

ARCHITECTURAL REVIEW GUIDELINES  
FOR SINGLE FAMILY HOMES IN THE HARBORAGE

EFFECTIVE OCTOBER 1,  
2014

These guidelines are to be used in association with the following documents, which are NOT attached to this document. All documents may be retrieved from the Harborage web site. Any questions or requests for clarification should be addressed to the Chairperson of the Architectural Review Board.

ARB New Construction Form or ARB Change Form  
Harborage Contractor Agreement  
Harborage Construction Checklist

## 1 - PURPOSES AND DEVELOPMENT PHILOSOPHY

- 1.1 The purposes of these Architectural Review Guidelines are to protect and enhance the value, desirability and attractiveness of your investment in the real property of The HARBORAGE. These guidelines are for the use of Lot OWNERS, ARCHITECTS, BUILDERS and the Architectural Review Board (ARB) and govern the lots in The HARBORAGE, a single-family subdivision as shown in Plat Book 38 at Pages 4-9; of the Public Records of Lee County, Florida.
- 1.2 The Declaration of Covenants and Restrictions, OR Book 1852, starting at Page 814, for The HARBORAGE is the legal basis for these Guidelines and shall be studied before any design work is begun. They provide the legal basis by which your neighbors and you can expect that the prestigious high quality image of The HARBORAGE shall be maintained. The Guideline supplement and further refine those restrictive covenants. Should any conflict arise between the Declaration and these Guidelines, the Declaration shall control.
- 1.3 Your residence in The HARBORAGE represents a major investment and the quality of the design and construction is very important to you and to your neighbors. Building your home in The HARBORAGE should be an exciting and pleasurable experience. Designs acceptable in The HARBORAGE provide more architectural interest, higher quality construction, greater investment security, and a greater opportunity for enjoyment of the South Florida lifestyle.
- 1.4 The Guidelines are promulgated by the Architectural Review Board to assist homeowners and residents of The HARBORAGE to understand and become active participants in the process of maintaining the high quality residential environment of The HARBORAGE. It is not the intent of the ARB to make judgments as to what is, or is not, beautiful, but to coordinate architectural diversity while providing certain minimum standards of design, style, construction and maintenance upon which all purchasers of real estate within The HARBORAGE must rely.
- 1.5 The Guidelines are also intended to protect current OWNERS from the unnecessary nuisances associated with the construction process. Toward that end it is important that your CONTRACTOR or BUILDER be apprised of the construction standards contained in the "Contractor information and Agreement Form". There are requirements within Section 21 entitled "Construction Period Requirements and Standards" that state:
  - A. No construction activity whatsoever, including site preparation, shall be commenced prior to the approval of all plans and specifications.
  - B. All CONTRACTORS and OWNERS must each post a bond to insure certain minimum protections for other residents during the construction process.
- 1.6 The Guidelines shall be carefully studied by all OWNERS prior to design and prior to construction. OWNERS are ultimately responsible for complete compliance with the Guidelines.
- 1.7 The quality of the homes constructed in The HARBORAGE determines to a great extent, the character of the community and the maintenance of economic value within the subdivision.
- 1.8 Architectural Review deals with a variety of subjects including building type, style, height, placement, quality of construction, quality of materials, exterior finishes and landscape design.

These architectural guidelines are issued in a binding legal format in order to enhance your investment and provide the high quality environment you chose when you purchased your property.

- 1.9 Every single-family home in The HARBORAGE must be unique. That does not necessarily mean that any duplication of floor plans or exterior construction shall never be allowed. The ARB will review each and every proposed construction or landscaping design with a view of fulfilling the purposes of these Guidelines as well as the Declaration. If a floor plan or external construction or external treatment of a project is identical to that of another home, it is the responsibility of the ARB, subject only to the authority of the Corporation and the Declaration of Covenants, to determine if the particular design in question is suitable and will harmonize with the existing homes within The HARBORAGE.
- 1.10 The Guidelines cover five basic topics:
  - A. HOMESITE: Specific recommendations and requirements for site improvements, including landscaping.
  - B. HOMES: Specific requirements for building materials, building details and colors. Specific considerations, which the ARB shall use to determine whether a particular design or style will harmonize with the balance of the community.
  - C. APPLICATIONS: The process by which ARB approval must be granted.
  - D. CONSTRUCTION: Directions and requirement which your CONTRACTOR or BUILDER must follow in the process of building your home.
  - E. ENFORCEMENT & APPEAL: The procedures by which the ARB shall enforce the Guidelines and the process by which you may appeal an adverse decision by the ARB.
- 1.11 These guidelines may be updated and amended from time to time in an effort to improve the quality of the architectural review process. It is not contemplated that the guidelines will be amended frequently. However, OWNERS are cautioned to ascertain and follow the guidelines in effect at the time the application process begins. The latest revision of the guidelines at the time of the initial application will control throughout an individual OWNER's application process except in the following circumstances:
  - A. If the application is not approved by the ARB, and if an amended application is not filed within 30 days of the notice of disapproval, then the ARB Guidelines as amended at the time of re-application shall apply. If more than one amended application is filed, and each amendment is filed within 30 days of notice of disapproval of the prior application or amendment, then the guidelines in effect at the initiation of the application process shall continue to apply throughout the amendment process.
  - B. If an application is approved, and construction is not started within 270 days of the date of approval, and if the AR Guidelines are amended during the 270-day period, and if the ARB gives notice that a change will be required, then a new

application must be submitted.

