

Policy No: 600

Date: August 16, 2007

Revision Date: November 20, 2018

Purpose: To implement guidelines for owners, their architects, and contractors and to provide information and requirements that will be helpful in the design, construction, and improvement of homes at Cape Royal and to explain the architectural review process.

Policy: The Architectural Review Board (hereinafter "ARB") shall be a permanent, standing Board of the Cape Royal Homeowners Association (hereinafter "HOA"). The ARB chairperson and its members shall be appointed annually by the HOA President, and the ARB shall consist of five (5) members. Members of the ARB shall serve at the pleasure of the Board of Directors and shall serve voluntarily and without compensation, unless otherwise approved by the Board of Directors of the HOA pursuant to Section 5.3 of the Amended and Restated Bylaws. A quorum of the ARB shall be at least three (3) members and may include duly designated alternate members. If a quorum of the ARB is present, decisions shall be made by the majority present for that meeting. The background of the members should be such as to be knowledgeable in matters that come before the ARB. If the Board of Directors approves, the ARB may hire a Chairperson and/or a consultant with home building industry experience. Paid Chairperson's and/or Consultant's qualifications and compensation must be approved by the Board of Directors. All architectural review shall be conducted by the ARB.

Scope: These guidelines apply to the specifics of construction, design, site improvement, additions, exterior remodeling, and maintenance, as defined in this document. No guideline is intended to conflict with any federal, state, or local law, rule, ordinance, or regulation, or with any covenants or deed restrictions applicable to Cape Royal. The final decisions of the ARB are required to be in compliance with Chapter 720 and Section 373.185, Florida Statutes; Cape Royal Covenants; Amended and Restated By-Laws; Deed of Restrictions, and this policy. Should any conflict arise, then these guidelines shall always be interpreted so as to comply with governing law. If Cape Royal requirements are more restrictive than Lee County requirements, the ARB shall enforce the guidelines in this policy.

Process: Plans for all proposed construction, whether new, alterations, or exterior remodeling and painting must be approved by the ARB. Plans submitted for approval must be in a form adequate to demonstrate compliance with the guidelines.

A. Application: The ARB shall provide all owners and/or contractors with a standardized application form (Request for Architectural Review), which must be completed in full, signed by the owners and contractors, and accompanied by one (1) set of plans. No application will be considered without contact information for both the contractor and the property owner, including mailing addresses, phone numbers, and e-mail addresses. In addition, for all new construction or major projects, a fully executed copy of this document must be included with application.

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B. Plans: Plans must be project specific and include details that allow review of all requirements and provisions contained in this document. No generic plans or drawings will be accepted for review. Failure to meet this standard will require re-submission of drawings and a delay in review and approval. Unstamped drawings may be submitted for ARB review; however, a set of stamped drawings must be submitted prior to beginning construction. Any differences between unstamped and stamped drawings, which relate to any provision or requirement of this document, must be notated as to changes, reviewed by the ARB, and approved prior to the start of construction.

C. Review: The ARB shall complete its review of the plans at its next regularly scheduled meeting. Failure of the ARB to respond within 30 days from that date shall constitute automatic approval. The ARB may reject the application and plans if there is insufficient information submitted to determine compliance herewith or when the number of changes required by the ARB would be impractical without a new submission that is substantially in compliance. Otherwise, the ARB will either approve said plans as submitted, or make approval contingent on specific changes to the plans once acknowledged in writing by the owner. When approval is granted, each sheet of the plans shall be marked approved, dated, and initialed by the ARB. If the plans are approved subject to change, owners shall either note acceptance of changes on the application form or appeal those changes to the ARB. The ARB shall retain the submitted plans for its files.

D. Contact: All applications and plans may be mailed to:

**ARB Chairperson
1242 SW Pine Island Road, #42-444
Cape Coral, FL 33991
239-896-4804**

To ensure timely review, please send an email notification to caperoyalarb@gmail.com or call the phone number above to make the ARB aware of the mail-in submission or to arrange to hand-deliver.

