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2/9/2022

# **ARCHITECTURAL REVIEW COMMITTEE RULES**

## **I. SPECIFICATIONS FOR REPLACEMENT AND/OR ALTERATIONS OF HOMES IN HIDDEN HARBOUR**

REQUIREMENTS FOR APPROVAL BY THE HIDDEN HARBOUR Board of Directors.

All applications shall be reviewed and either approved or rejected by the Architectural Review Committee (ARC). The ARC, at its discretion, may forward any applications to the Board of Directors for their approval or rejection.

All contractors must be licensed with licenses accepted by the Martin County Building Department and provide proof of Certificate of Liability Insurance and Workers Compensation Insurance prior to the onset of any project. Contractors are responsible for adherence to this document. They are encouraged to check with the ARC, Maintenance Supervisor or Office Personnel relative to document specification.

The Association, through the Board of Directors, may deny access to any contractor or other person who violates any provision of the following rules and/or any segment of the Declaration of Condominium of Hidden Harbour states, Inc. The Association reserves the right to deny access to any property by any contractor not in compliance with these requirements.

The Board may grant a waiver or variance to any architectural rule upon a finding that the waiver or variance will not detract from the nature or appearance of Hidden Harbour Estates.

A. No building or other structure shall be erected or placed on any lot, nor shall the exterior of any building or structure, nor the driveway serving such building, be altered in any way unless and until the following have been submitted to and reviewed by the ARC and approved by the Hidden Harbour Board of Directors:

1. Two (2) sets of the complete building plans with specifications.
2. Two (2) sets of a plot plan.

B. Any said building or other structure shall comply in all respects with the provisions of this instrument.

C. Any said building or other structure shall be in conformity and harmony with such written rules as may from time to time be adopted by the Hidden Harbour Board of Directors. All proposed homes shall be in harmony with the surrounding community. The signatures of the Hidden Harbour Board of Directors and the ARC Chairman on the plans, specifications and plot plans submitted by any applicant shall constitute approval. Disbursement of the plans shall be in the following manner:

1. One (1) set of approved plans shall be returned to the applicant.

2. One (1) set of approved plans shall be retained by the Hidden Harbour Board of Directors and filed among its permanent records.
- D. All completed application materials must be submitted to the ARC and approved by the ARC and, if applicable, the Hidden Harbour Board of Directors prior to the onset of any work to replace or alter any unit.
- E. All changes or deviations to the plans and specifications previously approved by the Hidden Harbour Board of Directors MUST be submitted to the ARC for review and approval prior to initiation of the changes or deviations. Referral to the Hidden Harbour Board of Directors is at the discretion of the ARC.
- F. In the event that a dispute arises in the interpretation by the ARC of any requirement of this article or of the regulations provided for herein, such disputes shall be resolved by a majority vote of the Hidden Harbour Board of Directors whose decision shall be final and binding.
- G. Individual Unit Owners working on their own property shall have such work inspected periodically by the ARC to determine compliance with all rules.
- H. Verification of contractor(s) licenses and insurance, including, but not limited to, Workers Compensation Insurance and liability insurance is required by the Board of Directors.
- I. All work requiring Martin County permits shall have such permits, together with all plans submitted for the permit, approved by the ARC and Board of Directors prior to the commencement of any work by contractors or owners.
- J. Damage or destruction of any portion of the common elements or other properties caused by the unit owner, his/her guests, invitees, contractors or other agents shall be the sole responsibility of the unit owner. The Board of Directors reserves the right to deny access to the property or individual in the event of repeated violations.
- K. Any and all arrangements for access to the lot or unit is the sole responsibility of the unit owner.
- L. Any claims arising out of the erection/placement or renovation on any property is the sole responsibility of the unit owner. The Association, Board of Directors, and its employees shall be held harmless from all claims, damages, losses and expenses arising out of claims for the construction/renovation process.

## **II. JOB SITE REQUIREMENTS**

- A. All work shall be limited to the hours between 7:30 am and 6:00 pm, Monday through Saturday. No work shall be done on Sundays or legal holidays without the express written permission of the Board of Directors.
- B. All work shall be done in such a way as to not disturb other owners or residents or interfere with the rights of other owners/residents. Excessive levels of noise/vibration shall not be permitted. All debris and materials shall be restricted to the lot where construction is occurring.
- C. All construction equipment, materials, tools and accessories shall be limited to the boundaries of the construction lot and must be contained within that lot at all times.
- D. Any equipment requiring the use of outriggers, leveling or stabilizing mechanisms must have cushion pads under them to prevent damage to common element surfaces.
- E. Debris fencing shall be installed to encompass the sides, rear and front of the lot.

