

**EXHIBIT B TO THIRD AMENDMENT**

**KEY LARGO OCEAN RESORT  
CONDOMINIUM ASSOCIATION, INC.**

**DESIGN GUIDELINES AND USE RULES AND  
REGULATIONS FOR DEVELOPMENT**

August 15, 2011  
Revised 12/06/11  
Revised 1/26/17  
Revised 12/14/19

PREPARED BY:  
ARCHITECTURAL REVIEW BOARD

ARCHITECTURAL REVIEW BOARD OF  
KEY LARGO OCEAN RESORT CONDOMINIUM  
ASSOCIATION, INC.  
DESIGN GUIDELINES AND USE RULES AND REGULATIONS  
(APPROVED BY THE ASSOCIATION BOARD OF DIRECTORS ON JANUARY 26, 2017)

This document is not intended to change or replace any of the by-laws or rules and regulations as set forth in the **BY-LAWS OR CORPORATE DOCUMENTS OF KEY LARGO OCEAN RESORT CONDOMINIUM ASSOCIATION, INC.**; it has been promulgated to protect the architectural integrity and harmony of this Condominium.

All structures covered on this document must be in compliance with all rules and regulations promulgated by the authorities having jurisdiction ("AHJ"). Compliance with this document does not relieve the Unit Owner from compliance with the aforementioned rules and regulations of the AHJ.

Permits and inspections are the **SOLE** responsibility of the Unit Owner after prior approval and issuance of an authorization letter to proceed by the Board.

The attached Architectural Graphic Design Guidelines and Use Rules and Regulations for Development shall be used in conjunction with this document. In the event that conflicting information is found between the two documents, the more restrictive rule shall govern.

**I. General**

- a. Authority
- b. Definitions
- c. History
- d. Mission statement
- e. Project program
- f. Design Concept
- g. Massing
- h. Architectural Review Board
- i. Project review procedure
- j. Community Parking Regulations

**II. Building Guidelines Rules and Regulations**

- a. Building envelope and structure placement within Unit
- b. Unit off-street parking requirements
- c. Ground floor storage
- d. Structure Height
- e. Porches and terraces
- f. Fenestration
- g. Exterior vertical circulation
- h. Exterior cladding and finish
- i. Roof
- j. Minimum construction requirements
- k. Construction Procedures and Safety Regulations

**III. Site-specific Building Rules and Regulations and Use Restrictions**

- a. Waterfront Units
- b. Buffer Units

**IV. Pre-Approved Models (Facade)**

- a. Aruba
- b. French Key
- c. Aruba
- d. Grand Bahama I
- e. Grand Bahama II
- f. Grand Cayman
- g. Little Abaco
- h. St. Barts
- i. St. Kitts



- j. St. Lucia
- k. St. Martin
- l. St. Thomas
- m. St. Vincent

## Authority

These Design and Use Rules and Regulations for Development have been adopted and approved by the Key Largo Ocean Resort Condominium Association, Inc. Board of Directors in accordance with the Association By-laws as of August 15, 2011. This document has been adopted not only to protect the architectural integrity and harmony of the community, but also to promote the safety and welfare of residents and to maintain an acceptable quality of life.

This document is provided as a complement to the Association By-laws and is to be implemented as such. It **does not** replace the code requirements mandated and enforced by the AHJ.

## Definitions

**Accessory Shoreline Structures and Plantings:** Any accessory structure constructed or shrub or tree planted as specified under these guidelines.

**Association:** Key Largo Ocean Resort Condominium Association, Inc. (KLOR)

**Architectural Review Board ("ARB"):** entity designated by the KLOR Board of Directors to protect the architectural integrity and harmony of the community.

**Board of Directors ("BOD" or "Board"):** governing body of the Key Largo Ocean Resort Condominium Association elected by its Members.

**Authority(ies) having jurisdiction ("AHJ"):** any governmental agency or sub-agency which regulates the construction process, including, but not limited to, County, State and Federal agencies which enforce the building and fire codes.

**Unit:** A parcel of Condominium Property described by a legal description, as a "Unit" on the Exhibits to the Declaration of Condominium and which are subject to exclusive ownership.



**Setback:** With respect to a unit, is the distance from the unit boundaries, as described by the legal description, to the building envelope. Measured from the boundary(ies) to the eave or drip-line of the structure, in these guidelines the drip-line is synonymous with the building envelope line. Also the distance between a building, Unit or other improvement and the property line.

**Building envelope:** the volume created within a Unit by establishing the required setbacks from the boundaries and the maximum building height from the crown of the road directly in front of the Unit.

**Structure:** structure used or intended for supporting or sheltering any use or continuous occupancy within the building envelope as a single family residence.

**Watercraft:** any vessel, boat or personal craft that is designed to move through the water.

**Mean high water line:** mark established by survey which represents the intersection of the nineteen-year mean high water elevation with the shoreline.

## History

Since its inception in the late 1970's as a travel-trailer park, the residents of this community transient and permanent alike have been drawn to use KLOR as a departure port for their fishing expeditions as well as other sea-related activities. The strategic location proffered by Key Largo Ocean Resorts is the main reason for its use and occupancy. Any person who has lived or visited this community has always come away with fond memories of the surrounding sea, its deep water access and the overall views and vistas available from the shoreline.

