

Kensington Park Master Association, Inc.



Architectural Review Board

Design Review Manual

Design Review Manual

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SECTION ONE - INTRODUCTION

A. Architectural and aesthetic control as defined by the KPMA

Declarations and Covenants, April 2004:

1. The Master Association may establish and, from time to time, modify standards for the control of the design of all structures and other development within Kensington Park.
2. Subject to, but not limited by, the use restrictions of this declaration and the approved Architectural control over residential plots within Kensington Park to the Master Association's Architectural Review Board.
3. No building, fences, wall or other structure, landscaping or exterior lighting plan or any other type of improvement, shall be commenced or erected or maintain upon a Plot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, color, materials, and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relationship to surrounding structures by the Architectural Review Board. Improvements or modifications which are specifically subject to Architectural approval include, without limitation, the construction of the initial structures on a Plot and the painting or alteration of a dwelling (including doors, windows, roof) installation of solar collectors or other devices, construction of fountains, swimming pools, Jacuzzi, construction of privacy fences, additions of phones, shelters, gates, flower box, shells and statues.
4. The approval, rejection, or withholding of any approval by the Architectural Review Board of the plans, proposals and specifications, and the location of all structures, and every alteration of any structures shall not be construed or interpreted as a representation or determination by the Architectural Review Board that any building, plumbing, electrical code or other applicable government regulations or requirements have or have not been properly met.
5. The Architectural Review Board shall have no duty, responsibility, nor liability to an Owner, the Master Association, or any other persons whomsoever in respect to the exercise of its right or the failure to exercise its rights. The Architectural Review Board may reject plans, proposals, or specifications based on any grounds or reason whatsoever, including purely aesthetic grounds, in its sole and absolute discretion. The Architecture Review Board's decision to approve, reject or withhold its approval of such work may, in the sole exercise of discretion, be based upon; (i) the

- harmony of its exterior design, color and location relationship to, and its effect upon, surrounding structures, vegetation, typography, and the overall community design; (ii) the character of the exterior materials; (iii) the planned quality of the exterior workmanship; (iv) Architectural Review Board's design and construction standards; (v) the Master Development Plan; and/or (vi) any other material and relevant factors.
6. The Architecture Review Board or their respective successors or assigns shall not be liable for damages to anyone submitting plans to them for approval, or to an Owner affected by this Declaration, by reason of mistake of judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any such plans and specifications. Every person who submits plans to the Architecture Review Board for approval agrees, by submission of such plans and specifications, and every Owner of a plot agrees, by acquiring title thereto or an interest therein, that he will not bring any action or suit against the Architecture Review board to recover any such damages.

B. Definitions from KPMA Declarations and General Covenants:

1. "Architectural Planning Criteria" shall mean the criteria used by the Architectural Review Board pursuant to this declaration, as it may be modified or amended from time to time in accordance with Article V.
2. "Dwelling Unit" means any residential property within the properties for which a certificate of occupancy has been issued by the appropriate governmental authority and which is intended for residential habitation including, without limitation, a detached single-family home, an attached town house or patio dwelling, duplex or other multiplex dwelling, or any condominium or apartment type unit contained in any multiunit, multistory, residential building and regardless of whether any of the foregoing are subject to fee simple, condominium, rental or other form of ownership or possession.
3. "Architectural Review Board or ARB" shall refer to the Architectural Review Board of the Master Association. Architectural reviewing control functions of the Master Association shall be administered and judged by the Architectural Review Board which shall consist of at least three (3) members who need not be members of the Master Association.
4. "Plot" means land upon which a building/dwelling unit resides.
5. "Nuisance" means no regular member shall use or permit a Plot or the Common Property to be used in any manner which would be unreasonably disturbing, detrimental or a nuisance to the occupant of another Plot and which may not be consistent with the maintenance of the

high standards for Kensington Park, nor permit any Plot or part of the Common Property to be used in a disorderly or unlawful way.

C. Architectural Review board (ARB) Responsibilities and Duties.

The Architectural review and control functions of the Master Association shall be administered and performed by the ARB, which shall consist of at least three (3) members who need not be Members of the Master Association. Members of the ARB shall be appointed by and shall serve at the pleasure of, the Board of Directors of the Master Association. The Board shall appoint at least one (1) architect or building contractor thereto. A majority of the ARB shall constitute a quorum to transact business at any meeting of the ARB, and the action of a majority present at a meeting at which a quorum is present shall constitute the action of the ARB. Any vacancy occurring on the ARB because of the death, resignation, or other termination of service of any member thereof shall be filled by the Board of Directors.

1. The ARB shall have the following Powers and Duties:
 - A. To draft Architectural Planning Criteria. ARB shall recommend to the Board modifications and/or amendments to the Architectural Planning Criteria. Any modification or amendment to Architectural Planning Criteria shall be consistent with provisions of this Declaration, and shall not be effective until adopted by a majority of Members of the Board of Directors of the Master Association. However, a receipt of a copy of a modification or amendment to the Architectural Planning Criteria shall not constitute a condition precedent to the effectiveness or validity of such change modifications.
 - B. To require submission to the ARB of two (2) complete sets of preliminary and final plans and specifications as hereinafter defined for any improvement or alteration to any structure of any kind, to be constructed or altered by any person or entity, including, without limitation, any building, dwelling, fence, wall, sign, site paving, grading, parking and building additions, alterations, screen enclosure, sewer, drain disposal system, decorative building, landscaping, landscape device or object, exterior lighting scheme or other improvement. The ARB may also require submission of samples of building materials and color, proposed for the use in the proposed improvement or alteration and require such additional information as reasonably may be necessary for the ARB to completely evaluate the proposed improvement or alteration in accordance with this Declaration and the Architectural Planning Criteria.

- C. To approve or disapprove any proposed improvement or change, or modifications thereto, the construction, erection, performance or placement of which goes upon any Plot. Any party aggrieved by decision of the ARB shall have the right to make a written request to the Board within thirty (30) days of such decision, for review thereof. The determination of the Board upon reviewing any such decision shall be final.
- D. To evaluate such application for the total effect, including the manner in which the Plot is developed. This evaluation relates to matters of judgment which cannot be reduced to a simple list of measurable criteria. It is possible, therefore, that a proposed improvement might meet individual criteria delineated in this Article V and the Architectural Planning Criteria and still not receive approval if, in the sole judgment of the ARB, its overall aesthetic impact is unacceptable. The approval of an application for one proposed improvement pertain to different Plots.
- E. To demand, that any proposed improvement, as aforesaid, shall be changed, modified or altered without prior approval of ARB, the Owner shall cause the actual proposed improvements to be restored to comply with the original plans and specifications, or the plans and specifications originally approved by the ARB, and shall bear all costs and expenses of such restoration, including costs and reasonable attorney's fees incurred by the ARB in connection therewith.
- F. To require any Owner making or causing to be made any proposed improvement or additions to a Plot or any structure in any Plot to hold the ARB, the Master Association and all other Owners harmless from any liability, damage to the Properties and from expenses arising from the construction and installation of any proposed improvement and require the Owner to be solely responsible for the maintenance, repair and insurance of any alteration, modification or change and for assuring that the proposed improvement meets with all applicable governmental approvals, rules and regulations.
- G. To impose such charges as it deems necessary to cover the cost of review of the plans and specifications.

2. ARB Response to Applications:

The ARB shall approve or disapprove the completed application for a proposed improvement within thirty (30) days after each has been submitted to it in proper form together with all supporting information. If the plans are not approved within such period, they

shall be deemed disapproved. All applications and plans shall be submitted to the ARB in duplicate and shall contain the following information:

- A. Required Building Plan information
 - 1. Residence floor plan
 - 2. Building elevations
 - 3. Materials and colors proposed for exterior walls, roof and driveway.
 - 4. Before and after views
 - 5. Location of activity in site building
- B. Required Site Plan Information
 - 1. Existing grades, finish grading plan (coordinated with Collier County's approved Architectural Planning Criteria).
 - 2. Building location with dimensions to property lines.
 - 3. Drives, walks, walls, pools and enclosures, terraces and docks.
 - 4. Areas to be grassed and irrigated; type of grass planted.
 - 5. Irrigation system design
 - 6. Landscape planting plan

3. Reasonable Judgment

The ARB will use reasonable judgment in accepting or disapproving all plans and specifications submitted to it. Neither the ARB nor any individual ARB Member will be liable to any person for any official act of the ARB in connection with submitted plans and specifications, except to the extent the ARB or any individual ARB Member acted with malice or wrongful intent. Approval by the ARB does not necessarily assure approval by the proper governmental board or commission for Collier County. Notwithstanding that the ARB has approved plans and specifications, neither the ARB nor any of its Members will be responsible or libel to any Owner, developer or contractor with respect to any loss, liability, claim or expense which may arise by reason of such approval of the construction of the improvement. Neither the Board, the ARB, nor any agent thereof, its partners, employees, agents or consultants will be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the provisions of the Founding Documents, nor for any structural or other defects in any work done according to such plans and specifications. In all events the Master Association will defend and indemnify the ARB in any such suit or

proceeding which may arise by reason of the ARB's decision. The Master Association, however, will not be obligated to indemnify each member of the ARB to the extent any such member of the ARB is adjudged to be liable for negligence or misconduct in the performance of his duties as a member of the ARB, unless and then only to the extent that the court in which is such action or suit may be brought determines upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnification for such expense as such court shall deem proper.

SECTION TWO – ARCHITECTURAL REVIEW BOARD (ARB)

A. ARB Meetings

These meetings are currently held the third Monday of each month, year round, at 3:00 p.m., at Wellington Place I clubhouse. The meeting place, date, and time and may change as agreed to by the ARB.

- All meetings will be posted as notices in advance.
- Contact the KPMA Administrator for current information.
- All owners may attend, at any time.

B. Resources

1. All community Presidents and the KPMA BOD, in June, 2005, were mailed the current ARB “Design Review Manual”, which contains various forms. This document was updated as of June, 2005.

- Owners may obtain a free copy form the KPMA Administrator’s Office.
- Notice of this action will be sent via the KPMA President’s newsletter.

2. KPMA “Declaration, General Covenants, Articles and By-Laws,” dated: April, 2004.

3. Individual neighborhood Covenants.

4. Collier County PUD ordinance 92-25.

C. Goals of the ARB

To help Owners make changes to their properties that are in agreement with the published criteria and in harmony with the overall appearance and quality of the community.

- ARB is a facilitator group and not an enforcement group.
- As guidelines may change, from time to time, by a vote of the KPMA BOD, approval or rejection of any project made by former ARB groups has no bearing and is not a tacit approval or rejection of any current project.

SECTION THREE – ARB ARCHITECTURAL PLANNING CRITERIA

The purpose of this section is to guide members/owners who are planning modifications/alteration/additions and/or repairs to their property, including the building and landscape.

A. Procedure for seeking approval

1. Consult your Neighborhood Association President and Covenants, to make sure that project is permitted.
2. Consult the county to insure that the project may be permitted.
3. Approximately two (2) months prior to commencement of the project, obtain a copy of the “Approval Request” form from the KPMA Administrator Office, and a copy of the ARB “Modification/Repairs” manual, (included herein). See section 7.6: Forms
4. Fill in the Approval Request form and attached any, or all of the following:
 - Current site plan, drawn to scale, showing before and after situations. See Section 8: Drawings
 - Elevation plans drawn to scale.
 - List of materials/plants, etc.... Include brochures, pictures, color swatches, etc.
 - A written plan for worker access, removal and replacement of landscape, placement for trash receptacles, storage area for supplies, and parking for workers.
 - A plan for new landscape material, if required.
 - Any other documentation you wish to include, such as blueprints.
 - Approval of any affected neighbors, and neighborhood association.
 - The approximate start and finish dates.
 - Name of vendor.
5. Make two (2) copies of the above package and submit to the KPMA Administrator.
6. The ARB will attempt to act on a request and respond to it within two weeks, but certainly within 30 days.
7. Failure of the ARB to respond is neither approval nor denial of the request. Your request may have been lost or misplaced.
8. ARB may approve or reject the request, or return it to the owner asking for additional information.
9. The owner should, if they wish to continue, supply the additional information to the KPMA Office.

10. Approval by the ARB will be in writing and will state:
 - The owner is responsible for meeting all county codes and for obtaining the necessary governmental permits.
 - The project must be carried out exactly as submitted. Any deviations may cause the KPMA to stop the project.
 - The owner may resubmit an Approval Request for changes at any time.
 - Some approvals are contingent upon the submission of some additional information.
 - Some approvals, such as emergency generators, are contingent upon a final inspection by a licensed technician/inspector and his/her report.
11. Complete, simple requests such as repainting the house using the same color scheme, with color swatches attached, or a request for storm shutters with references and brochures shall be verbally approved by the ARB Chair and the KPMA Administrator shall be directed to send an approval letter.
12. The original application and all correspondence will be maintained in the files of the KPMA.
13. Prior actions taken by prior ARB or KPMA BOD have no bearing on current issues and interpretations of policy.
14. See Violations Procedures below.

B. Rejection

1. If a request is rejected, the submitting owner may ask for a hearing before the ARB.
2. The submitting owner may request ARB or some of its members to visit the property so it may better understand the project.
3. The owner may appeal to the KPMA BOD.
4. Any work performed without approval may result in the work being undone at the owner's expense including legal fees.
5. See Violations Procedures below.

C. Communications

1. All communication shall be in writing.
2. If an owner feels they must talk to someone then they should call the ARB Chair. Calls to the KPMA or any other ARB member will be redirected to the ARB Chair.

D. Complaints

1. All complaints regarding issues that involve the ARB must first be presented to the President of the specific Neighborhood Association.

2. The neighborhood association president or an owner may communicate in writing or verbally to the KPMA Administrator. They must include location address, the infraction, and date and time of the observation.
3. Based on the apparent merit of the complaint, the ARB as a committee, or one or more of its members, will inspect the property.
4. If warranted, the ARB will prepare and mail a letter which will include the following:
 - The complaint
 - How the complaint violates covenants
 - A request for correction
 - A time for completion and/or reply
5. The owner may contact the ARB through the KPMA Office in writing to further explain the situation, ask for an extension in time, or to indicate the completion date, or any other pertinent information.
6. The owner may request a meeting on his property with the ARB, or a hearing before the ARB.
7. The ARB will monitor completion of the necessary work and follow up on the assigned completion date. If the work is incomplete, a second letter will be sent.
8. See Violations Procedures below.

