

# ARCHITECTURAL STANDARDS AND PROCEDURES FOR BEAR ISLAND HOMEOWNERS ASSOCIATION, INC.

Adopted November 16, 2011, effective January 1, 2012

## I. INTRODUCTION

Bear Island Homeowners Association, Inc. (the "Association") is governed by (1) Florida Statutes Chapter 720, (2) the Amended and Restated Declaration of Covenants and Restrictions for Bear Island (the "Declaration"), (3) its Articles of Incorporation and By Laws, (4) its Rules, Regulations and Reminders of Courtesy (the "Rules and Regulations"), (5) these Architectural Standards and Procedures (the "Architectural Standards") and (6) resolutions adopted from time to time by the Board of Directors. Together the Declaration, Articles of Incorporation, By Laws, Rules and Regulations, Architectural Standards and resolutions make up Bear Island's "Governing Documents." Capitalized words hereinbelow have the same meanings as defined in the Declaration.

You may download one or more of the Governing Documents from the Association web site free of charge or may purchase printed copies from the Property Manager for a fee reflecting the cost of printing set from time to time by the Board of Directors. ***Before undertaking any Changes***, you are strongly urged to review the Declaration, the Architectural Standards, the applicable resolutions and the appropriate Application form.

Florida Statutes Section 720.3035(1) states: "The authority of an [architectural control committee] of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants."

The purpose of these Architectural Standards is to comply with the quoted legislation by documenting, measuring, preserving, maintaining and improving the architectural and environmental standards of the community and ensuring that Bear Island remains the attractive community that we chose to live in when we purchased our homes. The Architectural Control Committee ("ACC") is charged with maintaining our community in harmony with the original developer's design plan, while still allowing opportunity for individual expression and community improvement. Compliance with the Architectural Standards will also protect, preserve and enhance property values.

The Architectural Standards apply to changes ("Changes") specified in Paragraph 6 of Article VII of the Declaration. Copies of Paragraph 6 and of applicable Florida legislation, FL §720.3035 may be found on the Bear Island web-site.

**N. B.: No Change may be undertaken without "prior approval."**  
**"Prior approval" as used in these Architectural Standards**  
**means written approval of an Application by the ACC**  
**(or by the Board on appeal from an adverse decision by the ACC).**

## II. THE ARCHITECTURAL CONTROL COMMITTEE ("ACC")

The ACC is appointed by the Board of Directors and its members serve at the pleasure of the Board. Voting membership on the ACC is limited to "Owners or members of an Owner's family. No Director shall serve as a voting member of the ACC (Paragraph 1 of Article VIII of the Declaration).

The ACC's mandate is to ensure compliance with the Architectural Standards. The ACC may accept or reject an Application or return it for clarification or corrections. Final decisions adverse to the Applicant can be appealed to the Board, which can then affirm or reject the ACC decision or return it to the ACC for clarification or correction. In addition to passing on Applications, the ACC is charged with (1) delivering accurate and complete records of all actions taken by the ACC to the Property Manager to be scanned into the Association's records, (2) periodically inspecting our community for compliance with the Architectural Standards and (3) notifying the Property Manager of situations that it finds not to be in compliance with the Governing Documents. The Board (not the ACC) has authority to enforce the Governing Documents. , or amend or repeal previously adopted Architectural Standards in whole or in part. The ACC, with Board approval, reserves the right from time to time to amend the Architectural Standards in whole or in part . The Architectural Standards, as amended, will apply to all Applications pending on the date of adoption.

Any waiver, consent or approval given under the Architectural Standards by the ACC (or by the Board on appeal) may be revoked for good cause. Any such waiver, consent or approval, and any approval deemed to have been given because of delay in processing an Application filed after the effective date shown at the top of page 1, shall not be considered as a waiver, consent or approval for any other purpose other than that which is identified at the time of such waiver, consent or approval.

### **III. PROCEDURE**

The following Application Forms are available at no charge on our web-site or at the Gate House:

Application Form "A" for Approval of Paint and Color

Application Form "B" for Approval of Major Changes

Application Form "C" for Landscaping Changes

Application Form "D" for Approval of Swimming Pool, Hot Tub or Spa.

Application Form "E" for Approval of Replacing (or Repairing Over 25%) of Your Roof.

Application Forms may be amended by the ACC from time to time.

Each Application form spells out the information and documentation required for a particular Change and the procedure to be followed, including any fee or security deposit required. An Owner may send written questions by e-mail or facsimile to the Property Manager about whether an Application and which Application form is required. Please do not telephone the Property Manager or any member of the ACC.

