



ARCHITECTURAL GUIDELINES

For

Colonial Pointe Community

Fort Myers, FL

Adopted Guidelines November 2018

*By the Board of Directors for the Colonial Pointe
Homeowners Association*

Architectural Guidelines

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1. PURPOSE AND POLICY

In a planned community such as Colonial Pointe the question naturally arises as to how to maintain a harmonious feel as the community matures. The following guidelines attempt to provide a meeting ground between private interests and the broader interest of Colonial Pointe as a whole. As such, the Colonial Pointe Architectural Guidelines are intended to serve as a consistent set of guidelines and the foundation for planning exterior changes to the properties in Colonial Pointe. These guidelines are developed to better understand the Declaration of Covenants, Conditions and Restrictions (DOCS) of Colonial Pointe. This document does not replace or supersede the Declaration of Covenants. The Colonial Pointe DOCS are the legal and binding authority and take precedence over any of the following stated guidelines. For items not specifically mentioned in this document, please refer to the DOCS.

Owners are responsible for repairs to existing structures, landscape, paint, turf grass, additions, etc. No application is needed to effect repairs and restoration to the original condition and appearance. If you are unsure or have questions, please contact the ARC or HOA Board of Directors regarding whether an application is required.

The Declaration in the DOCS established an Architectural Review Committee (ARC) shall consist of not less than three (3) individuals who are according to the By-Laws are appointed by the President of the Association to serve terms of one (1) year beginning on January 1 of each year.

Under Article #6 Architectural and Aesthetic Control of the DOCS it requires the homeowner get prior written approval of any exterior change, addition or alteration to any property from the ARC Committee. Such changes include (but are not limited to) any building, fence, wall, structure, color change, landscape design, driveway or lawn type change which in any way materially alters the exterior appearance of any structure, Lot or Living Unit. It further requires that the plans, specifications and location showing the nature, kind, shape, height, finishes, color, and/or materials be approved in writing as to the harmony in external design and location in relation to surrounding structures, topography and general plan of development for Colonial Pointe.

The ARC is charged with conducting the review of all applications for exterior changes, making site inspections of requested modifications (before and after if required), offering recommendations or changes to the Board of Directors with

regard to the Architectural Guidelines and rendering a decision to the applicant in writing in a timely manner. Per the DOCS the Committee is allowed up to 30 days to act on an application. As fellow residents, the Committee understands the need to review and process applications in a time efficient and professional manner. Homeowners are encouraged to plan for a 30 day review process and should not commit to labor or materials until they have received written approval.

Your cooperation and adherence to these guidelines is appreciated. It is imperative that each homeowner plan in advance to allow for the ARC to evaluate each application based on this timeline. The ARC will hold meetings as needed to review requests. The ARC will communicate its decision and explanation to the Management Company via email, fax, or letter at which time the Management Company will advise homeowner via e-mail, fax or letter.

Each ARC request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals on current or additional properties nor should a homeowner proceed under the assumption that a previous similar project was approved. The Management Company will notify the homeowner of the approval or rejection of the request. The ARC will also provide completed and approved or rejected requests to the HOA Board for inclusion in Board meeting minutes and for filing.

2. REVIEW CRITERIA

In general, the ARC's decisions are based on the following standards as guidelines.

Aesthetic Considerations

The color, form, shape, style, scale, size, material, will be included in consideration.

Validity of Concept

The basic idea of the exterior change must be sound and appropriate to its surroundings.

Landscaping and Environment

The exterior change must not adversely impact the natural landscape or the man-made environment.

Relationship of Structures and Adjoining Property

The proposed change must relate harmoniously to its surroundings and to existing buildings and terrain that are visually related to the change.

Protection of Neighbors

The interests of neighboring owners must be protected by making reasonable provisions for such matters as water drainage, sound and sight buffers, privacy, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property.

Design Compatibility

The proposed change must be compatible with the design characteristics of the applicant's home and general neighborhood setting. Compatibility is defined as harmony in design, style, scale, material, finish, color and construction details.

- A. Scale: The three dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings.
- B. Materials: Continuity is established by use of same or compatible materials as used in the home.
- C. Color: Must be consistent with the neighborhood's color scheme.
(Use same color, ARC approved color or present color for approval.)

Workmanship

The quality of work must be equal to or better than that of existing structure.