E. Violations Procedures

1. Any work performed without an ARB approval or outside of the approval, may result in legal action that could end in the work being undone at the owner's expense, including legal fees.
2. Any complaint that goes uncorrected may result in the KPMA taking legal action, correcting the problem, and billing the owner for all costs including legal fees.
3. Any unauthorized work, violation, or unanswered complaint will result in a series of letters sent by general mail, including a "Certified" with return receipt. The first letter will include:
 - Time limits will be specified for response
 - The course of action will be specified
4. The second letter will require a response within seven (7) days
5. The third letter will be notification that the KPMA is authorizing its attorney to begin legal proceedings which may include a hearing and/or filing of action in court.
6. Refer to the "Policy and Procedure for Enforcement of Covenants" section.

SECTION FOUR – SINGLE FAMILY/MULTI-FAMILY DESIGN REVIEW

A. Goal

Kensington’s Architectural Review Board (ARB) will review all plans prior to the start of construction on any site in the community. Construction shall not commence or be permitted without the ARB’s written approval. ARB approval is for aesthetic purposes only and does not address engineering or technical merits of construction documents, nor does it certify compliance with relevant building codes or ordinances for which the owner/builder is responsible.

By monitoring and directing all aesthetic aspects of the community, it is the goal of KPMA and the ARB to maintain Kensington’s high standards of design excellence, neighborhood aesthetic and property values. Aesthetic aspects of the community begin with the design and construction of your home and continuous maintenance is required i.e., exterior painting, roof, driveway and deck cleaning. Landscape alterations are also areas for which the ARB is responsible in ensuring uniformity and compliance.

B. Process

The following two step process is intended to identify building and site improvements necessary to accomplish the goals of design excellence.

Step One: Preliminary Concept Plans – Initial Application

The owner/builder shall submit to the ARB two (s) sets of plans with the “Request for Initial Review” form, “Owner/Builder Landscape/Painter Agreement”, and “Statement of Existing Conditions” completed and attached to each set. See Appendix for Forms. The ARB will grant written approval, conditional approval, must be incorporated in subsequent plans; failure to do so will be grounds for denial of Final Plans. Any changes identified as “recommended” will not be mandatory, but should be given consideration prior to drafting Final Plans. Any denial of approval will be accompanied by a statement setting forth the reason(s). A one thousand dollar (\$1,000.00) application fee (payable to KPMA) must accompany the initial review form before the application can be deemed completed. See Section 7.6: Forms. See Section 8: Drawings.

Step Two: Final Construction Plans and Specifications

The owner/builder must submit to the ARB two (s) sets of plans and specifications with a “Request for Final Review” form completed and attached to each set. The following items are “REQUIRED” before final construction approval:

1. **Vegetation Survey**

Scale 1/8" = 1" or 1" = 10'. This plan must show the location, type and size of significant trees and shrubs on the homesite. This information can be shown on the landscape plan. Any plant materials to be removed must be indicated and care should be taken to preserve suitable plants and shrubs. All remaining vegetation should be barricaded at the drip line of trees. No debris or construction materials will be stored within these barricades.

2. **Landscape Plan**

Scale 1/8" = 1" or 1" = 10'. This plan must indicate perimeter walls of structure plus window or door locations. This plan must indicate the location, botanical name, size, quantity and specifications of all proposed and existing plant material to remain after construction. Proposed plant material should follow, but not necessarily be limited to the accompanying recommended plant list *see Plant List). An irrigation system is also required.

3. **Site Plan**

Scale 1/8" = 1" or 1" = 10'. This plan must consist of the following components:

- a. Building location
- b. Setbacks
- c. Existing vegetation
- d. Property boundaries
- e. Grading to show all proposed and existing spot grades or contours, proposed site drainage and finished floor elevations.
- f. Easements
- g. Sidewalks, paths, or walkways
- h. Outdoor use areas (i.e., pool, deck areas, atriiums, etc.)
- i. Screening Elements – all mechanical equipment and trash containers to be located on the exterior of the building must be shown on floor plan, site plan and elevation drawings, including the proposed method of screening. If plant material is used, **the minimum height of the plant must be forty-eight (48) inches.**
- j. Driveways, Patios, and Parking Areas – all hard surface exterior materials (driveways, patios, sidewalks, pools or decks, etc.) must be noted by type, color manufacturer's specifications or other descriptive detail (these specifications may be included in the landscape plan). **All driveways shall have enriched, decorative surfaces such as interlocking pavers, brick, or color/patterned concrete. No asphalt, loose gravel or unpaved surfaces will be permitted.**

- k. Outdoor lighting – including yard lighting, if any, should be noted by location, type, manufacturer and intensity.
4. **Floor Plans**
Scale 1/4" = 1'. To include balconies, decks, patios, atriums, utility meter locations, garage, square footage of total living area of residence.
5. **Roof Plan**
To show pitch, valley, hips, etc.
6. **Exterior Elevations**
Scale 1/4" = 1'. To include all exterior elevations of main walls, etc., with heights clearly indicated.
7. **Exterior Material Specification Sheet**
To include samples of exterior colors, paint brand, color number and name, and exterior materials proposed for use.
8. **Two sets of Construction Plans**
The ARB retains one set on file and return one stamped approved; to builder for use in obtaining a Collier County building permit.
9. **Construction Approval**
The ARB will grant approval, conditional approval or denial based on plans containing the above items. When approved, all four sets of plans and specifications will be stamped approved, signed and dated by the ARB, which will retain one set.
10. **Changes to Approved “Final” Constructions Plans**
Changes may be necessary or desirable during the construction or landscaping process. In the event that these changes will alter the exterior of the home or the landscaping in any way, a written request to the ARB indicating the necessary or desired changes or alterations must be submitted.
11. **Builders (Contractors)**
Builders are subject to approval by the ARB and KPMA. Requirements include, but may not be limited to, the following:
 - Descriptive literature, if available, about your firm. Include a list of residential communities in which you have built single family residences or patio homes during the last five years, and the name and address of five clients for whom you have built or started a residence in the past twelve (12) months.
 - A current financial statement
 - Additional information requested
 If approved to build, a One Thousand Dollar (\$1,000.00) design Review Fee must accompany the submission of final building plans and landscape plans.

- Completion of the residence in accordance with the approved architectural and landscape plans and specifications, to the satisfaction of the ARB.
- Possession of a final certificate of occupancy no later than eight (8) months from the date of homesite closing, with a copy provided to the ARB.

The **design review fee** is non-refundable and will be applied by KPMA to expenses including, but not limited to, paying the fees of any design professionals who sit as member of the ARB, and administrative costs associated with the Design Review process.

C. Standards

1. Minimum Square Footage

The **minimum size of dwelling units permitted** is determined by KPMA on an individual basis. The requirements are stated with the Neighborhood Supplemental Covenants and are based on the total living area of air-conditioned space. See neighborhood guidelines below:

• Ashley Grove	2,000
• Canterbury Green	1,500
• The Hamlet	2,000
• Hampton Row	1,500
• Kensington Gardens	
Block H, Lots 1-34	3,000
Block 1, 1-11 & 35-49	2,800
Block 1, 12-34	2,500
• Knightsbridge	2,800
• Nottingham Cove	2,000
• Sheffield Villas	1,500
• Yorktown	2,000
• Estate Homes	3,000

2. Building Height Requirements

The vertical distance measured from the finished grade of the lot or the minimum base flood elevation, whichever is greater, to the mean height level between eaves and ridge of gable, hip and gambrel roofs. **Maximum allowable height of a single-family structure is 35 feet from finished floor.**

3. Elevations

The architectural character of the residence should be carried through on all sides of any structure. The base floor elevations must be shown in the initial plan submittal and on the floor plan.

4. Setbacks

- The builder is responsible for obtaining an accurate plot and its specific setback requirements, including information on easements, rights-of-way, etc.
- Minimum setback requirements for a detached residence on a single-family homesite are established by KPMA in Exhibit 3.
- Upon the prior written approval of the ARB, walls for privacy and enclosures for mechanical equipment may be erected within side and/or rear setback lines provided it can be accomplished without encroaching upon an easement.
- Exhibit 3 represents the established setbacks for each neighborhood in Kensington Park.
- See Section 8: Drawings

5. Setback/Easement Variances

In certain situations a variance may be granted for encroachment into a setback or drainage easements. When applying for a variance, the following guidelines should be used:

- Setback Variance - check setback guidelines to determine whether a setback is measured to the building wall or the roof overhand. Submit to the ARB a complete site plan (must include all dimensions) indicating the encroachment and the amount of the variance being requested.
- Easement Variance - follow the procedures above. An easement variance is required for any part of the roof overhang, main structure or accessory structure that will encroach. If the ARB does not object to this encroachment, approval will be granted and returned to the builder who is then responsible for obtaining permission from the appropriate services to encroach upon their easement. Approval must be obtained by Kensington ARB prior to submission to the KPMA. For information regarding Kensington submittal procedures, call Kensington Park Master Association Office.

6. Site Preparation and Maintenance

- Specific approval from the ARB is required before filling, grading or removal of vegetation and/or landscape from the homesite or parcel.
- Any trees or shrubs to be moved or removed shall be indicated on the Construction Plans and Specifications and any approval, if given shall be given at the time of approval of the Construction and/or landscape Plans and Specifications.
- All vegetation to be retained must be barricaded, to the drip line for trees. No construction materials or debris will be allowed within barricaded areas.
- Before construction, the contractor is responsible for having staked and flagged the location of all underground utilities to avoid potential damage.

- All construction materials, vehicles, equipment, supplies, temporary facilities and construction activities must be contained entirely within the building plot. **Prior to closing on a site, the buyer should note the condition of physical aspects on or near his site, such as sidewalks, street lights, water meters and valve boxes, fire hydrants, FPL and telephone boxes, storm drains, non-potable irrigation lines, existing vegetation, etc.** The owner/builder is responsible for any damage to neighborhood improvements during construction, and any such damage must be repaired or replaced by the owner/builder at his expense.
- All building debris must be placed in an approved container, and removed when filled. No uncontained debris may be placed on any site. During construction the owner/builder is responsible for keeping the building site clean at all times, and for installing and maintaining barricades in good condition to protect existing vegetation.

7. Guidelines for Contractors

- Construction hours are between 7:00 am and 5:00 pm Monday through Saturday. **There are no exceptions to this rule.**
- All construction, repair and maintenance which cause noise or disruption or which unreasonably disturbs the neighborhood must be limited to the above hours, and is not allowed outside of those periods or on national holidays except for emergencies. Radios and tape/CD players are not permitted on sites with golf course frontage.
- All construction vehicles must enter/exit the property only at the **Livingston Road/Eatonwood Lane entrance** and access the sites through cleared driveways.
- Contractors shall provide **one sign per homesite** or parcel which will display the primary contractor's name. This sign will have receptacles for permits and plans as required by Collier County. **All other signs are prohibited.**

8. Exterior Materials and Colors

The use of natural materials including stone, real brick and wood for exterior finishes is encouraged. Samples of proposed exterior materials shall be required at the time of submission of Construction Plans and Specifications. Artificial or imitation materials may be permitted on exterior elevations subject to approval by the ARB. **Exterior colors that, in the opinion of the ARB, would be inharmonious for the Kensington community shall not be permitted.** Aluminum fascia is not permitted except within the Sheffield Villas and Wellington Place neighborhoods.

9. Windows, Doors, Screen Porches and Patios

- Windows should be clear glass or a tinted glass of bronze, gray or smoke color. No reflective glass or reflective tinting may be used. Tempered glass or

similar material is recommended for all windows and sliding glass doors facing the golf course.

- Screen enclosures are required on all homesites abutting the golf course, as specified in neighborhood covenants and/or as determined appropriate by the ARB.
- Roof material shall be either flat or barrel concrete tile which must be submitted and approved by ARB.

10. Garages, Driveways and Walkways

- All single-family residences must have attached garages with space for a minimum of two (2) cars. Side entry garages are encouraged and automatic garage door operators are required. Carports are not permitted on single-family homesites. In multi-family developments carports are expected to reflect architectural details of the residential structures.
- Enriched, decorative surfaces such as interlocking pavers, brick, or color/patterned concrete, etc., are encouraged **and may be required in some neighborhoods. Check neighborhood covenants for specific information.** Neither asphalt nor gravel driveways will be allowed in any of the single-family neighborhoods.
- No garages are allowed to face front yards on Old Gallows Way or Finchley Lane.

11. Lighting

- A lighting plan is to be part of the final construction plan submittal for ARB approval. All light fixtures must be of good quality, finished to blend with the surroundings. Fixtures should be compatible with the architecture of the residence and the community. Exposed bulbs are not permitted.
- Use **low wattage lamps** for all outdoor fixtures. Colored lens (i.e. blue, green, red, etc.) are not permitted. Exceptions may be made for temporary decorative lighting at holiday times.
- **Shield glare** from lighting to prevent nuisance glare onto adjacent properties or on the golf course.
- **Above grade fixtures** will not be permitted in turf areas; completely recessed fixtures may be allowed.
- **Walkway Lighting** projecting downward only may be used along walkways and driveways (excluding right-of-way) with review and written approval from the ARB.
- **Post Lights** must be approved in writing on a site-specific basis.
- **Each lot within Nottingham Cove** is required to install a uniform low level landscape light at the entrance of each driveway, minimum 32" high and 4" wide.

12. Water Features

- Water features are discouraged unless they can be justified for use in Kensington's natural setting. Any water feature visible to the public requires approval by the ARB. If approved, water features must be kept in scale with the residence(s) and have limited jets, sprays, and surface area, to reduce the loss of water through evaporation. It is recommended that water features be designed within private courtyards.
- Water display fountains may be permitted within the public golf course lake areas, after review and approval from the ARB.

13. Solar Panels

- Solar Energy Collector Panels or attendant hardware or energy conservation equipment shall be permitted provided they are constructed and installed as a harmonious part of the architectural design of a structure. They are to be located so as not to be readily visible from surrounding streets or home sites and additional trees may be required to screen from off-site view. Such panels, hardware or equipment must first be approved in writing by the ARB.

14. Accessory Structures

- Including, but not limited to playhouses, tool sheds, gazebos, doghouses, play equipment, trampolines, basketball hoops, etc., are not permitted unless specific written approval from the ARB is obtained as part of approved plans, or by separate request. Such approval may include additional landscaping to buffer views.
- Similarly, no decorative object such as sculptures, weathervanes, flag poles, birdbaths, fountains, etc., may be placed where it would be visible from streets, flag courses, or adjoining homesites and parcels unless the ARB grants written approval.
- See Section 8: Drawing.

