



Waterside

Homeowners Association
of Orange County, Inc.

Homeowners' Handbook

Architectural Review Board
Guidelines & Standards Manual

Version 1.1 | Updated 05.2021

PURPOSE OF THE HANDBOOK

The purpose of this handbook is to familiarize homeowners with the objectives, scope and application of design standards and guidelines, which will be used to maintain the aesthetic appearance and environmental quality of the community.

The handbook provides specific design standards and guidelines that have been adopted by the Board of Directors of the Waterside Homeowners Association of Orange County, Inc. (Waterside HOA). It also explains the application and review process that must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots that are subject to approval by the Association. Homeowners are reminded that approval by the Architectural Review Board for a proposed change does not remove the need for the appropriate building permits or other documentation. This handbook will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the Association's Architectural Review Board. All homeowners are encouraged to familiarize themselves with its contents and to retain the handbook for future use.

BASIS FOR & OBJECTIVES OF PROTECTIVE COVENANTS

The legal documents for the Waterside HOA include the Declaration of Covenants and Restrictions. They impose use restrictions and specify the process for obtaining approval for changes, improvements or alterations to an owner's lot. Legally, these covenants are a part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, irrespective of whether or not these owners are familiar with such covenants.

The primary purpose of this document is to establish design guidelines for the entire community. The promulgation and enforcement of design guidelines is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community.
- Promote harmonious architectural and environmental design qualities and features.
- Promote and enhance the visual and aesthetic appearance of the community.
- Maintain a clean, neat and orderly appearance.

The enforcement of design standards not only enhances the physical appearance of a community but also protects and preserves property values. Homeowners, who reside in association communities that enforce design covenants are protected from actions of neighbors that can detract from the physical appearance of the community and, in some cases, diminish property values. In fact, surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home.

ROLE OF THE ARCHITECTURAL REVIEW BOARD

All homeowners are automatically members of the Waterside HOA. The Association is a not-for-profit corporation that owns and is responsible for the upkeep and maintenance of all common properties within the community.

The Association is also responsible for the administration and enforcement of all covenants and restrictions. The Declaration of Covenants and Restrictions for the Waterside HOA provides the scope and authority of the Architectural Review Board (ARB). The members of the ARB are appointed by the Board of Directors (BOD) of the Waterside HOA.

The ARB is responsible for enforcing the Association's Design Guidelines for new home construction, exterior modifications to homes and improvements to lots as proposed by lot owners.

The ARB will review and approve (or disapprove) applications submitted by lot owners for new home construction and exterior additions, alterations or modifications which to include landscape projects/enhancements and exterior painting projects to a home or lot using Design Guidelines approved by the Association's Board of Directors.

As part of its responsibilities, the ARB will make recommendations to the Board of Directors with respect to the modification of the Design Guidelines initially approved by the BOD. The BOD will also be responsible for reviewing possible violations of the Association's Design Guidelines.

ALTERATIONS REQUIRING REVIEW & APPROVAL

Any changes, permanent or temporary, to the exterior appearance of a building or lot are subject to review and approval by the Architectural Review Board. The review process is not limited to major additions or alterations, such as adding a room, deck, or patio. It includes such minor items as changes in color and materials. Approval is also required when an existing item is to be removed.

There are a number of exceptions to this otherwise inclusive review requirement.

- Building exteriors may be repainted or re-stained provided that there is no color change from the original. Similarly, exterior-building components may be repaired or replaced so long as there is no change in the type of material and color. Sending an email
- Minor landscape improvements do not require Architectural Review Board approval. This includes foundation plantings, single specimen plants or small-scale improvements which do not materially alter the appearance of the lot, involve a change in topography or grade, and which are not of sufficient scale to constitute a natural structure.

If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the ARB BEFORE proceeding with the improvement.

APPLICATION & REVIEW PROCEDURES

Application and review procedures that will be used by the ARB are detailed below.

