

ARCHITECTURAL GUIDELINES AND REVIEW PROCEDURES

FOR

FUNKY FISH HOUSES

AT

CAPE HARBOUR

CAPE CORAL, FL

A DISTINCTIVE WATERFRONT COMMUNITY

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ARCHITECTURAL GUIDELINES AND REVIEW PROCEDURES FOR FUNKY FISH HOUSES AT CAPE HARBOUR

I. PURPOSE

The purpose of these Architectural Guidelines and Review Procedures is to provide useful information for property owners, their architects and builders regarding the design and construction of Funky Fish Houses at Cape Harbour. Homeowners are required to submit their plans and specifications for review and approval by the Funky Fish House Architectural Control Committee, the "Committee", pursuant to these Architectural Guidelines and Review Procedures.

II. DEVELOPMENT PHILOSOPHY

This community of Funky Fish Houses at Cape Harbour is a particularly unique waterfront neighborhood with a special 'Funky' ambiance and character. The very special nature of this neighborhood is reflected in small lots perched on the water's edge in an intimate setting. The lots are truly exceptional in that the property boundaries actually extend over the water allowing for uniquely imaginative home designs integrated with nature.

The lots will accommodate attractive and efficiently designed multi-level homes within a designated building envelope (See Permitted Building Envelope Plan attached). The homes will have a distinctive 'Key West' style, Seaside or Coastal Architectural character along with creative variations on that theme, which are encouraged.

We all recognize that the design, character and quality of the homes constructed in the Funky Fish House community at Cape Harbour will determine, to a great extent, the nature of life within that community. In recognition of the foregoing, and the long and successful history that architectural controls have in helping to preserve the value, character and aesthetics of residential communities, we have adopted Architectural Guidelines and Review Procedures for the Funky Fish Houses at The Marina, Cape Harbour.

Funky Fish House Architectural Guidelines deal with the specifics of construction, design and site improvement. Building proposals submitted under these Guidelines will be reviewed, commented upon, revised accordingly and then approved by the Committee. It will be the Committee's responsibility to review all proposals for compliance with the Architectural Guidelines, taking considerations into account as follows:

- A. Funky Fish Houses at Cape Harbour, is an especially unique and carefully planned waterfront residential community with natural beauty, quality recreational amenities and controlled development contributing to the benefit of, and enhancing the lifestyle of its residents;
- B. In this community of single-family homes, the Committee encourages classical Key West style designs and architecture that conform to these development guidelines;
- C. It is not necessary for every home at the Funky Fish House community to be unique, however, frequent repetition of designs will not be acceptable, and creative, imaginative variations on the Key West style theme are encouraged;
- D. The primary goal of the Committee is to review the plans, specifications, and sample materials submitted, to determine whether the appearance and construction criteria for the proposed structure conform to the standards, policies and guidelines set forth by the Committee. The Committee does not assume responsibility for the following:

1. The structural adequacy, capacity, or safety features of the proposed structure or improvement;
2. Soil erosion, un-compactable or unstable soil conditions, or site/drainage elevations;
3. Compliance with any or all building codes, safety requirements, governmental laws, regulations and ordinances;
4. Contractor's performance and quality of work.

III. PLANNING THE HOME

- A. In order to achieve the desired development objectives, it is recommended that owners consult a designer, architect or builder familiar with the Funky Fish House at Cape Harbour development standards. Owners are encouraged to contract with "Designated Builders" for the construction of their home. Please check with your sales representative for a current list of 'Designated Builders'.
- B. Owners wishing to engage a builder who is not a 'Designated Builder', will be charged a fee in the amount of 20% of the purchase price of the lot to cover the cost of administrative and design review, and recovery of marketing expense.

