

# Hammocks Community Association Incorporated

## ARCHITECTURAL CONTROL MANUAL

# HAMMOCKS COMMUNITY ASSOCIATION, INCORPORATED. ARCHITECTURAL CONTROL MANUAL

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## **ARTICLE 1**

### **GENERAL INFORMATION**

- a) Article VIII of the Amended and Restated Declaration of Covenants, Restrictions, Easements, Charges and Liens for the Hammocks which is recorded in Official Records Book 13899, page 311, (the "Declaration") provides for an Architectural Control Committee (the "ACC"). The Declaration also provides that the Board of Directors (the "Board"), from time to time, shall adopt written rules and regulations of general application governing its procedures. In accordance with the duties and obligations imposed upon the ACC by the Declaration, the ACC and the Board hereby adopts the following rules and regulations governing its procedures, which shall be known as the Neighborhood's Design Criteria. In addition to these guidelines, please refer to Articles XII and XIV of the Declaration. These Neighborhood Design Criteria's shall apply to all Neighborhoods bound by the Amended and Restated Declaration of Covenants, Restrictions, Easements, Charges and Liens for The Hammocks Community Association, Inc.
- b) It is the Owner's responsibility to continuously maintain his or her Lot in accordance with the Neighborhood's Design Criteria. Maintenance of your Lot includes, but is not limited to, landscape maintenance, painting and pressure cleaning and debris removal. Owner at all times must comply with the Neighborhoods Design Criteria as approved by the Board. Neighborhood's Design Criteria change from time to time. It is the Owner's sole responsibility to check with the Architectural Department staff at the Main Office to ensure that the Owner complies with the Neighborhood's Design Criteria.
- c) In the event the requested item or modification is not addressed in this Architectural Control Manual "ACC Manual", the Owner must still acquire written ACC Approval.

## ARTICLE 2

### DEFINED TERMS

The following words when used in this Manual, unless the context otherwise prohibits, shall have the meanings set forth below:

- a) **ACC:** Shall refer to the Architectural Control Committee.
- b) **ACC Application:** Shall mean the application that must be completed when applying for changes to your Lot.
- c) **Architectural Control Committee:** Also referred to as "ACC" shall mean and refer to the permanent Committee of the Association established by Article VIII of the Declaration.
- d) **Property Services:** Shall mean the department located at the Main Office which is responsible for processing ACC Applications.
- e) **Association:** Shall mean and refer to Hammocks Community Association Incorporated, a Florida not-for-profit corporation.
- f) **Board of Directors:** Also referred to as the "Board" shall mean and refer to the Board of Directors of the Association.
- g) **Common Properties or Common Areas:** Shall mean and refer to the Master Common Properties and the Neighborhood Common Properties, either collectively or individually, as appropriate.
- h) **Declaration:** Shall mean and refer to the Amended and Restated Declaration of Covenants, Restrictions, Easements, Charges and Liens for the Hammocks Community Association.
- i) **Design Criteria aka Criteria:** The criteria of each Neighborhood that has been created or reviewed and approved by the ACC and Board for each Neighborhood.
- j) **Home:** Shall mean and refer to all units of residential housing whether they are fee owned residences, individual apartments located within a Residential Rental Apartment Building or condominium units.
- k) **Local Association Neighborhoods:** Shall mean and refer to a condominium association, Lot owners association or homeowners' association for any portion of the Properties that are not managed by the Master Association.
- l) **Lot:** Shall mean and refer to any Lot or land located within The Properties not including the Common Areas.
- m) **Managed Neighborhoods:** Shall mean and refer to the 18 Neighborhoods managed by the Master Association.
- n) **Master Common Properties:** Shall mean and refer to certain areas of land devoted to the common use and enjoyment of all Owners which have been declared as Master Common Properties in the Declaration or supplemental thereto.
- o) **Main Office:** Shall mean the Association's business office located at 9020 Hammocks Blvd., Miami, Fl. 33196.
- p) **Neighborhood:** Shall mean and refer to any one or more Residential Lots and Neighborhood Common Properties which are designated as a Neighborhood in the Declaration.

- q) **Neighborhood Common Properties:** Shall mean and refer to certain areas of land devoted to the common use and enjoyment of all Owners of Lots located with an appropriate Neighborhood which are designated as Neighborhood Common Properties in the Declaration or supplements thereto.
- r) **Owner:** Shall mean and refer to the record Owner of fee simple title to any Lot. Every record Owner shall be treated for all purposes as a single Owner for each Lot owned, irrespective of whether such ownership is joint, in common, or tenancy by the entirety. Where such ownership is joint, in common, or tenancy by the entirety, majority vote of such Owners shall be necessary to cast any vote to which such record Owners are entitled.
- s) **Properties:** Shall mean and refer to all the properties subject to the Declaration.
- t) **Residential Rental Apartment Building:** Shall mean and refer to any building divided into multiple dwellings.
- u) **Residential Condominium Building:** Shall mean and refer to a building containing units which are individually owned and the common elements are jointly owned by all of the unit owners within the building.
- v) **Rules and Regulations:** Shall mean and refer to the established Rules and Regulations which work in conjunction with the Declaration.

## ARTICLE 3

### ARCHITECTURAL CONTROL COMMITTEE

The ACC shall be responsible for the establishment and enforcement of architectural controls relating to all Neighborhoods. In a Neighborhood which has a Local Association, the ACC may delegate to the Local Association the responsibility for processing Owner's Applications for additions, changes or alterations within that Neighborhood. If the Local Association authorizes any such additions, change or alterations, it shall then make application to the ACC for approval.

#### **Section 1. ACC Membership, Qualification, and Quorum**

The ACC shall be a permanent committee of the Association consisting of not less than three (3) members appointed by the Board for a term of one (1) year.

- a) The ACC shall contain at least:
  - I. One (1) member of the Board;
  - II. One (1) architect or landscape architect, licensed in the State of Florida; and
  - III. One (1) resident Owner of Lot in The Hammocks.
- b) The ACC shall meet at least monthly as determined by its members. The meeting dates and times shall be posted at least forty-eight (48) hours prior to the date of the meeting. A quorum shall consist of a majority of the members of the ACC, including an Architect, to conduct and transact business at a meeting. The action of a majority present at a meeting at which a quorum is present shall constitute the decision of the ACC.

#### **Section 2. ACC Design Criteria**

The ACC may, from time to time, adopt Design Criteria and procedures governing the performance of contractors and their respective employees within the Neighborhoods. Each Owner and contractor shall comply with such Design Criteria and procedures and cause its respective employees to also comply. The ACC may also promulgate requirements to be inserted in all contracts for construction within the Neighborhoods and each Owner shall include the same therein. The Board must adopt such Design Criteria and procedures prior to implementation. The Criteria's are particular to each neighborhood and the Owner is required to contact the Architectural Department for information on the particular Criteria's of their neighborhood.

#### **Section 3. ACC Powers and Duties**

The ACC shall have the following powers and duties:

- a) Notwithstanding any provision herein to the contrary, unless the ACC disapproves proposed improvements within forty-five (45) days after the ACC receives written request for such approval along with the required documentation, the request shall be deemed approved by the ACC.
- b) The ACC has the right to approve or disapprove any improvements or structures of any kind, including but without limitation to the following: Any building, fence, wall patio, screen enclosure, sewer, drain, disposal system, decorative building, landscape device or object, or other improvement.
- c) Additionally, the ACC may approve or disapprove any change or modification thereto, the construction, erection, performance or placement which is proposed upon any Lot and to approve or disapprove any exterior addition, changes, modifications or alterations therein or thereon.

- d) Within ten (10) days of the ACC's written approval or disapproval, any interested party, or any member of the ACC, may appeal the decision by filing a written notice with the Board via the [Property Services](#) Department. The Board shall consider such appeal at its next scheduled meeting. **The decision of the Board shall be final and binding upon the applicant, his heirs, legal representatives, successors, and assigns.**

#### **Section 4. ACC Amendments to Design Criteria**

The ACC may recommend to the Board from time to time modifications or amendments to the current Design Criteria of the Neighborhood. Such recommendations shall:

- a) be consistent with the provisions of the Declaration, and
- b) [where Local Association \(s\) exception \(s\) exist approval of said Association \(s\) for changes to the exception \(s\) and](#)
- c) shall not become effective until approved by the Board and
- d) shall be mailed to the affected Neighborhood (s). A notice of any modification or amendment to the Design Criteria, including a verbatim copy of such change or modification, shall be included in such mailing.

