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# ARB Guidelines Homeowners' Associations

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## INTRODUCTION

### **ALL PERSONS USING THIS MANUAL ARE ADVISED TO REVIEW THE FOLLOWING:**

- If you wish to modify your home, alter the landscaping, or modify other characteristics of your residence or property; **you are required to comply with the Homeowners' Association Declaration of Covenants, Conditions, and ARB Guidelines and Process. You must receive written approval from the Architectural Review Board (ARB), and the Board of Directors, prior to the commencement of any modifications.**
- All modifications to the exterior of your home must be performed by an actively licensed and insured contractor having expertise in the area of work for which approval is requested.
- This manual has been adopted for the purpose of establishing general guidelines for architectural approvals. This manual does not supersede or replace the association's governing documents or local, state, or federal laws, codes, ordinances, rules or regulations. It is the responsibility of the homeowner to obtain all necessary permits, inspections of phased work, final inspections, and certificates of completion for work performed. The review and approval of plans and specifications by the Board shall not substitute for compliance with the permitting and approval requirements of your city, or other governmental authorities.
- This manual is subject to amendment from time to time. Also, 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, it should be remembered that because of natural site features and landscaping of the residence/building such as location, neighborhood characteristics and proximity to common areas, lakes, preserves, roads, and the like, various properties may be treated differently in order to reflect such factors.
- The Architectural Review Board (ARB) Purpose, Process, and Guidelines are not intended to restrict creativity, but to ensure that the quality and character of the community is maintained.
- 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 government or industry codes or standards.
- Any member currently in open violation or has any unpaid assessments shall not be eligible to submit an ARB application for consideration.

- In the event of any violation of these Design Guidelines, the Board of Directors may take action as set forth in the Homeowners' Association Declaration of Covenants, Conditions, and Restrictions, and Bylaws.
- The Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or remedying of the violation.
- Homeowners are responsible to pay for and repair/restore any and all damage done to any common areas or adjoining property as a result of the installation/modification within a reasonable time following completion.
- In addition, the Board shall be entitled to recover all costs incurred in enforcing compliance and/or impose a fine against the lot upon which such violation exists.
- Please refer to your Homeowners' Association Declaration of Covenants, Conditions and Restrictions (as well as the governing documents) for requirements.

## **ARB GUIDELINES**

### **1. Antennas and Satellites - Requires ARB approval**

- a. The Federal Communications Commission (FCC) governs the installation of most satellite dishes, and therefore, dishes less than one meter are permitted.
- b. Owners must obtain approval for the location where the dish is to be installed to ensure it does not adversely affect the aesthetic value of surrounding homes.
- c. It is desirable to keep the installation of satellite dishes and all necessary wiring/cabling as inconspicuous as possible. Also, the owner must remove any existing satellite dish before installing a new dish. The preferred location for the dish is on the rear wall of the home or on a sidewall within 6 feet from the rear of the home, providing a signal can be obtained at that location.
- d. May not be installed in common areas or areas maintained by the association.
- e. The homeowner is responsible for any removal and reinstallation of the satellite dish when required.

### **2. Basketball Hoops**

- a. Installation of permanent basketball hoops is prohibited.
- b. During use, the portable basketball hoop must be located on the homeowner's property and shall not be positioned to encourage playing on a neighbor's property or in a street to avoid balls striking vehicles, landscape, or other items on adjacent property. The homeowner will be liable for any damage caused during the use/operation of the basketball hoop.
- c. When not in use, basketball hoops must be positioned upright on the side or back of homeowner's property.

- d. Equipment must be kept in good condition and replaced when fading, chipping or other damage is visible.

