



Lindsford Neighborhood II Association Architectural Review Committee (ARC) Guidelines, Community Rules, and Regulations

Table of Contents

<u>DESCRIPTION</u>	<u>SECTION</u>	<u>DESCRIPTION</u>	<u>SECTION</u>
AIR CONDITIONERS	10	NUISANCES	180
ANTENNAS & SATELLITE DISHES	20	PARKING OF VEHICLES	190
CAMERAS	30	PATIOS & LANAIS & EXTENSIONS	200
BASKETBALL HOOPS	40	PETS	210
CLOTHES DRYING	50	SWING SETS & PLAY EQUIPMENT	220
DRIVEWAY WIDENING & EXTENSIONS	70	POOLS & POOL EQUIPMENT	230
EXTERIOR HOUSE LIGHTS	80	PATHWAYS & WALKWAYS	240
FENCES	90	SEASONAL LIGHTS & HOLIDAY DECORATIONS	250
FLAG POLES & FLAGS	100	SIDEWALKS (PARALLEL TO STREETS)	260
GARAGES	110	SIGNS	270
GARAGE DOOR HANDLES	115	STORAGE UNITS	280
GUTTERS & DOWN SPOUTS	120	SHUTTERS, HURRICANE	290
HOUSE COLORS	130	TRASH CONTAINERS	300
HOUSE PAINT	140	TRASH BIN PAD	305
LAKES	150	VEHICLES	310
LANDSCAPING & PLANT MATERIALS	160	WATER TREATMENT SYSTEM	315
		WATERCRAFT	320

ARC APPLICATION FORM ATTACHED AT THE END

ALL PERSONS USING THIS MANUAL ARE ADVISED:

1. This manual has been adopted for the purpose of establishing general guidelines for architectural approvals and everyday rules for the community and does not supersede or replace the association's governing documents or local, state, or federal laws, codes, ordinances, rules, or regulations.
2. This manual is subject to amendment from time to time. **Also, because of changing circumstances and technologies, matters prohibited or approved in the past may not necessarily be prohibited or approved in the future.**
3. While this manual is intended to establish consistency of appearance within the community, it should be remembered that because of factors such as location, neighborhood characteristics and proximity to common areas, lakes, preserves, roads etc., **various properties may be treated differently in order to reflect such factors.**
4. As stated in the Association's governing documents, no approval hereunder shall constitute a warranty or approval as to; and neither the Association nor any member or representative thereof shall be liable for, the safety, soundness, workmanship, materials, or usefulness for any purpose of any improvement or alteration nor as to its compliance with governmental or industry codes or standards.

Section 10**Air Conditioners**

- A. Window A/C units are not permitted.
- B. Landscape material must be around the A/C equipment to provide street view block. (Minimum 36" at the time of planting, non-invasive shrub)

Section 20**Antennas and Satellite Dishes - Requires ARC Approval**

- A. Exterior antennas used for AM/FM radio, amateur ("Ham") radio, CB radio, Digital Audio Radio Services ("DARS"), or antennas used as part of a hub to relay signals among multiple locations are not permitted.
- B. Satellite dishes with a diameter of 36 inches or less may be installed subject to the following:
 - 1. Dish should be installed toward the back of the house, at least 8 feet above ground, cannot be on a pole, and cannot be attached to the roof or eaves.
 - 2. The preferred location for dishes is on the rear wall of the home or on a sidewall within 6 feet from the rear of the home.
 - 3. Cables required for installation, which are exposed on outside walls and more than 3 feet in length, shall be painted to match the existing building color.
 - 4. Installation of more than one dish will be considered if the circumstance that a single dish is insufficient to provide an acceptable signal. In such situations, a letter from the satellite service provider must be presented for review with the with the homeowner's ARC application.

Section 30**Cameras – Requires ARC Approval**

- A. A schematic showing where the cameras will be placed.
- B. Picture(s) of the camera(s) to be installed. Note, the camera color should blend in with the area installed.
- C. No camera(s) can face into a neighbor's yard, property, or home.

