



4/22/22

MASTER ASSOCIATION DESIGN GUIDELINES

AUTHORITY: Second Amended and Restated Master Declaration of Covenants, Conditions & Restrictions For Windstar (hereinafter referred to as the “Declaration”), Article 8, Architectural Review, which authorizes the Board of Directors to appoint an Architectural Review Committee to adopt Design Guidelines. These Design Guidelines are adopted on May 26th, 2022.

PURPOSE: The purpose of the Architectural Review Committee (“ARC”) is to assure to the Committee’s own satisfaction, that the Property shall always be maintained in a manner that provides visual harmony and soundness of construction; avoids activities deleterious to the aesthetic or property values of the Property; is consistent with the requirements of the Declaration and any Rules & Regulations; and ensures compliance with all applicable laws.

INTENT: The promulgation and enforcement of Design Guidelines are intended to achieve the following objectives:

- Maintain design consistency with all visible elements of the Property.
- Promote harmonious architectural and environmental design qualities and features
- Promote and enhance the visual and aesthetic appearance of the Property

ALL EXTERIOR CHANGES NOT IN ACCORDANCE WITH YOUR NEIGHBORHOOD’S PREVIOUSLY APPROVED ARCHITECTURAL STANDARDS*: The Architectural Review Committee shall be responsible for enforcing the Association’s Design Guidelines with respect to exterior modifications to Units and Lots proposed by Owners.

The ARC shall review and approve, or disapprove, applications submitted by Owners, Neighborhood Associations or Recreational Associations for visible exterior additions, alterations or modifications to a Unit or Lot.

All Owners must receive approval from the ARC before proceeding with any visible exterior additions, alterations or modifications to a Unit or Lot that are not in accordance with the Owner’s Neighborhood Association’s previously approved architectural standards*.

***STANDARDS ARE REFERENCED ON PAGE 4**

Any exterior addition or alteration to a Unit without prior approval of the ARC will be deemed in violation of the community covenants. The Owner may then be required to restore the

addition or alteration to the condition which existed prior to the change, or modify the addition or alteration to meet an approved architectural standard. All required alterations or changes shall be at the owner's expense. If an Owner is uncertain whether a change request is required, the Master Association should be contacted for a written recommendation.

Updates to existing elements that are like for like in design, materials, style, color, application, appurtenance, dimension, form, fit and function, shall be noticed to the ARC one week prior to commencement. The Master Association ARC requires no further approval.

Architectural Change Request (ACR) Procedure: All applications for proposed improvements must be submitted in writing using the *Architectural Change Request* application form provided by the ARC. The form is available at www.windstarmaster.com Owners should email completed applications to mitch@windstarmaster.com

Advance submission is required a minimum of 30 days before implementation.

Compliance with Guidelines: The Guidelines and Restrictions defined within this document do not supersede the architectural review powers & responsibilities set forth in Article 8 of the Declaration.

Projects shall comply with building or zoning codes. The responsibility of compliance rests solely with the Owner, who will be held responsible for any building violations and the penalties incurred.

The Architectural Guidelines and Standards are an accepted part of the covenants; the Board of Directors and the ARC have the right to enforce compliance with these Guidelines and Standards.

Incomplete Submissions: Applications must be complete to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies, which must be remedied prior to review. Incomplete submissions will re-start the 30-day approval cycle. Building outside one's property, either on a neighbor's property or common grounds will not be approved under any circumstances. Survey Required: All applications requesting a change in the building footprint or new addition outside of the current footprint must be submitted with a copy of the Owner's house location survey.

Approval, Rejection and Appeal

Neighborhood Association Approval: All applications must have been reviewed and approved by the Neighborhood ARC or Board of the Neighborhood Association in which the Unit is located, prior to submission to the Master ARC. Written correspondence from the Neighborhood Association ARC Chair or Board shall be provided, confirming the approval. If that Unit is not in a Neighborhood Association, it is subject to Master Association approval.