IV. ARCHITECTURAL CRITERIA

- A. General Comment - The impact of a home design involves issues that cannot be completely reduced to measurable standards of size, setback, roof pitch, etc. A home that meets all the statistical criteria may still be unacceptable for the Funky Fish House community at Cape Harbour if its overall aesthetic presentation is unacceptable in the judgment of the Committee.
- B. Flood Elevation - Funky Fish Houses at Cape Harbour, is located in a FEMA A-8 flood zone. That designation presently requires finished floor living area elevations of 9.30 feet. (Note: this elevation is measured to the lowest point, e.g. bottom of floor drain). Flood Insurance is recommended under any circumstances.
- C. Exterior Design - In order to ensure that home designs do not compromise the special ambiance and character of this community, a number of design elements will be considered, including the following:
 1. Site Utilization – The layout of the Funky Fish House lots in this community present the designer of the homes with both constraints and opportunities. These are small lots in an intimate setting intended to accommodate homes with modest, efficient footprints within designated building envelopes. The relationship of proposed improvements to existing natural and man-made features, the views from the home and adjacent structures, any effect on the streetscape, the use of open space, driveways, and parking areas along with landscape treatment are all matters to be considered.
 2. Scale – Recognizing the constraints in the lot sizes, and having in mind the relationship of the proposed structure to the site in terms of lot coverage, height, width and overall visual impact, we encourage the use of multi-level designs. The scale of buildings is to be broken down to the extent possible with proper massing, fenestration and landscaping.
 3. Massing and Proportion - Relationship of the elements to one another. The massing of various components of the proposed structure should flow together to reflect attractive proportion and mass.

4. Fenestration – Appearance and placement of exterior openings (doors, windows, etc.), relative to the overall design reflecting the communities unique character, for all exterior elevations, compatibility of the design of the home, materials specified, and the manner in which the fenestration is detailed. This is particularly important on the sides of the homes where the number and size of openings are controlled by fire and building codes.
5. Roof Scape - Relationship of roof lines and treatment to the overall design of the home. Flat deck or built-up roof areas intended for sun bathing or other casual use will be permitted as long as the design includes parapets or decorative fence or railings. For pitched roofs, the minimum pitch is 4/12 and maximum is 6/12. Only metal roof material is allowed with pitched roofs. All homes shall have rain gutters – all rain water run-off shall be directed to the front of the house across the street through drainage outlets pre-installed by Developer at the front of the homes.
6. Aesthetics - Overall design quality based on the subjective judgment of the Committee. This includes the overall impact based on issues listed above in concert with use of color.

D. Building Development Standards

Living Area:	Min. 500 Sq. ft.
Setbacks & Height Regulations:	
Front Setback	No Req Setback
Side Setback – Minimum of 3’ setback from lot line i.e. minimum of 6’ between structures; For Roof Edges (eaves or gutters) minimum of 2’ from lot line i.e. 4’ Min. between house rooflines. See Permitted Building Envelope Plan Attached	3’ or greater
Rear Setback (Consider Tie-backs in Design)	6” from Seawall
Building Height:	4 Story Max.
Detached Structures:	Not Permitted
Porches / Decks:	
Non-habitable, screened or open porch/deck allowed as overhead structure and can extend beyond seawall to rear lot line – must be no wider than the home.	Adequacy of clearance over boardwalk subject to ARB approval

Note: Fire safety requires that there be a 6’ separation between structures for access along the sides of the structures.