Section 40**Basketball Hoops - Permanent basketball assembly - Requires ARC Approval**

- A. Shall be professionally manufactured basketball backboard installed on black pole(s) with white or clear backboard. No roof or roof-mounted backboards are permitted.
- B. Portable basketball assemblies are permitted in driveways but must be kept in good aesthetic condition. ➡

- C. Assemblies are to be kept in place as designed with water or sand in the base and at no time should they be weighed down by placing sand or concrete bags, rocks, weights, bicycles, or other objects on the base to keep in place.
- D. Shall not cause a nuisance.
- E. Shall not be located at the end of the driveway or allow play from the street. The basketball goal must be a minimum of 10 feet from the street/pavement.

Section 50

Clothes Drying

- A. No garments, rugs, or any other materials may be exposed, or dusted from the windows or from the front façade of any home. Clothes lines are not allowed in the front or rear of the home.

Section 70

Driveway Widening / Extensions – Requires ARC Approval

- A. Driveway widening extensions must not extend past the plane of the garage walls. Surfaces must be consistent with original materials and colors.
- B. If the sidewalk will be cut, contact the city first and procure permits to submit with ARC.
- C. State what materials and colors will be used. Keeping continuity is important for ARC approval. New pavers should be the same as the current pavers on the driveway. Please indicate this on the application.
- D. Include your survey showing exactly where the extension will go AND the specific dimensions with ARC.
- E. Driveways should remain free from oil, gas and other stains. Periodic cleaning may be required.
- F. Driveway extensions must include removal of sidewalk when necessary to provide a straight edge to the street. Driveways may not wrap around the sidewalk.
- G. Driveway extensions must match the original look with a border on the edges. Pavers cannot just be added to the existing driveway, they must be blended in so that it looks original.

Section 80

Exterior House Lights - Requires ARC Approval

- A. Submit a picture of the fixture and indicate dimensions.
- B. Submit a copy of your survey, showing the location with your ARC for approval prior to installation.
- C. It is imperative that lights do NOT shine in neighbors' windows or lanais.

Section 90

Fences - Requires ARC Approval – Security Deposit \$500

NO homeowner's fence may be built within 10 ft. of an existing HOA PVC or brick/block fence.

- A. Survey showing the fence location for approval prior to installation.
- B. Municipal permits are the responsibility of homeowner. Obtaining a building permit does not give ARC approval.
- C. At least one gate shall be a minimum of 5 feet wide, preferably located on the sides.
- D. Dog runs or any fence shape looking like a dog run are absolutely prohibited.**
- E. **Mulch must be placed** along the fence line to prevent damage from lawn mowing equipment. **** IF this is not done, the homeowner is responsible for any damages to fence from lawn mowers etc.**

1. Interior Lots

- a. 4'- 5' black or bronze aluminum fencing.
- b. Must be set back at least 5' from front corners of house.
- c. Due consideration should be given to any easements that may exist.

2. Corner Lots

- a. 4' - 5' black or bronze aluminum fencing.
- b. Must be set back at least 5' from front corners of house.
- c. Fences must be set in at least 3' from the sidewalk on the side of the property facing the street.
- d. Due consideration should be given to any easements that may exist.

3. Water Lots

- a. 4' –5' black or bronze aluminum fencing
- b. Must be set back at least 5' from front corners of house.
- c. Fence cannot encroach into the lake maintenance easement.
- d. Fence cannot infringe on any lake bank easements.

4. Swimming Pool Fence

- a. 4' - 5' black, or bronze aluminum fencing is permitted to be installed at perimeter of pool deck, not the perimeter of the property.

DIAL 811 FOR DIG SAFE to locate underground utilities before you dig!

Section 100

Flag Poles & Flags - Requires ARC Approval

- A. No flag or banner other than a Flag permitted by Chapter 720.304, Florida Statutes, or other local, state or federal law, which must be displayed in a respectful manner.
- B. Flag poles taller than 20' are prohibited.
- C. Flag that is on a flagpole and is up day and night, MUST, have lighting on the flag as required by federal law.
- D. Flags may also be hung by brackets mounted to the front exterior of the home.
- E. Flags are prohibited from being affixed to trees or other landscaping.

Section 110

Garages – Requires ARC Approval

- A. Garage conversions are not permitted.
- B. Garage doors should be periodically cleaned, painted, and maintained. Damaged or unsightly doors may be required to be cleaned, repaired, painted, or replaced at the discretion of the Board of Directors.
- C. Garage screen doors must match garage door color.

