

# **ARCHITECTURAL PLANNING GUIDELINES**

## **NORTHSHORE LAKE VILLAS**

**Effective February 22, 2011**

**with minor revision November 22, 2011**

### **I. APPLICABILITY**

These Architectural Planning Guidelines shall be supplemental to the provisions set out in the Second Amended and Restated Declaration of Neighborhood Covenants for Northshore Lake Villas, and the Governing Documents, as defined therein, recorded in the Official Records of Collier, County, Florida at Book \_\_\_\_, at Page \_\_\_\_\_, as amended and restated from time to time.

### **II. PURPOSE; AUTHORITY**

These Architectural Planning Guidelines ("Guidelines") have been established for the purpose of maintaining uniformity, consistency and quality in our community. The Board of Directors has empowered the Architectural Review Committee ("ARC"), a formal committee of the Board of Directors ("Board"), to evaluate and make recommendations to the Board regarding all questions relating to any applications to change to the exterior of the homes and landscaping in Northshore Lake Villas. This committee is bound by the governing documents of the Association, especially its Declaration and Bylaws, in making all determinations. In the event that the ARC is unable to make a recommendation due to deadlock or lack of a quorum, the Board is empowered to make the final decision.

The Board shall always retain the authority to appoint and remove the members of the ARC and to cause architectural review oversight to be returned to the Board if previously delegated to the ARC.

### **III. GENERAL INFORMATION**

A. All changes to the exterior of your unit or to your property require prior approval by the ARC and adoption by the Board, unless planned changes are specifically listed under the heading, "Items Not Requiring Approval" in these Guidelines. "All Changes" includes those changes which meet the criteria listed under specific headings and includes the removal of as well as the addition of any item. No unit or building shall be altered in exterior appearance or configuration in any way, including paint color, unless an application for such change has been approved in writing by the ARC, and adopted by the Board.

B. Any glass, screen, shutter, awning, or other modifications, additions or installations which may be installed where visible from outside the Dwelling Unit, are subject to regulation by the Board. The installation of hurricane shutters shall be subject to regulation by the Board.

C. No Owner may alter the Association Common Property in any way.

D. Approved exterior materials are stucco, wood, natural stone, coquina or brick.

E. The ARC's "Application for Approval" indicates generally the information that is necessary to make a decision on an owner's request to make changes. Further information on the process and the requirements are set out under the heading, "Procedures for Architectural Review" in these Guidelines, and the specific sections for individual items.

F. The ARC requests that you notify your neighbors of any proposed changes. Your neighbors will appreciate your consideration, and overall complications may be reduced or eliminated.

G. The following specifications are, as the title indicates, "Guidelines". Upon review of the specific individual requests and approval by the ARC, the Board may grant variances of exceptions to these Guidelines. These variances will be granted at the sole discretion of the Board. Owners who currently have in place a modification which is henceforth restricted will be grandfathered in so long as there was not an infraction of a currently held rule at the time of modification. Owners who wish to replace existing modifications must request permission from the Board and those modifications must be consistent with the current Guidelines.

H. It is understood that these Guidelines and the decisions made by the ARC, and ultimately by the Board, will first and foremost comply with any relevant and appropriate state, county or federal regulations.

#### **IV. PROCEDURES FOR ARCHITECTURAL REVIEW**

A. Obtain an Application for Approval from the Association's website, [www.nslv.hoaspace.com](http://www.nslv.hoaspace.com). Complete the form with as much information as applies to your particular project. You must include with the form a plot plan (survey) of your property with your revision shown and all dimensions indicated. If you are planning any type of addition, including a screened porch, you must also include elevations of your home with the proposed addition shown. If you are planning any other change which does not conform to the standard criteria under specific

headings, you must provide photographs or sketches which clearly show your intent. The more information you provide, the more rapidly the ARC can make a recommendation to the Board.

B. Return the Application for Approval with the additional information to the ARC.

C. The ARC will review all Applications for Approval and, unless the ARC requires more information to complete the Application for Approval and make their recommendation to the Board, you will be notified of the Board's decision within 30 days after the Board meeting where the completed Application for Approval is considered. If your request lacks sufficient information for the ARC to make a recommendation, your request will be denied and you will be notified of the denial. A new request must then be submitted that furnishes the appropriate information to enable the ARC to properly evaluate the request. Upon approval of your request, you will be sent an approval letter from the Board. If your request is denied, you may appeal to the Board. This appeal must be made in writing within thirty (30) days to the Board and must clearly explain why you believe that a variance should be granted or approval should be given for your specific request. The written appeal should be sent to the Board via the Management Company (if any). Requests for review of the denial of an application, shall not be heard by the Board unless the appeal has previously been made timely, in writing to the Management Company (or Board, if no Management Company) and the item is on the Board's agenda.

