

**OCEAN REEF COMMUNITY ASSOCIATION**  
**BUILDING REGULATIONS AND RESTRICTIONS**

**REVISED JANUARY 25, 2008**

The purpose of the Building Regulations and Restrictions of ORCA is to promote a compatible diversity of style and appearance of homes in the community, and to maintain through constant supervision, the established tone and character of the development. The Architectural Committee of ORCA is responsible for informing all property owners and other interested parties of the Building Regulations and Restrictions, and enforcing them. These Regulations and Restrictions are not intended to stifle the imagination or creative desires of property owners, but rather to assure them that protective restrictions are in effect, which will maintain the appearance, character and value of Ocean Reef property.

The Public Safety Department, through their routine patrols, will monitor property and report to this department any violation of the Building Regulations and Restrictions.

**I. GENERAL**

- A. All plans must be approved by the Architectural Review Committee, and both an ORCA Building Permit and Monroe County Permit issued prior to the start of any construction, demolition, land clearing or land leveling, pile driving or storage of material and equipment. This includes permits for any construction, construction trailers or any other activity requiring Monroe County permits.
- B. The Architectural Committee is authorized to approve and/or deny permits and variance requests. Any individual whose plans have been denied may appeal to the Board of Directors. The Board can grant variances and/or listen to appeals.
- C. All visible changes to existing building structures contemplated by property owners, including painting, landscaping, and driveways must be approved by ORCA.
- D. All platted property at Ocean Reef is subject to recorded deed restrictions. These deed restrictions will be strictly enforced and all available remedies for violations will be vigorously pursued. In the event that ORCA institutes any action, suit or proceeding in equity to enforce applicable deed restrictions, building regulations and restrictions of any liens, ORCA will be entitled to recover its reasonable attorney's fees and costs necessarily incurred in connection with such enforcement.
- E. The authority of the Architectural Review Committee shall include suggesting changes in the size and/or general appearance of a structure, which the Architectural Committee feels is not in keeping with the character of the community.
- F. If construction is not started or a Monroe County building permit is issued within one hundred fifty (150) days after the issuance of an ORCA Building Permit, the ORCA Building Permit will be invalid. All construction under an issued ORCA Building Permit must be continued without interruption or cessation until timely completion. The Architectural Review Committee must be notified by the permit applicant of any interruption of construction schedule. Class I and II permits will be issued for a one-year period after the effective date of the Monroe County permit. Class III and IV permits will be issued for a 6-month period after the effective date of the Monroe County permit. If a project is not (will not be) complete within those time frames, the property owner must meet with the Architectural Committee no sooner than 60 days and no later than 30 days prior to the permit's expiration, to determine an acceptable schedule for completion. At that time, the permit may be amended to reflect that new completion date, and may include further conditions required of the owner to mitigate damage or annoyance to neighbors and/or community facilities.

G. Any revisions to plans already submitted, affecting the exterior of a structure must be resubmitted for approval of the ORCA Architectural Review Committee. This includes changes in colors, as well as exterior facades. To expedite the review of proposed revisions, it is suggested that a list of revisions be submitted with the sealed revised drawings. Changes made without such approval will void the existing permit.

H. Building designs, which duplicate or are essentially similar to those of other buildings, may receive unfavorable consideration.

I. The ORCA Building Permit issued in connection with construction at Ocean Reef must be displayed with the Monroe County Building Permit as to be visible from the roadway at all times during construction. Failure to display the permits may subject the contractor to a fine and/or other penalty. (See Allowed Signs, Section XIII, Para. F.)

J. All construction at Ocean Reef is subject to existing zoning and building ordinances of Monroe County and ORCA building regulations and restrictions (the most restrictive prevails). Issuance of a Monroe County permit does not waive the need for an ORCA Building Permit, nor does the issuance of an ORCA Building Permit waive the need for the required county or any other regulatory permits. The Architectural Review Committee will not knowingly approve a project, which is in violation of the county building and zoning codes or any other regulatory agency.

K. Building permit applications denied by the Board may be reconsidered on presentation of new or additional information. If it is the sense of the Board, the plans may be processed under the guidelines for variance procedures.

L. Requests for variances in setbacks or other restrictions will normally be denied unless a hardship can be proven to exist.

M. These regulations may be changed from time to time. Therefore, it is important to obtain the most current publication.

N. There will be no pile driving from November 1 – May 14. Only dock pile driving will be permitted May 15 through October 31<sup>st</sup>.

O. A property owner or club member who requests permission for gate admission for a guest, employee or service personnel will be liable for the actions of that person(s). Property owners who authorize guests, employees, or service personnel to clear other guests will be liable for such guests. Unruly and/or destructive individuals of any age will be subject to discipline and fine.

P. Any member of ORCA who fails to comply with these rules may be subject to a fine as determined by the ORCA Board of Directors. Members are responsible for their contractors and guests' compliance.

## **II. ARCHITECTURAL REVIEW COMMITTEE FUNCTION**

A. The Architectural Committee shall:

1. Review, approve or deny plans for all new construction.
2. Review, approve or deny plans for exterior alterations and/or additions to existing structures. This includes, but is not limited to, alterations such as solar heating systems and any landscaping improvements.
3. Review, approve or deny plans for all boat landings, docks, piers, davits, and adjacent structures and walkways.
4. In coordination with staff and the Public Safety Department the Architectural Committee will assist in policing the rules and regulations; make recommendations to the ORCA Board

in monitoring compliance with the ORCA Building Regulations and Restrictions; make periodic and final inspections or work in progress to ensure all work is completed in conformance with the approved plans.

5. Review complaints of possible violations of the Building Regulations and Restrictions. All complaints must be made in writing. The Committee may find it advisable to keep the name of the complainant confidential. When a complaint is received the Chairman of the Committee will see that it is investigated. If there has been no violation, the complainant will be so informed in writing. If there is a violation, the matter will be referred to the Board of Directors.

