

# **LUNA PLANTATION PROPERTY OWNERS ASSOCIATION ARCHITECTURAL STANDARDS**

**Revised 11/12/17**

## **I. PURPOSE**

The purpose of the Luna Plantation Property Owners Association Architectural Control Committee (ACC) is not to superimpose its personal opinion upon property owners, but to devise a set of standards that supplement the Restrictive Covenants which run with the land, that maintain the natural beauty of historic Luna Plantation and further the quiet enjoyment of this neighborhood by its residents. As Tallahassee grows, we would hope that Luna Plantation will become an outstanding development noted for natural preservation and homes of high quality and workmanship. In order to maintain the integrity of Luna Plantation, we the Luna Plantation Property Owners Association have adopted these standards which are required to be applied by the Architectural Control Committee and followed by current and future property owners, in accordance with the provisions of Chapter 720, Florida Statutes.

## **II. CONSTRUCTION PLANS**

No buildings shall be erected, remodeled, or renovated on any lot until construction floor plans, elevations, and specifications as submitted for local building permit approval, including a site plan, have been approved in writing by the ACC. Approval will be at the discretion of the ACC, based on the specific requirements listed in Section III, below, and applicable provisions of Chapter 720, Florida Statutes. Any accessory structures or features, such as out buildings, pools, decks, screen enclosures, docks, mailboxes, fences, driveways and sidewalks, well and septic systems, and other accessory facilities shall be constructed in accordance with the specific requirements provided below.

### III. CONSTRUCTION REQUIREMENTS.

A. Primary residence and guest house: No building or structure shall be erected wherein the structural support system from existing grade to the first habitable floor shall be exposed. The use of continuous material covering, such as brick and/or lattice work, is required so as not to expose the structural support system from the front and side elevations. The use of a continuous material covering also is required on rear elevations, where buildings and structures are situated on a lot so that the rear elevation is visible by neighbors or the public.

(1). All garages and carport entrances shall face the rear or side property line. All garages and carports shall be concealed on sides visible from the street which runs in front of or adjacent to the property. In no instance shall the entrances be permitted to face the property line.

(2). If a mounded septic tank and drainfield system is required for a particular lot, it shall be located either even with, or in the rear of, the home site, unless soil conditions or other similar considerations indicate otherwise, and a variance is given by the ACC.

(3). In addition to the floor plan and elevations for the building, exterior finish materials and color information shall be included. If a building is "out of the ordinary" with respect to roof line, color scheme, or exterior appearance, the property owner shall review the plans and specifications with the ACC prior to applying for a building permit in order to work toward a mutually agreeable building plan.

(4). All pipes, wires, water storage tanks, machinery, equipment (including garden tools), and like items shall be concealed or housed in accordance with the architecture of the main building. If prefabricated storage buildings are to be used, they must meet the requirements for outbuildings, as listed below.

B.    Accessory structures:

(1). Fences: All fences shall be visually complementary to the home and adjacent structures. Fence materials may be composed of brick, wood, or other material as approved by the ACC. No chain link fences will be allowed, with the exception of pre-constructed animal enclosures as discussed in Item 7 below. Other fence types/materials may be acceptable if shown to complement the home and are not objectionable to neighboring properties having a visual line of site to the proposed fence. Appropriate setbacks of fences from property lines will be necessary to allow for landscaping and, where fences inhibit/restrict animal access, to allow for wildlife corridors/buffers between lots as indicated in Section III C, below.

(2). Outbuildings: Outbuildings, including prefabricated storage buildings, must be congruent in design and construction with the architecture of the main house and situated on the site and landscaped so as to compliment both constructed and natural physical features on the lot.

(3). Docks: A dock is acceptable for each lake lot, when properly permitted by Leon County and other appropriate regulatory agencies. Reflectors are required on all docks.

(4). Mailboxes: Mailboxes shall be set far enough back from the road pavement to facilitate traffic flow, while adhering to U.S. Postal Service guidelines.

(5). Driveways and sidewalks: All driveways must be clearly identified and constructed of asphalt, concrete, gravel, or other material approved by the ACC.