## **V. VIOLATIONS**

A. Owners who see violations in the community are requested to report the violations in writing to the Management Company. The Management Company, on behalf of the Board, will acknowledge the complaint in writing within 10 days. If this acknowledgement is not received, the owner making the complaint is requested to contact the Board.

B. Alleged violations will be confirmed by the Board, the Management Company or the ARC, as appropriate, by a visit to the property in violation.

C. At that time, a letter will be sent to the violating owner advising that there is a violation, and requesting that the violation be eliminated or that approval be sought from the Board in the manner set forth in these Guidelines, if appropriate. The violating owner shall have 30 days to correct the violation. If the violation is not corrected, the Board will send another letter to the violating owner advising

that the matter will be turned over to the attorney for the Association for action if there is no response from the violating owner.

D. Involvement by the Association attorney is costly, not only to the violator, but also to all Members of the Association. The Association will seek to collect the attorneys' fees from the violating owner. Please help the community by cooperating with the Board.

## **VI. DEFINITIONS USED IN GUIDELINES**

**Elevation:** (a) The front, side, or rear of the unit or other item drawn to scale in a two-dimensional (flat) style, or (b) the actual front, side, or rear view of the unit or other item. (This definition refers to the actual structure).

**Plan:** A drawing, to scale, showing the arrangement and the individual components (walls, doors, windows, etc.) of a structure, i.e., unit, patio, fence.

**Plot Plan:** The survey of the lot that shows the location of the property lines, the unit, the driveway, etc.

**Wall Section:** A drawing, to scale, of a vertical "slice" of the wall. The section should extend from the footing to the top of the wall where the roof attaches. The major building materials should be shown.

## **VII. ITEMS NOT REQUIRING APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE**

The following items do not require approval by the Board. All other changes require approval.

1. Landscaping which would not exceed 100 square feet in the aggregate, which does not change the grading/drainage pattern of the lot and the purpose of which is planting consistent with the existing planting on the lot.
2. Landscaping which complies with Florida state law on xeriscape.
3. Seasonal decorations, providing that they are placed and removed within a 30-day period, and do not create a nuisance for the community. Holiday lighting shall be installed within 45 days before, and removed within 30 days after, December 25.

4. United States flags and flags bearing the standard of one of the branches of the United States armed forces, all as described in the Declaration and Rules and Regulations of the Association. Banner flags, such as seasonal and decorative flags, are permitted if attached to the unit exterior wall of the dwelling unit only.
5. Door hardware such as peepholes, kickplates and locks.
6. Edging installed in or around existing plant beds, including plastic, bricks, or concrete edging, providing that the installation does not exceed 8 inches in height and is not a permanent structure such as a mortared wall.
7. Low voltage lighting for landscaping and any lighting attached to a dwelling unit that conforms to the specifications of Section XIV.A. of these Guidelines.
8. Hanging flower and vine baskets.
9. Hose reels/hangers on the side and rear of units.
10. Hurricane shutters which meet or exceed applicable building code standards.

## **VIII. GENERAL**

- A. All structures must be single-story. No multi-level structures will be approved. The addition of second stories and permanent extensions to a dwelling unit are prohibited.
- B. The ARC will oversee the ongoing selection of approved replacements for roof tiles, driveway and entranceway materials, and mailboxes. Replacement of any of these items must utilize ARC-recommended replacement options or be approved by the Board through the application process.
- C. Any replacement or upgrade construction must consistently maintain the original appearance of the community. In situations where consistency of appearance with the original is in dispute, the Board's decision shall be final.
- D. "Factory built", "modular" or "mobile home" type construction is prohibited within the Properties.

**IX. DRIVEWAYS AND ENTRANCEWAYS**

Driveways and entranceways must be replaced with the same materials and be of the same color as currently exist on such lot or else utilize ARC-recommended replacement options.

**X. MAILBOXES**

All mailboxes placed upon the association property and any lot shall be identical to the existing ones or approved in advance of installation by the ARC. No mailbox or other receptacle of any kind for use in the delivery of mail, newspapers, or magazines and similar materials shall be erected on any lot unless the ARC has approved it in advance of the construction.

**XI. SHUTTERS AND TRIM**

Decorative shutters must be approved by the ARC before installation. Shutters and trim should match the original color or the current tile replacement standard for the community chosen by the ARC.

**XII. FENCES**

Fences are not allowed.

**XIII. LANDSCAPING**

A. Only the ARC-approved types of grass only shall be used to replace turf. No artificial turf is permitted. The approved turf types are Floritam, Bitter Blue, Seville and other St. Augustine species. No Bahia is permitted.

