

Environmental Control Policies, Guidelines and Requirements

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**GUIDELINES AND REQUIREMENTS  
For  
SHARK KEY KEY WEST, FLORIDA  
33040**

The Architectural Review Board, a committee of Shark Key Homeowners' Association, Inc., the property owner association, has approved these Architectural design and landscaping policies, guidelines and requirements for the orderly growth of Shark Key.

October 2016

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## PREFACE

The "SHARK KEY Environmental Control Policies, Guidelines and Requirements" have been adopted in accordance with the applicable deed "restrictions in order to promote the quality, aesthetic beauty, character and environment of SHARK KEY. Items specifically excepted from general application, and of significance to one area only are. identified herein. Through these guidelines, it is hoped to maintain and develop its natural visual character, harmony and beauty.

These policies, guidelines and requirements are created to supplement existing requirement under the applicable deed restriction. Federal, State and Local statutes, rules, regulations, codes, ordinances or other legal, authority and requirements to satisfy the development characteristics that are unique only to SHARK KEY. It is not intended that these standards will supplant or supersede any Federal, State or Local requirements or the requirements of any Deed Restrictions or other such covenants that may exist, except in a more restrictive and beneficial manner.

The owner must submit a design review application, including a fee, proposed plans, specifications and other required information for review and approval by the Board. Applications will be reviewed to determine compliance with the intent of the Environmental Control Policy and Guidelines.

The Owner is encouraged to submit an application for preliminary review prior to completing all documents required for final review.

The SHARK KEY Environmental Control Policy and Guidelines are presented by the ARCHITECTURAL REVIEW BOARD for the use and benefit of the residents and property owners of SHARK KEY.

Architectural Review Board  
Shark Key Homeowner's Association,  
Inc.

October 2016

## SUMMARY OF PROCEDURE & DESIGN REQUIREMENTS

The following is a brief outline of the procedures for plan submissions and the general guidelines under which the design is to be developed:

Procedure for securing approval of Building Plans

(Refer to application instructions and Section I - Design Review)

### Step 1. BY OWNER:

Preliminary Review:

OWNER MUST SUBMIT application form, fee and preliminary plans consisting of:

- a. Site plan(s)
- b. Letter of application
- c. Floor plan(s)
- d. Exterior elevations
- e. Building section(s)
- f. Exterior colors and finishes
- g. Outline specifications
- h. Landscaping plan(s)

### Step 2. BY ARCHITECTURAL REVIEW BOARD (ARB)

ARB will review' the application and advice owner in writing of its determination. Upon request, the ARB will return one set of documents to Owner with the appropriate comments.

### Step 3. BY OWNER:

Final Review: OWNER MUST SUBMIT application form, fee and final construction plans, in duplicate, consisting of the following:

- a) Letter of application (not required if submitted under step 1)
- b) Site Plan(s)
- c) Landscaping plans(s)
- d) Floor plan(s)
- e) Exterior elevations
- f) Building sections and details
- g) Exterior colors, materials and finishes
- h) Specifications
- i) Contractors Insurance Certificate
- j) Contractors Deposit
- k) Lot Owners Deposit

#### Step 4. BY ARB:

Within thirty (30) days, The ARB will review the application and advise owner in writing of its determination. Upon request, the ARB will return one (1) set of documents to owner with appropriate comments.

#### Step 5. BY OWNER:

Building Permits: After approval by the Committee, Owner submits approved plans to Monroe County Building Department or other such agencies having jurisdiction for required permits.

#### Step 6. BY OWNER:

Prior to the start of construction, Owner must stakeout location of improvements on the site, request ARB approval for such stakeout, and obtain A&B approval for the removal of any trees greater than two (2) inches in diameter and approval of the units' stakeout location.

#### Step 7. BY OWNER:

Owner starts construction.

#### Step 8. BY OWNER:

Construction: The Owner will cooperate with the Committee during construction and report and obtain approval of any changes from the approved plans.

#### Step 9. BY OWNER:

Final inspection: The Owner will notify the committee when all work has been completed.

#### SHARK KEY FINAL INSPECTION PROCESS

1. When owner and contractor have complied with the approved plans and the A.R.B. Guideline requirements, either of them may request a final inspection in writing. Currently, this request should be to the A.R.B. Chairperson at the Shark Key office.
2. At the time this request is made, the owner shall certify in writing to the Association that the final lot grading and filling complies with the approved drainage plan.
3. The Chairperson will schedule a final inspection, which will be done within five (5) working days.
4. The final inspection review letter, either approval or denial with causes listed, will be delivered to the Shark Key office by the Chairperson. This letter will be sent to the owner and the contractor, with a copy to the Association Manager authorizing the releases of deposits, if applicable.

5. If corrections are to be made before Final Inspection Approval, a second Final Inspection will be necessary and it will be the responsibility of the person requesting the inspection to make an appointment to meet the A.R.B. Chairperson at the residence. If any items are not corrected all additional inspections shall be charged at \$50.00 per visit until all items conform with approved plans.
6. The Association will not become involved in disputes between the owner and his contractor and recommends that contractors handle the disposition of their deposit for construction with the owner before final settlement with the owner.
7. Released deposits will be sent to the respective owner and contractor by the Association's bank.

### Summary of Design Guidelines

(Refer to Section II - Design Standards)

1. The following list summarized those elements which the ARB requires, recommends and/or encourages:
  - a) Use of professionals qualified in the fields of planning, architecture, landscape design, engineering and surveying.
  - b) Compliance with all deed restrictions.
  - c) Screening or suitable location of service type facilities so as to be unobtrusive or hidden from view.
  - d) Abundant landscaping including one approved tree for each 1/000 square feet of gross lot area or fraction thereof.
  - e) Authentic and aesthetically pleasing architectural Style and design.
  - f) Adequate parking and circulation.
  - g) Steep pitched roofs.
  - h) Wood shake, cement tile or other such approved roof materials of similar character and design.
  - i) Exterior surfaces of light or pastel earth tones.
  - j) Use of natural fencing materials (split rail, etc.)
  - k) Use of natural building materials (wood, stone, brick, etc.)

## SECTION I DESIGN REVIEW

### 101 POLICY STATEMENT

Property in the SHARK KEY area, hereinafter referred to as "SHARK KEY", are subject to Deed Restrictions. these restrictions provide that the improvement of any property or the design and construction of any buildings require the review and approval of the Declarants thereto, who have delegated this power to the Architectural Review Board (ARB). The Architectural Review Board was established to carry out a mandate to enhance the environmental quality and economic value of all properties in SHARK KEY and to work in cooperation with the property owners, to help make this community a uniquely desirable place to live and play.



