

**THE VILLAS AT ANDOVER
POLICIES AND PROCEDURES MANUAL**

SECTION I: INTRODUCTION

- A. **APPROVAL:** Policy Section I, Introduction, was approved by a Board resolution dated [DATE].
- B. This Policy and Procedures Manual was developed pursuant to resolutions of the Board of Directors of the Villas at Andover Homeowners Association, based on the Association's Governing Documents, which give the Board the authority to make and amend policies, procedures, rules and regulations for the express purpose of accomplishing one or more of the purposes set forth in the Governing Documents.
- C. The Board developed the policies and procedures set forth in this Manual to aid in the implementation and accomplishment of certain purposes set forth in the Governing Documents, and to provide homeowners additional clarity about the operations of the Association to administer and enforce the Governing Documents for the benefit and welfare of all homeowners. To safeguard each homeowner's right to due process and fair enforcement of the covenants, conditions and restrictions set forth in the Governing Documents, this Manual sets out formal processes for compliance and enforcement related to certain key requirements and guidelines, including issuing fines and applying other sanctions.
- D. The provisions of this Policy and Procedures Manual are binding on all homeowners of the Villas at Andover. Violations of these policies and procedures, along with all of the provisions of the Governing Documents, will be subject to the enforcement provisions of this Manual and the other Governing Documents of the Association.
- E. This Policy and Procedures Manual may be amended from time to time by the Board of Directors of the Association at a meeting duly called and with at least three directors voting in favor of the motion.

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SECTION II: GREENSPACE RULES AND RESTRICTIONS

- A. **APPROVAL:** Policy Section II, Greenspace Rules and Restrictions, was approved by a Board resolution dated [DATE].
- B. These rules and restrictions apply to the use of the greenspace property owned by the Villas at Andover. The property is defined as those parts of Holes 10 and 18 of the former Andover Country Club and Golf Course property that the Association purchased in 2018. This property is considered common property of the Association and use of the property is designated for the common benefit and enjoyment of the homeowners. It is for the use of Association members only, and their guests. It is not a public park. Notwithstanding, members of the Andover Common Property member organizations shall have access to use the cart paths.
- C. Homeowners have the responsibility to obey the rules but also to help enforce the rules, starting with their family and guests. This is for the safety of each resident in the neighborhood, and to assist with preservation of the greenspace. When a violation is observed, depending on its nature, options would include:
1. Direct approach to a violator, **but caution should be exercised.**
 2. Report the incident to a Board member or to the HOA's community management company.
 3. Call the police.
 4. Take a picture of the violation.
- D. Hours permissible for entry and usage of the property will be from one hour before daylight to one hour after dusk.
- E. Association homeowners may use the property for the following activities:
1. Walking, bicycling, and riding in golf carts along cart paths are permissible. Golf carts may be operated only by persons with a valid driver's license, and they may be driven only on the cart paths. Likewise, bicycles may be ridden only on the cart paths. Golf carts and bicycles must yield the right of way to walkers.
 2. Playing on the grassy surface is permissible. However, the activity should not cause harm to the greenspace property or any neighboring property (this includes grass, trees, vegetation, ponds and structures) and should not cause undue noise (per city noise ordinance) or inconvenience to fellow neighbors.
 3. No ATV, UTV, motorcycles or other motorized vehicles are permitted at any time. However, handicap/mobility scooters and electric wheelchairs are permitted.
 4. No signs, fences, privacy screens, personal play structures, swing sets, trampolines, antennae's, basketball goals, or other types of equipment are permitted.
 5. All structures (decks, patios, gazebos, bridges, permanent posts in the ground, etc.) are strictly prohibited without the prior written permission of the Board.
 7. Walking a dog is subject to city ordinances, including county leash laws and picking up after one's pet.