Project Completion/Timing

An approved property change may be installed either by the owners or by a contractor. In the unlikely event that a project significantly exceeds the stated design, scope or time period, the homeowner should communicate in writing to the ARC regarding these changes and provide additional information. Projects that remain uncompleted for a long period of time, are visually objectionable or can be a nuisance and safety hazard for neighbors and the community, may be subject to HOA Board action.

All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the Committee may not approve the application or recommend the project be broken up into phases or reject the application. When the work is complete, the homeowner should notify the ARC or HOA Board. A follow up inspection may be performed.

3. APPLICATION, REVIEW, APPEAL, CORRECTION PROCEDURES

Objectives

The Architectural Review Committee will examine each application for design approval, considers whether or not the exterior change is in compliance with the Declaration of Covenants, Conditions and Restrictions for Colonial Pointe and the Architectural Review Guidelines outlined in this document.

The main objective of the Committee and these guidelines is to preserve and enhance property values in the community and to maintain a harmonious relationship among structures, vegetation, topography and overall design of the community.

Application Procedures

As stated in the DOCS, the following procedures shall be utilized:

1. Complete the Application (Architectural Request Form) and attach all required exhibits.
 - a. Obtain Application form from the community website (colonialpointe.org), the HOA Management Company or contact the ARC.
 - b. Include full details of the proposed change. If the change is structural, grading: submit a sketch or plan and outline specifications. Be sure to include such information as type of material, size, height, color, location, etc. The inclusion of color samples (e.g. paint chips) and relevant photographs/pictures are encouraged whenever possible.
 - c. Provide a sketch of the location of the improvement as it relates to your house and lot. Please provide a surveyed plot plan with exterior change clearly sketched onto it and indicate the distance(s) of the exterior change(s) to the lot line adjacent properties.

2. No application will be accepted for consideration if not submitted via the application form (Architectural Request Form) and accompanied by appropriate exhibits.
3. Email, fax or mail your application (Architectural Request Form) & any supporting information to the HOA Management Company & a copy to the ARC Committee via e-mail ColonialpointeARC@gmail.com. Any applications received by the Management Company will be forwarded to the Architectural Review Committee for review. The 30 day review period will begin when the application is received by the ARC or the HOA Board from the Management Company.
4. It is the responsibility of the applicant to ensure the application is received by the ARC. If you do not receive a confirmation via email, fax, or letter, please do not assume your application has been received. If the ARC has any questions or needs clarification, the questions will be sent to you via email, fax or mail. When the final result has been determined, you will receive your official letter via e-mail, fax or letter from the Association's Management Company.

Review Procedure

During the Committee's consideration of an application, Committee member(s) may wish to view the site and talk to the applicant or neighbors regarding the proposed change. Neighbors do not have "veto" authority but may provide any concerns or objections in writing to the HOA Board or ARC for consideration. The Committee may inspect work in progress and request (either orally or in writing) that the applicant correct any noncompliance.

The ARC will vote on applications, rendering one of three possible decisions: Approved, Approved with Conditions or Declined.

If the application is "Approved with conditions" or "Declined", the Committee will provide, in writing, the reason(s) why the project was not approved as submitted. Applications that are "Approved with Conditions" may proceed only if the noted conditions are completed and addressed. All decisions of the ARC Committee shall be forwarded in writing by e-mail, fax, or letter to the HOA Board of Directors via the Association's Management Company. The applications & decisions are to be retained and archived by the HOA Board of Directors.

Appeal Procedures

If the applicant disagrees with the decision of the Committee, the following appeal process is to be followed:

- a. A written appeal to the HOA Board of Directors within thirty (30) days after notification of the decision.
- b. The determination by the HOA Board of Directors upon prompt review of any such decision, shall, in all events be final and shall not be unreasonably delayed

Correction Procedure

Remedies: An exterior change made without a required approval of the Committee or the HOA Board on an appeal, constitutes a violation of the DOCS or approved ARC Guidelines.

Reports: The Committee may inspect projects in process and/or the community in general, to identify violations although they are not required to do so. All Colonial Pointe residents have the right and responsibility to bring to the attention of the ARC or HOA Board of Directors any apparent violation of any provision of these guidelines or the DOCS. When the ARC or HOA Board of Directors receive a violation report, a notification of a violation is made to the resident to identify the problem and work towards a resolution.

Failure to Comply: Should a homeowner fail to follow through on the agreed resolution, the homeowner may be requested to attend a Hearing with the HOA Board of Directors in order to determine the final resolution. Hearings may result in fines, and/or the HOA Board of Directors may take action on behalf of the Community Association for which the homeowner would be financially responsible.