15. Grading and Drainage

- Drainage is an important part of the design plan and will be a factor considered by the ARB.
- No drainage from land or structures may flow onto the golf course property or other residential property unless approved in writing by the ARB as part of a drainage plan.
- Drainage must be controlled to prevent damage or erosion to any property. Grading and drainage (including aesthetic landscape berming) must conform to an approved grading and drainage plan and work in conjunction with overall mast plan storm water systems for Kensington.
- Berming must not extend beyond property lines nor interfere with Kensington's established drainage patterns. Make all transitions even and smooth.

- Final grading of all planting areas must be rolled, raked and hand worked to achieve a smooth continuous surface.
- A Grading Plan must be included with the initial and final Construction Review submittal. The Grading Plan must indicate the direction of drainage flow and proposed spot elevations to be graded for the entire homesite. This information may be included on the site plan.
- Consult Collier County's approved construction plans for drainage requirements.

16. Finished Floor Elevations

- The finished floor elevation must be noted on the site plan. The **minimum finished floor elevation** for each lot must be given in NGVD terms (National Geodetic Vertical Datum). Use the higher measurement, either from the elevation table or 18 inches above the crown of the road adjacent to the lot. The minimum floor elevation chosen may vary 6 inches (upward) without additional approval by the ARB. In instances where a higher elevation is needed to create a positive drainage, builders must receive approval from the ARB.
- When referencing drainage, please note continuous rear yard drainage is required for Block E, Lots 1 through 28.
- When referencing drainage for single family, villa or estate homes, the front half of the lot must flow toward the street curb while the back half of the lot will generally flow to the rear on to the golf course fringe or into lakes.

SECTION FIVE – EXTERIOR
MODIFICATIONS/ALTERATION/ADDITIONS TO EXISTING
STRUCTURES

A. Goal

When plans are being made for changes to the exterior of your Kensington Home, prior written approval by the Kensington Park Master Association (KPMA) is required through its Architectural Review Board (ARB). They must review all plans and specifications and provide a written approval, prior to the start of construction. Modifications, alterations, and/or additions include landscape, playground equipment, spas, pools, emergency generators, walls, building additions, sporting equipment (such as trampolines and basketball nets), tool sheds, gazebos, doghouses, playhouses, general painting, reconstruction of doors, doorways, or windows, enclosing entranceways, storm shutters, etc.

The goal of KPMA and the ARB is to maintain Kensington’s high standards of design excellence, the neighborhood aesthetics, and property values.

B. Process

1. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. See Forms, Exhibit 6, in Section 7.
2. Attach site plans, architectural renderings, product lists, color swatches, before and after drawings, a plan for removing and replacing landscaping, trash containment, access for workers, supplies storage, and a time schedule.
3. Submit the total package to the ARB at the KPMA Office.
4. The ARB will make a timely assessment of your proposal and will either approve it as submitted or reject it. Rejection usually will require some additional information. Every effort will be made to respond rapidly and concisely.
5. The owner will be notified in writing of the ARB decision.
6. All modifications, alterations, and/or additions must conform to the Collier County codes and be permitted by them. This is solely the responsibility of owner and/or their contractor.
7. The more information you supply the easier it is for the ARB to understand your project.
8. It may be very helpful to your cause to obtain and submit your neighbor’s approval and that of your neighborhood association.
9. The filing process is identical for all changes or additions, but the supporting information may change.

C. Standards1. Hurricane Storm Shutters

- a. These must meet all Federal, State, and County codes/standards and the owner must receive appropriate permits.
- b. Any approved form of protection may be used, in any combination including roll down, accordion, screening, clear, metal panels, etc.
- c. All components and fasteners must be non-rusting.
- d. If the product comes in colors or is paintable, with the exception of clear panels, the color must be chosen that is close to the house color.
- e. The above shutters may be installed after May 1st and must be removed before November 30th of the same year.
- f. Unfinished plywood or similar panels must be painted to match the house and must not be installed sooner than seven (7) days prior to a storm and must be removed no later than seven (7) days after the storm passes.
 - All panels must be stored out of sight when not in use, in the garage.
 - All fastener holes, such as screw holes, must be repaired and painted at the end of the hurricane season.
- g. Obtain and completely fill out the ARB “Approval Request” form from the KPMA office.

2. Emergency Generators

- a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA office. Section 7.6, Forms.
- b. Any type of emergency electrical generating system (systems) may be used that meets Federal, State, and County codes and has permit for installation.
- c. The following items must be submitted with the above form:
 1. A site plan drawn to scale with before and after pictures showing location, site preparation, screening for noise, dimensions, a landscape plan, running-of-wires plan, and fuel storage area plan, are required.
 2. Kilowatt (kW) output of the system, fuel type, noise level at a maximum in decibels (dB) are technical information required. Refer to Collier County Noise Ordinance No. 90-17, 93-77, 96-29 and 200-28. The maximum noise level is 60 dBA between 7:00 am and 10:00 pm, and 55 dBA between 10:01pm and 6:69 am. This is measured from 4.0 feet above ground at the closest lot line.
 3. After installation, the generator system must be tested and the noise level certified by calibrated meter and technician. Final approval depends on this report. If the noise level is excessive, the owners are responsible to have the system modified to meet the standards.
 4. The system must be positioned so as to minimize its view from the street or the golf course. The system must be shielded with foliage and landscaping. Landscape is needed to hide the unit, but also to help reduce noise. See Landscape, Exhibit I

5. See Drawing 5.1, in Section 8.

3. Play Equipment/Gym Set/ Playhouse

- a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA office. Section 7.6, Forms.
- b. Temporary play equipment such as a basketball net and/or trampoline shall be placed out of sight when not in use.
- c. Permanently affixed equipment, such as a swing or gym set, requires a site plan showing location and setbacks, before and after installation. In addition, an elevation drawing is needed along with a landscape plan.
- d. The equipment must be screened from off-site view (street, neighbors, and golf course) as much as possible by landscaping. Refer to the Landscape section of the Design Review Manual for additional information and ideas, Exhibit 1, Section 7.

4. Solar Collection panels (5.31)*

- a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. Section 7.6, Forms.
- b. Solar panels may only be installed on the rear or side of the house, and may not be visible from off-site.
- c. Submit a roof plan showing location, sizes and number of panels, and plumbing runs.
- d. Submit an elevation drawing drawn to scale showing the panels installed.
- e. Submit a landscape plan indicating the placement of trees to shield view of the panels and landscaping around pump housing, etc. Refer to the Landscape section of the Design Review Manual for additional information and ideas, Exhibit 1.

* Refers to specific section of KPMA “Declaration General Covenants....”

5. Fences and Privacy Walls (5.37)

- a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. Section 7.6, Forms.
- b. All fences must meet County codes, be permitted, and meet neighborhood restrictions.
- c. They may not be constructed within drainage easements; may not be over 6 ft. high from ground level, and must follow neighborhood setback guidelines. Review the neighborhood setback section of the Design Review Manual, Exhibit 3.
- d. The fence must be landscaped to screen it from off-site view. (Please refer to Exhibit 1)
- e. A site plan is required showing the house, lot-line setbacks, and fence location. This must be to scale.

- f. A landscape plan is required if foliage is moved and also for placement of new plants to screen the fence from off-site view. Refer to the Landscape section of the design review manual.
 - g. A plan must be submitted detailing worker access, storage of supplies, and trash removal.
 - h. Wood or Vinyl fences must be painted to match the house color. Metal fences may be white, black or bronze.
 - i. Fences must be maintained with periodic cleaning and/or painting.
 - j. Privacy walls may be 8 ft. high above ground level if built as a continuation of an existing house wall, such as to shield a courtyard pool. It must be flush and cannot jut outward.
 - k. A privacy wall may only be a total of 6 ft. above grade if it extends beyond the house, or connects the existing house to a new addition.
 - l. A site plan to scale showing before and after, along with easements, and setbacks are required.
 - m. A finished landscape plan is required. See Exhibit 1
 - n. All necessary County permits are required.
 - o. Plan for construction is needed including moving plants, workers access, storage of materials, and removal of waste.
 - p. The privacy wall must be finished and painted to match the house color. Color swatches are required.
 - q. See Drawings 5.3 and 5.4, in Section 8.
6. Pool, Spas and Related Enclosures (5.32)
- a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. Section 7.6, Forms.
 - b. Above-ground spas are not permitted. A spa must be shielded from off-site viewing by the use of landscaping of at least 48 inches with installation of plants.
 - c. Necessary County permits are required.
 - d. Above-ground pools are not permitted.
 - e. In-ground pools may not be placed in drainage easement areas and must follow neighborhood setback requirements. This includes rear setbacks for waterfront homes, to avoid non-potable water irrigation lines. See Exhibit 3.
 - f. A site plan drawn to scale is required showing the pool location, shape, size, and distance from property lines, existing easements, and setbacks.
 - g. Include a plan of how workers will access the rear yard, landscape alteration, movement and the storage of supplies, removal of waste, etc.
 - h. Include an as-finished plan showing new landscape to shield the pool from off-site view, and correction of altered landscape during construction. Include plants to hide pump and filter equipment with a minimum 48 in. height.

New landscaping should be similar to the existing landscaping. Refer to Landscape section of the Design Review Manual for information and ideas, Exhibit 1.

i. Screen pool enclosures require a separate elevation drawing, and site plan, with color selection (check neighborhood restrictions). Again, a plan for access and work is needed.

j. See Drawing 5.5 and 5.6, in Section 8.

7. Satellite Dishes for Television or Audio Reception

a. These are not permitted in any size, shape or form.

8. Front Entry Doors and Screening

a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. Section 7.6, Forms.

b. Changes to front doors, sidelights (windowpanes), and lighting fixtures required before and after drawings, color swatches, pictures, brochures, etc.

c. Screen enclosures of the entrance way require an elevation drawing, to scale. Indicate side and cross brackets. Show door decorations and swing angle. Include color and design brochures.

d. See Drawing 5.7, in Section 8.

9. Landscape Modification/Alteration/Removal, and Other Changes

a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. Section 7.6, Forms.

b. Submit site plans drawn to scale with before and after drawings.

c. Consult the Landscape section of the Design Review Manual for further information, ideas, and helpful information. Exhibit 1.

d. See Drawing 5.2, in Section 8.

10. Painting and Paint Colors (5.7)

a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office.

b. All houses, doors, trims, garage doors, etc. are to be painted essentially the same color as they were originally painted. In most cases this is a pastel earth tone of light cream, beige, and pink. In all cases the color shall be deemed harmonious with the neighborhood.

c. All applications must include paint swatches with the location of colors noted.

d. All applications must state the degree that the new paint defers from the old paint in tint, brightness, etc.

11. Window or Wall Air Conditioners (5.5)

a. These are not permitted, except in an emergency and then only for a few days.

12. Antennas and Flagpoles (5.6)
 - a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. See Section 7.6, Forms.
 - b. No outside antennas, antenna poles, antenna masts, satellite television reception devices, electronic devices, antenna towers or citizen band (CB) or amateur (HAM) antennas shall be permitted.
 - c. A flagpole for displaying the American flag or any other National flag shall be permitted if first approved by all governmental authorities and in writing by the Architectural Review Board.
 - d. The design and location must be first approved by the Master Association.
 - e. A flag pole may not be used as an antenna.
13. Clothes Drying Area (5.8)
 - a. Outdoor clothes drying is not permitted.
14. Factory-Built Structures (5.18)
 - a. These are not allowed on Plot.
15. Storage Areas (5.19)
 - a. No unenclosed storage area shall be permitted.
 - b. No enclosed storage area shall be erected that is separate from the Dwelling Unit.
16. Lighting and Fountains (5.23)
 - a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. See Section 7.6, Forms.
 - b. Submit pictures, site plans, drawings, etc. including the direction of lighting.
 - c. Lighting may not be an annoyance to neighbors.
 - d. Time clock controls should be used and are permitted.
17. Mailboxes (5.24)
 - a. No mailbox, paper box, or other receptacle of any kind for the use in the delivery of mail, newspapers, magazines or similar shall be erected on any Plot except as provided by the Master Association.
18. Outdoor Equipment
 - a. Swimming pool equipment (pumps, filters, valves, etc.), air conditioner equipment, oil or propane tanks, and other such outdoor equipment must not be visible from site.
 - b. This type of equipment must be enclosed, buried or adequately screened with landscaping. See Landscape Exhibit 1 in Section 7 and Section 8: Drawings.
19. Temporary Structures (5.33)
 - a. These are not permitted.
20. Awnings

- a. Obtain and completely fill out the ARB “Approval Request” form from the KPMA Office. See Section 7.6, Forms.
- b. Generally only permitted in the rear.

D. Sign Guidelines, (Exhibit 2)

Vendor signs are not permitted before or during the vendor’s activity, or after they finish and leave the job site. If your project requires a Collier County Permit Board to be displayed, this must be placed in the front yard, to the side near the property line. No advertisement is permitted on this sign. See Section 7.2, Signs and Drawing 2.2, Section 8.

E. Neighborhood Covenants and Setbacks, (Exhibit 3)

Each neighborhood has its own covenants and setbacks that must be consulted prior to making any changes and prior to applying for approval from the ARB. Discuss your planned modification, alterations, or additions with your neighborhood association President first. It usually will be to your benefit to gain approval from the local association’s Board of Directors and your neighbors prior to proceeding. Most applications to the ARB will require a site plan with the easements and setbacks defined. See Exhibit 3 for a list. Major alterations require access to certain parts of the Dwelling and thus plans for access are required, including removing and replacing foliage, storing materials, and the removal of waste. Often, this will impact your neighbor’s property, thus, it is a good idea to get a letter from him/her stating non-objection.

F. Policy for Enforcement (Exhibit 4)

Any project without prior written approval by the ARB, may be stopped and/or the work reversed by the KPMA. This usually involves the KPMA attorney who will conduct hearings and, if warranted, file suit in court for correction of the problem. Thus, it is in everyone’s best interest to get your project approved by the ARB, prior to beginning.

G. ARB Procedures (Exhibit 5)

The ARB will make every effort to respond rapidly to your request. However, if the project is complicated or complex, the ARB may defer the approval to its next meeting, which is held monthly. Thus, the maximum response time is thirty (30) days, and you should factor this into your plans. If additional information is needed by the ARB, you will receive a written request usually within a few days of your initial application.

The more complete your application, the easier it is for the ARB to understand it and to move it forward.

H. Forms (Exhibit 6 in Section 7)

1. “Approval Request” is required for all projects regardless of size or complexity. It is available from the KPMA Office.

2. “Statement of Existing Conditions” is usually used for new construction, but can be helpful to you and the ARB in presenting a more complete application. It is available from the KPMA Office. It is not required for most applications.

