

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

### FREQUENTLY ASKED QUESTIONS

Homeowners should first read the ACC Policies and Guidelines, as it is the driving document of the ACC. The following questions and answers are provided simply as a supplement to help homeowners better understand how they will be applied.

1. **Q:** What is this thing I've heard people call the DUMA?

The DUMA stands for Duplex Unit Maintenance Area. This is a term that comes from the Declaration of Covenants that is recorded against each and every unit in Old Progresso Village. It refers to a specific area at the front of your home (and sometimes on the side especially for corner units) which grants a recorded easement in favor of the Homeowners Association; this area is more specifically defined by a survey that was made and recorded against each lot just before the first owner of each house closed on his home. That survey was handed to each buyer at the time of the closing of the sale.

This survey, together with the Declaration of Covenants give the certain rights and obligation to the Homeowners Association over this area of land.

2. **Q:** I'm thinking of adding a fence and/or gate to my property for privacy/security what do I need to do?

**A:** First you need to obtain the AAR (Architectural Approval Form) from Bruce Tanner, our property manager. There is specific information on the form that needs to be provided (i.e. permits, or height requirements), however, you should get approval from the ACC before going for permits.

3. **Q:** I want to add landscaping in the front of my property that is within the (DUMA) maintenance area, can I?

**A:** That depends. You may plant flowers such as annuals or perennials within the DUMA without the approval of the ACC. However, trees, shrubs and other larger plantings will need the approval of the ACC, furthermore, should such approved changes increase the cost of maintaining the DUMA, then these additional monthly costs are required to be paid for by the Owner.

4. **Q:** I want to add landscaping in the side yard or rear yard of my property that is NOT within the (DUMA) maintenance area, can I?

**A:** You may modify the landscaping that is not within the DUMA without need of any approval of the ACC. However, like in any other yard, one should always consider how this will affect the environment such as power lines, underground electrical lines and neighboring buildings as these grow over time. You could be liable for damages in the future.

5. **Q:** I have small yard art and decorative trellis that I'd like to have on my front porch, can I put it there?

**A:** Yes, however the ACC may, at its sole discretion and its sole determination, require that such items be removed for many reasons, ie: items are offensive, excessive in number, not maintained, etc. If you're not sure if an item will be considered "small yard art" and not be subject to the ACC, then you should ask

6. **Q:** I have a potted plant (or planter) that I'd like to have at the front of my walkway, what kind of plants can I put in it?

**A:** You can add anything you want in such potted plants (or planters), however these must be maintained by you the owner. No overgrown, dead or broken plants would be allowed, and in such case, the Board or the ACC can require you to remove them as this would contravene the Rules and Regulations of the Declaration of Covenants.

7. **Q:** What happens if I want to make changes (or have made changes) and I don't request (or haven't requested) the required ACC approval?

**A:** The answer is both simple and complicated. The simple part is that the ACC is only manned by volunteers and does not intend to spend its time as a policing body. Because it has limited time to devote to problematic cases and will have to choose how to best devote its limited resources, it will not necessarily chase down all offenders. Please bear in mind that not chasing after each offense should not be confused with not knowing about those offenses or with giving tacit approval.

The complicated part is that sooner or later these same offending owners will want to sell or refinance their home. At that time, the title insurance company performing the property review will contact the Homeowners' Association (as they are mandated by law) to see if the homeowner is in "good standing" with the Homeowners' Association. Depending on the Board's knowledge of the property, the Board may or may not then perform an inspection of the property as the recorded easements allow it to do. Either way, by law the Board will have no other choice but to inform the title insurance company that the property is NOT CONFORMING to our bylaws, and possibly not the City zoning and building regulations.

You will understand that this will obviously affect the contemplated sale or refinancing in a very complicated way. Furthermore, it is easy to expect that more complications could also ensue with the City of Fort Lauderdale's Building Permit and/or Code Enforcement departments.

8. **Q:** I have already made some changes that I think might have required an ACC approval. Can I request the required ACC approval retroactively?

**A:** Yes, for now. Since our association is still young and wasn't yet as organized in the past, the ACC will currently still accept requests for work performed earlier. Since in many cases these improvements have already been completed, the ACC will accept photos instead of plans and drawings with these applications. Completing this process will at least assure that your changes are in good standing with the association and avoid future unnecessary complications and expenses.

9. **Q:** What is the point of going through two approval processes, the Pre-Approval and the Final Approval?

**A:** The intention of offering a Pre-Approval process is to avoid having homeowners waste a lot of time and money planning more complex improvements that wouldn't have gotten approved anyway. It offers a chance to discuss the concept of the intended improvements before spending the effort to get all the paperwork completed to get the Final Approval.

10. **Q:** When should I apply for a Pre-Approval as opposed to a Final Approval?

**A:** A homeowner should go through the Pre-Approval process when he/she want to make more complex improvements such as those that require to hire surveyors, architects, and/or engineers to get approval. Improvements requiring such documentation are usually those considered as structures; they include the following:

- a. Additions or modifications to a home,
- b. Addition of a garage,
- c. Addition of a storage structure,
- d. Addition of a pool,
- e. Addition or modification to a pergola,
- f. Addition of a roof terrace.

**11. Q:** These are not the only improvements that require plans and a City permit, however others such as a fence or the addition of pavers do not require the same level of drawings and therefore the same expense to prepare them. For such simpler improvements, a homeowner should simply make an application for a Final Approval from the outset.

**A:** If a homeowner is not sure which way he/she should go, they can simply consult the property manager or one of the ACC members.

**12. Q:** What do I need to provide with a Pre-Approval application?

**A:** Since the point of the Pre-Approval application process is to help guide the homeowners into a successful Final Approval, the applicant should provide enough information to help the ACC make its decision. Such information should include a narrative explanation of the improvement, some photographs of the location where the improvement is planned, a (hand) sketch of the property (use a copy of your survey) showing where the improvement is planned, and if applicable, some brochures of what is to be installed. In short, you should provide enough to explain the concept behind your proposal.

**13. Q:** Once my application for Pre-Approval has been well received by the ACC, does this mean I will get a Final Approval?

**A:** No, not necessarily. When the ACC reviews a Pre-Approval Application, its decision can only be interpreted as a "No" or a "Maybe". The ACC will not give an approval to go ahead with construction of an improvement without having received all the required plans, surveys and other documentation as required on the application form, AND having reviewed such material at a formal meeting of the ACC. Finally, the Final Approval is subject to (and can still be denied based on) the details that will be contained in such more detailed documentation.

**14. Q:** I am seeking approval for an improvement that was completed previously; do I need to go through the Pre-Approval process?

**A:** No. Apply directly for Final Approval.

Remember that when in doubt about anything just ask.

Contact one of your board members at: [OldProgresso@BellSouth.net](mailto:OldProgresso@BellSouth.net), or Bruce Tanner, our property manager at: [OldProgresso@aol.com](mailto:OldProgresso@aol.com).

We hope that this letter helps clear up any questions you may have in regards to the ACC. We look forward to working with you to make Old Progresso Village a great place to live.