#### **Section 5. ACC Procedures**

The ACC shall adopt, from time to time, procedures and forms necessary to carry out its responsibilities under the Declaration and the Design Criteria, and shall submit those procedures and forms to the Board for final approval.



## ARTICLE 4

### ARCHITECTURAL CONTROL

#### Section 1. General Provisions

- a) Any and all alterations, deletions, additions and changes of any type or nature whatsoever to the exterior of a Lot are subject to the written approval of the ACC. Any modifications performed to the exterior of a Lot without written ACC approval are subject to fines and all other available legal remedies. Written ACC approval is required even if such Lot is subject to Local Association regulations. In the event the requested item or modification is not addressed in this ACC Manual, the Owner must still acquire written ACC Approval.
- b) No building shall be erected, altered, placed or permitted to remain on any residential Lot other than a Home, unless approved by the ACC as to use, location and architectural design. No garage, tool or storage room, playhouse, screened enclosure, greenhouse, cabana, shelter canopy, entrance canopy, or carport canopy, may be constructed separate and apart from any Home nor can such structure(s) be constructed prior to construction of the Home.
- c) Owner is responsible for acquiring all required information as determined by the ACC and submitting an ACC Application prior to the commencement of any exterior modification. It is the Owner's responsibility to ensure that the proper documentation is submitted to the [Property Services](#) Department a maximum of one (1) week prior to the next scheduled ACC meeting date. If the ACC Application is incomplete, it will not be considered for submission to the ACC for review and consideration.
- d) It is the Owner's responsibility to submit a completed ACC Application together with the required documents prior to making any exterior modification. An exterior modification includes but is not limited to any building, fence, wall, patio, screen enclosure, exterior paint or finish, hurricane protection, pet home, swale, sewer, drain, disposal system, decorative building, landscape device, tree, landscaping, or recreational equipment, or any other improvement of any kind. Plans, specifications and location of the exterior modification contemplated by the Owner must be submitted, evaluated and approved by the ACC.

#### Section 2. Documentation

Each Owner shall submit an application to the ACC with respect to any proposed improvement and/or material change, together with the required documentation as provided in subsections (a) and (b). The current ACC Application is attached hereto as Exhibit A. No work shall commence on any Lot unless written ACC approval has been obtained.

- a) **18 Managed Neighborhoods:** The following items must be submitted by the Owner to the Architectural Department along with the ACC Application.
  - I. A completed ACC Application, which also authorizes Association staff members to enter onto the Owner's Lot for purposes of viewing, verifying, measuring and photographing said modification, if needed, during any time until said modification has been completed and approved.
  - II. Land Survey with a scale rendering of the proposed modification drawn on the land survey.
  - III. Photographs of the area requested for modification.
  - IV. The ACC requires one complete set of all plans and specifications for any improvement or structure of any kind, enclosure, drain, decorative building, landscape device or object proposed upon any Lot which plans shall include the proposed elevation of all floor slabs and pool decks, and one complete set of the drainage plan, grading plan, tree survey.
  - V. Scaled drawings, if applicable, depicting details; including a rendering of the proposed modification with measurements and a list of materials, etc.
  - VI. Exterior elevation/details showing proposed changes or proposed structural plans, if applicable.

- VII. Miami-Dade County approved Notice of Acceptance for windows, doors, hurricane shutters and panels, roof materials, etc.
- VIII. A physical sample of the materials that will be used for the modification (if applicable).
- IX. Color pamphlets or documentation pertaining to the company used for purchasing the materials.
- X. Any construction related activity that requires heavy equipment such as trucks, bulldozers, backhoes and the like to access any part of the rear, front or side of the Lot will require written approval of any impacted adjacent Owner. The written approval must be submitted with the ACC Application.

If the Owner is requesting preliminary approval and Owner cannot provide final structural or architectural plans until the ACC has reviewed the proposed modification, preliminary plans and drawings must be submitted to the ACC, and written approval of same obtained. The ACC shall require the submission of final plans and specifications if initial plans must be revised. All plans and drawings submitted must be signed by the professional who has prepared such plans and drawings.

**b) 22 Local Association Neighborhoods:** An Owner, who lives in a Neighborhood which has a Local Association, must first receive written approval from Owner's Local Association before submitting an ACC Application for consideration to the Master Association. Approval from the Owner's Local Association does not constitute written approval from the Master Association. The following items must be submitted by the Owner to the [Property Services](#) Department along with the ACC Application.

- I. Written approval from your Local Association
- II. A completed ACC Application, which also authorizes Association staff members to enter onto the Owner's Lot for purposes of viewing, verifying, measuring and photographing said modification, if needed, during any time until said modification has been completed and approved.
- III. Land Survey with a scale rendering of the proposed modification drawn on the land survey.
- IV. Photographs of the area requested for modification.
- V. The ACC requires one complete set of all plans and specifications for any improvement or structure of any kind, enclosure, drain, decorative building, landscape device or object proposed upon any Lot which plans shall include the proposed elevation of all floor slabs and pool decks, and one complete set of the drainage plan, grading plan, tree survey.
- VI. Scaled drawings, if applicable, depicting details; including a rendering of the proposed modification with measurements and a list of materials, etc.
- VII. Exterior elevation/details showing proposed changes or proposed structural plans, if applicable.
- VIII. Miami-Dade County approved Notice of Acceptance for windows, doors, hurricane shutters and panels, roof materials, etc.
- IX. A physical sample of the materials that will be used for the modification (if applicable)
- X. Color pamphlets or documentation pertaining to the company used for purchasing the materials.
- XI. Any construction related activity that requires heavy equipment such as trucks, bulldozers, backhoes and the like to access any part of the rear, front or side of the Lot will require written approval of any impacted adjacent Owner. The written approval must be submitted with the ACC Application.

If the Owner is requesting preliminary approval and Owner cannot provide final structural or architectural plans until the ACC has reviewed the proposed modification, preliminary plans and drawings must be submitted to the ACC, and written approval of same obtained. The ACC shall require the submission of final plans and specifications if initial plans must be revised. All plans and drawings submitted must be signed by the professional who has prepared such plans and drawings.

### **Section 3. Local Association Responsibility for Architectural Approval**

The Local Association shall provide the Owner (s) living within the Local Association with the approved Design Criteria and guidelines for Owner's specific community. The Local Association must submit to the Association the current approved criteria for its Neighborhood. Any changes to the criteria must be approved by the ACC. The ACC will not consider any ACC Applications submitted by Owners' of a Lot in a Local Association if the required criteria's are not on file.

- a) If the Owner is responsible for the maintenance of the exterior of the Lot, the Owner must submit an ACC Application to the ACC, together with the approval of the Local Association, prior to any modification to the exterior of the Lot.
- b) If the Local Association is responsible for maintaining the exterior of any building, then the Local Association must submit an ACC Application to the Association prior to any modification.

#### **Section 4. Harmony and Appearance**

The purpose of the ACC is to protect against any adverse impact within the Neighborhood, preserve the aesthetic of the Neighborhood, and to establish Design Criteria to ensure maintainability. The ACC has the right of final approval of the exterior appearance of all Lots including the harmony of the architectural design with the other Lots within the Neighborhood, including but not limited to, the quality and appearance of all exterior building materials.

#### **Section 5. Time for Review**

- a) The ACC shall take action within forty-five (45) days from when the ACC has received all required information and documentation to approve or deny the ACC Application in writing. The ACC Application shall be deemed received when all of the required documentation has been presented to the ACC at a duly held meeting.
- b) The ACC shall have the right to refuse to approve any plans and specifications, which are not suitable or desirable, at the ACC's sole discretion, for aesthetic or any other reasons, or to impose qualifications and conditions thereon. In approving or disapproving such plans and specifications, the ACC shall consider the suitability of the proposed improvements, the materials of which the improvements are to be built, the site upon which the improvements are proposed to be erected, the harmony thereof with the surrounding area and the effect thereof on adjacent or neighboring Lots.
- c) The ACC and the Board reserve the right to update the ACC guidelines as needed from time to time.
- d) The Owner may not commence any work until Owner has received written approval from the ACC.