SECTION SIX: MAINTENANCE OF EXISTING BUILDING AND GROUND

A. Goal

Maintenance and Appearance (12.2)*: Each Regular Member shall maintain his Plot and all fixtures located thereon in good condition and repaired at all times. Should a Regular Member at any time fail or refuse, after written notice from the Master Association, to make repairs to his Plot which in opinion of the Board need to be made, the Master Association may make such repairs or place the Plot in proper condition and may enter, or cause its agents to enter, upon the Plot for that purpose and all expenses incurred by the Master Association in doing so shall be paid by the Regular Member owning the Plot. A Regular Member who is the Owner of a Plot shall be liable for all costs incurred in such action and the total cost thereof will be a lien on the Plot, which lien may be foreclosed in the same manner as is provided in the Declaration for enforcement of Assessment liens.

A Dwelling and its grounds are to be maintained in the same good and proper manner year round. The absence of the Owner is not an excuse for deterioration of the property. Also, if the property needs work performed during the summer months, when the Owner is away, that work is expected to be done in a timely manner, not when the Owner returns.

If you are in residence for only part of the year you may wish to ask a year-round neighbor or hire a house-watch service to keep an eye on the general condition of your property.

*Section in KPMA "Declaration, General Covenants, etc..."

B. Process

Most usually, the KPMA will receive complaints about the maintenance of a specific property. This might be flaking paint, mildew on the driveway or roof, unmowed lawn, etc. The primary source for action based upon a complaint should be the neighborhood association and that Association's president. The President or his designee or committee should process the complaint. If judged to be justifiable, the President should send a letter to the Owner asking for correction.

If the President of the association is unable to achieve cooperation or agreement from the owner, the President should then pass the complaint to the KPMA and the ARB.

The ARB will write a letter to the Owner identifying the complaint and how it violates the KPMA Covenants. It will ask for a reply within seven (7) days. If reply is not received in that time period, a second letter will be sent asking for a reply in seven (7) days. The second letter will indicate that if no reply is received the case may be turned over to an attorney who may seek court supported relief.

The ARB, as a committee or individual, will inspect the property to gauge the merit of the complaint. The ARB's job is to help maintain internal beauty of Kensington. If a property becomes an eyesore, it must be taken care of rapidly.

C. Standards

1. Roofs

- a. These are to be cleaned annually or as needed to keep them mildew free. Most Dwellings will find more mildew on the north side of the building. However, all sides must be kept clean.
- b. Broken tiles and ridge tiles are to be repaired so as to not be visible from offsite.
- c. Roof cleaning by high-pressure wash should also include the fascia boards at the edge of the roof.

2. Dwelling Sides

- a. Mildew, generally a black deposit, is not permitted on the building sides. It will tend to build up to a worst degree on the north side; however, the entire building must be free of mildew.
- b. Algae, generally a green deposit, is not permitted on building sides.
- c. Iron and/or sulphur stains from shallow well irrigation systems are not permitted.
- d. Flaking, faded paint is unacceptable.

3. Driveways and Sidewalks

- a. These are a part of the dwelling and do not include walkways, roads, or street gutters that belong to the Common area.
- b. Mildew is unsightly and can be a hazardous as it is slippery and can be tracked inside the building and can result in breathing disorders.
- c. Driveways and sidewalks are to be free of mildew. This includes the surface and gaps between pavers. It is best cleaned by a professional using a rotating brush along with a mild chlorine solution.
- d. Bushes and flowers are to be kept cut back from overhanging driveways and sidewalks to allow sunlight to help reduce the build up of mildew, mold and/or algae.
- e. Damaged pavers or sunken areas are to be repaired.
- f. Once the driveway and sidewalks are clean and dry, they may be coated with a clear solution, without ARB approval.

4. Front Entrances

- a. Front doors, door frames, and screen doors are to be maintained free of mildew.

5. Lanais and Porches

- a. These are to be kept free of mildew and algae.

- b. Excess lawn furniture or beach equipment such as chairs, rafts and umbrellas are not to be stored in these areas.
 - c. Lanais and porches, where visible from off-site, must be maintained in an organized, neat and orderly fashion.
6. Fences and Privacy Walls
- a. These must be cleaned and/or painted routinely to maintain the appearance.
 - b. Damaged tops, sides, gates, or fence components must be replaced immediately.
7. Pools
- a. The water must be maintained to proper chemistry (ph, alkalinity etc.). Decking is to be kept clean and free of mildew.
 - b. Decking around the pool and the pool surface must be free of a multitude of play toys, etc. and be kept clean and free of mildew.
 - c. Pool equipment such as pumps, filters, valves, etc. must not leak or be noisy, and must be blocked from off-site view.
8. Pool Cages
- a. Clean these inside and out at least annually to keep the support beams free of algae growth.
 - b. Cage screens last about 10 years. Once they become metallic in appearance or contain numerous patches, they should be replaced.
 - c. Any torn screens must be replaced immediately for safety of animals and children.
 - d. Screen doors must close completely and automatically.
 - e. Cage posts and doors showing chipped paint must be touched up.
9. Yards and Landscaping (5.22)
- a. The Owner of a Plot shall be responsible for maintaining the landscape irrigation system installed in, or on, the Owner's Plot in good working order.
 - b. All areas on the Owner's Plot not covered by structures, walkways or paved parking facilities and not designated as Conservation Buffer Zone shall be maintained as lawn or landscaped areas. No stone, gravel or paving of any type shall be used as a substitute for grass in a lawn.
 - c. No weeds, high grass, underbrush, undesirable exotic plants (as defined in the Collier County Land Development Code or other governing laws) or other unsightly growth shall be permitted to grow or remain upon any part of the Owner's Plot. Grass growth shall not exceed maximum of four (4) inches above the ground at any time and all trees and shrubbery shall be appropriately trimmed as needed.
 - d. Lawns must be mowed weekly, approximately. Generally more frequently in the summer and less in the winter.

- e. Bushes, trees, shrubs must be routinely trimmed.
- f. Large trees must be professionally trimmed and cleaned out annually by an Arborist who will follow County codes.
- g. Palm fronds and storm debris is to be picked up, as found, and be moved to the side of the Dwelling.
- h. Seasonal flower beds are to be replanted for the summer months or the bed is to be sodded or mulched heavily. The bed is not to be left simply devoid of plants.
- i. Bushes and trees should not touch the Dwelling, especially the roof, as this provides a path for rodents and ants to enter the building.
- j. Any changes to the landscape plan require the Owner to make an application for approval to the ARB: "Approval Request" forms.
- k. Refer to the Landscape Exhibit 1 for additional information.
- l. Utility devices, such as plumbing shutoffs and electrical boxes, cable pods, and telephone boxes should be planted. This will make the Owner's property and the overall community more attractive. Be sure to allow access to the utilities.
- m. No trees four (4) or more inches in diameter shall be removed without prior written approval of the Architectural Review Board. Trees 12 feet or more in height that are removed must be replaced with trees of the same or greater height.

10. Yard Waste

- a. No Yard waste may be placed in the front yard, at the curb, in the street, or on Common Property. Yard waste is to be kept beside the dwelling. Yards service personnel can remove it from there.

11. Trash and Recycle Bins

- a. These devices are not to be stored outside of dwelling unless they cannot be seen from off-site, in any direction.
- b. These containers are not to be placed beside the curb before 6:00 p.m. the day prior to scheduled pick-up.
- c. These containers are to be put away as soon after pickup as possible.
- d. They are not to be put out if the Owner is going away and has not made arrangements for them to be retrieved and put away.
- e. Cardboard and bulky items must be bundled and stored inside until Special Pickup is called.
- f. Any trash that falls out of the bins or out of the services truck must be picked up immediately by the Owner.

12. Car Parking

- a. Cars are not allowed to be parked on any grass area.
- b. Cars of owners are to be garaged overnight (5.12)

c. Guest cars must display their permit and park so as to not impede general traffic flow.

13. Other Vehicles (5.11)

a. Motor homes, trailers, boats, jet skis, campers, etc. are not allowed to be parked overnight, or stored on a Plot less fully enclosed inside the Dwelling.

14. Drainage

a. Surface water runoff must be properly handled and not cause ponding, erosion or unfavorable impact on adjacent Plots. No changes in the elevation of any Plot or right of way shall be made which will interfere with the approved drainage, or otherwise cause undue hardship to adjoining Plots, except with the prior written approval of the Architectural Review Board.

(5.22)

b. No structure, planting or other material (other than sod) of any kind shall be constructed, erected or installed, nor shall an Owner in any way change, alter, impede, revise or otherwise interfere with the flow and the volume of water in any portion of a water management and drainage area as reflected in any plat or instrument of record, without the specific prior written permission of the Master Association and, if applicable, the Country Club. (5.39)

c. No Owner will do or permit any work, place any landscaping or install any other improvements or suffer existence of any condition whatsoever which will alter or interfere with the drainage pattern for the Property, except to such extent except such alteration and drainage pattern is approved by the Master Association. (5.10)

15. Health and Safety Hazards

Any conditions which are deemed by the Master Association to be a hazard to the public health or safety may be corrected immediately as an emergency matter by the Master Association and the cost thereof shall be charged to the responsible Owner, and payment may be enforced by lien against the Plot with the same force and effect as if the charge were part of the Master Association's assessments. (5.21)

16. Noise (5.25)

No exterior horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of the Properties or improvements, will be placed or used on any portion of the Properties.

17. Nuisances (5.26)

Nothing may or shall be done which is, or may become, an annoyance or nuisance to any Person or to a Plot or Neighborhood. No obnoxious, unpleasant, or offensive activity shall be carried on, nor may anything be done, which is or can be done, which is or can be reasonably construed to constitute a nuisance, public or private in nature.

D. Neighborhood Covenants and Setbacks, Exhibit 3

E. Policy for Enforcement, Exhibit 4

F. ARB Procedures for Complaints and Compliance, Exhibit 5

G. ARB “Approval Request” form, Exhibit 6

EXHIBIT 1: LANDSCAPE DESIGN GUIDELINES

Introduction: Realizing the dream of building a Kensington home is one of the most exciting and important experiences you may have. The quality of your landscape design is as important to the character of your residence as the design of your home itself. This Landscape Design section (Exhibit 1) has been prepared to assist the Kensington homeowner in the design and implementation of a superior landscape plan.

A. Landscape Design Guidelines

Within this section you will find a step by step guide to the Kensington Landscape Design Review Procedure. Typical landscape designs have been prepared for each Kensington neighborhood. These designs include the minimum specifications necessary to accomplish your landscape plan. Also, included are the Kensington Landscape Palette and an important guide to maintaining your landscape.

By using the guidelines presented in this section, your landscape design will enhance the beauty and value of your Kensington home.

B. Process

- Landscape Plan – A landscape plan must be developed using the following guidelines:
 - The landscape plan shall be drawn at 1/8"=1' or 1'-10' scale.
 - The landscape plan must include the following: North arrow, date, scale, lot, block, neighborhood, Owner's name, builder's name, and landscape architect's designer's or contractor's name.
- All proposed and existing plant material must be specified on the plan by botanical and common name, size and quantity. Consult the Landscape Design Requirements and Landscape Palette for more detailed information.
- The landscape plan shall incorporate existing vegetation where possible and shall compliment existing neighborhood landscapes. Contrived, exotic or unnatural appearing plants are not allowed.
- Native, drought tolerant and cold hardy plant species are recommended. Plant groupings shall be designed in a clustered or massed configuration and give a finished and established look upon installation.
- View corridors and areas for private outdoor use shall be defined in the landscape design. All mechanical equipment, air conditioner and pool equipment, and trash storage areas must be screened from view by plantings or fencing 4' in height. Fencing must be planted with 4' high plants.
- The final landscape plan shall accompany the construction drawings submitted for new modifications/alterations to the Kensington ARB.

C. Standards for Single Family and Multi-Family Structures

Any portion of the site not used for building patios, driveways or sidewalks must be landscaped or sodded at the time improvements are made. Wherever possible, suitable existing vegetation shall be preserved, protected and incorporated into the landscape plan. Building areas are to be selectively cleared. Landscape plans must include the area to back of curb and to water's edge on lakefront sites. All sites must be screened from off-site view.

It is recommended that you retain the services of a Landscape Architect or designer to develop a functional landscape plan that integrates the Kensington design guidelines and complies with Collier County codes.

- Volume of Landscaping: The appropriate landscape plantings including trees, shrubs, and ground covers for the home sites typically shall represent 12-15% of the home site/lot cost. This guideline does not include the cost of non-living landscape materials such as pavers, stepping stones, mulch, fertilizer and soil amendments.
- The general landscape design theme for Kensington shall incorporate indigenous as well as other plant materials which will thrive within the environment in which this community is located.
- Plant material shall be used in such a way as to promote and enhance the quality of the development. Plant palettes shall be developed with limited numbers of plant species. Plants shall be designed in clusters and/or masses of reasonable spread and height and give a finished, established look upon completion of the installation. Designs shall feature reduced requirements for water, fertilizer and general maintenance. Plantings shall not interfere with the sight lines required for vehicular traffic or for views from neighboring properties. Topiary trees or shrubs in unnatural shapes and any artificial or contrived planting plans will not be accepted.
- Street Trees and Canopy Trees. A minimum of one street tree shall be required for every thirty (30) feet, or part thereof, on any property line abutting the roadway property. Such street trees shall be located within a fifteen (15) foot area abutting the roadway property line and shall be no less than ten (10) feet from the side property lines, except in zero lot line communities. All trees shall have a height of not less than fourteen (14) feet at the time of installation and a mature spread of twenty (20) feet.
- All plant materials shall be Florida Fancy or Florida Grade #1 as defined in Grades and Standard for Nursery Plants, State Plant Board of Florida.
- It is the owner's responsibility to make sure an adequate landscape budget is part of the overall building budget.
- For Hampton Row plat, two street trees, one live oak (L) and the other mahogany (M), are required per lot. The lot opposite Kensington High Street

shall reverse the street tree pattern to create alternating trees in the same alignment and with each adjacent lot.

- Example: ML/ML
 Lot 17 – M and L; Lot 18 – M and L; etc.
 Lot 7 – L and M; Lot 8 – L and M; etc.

This street pattern shall establish a uniform but different streetscape design for Hampton Row.

Implementation of landscape plantings and irrigation design in neighborhoods with a typical ten (10) foot separation between structures shall conform to requirements illustrated on page. Any deviation from the typical illustration must be submitted at the time of landscape plan review and be accompanied by a written explanation.

Kensington Recommended Landscape Palette

Listed below and on the following page is the recommended Kensington Landscape Plant Palette. Plant species must be indicated on the landscape plan and submitted for review.

