Linda Doggett, Lee County Clerk of Circuit Court
INSTR. # 2020000328392, Doc Type RES, Pages 9, Recorded 12/30/2020 at 8:11 AM, Deputy Clerk NFERGUSON ERECORD
Rec Fees: $78.00

Instrument prepared by and after recording return to:
Sean M. Ellis, Esquire
Roetzel & Andress, LPA
2320 First Street, #1000
Fort Myers, Florida 33901
(239) 337-3850

CERTIFICATE OF RECORDING

McGREGOR WOODS HOMEOWNERS ASSOCIATION, INC.

ARCHITECTURAL REVIEW BOARD PROCEDURES AND DESIGN GUIDELINES

THE UNDERSIGNED, being the duly-elected and acting President of McGREGOR WOOD HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation ("Association"), does hereby certify that attached is a true and correct copy of the Architectural Review Board Procedures and Design Guidelines for McGregor Woods Homeowners Association as approved by the Board of Directors at a duly notice meeting of the Board, in accordance with the Governing Documents of McGregor Woods. The Governing Documents include, without limitation, the Amended and Restated Declaration of Covenants and Restrictions for McGregor Woods, recorded at Official Records Instrument Number 2016000199820, Public Records of Lee County, Florida, and all amendments thereto. NOTE: Subsequent amendments to the Architectural Review Board Procedures and Design Guidelines need only be recorded in the Public Records of Lee County, Florida if specifically required by Chapter 720, Florida Statutes, as amended from time to time.

IN WITNESS WHEREOF, this Certificate of Recording has been executed by the President of the Association this 29th day of December 2020

Witnessed by:

Diane Braveman
Print Name: Diane Braveman

Susan King
Print Name: Susan King

McGREGOR WOODS HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation

By: Thomas P Boyle
Print Name: Thomas P Boyle
Its: President

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☑ physical presence OR ☐ online notarization, this 29th day of December 2020 by Thomas P Boyle, as President of McGREGOR WOODS HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of said corporation, and who [___] is personally known to me **OR** [✓] has produced a Florida driver's license as identification.

Diane Braveman
Notary Public
My Commission Expires: 3/26/21

[NOTARY STAMP/SEAL]

DIANE BRAVEMAN
MY COMMISSION # GG 068824
EXPIRES: March 26, 2021
Bonded Thru Notary Public Underwriters

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McGregor Woods
Homeowner's Association

Architectural Review Board Procedures and Design Guidelines

This document supplements parts or all of sections 6.1, 6.3, 6.6, 8.8, 8.10, 8.12 (E) and (F), 8.13, 8.14 and of DECLARATION OF COVENANTS AND RESTRICTIONS FOR McGREGOR WOODS and is effective January 1, 2021.

Introduction

The intent of the McGregor Woods Homeowner's Association architectural criteria is to ensure a consistent standard of design excellence and a high level of aesthetic quality throughout McGregor Woods. The consistent application of these requirements will help to protect property values within our community.

This manual incorporates the architectural criteria for McGregor Woods. Please use it as a guide when developing plans for exterior modifications. Realizing the goal of an exceptional community depends on the cooperation of homeowners, designers, builders and contractors to follow the architectural criteria standards and guidelines set forth by the Architectural Review Board (ARB) for McGregor Woods. From time to time, the ARB committee or the Board of Directors may amend these guidelines.

In addition to this manual, homeowners are expected to review and become familiar with all other Governing Documents, including the Declaration and Covenants, Conditions and Restrictions established for McGregor Woods which are essential in maintaining property values.

Architectural Review Board and the Review Process

The Architectural Review Board (ARB) administers the design review process for all development on property which is subjected to the Declaration of Covenants for McGregor Woods.

Submission of ARB applications should be made to:

McGregor Woods Homeowner's Association
c/o Alliant Property Management
13831 Vector Avenue
Fort Myers, Fl 33907

Or via email to
Danielle.schumacher@alliantproperty.com

Any clearing, grading, construction, improvements, or alterations to a parcel must be reviewed and approved by the ARB prior to implementation. This include but is not limited to any visible additions, alterations or modifications to the exterior of parcels or homes within McGregor Woods, whether permanent or temporary.

The applicant (Owner) is responsible for complying with these Procedures and Guidelines, initiating the reviews and obtaining the required approvals. There are no exemptions or automatic approvals, and each application will be reviewed on an individual basis.

Review

The ARB will review the application and accompanying information for completeness. Submissions that do not have the necessary information for review shall be deemed to be incomplete and will be returned to the Owner. The ARB may require the Owner to present the design in person and provide more information as necessary in the event of a complex or major project.