### 3. Driveway Extensions and Walkways - Requires ARB approval (except for Heritage Heights)

- a. Driveway extensions cannot be of different material than existing driveway; to clarify if current driveway material is concrete the extension must be concrete.
- b. Extension must be permitted and installed by a professional contractor.
- c. Driveway extensions cannot exceed 4-feet in width.
- d. Extension must extend to culvert in road and cannot stop at sidewalk and must continue to the road.
- e. Asphalt, gravel, or shell driveways are prohibited.
- f. **Single Family Homes** - extension will be no more than 4 feet and location will be determined on a case-by-case basis.
- g. **Multi/Villa Family Homes** (if applicable)- extension will be no more than 4 feet and location will be determined on a case-by-case basis. The extension cannot extend into landscape bed, between villa buildings towards the neighboring driveway, more than 2 feet. The ARB will consider driveway extension of a villa building to assure uniformity for the building.
- h. **EXCEPTION - Heritage Heights**
  - o Driveway extensions and walkways are prohibited in Heritage Heights.

### 4. Exterior Lighting, Security Cameras & Ring Door - Requires ARB approval

- a. Security Cameras and Ring Doorbell require ARB approval before installation.
- b. Exterior lighting fixtures shall be conservative in design, white, small as reasonable.
- c. Colored lights are prohibited, except as temporary holiday decorations.
- d. The ARB may also consider the visibility and style of the fixture and its location on the property.
- e. **Exterior Garage Lights** - must match the theme of the home's exterior and the community. Lighting shall be directed toward the house and be of low intensity to minimize glaring sources to neighbors and other homeowners.
- f. **Walkway Lighting** must be directed toward the ground.
- g. **Landscape Lighting** cannot distract from the theme of the community or disturb neighboring homes.

### 5. Exterior Paint & House Colors - Requires ARB approval - COLOR PALETTE AVAILABLE UPON REQUEST

- a. **Single Family Homes** - Owners may repaint in accordance with the originally approved color scheme of any dwelling or improvement. Color must adhere to

the Community color palette and may include, but shall not be limited to, the sheen of paint, the home's architecture, roof color, and neighboring properties' colors. The main color for all exterior building surfaces must complement the architectural theme of the house and neighboring houses.

- b. **Multi/Villa Family Homes** - Owners are not allowed to paint the exterior of their home or exterior doors. All buildings must stay within the color scheme designed and set by the Board of Directors.

## 6. Fences - Requires ARB approval, permit and final inspection by the municipality

- a. Front yard fencing is prohibited.
- b. No fence can block drainage easement. No fence can block access for community lawn service to neighboring homes and or community lake or preserve maintenance without proper notification to neighboring homes or community and consent by those owners.
- c. Fencing shall be installed on property line or to any easement boundary, whichever is more restrictive. Notwithstanding these location requirements, fencing shall not impede or block any swale, ditch, drainage, sidewalk public or private access, utility easement, or facility.
- d. Fence specifications for all HOA's (except for Heritage Heights). Fences shall be installed with exact specifications as shown below:
  - White finish
  - Solid vinyl panels
  - 6 ft. H x 8 ft. W with a privacy panel pattern
  - 5 in. x 5 in. post top and post cap
  - Gate 6ft. H x 4 ft. W
  - Manufactured panels must extend to ground
  - No additional material added to account for gaps
- e. No alterations may be made to association-maintained fencing (black chain-link)
- f. **EXCEPTION: Heritage Heights**
  - Fence height shall be 4 ft maximum and shall extend to the ground surface so as not to require additional material to fill gaps
  - All fencing shall be a minimum of 9-gauge black vinyl-coated chain link fence
  - Line posts shall be 2" diameter
  - Terminal posts shall be 2-1/2" minimum
  - Gate posts shall be 2-1/2" minimum
  - Gates shall be between 3 and 4 ft W
  - All posts shall be set in concrete

## 7. Flag Poles & Flags – Requires ARB approval

- a. No flag or banner other than a flag permitted by Chapter 720.304, Florida Statutes, or other local, state, or federal law, which must be displayed in a respectful manner. Owners may attach any combination of up to two of the following flags to their lot: American Flag, the official flag of the State of Florida,

and/or United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, or a POW-MIA flag.

- b. The size of any such flag may not exceed 3' x 5'.
- c. Any homeowner may attach flags to either their house, garage, or to a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. Flag must be properly illuminated if on a freestanding flagpole.
- d. The owner must locate and mark all utility services prior to excavating for the installation of any flagpole.

