



VITALIA™
AT TRADITION

11899 SW Apple Blossom Trail
Port St Lucie, FL 34987

Architecture Review Requirements (ARR)
Revised October 15, 2021

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VITALIA AT TRADITION RESIDENTS' ASSOCIATION, INC. ARCHITECTURAL REVIEW REQUIREMENTS

Pursuant to the Declaration, no structures or improvements shall be constructed on any portion of Vitalia at Tradition (Vitalia), no exterior of a Home shall be repainted, no landscaping, sign, or improvements erected, removed, or planted on any portion of Vitalia, nor shall any material addition to or any change, replacement, or alteration of the improvements as originally constructed by the Developer (visible from the exterior of the Home) be made until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, color scheme, and the location of same shall have been submitted to and approved in writing by the Architectural Review Committee (ARC.)

The ARC strongly supports the Architectural Review Requirements (ARR) as delineated herein. Conformance with overall community design standards is essential to ensure that the character and quality of the Vitalia community is preserved. The ARC's authority and oversight extends only to Homeowner parcels. Common areas and common property, within the community, are managed, maintained, built, and modified solely under the direction of Board of Directors (BOD).

- 1. Defined Terms.** All Initially capitalized terms shall have the meanings set forth in the Declaration unless otherwise defined herein.
 - 1.1. Alterations of Original Plans.** Any and all deletions, additions and changes of any type or nature whatsoever to previously ARC approved applications, and/or plans and specifications for work effecting an existing home, and/or site. Alterations are subject to written approval of the ARC in the same manner as required for approval of the original application and/or plans and specifications.
 - 1.2. Exculpation.** To clear from a charge of guilt or fault or blame. In law, the act of clearing a mistake when it is determined that no criminal intent was involved. As applied here, it refers to the recognition that a member of the BOD or ARC may from time to time make a decision based on bad judgment but not with criminal intent and therefore that member will not be held legally accountable for such a decision.
 - 1.3. Statuary.** As used herein, means any object whether composed of metal, wood, rock, or artificial substance, which is placed in the yard of the home. Examples include planters, fountains, ornaments, sculptures, statues, artificial birds, or other fixtures representing nature, etc. *Statuary sets must be placed close to each other, within 30", to count as one (1) item. Otherwise, they will be counted as separate items.*
 - 1.4. Architectural Review Committee (ARC).** The Architecture Review Committee shall approve or disapprove any exterior improvements, structures, or landscaping proposed for any residential property within Vitalia at Tradition.

1.5. **BOD.** Board of Directors of Vitalia at Tradition Residents' Association, Inc.

1.6. **Homeowners' Association.** Vitalia at Tradition Residents' Association Inc.

2. **Approval Required.** An approval is required without limitation, for any building, fence, wall, swimming pool, screen enclosure, pergola, landscape, landscape device, or object, and/or other improvement or change or modification thereto, the construction, erection, performance or placement of which is proposed upon any Home or residential lot in Vitalia at Tradition.

2.1. The ARC shall approve or disapprove, in writing, any exterior addition, changes, modifications or alterations therein or thereon.

2.2. Repairs/maintenance of previously approved projects do not require an application so long as the repairs and/or maintenance do not alter the appearance or originally approved ARC application.

3. **Variances.** The ARC has the right to vary from the provisions of these Community Standards for reasons of practicality or hardship which otherwise would be suffered by any Homeowner, without consent of the Homeowners of any adjoining or adjacent properties.

3.1. **Process.** The ARC shall submit such proposed variances, with their recommendations, to the BOD for consideration and final determination.

3.2. **Limitations.** Any variances, which shall be manifested by written agreements, shall not constitute a waiver of any restriction or provision of the ARR as to any other Home. The granting of a variance or variance shall not nullify or otherwise affect the right to require strict compliance with the requirements set forth herein on any other occasion.

3.3. **Enforcement.** Notwithstanding the foregoing, the ARC shall not enforce any policy or restriction that is inconsistent with the rights and privileges of Owners set forth in the Declaration or these ARR.

4. **Right to Act.** The HOA may enforce the Declaration and the ARR upon its own volition or upon the request of any Homeowner(s) and/or the Board by forwarding issues to the Association Compliance Officer, who reports these issues to the Board.

5. **Application Process.** In order to obtain the approval of the ARC, each Owner shall observe the following. The current application form can be found on the HOA website or at the Captiva Clubhouse reception desk.

5.1. **Application.** Each Homeowner must submit an application to the ARC with respect to any proposed improvement or material change in an improvement, together with the required application(s) and fee(s) as adopted by the ARC.