## Mission Statement

On June 5, 2010 an overwhelming majority of KLOR shareholders of the former Key Largo Ocean Resorts cooperative voted to adopt the proposed Site Plan which these Design Guidelines and Use Rules and Regulations are a part of. On September 13, 2011 an overwhelming majority again voted to adopt a modified Site Plan and Design Guidelines and Use Rules and Regulations based on a compromise with dissenting waterfront Unit Owners.

The main reason for this overwhelming approval is the fact that it brings equity to all Unit Owners under the Declaration of Condominium. In order to ensure compliance with the majority's decision while preserving future property values through the development

of a cohesive community, the KLOR BOD has devised a tool whereby all Unit Owners can design and build their homes through the use of design and construction professionals and while doing so also maintain and preserve the character and architectural style of their community.

The intent of the Key Largo Ocean Resort Condominium Association, Inc., Design Guidelines and Use Rules and Regulations is to create and maintain a harmonious and cohesive architectural environment through the use of simple architectural design elements and materials.

### **Project Program**

To design a community consisting of two hundred eighty five (285) new single family homes, a new office structure, a new recreation building structure and swimming pool, a new marina grill structure, a new tennis/basketball amenity, and new manned entry gatehouse structure all within a waterfront twenty three point zero four (23.04) acres site in Key Largo, Florida.

Parking for two motor vehicles and one watercraft shall be provided within the building envelope of each Unit.

The first habitable level of all Unit structures shall be elevated to comply with flood plain requirements.

Property setbacks for new construction and other requirements such as open community area and buffers are as follows:

Setback at Northwest (Overseas Highway) property line: twenty (20) feet scenic corridor.

Setback at Southwest property line: twenty (20) feet landscape buffer.

Setback at Northeast property line: twenty (20) feet landscape buffer.

Setback at Southeast (Atlantic Ocean) property line: twenty (20) feet.

Open community area required: one hundred and two thousand (102,000) square feet.

### **Design concept**



In the context of establishing this community's architectural style and character it is important to consider the relationship between the user and his ultimate goal, which is the use and enjoyment of the adjacent Atlantic Ocean. It follows that a marine-like theme would be the best suited to both identify and reinforce this relationship.

There are two program requirements which are crucial to the successful architectural design for this community.

First, almost all of the 285 residents own some type of watercraft and motor vehicle and the available Common Elements are limited to the use of access roads, community buildings and open community space, thus the need to locate them within the individual Unit envelope.

Second, this community is situated on a flood zone, thus the lowest habitable level must comply with the federally mandated flood requirements.

The placement of the lowest habitable level living area on an elevated structure to comply with flood and parking requirements provides the physical solution to the program requirement, as far as functionality of design is concerned, and in doing so, it establishes the form and character of the homes of this community.

Providing a rectangular layout following the building envelope will provide the most cost-efficient plan and maximize the use of the available space, which in this project is a must.

## Massing

The program which requires the placement of 285 homes on this site together with the need to store motor vehicles and watercraft within the individual Unit envelope due to site constraints as well as the need to comply with flood requirements for this site will help shape the strong form of these houses. A rectangular plan raised on an elevated structure provides the best architectural solution as the massing can then be articulated through the juxtaposition of volume and void.

Terraces recessed within the volume of the structure at the rear will be mandatory on those houses which have their rear façade facing the shoreline.



The one or two story houses will be elevated off the ground via the use of structural columns, and or partial structural walls in compliance with the guidelines, and all applicable building codes.

Vertical circulation from ground level to first habitable level may be provided on the exterior, outside of and attached to the structure envelope, for maximization of the usable living space or it may be integrated within the structure design.

Location of the exterior vertical circulation must be coordinated with the adjacent approved units.

### **Architectural Review Board**

The Board of Directors shall appoint three (3) Association members to serve on the Architectural Review Board on a voluntary basis for a period of at least six (6) months. The ARB shall be composed, but not limited to at least one Architect/Design Professional, if available, one general contractor, if available, and one lay person. In the event a design professional is not available from among the association members, an outside consulting design professional shall be contracted by the Association to review applications. The ARB will convene the first (1<sup>st</sup>) Wednesday of every month.

### **Project Review Procedure**

KLOR Association members interested in developing their Unit must apply to the KLOR ARB for review and approval prior to submitting their permit plans to the Monroe County Building Department. The following items are required for submittal to the Architectural Review Board:

1. Completed KLOR ARB application and fee as set forth under "Key Largo Ocean Resorts Policies and Procedures for Presentation of Plan"
2. Site plan drawing at a suitable scale depicting the location of the proposed structure in compliance with these Rules and Regulations.
3. A landscaping plan depicting compliance with the approved overall project landscaping plan ("Project Landscaping Plan").
4. Floor plans drawn at  $\frac{1}{4}''=1'-0''$  scale depicting room designations and dimensions.
5. Exterior elevations depicting all four facades of the proposed structure following the design elements and materials specified by the Rules and Regulations

The ARB review procedure for Developers and Contractors that would like to offer their home product line to Association members and do not have a unit-specific site plan to submit for approval shall be as stipulated in the "Key Largo Ocean Resorts Policies and Procedures for Presentation of Plans for Architectural Review Board ARB".

Completed application packages and required fee must be submitted by the fifteenth (15<sup>th</sup>) of the preceding month to be placed on the agenda for the next meeting.

Meeting agendas will be made available the week prior to the Klor ARB meeting and can be obtained at the Association's main office. Applicants should be present during the review and are encouraged to participate in the review process. Applicants will be advised of the disposition of the review during the meeting and if approved, the Klor ARB will draft and sign an authorization letter to proceed with the building permit process.

