

# ***Palm Island Phase 2 Community Association, Inc.***

## **Design Review Guidelines December 2019 Edition**

### **INTRODUCTION**

The following is a reprint of the *Design Review Guidelines* which were prepared by the Architectural Review Committee (ARC) and adopted by the Board of Directors in accordance with Section 6.3 of the *Declaration of Covenants, Conditions and Restrictions for Palm Island Phase 2* (CC&Rs). This reprint includes the deletions/revisions and forms passed after the initial document distribution in May 2005. These guidelines are for the benefit of the homeowners in making application for approval, and for the ARC to use in making decisions. The guidelines cover approval request procedures, design requirements, landscape materials, construction standards, colors and materials which the ARC may find acceptable. Section 6 of the CC&Rs permits the ARC to establish aesthetic controls for the community in order to maintain a harmonious overall appearance which will preserve our property values.

**Keep this document with your important home papers for future use.  
The forms may be copied as necessary.**

**The ARC is not required to follow precedents** made in prior decisions. The ARC may review and approve/disapprove the entire exterior appearance of each home; front, sides and rear.

### **ORDER OF PRECEDENCE**

In the event of a conflict, the following order of precedence shall be used:

1. *Florida Statutes, Section 720*
2. *Declaration of Covenants, Conditions and Restrictions for Palm Island Phase 2*, dated October 14, 2002, as amended
3. *Bylaws of Palm Island Phase 2 Community Association, Inc.*
4. Decisions of the Board of Directors
5. *Design Review Guidelines*

### **APPLICATION FOR ARC REVIEW AND DECISION**

Applications for ARC action shall be submitted in writing to the address designated by the Board of Directors.

Applications should be made using the form established by the ARC for this purpose. Forms may be copied by homeowners and/or obtained from the web site.

## **ARC MEETINGS**

The ARC will schedule meetings twice a month to review ARC applications, if any. The meetings are scheduled for the first and third Wednesday of each month at 9:00 a.m. in the Clubhouse. If no applications have been received in the mail by the Monday preceding a scheduled ARC meeting, the meeting will be canceled and later applications will be held-over for action at the next meeting.

A quorum of the ARC shall consist of three members.

ARC meetings are open meetings to all homeowners. Applicants are encouraged to attend to be available to answer questions. Applicants may bring outside experts, such as contractors, to explain complicated applications. Applicants may bring pictures, color swatches, catalogs, drawings, material samples or other data in support of the application. Other Community Association members may attend and address the ARC, **upon recognition by the Chair.**

The ARC may “Approve,” “Deny,” or return an application for additional information and resubmission.

Denials may be “Appealed” to the Board for review.

## **VIOLATIONS**

Decisions made **in writing** by previous ARCs, which are not in conformance with these *Guidelines*, shall be considered to be “grandfathered-in” as acceptable. Unapproved actions, regardless of when they done, are not covered by the “grandfather-in” principle.

Changes which have not been approved will be deemed to be an ARC violation. Work of any kind which does not conform to an approval granted by the ARC will be deemed to be a violation. The ARC may make a periodic walk-through of the community to review compliance with the *Guidelines* and the *CC&Rs*. Any noncompliance will be deemed to be a violation. **Violations will be reported to the Non-Conformance Committee for enforcement action.**

## **GUIDELINES IMPLEMENTING THE CC&Rs**

These *Guidelines* implement the process for following the *CC&Rs*. Please note that the *Guidelines* supplement the *CC&Rs* and are not in lieu of them. Sections annotated

“Reserved” means that the CC&R is sufficient at this time and no further guidelines are needed.

## **GENERAL COVENANTS AND USE RESTRICTIONS**

These *Guidelines* are linked to the Section of the *Declaration of Covenants, Conditions and Restrictions of Palm Island, Phase 2* (CC&Rs) which, by law, are a part of the deed restrictions for each house in Palm Island Phase 2. The headings below provide a cross-link to the applicable CC&R. Sections annotated “Reserved” means that the CC&R is not within the ARC’s jurisdiction or is not being implemented at this time.

