

Keys Pointe Homeowners' Association, Inc. Architectural Control Committee ("ACC") Architectural Guidelines

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ACC APPLICATION FORM ATTACHED

ALL PERSONS USING THESE GUIDELINES ARE ADVISED:

- These guidelines have been adopted for the purpose of establishing general criteria for requests for architectural approvals and standards and guidelines applicable to same. These guidelines are not intended to supersede or replace the Association's governing documents or local, state or federal laws, codes, ordinances, rules or regulations. Further, the ACC shall approve proposed plans and specifications submitted for its approval only if it deems that the construction, alterations and/or additions contemplated will not be detrimental to the appearance of the surrounding area of the property as a whole, and that the appearance of any structure affected thereby will be in harmony with the surrounding structures and is otherwise desirable, in the ACC's sole and absolute discretion. The ACC shall employ (without limitation) the following minimum criteria for approval or rejection of requests: (i) uniformity of type and design in relation to similar improvements; (ii) comparability of quality of materials as used in existing improvements; (iii) uniformity with respect to color, size and location; and, (iv) consistency with governmental or quasi-governmental requirements.
- These guidelines are subject to amendment from time to time. Because of changing circumstances and technologies, matters prohibited or approved in the past may not necessarily be prohibited or approved in the future.
- While this manual is intended to establish consistency of appearance within the community, because of factors such as location, neighborhood characteristics and proximity to common areas, waterbodies, roads and the like, various properties may be treated differently in order to reflect such factors.
- The mention of an improvement in these guidelines shall not be deemed a representation or warranty by Declarant or the Association that any such improvements exist or are applicable, it being the intention that these guidelines are general and can serve as a guide.
- As stated in the Association's governing documents, no approval hereunder shall constitute a warranty or approval as to, and neither the Association nor any member or representative thereof shall be liable for, the safety, soundness, workmanship, materials or usefulness for any purpose of any improvement or alteration nor as to its compliance with governmental or industry codes or standards.
- Owners shall be responsible for obtaining all permits and approvals from the City, County and other governmental agencies with jurisdiction thereof and any approval issued by the ACC does not excuse an Owner from obtaining such approval from applicable governmental authorities.
- Capitalized terms used herein and not defined shall have the meaning ascribed to them in the Association's governing documents. To the extent of any conflict between these guidelines and the Association's governing documents, the Association's recorded governing documents shall control to the extent of such conflict.

Revised August 2020

**Section
10**

Air Conditioners

- A. Window A/C units are not permitted.

**Section
20**

Antennas and Satellite Dishes

- A. No outside television, radio, or other electronic towers, aerials, antennae, satellite dishes or devices of any type for the reception or transmission of radio or television broadcasts or other means of communication shall hereafter be erected, constructed, placed or permitted to remain on any portion of the community or upon any improvements thereon, unless expressly approved in writing by the ACC, except that this prohibition shall not apply to those satellite dishes that are one (1) meter (39.37 inches) in diameter or less, and specifically covered by 47 C.F.R. Part 1, Subpart S, Section 1.4000, as amended, promulgated under the Telecommunications Act of 1996, as amended from time to time ("OTARD Rule").
- B. Satellite dishes with a diameter of 18 inches or less ("Permitted Satellite Dishes") may be installed by Owners subject to the following:
 - 1. Dish must be installed at least 8 feet above the finished floor of the home.
 - 2. The preferred location for dishes is on the rear wall of the home or on a sidewall within 6 feet from the rear of the home.
 - 3. Cables required for installation, which are exposed on outside walls, must be painted to match the existing building color.
 - 4. Dishes may not be installed in common areas.
 - 5. Any Permissible Satellite Dishes shall be installed in compliance with all federal, state and local laws and regulations, including zoning, land-use and building regulations.
 - 6. Installation of more than one dish will be considered in the circumstance that a single dish is insufficient to provide an acceptable signal. In such situations, a letter from the satellite service provider must be presented for review to ACC with the homeowner's request.
- C. Permitted Satellite Dishes shall be installed and maintained pursuant to the above-described guidelines provided these guidelines do not unreasonably delay Permitted Satellite Dishes installation, maintenance, or use; unreasonably increase the cost of Permitted Satellite Dishes installation, maintenance, or use; or preclude reception of acceptable-quality signals from Permitted Satellite Dishes, and each such rule set forth above shall be read to so provide for such limitation. Further, If any provision of these Permitted Satellite Dish guidelines are held invalid, the validity of the remainder of the guidelines shall not be affected, it being the intention that the OTARD Rule shall supersede and control to the extent of any conflict or invalidity.

