

Prepared by and return to:  
Roetzel & Andress, LPA  
Sarah E. Spector, Esquire  
2320 First Street, Suite 1000  
Fort Myers, FL 33901  
File Number: 138977.0001

**CERTIFICATE OF RECORDATION**

**ROTONDA WEST ASSOCIATION, INC.**

**RESIDENTIAL MODIFICATION COMMITTEE GUIDELINES**

I HEREBY CERTIFY that the attached Rotonda West Association, Inc. Residential Modification Committee Guidelines (the “RMC Guidelines”), which are intended to supersede and replace all documents of the same name, were duly adopted by the Board of Directors at the duly noticed Board of Directors’ Meeting on the 13th day of August, 2020. Said Board Resolution was approved by a proper percentage of voting interests of the Board of Directors. This Certificate of Recordation and the attached RMC Guidelines are being recorded to fulfill the requirement set forth in Section 720.306(1)(e), Florida Statutes.

The original Declaration of Restrictions for Rotonda West is recorded in Official Records Book 767, Page 721 *et seq.* of the Public Records of Charlotte County, Florida. The Amended Restatement of Restrictions for Rotonda West is recorded in Official Records Book 4033, Page 1853 *et seq.* of the Public Records of Charlotte County, Florida.

The property encompassed by the Declaration of Restrictions is further described by the following Plats: Rotonda Pinehurst recorded in Plat Book 8, Pages 12A through 12K; Rotonda Pebble Beach recorded in Plat Book 8, Pages 13A through 13L; Rotonda Oakland Hills recorded in Plat Book 8, Pages 15A through 15K and Plat Book 10, Page 3; Rotonda Pine Valley recorded in Plat Book 8, Pages 16A through 16K; Rotonda White Marsh recorded in Plat Book 8, Pages 17A through 17L; Rotonda Broadmoor recorded in Plat Book 8, Pages 18A through 18L; and Rotonda Long Meadow recorded in Plat Book 8, Pages 19A through 19K; all of the Public Records of Charlotte County, Florida.

(Signatures on following page.)

WITNESSES (TWO):

ROTONDA WEST ASSOCIATION, INC.

Claudette A. Romano  
 Signature  
 Print Name: CLAUDETTE A. ROMANO

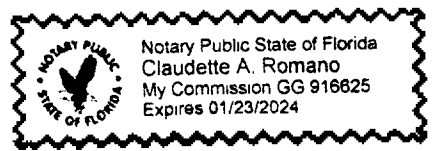
Sam Besase  
 Signature  
 Print Name: SAM BESASE

By: Patricia W. Aho  
 Patricia Aho, President

Date: August 24, 2020  
 (CORPORATE SEAL)

STATE OF FLORIDA )  
 ) SS  
 COUNTY OF CHARLOTTE )

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 24 day of AUGUST, 2020 by Patricia Aho, as President of Rotonda West Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. She is personally known to me or has produced \_\_\_\_\_ as identification.



Claudette A. Romano  
 Notary Public  
 Print Name: CLAUDETTE A. ROMANO

My commission expires: \_\_\_\_\_

**CONSENT BY GRANTOR/DEVELOPER**

The undersigned, being the Grantor/Developer of Rotonda West, as defined in the Amended Restatement of Restrictions for Rotonda West (the "Restrictions"), recorded in Official Records Book 4033, Page 1853 *et seq.* of the Public Records of Charlotte County, Florida, consents to the Residential Modification Committee Guidelines to which this Consent by Grantor/Developer is attached. This Consent shall serve as the approval required by Section 5(b)(iii) of the Restrictions.

IN WITNESS WHEREOF, the Declarant has set his hand and seal this 9<sup>th</sup> day of Sept, 2020.

**WITNESSES (TWO):**

**CAPE CAVE CORPORATION**

Cari Ann Piper  
Signature

Print Name: Cari Ann Piper

Peter Traverso  
Signature

Print Name: Peter Traverso

By: Gary D. Littlestar  
Gary D. Littlestar, President

Date: 9-9-2020

(CORPORATE SEAL)

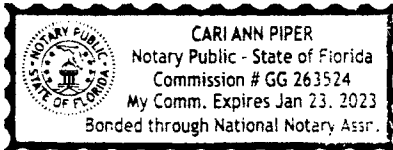
STATE OF FLORIDA )  
COUNTY OF Charlotte ) SS

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 9<sup>th</sup> day of Sept, 2020 by Gary D. Littlestar, as President of Cape Cave Corporation, a Delaware corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

