

# Architectural Control Board Rules and Regulations

June 6, 2011, Rev. IV

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**ACB Consent:** All changes, modifications or additions (including replacement plantings) to the exterior of the house must be approved by the ACB prior to the commencement of any work. All Requests by an Owner for approval by the ACB for any addition, alteration, improvement, or change shall be in writing using the ACB application form available in the HOA office. Each application must be accompanied by plans and specifications or other details as the ACB may deem reasonably necessary in connection with its determination as to whether or not it will approve same. Approval of any request shall not be unreasonably withheld and shall not be withheld in a discriminatory manner or in a manner which unreasonably prohibits the reasonable development of any Lot but may be withheld due to aesthetic considerations. The ACB through the Property Manager shall notify the Owner of its approval or disapproval by written notice within thirty (30) days after the completed application is received by the ACB. The approval is good for ninety (90) days from the date shown on the permit. If an extension is needed the homeowner must contact the ACB, otherwise the homeowner will have to reapply for approval. The ACB reserves the right to not consider any application which is submitted with incomplete or missing information.

### **Architectural Control Board Mission Statement**

The Architectural Control Board is mandated to carry out the relevant provisions of the protective Covenants for the Cascades at St. Lucie West.

We will carry out this mandate by applying our rules and regulations.

We will answer homeowner questions and request for changes, modifications, additions and appeals without prejudice.

We will apply the rules and regulations impartially to ensure that Cascades at St Lucie West will be aesthetically pleasant to all residents and guests.

## **ACB Request and Change Application:**

All applications for landscape or structure improvements must include the following items:

- A. A survey of the property, which shows the property lines and the outline of the house.
- B. Colors of all structural improvements must be indicated on the application.
- C. Where house painting is being requested, color names must accompany the application.
- D. Where landscaping is being requested the species of plant and location on the property must be noted on the survey.
- E. Upon approval, a **green permit** sign will be issued by the HOA office. The permit is good for ninety days and must be returned to the management office upon completion of the work. If the permit is not returned fourteen (14) days after the expiration date (indicated on the permit), the homeowner will be in violation and subject to a fine as indicated on the approved paperwork, which was mailed to the owner.

*“E” Revised by ACB, April 20, 2011*

**Note:** All improvements must have a 3-foot setback from the property line.

## **ACB Statement and Reference**

Decisions of the ACB in regard to applications submitted for consideration may be appealed to the ACB or to the HOA Board of directors.

REFERENCE: Article(s) VI, IV, VIII of the amended and restated Declarations of the Restrictions and Protective Covenants for Cascades at St. Lucie West.

## **Aesthetics**

There will not be any fans, wall exhaust fans or window air conditioning units permitted through the perimeter walls of existing windows.

## **Assessment for ACB Non-Approvals**

If a resident requests ACB approval after any exterior modification has started or been completed, a \$50 application is required.

*Approved July 14, 2008*

**Appeals Process:** An owner who receives a letter stating his/her application for modification, addition or change to his property was not approved can appeal the ruling to the ACB and has the right to make a written appeal request to the Board of Directors, within thirty (30) days of final ACB denial. (Article VIII sect. 2).

An owner who receives a letter of violation has the right to appeal the violation and fine to the violation Committee.

The ACB under the provisions of Article VII Section 7 can inspect the front, sides and rear yard of a homeowner's lot in pursuant to a complaint of violation or nuisance.

*Revised by Rules Council June 7, 2011*

## **Architectural Control Board Regulations**

**Architectural Control Board:** The Architectural Control Board ("ACB") is a standing committee of the Association. The ACB shall have the power to promulgate such rules and regulations, as it deems necessary to carry out the provisions, these regulations, and relevant provisions of the Protective Covenants for the Cascades at St. Lucie West (Art. VI, Sec. 2). The ACB meets every other Monday at 10 AM in the clubhouse. Specific dates will be posted on the website, and in the clubhouse.

### **Curbing:**

- A. Must meet lawn maintenance requirements of 3' clearance for mowing between curb and other obstructions and must be 3' from property line.
- B. Curbing must be of a color that complements the color of the house and approved by the ACB.
- C. Maintenance and repairing of any damage caused by lawn service to the curbing is the homeowner's responsibility.
- D. A contractor drawing must be submitted showing the required detail.

**Driveway /Walkway Pavers:**

- A. Must only use clear sealant (no tinting is allowed).
- B. Landscape lighting must only be installed in the flower beds.