Master Association Approval or Rejection: Owners will be notified in writing when their application has been approved or disapproved. The ARC reserves the right to refuse permission for a project that may be viewed as detrimental to neighboring properties or the community as a whole. If an application is denied the applicant may resubmit the request to the ARC, if they believe new or additional information may demonstrate its acceptability.

Approval is not effective until the 7th day following ARC approval to allow for appeal.

Time for Response: Unless granted an exception by the applicant, the ARC shall act on all matters properly brought before it within thirty (30) days of receiving a fully completed & signed application; failure to do so within the stipulated time shall constitute an automatic referral to the Board of Directors (“BOD”).

Reviews, Rulings, Judgments: The ARC shall render its rulings consistent with the Guidelines and subsequent rulings of the BOD identified in BOD meeting minutes not yet posted to the Design Guidelines.

Appeals and Hearing

Appeals to the Board of Directors of ARC decisions shall be subject to the following:

- a) Appellant shall furnish to the Master Association Manager, a written statement citing specific reasons for such appeal, supported by copies of all documents pertinent to the appeal.
- b) The Manager shall furnish copies to the ARC, which shall within 21 days thereafter furnish to the Manager and appellant any written statements and additional documentation the ARC wishes to consider.
- c) After receipt of all appellate material, the Manager shall furnish copies thereof to the Board for consideration at the first scheduled meeting to be held no less than 21 days thereafter. (In emergency situations, the President or Vice-President may in their discretion accelerate this time schedule.)
- d) At the meeting of the Board of Directors held to consider the appeal, both the appellant and the ARC may be heard for such time as the Board determines. The Board may

request additional information or expert opinion if it deems it helpful to an appropriate decision.

- e) After the Board has all the required information, it shall, within a reasonable time, decide the appeal. The Board shall not reverse the appealed decision unless it determines either:
 - i. That the appealed decision was unreasonable, illegal or a violation of Association rules, or,
 - ii. That the appealed decision would cause an unreasonable hardship to the appellant.

RESPONSIBILITIES OF OWNER

Permits: Approval of any project by the ARC does not waive the necessity of obtaining the required county building or work permits, at the Owners' expense. On the other hand, the obtaining of such permits does not relieve the applicant of the responsibility of obtaining the approval of the ARC.

Changes: The Owner is required to resubmit for approval if changes are made or required that deviate in design, materials, style, color, application, appurtenance, dimension, form, fit or function.

Commencement and Completion: All construction or alterations approved by the ARC must be commenced within six months following the date of approval, and must be completed within one year of the ARC approval date. An extension request will need to be submitted to and approved by the Neighborhood Association and the ARC. In the event that construction/alteration is not commenced within the six-month period, the approval of the ARC will be considered void. The Owner must then resubmit the application for approval before undertaking the project. Also, there shall be no deviations from the plans and specifications approved by the ARC without the ARC's prior written consent.

Courtesies: As a common courtesy, your neighbors should be informed of all exterior changes. Remember that most exterior alterations have an impact on your neighbors as well as the Owner/Applicant.

Projects should be completed as expediently as possible in a manner that does not create a nuisance or annoyance to the neighborhood. It is Owner's responsibility to maintain a clean safe work area.

STANDARDS

CONDOMINIUM ASSOCIATION UNITS: The Neighborhood Association of a condominium must approve a Neighborhood standard and then complete a change request form to allow for exterior architectural modifications to be reviewed for approval by the ARC. Exterior architectural modifications to an individual Unit will not be approved unless it conforms to a previously approved standard adopted for the other Units in that Association. This includes Limited Common Elements such as a lanai.

Modification requests in compliance with a pre-approved Neighborhood Association Standard must be submitted with the ARC Change Request Form detailing the request, and written correspondence from the Neighborhood Association ARC Chair or Board confirming their approval shall be provided to the Master Association prior to commencement. The Master Association ARC requires no further approval

HOMEOWNERS ASSOCIATION STANDARDS: Each Homeowners Association (“HOA”) has a design style and exterior architecture unique to their Neighborhood Association. Therefore, HOA standards are the Neighborhood Association’s design, style, colors, application, dimension, form, fit and function, and apply to that Neighborhood Association - except where a specific standard is further defined by Covenants or Guidelines. Standards for a specific home may be revised or changed by the Owner only if an approved Architectural Change Request (“ACR”) form is on file in the permanent records of the HOA. The approved ACR form remains identified with, and applies to, the physical address of the home – regardless of resale, occupancy, or ownership.