Cari Ann Piper  
Notary Public  
Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

15512414\_1



**ROTONDA WEST ASSOCIATION, INC.  
RESIDENTIAL MODIFICATION COMMITTEE GUIDELINES**

**INDEX FOR COMMON TYPES OF ADDITIONS, ALTERATIONS  
AND MODIFICATIONS THAT REQUIRE RMC APPROVAL**

Section	Page
01. Exterior Additions, Alterations and Modifications	1
02. Colors for Dwellings, Additions, Accessory Structures and Improvements	2
03. New Roofs or Re-roofs	2
04. Additions/Modifications to the Dwelling	2
05. Swimming Pools, Spas and Hot Tubs	3
06. Driveways and Walkways	3
07. Boat Docks and Other Canal Area Improvements	4
08. Fences, Site Screens and Walls	5
09. Accessory Structures	6
10. Recreational Equipment and Putting Greens	6
11. Shell and Rock Landscaping and Irrigation Systems	7
12. Storm/Security Shutters	7
13. Solar and Photo Voltaic Panels	7
14. Permanent Generators and Propane Tanks	7
15. Antennas	7
16. RMC Authority	8
17. RMC and RWA Non-Liability	8
18. Inspections	8
19. Appeals	8

Unless otherwise defined, all terms used in these Residential Modification Committee Guidelines (the "Guidelines") shall have the same meaning, to the extent applicable, as set forth in the Amended Restatement of Restrictions for Rotonda West, as amended from time to time.

#### **01. Exterior Additions, Alterations and Modifications**

- A Residential Modification Request form must be submitted, reviewed and approved by the Residential Modification Committee (the "RMC") prior to making any additions, alterations or modifications to any Dwelling, Addition, Accessory Structure, or Improvement on a Lot/Tract within Rotonda West. There is no charge for submission of a request form, however, a Late Fee of \$50 for the first offense and \$100 for subsequent offences will be levied for any work started or completed prior to RMC approval of a RMC request.
  - A Dwelling is a living unit which is either freestanding (single family) or in a group of similar units (multifamily), including but not limited to condominiums, duplexes, triplexes, multifamily buildings and townhomes.
  - An Addition is an -improvement that is attached to the Dwelling by means of a common wall, covered walkway or fully enclosed breezeway. Additions most commonly include, but are not limited to garages, workshops and studies. See Section 04. for additional requirements applicable to Addition approvals.
  - An Accessory Structure is an improvement that is detached from the Dwelling, is located on the same Lot/Tract as the Dwelling and, if walls are part of the structure, eighty (80) % or more of the walls are open. See Section 09 for a partial listing of Accessory Structures.
  - An Improvement is any structural component, except for new Dwellings, built, constructed or placed on a Lot/Tract or added to a Dwelling, including but not limited to Additions, walls, fences and other enclosures, spas, swimming pools, swimming pool cages, lanais, lanai cages, patios, terraces, walks and walkways, driveways, landscaping, lawn ornaments, monuments and other decorative structures, boat docks, boardwalks, sea walls, bulkheads and recreational equipment.
- Complete plans and specifications and site plans for any additions, alterations or modifications to a Lot/Tract must be submitted to the RMC for architectural review and approval.
- In addition to any RMC approval, an addition, alteration or modification to any Dwelling, Addition, Accessory Structure, or Improvement on a Lot/Tract normally requires a Charlotte County Building Permit. Obtaining all necessary permits is the responsibility of the Lot/Tract Owner. After approval of the application by the RMC, a copy of the permit must be delivered to the RWA office prior to initiation of work on the addition, alteration or modification.

- Improvements to the canal area, which is a public right of way and not part of any Lot/Tract, require both a Charlotte County Building Permit and a Right of Way Permit. Section 07 of these Guidelines specifies dock sizes and setbacks that are more restrictive than Charlotte County requirements. After approval of the application by the RMC, a copy of the building permit and the right of way permit must be delivered to the RWA office prior to initiation of work.
- The RMC reserves the right to require Proof of Completion funding from the Lot/Tract Owner.

## **02. Colors for Dwellings, Additions, Accessory Structures and Improvements**

- Sample color chips or a representation of a custom color blend must be submitted for:
  - Repainting of the original color of any Dwelling, Addition, Accessory Structure or Improvement
  - Color changes to of any Dwelling, Addition, Accessory Structure or Improvement
  - Repainting of any pool or patio cage
- Note, a current color photo of the house and roof is required.
  - Denote on photo trim/accent location(s)
- Bright, dark or severely contrasting exterior main and trim colors may not be approved.

