



Vizcaya Master Homeowners' Association, Inc.



ARCHITECTURAL REVIEW BOARD

ARB

**Vizcaya Planning, Construction
and Development Criteria**

March 2018 / Version 3.1

TABLE OF CONTENTS

A. INTRODUCTION

1. Purpose of Document
2. Architectural Review Board “ARB”
3. ARB Authority

B. ARTICLE VIII – ARCHITECTURAL CONTROL

C. HOW HOMEOWNERS CAN HELP

D. WHAT REQUIRES ARB APPROVAL

1. Additions and Alterations
2. Doors/Windows/Skylights/Solar Panels
3. Driveways and Walks
4. Exterior Changes
5. Outside Structures / Items
6. Window Tinting
7. Removal of Trees
8. Landscaping

E. DESIGN AND OTHER INFORMATION

1. Building Type
2. Layout
3. Exterior Color Plan
4. Mailboxes
5. Roofs
6. Dwelling Quality
7. Walls, Fences and Shelters
8. Lighting
9. Swimming Pools and Tennis Courts
10. Temporary Structures
11. Air Conditioning and Heating Equipment
12. Conservation Easement
13. Environmental Swale Easement - Wall Easement
14. Boat Docks
15. Antennas & Satellite Dishes

F. WORKING WITH YOUR CONTRACTOR

G. CONTRACTOR'S RULE INFRACTIONS

H. CONTRACTORS WORK HOURS AND DAYS

I. APPLICATION DOCUMENTS REQUIREMENTS

J. APPLICATION SUBMISSION AND RESPONSE PROCEDURES

K. APPROVAL OR DISAPPROVAL

L. ARB DECISIONS

M. VIOLATIONS

N. ENFORCEMENT OF PLANNING CRITERIA

O. EXHIBITS

**Approved and Adopted by the Architectural Review Board
of Vizcaya Master Homeowners' Association, Inc.
on the 30th day of March 2018**



**VIZCAYA MASTER
ARCHITECTURAL REVIEW BOARD
PLANNING, CONSTRUCTION AND DEVELOPMENT CRITERIA
PLANNING CRITERIA**

A. INTRODUCTION

1. Purpose of Document

The intent of this document is to provide information related to architectural requirements in an accessible and easy to understand format.

2. Architectural Review Board “ARB”

The Architectural Review Board was created pursuant to the Master Declaration of Covenants, Conditions and Restrictions for Vizcaya and is responsible for upholding the architectural controls contained in the Governing Documents of the community.

All lands and improvements in the Properties are subject to architectural and environmental review, per Vizcaya Declaration Article VIII Section 1.

The objective of the architectural review process is to maintain the visual character of the Vizcaya community as established by the original developer. That character includes: preservation of natural features and a sense of open space, consistency in architectural style, scale, materials, and details with the houses built by the original developer.

The architectural style, quality of construction and natural surroundings are what attracted most of us to Vizcaya. That is why it is absolutely essential that all proposed new construction and modifications to existing structures be submitted to the ARB for review and approval.

Adhering to ARB requirements helps maintain our property values and the harmonious aesthetic qualities of our community.

The ARB helps avoid a hodgepodge of unsightly alterations which are inconsistent with the overall theme of the community.

Maintaining the original architectural design requires the good will and commitment of each homeowner in following the requirements and abiding by the ARB review and approval procedures.

The ARB meets as needed after posting 48-hour notice. All Vizcaya Master Owners are welcome to attend these meetings.

3. ARB Authority

The Governing Documents of our community include legal requirements that are binding on all who purchase property in the subdivision. When we signed the purchase documents for our homes, we agreed to abide by the Covenants, Conditions and Restrictions, including the architectural rules and requirements. The structure and authority of the ARB is defined in Article VIII. Architectural Control, Section 2 and 3 of the Master Declaration of Covenants, Conditions and Restrictions for Vizcaya.

If a construction project is started without ARB approval, the work will be required to be stopped until an application has been submitted, reviewed and approved. Homeowners are responsible for obtaining any and all applicable Orange County, District, State, or Federal permits for their project.

B. ARTICLE VIII – ARCHITECTURAL CONTROL

Vizcaya Master Declaration Article VIII, including Sections 7 and 8, set forth the provisions for the enforcement and terms of approval of the Planning Criteria. The Homeowners Association for Vizcaya and the ARB shall have the right to enforce, by any proceeding at law or equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of the Declaration.

C. HOW HOMEOWNERS CAN HELP

2. Review the ARB rules and requirements as you plan any additions or changes to the exterior of your home.
3. Follow the review and approval requirements in the ARB application packet.

4. Do not apply for a building permit before obtaining ARB approval. Changes to your design could mean getting a new permit and paying additional county fees.
5. If after receiving ARB approval, you or your contractor start work and find you need to make exterior changes different from the approved plans/project, you must resubmit ARB application indicating the changes/alterations for ARB review and approval.
6. Please feel free to alert the Association/Management, your neighbors, and the homeowner if you see anything that does not seem to conform to the ARB requirements. **Stand up for your community values!**

Please report violations to P & R Management 407-841-6248.

To report violations of Orange County Code, including building without permits, environmental violations, or animal complaints, please dial 311 or 407-836-3111

To report Criminal Activity

Emergencies Dial 911

Non-Emergencies - Orange County Sheriff's Office OCSO 407-836-HELP

Noise Complaints contact OCSO 407-836-HELP



VIZCAYA HEIGHTS PROPERTIES

Owners of property within Vizcaya Heights (Condos and Townhomes on the Esplanade) shall obtain Vizcaya Master ARB approval. Additionally, Owner shall obtain separate approval from their corresponding Condo Association for any proposed exterior modifications.

When an application is sent to the ARB by a Vizcaya Heights Owner, the ARB shall send copy of complete ARB application to the corresponding Condo Association to facilitate processing of separate decision by your Condo Board of Directors. Every effort will be made to coordinate the decision of the boards to avoid delays in the approval process.





D. WHAT REQUIRES ARB APPROVAL

1. Additions and Alterations

Any change to the exterior of a property is subject to ARB application and approval.

An application for review and approval by the ARB must be submitted by Owners for any addition or alteration to an existing or proposed dwelling, alteration of the existing building structure, or landscaping.