## 2 - ARB APPROVAL REQUIRED

- 2.1 NO SITE PREPARATION, BUILDING, STRUCTURE, FENCE, WALL, PLANTER, DECK, PORCH, PATIO, DRIVEWAY, WALKWAY, LANDSCAPING PROJECT OR OTHER LIKE IMPROVEMENT SHALL BE COMMENCED, CONSTRUCTED, ERECTED, OR MAINTAINED UPON ANY LOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARB. NO EXTERIOR ADDITION OR ALTERATION OF ANY OF THE ABOVE IMPROVEMENTS, INCLUDING SIGNIFICANT CHANGES TO THE LANDSCAPING OR PAVED AREAS, SHALL BE COMMENCED OR ERECTED OR MAINTAINED UPON ANY LOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARB. SIMILARLY, NO CHANGE IN THE EXTERIOR COLOR OF ANY STRUCTURE ERECTED OR MAINTAINED UPON ANY LOT SHALL BE MADE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARB.

### 3 - PRELIMINARY REVIEW

- 3.1 It is recommended that OWNERS consult an ARCHITECT and/or BUILDER who is familiar with these Guidelines.
- 3.2 ARCHITECTURAL REVIEW ADMINISTRATOR All OWNERS are advised to schedule an initial meeting with the ARB ADMINISTRATOR. Questions in reference to the ARB Guidelines should be submitted to the ARB ADMINISTRATOR of the Architectural Review Board, who is:

Scott S. Musheff  
% TITSCH & ASSOCIATES, ARCHITECTS, INC.  
13710-2 Ben C. Pratt/Six Mile Cypress Parkway  
Ft. Myers, Florida 33912-4324  
(239) 936-4875

The ARB ADMINISTRATOR is available to assist in understanding the Guidelines.

- 3.3 PRELIMINARY REVIEW: Prior to the preparation of construction drawings, the ARB recommends that the applicant submit a preliminary application to the Architectural Review Administrator to determine whether a concept is unlikely to be approved after a submittal of more detailed plans. In this manner, conceptual errors may be resolved and the possibility of a lengthy review period avoided. The preliminary review shall be accompanied by two sets of plans and may be drawn in "sketch" form.
- 3.4 "Conceptual Review" results may be related to the Owner by informal notes or a letter and/or comments written on one copy of the sketches submitted. However, conceptual review is intended only as a service to owners and does not preclude the possibility that a generally acceptable concept will be disapproved when more detailed plans are submitted. Approval of a home requires the submittal of all documents further described in Sections 6 through 20.

### 4 - APPLICATION PROCESS

- 4.1 ALL PLANS AND SPECIFICATIONS FOR EVERY NEW HOME IN THE HARBORAGE MUST BE APPROVED BY THE ARB BEFORE CONSTRUCTION CAN BEGIN. To assist in this process, application forms are included with these Guidelines. These application forms provide the OWNER and the ARB with the basic information needed for review.
- 4.2 APPLICATION: Three complete sets of plans and specifications shall accompany the application, which is to be submitted to the ARB ADMINISTRATOR as noted in Paragraph 3.2. If approved,

one set of plans and specifications will be signed "Approved" and returned to the applicant or their representative or their representative with an approval letter from the ARB ADMINISTRATOR. The plans submitted must be in "hard-line" form.

- 4.3 IDENTIFICATION: Each sheet of the working drawings and the first page of other documents include the lot number, street name, applicant's name, architect or designer, and the date of the drawings.
- 4.4 PLAN REVIEW FORM: Please complete the application form located at the end of these Guidelines. Samples of materials and colors listed on the form will be required.
- 4.5 REVIEW FEE: Fees are documented in the appropriate application form (posted on the website). Voting members of the ARB are un-paid residents of the HARBORAGE, appointed by the Board of Directors. The ARB Administrator, a non-resident design professional, is compensated based upon normal processing time for an average home. Although the Administrator is available to assist you in understanding the guidelines and interpreting the comments of the Board, his purpose does NOT include extensive design work on your home. This is the OWNER'S responsibility. For purposes of limiting the time requirement placed on the Administrator, OWNER'S deposit may be assessed if time requirements become excessive, based on approval by the ARB members. Applicant will be informed when the time requirement is exceeded.
- 4.6 CONSTRUCTION DEPOSIT: See Section 21.3

#### 5 - ENGINEERING SURVEY

- 5.1 Provide a certified copy of the engineering survey of the home site with the submittal to the ARB. The survey must designate the water line on lake lots at 2' NGVD, and 1' NGVD on canal lots.

#### 6 - SITE PLAN & SITE IMPROVEMENT STANDARDS

The Site Plan shall consider the shape of the lot, adjacent residences, views to/from structures, and include all the following information:

- 6.1 A hard-line drawing to a scale of 1" = 10'-0", showing the exact location of the home on the site and all of the following, if applicable, in Sections 6.2 through 6.16.
- 6.2 Provide, on the Site Plan itself, an indication of the proposed location of trees, which are required to be planted pursuant to the Declaration. All other requirements on the landscaping plan are described in Section 16 of this Guideline.
- 6.3 Provide the proposed topography, the elevation of the street curb, and the elevation of the floor of the finished home, and the garage in relation to the curb elevation.

- 6.5 SETBACKS: Buildings will not be constructed within ten feet of any side lot line. However, the eaves of the roof of a home may project outward into the side setback provided that the eaves are not less than eight feet from the side lot line, and further, provided the lowest point on any eaves projecting past the ten foot setback is at least eight feet from the ground level. Parts of buildings, such as bay windows, under the eaves may be closer than ten (10) feet to the property line for less than one-third of the total length of the wall, if approved in writing by the ARB. Planters shall be set back not less than five feet from side lot lines.
- 6.6 Rear setbacks shall be measured from the closest point of a structure to a lake shoreline at an assumed water elevation of 2.0 NGVD and a canal shoreline at an assumed water elevation of 1.0 NGVD Rear setbacks shall be the following minimums:

The designated 2' NGVD line must be shown on the site plan.

