

Haile Village Center Owners Association (HVCOA)

### **Architectural Review Board Guidelines and Planning Criteria for the Property**

“Each Applicant [seeking] approval shall have the burden to know and comply with the Planning Criteria.” Haile Village Center Declaration of Covenants, Conditions and Restrictions, Art VII (Declaration or DEC); Amendment of July 15, 1996 (rc’d 7/17/96); Amendment of December 1, 1997 (rc’d 12/03/97); Amendment of June 24, 1998 (rc’d 07/01/98); Amendment of April 5, 2001 (rc’d 04/09/2001); All lands and improvements are subject to review by the Architectural Review Board (ARB). This shall include any change, addition or subtraction to any existing structure including all designs, signs, shapes, finishes, colors. The conclusions and opinion of the ARB shall be binding.

Applicants are encouraged to read, understand, and follow Article VII prior to submitting any application to the ARB. In addition, the following sections of the DEC cover many common issues and must be followed:

**Signs:** Art.9, §8; **Air Conditioners:** Art.9 §10; **Trees:** Art.9 §17; **Fences:** Art 9, §19.

In accordance with changes in the law (*See* §720.304 Fl. Stat) since the Declaration was adopted, the following items are to be addressed: **Flags, Flag poles, handicap ramps and security service signs.**

Further, pursuant to rules adopted by the United States Federal Communication Commission, (*See* 47 C.F.R. Section 1.4000) while **antennas** or **dishes** are allowed, Owners are still required to submit an application to the ARB to ensure compliance with location and placement. In all cases, dishes may not be placed on roofs or in common areas. (*See*: <https://www.fcc.gov/media/over-air-reception-devices-rule#links> (current as of Jan 12, 2023)).

### **Planning Criteria**

In accordance with Florida Statute 720.3035 *Architectural control covenants; parcel owner improvements; rights and privileges* the HVCOA hereby publishes the following guidelines for the review and approval of all plans and specifications submitted to the HVCOA/ARB for the location, size, type, or appearance of any structure or other improvement or change on a parcel, and to enforce standards for the external appearance of any structure or improvement located on a parcel. It is to be understood that in addition to the items or elements that are specifically stated, other restrictions may be reasonably inferred as to such location, size, type, or appearance in past practices or approvals, the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants and the HVCOA BOD.

The Haile Village community was developed with the intent that homes harmonize with each other and present a pleasing and consistent style. The style is a conservative one. To ensure the preservation of the existing design and to prevent the introduction of design that is not in keeping with the community theme, the Board of Directors, and the Architectural Review Board (ARB) hereby recognize and adopt the style and form of the existing community’s Architectural standards as required by the governing documents. This standard shall continue in effect until the adoption and publication of new Guidelines and Planning Criteria.

## Haile Village Center Design Intent

Haile Village Center is a neo-traditional or new urbanist village center. The principles by which it has been planned are well established. The basic concepts are predicated on the neighborhood as the essential element. The neighborhood has a center which in this case is also the Town Square. From this center most points within the neighborhood are less than a five-minute walk. The street plan is laid out so that the pedestrian, as well as the car, has several choices as to the route taken. The streets are designed to focus attention on certain important buildings or places. Blocks are formed to provide comfortable walking distances to parking and allow for easy access to the car parks that are provided on the street as well as within the block. Buildings are brought up to the street to form the edges of the public space. Each building that is built is an important element in the completion of the public space. The emphasis on public space is motivated by the desire to provide a coherent special place that is enjoyable to occupy whether in a car or on foot. Examples of special places which hold the attention of people have been used as precedent such as Charleston, Savannah, Nantucket, Williamsburg, Annapolis, St. Augustine, Key West, and other historic cities; each serves as models of this kind of human-scaled urbanism. The architecture of Haile Village Center is based on the principles of Modern Classicism. The human's relationship to their built environment is the basis of classicism whether it is the vernacular based home or commercial building, or the classical order based civic building. The American vernacular of the pre-1940 South, early St. Augustine, New Orleans and Key West urban examples and the climate adapted Southern Classical Style are appropriate precedents. No specific style is prescribed, and the following should serve only as guidelines in the design of buildings within Haile Village Center. The process of Architectural Review is the primary means of evaluation of the design of buildings and other elements such as signs, fences, etc.

The building placement in relation to the street and adjacent properties is an essential part of the planning of Haile Village Center. Generally, it is encouraged that the walls of the building are.

