

ARCHITECTURAL AND DESIGN REVIEW

- 1. Rationale.** The Foundation has broad responsibility and authority for approving drawings, which include site plans, landscape plans, floor plans, and all exterior elevations (“plans”) for new residential and commercial structures and property and for modifying existing residential and commercial structures and property within Pelican Bay.
- 2. Authority**
 - 2.1. Article 3 of the Amended and Restated General Declaration and Protective Covenants states: “No Structure shall be commenced, erected, improved or altered, nor shall any grading, excavation or landscaping (including tree removal) be done without the prior written approval of the Foundation or Declarant, as the case may be.” (3.03 (b))
 - 2.2. The Declarant (WCI) has retained approval authority for initial new construction on both undeveloped and developed commercial properties, if additional retail or commercial square footage is assigned to those properties. (3.02 (a) and (b))
 - 2.3. Gulf Bay Properties is exempt from Article 3 of the General Declaration for initial new construction only, except for exterior lighting, for which the Declarant has approval authority. (3.02 (c))
- 3. Approval.** Procedures for obtaining Foundation approval for the modifications and improvements stated in Article 3 of the General Declaration are as follows.

3.1 Approval Authority

- 3.1.1 Covenants Manager. The Covenants Manager has the responsibility for administering the approval process according to the Governing Documents and the regulations and procedures set forth in this policy.
- 3.1.2 Design Review Team. The Design Review Team consists of the Covenants Manager, Assistant Covenants Manager, and a consulting architect for major projects. It is the responsibility of the Design Review Team to review, approve, or deny those requested modifications and improvements stated in Article 3 of the General Declaration, all in compliance with the regulations and procedures set forth in this policy.
- 3.1.3 Oversight Panel. The Oversight Panel consists of the President of the Foundation, a Foundation Director nominated by the Chairman and approved by the Board, and a member-at-large nominated by the Chairman and approved by the Board. The Design Review Team reports to the Oversight Panel which, in turn, reports to the Board of Directors. The responsibilities of the Oversight Panel are:
 - To monitor design review activities and to recommend to the Board any change in the review process that may be needed.
 - To act as an Appeal Board to adjudicate disputes between Members and the Covenants Manager or the Design Review Team.

3.2 Category of Projects. There are five types of Design Review Projects:

1. **Minor Projects**: Minor projects would include but are not limited to: antennas/dishes, exterior color changes, driveways, parking areas, flags and poles, exterior lighting, roof replacement, signs, solar collectors, temporary structures such as tents or trailers, tree removal, vehicular parking, walls, fences, hurricane shutters, windows and shutters. All minor projects will be reviewed by the Covenants Department. No design review fees are required for minor projects. No work may begin until approval has been granted by the Foundation. If HOA or COA approval is required it should be submitted along with the required application and documentation.
2. **Major Projects**: Major projects would include but are not limited to: changes to existing site plan, exterior renovations, structural changes, changes in floor Elevations, changes in grade elevations and roof elevations. All major projects will be reviewed by a consulting architect. Two sets of plans prepared by an Architect (including their signature and seal) must be provided to the Foundation prior to the commencement of the Design Review Process along. Design review fees will apply for the Review Process, changes and/or re-reviews and will be the responsibility of the Member. All fees must be paid prior to any approvals being granted or work started. If HOA or COA approval is required, it should be submitted along with the required application, documentation and fees.
3. **Landscape Projects**: Landscape projects would include but are not limited to: major changes to original landscaping, tree removal, and new plantings of trees, hedges, plants. All landscape projects will be reviewed by consulting landscape architect. Two sets of plans prepared by Landscape Architect (including their signature and seal) must be provided to the Foundation prior to the commencement of the Design Review Process. Design review fees will apply for the Review Process, changes and/or re-reviews and will be the responsibility of the Member. All fees must be paid prior to any approvals being granted or work started. If HOA or COA approval is required, please obtain prior to submission to the Foundation.
4. **New Construction**: New construction projects would include but are not limited to: new construction or tear downs. All new construction projects will be reviewed by a consulting architect and landscape architect. Two sets of plans prepared by an Architect (including their signature and seal) must be provided to the Foundation. Design review fees will apply for the Review Process, changes and/or re-reviews and will be the responsibility of the Member. All fees must be paid prior to any approvals being granted or work started. If HOA or COA approval is required, please obtain prior to submission to the Foundation.
5. **Commercial Projects** – Commercial Projects would include but are not limited to: new construction and/or renovations for commercial properties. All commercial projects will be reviewed by a consulting architect and landscape architect. Two sets of plans prepared by an Architect (including their signature and seal) must be provided to the Foundation prior to the commencement of the Design Review

Process. Design review fees will apply for the Review Process, changes and/or re-reviews and will be the responsibility of the Member. All fees must be paid prior to any approvals being granted or work started.