Modification requests in compliance with a pre-approved Neighborhood Association Standard must be submitted with the ARC Change Request Form detailing the request, and written correspondence from the Neighborhood Association ARC Chair or Board confirming their approval shall be provided to the Master Association prior to commencement. The Master Association ARC requires no further approval

The following Master Association Standards may be further governed under your Neighborhood Association. These Master Association Standards are intended to facilitate common modification requests at the Master Association level.

HURRICANE PROTECTION

Installation of hurricane protection must be clear, white in color, or of matching trim or color to the Unit onto which they are being installed. Modification requests in compliance with this Standard must be received and acknowledged in writing, and correspondence from the Neighborhood Association ARC Chair or Board confirming the approval shall be provided in writing, to the ARC, prior to commencement.

WINDOWS and IMPACT GLASS

Approval is required to add new windows in walls. Windows must match the existing house windows. The size & color of the window, tint, trim details and frame must match that of the existing windows as closely as possible.

Master Association ARC approval is not required to replace existing windows provided that replacement windows are identical to the original windows. In the case of impact glass the size of the window, tint, trim and frame must match that of the existing windows as closely as possible. Application and approval are required for replacement windows that are not identical to the existing windows.

LANAI CAGES

Master Association ARC approval is not required to replace existing lanai cages, provided that the replacement cages maintain the existing footprint & do not exceed the existing height. When replacing existing lanai cages the owner shall submit vendor supplied elevation plans, showing all cage measurements to ensure compliance. Master ARC approval is not required if the color will be bronze.

GENERATORS & PROPANE

Approval is required to add emergency electric power generators. All generators must be screened from the street and neighbors by landscaping. Propane or other large capacity tanks must be buried in accordance with Collier County Code.

LANDSCAPE & TREE WORK

LANDSCAPING DESIGN & TREE POLICY - SEE ATTACHED

FINAL NOTE: These guidelines are not absolute and irreversible dictates. However, the ARC believes that the closer these guidelines are adhered to, the more harmonious and aesthetically pleasing the community will be. The ARC is open to other ideas and suggestions and will review projects not covered by these guidelines on a case-by-case basis. The ARC reserves the right to amend or revise these guidelines as necessary.

How to Suggest a New Architectural Guideline or Change an Existing One:

The Architectural Review Committee welcomes all suggestions. We are a committee made up of Owners and neighbors and invite your cooperation. Please email your request to the manager: mitch@windstarmaster.com



Architectural Change Request

This form is to be completed by the owner, Neighborhood Association or contractor for exterior changes, alterations, or construction on any homeowner's or Neighborhood Association Unit or lot. The documents for Windstar on Naples Bay Master Association state that approval by the Architectural Review Committee ("ARC") or Board of Directors must be obtained before any work can begin. *Some examples are: swimming pools, spas, cages, awnings, shutters, new construction, neighborhood signs, and changes of exterior color, roof replacement, driveway coatings, major landscaping or any changes in the exterior of your property. All new construction and/or additions must be accompanied by blueprints and survey.*

LOCATION OF PROPOSED PROJECT

Name _____
Windstar Address _____
Phone _____ Date _____
Alt. contact info: _____

TYPE OF PROPOSED PROJECT

Proposed Commencement Date _____ Proposed Completion Date _____

TO ACCOMPANY THIS FORM: (if applicable)

- A. Construction drawings, survey, artists rendering and/or photos of current and proposed conditions (for new construction and/or additions)
For screen cages: elevation plans, showing all sides of the screen with measurements, as well as the roofline and a bird's-eye view of the screen with measurements.
- B. Written Neighborhood Association approval of this request & Verification that affected neighbor(s) have been contacted.
- C. Listing of materials, colors.
- D. Change in paint color, the paint brand and sample colors with overall and trim colors indicated.
- E. Landscape Plan *Note tree planting, removal & relocation requests must be made per the Tree Policy

This application submitted and approved by:

Neighborhood Association ARC Chair (if applicable) / /
Date

Neighborhood Association President / /
Date

RETURN COMPLETED FORM TO:
Windstar on Naples Bay Master Association
1700 Windstar Boulevard
Naples, FL 34112
mitch@windstarmaster.com

The ARC shall act on all fully completed & signed applications within thirty (30) days of receiving.