The ARB will consider any and all exterior elements of a project's design including size, bulk, organization, architectural style, detail, color, material, quality of workmanship and harmony of design and all other factors that, in the opinion of the ARB, affect the appearance and suitability of the project.

The ARB is required to render a decision and respond in writing within sixty (60) days after receipt of the fully completed application and other requested information, if any.

Approvals

The ARB's approval of any proposed construction is with its sole discretion.

Approval by the ARB does not relieve the Owner of the responsibility of obtaining all other necessary approvals and permits required by Lee County, the State of Florida and other agencies having jurisdiction over the project or improvement.

Notification of the ARB's final approval constitutes an agreement by the Applicant not to deviate from the approved plan unless such proposed deviation has been submitted to the ARB and has been expressly approved by the ARB.

The ARB may, at its discretion during the design review process, suggest alternative design solutions; however, such suggestions shall not necessarily constitute an approved design solution and the ARB shall not have any responsibility for ensuring or making any determination regarding compliance of such suggested design solutions with applicable governmental regulations and other requirements.

Appeals

Within 10 business days after notice of the ARB decision has been mailed (or emailed), the Owner may file, with the ARB, a written request that the Board of Directors reconsider the decision. Any such request for reconsideration shall include a statement of the basis for such request and technical design information supporting such request. The ARB may require additional information in connection with any request for consideration. The Owner's written request for consideration may include a request to personally address the Board of Directors.

All reconsiderations will be reviewed on a case by case basis, and the granting of a request for reconsideration with respect to one project does not imply or warrant that a similar request will be granted with respect to any other project. Each case will be reviewed on its own merits and in light of the overall objectives of these construction standards.

After Approval

If the Owner desires to make any changes to the approved plan during construction, the ARB must be contacted by the Owner in order to determine whether a revised application needs to be submitted. Construction must be completed as approved and any changes from the original plan must be approved prior to the start of construction.

Work must commence within 30 days of ARB approval. Work for minor changes must complete within 6 months of initial ARB approval. Work on new construction or major additions must complete within 18 months of initial ARB approval.

Inspection and Compliance

Upon completion of any construction or alteration, management or an agent of the ARB may inspect the property to confirm that construction is in compliance with the approved plans. Periodically, management or an agent of the ARB may inspect McGregor Woods properties for compliance with construction standards and covenant standards.

Violations

In the event of a covenant violation, management shall seek to obtain compliance informally through letters, email and personal contact with the Owner. If these efforts fail, management shall inform the Owner of the violation in writing by certified mail, giving the Owner reasonable time in which to correct the violation. If the violation is not corrected to the satisfaction of the Board of Directors, the Board may propose a fine of up to $100 per day to a maximum of $5,000 by certified mail including an invitation to the next meeting of the Compliance Committee. The Compliance Committee meeting will be held at least 14 days after the Board proposes a fine and will accept or reject the fine at this meeting.

Project Submission Requirements

Since projects may vary greatly in scope and complexity, project submission requirements will also depend upon the specific improvement or modification.

All improvements or modifications require submission of a complete Architectural Review Board Application Form, which is included in the back of this manual.

A complete application will generally include:

- A brief written description of the project
- A site plan showing the location and size of the project
- A to scale drawing(s) showing what is proposed
- A brochure or manufacturer's 'cut sheets' of what is proposed
- Material and/or color samples

The completed application and related materials should be sent to:

McGregor Woods Homeowner's Association
c/o Alliant Property Management
13831 Vector Avenue
Fort Myers, FL 330908

Or via email to:
Danielle.schumacher@alliantproperty.com

Architectural Standards

The specific list of topics covered by this document is not necessarily all inclusive and is provided as reference to some of the major items generally requested to change or alter. Reference should be made to all Governing Documents of the Association before submitting an ARB Application.

New Construction/Reconstruction

New construction or reconstruction including but not limited to home additions, lanai enclosures or screening, swimming pools/spas, decks, docks, auxiliary structures (e.g. sheds), patios, fences, generators, retaining walls, lakeshore stabilization or major landscaping require prior review and approval of the ARB.

The highest point of the roofline of the house structure including the garage and any other structure cannot exceed forty feet (40') above mean sea level.

Exterior Paint Colors

Color and material changes shall be appropriate in appearance and quality to the style and design of the house. Exterior colors should be selected to enhance the appearance of the house as well as its relationship with surrounding properties and the natural environment.

Exterior colors must be in the "earth" tone range of:

- White
- Beige
- Gray
- Cream
- Tan
- Brown

Any option that differs from the above color palate, including repainting can be submitted to the ARB but may not be approved. The proposed colors and materials must be complimentary with existing colors on the house, such as roof, trim, etc.

