

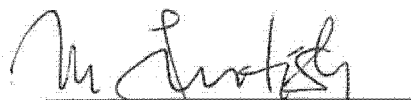
Prepared by:
Steven J. Adamczyk, Esq.
Goede, Adamczyk, DeBoest & Cross, PLLC
6609 Willow Park Drive, Second Floor
Naples, Florida 34109
(239) 331-5100

**CERTIFICATE OF RECORDATION
OF THE ARCHITECTURAL STANDARDS
FOR KEY MARCO**

I HEREBY CERTIFY that the following Architectural Standards of Key Marco were duly approved, adopted, and enacted by the proper percentage of the Board of Directors of the Association at the duly noticed Board meeting of the Association called for that purpose, at which a quorum was present, held on the 24 day of January, 2020.

The original Declaration of Protective Covenants, Restrictions and Easements, including the legal description of the Collier County, Florida real property subject to this recording is recorded at Official Records Book 1570 at Page 1747, of the Public Records of Collier County, Florida. The Amended and Restated Declaration of Protective Covenants, Restrictions and Easements is recorded at Official Records Book 5414 at Page 1542, of the Public Records of Collier County, Florida. Any further amendments or additions to the Architectural Standards shall comply with the provisions of the Declaration of Protective Covenants, Restrictions and Easements and Florida law.

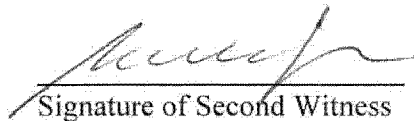
WITNESSES:



Signature of First Witness

MARICA KRUTISCH

(Print Name of First Witness)



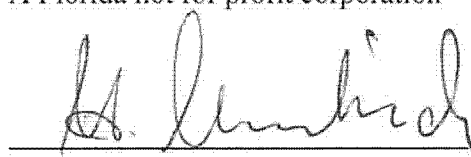
Signature of Second Witness

JIRI MIKULINEC

(Print Name of Second Witness)

**KEY MARCO COMMUNITY
ASSOCIATION, INC.,**

A Florida not for profit corporation



By: **Herb Krutisch**


Title: President

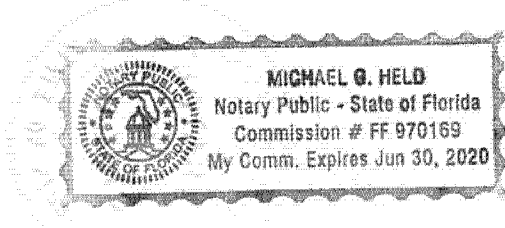
STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared **Herb Krutisch**, as President of Key Marco Community Association, Inc. who is [] personally known to me or [] has produced his Driver License as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of May, 2020.

(NOTARY STAMP/SEAL)

 (SEAL)
Notary Public for the State of Florida
Print Name: MICHAEL G. HELD
My Commission Expires: 06/30/2020



Building A Home on Key Marco Development Standards and Requirements

Introduction

We are excited by the fact that you want to build your home on Key Marco. The purpose of this document is to help you understand the standards, requirements and process of building your home. We value the protection of our natural habitat, which is why it is important for you to carefully follow these Development Standards and Requirements for single-family home building. This document is only meant to serve as a Bridging Document to the Key Marco HOA Covenants and Bylaws which supply greater detail on building requirements and restrictions. Please be sure to consult these documents during your building process.

Legal Notice

Key Marco shall review the submitted application for conformity with the below guidelines. Key Marco shall not be responsible, and the owner is hereby notified that Key Marco is not responsible or tasked, with reviewing any proposed plan or design from the standpoint of structural safety or conformance with building, health, or other codes. Key Marco's Board of Directors and Architectural Review Committee (ARC) make no representation concerning the structural safety or conformance with building, health, or other codes, and the Owner shall at all times be responsible to comply with applicable building, health and other codes. Be further advised that although an owner may obtain a permit from the City of Marco Island for any improvement, the issuance of a permit does not alleviate the need for separate approval or denial by Key Marco, based on these guidelines. Additionally, the Owner of each lot is responsible for any and all contractors, invitees, guests, materialmen, or licensees who are present in Key Marco at the invitation or request of the Owner or the Owner's contractor, and shall further be responsible for damage to person or property caused by said contractors, invitees, guests, materialmen, or licensees. Finally, each Owner acquiring title to a Homesite is deemed to understand and have actual knowledge of the contents and requirements of the Declaration of Protective Covenants, Restrictions and Easements for Key Marco recorded at OR Book 1747 Page 161 of the Public Records of Collier County, Florida, and as subsequently amended (the "Declaration") July 11, 2017, OR Book 5414 Page 1560; and should not rely on any representations or statements set forth herein in lieu of any requirements set forth in the Declaration.

