

DECLARATION: KEY UPDATES

Revised 11.11.14

PURPOSE OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

(Legal definition): To establish the Association, outline procedure for levying assessments for common expenses, and govern what an owner may, may not, or must do with respect to the real estate.

Home Owner's Association (HOA) vs. Property Owner's Association (POA) See FAQ for details

2014.00 LOCATION	2014 CAPTION	COMPARISON	
		1997 (CURRENT)	2014 (UPDATED)
Article IV	Assoc Membership & Voting Rights		
4.10	Membership	Classes: A (owner 1 vote), B (developer 3 votes/lot)	Omits classes
4.20	Voting	Article II. Section 1(b). Allows voting suspension at any time until assessment is current	Suspend if: 1) 31+ days non-payment AND 2) no board-approved payment plan
Article VI	Assessments		
6.30	Uniform Rate of Assessment and Specific Assessments	Cap=5% over <u>maximum</u> assessment of previous year (allowed 15% cumulative increase in 2006).	Cap=5% over previous year (no cumulative increase); >5% increase needs 67% approval of members.
6.70	Capital Contribution	None	At closing buyer pays capital contribution fee equal to current assessment. (See FAQ)
6.8 (a)	Delinquent Assessments	6% per annum	10% per annum
6.8 (c)	Delinquent Assessments	Late fee after 30 days	Assess late fee at 11 30 days; option to set monthly, quarterly, or semi-annual assessment payments.
Article VII	Architectural Controls & Review		
7.10	Architectural Standard	Response to modification request=30 days	Response to modification request= 45 30 days
7.60	Enforcement	Article II. Section 1(b). Allows amenities use suspension until assessment is current or for 60 days for violation of rules & regulations.	Reasonable fines may be imposed as per published fine/penalty schedule. (See Penalty Schedule in FAQ)
Article VIII	Use Restrictions		
8.10	Resident Use	Not addressed Restricted to single-family, residential use only.	Any ancillary businesses must meet six criteria (See FAQ)
8.20	Occupants	Single family; "family" not defined	Fair Housing Act prohibits discrimination against protected groups and families with children. (See FAQ)
8.30	Vehicles & Parking	Allows inoperable vehicles to park on Lot for 14 days.	Vehicles park in garage or driveway. Visitor RV parking: no approval for 48 hrs, approval needed for 3-7 days. Commercial and disabled vehicles park only in garage. Overnight street parking with approval.

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8.40	Pets	No pet may be a nuisance; "nuisance" not defined.	No farm animal, dangerous dog or vicious pet (defined by FC Animal Control) allowed. No pet feces left anywhere. Permits dog house.
8.60	Window Treatments	Must use white/off-white window treatments for street view	Option for no window treatments for street view
8.70	Antenna & Satellite Dishes	Not addressed Prohibits external TV or radio receiving equipment.	Per FCC, Association cannot prohibit any dish of 1 meter or less; ACC can request obscure placement.
8.10	Prohibition of Nuisance & Noise	Not addressed	List of neighborly courtesies.
8.11	Fireworks	Not addressed	Not on common property; limited days / hrs
8.12	Signs	Only 'For Sale' (6 ft ²)	For Sale (4 ft ²); allows security & political signs (2 wks)
8.14	Unsightly & Unkempt Conditions	Similar to Sec 13: Miscellaneous Fixtures	Rebuilding motors only in garage.
8.19	Free Removal DELETED	Not addressed	ARC approval if more than 6 inch diameter DELETED
8.24	Recreational Equipment	ACC approval required for recreational, playground, and basketball goals	No ARC approval for basketball goals if placed near the homehouse
8.25	Accessory Structures	Permits tennis courts	Private tennis courts prohibited; permits pool-, play-, green house, tool shed, garage with ARC approval.
8.26	Waterfront land	Detention ponds not addressed	Association is responsible for detention areas / ponds
Article IX	Leasing		
9.40	Leasing Permits	Not addressed	Caps leases at 5% 10% (26 homes plus unlimited number of qualified hardships). (See FAQ)
9.50	Hardship Leasing Permits	Not addressed	Three Six types of hardship defined. (See FAQ)
9.60	Leasing Provisions	Not addressed	Notify board; no partial lot leases; liability for assessments & compliance; grandfathering.
Article XVI	Amendments		
	Amendments	75% of homeowners + developer approval	67% of homeowners
Article XVII	General Provisions		
17.1 (a)	Fines and Suspensions of Use	See 7.6 Enforcement. Allows amenities use suspension until assessment is current or for 60 days for violation of rules & regulations.	Suspend amenities use and/or reasonable fines for violations