



**ARC Application
Form**

Applications in compliance with all ARC Manual submittal requirements must be received by the MMMA a minimum of 10 calendar days prior to a scheduled ARC meeting.

Mirasol Master Maintenance Association, Inc. (MMMA)
 11300 Mirasol Blvd., Palm Beach Gardens, FL 33418
 Phone (561) 626-8283 Fax (561) 626-4661

FOR OFFICE USE ONLY

Date submitted to MMMA: ___/___/___

Date application complete: ___/___/___

Date submitted to POA: ___/___/___

Date received from POA: ___/___/___

Owner & Property information:

Name: _____

Street Address: _____

Community: _____

Parcel No. [] **Lot No.:** []

Owner #: home ___-___-___ cell ___-___-___

E-mail: _____

Contractor information:

Contractor: _____

Address: _____

City, State, Zip: _____

Contact person: _____

Office & Cell #: _____

E-mail: _____

| | | | | | |
|---|--------------------------|---------------------------|---------------------------|----------------------------|----------------------------|
| Project Type : (circle all that apply) | | House | Pool | Above Ground Spa | Screen Encl. Rm. |
| Screened, Covered Porch | Addition | Fence | Re-roofing | Painting | Front door |
| Gutters | Awning | Hurricane shutters | Driveway changes | Landscaping (minor) | Landscaping (major) |
| Outdoor kitchen | Exterior Lighting | Solar Panels | Security Camera(s) | Satellite dish | Swing Set |
| Play Structures | Generator | Metal Gate | Fountain | Patio | Other: |

This Application is not complete and declared "accepted" by the ARC until all information required by the "Project Submittal Requirements" of the ARC Manual have been submitted in the format, sizes, quantities and qualities required. ARC approval is required prior to the Applicant applying to the City of Palm Beach Gardens for a building permit.

Project Scope of Work (detailed):

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Indemnification:

I/we agree to indemnify and hold harmless the MMMA, it's employees, agents, officers, and directors, from any claim or demand, liability, cost expense, or damage, including reasonable attorneys fees (outside of litigation, in litigation, and for any appeals) and cost, arising out of or connected with: (a) The construction of improvements under this Application, (b) Any non-compliance with the Architectural Design Standards (ADS), the Declaration of Covenants, and/or this Application, or (c) Any damage caused to Association Property or expense incurred by the Association, or to its property by any act of ours, or contractors, subcontractors, employees, or agents, arising out of or connected with the construction pursuant to this Application.

Signature of Owner

___/___/___
Date

MINOR LANDSCAPE REPLACEMENT FORM



Mirasol Master Maintenance Association, Inc. (MMMA)
 11300 Mirasol Blvd., Palm Beach Gardens, FL 33418
 Phone (561) 626-8283 Fax (561) 626-4661

Return completed application by mail, or fax to the Mirasol On-Site office.
ARC Administrator:
11300 Mirasol Blvd.
Palm Beach Gardens, FL. 33418
Fax: (561) 626-4661

Owner & Property Information:
 Name: _____
 Street _____
 Address: _____
 Owner #: home ____-____-_____
 cell ____-____-_____
 Email: _____

Date submitted to MMMA: ____/____/_____
 No application fee required for this application.
Community:

Parcel No. _____ **Lot No:** _____

I wish to replace all/some hedges and/or shrubs in the **front** yard: _____
 I wish to replace all/some hedges and/or shrubs in the **back** yard: _____
 I wish to replace all/some hedges and/or shrubs in the **common** area: _____

Please choose the plant(s)/shrub(s) you wish to utilize as replacement: (circle your replacement choice)

| | | | |
|---|---|---|--|
| Duranta | Eugenia Uniflora | Green Island Ficus | Hibiscus |
| Illex Shillings | Indian Hawthorn | Ixora (All Types) | Panama Rose |
| Plumbago | Podocarpus (All Types) | Ruellia | Snow on the Mountain |
| Thryallis | Croton (To be installed in plant beds only) | Dwarf Firebush (Hemilia Patens) | Jasmine (Wax, Pinwheel, Simplex) |
| Schefflera (Green Arboricola, Trinette, Gold Capella) | Viburnum (Awabuki, Suspensum, Odoratissimum) | NOTE: Plants must be a minimum of 3 gallon in size and must be planted at a minimum distance of 24" from center. | |

Details on the location that the landscape modification is taking place (i.e. front yard, side yard)

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This application form and process is only for the replacement of landscaping plants in beds and/or hedges. THIS APPLICATION DOES NOT APPLY FOR TREE REMOVAL / REPLACEMENT.