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- F. For the safety of homeowners and their guests, the following activities are strictly prohibited:
1. No swimming, wading or fishing in any pond.
 2. No playing in the sand traps (traps are treated with harmful chemicals).
 3. No open flames or campfires.
 4. No fireworks are to be used on the property.
 5. No golfing on the property.
 6. No climbing of trees.
 7. No blocking of cart paths in any way.
 8. No harm to any wildlife on the property, including no trapping of muskrats, foxes or coyotes.
 9. No dumping trash or yard debris on the common area or cart paths, and no littering of any kind.
 10. No target practice of any kind (BB guns, firearms, bow and arrow, etc.).
 11. No alcoholic beverages or drug use is allowed on the property. No illegal activity of any kind is allowed on the property.
 12. No private parties or use by non-members of the Association without permission from the Board. Any approved use will be subject to these rules and restrictions.
 13. No digging or planting is allowed on the property without the written permission of the Board.
 14. No destruction or removal of physical structures, signs or any other item not mentioned but part of the property.
 15. No activity which violates the safety and welfare of the community of residents.
- G. The property will be maintained by the Association. Homeowners will be assessed to fund the cost of maintenance, which will be planned as part of the annual budget approved by the membership each year at the Annual Meeting.
1. Maintaining the greenspace to optimal standards is a goal which may be difficult to achieve initially. Property improvement projects deemed necessary by the Board will be funded as part of the annual budget.
 2. Homeowners may mow and weed-eat the greenspace near their property and within the Association's greenspace property lines. Homeowners may request approval from the Board to trim dead branches from trees adjacent to their property; if granted, the cut branches must be properly disposed of. However, homeowners may not remove or trim any other plant material without express permission from the Board. Homeowners are encouraged to contact the Board and discuss any landscape changes they feel are necessary to the common area abutting their property. The Board values member input and suggestions and wants everyone's backyard view to be the best it can be. Such suggested projects may be approved and funded, or simply approved with no funding provided by the Association. In the latter case, the owner may do the work at his or her own expense, subject to Board approval of the contractors. (See additional requirements related to contractors in the next paragraph.)

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3. No contractor or work trucks including personal trucks shall be allowed on the cart paths or grounds except with the permission of the Board. A homeowner must apply for and receive written permission from the Board for such activity and therewith becomes responsible for all damages to the property including the cart paths, grounds and neighboring lots. Contractors must have a business license and proof of insurance.
4. All requests under this Section for permission to use the Association's greenspace must be submitted to the Board on the **Greenspace Use Request Form**, which is on the Association's website (see copy in following forms section). No such activity may commence until written Board approval has been received.

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SECTION III: ARCHITECTURAL CONTROL

- A. **APPROVAL:** Policy Section III, Architectural Control, was approved by a Board resolution dated [DATE].
- B. **Architectural Standards Authority.** The Association administers the architectural standards set forth in the Governing Documents in order to help maintain property values and a shared commitment among homeowners to the community as a quality place to reside. Exercising this authority, the Association regulates a homeowner's right to make improvements or modifications to their property. Rules and policies concerning architectural standards and guidelines are enforceable based on the contractual relationship between the Association and its Members.
- C. **Owner's Responsibility.** Architectural standards generally control modifications to the exterior of the home; a homeowner is generally free to make improvements and modifications to the interior, so long as it does not alter the house's structural integrity. Often, issues arise when a homeowner did not know or understand what was allowed and what was prohibited. In a community with restrictive covenants like The Villas at Andover, homeowners have the responsibility to read and follow the Bylaws, Covenants, Conditions and Restrictions, and the Policies of the Association applicable to home ownership, including architectural compliance. The Association rules and policies will be enforced; failure to follow them may result in fines and sanctions, including a Board of Directors directive to a homeowner to reverse any out-of-compliance home improvement.
- D. **Administration of Architectural Guidelines.** The architectural standards and guidelines are administered by the Architectural Committee, which is responsible not only for enforcing standards but also reviewing Members' applications for additions or modifications according to formal procedural rules. For each home improvement application, the Architectural Committee makes a recommendation to the Board of Directors, which makes the final decision to approve, deny, or approve contingent on modifications or conditions.
1. **Architectural Committee responsibilities:**
 - a. Managing the home improvement application and approval process.
 - b. Monitoring the community for violations of standards.
 - c. Fairly enforcing standards set forth in the Governing Documents.
 - d. Making recommendations to the Board of Directors.
 - e. Reviewing guidelines for adequacy.
 - f. Educating the community about architectural rules and guidelines.
 2. **The process for approval of a home improvement project:** If a homeowner would like to make an exterior change to their property in the form of an addition or modification, he or she will need to follow this formal process. The Architectural Committee will review the proposed changes and determine whether they are consistent with Association rules and guidelines. Requests for architectural variances that would constitute a departure from the Board-