## 8. Grills

- a. Grills cannot be stored outside of the home unless the owner has an approved privacy fence.
- b. When grills are being used, they may be placed outside the patio in the backyard.
- c. Grills cannot be used on the side or front of the home.

## 9. Gutters and Downspouts – Requires ARB approval

- a. Gutters and downspouts shall be white in color and shall be kept in good condition.

## 10. Holiday Decoration and Seasonal Lights

- a. Holiday lighting and decorations are allowed on the exterior of residences that are displayed in commemoration or celebration of publicly observed holidays.
- b. Such lighting and decorations may not be displayed more than six (6) weeks in advance of the holiday and must be removed within thirty (30) days after the holiday has ended. Holiday
- c. Signs are allowed and must be removed thirty (30) days after the holiday.

## 11. Landscape and Plant Material– Requires ARB approval

- The responsibility for landscape, plants, shrubs, hedges, trees, and sod health and survivability is the homeowners.
- If desired location of plant(s), tree(s), hedge(s) is inside approved privacy fence, they should not exceed height of fence during its lifetime and must be listed on the approved plant list. No ARB approval is needed.
- No additional tree(s) or plant(s) installation is permitted, aside from originally installed landscape, in front or sides of home.
- All landscape and plant material modifications must be approved by ARB before installation. The homeowner must submit landscape plans, pictures of plants or tree, and survey with location of plant/tree installation.
- Plants must be listed on the Community Plant list for consideration.
  - Hedges: must be maintained to a maximum height of 3 feet in the front of the home and must not exceed fence height if installed in the back of the home. Hedges/Dividers shall not unreasonably block lake, or natural preserve views of adjacent Lots, or windows.

- Trees: must be 2-inch caliper and minimum height is 8-feet. Trees cannot be planted forming rows or delineating a lot line.

#### **Tree/Plant Removal:**

- a. All tree/plant removal must be approved by ARB. The ARB request must be accompanied by a replanting plan covering the following:
  - Palm trees must be replaced with Palm trees of the same species and at a height of at least 6 feet within 30 days of removal. All other trees must be replaced with similar type using the approved Community Plant List.
  - Ornaments can be planted but not as a replacement tree.
  - Two (2) inch caliper (diameter) and height being eight (6) feet for replacement trees.
  - Trees must be maintained by homeowners to assure growth.
  - The Board has the authority to levy special assessments on any homeowner who conducts unapproved tree cutting or fails to comply with follow-up planting after a tree removal.

#### **Vegetable Gardens:**

- a. Must be located behind an approved privacy fence and cannot surpass the height of the fence.

#### **Vines:**

- a. Vines are not allowed. See recommended list of plants allowed in the community.

#### **Plant Quality Standards:**

- a. Acceptable plant quality standards shall apply to landscape plants used in conformance with this Section. All trees and shrubs shall be Florida No.2 or better as defined in “Grades and Standards for Nursery Plants, Part I and Part II” State of Florida, Dept of Agriculture, in the most current edition. Sod shall be free of weeds, diseases, fungus, and vermin.

#### **Irrigation Design: – Requires ARB approval**

- a. The addition of any irrigation shall be the homeowner’s responsibility and subject to ARB approval. The cost of providing irrigation water is the homeowner’s responsibility.

#### **Gradings: – Requires ARB approval**

- a. Major changes in grading, e.g. berms, mounds, filling in yard etc. must be approved by ARB. Any changes in property grade could result in flooding in the neighbor’s yard due to improper drainage. Neither the Board of Directors nor the Architectural Review Board accepts any liability for any damage caused by any grading action, whether approved by either Board or not.



