

WELLINGTON COMMONS HOMEOWNERS ASSOCIATION, INC

Resolution 2008 – 10A: Architectural Control Committee Charter

PREAMBLE

WHEREAS, Article V (Architectural Control) of the Declaration of Covenants, Conditions, and Restrictions addresses an *Architectural Control Committee* “composed of three (3) or more representatives appointed by the Board”;

WHEREAS, Article X (Committees) of the Bylaws requires the appointment of an *Architectural Control Committee*;

WHEREAS, Article V (Architectural Control) of the Declaration of Covenants, Conditions, and Restrictions addresses basic architectural standards for the Association;

WHEREAS, Article VII (Exterior Maintenance) of the Declaration of Covenants, Conditions, and Restrictions addresses good order and repair of dwelling units and associated property;

WHEREAS, the Board of Directors reviewed the undated and unsigned “Architectural Review Board Charter” and determined that it is inadequate and requires updating; and

WHEREAS, maintenance and upkeep of the exterior portions of the dwelling units enhances the curb appeal and value of the individual properties.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following *Architectural Control Committee Charter*.

ARTICLE I

NAME

The committee established by this charter is named the *Architectural Control Committee*. The accepted abbreviation is ACC.

ARTICLE II

PURPOSE

The Architectural Control Committee provides advice and assistance to the Board of Directors in their responsibility to efficiently and effectively administer and manage the affairs of the Association in regards to the exterior portions (front and back) of dwelling units relating to design, color, and maintenance.

ARTICLE III

COMMITTEE

The committee shall consist of not less than three (3) members appointed by the Board of Directors but may have more at the discretion of its appointed members should the necessity arise. The committee may designate a spokesman for the conduct of business with the Board of Directors.

ARTICLE IV

MEETINGS

The committee shall conduct meetings at a time and place of their choosing so long as the meetings are open to the members at-large; are scheduled and advanced notification is given to the members; the meetings are conducted with decorum; and minutes are kept as a matter of record and submitted to the Board of Directors.

ARTICLE VI

RESPONSIBILITIES

The committee is responsible to the Board of Directors for architectural matters regarding the exterior portions (front and Back) of dwelling units relating to design, color, and maintenance in accordance with Articles V and VII of the Declaration of

Covenants, Conditions, and Restrictions. In addition to the preceding, the committee is responsible for:

- Common area elements such as community signs, kiosks, gazebo, street lighting, and street lamps;
- Developing and publishing a handbook specifically focusing on architectural design and color. The handbook provides, at a minimum, detailed information including:
 - The four standard designs for town home facades and the suggested color scheme;
 - The original exact color scheme for each lot by lot number, to include any approved changes to a specific lot;
 - An explanation of the architectural elements commonly requiring preventive maintenance and upkeep (e.g., rake boards, soffits, gutters, etc.);
 - An explanation of the architectural elements for acceptable fence design to include recommended stains;
 - An explanation of the architectural elements for acceptable deck design to include privacy screens, artistic design elements, and recommended stains;
 - An explanation of the architectural elements for acceptable front and rear yard design to include acceptable materials for retaining walls or decorative walls, trees, shrubs, and plant cover including placement and height restrictions;
 - An explanation of the architectural elements for acceptable roof replacement, to include acceptable materials and colors;
 - An explanation of the architectural elements for acceptable for window, door, and storm door replacement, to include acceptable materials, design, and color;
 - An explanation of restrictions (e.g., dog houses, sheds, swing sets, clothes lines, solar panels, etc);

- Procedures for submitting architecture-related requests for change to an existing condition, to include homeowner responsibility, approval responsibility and authority, and final inspection;
- Review the handbook annually making changes where necessary and communication those changes to the Board of Directors and the members.
- Providing the Board of Directors with minutes of all meetings;
- Providing regular reports to the Board of Directors on matters affecting architectural control;
- Assisting the Board of Directors in evaluating the common assets relevant to recommendations made in a reserve study.
- Assisting the Board of Directors in enforcing all architectural control-related rules and regulations.
- Attending meetings of the Board of Directors when required.

ARTICLE V

CONFLICTS OF INTEREST

Committee members shall refrain from actual or perceived conflicts of interest while acting for the Board of Directors.

ARTICLE VII

RULES AND RULE ENFORCEMENT

The committee has no authority to make rules or to enforce rules relating to architectural control. The committee advises the Board of Directors of architectural violations in a timely manner so that the Board of Directors or its authorized agent can follow due process requirements.

ARTICLE VII

COMMUNICATION

The primary communication of architectural design requirements to the members is the aforementioned handbook. The committee is encouraged to talk to homeowners. The

committee shall not the direct the management agent to take any action unless so authorized by the Board of Directors.

ARTICLE VIII

RECORDS

The committee shall maintain records of all actions, to include minutes of all meetings. The record of actions shall include the name of the committee member, the time and date, and the action taken.

ARTICLE XIII

CONSTRUCTION

Section 13.0 Section Explanation. This section addresses the implementation of this resolution by the Board and severability, omissions, and conformity.

Section 13.1 Implementation. The Board of Directors may determine the specific manner in which the provisions of this resolution are implemented, provided that due process is protected.

Section 13.2 Severability and Omissions and Conformity. Any inadvertent omission or failure to conduct Association business in exact conformity with this resolution shall not invalidate the business, so long as a prudent and reasonable attempt is made to assure due process according to the general steps set forth in this resolution. Where these guidelines conflict with state law, the Declarations of Covenants, Conditions, and Restrictions, or the Bylaws, those documents take precedents.

This policy is effective on the date of its adoption.

Adopted this _____ day of _____, 2008

President

ATTEST _____
Secretary

WELLINGTON COMMONS HOMEOWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Resolution Type: Administrative Policy **No.** 2008-10A

Subject: Architectural Control Committee Charter

Duly adopted at a meeting of the Board of Directors held on _____, 2008.

Motion by: _____ **Seconded by:** _____

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
_____ President	_____	_____	_____	_____
_____ Vice President	_____	_____	_____	_____
_____ Secretary	_____	_____	_____	_____
_____ Treasurer	_____	_____	_____	_____
_____ Member at Large	_____	_____	_____	_____

ATTEST

Secretary

Date