An Application signed by the Owner(s) or authorized agent of the Owner(s), with all appropriate attachments, must be filed *in duplicate* with the Property Manager in one of the following ways: (1) by placing them in the green box at the Exit, (2) by personally delivering them to the Property Manager's office, (3) by USPS prepaid mail or by UPS or FEDEX package addressed to the Property Manager's office or (4) by electronic means (facsimile or e-mail attachment(s)). The Property Manager will date stamp the Application and forward the duplicate Applications to the ACC. The Property Manager's e-mail address and facsimile numbers are found on the Application forms and on the web-site. If a check is required and filing is done by e-mail or FAX, the check must be dropped off in the green box at the Gate House.

If an Application is incomplete or on the wrong form, the Property Manager will return it to the Applicant and give the Applicant an opportunity to amend or correct it before resubmitting it. Once the Application is in satisfactory form, the Property Manager will date-stamp it and forward it to the ACC. The date an amended Application is filed is the date the 45 day period starts.

Each Application form sets forth the required filing fee, water fee and security deposit (if any) for that Application. A filing fee is intended to cover the expense to the Association of processing the Application from filing to completion. The water fee is intended to reimburse the Association for the added expense to the Association of initially filling the pool. The security deposit is intended to protect from personal injury or property damage: the Association, its Directors, officers, employees and agents, the ACC and its members, Owners and occupants of other Lots and their invitees, the Common Areas and other Lots.. The security deposit will be refunded upon completion, less any expense or loss incurred during the project. All Applications will require you to attach to your Application (a) a Certificate naming the Association and its Directors, officers, employees and agents, and the ACC and its members, as "additional insureds," and (b) a Certificate evidencing that your contractor has the required Workers Compensation coverage. Each Certificate must be issued by a AAA rated insurance company.

The ACC must act on an Application within 45 days of receipt (date stamp) by the Property Manager of a properly filled out Application, or the Application is deemed to be approved. The ACC may either approve the Application, reject it or suggest modifications which if accepted may lead to approval. If the Applicant fails to respond to an action by the ACC (other than approval) within 45 days after receiving notice thereof, the Application will be deemed to be rejected. If the ACC rejects the Application, the Applicant has 45 days after receiving notice of rejection to file a written appeal with the Board or the ACC decision will stand. The Board has 45 days after receiving an appeal to notify the Applicant that it has approved, reversed or modified the ACC decision or the Application will be deemed to have been approved.

The normal procedure of the ACC is to meet at least once a month, preferably an hour before the scheduled regular meeting of the Board of Directors. Notice of each regular or special meeting of the ACC will be posted at the Gate House. If the ACC schedules a special meeting to consider one or more Applications that request action before the next scheduled regular meeting, the Property Manager will notify each Applicant involved of the date and time of the special meeting by e-mail, FAX or telephone. Please do not bring an Application to a regular meeting of the ACC and expect it to be acted upon at that meeting.

#### **IV. AREAS TO BE CONSIDERED**

The ACC (and the Board on appeal) shall specifically consider the following:

1. Color: Continuity of design must be maintained by the use of paint and colors compatible to those used in the original construction throughout the community. The ACC will adopt from time to time a list of allowed paint brands and colors, which will be set forth on the Application. The Owner must choose a "Family Color" which must *not* be the same Family Color as a home located on an adjacent Lot(s) on the same street. The Owner may then choose a "Paint Tone" within the permitted Family Color. The intent is to prevent endless rows of homes painted in identical colors.

2. Design: The proposed Changes must be compatible with the architectural character of the Applicant's house, adjoining houses and the neighborhood setting. "Compatibility" is defined as similarity in architectural style, quality of workmanship, scale, colors, materials, design and construction detail.

3. Location and Impact: The proposed Changes must relate favorably to the landscape, the existing Home and the neighborhood. Disruption of the natural topography and/or changes in the rate or direction of storm water runoff must not adversely affect any property or Common Area.

4. Scale: The size and proportions of a proposed Changes must be in appropriate relationship to adjacent structures and surroundings.

5. Timing: Each Applicant must include estimated start and completion dates on the Application. Commencement and completion dates will be accepted or different ones may be set by the ACC in its written approval (or by the Board if its written approval on appeal). Approval by the ACC or Board will automatically be revoked if the requested Change has not been completed by the date accepted or set by the ACC or Board. Extensions may be requested in writing filed with the Property Manager not less than five (5) days before the date accepted or set and may be granted in writing by the ACC for good cause stated in the request. Failure to request an extension within these time limits will mean automatic revocation of the Approval and the Application process must start over again unless waived by the ACC.