- 5.1.1. The ARC may also require submission of samples of building materials and colors proposed to be used.
- 5.1.2. The Homeowner shall if requested submit to the ARC.
 - 5.1.2.1. Certified Site plans.
 - 5.1.2.2. Plans and specifications for proposed structural improvements, prepared and signed by a registered Florida architect or residential designer.
 - 5.1.2.3. Landscaping and irrigation plans showing all existing trees and major vegetation stands and surface water drainage plan showing existing and proposed design grades, contours relating to the predetermined ground floor finish elevation.
- 5.1.3. In the event the information submitted to the ARC is, in the ARC's opinion, incomplete or insufficient in any manner, the ARC may request and require the submission of additional or supplemental information. The applicant shall, within fifteen (15) days thereafter, comply with the request.
- 5.1.4. The ARC recommends Homeowners request Contractor Data for their protection.
 - 5.1.4.1. Business license/permit
 - 5.1.4.2. Proof of liability insurance
 - 5.1.4.3. Proof of worker compensation insurance
 - 5.1.4.4. Contractor bond for large projects
- 5.1.5. Homeowner acting as their own contractor. The Homeowner shall include with his/her Application submitted to the ARC, an executed copy of the Port Saint Lucie Owner/Builder Disclosure Statement. Attached as Appendix "E."

5.2. Revised Plans. The ARC shall require the resubmission of applications including any plans and specifications if the initial ARC approved application is revised.

5.3. ARC Quorum. A majority of the ARC shall constitute a quorum to transact business at any meeting.

- 5.3.1. The ARC meetings may be conducted in person, or video conference.
- 5.3.2. ARC meetings, which must be publicly noticed 48 hours in advance, are open to all Residents of Vitalia.

5.4. Time for ARC Review. No later than thirty (30) days after receipt of all information required by the ARC for final review, the ARC shall approve or deny the application in writing.

- 5.4.1. In approving or disapproving such plans and specifications, the ARC shall consider the suitability of the proposed improvements, the materials of which the improvements are to be built, the site upon which the improvements are proposed to be erected, the effect thereof on adjacent or neighboring properties and any other factors the ARC deems appropriate.

5.5. Rehearing. In the event the ARC disapproves any application, or plans and specifications, the applicant may request a rehearing by the ARC for additional review of the disapproved application.

5.5.1. The meeting shall take place no later than the next scheduled ARC meeting after a written request for such a meeting is received by the ARC unless applicant waives this time requirement in writing.

5.5.2. The ARC shall make a final written decision no later than five (5) days after such meeting.

5.6. Right to Appeal. Upon final disapproval (even if the members of the BOD and ARC are the same), the applicant may appeal the decision of the ARC to the BOD within thirty (30) days of the ARCs written review and disapproval.

5.6.1. Review by three (3) members of the Board shall take place no later than fifteen (15) days subsequent to the receipt by the BOD of the Owner's request thereof.

5.6.2. The Board shall make their final decision in writing to the homeowner no later than fifteen (15) days after appeal review.

5.6.3. The decision of the ARC, or if appealed, the BOD, shall be final and binding upon the applicant, his heirs, legal representatives, successors and assigns.

6. Design Requirements.

6.1. Commencement of Work. No physical work shall commence prior to receiving an approval in writing from the ARC.

6.2. Project Stipulations. All ARC approved Homeowner construction and/or landscaping projects must comply with the requirements delineated in Appendix A Project Stipulations (STIPS.)

6.3. Approved Plant List. Plants for Homeowner landscaping projects must be selected from Appendix B - "Approved Plant List."

6.4. Approved Paint Schemes. Exterior paint colors schemes must be selected from the "Approved Color Schemes." The approved schemes (generally 4-5 separate colors for body accent, trim, garage and front door) are available for viewing on the HOA website and in the Captiva Clubhouse.

6.5. Alterations of Original Plans. Any and all alterations, deletions, additions and changes of any type or nature whatsoever to existing applications previously approved by the ARC in writing, shall be subject to the written approval of the ARC in the same manner as required for approval of the original plans and specifications.

6.6. Building Codes and Permits. The Homeowner is solely responsible to obtain and present to the ARC upon request, all required building permits and approval from the city of Port Saint Lucie or other governmental authorities having jurisdiction.

6.6.1. The Homeowner is responsible for compliance with all applicable building codes.

6.6.2. The Owner must present to the ARC the building permit signed by the appropriate government agency at project completion and sign off.

6.6.3. If Port Saint Lucie ordinance(s) or any local government ordinance, code or regulation requires a more restrictive standard than the standards imposed in the ARR, the Port Saint Lucie ordinance(s) or any local government ordinance, code or regulation shall prevail. If Port Saint Lucie ordinance(s) or any local government ordinance, code, or regulation is less restrictive, then the ARR shall prevail.