### **CC&R Sec. 5.1 Subdivision and Regulation of Land**

Homeowners, or their contractors, must obtain all permits and approvals required by Federal, State or County authorities and all work must be completed in accordance with the permits. Approval of the appearance of the project by the ARC does not waive the permitting requirements. **Note: the ARC may issue a violation when work does not meet commonly acceptable health and safety standards, such as, but not limited to, temporary enclosures of pool excavations.**

### **CC&R Sec. 5.2 Building Setback Lines, Size of Buildings, Site Restrictions and Building Height**

Above ground structures, such as patio/pool cages, and large plants, trees, may be denied approval if the sight line of neighbors is significantly affected and/or an increase in time and cost of the community lawn maintenance is likely.

### **CC&R Sec. 5.3 Leasing**

All tenants must comply with ARC policies, decisions and guidelines. CC&R Sec. 10.5 permits fines to be assessed against “...a unit, a unit owner, or his guests, relatives or lessees in the event of a violation.” Homeowners will ultimately be held accountable for violations and unpaid fines.

### **CC&R Sec. 5.4 Nuisance**

Outdoor sports and play equipment; such as, but not limited to, skate board ramps, batting cages, basketball goals, soccer goals, nets, etc.; may not be attached to any house. No such sporting and play equipment may be left in a front or side yard or driveway overnight. With ARC approval, a reasonable amount of sports equipment, kept in good repair, may be placed in back yards. The equipment must be removable, or securely anchored, when high winds are forecast. If approved equipment becomes unsightly, a

safety hazard to the owners or neighbors, creates a nuisance (noise) because of its' use, or makes lawn service difficult, the ARC may withdraw its' approval and require removal.

### **CC&R Sec. 5.5 Temporary Structures**

Reserved

### **CC&R Sec. 5.6 Appearance: Refuse Disposal**

Reserved

### **CC&R Sec 5.7 Maintenance**

A. The ARC will **not** approve any additional or replacement tree or plant that is on the *Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species*, Category I. Category II plants will not be approved unless there are special circumstances or conditions which may apply on a case-by-case basis. A copy of the list is attached.

B. The ARC will not approve planting bamboo.

C. The ARC will approve fruiting trees meeting all the conditions below:

1. Only Avocado, Cattley Guava, Citrus (certified disease free) and Papaya will be approved. A copy of the nursery citrus certification must be furnished to the ARC within 30 days after the tree(s) are planted.
2. Other types of fruiting trees (eg. Mangoes) may be planted in pots provided that the pot and plants must be fully enclosed within a lanai or pool cage.
3. No more than two (2) fruiting trees will be permitted per lot.
4. Trees must be "dwarf" variety and/or maintained to a maximum height of 12 feet.
5. Fruiting tree locations must not be in "front" yards, must be a minimum of 12 feet from any lot line adjoining a neighbor's lot and must be a minimum of 20 feet from any street. Owners who cannot meet these location criteria will be denied permission to plant fruiting trees. The ARC may also consider proximity to other trees, planting beds, irrigation lines and lawn mowing issues when approving locations.
6. Owners are responsible for all maintenance of fruiting trees, including, but not limited to; removal of dropped fruit, pest control, fertilization, watering, pruning and removal of diseased or dead trees. Fruit trees will not entitle owners to additional mulch over and above the normal lot allotment.
7. Owners will harvest ripe fruit in a timely manner to minimize fruit drop and pest attraction to over-ripe fruit.
8. If the owner is not in Palm Island when the fruit is expected to be ripe, or the maintenance required in 5 above is required, the owner must make arrangements to have the fruit harvested and/or the maintenance performed. Fruit tree owners will notify the management company in writing of the

name(s) and phone number(s) of the person(s) responsible for the tree(s) during the owner's absence. Fruit trees require a considerable amount of time, effort and expense which the owner acknowledges understands and accepts upon application for planting a fruiting tree. See 14 below.