Section 115

Garage Door Handles – Requires ARC Approval

- A. Clear picture of the actual handles to be installed needs to be submitted with the ARC.
- B. Size (measurements) of handles need to be included as well as placement.
- C. If Owner installation, please state on ARC application.

Section 120

Gutters & Down Spouts – Requires ARC Approval

- A. Shall remain same color as originally installed.
- B. Downspouts are to be installed taking care not to flood the spaces between homes. Drain into your own yard.

Section 130

House Colors - Requires ARC Approval

- A. Shall remain as original or selected from Lindsford HOA II approved color pallet.*
- B. Approval must be received prior to painting front door or garage doors a new color. Color must be complementary to the color scheme and shall be chosen from the Lindsford HOA II approved color pallet.*

(*See Color Pallet on Association/ Rizzetta Portal)

Section 140

House Paint – Requires ARC Approval

- A. Shall not have mildew or irrigation staining.
- B. Shall not have chipped or peeling paint.
- C. Must match the Lindsford HOA II approved **color pallet**.*

Section 150

Lakes

- A. Individual irrigation from common area waterways is not permitted.
- B. ALL lakes on the property are permitted through Water Management District for water management purposes and may not be used for recreational purposes. No swimming, fishing, or boating is allowed. Use of remote-control boats, toys or other items is also prohibited.
- C. No personal property may be kept on the lakes or on the lake banks. Any property being kept on the lakes or lake banks are subject to removal without any further notice and at the expense of the property owner.
- D. Any signs located on the lake banks relating to use of the lake are property of the Association and may ➡

not be removed, damaged, or altered in any way. Persons removing, damaging, or otherwise altering a sign will be liable to the Association for the expense of replacing the sign.

E. No construction debris, lawn clippings, or vegetation, trash or other items may be deposited in the lakes.

F. No fishing on private Property!

Section 160

Landscaping & Plant Materials - Requires ARC Approval

NOTE: ANY AND ALL LANDSCAPE CHANGES including removal OR addition of beds, borders, curbing, landscape lighting, landscape art, lawn ornaments, require prior ARC Approval

A. Landscaping (includes plants in established planter beds) shall not be removed without prior approval.

B. All landscaping shall be contained in mulched beds.

C. Any change from mulch to decorative rock, landscape ornaments of any kind or size, gardens of any type, requires **prior written approval** (ARC.)

D. Homeowner is responsible for maintenance and upkeep of all additional landscaping.

E. Landscaping should not be planted in the Right of Way or Public Utility Easements. Planting in such areas is at the homeowner's risk. Please note if utilities need to be installed or repaired, it is within the right of the installing entity to remove the plants with no responsibility to replace them or compensate the owner.

F. When installing new landscaping in any area other than an existing planter bed, or when installing a new planter bed, homeowner is required to have all public and private utilities located and flagged prior to digging.

G. Specify projected height and dimensions on your ARC in detail.

H. LANDSCAPE LIGHTING & DECORATIVE STRUCTURES

1. Wiring shall be buried and out of sight.

2. Homeowner may be required to assume responsibility for maintaining lawn directly surrounding landscape lighting or decorative structures if the installation of such features creates an undue burden on the lawn maintenance company.

3. Transformers shall be obscured from view by street view block with proper shrubbery. ➡

4. Must not be a nuisance to neighbors.
5. No trellises may be attached to the home.
6. Ponds, fountains, water features and sculptures are not permitted unless contained within an enclosed lanai or pool area.

I. PLANT MATERIAL

1. TREES - Planting of new trees/Removal Relocation of Trees requires ARC Approval

Please refer to the city approved list of trees:

<https://www.cityftmyers.com/DocumentCenter/View/16267/SFWMD-Hurricane-Landscaping?bidId=>

- a. Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited or completely or restricted in certain locations.
- b. Shall not be a nuisance due to insects or rodents.
- c. Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
- d. Fruit trees must be planted a minimum of 10' from property lines. Standard setback for all trees other than fruit trees is a minimum of 5' from property lines. Large or rapidly growing trees may require greater setbacks.
- e. Fallen fruit, branches, and fronds must be picked up.
- f. Fruit trees may only be planted in backyard.
- g. No trees may be planted in the lake or drainage easements.
- h. For the health of the tree, the planting of flowers around swale trees is not permitted.
- i. Homeowner is responsible for any additions or modifications to the irrigation heads to cover new plantings.