**Section
30**

Awnings

- A. Only awnings encased on rear of home are permitted.
- B. A survey showing location and sample of fabric must be included within the ACC application for approval prior to installation. Colors must be consistent with the color scheme of the houses in the community.
- C. Periodic cleaning and eventual replacement by owner is at the discretion of the Board of Directors.

**Section
40**

Basketball Hoops

- A. Shall be professionally manufactured basketball backboards installed on black poles with white or clear backboard. No roof or roof-mounted backboards are permitted.
- B. Portable basketball hoops are prohibited.
- C. Shall not cause a nuisance.

**Section
50**

Boats / Watercraft

- A. Boats, canoes, kayaks and other watercraft are prohibited. Boats, canoes and kayaks parked in the street, cabana or sport fields' parking lots, or any other area will be towed at the owner's expense.
- B. Boat houses or docks are not permitted.

**Section
60**

Clothes Drying

- A. Unless otherwise permitted by applicable law and only to the extent permitted therein, no clothesline or other similar device shall be allowed in any portion of the community, unless within a home and concealed from view from all other portions of the community and from the surrounding public areas. No towels shall be permitted to be hung from the balconies.

**Section
70**

Driveways & Walkways

- A. Surfaces must be consistent with original materials and colors.
- B. Walkways from the driveway to front door; front and rear patios and porches may be considered for resurfacing (tile, pavers, etc.)
- C. Driveways should remain free from oil, gas and other stains. Periodic cleaning may be required at the discretion of the Board of Directors.
- D. No side extensions to the driveways or walkways are allowed.

**Section
80**

Exterior House Light

- A. All additional light fixtures require ACC approval. The ACC application package requires submission of a picture of the fixture and a copy of the owner's lot survey, showing the exact proposed location for approval prior to any such installation.

**Section
90**

Fences

- A. Only 6' wood shadowbox as initially installed by Declarant or Participating Builder.

**Section
100**

Flag Poles & Flags

- B. Owners may display one portable, removable United States flag in a respectful way, and, on Armed Forces Day, Memorial Day, Flag Day, Independence Day and Veterans Day, and may display in a respectful way portable, removable official flags, not larger than 4½ feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps or Coast Guard.
- C. Only permissible installation is by brackets mounted to the front exterior of house. Flag poles are prohibited. Flags are not permitted to be affixed to trees or other landscaping.
- D. A survey showing location must be submitted to the ACC for approval prior to installation.

**Section
110**

INTENTIONALLY DELETED

**Section
120**

Gutters & Down Spouts

- A. Gutter color must match the fascia of the house.
- B. A survey showing location must be submitted to the ACC for approval prior to installation.

**Section
130**

House Colors

- A. Shall remain as original colors selected for the community.
- B. Approval must be received prior to painting front doors.
- C. An ACC application must be submitted to ACC for approval prior to any exterior painting.

**Section
140**

House Paint

- A. Shall not have mildew or irrigation staining.
- B. Shall not have chipped or peeling paint.
- C. It is anticipated that the Association shall require all homes to be painted every 5 to 7 years. In addition, it is anticipated that the Association shall require the roof, exterior walls, sidewalks, patios and driveways of all Homes to be pressured washed every 3 years.
- D. Owners should also refer to the restrictions contained in the Association's governing documents as to house painting.

**Section
150**

Lakes

- A. All lakes on the property are permitted through South Florida Water Management District for water management purposes and may not be used for recreational purposes. No swimming, fishing or boating is allowed. Use of remote control boats, toys or other items is also prohibited.
- B. No personal property may be kept on the lakes or on the lake banks. Any property being kept on the lakes or lake banks is subject to removal without any further notice and at the expense of the property owner.
- C. Any signs located on the lake banks relating to use of the lake are property of the Association and may not be removed, damaged or altered in any way. Persons removing, damaging or otherwise altering a sign will be liable to the Association for the expense of replacing the sign.

- D. No construction debris, lawn clipping or vegetation, trash or other items may be deposited in the lakes.