- F. All cutting or grinding of concrete, pavers or anything that would create dust or grinding particles, must be wet cut or cut in a confined area where the dust and/or particles cannot become airborne.
- G. Any concrete washout or discharge shall be confined to the construction lot. No such debris shall be discharged on common property nor allowed to enter adjacent properties or waterways.
- H. Vehicles associated with the construction shall be parked in areas designated by the Board of Directors. No vehicles shall be parked in such a manner that will disturb the flow of traffic on the street nor prevent other owners from entering or leaving their driveways or homes. Access to mailboxes must not be blocked at any time.
- I. Large vehicles loading/unloading materials and equipment shall be permitted at the job site for a limited amount of time, to be determined by the ARC and/or the Board of Directors. Vehicles shall be parked in an area designated by the Board of Directors
- J. The use of Hidden Harbour dumpsters is prohibited. Contractors, sub-contractors and owners involved in major projects shall provide for the removal of all construction materials. Dumpsters or porta-johns used for human waste disposal, when used, shall be placed in an area designated by the ARC.
- K. No animals are permitted within the boundaries of Hidden Harbour Estates, Inc.

### **III. ARCHITECTURAL DESIGN AND INSTALLATION REQUIREMENTS**

- A. A new home erected/placed on any lot in Hidden Harbour shall meet the following design and installation requirements and shall be continuously maintained in compliance with such requirements.
  - 1. All such homes shall be erected/placed at the lot owner's expense and such installation shall have the following features and conform to the following requirements:
    - a. A carport roof, including posts and fascia, fabricated of aluminum or other approved materials.
    - b. The carport driveway shall be clear for a minimum of twenty-two (22) feet from the front wall of the unit and a minimum of ten (10) feet wide for parking a car.
    - c. A driveway of concrete or other approved material ten (10) feet wide, extending from the carport slab to the inside of the sidewalk of the adjacent street. All carport and shed slabs shall be of poured and reinforced concrete material or other approved material.
    - d. Skirting material sufficient to enclose the entire base of the home. Skirting may be of stucco, stone, outdoor "hardi-board" or other materials approved by the Hidden Harbour Board of Directors.
    - e. A utility/storage shed constructed of materials to match that of the new home.

- f. Gutters and down spouts installed on both sides of the unit with all runoff directed so that water disperses to and on top of the street or swale as per the included drawing, if applicable. SDR 35 pipe and fittings must be used for the underground drainage. A protective PVC shield must surround the downspouts for a minimum of twelve (12) inches above the ground level.
  - g. Central water, sewer and electricity connected to the unit along with irrigation water supplied to both sides of the unit with shutoff spigots.
  - h. A lawn irrigation system installed and continuously operations, with irrigation controls installed outside the home and accessible to Hidden Harbour maintenance staff.
- 2. Homes erected/placed upon lots within Hidden Harbour must be erected/placed only by contractors duly licensed for such installations by the appropriate governing authorities. All contractors must submit copies of the current contractor license and insurance, including, but not limited to, liability and Workers Compensation, to the Hidden Harbour Office PRIOR to commencement of any work or project within Hidden Harbour.
  - a. All homes must be of one (1) story.
  - b. The exterior of all homes must be WHITE; trim (defined as any visible or exposed finish material on the outside of a building) color must be indicated, including color chips, and be approved by the Hidden Harbour Architectural Review Committee and, if applicable, the Hidden Harbour Board of Directors, prior to installation. Roofs may be black, charcoal, white, bare metal, or if tile, terracotta with the exception of the lot number which is supplied and installed by the Hidden Harbour Maintenance Department.
  - d. Each home must be complete, set up, leveled and must have running gear and tongue removed from the site prior to installation.
  - e. Each home shall be tied down in accordance with all applicable building codes and with such installation inspection as required by law. (Also see section VI, paragraph A.).
  - f. Air conditioners must be located in compliance with the home manufacturer.
  - g. A uniform address number (#) must be affixed to the street front of the carport in such a manner as to be visible and legible. Hidden Harbour Maintenance Department shall supply the numbers at no charge to owner.
- 3. All installations must meet all applicable construction codes of the State of Florida and Martin County and must meet all requirements of this article for site built, mobile or modular units.

