

Castellina Architectural Review Board (ARB) – Architectural Guidelines

Mission Statement:

Any construction, erection, placement, or modification on the outside portions of any Castellina home or lot, requires approval by the Architectural Review Board, (hereinafter referred to as the ARB).

Any installation of landscaping whether new installation, or modification of existing landscaping, requires ARB approval except flowers in flower beds, adding to existing mulch, changing mulch colors or changing from mulch to stone. Any other modifications or installations, such as, but not limited to, lawn ornaments, trellises, irrigation system, wall or lawn lighting, etc., will also be subject to ARB approval.

Applications are available on castellinaho.com and must be returned to our management company for the process to begin. Until an approval is received from the management company work cannot begin.

Under no circumstances, are these guidelines to be construed as a modification, or change in Castellina's Governing Documents. Should conflicts arise between the Architectural Guidelines and Castellina's Governing Documents or Florida Law, the conflict will be resolved in favor of Castellina's Governing Documents, unless prohibited by law.

Specific references from the Castellina Governing Documents follow:

The Architectural Guidelines, are intended to provide guidance to Owners regarding matters of particular concern to the ARB. The Architectural Guidelines are not the exclusive basis for the ARB's decisions, and compliance with the Architectural Guidelines does not guarantee an application's approval.

The ARB shall have the discretion to make determinations on matters of aesthetic judgment and such determinations are subject to review by the Board of Directors (Board) so long as they are made in good faith and in accordance with the required procedures.

Each Owner acknowledges that the people reviewing applications under this Article will change from time to time and that opinions on aesthetic matters, as well as interpretation and application of the Architectural Guidelines, may vary accordingly. In addition, each Owner acknowledges that it may not always be feasible to identify objectionable features until work is completed, at which time, it may or may not be unreasonable to require that such objectionable features be changed. However, the ARB may refuse to approve similar proposals in the future. Approval of applications or plans shall not constitute a waiver of the ARB's right to withhold approval of similar applications, plans, or other matters subsequently or additionally submitted for approval.

Only the Board may amend the Architectural Guidelines. Amendments to the Architectural Guidelines shall be prospective only. They shall not require modifications to or removal of structures, improvements, and other things previously approved once the approved construction or modification has begun. However, any new work or improvements must comply with the Architectural Guidelines as amended.

Listed herein are guidelines specific to the above.

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General Overview:

No structure shall be placed, erected or installed upon any lot and no improvement of any kind shall take place within the community except in compliance with this document. This includes but is not limited to exterior alterations or additions or the removal of landscaping.

Section I – Policies and Procedures

Purpose: Maintain and protect the community lifestyle and property values while affording the residents the opportunity to maintain and improve their homes. All applications for alterations, modifications, or changes, including landscaping, require approval of the Architectural Review Board herein referred to as the ARB.

Authority: The Board of Directors is authorized to establish the ARB and will delegate to the ARB the following authorities;

1. To administer uniform architectural standards that are in compliance with the restrictions, as stated, for our community.
2. To review and enforce as needed our architectural and landscaping standards.

Membership: The ARB will initially have 3 members and alternates as needed. The size of the committee may change from time to time as determined by the Board. The ARB will be responsible to the Board. Any decisions made by the ARB, and prior to the applicant being notified of the ARB's decision, will be subject to review by the Board which shall have veto power over any decision made by the ARB.

Voting: Each member of the ARB shall have a vote.

Meetings: The ARB will meet as scheduled and the meetings will be appropriately posted. Reports and all documents will be given to the Management Company.

Liability: No member of the ARB or Board shall be liable in damages to anyone submitting plans for any reason whatsoever.

Appeals: Any objection to a decision made by the ARB can be appealed to the ARB. A special meeting may be requested. If that fails to reach a satisfactory resolution, then a hearing before the Board that has "veto" powers over the ARB may be requested. Decisions, unless appealed to the Board, are final. All appeals to the Board must be requested within 30 calendars days of any written decision by the ARB.

Functions/Services: The ARB is to do the following:

1. Enforce the guidelines contained herein to protect and improve the property values and provide the environment for continuing appreciation.
2. Review in a timely manner all applications submitted.
3. Maintain the aesthetics and architectural designs with neighboring lots and within the community.
4. Ensure that design and landscape duplications do not occur and the variations from house to house that existed upon the sale of the houses are maintained as needed.

