

**ARCHITECTURAL AND LANDSCAPE
DESIGN REVIEW AND STANDARDS MANUAL
FOR COMMERCIAL LOTS
FOR ROTONDA SANDS CONSERVATION ASSOCIATION**

The definitions contained in the Amended and Restated Declaration of Restrictions for Rotonda Sands Subdivision recorded in Official Records Book 4619, Page 1016, of the Public Records of Charlotte County, Florida, and as amended hereafter from time to time (the "Declaration"), are incorporated herein as part of this Architectural and Landscape Design Review and Standards Manual for Commercial Lots (the "Guidelines"). Any business or commercial activity or construction, including without limitation development or improvements upon land, being planned for the Rotonda Sands subdivision (the Subdivision), must be submitted to the Association's Architectural Review Committee for review prior to application to Charlotte County for a building permit. These Guidelines shall be applicable only to commercially zoned properties within the Subdivision.

Rotonda Sands is a deed-restricted community. The deed restrictions can be found in the Public Records of Charlotte County, Florida, in Official Records Book 4619, Page 1016, and such further amendments as are recorded from time to time. Furthermore, the Association shall endeavor to maintain the Declaration on its website at rotondasands.com and a copy may be requested by calling Grande Property Services at (941) 697-9722. In addition to the aforementioned community Declaration and Charlotte County regulations, commercial properties also have specific guidelines that must also be followed. These Guidelines have been adopted to help integrate commercial activity into this residential neighborhood. Unless otherwise stated herein, in the event of a conflict between these Guidelines and the Declaration, the Declaration will supersede these Guidelines. However, these Guidelines shall apply unless there is such a direct conflict, including without limitation where these Guidelines are more specific than the Declaration. Each project or improvement will be reviewed individually to try to accommodate the needs of the business and to protect the nature of the residential area. Any construction specifications or other areas not covered by these Guidelines will be addressed on a case-by-case basis by the Architectural Review Committee in a manner that is consistent with the character of the community and intended to preserve the community in the manner intended by the Declaration and these Guidelines.

All construction and improvements, including without limitation exterior facade appearance and all exterior buildings materials must be approved by the Rotonda Sands Architectural Review Committee and the full Board of Directors prior to construction or permitting. To obtain approval, a complete and fully descriptive set of plans and specifications for the intended Improvement must be submitted for review. This same review process applies to all aspects of the commercial property including, but not limited to, lighting, signage, screening, exterior colors, fencing and landscaping.

The following Guidelines are based on the Charlotte County Commercial Design Standards Article XXIV in effect as of July 2020. Please review these standards at www.charlottecountyfl.gov. The Amendment, substitution, or replacement of the respective sections of the Charlotte County Code from time-to-time hereafter are hereby incorporated by reference and shall be deemed to modify the respective sections of code referenced herein upon enactment.

1. (ref. 3-5-505): The number and location of exits/entrances must be minimized to limit traffic, but must still adhere to current Charlotte County Fire Department codes.
2. (ref. 3-5-506): Facades shall incorporate a minimum of four (4) design treatments as listed in the Charlotte County Commercial Design Standards, Article XXIV, Section 3-5-506. The following options are excluded in the Rotonda Sands: bell towers, chiming clocks and sculptures.
3. (ref. 3-5-507): The maximum height for a commercial building is thirty-five (35) feet.
4. (ref. 3-5-508): Murals and other artists renderings are not allowed on commercial property or commercial buildings. Fluorescent colors are prohibited.
5. (ref. 3-5-509): Flat roofs are allowed on commercial buildings. Parapets/3-dimensional cornice treatments must be present along the entire roof perimeter.
6. (ref. 3-5-510):
 - a.) To prevent the impact of dust on residential properties, all parking, loading, storage refuse and similar areas, must be on a hard surface.
 - b.) All parking must be in designated parking areas within the boundary of the respective property. Parking on nearby vacant lots is strictly prohibited at all times.
 - c.) On street parking is prohibited as is parking in the public right-of-way.
 - d.) Parking areas will be appropriately lighted. This will be decided on a case by case basis.
 - e.) Overnight parking is restricted. Please review the Rotonda Sands Deed restriction Article 9, Section 8 for more information. Any vehicle allowed to remain on property overnight must be located in the rear of the building and be completely sight screened.
 - f.) All parking lots and hard surface areas must be swept and cleaned on a regular basis. Cracks and other damage must be repaired/replaced as needed.
 - g.) Broken bumper stops or curbing must be replaced as needed.
 - h.) No materials, equipment or personal items may be left outside the building unless completely sight screened from all directions.
 - i.) Drainage inlets, storm sewers or any surface drainage facilities must be maintained in good repair and clear of any debris to allow for proper flow of water.
7. (ref. 3-5-512):
 - a.) Intent. The intent of this section is to prevent the intrusion of light from the commercial properties onto adjacent properties and to create a compatible and consistent design of lighting for the project. This section further intends to prevent the interference of lighting with automotive and pedestrian traffic, which can create potentially hazardous conditions.
 - b.) The design of the actual lighting fixtures shall complement the design of the project in style, color, materials, and location. Lighting shall have a consistent design for the entire site, including out-parcels.
 - c.) Light fixtures shall be a maximum of thirty (30) feet in height in parking areas and a maximum of fifteen (15) feet in height in all other areas of the site but shall in no case rise above the roof line of the buildings of the site which it serves.
 - d.) Lighting shall be designed to prevent the glare or spillage of light onto adjacent properties and to prevent hazardous interference with automotive and pedestrian traffic. In order to accomplish this, all exterior lighting shall be directional, use recessed light bulbs, filters or shielding to conceal the source of illumination. Lighting is not allowed to spill over onto adjacent properties.
 - e.) Low level lighting (i.e., the illuminated element of the fixture is four (4) feet or less in height) directed downwards onto the ground surface shall be utilized for pedestrian walkways.