6. Make recommendations to the Board of Directors of ORCA for architectural improvements to the common areas

### III. UTILITIES

A. Timely application for water and sewer connections must be made by the owner (or contractor). Applications for sewer connections are available from the North Key Largo Utility Corporation office; applications for water connection from the Florida Keys Aqueduct Authority.

B. Prior to any excavation or trenching, the appropriate utility company (electric, phone, water, sewer, and cable T.V.) will be contacted to locate utility lines that may be in the path of excavation. Repairs to any utility lines cut without prior inspection markings will be made at the expense of the contractor in charge.

C. Property owners of Class I and Class II building permits, whose laterals have not been certified in the last 10 years, must certify that their private sewer laterals are watertight from the building to the main line sewer in the street to North Key Largo Utility Corporation's satisfaction. Condominiums are required to comply when the majority of building units are issued a Class I and Class II building permit.

### IV. BUILDING SPECIFICATIONS

A. Minimum Floor Area:

First habitable floor: One Thousand Four Hundred (1,400) square feet. The above floor area is exclusive of garages, pool areas, porches, planters and patios and other allowable non-living areas.

B. Maximum Height:

1. The Monroe County maximum height requirement can be thirty-five feet (35') measured from the crown of the road.

2. A chimney may exceed the maximum height up to four (4) feet. A chimney shall not exceed a cross sectional area of 50 square feet.

C. Maximum Lot Coverage:

1. The maximum lot coverage is the portion of the lot, which is the total of all the lot area covered by roof, enclosed by walls or insect screening or other vertical support system not including overhangs. (See Figure 1) The maximum lot coverage may not exceed the square footage requirement in the maximum lot coverage table below.

D. Maximum Lot Coverage Table

Lot Size Increments                      Maximum Lot Coverage (Sq. Feet) by % of Lot Area

First 10,000	48
Next 10,000	28
Next 10,000	23
Next 10,000	22
Next 10,000	21
Next 10,000	20
Next 10,000	15

E. Exception of Maximum Lot Coverage Calculation: Refer to Monroe County Land Development Regulations. The most restrictive maximum lot coverage shall prevail.

F. The Architectural Review Committee suggests CBS construction. However, wood frame construction will be permitted, provided the foundation is constructed using concrete piles or columns with appropriate floor beams. All wood frame design and construction must be in accordance with applicable building codes.

G. The sum total of all living levels above the first floor habitable living area shall not exceed fifty percent (50%) of the square footage of the first floor habitable living area. Exception 1: When the current first floor habitable percent is between 70% and 90% of the lot coverage the second floor may be adjusted according to Chart A (see attached). Exception 2: Harbor Course, Sunrise Cay, Cannon Point where additional floor levels are only limited by setback and total height restrictions.

H. There shall be no porches, mezzanines, balconies, sun decks or observation platforms permitted along a side of the structure, which abuts an adjoining residence or lot. The above may be placed in front or back of the structure as defined by an imaginary line running parallel and contiguous to the side of the structure from the front property line to the rear property line.

I. No residence or addition shall be built whose major areas are flat roofed. Mansard type roofs are permissible where the slanted portion is a minimum of four (4) feet long.

J. All major roof areas shall be cement tile, clay tile, metal or wood shingles. All wood shingles are to be fire retardant rated. Metal roofs shall meet the regulations currently on file at the ORCA office and must be approved before installation. All roof colors must be approved prior to installation.

K. Roof overhangs of less than two feet are not recommended.

L. Detached garages or buildings on any property will be permitted only if connected by a breezeway or wall to the main residence in an attractive way. In addition, garage entrances must not face the street wherever the terrain, vegetation, lot size allows for an alternate design. Temporary storage containers are not allowed.

M. ORCA shall be supplied with all certifications that are submitted to Monroe County or any other governmental agency. This would include, but not be limited to, flood elevation certificates and certificates of occupancy.

N. All new construction and major renovations must submit an as-built (ASBLT) foundation survey at the end of the foundation pour. A final as-built (ASBLT) survey must show location of house on the lot and all hardscape appurtenances at time of the Certificate of Occupancy.

O. All condominium renovations and additions will be required to have 1.5 parking spaces for 1-2 bedroom units. The parking spaces must be within the property boundaries. Three bedroom units and larger will be required to have two parking spaces per unit within the property boundaries. Any other structures including carports, golf cart room, etc. will also be restricted within the property boundaries.

**Definition of Setback:**

“Setback” is the minimum horizontal distance between the wall, column or other structural element of any structure including but not limited to: the principal structure, screen enclosure, other structures, pool, A.C. equipment, porches, mezzanines, balconies, sundecks, or observation platforms and the boundary lines of a lot on which situated.

**ALL AREAS EXCEPT VILLA CAY, SUNRISE CAY, HARBOR COURSE AND CANNON POINT**

**A. Front Setback**

1. Twenty-eight feet (28’). This setback applies to the first twelve feet (12’) of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial front setback for ZONE AE (EL. 11’) and under.
2. For FEMA first habitable floor heights in ZONE VE (EL. 12’) and greater, additional building height must remain within an 8:12 slope beyond the initial front setback.
3. For a residence that has habitable floor area above the FEMA first floor habitable floor height requirement, the minimum setback for any habitable floor area above the first floor habitable floor height shall be 25% of the longest dimension measured from a point on the front property line to a point on the rear property line. The maximum setback requirement is 56 feet. (See Figure E.)

**B. Side Setback**

1. Eighteen feet (18’). This setback applies to the first twelve feet (12’) of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial side setback.
2. For a residence that has habitable floor area above the required FEMA first floor habitable floor height, the following minimum setback is required.

<u>(Table 2B) For Residences in FEMA Zone</u>	<u>Minimum 2nd Floor Sideyard Setback</u>
VE (17’)	36 Feet
VE (16’)	36
VE (15’)	36
VE (14’)	34
VE (13’)	32
AE (12’)	30
AE (11’)	28
AE (10’)	26
AE ( 9’)	24

**C. Rear Setback**

Thirty (30’) feet. This setback applies to the first twelve (12’) feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional building height must remain within a 12:12 slope beyond the initial rear setback.

