



# 2023

ARCHITECTURAL REVIEW

COMMITTEE

Design Criteria Manual

For new homes, existing homes, and condominiums.

Approved by Board of Directors

December 13<sup>th</sup>, 2023

## TABLE OF CONTENTS

<b>Part One: Standards of Construction</b>	<b>Page</b>
Architecture	1
Second Living Level Setbacks	1
Colors	2
Minimum Size	2
Accessory Structures	2
Alternative Pool Barrier Design for In-Ground Pools	3
Ground Level Façade	3
Exterior Materials	3
Soffits	4
Building Materials Not Approved for Hideaway Metal Siding	4
Driveways and Pathways	4
Golf Cart Garages	5
Golf Cart Paths (See Diagram N)	5
Garages	5
Storm Shutters	5
Mailboxes	5
Roofs	6
Mean Roof Height (MRH) and Maximum Building Height (See Diagram C)	6
Start of Construction and Clearing Land	7
Clearing a Lot for Construction	7
Drainage Plans	9

Each Lot Owner Shall Comply with the Following Requirements	10
Landscape Design	11
Minimum Setbacks	12
Principle Structures ( <i>See Diagram D</i> )	12
Combined Lots	13
Roof Overhangs, Balconies and Stairs	13
Accessory Structures	14
Interior Side Setbacks for Ground Level Pool Decks and Pool Barriers	14
Side Setbacks for Ground Pool Level Pool Decks and Pool Barriers	14
Rear Setbacks for Ground Pool Level Pool Decks and Pool Barriers	14
Cul-de-Sac Lots ( <i>See Diagram E</i> )	14
Beachfront Lots ( <i>See Appendix A</i> )	15
Mangrove Lots and Lots adjacent to HBA Conservation Land ( <i>See Appendix A-1</i> )	15
Costal Construction Control Line (CCCL)	16
Storm Protection Walls ( <i>See Diagram G</i> )	16
Governmental Permits	17
Outdoor Lighting	18
Utilities	18
Parking	19
General Appearances	19

<b>Part Two: Review Process of the ARC</b>	<b>Page</b>
Existing Single Family Homes	22
Process for Informing Members of Violations and Process for Improved Homes Violation	25
Hideaway Beach Demolition Policy	25
Demolition	26
New Construction	27
Approval of Plans	27
Conceptual Review	28
Environmental Survey	28
Preliminary Review	28
Final Approval of Construction Plans	30
Construction Monitoring	32
Pile Driving	32
Job Completion	33
ARC Punch List	33
Condominiums	34
The Landscape Plans	34

<b>Part Three: Legal and Procedural Requirements</b>	<b>Page</b>
Adoptions	35
Use	35
Remedies - Separability	35
Duration of Restrictions	36
Zones and Coastal Construction Control Line	36
Licensed Florida Architect	36
Licensed Florida Landscape Architect	36
Licensed Florida Contractor	37
Architectural Review & Supervisory Fee & Environmental Fees (See Appendix H)	37
Owner Compliance Bond (See Appendix J)	38
Building Completion (New Construction)	39
Extended Delay in Completion	39
Construction Abandonment	40
Liquidated Damages	40
Certificate of Occupancy and Return of Compliance Bond	40
Insurance	41
Contractor Parking	41
Site Environment	42
Dumpsters	42
Job Site Cleanliness	42
Port-o-lets	42
Construction Trailers	43
Temporary Electric and Water	43
Construction Signage	43

Construction Hours	44
Construction Site Standard Violation Fees	45
Variances	45
Appeals	46

# PART ONE: STANDARDS OF CONSTRUCTION

## **The Purpose of the Standards of Construction:**

It is the objective of these Standards to promote excellence in architectural design and construction in a compatible character appropriate to the surroundings and special conditions of climate and other environmental factors indigenous to Hideaway Beach.

The Standards are expressly intended to protect and enhance the property values of all of Hideaway Beach Association owners, and the review procedures are intended to provide a systematic and uniform review for site compatibility and construction design elements with materials and colors requiring Architectural Review Committee (hereafter ARC) approval.

## **1. Architecture**

- a) All architectural designs at Hideaway shall be in harmony with the natural character of the community.
- b) All private homes at Hideaway must be original designs, not variations of standard homes, and not imitations of other existing homes. All home designs must have a clearly individual appearance. All elevation views in the plans must exhibit amenities that are complimentary to, and appropriate for, Hideaway.
- c) Hideaway homes shall be designed to withstand Florida's climate and to fit naturally into the site conditions. Design elements shall be balanced with rich detail, natural wall materials, and sloped roofs. All sides of the residence must exhibit the same attention to detail and architectural definition. This includes stucco bandings, accent materials, roof character, window treatment, and storm shutters. All construction shall minimize damage to natural drainage, trees, grasses, and existing native vegetation.

## **2. Second Living Level Setbacks (See Diagram A)**

The second living level shall be stepped back a minimum of five feet from the first living level on all elevations of the entire house to avoid the bulk of a vertical wall as well as provide additional openness, sunlight and lines of sight, and compliance with Hideaway's PUD. In the absence of a second living level in portions of, or throughout the entire house, the 5-foot setback requirement must still be respected on all facades on each side of the house at a height that is 14 feet above the minimum flood elevation of 10'7".

### 3. Colors

All exterior colors shall be muted and consistent with the soft tones and the natural look of the entire area. All color selections must be approved by the ARC. This includes colors of the roof, exterior house elevations to include trim, driveways, and walkways. Color samples of the actual paint must be submitted on a 12" x 12" paint sample board. Roof, driveway, walkways, railings, and pool cage colors and/or sample materials are also required to be submitted.

### 4. Minimum Size

The minimum living area under air conditioning is 2400 square feet, excluding balconies, decks, garages, and covered open-air areas.

### 5. Accessory Structures

Accessory structures are non-habitable structures, and include storage structures, decks, ground level pools, pool lanai enclosures, and pool barriers as required by code, patios, and ground level pool decks. They are subject to accessory setback requirements. (**See *Minimum Setbacks***) Ground level is defined as no more than one (1) foot above the average crown of the adjacent front street (Combined lots refer to interior side setbacks).

- a) Elevated pools, pool decks, terraces, porches, decks or pool enclosures are part of the principal structure and are subject to principal structure setbacks (*See Diagram D*). Curbs or knee walls for elevated pools are limited to a maximum of 12 inches above the elevation of the pool deck.
- b) Lots where the rear of the properties border conservation areas may use the Alternative In-Ground Pool Barrier Design. (**See #6 *Alternative Pool Barrier Design for In-Ground Pools & Diagram L***)
- c) Interior side setbacks are 15 feet except for ground level pool decks, pool lanai enclosures, and pool barriers as required by code and approved by the ARC. These exceptions shall have a minimum of 10-foot setback from the property line. Such structures shall not extend street ward past the rear corner of the house. Ground level pool decks are defined as no more than one (1) foot above the average crown of the adjacent front street. (*Combined lots refer to interior side setbacks*)
- d) Pool Screen enclosure plans that have received the City of Marco Island permit must be presented and approved by the ARC. (**See #18-Mean Roof Height and Maximum Building Height**)



## **6. Alternative Pool Barrier Design for In-Ground Pools**

- a) In-Ground pools may exercise the option of utilizing a walled barrier that is constructed around the perimeter of the pool deck and typically is nine (9) inches wide. The top of the walled barrier, when measured from the side that faces towards the pool must be no greater than thirty (30) inches and no less than twenty-four (24) inches above the elevation of the pool deck.
- b) A horizontal rail or rails (Diagram M) mounted on the top of the walled barrier may be incorporated as generally illustrated in Diagram L.
- c) All pool barrier designs must comply with the City of Marco Island codes and safety standards.
- d) Specific lots abutting conservation areas may add a water feature as an integral part of the rear barrier. The maximum elevation of the top of the combined barrier and water feature must be no greater than forty-eight (48) inches above the elevation of the pool deck. The relevant lots abutting conservation areas are South Lots Block 11 Lots 1 to 3, Block 12 Lots 1 to 22, Block 13 Lots 4 to 7 and North Lots Block 9 Lots 1 to 9, Block 15 Lots 2 to 10, Block 16 Lots 1 to 10.

## **7. Ground Level Façade**

- a) The Ground Level Façade (*the area between the ground and the First Living Level*) shall be closed in for the entire front elevation, and at least the front 25 feet of the side elevations. If architecturally acceptable, the ARC may grant one open area on the front Ground Level Façade to provide a “breezeway” opening from the front to the rear of the house provided the ceiling (*under the First Living Level*) of the opening is finished, and it does not reveal exposed utilities. Dependent upon the Flood and Velocity Zone of the proposed home, the design of the enclosed Ground Level Façade may require breakaway walls.
- b) The Ground Level Façade shall have architectural detailing that distinguishes it from the upper parts of the building. Use of arches, banding, and textures is encouraged.
- c) The materials for the Ground Level Façade are listed in the following topic (*Exterior Materials*) plus the use of louvers and lattice. Louvers (*either vertical or horizontal*) must be used in combination with a lower partial wall that is at least one third the height of the opening. Lattice may be used on the Ground Level Façade only on Key West style homes.

## **8. Exterior Materials**

- a) Exterior materials that are appropriate at Hideaway include stucco, redwood, cedar, pre-cast cement siding (*Hardi Plank or equivalent*), and brick. Hard wood lap siding must be at least  $\frac{3}{4}$  inch thick at the thick edge. Exterior finished materials must be of the highest quality.

- b) The ARC must approve specification of all exterior materials, colors, and textures.

**9. Soffits**

- a) Soffits must be compatible with the body of the house and have vents. Metal, aluminum, vinyl, or Masonite-type impressed board soffits are not approved materials.
- b) If expanding foams are used to insulate the soffits, ventilation is not required.

**10. Building Materials Not Approved for Hideaway Metal siding**

- a) Galvanized pipe railings
- b) Asbestos, imitation shingle metal, or asphalt roof shingles
- c) Gravel roofs when the roof slope is 2-½ to 12 inches
- d) Wood veneer siding less than ¾ inch thick on the side
- e) Fiberglass, prefabricated cement, or concrete box equipment enclosures Chain link, wire, or pre-cast concrete fences, Aluminum, vinyl, or Masonite-type impressed board siding and soffit
- f) Exposed concrete block
- g) Plain poured, cement, stamped concrete, crushed rock, gravel, grass, or asphalt driveways

**11. Driveways and Pathways**

- a) Driveway widths shall not exceed 30 percent of the width of the lot as measured at the street edge of the pavement including aprons. Driveways widths for combined lots shall not exceed a total of 40 feet. Driveways shall be constructed of patterned concrete or brick pavers and must be approved by the ARC. No smooth or brush finish cement or asphalt driveways are permitted. On lots that border two or more streets, a driveway may abut only one street. 12-inch culverts must be installed under driveways to ensure proper roadway and lot drainage (*See Drainage*). Exposed culverts must have 45-degree mitered cut ends and finished with a concrete collar, drain basin or riprap. No exposed metal from the culvert is to be visible.
- b) Driveways, golf cart paths and walkway/footpaths shall have a minimum setback of seven- and one-half feet (7.5) feet from any property line for front loading garages or 5 feet (5.0) feet for side loading garages. The setback must accommodate the elevations and grades depicted on the approved Drainage Plan and facilitate the installation and maintenance of landscape materials, as specified on the approved Landscape Plan. Note: NO walls (including retaining walls) are permitted. (*See #41 General Appearances*)

- c) Footpaths (*including but not limited to walkways and cart paths but excluding driveways*) that connect private property to Hideaway's paths or roads, located on Hideaway common property, are prohibited, with the exception of golf course lots. (*See Accessory Structures*). Footpaths should not exceed 48 inches in width.

**12. Golf Cart Garages**

- a) Side entry golf cart garage doors are limited to a maximum width of six (6) feet.

**13. Golf Cart Paths**

- a) Golf cart paths width shall not exceed 72". The setback shall be no less than 5 feet from the side property line. The length of the Golf cart paths should not exceed 50% of the building (e.g. from front to back) Landscaping must be added to the screen the path. (*See Diagram N*)

**14. Garages**

- a) All residences must have an enclosed garage or garages. All garage doors must be a minimum of seven (7) feet high and a maximum of nine (9) feet high. No more than three (3) single garage doors or a combination of one (1) single door and one (1) double door are permitted. For combined lots and or lots that are more than ninety (90) feet wide, two (2) double doors may be permitted. Garage door widths must be no less than nine (9) feet.
- b) Glass garage doors must have frosted, tinted, or otherwise obscure glass. Clear glass garage doors will not be approved.

**15. Storm Shutters**

Storm shutters must comply with the current Florida Building Code. Shutters must not detract from the architectural style of the house. Shutters for new and existing homes must be approved by the ARC and should be presented at the preliminary review stage. For existing homes, the use of plywood as storm shutters is acceptable only during a storm event. All plywood shutters must be removed immediately after a storm event. All shutters must be removed between December 1<sup>st</sup> to May 31<sup>st</sup>.

**16. Mailboxes**

If homeowners choose to have a mailbox, the ARC must approve it. The ARC has pre-approved styles of mailboxes that have one post style, two box styles and three colors of mailboxes supplied by Lykins-Signtek ~ 239-594-8494 (*See Diagram B*). Please contact the Director of Land and Environmental Management at 239-642-2830 for further information. Any other mailbox style must be submitted to the ARC for approval. The three pre-approved mailbox colors are Black, Black with Bronze, or Black with Green. Any other mailbox color must be submitted for ARC approval. Mailboxes shall be located to comply with the requirements of the US Postal Service. (*See Diagram B-1*)

**17. Roofs (See Diagram C)**

- a) All residential roofs shall be sloped for a minimum of eighty percent (80%) of the entire roof surface and must have a minimum slope of no less than 4 inches vertical to 12 inches horizontal.
- b) When calculating the entire roof surface area of a roof design which incorporates eaves located at multiple elevations, only those roof areas that remain a contiguous part of the main roof of the structure shall be considered. For example, the area of a tower or cupola roof, a dormer extension roof or a separate or lean-to roof are not included in the calculation.
- c) Metal roofs are required to be standing seam other than Shake or Tile look metal roofs. Specifications of all roofing materials must be approved by the ARC. Prior to approval, a sample of the proposed roofing material and color must be provided to the ARC.
- d) If a widow's walk or a viewing platform is incorporated in the roof design, the area of the viewing platform's surface must not exceed 150 square feet (including access walkways/stairs).

**18. Mean Roof Height (MRH) and Maximum Building Height (See Diagram C)**

- a) As defined in the Association's PUD the Mean Roof Height for principal residences shall not exceed 36 feet measured above the average crown of the adjacent front street. The overall building height is defined as the highest point of the structure and is not to exceed 45 feet above the average crown of the adjacent front street. Mean roof height is defined as one half of the distance from the eave to the highest peak point.
- b) The Mean Roof Height has a tolerance of +3 inches for a maximum of 36'-3". The ARC accepts that a 3-inch tolerance is within the industry's normal limits of manufacturing and measuring capability.
- c) The ARC definition for Towers, Cupolas and Belvederes, is for any structure that is relatively tall in proportion to the dimensions of its base. When a tower or cupola is designed as an integral part of the roof, the ARC design standard is for the structure to be between 1-1/4 to 1-1/2 inches of width for every foot width of the front elevation of the building.
- d) Second single-family detached dwellings, when allowed shall be limited to the first living level and shall have a maximum roof height of 25 feet measured from the crown of the adjacent front street to the mean highest roof line of the proposed structure.
- e) Accessory structures, except pool screen enclosures, shall have a maximum height of 15 feet measured above the average crown of the adjacent front street. The Pool

screen enclosure maximum elevation shall be limited to 1 foot below the highest peak point of the principal structures roof. (*See #5 Accessory Structures*)

- f) On rare occasions there may be extenuating and limiting factors caused by, for example, the combination of the design of the home and the restrictions imposed by the specified Coastal Control Line elevation which impact roof elevations and internal ceiling heights and cause hardship with respect to meeting the architectural design objectives as defined in the ARC Design Criteria Manual.
- g) For such a hardship case where the roof design is both aesthetically pleasing and
- h) meets the Design Criteria Manual objectives, the ARC at their sole discretion may request the Board of Directors' authorization to utilize an alternative Mean Roof Height (MRH) of 37 feet and 6 inches. The approved variance must be noted on the structure's elevation drawings.

Where the MRH is calculated by the following formula:

$$\text{MRH} = \text{Height of roof eaves} + \text{Highest Point of Structure Divided by 2} = 37'-6''$$

#### 19. **Start of Construction and Clearing Land**

- a) Final approved ARC plans. Construction of approved plans must start within one year from the date of approval.
- b) Mandatory meeting with Director of Land and Environmental Management must be attended by the Owner, and Builder either in person or virtually.
- c) At least 48-hour notice prior to lot clearing must be given to Director of Land and Environmental Management.
- d) Temporary water and electric must be installed before lot clearing commences.

#### 20. **Clearing a Lot for Construction**

Forty percent (40%) of the native vegetation on the lot must remain. Clearing a lot for construction may never begin before obtaining final approval from the ARC of all final plans, the posting of necessary permits and the submitting of the Compliance Bond. In order to preserve a minimum of 40% of the native vegetation, the lot must be selectively cleared as specified in the Environmental Survey Report issued for the specific lot. If a mangrove wetland line is identified on the property, *refer to mangrove lots Diagrams H, J, K, Appendix A-1 and Page 14 & 15, #34 Mangrove Lots and Lots adjacent to HBA Conservation Land. (Refer to the CAMP - CONSERVATION AREAS MANAGEMENT PLAN at [www.hideawaybeachclub.org](http://www.hideawaybeachclub.org)).*

The entrance drive and the house footprint plus five feet must be cleared first. The remainder of the lot may be cleared only in accordance with the approved landscape plan. **A LOT MAY NEVER BE CLEARED FROM LOT LINE TO LOT LINE.** The ARC

**Representative must receive 48-hour notice prior to the commencement of clearing.** The start date of a new construction project is the day the lot is cleared.

- a) If clearing a lot adjacent to an HBA conservation area, any damage caused to the conservation area by plant removal or other means will result in replanting / repair by HBA at the owner's cost.
- b) In the event clearing or cleaning a lot occurs before all the appropriate approvals are obtained, the Hideaway Beach Association will contact the offending owner and notify them that the Association will re-landscape the affected areas at the owner's expense unless the owner obtains approval of and implements a remedial plan within 60 days. (*Note: The removal of any plants at any time requires the prior written approval of the ARC in addition to any governmental permitting.*) During the course of construction, or any other time, if additional native vegetation needs to be removed, there will be a 1:1 ratio for replanting. Additional clearing and tree removal will require ARC approval.
- c) Upon request, for a lot that has not been cleared, the ARC will approve the clearing of an area of approximately 10 feet by 6 feet to facilitate soil sample testing to gather foundation and construction data.
- d) When the lot has been cleared, prior to completing any additional work, the area from the edge of the road pavement to at least 20 feet deep by the full width of the lot must be filled with crushed rock to approximately the same elevation as the existing road surface.
- e) A temporary six foot (6) high chain link fence with single color fabric either black or green with a closeable gate must be installed around the perimeter of the property after clearing has taken place. The fabric must have a minimum of 85% privacy blockage and be installed on the outside of the fence. The fabric panels must also be at least 5'8" high when installed on the fence.
  - i. The gate can be installed after pile driving has occurred. The gate must remain secured during non-working hours.
  - ii. The fence shall remain in place, upright and in good repair throughout the period of construction and shall be removed when the construction is completed.
  - iii. No extra permit is needed for the chain link fence, it is part of the construction site.
- f) Silt fence and chain link fencing must be maintained throughout the course of construction. At a minimum, the general contractor must inspect the installed silt fencing and chain link fencing on a weekly basis. Any damage must be repaired to meet and maintain the city of Marco Island silt fencing code/ordinance. (*See Construction Site Standards page 39*).

- g) Temporary water must be run to all transplanted plants to ensure that they survive the transplanting. Any transplanted plant that dies will need to be replaced with like kind and size(s) plant material.

## 21. Drainage Plans

### **NOTE: DRAINAGE PLANS MUST BE APPROVED IN CONJUNCTION WITH LANDSCAPE PLANS.**

In order to receive final approval for construction, all lot owners must submit a drainage plan to the ARC. The plan must conform to the Hideaway Beach Master Drainage Plan and comply with the requirements of the existing Hideaway Beach Association South Florida Water Management District Environmental Resource Permit 190621-15 (SFWMD ERP) dated 11-22-19.

- a) For all new single-family home development, additions, or reconstruction within the boundaries of the existing Hideaway Beach Association SFWMD Environmental Resource Permit (ERP), a drainage plan prepared by a licensed Florida Professional Engineer shall be submitted to the ARC for review to ensure compliance with the established SFWMD ERP criteria. (*Please see Diagram H for Typical Site Plan and Diagram J for Site Plan with Typical Storage Areas*). Please refer to Diagram H which specifies the required minimum finished floor elevation of 10.7 Feet N.A.V.D.
- b) All Drainage plans must show the location of the saved trees per the required environmental survey report. Please note, these tree locations must also match the locations of the trees shown on the submitted and approved landscape plan.
- c) Upon completion of the construction of any new single-family home, addition, or reconstruction, and prior to a certificate of occupancy, a drainage certification prepared by a licensed Florida Professional Engineer shall be submitted to the ARC to ensure that the installed drainage system is constructed as permitted. The certification letter shall include a minimum of three (3) site photos showing the constructed drainage system. The ARC consulting engineer will then conduct a site inspection and the ARC will issue a final approval.
- d) For all substantial improvements, additions, or reconstruction, please see Part Two of this Manual #1 Existing Single-Family Homes. Page 21.
- e) All homeowners shall comply with the Private Single-Family Storm Water Management System Operation and Maintenance Manual. (*See Appendix C*)
- f) For new construction, a roadside drainage swale must be constructed along all single-family lot property lines that abut a right of way. The roadside swale must have maximum of 3:1 (horizontal to vertical) slope with an invert elevation of 1.5 NAVD. Culverts must be installed under any driveways serving the single-family residence and must be a minimum of 12" in diameter. The location of the drainage swale may be adjusted to avoid conflicts with any existing utilities or to avoid impacting any existing mature vegetation.

- g) The design engineer of the single-family home drainage system is responsible for ensuring recovery of the dry retention system. During the design of the drainage system, the design engineer is required to review the results of geotechnical soil borings to determine the on-site wet season water table and percolation rate of the soils within areas proposed as dry retention. If after construction the dry retention system does not percolate or if a “perched” water table occurs due to poor draining soils, it is the homeowner's responsibility to remove the poor draining soils and replace with clean fill to improve percolation.
- h) The design engineer for the single family drainage system is responsible for reviewing “as built” drawings and conducting site inspections during and after the installation of the drainage system. A signed and sealed certification letter prepared by the design engineer is required to be submitted along with the certification letter, copies of the “as built” survey that was used for inspection and site inspection photos if requested by the ARC.