- E. Service Area - The planning of the home should include areas to accommodate air conditioning compressors and other items that by their nature present an unsightly appearance. The service area or areas should be convenient to the utility service to the site, and screened from view by an approved enclosure or landscaping. Garbage cans should be kept in the garage. There will be an easement of record providing that the six foot areas between homes will allow for ingress and egress to and from the waterfront, and allows access to accommodate maintenance between the homes. This area can be used for placement of air conditioning equipment, or other equipment as long as the same does not encroach on neighbor's property. There are several designated 'fire lanes' between homes where no equipment or other obstructions are allowed. In such cases, the equipment needs to be located on the other side of the home, or in the garage area.
- F. Docks – Each home can have a dock but a dock is not required. If the homeowner decides to have a dock, it must be built by the designated dock contractor pursuant to the design, plans and specifications, and using the materials as promulgated by the Developer. Dock materials and colors, dock boxes and dock lights must conform to the types and styles in use at and around Cape Harbour Marina and are subject to approval by the Architectural Review Board. Details regarding accommodations and limitations for boats, for each lot, are set out in the Dock Layout Plan attached.
- G. Garages – All homes must have space to accommodate a minimum of one vehicle. In the 'Key West' spirit, garage doors and side walls are encouraged but not required, but liberal use of trellis', lattice work and landscaping to screen the lower level of the home from view will be required.
- H. Fences – No fences shall be permitted on any Lot, unless approved by the Declarant or the ARB, as applicable.
- I. Television Antennas and Satellite Dishes – Plans call for cable television to be available at the Funky Fish House community. Where a television antenna or small (no more than 24") satellite dish is desired, it must be located within the house or attic, or installed in such a fashion that they are visually screened from view.
- J. Landscaping – With the unique character of the lots in this community the opportunities for landscaping are limited so the Developer will prepare a landscape plan designed with xeriscape (water conservation landscape method) as the predominant theme. Homeowners will be able to specify landscape 'upgrades' or 'highlight' features utilizing indigenous species. There will be a standard charge to the Homeowner for the installation and maintenance for the 'typical' landscape package, and an 'up-charge' to the Homeowner for the installation and maintenance of any 'upgrades' specified by the Homeowner.
- K. Irrigation – Minimal irrigation will be required and will be installed by Developer as a part of the initial landscape package.
- L. Exterior Form & Design - The exterior form of each residence is a very important aspect of appearance. Large gable ends, long straight walls and flat vertical wall faces without some architectural design relief should be avoided. Planters should be utilized to "soften" the base of the home. A variety of forms and roof overhang widths, are desired. Some examples of these include bay windows, octagonal, circular or other geometric forms. Distinctive architectural features that are desirable include cupolas, fountains, widow's walks, chimney features, balconies with bracketed supports and elaborate entrances. The ground level shall be either stem wall construction, or more suitably, piling construction. The use of concrete pilings with stucco finish is encouraged.

- M. Exterior Materials, Colors and Textures - Exterior finish materials are expected to be of the very highest quality. On the upper levels, the use of varied siding styles is encouraged e.g. typical lap siding, scalloped siding or, vertical bead-board siding (in accent areas). Hardiplank or similar cementitious siding materials are encouraged, and vinyl siding of the very highest quality is allowed. A list of manufacturers of acceptable material is available from the Architectural Control Committee. Woods used for trim shall be durable by type and/or treatment. On the ground level, in lieu of enclosed garage, parking areas may be walled using PVC lattice material and be framed accordingly.

Architectural trim is an important design aspect. This includes items such as columns, trim around windows, treatment of eave conditions, and accent materials and colors. The use of exterior moldings and trim for window and door openings is required. Doors and windows will be reviewed for architectural details.

A variety of windows, glass doors and glass walls that take advantage of views, breezes and natural light are encouraged. Good quality windows and doors with 'high impact glass' are required, with aluminum units being finished in an earth tone, white or dark hunter green factory applied finish. Additional colors may be approved by special request. Glass block may be utilized sparingly, for windows. The Committee must approve awnings for color, material and shape. Mirrored or highly reflective glass will be unacceptable. Samples of all exterior materials, colors and textures shall be submitted at the time of the application for final review. Paint and stain color samples shall be submitted on the actual material to which they will be applied.

Rooflines and roof material are major features of each home's design. The proposed roofing material, color and application will be critical parts of the Committee's design evaluation. The roof pitch should be a minimum 4/12 pitch and a maximum of 6/12 pitch using metal roof material. Multiple roof pitches may be utilized.