**Plants & Trees NOT PERMITTED (per Lee County, list of invasive plants to be removed):**

Acacia auriculiformis	Earleaf Acacia
Areca Palms	Melaleuca species
Australian Pine	Punk, cajeput, paperbark tree
Brazilian Pepper, Florida Holly	Rhodomyrtus tomentosus
Casuarina species	Schinus terebinthifolius
Downy Rosemyrtle	Norfolk Island Pine Tree
Poinciana	No fruit trees of any kind

**Plant & Trees permitted:**

Latin Name	Common Name
<b>Palms</b> (Must be kept trimmed per regulations)	
Acoelorrhaphe wrightii	Paurotis Palm
Phoenix dactylifera Zahidi	Date Palm
Phoenix reclinta	Senegal Date Palm
Roystonea data	Royal Palm
Sabal Palmetto	Sabal Palm
Washington robusta	Washington Palm
Carpentaria acuniinata	Carpentaria Palm
Chamaerops humlis	European Fan Palm
Phoenix roebelenii	Pygmy Date Palm
Raphis excelsa	Lady Palm
Ravenea rivularis	Majesty Palm
Rhapidophyllum hystrix*	Needle Palm
Serenoa repens*	Saw Palmetto
Thrinax morrisii *	Key Thatch Palm
Thrinax radiata *	Thatch Palm
Wodyetia biibricata	Foxtail Palm

<b>Canopy Trees</b> (Must be kept trimmed per regulations)	
Bucida buceras	Shady Lady Blk Olive
Pinus elliottii	Slash Pine
Quercus laurifolia	Southern Laurel Oak
Quercus virginiana	Southern Live Oak
Swietenia mahagoni	Mahogany
<b>Shade Trees</b> (Must be kept trimmed per regulations)	
Acer mbrum *	Red Maple
Chrysolphyllum oliviforine *	Satin Leaf
Coccoloba diversifolia*	Pigeon Plum
Koeireuteria elegans	Golden Shower Tree
Tabebuia species	Tabebuia
<b>Vines</b> (Must be kept trimmed per regulations)	
Dwarf Bougainvillea-“Helen Johnson”	
Glory Mandevilla	
Jasmine	
*Other types of Zone 10, non-tendrill bearing vines, flowering, or non-flowering, provided they are not on the Lee County list of invasive species.	
<b>Small/ Flowering</b> (Must be kept trimmed per regulations)	
Bauhinia blakeana	Hong Kong Orchid
Cassia surrattensis	Bush Cassia
Clusia rosea	Pitch Apple
Ilex attenuata	East Palatka Holly
Ilex cassine	Dahoon Holly
Ligustrumjaponicum “Recurvifolia”	Tree Ligustrum
Ligustrum lucidum	Glossy Privet
Magnolia grandiflora	Southern Magnolia
Magnolia virginiana	Sweetbay

Myrica cerifera	Wax myrtle
Cassia sp.*	Cassia
Cordia sebestena*	Geiger Tree
Lagerstroemia indica	Crepe Myrtle
Persea borbonia*	Red Bay
Piscidia piscipula*	Jamaica Dogwood
<b><u>Shrubs and Ground</u></b>	
Bougainvillea Spp	Dwarf Bougainvillea
Carissa Macrocarpa	Natal Plum
Crinum americanum	String Lily
Cycas revolute	King Sago
Galphimia gradilis	Thryallis
Hameia paten *	Firebush
Hibiscus rosa sinensis	Hibiscus
Hymenocallis latifolia	Spider Lily
Hex voniitoria "Nana Schellings" *	DwarfHolly
Jasmine Multiflower	Downy Jasmine
Juniperus c. parsonii	Parsons Juniper
Pittosporum tobira	Green Pittosporum
Pittosporum t. variegata	Varigated Pittosporum
Xanadu Philodendron	Xanadu

If the HOA finds that you have dead plants, trees, or sod, you will be notified to replace the material "in-kind," and if you fail to do so, the HOA will replace it, and you will be fined an amount equal to replacement and installation cost. All Landscaping must be kept trimmed in accordance with community documents.

### **Landscape Edging**

- a. ARB approval is required. Edging must be properly installed, maintained, and free of mold and weeds. All edging must be black easy flex, no dig edging or approved equal.

