

Lely Resort Master Property Owners' Association General Architectural and Landscape Guidelines

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Overview

This document provides guidelines intended to assist Homeowners Associations, Condominium Associations and Commercial Property Establishments (each known as a Property Controlling Organization or PCO) within the Lely Resort community in identifying the steps required when establishing Architectural and Landscape standards and making significant changes or improvements to properties within the Lely Resort community. The Lely Resort Master Property Owners' Association, Inc. (hereafter referred to as the MPOA) and its Board of Directors established the Master Architectural Review Committee (hereafter referred to as the MARC) as a standing committee.

The mission of the MARC is to provide guidance, oversight and approvals to the MPOA and PCOs with regards to the external design and appearance of the Lely Resort community in accordance with the MPOA Governing Documents and in such manner as to promote a quality environment which will preserve the value of all member plots, and to foster the attractiveness and functional utility of the Lely Resort community as a whole as a place to live, work and play, including a harmonious relationship among structures, vegetation and topography.

To fulfill this mission, it is the responsibility of the MARC to:

1. Approve and ensure all architectural and landscaping rules and restrictions adopted by any PCO within the Lely Resort community do not violate, conflict with, or contradict the DECLARATION OF GENERAL COVENANTS, CONDITIONS AND RESTRICTIONS FOR LELY RESORTS, and the BY-LAWS OF LELY RESORT MASTER PROPERTY OWNERS' ASSOCIATION, INC (collectively known as the MPOA Governing Documents).
2. In consultation with the MPOA and legal counsel to provide interpretations of the intent of the rules and restrictions in the MPOA Governing Documents and these Guidelines for any PCO or individual property owner where ambiguities arise.
3. Approve and ensure all proposed architectural and landscaping changes, modifications or improvements maintain a harmonious and aesthetically pleasing design for the Lely Resort community; and protect and enhance property values.
4. Approve all changes and additions to common areas within Lely Resort outside the boundaries of the individual Associations and easements, except where specifically noted in the Guidelines.
5. Ensuring the maintenance of property within Lely Resort both personal and commercial is maintained to safe and generally accepted aesthetically appropriate standards.
6. Keep these Guidelines updated.
7. Bring violations to the attention of the MPOA or PCO for purposes of enforcement by the MPOA or PCO as applicable.
8. To regulate and control the external design and appearance of the Lely Resort community in such manner as (i) to promote a quality environment which will preserve the value of the members' plots, and (ii) to foster the attractiveness and functional utility of the property as a place to live, work and play, including a harmonious relationship among structures, vegetation and topography.

It is **not** the responsibility of the MARC to:

1. Govern or enforce the approved architectural and landscaping rules of a PCO.

2. Resolve disputes between a PCO and an individual property owner, unless said dispute arises from a conflict or contradiction between the PCO's governing documents and the MPOA Governing Documents or these Guidelines.

These Guidelines address specific situations, and do not at any time, or in any way supersede the MPOA Governing Documents. Please review the MPOA Governing Documents periodically to stay current.

The form requesting approval from MARC can be submitted through our website (<https://lelymasterpoa.com/>). When required, you must complete a request form and when necessary for clarification, a copy of your survey (plot plan) with the proposed work clearly marked on the survey.

The MARC presumes individual Associations have their own Architectural Review Committee/Architectural Review Board (ARC/ARB) which is the first course of action for individual property owners within their Association. The MARC requests each Association ARC supply the MARC with their approvals of property owner requests. Commercial Property Establishments are to submit requests directly to the MARC for approval.

In all cases, responsibility for satisfying all permitting, local building codes and requirements rests with the individual property owner or PCO as applicable, and the architect/contractor employed by the individual property owner or PCO. The MARC has no responsibility for ensuring that plans and specifications which it reviews comply with local building codes and requirements.

The individual property owner and PCO shall hold the MARC, its members, the Lely Resort Master Property Owners' Association, Inc. (MPOA), and/or its Board of Directors harmless from any failure to comply with relevant building and zoning requirements or the MPOA and relevant HOA/COA governing documents, and against any defect in any plans or specifications or any defect in a structure or improvement built.