**Dumpsters And Storage Pods**

- A. Dumpsters and storage PODs require ACB approval.
- B. Dumpsters and storage PODs MUST be dropped on the homeowner's driveway.
- C. Permission to drop a dumpster, or POD in front of the owner's driveway, will ONLY be granted if the dumpster, or POD is picked up before 5:00 PM upon completion. The dumpster or POD will not block access to neighboring driveways and/or road access.
- D. A dumpster or storage POD can remain on the owner's driveway for five (5) days. An extension to this time limit can be granted if requested by the morning of the fourth day.
- E. Dumpsters MUST only be used for construction debris, discarded furniture and/or appliances. NO liquids, flammables or refuse will be allowed in the dumpster. PODs MUST only be used for temporary storage of household goods and furniture.
- F. Dumpsters MUST be covered, and PODs MUST be closed (dusk till dawn).
- G. The homeowner is responsible for any damage to his/her property, common areas and roadway that may result from the dumpster or POD being placed or removed.

*F and G Added by Board of directors May 20, 2010*

**Fences:**

- A. No fencing permitted except fencing around pools and spas. Material must be white P.V.C. or white aluminum not to exceed 48" in height.
- B. Proposed landscape plan must surround fence.

**Flags:**

- A. American, State of Florida or flags otherwise authorized by statute are permitted.
- B. May be attached to home, maximum size of 4' 6" x 6'. Flag poles must be portable or removable.

- C. Military service flags may be flown on military or veteran holidays.

### **Foyer Lights**

Exterior foyer lights are not to exceed 2 feet in length and 1 ½ feet in width.

### **Front Entry: Exterior of House**

- A. Front entryway may be decorated with bench, chair, one sign indicating the residents name or wall decorations with approval from the ACB.
- B. Decorations or other objects are not allowed over the garage, or on the front or sidewalls of the building. (This excludes the front entryway).
- C. Changes to carriage lights on garage must receive ACB approval.
- D. Carriage lights may only have white/clear or 'bug' light bulbs. No colored light bulbs are allowed. No exceptions can be made to this policy.
- E. No plantings or other permanent or temporary fixtures to the outside walls of the house (except front entry way) are permitted. Placement of string or wire or other devices for the purpose of supporting plantings to the exterior of the house are not permitted.
- F. House numbers are the only items allowed above the garage door.

**An ACB application must be completed for exterior changes or modifications.**

### **Generators:**

Generator installations must be installed in accordance with Port St. Lucie Building Code. Currently the City of Port St. Lucie requires the generator be at least 18" from the house and 5 ft. from any opening (windows, doors). All generator installations MUST NOT impede the normal drainage and lawn maintenance between houses, and there must be NO conflict with any drainage or utility easements. Generators, which can otherwise be seen from the street, must have plantings (of podocarpus, Viburnum or Closia) that will block the view of the generator from the street with set back from the generator according to manufactures and city requirements. A landscaping plan must be submitted with the ACB application for the installation of the generator. Generator installations will **NOT** be permitted in the front area of the home. A survey showing the property lines and house outline must also accompany the application. No application can be considered which is not complete as indicated above. The ACB would like to see generator installations set back 3 ft. from the property line on either side and/or the back of home. The ACB

would consider granting a variance to this rule based on City Building Department requirements, only if there is adequate room for landscape maintenance and there is NO conflict with drainage or utility easements. Permit required.

The testing of permanent or portable generators shall not exceed 30 minutes per week and is limited to Monday through Friday 9:00 AM to 5:00 PM Maintenance and/or repair work are exempt from the 30 minute time limit. Generators facing the street must have plantings on that side facing the street.

*(Testing) Added June 6, 2011 and approved by Board of Directors*

### **Gutters:**

- A. Must be a commercial grade.
- B. White, beige, or house trim color

### **Holiday Decorations:**

Holiday decorations are permitted to be displayed until fourteen days after the holiday is concluded.

NO HOLIDAY THEME FLAGS PERMITTED.

### **Hurricane Shutters:**

- A. Steel or aluminum originally supplied with home.
- B. Hurricane panel header must be painted house or trim color.
- C. Accordion style must be white, beige, clear, or match house color.
- D. Clear plastic shutters (storm proof material) on front and rear transom and the side window to the front door, may be left on permanently.
- E. Hurricane shutters may be installed or closed over the outside openings **ONLY when a hurricane watch has been issued by the National Weather Service and MUST be**

**removed within fourteen days (14) after the danger has passed or the watch has been rescinded.**

*“D” Approved by Board of Directors February 10, 2010  
“E” Revised by ACB June 6, 2011*

**Landscaping of Easement Areas:** All lots within the Cascades have a ten (10) foot easement on the street side or front of the lot. Many lots also have drainage easements on the sides of their homes. The drainage easements are between six (6) and ten (10) feet in width. No structure of any type, or planting other than the plantings installed in the original “footprint” by the builder will be allowed. The ACB cannot approve any construction or landscaping within any easement shown on a plot per Article VIII sect. 4.

