

WELLINGTON COMMONS HOMEOWNERS ASSOCIATION, INC

Resolution 2009-01: Architectural Review Committee Charter

PREAMBLE

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

WHEREAS, Article X (Committees) of the Bylaws of the Wellington Commons Homeowners' Association (hereafter the "Association") requires the appointment of an Architectural Control Committee;

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

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

WHEREAS, the Board of Directors (hereafter the "Board") reviewed the existing Architectural Control Committee charter (Resolution 2008-10A) and determined that it requires minor updates to better define the committee's role; 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 adopts the following charter for an **Architectural Review Committee** to address the aforementioned requirements and issues.

ARTICLE I

NAME

The committee established by this charter shall be named the Architectural Review Committee (hereafter the "Committee"). The accepted abbreviation is ARC.

ARTICLE II

PURPOSE

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

ARTICLE III

MEMBERSHIP

The Committee shall consist of not less than three (3) members appointed by the Board but may have more at the discretion of its appointed members should the necessity arise. The Committee shall designate a chair for the conduct of business with the Board. Terms of office will be for two (2) years, renewable by appointment of the Board. Only Association members in good standing can serve on the Committee.

ARTICLE IV

RESPONSIBILITIES

The Committee is responsible to the Board of Directors for architectural matters regarding the exterior portions (front, back and sides) of dwelling units and other capital assets 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:

- Assisting the Board in enforcing all architectural control-related rules and regulations on a day-to-day basis.

- Reviewing and responding to all incoming Architectural Review Applications submitted by homeowners to management for compliance with existing community standards. Review must be acted on within 30 days from the date of receipt by the Association or its designated management agent. The Committee has the authority to approve, on behalf of the Board, applications that are consistent with existing standards. The Committee must reject applications that fall outside of existing standards. The Committee will document its decisions in meeting minutes provided to the Board. Association members can appeal rejected applications to the Board during its monthly business meeting.
- Reviewing annual community inspection results performed by management or agent prior to issuing violation letters in coordination with the Board. The Committee may also offer advice to the Board on the processes and parameters used for conducting the annual inspection.
- Assisting the Board in evaluating the common assets relevant to recommendations made in reserve studies.
- Providing regular reports to the Board on matters affecting architectural control;
- Attending Board meetings when required.
- Developing and publishing a handbook which at a minimum provides detailed information focusing on architectural design and color, to include:
 - The four standard designs for town home facades and guidance on how to determine the approved color schemes;
 - An explanation and diagram of the architectural elements commonly requiring preventive maintenance and upkeep (e.g., rake boards, soffits, gutters, etc.);
 - An explanation of the architectural elements of acceptable fence design to include approved construction materials and approved stains;
 - An explanation of the architectural elements of acceptable deck and patio design to include privacy screens, artistic design elements, approved construction materials, and approved stains;
 - An explanation of the architectural elements for acceptable front, rear and side 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 expected appearance of front, rear and side yards;
- An explanation of the architectural elements for acceptable roof and shingle replacement, to include acceptable design, materials, and colors;
- An explanation of the architectural elements for acceptable for window and door (front, rear, patio, sliding, storm, etc), replacement, to include acceptable materials, design, and color;
- An explanation of restrictions (e.g., dog houses, sheds, swing sets, clothes lines, solar panels, signs, etc);
- Procedures for submitting architecture-related requests for change to an existing condition, to include homeowner responsibility, approval responsibility and authority, and final inspection;
- An explanation outlining the architectural review appeals process;
- Reviewing the handbook annually suggesting changes/modifications where necessary and communicating those changes to the Board.

ARTICLE V

MEETINGS & RECORDS

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 advance notification is given to the members; and minutes are kept as a matter of record and submitted to the Board. The Committee shall maintain records of all actions and such actions shall be documented to include the name of the Committee members, the time and date, and the action taken.

Records shall be maintained and available to the Association detailing the original color scheme for each unit by lot number, to include any approved changes or architectural modifications to a specific lot.

ARTICLE VI
CONFLICTS OF INTEREST

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

ARTICLE VII
RULES AND RULE ENFORCEMENT

The Committee plays a primary role in identifying architectural violations within the community on a day-to-day basis. It is the Committee's responsibility to notify the management company and the Board of any violations to allow for proper tracking and due process to address the violations. The Committee can suggest alternatives or solutions to address violations, but it does not have the authority to make or enforce the rules related to architectural control for the community.

ARTICLE VIII
COMMUNICATION

The primary means for the Committee to communicate the architectural design requirements to the community will be through the following:

- The aforementioned handbook;
- Monthly meetings announced in advance to review applications and provide a forum for discussion;
- Meeting minutes provided monthly to the Board and management company and retained for the Association's records;
- Communicating with homeowners on clarification of projects or as a reference for the community;
- Other means, possibly including reminder notices for spring inspections, reminders about common upkeep elements, etc., either by mail or by posting on the kiosks.

The Committee is encouraged to talk to homeowners. The Committee shall not direct the management agent to take any action unless so authorized by the Board.

ARTICLE IX
CONSTRUCTION

Section 9.0 Section Explanation. This section addresses the implementation of this resolution by the Board and the issues of severability, omissions, and conformity.

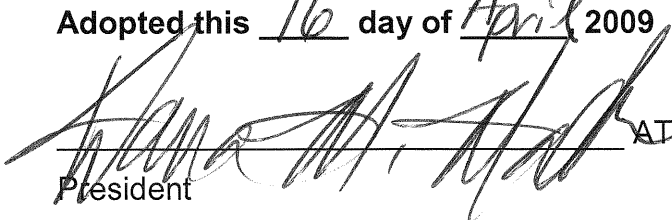
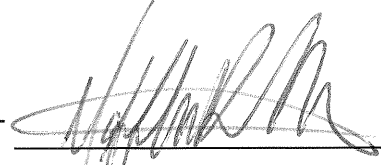
Section 9.1 Implementation. The Board may determine the specific manner in which the provisions of this resolution are implemented, provided that due process is protected.

Section 9.2 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 precedence.

Section 9.3 Replacement. This resolution replaces the Architectural Control Committee Charter as specified in Resolution 2008-10A.

This policy is effective on the date of its adoption.

Adopted this 16 day of April, 2009

 _____ President	ATTEST	 _____ Secretary
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WELLINGTON COMMONS HOMEOWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Resolution Type: Administrative Policy No. 2009-01

Subject: Architectural Review Committee Charter

Duly adopted at a meeting of the Board of Directors held on 16 April, 2009.

Motion by: Matt Hodking Seconded by: Catherine Fitts

	VOTE: YES	NO	ABSTAIN	ABSENT
<u>[Signature]</u> President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Member at Large	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST
[Signature]
Secretary

4/16/09
Date