

## **ARC Guidelines and Procedures**

HOA Governing Documents

HOA Attorney Reviewed and Approved: 3/8/2019

Article 6, Section 3 of the Declaration of Protective Covenants for Ascot Glen (the "Covenants") defines the general purpose of the ARC. It reads ".No exterior construction, addition, erection, or alteration shall be made unless and until plans and specifications showing at least the nature, kind, shape, height, materials, and location shall have been submitted in writing to and approved by an Architectural Review Committee ("ARC")." These ARC Guidelines and Procedures are provided in response to another phrase in the same section "Written design guidelines and procedures may be promulgated for the exercise of this review, which guidelines may provide for a review fee."

### **Purpose of the ARC**

There is an underlying theme to the ARC's function. It is two-fold; to maintain property value by consistently adhering to the strict nature of the covenants and to retain the architectural style of the neighborhood as was defined when the Ascot Glen subdivision was built. Examples of when to involve the ARC can be found throughout the Covenants. All new constructions and alterations or modifications to properties require submitting requests for gaining the ARC's approval **prior** to any modifications being made. A common example of alteration is when you want to change a paint color on your home. Any change from the original color requires permission from the ARC prior to any work commencing.

There are other, less obvious reasons to involve the ARC. For example, Section 25 "Gardens, Play Equipment and Pools" allows basketball goals to be visible from the street only after permission is gained from the ARC. Gaining the ARC's permission for the basketball goal must take into account Section 9, "Nuisance" that requires that HOA members are protected from any activities that may result in disturbing "the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property." To adequately govern the Nuisance Covenant, no Basketball goals will be permitted in cul-de-sacs due to the noise amplification properties of cul-de-sacs.

### **Abiding with the Covenants**

Since adhering to the Covenants is a primary role of the ARC, requests that are in direct conflict with any of the Covenants will not be granted and are deemed automatically disapproved. This also applies to the 60 day auto-approval mechanism where "If the ARC fails to approve or disapprove submitted plans and specifications within sixty (60) days after the plans and specifications have been submitted to it, the foregoing will be deemed approved." Requests that are in conflict or violation of the Covenants are automatically disapproved.

### **Procedure for submitting an ARC request**

The email contact and necessary forms for submitting an ARC request are available via the "Architectural Review Committee" link on the HOA website [www.ascotglen.org](http://www.ascotglen.org). To submit a request to the ARC, you must fill out the Property Modification Approval Request (PMAR) form and either mail the completed form to the address information shown on the website or email a copy of the form to <[ascotglenarc@gmail.com](mailto:ascotglenarc@gmail.com)>. A completed PMAR form, and all other additional information required from the ARC, must be submitted before the 60 day review period mentioned above will commence.

There is a disclaimer that is important for all HOA members to understand. It reads "The decision of the ARC does NOT preclude the obtaining of required permits or compliance with any law, code, ordinance, or regulation issued by any governmental entity, utility company, etc." After permission is granted from the ARC, it is the burden of the HOA member, not the ARC or HOA Board, to obtain the necessary permits and being in compliance with all local laws, codes, etc.

**Appointment of ARC members**

The ARC members are appointed for such time as may be determined by the HOA Board of Directors. The ARC is intended to make decisions independent from the Board and in line with the Article VI, Section 3 of the Covenants. In the event ARC members fail to meet their duties, the Board may remove those members and appoint the Board members as the ARC.