Canopy Trees and Palms	Sub-Canopy Trees
Minimum required height upon installation is fourteen (14) feet	Minimum required height upon installation is five (5) feet

Botanical Name	Common Name	Botanical Name	Common Name
Acer rebrum	Red Maple	Podocarpus macrophyllus	Japanese Yew
Pinus eliotti “densa”	Slash Pine	Nerium oleander	Oleander
Quercus virginiana	Live Oak	Myrion cerifera	Wax Myrtle
Quercus laurifolia	Laurel Oak	Callistemon spp.	Bottle Brush
Magnolia grandiflora	Southern Magnolia	Ligustrum spp.	Ligustrum
Peltophorum pterocarpum	Yellow Poinciana	Psidium littorale	Cattley Guava
Jacoranda mimosifolia	Jacaranda	Mysine guianensis	Myraine
Koelreuteria elegans	Golden Raintree	Ilex opaca “East Palatka”	East Palatka Holly
Sabal Palmetto	Cabbage Palm	Podocarpus	Weeping Podocarpus

		gracilior	
Syagrus romanzoffiano	Queen Palm		
Washingtonia Robusta	Washington Palm		

- 75% of the required number of trees and palms must come from these species.
- All plant material shall be Florida Fancy or Florida Grade #1 as defined in Grades and Standards for Nursery Plants, State Plant Board of Florida.
- All the above mentioned plant materials shall predominate in areas that physically or visually abuts rights-of-way or public areas within the Kensington community.
- Under extreme winter weather conditions, some of the above mentioned **canopy** and **sub-canopy** trees may be susceptible to varying cold or freeze damage.
- Existing trees “planted by Kensington” may count toward required number, maximum one in front and one in rear.

Shrubs		Ground Cover/Vines	
Minimum height is 18 to 24 inches Minimum spacing 24 to 35 inches o.c. Minimum size is 3 gallon		Minimum required spacing is 12 to 24 inches o.c.	
Botanical Name	Common Name	Botanical Name	Common Name
Ligustrum spp.	Ligustrum	Ilex vomitoria “schillings	Dwarf Yqaupon Holly
Pittosporum tobria	Pittosporum	Nephrolepis exaltata	Boston Fern
Philodendrom selloum	Green Split Leaf Philodendron	Ophiopogan japonicus	Mondo Grass
Schefflera arboricola	Dward Shefflera	Hemerocallis flava	Day Lily
Ixora coccinea “NoraGrant”	Nora Grant Ixora	Lantana sellowiana	Lantana
Lagerstroemia indica	Crape Myrtle	Allamanda cathartica	Allamanda
Podocarpus macrophylla	Japanese Yew	Bougainvillea spp.	Bougainvillea
Dracena spp.	Dracena	Mandevilla grandifora	Mandevilla
Syzygium paniculata “compacta”	Eugenia	Senecio confusu	Mexican Flame
Myrica cerifera	Wax Myrtle	Raphiolepis indica	Indian Hawthorn
		Juniper spp.	Juniper
		Pentas laceolata	Egyptian Star
Clusters			
Pyranantha	Fire Thorn	Asparagus sprengeri	Asparagus Fern

coccinea			
Nerium oleander "Petite Pink"	Dwarf Oleander	Liriope muscari (evergreen giant)	Liriope
Myrsine guianensis	Myrsine	Trachelospermum jasmin	Confederate Jasmine
Tripsacum dactyloides	Fakahatchee Grass	Pyrostergia iguana	Flame Vine
Virburnum odoratissimum grown	Sweet Virburnum	Stenotaphrum secundatum	Floritam (Sand)
Viburnum suspensum	Sandankwa Viburnum	Pennisetum setaceum/	Fountain Grass
Leucophyllum frutescens	Texas Sage	Jasminum simplicifolium	Wax Jasmine
Murraya paniculata	Orange Jasmine		
Ilex cornuta	Dwarf Burford Holly		
Serenoa repens	Saw palmetto		
Galphimia gracilis	Thryallis		

- All plant materials shall be Florida Fancy or Florida Grade #1 as defined in Grades and Standards for Nursery Plants, State Plant Board of Florida.
- The above mentioned plant materials shall predominate in area that physically or visually abut rights-of-way or public areas within the Kensington community.
- Under extreme winter weather conditions, some of the above mentioned plant materials may be susceptible to varying cold or freeze damage.

Recommended Screening Plant List	Restricted Plant List
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Recommended plant material screening A/C units, pool equipment, trash, storage, etc.. Plant material used for screening mechanical equipment, etc., must be dense enough and in sufficient quantity at the time of planting to adequately screen equipment, trash, storage, etc., The required Minimum height of this plant material is 3' upon installation

The following plant materials are not recommended and should generally not be allowed in prominent or constitute a significant portion of the landscape plan within the Kensington Community. These are not cold hardy or are susceptible to severe freeze damage and are only acceptable in private areas or protected locations screened from public views.

Botanical Name	Common Name	Botanical Name	Common Name
Myrica cerifera	Wax Myrtle	Chysalidocarpus lutescens	Areca Palm

Viburnum spp.	Viburnum	Cocos nucifera	Coconut Palm
Podocarpus macrophylla	Podocarpus	Bucida buceras	Black Olive
Ligustrum spp.	Ligustrum	Swietenia mahagoni	Mahogany
Shefflera arboricola	Dwarf Schefflera	Roystonea regina	Cuban Royal Palm
		Schefflera actinophylla	Umbrella Tree
		Citrus spp.	Citrus Trees
		Vietchia merilli	Manilla Palm
		Ravenea glauca	Majesty Palm
		Gardenia spp.	Gardenia
		Hibiscus rosqa-sinensis	Hibiscus

-Plant materials included on the above list shall receive consideration on an individual basis. -All plant material submitted for consideration must meet required minimums for sizing and spacing.

-Use of these plants is subject to the following conditions:

1. Plants will not be counted toward the minimum landscape requirements.
2. Removal and replacement of these plants may be required if significantly damaged by freeze.

-All plant materials shall be Florida Fancy or Florida Grade #1 as defined in Grades and Standards for Nursery Plants, State Plant Board of Florida.

Unacceptable Plants

The following plants are considered unacceptable and shall not be used within the Kensington Community. These plants are restricted by local building regulations or are susceptible to major structural damage due to weak growth habits. Many of these are referred to as “exotic” plants and are banned by Collier County codes.

Botanical Name	Common Name	Botanical Name	Common Name
Casuarinas pp.	Australian Pine	Cupaniopsis anacardiopsis	Carrotwood
Araucaria excelsa	Norfolk Isl. Pine	Bischofia javonica	Java Bishopwood
Grevillea robusta	Silk Oak	Albizia lebbeck	Woman’s Tongue
Acacia auriculaeformis	Earleaf Acacia	Eucalyptus camaldulensis	Murray Red Gum
Cupressus sempervirens	Italian Cypress	Syzygium cumini	Java Plum

Rhodomytus tomentosa	Downy Myrtle	Thespesia populnea	Cork Tree
Melaleuca quimquenervia	Cajeput	Sapium sebiferum	Chinese Tallow
Schinus terebinthifolius	Brazillian Pepper	Syzygium jambos	Rose Apple
Dalbergia sissoo	Rosewood		

Landscape Maintenance

After the landscaping is installed, a regular maintenance program is essential to keep the landscape looking good, growing and healthy. Unkempt, unsightly, overgrown foliage and lawns are unacceptable and violate the ARB codes. An adequate fertilization program must be utilized for all lawns and landscape plantings.

Pruning

- All pruning shall be performed as required to maintain the natural shape and characteristics of plant variety. Hedge shears shall not be used to prune shrubs.
- Pruning shall include removal of plant material, which is dead, broken or diseased. When diseased plant material is removed, the cut shall be made well into healthy plant issue.
- Pruning shall include the removal of inward growing branches, water suckers and crossing or rubbing branches. The crossing branch facing inward will generally be selected for removal.
- Flowering shrubs generally shall not be pruned until after their bloom period. If they are constant bloomers, pruning can be done best in the Spring after the first flush of blooms. Vertical growth shall be pruned at a 45 degree angle. Branches shall be removed flush with the trunk.
- Sabal and/or Queen Palm fronds shall be removed as close to the trunk as possible when they are brown on the tips or when the fronds are infested with leaf scarifier. Do not remove any of the green healthy fronds to make it easier to reach dead fruiting stalks or emerging florescences. Avoid nicking the petioles or adjacent healthy fronds.
- Loose “skirting” (the remains of cut fronds) on palm trees is to be removed as needed to keep the tree looking neat.
- Palm fronds, blossoms, shells, and skirting droppings are to be picked up and stored beside the house until pick up day. **No yard waste is to be stored at the street front or on KPMA property.**

Mowing

The mowing height for floratam sod is a minimum of 3'. It shall be mowed frequently enough as not to take more than 1/3 of the blade of grass. Excessive cuttings stress the turf and increase watering requirements.

Mulching

Mulching is very important not only for a finished look in the landscape, but also to minimize evaporation and slow the growth of weeds. Two to three inches of organic mulch is preferred. As the mulch discolors or washes out, remulching is necessary. The existing mulch needs to be stirred up before new mulch is added. **The use of rock as a mulch is not permitted due to the increased evaporation of moisture from the soil.** Rocks can be used for slowing runoff or accenting an area with ARB approval.

Frost

If a frost warning is issued or extreme cold temperatures (32 degrees or below) are forecast, several preventative steps shall be taken. The first step is to make sure the plant is well watered. The next step is to cover the plants the evening of the warning and uncover them the following morning. Some die back can still be expected but leave any damaged material until threatening weather is over.

Water, Irrigation and Sprinklers

An automatic underground irrigation sprinkler system is required on all plant and sod areas. The best type of system has separate zones for turf and shrub bed areas. Turf requires more water than shrub areas so it will need to be watered more frequently. Turf generally requires 1 inch of water per week. Once shrubs are established (six to twelve weeks), they require less water and shall be watered less often. Most irrigation systems, once installed, will be under the direct control of the appropriate association or the Master Association. They will be responsible for setting the irrigation cycle. In the few circumstances where homeowners have access to irrigation control they shall be required to adhere to the Master Association guidelines for watering. Any deviation from this places the homeowner at risk for damage to their property and those contiguous to them.

The following provide the general outline of the usage and maintenance of the irrigation systems.

- The irrigation system needs to be monitored frequently to re-adjust misguided spray, broken heads and stuck timing clocks.
- Timers shall be set to water in the early mornings and every three or four days. A good soaking every three to four days forces the plant to produce a

deep root system. Over watering not only wastes water but also leaches the fertilizer down below the feeder roots and this wastes fertilizer and can contribute to mildew growth and diseases.

- The existing and natural vegetation that is incorporated into the overall design also needs to be considered when the irrigation plan is done. Naturally vegetated areas generally do not need any supplement watering and it may even be harmful if these areas are irrigated.
- The Master Association for each community shall provide a watering schedule for each home site or multi-family project. The final irrigation plans must indicate the exact location for the source of water.
- Irrigation plans abutting all golf course property are required to install mist heads to minimize any over spray on Kensington’s golf course. Lake frontage lots are excluded from this design standard.
- Residents must comply with County and Southwest Florida Water Management District schedules and restrictions.
- All sprinkler systems shall have automatic shut off systems.

Landscape Modifications

The proposal must consist of the following

The proposal must consist of a **landscape plan**, to scale. Show the existing material as well as the changes or additions being proposed, also the types and sizes. Refer to the landscape palette section of the manual for acceptable plant material.

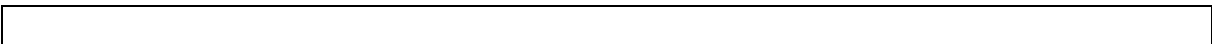
For example:

Note: Existing landscaping must not be removed from the property without being immediately replaced with material equivalent in size, height and quantity. Consult the landscape palette for acceptable materials.

Fences

The proposal must consist of a site plant, to scale, and must include the following:

- Show the home and where the fence will be placed on the property.
- Setback dimensions from all appropriate property lines to the fence.
- Fences are not permitted to be constructed within drainage easements. The height, type, design and material proposed fro the fence (fences higher than 6’ will not e permitted). A landscape plan is required showing how the fence will be screened from off-site view.



Note: The fence must be painted to match the home and screened from view with landscaping (see following page). The painting and landscaping of the fence must be completed within ninety (90) days from the time of installation. Pre-finished white vinyl is acceptable.

Landscape Screening a Fence

The adequate way to buffer a fence from off-site is discussed below. The minimum quantity and type of acceptable landscape material used for this purpose is listed below. If the planned material differs from the established list, it must be submitted for review and approval by KPMA.

Landscape Plan

Minimum Quantity

For every ten (10) linear feet of fencing there must be installed:

- 2 - 7 gallon shrubs: or
- 4 - 3 gallon shrubs

Type of Shrubs

- Ligustrum
- Wax Myrtle
- Myrsine
- Dwarf Burford
- Cattley Guava

Pools and Pool Enclosures

The proposal must consist of the following:

- **A site plan**, drawn to scale. Show the location of the pool on the homesite and dimensions from the property lines to the pool cage. Show any easements that may exist on the property. See the table of contents for single family setbacks requirements.
- **Screen enclosure elevations** and the color proposed. Show the enclosure in relationship to the home. **Consult neighborhood covenants or contact the ARB for specific requirements regarding white pool enclosures (not permitted on some homesites).**
- **A landscape plan** is required (shown on the next page). Show how the pool area will be screened from off-site view.
- Pool service equipment such as pumps, filters, valves, etc. must be screened from off-site view. A plan is required with the application.

Note: Waterfront home sites must maintain a setback (varies according to neighborhood) from the property line for a non-potable irrigation system line. Pools and enclosures are not permitted to be constructed within drainage easements.

Landscape Screening a Pool Enclosure

The outline below illustrates an acceptable landscape plan to buffer a pool enclosure. The minimum quantity and type of acceptable landscape material used for this purpose is listed below. If the planned material differs from the established list, it must be submitted for review and approval by ARB. If the pool is an addition to an existing landscape should be shown on the site plan and will be considered when reviewing the proposal and in determining adequate landscape buffering.

