



**Port Antigua Property Owners' Association**  
**P.O. Box 1049**  
**Islamorada, FL 33036**  
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*A Deed Restricted Community*

[www.portantigua.net](http://www.portantigua.net)

## APPROVALS REQUIRED PRIOR TO ERECTION OF STRUCTURES AT PORT ANTIGUA, ISLAMORADA, FLORIDA

The following procedures must be followed when you decide to build on your lot and are designed to protect each member's investment in the Port Antigua Property Owners' Association in compliance with the laws of the State of Florida as well as the Florida Building Code, Monroe County, and Village of Islamorada. No structure, except as specifically authorized, shall be erected or maintained on a lot except one dwelling designed for occupancy by a single family, a private garage and or boat house and dock for the sole use of the owners or occupants. No structure shall be erected prior to construction of a residence.

**Submission of Building, Plot and Sewage Disposal Plans.** Application and two copies of proposed (as build) building plans, and specifications, scale 1/4"=1", prepared by an architect, engineer, builder or other competent person, must be presented to the Owners' Association at least thirty days in advance of construction. In lieu of paper copies of plans, we prefer that a set may be emailed to [info@portantigua.net](mailto:info@portantigua.net). The applicant's check for the filing fee<sup>1</sup> should accompany the application and be made payable to PAPOA, Inc. These should be mailed to P.O. Box 1049, Islamorada, Florida 33036.

Plans must include a dimensioned floor plan layout and elevation plans above and below grade for all sides of the structure with cross sections as well as specifications and plot plan designating front, rear and side lot line setbacks showing driveway location. Finish floor elevation must be shown and be related to mean high water datum in Florida Bay.

Exterior shall be CBS construction on the walls and exterior colors must be specified.

The livable area of your home must be at least 950 square feet. The following is considered not to be livable area: ceiling heights of less than 5 feet 0 inches, finish floor elevations of less than 12' above mean high water, tool and storage rooms and balconies.

**Bulkheading.** The most important consideration for bulkheading is that our approved design be used and the edge of the bulkhead must be aligned with the canal right-of-way line and the elevation of the top of the cap must be set at Elev. 2.50 M.S.L. We will approve other compatible designs, however, to obtain approval of other designs it will be necessary to:

- A. Have the plans and specifications prepared and sealed by a registered engineer in the State of Florida and be compatible with our standard design.
- B. Have plans and specifications approved by the Building and Zoning Department of the Village of Islamorada, Army Corps of Engineers, and other governing agencies as applicable.

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<sup>1</sup> See the Fee Schedule

- C. The contractor responsible for the bulkhead construction must hold an appropriate and current engineering contractor's license as issued by the Monroe County Engineering Contractors' Examining Board.

Therefore, your attention is directed to note that NO RESIDENTIAL STRUCTURE SHALL BE ERECTED ON ANY LOT UNTIL THE WATER FRONTAGE OF SUCH LOT HAS BEEN BULKHEADED IN ACCORDANCE WITH DESIGN SPECIFICATIONS APPROVED BY THE ASSOCIATION. Notwithstanding any bulkheading design specifications imposed on any other lots in this subdivision, Lots 262 through 282, both inclusive need be bulkheaded only with respect to the portion of the frontage of each lot intended to be used for docking accommodations. However, bulkhead and house construction may proceed simultaneously.

**Sewage.** Three copies of the sanitary system plans and specifications prepared by a Registered Professional Engineer must be submitted to the Owner's Association along with the above mentioned building plans. All sanitary systems must be in compliance with current governing agencies inclusive of setbacks, depth, etc. Any above ground sanitary system structure must be landscaped to minimize its appearance.

**Single Family** shall mean one or more persons each related to the other by blood, marriage or adoption, or a group of not more than three persons not so related, together with his or her domestic servants, maintaining a common household.

**Lot Line** shall mean any boundary of a lot.

**Living Area** shall mean that portion of a dwelling which is enclosed and customarily used for dwelling purposes, but shall not include (except as otherwise herein stated) open porches, open terraces, breezeways, attached garages, car ports or accessory buildings.

**Structure** shall mean anything erected or constructed, the use of which requires more or less permanent location on or in the ground or attached to something having a permanent location on or in the ground.

**Building Grade** The finished grade of any lot shall be uniform with and similar to the grades of adjacent lots.

**Building Size and Location on Lot** No single family residence shall be erected having a living area of less than 950 square feet of living area level. Such building shall be set back from the front lot line a distance of 25 feet, from the back side or canal side a distance of 20 feet and from the side lot lines a distance of not less than 10% of the width of the lot. A corner lot shall be deemed to front on the Street of which it has the shortest street frontage. No portion of a building erected on a corner lot shall be closer to any street lot line than 15 feet, except that open car ports may be 5 feet from a side lot line.

**Re-Subdivision** No lot shall be re-subdivided.

**Floor Level Height** The underside floor level of the living area of each residential structure shall be not less than 12 feet above mean high water level.