Document Organization

We have organized this document into nine (9) key steps to make the entire process easier to understand and implement.

Also, in order to clarify these steps for you, we also have in place a committee of residents who will sit with you to review this document and make sure you understand the building requirements and the process. You and your contractor will be asked to meet with this committee, or a member from the committee, to go through this document in its entirety and then acknowledge, with your signature, and the signature of your contractor, that you have read and understood these building standards, requirements and process.

Welcome to Key Marco!
We are pleased to have you as a part of our very special community.

THERE ARE 9 STEPS TO THE BUILDING PROCESS IN KEY MARCO

The steps in the building process are listed below in the order in which they must be completed. One step cannot occur without the prior step being completed, with the exception of the archaeological assessment (point #4). You can have an archaeological assessment done at any time before securing a building permit (point #6). You will find the details and requirements for each step in the following pages:

1. Consult with the appropriate Federal, State, County, and City agencies to determine the lot's zone and specifications for that zone. This is of major importance! It is equally important to understand the guidelines and rules for building a home on Key Marco and the City of Marco Island's Building Department Codes.
2. Present your preliminary building and landscape plans (not final plans) to the **Architectural Review Committee (ARC)** for preliminary approval.
3. Present your final architectural and landscape plans, and the required exhibits, to the ARC for final approval.
4. Secure an archaeological assessment of your lot if it is located in one of the areas designated as an area of archeological interest.
5. Engage a gopher tortoise expert to locate gopher tortoises on your property and determine if some or all of the tortoises need to be relocated prior to clearing.
6. Apply for and secure a building permit from the City of Marco Island by presenting your final approved plans from the ARC, your archaeological assessment (if required) and your gopher tortoise relocation plan.
7. Provide a copy of your contractor's Comprehensive General Liability Insurance of \$1 million, which names the Key Marco Homeowners Association as an additional insured. The owner is required to post a "start of job" notice with the ARC forty-eight hours prior to clearing. Pre-approval is required for clearing to conduct soil boring tests to minimize vegetation removal, the maximum clearing is 12 feet wide to enter the property. Ensure proper permits are in place before soil testing. Clearing limits for soil boring tests must be approved prior to commencement of testing.
8. Clear your lot.
9. Build your home.

THE FOLLOWING ARE THE DETAILS OF EACH STEP

Step #1: Understand the guidelines and rules for building a home on Key Marco:

The General Guidelines and Rules for Key Marco include:

Permitted principal use: Single Family House

Minimum size dwelling: Each Home shall have a minimum of three thousand (3000) square feet of air conditioned floor (living) area exclusive of breezeways, porches, patios and garages. HVAC calculations are required on the plans.

Minimum setback requirements from the property lines define the construction restriction for the minimum distance from the property line within which a building or structure is prohibited:

Front: Forty (40) feet from the property line.

Sides: Total of a combined Forty (40) feet (A minimum of Fifteen (15) feet on one side) from the property line.

Rear: Twenty (20) feet from the property line.

An additional building setback of Five (5) feet is required for all principal and accessory structures from all minimum front, rear, and side yard requirements listed above, except for those structures which do not require clearing or filling within the minimum yard areas or excavation (i.e., decks and fences). *(See Horr's Island Plat recorded at Plat Book 21, Page 6 for exact information).*

Maximum building height: Fifty-five (55) feet. Building height shall be measured from the first finished floor elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. *(See Horr's Island plat recorded at Plat Book 21, Page 6 for exact information).* The first finished floor elevation is a reference plane used as a zero point for the vertical dimension measurement to determine the building height. Under the ARC Development Standards, the first finished floor elevation is the final level of the inhabitable floor closest to the ground and includes the floor coverings such as wood, tiles, tile, etc. (as opposed to measuring from the level of the concrete, wood subflooring, or floor joists).

