

**CERTIFICATE OF
AMENDED AND RESTATED
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 approval of the Architectural Review Board of the Association, held on April 8, 2021 a majority of the members of the Board of Directors of the Association, at a meeting held on May 24, 2021, duly called and noticed for such purpose, 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, as subsequently amended, at which a quorum was present, voted to amend and restate 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 15th day of June, 2021.

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

By: _____

President

(CORPORATE SEAL)

ATTEST:

By: _____

Secretary

**STATE OF FLORIDA
COUNTY OF INDIAN RIVER**

I HEREBY CERTIFY that before me, a Notary Public, personally appeared in physical presence, Alfred Rettell 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 15th day of June, 2021.

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



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WHEREAS, that certain Declaration of Covenants, Conditions, Restrictions, Limitations and Agreements ("Declaration") recorded in Official Record Book 678, page 176 and re-recorded in Official Record Book 678, page 774 as amended, provides for the appointment of an Architectural Review Board ("ARB"); and

WHEREAS, among the duties and responsibilities of the ARB is the adoption of Architectural Planning Criteria; that certain initial Architectural Planning Criteria have now been proposed.

WHEREAS, the undersigned are all of the members of the duly appointed and elected Architectural Review Board and the Board of Directors of The Shores Property Owners Association, Inc., respectively, as of the date hereof:

NOW THEREFORE, the following Architectural Planning Criteria are adopted by the ARB and approved by THE SHORES PROPERTY OWNERS' ASSOCIATION, INC. pursuant Paragraph 3(b) (v) of Article IX of the Declaration as follows:

SECTION 1- GENERAL GUIDELINES

1.1 GENERAL: THE SHORES is intended to be a community of quality custom designed and built homes using stucco wall finishes and tile or metal roofs. Other materials, consistent with these Architectural Review Criteria, will be considered but must be compatible and must be approved by the ARB. The ARB shall evaluate proposed improvements including new homes, additions and alterations to existing homes, with emphasis upon their harmonious incorporation into the community as a whole and with specific emphasis on external design, location of the improvement in relation to the surrounding structures and improvements, topography and conformity to the restrictions contained in the Declaration and Architectural Planning Criteria contained herein. Homes of the same design and/or appearance, which in the judgment of the ARB, will closely resemble an existing home, shall not be permitted.

1.2 ARCHITECT AND CONTRACTOR APPROVAL: A licensed architect and licensed building or residential contractor are required for any construction in this subdivision. Both the architect and the contractor must be approved by the ARB. Approval of architects and contractors shall be in the sole discretion of the ARB. The ARB may require the submission of resumes, financial information and such other information as is reasonable and necessary to confirm the experience and good reputation of the architect or contractor. All property owners shall be responsible for seeing that the services performed and work done by the architect and the contractor is done in a safe, timely and professional manner, and in accordance with the approved plan. The ARB's qualification of an architect or contractor shall impose no liability or obligation on the ARB, and each property owner agrees to indemnify and hold harmless the ARB from any claim that may be asserted by reason of its approval of an architect or contractor for any owner.

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1.3 BUILDING TYPE AND DIMENSIONS: No dwelling shall exceed 30% of the dry lot size. The minimum landscaped area for each lot shall be 50% of the lot.

No building shall be erected altered, placed or permitted to remain on any lot other than a detached, single-family dwelling, containing (a) if any of the improvement is located on a riverfront lot, not less than 3500 square feet of livable and air conditioned, enclosed floor area located on the ground floor, and (b) not less than 3000 square feet of livable and air conditioned, enclosed floor area in all other circumstances. Any dwelling erected shall not exceed more than two stories and shall not be more than 30 feet in height measured from the finish floor (top of slab) elevation to the mid-point of the roof with the maximum overall height of 35 feet as measured to the ridge. All dwellings shall have a private and enclosed garage with sufficient space for not less than two nor more than four cars with a minimum width of '24 feet and a minimum depth of 22 feet. Unless approved by the ARB as to the use, location and architectural design, no garage, tool or storage room may be constructed separated, detached and apart from the residential dwelling, in no event can any structure(s) be constructed prior to construction of the main residential dwelling excluding the construction of boat docks and temporary viewing platforms. The aforementioned "Building Type and Dimensions" are applicable to the submission of any and all "Final Plan" applications to the ARB.

