

Appendix B

Procedures for Compliance Of External Deed Restrictions and Schedule for Fines for Village Community Development District No. 5

I. PURPOSE AND INTENT:

The purpose and intent of the deed compliance enforcement process is to provide and promote the health, safety, welfare, and property value of this community. The purpose of this procedure is to provide a clear, systematic, and consistent process for the investigation, notification, and conformance with the Rule. The intent is to seek voluntary compliance with the provisions of the Rule, which provides for the maintenance of a high quality of life in the community. Please note the deed compliance process outlined herein does not address complaints for property or situations that occur within the confines of the home.

II. PROCEDURE FOR COMPLIANCE:

Step 1. Complaints.

Complaints of possible Rule violations may be made by homeowner of District 5 only. Complaints may be received by phone, fax, mail, electronic mail, online, or in person.

The complainant shall provide their name, unit and lot, and phone number, which shall be logged and retained for future follow-up and becomes part of the case record, which may become a public record. The complainant's name, unit and lot, and phone number will be verified to ensure the complainant is a homeowner of District 5. If the complainant does not provide his/her name, unit and lot, and phone number, or is not a homeowner of District 5, the complaint shall be logged; however, staff will not inspect the property to verify the complaint and the deed compliance process ends. In cases where all or any portion of a residence is damaged or destroyed by fire or other casualty, upon notification of such an instance by Villages Public Safety Department (VPSD) or any first responder agency, deed compliance staff shall proceed directly to Step 2 without requiring the residency verification referenced above.

Complaints of possible Rule violations pertaining to businesses operating from homesites/lots, must be submitted with supporting evidence to substantiate that the operation of the business from the homesite/lot has a negative impact on the external appearance or use of the homesite/lot. Substantiating Evidence includes, but is not limited to, pictures of vehicular traffic or parking on the homesite/lot along with pictures of the business in operation and/or advertisements from the business that contains the address or contact information for the business, or any other substantiating evidence that demonstrates the negative impact on the external appearance or use of the homesite/lot. Complainants are also encouraged to contact their local County or City Code

Enforcement to lodge a complaint with the applicable municipality for further review and enforcement. Anonymous complaints will not be accepted.

Any complaint received for a violation of any part of the General Provisions / Neat and Clean requirements will result in a comprehensive review of the property's compliance with the entirety of these provisions. District staff will inspect all applicable maintenance standards during their site visit, regardless of the specific nature of the original complaint. These provisions are outlined as documented in Appendix B – General Provisions / Standards / Neat and Clean.

Step 2. Inspection.

Within three (3) business days of receiving the complaint or upon notification of damage caused by fire or other casualty deed compliance staff is sent to the address identified in the complaint to check and verify the alleged violation. If the alleged violation is not substantiated, the complainant, if known, is notified and the process ends.

Step 3. Notification.

Once a violation is confirmed, with the exception of violations that unreasonably endanger the health, safety, or welfare of District residents or Re-Occurring and Repeat Violations, which are addressed separately below, all three of the following activities, if necessary, occur within three (3) business days or as soon as possible:

- A. A **Deed Restriction Reminder Notice** is issued to the Owner. This is the first written notice that is either hand delivered to the Owner, occupant or left at the door if no one is home.
- B. A **telephone call** is made by deed compliance staff to the owner of record according to the County Property Appraiser's records at their local phone and any other known phone number.
- C. An **initial letter** is sent to the Owner of record of the property according to the County Property Appraiser's records in which the violation exists and any other known address. The letter shall identify the Rule violation and at a minimum shall also include the following:
 - i. The required action to remedy the violation.
 - ii. A prescribed time allotment to remedy the violation which shall be between 3 and 15 business days depending on the type of violation.
 - iii. Photographs of the violation.
 - iv. A request to call the Community Standards Department office when the violation has been remedied.

If additional time is necessary to bring the violation into compliance, the Owner or the Owner's representative shall request additional time. All requests shall be in writing or

documented by deed compliance staff. Any request shall include the amount of additional time needed and the reason for said request. The request may be granted by the deed compliance staff, depending on the type of violation and extenuating circumstances such as illness, death, or the like. A telephone call is made to the complainant to advise them of the compliance process if contact information is known.

Step 4. Second Notification.

After the allotted time, deed compliance staff revisits the property to verify if the violation has been remedied. If the violation has NOT been remedied, staff shall send a **2nd letter** to the Owner of record of the property according to the County Property Appraiser's records in which the violation exists and any other known address which shall include, at a minimum:

- i. The date of the last letter.
- ii. The violation to be corrected.
- iii. Required action to remedy the violation in order to avoid a possible fine.
- iv. Time allotment of 15 days in which to comply for all violations except for violations pertaining to parking or lawn ornaments. The compliance time allotment for parking or lawn ornament related violations shall be 3 business days.
- v. Possible fine amount.
- vi. Requirement to call the office once complete for verification of compliance.

