

# THE MEADOWS HOMES ASSOCIATION

## ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

The Architectural Control Committee (hereafter referred to as ARC) Guidelines are a companion document to the Third Restated Conditions, Covenants and Restrictions (CC&Rs) of the Meadows Homes Association. The objective of the Guidelines is to assist homeowners in complying with the architectural requirements of our CC&Rs.

The owners of a Lot, in the Association whether empty or built upon must first seek approval from ARC prior to commencing any exterior improvements. Applications are available at the meeting or can be obtained from the MHA office by calling 760-749-7278

1. It is recommended that prior to proceeding with any project, all applicants review the CC&R's, Article 7, Section Paragraphs 7.3 (A) & (B) in regard to the multitude of issues that are within the jurisdiction of the ARC and which improvements require ARC consent. IMPROVEMENTS includes without limitation, the construction, installation, alteration, or remodeling of any buildings, out buildings, barns, dog runs, storage sheds, walkways, parking pads, patio, and gates etc.

Section 7.3 (A) clearly states that "no building, fence, wall or structure or improvement shall be constructed or maintained --- or shall any exterior addition, change or alteration be made---including without limitation, painting, repainting or landscaping---until plans and specifications have been submitted and approved in writing by the committee".

Section 7.3 (A), (1) defines what is included in the use of the word "Improvements". Homeowners must obtain approval of the ARC prior to proceeding with these projects. The Association and ARC will not be responsible if homeowners spend their time and money on projects that have not been approved. Owners should also refer to Section 1.6 of the CC&R's for other specific architectural requirements such as building specifications, setbacks, etc.

Information on the application should be as detailed as possible and should include, if appropriate plans, color swatches, and sample of materials etc.

The ARC committee will meet the first Tuesday of each month. All ARC Meetings start at 6:30 PM. All proposals /must be submitted in writing to the committee at the monthly meetings. It is recommended that all members desiring to submit their proposals plan ahead to attend one of the ARC meetings. If necessary additional meetings can be scheduled.

The duties of the ARC are to consider and act upon any and all proposals and/or plans submitted. The ARC will approve or disapprove submitted applications in the following manner:

- 1) at the same meeting in which the plans are submitted.
- 2) at the next scheduled meeting
- 3) at a time and place convenient for the ARC and the homeowner or
- 4) within forty- five (45) days of the date the plans are submitted to the ARC.
- 5) A mandatory deposit is required when the cost of the project exceeds \$350.

Approval or disapproval shall be in writing with a consensus of the majority of the ARC. No one ARC member may act on the behalf of the ARC or provide verbal approval or disapproval. All approvals shall be signed by a majority of the ARC Managers.

Any modification to approved plans must be submitted to the ARC for approval. Approval of modifications will be done in the same manner as approval of initial applications. The ARC is authorized to issue a stop work order if duly approved plans are modified without ARC approval.

Appeal. If the ARC disapproves a project, the ARC shall in writing notify the applicant within 45 days of the reason for disapproval and the process available for reconsideration by the Board (refer to CC&R's page 30 Section 7.3 (B) and page 36, Section 7.10 page 36).

Completion of projects or improvements must be done within one (1) year from the date construction begins, unless the Board, in writing, has extended this time period. All applicants must provide an estimated time of initiation and completion of all projects. In addition, all approved projects/improvements will be assigned a Project Manager consisting of an ARC member. The Project Manager will monitor the project and will be the liaison between the applicant and the ARC.

Any and all members of the ARC will respect the privacy of the homeowner. If any ARC member or agent needs to inspect a Lot the ARC member or agent will attempt reasonable notice to the homeowner and request entry. Reasonable notice shall include but is not limited to, a phone call to the homeowner requesting verbal consent to enter at a mutually convenient time. Alternatively ARC will mail a letter to the homeowner requesting consent to enter the Lot at a reasonable time and date. If an emergency exists then the ARC member or agent should use prudence in entering the Lot.

Most frequent problem issues;

- 1) It should be noted that the ARC is not inclined to approve roofing materials other than tile and metal without sufficient justification.
- 2) The ARC does not allow the placement of a storage building or outbuilding without substantial justification for its need. If approved, it shall not be bigger than one hundred (100) square feet and constructed of the same material and be of the same color as the Residence. The location shall be as unobtrusive to the neighbors as possible.
- 3) On a Lot containing a Residence, parking is limited to the garage, driveway, and approved parking spaces/pads only. Requests for additional parking spaces must be submitted to the ARC for approval. The application must include location and size, and indicate that it will be built of the same construction materials as the existing driveway.
- 4) If the majority of the property is being landscaped ARC approval is required.

FENCES, Section 7.6 (F) in the CC&R's. This section deals with fences and hedges used in lieu of fences. Shrubs, and retaining walls are not included.

- 1) Existing fences will not be deemed in violation of the CC&R's provided they remain in good Repair, do not need replacement, do not become unsightly, and/or do not become a common nuisance.
- 2) It is the intent of Section 7.6 (F) to keep all property lines free and open to one another to the maximum extent feasible in accordance with the basic design concept of the Meadows Homes Association. It is the intent of the ARC to interpret and enforce both the spirit and the letter of the CC&R's equally and fairly for the benefit of all HOA members. With this in mind the ARC feels that fences are not in keeping with the basic open design concept of the Meadows Homes Association. Fences should be the exception to the norm and should only be permitted where a basic need can be demonstrated or where legally required.

