

Monterey Single Family Villa Home Neighborhood Association, Inc.

ARB Guidelines

Issued to Homeowners on March 12, 2012

**Please be aware that these are copies of "Original Documents".
Contact Southwest Property Management at 239-261-3440
Should you need to obtain "Official Documents"**

**MONTEREY SINGLE FAMILY VILLA HOME NEIGHBORHOOD ASSOCIATION, INC.
ARCHITECTURAL REVIEW BOARD GUIDELINES AND STANDARDS
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**VILLAGES OF MONTEREY (The “Community”)
SINGLE FAMILY VILLA HOME NEIGHBORHOOD ASSOCIATION, INC.**

**ARCHITECTURAL REVIEW BOARD GUIDELINES AND STANDARDS
March 12, 2012**

Section 1

1.0 PURPOSE

In furtherance of the purpose and requirements of the *Monterey Single Family Villa Home Neighborhood Covenants* and specifically to enhance and protect the value and exterior attractiveness of the real property in the Single Family Villa Home Neighborhood Association, Inc. (referred to herein as the “Villa Home Neighborhood”) has established an Architectural Review Board (the “ARB”) in accordance with Paragraph 9.2 of the *Bylaws* of the Villa Home Neighborhood. The President of the Villa Home Neighborhood shall appoint a Chairman of the ARB (i.e. an Architectural Review Administrator referred to herein as “Administrator”) who, by training, education and experience in the design and construction process, shall act as a point of contact for the ARB. The ARB has written and recommended that, commencing upon adoption of this document, these Architectural Review Guidelines (the “Guidelines”) be used by the Villa Home Neighborhood, Home Owners, Architects, Contractors and the ARB. Other than as provided in Section 8 herein, these Guidelines do not apply nor is the ARB involved in any way with interior renovation, design, construction and/or installation of interiors work as long as such design, construction and/or installation does not affect the exterior appearance of the Home.

1.1 Communication and Education

- 1.1.1** These Guidelines are distributed by the ARB to assist Home Owners and residents of the Single Family Villa Home Neighborhood Association, Inc. to better understand and welcome active participants in the process of maintaining the quality residential environment of the Villa Home Neighborhood. It is the intent of the Villa Home Neighborhood Board to coordinate architectural diversity in accordance with the responsibility given them while providing certain aesthetic standards for exterior design, style, construction and maintenance within the Villa Home Neighborhood.
- 1.1.2** The quality and exterior appearance of the Villa Home Neighborhood determines, to a great extent, the character of the Neighborhood and the economic value within the Community. Every Home in the Monterey Single Family Villa Home Neighborhood represents a major investment for each of the sixty-eight (68) Home Owners and the quality of each residential Lot is very important to the Home Owner and to its neighbors. The maintenance and any exterior alteration of an existing Home located in the Villa Home Neighborhood shall be in keeping with the existing quality and standards of the total Community.
- 1.1.3** The Villa Home Neighborhood Board has authorized the ARB to make and enforce rules and regulations governing the process by which a building, structure, fence, wall, planter, deck, porch, driveway, walkway, extensive landscape project or other such like exterior improvement is designed, constructed, erected, installed or maintained on any Villa Home Neighborhood Lot. Each Home in the Villa Home Neighborhood should express the Home Owner and yet be of distinctive character. That is not to mean that duplication of color or exterior appearance will not be permitted. The ARB will review each proposed new construction or landscaping design with a view to fulfilling the needs of the Home Owner and the intended purposes of these Guidelines.

1.2 Definition of Terms and References

- 1.2.1** Terms used in these Guidelines such as 'Community'; 'Dwelling Unit'; 'Home'; 'Lake'; 'Lot'; 'Master Association'; '*Master Covenants*'; 'Neighborhood'; 'Owner'; 'Single Family Lot'; 'Single Family Residence'; 'Villa Home Neighborhood; Villa Home Neighborhood Board'; 'Villa Home Common Area'; and *Villa Home Covenants* shall have the same meaning as defined in the Monterey Master Owners' Association, Inc. or *Monterey Single Family Villa Neighborhood Association, Inc. Covenants*.
- 1.2.2** The composition of the ARB is in accordance with the *Bylaws* of the Villa Home Neighborhood. The Villa Home Neighborhood Board shall have the right to appoint a minimum of five (5) Home Owners to the ARB in accordance with such *Bylaws* and with the Home Owner's approval to serve on the ARB. The ARB shall have the sole and complete discretion to determine the appropriateness, compatibility or suitability of any Application or Letter Proposal, subject only to the appeals process described in these Guidelines and the *Covenants* defined in sub-paragraph **1.2.3** of these Guidelines.
- 1.2.3** *The Monterey Master Protective Covenants* [the "*Master Covenants*", recorded in Official Record ("O.R.") Book 1370, Pages 856 through 883, inclusive, of the Public Records of Collier County, Florida] and the *Monterey Single Family Villa Neighborhood Association Covenants*, recorded in O.R. Book 1672, Pages 742 through 754, inclusive, of the Public Records of Collier County, Florida, together described collectively herein as "*Covenants*", are the legal basis for these Guidelines and should be studied before any remodeling or new construction design services are performed. These Guidelines supplement and further define the *Covenants*. Should any conflict arise among the *Master Covenants*, the *Villa Home Neighborhood Covenants* and these Guidelines, the more restrictive interpretation shall apply.

1.3 Standards and Systems

The Guidelines have suggested Standards for the design, construction, erection, installation and/or maintenance for all external improvements by a Home Owner on a Lot in the Villa Home Neighborhood, which may require the submission of plans, technical specifications and/or brochures to the ARB prior to the granting or denial of the requisite approvals.

These Guidelines many also require the submission of representative samples of construction materials or colors that a Home Owner proposes to incorporate into any building, structure, landscape project or other like improvement prior to consideration by the ARB of the submitted plans and technical specifications. Furthermore, they may require the use of specific construction materials or construction standards where such requirements are reasonable and appropriate to fulfill the purpose of the *Villa Home Neighborhood Association Covenants*.

These Guidelines also include some specific exterior architectural and landscape standards. Such standards may prohibit specific architectural styles or features which the ARB deems inappropriate, incompatible or unsuitable for inclusion in the Villa Home Neighborhood. These Guidelines and standards require that reasonable monetary fees and deposits be placed with the ARB to protect other Home Owners and residents of the Villa Home Neighborhood from the hazards and nuisances associated with construction activities. Refer to paragraphs **4.3** and **4.4** of these Guidelines.

1.4 Home Owner Responsibility

To prevent the unnecessary nuisance that can be associated with the design, construction, installation and home maintenance processes, it is important that Home Owners discuss and/or coordinate any disruption with their affected neighbor prior to commencement.

The Home Owner for whom an individual Contractor or Installer works is ultimately responsible for that Contractor's and/or Installer's compliance with the *Covenants* and these ARB Guidelines including, without limitation, costs and attorney fees incurred by the ARB or the Villa Home Neighborhood Board in furtherance of the *Villa Home Neighborhood Covenants*.