The ARB does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh contrasts in the landscape, architectural themes and to foster thoughtful design so that there is harmony between the buildings and their sites as well as among the structures themselves and to encourage freedom of individual expression in the development of land and buildings. The ARB intends to be completely fair and objective in the design review process and impartial and understanding of individual goals, it is the intent of the ARB to eliminate serious environmental problems through its special knowledge of local conditions.

## 102 DESIGN REVIEW PROCESS

All applicants are required to submit plans and specifications in duplicate for final review and approval. Though not mandatory, it is strongly suggested that the required documents be submitted for preliminary review and approval. In this manner, the applicant will have every opportunity to communicate with the ARB on matters of concept and basic form prior to investing in completed, fully detailed architectural and engineering drawings and specifications.

A period of thirty (30) days after receipt of each application should be allowed for ARB preliminary review or final review and approval. In all cases, the ARB will make every effort to expedite review of applications in a shorter period of time.

The application may be acted upon in one of three methods:

- \*approved (with or without comments)
- \*approved as noted- (with comments)
- \*not approved (revision and resubmission required)

If the plans are not approved, they may be modified and resubmitted without additional fee, unless in the opinion of the ARB the resubmission is of such magnitude that a new application and fee will be required.

In the event the ARB fails to act by written notice thirty (30) days after all required information for final review and approval has been provided by the applicant, the application shall be deemed to be approved; however, no violation of Deed Restrictions or requirements contained in this manual may be erected or allowed to remain.

After ARB final review and approval, upon the request of the applicant, the ARB will return one set of documents to owner with appropriate comments.

## 103 LIMITATION OF RESPONSIBILITIES

The primary goal of the ARB is to review the application (plans and specifications) submitted to it to determine if the proposed improvements comply, with the Deed Restrictions and to determine if a proposed structure conforms in appearance with the Standards and policy set forth by the ARB for development in Shark Key. The ARB does not review and assumes no responsibility for the following:

- A. The structural adequacy, capacity or safety features of the proposed improvement or structure.

- B. Whether or not the location of the proposed improvement or structure on the building site is free from possible hazards from flooding, or from any other 'possible hazard whether caused by conditions occurring either upon or off of the property.
- C. Soil erosion, non-compactable or unstable soil conditions.
- D. Mechanical, electrical or any other technical design requirements for a proposed project.
- E. Compliance with any and all building codes, safety requirements, or governmental laws, regulations, codes: or ordinances.
- F. Performance or quality of work of any contractor.

#### 104 TIME LIMITATIONS

After the final review and approval by the ARB, the applicant must begin construction within a period of ninety (90). days from the date of approval unless provided otherwise. If no construction activity has taken place within this time period, then the ARB approval shall be considered null and void. At some later date should the Owner or Developer wish to proceed with construction, a new application, including the payment of the stipulated fees, will be required for final review and approval by the ARB.

#### 105 APPLICATION WITHDRAWAL

An application may be withdrawn without prejudice by the applicant as a matter of right; provided the request for withdrawal is made in writing and filed with the ARB prior to any review or action on the application by the ARB.

No application may be withdrawn if such application has been reviewed and action taken by the ARB either preliminary or final.

Where an application is permitted to be withdrawn, the applicant shall be entitled to the return of any application fees.

#### 106 APPEAL

If an application has been denied, or the approval is subject to comments or conditions which the applicant determines to be unjust and not fair, the applicant may request a hearing before the ARB. Any request for a hearing shall be made in writing, stipulating all pertinent facts having bearing on the nature of the appeal; within two (2) weeks, the applicant will be notified of the time and place of the hearing.

#### 107 APPLICATION FEES

An application fee must accompany all applications for Design Review Fees. The Lot Owner and/or the Contractor are required to submit deposits equal to the amount listed in Table 1 Application Fees below:

**TABLE 1 APPLICATION FEES**

<b>Type of Construction</b>	<b>Preliminary<sup>1</sup> Review</b>	<b>Final Review</b>	<b>Total Fee</b>	<b>Deposit<sup>2</sup></b>
<b>A. Residential-Single Family</b>				
1. New construction	\$120.00	\$180.00	\$300.00	\$5,000.00
2. Major remodeling	\$ 50.00	\$100.00	\$150.00	\$4,000.00
3. Minor remodeling and/or exterior refinishing	\$ 0.00	\$ 50.00	\$ 50.00	≤ \$4,000.00 <sup>3</sup>
4. Incidental remodeling	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

**Notes:**

- 1** If the applicant chooses, to bypass, the preliminary review state, the fee. for final review shall be that listed for total fee.
- 2** Both the Contractor and the Lot Owner will be required to submit checks equaling the deposit amount on new construction. Only the Lot Owner is required to submit the deposit amount on Major and Minor Remodeling.
- 3** Minor remodeling deposit will be 1/50 the cost estimate to be paid only by the Lot Owner. Minimum deposit \$100 not to exceed \$4,000.

The above fees have been established to defray the costs associated with the Design Review process and to follow up procedures. This fee schedule is subject to change by the ARB at its discretion and without notice.

Payment of the applicable fee shall be made by check to Shark Key Homeowner's Association, Inc. and delivered to the Shark Key Homeowner's Association at 35 Cannon Royal Drive, Shark Key, Key West, Florida 33040

**108 SUBMISSION REQUIREMENTS**

The following information must be submitted with the Design Review application. All plans submitted for review by the ARB shall be prepared by qualified professionals registered and licensed in the State of Florida, plans submitted for final review shall be sealed by the professional who prepared the documents (Architect, Landscape Architect, Professional Engineer). Drawings shall be prepared at scales appropriate for easily conveying design intent to the Board. All plans shall have a scale, a date, a north arrow (where appropriate), and lot and block identification.

**108.1 PRELIMINARY REVIEW**

- A. Letter of Application:** The Owner shall submit a letter addressed to the Chairman of the Committee outlining the scope of the proposed work and stating other such information having an influence on the overall design and appearance of the project in addition to the information contained in the application form. The letter shall include a statement of acknowledgement that the Owner and his architect, engineer designer or other qualified person undertaking the design of the proposed work has visited the site, has reviewed all applicable Deed Restrictions and is familiar with the Standards of the ARB.

- B. Site (Plans(s) indicating:
  1. Name of subdivision, lot, block, address and/or other required legal description
  2. Property lines, including streets, rights-of-way, lakes, easements, set back lines and all dimensions.
  3. Approximate location, size and kind of existing and proposed trees greater than 2" in diameter, the diameter being taken at a point 3<sup>1</sup> above the ground.
  4. Location of proposed cut and/or fill, indicating approximate slope and height or depth of each.
  5. Location of all structures and parking areas, driveways, garbage and trash containers, decks, terraces, patios, walks, walls, fences, swimming pools, fountains, etc.
  