### Elements

**Exteriors** – In-keeping with the precedents already established, building walls and garden walls are an important part of the continuous street edge. Wood-framed walls with horizontal siding or shingles are permitted as are wooden fences. Stucco faced masonry walls should have either a smooth or float (sand) finish or light texture. Heavy textures are discouraged. Brick, if used, is encouraged to be standard size and laid in a traditional bond. Water tables of brick, cast stone; stone or stucco are encouraged. Rustication of the first floor in multistory buildings is encouraged. It is encouraged that any horizontal lap siding reveal is limited to five inches. Vinyl or aluminum siding is not permitted. Retail buildings fronting any street are encouraged to be masonry on the first floor. Generally, materials should be traditional. Retail store fronts may use metal and other materials but that is discouraged for a residence.

**Windows** - Windows must be either vertically proportioned or square. Horizontally proportioned windows are discouraged. Circular, elliptical, or semi-circular windows may be used but great care should be taken in the placement of shaped windows that draw attention to their shape. Proper traditional detailing is important in the use of these windows. Windows made of wood are encouraged, however other products such as vinyl, fiberglass or aluminum cladding will be

permitted if approved by the ARB. Please be aware that not all window manufacturers make windows that have proper traditional proportions or detailing. Windows are an important design element of homes and business that should be considered and submitted to the ARB early in the design process. You should submit window information in the earliest stage possible.

Traditional divided light patterns should be appropriate style-wise. It is preferred that windows are not mulled together into bands or groups but be separated by a minimum of 4" of vertical structure. While individual windows are preferred, other types of windows may be permitted for commercial and multifamily if approved by the ARB. Operable shutters are encouraged and must be proportioned so that each shutter is one half the width of the window opening. Shutters, if used, must be made of wood or be indistinguishable from wood in appearance and texture.

**Replacement windows** - Applications to replace originally installed windows with the exact same windows will be approved by the ARB. Nevertheless, application to the ARB is required. Replacement windows that do not match existing windows are subject to application and ARB approval. Replacing less than all of the existing windows with a window that does not match those that exist, is disfavored.

**Window treatments** visible from the street shall consist of drapery, blinds, decorative panels, or other tasteful window covering. Any window treatments facing the front street of the structure are encouraged be white, off-white, or other neutral color (i.e., interior shutters in a wood tone). Window treatments that are allowed to fall into disrepair are the responsibility of the owner and are also subject to directive by the property manager and enforcement by the Haile Village Board. Window treatments shall not be allowed as a vehicle to subvert or otherwise avoid other signage and Architectural guidelines herein. Owners may request to install energy conservation films on windows. Window tinting film applied to the interior of the windows shall be gray in color with no more than 21% solar reflectance and no less than 30% light transmittance.

**Doors** - Entry doors of residential units should be wood or be indistinguishable from wood in appearance and texture. and where possible should be detailed with appropriate trim and/or sidelights if facing the street. Although garage doors may be metal, it is encouraged that street visible garage doors are enhanced to include more traditional wood and wood-like finishes.

**Roofing** - The primary roof should be designed to be a simple shape, either gable or hip. Flat decks or roofs are permitted where they are used as occupied exterior space (such as a terrace or partial roof deck) so long as a parapet wall of the appropriate style is included. Full flat roofs are discouraged. Partial flat roofs are allowed but must be proportional to the design. Metal or shingle roofing material is permitted as a roof covering but color and style are subject to rigorous review and proposed materials should be identified early in the design process for review. Shingle roofs shall be high-grade architectural (dimensional) shingles with a thirty (30) year life or similar. Shingle color shall match the original shingle color or coordinate with other nearby surrounding homes in the community. Surrounding shall mean those homes or structures that can reasonably be seen from the subject property. Re-roofing applications requesting the exact same type, color and texture of existing, previously approved roofing, will be approved. Nevertheless, application to the ARB is still required and demonstrating prior approval is the applicant's responsibility. Roofs shall be cleaned within thirty (30) days of notice

by management. solar panel shingles in a similar design. Solar shingles or cells will be approved on a case-by-case basis. Metal roofs are allowed however the color is subject to approval on a case-by-case basis.

**Gutters** – Gutters and downspout locations and water discharge direction are subject to application and ARB approval. Since the Haile Village properties are typically in proximity and there are gradient changes throughout the Village, owners are responsible for ensuring their roof water runoff is not a nuisance to their neighbors. Owners are strongly encouraged to ultimately direct their roof water runoff to the streets. Consequently, underdrains are encouraged and the direction in which roof water is otherwise discharged from downspouts requires thoughtful consideration.