- a. No more than one (1) house shall be erected/placed on any lot within Hidden Harbour. However, two (2) or more sections of a manufactured or modular home may be joined to form a single dwelling unit.
  - b. No home erected/placed on any lot shall be less than twenty (20) feet in width, nor less than thirty-four (34) feet in length.
  - c. No structure shall be constructed, installed or substantially improved, nor shall any land be altered without full compliance with rules and laws and other applicable regulations. Nothing herein shall prevent Martin County from taking such lawful action as is necessary to prevent or remedy any violation.
4. Damage to, or destruction of, other properties and common elements resulting from the installation or transport of a home or by upgrading or altering any utility service shall be the total responsibility of the owner of the home being installed. The homeowner shall pay for any and all repairs to such property. Sidewalks will be inspected by the ARC before and after construction and all sidewalks found to be damaged during construction will be replaced by the owner, at the owner's expense. All concrete to be a minimum 3000psi concrete. Sidewalks to be three (3) feet wide and a minimum of four (4) inches thick with tooled edges and scored every four (4) feet with a broom finish.
  5. The erection/placement of a new home and its appurtenances (stairs, air conditioners, etc.) shall be completed within one hundred fifty (150) days from the start of the work to remove the old unit.
  6. The filling or alteration of any drainage swale or ditch within the confines of Hidden Harbour Estates is not permitted without the approval of the Hidden Harbour Board of Directors and/or the Martin County Engineering Department.

#### **IV. SETBACK REQUIREMENTS FOR PLACEMENT OF NEW HOMES**

- A. Placement or erection of homes on lots in Hidden Harbour shall require the following setbacks from lot lines.
  1. Appurtenances do not apply to porches.
  2. At the front line: ten (10) feet from the inside of sidewalk or in line with adjacent unit that is less than ten (10) feet.
  3. At the rear: five (5) feet from the property line.
  4. At one side: ten (10) feet from the property line.
  5. At the carport side: the driveway or any structure shall not extend beyond the side property line.

#### **V. HEIGHT RESTRICTIONS OF NEW HOMES**

- A. Hidden Harbour homes are located in two different flood zones and are marked and indicated (Flood Zone A-E) and (Flood Zone X). Both zones are marked and indicated on the Martin County Flood Insurance Map. (Map number 12085C0164F dated October 4, 2002).
  - 1. Zone A-E shall be noted as “flood zone”.
  - 2. Zone X shall be noted as “non-flood zone”.
- B. Homes erected/placed in Non-Flood Zone X
  - 1. The total height of a home shall not exceed eighteen (18) feet at the highest point as determined from a point where the sidewalk meets the street half way between the two side property lines. All measurements must meet Martin County applicable codes.
  - 2. The roof pitch shall not be more than four (4) inches per foot.
- C. Homes erected/placed in Flood Zone A-E
  - 1. All new homes erected/placed in Flood Zone A-E shall meet all of the following height restrictions:
    - a. The maximum finished floor height shall be the same as the minimum floor height required by the Martin County Building Code in effect at permit date.
    - b. The total height of the home shall not exceed twelve (12) feet from the finished floor to its highest point
  - 2. The roof pitch shall not be more than four (4) inches per foot.

## **VI. MARTN COUNTY BUILDING CODE REQUIREMENTS AND DEFINITIONS**

- A. All new manufactured and modular homes in both flood zones shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - 1. In an existing manufactured home park on a site where a manufactured home has incurred “SUBSTANTIAL DAMAGE” as the result of a flood, the structure shall be elevated on a permanent foundation such that the lowest floor of the manufactured or modular home is elevated at least one (1) foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
    - a. SUBSTANTIAL DAMAGE means damage by any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

- b. **SUBSTANTIAL IMPROVEMENT** means any reconstruction, rehabilitation, addition or other alteration of a structure, occurring during the life of the structure, whereby the cumulative cost of the improvement equals or exceeds 50 percent of the market value of the structure before the start of construction. The market value of the structure will be derived from the adjusted tax appraised values of the structure or other certifiable and/or reasonable methods as determined by the County Administrator.