- C. Floor plan(s): Plans of all floors indicating interior room sizes and use, and location of exterior windows, doors and other openings.
  
- D. Exterior Elevations: Indicate exterior views of all structures, fences, etc., indicating materials, textures and colors. Building elevations shall be provided for all sides of the structure.
  
- E. Color Description: Schedule of exterior colors and finishes of all structures, fences, etc.
  
- F. Outline specifications: Describe exterior materials proposed.
  
- G. Cross Section - Typical wall section showing material details.
  
- H. Landscaping plan(s) (conceptual proposed plantings; landscape berming, etc.).

## 108.2 FINAL REVIEW

Construction documents including but not necessarily limited to the following:

- A. All items listed for the Preliminary Review.
- B. Parking, paving and drainage plans - indicate any proposed changes to existing contours, cut and fill provisions. Also indicate lot drainage pattern away from building to swales, culverts, etc.
- C. Location of all utility services, A/c compressors, mechanical equipment, gas or oil tanks, telephone services, etc.
- D. Location of storage site of building materials, contractor's shacks, outhouses, etc.
- E. Temporary access to the site.
- F. Landscaping plan indicating proposed planting, exterior lighting system, irrigation system, special landscape features, pools, fountains, etc.
- G. Schedule and/or color chips of all painted and stained exterior finishes. Colors shall be keyed to exterior elevations, differentiating between general siding colors, fascia, railing, structural elements, door, trim and accent colors, etc. Colors for fencing and other such site improvements shall also be included.

- H. Description or material samples of exterior surfaces which are to remain in their natural form such as stone, brick, roofing material, tile, etc.

### 108.3 DEPOSITS

The A.R.B. shall require a deposit from the Contractor as listed in SECTION 107 Application Fees with Submittal of his executed “CONTRACTOR’S CONSTRUCTION APPLICATION” for any New Construction or Major Modification. Completed Contractor Application and receipt of Contractor Deposit is required as a Condition of Final Approval. This Contractor’s Deposit shall act as the contractor’s bond in the event that the contractor’s construction activity causes any damage, unreasonable inconvenience, or other injury to any property within Shark Key. In addition to the Contractors deposit the Lot Owner shall also be required to submit a deposit as listed in SECTION 107 Application Fees additional matching dollar amount Deposit with the submittal of his plans for approval. The Lot Owner shall further indemnify the Shark Key Homeowners’ Association, Inc. for any damages to streets, curbs, utilities, common areas or adjoining lots occurring during the process of site clearing, construction or landscaping. It is not the intention that the deposit serve as liquidated damages, but only to provide a source of cash funds immediately available for correction of deviations from these guidelines or to repair damages. The owner and/or contractor may have liability in excess of the deposits in certain circumstances. The aggregate total deposit of the deposits shall be tendered to Shark Key Homeowners’ Association, Inc. and held in an interest bearing account to insure compliance with A.R.B. approved building plans. In the instance the applicant is an owner/builder, the aggregate deposit of the deposits shall still be due. For construction the A.R.B. finds governs a lesser deposit, the ARB shall at their discretion determine the deposit amount. Application will not be accepted for review without receipt of the Homeowner’s’ Deposit with submittal.

### 109 SUBMITTAL PROCEDURE –

#### **MINOR REMODELING OR EXTERIOR REFINISHING**

Applicants shall submit final site and floor plans, elevations and material indications, together with a color schedule and color chips for exterior repainting for ARB approval. For exterior repainting only, a color schedule and color chips is the only requirement to be submitted with the application for ARB approval.

### 110 CONSTRUCTION REVIEW

#### 110.1 Site Stakeout

Prior to the start of construction, the Owner shall provide an accurate stakeout on the lot of the proposed improvements. Responsibility for verification of and accuracy of property corners, building location and relationship of buildings to natural site features lies solely with the Owner; the ARB assumes no responsibility therefore. The stakeout shall indicate the following:

- A. The structure(s), including amenities, shall be defined with clearly visible stakes and the corners of buildings shall be identified.

- B. All property corners shall be flagged.
- C. It is suggested that the main floor elevation of the structure be clearly marked, and this elevation referenced be maintained throughout construction.
- D. All trees proposed for removal shall be tagged. No trees, shrubs or ground cover shall be removed before being inspected by the ARCHITECTURAL REVIEW BOARD or their representative.

#### 110.2 Changes During Construction:

All changes to the exterior of a structure and changes in road. alignment, parking layout, amenity location, trees to be removed and any other changes affecting the appearance of a project upon its site and to its neighbors shall receive the prior approval of the ARB. Changes proposed during the course of construction shall be submitted in writing and revised plans, if necessary, shall be resubmitted for approval unless otherwise so authorized in writing by the ARB. All structures shall be built in conformity with the approved plans.

#### 110.3 Compliance During construction:

Periodic inspections of constructions in progress may be made by the 'ARB to determine compliance with its policy and with approved plans. The ARB. is empowered to enforce its policy, as set forth in the Deed Restrictions, by legal action against non-conformance with its published policy. Jobsites shall be maintained in a neat and orderly condition at all times during the construction period.

#### 110.4 Final Inspection:

Upon completion of the building construction and all site improvements the owner shall request a final inspection prior to any application to certify occupancy. This request shall be made at least seven (7) days prior to the time the final inspection is required.

#### 110.5 Completion Date:

When construction has commenced the work must be pursued diligently and continuously and must be completed within a period- of twelve (12) months from the application date. Any requests for time extension's must be made in writing, to the ARB. Such requests shall indicate the current status of the project, the reasons for the time extension request and the new date for completion of the project. A project not completed within the stipulated time period, or a project upon-which construction is not continuous, may be treated as a nuisance and a violation of these policies, and. subject to appropriate action by the ARB as defined by the Shark Key Homeowner's Association, Inc. The landscaping shall be completely installed within two months of issuance of certificate of occupancy by Monroe county.

## 111 PERMIT REQUIREMENTS

In addition to Design Review and approval by the Architectural Review Board, approvals and permits will be required from certain public or quasi-public agencies having jurisdiction over any development, site improvement or building proposed, and are subject to change.

It is the responsibility of the Owner or builder to make his own determination to the extent and type of approvals or permits required. Approval and permit requirements may vary depending on the scope, size, character, type and complexity of development or building proposed, and are subject to change.