6.7. Planning Regulation and Setbacks. Each Owner is responsible for compliance with applicable planning regulations and setbacks.

6.7.1. The minimum front, side and rear setbacks for all Homes in Vitalia at Tradition must comply with local (Port Saint Lucie) planning regulation.

6.7.2. Easements are identified on certified plats provided to the homeowner

6.7.3. Fences must be setback 5 feet from the rear property line on homes that border a retention pond.

6.8. Construction permitting. All buildings and/or structures including home additions, screen enclosures, pools, roof structures, and walls must be permitted by City of Port Saint Lucie.

6.9. Harmony and Appearance. The ARC shall have the right of final approval for the exterior appearance and compatibility of all Homes with the architectural character of the community including quality of construction, paint color, and the general appearance of all exterior building materials.

6.10. Allowable Types of Structures. No building shall be erected, altered, placed, or permitted to remain on any residential lot other than a Home.

6.10.1. No garage, screened enclosure, greenhouse, or other structure may be constructed separate and apart from the residential dwelling on the lot.

6.11. Project Initiation and Completion. Once approved, Homeowner projects must begin and progress in a timely manner.

- 6.11.1. Construction or work on the project must begin within a six (6) month period from the date of ARC approval.
- 6.11.2. The project must be completed within a twelve (12) month period from the date of ARC approval.
- 6.11.3. If the project timeline, as delineated herein, is not met the Homeowner can request an extension of the project timeline from ARC in writing.
- 6.11.4. The ARC will review all details of the requested project extension and render an approval or denial based on current facts.

6.12. **Home Repainting.** Homes must be repainted a minimum of every seven (7) years or, more frequently as required by the Association.

- 6.12.1. When a resident is required to repaint their home, the resident is responsible to submit an ARC application designating the desired color scheme of the house.
- 6.12.2. Exterior Color Plan. Homeowners must select an exterior color scheme from the "Approved Color Schemes." The approved schemes (generally 4-5 separate colors for body accent, trim, garage and front door) are available for viewing on the HOA website and in the Captiva Clubhouse.
 - 6.12.2.1. General Requirements
 - 6.12.2.1.1. No two adjacent homes, either next to one another and/or across the street, can be painted the same color scheme. Approval of adjacent home colors will be determined by date of submission.
 - 6.12.2.1.2. The color scheme of the rear and side facades must be the same as that of the front facade of the Home.
 - 6.12.2.1.3. Exterior wall surfaces inside screened lanais are considered exterior walls and must be painted using the same exterior color scheme.

6.13. **Gutters.** All gutters must be white. Downspouts may be painted the same color as the body of the house or must be white.

- 6.13.1. New installation or replacement of gutters requires written approval by the ARC.
- 6.13.2. Gutter downspouts must have splashguards to prevent erosion and direct water away from the home's foundation.

6.14. **Roofs.** All roofs, including the replacement of all or part of a roof, must be approved, in writing, by the ARC.

- 6.14.1. Maintenance and/or repair of an existing roof does not require ARC approval unless the repair exceeds more than 25% of the roof area.
 - 6.14.2. All required heat and plumbing vents shall not penetrate the roof on the roadside of the building unless determined to be absolutely necessary by the ARC.
 - 6.14.3. In all events such vents and roof edge flashing shall be painted the same color as the roof.
 - 6.14.4. A sample of the material to be used, including the color of the material, must be submitted with the application for approval of a roof or for the replacement of a roof with any material other than the existing material.
 - 6.14.5. Metal roofs may be approved if simulating the barrel or flat tiles and if they meet the Florida hurricane codes.
 - 6.14.6. The color of the metal roof must be in harmony with the community and coordinated with the house color. A sample of the actual roofing tile(s), depicting the color, must be submitted with the ARC application.
 - 6.14.7. Plastic roofs of any type are not permitted, the exception being installation on a sunroom type addition.
 - 6.14.8. Painting or applying sealant to cement tiles, either flat or barrel requires ARC approval. A color sample and/or the sealant color and type must accompany the application.
- 6.15. **Window Frames and Window Treatments.** Window frames must be either anodized aluminum or electronically painted (powder coated) metal.
- 6.15.1. All window frames and mullions must be white. No mill finish aluminum color will be allowed.
 - 6.15.2. Interior window treatments shall consist of drapery, blinds, decorative panels, or other permanent window coverings. No tinting, newspaper, aluminum foil, sheets or other temporary window treatments are permitted, except for periods not exceeding one (1) month after an Owner or Lessee first moves into a Home or when permanent window treatments are being cleaned or repaired.
 - 6.15.3. No security bars shall be placed on windows of any Home.
 - 6.15.4. No awnings, canopies, or shutters shall be affixed to the exterior of a Home without the prior written approval of the ARC. No reflective tinting or mirror finishes on windows shall be permitted.
- 6.16. **Garages.** Carports are not permitted.
- 6.16.1. Garage doors must have embossed facing.
 - 6.16.2. All garage doors must be a solid color in accordance with the homes color scheme.
 - 6.16.3. No screening shall be permitted across garage fronts which is visible from the street when the garage door is closed.