## **12. Lawn Ornaments, Outdoor Furniture, and Landscape Enhancements – Requires ARB approval**

- a. Lawn ornaments are not permitted
- b. Furniture
  - No more than 2 pieces of outdoor patio furniture can remain in front porch area of home. Furniture must be kept on porch.
  - No more than 2 additional items on front porch area (ie: small coffee table and small planter is allowed)
  - No furniture is allowed on lawn. No interior furniture may be kept outside. Outdoor furniture must be maintained and in good condition, no chipped or faded paint, no mold or mildew. Furniture handmade must be submitted for approval.
- c. Trellises
  - Trellises are prohibited.
- d. Clotheslines
  - Outside clotheslines or racks are prohibited. No device is allowed to be used for the purpose of airing or drying clothes or other materials outside of the screened patio. Clotheslines are permitted on screened back patio if clothes are not visible to neighboring homes or street.
- e. Fountains
  - Fountains are prohibited.
- f. Statues
  - Statues are prohibited.
- g. Miscellaneous lawn ornaments are prohibited.

### 13. Play Equipment - Requires ARB approval

- a. Shall be in the rear yard and screened by an approved fence.
- b. Additionally, the location must not create an unreasonable level of noise for the adjacent property owners.
- c. Applications for play equipment must come accompanied by a diagram, the plat of the property with the improvements (including a fence) indicated thereon. In addition, all State, County, and City local building codes must be met.
- d. Children's toys are not permitted to be stored or left in front, side, or rear of the home when not in use unless screened by an approved privacy fence.

### 14. Pools are prohibited | Hot Tubs - Require ARB approval

- a. Hot tubs Require ARB approval, before installation.
- b. Shall be in the rear yard and screened by an approved fence.
- c. Permanent in-ground and above-ground pools are prohibited within the community.
- d. ARB approval is required to install any hot tub, Jacuzzi, sauna, or spa. Any hot tub, Jacuzzi, sauna, or spa shall be in the rear lanai and screened by an approved fence.
- e. All mechanical equipment necessary for the operation of any hot tub, Jacuzzi, sauna, or spa must be in the rear or side yard and shall be screened by an approved fence.
- f. Owners may be required to install safety features such as locks or covers for these items when not used.
- g. Applications for tubs, Jacuzzis, saunas, or spas must accompany a screening plan and plat of the property with the improvements indicated thereon. In addition, all State, County, and City local codes must be met.
- h. Small portable children's pools are allowed if they are promptly removed after use.

## 15. Mulch, Rocks, and Decorative Stones - Require ARB approval

- a. Mulch installed in all homeowner landscape beds shall be as specified below:
  - Forestry Resources Red Hardwood Mulch (or ARB approval equal)
  - Mulch shall be spread such that it has a minimum finished thickness of 2"
  - Mulch shall be refreshed at least annually
- b. Confirm with your HOA if mulch is included in your landscape services
- c. No landscape rocks, yard decoration, or edge stones shall be placed in any yard, unless originally installed by the developer.
- d. Brick, flagstone, stepping-stones, and pre-cast patterned, or exposed aggregate concrete pavers are not permitted in the front yard.
- e. All patio additions must be approved with an ARB request prior to installation. Materials which can be used include brick, pre-cast patterned pavers or concrete with appropriate permits if applicable.
- f. Florida Friendly Landscaping guidelines indicate that gravel, river rock, shell and similar materials should not be used as a major landscape ground cover or mulch because of increased herbicide use, lack of habitat value and the fact that they reflect rather than absorb heat and do not produce oxygen like plants. The MPHOA discourages use of these landscape materials accordingly.

