

EXHIBIT "E"
ARCHITECTURAL PLANNING CRITERIA

These criteria may be amended from time to time by the Board of Directors with advice from the Architectural Review Board (ARB).

- I. Building Construction; No building shall be erected, altered, placed or permitted to remain on any lot in Marsh Pointe other than one detached single family dwelling containing not less than 2,500 square feet of livable enclosed floor area, exclusive of garages, terraces, decks or porches. This size limitation may be raised or lowered as deemed necessary with approval of the ARB.
 - A. All buildings shall be constructed of new and durable materials.
 - B. Roof material shall be of 26 or 28 gauge galvanized steel or aluminum, or painted, raised seam roofing panels or 5-v crimp. The minimum pitch on any structure or portion thereof shall be 6/12 unless otherwise specifically approved by the ARB. Flat or shed roofs shall not be permitted unless approved by the ARB. Such areas where flat roofs may be permitted are Florida rooms, porches or patios. There shall be no flat roof on the entire main body of the building. Solar collectors must be approved by the ARB. Collectors shall be thin, roll type mounted flush with the exterior roof unless otherwise specifically approved by the ARB. Exposed plumbing shall be minimized and run in straight lines parallel to or perpendicular with the fascia and roof ridgelines. All exposed plumbing must be painted to match the color of the adjacent surface. The exterior of all homes shall be of wooden lap siding, vinyl lap siding or other lap siding approved by the ARB.
 - C. All homes shall have a covered front porch.
 - E. All homes must have a minimum of a two (2) car garage so designed that the garage doors face the side, and not the front of the house or the street upon which the house faces plus additional off-street parking areas for at least two (2) automobiles.
 - F. The ARB shall have final approval of all exterior color plans and each owner must submit to the ARB a color plan showing the color of all exterior surfaces. The ARB shall determine whether the color plan is consistent with the homes in the surrounding areas and the color plan conforms to the color scheme of Marsh Pointe. The color plan must be submitted prior to construction.

2. All Dwellings shall have a paved driveway and parking area of stable and permanent construction of either stamped concrete, brick pavers or paving bricks.
3. Games and Play Structures: All fixed games and play structures shall be located at the rear of the dwelling or on the inside portion of the corner lots within the set back lines. Basketball goals will not be permitted. No platform or other play structure shall be constructed on any part of a lot located in front of the rear line of the residence constructed thereon and any such structure must have prior approval of the ARB. Doghouses play houses and pre-manufactured sheds are not permitted.
4. Fences and Walls: The composition, location and height of any fence or wall to be constructed on any lot shall be subject to approval of the ARB. The ARB shall require the composition of any fence or wall to be consistent with the material of the surrounding homes and other fences, if any. Chain link fences are prohibited. No fence, wall, fence, tree, or shrub, except existing natural vegetation, which obstruct sight lines shall be constructed or planted closer than 25 feet to the existing lake bank or waterway. No fence or wall which unduly restrict sight lines shall be constructed within 25 feet of the waters edge.
5. Landscaping: The basic landscaping plan for each lot must be submitted and approved by the ARB no later than the dry wall stage of construction. For each lot in Marsh Pointe, the landscape plan shall include a minimum expenditure of \$5,000 at builder's actual cost, excluding the cost of sod. All existing trees should be preserved where possible.
6. Swimming Pools: Any swimming pool, spa, or hot tub to be constructed on any lot shall be subject to the requirement of the ARB which include but are not limited to the following:
 - A. Composition to be of material thoroughly tested and accepted by the industry for such construction. All pools must be of the below ground level type.
 - B. The outside edge of any pool wall cannot be closer than 4 feet of a line extended and aligned with the side wall of the dwelling unless approved by the ARB.
 - C. Pool cages must be set back twenty (20) feet from lake or waterway edge or lot line, unless approved by the ARB.
 - D. No screen of a pool area may stand behind a line extended and aligned with the sidewalls of the dwelling unless approved by the ARB.
 - E. Pool screening may not be visible from the street in front of the dwelling unless approved by the ARB.

