

# **The Sanctuary Community Association**

## **Architectural Review Committee Charter**

The standards for use and architecture within The Sanctuary are what give the community its identity and make it a place that people want to call “home.” Yet those standards must be more than a list of static restrictions on the Association members. This Charter summarizes and describes the procedures for enacting, changing and enforcing the restrictions and standards by the Architectural Review Committee, and the Board of Directors’ oversight role. This is a dynamic process that allows the community standards to evolve as the community changes and grows. [Note: this is a partial summary of the most relevant provisions dealing with the ARC in the Governing Documents, and is not intended as a complete reference to all applicable provisions of those documents.]

### COMMITTEE PURPOSE

The Architectural Review Committee, or ARC, is established in section 4.2(b) of *The Sanctuary Declaration of Covenants, Conditions, Restrictions and Easements* document (“the Covenants”). *Its main purpose is to ensure an aesthetically pleasing and architecturally compatible environment for the enjoyment of all residents.* Basically, any homeowners who wish to add to or alter anything on the exterior of their homes or properties must submit an ARC application for approval prior to commencing work. The ARC reviews each application for compliance with the Architectural Guidelines. These principal governing standards are primarily specified in Exhibit B of the Covenants (*Initial Use Restrictions*), amendments to Art. IV of the Covenants on fences and the *Community Development Standards* document.

The Covenants also lay out specific guiding principles for the ARC in implementing those standards. These guidelines and principles also allow flexibility in that the committee may go beyond the specified restrictions. That is, the guidelines “...are not the exclusive basis for decisions...and compliance with the Architectural Guidelines *does not guarantee approval* of any application.” ((4.3(a)) In fact, the ARC “...may consider any factors it deems relevant, including, without limitation, harmony of external design with surrounding structures and environment. Decisions may be based on purely aesthetic considerations.”((4.3(b)) Actually, the Covenants acknowledge that some decisions necessarily are subjective and that changing membership on the ARC can result in different outcomes.

Given the significant role the ARC plays in our community, and its not inconsequential authority, the The Sanctuary’s Board of Directors (the “Board”) exercises particular care in selecting members who complement the Board’s views on enforcing our community standards and respect the authority inherent in the ARC’s task, but who also reflect the *diversity of opinions* across The Sanctuary. At the same time, the Board also feels that every homeowner, when buying a Sanctuary home, has expressly

agreed to abide by the standards in our Covenants and that is in the best interests of the community to firmly adhere to the guidelines and restrictions that define the look and feel of our neighborhood. The ARC's goals are maintaining the overall aesthetics of our community, preserving and enhancing property values and ensuring "The Sanctuary" remains true to its name.

The Board assumes that every member appointed to the ARC will serve with the best interests of the community at heart. Furthermore, the Board expects that the restrictions and standards specified in the Governing Documents will be applied fully, completely and without exception, other than for specifically approved variances. All committee members shall be knowledgeable of relevant provisions of all Association Governing Documents.

### COMMITTEE MEMBERSHIP

The ARC consists of at least three but no more than seven members selected by Board. Since the committee exercises a degree of Board authority, the Board normally will appoint all ARC members and will designate the ARC Chairperson. Committee membership is open to any Association member in good standing, that is, members must be current in payment of monthly dues and not currently in violation of Covenants. When a vacancy appears, the Board will publish an announcement on the Association web site (and newsletter, if time allows). Association members desiring to serve on the ARC should submit their names, addresses and contact information to the property management company (currently Pinnacle Property Management--PPM). When vacancies arise, PPM will ask prospective members to attend the next subsequent Board meeting and the Board will select the new ARC member(s) from the applicants.

### PROCEDURES

Homeowners normally submit their ARC applications directly to PPM, but may also drop them off at the Amenity Center. On rare occasions, a homeowner may deliver an application directly to an ARC member, who shall immediately notify the Chairperson and PPM, so the application may be properly logged (processing time limits begin on receipt at PPM). Prior to the monthly committee meeting, the Chairperson or designated member will pick up pending applications at PPM (or PPM will deliver to the Amenity Center) for review and provide the ARC members with a summary. ARC members should drive by select homes to view specific conditions relevant to those applications. This is particularly important for paint applications (to evaluate colors of neighboring homes) and fences (to examine the setting and any existing adjoining fences), but also for any application that requires knowledge of the exact setting to properly evaluate.

The committee meets on the second Thursday of every month, at 7 pm in the Amenity Center. Meetings notices will be published in The Sanctuary newsletter and posted at both entrances to the community no later than 48 hours prior to each meeting.

Per the Covenants and FL Statute 720, the ARC may act on applications only during these scheduled, properly announced meetings. Votes are allowed by email, but are valid only if results are unanimous and will not be final until confirmed at the next meeting. Members may only vote if present at the meeting, except that they may participate by teleconference, and proxy voting is not allowed.

