

# Emerald Preserve – Sumerlin Architectural Review Board Guidelines

Current as of June 2009

Note: Unless otherwise stated below, NO decorative item, exterior alteration, fence, screened-in porch, satellite dish or landscaping change may occur outside any unit without the owner first receiving a WRITTEN approval letter from the Emerald Preserve – Sumerlin (EPS) Architectural Review Board (ARB), (EPS-ARB) PRIOR to making the change. Owners need to complete an official application form and submit it to the EPS-ARB with applicable fees and any pertinent supporting documentation (survey, photos etc). Approval decisions will usually take 4 to 5 weeks, but may vary. All applications will receive notification of decision in writing.

The majority of guidelines below are taken directly out of the EPS Covenants and Restrictions. A few are written by the ARB members, only when the EPS Covenants and Restrictions expressly give them the discretion to do so.

Please keep in mind that this is a multi-family community combined of 2 properties, Emerald Preserve and Sumerlin. When each of us purchased our units, we entered into a legal contract agreeing to abide by the Covenants and Restrictions (C&R) for the neighborhoods. Residing in this type of community can be difficult for some people; we live in very close proximity to one another. It is our ‘home’, but it is NOT a house, and so we must give up a few of our individual preferences. However, this type of community also offers a great deal of benefits and recreational opportunities. The C&Rs are a large part of what makes these benefits and opportunities possible. So please keep this in mind when reviewing the guidelines below. Finally, keep in mind that these guidelines are no substitute for reading and learning the C&Rs you have agreed to abide by.

## **I. DECORATIVE ITEMS**

### **A. GENERAL**

NO items may be attached to the outside walls of any unit, decorative or otherwise. This can cause cracks in the stucco, which the HOA would then need to repair.

EXCEPTION: United States Flag or official Flag of Florida: see Section B of this section for the sole exception to this rule and its associated damage clause.

NO items may be attached to the roofs of any unit, decorative or otherwise. This can cause damage to the roof, which the HOA would then need to repair.

EXCEPTION: Satellite Dish: see Section III D for description of where these may be mounted.

**In order to avoid a cluttered, unkempt look on the exterior of our buildings:**

Decorative items may only be placed within the flower beds, on patio or front porch or balconies.

Decorative items are LIMITED to NO MORE than 5 approved items in the FRONT YARD of any unit

Decorative items are LIMITED to NO MORE than 5 approved items in the BACK YARD of any unit.

Decorative items limited above INCLUDE items such as decorative flags, potted plants, statues, door wreaths, wind chimes, benches, chairs, bird feeders etc

Decorative items limited above do NOT INCLUDE: door mats, landscaping lights or plants which are planted in the ground.

**B. FLAGS**

1. Seasonal / Holiday / Sports Team

Each unit may have NO MORE than one (1) decorative flag out at any given time. The decorative flag may be NO LARGER than 18" x 24" in size, and may NOT be attached to the building or hung from a balcony. Flags must be located in flower bed. Flag must be kept in good condition or must be replaced with a new one.

2. United States of America / State of Florida Flag

Each unit may fly one (1) portable, removable USA Flag or official flag of the State of Florida in a respectful manner and on Armed Forces Day, Memorial Day, Flag Day, Independence Day, September 11 and Veteran's Day, portable, removable official flags, not larger than 4 1/2' x 6' that represent the US Army, Navy, Air Force, Marine Corps or Coast Guard in a respectful manner in addition to the above decorative flag.

The USA Flag or Florida State Flag may be displayed on a pole or similar device generally accepted for that use.

The pole will be located on the exterior of your unit and only removable house mounted flag poles will be approved.

The pole can be no taller / longer than 4' and should be white or light wood in color. In addition, it can NOT be mounted on the side walls of the garage.

It CAN be mounted next to the garage door, in front or near the front door of your unit.

A standard flag pole mount must be used, with no more than three (3) holes into the exterior of the building. The pole mount can NOT be placed lower than 4' about the ground, or higher than 5.5' from the ground, on the building.

