

# **ARBOR TRACE HOMEOWNER'S ASSOCIATION**

**February 2013**

## **Summary Of Covenants Restrictions, Board Rules, Appearance Standards, and Architectural Guidelines**

The Arbor Trace Subdivision is a deed-restricted community of 147 homes located in southern Indian River County. The subdivision is bound by 43<sup>rd</sup> Avenue SW on the east, 5<sup>th</sup> Street SW on the north, Oslo Road on the south, and Legend Lakes Subdivision on the west.

The Arbor Trace Homeowner's Association has a responsibility to its residents to ensure that the general appearance of existing homes and surrounding property are in accordance with Arbor Trace Covenants and Architectural Guidelines, to avoid harsh contrasts in architectural themes, and to maintain harmony between residences.

The Master Declaration of Covenants, Conditions, Reservations and Restrictions, which includes the Architectural Guidelines, is the Arbor Trace governing document and is the source of this Summary. Every homeowner has the responsibility to read and adhere to the Covenants. This Summary provides a quick reference to the restrictions, architectural guidelines, and requirements contained in the Covenants. This Summary does not replace or amend the Covenants.

Should a violation of the covenants, its restrictions or architectural guidelines occur, the Association or any individual homeowner has the right to seek injunctive relief to require the owner or tenant to stop, remove, and/or alter the circumstances causing the violation, and do so in a manner that complies with the covenants. The owner causing the violation may also be liable for the cost of seeking injunctive relief and may be fined in accordance with Florida Statute 720.305.

### **Covenants Restrictions and Board Rules**

#### **Residential Use**

- ❖ Homeowner's property is to be used for single family residential living units and for no other purpose.
- ❖ A business or commercial building cannot be erected on any lot.
- ❖ A business, including garage sales, cannot be conducted on any part of a lot.
- ❖ Architectural Review Committee (ARC) approval is required prior to any alteration or improvement upon a lot as specified in the Architectural Guidelines (Refer to the section on Architectural Standards for details).

#### **Pets**

- ❖ Dogs, cats and pet birds are the only animals that can be kept in reasonable numbers as pets of the occupants, but not for commercial use or purpose.
- ❖ All animals are to be kept on a leash when they are outside the owner's premises and must not become a nuisance to other residents; this includes removing the animal's waste the owner's property, from another's property, and from the common areas.
- ❖ ARC approval is required to erect an animal enclosure.
- ❖ Dangerous pets and pets of a mean and vicious temperament are prohibited.

### **Trucks, Boats, Trailers, and Other Vehicles**

- ❖ Only four-wheel passenger vehicles can be parked on any lot, and service or construction companies using trucks in the normal course of business.
- ❖ No maintenance or repair can be performed upon any motor vehicle upon any lot.
- ❖ All boats, trailers, and other types of vehicles are to be kept inside an enclosed garage.
- ❖ Boats are not allowed on the property except within enclosed garages.

### **Signs**

- ❖ No sign of any kind can be displayed to the public view of any lot except for a four square foot sign displaying the words, "FOR SALE" and a security sign of reasonable size provided by a contractor for security services.

### **Above-ground Pools**

- ❖ Above-ground pools are not permitted.

### **Sports Equipment**

- ❖ Sports equipment must not be located on the street, cul-de-sac, sidewalk, or roadside grassy strip.

### **Dish Antennas**

- ❖ Dish antennas are permissible, but, to the extent possible, should not be located on the front of the residence.

### **Trash, Recycle, and Yard Refuse**

Containers must be stored in a way that cannot be viewed from the street.

- ❖ Containers and yard refuse shall not be placed at the curb until the evening before or the day of pick-up.
- ❖ Containers must be returned to storage at the end of the collection day.

### **Nuisances**

- ❖ Noxious or offensive activity cannot be carried on upon any lot, nor shall anything be done which may become an annoyance or nuisance to the neighborhood.

### **Fireworks display**

- ❖ Fireworks that cannot be sold legally in Florida cannot be used in Arbor Trace as defined in Florida State Statute, Chapter 791.01 (4)(a).

### **Flag display**

- ❖ Residents of Arbor Trace may display one US flag, one Florida state flag, and one armed services flag consistent with Florida Statute 720.304.

## **Easements and Lakes**

Lot owners are responsible for maintaining the following:

- ❖ The maintenance easement between the property line and the lakes.
- ❖ The swale between Arbor Trace and Legend Lakes.
- ❖ The grass between the property line and the berms.
- ❖ The sidewalk and grass between the property line and the roadway.
- ❖ Sidewalks must be edged, trimmed, free of mold, mineral stains, and obstacles to pedestrian traffic.
- ❖ Boating and swimming is prohibited in the lakes. Fishing is allowed for residents and guests.
- ❖ Netting of fish is prohibited. The Board policy encourages catch and release.

## **Roadways**

All roads within the community are private roads and subject to the rules of the Association. These rules are as follows:

- ❖ The posted speed limit is 15 MPH for all vehicles.
- ❖ Only registered vehicles may be operated on the streets.
- ❖ Only licensed drivers may operate vehicles on the streets.