- N. Repetitive Designs - Some house designs may be unacceptable for a particular lot because of similarity to homes in the immediate area. If, in the judgment of the Committee, the massing, basic style, roofline, exterior materials, colors or other features of a home are too similar to its neighbors, the design will not be approved.
- O. Mailboxes, etc. - The design and placement of the mailbox and required address signage shall be specified by the developer.
- P. Seawalls and Boardwalk - When the home is built, the wood boards on the boardwalk shall be replaced by the homeowner with "Lumberock" board material, light brown in color, as specified by the Committee. On-going maintenance and necessary repairs of the seawall and boardwalk in order to maintain the same in a good, safe and presentable condition shall be the responsibility of the Homeowner and failure to do so shall be grounds for the Association to perform the necessary work at the expense of the Homeowner and to secure repayment by way of an individual assessment. Preventative maintenance or anticipatory measures especially with respect to the tie-backs and dead-men for the seawall may be required by the Committee when the home is built.
- Q. Exterior Light Fixtures - Fixtures shall be reviewed by the Committee as a part of the overall package. Decorative fixtures are desired. At least one light at the front of the home must be a minimum of 60-watt fixture and utilize a photo-cell sensor to be 'on' during non-daylight hours.

V. ARCHITECTURAL REVIEW PROCESS

Plans for all new construction, subsequent alterations or color changes, and any additions or other changes must be approved by the Committee.

A. Application Policies and Procedures

1. Application Form - Applications should be made in duplicate on forms to be provided upon request.
2. Preliminary Application for Review - Prior to the preparation of construction drawings the Committee recommends that the applicant submit the application and preliminary building plans for its comment. The preliminary application should be accompanied by two sets of plans and may be drawn in "sketch" form. A preliminary application includes:
 - a. Site Plan:
 - (1) Drawn at a scale of $\frac{1}{4}'' = 1.0'$
 - (2) Show existing and proposed topography (approximate grades).
 - (3) Show setbacks from property line.
 - (4) Indicate site development including walks, drives, patios, decks, fences, docks, walls, accessory structures, etc.
 - b. Floor Plans:
 - (1) Draw to a minimum scale of $\frac{1}{4}'' = 1'-0''$.
 - (2) Show changes in level, relationship to important site features, and clearance for decks over boardwalk, etc.
 - c. Exterior Elevations:
 - (1) Indicate materials to be utilized.
 - (2) Show four elevations or provide a model.
 - d. Submit any additional information that will aid the Committee in evaluating the proposed design.
3. Final Application for Review - Four complete sets of documents shall accompany the application. If approved, three sets of documents will be stamped "Approved" and returned to the applicant. Each sheet of drawings and the first page of other documents shall include the lot number, applicant's name, architect and the date of drawings. Documents submitted include the following:

- a. Site Plan:
 - (1) Provide a detailed site plan indicating compliance with these Guidelines (show setbacks, walls, drainage, roof plan, driveways, etc.).
 - (2) Paving materials must be shell aggregate with base rock or concrete with shell aggregate surface.
 - b. Landscape Plan:
 - (1) [To be provided by Developer]
 - c. Floor Plans:
 - (1) Draw to a minimum scale of 1/4" = 1' -0".
 - (2) Show any changes in floor level.
 - (3) Show all dimensions.
 - (4) Include all door and window symbols and schedules.
 - (5) Show all decks and other appurtenances detailing height of deck or porch and clearance over boardwalk, if applicable.
 - d. Elevations:
 - (1) Draw to a minimum scale of 1/4" = 1' -0".
 - (2) Show all exterior views of the house including those partially blocked from view by garages, fences or other parts of the building.
 - (3) Indicate all exterior finish materials, textures and accent colors.
 - (4) Show finished floor elevations and existing and proposed grade lines.
 - (5) Show all exterior openings.
 - e. Wall Sections:
 - (1) Draw to a minimum scale of 1/2" = 1' -0".
 - (2) Indicate roof pitch.
4. Submission of Typical Building Materials - Except when the Committee specifically elects to waive this requirement, where the colors or materials are known to the Committee, both the names of the proposed exterior materials and physical samples will be included or will accompany the application as listed below. An application will not be considered complete without these exterior samples.