**22. Each lot owner shall comply with the following requirements:**

- a) A minimum of 40% of the trees and shrubs on any developed lot must be comprised of native vegetation. Developed lots are required to comply with the 40% native plant (based on plant count) and 40% native species (based on species count) requirements.
- b) The fill area per lot will not exceed 3,000 square feet. If the lot owner desires to use in excess of 3,000 square feet of fill it will be the owner's responsibility to provide the ARC with plans and calculations signed and sealed by an engineer registered in the State of Florida certifying that compensating on-site water management storage has been provided consistent with the calculations used in SFWMD Surface Water Management Permit, as amended. *(Note: The 3,000 square feet limit on fill is for all applicable improvements (i.e., house pad, pool, driveway, walkways and other necessary fill areas, etc.)*
- c) The impervious area per lot shall not exceed 3,000 square feet. If the lot owner desires to build in excess of 3,000 square feet of impervious area it will be the lot owner's responsibility to provide the ARC with plans and calculations signed and sealed by an engineer registered in the State of Florida certifying that the compensating on-site water management storage have been provided consistent with the SFWMD permit as amended. The amount of on-site storage required to compensate for impervious areas in excess of 3,000 square feet shall be 2.5 times the amount of impact pursuant to the SFWMD permit as amended.
- d) If a lot owner desires to build on consecutive multiple lots, the fill and impervious limits shall apply for each individual lot. If the lot owner desires to exceed the fill and impervious limits stated above, it will be the lot owner's responsibility to provide the ARC with plans and calculations on a lot-by-lot basis. The plan must be signed and sealed by an engineer registered in the State of Florida certifying that the compensating on-site water management storage has been provided consistent with the SFWMD permit as amended.



- e) No changes in the elevations of the land shall be made which will interfere with the Hideaway Beach Association Master Drainage Plan, adversely affect existing vegetation, or otherwise cause undue hardship to adjoining property. The drainage design for each lot shall include the use of swales and culverts, which intercept both roadway drainage and lot drainage to form a continuous drainage way for transporting roadside runoff.
- f) Driveways shall be sloped to provide positive drainage away from the residence and all at grade slabs shall be a minimum of 6" above the crown of the adjacent road.
- g) Existing and final proposed grades must be depicted on the drainage plan.
- h) The lot owner's submitted drainage plan, including the lot owner's certified documents, must be approved by the ARC's consulting engineer or a consulting engineer approved by the ARC.

## **22. Landscape Design**

### **NOTE: LANDSCAPE PLAN MUST BE APPROVED IN CONJUNCTION WITH DRAINAGE PLAN.**

- a) The Environmental Survey for each property states which trees and vegetation must remain or be relocated. The relocated trees must be shown on both the landscape plans and drainage plans.
- b) A landscape plan must be submitted and must be included as part of the Final Design Review. All landscape plans must be stamped and approved by a Florida-registered landscape Architect. The landscape plans must contain a minimum of 40% native vegetation (*See Native Plant List, Appendix E*) based on both native plant count and native species count prior to final approval, the landscape plans will be reviewed by HBA's Environmentalist for content of native vegetation requirements and invasive or exotic plants.
- c) Landscape designs for Hideaway Beach shall make use of the natural beauty of the site. Low ground covers or grass may be used in areas that have no growth.
- d) If the use of artificial turf is considered, it must be approved with the drainage and landscape plans and comply with the *City of Marco Island Code*. (*See Appendix D*)
- e) Inorganic materials such as rock, gravel, shells, and inorganic mulch shall be used sparingly, not exceeding 20 percent of the ground area not covered by structures.
- f) All trees and shrubs must be a minimum of 7 gallons in size. Smaller container sizes are permitted for ferns, ornamental grasses, and ground cover.
- g) Grass must be St. Augustine, Zoysia, Bermuda or a variant of these species.
- h) Exotic plants located in designated setback areas (*per the plat*) must be removed and those areas must be replanted to provide appropriate site buffers.

- i) After completion of the home's construction or landscaping remodel, HBA's Environmentalist will perform a final inspection on the installed landscaping to confirm compliance with the original design and implementation of the 40% MINIMUM Native vegetation (based on both a native plant count and a native species count).
- j) Sculptures, fountains and "yard art" must be depicted on the landscape design. Fountains must be properly maintained and operating 24 hours, 7 days a week at all times. In the event of non-operation due to a system failure, the fountain must be cleaned, completely drained, and maintained with no standing water. In the event of a system failure, the fountain must be repaired and fully operating within a 60-day period. Failure to do so will require the removal of the fountain.
- k) Energy-efficient devices based on renewable resources, i.e., solar panels, for the benefit of the owner must be submitted for approval prior to installation.
  - i. Solar panels, solar devices and related appurtenances and equipment are an integral part of the Principal Structure. Location and placement require ARC approval. If solar panels are intended, they should be included in the Preliminary Plans. They must be included in the Final Plans and receive ARC approval.
  - ii. Solar panels shall be placed on roofs in such a manner as to be parallel to roof lines, shall appear to be flush with the roof, preferably not elevated more than four (4) inches. Panels may not be placed on the street side slope of the roof but may be placed on all other sides. Panels may be placed on roof decks if they are not visible from the street. Panels on roof decks may be angled to take advantage of solar rays but the angle may not exceed 35 degrees.
  - iii. Solar panel wiring and other components shall be concealed and must be painted to blend into the roof or other surfaces. Solar batteries may be placed on exterior walls but may not be on any street facing walls and shall be concealed and must be painted so as to blend into the walls or other surfaces.

## 23. **Minimum Setbacks**

**NOTE: All setback distances shall be measured from the property line, except the "second living level setbacks" Second living levels must be setback an additional 5 feet from the first living level setbacks on all elevations. (See *Second Living Level Setbacks, Diagram A*). In the absence of a "second living level" the 5-foot setback must be respected on all facades at heights that are greater than 14 feet above the minimum flood elevation of 10'7"**

## 24. **Principal Structures (See Diagram D)**

- a) **Front Setback**

Ground and First Living Level	25 feet
-------------------------------	---------

- b) **Interior Side Setback**  
Ground and first living level 15 feet
- c) **Side Street Setback**  
Ground and first living level 20 feet
- d) **Rear Setback (non-beach front lots)**  
Ground and first living level 25 Feet

25. For principal structures located on street-intersecting corner lots with two street frontages, the two property lines adjoining the adjacent lots will be defined as two "Interior Side Setback" (***See Diagram D***).

26. **Combined Lots**

- a) **Front Setback**  
Ground and first living level 25 feet
- b) **Interior Side Setback**  
Ground and first living level 25 feet
- c) **Side Street Setback**  
Ground and first living level 25 feet
- d) **Rear Setback (non-beach front lots)**  
Ground and first living level 25 feet
- e) Whichever street the front entry door faces is the street address. This must be verified by the Addressing Department at the Collier County Development offices and changes made accordingly.
- f) For Combined Lots Driveway widths, see Driveways and Pathways.

***Note:*** Those lots adjacent to residential lots on Kendall Drive, Colonial Avenue, and Spinnaker Drive must maintain a landscaped buffer strip a minimum of 30 feet in depth as platted. (***See Diagram E***).

27. **Roof Overhangs, Balconies And Stairs (See Diagram F)**

- a) Roof overhangs may extend eight (8) feet beyond the relevant principal structure's setback requirements for the first and second living levels (note that the second living level has an additional 5-foot setback from the first living level on all elevations).
- b) Balconies and stairs (including stairs that access meters), above ground propane tanks, pool and spa equipment, and air conditioning equipment may extend four feet beyond the principal structure set back line.
- c) Stairs that access electric meters or first living level pools must be depicted on the elevations and material specifications provided.

**28. Accessory Structures**

Trellises, pergolas, arbors, water features and other landscape features have a minimum of 10-foot setback. Water features must have pumps and filters to avoid stagnating standing water and must be maintained weekly and run 24 hours and 7 days a week.

a) **Accessory Front Setback** 10 feet

**b) Accessory Interior Side Setbacks**

i	<b>Single lots</b>	15 feet
ii	<b>Combined lots</b>	25 feet

**c) Accessory Rear Setback**

i	<b>In Ground Pool</b>	10 feet
ii	<b>1<sup>st</sup> Living Level Pool</b>	25 feet

**29. Interior Side Setbacks for Ground Level Pool Decks and Pool Barriers**

a)	Single lots	10 feet
b)	Combined lots	20 feet

*Note: Pools may not extend past the rear corner of the principal structure.*

**30. Side Street Setback for Ground Level Pool Decks And Pool Barriers**

a)	Single lots	15 feet
b)	Combined lots	25 feet

**31. Rear Setback For Ground Level Accessory Structures and Pool Barriers**

10 feet, with the exception of a paver walk path on golf course lots

*Note: Lot owners located on the golf course may install a 3 to -foot-wide brick paver walk path connecting the rear of the property to a Hideaway golf course pathway with ARC approval and the owner signing the Hideaway Beach installation/maintenance agreement covering any portion of the Association's common grounds the path traverses.*

**32. Cul-de-Sac Lots (See Diagram E)**

The front yard setback shall be measured from the property line. *(The use of a chord line will not be permitted to establish setback distance.)*

**33. Beachfront Lots**

All beachfront lots have special requirements as defined by the Hideaway Beach Planned Unit Development (PUD) 92-11. (See *Appendix A*). Owners of beachfront lots must provide the ARC with proof of compliance with the requirements of the PUD.

**34. Mangrove Lots and Lots adjacent to HBA Conservation Land**

- a) Please see the list for lots that are affected by either mangroves or border a Hideaway conservation area. (Appendix A-1)
- b) The rear property line is now the setback for Hideaway Beach conservation area. No structures can be within 10 feet of the rear property line.
- c) A silt fence, plywood and hay bales must be installed to protect the conservation area during construction.
- d) All Construction (including clearing and fill) must maintain at least a 10-foot buffer from the Conservation Line (property line).
- e) No construction (including clearing and fill) is allowed within jurisdictional wetland areas without a USACE permit.
- f) Any construction immediately adjacent to or within the wetland areas (<10 feet from the wetland line) must address slope stabilization, both during and after construction, to limit the amount of fill needed in the wetland area and to minimize the potential for erosion of soils into the adjacent wetland. Retaining walls, riprap, or other structural hardening must be drawn by a Florida licensed architect or engineer and reviewed and approved by the ARC as a part of the project review.

**“Please see Appendix A-1 for Mangrove and Conservation Lots”.**

- g) Mitigation of the mangrove wetland line by the owner is possible through approved permits from FDEP and Army Corps of Engineers. Please note that Hideaway Beach Association is not involved in any way with the mitigation of this line.
- h) The general contractor must inspect and repair any identified damage to the silt fence and plywood on a WEEKLY BASIS to ensure that it is functioning as intended. Additionally, synthetic straw bales must be installed and maintained along this plywood/silt fence barrier. (*Refer to Diagrams H and J*).
- i) If clearing a lot adjacent to an HBA conservation area, any damage caused to the conservation area by plant removal or other means will be replanted / repaired by HBA at the owner's cost.
- j) **LOT OWNER MANGROVE TRIMMING PERMITS MUST BE SUBMITTED AND APPROVED BY THE ARC. THE GUIDELINES SETFORTH BY SFWMD IN APPENDIX B MUST BE FOLLOWED.**

In an email dated August 11, 2021, South Florida Water Management District, Environmental Analyst, Kimberly McNeely, advised the Association “If a homeowner proposes mangrove trimming within their property boundary, but not within the conservation area, and the ARC determines that the proposed trimming activities follow the guidelines set forth in the *1996 Mangrove Trimming & Preservation Act* and the trimming will be conducted by a Florida Licensed Mangrove Trimmer, the activity should be permissible. (See *Appendix B*)

If the proposed trimming does not follow the guidelines in the *Preservation Act*, then the homeowner will need to apply to the SFWMD for a minor modification to the recent HBA permit # 11-104471-P dated January 8, 2021, to authorize the trimming and will be required to mitigate for the trimming activities. Homeowners must abide by the *Mangrove Trimming & Preservation Act* to absolve the need for subsequent modifications to the permit and associated mitigation.

Furthermore, any proposed trimming area that is under an existing FDEP trimming permit is precluded from the above advisement.”

**35. Costal Construction Control line (CCCL)**

- a) All construction plans for final approval must specify the elevation of their lowest structural member.
- b) Plans submitted for final approval must specify the elevation indicating the depth of all footings that support the structure.
- c) Copies of all FDEP Permits must be submitted with plans for final approval.

**36. Storm Protection Walls (See Diagram G)**

Because of deteriorating beach conditions, it may be necessary for waterfront properties or groups of waterfront properties to install storm protection walls. The requirements are as follows:

- a) All property owners must sign a consent agreement with Hideaway Beach Association in form and content satisfactory to it.
  - i Holding Hideaway Beach Association, Inc. harmless from damage caused and the storm protection wall
  - ii Agreeing that the property owner will continuously maintain the storm protection wall, and,
  - iii Agreeing that the property owner will remove or modify the storm protection wall if mandated by a governmental agency as a condition for beach re-nourishment.
- b) The installation of the wall must adhere to the recommendations of Hideaway's consulting engineers as to materials, depth, height, color, and return wall.

c) As of the date hereof, these recommendations are:

- |     |                     |   |
|-----|---------------------|---|
| i   | <b>Materials</b>    | Vinyl with concrete cap beam.   |
| ii  | <b>Depth</b>        | Minimum depth of sheet piles shall be to the hard pan or to a minimum of minute 10 feet National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD88).  |
| iii | <b>Height</b>       | Cap beam elevations shall be site specific and require approval of Hideaway's consulting engineers. In no case shall the height of the storm protection wall exceed two feet above existing grade of the subject property, nor shall the cap elevation vary by more than six inches relative to the elevation of the adjacent property's adjoining storm protection wall. |
| iv  | <b>Return Walls</b> | Where a wall ends next to an adjacent un-walled property, a return wall currently estimated to have a minimum length of 6 to 20 feet (site specific), must be installed in compliance with Hideaway's consulting engineers.   |
| v   | <b>Color</b>        | An aesthetically compatible "sand" color.   |

d) A licensed Florida engineer or a licensed marine contractor must prepare all final plans for the installation of storm protection walls. The final plans must be approved by the ARC and by Hideaway's consulting engineer including on-site construction observations, at the property owner's expense.

### 37. **Governmental Permits**

a) Various governmental agencies may require authorization or a formal permit for the installation of a storm protection wall. These agencies may include, but are not limited to:

- 1) City of Marco Island
- 2) Collier County
- 3) South Florida Water Management District (SFWMD)
- 4) Florida Department of Environmental Protection (FDEP)
- 5) Army Corps of Engineers (COE)

Individual property owners must determine if any governmental agency may require authorization or a permit for the installation of a storm protection wall for their property. Each individual property owner must obtain authorization or a permit from any governmental agency if required.

- b) Storm protection walls are given special consideration, and they are NOT subject to side yard setbacks.

### 38. **Outdoor Lighting**

- b) Outdoor accent lighting shall be designed to assure privacy for adjacent lot owners. No floodlighting of the front or side elevations of a house will be permitted. All outdoor lighting must conform with the City of Marco Island code restrictions and must be submitted for review and approval by the ARC.

Generally, exterior lighting should be “down lighting”, the fixtures should be baffled or hooded in design and conservative in both strength and number. Exterior lampposts are prohibited. The City of Marco Island code includes, among others, the following restriction:

- i. No more than 1.0 foot-candle of exterior lighting can fall on neighbors’ property.
- c) Only white lighting (3000k-6000k – Kelvin temperatures) can be used for exterior lighting. Colored lights are prohibited except as temporary seasonal holiday decorations when additional colors may be displayed.
- d) Outdoor landscape lighting shall be low voltage, LED, with 300 lumens maxim per fixture and no more than a total of 3000 Kelvins. All exterior lighting shall be designed and installed to prevent glare and light trespassing over lot lines. In addition, such lighting shall be designed and arranged as to shield all other adjacent properties from direct glare or hazardous interference of any kind. Up-lighting shall be limited to palms and canopy trees on the owner’s lot. Path lights shall illuminate pathways, edge or hardscape and driveway areas. A landscape lighting plan shall be submitted for review and approval by ARC. The plan must include fixture layout, fixture schedules and images of each proposed light fixture.
- e) **Florida laws impose certain lighting requirements for coastal areas used by sea turtles. F. S. Section 161.163 Owners and general contractors should familiarize themselves with these laws. Substantial fines may be levied for visible lighting (interior or exterior) after 9pm in these areas. Additional information is available at <http://research.myfwc.com>.**

### 39. **Utilities**

All utility service lines, pipes, or conduits shall be run underground from the property line to the structure. Lines shall not be installed underground anywhere except under the driveway or entrance walks where the ground surface has been disturbed. If it becomes necessary for lines to be installed underground where the ground has not been disturbed, care must be taken not to kill or injure any existing root systems.



#### 40. **Parking**

There must be two off-street parking spaces for each developed home site.

#### 41. **General Appearances - Locations of utilities such as A/C units, generators, water heaters and pool equipment must be positioned to be unobtrusive to neighbors and the community both visually and for noise reduction.**

Exterior equipment, devices and hardware consist of, but are not limited to, air conditioning equipment, utility boxes, generators, tank-less water heaters, solar devices, satellite devices, pool equipment, above ground propane tanks and signage.

To preserve the visual integrity and character of the Hideaway Beach Association, unless otherwise required by law, exterior equipment, devices, and hardware must not be visible from the street and must be screened from view either in screened enclosures, landscaping or within closed structures attached to the Principal Structure.

- a) **House Numbers:** house numbers may not exceed 6" inches in height.
- b) **Television Antenna or Satellite Dish** locations must be indicated on elevation plans and must be submitted to the ARC for approval of style and location. The ARC will work with the owner to determine a location on the property from which an appropriate signal strength will be available, and which will not compromise Hideaway's aesthetic values.
- c) **Accessory Structures** must not block views for adjacent homes.
- d) **Fences, Walls, Gates, Sheds** fences are not permitted, except as required by pool barrier code. Property line walls pillared or posted entrance gates and sheds are prohibited.
- e) **Waste and Recycling Carts** shall be stored in the garage or may also be stored in a fully enclosed, covered and secure screened area.
- f) **Air Conditioning Units** must be screened. Aluminum railings are acceptable but must be approved by the ARC and depicted on the plans. Key West style homes may use lattice.
- g) **Ground Level Pool, Spa, Geothermal Equipment** (pumps, motors, pipes, etc.)
  - i. All equipment must abut the house and be concealed by screening or by vegetation on all sides.
  - ii. Well-Point Pump for Geothermal must be placed within the 10-foot accessory setback lines and screened by vegetation on all sides.
- h) **Above-Ground Propane Tanks** are limited in size to a maximum of 120 gallons and must be permitted by the City of Marco Island. The tank must abut the house and cannot project more than 4 feet into the yard. Tanks must have tie-downs and

be concealed by screening. Propane tank installation plans must be approved by the ARC.

l) **Buried Propane Tanks** must be permitted by the City of Marco Island. Propane tank installation plans must specify the tank size, provide the dimensional location of the tank on the property and must be approved by the ARC.

m) **Tank-less Water Heaters** must be placed in an area where they are not obtrusive to neighbors or the community. They must also be screened. Screening must be approved by the ARC and depicted on plans. Tank-less water heaters and other exterior appendages such as wiring and refrigerant lines may not be visible from the street or adjoining properties.

n) **Permanent Back-Up Generators**

- i. Permanent back-up Generators must be located in an area where they are not obtrusive to neighbors and the community. They must also be screened. Screening must be approved by ARC and depicted on plans with complete details. The plans must show the size of the generator, the distance from the house, windows, doors, and setbacks. Generators must comply with the City of Marco Island codes.
- ii. Permanent back-up Generator installations should provide a satisfactory degree of acoustical isolation for adjacent properties by limiting maximum noise levels to 70 dB(A) measured 15 feet from the generator location.
- iii. Permanent back-up Generators may only be tested one (1) time per week for a maximum of 15 minutes in the time period 9 A.M. to 4 P.M. on weekdays only. It is recommended that weekly test runs are limited to a duration of 5 minutes.
- iv. Location shall be on the rear or side of the Principal Structure based on setbacks and accessibility.

o) **Generator Installation Checklist**

- i. Provide drawings showing the location of generator including elevation, distances from house, windows, doors, and property lines.
- ii. Show maximum overall dimensions (length, width, and height) of the generator.
- iii. Attach a copy of the generator specifications including its operating acoustic levels (ARC dictates maximum noise levels of 70db(A), measured at a distance of 15 feet away from generator).
- iv. Show generator required screening and note type of screening to be installed.

- v. Provide a plan of the location of the propane tank, please note the size of propane tank and if new or existing.
- vi. Provide permit documentation from City of Marco Island once permit is received.

**p.) Hideaway Association Standard Signage**

- i. Hideaway Beach must be visibly inscribed on the sign
- ii. The Hideaway Logo must be displayed on the sign
- iii. Must have Hideaway specific colors
- iv. Must have Hideaway approved Format and Finish

Replacement of signs and new signs for the Hideaway Beach Association need ARC approval.

**REST OF PAGE**

**INTENTIONALLY LEFT BLANK**

## PART TWO: REVIEW PROCESS OF THE ARC

### 1. Existing Single Family Homes

- a) Single-family homes may be remodeled, refurbished, renovated, or altered in external appearance in any way until the plan has been approved in writing by the ARC. This includes renovations, but is not limited to, exterior painting; changing the drainage pattern of the lot; major changes in the landscape. Single-family homes must have ARC approval prior to removing or replacing any trees, and starting any material construction (major repairs, replacements, or structural modifications of any existing design) on an existing building, condominium, or individual home. All Landscaping changes and alterations must (with the exception of winter or summer annuals) be submitted to the Director of Land and Environmental Management for review and approval. New landscaping must contain a minimum of 40% native vegetation based on the total plant count and the total species count.
- b) The homeowner shall notify and obtain the approval from the ARC for any such proposed remodeling, refurbishing, renovations, or alterations before commencing the work. Such approval shall not be unreasonably or capriciously withheld. All remodeling, refurbishing, renovations, or alterations of homes shall conform to the same guidelines and criteria as new construction.
- c) Drainage Plans for all substantial improvements/remodeling: The existing drainage system shall be brought in compliance with the current South Florida Water Management District Environmental Resource Permit 190621-15 (SFWMD ERP) dated 11-22-19. A substantial improvement is an addition or reconstruction that exceeds 50% of the market value of the structure before the start of construction of the improvement. The market value is the assessed value or property depreciated appraised value of the structure. If the improvement is not considered substantial, a drainage plan review is required to ensure that additional on-site storage is provided only for the increase in impervious area or additional fill. In order to confirm that an improvement is not substantial, the owner must submit an affidavit along with copies of the contract and any subcontractor bids to the ARC. **NOTE: (See Section 21 Drainage Plans, Page 8).**
- d) Landscaping Plans for Existing Single-Family Homes
  - i. The ARC requires a proposed plan, generally this plan is a drawing which indicates the proposed changes, and their location. For example, for plant beds it will dimension the size of the bed and its distance from existing property lines or other existing structures on the property.

