



**Waterford Lakes Community Association
Community Standards Department Policies and Procedures
for Processing Architectural Review Applications, Inspecting Neighborhoods,
and Ensuring Compliance**

Effective August 22, 2022

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1. PURPOSE

The purpose of the Community Standards Department (CSD) is to manage architectural review and inspection processes based on community-wide standards described in Architectural Review Committee (ARC) and covenant documents. The scope of CSD operation includes the managing the Architectural Review Application (ARA) process, conducting standardized inspections of neighborhood properties, and organizing fining hearings as needed to ensure compliance.

The Community Standards Department is authorized and guided by the WLCA Declaration and Florida Statutes, which may be amended from time to time.

WLCA Declaration Article IV Section 3-E and Article VIII Section 4 describe WLCA’s authority to regulate neighborhood properties.

Article IV Section 3-E : “The Association shall have the following powers... Taking any and all actions necessary to enforce all covenants, conditions and restrictions affecting the Properties and to perform any of the functions or services delegated to the Association in any covenants, conditions or restrictions applicable to the Properties or in the Articles or By-Laws.”

Article VIII, Section 4: “The ARC shall also have exclusive jurisdiction over modifications, additions, or alterations made on or to existing Units or structures containing Units and the Open Space, if any, appurtenant thereto; provided, however, the ARC may delegate this authority to the appropriate Board or committee of any Neighborhood Association subsequently created or subsequently subjected to this Declaration so long as the ARC has determined that such Board or committee has

in force review and enforcement practices, procedures, and appropriate standards at least equal to those of the ARC. Such delegation may be revoked at any time and for any reason, and jurisdiction reassumed at any time by written notice.”

Florida Statute 720.3035 requires ARC rules and regulations to be specifically stated.

720.3035 (1) “The authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.”

WLCA Declaration Article VIII, Section 2F prevents unreasonable disapprovals

“The ARC shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons, provided such approval is not unreasonably withheld and in approving or disapproving such plans applications, the ARC shall consider the suitability of the proposed building, improvements, structure or landscaping and materials of which the same are to be built, the site upon which the proposed are to be erected, the harmony thereof with the surrounding area and the effect thereof on adjacent or neighboring property.”

2. ARCHITECTURAL REVIEW APPLICATION PROCESSING

Previously, Architectural Review Applications were processed by both the neighborhood ARCs and the WLCA ARC. More recently five categories of uncomplicated ARAs were made candidates for “streamlined” processing: house colors, roof, solar panel, tree removal, and window replacement. The CSD reviews all ARAs to determine whether they can be processed as streamlined applications. If an application for modification is complete and meets all applicable rules and regulations, the CSD approves the ARA and notifies the homeowner and the local neighborhood within 2 business days.

Applications in all categories that do not comply with rules and regulations or are incomplete are disapproved and returned to the owner with an explanation of the disapproval. If the owner resubmits and insists that it be submitted as is, it is sent to the neighborhood ARC provided that the neighborhood has an active ARC and does not default to WLCA. All ARAs from neighborhoods that default or do not have active Architectural Review Committees are forwarded to the WLCA ARC for review.

When an application is received:

- A WLCA staff member date-stamps the ARA.
- If the application is incomplete, CSD staff will contact homeowner asking for the proper documentation. If the homeowner refuses or does not respond within 2 business days the application will be disapproved and returned to the owner advising them of the supporting documents needed.
- If the ARA is for house colors, roof, solar panels, tree removal, or windows, it is a candidate for streamlined processing. All other applications are processed normally as described below.
- Streamlined ARA Processing

- If the ARA is complete and meets all required rules and regulations, the CSD will approve the application, return it to the owner, and notify the neighborhood Board and the neighborhood manager of the approval.
- ⊖ The CSD will inspect the property of the candidate for streamlined ARA processing before an approval is given.
- If the ARA does not meet all criteria for streamlined processing, the application is processed normally.

- Normal ARA Processing
 - The CSD notifies the homeowner, the neighborhood Board, and the neighborhood manager that the ARA is under review.
 - If the neighborhood has an active ARC, they are notified that an ARA is ready to be reviewed
 - Applications returned from the neighborhood ARC must be accompanied by minutes of the neighborhood ARC meeting. The application will then be reviewed by the WLCA ARC for final approval or disapproval.
 - If the neighborhood does not have an active ARC, it will automatically be reviewed by the WLCA ARC for final approval or disapproval.
 - If a neighborhood ARC defaults to WLCA, the ARA is sent to the WLCA ARC for review and final approval or disapproval.
 - The CSD notifies the owner, the neighborhood Board, and the neighborhood manager of the approval or disapproval.
 - All modifications described in ARAs will be inspected after completion.

