

**PINE RIDGE ESTATES  
ARCHITECTURAL DESIGN COMMITTEE  
DEED RESTRICTIONS & CRITERIA CROSS REFERENCE  
MANUAL**

**Section One**

**ADC PHILOSOPHY AND STATEMENT OF PURPOSE**

**Intent of the Residential Deed Restrictions:**

The Deed Restrictions hereinafter referred to as the “Restrictions” are prescribed rules that go beyond county ordinances in the preservation of the aesthetics and quality of life in Pine Ridge. These rules were created as the general plan of improvement for Lot owners and are designed to protect and preserve his/her common interest.

**The General Plan of Improvement**

The Restrictions (commercial and residential) and historical precedent constitute the “General Plan of Improvement”. The Restrictions define how the plan of improvement is carried out and defines the roles of the Pine Ridge Property Owners Association, the Architectural Design Committee and Lot owners. Historical precedent establishes the parameters for how the “majority” of lots in Pine Ridge developed. The policies and Restrictions intents and/or interpretations are created herein within this framework.

**The role of the PRPOA :**

The **Pine Ridge Property Owners Association, Inc.** hereinafter referred to as the “**PRPOA**” is authorized to manage collectively the common business and operational affairs for the community. It is authorized to recommend to Lot owners changes to the Deed Restrictions.

The role of the **Architectural Design Committee** hereinafter referred to as the “ADC” is the authorized committee to enforce the Restrictions for the PRPOA. It is authorized to recommend to PRPOA changes to Articles 1 through 9 of the Deed Restrictions. ADC is not authorized to expand Restrictions through interpretations or to create policies and rules which “enhance powers for enforcement” of Restrictions. Where this logic existed to substantiate a previous ADC policy or Restriction interpretation, it is herein eliminated from the vocabulary of the ADC.

**ADC’s role as a regulating committee:** The ADC’s primary role, as stated in Article 9.0 is to regulate the architecture and general appearance of Lots. The ADC is authorized to write criteria to aid in the architectural plan review and nuisance abatement process. These criteria serve to help the ADC in evaluation of submittals and complaints.

**ADC’s role as an enforcement committee:** The ADC is authorized to establish procedures to correct violations through a process as set forth in the deed restrictions section’s 9.02 through 9.08.

The ADC Regulations & Enforcement Policies are found in Section Three, ADC Policies and Procedures.

**Intent of the ADC:** The ADC accepted the challenge to quantify the criteria, establish enforcement/citation procedures, and provide a legally defensible set of policies and interpretations of the Restrictions so that decisions of future ADCs will be consistent.

Restrictions interpretations and policies included herein are not subject to change; however, criteria and procedures may be amended by the majority vote of the PRPOA Board of Directors.

During this process, it was determined that Lot owners in Pine Ridge enjoy a tradition of freedom of choice in the development and use of their Lots. There exist a variety of house and structures styles, designs, color schemes, and landscape developments. The Restrictions permit Lot owners to have on their Lots recreational “toys”, certain pets and horses. They are permitted to erect accessory buildings to either house their animals and “toys” or enjoy personally oriented work and hobby activities. The end result of these choices has created the appeal for choosing to live in Pine Ridge, which is now a substantial element in the General Plan of Improvement for the subdivision. That element has attracted a highly diversified and individualistic set of Lot owners. In an effort to protect this heritage, it is recommended that all ADCs shall keep the following policy positions in mind:

For the community’s sake:

1. Avoid enhancing their power of enforcement through establishing preemptive rules that limit Lot owner’s use of their properties;
2. Limit regulations of Lot appearance to the exterior of buildings and the street elevations;
3. Make interpretations that are supported by the language of the Restrictions;
4. Be consistent in policies and application of the Restrictions interpretations;
5. Be consistent in submittal evaluations and procedures to gain compliance;
6. Be a communicator: Assume a large percentage of Lot owners will comply if informed, so encourage cooperation through personal contact and distribution of information.

For PRPOA:

1. To create policies and procedures;
2. To create criteria and establish interpretations.

For the ADC:

1. Avoid expansion of the Restrictions in establishing policy and procedures and in interpreting the Restrictions;
2. Avoid setting policies that include the ADC in neighbor to neighbor disputes;
3. Avoid setting policies that promote Lot owner dissension.