1.5 Basic Topics Addressed In the Guidelines

ARB architectural review will address a variety of subjects including building style, height, placement, quality of construction, quality of materials, exterior finishes, site development work and landscape design. These Guidelines cover six (6) basic topics as follows:

1.5.1 Lot

Specific recommendations and requirements for Lot improvements to include grading, drainage, hardscape, landscaping, irrigation, ornamentation and other exterior items are suggested.

1.5.2 Home

Specific requirements for building materials, building details and colors and specific considerations which the ARB will use to determine if a particular Home Owner's proposal harmonizes with the balance of the Villa Home Neighborhood

1.5.3 Approval Process

The process by which an ARB approval may be granted to an Applicant.

1.5.4 Construction and Installation

Specific requirements which Home Owners and contractors shall follow during the design/build process for remodeling a Home and/or installing Lot improvements.

1.5.5 Procedures

The procedures by which the ARB will enforce these Guidelines and the process by which Home Owners may appeal an ARB adverse decision.

1.5.6 Damage and Destruction

Recommendations and requirements that Home Owners should adhere to when major damage or destruction affects their Lot and/or Home.

SECTION 2

2.0 WHEN IS ARB APPROVAL REQUIRED

- 2.1** No structure, fence, wall, deck, porch, walkway, extensive landscape project or other major exterior improvement shall commence or be constructed, erected or installed on any Lot without the prior written approval of the ARB and applicable Collier County governing agencies for items requiring a permit.
- 2.2** No exterior Home addition or major alteration of any of the improvements stated in paragraph **2.1**, including significant changes to existing paved areas, shall commence or be constructed, erected or installed on any Lot without the prior written approval of the ARB and applicable Collier County governing agencies..
- 2.3** No exterior color of any new structure erected or change in the exterior color of any existing structure shall be made without the prior written approval of the ARB. The approved colors must be used and any change to the approved colors must be resubmitted to the ARB for review and approval.

SECTION 3

3.0 PRELIMINARY REVIEW

- 3.1 It is recommended that Home Owners employ the services of an Architect or Contractor who is familiar with these Guidelines and who will be responsible for the design and construction meeting all applicable laws, codes, and ordinances.
- 3.2 All Home Owners should schedule an initial meeting with the Architectural Review Administrator to review their proposed Home additions or exterior changes to their Home and/or Lot. Questions in reference to the ARB Guidelines shall be submitted in writing and reviewed with the Architectural Review Administrator.
- 3.3 If required by Section 4.0 of these Guidelines, the Home Owner shall submit two (2) copies of a preliminary drawing or sketch and other supportive information to the Administrator to determine whether a concept is likely to be approved. Conceptual errors may be resolved in this manner and the possibility of a lengthy review period avoided. In certain cases, the Home Owner and the Administrator may meet with adjacent owners to review the proposal. In the case of a Home addition including a lanai, patio, swimming pool, spa or other such extensive exterior remodeling, more detailed drawings which are prepared by a Florida registered Architect will be required.
- 3.4 "Conceptual Review" results may be related to the Home Owner by an informal note, a letter, and/or comments written on one (1) copy of the drawing(s) submitted. Conceptual Review is intended only as a service and does not preclude the possibility that a generally acceptable concept may be disapproved when more detailed information is submitted.

SECTION 4

4.0 APPLICATION PROCESS

These Guidelines may be updated and amended from time to time in an effort to improve the quality of the architectural review process. Home 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 submission will control throughout the process.

- 4.1.1 All plans and materials submitted to the ARB shall be marked to identify the Homeowner's name, Lot number, road name, the State of Florida Registered Architect (if required), the date the documents were prepared and such other information reasonably necessary to convey the completed design and identify materials, technical specification requirements and other general information by reference.
- 4.1.2 The ARB will respond to the Homeowner through the Administrator within twenty-one (21) days of the date of receipt of the required information. The ARB may offer specific suggestions for further study which may resolve any design problems considered by the ARB. The ARB has the right to reject a submittal based on the judgment of its members for any one (1) or all the following reasons.
- A. Insufficient information to adequately evaluate the design or design intent.
 - B. Poor quality of design, construction or materials.
 - C. Incompatibility of design elements with each other or with adjacent conditions.
 - D. Inappropriate design concept or design treatment.
 - E. A design, style, or proposed construction which the ARB determines to be adverse to the character and quality or the value, desirability or attractiveness of any real property located in the Villa Home Neighborhood
 - F.

4.2 Documents Required for Major Construction or Home Renovation

Documents to be submitted for a major addition to an Owner's existing Home (including lanais, patios, swimming pools and/or spas) costing over five-thousand dollars (\$ 5,000.00) shall include, but not be limited to, the following information.

4.2.1 Lot Survey

A sealed copy of a registered land surveyor's survey of the Lot giving Lot number, Home Owner's name, Lot dimensions, and any easements of record.

4.2.2 Site Plan (Required also for significant Lot landscaping changes)

- A. A Site Plan drawing to a minimum scale of 1" = 10'-0".
- B. An indication of the location of existing trees indicating which trees are proposed to be removed and those to be replaced which may require a permit.
- C. Property lines and setback dimensions from all property lines to new work.
- D. Site development work including new and existing walks, drives, patios, lanais, decks, fences, stem walls, boundary walls, service areas, spas, and similar building components indicating which items exist and which are new.

4.2.3 Landscape Plan (Required only for significant Lot landscaping changes)

- A. A Landscape Plan shall be superimposed over a copy of the Site Plan, indicating the locations, bounds, numbers and species of all plants, trees, shrubs and ground cover. The Landscape Plan shall indicate and identify both existing and proposed new plants, trees, shrubs and ground cover.
- B. A complete Plant List shall accompany the Landscape Plan describing types and quantities of new plants using both the common and botanical names.

4.2.4 Floor Plans of Home Addition, New Front Entryway, Lanai, Patio, Pool and Spa

- A. Floor Plans drawn to a scale of 1/4" = 1'-0" showing:
 - 1) Existing Home in outline form.
 - 2) All finished floor elevations.
 - 3) All horizontal dimensions for new work.
 - 4) New door and window symbols and schedules.
 - 5) All attached decks, patios and other appurtenances.
 - 6) Required visual screening of Service Areas.
 - 7) Any Boundary Walls
 - 8) Square footage totals and area breakdown.
- B. Foundation Plans drawn to a scale of 1/4" = 1'-0" showing:

4.2.5 Roof Plan

- A. Roof Plan drawn to a scale of 1/4" = 1'-0" showing:
 - 1) Hips, valleys, vents, gutters, downspouts, lanai, skylights, solar collectors, and any other rooftop items or equipment.
 - 2) All horizontal dimensions
 - 3) All materials and colors.