If two or more lots are developed together, no interior side setbacks shall be required and the exterior side setbacks shall be doubled.

If an area greater than one lot is developed together, interior side setbacks are not required and exterior side setbacks and the maximum clearing of upland vegetation areas, as described below, shall be increased proportionately. For example, if one lot is combined with one-half of a

neighboring lot, the exterior side setbacks and the maximum clearing of upland vegetation areas shall be increased 50%.

Stilt homes are not permitted.

Roofs: Only concrete or clay tiles, standing seam metal roofs are permitted. No asphalt shingles are permitted.

Exterior antennae and receiving dishes must be screened from view from the road.

Garage Doors: It is recommended that garage doors not face the street unless lot size, setbacks or topography prevent a side entry. Garage doors which face the street must receive ARC Approval.

Grinder Pump: The sanitary system on all Key Marco homes is a low-pressure force main system, which requires a grinder pump. This must be included in your plumbing plans.

LP/Propane tanks must be underground.

Existing drainage improvements must not be altered.

Artificial turf is not permitted anywhere on the Lot.

Driveways and surfaced yards must be made of pavers or stamped concrete. Asphalt, and loose aggregate surfaces are prohibited.

Upland Vegetation Clearing Restrictions:

“Upland vegetation” is land which is not deemed “wetlands.” “Wetlands” is water-covered soil or land that is very close or at the surface of the water, i.e. marsh, bog, or swamp.

A maximum of 50% of the upland vegetation on any lot, not to exceed 15,000 square feet per lot, may be cleared.

Upland vegetation within minimum front, side, and rear yards shall remain predominately un-cleared and in their natural state except for exotic vegetation removal, water management uses, pedestrian access, vehicular drives, utilities and archaeological investigations.

Important points to note regarding approval of your plans and ARC and HOA responsibilities:

The ARC and the HOA Board are not responsible for the safety, quality and structural soundness of your plans. Please take special note of these points:

The ARC shall not be responsible for reviewing, nor shall its approval of any plans or design be deemed approval of any design or plans from the standpoint of structural safety or conformance with building or other codes.

The ARC and the HOA Board do not determine or assume any responsibility for the quality of construction or structural soundness of any improvements and no obligation or liability relating to the construction of the improvements shall result from review or approval of any plans by the ARC and the HOA Board.

The ARC and the HOA Board do not evaluate the plans to determine whether the plans satisfy all applicable government and conservancy requirements.

The ARC will provide one (1) cursory conceptual review of your plans showing all elevations.

Step #2: Present your preliminary building and landscape plans (not final plans) to the Architectural Review Committee (ARC) for preliminary approval:

Here is information you, as the owner of lot, need to provide to the ARC:

Date:

Legal Description of Lot:

Lot Owner Contact Information: name, address, telephone, email

Florida Licensed Architect: name, address, telephone, email

Florida Licensed Contractor: name, address, telephone, email

Provide two sets of preliminary plans to the ARC for review. Your set of preliminary plot plans should be at a scale of 1" = 10' and should include:

Primary structures

Accessory structures

Amenity footprint, pool, etc.

Driveways (stakeout driveways so that irrigation lines can be relocated before construction begins.)

Contours, lot grading and drainage

Setback lines

Additional 5.0' setback line

Lot clearing plan

Square footage of lot

Square footage of improvements, i.e., dwelling, decks, pool, garage, terraces, driveway, etc.

Owner and General Contractor are required to sign off their understanding of the setbacks and clearing requirements.

Limits of filling

First living floor elevation relative to mean sea level

Height of roof relative to first living floor

Architectural elevations of building, each exposure, north-south-east-west

Preliminary landscape plan minimum requirements are as follows: 75% native trees, 50% native shrubbery.