## **Parking**

- ❖ It is prohibited to park vehicles and trailers of any kind on any part of the turf between the sidewalks and curb, and on common areas located at the Phase I and Phase II lakes within Arbor Trace.
- ❖ It is prohibited to park vehicles and trailers of any kind closer than one car length from any Stop sign within Arbor Trace.
- ❖ Vehicles shall be parked parallel to the curb and in the direction of traffic flow. Double parking is not permitted. Vehicles shall not be parked in a manner that blocks access to driveways and mail boxes.

## **Gates**

- ❖ The north gate (5<sup>th</sup> street) is for Arbor Trace residents only and not for commercial vehicles
- ❖ The gate codes and remotes are for use by residents only.
- ❖ Separate codes are available upon request for service providers for use on the east gate (43<sup>rd</sup> Street) only.
- ❖ If a remote is lost or stolen the Association must be notified promptly.
- ❖ Replacement remotes are available from the Association at a cost to the homeowner.

## **Appearance Standards**

All areas of each homeowner's property must be maintained in good order in recognition of the impact each lot has upon the appearance of adjacent lots and to ensure that all homeowners work to maintain the appearance of respectability in our neighborhood.

Homes must be maintained to ensure there is no visible maintenance needs. This includes, but is not limited to the following:

### **House Exterior**

- Faded, cracking or peeling exterior paint.
- Broken windows.
- Dirt, mold, rust, and/or algae stains on roofs, gutters, soffits and walls
- Bent or loose rain gutters.
- Screen enclosures need to be maintained and repaired as needed.

## **Lawn**

- The lawn should be maintained in a healthy condition.
- All paved areas (driveways, curbs, sidewalks, etc.) shall be edged.
- There shall be no weeds or grass taller than six (6) inches.
- Grass around all areas of the property shall be maintained in neat condition by trimming around mailboxes, flowerbeds, utilities, and the house foundation.
- Lawns that show high infestation by weeds must be treated to remove the weeds.
- Except during winter, dead grass shall not be visible.
- Mulch is recommended to enhance the beauty of the landscape, help retain moisture, and minimize weed production.

## **Trees, Palms, Plants, and Shrubs**

- Plants shall be removed as soon as they die.
- Shrubs must be trimmed and replaced if diseased or dead.
- Prune trees and bushes as needed throughout the growing season to maintain a neat, well-cared-for appearance.
- Trees and palms must be trimmed to prevent encroachment on adjacent lots.
- Trees and shrubs shall not be allowed to obstruct the sidewalk or road.

## **Sidewalks and Driveways**

- Sidewalks and driveways will be maintained and free of iron, mold, rust, and other stains, as well as, weed free. Stain and concrete sealer must be approved according to the Architectural Standards.
- Large cracks in driveways or paved walkway must be repaired.

## **Fences**

- Sagging or leaning fences must be repaired.
- Badly warped or splitting fence pickets must be repaired.

## **Mailboxes**

- Bent or damaged mailboxes or mailbox posts must be repaired or replaced.
- Sagging or leaning mailboxes must be straightened.
- When replaced, mailboxes must be a white and mounted on a 4" X 4" post with a white plastic sleeve. Mailboxes and sleeves can be found at Lowe's or Home Depot.

## **Post Lamps**

- Post lamps should be checked regularly for burned out bulbs and should operate from dusk to dawn.
- Post lamps must be replaced or repaired when broken or damaged.

## **Architectural Guidelines**

### **Architectural Review Committee (ARC)**

The Architectural Review Committee (ARC) consists of Arbor Trace homeowners appointed by the Board of Directors. The ARC is to ensure that changes made to the exterior of existing homes and surrounding property are in accordance with Arbor Trace Covenants and Architectural Guidelines, to avoid harsh contrasts in architectural themes. Approval by the ARC does not relieve the owner of his/her obligation to receive any additional county approvals if required.

## **Approval process**

- ❖ The homeowner will make an application to the ARC for architectural and landscaping improvements and changes on the enclosed official Architectural Review Application.
- ❖ The application can also be obtained from any member of the ARC committee, Association president, Board of Directors, or downloaded from the Arbor Trace web site: <http://www.arbortrace.org>

## **Review process**

- ❖ The ARC will review the submission and within 14 days notify the owner of the decision.
- ❖ A simple majority of the ARC is required to approve or disapprove a project.

## **Appeal process**

- ❖ If an application has been denied, or approved subject to conditions that the owner feels are unacceptable, the owner may request a hearing before the ARC to justify his/her position.
- ❖ The ARC will notify the owner of its final decision within ten (10) days of the hearing.

## **Architectural Standards**

### **Improvements and/or alterations to an owner's exterior home or property that DO NOT require architectural and landscaping review and approval:**

- ❖ Original construction items that are replaced and are similar in all aspects to the original.
- ❖ A lamppost and light fixture that is replaced and is the same as the original.
- ❖ A mailbox that is replaced is all white and mounted on a 4' X 4' post with a white plastic sleeve.
- ❖ Sod that is replaced is the same type, or as close to the original (St. Augustine, Floratam or shade tolerant St. Augustine in appropriate areas).
- ❖ Replacement of shrubs, trees or palms that are less than 7" diameter, and plantings in landscape beds.