**Exterior Colors** - The HVCOA does not have an approved color palette. However, prior to painting, Owner must submit to and receive approval from the ARB a color plan showing the color of all exterior surfaces that shall include samples of the actual colors to be utilized. ARB Review Request Forms submitted without color samples will be returned. While a wide range of wall colors are permitted, all are subject to architectural review. Contrasting trim is encouraged. White is reserved for special purpose buildings or specific homes with appropriate architecture and location. Samples are required for all colors. No house may have more than four colors (base, trim, shake (if applicable), and front door/shutter colors). The body of the house (base color) must have a flat or eggshell finish, no gloss or high gloss finishes are permissible. There must be a minimum distance of one home to either side and in front of the applicant's home before a color combination can be repeated. Repainting using the exact same *previously approved* color(s) in every way (manufacturer, color number and sheen) , will be approved, but application is still required, and it is the applicant's burden to demonstrate the existing colors were previously approved. Otherwise, all paint requests are subject to the discretion and approval of the ARB. We encourage upkeep and preservation of the original colors but proceeding without approval under this exception is at the owner's risk and may result in a demand to repaint at the owner's expense.

**Submission Requirements for Changes, Alterations or New Construction** – Any requests for changes to a structure or property which is visible from the exterior shall be submitted for approval to the ARB on a form designated by the Association. At a minimum those submittals must include enough detail so that the ARB can easily evaluate the request without the physical necessity of visiting the property. However, nothing precludes the ARB from performing an on-site visit if in its opinion, such a visit is helpful or necessary.

The review process includes submission of preliminary floor plans and all elevations of any proposed construction. These drawings should be at a scale of not less than  $1/8'' = 1'0''$ . A site plan with the building floor plan included should be presented at a scale appropriate for the size of the project and should show adjacent buildings. If the ARB so determines, a Final Review may be necessary which shall be at a minimum two sets of complete building plans. Drawings of floor plans and elevations should be drawn at a scale of  $1/4'' = 1'$ . A final site plan, showing all improvements including mechanical equipment, meters, fencing, walls, walkways, etc. must be submitted at a scale of  $1'' = 20'$  or greater. Building sections and details must be sufficiently scaled to provide a complete presentation of the materials and construction methods of the

project. Special drawings and/or modeling may be required for more complex or significant projects.

**Form of ARB Response** – The ARB shall have **30 calendar days** from submission to deliver their decision on a request. Applicants are strongly encouraged to attend meetings at which their application comes before the ARB to enable the ARB to fully understand the applicant's request. The ARB shall have three decision options:

1) Full approval as requested. This means the work may proceed as described in the request. Any substantive deviation during prosecution of the work is not allowed. A substantive deviation is one which alters the size, location, placement, or character of the approved plan. This specifically includes (but is not limited to) any changes to the color, materials, graphics, dimensions, lighting, placement, or shape of the approved work.

2) Provisional approval/denial. This means that some elements are approved as described in the request but other items in the request must be addressed to the satisfaction of the ARB. Unless the ARB states otherwise in their written explanation, no work may proceed.

3) Denial.

Provisional approval/denial and Denial shall be accompanied by a written explanation of what items were found unsatisfactory so that the applicant has a reasonable opportunity to amend their plans to meet the ARB's approval.

While the ARB has the responsibility to communicate clearly and honestly with any applicant, please understand that multiple requests following a denial should be avoided absent a good faith effort to amend the request to specifically address the denial.

**Common Areas and Limited Common Elements** - All exterior changes and modifications shall be completed in a manner so that they do not materially damage the common areas of the Association or individual Lots. Nor shall they in any way impair the integrity of the improvements to the property subject to maintenance by the Association.

No homeowner shall permit their contractor to access or otherwise cross the common areas, or another person's Lot without receiving written permission in advance from the Board or the Community Manager. In the case of accessing another person's Lot, permission shall be obtained from the Lot Owner.

Other than the record titleholder of the Lot, any contractor or installer who will cross the common areas to access the construction site, shall provide the Association with an insurance certificate listing the Association as a named insured prior to commencing work. Insurance shall meet the following minimum limits: Contractor's General Liability including completed operations: statutory minimum amount. Worker's Compensation: statutory minimum amounts. The Board may establish these amounts.