Table  
1  
FRONT & REAR SETBACK  
REQUIREMENTS

		Rear Setback	Rear Setback	Rear Structure
	Front	Above	Below	Screened
Lots	Setback	12'NGVD	12'NGVD	Enclosure
1-11	25'	25'	5'	15'
12-57	35'	25'	10'	25'
58-92	25'	25'	5'	15'
93-105	35'	25'	10'	25'
106-130	25'	25'	10'	25'
131-134	35'	25'	10'	25'

NOTE: The foregoing rear setbacks do not apply to docks, shoreline gazebos, and davits, which have been approved by the ARB. (See Paragraph 6.11 & 6.12 for the required setbacks of the same.)

- 6.7 WALKS: All front sidewalks shall be located on the Site Plan and large enough to provide an entry statement to the front door. Entry walkway surface materials shall be the same, or compatible with, the driveway or structure materials. Entry landings and front steps shall be finished with tile, decorative cement coating, or other suitable material approved by the Board. Selections must be noted on the application and samples provided for approval.
- 6.8 DRIVES: Curved or offset driveways are preferable and turnaround capabilities must be provided. Parking spaces for at least two cars on the drive are required. No pavement shall be closer than 2.5' to the property line. Driveway paving materials must be approved by the ARB. Asphalt, gravel, or shell driveways are not permitted. Examples of approved materials are:
- A. Impressed or pattern concrete in warm earth tones. Shades of bright red or orange are not allowed.
  - B. Paver blocks or bricks in warm earth tones. Shades of bright red or orange are not allowed.
  - C. Fixed exposed aggregate in neutral colors. No epoxy bonded aggregate allowed.
  - D. All smooth concrete must be tool edged or bordered with an acceptable material, such as brick.
- 6.9 PATIOS/DECKS/POOLS: Show location, dimension and setbacks on the Site Plan.
- 6.10 FENCES: Wall enclosures may be used to control privacy by eliminating noise and visual intrusions. Fencing shall be used to screen or buffer private areas, not to enclose an entire lot or major portion thereof. Fencing materials, shapes and colors shall be compatible with the materials of the residence. Materials and location must be approved by the ARB. No fences over 6'-0" tall will be allowed. To avoid blocking the view of an adjacent residence, no landscaping mass, or fence is allowed to extend beyond the rear yard setback.
- 6.11 SERVICE AREA: The planning of the home shall include areas to accommodate air conditioning compressors, garbage cans, the electrical service entrance and other items, that by their nature, present an unsightly appearance. The service area or areas shall be convenient to the utility service of the site and screened from view by an enclosure that is an integral part of the site development plan using materials and colors that are harmonious with the home it serves. Air conditioning units, pool equipment and garbage containers must not be readily visible from any adjacent lots or the street. A privacy wall must be installed around these facilities.
- 6.12 DOCKS: Indicate the location, dimensions, and setbacks on the Site Plan. If installing a davit or boatlift, provide cut sheets. Docks may extend from the shoreline to the rear property line, as indicated on your survey. There is a minimum 20'-0" side setback from each side of the property. Materials and colors shall be specified on the "Plan Review Form" (See Section 18). Maximum size permitted is 500 square feet.

- 6.13 LAKE SHORELINE GAZEBO DOCKS: The Site Plan shall show the location, dimensions and setbacks. The maximum allowable roof area shall not exceed 150 square feet. Roofing materials must match that used on the home. Solid walls are not allowed. The minimum side setback from each side of the property line is 20'-0" (See Section 19). The structure must not extend beyond the shoreline. The gazebo is to be constructed in a manner architecturally compatible with the color, style, and of similar material of the home. Colors and materials shall be specified on the "Plan Review Form". Elevations of the gazebo design shall be submitted with the plans.
- 6.14 SITE LIGHTING: Each home must have an operative lamppost, with a photocell, of a style consistent with the architecture and color of the home. Location shall be noted on Site Plan.
- 6.15 UTILITIES: All OWNERS must connect to potable water, sewer, and electrical utilities offered at the lot line. Telephone and cable TV are optional. Exterior antenna or satellite dishes of any type are prohibited. Names and telephone numbers of utility firms are listed in "Appendix A".
- 6.16 DRAINAGE AND GRADING: All drainage and grading must be indicated on the Site Plan for review and be properly designed. Lot grading, generally, shall be 1.5 to 2.0 feet above the road curb at each side property line at the middle of the home, and slope to the front and rear. There shall, generally, be a 1.0-foot slope from the property line up to the exterior home walls. The driveway maximum slope allowed is 8%.
- 6.17 ANIMAL HOUSING, ETC: The location and materials of all animal housing will be subject to approval. This includes doghouses, birdbaths, and pole mounted birdhouses. All features, such as fountains, statues and topiaries, must be approved for materials and locations and may be best suited inside a walled garden.

## 7 - FOUNDATION PLAN

- 7.1 The Foundation Plan shall include the following information/detail:
- A. Drawn to scale of 1/4" = 1'-0".
  - B. Show any changes in floor level.
  - C. Show all dimensions.
  - D. Show all attached decks and other appurtenances.
- 7.2 Show on the Foundation Plan the finished floor of the garage, which must be between 1'-0" and 2'-0" above the curb elevation of the road in front of the home. The finished floor of the house must be 11'-0" NVGD.
- 7.3 If a swimming pool plan requires a stem wall, it must be shown on the Foundation Plan. (Over 2' above existing grade requires stem walls.)

## 8 - FLOOR PLAN

- 8.1 The Floor Plan shall include the following information/detail:
- A. Drawn to scale of 1/4" = 1'-0".
  - B. Show any changes in floor level.
  - C. Show all dimensions.
  - D. Show door and window symbols and schedules.
  - E. Show all attached decks and other appurtenances.
- 8.2 **MINIMUM SIZE:** Unless approved by a two-thirds vote of the ARB of the Association, no residential unit will be erected, altered, placed or permitted on any lot unless it complies with the following building restrictions and includes the minimum living area, as specified in the following paragraphs:
- The minimum living area for homes on lots fronting on Park Road Canal shall be 1,800 square feet; the minimum living area for homes on lots fronting either the lake or the Ten Mile Canal shall be 2,000 square feet. "Minimum living area" excludes open porches, garages, and other areas, which are not usually air-conditioned. The maximum living area permitted shall be 6,000 square feet.
- 8.3 Swimming Pool and decking or patios shall be included on the Site Plan, Roof Plan & floor Plan unless applied for separately (See Section 12).