2. Doors/Windows/Skylights/Solar Panels/Window Tint

ARB approval is required for the following: Replacement of doors / windows with a style or color different from the original, the addition of any sky lights or solar panels, or installation of window tinting on any exterior window

3. Driveways and Walks

Driveways shall conform to the approved driveway design and size in original survey of the dwelling.

Driveways shall be built with pavers. Alterations to design of the driveways (e.g., size of footprint, surfaces not constructed from pavers, surface texture, or color) are not allowed.

Walks connecting to the sidewalk are only allowed as indicated in the original built survey of the property.

Alteration to walks connecting to the sidewalk and designs (size of footprint) are not allowed. Addition of new walks connecting to the sidewalk are not allowed.

4. Exterior Changes

Changes to the structure, paint and trim color, installation of shutters, lattice, storm doors, sun screens or awnings, and construction or installation of dormers, bays, skylights, solar panels, or pop-outs are not allowed without prior ARB approval.

5. Outside Structures / Items

All outside structures/items, including but not limited to: mailboxes, screen enclosures, water fountains, decorations (excluding holiday decorations which must be removed within two (2) weeks after holiday), pots, swing sets, and children's playgrounds require ARB approval.

6. Boat Docks

For the construction of a dock, all laws and regulations of all governmental bodies having jurisdiction shall be observed, which may include US Army Corps of Engineers, Florida Department of Environmental Protection, South Florida Water Management District, Florida Fish and Wildlife Conservation Commission, Orange County Environmental Protection Division; this is in addition to the private restrictions established by Vizcaya Master Declaration Of Covenants, Conditions and Restrictions, and any other private rules and regulations established by the ARB.

7. Removal of Trees

Trees of six inches in diameter at four feet above the ground level shall be removed only after the approval of the ARB. The ARB may approve such removal when it is necessary for the construction of the improvement or in conjunction with a detailed landscape plan for the site.

8. Landscaping

A landscaping plan for each lot must be submitted and approved by the ARB. The landscape plan must indicate existing and new landscape elements.

Landscaping shall consist of any combination of ground cover, plants, shrubs and native plants and trees. Stone or gravel mulch or coverings with harsh, unnatural or high contrast colors are prohibited.

All landscaping must be maintained in a neat and attractive condition. Minimum maintenance includes watering, mowing, edging, pruning, removal and replacement of dead or dying plants or trees, and elimination of undesirable weeds and brush.

a. Sodding must be improved Flora tam, St. Augustine grass, Zoysia grass or equivalent and is required in all yards.

b. Each improvement must have shrubs on front and side yards.

c. Palm trees are allowed subject to being maintained in a healthy and attractive condition, Owners are responsible for removing dead fronds and leaves, dead vegetation must be shaved off, ferns, and invasive vegetation that may grow on palms must be removed. All dead palm trees must be promptly removed to help avoid infection to other nearby palms.





E. DESIGN AND OTHER INFORMATION

1. Building Type – The type of building must remain as originally approved by original construction by the Lot type (Condo, Single-Family-House, or Townhome).

For single family houses of 2,000 square feet or more of air-conditioned living area, not to exceed thirty-five (35) feet in height. There shall be a private and closed garage for not less than two nor more than four cars. Unless approved by the ARB as to use, location and architectural design, no garage, tool room, or storage room may be constructed separate and apart from the residence, nor can any of the aforementioned structures be constructed prior to the main residence. No guest house is to be constructed on any Lot unless the location, use and architectural design are approved by the ARB.

2. Layout - Relative to property lines, set-backs and easements, homeowners shall comply with private rules and restrictions of Vizcaya, and the public rules and requirements of Orange County and all applicable governmental bodies having jurisdiction.

3. Exterior Color Plan - The ARB shall have final approval of all exterior color selections. The applicant shall submit to the ARB the color selection included in an elevation drawing color plan showing the color of the roof, exterior walls, shutters, trim, doors and windows.

Additions and new structures shall have the same siding and trim colors as the existing dwelling. No single family house shall have the same main color as the abutting houses. Prior to approval of a paint color change, the homeowner is required to paint samples of the proposed color choice on the house at a minimum of one (1) square feet for the ARB to review.

4. Mailboxes - Mailboxes and mailbox posts shall be of the design and color approved by the ARB in uniformity to existing mailboxes.

Mailboxes require regular cleaning and maintenance. Painting in black semi-gloss (e.g., Rust-Oleum spray paint or oil paint); for an improved and longer lasting finish, mailboxes may be professionally powder coated.

5. Roofs – Roofs of new dwellings must be consistent in pitch, overhangs, tile color, style, and type as on the existing homes. The composition of all pitched roofs shall be cement or clay roof tiles.

The installation of solar panels and sky lights must be approved by the ARB.

6. Dwelling Quality - The ARB shall have final approval of all exterior building materials. Exposed concrete block shall not be permitted on the exterior of any house or detached structure. Use of imitation brick is prohibited. The use of materials such as brick, stone, wood and stucco is encouraged.

7. Walls, Fences and Shelter - No wall or fence shall be constructed with a height of more than six feet (6') above the ground level of an adjoining Lot.

No hedges or shrubbery abutting the Lot boundary line shall be permitted with a height of more than six feet (6') without the prior written approval of the ARB.

No wall or fence shall be constructed on any Lot until its height, location, design, type, composition and material shall have first been approved in writing by the ARB. The height of any wall or fence shall be measured from the existing property elevation.

Wood, plastic/PVC, and chain link fences are not permitted.

Only black aluminum/metal fences with vertical pickets are allowed. (See Fence Exhibit)
Only one style of fence is allowed per Lot.

Double fences (fence to fence) are not allowed. Fence panels shall be a minimum of four (4) feet in height, with a maximum of five (5) feet in height. No solid panels allowed.

For safety reasons, spears are not allowed on top of fences.

Hurricane or storm shutters may be used on a temporary basis, but shall not be stored on the exterior of any improvement.

8. Lighting - All exterior lighting of a Lot shall be accomplished in accordance with a lighting plan approved by the ARB.

9. Swimming Pools and Play areas / Playsets - Any swimming pool or play area/playset to be constructed on any Lot shall be approved by the ARB.