Any owner choosing to mount a USA flag onto the exterior of their unit assumes all risks, liability and cost of repairing damages which the wall structure, interior or exterior, may incur as a result of putting holes into the stucco exterior.

**C. POTTED PLANTS (see Landscaping section for in-ground plants)**

*All containers which have a character or image on them must be approved by the ARB, prior to being placed outside a unit.*

Solid containers, with no images or character, may be placed outside a unit and without prior approval, as long as the container *is within the size dimensions below AND falls within the acceptable number of decorative items allowed out any one unit* (see Decorative items above)

1. Potted plants should be placed in containers which are NO taller than 26" in height, NO wider than 26" in diameter if round, and NO longer / wider than 30" in length if rectangular. The container, with the plant in it, should be no taller than 5' high in total.
2. Containers may be made of clay, ceramic, wood or attractive higher-grade plastic. [The thin plastic containers which plants often come from the store or greenhouse in, are NOT acceptable containers]
3. Containers must be made specifically for plants; the use of buckets or other household items are NOT allowed anywhere in view.
4. Container colors must be consistent with the exteriors of the units (walls and doors) to maintain the continuity of colors throughout the community.

#### **D. STATUARY**

Statues in front of units should be made of clay, ceramic, stone or cement. Plastics that are very high quality and which also have a stone or ceramic look to it may be acceptable. Statues may be placed in locations as noted above in Section I A, Decorative Items / General.

Statues under 3' do not require ARB approval. Statues taller than 3' MUST be submitted to ARB for approval prior to placement. All statues must be tasteful and appropriate for a community where children are present.

#### **E. BIRD FEEDERS**

Bird Feeders *must* be placed in the unit's back yard. They may be hung from the eave, placed on the patio or placed in the yard directly against the patio edge, so that it does not interfere with lawn maintenance.

They should be at least 3' off the ground, so the food does not draw rats or other vermin. No unit may have more than one (1) feeder in their back yard.

#### **F. BENCHES AND LAWN FURNITURE**

All front and side yard decorative benches must be small to medium in size, made of stone, cement or the durable 'made of outdoors' wood and iron combination.

NO plastic, pvc, folding or collapsible furniture should ever be stored / placed on the front or back patios of any unit, when not in use.

All lawn furniture remaining out on rear patios during non-use, must be generally recognized as sturdy lawn furniture. Folding or collapsible chairs and tables are not allowed to be stored outside, when not in use.

Back yards of all units. All lawn furniture must remain on the rear patio, unless temporarily moved on the grass while in use. Lawn furniture is limited to that which will fit attractively on the rear patio. (No stacking of chairs or furniture on patios).

### **II. LANDSCAPING ITEMS**

#### **A. Landscaping / Garden Lighting**

1. Landscaping *Path Lights* are LIMITED to NO MORE than 8 lights on any one side of your unit (front or back), AND units shall have NO MORE than 14 landscaping path lights in TOTAL, on their property.

All Landscaping *Path Lights* must be within 6” of the cement walkway of your own unit. (Lights are not permitted along the neighborhood sidewalks), and must be placed so they do not interfere with the lawn maintenance. NO Path Lighting is allowed along driveways.

Landscaping Path Lights must be one of several traditional, commonly used models, sold at home improvement stores such as Lowe’s and Home Depot. Acceptable colors of metals are black, bronze and antique gold. They should NOT be higher / brighter than 18 watts each. They may be electric or solar. There should be NO cords or wires in view or in the way of lawn maintenance.

NO landscaping spotlights are allowed.

Motion lighting for safety, see Section III Building Exterior Items, Item A Exterior Light Fixtures.

Holiday Lighting may be placed in trees or along the buildings exterior for holiday celebrations. Holiday lights in trees are acceptable the day after Thanksgiving through January 7th. All other holiday lights are permissible in trees 2 weeks prior to the holiday and must be taken down 5 days after the holiday.