1.4 SUBMISSION OF PLANS: All final plans must be in quarter-inch scale drawn in a professional manner by an approved and licensed architect and sealed. Plans shall be in accordance with the ARB Checklist and shall include the following:

- A. An accurately drawn and dimensional plot plan showing all building setbacks, easements, drives, walks, pools and patios.
- B. Foundation plan, floor plan, exterior elevations of the building as they will appear after all backfilling and landscaping is done from finished ground up.
- C. Building sections showing ceiling and floor to ceiling heights.
- D. Actual samples of all materials such as roofing, siding, brick, stone, etc. as well as samples of all exterior color schemes to be submitted within 30 days following the dry-in stage of the home.
- E. Landscaping plan by Certified Florida Landscape Architect.
- F. Certification by the architect and landscape architect that the submitted plans meet the requirements of the Declaration of Covenants, Conditions, Restrictions, Limitations and Agreements and the Architectural Review Criteria, or detailing any deviation from those requirements.
- G. A \$500,00 submittal fee, payable to THE SHORES PROPERTY OWNERS' ASSOCIATION, INC. which shall be used in full, or in part, to defray the cost of review of the plans by outside architects and landscape architects chosen by the ARB.

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1.5 PRESUBMISSION CONFERENCE: In order to avoid any misunderstanding concerning the Architectural Planning Criteria and to obtain the approval of custom plans by the ARB, owners are required to arrange a pre-submission conference with a majority of the members of the ARB and of their residential architect.

1.6 AUTHORITY TO STOP WORK: Any construction being conducted by any contractor, even if said contractor has been previously approved by the ARB, whose construction is being conducted in a poor or unworkmanlike manner or is in violation of The Shores Construction Code of Conduct (see Section 6), may be stopped by the ARB and further work on the job will cease until the violation has been corrected to the satisfaction of the ARB and its consulting Architect.

Each owner, by submitting plans to the ARB, authorizes the ARB to make inspections of the work at reasonable times and in such reasonable manner as to assure conformity with these restrictions and The Shores Construction Code of Conduct.

1.7 CONDUCT OF CONSTRUCTION: A building permit must be issued and construction commenced within six (6) months of ARB approval.

The construction of a new dwelling must be completed and a Certificate of Occupancy issued within twenty-four (24) months after the initial Indian River Shores building permit is issued. At the time new construction commences, the ARB approved contractor must acknowledge in writing the time for completion requirement and agree to abide by it. If construction and landscaping are not completed and a Certificate of Occupancy is not issued within twenty-four (24) months of the commencement of new construction, a fine of up to \$100.00 per day will be levied and deducted from the \$10,000 construction deposit.

Structural changes, such as renovations to an existing home, must be completed within twelve (12) months after the initial Indian River Shores building permit is issued. At the time construction of structural changes commences, the ARB approved contractor must acknowledge in writing the time for completion requirement and agree to abide by it. If construction is not completed and the Indian River Shores building permit for structural changes is not closed within twelve (12) months, a fine of up to \$100.00 per day will be levied and deducted from the construction deposit.

The construction site must be maintained in a clean orderly condition at all times, both inside and outside the dwelling. The Shores Construction Code of Conduct (see Section 6) must be followed at all times.

All construction activity and all construction personnel must begin work no earlier than 7:30 a.m. and must cease and leave The Shores no later than 5:00 p.m. There shall be no construction activity permitted on Saturdays or Sundays, nor on any principal holiday.

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1.8 LAYOUT: No foundation for any building shall be poured, nor shall any construction commence in any manner or respect, until the layout of the building is approved by the ARB. No change in the grade or topography of the lot shall be made without the written approval of the ARB. The finished floor elevation of the dwelling must be approved by the ARB. It is the purpose of these approvals to ensure that trees and natural vegetation are not unnecessarily disturbed and that the dwelling is placed on the lot in its most advantageous position.

1.9 SIGNS: The size and design of all signs located within the community and/or on a lot shall be subject to the approval of the ARB. Except for signs erected and in place on July 1, 1991, no sign of any kind shall be displayed except the following:

- A. Directional or traffic signs installed by the appropriate governmental authority.
- B. A name plate and address plate in size and design approved by the ARB.
- C. During construction of a new home, a 2' x 3' sign may include only the name of builder, the owner, the builder's phone number and the lot number.