10. Temporary Structures - No structure of a temporary character shall be used on any Lot at any time as a residence either temporarily or permanently.

11. Air Conditioning and Heating Equipment - All air conditioning and heating units shall be shielded and hidden so that they are not readily visible from any adjacent street or front of Lot. Wall air conditioning units may be permitted only upon the prior approval of the ARB. No window air conditioning units are permitted.

12. Conservation Easement - No alteration, construction, or modifications are allowed on the Conservation Easement except for the construction of docks with a maximum width of five (5) feet and meeting all the requirements listed in the boat docks section.

13. Environmental Swale Easement, and Wall Easement - Single Family Lake Front Lots with Environmental Swale Easements and/or Wall Easements (retaining wall) are dedicated to the Vizcaya Master HOA as indicated in the plat of the subdivision.

No alteration, construction, or modifications are allowed on the area of these easements.

Easements and the retaining walls shall not be altered, modified, or built upon.

No aerial encroachments are allowed over the Environmental Swale Easements and/or Wall Easements.

Environmental Swale Easements and Wall Easements shall be maintained in accordance with the approved final engineering plans for the subdivision.

14. Boat Docks – For the construction of a dock, all laws and regulations of all governmental bodies having jurisdiction shall be observed, this may include US Army Corps of Engineers, Florida Department of Environmental Protection, South Florida Water Management District, Florida Fish and Wildlife Conservation Commission, Orange County Environmental Protection Division; this is in addition to the private restrictions established by Vizcaya Master Declaration

Of Covenants, Conditions, and Restrictions, and any other private rules and regulations established by the ARB.

Owners of single family Lots with lake frontage shall have the right, upon receipt of all applicable permit authorizations for dock construction, at their sole cost and expense, to construct one (1) dock on their Lot.

The dock shall be placed on a Lot in a manner which shall minimize the impact to the Conservation Easement area and shall terminate at the Sovereign Land Line, "SSL," for the particular lake which the Lot adjoins. Any construction past the SLL requires a permit from the District.

The deck of the dock shall be a maximum of five (5') feet in width. The placement of the deck planks shall be a minimum of 1/2" apart. The plans for the dock and the placement thereof must conform to the dock sketch in the Declaration referenced as Exhibit "G" per Vizcaya Declaration Article X, Section 32.

To minimize the visual impact of docks to lakefront owners, roofs on docks are not allowed, pergolas on docks are not allowed, boathouse are not allowed.

The maximum dock size is allowed based on 10:1 ratio of dock to lakeshore length. For example: a property with 80 linear feet at the lakeshore can build a dock of no more than 800 square feet (including all dock components: walkway and terminal platform).

The color of the dock shall be a stained wood color similar to the community gazebo on Big Sand Lake and must be approved by the ARB. Docks are not allowed to be painted in colors, (for example, Not Allowed: yellow, green, blue, red, white, black, grey, orange, etc.).

Floating docks are recommended to be built from the SSL lakeward on Big Sand Lake due to the fluctuations in water levels which range -10' to +10' from the Normal High Water Elevation (NHWE).

Composite deck boards (wood-alternative boards) are recommended for the planks of the dock, due to composite deck boards being eco-friendly and requiring less maintenance than wood.

- Dock on Conservation Easement area to be at a maximum width of five (5) feet.
- Deck planks shall be a minimum of 1/2" apart.
- 90 degrees from top of retaining wall, not supported on the retaining wall, and perpendicular to the lakeshore.
- Start at the wall and end at the SSL line (without District Permit).

- The top elevation of the dock needs to be 4 feet above the bottom lake elevation in the Conservation Easement.
- Built without interrupting the stormwater management systems in the conservation area.
- No other structures within the Conservation Easement area as described in the Declaration and District permit.
- Permit by SFWMD for dock waterward of SSL line.
- Roofs on docks are not allowed.
- Pergolas on docks are not allowed.
- Boathouses are not allowed.
- Maximum dock size allowed based on 10:1 ratio of dock to lakeshore length.
- The color of the dock must be in a stained wood color similar to the community gazebo on the lake.
- Floating docks recommended from SSL Lakeward on Big Sand Lake.
- Composite Deck Boards are recommended for the planks.

Properties permitted to build a dock are exclusively situated on single-family lake front Lots in the following locations: Firenze Blvd. abutting Big Sand Lake, on Versilia Drive abutting Big Sand Lake, and on Tivoli Drive abutting Lake Serene.

Boat docks are not allowed on properties in St. Marino Blvd., near Little Sand Lake, as the Lots near the lake are not lake front (these are classified lake-view).

Lots 32-I through 35-I on Versilia Drive are lake-view lots and have both lake-views and a view to the special Conservation Reserve with trees in the community.

Boat docks are not allowed to be built on multifamily properties on The Esplanade (condos and townhomes), and on multifamily properties on Tivoli Dr. (townhomes).

15. Antennas & Satellite Dishes - All antennas and Satellite Dishes shall be shielded and hidden so that they are not readily visible from any adjacent street or front of lot.

No part of the antenna or its mounting or cables will be permitted on/in Association common property.

No part of the antenna or its mounting or cables will be permitted on/in party walls (walls dividing two lots).

No Antennas / Satellite Dishes shall be placed on the front lawn or front of the dwelling.

Satellite dishes that are less than one meter (39.37") in diameter installed in the back, or side, of the home and screened from plain view, are excluded from the ARB application process.



F. WORKING WITH YOUR CONTRACTOR

1. For your protection, always use a licensed contractor and get references from the contractor. Call the references and ask them specific questions about their satisfaction with the contractor (e.g., completing the work on time and within budget, getting your concurrence on changes, cleaning up and minimizing inconvenience to the family, and leaving everything in working condition.)
2. Review the ARB rules and requirements with your contractor and make sure you have a mutual understanding about how these apply to your project.
3. Ask the contractor if any items will require a long lead time to order (e.g., windows, doors, etc.) and make sure that the item complies with the ARB requirements before ordering.
4. Include in the contract all elements and details that will affect the exterior appearance of your projects. For example, if you will be adding or replacing windows, specify the type and color of the windows. All details must be consistent with the style of your house.
5. In your contract, specify that the contractor is not to make any substitutions without ARB approval.
6. Be sure the contractor understands not to proceed with any construction until you have received ARB approval.
7. Sometimes the ARB adds conditions of approval, comments, and instructions when the ARB approves an application. Be sure to inform your contractor about these instructions and include them in your contract.
8. Contractors are not permitted to put up signs on your property except for those required by the County or other governmental entity.
9. Contractors driving into the subdivision must present valid driver's license to the security officer. Contractors driving in the subdivision must follow all Florida driving rules, Vizcaya speed limits, and parking rules.
10. Construction work is not to begin before 7:00 a.m. per Orange County ordinance, and shall end by 7:30 p.m. per Vizcaya rules.