#### **Section 6. Expedited ACC Approval**

Expedited ACC approval may be given under certain circumstances involving life or Lot safety, provided that all required documentation is submitted to the Architectural Department. It is the Owner's responsibility to obtain expedited written ACC approval from the Architectural Department. All request for expedited ACC approvals shall be reviewed, and if in compliance with approved standards and Design Criteria, shall be approved by the General Manager in writing. The written approval shall be ratified at the next scheduled ACC meeting.

##### **a) Items for Consideration**

- I. Installation of hurricane shutters (Accordion, roll-up style and panel style shutters which fall under your Neighborhood's Design Criteria), may be approved under a Hurricane watch or warning.
- II. Repair of roof tiles/ shingles or other roof repairs for the purposes of curing a leak may be approved if such cause can be shown. Materials for roof repairs must match existing roof in color, material and type.
- III. Replacement of windows, front doors, or garage doors which have been previously approved due to safety issues.
- IV. Painting of home if using an approved color combination.

## **b) Documentation**

The following items must be submitted by the Owner to the [Property Services](#) Department for expedited ACC approval request:

- I. A completed ACC Application, which also authorizes Association staff members to enter onto the Owners Lot for purposes of viewing, verifying, measuring and/or photographing said modification, if needed, during any time until said modification has been completed and approved.
- II. Land Survey with a scale rendering of the proposed modification drawn on the land survey.
- III. Photographs of the area requested for modification.
- IV. The ACC requires one complete set of all plans and specifications for any improvement or structure of any kind, enclosure, drain, decorative building, landscape device or object proposed upon any Lot which plans shall include the proposed elevation of all floor slabs and pool decks, and one complete set of the drainage plan, grading plan, tree survey,.
- V. Scaled drawings, if applicable, depicting details; including a rendering of the proposed modification with measurements and a list of materials, etc.
- VI. Exterior elevation/details showing proposed changes or proposed structural plans, if applicable.
- VII. Miami-Dade County approved Notice of Acceptance for windows, doors, hurricane shutters and panels, roof materials, etc.
- VIII. A physical sample of the materials that will be used for the modification (if applicable)
- IX. Color pamphlets or documentation pertaining to the company used for purchasing the materials.
- X. Any construction related activity that requires heavy equipment such as trucks, bulldozers, backhoes and the like to access any part of the rear, front or side of the Lot will require written approval of any impacted adjacent Owner. The written approval must be submitted with the ACC Application.

## **Section 7. ACC Compliance**

Each Owner is responsible for ensuring compliance with all terms and conditions set forth in the ACC approval or disapproval and all applicable Design Criteria. ACC approval shall not be used in lieu of acquiring a Miami Dade County permit

## **Section 8. Appeals to Board**

Any interested parties, including ACC members may appeal an ACC decision by filing a written notice with the Board via the [Property Services](#) Department.

- a) Appeals must be received within ten (10) days of the ACC's written approval or disapproval
- b) The decision of the Board shall be final and binding upon the applicant, his heirs, legal representatives, successors, and assigns.

## **Section 9. Setbacks and Easements**

Each Lot is subject to a specific front, side and rear yard building setback as promulgated by the Miami Dade-County Building and Zoning Department. In addition, easements have been granted to Miami Dade-County for the installation of utilities which further limits the location of structures on a Lot.

- a) Each Owner making improvements or adding landscape to his/her Lot must ensure that such improvements do not encroach on neighboring Lots or Common Properties. No Owner shall impede access or impair visibility or use of street signs, street lights, mail boxes or any other structures located on an easement which have either been installed by Miami Dade County, Developer or the Association .

- b) No improvement shall negatively impact on the drainage of his/her lot, neighbor or Common Properties.
- c) The ACC shall have the right to recommend and approve the precise location of any structure upon each Lot as may be required to satisfy the Neighborhood Design Criteria pertaining to site plan, landscaping, drainage or any other type of criteria. Where conditions permit, the ACC, at its sole discretion, may require larger setbacks.
- d) Each Owner of a Home built on a Lot line shall have an easement of four (4) feet wide along the abutting Lot adjacent to the Lot line upon which the Home is built running the length of the wall of such Home for the purposes of painting and repairing such wall, and for trimming trees and other maintenance purposes.

**Section 10. Miami-Dade County Permits**

The Owner is solely responsible for obtaining all required building and or any other permits as required from all governmental authorities having jurisdiction. **At no time is the ACC's approval of the modifications set forth in the ACC Application to be considered a Miami-Dade County Permit.**

**Section 11. Time for Completion**

All modifications shall be completed within ninety (90) days from the date of ACC approval or other timeframe approved by the ACC.

- a) **Extensions:** A maximum of two (2) extensions shall be allowed, per application. The Owner is required to submit a letter of hardship thirty (30) days prior to the expiration of the ACC approval.
- b) If the construction is not completed within the approved time frame or if the requested extension is denied, the application will be void and the ACC's approval shall be withdrawn.

**Section 12. Construction**

The following provisions govern construction activities by Owner or any vendor employed by Owner after consent of the ACC has been obtained. All construction activities shall comply with the following:

- a) No person is permitted to damage or negatively impact Common Properties or neighboring Lots during the course of any type of construction. All damages caused to Common Properties associated with the construction or other improvements by an Owner, or any vendor employed by Owner, will be the responsibility of the Owner performing the work. The cost to restore, repair or replace the damaged area will be the responsibility of the Owner performing the work. If Owner fails to comply with this provision, the Association will bill the Owner any applicable fees and charges associated with the restoration, repair or replacement of the damaged Common Properties.
- b) Each construction site in any Neighborhood shall be maintained in a neat and orderly condition throughout construction. Construction activities shall be performed diligently and in a workmanlike manner on a continuous basis. Roadways, easements, swales, Common Properties and other such areas within the boundaries of the Properties, shall be kept clear of construction vehicles, construction materials and debris at all times.
- c) No construction office/ trailers shall be kept in any Neighborhood or Common Properties.
- d) Construction materials shall not be stored in any Neighborhood or Common Properties unless otherwise permitted in writing by the ACC.

- e) All refuse and debris shall be removed and deposited in a dumpster on a daily basis. No materials shall be deposited or permitted to be deposited in any canal, waterway, Common Properties, roadway, other Homes within the boundaries of the Properties, or to be placed anywhere outside of the Home upon which the construction is taking place.
- f) No hazardous waste or toxic materials shall be stored, handled and used, including, without limitation, gasoline and petroleum products, except in compliance with all applicable Federal, State and Local Statutes, Regulations and Ordinances, and shall not be deposited in any manner on, in or within the boundary lines of the Properties.

## ARTICLE 5

### GENERAL CRITERIA REQUIREMENTS

#### **Section 1. General Criteria**

- a) No addition, change or alteration shall be made on any Lot, or the exterior of any improvements thereon, without the prior written approval of the ACC. In the event the requested item or modification is not addressed in this manual, the Owner must still acquire written Architectural Control Approval.
- b) The ACC reserves the right to change, add or modify Design Criteria from time to time as needed to maintain an aesthetic appearance throughout the Properties. All modifications to the Design Criteria must be approved by the Board. All modifications to the Design Criteria will take effect thirty (30) days from the date of written notice to the Neighborhood.
- c) Each Owner is responsible for checking with the [Property Services](#) Department for information pertaining to the Owner's particular Neighborhood Design Criteria. The items listed below are to be used as guidelines and shall not be used in lieu of ACC Approval. Failure to obtain ACC approval will result in the Owner being issued a violation and fine.
- d) Each Owner shall maintain his/her Lot and the improvements thereon in good repair and overall appearance. General maintenance to the Lot such as touch up painting, replacing a broken glass on windows or pressure cleaning of your driveway is permitted without prior approval of the ACC.
- e) [Local Association Exception - See ARTICLE 10.](#)

#### **Section 2. Exterior Home Colors**

- a) Prior to painting the Home an Owner must submit an ACC Application to the [Property Services](#) Department. The Owner must select a color scheme from the approved color list for the Neighborhood. The ACC Application must clearly state the chosen color scheme.  
  
