

W HITTIER OAKS HOMEOWNERS' ASSOCIATION

ARCHITECT CONTROL BOARD MANUAL

W.O.H.A.

ACB

MANUAL

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 BOARD MANUAL,,**

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FOREWORD

The Whittier Oaks Homeowners' Association Architectural Manual has been developed by the Architectural Control Board (ACB) to help enhance the aesthetics of our community and to maintain and improve the value of our homes and property. The enclosed guide lines are suggested as a prerequisite for changes to the exterior and landscape of our homes.

This manual is a simplified outline to be used as a reference for homeowners when changing the exterior of our homes by painting or any other significant modifications. An easy to use application for ACB review is located at the back of this manual. It is imperative that you use it. Copy it or call the property manager's office for the appropriate application prior to carrying out any changes noted in this manual.

Please note that this manual is not an authoritative document on the restrictions, covenants and conditions of our association. If you wish to have a copy of the *Whither Oaks* and *Terramar Documents* contact our property manager for your copy. You will be charged a reproduction fee for each set of 'docs' you request.

The ACB would like to express our thanks to those people and businesses who helped in the preparation of this, the first edition of the *Whither Oaks Homeowners' Association ACB Manual*.

Ira H. Goldman

Diane Rottner

Wayne Smith

Whittier Oaks, Parkland, Florida - June, 1995

INTRODUCTION

A. PURPOSE

"The Architectural Control Board (ACB) shall have the power to promulgate such rules and regulations as it deems necessary to carry out the provisions and intent of this section and other provisions of this declaration."

(Article IV, Section 1 of *The Declaration of Restrictions and Protective Covenants for Whittier Oaks*)

B. AUTHORITY

The ACB is a standing committee of the association and has the powers granted to it by Article IV of *The Declaration of Restrictions and Protective Covenants for Whittier Oaks*, Article VIII of *The Bylaws of Whittier Oaks Homeowners' Association, Inc.* and Article XII of *The Declaration of Covenants, Conditions and Restrictions for Terramar*.

C. POWERS OF THE ACB

1. The right to require submission of plans, samples and/or other necessary items for review of an owner request.
2. The right to require a written application for any material change or any improvement, including color.
3. The authority to approve or disapprove any submission.
4. The authority to promulgate rules, regulations, guidelines and restrictions pertaining to its charged duties.
5. The authority to consent to variances or adjustments, within its jurisdiction, on a case by case basis with or without conditions.
6. The right to demand that an owner stop, remove and/or modify any alteration, addition, improvement or change that does not comply with its requirements and has the right to pursue injunctive relief or any other legal or equitable remedy available in order to accomplish such purpose.

D. NOTE

The ACB or its individual members shall not be liable to any owner in connection with the approval or disapproval of any alteration, addition, improvement or change.

(Article IV, Sect. 4)

INITIAL RULES AND REGULATIONS OF THE WHITTIER OAKS ACB
AS ACKNOWLEDGED ON THE 14TH OF FEBRUARY 1990

- 1 Any owner who plans any construction or improvement of any kind on his lot shall submit two complete sets of all plans and specifications and samples of proposed building materials to the Architectural Control Board (the "Board").
 2. All approvals by the board shall be subject to further approval by Terramar Community Association, Inc.
 - 3 The exteriors shall be consistent with the theme adopted by the developer.
 - 4 No metal cyclone fences are permitted. All walls shall be concrete block and stucco.
 - 5 No window or wall air-conditioning units are permitted.
 6. All mailboxes or receptacles for the delivery of newspapers, magazines or mail shall be approved by the board prior to installation on any lot.
 7. The following plant material shall not be planted in the properties: a) Cocos Nucifera (coconut palm); b) Melaleuca Leucadendron (cajeput tree); c) Casuarina Equisetifolia (Australian' Pine); d) Schinus Terebintholius (Brazilian Pepper); e) Wedalia Trilobata (Wedalai); and 19 Acacia.
- w.
8. Except when placed in front for pick-up, no garbage container shall be visible from any street.

POLICIES

A. MEMBERSHIP

- 1 The ACB will be composed of three (3) members and such members shall be designated by the Directors of the Association.
2. Members of the ACB need not be members of Whittier Oaks Homeowners' Association (WOHA). 3, Members of the ACB shall not be compensated for their work.