## 9 - ROOF PLAN

- 9.1 The proposed roofing design, slope, material, color and application will be critical parts of the ARB's design evaluation. Roof plans shall include the home roof, any porch or deck roof, and any screen enclosure that ties into the roof, and the following items.
- 9.2 ROOF PITCHES AND OVERHANGS: Shall be shown, and may vary as necessitated by Architectural design. However, no flat roofs are allowed as a major structural element. A minimum of 5:12 slope is set as a standard. Roof overhangs, along with trellises, will provide protection from the sun and will provide passive energy conversation. Roofs shall have a minimum overhang of 2 feet on the eave and 2 feet on gable ends. Fascias must be a minimum of 8 inches. Aluminum fascia material may be utilized if approved by the ARB. If proposed, aluminum fascia material shall:
- A. Aluminum fascia material shall contain wood grain embossing.
  - B. Sample of proposed fascia material shall be submitted with plans for approval.
  - C. Submitted sample shall be factory finished in the proposed color.
  - D. Minimum 8" fascia must be maintained.
  - E. Minimum gauge of material shall be .024 F. Manufacturer's product documentation shall be provided.
- 9.3 Suggested roof materials and colors are (also see 17.1):
- A. Cedar shakes or shingles let to weather naturally.
  - B. Concrete tile in warm earth tones.
  - C. Slate left natural.
- However, the ARB shall have absolute discretion to approve other materials, which are consistent with the objectives of the Declaration provided that conventional, asphalt, or fiberglass shingles shall not be permitted. Materials and colors shall be listed on the "Plan Review Form".
- 9.4 ROOF ACCESSORIES: Plumbing stacks and roof vents must match roofing colors and be placed as inconspicuously as possible.
- 9.5 Exposed flashing, gutters, and down spouts must be approved and painted to match the fascia and siding of the house. No exposed attachment straps will be allowed.
- 9.6 All prefabricated fireplace units must have an approved terminal cap with the cap painted.

## 10 - BUILDING ELEVATIONS

- 10.1 Drawn to a scale of 1/4" = 1'-0", showing all four elevations and all the applicable following items.
- 10.2 Show all exterior views of the house, including those, which will be partially blocked from view by garages, fences, or other parts of the building.
- 10.3 Note all exterior materials, both on the plan, and on the "Plan Review Form".
- 10.4 DESIGN ELEMENTS: The exterior of all dwellings shall be designed to be compatible with the vegetation and the adjacent structures. All buildings within The HARBORAGE shall be in harmony with their surroundings. Consideration of the subtropical location is important and covered overhangs will provide protection from the sun and driving rains. Interior/exterior relationships are important and are made more enjoyable with decks, patios, trellises and lanais.
- 10.5 Equal attention to detail and architectural definition must be given to all sides of the home, including but not limited to, stucco banding, accent materials, roof character and window treatment. The elevations, along with the roof, will make a major architectural statement. Retaining walls, planter walls and privacy walls are encouraged and will break up the facade of a building and help relate the structure to the ground. Where stem walls are required, they must be taken into consideration in the building elevation. Large expanses of stucco are discouraged and need to be handled either architecturally and/or by landscape design. Entry areas shall receive emphasis with an accent on porches, walkways and special door materials. Garage doors shall be de-emphasized.
- 10.6 OPENINGS AND TRIM: All openings in the elevations can become dominant elements, whether they are windows, doors or garage doors. The trim around each opening becomes an important feature to link the openings to the building.
- 10.7 Good quality windows are required; with all units being finished in an earth tone or white, factory-applied finish. Mill finish or clear anodized aluminum will not be allowed. Exterior glass surfaces shall not have mirror-like finishes. Windows shall be clear glass or a tinted glass of bronze, grey or smoke colors.
- 10.8 Exterior shutters, when used, shall be operable or appear as such. Storm shutters or windows may be installed over openings only as an impending storm approaches. Window shutters are appropriate when sized to match window openings and mounted to appear functional.
- 10.9 Window and porch screening shall be grey, bronze or charcoal.
- 10.10 GARAGES: A two car side-entry garage is preferred, with either a single door or two overhead doors sized for single cars. Three car garages will be allowed on a case-by-case basis. The style of all doors, both residential and garage, shall be compatible with the exterior design. It may be desirable that garage doors match the front door. All garage doors must have an automatic opener installed and shall be kept closed when not in use.
- 10.11 MAXIMUM BUILDING HEIGHT: No improvement on a lot shall exceed 40 feet NGVD elevation.

## 11 - SCREENED ENCLOSURE ELEVATIONS

- 11.1 Pool screening shall be grey, bronze or charcoal. Pool enclosure framing shall repeat the building architecture and shapes. All pool enclosures must tie in or match the building structure roofline and slope. Pool enclosures must be shown on all plans, including roof plans, floor plans, and elevations. No mill finish or clear anodized aluminum will be allowed as framing for a pool enclosure or porch.

## 12 0 SWIMMING POOL PLAN

- 12.1 Swimming Pool Plans are to be included on the Site Plan & Floor Plan unless applied for separately. If applied for separately, the plans submitted must include a site plan modified to show the pool location, dimensions and setback.
- 12.2 Pools raised over 2' above existing grade will require stem walls.

## 13 - WALL SECTION

- 13.1 Drawn to a minimum of  $3/4" = 1'-0"$ .
- 13.2 Show roof pitch.