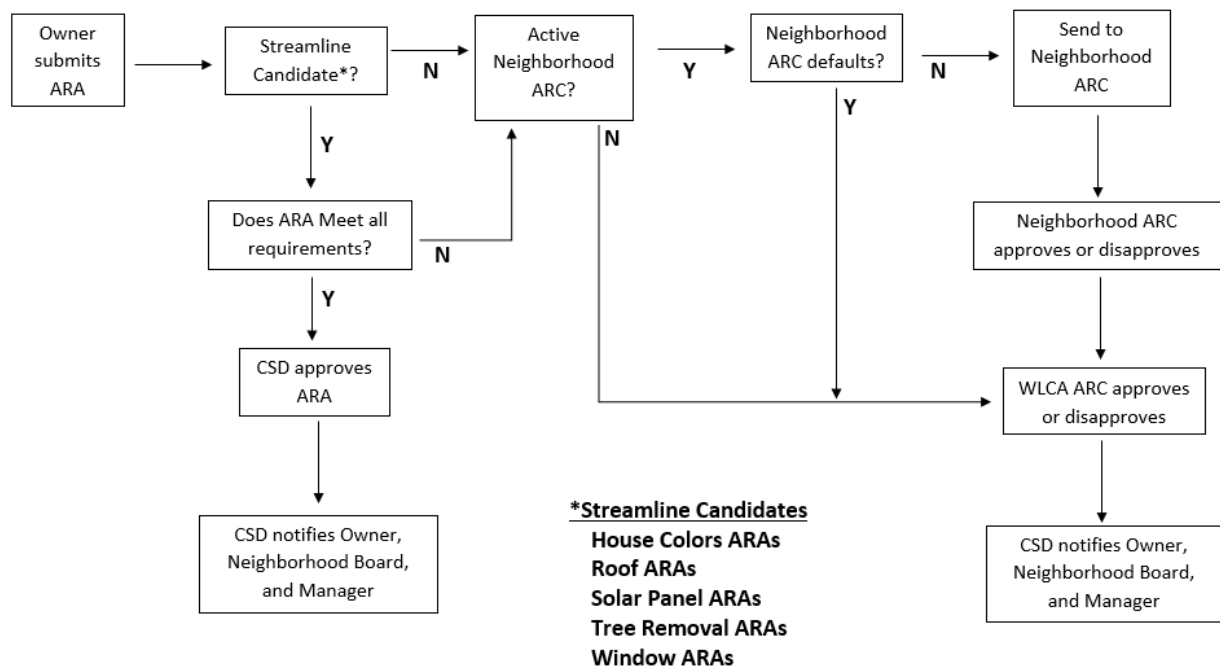


Chart 1 – ARA Processing

3. APPEALS

Owners who wish to appeal a WLCA ARC decision must follow the steps below for a formal appeal.

- The owner may email the CSD a request for a review before the WLCA ARC. The request should include the decision that is objectionable and the reason the owner disputes the ARC decision.
- If the WLCA ARC does not change its decision, the owner may request a review by the WLCA Board within 60 days of the initial WLCA ARC decision.
- The WLCA Board will include the appeal on the agenda for the next monthly Board meeting to give the owner the opportunity to discuss the situation.
- The WLCA Board may issue a decision at the meeting or request an expeditious special Board meeting, including the owner, to review all the documentation and deliver a decision.
- Decisions of the Board are final. The Board may approve the appeal with or without conditions, or reject the appeal and accept the decision of the ARC.