Therefore, HOA members who want a fence on their property must first demonstrate a basic need or legal requirement (such as swimming pools/ponds). If a basic need or legal requirement is demonstrated to the satisfaction of the ARC, approval of a new fence where one did not exist, or the replacement of a fence that was erected without ARC approval may be granted if all requirements of Section 7.6 (F) of the CC&R's and paragraphs 4 & 5 below are followed appropriately.

- 3) If a Property Owner wishes to remove an existing fence approval from the ARC is required.
- 4) If a Property Owner wishes to replace an existing fence, it must first be determined if that fence was erected with ARC approval.
  - a) If approval can be verified, it will be assumed that a basic need or legal requirement was demonstrated. The Property Owner will not be required to again demonstrate that need. However, all other requirements of Section 7.6(F) must be met as well as the requirements of paragraph 5 below. Also, if such a prior approved fence is to be replaced, it must be replaced with either iron or steel material. For example, if a wood fence is to be replaced, it must be replaced with a fence of iron or steel ONLY. Requests to replace a wood fence with another wood fence will NOT be allowed.
  - b) If it cannot be verified that the original fence was erected with ARC approval. It will be assumed that the fence was erected without ARC approval. In this case, the Property Owner must follow all requirements of Section 7.6 (F), including first demonstrating a basic need or legal requirement, as well as the requirements of paragraph 5 below.
- 5) To be approved any fence that replaces an existing fence, or any new fence must meet the following criteria in addition to the requirements of Section 7.6(F).
  - a) Any approved fence will be of a construction that does not impair sightlines or view. Solid fences whose primary function is to block sightlines or to act as walls will not be approved.
  - b) All fence materials must be steel or cast iron. Other materials are not allowed. To be clear in this context, disallowed materials include but are not limited to: wood, bamboo, fiberglass, composite ("trex" type materials), plastic or other petrochemical derivatives, aluminum, masonry, brick, stone, or other materials. If the fence materials of construction are not of iron or steel the fence will not be approved. Please note that what is commonly referred to as "wrought iron fencing" is usually made of welded tubular steel, not wrought iron.
  - c) All fence posts, including end, line and gate posts must be set in concrete or if attached to deck, porch or patio, be permanently bolted or welded to the structure or permanently bolted to the concrete as appropriate. Other anchoring methods are not allowed. Details of any proposed anchoring method are to be provided with the ARC application.
  - d) Any approved fence will have a maximum height of 5ft. or less as measured from the ground directly below the centerline of the fence or gate vertically to the highest portion of any section or gate including posts, post caps and any portion of gates..
  - e) Fences are not permitted in front setbacks.
  - f) Chain link fences if approved, must be vinyl coated, preferred colors being black or green. Other colors may be approved by ARC. Slats or other material as sometimes placed in chain link fence as a vision obstruction must be approved.
  - g) Steel or iron fence material other than vinyl coated chain link must be painted. The color to be as stipulated in Section 7.6 (F). Vinyl or epoxy coated iron or steel may be approved by the ARC for color and suitability.

## ARC GUIDELINES FOR ALTERNATIVE ENERGY (SOLAR) INSTALLATIONS

In addition to the requirements set forth in the CC&Rs, Article 7, Section 7.6 (C) the Following applies:

- a) These guidelines cover “active” solar energy devices and systems including solar electric (photovoltaic), solar thermal (potable water, heating/cooling systems) and pool water heating systems. These guidelines do not address “passive” solar space heating/cooling design including building architecture.
- b) Conformance to all government, utility, industry codes, fire safety requirements, and standards are required. Building permits for all new or modified installations as required by local building code(s).
- c) Proposals to ARC shall include, in addition to the regular information supplied with the application for approval, contractor information including licensing, solar industry certifications (if any), product literature, customer references and estimates of solar system cost.
- d) Do it yourself projects will not be looked on favorably.
- e) Roof mounted systems including pool water heating systems shall have minimum six inch ( 6”) clearance between collectors and exterior roof surface. This may require a support system for pool water heating collectors which are usually frameless and not rigid.
- f) Variances may be granted to CC&R’s Sections 7.6(C), (2,3,4) as deemed appropriate by the ARC to increase system safety, serviceability or performance.
- g) Any roof modifications or maintenance undertaken as a result of, or concurrent with any proposed solar energy improvement will be considered separate from the solar improvement. Therefore, any such roof maintenance or improvement will require a separate ARC application for review and approval.
- h) Roofing materials under any such solar array must be of the same type and color as the original and remaining roof material. Specifically, composition shingles or other such materials put under a solar array in lieu of, or as a replacement for the original type of roofing material will not be approved by ARC.
- i) The ARC has 45 days from receipt of an application with all required documentation to approve or deny application. Members are respectfully requested to plan accordingly.

03/01/2015