

ARTICLE 3
ARCHITECTURAL REVIEW COMMITTEE (ARC)

An Architectural Review Committee (ARC) is hereby established for the purposes of keeping and maintaining the subdivision as desirable, attractive, uniform and suitable in architectural design and use to prevent haphazard and inharmonious improvements thereto, to guard against the erection thereon of buildings built of improper or unsuitable materials, to provide for the highest level and quality of improvements thereto, and to preserve the beauty, quality, and value of the development.

NECESSITY OF ARCHITECTURAL REVIEW AND APPROVAL

No improvement or structure of any kind, including without limitation, any building, fence, wall, mailbox, swimming pool, tennis court, screen enclosure, decorative building, deck, gazebo, play structure, lighting recreational area, or other improvement shall be commenced, erected, placed or maintained upon any Lot, nor shall any addition, change or alteration therein or thereof be made, unless and until the plans, specification and location of the same shall have been submitted to, and approved in writing by the Architectural Review Committee (ARC). All plans and specifications shall be evaluated as to the harmony of external design and location in relation to surrounding structures and topography. No foundation shall be poured nor shall construction commence in any manner or respect until the layout for the structure is approved by the ARC.

ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee shall consist of one or more members appointed by the Developer. In the event the Developer shall relinquish its authority to appoint the members of the ARC, or shall fail to appoint one or more members of the ARC, or upon the expiration of five (5) years from the original recording date of this Declaration, whichever comes first, the members of the ARC shall be appointed by a majority of the Owners of the lots in the subdivision at a meeting called for such purpose.

POWERS AND DUTIES OF THE ARC

The ARC shall have the following powers and duties:

To require submission to the ARC of two (2) complete sets of all plans and specifications for any improvements or structure of any kind, including, without limitation, any building, fence, wall, mailbox, swimming pool, tennis court, screen enclosure, decorative building, deck, gazebo, play structure, lighting, recreational area, or other improvement, for the construction or placement of which is proposed upon any Lot in the subdivision. The ARC may review and pre-approve plans of a proposed Owner prior to the submission of plans and specifications from an architect with the final review and approval contingent upon submission of plans and specifications from a licensed architect provided for herein. The ARC may require submission of samples of building and construction materials proposed for use on

any Lot and such additional information as reasonably may be necessary for the ARC to completely evaluate the proposed structure or improvement in accordance with this Declaration including but not limited to, a site plan showing location of the buildings, landscape plan, fences, gas or electrical yard light and other structures upon the Lot. The ARC shall encourage the use of natural siding materials, such as brick, stone and wood. The use of aluminum, vinyl, plywood, pressboard, reverse board and batten, or other similar materials as siding is prohibited.

The ARC shall have the unrestricted right to prevent the building of and to disapprove of any construction plans submitted to it aforesaid if, in the sole opinion of the ARC:

Such construction plans are not in accordance with all of the provisions of this Declaration; or

If the design, exterior and interior size, exterior shape, exterior construction materials or color scheme of the proposed building or other structure is not in harmony with the adjacent buildings, structures of the character of the Development; or

If such construction plans as submitted are incomplete; or if the ARC deems the construction plans or any part hereof or any material used on the exterior of the building to be contrary to the spirit or intent of these conditions and restrictions, or contrary to the interest, welfare, or rights of all or any part of the real property, subject hereto, or the Owners, thereof, or the adjacent property Owners, all in the sole and uncontrolled discretion of the ARC; or

If the ARC shall, within its sole and unlimited opinion and discretion, deem the construction plans or any part thereof of the building or structure to be unacceptable or of such design or proportions, or to be constructed of such unsuitable materials or exterior color schemes as shall depreciate or adversely affect the values of other sites or buildings in the Development; or

If the elevation, roof lines and color scheme are too monotonous when considered in the context of other existing homes within five lots of the proposed dwelling.

NOTIFICATION OF APPROVAL

The ARC shall approve or disapprove the submitted materials as soon as practicable, but the Architectural Review Committee's written approval or disapproval shall in any event be given within 30 days after all the necessary materials have been delivered to the ARC. If the Architectural Review Committee does not approve, or disapprove, or require a modification within the aforesaid 30-day period, then, at the expiration of said period, the materials and/or plans submitted to the ARC shall be deemed to have been denied, unless the 30-day review period is extended through mutual agreement.

The decisions of the ARC shall be final. Neither the Developer nor any agent of the Developer nor any member of the ARC shall be responsible in any way for any defects in any construction plans submitted, revised or approved in accordance with the foregoing, not for any structural or other defects in any work done according to such construction plans. The ARC may require the deposit of a reasonable fee from the Lot Owner prior to review and approval of the plans or specifications.