

OLD PROGRESSO VILLAGE HOMEOWNERS' ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE (ACC)

MISSION STATEMENT, OPERATING PRINCIPLES, POLICIES AND GUIDELINES

Mission Statement

While the ACC's (the Architectural Control Committee's) main function as defined by the Declaration is to control the architecture and related visual aspects of the Old Progresso Village community through its review, approval and control of any changes brought to the properties forming Old Progresso Village, the main guidelines of the ACC should be as follows:

1. The preservation and enhancement of the property values of the members of the Old Progresso Village Homeowners Association, while putting an emphasis on the safety and security of all its homeowners, as well as of the local community.
2. One of the most appealing qualities of the Old Progresso Village community that has driven its members to become homeowners has been the individuality and unique character of each individual building and home. Instead of imposing sameness and conformity, the ACC shall strive to preserve and enhance the variety, individuality and differences between the various properties.

Reminder

As a reminder, the Declaration of Covenants, Conditions and Restrictions for Old Progresso Village that was recorded on the title of each dwelling in Old Progresso Village, states among other issues the following:

4.4 ...A Duplex Unit Owner may, with the approval of the ACC, modify the Duplex Unit Maintenance Area. However, should such approved modification increase the cost of maintaining the Duplex Unit Maintenance Area or the cost of replacing the plants or other improvements located within a Duplex Unit Maintenance Area, then such additional cost shall be borne solely by the Owner of such Duplex Unit...

5.2 ...No changes may be made in buildings erected by the Developer or its affiliates (except if such changes are made by the Developer) without the consent of the ACC as provided herein...

5.4 No building, wall, fence or other structure or improvement of any nature (including landscaping or exterior paint or finish) shall be erected, placed or altered on any Parcel until the construction plans and specifications and a plan showing the location of the structure and landscaping or of the materials as may be required by the ACC have been approved in writing by the ACC and all necessary governmental permits are obtained. Each building, wall, fence or other structure or improvement of any nature, together with the landscaping, shall be erected, placed or altered upon the premises only in accordance with the plans and specifications and plot plan as approved and applicable governmental permits and requirements. Refusal of approval of plans, specifications and plot plans, or any of them, may be based on any ground, including purely aesthetic grounds, which is inconsistent with the existing development. Any change in the exterior appearance of any building, wall, fence or other structure or improvements, and any change in the appearance of the landscaping, shall be deemed an alteration requiring approval. The ACC shall have the right to deny any request for any reason, whether aesthetic or otherwise, provided such decisions are consistently applied. The ACC shall have the power to promulgate such rules and regulations as it deems necessary to carry out the provisions and intent of this paragraph...

Operating Principles

1. In case of conflict or doubt, decisions taken by the ACC should always be taken based on the following order of priority:
 - a. Firstly, the ACC's definition as indicated in the Declaration,
 - b. Secondly, its Mission Statement, and
 - c. Thirdly, any previous policies or decisions indicated by the Board of Directors or the ACC itself.
2. The purpose of the ACC should not be interpreted as a process to discourage change in any homeowner's property, but to manage these changes through a process wherein homeowners need to submit their changes to the ACC for approval.
3. The role of the ACC shall not be to tell homeowners what to do, as much as what not to do. As an analogy, one might view it similarly to the City's Planning & Zoning department; they will never tell a homeowner what to do, but if a homeowner wants to do something, the homeowner needs to get their approval.
4. "Structure" shall be defined by the ACC as it is defined by the South Florida Building Code 2004 definitions as: "STRUCTURE. That which is built or constructed."
5. ACC decisions shall be made by the appointed members of the ACC. The ACC members shall apply the Mission Statement as their guidelines as well as any other policies that may have been set or modified from time to time. As they attempt to do so, the ACC decisions shall nevertheless be a matter of judgment, taste and opinion of those appointed members; their decision will nonetheless be final. If unsatisfied, a homeowner may always resubmit an amended proposal.
6. Because many factors (such as neighboring buildings, colors, trees, landscaping, unit location, garages, type and layout of unit, etc.) will be taken into consideration in many ACC decisions, not every ACC decision will necessarily become an automatic policy to be applied to all homeowners. However, certain policies shall be established in writing and made available at the request of the homeowners when the ACC deems them important for matters of security or to define issues that the ACC deems should be applied universally.
7. Policies and guidelines are living processes and are subject to be amended from time to time as is deemed advisable by the ACC or the Board of Directors.

Any policy established by the Board of Directors or the ACC is subject to be amended or revoked at anytime the Board of Directors or the ACC considers that a given situation is getting out of hand and needs to be addressed.
8. No approval given by the ACC shall be construed or interpreted as having received full approval for construction of such improvement, nor shall it be construed as a building permit. Any improvement requiring City or County approval or permits shall still require such approval and/or permit from the authorizing administration; it shall be the homeowner's sole responsibility to obtain such approval and/or permit from the authorizing administration.
9. No approval given by the ACC shall be construed or interpreted as engaging in any way the responsibility of the ACC, any of its members, the HOA or any of its members or directors.
10. The ACC members may decide that an approval application requires further review of the issues, Declaration of Covenants or other aspects, which will need to be completed after the review meeting is held. In such cases no decision shall be given to the applicant during that ACC meeting yet the decision shall be forwarded to the applicant as soon as the review is completed and that its conclusion is agreed to by the majority of the ACC members.
11. Any modifications built by the Declarant (the original developer) or with its earlier consent shall be grandfathered as per the provisions of the Homeowners' Association Declaration. Such authority of the Declarant expired at the turnover of the Homeowners' Association in March 2006.

