

Cottesmore Homeowners Association

**Community Handbook
Adopted February 18, 2016**

PURPOSE OF THE HANDBOOK

The purpose of this handbook is to familiarize homeowners with the objectives, scope and application of design standards and guidelines, which will be used to maintain the aesthetic appearance and environmental quality of the community.

The handbook provides specific design standards and guidelines that have been adopted by the Board of Directors of the Homeowners Association (HOA). It also explains the application and review process that must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots that are subject to approval by the (HOA). Homeowners are reminded that approval by the Architectural Review Board for a proposed change does not remove the need for the appropriate building permits or other documentation. This handbook will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the Association's Architectural Review Board. All homeowners are encouraged to familiarize themselves with its contents and to retain the handbook for future use.

THE ARCHITECTURAL REVIEW BOARD

The Architectural Review Board (ARB) for Cottesmore at Lely Resort has been established in accordance with Section 2.2 of the Declaration of Covenants, Conditions, Restrictions and Easements for Cottesmore at Lely Resort to ensure that the development of Cottesmore is an area of high standards. The Cottesmore ARB is currently comprised of three (3) Members /Owners, appointed by the Cottesmore HOA Board, to review all Owner applications for exterior changes or modifications to their residences as required by the Declaration. More specifically, as stated in Section 2.2 (C) of the Declaration, "No improvement, exterior change or structure of any kind, including without limitation, any building, wall, fence, swimming pool, screened enclosure, hurricane shutters, additional landscaping or change in paint colors or roof colors shall be erected, placed or maintained and no addition, alteration, modification or change to any such improvement or structure shall be made without the prior written approval of the ARB."

Should a Cottesmore Owner wish to make exterior changes or modifications to their residence they must first complete an ARB application. ARB Application Forms may be obtained from the Management Company and list the documentation that must be submitted along with the Application for ARB review and approval **prior** to the commencement of any work being performed. In the event an Owner performs work without prior ARB written approval that Owner will be required to submit a late ARB Application and charged a **late filing fee**. It should also be noted that, "All work shall be properly permitted and performed by properly licensed contractors and verification of this request shall solely be the responsibility of the Owner. The Owner shall further hold the Association

harmless for any claims or damages arising from the action of the Owner, of the Owner's agents, contractors or employees of same."

The provisions regarding exterior changes or modifications immediately above do not apply to replacement of existing dead, damaged, diseased or unsightly plant materials in existing beds with plant material of the same kind and quality. Additionally, these provisions shall not apply to the substitution of existing plant materials in existing beds on the Owner's property with other plant materials of similar nature from the attached approved plant list. These substitutions may be performed by the Owner or Owner's agent without direction from or approval of the ARB.

The ARB shall have the right to refuse any Plans, which, in its sole discretion, it deems are not suitable or desirable. Any and all approvals or disapprovals of the ARB shall be in writing and sent to the Owner. In the event the ARB fails to approve or disapprove in writing any proposed Plans within thirty (30) days after their submission to the ARB, then said Plans shall be deemed to have been approved by the ARB and the appropriate written approval delivered forthwith.

The ARB shall review and approve or disapprove all plans submitted to it for any proposed improvement, alteration or addition, solely on the basis of the aesthetic consideration and overall benefit or detriment which would result to the immediate vicinity and to Cottesmore at Lely Resort and the Land as a whole.

The ARB shall take into consideration the aesthetic aspects of the architectural design, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features, and shall not be responsible for reviewing, nor shall its approval of any plans or designs be deemed approval of, any design or plan from the standpoint of structural safety or conformance with building or other codes. Such approval is limited solely to aesthetics.

All ARB meetings are open to residents of Cottesmore and dates, time and location will be emailed to owners. We encourage your participation and welcome your input at these meetings. Should you have any questions regarding the ARB process and its requirements please contact Jim Powers at Dorrill Management, 239-592-9115.

ALTERATIONS REQUIRING REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW BOARD

Any changes, permanent or temporary, to the exterior appearance of a building or lot or lanai are subject to review and approval by the Architectural Review Board. The review process is not limited to major additions or alterations, such as adding a room, lanai, or pool. It includes such minor items as changes in color and materials. Approval is also required when an existing item is to be removed.