9. The Community lawn care contractor may not be used for the services in 6, 7 and 8 above.
10. The owner gives automatic permission to the lawn care contractor to prune tree branches which interfere with lawn mowing operations, including endangering the operators. See 14 below.
11. Failure to properly maintain fruiting trees will result in a violation notice from the property management company. The owner has 7 days to correct the violation. If uncorrected, a second violation notice will be sent, also with 7 days to make the correction. If still uncorrected, a third notice will be issued in accordance with item 12 below.
12. **Upon receipt of a third violation about a specific tree over the life span of the tree, whether or not the previous violations were corrected, the owner gives the Association automatic permission to have the tree removed at the owner's expense.** See 14 below.
13. Upon sale of a home with a fruit tree, either [1] the tree(s) will be removed prior to settlement, or [2] the purchaser must notify the ARC in writing that he/she will accept responsibility for the existing fruit tree(s). The management company will not issue the "letter of estoppel" necessary to complete the sale unless step 1 or 2 is complete."
14. The attached signed supplement must accompany any application to the ARC for permission to plant a fruit tree. The ARC may modify the form to adapt to changing circumstances.

### **CC&R Sec.5.8 Awnings and Windows**

#### Awnings:

No fabric awnings shall be permitted on the front or sides of any home. A fabric awning at the rear of a home requires ARC color approval, which must be muted compatible with the surrounding houses. Metal awnings matching the color of the home, with no accent markings, may be approved in very limited circumstances. No awning will be approved which requires support columns at the corners, thus becoming a roof. Any awning must be easily removed or stowed during severe weather.

#### Hurricane Shutters:

Replacement shutters require ARC approval. Approval will be given to manufactured shutters which meet Florida, Lee County storm codes. Materials must be clear, white or a color matching the house.

#### Solar Film:

. Solar film must be professionally installed without air bubbles or streaks. Solar Film with a mirror finish will not be approved

## CC&R Sec. 5.9 Lawn Maintenance

### Sod:

Any project, such as a pool, patio or sidewalk, which results in the removal of or damage to the existing sod, must be repaired by replacing the sod up to the edges of the new construction or its surrounding planting beds. Sod which dies due to damage to sprinklers must also be replaced. The only acceptable sod is “Floritam.”

### Mulch:

Only shredded wood mulch will be provided as “standard” by the landscape contractor. The mulch will be purchased in bulk. The color will be determined by the HOA 2 Board at the time of application. Homeowners may choose “red” shredded mulch to be installed and maintained at their own expense. No assessment credit will be given for refusing the standard mulch provided by the contractor.

The ARC will consider drainage issues in making their decision. Stones, gravel, shells or large chunk mulch is not permitted. Lava rock will require an installation of a border of concrete, bricks or similar material to keep the rocks out of the lawns and away from the mowers and must have ARC approval prior to installation. These borders must not exceed 8 square feet in area unless exceptions are approved by the ARC committee

### Curbing:

The ARC may approve curbs around flowerbeds and trees that are concrete, provided that such curbs do not impose a significant change in lawn care performance requirements or cost. If approved, **the Community Association assumes no responsibility or liability for damage that the community-wide lawn service contractor may cause to homeowner installed curbs.** No wooden curbs will be approved.

### Homeowner Added Plants:

Any plant or tree added *outside* an existing planting bed requires ARC approval. Applications for approval must identify both the common and scientific names of proposed plants.

Non-invasive plants that will not exceed 48 inches in height may be added to *existing* planting beds without ARC approval. Expansion of existing planting beds will be permitted in most reasonable circumstances, provided that the clearances between the beds, trees, mailboxes, houses, utility/TV boxes, etc. is sufficient to allow the landscape contractor to mow around the obstructions with standard commercial riding equipment. **Homeowners are solely responsible for the care and maintenance of added plants.** Dead or dying plants shall be promptly removed by the homeowner and tree stumps ground down below grade. The ARC committee has the authority to determine if trees that have died or trees the homeowner wishes to remove, must be replaced. Replacement trees should be six feet in height. Each homeowner is still required to maintain the

County requirement of 2 native trees per lot. Alternate replacement species must be ARC approved prior to planting.