- 6.16.4. No garage shall be converted into a general living area unless specifically approved by the ARC.
- 6.16.5. Faux windows on garage doors are not allowed.
- 6.17. **Driveways and Walkways.** Replacement or addition to driveways and/or walkways must be approved in writing by the ARC.
 - 6.17.1. Driveways and/or walkways must be constructed in the same style and of the same materials utilized by the original building in the construction of the original driveway and/or walkway.
- 6.18. **Yard Plaques.** Plaques must be approved by the ARC prior to installation within the Vitalia community. Homeowners must comply with the following guidelines for plaques.
 - 6.18.1. Plaques conveying political or religious messages or overtones are NOT permitted.
 - 6.18.2. Plaques that contain obscene, sexually explicit, or offensive language are NOT permitted.
 - 6.18.3. Plaques must NOT be placed in yard areas where they will impede normal yard maintenance.
 - 6.18.4. Homeowners must accept all responsibility for any damage to plaques by landscaping crews.
 - 6.18.5. Plaques must be of a metallic substance and must match or blend with natural colors such as browns, grays, and greens. Bright colors are not permitted.
 - 6.18.6. One plaque can be affixed to a flagpole, not larger than 3" x 5"
 - 6.18.7. One plaque not larger than 5" x 7" may be displayed in a homeowner planting bed and must not be displayed more than 18" high.
 - 6.18.8. Rusted, broken, damaged, or otherwise unsightly signage must be removed and/or repaired immediately.
- 6.19. **Games, Play Structures and Recreational Equipment.**
 - 6.19.1. Permanent tennis courts, play courts, permanent goals and game courts are not permitted within residential Lots.
 - 6.19.2. No basketball-backboard, skateboard ramp, swing set, gym, sand box, nor any other fixed play structure, including, without limitation, platform, doghouse, playhouse or structure of a similar kind or nature shall be constructed on any part of a residential lot.
 - 6.19.3. No basketball-backboards may be attached to Home. Portable basketball backboard are permitted and must be moved inside of the garage at night.

6.20. Fences.

6.20.1. No fence shall be constructed on any Homeowners property without the prior written approval of the ARC.

6.20.1.1. The use of landscaping is encouraged in place of fences.

6.20.1.2. Homeowners must provide a 54" wide gate with clear access way into the fenced area must be provide if the Homeowner wishes for the community landscaping contractor to continue to maintain the lawn within the fenced area.

6.20.2. Fence Material, Color, and Height

6.20.2.1. The ARC will only approve 48", or 60" high anodized bronze or black aluminum or powder coated steel fencing.

6.20.2.2. Fencing must have vertical 3/4" x 3/4" pickets spaced no closer than 4" on center.

6.20.2.3. The lower 1'-6" to 2'-0" of the fence may have intermediate vertical pickets spaced at 2" on center to keep critters out/or and small pets in.

6.20.2.3.1. **Exception:** Black vinyl clad, 2"x 4" welded wire fabric (WWF) will be allowed to contain small pets if required. This will be allowed only as an accommodation for an existing fence.

6.20.2.3.2. The WWF may be applied to the lower 18 inches of the fence.

6.20.2.3.3. The WWF must be neatly secured to the fence with black plastic ties.

6.20.2.4. The bottom rail of the fence must be a minimum of three (3") inches above grade to protect fence from damage by yard maintenance contractors and to ensure proper site drainage.

6.20.3. Fence Placement.

6.20.3.1. Fences may only be placed around rear yards and must comply with the following:

6.20.3.1.1. All such fences located on the side property line, must not extend forward of the rear edge of the home they serve.

6.20.3.1.2. If homes have a screened lanai or porch, the fences can extend forward to the point where the screened lanai or porch joins the body of the home.

6.20.3.1.3. Fences located on the side property line must be shared by neighbors when both have fenced rear yards.

6.20.3.2. Fences may not be placed on or across any dedicated access

and/or utility easements.

6.20.3.3. Fences must be setback 5 feet from the rear property line on homes that border a retention pond.

6.20.3.4. Drainage issues caused by fence placement in a swale are the responsibility of the homeowner to rectify the drainage issue.

