

## SEPTEMBER 2009 - PORT ROYAL ASSOCIATION PROCEDURAL STEPS AND GUIDELINES FOR RESIDENTIAL CONSTRUCTION

Port Royal is a residential community of unusual distinction and beauty. The residents of Port Royal seek the highest standards of property use and maintenance which can be established in this unique community and no other factor can contribute more to Port Royals distinctiveness. With the cooperation and interest of all who own and live here, Port Royal will improve as an outstanding location for a home, affording maximum enjoyment of the natural surroundings.

Its location, its waterways, its overall concept and design all contribute to the unique quality of Port Royal. Equally important, however, as the protections and controls incorporated in the "Deed Restrictions contained in current Port Royal Deeds" (hereinafter called Restrictions), which are mutual covenants among all property owners and "run with the land" in successive ownerships. Many of these Restrictions and some newer requirements have been incorporated into the Port Royal specific zoning district, R1-15A within the City of Naples Code of Ordinances.

Port Royal assigned all "rights, powers and obligations" of the Restrictions to the Port Royal Property Owners Association, (hereinafter called Association), by recorded legal instrument dated November 3, 1977.

The Association has established an Architectural Review Committee (hereinafter called Committee), to oversee residential construction in Port Royal. In reviewing specific plans submitted to it, the Committee will consider, among other things, (a) the preservation of property values, (b) the maintenance of Port Royal as a desirable community in which to live, (c) the design compatibility with the immediate neighbors and the Port Royal community as a whole and (d) the protection of privacy.

Construction approvals will not be granted in the absence of the "OWNER CERTIFICATION" is required in the exact form and content as attached.

The Committee and the Association do not determine or assume any responsibility for the quality of construction or structural soundness of any improvements, and no obligation or liability relating to construction of any plans will be assumed by the Committee or the Association. Furthermore, the Committee and the Association do not evaluate plans to determine whether the Plans satisfy all applicable governmental requirements. No member of the Committee, the Committee's duly authorized representative, nor shall the Association be liable to any owner or any other person or entity for any loss, damage, injury or expense arising out of or in any way connected with the performance hereunder.

In order to be of assistance to property owners, architects, landscape architects, and builders, the Committee has prepared the Procedural Steps and Guidelines which follow. There has been no attempt to detail all governmental laws and regulations (including City of Naples ordinances or the Marketable Record Titles Act), which may be applicable, and it is recommended that architects and builders make a thorough review of such regulations.

### PROCEDURES FOR APPROVAL OF ARCHITECTS AND BUILDERS IN PORT ROYAL

The Committee maintains a list of architects, landscape architects and builders who have been approved. It expects to make additions to or deletions from that list as circumstances warrant.

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Applications for approval by architects, landscape architects and builders who are not currently on the list are welcomed.

**I. Approval of Architects and Landscape Architects**

In reviewing applications for architecture, the Committee will give consideration to the probable ability of the applicant to design residential structures compatible with existing Port Royal dwellings, as demonstrated by photographs, drawings, designs or other materials submitted to the Committee by the applicant.

In order to be considered as an architect or landscape architect the applicant must submit to the office of the Association, for the attention of the Committee, the following:

- A. Evidence of a Degree in Architecture or Landscape Architecture from an accredited university and a resume of professional background and experience, including awards, publications, and other professional recognition.
- B. Evidence of state of Florida registration.
- C. Photographs, drawings and/or designs of single family residential structures designed and/or built by the applicant during the preceding three years.
- D. Signed ARCHITECTS AGREEMENT stating that the applicant has thoroughly read the Port Royal Procedural Steps and Guidelines for Residential Construction, the Restrictions and the R1-15A Residential District zoning code and will perform in total compliance with these documents. The attached agreement should be reprinted on applicant's letterhead and submitted with application.
- E. Evidence of Professional Liability insurance.
- F. The architect or landscape architect, or his representatives must agree to visit the building site with the Committee as necessary to obtain approval of the plans.
- G. Payment of Approval or annual renewal fee as documented in Exhibit A.

