



4/19/12

## MASTER ASSOCIATION DESIGN GUIDELINES

**AUTHORITY:** Second Amended and Restated Master Declaration of Covenants, Conditions & Restrictions For Windstar (hereinafter referred to as the “Declaration”), Article 8, Architectural Review, which authorizes the Board of Directors to appoint an Architectural Review Committee to adopt Design Guidelines. These Design Guidelines are adopted on April 12, 2012.

**PURPOSE:** The purpose of the Design Guidelines (“Guidelines”) is to document, measure, preserve, and maintain architectural and environmental standards of the community and ensure that its residents continue to enjoy an attractive and appealing living area.

**INTENT:** It is the responsibility of the Architectural Review Committee (ARC) to maintain the entire development in harmony with the original development and homebuilder’s design plan, while still allowing opportunity for individual expression and general community improvement. Compliance with these Guidelines protects, preserves, and enhances property values.

**ALL EXTERIOR CHANGES:** Any permanent or temporary change to exterior design, materials, style, color, application, appurtenance, dimension, form, fit and function of a lot or dwelling, regardless of viewpoint, requires advance submission (minimum 30 days before implementation) of an *Architectural Change Request* (“ACR”) form to the ARC. The form is available at: [www.windstarclub.com](http://www.windstarclub.com). Every ACR is subject to review and approval by ARC. The ACR submission, review, and approval process is required for any alteration to appearance, such as building a deck or patio, as well as other changes such as repainting trim a different color or installing storm doors or shutters. ***All homeowners must receive approval from the ARC before proceeding with any exterior improvement or alteration.***

Any exterior addition or alteration to a home’s design, materials, style, color, application, appurtenance, dimension, form, fit and function, without prior approval of the ARC will be deemed in violation of the community covenants. The homeowner may then be required to restore the addition or alteration to the original condition at the owner’s expense.

**Architectural Change Request (ACR) Procedure:** All applications for proposed improvements must be submitted in writing using the *Architectural Change Request* application form provided by ARC. The form is available at [www.windstarclub.com](http://www.windstarclub.com) Homeowners should mail completed applications to:

Windstar on Naples Bay Master Association, Inc.  
1700 Windstar Boulevard  
Naples, FL 34112

Compliance with Guidelines: The Guidelines and restrictions defined within this document do not supersede the architectural review powers & responsibilities set forth in Article 8 of the Declaration.

The ARC will not knowingly approve a project that is in violation of any building or zoning codes. The responsibility of compliance rests solely with the homeowner, who will be held responsible for any building violations and the penalties incurred.

The architectural guidelines and standards are an accepted part of the covenants; the Board of Directors and the ARC have the right to enforce compliance with these Guidelines and standards.

Incomplete Submissions: Applications must be complete in order to commence review process. Incomplete applications will be returned to the applicant with a statement of deficiencies, which must be remedied prior to review. Incomplete submissions re-start the 30-day approval cycle. Oral requests will not be considered for approval. In addition, building outside one's property, either on a neighbor's property or common grounds, will not be approved under any circumstances.

Survey Required: All applications requesting a change in the building footprint or new addition outside of current footprint must be submitted with a copy of the homeowner's house location survey.

### **Approval, Rejection and Appeal**

Neighborhood Association Approval: All applications must have been reviewed and approved by the Neighborhood ARC or Board of the Neighborhood Association in which the Unit is located prior to submission to the Master ARC. If that Unit is not in a Neighborhood Association, it is subject to Master Association approval.

Master Association Approval or Rejection: Homeowners will be notified in writing when their application has been approved or disapproved. The ARC reserves the right to refuse permission for a project that may be viewed as detrimental to neighboring properties or the community as a whole. If an application is denied; the applicant may resubmit the request to the ARC if new or additional information demonstrates its acceptability.

Time for Response: Unless granted an exception by the applicant, the ARC shall act on all matters properly brought before it within thirty (30) days of receiving a fully completed application; failure to do so within the stipulated time shall constitute an automatic referral to the Board of Directors ("BOD").

Reviews, Rulings, Judgments: The ARC shall render its rulings consistent with the Guidelines and subsequent rulings of the BOD identified in BOD meeting minutes not yet posted to the Design Guidelines.

**Appeals and Hearing:** Any action, ruling or decision of the ARC may be appealed to the BOD by any party deemed by the BOD to have standing as an aggrieved party and the Board may modify or reverse any such action, ruling or decision.

## **RESPONSIBILITIES OF HOMEOWNER**

**Permits:** Approval of any project by the ARC does not waive the necessity of obtaining the required county building or work permits, at the owners' expense. On the other hand, the obtaining of such permits does not relieve the applicant of the responsibility of obtaining the approval of the ARC.

**Changes:** The homeowner is required to resubmit for approval if changes are made or required that deviate in design, materials, style, color, application, appurtenance, dimension, form, fit and function from the original approval.

**Commencement and Completion:** All construction or alterations approved by the ARC must be commenced within six months following the date of approval, and must be completed within one year of the ARC approval date. An extension request will need to be submitted to and approved by the Neighborhood Association and the ARC. In the event that construction/alteration is not commenced within the six-month period, the approval of the ARC will be considered void. The homeowner must then resubmit the application for approval before undertaking the project. Also, there shall be no deviations from the plans and specifications approved by the ARC without the ARC's prior written consent.