Trim colors, including garage and entry doors must adhere to the above color palate Any option that differs from the above color palate, including repainting can be submitted to the ARB but may not be approved.

Other than touch-ups, the entire house is to be repainted at the same time.

Roofs

Roofs must be constructed of 1) composite shingles, 2) clay/concrete tiles or 3) metal.

<u>Composite Shingles</u>

Must be 'Architectural/Dimensional style' and may be in the following colors;

- Shades of brown
- Black
- Shades of gray

Tiles

Must be barrel or flat tiles and solid colors of;

- Terracotta
- Gray

Metal

Must be either;

- Natural (silver)
- Copper

Windows/Doors

Windows and doors including sliding or French doors, shall be compatible in style with the architecture of the house. They shall be of quality material and workmanship and consistent in proportion, detailing and style. The type, style, material, color, detailing and installation of a new or replacement window must be consistent with that of existing windows and requires prior review and approval of the ARB.

Windows must have clear or lightly tinted glass. Highly reflective glass tinting is not permitted.

Awnings

Door or window awnings must compliment the architectural style of the home and requires prior review and approval of the ARB.

Gutters and Downspouts

The design, color and location of gutters and downspouts must be compatible with the architecture and color of the house. They shall match existing gutter and downspout color on the house and/or match the color of the surface to which they are attached.

Driveways

Driveway must be constructed of either 1) pavers or 2) concrete

Pavers

Pavers shall be in earth tones and compliment the roof and exterior paint of the home.

Concrete

Must be either natural or coated and if coated must be in either gray or tan.

Pools

Swimming pools, spas and swimming pool enclosures (cages or fences) must be set back at least twenty-five feet (25') from the lake edge (mean high water line) on all Lots abutting the lake and twenty feet (20') from the rear Lot line of all Lots not abutting the lake. Swimming pools and swimming pool enclosures (cages or fences) must be set back at least ten feet (10') from the side boundary line of the Lot. New pool installations require prior review and approval of the ARB.

Above ground pools are prohibited. Pre-fabricated spas are prohibited

Pool Enclosures

Pool Cages

Must be either white or bronzetone, may not exceed the height of the roof, must comply with local regulations and require prior review and approval of the ARB.

Pool fences

Fences used as pool enclosures must be constructed of 'see through' material such as, but not limited to, wrought iron, aluminum, or vinyl with narrow pickets in either white, brown, bronzetone or black, must comply with local regulations and require prior review and approval of the ARB

Fences

No fences may be constructed on lake front lots (other than as pool enclosures, see Pool Enclosures section). Fences for non-lakefront lots may only be constructed in the backyard and design and materials must be approved by the ARB.

Invisible fences must be located in the side or rear yard of residences.

Trees

Any tree with a diameter of 4" or more cannot be removed without prior approval of the ARB and must be replaced unless an exception is granted by the ARB.

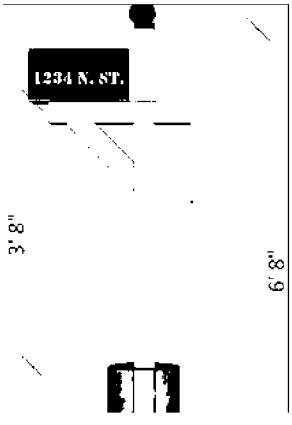
Landscaping

Major landscaping projects require prior review and approval of the ARB

Stone, gravel, paving or mulch may not be used as a substitute for grass in a lawn. No artificial grass lawns or flowers are allowed.

Mailboxes

Mailboxes must adhere to versions of the standard design below;



Exterior Lighting
All residences require an exterior light that operates on a photo electric cell and must adequately light the area between the house structure and the street.

Mechanical Equipment
Mechanical equipment including central A/C units, pool equipment and generators must be shielded from view from the street. Wall or window A/C units may be used for garages or auxiliary buildings (e.g. sheds) but must be shielded from view from the street.

Solar Structures
Solar collectors or solar pool heating panels require prior review and approval by the ARB. All framing, piping, control devices and wiring must be painted a dark color or the color of the roof. Ground mounted solar collectors are not allowed.

Antennas/Satellite Dishes
Antennas/satellite dishes shall be selected and located, to the extent possible, to minimize their appearance from the street and neighboring properties. They must be one meter (39") or less in diameter.

In all cases, all wiring must be secured and concealed as much as possible. Satellite dishes shall be gray in color and no commercial advertising is allowed except for the brand name.