Owners are responsible for any damage to the Common Areas and other Association property. The owner is responsible for restoring, re-grading, repairing and replacing any damaged grass, plants or irrigation on the common area or any adjoining lots caused by this construction.

Owners are responsible for all cleanup of any improvement project. All debris, sod, soil, construction trash etc. shall be removed from the lot and hauled to the proper waste sites within seven (7) days of the completion of the project.

Owners are responsible for the acts of their contractors, employees, subcontractors and any other persons or parties involved in construction or alteration of the home site. The responsibilities include but are not limited to the following:

Ensuring that the construction site, community properties and roadways are kept clean and free of all debris and waste materials, and that stockpiles of unused materials are kept in a neat and orderly fashion.

Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or well-being of others on the site.

Prohibiting excessive noise, to the extent possible given the particular construction activities being performed. Examples of prohibited noise include, but are not limited to loud music, yelling and fabrication of construction components by hammer or saw if such fabrication could be done off-site.

**Air Conditioners and Units** - No air conditioners shall be mounted through a window, door, or hung on an exterior wall and replacement of air conditioner components shall be in their original location unless approved by the ARB.

**Antennas and Satellite dishes** - All outside antennas, antenna poles, antenna masts, electronic devices, satellite dish antennas or antenna towers are subject to the approval of the ARB. All antennas not covered by the Federal Communications Commission (FCC) rules are prohibited. No such equipment may interfere with the radio or television reception of other homes, businesses or structures.

The ARB may require that such items be screened from view and that the installation of the antenna comply with all applicable safety restrictions, including any restrictions as to location and height of antenna as imposed by applicable fire codes, electrical codes, zoning codes, and building codes.

All satellite dishes must be no larger than thirty-nine (39") inches in diameter.

Satellite dishes MAY NOT be placed on top of roofs. However, should you feel that your roof is the ONLY location that will give you proper reception, please contact the management company immediately and provide a copy of the proposed location and letter from installer stating why this is the necessary location for installation.

Installation of satellite dish shall be in accordance with the current rules of the FCC, placement shall be as inconspicuous as possible. All installations shall meet the minimum wind load requirements of the Florida Building Code (latest edition) concerning wind resistance and other applicable requirements. The Owner is liable for all damage resulting from or arising in connection with, the installation or operation of the equipment.

Homeowners shall not permit their antennae and satellite dishes to fall into disrepair or to become a safety hazard, and shall be responsible for their maintenance, repair and replacement, and the correction of any safety hazard.

If antennae or satellite dishes become detached, Homeowners shall remove or repair such detachment within seventy-two (72) hours of the detachment. If the detachment threatens safety, the Association may remove the antennae or satellite dish at the expense of the Owner, without prior notice.

**Awnings** - Awnings, including, but not limited to metal, fabric, wood, plastic, or other materials as well as the frame color and design, are subject to the prior approval of the ARB. No permanent awnings are permitted without prior approval of the ARB. Retractable awnings or sun shield “flys” (including “Sun Setter” or roller styles) may be permitted on the rear of a location if not visible from the street. The structure and swatches of the material color must be submitted with the ARB application. Approved Retractable awnings must be fully retracted when not in active use.

It is important that owners recognize that fabric awnings may be subject to fading and decline. It is the owner’s responsibility to maintain awnings so that they do not detract from the aesthetic appearance of the Haile Village.

**Canopies, Tents and gazebos** - Temporary canopies, tents, gazebos and the like are subject to ARB approval for use at private parties. Such fixtures or decorations may be installed 24 hours prior to the event and must be removed within 24 hours, afterward.

**Generators** - Permanent or hard-wired generators may be installed if mounted on a concrete pad at the rear of a house and enclosed in a sound-deadening enclosure. These generators shall be hard wired to the house’s electrical system and run off propane or natural gas. Gasoline or diesel fueled permanent generators are not allowed.

The permanent generator shall be installed with proper screening behind a solid privacy fence or landscaping such that the noise of the machine is attenuated.

The generator enclosure box shall be soundproofed and painted to match the exterior body color of the house. The generator may only be operated when there is a power outage or for the briefest necessary time to test or exercise it as required by the manufacturer. Such routine testing or exercising shall not occur between 1700 and 0900 hours.