6.21. **Landscaping Criteria.** Installation of new landscaping or alteration of existing landscaping must be approved by the ARC in writing and must comply with the "Landscape Maintenance Standards Document."

6.21.1. Homeowners shall plant only species indicated on the Vitalia Approved Plant List (Appendix B, or as otherwise permitted by Florida Statute.

6.21.2. General requirements

6.21.2.1. No plant materials or soil shall be removed without the prior written approval of the ARC.

6.21.2.2. Each Owner is solely responsible for compliance with planning and zoning regulation.

6.21.2.3. Foundation plantings must not be allowed to grow higher than the sill height of windows.

6.21.2.4. The ARC may reject the landscape plan based upon review of the overall design and its impact on neighbors and the community.

6.21.2.4.1. How the proposed scheme fits with the tropical environmental character of the community

6.21.2.4.2. How the proposed scheme may create costly maintenance issues which would increase the cost of community landscape maintenance costs.

6.21.2.4.2.1. Homeowners must maintain a clear access way for yard maintenance crews.

6.21.2.4.2.2. The clear access way must be 60 inches wide. Shrubs, palms and/or trees which restrict access to rear yards will not be allowed.

6.21.2.5. **Mulch**

6.21.2.5.1. Mulch must be dark cocoa brown in color or as approved by the Board of Directors.

6.21.2.5.2. Stone mulch is allowed, colors must be of a muted earth tone. Landscape edging must be installed to prevent stones from migrating into lawn areas. Stone mulch cannot be more than 3 inches in diameter and 1 inch in depth.

6.21.2.6. Homeowners must not locate plants and/or planting beds on side or backyards impeding the Association landscaping contractor's access for mowing equipment.

6.21.2.7. Homeowners must not locate plants and/or planting beds in access Right of Ways (ROW) blocking access to common grounds by service vehicles.

6.21.2.8. Curbing or edging may be made of cement, stone, pavers, or composite materials.

6.21.2.8.1. The edging material and color must be indicated on the Homeowners application.

6.21.2.9. Locating plants in front of pad mount electrical transformers is prohibited.

6.22. **Swimming Pools.** All swimming pools constructed on any residential lot must comply with the requirements of the ARR including.

6.22.1. All applications for the installation of a swimming pool must be accompanied with a certified survey illustrating the location of the pool, decks, home, property lines, setbacks and easements, and all applicable building permits.

6.22.2. Swimming pools must comply with all applicable building codes and setback requirements.

6.22.3. Pools must be constructed of a material thoroughly tested and accepted by the industry for such construction.

6.22.4. No lighting of a pool or other recreation area shall be installed without the approval of the ARC. If allowed, lighting shall be designed to buffer the neighboring homes from the lighting.

6.22.5. Pool filter and heating equipment must be screened from view of neighboring properties and the street with landscaping.

6.22.6. Pool filter and heating equipment should be located a minimum of two feet (2') from the property line.

6.22.7. No above ground pools shall be permitted.

6.22.7.1. Spas may be approved inside of a locked lanai/screen enclosure and with a locked cover.

6.22.8. No slides or platforms shall be permitted.

6.23. **Fire Pits.** Wood burning or other organic material fire pits are not permitted. Permanent Natural Gas or Propane fueled fire pits are allowed with prior ARC approval and must be permitted.

6.23.1. Fire pit equipment must meet Underwriters Laboratory requirements.

6.23.2. Fire pits must comply with local building codes.

6.23.3. Permanently installed natural gas fire pits must be installed by a permitted company and licensed plumber.

6.24. **Outdoor Lighting and Fixtures.** ARC approval is required for all exterior electrical modifications requiring 120/208-volt application.

6.24.1. No exterior lighting shall be permitted that constitutes a nuisance or hazard to any other Homeowner or Resident.

6.24.2. Installation of 120/208 volt electrical devices must be completed by a licensed electrician with a current City business permit.