6. Workmanship: The Applicant must assure that quality workmanship will be employed to produce completed work that is "as specified" and is "aesthetically acceptable" to the ACC. All Changes must be completed in accordance with the plans and specifications approved by the ACC or Board and must meet or exceed all requirements of the City of West Palm Beach, Palm Beach County and the State of Florida. However, the obligation to procure all necessary government permits prior to commencement of any work and to obtain all necessary certificates of completion upon completion is the sole responsibility of the Owner(s). ACC or Board approval does not negate the requirement of complying with applicable Building Codes and Regulations, the rules of utility companies serving the community and requirements imposed by the Association's insurer. Similarly, approval by the appropriate authority or utility does not negate the requirement of obtaining ACC or Board approval.

7. Architectural Standards Are Not All Inclusive or All Exclusive: Evaluation by and decisions of the ACC or Board should not be based on the individual opinions or taste of its members but on the general principals and criteria set forth hereinabove or in the Application for specific Changes, except for cases set forth below as being decided on a case-by-case basis. The Architectural Standards cannot cover all possible situations and are not all inclusive or all exclusive. If you are planning a project that may in any way affect the appearance or aesthetic quality of your Home, or the community, or adversely impact your neighbors in any way, the Applicant should first consult the Architectural Standards and only then request the advice of the Property Manager in writing. The Property Manager will work with each Applicant to help the Applicant to develop a project that meets the formal requirements as well as the spirit of the Declaration and the Architectural Standards.

## **V. SPECIFIC CHANGE STANDARDS**

1. Air conditioners. An Application to the ACC is required for any stand alone air conditioning unit added or relocated on a Lot. Replacement units that are substantially similar to an originally approved unit and installed in the same location as the approved existing unit do not require an Application. Window air conditioners visible from your neighbors or the Common Areas or Bear Lakes Country Club are prohibited.

2. Animal Houses and Runs: Animal houses, cages and runs outside a House are prohibited.

3. Antennas, Satellite Television Dishes: Satellite television dishes are permitted by Federal law and do not require prior approval, except that the Association may impose reasonable size and location restrictions, including without being limited to the following: (1) a dish shall not exceed 32 inches in

diameter and (2) the dish shall be installed only on the roof facing the Back Yard, if practicable, and insofar as possible screened from view by neighbors or from the Common Areas. A “ham radio” antenna is permitted only on the roof facing the Back Yard and does not require prior approval, except that the height of the aerial is subject to prior approval.

4. Awnings: Awnings located in the Front Yard or on the side of the House are prohibited. Prior approval is required for awnings located at the rear of the House. Such awnings should not be visible to your neighbors or the Common Areas and must be compatible with the architectural character, color and style of the house and the neighborhood.

5. Bird Houses, Baths and Feeders: Bird houses, baths and feeders in your Front Yard are prohibited. Prior approval of a bird house, bath or feeder in your Back Yard is not required, except that a bird house, bath or feeder higher than the top of your Privacy Wall is prohibited.

6. Clotheslines: Pursuant to Federal law, drying wet clothing, laundry or wash on a clothes line is permitted without prior approval, except that the clothes line must be limited to an area in your Back Yard that is shielded from view by your neighbors, the Common Areas and Bear Lakes Country Club golf course (cf. Paragraph 6(C) of Article VIII of the Declaration).

7. Decks: Decks of any kind in the Front Yard are prohibited. Ground level wooden, composite, concrete or brick decks in the Back Yard do not require ACC approval, but if they extend into a neighbor's property or easement area (cf. Article V(1)(D) of the Declaration), an Application is required with the written recordable approval of the neighbor burdened attached.

8. Decorative Objects: Decorative objects, including without being limited to: fountains, garden pools, sculptures, statuary, items attached to the house as weather vanes, wagon wheels, etc., may not be located in the Front Yard *without prior approval*. The ACC may consider each Application on a case-by-case basis or may (but is not required to) develop written standards in the Application form that would permit an Application to be “fast tracked.” Temporary seasonal figures that can be removed easily are permitted.

9. Fences and Side Gates: Moving the fence and side gate dividing the Front and Back Yards from their original location (1) requires prior approval, (2) does *NOT* move the original boundary between Front and Back Yards and (3) does *NOT* alter the respective obligations of the Association and the Owner with respect to maintenance and replacement of Front Yards and Back Yards as originally configured. The gate must be at least 48 inches wide. The gate and fence must not be higher than 48 inches. Installing an arch over the side gate requires prior approval. The fence, gate and arch, if any, must (a) be painted white, (b) made of metal or some other material approved by the ACC, and (c) permit Fire/Rescue to enter the Back Yard in the event of emergency. Similar rules apply to gates along property lines.

10. Garage Doors: A replacement garage door of the same style and color as the original garage door installed by the Developer does not require prior approval, but an Application is required for installing a garage door that is of a different material or style than the original door. Only white garage doors are permitted.