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approved guidelines will normally not be permitted. However, the Governing Documents provide for some variances in extraordinary circumstances, subject to Board approval.

- a. **Submitting an application for architectural approval** - The **Home Improvement Application** form is on the Association's website. The applicant should complete the application in full, adhering to the instructions on the form. A separate application must be completed for each separate home improvement project. NOTE: the application form contains important references to the Lexington-Fayette Urban County Government's requirements for homeowners doing home improvement projects. The Board of Directors strongly encourages any homeowner who is planning a home improvement project to review the guidelines and requirements of the Lexington-Fayette Urban County Government (LFUCG) applicable to such activity. **The Villas at Andover Homeowners Association assumes no responsibility for the accuracy, completeness, or currentness of this LFUCG information on the application form, nor for how any homeowner uses the information. Homeowners bear the full and sole responsibility to determine LFUCG requirements for building, construction, renovations, and remodeling projects and to comply with such requirements.**
 - b. **Committee Review** - The Architectural Committee meets as needed to review new applications for approval. The Committee reviews each application for compliance with established rules and guidelines. If the governing documents permit variations in certain circumstances, the Architectural Committee will review the plans to determine whether the proposed changes meet the required standard. The timeframe for a response from the Committee is 7 to 10 business days; however, the initial response in some cases may be that the Committee or Board needs additional time to finish their review. Both the Committee and the Board will use due diligence to respond on a timely basis.
 - c. **Decision** - The Committee shall make a recommendation to the Board of Directors, which will approve or disapprove the application, or approve it contingent on modifications or conditions. The Board shall make its decision with fairness, good faith and reasonableness, including the interpretation of rules and guidelines applicable to the application.
 - d. **Appeal** - If the application is denied, the homeowner shall have a right to appeal the decision for a period of 30 days after the Board issued its decision. The appeal shall be made to the Board and the Board shall give the applicant the opportunity to meet with the Board in person as part of his or her appeal.
- E. The Association shall provide its Members with a notice of its architectural approval requirements upon request. The notice shall describe the types of improvements or

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modifications that require Association approval and include a copy of the Association's architectural application and approval process. Other notices to Members concerning architectural control issues will be provided as needed on a case by case basis.