- **Applications.** All applications for proposed improvements must be submitted in writing using the application forms authorized by the ARB. A copy of this form is included as an exhibit to this handbook. Applications must be complete in order to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies that must be remedied in order to be considered for review.
- **Supporting Documentation.** The application must include a complete and accurate description of the proposed improvement(s). To permit evaluation by the ARB, supporting exhibits will frequently be required. Examples include: a site plan showing the location and dimensions of the proposed improvement; architectural drawings or plans, as applicable; landscape plan; material and/or color samples, etc. The design guidelines and application forms provide guidance with respect to the supporting documentation required for various types of improvements.
- **Time Frame for Completion of the Review.** The ARB is required to approve or disapprove any proposed improvement within 30 days after the receipt of a properly completed application. However, the 30-day review period will only commence upon the receipt of a complete application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a design review application.
- **Notice of Approval/Disapproval.** Homeowners who have submitted design review applications will be given written notice of the decision of the ARB.

ENFORCEMENT PROCEDURES

The Declaration of Covenants for the Association provides the authority for the Board of Directors to establish these Standards and Guidelines.

The following enforcement procedures will be used to ensure compliance.

- A violation may be observed and reported to the Board of Directors through the Community Association Manager (CAM) by a member of the ARB or a homeowner. In the case of homeowners wishing to report a potential violation, a written notification should be transmitted to the CAM.
- The alleged violation will be confirmed by a site visit by a member of the Board of Directors, a member of the ARB or the CAM.
- The Board, through the CAM, will contact the resident in violation by letter advising them of the violation and requesting appropriate action to remedy the violation within a specified timeframe. Depending on the violation severity, the timeframe could vary from one week to up to 30 days.
- If the violation continues for 30 days after the first notification or if no substantial progress is made in curing the violation, where such remedy would require more than 30 days, a second letter will be sent to the resident in violation. This letter will provide notice that the violation must be remedied within 15 days from the date of mailing of the letter or alternatively, that

the resident in violation must submit to the Board of Directors a written plan, including timing, for the abatement of the violation within a reasonable period of time, where such violation cannot be cured within the 15-day period.

- If the violation is not abated within 15 days from the date of mailing of the second letter described in the previous bullet (or if progress is not being made to abate such violation in accordance with a plan agreed to by the resident in violation and the Board of Directors) the Board, through the CAM, will send the resident in violation a certified letter informing the resident that they have 15 days to comply or the Board of Directors will refer the matter to legal counsel for appropriate action to secure compliance with the Association's governing documents.
- The above procedures do not preclude the Board of Directors from taking accelerated measures in the case of a violation which constitutes an emergency situation; provided that the resident in violation has been properly notified by mailing and that the action is consistent with the provisions of the Association's governing documents. Likewise, the Board may establish shorter notification periods for the correction of violations of the Standards and Guidelines where the homeowner shall not be disadvantaged by a shorter notification period for compliance.
- To avoid further action, the homeowner needs communicate with the CAM during the entire process to ensure it is noted in their account that they are working to rectify any violations, especially if unable to rectify the violation in the timeframe stated.

DESIGN GUIDELINES

The specific Design Guidelines detailed below have been adopted by the Board of Directors.

Please note: These guidelines will not cover every situation. If you wish to make a permanent or significant visual modification to your property that is NOT explicitly covered in these Design Guidelines, you must submit an application to the ARB. Please follow the application procedures and note on your application that your request is a special circumstance.

Please also note: a copy of any Orange County Permit required (i.e., fence install) must be provided.

ANTENNAS & SATELLITE DISHES

Exterior antennas are prohibited. Homeowners may install satellite dishes for the purpose of receiving audio and/or video programming and media reception. A dish antenna that is approximately 3.5 feet or less in diameter (i.e. Direct Broadcast Satellite) may be approved.

The satellite dish must be mounted to the outside of the house in the location that best minimizes its visibility from the street and from other homes. The dish should be mounted on the back of the house or otherwise placed to hide it from street view and should not extend above the crown of the roof. If reception cannot be obtained from these locations, the satellite dish should be located as unobtrusively as possible on the property. Masts higher than six (6) feet will not be permitted. Screening, such as shrubs, is required where possible. The ARB must approve all satellite dish installations.