SECTION 2 - DWELLING GUIDELINES

2.1 EXTERIOR COLOR PLAN: The ARB shall have final approval of all exterior color plans and each owner must submit to the ARB a color plan showing the color of the roof, exterior walls, shutters, trim and all other exterior surfaces. The ARB shall consider the extent to which the color plan is consistent with the homes in THE SHORES and the extent of which the color plan conforms with the color scheme of THE SHORES. The ARB may deny any exterior color or color scheme which in its sole discretion it deems incompatible with neighboring homes, inconsistent with community standards, or too similar to a neighboring home. The ARB will review the color as applied to a portion of the homes before giving final approval of said color.

2.2 ROOFS: Flat roofs may, in the sole discretion of the ARB, be permitted on any "Mediterranean-style" home or over Florida rooms, porches, patio and terraces or other style homes. There shall be no flat roof on any part of a dwelling unless the ARB determines that such a flat roof is part of an acceptable overall architectural design. No flat roof shall be approved if such flat roof would cause flat roofs to exceed 25% of total roof area of the structure. The composition of all pitched roofs shall be cement shingle tile, barrel tile, metal or other composition approved by the ARB. The roof pitch on pitched roofs shall not be less than 6:12. Pressure treated cedar shake, asphalt shingled roofs, and wood shingle roofs are not permitted. If a tile roof is selected, the cement used to seal the edges must match the tile color.

2.3 CONSTRUCTION MATERIALS: Exterior construction of the first floor of all residences and accessory buildings shall be concrete block and stucco (CBS). No exterior wood siding is permitted. There shall be no exposed block. All exposed chimneys shall be of a masonry construction. Metal chimney caps or vents must be concealed from public view so as to blend in with the CBS chimney. Prefabricated fireplace units are permitted as long as the metal chimney cap and/or vent is concealed as provided above.

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2.4 EXTERIOR FLASHING AND VENTS: All exterior flashing and metal work shall be copper or a similar material approved by the ARB. No plumbing vents, exhaust fans, solar collectors or similar components shall protrude through the front roof line.

2.5 FIRST FLOOR ELEVATIONS: Finished floor elevation of the first floor of any dwelling structure shall be a minimum of eight (8) feet above sea level and a maximum of ten (10) feet above sea level. The ARB has final approval for all new building first floor elevations. The floor elevation is subject to any and all building code adjustments based on flood zone requirements.

2.6 CEILING HEIGHT: All ceiling heights are to be a minimum of 9 feet, except in kitchens, baths and closets.

2.7 WINDOW AIR CONDITIONING UNITS: No window air conditioning units are permitted.

2.8 DRIVEWAYS AND WALKWAYS: All driveways and walks shall be constructed of a textured material consistent with the design of the dwelling. Asphalt driveways and walks are not permitted. All driveways shall be at least 18 feet in width at the entrance to the garage. All exterior walks shall be a minimum width of four (4) feet and of a composition compatible with the dwelling and porches and patios. Hardscape including walls shall not be placed nearer than four (4) feet from any side or rear lot line. Driveways, at the point of entry to a garage, may not be closer than twenty-six (26) feet to a side lot line and the area of the side lot between driveway and side lot line must be landscaped in such fashion, as determined by the ARB to minimize the view of the driveway from adjacent lots.

2.9 ANTENNAS: No aerial or antenna shall be placed or erected on any lot or affixed to the exterior of any dwelling without the prior written approval of the ARB.

2.10 BOARDING/SHUTTERING: The "boarding up" of dwellings is restricted by the Declaration. The type of shuttering material to be used, where boarding up is permitted, shall be subject to approval of the ARB.

2.11 EXTERIOR STAIRWAYS: No exterior stairway shall be permitted unless the ARB determines that same is consistent with the design of the dwelling.

2.12 CENTRAL ALARM SYSTEMS: All construction plans must provide for central alarm systems. Installation of such systems in accordance with approved plans is required. Yard signs indicating the monitoring company are not allowed.

2.13 UTILITY CONNECTIONS: Building connections for all utilities, including but not limited to, water, electricity, telephone and cablevision shall be run underground from the proper connecting points to the dwelling in such a manner as to be acceptable to the governing utility authority.