The replacement and/or addition of any other plants not on this list, grass areas, sod, etc. or the redesign of the shape of any beds or other landscaping areas and/or the installation of landscape lighting will require a full application to the ARC.

Indemnification:

I/we agree to indemnify and hold harmless the MMMA, it's employees, agents, officers, and directors, from any claim or demand, liability, cost expense, or damage, including reasonable attorneys fees (outside of litigation, in litigation, and for any appeals) and cost, arising out of or connected with: (a) The construction of improvements under this Application, (b) Any non-compliance with the Architectural Design Standards (ADS), the Declaration of Covenants, and/or this Application, or (c) Any damage caused to Association Property or expense incurred by the Association, or to its property by any act of ours, or contractors, subcontractors, employees, or agents, arising out of or connected with the construction pursuant to this Application.

 Signature of Owner

_____/_____/_____
 Date

Approved Plant and Shrub Replacement List

The acceptable plant list for the Replacement of shrubs and hedges is as follows:

- Duranta
- Eugenia Uniflora
- Green Island Ficus
- Hibiscus
- Illlex Shillings
- Indian Hawthorn
- Ixora (all types)
- Panama Rose
- Plumbago
- Podocarpus (All types)
- Ruellia
- Snow on the Mountain
- Thryallis
- Croton
- Dwarf Firebush
- Jasmine
- Schefflera
- Viburnum

The new simplified ARC application for minor landscaping, along with the plant list, can be picked up at the Mirasol On-Site Property Management Office or viewed online at www.mirasolhoa.com.

If you have any questions, please contact the ARC Administrator at (561) 626-8283.



Duranta



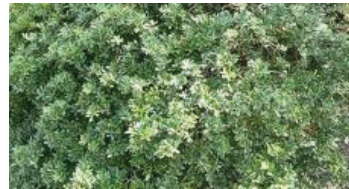
Eugenia uniflora



Green Island Ficus



Hibiscus



Ilex "Schillings"



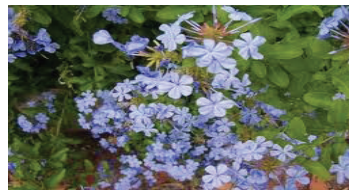
Indian Hawthorn



Ixora



Panama Rose



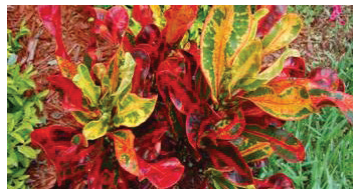
Plumbago



Podocarpus



Thryallis



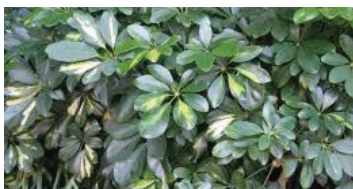
Croton



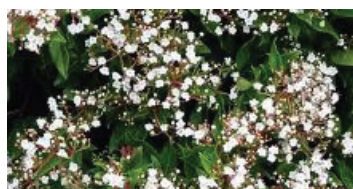
Ruellia



Snow on the Mountain



Schefflera



Viburnum



Dwarf Firebush



Jasmine

C.

GENERAL REQUIREMENTS & INFORMATION:

3. **ARC APPLICATION SUBMITTAL, REVIEW, AND APPROVAL PROCESS:**

1. Submit the required number of copies of the information listed in the “Project Submittal Requirements” section of this Manual to the MMMA on-site property management office. Submittals will only be accepted by the ARC Administrator or designated person during normal MMMA office hours. The application for ARC approval will not be considered complete until all of the submittal requirements have been satisfactorily presented and accepted by the ARC Administrator. Once an application is complete, it will be transmitted by the ARC Administrator to the owner’s POA for their review, comments, and approval. Upon return by the POA to the ARC Administrator, it will be placed on the next scheduled ARC meeting agenda unless it is returned less than ten (10) days before an ARC meeting, in which case it will be considered “late” and placed on a future ARC meeting agenda.
2. The “Application for ARC Approval” must be signed by the legal owner of the property. The Application may be submitted by any party having authorization from the property owner.
3. *ARC applications may not be accepted from owners who have outstanding maintenance and/or ARC violations with the MMMA, unless those applications are to correct those violations.*
4. The ARC members will review and discuss the Application at a scheduled meeting. The ARC will not review Applications in between scheduled meetings.
5. The owner of the subject property is permitted to attend the meeting and be heard during the ARC’s deliberations about the owner’s Application. It will be at the discretion of the ARC chair whether non-owners (i.e. architect, engineer, designer, contractor, vendor) associated with the Application will be permitted to speak at the ARC meeting. ARC meetings are open to residents and not to non-residents. If an owner wishes to have a representative be present and recognized as having authority to speak on behalf of the owner’s Application, the owner must send the ARC an authorization letter stating such along with providing the representative’s name and company.
6. Applications for ARC approval that do not meet the rules as specified in this Manual shall either be disapproved, approved with comments and notations to bring the application into compliance with this Manual, or rejected with comments for the Applicant to consider in resubmitting a revised design, selections, choices, etc. The Applicant may resubmit a disapproved Application to the ARC if changes have been made to the disapproved Application that would then bring it into compliance with this Manual and the ARC’s review comments.
7. Should the Application be disapproved by the ARC and the Applicant does not want to make changes that would bring the Application into compliance with this Manual, the Applicant has the right to appeal the ARC’s denial decision to the MMMA Board at the Board’s next scheduled meeting. Should the applicant make design changes after ARC disapproval and submit the altered design to the Board, the Board will decline to review the Application and will send it back to the ARC for re-review and to consider the changes made. Applications sent to the Board for an appeal review shall be the same Application information that was presented to the ARC but which was disapproved.
8. If the Application is “approved”, “disapproved”, or “approved as noted” by the ARC, the property owner will be notified by a letter sent first-class mail containing the ARC decision.
9. If the ARC approves an application that constitutes a variance to the design rules established by this Manual, the application must be presented to and approved by the Board of Directors before it will be considered officially approved (see the “Variances” section below).
10. No construction or removal work may begin prior to ARC approval (and Board approval when pertaining to variances).

4. FINAL INSPECTION & ARC FEE REFUND PROCESS:

1. Upon completion of the project, the Applicant shall notify the ARC Administrator, in writing, of the completion and request a final inspection review and a refund of any ARC fees paid. The Applicant shall submit digital photos of the completed work for the ARC to review the project's final completion at its next regularly scheduled meeting and to compare it to the ARC approval conditions. The photos must be sufficient to show the work done and the surrounding areas, to show that any disturbed land areas and common areas have been properly restored. The ARC Administrator shall then process the final inspection request and if a site inspection is required, one will be conducted. The owner will be notified of any corrections necessary to comply with the ARC approval or a letter will be sent stating that the completed project is acceptable and a construction deposit refund check will be enclosed or will follow shortly thereafter (if one is due).
2. If the project included any new, vertical construction that was done outside of the existing building footprint area (addition, pool, screened enclosure, etc.), the applicant shall submit a final survey prepared by a Florida licensed surveyor verifying that all new vertical construction was built where it should have been built and is not encroaching over any required setback lines or property lines.
3. A final inspection of any project by the ARC shall only be to verify that the project was completed in accordance with the ARC approval, the Manual, and aesthetics. A final inspection by the ARC is NOT conducted for verification of compliance with any codes, ordinances, governmental rules, or laws. Compliance with those items is an owner's responsibility.

5. TIME LIMITATION FOR ARC REVIEWS & CONSTRUCTION TIME LIMITATIONS:

1. ARC Review Time Limitation: Should an Application accepted by the ARC as being complete not receive approval or a response from the ARC within 45 days from ARC's acceptance of the Application, the Application shall be considered denied and re-application by the Applicant will be required.
2. Construction Time Limitations: Owner's shall have projects completed within the maximum time limitations set forth in the "ARC Application Fees, Refund Schedule, and Construction Time Limitations" contained in this Manual. The ARC and the MMMA reserve all rights and remedies allowed by law to enforce project completion limitations.

6. RESPONSIBILITIES OF THE APPLICANT:

1. The applicant, contractor and those responsible for preparing the plans or documents to be submitted and reviewed by the ARC bear all liability and responsibility for the plans and the final improvements. The applicant shall also be responsible for meeting the criteria and standards in this Manual and any other requirements of the ARC and the Declarations. The ARC shall neither review nor assume responsibility for the following responsibilities of the applicant or owner:
 - a. To prepare a complete ARC application.
 - b. To assure the processing of the application through the owner's POA is attended to in a prompt, diligent fashion so that the POA review process does not slow up the ARC review and approval of the application.
 - c. To comply with all applicable ordinances, rules, regulations, law and policies enacted by any district, association, local, state, regional, or federal government, or regulating body with jurisdiction over Mirasol.
 - d. To ensure that structural, electrical, mechanical, civil, architectural, or horticultural technical design or health, safety, and welfare requirements are met.
 - e. To have drawings, sketches, diagrams, and photos prepared with sufficient clarity, neatness, detail, and completeness to fully and clearly explain the application to those not familiar with the property, existing adjacent conditions, or the proposed additions and/or changes. All information submitted shall represent the exact improvements and/or changes proposed.
 - f. To determine the conditions of the land (soil, hydrology, geology, or fertility) and

its stability or instability for the intended purpose.