- ii. It is preferred that the plans be drawn by either a landscape architect or a professional landscape company. However, for modest changes, drawings or sketches that follow proper convention and protocol may be submitted for consideration.
- iii. The percentage of native species (minimum of 40%) and percentage of total number of native plants (minimum 40%) to be installed must be clearly stated on the landscape plans.
  - iv. Please indicate the size of plants being installed (minimum size is 7 gallons, except for ground covers).
  - v. Depending on the magnitude of the proposed plans, a fee may be required to cover the expenses for an Environmentalist to review the proposed plans, to determine existing native plant and native species counts, and to complete an inspection of the final plantings.
- e) For remodeling and re-landscaping, submit for ARC approval all appropriate forms for specifications, scope, costs, samples of colors, materials, and estimated time for completion of the project. Refer to Remodel Checklist.

Review fees for remodeling are summarized below. The fees are based on the scope, cost, and the duration of the remodel project:

- i. Simple routine revisions such as exterior painting, gutters and minor landscaping, stucco, and siding have no review fee.
- ii. Minimum structural remodeling having an estimated construction cost of no greater than \$50,000.00 and an estimated project completion time of less than three calendar months will have a review fee of \$200.00 and \$1,000.00 Compliance Bond. Owner Compliance Bonds for new construction is required. (**See #10 Owner Compliance Bond - Page 36 for requirements**)
- iii. Structural remodeling with an estimated construction cost of no greater than \$100,000.00 and an estimated project completion time of less than six calendar months will have a review fee of \$400.00 and a \$2000.00 Compliance Bond. Owner Compliance Bonds for new construction is required. (**See #10 Owner Compliance Bond -Page 36 for requirements**)
- iv. Structural remodeling with an estimated construction cost of no greater than \$100,000.00 to \$500,000.00 and an estimated project completion time of less than six calendar months will have a review fee of \$900.00 and a \$4000.00 Compliance Bond. Owner Compliance Bonds for new construction is required. (**See #10 Owner Compliance Bond-Page 36 for requirements**)
- v. A major remodel costing greater than \$500,000 and completion time of 12 months or longer will have the same review fee and compliance bond as new construction based on square footage.

- vi. In the event of the Architectural Review Committee has or has not approved an extension beyond the approved time, after commencement of construction, the following Fee schedule will be deducted from the compliance bond based on the number of months from the start date. (*See Fee schedule Appendix H*)
  - vii. If after final ARC approval of the remodeling project, the owner wishes to make a change to the “Approved Design” the owner must complete and submit a Design Change Order Request for approval by the ARC. For each requested change order, a \$200.00 fee will be deducted from the Owner’s Compliance Bond plus an additional \$1,000 fee if consultation with outside engineering or other external professional services are required. Fee’s paid will not be refundable or creditable to next project.
  - viii. Construction must commence within one year of the Final Approval. If the construction does not commence within one year, such approval shall be deemed withdrawn or expired and it shall be necessary for the owner to resubmit the application and receive a new approval from the ARC.
  - ix. Building Completion and Extended Delay in completion it is the owner’s responsibility to complete all remodeling, re-landscaping or any alteration in the external appearance in any way, from the date of commencement of construction within the estimated project completion time frame that was approved by the ARC.
  - x. Commencement of construction means clearing, filling or other site preparation or any other physical activities on the lot. The completion date means the date the ARC has declared the project complete and in accordance with the stamped final plans, documents and specifications approved by the ARC.
  - xi. All approvals are good for one year from the date of approval. If a project has not commenced within that time frame, then the approval is considered rescinded, and the plans will need to be resubmitted for review. Due to the evolving nature of ARC guidelines, projects that are dormant for more than a year may no longer meet all the new ARC manual standards and therefore need to be reviewed again for approval.
- f) The ARC will monitor **improved home sites** for deterioration or lack of appropriate maintenance. This deterioration includes, but is not limited to:
- i. Need for exterior painting.
  - ii. Mildew/stains on roofs and walls that need pressure washing/cleaning.
  - iii. Damaged roofs.
  - iv. Deteriorating driveways and pathways.
  - v. Deteriorating landscaping (e.g., dead, or untrimmed trees or bushes), excessive weeds, untrimmed, dead or heavily weeded lawns, etc.
  - vi. Garbage, debris, items left on the driveway or lawn.
  - vii. Damaged mailboxes.

- viii. Waste and recycling carts that are left out overnight after collection day
- ix. Torn screens and/or broken windows.
- x. Deteriorating railings and/or pool enclosures.
- xi. Damaged landscape lighting.

2. **Process for informing members of violations and process for improved homes violations**

- a. Phone call and/or e-mail with pictures to member specifying the nature of the violation and informing the Owner that they will be receiving a certified letter.
- b. Send certified letter to The Owner providing a deadline by which they must remediate the violation.
- c. If the violation is not corrected within the time period given in the certified letter, Hideaway Beach Association shall have the right to enter the premises and make the corrections at the Owner's expense. (***Refer to Declaration of Covenants, Article VI, Section 6 Individual Assessments of the Declaration***)

3. **Hideaway Beach Demolition Policy**

- a. A demolition plan shall be submitted and approved by ARC. The plan must depict existing conditions, limits of demolition, dumpster locations, access, and procedures to protect neighboring properties from damage, debris, or other adverse conditions. No building shall be demolished without the advance approval of the ARC and the City of Marco Island.
- b. Before demolition of an existing building, the architectural review, and supervisory Demolition Fee of \$7,000 and Owner Compliance Bond of \$30,000 must be paid to the Association. The Demolition fees shall be paid to the Association when the plans for demolition are first submitted for approval. The Compliance Bond in the form of a check shall be forwarded to the Association after the demolition has received final ARC approval and is permitted by the City of Marco. No demolition shall commence until the fees and the Compliance Bond are paid.
- c. If Preliminary Plans for a new residence are being submitted, the associated payment of the appropriate Environmental Review, ARC Review and Supervisory Fees and Compliance Bond must be paid as outlined in the New Construction section of this Manual. The Demolition fees and Compliance Bond are separate from, and incremental to, the New Construction fees and Compliance Bonds.
- d. The Preliminary plans for the replacement residence or alternatively the re-landscaping plan for the lot must be submitted for approval by the ARC at the same time the Demolition Plans are submitted for review and approval.
- e. Construction of a new home must begin within sixty (60) days from the beginning of the demolition of the existing structure. The ARC may grant a one-time thirty-day extension for hardship during the demolition phase if the owner submits a

written request, which request requires a \$2,000 extension fee to be deducted from the compliance bond. Demolition shall be considered complete when all debris from the prior structure has been removed from the site and all utility connections have been appropriately closed. Daily cleaning of the job site is mandatory. Chain link fencing with screening must be installed in advance of the commencement of the demolition project.

- f. All debris will be removed from the site prior to any construction or re-landscaping beginning.
- g. The re-landscaping of the lot (if no home is constructed) must be completed within thirty (30) days from the end of demolition. The owner may request a one-time 30-day extension for re-landscaping, which request requires a \$2,000 extension fee to be deducted from the compliance bond if the request is granted. The property must have an irrigation system installed and be re-landscaped with 40% native vegetation (40% based on both native plant count and native species count) (See *Native Plant List – Appendix E*) to maintain the natural appearance of the lot. The landscaping plan must be stamped and approved by a Florida registered landscape architect. The landscape plan must also be approved by HBA's Environmentalist. All plants must be a minimum of 7 gallons with the exception of ground cover.
- h. After completion of the landscaping, HBA's Environmentalist will perform a final inspection on the installed landscaping to confirm compliance with the original design and implementation of the 40% minimum native vegetation (40% based on both native plant count and native species count).

#### **4. Demolition**

**Sites where Demolition will occur are subject to the following:**

General contractor will give notice to any property owners within 200 feet of the property and notice must be given at least 21 days in advance of the start of demolition activities. The ARC shall be provided with proof of the notice which consists of a list of the property owners and addresses along with a receipt or proof that the owner has been contacted.

##### **a. Notice to include:**

- i. A phone number for the contractor where a representative of the "qualifier" is available whenever construction activities are taking place on site.
- ii. An approximate timetable for demolition activities.
- iii. Demolition activities are to be completed during the hours of 8:00am - 4:00 pm Monday through Friday. No weekends or holiday work will be approved.



## **5. New Construction**

No construction of buildings or structures of any kind shall be commenced until the ARC has approved the final plans in writing. Such approval shall not be unreasonable or capriciously withheld. The ARC will stamp the final plans and documents it approves, and only those plans may be used. The ARC, in writing, must approve any revision to the approved plans.

- a) No construction of buildings or structures of any kind shall commence until the ARC has received the permitted set of plans from the City of Marco Island and the ARC has reviewed the permitted set to assure, they are the same as the Final Approved ARC set. Any deviation from the Final Approval ARC set of plans and the City of Marco Island permitted set of plans will be reviewed with the contractor and homeowner and revisions to them must be submitted and approved by the ARC. The City of Marco Island permitted set of plans will be stamped with the ARC Approval Stamp and returned to the Homeowner/General Contractor and are to be maintained on the jobsite at all times.
- b) No contractor, subcontractor, or builder may start work or make any improvements without the express written approval of the ARC and before posting the City Building Permit and Notice of Commencement. The architect (see *Licensed Florida Architect*) and the builder selected by the home site owner must be approved by the ARC.
- c) Environmental survey is required and must be completed before preliminary review. The fee of \$1,500 must be paid to the Association prior to preliminary review.
- d) The ARC will respond to each submittal in a timely manner and authorize continuation only through the next phase of the review process. Submissions that are denied must be revised and the revisions “clouded” and revision dates noted and by whom on the plans and then resubmitted. The ARC will make all reasonable efforts to respond within 15 calendar days of receipt of any plans or documents submitted for the review process.
- e) Approvals will be issued in writing and shall in no way relieve the owner of their responsibility and liability for adherence to any applicable ordinances and codes. All information presented to the ARC may, at the ARC’s discretion, be kept as confidential information. The ARC may use any submissions for the purposes of the ARC. In the event that the information submitted to the ARC is, in its opinion, incomplete or insufficient in any manner, the ARC may require the submissions of additional or supplemental information.
- f) The owner must attend either Conceptual or Preliminary Review in person or virtually.

## **6. Approval of Plans**

- a) The ARC requires five (5) sets of plans as well as an electronic copy in PDF format; one set of the plans must be signed and sealed. All documents and materials are to be submitted at least fourteen (14) business days prior to the scheduled ARC meeting

for any level of review. This will enable the committee members to submit questions or concerns to the ARC's consulting architect and/or administrator to discuss questions or concerns with the lot owner or their architect/engineer. The applicant or a representative must be present at each meeting when their plans are on the agenda. This process should assist the lot owner and enable them to proceed in a timely manner.

- b) While the ARC or Hideaway Beach Association does not have an approved builder, contractor or architect list, the ARC, prior to the design review process, must approve General Contractors and Architects. Please reference the, strictly adhered to, ARC Checklist and Forms. ARC meeting announcements are posted at the Condominiums, Clubhouse, Sports Centre, and Front Gate. The announcements are also published on the Hideaway Website at [www.hideawaybeachclub.org](http://www.hideawaybeachclub.org).
- c) All submittals will be reviewed for completeness for each review level. Incomplete packages will not be placed on the agenda and the submitter will be notified.
- d) All approvals are good for one year from the date of approval. If a project has not commenced within that time frame, then the approval is considered rescinded, any fees collected except the Compliance Bond will not be returned and the plans will need to be resubmitted for review and approval. Due to the evolving nature of ARC guidelines, a project dormant for more than a year may no longer meet all of the new standards and therefore needs to be reviewed again for approval.

## **7. Conceptual Review**

As a courtesy, prior to the beginning of schematic design, the ARC will meet with the homeowners, the homeowner's builder, the homeowner's architect, or their representatives, to discuss any proposed plan. Five sets of the following should be submitted: Conceptual plans, elevations or sketches showing the rough ideas including desired building height, square footage, design and second living level setbacks. The committee will provide comments regarding conceptual plan submissions. Final plan approval will require full compliance with the ARC Manual Design Criteria and all plans are subject to the mandatory approval process described under Part II, Section #8 "Final Approval of Construction Plans".

## **8. Environmental Survey**

Environmental survey is required prior to requesting a Preliminary Plan Review. The fee of \$1,500 must be paid to the Association prior to the Environmental Survey being conducted.

## **9. Preliminary Review**

The Committee will provide comments regarding preliminary plan submissions. Final Plan approval will require full compliance with the ARC Manual Design Criteria and all plans are subject to the mandatory approval process described under Part II, Section #8 "Final approval of Construction Plans".

The payment of review fees is required prior to the Preliminary Review. The homeowner and their architect must obtain a preliminary review before proceeding with preparing their plans for the final review.

Preliminary Plans are valid for 1 year from the date. If you have not moved forward to final plans in this time frame, then your plans are considered rescinded, any fees except for the compliance bond will not be returned and the plans will need to be re-submitted for review and new fees paid. Due to the evolving nature of the ARC Guidelines, a project dormant for 1 year may no longer meet all of the new standards and therefore needs to be reviewed again.

- a)** Five sets of the following should be submitted with the following forms:
  - i** ARC Checklist
  - ii** Completed Owner's Agreement
  - iii** Completed Architect's Application and Agreement
  - iv** Completed General Contractor Application and Agreement
  - v** Completed Builder Application and Agreement
  - vi** A site plan of the lot indicating lot dimensions, proposed house footprint size and location on the lot, with all applicable setback dimensions
  - vii** A site plan of the lot showing a proposed pool, lanai and pool cage in addition to the above listed items for Preliminary Approval, the following must also be submitted:
- b)** A site survey and site analysis of the home site and its immediate surroundings at a scale of 1" = 10'. The survey shall include data defining the location of the property, right-of-way and easement lines, topography at ½ foot or 6" inch intervals at a minimum 50' foot grid intervals and at critical spot elevations including without limitation edge of pavement, location and description of existing native and exotic vegetation, relationship of adjoining roadways, home site, golf course and other site features, etc.
- c)** Included with the survey shall be a brief site analysis report including information on existing vegetation to remain, soil data including soil boring logs and geo-technical evaluation for structural limitation, topographic and drainage construction and other natural or man-made elements which affect development of the site. Also, any required protected plant and animal species survey should be submitted at this time.
- d)** A preliminary site plan (at a minimum scale of 1" = 10' and at the same scale as the site survey) showing the proposed building location with all applicable building setbacks labeled and dimensioned. Driveway and walkway materials and configuration, approximate site grading, landscape concept, site lighting fixtures, utility and mechanical equipment locations shall be included. Calculations of square

footage of areas of proposed construction impact, to demonstrate compliance with the maximum footprint of 3,000 square feet must appear on the plan.

- e) The Environmental Survey Report listing the recommended trees to be saved or relocated.
- f) Schematic building floor plan (at a minimum scale of 1/8" = 1'0"), showing location of uses within the structure, approximate door and window locations, adjoining patios, deck or screened enclosures, etc.
- g) Schematic building sections and at least four (4) elevations (at a minimum scale of 1/8" equals 1'0" and at the same scale as the schematic building floor plans), indicating exterior surface treatments, roof and chimney treatments, door, window, porch, patio, and screened enclosure treatments, etc.
- h) At the discretion of the builder or home site owner, or if requested by the ARC, renderings, perspective sketches and a model (1/8" = 1'0") may also be submitted to clarify design intent.
- i) The elevation of the lowest structural member must be specified on all plans within Hideaway.

#### **10. Final Approval of Construction Plans**

- a) This is a mandatory approval level for all homes to be constructed in Hideaway Beach. **After submission of five sets, and Final Approval is granted, all documents and plans will be stamped as approved.** At the sole discretion of the ARC, a Conditional Final Approval may be granted, if a submitted document is not complete.
- b) Upon the granting of the Final Approval, the homeowner shall furnish the ARC with electronic copies of the complete set of approved, signed, and sealed construction plans.
- c) **The plans or documents presented for Final Approval must be the same plans and documents that are presented to the City of Marco Island for a Building Permit.** The documentation needed for Final Approval is:
- d) Construction must commence within one year of the Final Approval. If the construction does not commence within one year, such approval shall be deemed withdrawn or expired and it shall be necessary for the owner to resubmit the application and receive a new approval from the ARC.
- e) Any governmental agency required survey of protected plant and animal species (including gopher tortoise & burrowing owl) indicating the estimated number of species and the procedures to be used in relocation or protecting the species.
- f) A Final Site plan (at a scale of 1" = 10') showing the property, right-of-way, and easement lines, and building footprint with all applicable building setbacks labeled and dimensioned. Driveway and walkway materials and configurations, site grading, site

lighting fixtures, utility and mechanical equipment locations, and clearing limits shall be included. Calculations of square footage of areas of proposed construction impact to demonstrate compliance with the maximum footprint of 3,000 square feet must appear on the plan.

- g) A utility plan (at a scale of 1" = 10') showing above ground sanitary sewer line locations, size and materials, water line location and sizes, and telephone, gas, and electric connections, including service lines to site lighting fixtures.
- h) A grading and drainage plan (at a scale of 1" = 10"), consistent with the Hideaway Beach Association South Florida Water Management District (SFWMD) permit indicating existing and proposed contours at ½ foot intervals and spot grades, finished floor elevations, stem wall elevations, drainage patterns, erosion, and sedimentation control measures, etc. **NOTE: DRAINAGE PLANS MUST BE APPROVED IN CONJUNCTION WITH THE LANDSCAPE PLANS.**
- i) A landscape plan (at a scale of 1" = 10") showing existing vegetation and relocated vegetation to remain and the location, species, quantity, all proposed new plant material shall be 7 gallons or larger. **NOTE: LANDSCAPE PLANS MUST BE APPROVED IN CONJUNCTION WITH DRAINAGE PLANS.**
- j) An irrigation plan (at a scale of 1" = 10") showing proposed locations and coverage of irrigation heads, laterals, valve control equipment, etc., should be shown on the landscape plan.
- k) Architectural Floor Plans (at a scale of 1/4" = 1'0") indicating the location of uses within the structure, door and window locations, adjoining patios, deck, and screen enclosures, etc.
- l) Architectural sections and elevations (at a scale of 1/8" = 1'0") indicating exterior material, roof and chimney treatments, door, window, porch, patio, deck, and screened enclosure treatments, etc.
- m) At the discretion of the builder or home site owner, or if requested by the ARC, renderings, perspective sketches, or models may also be submitted to clarify design intent.
- n) Site survey showing parking, dumpster, and port-o-let locations.
- o) Provide Subcontractor List.
- p) Project specifications governing existing finish materials.
- q) Samples of proposed materials and colors for the exterior surfaces of buildings, walls, fences, (*if required by code*), driveways, walkways, etc. Only one material/color sample is required.
- r) Construction Commencement and Plan Revisions require an updated construction schedule showing permitting and construction scheduling including target dates for the beginning and completion of construction. Upon final approval of the plans from the ARC, construction must start within one calendar year; otherwise, the plans must be

resubmitted for approval and are subject to the Architectural Review Design Criteria Manual that is in place at the time the plans are resubmitted for approval.

- s) The Architectural Review Design Criteria Manual currently in place at Final Approval of plans is the governing document. Any revisions to the plans during the course of construction are subject to the ARC Design Criteria Manual that is in place at the time of the revision for that specific item.
- t) A site plan showing pool, lanai, and pool cage
- u) The elevation of the lowest structural member must be specified on all plans within Hideaway.
- v) Owner shall indemnify and hold harmless the Association, its directors, officers, and employees from and against, any fines, penalties, costs, expenses or liabilities arising from any and all environmental violations caused by, or committed by, the owner or those working on behalf of the owner including owner's agents, contractors, and subcontractors.

#### **10. Construction Monitoring**

A representative of the ARC will monitor and observe the construction process from time to time for consistency with the approved plans and documents, and only those final stamped plans approved by the ARC may be used. The owner, however, is solely responsible for ensuring construction is consistent with the approved plans and specifications. **The ARC and Hideaway Beach Association Inc., assume no responsibility for ensuring that construction complies with such plans and specifications. A final set of stamped plans must remain at the building site at all times for the benefit of the ARC representatives.** The following documents shall be delivered to the ARC Representative, at the following events, during the course of construction:

**a) UPON COMPLETION OF THE STRUCTURE'S FOUNDATION:**

A signed and sealed spot survey and elevation certificate must be completed and delivered to the ARC Representative. No further construction or block work shall proceed until the survey has been received and approved by the ARC Representative.

**b) UPON COMPLETION OF THE STRUCTURE'S ROOF SHEATHING:**

Where required a survey at the expense of the owner will be completed to determine the specific as built mean roof height and or the overall height of the structure. Overall heights must include chimneys and viewing deck railings. No additional roofing material shall be applied until the survey has been received and approved by the ARC Representative. The ARC Representative will determine if a survey is not required due to single-story houses.

**c) UPON COMPLETION OF THE STRUCTURE:**

Final Certificate of Occupancy and final survey with elevation certificate.

#### **11. Pile Driving**

**Sites where pile driving activities will occur are subject to the following requirements:**

General Contractor shall provide notice to all property owners within 200 feet from the property lines before pile driving activities commence. They must communicate to the owner of the property where the pile driving will occur and will pay for the pre-drilling engineering survey. If any of these properties contain an existing home, then notice must be given at least 21 days prior to commencement of pile driving. The ARC shall be provided proof of notice which consists of a list of property owners and addresses and a receipt or other proof of that the owner has been contacted. The existing homes must have surveys completed within the 21 day notice period..

**a) Notice to include:**

- i. A phone number for the contractor where a representative of the “qualifier” is available whenever construction activities are taking place on site.
  - ii. An approximate timetable for construction activities to include any demolition, excavation, or pile driving activities.
- iii. An offer to have a licensed engineer conduct a pre-construction site inspection of the existing homes located within 200 feet from the property lines. The inspection is to include a photographic and visual record of the neighboring properties, a copy of which shall be given to the neighboring property owner if requested and the ARC (*Refer to Appendix G & pre-pile drive engineering scope of work*) the contractor must offer an outside and inside inspection. The existing homeowner may refuse or deny an inspection at their own risk. Prior to commencement of pile driving, the Contractor shall notify the ARC and provide evidence that the offered pre-construction inspections have been accepted or declined. Pile driving and demolition activities are to be completed during the hours of 8:00 a.m. – 4:00 p.m. Monday through Friday. No weekend or holiday work will be approved.

**12. Job Completion**

At the completion of the job the ARC Representative, Hideaway’s Consulting Engineer, and Consulting Environmentalist, along with the General Contractor and/or the homeowner will conduct a site inspection to obtain a final approval and completion of construction. This will include the completion of all items on the Exit Check List Form. Any damages to the Association’s property will be properly repaired prior to ARC Final Approval at the completion job. This includes damages to the roadway and adjoining lots.