E. Project Changes: When changes to the design of any portion of the project controlled by this document occur after initial ARB approval, the ARB must be notified. Revised drawings and any other required documentation pertaining to the change would then be reviewed for approval by the ARB at its next regularly scheduled meeting.

F. Use of Adjacent Lots: Before the project begins, the owner and/or General Contractor must provide the ARB with written consent from adjacent lot owner(s) to use the lot(s) for any purpose during building construction. The ARB will provide the Contractor with contact information for adjacent lot owner(s), along with an approved consent form for their convenience. If consent is granted:

- In Sections A & B, owner/contractor must install a temporary culvert in the swale to allow for protection of our storm water management system and permit safe access to and from the lot.
- When construction is completed, Contractor must restore the lot and swale to their previous conditions, including replacement of sod where necessary.

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G. Cape Royal Construction Agreement & Refundable Deposit: No construction will be started without written approval of the plans by the ARB, and a signed Cape Royal Construction Agreement in which the owner agrees to pay for any damages to streets, curbs, common areas, adjoining golf course, lakes, or adjoining lots caused by lot clearing, house construction, or landscaping at owner's home site. If approval is granted:

- For all projects requiring excavation or grading, owner/contractor will pay a refundable deposit of \$1,000.00 to the Cape Royal HOA prior to beginning any construction.
- Upon final inspection by the ARB, the balance of the owner's or Contractor's deposit will be refunded, less any expenses incurred to remedy Contractor's failure to comply with these requirements.
- Should the \$1,000.00 deposit be insufficient, the owner/Contractor will be billed for the difference.

H. Permits: Approval by the ARB does not preclude the necessity for obtaining permits from the Lee County Building Department, Lee County Health Department, or other government agencies. The builder, lot owners, or architect should ensure availability of all utilities. An application shall be made to Lee County Electric Co-operative for temporary or permanent electrical service and an application for water to the Pine Island Water Association, Inc. All construction must conform to the Lee County Development Orders and the South Florida Water Management District Permit pertinent to the community.

I. Hours of Operation: No contractor or sub-contractor may perform any work on a lot and/or any improvement thereon except between the hours of 7:00 AM and 6:00 PM, Monday through Friday; and between the hours of 7:00 AM and 4:00 PM on Saturdays. No work will be permitted on Sundays or National Holidays.

J. Time is of the Essence: Any lot improved by means of scraping or filling, on which building construction does not start within 90 days of the date of the lot improvement, forfeits ARB approval and the lot must be returned to its unimproved state with respect to grade and ground cover. In addition, construction, including landscaping, shall be completed within one (1) year (or 365 days) of receiving a Construction Permit. Projects for modification of an existing home must be complete within one (1) year (or 365 days) of obtaining ARB approval, or the project must be resubmitted to the ARB for review.

Guidelines: The overall aesthetic impact of a residential design involves issues of personal taste and judgment. It is not the intent of the ARB to substitute the tastes and aesthetic judgments of its members for those of the owner; however, these guidelines are intended to empower the ARB to prevent the construction of any residence, or aspect thereof, whose exterior aesthetic impact or appearance will dramatically conflict with southwest Florida residential designs and the existing overall aesthetic of the community. (See Declaration of Covenants, Conditions and Restrictions, Royal Tee Homeowners Association (dba: Cape Royal Homeowners Association) Covenants recorded in OR 2176, PG 4645 et seq., as amended, in the Public records of Lee County for further clarification.)

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Site Development:

A. Flood Plain Elevation: As of the date these guidelines were revised, Cape Royal is in Zone "AE" per the Flood Insurance Rate Maps (FIRM) with a Base Flood Elevation (BFE) of 8 feet NAVD 88 (Zone AE8). Finished Floor Elevation (FFE) for all occupied areas of the residence must be at or above the BFE plus 1 foot of freeboard, or a minimum of 9 feet NAVD. The maximum FFE shall not exceed 10 feet. If certification by the Lee County Health Department requires an FFE greater than 10 feet, the FFE may be raised to the minimum amount required to meet certification. In all cases an FFE certificate is to be provided to the ARB prior to pouring the tie beam.