- g. To evaluate the hazard potential due to either location or design of any improvement, whether caused by existing or future conditions either on or off the property being reviewed.
- h. To obtain and verify that all contractors working on the project have and submit the required proof of insurance documentation.
- i. To ensure performance and quality of a contractor's work and completion of the work within the time limitations set forth in this Manual.
- j. To cure any title defects relating to the property or relating to access to property that is the subject of the ARC review.
- k. To perform or require the performance of written or verbal agreements/contracts between the applicant and other parties or homeowners.
- l. To secure all applicable governmental approvals and permits.
- m. To use a Florida licensed landscape architect for all substantial landscaping changes as may be required by the ARC.
- n. To use a Florida licensed architect for all substantial architectural changes, facade make-over's, or tear-down-rebuild projects. Owners are encouraged, but not required, to use a Florida licensed architect for single room addition designs, unless the ARC feels that a submitted design for such lacks the proper architectural design, massing, sensitivity, and context to the existing house necessary and that the design skills of a licensed architect are warranted.
- o. To provide such security deposits and/or bonds as required by the ARC and to do so with the understanding that all or some portion of such deposits and/or bonds may be withheld to the extent ARC deems necessary in the event of collateral damage resulting from homeowner's or their agent's actions.

7. VARIANCES:

1. It is recognized that not all ideas or situations that may arise can be anticipated when establishing design criteria. Therefore, the applicant may request a variance to the design requirements specified in this Manual and submit it to the ARC for consideration. The variance procedure requires that graphics (drawings and photos) be submitted along with a written argument in support of the variance condition. That argument should present how the variance differs from the conditions required by this Manual and how the variance will be contextually acceptable on the property and in the community.
2. Applicants' projects submitted with a variance or variances to the written rules in this Manual shall first be submitted to and reviewed by the ARC. The ARC will then submit a letter of recommendation for approval or denial to the MMMA Board. The Board will then review the project and it is the Board that will approve or deny the granting of a variance for the proposed project.
3. **VARIANCES GRANTED OR DENIED, WILL NOT SET A PRECEDENT FOR FUTURE DECISIONS OR APPROVALS.**

8. DISCLAIMER OF ARC LIABILITY:

1. Neither the ARC, the MMMA, nor any of their representatives, consultants, successors, or assignees shall be liable in damages to anyone submitting plans for approval, or to any lot owner, visitor, or occupant of any of the Property by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval of any plans or the failure to approve any plans. Any lot owner making or causing to be made any proposed improvement(s) or addition(s) on any portion of the property, lot, or dwelling unit agrees and shall be deemed to have agreed, for such lot owner, and his heirs, personal representatives, successors, and assignees, to hold the ARC, the MMMA, any of their representatives, consultants, successors, or assignees, and all other lot owners harmless from any and all liability, damage to the property, costs and/or, expenses including attorneys' fees arising from or in connection with the construction and installation of any proposed improvement. A lot owner shall be solely responsible for the

maintenance, repair and insurance of any alteration, modification or change and for assuring that the proposed improvement meets with all applicable governmental approvals, rules, and regulations.

2. No approval as provided herein shall be deemed to represent or imply that the proposed improvement, if constructed in accordance with the approved plans and specifications, will result in properly designed and constructed improvements or will meet all applicable building codes, or other governmental requirements, or will be able to obtain applicable governmental permits.
3. Each Application shall be reviewed by the ARC on a case-by-case basis and will consider how the proposed work impacts the property, the community, and Mirasol. A project approved for one property does not serve as a precedent requiring the ARC to approve the same or similar project for another property whether of a similar house design or not.

9. COMPLIANCE & HIEARCHY:

1. Any contractor, subcontractor, agent, employee, or other invitee of the owner who fails to comply with the terms and provisions of this Manual may be prohibited entry through the Mirasol guard gates by the MMMA Board and without liability to any person, subject to the notice of hearing procedures contained in the MMMA's Bylaws. The MMMA is empowered by the Declaration to enforce compliance with the ARC approvals and conditions, including stop work orders, fines, or actions in a court of law.
2. The more stringent of design and/or compliance conditions shall prevail when designing projects to meet the restrictions and conditions identified by the following:
 - a. The Declaration of Covenants.
 - b. This Manual.
 - c. The Florida Building Code.
 - d. PBG approved site plans and conditions for Mirasol.
 - e. PBG Land Development Regulations.
 - f. State and Federal laws.