**13. ARC Punch List**

The Director of Land and Environmental Management will notify the homeowner and the contractor of any punch list items that remain open after the final ARC inspection. (*See Exit Form*). These punch list items must be completed within 6 weeks of obtaining the exit form from the Director of Land and Environmental Management. Key punch list items include but are not limited to, compliance with final landscaping, drainage plan. If completion time exceeds six (6) weeks, fees will then be charged against the compliance bond until the items are corrected.

#### **14. Condominiums**

**Condominiums must seek prior ARC approval for signage, landscaping, pavers, building color and drainage.**

##### **a) The Landscape Plans**

- i. The ARC requires a proposed plan, generally this plan is a drawing which indicates the proposed changes, and their location. For example, for plant beds it will dimension the size of the bed and its distance from existing property lines or other existing structures on the property.
- ii. It is preferred that the plans be drawn by either a landscape architect or a professional landscape company. However, for modest changes, drawings or sketches that follow proper convention and protocol may be submitted for consideration.
- iii. The percentage of native species (minimum of 40%) and percentage of total number of native plants (minimum 40%) to be installed must be clearly stated on the landscape plans.
- iv. Please indicate the size of plants being installed (minimum size is 7 gallons, except for ground cover).
- v. Depending on the magnitude of the proposed plans, a fee may be required to cover the expenses for an Environmentalist to review the proposed plans, to determine existing native plant and native species counts, and to complete an inspection of the final plantings.

**THE REST OF THIS PAGE  
INTENTIONALLY LEFT BLANK**



## PART THREE: LEGAL AND PROCEDURAL REQUIREMENTS

### 1. Adoptions

Adopted pursuant to Article of the Declaration of Covenants and Restrictions of Hideaway Beach Association, dated May 29, 1981, as amended by the Board of Directors of Hideaway Beach at duly convened meetings on May 9, 1997, May 4, 2012, February 13, 2019, April 21, 2000, June 22, 2000, December 15, 2000, January 11, 2001, November 16, 2001, January 18, 2002, February 22, 2002, April 19, 2002, November 15, 2002, January 17, 2003, February 20, 2003 and, April 4, 2005, March 17, 2010, January 18, 2012, April 16, 2020, August 31, 2021, June 28, 2023 and October 25, 2023.

Article VII Section M of the Second Amended and Restated Declaration states: **“The ARC does not assume any responsibility for the quality of construction and no obligation or liability relating to construction of any improvements shall result from the ARC’s review or approval of any plans and specifications or other plan** (collectively “Plans”). Furthermore, the ARC does not evaluate Plans to determine whether the Plans satisfy all applicable governmental requirements nor does the ARC determine if improvements constructed pursuant to any Plans will be structurally sound, including but not limited to, whether or not the foundation plan is adequate for subsoil conditions, and **the ARC does not assume any responsibility in this regard and no obligation or liability in this regard shall result from the ARC’s review or approval of any Plans. No member of the ARC shall be liable to the Association or to any Owner or any other person or entity for any loss, damage, injury or expense arising out of or in any way connected with the performance of his duties hereunder, unless due to his willful misconduct.**

### 2. Use

All properties may be utilized only for the purposes under the Planned Unit Development (PUD). PUD Ordinance means Collier County Ordinance 92-11 which provides for the Hideaway Beach Planned Unit Development and any amendments to such ordinance by the Board of Collier County Commissioners, Florida, or Hideaway Beach Association, Inc., which zoning ordinance is incorporated herein by reference, and made a part of these restrictions.

### 3. Remedies – Separability

In the event of a violation or breach of any of these restrictions, Hideaway Beach 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 contained herein shall not in any way affect any of the other restrictions, which shall remain in full force and effect.

#### **4. 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.

#### **5. Zones and Coastal Construction Control Line**

Hideaway Beach has various zones (Flood Zones and Wind Velocity Zones) and a Coastal Construction Control Line (CCCL). 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 consult with the appropriate Federal, State, County, and City agencies to determine the lot's zone and the specifications for that zone.

#### **6. Licensed Florida Architect**

All pages of the final house plans and related documents must be signed and sealed by a Licensed Florida Architect and Florida Licensed Engineer. The seal must be visible on each page and signed. By the seal and signature, the Licensed Florida Architect and Licensed Florida Engineer have attested that those plans and documents:

- a) Meet all architectural standards as set forth by the State of Florida.
- b) Meet all code, statutory, and regulatory requirements as set forth by the Federal Government, the State of Florida, and the City of Marco Island.
- c) Meet all the architectural and engineering requirements that are necessary to conform to the Wind Zones, the Flood Zones, and the Coastal Construction Control Line present in Hideaway Beach.
- d) Meet all the architectural and building requirements as set forth in the Design Criteria.

#### **7. Licensed Florida Landscape Architect**

All pages of the landscape plans must be signed and sealed by a Licensed Florida Architect. The seal must be visible on each page and signed. By the seal and signature, the Licensed Florida Landscape Architect has attested that those plans and documents:

- a) Meet all landscape architectural standards as set forth by the State of Florida.
- b) Meet all code, statutory, and regulatory requirements as set forth by the Federal Government, the State of Florida, and the City of Marco Island.

**NOTE: LANDSCAPE PLAN MUST BE APPROVED IN CONJUNCTION WITH DRAINAGE PLAN**

## **8. Licensed Florida Contractor**

- a) Owners are required to use a licensed and insured Florida contractor for the construction and alterations of buildings or structures of any kind on their Residential Lot. Owners shall provide the Association with copies of the contractor's license and insurance policies, in a form and amount as approved by the ARC, along with the signed contract and any other information the ARC may reasonably require. The Owner also agrees to comply with the requirements of Chapter 713, Florida Statutes and to indemnify the Association and its Members from any construction liens which may attach to Common Elements, and which are attributable to work performed by or for the benefit of the Owner.
- b) Owners cannot act as their own contractors.

## **9. Architectural Review & Supervisory Fees & Environmental Fees (See Appendix H)**

Each lot owner shall pay an architectural review and supervisory fee to the Association when the plans for a new residence are first submitted for approval, except for the courtesy conceptual review. This fee will be used for architectural plan and document reviews for each level of approval prior to construction and for continued monitoring of the owner's lot during the construction through the certification of completion. If the process does not proceed to final approval, a portion of the fee may be refunded. There are three levels of review: Conceptual, Preliminary and Final. If extra Hideaway staff, professional consulting and additional project management services are necessary, the lot owner will be charged at the current hourly rate for those services. Any additional reviews of plan revisions, non-compliance, and additional supervision charges will be deducted from the Owner's Compliance Bond. The architectural review and supervisory fee is based upon the total square feet of the air-conditioned space of the home excluding balconies, decks, garages and covered open-air areas:

a) Environmental Review \$ 1,500

b) Architectural Review & Supervisory Fees:

2400 – 2999 square feet	\$ 8,000
3000 – 3999 square feet	\$ 8,300
4000 – 4999 square feet	\$ 8,600
5000 – 5999 square feet	\$ 8,900
6000 plus square feet	\$ 9,200

***Review Fee Checks shall be made payable to Hideaway Beach Association, Inc.***

**10. Owner Compliance Bond (See Appendix J)**

- a) An Owner Compliance Bond, in the form of a check, shall be forwarded to the Association after the residence has received ARC final approval and is by the City of Marco Island. The Owner Compliance Bond must be submitted prior to the start of clearing a lot for construction and be paid by the Owner. The Owner Compliance Bond is based upon the total square feet of air-conditioned space of the home excluding balconies, decks, garages, and covered open-air areas:

2400 – 2999 square feet	\$40,000
3000 – 3999 square feet	\$50,000
4000 – 4999 square feet	\$60,000
5000 – 5999 square feet	\$70,000
6000 plus square feet	\$80,000

***Owner Compliance Bond Checks shall be made payable to Hideaway Beach Club Building Escrow Account.***

b) The monies will be held in an interest-bearing escrow account and shall be returned to the owner, together with interest earned, if any, upon the successful completion of the residence in accordance with the plans, documents, and specifications approved by the ARC.

c) If additional professional and project management fees are required during the construction of the residence, these fees may be deducted from the Owner Compliance Bond if necessary.

d) The owner is solely responsible for making sure the house is completed in accordance with the “Final Approval” stamped plans, documents and specifications approved by the ARC. All or part of the compliance bond may be deducted if:

Unauthorized changes are made during construction and/or Building completion criteria are not met and/or the owner does not make full payment of all fees.

**If after “Final Approval” the owner wishes to make a change to the “Approved Design” of the home. The owner must complete and submit a Design Change Order Request for approval by the ARC. For each requested change, \$200 change fee shall be deducted from the Owner Compliance Bond. For plan changes requiring consultation with outside engineering or other outside professional services, for example drainage plan changes, a \$1,000 change fee shall be deducted from the Owner Compliance Bond.**

## **11. Building Completion (New Construction)**

- a) All structures on a residential lot, including all major landscaping and remodels shall 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. The owner is required to post a “start of job” notice with the ARC Representative forty-eight hours prior to lot clearing.
- b) The completion date means the date a Certificate of Occupancy has been received from the Building Department of the appropriate governing authority and the ARC has declared the project complete and in accordance with the stamped final plans, documents and specifications approved by the ARC, including all major landscaping. If additional site inspections by the Hideaway Staff or consultants are required because of non-compliance, they will be billed at the current hourly rate.
- c) If additional time is needed for completion after 18 months, and it can be shown that work has progressed at a steady, uninterrupted pace or that no disruption has been caused by the owner’s or general contractor’s negligence but has been caused by storm or flood, acts of regulatory agencies, extreme economic hardship, unexpected major material delays, or other causes beyond the control of the owner, the Architectural Review Committee (ARC), at its sole discretion, may grant an extension of time. Regardless, of whether an extension to the completion time is granted, fees will be charged from the Compliance Bond.

**NOTE: A REQUEST FOR EXTENSION MUST BE MADE IN WRITING, ADDRESSED TO THE BOD, VIA THE ARC, AND IS DUE 30 DAYS PRIOR TO THE ORIGINAL CONSTRUCTION END DATE.**

## **12. Extended Delay in Completion**

- a) If the Architectural Review Committee (ARC), has or has NOT granted an extension beyond 18 months the following Fee Schedule will be deducted from the Compliance Bond based on the number of months from the construction start date as follows: \$1,000 extension fee for the first month after 18 months (*19<sup>th</sup> month*), \$1,500 extension fee for the second month (*20<sup>th</sup> month*), \$2,000 extension fee for the third month (*21<sup>st</sup> month*) and \$2,500 for the fourth month (*22<sup>nd</sup> month*).
- b) If construction extends into the 23<sup>rd</sup> month (*unless an extension has been granted by the Architectural Review Committee (ARC)*) **the Owner shall be considered in violation of the governing documents and the Association can pursue all remedies against the Owner.**

**c) Remodels:**

Owner Compliance Bond amounts and completion dates for remodel projects will be reviewed and determined on a case-by-case basis.

**13. Construction Abandonment**

If for any reason work on a home site is abandoned or discontinued, or there is not substantial progress toward completion for a continuous three (3) month period, then the ARC shall notify the owner and take such steps as might be required to correct an undesirable appearance. There will be an automatic deduction of the entire Owner Compliance Bond for construction abandonment. The recommendation for such correction shall be solely at the discretion of the ARC and approved by the Board of Directors and may include, but is not limited to, aesthetic grounds. The owner of the property shall be liable for all costs incurred in such action and the total cost thereof will be a lien on the property, which lien may be foreclosed in the manner for foreclosure of mortgages in the State of Florida.

**14. Liquidated Damages**

It is in the interest of the Association and all lot owners that construction, once commenced, be completed at the earliest possible date. Prolonged or delayed construction activities are inconvenient to the Association and other lot owners and detract from the overall ambiance of the Hideaway Beach community. The exact measure of damage suffered by the Association as a result of such prolonged construction is uncertain. The liquidated damage charges provided herein are intended as a reasonable estimate of the damages suffered by the Association for such prolonged construction and shall be the Association's exclusive legal remedy for damages for such delayed or prolonged construction. Collection of such liquidated damages, however, shall not prevent the Association from exercising its equitable remedies to compel compliance.

**15. Certificate of Occupancy and Return of Compliance Bond**

- a) Within seven days of receipt of the Certificate of Occupancy from the City, the builder or homeowner shall submit one copy of the Certificate of Occupancy, a signed and sealed final survey and elevation certificate and any other documents the ARC deems necessary.
- b) Upon receipt of these documents, an ARC representative, accompanied by the association's consulting engineer and environmental specialist, will make a final inspection of the home site and adjoining areas to confirm compliance with the Design Criteria. Within seven business days of the ARC's motion declaring the project is complete and in compliance, the Owner's Compliance Bond will be returned less any previously determined deductions.

## 16. **Insurance**

- a) It is strongly recommended that a reputable insurance company or their authorized representative be consulted with regard to adequate insurance coverage's that may be prudent in addition to those required by the Hideaway Beach Association. Each builder or general contractor in Hideaway Beach shall obtain certificates of insurance listing Hideaway Beach Association, Inc., as an additional insured which shall include the following insurance minimums:

### i **Commercial General Liability**

Each Occurrence:	\$ 1,000,000
Fire Damage:	\$ 1,000,000
Med Exp:	\$ 5,000
Personal & Adv Injury:	\$ 1,000,000
General Aggregate:	\$ 2,000,000
Products—Comp/Op Ag:	\$ 2,000,000

### ii **Worker's Compensation Insurance (minimums)**

Each Accident:	\$ 1,000,000
Each Employee:	\$ 1,000,000
Policy Limit:	\$ 1,000,000

### iii **Automobile Liability**

Combined Single Limit per accident:	\$ 1,000,000
-------------------------------------	--------------

- b) Such policies shall provide that Hideaway Beach Association, Inc. is an additional insured and shall further provide the Hideaway Beach Association, Inc. be given thirty days prior notice to cancellation or change in coverage. A certificate evidencing compliance with the foregoing insurance requirements shall be provided to Hideaway Beach Association, Inc. prior to the ARC issuing its stamped approval of the Final Plans for the construction of the requested improvements. Such insurance coverage shall continue until such time as Hideaway Beach Association, Inc. returns the Owner Compliance Bond to the homeowner.

## **Construction Site Standards**

## 17. **Contractor Parking**

- a) The home site owner and the general contractor shall be ultimately responsible for policing the parking habits of its subcontractors and their employees and ensuring that they are in compliance with the parking plan approved by the ARC. The general contractor must inform the subcontractors to park as many employee vehicles on the site as possible. Parking must never block an existing resident's driveway or the street. Construction materials must be staged on the site and positioned to maximize employee onsite parking.

- b) As part of the approval process, the general contractors shall submit a parking plan to the ARC and shall enforce the plan. All vehicles shall be parked in an orderly manner, with all wheels off the pavement, so as not to impede vehicular traffic or block walkways. In the event that Hideaway staff monitoring or controlling of parking is required, it will be billed to the site owner's membership account. The general contractor must consult with a representative of the ARC regarding any potential parking problems. Any damage to the sidewalks, grass, roadways, or adjacent property will be repaired or replaced at the building homeowner's expense. General contractors are encouraged to have subcontractors carpool as much as possible to eliminate the high volume of vehicles at the job site.

**18. Site Environment**

The general contractor shall control excessive noise emanating from the site. Radios played on the site must be at a level that does not disturb neighbors and should be indoors. Use of vehicle radios is prohibited. Any debris, grindings, materials, or dust generated on the site must be controlled to prevent any disbursements off the site. All unnecessary materials, including construction trash and garbage must be removed from the site or placed in a dumpster (which on a daily basis) and must never be allowed to collect **off the job site**.

**19. Dumpsters**

Builders shall also supply one dumpster on-site to collect trash and debris generated by construction activities and employees. All Contractor's dumpsters utilized at Hideaway Beach for approved construction projects, (including new construction of single-family homes, remodeling of existing buildings, condominium, or individual homes) must be covered with a waterproof cover during hours of non – operation, including overnight, weekends, holidays and anytime construction workers are not present and working on the site. The dumpster must be emptied when full to the level of the top. Penalties for non-compliance refer to Page 43, Construction Site Standards Violations).

**20. Jobsite Cleanliness**

Home site owners and general contractors are accountable for job site safety and cleanliness. General contractors are required to clean jobsites on a daily basis. If it is determined by the ARC Representative that the jobsite does not meet Hideaway's standards, the ARC Representative will contact the general contractor to correct the situation within 24 hours.

**21. Port-o-lets**

The general contractor must supply one portable toilet, on site. The port-o-let must be emptied at least once a week to avoid sanitation problems. Port-o-lets should remain on the job site until the certificate of occupancy is obtained. Port-o-lets must be placed behind the chain link fence or if outside of fence must be screened. Screening must be maintained on a weekly basis.



**22. Construction Trailers**

One construction trailer, with a maximum length of 18 feet, is permitted on the jobsite if there is ample space with the approval of the ARC.

**23. Temporary Electric and Water**

General contractors must have temporary water and electric connected and available to their subcontractors at the start of the job. Any general contractor or subcontractor using Hideaway or any other owner's utilities will be subject to civil prosecution to the fullest extent of the law.

**24. Construction Signage**

- a) One single construction sign may be placed on the site of a building under construction provided a permit and notice of commencement has been received and have been properly posted on the jobsite and construction has commenced:
  - i. No sign may be placed on the property site until a permit for construction has been received from the City of Marco Island, and construction has commenced.
  - ii. The sign may not be larger than two (2) feet by two (2) feet.
  - iii. Any sign posted pursuant to this regulation may contain the following information:
    - (a) The name, address, and telephone number of the builder, architect, and owner.
    - (b) In case of gulf shore construction, no signs may be placed facing the Gulf of Mexico, with the exception of "Danger Construction Site" signs posted within the construction envelope.
    - (c) Subcontractors are not permitted to post any additional signs on the property.
    - (d) If a builder has been issued a "Certificate of Occupancy" for a completed residence, the builder, or owner, must remove any and all signs from the property within two (2) weeks of issuance of said "Certificate of Occupancy"

## **Construction Hours**

### **CONSTRUCTION PERMITTED:**

October 16 through April 14

Monday through Friday 7:30 a.m. – 5:00 p.m.  
Saturday not permitted  
Sunday not permitted  
Association observed holidays not permitted

**HOLIDAYS ARE:** New Years Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving Day and Christmas Day

### **April 15 through October 15**

Monday through Friday 7:30a.m.–5:00 p.m.  
\*Saturday, with approval only 8:30 a.m. – 4:00 p.m.  
Sunday not permitted  
Association observed holidays not permitted

### **June 1 through September 15**

Monday through Friday 7:30 a.m. – 7:00 p.m.  
\*Saturday, with approval only 8:30 a.m. – 4:00 p.m.  
Sundays & Association observed holidays not permitted

\*Saturday Work Requests must be submitted by no later than noon Friday (the day prior) and are only valid if approved by the ARC Administrator or General Manager.

**NOTE: Pile driving and demolition activities are to be completed during the hours of 8:00 a.m. – 4:00 p.m. Monday through Friday, with the exception of Association observed holidays.**

## **25. Construction Site Standard Violation Fines**

- a) If it is determined by the ARC Administrator that the construction site does not meet Hideaway standards, the ARC Administrator will notify the general contractor to correct the situation within 24 or 48 hours depending on the type of violation. If the violations are not remediated within the timelines specified below, Fees will be deducted from the Owner's Compliance Bond.
- b) **Trash on Jobsite / Uncovered or No Dumpster / Excessive Noise / Parking / Temporary Utilities / Signage** - Violations include, but are not limited to, loose debris, food items, hazardous materials, nails and sharp objects that are not contained in covered dumpsters, excessively loud radios, vehicles blocking driveways / or parking on neighboring developed properties, inappropriate signage, etc.
- c) **Chain link fencing, silt fencing and screening** - Violations include, but are not limited to, deteriorated or missing silk fencing, absence of screening on chain link fences, etc.

1st Violation Notice	Notice of 24hrs to rectify
2nd Violation Notice	Fine of \$100 per day up to \$1,000 per violation. A plan must be presented to the ARC for resolution of the violation(s) and contractor access to the jobsite may will be suspended or limited until the violations have been fully remedied.
1 <sup>st</sup> Violation Notice	Notice of 48hrs to rectify
2nd Violation Notice	Fine of \$100 per day up to \$1000 and a plan must be presented to the ARC for resolution of the violation(s) and contractor access to the jobsite may will be suspended or limited until the violations have been fully remedied

## **26. Variances**

- a) The ARC and the Association shall uniformly enforce the covenants, conditions, and restrictions of the Declaration. However, the Board of Directors may authorize variances from compliance with any of the criteria set forth in the ARC Design Criteria Manual when circumstances such as topography, natural obstructions, aesthetics, or environmental considerations create extreme hardship in the sole opinion of the Board of Directors. No variance shall be granted unless an extreme hardship exists and then only when approved in writing by the Board of Directors.

Economic hardship and self-imposed constraints shall not constitute valid reasons for the grant of a variance.

- b) No request for a variance shall be considered by the ARC or the Association, which in the sole and exclusive judgment of the Board of Directors of the Association, will now or in the future, negatively affect the Hideaway Beach community in any way whatsoever.
- c) Each request for a variance must be submitted in writing to the ARC and shall state the specific variance requested and the reason such a request should be considered. Each request for a variance will be reviewed on its merits and for conformance with the current existing documents, policies, and rules at the next subsequent meeting of the ARC.
- d) If the variance request is disapproved by the ARC, such decision shall be final and binding upon the requesting party, unless within 10 days of receipt of the notice of disapproval, the requesting owner appeals to the Board of Directors by submitting a copy of the variance request to the Board by certified mail.
- e) If the ARC recommends said variance, then the variance request is submitted to the Board of Directors for approval or disapproval of the specified variance request at the next Board meeting. Any variance approved by the Board of Directors pertains only to the Design Criteria Manual of Hideaway Beach. The approved variance will have no impact or relationship to any variance denial or approval granted by any Governmental authority.
- f) If building plans do not comply with the restrictions contained in Hideaway's Planned Unit Development (PUD), a variance request must first be submitted to and approved by the City of Marco Island prior to being submitted to the Directors for approval.