Native Florida Palm Trees:

Cabbage Palm ( <i>Sabal palmetto</i> )	Needle Palm ( <i>Rhapidphyllum hystrix</i> )
Dwarf Cabbage Palm ( <i>Sabal minor</i> )	Royal Palm ( <i>Roystonea regia</i> or <i>elata</i> )
Miami Palmetto Palm ( <i>Sable miamiensis</i> )	Thatch Palm ( <i>Thrinax radiata</i> )
Scrub Palmetto ( <i>Sabel etonia</i> )	Key Thatch Palm ( <i>Leucothrinax morrisii</i> )
Saw Palmetto ( <i>Serenoa repens</i> )	Silver Thatch Palm ( <i>Coccothrinax argentata</i> )
Coconut Palm ( <i>Cocos nucifera</i> )	
Cherry Palm: Buccanner Palm ( <i>Pseudophoenix sargentii</i> )	
Everglades Palm: Pouritis Palm ( <i>Acoelorrhapha wrightii</i> )	

The ARC will not approve trees or plants considered to be invasive, exotic pests or noxious. The ARC will use commonly available guidelines, such as the published lists from the agricultural extension service or the South Florida Water Management District, to determine acceptable/unacceptable plants. See the CC&R 5.7 Guideline.

The landscapers are not authorized to trim or remove oak and mahogany trees. These species must be removed by a licensed arborist in accordance with county ordinances.

Diseased Palm Trees:

A palm tree that contracts the fungus “Ganoderma Butt Rot of Palms”, must be reported to the ARC committee for verification as soon as it is noticed, and must be removed as soon as possible. It should be removed by a licensed tree arborist. The ARC committee has a list of tree arborists who have worked in our community. It may be replaced in the same location:

- a) By another palm tree if the roots and soil is removed and replaced , or
- b) By a deciduous tree (a tree that sheds its leaves in the fall).
- c) By another palm tree, if three (3) years pass before planting a new palm tree. The homeowner is responsible to plant a new tree pursuant to the ARC Guidelines stated above. The ARC Committee will also be responsible for compliance of this covenant

The diseased palm tree may also be replaced by a palm tree or a deciduous tree in a different location on the homeowner’s lawn, with the ARC Committee’s approval. Note that ARC approval is required for the planting of any tree different than the original tree.

**CC&R Sec. 5.10 Garages, Carports and Accessory Buildings**

Golf carts should be garaged overnight. No ARC approval is required for a golf cart.

### **CC&R Sec. 5.11 Garage Sales**

Reserved

### **CC&R Sec. 5.12 Mailboxes, Lamp Posts**

Replacement mailboxes must match the style of those installed by the builder without exception. Only white is acceptable. Mailbox posts may not be used for support of other items, such as antennas, flagpoles, signs, driveway chains (see Sec. 5.20 below), etc.

### **CC&R Sec. 5.13 Swimming Pools**

Pools and pool cages may only be added at the rear of a house. Above-ground pools are not permitted. Approval will not be given for a pool or pool cage that extends beyond the sides of the house. This criterion also applies to patios without a pool.

Pool cages must be framed of white aluminum. Only charcoal screen cloth is acceptable. The roofline of pool cages must be the hip roof style used throughout the community, no flat roofs will be approved. This criterion also applies to patio cages without a pool.

Pool decks and patios must be concrete or pavers. The color and material of an enclosed pool deck or patio does not require ARC approval

A perimeter of approved plants must be placed in a mulch bed around the pool cage. Re-sodding may be required (see Sec. 5.9 above). Work which is not completed within a reasonable time will be considered a violation of the ARC approval. Pool equipment, such as pumps, filters, etc. must be screened by plants of an appropriate height.

### **CC&R Sec. 5.14 Lakes; Water Retention Ponds**

NO fishing is permitted at either HOA 2 retention Ponds

### **CC&R Sec. 5.15 Water Supply; Wells; Water Rights**

Reserved

### **CC&R Sec. 5.16 Surface Water Management Systems, Lakes and Wet Retention Ponds**

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Sprinklers that have been removed for any reason must be relocated and/or redirected to provide water coverage of surrounding areas.

**Parking or driving of any vehicle of any type weighing over 500lbs. on any lawn surface is prohibited** (Association service contractors are exempt). Vehicle owners are responsible for the cost of repair of any sprinkler or piping damaged by the weight of a vehicle.

