



Construction Guidelines

The Pelican Bay Foundation, Inc. (the "Foundation") has prepared the following construction guidelines for property owners, whether individual, commercial and/or a Neighborhood Association (each an "Owner"). Because the guidelines are all-inclusive, not all portions of these construction guidelines apply to all projects. It is the responsibility of the property Owner to ensure that a copy of these guidelines is provided to all contractors, subcontractors, laborers, material suppliers and others working on the project. Questions about these guidelines should be directed to the Covenants Department (239) 596-8081, ext.230. Terms not herein defined shall have the same meaning as provided for in the Design Guidelines.

Responsibility - It is the responsibility of the Owner to ensure that all contractors, subcontractors, laborers, material suppliers and others working on the project are qualified, properly licensed, and insured. Owners are responsible for making certain that any work performed on the project adheres to the plans and specifications approved by the Foundation's Design Review Committee. Any changes must first be approved by the Design Review Committee prior to commencing the work to implement the change. Owners are responsible for any fees associated with the design review process and for the costs incurred by the Foundation in enforcing the Design Guidelines and the Regulating Documents. Infractions may result in penalties/fines being assessed against the Owner, suspension of an Owner's privileges to use the Foundation Common Areas; a hold on the review and/or approval of any Design Review Application(s) submitted by the Owner, or the Owner's architect or contractor on behalf of the Owner, for any lot (not just the violating lot) owned by the Owner within the Pelican Bay community, as well as the cost to repair any damage to the Foundation's Common Area or adjacent property as a result of the construction work performed on the Owner's property.

Pre-Construction Meeting - Prior to starting construction, whether interior or exterior, the Owner shall contact the Covenants Department (239) 596-8081, ext.230 to meet and discuss construction parking – on lot, offsite parking and shuttling workers and materials to the project site (a written plan must be submitted to the Foundation's Design Review Committee (the "DRC" for review), the dumpster and the port-o-let locations, location of underground utilities, perimeter fencing and gates, lot maintenance, and other information deemed relevant by the DRC. The property Owner shall use a line locating service to locate underground utilities prior to trenching or digging on the project site.

Construction Site Supervisor - A construction site supervisor is required for all projects. This Construction Site Supervisor must be present whenever parking or deliveries occur to ensure that vehicles do not limit access and no damage occurs to the roads, streets or adjacent properties. The property Owner shall assume responsibility for any damage and take steps to immediately correct the damage. A phone number for the Owner and the Construction Site Supervisor (including an after-hours phone number) is required to be provided to the DRC in the event the Foundation is required to reach someone after hours.

Working Hours - Working hours within Pelican Bay are 7:00 a.m. to 5:00 p.m., Monday through Saturday. No work or construction activity is permitted on Sundays or on federal holidays. Property Owners shall ensure that the contractor, subcontractors, laborers, material suppliers and others working on the project do not arrive prior to the approved starting time.

Clean Building Sites - All project sites are to be maintained in a clean and orderly fashion throughout the construction process. Construction materials are to be neatly piled on site; debris and rubbish are to be contained and periodically removed; tall, unsightly grass or weeds are to be routinely cut back and/or mowed, streets and sidewalks adjoining a construction site are to be frequently swept clean of dirt and construction trash. All gates shall be closed, locked and/or secured at the end of each workday and at all times when there is no construction activity is going on. Dumping, burying or burning of debris anywhere on the project site is prohibited. The Owner shall be responsible for cleaning and or replacing damaged or stained pavers, asphalt or concrete, at the discretion of the Foundation. Runoff due to inclement weather must be cleaned immediately in order to keep

the storm water system in a workable condition and to avoid inconvenience to existing residences. If an excessive amount of debris collects on a project site, as determined in the Foundation's reasonable discretion, the property Owner shall be notified to remove it within twenty-four (24) hours. Upon failure to comply, the Foundation reserves the right to remove the debris and charge the property Owner for the costs incurred by the Foundation for the removal.