## **27. Appeals**

Appeals to the Board of Directors from decisions of the ARC shall be subject to the following:

- a) Appellant shall furnish to the Association's General Manager copies of all documents pertinent to the appeal, including a written statement as to the reasons for such appeal as the General Manager shall request.
- b) The General Manager shall furnish copies to the ARC, which shall within 21 days thereafter furnish to the General Manager and appellant any written statements and additional documentation the ARC wishes to be considered.
- c) After receipt of all appellate material, the General Manager shall furnish copies thereof to the Board for consideration at the first scheduled meeting to be held no less than 21 days thereafter. *(In emergency situations the President or Vice-President may in their discretion accelerate this time schedule.)*
- d) At the meeting of the Board of Directors held to consider the appeal, both the appellant and the ARC may be heard for such time as the Board determines. The Board may request additional information or expert opinion if it deems it helpful to an appropriate decision.
- e) After the Board has all the required information, it shall, within a reasonable time, decide the appeal. The Board shall not reverse the appealed decision unless it determines either:

- i That the appealed decision was unreasonable, illegal or a violation of Association rules, or,
- ii That the appealed decision would cause hardship to the appellant and
- iii That the decision sought by the appellant is not unreasonable and that no harm will come to the community from reversal of the appealed decision.

**REST OF PAGE  
INTENTIONALLY LEFT BLANK**

# INDEX

	Page
A/C Units	19
Accessory Structures	2, 19
Adoptions	35
Appeals	46
Approval of Plans	27, 28, 30, 31, 32
Architects and Landscape Architect	35
Architecture	1
Artificial Turf	11, Appendix D
Balconies	2, 13 Diagram F
Beachfront Lots	15, Appendix A
Belvederes	6
Building Completion	39
Building Materials Not Approved	4
Certificate of Occupancy	40
Clearing a Lot for Construction	7, 8, 9
Coastal Construction Control Line	16, 36
Colors	2
Combined Lots, Setbacks	13
Compliance Bond, Owner	38
Compliance Bond, Return	40
Conceptual Review	28
Condominiums	34

Construction Abandonment	40
Construction Hours	44
Construction Monitoring	32
Construction Site Standards	41
Construction Site Standards Violation	45
Construction Trailers	43
Contractor, Licensed	37
Contractor Parking	41
Cul-de-Sac Lots	14, Diagram E
Cupolas	6
Demolition	26
Demolition Policy	25, 26
Drainage Plans	9, 10 Diagram H, J
Driveways	4, 5
Dumpsters, Dumpster Covers	42
Duration of Restrictions	36
Environmental Survey Report	28
Erosion Control Line	15, Appendix A
Existing Single Family Homes	22, 23, 24, 25
Extended Delay in Completion	39
Exterior Materials	3, 4
Fees, Review Supervisory and Environmental	37, 38 Appendix H
Fences	19
Final Approval of Construction Plans	30, 31, 32
Fines, Violations	45

Finished Floor Elevation	9, Diagram H, J
Fountains	12
Garages	5
Gates	19
General Appearance	19, 20, 21
Generators	20, 21
Geothermal Equipment	19
Golf Cart Garages	5
Golf Cart Paths	5
Governmental Permits	17, 18
Ground Level Façade	3
Ground Level Pools	2, 3, 19
Holidays	44
House Numbers	19
Inground Pools	2, 3, 19
Insurance	40, 41
Job Completion	33
Jobsite Cleanliness	42
Landscape Design	11, 12, 22, 23, 34
Liquidated Damages	40
Mailboxes	5, Diagram B-1
Mandatory Owner Meeting	7, 27
Mangrove Lots	7, 15 16 Appendix A-1, Diagram H, J, K
Mangrove Trimming	16, Appendix B



Maximum Building Height	6, 7, Diagram C
Mean Roof Height	6, 7, Diagram C
Minimum Square Footage Size	2
Native Vegetation	9, 10, 11, 12 Appendix E, F
New Construction	27
Outdoor Lighting	18
Parking	19
Pathways	4, 5
Pile Driving	32, 33 Appendix G
Plant Size	11
Pool, Spa and Geothermal Equipment	19
Pool Barrier Setbacks	2, 3
Pool Deck Setbacks	2, 3
Port-o-Lets	42
Preliminary Review	28, 29, 30
Propane Tank, Buried	20
Propane Tank, Above Ground	20
Punch List ARC	33
Remedies	35
Remodel	23, 24
Review and Fees, Enviromental	37
Roof Overhangs	13, Diagram F
Roof Slope, Minimum	5, Diagram C
Roof Surveys	32
Roofs	5, Diagram C

Satellite Dish	19
Separability	35
Setbacks	12, 13, 14
Setbacks, Accessory Structures	14
Setbacks, Principal Structure	12, 13, Diagram D
Setbacks, Second Living Level	1, 12, Diagram A
Sheds	19
Signage	21, 43
Silt Fence	8, Diagram H, J
Site Environment	42
Soffits	4
Stairs	2, 12 Diagram F
Start of Construction and Clearing Land	7
Storm Protection Walls	15,16 Diagram G
Storm Shutters	5
Storm Water Management Plan	9, 10, 11, Appendix C, Diagram H, J
Surveys	32
Television Antenna	19
Temporary Electric	43
Temporary Water	43
Towers	6
Use	35
Utilities	18
Variances	45, 46

Violation Process	25
Walls	19
Waste and Recycling Cart Storage	19
Water heaters, Tankless	20
Weekends	44
Yard Art	12
Zones and Coastal Construction Control Line	16, 36

APPENDIX A

EXHIBIT "C"

ORDINANCE 95- 59

AN ORDINANCE AMENDING ORDINANCE NUMBER 92-11, HIDEAWAY BEACH PLANNED UNIT DEVELOPMENT, AMENDING SECTION 4.04.04, MINIMUM SETBACKS, BY ESTABLISHING THE MINIMUM PRINCIPAL AND ACCESSORY BUILDING SETBACK REQUIREMENTS FOR LOTS ABUTTING THE BEACH ALONG BIG MARCO PASS AS 30' AND 20' RESPECTIVELY, AS MEASURED FROM THE EROSION CONTROL LINE, OR SUCH OTHER SETBACK REQUIREMENT AS MAY BE ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS, FOR PROPERTY LOCATED IN PART OF SECTIONS 5, 6 AND 7, TOWNSHIP 52 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND BY PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

Nov 15 2 15 PM '95

FILED

WHEREAS, the Collier County Board of Commissioners has directed staff to amend the building setbacks for beachfront lots within the Hideaway Beach PUD by amending Ordinance 92-11, and;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that;

SECTION ONE: AMENDMENTS TO MINIMUM SETBACKS SECTION FOR LOTS ABUTTING THE BEACH

Ordinance Number 92-11, Subsection 4.04.04D.2., Lots Abutting Beach, is hereby, amended to read as follows:

2. Lots Abutting Beach:

A beach setback line and/or Coastal Construction setback line has been established for the protection of the home owner as located on the record plat. An Erosion Control line has also been established under Florida Statutes Chapter 161 in conjunction with beach renourishment which reflects the seaward extent of private property ownership and which represents the mean high water line at the time of beach renourishment. This Erosion Control line represents the rear yard property boundary. ~~This line marks the principal building setback line.~~

For Blocks 1 and 2 representing beachfront residential properties, setbacks shall be established as follows:

a. South Lots (Lots 9-12, Block 2)

On the South lots, Lots 9-12 of Block 2, the minimum setbacks shall be:

Rear Yard: Principal Structures - Thirty feet (30'), landward of the Erosion Control Line.

Accessory Structures - Twenty feet (20'), landward of the Erosion Control Line.

Front Yard: Twenty-five feet (25').

Side Yard: Fifteen Feet (15').

Words underlined are additions; Words ~~struck-through~~ are deletions.

b. Central Beach Lots (Lots 1-6 Block 2; Lots 1-12, Block 1)

Rear Yard: The most restrictive of either the Platted Building Control Line or fifty feet (50') landward from the Erosion Control Line for principal structures. Accessory Structures may extend a maximum of fifty feet (50') towards the water, except where such extension shall bring such structures, except for boardwalks, leading to the beach closer than fifty feet (50') from the Erosion Control Line (ECL).

Front Yard: Twenty-five feet (25').  
Side Yard: Fifteen Feet (15').

c. North Beach Lots (Lots 13-17, Block 1)

Front Setbacks: Five feet (5').

Side Yard: Fifteen feet (15') except for the northernmost boundary of Lot 17 abutting the conservation area which shall have a zero foot (0') setback.

Lot 13  
Rear Yard Setbacks - Principal Structures - Fifty feet (50') landward of the Erosion Control Line.

Accessory Structures - A straight line connecting the Accessory Structure Setback on Lot 12 (Fifty feet (50')) with the Accessory Structure Setback on Lot 14 (Thirty feet (30')).

Lot 14  
Rear Yard Setbacks - Principal Structures - Fifty feet (50') and Accessory Structures - Thirty feet (30') landward of the Erosion Control Line.

Lot 15  
Rear Yard Setbacks - Principal Structures - Forty-five feet (45') landward of the Erosion Control Line and Accessory Structures - Thirty feet (30') landward of the Erosion Control Line.

Lot 16  
Rear Yard Setbacks - Principal Structures - Forty-five feet (45') landward of the Erosion Control Line and Accessory Structures - Thirty feet (30') landward of the Erosion Control Line.

Lot 17  
Rear Yard Setbacks - Principal Structures - Forty-two feet (42') landward of the Erosion Control Line and Accessory Structures - Thirty feet (30') landward of the Erosion Control Line landward of the Erosion Control Line.

d. Roof Overhangs and Balconies - Roof overhangs and balconies can extend eight feet (8') beyond the rear yard principal structure setback line. Roof overhangs and balconies can extend four feet (4') into the required five feet (5') front yard on lots 14-17, Block 1.

e. Dune Vegetation

All dune vegetation shall be retained to a minimum depth of ten feet (10') seaward of the accessory setback line. Where native dune vegetation no longer exists, the dune vegetation shall be

Words underlined are additions; Words ~~struck-through~~ are deletions.

replanted to a minimum depth of ten feet (10') seaward of the accessory setback line.

2. Non-Conforming Setbacks Created by Erosion Control Lines

In the event that a building which is non-conforming due to its setback from the Erosion Control Line or the Building Control Line is damaged or destroyed by fire, flood, explosion, collapse, wind or other like catastrophe, it may be replaced to the density, height, parking, landscaping and setback conditions which existed at the time of the catastrophe, provided that permits for the rebuilding are issued within one (1) year of the catastrophe unless an extension of time has been approved by the Board of County Commissioners of Collier County, Florida. The burden of proof of the catastrophic condition of the property rests with the property owner(s). Other applicable county, state and federal regulations must be met for replacement buildings proposed under this section.

SECTION TWO: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 2nd day of November, 1995.


ATTEST:  
DEIGHT B. BROCK, Clerk




BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY:   
BERTIE J. MATTHEWS, CHAIRMAN

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
MARJORIE M. STUDENT  
ASSISTANT COUNTY ATTORNEY

FUD-20-20(5) ORDINANCE  
HIDEAWAY BEACH/VA

This ordinance filed with the  
Secretary of State's Office the  
12 day of November, 1995  
and acknowledged at that  
time received this 12 day  
of November, 1995  


Words underlined are additions; Words struck-through are deletions.

## APPENDIX A-1

### MANGROVE & CONSERVATION LOTS

Block	Lot	Address	Mangrove Lot	Conservation Lot
1	1	300 Sea Breeze Drive	No	Yes
1	2	306 Sea Breeze Drive	No	Yes
1	3	310 Sea Breeze Drive	No	Yes
1	4	316 Sea Breeze Drive	No	Yes
1	5	320 Sea Breeze Drive	No	Yes
1	6	326 Sea Breeze Drive	No	Yes
1	7	330 Sea Breeze Drive	No	Yes
1	8	336 Sea Breeze Drive	No	Yes
1	9	340 Sea Breeze Drive	No	Yes
1	10	346 Sea Breeze Drive	No	Yes
1	11	350 Sea Breeze Drive	No	Yes
1	12	356 Sea Breeze Drive	No	Yes
1	13	982 Royal Marco Way	Yes	Yes
1	14	986 Royal Marco Way	Yes	Yes
1	15	992 Royal Marco Way	Yes	Yes
1	16	996 Royal Marco Way	Yes	Yes
1	17	1002 Royal Marco Way	Yes	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
2	1	208 South Beach Drive	No	Yes
2	2	202 South Beach Drive	No	Yes
2	3	198 South Beach Drive	No	Yes
2	4	192 South Beach Drive	No	Yes
2	5	188 South Beach Drive	No	Yes
2	6	182 South Beach Drive	No	Yes
2	7	178 South Beach Drive	No	Yes
2	8	172 South Beach Drive	No	Yes
2	9	168 South Beach Drive	No	Yes
2	10	162 South Beach Drive	No	Yes
2	11	158 South Beach Drive	No	Yes
2	12	152 South Beach Drive	No	Yes

## MANGROVE & CONSERVATION LOTS

Block	Lot	Address	Mangrove Lot	Conservation Lot
3	1	205 South Beach Drive	No	Yes
3	2	201 South Beach Drive	No	Yes
3	3	195 South Beach Drive	No	Yes
3	4	191 South Beach Drive	No	Yes
3	5	185 South Beach Drive	No	Yes
3	6	181 South Beach Drive	No	Yes
3	7	175 South Beach Drive	No	Yes
3	8	171 South Beach Drive	No	Yes
3	9	165 South Beach Drive	No	Yes
3	10	161 South Beach Drive	Yes	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
4	1	296 Sea Breeze Drive	No	Yes
4	2	301 Sea Breeze Drive	No	Yes
4	3	305 Sea Breeze Drive	No	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
5	1	950 Sand Dune Drive	No	Yes
5	2	946 Sand Dune Drive	No	Yes
5	3	940 Sand Dune Drive	No	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
9	1	941 Royal Marco Way	Yes	Yes
9	2	945 Royal Marco Way	Yes	Yes
9	3	951 Royal Marco Way	Yes	Yes
9	4	955 Royal Marco Way	Yes	Yes
9	5	961 Royal Marco Way	Yes	Yes
9	6	965 Royal Marco Way	Yes	Yes
9	7	971 Royal Marco Way	Yes	Yes
9	8	975 Royal Marco Way	Yes	Yes
9	9	981 Royal Marco Way	Yes	Yes



## MANGROVE & CONSERVATION LOTS

Block	Lot	Address	Mangrove Lot	Conservation Lot
10	1	886 Sea Dune Lane	No	Yes
10	2	880 Sea Dune Lane	No	Yes
10	3	876 Sea Dune Lane	Yes	Yes
10	4	870 Sea Dune Lane	Yes	Yes
10	5	866 Sea Dune Lane	Yes	Yes
10	6	860 Sea Dune Lane	Yes	Yes
10	7	856 Sea Dune Lane	Yes	Yes
10	8	850 Sea Dune Lane	Yes	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
11	1	875 Sea Dune Lane	Yes	Yes
11	2	871 Sea Dune Lane	Yes	Yes
11	3	865 Sea Dune Lane	Yes	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
12	1	776 Waterside Drive	Yes	Yes
12	2	760 Waterside Drive	Yes	Yes
12	3	756 Waterside Drive	Yes	Yes
12	4	740 Waterside Drive	Yes	Yes
12	5	736 Waterside Drive	Yes	Yes
12	6	720 Waterside Drive	Yes	Yes
12	7	716 Waterside Drive	Yes	Yes
12	8	710 Waterside Drive	Yes	Yes
12	9	706 Waterside Drive	Yes	Yes
12	10	700 Waterside Drive	Yes	Yes
12	11	688 Waterside Drive	Yes	Yes
12	12	680 Waterside Drive	Yes	Yes
12	13	672 Waterside Drive	Yes	Yes
12	14	664 Waterside Drive	Yes	Yes
12	15	656 Waterside Drive	Yes	Yes
12	16	648 Waterside Drive	Yes	Yes
12	17	640 Waterside Drive	No	Yes
12	18	632 Waterside Drive	No	Yes
12	19	624 Waterside Drive	No	Yes
12	20	616 Waterside Drive	No	Yes
12	21	608 Waterside Drive	No	Yes
12	22	600 Waterside Drive	No	Yes

## MANGROVE & CONSERVATION LOTS

Block	Lot	Address	Mangrove Lot	Conservation Lot
13	1	795 Waterside Drive	Yes	Yes
13	4	761 Waterside Drive	Yes	Yes
13	5	755 Waterside Drive	Yes	Yes
13	6	741 Waterside Drive	Yes	Yes
13	7	735 Waterside Drive	Yes	Yes
13	9	114 Coco Plum Lane	Yes	Yes
13	10	121 Coco Plum Lane	Yes	Yes
13	15	122 Lantana Lane	Yes	Yes
13	16	123 Lantana Lane	Yes	Yes
13	22	124 Wild Cherry Lane	Yes	Yes
13	23	131 Wild Cherry Lane	Yes	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
14	1	246 Hideaway Circle North	Yes	Yes
14	2	240 Hideaway Circle North	Yes	Yes
14	3	236 Hideaway Circle North	Yes	Yes
14	4	230 Hideaway Circle North	Yes	Yes
14	5	226 Hideaway Circle North	Yes	Yes
14	6	220 Hideaway Circle North	Yes	Yes
14	7	216 Hideaway Circle North	Yes	Yes
14	8	210 Hideaway Circle North	Yes	Yes
14	9	206 Hideaway Circle North	Yes	Yes
14	10	200 Hideaway Circle North	Yes	Yes

Block	Lot	Address	Mangrove Lot	Conservation Lot
15	1	894 Hideaway Circle West	Yes	Yes
15	2	882 Hideaway Circle West	Yes	Yes
15	3	874 Hideaway Circle West	Yes	Yes
15	4	862 Hideaway Circle West	Yes	Yes
15	5	854 Hideaway Circle West	Yes	Yes
15	6	842 Hideaway Circle West	Yes	Yes
15	7	834 Hideaway Circle West	Yes	Yes
15	8	822 Hideaway Circle West	Yes	Yes
15	9	814 Hideaway Circle West	Yes	Yes
15	10	802 Hideaway Circle West	Yes	Yes

## MANGROVE & CONSERVATION LOTS

Block	Lot	Address	Mangrove Lot	Conservation Lot
16	1	794 Hideaway Circle West	Yes	Yes
16	2	782 Hideaway Circle West	Yes	Yes
16	3	774 Hideaway Circle West	Yes	Yes
16	4	762 Hideaway Circle West	Yes	Yes
16	5	754 Hideaway Circle West	Yes	Yes
16	6	742 Hideaway Circle West	Yes	Yes
16	7	734 Hideaway Circle West	Yes	Yes
16	8	722 Hideaway Circle West	Yes	Yes
16	9	714 Hideaway Circle West	Yes	Yes
16	10	702 Hideaway Circle West	Yes	Yes

## **APPENDIX B**

### **HIDEAWAY BEACH ASSOCIATION (HBA) APPROVAL PROCESS FOR MANGROVE TRIMMING ON INDIVIDUAL PROPERTIES**

#### **Mission:**

To provide HBA individual property owners a mangrove trimming application review process which outlines the requirements for obtaining the PRIOR WRITTEN APPROVAL OF HBA and the South Florida Water Management District (SFWMD) before trimming can commence. The Mangrove Trimming Process requirements are intended to ensure that the property owner/member and their agents/contractors follow the 1996 Mangrove Trimming & Preservation Act (Section 10, Volume 1 and Sections 403.9321- 9333, Florida Statutes), the Hideaway Beach covenants and restrictions, the HBA Design Criteria Manual, the Hideaway Beach PUD and current Best Management Practices (BMP) to ensure protection and enhancement of mangroves within Hideaway Beach.

#### **MANDATED Checklist for Mangrove Trimming Applications to be submitted to the HBA ARC:**

1. Provide a current (within 30 days) signed and sealed Boundary Survey by a Florida licensed professional land surveyor, showing all mangroves on the property for which trimming approval is being sought. The survey shall also show and provide:
  - a) the four (4) corners of the property boundaries
  - b) all mangrove line boundaries
  - c) mangrove trunk line as platted in 1981.
2. Show GPS coordinates of all native and invasive tree species, mid story vegetation, groundcovers, and soil types.
3. Provide current (within 30 days) photographs, at ground level and aerial, of proposed trimming.
4. Provide current license and insurance of Professional Mangrove Trimmer (PMT), and as appropriate, name HBA as an additional insured.
5. Provide a copy of all previous mangrove trimming permits issued and conducted by the Florida Licensed Professional Mangrove Trimmer in HBA (if any) and provide a reference from prior mangrove trimming projects.

6. Provide a detailed report of proposed mangrove trimming to include photos and drawings, Example: windowing, 1/3 cut, etc.
7. Provide detail on how mangrove roots will be protected while removing mangrove trimmings and how non-trimmed mangroves, substrate and adjacent water body will be protected during all trimming related activities.
8. Provide details on how area will be accessed for trimming.
9. Provide detailed proposed timeline of trimming (e.g., duration, hours, etc.)
10. If scope of trimming is outside of the 1996 mangrove trimming act or the above criteria, a minor modification permit must be filled out and sent to SFWMD for approval. Provide a complete copy of proposed application to SFWMD. The SFWMD Application must include a request that SFWMD copy HBA on all communications.
11. If all checklist criteria have been met and the proposed mangrove trimming does not affect HBA conservation lands, it is possible that an SFWMD permit may not be required.
12. HBA Environmentalist to perform a pre-inspection after a complete application has been submitted to HBA.
13. Prior to trimming, an onsite meeting with the Florida Licensed Professional Mangrove Trimmer, ARC staff and HBA's Environmentalist will be scheduled to review requirements, procedures and HBA Conservation area protections.
14. A review fee of \$4,000 payable to Hideaway Beach Association must be paid prior to the submittal of documents for review.
15. In an email dated August 11, 2021, South Florida Water Management District, Environmental Analyst, Kimberly McNeely, advised the Association "If a homeowner proposes mangrove trimming within their property boundary, but not within the conservation area, and the ARC determines that the proposed trimming activities follow the guidelines set forth in the *1996 Mangrove Trimming & Preservation Act* and the trimming will be conducted by a Florida Licensed Mangrove Trimmer, the activity should be permissible:

If the proposed trimming does not follow the guidelines in the *Preservation Act*, then the homeowner will need to apply to the SFWMD for a minor modification to the recent HBA permit # 11-104471-P dated January 8, 2021 to authorize the trimming and will be required to mitigate for the trimming activities. Homeowners must abide by the *Mangrove Trimming & Preservation Act* to absolve the need for subsequent modifications to the permit and associated mitigation.

Furthermore, any proposed trimming area that is under an existing FDEP trimming permit is precluded from the above advisement."

**If Approved by ARC:**

1. HBA will provide an approval letter for the application to be submitted to SFWMD (if necessary).
2. Applicant to provide a final copy of the application to HBA to be kept in homeowner/members file.
3. Applicant to provide HBA with copies of all communications associated with permit application between the homeowner/member and all entities. Example: SFWMD.
4. Applicant to provide copy of approval or disapproval from SFWMD or any other entities within 5 days of receipt of approval or disapproval from SFWMD or any other entities.
5. Applicant to provide no less than 3 days written notice to HBA of any inspections or site visits by SFWMD or any other entities so that ARC staff can attend if needed.
6. Applicant to provide photographs of work in progress documenting each stage of the trimming process.
7. After completion of permitted work, provide written notification to HBA and HBA's consulting Environmentalist.
8. Once written communication regarding the completion of trimming has been received, HBA staff and HBA's Environmentalist will perform a post-trimming inspection.
9. If all activity has been inspected and completed in accordance with HBA's written approval of the submitted plans and the approved SFWMD permit, HBA will issue an appropriate certificate of completion.