Provide a check of \$100.00 made payable to the Key Marco Homeowners Association to cover plan review costs. If you submit plans and have them reviewed, and then change the plans, you must re-submit them and pay an additional review fee.

Once plans are submitted, allow 45 days for the ARC review.

Step #3: Present your final architectural and landscape plans, and the required exhibits, to the Architectural Review Committee (ARC) for final approval.

Once you have received approval from the ARC on your preliminary plan, you can take the next step of finalizing your plans for submission to the ARC for final approval. A complete package must be provided with the information listed below prior to the final plan review.

Please submit two (2) sets of final plans, signed and sealed by a Florida Licensed Architect or Engineer.

Provide a check in the amount of \$400.00, made payable to the Key Marco Homeowners Association to cover the cost of review.

Your FINAL plot plan should be at a scale of 1" = 10' and include all the elements of the preliminary plans plus and any revisions requested by the ARC at the preliminary review:

Final minimum setback dimensions to all improvements.

Drainage plan of site to minimize erosion into setback areas.

Twelve (12)-inch culverts must be installed under driveways to ensure proper roadway and lot drainage. Exposed culverts must have 45-degree mitered cut ends and be finished with a concrete collar, drain basin or riprap. No exposed ends from the culvert are to be visible.

Sketch of tortoise burrow location.

Fill embankment design, i.e., rip-rap, retaining walls, etc.

Finalized square footages of building, both A/C area and gross area, with amenity and accessory structures. Provide copies of the HVAC, Electric and Plumbing. Show HVAC area calculations.

Finalized square footages of clearing and filling limits of all the above ground improvements
Final architectural plans

Final landscape plan - minimum requirements are as follows: 75% native trees, 50% native shrubbery. Plan should be at a scale of 1" = 10', a complete native tree and plant list along with exotic tree and plant list needs to be provided with plans.

Vacant lot survey to include location of all utility services and existing above ground improvements.

Detailed specification on: a) Exterior paint colors (supply paint chip and manufacture number) b) Exterior building materials and colors (samples upon request), siding, roofing, windows, doors and driveway materials, etc.

Roof detail plan and elevations.

Final architectural elevations north-south-east-west.

Irrigation & drainage plans.

No aggregate yards with the exception of tree wells and rip-rap embankments.

Outside lighting plan for building and surrounding landscape lights.

Detail of sanitary and water hook-up.

Construction schedule.

Construction parking plan and port-o-let locations.

Step #4: Secure an archaeological assessment of your lot if it is located in one of the areas designated as an area of archeological interest.

You will need to contact the City of Marco Island to determine if your lot is located in an area of archeological interest. If the City of Marco confirms that it is not, proceed to Step 5, otherwise,

your lot is located in an area of archeological interest and prior to receiving a building permit, you will be required to complete a Phase 1 Archeological Report. You may contact the City of Marco Island for recommendations. At this writing, the Environmental Specialist for the City of Marco Island may be reached at 239-389-5000 or www.cityofmarcoisland.com .

Step #5: Engage a gopher tortoise expert to locate gopher tortoises on your property and determine if some or all of the tortoises need to be relocated prior to clearing.

Because gopher tortoises are a protected species, local regulations require a gopher tortoise assessment of your property prior to clearing.

Here are some important points related to this step in your building process:

There are several licensed gopher tortoise experts you can engage to do this assessment. Additionally, you may take an online class provided by Florida Department of Environmental Protection to locate and remove tortoises on your private property. Please contact the ARC for recommendations.

With final submission of plans, all tortoise burrows must be indicated on a sketch of the survey prior to final plan approval. Failure to do so could jeopardize your construction for an undefined amount of time.

Once you have had the tortoises relocated, you will need to put in a silt fence around the area to be cleared. Silt fence barriers should be installed around the perimeter of the construction area after all tortoises have been trapped. The silt fence should be buried 8 inches into the ground so the tortoises cannot crawl under it and return to their burrows on the construction site.

Step #6: Apply for and secure a building permit from the City of Marco Island by presenting your final approved plans from the ARC, your archaeological assessment (if required) and your gopher tortoise relocation plan.

