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December 15, 2022

Board of Directors  
The Shores Property Owners Association, Inc.  
c/o Mr. Al Kettell  
141 Shores Drive  
Vero Beach, Florida 32963

**In re: Certificates of Amendments to the Architectural Planning Criteria**

Dear Board Members:

Enclosed please find the original, recorded Certificates of Amendments to the Architectural Planning Criteria for The Shores Subdivision we recorded on the public records pursuant to your request. The original document should be kept with the Association's other important papers.

A copy of the recorded Certificates should be provided to all Association members. Please let me know if we can be of further assistance to you.

Sincerely,



Charles W. McKinnon

Enclosures

CWM:sj  
28281-001

**CERTIFICATE OF AMENDMENT  
TO THE  
ARCHITECTURAL PLANNING CRITERIA FOR  
THE SHORES SUBDIVISION**

**THE UNDERSIGNED**, being the President and Secretary of **THE SHORES PROPERTY OWNERS ASSOCIATION, INC.**, a Florida not for profit corporation, hereby certify that after the following amendment to the Architectural Planning Criteria was approved by the Association's Architectural Review Board, at a meeting of the members of the Board of Directors of the Association, held on March 25, 2019, and reaffirming on October 31, 2022, duly called and noticed for such purpose, and at which a quorum was present, in accordance with the requirements of Florida law, the Bylaws of **THE SHORES PROPERTY OWNERS ASSOCIATION, INC.** and the Declaration of Covenants, Conditions, Restrictions, Limitations and Agreements for **THE SHORES SUBDIVISION**, as originally recorded in Official Record Book 678, Beginning at Page 176, Public Records of Indian River County, Florida, and as subsequently amended, not less than a majority of the members of the Board of Directors voted to amend Section 2.14 of the Architectural Planning Criteria as attached hereto.

**IN WITNESS WHEREOF**, the undersigned President and Secretary of the Association have executed this Certificate of Amendment, this 9<sup>th</sup> day of December, 2022.

**THE SHORES PROPERTY OWNERS  
ASSOCIATION, INC.**

By: [Signature]  
Alfred Kettell, President

(CORPORATE SEAL)

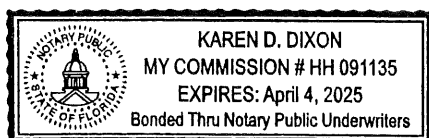
ATTEST:

By: [Signature]  
Jeff Lynner, Secretary

**STATE OF FLORIDA  
COUNTY OF INDIAN RIVER**

**I HEREBY CERTIFY** that before me, a Notary Public, personally appeared in physical presence, Alfred Kettell and Jeff Lynner, respectively the President and Secretary of The Shores Property Owners Association, Inc., who ☒ have produced Drivers License as identification or who ☐ are personally known to me to be the persons described in the foregoing instrument and who have acknowledged before me that they executed the same for the purposes therein set forth for and on behalf of said corporation.

**WITNESS** my hand and official seal in the state and county last aforesaid this 9<sup>th</sup> day of December, 2022.



[Signature]  
Print Name: Karen D. Dixon  
Notary Public, State of Florida at Large (Affix Seal)

## Architectural Planning Criteria

### 2.14 Solar Photovoltaic and Thermal Systems

A. The Shores Board and the Architectural Review Board believe that solar roof panels should only be installed as part of an owners re-roofing project and that glass solar roof tiles similar to those manufactured by Tesla that are color compatible with the house be utilized.

B. In lieu of the preferred solar roof tiles, roof solar panels may be permitted, subject to, the following:

1. Whenever possible the solar panels shall not face the street; and, regardless of location shall be screened from the neighbors' view.

2. Panels shall be affixed to the existing or replacement roof and within the existing roof footprint. The panels shall not exceed six (6) inches above the height of the existing roof pitch line.

3. The color of the metal framing for the panels shall, as nearly as possible, match the color of the roof material.

4. Solar panel installation shall be in accordance with the Miami-Dade County High Velocity Hurricane Zone (HVHZ) requirement's for photovoltaic and solar thermal systems and shall be able to withstand a wind speed of 140 mile per hour per the Indian river county requirements for the barrier island.