## **03. New Roofs or Re-roofs**

- Acceptable roofing materials include asphalt shingles, clay or concrete tile and metal. If asphalt shingles are used, they MUST be of a "Dimensional or Architectural" type.
- Sample materials and colors must be submitted with the RMC request.
- Note, a current color photo of the house and roof is required.
- Existing "Flat" roof lanai covers (less than 2" in 12" slope) may be repaired with rolled roofing, metal or tile.

## **04. Additions/Modifications to the Dwelling**

- Addition plans, specifications, and a site plan as submitted to Charlotte County for permitting purposes, if applicable, shall be submitted to the RMC for review. The size of the Addition and whether an Addition may be added to the Lot/Tract is subject to County guidelines.
- Additions to single-family homes shall be connected to the Dwelling by a covered walkway, a fully enclosed breezeway or a common wall.

- Any such Addition shall conform to the existing Dwelling in roof pitch, roof height (except in the case of a second story addition), roofing materials, exterior finish, and exterior color and overall architectural compatibility that is acceptable to the Association.
- Addition roof designs shall meet all Charlotte County building codes.
- If a driveway is installed in conjunction with the construction of an Addition, including but not limited to an attached garage, the driveway must connect to the existing driveway.
- The addition of a pool or patio cage is considered an Addition that must be approved by the RMC. Flat top screened cages for additions or replacements are not permitted. Cage colors must be submitted with the RMC request.
- Decks and patios are considered Additions that must be approved by the RMC.
- Notwithstanding the foregoing, detached garages may be allowed, with RMC approval, on a Lot/Tract on which a multi-family Dwelling has been constructed but shall connect by an extension of the existing driveway or paved parking area. Each such garage shall measure at least two hundred forty (240) unobstructed square feet and have a minimum eight (8) foot wide garage door.
- If a building permit is not required, then all plans submitted must be drawn to scale.

#### **05. Swimming Pools, Spas and Hot Tubs**

- Above ground pools are not permitted.
- In-Ground Pools require complete plans, specifications and a site plan. The Lot/Tract Owner is responsible for the proper disposal of any excavated soil during pool construction.
- Above-ground spas and hot tubs shall be within a caged structure that is attached to the Dwelling. Placement is limited to the rear of the Dwelling. Spas and hot tubs shall be sized for a maximum of eight (8) adults.
- Kiddie pools are by nature temporary and therefore do not need RMC approval. Pool placement is limited to the rear of the Dwelling. Kiddie Pools cannot exceed one (1) foot in height and for safety purposes must be emptied daily.

#### **06. Driveways and Walkways**

- A driveway is defined as a concrete surface, including paver bricks, that provides a continuous access from the street to a garage.
- Additions, extensions, color stamping, recoating, painting or the installation of paver bricks to existing concrete driveways or existing walkways are considered modifications that require RMC approval. An exception is recoating with clear sealant – no approval is required.

- The addition of a circular driveway requires RMC approval.
- Existing single lane driveways leading to an existing one-car garage in a single-family Dwelling may, with RMC approval, be expanded with paver bricks or concrete by one lane that is no wider than nine (9) feet in width. The expanded lane may exit onto the street.
- Existing two-lane driveways leading to a two-car garage may, with RMC approval, be expanded with paver bricks or concrete by one lane that is no wider than nine (9) feet in width up to the entrance of the garage. The expanded lane shall not exit onto the street.