Twenty feet (20 ft.) The rear setback for lots that abut the property line of another lot or golf course, as measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional building height must remain within a 12:12 slope beyond the initial rear setback.

### **VILLA CAY**

#### **A. Front Setback**

Twenty-eight feet (28') minimum. This setback applies to the first twelve feet (12') of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within an 8:12 slope beyond the initial front setback.

Thirty-five (35') feet minimum for ocean front lots. This setback applies to the first twelve feet (12') of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within an 8:12 slope beyond the initial front setback.

For a residence that has habitable floor area above the FEMA first floor habitable floor height requirement, the minimum setback for any habitable floor area above the first floor habitable floor height shall be 25% of the longest dimension measured from a point on the front property line to a point on the rear property line. (See Figure E. Pg.9)

#### **B. Side Setback**

Eighteen (18') feet minimum. This setback applies to the first twelve (12') feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations.

1. For FEMA first habitable floor heights for Zone AE (EL.11') and lower additional building height must remain within a 12:12 slope beyond the initial minimum side setback.
2. For FEMA first habitable floor heights for Zone VE (EL. 12') and greater, additional building height must remain within an 8:12 slope beyond the initial minimum side setback. For a residence that has habitable floor area above the required FEMA first floor habitable floor height, the following minimum setback is required. (See Table 2B, Page 5)

#### **C. Rear Setback**

Twenty-five (25') minimum at Villa Cay oceanfront lots. (All other lots see Page 5, Para. C.) Additional height must remain within a 12:20 slope beyond the initial setback.

### **HARBOR COURSE**

**A. Front Setback** - twenty-eight (28') feet. This setback applies to the first Twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial front setback.

**B. Side Setback** - eighteen (18') feet. This setback applies to the first Twelve (12) feet of vertical height, measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial side setback.

**C. Rear Setback**

1. Lake Front Lots - The rear setback of a residence that is built with a pool shall be a minimum of twenty (20) feet from the closest point of a vertical wall, column or other structural element of the building, pool or porch screen enclosure.
2. Lots that abut the rear property line of another lot or golf course shall be twenty (20) feet, as measured from the closest point of a vertical wall, column, pool or other structural element of the building.
3. Lots on the water - The rear setback shall be thirty feet (30') as measured from the closest point of a vertical wall, column or other structural element of the building, pool or porch screen enclosure, to the waterside of the seawall cap or mean high mark.

The rear setback applies to the first twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement. Additional height must remain within a 12:20 slope beyond the initial setback. Exception: The Architectural Committee is authorized to waive the 12/20 slopes on a case-by-case basis.

**CANNON POINT**

- A. **Front Setback** - Twenty-eight (28') feet. This setback applies to the first Twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial front setback.
- B. **Side Setback** - Eighteen (18') feet. This setback applies to the first Twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial side setback
- C. **Rear Setback** - Twenty (20') feet. The rear setback of a residence that is built with a pool shall be a minimum of Twenty (20) feet from the closest point of a vertical wall, column or other structural element of the building, pool or porch screen enclosure.

Lots on the water - The rear setback shall be thirty (30) feet as measured from the closest point of a vertical wall, column or other structural element of the building, pool or porch screen enclosure to the waterside of the seawall cap or mean high water mark.

The rear setback applies to the first twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement. Additional height must remain within a 12:20 slope beyond the initial setback.

**SUNRISE CAY**

The Building Regulations and Restrictions dated 10/07/91 may be used instead of the new Building Regulations and Restrictions dated 11/15/93. However, the ability to apply for a variance is omitted if the Building Regulations and Restrictions dated 10/07/91 are used.

- A. **Front Setback** - Twenty-eight (28') feet. This setback applies to the first Twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial front setback.
- B. **Side Setback** - Fifteen (15') feet. This setback applies to the first Twelve (12) feet of vertical height measured from the FEMA first habitable floor height requirement, in accordance with

current FEMA regulations. Additional height must remain within a 12:12 slope beyond the initial side setback.

C. **Rear Setback** - Thirty (30) feet as measured from the closest point of a vertical wall, column or other structural element of the building, pool or porch screen enclosure to the water side of the seawall cap or the mean high mark. Additional height must remain within a 12:12 slope beyond the initial setback.

### **DEFINITION OF BUILDABLE VOLUME**

A volume with imaginary vertical, horizontal and angled planes that establish the limits of any physical element of the residence. All physical elements of the residence are to be within the buildable volume (see exceptions).

### **THE “BUILDABLE VOLUME” AND “BUILDABLE AREA” ARE DETERMINED BY THE FOLLOWING:**

1. Determine the required setbacks (front, rear and sides) for the lot.
2. Draw a line that connects each setback (front, rear and sides). This determines the buildable area and the base of the buildable volume.
3. The base of the buildable volume begins (sits on) the FEMA first floor habitable floor height.
4. The buildable volume begins by going vertical from the FEMA first floor habitable floor height to a height of twelve (12') feet. This establishes the vertical sides of the buildable volume.
5. At the top of the twelve (12') foot vertical sides, the buildable volume slopes inward at the angles set forth in this document to the point where a twenty-five (25') foot vertical height from the FEMA first floor habitable floor height is established.
6. The top of the buildable volume is twenty-five (25') above FEMA first floor habitable floor height

### **EXCEPTIONS**

1. The buildable volume stated above shall be altered by the 25% rule stated in this document. (See Page 5, Section A. Paragraph 3)
2. The buildable volume stated above shall be altered per the side setback exceptions set forth in this document.
3. Roof overhangs may not extend more than three (3') feet outside the buildable volume.
4. A chimney may extend vertically up to four (4') feet above the top and sloping sides of the buildable volume. A chimney shall not exceed a cross sectional of fifty (50) square feet.