Policies & Guidelines

1. **WHAT IS SUBJECT TO THE ACC** – As a general rule (and subject to exceptions and policy changes), as it applies to areas beyond the DUMA, the ACC will limit its review to “walls, fences or other non-permanent structures, including exterior paint or finishes” as indicated in Article 5.4 of the Declaration. As it applies to the DUMA and any structure within the DUMA (such as garages and pergolas), the ACC will also review other visual and esthetic features such as pavers, hedges, trees and other landscaping features.
2. **ACC MEETING SCHEDULE** – The ACC shall NOT meet on a regular basis, but shall meet on an as-needed basis. (See Meeting Schedule section further)
3. **FRONT FENCES** – In order to enhance security for the community as a whole, it is important that for Old Progresso Village residents to keep as many “eyes on the street” as a deterrent to criminal activity. To achieve this, it is important that as many doors and windows remain visible to the street, as well as visible from the street in order to make would be troublemakers feel more vulnerable. Therefore, gates and fences located between a homeowners front door and the sidewalk shall be built no higher than 4 feet above the general ground level.

If a homeowner wishes to install a 6-foot fence and/or gate, such fence and/or gate shall be installed beyond the front entrance door and shall not make the front entrance door less visible from the street. It is also recommended that any such 6-foot fence and/or gate be installed beyond the FPL electrical meter to allow for proper meter reading.

4. **POTTED FLOWERS & PLANTS, LANDSCAPE LIGHTING, YARD ART, TRELIS, FOUNTAINS, etc. IN THE DUMA** (Duplex Unit Maintenance Area) – Notwithstanding the requirements of Article 17 of the Rules and Regulations included in the Declaration of Covenants, potted flowers and plants, landscape lighting, yard art, trellis, fountains and other similar and usual items installed by individual homeowners shall not require pre-approval by the ACC.

Nevertheless, the ACC may, at its sole discretion and in its sole determination, require that any such items be removed for any number of reasons; the following reasons are not all-inclusive but are simply provided as examples:

- a. The potted flowers or plants are dead, overgrown, or broken,
 - b. The items are not properly maintained,
 - c. The items are not in the good taste or are offensive,
 - d. The items are in excessive number,
 - e. The items cause a nuisance to the community (such as attracting pest),
 - f. The items are considered detrimental to the main guidelines of the ACC.
5. **FLOWER BEDS IN THE DUMA OR SWAIL** – Flowerbeds may be installed in DUMA or swale area without the specific approval of the ACC. However, if planted by the homeowner, such flowerbed shall be installed AND MAINTAINED at the homeowner’s sole expense. The homeowners will also be responsible for watering such flowerbed themselves, and if the sprinkler system needs modification to properly water the flowerbed or other DUMA areas, such modifications shall be made at the homeowner’s expense by the irrigation company responsible for such repairs for the Homeowners’ Association and upon notification to the Homeowners’ Association manager.

However, if the flowers are not properly replaced (seasonally) and maintained by the homeowner, the ACC reserves the right to revoke its tacit approval and have the flowerbed removed or replaced at the homeowner’s expense.
 6. **PRE-APPROVALS AND FINAL APPROVALS** – Any application that deals with structures of a more complex nature and/or which need more detailed and complex planning documents to submit for ACC approval, can and should be submitted to the ACC for a Preliminary Approval before incurring all the expenses of preparing all the required documentation that needs to be attached with the application.

By taking the option of going through this step, a homeowner may avoid the un-necessary expense of having to make these documents (should his application be un-acceptable to the ACC) or to change his detailed plans to meet what would alternatively be acceptable to the ACC. Please read the ACC FAQ to better understand when one should request a Pre-Approval and when one should simply go for a Final Approval.

7. **PRE-APPROVAL PROCESS** – Any review performed by the ACC as a “Pre-Approval” shall not be deemed to be final nor binding until all documents required for a “Final Approval” shall have been provided and the application reviewed again in detail with all the documents and information in hand.

Pre-Approval Applications should be accompanied by the following:

- a. A narrative description of the intended improvement,
- b. Printed photographs showing the location of the intended improvement from different vantage points, as well as,
- c. Hand sketches explaining the location of the intended improvement.

ACC Meeting Schedule

1. Because the ACC is comprised of volunteers who also have their own priorities, the ACC shall NOT meet on a regular basis, but shall meet on an as-needed basis.
2. Meetings shall be scheduled within three weeks of when a completed Application for Final Approval has been submitted together with all its required information; if any information is missing and until it is complete, the meeting shall not be scheduled.
3. ACC meetings shall not be held more than once a month unless all three members accept to hold an additional meeting.
4. Meetings shall be scheduled within three weeks of when a completed Final Application has been submitted together with all its required information; if any information is missing and until complete, the meeting shall not be scheduled.
5. The ACC shall attempt to schedule the meeting at a time mutually convenient to the three members and to the applicant.
6. If more than one application have been submitted, the other applicants will need to attend the meeting at the time which was set with the first applicant.
7. If a homeowner having made an application cannot attend an ACC meeting at the time it was scheduled to review his/her application, the homeowner can either ask for it to be postponed to the next meeting provided he/she makes this request at least two days in advance. If the homeowner does not make a postponement request in proper time, the ACC members may decide to review his/her application in his/her absence; in such case, the ACC decision shall be final and an application on the same issue shall not be receivable for another two months.
8. Because the ACC is comprised of volunteers, presentation of an application shall not be grounds for an all-night debate on its merits. Because the ACC is comprised of volunteers and because several applications may be scheduled for the same meeting, the ACC members may limit discussion of a particular issue to 10 minutes if they so desire.
9. Notice of ACC meetings reviewing Final Approval requests shall be sent to all owners by email seven days in advance as required by the Declaration of Covenants of the Homeowners' Association. Notwithstanding this, since ACC meetings reviewing Pre-Approval requests are not binding, such meeting may be held by the ACC without any notice except to the parties immediately concerned by such request.