3.2 Review Procedures

3.2.1 Reviews of Minor Projects will be conducted by the Covenant Enforcement Department at no cost to the Members. Reviews shall be completed within fourteen (14) working days of receipt of all required documents by the Covenants Department.

3.2.2 Review of all Major Projects will be conducted by the Design Review Team and shall be completed within thirty (30) days of receipt of all required documents, plans and fees by the Covenants Department. In the event of any unforeseen circumstances which may cause delays the Member will be promptly notified.

3.2.3 Review of all Landscape Projects will be conducted by the Design Review Team and shall be completed within thirty (30) days of receipt of all required documents, plans and fees by the Covenants Department. In the event of any unforeseen circumstances which may cause delays the Member will be promptly notified.

3.2.4 Review of all New Construction Projects will be conducted by the Design Review Team and shall be completed within thirty (30) days of receipt of all required document, plans and fees by the Covenants Department. In the event of any unforeseen circumstances which may cause delays the Member will be promptly notified.

3.2.5 Review of all Commercial Projects will be conducted by the Design Review Team and shall be completed within thirty (30) days from the date of receipt of all required documents and fees by the Covenants Department. In the event of any unforeseen circumstances which may cause delays the Member will be promptly notified.

3.3. **Appeal Process.** If any Member is denied approval for any of the project types listed above or disagrees with the imposed Construction Guidelines and if the disagreement cannot be resolved by discussion and negotiation, the Member can appeal to the Oversight Panel, which shall adjudicate the dispute. It is the responsibility of the Covenant Enforcement Department to notify the Member of the appeal process. Any additional design review fees or architectural fees associated with the appeal process will be the responsibility of the Member.

4. Review Forms and Applications

4.1.1 The Design Review Applications are available at the Covenant Enforcement Office or on-line at www.pelicanbay.org (go to the member section, then go to real estate) or you may request a copy to be sent to you via email or fax.

4.1.2 Minor Project Application - Minor projects would include but are not limited to: antennas/dishes, exterior color changes, driveways, parking areas, flags and poles, exterior lighting, roof replacement, signs, solar collectors, temporary structures such as tents or trailers, tree removal, vehicular parking, walls, fences, hurricane shutters, windows and shutters.

- 4.1.3 Major Project Application - Major projects would include but are not limited to: changes to existing site plan, exterior renovations, structural changes, changes in floor elevations, changes in grade elevations and roof elevations.
- 4.1.4 Landscape Projects - Landscape projects would include but are not limited to: major changes to original landscaping, tree removal, and new plantings of trees, hedges, plants.
- 4.1.5 New Construction - New construction projects would include but are not limited to: new construction or tear downs.
- 4.1.6 Commercial Projects - Commercial Projects would include but are not limited to: new construction and/or renovations for commercial properties.
- 4.2 All reviews for new construction and most for exterior structural modifications and landscape project involve the use of a consulting architect.

5. Construction Guidelines

- 5.1 Pelican Bay has Construction Guidelines which must be adhered to by all contractors and members. The Guidelines are all-inclusive. Hence, not all apply to all projects. It is the responsibility of the Member to review the Guidelines to determine those that are applicable to his project. The Oversight Panel shall adjudicate unresolved disagreements between the Members and the Covenant Enforcement Department about the applicability of the Guidelines.
- 5.2 There is no requirement by the General Declaration for design review for interior improvements. However, the Construction Guidelines shall apply if there is an impact on the neighborhood due to exterior placement of construction materials, equipment, dumpsters and/or port-o-lets, as specified in 3.2.2.

- 6. Perimeter Fencing Requirement.** The requirement for perimeter fencing applies only to Major Projects of more than fifteen (15) days duration in which construction materials, equipment, dumpsters and/or port-o-lets can be seen from adjacent properties or from the street.

Foundation Board of Directors Approval: September 22, 2003
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