

CROSSWINDS

WEST

**ARCHITECTURAL CONTROL
&
PROCESS GUIDE**

Developing....

& Maintaining...

Your Neighborhood's...

Value

8 Aug 2014

1. Introduction.

A. The purpose of the ACPG is to promote the harmonious, quality development of the neighborhood and to protect and enhance each association member's property investment. The Architectural Control Committee (ACC) members are formally appointed by the President of the Crosswinds West Homeowners Association (HOA) to insure compliance with the HOA protective covenants, to establish a process to implement covenant guidance, and to establish guidance for the ACC for areas not specifically addressed by the HOA protective covenants. When there are not enough volunteers to appoint to the ACC, the Directors will either augment the membership or assume all ACC responsibilities.

B. The Architectural Control and Process Guide (ACPG) have been approved by the Crosswinds West Board of Directors (BoD). If there is a conflict in guidance, the Crosswinds West HOA protective covenants and the *North Carolina Planned Community Act* take precedence over this document.

C. The ACC functions autonomously from the BoD in its approval role, but has no enforcement authority. This is done intentionally by the protective covenants to provide the individual association member with "due process" under law. In the situation where an individual association member disagrees with an ACC finding, the BoD will act as an appellate body.

2. Architectural Approval Process. Paragraph 5 of the HOA protective covenants addresses ACC and Lot Owner responsibilities. The following summarizes required actions to take for approval. The ACC Chair will provide the Association's Secretary a copy of all Lot Owner applications and Review Status Letters for permanent filing.

Note: While an approval request is only required 30 days prior to construction activity, Lot Owners should consider getting approval from the ACC before purchasing any material or making any financial commitment.

Step 1. At least 30 days prior to the commencement of any land clearing [trees greater than four (4) inches], or the beginning of any vertical construction (to include bulkheads), the Lot Owner will submit to the ACC, in duplicate (unless submitted electronically), a site plan of the lot in detail sufficient to identify the location of all clearings and structures with the respective distances from each to the Lot's boundaries, building plans showing front, side, and rear elevations, and the completed *Architectural Control Application Form* (attachment 1). Use of originally approved plans modified to reflect the follow-on construction location is highly encouraged. Building plans for minor construction, e.g. dog kennel, must adequately convey to the ACC the location, design, and construction material.

Step 2. The ACC Chair will send a *Review Status Letter* (Attachment 2) to notify the submitting Lot Owner electronically of the date the application material was received to formally establish the 30-day approval period.

Step 3. The ACC members will review the submitted material and provide approval or a denial with justifying comments to the ACC Chair.

Step 4. If the application is for major land clearing or major building construction, then an inspection of the HOA's roadways (to include photos) prior to commencement of activities will be accomplished. This information will be provided to the Lot Owner and the Lot Owner will

sign an *Acknowledgement of Responsibility* form (Attachment 3). By signing this form the Lot Owner agrees to repair all damage and return the roadways to their previous condition within 30 days after completion of their construction.

Step 5. On or before the 30th day after receipt of an approval request the ACC Chair will electronically send a *Review Status Letter* to the submitting Lot Owner of approval, approval with condition, request for additional information, or denial (Attachment 2).

a. If the ACC requests additional information, the process reverts to Step 1 with the Lot Owner submitting the requested information to reestablish the 30-day approval period.

b. If the application is for major lot clearing or building construction, approval will be conditional to an on-ground inspection. For the on-ground inspection, all building, septic system, and driveway locations must be staked and flagged. Additionally all trees over 4-inches in diameter to be removed outside of a staked building location or driveway must also be flagged. This information is critical for approval and will delay the 30 day approval period if not accomplished.

c. If the ACC denies the submission, the Lot Owner may 1) resubmit his request modified to eliminate the stated reason for denial, or 2) appeal the ACC's decision to the HOA BoD.

NOTE: If a LOT Owner significantly deviates from the approved plans, violates the intent of the approved plans or violates the protective covenants, the HOA BoD will use their authority under law to enforce compliance. If all activity is not completed by the estimated completion date, the BoD will establish in coordination with the Lot Owner a mutually satisfactory date for the construction to be completed.

3. Guidelines. The following guidelines are not all inclusive, but are intended to inform Lot Owners of areas where the BoD have provided the ACC approved criteria or a blanket variance to the protective covenants. These guidelines clarify and augment the HOA protective covenants.