All exceptions to these Guidelines must be approved in writing by the MARC before any work is started. The MPOA Board of Directors has final authority over approvals or disapproval of all exceptions.

Categories

Category A:

A PCO IS REQUIRED TO SUBMIT A REQUEST FOR APPROVAL BY THE MARC BEFORE ANY PROJECT IS STARTED ALONG WITH REQUIRED DOCUMENTATION.

Note:

The PCO must supply all required information to the MARC, just having it on file with the PCO or the PCO's management firm is not acceptable. After receipt of each required submittal the MARC shall, in writing, approve, reject or approve subject to change within 90 days of receipt of documents.

Category B:

ARE REGULATED BY MARC GUIDELINES, BUT DO NOT NEED FORMAL MARC APPROVAL.

Note:

Even though items in this category do not require MARC approval, the PCO and individual property owner are responsible for following all rules and restrictions pertaining to the look and appearance in the Lely Resort community and to any specific rules for the item in the MPOA Governing Documents.

Category C:

ITEMS IN THIS CATEGORY ARE NOT PERMITTED.

Guidelines

Please note that it is the PCO's and individual property owners' responsibility while working with their contractor(s) to follow Collier County's rules and regulations pertaining to permits and building codes.

1. Approval of Plans

No buildings or structures of any kind shall be constructed or placed upon any Plot, nor any existing building or structure be altered in exterior appearance in any way until the plans, specifically including the structural plans, therefore, have been approved in writing by the MARC. Refusal of approval of such plans may be based upon any ground, including purely aesthetic grounds, and shall be solely within the discretion of the MARC. The approval by the MARC, of the construction or alteration of any building or structure shall be conditioned upon, but not limited to the following requirements: Each PCO, prior to the commencement of any improvement shall: (1) submit initial plans, including a site analysis, schematic landscape plan, floor plan and exterior elevations: and (2) submit final plans which shall include color and materials selections, landscaping plan, final site plan and complete set of construction plans and specifications.

Category A (Approval Required):

- All new construction.
- All structural changes to existing buildings affecting the exterior appearance.
- All material changes to existing building, unless the replacement materials are on an allowed list approved by the MARC and maintained by the PCO.

Category B (Approval Not Required):

- Material change from an allowed PCO list of materials approved by the MARC.
- Maintenance, repair or replacement using like-for-like materials.
- Interior alterations.

Category C (Not Permitted):

- Any construction, alteration or installation performed without proper permitting by all governing bodies with the authority to regulate said construction, alteration, or installation.
- Any construction, alteration or installation performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, alteration or installation.
- Any construction, alteration or installation performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, alteration or installation.
- Any construction, alteration or installation which conflicts with the MPOA Governing Documents.
- Any construction, alteration or installation that is not within the scheme of the community.
- Any digging without properly notifying 811.
- Unless preexisting structures in the PCO contain any of the following, or if a PCO properly votes to accept a material change allowing any of the following, the following shall not be allowed:
 - Site Materials NOT permitted:

- Asphalt Pavement (pavers are recommended)
- Light Poles that direct light anywhere else but directly down
- Vinyl, Chain Link, or Metal Fencing
- Dumpster Enclosure materials other than matching Building materials
- Building Materials (or design components) NOT permitted:
 - Flat Roofs or any roof pitch less than 4:12
 - White (or any primary color) window metal finish (Bronze Brown is preferred)
 - Vinyl, Wood, or Fiberglass Windows
 - Clap Horizontal Siding Fiber-Cement (Hardie-Plank or similar manufacturers)
 - Vertical Siding
 - Aluminum, Metal, Vinyl, Metal Panel, Wood, or other Siding materials
 - Aluminum or Vinyl Soffit / Fascia materials
 - Asphalt / Fiberglass Roof Shingles
 - Corrugated Fiberglass or Composite Roofing Panels / Materials
 - Artificial, Simulated, or Imitation materials for any exterior components
 - Metal Standing Seam Roofing, or any type of Metal Roof 'shingle'
 - Single Ply Membrane roofing material of any kind
 - Dark Brick or Dark Stone materials
 - Dark Composite Barrel, or Shake Tile
 - Dark exterior materials
 - Glass Garage Doors
 - Metal Ceiling under Roof or Decks
 - Non-Hurricane Rated Windows, Exterior Man Doors, and Garage Door
 - Skylights of any kind
 - Flush 'Slab' Exterior Man Doors

2. Antennas

No television or other antenna which is visible from common areas within Lely Resort or grade-level in public areas of commercial properties or an adjoining PCO's property or an adjoining PCO's member's property is permitted unless specifically approved in writing by the MARC.