5. Solar charge controllers and inverters shall be located in screened areas and not visible to neighbors.

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**IN WITNESS WHEREOF**, the undersigned President and Secretary of the Association have executed this Certificate of Amendment, this 9<sup>th</sup> day of December, 2022.

**THE SHORES PROPERTY OWNERS  
ASSOCIATION, INC.**

By: [Signature]  
Alfred Kettell, President

(CORPORATE SEAL)

ATTEST:

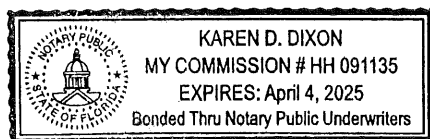
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**I HEREBY CERTIFY** that before me, a Notary Public, personally appeared in physical presence, Alfred Kettell and Jeff Lynner, respectively the President and Secretary of The Shores Property Owners Association, Inc., who ☒ have produced Drivers License as identification or who ☐ are personally known to me to be the persons described in the foregoing instrument and who have acknowledged before me that they executed the same for the purposes therein set forth for and on behalf of said corporation.

**WITNESS** my hand and official seal in the state and county last aforesaid this 9<sup>th</sup> day of December, 2022.

[Signature]  
Print Name: Karen D. Dixon  
Notary Public, State of Florida at Large (Affix Seal)



## SECTION 4 – PROPERTY MAINTENANCE

Purchasing a home in THE SHORES is a significant financial and lifestyle decision. The appearance of the Community and the individual lots is an important element of any such decision, and it must be maintained in order to protect each owner's investment as well as their enjoyment of their individual property. In that regard, it is important that nothing be done or allowed to exist on any lot which may be, or become, an annoyance or nuisance to the neighborhood. Each owner shall maintain in good repair all improvements and landscaping within his or her lot and any easement areas located therein. To that end, and by way of example, (not to the exclusion of other instances) the following maintenance standards are hereby established:

**4.1 EXTERIOR APPEARANCE:** Property owners must maintain the exterior of their home and any other structure(s), such as driveways, decks, fences, boat docks/boat lift equipment in good working order and condition.

The following list of items including but not limited to maintenance conditions:

- A. Peeling or chipped paint.
- B. Discolored, dirty or damaged roofs.
- C. Cracks or fissures in the paint or stucco.
- D. Pool or other permitted equipment that needs repair or repainting.
- E. Gutters or downspouts (if present) in need of painting, repair or replacement.
- F. Fences with broken or missing parts or which are leaning.
- G. Boat docks and/or boat lift equipment that are damaged and/or leaning so as to constitute a danger to persons or property or result in an unacceptable visual environment.
- H. Driveways, decks or patios in need of repair or cleaning.
- I. Swimming pools, hot tubs, fountains or any other approved water amenity in need of repair, reconditioning or replacement.
- J. Permanent light fixtures that are not in good working order.
- K. Mailbox needing cleaning, painting or straightening.
- L. Overgrown shrubbery
- M. Dead grass or areas with no ground cover.

**4.2 LOT MAINTENANCE:** All lots shall be properly maintained in a neat condition with no unsightly growth, refuse piles or trash permitted on property.

- A. Mowing. Sod or turf areas shall be mowed at regular intervals, maintaining a maximum height of six (6) inches and a minimum height of three and three quarter (3 ¾) inches. Vacant lots shall be mowed, at the direction of the Association, a minimum of six (6) times per year. The cost of these mowing's shall be an assessment against the lot. If an owner of a vacant lot fails to keep his or her lot free of weeds, refuse piles or other unsightly growths or objects, the Association may enter upon said lot and remove the same at the expense of the owner. Any such entry shall not be deemed a trespass and the cost of the removal shall be an

assessment against the lot.