## **VII. LANDSCAPING**

- A. All property not covered by buildings, driveways, walkways or appurtenances will be covered by sod or other landscaping (xeriscaping) approved by Florida Statutes (373.185), ARC and the Board of Directors.

### **B. Plantings**

- 1. Each property is entitled to one palm tree for the front yard supplied by Hidden Harbour Estates, Inc., located and maintained by the Hidden Harbour Maintenance staff.
  - a. Existing trees must be maintained during construction.
  - b. Trees damaged or removed due to construction shall be replaced at the owner's/contractor's expense.
- 2. Appropriate plantings complementing the area will be maintained in the planting areas. Owner is responsible for care and maintenance of plantings other than mowing and Hidden Harbour provided and maintained palm tree.
  - a. Trees or other plantings installed in sodded areas shall be approved by the ARC with Maintenance Supervisor input to assure access to mowers.
  - b. Care should be taken to select Florida Friendly and non-invasive plants and trees. Serious consideration should be given to the size of the mature tree/plant and whether it is appropriate to the location.
  - c. All trees/plants that are prohibited by the State of Florida or declared a threat to our community by way of overpowering the existing ecosystem or whose roots are deemed to have potential to corrupt our sewer system or any utility must be removed. The unit owner will be notified if this condition exists on their property and will be responsible for removal of said tree(s)/plant(s). No property will be allowed to transfer ownership until the issue has been resolved. See Addendum for a list of prohibited trees/plants.

### **C. Irrigation**

- 1. All units shall have an operating irrigation system using only well water (not potable water system).
- 2. Irrigation system controls shall be installed outside the home and accessible to the Hidden Harbour Maintenance staff.
- 3. Sprinkler heads shall be installed at the outside perimeter of a lot with water directed toward unit owner's home.
- 4. Sprinkler heads shall be adjusted so as to water only owner's property. Overspray shall not extend onto streets or neighboring property.



5. Days and times of watering shall adhere to the Hidden Harbour Estates Schedule, in compliance with South Florida Water Management District (SFWMD) and Martin County.
  - a. All zones should be limited to 20 minutes.
  - b. Hidden Harbour Estates Watering Schedule:

<b>Units</b>	<b>Days to Water</b>	<b>Time Span</b>
<b>Common Elements</b>	Thursday & Sunday	2:30am – 4:30am
<b>Odd #'s 3-115</b>	Wednesday & Saturday	9:30pm – 11:30pm
<b>Odd #'s 117-215</b>	Wednesday & Saturday	12:00am – 2:00am
<b>Even #'s 2-112</b>	Thursday & Sunday	9:30pm – 11:30pm
<b>Even #'s 114-216</b>	Thursday & Sunday	12:00am – 2:00am

- c. Martin County Ordinance restricts all residential watering between the hours of 9:30am and 5:00pm. See Martin County Ordinances; Article 5; section 159.133
  - d. In the event of emergency restrictions by either SFWMD or Martin County, the Hidden Harbour Schedule shall be adjusted to comply.
6. Exceptions to the above schedule are provided by Martin County for those units having microsystems installed, or watering with a handheld nozzle with shutoff. See Martin County Ordinances; Article 5; section 159.134.

## **ADDENDUM TO LANDSCAPE RULES**

### **INVASIVE/PROHIBITED TREES AND PLANTS FOR HIDDEN HARBOUR ESTATES**

Below is a list of trees that cannot be planted or allowed to exist in Hidden Harbour Estates. This list is not all inclusive and may be altered from time to time. For a current list of invasive or non-native species, visit <https://plants.ifas.ufl.edu/plant-directory>.

Banyan, Brazilian Pepper, Air Potato, Australian Pine, Melaleuca Quinquenevia, Carrotwood, Paper Mulberry, Ear Tree, Punk, Chinaberry Tree, Camphor Tree, Laurel Fig, Catclaw, Mimosa, Chinese Tallow Tree, Indian Rosewood, Ficus Trees (all forms).

## STORMWATER - ROOF DRAINAGE

### NOTES:

Use 4" SDR 35 sewer pipe for up to 4 downspouts. If more than 4 downspouts, increase to 6" SDR 35 sewer pipe.

Use protective collar around exposed plastic fittings to eliminate damage from weed whacker.

