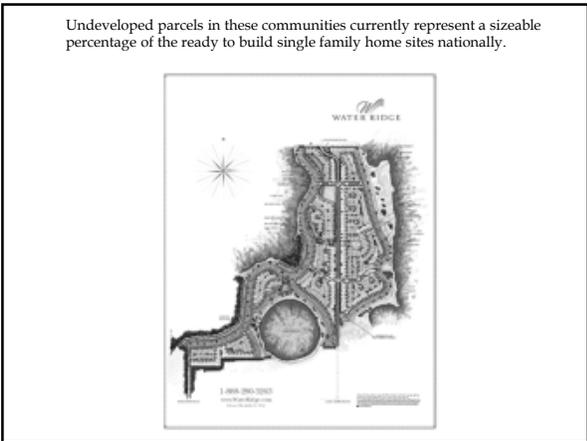




According to the Community Associations Institute, more than 60 million Americans reside in approximately 305,000 association-governed communities, which include among other neighborhood types, city-size master-planned communities.



For this reason, many national home building firms are acquiring parcels in existing communities instead of developing their own communities.

Custom Home Communities are very often in their sights because of the high value of adjacent homes.

IN MANY INSTANCES, THE NATIONAL COMPANIES HAVE AGREED TO ADHERE TO EXISTING COMMUNITY STANDARDS

The most common fear is that an influx of poorly designed and constructed homes, mostly proposed by purchasers of foreclosed lots who actively seek to bypass community standards, will create a blight of low quality housing in their community resulting in 'permanent devaluation'.



THIS CONCERN IS UNIVERSAL

IT MAY BE THE CASE THAT THE ARCHITECTURAL REVIEW COMMITTEE IS THE SOLE HOA RESOURCE WHICH CAN PROTECT HOME VALUES



For this reason, a great amount of attention should be given to the structure of the Architectural Review (Control) committee.

Most all of the communities are governed by Home Owner Associations and their Board of Directors

- They are Declarant appointed or elected by property owners.
- They are obligated to enforce the Declaration of Covenants, Conditions and Restrictions (CCRs)
- They are subject to provisions of their bylaws and to Statutes, such as Chapter 47F, the North Carolina Planned Community Act.

In many CCRs, the HOA Board is also given the charge to appoint members of the Architectural Review Committee

The ARC is typically given "exclusive jurisdiction" over all construction or improvements within the community.

This often includes the responsibility to develop and periodically revise Architectural Guidelines.

And the responsibility to review and approve plans based on those Guidelines.

Unless specifically stated in the CCRs, the HOA Board cannot overrule an ARC determination, and the ARC is not required to obtain Board approval of revisions to the Architectural Guidelines.



Architectural Review Committee
 Design and Construction Guidelines
 &
 Review Procedures and Applications



Carolina Forge
 Myrtle Beach
 Henry County, South Carolina
 January 2011 Edition

It is therefore very important for the HOA Board to have a stated selection process for appointment to the ARC.

Look for:

- Knowledge of the CCRs and ARC Guidelines.
- Ability to understand drawings, or willingness to learn.
- Commitment to enforce the Guidelines.
- Good communicator.
- Availability



Cooperative spirit...willing to invest time with each project to make the home better than could be achieved otherwise and to advance the value of the community.

Protecting values within a community is the first and foremost responsibility of the ARC



...and a reason to engage an architect as a consultant...

- Architects understand the aspects of good design:
- Streetscape and Landscape and site placement
 - Building proportions and aesthetics
 - Historic themes
 - Details of Construction
 - Quality of Materials
 - The construction process

- Architects will
- Enforce Guidelines consistently.
 - Provide an educational component to develop members
 - Communicate committee determinations to owners and builders, giving the members a degree of anonymity.