**II. Approval of Builders in Port Royal**

In order to be considered as a builder, the applicant must submit to the office of the Association, for the attention of the Committee, the following:

- A. Evidence of Construction License, Liability Insurance, and Workers Compensation Insurance coverage.
- B. A resume of professional background and experience.
- C. Photographs of single family residential structures built by the applicant during the preceding three years.
- D. Signed BUILDERS AGREEMENT acknowledging that the applicant has thoroughly read the Port Royal Procedural Steps and Guidelines for Residential Construction, the Restrictions and the R1-15A Residential District Zoning code and will perform in total compliance with these

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documents. The attached agreement should be reprinted on applicant's letterhead and submitted with application.

- E. Payment of Approval or annual renewal fee as documented in Exhibit A

**PROCEDURAL STEPS FOR PLAN SUBMISSION**

**All plans which require permitting by the City of Naples must be reviewed by the Port Royal Association, Inc. prior to submission to the City. A review by the Association will require payment of the appropriate fee as outlined in Exhibit B.**

**I. Preparation and Submission of Preliminary Plans for New Construction or Major Renovations/Addition (greater than 50% of existing residence)**

Proposed plans submitted for approval must be of original design and prepared by a Port Royal approved architect, and the architect must be responsible for the final selection of materials. Working drawings are not required until after the Committee has acted favorably on preliminary plans which include the following:

- A. Site Survey by a licensed surveyor on 24"x36" bond paper and also electronically in PDF.
- B. A scale drawing of the floor plans and the exterior elevations of the proposed construction (front, sides and rear).
- C. A scale drawing of the street elevation showing the relationship of the proposed construction to adjacent structures, both in height and mass.
- D. A scale site plan showing the position of the proposed construction on the parcel in relationship to the required setback lines; also showing spot elevations along the center of the road (at the crown), ROW, along the property line and at the rear set back lines. Elevations shall be in either NGVD or NAVD datum. The most restrictive of these setbacks and heights will govern the application of Articles (8), (16), and (17) of the RESTRICTIONS and the R1-15A Residential District Zoning Code.
- E. A colored architectural rendering of the proposed construction accompanied by color photographs of the adjoining dwellings. Front and rear elevations shall be submitted. Rear elevations shall clearly show the waterfront area if applicable.
- F. To substantiate compliance with requirements of the R1-15A code: a tabulation of the total square footage broken down by floors, living areas, garage area and enclosed and/or covered areas of the proposed construction; the minimum floor area as defined in Sec. 58-117 of the code; the maximum building area as defined in Sec. 58-120 of the code; and a tabulation of lot area.

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- G. A preliminary drainage plan with spot grade elevations and indication of how the parcel's run-off water will be diverted away from adjacent properties and street. A full drainage plan will be required with final plan submission.
- H. A statement of exterior building materials to be used, including exterior walls, types of glass, trim and roof. Exterior color samples must also be submitted, in all cases, prior to their application.
- I. An indication of the location of air conditioning units, solar equipment, swimming pool equipment, trash receptacles, and other unsightly utilities, and plans for sight and sound barriers.
- J. Preliminary plans should include:
  - 1. One set of proposed plans on paper along with a CD for plans in PDF format.
  - 2. An "OWNER CERTIFICATION" signed by the property owner and an approved architect. Builders and Landscape Architects are required to sign at Final Plan submission
  - 3. Payment of the "Down Payment for New Home fee" as documented in Exhibit B.

Plans are to be submitted at the office of the Association, Suite 3, 1020 Eighth Avenue South, Naples, Florida, 34102, to the attention of the Architectural Review Committee. **Plans must be submitted to the office a minimum of one week prior to the scheduled Committee meeting.** Please contact the Association office for the Architecture Review Committee schedule. The Architect will be scheduled to present the plans at the next meeting. **Property owners are welcome to attend the meetings along with their Architect.**

**II. Action by the Committee on Preliminary Plans for New Construction and Major Renovations/Additions**

An Architectural Review Committee representative will visit a proposed construction site following the preliminary plan presentation by an architect, and prior to any announcement of Committee approval/disapproval of the plans.