## 16. Screen Doors, Enclosures, Patios, Garage, and Awnings – Require ARB approval

- a. ARB approval is required for the construction of both open and closed patios.
- b. Any wall surrounding an enclosed patio must be of a color like or generally accepted as a color complementary to the design and color of the residence.
- c. Screen enclosed patios shall be constructed of materials that are like or generally accepted as complementary to those of the residence. Framing in the front of home shall be limited to the area originally constructed with home and white matching the existing home's structure.
- d. Screens shall be charcoal. All screen enclosures must be designed to complement the roofline of the principal structure.
- e. The Board must approve ornamental or security treatments for doors and windows.
- f. No "burglar bars" or steel/wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling.
- g. Board approval is required for the addition of a front screen door. Screening is not allowed at the garage overhead doors and Board approval is required for all other screen door applications. The material must match the existing door of the house and the color should be generally accepted as complementary to that of existing doors on the house.
- h. The installation of awnings or shade screens within the lanai requires ARB approval. The awning color must be the same as or generally recognized as complementary to the exterior of the residence. Awnings outside of the lanai are generally not permitted but will be considered on a case-by-case basis. Metal awnings are prohibited. Shade screens on lanai screen panels are permitted but material must be of shade screen must be approved by ARB. Screens and Awnings must be kept in good condition, no chipped, faded, or ripped material is allowed.

## 17. Signs

- a. All signage must be in accordance with the Homeowner's Association guidelines. Posting or maintaining any sign, banner or advertisement is prohibited unless approved by the Board and maintained in a manner consistent with the ARB and any applicable governmental regulations. Homeowners may display a security sign as described below. No sign may be handwritten or display vulgar images or profanity.
- b. **Security Sign** - One security sign may be permitted in the front yard located either adjacent to the driveway or near the front entrance on the main dwelling. Sign cannot be larger than 10" x 10" and must be a sign branded by an official security monitor company.
- c. The placement of signs must not incur additional care by lawn service. If approved by ARB signs are allowed in plant beds or on the edge of the front entrance walkway. Signs cannot be placed in windows, blocking driveways or vehicles' line of sight.
- d. **Special Event Signs** - graduation, birthdays, newborn, or other special events are allowed for 5 days. They must be a max. of 3"x 3" in size.
- e. **Sport Signs** - are allowed during the professional sports season only. Must be a max. of 3"x 3" in size.
- f. **Political Signs** - are allowed one (1) month before the elections and must be removed two (2) weeks after election.
- g. **Real Estate** - Must be a single "step-stake" sign no larger than 18"x 24" and must be located on homeowner's yard.

## 18. Storage Sheds, Gazebos, and Tents - Require ARB approval

- a. **Storage Sheds - requires ARB approval**
  - Shall be in the rear yard and screened by an approved privacy fence.
  - Must be a pre-manufactured and approved shed
  - Must be permitted and inspected by the municipality.
- b. **Gazebos - prohibited**
- c. **Tents - requires ARB approval**
  - Permanent tents are prohibited
  - Tents may be used for specific events as a temporary structure for no longer than 3 days and must be removed immediately following the event.

## 19. Storm Shutters - (Upgrade to electronic shutters) - Require ARB approval

- a. Manual Installation and/or use of hurricane shutters except when an official storm warning has been issued is prohibited.
- b. Shutters must be removed within (7) days of the storm passing and properly stored in the garage.
- c. Electronic storm shutters may be installed with an ARB approval at the owner's expense. The owner is responsible for all related permits and inspections as required by the municipality.

## Architectural Review Board Process

### Review Requirements

- **For projects with structural changes to the dwelling** - The Homeowner must provide; Architectural Review Form, pictures of existing structure, and 2 sets of architectural or engineered drawings to the Board for approval. One set of plans will be returned and the other will be retained for Board's records.
- **For projects with additions added to the property** - The Homeowner must provide 1 set of architectural or engineered drawings, pictures of existing property, pictures of proposed item to be added to property. Plans and pictures will be retained for Board's records.
- **For all projects** - ARB Application and all additional required documents must be submitted to the Management Company in English. No photos of ARB application or other paperwork can be submitted. Email scanned documents or Mail documents

### Review Period

The Board shall make a reasonable effort to provide written response to each Application submittal within 15 business days after the ARB Board meeting in which application was reviewed.