C.    Clearing and grading of lots: Clearing of lots shall be in accordance with all existing environmental management, landscaping, storm water, Lake Iamonia special development zone restrictions, and tree ordinances in Leon County. It is the responsibility of the property owner to conform to said ordinances. The number of trees removed should be held to a

minimum in order to retain the natural beauty of Luna Plantation. Also, when clearing lots, it is intended that trees and appropriate understory are to be retained as a buffer area adjacent to adjoining property for purposes of appearance and privacy. The minimum recommended buffer area is 20 feet, but where possible on a lot, a buffer of 50 feet or more is desirable as wildlife corridors for animal travel, nesting, and natural feeding areas. Where such buffer areas do not exist, neighbors are encouraged to work together in order to re-establish such areas using indigenous vegetation as much as possible.

#### **IV. PROPERTY MAINTENANCE REQUIREMENTS**

In addition to construction requirements, the following property maintenance requirements apply to residential use of the property. The provisions of the ACC standards are incorporated into LLPOA bylaws by reference; violations of the property maintenance standards will be treated as bylaw violations. The following provisions are not exclusive. As provided in the covenants and restrictions, other activities that constitute a nuisance, annoyance, or otherwise impair the quiet enjoyment of property may also constitute violations of LLPOA governing documents.

(A). Trailers, motor homes, etc.: No trailer, travel trailer, motor home, basement, tent, shack, garage, barn, or storage facility shall be used at any time as a residence, either temporarily or permanently, nor shall any structure of a temporary character be located on any building site at any time, except during construction activities.

(B). Animal enclosures/pens: Enclosures for animals shall comply with the fencing requirements listed above. Since pre-constructed enclosures for dogs are most commonly made of chain link fencing, they will be acceptable if sufficiently camouflaged, either naturally by location on the property or by landscaping or covering with brick, wood, or lattice work.

(C). Landscaping: Each home shall be landscaped in accordance with the natural beauty of Luna Plantation as the homeowner desires. All main house, guest house, and outbuilding foundations shall be landscaped, with the plan submitted with the house construction plans or upon the addition of buildings if they are not added when the main house is constructed.

(D). Real estate signs: No realty or "For Sale by Owner" signs are permitted at the entrance to Luna Plantation, except on the day of an "Open House." Open House signs shall be removed within six hours after the Open House is over. Property owners may post one sign on their property, using a standard realtor or "For Sale By Owner" sign.

(E). Recreational vehicles: All boats, campers, trailers, or other residential vehicles shall be parked or stored within a garage, or placed behind residences, and shall not be visible from the street.

(F). Trash: No junk cars, old appliances, yard trash, personal trash, or other like items which create a visual nuisance shall be stored anywhere on the premises. Any personal property, if it is to be stored on the lot, must be stored in a suitably enclosed structure approved by the ACC or stored in the rear of the home. Trash cans shall not be left exposed and shall be housed appropriately. Post construction yard debris and trash created by removal of trees, shrubs, etc., or through storms and wind, shall not be routinely burned; excessive amounts must be disposed of through the county waste management program or hauled to the county dump.

(G). Clotheslines and satellite dishes: Clotheslines and satellite dishes shall be landscaped appropriately by use of trees, vines, or other approved screening method and not be visible from the street.

(H). Business activity: Home business offices are permissible. However, no business, trade, commercial activity, or any entity that involves public traffic, commercial signs, or activities that create

an annoyance or disruption of other residents' quiet enjoyment of property, may be conducted on any LLPOA parcel.

## **V. APPROVAL PROCEDURES**

(A). All requests for ACC approval shall be submitted in writing, along with two copies of all house or other construction plans, specifications, and site plans, for ACC review. The ACC has no more than thirty days after receipt of a completed submission to either approve or disapprove the plans. If the ACC has not responded to a completed submittal within thirty days, the plan will be considered approved unless a written response to the contrary is provided by the chairperson of the ACC before the thirty-day period expires.

(B). Any changes to existing or previously approved plans, including revisions during construction, which will alter the exterior appearance of the buildings shall be submitted in writing to the ACC for approval prior to the initiation of such changes or revisions. Review by the ACC shall occur within ten days of receipt of the submittal from the property owner.

(C). Approval of plans will be contingent upon satisfaction of all requirements and compliance with Chapter 720, Florida Statutes. Approval will not unreasonably or arbitrarily withheld.