The following information, though not a function of the ARB, is provided for information purposes only to aid - the Owner or builder in the planning, design and construction processes; no liability is assumed for its accuracy or completeness:

1. Florida Keys Aquaduct Authority      Potable  
1100 Kennedy Drive                      Water Service  
Key West, Florida 33040  
(305)296-2454
  
2. Monroe county Health Dept.          Individual  
Public Works Building                      Sewage Disposal  
Stock Island                                      Permits  
Key West, Florida 33040  
(305)294-4641
  
3. Monroe county Planning                  Building Permits  
Building and Zoning Dept.,  
Public Service Bldg., Wing II  
5825 Junior college Road,  
West Key West, Florida 33040-4399  
(305)294-4641
  
4. City Electric System                      Electrical  
1001 James Street                              Power  
Key West, Florida 33040                      Service  
  
(305)294-5272
  
5. Southern Bell Telephone Co.          Telephone Service  
530 Southard Street  
Key West, Florida 33040  
  
(305)296-0096
  
6. Tele-Communications, Inc.              Cable Television  
1702 N. Roosevelt Blvd.  
Key West, Florida 33040  
(305)296-6572

## SECTION II

### DESIGN STANDARDS

#### 201 DESIGN STANDARDS - GENERAL

Design policies, guidelines and requirements have been formulated in an attempt to promote, improve and maintain the design quality of the individual elements that will make up Shark Key. It is not the intent that these guidelines be used to restrict individual taste or preference but rather to ensure a high standard of environmental beauty and aesthetic quality.

#### 202 DESIGN DUPLICATION

The ARB encourages potential home owners to plan their structures in an original design with emphasis on relationship to existing site conditions and neighboring structures.

It is the hope of the ARB that all Owners will seek - professional help in planning their homes, particularly when site conditions present special problems.

Design duplications are prohibited in Shark Key. Design changes in such areas will be required to avoid any possible appearance of mass production.

#### 203 SITE PLANNING AND USE

##### 203.1 General:

The site design, architecture and landscaping should work as a unit. In locating each element or structure on its site every effort shall be made to preserve natural features of the site and to prevent obscuring the principal views of surrounding properties.

Building conformation should take advantage of change in grades, tree locations, and orientation to sun and views.

Walks, stairs, terraces, patios, exterior paved areas fences or walls shall be unobtrusive, natural in appearance, and shall be designed as an integral part of the overall design.

##### 203.2 Accessory Facilities:

All garbage or trash containers, oil tanks or bottled gas tanks shall be located at the rear or side yard of the structure served, and shall be installed underground or located within an acceptable screened or walled-in area so enclosed area is not visible from any street or adjoining property. Any such screened or walled-in area shall be constructed in such a manner as to be inaccessible to animals. Sanitary, capped containers will be required for all garbage.

No outdoor clothes drying shall be allowed except in an area shielded from view of the streets or adjoining property.



Utility and service boxes should be shielded from public view. Exposure to the skyline of utility vent stacks, air handling equipment, etc., shall be reduced to a minimum. Exterior air conditioning compressors, water softeners, pool mechanical equipment and similar items shall be screened from public view by means of fencing, substantial landscaping or other approved methods.

No aerial or antennae shall be placed or erected on any lot, or affixed in any manner to the exterior of any building in Shark Key, except that satellite dishes may be placed upon a Lot where it is isolated from public view.

#### 203.3 Utilities:

All services shall be brought from the point of utility company connection underground to the building or structure, overhead services will not be permitted, except as approved for temporary services.

Meters shall be located in a manner so as to be inconspicuous. Transformers and gas meters shall be appropriately screened from public view.

#### 203.4 Grading and Drainage:

No bulldozing or clearing of trees, or excavation of lakes or ponds shall be commenced until plans and specifications showing the nature, kind, shape and location of work have been submitted and approved by the ARB. Fill shall not be deposited at any location without prior ARB approval. Cut or fill shall be replanted with plant materials which shall blend with native vegetation. Cuts and fills should be designed to complement the natural topography of the site.

Special attention shall be given to proper site surface drainage so that surface waters will not adversely affect neighboring properties or interfere with natural drainage flows.

Paved areas shall be so designed that surface waters shall be collected at intervals in a manner that will not obstruct the movement of vehicular or pedestrian traffic or will not create puddles or ponding in paved swale areas.

#### 203.5 Storage and Repair of Motor Vehicles:

Large trucks, large recreation vehicles or other large motor vehicles which are placed, parked or stored upon any Lot shall be screened from public view. No maintenance or repair may be performed upon any motor vehicle upon any Lot except where screened from Public View. This section shall not apply to service vehicles, maintenance vehicles, construction equipment or construction vehicles during service calls, maintenance or construction periods.

#### 203.6 Walls and Fences:

Parcel common area, walls and fences will be considered on their own individual merit with regards to design and locations. use of Keystone (natural coral) is encouraged. Heights shall be a maximum of six feet. Easement encroachment shall not be allowed. Access to utility and drainage easements must be provided. Drainage patterns must not be interrupted.

All fences shall be of commercial quality and approved by the ARB. Fences must be well maintained and shall be of a decorative character. Pool area fencing will be reviewed on an individual basis by the ARB. No chain link fences shall be erected or permitted on any Lot. Wooden fences must be custom designed and are subject to ARB approval.

#### 203.7 Pools:

Swimming pool design and construction details must be submitted for review and approval by the ARB. Details pertaining to privacy, or visual separation must be included with the submittal. Pool equipment should be totally enclosed and screened from view. Noise from pump should not be a nuisance to neighboring properties.

### 204 RESIDENTIAL BUILDING AREA REQUIREMENTS

The minimum square footage requirements are 2,400 ft<sup>2</sup> for Island Lots and 2,800 ft<sup>2</sup> for estate Lots as contained in the Declaration of Covenants, conditions and Restrictions for Shark Key. However, mass and size of the structure is a part of the aesthetic appearance and cannot be isolated from such aesthetics. In approving or disapproving plans for residences, the ARB will consider the square footage as a factor along with the other architectural features of the structure. The square footage set forth in the Declaration of Covenants, Conditions and Restrictions are minimal requirements, regardless of other architectural features of the residence. In the event the ARB determines that there are insufficient architectural features to bring, the residence within the aesthetic quality of the proposed neighborhood, the square footage may be adjusted accordingly.

### 205 BUILDING CONSTRUCTION – GENERAL

#### 205.1 Building Height Restrictions:

Within Shark Key, no dwelling structure shall exceed thirty-five feet above average ground level in height on those Lots designated as Island Lots in the Shark Key P.U.D. approval. The maximum building height for those Lots designated as Estate Lots in the Shark Key P.U.D. approval shall be thirty-five feet above average ground level or forty above average ground level when necessary for roofline design as determined by the ARB.

