paved driveway of stable and permanent construction of at least twelve

(12) feet in width. Unless prior approval is obtained from the ACC, all driveways must be constructed of concrete or concrete products or design. All driveway approaches must be concrete.

When curbs are required to be broken for driveway entrances, the curb shall be repaired in an orderly fashion in such a way as to be acceptable to the ACC.

Street Front Improvements. The Builder or Homeowner shall install and maintain sod along the street frontage of the homesite regardless of the size of the homesite or the amount of street frontage. The ACC shall review the landscape and site plan to check that street tree spacing is consistent with neighboring homesites. Sod shall be provided to the back of the curb and shall be Zoysia.

Drainage and Grading. No drainage ditches, cuts, swales, streams, impoundments, ponds, or lakes; no mounds, knobs, dams, or hills; and no other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and

drainage patterns may be created, destroyed, altered or modified without the prior written consent of the ACC, whether on private property or common area. The steepest allowable grade on new home sites is 3:1, not the county specified 2:1 grade. Special attention shall be given to proper site surface drainage, so that surface waters will not interfere with surrounding homesites and natural drainage flows. Paved areas shall be designed to allow surface water to drain naturally and not to allow water to collect & stand. All buildings shall have a minimum floor finish elevation equal to or greater than one foot above the one hundred year flood elevation. Fill shall not be deposited or removed without ACC permission.

Games and Play Structures. All basketball backboards and any other games and play structures are subject to approval by the ACC. Basketball backboards shall be clear acrylic, polycarbonate or equivalent appearing material. Tree-house or platforms of a like kind or nature shall not be constructed unless approved by the ACC.

Swimming Pools and Tennis Courts. Any swimming pool or tennis court to be constructed upon any homesite shall be subject to review by the ACC. The design must incorporate, at a minimum, the following:

- A. The composition of the material must be thoroughly tested and accepted by the industry for such construction.
- B. Screening of pools is discouraged, but may be allowed by the ACC. Pool cages and screens must be of a color and material approved by the ACC.
- C. Fencing of tennis courts shall be chain link; green or brown vinyl clad; and limited to ten (10) feet in height.
- D. Pool screening and tennis court fencing shall not be visible from the street in front of the dwelling unit.

Signs. No signs whatsoever (including, but not limited to, commercial, political and similar signs) shall be erected or maintained on the homesite except such signs as may be required by law and such signs as may be approved by the ACC. For sale signs consistent with the Community-Wide Standard should not be larger than the 18 inches by 24 inches. Signs required by legal proceedings may be erected as required. "No trespassing" signs and other related signs may be erected as required by law, but should not be larger than 18 inches by 24 inches.

Lighting. All exterior lighting shall be consistent with the character established in Lighthouse Harbour Subdivision and be limited to the minimum necessary for safety, identification, and decoration. Exterior lighting of buildings for security and/or decoration shall be limited to concealed uplighting or downlighting and the style and type of lighting shall not be visible from streets and other common areas and no color lens or lamps are permitted. No lighting of tennis courts is permitted unless approved by the ACC.

Fences and Walls. Wood fences are not recommended. All fences and/or walls where permitted shall be of the same material and design as the adjacent building. Where a fence or wall is deemed to be unnecessary or unsightly and detracting the visual value of common areas, a landscape screen in lieu of a fence or wall shall be required. No fence or wall over 6 feet in height shall be permitted except for tennis courts and other special conditions as approved by the

ACC. In general fences or walls are not encouraged within Lighthouse Harbour Subdivision. Hedges, berms, or other landscape alternatives are preferred. All houses on Bragg Road between the pool and front gate to have matching fences and working lights similar to other houses.

Mail Boxes. All mailboxes shall be of common design and shall include only the surname and house number and, shall be located as prescribed by the United States Postal Service. The mailbox shall be installed by the Builder or Homeowner.

Lawn Furnishings. No bird baths, frog ponds, flag poles, lawn sculpture, artificial plants, bird houses, rock gardens, or similar types of accessories and lawn furnishings are permitted on any homesite without prior approval of the ACC.

#### BUILDING CONSTRUCTION STANDARDS

Minimum Building Size. The following minimums of square feet of air conditioned living area not including the basement is required for main residential dwelling structures. There is no maximum building size.

A. 2-Story Homes: - 3500 square feet subject to ACC approval

B. 1-Story Homes: - per ACC approval.3,000 square feet subject to ACC approval

Exterior Materials. Finish building materials shall be applied consistently to all sides of the exteriors of buildings. Recommended materials shall be brick, stone, stucco, wood (not plywood or similar material), or other approved natural material. No simulated brick, stone, or vinyl siding shall be permitted.

Exterior Colors. Finish colors shall be applied consistently to all sides of the buildings. Color selections shall be harmonious with each other and with natural materials, and shall be compatible with colors of the natural surrounding and other adjacent property. All exterior wood must be painted or stained.

Exterior Trim and Decoration. Exterior window and door trim and similar decorations shall all be of the same color and material, unless otherwise approved, and shall be either of the same material as exterior walls or directly compatible. Facia, gutters and downspouts shall blend in and be directly compatible with the architectural detail of the exterior walls. Reflective glass is prohibited.

Building Heights. Heights of buildings shall be compatible with adjacent buildings.

Roofs. Flat roofs shall not be permitted on the main portion of the structure provided; however, the ACC shall have discretion to approve such roofs on the main body of a building, if modern or contemporary in design. No built up roofs shall be permitted, except on approved flat surfaces. The composition of all pitched roofs is recommended to be slate or other composition approved by the ACC. Architectural shingles are recommended. All improvements above the roof line is to be of equal color and composition with the other parts of the dwelling. Copper roofs are allowable.

Chimneys. Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone, stucco or wood and shall be built to grade. If the fireplace is a metal (self-insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have a cowling or surround of a material approved in advance in writing by the ACC.

Garages. All residential dwellings shall include a garage adequate to house at least three (3) but not more than four (4) large sized American automobiles and shall include adequate space for storage. The minimum space allotments for garages shall be as follows:

A. Floor space allocation for each automobile shall be not less than eleven (11) feet in width and twenty-two (22) feet in length.

B. Floor space allocation for storage shall not be less than one hundred (100) square feet for any garage.

C. No garage shall be less than five hundred eighty-four (584) square feet of total floor-space. No garage shall be converted to other usage without the substitution of another garage. No carports will be permitted.

D. Detached garages are allowed with ACC approval and must be built from similar materials and have similar aesthetics

Appurtenances. All exterior mechanical equipment including, but not limited to, transformers, vents, air conditioning compressors, pool pumps, meters, etc., shall be concealed from view by walls of the same material and color as the building or by an opaque landscaping screen. No solar heaters shall be allowed where visible from any street or the Community Pool unless approved by the ACC.

Antennas. No antenna for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used or maintained where visible from any adjoining property. An 18 inch dish is allowable if approved by the ACC

Window Air Conditioning Units. No window air conditioning units shall be permitted.

## LANDSCAPING AND OPEN SPACE STANDARDS

General. Any homesite which shall have been altered from its natural state, shall be landscaped according to plans approved by the ACC. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. Landscaping as approved by the ACC shall be installed no later than thirty (30) days following completion of any building with weather permitting. Mulch and pine straw must be maintained.

Landscaping Plan. A basic landscaping plan for each homesite must be designed by a registered landscape Architect or person of similar competence and must be submitted to and approved by the ACC.

Retaining walls. In areas visible from the street, retaining walls shall be brick or stone. For areas not visible from the street, retaining wall construction method is not restricted.