**B. In-Ground Plants, to include shrubs and trees**

Each unit has In-Ground plants originally chosen and placed on their property by the builder. Owners may choose to change these plants to those of their choice, if those plants are approved by the ARB. *If they do so the following also applies:*

1. Original plant or tree beds. No unit may have less than the number of In-Ground plants originally installed on its property.
2. Original plant or tree beds. No unit may have more than twice (2x) the original number of In-Ground plants installed by the builder.
3. Trees may not be removed by homeowners. Adding any trees MUST be approved by ARB PRIOR to the addition taking place.
4. The HOA hired landscaping companies will NOT be held responsible for switching out the plants, removal / replacement of new plants which die, or the trimming of the newly installed plants. **The Owner assumes all risks, liabilities and costs incurred in the placement and ongoing maintenance of the new In-Ground plants,**

***this includes any damage that may occur to the sprinkler system as a result of the changes.***

**C. Mulching**

1. EPS HOA provides red cypress mulch for each unit in area's originally designated for mulch by the builder.
2. The only acceptable options for mulch anywhere on a unit's property are the following: red or gold cypress mulch.
3. Each unit may only have ONE TYPE of mulch on their individual property. (One type of mulch against the house and then another type around a tree in the yard are NOT acceptable).

If an Owner changes to gold cypress mulch then HOA hired landscaping companies will NOT replenish or maintain that Owner's mulch. Additionally, the Owner assumes all risk, liabilities and costs incurred in the replacement and ongoing replenishment or maintenance of their mulch.

**D. Edging / Borders (around in-ground plant beds and trees)**

HOA hired landscaping companies will edge the borders of flowers beds. Their edging uses a tool to cut into plant growth and the soil beneath, creating a natural border / edge.

Owner's MAY choose to install an artificial border material around their trees and plant beds. However, if an Owner chooses to do this, the following applies:

1. Each unit may have only ONE TYPE of artificial edging / border on their individual property. One type of artificial edging / border against the plant bed near the house, then another type of artificial edging around a tree is NOT acceptable.
2. Artificial edging colors are limited to green or black.
3. If an Owner changes to their own choice of edging / border, then HOA hired landscaping companies will NOT use their tool to edge around those areas. The Owner assumes all risks, liabilities and costs incurred in the placement and ongoing maintenance of their edging / border, including any damage to the sprinkler system.

**III. BUILDING EXTERIOR ITEMS**

NO alterations should be made to the building's original exterior paint, walls, roof, garage door, front door, back door, windows or exterior light fixtures. If damage

occurs to any of the above, they need to be replaced or repaired to the same original type / model / color condition.

The exceptions to the above are as follows:

**A. Exterior Light Fixtures**

Exterior light fixtures attached to the building exteriors MAY be replaced with other lighting with ARB approval prior to the replacement.

All exterior lighting shall be consistent with the character established in Emerald Preserve / Sumerlin and be limited to the minimum necessary for safety, identification and decoration. Exterior lighting of buildings shall be limited to concealed fixtures with bulbs not visible off the home site. No floodlights will be allowed.

In addition, some types of security lighting may be approved. This additional lighting would need to operate on a motion detection basis, be aimed down at the ground or at the Owner's home (not outward toward the street or neighbor's homes) and have NO cords or wires in view or in the way of lawn maintenance. Acceptable placement of the fixture and light wattage will be addressed for each specific request submitted.

**B. Doors**

Both front and back doors (or glass sliders) which were installed by the builder, must remain the same type / model and color.

1. FRONT DOORS may have the following added to them:
  - Peep Holes
  - Door knockers in gold or antique gold finish
  - Different style door knob in gold or antique gold finish
  - A kick plate which must match other door hardware

***Any owner choosing to add the above to a door assumes all risk, liability and cost of repairing damages which the door may incur as a result of their addition.***

2. Screen doors:
  - Retractable screen doors may be added to front doors of units.
  - Swing type screen or storm doors are NOT acceptable solutions.
  - *Must be professionally installed*