B. MEETINGS

1. Will be held on a monthly or on an 'as needed' basis, which ever is necessary.
- 2, The ACB may take action without a meeting by unanimous written consent of all of the members.
- 3 A majority of the ACB shall be necessary to act on any application.

C. SUBMISSIONS

- 1 Any owner who desires to construct an improvement or structure of any kind on his/her lot shall submit two (2) complete sets of all plans and specifications and samples of proposed building materials to the ACB.
2. All colors on exterior of homes shall be consistent with the theme adopted by the developer (See Exhibit B'). Any change must be submitted along with color samples to the ACB.
3. Any addition or elimination of landscaping foliage, excluding the replacement of flowers and small plants, must be approved by the ACB. 'The following plants are prohibited:

- A. Cocos Nucifera (coconut palm)
- B. Melaleuca Leucadendron (cajeput tree)
- C. Casuarina Equisetifolia (Australian Pine)
- D. Schinus Terebintholius (Brazilian Pepper)
- E. Wedalia Trilobata (Wedalai)
- F. Acacia

POLICIES

D. EXISTING ALTERATIONS AND IMPROVEMENTS

No ACB approval is necessary or required for any maintenance or repair which does not result in a material change in any improvement, including the same color of one's home.

E. GOVERNMENT PERMITS AND APPROVALS

If governmental permits and/or approval are required for ACB approved work, it is up to the homeowner. It is not up to the ACB or the Board of Directors to obtain the necessary paperwork from the Building Department of the City of Parkland, FL. If a permit is required, a copy of said permit must be furnished to the ACB prior to construction.

PROCEDURES

A. REVIEW PACKAGE

Owner applications to the ACB must conform to the requirements under 'C', SUBMISSIONS and 'D', EXISTING ALTERATIONS AND IMPROVEMENTS, under POLICIES, above.

B. REVIEW SCHEDULE

- 1 The ACB shall notify the owner of its approval or disapproval by written notice within thirty (30) days after a request for a review is made in writing to the ACB.
2. In the event the ACB fails to disapprove any request within a thirty (30) day period, the consent shall be deemed approved. Upon the request of the owner, the ACB shall give written notice of the approval.
- 3 An owner who does not accept the decision of the ACB has, within thirty (30) days of the decision, the right to make a written request to the Board of Directors to review the ACB's decision. The Board of Director's decision is final and binding.

C. REMEDY FOR VIOLATIONS

- 1 If the ACB rules or decisions have been ignored, the ACB is given the power by the 'docs' to demand of the offending owner to stop, remove and/or modify any alteration, addition, improvement or change in a manner that complies with the ACB.
2. The ACB may pursue injunctive relief or any other legal or equitable remedy available to the ACB to accomplish this purpose.

CRITERIA

A. EXTERIOR HOUSE AND WALL

Any repainting of stucco must be reviewed. Information about approved paint colors is in Exhibit B' of this manual.

B. GARAGE AND ENTRY DOORS VIEWED FROM STREET

Any repainting of such doors must be reviewed. Information about approved paint colors is in Exhibit B' of this manual.

C. ROOF

Any changes to a roof must be reviewed.

D. LOT LANDSCAPING

Any changes to the lot landscaping, other than annual plantings, must be reviewed.

E. AWNINGS

Any awnings added or replaced must be reviewed,

F. SCREENING

Any screening added or replaced must be reviewed and be consistent with the house colors and structurally consistent with what is currently being used in Whittier Oaks. Replacement of windows, door screens and existing screened in areas is not deemed to be an item for review.

G. DRIVEWAYS AND WALKWAYS

Any changes to a driveway and/or a walkway must be reviewed. Painted driveways must be repainted similar to the original. Clear sealcoating is not deemed to be an item for review.

H. FENCING/RAILING

Any fencing and/or railing added or replaced must be reviewed

I. HOUSE, WALL, TREE, AND GROUND LIGHTING

Any changes to the original exterior lighting on the house or wall must be reviewed. Any additions to the original lighting to enhance the foliage, house, and/or grounds must be reviewed for location and type.