Contractors are not allowed to work in Vizcaya on Sunday or during Holidays, see Contractors Work Hours and Days.

It is the responsibility of the Owner to ensure that their contractor(s) and employee(s) minimize disruptions to the community and residents, that vehicles are parked per community rules, that debris/garbage is promptly removed, that do not play loud music or unnecessary disturbing noises, and that measures are taken to protect the environment and prevent damage to properties.

G. CONTRACTOR'S RULE INFRACTIONS

Contractor(s) in violation of public and/or private rules and requirements are subject to receiving violation notices. The ARB has the right to temporarily or permanently ban violating contractor(s) from working in the subdivision.



Vizcaya Heights

H. CONTRACTORS WORK HOURS and DAYS:

- Monday through Saturday7:00 am to 7:30 pm
- SundaysClosed
- Holidays.....Closed

Holidays are the following days:

- New Year’s Eve
- New Year’s Day
- Memorial Day
- July 4th
- Labor Day
- Thanksgiving Day & Friday after Thanksgiving & Saturday following Thanksgiving
- Christmas Day & the Day following Christmas & Saturday following Christmas when Christmas falls on a Thursday.



I. APPLICATION DOCUMENTATION REQUIREMENTS

All plans and specifications shall be prepared by a Florida licensed or certified architect or engineer (unless waived by the ARB).

Please submit the following information with your application as required below:

1. Sealed plans prepared by a Certified Architect or Professional Engineer.

Building Additions and Detached Structures - Include with the application:

A. Dimensioned drawings to scale, including details such as:

- An exterior plan
- A roof plan
- Elevations of all exterior sides of the structure or addition
- All other applicable plans

B. Pictures of materials to be used and product description.

C. Pictures of the current location to improve/modify.

D. Applicable fee payment.

E. A site plan on a copy of the plat showing the exact location of the project, the distance to all property lines, and the type and location of erosion control measures, if needed.

F. If applicable, elevation details showing all exterior details, including:

- Window and door placement
- Window and door style and trim
- Eaves and overhangs
- Corner boards
- Roof style and pitch
- Finish materials (e.g., cedar siding, brick)
- Elevations drawn at the scale of $\frac{1}{4}$ inch = 1foot

G. Landscape Plan, if applicable.

H. Lighting Plan, if applicable.

J. APPLICATION SUBMISSION AND RESPONSE PROCEDURES

1) ARB APPLICATION

The ARB application (including plans, related documents, payment) shall be submitted to P&R Housing Management. Application may be submitted in person, via mail, or email to:

Vizcaya Master ARB
c/o P&R Housing Management
6511 Pinecastle Blvd.
Orlando, FL 32809

Email: Vizcayamaster.hoa@prhousingmanagement.com

Applicable payment for application fee must be sent, or hand-delivered, to Management at the office address listed above.

The ARB will respond with an approval or disapproval decision within 30 days of receipt of the completed application (and corresponding payment). The ARB will issue a receipt document to the homeowner indication the date the completed application was received. If an approved project is not started within one year of approval the approval expires.

2) FEE SCHEDULE

The following fee schedule applies to ARB applications and resubmittals:

- **NO FEE Small projects:** paint exterior of house, minor landscaping changes, minor modifications.
- **\$250 Major Projects:** structural changes, construction of structures, major landscape changes.

The ARB shall make the determination of small and large projects.

The ARB may charge an increased fee to Major Projects as needed per individual application to cover the expenses of reviewing plans and related data and to compensate any consulting architects, landscape architects, engineers, urban designers, inspectors, or attorneys retained.

AFTER-THE-FACT: Application for work started without ARB approval shall include additional After-The-Fact fee, in addition to application fee.

- MINOR PROJECT After-The-Fact \$ 100.00
- MAJOR PROJECT After-The-Fact \$ 250.00 (Plus +\$250.00 Application Fee = \$500.00)

homeowner. In that event, the 30-day clock will restart upon receipt of the modified application (resubmittal).

4) Applicants are advised not to obtain a building permit before obtaining the ARB approval, in the event that the ARB requires changes to be made to the plans.

5) If Orange County or another regulatory agency requires the plans approved by the ARB to be changed in a way that affects exterior appearance, the applicant must submit the changes for ARB review and approval.

6) Any construction started before approval by the ARB is subject to a Stop-Work Order from the ARB and may require the removal, or correction of any work in place which does not comply with approved plans and specifications. Furthermore, work started without ARB approval may result in the imposition of fines and penalties to owner and suspension of the contractor(s) permission to work in the subdivision.

7) Projects are to be completed in a timely manner.

8) The ARB will notify the applicant of its decision in writing. NO verbal approvals are given.

K. APPROVAL OR DISAPPROVAL

The ARB approval or disapproval shall be in writing and shall accompany one (1) set of plans to be returned to the Owner. Whenever the ARB disapproves plans and specifications, the disapproval shall be accompanied by a written outline of the reason or reasons for such disapproval, per Vizcaya Declaration Article VIII Section 2.

L. ARB DECISIONS

The conclusion and opinion of the ARB shall be binding. The ARB shall have the sole discretion to determine whether plans and specifications submitted for approval are acceptable to the Association. If in its opinion, for any reason, including purely aesthetic reasons, the ARB should determine that any proposed improvement, alteration, etc. is not consistent with the Planning Criteria, such alteration or improvement shall not be made, per Vizcaya Declaration Article VIII Section 2.

Applications / Plans and re-submittals thereof shall be approved or disapproved within thirty (30) days after the ARB receiving complete application and any applicable fee.