f.) No portion of this section is intended to prevent the use of lighting for security purposes so long as it does not interfere with adjacent properties.

g.) Holiday lighting and or displays may only be present from one (1) week prior to the United States of America's Thanksgiving through January 31st.

h.) Fluorescent colored and neon lighting is strictly prohibited.

i.) Lighting that flashes, blinks, streams, runs or has perceived movement is prohibited.

8. (ref. 3-5-513):

a.) Refuse pickup must occur on a regularly scheduled basis. Refuse can never be left outside of its' designated container. The container must never be in an overfilled condition.

b.) The Rotonda Sands is fortunate to share the community with a variety of wildlife. We strive to live responsibly as related to our wildlife. Refuse must be contained at all times in a solid container with a lid. The lid must remain closed at all times. Any refuse spillage (litter) must be cleaned up immediately.

c.) Adequate space must be provided at the rear of the building for the refuse area.

d.) The refuse area, including containers, must be completely sight screened from every direction. This area should have a gated fence which will remain closed to provide sight screening. This gate must be constructed of PVC/vinyl. Acceptable colors are white, beige or tan.

e.) The refuse area must be kept reasonably clean at all times. Any offensive odors must be dealt with promptly.

f.) Yards and landscaped areas must be kept clean and free of litter and dead landscape material.

9. (ref. 3-5-14): Out-parcels, secondary buildings, garages, sheds, and overnight living areas are not permitted. Residential living spaces are strictly forbidden on commercially zoned properties. Temporary structures/businesses are prohibited at all times. This includes, but is not limited to, food trucks, windshield chip repair, bazaars, car washes.

10. (ref. 3-5-515): Strict concern will be shown concerning signage on each commercial property. Every proposed sign will be decided on a case-by-case basis. All signs shall comply with the requirements of section 3-9-85 of the Charlotte County Code. The amendment, substitution, or replacement of the respective sections of the Charlotte County Code from time-to-time hereafter are hereby incorporated by reference and shall be deemed to modify the respective sections of code referenced hereupon enactment. In addition to the aforementioned County Code, Rotonda Sands has additional guidelines.

a.) Animated signs, including signs with perceived or actual action, motion, rotation, blinking or flashing are strictly prohibited. Flags, banners or signs with wind actuated elements are also prohibited.

b.) Signs producing noise or smoke are prohibited.

c.) Temporary signs or signs that are not permanently attached to the structure or ground, including promotional or sale signs, are prohibited. Inflatables are considered temporary signage making them prohibited.

d.) Neon signs and signs with perceived movement are prohibited.

e.) VEHICLE MOUNTED SIGNS:

Signs mounted, painted or erected on trucks, cars, boats, trailers (attached to a vehicle) or other motorized vehicles/equipment shall be considered ground signs and subject to the rules regarding such hereunder. Signs mounted on a trailer chassis (with or without wheels) are considered portable ground signs, which are prohibited. Vehicle or trailer signs may be used if ALL of the following requirements are met:

* Primary purpose of the vehicle/equipment is not to display signage.