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5. Review construction, improvements and modifications to properties to assure compliance with approved plans.
6. Approve and release any deposits upon compliance with ARB approved plans.

Design Review Approvals and Decisions: All new construction, improvements or modifications to any property, including landscaping changes (excluding flowers in the bed areas, changing or adding to existing mulch, changing mulch color or replacing mulch with stone) must receive approval from the ARB prior to commencing work or obtaining permits.

Applications will be approved, approved with conditions, or disapproved. The ARB will return all applications with comments as needed along with any approvals, approvals with conditions or disapprovals.

Any decisions made by the ARB as they pertain to individual approvals do not set any precedent for future applications by other homeowners.

Approval Expiration: All work must begin within 90 days of the approval. Any extensions must be requested in writing. Once work has commenced it must be completed in a timely manner but not to exceed 90 days unless approved in advance by the ARB. Such extensions shall be limited to major construction.

Construction Site Requirements:

1. Job sites must be kept in clean and orderly condition. Dumpsters shall be used as needed and must be replaced promptly when full.
2. All signage must be removed from the job site upon completion of the project.
3. Any discarded building materials must be removed from the site or placed in a dumpster.
4. Any damage to the property, common areas or adjacent lots shall be repaired before final approval is given and the security deposit is released.

Section II: Architectural and Landscaping Standards and Criteria

General: Any owner may remodel, paint, or decorate the interior of any structure of his or her house without approval.

Only qualified persons acceptable to the ARB as defined in the Architectural Review section shall construct improvements. Owners shall be responsible for obtaining all permits and approvals from the Village of Wellington and other governmental agencies. In the case of homeowners performing their own work, proof of liability insurance must be presented.

Architectural Review: The ARB shall have the authority to administer and enforce architectural controls and to review and act upon all applications for architectural and other improvements within the community.

Fees: The Board may establish and charge reasonable fees for its review of applications, if needed, and may require the payment of said fees in advance. Such fees may include, without limitation, the reasonable costs incurred in having any application reviewed by architects, engineers, or other professionals.

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Architectural Guidelines:

The ARB will make available the Architectural Guidelines, which may contain general provisions applicable to all of the Community as well as specific provisions that may vary according to location. The Architectural Guidelines are intended to provide guidance to Owners regarding matters of particular concern to the ARB. The Architectural Guidelines are not the exclusive basis for the ARB decisions and compliance with the Architectural Guidelines does not guarantee an application's approval.

The Board shall have the sole and absolute and full authority to amend the Architectural Guidelines from time to time. Any changes to the Architectural Guidelines shall be prospective only. They shall not require the modification or removal of structures, improvements, and other things previously approved once the construction has begun or has been completed. However, any new work or improvements must comply with the Architectural Guidelines as amended.

Procedures: No construction activities or other activities previously described may begin until a written request is submitted to and approved by the ARB. The request must be submitted to the Management Company and accompanied by plans and specifications and other information required by the ARB. Plans must show, as applicable, site layout, structural design, materials, colors, landscaping, drainage, exterior lighting, or other items the ARB deems relevant.

The ARB will consider, in addition to the request for improvements, any factors it deems relevant, including but without limitation, harmony of the proposed design with surrounding structures and environment and preservation of views or line of sight for surrounding structures to open space, landscape, and lake or storm water management. Decisions may be based purely on aesthetic considerations. Each Owner acknowledges that such considerations are purely subjective and opinions may vary regarding the desirability and/or attractiveness of particular improvements. The ARB shall have the discretion to make determinations on matters of aesthetic judgment and such determinations are subject to review by the Board prior to final notice to the applicant as long as they are made in good faith and in accordance with the required procedures. The ARB or Management Company will bring to the Board for consideration any application that is non-standard, in request for alteration, based upon the ARB's approval history. The Board will review and then send the application to the ARB with its position.

The ARB will make a determination on each application within 30 days after receipt of a completed application and all materials required. The ARB may (1) approve the application with or without conditions (2) approve a portion of the applications, with or without conditions, and disapprove other portions (3) disapprove the application. After review by the Board, the application will be sent back to the Management Company with a determination and the Management Company shall notify the applicant in writing of the approval, conditional approval or denial and the reasons for the disapproval. The ARB may offer suggestions for resolving any objections.