4.2.6 Exterior Wall Elevations of Existing Residence and Addition

- A. Drawn to a scale of 1/4" = 1'-0" showing:
 - 1) All exterior views of the addition and existing residence, including those which will be partially blocked from view by fences, service area walls or landscaping.
 - 2) Vertical dimensions
 - 3) All exterior materials

4.2.7 Wall Sections of New Construction

- A. Drawn to a minimum of 3/4"=1'-0" showing:
- 1) Roof pitch, overhang(s), roof fascia and gutters.
 - 2) Vertical dimensions

4.2.8 Electrical Plan

- A. Drawn to a scale of 1/4"=1'-0" showing any new exterior lighting locations, wattage and light housing style.

4.2.9 Building Materials and Colors (Required also for minor home and Lot improvements)

- A. The name, quality grade and full description of any proposed exterior wall finishes, fence style and material (chain link type fences of any kind are not permitted), exterior window and door treatment, deck, front Entryway enclosure or lanai surfaces, driveway or other new paved areas and roof.
- B. A color board with samples of each exterior color.
- C. Any other exterior materials of significance to the design

4.3 Fees (Make check payable to **MONTEREY SINGLE FAMILY VILLA HOME NEIGHBORHOOD ASSOCIATION, INC.**)

4.3.1 The Home Owner shall submit three (3) sets of documents as required by these Guidelines. Submit the required information to the Administrator for discussion with the ARB. An administrative fee of one-hundred-fifty dollars (\$150.00), which includes a one-hundred dollar (\$100.00) non-refundable Application fee and a fifty-dollar (\$50.00) initial ARB Final Observation fee, as required by sub-paragraph **8.4.2.** of these Guidelines may also be required with the initial submission if so required by these Guidelines. A submission may be returned if the Application is incomplete or the required fees, as determined by the ARB are not provided.

4.3.2 If an Application or Letter Proposal is denied by the ARB, and if an amended application is not filed within thirty (30) days of the Notice of Disapproval, then the Guidelines as may be amended at the time of re submission of the Application or Letter Proposal shall apply. If more than one (1) amended Application or Letter Proposal is filed, and each amendment is filed within thirty (30) days of Notice of Disapproval of the prior Application, Letter Proposal or amendment, then the Guidelines in effect at the initiation of the application process shall continue to apply throughout the amendment process, however an additional non-refundable fifty-dollar (\$50.00) review fee shall be required with each re-submission regardless if there was no requirement for submission of a Application Fee with the original Application or Letter Proposal.

4.4 Deposits (Make check payable to **MONTEREY SINGLE FAMILY VILLA HOME NEIGHBORHOOD ASSOCIATION, INC.**)

For major construction projects costing at or over ten-thousand dollars (\$10,000.00) and prior to the start of construction operations, the ARB may require a one-thousand dollar (\$ 1,000.00) refundable (to the extent not used) deposit from the Home Owner and indemnification of the Villa Home Association for any damage to roads, curbs, gutters, utilities, Villa Home Common Areas or adjoining Lots which may occur during the process of construction operations and/or installation of landscaping.

SECTION 5

5.0 SITE IMPROVEMENT STANDARDS

5.1 Site Utilities

5.1.1 Refer to paragraph **3.17.** and Section **4.** of the *Villa Home Association Covenants* for

requirements regarding easements.

- 5.1.2 All Lot Owners must connect to potable water, sewer, and electrical utilities. Telephone, cable TV and electrical connections shall also be by underground feeder.

5.2 Set-Back Requirements:

A. Front Lot Lines 25 Feet

B. Side Lot Lines 7.5 Feet

C. Rear 25 Feet

D. Pool 18 Feet

Note: If two (2) adjacent Lots are acquired and used as a single building site under a single Lot Owner, the side Lot lines shall refer only to the lines bordering on the neighboring Lot Home Owner's property. In no event shall a single building site combine more than two (2) Lots, or use portions of Lots other than whole Lots.

E. Rear Lot Lines

Note: Yards that abut Mission Drive are deemed to be rear yards when the main access to the Home is provided via a road other than Mission Drive.

5.2.1 Variations

The ARB shall have the right to authorize and approve minor variations of building set-back lines to accommodate special characteristics of a Lot. Any such authorization, if given, shall be evidenced in Minutes of a Villa Home Association Board meeting.

5.3 Boundary Walls:

- 5.3.1 Refer to paragraph 3.3 of the *Villa Home Association Covenants* for information regarding Boundary Walls, Ownership and maintenance of the appearance and the structural integrity of the Boundary Walls.

- 5.3.2 The Villa Home Association and/or the ARB shall not be a party to any dispute between Home Owners regarding the maintenance of a Boundary Wall or the use of any easements described in paragraph 3.3. of the *Villa Home Association Covenants*

- 5.3.3 **Note:** Home Owners of Lots abutting Mission Drive shall not be permitted to have a rear Boundary Wall closer than three feet (3'-0") from the rear boundary line and shall be required, if a Boundary Wall is constructed, to plant low maintenance landscaping pursuant to the standards established by the ARB, between the wall and the rear lot line.

- 5.3.4 **Note:** Home Owners of Lots 1, 2, 3 and 4 of the Villa Home Neighborhood are not permitted to have a Boundary Wall closer than seven and one-half feet (7'-6") from the rear boundary line.

SECTION 6

6.0 ARCHITECTURAL STANDARDS

The exterior of all Homes shall be designed, constructed and maintained to be compatible with the intent and purpose of the *Covenants* and these Guidelines. All design efforts should be preceded by a careful investigation of these documents. For convenience, the ARB most commonly applied standards are reproduced herein. Where any of these standards may conflict with the *Covenants* and/or applicable law, the *Covenants* and/or applicable law shall govern.

6.1 Architectural Overview

6.1.1 Laws, Codes and Ordinances

The Home Owner shall be responsible to provide all new work in conformance with existing applicable laws, codes and ordinances which are in effect at the time of construction.

6.1.2 Nuisance

No noxious or offensive use may be made of the Home, Lot, Neighborhood or the Community and no such activity shall be permitted which would be a nuisance by reason of unsightliness or excessive emission of noise, odors, liquids, gases, dust, vibration, fumes or smoke.

6.2 Exterior Design

The paragraphs which follow provide specific guidelines for consideration in planning an addition or remodeling of a Home. However, it should be understood that 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 evaluating the exterior appearance of a Home addition, the ARB will take into consideration elements of design and site conditions including, but not limited to:

6.2.1 Site Utilization

The relationship of proposed new construction to the existing Home and to natural and man-made features; views from the Home and adjacent structures; common open space; neighbors; height; width; set-back requirements and overall visual impact.

6.2.2 Scale

The relationship of the proposed new structure to existing surrounding structures and the site size in terms of Lot coverage, and the height, width and overall visual impact.

6.2.3 Massing

The relationships of the existing and new portions of the Home relative to each other

6.2.4 Openings

The relationship of exterior openings (doors, windows, etc.) to the solid portions of the design and to one another, compatibility with the design of the existing Home, materials used, and the manner in which the openings are detailed

6.2.5 Roofscape

The relationship of roof shapes and treatment of the overall design concept of the Home to insure that the residence will continue to represent a comprehensive design solution

6.2.6 Aesthetics

The overall architectural design quality based upon the judgment of the ARB.