The Klor ARB will review the design and materials specified for the exterior of the home based on but not limited to the following criteria as set forth on the Design Guidelines and Rules and Regulations:

- a. Architectural style, character, scale and appropriateness.
- b. Use of design elements as set forth on the Design Guidelines Rules and Regulations
- c. Compliance with landscaping requirements as set forth on the Project Landscaping Plan.
- d. Proper screening of exterior mounted equipment
- e. Façade color scheme.

Please refer to exhibit "A" for sample ARB review applications

## Community Parking Regulations

Community or visitor parking spaces are available throughout the project for the use of visitors and/or residents alike. These spaces are not assigned and shall be available on a first-come, first-served basis. Parking of any watercraft in these spaces is strictly prohibited.

Parking of motor vehicles and/or watercraft is strictly prohibited on the roads providing access to the Units as well as in the setback area of any Unit.



All vehicular access roads must always be kept clear of vehicles and watercraft to allow for ingress and egress of emergency vehicles and residents at all times. \*

**\*This regulation will be strictly enforced, and all vehicles found in violation will be towed away at the Unit Owner's or visitor's expense.**

## Building Envelope

The volume of the building envelope is established by two physical parameters, both mandated by the Monroe County Building and Planning Department and the Monroe County Fire Department.

The first parameter is the setback distance from the Unit's property lines, the second parameter is the vertical distance from crown of the road in front of the unit, to the highest point of the structure's roof.

The general setback required from all Unit boundary/property lines is a minimum of five feet zero inches (5'-0") measured from boundary/property line to the building envelope line. The required minimum eave length is zero feet six inches (0'-6") therefore, in the case where two adjacent units that incorporate eaves in their design, the minimum structure to structure distance is eleven feet zero inches (11'-0").

### NOTE:

**All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.**

In the event a different solution is presented and approved by the ARB, the minimum distance from the boundary/property line to the building envelope line, shall be a minimum of five feet zero inches. (5'-0").

The rear setback required at the shoreline structures is twenty feet zero inches (20'-0") measured from the mean high water line to the building envelope.

The minimum rear setback required at buffer yard structures is twenty feet zero inches (20'-0") measured from the project property line to the building envelope, unless otherwise noted on lot-specific regulations.

A non-combustible stairway from the ground floor to the first elevated habitable level is permitted within the side setback area. Refer to the vertical circulation section for the minimum requirements if this stairway is part of the design.



The Maximum Structure Height shall be the highest elevation as approved by Monroe County Land Development Regulations or from whatever other approval Monroe county uses to set maximum height elevations to be measured from the edge of pavement, directly in front of the unit, vertically up to the highest point of the Structure's roof.

### **Unit off-street parking required**

A minimum of two (2) 8'-6" x 18'-0" off-street parking spaces are required to be located at ground level within the building envelope, below the first habitable living level. In addition all personal watercraft and vessels must be kept within the same area.

Please note that parking or keeping of the watercraft, motor vehicles or vessels outside of the Unit's building envelope is strictly prohibited.

The parking area floor shall be a non-combustible permeable material such, as but not limited to the following:

- a. Concrete paver
- b. Concrete slabs incorporating separations (drainage areas) to allow for water filtration.
- c. River stones or gravel.

There shall be no mechanical or other repairs performed on the vehicles and or watercraft while stationed within the building envelope or in any community area.

Please refer to the community/visitor parking section for parking requirements and regulations outside of the Unit.

### **Vacant Lots**

Vacant lots must be kept and maintained clean, and in an orderly manner.

### **Fences**

Fences shall have a maximum height of thirty-six inches (36"). Open-type picket or horizontal slats fences are permitted, provided they follow the previously established front setback requirements. **Picket or horizontal slats fences must be painted white.**

**Note: All fences design must be submitted and approved by the ARB.**

## Ground floor storage

Each Unit is allowed a ground floor storage area not to exceed a total of two hundred and ninety-nine (299) square feet in area located within the structure envelope. This storage area if provided, may not encroach into the required off-street parking and watercraft area. Construction of ground floor storage shall comply with all the requirements of the AHJ.

## Structure height

The Maximum Structure Height shall be the highest elevation as approved by Monroe County Land Development Regulations or from whatever other approval Monroe county uses to set maximum height elevations to be measured from the edge of pavement, directly in front of the unit, vertically up to the highest point of the Structure's roof.

The minimum floor elevation of the lowest habitable level shall be governed by flood plain requirements, AHJ, and these Guidelines and Rules and Regulations.

The access opening to the ground floor off-street parking area shall have a minimum height of eight feet six inches (8'-6") above the interior parking surface elevation. The height of this opening may not exceed thirteen feet (13'-0") above the interior parking surface elevation. (13'-0")

The minimum clear floor to ceiling height of any habitable level shall be as permitted by all applicable building codes, unless a different floor to ceiling height is otherwise required by any other section of this document.

## Porches and terraces

It's recommended and encouraged that all units shall incorporate a porch or terrace at the façade facing the street. This porch or terrace shall be recessed within the building envelope and may not encroach into the front setback.

All structures within Units may incorporate a rear terrace. This terrace if provided shall be recessed within the building envelope and may not encroach into the rear setback.

All structures within units at the shoreline area shall incorporate rear terraces in their design, as stipulated in the site-specific Design Guidelines and Use Rules and Regulations section of this document.