If the violation has been remedied, the complainant is called if contact information is known and the case is closed.

Step 5. Third Notification / Notice of Public Hearing.

On the 16th day, as identified in the second notification, a site visit is made, photographic evidence taken, and if the violation still exists, a **3rd letter** is sent to the Owner of record of the property according to the County Property Appraiser's records in which the violation exists and any other known address by regular and certified mail return receipt requested, which shall include at a minimum:

- A. The date, time and location for the public hearing, to be held before the District Board of Supervisors, to hear the facts of the case.
- B. A statement advising that the Owner has the right to attend, present testimony, evidence and witnesses, cross examine witnesses on their behalf in regards to the allegations, fines and charges against the Owner.
- C. A statement advising that staff may recommend, and the Board may find the Owner in violation of the Rule, impose fines, or continued maintenance of the

property with additional fines imposed and/or seek other legal remedies including injunctive relief against the Owner.

- D. For Re-Occurring and Repeat Violations this notice shall include supporting documentation thereof.

Step 6. Notification for Re-Occurring Violations.

The term “Re-Occurring Violation” means a violation of a provision of the Rule by an owner who has been previously notified to have violated the same provision of the Rule within twelve (12) months prior to the current violation, notwithstanding the violation occurred at different locations. If the Community Standards Department staff receives a complaint regarding a Re-Occurring Violation, staff is not required to give the owner a reasonable time to correct the violation. Instead, staff shall follow the procedure of compliance as outlined above with the exception of Steps 3 and 4. With regards to Step 5, the case may be presented to the Board even if the Re-Occurring Violation has been corrected prior to the Public Hearing and the notice shall so state. If the Re-Occurring Violation is brought into compliance prior to the Public Hearing, the board may make a finding of guilt but shall not impose a fine.

Step 7. Notification for Repeat Violations.

Repeat Violations - The term “Repeat Violation” means a violation of a provision of the Rule by an Owner who has been previously found by the Board, to have violated the same provision of the Rule within twelve (12) months prior to the current violation, notwithstanding the violations occurred at different locations. If the Community Standards Department staff receives a complaint regarding a Repeat Violation, staff is not required to give the Owner a reasonable time to correct the violation. Instead, staff may follow the Procedure of Compliance as outlined above, with the exception of steps 3 and 4. The case may be presented to the Board even if the Repeat Violation has been corrected prior to the Public Hearing, and the notice shall so state. Repeat Violations may be fined up to \$500 and the Board may impose a \$500 daily fine until the property is brought into compliance.

Step 8. Notification for Violations that Unreasonably Endanger the Health, Safety, or Welfare of District Residents; Emergency Procedure; Summary Enforcement.

Upon District staff's receipt of notification of damage caused by fire or other casualty within and in cases of emergency, where delay in abatement of the violation required to complete the procedure and notice requirements as set forth in Steps 3 through 5 above will permit a continuing violation that unreasonably endangers public health, safety, or welfare, the District Board may order summary enforcement and abatement of the violation. To proceed with summary enforcement, a deed compliance officer or other designated official shall determine that a violation exists or is being maintained on property in the District and that delay in abatement of the violation will unreasonably endanger the public health, safety, or welfare of District residents. The officer or

designated official shall notify the Owner of the property in writing of the nature of the violation, whether the public health, safety, or welfare will be unreasonably endangered by delay in abatement of the violation required to complete the procedure set forth in Steps 3 through 5 above and may order that the violation be immediately terminated or abated by the Owner. If the violation is not immediately terminated or abated by the Owner, the District Board may order summary enforcement and abate the violation, as provided under Section III General Provisions, by entering an Emergency Order of Enforcement/Claim of Lien against the Owner at its next Board meeting, except in instances where all or any portion of a residence, including the homesite and/or lot, is damaged or destroyed by fire or other casualty.

In instances where all or any portion of a residence including the homesite and/or lot, is damaged or destroyed by fire or other casualty, it shall be the duty of the Owner, with all due diligence, to rebuild, repair, or reconstruct such residence, walls, and homesite and/or lot in a manner which will substantially restore it to its appearance and condition immediately prior to the casualty. The Owner shall have 6 months to rebuild, repair, or reconstruct such residence, walls, and homesite and/or lot in a manner which will substantially restore it to its appearance and condition immediately prior to the casualty. The District Board may enter an Emergency Order of Enforcement/Claim of Lien against the Owner at its next Board meeting with such Emergency Order of Enforcement/Claim of Lien. Should the Owner fail to rebuild, repair, or reconstruct the exterior of the residence, walls, and homesite and/or lot in a manner which will substantially restore it to its appearance and condition immediately prior to the casualty then fines may be assessed against the Owner for such failure in accordance with the Emergency Order of Enforcement/Claim of Lien entered against the Owner by the District Board.