The ADC should be forever sensitive to the fact that it's ultimate role is to oversee the architectural aesthetics through plan review, follow the specified procedures to abate some nuisances and maintain compliance within the framework of the "General Plan of Improvement" and the Restrictions.

## **Section Two**

### **INTERPRETATION OF THE ARCHITECTURAL DEED RESTRICTIONS GENERAL**

#### **Intent for providing the Restrictions Interpretations**

1. To allow Lot owners the maximum use of their property consistent with the Restrictions;
2. To assure that interpretations of the ADC are performed in good faith for the PRPOA;
3. To avoid extension of the ADC authority through inconsistency in Restrictions interpretations;
4. To avoid expansion of the work of the ADC beyond its ability to consistently regulate the Restrictions.

#### **Restriction Interpretation Policy**

##### **The Headings**

The categorical headings for each Article are used to interpret the original intent of the Restrictions;

By keeping the heading in mind while making the subsequent interpretation, a contextual understanding of the intent of a restriction is achieved and "rule making from opinions" is minimized.

##### **The Words**

A words meaning is as per Webster and is not intended to mean what one would like for it to mean. The words chosen to express either a limitation for the Lot owner and/or a grant of authority to the ADC are interpreted "in context" of the intent for a restriction. This helps to avoid expansion of the authority of the ADC and layering of rules onto the Restrictions. An example would be the use of the word "Lot" as the boundary for the ADC authority to regulate the community. A Lot is defined by the definitions of front, rear and side yards. A Lot does not include the county swale, easements and/or the street and are not under the purview of the ADC.

Mutual Exclusion: Where an element is expressly included (i.e. single family detached) the opposite of the element (i.e., multifamily attached) is considered to be excluded and therefore not permitted.

## **Policy for changing contents of Manual in order to maintain consistency**

1. Restrictions “Intents” and “Interpretations” must be approved by the PRPOA Board of Directors, and are otherwise not subject to revision by an ADC;
2. Criteria and other rules are subject to revision as needs require;
3. ADC “Policies” must be approved by the PRPOA Board of Directors, and are otherwise not subject to revision by an ADC;
4. ADC “Procedures” to implement policies are subject to revision as needs require.

## **Section Three**

### **ADC POLICIES AND PROCEDURES MEETING PROTOCOL**

**Regular Meetings:** Meetings take place weekly or bi-monthly as noticed by the Chairman on a specified day in the morning from 9:00am to 11:00am in the Conference Room of the Pine Ridge Community Center.

**Membership:** The membership of the ADC is composed of nine (9) members selected by the PRPOA Board of Directors. Each year the Chairman is elected by these nine members. A quorum of five (5) members must be present for any legitimate meeting to occur.

**Regular Agenda:** The ADC agendas first hour is spent reviewing for approval or rejection outstanding issues and all current or pending applications. A rejection is specifically noted and passed for further review or action by either the ADC or the PRPOA Manager. All votes must be recorded.

**Visitor Attendance at Meetings:** Visitors are allowed to observe proceedings of any scheduled meeting, except a meeting designated for executive session. During a regular meeting, visitors may not interrupt or interface with the ADC unless specifically asked to comment.

**Executive Meetings:** The Chairman calls the committee into Executive Session. Executive Sessions are called specifically to consider a legal issue and/or its ramifications. The attorney must be present in person, or present by phone, to provide legal assistance in accordance with Florida Statute 617.303. NO VISITORS are allowed to attend an ADC Executive Session.

**Hearings:** Any lot owner or resident may request an appointment with the ADC at any regularly scheduled meeting. These appointments will be scheduled at the discretion of the PRPOA Property Manager or the ADC Chairman.

**Hearing Procedure:** The Chairman invites the Lot owner(s) to sit at the end of the table. The Chairman is to maintain order. Everyone is to remain seated. The lot owner is invited to explain their concern without interruption. The Chairman maintains the dialogue with the Lot owner. Committee members who wish to articulate a point of view must first be acknowledged by the Chair. Once acknowledged, the committee member shall express his/her point completely and return the floor to the Chair. To maintain order, committee members are not to engage in cross talking or engage in a dialogue with the Lot owner. When necessary, the Chairman may ask a member to collect samples of plans, letters, citations and/or violation status reports to provide to a Lot owner as examples of the Committee's work as it relates to the Lot owners concerns. This session must be tape recorded and should include name and address of lot owner.