No construction shall commence without ARB approval.

M. VIOLATIONS:

The work approved must be performed strictly in accordance with the plans, specifications and plot plans, as submitted and approved. If after such plans and specifications have been approved, the improvements are altered, erected, or maintained upon the property otherwise than as approved by the ARB, such alteration, erection and maintenance shall be deemed to have been undertaken without the approval of the ARB having been obtained as required by this Master Declaration. Following approval of any plans and specifications by the ARB, representatives of the ARB shall have the right during reasonable hours to enter upon and inspect any property or improvements with respect to which construction is underway within the Properties to determine if the plans and specifications thereof have been approved and are being complied with, per Vizcaya Declaration Article VIII Section 4.

N. ENFORCEMENT OF PLANNING CRITERIA:

Vizcaya Declaration Article VIII Section 7 states in part:

Declarant and the Board shall have the standing and authority on behalf of the Association to enforce in courts of competent jurisdiction the Planning Criteria and the decisions of the ARB and they shall have all remedies available at law and in equity, including without limitation action to enjoin further construction and to require the removal or correction of any work in place which does not comply with approved plans and specifications.

Declarant and the Board shall have the standing and authority on behalf of the Association to enforce in courts of competent jurisdiction the Planning Criteria and the decisions of the ARB and they shall have all remedies available at law and in equity, including without limitation action to enjoin further construction and to require the removal or correction of any work in place which does not comply with approved plans and specifications.

Should Declarant or the Association be required to enforce the provisions hereof by legal action, the reasonable attorney's fees and costs incurred, whether or not judicial proceedings are instituted, shall be collectible from the violating Owner.

In addition, should any Owner fail to comply with the requirements hereof after thirty (30) days written notice, Declarant and the Association shall have the right to enter upon the Owner's property, make such corrections or modifications as are necessary, or remove anything in violation of the provisions of the Declaration or the Planning Criteria, and charge the cost thereof to the Owner.

Declarant and the Association, or their agents or employees, shall not be liable to the Owner or to any occupant or invitee of any Lot for any trespass or damages or injury to the property or person unless caused by negligence or intentional wrongdoing.

EXHIBITS

- A) Phone Numbers and Web-Links
- B) Map of Property (estimated)
- C) Big Sand Lake - Historical Lake Water Levels
- D) Example of Fence
- E) Dock Sketch
- F) Master Declaration of Covenants Conditions and Restrictions for Vizcaya Article VIII Architectural Control



Children's park with black fence

EXHIBIT A

Phone Numbers and Web-Links

Vizcaya Management - P&R Housing

Phone: 407-841-6248

www.prhousingmanagement.com

Orange County

Main Number and websites for questions, to report violations (environmental, animal, housing, etc.), to be transferred to specific divisions/offices, and more.

Phone: **311** or 407-836-3111

www.OCFL.net

Orange County Sheriff's Office "OCSO"

Emergencies dial **911**

Non-Emergency Line 407-836-HELP

www.OCSO.com

Orange County Division of Building Safety

Phone: 407-836-5550

www.ocfl.net/building

Orange County Environmental Protection Division

Phone: 407-836-1400

www.ocfl.net/epd

South Florida Water Management District "SFWMD"

Phone: 561-686-8800

www.sfwmd.gov

Orange County WaterAtlas

<http://www.orange.wateratlas.usf.edu>

Orange County Code (Code of Ordinance)

https://library.municode.com/fl/orange_county/codes/code_of_ordinances

Florida Statutes Ch 720 Homeowner's Associations

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0720/0720.html

Florida Statutes Ch 718 Condominiums

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0718/0718ContentsIndex.html

"Stormwater Systems in Your Neighborhood"

by South Florida Water Management District - SFWMD

http://swfwmd.state.fl.us/publications/files/stormwater_systems.pdf

"Bioswales Vegetated Swales"

By University of Florida - UF

http://buildgreen.ufl.edu/Fact_sheet_Bioswales_Vegetated_Swales.pdf

"Master Homeowners Associations: Is Your HOA Its Own Master?"

<https://www.hoaleader.com/public/300.cfm>

"Why Master and Sub-Associations Should be Managed by the Same Property Management Company"

<https://www.fsresidential.com/corporate/news-and-events/articles/why-master-and-sub-associations-should-be-managed>

Exhibit B

Map of Property Vizcaya Master (estimated by white line)



Exhibit C

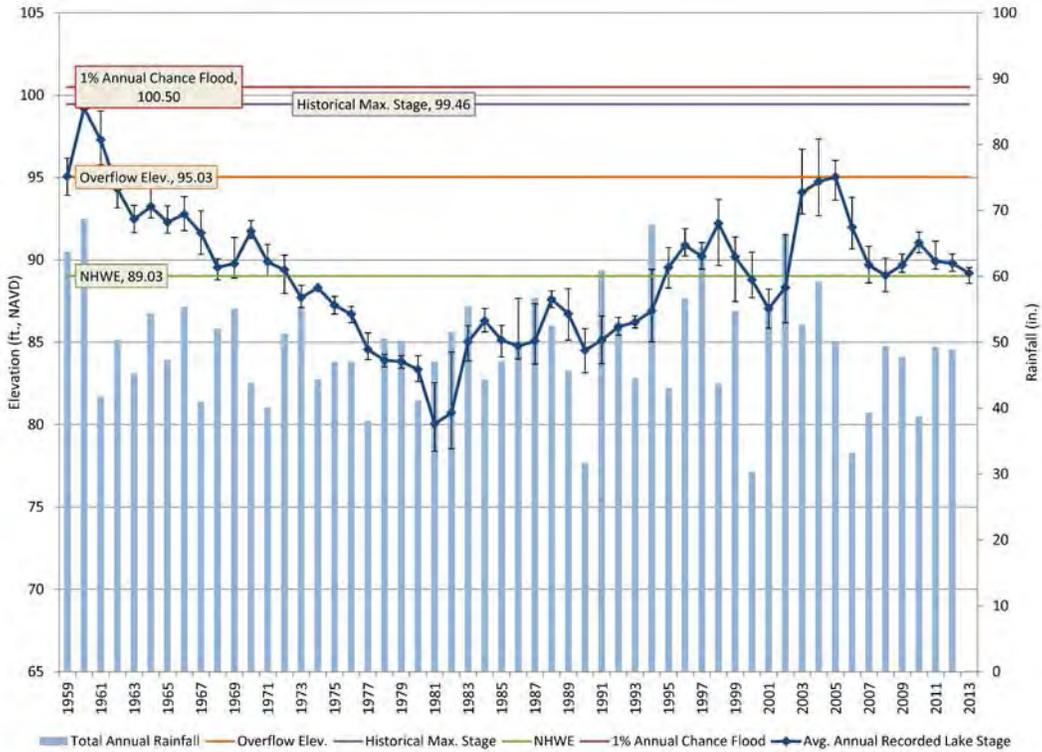
**Big Sand Lake
Historical Lake Levels
&
WaterAtlas**