## **V. SCREENING & SCREEN ENCLOSURES**

A. Screening of air conditioning equipment, pool equipment, trash and garbage containers, fuel tanks; a solid screening buffer shall be required between all air conditioning mechanical equipment, pool equipment, trash and garbage containers and fuel tanks and the adjacent property line. Said screening buffer shall extend One (1) foot higher, and Two (2) feet horizontally beyond each side of the mechanical equipment, pool equipment, trash and garbage containers and fuel tanks. Such required screening shall be permitted Ten (10) feet from any side property line and Fifteen (15) feet from any rear property line. THE INTENT OF THIS EXEMPTION IS TO

PROVIDE BOTH VISUAL AND NOISE BUFFERING. Refer to Monroe County Land Development Regulations. The most restrictive setback prevails.

**B. Screen Enclosures - All areas except Harbor Course, Sunrise Cay and Cannon Point**  
**Maximum Height**

1. Single Floor Residence - Maximum height of a screen enclosure is limited to one-half the distance between the fascia board and the peak of the roof. Setbacks must comply with the current building regulations and restrictions.
2. Multi-level Residence - Maximum height of a screen enclosure will be limited to three feet above the second living-level floor slab. Setbacks must comply with the current building regulations and restrictions.

Exception: For screen enclosures that begin below current FEMA regulations the vertical height will be limited to ten (10) feet above FEMA first habitable floor level. Setbacks must comply with the current building regulations and restrictions.

3. The Board of Directors may review and modify the plans upon recommendations from the Architectural Review Committee.
4. The Board of Directors will look favorably on screen enclosures with:
  - a. Screen enclosures that become part of the main structure by using architectural features such as columns and beams.
  - b. Screen enclosures, which are formed with wires instead of aluminum frames.
  - c. Enhanced landscaping to obscure the screen enclosure.

**VI. FENCES, WALLS AND PLANTINGS**

- A. Plans and drawings must be submitted to the Architectural Committee for approval prior to the construction of any fence, wall, landscaping or re-landscaping.
- B. No fences or other obstructions are permitted within the building setback areas. (See Section V, Screening)
- C. Chain link or galvanized metal fences are not permitted.
- D. Kennels or fenced-in dog or pet runs are not permitted.
- E. No fence, wall, screen or planting will be allowed to obstruct sight lines for vehicular traffic.
- F. No structure, building, wall, planting, fence or tree, which obstructs the view of adjoining property owners, shall be placed beyond the rear setback line toward the waters of canals, coves, bays, ocean or Card Sound or golf courses.
- G. All landscape plans must be submitted prior to planting and show the existing and proposed ground elevations or contour lines for all areas between the building and property lines. The plans shall also show the building setback measurements.
- H. The landscape plan(s) must identify all plant material by name and list quantities and sizes when planted. ORCA, its agents or contractors, shall have the right, at reasonable times and upon reasonable notice to any member of ORCA, to enter onto the lot of any such member for the purpose of treating, maintaining, altering or repairing any fence, wall or planting, including, but not limited to, application of the lethal yellow spraying program.
- I. Harbor Course Lots – In order to preserve the uniqueness and character of the environment, lots that abut the Hammock Course golf course or any adjacent land abutting the golf course will maintain a minimum 10 foot wide vegetative “buffer” (or buffer-yard) between private land and golf course property. If there is existing tropical hardwood

hammock plant species within the 10 foot required buffer yard, no clearing, trimming or alteration to the native plant species will be permitted. If clearing, trimming or alteration should occur the Ocean Reef Community Association shall require restoration of the buffer yard at the owner's expense and shall be responsible for any costs incurred by ORCA to enforce this rule.

- J. Any landscape plan, approved by the Architectural Committee, will be made a part of the Community Association's records. Substantial modification to the approved landscaping plan requires ORCA Board approval. The landscaping materials are to be installed substantially in accordance with the plan and then maintained by the owner to the level of the community standard. Plantings that do not live are to be replaced by the owner in accordance with the approved plan.
- K. Ornamental objects, statues, structures, monuments and fountains (OSSMF) shall meet the regulations currently on file at the ORCA office and must be approved before installation.
- L. All landscaping must meet the Landscape Guidelines currently on file at the ORCA office and must be approved before installation.

## **VII. RESTRICTIONS FOR BOATS, LANDINGS, DOCKS, PIERS, DAVITS AND BOAT ELEVATORS**

- A. Plans and drawings must be submitted to the Architectural Review Committee for approval before any construction, including pile driving, is started.
- B. The side setback shall be a minimum of Eighteen (18) feet to a landing, dock, pier, davit, boat elevator and the bow or stern of a moored boat. Exception: The side setback may be a minimum of Fifteen (15) feet at Sunrise Cay.
- C. None of the above will be placed where it interferes with a neighbor's reasonable rights to navigation.
- D. None of the above shall extend from the face of the cap of the seawall into the water more than eight (8) feet. No vessel may be moored alongside a dock so as to interfere with safe navigation. Where no seawall exists, the Architectural Review Committee will review each case on an individual basis.
- E. Mooring posts, lampposts, rub rails, and davits may extend above the seawall no more than eight (8) feet. No other structure may extend more than one (1) foot above the seawall. All of the above terms include all structures above the seawall such as bases or pedestals.
- F. Where applicable, county, state and federal permits must be obtained by the applicant, and submitted to the Architectural Review Committee as proof of issuance.
- G. No boat ramps will be allowed.
- H. Floating docks used as docks are permitted and must meet the side setback and extension from the seawall requirements of B and D above. Floating docks, extending further than eight (8) feet from the cap of the seawall, may be used only as boat lifts and must be located in the same footprint as a moored boat and must meet the side setback requirements of B above. The maximum width of a floating dock used as a boat lift is 12 feet.

A vessel cannot be moored aside a floating dock, that extends further than eight (8) feet from the face of the seawall cap.

No floating dock will be place where it interferes with reasonable rights of navigation. Where no seawall exists, the Architectural Review Committee will review each on an individual basis.

A sample of the floating dock color must be submitted with the Class IV application for ORCA approval.