Category A (Approval Required):

- Antennae which are visible from common areas within Lely Resort.
- Antennae which are visible from grade-level in public areas of commercial properties.
- Antennae which are visible from an adjoining PCO's property or any of their members' property.

Category B (Approval Not Required):

- Antennae which are entirely within a PCO's boundaries and not visible from common areas within Lely Resort or grade-level in public areas of commercial properties or an adjoining PCO's property or an adjoining PCO's member's property.

Category C (Not Permitted):

- Antennae not in active use. All old antennae will be removed if no longer in use.
- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.

- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.

3. Awnings

Each PCO which allows awnings will maintain a list of allowed styles and colors. The MARC must approve the PCO list of allowed styles and colors.

Category A (Approval Required):

- Initial PCO list of allowed styles and colors.
- Changes to the PCO's list of allowed styles and colors.

Category B (Approval Not Required):

- New awnings of a style and color on the PCO's approved list of allowed awning types and colors.
- Additional awnings of a style and color matching any existing awning and in accordance with the PCO guidelines.
- Maintenance, repair or replacement using like-for-like materials.
- Replacement of existing awnings with another style and/or color on the PCO's approved list of allowed styles and colors, if all awnings are replaced with like style and color and in accordance with PCO guidelines.

Category C (Not Permitted):

- Awnings in disrepair.
- Mismatched styles or colors of awnings on the same building.
- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.

4. Hurricane Shutters

Each PCO will maintain a list of allowed types, materials and colors. The MARC must approve the PCO list of allowed types, materials and colors as well as guidelines for use.

Category A (Approval Required):

- Initial PCO list of allowed shutter types, materials, and colors.
- Changes to the PCO's list of allowed shutter types, materials, and colors.
- Initial PCO guidelines for shutter use.
- Changes to the PCO's guidelines for shutter use.

Category B (Approval Not Required):

- Use of hurricane shutters in accordance with the PCO's approved guidelines.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.

5. Easements

Within the easement for installation and maintenance of utilities and drainage facilities, no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may damage, interfere with or change the direction of flow of drainage in the easement.

The following easements are hereby granted and/or reserved over, across and through the property:

- (a) An easement is hereby granted to each institutional mortgagee for the purpose of access to the plot subject to its mortgage.
- (b) Easements are hereby reserved throughout the Lely Resort Common Areas, in addition without limitation, the POC owned streets, by MPOA for its use and use of its agents, employees, licensees, and invitees.
- (c) Easements are hereby reserved over all plots which adjoin a golf course for golfers to look for and retrieve golf balls.
- (d) Easements for installation and maintenance of utilities are granted as indicated on the recorded subdivision plats of the property.
- (e) No PCO or individual property owner shall grant any easement upon any portion of the property to any person or entity, without the prior written consent of the MARC.

Category A (Approval Required):

- Any landscaping improvements other than grass.
- Any improvements either temporary or permanent.

Category B (Approval Not Required):

- Maintenance of the easement area.

Category C (Not Permitted):

- Permanent fixtures that impede access.
- Any changes which damage, interfere with or change the direction of flow of drainage in the easement.
- Any digging without properly notifying 811.

6. Roofs

All roofs will be maintained in a good, safe, clean, and attractive condition, order and repair at all times. Each PCO will maintain a list of allowed roofing materials, styles and color. The MARC must approve the PCO list.

Category A (Approval Required):

- Initial PCO list of allowed roofing material, styles and color.
- Changes to the PCO's list of allowed roofing material, styles and color.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.
- Power-washing or chemical treating of roofs for mold, mildew and dirt.

Category C (Not Permitted):

- Mismatched roofing materials, except for temporary repair.
- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.

