

ORANGE HUNT SQUARE HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 6
DESIGN REVIEW PROCEDURES AND GUIDELINES
As Amended

Relating to changes to Lots, Living Units, or Common Elements

WHEREAS, Article VII, Section 1 of the Bylaws states that "The Board of Directors shall have all of the powers necessary for the administration of the affairs of the Association" and

WHEREAS, Article IX of the Bylaws requires the appointment of a Architectural Control Committee by the Board of Directors, to execute such powers and duties as set forth in the Association's Legal Instruments, including the review and approval, disapproval or modification of requests for alterations to the exterior appearance of Lots or Living Units or Common Areas; and

WHEREAS, the Board deems it necessary to establish further guidelines and procedures for Unit Owners wishing to make changes to their Lot or Living Unit; and

WHEREAS, on November 10, 2011 the Board of Directors voted to amend Article V, Item 3 of this Resolution;

NOW, THEREFORE, BE IT RESOLVED THAT the following is a Restatement of Policy Resolution 6 as amended:

I GENERAL

- A. No exterior alteration, addition, or change may be made to Lots or Living Units without prior application to and approval of the Architectural Control Committee, except as noted in this Resolution.
- B. Certain changes and additions are prohibited by this Resolution.
- C. All Owners are responsible for assuring that changes and additions are made only in accordance with the provision of this Resolution.

II APPLICATION PROCEDURES

A. Requirements For All Applications

1. Owners wishing to make any of the changes must submit the proper written application to the Architectural Control Committee with all appropriate sections completed, including required submissions.
2. Oral requests will not be considered.
3. Each alteration or addition must be specifically approved even though the intended alteration or improvement conforms to the Association's Founding Documents or this Resolution, and even when a similar or substantially identical alteration or addition has been previously approved.
4. Approval of any project by the Association does not waive the necessity of obtaining the required governmental permits.
5. Obtaining a governmental permit does not waive the need for Association approval.
6. The Association will not knowingly approve a project which is in violation of the local building or zoning codes.
7. Burden rests with applicant to demonstrate the acceptability of the proposal. Applicant must submit any submissions required by the Architectural Control Committee for an alteration or improvement of the type proposed. Applicant may submit with the application any additional materials such as exhibits, petitions, photographs, experts' statements and the like that applicant deems appropriate. Applicant may request an opportunity to appear before the Architectural Control Committee, along with any witnesses applicant desires to have testify.

B. Administrative Requirements

1. The Architectural Control Committee, shall act on the application and give notice to the applicant within thirty (30) days from receipt of a complete application, including all submissions required. The Architectural Control Committee shall notify an applicant, in writing, of any deficiencies in the application which preclude consideration of the application and the commencement of the thirty (30) day review period.

2. The Architectural Control Committee may delegate to a managing agent the responsibility for receiving applications and notifying applicants of the decisions of the Committee. In such case, the review period shall commence upon the date of receipt of a complete application by the Managing Agent.
3. Applicant must inform the Architectural Control Committee in writing of the date on which construction starts.
4. If applicant desires to make changes during construction a revised application must be submitted to the Architectural Control Committee, which shall promptly act upon the revised application.
5. Applicant must provide the Architectural Control Committee with notice of completion.
6. Upon completion, the Architectural Control Committee may, at the request of the owner, inspect the living unit, lot or Common Areas and, if satisfied that construction is in compliance with approved plans, will issue a Certificate of Compliance.

III RESULTS OF REVIEW

- A. The applicant shall be informed in writing of the decision.
- B. If the applicant fails to receive a reply indicating a decision by the Architectural Control Committee or Board of Directors within thirty (30) days from receipt by the committee of a completed application and submissions, the request shall be deemed in compliance with Section VIII of the Declaration of C C & R.
- C. If a proposal is rejected or approved with modifications, the reason(s) for disapproval or modifications shall be stated as part of the written decision. Notice of such decisions shall be sent to applicants by certified mail.
- D. The applicant may request reconsideration if new or additional information which might clarify the request or demonstrate its acceptability can be provided. A request for reconsideration must be submitted in writing within ten (10) days following a decision by the Architectural Control Committee. Applicant must request such reconsideration by the Architectural Control Committee before applicant may appeal a decision to the Board of Directors. The Architectural Control Committee shall respond to a request for reconsideration of a decision within thirty (30) days from the date of receipt of such request.

- E. If the application is denied again upon reconsideration by the Architectural Control Committee, applicant may appeal the decision to the Board of Directors, pursuant to the procedures for appeal set forth in part IV of this Policy Resolution.
- F. Copies of all Requests for Review will be filed according to unit number, along with the written decision and a statement of action taken, if any. There will be a cross-index which categorizes cases into types, for future reference. This index shall be made available, upon request, to any Owner considering an alteration or improvement to his home or lot.
- G. All approvals shall expire six months after the date of approval if the item approved has not been started.
- H. Any approved modification must be substantially completed in accordance with the plans and specifications approved by the Architectural Control Committee within twelve (12) months after construction has commenced, except that the Committee may grant extensions where completion is impossible or is the result of matters beyond the control of the owner or builder, such as strikes, casualty losses, national emergencies or acts of God.