10. ARCHITECTURAL REVIEW COMMITTEE (ARC) – Overview & Responsibilities:

1. The ARC members are appointed by the MMMA Board of Directors and serve at the pleasure of the Board. The ARC members shall review owners' applications for projects that fall under the purview of this Manual. The ARC's review and opinion shall be based on aesthetics and consistency of the architectural intentions throughout the community in order to maintain the quality, value, and appealing presentation of the community as it was originally intended. The ARC will not provide comments or opinions about structure, building or zoning code compliance, or safety. The ARC's sole purpose is to review projects for compliance and in conformity with the Manual and the rules of the community.
2. The ARC, with the concurrence of the Board, shall have authority to approve minor variances to the rules established in the Manual. From time to time, the ARC may suggest changes to the Manual and present them to the Board for their consideration and approval to then have the Manual modified with such changes.
3. The ARC may, at its sole discretion, utilize consultants as deemed necessary by the members to advise on matters that may come before the committee.
4. The ARC may require minor revisions to construction and improvement items that were overlooked during the review process or not clearly shown on the submitted Application materials, at the time of final completion of the work or final inspection by the ARC. Once the final inspection process has concluded and an owner has been refunded any construction deposit or has been provided final approval of the completed project, the ARC cannot then require further construction changes.
5. The ARC shall provide direction to the ARC Administrator employed by the property manager, who shall assist with the administration of the Application procedure, with duties including, but not limited to:
 - a. Coordination with Applicants,
 - b. Receipt of and monitoring Applications, fees, and refunds,
 - c. Coordination with ARC members, ARC's consultants, and the MMMA Board on

- d. all meetings, Applications, variances, and appeals,
 - e. Preparation of all ARC correspondence,
 - f. Notification of applicants on ARC decisions,
 - g. Recording meeting minutes as required,
 - h. Maintaining records of the applications and the ARC files, and
 - i. Managing the inspection process of completed projects to verify conformity with the Manual and the ARC conditions of approval.
6. The ARC may provide recommendations to applicants for bringing denied applications into compliance with this Manual and the ARC standards.
 7. The ARC may place conditions of approval on projects it deems are necessary and reasonable.
 8. The ARC shall maintain a fee schedule for Applications and recommend revisions to the Board as necessary.

11. STRUCTURE OF THE ARC

1. **Members:** The MMMA Board shall appoint no less than 3 and no more than 7 equal voting members to the ARC. Each member shall serve a term of one year or terms subject to the sole discretion of the MMMA Board. A majority vote of the Board may also remove an ARC member during the member's term.
2. **Members' Duties:** The members shall familiarize themselves with this Manual and with the Applications to be reviewed at each ARC meeting. Members shall vote on all applications unless they disclose that they have a conflict of interest. All members shall use their best judgment to administer their duties and to state their opinions based on their interpretation of this Manual and not on personal preferences or biases they may have toward a design, company, or person involved with the Application.
3. **Committee Composition:** A Chairperson and Vice Chairperson will be elected by a majority of the ARC members for a term of one (1) year and in the event that the Chairperson is absent the Vice-Chairperson of the Committee to lead the meeting. In the absence of both the Chairperson and Vice Chairperson another member will be selected by the members in attendance to lead the meeting. A majority of the Committee members present at a meeting must ratify all decisions. A tie vote shall be considered a failing vote. A majority of the membership appointed by the Board to the ARC shall constitute a quorum (2 if 3 members, 3 if 4 or 5 members, and 4 if 6 or 7 members).
4. **Meetings:** Meetings shall be held regularly and a meeting schedule covering a full year will be established by the ARC or the MMMA Board at the beginning of each calendar year. Meetings should be scheduled so that a report or any appeals of ARC decisions can be determined in time for staff to prepare the next MMMA Board agenda. Times for meetings will be scheduled in the best interest of all members. Notice of ARC meetings will be posted 48 hours in advance.
5. **Agendas:** An agenda will be compiled by staff prior to an ARC meeting. This agenda should not only contain old and new business items necessitated by architectural requests and community issues but other relevant items Committee members wish to discuss. The agenda will be submitted to each ARC member before the meeting.