### **CC&R Sec. 5.17 Sidewalks**

Existing sidewalks may be extended, widened or “filled-in” using identical materials with ARC approval. Caution must be used to avoid the sprinkler system. Applications must include a plan to relocate/replace sprinklers.

Stepping stones may be placed along driveways for ease of entry/exit of parked vehicles. Stepping stone materials and location require ARC approval. The stepping stones may not be placed over sprinkler heads. Stepping stones in grassy areas must be flush with the ground to enable mowers to pass over them. Stepping stones may not be placed end-to-end to create a new de-facto driveway extension. Stepping stones within a planting bed are also permitted.

Sidewalks or stepping stones from the rear of a house to access the canal or a dock are permitted. Only concrete or other masonry materials will be approved. Such sidewalks must be flush with the ground to enable mowers to pass over them.

**Plantings and/or low-level light fixtures along any sidewalk which impede the lawn service mowers from crossing from one section of the lawn to another will not be permitted.**

### **CC&R Sec. 5.18 Litter**

Project materials or debris may not be left in the front of any home for more than 10 days. All containers, compost and other garbage collection facilities shall be screened from view and kept in a clean condition and without noxious and offensive odors

### **CC&R Sec. 5.19 Walls, Fences, Hedges, etc.**

Fences are only permitted at the back of lots that have canal access. Fences must be of the identical material and style as installed by Lennar.. It is the sole responsibility of the individual homeowner to maintain, repair or replace said fence, whether said fence was installed by the homeowner or the developer. The association assumes no responsibility for the construction, maintenance or replacement of said fence.

Hedges: The property owner may instruct our landscape company to trim their hedges to a maximum height of 5 feet, subject to prior approval of the ARC committee. The

homeowners are responsible for maintaining the top surface of any hedge above 5 feet high

### **CC&R Sec. 5.20 Driveways and Parking Areas**

#### **Driveway Extensions:**

All driveway extensions require ARC approval of the location and materials. Materials must match the existing driveway. Driveway extensions may not make the driveway wider than the front of the house. Generally, driveway extensions for front entry garages may not cause the driveway to be wider than the width of the garage. Driveway extensions for side entry garages will only be approved for “filling in the curve.” Approval of a driveway extension will require a plan to relocate sprinklers and landscaping.

#### **Driveway Painting and Decorating:**

No decorative driveway painting will be approved. Concrete driveways may be painted a solid color of light sand( SW9085 Touch of Sand and SW 6099 Sand Dollar), light gray (SW 6001 Grayish, SW 6254 Lazy Gray, SW6205 Comfort Gray or SW 7023 Requisite Gray) or clear coat. Only paint formulated for concrete will be acceptable. ARC approval is required of the type and color of paint proposed. The ARC requires that painted driveways be maintained and therefore may require the owner of a painted drive to repaint when discoloration, chipping or peeling occurs. With ARC approval, driveways may be scored with saw cuts to mimic bricks used elsewhere in Phase 2, provided that the color is solid light tan, sand, light gray or clear.

#### **Driveway Chains:**

Because chains, ropes or other barriers which are placed at the end of the driveways are on the Community Association right-of-way, they create an unacceptable legal liability. Long term (over 2 days) driveway barriers are prohibited. A temporary yellow “caution” tape may be placed across a driveway for up to 48 hours when a driveway has been resurfaced.

#### **Pods:**

This guideline is to allow the use of temporary moving containers (PODS or equivalent) specifically only for moving in and out of homes.

Containers will be placed in driveways only, no containers are allowed on lawns or street

Container unit may not exceed a maximum size of 20 ft driveway space.

Container or multiple containers must fit entirely in paved driveway area and not extend past driveway paved area on any side.

Containers may remain in driveways for no more than 7 calendar days.

Containers will not be used for permanent storage anywhere on the property.

Any damage to roadway, driveway, lawn, shrubs, structure, vehicles, etc. are the responsibility of the contracting homeowner

### **CC&R Sec 5.21 Color**

Homes may be painted with any of the following 36 colors from Sherwin Williams. If using another supplier, the color must be mixed to be an identical match.

