

1. ARCHITECTURAL AND AESTHETIC CONTROL GUIDELINES

1.1 INTRODUCTION

The purpose of these guidelines is to facilitate application approvals. This document serves as both a guide to the members of the Architectural Review Board (ARB) and the homeowners in maintaining and enhancing the aesthetic appearance of Indian Wells. Consider it the “who- what- where- when and why” of the formal approval process. The guidelines are designed to answer questions before they arise; so please take the time to familiarize yourself with the basics before you begin the application process.

These guidelines address changes and improvements for which the homeowner will most often submit applications to the ARB. They are not intended to be all inclusive or exclusive, but rather to serve as a guide to what changes or improvements may be made in the community. **With the exceptions noted, all exterior changes, modifications, or improvements must be approved in writing by the ARB.** Please keep in mind that improvements should be in harmony with the general style of Indian Wells and the community as a whole.

The ARB is given the responsibility of establishing an approval process that works for homeowners. Each individual application requires time, effort, and structured communication; but the goal is maintaining and enhancing the attractive setting which drew each of us to the community. Our ultimate goal is a steadily improved property value for all of us as invested homeowners.

The specific objectives of this section are:

- To provide uniform guidelines to be used by the ARB in reviewing applications in the light of the goals set forth in the covenants of the Indian Wells Association and the actions of the Board of Directors.
- To assist homeowners in preparing an application which can be approved by the ARB
- To provide basic guidelines which will aid homeowners in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.

We hope you will engage in dialogue with members of the ARB and with your friends and neighbors as you plan improvements to your property. Clear and timely communication will be the key to minimizing problems and a quick ARB approval.

1.2 AUTHORITY

The authority for maintaining the quality of design in the community is founded in the Declarations of Covenants for Indian Wells. The covenants establish the Indian Wells Homeowners Association and the Architectural Review Board.

As a homeowner, you should have received a copy of the Community documents which contain the Declarations of covenants, conditions and restrictions. The Covenants “run with the land” and are binding to all homeowners’. Consequently, they should be fully understood by each homeowner. Copies are available from the Property Management company listed on the Indian Wells website.

1.3 REVIEW CONSIDERATIONS AND COMMUNITY STANDARDS

The ARB evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are taken into account when evaluating a particular design proposal. What may be acceptable in one instance may not be in another and what occurred in the past may not be acceptable today as standards change. For instance, many colors used in our neighborhood in the 90's would appear dated and inconsistent with today's community appearance. When a proposed modification has a possible impact on adjacent properties, it is suggested the applicant discuss the proposal with neighbors prior to making application to the ARB. It may be appropriate in some cases to submit the neighbor's comments with the ARB application. The ARB at its discretion may contact neighbors that will be impacted by requested modifications.

Considerations used in reviewing and evaluating applications and designs include:

- Validity of concept- The basic idea must be sound and appropriate to the surrounding
- Design Compatibility- The proposed modification i.e. reroofing or repainting, must be compatible with the Architectural characteristics of the applicants' house, the adjoining houses, and the neighborhood setting.
- Location and impact on neighbors- the proposed application should relate favorably to the landscape, the existing structure and the neighborhood
- Scale- The size of the proposed modification should relate favorably to adjacent structures and its surroundings.
- Color- Parts of the addition that are similar to the existing house such as roofs and trim, should be matching to the existing colors.
- Materials- Continuity is established by use of the same or compatible materials as were used on the original house. For example, the same roofing materials should be used on the addition, as were used on the original structure.

Approved Standards

Most of the changes that fall within the scope of this document are considered "architectural changes" by Florida law and all "architectural decisions" require being approved in open and noticed meetings per statute. To reduce this burden and speed approvals, best practice uncovered by benchmarking with other communities is the creation of approved standards. If a standard has been approved for use in an open and noticed meeting, then the ARB's approval of a request for a change that matches with an approved standard is simply a verification of compliance with the approved standard and not viewed legally as a new architectural decision.

Your ARB is working on creating standards using benchmarked guidelines and standards and previously approved Indian Wells ARB requests and current popular neighborhood architectural features.

Standards approved to date include:

- Paint - Approved colors for the neighborhood are in the document entitled "Painting Standard - Approved Exterior House Color Schemes 14 Aug 2019"

The standards can be found at our website – IndianWellsHOA.net

Non-Standard items (like colors) may be submitted for approval. Please keep in mind that this will likely take longer to approve due to the legal requirements and has the possibility of rejection.