- F. Any lighting of a pool or other recreational area shall be designed so as to buffer the surrounding residences from the lighting.
- G. If one owner decides to purchase two adjoining lots and use one for recreation purposes, the lot used for recreation purposes must be adequately screened by landscaping and/or walls or fences on both front and side as required by the ARB. It shall be the intent of the ARB that any such area be screened from public view.
7. Garbage and Trash Containers: All containers shall be kept within an enclosure, which the ARB shall require to be constructed with each dwelling behind landscaping, or within the main building.
8. Removal of Trees: In order that the natural beauty of the property may be preserved, no living tree having a caliper measurement or diameter of 4 inches or more than 4 feet above the ground shall be destroyed or removed from the property unless approved by the ARB in connection with its approval on the plans and specifications for the construction of improvements on the property or otherwise except with the prior written consent of the ARB, as provided in paragraph 12 herein. In the event of a violation of this paragraph the ARB, the Association and their respective representatives may at their option cause any tree so removed or destroyed to be replaced with another similar tree and the owner shall reimburse, the ARB, or the Association for all expenses incurred. The Association may assess and collect such reimbursement in the same manner as assessments pursuant to the Covenants and Restriction.
9. Filling of Lots: No fill may be placed on any lot on Marsh Pointe until the ARB has approved the site plan for any improvement on any lot.
10. Window Air Conditioning Units: No window or wall air conditioning units shall be permitted.
11. Mailboxes: No mailbox or paper box or other receptacle of any kind for the delivery of mail or newspapers shall be erected on any Lot unless and until size, location, design, and type shall have been approved by the ARB. Mailbox design must be submitted no later than drywall stage of construction. It is the intent of the Developer to provide for standardized design of mailboxes throughout the community.
12. Sight Distances at Intersections: No fence, wall, hedge or shrub planting which obstruct sight lines and elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner or lot nor shall trees be permitted to remain within such distances of intersections unless the foliage is maintained as sufficient height to prevent obstruction of sight lines.

13. **Exterior Lighting:** All residences shall include an exterior light on a photocell it being the intent that such lighting shall provide for uniform lighting throughout the subdivision. Design of such exterior lighting shall be compatible with the exterior design of the building and must be approved by the ARB.
14. **Temporary Structures:** No structure of a temporary nature, trailer, tent, shack, garage, barn, or other out building shall be used on any lot at any times as a residence either temporarily or permanently.
15. **Utility Connections:** Building connections for all utilities, including but not limited to water, sewer, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility.
16. **Setbacks:** In order to insure that the location of houses will be staggered where practical and appropriate to provide the maximum amount of view and breeze to each house and that the structure will be located with regard to the topography of each individual lot the location of large trees and similar considerations, the Developer reserves until itself, its successors and assigns and, after all lots are sold and closed, to the Association, the right to control absolutely and solely the precise site and location of any house or dwelling or other structure upon any Lot. Provided, however, that such location shall be determined after a reasonable opportunity is afforded the lot owner to recommend a specific site. Such location shall in all cases conform to the following requirements:
 - A. No structural improvement of any type will be placed forward of the building set back line established by Lee County.
 - B. Houses including overhang shall no be located closer than 10 feet to the side Lot line unless two contiguous Lots are used as one building site, unless approved by ARB.
 - C. The road right of way line shall be considered the front lot line and the owners of corner lots shall designate one side as fronting on the road.
 - D. When a parcel of two or more Lots is used by the owners as a building site the outside lines of the parcel shall for easement and set back regulation purposes be deemed the lot lines of the building site.
17. **Storage Tanks:** No above ground storage tank shall be allowed under any circumstance on any Lot.
18. **Sidewalks:** All lots in the development must have a four foot (4') wide sidewalk of poured concrete the entire length of the front of the property. Approved driveways extending to the road right-of-way may be considered as sidewalk.