2. HEDGING- Planting of new hedges requires ARC Approval

- a. Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited or ➡

restricted in certain locations.

- b. Shall not be a nuisance due to rodents or insects.
- c. Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
- d. Spacing of hedging shall be continuous (i.e., planted on 18-inch centers).
- e. Hedging shall be planted inside property line by at least 18 inches. On corner lots, hedging must be set back at least 5' from sidewalks and/or streets.
- f. Landscaping shall not extend into lake or drainage easements.
- g. Hedging height must be maintained between 4 and 5 feet.
- h. Homeowner is responsible for any additions or modifications to the irrigation heads to cover new plantings. Please contact The HOA's Landscape Contractor for assistance.

3. PLANTS and FLOWERS

- a. No artificial vegetation allowed (includes grass, plants)
- b. Most varieties of plants permitted.
- c. Shall not encroach into lake or drainage easements.
- d. For the health of the tree, the planting of flowers around swale trees is not permitted.

DIAL 811 FOR "DIG SAFE" to locate underground utilities before you dig!

Section 180

Nuisances

- A. Music may not be played at a level that can be heard outside of your home.
- B. No homeowner shall create an annoyance to the neighborhood. Loud, disturbing and unnecessary noises will not be tolerated and may be reported as noise disturbances to the Fort Myers Police Department.

Activities that may constitute a noise disturbance include, but are not limited to, the following:

- 1. Loud music, television, or parties. →

2. Sounding of horns and whistles for an unreasonable period of time other than as a danger warning.
 3. Yelling, shouting, singing, etc. other than at normal conversation levels after 11pm.
 4. Barking, howling, whining, screeching of animals.
 5. Basketball or other outdoor activities after 9 pm.
- C. Rodents and insects shall be controlled.
- D. Garage or yard sales are not permitted.
- E. Firearms, pellet, and BB guns shall not be discharged within the community.
- F. Fireworks are not permitted within the community.

Section 190

Parking of Vehicles

- A. Parking on streets, lawns, vacant lots, and in common areas is not permitted. This includes the community center. It is NOT to be used for personal "over-flow" parking without obtaining permits from KEB management (239.262.1396.)
- B. No ATV's, scooters or mini motorcycles are permitted on any property.
- C. Car covers are not allowed.
- D. Board of Directors or their agent(s) has the authority to tow vehicles which are in violation of the rules and regulations of the community at the vehicle owner's expense.
- E. Vehicle owner will be responsible for expense of repairs required to any property damaged because of parking in violation of these rules (i.e.: damage to grass, sprinkler, etc.).
- F. No PROMOTIONAL VEHICLES or vehicles with signs advertising businesses may be parked in your driveways (overnight). These need to be in your garage. THIS IS STRICTLY PROHIBITED.

Section 200**Patios & Lanais/Lanai Extensions - Requires ARC Approval – \$500 Deposit**

- A. Above ground decks made of wood or other composite material is prohibited.
- B. Shall be constructed of pavers or concrete.
- C. Materials shall be consistent in color and type with those used in the construction of the home.
- D. If cage is included, roof must be a Mansard style roof. If a roof is to be installed on lanai, the roof must match the roof on the home.
- E. Shall not extend beyond the side plane of the house.
- F. Shall not encroach on any lake, drainage, or utility easements.
- G. Homeowner is responsible for having all public and private utilities located, and marked prior to commencing construction.
- H. Irrigation lines and heads that run through the area the improvement should be capped (only by approved HOA Landscape/irrigation contractor) and/or re-routed so that no running water is flowing under the patio/lanai. Homeowners who build over existing lines do so at their own risk. In the instance a line leaks underneath the patio/lanai, The HOA's Contracted Landscape Contractor may repair the line and is permitted to remove any portion of the patio/lanai necessary to complete the repair. Neither Association nor contractor will be responsible for repair or reimbursement to homeowner for damage caused to the patio/lanai as a result of the leaks.