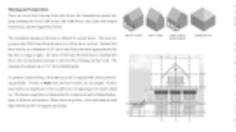
To locate an architectural consultant, go to the following:
aiacharlotte.org...link to Community...link to Arch Review Committee

Making changes to the guidelines:

As communities mature, it will be necessary to make adjustments to many of the standard provisions of the initial Architectural Guidelines.

- Changes to the guidelines only affect new work. This includes modifications to existing homes.
- Guideline changes may be fairly extensive. The changes might also vary depending on location within the community that a home might be built
- Care should be taken to not make the changes overly burdensome, or which abandon too many of the original requirements for the community, and in all cases ensure the changes are not in conflict with the CCR's.

A Pattern Book is often created to provide graphic illustration of Guideline intent.



- The most important requirement in enforcing the guidelines is to be consistent in enforcing the "current" Guidelines. Liability is created when you do not enforce a provision for one owner and then attempt to enforce it on another. However, if each was completed under a different set of Guidelines, the ARC can still be shown to be consistent.
- If an item was previously not enforced or was approved contrary to the Guidelines, the ARC may have no rights to force the owner to become compliant at a later date.
- While the developer has control of the HOA, it must make changes to the CCRs using the additional votes it is entitled to under its class of membership. It may make changes to the Architectural Guidelines without an owner vote.



The Review Process

Guidelines should be very specific as to what is being requested at each step of the process:

Site Plan

- Boundaries and Easements
- Topography and existing features (trees)
- Home placed on the site

Schematic Review

- Four elevations
- Plans, including roof plan

Design Development Review

- Fully developed plan
- Wall sections and details
- Materials of construction

Construction Document Review

- All documents which are used to construct the home
- Insurance Endorsements, Contractor Information
- Contract for Construction

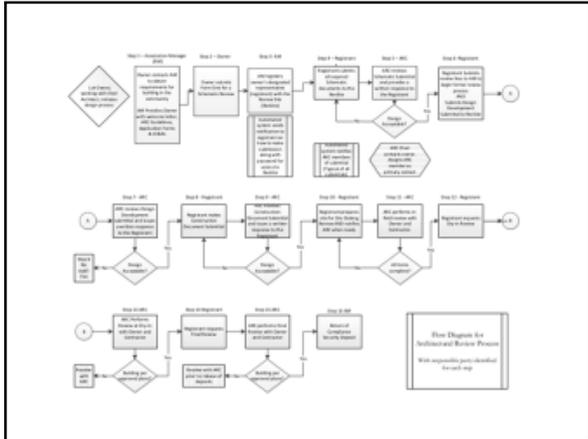
CHECK SHEET THREE: Provide this page as part of your DD submittal. Confirm that you have included the required information by initialing beside each item listed below.

PROVIDE:

- ___ (1) A completed Waterway Palms Plantation Form Two-Design Development Review Request
- ___ (2) A completed Form Three - Materials of Construction, exclude color selection if desired.
- ___ (3) Design Development Floor Plans and Elevations in digital format including:
 - i. Floor plan: Indicate all rooms, and sizes, along with square footage. Show the finished floor elevation (FFE) of the first floor with respect to the benchmark and highest grade elevation noted on the site survey identified on check sheet one.
 - ii. Roof plan indicating slopes and finish materials.
 - iii. Elevations: Provide front, rear, and side elevations indicating building materials and finishes. Elevations to be site adapted showing correct location of grade with respect to the topography. Show floor to floor heights and overall height.
 - iv. A fully detailed wall section from foundation to roof and through a window, showing all significant elements of construction including flashing, air and water barriers, etc.
 - v. A transverse and longitudinal section through the front porch and front door.
 - vi. Additional key details of each unique feature on the exterior of the home.
- ___ (4) Submit updated site survey described in Check Sheet One if there have been changes since the SD submittal.
- ___ (5) Include any request for a Variance at this time. Typically, a Variance is granted only in cases of hardship related to site constraints that may dictate conditions of the design that are in conflict with Guideline requirements. A variance request is attached ___ yes ___ no.
- ___ (6) On each drawing provide designer/ architect information as required in Article II (2).
- ___ (7) A copy of this page with your initials on the lines to the left and item 5 checked, yes or no.
- ___ (8) Submit Fees denoted on Form Two, with checks made to "Waterway Palms Plantation HOA."

