

SEAGULL ESTATES

ARCHITECTURAL GUIDELINES

(Approved by the Board of Directors on 3/11/2011)

WHEREAS, the Declaration of Covenants and Restrictions of Seagull Estates as recorded in Official Records Book 1789, Page 3889 of the Public Records of Lee County, Florida (the "Declaration") as may be amended from time to time, provides for the creation of a committee known as the Architectural Control Committee;

WHEREAS, the Declaration provides that the Board of Directors ("Board") of Seagull Estates Property Owners' Association, Inc. (the "Association") may adopt and modify or amend from time to time Architectural Guidelines for Seagull Estates, which criteria are to be set forth in writing and made known to all current and prospective owners in Seagull Estates (the "Community").

NOW, THEREFORE, the Board has appointed a committee to be known as the Architectural and Environmental Control Committee (the "AECC") and, in accordance with the duties and obligations imposed upon said committee by the Declaration, the Board, upon recommendation of the AECC, does hereby adopt the following Architectural Guidelines.

1. DEFINITIONS. All capitalized terms shall be defined as herein provided or, if not so provided, as set forth in the Declaration.

2. PRIOR APPROVAL. All plans and specifications including, but not limited to, new construction of Living Units or other improvements on a Lot and additions, alterations, and modifications to Living Units or other improvements on a Lot, must first be approved by the AECC and, if required, the City of Sanibel. In reviewing the plans and specifications for approval purposes, the AECC shall be guided by these Architectural Guidelines.

3. TYPE. No principal structure shall be erected, altered, placed or permitted to remain on any Lot in the Properties, except for Lots 59 and 60, other than one (1) Living Unit. If the Living Unit has an enclosed garage, it shall be for not less than two (2) nor more than four (4) cars. Unless approved by the AECC as to use, location and architectural design, no garage, tool or storage room, decking, cabana, shelter canopy, entrance canopy or carport canopy may be constructed separate and apart from the Living Unit. No awnings may be constructed.

4. EXTERIORS. Architecturally, Living Units in the Community shall denote the importance of the Old Sanibel (also known as "Old Florida" Style) Style and the exterior of Living Units shall be constructed of vinyl siding in the original colors of the Community, including white or the following pastel colors: Blue, yellow, gray or beige. Wood, or other durable materials, may be used for lattice work, decorative shutters, railings or trim with the approval of the AECC if they comply with all other Community color and appearance standards and meet all City of Sanibel code and safety requirements. Decorative shutters may contrast with the vinyl siding of the Living Unit but must be the original colors of the Community, including white or the following pastel colors (in accordance with the color chips approved by and on file with the Association): Blue, yellow, gray,

green or beige. Railings, lattice work and surrounding framework shall only be white. A railing at ground level which is connected to the railing along the stairwell leading up to the Living Unit shall not be considered a fence provided that it is identical in construction material and appearance to the railing along the stairwell leading up to the Living Unit.

5. ROOFS. All roofs shall be pitched non-colored galvanized metal roofs consistent with the Old Sanibel Style (also known as “Old Florida” Style). An Owner may paint the Living Unit’s roof with white or non-colored metal paint one time prior to replacing the roof, so as to extend the life of the existing roof. The roof may not be painted more than one time. No colors other than non-colored metal may be used for roof additions or replacement. Flat sections of roofs that are not visible from the street or other Living Units, such as those roofs on a porch or “widow’s walk”, may be constructed of materials other than metal if compliant with City of Sanibel Building Codes.

6. WINDOW FRAMES. Window frames shall be the same color as the exterior siding of the Living Unit, or shall be white.

7. FRONT, REAR AND SIDE FACADES. The treatment of the rear and side facade will be similar to that of the front elevations of the Living Unit and will use similar materials and colors.

8. DRIVEWAY CONSTRUCTION. All Living Units shall have a shell or natural colored stone driveway consistent with the existing appearance of the Community. With prior review and approval by the AECC and, if required, the City of Sanibel, driveway pavers may be used alongside the edges of the Living Unit driveway to define and limit the edges of the driveway. Driveway edging may not be greater than eight inches (8”) wide on either side of driveway. The entire driveway may not be paved.