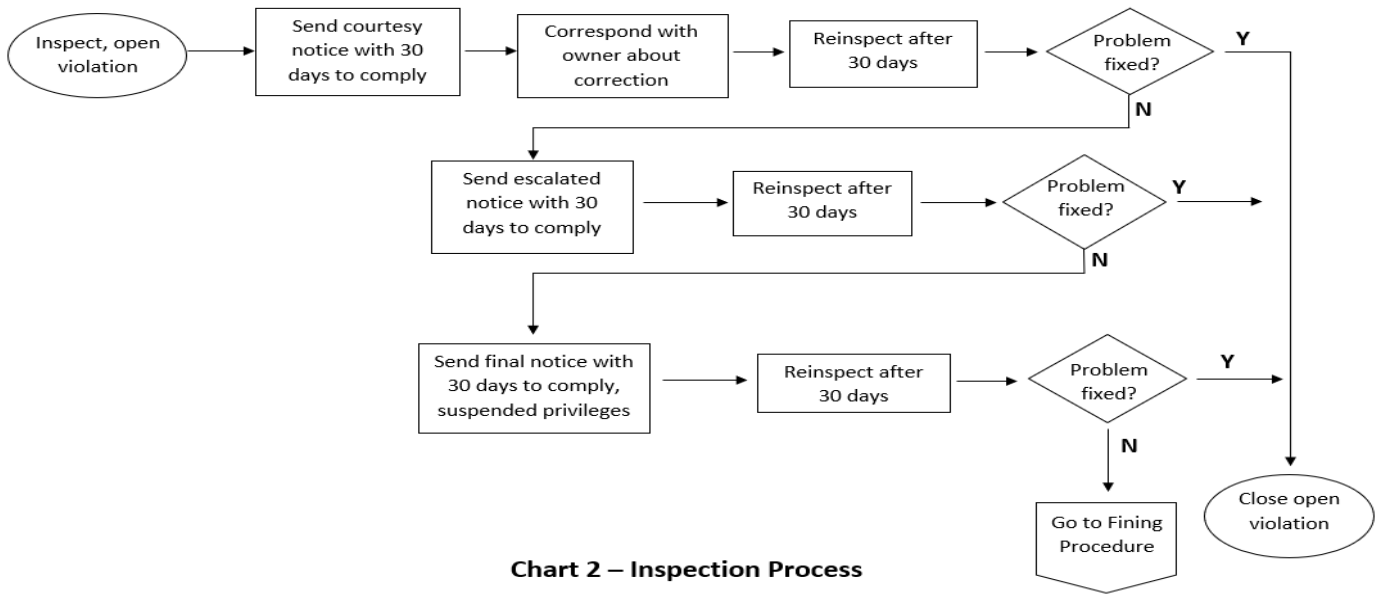
4. COVENANT INSPECTIONS

The CSD conducts two types of community-wide inspections: covenant inspections and ARA inspections. Covenant inspections look for property maintenance deficiencies, unauthorized modifications, and other items that are prohibited by or not in compliance with the WLCA Declaration or other governing document of WLCA.

Covenant Inspection Process

Covenant (maintenance) inspections are conducted every 30 days. Chart 2 shows the steps in the Covenant Inspection Process.

- If a covenant violation is noted, the CSD opens a violation case and sends the homeowner the 1st Courtesy Notice Violation giving the owner 30 days to correct the violation. If homeowner does not live in the home, the notice will also be sent to their alternate address.
 - The CSD will email or otherwise notify neighborhood management and Board about the violations within 2 business days.
 - This is provided to prevent duplicate violations.
 - The neighborhood will not be able to contest violations.
- The CSD corresponds with the owner to discuss the violation and propose its correction.
- The CSD reinspects the property in 30 days. If the violation is corrected, the case is closed.
- If the 1st courtesy violation is not corrected within 30 days, the CSD will send the 2nd violation letter to the homeowner. If homeowner does not live in the home, the notice will also be sent to their alternate address.
- The CSD reinspects the property in 30 days.
 - If the violation is corrected, the case is closed.
 - If the violation is not corrected, the CSD sends a 3rd and final notice to the owner, giving the owner 30 days to comply. The final notice is sent to the neighborhood Board and management within 2 business days.
 - The CSD reinspects the property in 30 days.
 - If the violation is corrected, the case is closed.
 - If the violation is not corrected, the CSD mails out a 14-day notice of a fining hearing.



5. COVENANT VIOLATIONS RESULTING IN A NEED FOR REPAIR (ARA)

If a covenant violation results in a damaged property that would need an exterior modification to fix, the inspection process will change to a Covenant-ARA Inspection Process, which is depicted in Chart 3 and described below.

- When an ARA violation is noted, the CSD opens a violation case and sends the 1st Courtesy Violation Notice along with an ARA to the owner, giving the owner-30 days to comply.
- The CSD corresponds with the owner to discuss the violation and propose its correction.
- The CSD reinspects the property in 30 days. If the violation is corrected, the case is closed.
- If the violation is not corrected in 30 days, but an Architectural Review Application (ARA) has been submitted to correct said issue:
 - The violation goes on hold until 90 days after the ARA is approved.
 - The CSD reinspects the property 90 days after the ARA is approved. If the violation is corrected, the case is closed.
 - If the violation is not corrected, the CSD sends a 14-day notice of a fining hearing.