Lake Fact Sheet

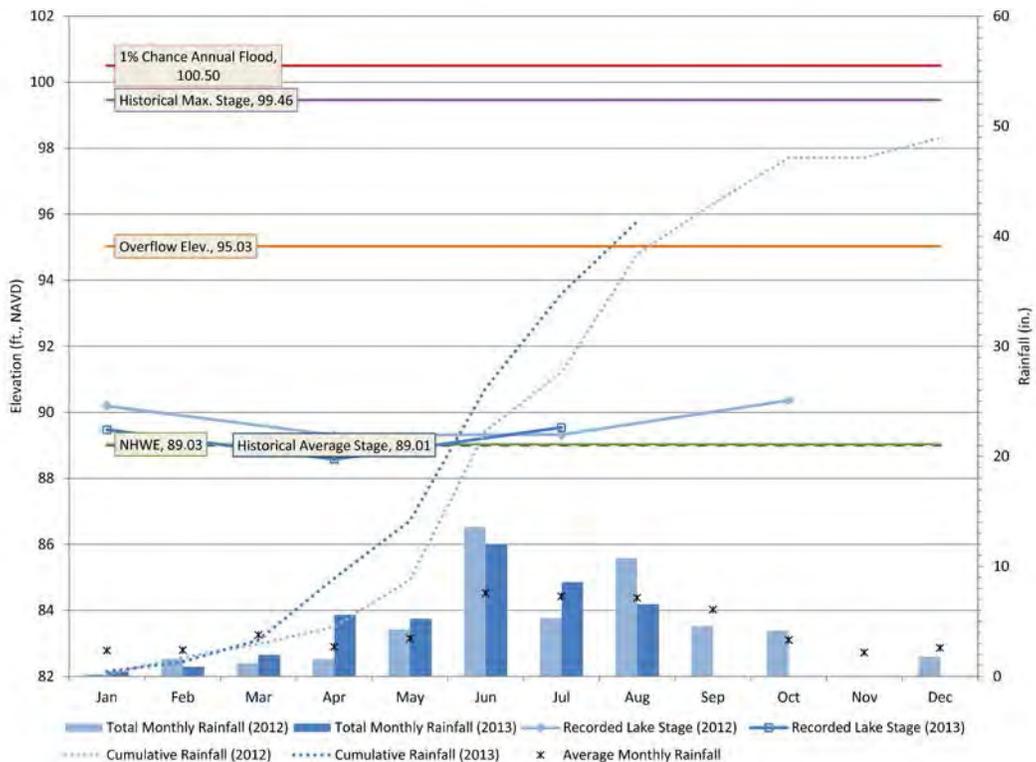
Big Sand Lake



Historical Lake Levels



Monthly Data



Big Sand Lake



Home / Explore / Shingle Creek Watershed / **Big Sand Lake**

- [Overview/Current Conditions](#)
- [Water Quality](#)
- [Water Levels & Flows](#)
- [Habitats/Ecology](#)
- [Recreation](#)
- [Photos](#)

Big Sand Lake

located within Shingle Creek Watershed

Description

Explore general as well as scientific information about the movement, chemistry and biology of area surface water environments.

The data on this page indicate how fast the water is moving and how deep the water is on this water resource.

Click the *Learn More* links to explore each parameter and how it indicates Hydrology.

GO TO A SPECIFIC TOPIC:

- [Water Levels](#)
- [Bathymetric Maps and Depth Information](#)
- [Additional Hydrology and Geology Info](#)
- [Advanced Data Features](#)

Map Legend

- Water Quality Sampling Sites
- Hydrology Sampling Sites

Water Levels

Water levels typically follow rainfall patterns during periods of wet weather and drought. From these data, one can get a picture of how recent flood or drought events compare to historical data. [Learn more about lake water levels »](#)

Water Levels NGVD29			
Latest Value	91.84 ft.	3/22/2018	Source: ORANGECO_DATA_LOGGERS
Historic Norm for Month	91.55 ft.	1946 - 2018	
Historic Range	52.8 - 98.8 ft.	5/26/1945 - 3/22/2018	776 samples
FEMA Levels	No Data		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Graphs and Data</p> </div> <div style="width: 50%; text-align: center;"> <input type="button" value="View 10-Year Graph"/> <input type="button" value="Download Data"/> </div> </div>			