### Decisions

The decision shall be rendered in one of the following forms:

- **Approved** -the entire Application as submitted is stamped "Approved"
- **Approved with Conditions** - the Application is not approved as submitted, but the Board suggestions for curing objectionable features or segments are noted. The Applicant must correct the plans objectionable features or segments, and the Board may require resubmission in order to receive approval prior to commencing the alteration. The review and approval of architectural or engineered plans shall not be a substitute for compliance with permitting and approval requirements of Lee County or other governmental authorities. It is the responsibility of the Owner to obtain all necessary governmental permits and approvals.
- **Disapproved** - the application as submitted is rejected. The Board may provide comments but is not required to do so.

### Variances

All variance requests must be submitted in writing. The Applicant must state the reason for the request and propose mitigation of the variance. The Board shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration or governmental regulations. No variance shall be effective unless in writing and signed by the Board President with support of a majority of the Committee members. **Variances will be considered on a case-by-case basis and shall in no way imply the setting of a precedent.**

### Implementation of Approved Plans

- All work must conform to approved documents and/or architectural or engineered plans.
- If it is determined by the Board that work completed or in progress does not comply with the ARB Guidelines or any approval of the Board, the management company shall notify the Owner in writing of such noncompliance.
- If the Owner fails to remedy such noncompliance the owner shall be deemed to be in violation of the Declaration and the ARB Guidelines.

### Time to Complete

- If no maximum time is specified in the approval or any other agreement, the modification shall be completed within 30 days of its commencement.
- The Applicant may request an extension of such maximum time, which the Board may approve or deny, in its sole discretion.
- If construction has not been completed within the aforesaid period, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed in violation of the Declaration and/or the ARB Guidelines.

### **Enforcement**

- A representative of the management company or Board may conduct periodic field reviews to ensure a satisfactory working environment at the site and to see that proper appearances are maintained.
- In the event of any violation of the ARB Guidelines, the Board of Directors may take any action set forth by the Majorca Palms Estates Property Owners Association, Inc. Declaration of Covenants, Conditions, and Restrictions, Bylaws of Majorca Palms.
- The Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or remedying of the violation.
- In addition, a Notice of Violation may be recorded into Public Record with the Lee County Clerk of Circuit Courts. The Board shall be entitled to recover all costs incurred in enforcing compliance and/or impose a fine against the residence upon which such violation exists.

### **Appeal Process for Applications Denied by the ARB**

If an owner wishes to appeal a disapproval of an application by the Board, the owner must:

- Notify the Majorca Palms Board of Directors in writing within 15 days via the Property Management Company. The appeal must include a copy of the written response from the Board along with information of why the owner believes the application should be approved.
- When the appeal has been received by the management company, the Board shall be notified, and the appeal will be added to the agenda for the next scheduled meeting of the Board.
- In the next scheduled meeting, the Board shall vote on the appeal or request more information from the owner.

### **ARB Application Request Timeline**

- Application must be emailed or mailed to the Management Company

Email: [HOA@Habitat4Humanity.org](mailto:HOA@Habitat4Humanity.org)

Mail: Neighborhood Impact - Habitat for Humanity of Lee and Hendry Counties  
12751 New Brittany Blvd., Suite 100, Fort Myers, FL 33914

- Before the 2nd Tuesday of the Month at 5:00 PM to be reviewed at current month's Board meeting. If received after this deadline the application will be reviewed at the following months Board meeting.
- Response (written) within 10 days of meeting date - ARB meetings are scheduled monthly on the 3rd Wednesday of each month.
- If disapproved, applicant has 10 days to submit written notice to review application.
- May appeal within 15 days by resubmitting modified plans.
- If approved, work must commence within 30 days unless otherwise stated in application.
- If approved, work must be completed within 30 days unless otherwise stated in application.
- If homeowner wishes to make changes to after approval changes must follow the initial application process and receive ARB approval before implementation.
- Inspection by committee or representative at any time during process
- Final review - within 15 days of completion
- Homeowner is required to notify the Management Company modification has been completed.
- Homeowner must submit final inspections to the Management Company



## HOA Architectural Review Board (ARB) Application

Owner Name (Print): \_\_\_\_\_ Email: \_\_\_\_\_

HOA Community: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_

I am requesting a review of this ARB Request Form for exterior modification, alteration, or addition to my home. Please select the project type and provide a description below. **Only submit one (1) project request per form.**