Other data: The Waterway Palms Plantation ARC reserves the right to require the submittal of other information, data, drawing and samples as deemed necessary.

SUBMITTED BY: _____ TITLE: _____



Architectural Guidelines will likely have some amount of
“Prescriptive Requirements.”

Bungalow/Craftsman

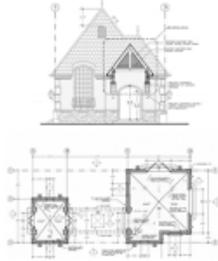
- 1. Gabled roof with wide eaves
- 2. Front porch with columns
- 3. Large front window
- 4. Small front window
- 5. Small front window
- 6. Small front window
- 7. Small front window
- 8. Small front window
- 9. Small front window
- 10. Small front window
- 11. Small front window
- 12. Small front window
- 13. Small front window

However, the CCRs and ARC Guidelines may give sole discretion to the ARC to use any aesthetic standard or criteria it so chooses. But in doing so, it should adhere to what is published in the Guidelines for the sake of consistency.

- NON PRESCRIPTIVE CRITERIA WHICH MAY BE EMPLOYED BY AN ARC**
- 1) Is the placement of the home on the lot appropriate with respect to setbacks, topography and streetscape? An unnatural fit, requiring extensive excavation or fill for example, may cause a design to not be approved.
 - 2) Are the masses balanced? In looking at the overall configuration of the home, is it one big box, sometimes appropriate – sometimes not, or is it comprised of a variety of boxes and other shapes or masses? Are they well composed and in proportion to one another?
 - 3) Do the roof lines tie the massed elements together successfully? Are there large areas of roof which are featureless? And is the roof appropriate to the style of the home or the aesthetic theme of the community. The roof should add aesthetic appeal to your home.
 - 4) Are windows, doors, porches, balconies, chimneys or bays organized in a pleasing manner? Are large wall areas blank? Are windows sizes and configurations varied in an appropriate manner? Does the window configuration appear arbitrary? An interior layout may result in poorly composed exterior elevations. All elevations are subject to ARC review, with the ARC placing tighter requirements on highly visible ones.
 - 5) Are trim and details appropriate to the style of the home? Look at windows, doors, soffits and fascia, frieze boards and other details to determine if these items complement the style of the home.
 - 6) Finally, are the finish exterior materials appropriate to the design? Do you have full elevations with only one wall material, or are you mixing in a balanced manner several materials such as brick, stone and stucco on the elevations to create more visual appeal?

The purpose of the ARC review is to ensure aesthetic standards are maintained, and to protect the value of homes in the community.

Neither the ARC nor its Architect Consultant will review any plans for building code compliance nor review details with respect to the suitability of any design or design detail for any purpose.



The Architect may be required by law to report any safety violation to OSHA.

COMMUNICATION AND DOCUMENTATION

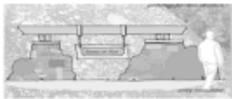
The ARC requires a formal process for the review of submittals and a formal means to document its findings.

The process should allow free exchange of ideas. Such as when the Board meets in an executive session. But this privilege may not be protected for an ARC.

However, when the determination letter is released, the committee deliberation may be deleted and only the final decision retained as a record.



THE GATE KEEPERS



Association Management Companies provide valuable assistance in the management of community functions. Most often they do not have the professional expertise on staff to perform architectural reviews, but will assist an HOA in seeking needed resources...

Management companies will typically collect fees from owners/builders for deposits, and when authorized by the HOA designee, return compliance deposits.

They will also manage the distribution of Guidelines after revisions.