* Signs are magnetic, decals or printed on an internal part of the vehicle as designed by the manufacturer.

* Vehicle/equipment is in operating condition and currently registered and licensed to operate on public streets. Vehicle must be actively used in the daily function of the business to which the sign relates.

* Vehicle/equipment cannot not be used primarily as static displays, advertising a product or service or used as storage or shelter.

* During periods of inactivity exceeding 48 hours, vehicles/equipment are not parked or placed where signs are generally displayed to the public. Vehicles or equipment used for active construction projects and the on-premises storage of equipment/vehicles offered to the public for rent or lease are not subjected to this requirement.

11. Each commercial lot shall provide sufficient on-site loading facilities to accommodate site activities, all loading movements and turnarounds. These areas shall be made off of the public right-of-way. Loading docks shall be located at the rear of the building and be completely sight screened so as to eliminate visibility from any residential street or property.

12. All aspects of the exterior of the commercial property, including but not limited to, buildings, lighting, signage, landscaping, fencing, sight screening or miscellaneous equipment, must be continuously maintained to preserve a well-kept appearance. Significant care and concern must be shown to prevent spillover of dust, debris, noise, odors, or light past the commercial property lot lines.

13. a.) All landscaping located within a commercial lot must be approved by the Rotonda Sands Architectural Review Committee and then the full Board of Directors. Each plan will be decided on a case-by-case basis.

b.) Irrigation systems must be underground, automatic and kept in good working condition. It should not discolor any wall, signage, or other structure. Care must be taken to prevent any overspray onto neighboring properties.

c.) At no time shall any landscaping block or interfere with the roadway line sight.

d.) Landscaping shall be maintained in an aesthetically appealing and neat condition. The Association and Architectural Review Committee may regulate the aesthetics of landscaping, including without limitation by requiring that property Owners:

* Keep trees and shrubs properly pruned and maintained.

* Remove leaf clutter and dead branches or plants.

* Dispose of cuttings and debris properly and promptly, according to Association and government restrictions.

* Maintain the irrigation system.

* Keep gutters clean of debris build-up.

e.) Notwithstanding anything to the contrary herein, as required by Florida Statutes Section 720.3075, nothing herein shall be construed to prohibit Florida-Friendly landscaping, as defined Florida Statutes 373.185, as amended from time to time, or create any requirement or limitation in conflict with any provision of Part II of Florida Statutes Chapter 373 or a water shortage order, other order, consumptive use permit, or ruled opted or issued pursuant to part II of Florida Statutes Chapter 373. Landscaping must either comply with all requirements of these Guidelines and the Declaration or, if an Owner asserts that compliance would be contrary to or infringe upon an Owner's right to Florida-Friendly landscaping, said owner must comply with the requirements to obtain Florida-Friendly Landscaping recognition by the Florida Yards & Neighborhoods branch of the Florida-Friendly Landscaping Program of University of Florida, Institute of Food and Agricultural Sciences, and evidence that compliance with the requirement issue would cause said landscaping to no longer qualify for Florida-Friendly recognition.

14. a.) Sight screening must be established on commercial property in all areas reasonably required to promote aesthetic interests, minimize visual clutter, and maintain property values. These areas include, but are not limited to, refuse areas, loading docks, service areas, storage areas, mechanical

equipment servicing the property, miscellaneous equipment, supplies, materials, roof mounted equipment and/or personnel items.

b.) Sight screening plans must be submitted to the Architectural Review Committee for case-by-case consideration. All sight screening must be appropriate for the intended use of the commercial property.

c.) PVC/vinyl fencing or materials of a similar durability and visible aesthetic as determined by the Architectural Review Committee, is the only allowed fencing material for sight screening. Acceptable color choices are white, beige or tan. All fencing must be maintained/cleaned to preserve a well-kept appearance.

d.) Perimeter fencing should be softened by the planting of trees and/or shrubs.

e.) Plantings used for sight screening must be maintained/trimmed to preserve a well-kept appearance and appropriate height. Plantings must provide for an adequate screen from the initial planting.