11. Insect Traps: Electronic insect traps in your Lot are prohibited, except that electronic insect traps in the Back Yard may be turned on only when an occupant of the House is present in the Back Yard.

12. Landscaping: Changes in the landscaping of your Front Yard (including planting, removing and moving hedges, shrubs and trees and the installation of a buried French Drain) require prior approval.

13. Lighting: Replacing existing lighting and lighting fixtures with lighting and lighting fixtures that are compatible in color, style and scale with your House is permitted without prior approval. Additional lighting or lighting fixtures will require prior approval. Exterior lighting shall not be directed outside your Lot and shall not have an adverse visual impact upon the occupants of other Lots. If the Board receives a complaint about your exterior lighting, the burden of justifying it before the ACC will be on you. Lighting your walkway from the driveway to your front door and to the gate (other than with low voltage solar powered lights that can be removed) requires prior approval. The Application form must include the location of all lighting as it relates to your property and easement lines, wattage, whether powered by electricity or solar, height of fixtures above ground and a complete description of the lighting fixture (i.e., materials, design (a picture is recommended), the number of bulbs on a single fixture and proposed location) The Application form sets forth other requirements.

14. Paint, Colors, Glass Front Doors: Prior approval of an Application for all exterior painting is required. The ACC may implement “fast track” approval for a paint color set forth on the Application form that also meets the limitations on Family Colors and Tones. Your front door must not have any glass in it without prior approval. A front door, a storm door and a screed door may not be painted any color other than white without prior approval. All Applications under this Paragraph 16 may be considered by the ACC (or the Board on appeal) on a case-by-case basis.

15. Portable temporary storage bins and dumpsters. Use of portable temporary storage bins (e.g., “dumpsters” and “PODs”) in connection with moving in or out and making approved Changes requires prior approval. The ACC may set time limits for such use on a case-by-case basis.

16. Recreation and Play Equipment: No permanent recreation or play equipment will be permitted in the Front Yard or driveway. Installation of permanent equipment in the Back Yard (including, without being limited to, a swing set, a basketball pole and net, a golf practice mat and net or a sand box, etc.) requires prior approval. The ACC (a) may impose conditions on approval, including without being limited to: reasonable time and manner of use, and location for the purpose of minimizing disturbance to occupants of other Lots and (b) may, in its discretion, require the written consent of all neighbors adjoining your Home.

17. Roofs: An Application is required for replacing the Roof or repairing over 25% of the Roof area. Roofing materials shall be white concrete tiles of a size approved by the ACC.

18. Screen and Storm Doors: Installation of screen and storm doors does not require prior approval, provided they are painted white.

19. Shutters: Installation or replacement of purely decorative shutters that do not provide hurricane protection require prior approval. Installation or replacement of hurricane shutters (whether manual or motor-driven) does not require prior approval, except that it is preferred that shutters match the color of the house or be painted white.

20. Solar Panels: Pursuant to Federal and Florida law, prior approval of installing solar panels is not required.

21. Storage Facilities: Storage facilities of any size or kind in your Front Yard are prohibited. Installation of a storage unit or shed in your Back Yard requires prior approval. Design and color must be in harmony with architectural style, siding and trim of your Home. No more than one storage facility will be permitted . It (1) must not be in excess of 96 inches wide, 72 inches deep and 60 inches high, (2) must be made of materials that will not rust, including fasteners, (3) must not be visible from the street or from a neighboring Lot, (4) cannot have a poured concrete foundation and (5) must meet applicable Building Code and hurricane requirements. Judgment as to an acceptable location shall remain the exclusive right of the ACC.

22. Swimming Pools, Hot Tubs and Spas: Installation of an in ground swimming pools or an in ground or above ground hot tub or spa in a Back Yard requires prior approval and compliance with all jurisdictional codes. Installation of a hot tub, spa or swimming pool in a Front Yard is prohibited. Installation of an above ground swimming pool is prohibited.

23. Walkways: Prior approval is required for any change in the location, appearance or materials used for walkways in your Front Yard. The ACC may consider each Application on a case-by-case basis.

24. Windows: Prior approval is required for installing new window or replacing existing windows with anything other than the original style and color. The ACC encourages installation of hurricane-rated windows complying with Palm Beach County standards.

## **V. CONCLUSION**

These guidelines are neither absolute nor irreversible dictates. However, the ACC and the Board feel that the closer every one adheres to them, the more harmonious and aesthetically pleasing the community will be and the more our property values will be enhanced. The ACC is open to other ideas and suggestions and will review projects not covered by these guidelines on a case-by-case basis.

**END**