#### **07. Boat Docks and Other Canal Area Improvements**

- Owners need to be aware that the canal area referenced in Section 19 of the Deed Restrictions is a public right of way area. The canal area is not a part of any owner's lot and is defined as the area between the rear lot line and the water's edge of the canal.
- The Rotonda West Association may grant approval of requests to improve the canal area under the following terms and conditions:
  - Docks, Landing Platforms, Sea walls, Bulkheads, and Boardwalks: Docks, boat landing platforms without cover, sea walls and boardwalks shall be permitted provided the construction specifications are approved by the Association and provided that no improvements shall be permitted to extend more than four (4) feet from water's edge or more than ten per-cent (10%) of the width of the water, whichever is less. Water's edge shall be measured at a water level of three (3) feet above mean sea level. No improvements of this kind shall be placed within fifteen (15) feet from each extended side lot line. Docks, Boardwalks and Landing platforms shall not exceed a maximum length (along the canal bank) of twenty-four (24) feet and a width of eight (8) feet including that portion extending over the water's edge.
  - Landscaping, Sprinkler Systems - Other Improvements: The Rotonda West Association may permit landscaping, grading, sprinkler systems and certain other improvements provided the Owner maintains the improvements with the stipulation that if the improvements are not being maintained, in the sole judgment of the Association, the Association shall be permitted to either maintain the improvements or remove the improvements at Lot/Tract Owner's expense.
  - Irrigation Intake pipes: Irrigation intake pipes which are subject to RMC approval may be installed on a tripod or standpipe to keep the pipe off of the bottom of the canal and may extend to a distance no greater than ten (10) feet from the shoreline. To avoid damage from boats or other equipment used to maintain the canals and from residents who utilize the canals, no bottles or other floatation devices may be used to keep intake pipes close to the surface. Lot/Tract Owners who draw water from the canals to irrigate their lawns and landscaping are liable for any damage to their intake equipment, no matter the cause.
  - No fence of any kind shall be permitted beyond the rear lot line.



## 08. Fences, Site Screens and Walls

A FENCE is a structure that totally encloses a portion of or all of the rear and/or sides of a Dwelling and is usually attached at two points on the Dwelling. A SITE SCREEN is used to screen such items as pool pumps and filters, sprinkler pumps, and trash containers so that they are not "Readily Visible" from the street (air conditioning units and pool heaters do not require screening). Site screens are usually installed in a straight line or in an "L" or "U" shaped configuration. The height and length of a site screen shall be limited to that which is necessary to achieve the visible deed restriction definition. WALLS or repair of existing WING WALLS shall be constructed of the same materials as the Dwelling. Walls or wing walls constructed of cement block shall be erected on a concrete footer. All walls or repair of existing wing walls must have a stucco-like finish on both sides and painted to match the main color of the Dwelling.

- Fences, site screens, and walls constructed of wood are not permitted. Other fence materials and colors may be approved on a case-by-case basis.
- Plain galvanized chain link fences are not permitted. However, chain link fences coated with vinyl (green, black, or brown colors) shall be permitted. Woven site screening strips within the chain links are not permitted.
- No wall shall exceed four (4) feet in height regardless of where placed on the property.
- No fence over four (4) feet in height shall be erected on any lot between the rear lot line and each rear corner of the Dwelling or, if applicable, the lanai or pool cage that is attached to the Dwelling, whichever is closest to the rear lot line.
- No fence of any kind will be permitted beyond the rear lot line.
- No fence over six (6) feet in height shall be erected on any lot. The lower four (4) feet of any fence greater than four feet may be of a solid or open design. The remaining portion (up to two (2) feet) shall only be of an open design.
- A fence or site screen tie-in (the portion of the fence or site screen that abuts and runs perpendicular to the Dwelling and then connects to the fence or site screen that runs parallel to the Dwelling) that is flush with the front corner of the Dwelling or up to four (4) feet back from the front corner of the Dwelling cannot exceed four (4) feet in height. However, a fence or site screen tie-in that is located four (4) feet or more back from the front corner of the Dwelling may be up to six (6) feet in height. The tie-in must be of the same design and type as the side fence. Fences and site screens may not extend past each front corner of the Dwelling toward the street.
- Fence and site screen heights shall follow the contour of the land and whose height shall be measured from the existing ground elevation.
- The finished side of any fence or wall must face out from the Dwelling.

## 09. Accessory Structures

- All accessory structures must be permanently tied down or mounted on a foundation to ensure their rigidity and stability.
- The following is a list of Accessory Structures that may be permitted with RMC approval. The list includes, but is not limited to:
  - Arbors – A latticework, usually in the shape of an arch, intertwined with vines and flowers. An arbor shall have a footprint limited in size to ten (10) square feet.
  - Children’s play sets – (Manufactured or constructed) – A small structure that may contain an elevated deck (with or without a roof) that does not exceed thirty-two (32) square feet and includes such items as swings, slides, ladders, teeter totters, sand boxes, etc.
  - Children’s playhouses – A small structure, whose deck does not exceed thirty (32) square feet, that may be partially enclosed but shall be eighty (80) % or more open. The tallest wall shall be no more than four (4) feet in height and the inside dimension of the roof peak may not exceed five (5) feet. If a playhouse is constructed on top a children’s play center/swing set, the overall height cannot exceed twelve (12) feet.
  - Decorative structures – Fountains, statuary, etc. Review and approval by the RMC will be based on design and location.
  - Pergolas – An arbor that consists of horizontal beams supported on posts over which vines or other plants may be intertwined. A pergola shall have a footprint limited in size to one hundred ninety-two (192) square feet (i.e. 12 feet x 16 feet) and a height no greater than ten (10) feet.
  - Trellises – A flat latticework that serves as a support for vines or flowers. A typical trellis will vary in width from four (4) feet to seven (7) feet. Free standing trellises may not exceed six (6) feet in height.
- Accessory structures that are not permitted include, but are not limited to:
  - Tree Houses
  - Chickee (Tiki) huts
  - Freestanding sheds
  - Temporary storage units.