1.4 APPLICATION REVIEW PROCESS

- Applicant must submit a completed application to the Property Management Company listed on the Indian Wells website. The date of the application will be the date it is received by them.
- The Property Management Company will forward the application to each of the ARB committee members.
- Members of the ARB committee will discuss and vote on applications. If the application is not a match with a standard, the vote must occur in an open and noticed meeting.
- Possible ARB discussion outcomes include:

Approval- Your application will be signed and dated by the ARB and returned to the Property Manager.

Pending- If there is confusion about the application, the approval process will be suspended pending submission of additional materials needed for clarification by the ARB

Disapproved – Your application has been denied for stated reason(s) provided by the ARB

- The Property Management Company will then forward the application with the ARB committee members' approval/denial to the Board for review and final decision.
- You will receive your notification of approval or reasons for denial from the Property Management Company.
- ARB/Board members may not sign their own ARB Requests
- The individual merits of each application will always be considered by the ARB. The use of these guidelines should assist the homeowner in gaining timely ARB approval. While every attempt to expedite approvals will be made, please plan on up to 30 days to gain approval. The applicant who follows the guidelines should expect written approval or rationale as to why the application was not approved within 30 days. In the event the ARB fails to approve or disapprove in writing any proposed plans within thirty (30) days after submission to the ARB, then said plans shall be deemed to have been approved by the ARB and the appropriate written approval delivered to the Owner."
 - Timing -Approval of the application is valid for six (6) months. The project must be completed within six (6) months from the time of commencement, unless an extension is applied for and granted by the ARB

1.5 APPEAL OF AN ARB DECISION

Appeals will be referred to the Board by the ARB or by complaint. Two types of appeals are possible: appeal of denial (usually by the applicant) and appeal of approval (usually by a neighbor of the approved property).

To initiate an appeal procedure, applicants and other affected residents must submit a written request to the Management Company for the appeal within three (3) weeks of the applicant receiving the ARB decision. The appeal will be referred to the board at their next meeting.

1.6 ENFORCEMENT PROCEDURES

All owners and residents of Indian Wells shall comply with all the provisions of the Covenants. The covenants detail steps that may be taken to enforce provisions, restrictive covenants and rules.

Please note that failure of the ARB to enforce any provision, covenant, restriction, rule or regulation shall in no event be deemed a waiver of the right of the ARB to do so thereafter.

1.7 CHANGES THAT MUST HAVE ARB APPROVAL

Any change to the exterior appearance of one's dwelling must be approved by the ARB. Further, once the plan is approved, it must be followed. Any modification of the plan must be approved by the ARB. Examples of types of items that require ARB approval include, **BUT ARE NOT LIMITED TO:**

Privacy screens

Lanais

Paint (even if repainting with the same colors)

Shutters

Swimming Pools

Walkways

Driveway modifications (even if replacing with the same style and color)

Roofing (even if replacing with the same style and color)

Windows and doors (replacement of existing)

Screen enclosures

Drains

Landscape devices (example- a fountain or stone wall, retaining wall, statue, flag pole, trellis, pergola or arbor)

Landscaping (changes to more than 20% of the existing landscaping). This does not apply to trimming or pruning existing landscape, but rather to adding or removing landscape.

When cleaning up severe damage to your lawn and landscape after a hurricane, ARB approval is NOT required.

Because it is nearly impossible to write comprehensive guidelines, each application is reviewed by the ARB on an individual basis. There are no "automatic" approvals, except as provided for specifically in these guidelines. For example, a homeowner wishes to construct an addition exactly like the one the ARB approved for their neighbor is still required to file for an ARB approval of their own.

1.8 WHAT TO INCLUDE IN AN APPLICATION TO THE ARB

Generally, the following items should be included as a part of every application.

- ARB request form
- Site plan. A site plan is most easily prepared by submitting a copy of the property plat. Proposed changes should be indicated, including dimensions and distances from the adjacent property lines
- Materials to be used and colors. Description of the materials and colors to be used and an indication of the existing colors and materials should be provided. Where materials and /or colors are compatible, but different from those on the existing structures, samples or color chips must be submitted for clarity.

- Architectural plans/drawings. A graphic description should be provided and may be in the form of manufacturers' literature or photographs as well as a freehand or mechanical drawing. The amount of detail should be consistent with the complexity of the proposal. Relationships of major Architectural features such as existing and proposed roof lines, window sizes and alignments, building heights, roof slopes, exterior elevations for proposed structure, and if appropriate plans or provisions for landscaping and grading, etc. should be shown as they effect the applicant's house, and as they relate to the adjacent properties. In any case, the sketch, diagram, or photograph must be accompanied with a written description.
- Written description. A detailed, written description of the improvement is always required. It need not be lengthy.