CLOTHESLINES

Semi-permanent clothes lines or similar apparatus for the exterior drying of clothes are not permitted. Removable clotheslines erected during daylight hours and only in the rear yard or those screened from view behind a fence are acceptable.

DECKS, ARBORS, GAZEBOS, AWNINGS & SCREENED ENCLOSURES

The ARB must approve all decks, arbors, gazebos and/or screened enclosures.

Homeowners are advised to consider the following factors:

- **Location.** Items must be located in rear yards and not be visible from the street view facing the front of the house.
- **Scale & Style.** The scale shall be compatible with the scale of the house as sited on the lot. Decks, particularly if elevated, should be of a scale and style compatible with the home to which attached, adjacent homes and the environmental surroundings.
- **Materials.** Construction materials for decks and gazebos must be of smooth high-quality pressure treated lumber or comparable composite material. Screened enclosures must be constructed using aluminum.
- **Color.** Materials for decks and gazebos should be left in a natural condition to weather or treated with a neutral or wood-color stain or sealer. Aluminum for screened enclosures must be white or bronze.
- **Under Deck Storage.** Elevated decks may not utilize the underdeck area for storage space. The ARB, particularly in the case of high decks, may require the use of decorative screening, either wood or plant material, to minimize adverse visual impacts.
- **Awnings.** Window awnings are not permitted.

DRIVEWAYS

ARB approval will be required for all driveway construction and modifications to driveways. The primary considerations will be no adverse aesthetic or drainage impact on adjoining lots or common area. When requesting pavers, color, size, pattern and installation company must be specified.

Modifications must be of the same materials (i.e. consistent colored pavers) as the existing driveway. Driveway shall not exceed the width of the garage. Driveways cannot be painted.

All driveways must be kept clean without spots, stains or markings of any kind. Regular pressure washing and sealing is recommended. Also, all pavers are required to be maintained flush and level as originally installed.

EXTERIOR LIGHTING

The ARB shall be responsible for determining whether exterior lighting is an annoyance or unreasonably illuminates another owner's property. Proposed replacement or additional fixtures must be approved and compatible in style and scale with the applicant's house. No exterior lighting shall be directed outside of the applicant's property. Proposed additional lighting will not be approved if it will result in an adverse impact to adjoining neighbors due to location, wattage or other features.

Low-voltage or solar-powered landscape lighting, including low voltage floodlighting, is permitted along walkways, planting beds, or other landscaped areas, so long as all wiring is concealed from view, and light fixtures do not stand more than 18" above the ground. All lights must be of white illumination. No more than 10 lights per lot are permitted without prior approval from the Association. No lights are permitted in lawns.

EXTERIOR PAINTING

An application is not required to repaint or re-stain an object to match the original color. However, emailing the CAM so the improvement can be noted in your account is preferred. This requirement applies to exterior walls, doors, shutters, trim, roofing and other structures. Houses adjacent (neighboring properties) must be painted a different color scheme. The color samples outlined in the Waterside HOA approved color book are the only exterior paint colors that are permitted. The approved color book is available at watersidehoa.net.

Please note: just because there is a color scheme is on a home, does not guarantee that it was approved. A homeowner will be required to repaint if approval has not been documented.

FENCES

General guidelines for the construction and ARB approval of fences are provided below.

- **Fence Types & Materials.** All fences must be constructed of PVC/vinyl, wood or aluminum. No chain link, mesh, barbed wire or hog wire fences will be allowed. Gates must be constructed of the same height as the fence and be of the same material as the fence. Gate hardware shall be unobtrusive and rust resistant. Vertical members shall be plumb.
- **Fence Limitations.** No wall or fence shall be constructed with a height of more than six (6) feet above ground level of an adjoining lot, and no hedge or shrubbery abutting the lot boundary line shall be permitted with a height of more than six (6) feet without the prior written approval of the ARB. Each wall or fence, or portion thereof, constructed forward of the rear building face, or the building setback line on corner facing homes (collectively "front yard"), shall be no more or less than four (4) feet in height. The height of any wall or fence shall be measured from the existing property elevations. Side and back fence panels may not exceed six (6) feet in height. Fencing within a lot will be a consistent style and size (i.e., board-on-board or privacy) on both sides. Back fencing style and size will be taken into consideration if a different style/size is requested. An exception to consistent styles will be made when a different fence style has been erected by an adjoining neighbor or when considering unusual property configurations.
- **Fence Designs.** Acceptable fence designs are shadowbox, solid board, framed or picket.
- Fencing along lakes must not be solid and shall be aluminum picket style. The height shall not exceed four feet for fencing installed directly adjacent to the lake. Fences must taper in situations where different heights are required.
- **Maintenance.** All fencing must be maintained as in new condition (clean and durable) at all times.