#### 205.2 Exterior Design:

The overall building design will be evaluated for aesthetic appearance in terms of the combination of mass, material, texture, color and detail.

The exterior materials and texture should give a feeling of unity. Directional changes and the application of secondary materials for effect must be accomplished with particular skill when it becomes an integral part of the design concept, not mere exterior surface decoration. The same architectural character and material shall be carried throughout the exterior of the house, thereby giving regard to total design and not just frontal treatment.

Exterior doors, windows and other such openings shall be designed to afford a consistent, harmonious appearance. Vertical and horizontal lines shall be related throughout in the window placement to create paneled effects or to provide pleasing designs; windows should

not be arbitrarily placed without regard to the total design. window types and treatments should be uniform throughout the exterior of the house. For example, if wood shutters are used on the front elevation, they should be used on side elevations as well.

All exterior service elements such as air conditioner compressors should be shown on the plans and placed in an inconspicuous location, preferably at the rear of the residence.

No garage entrances should be street facing. When the lot size does not allow a side entrance garage, the Owner may petition the ARB to accept the alternative location and landscaping design which has to make the front facing garage hidden from the street. The alternate garage location may be reviewed on the property's individual merit and subject to rejection by the ARB.

### 205.3 Exterior Materials:

Certain materials and finishes and combinations thereof are more appropriate than others. Materials not listed or new building materials as they are developed or become available, will be given special consideration, provided their use harmonizes with the community development.

Properly used in the design, the following materials are appropriate:

- A. Exterior Rough Hardware: Hot-dipped galvanized, aluminum or stainless steel.
- B. Wood: Timbers, logs, boards, board and batten, grooved, wood siding, rough sawn lumber, wood shingles and shakes. Cypress and cedar are particularly recommended for their natural weathering characteristics.
- C. Stucco: To be considered on its individual merit.
- D. Masonry: Stone, brick (buff and brown tones), concrete, "split-rock", Key Largo Limestone and decorative concrete block (in limited application).
- E. Metals: Factory finished in durable anodized or baked-on enamel colors. Muted colors are encouraged over garish colors.
- F. Metal flashing and gutters should be copper.
- G. Miscellaneous:

The following materials are not considered to be appropriate and are subject to rejection by the committee: asphalt roofing and/or siding, raw or job painted metal siding, concrete or concrete block as a total facade, transite shingles, imitation log siding, low grade plastics, simulated or imitation fake (rock, brick, etc.) and other products or finishes which gives the appearance of a lack of quality.

### 205.4 Exterior Colors and Finishes:

The use of color shall generally be restricted to accent areas.

Old wood and unpeeled logs shall be left natural or stained. Milled timbers, boards, plywood and wood siding and peeled logs shall receive no paint or stain but application of glossy finishes such as varnish or high sheened enamels should not be used.

Non-reflective finishes shall be used on exterior surfaces with the exception of finish hardware items.

Painted or stained surfaces shall be well maintained. All aluminum windows and doors are to be anodized or otherwise prefinished in a permanent color.

#### 205.5 Roof Structures:

Special care must be taken with materials used for roofing surfaces. Wood shake, slate, concrete tile (with integral color) or clay tile roofs are required. Other roofing materials will be reviewed only on their individual merit, and are subject to rejection. Asphalt shingle roofs are prohibited.

For all residential structures, a minimum roof pitch of 4-1/2" in 12" is generally required for the main building area except for architectural styles which require less pitch to maintain authenticity.

Flat roofs and tar and gravel surfaces are not recommended, but will be reviewed on their individual merit.

Wherever possible, plumbing vents and exhaust ducts shall be connected inside of the building prior to projecting through the roof.

#### 206 LANDSCAPING

All landscaping in Shark Key is subject to the approval of the ARB. Due to the lack of existing vegetation on Shark Key, reliance on mature tree and shrub plantings will be needed to achieve an "established" landscape character as soon as possible. It is the intent of the developer to include native plant materials and other drought resistant plant materials within a lush sub-tropical landscape theme.

The basic objectives of landscaping and revegetation are to enhance the new structures and improvements to strengthen vistas, to direct pedestrian and vehicular traffic, and to screen visually objectionable elements such as service areas, storage yards and utilities from public view. Construction landscaping, as an integral part of the project design, is encouraged by the ARB.

Submittal approval may be conditioned upon completion of landscaping to reduce the visual height of a tall structure, to provide erosion control., or for other reasons.

Ground areas disturbed by grading shall be replanted at the earliest opportunity, or otherwise retained by placement of rip-rap or visually aesthetic material to provide for erosion control.

All areas outside of a building must be improved and landscaped in accordance with the approved landscaping plan. A minimum of 25% of the total tract must be landscaped with grass. The remainder of the tract must be improved with grass, approved ground cover, shrubs, trees and/or approved alternatives. As a minimum, one tree of an approved type must be planted for every 1,000 square feet of gross lot area or fraction thereof, such trees

to be a minimum of 10-12 feet in height, with a minimum trunk diameter of 3" measured 3' above the ground. The type of tree is subject to approval by the ARB.

White pea rock or gravel is not a permitted ground covering. Grey granite gravel and brown/tan river rock of a larger diameter may be used subject to review of the ARB.

Such trees must be distributed over the lot area. Existing healthy trees on the site which are more than three inches in diameter, measured at a point three feet above the ground, will be credited toward the above requirement.

A minimum of 40 ornamental shrubs, a minimum of 24" high, must be planted for each dwelling unit. The type of shrub is subject to approval by the Committee.

The type and extent of grass area must be shown on the plans.

Regardless of the existence of a sidewalk or easement, all lawns planted adjacent to any street must extend to the pavement line of said street.

Lots bordering waterways should be graded to such a degree as to enable the efficient use of hand held lawn maintenance equipment. It is recommended that approved ground cover (preferably grass) be planted to the water's edge.

Irrigation facilities, provided where necessary for landscape maintenance, shall be shown on the landscape plan.

No existing tree which is more than two inches in diameter, measured at a point three feet above the ground, shall be cut, removed or otherwise disturbed until approval has been received from the ARB. Builders and contractors shall exercise great care to minimize the damage to root systems. Insofar as possible, trenches shall be located in such a way that no tree roots will be damaged.

Where ever possible, healthy trees which require removal, shall be transplanted to a suitable area to be developed as a part of the landscape program.