B. Silt Fence: All construction activities will require the placement of a silt fence around the work site, encompassing the entire rear property line and both side property lines. The silt fence must be maintained during the entire construction process. Roadways must be cleared of dirt and construction debris at the end of each day.

C. Home Design Standards: Only single-family residences are permitted and no stilt (piling) home or mobile or modular structure of any kind are permitted.

- Minimum living area (defined as "enclosed air-conditioned space") shall not be less than 1,800 square feet on the first floor for both single- and two-story homes.
- Maximum height shall not exceed 35-feet at the highest point of the construction. This includes all aspects of the construction. The 35-foot limit shall be measured from the BFE requirement for our community as set forth in the Federal Flood Insurance Program. Any increase in FFE above BFE will not permit an increase in overall height from the BFE. The current BFE is 8-feet NAVD 88.
- All homes must incorporate frontage of at least 64 feet. For purposes of meeting this standard, the entire frontage must be under truss and roof, have a tie beam contiguous with the house, be fully enclosed and built to the same standards as the rest of the home. For any front facing element which is set back from the forward-most wall of the structure to count toward the frontage requirement, the following test must be met: The element must be visible by an observer at street level viewing the finished house from the centerline of the street and at a point on the street which represents the mid-point of the proposed frontage. This assessment will be made using the site plan provided with the application for ARB approval.
- Horizontal eave projection from the wall may not exceed 36-inches.
- No flat deck or built-up roofs will be permitted for any portion of a roof design plan.

D. Setbacks: "Setback" is defined as the distance between the furthest extensions of an exterior wall of the main structure or, where applicable, a patio or pool side and rear stem walls, and the nearest lot line. The minimum setback requirements are detailed below.

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- Sections A & B:
 - Front Setback: 25-feet
 - Rear Setback: 20-feet for structure of home (see Section F for pool setbacks)
 - Side Setback: 10-feet on interior lots and 25-feet on side street of corner lots
 - Exceptions: see Section F (Pools) for further information on rear setback for homes with pools.
- Section C:
 - Front Setback: 35-feet
 - Rear Setback: 20-feet for structure of home (see Section F for pool setbacks)
 - Side Setback: 10-feet on interior lots and 25-feet on side street of corner lots
 - Exceptions: Subject to ARB approval, if a lot in Section C is affected by a Lake Maintenance Easement, an application can be submitted to the ARB for a reduction of Front Setback to 30-feet. See Section F (Pools) for further information on rear setback for homes with pools.

E. Drainage: Guidelines as follows:

- In Sections A & B, all homes will be constructed with a storm water drainage culvert extending across the width of the property, extending to within 1-foot of the property lines. The culvert is to be of concrete construction with an inside measurement of 12-inches by 18-inches. The ends of the culvert are to be mitered at 30 degrees from the horizontal (2:1 slope) to allow access for cleaning. The culvert will be set to an invert in accordance with existing drainage drawings or as approved by the Cape Royal Roads, Drainage & Lighting Committee. Where an existing concrete catch basin exists at a suitable elevation, the culvert will penetrate the catch basin and terminate at the inner edge of the catch basin wall with a 90-degree cut. The catch basin wall must be core drilled to accept the culvert.
- A minimum 12inch square drainage box will be installed street side at each property line (if not already present) and piped underground via minimum 4-inch flexible drainpipe, into the connecting swale or catch basin (through a cored hole) where present at the property lines. The flexible pipe will descend from the drain box to a point approximately at the elevation midpoint of the adjacent culvert. The drain box will be securely set at the adjacent street elevation or up to 1-inch below this point. The drain box will be set 6- to 10-inches from the street paving in the sodded area. Drain box may be of heavy polymer, steel or cast-iron construction with a removable leaf guard on top.
- Alternately, a graded roadside swale that directs storm water from the roadway into the open ends of the culvert may be substituted with approval of the Cape Royal Roads, Drainage & Lighting Committee.

F. Pools: Pools must conform to restrictions outlined in the HOA's Covenants and Restrictions including, but not limited to:

- Minimum setback of 15-feet from the property line on a regular, rectangular shaped lot.
- Minimum setback of 12-feet on an irregularly shaped lot.