FLAGS & FLAGPOLES

Permanent flagpoles require ARB approval prior to placement. Temporary flagpole staffs that do not extend higher than the roof of the house and are attached to the dwelling unit do not require approval by the ARB.

The following flag styles shall not require ARB approval, provided no more than two (2) are displayed on pole as described in this section:

- U.S. flag (not to exceed 54" x 72" in size)
- State of Florida flag (not to exceed 54" x 72")
- Official flags of the U.S. Armed Forces - U.S. Army, Navy, Air Force, Marines, POW-MIA or Coast Guard (not to exceed 54" x 72" in size)

No other flags are permitted on a permanent flag pole nor will they be approved by the ARB.\

GARAGE & GARAGE DOORS

Garage doors must be maintained in a clean and undented condition. Garage doors must be maintained in operable and functioning condition. Garages are not permitted to be used as an additional living space. Decorative carriage hardware is permitted to be installed on the exterior of garage doors with prior approval from the ARB.

HOLIDAY DECORATIONS & LIGHTING

Homeowners may display a reasonable number of holiday decorations and lighting for any given holiday. For Christmas specifically, decorations and lighting should be displayed no earlier than the weekend prior to Thanksgiving and remain up for no more than 12 days past.

No ARB application is required. However, if it is determined that the condition of any decorations and/or lighting is dangerous in any way, the homeowner must remove the decorations or lighting within 48 hours after receiving written notice from the Association.

HOT TUBS/SPAS [semi-permanent]

Installation of exterior hot tubs or spas requires approval of the ARB. Exterior hot tubs or spas must be located in the rear yard adjacent to the dwelling unit. All hot tub and spa equipment stowed on the lot must be screened from view from outside the lot.

The incorporation of hot tubs as an architectural feature of decks and/or patios is encouraged. The exterior finish of an elevated hot tub should blend with the exterior finish of the home, deck or patio to which attached or most closely related. All hot tubs and spas must have a hard cover when not in use or incorporate other safety measures.

IRRIGATION SYSTEMS

Irrigation systems must be kept in good working order to prevent dead or otherwise unsightly landscaping. Irrigation systems should be operated weekly to maintain the good operations of the system.

LANDSCAPING, LAWN ORNAMENTS & BORDERS

All major landscape installations or changes must be approved in advance by the ARB. Examples include the installation of multiple trees and plant beds that did not exist when the house was originally built.

General guidelines:

- All lots must have Floratam St. Augustine grass. Said grass must be kept in healthy, green and weed-free condition at all times. This would include a regular irrigation schedule and an attentive fertilization program. Front yards are not permitted to be all rock, mulch, stone, etc.
- Each lot must have shrubs, decorative grasses, etc., in front and side yards. Landscaping can also be planted along the side property line on the garage facing side of the lot as a buffer to the neighbor. Side yard buffer plants shall not extend any closer than 10 feet to the right of way line.
- Each lot shall be required to have the front, rear and side yards irrigated by an automatic sprinkler system providing full coverage.
- The section between the sidewalk and back of curb must be maintained by the homeowner to the same standards of the entire front yard.
- All plant pots must be consistent in style and color within the scheme of the community. Properties are permitted to have up to four (4) potted plants per lot. Additional pots are required to obtain prior approval of the ARB.
- Statue or ornaments [bird baths, statues, fountains] equal to or less than 24 inches in height shall be allowed upon approval by the ARB in a landscape bed in the front yard of the home.
- An application is required for the installation of all landscape timbers, borders, edging or similar structures to be located in front yards or areas visible to others in the community. The use of railroad ties is prohibited.
- Landscape borders shall be of one color and one style throughout the lot.