- B. Planting beds. Planting beds must be kept in a neat and orderly manner, free of weeds and debris.
- C. Trees. Trees shall be kept pruned so that dead or dangerous limbs do not cause damage to property or injury to persons. Low hanging branches that interfere with streets, driveways and walkways, should be removed on a regular basis. Notwithstanding the foregoing, no tree or shrub, the trunk of which exceeds four (4) inches in diameter as measured at a point on the tree four (4) feet above grade, shall be cut down or otherwise destroyed without the prior written consent of the ARB and the Town, as required. The Association may, on an annual basis, direct that trees and palms on vacant lots be pruned at the owner's expense.
- D. Lawns. Lawns should be watered on a regular schedule so as to maintain a constant green color. Fertilizer and pest control should be applied as needed for lawn health. Pesticides and herbicides should be applied according to label instructions for specific problems and in accordance with town, state, and county regulations.
- E. For health and safety reasons, lot owners must have all necessary elevation adjustments made to their property to ensure that water drains from the property after heavy rains in order to prevent pooling and a mosquito breeding environment. If elevation adjustments are required to prevent the pooling of water the lot owner must have the work completed within two months of written notification from the ARB. If such work is not completed with the allotted time period, the Association may, after further notice to the property owner, complete the work and the cost thereof shall be an assessment against the lot.
- F. Maintenance dispute. In the event a dispute or question arises as to what may be, or become, an annoyance or nuisance, such dispute or question shall be submitted to the Board of Directors which shall render a decision in writing, which decision shall be dispositive of such dispute or question.
- G. Enforcement. If an owner fails or refuses, after fifteen (15) days written notice to correct the deficiency, the Association may have the work done at the owner's expense. In addition, the Board of Directors may impose a reasonable monetary fine to be collected on POA quarterly statement. If an owner fails to pay the fine, a lien will be placed on the property or the Association may initiate a court action to enforce these standards as provided in the Declaration, or both.
- H. Notice. Any required notice to lot owners shall be by regular and certified mail, returned receipt requested, and addressed to the owner at The Shores property unless an alternate address has been provided to the Association.

## SECTION 5 - OTHER

**5.1 DEMOLITION OF A HOME:** The demolition of improvements on any property is strictly forbidden without prior written ARB approval. Should a property owner wish to demolish a home, it is required that the owner submit appropriate plans for demolition of the current dwelling and the property be left in a state with a residential lawn and sprinkler systems. All homes adjacent to a demolition project must be power washed at completion of the demolition, as necessary, at the expense of the owner responsible for the demolition.

**5.2 VARIANCES/SPECIAL APPROVALS:** In the event of extraordinary hardship or because of design constraints necessary because of lot configuration, the ARB may grant variances from the provisions of these criteria. Any request to the Architectural Review Board for variances, relief from the Architectural Planning Criteria, or special approvals under the terms of these Criteria must first be submitted for comment to the three nearest property owners.

**5.3 WAIVER OF DAMAGE CLAIMS:** The Shores Property Owners Association, Inc., the members of the Architectural Review Board and the governing Board of The Shores Property Owners Association, Inc. shall be held harmless from any claims by property owners or their agents or contractors for decisions made by the ARB or the governing Board in the exercise of their authority under the Declarations of Covenants, Conditions, Limitations, and Agreements for the Shores Property Owners Association, Inc. or the Architectural Planning Criteria for the Shores Subdivision. Any disputes regarding the construction, interpretation or enforcement of the terms of the Declaration of Covenants, Conditions, Limitations and Agreements for Shores Property Owners Association, Inc., and the Architectural Planning Criteria shall be submitted to binding arbitration under the rules of the American Arbitration Association as further described in the Declaration of Covenants, Conditions, Limitations, and Agreements for the Shores Property Owners Association, Inc.

**5.4 RESPONSIBILITY:** The ARB shall assume no responsibility as to the adequacy, reasonableness, safety or fitness for intended use of any plan submitted for approval. Any approval that may be given shall be in compliance with the Shores Covenants and Restrictions as well as these Planning Criteria along with recognized aesthetic and quality values. The ARB may in its sole discretion deny any application for design and/or aesthetic reasons.