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Approval is not effective until the 7th day following the approval to allow for appeal. No materials should be ordered or contracts agreed to until the 7-day window for appeal has passed. Please withhold commencement until it has been confirmed that there is no appeal.

MASTER ARC RECOMMENDATION: APPROVE_____ DISAPPROVE_____

Date of Approval:_____ **Effective Date:** _____

ARC approval does not waive the necessity of obtaining the required building or work permits. The responsibility of compliance with government codes and permitting rests solely with the Unit Owner.

ARC CHAIRPERSON_____DATE_____

Thank you for your cooperation.

WINDSTAR ON NAPLES BAY MASTER ASSOCIATION

Design Guidelines LANDSCAPE DESIGN & TREE POLICY

STATEMENT OF PURPOSE:

Since Windstar's formation in the early 1980's, our properties on Naples Bay have been developed, enhanced and maintained in a manner such that is amongst the finest in Collier County. This has been accomplished through the excellent cooperation of Windstar residents, the Boards of our various communities, Windstar Club, Marina, and the Master Association and its Architectural Review Committee ("ARC").

From time to time, residents, their Neighborhood Associations and Windstar Club & Marina have desired to remove trees for a variety of understandable reasons such as:

- need for removal of diseased trees or trees badly damaged by storms
- refreshment of properties when with time they have become overgrown
- in the case of Windstar Club, from time to time some trees need to be heavily pruned or even removed to ensure that there is sufficient sun or air circulation around greens and tees, or to increase the "playability" of the golf course.

The key purposes of these guidelines are to:

1. Describe our proposed approach as to how communities and their owners may use these guidelines and collaborate with the ARC to resolve questions and any disputes that may arise.
2. Allow for a useful self-governance model throughout the Windstar community that is consistent with Collier County standards. This allows us to go about our landscape development in a manner that maintains and enhances our unique gated community.
3. Set out reasonable standards for the removal of trees and acceptable replacement, relocation or redesign.

The guidelines are deliberately intended NOT to be prescriptive or be an attempt to anticipate

every issue that could arise. At the same time, they are not an invitation for a Neighborhood Association to “go it alone” in terms of having insufficient standards.

Finally, the ARC knows full well that a particular householder or community may not have the resources to quickly recover from tree damage or disease. The ARC is willing and able to work with our residents to find appropriate solutions.

LANDSCAPE DESIGN

General:

Minor changes to landscaping do not require ARC approval. However, no tree, hedge or other landscape feature shall be planted or maintained in a location, that obstructs sight lines for vehicular traffic on streets, driveways or roadways.

Major changes to existing landscaping must be pre-approved by the Neighborhood Association. The ARC will require a landscaping plan for review.

Addition or removal of plantings intended to form a hedge or natural screen shall be reviewed by the ARC.

Planting of any species on the category 1 Florida Exotic Pest Plant Council exotic invasive species list is prohibited.

Substantial or total removal of turf and replacement with another material, such as mulch or gravel, is prohibited.

Tree or Palm removal, replacement or planting must be in compliance with the Windstar Master Association Design Guidelines and the Landscape Design and Tree Policy.

TREE POLICY

Tree Planting Guidelines:

To prevent problems with roots and branches damaging the foundation or roof of the home, large canopy trees must be planted a minimum of 15 feet away from any structures and 10 feet away from drives, sidewalks, and/ or an approved root barrier system shall be installed.

All canopy trees, at time of installation, should be a minimum of 25-gallon size and 10 feet in height, have a 1 ¾ inch caliper (at 12 inches above the ground) and a 4-foot canopy spread.