1.9 OTHER CONSIDERATIONS AND REQUIREMENTS

The considerations and requirements which follow address a broad range of exterior modifications for which homeowners frequently submit an application to the ARB. It would be impossible to address each specific design condition. As a result, these considerations and requirements present the principal factors which should be considered when developing a design. More specifically, these considerations and requirements define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative.

All improvements, modifications, repairs, excavations or other work must comply strictly with the provisions of the Indian Wells Declarations or Covenants and these guidelines, but also must comply with applicable requirements of the federal, state, county and local laws.

It is the homeowner's responsibility to obtain any necessary building permits, contractor license, proof of insurance and variances prior to the start of any construction or improvements.

1.91 MAJOR EXTERIOR ALTERATIONS

Major exterior alterations are generally considered to be those which alter the existing structure either by subtraction or addition. These alterations include, but are not limited to, construction of driveways and driveway extensions, lanais, rooms, fireplaces, chimneys and other additions to a home.

More specifically, the design of major exterior alterations should be compatible in scale, materials and color with the applicant's house and adjacent homes. The alteration shall not impair the neighbors view. New roofing additions shall match the slope of the existing roof. New windows and doors should match and integrate well with windows and doors existing on the home and should be located in a manner which will relate well to the other exterior opening of the home. If changes in grading will affect drainage, that must be indicated. Approval will be denied if the adjoining properties are negatively impacted by changes in drainage. Construction materials should be stored so that the impairment of views from neighboring properties is minimized. Excess material should be removed immediately when the construction is complete. Port a-potties, must be placed in the back yard during construction

No sheds, outbuildings, playhouses, tree houses or basketball hoops are allowed in Indian Wells Golf Villas.

1.92 OUTDOOR EQUIPMENT

All garbage cans, trash cans, recycling containers, oil tanks, bottled gas tanks, air conditioners, water filtration systems, swimming pool equipment, pool heaters, lawn sprinkler pumps and other such outdoor equipment should be hidden from view of the street and neighbors, by sight screening or landscaping used as a screen. Landscaping as a screen must be maintained.

Non landscape sight screens shall not exceed 24 feet in total lineal length for the 2 allowed screens (width + length for both screens combined) and no part may extend more than 6 feet from the home's exterior wall. Screens shall not exceed 6 feet in height measured from the ground. Acceptable non landscape screen material is vinyl fence or painted or stained wood fence. Homes with existing concrete block areas by their side garage doors need not change them, but neither may they add to them. Screens shall block from view the items they surround and shall blend in with the existing ARB architecture of the home and landscaping.

All other fencing is prohibited in Indian Wells.

1.93 LANDSCAPING

ARB approval is needed if you are changing more than 20% of the plants/trees in your yard or if the landscaping project you are undertaking will impact the character of the lot. For example, if someone were to create a desert environment in the front yard, that would change the character of the lot. Care should be exercised in the planting and maintenance of trees and shrubs on your lot to prevent obstruction of sight lines required for vehicular traffic.

It is the homeowners' responsibility to ensure that their lot is mowed, irrigated, weeded and trimmed and all planting areas must be neatly maintained.

Applications, when required, should include a description of the types and sizes of shrubs, trees and plants to be planted and a site plan showing the relationship of the plantings to the house and adjacent dwellings.

All types of landscape features and structures that have a ground footprint of more than 10 sq ft or stand more than 3 ft tall will need approval. These would include retaining walls, fountains, statues, arbors, pergolas, etc.

1.94 RECREATION AND PLAY EQUIPMENT

A swing set, playhouse, and other play equipment is not permitted in Indian Wells. The backyard or rear portion of the yard means that in as much as possible, equipment should not be seen from the street .

Swimming pools, spas, and hot tubs require ARB approval. All structures must be located so as to minimize sight and noise impact on neighbor

1.95 HURRICANE SHUTTERS

Hurricane shutters are allowed but require ARB approval. The homeowner must get ARB approval prior to the installation.

Approved shutters should be removed as soon as reasonably possible after storm threat has lapsed. In the event the homeowner uses wood shutters to protect his home, these must be removed within one week after storm threat has abated. Wooden shutters shall not contain graffiti or markings of any kind. Permanent wood Bahama shutters or plantation shutters may remain on the home year round.