6.24.3. All electrical building permits are the responsibility of the homeowner.

6.24.4. Style and color of exterior lights shall be compliant with community

- standards. ARC applications should include a colored picture of the fixtures.
- 6.24.5. Exterior spotlight and floodlight fixtures may be either non-motion or motion detector fixtures.
- 6.24.6. Low-voltage light systems
- 6.24.6.1. Exterior spotlight and floodlight fixtures other than the original construction of the dwelling must be approved by the ARC.
- 6.24.6.2. Illumination lighting for landscaping and walkways and driveways may not exceed 36" in height.
- 6.24.6.3. Such lighting shall be accomplished with low wattage fixtures or solar power lights.
- 6.24.6.4. A maximum quantity of 12 low-voltage or solar lights may be installed in front yards. A maximum quantity of 12 low-voltage or solar lights may be installed in rear and side yards (combined).
- 6.24.6.5. Illumination of large bushes and trees shall be accomplished with standard or low voltage (flood or spot) light fixtures, ground mounted and aimed vertically upward.
- 6.24.6.6. **Note:** White and Yellow are the only color lamps approved for exterior lighting in the community. Other colors may be utilized during recognized holiday seasons but must be removed within seven (7) days after the end of such holiday.
- 6.25. **Screen Enclosure.** No screened enclosure, for pools or otherwise, shall be installed unless approved in writing by the ARC. The approval of the ARC may address color, height, setbacks, buildable area radius, and other like factors.
- 6.25.1. Pool/screen enclosures must have an anodized aluminum bronze structural frame.
- 6.25.2. Screen fabric must be black or charcoal color.
- 6.25.3. Pool/screen enclosures cannot be wider than the width of the building to which they are attached.
- 6.26. **Temporary Structures.** No structure of a temporary character, trailer, tent, shed, garage, barn, or other outbuilding shall be allowed on any residential lot at any time.
- 6.27. **Window/Wall Units.** No window or wall air conditioning unit may be installed in any window or exterior wall of a Home.
- 6.27.1. Split AC units may be used to cool a garage space with ARC approval.
- 6.27.2. Piping and conduits cannot be exposed to view and must be run inside of the exterior wall.
- 6.28. **Mailboxes.** No new or replacement mailbox shall be erected on any home lot unless and until the size, location, design, paint color, and type of material for said receptacle shall have been approved by the ARC.
- 6.28.1. New mailboxes will only be allowed for disabled residents with the

approval of the US Postal Services.

6.28.2. Each existing mailbox must be maintained by the Owner having the use of such mailbox, in keeping with the size, location, design, paint color, and type of material for said receptacle as originally approved by the Declarant and the ARC.

6.28.3. Tandem mailboxes shall be jointly maintained, with each Owner contributing equally for maintenance and repair costs.

6.29. **Utility Connections.** Building connections for all utilities, including, but not limited to, water, gas, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

6.30. **Satellite Dishes and Antenna.** All outside antennas, antenna poles, antenna masts, electronic devices, satellite dish antennas, or antenna towers are subject to the prior written approval of the ARC.

6.30.1. The ARC requires that all ground-based items be screened from view with landscaping.

6.30.2. The installation of the antenna must comply with all applicable safety restrictions, including any restrictions as to location and height of antenna as imposed by applicable fire codes, electrical codes, zoning codes, and building codes.

6.30.3. One-meter satellite dishes may be placed below the roof line in rear of the Home with the prior written approval of the ARC.

6.30.4. Satellite dishes should be mounted a minimum of twenty (20'-0") feet from the electrical panel.

6.31. **Flags and Flagpoles.** No flag or banner shall be exhibited, displayed, inscribed, painted, or affixed in, or upon any part of Vitalia at Tradition that is visible from the outside without the prior written approval by the ARC.

6.31.1. The ARC shall approve the installation of one (1) portable, removable United States of America flag or official flag of the State of Florida displayed in a respectful manner, and one (1) portable, removable official flag, not larger than 4 ½ feet by 6 feet and displayed in a respectful manner, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or a POW- MIA flag.

6.31.2. The ARC shall approve the installation of one (1) freestanding flagpole no more than twenty (20) feet high on any portion of such Owner's Lot.

6.31.2.1. The flagpole must not obstruct sightlines at intersections and cannot be erected within an easement.

6.32. **Home Additions.** Rainwater from the roof of a new home addition or the alteration of the existing grade must not be diverted onto a neighboring property creating a nuisance or adversely affecting the drainage of the neighboring property.

6.32.1. Each owner is responsible for maintaining established drainage patterns

on the Lot comprising the Home so as not to adversely affect drainage in any other portion of Vitalia at Tradition.

