

REGATTA LANDING, A CONDOMINIUM

RULES AND REGULATIONS FOR FLOOD MITIGATION

Pursuant to the powers vested in the Board of Directors of Regatta Landing Condominium Association, Inc., the following Rules and Regulations for Flood Mitigation (“**Flood Barrier & Water Diversion Barrier Use/Flood Mitigation Device Rules**”) have been adopted by the Board of Directors. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration of Condominium for Regatta Landing, a Condominium, as amended (the “**Declaration**”). In the event of any conflicts between the Flood Mitigation Rules and the Declaration, the Declaration shall control.

References:

1. Section 720.3035(6)(a) Florida Statutes states in relevant part that each Board of administration “must adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the association” and further that the Board “may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the board.”
2. Regatta Landing Rules and Regulations, Section 13, Hurricane Preparation, states in relevant part: “Upon issuance of an official hurricane warning, or upon leaving your unit vacant for more than 30 days, each Owner shall take all actions necessary to prepare the Unit for any such hurricane, including, without limitation, putting up hurricane shutters (as originally installed or which are otherwise approved in writing by the Condominium Association), removing all objects from patios, balconies, courtyards, terraces back yards, front yards, entryways and/or covered entry ways which will not be secured.”
3. Regatta Landing Rules and Regulations, Section 19, Alterations, states in relevant part: “No structural changes or alterations shall be made in any Unit, except upon approval, in writing, by the Board of Directors of the Condominium Association and, where required, the ARC Committee of the Master Association.”
4. Regatta Landing Declaration, Section 10.3., Use Restrictions, states in relevant part: “No changes may be made in buildings erected by Developer or its respective affiliates and/or assigns (except if such changes are made by Developer) without the consent of the Architectural Control Board (as more particularly described in the Master Declaration). The terms “structure” and “improvement” shall include fences, walls, . . . and/or any other outdoor equipment.”

5. The Home Builder's Limited Warranty does not cover changes, additions, or alterations made to the Home or the Common Elements by anyone after the Warranty Period begins. Changes to warrantable item will void warranty for the changed item.

Definitions: The term "**Flood Barrier & Water Diversion Barriers or Flood Mitigation Device**" ("Flood Mitigation Device" or "Device") may be used interchangeably and shall mean any device, permanently or temporarily affixed or attached to the **exterior** of a building used as protection against storm water damage.

Requirements:

- 1. Approval Required for Flood Mitigation Devices:** No Flood Mitigation Device except those approved by the Board of Directors shall be permitted.
- 2. Maintenance and Owner Obligations:** As a condition of approval, all Owners of a Unit who install a Flood Mitigation Device agree to maintain the Device. If the Device is removed from the Unit, the Owner agrees to return the building to its original condition (i.e., no holes are left in walls, no unpainted areas, etc.).
- 3. Request for Approval:** Any Owner desiring approval for a Flood Mitigation Device shall submit a written request form to the Property Management company no less than fourteen (14) days prior to the proposed commencement of the installation. The Board will then review and approve/modify/reject the request. Owners may not proceed without approval. The written request shall contain the following:
 - a) Name and address of the Owner requesting approval for the Flood Mitigation Device
 - b) Unit number for which the Flood Mitigation Device will be installed.
 - c) Proposed location(s) for installations of the Flood Mitigation Device
 - d) Detailed description of the Device, with a discussion of the impact to the exterior of the building
 - e) Proposed manner of installation of the Flood Mitigation Device
- 4. Permissible Temporary Use During a Named Storm Event:** Temporary flood barriers may be installed on a temporary basis only when any of the following conditions exist:
 - a) The National Hurricane Center has issued a Tropical Storm or Hurricane Watch or Warning affecting the community or area.
 - b) A Named Storm or Hurricane is forecast to impact the area with 96 hours.

Any temporary flood barriers may not be installed more than 96 hours before the anticipated impact of the storm and must be fully removed within 48 hours after the official expiration of the storm warning or watch.

- 5. Regulatory Compliance:** The Flood Mitigation Device and the installation will conform, in all respects, to the State's Minimum Building Codes, Collier County Building Codes, and any other applicable codes or regulations. The owner takes full responsibility to assure the contractor complies. Approval by the Board shall not be deemed an endorsement of the effectiveness of the Flood Mitigation Device.
- 6. Contractor Requirements:** The requesting Owner shall be fully responsible for compliance with applicable laws and, as a condition for approval, specifically agrees to indemnify the Association against any damages occasioned by the installation.
- 7. Liability:** The Owner of the Unit to which the Flood Mitigation Device is installed shall be liable for any and all damage to the Common Elements, Condominium Association property or the property of other Owners arising out of or concerning the construction, installation or maintenance of the Flood Mitigation Device. The Owner also shall be solely responsible for any other fines, including fines related to not obtaining the appropriate building permits will be the responsibility of the Owner, and will indemnify the COA if necessary.

Approved by the Regatta Board July 1, 2025