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SECTION 3 - EXTERIOR GUIDELINES

3.1 RECREATIONAL FACILITIES: All recreational facilities, including without limitation, swimming pools and any play or recreational structure including, without limitation, play house, dog house, or other structures of a similar kind or nature (referred to herein as "Recreational Facilities") and any patio, screening or other improvement constructed or used in connection therewith, whether on a lot on which a dwelling is located or on an adjoining lot purchased for the construction of any such recreational facilities, shall be adequately walled, fenced or landscaped in a manner specifically approved by the ARB so as to provide a buffer between neighbors and prevent the general viewing thereof. Further:

- A. All facilities and structures must have the prior approval of the ARB.
- B. No lighting of a recreational facility shall be permitted unless specifically approved by the ARB.
- C. Basketball backboards, skateboard platforms, sports nets, soccer/lacrosse goals and treehouses are prohibited without a variance from the ARB.

Tennis courts are not permitted.

3.2 FENCES AND WALLS: The construction of a fence or wall may be permitted but only with the prior written approval of the ARB. Strict adherence to issues such as the quality of materials used, location, height, setback from property lines and additional landscaping will be subject to approval by the ARB. Solid fences may be used for screening of utilities.

- A. **Fences:** Any fence placed outside the rear yard setback line shall not exceed three (3) feet in height without a variance from the ARB after consulting with neighboring owners adjacent to the subject property.

Side yard fences placed outside the side yard setback shall not exceed four (4) feet in height without a variance from the ARB after consulting with neighboring owners adjacent to the subject property.

All fences, whether inside or outside the various setback lines may not be built in such a manner so as to continue un-pierced for a distance of 15 feet without a break; a 90 degree turn in direction or an attractively designed pilaster.

Chain link fences, including vinyl clad chain link fences are not permitted without a variance from the ARB. The ARB has final approval on all proposed fencing.

- B. **Walls:** Front yard walls outside the front setback shall not exceed three (3) feet in height without a variance from the ARB. Front yard walls shall not be built beyond the front setback line. Front yard walls within the front setback line shall be kept as low as is architecturally correct and pleasing and shall not be of a length which exceeds 50% of the front lot width.

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Rear and side yard walls shall be set back from the subject property line by a distance of at least four (4) feet and shall not exceed four (4) feet in height without a written variance from the ARB.

The height of all garden/privacy walls shall be measured from the property owner's average finished grade. ARB has final approval on all proposed walls.

The above rear and front yard restrictions apply to hedges as well but with a degree of flexibility as hedges can be trimmed and cut back over time should their height become objectionable.

All walls shall be of CBS construction and painted to match the body color of the home.

3.3 LANDSCAPING: It is the intent of the ARB to encourage the retention and preservation of the natural vegetation existing on site.

- A. Submission of Landscaping Plan by Certified Florida Architect:** Prior to any clearing of any lot, a basic landscaping plan must be submitted and approved by the ARB. The plan shall show the existing vegetation and the proposed removal thereof and shall make provision for drainage of the landscaped area. The ARB encourages the selection of climate compatible plant material.
- B. Sod:** Sodded and/or landscaped areas (including areas of natural vegetation retained) shall be required in the entire yard surrounding the dwelling. The sod shall be St. Augustine grass (or Floratam) and no other type shall be permitted. Reasonable guidelines will be used by the ARB for installation of small, unobtrusive areas of artificial grass.
- C. Sprinkler System:** All lots are required to have installed a standard underground sprinkler system. The sprinkler system shall be of sufficient size and capacity to irrigate all sodded and landscaped areas and must always be maintained in good working order. It is recommended that all well water for irrigation be chemically treated to remove iron from the water to prevent iron from staining the property or any improvements placed thereon. The entire lot, including that portion of the lot, which is subject to the road easement, shall be irrigated and maintained.
- D. Removal of Trees:** No trees outside the footprint of the proposed home that are more than four (4) inches in diameter as measured at a point on the tree four (4) feet above grade shall be removed without the prior written consent of the ARB, which approval may be given when such a removal is necessary for the construction of the dwelling or other improvements. After construction, any owner that wishes to remove any tree that exceeds four (4) inches in diameter must request written approval from the ARB.
- E. Addition of Shade Trees:** Landscaping plans for all lots are required to meet state and local

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code for tree canopy calculations. The ARB requires shade trees be planted on any Lot in order to meet the minimum tree canopy calculation of fifty percent (50%) tree coverage per lot.