## Specification information:

### Materials

- Screen Door
  - Single screen door type
  - Aluminum screen housing, track and slide bar
  - Spring mechanism to return screen
  - Magnetic latch
  - Locking mechanism – optional
  - Nylon handle and magnetic housing
  - Fiberglass mesh screen coated with PVC
  - Clear vinyl bumpons securely attached to housing to absorb sound upon closing
  
- **Required Colors:**
  - ALL RETRACTIBLE DOORS MUST MATCH DOOR TRIM OF UNIT***
  - Emerald Preserve: White
  - Sumerlin Town Home: White
  - Sumerlin Terrace Home: Multiple trims exist, specific trim must be identified on ARB application and color sample for retractable door also submitted with application
  
- Miscellaneous:
  - Assembly shall completely fill doorway opening

Installation of a retractable screen door requires the homeowner submit and obtain approval from the ARB PRIOR to installation taking place.

**The owner is required to maintain the condition of their door. Because the front door is such a focal point on any unit, damage to doors which can be seen from the street or sidewalk, MUST be repaired within 14 days and be done in a professional manner, or the HOA may repair it at the owner's expense.**

EXCEPTION to the above disclaimer is the Sumerlin Terrace homes courtyard doors.

### C. Screened Porches in back yard

The covenants allow for the addition of screened patios. The screened room may not extend further than the original cement patio. *If Owner decides to screen in their patio the following applies:*



1. The screen material may only be charcoal or black in color. The structure itself may only be bronze in color. Kick plates or pet screening may be only 16” or 20” in height.
2. It is the owner’s responsibility to see that all governmental regulations, such as permits and restrictions are followed from the beginning of their project to its completion.
3. The owner is required to maintain the condition of their addition. Damage to screens or structures MUST be repaired within 14 days and done in a professional manner, or the HOA may remove and or replace the damaged item at the owner’s expense.
4. No company signs are allowed to be posted by the company constructing the addition. Only a county permit may be displayed.

***Any owner who elects to enclose their patio assumes all risk, liability and cost of repairing damages which the wall structure, interior or exterior, may incur as a result of their addition. Again, it is the owner’s responsibility to work with the appropriate agencies, no contractor or third party is responsible for observing covenants and restrictions.***

#### **D. Satellite Dishes**

Satellite dishes MUST be one (1) meter or less in diameter

Satellite dishes MUST be mounted in the following manner:

- Emerald Preserve Townhomes – backside of units
- Sumerlin Terrace Homes – Placement so not visible from street. Due to unique structure of Terrace homes each application will be reviewed on case by case basis for location of dish
- Sumerlin Townhomes - backsides of units

They can NOT be installed / mounted on the roof or to the exterior walls of the buildings.

***Because we also have the option of installing cable, any owner choosing to mount a satellite dish onto the exterior of their building assumes all risk, liability and cost of repairing damages which the roof or eave structure may incur as a result of mounting their dish. This applies regardless of who installed the dish; the homeowner is responsible to the HOA for the cost of the exterior repairs. If the installation was faulty, the owner is still responsible for paying the HOA for repairs.***

There are no ARB or HOA fees for installation of dishes however, applications with the description / location of area dish is to be mounted MUST be submitted prior to installation.

#### **E. Garden Hose Storage**

Garden hoses can not be laying around a unit's property when not in use.

Front or side of unit. Garden hoses left out in front or on the side of a unit MUST be stored within a decorative garden hose box / container, where it is hidden from view. The box must be designed for this purpose, be in good condition and be visually appealing. Hoses left lying loose or wrapped around either a moveable stand or holder attached to the building are NOT allowed.

Rear of unit. Garden hoses left out at the rear of the unit MUST be stored within a decorative garden hose box / container or be wrapped around a moveable garden hose stand. Holders attached to the building are NOT acceptable as it may cause damage to the stucco walls.

#### **IV. ADDITIONAL STRUCTURAL OR BUILDINGS**

NO detached building(s) or structures of permanent or temporary character will be approved by the ARB. This includes garages, tool or storage sheds, tents, trailers, basketball back boards, play structures, platforms or any other such structure. This also includes dog kennels and similar pet cages.