<u>Quantity</u>	<u>Type</u>	<u>Type</u>
For every ten (10) linear feet of pool Cage there must be installed	Shrubs	Ground Cover
Two (2) 3 gallon shrubs; <u>AND</u>	Pittosporum	Lantana
	Self-hading Philodendrum	Bougainvillea
Three (3) 1 gallon ground cover	Wax Jasmine	Mexican Flame Vine
	Dwarf Schefflera	Dwarf Indian
	Hawthorn	
	Nora Grant Ixora	Juniper
	Fakahatchee Grass	Asparagus Fern
	Sweet Virburnum	Liriope
	Dwarf Burford Holly	Confederate Jasmine
	Thryallis	Honeysuckle

Note: Pool equipment must also be adequately screened from off-site view with sufficiently dense plant material, 48' minimum height when installed. Materials for this purpose would be in addition to the quantities listed above.

See Drawing 1.1

EXHIBIT 2: SIGN GUIDELINES**A. Goal**

To allow reasonably uniform signs so as to not detract from the cohesion and beauty of the community. Sign control also contributes to safety in our community.

B. Process

1. Obtain and completely fill out the ARB "Approval Request" form from the KPMA Office. This form must be submitted by the Owner and they must receive approval from the ARB prior to placement of a sign. Section 7.6, Forms.
2. Real Estate signs, whether provided by a real estate company or by the Owner, must be the same design, as noted below. Only one sign may be placed on the property, in the front.
3. New construction signs must meet the design specifications below.
4. Vendor signs for new construction or remodeling projects are not permitted.
5. A county Permit Board is allowed but shall be placed to the side of the property, in the front, for easy access by inspectors. These will have no advertisements.
6. Any sign not meeting specifications, or erected without approval, shall be immediately removed and be placed next to the house by an ARB member or Access and Patrol personnel. The Owner will be given an explanation why the sign is removed, in person, by phone, or by letter.
7. Only one (1) "Open House" sign is permitted in the front yard of the property holding the open house, on the day of the event only.
8. Directional and open house signs displayed on other than the specific home are to be removed and will be taken to the specific house and the Owner/Realtor provided with an explanation.
9. Removal of incorrect signs is the responsibility of the ARB Committee and/or the Access & Patrol personnel.
10. Realtors, and their Brokers, who abuse the sign privilege, will be excluded from displaying any signs in the future.
11. Owners are the primary cause of sign placement. If they abuse this privilege they will be provided with instructions, or a formal complaint, and if the situation continues, they will be restricted from placing any signs, for any reason.
12. Request for approval should include a site plant, but a simple drawing or explanation as to the location is adequate. See Drawing 2.1.
13. All signs are to be 15 ft. back from the curb, except county permits signs for construction, which may be closer to the curb.

C. Policy and Design

1. All fasteners shall be rust proof.
2. Copy is restricted to company name, contact name, contact or company phone number. For sale by owner signs will state "For Sale By Owner" with a phone number.
3. Colors: Kensington green post, white panel background, forest green copy.
4. Construction: 4 by 4 in. pressure treated post, 1 in. thick outdoor panel, 12 in. ground spike for base of post.
5. Real-estate sign: 36 in. high total out of ground, 18 in. by 12 in. sign mounted at the top. May have a clear rectangular plastic literature holder attached under the sign.
6. New construction builder sign: 50 in., high total out of ground, 27 by 20 in. sign at the top. Permit board attached.
7. See drawing 2.2.

EXHIBIT 3: NEIGHBORHOOD COVENANTS AND SETBACKS**A. Setbacks**

- The builder is responsible for obtaining an accurate plot and its specific setback requirements, including information on easements, rights-of-way, etc.
- Minimum setback requirements for a detached residence on a single-family homesite are established by KPMA below.
- Upon the prior written approval of the ARB, walls for privacy and enclosures for mechanical equipment may be erected within side and/or rear setback lines provided it can be accomplished without encroaching upon an easement.
- Exhibit 3 represents the established setbacks for each neighborhood in Kensington Park.
- See Section 8: Drawings

B. Setback/Easement Variances

In certain situations a variance may be granted for encroachment into a setback or drainage easements. When applying for a variance, the following guidelines should be used:

- Setback Variance – check setback guidelines to determine whether a setback is measured to the building wall or the roof overhand. Submit to the ARB a complete site plan (must include all dimensions) indicating the encroachment and the amount of the variance being requested.
- Easement Variance – follow the procedures above. An easement variance is required for any part of the roof overhang, main structure or accessory structure that will encroach. If the ARB does not object to this encroachment, approval will be granted and returned to the builder who is then responsible for obtaining permission from the appropriate services to encroach upon their easement. Approval must be obtained by Kensington ARB prior to submission to the KPMA. For information regarding Kensington submittal procedures, call Kensington Park Master Association Office.

NEIGHBORHOOD SETBACKS (all measurements in feet)

Neighborhood	Front	Min. Sides Combined Total	Distance Between Structures	Rear to Main Structure	Rear to Pool Enclosure
Ashley Grove	25	7.5	15	25 or 30	25 or 30
Canterbury Green	20	Lots 9-16 N2.5, S7.5 Other lots: 3'/10'	10	15	5
Hampton Row	20	0-3'/10'	10	15	5
Kensington Gardens	25	7.5	15	20	10' to lake 5' to golf
Knightsbridge	25	7.5	Min. 15.5 Sum of Heights	20	5 to golf 10 to lake
Lancaster 1 & 2	20	Min. 15.5 Sum of Heights	Min. 15.5 Sum of Heights	20	10
Nottingham Cove	20	5	10	20	5 7.5 Lot 5&6
The Hamlets	20	Min. 15.5 Sum of Heights	Min. 15.5 Sum of Heights	20	10
Sheffield Villas	20	Greater than 3'/10'	10	15	5
Yorktown	20	3'/10'	10	20	5 to golf 10 to lake

Due to drainage and utility easements the following side yard setbacks are required:

1. Yorktown
Between Lots 6 & 7, 12 & 13, 20 & 21,
28 & 29, 36 & 37, 42 & 43 7.5 feet (15 feet total)

2. Knightsbridge
Between Lots 6 & 7, 12 & 13, 14 & 15,
18 & 18, 22 & 23 7.5 feet (15 feet total)

3. Home Estates
Between Lots 2 & 3, 6 & 7 7.5 feet (15 feet total)

4. Canterbury Greens
Block C between Lots 14 & 15 7.5 feet (15 feet total)
Lot 16 2.5 feet south line only
Lot 17 13.14 feet north line only
Between Lots 35 & 26, 36 & 37 5 feet (10 feet total)
Lot 23 7.5 feet south line only
Lot 26 7.5 feet north line only
Block E between Lots 4 & 5 7.5 feet (15 feet total)
Lot 7 7.5 feet north line only
Lot 16 7.5 feet north line only

5. Hampton Row
Block C, Lot 17 13.14 feet north line only
Block C, Lot 23 7.5 feet south line only
Block E between Lots 13 & 14 2.5 feet (5 feet total)
Block E, Lot 14 7.5 feet south line only
Block E, Lot 7 7.5 feet north line only

6. Sheffield Villas
Lots 5 & 17 11.91 feet south line only
Lots 6 & 18 3.19 feet north line only

7. Nottingham Cove
Lot 5 7.5 feet east line only
Lot 6 7.5 feet west line only
Lot 15 7.5 feet east line only

EXHIBIT 4: POLICY FOR ENFORCEMENT

1. Communications

1. All communication shall be in writing.
2. If an owner feels they must talk to someone then they should call the ARB Chair. Calls to the KPMA or any other ARB member will be redirected to the ARB Chair.

2. Complaints

1. All complaints regarding issues that involve the ARB must first be presented to the President of the specific Neighborhood Association.
2. The neighborhood association president or an owner may communicate in writing or verbally to the KPMA Administrator. They must include location address, the infraction, and date and time of the observation.
3. Based on the apparent merit of the complaint, the ARB as a committee, or one or more of its members, will inspect the property.
4. If warranted, the ARB will prepare and mail a letter which will include the following:
 - The complaint
 - How the complaint violates covenants
 - A request for correction
 - A time for completion and/or reply
5. The owner may contact the ARB through the KPMA Office in writing to further explain the situation, ask for an extension in time, or to indicate the completion date, or any other pertinent information.
6. The owner may request a meeting on his property with the ARB, or a hearing before the ARB.
7. The ARB will monitor completion of the necessary work and follow up on the assigned completion date. If the work is incomplete, a second letter will be sent.
8. See Violations Procedures below.

3. Violations Procedures

1. Any work performed without an ARB approval or outside of the approval, may result in legal action that could end in the work being undone at the owner's expense, including legal fees.
2. Any complaint that goes uncorrected may result in the KPMA taking legal action, correcting the problem, and billing the owner for all costs including legal fees.

3. Any unauthorized work, violation, or unanswered complaint will result in a series of letters sent by general mail, including a “Certified” with return receipt. The first letter will include:
 - Time limits will be specified for response
 - The course of action will be specified
4. The second letter will require a response within seven (7) days
5. The third letter will be notification that the KPMA is authorizing its attorney to begin legal proceedings which may include a hearing and/or filing of action in court.
6. Refer to the “Policy and Procedure for Enforcement of Covenants” section.

**EXHIBIT 5: ARB PROCEDURE FOR HANDLING COMPLAINTS AND
REQUESTS FOR MODIFICATION**

A. ARB Procedures for Handling Complaints

1. Complaints, in writing or by voice, are collected and logged by the Administrator.
2. The ARB Chair retrieves the complaint and begins to process it.
 - a. The complaint may be referred to one or more ARB members to handle, or be referred to the entire committee.
 - b. One or more members will visit the site to gather additional information. This and their observations will be documented in a letter to the owner.
3. A letter is prepared by the Chair with details of the complaint and reference to the KPMA Declaration and Covenants. The letter shall include:
 - a. Suggestions for remedy.
 - b. A date for correction of the problem and/or response by the owner, usually two to four weeks, depending on the complexity.
4. The Administrator will mail the letter and note in the log.
5. The Owner may ask for the ARB to visit the property. Two or more members should respond, as soon as possible.
 - a. This is to be non-confrontational or judgmental.
 - b. This is a fact finding event.
 - c. No conclusions are to be offered.
 - d. This meeting will be documented in a letter to the owner.
6. The Owner may request a hearing before the ARB.
 - a. A meeting will be granted, if warranted.
 - b. The meeting will be the next regular ARB meeting. Exceptions may be made with good cause.
 - c. The meeting will be documented and a letter sent to the owner.
7. Complaints may be assigned by type to specific members who have specific expertise, such as landscape maintenance, building maintenance, roof maintenance, etc.
8. The Administrator or Chair will monitor the date for completion and/or reply. If nothing is received from the Owner, a second letter will be sent.
 - a. The second letter will caution the Owner that if there is no reply and/or a correction, the third letter will be from the KPMA attorney.
 - b. The second letter will contain a seven (7) day reply/completion date.
9. If all letters and time periods are ignored, the complaint will be sent to the KPMA BOD, with the recommendation that the complaint be sent to the KPMA attorney for action.

- a. If there is an easy, obvious, correctable maintenance problem, the ARB will notify the KPMA BOD with a recommendation that the problem be fixed and the owner billed.
- b. The KPMA attorney will be directed to notify the Owner that he has been directed to file suit in court to gain compliance for correction of the complaint and all legal costs.
 1. The KPMA attorney may offer a preliminary hearing.
 2. The Owner may retain his or her own attorney at their expense.

B. ARB Procedures for Handling Requests for Modification/Alterations

Approval Request (AR)

1. These are submitted to the Administrator, who logs in the AR by Owner name and date received.
2. The Administrator notifies the ARB Chair by e-mail or voice.
 - a. If the AR is for storm windows or paint (with the same color scheme) and has adequate supporting materials, the Chair may authorize the Administrator to send a form letter of approval.
 - b. If information is incomplete, or the project more complex, the following applies:
 1. The Chair retrieves the AR and begins to process it.
 2. The AR, depending on complexity, may be referred to other committee members, and/or be held for the next committee meeting. The request will be discussed and a simple majority vote will decide.
 3. A response to the AR is to be prepared by the Chair and mailed within 14 days.
3. Based on member input, one of the following occurs:
 - a. The Chair prepares a letter to the Owner describing information needed.
 - b. The Chair prepares a letter to the Owner rejecting the proposal with reasons.
 - c. The Chair prepares a letter of conditional approval, which is approval granted upon some minor additional information or is granted based on final approval after all work is complete.
 - d. The Chair prepares an approval letter.
4. All letters refer to specific portions of KPMA Declarations and Covenants, with an attitude toward helping the Owner.
5. All letters remind Owners that they are responsible to meet all County codes and to obtain a governmental permit.
6. All letters are to thank the Owners for their cooperation.
7. The Administrator mails the letter and logs in the action.

8. The Owner may request ARB members visit the site or request a hearing before the ARB.
 - a. These request will be granted as soon as possible.
 - b. Visits to the Owner's property and/or the hearing will be documented in a letter to the Owner.
 - c. One, or preferably more, members of the ARB will meet with the Owners at the Owner's site to gather additional information.
 1. This is to be done non-confrontationally or judgmentally.
 2. Information is to be taken back to committee.
 3. This will be documented in a letter to the Owner.
9. The Owner may submit additional information on the original AR.
10. Common items missing from an AR:
 - a. Site plans drawn to scale.
 - b. Elevation plans drawn to scale.
 - c. Before and after drawings.
 - d. A plan to remove landscape prior to construction and a plan to replace it after construction.
 - e. Color schemes and color swatches.
 - f. Plan for worker access, location of trash receptacles, and a plan for supply storage.
 - g. Agreement from neighbors.
 - h. Blueprints.
 - i. Timing schedules include an approximate start and completion dates.
 - j. Drawings without measurements, location of North, or labels.
 - k. Pictures without labels or orientation.
 - l. Neighborhood association approval.
11. The ARB's review of an application is to consider County codes, County PUD ordinances, the general harmony with the rest of the community, and neighborhood restrictions, including setbacks and easements, and how the plan is to be carried out in relationship to the neighbors and the golf course.
12. Different ARB members may be designated for specific types of AR areas, such as construction, landscape, or "other" structures.
13. If an Owner proceeds with a project without approval, the ARB will issue a complaint in writing, to the Owner, and give them seven days to correct the problem, stop the project, and respond to the letter.
 - a. If no response is received, a second letter will be sent. This letter will provide seven (7) days for response and contain a warning that the next letter could be from the KPMA attorney who may initiate court proceedings to correct the problem.

b. The ARB will notify, along with the second warning letter, the KPMA BOD and request they authorize the KPMA attorney to start proceedings to remove the project.