- 6.33. **Decorative Awnings and Shutters.** All awnings and shutters (other than those initially installed) must be approved in writing for aesthetic and overall appearance by the ARC and must be selected from the approved color scheme for the exterior of the Home.
- 6.34. **Hurricane Shutters.** Any hurricane shutters or other protective devices visible from outside a Home shall be of a type approved in writing by the ARC.
- 6.34.1. Panel, accordion, and roll-up style hurricane shutters may not be left closed during hurricane season (nor at any other time).
- 6.34.2. Any such approved hurricane shutters may be closed up to fifty (50) hours prior to the expected arrival of a hurricane and must be removed or opened within seventy-two (72) hours after the end of a hurricane watch or warning or as the Board may determine otherwise.
- 6.34.3. Except as the BOD may otherwise decide, shutters may not be closed at any time other than a storm event.
- 6.34.4. Any approval by the ARC shall not be deemed an endorsement of the effectiveness of hurricane shutters.
- 6.35. **Exterior Doors.** All new doors and/or inserts must be approved in writing by the ARC.
- 6.35.1. The replacement of exterior doors must be color compatible with the paint scheme of the Home.
- 6.35.2. New door inserts must be hurricane resistant and compliant with applicable building codes.
- 6.36. **Glass Block.** The replacement of glass block in an existing Home is subject to written approval by the ARC.
- 6.36.1. Glass block is not allowed in new construction.
- 6.37. **Solar Panels, Tubes and Skylights.** Solar panels shall be permitted with prior written approval of the ARC.
- 6.37.1. Solar tubes and skylights should be placed so they are not visible from the street. The association may determine the location of solar panels with an orientation to the south or within 45 degrees east or west of due south if such determination does not impair the effective operation of solar panels.
- 6.37.2. Solar tubes and skylights must be installed by a licensed roofing contractor.
- 6.38. **Statuary, *Banners, Potted Plants and Wall Art*.** All statuary, *banners, potted plants and yard art* to be placed in a yard must first *receive* the written approval of the ARC *prior to installation*. Statuary as used herein, shall mean any object whether

composed of metal, wood or artificial substance, which is to be placed in the yard of a Home. *Wall art is any object hung on the exterior of the home, outside of the lanai. Per section 6.9, the ARC is responsible for the preservation of the community's character, the harmony and quality of our community's appearance, and will evaluate accordingly.* Examples include *planters*, fountains, trellises, ornaments, sculptures, etc.

- 6.38.1. *Statuary, banners and potted plants must be placed in planting beds and cannot be placed in lawn areas where it can restrict mowing.*
- 6.38.2. *No statuary, banners, potted plants or wall art may be placed on the sides of homes.*
- 6.38.3. *Potted plants and statuary must not be placed on pad mount transformers, utility boxes or irrigation boxes located in yards.*
- 6.38.4. *Applications must note if statuary has moving parts or motors. Yard art that is motorized and/or moves must be located in rear yards only.*
- 6.38.5 *Statuary and yard art falls into the following categories:*
 - 6.38.5.1. **Statuary and/or fountains**
 - 6.38.5.1.1. *Must not exceed thirty-six inches (36") high, twenty-four inches (24") long and twenty-four inches (24") wide.*
 - 6.38.5.1.2. *Statuary/fountains in front yards are limited to three (3) items. Statuary sets must be placed close to each other, within 30" to count as one (1) item.*
 - 6.38.5.1.3. *Statuary/fountains in rear yards are limited to six (6) items.*
 - 6.38.5.1.4. *Statuary/fountains are not allowed in side-yards between homes or on side-yards of corner lots.*
 - 6.38.5.2. **Banners** *or small flags welcoming visitors, or displaying support of an institution, team or holiday.*
 - 6.38.5.2.1. *Must not exceed thirty-six inches (36") high and twelve inches (12") wide.*
 - 6.38.5.2.2. *Banners in front yards are limited to one (1).*
 - 6.38.5.2.3. *Banners in rear yards are limited to one (1).*
 - 6.38.5.2.4. *Banners are not allowed in side-yards.*
 - 6.38.5.3. **Potted plants.**
 - 6.38.5.3.1. *Must not exceed thirty-six inches (36") high and twenty-four inches (24") wide.*
 - 6.38.5.3.2. *Potted plants in front yards are limited to four (4).*
 - 6.38.5.3.3. *Potted plants in rear yards (outside enclosed lanai's) are limited to six (6) planters, pots, vases, etc.*
 - 6.38.5.3.4. *Potted plants are not allowed in side-yards.*
 - 6.38.5.3.5. *Pots can be placed on the driveway and walkway pavers against the house and garage or in planting beds.*
 - 6.38.5.4. **Wall Art at Entry.**

6.38.5.4.1. *One (1) item or coordinated grouping outside the front entry only is permitted.*

6.38.6 **General:**

6.38.6.1. *Plaques are regulated in section 6.18 and do not require further regulation in this section.*

6.38.6.2 *Lights are regulated in section 6.24 and do not require further regulation in this section.*

6.38.6.3. *Flags and flagpoles are regulated in section 6.31 and do not require further regulation in this section.*

6.38.6.4. *Landscaping stone, and/or coral is considered part of the landscaping and is not regulated in section.*

6.38.6.5. *The Homeowner accepts all responsibility for any damages to items due to Association landscape and maintenance operators.*

6.38.6.6. *No items may be placed on top of ground irrigation water, electrical or cable box covers located in the yards.*

6.39. **Generators.** All home generators must be approved by the ARC in writing and must comply with all applicable building codes and zoning ordinances.