## 14 - ELECTRICAL PLAN

- 14.1 Lighting of the structure and grounds will provide enjoyment for a longer period each day. Dramatic results can be accomplished with simple lighting. Light sources shall be concealed, where possible, with all light in shades of white (no colored lights). Spill over of light shall not occur on neighboring properties. Lighting must be shielded to prevent glare. Wall washes can be achieved through eave-mounted, wall or ground light. Tree up-lights shall be concealed underground or in shrub masses. Garden lights or walkway bollards shall direct the light downward.
- 14.2 Each home will have an operative lamp post of a style consistent with the architecture and color of the home. It must be installed in the front yard and wired only to a photocell and have a white or clear lamp. Colored lights are not permitted. Wall switches are not permitted to operate the lamp post. Location is also required to be shown on the Site Plan.
- 14.3 Electrical plans must show the location of all exterior lighting as well as a required automatic garage door opener for each door unit.

## 15 - PLANT LIST

- 15.1 Final plans must include a plant list as a part of the landscape plan that includes both the common and botanical names and plant sizes. A partial list of native plants is contained in "Appendix B". A minimum of 50% native plants must be used in the landscape design. Existing plant life and trees saved will be credited for these requirements.

## 16 - LANDSCAPE PLAN

- 16.1 Landscaping is subject to all provisions of the ARB Guidelines and requires ARB approval.
- 16.2 Superimpose the landscaping over a site plan and indicate the locations, spacing, numbers and species of all plants, trees, shrubs and ground cover, pursuant to the plant list mentioned above.
- 16.3 Landscaping is a very important element of your home and shall be carefully designed to reinforce and extend its "livability". The advice of a Landscape Architect is strongly recommended when preparing the landscape plan.
- 16.4 Landscape plans must show proposed planting areas, sodded areas and all shrub and tree locations. Landscape plans must also show.
- 16.5 St. Augustine species of grass, including Floratam, Bitter Blue, and Seville are required as a lawn. Bahia is not allowed as a lawn grass. Gravel or rock or other material shall not be substituted as a ground cover for a lawn, except with ARB approval, and is discouraged.
- 16.6 Shrub masses can be used to funnel winds, buffer intruding noises and views and screen private areas. All shrub plantings shall be massed in groupings of three or more plants. No hedge lines or box clipped shrubbery will be allowed as a buffer.
- 16.7 A minimum of three approved shade trees having a minimum 6" trunk diameter measured 2' above the ground (14' to 16' tall) are required to be planted on each lot (2 in the front of the home, 1 in the rear). A cluster of three palm trees, minimum height 16', may be submitted for one shade tree. Palm clusters may be substituted for up to two shade trees, but one shade tree must be in the front yard. Landscaping must be of sufficient size and quantity to provide a full, lush appearance. If upon final inspection the ARB determines that specimens are undersize, it shall require either replacement of the specimens with plants of adequate size, or require additional plantings before release of OWNER'S deposit.
- 16.8 Landscaping includes all adornment and improvement of the land as well as the cultivation of plant life. For purposes of this paragraph, landscaping includes, but is not limited to, the use of the following:
  - A. Grass, plants, shrubs, flowers, trees and all other vegetation including topiaries.
  - B. Bricks, concrete and concrete products, cement paving, stone, rock and gravel.
  - C. Bark, mulch, peat, stakes, boards, timbers and other wood products.

- D. Metal, plastic and man-made items when used for adornment of the land rather than for adornment of a structure designed to be occupied by humans.
  - E. Birdbaths, birdhouses, trellises, statues, and figurines of whatever makes, construction or design.
  - F. Decks, patios, porches, lanais, etc., to the extent not considered a structure.
  - G. Fences, walls, planters, etc., to the extent not considered a structure.
  - H. Ponds, streams, waterfalls and other similar uses of water.
- 16.9 Landscaping specifically includes the maintenance of land in its uncultivated or un-improved state.
- 16.10 After completion of installation, landscaping shall be maintained in accordance with the ARB Guidelines.
- 16.11 "Maintained," for purposes of these Guidelines, means timely and proper cultivation of plant life as well as timely repair, cleaning, painting, replenishment, etc., of non-living landscape materials.
- 16.12 "Proper cultivation" includes, but is not limited to, timely mowing, edging, trimming, watering, fertilizing, pest control; the removal of the resulting grass and other cuttings; the timely removal of fallen leaves, branches, etc.; and the maintenance of plants in good and living condition.
- 16.13 All areas not covered by structures shall be landscaped to the side property lines, the pavement edge of any abutting streets, and to the water line of any abutting lakes, canals, streams, or other water management areas.
- 16.14 All landscaping shall be completed within 30 days of completion of the structure. "Completion" is by the issuance of a Certificate of Occupancy by the governmental agency, and shall be a part of the ARB Administrators final review.
- 16.15 IRRIGATION DESIGN: All irrigation systems must be of an underground automatic type with pumps and time clocks screened from view.
- 16.16 "Pop-up" spray or knocker heads are encouraged, and where exposed pipe extensions are necessary, they shall be painted a dark green or other suitable color. Irrigation heads shall be placed to prevent spraying onto paved areas.