## Fenestration

All fenestration shall be energy efficient, bear the Energy Star label and comply with the Florida Energy Conservation Code in effect at the time of permitting.

### Windows Type:

Single hung, casement, horizontal slider, or any other window types submitted and approved by the ARB, all windows must incorporate impact-resistant glazing, and must comply with all applicable building codes.

### Frame color:

White, anodized aluminum or bronze.

### Glazing:

Clear or tinted impact glass which must comply with all applicable building codes.

### Location of windows:

All window location, must comply with all applicable building codes.

### Exterior doors:

All doors types must be submitted and approved by the ARB and must comply with all applicable building codes.

## Vertical circulation

In order to maximize the use of the living space, the structure's design may incorporate a non-combustible exterior stairway to provide access from the ground level to the first elevated habitable level.

Such stairway if provided may be located within the side setback area provided it is attached to the structure. The width of the stairway from the face of the structure envelope towards the setback area cannot exceed three (3) feet.

If provided in contiguous structures, this stair may not face the stair from the adjacent structure.

Elevators will be permitted by these Guidelines.



## Roof

### Roof shapes:

1. Gable
2. Hipped
3. Flat
4. Or any other roof design submitted and approved by the ARB,

Roof deck / Roof terraces areas may be incorporated into the design of the unit. However, it's recommended that the proposed design solution incorporates a design element in a manner that the roof deck / roof terrace is not visible from the façade facing the street.

Note: All roof designs must be submitted and approved by the ARB.

### Roof Slope:

If applicable, a minimum roof slope shall be 4" in 12"; maximum roof slope shall be 6" in 12". If a Polynesian Style roof is incorporated, the lower portion of the roof slope shall be no less than a 2.5" in 12. The upper portion of the roof slope shall be no less than a 4" in 12.

Roof finish: Aluminum Standing Seam

### Structure construction and exterior elements

Structure construction shall be either a manufactured single-family home, CBS single family home, modular single-family home, panelized steel single family home, wood frame single family home.

All structure construction must meet all applicable building codes.

### Ground to first elevated level:

Structural columns, and or partial structural walls in compliance with the Design Guidelines Rules and Regulations, and as required by all applicable building codes.

### Bearing walls:

Wood, metal, reinforced concrete, or reinforced concrete masonry as required by all applicable building codes. The minimum insulation value shall be as required by all applicable building codes.

**Intermediate floors:**

Shall be constructed of Wood, metal, reinforced concrete or a combination of these. The bottom of first elevated floor shall have a fire resistance rating of one (1) hour when vehicles and or watercraft will be stationed under it.

**Roof:**

Prefabricated wood trusses, metal trusses or reinforced concrete with appropriate roofing system to meet and comply with all applicable building codes. The minimum insulation value shall be as required by all applicable building codes. Reinforced concrete with built-up roof deck minimum insulation value as required by all applicable building codes.-If a deck area is approved, the roof deck shall be constructed as required to meet all applicable building codes.

**Guardrails and handrails:**

The design of exterior guardrails shall be simple and aesthetically integrated in the façade design. Intricate ornate designs are discouraged. Material shall be aluminum or stainless steel.

Color: White, anodized aluminum or bronze, and must be approved by the ARB.

**Exterior cladding:**

All construction types are encouraged to incorporate in their exterior walls a cement-based "Hardieplank" horizontally applied lap siding over a water-resistant membrane. If provided, the exposure of the siding shall be a minimum of 5" and a maximum of 6". All corners shall be trimmed with a minimum of 4" material.

## **Construction procedures and Site Safety Regulations**

**INFRASTRUCTURE:**

**General**

Unit Owners shall be notified thirty (30) days prior to commencement and thirty (30) prior to final completion of the infrastructure's construction.

Access to the site during infrastructure, marina and or common area construction shall be limited to construction personnel. Unit Owners will not have access to the construction site, no exceptions are permitted due to insurance regulations.

Unit Owners that are interested in commencing their Unit construction upon completion of the infrastructure shall follow the procedure outlined below in addition to the plan review and approval requirements stipulated in the Key Largo Ocean Resort Guidelines and Use Rules and Regulations.

#### UNIT CONSTRUCTION REQUIREMENTS AND SAFETY PROCEDURES.

**Prior to Commencement of Construction contractors shall comply with the following:**

1. - In order to be scheduled for construction by the Klor management office, the Unit Owner's previously approved general contractor shall provide a copy of the building permit, a current certificate of competency from Monroe County and or the State of Florida, as well as a construction schedule at which time he will be provided with a copy of the Construction Operations Rules and Regulations.
2. - Obtain a copy of the site utility as-built from the Klor management office.
3. - Provide a list of sub-contractors. All sub-contractors shall be considered Building contractors by the Klor Association and must comply with these Rules and Regulations.
4. - Contractor's Insurance Agent shall fax or mail Certificate of insurance naming Key Largo Ocean Resort Condominium Association, Inc., as an additional insured.
  - A - Minimum of \$2,000,000.00 Liability
  - B - Minimum of \$50,000.00 Medical each per occurrence
5. - Contractors and sub-contractors shall comply with all applicable OSHA regulations such as but not limited to hard hats, approved shoes and construction equipment, which are required within the construction site. Failure to do so will result in the issuance of a warning upon the first offense and expulsion from the site after the second offense.
6. - Provide a copy of Company Safety Procedures.
7. - For each employee, provide employee driver license and obtain a construction worker pass from the Klor's Association. Worker pass shall be worn at all times within the construction site.
8. - Obtain a construction personnel vehicle parking permit. All vehicles shall be



parked in designated areas only.