The ARC Chairperson conducts each meeting, introducing and describing each application in turn and indicating his or her recommendation, including whether or not the application is complete. Incomplete applications normally will be returned for more information, but the Chairperson shall attempt to contact the homeowner prior to the meeting to determine enough of the missing information to allow the application to be processed. Each member will examine the application and the committee will discuss whether or not the proposed project is in compliance with the relevant restrictions or standards. Committee members shall be knowledgeable of, and all decisions shall be in accordance with, the Association's Governing Documents

Homeowners are always welcome to attend ARC meetings and may be permitted to address the committee on any issue under discussion, subject to reasonable conditions as directed by the Chairperson. Homeowners with applications being considered are invited to attend if they wish to offer additional information about their applications or if they simply wish to observe the proceedings. In submitting ARC applications, homeowners normally should inform their neighbors of their intentions and neighbors, or any member, may offer comments on the proposed project. The ARC may consider such comments, but the committee evaluates projects primarily on whether or not they conform to relevant standards and restrictions.

There are three possible results for each file: approved, disapproved and approved with stipulation(s). Stipulations may include specific instructions for the homeowner or specify particular details not apparent in the application. Applications that lack sufficient detail or are otherwise incomplete will be marked as disapproved and returned to the homeowner with a request to resubmit with the required information. Each member will record his or her vote on the tally sheet attached to each application and the Chairperson will compile the votes and announce the results prior to adjourning the meeting. In the event of a tie vote, the Chair will call for a second round of discussion and if the ARC remains deadlocked, final action on the application will be referred to the Board for resolution. (The Board may elect to vote on the application or refer back to the ARC for reconsideration at its next meeting.)

The Chairperson will provide the compiled results, including minutes or notes on other issues discussed during the meeting to all members and will deliver the completed forms and results to PPM and to the President of the Board. The Chair, or designated representative, also will provide a brief monthly report at the next Board meeting. The report will list the voting results on that month's applications, identify any variances granted and summarize other topics of discussion at the meeting, as well as identifying any issue requiring Board resolution.

Homeowners may appeal disapproved applications to the Board. The Board will vote either to uphold the ARC's ruling or to grant a variance for the proposed project. The Board normally will focus principally on whether or not the ARC acted properly in reaching its decision on the application in question. However, the Board may also consider other circumstances and may opt to grant a variance or suggest a compromise solution to the homeowner.

The ARC Chairperson, or designated representative, will coordinate and share information with the Covenants Enforcement Committee to ensure both committees are aware of current violations, approved and disapproved applications and any other information helpful in conducting the business of each committee. In order to help protect homeowners from inadvertently violating restrictions and standards, members who note activity on projects not yet approved will alert the ARC and/or CEC Chairs so that the homeowner can be contacted and assisted in submitting an ARC application for the project.

### CHANGES TO RESTRICTIONS AND STANDARDS

Changes to the Covenants require a vote by no less than 75 percent of the Association membership. However, the Board may change Exhibit B of the Covenants, Initial Use Restrictions, by adding, modifying or canceling any provision by a majority vote, provided a minimum 15-business-day notice is given to the Association membership prior to the meeting at which they will address the proposed changes. Members will be allowed to address the Board at that meeting.

The ARC may adopt changes to the Architectural Guidelines/Community Development Standards by a simple majority vote, without notice. The ARC will post notice of changes to the community web site and in the next newsletter. Association members may comment on current or proposed restrictions and standards at any time, either by attending a committee meeting or by contacting PPM or any ARC or Board member. No change to the Governing Documents will be retroactive and will only apply to future actions. All application and variance approvals shall be permanent, and no changes to any provisions in the Governing Documents shall compel homeowners to modify their property to comply with new standards.

### COMMITTEE MEMBER RESPONSIBILITIES

The Chairperson manages the processing of the monthly set of applications, responds to direct homeowner questions and comments, conducts the monthly ARC meeting and acts as the official community representative to the Board and PPM on ARC matters. The Chair will conduct meetings in a fair and impartial manner, ensuring they proceed with full participation of all members and without argument or disruption. As specified in the Bylaws, the committee will follow *Robert's Rules of Order* in the conduct of all meetings.

Committee members, including the Chairperson, are responsible for evaluating homeowner applications for compliance with the Architectural Guidelines and voting on their disposition. Committee members:

- Will apply the guidelines in the Governing Documents uniformly and without deviation from established standards except for duly approved variances, which will be noted in the monthly report to the Board.
- Will act impartially, with no inappropriate bias either for or against any homeowner.
- Will not misrepresent the position of the ARC or the Board to other members of the Association.
- Will refer any requests for information from homeowners to the Chairperson or to PPM [same conditions established for the Board].
- Will not offer special consideration to any homeowner seeking favors or unusual or extraordinary handling of their application.
- Will conduct themselves in a civil manner, participating in meetings with respect to others, due consideration to the opinions of all members and without resort to intemperate behavior or inappropriate language.