SECTION 7: FORMS - EXHIBIT 6-A



**Kensington Park Master Association, Inc.
Architectural Review Board**

Initial Review Application

To: Kensington Park Master Association, Inc. Date: _____
Attn: Architectural Review Board
 2700 Pine Ridge Road, Naples, FL 34109
 (239) 213-1988

Lot Number: _____ Block Number: _____ Neighborhood: _____

From: _____
 (Owner's Name)

 (Address)

(City) _____ State _____ Zip Code _____
 Phone 1: (____) _____ Phone 2: (____) _____

General Information

Type of Lot:

Corner	()	Yes	()	No
Cul-de-sac	()	Yes	()	No
Interior	()	Yes	()	No
Exterior	()	Yes	()	No

Surrounding Views and Uses:

Lake	()	Yes	()	No
Wetlands	()	Yes	()	No
Existing Buffers	()	Yes	()	No
Existing Homes	()	Yes	()	No

Streetscape Furniture on or adjacent to the Lot

Street Light	()	Yes	()	No
Street Signs or Traffic Signs	()	Yes	()	No
Fire Hydrant	()	Yes	()	No
Power Box	()	Yes	()	No
Phone Box	()	Yes	()	No
TV Box	()	Yes	()	No
Street Tree	()	Yes	()	No

General Building Information

Number of Stories _____
 Building Height (to highest point) _____
 Under Air S.F. _____
 Garage S.F. _____
 Screened Porch/Lanai S.F. _____
 Pool and Deck S.F. _____
 Driveway/Paving S.F. _____
 Maid/Guest Quarters S.F. _____

TOTAL IMPROVED S.F. _____

Specific Building Information

Description	Material	Color
Roof:		
Exterior Wall:		
Trim: Banding		
Fascia		
Chimney/Vents		
Columns		
Front Door		
Garage Door		
Soffit		
Lighting		
Railings		
Shutters		
Window Frames		___ Bronze ___ White ___ Other
Window Glass		
Fencing/Walls		
Driveway/Entry		
Pool/Patio/Deck		
Pool Screen & Frame		___ Bronze ___ White ___ Other
Spa & Hot Tub		
Solar Collector		
Heat Pump/Gas Tank		
Playground Equipment		

Color and material samples of the above items shall be submitted with the Final Review Application. Sample submittals required should be coordinated with the Board prior to submittal.

Submittal Checklist

Pursuant to the Architectural Control Standards for Kensington Park, the following are required for all single family lots and must accompany this Initial Review Application. Failure to submit any of the following and comply with the required procedures will result in rejection of your Initial Review application by the Architectural Review Board.

- () Site Plan Sketch (Scale 1' = 20')
- () Floor Plan Sketch (Scale 1/4" = 1')
- () Elevation Sketches (Scale 1/4" = 1')
- () Appropriate Color and Material Samples
- () Conceptual Landscape/Irrigation/grading plan with dimensions to property line (Scale 1/8" = 1' pr 1" = 10')
- () Vegetation Survey (Scale 1/8" = 1' or 1" = 10')
- () Irrigation System Design with Connections to Supply
- () Designated Location of dumpster/fenced scrap area
- () \$ 1,000.00 Application Fee payable to Kensington Park Master Association, Inc.

Signature of Owner/Applicant _____

Signature of Owner/Applicant _____

The above signature(s) acknowledge that the information provided on this Initial Review Application is true and correct to the best of their knowledge.

Application	___ Approved	___ Not Approved	Date: _____
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Chairman, Architectural Review Board
Kensington Park Master Association

(Additional pages may be added as needed)

1. I/We have read and understand the Covenants and Restrictions applicable to the property (the “Declaration”) and the Architectural Control Standards (the “Standards”) and will follow and obey the said Declaration and Standards.
2. I am/We are responsible for completing the project as described by the drawings and specifications approved and any proposed changes will be submitted for approval prior to implementation. I/We shall submit plans and specs for ARB approval prior to any governmental agency.
3. I/We will maintain a clean construction site at all times and install a job sign, commercial dumpster and job toilet, as necessary, or at the discretion of the Architectural Review Board.
4. I am/We are responsible for the conduct of all workers performing services on this project at all times while they are in Kensington Park Master Association property.
5. I/We will notify the Architectural Review Board for all required field reviews and for final inspection.
6. Any fees paid out by the Master Association’s Architectural Review Board for repair of damaged areas, the correction of changes not approved by the Board or work contracted to improve the appearance of untidy sites, will be paid by the builder/contractor and/or owner.
7. I/We agree and understand that nothing contained herein prevents the Board from pursuing any or all other rights or remedies permitted under the laws of the State of Florida. The builder/contractor and/or owner is responsible for any damage to the common properties, roadway or existing sidewalks, structures, improvements, abutting the owner’s plot, whether or not the perpetrator of damage is known.
8. I/We understand the builder/contractor and/or owner shall be assessed for the cost of the uniform mailbox at the time of installation by the Master Association and at final approval by the ARB.
9. I/We agree and understand that in the event it becomes necessary to enforce the provisions of this Agreement, the Master Association Declarations and Covenants or the Standards, then the prevailing party shall be entitled to recover reasonable attorney’s fees and costs.

Witnesses:

Signature of Owner

Signature of Owner

Signature of Builder/Contractor

SECTION 7: FORMS - EXHIBIT 6-C



**Kensington Park Master Association, Inc.
Architectural Review Board**

Statement of Existing Conditions

Lot # _____ Block # _____

To: Kensington Park Master Association
c/o Architectural Review Board
2700 Pine Ridge Road
Naples, FL 34109
(239) 213-1988

From: Builder Name: _____
Address: _____
City/State/Zip Code: _____
Telephone: (____) _____
E Mail: _____
Contractor's License: _____

Existing Conditions

Identify and describe all damages that were existing before construction began:

- Adjacent Structures _____
- Street Lights _____
- Traffic Signs _____
- Sidewalk/Cart Path _____
- Fire Hydrant _____
- Power Box _____
- Phone Box _____
- TV Box _____

Existing Vegetation	_____

Curb & Paving	_____

Storm Drains	_____

Landscaping & Irrigation	_____

Lake Slopes	_____

Water & Irrigation Meter Boxes	_____

Street Trees	_____

Witnesses:

_____	_____	_____
	Signature of Owner	Date

_____	_____	_____
	Signature of Owner	Date

_____	_____	_____
	Signature of Builder/Contractor	Date

(Additional pages may be added as needed)

SECTION 7: FORMS - EXHIBIT 6-D



Kensington Park Master Association, Inc.
Architectural Review Board

Final Review Application

Lot # _____ Block # _____

To: Kensington Park Master Association
c/o Architectural Review Board
2700 Pine Ridge Road
Naples, FL 34109
(239) 213-1988

From: _____
Owner's Name

Address

City _____ State _____ Zip Code
(____) _____ (____) _____
Home Telephone Home Telephone

Date of Initial Review Approval: _____
Date Submitted: _____
Date Re-Submitted: _____

Initial Review Modifications

List all required modifications stipulated by the Initial Review Comments and identify where, as well as how, they have been addressed in the plan submittal package (the use of highlighter with color coding will facilitate a more expeditious review).

Submittal Checklist

Pursuant to the Architectural Control Standards for Kensington Park, the following are required for all single family lots and must accompany this Initial Review Application. Failure to submit any of the following and comply with the required procedures will result in rejection of your Initial Review application by the Architectural Review Board.

- () Site Plan Sketch (Scale 1' = 10')
- () Floor Plan Sketch (Scale ¼" = 1')
- () Elevation Sketches (Scale ¼" = 1')
- () Appropriate Color and Material Samples
- () Conceptual Landscape/irrigation/grading plan with dimensions to property line (Scale 1/8" = 1' pr 1" = 10')
- () Vegetation Survey (Scale 1/8" = 1' or 1' = 10')
- () Irrigation System Design with Connections to Supply
- () Designated Location of dumpster/fenced scrap area
- () \$ 500.00 Application Fee payable to Kensington Park Master Association, Inc.

Signature of Owner/Applicant Date

Signature of Owner/Applicant Date

The above signature(s) acknowledge that the information provided on this Final Review Application is true and correct to the best of their knowledge.

Application	_____	Approved	_____	Not Approved	Date: _____
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Chairman, Architectural Review Board
Kensington Park Master Association

(Additional pages may be added, as needed)

SECTION 7: FORMS – EXHIBIT 6-E



Kensington Park Master Association, Inc. – Architectural Review Board

Approval Request for Building and/or Landscape Modification, Alteration, Addition, and/or Installation

To: Kensington Master Association, c/o Newell Property Management, 5435 Jaeger Road #4, Naples FL 34109. Or, may be dropped off at the Main Gate.

NAME MAILING ADDRESS

KENSINGTON PROPERTY ADDRESS LOT/UNIT # BLOCK/BUILDING # SUB-ASSOCIATION

- Project: Landscape Modification (Section II, III*) Shutters (Section IV.1)
Sign Approval (Section III) Generators (Section IV.2)
Exterior Painting Play Items (Section IV.3)
Building Modification/Alteration (Section IV)

Project Description, including access, storage of supplies, plan for trash removal, removal/replacement of landscape, etc.

Attach pictures, site plans, elevation plans, before and after drawings, blueprints, color swatches, brochures, products, etc. Include clear dimensions, scale, and compass orientation.

BUILDER LICENSE # VENDOR

Approximate Start Date / / Approximate Completion Date / /

Approval, if granted, is based on the understanding that the applicant, their heirs, and assigns, are solely responsible for the costs and timely completion of this project within two months of the estimated completion date, and are solely responsible for obtaining all Collier County approvals, and subsequent maintenance. Kensington Park Master Association is not required to complete or maintain any approved action, or repair damage resulting there from to any property. No vendor signs are permitted. County permit signs may be placed to the side of the property.

Applicant Signature Date / / Applicant Signature Date / /

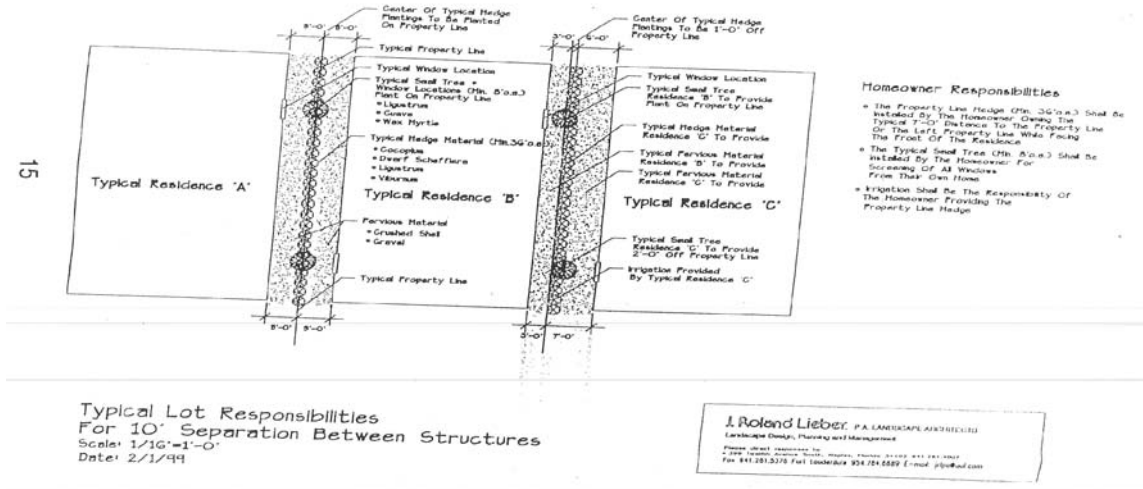
*Refers to sections of the ARB Design Manual, June 2005. Additional information may be provided on the back of this form.

Application Received / /
Approved / / Not Approved / / Returned to Applicant for More Information / /
Architectural Review Board: / /

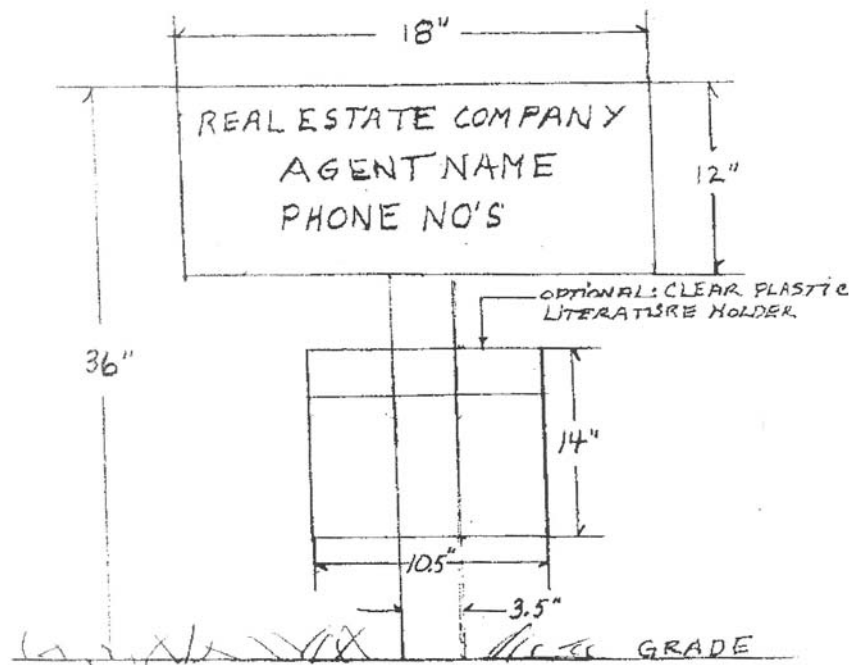
Second Application Date / /
Approved / / Not Approved / / Returned to Applicant for More Information / /
Architectural Review Board: / /