9. - Notify utilities before commencing.

a - Sunshine State One Call of Florida, Inc. (800) 432-4770

Once notified by KLOR's Association to commence construction, the contractor has thirty (30) days to commence. Failure to do so will result in re-scheduling of the commencement date.

After notification to commence and prior to commencing excavation, the individual Unit site shall be fenced with a minimum 6' high chain-link fence and 10' wide gate which will be maintained on site until a certificate of occupancy is obtained.

During construction operations all debris shall be kept within the Unit boundary and each site shall be cleaned daily. The private roads and Common Elements shall be kept free of debris and vehicles.

The contractor shall give KLOR's Association 24-hour previous notice before any oversize equipment such as a crane is brought into the construction site.

The construction fence shall be kept in place up to the time a certificate of occupancy is obtained.

Once the certificate of occupancy is obtained and provided to KLOR's Association, a site inspection will be conducted and a letter authorizing Unit Owner occupancy shall be issued by KLOR's Association no later than ten (10) business days following the inspection if the inspection results are satisfactory.

The Unit Owner shall provide KLOR's Association with 24-hour notice to occupy their Unit in order to coordinate with other Unit Owners.

### **Site-specific Building Rules and Regulations and Use Restrictions**

#### **Units 1 through 5**

The use of the area defined as a "Landscape Buffer setback", extending twenty (20) feet from the rear Unit boundary line and between the extensions of the side Unit boundary lines (if same were extended) shall be granted to the Unit Owners that have Units contiguous to the buffer area and abutting this setback, and each such area shall be deemed a Limited Common Element appurtenant to the respective Unit subject to the following conditions:

1. The area is defined by measuring twenty (20) feet from the respective rear Unit boundary line toward the property line ending at the boundary fence.
2. This area is part of the required landscaped buffer area and as such permanent structures are prohibited.
3. This area shall be maintained free of debris, trash or any other material detrimental to the visual enjoyment of the space.
4. There shall be no fences erected in this area.
5. Setbacks shall be five feet zero inches (5'-0") from all Unit boundary lines to the building envelope.
6. The Owner of each respective Unit shall be responsible for the maintenance and upkeep of the Limited Common Element area appurtenant to such Unit.

**NOTE:**

All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.

**Units 6 through 26:**

The use of the area defined as a "Landscape Buffer setback", extending twenty (20) feet from the rear Unit boundary line and between the extensions of the side Unit boundary lines (if same were extended) shall be granted to the Unit Owners that have Units contiguous to the buffer area and abutting this setback, and each such area shall be deemed a Limited Common Element appurtenant to the respective Unit subject to the following conditions:

1. The area is defined by measuring twenty (20) feet from the respective rear Unit boundary line towards the property line.
2. This area is part of the required landscaped buffer area and as such permanent structures are prohibited.
3. This area shall be maintained free of debris, trash or any other material detrimental to the visual enjoyment of the space.
4. There shall be no fences erected in this area.
5. The front setback shall be ten feet zero inches (10'-0") from the street-side boundary line to the building envelope.
6. The rear setback shall be twenty feet zero inches (20'-0") from the overall project property line to the Unit's rear boundary or eave line. (Does not exist on 8 through 26)
7. Side setbacks shall be five feet zero inches (5'-0") from all Unit boundary lines to the building envelope.
8. The Owner of each respective Unit shall be responsible for the maintenance and upkeep of the Limited Common Element area appurtenant to such Unit.



**NOTE:**

**All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.**

**Units 27:**

The use of the area defined as a "Landscape Buffer setback", extending twenty (20) feet from the rear. Unit boundary line and between the extensions of the side Unit boundary lines (if same were extended) shall be granted to the Unit Owners that have Units contiguous to the buffer area and abutting this setback, and each such area shall be deemed a Limited Common Element appurtenant to the respective Unit subject to the following conditions:

1. The area is defined by measuring twenty (20) feet from the respective Unit boundary line toward the property line.
2. This area is part of the required landscaped buffer area and as such permanent structures are prohibited.
3. This area shall be maintained free of debris, trash or any other material detrimental to the visual enjoyment of the space.
4. There shall be no fences erected in this area.
5. The front setback shall be five feet zero inches (5'-0") from the street-side boundary line to the building envelope.
6. The rear setback shall be twenty feet zero inches (20'-0") from the overall project property line to the Unit's rear boundary or eave line.
7. Side setbacks shall be five feet zero inches (5'-0") from boundary lines to the building envelope.
8. The Owner of the abutting Unit shall be responsible for the maintenance and upkeep of the Limited Common Element area appurtenant to such Unit

**NOTE:**

**All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.**

**Units 28 through 38:**

The use of the area defined as the "Shoreline Setback" or "Landscape Buffer Setback" extending twenty (20) feet from the rear or side of the unit as applicable, including the upland of the seaward edge of the seawall/riprap and between the seaward projections of the rear or side Unit boundary line outward, to the high water line, shall be granted exclusively to the respective unit owners (and their guests).