B. No landscaping is permitted between the curb and the street.

C. Plants and trees prohibited by Collier County are prohibited. The Association has prohibited certain plants and trees because they are inappropriate for small lots and confined space, high maintenance, host to pests, etc. These plants and trees are prohibited. The County's prohibited list can be found on Collier County website, [www.colliergov.net](http://www.colliergov.net), under Zoning Services Department, Landscape Review Division.

~~D. Please be respectful of your neighbors. Landscaping should not impose on a neighbor's access, or impede pest control, cleaning or painting.~~

Beds must be kept weeded, and the shrubs neatly trimmed. Trees must be trimmed regularly in accordance with recommended professional tree trimming practices and the standards of the community to maintain the internal harmony common in the community. If an owner wishes to use a professional tree trimmer, the tree trimmer must have a current Collier County license and appropriate insurance.

E. Proper drainage for planting is advised. Moisture collection near or on the exterior of the dwelling unit may introduce mold and moisture problems.

F. Fish ponds are not allowed, whether for fish or otherwise.

G. Statues, figurines and pots must be placed within mulched planting beds or on the sidewalk within the lot line. Items may not be larger than 4 feet in height and 2 feet in diameter. The color must be complimentary to the dwelling unit. No fountains or birdbaths are allowed without prior approval in writing from the Board.

H. All flower beds and shrubs must be kept neatly trimmed at all times.

#### **XIV. EXTERIOR LIGHTING**

Proper lighting of property can usually compliment the look of a neighborhood and can deter crime by illuminating dimly lit areas. Improper or excessive lighting can be detrimental to neighboring property by creating unsightly views or a nuisance.

A. Specifications

1. Lighting shall be directed downwards, or be of low wattage. It shall not illuminate any part of an adjacent Lot.

2. All lighting attached to a dwelling unit shall be of the same type, and be no larger than 10"-15" in height and 8"-12" in width. All other lighting types require Board approval.

3. Lighting shall not be directed toward windows on adjacent properties.

4. Solar powered lighting must be placed so as not to interfere with lawn or shrub maintenance by landscapers.

5. Lighting shall be installed in accordance with local electrical codes.

6. Low voltage landscape lighting is not subject to Board review.

B. Application Requirements

1. A Plot Plan showing the proposed lighting, not to include seasonal lighting.
2. Catalog cuts or brochures indicating the type of fixture to be installed and the wattage.

**XV. EXTERIOR PAINTING**

Exterior painting is performed by the Association and paid for out of reserves drawn from Association maintenance fees. No other exterior painting is permitted.

**XVI. PLAYGROUND EQUIPMENT/SKATEBOARD RAMPS**

Permanently installed play yard equipment (jungle gyms, forts, slides, swing sets and other similar play equipment for children), including skateboard ramps, are not permitted.

**XVII. GARAGE DOORS**

Garage doors are limited to the original builder's type, color and style.

**XVIII. SCREENED ENCLOSURES (LANAI)**

A. Specifications

1. All screened enclosures must be approved by the Board and must comply with all state and local code requirements.
2. The screened enclosure must have a previously existing roof or a screened roof.
3. No screened enclosure may incorporate permanently installed windows or sliders of any kind.
4. Enclosures not meeting the above criteria will be considered a permanent extension and are prohibited.
5. Screened enclosures that are constructed of materials appearing on the exterior of the existing dwelling unit shall be classified as a permanent extension.



6. Screened enclosures must be constructed of aluminum and painted white.

B. Application Requirements

1. A Plot Plan showing the location of the proposed screened enclosure, including dimensions.

2. A Plan, and a list of materials to be used in the construction, including colors.

3. Elevations of the screened enclosure and the dwelling unit.

**XIX. SOLAR COLLECTOR AND THERMAL SYSTEMS**

A. Owners shall notify the ARC of any proposed solar collectors or other renewable energy devices.

B. Such devices must be installed by a licensed roofing contractor.

C. All such devices must conform to existing building codes.

D. Owners wishing to install such devices must include, with the Application for Approval, the proposed location of the device(s), a description of the device(s) and technical information on the function of the device(s). The Board shall determine the location of such devices on the roof surface so long as such determination does not substantially impair the effective operation of such device.

E. Piping located below the roof line must be white or match the color of the dwelling unit.

F. All solar heating apparatus must conform to the standards set forth in the HUD intermediate Minimum Property Standards Supplement, Solar Heating, and Domestic Water Systems. No solar energy collector attendant hardware or other energy conservation equipment shall be constructed or installed unless it is an integral and harmonious part of the architectural design of a structure, as reasonably determined by the Board. No solar panels, vents, or other roof-mounted, mechanical equipment shall project more than 1.5 feet above the surface of the roof of a dwelling unit. The solar panels must be installed within an orientation to the south or within 45° east or west of due south if such

orientation does not impair the effective operation of the solar collectors. This provision is not intended to prohibit the use of solar energy devices.

