

Section XV. Paver Pad Installations Outside Lanai and Privacy Garden Exits

(Ref. Declaration of Condominium, Article V at 5.1 (c) & (d): Maintenance and Improvements by Unit Owners)

A. Future Exit Paver Pad Installation Guidelines:

1. Subsequent to July 14, 2022, installation of exit paver pads directly outside a lanai and/or privacy garden exit by an Owner shall be at the Owner's expense, and shall only be permitted when an owner fully complies with Guidelines (a) through (j) below. Installed paver pads become Vizcaya property since they are installed on Vizcaya's common property.
 - a) **Exit Paver Pad Installation Application Required:** Prior to any installation of an exit paver pad, an Owner must submit the Association's **Exit Paver Pad Installation Application** detailing all aspects of a proposed exit paver pad under these Guidelines to the Architectural Review Committee (ARC) which shall contain an Owner-provided color photo of the pavers to be installed.
 - b) **Written Board Permission Required:** Consistent with Vizcaya Declaration 5.1 (c) & (d), Owners cannot install either new exit paver pads or replace old exit paver pads until the Owner receives written Board permission approving the owner's application, determined at a regular Board meeting on the record. Individual Board Officers or Directors cannot approve exit paver pad installations.
 - c) **Lanai Exit Paver Pad Size:** A lanai exit paver pad shall be up to **4 feet wide x 4 feet long** in size except: (i) such pad can extend in a direct path to the end of pre-existing plantings that appear on October 13, 2020 photos of all lanai and privacy garden exits that are on record in the Association Office; or (ii) such pad can extend up to 66 inches long if the pad does not intrude in areas mowed by the Association's landscape vendor.
 - d) **Privacy Garden Exit Paver Pad Size:** A privacy garden exit paver pad shall be up to 4 feet wide x 4 feet long in size except such pad can be longer and extend in a direct path to meet or reach toward (but need not reach) pre-existing sidewalks or existing garbage crib walkways that are significantly more than 4 feet from the privacy garden door appearing on the Oct. 13, 2020 photos of all lanai and privacy garden exits that are on record in the Association Office.
 - e) **Paver Pad Stones, Shape and Concrete Use:**
 - (i) Only individual square or rectangular pavers with a non-skid surface may be used. They shall be laid in a square shape, unless an exception at section A.1. c or A. 1 d above applies, and then a rectangle pad shape may be used. No exit paver pad shall be laid on a concrete base but new installations may be laid on six (6) inches of crushed aggregate, small stones, gravel, crushed shells, or sand for adequate support as determined by the installer. Modified paver pads under section

C 2. below, may remain on soil or be laid on any base stated in this paragraph.

(ii) However, if a privacy garden floor is so elevated above surrounding ground that only a concrete step or steps will provide a safe exit, which shall be determined in the reasonable discretion of the Board, installation of a concrete step or steps will be permitted. Such installation must be done by a professional licensed installer who meets relevant code provisions of Manatee County. If such pad is installed, the Owner shall apply a two-inch wide band of florescent tape along the top edge of any step.

- f) **Color of Paver Pad:** An exit paver pad shall be one color only which must be either light tan, terracotta or light grey.
- g) **Slope, Tripping Hazards and Edging:** Exit paver pads must slope away from the building and not be raised above the level of the ground (except as stated at A 1. e (ii) above). They shall be laid without any tripping hazards, raised edges, borders of any kind, or decorative or plastic edging between the paver pad and the surrounding ground unless the surrounding ground is significantly higher than the paver pad level which shall be determined in the reasonable discretion of the Board. If such edging must be used to retain the higher surrounding dirt, it shall be laid to avoid tripping hazards. On new installations, pavers must abut each other with no ground showing between them.
- h) **Installer Requirements:** Owners who are skilled in installing exit paver pads may install such pads at their own unit only. If they are not skilled or they must install a concrete privacy garden exit pad because of the height of a privacy garden floor (see A 1. e (ii), above), the application must contain a professional installer's insurance and show compliance with any applicable Manatee County Codes and licensing, if licenses are issued for this work by Manatee County. Anyone installing an exit pad must avoid interruption of underground irrigation piping, irrigation spouts, irrigation lighting, tree roots that might compromise tree health if cut, and electrical and utility wires. The unit Owner is responsible to correct and to pay for any disruption or damage caused by the Owner or by the installer to any of these items.
- i) **Power Tool Use:** If an Owner intends to use power tools for installation or modification of an exit paver pad, the Owner must identify such intent on the Application and seek Board approval for such use which the Board may approve or deny in the exercise of its reasonable discretion.
- j) **Prohibited Items:** Items of any kind, including but not limited to chairs, tables, planters, lighting and decorations, are prohibited on exit paver pads, but Owners may use chairs for temporary seating during the day which must be removed at night.