The City of Marco Island requires and issues building permits. Please take your final approved plans from the ARC, your archaeological assessment (if required) and your gopher tortoise relocation plans to the City and they will review your plans, ask you for other items, if necessary, and issue you a permit according to their guidelines and regulations.

At the appropriate time, please contact local utility providers to provide the services you need for construction and servicing your new home.

Step #7: Provide a copy of Insurance. Owner(s) contractor shall maintain at their own expense worker's compensation as required by law, comprehensive general liability with limits of \$1,000,000 per incident (including automobile coverage) with no separate stated limits on a per person basis or on the basis of property damage versus personal injury, and all of which naming the Association as an additional insured. Certificates of such insurance shall be filed with the Association before the commencement of any of Owner(s) contractors or subcontractors

and such insurance must remain in full force and effect for so long as any construction activity of Owner is in progress.

Step #8: Clear your lot.

Once your plot plan is completed, and depicts all above ground improvements and total square footage of clearing determined, the following is required to be completed prior to commencement of clearing.

This list repeats some of the steps you have already taken, but this helps to make sure you have everything in order:

ARC Final approval of plans

Archeological survey completed if required

Gopher tortoises relocated if present

Building permit secured

Limits of clearing depicted on site plans per upland vegetation rules. Code of Federal Regulations Title 44 Part 60.3 Floodplain Management criteria for flood-prone areas which prohibit man-made alterations of sand dunes and mangrove stands within zones V1-30, VE and V on the community FIRM which would increase potential flood damage.

National Flood Insurance Program – Human alterations of sand dunes and mangroves stands within V zones is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage. Coastal development similarly affects the dynamics of coastal flooding. Removing the sand from beaches and dunes removes the natural barrier built up by flood forces over the years and exposes inland areas to increased risk of flooding.

City of Marco Island Floodplain Ordinance Chapter 26 - *Limitations on sites in coastal high hazard areas in (zone V)* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 26-35(c)(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 26-97(h) of this ordinance.

ASCE (American Society of Engineers) Flood Resistant Design and Construction chapter C4 Coastal High hazard Areas and Coastal A zones section C4.3 – Siting – **Artificial alteration of dunes in a coastal high hazard area that can increase potential flood damage is prohibited by the NFIP.**

Total area of clearing in square footage calculated and certified by an engineer, surveyor and/or architect.

Limits of clearing staked in field by surveyor.

Prior to clearing, a high performance lightweight flexible barrier fence or an equivalent must be installed to show the limits of clearing and to remain for the length of construction. Also, the rear development line, known as the Settlement Line, needs to be flagged every 10 feet to eliminate any impact beyond this line of preservation.

All construction activity must be contained within the limits of clearing for construction purposes.

In no instance can anyone fill, clear, store, damage the surrounding environment outside the limits of clearing and buildable area.

Step #9: Build your home

Congratulations! You are now ready to build the home of your dreams. We are excited, along with you, about reaching this important step. We look forward to helping you make the process as easy as possible.

There are several things to remember and monitor while you are building:

The owner is required to post a “start of job” notice with the ARC forty-eight hours prior to clearing.

During the construction process you will receive various surveys:

1. Slab or Spot Survey
2. Tie Beam Survey
3. Final Survey and Elevation Certificates

Upon receipt of each survey and elevation certificate, please provide one (1) signed and sealed copy to the ARC for approval of setbacks.

Please be sure your contractor works with the local utility companies to hook up temporary electricity and water to your site. The use of HOA or CDD electricity is strictly prohibited.

A 3-foot high silt barrier fence must be installed by the contractor along the edge of the pavement for the total length of the lot with the exception of the proposed driveway. The fence will deter parking on the grass and damage to the master irrigation system which is positioned only one foot inside the existing asphalt pavement. Onsite parking is confined to the clearing limits and asphalt roadway only.

All construction staging must be confined to the allowed clearing limits of your project.

No construction materials may be staged in the CDD right-of way.

Parking on the grass and irrigation is strictly prohibited.

Culvert pipes are required to be installed along existing swale sections.

Remaining swale sections are to remain undisturbed.