- a. Include the name, grade, description and sample of roofing to be used.
 - b. Include the name, grade and sample of any exterior cladding with chosen color applied.
 - c. See attached application form for additional information to be submitted.
5. Meetings – The Committee will meet at such times and locations as determined by the Committee. The Committee shall make a reasonable effort to meet within five (5) business days after submission of the application, and to take appropriate action by responding to the applicant within ten (10) business days of submission. The Committee may return an application if the application is incomplete. Applicants are not to attend meetings unless so requested by the Committee.
6. Architectural Control Committee Response - The Committee may offer specific suggestions for further consideration, which may resolve any design problems found by the Committee. The Committee can, however, reject an application based on the professional judgment of its members without citing specifics for the following reasons, among others:
- a. Insufficient information to adequately evaluate the design or design intent;
 - b. Incompatible design elements;
 - c. Inappropriate design concept or design treatment.

The Committee will not normally comment on or reject a custom-designed home because of its interior elements except in cases where those features affect the exterior appearance. Observations by the Committee that it believes could make the home acceptable will be passed on to the applicant for consideration.

B. Construction

1. Pre-Construction Activities

- a. No lot is to be cleared, or construction otherwise started, until the Committee has approved the plans and the City of Cape Coral has issued all required building permits. The Committee may grant exceptions to this requirement for the purpose of allowing property owners to landscape sod and irrigate lots where it is anticipated that building construction will not commence within six (6) months of the purchase date of a lot.
- b. Approval by the Committee does not preclude the necessity for obtaining a Building Permit from the City of Cape Coral Building Department.
- c. An application should be made to Lee County Electric Cooperative for temporary and permanent electrical service. Application for water and sewer service must be made to the City of Cape Coral.
- d. The connections for water and sewer are indicated on each lot. Care should be exercised in clearing of the lot so as to not disturb buried cables, water and sewer lines.

2. During Construction

- a. Damage to curbs, streets, common areas and silting of canals as a result of construction will be charged to the owners or the applicable Builder. A construction and damage cost deposit ("Construction Deposit") of \$5,000.00 may be charged by the Committee to ensure that funds are available to repair any such damage. Any unused portion of the \$5,000.00 shall be refunded to the Builder within fifteen (15) days of the City's issuance of a Certificate of Occupancy, and after Seller has determined that no subdivision improvements have been damaged or destroyed as a result of the Builder's development and construction activities.
- b. The use of adjoining properties for access to the site or for the storage of materials without the written permission of the owner / developer is forbidden.
- c. The storage of materials must be in an inconspicuous area of the site. Cleanliness will be practiced and contractors are required to make frequent clean-ups of surplus materials, trash wrappers, etc. A refuse container must be maintained on each site for the disposal of trash and litter. Unsightly building sites constitute nuisances to the community and will be handled according to the covenants and restrictions.
- d. Because sewer, water, electric, TV and telephone service to the home are underground, care should be taken to ensure that these lines have been installed and water and sewer connections made prior to paving drives, walks, etc. Any questions about location of underground lines should be resolved in the field.
- e. A portable toilet is required for all construction sites.
- f. Builder and all subcontractors will be required to use the designated construction entrance if such an entrance has been designated for a particular lot.
- g. Builder is required to erect and maintain silt barriers on perimeters of the home-sites that are adjacent to water or preserve areas. The Committee may require additional silt barriers as deemed appropriate by the Committee. Builder shall also exercise care so that storm sewer structures are not silted in.

3. Completion of Construction

The property owner and contractor are responsible for:

- a. Removing all building debris from the site and surrounding area.
- b. Removing contractor's signs.
- c. Removing the temporary electric service electrical pole as soon as practical.