### VIII. MISCELLANEOUS RESTRICTIONS

- A. Use of awnings is discouraged. Permission by ORCA is required prior to installation.
- B. Free standing towers and antennas must be approved by the Board. T.V. satellite dishes with a diameter of more than Four (4) feet are prohibited. Off Air VHF and UHF T.V. antennas and satellite dishes less than four (4) feet in diameter, when installed outside the residence or structure, must be approved by the Board. Dish installations must be screened from visibility from adjoining properties.
- C. Lighting for docks, walkways, driveways, landscaping, security, etc., shall not illuminate adjacent property or be of such brightness to cause an annoyance to neighbors.
- D. All trash and garbage cans, fuel tanks, pool equipment and air conditioning equipment must be adequately screened.
- E. All lots will be maintained in a neat and orderly fashion. The ORCA Board, after reasonable notice of five (5) working days to the owner, may contract with an appropriate service, at the owner's expense, to clean debris covered lots, mow un-cared for yards, repair and operate irrigation systems, clear property and structures of all hazards, and perform such other tasks in the absence of appropriate action by the owners, to maintain the property in a condition in conformity with neighborhood standards, the property's design, and in compliance with county regulations. At a minimum, landscaping must be kept to the following standards: (a) grass must be kept green and alive and may not exceed 8" in height; (b) bushes, shrubs and trees must have all dead branches removed and kept trimmed in a neat and orderly fashion; (c) planted areas, rock areas and lawns must be kept free of weeds. Expenses incurred by ORCA will be billed to the owner of said lot(s).
- F. All vacant lots that do not have roadway right-of-way landscaping and will not be built within 180 days, must be landscaped between the roadway right-of-way and the pavement edge from property line to property line. Roadway right-of-way is the area from the pavement edge to approximately 5-8 feet into the vacant lot. The ORCA Board after reasonable notice of five (5) working days to the owner may contract with an appropriate company, at the owner's expense, to landscape the roadway right-of-way. Expenses incurred by ORCA will be billed to the owner of said lot(s). The 180 days allows the ORCA staff to work with lot owners on their landscape improvements.
- G. All colors and patterns shall be approved by ORCA (in writing) prior to applying colors (paint, stain, etc.) to the exterior of the building, roofs and driveways.

The Architectural Committee has approved a pallet of colors that is kept on file in the ORCA Office. These colors include paint from a variety of manufacturers. In the event a property owner wishes to use these pre-approved colors and manufacturer, an ORCA permit will be immediately issued. In the event a property owner wishes to use a color other than the pre-approved pallet, the following procedure shall be followed:

The owner's contractor is to provide the following for ORCA approval:

- a. Walls:
  - 1. 10 ft. x 10 ft. sample(s) of colors that owner has selected.
  - 2. Each sample is to be clearly identified with color manufacturer's name, product number and/or name.
  - 3. Location of color sample(s).
    - Samples shall be placed on both "sun side" and "shade side" of the residence or as directed by ORCA.
- b. Fascias/Trims/Moldings/Casings/Cornices/dentils/Bands/Etc.

1. 20 ft. (minimum of color(s) that owner has selected.
  2. Each Sample is to be clearly identified with color manufacturer's name, product number and/or name.
  3. Location of color sample(s): Samples shall be placed on both "sun side" and "shade side" of the residence or as directed by ORCA.
  4. If proposed materials do not require painting or staining, install 20-foot (minimum) sample.
- H. Mailboxes and their supporting structures shall be compatible, in color and construction, to the approved residence when individual mailboxes are installed. Design should be "basic and functional" not a monument. Design must be submitted and approved by the Architectural Committee.
- I. Exterior signage for commercial properties must be approved by the Board. All signs must be compatible with signage used throughout the community, and of similar design, shape and size.
- J. Outdoor display and sales are prohibited unless approved by the ORCA Board of Directors. The term Outdoor Display and Sales is defined as an area set outside of a building or structure, used for the display or sales of plants, produce, new or used merchandise or the supply of service.
- K. It is prohibited to maintain hurricane shutters in a closed/secured position on a structure, outside of the time period from May 1 through November 30 unless hurricane conditions are expected to occur as reported by the National Oceanic and Atmospheric Administration (NOAA) and/or Federal Emergency Management Association (FEMA).

#### **IX. PRELIMINARY PLANS**

Before developing final plans for all Class I and 'Class II permits at Ocean Reef, architects, contractors and lot owners must submit preliminary plans. These preliminary plans must contain the following information:

- A. Site Plan Drawing. Indicate building footprint, maximum lot coverage calculation, lot coverage provided (sq. ft. & %), setback lines, driveway(s), pool(s), deck(s), planter(s), flood zone, elevation of first habitable floor (MSL). Scale preferred: 1" = 10'-0".
- B. Floor Plan(s) Drawing(s). Indicate plan of all floor levels. Provide elevation (MSL) of all floor levels. Indicate square footage of each habitable floor level. Minimum Scale: 1/8" = 1'0".
- C. Exterior Elevations Drawing (wall sections, building cross sections, four sides). Indicate Buildable Volume on all exterior elevations. Indicate materials (i.e., stucco, wood, etc.). Provide description and color samples of exterior materials. Minimum Scale: 1/8" = 1'0".

The Architectural Review Committee will issue a letter of opinion within 30 days of submission indicating tentative approval or disapproval, and any other pertinent comments, based upon an examination of the above documents.

#### **X. FINAL PLANS**

Final Plans approved by Monroe County must be received and approved by ORCA before work may proceed and a building permit issued. Any plans submitted for review and approval must be complete and in the ORCA office a minimum of two weeks prior to a Board of Directors meeting. The following requirements are mandatory:

- A. Two sets of complete working drawings with the seal of the architect and engineer(s) affixed thereto and 6 additional sets along with an ORCA submittal form.
- B. The following are subject to review by the ORCA staff. See separate fee schedule for this review.

Class I - All new residences, commercial buildings and roofed structures.

Class II - Includes residence additions, renovations and major landscaping, including items such as retaining walls, walkways, trellises, driveways, etc.

Class III - Includes piers, davits, docks, pools, patios, and minor landscaping (plantings only).

Class IV - All other ORCA permits.

