

LAS CALINAS HOA PROPOSED RESOLUTION
EXECUTIVE SUMMARY

SUBJECT: Resolution Proposal

1. **PURPOSE.** To involve all Las Calinas HOA homeowners in discussing a proposal to recognize and implement the published Architectural Guidelines (Resolution 20-001) while at the same time grandfathering existing homeowner sheds in the neighborhood (Resolution 20-002), ultimately voting on the proposal.

2. **PROPOSAL:** That Las Calinas HOA (LCHOA) homeowners accept the proposal to (1) recognize the published Architectural Guidelines and (2) grandfather existing sheds.

3. **BACKGROUND AND DISCUSSION.**

a. Although the Board of Directors can pass resolutions, I believe all homeowners should have a say in decision making to protect, preserve, and enhance property values.

b. The Developer and Builder (Dostie Homes) both recognized the Architectural Guidelines as written, requiring a homeowner to submit a letter requesting an exception to policy to install a shed, a copy of which was maintained on file with the management company. Moreover, after being duly constituted, the HOA continued to duly recognize and enforce the Architectural Guidelines for the first two years.

c. The 2019 Florida Statutes, Chapter 720.3035 recognize Architectural Guidelines as companion standards to a published HOA declaration. Our Declaration of Covenants and Restrictions for Las Calinas Unit One recognizes the Architectural Guidelines in Section 2.1, establishing the Architectural Guidelines as the “governing document which establishes architectural standards and guidelines for improvements and modifications to Lots.” The Declaration further codifies in Section 2.1 the Architectural Guidelines that by their reference “are incorporated herein” as part of the Declaration.

4. **IMPACTS.**

a. Voting by the homeowners to accept the Architectural Guidelines solidifies the Architectural Guidelines as part of the Declaration. Conversely, voting by the homeowners to reject the Architectural Guidelines serves to set aside the Architectural Guidelines until challenged in a court of law.

b. The MC follows and promulgates the Architectural Guidelines, which provides the MC with clear standards to enforce.

c. Grandfathering existing sheds allows homeowners to keep their sheds as of the date the resolution is signed.