[Local Association Exception - See ARTICLE 10.](#)
- b) The ACC and the Board reserve the right to update the color scheme as needed from time to time. The ACC shall recommend all exterior color schemes, including recommended brands, if applicable, to the Board who will then determine whether to approve and adopt the ACC's recommendation(s).  
  
[Local Association Exception - See ARTICLE 10.](#)

#### **Section 3. Home Facade**

- a) All materials and or finishes must be in accordance with the approved color/ Design Criteria of the Neighborhood.
- b) The look of the rear and side façade must be consistent to that of the front of the Home.

#### **Section 4. New Structures & Additions**

- a) It is the Owner's responsibility to obtain permission from the Association prior to accessing Common Properties with maintenance related vehicles used during construction. The Owner accepts sole liability and responsibility for repairing any damages to the Common Properties or any Lot located within the boundary lines of the Properties during construction.

- b) All structures and additions must comply with the current approved Design Criteria for the Neighborhood and all applicable Miami-Dade County codes. The Owner is required to obtain Miami-Dade County permits for any new construction or additions.
- c) Any water runoff must be contained within the Lot and cannot negatively impact any neighboring Lots.
- d) The ACC shall review the application and determine whether or not the requested new structure or addition meets the standards of the neighborhood.



## **ARTICLE 6**

### **LOT CRITERIA REQUIREMENTS**

#### **Section 1. Access Ramps**

- a. An Access Ramp is defined as an inclined surface which provides wheelchair access into or out of a Home.
- b. Any Owner may construct an access ramp if a resident or occupant of the Home has a medical necessity or disability that requires a ramp for egress and ingress under the following conditions: The ramp must be as unobtrusive as possible, be designed to blend in aesthetically as practicable, and be reasonably sized to fit the intended use.
  - i. Plans for the ramp must be submitted in advance to the ACC. The ACC may make reasonable requests to modify the design to achieve architectural consistency with surrounding structures and surfaces.
  - ii. The Owner must submit to the Association an affidavit from a physician attesting to the medical necessity or disability of the resident or occupant of the parcel requiring the access ramp.

#### **Section 2. A/C Unit Coverage**

- a) Any a/c unit visible from the Common Properties or roadway shall be covered as to reduce its visibility.
- b) Acceptable coverings include shrubs, vinyl utility screen or shadowbox fencing in the approved colors. The ACC shall determine the acceptable covering for each Owner's particular situation.

#### **Section 3. BBQ**

- a) Permanent BBQ structures are subject to ACC approval.
- b) Color and design must comply with the "Design Criteria" of your Neighborhood. All ACC Applications will be considered pending review of dimensions and proposed location.
- c) No BBQ structure shall exceed a height of 8 feet.
- d) Permanent or Portable BBQ's are not allowed on any balcony or on the Common Properties.

#### **Section 4. Benches**

- a) Only one bench is permitted in the front of the Lot. The bench may not exceed six (6) feet in length and four (4) feet in height.
- b) The bench is only permitted in one of the following styles: wood stained/painted, wood stained/painted wicker bench, cast iron bench or aluminum bench.
- c) Benches may be black, white or natural wood in color.
- d) Location for benches which are allowed is no further than eight (8) feet from front door, porch, portico or front wall of the Home. The bench must blend in with the landscape and the aesthetics of the Home.
- e) There are no restrictions to benches in the rear of the Lot

- f) Benches on the side of the Lot may not be visible from the front of the Lot.

### **Section 5. Carports**

Carports are not allowed on any Lot.

### **Section 6. Curbstones**

- a) Only commercially sold round curbstones are permitted 2.0 feet away from the edge of the road and shall be spaced a minimum of 4.0 feet apart.
- b) Color shall be either natural concrete color or as approved by the ACC.
- c) No pyramid shaped curbstones, railroad ties, or boulders shall be permitted.

### **Section 7. Driveways**

- a) Asphalt, concrete, interlocking pavers and stamped/decorative concrete driveways are permitted provided that:
  - I. All materials are in accordance with the approved Design Criteria of the Neighborhood.
  - II. The driveway width does not exceed sixty percent (60%) of the total linear frontage width of the Lot. A walkway may be considered a part of the driveway if it forms a drivable surface. A variance to the criteria may be considered for lots with a total linear property frontage of less than 30 feet.
  - III. The driveway shall be of one continuous surface.
  - IV. Driveway extensions must match existing driveway material and color.
  - V. Driveways shall not extend passed the Lot line.
  - VI. No change in the level of the land on any portion of the Lot shall be made which may adversely affect the flow or drainage of water to any adjoining Lot.
- b) The Architectural Department will measure the completed driveway extension for compliance as stated by the ACC.
- c) If any landscaping is to be removed to allow space for an extension of a driveway or any other type of change to a driveway, a plan must be submitted to the ACC for removal, replacement and re landscaping of the Lot. All Lots are to adhere to the ACC's landscape criteria.
- d) The re-sealing with the existing color and repair of all driveways is considered a maintenance item and does not require ACC approval.
- e) [Local Association Exception - See ARTICLE 10.](#)

### **Section 8. Electric Car Charging Stations**

- a) All Electric Car Charging Stations require ACC approval only if located on the exterior of the Home.
- b) Applications shall be considered on a case by case basis.

## **Section 9. Fences/Walls**

The following criteria's shall apply to existing and future walls/fences, unless otherwise approved by the ACC. The ACC shall require that fences and walls conform to the Design Criteria of the Neighborhood.

- a) If the interior of the wall/fence will be painted, it must conform to the Design Criteria of the Neighborhood.
- b) No fences or walls shall exceed six feet (6') in height, unless otherwise approved.
- c) **No fences or walls built adjacent to and in addition to an existing perimeter wall/fence, wall or fence shall exceed the height of the existing wall or fence.**
- d) Fences or walls shall not extend beyond the front wall of the Home, unless it is part of the original design of the Neighborhood.
- e) Fences or walls at the front of the home, are not allowed, except in some courtyards with ACC approval
- f) Fence/Wall type and location is subject to ACC approval. Sight distance at driveways and roadway intersections shall be maintained.
- g) Acceptable wall materials are those compatible with the architectural style of the Home and surrounding Homes and may include concrete block, stucco, stone or brick with acceptable landscaping,
- h) Acceptable fence materials shall be wood shadowbox fencing, iron bar fences with no ornate design, flat bar top or without spikes, and chain-link fencing.
- i) No chain link or iron bar/aluminum fences are allowed on the front portion of the Lot.
- j) Acceptable fence colors must conform to the approved Design Criteria of the Neighborhood.

### **Section 9.1. Fences Facing Lakes or Lake Greenbelts**

All fences facing the lake or lake greenbelts must adhere to the following:

- a) Wood Fences: Must be shadowbox in design, and may either be four feet (4') in height or six feet (6') in height. Acceptable colors must conform to the approved Design Criteria of the Neighborhood.
- b) Iron bar or aluminum (without spikes): Must match the window frame color of the Home and may either be four feet (4') in height or six feet (6') feet in height, and are only allowed in the rear of the Lot facing the lake or greenbelt, unless otherwise noted.
- c) Chain link fences: must be four feet (4') in height and are only allowed at the rear of the Lot facing the lake or greenbelt. Chain link fences must be installed at least two feet (2') within the Owners Lot boundary. Chain link fences require landscape/hedging to be planted on the exterior of the fence toward the lake or greenbelt. Both the Chain link fence and the landscape/hedge must be installed within the boundary lines of the Owner's Lot. Landscape/hedging must be maintained at the height of the chain link fence and must fully conceal the chain link fence. Any landscaping not within the Owner's boundary line is subject to removal by the Association.

### **Section 9.2. Fence/Wall Maintenance - 18 Managed Neighborhoods**

- a) The maintenance of all perimeter walls or fences separating Lots from portions of the Common Properties or dedicated roadways, are the responsibility of the Association. The Association reserves the right to repair or replace the fences located in these areas as necessary. The Association shall only be responsible for painting of the side of the fence facing the Common

Properties or dedicated roadways. The painting of the side of the wall or fence which faces the Home or Lot shall be paid for and performed by the Lot Owner.