**FEES MUST BE SUBMITTED WITH THE WORKING DRAWINGS OR THE PLANS WILL NOT BE ACCEPTED FOR REVIEW.**

C. The building plans must include the following:

1. Site/Plot Plan: Minimum scale: 1" = 20'-0". (signed and sealed by a civil engineer) which includes: maximum lot coverage calculation, actual lot coverage provided, location of dwelling, pool, patio, screen enclosures, garage, driveway, air conditioning and pool equipment, trash and garbage containers, landscaping, existing and final grade elevations. Indicate required setback lines, actual setbacks provided. Show flood zone and first habitable finish floor elevation above mean sea level. Indicate existing and final grade elevations and intended water drainage flow. Indicate location and first living floor level elevation (MSL) of adjacent structures.
2. Survey: (signed and sealed by a registered professional land surveyor). Must indicate current FEMA lines, lot dimensions, grade and road crown elevations. The owner will establish and maintain all property corner markers in the field for verification at any time by an ORCA inspector.
3. Floor Plan(s): Minimum scale: 1/8" = 1'0". Indicate square feet of each living floor level and first habitable floor level elevation (MSL).
4. Building Exterior Elevations: Minimum scale: 1/8" = 1'0". Front, rear and both sides. All exterior elevations shall indicate the Buildable Volume and floor elevations (MSL) plus FEMA line and road crown elevations. (See Figure 2)
5. Exterior Material Color Package: Owner/builder will be required to provide color sample chips, stain to be used on stucco, wood, siding, trim, accents and screen enclosure contemplated. Provide sample of roofing, driveway and screen enclosure material to be used.
6. Typical Wall Section(s): Minimum scale: 1/2" = 1'0". Indicate wall height, materials and Buildable Volume. (See Figure 2)
7. Signed Waiver of Liability and Landscape compliance agreeing to submit and have approved by ORCA the proposed landscaping plans no later than four months after the building permit is issued and agree that the landscaping, according to the approved plans, shall be completed within one month after the occupancy permit is issued.

**XI. ADDITIONS AND ALTERATIONS**

The same requirements apply for additions and alterations as for new dwellings.

**XII. DEMOLITION RESTRICTIONS**

- A. Any construction site or home abandoned due to storm, fire or catastrophe, must be cleared of all hazards in a timely manner and comply with county regulations, or appropriate action will be taken by the Board. The owner will be requested to provide a written report to ORCA outlining his intentions regarding the structure. If the above structure can be rebuilt using the same basic structure it must be secured in as safe and

aesthetically pleasing manner as possible, with the site cleared of debris within 30 days of the time of the occurrence. A plan for full restoration of the structure and site must be presented for permitting within 120 days after the 30-day repair period. Failing to do this, the property owner shall cause temporary or permanent landscaping to be accomplished.

- B. A structure, which is damaged beyond repair and must be demolished an application for demolition permit must be submitted no later than seven days after the determination that the structure is beyond repair. Demolition must commence three days after the receipt of a permit. The only exception to this rule is if governmental authority(s) of competent jurisdiction directly in this matter shall order an investigation. The demolition process should not exceed 30 days, at which time all rubble and building materials shall be removed from the site and made safe and visually acceptable.
- C. Demolition of any external portion of a structure will only be permitted between the months of May through September and must be cleared of all debris by September 30<sup>th</sup>. Construction must begin within 30 days of the demolition or in the case of total demolition as an alternative; the lot must be landscaped or sodded within 30 days of the demolition.
- D. Before an unimproved lot may be cleared an ORCA and County permit must be obtained. Within sixty (60) days the homeowner shall begin construction or have the lot landscaped within sixty (60) days of the effective date of the county permit.

### **XIII. SPECIAL INSTRUCTIONS TO ARCHITECTS, CONTRACTORS AND BUILDERS**

- A. All construction sites must be cleaned daily of all debris to avoid adverse impact on adjacent properties. If a request by the Committee to keep a site clean of debris goes unheeded by the contractor, the Committee shall hire, at the contractor's expense, someone to remove the debris, or issue a "stop work order" on a job site until condition is rectified.

Before construction commences all construction sites, including renovations, must have an ORCA green 6-foot high fabric construction fence around the total perimeter of the construction site. Sites that are heavily screened by landscaping may be waived only by prior ORCA approval.

- B. Portable restroom facilities must be at least 25 feet back from the edge of the road and from the side property lines, and must face away from the street.
- C. An architect who presents plans that misrepresent or violate the foregoing rules and regulations is subject to a fine to be determined by the Board, and may be denied access to Ocean Reef.
- D. A stop work order may be placed on a job site if a contractor or builder constructs or builds without following the ORCA approved plans in relation to the foregoing rules and regulations, and is subject to a fine to be determined by the Board and may be denied access to Ocean Reef.
- E. For each permit, each contractor or builder must provide a deposit with ORCA's Architectural Committee. The amount of the deposit is set by ORCA from time to time, payable to ORCA. This deposit will be used by ORCA to correct violations of the rules and regulations. Should the contractor or builder not respond with appropriate action to reasonable requests of the Architectural Review Committee and/or their representative within three (3) working days, the Architectural Review Committee may expend the funds to make necessary repairs (i.e., refuse clean-up, street cleaning or patching, removal of non-permitted items and damage to surrounding property). Should the fund be exhausted all work must stop until the fund is replenished by the permittee before

work may commence. This fee maybe waived by the Architectural Committee depending on the size of the job. (See Schedule of fees, pg. 16)

- F. Only one sign may be displayed at a building site during construction. The sign may be no larger than three (3) feet by two (2) feet and shall be limited to the following information: Name of the Architect, contractor, name of the property owner and the address of the building site. The sign shall be removed by the contractor upon completion of construction. If a sign is erected, it should include the ORCA and Monroe County Building Permits.