6.39.1. All home generators must be landscaped to screen the view of generators from the street and neighboring properties.

6.39.2. Generators, if located in sideyards must be located a minimum of ten feet from the front edge of the home.

6.39.3. Generators may only be used during power outages and in accordance with maintenance and testing requirements as provided in the Declaration.

6.40. **Stormwater drainage systems** including French drains and/or pop-up drains must be submitted and approved by ARC

6.40.1. Stormwater cannot be diverted across neighboring properties.

7. Variances

7.1. **Work Stop Order.** No variances from the approved application and/or plans and specifications shall be permitted. The ARC may require work to be stopped if a variance is discovered until the variance is corrected or approved.

7.2. **Final Approval Withheld.** The HOA may withhold issuance of its Final Approval if the completed project deviates from the ARC approved plans and may take appropriate action against the responsible parties to require conformance to the ARC approved plans.

8. **Liability.** Notwithstanding the approval by the ARC of applications and/or plans and specifications submitted to it or its inspection of the work in progress, neither it, Developer, Association, nor any other person acting on behalf of any of them, shall be responsible in any way for any defects in any plans or specifications or other material submitted to the ARC, nor for any defects in any work completed pursuant thereto.

8.1. **Adequacy of Improvements.** Each applicant to the ARC must be solely responsible

for the sufficiency thereof and the adequacy of improvements constructed pursuant thereto.

8.2. Quality of Construction. In no event shall the ARC, Association or Developer owe any duty to any Owner or any other party with respect to the quality of the construction or the compliance of the construction with approved plans and specifications and the respective Owner shall indemnify and hold harmless the ARC, and Association from any and all claims resulting therefrom including reasonable attorneys' and paraprofessional fees and costs.

8.3. Warranty of Work. The approval of any proposed improvements or alterations by the ARC shall not constitute a warranty or approval as to, and no member or representative of the ARC or the Board shall be liable for, the safety, soundness, workmanship, materials or usefulness for any purpose of any such improvement or alteration nor as to its compliance with governmental or industry codes or standards.

8.4. Hold Harmless. By submitting a request for the approval of any improvement or alteration, the requesting Homeowner shall be deemed to have automatically agreed to hold harmless and indemnify the aforesaid members and representatives, and Association, generally, from and for any loss, claim, or damages connected with such aspects of the improvements or alterations.

9. Inspection. There is specifically reserved to Association and ARC and to any agent or member of either of them, the right of entry and inspection upon any portion of Vitalia at Tradition for the purpose of determination whether there exists any violation of the terms of any approval or the terms of the Declaration or the ARR.

10. Violation. If any improvement shall be constructed or altered without prior written approval, or in a manner which fails to conform with the approval granted, the Owner shall, upon demand of Association or the ARC, cause such improvement to be removed, or restored until approval is obtained or in order to comply with the plans and specifications originally approved.

10.1. Removal and Restoration. The Homeowner shall be liable for the payment of all costs of removal or restoration, including all costs and attorneys' fees and paraprofessional fees at all levels including appeals, collections, and bankruptcy, incurred by Association or ARC. The costs shall be deemed an Individual Assessment and enforceable pursuant to the provisions of the Declaration.

10.2. Enforcement. The ARC and/or Association are specifically empowered to enforce the architectural and landscaping provisions of the Declaration and the ARR, by any legal or equitable remedy.

10.3. **Responsibility for Plans and Specifications.** Developer, Association, its directors or officers, the ARC or its members, or any person acting on behalf of any of them, shall not be responsible for any defects in any plans or specifications or the failure of same to comply with applicable laws or code nor for any defects in any improvements constructed pursuant thereto. Each party submitting plans and specifications for approval shall be solely responsible for the sufficiency thereof and for the quality of construction performed pursuant thereto.

11. Amendments to Community Standards. The ARC shall recommend to the Board of Directors modifications and/or amendments to the ARR from time to time. Any modifications or amendments to the ARR shall be consistent with the provisions of the Declaration and shall not be effective until approved by the Board and recorded with Port St. Lucie County.

11.1. **Notice of Modification.** Notice of any modification or amendment to the ARR, including a verbatim copy of such change or modification, shall be posted on the website and in an eblast to residents living within Vitalia at Tradition.

11.2. **Posting.** The posting of notice of any modification or amendments to the ARR shall not constitute a condition precedent to the effectiveness or validity of such change or modification.

12. In addition to these ARR, each Homeowner must comply with the terms, conditions, and obligations of the Master Declaration.