Newly planted trees should be braced/tied for 6 to 12 months until the tree has established itself. Leaving the braces/ties on longer than this could seriously damage the tree.

The County minimum tree coverage requirements for cultivated trees and palms can be researched at www.colliercountyfl.gov or [at this link](#).

Trimming:

Trimming of all trees is permitted. All contractors hired for such work must be licensed as an "Arborist" or "Tree Expert" in Collier County.

Should it be determined that excessive trimming causes a tree to die, the tree should be replaced by the same species or a suitable replacement.

Stump Grinding and Ground Preparation:

If permission is granted for tree removal, all stumps of felled trees must be removed or cut flush with the ground; under no circumstances are any stumps or disrupting roots permitted to remain within or under foundations or in driveways. It is preferred that all stumps be ground. If grinding equipment can't access the site, flush cut stumps should be appropriately screened with planting material covering the remains of the stump. Diseased Palm tree stumps must be dug out and the ground soil treated helping to prevent the spreading of the disease. Follow Arborist recommendation for when, and with what species of palm, that area may be replanted.

Submitting a Request for Removal: *Submissions vary based on Condominium, HOA, Single family. See below for the guidance that applies to you.*

Unit Owners in Homeowners Associations

Prior to submitting a Tree Removal Request to the ARC, permission must be granted from the Owner's Neighborhood Association and that approval must be documented in the application. If the ARC determines that the request is consistent with this Tree Policy, then approval will be granted in writing. ARC approval does not waive any County or governmental requirements for obtaining a tree removal permit.

Submitting a Request for Removal: Neighborhood Associations

Tree removals that require ARC approval, shall come before the ARC prior to the commencement of any project. ARC approval does not waive any County or governmental requirements for obtaining a tree removal permit.

Prior to submitting a Tree Removal Request to the ARC, permission must be granted from the Neighborhood Association Board and that approval must be documented in the application.

Qualified Reasons for Removal of Trees:

1. A licensed arborist has determined the tree is severely infected or dead and recommends its removal. Diseased trees should be removed promptly to ensure the disease does not affect other trees.

2. A tree cannot be maintained by proper canopy pruning, root pruning or barriers and has become a safety hazard to pedestrians or vehicular traffic, utilities or to an existing structure. The trees are creating a safety hazard, such as blocking traffic views that can't be rectified by trimming or uplifting limbs.
3. A tree was planted too close to a home and a licensed arborist confirms that it is causing damage to structures, foundations, sidewalls, sidewalks or parking areas, or an arborist would be unable to lift limbs or reduce canopy. Leaving the tree in place could cause significant damage to Owner's property due to age, type or health of the tree.
4. A licensed arborist recommends that the tree(s) are too densely planted, impacting the health/growth of the adjacent trees.
5. Requests for Tree Removal for aesthetic purposes shall include detailed plans for relocation of trees and/or new landscaping plans for the area, taking into account the aesthetics of the surrounding communities and any contractual obligation of a homeowner or the Neighborhood Association to provide a landscape designed to prevent undesirable views from the Windstar communities and the golf course, while working to create desirable views from the residential units of the golf course and water. Additionally, a Tree Removal Permit may be required by Collier County.

Tree Mitigation for Authorized Tree Removal

The ARC may require that any tree or palm that is removed, with ARC or Neighborhood Association approval, be replaced by a tree(s) of the same species, or a different species approved by the ARC, pursuant to the Tree Planting Guidelines. If the removal of that tree results in fewer trees on the property than the minimum the County requires, it must be replaced or planted elsewhere.

If it is agreed that no suitable location can be found for planting a replacement tree, the applicant may mitigate the planting requirement by planting another tree at another location within the community.

Submitting a Request for Removal: Recreational Associations

Specific provision for Windstar Club

For the exclusive purpose of Shade Remediation on putting greens and tees:

Consideration for the removal of palm trees causing shade damage to greens and tees can be reviewed on an individual basis, as documented by onsite inspection and photographic record.