7. Exterior Paint

Each PCO will maintain a list of allowed paint colors and associated applications (i.e., main building body, doors, garage door, trim, etc.). The MARC must approve the PCO list of allowed paint colors and their application. All paint shall be maintained in a clean, unfaded manner.

Category A (Approval Required):

- Initial PCO list of allowed paint colors and associated applications.
- Changes to the PCO's list of allowed paint colors and associated applications.

Category B (Approval Not Required):

- Exterior painting in accordance with the PCO's guidelines and using an approved paint color from the PCO's list of allowed colors for the associated application.
- Touch-up or repainting using like-for-like colors.
- Slight tonal changes, but the PCO list of allowed paint colors and associated applications must be updated and provided to the MARC.
- Owner painting if allowed by POC.

Category C (Not Permitted):

- Use of an unapproved color or application.
- Any service performed without proper permitting by all governing bodies with the authority to regulate said service.
- Any service performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said service.
- Any service performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said service.

8. Signage

No sign may be temporarily or permanently installed or affixed unless first approved by the MARC, unless otherwise stated herein. All signage shall be maintained in a clean, unfaded and legible manner. Commercial real estate "For Sale" signs must be approved by the MARC. Residential real estate "For Sale" signs, if allowed within a PCO, will be in accordance with the following specifications:

- Rectangular in shape, twenty-four (24) inches wide x 18 inches tall.
- Painted on all sides in background color (light brown) with black lettering.
- Sign may contain the following text (in order top to bottom)

- “For Sale”
- Realty Company Name
- Realtor’s/Agent’s Name
- Phone Number
- Post must be no taller than eighteen (18) inches from ground to bottom of sign.



Category A (Approval Required):

- All new permanent signage.
- Any material modifications to existing permanent signage.
- Any alteration to existing permanent signage.
- Any temporary signage posted or displayed on common areas within Lely, other than temporary real estate open house signage not posted more than one hour outside the open house hours.
- Any temporary commercial signage outside the confines of the commercial building even if on commercial property, including real estate “For Sale” signs.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.
- Temporary real estate open house signage posted up to one hour before the open house and removed within one hour after the open house.
- Residential real estate “For Sale” signs, meeting the stated criteria.

Category C (Not Permitted):

- Temporary real estate open house signage post more than one hour outside the open house hours.
- Solicitation signs on common areas within Lely Resort.
- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.

9. Lely Resort Common Areas

The MPOA in conjunction with the CDD and Collier County Road Maintenance Division are responsible for the maintenance of all common areas within Lely Resort including the roadway systems. No PCO or individual property owner may build on, alter or temporarily place anything on the common areas within Lely Resort without the approval of the MARC. In addition, any new construction, material alterations to structures or landscaping, or installation of any equipment which is readily visible from one of these common areas which materially affects the view from one of these common areas requires the approval of the MARC.

Category A (Approval Required):

- Any new landscaping or material landscaping alterations readily visible from of a common area within Lely Resort.
- Any alterations or improvements either temporary or permanent readily visible from of a common area within Lely Resort.
- All new signage or alterations to existing signage either temporary or permanent readily visible from of a common area within Lely Resort.

Category B (Approval Not Required):

- Replacement of annual landscaping readily visible from of a common area within Lely Resort.
- Landscape maintenance.
- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- For sale signs or other solicitation signs.

10. Outdoor Equipment and Containers

Exterior portions of AC/Heating unit, oil tanks, bottled gas tanks, solar heaters, swimming pool equipment, housing and sprinkler pumps and other such outdoor equipment must be placed underground, walled in or placed in sight-screened or fenced-in areas so that they shall not be readily visible from any adjacent common areas within Lely Resort or an adjoining PCO's property or their members' property. Otherwise, adequate landscaping shall be installed around this equipment and maintained by the PCO or individual property owner. In addition, commercial properties cannot have any permanent outdoor equipment visible at grade-level in public areas.