6.3 Exterior Materials, Colors and Textures

6.3.1 Except as may be provided otherwise, exterior materials and colors shall harmonize with the Neighborhood. Materials which are appropriate to achieve this harmony include stucco, stone, wood and brick. Appropriate colors are generally subdued and compliment or are in earth tones. Building materials used shall be appropriate to the residential design. Exterior finished materials shall be of a high quality. Detailed technical specifications or technical brochures of all exterior materials, colors and textures are required at the time of submission of the Application. Large color samples not less than 12 inches square shall be provided to the ARB on the actual material to which it is to be applied.

- 6.3.2** Except as may be provided otherwise, inappropriate use of materials and colors for the Home shall not be permitted. Examples of such inappropriate materials are plastic or simulated brick materials, plastic and particle board siding materials or simulated stone. Plastic materials may be used for enclosure walls when approved by the ARB. 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 by the ARB if the color has not been previously approved, or if the color appears to be out of character with the surrounding neighborhood.

6.4 Exterior Home Elevations

6.4.1. Equal attention to detail and architectural definition shall be given to all sides of the Home when an addition or alteration work is being anticipated. Such details include, but are not limited to, stucco banding, accent materials and roof character and window treatment. Retaining walls, planter walls and privacy walls are acceptable when approved by the ARB. Stem walls shall be shown on the building elevations.

- 6.4.2** Natural materials and light, warm colors which compliment or are in earth tones are encouraged. Examples of some approved materials and colors are:
- A. Stucco in light colors and/or warm earth tones and complementary colors.
 - B. Wood finishes of redwood, cedar or cypress in natural stain or paint colors.
 - C. Natural stone such as granite and marble and rock left in natural patina.
 - D. Stucco rock and artificial stone are prohibited on the exterior.
 - E. Brick in light colors and/or warm earth tones.

6.5 Openings, Windows, Trim, Canopies and Awnings

- 6.5.1** Windows shall be clear or tinted glass of bronze, gray or smoke colors to match existing windows. No reflective glass or reflective tinting which gives a mirror-like finish shall be used for doors or windows.
- 6.5.2** Matching existing window framing is encouraged, but not required. Metal trim in white or bronze colors is acceptable.
- 6.5.3** If aluminum windows or sliding glass doors are used, they shall be finished in a brown, bronze or white, factory-applied electrostatic or anodized finish. Mill-finish or clear anodized aluminum is not allowed.
- 6.5.4** Window, front Entryway enclosure and porch screening shall be a gray, bronze or charcoal. No mill-finish or clear anodized aluminum will be allowed on framing for a pool and/or spa enclosure, front Entryway enclosure or porch.
- 6.5.5** Exterior shutters, when used, shall be operable or appear as such. Storm and hurricane shutters or windows may be installed over openings only when a storm is imminent. All storm shutters shall be attractive, appropriate and concealed when in their opened position. Shutters shall not be installed for security purposes over extended periods of time when the Home Owner is not present. The Home Owner is responsible to make provisions to have the exterior shutters installed by others in the event of a storm when the Home Owner is not present.
- 6.5.6** Entry areas can be emphasized with an accent color on porches, walkways and special door materials. Garage doors shall be de-emphasized.
- 6.5.7** Entrance canopies and window awnings are not permitted.

6.6 Exterior Home Lighting

- 6.6.1** Refer to paragraph **3.13.** of the *Villa Home Association Covenants* for applicable living area requirements.

- 6.6.2** Each Home shall have exterior night lighting, which shall, at a minimum, include one (1) light attached to the front of the house on the wall or ceiling or between the Home and front Lot line. This exterior night lighting requirement can also be accommodated solely with lighting required under sub-paragraph **6.6.3** of these Guidelines.
- 6.6.3** Light sources shall be concealed, where possible, with all light in shades of warm white. No colored lights will be permitted except for short periods of time over Holidays. Spillover of light onto neighboring properties shall be avoided and lighting shall be shielded to prevent glare. Wall washes can be achieved through eave-mounted, wall or ground light.
- 6.6.4** Lights with warm tone, sixty (60) watt minimum bulbs are required on either side of the garage door and shall be on a solar activated switch so that these lights are also on from sunset until sunrise.
- 6.6.5** Electrical plans shall be provided for new construction which shows the location of all new or additional exterior lighting and the wattage and light housing style.
- 6.6.6** All exterior lighting is subject to approval of the ARB. The ARB will consider the light position, color, mounting structure, wattage and effect on adjacent properties.
- 6.6.7** Landscape lighting is outlined in Section 7 of these Guidelines.

6.7 Living Area

Refer to paragraph **3.5.** of the *Villa Home Association Covenants* for applicable living area requirements.

6.8 Maximum Height of Structures

Refer to paragraph **3.4.** of the *Villa Home Association Covenants* for information regarding height of structures.

6.9 Roof

- 6.9.1** Refer to paragraph **3.8.** of the *Villa Home Association Covenants* for information regarding roofs.
- 6.9.2** Roof material shall be the same material, design and character as the original roofs constructed on the Lot. In the event that the Villa Home Board approves additional materials, a Notice of such approval will be maintained in these ARB Guidelines when any subsequent updated copy is released.
- 6.9.3** When new roof water proofing is being installed, the existing roof tile may also be replaced. The new roof tile is not required to be the same color as the previous roof tile, but must be harmonious with the Home color and roofs of the surrounding Homes. A sample of the proposed new roof tile shall be reviewed and approved by the ARB.
- 6.9.4** Roof pitches and overhangs may vary as necessitated by architectural design, however no flat roofs are allowed as a major structural element. A minimum roof slope of 5 to 12 is set as a standard. Roofs shall have a minimum overhang of two feet (2'-0") on the eave and on the gable ends. Fascias shall be a minimum of eight inches (0'-8"). No metal fascia or soffits will be permitted. Fiberglass and asphalt shingles are also unacceptable. Roof material on new Home additions shall match the existing roof material and color.

6.10 Roof Accessories and Elements

6.10.1 What is NOT Permitted

No visible external antennas, discs, antenna poles, antenna masts, electronic devices, antenna towers, citizen band (CB) or amateur band (ham) antenna, shall be permitted except as may be specifically approved in writing by the Villa Home Board. A flagpole may not be used as an antenna.

6.10.2 Stacks and Vents

Plumbing stacks and roof vents shall match roofing colors and be placed as inconspicuously as possible. All prefabricated fireplace unit stacks shall have an approved terminal cap and maintain rodent and insect control.

6.10.3 Flashing, Gutters and Downspouts

Exposed flashing, gutters and downspouts shall be approved and painted to match the fascia and/or wall of the house.

6.10.4 Skylights

Installation of skylights is acceptable if approved by the ARB. Indicate size, location, material and color on a Roof Plan and submit to the ARB with an Application.