Exterior-building components may be repaired or replaced so long as there is no change in the type of material and color.

If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the Architectural Review Board before proceeding with the improvement.

APPLICATION AND REVIEW PROCEDURES

Application and review procedures that will be used by the Architectural Review Board are detailed below.

1. Applications. All applications for proposed improvements must be signed by the Owner and submitted in writing using the application forms authorized by the Architectural Review Board. A copy of these forms are included as an exhibit to this handbook. Applications must be complete in order to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies that must be remedied in order to be considered for review.
2. Supporting Documentation. The application must include a complete and accurate description of the proposed improvement(s). To permit evaluation by the Architectural Review Board, supporting exhibits are required. Examples include: a site plan showing the location and dimensions of the proposed improvement; architectural drawings or plans, as applicable; landscape plan; material and/or color samples, etc. The design guidelines and application forms provide guidance with respect to the supporting documentation required for various types of improvements.
3. Time Frame for Completion of the Review. The Architectural Review Board is required to approve or disapprove any proposed improvement within thirty (30) days after the receipt of a properly completed application. However, the thirty (30) day review period will only commence upon the receipt of a complete application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a design review application.
4. Notice of Approval/Disapproval. Homeowners who have submitted design review applications will be given written notice of the decision of the Architectural Review Board. This notice will be issued by the management company as directed by the ARB. Please do not contact the ARB in the interim of this process for approval or denial.

DESIGN GUIDELINES

The specific Design Guidelines detailed below have been adopted by the Board of Directors.

Please note: These guidelines will not cover every situation. If you wish to make a permanent or significant visual modification to your property that is NOT explicitly covered in these Design Guidelines, you still must submit an application to the Architectural Review Board. Please follow the application procedures and note on your application that your request is a special circumstance.

ANTENNAS and SATELLITE DISHES

Exterior antennas are prohibited. Homeowners may install satellite dishes for the purpose of receiving audio and/or video programming and media reception. A dish that is one meter (39.37") or less in diameter will be approved. The satellite dish must be mounted to the outside of the house in the location that best minimizes its visibility from the street(s) and from other homes. The dish should be mounted on the back of the house or otherwise placed to hide it from street view and should not extend above the crown of the roof. If reception cannot be obtained from these locations, the satellite dish should be located as unobtrusively as possible on the property. Masts higher than six (6) feet will not be permitted. Screening, such as shrubs, is required where possible. An ARB application is not required if the dish meets the stated criteria.

DRIVEWAYS

Architectural Review Board approval will be required for all driveway construction, extensions, modifications and additions to driveways. The primary considerations will be no adverse aesthetic or drainage impact on adjoining lots or common area.

Additions or modifications must be of the same materials as the existing driveway and shall not exceed the width of the garage. Driveways cannot be painted.

EXTERIOR LIGHTING

The Architectural Review Board shall be responsible for determining whether exterior lighting is an annoyance or unreasonably illuminates other owner's property. Proposed replacement or additional fixtures must be approved and compatible in style and scale with the applicant's house.

No exterior lighting may be directed outside of the applicant's property. Proposed additional lighting will not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage or other features.

Low-voltage or solar-powered landscape lighting, including low voltage floodlighting, is permitted along walkways, planting beds, or other landscaped areas, so long as all wiring is concealed from view, and light fixtures do not stand more than 18" above the ground. No more than 10 lights per lot are permitted for single family homes without prior approval from the Board. All exterior lighting should be well maintained and functional at all times. An ARB application is not required if the landscape lighting meets the stated criteria.

Any exceptions must be approved by the Architectural Review Board.

COLOR CHANGES (EXTERIOR PAINTING)

- If the owner is using the exact colors that the house is already painted, including base color, trim color, and accent color, an application must be submitted, but ARB approval is not required for this option.
- If the owner wishes to change the existing house color to one of the other approved color schemes, an application must be submitted to the ARB for approval.

HOLIDAY DECORATIONS AND LIGHTING

Homeowners may display a reasonable number of holiday decorations and lighting, beginning no more than 30 days prior to a publicly observed holiday or religious observance and remaining up for no more than 30 days thereafter. No ARB application shall be required. However, in the event the ARB determines the decorations and/or lighting are:

- Excessive in number, size or brightness;
- Draw excessive traffic;
- Unreasonably interfere with the use and enjoyment of the Common Area and/or adjacent lots; or
- Cause a dangerous condition to exist.