Where fill is placed around trees which are to remain, to such depth so as to cause possible damage or deterioration of the tree, suitable tree wells, root drains, or other acceptable methods shall be used to guarantee the life of the tree.

The planting of the following plant materials is prohibited in Shark Key.

1. Schinus terebinthefolius (Florida Holly)
2. Casuarina - Equisetifolia - (Australian Pine)
3. Araucaria Excelsa - (Norfolk Island Pine)
4. Melaleuca quinquenervia (melaleuca)

## 207 SIGNS

All signs come under the jurisdiction of the ARB and approval must be obtained.

All signs must have their own support posts. No sign of any description, or supports, or braces for such sign shall be nailed, spiked or otherwise attached to a tree.

No sign of any kind shall be displayed to the public view on any Lot except for the following:

- A. Homeowners shall not display or place any sign of any character including "for rent" or "for sale" signs except that a sign displaying the words "Open House," not to exceed five (5) square feet, may be displayed during any time the homeowner or his designated representative is in attendance.
- B. The size and design of all signs shall be subject to approval by the ARB.

## 208 LIGHTING

All outdoor lighting comes under the jurisdiction of the ARB. Lighting of parking areas, entry walks and landscaped areas may be desirable, but must be functional to enhance the overall appearance of the project.

Outdoor lighting shall be located so that it does not interfere with vehicular travel or become a nuisance to the neighbors. The light source of any light fixture shall be shielded.

## 209 DOCKS, BOAT HOUSES WATERFRONT CONSTRUCTION, BOATS AND SHORE CONTOURS

No docks, bulkheads, moorings, pilings, boathouses or boat shelters of any kind or any construction shall be erected on or over lakes or waterways within Shark Key except as approved by the ARB under the direction of the Board of Directors. Docks, bulkheads, moorings, pilings, boathouses or boat shelters erected on or over natural waterways (i.e., Florida Bay) are permissible subject to approval by the ARB. No motor powered boat of any kind shall be kept or used upon any lake or waterway within Shark Key.

The area, if any, between the lot line of any Lot and the water's edge of any lake or other water body within the Land shall be landscaped and/or sodded and/or seeded and maintained by the Owner of said Lot as if said area were a portion of the Lot owned by said owner. No person or persons whomever shall be permitted upon that portion of the Common Area lying between the Lot line of any Lot and the water's edge of any lake or other water within the Land except:

- A. The Owner from time to time of said Lot, his family, guests and invitees, or
- B. An employee or contractor of the Association for the sole purpose of performing maintenance upon and within said Lake or other water body.

## 210 MISCELLANEOUS

Lots not currently being developed shall be graded, seeded, and regularly mowed to maintain a clean appearance.

Fill may not be stock piled upon any lot in an ungraded manner. All fill placed upon any lot shall be graded in preparation of construction at the time the fill is placed.

Vacant Lots not maintained by the owner will be subject to routine maintenance, if in the opinion of the ARB, such Lot is deemed a nuisance, eyesore, health hazard or environmental problem to a neighboring property. Owners will be responsible for paying the costs of any such maintenance performed on their Lots.

All construction sites are to be maintained in a clean and orderly fashion throughout the construction process. Construction materials, are to be neatly piled; debris and rubbish is to be contained and periodically removed; tall, unsightly weeds are to be routinely cut back; streets adjoining a construction site are to be frequently swept clean of sand and construction trash.

Lots neighboring a construction site may not be used for the dumping of construction debris, dirt, trash or such items.

## 300 (Intentionally omitted)

## SECTION IV LANGUAGE

### 401 TEXT RULES

For the purpose of these Standards, the following rules shall apply to the text:

- A. The particular shall control the general
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular', unless the context clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for".
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  2. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- H. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- I. The word "watercourse" includes canal, channel, creek, ditch, drain, dry run and spring, but does not include lake, pond or pool without outlet.
- J. The phrase "building offset" shall be measured from the drip edge

## 402 DEFINITIONS

For the purpose of these Standards, the following terms of words shall be used in interpretation of the purpose and intent:

**ABUTTING PROPERTY:** See CONTIGUOUS

**ACCESS:** The principal means of ingress and egress to abutting property from a publicly dedicated right-of-way.

**ACCESSORY BUILDING OR STRUCTURE:** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**ACCESSORY USE:** A use that is customarily incidental to the principal use and so necessary or commonly to be expected that it cannot be supposed that the code intended to prevent it. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.

**ACRE:** An acre contains forty-three thousand five hundred sixty (43,560) square feet of land or water.

**ALLEY:** A right-of way which affords only a secondary means of access to property abutting thereon and is not intended or used for general traffic circulation.

**ALTERATIONS, BUILDING:** Any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.

**APARTMENT:** A room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one (1) individual, family or household, for housekeeping purposes.

**APARTMENT/EFFICIENCY:** A dwelling unit consisting of one (1) room, other than a bathroom, providing cooking facilities.



**APARTMENT/GARAGE:** An accessory building, not a part of or attached to the main building, where a portion thereof contains living facilities for not more than one (1) family and an enclosed space for one (1) or more automobiles.

**ARB:** Shall refer to the Architectural Review Board.

**ARCHITECT:** An architect registered in the State of Florida.

**BEDROOM:** A sleeping room of a minimum of one hundred (100) square feet or any room conceivably used for sleeping purposes with some degree of privacy, excluding communal areas.

**BLOCK:** A parcel of land entirely surrounded by streets, canals, lakes, parks or other public space or a combination thereof.

**BUILDABLE AREA:** The portion of a lot remaining after the required yards and building setbacks have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percent of the lot which may be covered by buildings may require open space with the buildable area. (See LOT COVERAGE for restrictions of this nature.)

**BUILDING:** Any structure constructed or built - for the support, enclosure, shelter or protection of chattels, persons, animals, or the like. The word "building" includes the word "structure" and shall include anything constructed or erected which requires permanent location of the ground or is attached to anything having a permanent location on the ground and shall include, but not be limited to, such structures as homes, hotels, motels, apartments, stores, service stations, cooling towers, and tanks. Such terms shall be construed as if followed by the phrase "or part thereof."

**BUILDING, DETACHED:** A building surrounded by yards or other open area on the same lot.

**BUILDING, FRONT LINE OF:** The line of that face of the building nearest the front line of the lot. (see LOT FRONTAGE).

**BUILDING, HEIGHT OF:** The vertical distance from average ground - level to the highest finished roof surface in the case of flat roofs or to a point at the average height of roofs having a pitch of more than one (1) foot in four and one half (4-1/2) feet. Height as applied to a story means the vertical distance from top to top of two (2) successive finished floor surfaces.