B. Lanai and Privacy Garden Exit Paver Pads Installed with Board Approval:

If an Owner has a written Board approval or can point to a motion from Vizcaya's Board Meeting minutes approving installation of a lanai and/or privacy garden exit paver pad at that Owner's unit at any time, such Owner should notify the Association Office with such documentation and shall be entitled to retain such exit paver pad unless a tripping hazard exists on such pad. (See Section D, below.)

C. Lanai and/or Privacy Garden Exit Paver Pads Installed by Owners without Written Board Approval:

1. **Association Requirement to Register Paver Pads:** The Association will notify all first-floor Owners that they must file the Association's **Exit Paver Pad Registration Form** by a specified date if they have a lanai and/or privacy garden exit paver pad of any type, size or age at their unit that was not approved in writing by the Board. The form must identify the Owner, the unit, the approximate date the exit paver pad was installed if known, whether it was installed at a lanai or a privacy garden exit, the size of such pad from the exit door to the front edge and from side to side, the shape of the pavers used, the number of pavers used, and how many pavers are sitting above the level ground or laid in a manner that may constitute a current tripping hazard.
2. **Association Notifications about Non-Approved Pavers:**
 - a) After receipt of the **Exit Paver Pad Registration Form** or conducting an assessment of exit paver pads, the Board or its designee shall notify every Owner of a non-approved exit paver pad at a lanai and/or privacy garden exit, in writing, that:
 - (i) The Association, at its expense, shall remove such paver pad and shall restore the area to its original condition (soil and grass seed) unless the Owner opts to modify the unapproved paver pad by filing the Association's **Paver Pad Retention Application** with the Association Office by a stated date showing that the Owner will bring the existing paver pad into compliance with the **Future Paver Pad Guidelines**, at Section A.1 above, at the Owner's expense, except the Owner need not comply with two requirements of Section A above, when modifying a paver pad:
 1. The color requirement at Section A 1. f; and
 2. The requirement that all pavers abut each other at Section A 1. g; and
 - (ii) An Owner may retain an existing solid concrete step at a privacy garden exit if, in the Board's reasonable discretion, the height of the pad is necessitated by the height of the privacy garden floor above the surrounding ground. (See A 1. e (ii) above). If such pad is to be retained, the Owner shall apply a two-inch wide band of florescent tape at the top edge of any step on the pad; and

- (iii) Owners may seek an extension of time from the Association Office, for good cause shown, to file the **Paver Pad Retention Application** or to complete the work to bring the paver pad into compliance, at the Owner's expense, with the Guidelines at Section C 2. a (i) and (ii) above.
- b) If an owner has a lanai or privacy garden exit paver pad that was not Board approved in writing and fails to comply with any applicable provision of this Rule XV, the Association will remove the paver pad at Association expense and restore the area to its original condition (soil and grass seed).
- c) Owners of existing exit paver pads may apply to remove the old pads and install new lanai and/or privacy garden exit paver pads under the **Future Exit Paver Pad Installation Guidelines** above at Section A, at the Owner's expense. Upon written Board approval of such application, the Owner shall be responsible for removal and proper disposal of any existing exit paver pad or pavers at the Owner's expense.
- d) Exit paver pads installed or modified consistent with this Rule XV will receive formal Board approval of such pad at a Board meeting on the record.

D. Association Obligations for Paver Pad Maintenance, Liability and Repair:

1. The Association retains liability obligations for all past and future exit paver pad installations since they are on the common property of the Association. Therefore, the pavers are owned by Vizcaya which justifies Association removal of pads at Association expense. The Association also has repair and maintenance obligations for all past and future paver pads that have received written Board approval. If any exit paver pad is, or becomes, non-compliant with these Guidelines, including showing tripping hazards, the Board will remove it at Association expense and restore the area to its original condition (soil and grass seed). If the Board decides to remove the paver pad, it will notify the Owner and the Owner may seek written Board approval to repair and retain the pad, or install a new one at the owner's expense, by following the procedures at either Section A for new installations or at Section C. 2 a for modifications, above.
2. Owners must comply with their obligations under this Rule and must promptly report defects on exit paver pads as they arise by submitting a work order to the Association Office so the Board can decide if repairs are feasible or if removal is required.

(Approved by the Board of Directors: May 17, 2023)