**THIS PAGE  
INTENTIONALLY LEFT BLANK**

## **APPENDIX C**



**PRIVATE SINGLE-FAMILY STORMWATER MANAGEMENT SYSTEM**

**OPERATION AND MAINTENANCE MANUAL DRY RETENTION,**

**GRAVEL BEDS, UNDERGROUND STORAGE CHAMBERS,**

**PERVIOUS PAVER\$**

**2019**



## TABLE OF CONTENTS

1.1 Introduction .....	3
1.2 Importance of Inspection .....	3
1.3 General Maintenance .....	4
2.1 Dry Retention .....	5
2.2 Dry Retention Typical Routine Maintenance Activities and Schedule .....	6
2.3 Dry Retention Maintenance Items Checklist. ....	7
3.1 Gravel <b>Bed</b> .....	<b>8</b>
3.2 Gravel Bed Routine Maintenance Activities and Schedule .....	9
3.3 Dry Retention Maintenance Items Checklist. ....	10
4.1 Underground Storage Chamber.....	11
4.2 Underground Storage Routine Maintenance Activities and Schedule.....	12
4.3 Underground Storage Maintenance Items Checklist. ....	13
5.1 Pervious Pavers .....	14
5.2 Pervious Pavers Routine Maintenance Activities and Schedule .....	15
5.3 Pervious Pavers Maintenance Items Checklist. ....	16



## **1.0 Introduction**

The purpose of this Operation and Maintenance Manual is to provide information on how to operate and maintain the private single-family stormwater management systems within Hideaway Beach. The Hideaway Beach Environmental Resource Permit allows for three stormwater management system methods within a single-family lot: dry retention, gravel bed, and/or underground storage chambers. The three methods treat stormwater runoff to reduce pollution from entering surface waters and improve water quality by retaining stormwater runoff. For a stormwater management system to work properly, it must be maintained. It is the obligation of each single-family home owner to assure the continued proper function of the stormwater management system within their single family lot.

Stormwater management systems generally require annual inspections, but more frequent routine inspections, such as after major storm events, may be required based on the site conditions and/or past maintenance issues. The key to the long-term success of a stormwater management system is routine inspection and maintenance.

### **1.1 Importance of Inspection**

Once the stormwater management system is constructed, routine inspections are very important to keep the system working properly and catch potential problems. Items to check during routine inspections include, but are not limited to, the following:

- Structural problems
- Excessive ponding
- Unhealthy or undesirable vegetation
- Erosion
- Stability of the surrounding ground
- Clogging in the inlet or outlet structures (from sediment, debris, or animals)



- Deterioration of pipes
- New pollutant sources
- Infiltration rate by completing soil testing
- Monitoring water levels

For underground systems, the inspection and maintenance may sometimes require an individual who is certified in Occupational Safety and Health Administration (OSHA) confined space entry. Should there be a situation where a safety concern arises, the inspection should stop, and the safety concern addressed. Once the concern is addressed, the inspection can continue. Signs indicating a potential maintenance problem with the underground system include the following:

- Ponding water
- Excessive sediment built up
- Damage to the structure through compaction or settling.

## **1.2 General Maintenance**

Proper maintenance of each stormwater management system is important to ensure the components of the system are operating and functioning as designed. In other words, if the system is not properly working, this could lead to the release of sediment, debris, and potential pollutants. Generally, maintenance for each system includes:

- Removing built up sediment, debris, or trash
- Removing debris from the inflow and outflow structure
- Implementing erosion and sediment control practices on portions of the system where vegetation is missing or in poor condition, replace vegetation
- Inspecting the system regularly to ensure the structural integrity and functionality
- Replacing the filter media (as needed)
- Before and after photos as proof that maintenance has been performed.



## 2.1 Dry Retention

A dry retention basin is a storage basin designed to provide water quantity control through retention of stormwater runoff. The purpose of retention is to allow some of the water to infiltrate into the ground and the remainder of the water to release slowly over a period of time to reduce downstream water quantity impacts. Dry retention basins are designed to completely drain following a storm event and are normally dry between rain events. There are some common problems to be aware of when maintaining a dry retention basin.

They include, but are not limited to, the following:

- Sediment build-up
- Trash, litter, and debris accumulation
- Clogging and structural repairs in drainage structures and berms.
- Establishing vegetation within the dry retention basin
- Erosion
- Mowers compacting and rutting the basin bottom
- Mosquitoes breeding in the practice
- Ant mounds

Routine maintenance should be performed on the dry retention basins to ensure that the system is properly functioning. Note that during the first year the dry retention basin is constructed, maintenance may be required at a higher frequency to ensure the proper establishment of vegetation within 11).e dry retention. Dry retention basins should be inspected after a large rainstorm. Accumulated sediment decreases the available storage volume and affects the basin's ability to function as it was designed.

If designed and maintained correctly, dry retention basins should not become a breeding ground for mosquitoes. A mosquito egg requires 24-48 hours to hatch. In addition, it takes 10- 14 more days for the egg to develop and become an adult. By having a dry retention basin that drains properly, it is unlikely that a dry retention basin would provide a habitat that could become a breeding area for mosquitoes. The table below shows a schedule for when different maintenance activities should be performed on the dry retention basins.



## 2.2 Dry Retention Typical Routine Maintenance Activities and Schedule

ACTIVITY	SCHEDULE
<ul style="list-style-type: none"><li>•Remove debris from basin surface to minimize outlet clogging and improve aesthetics.</li><li>•Note erosion of retention basin slopes or bottom.</li><li>•Inspect for damage to the slopes.</li><li>•Monitor for sediment accumulation.</li><li>•Examine to ensure that any inlets are free of debris and operational.</li></ul>	Annually and following significant storm events
<ul style="list-style-type: none"><li>•Remove sediment buildup.</li><li>•Perform structural repairs to inlet and outlets.</li><li>•Repair undercut or eroded areas.</li><li>•Mow side slopes.</li><li>•Seed or sod to restore dead or damaged ground cover.</li></ul>	As needed based on inspection
<ul style="list-style-type: none"><li>•Mow to limit unwanted vegetation.</li><li>•Litter/ Debris Removal.</li></ul>	Routine



### 2.3 Dry Retention Maintenance Items Checklist

MAINTENANCE ITEM	CONDITION
Access to the site is adequately maintained for inspection and maintenance.	
Area is clean (trash, debris, grass clippings, etc. removed)	
Drainage ways (overland flow or pipes) are free of trash, debris, large branches, etc.	
Area around any inlet structure is mowed and grass clippings are removed.	
No evidence of gullies, or excessive erosion around the inlet structure.	
Inlet pipe is in good condition and is not clogged.	
No undesirable vegetation within the retention. Weeds are removed.	
No evidence of long-term ponding or standing water in the ponding area (examples include: stains, odors, mosquito larvae, etc.)	
Basin seems to be working properly. No settling around the basin.	
Sediment accumulation within dry retention basin has been removed.	
No shrubs or trees growing on side slopes.	
No signs of animal activity.	



### 3.1 Gravel Bed

A gravel bed is a shallow retention area that is filled with rocks or gravel which temporarily hold stormwater runoff until it infiltrates into the surrounding soils. Gravel beds can reduce stormwater quantity, recharge the groundwater, and reduce pollutant loads. There are some common problems to be aware of when maintaining gravel beds. They include, but are not limited to, the following:

- Sediment build-up
- Clogging of the voids and/or filter fabric
- Mosquitoes breeding in the gravel bed

Routine maintenance should be performed on the gravel bed to ensure it is functioning properly. Gravel beds should be inspected after a large rainstorm. Keep drainage paths, both to and from the gravel bed clean so that the water can properly infiltrate into the ground.

Routine maintenance of the gravel bed, such as removing accumulated sediment, trash, and debris, decreases the likelihood of clogging and failing. If the gravel bed is not draining properly, check for clogging. Another consideration is the infiltration rate of the soil. If the soil is not draining properly, the filter fabric could be clogged, or the soil could be clogged or over-compacted. In a gravel bed, the filter fabric is likely to be clogged along the top and sides. If the filter fabric becomes clogged, the gravel bed will need to be dug up, cleaned, and the fabric replaced. The soil is likely to become clogged at the upper layer. If the soil is clogged or over-compacted, then the soil should be replaced. Potential sources of excessive sediment that could clog the media include ant mounds and unstable soil from berms. Possible sources of compaction are vehicles or large equipment dragged through the gravel bed. If designed and maintained correctly, there is no danger of gravel beds



becoming a breeding ground for mosquitoes. A mosquito egg requires 24-48 hours to hatch. In addition, it takes 10-14 more days for the egg to develop and become an adult. By having a gravel bed that drains properly, it is unlikely that it would provide a habitat that could become a breeding area for mosquitoes. Should the gravel bed become a breeding ground for mosquitoes, the problem is likely with the soil. The table below shows a schedule for when different maintenance activities should be performed on the gravel bed.

### 3.2 Gravel Bed Routine Maintenance Activities and Schedule

ACTIVITY	SCHEDULE
<ul style="list-style-type: none"><li>•Inspect to ensure that contributing drainage area and gravel bed are clear of sediment, trash and debris.</li><li>•Remove any accumulated sediment and debris.</li><li>•Ensure that the contributing drainage area is stabilized.</li><li>•Plant replacement vegetation as needed.</li></ul>	Monthly
<ul style="list-style-type: none"><li>•Inspect top layer of filter fabric and gravel or landscaping for sediment accumulation. Remove and replace if clogged.</li><li>•Repair or replace any damaged components as needed</li><li>•Inspect the gravel bed following rainfall events (specifically large rainfall events).</li><li>•Check gravel bed to ensure that complete drawdown has occurred within 72 hours after the end of a rainfall event. Failure to drawdown within this timeframe may indicate gravel bed exfiltration failure.</li></ul>	Semi-Annually during first year and Annually thereafter
<ul style="list-style-type: none"><li>•Remove gravel and install clean, washed trench gravel</li><li>•It may be necessary to replace filter fabric, etc.</li></ul>	Upon Failure





### 3.3 Dry Retention Maintenance Items Checklist

MAINTENANCE ITEM	CONDITION
Drainage ways to the gravel bed are free of trash, debris, large branches, etc. Drainage ways are in good condition.	
Area around the inlet structure is mowed and grass clippings are removed.	
No evidence of gullies, or excessive erosion around any inlet structures.	
Water is going through gravel bed (exfiltration of unsaturated soils).	
Main treatment area is free of trash, debris, and sediment.	
Gravel bed seems to be working properly. No settling around the gravel bed.	
No signs of ponding water more than 48 hours after a rain storm event (examples include: stains, odors, mosquito larvae, etc).	
No undesirable vegetation growing within the gravel bed.	
Flow testing has been performed on gravel bed to determine if gravel bed is clogged.	



## 4.1 Underground Storage Chamber

Underground storage chambers are located below the surface of development sites, and consist of underground chambers or perforated, corrugated pipes surrounded with stone, that are designed to intercept and temporarily store stormwater runoff until it infiltrates into the underlying and surrounding soils. If properly designed, they can provide significant reductions in post-construction stormwater runoff rates, volumes, and pollutant loads on development sites.

There are some common problems to be aware of when maintaining an underground storage chamber. They include, but are not limited to, the following:

- Sediment build-up
- Clogging in the gutters, pipes, and downspouts
- Structural failure of pipe or underground chambers

Routine inspection and maintenance should be performed on the underground storage chambers to ensure that the structure is functioning properly. Underground storage chambers should be inspected after a large rainstorm. Keep gutters, pipes, and downspouts draining to the underground storage chamber clean and free of trash and debris. Every underground storage chamber should include a maintenance row to observe the draw down time of the underground storage chamber following a storm event. This is important to determine if clogging is occurring within the underground storage chamber. If water is not draining to the underground storage chamber properly, check for clogging in the gutters, pipes, and downspouts. If the underground storage chamber is not draining properly the filter fabric may be clogged. The filter fabric lines the top and sides of the underground storage chamber. In addition, if the soil is not draining properly, the soil may be over-compacted. In an underground storage chamber, the soil is likely to become clogged at the upper layer of the soil first. If the soil is clogged or over.; compacted, then the filter fabric and soil should be replaced. The table below shows a schedule for when different maintenance activities should be performed on the underground storage chamber.



#### 4.2 Underground Storage Routine Maintenance Activities and Schedule

ACTIVITY	SCHEDULE
<ul style="list-style-type: none"><li>•Water to promote plant growth and survival within landscaped area over the top of the underground chambers.</li><li>•Inspect vegetative cover on the surface of the underground chambers following rainfall events. Plant replacement vegetation in any eroded areas.</li><li>•Use a vacuum system or high pressure water system to remove sediment build up.</li></ul>	As Needed
<ul style="list-style-type: none"><li>•Inspect gutters and downspouts. Remove any accumulated leaves or debris.</li><li>•Inspect underground chambers following rainfall events.</li><li>•Check maintenance row to ensure that complete drawdown has occurred.</li><li>•If applicable, inspect pretreatment devices for sediment accumulation. Remove accumulated trash and debris.</li><li>•Inspect top layer of filter fabric for sediment accumulation. Remove and replace if clogged.</li></ul>	Annually (Semi-Annually During First Year)
<ul style="list-style-type: none"><li>•Perform total rehabilitation of the underground system, excavating to expose clean soil on the sides and bottom of the system.</li></ul>	Upon Failure



#### 4.3 Underground Storage Maintenance Items Checklist

MAINTENANCE ITEM	CONDITION
Access to the site is adequately maintained for inspection and maintenance.	
Area is clean around the underground system (trash, debris, grass clippings, etc. removed)	
Gutters, pipes, and downspouts to the underground system are free of trash, debris, leaves, etc.	
No evidence of structural deficiencies or settling around the system.	
Main treatment area is free of trash, debris, and sediment	
Sediment has not accumulated and clogged filter fabric	
No evidence of long-term ponding or standing water in the ponding area (examples include: stains, odors, mosquito larvae, etc).	
The maintenance row is capped and locked when not in use.	
System seems to be working properly. No settling around the structure.	

For underground systems that are manufactured by ADS-Stormtech or Cultech, please refer to attached operation and maintenance literature for more information.



## 5.1 Pervious Pavers

Pervious pavers serve not only as the surface layer of a storm water management system, but also as a vital part of a water filtration system. Beneath the pervious pavers is a second layer of the stormwater system, the base rock, which is an open graded stone layer that is used for temporary stormwater retention. During a rain event, the pervious pavers allow for on-site infiltration of stormwater. The pervious pavers will also filter sediments and pollution from stormwater deposited on the surface. Because this permeable surface is a filter, like any filter it must be cleaned periodically. Cleaning is performed by vacuuming to remove sediments that have accumulated. The frequency of the vacuuming is directly related to the amount of sediment that the surface receives over time.

There are some common problems to be aware of when maintaining pervious pavers. They include, but are not limited to, the following:

- Sediment build-up
- Clogging of the voids
- Sealing pavers with impervious materials or tar-type sealers

Maintenance of the pervious paver system is the responsibility of the property owner. Maintenance consists of monitoring the surface for sediment buildup, and removing that buildup as needed to maintain the pervious pavers permeability. Property owners should follow good housekeeping practices to prevent accumulation of trash, sediment or other debris on the pervious pavers. Drainage of all unpaved areas should be directed away from the pervious pavers. If areas drain on the pervious pavers, suspended materials may wash into the void structure of the pervious pavers and reduce the porosity and compromise its service life. Adjacent areas that do drain to the pervious pavers should be kept seeded and maintained to minimize sediment deposits which may increase the frequency of clean the pervious surface. There are three levels of pervious pavers maintenance.



- 1) Routine Maintenance: Should include visual inspection of the pervious pavers to ensure that it is clean of debris and sediments and that it will dewater between storms. Routine maintenance procedures would include blowing, truck sweeping, and dry vacuuming. This routine maintenance should be performed as needed, at least monthly. Ponding and puddles are signs that it is time to clean the pervious pavers.
- 2) Periodic Maintenance: Proper cleaning procedures would include pressure washing and vacuuming the area. Moss can be controlled by sprinkling baking soda on the surface, followed by dry vacuuming within a week. Additionally, moss growth can be retarded with lime water applications. Since the pervious pavers are designed to infiltrate water, any surface treatment must be evaluated for environmental impacts.
- 3) Deep Cleaning/Unclogging: Over time, deep cleaning of the pervious pavers may become necessary, particularly if routine and periodic maintenance is not performed. If a pervious paver system is not periodically cleaned, the void structure will become clogged with debris overtime. Typically, an average infiltration rate reduction of 25% from the initial value, triggers the need for deep cleaning/unclogging which is accomplished by simultaneously pressure washing and vacuuming.

The table below shows a schedule for when different maintenance activities should be performed on the pervious pavers.

ACTIVITY	SCHEDULE
•Avoid sealing with impervious materials. Never use tap- type sealers on pervious pavers.	N/A
•Visually inspect pervious pavers to ensure that it is clean	Annually (Semi-Annually During



## 5.2 Pervious Pavers Routine Maintenance Activities and Schedule

ACTIVITY	SCHEDULE
•Avoid sealing with impervious materials. Never use tap- type sealers on pervious pavers.	N/A
•Visually inspect pervious pavers to ensure that it is clean	Annually (Semi-Annually During

of debris, dewater between storms and is clean of sediments.	Monthly
<ul style="list-style-type: none"> <li>•Maintain upland and adjacent grassy areas.</li> <li>•Seed upland and adjacent bare areas.</li> <li>•Keep the pervious paver surface free of sediment by blowing, sweeping or vacuuming.</li> <li>•Excessive water flow carrying debris toward the pervious pavers should be diverted.</li> </ul>	As needed
•Inspect the pervious paver surface for deterioration.	Annually

## 5.1 Pervious Pavers Maintenance Items Checklist

MAINTENANCE ITEM	CONDITION
The pavers have not been sealed with tar type sealers	
There are no leaves or branches or other organics decomposing on the pavers surface	
No evidence of erosion around the edges of the pavers	
Water is going through the paver system	
The is no sediment such as sand or dirt from vehicle tires on the paver surface	
No signs of ponding water more than 48 hours after a rain storm event	
There is no moss growth in between the pavers	

No undesirable vegetation growing in between the pavers	
Flow testing has been performed on paver system to determine if paver system is clogged.	

Upland areas are maintained with no adjacent areas draining toward the paver system lacking sod	
---	--

For paver systems that are manufactured by PaveDrain, please refer to attached operation and maintenance literature for more information.





# Isolator® Row O&M Manual



SC-740



MC-3500



MC-4500

THE MOST **ADVANCED** NAME IN WATER MANAGEMENT SOLUTIONS™





## ISOLATOR ROW STEP BY STEP MAINTENANCE PROCEDURES

### STEP 1

Inspect Isolator Row for sediment.

- A) Inspection ports (if present)
  - i. Remove lid from floor box frame
  - ii. Remove cap from inspection riser
  - iii. Using a flashlight and stadia rod, measure depth of sediment and record results on maintenance log.
  - iv. If sediment is at or above 3 inch depth, proceed to Step 2. If not, proceed to Step 3.
- B) All Isolator Rows
  - i. Remove cover from manhole at upstream end of Isolator Row
  - ii. Using a flashlight, inspect down Isolator Row through outlet pipe
    1. Mirrors on poles or cameras may be used to avoid a confined space entry
    2. Follow OSHA regulations for confined space entry if entering manhole
  - iii. If sediment is at or above the lower row of sidewall holes (approximately 3 inches), proceed to Step 2. If not, proceed to Step 3.

### STEP 2

Clean out Isolator Row using the JetVac process.

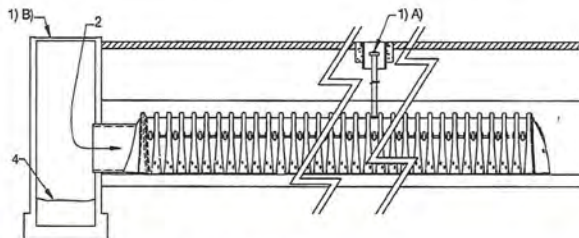
- A) A fixed floor cleaning nozzle with rear facing nozzle spread of 45 inches or more is preferable
- B) Apply multiple passes of JetVac until backflush water is clean
- C) Vacuum manhole sump as required

### STEP 3

Replace all caps, lids and covers, record observations and actions.

### STEP 4

Inspect & clean catch basins and manholes upstream of the StormTech system.



### SAMPLE MAINTENANCE LOG

Date	Stadia Rod Readings		Sediment Depth (1)-(2)	Observations/Actions	Inspector
	Fixed point to chamber bottom (1)	Fixed point to top of sediment (2)			
3/15/11	6.3 ft	none		New installation. Fixed point is CI frame at grade	DJM
9/24/11		6.2	0.1 ft	Some grit felt	SM
6/20/13		5.8	0.5 ft	Mucky feel, debris visible in manhole and in Isolator Row, maintenance due	NV
7/7/13	6.3 ft		0	System jetted and vacuumed	DJM

ADS "Terms and Conditions of Sale" are available on the ADS website, [www.ads-pipe.com](http://www.ads-pipe.com).  
The ADS logo and the Green Stripe are registered trademarks of Advanced Drainage Systems, Inc.  
StormTech® and the Isolator® Row are registered trademarks of StormTech, Inc.  
© 2017 Advanced Drainage Systems, Inc. #110111 03/17 CS

**StormTech**  
A Division of **ADS**

**ADS**

Advanced Drainage Systems, Inc.  
4640 Trueman Blvd., Hilliard, OH 43026  
1-800-821-6710 [www.ads-pipe.com](http://www.ads-pipe.com)





# Contactor® & Recharger® Stormwater Chambers



## Operation and Maintenance Guidelines for CULTEC Stormwater Management Systems

The Founder of Plastic Chamber Technology

[www.cultec.com](http://www.cultec.com) | 1(800) 4-CULTEC |  







## Operations and Maintenance Guidelines

Published by  
**CULTEC, Inc.**  
P.O. Box 280  
878 Federal Road  
Brookfield, Connecticut 06804 USA  
[www.cultec.com](http://www.cultec.com)

### Copyright Notice

© 2017 CULTEC, Inc.  
All rights reserved.  
Printed in the USA.

This document and any accompanying CULTEC products are copyrighted by CULTEC, Inc. Any reproduction and/or distribution without prior written consent from CULTEC, Inc. is strictly prohibited.

### Disclaimers:

The drawings, photographs and illustrations shown in this document are for illustrative purposes only and are not necessarily to scale. Actual designs may vary.

CULTEC reserves the right to make design and/or specification changes at any time without notice at CULTEC's sole discretion.