Section 210**Pets**

- A. A maximum of two (2) dogs (other than breeds prohibited by the Associations insurance policy,) applicable governmental agency or other breeds which in the reasonable determination of the Board of Directors are determined to be a threat to the safety of the occupants of the property) OR two (2) cats per home is ➡

permitted. **Dog BREEDING is strictly prohibited.**

- B. The Board of Directors shall specifically have the power to either permit additional domestic dogs or cats to be kept by an owner if in the determination of the Board such pets shall not cause or be deemed by the Board of Directors to constitute a nuisance to any other owner.
- C. Pets must always be leashed or under direct physical control when they are not in a fully enclosed patio/yard.
- D. You must pick up after your pet(s).
- E. Pet(s) cannot be left outside, including within a screen patio area or a pool screen enclosure, to bark or to the annoyance of neighbors.
- F. Owners must have liability insurance coverage for all pets and show evidence of insurance, if necessary.

Section 220

Swing Sets and Play Equipment

- A. Tree houses and trampolines are not permitted. Association insurance will not cover any injury or damage caused by use of play equipment.
- B. Swing, swing set, or play equipment must not exceed 15' in height.
- C. Shall be located within the side planes of the house.
- D. Shall be properly maintained and kept in good repair; Swing sets or play equipment that are in disrepair, unclean, or become a nuisance may be requested to be removed at the discretion of the Board of Directors.
- E. It is recommended that any swing set or play equipment that is not portable be installed in a mulch bed to accommodate lawn maintenance. Neither Association nor landscaper will be responsible for equipment damaged during routine lawn maintenance. Homeowner is responsible for replacing grass upon removing the swing set or play equipment. ➡

F. Shall not be placed closer than 10 feet from any adjoining property line nor shall be placed within any easement.

Section 230

Pools & Pool Equipment - Requires ARC Approval – SEE Pool ARC – Requires \$3,500 Deposit

A. SWIMMING POOLS & SPAS

1. See specific ARC Application, which includes specific documentation.
2. No portion of pool, pool deck or enclosure may extend beyond the plane of the house.
3. No portion of pool, pool deck or enclosure may encroach **within 3 feet of the shared property line.**
4. No portion of pool, pool deck or enclosure may encroach on any lake maintenance easement.
5. Homeowner is responsible for having **all public and private utilities located prior to commencing construction.** Homeowners that proceed with construction without having utilities located will be responsible for costs associated with damage to any utility line.
6. **Only the HOA's Landscape Contractor can cap, re-route, or shut off** any irrigation lines and heads that currently run through the area where the pool and deck will be installed. These lines and/or heads should be capped and/or re-routed so that no running water is flowing under the pool or deck.

Homeowners who build over existing lines do so at their own risk. In the instance a line breaks underneath the improvement, the Association's irrigation contractor may repair the line and is permitted to remove any portion of the improvement necessary to complete the repair. Neither the Association nor the contractor will be held responsible for the cost of repair or reimbursement to Homeowner for damages caused due to the break.
7. **It is imperative that you receive architectural approval from ARC before applying for permits.**
8. A security deposit (\$3,500) is required at time of application. – See Pool **ARC** for complete instructions

B. POOL EQUIPMENT & GAS TANKS (heaters, pumps)

1. Landscaping shall be used to obscure pool equipment providing a complete street view block.

(Minimum 36" non-invasive shrub)

2. The type of landscaping used should be clearly identified in the ARC application submitted for the pool installation.

Section 240

Pathways & Walkways – Requires ARC Approval

A. Villas: Paver paths may be extended from current location at doorway to the rear of the home to the lanai.

It must match the original pavers in width, color, and distance from the side of the house. It's the homeowner's responsibility to move irrigation (if required) and will be at their expense. Please contact The HOA's Landscape Contractor.

B. Single family homes: Pavers must be in a straight line. PAVERS CANNOT IMPEDE THE SWALE!

The edge of the pavers must be further than 2 ½ feet from the property line on either side. Please note, if you have an HVAC in the pathway, do NOT go around it! Pavers must discontinue and restart on other side of HVAC equipment. Please contact The HOA's Landscape Contractor.