**Section
160**

Landscaping & Plant Materials

- A. Landscaping (includes plants in established planter beds) shall not be removed without prior approval.
- B. All landscaping shall be contained in mulched beds.
- C. Homeowner is responsible for maintenance and upkeep of all additional landscaping.
- D. Landscaping should not be planted in the Right of Way or Public Utility Easements. Planting in such areas is at the homeowners risk, as if utilities need to be installed or repaired, it is within the right of the installing entity to remove the plants with no responsibility to replace them or compensate the owner.
- E. When installing new landscaping in any area other than an existing planter bed, or when installing a new planter bed, homeowner is required to have all public and private utilities located and flagged prior to digging.
- F. **LANDSCAPE LIGHTING & DECORATIVE STRUCTURES**
 - 1. Wiring shall be buried and out of sight.
 - 2. Homeowner may be required to assume responsibility for maintaining lawn directly surrounding landscape lighting or decorative structures if the installation of such features creates an undue burden on the lawn maintenance company
 - 3. Transformers shall be obscured from view.
 - 4. Must not be a nuisance to neighbors.
 - 5. No trellises are allowed.
 - 6. Ponds, fountains and other water features and sculptures are not permitted unless contained within an enclosed lanai or pool area.
- G. **PLANT MATERIAL**
 - 1. **Trees**
 - (A.) Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited completely, or restricted in certain locations.
 - (B.) Shall not be a nuisance due to insects or rodents.
 - (C.) Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
 - (D.) Fruit trees must be planted a minimum of 10' from property lines. Standard setback for all trees other than fruit trees is a minimum of 5' from property lines. Large or rapidly growing trees may require greater setbacks.
 - (E.) Fallen fruit, branches and fronds must be picked up.
 - (F.) Fruit trees may only be planted in backyard.
 - (G.) No trees may be planted in the 20' lake easement.
 - (H.) For the health of the tree, the planting of flowers around swale trees is not permitted.
 - 2. **Hedging**
 - (A.) Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited or restricted in certain locations.
 - (B.) Shall not be a nuisance due to rodents or insects.
 - (C.) Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
 - (D.) Spacing of hedging shall be continuous (i.e. planted on 18 inch centers).
 - (E.) Hedging shall be planted inside property line by at least 18 inches. On corner lots, hedging must be set back at least 5' from sidewalks and/or roadways.
 - (F.) Landscaping shall not extend into lake easement.
 - (G.) Hedging must maintain height between 4 and 5 feet.
 - 3. **Plants and Flowers**
 - (A.) No artificial vegetation allowed (includes grass, plants, etc.).
 - (B.) Most varieties of plants permitted.
 - (C.) Shall not encroach into the 20 foot lake maintenance easement.
 - (D.) For the health of the tree, the planting of flowers around swale trees is not permitted.
 - (E.) Adding new planter beds or replacing plants in existing beds requires prior approval.

**Section
170**

Mailboxes

- A. No individual mail boxes are permitted. Mail delivery is located at designated locations.

**Section
180**

Nuisances

- A. Music may not be played at a level that can be heard outside of your home.
- B. No homeowner shall create an annoyance to the neighborhood. Loud, disturbing and unnecessary noises will not be tolerated and may be reported as noise disturbances to the County Sheriff's Office. Activities that may constitute a noise disturbance include, but are not limited to, the following:
 - a. loud music, television or parties
 - b. sounding of horns and whistles for an unreasonable period of time other than as a danger warning
 - c. yelling, shouting, singing, etc other than at normal conversation levels after 11pm
 - d. barking, howling, whining, screeching of animals
- C. Rodents and insects shall be controlled.
- D. No garage sales, estate sales, yard sales, moving sales, or any other sales that invite the public, shall be carried on in or about the community without the prior written consent of the ACC and without obtaining approvals from all applicable governmental authorities (if required).
- E. The use and discharge of weapons within the community is prohibited. The term "weapons" includes bows and arrows, slingshots, "B-B" guns, pellet guns, and other firearms of all types, regardless of size.
- F. Fireworks are not permitted within the community.

**Section
190**

Parking of Vehicles

- A. Parking on streets, parking on or across sidewalks, parking on lawns, and parking on common areas is not permitted.
- B. Vehicles may not be parked sideways on driveways.
- C. Board of Directors or their agent has the authority to tow vehicles which are in violation of the rules and regulations of the community at the vehicle owner's expense.
- D. Vehicle owner will be responsible for expense of repairs required to any property damaged as a result of parking in violation of these rules (i.e., damage to grass, sprinkler, etc.).