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SECTION IV: VIOLATIONS, FINES, SANCTIONS AND LATE FEES

- A. **APPROVAL:** Policy Section IV, Violations, Fines and Late Fees, was approved by a Board resolution dated [DATE].
- B. All Members of the Association shall be subject to each and every enforcement provision of the Governing Documents of the Association including the Bylaws, Articles, Declarations (covenants, conditions and restrictions), and Policies and Procedures. In addition, all Members shall be subject to the following nonfinancial and financial consequences when found in violation of provisions of the Governing Documents of the Association.
- C. **Late fees:** Any assessment or other Member financial obligation to the Association not paid within thirty (30) days of the due date shall be subject to a late charge as determined by the Board of Directors.
1. The current late fee amount is \$25.00. The late fee shall be assessed after the first thirty (30) days the amount due has not been paid in full and after every subsequent month that the amount due remains unpaid.
 2. A late payment violation is not subject to the General Fines set forth below.
- D. **Fines:** The Association reviews the community for compliance with the Governing Documents approximately once every two (2) weeks. In response to a compliance violation, upon approval by the majority of the Board of Directors:
1. Thirty (30) days after a violation is noted, an initial letter shall be delivered by regular U.S. Mail, notifying the Member of the violation and of a fine if the violation is not abated by the deadline specified in the letter. A copy of this policy shall be enclosed with this notice.
 2. If the violation has not been abated within thirty (30) days after homeowner receipt of the first notice letter, a second letter shall be delivered by U.S. Certified Mail with a return receipt, notifying the Member of the continuing violation and that an initial fine has been levied against the Member in the amount of \$100.00.
 3. If the violation has not been abated within thirty (30) days after homeowner receipt of the second notice letter, a final letter shall be delivered by U.S. Certified Mail with a return receipt, notifying the Member of the continuing violation and that an additional fine has been levied against the Member in the amount of \$150.00. This final letter shall place the Member on notice that an attorney shall be engaged, and legal action initiated if the violation is not abated by the deadline in the letter. The Member shall be responsible for the cost of all legal fees incurred by the Association in its efforts to enforce the Governing Documents.
 4. In addition to the legal fees, the Member shall continue to be fined an additional amount of \$150.00 each additional time (not to exceed twice per month) the Association reviews the community for compliance and finds the Member in violation of the Governing Documents.

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5. The Declaration of Covenants, Conditions and Restrictions (CCR) prohibits any form of short-term rental by any homeowner in the Villas at Andover. In the event of a violation of this restriction, the Association may choose to impose a fine equal to the revenues received by an owner from short-term rental activities.
6. The Member has the right to request a hearing with the Board of Directors to appeal the violation and the fine or fines. Imposition of new fines will be in abeyance while the appeal is underway, which period shall be from the date the Board receives the request through the date the Board renders a decision. If the Board decides in favor of the Member, then any fines already charged shall be cancelled; any already paid shall be refunded.
7. Any and all fines and costs and expenses of enforcement, including attorneys' fees, incurred by the Association shall be the personal obligation of the violating member and shall constitute a lien on the Lot owned by said Member.
8. The Board of Directors expressly reserves the right to modify the amounts of any fine, modify any of the procedures set forth herein, and/or take any other action on a case by case basis considering any mitigating or extenuating circumstances. The Association's failure to comply with the procedure set forth herein shall not be a defense as to violation of any covenant or imposed sanction.

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SECTION V: FENCE AND PRIVACY SCREEN SPECIFICATIONS

- A. **APPROVAL:** Policy Section V, Fence and Privacy Screen Specifications, was approved by a Board resolution dated [DATE].
- B. These specifications and rules apply to any homeowner who desires to construct a fence or privacy screen on his property and those who have already constructed fences or privacy screens on their properties.
- C. Any homeowner desiring to construct a fence or privacy screen must submit a Home Improvement Application to the Architectural Committee per the Architectural Control provisions of this Manual, and it will be acted upon per those provisions, except as otherwise provided in this Section V.
- D. Fences shall be no more than five (5) feet high, made of aluminum or other non-corroding metal, painted black, and have gate access with a minimum clearance of thirty-five (35) inches.
- E. **Fences shall not extend beyond the homeowner's property lines** nor shall any fence extend beyond the front most portion of any adjacent property's building structure (porches and decks shall not be considered part of any building structures), unless a waiver is granted by the Architectural Committee and the Board. Examples of potential waiver reasons may include the inability to access the fenced area without trespassing on another homeowner's property or the interference of an existing landscape barrier. The reason for a waiver request must be noted in the Home Improvement Application.
- F. Fences shall not enclose more than fifty percent (50%) of a homeowner's back yard area (the area behind the home structure).
- G. The homeowner shall be responsible for trimming the grass directly adjacent to and under the fence, if any, on the same schedule as the Association's contracted mowing company mows the homeowner's property.
- H. If the fenced area is used for restraint of a pet, the pet shall not be allowed to roam free in the fenced area on mowing days. If the pet is out in the yard when mowing is to be done, the yard will be skipped that week and the homeowner will be required to provide the mowing of his property that week. In this circumstance, the homeowner will be allowed forty-eight (48) hours to complete the mowing and trimming of his fenced area. Fines will be assessed for failure to comply.
- I. Privacy screens shall not exceed six (6) feet in height, not including the posts and the post caps which may extend up to an additional length of ten (10) inches. **Privacy screens shall not extend beyond the Homeowner's property lines.** Generally, privacy screens should be made of high-quality plastic and be of a neutral, light to medium color that coordinates well with the exterior paint trim of the adjacent houses. The Home Improvement Application must note whether both adjacent homeowners have agreed to the product, size, color and location of the privacy screen.