**BUILDING, MIXED:** A building in a commercial or Residential District used partly for residential use and partly for commercial use.

**BUILDING PRIMARY:** The building housing the principal use.

**BUILDING PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the base lot line and the front of a structure. (See YARD/ FRONT).

**BUILDING SITE:** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

**BUILDING OFFICE:** Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office and including such businesses as real estate broker, insurance offices, accountants, credit reporting agencies, telephone answering services, or any similar use.

**CARPOR:** A roofed area open on one (1), two (2), or three (3) sides and attached to the main building, for the storage of one (1) or more vehicles.

**CERTIFICATE OF OCCUPANCY:** A statement signed by a duly authorized Building Official setting forth that a building or structure legally complies with the Monroe County Building Code and that the same may be used for the purposes stated therein.

**CERTIFICATE OF OCCUPANCY AND USE:** An official approval by the County Building Department that a building or structure and use of said building or structure has met the requirements of the Monroe County Building and Zoning Codes.

**CLUB:** Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**CLUSTER HOUSING:** The grouping or clustering of single family detached, single family attached or apartment units in such - a manner so as to permit an increase in site open space, without an increase in overall density.

**COMMON PROPERTY LINE:** A line dividing one (1) lot from another.

**COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.

**CONTIGUOUS:** Lands are contiguous if they abut each other or if separated by streets, ways, easements, pipelines, power lines, conduits, or rights-of-way under ownership of the developer, or a governmental agency, or subdivision or public or private utility.

**COUNTY:** Monroe county, Florida.

**COURT, INNER:** An openspace which is completely surrounded by a building or buildings.

**COURT, OUTER:** An open space between one (1) or more buildings on the same lot.

**CROWN LEVEL, STREET:** Center line elevation of the contiguous street; an inverted crown shall be referred to the edge of pavement.

**CUL-DE-SAC (DEAD END STREET):** A minor street with only one (1) Outlet terminating at one (1)- end-with a circular turn around.

**DEED RESTRICTIONS:** The restrictions recorded in Monroe County which affect the property.

**DENSITY:** An existing or projected relationship between numbers of dwelling units and land area.

**DESIGN REVIEW:** The review process instituted by the WECC for the approval of plans, Specifications and; other necessary documents required by these Standards.

**DEVELOPER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing and proceeding under these Standards.

**DEVELOPMENT, OR TO DEVELOP:** A development includes the construction of any new building or other structures on a lot, the relocation of any existing buildings on another lot, or the use of a tract of land for any, new uses. To develop is to create a development.

**DOCK, PRIVATE:** A structure built on or over the water which is designed or used to provide anchorage for and access to one (1) or more boats for private use. Necessary services such as water and other utilities are considered a part of a dock; however, no cooking, sleeping or business activity shall be permitted.

**DRIP LINE:** The outer limit of a roof, canopy or structure where water will vertically drip onto the surface below.

**DUAL FRONT:** A building designed, or constructed so as to present the appearance of having two (2) fronts.

**DWELLING UNIT:** A house, apartment, or building used primarily for human habitation and shall include bath and cooking accommodations.

A. Single Family Dwelling: A building containing only a single dwelling unit.

B. Multiple Family Dwelling: A building containing two (2) or more dwelling units (See APARTMENT).

**EASEMENT:** Any strip of land created by a subdivide or granted by the Owner, for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the Owner, subject to the right of use designated in the reservation of the servitude.

**ENGINEER, REGISTERED:** A professional engineer registered in the State of Florida and trained in the field of civil engineering.

**ENLARGEMENT OR TO ENLARGE:** An enlargement is an addition to the floor of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

**FAMILY:** Either a single person occupying a dwelling unit and maintaining a household, including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one (1) such boarder, roomer, or lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

**FASCIA:** A wooden board or other flat piece of material such as that covering the ends of rafters.

**FENCE:** A structural or natural physical barrier.

**FLOOR AREA, MINIMUM:** The area of the floor or floors measured from the exterior surfaces of exterior walls, excluding the area for garages, whether separate or integral, carports, open porches, open breezeways, or storerooms not accessible from the interior of the building and as defined in any deed restrictions.

**FLOOR AREA, TOTAL:** The sum of the gross areas of the several floors of a building or buildings, measured from the exterior surfaces of exterior walls or from the centerlines of walls separating two (2) buildings, in particular, floor area includes: floor space in penthouses; attic space providing structural headroom of eight (8) feet or more; floor space of interior balconies or mezzanines; any other floor space used for dwelling purposes, no matter where located within a building, including accessory buildings.

**GARAGE, PRIVATE:** An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building.

**GUEST COTTAGE:** A building occupying not more than one-twentieth (1/20) of the area of the lot on which it is situated and which is used exclusively for housing members of the family occupying the principal dwelling or their nonpaying guests.

**HOMEOWNER'S ASSOCIATION:** A non-profit organization recognized as such under the laws of the State of Florida operated under recorded land agreement through which each Owner of a portion of a subdivision, be it: a lot, home, property or any other interest is automatically subject to a charge for a prorated share of expenses either direct or indirect for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas or other similar properties.

**KITCHEN:** A space used or designed to be used for the preparation of food.

**LANDSCAPE ARCHITECT:** A landscape architect registered in the State of Florida.

**LODGER:** Any person hiring or occupying a room for living or sleeping purposes.

**LOT:** A lot of record as part of a land subdivision recorded in the office of the Clerk of the circuit court of Monroe County.

**LOT AREA:** The total horizontal area included within lot lines.

**LOT AREA PER DWELLING UNIT:** That portion of the lot area required for each dwelling unit located on the lot.

**LOT, CORNER:** Either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two (2) or more streets.

**LOT COVERAGE:** That portion of the area of a lot, expressed as a percentage comparing the ratio between the total lot area to occupied by all buildings or structures footprint including all parts of the main building that rest, directly or indirectly on the ground including attached garages, bay and oriel windows with floor space, chimneys, porches, decks breezeways and outbuildings which are roofed and are three (3) feet or higher above surface ground level. Building areas will be measured from the outside walls.

**LOT DEPTH:** The horizontal length of a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line of the lot.

**LOT FRONTAGE: (FRONT LINE. OF LOT):** The shortest property line adjacent to a public street; it is also the front property line.

**LOT, INTERIOR:** Any lot neither a corner lot nor a through lot.

**LOT LINE:** The boundary of a lot.

**LOT, THROUGH (DOUBLE FRONTAGE):** Any lot, not a corner lot, having both the front and rear property lines adjacent to a public street.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.