**AD-HOC Meetings:** No meeting, regular or executive, or special, will be legitimate unless a quorum is present.

**Tape Recording:** Any ADC meeting, including all mentioned above may be recorded for further review by the ADC.

**Appointments:** Irregular-scheduled appointments with a Lot owner may be arranged at the Community Center or other site. The results of these appointments must be reviewed by the ADC at a future regular or executive meeting.

#### **PROCEDURE FOR INQUIRIES ABOUT ADC POLICIES & PRACTICES**

**Staff Action:** Will be at the direction of the Property Manager; he/she will refer to the ADC "Policies and Procedures".

**Front Office Recommendations:**

1. Advise and/or provide Lot owners with a copy of the pertinent section of the ADC's policy, criteria and/or restrictions interpretations.
2. Provide the Lot owners with a copy of the Deed Restrictions
3. Provide the appropriate ADC forms
4. Instruct Lot owners in the use of ADC forms
5. Provide a preliminary check of the Lot owner's supporting documentation
6. Advise Lot owners of submittal deficiencies
7. Receive plan review submittals and forward them to the AC chairman for recording
8. Collect additional submittal information as required and as directed by the ADC delegated agent and returns the submittal to the Committee
9. Receive complaints and complete a complaint form, with the Lot owner's name and forward same to the ADC
10. Observe a potential violation and submit a complaint form to the ADC
11. Take action against a Lot owner as instructed by the Committee

**Cannot:**

1. Make determinations of compliance or non-compliance of submittals to the Lot owner
2. Make determinations about the validity of a complaint to a Lot owner

**ADC Action:** If fewer than a quorum is present, a decision to direct staff or to take action against a Lot owner cannot be made.

**A Quorum of the ADC will:**

1. Review all submittals and determine compliance or non-compliance
2. Review all complaints and determine validity or lack thereof and direct Property Manager or Agent as to what action to be take
3. Provide in writing all instructions and actions to be taken by Staff

**Note:** should the Committee be composed of a number other than nine, quorum shall be determined by having fifty percent plus one of the total members on the Committee.

## **ENFORCEMENT AND REGULATION POLICIES**

The ADC enforcement policy is to require compliance with the Restrictions. There are two enforcement methods the ADC is authorized by the Restrictions to use:

1. Plan review of applications for structures placed on lots
2. Written Notice of violation to a Lot owner via a specified procedure as stated in the “Standard Abatement Procedure”

The ADC regulation policy is to focus on areas of the community where “a common (community) interest” is at risk. To achieve this goal the ADC will focus on maintaining oversight of:

1. The exterior appearances of structures, not the interior residential use thereof, thus minimizing unauthorized oversight of the uses Lot owners make of their Lots and buildings.
2. Application of the Restrictions with a full understanding of their context and original intent.

The basis for implementing the ADC regulation policy against a Lot owner is:

1. Noncompliance with the current Restrictions, interpretations and policies, and/or
2. Noncompliance with the Restrictions which pertain to the Lot when purchased
3. Non-receipt of an approval from a previous ADC.

## STANDARD ABATEMENT PROCEDURES

**Identification of Violations Procedure:** As a general policy the Restrictions do not require or instruct the ADC to seek out violations. Therefore, all violations, pursuant to failure to seek approval of submittals, rely on the issuance of a complaint. There are three parties who may submit a complaint to the Committee. The following policies are set for each of these parties:

1. **Committee members** will generally observe the community and identify violations in order to report Restriction violations to the entire ADC. When a member identifies a violation, the member will complete a complaint form. The ADC member becomes the

Complainant when necessary, the ADC chairman will dispatch an investigative team to determine the validity of the complaint and, if validated, the ADC becomes the complainant. The ADC will contact the Lot owner in question as directed in Article 9.05 if the Lot is to be entered. The ADC will only respond to written notifications of potential violations.

2. **The manager** is authorized to identify potential Restriction violations, and may take action after the ADC has given authorization to resolve the violation, unless the ADC has given permission to resolve Deed Restriction violations that are constant. When necessary, the ADC chairman will dispatch an investigative team to determine the validity of the complaint. If the complaint is valid, the Property Owners Association becomes the complainant.

3. **Any Lot owner** may report a suspected violation. To do so, Lot owners must submit the suspected violation to the ADC on a complaint form which is dated and reflects the name of the complainant. The form is used to track abatement of the situation and allows the ADC to respond to a complainant about the resolution. The ADC will assess the validity of all complaints and, once validated, the ADC becomes the complainant.