Demolition - No demolition is permitted without the approval of the DRC. Unless the Owner submits the Design Review Application as a separate project from construction of improvements on the lot and pays an additional \$2,500.00 design review fee, no demolition or lot clearing is permitted until final construction plans have been reviewed and approved in advance by the DRC. A Demolition Plan must be submitted for review and approval by the Owner to the DRC prior to the commencement of any demolition, including copies of all permits issued for demolition. The Demolition Plan shall depict existing conditions, limits of demolition, dumpster locations, access, procedures to protect neighboring properties from damage, debris or other adverse condition, all necessary safety precautions, including flagmen and/or traffic control to avoid any congestion or street blocking from equipment, deliveries or materials and a timeline for demolition. Demolition activities shall not interfere with the free passage of traffic through and around the roads and sidewalks at any time. No demolition or lot clearing shall be permitted until all perimeter fencing and/or gates have been installed. All gates must be locked and/or secured at the end of each workday, weekends, holidays, and at all times when no work is taking place on the site. A Pre-Construction Meeting with the Covenants Department shall be held prior to the commencement of any demolition activities.

Barrier Fence - All owners shall install a black or green forty-two inch (42") high mesh silt fence at drip-lines of any existing trees or vegetation to be preserved. This fencing shall be properly staked at intervals not to exceed fifteen (15) feet and securely fastened with a backing strip. The fencing may be removed when beginning the final exterior landscaping for the construction site.

Safety Fence - All property owners shall install a fence around exposed pool areas, demolition sites, and those areas in which children or animals could be injured. Fencing for these areas will be of the chain-link type with green opaque material with a minimum height of six feet (6') and installed in such a manner to withstand high wind and shall be child proof. Fencing and gates around these areas must remain closed and secured at all times. No fencing may be removed without first obtaining the Foundation's approval.

Perimeter Fence - Once all final construction plans have been approved by the DRC and prior to any construction activity commencing on the site, the Owner is required to install a six-foot (6') high chain link opaque green mesh fence around the perimeter property line of the construction site. All construction fences/gates are required to be installed and maintained in good condition and repair throughout the duration of the project. The purpose for this fencing is to clearly identify the site limits for construction activity and prevent wind driven construction debris from scattering throughout the Neighborhood. This fence will also limit the view of neighbors from construction activity and the unpleasant view of a construction site and the associated debris that routinely occurs. If gates are used, the gates must be closed, locked and/or secured at the end of work each day and at all times when no construction activity is going to avoid any potential safety or security hazards on the site. If any length of the above fencing has to be removed due to damage, you must contact the Foundation prior to its removal, and it must be replaced and/or repaired by the end of the day. If any portion of the fencing needs to be removed to allow for equipment, materials, etc., Foundation approval in writing is required in advance prior to the removal of any portion of the fencing during the construction project. All dumpsters and port-o-lets must be screened and positioned on the site behind the six foot (6') high chain-link opaque green mesh fence (i.e. the perimeter fence). All fencing must remain in place at all times during the project until a Certificate of Occupancy has been issued or the project is complete, whichever occurs first.

Construction Trailers - No construction trailers (office, sales or storage) are permitted without prior written approval of the Foundation.

Dumpsters - All dumpsters must be screened and positioned on the site behind a six foot (6') high chain-link opaque green mesh fence prior to the start of construction. At no time during the construction project should a dumpster ever be moved or placed where it blocks a street/roadway or sidewalks. All dumpsters must be kept on the Owner's property, within the perimeter fencing, and never in the street, road or sidewalk. Dumpsters should not be overfilled and should be emptied without delay when full. Any spillage must be placed in the dumpster immediately. Approval by the applicable Neighborhood Association for placement of dumpsters, required protection and/or screening may also be required.

Port-O-Lets - The property owner is responsible to ensure adequate sanitary facilities for contractor personnel. All port-o-lets must be screened and positioned on the site behind the six foot (6') high chain-link opaque green mesh fence. Cleaning trucks are not to be scheduled to clean out the port-o-lets before 8:30 a.m. This will minimize the disturbance to residents. Port-o-lets shall be maintained in a clean, sanitary, and odorless condition.

Landscaping and Irrigation - Setbacks and adjacent property may be landscaped with trees and sod that are irrigated by sprinkler lines. It will be the property Owner's responsibility to protect these trees, sprinkler lines and heads. To avoid potential damage to trees or sprinklers, the Owner shall not allow anyone to park in these areas. Vegetation selected for preservation within an approved building site must be flagged and encircled with protective black or green construction silt fencing installed on four by four (4" x 4") posts. This fencing must extend beyond the full spread of the tree's branches to reasonably ensure successful protection and extend at least four (4) feet above grade. Excavation in and around protected trees must be done by hand to avoid damage to the roots.