Maintenance and appearance of the jobsite is the responsibility of the owner, general contractor and all sub-contractors. The property must be free from any accumulation of waste materials, rubbish or other debris. All construction debris must be contained in a dumpster on the site and regularly disposed of. The construction site must be inspected at the end of each day to collect waste in order to eliminate transfer of waste to the surrounding areas and limits detracton from the overall project.

Construction trailers will be discouraged unless the trailer can be confined in the area of maximum clearing limits. Construction trailers must be approved for use and placement on your lot by the ARC and in advance of any construction.

The front swale area is CDD property. Impact to the front developed swale section will be limited to the designated access to the single-family home. Consideration for additional impact to the front swale will be considered by the ARC on an individual basis. However, the ARC discourages additional impact to the swale sections as additional development may substantially impact the existing utilities, irrigation system and drainage systems.

Complete all structures on a residential lot, including all major landscaping and remodels within 18 months from the date of commencement of construction. Commencement of construction means any clearing, filling or other site preparation or any other physical activities on the lot.

Signage:

Contractor/Developer signs will be limited to a maximum surface area of 1,400 square inches. This signage must be removed no later than one day following the receipt of the Certificate of Occupancy.

Vendor signs from subcontractors are not be permitted.

A permit holder device must be located at the front of the property.

A “Gopher Tortoises are Protected” sign provided by the ARC must be displayed at the site.

Limits on Time for Construction:

All structures on a residential lot, including all major landscaping and remodels must be completed within 18 months from the date of commencement of construction. Commencement of construction means any clearing, filling or other site preparation or any other physical activities on the lot.

Construction hours are limited to Monday through Friday, 7:30 a.m. to 6:00 p.m. Saturday work must not commence prior to 8:00 a.m. and completed by 4:00 p.m. Sunday work is not permitted. Construction is not permitted on observed holidays.

A one (1) month extension will be considered by the ARC only when the owner demonstrates inability to construct within the eighteen (18) month period. In no event shall construction cease for more than thirty (30) days.

Upon receipt of the certification of occupancy, the owner(s) shall submit to the HOA a copy of the certificates of occupancy, certificates of completions (if applicable), and 1 signed and sealed copy of the final survey and elevation certificate for the project.

LEGAL AND PROCEDURAL REQUIREMENTS

Adoption

Adopted pursuant to the Declaration of Covenants and Restrictions of Key Marco Community Association, Inc., dated November 6, 1990, as amended by the Board of Directors of Key Marco at duly a convened meeting on July 11, 2017 (OR 5447 PG 3399).

Use

All properties may be utilized only for the purposes under the Planned Unit Development (PUD). PUD Ordinance means Collier County Ordinance 84-42 which provides for the Key Marco Planned Unit Development and any amendments to such ordinance by the Board of Collier County Commissioners, Florida, or Key Marco Community Association, Inc., which zoning ordinance is incorporated herein by reference, and made a part of these restrictions.

Remedies – Separability

In the event of a violation or breach of any of these restrictions, Key Marco Community Association, Inc., or its successors or assigns, shall have the right to proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. The failure to enforce any right, reservation, restriction or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. The invalidation by any court of any restrictions herein contained shall not in any way affect any of the other restrictions, which shall remain in full force and effect.

Duration of Restrictions

These covenants and restrictions are to run with the land and shall be binding on the maker hereof and upon all persons claiming under the maker hereof.

Zones and Coastal Construction Control Line

Key Marco has various zones (Flood Zones and Wind Velocity Zones). These zones have a direct impact on the construction of a new home. They control such items as the need for pilings, the height above sea level of the first living level, the need for breakaway lower walls, etc. It is of major importance that a buyer of a lot or lot owner planning to build a home consults with the appropriate Federal, State, County, and City agencies to determine the lot's zone and specifications for that zone.

Remedies – Separability

In the event of a violation or breach of any of these restrictions Key Marco Community Association, Inc., or its successors or assigns, shall have the right to proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. The failure to enforce any right, reservation, restriction or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. The invalidation by any court of any restrictions herein contained shall not in any way affect any of the other restrictions, which shall remain in full force and effect.

Acknowledgement of Receipt:

Owner(s) (*Parcel Legal Description*)

Property Address

Lot & Block