## SECTION 6 - CONSTRUCTION CODE OF CONDUCT

During the period of construction, the Owner of the lot under construction shall be responsible for ensuring that their contractors and subcontractors abide by the rules and regulations of The Shores "Construction Code of Conduct". This will protect the property rights of other Owners in The Shores.

All contractors and subcontractors must receive a copy of The Shores Construction Code of Conduct before being allowed to work in The Shores.

Contractors must supply a list of all their subcontractors to The Shores Gatehouse. Contractors and subcontractors shall be provided with entry passes for the duration of construction. The passes must be returned when construction is complete.

The Architectural Review Board can revoke the passes for any infraction of the Construction Code of Conduct, especially the hours of construction as stated in #1 of this code.

1. Construction may begin no earlier than 7:30 A.M. and must end no later than 5:00 P.M. All construction activity must be planned to enable workers to be out of The Shores by 5:00 P.M. No construction is permitted on Saturdays, Sundays or legal holidays.
2. All vehicles must comply with posted speed limits – 15 MPH on roads and 5 MPH on bridges. Bridges have a 20-ton weight limit. No vehicle shall exceed that limit. If this weight limit is exceeded the offending company will be prohibited from further access to The Shores.
3. No vehicle or equipment may be parked or placed on any lot without the written permission of the lot Owner.
4. Contractors must confine their activities to the lot under construction. Materials, supplies, facilities, fill dirt, branches or trash may not be placed on any other lot without the written permission of the Owner. This includes vacant lots. All lots are private property. No vehicle should turn around in the driveway of another Property Owner.
5. Dumpsters must be in place on the construction lot before the demolition or erection of walls and must remain in place until construction is completed. All building debris must be placed in the dumpster and removed promptly. No trash or debris may be burned or buried on the lot.
6. A "Porta-Potty" must be placed on each construction site for use by construction personnel. This facility must be contained on the lot and shielded from view of the road and neighboring homes with an appropriate enclosure approved by the ARB.
7. The construction lot must be clear of all bottles, cans or other trash at the end of each workday.
8. No construction vehicle or trailer may remain on the property over the weekend. Exceptions must be pre-approved by ARB.



9. Except for truss deliveries, no tractor-trailers are permitted in The Shores. All deliveries must be off loaded outside of the property. This includes but is not limited to roof tiles, floor tiles, furniture deliveries, etc. Contractor must be present at the time of roof truss delivery to guide truck into the property. Any damage must be reported immediately to the guard house. Any unreported or unrepaired damages to the property, either common or private, will be deducted from the construction deposit.

10. No construction vehicle, except bulldozers, graders, cranes, and others requiring trailers may remain on the property overnight.

11. Owner and/or Contractor must call 811 (Sunshine 811 Law) prior to digging or trenching, no matter how deep, to avoid hitting underground utility lines.

12. Owners and/or Contractors shall repair or reimburse The Shores or the Property Owner, as the case may be, for any road, irrigation or other damage caused by their Contractor or subcontractors.

13. Vehicles with noisy mufflers or leaking oil will not be admitted into The Shores.

14. Before the lot's fill has been spread, screening must be installed along the lagoon front to prevent the fill from going into the water. All fill that does go into the lake or lagoon must be dredged and returned to the construction lot.

15. The only sign permitted on the construction site is an identification sign, with the Owner's name, the Builders name and the lot number, no larger than 16 inches high and 24 inches wide. A "permit box" will also be allowed during construction.

16. All construction workers must conduct themselves in a businesslike and professional manner:

- Loud radios and boom-boxes are not permitted.
- Swimming, fishing and disturbing the lake or lagoon are prohibited.
- Shirts must be worn at all times.
- Alcoholic beverages of any kind may not be consumed.
- No animals are allowed on the construction site.
- Weapons of any type are prohibited.

