

Rules & Regulations

Architectural Control

I. Introduction

Article IX, Section 2 of the Fairwood Greens' CC&Rs clearly states: "No building shall be erected, placed or altered on any lot (residential or nonresidential) on the property until the building plans, specifications, and plot plan showing the nature, kind, shape, height, materials and location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision..."

II. Architectural Control Categories

- A. Paint** – Exterior paint on homes must be harmonious with the other homes in the subdivision. All homeowners who wish to change existing exterior color, or repaint existing exterior color, must submit color schemes to the Architectural Control Committee for approval prior to the work commencing.
- B. Fencing and Artificial Turf / Lawn** – Fencing and Artificial Turf/Lawn materials and plans must be submitted to the Architectural Control Committee for approval prior to the work commencing.
- C. Decks, Patios & Roofs** – Construction plans and a description of the deck/roofing materials must be submitted to the Architectural Control Committee for approval prior to the work commencing.
- 1) Roofing and reroofing materials currently approved are: medium to heavy grade cedar shake, Gerard Steel, Rare Steel, a variety of lightweight tiles, and triple laminate composition- Certaineed Presidential TL, GAF Grand Canyon, Owens Corning Woodmoor Shingles, PABCO Paramount Advantage, Euroshield, EuroSlate and EuroShake, Future Roof Systems of Spanish Tile, Mediterranean Tile, Weatherbond/Verisico TPO or PVC (flat roofs), Nu-Ray Metals (flat roofs) and Malarkey Windsor XL.
 - 2) Roofing materials other than those currently approved must be submitted with sample and explanation for consideration.
 - 3) Reroofing is recommended by the ARCHITECTURAL COMMITTEE to be installed only by a professional skilled trades person.
- D. Remodeling** – On any outside remodeling project, construction plans and a description of materials to be used must be submitted to the Architectural Control Committee for approval prior to the work commencing.

III. Infractions

Once a homeowner has committed a violation by not obtaining a written approval from the *Architectural Control Committee prior to the commencement of work and has been*

notified in writing of such, and/or not finishing project timely or on agreed completion date, it may result in the homeowner being assessed fines according to Section IV and required to:

- 1) Repaint their home with approved color schemes.
- 2) Remove fencing in its entirety from the property.
- 3) Remove and/or replace deck/roof in its entirety.
- 4) Restore remodeling changes to the original condition.

At the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines may continue to be assessed while the legal action is in process if the homeowner continues to violate the declaration. All legal expenses associated with the enforcement of this declaration may be assigned to the violating homeowner.

The opportunity to appeal the Board's decision is available under Rules & Regulation on "Appeal Process".

IV. Fines

A. Nonrecurring – A fine in the amount of \$100 may be incurred by any homeowner who fails to obtain written approval from the Architectural Control Committee prior to commencing work on categories list under Section II.

B. Daily Fine –

1. Following notice of the infraction and the initial \$100 fine, the homeowner will have thirty (30) days to remedy the infraction as directed by the Architectural Control Committee.

Beginning on the thirty-first (31) day following the notice, fines may be incurred by the homeowner in the amount of \$50 per day. This daily fine may continue until 1) the Architectural Control Committee received a signed document by the homeowner stating the homeowner's intent to correct the violation, **and** 2) the work is completed.

2. Owner not timely completing an approved project by the date set and stated by the Architectural Committee or the Board of Trustees on the approval document or other writing will, after owner is sent a warning notice, be a violation which will incur fines of \$10 per day up to 30 days and on the 31st date the fine may increase to \$50 per day until the project is completed to the satisfaction of the ACC and/or Board of Trustees.

V. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

Dated and Enacted 5/28/02

Updated 4/12/09, 11/26/13, 3/24/15, 5/26/15, 7/28/15, 6/28/16