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- Side setback: 10-feet.
- Owner/Contractor must obtain all appropriate permits from Lee County.
- Pool and enclosure must be recorded on the site plans to include identifying the back-wall distance from the rear property line. The edge of the water on golf course lakes is not the property line and owner should see their site map to assess actual location of the property line.
- Pool must be included on landscape plan.

G. Service Areas: Service areas (including areas which accommodate air conditioning compressors, garbage cans, the electrical service entrance, and other items that by their nature present are an accessory to the primary structure and are unsightly appearance), should be screened from view by an enclosure (constructed or landscaped) that is an integral part of the site development plan, using materials and colors that are harmonious with the home it serves. Please note that the use of fences to screen these areas requires ARB approval.

H. Fences and Enclosures: Fences are not permitted to enclose or define property lines of individual home sites and all fence installations must receive ARB approval.

- Fences or screens may be used to enclose utility and equipment service areas, patios, lanais, pools or other areas requiring privacy, as long as the fence does not impede the view of any adjoining lot owners.
- Dog runs are not acceptable. Electronic invisible fencing may be used.
- A maximum of two (2) fences are permitted per residence and must be located on the sides of the residence only.
- Concrete Block Structure (CBS) fences must be stucco finished and painted to match the residence. Vinyl or wood fences should be painted and/or stained to coordinate with the color scheme of the residence.
- Fences may not exceed 6-feet in height nor extend more than 6-feet from the residence. If the fence is open ended (no gate), its length may not exceed 12-feet. If the fence is enclosed with a gate, its length may not exceed 15-feet. In no case may a fence encroach on an existing easement.
- All fences must adhere to required setback guidelines.
- Special consideration may be given to requests where the lot will not accommodate these fence requirements. The merits of each case will determine whether ARB approval is granted.

I. Driveways: Driveways must offer off-street parking for at least two (2) automobiles parking side by side. Driveways must be constructed of concrete, paver bricks, or other suitable impervious material approved by the ARB. No unpaved or asphalt driveways will be permitted.

J. Garages: Garages must provide space for a minimum of two (2) automobiles.

K. Antennas & Satellites: Cable Television is available at Cape Royal. No exterior antennas will be permitted apart from video antennas, including direct to home satellite dishes that are less than one-meter (or 39-inches in diameter), television antennas, and wireless cable antennas as allowed by

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Federal Law. Such antennas must be attached to the house and not placed on any stand-alone pole, unless the pole is concealed and is within the front setback.

- L. **Irrigation Systems:** Underground landscaping irrigation must be supplied by the public water system unless a properly permitted well has been approved by local authorities and the ARB. No water shall be used for any purpose from any of the lakes along and belonging to the golf course and shall be deemed as trespass and theft.

- M. **Mailboxes:** An approved community standard mailbox is required and will be installed by the HOA. The initial cost to provide and install a mailbox is the responsibility of the owner.

Materials & Aesthetics:

General Statement: In evaluating the exterior appearance of a home, the ARB takes into consideration all of the elements that contribute to a successful design solution, including the relationship of proposed construction to existing natural and man-made features; views from the home and adjacent structures; effect on the streetscape, common open space, neighbor's driveways, parking and landscape treatment; the relationship of the proposed structures to surrounding structures and site size in terms of lot coverage, height, width and overall visual impact; and the relationship of roof shapes and treatment to the overall design concept of the home.

A. Materials, Colors, & Textures: All exterior materials and colors are to be specified in the plans submitted for approval and are expected to harmonize with the natural surroundings. Colors that are appropriate to achieve this harmony are normally more subdued. Building materials used should be fundamental to the house design and non-indigenous materials should be avoided. Exterior finish materials are expected to be of the very highest quality. The proposed roofing material, color, and application will be critical parts of the ARB's design evaluation. High quality windows and doors are required, with all aluminum units being finished in a factory-applied finish, selected to harmonize with the exterior colors. Window shutters are appropriate when sized to match window openings and mounted to appear functional. The ARB must approve awnings for color, material, and shape. Samples of exterior materials, colors, and textures may be requested at the time of ARB review for clarification.