Category A (Approval Required):

- Any exception to the aforementioned requirements, where the equipment or containers can be seen from common areas within Lely Resort or grade-level in public areas of commercial properties or an adjoining PCO's property or an adjoining PCO's member's property, and the logistics of hiding the equipment from direct line-of-sight is impractical, unsafe or where the enclosure would be more offensive.
- If walling, fencing or sight-screening is used the material used to wall, fence or sightcreen must be approved, if the material can be seen from common areas within Lely Resort or grade-level in public areas of commercial properties or an adjoining PCO's property or an adjoining PCO's member's property.
- If landscaping is to be used, the plants, size to be initially used and the layout must be approved if the plants can be seen from common areas within Lely Resort or grade-level

in public areas of commercial properties or an adjoining PCO's property or an adjoining PCO's member's property.

Category B (Approval Not Required):

- If the equipment or container is in accordance with the aforementioned requirements and entirely within a non-commercial PCO's property and cannot be seen from common areas within Lely Resort.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration
- Any digging without properly notifying 811.

11. Landscaping

The landscape design for any plot, shall promote and preserve the appearance, character and value of the surrounding areas. Development of all plots, other than single-family platted lots, shall include landscape planning and installation supervision by a Registered Florida Landscape Architect.

(a) Upon development of any plot, underground landscape irrigation systems which are designed to irrigate the entire landscape portion, including any road right-of-way of the Plot, shall be installed. If, for any reason, any PCO or individual property owner permits their landscaping to become unsightly, the MARC may report said violations to the MPOA, who may take appropriate action to place it in a neat condition and in such event shall charge the PCO or individual property owner for the costs of the work. Such charge, until paid, will be a lien against the property owner's plot.

(b) The PCO shall ensure lawns and landscaping are watered and maintained in a healthy condition and, upon failure of any property owner to properly water his lawn, the MARC may report said violation to the MPOA who shall have the right to enter upon said property, water the lawn and landscaping and charge the PCO of individual property owner for the cost of watering the lawn. Such charges, until paid, will be a lien against the property owner's plot.

(c) Vacant plots shall be maintained by the POC from the date of closing until a building permit is obtained for such plot and the POC may assess a reasonable fee for such services, which shall be a lien against the plot until paid.

Category A (Approval Required):

- All new landscaping or alterations to existing landscaping on common areas within Lely Resort.
- All new landscaping or alterations to existing landscaping which are readily visible from common areas within Lely Resort.
- All new landscaping or alterations to existing landscaping that adjoins or is readily visible from another PCO's property or another PCO's member's property.
- All new landscaping or alterations to existing landscaping on commercial property.

- All new landscaping or alterations to existing landscaping which could affect visibility at intersections of the common roadways.

Category B (Approval Not Required):

- All non-commercial new landscaping or alterations to existing landscaping fully with the PCO's boundaries and not visible outside the PCO's boundaries.
- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.

12. Trash and Garbage

All garbage and trash containers (except individual small trash or recycle bins designed for public use) shall either be stored within the dwelling structure or in a screened enclosure approved by the MARC. Garbage containers, lawn and landscaping trimmings, and trash stored for pickup shall comply with garbage and trash collection service policies. With the exception of garbage and trash properly stored for pickup, no refuse or unsightly objects shall be permitted to accumulate on or adjacent to a property. Garbage or trash burning shall not be permitted. All horticultural trimmings shall either be removed from the property on the day they are accumulated or stored for removal in a screened enclosure.

Category A (Approval Required):

- Any temporary trash dumpsters used for construction, remodeling, demolition which cannot be aesthetically hidden inside of an approved enclosure. Provide the reason needed, size, location and length of time on site.
- Any time garbage or trash has to be openly stored more than one day.

Category B (Approval Not Required):

- Trash containers of any size in approved enclosures or within the interior of a building.

Category C (Not Permitted):

- Garbage or trash burning.
- Garbage or trash placed on common areas within Lely Resort, except lawn and landscape trimmings during active landscape maintenance.

13. Garage Doors

Operable doors shall be provided for all garages. Garage doors shall be closed except when vehicles are entering or exiting or when used to actively load or unload goods. Garage doors will be maintained in a clean, safe, unfaded, and operational manner.

Category A (Approval Required):

- Any new installations.
- Any material alterations.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.

14. Factory Built Structures

No structure of any kind of what is commonly known as factory built, modular or mobile home type construction shall be erected without the prior written approval of the MARC.

