

**Establishment of Park Trace Estates HOA, Inc.  
Architectural Review Committee**

WHEREAS the **Declaration of Restrictions for Park Trace Estates**, and amendments:

- Require the Homeowners Association (HOA) to enforce the Restrictions wherever applicable and appropriate, so as to establish, protect and preserve the quality of the Subdivision (Art. II)
- Specify particular Building and Use Restrictions (Art. IV), and require that “Prior to commencement of any construction of improvement on a Lot (including any remodeling, additions to existing improvements, fences and walls), detailed site and construction plans (which shall include elevations and exterior materials), pools and solar panels, and landscape plans shall be submitted to [the HOA] for approval for the purpose of assuring compliance with each of the foregoing requirements set forth in this Article.” (Sec. 26)
- Allow for the [HOA], in particular cases for individual Lots, to grant written variances to the Restrictions without modifying the Restrictions’ applicability to other Lots (Art. X)
- Allow for the HOA to proceed at law or in equity to compel compliance with the Restrictions, and for the violator, if found to be in clear violation, to bear the costs of proceedings, including reasonable legal fees, to enforce the Restrictions (Art. XIV)

And WHEREAS the responsibilities, duties, and powers of the Developer, specified in the Declaration of Restrictions, have been assigned to the Homeowners Association (HOA)

And WHEREAS the **Articles of Incorporation of Park Trace Estates HOA, INC.**

- Empower the HOA to “adopt, promulgate, and enforce rules, regulations, bylaws, covenants, restrictions, and agreements...” (Art. III, Sec. F)
- Empower the HOA to “delegate such of the powers of the Association as may be deemed to be in the Association’s best interest by the Board of Directors” (Art.III, Sec. G)
- Empower the HOA to “enforce by any and all lawful means the provisions of these Articles of Incorporation, the Bylaws of the Association... and the terms and provisions of the aforesaid Declaration of Restrictions (Art. III, Sec. J)

And WHEREAS the **Bylaws of Park Trace Estates HOA, INC.**

- Require the Board of Directors (BOD) to “enforce by appropriate legal means the provisions of said Declaration of Restrictions, the Articles of Incorporation, and these Bylaws (Art. VI, Sec. 2, SubSec. (g))

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And RECOGNIZING that:

- Every conceivable detail of every architectural or aesthetic modification to a property cannot be specified in advance, such that some sort of formal adjudication and interpretative process must be established;
- There is a need for a manageable process to provide HOA members with written architectural and aesthetic guidelines which may clarify and/or interpret existing deed Restrictions;
- In accordance with both the specific requirements and general purposes of the Declaration of Restrictions, a reasonable balance needs to be drawn between the appropriate individual rights and use of a property, and the rights of the HOA members to maintain and enjoy a quality community environment, value, and benefit;

Therefore, PURSUANT to Article VI (Powers and Duties of the Board of Directors), Section 1. (f) of the **Bylaws of Park Trace Estates HOA, Inc.**, the Board of Directors does hereby establish an **Architectural Review Committee** (ARC) as a committee of the Association.

The ARC membership, rules, and procedures are contained in the **Charter of the Park Trace Estates HOA Architectural Review Committee**.

# **Charter of the Park Trace Estates HOA Architectural Review Committee**

## **PURPOSE:**

To describe and specify the structure and procedures for operation of the **Architectural Review Committee** (ARC) of the Park Trace Estates HOA, Inc.

## **GOALS:**

To secure and maintain Park Trace community property values, enjoyment and benefit, while balancing and protecting individual homeowner rights for the use of their properties.

## **OVERALL RESPONSIBILITIES:**

The ARC shall:

- Review and interpret the architectural and aesthetic requirements and restrictions of the Declaration of Restrictions, in accordance with the procedures of this Charter
- Make recommendations, as appropriate, to the Board of Directors (BOD) on the granting of variances to the Declaration of Restrictions
- Make recommendations, as appropriate, to the BOD for changes to the architectural or aesthetic provisions of the Declaration of Restrictions, for potential review and approval by the HOA
- Draft **Architectural and Aesthetic Guidelines** for approval by the BOD

## **ARC MEMBERSHIP AND TERMS:**

The ARC shall consist of three (3) to five (5) volunteer HOA members appointed by the BOD

- No more than one person from any home unit/Lot may serve at the same time
- Current BOD members are not eligible to serve on the ARC
- ARC members may be removed from the ARC, with or without cause, by majority vote of the BOD.
- Vacancies will be promptly filled by appointment of the BOD, and will serve only until the next appointment cycle at the first BOD meeting after the annual election of Directors, at which time the ARC membership will be reviewed, adjusted as necessary, and re-appointed for another calendar year.

## **ARC OFFICERS**

The ARC Committee will elect a chairman, vice-chairman and secretary. The secretary shall be

responsible for keeping copies of all ARC records, the current charter, and maintain those records for at least five years, subject to reasonable inspection in their entirety by any member of the corporation.

## **APPROVAL/DISAPPROVAL PROCESS**

The ARC, when acting upon a homeowner application for modification to a property, shall recommend to the BOD either approval or disapproval of the application by an affirmative vote of at least a majority of the ARC members in attendance. All tie votes will be decided by the Chair, or in his or her absence the Vice-Chair.

Homeowners shall submit applications for the ARC's approval of modifications to the Park Trace Estates Architectural Review Committee. Contact information is available in the Homeowners section of the Association's website, or may be obtained from any BOD member.

Modification applications must be received by the ARC at least two weeks before the date of the next regularly scheduled BOD meeting if it is to be reviewed at that meeting.

If an application is from a member of the ARC, that member may not vote on the issue.

Upon taking up a modification request, the ARC will first determine if all necessary information is available and submitted with the application; if not, the ARC will return the application to its originator, identifying the additional information needed. This may delay ARC consideration of the matter to a later regularly scheduled BOD meeting.

Once the ARC takes up an application, and all information or documentation is in order and complete, the ARC will, as soon as possible and reasonable but no later than fourteen (14) days after it has adequate information to make a recommendation, determine its decision and provide it to the BOD for approval. The BOD shall determine the specific conveyance mechanism of all approvals or disapprovals on a case-by-case basis (e.g., in person, via USPS regular or registered mail, via e-mail, etc.).

Failure of the BOD to act by thirty (30) days from the date the ARC has a completed applications shall be deemed approval of the member's application.

## **APPEALS**

A homeowner whose application has not been approved by the BOD may submit a written appeal to the BOD, stating the reasons for the disagreement. This appeal must be made within seven (7) calendar days of the BOD's decision. If an appeal is filed, no contracts will be entered into, nor construction commenced, until the BOD has rendered a final decision in writing, which it must do no later than thirty (30) calendar days.

Failure of the BOD to provide a final decision within thirty (30) calendar days on an appeal shall be deemed BOD approval of the appeal.

## **INDEMNIFICATION**

All members of the ARC shall be considered, treated and protected as HOA “officers” with respect to Indemnification in accordance with Article XIV of the Park Trace Estates HOA, Inc., Articles of Incorporation

## **AMENDMENTS**

Amendments to this ARC Charter may be made at any time by majority resolution of the Board of Directors.