## 17 - EXTERIOR COLOR MATERIALS

- 17.1 Specifications of all exterior materials, colors and textures are required at the time of the application on the Plan Review Form. Color samples shall be submitted on the actual material to which it is to be applied, if requested by the ARB.
- 17.2 Color selections must not be too similar to adjacent homes.
- 17.3 Exterior materials and colors are expected to harmonize with the natural surroundings. Materials, which are appropriate to achieve this harmony, include rough-sawn woods, brick and stucco; appropriate colors are normally subdued and earth-toned colors. Building materials used should be fundamental to the house design. Non-indigenous materials shall be avoided.
- 17.4 Exterior finished materials are expected to be of the very highest quality. Wood used for siding or trim shall be durable by type and/or treatment. Wood, brick, stucco and other materials proposed for exterior use shall be submitted to the ARB and approved before installation.
- 17.5 The proposed roofing material, color and application will be critical parts of the ARB's design evaluation. Roofing material shall be wood shakes, cement tile or clay tile. However, the ARB shall have absolute discretion to approve other materials, which are consistent with the objectives of the Declaration provided that conventional asphalt or fiberglass shingles shall not be permitted.
- 17.6 Natural materials and light, warm earth tones are encouraged. Examples of some approved materials colors are:
- A. Stucco in light, warm earth tones.
  - B. Wood expression of redwood, cedar or cypress in natural stain colors or paints.
  - C. Rock expression of keystone or coral rock left in natural patina.
  - D. Brick in light, warm earth tones.
  - E. Plywood siding in natural stain colors with appropriate trim details.
- 17.7 Inappropriate use of materials and colors will not be allowed. Examples of such inappropriate materials are concrete flowers, plastic or simulated brick materials, plastic and particleboard siding materials or simulated stone. An example of inappropriate color is a bright color used for an entire wall surface or roof material. Samples of proposed colors shall be required to be painted on a panel for field review if the color has not been previously approved, or if they appear to be out of character with the surrounding homes.
- 17.8 Good quality windows with all units being finished in an earth tone, or white, factory applied finish. Window shutters are appropriate when sized to match openings, appear functional and be of appropriate material and color. Exterior glass surface shall not have mirror-like finishes.
- 17.9 See specific sections for further details of materials and color.

## 18 - DOCK DRAWINGS

- 18.1 Dock drawings are to be part of the Site Plan (see Site Plan, Section 6, for details), or may be applied for separately at a later time using the appropriate approval form (posted on the website). The following rules apply:
- A. Indicate the location, dimensions, and materials used in construction; including stain color/number.
  - B. If installing a davit or boatlift, provide cut sheets.
  - C. Docks may extend from the shoreline to the rear property line, as indicated on your survey.
  - D. Covered boat storage shall meet the following requirements:
    - 1. Permanent covered boatlifts and mooring areas may be installed as part of a dock system when approved by the ARB.
    - 2. Covered area shall not exceed 12'-0" x 24'-0" in addition to the maximum size dock walkway area of 500 sq. ft.
    - 3. Roof material and paint colors shall match the color and style of the residence.
    - 4. There shall be no enclosing walls or screens within the dock or boat lift area.
    - 5. Roof shall be hip style with a maximum roof slope of 3:12.
    - 6. Maximum height shall be +12.0' NGVD.
    - 7. All portions of the dock and covered boat storage area shall be a minimum 20'-0" from side property lines.
  - E. There is a minimum 20'-0" side setback from each side of the property.
  - F. Maximum size permitted is 500 sq. ft.

## 19 - SHORELINE GAZEBO DRAWINGS

- 19.1 Shoreline gazebo drawings are to be part of the Site Plan (see Site Plan, Section 6, for details), or may be applied for separately. The following rules apply:
- A. The maximum allowable roof area is 150 sq. ft. Roofing material must match that of the home.
  - B. There are to be no solid walls constructed.
  - C. The minimum side setback from each side of the property line is 20'-0".
  - D. The structure shall not extend beyond the shoreline.
  - E. The gazebo is to be constructed in a manner architecturally compatible with the color, style, and of similar material of the home.
  - F. Gazebo floor plans and elevations must be submitted for ARB approval.

## 20 –MAILBOXES

- 20.1 Mailboxes shall be of a design prescribed by the ARB and located pursuant to ARB specifications. The following rules apply:
- A. Mailboxes shall be located within the Road Right-of-Way.
  - B. There shall be two mailboxes for each support for Building Sites fronting on the East Lake and the north shore of the West Lake; there shall be four mailboxes for each support in all other areas.
  - C. The ARB may approve variances regarding the number of mailboxes on each support to accommodate the development of Building Sites, which vary from platted lots.
  - E. The ASSOCIATION shall maintain and replace the common support, and each OWNER shall maintain and replace his/her individual mailbox.
- 20.2 The HARBORAGE mailbox and common support design has been provided to the ARB by:

Beautiful Mailbox Company  
2360 W. 76 Street  
Hialeah, FL 33016  
Customer Service: 1-800-856-6983

## 21 - CONSTRUCTION PERIOD REQUIREMENTS AND STANDARDS

- 21.1 PRECONSTRUCTION: When the OWNER has received PLAN APPROVAL, AND ONLY AFTER APPROVAL following requirements must be satisfied BEFORE any lot clearing, material deliveries or construction shall commence.
- A. SIGNS: Individual CONTRACTOR and ARCHITECT signs must be approved by the ARB. The job site sign shall not exceed twelve square feet and must be erected no closer than three (3) feet to the edge of the street and must be in place before any clearing, site preparation, material deliveries or construction commences. At no time shall a sign or permit be nailed to any tree. No SUBCONTRACTORS of any type will be permitted to have a sign on the construction site.
- B. DEPOSITS: The ARB requires a deposit from both OWNER and CONTRACTOR. CONTRACTOR'S deposit shall act as the CONTRACTOR'S bond in the event that the CONTRACTOR'S construction activity causes any damage, unreasonable inconvenience, or other injury to the adjoining lots or the common areas of the HARBORAGE. OWNERS shall also pay deposit to ensure compliance with the Architectural Guidelines and restrictions and to further indemnify the Association for any damages to streets, curbs, sidewalks, utilities, common areas or adjoining lots occurring during the process of site clearing, construction or landscaping. (See Paragraph 21.3 below.)
- C. PERMITS: Approval by the ARB does not preclude the necessity for obtaining building permits from all governing jurisdictions.
- D. UTILITIES: The CONTRACTOR, BUILDER, ARCHITECT or OWNER must insure the availability of all utilities. An application shall be made to the appropriate power, water and sewer utility companies. The location of all water and sewer connections and all underground utilities should be obtained from these companies. A list is attached in "Appendix A".
- 21.2 DURING CONSTRUCTION: Construction shall be completed within 12 months from HARBORAGE ARB date of approval.
- A. INSPECTION: The ARB or its designated representative may periodically inspect the houses under construction to assure compliance with the approved plans and specifications. If deemed appropriate, the ARB shall report its findings to the County Building Inspector.
- B. TOILET: Each construction site is required to have a job toilet for the use of workers. It must be placed at least twenty feet from the street in an inconspicuous location with the door facing away from the street.
- C. BURNING: Fires are not permitted on residential construction sites under any circumstances.