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- J. Any failure to maintain fences and privacy screens in proper condition will fall under the applicable provisions of the Association's Declaration of Covenants, Conditions and Restrictions.
- K. In the event the Homeowners Association's mowing contract fees are increased specifically due to any extra work of mowing inside fenced areas, the Association reserves the right to increase assessments proportionally to homeowners with fences.

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SECTION VI: FORMS

The following forms were authorized by Board resolutions under the Sections above to which they relate.

**The Villas at Andover
Greenspace Use Request Form**

Request Date _____

Homeowner's Name _____

Address _____

Purpose of Request

Social Activity

Maintenance Access Across the Property:

I affirm that all contractors have: Business License Certificate of Insurance

Other _____

Describe the nature of the activity. Include details about dates, relevant times, what will take place, the projected number of people involved in any social activity, purpose of any maintenance activity, contractors' names, and the types of trucks and machinery or other equipment to traverse the property for a maintenance activity. Please provide sufficient detail for the Board to be able to evaluate the appropriateness of the activity.

(Attach an additional sheet if needed)

By signing below, I affirm that I will properly supervise the requested activity, including the entry and exit of any contractors and all parties involved in the activity to assure compliance with the Greenspace Rules and Restrictions of the Association and that I accept full responsibility for any damages to the property including the cart paths, grounds and neighboring lots resulting from the requested activity.

Signature of Homeowner

BOARD ACTION

Approved

Denied

Approved with conditions _____

Date

Signature of President or Secretary

**The Villas at Andover
Home Improvement Application**

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In the absence of architectural plans, please sketch the proposed improvement(s), showing the location of the improvement in relation to the structure on the lot and where it attaches to the house. Simple, carefully sketched diagrams are adequate. Try to sketch to scale. Use your original building and site plan to work from. Attach additional pages as necessary to show the entire scope of the improvements proposed.

Action by the Architectural Committee and Board of Directors, The Villas at Andover:

_____ Approved _____ Denied _____ Returned for revision

Reason Denied and/or Recommendations: _____

Signature: _____ Date: _____

** PLEASE SEE PAGE 3 FOR IMPORTANT LFUCG INFORMATION REGARDING HOME IMPROVEMENTS **

**The Villas at Andover
Home Improvement Application**

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Homeowner’s Responsibility under Lexington-Fayette Urban County Government (LFUCG) Regulations

The Board of Directors of The Villas at Andover strongly encourages any homeowner who is planning a home improvement project to review the guidelines and requirements of the Lexington-Fayette Urban County Government (LFUCG) applicable to such activity.

Following is a web link to the LFUCG website called “Homeowner’s Corner:”

<https://www.lexingtonky.gov/homeowners-corner>

This web page has the following subheading, *“Permits that residents and homeowners need in order to build or make renovations to their property.”*

The web page has links to several required forms, a list of permits and instructions for permits, and contact information for the Building Inspection office.

PLEASE NOTE!

The Villas at Andover Homeowners Association assumes no responsibility for the accuracy, completeness, or currentness of this LFUCG information, nor for how any homeowner uses the information. Homeowners bear the full and sole responsibility to determine LFUCG requirements for building, construction, renovations, and remodeling projects and to comply with such requirements.