Tree Protection - The principle objective of these tree protection and preservation guidelines is to preserve the existing mature shade and flowering trees within the single-family home lots to the greatest extent possible, valuing them as a primary asset of this established community and to preserve the unique character of the existing surrounding Neighborhood. Prior to land clearing, all trees that are proposed to be removed shall be marked with red flagging and barricades shall be erected around trees proposed to be protected. All barricades shall remain in place in good condition throughout construction. The movement of equipment or the storage of equipment, material, debris or fill shall not be permitted within the tree's protective barrier. The cleaning of equipment or material or the storage or disposal of waste materials such as paint, oil, solvent, asphalt, concrete or mortar shall not be permitted within the drip line of any tree or group of trees. No damaging attachment wires, signs or permits shall be fastened to any tree. Barricades shall be constructed with two by four (2' x 4') posts and two (2) rails of three inches (3") wide, seven-mil thick polyethylene tape of a high visibility color. Elevation changes within the protective perimeter of the tree shall be avoided where possible. Retaining walls and root pruning shall be required to minimize the disturbance of the tree's root structure. Roots shall be severed by clean pruning cuts utilizing root pruning equipment or by hand digging a trench and cutting the roots with a chain saw. Root pruning shall be required to a minimum depth of twelve inches below the depth of disturbance. Root pruning will not be required for utility lines that are installed by tunneling or directional bore through the root zone.

Tree Removal - No tree shall be removed without the prior written approval of the Foundation. To obtain approval to remove, replace or add trees in Pelican Bay, submit drawings, details and photographs to the Foundation prior to starting the project. A written recommendation from a Certified Arborist shall be required. Living trees larger than six inches (6") caliper may not be removed from the property without justification from an Arborist. The removal of larger trees will require the approval of the Foundation. All tree stumps must be ground out to twelve inches (12") below grade and the area restored with sod or landscape area. All portions of the tree - wood chips, limbs, trunk, leaves, etc. must be removed from the site and disposed of properly.

Swimming Pool Drainage - In accordance with the Federal Clean Water Act Section 402(p)(6)0, the Florida Administrative Code, Chapter 62-624, and Collier County Ordinance No. 2009-08, it is illegal to discharge water drained from swimming pools to any surface water or storm water management system. Discharge of water drained from pools or groundwater (from dewatering during pool installation or repair) to any surface water or storm water feature that does not meet water quality standards is illegal. Illegal discharges can cause an increase in sediment, metals, or other contaminants that negatively impact the water quality. If discharge is unavoidable, then a permit is required that outlines the best management practices (BMP's) that will be implemented. Illegal discharge can result in a stop work order on the site, fines, and expensive cleanups. If you have any questions about how and when to drain your pool or spa, check with Collier County Pollution Control Department at 239-252-2502 or via email pollution_control@colliercountyfl.gov.

Changes - Written approval from the DRC must be obtained prior to making any changes (no matter how big or how small) to the approved design of the project regardless of whether the change is during the DRC design review process or after the Owner receives Final Approval. The Owner shall submit a written request to the DRC for approval prior to making any proposed changes.

Nuisances - To respect the peace and privacy of residents, contractors, subcontractors, laborers, material suppliers and others working on the project are prohibited from playing music without using headphones and shall not wander around the Neighborhood or the Foundation Common Area. Fishing in lakes is strictly prohibited and construction traffic shall not exceed the posted speed limit.

Parking - The Owner shall provide for parking on the project site. No parking on the street or vacant lots is permitted. A written parking plan (including plans for off-site parking) must be submitted to the DRC for approval in advance of any work being performed on the project site. Construction activities shall not interfere with the free passage of traffic through and around the roads and sidewalk. Construction traffic must be sensitive to the traffic patterns, speed limits, and the needs of the occupants residing in the respective Neighborhood. There shall be no construction parking in front of already completed residences, on the roads or sidewalks, grass, or any other portion of the Foundation's Common Areas. All construction parking shall be on the project site or at another location not located on the Owner's property or any vacant lots in the community. At no time shall anyone park on the street in a manner which blocks the free flow of traffic. Owner must provide for a temporary graveled or stabilized area for construction access and parking within the project site. The stabilized area shall be located at points where vehicles enter and exit the project site and the parking location. Upon completion of the project, the Owner shall restore the area to its original condition or better. The purpose of the graveled or stabilized area at the entrance to the project site is to eliminate and reduce tracking or flow of sand, mud, concrete wash or other related material onto the right-of-way.