If the preliminary plans are found to be acceptable, the Committee will acknowledge its tentative approval by letter, conditioned upon its review and approval of any subsequent changes in the architect's working drawings.

If the preliminary plans are not satisfactory, the Committee will advise the architect and the owner in writing and request a resubmittal. Changes to the plan must be clouded by the architect and shown as a revision.

**III. Preparation and Submission of, and Action Upon, Final Plans for New Construction and Major Renovation/Additions.**

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Following tentative approval of the preliminary plans, the architect must submit one set of final plans accompanied by the fully executed "OWNER CERTIFICATION" complete with an approved landscape architect, an approved builder's signatures, and an approved architect. **Plans must be submitted to the Association office a minimum of one week prior to the scheduled Committee meeting.**

Final plans will be examined in comparison with the tentatively approved preliminary plans. Provided the final plans are in conformity with the preliminary plans, final approval will be given. All differences between preliminary and final plans must be reviewed and approved by the Committee.

Upon Committee approval of the final plans, the architect must submit the Remaining Balance of the fee for Approval and Construction of a new home (Exhibit B) along with 3 clean sets of the drawings to the Association Office. Approval will be granted by the Association by stamp affixed to drawings. A final plan approval letter from the Committee will be sent to the Property Owner, Architect, Landscape Architect and Builder. The Association will retain 1 set of plans at the office and return 2 sets to the architect for permitting by the City of Naples.

If the final plans are not satisfactory, the Committee will advise the architect and the owner in writing. In any such case, the Committee would hope to be able to work cooperatively with the architect and the owner toward reaching agreement upon changes or modifications in the proposed plans that would make them acceptable.

Committee approval requires commencement of the work within one year. If identical plans are submitted after one year for re-approval, there will be no fee due. If the original plans are revised, an appropriate additional fee will be charged.

**IV. Preparation and Submission of Plans for Additions/Renovation (less than 50% of the existing residence)**

Proposed plans must be submitted by an approved architect along with the following:

- A.** Site Survey by a licensed surveyor on 24"x36" bond paper and also electronically in PDF.
- B.** A scale site plan showing the position of the proposed construction on the parcel in relationship to the required setback lines; also showing the elevation of the crown of the road at the center of the property and at each property corner, and the relative elevation of each of the two concrete monuments marking the water setback area. The most restrictive of these setbacks and heights will govern the application of Articles (8), (16), and (17) of the RESTRICTIONS and the R1-15A Residential District Zoning Code.
- C.** A scale drawing of the floor plans and the exterior elevations of the proposed construction (front, sides and rear).
- D.** Tabulation of the total square footage of the existing residence and proposed addition or changes to the residence.

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- E.** If significant hardscape has been added, proposed changes to the parcel's drainage will be needed to indicate, on a full drainage plan, how the parcel's run-off will be diverted away from adjacent properties and street.
- F.** A statement of exterior building material changes including roof material and paint colors. Samples of exterior colors must also be submitted, in all cases, prior to the application
- G.** An indication of changes to the location of air conditioning units, generators, solar equipment, swimming pool equipment, along with plans for sight and sound barriers.
- H.** Proposed plans must include:
  - 1. Three (3) sets of proposed final plans on paper along with a CD for plans in PDF format.
  - 2. A fully executed "OWNER CERTIFICATION" signed by the property owner, an approved architect (if applicable), an approved landscape architect (if applicable), and an approved builder (if applicable).
  - 3. Payment of the Addition/Renovation fee as documented in Exhibit B.

A representative for the Committee will examine the proposed plans for compliance with the Restrictions and R1-15A Residential District Zoning Code. Based on the scope of work, a determination will be made whether the plans will require review by the Committee. Plans are to be submitted at the office of the Association, Suite 3, 1020 Eighth Avenue South, Naples, Florida, 34102, to the attention of the Architectural Review Committee.