**Section
200**

Patios & Lanais

- A. Shall be constructed of pavers or concrete.
- B. Materials shall be consistent in color and type with those used in the construction of the home.
- C. Shall not encroach on any easement, including 20' lake maintenance easement or utility easements.
- D. Homeowner is responsible for having all public and private utilities located prior to commencing construction.
- E. Irrigation lines and heads that run through the area of the improvement should be capped and/or re-routed so that no running water is flowing under the patio/lanai. Homeowners who build over existing lines do so at their own risk. In the instance a line breaks underneath the patio/lanai, Association's irrigation contractor will repair the line and is permitted to remove any portion of the patio/lanai necessary to complete the repair. Neither Association nor contractor will be responsible for repair or reimbursement to Homeowner for damage caused to the patio/lanai as a result of the break.

**Section
210**

Pets

- A. Pets must be leashed at all times when they are not in a fully enclosed patio/yard.
- B. You must pick up after your pets.
- C. Pets cannot be left outside to bark or to the annoyance of neighbors.
- D. Owners should also refer to the restrictions contained in the Association's governing documents as to pets.

**Section
220**

Play Equipment and Swing Sets

- A. An Owner may not install any swing set or play equipment on his or her Lot without the prior written approval by the ARB.
- B. If approved by the ARB, a swing set and/or play equipment may only be located in the backyard and shall not extend beyond the plane (sides) of the house.

**Section
230**

Pools

- A. Pools are not permitted.

Section 240	Screen Enclosures & Screen Doors A. No enclosures of any kind, including but not limited to, glass and screen enclosures, shall be constructed or placed on the balconies, patios or backyard areas, if any, of the homes.
Section 250	Seasonal Lights & Holiday Decorations A. May only be displayed between October 1 and January 10. B. No hooks, nails or other devices shall be placed on a tree or other landscaping for purpose of hanging lights or other decoration as this is harmful to the health of the plant.
Section 260	Sidewalks (Parallel to Streets) A. Shall not be painted or stained. B. Shall be kept free of irrigation stains. C. Sidewalks are never to be altered except as originally installed.
Section 270	Signs A. No sign (specifically including, but not limited to, for sale signs), display, poster, or other advertising device of any kind may be displayed in public view of any portion of any Home, Building or other Improvement in the Property or in or about an automobile without the prior written consent of the ACC. Signs, regardless of size, used by Declarant, its successors or assigns, for advertising during the construction and sale period of Keys Pointe or other communities developed and/or marketed by Declarant or its Affiliates and other signs authorized by Declarant shall be exempt from this Section. Such sign or signs as Declarant may be required to erect under the terms of an Institutional Mortgage shall also be exempt from this Section. B. No signs of any kind may be placed on community common grounds.
Section 280	Storage Sheds & Tents A. Are not permitted.
Section 290	Storm Shutters A. Shall preferably have removable panels. B. Roll-down and sliding models shall match wall color. C. Accordion panel shutters must match the color scheme of the home. D. No Bahama Shutters are permitted. E. Hurricane shutters shall not be installed or closed, as applicable, before the issuance of a hurricane watch by the National Hurricane Center encompassing the Keys Pointe location, and shall be removed no later than ten (10) days after the cessation of a hurricane watch or warning for same ("Hurricane Shutter Time Period"), however, if the hurricane shutters are clear in color they shall be allowed to remain installed or closed, as applicable, if the Owners are absent during hurricane season. F. Must not be used for security purposes. G. The ACC application package requires submission of a survey showing proposed locations to for approval prior to installation of shutters other than as originally may have been installed by the Declarant.
Section 300	Trash A. All trash must be placed in the community dumpster.
Section 310	Vehicles A. No commercial vehicle, trailer, recreational vehicle, motor home, boat or boat trailer may be parked or stored on the Property. No bus or tractor trailer or any other truck larger than a full size pickup truck may be parked on the Property, except temporarily as in the case of a moving van or other such vehicle necessary to provide service to an Owner and with the exception of any vehicles necessary for any construction activity being performed by or on behalf of Declarant. B. No car covers or unlicensed cars are allowed. C. ATV's, 4-wheelers and similar vehicles may not be driven anywhere within the community. D. The speed limit throughout the community is as mandated by the applicable municipality. E. All powered vehicles capable of exceeding five (5) miles per hour are prohibited from use on the Property unless they are licensed, registered, and insured. Specifically, any motorcycle, moped, or motorized scooter used in the Property may only be driven by a licensed driver, and must be registered and insured in accordance with Florida law. Specifically exempted from this regulation are electric personal assistive mobility devices as defined under Florida Statute, Section 316.003(83); and any other bona-fide "assistive technology devices" as defined in Florida Statute, Section 427.802(1); and any special mobile equipment as defined under Florida Statute, Section 316.003(48) provided that such equipment may not be operated in a manner that creates a traffic hazard, or which poses a threat of harm to the user of such equipment.