6.10.5 Solar Collectors

Installation of roof mounted solar collectors is acceptable if approved by the ARB. Solar collectors shall not be located on the front of the Home facing the road. Indicate size, quantity, location, material and color on a Roof Plan and submit to the ARB with an Application.

6.11 Service Area

6.11.1 Refer to paragraph **3.9.** of the *Villa Home Association Covenants* for information regarding Garbage and Trash. Paragraph **3.9.2.** provides the requirement for one (1) garbage disposal unit located inside the Home

6.11.2 Service areas shall be properly maintained and include areas to accommodate air conditioning compressors, pool and spa equipment, garbage and trash receptacles, electrical service entrance if not located inside the Home, and other items that by their nature present an unsightly appearance. The Service Area should be convenient to the utility service of the Lot and all items inside the Service Area shall not be visible from any adjacent Lots or the road but rather be screened from view by a privacy enclosure, not less than four feet (4'-0") nor more than six feet (6'-0") in height. Such enclosure shall be an integral part of the site development plan using landscape and building materials and colors that are harmonious with the Home it serves. Both the Floor Plan(s) and the Site Plan shall show the Service Areas with proper visual screening and enclosure of it on any Application submitted to the ARB.

6.12 Mechanical Equipment, Air Conditioning and Gasoline Emergency Generators

6.12.1 Refer to paragraph **3.10** of the *Villa Home Association Covenants* for information regarding air conditioners and mechanical equipment.

6.12.2 Air conditioning units, pool, spa and irrigation equipment, electrical power meters and garbage and trash receptacles shall not be readily visible from any adjacent Lots or the road. A privacy landscape element, building wall or fence, no higher than six feet (6'-0") shall be installed around these items. Painting existing equipment and mechanical and electrical items (such as mechanical & pool/spa equipment, conduit, meter cases, etc.)

with appropriate exterior paint in the same color as the Home is recommended for items located above the privacy landscape element, building wall or fence enclosure.

- 6.12.3 Placement and other conditions relating to the use of exterior air conditioning, pool and spa equipment, and other mechanical equipment shall be subject to approval by the ARB.
- 6.12.4 Window air-conditioning units are not permitted. Thru wall air conditioning and exhaust fans may be affixed to the building with approval by the ARB.
- 6.12.5 The use of a gasoline emergency generator for electrical power is encouraged during extended electrical power outage. When in use, the generator shall be located in the Service Area or external to the Home. Use of gasoline generators inside the Home is prohibited.

6.13 Pools, Spas, Front Entryway Enclosure, Lanais and Screening

- 6.13.1 No above ground pools or spas will be permitted other than children's temporary wading and play pools which are to be located in rear yards only.
- 6.13.2 All pool and spa enclosures shall tie into or match the Home roof line and slope. The vertical screen wall portion of the lanai enclosure shall not exceed the height of the roof soffit of the existing Home constructed on the Lot. Screening shall be a gray, bronze or charcoal color.
- 6.13.3 No mill-finish or clear anodized aluminum will be allowed on framing for a pool and/or spa enclosure, front Entryway or porch.
- 6.13.4 Diving boards, slides or platforms are not permitted.
- 6.13.5 Pool and spa lights shall be subject to ARB approval and shall generally be designed to minimize the light effect on adjacent Lots.
- 6.13.6 Pool and spa enclosures shall be shown on all plans, including roof plane, floor plans and exterior elevations when Home Owner submits the Application to the ARB.

6.14 Sheds and Temporary Structures

- 6.14.1 No storage sheds and prefabricated enclosed storage units shall be installed or erected.
- 6.14.2 No tents or temporary structures shall be permitted unless their site, appearance and temporary location on the Lot has first been approved by the ARB. Temporary structures shall be removed within seven (7) days after installation or erection.

6.15 Signage and Graphics

Refer to paragraph 3.12. of the *Villa Home Association Covenants* for information regarding signs. Lighted signs of any kind shall not be permitted on the exterior of the Home.

Note: No erected sign may have a surface area on any one (1) side of more than one (1) square foot except signs advertising a Lot or the improvements thereon for sale or lease which may be up to four (4) square feet

6.16 Home Address

Each Home address has initially been indicated on the road face of the mailbox. Additional road identification (street address) of the Home is not required.

6.17 Flagpoles & Display of American Flag

- 6.17.1** The location of one (1) wall mounted flagpole beside the garage door or on the mailbox post is permitted per Lot. Vertical flagpoles located in the front yard or road side yard of corner Lots are not permitted.
- 6.17.2** If the mailbox post is selected, both Home Owners of shared post mailboxes should agree and the flag pole shall be installed such that it projects into the front yard and not toward or over the road.
- 6.17.3** The presentation of the United States Flag shall be in accordance with governmental regulations regarding display of such Flag.

A. Note: When the flag is displayed in a manner other than by being flown from a pole, it shall be displayed flat. When displayed either horizontally or vertically against a wall, the union shall be uppermost and to the left when viewed from the road. It is the custom to display the flag only from sunrise to sunset however the flag may be displayed twenty-four (24) hours a day if illuminated.

SECTION 7

7.0 SITE IMPROVEMENT WORK

All new site work, grading, drainage and landscaping shall be properly designed and indicated on a Site Plan submitted for review. Ground elevations of new site improvement work compared to the finished floor elevation of the existing Home and the road shall be shown on the Site Plan.

7.1 Grading and Drainage

- 7.1.1** When a Home Owner makes extensive revisions to the exterior of their current Home such as expanding the Home to add interior space, constructing a deck or lanai, installing an underground swimming pool or spa and similar extensive construction work that can alter the existing exterior condition of the Lot, the Lot grading and drainage shall be reassessed.
- 7.1.2** All drainage and grading shall be properly designed and indicated on the Site Plan submitted to the ARB for review. Lots shall be tilled and graded so that the front yard portion of water run-off flows to the road. Side and rear yards shall be filled and graded in a manner which promotes good drainage without affecting the adjacent Lots. The rear of Lake Lots shall slope to the lake shoreline at a minimum 0.5% grade.
- 7.1.3** Lots adjacent to Tract A ("Lake") shall not be increased in size by raising or filling in the portion of the Lot fronting on the Lake. Lot Home Owners shall not dike, rip-rap or block, divert or change the established embankment or water level in any way.

7.2 New Site Improvement Work

Site improvement work includes all embellishment and improvement of the land as well as the proper maintenance and cultivation of plant life. For purposes of these Guidelines, the term 'Site Improvement Work' is further subdivided into:

7.2.1 Hardscape

For purposes of these Guidelines, the term 'Hardscape' includes:

- Brick, concrete and concrete products, paving.
- Decks, patios, porches to the extent not considered a structure.
- Fences, walls and planters to the extent not considered a structure.

7.2.2 Landscaping

For purposes of these Guidelines, the term 'Landscaping' includes, but is not limited to the following:

- Grass, plants, shrubs, flowers, trees other vegetation and trellises.
- Bark, mulch, peat, stakes, boards, timbers and other wood products.
- Stone, rock and gravel.
- Landscape Lighting

7.2.3 Irrigation

For purpose of these Guidelines, the term 'Irrigation' includes an underground automatic type system with pump, controls and time clock.