**OPEN SPACE:** A required exterior open area clear from the ground upward devoid of residential commercial buildings, accessory structures and impervious areas, except, however, those buildings and structures used exclusively for recreational purposes.

**OPEN SPACE, COMMON:** Any required open space, under common ownership and control.

**OWNER:** Every person whose title to a lot is of record in Monroe County.

**PARKING AREA:** The total area devoted to the parking and maneuvering of vehicles.

**PARKING. SPACE:** A surfaced area, enclosed or unenclosed, sufficient in size to store a minimum of one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress of an automobile.

**PATIO:** An open unoccupied space which is fully enclosed by wall, fence, or building on all four (4) sides.

**PLANNED UNIT DEVELOPMENT (PUD):** A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved Final Master Land Use Plan which does not necessarily correspond to the property development and use regulations of the zoning district in which the development is located.

**PLAT:** A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions thereof.

**PLAT OF RECORD:** A plat which conforms to the requirements of the applicable laws of the State of Florida and ordinances of the county, which has been accepted by the Board of County Commissioners and placed in the official records of Monroe county.

**PREMISES:** Any lot, area, or tract of land whether used in connection with a building or not.

**PROFESSIONAL PLANNER:** A planner who possesses the background, education and experience to qualify for full membership in the American Institute of planners.

**REMODELING, MAJOR:** All remodeling which is not described in either minor or incidental remodeling.

**REMODELING MINOR:** Non-structural alterations, including texture and/or material changes, to the exterior appearance of a structure or improvement, including alterations to decks, porches, walkways, terraces, patios and driveways shall be considered as minor remodeling. All other additions and alterations shall be considered as major remodeling.

**REMODELING INCIDENTAL:** Non-structural alterations, color change, like and kind replacement of windows, doors, siding and roofing with no texture or material changes, to the exterior appearance of a structure or improvement, including like and kind repairs to decks, porches, walkways, terraces, patios and driveways shall be considered as incidental remodeling.

**RESIDENCE:** (See DWELLING UNIT).

**RIGHT-OF-WAY:** A strip of land dedicated or deeded to the perpetual use of the public.

**SETBACK:** A line running a certain distance back from and parallel with the base building line or front property line whichever provides the greater separation wherein no building, structure or portion thereof shall be permitted, erected, constructed, or placed unless specifically permitted by these Standards. Setbacks are measured from the drip line of the building.

**STANDARDS:** Shall refer to the standards or requirements of the Architectural Review Board.

**STORY (FLOOR):** That part of a building between the surface of a floor and the ceiling immediately above.

**STREET:** A strip of land, owned privately or publicly, which affords the principal means of access to abutting property. The word "street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, square or however otherwise designated within the above mentioned right-of-way.

**SURVEYOR:** A land surveyor registered in the State of Florida.

**SWIMMING POOL:** Any confined body of water, located either above or below the existing finished grade of the site, exceeding one hundred fifty (150) square feet in surface area, and two (2) feet in depth, designed, used, or intended to be used for swimming or bathing purposes.

**VARIANCE:** A relaxation of the terms of these Standards where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these Standards would result in unnecessary and undue hardship.

**VEHICLE:** Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles and scooters.

**YARD:** A required open space clear from the ground upward, unoccupied and, unobstructed by any structure, except for fences, walls, and hedges as provided herein.

**YARD, CORNER:** A yard on the side of a corner lot being the minimum horizontal distance between the base building line and any structure or any projections thereto.

**YARD, FRONT:** A yard extending across the front of a lot, being the required minimum horizontal distance between the base building line and the front of the buildings.

**YARD, INTERIOR:** A yard between any structure and the side line of the lot, extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the structure' or any projections thereto.

**YARD REAR:** A yard extending across therear of a lot, being the required minimum horizontal distance between the rear property line and rear of the building.

## SECTION V

### CARE, MAINTENANCE AND PRESERVATION STANDARDS

#### 500 CARE MAINTENANCE AND PRESERVATION STANDARDS GENERAL

The following standards have been formulated in an attempt to promote the care, maintenance and preservation of the homes, dwellings, and structures within Shark Key, subsequent to completion of construction in accordance with approved plans.

#### 501 LANDSCAPING

##### 501.1 Replacements:

In the event of death or destruction of the landscaping, including trees, shrubbery, and sodding, initially required when plans for construction have been approved, the then property owner shall be required to replace such landscaping within thirty days. Such replacement shall meet the Shark Key minimum standards and requirements unless otherwise approved.

##### 501.2 Care and Maintenance:

All landscaping shall be cared for and maintained, including trimming, cutting, weeding, watering and otherwise, on a regular basis so as to have a healthy, well-kept, neat and orderly appearance.

#### 502 STRUCTURAL

##### 502.1 Damage:

In the event of damage, all structures shall be repaired within thirty days to the original state, except however, if such damage renders the structure inhabitable and a total loss. In this instance, the structure and all debris shall be removed from the lot within thirty days unless otherwise approved.

#### 503 TRASH AND DEBRIS

No trash or debris or unsightly objects shall be allowed to accumulate on any properties and the same shall be removed routinely and on a regular basis.

#### 504 UNSIGHTLY VEHICLES

Owners and occupants of Lots shall not park, store or leave, nor store any vehicle approved/under the terms of Paragraph 203.5, which is in rusted, wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon their Lots or adjacent Lots or adjacent roads or streets, unless the same is completely enclosed within a garage or unless otherwise approved.



#### 505 MAINTENANCE OF VEHICLES

Owners or occupants of Lots shall not repair or maintain any vehicles unless in a garage or screened from public view.

#### 506 WINDOWS AND AWNINGS

No reflective materials including but not limited to aluminum foil, reflective screens or glass, mirrored or similar type items shall be permitted to be installed or placed on the outside or inside of any windows or any other part of a Lot which can be seen from the outside of The Properties or from other portions of The Properties. Further, no bed sheets, newspaper or any similar type items shall be permitted to be installed or placed on the outside or inside of any windows or any other part of a Lot which can be seen from the outside of The Properties, unless otherwise approved.

#### 507 ENFORCEMENT

In the event a property owner fails to care, maintain and preserve his property as set forth herein, Shark Key Homeowner's Association, Inc., in addition to its other remedies set forth in the By-Laws of the Association, shall have the right of entry upon such premises, after 15 days' notice thereof, for the purpose of administering such care, maintenance and preservation. The costs related thereto and all attorney's fees and costs related to the collection thereof shall be chargeable to the owner of the property and shall become an individual assessment upon the property and a permanent lien thereof. Notice of such lien may be recorded in the public records of Monroe County.