MULCH

Plant beds and trees visible from the street must be mulched with pine bark, cypress mulch or colored stone/rock chips. Stone chips are only permitted when used in conjunction with a rigid permanent landscape edging. Material shall be of a single-color scheme and type throughout the landscaping for the lot. Decorative rock is permitted; however, decorative rock must be approved by the ARB and must be consistent throughout the entire property.

PATIOS

All patio construction requires ARB approval. Patios must be located in the rear yard behind the house. A durable construction material such as stone, brick, pavers, flagstone, concrete or similar material should be used. Any adverse drainage requirements that might result from the construction of a patio should be considered and remedied. The use of a partially porous patio surface or the installation of mulch beds adjacent to the patio is ways to eliminate drainage concerns.

PETS

Only domestic household pets are permitted. Dogs, cats, fish and caged birds would constitute as a “domesticated pet.” A maximum of four (4) pets per household is permitted.

Any pet with a history of dangerous behavior, which has bitten an individual or deemed dangerous by animal control, is not permitted. Proper homeowners’ insurance shall be required to protect residents and guests in our community.

REAL ESTATE SIGNS

Only one post sign advertising a property for sale may be displayed on a lot. Such signs must not exceed one (1) discreet, professionally prepared “For Sale” sign of not more than three (3) square feet. Sign may only be placed in the front yard of the home.

RECREATION & PLAY EQUIPMENT

- **Play Equipment.** Semi-permanent play equipment that either constitutes a structure or is appurtenant to an existing structure must be located in the rear yard. Examples include sandboxes, playhouses, swing sets, trampolines, etc. The rear yard must be enclosed with a fence.
- **Basketball Hoops.** Basketball hoops must be portable and stored inside of the garage or within an enclosed fence while it is not in use. Basketball hoops shall not be attached anywhere on the dwelling.

ROCK FACIA

ARB approval will be required for all rock facia requests. Style, color, size, pattern and installation company must be specified.

SIDEWALKS & PATHWAYS

Sidewalks and pathways require ARB approval. They should be installed flush to the ground. Only stone, brick, concrete or similar durable construction material should be used. The scale, location, design and color should be compatible with the lot, home and surroundings. Sidewalks may not be painted.

All sidewalks that about to the perimeter of the property are to be maintained by the homeowner. Maintenance would include regular pressure cleaning/washing of the sidewalks, curbing and walkways.

SOLAR PANELS

Solar panels and collectors are permitted and require ARB approval. Panels must be installed on the roof of the property. Solar panel banks may be installed in the rear yard and the rear yard must be fenced.

STORM SHUTTERS

Hurricane shutters or similar protective covering for the windows and glass doors of a residence may not be installed without ARB approval. If approved, mounting brackets must be discrete and may be permanently installed on the home; however, shutters may only be affixed to the house when winds of 70 mph or more are predicted; no sooner than 5 days of predicted approach of the storm and must be removed and stored within 72 hours after winds have subsided.

WINDOWS

Exact replacement window requests do not require an ARB application. However, emailing the CAM so the improvement can be noted in your account is preferred. If a homeowner wants to change the style, trim color, etc., then an ARB application is required for review prior to installation.

SWIMMING POOLS

All swimming pool plans and designs must be approved by the ARB. Temporary or above ground pools are not allowed. Only in-ground swimming pools are permitted. Pools must be located in the rear of the property and all swimming pool equipment must be screened from view from outside of the lot.

All permanent swimming pools shall be required to be within an enclosed fenced backyard. Screen enclosures shall be installed in accordance with existing jurisdictional codes. Screen enclosures must have ARB approval.

Pool construction shall be in accordance with applicable governing agency codes.

TRASH CONTAINERS

All trash must be stored in sealable containers and all containers must be stored out of view of the street on non-collection days. Acceptable storage areas include: inside the garage, behind gate of fenced-in back yard or an appropriate amount of outdoor privacy panels.