D. TRASH DISPOSAL:

1. Care shall be taken when loading truck and hauling trash to prevent spillage while in transit. CONTRACTORS shall be held responsible for trash and debris falling from construction vehicles.
2. A commercial dumpster or a suitable covered trash trailer with a minimum four cubic foot size is required on the construction site. It must be placed at least five feet from the property line, and the area surrounding it must be kept in a clean and neat manner.  
Wire enclosures are not allowed.
3. At the end of each workday, materials must be stored neatly and all trash placed in the dumpster. No trash is to be strewn about the site or piled openly. It is imperative that all sites be maintained in a clean and professional manner.

E. PROTECTION OF NEIGHBOR'S RIGHTS:

1. All construction materials must be kept within the property lines, maintaining a neat street right-of-way. The storage of materials shall be in an inconspicuous area of the site and shall be neat and orderly.
2. The use of adjoining properties for access or storage of materials without the written permission of the adjacent OWNER is prohibited.
3. Storage structures shall not be used as living quarters. Large construction trailers will not be allowed on residential job sites.
4. No construction vehicles shall be parked on road pavement.
5. Noise levels must be kept to a reasonable minimum. Loud music and profanity will not be permitted, and will be cause for expulsion of the workmen.

F. DAMAGE:

Any damage done by petroleum products or by mechanical means will be charged to the CONTRACTOR. Any other subdivision damage caused by the CONTRACTOR or any of his SUBCONTRACTORS to subdivision streets, amenities or common properties will be charged to the CONTRACTOR or to the OWNER when necessary. The CONTRACTOR is responsible for notifying the ARB of any road, sidewalk or other improvement existing damage at the commencement of home construction. Burden of proof that the damage was NOT done by the CONTRACTOR during construction is the CONTRACTOR'S responsibility.

G. STREET AND SIDEWALK MAINTENANCE: CONTRACTORS are responsible for keeping fill and sand off the streets and sidewalks. Cleanup fees, if necessary, will be deducted from the CONTRACTOR'S deposit.

21.3 DEPOSIT: Deposit requirements are documented in the appropriate application form (posted on the website).

21.4 WORKING HOURS: Working hours will be from 7 a.m. to 6 p.m., Monday through

Friday and 8 a.m. through 3 p.m. on Saturday. No work will be performed on Sunday or on holidays, as determined by the Harborage Board of Directors. All construction personnel shall check in each day with the front gate guard and give the guard the OWNER'S name.

21.5 SPEED LIMIT: Construction traffic shall operate in the subdivision at a maximum of 20 miles per hour.

21.6 FINAL INSPECTION BY THE ARB:

A. Inspection and final approval by the ARB are required. Prior to the final inspection and consideration for final approval by the ARB, the residence must be completed, the landscaping must be installed, and all improvements must conform to the previously approved plans. All construction debris must be removed from the site and the surrounding area. The construction site sign and the temporary power pole must be removed.

B. After the above has been accomplished, the CONTRACTOR or the OWNER shall notify the ARB ADMINISTRATOR that the site is ready for final inspection. Any unauthorized changes to the previously approved plans must be corrected before a final inspection approval will be issued and the deposits returned.

## 22 - ARB MEETINGS

22.1 The ARB will generally meet as needed on the first and third Wednesday of each month at a time to be set by the ARB members. The first five applications, received no later than the close of business of the Friday before the meeting day, will be reviewed at the meeting, time permitting. Non-reviewed applications will be reviewed at a supplemental meeting convened at the convenience of the ARB members or at the next regularly scheduled meeting. Applications received after the close of business on the Tuesday preceding the meeting will normally not be reviewed until the following meeting. The Administrator shall return an application without action by the ARB if the application is incomplete. Applicants do not attend meetings unless requested by the ARB.

## 23 - ARB RESPONSE

23.1 The ARB may offer specific suggestions for further study, which may resolve any design problems found by the ARB. The ARB can, however, reject an application based on the professional judgment of its members for the following reasons among others:

- A. Insufficient information to adequately evaluate the design or design intent.
- B. Poor overall design quality.
- C. Incompatible design elements.
- D. Inappropriate design concept or design treatment.

- E. A design found to have an adverse effect on the character of The HARBORAGE or its residents.
- F. Specifically required items missing from the plans of the "Plan Review Form".

- 23.2 The ARB will recite with specificity the inconsistencies, which are the reasons for disapproval.
- 23.3 The ARB will not normally comment on or reject a custom-designed home because of its interior elements, except in cases where those features affect the exterior appearance. Observations by the ARB, which it believes could make the home acceptable, will be passed on to the applicant for consideration.
- 23.4 ARCHITECTURAL CRITERIA: The paragraphs which follow provide specific guidelines for consideration in planning your new home. However, the evaluation process involves subjective as well as objective factors. A home, which meets all the statistical criteria, may be unacceptable if its overall aesthetic impact is unacceptable in the judgment of the ARB.
- 23.5 EXTERIOR DESIGN: In evaluating the exterior appearance of a home the ARB takes into consideration all the elements of design which contribute to a successful design solution, including, but not limited to:
- A. SITE UTILIZATION: Relationship of proposed construction to existing natural and man-made features; views from the home and adjacent structures; common open space, neighbors, height, width and overall visual impact.
  - B. SCALE: Relationship of proposed structure to surrounding structures and site size in terms of lot coverage, height, width and overall visual impact.
  - C. MASSING: Relationship of the elements of the structure to one another.
  - D. FENESTRATION: Relationship of exterior openings (doors, windows, etc.) To the solid portions of the design and to one another, compatibility with the design of the home, materials used, and the manner in which the fenestration is detailed.
  - E. ROOF SHAPE: Relationship of roof shapes and treatment to the overall design solution.
  - F. AESTHETICS: Overall design quality based on the professional judgment of the ARB.
- 23.6 REPETITIVE DESIGNS: Some house designs may be unacceptable for a particular lot because of similarity to homes in the immediate neighborhood. If, in the judgment of the ARB, the massing, basic style, roofline, exterior materials colors or other features of a home are too similar to its neighbors, the design will not be approved.
- 23.7 ARB APPROVAL: Upon approval by the ARB, three sets of the construction drawings will be signed "Approved" by the Harborage Owners' Association, Inc., one shall be retained for the Association files and one shall be returned to the OWNER or his representative. The OWNERS' set of construction drawings will be returned to him or his representative with a letter of approval. The CONTRACTOR must submit a complete Construction Application along with the required deposit for new construction and improvements prior to any permit submittal to the Lee County Building Department.