#### House Colors

SW 6057 Malted Milk	SW 6056 Polite White	SW 6058 Likeable Sand
SW 6113 Interactive Green	SW 6112 Biscuit	SW 6114 Bagel
SW 6148 Wool Skein	SW 6147 Panda White	SW 6149 Relaxed Khaki
SW 6204 Sea Salt	SW 6203 Spare White	SW 6205 Comfort Gray
SW 6218 Tradewind	SW 6217 Topsail	SW 6219 Rain
SW 6358 Creamery	SW 6357 Choice Cream	SW 6359 Sociable
SW 6372 Inviting Ivory	SW 6371 Vanillin	SW 6373 Harvester
SW 6687 Lantern Light	SW 6686 Lemon Chiffon	SW 6688 Salania
SW 7698 Straw Harvest	SW 7697 Safaei	SW 7699 Rustic City
SW 6071 Popular Grey	SW6073 Perfect Greige	SW 6141 Softer Tan
SW 6163 Grassland	SW 6220 Interesting Aqua	SW 6359 Sociable
SW 6379 Jersey Cream	SW 7724 Canoe	SW 7739 Herbal Wash

The ARC has color swatches and the Sherwin Williams' paint number corresponding to each house. Only "satin" or "flat" finish is acceptable. All trim must be Sherwin Williams alabaster #SW7008 or an identical match. Trim areas may not be painted the house color or vice versa.

The ARC will not approve having adjacent side-by-side houses painted the same color.

Front entry doors (not garage doors) may be painted a contrasting accent color with ARC approval. Glass panels, which meet hurricane code requirements, may be installed with ARC approval. Glass panels may require adequate covers for hurricane protection.

Entry enclosures must be white aluminum frames with "charcoal" screen cloth. Garage door sliding screens must be white frames with white screen fabric. Outdoor decorations within an enclosed front entry do not require ARC approval. All other outdoor decorations facing a street such as those hanging on walls or in mulch beds, require ARC approval. A 30 day exception is granted for all Holiday decorations.

## **CC&R Sec. 5.22 Underground Utilities**

Any approval by the ARC of any project that may require digging will be contingent upon the homeowner's verification of the location of underground utilities such as electric, cable, water, sewer and sprinkler lines. A project will be denied if it will interfere with the utilities. The homeowner is solely responsible for the cost of repair of any damage to a utility line caused by the project work

## **CC&R Sec 5.23 Temporary Factory-Built of Existing Structures**

Reserved

## **CC&R Sec. 5.24 Antennas and Flagpoles**

One freestanding flagpole; not exceeding a nominal height of fifteen (15) feet, for the display of an approved flag (see Florida statute below), may be permitted if its design and location are first approved by the ARC. In evaluating the request, the ARC will consider such things as interference with lawn service, height of pole, diameter of pole, pole material, anchoring, etc. A detailed description and design is required with the ARC request. Flagpoles may not be attached to mailboxes (see 5.12). The Community Association will not be liable for damage caused by a falling or dislocated flagpole.

ARC approval is not required for a detachable flagpole or flagstaff up to six (6) feet in length attached to the front of a house using a standard commercial flagpole bracket. The maximum flag size is 3ft. by 5ft.

*Homeowners and the ARC will comply with the policy stated in Chapter 720.304 of the Florida Statutes:*

“Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day may display in a respectful manner portable, removable official flags, not larger than 4 ½ feet by 6 feet, which represent the United States Army, Navy, Air Force, Marine Corps or Coast Guard, regardless of any declaration rules or requirement dealing with flags or decorations.”

Seasonal or holiday flags or banners not exceeding nominal measurements of 2 ½ feet by 4 feet may displayed for up to 30 consecutive days per year during the season or holiday period.

Decorative banners of up to 15 inches by 24 inches may be displayed on appropriate standards within planting beds. Banners considered by the Board to be offensive must be removed immediately.

Flags or banners which represent countries other than the United States, religious, regional, battle, States other than Florida, sports teams, colleges, universities, other types of schools may not be displayed.