4. General Information for Builders

- a. One sign to be approved by the Committee, displaying the contractor and/or architect's name may be temporarily erected on the lot. When the job is completed, the sign must be removed immediately. No other signs will be displayed at any time, including those of subcontractors or signs advertising other goods or services.
- b. The working hours for construction personnel at Cape Harbour will be from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. through 5:00 p.m. on Saturday. No work will be performed on Sunday. The Committee must approve work after hours or on Sunday. All builders must advise their personnel of the above regulations prior to sending them to Cape Harbour.
- c. Worker's vehicles must not be parked in the roadway. Please pull your vehicles off the road onto the site. We remind you that the streets in Cape Harbour are private property and must be maintained for our members. Oil and gasoline leaks from vehicles break down the road surface. Vehicles parked on the roadway will not be tolerated. Violation of this restriction will result in your not being permitted to enter the development.
- d. The posted speed limit in Cape Harbour is 10 miles per hour. It is expected that you will adhere as closely to this as is reasonably expected. Vehicles traveling at an unsafe speed will be warned one time and continued violation could result in you not being allowed to enter the premises.
- e. We have had many complaints about the volume of radios being played on the construction sites. Your cooperation in keeping radios at a low volume is expected and appreciated.
- f. All contractors, subcontractors and their employees, agents and sub-subcontractors will be required to be properly attired at all times. All contractors shall observe appropriate hurricane procedures.
- g. The Developer shall design and approve all signs and permit boards. No other signs are allowed.

REQUEST FOR DESIGN REVIEW

To: ARCHITECTURAL REVIEW BOARD DATE: _____
 5789 CAPE HARBOUR DR, STE. 201
 CAPE CORAL, FL. 33914
 PHONE (239) 541-1372
 FAX (239) 945-4070

Fill in all blanks. If a request for information does not apply, respond by indicating N/A. This request form must accompany every submittal to the ARB.

HOMESITE: _____ BLOCK: _____ NEIGHBORHOOD: **Funky Fish Houses**

From: Builder's Name: _____ End User: _____
 Phone: _____ Fax: _____ Mailing Address: _____
 Model Name: _____
 A/C sq. ft. _____ Total sq. ft. _____ OR: _____ Spec. _____ Model _____
 Roof pitch: _____ FFE: _____ (check one)

Requesting Approval of:

- _____ Preliminary Concept Plans (must include Site Plan, Floor Plan and Front Elevation)
- _____ Final Construction Plans including: _____ Grading Plan (required FFE & direction of drainage flow)
- _____ Landscape Plan and Plant List (type, quantities, sizes and existing)
- _____ Exterior Materials and Colors (samples must accompany request)
- _____ Other (revised plans, modifications, etc.) _____

EXTERIOR MATERIALS AND COLOR SPECIFICATIONS – INCLUDES SAMPLES

PRODUCT	MATERIAL	COLOR #	COLOR NAME AND MANUFACTURER
1. roof			
2. walls			
3. trim/bands			
4. front door			
5. garage door			
6. fascia			
7. railings/fence			
8. shutters			
9. window frames			Bronze _____ White _____ Other _____
9a. Raw mill aluminum window frames not permitted.			
10. window glass			
10a. Tempered glass or similar material recommended for all windows and sliding glass doors facing water "Mirror" finish not permitted.			
11. lanai enclosure			
11a. Check neighborhood covenants for color restrictions regarding screen enclosures.			
12. driveway			
12a. Textured finish is preferred. Check neighborhood covenants for requirements.			
13. patio/deck			

Mechanical equipment and trash container screening: _____
 All mechanical equipment must be screened, preferably with low walls softened by landscaping or with plant material of sufficient quantity, size, height and density at the time of planting to adequately screen the equipment from all off-site views.
 Other information (Outdoor Lights, etc.): _____

OWNER ASSURANCE

I (WE) UNDERSTAND AND AGREE:

That ARB approval does not constitute a representative or warranty of the quality of the work performed and that I am solely responsible for determining that the contractor's performance is satisfactory.

To submit proof of insurance for each contractor, to the managing entity, prior to commencement of work.

That it is my responsibility to comply with all applicable governmental requirements, including but not limited to permitting.

I (We) the undersigned unit home owner(s), accept the responsibility for any structural or other damage resulting from work done on my home. Upon resale, the new owner(s) become responsible for same as stated in the covenant.

Date: _____

FOR USE BY THE COMMITTEE

Approval Section:

() Approved () Disapproved () Pending (more info requested) () Subject to letter attached

Explanation:

Date: _____

Committee Signatures:

Submit to:
Realmark Homes, LLC.
5789 Cape Harbour Drive, Suite 201
Cape Coral, FL 33914
Phone (239) 541-1372 Fax (239) 945-4070