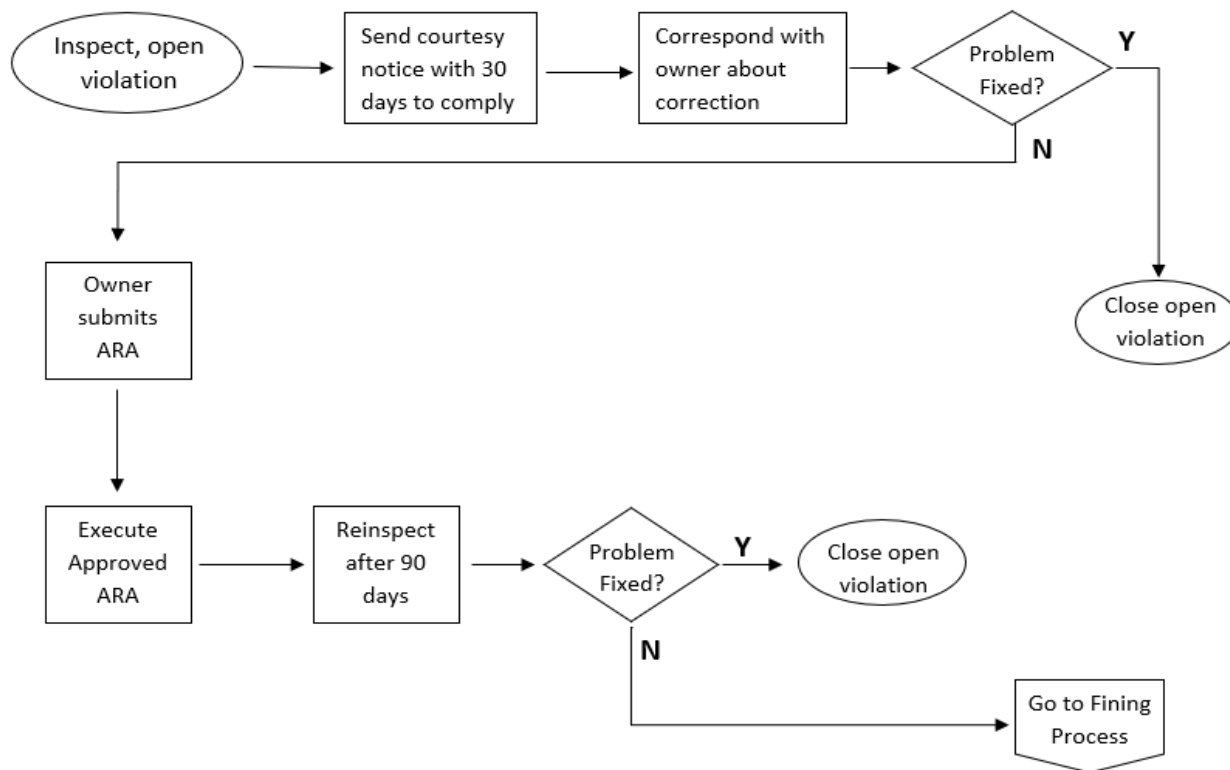


Chart 3. Covenant Violations Resulting in a Need for Repair (ARA)

6. COMPLIANCE

As a final stage of compliance, fines may be imposed on owners who fail to follow covenant restrictions or rules after the foregoing inspection processes have been exhausted.

Fining Committee

Florida law provides that a parcel owner against whom a fine has been levied by the board of directors is entitled to at least 14 days' notice and "an opportunity for a hearing" before a committee "of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee," before the fine may be imposed. To the extent possible, candidates will not be selected for more than one Fining Committee.

Note that the role of the committee is limited to either confirming or rejecting the fine proposed by the board.

Fining Procedure

The fining procedure is conducted in accordance with WLCA Declaration Article IX Section 3, as modified by Florida Statute 720.305 (2) b, which may be amended from time to time.

Chart 4 depicts the Fining Procedure.