Upon Committee approval of the proposed plans they will be stamped by the Association prior to submission to the City of Naples for permitting. An approval letter will be sent to the Property Owner, Architect and/or Landscape Architect and Builder. The Association will retain 1 set of plans at the office and return 2 sets to the architect for permitting by the City of Naples.

**V. Plans for any hardscape changes (i.e. fences, walls, driveways, pools, spas, et. cetera)**

- A.** Submit detailed site plan showing specific locations and all relative setback requirements.
- B.** Elevations as required in **R1-15A** Residential District Zoning Code and referenced to the heights of the proposed addition(s).
- C.** Heights of all walls and fences as required per **R1-15A** Residential District Zoning Code.
- D.** If changes in site elevation are proposed, proposed changes to the parcel's drainage will be needed to indicate, on a full drainage plan, how the parcel's run-off will be diverted away from adjacent properties and street.
- E.** Payment of appropriate fee as per Exhibit B.

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**VI. Landscaping**

- A. Submit proposed planting of trees, shrubs and hedges, on site plan with type and height, of all proposed plantings.
- B. Submit plan for sight and sound barrier screening of machinery and equipment.
- C. If changes in site elevation are proposed, proposed changes to the parcel's drainage will be needed to indicate, on a full drainage plan, how the parcel's run-off will be diverted away from adjacent properties and street.
- D. Payment of appropriate fee as per Exhibit B.

**VII. Paint Color Change:** Change of paint colors for existing structures must be approved by the Committee, as well as any change in roofing material and/or its color. Samples of exterior colors and materials must be submitted, in all cases, prior to the application

**VIII. GUIDELINES**

**1. Government Regulations and Restrictions**

Compliance is required regarding all applicable Federal, State and Municipal statutes, rules and regulations (including, but not limited to zoning and other ordinances of the City of Naples), and all applicable provisions of the Restrictions. If there are inconsistencies or differences among the above regulatory bodies, the more restrictive will govern. Port Royal has the special Naples City Zoning Designation of R1-15A Residential District Zoning Code.

**2. Necessity for Approval**

The approval requirement applies to both new construction and additions or alterations of existing structures, including changes in exterior colors. Where additions or alterations are relatively minor, however, the services of an architect may not be required (within the discretion of the Committee).

Any and all approvals or disapprovals of the Committee shall be in writing. In the event of disapproval by the Committee, the owner may thereafter re-submit the plans for reconsideration to the Board of Directors of the Association within forty-five (45) days of the disapproval, by submitting to the Board of Directors of the Association a copy of the plans accompanied with a written statement setting forth the grounds for the appeal. The Board of Directors of the Association shall consider the appeal at its next regular scheduled meeting and notify the owner of its decision in the matter within ten (10) days of that meeting. In approving or disapproving any plans on appeal, the Board of Directors decision shall be governed by the same factors that the Committee is required to consider.

**3. Compatibility**

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In designing a structure, an addition or alteration, consideration must be given not only to its suitability for the parcel upon which it is to be located, but also to its compatibility with adjacent and neighboring structures and with the Port Royal community as a whole. This does not mean, however, that uniformity or similarity is required. To the contrary, originality and variety of design are encouraged within the limits of compatibility.

#### **4. Setback Lines**

The purpose of the setback lines described below is to define the limits beyond which no portion of a structure may extend. It is not intended that a structure which is built up to the setback lines on all sides will be approved. After construction is completed and before a City of Naples Certificate of Occupancy is applied for, the architect must supply the Association with an "as built" survey which confirms that all setback and height elements were built in accordance with the approved plan.