### **CC&R Sec. 5.25 Trucks, Commercial Vehicles, Recreation Vehicles, Motor Homes, Mobile Homes, Boats, Campers, Trailers and Other Vehicles**

Subsection J: A speed limit of twenty (20) miles per hour applies through the Association roadways, unless otherwise posted. Unnecessary vehicle noises are to be avoided within the grounds.

### **CC&R 5.26 Outdoor Equipment**

See Sec. 5.13 above concerning plant screens around pool equipment.

See Sec 5.4 above concerning sports and play equipment,

Outdoor furniture may be used in back yards without ARC approval. Outdoor furniture kept within a front entry area must be harmonious with the appearance of the community. Outdoor furniture placed on or beside a front sidewalk or driveway must be well maintained metal. Wood slats or wooden decoration as a portion of metal furniture is acceptable if maintained. Plastic furniture will not be approved for use in the front of homes. Lightweight materials such as wicker, rattan, etc are strongly discouraged because of their propensity to become airborne during strong winds.

### **CC&R Sec. 5.26 Clothes Drying Area**

Reserved

### **CC&R Sec.5.28 Lighting**

Replacement exterior garage lights require ARC approval. Replacement lights must be aesthetically pleasing and sized in scale to the home.

Low voltage lighting, not to exceed 24 inches in height, or closer than 5 feet apart, may be placed in existing plant, mulch beds without ARC approval. Lights may not be placed in lawn grassy areas where the lights would interfere with the use of the lawn service riding equipment.

Spot or flood lights may not be mounted on the front of any house. Spot or flood lights may be installed on the back of a house, provided that they are not a nuisance to neighbors.

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No front yard lamp poles will be permitted.

### **CC&R Sec. 5.29 Air Conditioners**

Reserved

### **CC&R Sec. 5.30 Solar Collectors, Roof Vents**

Reserved

### **CC&R Sec. 5.31 Signs**

Upon adoption of these *Guidelines*, the Board of Directors deems the following limited types of signs appropriate and delegates authority to the ARC for implementation of approval as follows:

1. One home security sign not to exceed a nominal size of 12 inches by 12 inches.
- 2a. One sign meeting the community design and color standards advertising a home for sale, lease or rent may be placed in the front mulch bed, parallel to the street. The sign shall have a nominal size of 30 inches wide by 18 inches high. An additional sign strip, not to exceed 6 inches high, may be added to the sign for additional information, such as “Open House,” or “By Appointment Only.” The sign shall be mounted on two 4” by 4” posts not to exceed 32 inches in total height. The sign shall have a “cream” background with “teal” lettering and posts. The lettering may be vinyl cutouts. The letter type face (font) and logo on the top line of the sign must be substantially similar to the entry gate lettering and logo. Design criteria, including type faces, are available from the ARC and will be made available to sign shops. Use of a sign meeting the community criteria does not require ARC approval.
- 2b. This sign may not be displayed for more than 90 days. After the 90 days have expired, the sign must be removed for a period of 30 days.
- 2c. After sale notations, such as “Contract Pending” or “Sold,” may not be added to the sign or placed on the 6 inch information strip.
3. Up to three directional signs, not to exceed 12 inches by 18 inches, for the conduct of an open house or yard sale. These signs may not be erected more than two hours before the scheduled time for the open house or yard sale and must be taken down within ½ hour after the event. A separate request may be made to the Board to have the Hancock Bridge Parkway entry gate opened during the event.
4. Community information signs, such as signs for speed limits, Neighborhood Watch, towing, community events, etc., are permitted within reason.

Any sign which does not conform to this *Guideline* or CC&R Sec. 5.31, shall be considered a violation. In addition to any other penalty or fine, the ARC may remove any sign in violation.

### **CC&R Sec. 5.32 Living Units; Residential Use**

Reserved

### **CC&R Sec. 5.33 Pets and Animals**

In addition to the limit of two (2) commonly accepted household pets, one dog or cat in a temporary rescue status will be allowed, provided that the additional animal(s) will not be in resident for more than a total of 6 months out of any consecutive twelve month period.