Construction Damage - The Owner shall be liable for any damage to streets and curbs, medians, drainage inlets, sidewalks, streetlights, street markers, mailboxes, walls, grass, or any other Foundation Common Area caused by or during construction is the responsibility of Owner and must be promptly repaired by the Owner. In the event the Owner fails to promptly repair such damage, the Covenants Department may repair the damaged property and the cost will be charged to the Owner.

Utilities - If any telephone, cable television, electrical, water, gas, etc. lines are cut, it is the property Owner's responsibility to make arrangements for immediate repairs. Additionally, the Owner is required to report the incident immediately to the Foundation Covenants Department 239-596-6180, ext. 230.

Signage - No signs of any kind shall be installed on the Owner's project site without prior written approval of the Foundation, which approval may be withheld in the Foundation's sole and absolute discretion. Before any sign fabrication or installation will be permitted, the Owner shall submit a rendering of the proposed sign, including specs, materials, size, height, placement, and location to the DRC. Signs for construction sites must comply with the following:

1. One (1) sign may be erected and located upon a project site.
2. The sign must be painted white (color SW 2207).
3. The sign may include a color rendering of the structure.
4. No contractor, builder, or architect information may be included on this sign.
5. Sign shall be located a minimum of ten feet (10) from any property line.
6. Sign shall be securely built with a maximum sign area of four (4) square feet (2' x 2") with a maximum height of six (6) feet.
7. All construction signs shall be removed prior to the issuance of a certificate of occupancy for the structure.

All signs must be in compliance with the Pelican Bay Planned Unit Development (PUD) (Section 2, Paragraph 2.16), the Collier County Land Development Code (Chapter 5, Section 5.06.00), Collier County Municipal Code and the Signage Regulations for Pelican Bay. Copies of all approved local, county or state permits shall be provided to the Foundation as part of the Design Review process.

Storage of Equipment Supplies and Materials - The project site shall not be utilized as a temporary storage facility for construction equipment, trailers, vans or materials that have no planned immediate use. Materials and supplies delivered to the project site must be limited to the site under construction. Construction materials are to be stored on-site behind the six foot (6') high chain link opaque green mesh perimeter fence in an orderly manner that will not interfere with pedestrian or roadway traffic. Parking of all construction equipment shall be in an area not seen from the roadway or adjacent properties.

Requirements During a Weather Emergency - It is the responsibility of the Owner to secure and/or remove the construction materials at the project site at least forty-eight (48) hours prior to the predicted landfall of a tropical storm or hurricane for any portion of Collier County Florida, as determined by the National Weather Service, National Hurricane Center. All construction materials, including roof tiles, on project sites within Pelican Bay shall be secured and stored onsite in a safe manner or removed so that no material can become a safety hazard with hurricane or tropical storm force winds. Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of an approaching tropical storm or a hurricane is hereby deemed notice to the property Owner. By holding a building permit during hurricane season, the Owner shall monitor the National Weather Service and the National Hurricane Center for weather emergencies. A pre-storm inspection by the Owner is required for all active project sites involving exterior work and/or exterior storage of materials by the property owner. Failure to properly secure a project site shall be considered a violation of these guidelines and the Owner will be responsible for any costs associated with securing job sites that have not complied with and /or any costs related to damage caused by not securing the project site. The contents of construction site dumpsters must be removed or weighted and secured. Port-o-lets shall be secured to the structure, dumpster or emptied and laid horizontal and secured to the ground. During the National Weather Service designated hurricane season, building or roofing materials shall not be loaded on a roof earlier than ten (10) working days prior to the permanent installation of the materials.