## 10. Recreational Equipment and Putting Greens

- Recreational activity equipment, including but not limited to, putting greens, soccer nets, bocce ball courts, horse shoe pits, permanent basketball hoops and trampolines, may be

permitted, with RMC approval, so long as they are not placed beyond the front of the Dwelling or the garage with one exception allowing for portable basketball hoops. When used in front of the Dwelling or the garage, no portion of the portable basketball equipment and hoop may extend over the roadway.

- Recreational activity equipment applications and their locations are considered modifications that must be approved by the RMC.

#### **11. Shell and Rock Landscaping and Irrigation Systems**

- The use of shell, rock or similar material as landscaping may be permitted with RMC approval.
- Any shell or rock landscaping and their locations are considered modifications that must be approved by the RMC.
- Irrigation Systems – Other Improvements: The Rotonda West Association may permit landscaping, grading, irrigation systems and certain other improvements provided the Owner maintains the improvements with the stipulation that if the improvements are not being maintained, in the sole judgement of the Association, the Association shall be permitted to either maintain the improvements or remove the improvements at Lot/Tract Owner's expense.

#### **12. Storm/Security Shutters**

- Shutters may be installed on a Dwelling with RMC approval. All plywood shutters must be painted the same color as the main color of the Dwelling.

#### **13. Solar and Photo Voltaic Panels**

- Roof mounted panels are allowed. Ground mounted panels require site screening. Both panel types are considered modifications that must be approved by the RMC.

#### **14. Permanent Generators and Propane Tanks**

- Installation of permanent generators and propane tanks used to operate the generators or heat pools are considered modifications that must be approved by the RMC. They must be placed on a concrete pad and site screened.

#### **15. Antennas**

- Location and type of any outside antennas, poles, masts, towers or like devices used for reception or transmission requires RMC approval and must comply with FCC rules and regulations.
- TV antennas that extend less than eight (8) feet from the roof peak and satellite dishes that have a diameter of forty (40) inches or less are exempt from RMC approval.

#### **16. RMC Authority**

- The review time for approval or disapproval of an RMC allowed improvement, addition, modification or repair is forty-five (45) days after the receipt of all required items and properly completed forms.
- Any case-by-case RMC approval will be for a single use only and will not be considered a precedent.
- RMC review criteria and construction specifications may be subject to change from time to time and are not solely limited to the items referenced in these RMC Guidelines.

#### **17. RMC and RWA Non-Liability**

- The RMC or the RWA shall NOT be liable to any Lot/Tract Owner or any other person or entity for any loss, damage, or injury arising out of or in any way connected with the performance or nonperformance of the duties hereunder or approval or disapproval of any plans or specifications.
- The review and approval or disapproval of all plans and specifications submitted for any proposed modification or construction shall NOT be deemed approval or certification of the proposed modification or construction for structural safety or conformance with any government building codes or for any insurance liability.

#### **18. Inspections**

- Section 5 of the Deed Restrictions, Architectural Review, provides among other items that the Association (RWA) reserves the right, but not the obligation, to inspect construction as it proceeds. The purpose of any inspection would be to determine that construction is in compliance with the approved plans, specifications, site plan, and the Deed Restrictions.
- Should any inspection show that the construction is not in compliance as approved, the Association (RWA) can order the work to be stopped until the objections have been complied with or resolved in writing.

#### **19. Appeals**

Appeals of unfavorable decisions rendered by the RMC may be filed with the Board of Directors by the original applicant. No appeals of any party other than the original applicant will be considered. Such appeal must be filed within fourteen (14) days of the date on which the written decision of the RMC was issued. The Board shall consider the appeal within forty five (45) days after the appeal is filed. The decision of the Board shall be final.