**Courtesies:** As a common courtesy, your neighbors should be informed of all exterior changes. Remember that most exterior alterations have an impact on your neighbors as well as yourself.

Projects should be completed as expediently as possible in a manner that does not create a nuisance or annoyance to the neighborhood. It is homeowner's responsibility to maintain a clean safe work area.

## **STANDARDS**

**CONDOMINIUM, COACH HOME AND ATTACHED VILLA STANDARDS - UNIQUE TO BUILDING UNITS:** It is the responsibility of the ARC and the BOD to maintain consistency and precisely maintain architectural quality standards of each of the Neighborhood Association's design, materials, style, color, application, appurtenance, dimension, form, fit and function of the building units in the entire community and within each Neighborhood Association— except where a standard is further defined by Covenants or Guidelines. These standards are unlikely to be revised or approved by Architectural Review Committee.

**SINGLE FAMILY HOME STANDARDS - UNIQUE TO EACH HOME:** Each Single Family home's design style and exterior architecture is unique to their Neighborhood Association\*. Therefore, Single Family home standards are the Neighborhood Association's design, style, colors, application, dimension, form, fit and function for that home only, and apply exclusively to that home only - except where a specific standard is further defined by Covenants or

Guidelines. Standards for a specific Single Family home may be revised or changed by the homeowner only if an approved “Architectural Change Request” form is on file in the permanent records of the HOA. The approved ACR form remains identified with, and apply to, the physical address of the home – regardless of resale, occupancy, or ownership.

\*If the Single Family home is not in a Neighborhood Association it is subject to Master Association standards and approval.

#### LANDSCAPING GUIDELINES AND STANDARDS:

General: Landscaping will not require special approval. However, no tree, hedge or other landscape feature shall be planted or maintained in a location, which obstructs sight lines for vehicular traffic on streets, driveways or roadways.

Major changes to original landscaping will require a landscaping plan that will be reviewed by the ARC; as well as the following:

- A. Plantings intending to form a hedge or natural screen.
- B. Substantial or total removal of turf and replacement with another material, such as mulch or gravel.
- C. Planting of shade trees or planting of trees on or near a two party property line. Certain varieties of shade trees will be prohibited because they may cause future physical damage to the owner’s surrounding property or may interfere with a neighbor’s enjoyment of his own property.
- D. Planting of any species on the Category 1 Florida Exotic Pest Plant Council exotic invasive species list is prohibited.

No sound hardwood trees measuring in excess of six (6) inches in diameter two (2) feet above the ground shall be removed from Club, Neighborhood Association or Master Association property without written approval of the ARC. Removal of a shade tree requires the addition of another approved shade tree to that area.

**FINAL NOTE:** These guidelines are not absolute and irreversible dictates. However, the ARC feels that the closer these guidelines are adhered to, the more harmonious and aesthetically pleasing the community will be. The ARC is open to other ideas and suggestions, and will review projects not covered by these guidelines on a case-by-case basis. The ARC reserves the right to amend or revise these guidelines as necessary.

#### **How to Suggest a New Architectural Guideline or Change an Existing One**

The Architectural Review Committee welcomes all suggestions. We are a committee made up of homeowners and neighbors, and invite your cooperation. Please write your request and address it to the following:

Windstar on Naples Bay Master Association, Inc.  
1700 Windstar Boulevard  
Naples, FL 34112



### Architectural Change Request

This form is to be completed by the owner, Neighborhood Association or contractor for exterior changes, alterations, or construction on any homeowner's or Neighborhood Association lot. The documents for Windstar on Naples Bay Master Association state that approval by the Architectural Review Committee ("ARC") or Board of Directors must be obtained before any work can begin. *Examples are: swimming pools, spas, awnings, shutters, new construction, neighborhood signs, and changes of exterior color, roof replacement, driveway coatings, major landscaping or any changes in the exterior of your property. All new construction and/or additions must be accompanied by blueprints and survey.*

#### **LOCATION OF PROPOSED PROJECT**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Date \_\_\_\_\_

#### **TYPE OF PROPOSED PROJECT**

\_\_\_\_\_  
\_\_\_\_\_

Proposed Commencement Date \_\_\_\_\_ Proposed Completion Date \_\_\_\_\_

#### **TO ACCOMPANY THIS FORM:**

- A. Construction drawings and Survey (for new construction and/or additions)
- B. Proof of Neighborhood Association approval of this request (letter or email from your Neighborhood ARC Chair or President)
- C. Listing of materials, colors.
- D. Change in paint color, the paint brand and sample colors with overall and trim colors indicated.
- E. Landscape Plan

#### **RETURN COMPLETED FORM TO:**

Windstar on Naples Bay Master Association  
1700 Windstar Boulevard  
Naples, FL 34112  
master@windstaronnaplesbay.net

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MASTER ARC RECOMMENDATION: APPROVE \_\_\_\_\_ DISAPPROVE \_\_\_\_\_  
DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

ARC CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

**Thank you for your cooperation.**