G. New Home Construction Job Site Requirements

- 1. Prior to issuing the ORCA permit the contractor must indicate on the site plan the location of the dumpster placement and where vehicles will be parked at the site. (Note: No vehicles are to block roadway traffic)
- 2. The construction trailer for the job site will be limited to 10 ft. x 20 ft. and length of time at the job site. Once the new construction has been dried or mopped in, the trailer shall be removed and an office space utilized within the new residence.
- 3. Port-o-let's will only be allowed at new residential construction until the interior plumbing is operational. At that time the port-o-let will be removed and construction personnel will use the interior plumbing facilities or port-o-let moved into the garage.
- 4. Flexible fencing (preferably green or black) will be installed to contain any debris at the construction site. Each day the contractor will be responsible for trash removal within 300 feet of the construction site.
- 5. A copy of these restrictions will be signed and displayed on all new residence construction.
- 6. A supervisor will be available with a telephone number and/or beeper.

L. Construction Job Site Preparation Requirements during Hurricane Season

- 1. General
  - a. The general contractor is responsible for preparing the construction site in a timely manner for tropical storms, hurricane force winds, tidal surge and rising water events.
  - b. The general contractor is responsible for being informed of the most current National Weather Service, local radio and television stations information about tropical storm, and hurricane development.
  - c. The general contractor shall prepare the construction site in a manner to insure the health, safety and welfare of the residents and non-residents of Ocean Reef.
  - d. The general contractor shall prepare the construction site in a manner to insure that adjacent and common area properties are not damaged by materials, equipment and debris from the general contractor's construction site.
- 2. Preparation of the construction site includes, but not limited to:
  - a. All stored materials and equipment that are on site, shall either be removed from the construction site and ORCA property or,
  - b. Stored materials and equipment shall be secured in a manner to prevent movement by wind, rising water or water surge.
  - c. All erected materials and equipment shall be secured, braced, anchored and protected in a manner to prevent movement by wind, rising water and water surges.

M. For condominium construction, there shall be an appointed owners' representative and a daily full time construction manager required at the site. It is also encouraged for the condominium association to hold a meeting with the neighbors to notify them of the construction details.

#### XIV. SUBMISSIONS

The Architectural Committee and ORCA are not responsible nor liable for any costs, delays, or related losses caused as a result of the denial of a set of plans. The Architectural Review Committee and ORCA are not responsible nor liable for any costs, delays, or related losses resulting during the subsequent construction of a residence for which the set of plans was approved.

#### XV. VARIANCE/APPEALS PROCEDURES

**Variance:** If building, dock or landscape plans are not approved by Architectural Committee, the following is the proper procedure.

- A. The owner or his agent must submit in writing a request for a variance.
- B. The request must state the facts why a variance should be approved, i.e., specific hardship, not just that it is desirable.
- C. It must refer to the ORCA Building Regulations and Restrictions section(s) that are in violation on plans that were reviewed.
- D. The Architectural Committee will notify all adjacent property owners within a 300-foot circumference by certified mail of the request for a variance, and the nature of the variance.
- E. See separate fee schedule for variance/appeals procedures. (Pg. 16)

**Appeal:** If a variance has been denied by the Architectural Committee and the owner or his agent wishes to appeal the denial before the ORCA Board; the following is the proper procedure.

- A. The owner or his agent must request in writing to be placed on the ORCA Board agenda and include the following information.
  1. Names of all individuals who plan to attend the meeting, their title and purpose of attending.
  2. Agenda for the meeting and written summaries of any information or opinion to be rendered for review by the Board.
- B. Operating Policy includes:
  1. A time limit of 15 minutes will be given for the initial presentation at the Board meeting. The Board, as necessary, will agree to additional time and schedule.
  2. If the Board needs additional discussion, time and/or information to make a determination, the matter will be deferred until a mutually agreed upon date and time to be set with the necessary requirements.
  3. Meeting notes should be taken by a representative of the owner and the ORCA Board. These notes shall be typed and reviewed by the owner and a representative of ORCA within a week of the meeting. Upon agreement, they will be incorporated into one set of meeting notes and signed by the owner and a representative of ORCA. These approved notes, along with any exhibits, will then be issued to all interested parties and filed accordingly.

**XVI. ENFORCEMENT OF REGULATIONS AND RESTRICTIONS**

Any member of ORCA, or any agent of such member, who violates any provision, rule, regulation or restriction contained in these Building Regulations and Restrictions may, after a hearing before the Association’s Board of Directors, be subject to a fine as determined by the Board of Directors. In addition, such member and/or Agent shall be liable for any and all reasonable attorney's fees, costs and expenses incurred by ORCA in the enforcement of these regulations and restrictions through injunctive relief, or other appropriate remedy in a court of law.

**XVII. ORCA BUILDING PERMIT FEES**

**CLASS I** - Permit fee based on \$1.50 per square foot of AC space  
(Includes all new residences, commercial buildings, and roofed structures.)

Original Permit is valid from the table below. If the construction is not complete within the approved length for your permit the owner will need to re-apply and will be given a renewal permit. The renewal permit fee will be 3 x the original cost of the permit and be valid for 6 months.

In the event construction is not complete after the 6 month renewal, the owner must meet with the Architectural Committee. If another renewal is granted the fee will be 3 x the original cost and valid for only 6 months.

<u>Residential AC Space</u>	<u>Length of Permit</u>	<u>Renewal Permit for 6 months</u>
0 sq. ft. - 5,000 sq. ft	16 months	3 x original cost of permit
5,001 sq. ft - 10,000 sq. ft.	20 months	3 x original cost of permit
10,001 sq. ft. or larger	24 months	3 x original cost of permit

**CLASS II** - Includes residence additions & renovations, including pools, patios, major landscaping.

A. \$2,400 Major Renovations 0 – 50% of the sq. ft. of the renovation area interior or exterior or adding of square footage. If the renovation is 50% sq. ft. or more the permit will be a Class I and the fee will be \$1.50 per AC space.

B. \$1,800 Exterior Renovations within the original footprint.

Note: Class II, A and B permits are valid for 12 months. Residences with more than 50% renovation of the structure will fall under a Class I permit. If the construction is not complete within the approved length for the permit the owner will need to re-apply and will be given a renewal permit. The renewal permit fee will be 3 times the original fee and only be valid for 6 months.