15. The following uses are strictly forbidden:

a.) Noise that extends beyond the commercial property's lot lines is prohibited between 8:00 pm and 7:00 am Monday through Saturday and for the entire day on Sunday.

b.) Commercial activity/business that is not conducive to the residential neighborhood environment of the Rotonda Sands-(including but not limited to adult entertainment or sexually-oriented uses, including without limitations adult movie theaters, adults motels, adult bookstores, adult video stores, semi-nude model studios, or other adult retail stores, and medical or non-medical marijuana or cannabis related uses, including without limitations marijuana dispensaries, marijuana cultivation or production, marijuana research and/or processing, marijuana treatment centers and marijuana prescription or administration)

c.) Manufacture of acetylene gas, fertilizers, explosives, asphalt paving plants, concrete batch or block plants.

d.) Refining or wholesale storage of petroleum products.

e.) Stockyards or abattoirs

f.) Auto wrecking, salvage yards, used material yards or junkyards.

g.) Any other use that may be determined by the Architectural Review Committee to be undesirable and not in the best interest of the overall character and betterment of the Rotonda Sands community.

16. Disposal or discharge of waste or wastewater not in accordance with normal usage and requirements of law, regulations, utility providers/services, and local ordinances is prohibited.

17. The term "Hazardous Materials" used herein shall refer to any explosives, radioactive material, hazardous wastes, or hazardous substances, including without limitation substances defined as "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; Hazardous Materials Transportation Act of 1975, as amended; the Resource Conservation and Recovery Act of 1976, as amended; or any other federal, state, or local statute, law, ordinance, code, rule, regulation, order, or decree, relating to, or imposing liability or standards of conduct concerning hazardous materials, waste, or substances now or at any time hereinafter in effect (collectively, "Hazardous Materials Laws"). There is a prohibition against generation, treatment, storage or disposal of Hazardous Materials.

Case-by-case exemptions may be granted in the discretion of the Architectural Review Committee with approval of the Board of Directors, in their sole discretion which may be withheld for any reason, on the basis that such requested use will not impair the character and aesthetics of the Rotonda Sands Subdivision; provided that any such permitted use shall comply with and is bound by the following provisions. Owner will not permit or cause violation of any Hazardous Materials Laws, including without limitations upon any Lot or the Property. Owner will immediately advise the Association

in writing of (1) any and all enforcement, cleanup, remedial, removal, or other governmental or regulatory actions instituted, completed, or threatened pursuant to any Hazardous Materials Laws relating to any Hazardous Materials affecting the Property; and (2) all claims made or threatened by any third party against Owner, the Association, or the Property relating to damage, contribution, cost, recovery, compensation, loss, or injury resulting from any Hazardous Materials on or about the Property. Without the Association's prior written consent. Owner will not take any remedial action or enter into any agreements or settlements in response to the presence of any Hazardous Materials in, on or about the Property.

Owner will be solely responsible for and will defend, indemnify and hold the Association, its agents, officers, directors, committees, representatives, and employees ("Indemnified Parties") harmless from and against all claims, costs, and liabilities including attorneys' fees and costs, arising out of or in connection with Owner's breach of its obligations on this Section. Owner will be solely responsible for and will defend, indemnify, and hold the Indemnified Parties harmless from and against any and all claims, costs, and liabilities, damages; liability, fines, prosecutions, judgments, litigation, and expenses, including but not limited to clean-up costs, foreseeable and unforeseeable, direct and consequential, including attorneys' fees and costs, arising out of or in connection with the removal, cleanup, and restoration work and materials necessary to return the Property and any other property of whatever nature to the condition existing prior to the appearance of Owner's Hazardous Materials on the Property.

Approved and executed by Rotonda Sands Conservation Association, Inc. Board of Directors this 16th day of December 2020.

ROTONDA SANDS CONSERVATION ASSOCIATION, INC.

Paul T. Freeman
Signature of 1st witness

BY: Cinta M. Basso

Paul T. Freeman
Printed name of 1st witness

PRINT NAME: Cinta M. Basso

Brenda D. Himmelhaever
Signature of 2nd witness

TITLE: Secretary

BRENDA D. HIMMELHAVER
Printed Name of 2nd witness

DATE: 12/16/2020

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this on this 16TH day of DECEMBER 2020, by CINTA M. BASSO as SECRETARY of Rotonda Sands Conservation Association, Inc., who is personal known to me or has produced _____ as identification.

[Notary Seal]

Brenda D. Himmelhaever
Notary Public



BRENDA D. HIMMELHAVER
Commission # GG 926493
Expires January 24, 2024
Bonded Thru Budget Notary Services