Portable generators shall be stored out of sight and only placed outside during periods of power outage. They shall be operated in accordance with the manufacturer’s directions and located as far as possible from all adjacent houses. As a reminder - **NEVER operate a gas generator inside the home or garage, even with doors open!**

**Security or Video cameras** - Cameras may be installed without written approval from the ARB. However, as a condition of installing cameras, owners, including his or her successors and assigns, agrees to indemnify, defend and hold harmless the Association from any and all claims

for damages that relate to or concern the installation, operation, maintenance and use of cameras. This obligation by the owner shall include the obligation to maintain, repair and replace any and all portions of the Home or Lot that are damaged, either directly or indirectly, by the installation, operation, maintenance, use and removal of any camera or cameras and shall include all uses the cameras are put to.

No camera shall be installed in any manner or location that will violate the privacy of another person or their peaceful enjoyment of the Properties. Cameras that rotate, pivot or move by remote control shall not be moved or positioned in a manner that may violate the privacy of another resident or that may impair a person's quiet enjoyment of their Home or Lot. For example, and without limitation, no camera on the exterior of a Home shall be pointed directly at the front door, garage door, windows or patio of another Home. Rather, cameras on the exterior of a Home shall be positioned to capture the areas immediately around the Home and the Lot upon which they are installed. In the event that a camera on a Home or Lot is positioned improperly, at the request of the Board of Directors or ARB, the Owner shall reposition the camera or remove it to comply with these rules and regulations. Cameras shall also not be operated remotely or otherwise controlled by their owner in any manner that may violate this rule.

The installation of cameras in no way implies any responsibility whatsoever on the part of the Association, including but not limited to its Board of Directors, ARB, staff, volunteers, officers, directors, employees, managers, managing agents, access control personnel, agents or legal representatives. The Association, as defined above, shall not be held liable, or otherwise responsible, for damaged property, illegal activity, personal injury or death.

The Association's allowance or approval of a Homeowner's request to install cameras is not a guarantee of safety or protection of any person or property of any kind. All people on the Properties, including but not limited to, owners, tenants, guests, invitees, employees, management personnel, access control personnel, vendors and contractors, are strongly encouraged to provide for their own security measures and take proper safety precautions, as they each deem appropriate and necessary in their own discretion and judgment. Each person shall be responsible for providing his or her own insurance coverage for their health, safety and property.

**Signs – Homeowners.** “For Sale” or “For Lease”: – One (1) professionally made, non-digital, non-electric (or otherwise illuminated) sign constructed of metal or wood, installed on one wooden post, or metal holder and of not more than four square feet of surface area per side (2 sides maximum), containing no handwriting whatsoever, and used solely in connection the marketing of the affected Lot for sale or lease is allowed without ARB approval. A “permit board” displaying a building permit from the applicable governmental agency is allowed if required to be posted conspicuously.

“Open house” signs are allowed during the event only. No “open house” signs in yard, driveway, sidewalk or any common areas are allowed to be displayed for more than 24 hours. “Protected by alarm” signs are authorized in landscaping near the front and rear door. Signs shall not exceed six inches (6”) by eight inches (8”) and may not be further than 10 feet from the structure. No other signs are permitted. Political signs are disallowed except for those political signs

specifically allowed by Florida law in relationship to an official polling place.

**Signs – Businesses.** Business signs must be professionally made, non-digital, and non-electric. They shall not revolve, rotate, move or flash in any manner. One (1) electric “open” sign may be used if located inside the business and visible through a window and the sign is extinguished after business hours.

Exterior or hanging signs that are intended to be a permanent addition to the structure must be of a like color and style and be attached in a like manner of other surrounding signs. Surrounding shall mean those homes or structures that can reasonably be seen from the subject property. Window “wraps” of any type attached to the interior or exterior of the glass of a structure containing any artwork or pictures other than the name of the business or contact information, are disfavored. In no case may any window wrap be backlit. In no case are silver, gold, bronze or mirror reflective colors allowed.

Non-colored privacy wraps providing opaque screening of occupants are allowed but may not contain writing or advertisement language, or pictures. The degree of darkness or obscurement allowed for non-reflective tinting is subject to the ARB’s review and approval. All tinting and wrap requests must be accompanied by a brochure or manufacturer’s description. All requests must include a sample of the material to be used. This sample will remain with the application and will not be returned.

**Temporary Business or Event Signage** – Signs and banners which are temporary in nature, intended to advertise a new business or an event are subject to ARB approval even if not attached to a structure. Items such as outdoor “banners”, streamers, blow-up displays or “flutter flags” are considered temporary in nature and are generally disfavored and consequently, discouraged. Temporary is defined as those items that are not long-lasting, are subject to weathering and are situated outside of the footprint of the structure, even if they are attached to the structure.