As part of any approval the ARB may require that construction, landscaping and other approved activities in accordance with approved plans commence and are completed within a specific time period as stated in Section I. If such actions do not commence within the specific time period the approval will expire and the Owner must reapply for approval. Once commenced such activities must be diligently pursued to completion. All elements of the approved activities and/or plans shall be completed within 90 days of commencement unless shorter or longer periods or otherwise specified. If the work is not completed within the required time and extensions are not granted, it shall be in violation of the ARB documents and shall be subject to enforcement action by the Castellina HOA.

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Future Approvals: The people on the ARB will change from time to time and the opinions on aesthetics, as well as interpretation and applications of the Architectural Guidelines, may vary accordingly. In addition, it may not always be feasible to identify objectionable features until work is completed, at which time, it may or may not be unreasonable to require that such objectionable features be changed. However, the ARB may refuse to approve similar proposals in the future. Approval of applications or plans shall not constitute a waiver of the ARB's right to withhold approval of similar applications subsequently submitted for approval.

Variances: The ARB may propose to the Board variances from compliance with the Architectural Guidelines and any procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require or permit. Only the Board shall have the power to grant a variance. No variance shall be effective unless given in writing by the ARB or prevent the ARB from denying a variance in other circumstances.

Release of Liability: This document establishes standards and procedures as a mechanism for maintaining and enhancing the overall aesthetics of the Community. Review and approval of any application pursuant to this document may be based on purely aesthetic considerations. The ARB is not responsible for the structural integrity or soundness of the approved construction or modifications, for compliance with building codes and other governmental requirements, or for ensuring that every dwelling is of comparable quality, value, or size, of similar design, or aesthetically pleasing or otherwise acceptable to other Owners.

Each owner releases the ARB, the Association's managing agent, and any committee member for the approval of, disapproval of, or failure to approve or disapprove any plans; soil conditions, drainage, or other site work related to approved work; any defects in plans revised or approved; any loss or damage arising out of the action, inaction, integrity, financial condition, or quality of work of any owner or their contractor or subcontractors, employees or agents; or any injury, damages, or loss arising out of the manner or quality or other circumstance of approved construction or activities on or any Lot. In all such matters or related claims, the Association shall defend and hold harmless the ARB, its members and the Association officers.

Enforcement: Any construction, alteration, improvement or other work done in violation of the Architectural Guideline is subject to enforcement action as stated by the HOA Covenants and related documents. Any act of any contractor, subcontractor, agent, employee, or invitee of an Owner shall be deemed to be an act done by or on behalf of such Owner.

Attachments:

A – Guidelines for Additions and Alterations

B – Fence Guidelines

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Guidelines for Alterations

Even in the event of strict compliance with the following guidelines, prior approval from the Architectural Review Board shall be required for each and every one of the following items:

1. **Painting and Stone additions** - The painting, staining, varnishing or the addition of stone to any portion of the exterior of the home may be approved only if the colors and style are consistent with existing improvements. Declarants original paint color schemes and stone enhancements provided to its original purchasers as they relate to their model shall be the basis for determining consistency with existing improvements. No additional color schemes will be considered.
2. **Roofs** - Metal, aluminum or shingle roofs shall not be permitted. Any roof replacement must be consistent to color and style of the original roof.
3. **Temporary Structures** - No tents, trailers, shacks, utility sheds, or other temporary buildings or structures shall be constructed or otherwise placed on a lot.
4. **Awnings** - An owner shall not install any permanent awnings attached to his home unless they are in compliance with the Florida Solar Rights Act and maintain the same color palette as the exterior.
5. **Installation of any energy devices based on renewable resources** must be in compliance with the Florida Solar Rights Act.
6. **Antennae** - No antennae, microwave receiving devices, aeriels or ham radios shall be placed or erected on any Lot, within any Home or upon any other portion of the Community, except to the extent applicable law requires the Association to permit any such device, in which case such improvement shall be subject to all the other requirements of the Declaration, the Rules and Regulations and the Architectural Review Board to the maximum extent permitted by law. Satellite dishes may be approved if reasonable in size (such as 18" diameter), location and effectiveness with respect to concealing their appearance from adjacent lots and rights of way.
7. **Driveways**- Approval for the widening of driveways may be considered if the driveway does not extend into any easements or neighboring property. Driveway extensions must end a minimum of two feet from the property line. Approval for the refinishing of driveways with brick pavers may be approved only if the colors and textures are consistent with existing improvements and the Home Owner assumes the responsibility for continued maintenance. Declarants original brick paver schemes provided to its original purchasers (on either optional or standard basis) shall be the basis for determining consistency with existing improvements.
8. **Exterior Lighting** - Except for holiday decorative lights must be approved by the Architectural Review Board and can only be installed within existing beds and not in grass areas that restrict maintenance. Holiday lights can be displayed 30 days prior to and after said holiday.
9. **Lighting Fixtures** - Approval may be given for lighting fixtures (e.g. coach lights and entry chandeliers), subject to limited wattage, fixture sizes which are to scale with others in the community and fixture styles which are consistent with others in the community.
10. **Above Ground Swimming Pools** - Above ground swimming pools shall not be permitted.
11. **Play Equipment** - Permanently installed play equipment may be approved which is of a common playground type designed for children and are securely fastened to the ground. If approved, the home owner assumes responsibility for all landscape maintenance in the immediate area of the play equipment. No equipment shall be permitted within lake maintenance, utility, drainage or access easements. Portable basketball hoops or other portable sporting equipment do not require approval but must be removed from view after use.
12. **Garages** - Conversions of garages into finished space for use as an apartment or integral part of any living area is not permitted.