**Landscape Regulations:**

No obstruction to visibility at street intersections shall be permitted per (Article VIII sect. 11). With that in mind applications for landscape alterations including replacement plantings must include the following:

- A. Survey depicting exact location of plantings with respect to property lines
- B. Diagram indicating placement of proposed landscaping
- C. Description of proposed landscaping including type, species, height, and quantity of plantings to be used
- D. No artificial plants or flowers permitted in lawn
- E. Trees / plants must be planted 3' inside property line unless a variance is granted
- F. May not exceed 6 lawn ornaments, which include pottery, fountains and statues, trellises, etc., not to exceed 48" in height and must be located in the landscaping bed areas. (Lawn flags) and windsocks are not permitted.
- G. No hanging of objects from trees/palms in yard except for holiday decorations.
- H. No statues, lawn ornaments or other artificial items may be placed around the live oak tree owned by the HOA near the curb.



- I. All trees in the footprint at the front, side and rear of your home may be replaced with ACB approval. Residents may choose replacement tree(s) and other plantings from the approved Plant / Tree photo album located in the Management office. Other varieties of trees and plants will be considered upon request. A minimum height of 5 ft. to 6 ft. from the top of the root ball to the lowest frond or branch is required in the front footprint. The number and types of trees required in the original footprint of the property (front, side and rear) depend on each specific home model. A copy of the footprint for your specific model is available upon request in the Management office.
- J. Annual Flowers may be planted in original/approved flower beds without ACB approval. All annual plantings must be maintained by the homeowner.
- K. The height of hedges in the front and side of homes will be maintained by the Landscape Contractor at 3 to 4 feet in height. Homeowners requesting “privacy” hedges in the rear of their homes (around the screen enclosure) will be maintained by the owner to a maximum height of 6 feet.

*“J” Revised by ACB March 2011; “L” Revised by ACB April 2011*

**Levying of Fines:** Any notice of violation sent to any owner under (Article XII sect. 2) shall be deemed to have been properly sent when personally delivered or mailed (postpaid), transmitted by way of telecopy or sent by overnight courier, to the last known address of the person who appears as member or owner on the records of the HOA at the time of such mailing.

**Mailboxes:**

- A. Mailbox and post same as developer installed.

**Maintenance Standard for Exterior Surfaces of a Residence:**

To preserve the aesthetic appearance and maintain property values, all exterior surfaces of a residence including but not limited to the roof, exterior walls, walkways, driveways, shutters, doors etc. shall be free of decolorization, mold, fungi, algae, mildew, rust, peeling paint as determined in the sole and absolute discretion of the board or their agent.

Upon written notice, the owner shall correct the defect within 30 days of receipt of said notice. At the discretion of the Property Manager, a 30-day extension may be granted if the resident presents a valid and reasonable request for additional time. In the absence of a positive response and compliance, the Association reserves the right to levy a fine in the amount of \$50 per day, not to

exceed \$1,000 in the aggregate. A resident may appeal the request or denial of the 30-day extension to the violation committee. If the resident is not satisfied with the decision of the violation committee, they can make a written appeal to the Board of Directors within 30 days of the final decision rendered by the violation committee.

*Added June 6, 2011 and approved by Board of Directors, December 8, 2008*

**Miscellaneous:**

- A. Swing sets, sheds, playgrounds, and gazebos are not permitted.
- B. Barbecue grills are permitted outside of the patio area only when they are placed on pavers and do not impede the HOA's maintenance of the landscaping (lawn mowing, trimming, etc.).
- C. Car covers are not permitted on vehicles parking in driveway.

**“Nuisances”** For the purpose of this document a 'nuisance' is created when an Owner neglects his or her responsibilities in maintaining plantings they are responsible for. No weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon any lot in the Cascades. No refuse pile or unsightly objects shall be allowed to be placed or suffered to remain on any lot. After the violation and appeals process have been exhausted and the “Nuisance” still remains on the property the HOA or its agents may enter the property and remove the “Nuisance” at the Owners expense as stated in (Article VIII section 2).

**Painting:**

- A. Must keep within the approved color palette of the community, which can be viewed in the Clubhouse.
- B. Using the approved colors also requires prior approval.
- C. All painting approval requests must be submitted with a color chip/swatch. (Residents have the option of selecting any color on the Cascades color pallet. NOTE: Trim colors can go with any body colors.

*Approved by Board of Directors May 10, 2010*  
*“D” Revised by ACB November 19, 2013*  
*Approved by Board of Directors November 4, 2021*

**Pending the Appeals process**, if the violation noted on the letter sent is not corrected or remedied to the satisfaction of the ACB within thirty (30) days of the dated letter, a second letter will be mailed (14 day rule) notifying the Owner that a fine of \$50 dollars a day will be imposed ( not to exceed \$1,000 per offence). The fine will continue until the Owner notifies the ACB that the violation has been corrected and an inspection is made to verify the Owners claim.