7.2.4 Ornamentation

For purposes of these Guidelines, the term 'Ornamentation' includes, but is not limited to the following:

Birdbaths, birdhouses, trellises, exterior artwork, statues, and figurines. Water features (i.e. ponds, streams, waterfalls and other similar water uses.) Metal, plastic and man-made items when used for beautification of the land rather than for adornment of a structure designed to be occupied by humans.

7.2.5 Other Exterior Items [Refer to paragraph 7.7 of these Guidelines]

For purposes of these Guidelines, the term 'Other Exterior Items' includes, but is not limited to the following:

- Animal Housing
- Children's Play Equipment (trampolines, swing sets, playhouses, etc.)
- Docks
- Driveway Reflectors
- Exterior Furniture
- Game Courts
- Grilling Equipment
- Mailboxes
- Newspaper Tubes
- Other Similar Exterior Items

7.3 Hardscape

7.3.1 All Homes shall have a defined driveway constructed of concrete, brick, or other suitable impervious material. Asphalt, gravel or shell driveways are not permitted. Examples of approved hardscape materials include:

- A. Smooth finished concrete with a tool edged finish or bordered with an acceptable material, such as brick
- B. Impressed or pattern concrete in warm earth tones.
- C. Paver block or brick in gray or warm earth tones.
- D. Fixed exposed aggregate in neutral colors such as epoxy bonded aggregate.

7.3.2. The entry walkway surface shall be the same, or compatible with, the driveway material.

7.4 Landscaping

7.4.1 Each Home Owner's landscaping shall contain at least 50% native species of plants. At least two (2) shade trees having a minimum six foot (6'-0") trunk diameter measured two feet (2'-0") above the ground (14' to 16' tall) are required to be planted on each Lot, one

(1) of which shall be located in the front yard. Existing plant life and trees will be credited if they meet these requirement and they are not a prohibited species.

- 7.4.2** Proposed new landscaping plans shall include a plant list for new work that includes both common and botanical names, plant size and spacing, and shall also show existing trees and shrubs, new sod areas and all new shrub and tree locations. Landscape plans shall also show locations of new and existing structures, driveways, gazebos, walkways and any other landscape features.

Collier County has addressed specific exotic trees and plant species in their Ordinances. Home Owners should check with local planning agencies or zoning departments for specific details before submitting their letter Proposal to the ARB.

- 7.4.3** It is important that native plants are used correctly and in the right position. All plants are not suited for everyone's Lot. Many species prefer no water, while others require almost constant water. Several resource books are available at the library. Listed below are some native plants that can be adapted to environmental conditions found in The Villa Home Neighborhood and can easily be incorporated into a landscape design for a Lot. Plants with asterisks (***) represent more available materials found in nurseries.

A. LARGE CANOPY TREES:

Wild tamarind (<i>Lysiloma latisiliquum</i>)	
Gumbo limbo (<i>Bursera simaruba</i>)	With protection
Fiddlewood (<i>Citharexylum fruticosum</i>)	
Willow bustic (<i>Dipholis salicifolia</i>)	
Wingleaf soapberry (<i>Sapindus saponaria</i>)	
Native fig (<i>Ficus aurea</i>)	With protection
Seagrape (<i>Coccoloba uvifera</i>)	With protection
Mahogany (<i>Swietenia mahagoni</i>)	
Live oak (<i>Quercus virginiana</i>)	
Slash pine (<i>Pinus elliotii</i>)	
Red maple (<i>Acer rubrum</i>)	
Bald cypress (<i>Taxodium distichum</i>) deciduous	
Hackberry (<i>Celtis laevigata</i>)	
Sweet gum (<i>Liquidambar styraciflua</i>)	
Royal palm (<i>Roystonea elata</i>)	

B. SMALL TO MEDIUM SIZE CANOPY TREES:

Florida elm (<i>Ulmus Americana</i>)
Scrub live oak (<i>Quercus geminate</i>)
Scrub hickory (<i>Carya floridana</i>)
Black ironwood (<i>Krugiodendron ferreum</i>)
Pigeon plum (<i>Coccoloba diversifolia</i>)
Simpson stopper (<i>Myrcianthes fragrans</i>)
Magnolia (<i>Magnolia grandiflora</i>)
Cabbage palm (<i>Sabal palmetto</i>)

C. LARGE SHRUBS FOR TYPE "B" SCREENS:

Black ironwood (<i>Krugiodendron ferreum</i>)
Pigeon plum (<i>Coccoloba diversifolia</i>)
Myrsine (<i>Myrsine floridana</i>)
Florida privet (<i>Forestiera segregate</i>)
Wax myrtle (<i>Myrica cerifera</i>)
Maiden bush (<i>Savia bahamensis</i>)
Simpson stopper (<i>Myrcianthes fragrans</i>)
Crabwood (<i>Ateramnus lucidus</i>)
Yellow elder (<i>Tecoma stans</i>)
Cinnamon bark (<i>Canella winterana</i>)
Walters Viburnum (<i>Viburnum obovatum</i>)
Paurotis palm (<i>Acoelorrhaphe wrightii</i>)

D. SHRUBS FOR 36 INCH HEIGHT MINIMUM HEDGE:

Florida privet (<i>Forestiera segregate</i>)
Necklace pod (<i>Sophora tomentosa</i>)

Saw palmetto (*Serenoa repens*)
Silver saw palmetto (*Sereno repens* 'Cinerea')
Myrsine (*Myrsine floridana*)
Maiden bush (*savia bahamensis*)

E. GROUNDCOVERS:

Leatherfern (*Arostichum panaefolia*)
Boston fern
Coontie
Beach Sunflower

*With Protection: Protect from cold by planting in courtyards or adjacent to buildings and other vegetation.

- 7.4.4 Dead and/or prohibited trees and plants shall be removed from the Lot which may require a permit from applicable governing agencies.

7.5 Landscape Other

- 7.5.1 Tree wells are acceptable provided they are properly designed to drain and are constructed of appropriate materials
- 7.5.2 Tree lighting shall be concealed underground or in shrub masses. Garden lights or walkway bollards shall direct the light down with a concealed light.
- 7.5.3 All area not covered by structures or hardscape materials shall be landscaped to the pavement edge of any abutting roads and to the water line of the abutting lake.
- 7.5.4 St. Augustine species of grass, including Flora-tam, Bitter Blue, and Seville are required as a lawn. Bahia is not allowed. Gravel, rock, pea gravel or other material may not be substituted as a ground cover or a lawn but may be used in tree and planting beds similar to mulch or around mailboxes and/or road signage.
- 7.5.5 Shrub masses can be used to buffer views and to screen private areas. Shrub plantings shall be massed in groupings of three (3) or more plants.
- 7.5.6 No shrub mass or hedge barrier above six feet (6'-0") is permitted to extend beyond the rear yard setback of a lake Lot.
- 7.5.7 No artificial trees, shrubs, grass or other vegetation subject to view from the road shall be placed or maintained as part of the landscaping on a Lot.