- b) An Owner or tenant who changes the design or modifies the design of any perimeter fences or wall shall receive a violation and are subject to violation fines. An Owner who fails to cure the violation will result in the Association correcting the violation and back-charging the owner for cost incurred.
- c) For Lots that abut a greenbelt or lake area, Owners who want a fence at the rear of the Lot facing the lake or greenbelt area, must submit an ACC Application to the ACC Committee and receive written ACC approval. The expense of the initial installation of the fence, including the painting on both sides, is the responsibility of the Owner. Future maintenance or replacement thereafter shall be the responsibility of the Association.

### **Section 9.3. Fence/Wall Maintenance - 23 Local Associations**

- a) Fence or wall repairs or replacements, including those facing a lake or green belt, shall be the responsibility of the Local Association or the Owner of the Lot. Owners who live in a Local Association should refer to their governing documents for maintenance responsibility of these areas.

### **Section 9.4. Fence/Wall Maintenance - Party Wall/Fence**

- a) Party Walls/Fences shall be those owned by two Owners located on the boundary lines of such Owners' property. Where a fence/wall is owned by an Owner and the Association, it shall not be subject to this section and shall be deemed a perimeter fence/wall.
- b) Party Wall/Fence shall mean and refer to the entire wall or fence, from front to rear, all or a portion of which is used for support of each adjoining structure, situate or intended to be situated on the boundary line between adjoining Owner Lots, other than condominium units. Party Walls/Fences are the responsibility of the Lot Owners. The cost for reasonable repair, replacement, and maintenance of these fences or walls shall be shared equally by the Owners on either side of the Party Wall or Fence. Party walls and fences shall not be more than six feet (6') in height. Fences shall only be of shadowbox design.

### **Section 10. Flags and Flagpoles**

- a) Any Owner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than four and one half feet (4 ½) by six (6) feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the Association.
- b) Any Owner may erect a freestanding flagpole no more than twenty (20) feet high on any portion of the Owner's Lot, regardless of any covenants, restrictions, bylaws, rules, or requirements of the Association, provided that the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement.
- c) The Owner may further display in a respectful manner from a flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the Association, one official United States flag, not larger than four and one half feet (4 ½) by six (6) feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all Miami-Dade County building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances and all setback and location criteria contained in the Association's governing documents.

## Section 11. Gates

- a) Single wide gates are allowed in the front of a Lot for the purposes of access to the rear of the Lot. Single wide gates are allowed in other areas of the Lot, subject to location and approval by the ACC.
- b) Gates must match existing fence type and color.
- c) Gates are allowed on courtyard walls provided that they were part of the original Home design at time of development.
- d) No single wide gate shall be more than six feet ( ) (6') wide or six feet (6') in height unless:  
They are installed by the Association and  
are used by Association personnel or Association vendors as access to the Lakes and Greenbelts for the purposes of maintenance of same or  
for use by the Public Safety Department for the purposes of patrolling the Lakes and Greenbelts
- e) Double wide gates **are not** allowed unless:  
They are installed by the Association and  
are used by Association personnel or Association vendors as access to the Lakes and Greenbelts for the purposes of maintenance of same or  
for use by the Public Safety Department for the purposes of patrolling the Lakes and Greenbelts

[Local Association Exception - See ARTICLE 10.](#)

## Section 12. Gazebos

- a) The Association considers a Gazebo to be a structure that has a roof and walls.
- b) Gazebos shall be permitted in rear yards only, with appropriate setbacks and easements.
- c) All Gazebos shall comply with the approved Design Criteria.
- d) Gazebos shall not exceed twelve (12) feet in height and shall not exceed an area of sixteen by sixteen (16 x 16) feet in width.

## Section 13. Lawn and Landscape

- a) It is mandatory that all Owners provide adequate landscaping on their Lot which shall include trees, shrubs, sod or ground cover or approved Xeriscape landscaping for lawn areas and flowering plants and other such materials to aesthetically improve and maintain the overall appearance of the Lot.
- b) All landscaping must be in accordance with the Association's approved landscape criteria and Miami - Dade County landscaping requirements, if applicable. The ACC may reject the landscape plan based upon its review of the overall design and impact. All landscape must be installed within the boundary lines of the Owner's Lot.
- c) Each Owner has the responsibility to keep all landscaped portions of the Owner's Lot in good condition which includes, regularly scheduled mowing of lawns, weed removal, proper trimming of trees and shrubs, fertilization and watering when appropriate. No landscaping debris is allowed on any Common Properties. It is the Owner's responsibility to properly dispose of landscaping debris. An Owner found to have discarded any landscaping debris on any portion of the Common Properties will be issued a violation and the cost of debris removal will be charged to the Owners account.
- d) Landscaping plans must be submitted together with the ACC Application and said plans must detail the location of plants and trees and type and shall include other elements part of the landscaping such as wood timbers, boulders, or earth movement,. The ACC may approve a variance if the Lot does not allow for space to comply with the landscape requirements

- e) All Owners are required to have, at a minimum, the original landscaping which was approved by Miami Dade County for your Lot. If the Owner does not have the minimum original landscaping approved by Miami Dade County, then the Owner shall have at a minimum:
- I. One (1) shade or a large ornamental tree planted in the ground at least twelve feet (12') in height and a minimum six foot (6') spread when planted or
  - II. Three (3) Palms at staggered heights of eight (8'), ten (10') and twelve (12') feet in height when planted and
  - III. Foundation shrubs and flowering plants, which shall not exceed six (6') feet in height, which accent/ screen entryways, trim, ancillary walls and corners of the Home at the front of the Lot and
  - IV. Sod which shall be of firm texture and have a compacted growth and good root development. The sod shall contain no weeds or objectionable vegetation and shall be free from fungus, vermin and disease. Sod shall be maintained at a height of not more than four (4") inches tall.
- f) All tree removals must first be approved by the ACC before applying for DERM permits.
- g) Fruit trees shall be permitted in rear yards only.
- h) **Prohibited Plant Species List:** Exotic, or non-native, plants are those species found outside of their natural ranges and are not allowed within the Properties. The following is a list of plant species prohibited in Miami-Dade County and in any part of the Properties.
- I. Air Potato (*Dioscorea bulbifera*)
  - II. Australian Pine (*Casurina equisetifolia*)
  - III. Banyan Fig (*Ficus benghalensis*)
  - IV. Bishopwood (*Bischofia javanica*)
  - V. Brazilian Jasmine (*Jasminum fluminense*)
  - VI. Brazilian Pepper (*Schinus terebinthifolius*)
  - VII. Burma Reed (Cane Grass) - *Neyraudia reynaudiana*
  - VIII. Carrotwood (*Cupaniopsis anacardioides*)
  - IX. Castor Bean (*Ricinus communis*)
  - X. Catclaw Mimosa (*Mimosa pigra*)
  - XI. Climbing Fern (*Lygodium japonicum*, *Lygodium microphyllum*)
  - XII. Day Blooming Jasmine (*Cestrum diurnum*)
  - XIII. Earleaf Acacia (*Acacia auriculiformis*)
  - XIV. Gold Coast Jasmine (*Jasminum dichotomum*)
  - XV. Governor's Plum (*Flacourtia indica*)
  - XVI. Indian Rosewood (*Dalbergia sissoo*)
  - XVII. Lather Leaf (*Colubrina asiatica*)
  - XVIII. Lead Tree (*Leucaena leucocephala*, *Leucaena glauca*)
  - XIX. Lofty Fig (Banyan Tree) - *Ficus altissima*
  - XX. Laurel Fig (Banyan Tree) - *Ficus microcarpa*, *Ficus nitida*, *Ficus retusa*
  - XXI. Mahoe (*Hibiscus tiliaceus*)
  - XXII. Melaleuca (Punk Tree) - *Melaleuca quinquenervia*, *Melaleuca leucadendron*
  - XXIII. Napier Grass (*Pennisetum purpureum*)
  - XXIV. Puncture Vine (*Tribulus cistoides*)
  - XXV. Queensland Umbrella Tree (*Schefflera actinophylla*, *Brassaia actinophylla*)
  - XXVI. Red Sandalwood (*Adenanthera pavonina*)
  - XXVII. Seaside Mahoe (*Thespesia populnead*)
  - XXVIII. Shoebuttton Ardisia (*Ardisia elliptica*, *Ardisia humilis*)
  - XXIX. Tropical Soda Apple (*Solanum viarum*)
  - XXX. Woman's Tongue (*Albizia lebbek*)
  - XXXI. Woodrose (*Merremia tuberosa*)

#### **Section 14. Mailboxes**

- a) Depending on the neighborhood, mailbox maintenance shall be either by the Association, Local Association or by the Owner of the Lot of which the mailbox pertains to.
- b) All mailboxes within a Neighborhood must be uniform.
- c) No mailbox or other delivery receptacles shall be installed or erected without the prior approval of the ACC.