A. Lot Clearing. (BoD Covenant Variance Authorized) Lot Owners may obtain ACC approval for clearing of an area for a future house, septic system, or driveway on their lot without submitting house plans. The area will need to be distinctively marked.

B. Primary Dwelling.

(1). Exposed foundation must have a finished texture.

(2). Will not exceed two livable levels. These levels may be built over a garage or non-livable area to elevate the livable areas for flood protection.

(3). No subsequent changes to exterior colors or textures without approval.

C. No floating or covered docks.

D. No chain link fencing except for animal kennels.

E. Kennels.

Attachment 1

Architectural Control Application Form

Application # _____ (To be filled in by the ACC)

LOT OWNER'S NAME: _____

ADDRESS: _____

PHONE: () _____

LOT NUMBER: _____

.....

BUILDER'S NAME: _____

ADDRESS: _____

PHONE: () _____

.....

LANDSCAPER'S NAME: _____

PHONE: () _____

.....

Planned Start Date: _____

Estimated Completion Date: _____

COMMENTS: _____

Please provide any additional comments/clarification on a separate sheet.

Fencing.

Site Plan (2 copies)

Style _____

Material _____

Height _____

Color _____

Bulkhead or Pier.

Site plan (2 copies) (for piers include size dimensions and height)

Material _____

PRIMARY DWELLING and ACCESSORY STRUCTURES.

Survey/Site Plan (2 copies). One set will be retained by the ACC. Document must include the following:

Lot Boundaries

Location of any existing and proposed structures to include driveways, bulkheads, piers, patios, decks, walkways, well, and septic system.

Distances from all structures to nearest lot boundaries

Scale of plan

Easements (Utility and HOA)

Setback lines (County and HOA)

Drainage structures to include culverts in driveway, swales, berms, etc

House Plans (2 sets). One set will be retained by the ACC. The 2nd set will be initialed and returned. House plans must include:

Front, rear, and side elevations

Heated square footage

Material specification (see separate sheet)

On-Ground Inspection. Required for major landscaping/clearing or major construction:

Stake and flag all driveway and building sites

Flag all trees over 4 inches outside of staked driveway or building area and planned for removal.

Lot boundaries marked

Utility Connection in place (for primary dwelling construction)

MATERIAL SPECIFICATIONS

(as applicable)

Foundation Brick and/or Texture Finish

Color _____

Texture Style _____

Exterior Siding

Material _____

Color _____

Exterior Trim (Soffit and Fascia)

Material _____

Color _____

Porches

Material _____

Color _____

Decks

Material _____

Color _____

Shutters

Material _____

Color _____

Garage Door

Material _____

Color _____

Roof Shingles

Material _____

Color _____

Attachment 2

ARCHITECTURAL REVIEW STATUS LETTER

Dear Fellow Lot Owners,

1. This letter provides an update to you on the status of your application for improvements to your Crosswind property.

A. Your application for _____ was received on _____ . The ACC assigned number for this application is _____. You will receive an approval, denial, or a request for further information by _____ .

B. The Architectural Review Committee requires the following additional information to complete the approval of your application:

C. Your application was denied for the following reason(s):

D. Your application was approved on _____ and a copy of your approved plans has been mailed to you.

_____ An on-ground inspection is needed for final approval. Please contact me to coordinate an on-ground inspection. For the on-ground approval, all building and driveway locations must be staked and flagged. Additionally all trees over 4-inches in diameter to be removed outside of a staked building location or driveway must be flagged.

_____ An on-ground inspection is not required, this is your final approval.

E. Following the on-ground inspection, the Architectural Review Committee has given final approval for your application on _____ .

Sincerely,

Architectural Review Committee Chair

Attachment 3

Acknowledgement of Responsibility

This application was for MAJOR landscaping work or construction. The Lot Owner is responsible for all damage to the HOA's roadways and utilities and will ensure said damage is repaired within 30 days of completion of construction. Approval of your request is subject to signing the attached Acknowledgment of Responsibility.

I agree to be responsible for all damage done to the HOA streets and to utilities caused as a result of:

_____ major landscaping/clearing

_____ constructing a driveway

_____ major construction of buildings/structures

I further agree to repair all damage caused and return the roadways to the condition described below not later than 30 days after completion of the improvements on my property.

Current Street Condition (attach photos of any damage)

Owner's Signature

Date

ACC Representative

Date