(D). ACC approval does not negate the need to obtain proper building, environmental, and other permits as required by ordinances and codes of Leon County. Any construction activities shall comply with the applicable codes/ordinances and permit conditions effective at the time of

construction. Further, where approvals are provided for lots that are subject to flooding, property owners agree to indemnify and absolve the ACC, Association, Board of Directors, and their members from any liability for future flooding problems on the site, including site access, ingress, or egress.

## **VI. ACTIVITIES DURING CONSTRUCTION**

All construction activities shall be restricted to the construction site and adjacent road easement. Under no circumstances shall the neighboring property of others be used for any construction-related activities.

(A). Road maintenance fee: Because of the effect of construction activity and vehicles on the road system, a \$350.00 road maintenance fee shall be submitted for each lot for which home construction plans are submitted. This fee is to cover expected wear/tear and maintenance caused by construction activities, and shall be paid before final plan approval. Any unanticipated damage to the roads caused by contractors/subcontractors will subject the property owner to additional fees associated with the cost of repairing such damage.

(B). Maintenance of construction sites: Construction sites shall be maintained in a clean, neat manner at all times. Construction debris, cut trees, brush, paper, food containers, or other trash shall be stored properly and/or placed in suitable containers for frequent, routine removal from the site so as to keep the site clean. Placement of sanitary facilities (port-a-johns or portable toilets) shall be in close proximity to the buildings being constructed to facilitate and encourage use by workers. Such facilities shall be secured/locked and not placed within or close to roads where they may become attractive nuisances for children or animals.

(C). Erosion control: All construction sites shall have an acceptable erosion control program, to include the use of properly staked hay bales, silt fencing, etc., to minimize siltation of neighboring

property, rights-of-way, drainage ways, or waterways. Such facilities shall be maintained on a continuous basis until completion of construction and placement of sod eliminates their need.

## **VII. FINAL APPROVAL**

Within thirty days after receipt of a Certificate of Occupancy (CO), the property owner shall give written notice to the ACC that the structure is complete. Once notified, the ACC shall provide the property owner with a checklist to be completed. The property owner shall return the completed checklist within 30 days of its receipt and advise the ACC of any deviations from the approved plans and specifications. The ACC shall review the information submitted and shall notify the property owner of any deviations from the requirements of the Architectural Standards. The ACC shall include in their written response any actions that are needed to correct any deviations. Violations will be reported to the Board of Directors which will then decide what action to take on behalf of the Association.

## **VIII. NOTICES**

Any notice required to be sent to any member or owner shall be sent to the last known address of the person who is the owner on the record of the Association at the time of mailing. The Board of Directors shall have the right and responsibility to make the final determination in regard to said notices and any action resulting. Final interpretations from the Board of Directors shall be binding on the owner.

## **IX. ENFORCEMENT**

(A). Construction activities. Any costs incurred by the Association to enforce construction activity requirements will subject the property owner to the assessment of additional fees. Consequently, the property owner should select a builder carefully and ensure that these provisions are



reviewed and understood by the builder before undertaking any clearing or construction activity on the site.

(B). Architectural standards. A property owner alleged to be in violation of these architectural standards will be notified in writing, which notice shall provide specific detail of the violation(s). The property owner shall have 14 days to respond in writing. If the violation is substantiated, the owner shall have 60 days to correct the violation, or provide a proposed schedule for correction that is subject to approval of the ACC. If no response is provided or no corrective action taken by the property owner, the Board of Directors shall be notified by the ACC to determine what further action is to be taken on behalf of the Association.

(C). Residential Maintenance Standards. A complaint by the ACC or a LPPOA resident that an LPPOA property owner may be in violation of property maintenance standards shall be considered an alleged violation of LPPOA bylaws. The complaint should be reduced to writing, include a description of the nature of the violation, applicable dates, times, and other relevant information, and directed to the attention of the Board of Directors of the Association. The complaint will be addressed in accordance with enforcement procedures provided by the LLPOA bylaws.

## **X. APPEALS**

Any property owner wishing to appeal a determination of the ACC under these standards may submit a written request for review to the Board of Directors of the Association within thirty days of the determination, with a copy of the appeal sent simultaneously to the Chairperson of the ACC. The Board of Directors shall render its decision within thirty days of receipt of the appeal and shall invite the appellant and Chairperson to its deliberation meeting. The decision of the Board of Directors shall be final.