SECTION 8: DRAWINGS & ILLUSTRATIONS

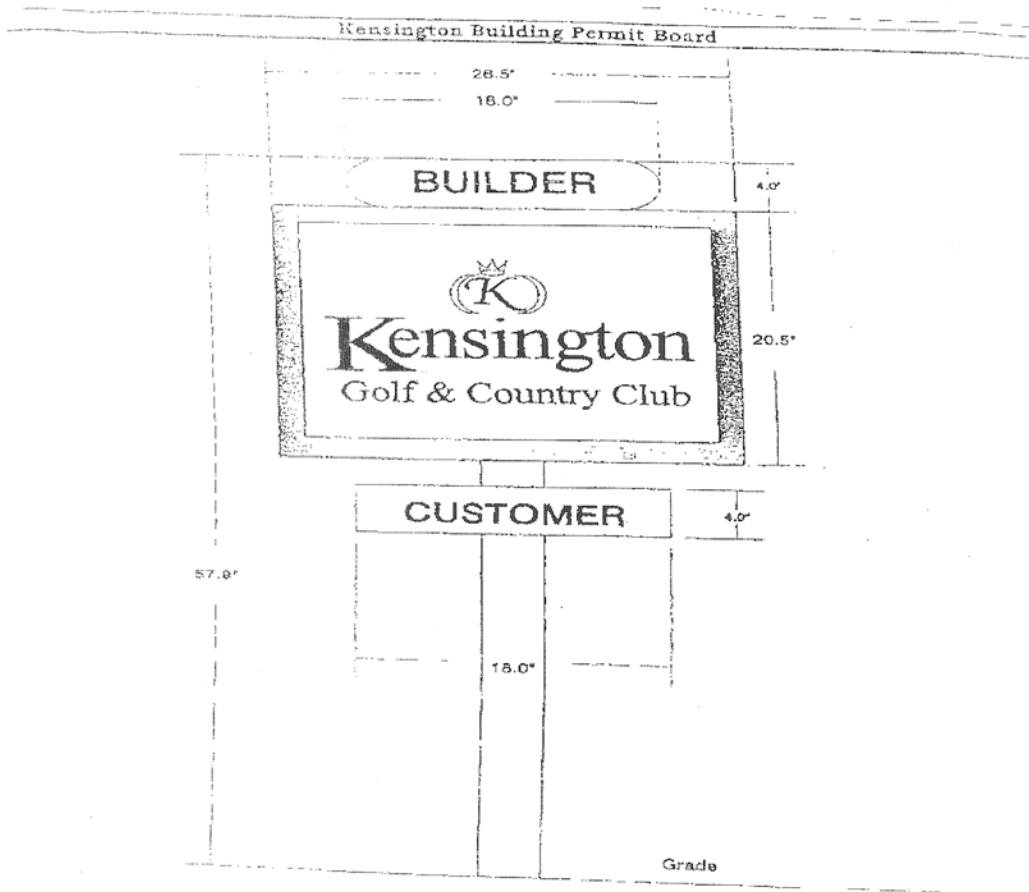
DRAWING 1.1: Typical Lot Responsibilities



DRAWING 2.1: Authorized Real Estate Sign

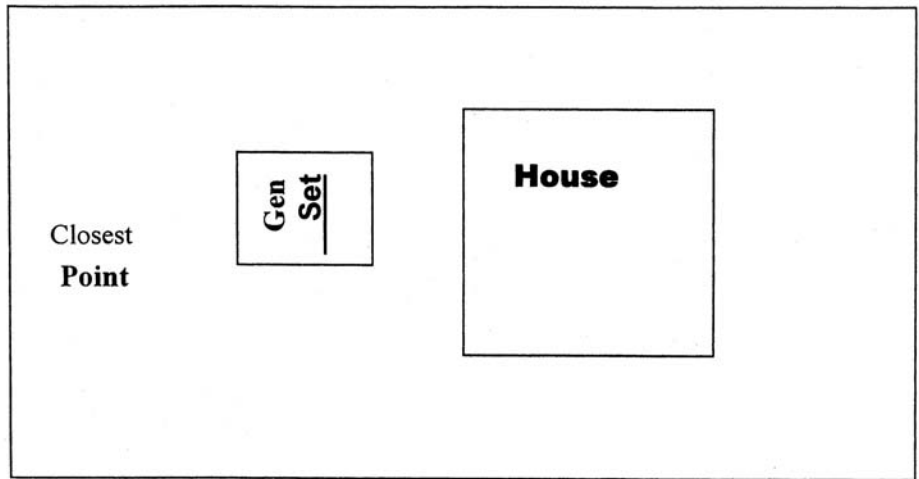


DRAWING 2.2: Building Permit Board



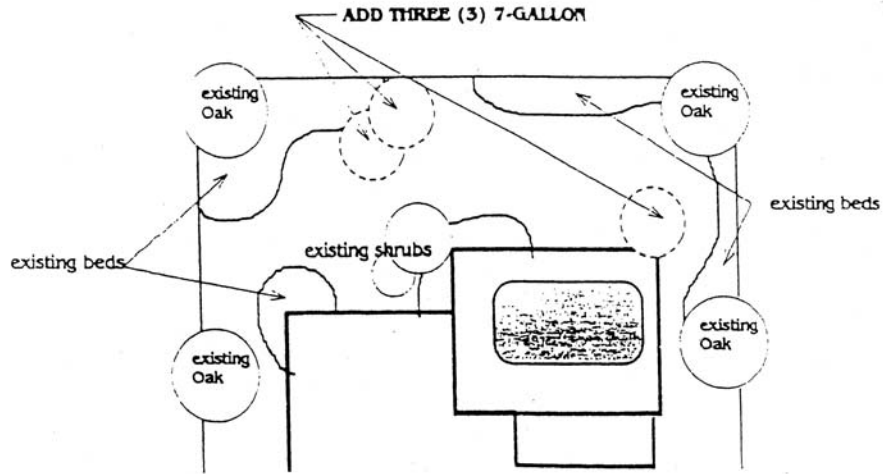
DRAWING 5.1: Generator Installation Location

Lot Line



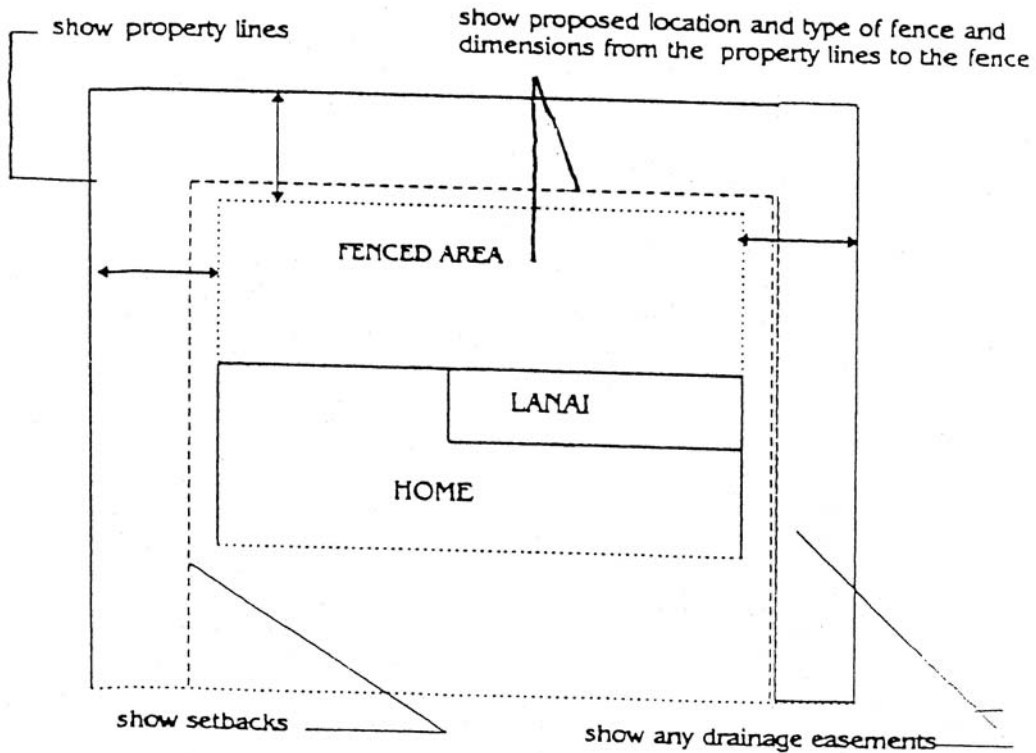
Street

DRAWING 5.2: Landscape Modifications

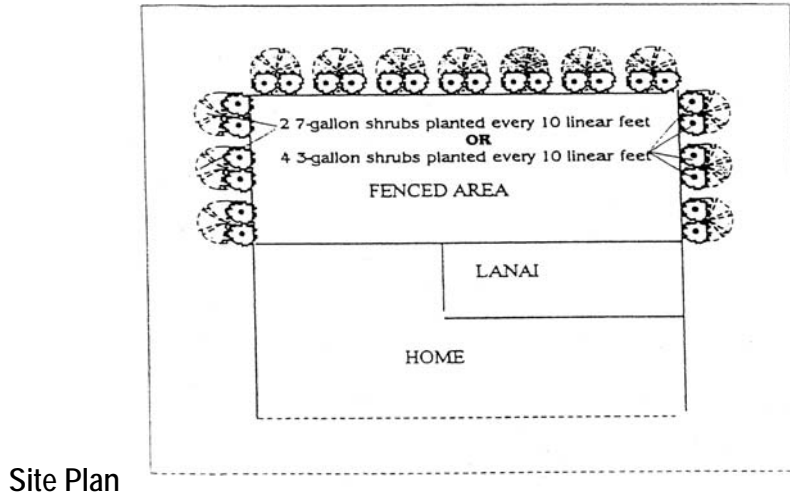


Note: Existing landscaping must not be removed from the property without being immediately replaced with material equivalent in size, height and quantity. Consult the landscape palette for acceptable materials.

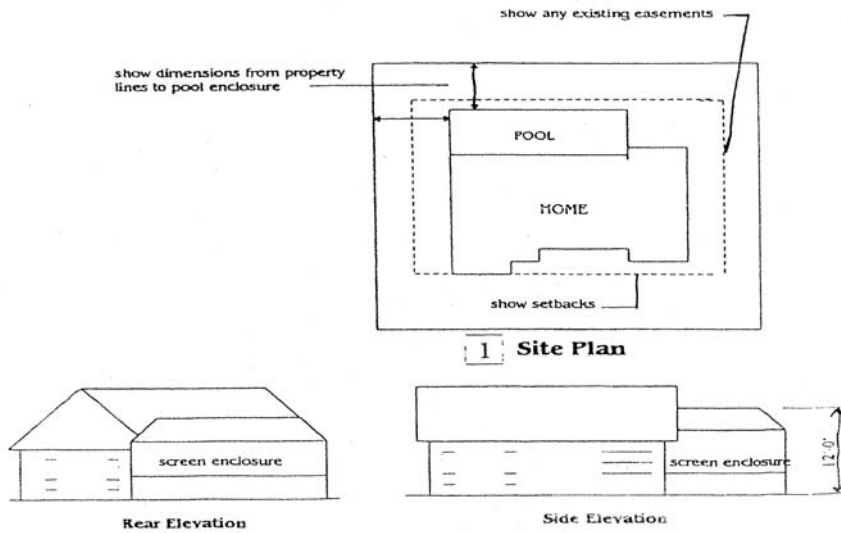
DRAWING 5.3: Fence Installation Location



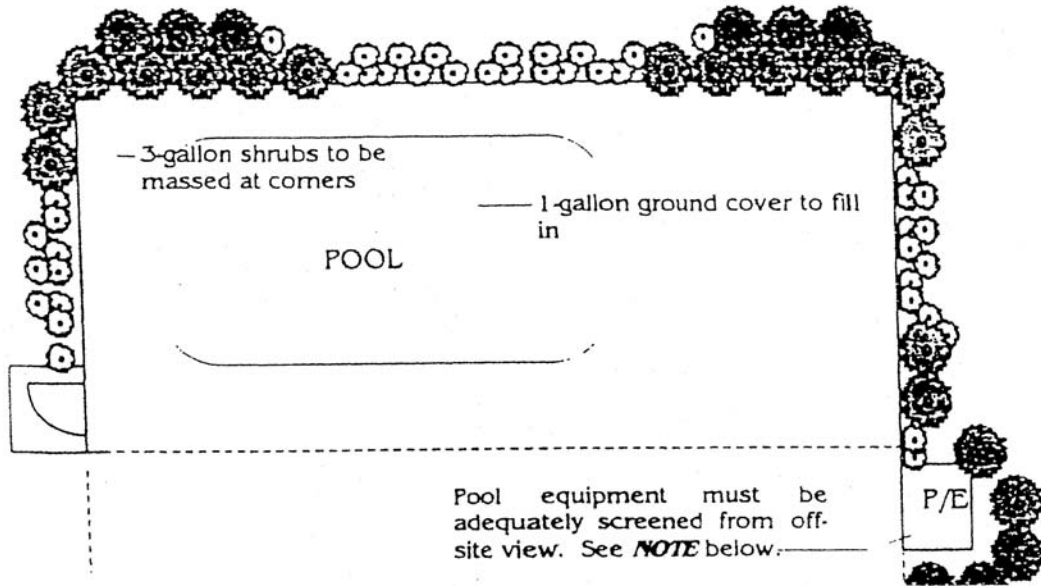
DRAWING 5.4: Landscape Screening A Fence



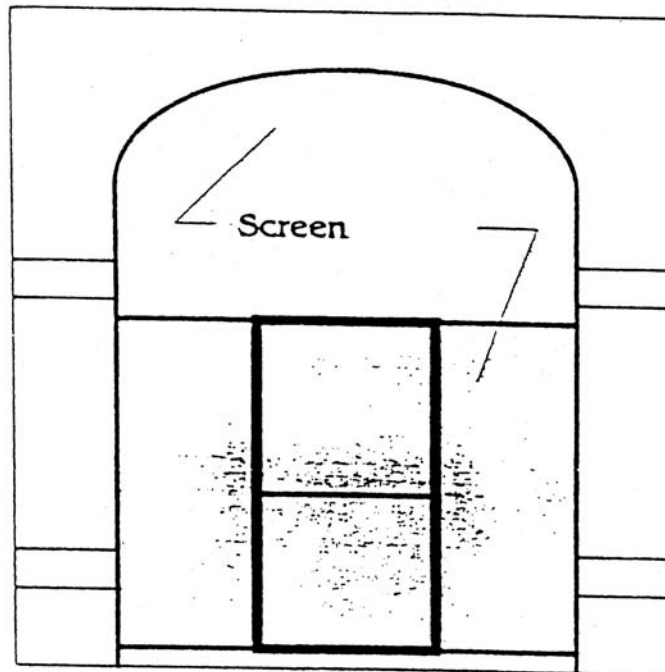
DRAWING 5.5: Pools and Pool Enclosures



DRAWING 5.6: Landscape Screening a Pool Enclosure



DRAWING 5.7: Front Entry Screen Enclosures



SECTION 9: KPMA “DECLARATION OF GENERAL COVENANTS”

Definitions: Page 4, Item 1.15 “Dwelling Unit” includes condos.

Page 5, Item 1.28 “Plot” means “a discrete lot or building...or to a condominium unit within a condominium...”

Articles of Incorporation:

Exhibit C, Page 11, Item 12.2 “Maintenance and Appearance” Each Regular Member shall maintain his plot and all fixtures located thereon in good condition and repair at all times.

Article VI, Page 25 “The Owner of each Plot...shall be a Regular Member...”