

ARCHITECTURAL CONTROL COMMITTEE

Section 1. SUBMISSION OF PLANS AND SPECIFICATIONS: No building, wall, fence, landscaping, berm or hedge which acts as a fence or privacy-inducing structure, pier, dock, ornamentation, or other structure or improvements of any nature shall be erected, placed or altered on any Lot **until the construction plans and specifications- and a plan showing the location of the structure and landscaping have been approved in writing by the Architectural Control Committee.**

Each building, wall, fence or other structure or improvements of any nature, together with any ornamentation or landscaping shall be erected, placed or altered upon the premises only in accordance with the plans and specifications and **plot plan so approved.**

Any changes in the appearance of any building, wall, fence or other structure or improvements and any change in the **appearance of the landscaping** (excepting the planting of flowers and shrubs indigenous to the area), **shall be deemed an alteration requiring approval.**

Section 2. PROCEDURE:

a) The Architectural Control Committee shall make all efforts to cooperate with the owner or agent in effecting a prompt and reasonable response to any submission. Within fifteen (15) days after receipt of all required information, the Architectural Control Committee shall submit in writing to the Owner of the Lot a response stating whether or not the requested improvements are approved. Unless a response is given by the Architectural Control Committee within fifteen (15) days, the plan shall be deemed approved. The Architectural Control Committee shall have the power to promulgate reasonable rules and regulations designed to carry out the provisions and intent of this paragraph. Any such rules and regulations shall be approved by the Board of Directors prior to implementation.

b) Action of the Architectural Control Committee may be based upon any reasonable ground, including aesthetic grounds. Requirements of any governmental authority shall not be considered by the Committee. The response of the Architectural Control Committee must be:

1. An approval; or
2. An approval with conditions; or
3. An approval with conditions together with a request for additional information; or
4. A denial.

A denial is an extreme response and not to be made unless an approval with conditions cannot be made. A denial prohibits or delays construction of the proposed improvements.

A request for additional information shall be made only with a conditional approval and will not delay construction unless the information requested involves a matter which will need to be approved prior to construction. A request for additional information shall not be used by the Committee to enlarge the required response time. If an approval with conditions is granted and thereafter construction begins, the construction shall be deemed approved by the Owner of the Lot of the condition imposed.

c) The Architectural Control Committee may not deny the submission unless at least one of the following findings is made:

- 1. That the improvements sought to be constructed will have a negative economic impact on any other Lot within the subdivision.**
2. That a required specific building standard or other condition contained within the Restrictive Covenant documents have not been met.
3. That the improvements are architecturally incompatible with proposed or constructed improvements on other Lots within the subdivision.
- 4. That the natural features of the Lot will be disturbed to an extent more than reasonably necessary to construct the proposed improvements.**

In addition to the above required findings, in order to deny a submission, the Architectural Control Committee must provide a specific and detailed response of why an approval with conditions was not a reasonable alternative to the denial

Section 3. EXCEPTIONS: The paint, coating, stain and other exterior finishing colors and roof shingles/exterior on all buildings may be maintained as that originally installed, without prior approval of the Architectural Control, but prior approval by the Architectural Control Committee shall be necessary before any such exterior color is changed.

Section 4. COMMITTEE MEMBERSHIP: All representatives shall be appointed by the Board of Directors of the Association. The Architectural Control Committee shall be composed of three (3) Owners appointed by the Board and shall serve at the pleasure of the Board.

Section 5. COMMITTEE PROCEDURE: A majority of the Architectural Control Committee may take any action said Committee is empowered to take, may designate a representative to act for the Architectural Control Committee, and, with the approval of the Association Board, may employ personnel and consultants to act for it. In the event of death, disability or resignation of any member of the Architectural Control Committee, the Association shall designate a successor. The members of the Architectural Control Committee shall not be entitled to any compensation for services performed pursuant to this covenant. The Association may establish a fee to cover the expense of reviewing plans and related data at the time plans are submitted for review in order to compensate any consultant architects, landscape architects, urban designers or attorneys.

Section 6. APPEAL OF COMMITTEE ACTION: Any Owner may appeal the decision of the Architectural Control Committee provided that all parties involved comply with the decision of the Architectural Control Committee until such time, if any, as the Board of Directors amends, or reverses the Architectural Control Committee's decision. Appeals-petitions must be legibly written, state the grounds for appeal and be submitted to the Board of Directors within thirty (30) days of the decision of the Architectural Control Committee. The Board of Directors shall act upon the appeal by amending, reversing, or confirming the decision of the Architectural Control Committee within fifteen (15) days of receipt of the petition. The Board of Directors' decision shall be by majority vote. Any Owner must exhaust this avenue of appeal prior to resorting to a court of law or equity for relief.

Section 7. NOTICE: Any Owner shall be deemed to have made a submission on the date it is hand delivered or deposited in the U.S. Mail, registered or certified mail, return receipt requested, to the address shown in Exhibit A. Any change in address shall be evidenced by a Notice in a form substantially similar to Exhibit A which shall contain at a minimum the information shown thereon and which shall be filed with the Register of Deeds in the county in which the property is located. The Association shall at all times provide a place in the county in which the property is located at which the submission may be hand delivered. Said notice shall be indexed in the name of the Association. ARCH-WA.PAR(030294)