- F. Minimum Landscaping Expenditures:** In addition to the landscape plan, the owner shall also submit to the ARB a landscape budget with cost estimates for trees, shrubs, and ground covers. The minimum amount which shall be spent on landscaping each lot (excluding architectural fees and the cost of hardscape and irrigation system) shall be \$40,000.00, which amount shall be subject to an annual increase of 3% starting in 2022.
- G.** For all new homes or re-built homes built around the lakeside of the community, there is a mandatory buffer zone to be landscaped from edge of the water, extending 10 feet into the property. This buffer zone must be landscaped with native Floridian plantings that are drought tolerant and require no fertilizers.
- H. Mulch:** A mulch color standard has been established by the Landscape Committee. All property owners are required to follow this standard on their property.

3.4 SCREENING: It is the intent of the ARB to screen various areas adjacent to the dwelling from view of the street or nearby properties.

- A.** All garbage or trash containers, pool equipment, sprinkler system equipment, air conditioning and heating equipment, whole home generators, firewood storage and other similar items, may not be placed outside the building setback lines and must be underground or placed in a screened or walled in area so that they may not be visible from any other lot in THE SHORES or from the street. Walls or screening around all the above listed mechanicals must be at least one (1) foot higher than the mechanical device it is shielding.
- B.** Swimming pools shall be constructed in a manner so that the outside of any pool deck, sun terrace or other surface is not closer than five (5) feet from any adjoining property line or public right-of-way. Free-standing or partially free-standing screen enclosures including screened pool enclosures of any kind or style shall not be permitted. Screened pool enclosures may be considered if they are built within a central atrium of the home in which the home surrounds the pool on three sides. In such an application, the top of the screen enclosure must not be visible from public view from any direction.

No raw aluminum colored screen or framing for screened enclosures shall be permitted.

- C.** If any owner elects to purchase two adjoining lots and use one for recreational purposes, the lot used for recreation must be adequately screened by landscaping or walls or fences on both the front and side as required by the ARB. It is the intent that any such use be screened from the general view.

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3.5 GARBAGE AND TRASH: No lot shall be used or maintained as a dumping ground for garbage, trash or other waste. All trash, garbage and other waste shall be kept in sanitary containers and shall be maintained within an enclosure as approved by the ARB. All garbage, trash and recycling placed on the curb for pick up must be placed in hard plastic or metal containers with lids to prevent wildlife from gaining access. No owner or contractor shall be permitted to burn any type of trash or construction material on any lot at any time.

3.6 MAILBOXES: All mailboxes are to be of one design throughout the entire development. The owner of each home is required to have a mailbox. Each mailbox will be supplied by the Association at the owner's expense.

3.7 TEMPORARY BUILDINGS: No tents, trailers, vans, shacks, tanks or temporary buildings shall be erected or permitted to remain on any lot without the prior approval of the ARB.

3.8 MOTOR VEHICLES AND BOATS: No boats, trucks, recreational vehicles, off road vehicles, race cars or other non-passenger vehicles as delineated in Article III, Section 4, Paragraph (d) of the Declaration shall be placed, parked or stored upon any lot and no maintenance or repair of any boat or vehicle shall be performed upon any lot. The foregoing notwithstanding, an Owner may repair his or her vehicle in the garage, but only with the garage door closed. No commercial activity may be operated from the garage. Conversion of a garage for any purpose other than the parking of a passenger motor vehicle requires ARB approval pursuant to Article III, Section 4, Paragraph (h) of the Declaration. Community preference is that Owners park their vehicle(s) in the garage; however, for Owners who find they need to park a vehicle in their driveway it is requested to park as far away from public view and as close to garage as possible. This request does not apply to short term parking of visitors' vehicles.

3.9 PASSENGER VEHICLE STORAGE AREAS: All garage doors are to be kept closed when not in active use. Garage door openings may not face the street along the front of the home. When the side of the home containing the garage door(s) is visible from any roadway, special consideration must be given to shielding the opening from said view either through a privacy wall, dense tall landscaping or both. This shielding requirement is primarily for new construction. All garage windows must have shutters, blinds or other appropriate window screening to block direct view of the contents of the garage from the street or from neighboring properties.

3.10 CLOTHES DRYING AREA: No portion of any lot shall be used as a drying or hanging area for laundry of any kind, it being the intention hereof that all such facilities shall be provided within the building to be constructed on the lot. An exception to this restriction is possible with prior written approval from the ARB. Such exceptions may relate to health issues or electrical malfunctions. In all cases all outside drying areas used for laundry must be in areas not visible to other owners or from the street.

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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 ³/₄) 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

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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.

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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.

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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.

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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.

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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.

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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.

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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.