**Permits Not Required for The Following:**

Front door replacement  
Front enclosures  
Gutters (need color)

**Permits Required for The Following:**

Pad mounted generators.  
Garage doors.  
Window replacement  
Shutters  
Roof or poly roof  
Outside plumbing and major electric  
Cages or lanai extensions  
Swimming pools and hot tubs  
Solar panels

**Pool Additions:** Application must include:

- A. Survey showing location of proposed installation site
- B. Architectural blueprints
- C. Plans for fencing or screening (See fencing and/or screening regulations)
- D. Landscape plans

Note: While the ACB may approve the application for a pool addition, work CANNOT commence and the Cascades work permit WILL NOT be issued until a copy of the city building permit is given to the ACB.

**Remedy for Violations:** In the event this section is violated in that any alteration, addition, improvement, or change is made without first obtaining the approval of the ACB or a “nuisance created“, the Association shall specifically have the right to demand that an owner stop, remove and/or alter any alteration, addition, improvement or change in a manner which complies with the requirements of the ACB, and the Association may pursue injunctive relief or any other legal or equitable remedy available to the Association in order to accomplish such purposes (Article VI sect. 5). After the fact submittals will require a fifty-dollar (\$50.00) application fee.

Fines shall constitute an assessment due to the HOA (Article XII sect. 3) and are subject to the following remedies if unpaid:

- A. A charge and continuing lien upon the owners’ lot for each unpaid infraction.
- B. The right of the HOA to suspend the voting rights for any period during which any assessment against his/her lot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its lawfully adopted and published rules and regulations (Article VII sect. 1B).
- C. The ACB will recommend to the board of Directors (in writing) the removal from any standing Board or Committee dealing with and/or making policy decisions, recommendations and in NO way can represent or speak (in any capacity) for the Cascades at St. Lucie West until he/she once again becomes a member in good standing.

*Approved by the Board of Directors November 10, 2008*

**Repeat Offenders:** An owner who violates the same rule for which he or she was cited within a twenty-four (24) month period will be considered a “repeat offender”. This act of knowingly violating the same rule will negate the thirty (30) day notification rule and the \$50.00 a day fine. The owner, upon receiving a letter notifying him or her of the repeat offense will immediately incur a fine of \$100.00 a day until the repeat offense is corrected (not to exceed \$1,000 per offense).

**Roofs:** Metal barrel roofs that meet the same characteristics as the existing roofs in color.

**Room Additions:** Applications for approval must include:

- A. Survey showing location of proposed addition
- B. Proposed landscaping plan

- C. Architectural blueprints
- D. Paint color (must match house color scheme)

**Note:** While the ACB may approve the application for your room addition, work **CANNOT** commence, and the Cascades work permit **WILL NOT** be issued until a copy of the city building permit is given to the ACB.

**Satellite Dish/Antennas:**

- A. Satellite dishes may be mounted to receive a clear signal from the southwestern sky, where transmitting satellites are located. The owner must make the location as unobtrusive as reasonable.
- B. TV and radio antennas are not permitted.
- C. Satellite dishes shall be no more than 39.37" in diameter (FCC).

**Screen/Glass Enclosures:**

Applications must include:

- A. Survey depicting location of proposed screen enclosure
- B. Description of proposed type of screened enclosure
- C. Color specifications of all components of the enclosure
- D. Plans and specifications as provided by contractor with respect to dimensions, set backs and height
- E. Proposed landscaping plan
- F. Elevation plans.
- G. White kick plates up to 16" in height are permitted on screen enclosures
- H. All panels used in the construction excluding kick plates, shall be of the same color as the house.

- I. Garage door screens *are allowed with the tracks for the screens located on the inside of the garage. No tracks will be allowed on the outside of the garage. The screen may only be visible when the garage door is open. Colors of screens may be silver or black. Application for the garage door screens must be submitted to ACB for approval prior to installation.*

*Approved by ACB and confirmed by the  
Board of Directors November 4, 2021*

**Security Installations:**

- A. All exterior security features including security signs must receive ACB approval.
- B. Outside motion detector devices must turn off lights after a maximum of two (2) minutes of being activated. All outside lights cannot be situated so that they face toward a neighbors property or the roadway.
- C. Lights may not be placed over the garage or on the front side of the house. Such devices with ACB approval may be placed inconspicuously under the side eaves.
- D. Security lights and/or garage side lights operated by a dawn to dusk feature otherwise known as a Photocell require ACB approval.

**Windows:**

- A. Windows may be tinted, however, no chrome tint.
- B. Replacement windows and/or sliding glass door frames must be white and aesthetically correct.
- C. High Impact window frames must be white.
- D. Window Grids on the front windows.