The KLOR BOD will not interfere with any riparian rights appurtenant to those units. The following paragraphs specify the methodology and conditions for the use of this area, which it's divided into two parts:

(A) The first part is a maintenance/repair access area contiguous and parallel to the seaward edge of the seawall/riprap. This access area shall include the seawall/riprap in it's entirely and shall not encroach on the area designated for accessory shoreline structures and plantings. The purpose of this access area is to enable the KLOR's Association to maintain, repair and replace any damaged riprap as necessary. This area shall be free of any structure such as Gazebos or Open Shelters, and/or encumbrance temporary or otherwise except for the riprap, decks and/or docks structure over the riprap and its ground surface and its ground surface. No structures shall be constructed within this easement access area, except related to structural repairs and/or replacement of the seawall/riprap in accordance with the form and height of the existing seawall/riprap condition.

Nothing herein shall be deemed to prohibit the construction of any decks and/or dock structures over the rip rap (without any penetrations into the rip rap for support or otherwise. All decks and/or docks structures may extend a maximum of 16'-0" beyond the mean high-water line. Construction all decks and/or docks structures must comply with all the requirements of the AHJ.

(B) The second part of the area to be used is the area designated for accessory shoreline structures and plantings.

1. The front setback shall be five feet zero inches (5'-0") from the unit property/boundary line to the building envelope.
2. Side setbacks shall be five feet zero inches (5'-0") from all unit property/boundary line the building envelope.
3. The South side setback of Unit 28 shall be twenty feet zero inches (20'-0") from the overall project property line to the Unit's side boundary or eave line, as applicable.

**NOTE:**

All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.

1. Any and all Unit Owners who comply with these guidelines shall be granted the privilege to use this shoreline area located within the Unit boundaries to erect, build or cause to be constructed an accessory shoreline structure solely within the designated area contiguous to the applicable unit's seaward boundary line.

The accessory shoreline structures shall be limited to those permitted by the AHJ and shall comply with the additional criteria stated below.

In addition, landscaping, fences and movable furniture shall be permitted subject to the requirements stated below.

- A. Gazebos and open shelters shall be constructed of durable water-resistant materials such as painted pressure treated wood or pre-finished PVC or other materials.

**Note:** The design of the Gazebos/open shelters must be submitted and approved by the ARB.

The decks shall allow for infiltration of storm water run-off and shall not encroach into the seawall maintenance easement. Decks shall follow the slope of the grade elevation as established by the approved drainage plans. Decks shall be subject to a side setback requirement of two (2) feet on each side. Decks shall be natural wood grain color or painted light gray.

- B. Decks on grade shall be as permitted by the AHJ, and shall comply with all applicable codes and requirements. All decks shall be constructed of permeable materials to be approved by the ARB.

All decks shall allow for infiltration of storm water run-off. Decks shall be subject to a side setback requirement of two (2) feet on each side. Decks shall be natural wood grain color or painted light gray.

- C. Benches are permitted provided they are constructed of a water-resistant material and may be permanently attached to the ground or deck.
- D. Beach type umbrellas are permitted provided they are temporary in nature and are used during daylight hours only.
- E. The total maximum coverage of any structure or deck shall not exceed a total of sixty (60) percent of the upland area of the shoreline setback and shall not be less than two (2) feet from the neighboring Unit boundary line.



- F. Fences shall have a maximum height of thirty-six inches (36") with open-type picket or horizontal slats fences are permitted, provided they follow the previously established side setback requirements. Picket or horizontal slats fences shall be painted white.
- G. Low planting shrubs (maximum three (3) feet in height when mature) of a native salt-tolerant species may be planted at the side setback area between Units. In addition a maximum of three (3) coconut palms may be planted in this designated accessory structure construction area provided the planting of these palms does not interfere with the ocean view corridors available between principal structures from the street to the ocean. A landscaping plan shall be submitted for approval by the Klor's ARB.
- H. Lawn furniture shall be permitted to be used in this area provided it is temporary in nature and not attached to the existing ground or deck.
- I. Any proposed construction and landscaping seaward of the respective Unit seaward building envelope line shall be initially reviewed and approved by the Klor's ARB and subsequently be reviewed and approved for permitting by the AHJ including but not limited to Monroe County, the State of Florida and the Federal government as applicable. The AHJ regulations may be applied in a more restrictive manner than those proposed above and no representations are made concerning approval by the AHJ.
2. **Temporary ladders are permitted for access to the seaward easement-access area, provided the owner and user of same provides a "hold harmless" agreement to the Klor BOD indemnifying the Association from any possible claims arising from any injuries that may occur through their use.**
  3. **The following structures shall not be permitted within the shoreline setback area, designated accessory structure construction area or seaward from the MHWL:**
    - a. Screen enclosures
    - b. Fish cleaning stations
  4. **Unit Owners granted the rights of this use shall be responsible for the payment of their proportionate share of the property taxes, in addition to the 1/285 proportionate share promulgated by the yearly budget which is customarily referred to as the monthly maintenance assessment. The exact amount to be paid will be determined once the exact area to be used by each unit owner is established by Survey**



**Units 39 through 110 and 126-203 and 207-277:**

1. Front setback shall be five feet zero inches (5'-0") from the street boundary line to the building envelope.
2. Rear setback shall be five feet zero inches (5'-0") from the rear boundary line to the building envelope.
3. Side setbacks shall be five feet zero inches (5'-0") from side boundary lines to the building envelope.

**NOTE:**

**All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.**

All other requirements shall conform to the general criteria and use regulations.

**Units 111 through 116**

1. Front setback shall be five feet zero inches (5'-0") from the street boundary line to the building envelope.
2. Rear setback shall be five feet zero inches (5'-0") from the rear boundary line to the building envelope.
3. Side setbacks shall be five feet zero inches (5'-0") from side boundary lines to the building envelope.