Step 9. Businesses Operating from Residential Properties (Homesite/Lots) that Affect the External Appearances or Uses.

In cases where businesses operating from residential properties (homesites/lots) have a negative impact on the external appearance or uses of the homesite/lot, the following procedure shall be implemented.

If the Community Standards Department staff receives a complaint regarding this matter as established in Step 1, Staff will proceed with the Step-by-Step procedure and notice requirements as set forth in Steps 2 through 7 above. Additionally, Community Standards Department Staff will submit any verified complaints to the County or City in which the homesite/lot is located for further review and inspection by the County or City authorities.

Community Standards Staff's investigation will only pertain to the external portion of the homesite/lot. Any matters pertaining to internal deed restriction violations will be turned over to the Declarant and/or the County or City in which the homesite/lot is located for further review and inspection.

If the violation is not terminated or abated by the Owner, Community Standards Staff will proceed with Steps 10 and 11 as established below.

Step 10. Enforcement.

If the property is still in violation two (2) days prior to the noticed Public Hearing, as indicated in the third notification or if it is a repeat violation, the Public Hearing will take place as noticed. At the Public Hearing the District Board of Supervisors considers evidence and testimony related to the violation from the Owner, District staff and parties that will be substantially and directly affected by the outcome of the Board of Supervisors' decision. The District Board of Supervisors may render a decision to dismiss the case, grant a continuance, find the Owner in violation of the Rule, provide a reasonable time to come into compliance, impose fines, order continued maintenance of the property, any other remedial action deemed necessary to bring the property into compliance and/or direct District Counsel to seek injunctive relief or other legal remedies as appropriate against the Owner. Any Order of Enforcement/Claim of Lien entered by the District Board of Supervisors shall require that the Owner reimburse Village Community Development District No. 5 for its reasonable attorneys' fees and costs incurred in prosecuting the matter against the Owner and shall also require that the Order of Enforcement/Claim of Lien be recorded in the Public Records of Sumter County, Florida.

Step 11. Notification of Entry of Order of Enforcement/Claim of Lien and Opportunity to Appeal

When an Order of Enforcement/Claim of Lien is entered against real property under Step 10 above, and after the time period to correct the violation has expired, District staff shall notify the Owner, in writing, that the Order of Enforcement/Claim of Lien will be recorded in the Public Records of Sumter County, Florida, and become a lien against the Owner's property, ten (10) days from the date of the notification. District staff shall also advise the Owner that should the Owner choose to appeal the recording of the Order of Enforcement/Claim of Lien because the property was brought into compliance as required by the Order of Enforcement/Claim of Lien, the Owner must do so within the ten (10) day time period provided in the written notification to the Owner, by mailing a request for a hearing to appeal the Order of Enforcement/Claim of Lien. The request for a hearing must be made in writing and delivered to VCCDD – Community Standards, 3571 Kiessel Road, The Villages, FL 32163 or any other address provided by Community Standards. If the Owner properly requests a hearing to appeal the Order of Enforcement/Claim of Lien, the appeal will be brought before the Board of Supervisors or Deed Compliance Hearing Officer for the District at the next available meeting. The hearing on the appeal shall only be held to determine whether the Owner brought the property into compliance, as required by the Order of Enforcement/Claim of Lien. If the Board of Supervisors finds that the property was not brought into compliance as required by the Order of Enforcement/Claim of Lien then the Order of Enforcement/Claim of Lien shall immediately be recorded in the Public Records of Sumter County, Florida. If the Board of Supervisors finds that the property was brought into compliance as required by the Order of Enforcement/Claim of Lien then the Order of Enforcement/Claim of Lien shall not be recorded in the Public Records of Sumter County, Florida. If the Owner fails to request a hearing as provided herein then the Owner's right to a hearing shall be deemed as being waived and the Order of Enforcement/Claim of Lien shall be recorded in the Public

Records of Sumter County, Florida, and it shall act as a lien against the Owner's real property until the real property is brought into compliance with the District's Rule to Bring about Deed Compliance and all fines, fees, and costs are paid in full.

General Provisions / Standards Maintenance / Neat and Clean:

General Maintenance Requirements

Maintenance means exercising reasonable care to keep buildings, landscaping, lighting, lawns, and related improvements in good condition.