#### **Section 15. Outdoor Decorative Statues & Sculptures**

The ACC considers a decorative statue or sculpture to be a three-dimensional form or likeness sculpted, modeled, carved, or cast in material such as stone, clay, wood, bronze, or concrete.

- a) All statues, sculptures, birdbaths and fountains are prohibited at the front of the Lot.
- b) Owners may enjoy them at the rear of the Lot subject to ACC approval.

#### **Section 16. Outdoor Lighting**

- a) No outdoor lighting that provides glare onto adjacent properties or street shall be permitted.
- b) Holiday lighting, ornaments and structures shall be permitted from November 1<sup>ST</sup> through January 30<sup>th</sup>.
- c) The following types of exterior lights are permitted:
  - I. Flood lights
  - II. High Pressure Sodium vapor (8 ½" x 8 ¼")
  - III. Fluorescent Flood (9" x 5 ¼")
  - IV. Mercury Vapor – Soft white maximum of 100 watts
  - V. Twin Incandescent
  - VI. Area light
  - VII. Directional Floodlights
  - VIII. Decorative lights
  - IX. LED Lighting
- d) The following types of exterior lighting **ARE NOT** permitted:
  - I. Barnyard light fixture
  - II. High Voltage Mercury vapor over 100 watts
  - III. Metal halide light fixtures
  - IV. FPL wall light
  - V. High intensity discharge "light fixtures"

#### **Section 17. Pergolas**

- a) Pergolas shall be permitted in rear yards only with appropriate setbacks and easements.
- b) Only one pergola per Home is permitted. Pergolas' shall be maintained in good condition and appearance.
- c) The Pergola shall not exceed ten (10') feet in height and a footprint shall be no larger than sixteen (16') feet by sixteen (16') feet.
- d) Color: Pergolas shall be of natural wood or the color of the trim of the Home.

## **Section 18. Permanent Generators**

The size and location of a permanent generator shall be determined by the ACC.

## **Section 19. Recreational Equipment**

All play structures must be approved by the ACC prior to installation and must follow the Design Criteria of the Neighborhood. Play structures must be maintained in good and clean condition at all times.

- a) Only one play structure is permitted per Lot.
- b) No swing set, gym, sand box, or any other fixed game or play structure, platform, playhouse, or structure of similar kind or nature shall be constructed or installed on any part of the Common Properties or in the front of a Lot.
- c) All permanent play structures must be set back a minimum of two (2') feet from any neighboring Lot line and or Common Properties.
- d) Permanent basketball fixtures are not allowed on any Lot. Portable basketball fixtures must be removed when not in use and regardless of use, must be taken down each evening at sunset.
- e) Dimensions for permanent Play Structures:
  - I. Play structures may not exceed sixteen (16') feet by fourteen (14') feet in width and length.
  - II. Play structure and components may not exceed twelve (12') feet in height.
  - III. Any platform must be below six (6') feet in height.
  - IV. No enclosed "room" is permitted on a play structure
- f) Color for permanent Play Structures must conform to the approved Design Criteria for the Neighborhood.
- g) Portable Sporting/Recreational Fixtures may be placed at the front of the Lot when in use and must be taken down each evening at sunset. When not in use, all portable sporting or recreational equipment must be out of sight from Common Properties and neighboring Lots.
- h) All Residents and guests must adhere to all applicable State, Local and Association noise ordinance restrictions at all times.

## **Section 20. Screen Enclosures**

The ACC considers a screen enclosure to be a room without insulated permanent walls. It is enclosed rather by walls made strictly by screen and framed in by beams typically made of wood or aluminum.

- a) Frame must match the color of the Homes window frame.
- b) Screen enclosures cannot be taller than the highest point of the roof ridge.



## Section 21. Signage

The ACC considers a sign to be a displayed structure bearing lettering or symbols, used to identify or describe a place or notice. The Association has the right to install signage needed in Common Properties for purposes of orientation, directional, or traffic control. All Owners of Lots must adhere to the following restrictions:

- a) An Owner shall not display or place any sign of any character, including but not limited to, "FOR RENT", "FOR SALE" "GARAGE SALE" or political signs on the Common Properties.
- b) An Owner may display one "FOR SALE" or "FOR RENT" sign on the window of the Owner's Home or on a post on the Owners Lot, however, such sign shall not exceed twelve by eighteen inches (12" x 18") in diameter. The Owner may attach to such sign one of the following additional signs not exceeding six by twenty-four inches (6" x 24") in diameter, containing the wording: By appointment Only, Open or Sold.

[Local Association Exception - See ARTICLE 10.](#)

- c) An Owner may display a sign provided by a contractor for security services within ten (10') feet of any entrance to the Home provided that it is no larger than twelve by eighteen inches (12" x 18") in diameter.
- d) A maximum of three (3) aforementioned signs of any combination may be displayed on the Owner's Lot.
- e) **Neighborhood Entrance Signs:** must be in accordance with the Design Criteria of the Neighborhood. At a minimum, all Neighborhood entrance signs must include the following:
  - I. Community name with the Hammocks Logo and added verbiage "At the Hammocks".
  - II. Lighting.
  - III. Be not less than three feet (3') in height and five feet (5') in width.
  - IV. Must comply with all Miami-Dade County requirements.

## Section 22. Stepping Stones

The ACC considers a stepping stone as one of a series of stones acting as footrests for crossing. This is not to be confused with a walkway.

- a) All materials must be in accordance with the following:
- b) **Size:** Maximum size of individual stepping stone can be up to 16" x 16".
- c) **Spacing:** Stepping stones shall be set between ranges of 4 inches to a maximum of 16 inches apart from each other.
- d) Stepping stones shall not be used as an extension of the driveway with either sod or landscape ground cover in between.
- e) **Width:** Total maximum width of the completed stepping stone path may be up to 4 feet.
- f) **Location:** The location of stepping stones may be used as a path between a gate opening to the driveway/walkway, or to the sidewalk/street.
- g) **Design:** Any design of commercially sold stepping stone is permissible with the exception of stepping stones that have advertisements.
- h) **Material:** Stepping stones must be made of durable material such as concrete or natural stone.
- i) **Color:** Stepping stones must comply with the neighborhood design criteria.

### **Section 23. Storage/Utility Sheds**

- a) No detached storage/utility shed or accessory building shall be permitted.
- b) Attached storage/utility sheds shall be physically and aesthetically incorporated and properly secured to the Home.
- c) All building materials and finishes, including the roof, shall match the original architectural materials of the Home.

### **Section 24. Swimming Pools, Jacuzzi or Spas**

Any swimming pool, Jacuzzi or spa to be constructed on any Lot shall be subject to the following requirements:

- a) Drainage must remain on your own Lot, and cannot run off to neighboring Lots or any Common Properties. Any Owner found to have emptied their pool water onto the Common Properties will be issued a violation. Continued violations will result in fines.
- b) Above ground pools, Jacuzzi or spas shall not exceed four (4') feet in height.
- c) All pools, Jacuzzi or spas must comply with all applicable set-back requirements
- d) Accessories must not exceed six (6') feet in height including but limited to slides and barriers around the pool. Filters must be placed out of view of neighboring Lots and Common Properties. Filter noise levels shall not disturb neighboring Lots and Common Properties.
- e) Pool, Jacuzzi or spa material composition must be thoroughly tested and accepted by the industry for such construction.
- f) No screening of the pool, Jacuzzi or spa area may stand beyond a line extended and aligned with the side walls or rear walls of the Home unless approved by the ACC.
- g) No lighting shall interfere with the enjoyment of neighbors.
- h) All applications for the installation of a swimming pool, Jacuzzi or spa must be accompanied with a certified survey no more than ninety (90) days from the date of the initial Miami-Dade County permit.