CULTEC is not responsible for typographical errors.

### Protected by one or more of the following patents:

Protected by one or more of the following patents:  
U.S. Patents 6,129,482; 6,322,288; 6,854,925; 7,226,241; 7,806,627; 8,366,346; 8,425,148; and others; U.S. Designs D613819; D638,095; D668,318 and others; Canadian Patent 2,591,255 and others; Community Designs 1092191; 1745209; and others.

CULTEC, the CULTEC logo, RECHARGER, CONTACTOR, HVLV, PAC, STORMFILTER, STORMGENIE and The Chamber with The Stripe are registered trademarks of CULTEC, Inc.  
Chamber of Choice, 902, HD, 100, 125, 150, 150XL, 180, 280, 330, 330XL, V8, 902, Field Drain Panel, C-1, C-2, C-3, C-4, EZ-24, Landscape Series are trademarks of CULTEC, Inc. All rights reserved.

### Contact Information:

For general information on our other products and services, please contact our offices within the United States at (800)428-5832, (203)775-4416 ext. 202, or e-mail us at [custservice@cultec.com](mailto:custservice@cultec.com).

For technical support, please call (203)775-4416 ext. 203 or e-mail [tech@cultec.com](mailto:tech@cultec.com).

Visit [www.cultec.com/downloads.html](http://www.cultec.com/downloads.html) for Product Downloads and CAD details.

Doc ID: CULG008 05-17  
May 2017

*These instructions are for single-layer traffic applications only. For multi-layer applications, contact CULTEC.  
All illustrations and photos shown herein are examples of typical situations. Be sure to follow the engineer's drawings.  
Actual designs may vary.*





## Infiltration Report

The PaveDrain® system was tested in accordance with ASTM C1701/C1701M-09 by an independent third party engineering firm. The tests were conducted on different PaveDrain installations that had not been maintained on an average of more than 2 years and still infiltrated in excess of 1,500 inches/hour per one foot diameter.

	Test #1	Test #2
Inside Dia. of infiltration Ring (in)	12.19	12.19
Elapsed time of Test (sec)	20.9	21.95
Infiltration Rate (in/hr) ( $I = KM / (D^2 \cdot tr)$ )	1,630	1,560
Avg. Infiltration Rate (in/hr)	1,595	

## PaveDrain® Systems Properties

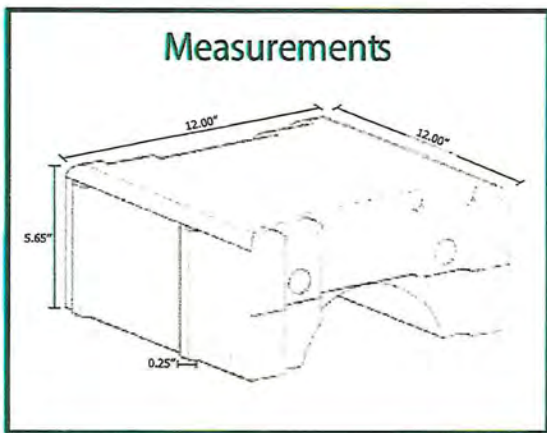
Thickness ..... 5.65" ( $\pm 1/8"$ )  
Unit Dimensions ..... 12.00" x 12.00"  
Unit Weight ..... 45-49 lbs  
Unit ..... 1 Sq. Ft. Nominal  
Percentage Open Space: 7% Surface, 20% Storage Area

**Each individual block is  
interlocked by six (6) units**



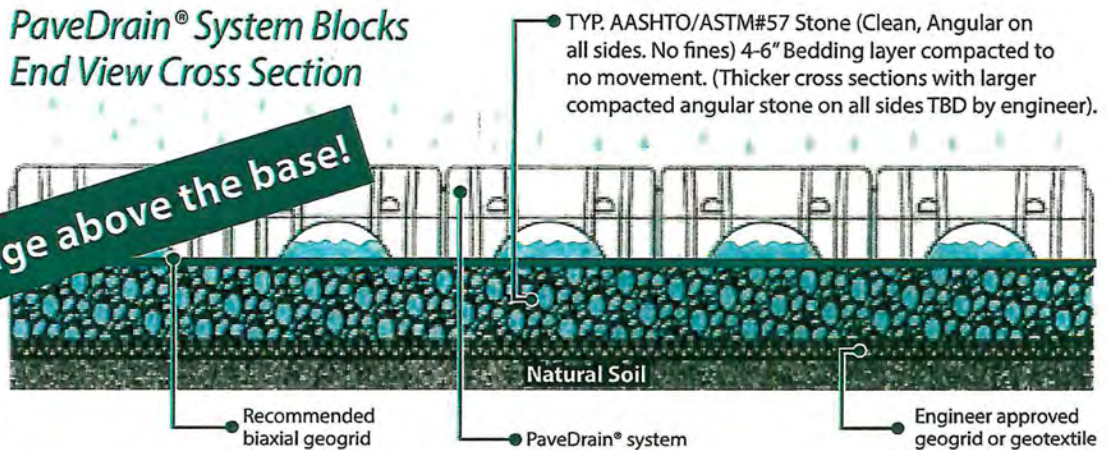
**Passes AASHTO HS-25  
Truck Loading**

## Measurements



## PaveDrain® System Blocks End View Cross Section

**Storage above the base!**







## Maintenance and Repair

The PavDrain® system is designed as an open joint concept between the blocks. Existing installations have required little, if any maintenance over multiple years. If the joints become filled or obstructed, maintenance is accomplished by using a vacuum truck or a combination sewer vacuum truck and the PavDrain Vac Head. If a significant amount of sediment accumulates in the aggregate bedding stone, part or all of the PavDrain system can be removed allowing the subgrade to be cleaned and then the same product re-installed without affecting the surrounding blocks. Repair of individual PavDrain blocks can be accomplished with a block puller without affecting the surrounding blocks. For more detailed information on these topics go to [www.pavedrain.com](http://www.pavedrain.com) and select Installation & MAINTENANCE and then click REPAIR.



*PavDrain Vac Head*



ELGIN Whirlwind® & Megawind® are registered trademarks of Elgin Sweeper Co.

## Additional Benefits

- Up to 5 LEED Credits: Sustainable Sites; Credit 6.1, 6.2, 5.1, 5.7 & Materials & Resources: Credit 5.1.
- Initial Installations show a drastic reduction in the use of deicing salts over traditional asphalt and concrete surfaces.
- Since it is a precast concrete block, it can be installed in all types of weather.
- Available in several color options.
- No seams to catch on steel snow plow blades.
- Solar Reflectance Index (SRI) range of 36 - 41 for lighter colored units.
- Unlike traditional catch basins, varmints cannot enter drainage system.
- Regional manufacturing supporting local economies.
- Adaptable to small areas (retrofits) where retention ponds are outdated or not practical.

Represented Locally By:

### **PavDrain, LLC**

Global Water Center  
247 Freshwater Way Milwaukee, WI 53204  
(888) 575-5339 Office  
[www.pavedrain.com](http://www.pavedrain.com)



©2017 PavDrain, LLC All Rights Reserved.  
PavDrain system is a registered trademark of PavDrain, LLC



The PavDrain systems is protected by the following U.S. and Canadian Patents; U.S. No. 8,251,607, No. D609,369, No. 8,366,343 & Canadian No. 133082. Additional patents pending.

## APPENDIX D

### RESOLUTION 15-23

A RESOLUTION OF THE CITY OF MARCO ISLAND,  
FLORIDA APPROVING AND ADOPTING ARTIFICIAL OR  
SYNTHETIC TURF STANDARDS AND SPECIFICATIONS  
FOR APPROVAL, INSTALLATION, AND MAINTENANCE;  
AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 2, 2015, the City Council of the City of Marco Island, Florida adopted Ordinance No.15-04 which permits the use of artificial and/or synthetic turf when approved by the City Manager or his/her designee.

WHEREAS, City Council directed the City Manager to establish applicable standards and specifications for the approval, installation, and maintenance of artificial or synthetic turf consistent with Ordinance No.15-04.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

#### SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Resolution and are hereby made a specific part of this Resolution.

#### SECTION 2. Adoption.

The Synthetic turf standards and specifications for the approval, installation and maintenance as contained in this Resolution are hereby created and adopted as follows:

#### Article 1. Synthetic Turf

##### 1. Synthetic turf.

- a. The use of artificial plants and surfaces painted to appear as plant material are prohibited in a landscaped area except as provided by this section.
- b. The use of synthetic turf on areas with a slope percentage greater than 5% shall not be permitted.
- c. Synthetic turf that complies with the following standards may be permitted:
  - I. Simulate the appearance of live turf, organic turf, grass, sod or lawn.
  - II. Be of a type known as cut pile infill with pile fibers a minimum height of 1.75 inches.
  - III. Minimum 75 ounces per square yard.
  - IV. Be manufactured from polyethylene monofilament, Dual Yarn System.
  - V. Be affixed to a permeable backing.
  - VI. Have a minimum 8-year "No Fade" warranty.
  - VII. Product must be lead free.
  - VIII. Product must be flame retardant.



106 b. Synthetic turf is prohibited in the public right-of-way and swales within the City of  
107 Marco Island. The City, City employees or its contractors or Subcontractors are not  
108 responsible to repair or replace any Synthetic Turf located within the public right-of-  
109 way, swales or easements damaged as a result of an associated city project or  
110 work order. Replacement of any synthetic turf material removed or damaged to  
111 repair or maintain roadways or utilities in the public right-of-way, swales or  
112 easements is the responsibility of the property owner and such repairs shall be  
113 made within 30 days or result in a code compliance violation.

114  
115 **4. Material Specifications and Plans.**

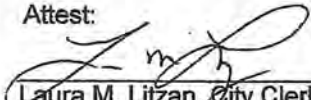
- 116  
117 a. Materials specifications and plans shall be provided to the City Manager or his / her  
118 designee for review and approval prior to the installation of the synthetic turf.  
119  
120 b. The submittal shall include:  
121  
122 I. A landscape plan showing the area of synthetic turf, area of living plant  
123 material, and separation material between these areas.  
124 II. A dimensioned cross section of proposed materials and installation details,  
125 including subgrade, drainage, base or leveling layer, and infill.  
126 III. Edge material and detail for treatment of seams.  
127 IV. Material description and specifications, including manufacturer, installer (with  
128 contact information), and warranty information.

129  
130 **SECTION 3. Effective Date.**

131  
132 This Resolution shall be effective immediately upon adoption by the City Council.

133  
134 The foregoing Resolution was adopted this 16<sup>th</sup> day of March 2015.

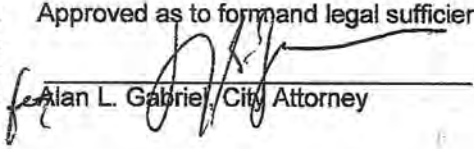
135 Attest:

136  
137   
138 Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY:   
Larry Sachet, Chairman

140  
141 Approved as to form and legal sufficiency:

142  
143   
144 Alan L. Gabriele, City Attorney



# APPENDIX E

## NATIVE VEGETATION SPECIES FOR LANDSCAPE REQUIREMENT

### TREES

Common Name	Genus Species	Description	Preferred Conditions	Misc.
Sea Grape	<i>Coccoloba uvifera</i>	10-13 ft tall; can be hedge	Drier soils, sun	Salt tolerant
Gumbo Limbo	<i>Bursera simaruba</i>	25-30' tall, grows fast	Sun, drier soils	Easy to manage
Live Oak	<i>Quercus virginiana</i>	60-80' tall, slow growing	Sun, drier soils	Wildlife, birds
Laurel Oak	<i>Quercus laurifolia</i>	60-80' tall, slow growing	Part sun, average soils	Wildlife, birds
Trumpet Tree	<i>Tabebuia heterophylla</i>	20-30' tall, fast growing	Sun, average soils	Flowers
Frangi Pangi	<i>Plumeria sp.</i>	20' tall, salt tolerant	Sun, average soils	Fragrant, flowers
Geiger	<i>Cordia sebetena</i>	10-15' tall, slow growing	Part sun, average soils	Hummingbirds
Pigeon Plum	<i>Coccoloba diversifolia</i>	15-25' tall	Part sun, average soils	Salt/Drought tolerant
Silver Buttonwood	<i>Conocarpus erectus sp.</i>	10', hedge or tree	Part sun, wetter soils	Salt/Drought tolerant
Green Buttonwood	<i>Conocarpus erectus sp.</i>	10', hedge or tree	Part sun, wetter soils	Salt/Drought tolerant
Red Bay	<i>Persea borbonia</i>	50' tall, need room	Part shade, average soils	Evergreen

### PALMS

Sabal Palm	<i>Sabal palmetto</i>	Stand alone or grouped	Shade to Sun, average soils	FL State Tree
Florida Thatch Palm	<i>Thrinax radiata</i>	Stand alone or grouped	Shade to Sun, average soils	Hardy
Silver Palm	<i>Bismarckia nobilis</i>	Stand alone, grows fast	Shade to Sun, average soils	Hardy
Royal Palm	<i>Roystonea regia</i>	Stand alone or grouped	Shade to Sun, average soils	Hardy
Paurotis Palm	<i>Acroelorrhaphe wrightii</i>	Group of palms	Shade to Sun, average soils	Hedge or stand alone
Queen Palm	<i>Syagrus romanzoffiani</i>	Stand alone or grouped	Shade to Sun, average soils	Hardy

### SHRUBS

Cocoplum	<i>Chrysobalanus icaco</i>	Up to 15', good hedge	Part shade, average soils	Attracts wildlife
Pitch Apple	<i>Clusia rosea</i>	Up to 20'; salt tolerant	Sun to Shade, average soil	Tree or shrub
Florida Swamp Privet	<i>Forestiera segregata</i>	Up to 15' hgt; good hedge	Sun, average soils	Salt tolerant
Elderberry	<i>Sambucus canadensis</i>	Up to 15' hgt; good hedge	Sun, wet soils	Fragrant, butterfly
Buttonbush	<i>Cephalanthus occidentalis</i>	Up to 15' hgt;	Sun, wet soils	Flowers
Simpson Stopper	<i>Mycianthes fragrans</i>	5-20' hgt; tree or shrub	Part Sun, dry soils	Fragrant flowers
Coral Bean	<i>Erythrina herbacea</i>	3-20' hgt; hummingbirds	Part Sun, dry soils	Salt tolerant
Dahoon Holly	<i>Ilex cassine</i>	15-20' hgt;	Part Sun, average soils	Attracts pollinators
Walter's Viburnum	<i>Viburnum obovatum</i>	10-20' hgt; evergreen	Part Sun, average soils	Attracts pollinators
Firebush	<i>Hamelia patens</i>	Up to 4-10' hgt; flowers	Part Sun, average soils	Attracts pollinators
Wax Myrtle	<i>Myrica cerifera</i>	Up to 10-15' hgt; fragrant	Part Sun, wet soils	Attracts birds
Beauty Berry	<i>Callicarpa Americana</i>	4-8' hgt; purple berries	Part Sun, average soils	Attracts birds
Wild Coffee	<i>Psychotria nervosa</i>	4-6' hgt; evergreen	Shade, average soils	Attracts birds
Saw Palmetto	<i>Serenoa repens</i>	3-8' hgt; long-lived	Sun, average soils	Attracts wildlife

### CLUMPING GRASSES, FLOWERS, GROUNDCOVERS, VINES

Fakahatchee Grass	<i>Tripsacum dactyloides</i>	4-6' hgt; clumping grass	Part sun, average soils	Salt tolerant
Wiregrass	<i>Aristida stricta</i>	2' hgt; clumping grass	Sun, dry soils	Salt tolerant
Coontie	<i>Zamia pumila</i>	3' hgt; slow growing	Shade, dry soils; salt tolerant	Evergreen
Sand Cordgrass	<i>Spartina bakeri</i>	3-5' hgt; clumping grass	Sun, average soils	Salt tolerant
Indian Blanket Flower	<i>Gaillardia pulchella</i>	15" tall; annual flower	Sun, dry soils; salt tolerant	Re-seeds easily
Beach Sunflower	<i>Helianthus debilis</i>	15" tall; perennial	Sun, dry soils; salt tolerant	Subspecies <i>vestitus</i>
Sunshine Mimosa	<i>Mimosa strigillosa</i>	6" tall; groundcover	Sun, average soils; spreads	Good groundcover
Passion Vine	<i>Passiflora incarnata</i>	Up to 10' long vine	Part Sun, dry soils	Gorgeous flowers
Butterfly Milkweed	<i>Asclepias tuberosa</i>	2-3' tall	Sun, average soils	Flowers, butterflies
Coral Honeysuckle	<i>Lonicera sempervirens</i>	Up to 15' long vine	Part Sun, dry soils	Long-lived, flowers
Lizard's Tail	<i>Saururus cernuus</i>	2-3' tall; spreads	Shade, wet soils	Evergreen, Fragrant
Bromeliads	<i>Many species</i>	2-3' tall, reproduce	Sun to shade, average soils	Colorful, dimension

# APPENDIX F

## HIDEAWAY BEACH ASSOCIATION, INC. ARCHITECTURAL REVIEW COMMITTEE PROVISIONS FOR MANGROVE HABITAT PROTECTION WHEN ADJACENT TO A RESIDENTIAL PROPERTY

### Description and Requirements:

When a residential property is located adjacent to mangrove habitat, while development activity is occurring, a double construction/silt fence with synthetic hay bales shall be installed and maintained at the survey-determined mangrove line with a 10-foot setback area from the footprint of the structure under development. The construction/silt fence shall be installed and maintained with the bottom edge buried at a minimum of 8 inches. If further erosion control structures are necessary during development, such as wood panels, they will be required to be approved by the ARC and maintained. Within the 10-foot setback area, no structures are allowed, however if fill is added it shall be placed at a maximum 3:1 slope to match the existing elevation, and the area planted with native vegetation coverage that prevents and controls soil erosion into the mangrove habitat. Once development is completed, the construction/silt fence can be removed. The substrate 3:1 slope and native vegetation shall be maintained to prevent soil erosion into the mangrove habitat.

### Native Vegetation Species required for 10-foot Setback Area for Mangrove Habitat Protection:

Native Vegetation Species required in the 10-foot setback area adjacent to mangrove habitat shall be salt tolerant and planted as coverage to provide erosion control for soils. The following is a list of plant species that can be planted; several species shall be chosen. If a species not listed is considered, it is required to be approved by the HBA ARC.

Common Name	Genus, Species	Size, Description
<b>Fakahatchee Grass</b>	<i>Tripsacum cactyloides</i>	Clumping grass, 4-5' hgt, part sun, salt tolerant
<b>Wire Grass</b>	<i>Aristida stricta</i>	Clumping grass, 2' hgt, sun, salt tolerant
<b>Sand Cordgrass</b>	<i>Spartina bakeri</i>	Clumping grass, 3-5' hgt, sun, salt tolerant
<b>Indian Blanket Flower</b>	<i>Gaillardia pulchella</i>	Groundcover, 15" hgt, annual flower, salt tolerant
<b>Beach Sunflower</b>	<i>Helianthus debilis</i>	Groundcover, 15" hgt, perennial flower, salt tolerant
<b>Sunshine Mimosa</b>	<i>Mimosa strigilosa</i>	Groundcover, 6" hgt, puff-ball flowers; salt tolerant
<b>Perennial Peanut*</b>	<i>Arachis glabrata</i>	Groundcover, 6" hgt, can be mowed; tolerates flood
<b>Christmas Berry</b>	<i>Crossopetulum ilicifolium</i>	Small covering shrub, 12" hgt; evergreen with berries
<b>Dwarf Natal Plum</b>	<i>Carissa macrocarpa</i>	Small shrub, 12-18" hgt, good barrier; fragrant, jasmine-like flowers
<b>Beach (Golden) Creeper</b>	<i>Erodea fittoralis</i>	Groundcover; 1-3' hgt, large flowers; tolerant to flood
<b>Dwarf Yaupon Holly</b>	<i>flex vomitoria</i>	Small shrub; 1-3' hgt, evergreen, white flowers, red berries; butterfly & bird attract
<b>Beach Morning Glory</b>	<i>Ipomoea stolonifera</i>	Ground vine; 6' hgt, full sun, flowers; ideal for filling in
<b>Bromeliads*</b>	<i>Aechmea rubens</i>	12-24" hgt; clumping; vase-shaped, colorful

**\*Note:** Non-native species, but a very common Florida Friendly Landscape approved groundcover.

# **APPENDIX G**

## **PRE-PILE DRIVING ENGINEERING SCOPE OF WORK**

The Engineering Company must perform all necessary pre-condition surveys of the nearby residences within 200 feet of the property line prior to pile driving activities. The builder is required to obtain permission from the current property owners and provide the Engineering Company with the contact phone numbers of the residents so that the Engineering Company may contact them and set up a time for their survey. The Owners of the adjoining properties must be given 21 days to complete the surveys. If the adjoining owners cannot schedule the surveys to be completed within 21 days then the owner has forfeited their right to have survey's completed and hold both the builder and the ARC harmless.

The Engineering Company's survey must include a walking inspection by their firm. They need to take a video of obvious cracks and other distresses they observe. They need to walk thru the inside and around the exterior of the structure. However, a limited survey would only include the exterior areas only. Survey does not include the roof or the attic.

The scope of work does not need to include measurements or documentation other than taking a video of the larger more obvious cracks and distresses. If the cracks are considered relatively small/not obvious in the existing lighting conditions, these cracks will not be videoed as part of this scope of work. If a more detailed survey is required for this project, please inform the Engineering Company so that they may amend their proposal. •

The survey does not need to include evaluating the structural integrity of the structures being videoed. A structural Engineer should be contacted to provide these services, if desired.

The Engineering Company must provide an electronic version of a letter-style report that highlights the contents of the videos. They will also need to provide one copy of each video DVD (one per residence). Additional DVD's should be available upon request.

## APPENDIX H

### ENVIRONMENTAL REVIEW: ARC REVIEW FEE - NEW CONSTRUCTION ONLY

#### DEMOLITION: ARC REVIEW FEE & COMPLIANCE BOND

Area Under Air Square Feet	ARC Review Fee	Compliance Bond	Payment Due Date
N/A	\$7,000	\$30,000	Final Plan approval, prior to demolition start
N/A	\$1,500	N/A	The earlier of the time the survey is requested or the time the Preliminary Plan is submitted for review.