Landscaping maintenance requires following generally accepted garden-management practices to promote a healthy, weed-free environment for optimal plant growth. Mowing requirements include weed removal.

Homes and lots are expected to be kept free of external unused items, junk, construction material, and other debris. Lawns must be kept free from landscaping debris including fallen palm fronds, tree limbs, shrubbery or hedge clippings, and any other landscape vegetation not originally planted by the developer or homeowner.

Specific Maintenance Standards and Enforcement

1. Mowing, Weeding and Edging Requirements

- Standard: Mowing requirements include weed removal. Grass is considered overgrown when it reaches 8 inches in height.
- Enforcement: If a property is found in non-compliance of the Rule's mowing and edging requirements, the Board of Supervisors may at the respective public hearing order continued maintenance of the property by the District at a re-occurring cost to the Owner in accordance with the Fine Schedule.

2. Pressure Washing and Home Exterior Requirements

- Standard: Properties must maintain clean exterior surfaces including homes, driveways, walkways, fences, and walls. Home siding must be kept clean from algae/mold growth and vine growth.
- Enforcement: If a property is found in non-compliance of the Rule's pressure washing requirements, the Board of Supervisors may at the respective public hearing order maintenance of the property to bring the property into compliance with the District's Rule. Such maintenance may include pressure washing a home, driveway, walkway, fences, or walls. The cost of any such maintenance shall be borne by and charged to the property owner and shall include the actual cost of maintenance plus an administrative fee in accordance with the Fine Schedule.

3. Hedge and Shrubbery Requirements

- Standard: Shrubbery must be maintained so it does not extend to soffits and/or rain gutters of the home and must not obstruct entry to the front door. Hedges are defined as a contiguous grouping of shrubs. In villa units, shrubbery and plantings must be maintained at least two (2) feet away from the neighboring home.
- Enforcement: If a property is found in non-compliance of the Rule's hedge/shrubbery trimming requirements, the Board of Supervisors may at the respective public hearing order maintenance of the property to include: (a) pressure washing a home, driveway, walkway, fences, or walls; and/or (b) trimming hedges and shrubbery off the soffit and/or rain gutters of the home, and entry to the front door. The cost of any such maintenance shall be borne by and charged to the property owner and shall include the actual cost of maintenance plus an administrative fee in accordance with the Fine Schedule.

4. Lawn and Landscaping Standards

- Sodding Requirements: When sodding is required, acceptable turf grasses include St. Augustine, Bahia, Empire Zoysia, Bermuda, or other approved varieties. Lawns must be free of bare or dead spots exceeding approximately 1½ feet in diameter.
- Approved Alternatives: Florida-Friendly ground cover is permitted as a sod substitute. Rock or artificial turf (silk, plastic, or other materials) are not approved sod substitutes.

5. Landscaping Debris and Rogue Vine Growth Requirements

- Standard: Lawns must be kept free from landscaping debris including fallen palm fronds, tree limbs, shrubbery or hedge clippings, and any other landscape vegetation not originally planted by the developer or homeowner. Home siding must be kept clean from rogue vine growth.
- Enforcement: If a property is found in non-compliance of the Rule's maintenance requirements, specific to landscape debris and/or rogue vine growth, the Board of Supervisors may at the respective public hearing order maintenance of the property to include: (a) remove the landscape debris; and (b) spray the rogue vine growth from the homesite/lot. The cost of any such maintenance shall be borne by and charged to the property owner and shall include the actual cost of maintenance plus an administrative fee in accordance with the Fine Schedule.

Compliance and Cost Recovery

When the District orders maintenance to bring a property into compliance, all costs associated with such maintenance shall be the responsibility of the property owner. This includes:

- The fine amount for maintenance services
- Administrative fees as specified in the Fine Schedule
- Any additional costs incurred by the District in the enforcement process

Administrative Information

- Compliance Public Hearings: Will be held on a monthly basis.
- Public Information Notice: The information collected during the enforcement process is public information. If a resident wishes to find out who made a complaint against their property and that information is available, then it will be provided in accordance with Section 119.07 of Florida Statutes.
- Alteration Approval: The District is responsible for approving alterations, changes, or modifications to the Homesite and exterior appearance and structure of the Homesite. No after-market change should be made to the Homesite without first gaining written approval. This includes but is not limited to: arbors, trellises, pergolas, pools, patios, screen cages, decks, awnings, fences, walls, enclosures, landscaping, driveway additions or coating/pavers, exterior re-painting and room additions to the home. The District approval may be via an Architectural Review Committee created by district resolution or interlocal agreement.