### **CONSTRUCTION PARKING REGULATIONS**

All commercial vehicles that enter The Shores and are in any way associated with construction, either new or refurbishment, must be parked on the lot where the construction will take place. In circumstances where there is not sufficient parking available on the subject lot then all vehicles that are unable to comply with the regulation will need to be parked on a vacant lot that has been made available for such a use by the Owner of the vacant lot and the Owner or Builder of the construction lot. Details regarding compensation repair or liability waiver will be between the two owners. Such repair will be required prior to a Certificate of Occupancy being approved for the construction.

If a construction related vehicle must be temporarily parked on a roadway within The Shores, no matter for what length of time, traffic safety cones must be placed in front of and behind the vehicle while parked and a flagman must be present to direct traffic around the vehicle.

Violations will be subject to fines at the rate of \$100.00 per day for any offense and will be subtracted from the pre-construction deposit.

Notification Process: Owner or Owner's designee will be notified of violations during construction by The Shores' Management Company and must correct the violation immediately.

Both the Builder and the lot Owner must sign an agreement that will refer to the above Construction Code of Conduct rules prior to beginning construction.

## ARCHITECTURAL PLANNING CRITERIA

### ARCHITECTURAL REVIEW BOARD CHECK LIST

#### FOR NEW CONSTRUCTION, REMODELING OR DEMOLITION

1. A submission of plans must be accompanied by a \$1,000.00 check to cover the costs of professional review services. This represents the fees for the Association's Architect and the Landscape Architect to review the plans for compliance and one landscape compliance inspection. (Any resubmissions of reviews may require additional fees).
2. The ARB will meet as often as necessary to accommodate an efficient plan review process. Applicants should allow at least two weeks from date of receipt of application for plan review and up to an additional two weeks for a formal response from the ARB.
3. All Submissions of plans by the Owner to Management Service shall be made on or before the 15th day of the month prior to each ARB meeting.
4. All Architects and builders must be approved by the ARB.
5. Submissions shall include:
  - Pre-qualification of architects.
  - Pre-qualification of builder: Any builder shall be submitted by the owner with qualifications and must then be approved by ARB.
  - The Pre-submission Conference shall serve as an introduction to the ARB's process for submissions. There will be no approval of plans at a pre-submission conference. This is an opportunity for the ARB, the Owner, and the Architect to go over the Architectural Planning Criteria and the procedures for approval of the plans and landscaping.
6. Approval of plans is good for six months. See Sec.1.7, Architectural Planning Criteria.
7. Article IX, Sec. 4. Declaration of Covenants, Restrictions, Limitations, and Agreements, defines the procedure before the ARB. The ARB will not be deemed to have received plans until they are presented to the ARB at the meeting in which those plans are first considered by the ARB. The ARB shall receive and consider each set of plans delivered to the Property Management Service at the next monthly meeting. Plans submitted without sufficient time for review shall be reviewed at the next regular meeting of the ARB.
8. Survey: A survey showing existing hardwood trees prepared by a licensed surveyor shall be submitted with plans.

9. Form Board Survey: A form board survey (as required by the Town of Indian River Shores) shall be submitted after form boards have been set but prior to the pouring of the slab, allowing 5 working days for the ARB to confirm compliance with the approved plans.
10. Approval to Proceed: \$10,000.00 must be deposited in an interest bearing escrow account for the duration of the construction period. The purpose of this escrow account is to assure conformity with the "Declaration of Covenants, Restrictions, Limitations and Agreements, and the Architectural Planning Criteria of The Shores Subdivision" (and all amendments) the plans and specifications submitted and approved by the ARB, and for any damages to the common facilities incurred during construction. This deposit will also cover the costs of clean up to the job site during construction if necessary. Construction shall not be allowed to commence prior to The Shores Management Company receiving the construction Deposit. Unspent conformity fees will be returned to the owner one (1) month after Certificate of Occupancy is obtained.
11. Any corrections or inspections necessary to assure compliance or correct for damages not corrected by the owner or contractor in a timely manner may be corrected by a contractor designated by the ARB and deducted from the escrow funds. Owner shall contact ARB for a compliance inspection at the completion of construction prior to issuance of Certificate of Occupancy. Upon verification of compliance as stated above, all remaining funds plus interest shall be returned to the owner.