TREE REMOVAL

Living trees may not be removed without the prior approval of the ARB. Exceptions to this are trees that pose an imminent hazard to persons or property. Further defined, hazardous trees are those that are uprooted and leaning or have large limbs or branches that are splintered or otherwise damaged resulting in debris that may fall without warning. (Homeowners removing hazard trees without approval shall have written documentation and/or photographs of the hazard before removal). Trees approved for removal shall be cut at or ground down to grade level (on grade) or the stump should be ground down.

MAINTENANCE

Residents are responsible for maintaining the exterior appearance of their house, landscape and other improvements on their lots in good order and repair. While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions that would be **considered a violation**:

- Peeling or faded paint on the exterior of a house. Mold or dirt streams running along the exterior of the house. Industry recommends the exterior of houses be painted every 6-8 years or as needed.
- Mold/mildew/dirt on exterior of the property to include exterior walls, fascia, sidewalks, driveways and garage doors.
- Damaged, dented, dirty or faded garage doors.
- Fences and gates with leaning, broken, deteriorating, missing parts or displaying signs of mildew/mold or dirt.
- Missing shutters, shingles, windowpanes or storm window/shutters and parts, house address I.D. numbers, bricks, decorative stone, etc.
- Unkept lawn (i.e. mowing, edging & trimming). St. Augustine turf in need of fertilization, watering or replacement (dead spots) or displaying weeds. Shrubs and trees in need of pruning, shaping, trimming, fertilization and insect control. Or dead or digressed trees, shrubs and flowers. Plant beds not maintained weed free and with proper ground cover (i.e. mulch, decorative stone/rock, etc.).
- Inoperable exterior lighting and/or clean well-maintained light fixtures.
- Storage of play items, yard equipment and other clutter in front, side and/or rear yards.
- Recreation equipment or play equipment with broken parts or in need of painting and other repairs.
- Decks with missing or broken railing or parts.
- Ripped, torn or missing screens and window screening.
- Broken or cloudy glass windows.

The exteriors of all structures, including, without limitation: walls, doors, windows, roofs and porticos, shall be kept in good maintenance and repair. No structure shall be permitted to stand with its exterior in an unfinished condition for longer than six (6) months after the commencement of construction.

In the event of fire, windstorm, extreme weather or other damage, the exterior of a structure shall not be permitted to remain in a damaged condition for longer than three (3) months, unless expressly accepted by the Board in writing. If not properly maintained and/or is deemed as a safety hazard, the ARB or Board of Directors may have the necessary repairs made and bill the homeowner.

GRANDFATHER CLAUSE

Any change made to a homeowner's property, which has been approved by the Association and is properly documented prior to the adoption of the above guidelines, need not be modified in accordance with the guidelines specified herein. These modifications will be considered acceptable under this clause.

If a property has received a violation letter at any time for any of the guidelines specified herein without proper documentation of approval/exception, said homeowner shall be required to comply within a reasonable amount of time.

Thank you –
Waterside Homeowners Association
Board of Directors

Waterside Homeowners Association of Orange County

Architectural Review Application

Please fill out and complete all requested information.

**PLEASE DO NOT COMMENCE WORK UNTIL YOU RECEIVE APPROVAL FROM OUR
COMMUNITY ASSOCIATION MANAGER.**

Name

Street Address

Phone

Email

Application is for:

- Exterior Painting Landscaping Fencing Roof
 Exterior Upgrades Recreational Equipment
 Other (please specify) _____

Description

Please provide a description of what changes will be made. Applications must include lot survey, site plans, diagrams, color chips, material specifications, sample products, photographs and any information that will adequately describe the finished product. Failure to provide complete information will delay the approval process. **PLEASE NOTE: A copy of any permit(s) required by the county, state and/or St. John's Water Management District also needs to be provided.**

Agreement

- I agree not to start work on my project until I get written approval from the Waterside Community Association Manager. It is the property owner's responsibility to ensure that all request conform to the applicable zoning and building regulations and that approved projects are properly permitted in accordance with all county, state and St. John's Water Management District requirements.