**NOTE:**

**All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.**

All other requirements shall conform to the general criteria and use regulations

**Units 117 through 125:**

The use of the area defined by the seaward line of the building envelope and upland of the seawall edge of the seawall and between the seawall projections of the side boundaries shall be granted exclusively to the respective unit owners (and their guests). The Klor BOD will not interfere with any riparian rights appurtenant to those units. The following paragraphs specify the methodology and conditions for the use of this area, which it's divided into two parts:

(A) The first part is a maintenance/repair access area contiguous and parallel to the seaward edge of the seawall. This access area shall include the seawall and walkway in

its entirety, and as well as the minimum first eight (8) feet upland from seaward face of the seawall. This access area shall not encroach on the area designated for accessory shoreline structures and plantings. The purpose of this access area is to enable the KLOR's Association to maintain, repair and replace any damaged seawall or walkway. This area shall be free of any structure and/or encumbrance temporary or otherwise except for the seawall and walkway and its ground surface (excepting for the seawall and walkway) shall be uniformly covered with *paspalum vaginatum* sod (Seashore paspalum). No structures shall be constructed within this access area, except related to structural repairs and/or replacement of the seawall or walkway in accordance with the form and height of the existing seawall and walkway.

(B) The second part of the area to be used is the area designated for accessory shoreline structures and plantings. This area is defined by a measurement of up to twelve (12) feet in a seaward direction from the seaward Unit boundary line. The ground surface of this area shall be uniformly covered with *paspalum vaginatum* sod. This area is the Limited Common Element area referenced above.

1. The front setback shall be five feet zero inches (5'-0") from the unit property/boundary line to the building envelope.
2. Side setbacks shall be five feet zero inches (5'-0") from all unit property/boundary line the building envelope.

**NOTE:**

All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.

All other requirements shall conform to the general criteria and use regulations. Refer to the attached diagram representing the maintenance/repair easement access and the accessory shoreline structures and planting area.

1. Any and all Unit Owners who comply with these guidelines shall be granted to use this shoreline area to erect, build or cause to be constructed an accessory shoreline structure solely within the designated area contiguous to the applicable Unit's seaward boundary line. The accessory shoreline structures shall be limited to those permitted by the AHJ and additionally shall comply with the criteria listed below. Landscaping, lawn furniture and fences shall also be permitted subject to the requirements listed below.
  - A. Gazebos and open shelters shall be constructed of durable water-resistant materials such as painted pressure treated wood or pre-finished PVC or other material.



**Note: The design of the Gazebos/open shelters must be submitted and approved by the ARB.**

- B. Decks on grade shall be as permitted by the AHJ, and shall comply with all applicable codes and requirements. All decks shall be constructed of permeable materials to be approved by the ARB. All decks shall allow for infiltration of storm water run-off. Decks shall be subject to a side setback requirement of two (2) feet on each side. Decks shall be natural wood grain color or painted light gray.
- C. Benches are permitted provided they are constructed of a water-resistant material and may be permanently attached to the ground or deck.
- E. Beach type umbrellas are permitted provided they are temporary in nature and are used during daylight hours only.
- F. Fences shall have a maximum height of thirty inches (30") open-type picket or horizontal slats fences are permitted, provided they follow the previously established side setback requirements. Picket or horizontal slats fences shall be painted white.
- G. Fences shall have a maximum height of thirty inches (30"). Open-type picket or horizontal slats fences are permitted, provided they follow the previously established front setback requirements. Picket or horizontal slats fences shall be painted white.
- H. Low planting shrubs (maximum three (3) feet in height when mature) of a native salt-tolerant species may be planted at the side setback area between Units. In addition a maximum of three (3) coconut palms may be planted in this designated accessory structure construction area provided the planting of these palms does not interfere with the ocean view corridors available between principal structures from the street to the ocean. A landscaping plan shall be submitted for approval by the Klor ARB.
- I. Lawn furniture shall be permitted to be used in this area provided it is temporary in nature and not attached to the existing ground or deck.
- J. Any proposed construction and landscaping seaward of the respective Unit seaward building envelope line shall be initially reviewed and approved by the Klor ARB and subsequently be reviewed and approved for permitting by the AHJ including but not limited to Monroe County, the State of Florida and the Federal government as applicable. The AHJ regulations may be applied in a more restrictive manner than those proposed above and no representations are made concerning approval by the AHJ.



2. The following structures shall not be permitted within the shoreline setback, maintenance/repair easement, designated accessory structure construction area or seaward from the MHWL:
  - a. Pools and/or spas and water features
  - b. Screen enclosures
  - c. Boat ramps
  - d. Fish cleaning station
  
3. Unit Owners granted the rights of this use shall be responsible for the payment of their proportionate share of the property taxes, in addition to the 1/285 proportionate share promulgated by the yearly budget which is customarily referred to as the monthly maintenance assessment. The exact amount to be paid will be determined once the exact area to be used by each shareholder unit owner is established by Survey.

#### Units 204 through 206

1. Front setback shall be five ~~twenty~~ feet zero inches (5'-0") from the street boundary line to the building envelope.
2. Rear setback shall be five feet zero inches (5'-0") from the rear boundary line to the building envelope.
3. Side setbacks shall be five feet zero inches (5'-0") from side boundary lines to the building envelope.

#### NOTE:

All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.

All other requirements shall conform to the general criteria and use regulations.