#### **V. WINDOW COVERINGS**

All window coverings shall have linings or other treatment so that the exterior appearance of the window appears neutral. No reflective window coverings or unsightly objects shall be placed in windows visible from adjoining portions of the property. No garments, rugs, etc shall be hung from any unit's doors, windows or balcony.

#### **VI. RECREATIONAL ITEMS and PLAY STRUCTURES**

- A. No basketball boards / hoops are allowed on any unit's lot, regardless of whether they are free-standing or attached. Any portable backboard MUST be stored in a garage when not in use.
- B. No skateboard ramps are allowed on any unit's lot, common area or street.
- C. No recreational items such as bikes, scooters, skates, skateboards, balls, coolers or barbeque grills, etc. may be left anywhere outside when not in use.

SOLE EXCEPTION TO ABOVE: Single barbeque grill which may be left on the original rear patio if covered with a traditional black grill cover. Grills inside screened patios do not need to be covered. Grills may NOT be left out on added blocks, pavers, tiles, etc... as they are not allowed – see below.

#### VII. CEMENT PAVERS, BRICKS or SLABS

No additional pavers, bricks, slabs tiles or any other impervious material may be placed on any portion of a unit's lot. This includes but is not limited to, the placement of such materials around the rear patio.

#### VIII. TRAILERS, COMMERCIAL VEHICLES, BOATS, CAMPERS, RV's, ATV's, WATER OR OTHER RECREATIONAL VEHICLES

No commercial trucks, vans, or other commercial vehicles shall be parked in any parking space except with the written consent of the Board of Directors of the Association except such temporary parking spaces provided for such purposes as may be necessary to effectuate deliveries to the Association, owners or residents. It is acknowledged that there are pickup trucks and vans that are not used for commercial purposes but are family vehicles. It is not intended that such noncommercial, family vehicles are prohibited.

A commercial vehicle is one with signage, lettering, or display on it, has equipment affixed to it or is used in a trade or business.

No trailers, campers, motor home or recreational vehicles, commercial vehicle, boat or utility trailers, boats, jet skis, personal watercrafts, or any watercraft may be parked or stored anywhere on the Property except wholly within the confines of the garage.

#### IX. SIGNS

All Signs must have advance written approval of its size, shape, content, appearance and location from the ARB prior to be posted, which approval may be withheld for any reason, and the ARB may, in its sole discretion prohibit all signs.

NO signs of any kind are allowed on structure, building, window, unit's lot or common areas within Emerald Preserve or Sumerlin. THIS INCLUDES 'FOR RENT' or 'FOR SALE OR RENT' SIGNS and POLITICAL SIGNS.

The three (3) exceptions are:

- A. Signs put up by either the EPS HOA, or the Management Company employed by the HOA.
- B. Signs that only state a property is “FOR SALE”.  
FOR SALE signs must comply with the following:
  - i. Size: 8” x 10” (dimensional example attached)
  - ii. Colors: Green: Benjamin Moore Chrome Green  
Tan: Benjamin Moore Sandpiper 103-59
  - iii. Sign: Top section Green with Tan letters  
Bottom section: Tan with Green letters  
Wood post
- C. Standard security signs indicating your home has an alarm system. Each unit may have one (1) of these signs in the front or side yard. The signs can be no taller than 2’ from the ground, and the sign face can be no larger than 10” x 10”. These signs must be placed within 2’ of your unit’s exterior walls, preferably in a pre-designated plant bed.