**Nuisances** There shall not be created or permitted to exist on any part of any lot any dumping ground, accumulation of debris, exposed garbage or any foul smelling matter whatsoever.

**Easements** Easements for utility installation and maintenance are reserved as shown on the recorded plat. In addition, the Developer, for itself, its successors and assigns, hereby reserves an

easement over, across and under the front 6 feet of each lot for the purpose of installing and maintaining underground utilities.

**Floor Slab** The ground floor slab shall not exceed +6 feet Mean Sea Level.

**Pools**, are to be reviewed by the ACC or the Board of Directors.

**Elevators** are to be reviewed by the ACC or the Board of Directors.

**Boat Lifts** are to be reviewed by the ACC or the Board of Directors. Boat lifts must be placed and maintained so the boat does not extend past the lot line when on the lift.

**Cargo Lifts** are to be reviewed by the ACC or the Board of Directors and will be placed in the least conspicuous location on the home.

**Sheds** or similar structures will be reviewed by the ACC or the Board of Directors and must comply with the Village of Islamorada permitting requirements.

### **Fences**

1. Submit a reasonable site plan for the fence as well as photos or other suitable descriptions of the fencing material to be used to the Architectural Control Committee. The site plan must include a scaled sketch of the lot and side lot boundaries and the location of the residence on the lot.
  - A. If the fence is installed without the applicant requesting approval, the Board will require a survey of the property lot line and fence placement in order to ensure the fence is in compliance with the setbacks herein. (added 9-28-2015 by unanimous vote of the Board of Directors)
2. The fencing material would preferably closely resemble in design, material and color of the railing that may be currently installed on the residence. If this type of material is utilized then the landscaping screening requirement may be waived at the sole discretion of the Architectural Committee after reviewing the request.

If the owner / applicant elects to request the installation of a fence that is of chain link design and material, the applicant will be required to heavily landscape outside the fence and within the 18 inch side lot setback as well as any portion of the fence that is visible from the street. The purpose of the screening is to completely block any views of the fence from the owner's side lot neighbors and from the street. Chain link fencing of any type in front of a visible carport will not be approved. Any chain link fence must be green or black in color and be plastic vinyl coated.

3. The site plan for the proposed fencing must reflect the following:
  - A. The fence may not protrude beyond the roof drip line or the vertical exterior wall plane on the front of or street side the residence structure. A judgment of this requirement may be made at the discretion of the Architectural Committee.
  - B. The fencing may not be installed any closer than 12 feet from the canal bulkhead.
  - C. No stockade or wooden slat fencing will be approved.
  - D. The fencing may not exceed 4 feet in height.

- E. No fence is to be constructed closer than eighteen (18) inches to any side lot property line. Landscaping is to be planted within this 18 inch setback subject to the terms set forth in Item No. 2 above.
4. The proposed fencing must be permitted and inspected by The Village or Monroe County as may be required. The applicant must submit a copy of any permits to PAPOA for review prior to commencement of the fence installation.
  5. Any approved fence must be erected and maintained in a professional and good workman-like manner.
  6. The PAPOA Board of Directors reserves the right to cause any fence to be altered or removed within sixty (60) days of completion of construction if it fails to meet any of the criteria set forth in this written policy.
  7. Construction of the approved fence request must commence no later than 60 calendar days from the Village permit issuance date. Completion of the approved fence must be completed no more than 60 calendar days from the start of the installation.

**Procedures of the ACC** Once the above plans have been received, the Architectural Control Committee of the Association will meet to approve or reject the plans. If approved, for plans submitted via paper copy only, one stamped plan will be returned to the owner, and one set of the stamped, approved plans will be retained by the Association. For email submitted plans, an approval letter will be issued.

After approval of the plans and before construction proceeds a REFUNDABLE CONSTRUCTION CLEAN-UP AND DUMPSTER DEPOSITS must be submitted for deposit to the P.A.P.O.A. Escrow Fund.<sup>2</sup> During construction, a roll off/dumpster container must be placed on the building lot in which all loose materials (paper, insulation, plastic, cardboard etc.) shall be placed. Containers must be emptied and trash removed on a regular basis. (See the Rules of the Association for additional information.) Please note Drywall material and other trash will not be allowed to be used as back fill. In the event the building lot is not kept consistently clear of these materials, The Port Antigua Property Owners' Association will have said lot cleaned up and all charges incurred shall be deducted from the Clean-Up Deposit. Homeowners may apply for refund of the construction deposits to the Treasurer after the Village of Islamorada issues a certificate of occupancy.

**Inspections** The Owners' Association may inspect at various stages, all phases of the construction. In addition, inspection of the septic system layout shall be made by Monroe County Health Officials or any other local public authorities prior to backfilling. Other inspections will be made to assure compliance with the filed plans.

In conclusion, remember that property on which any structure is to be constructed must be paid for in full, and be clear of any liens, mortgages or encumbrances, unless such mortgage or encumbrance does not prohibit construction. In addition, the outside of any structure shall be completed within one year of commencement.

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<sup>2</sup> See the Fee Schedule