Project Timing - If an application is approved, work must commence within six (6) months of the later of: final Project Approval or obtaining a building permit. If the approved alterations to the site are not physically commenced within the foregoing six (6) month time period, the Project Approval shall expire, and the Owner must reinitiate the Project Approval process as per the direction and requirements of the DRC. Any proposed variations must be submitted in writing to the Covenants Department and approved by the DRC prior to implementation. If the Project Approval or any other agreement does not specify a maximum period, construction must be completed within eighteen (18) months of its commencement. If not completed within eighteen (18) months of commencement, or within any extended period granted by the DRC, the property Owner and the lot will be deemed in violation of the Governing Documents, the Design Guidelines, the Construction Guidelines and the Regulating Documents. Consistent with Section 8.04 of the Declaration entitled "Completion of Construction–Remedy," once commenced, the project must be prosecuted diligently and completed as indicated in the approved project timeline.

Enforcement - A representative of the DRC or the Covenants Department will conduct periodic field reviews and monitoring to ensure compliance with approved plans, Design Guidelines, including the Construction Guidelines, and the Governing Documents. It is the Owner's sole responsibility to ensure construction is consistent with the approved plans and specifications. Any noncompliance will be considered a violation of the Governing Documents or restrictions affecting the lot, and the DRC or the Covenants Department may exercise all remedies under Florida law and the Governing Documents for violations. Without limiting the generality of the foregoing sentence, the DRC or the Covenants Department may remove and/or remedy the violation, and /or seek injunctive relief requiring the removal or remedying of the violation. In addition, the DRC or the Board may record a notice of violation in the Public Records of Collier County. The DRC will be entitled to recover all costs incurred in enforcing compliance.

All construction, renovation, and redevelopment projects within Pelican Bay, including, but not limited to structural or landscaping, require Pelican Bay Foundation (Foundation) approval; either from Foundation Design Review Committee, Foundation Board of Directors, or Foundation Design Review and Covenants Department. Approval for any project is contingent upon satisfactorily complying with Foundation governing documents and guidelines. Property owners, and their assigns, recognize and agree, that an essential element of all Foundation approvals is the execution of the work in strict compliance with the terms and conditions of the approval. Failure to comply with the plans submitted, or not following Foundation guidelines during the performance of the work, shall result in the Foundation revoking previous approvals, and halting all work until the infractions are rectified and brought into full compliance.

Project Completion - At the completion of the project, the Owner must provide the DRC with all documents required by Section 13 of the Design Guidelines. Once the foregoing is submitted to the DRC, the Owner, along with a member of the Construction Team, a Member of the DRC and the Covenants Department, shall conduct a final site inspection and walk-thru. Any issues noted during this site inspection must be corrected immediately by the Owner, including any damages to Foundation Common Area or property, roadways, curbing or damage to adjoining lots.

Severability Clause - If any provision of the Design Guidelines or any provision, section, clause, sentence, phrase, word, and/or the application thereof under any circumstance, is held invalid, the validity of the remainder of the Design Guidelines and of the application in any other circumstance of any such provision, section, clause, sentence, phrase, and/or word, shall not be affected thereby, and the remainder of the Design Guidelines shall be construed as though the invalid portion(s) are not included therein.

Acknowledgement - Owner and Contractor must sign below acknowledging their understanding and compliance with the above Construction Guidelines and return an executed copy to the DRC. In the event of a violation of the Construction Guidelines, the Design Guidelines or the Regulating Documents, all work on a lot must stop until the violation is corrected and the Owner pays any fees, fines or other costs associated with the violation. Owner and Contractor acknowledge and understand that DRC approval is expressly conditioned upon the Owner and the Contractor following the plans submitted to the DRC, the Construction Guidelines, the Design Guidelines and the Regulating Documents. In the event an Owner or Contractor fails to follow the plans submitted to the DRC, or fails to follow the Design Guidelines, the Construction Guidelines or the Regulating Documents, in addition to all other remedies, the DRC approval will be rescinded and all work on the lot must stop until the violation is corrected, monetary amounts paid in full to the DRC, and the DRC issues written reinstatement of its approval.

Owner:

Owner Name – Print Name

Signature of Owner

Date Signed: _____

Contractor:

Company Name

Signature of Contractor

Print Name: _____

Title: _____

Date Signed: _____

Contact Info:

Home: _____

Cell: _____

Business: _____

Email: _____

Contact Info:

Cell: _____

Business: _____

Email: _____

Contact Info for Project Supervisor

Print Name: _____

Cell Phone: _____

Email: _____