Category A (Approval Required):

- Any structure of any kind of what is commonly known as factory built, modular or mobile home type construction on any piece of property.

Category B (Approval Not Required):

- Temporary construction trailers during actual construction of any structure.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

15. Underground Utility Lines

All electric and telephone lines and any other utility line running from any street to a dwelling, commercial building or any structure must be installed underground.

Category A (Approval Required):

- Any new installations.
- Any material alterations.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.

- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

16. Temporary and Accessory Storage

No tents, storage/shipping containers, PODS or other temporary structures shall be permitted unless their size, appearance and temporary location shall have been approved by the MARC.

Category A (Approval Required):

- For any tents, storage/shipping containers, PODS or other temporary structures. Provide dimensions, proposed location and pictures or drawings of the appearance.

Category B (Approval Not Required):

- Temporary construction trailers during actual construction of any structure.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

17. Mailboxes

Mailboxes and their supporting structure shall be approved by the MARC unless the PCO maintains a list of allowed styles which is approved by the MARC.

Category A (Approval Required):

- Initial PCO list of allowed styles, colors, materials and supporting structure requirements.
- Changes to the PCO's list of allowed styles, colors, materials and supporting structure requirements.
- Installation of new or alteration of existing mailboxes if PCO does not have a list of approved allowed styles, colors, materials and supporting structure requirements.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.

- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

18. Outside Storage

No outside storage or outbuilding of any kind will be permitted without written approval of the MARC.

Category A (Approval Required):

- Any outside storage or outbuilding of any kind.

Category B (Approval Not Required):

- Temporary construction trailers during actual construction of any structure.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

19. Clothes Drying Areas

Outdoor clothes drying shall be permitted but the area for outdoor clothes drying must be screened in and hidden so that they shall not be readily visible from any street or dwelling unit. Clothing should be removed from the drying area as soon as sufficiently dry.

Category A (Approval Required):

- Any designated clothes drying area visible from a Lely Resort Common Area, another PCO's property or another PCO's member's property.

Category B (Approval Not Required):

- Any designated clothes drying area not visible from a Lely Resort Common Area, another PCO's property or another PCO's member's property.

Category C (Not Permitted):

- Unscreened outdoors clothes drying.

20. Driveways and Off-Street Parking Areas

Driveways shall use pavers and off-street parking areas shall be paved and all surfaces shall be maintained in a clean and tidy manner and free of excessive mold, mildew and dirt. The parking and ingress/egress surfaces must be maintained to a flat surface, free from bulges, buckles, lifting, cracking, and other safety hazards. All painted parking space lines and handicap designations will be maintained in a clear and unfaded manner.

Category A (Approval Required):

- Any new or alterations to existing driveways and off-street parking.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.
- Sealing of driveways and off-street parking areas.
- Power-washing or chemical treating of paved areas for mold, mildew and dirt.
- Painting of any parking space lines or handicap designations.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

21. Sidewalks

Sidewalks shall be pavers or concrete and maintained in a clean and tidy manner and free of excessive mold, mildew and dirt. The sidewalk surfaces must be maintained to a flat surface, free from bulges, buckles, lifting, cracking, and other safety hazards.

Category A (Approval Required):

- Any new or alterations to existing sidewalks.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.
- Sealing of sidewalks.
- Power-washing or chemical treating of sidewalks for mold, mildew and dirt.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.

- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

22. Water Management and Drainage Areas

No structure of any kind shall be constructed or erected, nor shall an PCO or individual property owner in any way change, alter, impede, revise or otherwise interfere with the flow and the volume of water in any portion of a water management and drainage area reserved for or intended to be reserved for drainage waste, sluiceway or for the accumulation of run-off waters, as reflected in any plat or instrument of record without the specific written permission of the MARC. Any amendment which would affect the surface water management system, including the water management portions of the common areas within Lely Resort, must have the prior approval of the South Florida Water Management District.

a) A PCO or individual property owner shall, in no way, deny or prevent ingress and egress by the MPOA to such water management and drainage areas for maintenance or landscape purposes. The right of ingress and egress and easements therefore are hereby specifically reserved and created in favor of the MPOA or any appropriate governmental or quasi-governmental agency that may reasonably require such ingress and egress.