**XX. ROOFS**

- A. All roofing materials shall be consistent throughout the community.
  
- B. The replacement tile must be of the same size, color and material as the original or else the current tile replacement standard for the community chosen by the ARC.
  
- C. No roof deck attachments or other alterations to the roof structure are permitted.

**XXI. HOUSE NUMBERS**

- A. House numbers mounted on the exterior of the dwelling unit must be "block style" and between 4"-5" in height and 3"-4" in width and not more than 1" in depth. The color must be black.
  
- B. Lighted house number signs must be a white frame with black numbers.
  
- C. Lighted house number signs must be installed at the center of the double garage doorframe, flush with the top of the opening.

**XXII. HURRICANE SHUTTERS**

- A. Hurricane shutters and fabric must meet all federal, state and local codes. Permitted materials are hurricane-rated (impact glass) windows and doors, clear lexan panels or self-storing roll down shutters.
  
- B. Permanent hardware mounted on the dwelling unit to secure the shutters must be white or match the color of the dwelling unit.
  
- C. Temporary shutters made from wood/plywood may be used only in case of an emergency during the pendency of a hurricane alert affecting Southwest Florida, and must be removed within 72 hours after the lifting of (1) the hurricane warning or (2) the evacuation orders, whichever is later.

**XXIII. WINDOW TINTING/SECURITY FILM**

All window tinting must be charcoal in color. The window may not have a mirrored look when viewed from the exterior of the home.

#### **XXIV. ATTACHED HOSE APPARATUS**

Attached hose reels must not be visible from the street.

#### **XXV. EXTERIOR WALL DECORATIONS**

Permanently affixed decorations on any part of the exterior (public) walls of any dwelling unit are prohibited. All other permanent decorations, including murals, must be approved by the Board.

#### **XXVI. GAS AND PROPANE TANKS**

A. Tanks may be no larger than 150 gallon capacity and be situated horizontally.

B. Tanks must be installed in accordance with all applicable county and fire codes and NGPA regulations.

C. Tanks must be located within the lot line and screened with approved plantings so that tanks are not visible from the street or in the view of the neighbors. Please refer to the Rules and Regulations for more information.

#### **XXVII. STANDARD FOR REVIEW**

A. The ARC shall review each Application for Approval to determine whether such proposed changes are consistent with the overall design, common architectural character, quality and harmony of the other buildings in the community.

B. The ARC, subject to approval by the Board, shall have the power and duty to propose the adoption, modification or amendment of written architectural criteria, which may address such matters as landscape material, colors and construction materials.

C. Approval or rejection of the plans and specifications for such alterations shall be made by the Board, upon recommendation by the ARC, in its sole and absolute discretion on the basis of the standards set out below.

D. The Board's decision to approve, reject or withhold approval of an Application for Approval may be based upon:

1. The harmony of exterior design, color and location in relation to, and its effect upon, the community as a whole;
2. The harmony of the common architectural character of the community;
3. The harmony and consistency of the proposed color with the paint color of all other buildings in the community;
4. The type and quality of the exterior materials currently in use and those proposed to be used;
5. The quality of the exterior workmanship;
6. The potential effect of the proposed change upon the rights of owners to their lot or the Association Common Property;
7. The potential effect of the proposed change on the community as a whole and to existing buildings in close proximity;
8. All other relevant factors.

E. If in the judgment of the Board, the basic style, roofline, exterior materials, colors or other features of the proposed change is too dissimilar to the other dwelling units and lots in the Properties, the Application for Approval will not be approved.

F. The Association shall have no duty, responsibility or liability to any owner, member or any other person in respect of the exercise of its rights or the failure to exercise its rights, or approval.

G. The approval, rejection or withholding of any approval by the Board of such proposed change shall not be construed or interpreted as a representation or determination by the Board that any such plans or specifications have or have not met the requirements of any applicable building, plumbing, electrical or other code or governmental regulations or requirements for such structures.

H. Variances from these guidelines may be granted to an Owner on a showing, to the Board's satisfaction, that a guideline is inappropriate or should be

waived, given the particular circumstances of the application. The burden of establishing a satisfactory reason for a variance is on the Owner.

I. The decision whether to grant an Application or variance lies solely within the discretion of the Board. The decision of the Board does not warrant or imply that an Application will be granted in the same or a similar situation in the future. Each Application will be evaluated on its own merits against the overall scheme of the community and these Guidelines.

J. When in doubt, consult the ARC.