B. Repetitive Designs/Colors: Some house designs may be unacceptable for a lot because of similarity to homes in the immediate neighborhood. If, in the judgment of the ARB, the basic style, roofline, exterior materials, colors or the features of a home are too like its neighbors, the design will not be approved. The owner may want to submit pictures of adjacent homes with the request for Architectural Review Form to expedite the approval process.

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Landscape Criteria:

General Statement: Plans submitted for approval to the ARB must address the landscape features and plans for the home site and must demonstrate compliance with the following criteria. Any changes to previously approved plans must be resubmitted in writing to the ARB prior to planting. Planting per the approved plan must occur prior to occupancy. If a pool is included, the landscape plan must include its location before being submitted for review. See Exhibit A for an example of an appropriate landscape plan format.

A. Non-Interference Easements: No structure or landscaping that may damage or interfere with the installation and maintenance of utilities or drainage facilities located in the utility easements shown on the plat of Royal-Tee, shall be placed or permitted to remain on any lot. The easement areas located on each home site and all improvements thereon shall be maintained continuously by the owner, except for those improvements the maintenance of which is the responsibility of a public authority or private utility.

B. Sight Distances at Intersection: No wall, fence, hedge, shrub, or planting which obstructs sight lines between two (2) and six (6) feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street lines and a line connecting them at points twenty-five (25) feet from the intersection of such lines, or in the case of a rounded property corner, from the intersection of the street lines extended. No tree shall be permitted to remain within such areas unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

C. Planting Requirements:

- No structure, planting or other material shall be placed or permitted to remain on a home site which may damage or interfere with the elevation or slope of the surface of a home site; create erosion or sliding problems; change the direction or flow of drainage channels; or obstruct or retard the flow of water through drainage channels or is likely to encroach on neighboring properties.
- Sod shall be required in the front, side, and rear yards of lots. Seeding or sprigging will not be permitted on any lot.
- Each owner shall be required to plant appropriate landscaping along the front, side, and rear walls of all structures to approximately eighty-five percent (85%) coverage of the perimeter.
- Plants must be a minimum of 3-gallon and planted no less than 3-feet apart in any bed. Beds shall be a minimum of 3-feet wide.
- A minimum of four (4) trees per lot are required, but corner lots and lots considerably larger than average size shall be recommended to plant more than the minimum number of trees. Only trees located within the property boundary (not including the right of way area) will qualify to meet the 4-tree minimum. Use of existing trees may be counted to meet this requirement; however, potted plants or trees will not be included in the count to determine minimum numbers required.
- Typical palms (foxtail, royals, etc.) shall have a minimum of 10-feet of clear trunk; while hard or soft wood trees shall have a minimum of 8-feet of clear trunk. ARB can provide exceptions in specialized or hardship cases.

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- No artificial vegetation shall be permitted on a home site outside of the structure thereon.
- Views of the golf course and waterways from adjoining lots shall not be screened from view. No plant material over three (3) feet in height or less than six (6) feet of clear trunk shall be planted in the area formed by the intersection of the rear and side property lines. These height requirements will be permanently maintained. Appropriate plant materials should be of reasonably mature size and spread, giving the property a finished, complete and established aspect; allowing for manicured growth.
- All planting plans submitted shall provide the following information:
 - Location of septic tank and drain field.
 - Location and botanical name of all plant materials.
 - Size of all trees and shrubs noted by height and spread.
 - Quantities of all plant materials.
 - Proposed ground cover beds, shrub masses, or lineal hedges noted in quantity, size, and spacing.
- All tree pits, shrub and ground cover beds shall receive mulch or rock.

D. Outdoor Lighting: All outdoor lighting should be low key, intended for special effect only. The use of color lights is prohibited. All lighting plans must be approved by the ARB.

Acknowledgement & Signatures:

The undersigned, by their signature(s) acknowledge that they have read and initialed each page of this document, as well as all exhibits; and hereby agree to abide by the conditions as set forth for constructing a residence in Cape Royal.

Property Owner: _____ Date: _____

Contractor: _____ Date: _____

Approved by the ARB

Chairperson: _____ Date: _____

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