### **Section 25. Temporary Canopies**

- a) Temporary canopies may not be placed on a Lot without prior approval of the ACC.
- b) Canopies shall be permitted in rear yards only with appropriate setbacks and easements.
- c) Canopies may not be attached to the Home or any other permanent structure.
- d) Only one canopy per Home is permitted.
- e) Canopies shall be maintained in good condition and appearance.
- f) The canopies shall not exceed ten (10) feet in height and a footprint shall be no larger than fifteen feet (15') by fifteen feet (15').
- g) Canopies must be removed upon issuance of a Tropical Storm or Hurricane warning.

## **Section 26. Trash and Recycle Bins**

- a) Only Miami-Dade County provided trash bins and recycle bins are allowed within the Properties.
- b) Trash and Recycle Bins may only be visible on trash and recycle pick up days.
- c) If an Owner does not have access to the rear of his/her Lot from the front yard of his/her Lot, and he/she does not have an area designated for the purpose of concealing the trash or recycle bin, then they must contact the Architectural Department and inform them of same. The Architectural Department will forward your issue to the ACC. The ACC will then work in conjunction with the Owner for a solution.

## **Section 27. Walkways**

The ACC considers a walkway as a permanent path solely for the purposes of walking. A walkway shall not be used as a driveway. A walkway may be considered part of the driveway if the walkway extends to the Lot line and forms a drivable surface.

- a) No walkways shall be constructed of asphalt.

[Local Association Exception - See ARTICLE 10.](#)

- b) All walkways are to be continuous in nature and must be constructed with the approved Design Criteria of the Neighborhood.

## ARTICLE 7

### BUILDING CRITERIA

#### Section 1.      **Antenna and Satellite Dishes**

- a) Satellite dishes and antennas must be installed at the rear of the Lot; however
- b) Owner's requesting the installation of an antenna or satellite dish in any other location must provide the ACC with a letter of recommendation for best reception by the communication provider or installer.
- c) Satellite dishes larger than one (1) meter are not allowed.
- d) No communication receivers or transmitters will be permitted at the front of the Home without prior written approval from the ACC.
- e) No more than one (1) antenna of each provider shall be installed on any Lot, unless additional antennas are required by the provider. Multiple antenna/satellite dishes will require proof of subscription.

#### Section 2.      **Awnings/Shade Sails**

The ACC considers an awning or shade sail a roof like structure, often made of canvas or other material that serves as a shelter, over a window, door, or deck. Awnings may be stationary or retractable.

- a) **Stationary Awnings** shall be fixed structures and shall be self-supporting without the need of vertical supports. Stationary Awnings are allowed provided that they meet the following criteria:
  - I. The color of the awning may only be solid in color to match either the color of the roof, stucco, or trim of the Home, unless otherwise noted for specific neighborhoods. Striped designs are not allowed. Awnings are permitted to have a designed valance if approved by the ACC. Multiple awnings on the Lot, must be uniform in color, fabric and design.
  - II. No metal shall be visible and the frames shall be fully enclosed in fabric. The fabric shall be mildew and weather resistant
  - III. Awnings may not have any attachments, including but not limited to decorative lights, signs, etc.
  - IV. Awnings must be kept clean and well maintained at all times.
  - V. Stationary Awnings at the front of the Lot are allowed only in the following Neighborhoods, Lakeside, Juniper, Ravena and Corella. Contact the Association for specific approved Color Criteria for these neighborhoods.
  - VI. Awnings are not permitted on zero Lot walls.
  - VII. **Awnings are not permitted to exceed the approved size restrictions as follows:** Projection from Home may not exceed five (5') feet. The width of the awnings over a single French door, French door with sidelights, sliding glass door may not exceed a maximum of eight (8") inches past the door/sidelight on either side. The width of the awnings over a single window on the side or rear of the Lot may not exceed a maximum of eight (8") inches past the window on either side. The width of the awnings over multiple windows, doors, or doors with sidelights can only be continuous if the fenestrations are not further than three (3') feet apart from each other.

**b) Retractable Awnings** shall be fixed structures and may not have ground support. Retractable Awnings are allowed provided that they meet the following criteria:

- I. Color of awning must match either the color of the roof, stucco, or trim of the Home. Solid color or striped design is permitted only for retractable awnings. A striped design may only have the combination of the approved colors of the roof, stucco or trim. Multiple retractable awnings on the Lot, must be uniform in color, fabric and
- II. Retractable awning fabric shall be mildew and weather resistant and must be kept clean and well maintained at all times
- III. Retractable awnings are not permitted at the front of the Lot.
- IV. Retractable awnings may not have any attachments including but not limited to decorative lights, signs, etc.
- V. Retractable awnings must be retracted when not in use.
- VI. Retractable awning are not permitted on zero Lot walls.
- VII. The valance drop that is visible when awning is retracted may not exceed eight (8") inches. Awnings are permitted to have a designed valance style if approved by the ACC.
- VIII. Retractable Awnings are not permitted to exceed the approved size restrictions as follows: Retractable awning projection (Arm's Length) must maintain a space of no less than eighteen (18") inches from any neighboring Lot line or Common Properties and may not cause water runoff onto neighboring Lot lines and or Common Properties. Retractable awnings above a rear French or Sliding glass door, sidelights, or windows may not exceed ninety percent (90%) of the total linear width of the wall of which the retractable awning is installed.

**c) Shade Sails** are permitted on Lots provided that they meet the following criteria:

- I. Shade Sails material must be weather resistant and must be kept clean and well maintained at all times.
- II. Shade Sails are not permitted at the front of the Lot.
- III. Shade Sails may not have any attachments including but not limited to decorative lights, signs, etc.
- IV. Multiple sails are permitted if approved by the ACC. Combination use in multiple sails of more than one solid color sail is permitted provided that they conform to the approved Design Criteria for the Neighborhood.. Combination use of multiple sails in more than one shape is also permitted.
- V. Ground support is permitted.
- VI. Shade sails are not allowed on zero Lot walls.
- VII. The two approved designs for the shade sails are as follows: Rectangular/square and Triangular/right angle

### **Section 3. Balcony**

- a) No Balcony may extend out more than five (5') feet from the Home.
- b) No Balcony may be wider than the wall that it is attached to and must have railings.
- c) Railings of balconies may be constructed of wood, aluminum or iron. Colors must conform to the approved Design Criteria for the Neighborhood.

### **Section 4. Covered Porch**

A porch is an attached section to the house which is open to the outside air and is covered with a roof. All Porches must have ground support. Porches are not allowed at the front of the Lot or on zero Lot walls.

- a) Porches are not permitted to exceed the approved size restrictions as follows:
  - i. Porches shall not extend past the house wall.
  - ii. Porch projection (Arm's Length) must maintain a space of no less than 18" from any neighboring Lot line or Common Properties and may not cause water runoff onto neighboring Lot lines and or Common Properties.
- b) The approved roof material options for Porches are as follows:
  - I. Roof Tiles: Must be consistent with the homes roof tiles
  - II. Canvas: Color of canvas must match either the color of the roof, stucco, or trim of the Home. Canvas material must be weather resistant. Canvas must be kept clean and well maintained at all times.
  - III. Aluminum: Aluminum must match the color of the Home metallic window frame.
- c) Porches may not have any attachments, including but not limited, to decorative lights, signs, etc.

### **Section 5. Exterior Doors**

- a) Exterior doors must comply with the Design Criteria of the Neighborhood.
- b) The following types of doors are not permitted:
  - I. Iron Bar Doors

### **Section 6. Garage**

- a) Garage doors must be in accordance with the approved Design Criteria of the Neighborhood.
- b) If a Home will not have a functioning garage, the façade of the garage shall comply with the approved color combination of the Neighborhood.
- c) Garage doors shall be uniform in color.

## **Section 7. Gutters**

- a) All gutters and downspouts must be the same color as the surface to which they are attached to.
- b) All horizontal gutters attached to the roof fascia must match the roof fascia color as approved for each Neighborhood.
- c) Downspouts must match the color of the stucco wall that it is attached to.
- d) Gutter water runoff must not flow onto neighboring properties or Common Properties.