The Homeowner must remove the decorations or lighting within 48 hours after receiving written Notice from the Association.

Any themes that incorporate music must obtain permission from neighbors prior to installing sound (except if sound is available via radio waves). Sound must cease at 9:30 PM.

If the decorations are determined by the ARB or Management Company to prohibit or complicate lawn maintenance, owner must remove the decorations as reasonably expeditiously as possible upon notice.

LANDSCAPING

Minor landscape improvements do not require Architectural Review Board approval. This includes foundation plantings, single specimen plants or small scale improvements which do not materially alter the appearance of the lot, involve a change in topography or grade, are within an existing plant bed and do not alter the size of an existing plant bed.

All major landscape installations or changes must be approved in advance by the Architectural Review Board. Examples include the installation of multiple trees and plant beds that did not exist when the house was originally built.

The front and side yards are to be planted with grass or plant beds or "Florida Friendly" landscaping.

No additional landscaping is allowed between the sidewalk and curb beyond what was installed by the Developer.

A list of approved plant material is attached.

BORDERS/EDGERS

- An application is required for the installation of all landscape borders, edging or similar structures to be located in front yards or areas visible to others in the community.
- The use of railroad ties is prohibited.
- In most cases the Board will only approve landscape borders that are constructed up to two courses high or a maximum of 8", whichever is less. The border/edgers must follow the established landscape pattern.
- Landscape borders shall be of one color, of the same material and one style throughout the lot.

MAILBOXES

Any change to a mailbox requires the Board's approval. All mailboxes will be free of damage or discoloration. For parts and replacements contact the management company at (239) 592-9115.

REAL ESTATE SIGNS

Only one post sign advertising a property for sale may be displayed on a lot and must comply with the specifications set forth by the Lely Master Property Owners' Association (see exhibit A). The

approved "FOR SALE" sign shall be maintained so as not to lean, become unfastened or unsightly in any fashion. No sign may be displayed on any exterior wall or in any window of the home.

RECREATION AND PLAY EQUIPMENT

No game and play structures, including temporary roll-out basketball hoops and backboards, tree houses, and other recreational equipment shall be located on any lot in Cottesmore. No permanent basketball hoops or backboards shall be permitted within the community.

SOLAR PANELS AND COLLECTORS

Solar panels and solar collectors for pool heaters must be black, have black pipes on the roof and the down pipes must be painted to match the body of the house. An ARB application is not required if the solar panels meets the stated criteria and Florida Statutes.

Solar panels and solar collectors installed for any other purpose must be approved by the Architectural Review Board.

STORM SHUTTERS

No hurricane shutters or similar protective covering for the windows and glass doors of a residence on a Lot may be installed without Architectural Review Board approval.

SWIMMING POOLS

Temporary or above ground pools are not allowed. Only in-ground swimming pools are permitted. Pools must be located in the rear of the property. They must be approved by the Architectural Review Board.

All permanent swimming pools shall have security fencing or screen enclosures installed in accordance with existing jurisdictional codes. Screen enclosures have ARB approval.

Pool construction shall be in accordance with applicable governing agency codes.

Kiddie pools are not included in the above. The kiddie pool must be removable, limited to 6 feet in diameter and secure when not in use from neighbors, pets and animals. Kiddie pools must be stored when not in use so as not to deter landscaping maintenance. Sod damaged from pools will be replace at owner's expense.

TREE REMOVAL

Living trees may not be removed without the prior approval of the Architectural Review Board. Exceptions to this are trees that pose an imminent hazard to persons or property. Further defined, hazardous trees are those that are uprooted and leaning or have large limbs or branches that are splintered or otherwise damaged resulting in debris that may fall without warning. (Homeowners removing hazard trees without approval shall have written documentation and/or photographs of the hazard before removal). Trees approved for removal shall be cut at or ground down to grade level (on grade) or the stump should be ground down.

GRANDFATHER CLAUSE

Any change made to a homeowner's property prior to the turnover of the community by the Developer, as well as any improvements made by the original builder are automatically grandfathered. These modifications will be considered acceptable under this clause.