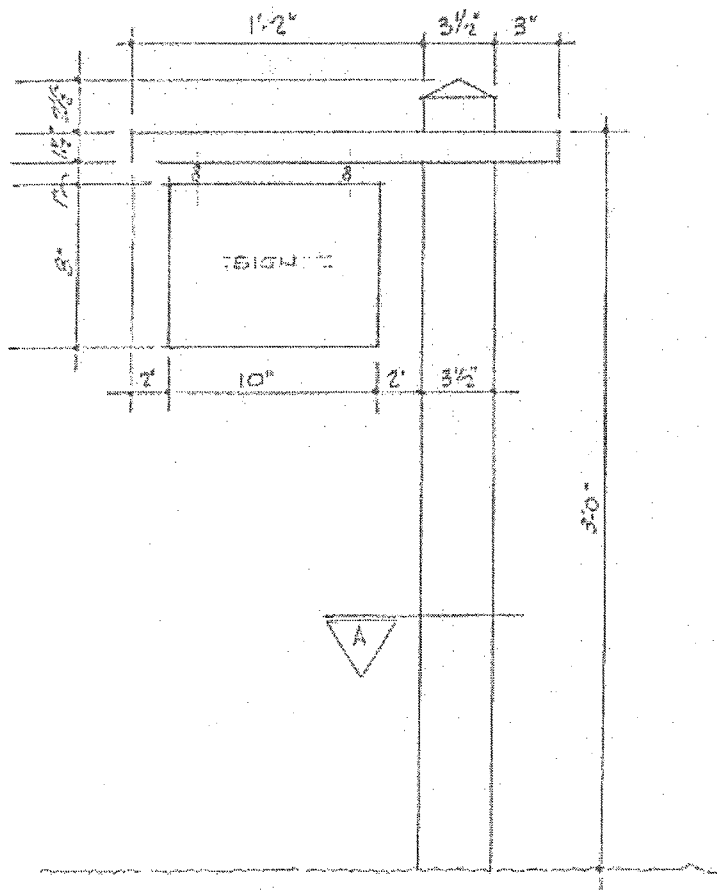
**\*\*The above are only Emerald Preserve and Sumerlin Guidelines. *There are additional rules and regulations in the EPS Covenants and Restrictions. There are also easements and governmental laws and ordinances regarding many items and activities within our community.* Nothing in this document waives, replaces, deletes or nullifies any of those additional laws, ordinances, covenants, restrictions or easements.**

**If a homeowner is in violation with any of the above policies and procedures, the ARB will not review or approve any future requests from the homeowner until the homeowner corrects the violation.**

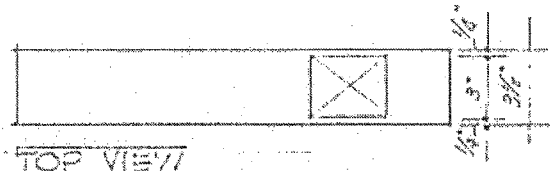
**The *LEGAL HOMEOWNER* is *SOLELY* responsible for seeing that all EPS ARB Guidelines, covenants and restrictions, government laws and ordinances and established easements are followed.**

**The *LEGAL HOMEOWNER* is *SOLELY* responsible for seeing that *ALL* changes to the exterior lot are given *WRITTEN approval by the ARB, PRIOR to being implemented.* Fines may be imposed on changes made without prior written approval, and some changes may be removed.**

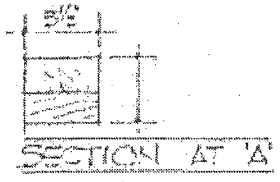
**All approvals from the HOA Board or ARB are contingent upon the homeowners following all of the appliances, covenants and restrictions, government laws and ordinances and established easements. *Again, it is the homeowner’s responsibility to see that these are followed; not the HOA Board, ARB, any contractor or other third party.***



SIDE VIEW  
SCALE 1/2" = 1'-0"



TOP VIEW



SECTION AT 'A'

1/16" BORDER  
MATCH PMS 468 CREAM

BACKGROUND  
MATCH PMS 349 GREEN

REALTY COMPANY NAME  
MATCH PMS 349 GREEN

BACKGROUND  
MATCH PMS 465 TAN

1/16" BORDER & LOGO (IF USED)  
MATCH PMS 349 GREEN

POST (WOOD) PMS 349 GREEN

TYPE STYLES:

REALTY CO. NAME: HELVETICA BOLD

Benjamin Moore  
Chrome Green  
Benjamin Moore  
Sandpaper 103-59