**Section
320**

Windows and Window Coverings

- A. Curtains, blinds, shutters, levelors, or draperies (or linings thereof) which face the exterior windows or glass doors of a Home shall be subject to disapproval by the Association, in which case they shall be removed and replaced by the Owner, at such Owner's sole cost, with items acceptable to the ACC. Sheets, newspaper, aluminum foil, bags and other similar items are not permitted.
- B. Tinting shall be non-mirror finish.
- C. Broken or damages blinds or window coverings will be required to be replaced at the discretion of the Board of Directors.
- D. Broken windows shall promptly be replaced.

Owners are advised that the covenants and restrictions, including additional architectural restrictions and guidelines contained in the Association' governing documents are cumulative herewith and shall also apply in all respects to the community and any ACC applications and submittals. Further, compliance with these guidelines or any of those contained within the Association's governing documents does not automatically assure architectural approval by the ACC, which may be granted, withheld or conditioned by the ACC (or Declarant, as applicable) as set forth in the Association's governing documents. Architectural approval must be requested in writing, pursuant to the requirements of the Association's governing documents. Application and instructions can be found on the attached Architectural Control Committees Application form or by calling Property Keepers Management at (954) 586-5111.

**KEYS POINTE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
APPLICATION AND APPROVAL FORM**

Name: _____

Address: _____

Phone: _____(H)_____(w)

Subdivision: _____ Lot: _____

Date: _____ Date Received: _____

Approval is hereby requested to make the following modifications, alterations, or addition to my home or lot.

Please attach a detailed description of the modification/improvement (i.e., color, size, materials to be used), along with a lot survey containing a scaled drawing of the location of the modification/improvement, and copy of professional license and proof of insurance of contractor who will be performing the work if other than the homeowner.

I AGREE:

1. To abide by the decision of the ACC.
2. That if the modification is not completed as approved, said approval can be revoked and the modification removed.
3. That I am responsible for restoring all property affected by my installation/modification to its prior condition and that I am responsible to pay for and repair any and all damages done to any common area or adjoining property as a result of the installation/modification within a reasonable time following completion.
4. That I may be required to place a deposit with the Association in the amount of set forth in the Association's governing documents, depending on the size and nature of project, to secure against property damaged as a result of the installation/modification. Once the installation/modification is completed and the property is appropriately restored, as determined by the ACC and the Association, the deposit will be returned to me. Should I fail to restore or repair damaged property caused by the installation/modification within a reasonable time, the Association will have the right to use my deposit to complete the repairs.
5. To obtain all necessary permits and comply with all State, County, and City codes and ordinances and to perform any approved modifications and/or alterations in accordance with all applicable laws, rules, regulations and codes, applicable thereto.
6. That I am responsible for having all public and private utilities located prior to commencing work on any improvement/modification that requires any digging or excavation, and that the ACC will not approve this application until I have returned the attached Irrigation Review Form executed by a representative of Association's irrigation vendor (as applicable).
7. By submitting a request for review and approval, an Owner shall be deemed to have and does automatically agree to indemnify, defend and hold harmless the Declarant, Declarant's affiliates, the Association, its officers, the Board, the ACC, the Association's management agent, any committee, or any member of any of the foregoing, from and against any and all claims, causes of action, losses, damages, liabilities, costs and expenses (including, without limitation, (i) all fees for attorney and paralegal services incurred in connection with negotiations, mediation, arbitration, litigation or preparation for same (whether or not such an action is actually begun) through and including all trial and appellate levels and post-judgment or collection proceedings; and (ii) all costs incurred

with respect to the matters set forth in (i), above) arising from, relating to or in any way connected with the improvement or alterations for which such request was submitted and/or any security deposit (including, without limitation, the disbursement thereof).

I have read, understand and agree to all of the above.

Owner's Signature

Please mail request to: Property Keepers Management, LLC.
6555 Powerline Road
Suite 105
Fort Lauderdale, FL 33309
<http://www.Property-Keepers.com>
AlexZ@property-keepers.com

Phone: 954-586-5111; Fax: 954-586-5113

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AFFIDAVIT LETTER

*To: Keys Pointe Homeowners' Association, Inc.
350 NE 5TH PLACE
Florida City, FL 33034*

We _____

are exonerating Keys Pointe Homeowners' Association, Inc. of any liability in case
of incidents and/or accidents caused with the performance of

at property address _____.

Property owner(s) name (s): _____

Property owner(s) signature: _____

Date executed: _____

This affidavit will expire (1) year from the date above.