### **CC&R Sec. 5.34 Docks**

No dock, boat lift or other structure may be constructed upon or adjacent to any canal frontage lot without first obtaining the consent of the Community Association Architectural Review Committee (ARC).

### **CC&R Sec. 5.35 Nuisances**

Don't be one

### **CC&R Sec. 5.36 Correction of Health and Safety Hazards**

Reserved. The ARC may suspend all requirements for approval requests, written action and decisions to respond urgently to a health or safety concern. The ARC may take reasonable action on a homeowner's property without the homeowner's permission in an emergency.

### **CC&R Sec. 5.37 Assignment of Approval Rights**

Reserved

### **CC&R Sec. 5.38 Central Irrigation System**

No changes may be made, other than relocation of individual sprinkler heads as cited in several Sections above, in any part of the central irrigation system. The ARC does not have authority to approve changes.

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Action taken by a homeowner or his/her contractor, which interferes with the water flow to other homes is a violation of this Section. The ARC may take action to correct the problem, at the homeowner's expense, without the homeowner's permission.

### **CC&R Sec. 5.39 Declarant's Exculpation**

Reserved

## **ARCHITECTURAL AND AESTHETIC CONTROL**

### **CC&R Sec. 6.1 General**

Nothing which materially alters the exterior appearance of any structure or lot may be begun without the prior written approval of the ARC. The ARC shall use these *Guidelines* in making its decisions.

### **CC&R Sec. 6.2 Architectural Review Committee**

This Section authorizes the ARC to use subjective aesthetic criteria in making its decisions.

### **CC&R Sec. 6.3 Powers**

The following subjects fall within the general powers and authority to approve exterior appearance of homes subject to the ARC.

#### Gutters and Downspouts:

Gutters and downspouts must be white aluminum. The direction of water flow from downspouts must not cause erosion or flooding, therefore no mid-run downspouts will be approved.

#### Front Entry Enclosures:

Framing of front entry enclosures must be white aluminum. The screen material must be black. Decoration patterns commonly available from commercial suppliers will be acceptable.

#### Hose Reels and racks:

Hose racks may be attached to the side or back of a house without ARC approval, provided that the top of the hose rack is no more than 48 inches above ground. Hose reels must be located adjacent to a hose bib.

#### Lawn Art:

Lawn art is defined as any manufactured (homemade) item of any material that is not living. Included, but limited to, are flower pots, fountains, sculptures, figurines,

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whirligigs, decorative house numbers, folk items, Florida kitsch, etc. In the front yards, and the side yard of houses with a side facing a street, such lawn art must be in good taste, have muted colors, and not be more than 48 inches high. In back yards height and color restrictions will be more relaxed, providing that the lawn art is not a nuisance. All lawn art must be kept in presentable condition. Note: Due to termites, wood is not recommended for lawn art objects.

## *Palm Island Phase 2 Community Association*

4085 Hancock Bridge Parkway  
Suite 111 – PMB 144  
North Fort Myers, FL 3390

### **ARC Request Fruit Tree Supplement**

1. I/we agree to plant fruiting trees purchased from a reputable nursery, which will verify that the trees are pest and disease free. Citrus trees must be accompanied with a nursery certificate that they are disease free.
2. Within 30 days after planting a citrus tree, a copy of the nursery certificate must be furnished to the ARC to be filed with this application. Failure to provide the certificate shall be a violation.
3. I/we agree to keep the management company informed of the person or persons who will be responsible for maintaining the fruit trees during the owner's absence from Palm Island. I/we acknowledge and accept that failure to keep the tree maintained may result in its removal.
4. I/we give permission to the lawn care contractor to prune tree branches which interfere with normal mowing operations and/or may cause injury to a mower operator.
5. I/we understand and accept that during the life of the tree after the third violation notice, the Association may have the tree(s) removed without our further permission and at our expense. The cost of the removal will be added to the owner's assessment.
6. If this application is for a citrus fruit tree, I/we acknowledge that significant effort will be required to keep it maintained and healthy. I/we have read University of Florida IFAS Extension Service Publication HS876, *Citrus Problems In The Home Landscape* (copy available from the ARC), and any other publication recommended by the ARC to become aware of the issues that may arise.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address