In the unlikely event a homeowner chooses, after sufficient warning, to ignore the Guidelines or DOCS and refuses to pay any associated fines, legal action may be undertaken to force that homeowner's compliance. These are very serious steps, not to be taken lightly or ignored and will be entered into only in the most extreme cases.

4. DESIGN AND CONSTRUCTION GUIDELINES

This section of the Guidelines provides specific guidance regarding particular design situations that have been or may be encountered in Colonial Pointe. These Guidelines are not meant to be exhaustive or all inclusive. They represent generally acceptable methods for achieving the required objectives and standards necessary for project approval. For items not specifically referenced, please refer to the DOCS. Homeowners are encouraged to use and develop their properties for their own personal enjoyment.

ARC Guidelines

Air Conditioners

No Wall or window air conditioning or heating units are allowed.

Awnings and Windows

Awnings, Windows and other shading or decoration shall be subject to the prior approval and control of the ARC Committee.

ARC shall only approve an exterior retractable shade awning in the rear of the house if the application demonstrates that the awning shall be clearly compatible with the architectural design and qualities of the home, or is screened from the view of adjoining neighbors due to the proposed location of the installation, and meets the following criteria:

- They are of a plain design without decorative features.
- The colors are compatible with the color scheme of the house.
- The awning must be consistent with the visual scale of the house to which the awning is attached.
 - Pipe frames or structural supports for awnings must be painted to match the trim or dominant color of the house.

Hurricane Shutters

Hurricane Shutters shall be subject to the prior approval and control of the ARC Committee.

Bare metal Hurricane Shutters can be put up 5 days before and must be removed 5 days after a storm.

Hurricane Shutters which are painted, clear or fabric may be installed and remain in place.

Antennas and Flagpoles

No outside television, radio or other electronic towers, aerials, antennae, satellite dishes or device of any type for the reception or transmission of radio or television or other means of communication shall be erected, constructed, placed or permitted unless approved in writing by ARC Committee.

The HOA may adopt and enforce reasonable rules limiting installation of permissible dishes or antennae on side or rear of residence, not visible from the street or neighboring properties and integrated with the residence and surrounding landscape to the extent the reception is not interfered.

In regard to Flagpoles under Florida Statute 720 (July 2018) any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules or requirements of the Association, if the flagpole does not obstruct, sightlines at intersections and is not erected within or upon an easement. The homeowner may further display in a respectful manner from that flagpole, United States flag, not larger than 4 ½ feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all building codes, zoning setbacks and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all setback and locational criteria contained in the governing document.

Clothes Drying Area

No outdoor clothes drying area shall be allowed unless its location and design are approved by the Community Association.

Colors for Exterior Structures

No exterior colors on any structure shall be permitted that, in the judgment of the Architectural Review Committee would be inharmonious, discordant, or incongruous with the Community.

Any new color changes must be approved by the Architectural Review Committee. This requirement applies to doors, shutters, trim, roofing. Trim colors shall not dominate the exterior appearance and shall be in the same color range as the major color. An application is not required to repaint a home or exterior improvement to match the home's original color. When repainting, generally, the entire house structure is to be repainted in reasonable time to achieve a uniform finish.

Door & Window Replacement

Any replacement of a Door or Window that does not maintain the style of the original must be presented with plan and approved by the ARC Committee.

Driveways

Driveways must be paved with concrete, or paver blocks. Driveway maintenance is the responsibility of the owner. Changes to existing driveways must be approved by the ARC committee.

Exterior Decorative Objects as Viewed from the Street

The ARC will evaluate all proposed or installed exterior decorative objects solely in terms of design, execution, and general appropriateness to prevent such objects from having a significant negative impact on adjoining homes, the neighborhood setting, and the Colonial Pointe community at large. The ARC will not judge the individual aesthetic or artistic merits of any object, but rather will make its evaluation solely on the object's impact.

In regard to Holiday Decorations consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to (40) forty days before the holiday and must be removed within 14 days after the holiday. Decorations with sound must be turned off at a reasonable time (9:00 PM) and must not be so loud as to disturb your neighbors. While holiday decorations do not have to be approved by the ARC Committee, the ARC reserves the right to take action if appropriate decorations are not within the scope of the Community.