In the event construction is not complete after the 6 month renewal, the owner must meet with the Architectural Committee. If another renewal is granted the cost of the permit will be 3 x the original fee and valid for 6 months.

Renovations are defined as everything except cosmetic features such as painting, tile, carpet, ceramic countertops and windows.

**CLASS III** - Includes piers, davits, docks  
\$600  
Driveways and minimum landscaping.  
\$300

**CLASS IV** All other ORCA permits.  
\$120

**PRELIMINARY PLAN REVIEW FEE**

Class I and II residential structures and additions and renovations. \$500

**After-the-Fact Permit Fee** - Provided that no other violation exists, the permit fee for review of the After-the-Fact permit will be double the current applicable permit fee.

When a violation exists and no permit was obtained and a variance is requested, the variance fee for review by the Architectural Committee will be \$1,000 in addition to the doubled permit fee. This does not guarantee approval of the variance. Should the request be denied all violations will be rectified within 30 days.

**Contractor/builder deposits:** This money is refundable in part or in whole at the completion of the project if it is not used to regulate, oversee or mitigate problems and infractions on the job site or connected with the project. Additional funds may be demanded if the fund level is depleted or diminished during the project.

**CLASS I** Includes all new residences, commercial building, and roofed structures.  
\$5,000

**CLASS II** Includes residential additions & renovations, including pools, patios, major landscaping.  
\$5,000

**CLASS III** Includes piers, davits, docks, driveways and minimum landscaping.  
\$2,500

**CLASS IV** All other ORCA permits.  
\$ 750

**Variance/Appeal Fee** \$100

**XVIII. WAIVER OF LIABILITY**

Permit #:

Property Owner Name:

Ocean Reef Address:

The approval of a set of plans is not to be construed in any way to be an approval of the construction or engineering of a residence. The Architectural Review Committee and ORCA are not responsible for the safety or integrity of a residence for which the plans have been approved. The lot owner, architect, and contractor as evidenced by their signature below, have read the above statement, understand its content, and agree not to hold the Architectural Committee and ORCA liable as indicated above.

\_\_\_\_\_

Owner

\_\_\_\_\_

Architect

\_\_\_\_\_

Contractor

This Waiver of Liability and Landscape Compliance (if applicable) must be signed by the lot Owner and Architect (and Contractor if known) and submitted with the completed working drawings prior to approval by the Architectural Committee.

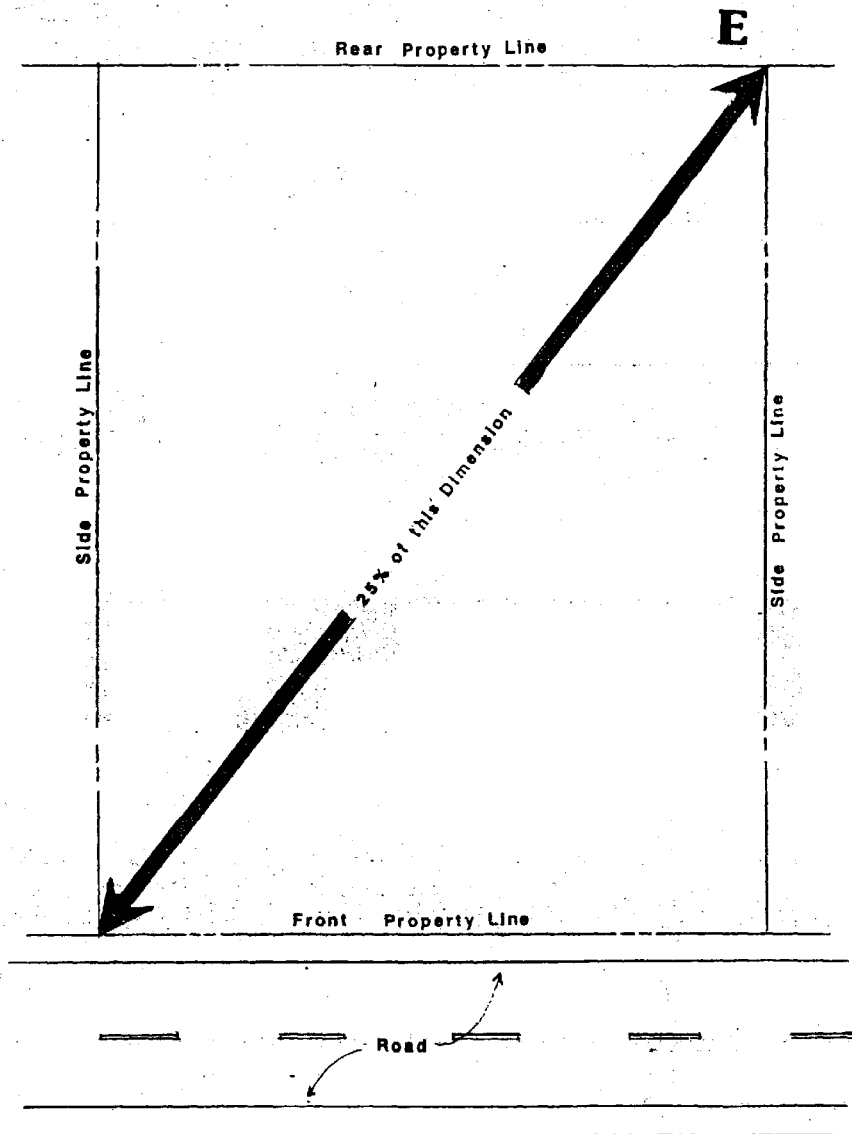
**XIX. LANDSCAPING COMPLIANCE, ROOFING MATERIAL AND PAVER BRICK FOR DRIVEWAYS**

This is to certify that we agree to submit and have approved by ORCA the proposed landscaping plans, roof material and paver brick no later than **four months** after the building permit is issued and agree that the landscaping, according to approved plans, shall be completed within **one month** after the occupancy permit is issued.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

(Property Owner)



## "The 25% Rule"

