

ARCHTECTURAL & LANDSCAPE REVIEW INSTRUCTIONS:

Contents

INTRODUCTION:.....	1
WHAT IF MY NEIGHBORHOOD HAS ITS OWN HOMEOWNERS' ASSOCIATION?	1
DOES "MAINTENANCE" REQUIRE A REVIEW APPLICATION?	2
WHAT DOES REQUIRE A REVIEW APPLICATION?	2
WHERE IS THE APPLICATION FORM?	3
HOW DO I SUBMIT MY APPLICATION?	3
WHAT HAPPENS TO THE APPLICATION?	3
WHAT HAPPENS ON APPROVAL OF THE APPLICATION?.....	3
IF NOT APPROVED, CAN I APPEAL?	4
ENFORCEMENT:	4

NOTE: Any work started without prior written approval will be assessed a \$300.00 non-waivable fine, and significant additional sanctions and/or fines may apply.

Replacement Windows require a separate Window Replacement Application Form (available at www.windwardcommunity.org). Any window replacement work started without prior approval will be assessed a minimum non-waivable fine of \$1,000 up to a maximum fine of \$5,000. Actual fines will be calculated at \$300 per window, limited by the stated minimum and maximum amounts. (see Schedule A attached to the Replacement Window Application for further clarification.

INTRODUCTION:

The mission of the Windward Community Services Association (WCSA) is to maintain, preserve and enhance the value of the Windward Community. Fundamental to the Windward community is quality of planning, design and craftsmanship. The Board of Directors has adopted Guidelines for Residential Construction for each Neighborhood in Windward ("Neighborhood Guidelines" which can be found at www.windwardcommunity.org or from Access Management Group (770-802-8360). The Neighborhood Guidelines provide the basis for a common understanding of the design objectives and standards for the community. These Guidelines will be used by the WCSA to assist in the review of applications pursuant to the provisions of the applicable Declaration of Covenants, Conditions and Restrictions for Windward.

WHAT IF MY NEIGHBORHOOD HAS ITS OWN HOMEOWNERS' ASSOCIATION?

Nine of the neighborhoods in Windward have a supplemental homeowners' association, some of which have their own "review committee". As of the date of this document, the following neighborhoods required Applicants to obtain approval from their own neighborhood homeowners association before applying to WCSA: Ardsley Park, The Enclave, & The Spinnakers, WCSA will not accept or process any application from those neighborhoods until WCSA receives written confirmation of their own neighborhood HOA's decision or recommendation. **Please be aware that approval by your**

neighborhood association is only the first step – WCSA’s review and approval process must still be followed as outlined hereinbelow.

DOES "MAINTENANCE" REQUIRE A REVIEW APPLICATION? We define "maintenance" as any minor repair which is replacing or repairing a damaged or deteriorated item with the same kind, size, shape, color and texture. Examples of maintenance include:

- Repair and same-color touch-up of one or two (but not all) shutters;
- Repair or replace and repaint a partial section of trim;
- Replanting existing annual beds; and/or replacing one or two dead shrubs with like kind and size material

As defined above, “Maintenance” does not require an application. If you have any doubt, please contact the AMG management office before beginning any work windward@accessmgt.com or phone at 770-802-8360.

WHAT DOES REQUIRE A REVIEW APPLICATION? Other than the minor repair items mentioned above, an Architectural & Landscape Review Application is required for: 1) all restoration, refurbishment, change, replacement, alteration, enhancement, addition or deletion made on or to existing structures and/or the yard of a Residential Unit and 2) all proposed new exterior items such as, but not limited to new structures, hardscape, landscape and/or fencing on a Residential Unit and/or lot within the Windward Community. Most applications are approved within 2 to 4 weeks of proper filing; major projects take more time as professional consultants are often involved. Examples of items requiring an application include, but are not limited to:

- Any alteration or updating, including re-painting with “same” color, of any viewable surface (color fading and paint formula changes are factors considered by the committee)
- Any alteration of or to any viewable surface including siding, trim, deck, docks and/or roof (other than partial, limited repairs as indicated under “Maintenance” above)
- Any tree removal
- Any screening of trash/recycle containers
- Any installation or alteration of any exterior lighting
- Any installation or alteration of decks, docks, seawalls, retaining walls, ancillary structures, fences, walks, driveways or other hardscape
- Any installation or alteration of any landscaping other than replacing annuals in existing beds and/or replacing dead shrubs with like kind and size material.

The applicant is responsible for the accuracy of any submission, including all site dimensions, setbacks, buffers, easements, grades, elevations, utility locations and other pertinent features of the site or plans. The WCSA assumes no responsibility for design or construction, including, without limitation, the accuracy of the submitted information and surveys, the structural, civil, mechanical, plumbing or electrical design, and the methods of construction or suitability of materials. Plans submitted for review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the applicant to obtain all necessary governmental permits and inspections; however, any such governmental permits are in addition to, and not a replacement of the

applicant's requirement to obtain approval from WCSA for any proposed modification to the Residential Unit.