Such signage may be allowed for a period not to exceed **thirty consecutive days**. Requests for approval must be in writing and contain a start and end date for display. In no case shall the temporary signage block access to common property or impede vehicular or foot traffic. No business may request or utilize Temporary Business or Event Signage more than three times in any calendar year.

Non-electric sandwich boards may be placed in front of a business during business hours but must be situated so as to not impede foot traffic or violate ADA laws. Such boards shall not be displayed outdoors during hours the business is not operating.

**Trees** – Trees are foundational items which help make Haile Village Center what it is. However, as trees grow and age, they can become a nuisance or dangerous elements and may have to be removed.

The Architectural Review Board may approve a property owner's request to remove a tree or trees located on the property of the Association without acquiring the Haile Village Board's approval if any part of the trunk of the tree in question is located within 12 feet of the applicant's building, and: any branches of that tree measuring more than 2 inches in diameter are within 8

feet of the applicant's building; a portion of the Association's property that is located between the applicant's building and within 10 feet of the trunk of the tree at issue is vertically displaced more than 1/2 inch; the tree diminishes the efficiency of an installed or proposed solar heating system or photovoltaic system by more than 15%; or, the tree, its roots or branches cause damage to the applicant's property or disrupts any public utility, space or right of way.

If given approval by the ARB, the Applicant may remove the offending tree. Such removal shall be at the Applicant's expense. The stump(s) must be removed (grind the stump(s) to no less than 3 inches below the adjacent soil); pay for any repairs or any resulting damage to HVCOA property or utilities including irrigation and surrounding landscaping; plant at least one Crepe Myrtle tree within a reasonably close proximity to each removed tree that is no smaller than 15 gallons in size (the ARB shall have discretion on planting numbers and locations); applies for, pays for, acquires, and complies with any tree removal permit that may be required by Alachua County Codes Enforcement; and the Applicant agrees to hold harmless, indemnify and defend the Association from and against any claims, damages or harm caused by applicant or applicant's agent(s) as a result of the tree removal and replacement process, to any person, the Association, Association property, or the property of others.

Trees that are situated on Association property, but which overhang a member's property such that the branches rub against and cause damage to a roof or siding may be trimmed back by the owner at any time but only in an amount which removes the immediate likely damage. Owners may not "back cut" and remove any portion of a tree that is not situated in the air above their property. Owners are required to take all reasonable steps to observe and track the trees surrounding their property. Trees which may scrape in the future are a maintenance issue and you must contact the HVCOA management before performing any "self-help" on any Association tree. If you observe any dead, dying, or diseased tree which may impact your property you should immediately inform HVCOA management.

**Solar panels** - Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the building's architecture. This shall generally mean that the panels shall be roof mounted so that the top surface is flush with the roof surface with all appurtenances recessed into the building's attic. The term solar panel shall include a solar apparatus whose purpose is to gather energy for any purposes including water heating. All conduit on the roof or exterior walls must be of a color to blend with the roof shingles or color of the structure, respectively. Conduit should not be run around eaves or gutters, but instead down through the roof to maintain a neater appearance.

NOTE: There exist separate statutory laws, rules and regulations governing solar panels and prior to requesting ARB approval you are advised to obtain professional advice and guidance to ensure that your project meets all codes and rules. ARB approval will not supersede any laws, rules, guidelines, or regulations of any authority having jurisdiction, including any utility requirements.

**Appeals of the ARB** – Decisions of the ARB can be appealed or resubmitted with changes to the ARB. The BOD will not accept any appeal of an ARB decision unless that decision is noted as "final" by the ARB. Appeals of ARB decisions are limited in that the BOD will only look to see

if the ARB decision applied the Planning Criteria improperly or violated the Declarations, statutes, laws and other written guidelines. The person bringing the appeal has the burden of establishing that the ARB failed in a material manner in coming to their decision by failing to reasonably follow the Planning Criteria, Declarations, statutes, laws and other written guidelines. If the decision was one of reasonable decision making which the person appealing dislikes, that will not suffice. An appeal is not a “new trial” and nothing not in the initial application and any addendums provided to the ARB will be considered.

**Remember Article VII** – “All lands and improvements are subject to review by the Architectural Review Board (ARB). This shall include any change, addition or subtraction to any existing structure including all designs, signs, shapes, finishes, colors. The conclusions and opinion of the ARB shall be binding.”