- a) Corner lots: there are actually two front and two side setbacks; one front must be forty (40) feet, and one can be thirty-five (35) feet.
- b) Except as provided in (a) above, all other side setback lines shall be not less than twelve and one-half (12-1/2) feet from the side property lines. Some early deeds require only ten (10) feet. Owner must provide supporting legal data proving the existence of this exception. This distance is to be measured to the outer/leading edge of the structure, including roof overhang.
- c) Rear waterfront setback lines shall be the most restrictive of either: thirty (30) feet from the mean high water line (MHWL) as required by the City; Or the platted waterfront setback line; Or where the shoreline is reasonably straight, the waterfront view line which is a line drawn between the closest waterside points of the two nearest dwellings such that all existing and proposed dwellings shall, to the degree reasonably possible, have an unimpeded view of the water.
- d) Rear setback lines for parcels without waterfronts shall be not less than thirty (30) feet from the rear property lines.
- e) Machinery and equipment for air conditioning, pools and spas and similar services, and containers for trash and garbage shall be located inside setback lines and be provided with sound and sight barriers.

#### **5. Adjacent Residences**

Plans for new residences or additions/renovations, must specifically identify residences located on either side of a proposed construction site with a clearly depicted silhouetted elevation and the waterfront view line in accordance with the criteria contained in **Paragraph I-C** of the PROCEDURAL STEPS.

#### **6. Changes of Elevation/Drainage**

No substantial changes in the elevation of the land are permitted except as such changes may be necessary to meet requirements of the National Flood Insurance Program. Appropriate provision must be made to divert the run-off water away from the adjacent properties. Restriction #3 reads in part: "no substantial changes in the elevation of the land are permitted." This is interpreted to mean

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that in new home construction the elevation of the yard areas must conform generally to the adjoining areas. The fact that government has established the finished first floor elevation at various elevations above mean sea level does not mean that lawns, pools, patios, et cetera can or should be placed at comparable heights. A storm water plan in compliance with the City of Naples' ordinances must be submitted by the Owner's engineer.

**7. Garages and Carports**

Garage doors must be equipped with automatic closing devices. Open-side or open-end carports over terminated driveways are not permitted. Every effort should be made to avoid having garage doors face the street; or, if this is unavoidable, to minimize visual impact.

**8. Antennas**

No television, satellite, or any other antenna which is visible from the street, waterway or adjoining property is permitted unless specific written approval is obtained from the Committee. Solar collectors are protected and permitted by Florida Statute 163.04 and Port Royal owners are expected to make such installations as unobtrusive as conditions permit.

**9. Swimming Pools and Spas**

Swimming pools and spas are considered to be structures and are subject to these Guidelines. Enclosed pools or spas may not be located outside the setback lines applicable to the parcel. Pools or spas which are not enclosed may be located outside such lines, but no portion thereof (including patios, copings, walls, et cetera), may exceed the applicable structural height limitations imposed by these Procedures and Guidelines. No pool or spa or enclosure may be located within a utility or drainage easement. All pool fences and gates must be designed and located in accordance with the R1-15A Residential District Zoning Code

**10. Construction Sites**

Construction fences are required along the front, rear and side lot lines prior to any clearing, grading, or demolition. Chemical toilets must be located away from the road and must be oriented towards the rear of the property. Dirt piles must be covered up.

**11. Severability**

In the event any of the provisions of these "PROCEDURAL STEPS AND GUIDELINES" shall be deemed invalid by a court of competent jurisdiction, said judicial determination shall in no way affect any of the other provisions hereof, which shall remain in full force and effect, and any provisions of these "PROCEDURAL STEPS AND GUIDELINES" deemed invalid by a court of competent jurisdiction by virtue of the term or scope thereof shall be deemed limited to the maximum term and the scope permitted by law. In the event any of the provisions of these "PROCEDURAL STEPS AND GUIDELINES" shall have more than one interpretation, one (or more) of which is deemed invalid by a court of competent jurisdiction, said provision(s) shall remain in full force and effect given only such interpretation(s) as judicially determined valid. Further, the invalidation of any of the covenants or

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restrictions or terms and conditions of these “PROCEDURAL STEPS AND GUIDELINES” or reduction in the scope or term of the same by reason of judicial application of the legal rules against perpetuities or otherwise, shall in no way affect any other provision which shall remain in full force and effect for such period of time and to such extent as may be permitted by law.