If in doubt, please contact the AMG management office before beginning any work via email at windward@accessmgt.com or phone at 770-802-8360.

WHERE IS THE APPLICATION FORM? Click here - [Review Form](#)

WHERE DO I SUBMIT MY APPLICATION?

Complete the form and include all supporting documents/surveys/plans, etc. and submit Access Management Group either in person, by mail or by email:

EMAIL: windward@accessmgt.com

Mail: Windward Community Services Association, Inc.
c/o Access Management Group
1100 Northmeadow Pkwy, Ste 100
Roswell, GA 30076

WHAT HAPPENS TO THE APPLICATION?

The Modifications Committee normally meets twice each month and will advise the applicant, in writing, of its decision within 90 days after receipt of the application and all required information. The Committee will respond to the applicant with one of three decisions: Approved, Disapproved, or Incomplete with a request for additional information. If the application is incomplete and/or it is not accompanied by all required information, the application and such information that was submitted will be returned to the applicant with a statement the application is incomplete and will not be acted upon. The return of an incomplete application is considered a Disapproval, and the re-submittal will establish a new application filing date. If the Committee has not taken action within 90 days of receiving the application and all requested information, the original request shall be deemed to be approved. In no event, however, shall anything be constructed that is prohibited by the Declaration.

WHAT HAPPENS ON APPROVAL OF THE APPLICATION?

Once the applicant receives written approval, work must commence and be completed within 90 days of the date of the written approval. If work is not commenced within such 90 days, the approval shall be automatically rescinded and the applicant must resubmit a request for approval; if necessary, applicants may request an extension. All work or repairs not completed within 90 days of the date of approval, or by the date of any extension, shall be subject to the imposition of a daily fine not to exceed \$50.00 per day, in accordance with the Declaration and Bylaws.

Except for Major Project Construction, a fee of \$ 150.00 per hour may be billed to the Owner by the Association for Applications requiring more than two reviews/time spent due to revisions once an application has been approved. This additional fee covers incidental costs incurred by the Association for the additional review time spent by the consulting professional. All such fees incurred will be billed to the Owners account.

The Committee's final approval constitutes a binding agreement between the applicant and WCSA. No deviation from the approved plans may be made without the prior written approval of the Committee. Decisions of the Committee are based on a simple majority vote of the members and shall not be arbitrary or capricious.

IF NOT APPROVED, CAN I APPEAL?

The Modifications Committee will attempt to reach an agreement with the applicant so that a plan can be approved. To this end, the Committee may suggest alternative design solutions.

In the event a request is disapproved, the applicant may file a written appeal to the Modifications Committee no later than 30 days from the date of the Committee's written notice of disapproval. The appeal must briefly describe the applicant's reason(s) why the Committee's decision should be overturned. The Committee shall send a written notice to the applicant, at least 10 days in advance, of the date, time and place where the appeal will be held. At the appeal, the applicant may present information to convince the Modifications Committee to change the decision. The Modifications Committee will then review the application based on the information presented by the applicant and render its written decision to the applicant within 10 days of the appeal.

If the Committee's disapproval is upheld, the applicant may file a written appeal to the Board of Directors. Such appeal must be made within 10 days of the date of the Committee's written decision. The appeal must briefly describe the applicant's reason(s) why the Committee's decision should be overturned. The Board shall send a written notice to the applicant, at least 10 days in advance, of the date, time and place where the appeal will be held. At the appeal, the applicant may present information to convince the Board to overturn the Committee's decision. The Board will then review the application based on the information presented by the applicant and render its written decision to the applicant within 10 days of the appeal.

All appeals must be in writing and mailed to: Windward Community Services Association, Inc., c/o Access Management Group, 1100 Northmeadow Pkwy, Ste 100, Roswell, GA 30076. The envelope should be marked "Architectural & Landscape Appeal" in the lower left corner of the envelope. All appeals will be reviewed on a case-by-case basis and the granting of an appeal for one applicant does not imply or warrant that a similar appeal would be granted for another applicant.

ENFORCEMENT:

Article V Ill, Section 3 and Article X of the Declaration grants the Board of Directors broad powers to enforce the procedures and standards adopted by its Committees. This includes the power to levy fines, to enter Residential Units and correct or remove violations, and/or to bring legal action to force removal or correction of the violations. Please note that failure to request and obtain approval, when required, is a violation even if the work performed conforms to the current Windward and/or Neighborhood Guidelines. Commencing and/or completing work without the prior approval of the Committee subjects the Residential Unit to a \$300 non-waivable fine. Before fines are levied and, when practical, before other enforcement actions are taken, violating Owners will be notified in writing of the violation and the proposed sanction to be imposed in accordance with Article Ill, Section 23 of the By-Laws, and the Owner's right to request a hearing before the Board.