Source(s): Orange County, USGS National Water Information System

Bathymetric Maps and Depth Information

Exhibit D

Example of Fence

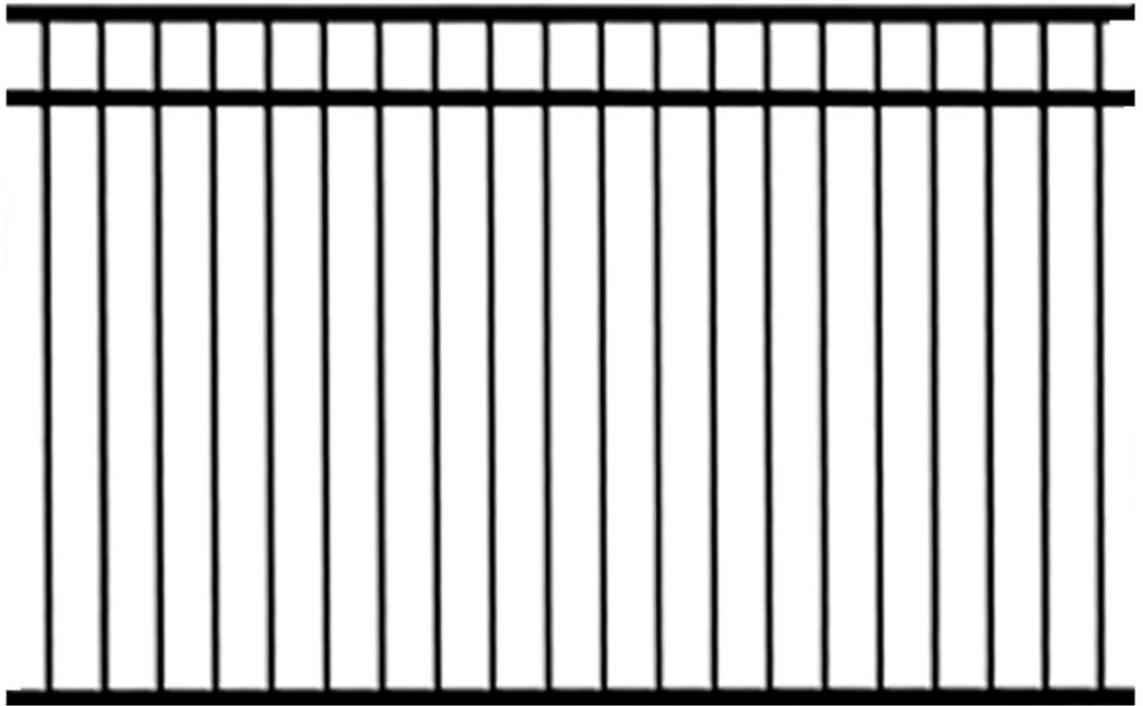


Exhibit E

Dock Sketch

EXHIBIT "G"
DOCK SKETCH

OR Bk 6094 Pg 2497
Orange Co FL 2000-0405544

Exhibit F

Master Declaration of Covenants Conditions and Restrictions for Vizcaya

ARTICLE VIII ARCHITECTURAL CONTROL

Section 1. Architectural Control. Except as otherwise expressly provided in this Master Declaration, **all lands and improvements in the Properties are subject to architectural and environmental review.** This review shall be in accordance with this Article VIII and the Planning Criteria described below. No site work, landscaping, utilities extensions, drainage improvements, paving, parking areas, construction, fence, wall or any other physical or structural improvement, (including without limitation, the construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, docks, patios, courtyards, greenhouses, awnings, walls, fences, exterior lights, garages, guest or servants' quarters, or other outbuildings, screened enclosures, television or radio antennae, satellite receiving dishes and equipment, swimming pools, tennis courts, playhouses, swing sets, basketball courts, standards and/or backboards or any other recreational devices or equipment) nor shall any exterior addition to or change or alteration to the exterior of any existing structure or improvement be made (including, without limitation, painting or staining of any exterior surface) or change or alteration to the exterior of any existing structures or improvements, or to any existing landscaping, shall be commenced, erected or maintained unless and until the plans or specifications showing the nature, size, workmanship, design, signs, shape, finished grade elevation, height, materials and color of the same, together with a detailed landscape plan and a plot plan showing the location relative to boundaries and adjacent improvements of such proposed improvements or changes, shall have been submitted to and approved in writing by the Architectural Review Board ("ARB") as to consistency with the Vizcaya Planning, Construction and Development Criteria ("Planning Criteria"), harmony of exterior design and materials and location in relation to surrounding structures, and as to drainage features and topography. Nothing herein contained shall be deemed to limit the right of an Owner to finish or alter the interior of that Owner's improvements as that Owner deems appropriate or desirable.

Section 2. ARB. The ARB shall promulgate and revise from time to time the Planning Criteria for the Properties which shall, at a minimum, be consistent with the regulations of any governmental agency with jurisdiction to regulate the planning, construction and

development of the Properties. The Planning Criteria shall be set forth in writing and made available to all builders doing business in the Properties, and to all Owners and prospective Owners. The Planning Criteria may include any and all matters considered appropriate by the ARB not inconsistent with the provisions of this Master Declaration, including, without limitation, minimum square footage requirements for Residential Units, construction deposits in amounts required by ARB to ensure repair and replacement of damage resulting from construction activities, and fines for violations of the Planning Criteria on the terms of this Article VIII. Different Planning Criteria may be adopted and enforced for improvements in different portions of the Properties. So long as Declarant owns any lands subject to this Master Declaration or eligible for annexation to this Master Declaration, Declarant shall be entitled to appoint all members of the ARB. Thereafter, the membership of the ARB shall be determined by the Board. The ARB shall consist of no less than three (3) members, none of whom shall be required to be Owners or occupants of the Properties. Declarant may at any time assign in writing its powers of removal or appointment to any entity or person, subject to such terms and conditions as Declarant may choose to impose. A majority of the members of the ARB shall constitute a quorum for transacting business, and the concurrence of a majority of the members of the ARB shall be required for any decision of the ARB. The conclusion and opinion of the ARB shall be binding. The ARB shall have the sole discretion to determine whether plans and specifications submitted for approval are acceptable to the Association. If in its opinion, for any reason, including purely aesthetic reasons, the ARB should determine that any proposed improvement, alteration, etc. is not consistent with the Planning Criteria, such alteration or improvement shall not be made.