7.6 Irrigation

- 7.6.1 All irrigation systems shall be of an underground automatic type with pump, controls and time clocks which are screened from view.
- 7.6.2 All irrigation for Lots shall be by water supplied by municipalities, private wells or improvement districts.
- 7.6.3 "Pop-up" spray or knocker heads are encouraged. Irrigation heads shall be adjusted to prevent excessive spraying onto the road.
- 7.6.4 Exposed pipe extensions, below ground valve and control box covers, expansion tanks, and other mechanical and utility equipment and devices that are located in the lawn, shall be painted *Rust-oleum* Spruce Green 7737 in a satin low sheen finish or other suitable color approved by the ARB.
- 7.6.5 Water from the lake shall not be used for irrigation purpose.

7.7 Ornamentation

7.7.1 Ornamentation shall have the approval of the ARB regarding location.

7.7.2 All lawn ornaments, such as fountains, statues, topiaries and artificial plants shall not be permitted in the front yard within fifteen feet (15'-0") of the road unless specifically approved in writing by the ARB.

7.8 Other Exterior Items

7.8.1 The location and materials for external **Animal Housing** or exercise areas (dog houses, bird baths and pole mounted bird houses) and/or fenced in areas are subject to ARB approval. Chain link fences of any kind are not permitted to enclose dog runs or pens.

7.8.2 Permanently fixed **Children's Play Equipment** and temporary inflatable or nonattached wading pools and similar type play equipment is prohibited in the front yard, road side yard of corner Lots, and outside the property setback lines. The location of any permanent play equipment (i.e. playhouses, trampolines, swing sets, etc.) is subject to ARB review and approval.

7.8.3 Lots adjacent to Tract A shall not have temporary or permanent **Docks** on the Lake.

7.8.4 **Driveway Reflectors** are not permitted.

7.8.5 Permanently fixed **Exterior Furniture** is prohibited in the front yard and roadside yard of corner Lots. Exterior furniture is permitted in the front Entryway.

7.8.6 Game Courts

A. Refer to paragraph **3.14.** of the *Villa Home Association Covenants* for information regarding game courts.

B. Tennis, racquetball, basketball and other game courts are not permitted in the front yard.

C. One (1) movable basketball pole with backboard and net is subject to ARB approval. Backboards shall not be permanently attached to the Home.

7.8.7 **Grilling** and **Outside Cooking** and food preparation is to be performed on the lanai or at the rear of the Home so as not to stain the driveway.

7.8.8 Mailboxes

D. Refer to paragraph **3.11.** of the *Villa Home Association Covenants* for information regarding mailboxes.

E. Mailboxes have initially been provided for each Home in a standard design and color.

F. The Villa Home Association shall maintain the mailboxes and posts on an individual basis and shall bill each Home Owner on a prorated basis for the cost of required maintenance and replacement as determined by the ARB, (50% each to both Home Owners sharing a common post when maintenance to the post and/or both boxes is required and 100% to a Home Owner when only their mailbox is maintained, even when located on a shared post).

G.

7.8.9 **Newspaper Tubes** are not permitted.

7.8.10 **Other Similar Exterior Items** should be reviewed with the ARB

SECTION 8

8.0 CONSTRUCTION AND INSTALLATION STANDARDS

The following requirements shall be satisfied for major construction and extensive site work projects after a Home Owner has received ARB written approval and before any site preparation, materials deliveries or construction may commence. With the exception of paragraphs 8.1.1, 8.2.1, 8.3 and 8.4, this Section 8 shall also apply to interior construction work.

8.1 Pre-construction

8.1.1 ARB Approvals

Approval by the ARB does not preclude the necessity for the Home Owner to obtain building permits from the County Building Department and other appropriate governing agencies as may be required.

8.1.2 Temporary Construction Signs

Two (2) signs [one (1) Contractor and one (1) Architect] are permitted on site. Each such sign shall be a maximum size of two (2) square feet and shall be erected on the Lot no closer than three feet (3'-0") from the road right of way. At no time shall a sign or permit be nailed to any tree. Sub-contractors signs are not permitted.

8.2 During Construction

8.2.1 ARB Construction & Installation Observation

The ARB or its designated representative may periodically observe the construction to see that general compliance with the Guidelines is being adhered to. If deemed appropriate, the ARB may report its findings to the County Building Inspector.

8.2.2 Temporary Toilet Facilities

Each major construction site is required to have an enclosed temporary toilet facility for the use of workers. If possible, it shall be placed on the Lot, at least twenty feet (20'-0") from the road right of way in an inconspicuous location with the door facing away from the road.

8.2.3 Burning

Fires are not permitted on residential construction sites under any circumstances.

8.2.4 Trash Disposal

- A. Care shall be taken when loading trucks and hauling trash to prevent spillage on roads while in transit. Home Owners shall be held responsible for trash and debris resulting from their construction process.
- B. A suitable trash trailer with a minimum four (4) cubic yard capacity is required on a Lot with major construction. If possible, it shall be placed on the Lot at least ten feet (10'-0") from the road right of way, and the area surrounding it shall be kept in a clean and neat manner. The dumpster or container shall be emptied on a regular basis, and in no event shall the dumpster be permitted to be overloaded such that debris is visible from the road.
- C. At the end of each workday, materials shall be stored neatly and all trash placed in the container. No trash shall be strewn about the Lot or piled openly. It is imperative that all construction sites and the adjoining Lots be maintained in a clean and professional manner. The Home Owner and its Contractor are

responsible for removal of any construction trash or debris that accumulates on the Lot or is distributed onto neighboring Lots or Villa Home Common Area.

- D. The curb and road adjacent to the Lot shall be kept free of construction dirt and debris. No construction debris shall be swept into the sewer system.

8.2.5 Protection of Neighbor's Rights

- A. The use of adjoining properties for access or storage of materials without the written permission of the adjacent owner is prohibited. The Home Owner shall provide a copy of such neighbor approval letter to the ARB.
- B. Material storage structures may not be used as worker living quarters. Construction trailers will not be permitted on any construction site.

8.2.6 Damage

Any damage to property in the Neighborhood or the Community by a Home Owner's Contractor will be charged to the Home Owner. Damage includes, but is not limited to injury to property resulting from mechanical equipment, vehicles, petroleum products and personnel (whether willful, negligent, or accidental).

8.2.7 Working Hours

Working hours are from 7:00 A.M. until 7:00 P.M. Monday through Friday and 8:00 A.M. until 5:00 P.M. on Saturday. No construction work shall be performed on Sunday. All construction personnel shall check in each day with the front gate guard and provide the guard the Home Owner's name and Lot number.

8.2.7 Construction Traffic Speed Limit

Construction traffic shall operate in the development at a maximum of 25 M.P.H.