- After the CSD has completed their inspection process and homeowner fails to remedy the covenant violation, the CSD asks the WLCA Board at the next scheduled WLCA Board Meeting to determine whether to proceed to the Fining Process.
- If the WLCA Board determines that the failure to remedy a covenant violation justifies the possible imposition of a fine, the Board proposes the amount of the fine in accordance with WLCA Declaration Article IX. The Board sets the committee and the hearing date.
- The CSD on behalf of the WLCA Board sends a 14-day notice to the homeowner to appear at the Fining Committee hearing. The hearing notice will include the date of the hearing, the potential amount of the fine if approved, and the date the fine would be due.
- At the hearing, the Fining Committee allows the homeowner in violation to state their case, and challenge the evidence against them. The Fining Committee then either “confirms” or “rejects” the fine proposed by the Board. If the committee rejects the fine, the matter is concluded. However, the “rejection” of the proposed fine does not prevent WLCA from pursuing other remedies including the right to file a lawsuit.
- If a proposed fine(s) levied by the board is approved by the Fining Committee, the association must provide written notice of the fine by mail or hand-delivery to the owner, and, if applicable, to any tenant, licensee, or invitee of the owner.
- Pursuant to Article IX, Section 3(D) of the WLCA Declaration, fines must be paid not later than thirty (30) days after notice of the imposition or assessment of the fine(s).
- Pursuant to Article IX, Section 3(E) of the WLCA Declaration, fines are to be treated as a Special Assessment otherwise due to the Association, and, as such, constitute a lien against the Owner’s Unit or Lot. Accordingly, action to collect unpaid fines should follow the same procedure as the collection of unpaid assessments. However, the payment of the fine does not prevent WLCA from pursuing other remedies available for addressing the failure to remedy a covenant violation, including but not limited to the right to file a lawsuit.

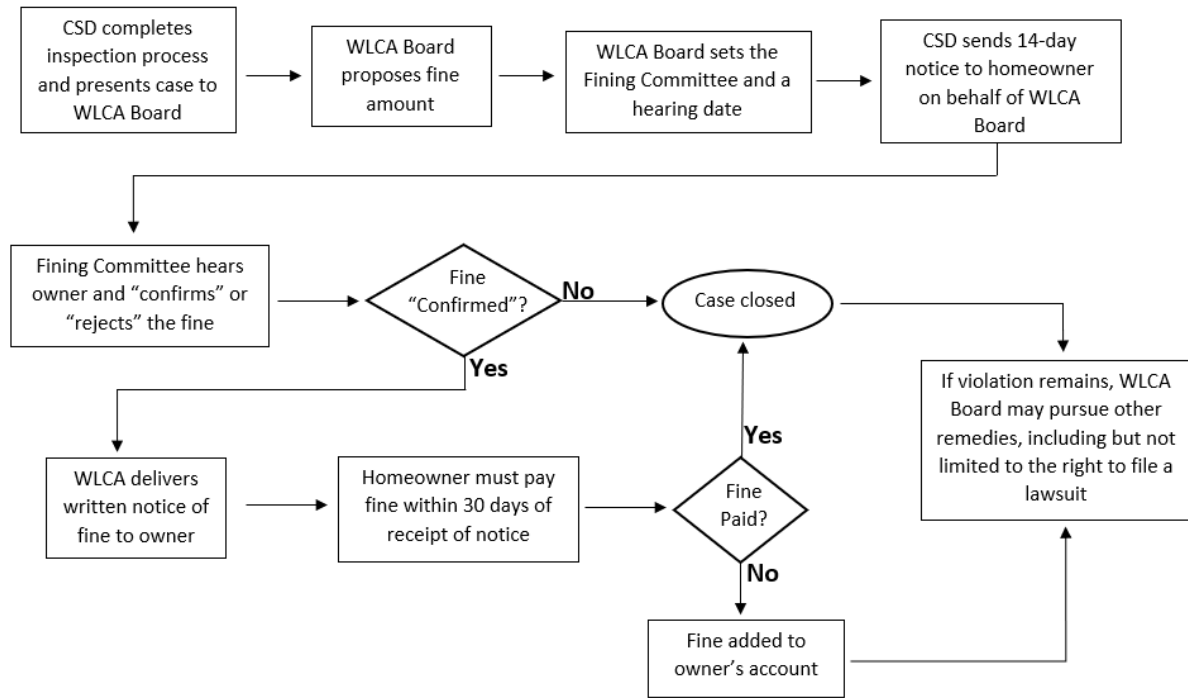


Chart 4. Fining Procedure

7. EFFECTIVE DATE AND CHANGE CONTROL

Date of Change	Date of Board Approval of Change	Change(s) Made
3/10/22		Version 1 drafted, distributed for review
4/8/22	5/23/22	Version 2 adjusted after legal review
7/26/22	6/27/22	Changed "Paint" to "House Colors" for streamlined processing
8/16/22	8/22/22	Various editorial changes