Section 3. Approval or Disapproval. Unless waived by the ARB, all plans and specifications shall be prepared by a Florida licensed or certified architect or engineer, said person to be employed by and at the expense of the Owner making the application. Approval of the plans and specifications may be withheld not only because of noncompliance with any of the specific conditions, covenants and restrictions contained in this Master Declaration, but also by virtue of the reasonable dissatisfaction of the ARB with the location of the structure on the lot, the elevation, the color scheme, the finish, design, proportions, architecture, drainage plan, shape, height, style and appropriateness of the proposed structures or altered structures, the materials used therein, the planting, landscaping, size, height or location of vegetation on the property, or because of its reasonable dissatisfaction with any or all other matters or things which, in the reasonable judgment of the ARB, will render the proposed item of improvement inharmonious or out of keeping with the Planning Criteria. Two (2) sets of plans, specifications and plot plans shall be submitted to the ARB by the Owner prior to applying for a building permit. The Owner shall obtain a written receipt for the plans and specifications from a member of the ARB. Plans and re-submittals thereof shall be approved or disapproved within thirty (30) days after receipt by the ARB. Failure of the ARB to respond in writing to a submittal or re-

submission of plans within such period shall be deemed to be an approval of the plans as submitted or re-submitted. The ARB approval or disapproval, as required by this Master Declaration, shall be in writing and shall accompany one (1) set of plans to be returned to the Owner. Whenever the ARB disapproves plans and specifications, the disapproval shall be accompanied by a written outline of the reason or reasons for such disapproval. The remaining set of plans shall become property of the ARB. The ARB shall establish fees sufficient to cover the expenses of reviewing plans and related data and to compensate any consulting architects, landscape architects, engineers, urban designers, inspectors, or attorneys retained in accordance with the terms hereof. The fee initially established for such review shall be Two Hundred Fifty and No/1 00 Dollars (\$250.00) for each submission, and the ARB shall have the right to increase or decrease this amount from time to time.

Section 4. Violations. The work approved must be performed strictly in accordance with the plans, specifications and plot plans, as submitted and approved. If after such plans and specifications have been approved, the improvements are altered, erected, or maintained upon the property otherwise than as approved by the ARB, such alteration, erection and maintenance shall be deemed to have been undertaken without the approval of the ARB having been obtained as required by this Master Declaration. Following approval of any plans and specifications by the ARB, representatives of the ARB shall have the right during reasonable hours to enter upon and inspect any property or improvements with respect to which construction is underway within the Properties to determine whether or not the plans and specifications thereof have been approved and are being complied with. After the expiration of one (1) year from the date of completion of any improvement, addition or alteration, said improvement shall, in favor of purchasers and encumbrances in good faith and for value, be deemed to comply with all of the provisions hereof unless a notice of such noncompliance executed by any member of the ARB shall appear of record in the office of the Clerk of the Circuit Court of Orange County, Florida, or legal proceedings shall have been instituted to enforce compliance with these provisions. Upon approval of the ARB, it shall be conclusively presumed that the location and exterior configuration of any building, structure or other improvement placed or constructed in accordance with the approved plans and specifications does not violate the provisions of this Master Declaration. The approval of the ARB of any plans or specifications submitted for approval as herein specified shall not be deemed to be a waiver by the ARB of its rights to object to any of the features or elements embodied in such plans or specifications if or when the same features or elements are embodied in any subsequent plans or specifications submitted.

Section 5. Variances. The ARB may authorize variances from compliance with any of the architectural provisions of this Master Declaration or the Planning Criteria, including without limitation restrictions upon height, size or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship,

aesthetic or environmental considerations may require. Such variances must be evidenced in writing and must be signed by at least two (2) members of the ARB and shall be effective upon delivery to the Owner. If such variances are granted, no violation of this Master Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Master Declaration or the Planning Criteria for any purpose except as to the particular Residential Unit and the particular provision covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting the use of the Owner's Residential Unit, including but not limited to zoning ordinances and setback requirements imposed by Orange County.

Section 6. Waiver of Liability. Neither Declarant, the ARB, any member of the ARB, or the Association, or any of their representatives shall be liable in damages to anyone submitting plans for approval or to any Owner or occupant of the Properties by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval of any plans, or the failure to approve any plans. Every person who submits plans for approval agrees, by submission of such plan, and every Owner or occupant of any Residential Unit agrees, by acquiring title thereto or an interest therein, that it will not bring any action, proceeding or suit to recover any such damages. Approval of any building plans, specifications, site or landscape plans or elevations, or any other approvals or consents pursuant hereto or otherwise is given solely to protect the aesthetics of the Properties and shall not be deemed a warranty, representation or covenant that such buildings, improvements, landscaping or other action taken pursuant thereto or in reliance thereof complies with, or is not in violation of, any applicable laws, ordinances, requirements, codes, rules or regulations. No approval of plans and specifications and no publication of architectural standards shall be construed as representing or implying that such plans, specifications, or standards will, if followed, result in properly designed improvements. Such approvals and standards shall in no event be construed as representing or guaranteeing that any improvement built in accordance therewith will be built in a lawful, safe, good and workmanlike manner. Declarant, the ARB, or any agent or consultant thereof, shall not be responsible in any way for any defects in any plan or specifications submitted, revised or approved in accordance with the requirements of the ARB, or for any structural or other defect in any work done according to such plans and specifications.

Section 7. Enforcement of Planning Criteria. Declarant and the Board shall have the standing and authority on behalf of the Association to enforce in courts of competent jurisdiction the Planning Criteria and the decisions of the ARB and they shall have all remedies available at law and in equity, including without limitation action to enjoin further construction and to require the removal or correction of any work in place which

does not comply with approved plans and specifications. Should Declarant or the Association be required to enforce the provisions hereof by legal action, the reasonable attorney's fees and costs incurred, whether or not judicial proceedings are instituted, shall be collectible from the violating Owner. In addition, should any Owner fail to comply with the requirements hereof after thirty (30) days written notice, Declarant and the Association shall have the right to enter upon the Owner's property, make such corrections or modifications as are necessary, or remove anything in violation of the provisions hereof or the Planning Criteria, and charge the cost thereof to the Owner. Declarant and the Association, or their agents or employees, shall not be liable to the Owner or to any occupant or invitee of any Lot for any trespass or damages or injury to the property or person unless caused by negligence or intentional wrongdoing.

Section 8. Term of Approval. Approval by the ARB shall be effective for a period of one (1) year from the date the approval is given, or one (1) year from the expiration of the thirty (30) day period specified in Section 3 hereof where approval is not expressly granted or denied. If construction has not commenced within the said one (1) year period, the approval shall have expired and no construction shall thereafter commence without written renewal of such prior approval.

Section 9. Exempt Property. The provisions of this Article VIII of this Master Declaration shall not apply to any property owned by Declarant. Accordingly, the design, construction, installation and placement of any buildings, landscaping, parking and other improvements on any property owned by Declarant shall be exempt from compliance with the provisions of this Article VIII.