Garages, Carports, and Accessory Buildings

No detached garage, carport or other accessory building shall be erected. Each residence shall have an attached or built in garage which shall accommodate not less than one (1) automobile. Repair of vehicles shall be permitted only inside the garage. No garage shall ever be permanently enclosed or converted to other uses without substitution of another enclosed garage and approval of the ARC.

Any replacements to the garage door that do not maintain the style of the original must be approved by the ARC. New or repainted garage doors should match the existing garage door unless approved by the ARC.

Lakes; Water Retention Ponds.

No Lot, Tract or Parcel shall be increased in size by filling in any lake, pond or other water retention or drainage areas which it abuts. No person shall fill, dike, rip-rap, block, divert or change the established water retention and drainage areas that have been or may be created without the prior written consent of the ARC and the South Florida Water Management District. No person other than the Community Association may draw water for irrigation or other purposes from any lake, pond, or other water management area, nor is any boating, swimming, or wading in such areas allowed.

Lawns; Landscaping; Irrigation

Except for designated buffer zones, open space, or other similar areas not covered by structures, walkways, or paved parking facilities shall be maintained by their owners as lawns or landscaped areas to the pavement edge of any abutting lakes, canals, or water management areas.

Stone, gravel, or paving may not be used as a substitute for grass in a lawn.

Lawns must be regularly cut and mulched areas regularly re-mulched. The landscaping on lots, including without limitation, the trees, shrubs, and lawns, flower beds, walkways, and ground elevations, shall be maintained and kept in healthy and vibrant condition by the owner thereof.

The planting of shrubs, plants, flowers, and the removal of oak trees do not need ARC approval. The removal(s) of trees have to be replaced with a like or kind species, with the exception of oak trees.

Mailboxes

Mailboxes and their supporting structures shall be substantially uniform in style, appearance, and location, and are subject to regulation by the ARC.

Changes that have been approved by the ARC and the BOD of Colonial Pointe do not need ARC approval, e.g. Approved items such as mailboxes can be found on community website and do not need ARC approval.

Outdoor Equipment

All garbage and trash containers, sprinkler pumps, air conditioners and other such outdoor equipment must be placed in areas not readily visible from adjacent streets, or adequate landscaping must be used as screening around those facilities and maintained by the owner.

Outside Lighting

Except as may be initially installed by Developer, no spotlights, floodlights, or other outdoor high intensity lighting shall be placed or utilized upon any Lot in which in any way will allow light to be reflected on any other lot or the improvements thereon without the written authorization of the Community Association. Low intensity lighting which does not unreasonably disturb the owners or other occupants of the properties shall be allowed.

Patio/Lanai

Patio/Lanai plans require the prior approval of the ARC Committee. Patios and Lanais may not exceed the width of the house. The structure should be consistent with the size of your home and yard and must not be unduly out of proportion with the rest of your home. A survey must be submitted with the application.

Pets – Animals

Dog pens and dog runs are not permitted. All animals shall be leashed (if outdoors) or kept within the Living Unit and shall not be permitted to roam free. Owners who walk their pets MUST clean up after them.

Playground Equipment

Playground Equipment including trampolines, inflatables, skateboard, bike, and other recreational ramps & equipment are not allowed.

Pools, Hot Tubs, Enclosures and Pool equipment

No above ground swimming pools are permitted. An owner may, if approved by the Architectural Review Committee, construct a swimming pool and screened enclosure on his Lot

In the event such construction requires entry of or access over an adjoining Lot, the entry or access shall be only with the consent of the owner of the adjoining Lot, which consent may not be withheld without good cause. All swimming pool, spa, housing, sprinkler pumps and other outdoor equipment must be placed in areas not readily visible from adjacent streets, located to minimize the effect and acoustical impact on the adjacent property and adequate landscaping must be used as screening and maintained by the owner.

All pool enclosures must be presented with plans and approved by the ARC Committee.

All screens must be constructed with bronze frames – No White or Black frames are permitted.

ARC approval must be obtained prior to installing a stand-alone Hot Tub/Spa.

Porch Screen Enclosures

Must be presented with plans and approved by the ARC Committee.

Signs

No signs, banners, billboards, or advertisements of any kind, including with limitation, those of realtors, politicians, contractors, or subcontractors, shall be erected or displayed anywhere within the Community, including in windows and on motor vehicles. The Board of Directors shall have the right to erect signs as they, in their discretion deem appropriate. If any sign is erected in violation of this provision the Community Association shall have the right to enter the property on which the sign is located and remove it, as well as levy a fine of \$100.00/day for each day's violation up to a maximum of \$1,000.00 and suspend the violator's use privileges of the community common areas. Said action to enter one's property and remove the sign, if necessary, shall be deemed expressly permitted by the property owner.