Section 250

Seasonal Lights & Holiday Decorations

A. May be installed on Thanksgiving and must be removed no later than January 21st.

B. No hooks, nails or other devices shall be placed on a tree or other landscaping for purpose of hanging lights or other decoration as this is harmful to the health of the plant.

Section 260

Sidewalks (Parallel to Streets)

A. Shall not be painted or stained. ➡

B. Shall be kept free of water stains.

C. Sidewalks are never to be altered except as originally installed unless a permit is obtained.

Section 270

Signs

A. One "For Sale" or "For Rent" sign may be displayed in the front window of the home provided the face surface shall not be larger than 18" x 24".

B. Home security signs are allowed IF placed near the entrance of the home.

C. No other signs are permitted.

Section 280

Storage Units

Storage units Including all wood, hard plastic (trash cans) and tent structures located in the rear of a homeowner's dwelling are **prohibited**.

Section 290

Shutters, Hurricane – Requires ARC Approval

A. Schematic drawing showing where the shutters will go must be included with ARC application.

B. Roll-down and sliding models shall closely match the wall color.

C. A color copy of the shutters to be installed must be provided.

D. Accordion panel shutters must match color of adjoining window trim if applicable. If no trim, shutters should match house color.

E. Bahama Shutters are NOT permitted.

F. Panels must be in place no earlier than 48 hours prior to hurricane watch or warning issued by the National Hurricane Center. Shutters must be removed within 72 hours after hurricane watch or warning.

G. Must **not** be used for security purposes.

Section 300**Trash Containers**

- A. All trash must be placed in containers. Bags and loose trash are not permitted.
- B. No trash containers can be put out earlier than 24 hours before pick-up.
- C. Containers must be brought in no later than 12 hours after collection.
- D. Trash containers must be stored out of view. Trash containers may NOT be stored at the side or rear of the house unless obscured from view by approved landscaping or fencing and on a concrete or paver pad.

The minimum height of the view block is 45 inches. ***Requires ARC approval-see section 305***

- E. Disposal of large items may require coordination with the local waste hauler prior to setting at the curb for pick-up.

Section 305**Trash Bin Pad – Requires ARC Approval**

- A. Identify what the bins will be sitting on.
- B. Bins cannot be located near neighbor's windows.
- C. A schematic indicating exact location of bin pad on your survey must be included.
- D. A street view block must be included in the plans. **The minimum height of the view block is 45 inches.**

Section 310**Vehicles**

- A. No recreational vehicles, trailers, or mobile homes are permitted to be stored within the community unless they fit in and can be stored in the garage, with the door completely down.
- B. Commercial Vehicles MUST BE KEPT IN THE GARAGE AT ALL TIMES. No exceptions.
- C. No car covers, or unlicensed cars are allowed.
- D. ATV's, 4-wheelers, golf carts, scooters or mini motorcycles and similar vehicles, may not be driven within the community.
- E. The speed limit throughout the community is 25 MPH unless otherwise posted.

Section 315**Water Treatment Systems – Requires ARC Approval**

- A. Submit a copy of your survey showing exactly where the system will be located.
- B. Provide a picture of the actual system to be installed and all dimensions.
- C. A street view block must be included in the plans. The minimum height of the view block is 45 inches
(on all sides if a corner lot.)

Section 320**Watercraft**

- A. The **only** place a boat, canoe, kayak, or other watercraft may be kept within the community is within the garage of the unit owner. The garage door must be able to close completely so that the boat, canoe or kayak is not visible from the street. Boats, canoes, or kayaks parked in the street, clubhouse, pool parking lot, vacant lot, or any other unauthorized area will be towed at the owner's expense.
- B. Boats, canoes, kayaks, and other watercraft are not permitted on the lakes.
- C. Boat houses or docks are not permitted.

NOTE: PLEASE submit ALL items required by ARC at one time! It is in your best interest to wait until you have ALL items together and submit to be reviewed. Incomplete applications may be denied.

DIAL 811 FOR DIG SAFE to locate underground utilities before you dig!

Frequently Used Terms

Swale: A low-lying area of land to collect runoff rainwater.

Mansard: A roof with two slopes on each side.

Easement: The right to go onto someone else's land without having an ownership interest.

Plane of the house: Front View. Anything outside of that is not to be seen from the street view.