8.3. Final Review by the ARB

- 8.3.1** Observation and final approval by the ARB is required for certain items. Prior to the final observation and consideration for final approval by the ARB, the construction work shall be completed, the landscaping shall be installed, and all improvements shall conform to the previously approved plans. All construction debris shall be removed from the Lot and surrounding areas. The temporary construction signs and any temporary electrical power shall be removed.
- 8.3.2** After the above has been accomplished, the Home Owner shall notify the ARB Administrator that the site is ready for final observation. Any unauthorized changes to the previously approved plans shall be corrected before final approval is issued by the ARB and any required deposits are returned.
- 8.3.3** It is understood that the ARB review of Home Owner submittals and the other services and obligations outlined herein are being provided in conformity with the current accepted standards of care of the architectural profession for the characteristics of the residence in the jurisdiction where the project is located (the "Standard of Care"). Neither the ARB or its designated representatives, any Neighborhood or Community Board or Southwest Properties Management shall be responsible for the performance of the Construction Contract, or for the construction work or products, or any defects, deficiencies or effects resulting therefrom, of any contractor, sub-contractor, manufacturer, supplier, fabricator, consultant retained by any of them or the Home Owner, or any other third party.
- 8.3.4** The ARB on-Site observation of the construction work is to determine if the Contractor's work appears to be in general conformance with the information set forth in these Architectural Guidelines and any action taken by the ARB as a result of such on-site

observation is solely to report any such inconsistency. It is understood that the ARB review shall not be considered to be complete in every detail or exhaustive. Review or action upon a specific item shall not indicate a review of a total assembly of which the item is a component. ARB review and on-site observation of the construction work shall also not relieve the Home Owner's Architect or any contractor, sub-contractor, manufacturer, supplier, fabricator, professional, consultant, or other third party from responsibility for any deficiency that may exist or for any departures or deviations from the requirements of the documents prepared by the Architect or governing Collier County and State of Florida Agencies.

- 8.3.5** Nothing in these Architectural Guidelines shall be construed as giving the ARB or its designated representatives, any Neighborhood or Community Board or Southwest Properties Management the responsibility for or the authority to control, direct or supervise construction, construction means, methods, techniques, sequences or procedures.

8.4 Final ARB On-Site Observation Review Process

- 8.4.1** When the Contractor has complied with the approved plans and ARB requirements, the Home Owner may request a final on-site observation by ARB representatives.
- 8.4.2** Final on-site observation by ARB representatives will be accomplished within five (5) business days of receipt of such Notice. Payment of the fifty-dollar (\$50.00) final observation fee is included in the initial Application fee noted in paragraph **4.3.1** of these Guidelines.
- 8.4.3** An ARB report will be submitted to the Home Owner indicating a list of items which have been observed as requiring remedial work or replacement (the "Punch List"). When the Administrator has received Notice from the Home Owner that the Punch List work has been completed the process stated in sub-paragraph **8.4.2** will be repeated. After two (2) on-site observations by an ARB representative(s), an additional fifty-dollar (\$50.00) non-refundable observation fee will be assessed against the Home Owner for each additional ARB site visit required to gain final approval.
- 8.4.4** The ARB or its designated representatives, any Village of Monterey Board and/or Southwest Properties Management will not become involved in any dispute between the Home Owner and 1) the Architect 2) any contractor or 3) other third party.

SECTION 9

9.0 DAMAGE AND DESTRUCTION OF HOME OWNER'S IMPROVEMENTS

- 9.1** Refer to paragraph **3.18.** of the *Villa Home Association Covenants* for information in connection with Property Damage and Destruction
- 9.2** **Note:** The damage or destruction by hurricane, fire or other casualty to all or any portion of any improvement on a Lot shall be repaired by the Home Owner thereof within seventy-five (75) days after such damage or destruction or, where repairs cannot be completed within seventy-five (75) days, they shall be commenced within such seventy-five (75) day period and shall be completed within a reasonable time.
- 9.3** **Note:** Alternatively, the Home Owner may elect to demolish all improvements on the Lot, remove all debris therefrom within seventy-five (75) days after such damage or destruction and leave the Lot graded and seeded with grass.

SECTION 10

10.0 ENFORCEMENT AND APPEAL PROCEDURES

- 10.1** Unless stated otherwise herein or in the *Covenants*, the ARB shall not take any action adverse to a Home Owner or an occupant for violation of these Guidelines unless and until the provisions of this Section **10** are followed.
- 10.2** Notwithstanding paragraph **10.1** of these Guidelines, the Architectural Review Board may require immediate abatement of any violation of the rules, requirements or procedures of any of the governing documents, if the Villa Home Board determines, in its sole discretion, that such immediate action is necessary to properly protect the interests of the Master Association, the Villa Home Association or other Home Owners. Possible actions by the Villa Home Board include, but are not limited to, resort to legal process including the injunctive remedy in the courts of Collier County and/or the State of Florida. When the Villa Home Board deems it necessary to require such immediate remedy, the Notice and Hearing provisions of these Guidelines shall apply only after abatement of the violation.
- 10.3** Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying a) the violation, b) the action required to abate the violation, c) the proposed sanction, d) if the violation is a continuing one, the time period during which the violation shall be abated to avoid additional sanctions, and e) notification of the right to a Hearing pursuant to paragraphs **10.4** and **10.5** of these Guidelines.

10.4 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:

- 10.4.1** A restatement of the violation and of any related violations.
- 10.4.2** The time and place of the Hearing to be not less than seven (7) days from the date of the Notice.
- 10.4.3** An invitation to attend the Hearing and produce any reasonably necessary statement, evidence or witness on his or her behalf.
- 10.4.4** A restatement of the sanctions previously imposed and of any additional sanctions contemplated by the Master Association.

10.5 Hearing;

- 10.5.1** 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 a copy of the demand and Notice together with a statement of the date and manner of delivery is entered into the minutes by the officer or director who delivered such Notice. 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.
- 10.5.2** 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/her defense. A decision of the ARB as the legally-accredited enforcement authority pursuant to the *Covenants* shall be entitled to a presumption in favor of its decision. To overcome such presumption, the violator shall show by a preponderance of the evidence that there was no violation or that the violation should be waived under the particular circumstances.

10.6 Appeal

- 10.6.1** If the results of the Hearing remain adverse to the violator, the violator is entitled to one (1) appeal to the Villa Home Board. To obtain such appeal, a violator shall make written Application to the Villa Home Association within seven (7) days of the decision by the Hearing Committee, and request an appearance at the next scheduled Villa Home Board meeting.
- 10.6.2** At the Villa Home Board meeting, the violator may present any statement in his or her behalf which can be made in a reasonable period of time, not to exceed thirty (30) days. The introduction of additional evidence or witnesses at such time shall be at the sole discretion of the Villa Home Board. The Villa Home Board may also bar 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 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.
- 10.6.3** A decision by the Villa Home Board at this time is final, and no further appeals shall be available.
- 10.6.4** If the decision of the Villa Home Board remains adverse to the violator, the violator shall take steps to abate the violation within ten (10) days of such decision. Failure to do so may result in the imposition of additional sanctions or legal action.
- 10.6.5** 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 Home Owner's Lot.