The proper Real Estate for Sale sign is available on the website or contact the HOA for additional information.

Solar Collectors: Roof Vents

Solar collectors, roof vents and other installations on the roofs of structures shall be permitted only at locations approved in writing by the ARC Committee. These Items may require landscaping as a screen for a visual barrier.

Roofs

Any replacement to the roof that is different from the original must be presented with plan for approval by the ARC Committee.

Temporary Structures

No structure of a temporary character, including "Factory-built, "Modular" Mobile home, tent, trailer, or shack shall be used on any LOT, either temporary or permanently. Basketball Hoops are exempt.

Walls, Fences, Hedges

Unless approved in writing by ARC Committee, no wall, fence, hedge, or other divider shall be constructed or maintained on any adjoining Lot, it being the express intent that no fences, walls, or dividers shall be permitted on any Lot which abuts lakes, preserve areas, streets, or roads unless the ARC Committee so approves. Hedges, constructed of shrubbery or other suitable vegetation, may be approved but only in those situations where back to back lots or homesites so request and are approved. Any dispute as to height, length, type, design, composition, or material shall be resolved by the Community Association's Board of Directors, whose decision shall be final. Approval may not be given for the construction of any wall, fence or hedge which materially interferes with the water view of any Lot or Living Unit.

***ALL OF THE ABOVE STANDARDS ARE SUBJECT
TO MODIFICATIONS BY THE ARC COMMITTEE
AT ANY TIME WITHOUT NOTICE.***

**COLONIAL POINTE COMMUNITY ASSOCIATION, INC.
ARCHITECTURAL REVIEW COMMITTEE REQUEST**

DATE: _____ OWNER (Applicant): _____
(Please Print)

ADDRESS: _____

HOME PHONE #: _____ EMAL ADDRESS: _____

SUBJECT BEING REQUESTED (Please describe in detail, include material and colors used as well as size):

Please include the following:

Name of company performing work _____ Phone _____

Copy of Site Plans

Copy of Occupational License Certificate of Insurance

Permits – Where Applicable *

Email, fax or mail your application (Architectural Request Form) & any supporting information to the HOA Management Company address below & a copy to the ARC Committee via e-mail ColonialpointeARC@gmail.com. Any applications received by the Management Company will be forwarded to the Architectural Review Committee for review. The 30 day review period will begin when the application is received by the ARC or the HOA Board from the Management Company.

It is the responsibility of the applicant to ensure the application is received by the ARC. If you do not receive a confirmation via email, fax or letter, please do not assume your application has been received. If the ARC has any questions or needs clarification, the questions will be sent to you via email, fax or mail. When the final result has been determined, you will receive your official letter via e-mail, fax or letter.

** Any expenses incurred due to City/ County codes change will be the responsibility of the applicant.*

DRAWINGS ATTACHED: YES _____ NO _____

I/WE HERE BY MAKE APPLICATION TO THE ARCHITECTURAL REVIEW COMMITTEE FOR THE ABOVE DESCRIBED ITEM TO BE APPROVED IN WRITING BY THE "REVIEW COMMITTEE" AND THE BOARD OF DIRECTORS. I/WE UNDERSTAND THAT APPROVAL OF OUR REQUEST MUST BE GRANTED BEFORE I/WE CAN HAVE THE JOB STARTED. I/WE ALSO ACKNOWLEDGE THAT I/WE COULD BE FORCED TO HAVE THE ITEM REMOVED/CHANGED IF IT IS INSTALLED WITHOUT PRIOR APPROVAL.

SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

PLEASE RETURN FORM AND ALL INFORMATION TO BOTH:

COLONIAL POINTE COMMUNITY ASSOCIATION
C/O ISLAND MANAGEMENT
16956 McGREGOR BLVD. #1
FT. MYERS, FLORIDA 33908 FAX: (239) 454-1134
EMAIL: amanda@islandmgmt.com

COLONIAL POINTE COMMUNITY ASSOCIATION
C/O COLONIAL POINTE ARC COMMITTEE
EMAIL: ColonialpointeARC@gmail.com.

_____ Approved Date: _____
Response:

_____ Denied Date: _____

Signature On Behalf of the Board

Signature of Board Member