9. SIGNS. All signs shall be subject to the City of Sanibel Sign Ordinance, as may be amended from time to time.

10. FRONT YARDS. The following items may not be placed in any part of the Lot located in front of the Living Unit constructed thereon:

- a. Statuary
- b. Ornamental furniture
- c. Stone lawns
- d. Basketball poles and backboards and any other fixed game or play structures, platforms, dog houses or dog runs (these may be located in side or rear yard of the Lots)
- e. Permanent barbecue devices (these may be located in rear yard of the Lots)
- f. Walls and fences (fences may be used to enclose the side and/or rear yards or to enclose recreational facilities including but not limited to pools or tennis courts)

11. SWIMMING POOLS AND TENNIS COURTS. Any swimming pool or tennis court to be constructed on any of the Properties shall be subject to the requirements of the AECC which include, but are not limited to, the following:

- a. Composition to be of material thoroughly tested and accepted by the industry for such construction;
- b. Location and construction of tennis and badminton courts, swimming pools and spas must be approved by the AECC and, if required, the City of Sanibel;
- c. No lighting or equipment of a pool or other outdoor recreation area shall be installed without the approval of the AECC and, if required, the City of Sanibel and if allowed shall be designed for recreational character so as to buffer the surrounding Living Units from the lighting and noise;
- d. All swimming pools and tennis courts, if approved, shall be located only in the rear yards of the Lots.

12. MAILBOXES. Mailboxes and supporting posts must be white, same style as existing, and shall contain no animal or similar adornments. Mailbox supporting posts shall indicate the address number.

13. ANTENNAE, AERIALS AND SATELLITE DISHES. Satellite dishes and other antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, or video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals must be less than one meter (39.37”) in diameter. The AECC reserves the right to promulgate restrictions regarding the placement of antennas.

14. GENERAL APPEARANCE AND ENVIRONMENT.

- a. No boats, motor homes, mobile homes, recreational vehicles or the like shall be parked or stored upon any of the private streets within the Community nor stored upon any Lot unless the same is stored within an enclosed garage or otherwise screened from view of the public or neighboring Living Units.
- b. A boat or recreational vehicle may be temporarily parked in a driveway for not more than 72 hours, primarily for the purpose of loading and unloading.
- c. No commercial truck or trailer shall be parked overnight within the Community unless it is employed on active, temporary construction on that property.
- d. Household garbage, recyclables and landscape debris may be placed at curbside for not longer than 24 hours before scheduled pick up. Any such materials must be properly contained or bundled to facilitate pick up. Empty trash containers and recycle bins must be moved out of sight within 24 hours of pick up. Any materials placed curbside longer than 24 hours before scheduled pick up or not properly contained for pick up may be removed by others and the property owner will be charged as appropriate for such service, with a minimum charge of \$50. Any

commercial landscape service performed by persons unable or unwilling to remove all vegetative waste may only be done the day before scheduled pick up.

- e. Landscaping, grass mowing, tree and shrub trimming using motorized equipment and commercial service is limited to four (4) days per week and may only be done Tuesday through Friday. Notwithstanding the foregoing, Owners may do work, including that requiring motorized equipment, on any day except Sunday pursuant to the Sanibel Noise Ordinance.

15. NON-CONFORMING ITEMS OR CONDITIONS. Non-conforming items and conditions existing as of March 11, 2011, the date of adoption of these Architectural Guidelines, may remain in existence. However, at such time that the non-conforming item or condition becomes more than fifty percent (50%) destroyed or more than fifty percent (50%) of the non-conforming item or condition is to be replaced for whatever reason, the non-conforming item shall be removed in its entirety and may only be reconstructed or replaced if permitted by these Architectural Guidelines and, in such instance, may only be reconstructed or replaced in conformance with these Architectural Guidelines.

16. AMENDMENTS. The AECC shall have the authority to recommend additional restrictions to the Board for consideration. Amendments to these Architectural Guidelines must be approved by the Board as set forth in the Code Bylaws of Seagull Estates Property Owners' Association, Inc., as may be amended from time to time.

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