## **Section 8. House Numbers**

- a) House numbers must be at minimum three (3") inches in height and at no time shall be larger than six (6") inches in height.
- b) House numbers must be visible from the street.

## **Section 9. Hurricane Shutters**

- a) There are three (3) approved styles of hurricane shutters:
  - I. Accordion shutters
  - II. Panel shutters
  - III. Roll Down shutters
- b) Panel Shutter tracks must match the color of the window frame or be painted to match what it is attached to.
- c) Accordion and Roll-Down Hurricane Shutters must match the color of the window frame.
- d) Shutters must remain open during non-Hurricane Season, December 1<sup>st</sup> through May 31<sup>st</sup>. Owners with closed shutters during non-Hurricane season are subject to receiving violations and fines.

## **Section 10. Iron Bars**

Iron bars are not permitted on the exterior of any window, door or sliding glass door.

## **Section 11. Roof**

- a) Roof material and color must be consistent with the approved Design Criteria of the Neighborhood.  
[Local Association Exception - See ARTICLE 10.](#)
- b) Roof profiles shall be designed for compatibility with adjacent roof profiles in front, side and rear elevation.
- c) The galvanized flashing shall be painted the same color as the fascia.

## **Section 12. Skylights**

The ACC considers a skylight a window set in the plane of a roof or ceiling. All ACC Applications for a Skylight shall be reviewed on a case by case basis.

### **Section 13. Solar Collectors**

- a) Solar collectors may not be installed without prior approval from the ACC. The ACC may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within forty-five (45) degrees east or west of the due south provided that such determination does not impair the effective operation of the solar collectors and must be in accordance with the appropriate regulating agencies.
- b) No Solar Collector shall cause offensive aesthetics to neighboring properties.

### **Section 14. Windows**

- a) All window material must be in accordance with the approved Design Criteria of the Neighborhood.
- b) All window frames other than wood must be either anodized or electro statically painted.
- c) No reflective solar coating on glass areas, windows, or doors of any kind shall be permitted.

### **Section 15. Window and Wall Mounted Air Conditioners**

Window or through-the-wall mounted air-conditioning units are not permitted on any Lot.

### **Section 16. Tiki / Chickee Huts**

Are not allowed.



## ARTICLE 8

### TEMPORARY STORAGE AND ROOF PROTECTION

#### Section 1. Temporary Storage Units

Temporary portable storage unit (POD) or dumpsters are allowed on Lots provided that they conform to the following criteria:

- a) **The Owner must submit the following documentation to the Architectural Department for approval, at least fifteen (15) days prior to installing the POD or dumpster on any Lot:** An active Zoning Improvement Permit permitting a POD to be placed on the Lot and a copy of the Lot site survey indicating the location where the POD or dumpster will be located
- b) A single POD is permissible as long as there is an open and active Zoning Improvement Permit with Miami-Dade County. The POD may be located on the Lot for the life of an active permit and must be in accordance with all applicable Miami-Dade County Code requirements.
- c) No mechanical, plumbing or electrical installations or connections are permitted to be made to the POD units. No hazardous material is permitted to be placed within the POD.
- d) The installation of a POD or dumpster may not inhibit an Owner from appropriately parking on his Lot.
- e) All POD units or dumpsters are required to be removed immediately when a hurricane watch is issued in Miami-Dade County.
- f) No structure of a temporary character, trailer, tent, shack, garage, barn, or other out home building shall be used on any Lot at any time as a home either temporarily or permanently.

#### Section 2. Temporary Roof Protection

The Association understands that from time to time an Owner will have the need to make repairs on their roof or other portion of the exterior of the Home. Protective tarps will be allowed; however the Owner must inform the Architectural Department in writing of said tarp and the amount of time the tarp will be used.

## **ARTICLE 9**

### **LIABILITY**

- a) Notwithstanding the approval by the ACC of plans and specifications submitted to the ACC, or [Property Services](#) Departments inspection of the work in progress, neither the ACC, the Association, nor any other person acting on behalf of the ACC or the Association, shall be responsible in any way for any defects in any plans or specifications or other material submitted to the ACC, nor for any defects in any work completed pursuant thereto.
- b) Each Owner submitting plans or specifications to the ACC shall be solely responsible for the sufficiency thereof and the adequacy of improvements constructed pursuant thereto. In no event shall the ACC, the Association or any person acting on behalf of either the ACC or the Association owe any duty to any Owner or any other party with respect to the quality of the construction or the compliance of the construction. Owners shall indemnify and hold harmless the ACC and its members and Association, its officers, directors or any person acting on the behalf of either the ACC or the Association from any and all claims resulting there from including reasonable attorney's and paraprofessional fees and costs.
- c) The approval of any proposed improvements or alterations by the ACC shall not constitute a warranty or approval as to, and no member or representative of the ACC or the Board shall be liable for, the safety, soundness, workmanship, materials or usefulness for any purpose of any such improvement or alteration nor as to its compliance with governmental or industry codes. By submitting a request for the approval of any improvement or alteration, the requesting Owner shall be deemed to have automatically agreed to hold harmless and indemnify the aforesaid members and representatives, and the Association, generally, from and for any loss, claim or damages connected with such aspects of the improvements or alterations.

## ARTICLE 10

### LOCAL ASSOCIATION EXCEPTION

#### **Section 1. Vizcaya At The Hammocks Association (Vizcaya)**

a) The following **Paragraph e)** is **ADDED** to **Article 5 Section 1 General Criteria**:

e) Replacement of fixtures on a lot like for like; painting of the house, fence, wall, trellis; resealing of the driveway or walkway; using the existing color scheme and the maintenance thereof; does not require ACC approval.

b) The following is **ADDED** to **Article 5 Section 2 Exterior Home Colors Paragraph a)**:

Painting the house with the existing color scheme does not require ACC approval.

c) The following is **ADDED** to **Article 5 Section 2 Exterior Home Colors Paragraph b)**:

All new proposed color schemes for Vizcaya must first be approved by the Vizcaya Board before submission to the ACC.

d) The following **Paragraph e)** is **ADDED** to **Article 6 Section 7 Driveways**:

e) The maximum allowable driveway extension is the width of the largest approved driveway in Vizcaya (71.7% of the total linear width) extended to the lot line of the street.

e) The following is **ADDED** to **Article 6 Section 11 Gates Paragraph e)**:

Double wide gates are allowed consistent with those that already exist in Vizcaya.

f) The following is **ADDED** to **Article 6 Section 21 Signage Paragraph b)**:

Maximum sign size is 18" x 24" consistent with Vizcaya's Governing Document.

g) The following is **ADDED** to **Article 6 Section 27 Walkways Paragraph a)**:

A walkway extended to the lot line that becomes part of the driveway as described in **Article 6 Section 27 Walkways** and **Article 6 Section 7 Driveways** may be constructed of asphalt if the existing driveway is asphalt.

h) The following is **ADDED** to **Article 7 Section 11 Roof Paragraph a)**:

Barrel tile and steel roofs are allowed consistent with those that already exist in Vizcaya.

## ATTACHMENTS

### **List of 18 Managed Neighborhoods**

1. Oak Lake
2. Spicewood
3. Corella
4. Lakeside
5. Sunflower
6. Ensenada 1
7. Ensenada 2
8. Skylark
9. Pelican Point
10. Haciendas
11. Cedar Landing
12. Live Oak
13. Juniper
14. Chantarelle/Ravena
15. Paseos 1
16. Paseos 2
17. Oakwood Estates
18. Belmont

### **List of 22 Local Association Neighborhoods**

1. Adagio
2. Park Place
3. Park Villas
4. Vizcaya
5. Jasmine
6. La Maison
7. Atriums
8. Banyan Tree
9. Lakewood Estates
10. Mahogany Isle
11. Mahogany Keu
12. Vista Lago
13. Biscayne Beach
14. Royal Palm Place
15. Lakeview
16. Heron
17. Palm Point
18. Hammocks Trails
19. Chateaubleau
20. Blossoms
21. Villas At The Hammocks
22. Coral Club