X	Select One Project:	Detailed Description:
	Fence *	
	Concrete Patio/Lanai *	
	Concrete Driveway Ext. *	
	Plumbing*   Electrical*	
	Ring Doorbell/Cameras	
	Landscaping	
	Outdoor Lighting	
	Screen for Lanai/Front	
	OTHER or Comments	

**NOTE: LICENSED & INSURED CONTRACTORS MUST BE USED FOR THESE EXTERIOR MODIFICATIONS:**

\* Electrical, Plumbing, Fences, Concrete Slabs for Patio, Driveway or Walkway Extension, Excavation

Please attach the following documents, as applicable, with your completed application:

- I, the owner, am doing the work myself.
- Copy of the contractor's professional license     Copy of the contractor's certificate of insurance
- Print-out displaying the improvement/modification requested above (i.e., color, size, material(s) used)
- Please provide a diagram showing placement of project in relation to the home and yard. Refer to "Application Drawing Requirements" for additional document(s) requested for specific projects.

I Agree:

1. I will not begin this project prior to receiving approval from the HOA Board of Directors.
2. To adhere to all ARB guidelines detailed in my HOA's guidelines and adopted rules and regulations.
3. To abide by the decision of the Board of Directors/CAM. If the modification is not completed as approved/permitted, said approval can be revoked and the modification removed at owner expense.
4. I am responsible for paying to repair/restore all damage done to any common areas or adjoining property resulting from my installation/modification within a reasonable time following completion.
5. To obtain all necessary permits, a final inspection, and will comply with State/County/City Codes.
6. To obtain a current License & Insurance from the contractor/vendor performing work per my HOA Rules.
7. I am responsible for having all public & private utilities located prior to commencing work, which requires digging or excavation. I agree to be responsible for any resulting damage due to this project.

**By signing I have read, understood, and agreed to all the above conditions:**

➡ Owner's Signature: \_\_\_\_\_ ➡ Date Submitted: \_\_\_\_\_

**Below is for Internal Use Only**

The above request for modification has been reviewed by the Board of Directors, the decision is shown below:

Approved as submitted (Projects must be completed within 90 days or you will need to request an extension).

Disapproved - Reason: \_\_\_\_\_

Approved with Conditions: \_\_\_\_\_

Date Received: \_\_\_\_\_ Reviewed by Board of Directors/CAM: \_\_\_\_\_

## Architectural Review Board Application Drawing Requirements

- **Site Plan**
  - Include the required setbacks, easement and horizontal dimensions that locate the residence/building and the proposed modification on the lot/parcel. Also indicate the landscaping changes to be made.
  - Include all rooms that are part of or adjacent to the modification dimensioned to scale along with the square footage of the total living area. Additionally, pool plans, decks, patios, stoops, retaining walls related to the modification of the dwelling, trash enclosures, HVAC equipment, pool equipment and utilities, and the screening for the same, interior spacing of rooms and connections to driveways and walkways must be shown.
- **Architectural Elevations**
  - Front, rear, sides, and pool enclosure exterior elevations showing both existing and new building materials and finishes for the modification and adjacent surfaces. The finished grades must be shown. A rendered elevation depicting material and colors of the primary façade may be requested by the ARB for more complicated elevation schemes.
- **Exterior Finishes**
  - Showing the exterior color scheme and texture (including samples and color chips), shutters, medallions, chimneys, doors, lighting scheme, and other details affecting the exterior appearance of the proposed improvement.
- **Landscaping Plan**
  - Must show location, size, species, quantity, spacing, and quality of all plant material, plans for existing current vegetation and other landscaping details.
  - Minimum Scale 1/8" = 1'0"
- **Other**
  - Such other information, data, and drawings as may be reasonably requested, including, without limitation, drainage, lighting, storm shutters, screening, fences, lawn ornaments, and other features.
  - Fences must be shown on site plan or survey and include all dimensions, heights, and finish details.
  - Landscaping layout and location of project or plants/trees/bushes being requested.