J. HURRICANE SHUTTERS

All plans for hurricane shutters must be reviewed prior to installation,

CRITERIA

K. HOUSE, WALL AND LAWN DECORATIVE ITEMS

Any decorative trim or other decorative items, other than for holiday use, must be reviewed. Holiday decorations may not be installed more than thirty (30) days prior to the holiday and must be removed within thirty (30) days following the holiday.

L. PLANTERS

Exterior planters must be reviewed. They must blend with the house if they are attached to the house or a privacy wall and are visible from outside the lot. Free standing planters must be in good taste and not too overpowering and menacing.

M. MAILBOXES

Any new mailboxes must be reviewed.

N. HOUSE NUMBERS

Changes in the style or material of house numbers and the displaying of additional numbers must be reviewed.

O. DECKING / PATIO

Any additional or changed exterior decking or patio area must be reviewed.

P. FUNCTIONAL ITEMS (SPA, ETC.)

Any spa or other exterior functional item must be reviewed.

Q. COMMUNITY ITEMS (FIRE HYDRANT, DRAINAGE GRATE, ELECTRICAL TRANSFORMER, CABLE BOXES, PHONE BOXES SIDEWALKS, ETC.)

No community items on a lot are to be painted, moved or otherwise disturbed without the approval of the ACB.

R. PLANTINGS

The following plantings are prohibited as per Exhibit 'C' of the *Declaration of Restrictions and Protective Covenants for Whither Oaks*:

Trees: Cocos Nucifera (coconut palm), Melaleuca Leucadendron (cajeput tree), Casuarina Equisetifolia (Australian Pine), Schinus Terebintholius (Brazilian Pepper), Wedalia Trilobata (Wedalai) and Acacia _

CRITERIA

The **following plantings are poisonous and** should be planted with caution:

Trees: Mango, Tung Tree

Shrubs: Crape-Jasmine, Hydrangea, Milk-bush, Oleander, Rose Pea, Climbing Lily, Carolina Jessamine.

Plants: Castor-bean, Crown-of-Thorns, Diffenbachia, Jimsonweed, Larkspur, Pokeberry.

EXHIBIT 'B'
COLOR SCHEMES OF TERRAMAR
KENNEDY HOMES

COLOR SCHEME	STUCCO COLOR "C"	BANDS & DOOR COLOR "B"	FACIA COLOR "A"
#1	SPICE BEIGE 9A-3P	DUSTY CORAL 10A 3P	REDWOOD 1013-4D
#2	IGLOO 39A-3P	DUSTY CORAL 10A-3P	KONICA 39C-2T
#3	PEACH FROSTING 15A-2P	SEQUIA DUSK 39C-1 P	OYSTER GRAY 39C-4D
#4	PEARL GATES 47A-2P SMOKE RING 73A-2P	SPICE BEIGE 9A 3P BRIGHT STEEL 65C-1P	OYSTER GRAY 39C-4D ROUGH SEA 65C-3D
#6	TERRA WHITE (CUSTOM)	IGLOO 39A-3P	GRAY DUSK E149-H-3
#7	TERRA WHITE (CUSTOM)	DIXIELAND 65B-1P	GRAY DUSK E149-H-3
#8	IGLOO 39A-3P	GRAY DUSK E149-H-3	DIXIELAND 65B-1P
#9	KONICA 39C-2T	DIXIELAND 65B-1P	OYSTER GRAY 39C-4D
#10	SMOKE STAIN ROSE 12A-2P	PINK SAND 9C-1 P	MAYFAIR TAN 12C-3D
#11	SMOKE STAIN ROSE 12A-2P	MAUVE BLUSH 12A-3P	TAN WISP 12C-4D
#12	SMOKE STAIN ROSE 12A 3P	MAUVE BLUSH 12A-3P	TAN WISP 11C-1P
#13	BABY BIRCH 11A-2P	IRISH CREAM 21B-1P	DEVIL'S FOOD 12A-IA
#14	TINGE OF PEACH 21A-3P	OCTOBER LEAVES 21B-2T	BRONCO BROWN 21A-IA
#15	TERRA WHITE (CUSTOM)	MANHATTAN BEIGE 34A-3P	HOLLANDIA 34C-4D
#16	MANHATTAN BEIGE 34A-3P	MINERAL MAUVE 12C-1P ^o	INDIAN TAN 12C-2T

(N.B. All color numbers are from the *Nuance Book*, courtesy of Color Wheel Paints.)