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13. Room Additions – Construction style Room additions extend the boundary of the existing structure and include alteration of the existing roof lines will not be permitted.
14. Mailboxes are not permitted since there is a common postal center provided.
15. Statues and all other lawn ornaments must be approved and may not exceed 3 feet in height. The number of statues may also be limited by the ARB to maintain aesthetic consistency within the community.
16. Flowerpots or urns must not exceed 3 feet in height and must be appropriately placed near the house. Plants displayed in black “grower pots” are not permitted.
17. Plant growth, such as Bougainvillea or other vine-type plants, on walls in front of homes must be maintained at a minimum of 18” above and below light fixtures and 6” on either side of light fixtures. The same distances shall apply to the house number markers installed by the builder.
18. Security Deposit. Any Owner desiring to make improvements may be required by the ARB, depending upon the improvements being requested and the manner of installation of such improvements, to provide to the ARB, at the time of the owners submission of plans and specifications for review and approval by the ARB, a security deposit to cover the costs of incidental damage caused to Association Property or to an adjacent Lot or home by virtue of such Owners construction of improvements.

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Guidelines for Fences: The following guidelines shall be considered when evaluating requests for fences. Even in the event of strict compliance with the following guidelines, prior approval from the Architectural Review Board shall be required for each and every fence installation.

1. Only bronze aluminum rail fences shall be approved.
2. No style of wood or chain link fence shall be approved.
3. No fence shall be approved which is not set back a minimum of 10' back from the front wall of the homes and at least 10' back from the sidewalk where applicable. No fences shall be attached to a neighbor's house. In considering requests for fence installations, the following may be taken into consideration: property boundary; locations of air conditioning units; location of garage access doors; and positions of adjacent homes.
4. For fences installed on corner lots whose rear property line is common with the adjacent lot's side property line and/or whose side property line is adjacent to or visible from the road, a landscape hedge must be installed on the outer side of the fence within the lot to provide screening. No fence shall be permitted on corner lots which cross a utility easement or extend into a neighbors front yard.
5. No fence shall be approved or installed which encroaches into Association Property or other lots.
6. No fence shall be approved which extends in front of the front corner of a neighbor's home where the two homes are immediately adjacent to each other and where both homes face the same direction.
7. The height of aluminum rail fences shall not exceed 5 feet. Fences on a rear lot line of a lake must be no higher than 4 feet all around. However, if the fence serves as a pool barrier and the County requirements provide for a minimum height of the fence in excess of 5 feet, then the height of the fence shall be the minimum height required by the County. The pickets shall not be spaced closer than 3" on center and shall be no thicker than 1".
8. No fence shall be approved which does not provide access to the owners neighbor for maintenance of the neighbors zero lot line wall and roof overhang, if applicable.
9. For lots with drainage easements, the approval from and execution of fence removal agreements with the County and the Association may be required.
10. Any fence which crosses a utility easement may require approval in writing by all utility companies occupying the easement.
11. For any fence, if approved, the Owner shall assume the responsibility to maintain the fence, including trimming any grass or other plants from the fence.
12. For any fence if approved, the owner shall be responsible to meet all County requirements and criteria including, but not limited to, proper permitting and surveying.
13. No fence shall be approved that encroaches on a designated Lake Management Access Easement.