### **Alterations that DO require architectural and landscaping review and approval:**

- ❖ Fence style and material (see below).
- ❖ Exterior paint colors including driveways, sidewalks, shutters, and exterior doors (see below).
- ❖ Driveway size, type, concrete stain and/or sealer.
- ❖ Screen enclosures.
- ❖ Placement and appearance of solar heaters and solar panels.
- ❖ Gutters.
- ❖ Pools.
- ❖ Placement and appearance of permanent generators.
- ❖ Placement and appearance of any play gyms, trampolines, play houses, swing sets and storage units.
- ❖ Addition or removal of trees and palms greater than 7 inches in diameter.
- ❖ Substantial landscaping renovation as defined on page 7.

## **Fences**

ARC approval is required to install fences. The Application must include information on the fence materials, dimensions, and location on the property.

Fences approved by the ARC will conform to the following parameters:

- ❖ Will be 6 feet or less in height
- ❖ Will be white with the following exceptions:
- ❖ Chain link fences will be black or green vinyl coated.
- ❖ Other fence types such as the style that surrounds Arbor Trace will be white or black.
- ❖ Fences to obscure items such as pool equipment, generators, A/Cs, etc., will be white.

- ❖ Will be located within the requesting owner's property line and no closer to the front of the house than the back patio or back wall of the house.
- ❖ Will be sufficiently set back from the owner's property line to accommodate landscape maintenance.
- ❖ Gates will be no more than 4 feet in width.
- ❖ Positioning of the gate(s) will be subject to ARC approval.
- ❖ Lake view property fences will be:
  - Between the rear of the house and the rear set back line.
  - Will be a 4' high chain link green vinyl clad with minimum 2' high shrubbery screen.

### **Exterior Paint**

All exterior paint colors must be approved by the ARC including:

- ❖ Walls
- ❖ Decorative Shutters
- ❖ Front doors
- ❖ Garage doors – White or color of house
- ❖ ALL trim, must be painted white.

ARC must approve all elements to ensure harmony of the four exterior house elements. The ARC maintains a color palette of all approved exterior colors. Homeowners may request approval of colors for inclusion in the approved color palette. When requesting a color that is not in the palette, homeowners may be required to paint a swatch of a size determined by the ARC. More than one swatch may be requested to observe the color in different lights (e.g. full sun, shade). When requesting a shutter or door color, a swatch may be requested. The application for a new color must include:

- ❖ A swatch
- ❖ Manufactures name (e.g. Behr)
- ❖ Color number
- ❖ Tint formula including size of container (gallon) and base.

All cost of providing the swatch(s) will be borne by the requesting homeowner, whether approved or denied.

The ARC will approve the sheen (flat, satin, etc.) for all colors and all elements in the palette.

The same color may be approved for more than one element. For example, a wall color could also be approved for a shutter or door.

The ARC does not endorse any paint supplier. An approved swatch will be provided for the purpose of color matching by the homeowner's supplier of choice.

Any element (wall, shutter, door, trim) painted a color not in the approved palette, at the time this revised guideline is approved, will be grandfathered until repainted or the color is approved for inclusion in the palette.

- ❖ The ARC must approve the color of hurricane shutters permanently affixed to the house.
- ❖ Temporary hurricane panels are not subject to the color palette.

### **Trees and Palms**

ARC approval is required to remove any Palm or tree with a trunk greater than 7 inches in diameter on the homeowner's lot and shall include:

- ❖ The reason for requesting the removal.
- ❖ If requested by the ARC, a written statement from a qualified Arborist that the tree is diseased, or at significant risk to soon become diseased.
- ❖ A written landscape plan for replacing the removed Palm or tree.

**ARBOR TRACE HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL REVIEW APPLICATION**

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

\_\_\_\_\_ Landscaping Plan

\_\_\_\_\_ Fence Plan and Detail (attach copy of plan and materials to be used)

\_\_\_\_\_ Pool Plan and Detail (attach copy of plan, proposed screening, etc.)

\_\_\_\_\_ Screen Room or Addition (attach copy of plan and materials to be used)

\_\_\_\_\_ Paint Plan (Include paint color selection and area to be painted)

\_\_\_\_\_ Other (list details and attach copy of plan)

\_\_\_\_\_  
Date: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_

Submit completed application and plans to:

Barbara Sylvester  
4471 8<sup>th</sup> Lane SW  
Phone 564-7422

Date Received By ARC: \_\_\_\_\_

Your application is hereby ( ) \*\*Approved, subject to the following or ( ) Disapproved because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_ ARC Committee: \_\_\_\_\_

\*\* Valid for 6 months from approval date

[Homeowners are responsible for securing building permits and any other government approvals in accordance with County regulations. **Homeowners are to contact ARC when project is completed.** Please note that the homeowner may be subject to injunction or additional cost as defined in the Arbor Trace Covenants if the completed work varies from the approved plan.]

REV 1/14