(b) No plot shall be increased in size by filling in any water retention or drainage areas on which it abuts. PCO or individual property owner shall not fill, dike, rip rap, block, divert or change the established water retention or drainage areas that have been or may be created by easement without the prior written approval of the MARC.

(c) PCO or individual property owner of a plot will be required to convey its storm water as prescribed by the MPOA.

Category A (Approval Required):

- Any alteration to any portion of a water management and drainage area reserved for or intended to be reserved for drainage waste, sluiceway or for the accumulation of run-off waters, as reflected in any plat or instrument of record.
- Any filling, diking, application of rip rap, application of block, diverting or altering of the established water retention or drainage areas that have been or may be created by easement.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- A PCO or individual property owner denying or preventing ingress and egress by the MPOA to the water management and drainage areas for maintenance or landscape purposes.
- Increasing plot size by filling in any water retention or drainage areas on which it abuts.
- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.

- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

23. Maintenance

Each PCO or individual property owner shall keep their property in good, safe, clean, attractive and sanitary condition, order and repair at all times.

The MPOA in conjunction with the CDD shall maintain all of the following not under the control of the PCOs:

- (a) The landscaping area contained within the road rights-of-way and in any decorative sidewalk area. In addition, the CDD shall maintain all of the irrigation systems contained within said areas and be responsible for the additional lighting fixtures contained in the road right-of-way or sidewalk areas.
- (b) Surface water and storm water management systems.
- (c) Any common or other areas conveyed, dedicated leased to or used by the MPOA, including any improvements on such common areas within Lely Resort and shall keep the same in good, safe, clean, attractive and sanitary condition, order and repair at all times.
- (d) CDD water access

Category A (Approval Required):

- Any material alterations.
- Any new construction or installations.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any construction, installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said construction, installation or alteration.
- Any construction, installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said construction, installation or alteration.
- Any digging without properly notifying 811.

24. Exterior Lighting

Each PCO or individual property owner shall maintain all exterior lighting in a good, safe, clean, unfaded, and attractive condition, operational order and repair at all times. Lighting should not be designed or placed such that it shines directly into any dwelling unit. Lighting should be directionally angled to light the intended area with as little over coverage as possible.

Category A (Approval Required):

- Any material alterations.

- Any new installations, other than lighting on individual homes.
- For new installations or alterations to commercial lighting which will be operating between the hours of 10:00 PM and 6:00 AM a photometric plan must be submitted to show proposed lighting coverage.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.
- Lighting on individual homes, which conforms to PCO standards.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.

25. Exterior Security Cameras

Each PCO or individual property owner shall maintain all exterior security cameras in a good, safe, clean, unfaded, and attractive condition, operational order and repair at all times. Exterior security cameras shall not be placed in such a manner that they infringe on the privacy of any dwelling unit. Exterior security cameras should be directionally angled to view the intended area with as little over coverage as possible.

Category A (Approval Required):

- Any material alterations.
- Any new installations, other than security cameras on, including video doorbells, individual homes.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.
- Security cameras, including video doorbells, on individual homes, which conforms to PCO standards.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.

26. Fire Hydrants

For those fire hydrants which are the responsibility of the PCO, those fire hydrants shall be maintained in a good, safe, clean, unfaded, and attractive condition, operational order and repair at all times.

Category A (Approval Required):

- Any material alterations.
- Any new installations.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.

27. Gates

Each PCO shall maintains any gates in a clean, safe, unfaded, and operational manner.

Category A (Approval Required):

- Any material alterations.
- Any new installations.

Category B (Approval Not Required):

- Maintenance, repair or replacement using like-for-like materials.

Category C (Not Permitted):

- Any installation or alteration performed without proper permitting by all governing bodies with the authority to regulate said installation or alteration.
- Any installation or alteration performed in a manner which violates any standards, codes or regulations in effect and mandated by a governing body with the authority to regulate said installation or alteration.
- Any installation or alteration performed by an unlicensed person, if so required to be licensed by a governing body with the authority to regulate said installation or alteration.
- Any digging without properly notifying 811.