#### Unit 278:

The use of the area defined by the seaward line of the building envelope and upland of the seaward edge of the seawall/riprap and between the seaward projections of the side boundaries extending outward to the high water line, shall be granted exclusively to the respective unit owners (and their guests). The KLOR BOD will not interfere with any riparian rights appurtenant to those units.

The following paragraphs specify the methodology and conditions for the use of this area, which it's divided into two parts:

- (A) The first part is a maintenance/repair access area easement contiguous and parallel to the seaward edge of the seawall/riprap. This area shall include the seawall/riprap in it's entirely and shall not encroach on the area designated for accessory shoreline structures and plantings. The purpose of this area is to enable the KLOR's Association to maintain, repair and replace any damaged riprap as necessary. This area shall be free of any structures such as Gazebos or Open Shelters, and/or encumbrance temporary or otherwise, except for the decks and/or docks structure over the riprap and its ground surface. Nothing herein shall be deemed to prohibit the construction of any decks and/or dock structures over the rip rap (without any penetrations into the rip rap for support or otherwise. Construction all decks and/or docks structures must comply with all the requirements of the AHJ.
- (B) The second part of the area to be used is the area designated for accessory shoreline structures and plantings. This area is defined by a measurement of up to sixteen (16) feet in a seaward direction from the seaward line of the building envelope, and is part of the respective Unit.

**NOTE:**

**All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.**

1. Any and all Unit Owners who comply with these guidelines shall be granted the privilege to use this shoreline area located within the Unit boundaries to erect, build or cause to be constructed an accessory shoreline structure solely within this sixteen (16) foot wide designated area contiguous to the applicable unit's seaward boundary line. The accessory shoreline structures shall be limited to those permitted by the AHJ and shall comply with the additional criteria stated below. In addition, landscaping, fences and movable furniture shall be permitted subject to the requirements stated below.

- A. Gazebos and open shelters shall be constructed of durable water-resistant materials such as painted pressure treated wood or pre-finished PVC or other materials.

**Note: The design of the Gazebos/open shelters must be submitted and approved by the ARB.**



- B. Decks on grade shall be as permitted by the AHJ, and shall comply with all applicable codes and requirements. All decks shall be constructed of permeable materials to be approved by the ARB. All decks shall allow for infiltration of storm water run-off. Decks shall be subject to a side setback requirement of two (2) feet on each side. Decks shall be natural wood grain color or painted light gray.
  - C. Benches are permitted provided they are constructed of a water-resistant material and may be permanently attached to the ground or deck.
  - D. Beach type umbrellas are permitted provided they are temporary in nature and are used during daylight hours only.
  - E. The total maximum coverage of any structure or deck shall not exceed a total of sixty (60) percent of the upland area of the shoreline setback and shall not be less than two (2) feet from the neighboring Unit boundary line.
  - F. Low (thirty (30) inches maximum height) open-type picket or horizontal slats fences are permitted, provided they have one point of connection with the easement area and follow the previously established easement and side setback requirements. Picket or horizontal slats fences shall be painted white.
  - G. Low planting shrubs (maximum three (3) feet in height when mature) of a native salt-tolerant species may be planted at the side setback area between Units. In addition a maximum of three (3) coconut palms may be planted in this designated accessory structure construction area provided the planting of these palms does not interfere with the ocean view corridors available between principal structures from the street to the ocean. A landscaping plan shall be submitted for approval by the Klor's ARB.
  - H. Lawn furniture shall be permitted to be used in this area provided it is temporary in nature and not attached to the existing ground or deck.
  - I. Any proposed construction and landscaping seaward of the respective Unit seaward building envelope line shall be initially reviewed and approved by the Klor's ARB and subsequently be reviewed and approved for permitting by the AHJ including but not limited to Monroe County, the State of Florida and the Federal government as applicable. The AHJ regulations may be applied in a more restrictive manner than those proposed above and no representations are made concerning approval by the AHJ.
2. Temporary ladders are permitted for access to area seaward of the access



area, provided the owner and user of same provides a "hold harmless" agreement to the KIOR BOD indemnifying the Association from any possible claims arising from any injuries that may occur through their use.

3. The following structures shall not be permitted within the shoreline setback, maintenance/repair easement, designated accessory structure construction area or seaward from the MHWL:
  - a. Screen enclosures
  - b. Fish cleaning stations
4. Unit Owners granted the privilege rights of this use shall be responsible for the payment of their proportionate share of the property taxes, in addition to the 1/285 proportionate share promulgated by the yearly budget which is customarily referred to as the monthly maintenance assessment. The exact amount to be paid will be determined once the exact area to be used by each shareholder unit owner is established by Survey.

**Units 279 through 285:**

The use of the area defined by the buffer setback be granted to the unit owners that have units contiguous to the buffer area abutting this setback provided the following conditions are met:

1. The area is defined by measuring twenty (20) feet from the property line to the contiguous unit boundary.
2. The area is part of the required landscaped buffer area, and as such permanent structures are prohibited.
3. This area shall be maintained free of debris, trash or any other material detrimental to the visual enjoyment of the space.
4. There shall be no fences erected in this area.
5. Setbacks shall be five feet zero inches (5'-0") from all Unit boundary lines to the building envelope.
6. The Owner of each respective Unit shall be responsible for the maintenance and upkeep of the Limited Common Element area appurtenant to such Unit.

**NOTE:**

All units are required to provide an additional 2'-0" (7'-0" total) front setback at ground floor only for utilities easement.