#### NEW CONSTRUCTION: ARC REVIEW FEE & COMPLIANCE BOND

Area Under Air Square Feet	ARC Review Fee	Compliance Bond	Review Fee of Compliance Due Date
2,400 – 2,999	\$8,000	\$40,000	Conceptual Review / prior to construction start
3,000 – 3,999	\$8,300	\$50,000	Conceptual Review / prior to construction start
4,000 – 4,999	\$8,600	\$60,000	Conceptual Review / prior to construction start
5,000 – 5,999	\$8,900	\$70,000	Conceptual Review / prior to construction start
6,000+	\$9,200	\$80,000	Conceptual Review / prior to construction start

#### REMODEL & RE-LANDSCAPE: ARC REVIEW FEE & COMPLIANCE BOND

Scope Description	Completion Time	Project Cost	ARC Review Fee	Compliance Bond	Payment Due Date
Routine maintenance (e.g., exterior painting, landscape refresh)	N/A	<\$50,000	N/A	N/A	N/A
Structural Remodel	< 3 months	<\$50,000	\$200	\$1000	Remodel Plan approval
Structural Remodel	< 6 months	>\$100,000	\$400	\$2000	Remodel Plan approval
Structural Remodel	< 12 months	>\$100,000	\$2800	\$3,000	Remodel Plan approval
Structural Remodel	> 12 months	>\$500,000	TBD	TBD	Remodel Plan approval
Structural Remodel *	6-12 months	\$100,000-\$500,000	\$900	\$4000	Remodel Plan approval

\*Fee will be determined by the project scope and based on square footage (The same as New Construction)

#### Punch-List Extension Fees

<b><u>6-10 Weeks</u></b>	<b><u>\$1,000</u></b>
<b><u>11-15 Weeks</u></b>	<b><u>\$1,500</u></b>
<b><u>16-20 Weeks</u></b>	<b><u>\$2,000</u></b>
<b><u>21-25</u></b>	<b><u>\$2,500</u></b>

# APPENDIX J

## NEW CONSTRUCTION: COMPLIANCE BOND FEE DEDUCTIONS

Description of Items requiring Compliance Bond Deductions	Compliance Bond Deduction
Minor Change Order to Approved Plan	\$200
Substantive Change Order to Approved Plan requiring external professional services (e.g. engineering, etc.)	\$1,000
Construction Completion Delayed into 19th month	\$1,000
Construction Completion Delayed into 20th month	\$1,500
Construction Completion Delayed into 21st month	\$2,000
Construction Completion Delayed into 22nd month	\$2,500
Construction Completion Delayed into 23rd month	\$3,000
Construction Completion Delayed into 24th month	\$3,500
Construction Completion Delayed into 25th month	\$4,000
Construction Completion Delayed into 26th month	\$4,500

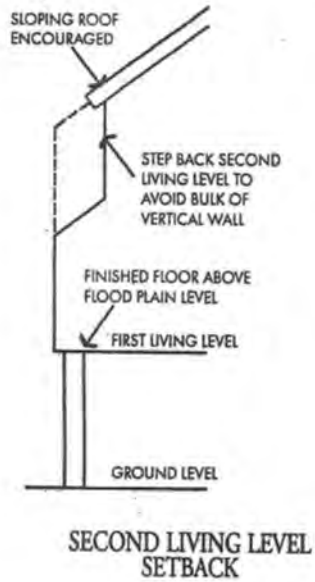
## STRUCTURE DEMOLITION/NEW CONSTRUCTION: COMPLIANCE BOND FEE DEDUCTIONS

Description of Items requiring Compliance Bond Deductions	Compliance Bond Deduction
Demolition Completion/New Construction: New construction start Delayed beyond 60 days from Demolition start date	\$2,000 per month

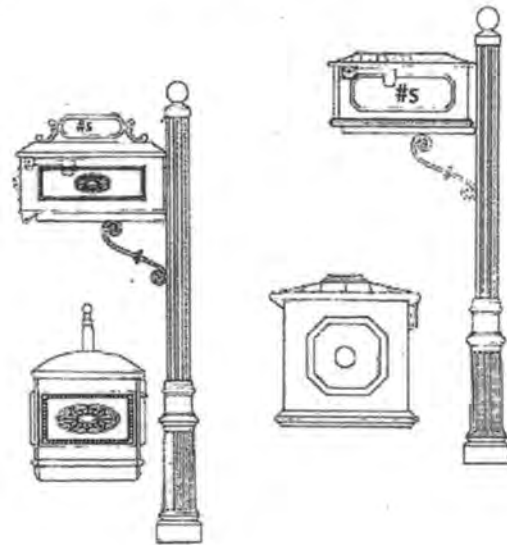
## STRUCTURE DEMOLITION/RE-LANDSCAPING: COMPLIANCE BOND FEE DEDUCTIONS

Description of Items requiring Compliance Bond Deductions	Compliance Bond Deduction
Demolition Completion Delayed beyond 30 days	\$2,000

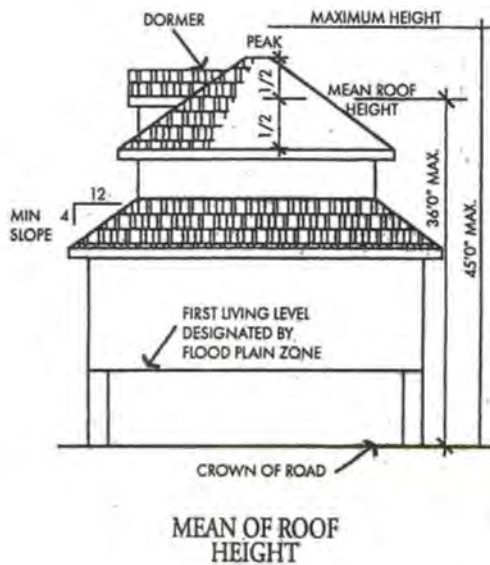
**Diagram A.**



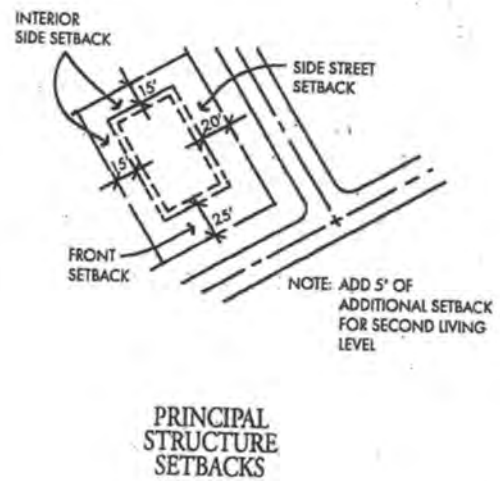
**Diagram B.**



**Diagram C.**



**Diagram D.**



**Diagram B-1**

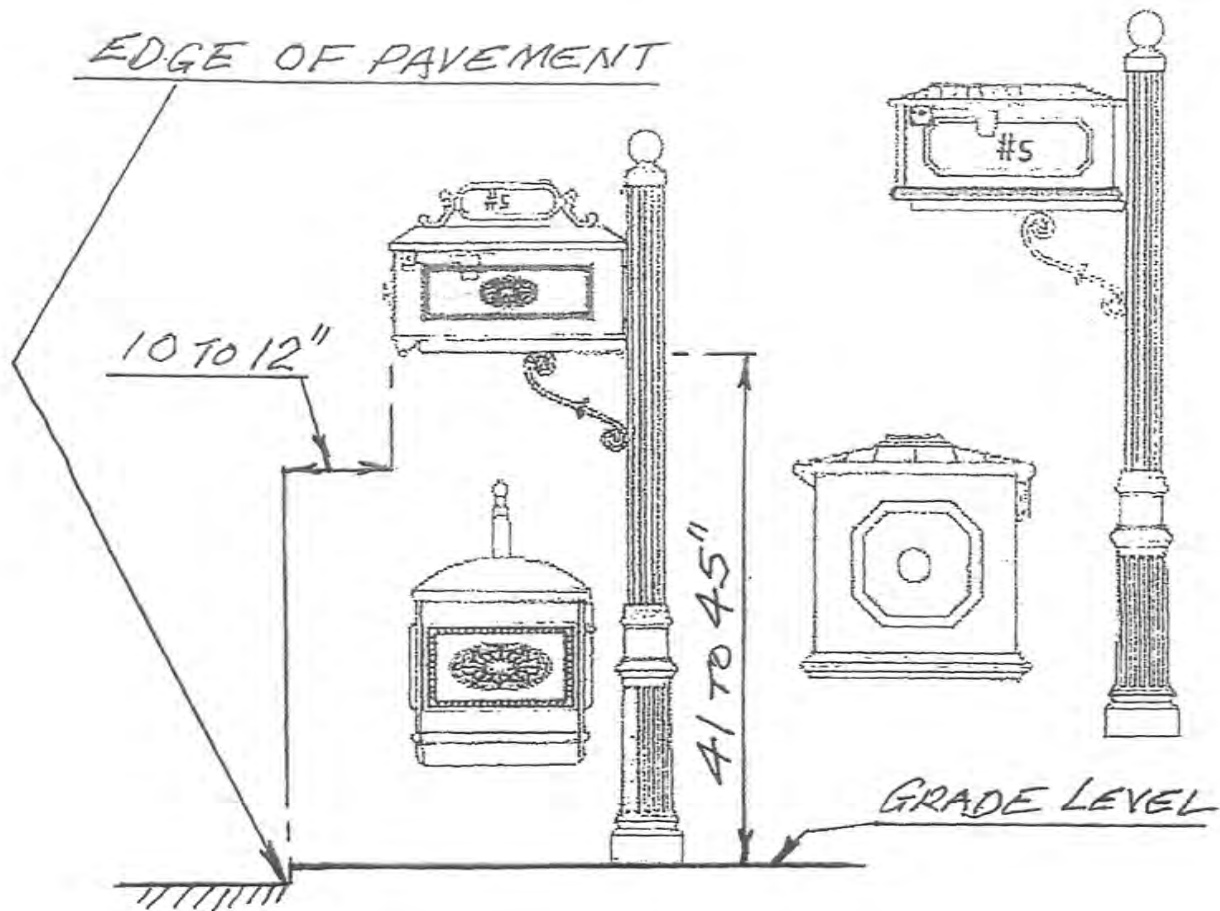


Diagram E.

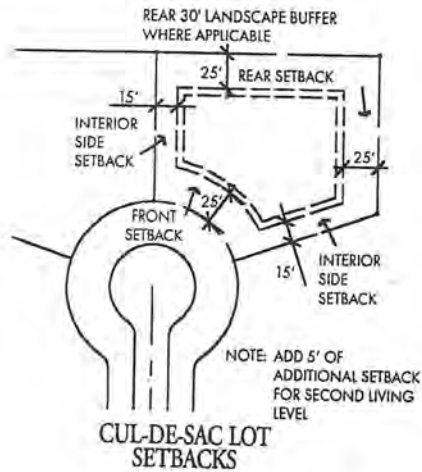


Diagram F.

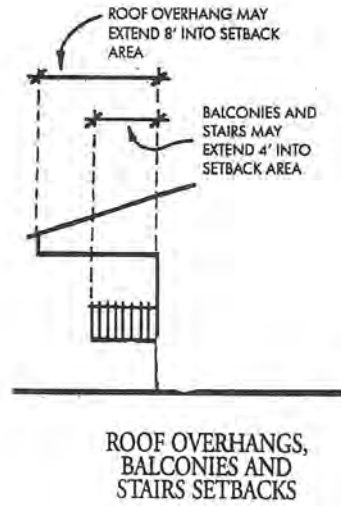
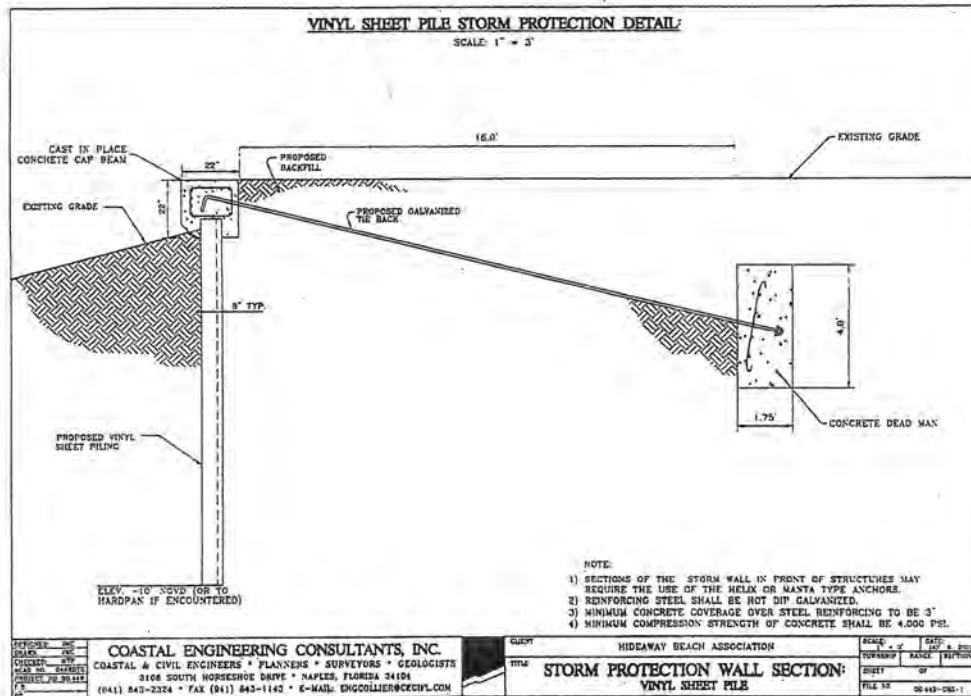


Diagram G.

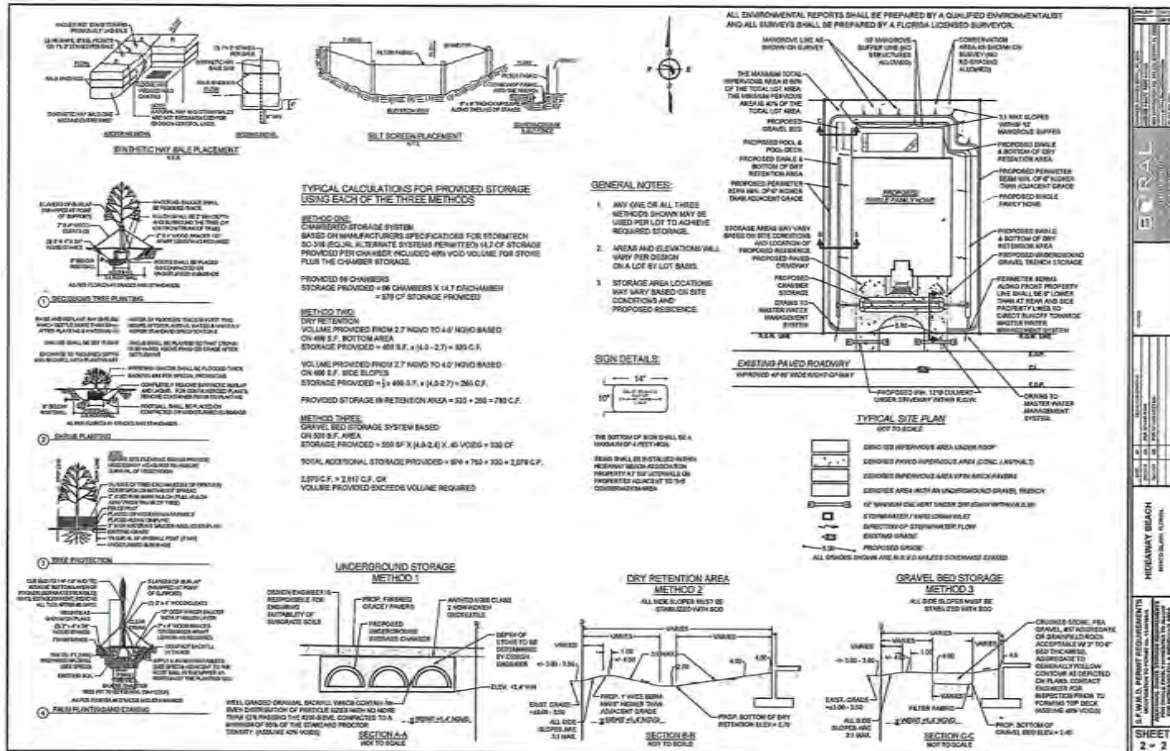


STORM PROTECTION WALL SECTION



[illegible]

This item has been electronically signed and sealed by Andrew Reed, PI on 08/17/16 using a USCA-2 independent system. A link to a copy of this document is available at <https://www.uscourts.gov/uscourt> and the USCA-2 authentication code must be verified on any electronic copies.



## DIAGRAM K - MANGROVE 3:1 SLOPE

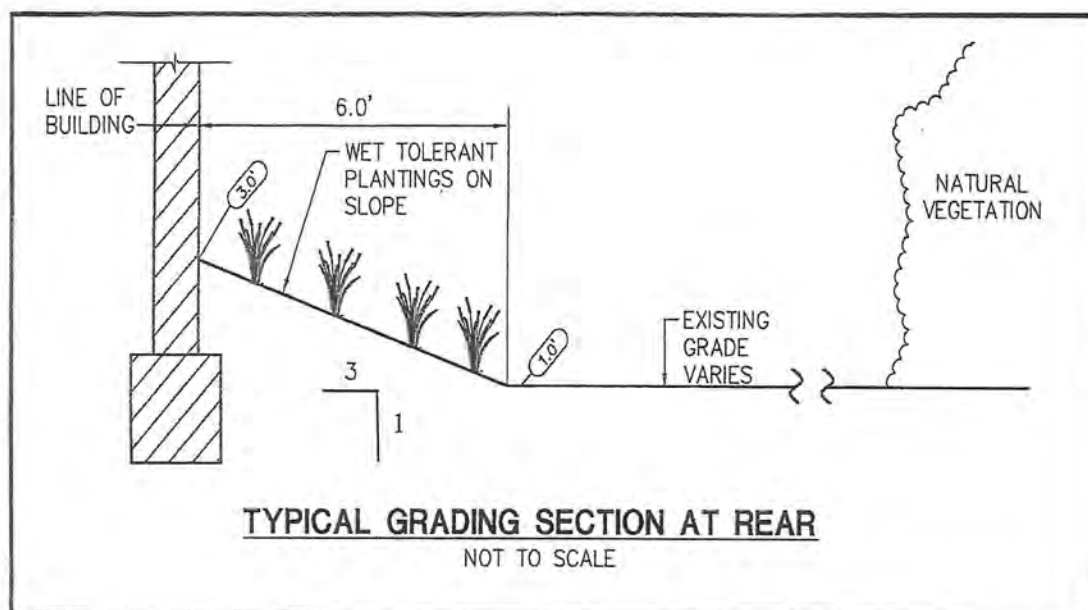
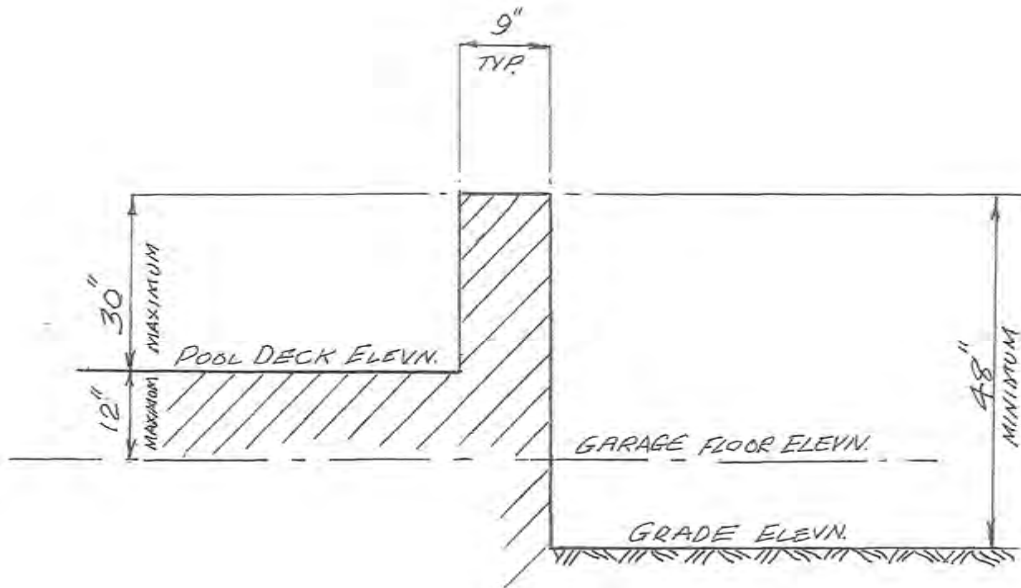
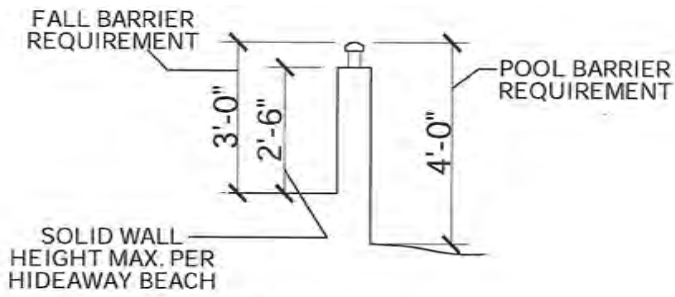


DIAGRAM L

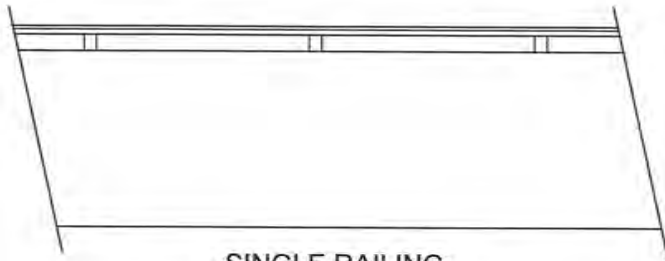


ALTERNATIVE IN GROUND  
POOL BARRIER  
TYPICAL SECTION

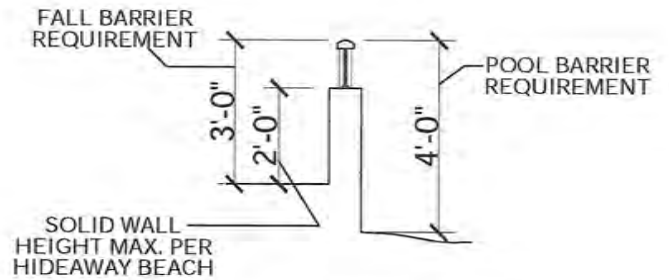
## DIAGRAM M



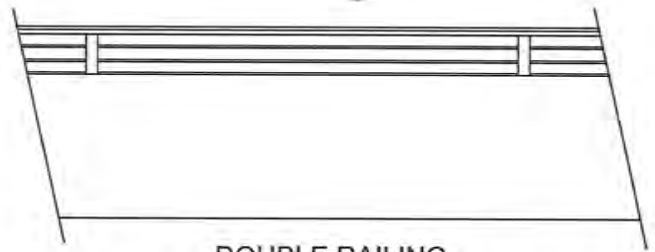
SECTION VIEW



SINGLE RAILING  
ELEVATION VIEW



SECTION VIEW



DOUBLE RAILING  
ELEVATION VIEW

**DIAGRAM N**  
**Typical Golf Path**