IV APPEAL OF ARCHITECTURAL CONTROL COMMITTEE TO BOARD OF DIRECTORS

- A. Rights of Owners. Final decisions of the Architectural Control Committee pertaining to a request for design changes may be appealed to the Board of Directors if such action is taken within fifteen (15) days of the receipt of the decision of the Architectural Control Committee.
- B. Appeals Petition. Appeals petitions must be in writing and in substantially the following form:

(I)(We) hereby petition the Board of Directors to hear an appeal of the decision of the Architectural Control Committee (Application) (Case No.) (I)(We) further understand that within the Association the decision of the Board of Directors on this issue is final.
- C. Board Decision. The Board of Directors shall act within thirty (30) days following receipt of an appeals petition and notify the applicant in writing of the Board's decision. The Board may sustain or reverse a decision of the Architectural Control Committee. Two-thirds of the Board of Directors shall be required in order to reverse a decision of the Architectural Control Committee.

V. DESIGN GUIDELINES

A. General

1. Conditions for Architectural Control

No improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work which in any way alters the exterior of any Lot or Living Unit, shall be made or done without the prior approval of the Architectural Control Committee. No structure (permanent or temporary) shall be commenced, erected, maintained, improved, altered, made or done on such property without the prior written approval of the Architectural Control Committee.

2. Aesthetic Conditions

Nothing shall be kept or stored on the exterior of the lots or common areas which would create an unsightly condition. This includes, but is not limited to, refuse containers, trash or rubbish, machinery and equipment, building materials, etc.

3. Design Guidelines Handbook

The Board of Directors may adopt design guidelines which will establish detailed guidelines and approval procedures related to permitted and prohibited changes to the Lots or Living Units. Such Guidelines shall be an addendum to this resolution and may be periodically updated and modified by the Board in accordance with the procedures set forth in Policy Resolution No.2.

The Board shall ensure that all current and future members of the Association receive a copy of said guidelines. Such copy may be in the form of the actual addendum or published in a different format **PROVIDING** that there are no changes to the actual wording of the guidelines as adopted in the addendum.

4. Materials and Colors

- (a) Only the exterior materials existing on the parent structure or compatible with the architectural design character of the community will be approved.
- (b) All exterior color changes must be approved by the Architectural Control Committee. Exterior color changes will be approved only if the proposed color is in harmony with the existing homes in the community or if the color is similar to the colors originally employed in the community. Approval is not required to repaint or re-stain a home using the same color originally employed.

- (c) In general, only those areas that are painted may be repainted; only those areas that are stained may be re-stained; unpainted surfaces and unstained areas, such as brick, shall remain unpainted and unstained.

VI. PROCEDURES FOR MONITORING COMPLIANCE

A. Inspection

The Architectural Control Committee shall periodically survey the Community for compliance with design standards.

B. Alleged Violations

1. All reports of alleged violations of this Resolution must first be submitted to the Managing Agent (or Association staff) or Architectural Control Committee who will inspect, to determine whether a violation actually exists.
2. If the Managing Agent (or Association staff) or Architectural Control Committee determines that a violation exists, the Agent (staff) or Architectural Control Committee shall attempt informally to obtain compliance. If that fails, then the Agent shall inform the Owner in writing with a copy to the Architectural Control Committee, giving the owner thirty (30) days in which to correct the violation. This notice period may be reduced in the event of an emergency situation or in cases where the violation will increase or enhance with the passage of time. In such cases, notice shall be sent by certified mail.
3. If the violation continues for thirty days after notification to the resident in violation (or if no substantial progress is made in curing the violation, where such remedy would require more than thirty days) a letter will be sent by certified mail to the resident in violation.

This letter will provide notice that the violation must be remedied within fifteen days from the date of mailing of the letter (or alternatively, that the resident in violation must submit to the Architectural Control Committee a written plan, *including timing*, for the abatement of such violation within a reasonable period of time, where such violation cannot be cured within fifteen days.

4. If the violation is not abated within fifteen days from the date of mailing of the certified letter (or if progress is not being made to abate such violation in accordance with a plan agreed to by the resident in violation and the Architectural Control Committee) the Committee will send the resident in violation a certified letter informing them of the time and place of a hearing by the Architectural Control Committee. Such notification and hearing shall be conducted in

accordance with the procedural and due process requirements set forth in Policy Resolution No. 5.

5. The Architectural Control Committee's actions may include any or all of the following:
 - a. Issuing a cease and desist request.
 - b. Requesting the Owner to remove the unacceptable improvement or restore the affected area to its condition before the change.
 - c. Notifying the Mortgagee of the violation.
 - d. Suspending privileges for use of the common areas or levying a charge in accordance with the provisions set forth in Policy Resolution No. 5.

ORANGE HUNT SQUARE HOMEOWNERS ASSOCIATION, INC.

RESOLUTIONS ACTION RECORD

Resolution Type: **Policy**

Resolution Number: **6 as Amended**

Pertaining to: Design Guidelines and their publication

Duly adopted at a meeting of the Board of Directors of the Orange Hunt Square Homeowners Association, held on November 10, 2011:

Motion by: **Tim Brannon** Seconded by: *Mike Whittredge*

Directors	VOTE			
	Yea	Nay	Abstain	Absent
<i>Tim Brannon</i> Tim Brannon, Director	<u>X</u>	—	—	—
<i>Barbara Mahony</i> Barbara Mahony, Director	<u>X</u>	—	—	—
<i>Michael Whittredge</i> Michael Whittredge, Director	<u>X</u>	—	—	—
<i>- Absent -</i> Emerson Ellis, Director	—	—	—	—
_____ , Director	—	—	—	—

ATTEST:

Julie Brannon
Julie Brannon, Secretary

Nov. 10, 2011
Date

File:
Book of Resolutions
Minutes of Meeting

Resolution Effective: **November 10, 2011**