4. Crime Watch personnel are not witnesses for the ADC in identification of violations

### **Verification Process for Complaints:**

After a written complaint is received by the Committee the block and Lot numbers are verified, if applicable, and the following documents are reviewed and/or researched to determine validity.

1. The “Restriction Interpretation” in the Residential Deed Restriction & Criteria Book Cross Reference are researched to determine the appropriate section and/or to determine if in fact the complaint is consistent with the interpretations and policies.

2. If it is a violation of a specific restriction, the date of the adoption of the appropriate section of the Restrictions is compared to the date the Lot was purchased. If the Lot purchase date precedes the adoption date of the Restrictions, it is not a violation. If the Lot purchase date is subsequent to the adoption date of the Restrictions, it is a violation and will be dealt with in accordance with the “Standard Abatement Procedure”.

Example: A fence is reported to be non-conforming. There are three editions for the fence restriction, 1972 through 1982, 1982 – 1996, 1996 to 2000. If the lot was purchased during the period between the 1982 edition and the 1996 edition, then the fence must conform to those requirements, not the requirement before 1982 and/or after year 1996.

3. The ADC files are researched by the Property Manager or PRPOA staff to determine if a prior ADC has granted permission to the Lot owner for the improvement and/or RV parking location.

**Complaint Processing Procedure:**

1. All complaints are to be directed to the PRPOA office. The PRPOA office staff fills out ADC Complaint Form, and forwards the form to the Property Manager for review and backup documentation i.e. photographs of violation. The Property Manager or staff prepares the potential violations for ADC review.

2. ADC reviews the complaint and recommends action to be taken and forwards a copy to Staff for action.

3. The office records the status of action on the “Violation Status Report”.

4. The ADC reviews the “Violation Status Report” on a weekly or Bi-monthly basis. The ADC advises further action as appropriate.

5. The ADC keeps the complaint form open until final resolution.

6. When a complaint is resolved, resolution is recorded on the complaint form as the history of abatement, and the form is filed by block and Lot numbers. The complainant and/or the defendant may receive a letter explaining the resolution.

**Standard Abatement of Violation Procedure:**

The procedure for correction of violations will be as follows: A violation will be cited by a Letter of Notification. Approximately Fifteen to Thirty\_calendar days from the date of the first letter, a certified letter is sent to the Lot owner, which specifies that the offense must be corrected within the next ten calendar days. If the violation is not corrected by the end of that period, the matter will be turned over to the attorney of record for Pine Ridge. Cases requiring litigation will only be initiated after the approval of the PRPOA Board of Directors.

The ADC will not allow a violation to remain in a “pending” status due to a possible change in restriction, criteria, or policy.

### **ADC APPLICATION APPROVAL PROCESS**

Every effort shall be made by the ADC to review applications in a timely manner.

The ADC retains all applications and the respective site plans. Documentation for Lot owners is retained by the ADC as a permanent record and is not returned.

The application is recorded on the ADC Submittal Log. This log reflects the block/lot number; the applicants name and address; the Builders name; the application number with a hyphenated number showing how many homes to date have been submitted for approval; and the dates of approval or disapproval. The complete submittal is circulated to and independently reviewed by each member of the committee. The application, after review, is marked “Approved” or “Disapproved”.

#### **Incomplete Applications:**

Incomplete applications are handled as quickly as possible either by telephone contact with the Builder/Lot owner or in writing. The nature of why the application is incomplete is explained, in an effort to expedite the approval process. Incomplete submittals are returned to Staff to expedite obtaining a complete submittal.

Do not add additional requests to an incomplete application. If the Lot owner wishes to construct another structure or make an additional request, he/she should obtain and submit a separate application for the additional need.

#### **Approved Applications:**

Notification of ADC determination on the submittal shall be provided to the Builder/Lot owner in writing as soon as possible after the review meeting.

#### **Disapproved Applications:**

A “disapproval of a submittal” requires that corrections be made or additional information is required. The SAME APPLICATION will be resubmitted with appropriate corrections. A “disapproved application” will reflect the reason for rejection at the bottom of the application. The appropriate section of the Restrictions, ADC Criteria, or other references may be noted to fully explain the rejection.

Do not add additional requests to a rejected application. If the Lot owner wishes to construct another structure or make additional request, he should obtain and submit a separate application for the additional needs.