- 23.8 CONSIDERATION OF MATTERS OTHER THAN HOME CONSTRUCTION: The ARB is authorized by the Declaration to approve or disapprove all exterior additions, alterations & significant landscaping changes prior to their commencement. In the event that such approval is sought, the OWNER shall submit the required information to the ADMINISTRATOR describing the proposed improvement. The approval process shall then follow as for homes.

#### 24 - ENFORCEMENT AND APPEAL PROCEDURES

- 24.1 The ARB shall not take any action adverse to an OWNER or the occupant for violation of these guidelines unless and until the provisions of this Section are followed.
- 24.2 Notwithstanding Paragraph 24.1 above, the Board of Directors may require immediate abatement of any violation of the rules, requirements or procedures of any of the governing documents, if the Board of Directors determines, in its sole discretion, that such immediate action is necessary to properly protect the interests of the Corporation or the other OWNERS. Possible sanctions include, but are not limited to forfeiture of deposits, resort to legal process including the injunctive remedy in the courts of this state. When the Board deems it necessary to require such immediate remedy, the notice and hearing provisions below shall pertain only after abatement of the violation.
- 24.3 DEMAND: Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying the following:
- A. the violation,
  - B. the action required abating the violation,
  - C. the proposed sanction,
  - D. If the violation is a continuing one, the time period during which the violation must be abated to avoid additional sanctions,
  - E. Notification of the right to a hearing pursuant to Paragraphs 24.4 and 24.5 below.
- 24.4 NOTICE OF HEARING: If the violator makes written request to the Association within seven (7) days of the demand, the Association shall provide written notice to the violator of a hearing to be held by the ARB or by any other committee to which the Association has delegated authority for such purposes (any agency of the Association acting in this capacity is referred to in this part as the "hearing committee"). The notice shall contain:
- A. A restatement of the violation and of any related violations
  - B. The time and place of the hearing, which time shall not be less than seven (7) days from the date of the notice.
  - C. An invitation to attend the hearing and produce any statement, evidence or witness of his or her behalf.
  - D. A restatement of the sanctions previously imposed and of any additional sanctions contemplated by the Corporation.

24.5 HEARING:

A. The hearing shall be held in executive session pursuant to the notice. Official minutes of the hearing shall be kept and proof of demand and notice of hearing including invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if the officer or director who delivered such notice enters a copy of the demand and notice together with a statement of the date and manner of delivery into the minutes. The notice requirement shall be deemed satisfied if a violator appears at a meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the final sanction imposed, if any.

B. The hearing shall afford the violator a reasonable opportunity to be heard. The violator may produce any statement, evidence or witnesses reasonably necessary to a fair evaluation of his defense. A decision of the ARB as the legally accredited enforcement authority pursuant to the Declaration of Restrictive Covenants shall be entitled to a presumption in favor of its decision. To overcome such presumption, the violator must show by a preponderance of the evidence that there was no violation or that the violation shall be waived under the particular circumstances.

24.6 APPEAL:

If the results of the hearing remain adverse to the violator, the violator is entitled to one appeal to the Associations Board of Directors. To obtain such appeal, a violator must make written application to the Association within seven (7) days of the decision by the hearing committee, and requesting an appearance at the next regularly scheduled Association Board of Directors' meeting.

A. At this meeting, the violator may present any statement in his or her behalf, which can be made in a reasonable period of time. The introduction of additional evidence or witnesses at such time shall be at the sole discretion of the Board of Directors. The Board may also hear statements, evidence or witnesses from the hearing committee including the minutes of the hearing. The decision of the hearing committee is entitled to a presumption of validity. In all such proceedings, the violator has the burden of proof to show by a preponderance of evidence that the decision by the hearing committee was unreasonable.

B. A decision by the Association Board of Directors at this time is final, and no further appeals shall be available.

C. If the decision of the Association Board remains adverse to the violator, the violator must take steps to abate the violation within ten (10) days of the Association's decision. Failure to do so shall result in the imposition of additional sanctions or legal action.

D. Any fines imposed or assessments required to abate damages to the common interests caused by a violator's failure to comply with these guidelines shall become a continuing lien upon such OWNER'S property.

## 25 - SUMMARY LIST OF STEPS FOR FINAL APPROVAL

- 25.1 Preliminary Review of Concepts and Sketches with ARB Administrator.
- 25.2 Submit to the ARB: Triplicate Plans, Review Fee, Plan Review Form, Owner's Agreement and deposit, Contractor's Agreement and deposit.
- 25.3 ARB returns approved plan and approval letter.
- 25.4 OWNER/CONTRACTOR submits plans to county for permits.
- 25.5 Construction Period Requirements and Standards Applied.
- 25.6 Request ARB Administrator Post-Construction Final Review.
- 25.7 Letter of Final Approval of Construction.
- 25.8 Return of deposit